

IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

**WRITTEN CLOSING STATEMENT ON BEHALF OF
THE DESIGNATED LAWYER OFFICER CORE PARTICIPANT GROUP
TRANCHE 1: THE SPECIAL DEMONSTRATION SQUAD 1968-1982
(FOR HEARING: 20 FEBRUARY 2023)**

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1. INTRODUCTION

1.1 Overview

- 1.1.1 This T1 closing statement is made on behalf of the DL officer core participant group which now comprises 102 former members of the SDS, 11 former members of the NPOIU and six senior managers who supervised or oversaw the SDS.¹
- 1.1.2 This statement supplements and does not rehearse the above group's previous written and oral opening statements of 28 October and 3-4 November 2020 (T1P1), 20-21 April 2021 (T1P2) and 22 April and 9 May 2022 (T1P3). The abbreviations used therein are adopted below.
- 1.1.3 This statement focuses on key themes and issues and does not attempt an officer-by-officer or deployment-by-deployment analysis of the T1 evidence or seek to revisit the gaps in that evidence or the matters which the inquiry has chosen not to investigate (DL T1P2 opening, pt 6.3; DL T1P2 opening, pts 2-4; DL T1P3 opening, pts 2-3).
- 1.1.4 The recently released T1M2b-c documents and witness statements are helpful up to a point, but they represent the tip of an important evidential iceberg and even this cannot be explored or tested due to the decision - signalled before the evidence had been collected - not to hold hearings. In this regard, the CTI T1M2b-c opening proposes findings based on an untested and contentious reading of written materials when follow-up questions to witnesses and live hearings could have only assisted. There should have been live evidential hearings on T1M2b-c and statements should also have been taken from additional MI5 and Cabinet Office witnesses, particularly given the deficiencies

¹ Since the T1P3 hearings, HN303 has sadly died and HN84, HN143, HN148, HN295 and HN587 have transferred to DL representation, leaving 118 DL officers in total, including HN66/EN327 who was a member of both the SDS and NPOIU. Four DL officers have died since the DL was established - HN12, HN106, HN113 and HN303.

in the evidence of “Witness Z” whose second-hand and unclassified *ex post facto* commentary was prepared without sight of the subsequently-obtained T1M2b-c materials (DL T1P3 opening, §2.9).

- 1.1.5 Parts 2-4 below respectively address public order, subversion and a set of more specific issues. Before turning to these, it is appropriate to start where the DL T1P1 opening ended (§9.3.4):

The SDS was an undercover police unit which operated lawfully, effectively and in the public interest by collecting intelligence which was used by the MPS to help maintain public order and by MI5 to help counter-subversion and protect national security. It was a politically-neutral cog in a much larger apparatus and its operational colleagues and partners all collectively assessed the threats to public order and national security as real and serious. The use to which the MPS Public Order Branch and MI5 put SDS intelligence in respectively policing public order events and countering subversion is for them to address.

- 1.1.6 Furthermore, it is vital that the inquiry should (*ibid.*, §9.2.2):

- (1) *acknowledge and maintain awareness of:*
 - (a) *the limitations imposed by the combination of its terms of reference, relevant legal restrictions and its subject matter;*
 - (b) *the importance of contextual factors and the dangers of:*
 - (i) *counterfactual speculation;*
 - (ii) *hindsight bias;*
 - (iii) *judging 20th century actors by 21st century standards;*
- (2) *clearly signpost, in as much detail as is safely possible, the nature of the matters considered in closed session;*
- (3) *expressly refute untrue allegations, exaggerated and generalised claims and conjecture and carefully differentiate and quantify the extent of individual and collective failings - the fact that one member of a unit did X, does not mean others or the unit itself did the same.*

- 1.1.7 In this regard, the inquiry has heard and considered closed materials about more dangerous T1 deployments that were strongly in the public interest and that should not be left out of account.

1.2 Legal Framework

1.2.1 More detailed submissions addressing the “legal framework” issues are set out in **Annex A** to this statement. Those submissions accept that the inquiry can and should take account of the basic legal framework in which the MPS, MPSB and SDS were operating during the T1 era *insofar as this is clear and uncontentious*.

1.2.2 The following matters all fall into this category and are relevant:

- (1) The common law right of individuals and groups *of every political and ideological persuasion* to demonstrate and protest, see *Hubbard v Pitt* [1976] QB 142 (CA), per Lord Denning MR at p.178F-H:²

These are rights which it is in the public interest that individuals should possess; and, indeed, that they should exercise without impediment so long as no wrongful act is done... Such is the right of assembly. So also is the right to meet together, to go in procession, to demonstrate and to protest on matters of public concern. As long as all is done peaceably and in good order, without threats or incitement to violence or obstruction to traffic, it is not prohibited.

- (2) The common law right of individuals and groups *of every political and ideological persuasion* who do not wish to demonstrate or protest “to go about their business and pleasure without obstruction or inconvenience” and “without let or hindrance” (Lord Scarman, *The Red Lion Square Disorders of 15 June 1974* (Cmnd.5919, February 1975), §5; HASC 5th Report of 1979-80, *The Law Relating to Public Order* (HC 756-II, August 1980), p.41, evidence of the Commissioner).
- (3) The statutory rights of parliamentary and local government election candidates to hold and the public to attend, and the corresponding obligations of local authorities to make available, school premises and public meeting rooms for public election meetings (Representation of the People Act 1949, ss.84-85 and *Ettridge v Morrell* (1986) 85 LGR

² Repeated in *Kent v MPS* (1981) *The Times*, 15 May, [1981] Lexis Citation 591, per Lord Denning MR. See also *Verrall v Great Yarmouth BC* [1981] QB 202 (CA), per Lord Denning MR at p.213F.

100 (CA) confirming these provisions conferred enforceable private law rights).

- (4) The primary duty of the police to preserve the King's peace, maintain public order and tranquillity and prevent disorder and breaches of the peace and their ancillary duty under the Riot (Damages) Act 1886 to compensate those whose property is lost or damaged during riots (*Halsbury's Laws of England*, vol.84 "Police and Investigatory Powers" (5th ed., 2019), §§ 1 and 40; Lord Scarman, *The Red Lion Square Disorders of 15 June 1974*, *op. cit.*, §§5 and 116; Lord Scarman, *The Brixton Disorders 10-12 April 1981* (Cmnd.8427, 1981), §4.57; Police Act 1964, Sch.2; Police Act 1996, Sch.4).

- (5) The secondary duty of the police to prevent and detect criminal offences, including the following T1 public order offences (HMG, *Review of Public Order Law* (Cmnd.9510, 1985), §§2.3-2.14, 5.15-5.16, 5.18-5.19):
 - (a) the common law offences of riot, rout, unlawful assembly and affray;

 - (b) the offences of using threatening, abusive or insulting words or behaviour intended or likely to provoke a breach of the peace in a public place or at a public meeting contrary to the Public Order Act 1936, s.5;

 - (c) the offence of obstructing the highway contrary to the Highways Act 1959, s.121 and the Highways Act 1980, s.137;

 - (d) the offences of using intimidation or annoyance with a view to compelling any person to do or abstain from doing any act which they had a legal right to do contrary to the Conspiracy and Protection of Property Act 1875, s.7;

- (e) the offences of acting, or inciting others to act, in a disorderly manner for the purpose of preventing or disturbing:
 - (i) a public meeting contrary to the Public Meeting Act 1908, s.1;
 - (ii) an election meeting contrary to the Representation of the People Act 1949, s.84;
 - (f) criminal damage offences contrary to the Metropolitan Police Act 1839, s.54(10), Malicious Damage Act 1861, ss.51-52 and (latterly) Criminal Damage Act 1971, s.1(1);
 - (g) the offences of assaulting or obstructing a police constable contrary to the Police Act 1964, s.51.
- (6) The duties of special branches to provide (a) intelligence and threat assessments about public order to their Uniform Branch colleagues and (b) assistance, support and intelligence relating to extremism, espionage, sabotage, subversion and terrorism to MI5 (DL T1P1 opening, §§3.3.1-3.3.4).
- (7) The conferral by the Public Order Act 1936, s.3 of police powers to prevent serious public disorder at marches and processions (but not static demonstrations or meetings) through the imposition of conditions or, if insufficient, bans - exercisable on the basis of public order intelligence and threat assessments at any time and/or in the light of events on the day.
- (8) The permissive common law power of police officers to do any act not otherwise prohibited by the civil or criminal law (*Malone v MPS (No.2)* [1979] Ch 344, per Megarry VC: at p.357C, “England... is not a country

where everything is forbidden except what is expressly permitted: it is a country where everything is permitted except what is expressly forbidden” (repeated at p.366E); and at p.367A, “If the tapping of telephones by the Post Office at the request of the police can be carried out without any breach of the law, it does not require any statutory or common law power to justify it: it can lawfully be done simply because there is nothing to make it unlawful”; and see also *R v Health Secretary* [2000] 1 FLR 627 (CA), per Hale LJ at §§16-17).

2. PUBLIC ORDER 1968-1982

2.1 The serious and escalating public order problem

Overview

- 2.1.1 From the perspective of those who were on the inside of the SDS, the inquiry’s proceedings have often had a “heads I win, tails you lose” flavour to them whereby the absence of disorder is treated as proof that the unit’s intelligence was not needed and the occurrence of disorder is treated as proof that it served no purpose and achieved nothing.
- 2.1.2 In this regard, the CTI T1P2 opening, §7 referred to “the limited extent of serious public disorder after 1968” and said, “Former undercover officers *nevertheless* often felt that the SDS had provided timely and accurate intelligence which permitted appropriate police resources to be allocated for the purposes of public order policing” (emphasis added). First, while there was less serious disorder immediately after 1968 in relative terms, this does not mean its extent was “limited”. Secondly, the highlighted adverb implies some kind of disconnect or contrast between the objective facts and the subjective feelings of the officers, but this puts the cart before the horse: there was less serious disorder after 1968 in part *because* SDS intelligence helped facilitate more effective public order policing.
- 2.1.3 Similarly, the fact some undercover officers did not witness disorder or violence first-hand does not mean their target groups were not capable of disorder or

violence or would not have engaged in it but for effective public order policing.³ Indeed, most said they deliberately avoided confrontational situations because they risked involvement in criminality, arrest and injury (DL T1P2 opening, §6.2). Furthermore, disorder and the disruption of order need not involve violence as such and non-violent direct action can create considerable disorder (DL T1P2 opening, pt 6).

2.1.4 There were in fact thousands of public order events in London during the T1 era which resulted in thousands of arrests, thousands of injuries to police officers, hundreds and hundreds of injuries to members of the public and two deaths (DL T1P1 opening, §§5.3.19-5.3.28). Between 1972 and 1981, the number of demonstrations requiring the deployment of more than 100 MPS officers increased from 55 p.a. to 379 p.a. “from an average of one per week to one per day” (§5.3.18). It would certainly be wrong to suggest that there were essentially two major public order events in London in 1968 (in Grosvenor Square on 17 March and 27 October), that public order was only an issue between those events or that it died down thereafter.

1968

2.1.5 **Grosvenor Square, Sunday 17 March 1968.** According to the *MPS Report for 1968* (Cmnd.4060, June 1969), p.40, this incident involved 9,000 protestors and 243 arrests and left 145 police officers and 42 civilians injured. The inquiry has published two video clips containing footage: a British Pathé report [DOC001, clip 2⁴]; and an ITV *World in Action* documentary [DOC001, clip 1 and DOC006⁵]. Additional BBC colour footage is also available online:

(1) Flares being thrown at police in Grosvenor Square:
https://www.gettyimages.co.uk/detail/video/flares-are-thrown-at-police-officers-during-an-anti-news-footage/1B012627_0024

³ DL T1P2 opening, §6.4 referred to 13 examples of serious disorder and violence being contemplated or carried out by its targets in just the open T1P2 evidence relevant to DL officers.

⁴ <https://www.britishpathe.com/video/london-riots-anti-vietnam-demonstration-ends-in>

⁵ <https://www.youtube.com/watch?v=hgbAsiW9Q3Y>

- (2) Mounted police attempting to clear the Square:
https://www.gettyimages.co.uk/detail/video/mounted-police-officers-attempt-to-break-up-groups-of-news-footage/1B012627_0025
- (3) “COME ARMED” sticker advertising the demonstration:
https://www.gettyimages.co.uk/detail/video/sticker-promoting-an-anti-vietnam-war-demonstration-at-news-footage/1B012627_0027

2.1.6 Between 17 March and 27 October 1968, there were no fewer than 13 major public order events involving 179 arrests (*Report for 1968, op. cit.*, pp.40-42) and “few weeks passed without some public demonstration or procession which threatened, or regrettably in some cases resulted in, actual disorder” (*ibid.*, p.9):

- (1) **Grosvenor Square, Sunday 24 March 1968.** The weekend following 17 March there was another major demonstration in Trafalgar Square and Whitehall - not mentioned in the *Report for 1968* - involving attempts to break through a police cordon as seen in this ITN report:
<https://www.gettyimages.co.uk/detail/video/massive-anti-vietnam-demonstration-in-london-england-news-footage/1284235729>
- (2) **The German Embassy and the Daily Mirror Building, Monday 15 April 1968.** On this occasion, large groups of anti-Vietnam war protestors broke away from the annual CND march from Aldermaston to Trafalgar Square and created disorder at the above premises. According to the *Report for 1968, op. cit.*, pp.40-41: 800 protested at the German Embassy and there was one arrest; and 1,000 protested at the Daily Mirror Building (home of the Axel Springer West German publishing company) and there were 20 arrests.⁶
 - (a) Reuters footage shows an attempt to break through a police

⁶ These incidents are also referred to in F Smith’s 1968 ACPO speech, pp.1-2 [DOC091].

cordon at the German Embassy, Tariq Ali and others being allowed to present a petition and a Swastika being burned outside:

<https://www.britishpathe.com/video/VLVA7MBCYVIJYFO6JWY8556J6CR60-UK-DEMONSTRATORS-CLASH-WITH-POLICE-OUTSIDE-WEST-GERMAN-EMBASSY/>

(b) Further Reuters footage shows the violence at the Daily Mirror Building:

<https://www.britishpathe.com/video/VLVA9HK5Y2CUM64IPS7EP7F6NFGCK-UK-POLICE-AND-DEMONSTRATORS-IN-FIERCE-CLASH-OUTSIDE-AXEL>

(c) A British Pathé report and ITN footage respectively show both incidents:

(i) <https://www.youtube.com/watch?v=VE0RXbvLSD8>⁷

(ii)

<https://www.gettyimages.co.uk/detail/video/aldermaston-march-ends-england-london-daily-mirror-news-footage/1284755713>

(d) A contemporaneous ITN interview with Tariq Ali contains his account of both incidents and an admission that protestors were carrying marbles at Grosvenor Square “to protect themselves from the police horses”:

<https://www.gettyimages.co.uk/detail/video/tariq-ali-interview-a-england-london-itn-studio-int-tariq-news-footage/1297227044>

⁷ Duplicated at: <https://www.britishpathe.com/video/demonstrations-in-london/>

(3) **Grosvenor Square, Sunday 21 July 1968.** On this occasion, 3,500 protestors marched from Trafalgar Square to Hyde Park via Grosvenor Square where 500 militants broke away and caused disturbances leading to 49 arrests and leaving 39 police officers injured (*Report for 1968, op. cit.*, p.40). Video footage of the incident shows fighting, missiles being thrown, fences being pulled down, rubbish bins and flags set alight, protestors climbing scaffolding and a police officer having blood wiped from his face:

(a) British Pathé report:

<https://www.youtube.com/watch?v=YXFII8x2BXs>⁸

(b) British Pathé footage:

<https://www.youtube.com/watch?v=zgUyfkGwFsU>⁹

(c) Reuters footage:

<https://www.britishpathe.com/video/VLVACOQLB88I3OMJWQRBOR7V1X1ID-UK-ANTI-VIETNAM-WAR-DEMONSTRATORS-CLASH-WITH-POLICE>

2.1.7 The levels of serious disorder and violence only began to improve *after* the establishment of A8 and the SDS in mid-1968, the delivery of “low-level” public order training to Uniform Branch prior to 27 October 1968 and the development and introduction of specialist public order training for Uniform Branch in 1969 (DL T1P1 opening, §§3.2.1 and 5.3.17(2); Speed, §28). The MPS *Report for 1970* (Cmnd.4680, June 1971), p.11 said, “I am pleased to report that the training and methods which we have developed over the last 3 years have proved successful in preventing serious disorders”.

2.1.8 **Grosvenor Square, Sunday 27 October 1968.** While it did not descend to the

⁸ Duplicated at: <https://www.britishpathe.com/video/vietnam-demonstrations-1/>

⁹ Duplicated at: <https://www.britishpathe.com/video/selected-originals-vietnam-demonstrations>

level of 17 March and the police maintained control, it would be wrong to suggest this event was entirely orderly or trouble-free. The MPS *Report for 1968, op. cit.*, pp.41-42 records a massive police deployment of 9,000 officers, 25,000-35,000 protestors on the main march, 1,000 breaking away to Grosvenor Square and making violent attempts to break into the US Embassy, 42 arrests and 74 police officers and 47 civilians injured. The inquiry has published one British Pathé report on the event showing some of the violence [DOC001, clip 3 and DOC007¹⁰]. Additional colour footage is also available online showing serious violence, a flare or firework being thrown, an injured person on a stretcher and protestors climbing scaffolding and balconies:

(1) AP Movietone report:

https://www.youtube.com/watch?v=_OWBkoGJ3i8

(2) Reuters footage:

<https://www.britishpathe.com/video/VLVA12UFSARQNEKKXMMILDYQLS953-UK-VIOLENCE-ERUPTS-AT-US-EMBASSY-DURING-LONDON-DEMONSTRATION>

2.1.9 That the disorder and violence were contained and not allowed to escalate on 27 October 1968 does not mean that the public order problem and the need for a police response had evaporated. Just as a person who has lost weight through diet and exercise will put it back on again if they resume their former lifestyle, the police needed to continue to work hard and maintain their fitness in order to keep on top of an ongoing problem.

2.1.10 SDS intelligence was assessed to have made an important contribution to the effective policing of 27 October 1968 and it was logical to think that it would be able to do the same in relation to comparable future events of which there were many.

¹⁰ <https://www.youtube.com/watch?v=TLRL6qYSDuI&t=4s>. Duplicated at: <https://www.britishpathe.com/video/vietnam-demonstrations/>

2.1.11 Indeed, it is clear that 17 March 1968 marked a turning-point and mould-breaking for public order in London and there was never a return to the *status quo ante*. Rather, the overall trend was of a drastically worsening public order situation in London throughout the T1 era. This can be seen from the MPS annual reports and other video footage available online and in the BFI archive as set out below. Furthermore, it is important to keep in mind that the start of the Northern Ireland troubles coincided almost exactly with 27 October 1968 and added a new source of potential public order problems.¹¹

1969

2.1.12 The difficulties continued throughout 1969 and contemporaneous footage shows that they were very serious and in no way compatible with others being able to go about their business as they were entitled. For example:

(1) **Rhodesia House and South Africa House, Sunday 12 January 1969.**

Anti-apartheid protestors attacked both buildings leading to 24 arrests and injuries to 43 police officers and 14 civilians (*Report for 1969* (Cmnd.4355, May 1970), p.37). Online footage shows serious disturbances, protestors on the roof at Rhodesia House (where they apparently stayed for 18 hours) and almost every ground floor window at South Africa House smashed:

(a) British Pathé report:

<https://www.youtube.com/watch?v=3SYNo2t6nxg>

(b) Reuters footage:

<https://www.britishpathe.com/video/VLVA8JLIICEQV6YON3P299S7LQG30-UK-THOUSANDS-OF-DEMONSTRATIONS-CLASH-WITH-POLICE-IN->

¹¹ Generally dated back to the Royal Ulster Constabulary violently dispersing a NICRA demonstration in Derry / Londonderry on 5 October 1968.

STREET¹²

(2) **London School of Economics, Friday 24 January to Wednesday 19 February 1969.** Although not mentioned in the *MPS Report for 1969*, there were a number of public order incidents connected with the closure of the LSE between these dates.¹³ Reuters footage from 30 January and 3 February 1969 shows that it was necessary to deploy considerable numbers of police to maintain order:

(a) <https://www.britishpathe.com/video/VLVA2072R3U51YUIHZR3OJXC6KTT-UK-STUDENTS-MARCH-ON-LONDON-SCHOOL-OF-ECONOMICS/>

(b) <https://www.britishpathe.com/video/VLVAY1JJ6WGP83YLFJJFQGLLRQC6-UK-STUDENTS-FROM-ALL-OVER-BRITAIN-IN-MARCH-TOWARDS-LONDON-SCHOOL/>

(3) **Grosvenor Square, Sunday 16 March 1969.** According to the *MPS Report for 1969, op. cit.*, p.38, this anniversary event attracted 1,400 demonstrators and involved “scuffles”, five arrests and injuries to 12 police officers. It is clear from Reuters footage, that this was still a significant event which needed careful planning and policing:

<https://www.britishpathe.com/video/VLVAF3WD5TDC3EISMCSMVMQC5JUT9-UK-DEMONSTRATORS-MARCH-TO-AMERICAN-EMBASSY-AND-MINISTRY-OF/>

(4) **Berkeley Street, Sunday 17 August 1969.** This Irish Civil Rights Solidarity Campaign protest - three days after the deployment of British

¹² Duplicated at: <https://www.britishpathe.com/video/protest-march/>

¹³ See the BBC news website reports, “LSE Closes Over Student Clashes” and “Rebel Students Take Over LSE” respectively:

http://news.bbc.co.uk/onthisday/hi/dates/stories/january/24/newsid_2506000/2506485.stm
http://news.bbc.co.uk/onthisday/hi/dates/stories/january/27/newsid_2506000/2506255.stm

troops to Northern Ireland - involved 1,000 protestors marching from Shepherds Bush to the Ulster Office in Berkeley Street where: missiles (including a petrol bomb) were thrown at police; 10 protestors were arrested; and 16 police officers, five civilians and four police horses were injured (*Report for 1969, op. cit.*, p.38). Reuters footage shows an injured police officer and two injured civilians carried away on stretchers:

<https://www.britishpathe.com/video/VLVA6L9TMXP8RZKBJFJCO9VHZH2ND-UK-POLICE-INJURED-AS-ULSTER-UNREST-SPREADS-TO-LONDON>

1970-1982: Headlines

2.1.13 The MPS *Report for 1970* (Cmnd.4680, June 1971), pp.11-12 made clear that the public order situation continued to worsen into the next decade. The impact of public order duties on officers included “gross insults and physical injury at times, the continual cancellation of leave and disturbance to home life at weekends” and:

There has been a continuous increase in the number of demonstrations, meetings and processions, although the intensity has not been so severe. During the year there were 500 such events which required special police arrangements, each occasion involving between 50 and 2,000 police officers. Often little prior notice was given and there were frequently several operations taking place simultaneously.

2.1.14 The MPS annual reports for 1970-1974 give figures for public order events requiring “special police arrangements” which would appear to mean arrangements involving A8 coordination and control and the deployment of 50 or more officers from more than one Division:

Year	SPA events	Involving disorder	Arrests	Officer injuries	Civilian injuries
1970	c.500	not stated	> 302	> 169	*not stated
1971	> 400	not stated	≥ 154	≥ 20	not stated
1972	470	15	239	161	39
1973	445	19	78	34	13
1974	406	20	306	102	**24

* *Excluding injuries at pop concerts on 18 July and 12 September.*

** *Including fatal injury to Kevin Gately at Red Lion Square.*

2.1.15 The above are expressed to exclude sporting events and industrial disputes, the latter being numbered at 202 (1970), 86 (1971), 141 (1972), 191 (1973) and 290 (1974).

2.1.16 The MPS annual reports for 1975-1979 give the following figures for public order events requiring special police arrangements (excluding sporting events) and for industrial disputes:

Year	SPA events	Industrial disputes
1975	356	225
1976	393	182
1977	585	not stated
1978	385	366
1979	420	323

2.1.17 The Commissioner's supplementary HASC evidence (HASC 5th Report of 1979-80, *op. cit.*, p.73) set out similar statistics for 1972-1979 in respect of "demonstrations for which the police arrangements were made centrally by A8 Branch and where more than 100 officers were involved" and the Notting Hill Carnival (excluding ceremonial, sporting and social events) (§§32-38 and Appendices A-B):

Year	No. of >100 officer A8 managed events	Arrests at those events	Total officer deployments at those events
1972	55	not stated	19,367
1973	60	not stated	19,015
1974	87	247	24,854
1975	55	65	32,772
1976	113	241	48,790
1977	*130	1,081	*78,410
1978	120	419	74,298

Year	No. of >100 officer A8 managed events	Arrests at those events	Total officer deployments at those events
1979	119	536	108,014

**Including Grunwick.*

2.1.18 The MPS annual reports for 1979-1982 give figures for public order events requiring the deployment of more than 1,000 officers (excluding sporting events), the reports for 1980-1982 do the same for events requiring the deployment of more than 100 officers (excluding sporting events) and the same reports also give figures for industrial disputes:

Year	>1,000 officer events	>100 officer events	Industrial disputes
1979	31	not stated	323
1980	25	*282	243
1981	25	*379	406
1982	29	*230	1,036

**Aggregate figures, including >1,000 officer events.*

1970

2.1.19 The MPS *Report for 1970* (Cmnd.4680, June 1971) details:

- (1) **Twickenham Stadium, Saturday 31 January 1970:** anti-apartheid demonstration involving 2,000 protestors, the throwing of tin tacks and pepper, pitch invasions, fights with rugby supporters, 28 arrests, injuries to 20 police officers and three officers treated in hospital (*ibid.*, p.36). The DL T1P2 opening referred to the involvement of the STST in serious criminal damage and disorder (§§4.10-4.13) and made the obvious point that the 1970 tour by the South Africa Test Team was cancelled in order to avoid very serious disorder and violence which would have otherwise occurred (§6.3; see also *SDS annual report for 1970* [MPS-0728972], §11).

- (2) **Grosvenor Square, Saturday 9 May 1970:** anti-Vietnam war protest involving 4,000 protestors marching from Trafalgar Square to Grosvenor Square where several hundred attempted to break through the police cordon and there were 50 arrests and 65 police officers were injured, including two treated in hospital (*Report for 1970, op. cit.*, p.37). ITN footage shows disorder, missiles being thrown and an injured police officer being put on a stretcher:

<https://www.gettyimages.co.uk/detail/video/anti-war-demonstration-in-london-england-london-grosvenor-news-footage/816215194>

- (3) **Mayfair, Saturday 25 October 1970:** police attacked in various locations including by Maoists throwing tennis balls filled with red paint and by anarchists and militants launching a model aircraft with a lighted firework attached. In total, there were 65 arrests and 35 police officers were injured including four treated in hospital (*ibid.*, p.38).

1971

- 2.1.20 **Downing Street, Sunday 15 August 1971.** This NICRA protest - six days after the introduction of internment in Northern Ireland - involved 2,500 protestors marching from Speakers Corner to Whitehall where they attempted to break a police cordon and there were 21 arrests (*Report for 1971 (Cmnd.4986, June 1972)*, p.44). Reuters footage shows the protestors chanting “Victory to the IRA” and arrests near Downing Street:

<https://www.britishpathe.com/video/VLVA62I2BJM5SBML9PWMBOS0MI4TM-UK-CIVIL-RIGHTS-MARCH-IN-LONDON-PROTESTS-AGAINST-INTERNMENT/>

1972

- 2.1.21 **Downing Street, Saturday 5 February 1972:** This AIL protest - six days after Bloody Sunday - was a similar reaction to events elsewhere and involved: 6,000 protestors - many from the far left and other Irish groups - marching to Whitehall; the deployment of 1,743 police officers; 128 arrests; and injuries to 105 police officers, 24 civilians and 11 police horses (*Report for 1972*

(Cmnd.5331, June 1973), p.11). An MPSB report on the event dated 6 February 1972 [UCPI0000008733] records that: 13 symbolic “coffins” and “rocks (gathered by the demonstrators from a nearby pile of building rubble), bottles, banner poles, marbles, coins, pieces of metal and clods of earth were used to club and throw at the police officers and horses; a number of fireworks were thrown at the police horses and sand into the faces of both the horses and police” (§51); building and vehicle windows were smashed in Whitehall (§52); and there was a “rampage” in Trafalgar Square (§53).

2.1.22 The inquiry is aware from MPSB’s internal annual reports of the full range of operational challenges facing it in the early 1970s, including the terrorist activities of the Angry Brigade (1970-1972), the Official IRA (1972) and the Provisional IRA (1973 onwards).

2.1.23 Another unexpected event which ultimately had very significant public order ramifications for the United Kingdom occurred in the midst of this period when Idi Amin decided to expel Uganda’s Asian population in August 1972. While not necessarily a “but for” cause of the relative rise in the popularity of the NF during the 1970s, this event and the decision of Edward Heath’s government to admit more than 27,000 of those expelled into the United Kingdom are widely seen as having triggered a significant surge in NF support and membership.¹⁴ A second immigration-related boost to the NF came as a result of “unrestrained press sensationalism” and hysteria over the arrival of just 130 Afro-Asians declared prohibited immigrants and expelled by Malawi in May 1976.¹⁵

2.1.24 While industrial unrest, inflation and unemployment were also factors in the mix, the change from 1972 onwards is striking.

¹⁴ Copsey, *Anti-Fascism in Britain* (2nd ed., 2017), p.114; Carter, “The dog that didn’t bark? Assessing the development of ‘cumulative extremism’ between fascists and anti-fascists in the 1970s” in Copsey and Worley (eds), *Tomorrow Belongs to Us: The British Far Right Since 1967* (2018), p.91; “The Threat of Subversion in the UK” dated May 1979, §32 [UCPI0000035314]; the ITV *London Programme*, 12 May 1977, 13 mins 15 secs - 13 mins 50 secs: <https://itvstore.app.box.com/s/h5fnaokka1dyxgmw1a1dr7bc0if2g0w7/file/1123971149321>.

¹⁵ Copsey, *op. cit.*, pp.119-120; Carter, *op. cit.*, p.97.

The relationship between the far left and the far right

2.1.25 The increase in NF popularity and therefore the number and size of NF demonstrations had obvious public order implications. First, it provoked opposition and counter-demonstrations. Secondly, and more importantly, it engaged Trotskyite doctrine on the causes of and necessary response to fascism:

Deriving their analysis from Trotsky's thesis on fascism, these groups (IS and IMG) thought that, as capitalist society lurched from one economic crisis to another, the increasingly exploited working class would begin to organise with determination for the class war. The ruling class, realising that the powers at their disposal under a liberal democratic regime were insufficient to maintain their dominance and meet the growing threat from the labour movement, would seek the introduction of an authoritarian state. The petit bourgeoisie would then feel crushed in the struggle between the labour movement and the ruling class, and this discontent would be expressed in support for Fascist political parties. Finally, the ruling class would encourage the growth of the fascist movement with the aim of enticing workers to join, thereby splitting the working class and ensuring that their own dominance was secured. The IMG and IS were convinced that this analysis applied to 1970s Britain, and considered that racialism was the tool which would be used to divide the workers. Moreover, they argued that 'the NF was deliberately using the tactics of the organised labour movement to convince workers that it was a working class party'. The only conclusion that the Trotskyite groups could draw was that it was necessary to face the fascist threat using physical force...

... Both fascists and the far left were competing over the constituency of white working class, and this fact shaped the tactics of both groups: the Front attempted to co-opt left-wing tactics, like the short-lived Trade Unions Against Immigration, and the far left - who were the main violent instigators in the larger-scale clashes - used the displays of violence against the Front and the police to demonstrate that they were the true revolutionary force of the working class.

2.1.26 While there was a great deal of effective opposition to the NF from moderate left wing and faith groups and, importantly, the mainstream media¹⁶, the more

¹⁶ Copsey, *op. cit.*: p.109, "It may have been the case, for instance, that hostility from the mainstream media hurt the [NF] more than the activities of opposition groups. After the 1979 general election the NF named the media its 'number one enemy'"; p.119, "Thus as early as 1974, adverse media treatment impacted negatively on the Front and this underlines the point that opposition to the NF involved more than simply displays of street hostility"; p.125, "Certainly the SWP's claim that the Front's 'bubble burst at Lewisham' can be questioned and in terms of NF recruitment, as at Cable Street, physical confrontation seems to have had the opposite effect to what the militant anti-fascists had originally anticipated".

militant “anti-fascist” response of the far left - based around physical and violent confrontation - created a symbiotic process of “cumulative extremism” between the two sides. This process can be defined as “the way in which one form of extremism can feed off and magnify other forms”:¹⁷

The interactions between the far right and their enemies were beginning to take on the shape of [cumulative extremism]: the achievements and actions of the far right invigorated and fuelled the anti-fascist movement, whose militancy and radicalism in turn provoked the formation of marshal bodies [the NF “Honour Guard”] and aggressive attitudes and tactics amongst the fascists.

...

It seems that the relationship between the opposing social movements was providing some kind of succour to both sides; the more they opposed each other, the more they provided motivation.

2.1.27 This symbiosis between the two extremes - each acting as the other’s mutual straw man and *raison d’être* - was further compounded by the simultaneous engagement of Marxist and Trotskyist anti-police dogma. This holds that the police should be attacked whenever possible - in word and deed - as guardians and symbols of the capitalist system. See the draft MPSB paper by DAC Bryan dated 13 August 1977, p.3 quoting from the *Socialist Worker* dated 2 July 1977, “socialism could only win when the existing police and army [referred to as “scum”] were smashed” [MPS-0748340]. See also the *SDS annual report for 1976* [MPS-0728980], §39:

It is a tenet of revolutionary philosophy that the credibility of the Establishment and, especially, that part of it concerned with law and order, must be destroyed. To this end the ultra-left orchestrates a constant war of words accompanied, wherever the slightest opportunity presents itself, with physical violence which it sees as an important element of the struggle.

2.1.28 From the perspective of public order policing, it does not matter whether the disorder and violence associated with physical confrontations between the far left and far right boosted or damaged their respective causes - it may well have

¹⁷ Carter, *op. cit.*, pp.90 and 93. See also, p.108, “The fascists and the far-left anti-fascists co-evolved in a much more closely symbiotic, or tightly and symmetrically ‘coupled’, fashion”.

had both effects on both sides¹⁸ - the point is that they were self-escalating and incompatible with public order. At each of Red Lion Square, Wood Green, Lewisham and Southall and on many other occasions, the police effectively had to deal with three simultaneous demonstrations in one place - an NF march or meeting, a moderate non-violent counter-demonstration and a militant anti-fascist counter-demonstration intent on physical confrontation.

1974

2.1.29 **Red Lion Square, 15 June 1974.** This incident involved 1,900 protestors (900 NF and 1,000 far left counter-demonstrators), 923 police officers, 51 arrests, the tragic death of Kevin Gately and injuries to 46 police officers and seven other civilians and it resulted in 53 convictions (*Report for 1974* (Cmnd.6068, June 1975), pp.13 and 114-115). The seriousness of the incident can be seen from the following:

- (1) AP footage: <https://www.youtube.com/watch?v=JPKSixANkJs>
- (2) ITN footage (0 secs - 20 secs only):
<https://www.gettyimages.co.uk/detail/video/police-and-demonstrators-a-lib-england-london-red-lion-news-footage/1306354514>

2.1.30 It is a matter of public record that the IMG was responsible for a “deliberate, determined and sustained” and “unexpected, unprovoked and viciously violent” attack on the police and for the death of Kevin Gately at Red Lion Square and there was no evidence that he was struck by a police officer or police horse (Lord Scarman, *The Red Lion Square Disorders of 15 June 1974*, *op. cit.*, §§22, 38, 40 and 153; DL T1P2 opening, §3.9).

1975

2.1.31 **Chelsea Town Hall, 11 October 1975.** This protest outside the AGM of the NF is described in the MPS *Report for 1975* (Cmnd.6496, June 1976), p.34:

¹⁸ Copsey, *op. cit.*, pp.116-117.

There were indications that their opponents intended to prevent the meeting taking place or to cause disruption while it was in progress, and from early morning they gathered near the Town Hall to voice their opposition as National Front members arrived. In the afternoon a protest march of 3,000 persons organized by Hammersmith and Kensington Trades Council assembled in Sloane Square and progressed along Kings Road past the Town Hall. A large police operation had been mounted in anticipation of a situation developing similar to that at Red Lion Square in 1974 but serious disorder did not break out, though a number of demonstrators were arrested for a variety of offences ranging from criminal damage to assault on police.

2.1.32 The event was part of an ongoing series of demonstrations and counter-demonstrations:¹⁹

The anti-fascists, for their part, maintained constant pressure on the NF. In March 1975, a NF demonstration in Islington, North London, was opposed by around 6,000 anti-fascists. On 6 September, the National Front held a 'March Against Muggers' event through East London, which faced heavy opposition from left-wing activists. Had it not been for a heavy police presence there might have been large-scale fighting between the two groups. The next month the Front's AGM in Chelsea Town Hall faced opposition from an IS and IMG-organised counter-demo with roughly 1,000 anti-fascists present.

2.1.33 MPS film shows the difficult task faced by the police in maintaining public order during an event that lasted all day. This is a very good example of an event which was identified in advance as a threat to public order and where disorder was avoided through planning and the deployment of sufficient police: <https://app.frame.io/reviews/398a3978-5c9f-4562-a6ab-29fe6b8643e4/2aa632c4-14ee-476a-b83e-c9f803e0492b>.²⁰

1976

2.1.34 This fits with the draft MPSB paper by DAC Bryan dated 13 August 1977 [MPS-0748340], p.2:

During the remainder of 1974 [post-Red Lion Square] and throughout 1975 physical confrontation was thwarted by adequate coverage by

¹⁹ Carter, *op. cit.*, pp.93-94. See also Copsey, *op. cit.*, pp.119 and MPS, *Report for 1975* (Cmnd.6496, June 1976), p.34. The latter gave the numbers for 25 March 1975 as 600 NF, 3,000 anti-fascists and 1,589 police officers.

²⁰ BFI archive ref.458309, "IS and IMG Demo - 11 October 1975".

police. In 1976 the threat of possible violence led to the National Front being banned from using Trafalgar Square as well as being refused permission to hold meetings in several public buildings in London.

The most frequent scenes of conflict occurred in Brick Lane, E1, and to a lesser extent in Barking, Brixton, Lewisham, Streatham and Wood Green, where National Front members regularly sold newspapers. Attempts by left-wing extremists to stop this were in the main unsuccessful, but a particularly nasty incident occurred in November 1976 when a group of International Socialists (now the Socialist Workers Party) broke away from an anti-racist march in the East End and deliberately attacked National Front paper sellers. 28 arrests were made.

1977

2.1.35 **Grunwick, 1977.** Although the large-scale “Battles” of Wood Green and Lewisham tend to be seen as the most important public order events of 1977, the MPS *Report for 1977* (Cmnd.7238, June 1978), p.25 makes clear that, “In terms of the number of men committed to policing the incidents outside the Grunwick premises, the duration of the confrontation and the number of injuries received by the police, this was the most serious of the public order situations during the year”. 30,000 police officers were involved in aggregate, well over 300 of them were injured and there were 500 arrests (*ibid.*, pp.5 and 26). Grunwick was thus a series of major public order events held during the working week and not a single event:²¹

- (1) **Arthur Scargill visit, Thursday 23 June 1977.** The following video footage shows 29 year old PC Trevor Wilson knocked to the ground and bleeding profusely after a protestor threw a glass bottle at his head. Other officers can be seen helping him and picking up pieces of the smashed bottle:

²¹ Speed, §12, “Grunwick was also a daily issue as it could go from a couple of dozen people in attendance to a couple of thousand people because of attendance from mining communities and Scargill. Special Branch would give us this information by updating their assessment if they thought we needed it; they were providing us with information on a daily basis, and if it was important they would give it to us immediately, in person. During the period of the Grunwick dispute, we would brief and plan for an operation the next day, get up at 3am to get to Grunwick as we had a control room in the local school, return after the disorder ended by about 10am, and then plan for the following day”.

- (a) AP footage:
<https://www.youtube.com/watch?v=C6XIKzxCcE4&t=1s>
- (b) Reuters footage, including a synopsis stating that PC Wilson was also kicked while lying on the ground:
<https://www.britishpathe.com/video/VLVADPUYJQLOFJ1AYPTD9NV9QSA4C-UK-DURING-ANOTHER-DAY-OF-PICKETING-VIOLENCE-AT-GRUNWICK-FACTORY/>
- (2) **Michael McGahey visit, Friday 24 June 1977.** This ITN news report shows very serious disorder and violence the next day, an inspection being conducted by the MPS Commissioner following the injury to PC Wilson and the latter lying in a hospital bed with a bandaged head being visited by union representatives:
<https://www.gettyimages.co.uk/detail/video/grunwick-pickets-news-footage/810018442>
- (3) **“Day of Solidarity”, Monday 11 July 1977.** On this day of the strike, 3,719 police officers were deployed, 123 of them were injured and there were 65 arrests (MPS *Report for 1977, op. cit.*, p.26). The inquiry has published an AP news report containing some footage [DOC041²²] and the following also illustrate the scale and nature of the violence:
- (a) Reuters report:
<https://www.britishpathe.com/video/VLVA5U2LKJEJ7T5GP0F7YXXZKODWF-UK-GRUNWICK-DEMONSTRATION/>
- (b) Reuters footage:
<https://www.britishpathe.com/video/VLVA4V3PPO62GWTR3JFQHR5BETA9-UK-SEVENTY-PICKETS-ARRESTED-AND-30-PEOPLE-INJURED-AS-18000/>

²² Also available at: <https://www.youtube.com/watch?v=YNPLSp2qbF0>

(c) MPS footage:

<https://app.frame.io/reviews/398a3978-5c9f-4562-a6ab-29fe6b8643e4/999baa95-cabc-4b91-b1d6-541979aa5270>²³

(4) **Monday 17 October 1977.** The following AP footage - relating to the “Mass Picket” referred to in an SDS report dated 1 November 1977 [UCPI0000011215] - simply underscores the long-term intensity of the strike: <https://www.youtube.com/watch?v=FJLbUtH7mSE>

(5) **“Day of Reckoning”, Monday 7 November 1977.** On this day of the strike, 7,000-8,000 protestors were present, there were “violent attacks on the police cordons”, 100 police officers were injured and there were 114 arrests (MPS *Report for 1977, op. cit.*, p.26; see also [UCPI0000035336], [UCPI0000035337] and [UCPI0000035338]). Footage from Reuters and the MPS shows the seriousness of the violence:

(a) <https://www.britishpathe.com/video/VLVA8YQINEFRGR11WHG3T68BQ6XS5-UK-DOZENS-INJURED-AND-OVER-A-HUNDRED-ARRESTED-DURING-PICKETING/>

(b) <https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/2a7f7ccc-b1ae-4bd9-9d76-130745716d39>²⁴

2.1.36 **Wood Green, Saturday 23 April 1977.** According to the *Report for 1977, op. cit.*, p.23, this incident - linked to campaigning for the GLC elections on 5 May - involved: 1,000 NF protestors being attacked with smoke bombs, eggs and bags of flour by anti-fascist opponents from the SWP, IMG and CPE-ML; the

²³ BFI archive ref.458227, “Grunwick - Day of Action - 11 July 1977”.

²⁴ BFI archive ref.458226, “Grunwick - 7 November 1977”.

deployment of 1,500 police officers of whom 40 were injured; and 94 arrests:

- (1) ITN report showing smoke bombs, bottles and stones being thrown at NF marchers and police and an injured officer being helped on the ground:

<https://www.gettyimages.co.uk/detail/video/national-front-and-anti-fascists-clash-in-wood-green-news-footage/815318776>²⁵

- (2) MPS footage showing the worst violence on the high street:

<https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/ee4aa9c8-1c46-49ea-b196-b92ac7de9dbe>²⁶

- (3) The ITV *London Programme* broadcast on 12 May 1977 also featured additional footage of the violence on the high street (first three mins only):

<https://itvstore.app.box.com/s/h5fnaokka1dyxgmw1a1dr7bc0if2g0w7/file/1123971149321>

2.1.37 HN353, §§20 and 67 referred to the IMG scouting the route of the NF march in advance in order to identify attack points and ammunition and the anti-fascists as a whole outnumbering the NF by two to one:²⁷

The more militant sections of the opposition, led by the SWP, broke away from the peaceful counter-demo and laid an ambush for the NF... As the NF march neared them, the anti-fascists launched a barrage of missiles at the fascists. In the ensuing fighting 81 people were arrested, and one anti-racist was stabbed.

...

Thus, whilst moderate anti-fascists addressed a meeting at one end of Duckett's Common at Wood Green, the SWP assembled away from this meeting and subjected the NF column to a series of ambushes and a barrage of smoke bombs, bricks, stones, bottles, eggs, rotten fruit, and

²⁵ Duplicated without sound at: <https://www.youtube.com/watch?v=H-ogx4e6KXo>

²⁶ BFI archive ref.458274, "Demo, Wood Green - 2 April 1977". Notwithstanding the date given in the title, there was no demonstration at Wood Green on 2 April 1977 and the footage is undoubtedly from Wood Green on 23 April 1977. It is possible that "3" was mistakenly omitted after "2" and before "April".

²⁷ Respectively, Carter, *op. cit.*, pp.98-99 and Copsey, *op. cit.*, p.122.

even shoes taken from racks outside a shoe shop. In the most serious case of fascist/anti-fascist disorder in London since Red Lion Square, 81 people were arrested, of whom 74 were anti-fascists.

2.1.38 The relative success of the NF at the subsequent GLC elections on 5 May 1977 increased the resolve of the far left to confront it physically:²⁸

Nevertheless, the NF's apparent electoral success brought new urgency to the anti-fascist opposition and with the NF seemingly set for a major electoral breakthrough, anti-fascists stiffened their resolve. This was particularly true of the Socialist Workers Party, which became even more determined to use physical force to 'clear the Nazis off the streets' [Socialist Worker, 28 May 1977]. This was most evident at local level where the SWP ordered the establishment of 'combat groups' (squads) in those areas where the left was coming under most pressure from the NF.

2.1.39 **New Cross, Saturday 2 July 1977.** The Battles of Wood Green and Lewisham were connected by a chain of more minor public order events which became intertwined with SWP demonstrations in support of the "Lewisham 21" and against the police:²⁹

When a group of young black people, later dubbed the Lewisham 21, were arrested during early morning raids for suspicion of 'conspiring with each other and persons unknown to rob persons unknown', and their cause was taken up by community and left-wing activists, the NF were presented with an ideal target: ostensibly law-breaking immigrants being defended by both their ethnic minority community and the left. Accordingly, on 17 June 1977 a meeting of the Defence Committee for the 'Lewisham 21' (later the Lewisham 24) was attacked by NF members who beat unconscious one of the women present. The SWP, who were heavily involved in the 'Lewisham 21' Defence Committee, decided it was necessary to escalate the situation and go on the offensive. Central Committee member John Deason organised a group of stewards to defend not only the activities of the Defence Committee, but all the SWP's operations. These groups of stewards became known as the 'Squads': 'Officially sanctioned by the SWP leadership, [the Squads] were tightly organised groups of anti-fascists whose job was to attack NF initiatives, as well defend anti-fascist events'.

The next time the NF attacked the Defence Committee's stall they were ambushed by a Squad who viciously fought them off. This development

²⁸ *Loc. cit.*

²⁹ Carter, *op. cit.*, p.99.

served to escalate hostilities in the region for a while. The next month, on Saturday 2 July, a group of around 200 National Front members again violently attacked the Defence Committee who had organised a rally in Lewisham. The police arrested 50 people, 23 anti-fascists and 27 fascists... Shortly afterwards, almost certainly in an attempt to further inflame communal tensions, the NF announced that they would hold an 'Anti-Mugging' march from New Cross to Lewisham.

The day of the march was 13 August 1977.

2.1.40 The MPS *Report for 1977, op. cit.*, p.23 refers to 67 arrests taking place when the NF attacked a Lewisham 24 Defence Committee and SWP demonstration in New Cross on 2 July 1977. An MPSB report dated 19 July 1977 linked the NF's decision to march in Lewisham on 13 August directly to the 2 July incident and accurately predicted violence against the NF and police [MPS-0748279]. An MPSB post-demonstration report dated 13 August 1977 connected the Battle of Wood Green, 2 July and the Battle of Lewisham in the following terms ([MPS-0733367]) (emphasis added):

4. *The arrests on 30 May 1977 of 21 black youths for theft and robbery in the Lewisham area and the formation of the Lewisham 21 Defence Committee (later named the Lewisham 24 Defence Committee following the arrests of white members of the original Committee) was seen by the leaders of the National Front as a golden opportunity to flaunt their strength in the Lewisham area. There was a shift in their general policy and emphasis was placed on "the problem of black muggers in Lewisham". On 2 July a march was held under auspices of the Lewisham 24 Defence Committee, which is dominated by members of the Socialist Workers Party, and National Front members decided to attack the marchers as they left Clifton Rise, SE14. The purpose of this attack was (a) to gain publicity and (b) as revenge for the attack by left-wing extremists on the National Front march in Haringey on 23 April 1977. As a result of intelligence gleaned regarding their intentions then, sufficient uniformed police were present to prevent really serious disorder although 60 persons were arrested on that day, the vast majority being National Front supporters.*

5. *Although this attack on the march was unsuccessful in the eyes of the National Front due to the large number of their supporters arrested, it was reported by the press both at a national and more importantly local level. In order to capitalise on this publicity they decided to hold "an event" in Lewisham today and decided that it should take the form of a march and public meeting supported by members throughout the country.*

2.1.41 **Lewisham, Saturday 13 August 1977.** According to the MPS *Report for 1977*,

op. cit., pp.5 and 23-24: this incident involved 2,000 NF marchers, 5,000 anti-fascist counter-demonstrators, 2,750 police officers, “the use of a wide range of offensive weapons, the throwing of liquid ammonia and concerted attacks with bricks and other missiles”, 210 arrests and injuries to 270 police officers (a tenth of those present) and 57 civilians. But for the use of protective shields, the police injury figures would plainly have been much worse. The inquiry has published two video clips containing footage of the incident showing very serious disorder and violence: BBC footage [DOC043]; and AP footage [DOC042³⁰]. See also:

- (1) ITN report from 12 August 1977 showing shops, pubs, council premises and homes in Lewisham being boarded up in advance: <https://www.gettyimages.co.uk/detail/video/lewisham-england-london-lewisham-new-cross-ext-clifton-news-footage/1277155487>

- (2) ITN report from 13 August 1977 showing serious fighting and missiles being thrown at Clifton Rise and New Cross Road. Part 1 refers to and shows orange smoke bombs, red dye canisters, broken bottles, bricks, stones, cans, sticks, metal dustbins and ammonia being thrown and a motorcycle set alight. The reporter says, “injured people lay all over the pavement, they were everywhere you looked”. Part 2 includes an interview with the admissions doctor at Lewisham Hospital A&E Department and a police officer in a hospital bed. The doctor reports 82 out-patient attendances and six in-patient admissions and the treatment of head injuries, stab wounds and caustic substances flung into eyes. The officer describes being set upon, beaten to the ground and kicked in the head:
 - (a) Part 1: <https://www.gettyimages.co.uk/detail/video/battle-of-lewisham-riots-england-london-lewisham-clifton-news-footage/1340475858>

³⁰ Duplicated at: <https://www.youtube.com/watch?v=hK0aURnC314>

- (b) Part 2: <https://www.gettyimages.co.uk/detail/video/battle-of-lewisham-riots-england-london-extmajor-accident-news-footage/1340475719>
- (3) ITN Special Report from 19 August 1977 *Lewisham and Ladywood: The Dilemma Before Us* includes additional footage and a chronological analysis of the disorders. As well as the above, protestors are shown beating police with sticks, reference is made to seven police officers being treated for ammonia injuries and a bloodied police officer is shown being bandaged:³¹
- (a) Part 1: <https://www.gettyimages.co.uk/detail/video/lewisham-and-ladywood-the-dilemma-before-us-england-news-footage/1277280001>
- (b) Part 2: <https://www.gettyimages.co.uk/detail/video/lewisham-and-ladywood-the-dilemma-before-us-england-news-footage/1277279872>
- (4) MPS film includes further footage from different places and angles: <https://app.frame.io/reviews/398a3978-5c9f-4562-a6ab-29fe6b8643e4/82b65423-b92c-4694-929a-2d62c7e8821d>³²
- (5) A 1980 MPS training film on the use of protective shields starts and ends with footage from Lewisham and the commentary begins, “The degree of violence which has been seen at recent demonstrations, particularly when missiles have been thrown at police, has created a need for protective shields to safeguard advancing policing and to provide a

³¹ Parts 3-4 include interviews with SWP Chair, Duncan Hallas and NF Chair, John Tyndall respectively: <https://www.gettyimages.co.uk/detail/video/lewisham-and-ladywood-the-dilemma-before-us-england-news-footage/1277279852>
<https://www.gettyimages.co.uk/detail/video/lewisham-and-ladywood-the-dilemma-before-us-england-news-footage/1277279976>

³² BFI archive ref.458303, “Lewisham 13 August 1977 - Unlucky for Some”.

position from which arresting squads can operate”:

<https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/2d661638-15aa-4cf5-ac1e-fcf2cec19e95>³³

2.1.42 HN354, §§104-107, [MPS-0732886] and [UCPI0000011188] refer to: the SWP being intent on creating a riot and scouting the route and stashing bricks in advance; an SWP supporter with an air pistol; a suspected SWP supporter with a knife; and CPE-ML planning, tactics and scanning of police radios, contemplation of petrol bombs and plans to use walkie-talkies in future. A general MPSB debrief report dated 23 August 1977 [MPS-0733369] also stated at §§4 and 10 respectively:

There is no doubt that where possible demonstrators were listening intently to personal radios carried by senior police officers. Their weapons were brought to the scene in carrier bags and rucksacks or in vans; staves were flimsily disguised as flags.

...

Persons were seen bringing in bricks from a nearby demolition site in supermarket trolleys and a number of left-wing thugs, with the clear intention of causing violence, had arrived with helmets, goggles, plastic bottles and staves.

2.1.43 McNee, §9 shows that the SWP would not communicate or co-operate with the MPS in advance. See also Carter, *op. cit.*, pp.99-100 and Copsey, *op. cit.*, p.124 respectively:

As the Front gathered to march through South London, two different groups of anti-fascists prepared their response. The first, organised by the All Lewisham Campaign Against Racism and Fascism (ALCARAF), was a peaceful affair orchestrated to avoid the NF's march altogether. The second, largely co-ordinated by the SWP, had every intention of physically opposing the NF. Between 3 and 6,000 militant anti-fascists, many armed with blunt instruments and knives, waited on the NF's route at Clifton Rise, and as the fascists approached them the anti-fascists hurled a barrage of missiles at their enemies...

Whilst the first anti-fascist demonstration at Lewisham was peaceful, the second, involving 3-5,000 anti-fascists, resulted in serious disorder. Contingents led by the SWP, which had resolved to 'stop the Nazi Front' broke through the police cordon shielding the NF march and succeeded

³³ BFI archive ref.458316, “For Your Protection”.

in splitting the march in two, whereupon the police intervened and diverted the Front marchers, numbering some 500-600, into back streets and then on to a small meeting addressed by John Tyndall. In response to police attempts then to disperse the counter-demonstration, the SWP attacked the police station in Lewisham High Street where the main 'battle' took place. While the numbers of anti-fascists present at the 'Battle of Lewisham' fades into insignificance when compared to the numbers at Cable Street, more than twice the number of anti-fascists (214) were arrested. It has been suggested that Lewisham marked a new stage in the escalation of anti-fascist struggle by attracting significant numbers of local black people to militant anti-fascism. Yet this is probably an overstatement. Whilst ethnic origin is not clear, of those arrested at Lewisham only 47 came from the local area.

1978

2.1.44 **Iford by-election, Saturday 25 February 1978.** According to the *MPS Report for 1978* (Cmnd.7580, June 1979), pp.7, 25 and 98, the Commissioner banned all marches for two months the day before this NF election meeting because, “from all the information available to me, there appeared to be a strong possibility of serious public disorder”. Notwithstanding the ban, 5,800 officers had to be deployed to police the event - more than double the number at Lewisham - there were 21 arrests and the cost to the MPS was £263,000. Reuters footage shows the scale of the operation:

<https://www.britishpathe.com/video/VLVA19DF36PISDQV2UEBTXTRK23U1-UK-MASSIVE-POLICE-TURNOUT-DEFUSES-POTENTIAL-CLASHES-BETWEEN>

2.1.45 **Brixton by-election, Saturday 15 April 1978.** This NF election meeting was (deliberately) covered by the two month ban on marches implemented on 24 February, but still attracted 800 anti-fascist protestors, required a police deployment of 2,400 officers at a cost of £115,000 and resulted in 34 arrests (including that of HN13) and injuries to eight police officers (*Report for 1978, op. cit.*, pp.7 and 25). A number of the arrests were made after violent fighting broke out in the election meeting itself as shown in an ITN report: <https://www.gettyimages.co.uk/detail/video/national-front-meeting-england-london-brixton-mass-police-news-footage/1215165413>

2.1.46 **Great Eastern Street, 24 September 1978.** On this occasion, plans for NF and

anti-fascist marches on the same day coupled with upset at the revelation that the NF had moved to a new headquarters in Great Eastern Street gave rise to a “very real” threat of disorder, contemplation of a further ban on marches and, when this was not opted for, the deployment of 6,400 police officers at a cost of £384,000 - more officers than at Wood Green and Lewisham combined (*Report for 1978, op. cit.*, pp.26 and 98). The BFI archive holds a half-hour long MPS film of this policing operation which shows large numbers of officers marshalling the two sides and keeping them apart.³⁴

2.1.47 **Whitehall, Sunday 12 November 1978.** Similarly, a huge operation involving 3,000 police officers and costing £169,000 was mounted to keep 1,500 anti-fascists and an NF march to the Cenotaph apart with “only minor disorder and a few arrests” (*Report for 1978, op. cit.*, pp.26 and 98). Another half-hour long MPS film in the BFI archive shows the operation.³⁵

1979

2.1.48 **Southall, Monday 23 April 1979.** According to the MPS *Report for 1979* (Cmnd.7932, June 1980), pp.7 and 88-89, this protest - which attempted to stop an NF election meeting going ahead in Southall Town Hall - involved the deployment of 2,847 police officers, 345 arrests, 97 injured police officers and 24 injured civilians in addition to the tragic death of Blair Peach:

- (1) On Wednesday 18 April - five days before the Southall disorders - the NF held an election meeting at Battersea Town Hall where “500 left wing and 150 right wing turned up, and a confrontation was only prevented by a strong and firm police presence... It is only because of firm policing from the start that disorder was prevented at Battersea” (A8 Briefing Notes for Southall dated 22 April 1977, pp.2 and 4 [MPS-0748331]).

³⁴ BFI archive ref.458259.

³⁵ BFI archive ref.458284.

- (2) On Friday 20 April - three days before the Southall disorders - the NF held an election meeting at Islington Town Hall which required the deployment of 1,431 police officers (*MPS Report for 1979, op. cit.*, p.88). See also “Tonight at Islington we are expecting even more on each side to attend and thus the problem is likely to be even greater” (A8 Briefing Notes for Southall, *op. cit.*, p.2).
- (3) On Sunday 22 April - the day before the disorders - there was a large-scale Indian Workers Association march to the Dominion Theatre Southall which required the deployment of 1,400 officers and led to 19 arrests (*MPS Report for 1979, op. cit.*, p.88; Report by DAC Helm dated 24 April 1979 [MPS-0748333], §3). MPS footage shows the scale: <https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/55724f8d-0e6d-43e0-a033-ced966486572>³⁶
- (4) An ITN report broadcast on the night of 23 April 1977 and before the death of Blair Peach included footage of the disorder: <https://www.youtube.com/watch?v=Si1eZQb17zU>³⁷
- (5) The ITV *London Programme* broadcast on Friday 27 April 1979 included further footage and a more detailed analysis of the disorders (from 32-35 mins and from 39 mins to the end): <https://itvstore.app.box.com/s/h5fnaokka1dyxgmw1a1dr7bc0if2g0w7/file/1123954404698>

2.1.49 While the death of Blair Peach was the result of excessive force being used by an SPG officer, this should not obscure the fact that militant anti-fascist protestors *were* engaged in serious disorder and violence that night. Immediately prior to the SPG charge down Beechcroft Avenue which led to Mr Peach being struck on the head, protestors at the top of the Avenue had thrown

³⁶ BFI archive ref.458260, “Southall Anti-National Front Demo - 22 April 1979”.

³⁷ Duplicated at: <https://www.gettyimages.co.uk/detail/video/national-front-counter-demonstrators-arrested-in-southall-news-footage/1212217995>

a petrol bomb at a police coach on the Broadway (7.48pm) and struck an SPG officer in Northcote Avenue in the face with a brick severely fracturing his jaw (8.03pm).³⁸

2.1.50 Various MPS reports record that: bottles and stones were thrown and a double decker bus was smashed up with timbers during the afternoon; and more serious missiles, including bricks, paint, flares and a smoke cannister were thrown, a police officer was stabbed, an NF supporter was attacked and hospitalised and 19 shop windows were smashed during the evening (MPSB report dated 23 April 1979, p.2 [MPS-0748296]; report by DAC Helm dated 24 April 1979, §4 [MPS-0748333] A8 Branch Note of debrief dated 25 April 1979, §§4, 6 and 8 [MPS-0748345]; initial draft report by DAC Helm dated 12 May 1979, §§19-20, 23 and 26-27 [MPS-0748344]).

2.1.51 **East Ham Town Hall, Wednesday 25 April 1979.** Blair Peach died shortly after midnight on 24 April 1979. The following day, the police were called upon to police yet another NF election meeting, this time in the East End of London. 1,230 officers were deployed to this event - the fifth major event in a week (*Report for 1979, op. cit.*, p.88; see also the MPSB report dated 23 April 1979, written before the death of Mr Peach [MPS-0748289]). MPS film shows local shops being boarded up in advance and the extraordinary logistical challenges facing the police - coaches and minibuses, horse boxes, marquees, temporary crowd control barriers: <https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/d3822ab1-9f00-4203-8206-c8616b1b23c1>³⁹

2.1.52 On 27 June 1979, following the Southall disturbances, the Home Secretary made a statement triggering a major reform of public order law and related

³⁸ See the ITV *London Programme* report on the inquest broadcast on 20 May 1980 (BFI archive ref.219539). See also Copsey, *op. cit.*, p.142, “By 4.00pm, the police had established a cordon which split the demonstrators into distinct crowds, thereby preventing the possibility of a peaceful sit-down protest. Serious disturbances between police and demonstrators then followed at various locations. Missiles were thrown at police from the anti-fascist side, including flares, smoke bombs, and a petrol bomb that was hurled at a police”.

³⁹ BFI archive ref.458276, “East Ham Demo - 25 April 1979”.

police powers: Home Office, *Review of the Public Order Act 1936 and related legislation* (Cmnd.7891, April 1980; HASC 5th Report of 1979-80, *The Law Relating to Public Order* (HC 756-I and II, August 1980); Law Commission, *Offences Relating to Public Order* (Law Com 123, October 1983); Home Office, *Review of Public Order Law* (Cmnd.9510, May 1985); Public Order Act 1986.

Brick Lane in the late 1970s

2.1.53 Throughout the late 1970s there were also regular disorderly confrontations between the far left and far right in Brick Lane and at other locations. For example: an SDS intelligence report dated 14 July 1977 reports SWP plans to “drive NF paper sellers off the streets” in Lewisham and Barking on Saturday 16 July 1977 [UCPI0000017554]; and the MPS *Report for 1978*, *op. cit.*, pp.7 and 26 refer to numerous such confrontations on Brick Lane.

The far right after the 1979 general election

2.1.54 Despite the NF’s disastrous results at the general election on 3 May 1979, it did not immediately disappear or cease to represent a threat to public order:

(1) The MPS *Report for 1979*, *op. cit.*, pp.88-89 show that: 10 of the 33 public order events requiring the deployment of more than 1,000 police officers that year involved the far right and/or far left and four of these post-dated the election; a combination of marches by the NF, British Movement and Islamic groups on 23 June 1979 required a total deployment of a staggering 7,818 officers⁴⁰; and an NF march to the Cenotaph and counter-demonstration and a simultaneous Zimbabwe Emergency Campaign demonstration on 11 November 1979 required a total deployment of a 4,497 officers.⁴¹

(2) The MPS *Report for 1980* (Cmnd.8254, June 1981), pp.84-85 show the

⁴⁰ See the MPS film, BFI archive ref. 458281, “NF and British Movement Demo - 23 June 1979”.

⁴¹ See the MPS film, BFI archive ref. 458325, “National Front and anti-National Front Demo - 11 November 1979”.

far right and far left public order activity continuing into the new decade: 5,344 officers deployed to an NF march in Southwark on 2 March 1980⁴²; 4,234 officers, 66 arrests and injuries to six officers and four civilians connected with an NF march in Lewisham on 20 April 1980⁴³; 3,401 officers, 76 arrests and injuries to six police officers and two civilians connected with a British Movement demonstration and ANL counter-demonstration in Paddington on 23 November 1980.

2.1.55 The MPS film of the events referred to above shows that they were orderly *because* they were well-policed, i.e. with the assistance of SDS intelligence.

1981

2.1.56 In late 1981 the SWP ultimately expelled its anti-fascist “squadist” contingent and they went on to form Red Action which was itself supportive of and associated with the Provincial IRA.⁴⁴ This gives a good indication of the type of individuals involved at the more extremist and militant end of the SWP during the course of the T1 era.

2.2 The public order justification for the SDS

2.2.1 During the T1 era - before the advent of social media and when public attention and debate could only be achieved through public events or a small number of mainstream media outlets - successive Commissioners described the maintenance of public order in London as the most important and difficult duty faced by the MPS:

- (1) public marches, demonstrations and protests are inherently unsafe and, unless properly policed, they inevitably obstruct and inconvenience others - a form of disorder - and are liable to escalate into more serious disorder and violence because individuals within crowds behave

⁴² See the MPS film, BFI archive ref. 458285, “NF Demo - 2 March 1980”.

⁴³ See the MPS films x2, BFI archive ref. 458286, “Lewisham NF Demo - 20 April 1980”.

⁴⁴ Copsey, *op. cit.*, pp.152-153.

differently, are more volatile and unruly and are more difficult to communicate with and control (DL T1P1 opening, §§4.1.1-4.1.2);

- (2) extremist demonstrators and protestors use public events of the above kind to cause, exploit and provoke disorder and violence in order to create alarm and disillusion, attract attention and stoke grievance (DL T1P1 opening, §4.1.3);
- (3) paramilitary police units and the use of specialist measures or equipment such as plastic baton rounds, tear gas and water cannons have always been considered undesirable, counter-productive and unacceptable in this country (DL T1P1 opening, §§5.3.7-5.3.8);
- (4) accurate and reliable information and intelligence about the plans, numbers, objectives, intentions and mood of those attending public order events is essential to the appropriate allocation of police resources and effective policing (DL T1P1 opening, pt 4.2);
- (5) such intelligence needs to extend to an understanding of combined and aggregate threats and the public order scene as a whole and this requires knowledge and awareness of (DL T1P1 opening, pt 5.5):
 - (a) the role played by and relationships between key individuals, groups, splinter groups and front organisations;
 - (b) alliances, mergers, sympathies, splits, rivalries, disagreements and rebrandings within and between the above;
 - (c) their use of entryism, front organisations and defence groups;
- (6) the under-policing of public order events inevitably leads to a loss of control and to more serious disorder and violence (DL T1P1 opening, §5.3.5);

- (7) over-policing:
- (a) can appear, or be portrayed as, heavy-handed and provoke or fuel controversy, escalation and wider public alarm (letter from MPS to the Home Office dated 22 March 1974 [MPS-0730906], §4);
 - (b) cannot necessarily avoid or prevent disorder and violence;
 - (c) is an unnecessary diversion and waste of scarce police resources involving the following which are all damaging to police effectiveness, morale, recruitment and retention (DL T1P1 opening, §§5.3.5 and 5.3.11-5.3.13):
 - (i) officers having their leave cancelled, being required to work outside office hours and at weekends and having their home and family lives disrupted;
 - (ii) officers being needlessly deployed at public order events and unable to attend to other duties with the result that they cannot prevent and detect disorder and crime elsewhere;
 - (iii) officers feeling dissatisfied and demotivated;
- (8) disorderly and violent events can occur notwithstanding the appropriate allocation of police resources and effective policing and they do the following (DL T1P1 opening, §§5.3.5 and 5.3.11-5.3.13):
- (a) interfere with the rights of those affected by, at best, stopping them go about their ordinary business and pleasure without obstruction or inconvenience and, at worst, causing injury, loss or damage or even death;

- (b) have an adverse impact on police resources, morale, recruitment and retention and (therefore) their effectiveness and their ability to prevent and detect disorder and crime elsewhere;
 - (c) damage the fabric of society;
- (9) when someone is injured, it may have an impact on their private and family life and their ability to work and care or provide for dependants and (particularly in the case of police officers who must meet minimum standards of physical fitness) it may require the payment of sick pay or injury or redundancy benefits or pensions (DL T1P1 opening, §5.3.12).

2.2.2 Time and time again throughout the T1 era, the Commissioner linked public order duties, their adverse impact on the lives of police officers and their families and related injuries to a shortage of police manpower, serious difficulties with morale, recruitment and retention and an adverse impact on the MPS's ability to discharge other functions (DL T1P1 opening, §§5.3.13-5.3.17 and 5.3.29).

2.2.3 The inquiry has rightly investigated the impact of undercover policing on those who interacted with or were reported on by SDS undercover officers. No evidence has emerged of such persons being prevented or inhibited from demonstrating or protesting, but they were deceived and there was an interference with private lives. The public order justification for this interference was that it allowed the collection of intelligence which in turn allowed the appropriate allocation of police resources to and the effective policing of public order events.

2.2.4 Put in these terms the justification puts a quantifiable impact on the real lives of real identifiable people in one scale and generalised high-level principles about resources and efficiency in the other. However, these general principles need to be unpacked and assessed before they can be weighed because they had practical

implications for the real lives of many more real people. These implications went beyond simply their privacy and extended to their rights to life and their rights to be free from inhuman and degrading treatment.

2.2.5 If there had been more disorder and violence during the T1 era, there would have been more damage to property and to people's businesses and livelihoods, more injuries and probably more deaths. Demonstrations and protests would have been more dangerous for everyone - protestors, police and others. Even if all public order events had been massively over-policed: the right to demonstrate and protest would have been curtailed; there would still have been disorder and violence, damage to property, businesses and livelihoods, injuries and possibly deaths; and there would also have been more crime elsewhere, e.g. offences against the person, theft and criminal damage. Either way, individuals and society as a whole would have suffered.

2.2.6 In balancing the adverse impact on activists whose private lives were affected by undercover policing against the adverse impact that others were spared as a result, a weight must be ascribed to both sides:

(1) on the one hand - the impact on those wishing to demonstrate and protest, i.e. those actively doing something that necessarily impinged on public order and other people and necessarily required policing and the expenditure of public resources;

(2) on the other hand - the impact on those attending and policing demonstrations and protests and those with no interest in such events who simply wished to live their own lives in an orderly society and not be the victim of crime.

2.2.7 In this regard, activists and police officers are all human beings, they all have families and private lives and they all have the same human rights.

2.2.8 So far as concerns activists, the degree of impact varied from case to case. Some

SDS undercover officers did little more than attend meetings, paper sales and demonstrations, some went further, socialised with their targets and went to their houses.

2.2.9 So far as concerns ordinary uniformed police officers undertaking public order duties in the T1 era, their rights were engaged as follows:

- (1) many experienced treatment which was inhuman and degrading and a breach of their art.3 rights, e.g. being violently beaten and kicked, being hit by dangerous weapons and missiles, having ammonia thrown in their faces and having petrol bombs, flares and fireworks thrown at them;
- (2) many more experienced treatment which may not have breached art.3, but which infringed their art.8 rights to bodily integrity, dignity and autonomy, e.g. being verbally abused, pushed, shoved and spat at, being pelted with coins, stones, flour and paint and suffering strains, cuts and bruises;
- (3) (1)-(2) above would have caused physical injuries and could well have been traumatic and stressful and these physical and psychological effects would have impacted the art.8 rights of the officers in question;
- (4) it would also have been traumatic and stressful and possibly frightening for an officer's spouse, children and family to see and hear that they had been hurt, injured or hospitalised or to be aware that they were attending an event where this might happen - thus interfering with their art.8 rights.

2.3 The contribution of the SDS to the maintenance of public order

2.3.1 The basic premise that public order intelligence is essential to effective public order policing cannot be doubted, notwithstanding that it may be hit-and-miss and capture both wheat and chaff. See *R (Catt) v Association of Chief Police Officers* [2015] UKSC 9, [2015] 1 AC 1065, per Lord Sumption JSC at §§29-31:

29. *The purposes for which the evidence about participants in demonstrations is retained are described in Detective Chief Superintendent Tudways witness statement, with a fair amount of specific illustrative detail:*

(1) *It is retained in order to enable the police to make a more informed assessment of the risks and the threats to public order associated with demonstrations forming part of an identifiable campaign, and the scale and nature of the police response which may be necessary in future.*

(2) *It is retained in order to investigate criminal offences where there have been any, and to identify potential witnesses and victims.*

(3) *It is retained in order to study the leadership, organisation, tactics and methods of protest groups which have been persistently associated with violence, and other protest groups associated with them. Links between protest groups are potentially important. There is a significant correlation between participation in a group such as Smash EDO and other extremist groups such as animal rights activists. The evidence is that out of 242 Smash EDO activists recorded in the database at the time when these proceedings were begun, 42 also had links with animal rights protest groups. There is considerable cross-fertilisation of ideas between different extremist causes on tactics and methods.*

30. *These are all proper policing purposes. The evidence of the police is that a significant contribution is made to all of them by the retention of information of this kind. That evidence is supported by illustrative examples, and this court has no evidential basis or personal experience on which to challenge that assessment. And, to put it at its lowest, the evidence is credible. The proper performance of these functions is important not only in order to assist the prevention and detection of crime associated with public demonstrations, but to enable the great majority of public demonstrations which are peaceful and lawful to take place without incident and without an overbearing police presence.*

31. *These points need to be considered in the light of some basic, and perhaps obvious, facts about the nature of intelligence-gathering. Most intelligence is necessarily acquired in the first instance indiscriminately. Its value can only be judged in hindsight, as subsequent analysis for particular purposes discloses a relevant pattern. The picture which is thus formed is in the nature of things a developing one, and there is not always a particular point of time at which one can say that any one piece in the jigsaw is irrelevant. The most that can be done is to assess whether the value of the material is proportionate to the gravity of the threat to the public... The fact that some of the information recorded in the database relates to people like Mr Catt who have not committed and are not likely to commit offences does not make it irrelevant for legitimate policing purposes. The composition,*

organisation and leadership of protest groups who are persistently associated with violence and criminality at public demonstrations is a matter of proper interest to the police even if some of the individuals in question are not themselves involved in any criminality. The longer-term consequences of restricting the availability of this resource to the police would potentially be very serious. It would adversely affect police operations directed against far less benign spirits than Mr Catt. Organised crime, terrorism, drug distribution and football hooliganism are all obvious examples. One cannot look at an issue of this kind simply in relation to Mr Catt.

2.3.2 It is also obvious that intelligence collection depends on having an inside source in a good position *before* a threat arises and that it is extremely difficult to try to infiltrate or establish such a source *after or during* the event:

- (1) the only route to a group's inner circle is via its outer circle (*SDS annual report for 1972* [MPS-0728970], §17, "It is therefore axiomatic that an oblique approach to a target is the most efficacious and secure - to join a relatively innocuous organisation and to be recruited into a more significant one");
- (2) infiltration necessarily had to be achieved before and not during or after times of high intensity and activity which could be quickly triggered by an event or the coalescence of disparate groups around a *cause célèbre* or topical issue with wider support, e.g. Vietnam, apartheid, Bloody Sunday, internment, Grunwick (letter MPS to the Home Office dated 27 May 1969 [MPS-0728971], §3).⁴⁵

2.3.3 As set out in part 2.1 above, SDS intelligence clearly contributed to the successful policing of the 27 October 1968 demonstration (albeit that 9,000 officers had to be deployed to police the event and there was still significant disorder and violence), there was an escalating series of similar events thereafter and disorder and violence were commonplace. It is therefore logical to think that public order intelligence continued to be needed and that SDS intelligence

⁴⁵ Conversely, the need for intelligence may suddenly dissipate, as when the South Africa Test Series was cancelled in 1970.

continued to serve a beneficial purpose.

- 2.3.4 See the memorandum summarising the findings of an MPSB review of the SDS dated 15 March 1976 [MPS-0730745], §2 and p.2 respectively:

With respect to the degree of coverage considered necessary by the SDS, two aspects are of primary importance. Firstly the degree of involvement and manipulation exercised by the 'ultra-left' in all protest organisations, particularly in ad-hoc committees formed to arrange major demonstrations. Secondly, the number of splinter-groups continually being formed invariably consisting of militant elements. The latter do not recognise the need to liaise with police regarding proposed demonstrations and pickets, many of which are organised at short notice, and coverage within, or access to, these organisations is essential if adequate policing arrangements are to be made.

...

At the conclusion of the working party's deliberations, I spoke with DAC Gibson and Commander Fleming of 'A' Dept (Ops). I was assured that the information and assessments prepared by Special Branch regarding impending demonstrations is considered to be of extreme importance to the Uniform Branch, not only to assist in providing adequate police coverage but also to avoid over-reaction which could in itself lead to a provocative situation. In this respect, the Chief Superintendents of all operational Squads in the Branch speak most highly of the assistance rendered by the SDS.

- 2.3.5 The inquiry has disclosed a handful of non-SDS documents including: assessments and other reports produced by MPSB for A8 and the Home Office; operational orders, briefs and debriefs and other documents produced by A8 in the light of those assessments and reports; telexes from MI5; and correspondence between these various stakeholders.
- 2.3.6 It is apparent that: A8 opened a file for each demonstration or other public order event it was involved with and that thousands of such files for the T1 era are therefore missing (Speed, §38); A8 communicated and worked closely with MPSB through undocumented meetings and conversations; and there was a substratum of Division-level public order policing, particularly via the MPS Ceremonial Officer at Cannon Row, which was assisted by A8 (Cracknell, §55) and (either directly or indirectly via A8) MPSB.

- 2.3.7 All of this interaction between the Uniform Branch and MPSB was informed by SDS intelligence which was provided to the MPSB Squads, particularly C Squad, both directly and indirectly - because it was filed in MPSB Registered Files which the Squads relied on heavily when responding to requests and enquiries and producing assessments. That this intelligence is rarely referred to expressly or impliedly in documents provided to or produced by A8 was a consequence of the “need to know” principle, secrecy surrounding the SDS in particular and the extensive steps taken to sanitise and obscure the source of intelligence (Cracknell, Pollard and Speed had not even heard of the SDS). Given that the MPSB Squads had such a key role in setting intelligence requirements for the SDS, their use of that intelligence in the discharge of their functions goes without saying.
- 2.3.8 Questions about disorder and violence and a focus on stand-out events such as Grosvenor Square, Red Lion Square, Wood Green, Lewisham and Southall are understandable, but they concentrate on only one side of the coin to the exclusion of the other more important side. Successful public order policing is about the maintenance of order through the avoidance and containment of disorder, not the quelling of disorder once it has occurred. Although public order activity waxed and waned and had peaks and troughs during the T1 era, the general trend was of escalation and worsening, as demonstrated by the increasing numbers of officers deployed to public order events, the development and use of protective shields and the increased use of banning powers under the Public Order Act 1936.
- 2.3.9 As T1 continued, more and more uniformed officers were being deployed to police far right vs far left demonstrations and counter-demonstrations - 923 at Red Lion Square, 1,500 at the Battle of Wood Green, 2,750 at the Battle of Lewisham and 2,847 at Southall (see pt 2.1 above).
- 2.3.10 It is also clear that there were numerous other occasions when more serious disorder and violence was prevented through the deployment of additional officers in response to advance intelligence, e.g.: Islington on 25 March 1975

(1,589 officers); Chelsea Town Hall on 11 October 1975 (“a large police operation”); New Cross on 2 July 1977 (“sufficient uniformed police”); Ilford on 25 February 1978 (5,800 officers); Brixton on 15 April 1978 (2,400 officers); Great Eastern Street on 24 September 1978 (6,400 officers); Whitehall on 12 November 1978 (3,000 officers); East Ham on 25 April 1979 (1,230 officers); various marches on 23 June 1979 (7,818 officers); Whitehall on 11 November 1979 (4,497 officers); Southwark on 2 March 1980 (5,344 officers); Lewisham on 20 April 1980 (4,234 officers); and Paddington on 23 November 1980 (3,401 officers) (see pt 2.1 above).

2.3.11 Following the establishment of A8 and the SDS and the introduction of specialist public order training for Uniform Branch, the MPS was, for the most part, able to keep on top of public order activity in London, albeit with difficulty. While this does not mean that there were not occasions when MPSB or SDS intelligence was either inaccurate or not well used (Speed, §57) or when extremists did not get the better of uniformed officers, SDS intelligence was vital.

2.3.12 This is borne out by the T1M2b-c evidence, particularly the A8 operational orders and briefings.

2.3.13 First, this evidence sheds considerable light on the logistical challenges involved in planning and mounting large scale public order policing operations: uniformed officers not only had to be called in from the Divisions, the Divisions themselves then needed to make arrangements to cancel their leave and/or accommodate their absence; the relevant officers and horses would then need to be transported to the location in question, properly briefed and kept fed and watered; parking had to be arranged and tents, marquees, refectories and toilets had to be erected and staffed; prisoner charging stations had to be set-up; radio channels had to be allocated; traffic diversions needed to be planned and implemented; and temporary crowd control barriers might also be needed (Cracknell, 39; McNee, §13; Speed, §34). See esp. Cracknell, §19 and Speed, §34 respectively:

When there were big demonstrations, A8 would get in touch with divisions to bring in officers from across London, deal with the catering arrangements, inform hospitals of the event in case of large-scale injuries, arrange for the attendance of first aid personnel, inform the mounted branch in case they were needed.

...

All A8 operations involved getting in touch with uniform divisions for the supply of manpower; the traffic division for road diversions; the transport department, who provided coaches to transport large numbers of police officers; the communications department for the supply of personal radios to those of Inspector rank and above, and to set up and staff the control room; the catering department. We were conscious that A8 had the levers of the whole force if required, but we had to approach each department or division individually.

2.3.14 In relation to logistics, see also the MPS films referred to herein, e.g.:

- (1) East Ham on 25 April 1979 (0 mins 45 secs - 4 mins, 6 mins 30 secs - 8 mins 45 secs and 13 mins 30 sec - 17 mins 30 secs):

<https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/d3822ab1-9f00-4203-8206-c8616b1b23c1>⁴⁶

- (2) Various demonstrations on 29 April 1979 following the death of Blair Peach (5 mins - 7 mins 30 secs):

<https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/58705695-c377-43ec-bdbd-02abd4bed7a4>⁴⁷

2.3.15 Secondly John Cracknell, Sir Charles Pollard and Anthony Speed are all unanimous in stressing the importance of MPSB assessments to the work of A8:

- (1) Mr Cracknell refers to MPSB assessments in the following terms: “an incredibly detailed report” was “typical” (§25); and at §30:

Generally Special Branch information was accurate. The

⁴⁶ BFI archive ref.458276, “East Ham Demo - 25 April 1979”.

⁴⁷ BFI archive ref.458280, “Southall Demo (Blair Peach Murder) - 22 April 1979 and 29 April 1979”. Despite its title, all of this footage post-dates the death of Blair Peach. From landmarks and street signs it can be seen that the first five minutes and last nine minutes of this footage were filmed in the East End of London and minutes 5-31 were apparently filmed in Southall on 28 April 1979.

intention was to give us information on which we could act. If it was not accurate because, for example, particular groups did not attend or respond as expected then that was that. If we did not have this information from Special Branch, we would have been blind men. The general opinion within A8, which I shared, was that Special Branch reports/assessments were vital.

- (2) Sir Charles puts it this way at §§39 and 46 respectively:

We were reliant on Special Branch for information. Once we were aware of an upcoming demonstration, we would ask Special Branch for an assessment. I believe we sought an assessment for all demonstrations. If it looked to be a minor demonstration we might not ask for an assessment but if there was a special circumstance, for example we knew that the last demonstration by that group was nasty, we would ask for one. The request for an assessment was a matter of routine; I, or someone more senior, would say “get an assessment”. I think the request was made in writing, but it could have been done by telephone. We had a close working relationship with Special Branch.

...

Special Branch assessments were pragmatically quite accurate. Special Branch worked hard not to exaggerate what the risks would be. You got used to the terminology they used and you could read between the lines. In my experience, the information we received from Special Branch was reasonably accurate and as accurate as you would expect in the circumstances.

- (3) Mr Speed describes MPSB assessments in the following terms: “extremely valuable” and “you would not want to go to the Deputy Assistant Commissioner with operational plans without a Special Branch assessment, or without at least saying that you had asked for one” (§42); “We spent a lot of money putting a lot of police officers out based on their assessments” (§54); “they got it right far more than they got it wrong - both in saying that something was not going to happen and the event would be okay, and in saying that it would be bad” (§57); “Special Branch was a very important resource for information: it allowed me to plan” (§58); “their information really was crucial” (§76); and at §74:

We in A8 could not have done our job without the Special Branch assessments. Quite frankly, we could not begin to design an

operational plan until we knew where the demonstration was taking place, how many people would turn up, the expected violence and whether there was to be any opposition. Once we knew this, we were able to talk about the number of uniform officers and the command structure required. This is why we relied upon Special Branch. There were a number of events which involved around 3,000 uniform officers and this policing response was based upon the assessments we received from Special Branch. The information Special Branch provided was imperative. We could not plan to the standard we did without it. It cut both ways: without the information, we would be understaffed when in violent situations but more often than not we would err on the side of caution and continually overstaff to the extent that large numbers of policing would be drawn from normal patrols and on reserve across London and that would not be tolerated. The information from Special Branch enabled us to strike the balance. I think our model worked.

2.4 The adequacy of the public order justification

2.4.1 On balance, the interference in activist private lives inherent in SDS operations was justified by the need to facilitate demonstrations and protests, maintain public order and protect lives, limbs and property that would otherwise be at risk from disorder and violence and/or the consequences of under-policing or over-policing. This was the price that had to be paid in order to strike a reasonable balance in the greater public interest, particularly when the law did not provide any freestanding protection for privacy rights or require a proportionality assessment. The alternative argument - that the unincorporated art.8 rights of activists outweighed, justified or mandated interference with the rights of police officers and civilians under arts.2-3 and 8 is untenable.

3. SUBVERSION 1968-1982

3.1 The counter-subversion justification for the SDS

3.1.1 MI5 had primacy in relation to and responsibility for counter-subversion and it identified the individuals and groups it was interested in monitoring: Creamer³, §15, “We would not take the lead on political extremists: we were guided entirely by what MI5 felt to be subversive”; Harrington, §30, “the lead responsibility for countering subversion rests with the Security Services rather than the special branches of police forces”; Phillips, §46 “The Security Service,

not MPSB were in charge of dealing with subversion and it was important that this remained the case”; F4 Division paper dated October 1980, *Special Branches*, §30, “The fact that much of Special Branches’ work is carried out on behalf of the Security Service means that the Security Service has an important say in what work Special Branches actually do”.

3.1.2 MPSB’s task was to assist MI5 meet its intelligence requirements and discharge its duties in this area and the SDS played an important part in MPSB being able to do this. MI5’s intelligence requirements were the product of a national security assessment and it is unreal to think that MPSB - which did not have expertise in or responsibility for national security - could or should have disputed that assessment or refused to assist. The quiz question put to every SDS witness about the definition of subversion 40-50 years ago therefore missed the point - “subversion” meant what MI5 said it meant.

3.1.3 The double-barrelled “Harris definition” was not a binding directive that needed to be construed and applied like a statute - it was one part of an overall governmental policy matrix which was well-understood within MI5, the Home Office, the Cabinet Office and MPSB and which had an external theoretical aspect and an internal practical and operational aspect.

3.1.4 The May 1979 paper sent by the Cabinet Secretary to the Prime Minister, *The Threat of Subversion in the UK* [UCPI0000035314] makes this clear when it cites the Harris definition and then says, “The heart of the definition lies in its reference to an intention to undermine or overthrow Parliamentary democracy” (§3) and “The definition is nonetheless broad enough to cover a wide range of activities” (§4). That paper then names Maoists, anarchists and the SWP, IMG, WRP, MT, CPB-ML and NF as “major subversive organisations”.

3.1.5 The clearest indication of the difference between the theory of the Harris definition and the practicality of what MI5 and the Home Office were asking MPSB to do can be seen in the contrast between the terms of the public *Home Office Guidelines on Special Branch Work* and the confidential covering letter

to Chief Constables dated 19 December 1984 [UCPI0000004584]. This was intended to deal with “matters relating to police cooperation with the Security Service which were of exceptional sensitivity and were operationally vulnerable to publicity” and “reflect the existing practice of the Security Service and special branches, to cooperate on sources of information where Security Service investigations relating to subversion, and special branch activities related to public order, might at times produce information of interest to both, which could properly be exchanged and discussed between them” (Harrington, §§37 and 44). The letter expressly permitted investigation of potentially subversive individuals and groups and those who were acting lawfully provided their long-term aims “satisfy the definition”.

3.1.6 The CTI M2b-c opening generally refers to the covering letter as “confidential”, but §§51 and 53 refer to it as “classified”. The latter point is important and is obscured by the fact that the former “CONFIDENTIAL” classification is no longer in use and has been redacted from the documents disclosed by the inquiry so as to indicate their declassification. The classification “CONFIDENTIAL” sat between “RESTRICTED” and “SECRET” and was in fact a high level protective marking for documents containing information whose publication or disclosure would, amongst other things, materially damage the operational effectiveness or security of United Kingdom or allied armed forces or security or intelligence services. “CONFIDENTIAL” documents were subject to strict handling requirements in relation to secure storage, they could not be discussed over a normal telephone line or sent by email or fax and they could only be disposed of by means of a cross-cutting shredder.

3.1.7 The “CONFIDENTIAL” marking on the covering letter to Chief Constables told them it contained “need to know” information that must not be made public and that secretly modified the terms of the accompanying *Home Office Guidelines on Special Branch Work*. The logic was that MI5 did not want the individuals and groups in question to know that they were or might be under investigation on counter-subversion grounds because this might make them more security conscious and harder to investigate.

- 3.1.8 The approach taken in the CTI M2b-c opening is to treat the Harris definition as if it were an immutable and binding statement by which to test the actions of the Home Office, MI5 and MPSB. However, there is another way of looking at this. Rather than ask whether the Home Office, MI5 and MPSB should have changed their approach to fit with what ministers had agreed to tell Parliament, it would be more realistic to ask whether ministers should have been more transparent with Parliament about what they had internally directed MI5 to do. If ministers had ever been faced with the choice between shutting down the counter-subversion activities of MI5 and MPSB, on the one hand, or amending the Harris definition, on the other, they would surely have chosen the latter course.
- 3.1.9 During the 1970s, almost a third - 28% - of MI5's resources were expended on counter-subversion operations conducted by F Branch and, by the early 1980s, it maintained "comprehensive lists of members of, and people known to be sympathetic to, subversive organizations" and supported 3,000 negative vetting enquiries a day and 68,000 government posts subject to positive vetting (Andrew, *The Defence of the Realm: The Authorized History of MI5* (2009), pp.616 and 681 and Appendix 3; Hennessy, *The Secret State: Preparing for the Worst 1945-2010* (2nd ed., 2010), p.102).
- 3.1.10 MPSB was a key operational partner of MI5 in this endeavour. For example, its 1979 annual report, p.22 gives "General and Vetting statistics" for 1978-1979 which show it doing the following annually: undertaking roughly 5,000 "Enquiries on individuals and organisations of security interest" and roughly 20,000-25,000 vetting enquiries for MI5 and others; and producing roughly 8,000 "Reports on information obtained by individual officers" [MPS-0727595].
- 3.1.11 The practical reality was that MI5 was actively interested in and monitoring most if not all of the groups reported on by the SDS. This is clear from numerous inquiry documents. The inquiry has not disclosed the third 1984 edition of

MI5's *Brief Guide to Subversion in Great Britain* (Witness Z, §48). It would be interesting to compare this with a list of SDS targets (it was apparently issued in 1969 and revised in 1975, but, unlike the reports it received from the SDS, MI5 did not retain copies of the first two editions).

3.1.12 MI5 briefed and put questions to MPSB and the SDS on or about these groups, it valued, rated, used, praised and retained SDS intelligence, it debriefed SDS undercover officers and sought "talent spotting" advice. MI5 was in close and regular contact and communication with MPSB and the SDS and they jointly co-ordinated and deconflicted their operations.

3.2 The adequacy of the counter-subversion justification

3.2.1 From the perspective of MPSB and the SDS, it was enough that MI5 had primacy in relation to and responsibility for counter-subversion and that MPSB was doing its job by assisting and supporting MI5.

3.2.2 Whether MI5's counter-subversion work was worthwhile is another matter which falls outside the scope of the inquiry's terms of reference and its competence and expertise. Given this and the fact MI5 has not been designated as a core participant or asked to explain or justify its approach to counter-subversion during the T1 era, the inquiry could not possibly find that it was misconceived.

3.2.3 MI5 was entitled to take a precautionary approach and it inevitably needed to investigate those in and around the subversive area in order to assess whether they were or might become of concern. This was inevitably an ongoing, dynamic assessment and not a one-off exercise: an individual might become more radicalised (e.g. Noel Jenkinson moved from Trotskyism into OIRA before murdering seven civilians at Parachute Regiment Headquarters in Aldershot in 1972) or a group posing little threat might achieve greater potency by evolving (e.g. the Angry Brigade), connecting with some external sponsor (e.g. Libya or the PLO) or merging with another group. Just as one would not expect MI5 to disregard a would-be spy or terrorist just because they are a

“loser” or a “bad joke”, the same was true in connection with would-be subversives.

- 3.2.4 The vetting aspect of counter-subversion is also relevant here. It has long been accepted that communists and fascists should not be appointed to sensitive government posts. The vetting system is intended to deter and capture unsuitable candidates including not only those who wish to undermine democracy and have the capacity to do so, but also those who have that intention and would acquire that capacity *if* given access to the right ammunition, e.g. highly classified information.
- 3.2.5 Furthermore, a negative and reassuring assessment may still have been worth conducting and it is always possible that the position may change. Part 1 of Lord Rothschild’s note to the Prime Minister dated 14 December 1972 said, “The duty of the Security Service to investigate suspected subversion is absolute...” (§6) and “It is necessary to envisage the possibility that the result of such inquiries may prove to be largely negative” (§9) [UCPI0000035261].
- 3.2.6 Although hostile state sponsorship of subversives would no doubt be relevant, this was never a pre-requisite - concerns that the Maoists were state sponsored had to be investigated even though they were ultimately excluded (Creamer3, §11) and the Trotskyists and far right never had any real outside support. See also the covering note sent by Lord Rothschild to the Prime Minister dated 14 December 1972, “[Subversion] may not be organised or controlled by a Foreign Power and may take the form of disruptive activities carried out by an individual who wishes to undermine or overthrow constitutional democracy” [UCPI0000035261].
- 3.2.7 Furthermore, the overall context of the Cold War meant concerns about the far left were heightened more generally - as can be seen from the scaling back of MI5’s counter-subversion interests in the 1990s *once the Cold War had come to an end* (Operation Herne, *Report 2: Allegations of Peter Francis* (March 2014), §15.1). While military hostilities remained a realistic possibility, the state

needed to keep some tabs on those who might look to exploit their occurrence.

4. SPECIFIC ISSUES

4.1 **Personal information and contemporary language**

4.1.1 The correct identification and tracing of individuals in a country with no national identity card system is essential to good police and intelligence work. Cases of mistaken identity are its antithesis. The personal information included in SDS intelligence reports was the same as that included in other non-SDS reports produced by MPSB and MI5 and the reasons for its collection (which were unconnected with the use of the undercover method) are set out in the DL T1P2 opening, pt 8. Sexuality was considered relevant to vetting because of the risk it might lead to blackmail.⁴⁸ Almost all the SDS undercover officers said that they simply reported the information and left it for others to assess and grade it and take decisions about onward disclosure, use and retention.

4.1.2 For a large manual paper-based intelligence database to work effectively, it needs to contain more rather than less information. If a database is kept for vetting purposes, it will inevitably contain information about people who are never vetted and people who pass their vetting. Furthermore, it is apparent from the RF references included in its reports that MPSB held files on entirely anodyne and mainstream public and private organisations, e.g. companies, shops and local authorities. This was done to allow cross-references and connections to be made as part of an overall intelligence picture and not because being included in or the subject of a report or file necessarily connoted some concern.

4.1.3 Vetting databases are not inherently objectionable: “The Court has acknowledged the necessity for states to collect and store information on persons and to use this information when assessing the eligibility of persons for posts of importance for national security” (*Esbestor v United Kingdom* (1994))

⁴⁸ Hennessy, *op. cit.*, p.103.

18 EHRR CD72 (ECommHR)). Furthermore, the fact MPSB and MI5 files contained insignificant and even trivial information about individuals was offset by the fact they were accessible to so few people and used for such limited purposes.

4.1.4 The CTI T1P2 opening, §8 suggests that some reports “were drafted in terms indicative of attitudes that are relevant to the issues of race and sex discrimination that we are investigating”. There is no evidence that individuals of a particular race or sex were referred to or treated differently or less favourably when it came to the recording of personal information in intelligence reports.

4.1.5 So far as concerns language and attitudes, those in the SDS used the same language and had the same attitudes as their contemporaries in other professions and public services and society as a whole. For example, searches on Westlaw return numerous judgments handed down during the T1 era using terms like “coloured”, “Mongol” and “negro” as well as “cripple”, “idiot”, “imbecile” and “lunatic”. In his *Report on John Profumo and Christine Keeler* (Cmnd.2152, 1963), Lord Denning considered it necessary to record that Ms Keeler “had undoubted physical attractions” (§16). The same language and attitudes can be found in contemporary *Hansard* and newspaper reports, medical journals and numerous other media.

4.1.6 It would serve no purpose for the inquiry to point out that language and attitudes towards race, sex, sexuality and disability were different in the 1970s - this is clear from a cursory glance at its popular culture and has nothing to do with the police, let alone undercover policing.

4.2 Children

4.2.1 During the T1 era, members of far left and far right groups actively sought to influence and recruit school children to their causes and this was of legitimate concern to the state which provided their schools, paid their teachers and was responsible for their education.

4.2.2 The concerns of government as a whole are clear from the T1M2b-c documents, e.g. the May 1979 paper sent by the Cabinet Secretary to the Prime Minister, §§56 and 62-63 [UCPI0000035314]:

56. All subversive organisations recognise the importance of recruiting young people. Many have separate organisations for youth and students; some seek to win the support of schoolchildren. Some Trotskyist groups, in particular the SWP and the IMG, have large proportions of students and recent ex-students among their memberships.

...

62. Some 2,000 school teachers (0.4% of the total) have subversive records; just over 50% are Communists and sympathisers, and the remainder are Trotskyists and other Ultra Left activists, except for about 20 who are Fascists. Teachers with subversive records are spread thinly over a large number of schools.

63. It is impossible to assess to what extent subversive teachers seek to propagate their political views in the classroom. In one instance, Trotskyist control of a school department is known in the past to have produced biased teaching and a decline in academic performance and discipline. But, on the above figures, very few schools can be vulnerable to this degree of subversive, influence... Some subversive teachers, however, propagate their political views among pupils outside the classroom and encourage them to join subversive organisations or otherwise involve themselves in subversive activities.

4.2.3 The concerns of MI5 in particular are clear from its circular letter to Chief Constables *Subversive Activities in Schools* dated 16 December 1975 [UCPI0000034697; UCPI0000034698] (DL T1P2 opening, pt 9; DL T1P3 opening, pt 6). See also the MI5 brief asking questions about School Kids Against the Nazis in Walthamstow in November 1979 [UCPI0000029198].

4.2.4 These concerns were also shared in society more widely:

- (1) on the ITV *London Programme* broadcast on 12 May 1977, Margaret Morgan, a Labour councillor and election candidate, referred to three-quarters of those attending a recent NF meeting having been under 18 (28 mins 25 secs - 28 mins 45 secs):

<https://itvstore.app.box.com/s/h5fnaokka1dyxgmw1a1dr7bc0if2g0w7/f>

[ile/1123971149321](file/1123971149321);

(2) an edition of the ITV *London Show* presented by Janet Street Porter and broadcast on 30 October 1977 was dedicated to an exploration of support for the National Front amongst the young and featured interviews and discussions with school children supportive of and opposed to the group⁴⁹;

(3) Copsey, *op. cit.*, p.131:

At a press conference in January 1978, the Young National Front announced that it had produced a leaflet aimed at schoolchildren, entitled 'How to Spot a Red Teacher', and was intending to distribute 250,000 copies. Equally disconcerting for anti-fascists were the results of two surveys in March 1978 which had found that one in seven young people was willing to support the NF. The ANL responded in two ways. The first was the formation of an ANL sub-section known as 'Schoolkids Against the Nazis', organised by Chris Timbry, a member of the SWP...

4.2.5 There was nothing wrong or unethical in the SDS recording information about children as part of its work, it did not harm their development and the wider purpose was one of child welfare and protection. Furthermore, the school leaving age was 15 at the start of the T1 era and 16 at its end and it was entirely possible for teenagers to be active in extremist groups and at public order events.

4.3 Elected representatives

4.3.1 MPSB did not keep registered files on and the SDS did not target Members of Parliament, but they were inevitably referred to in reports if they spoke at or attended a meeting or event or interacted with a group that was the subject of SDS reporting. Furthermore, if a Member of Parliament or Councillor was due to attend or speak at an event, it might have a bearing on likely turnout or tend to indicate a more moderate mood (HN65, §119). For similar reasons, Members of Parliament were mentioned in numerous other documents not derived from undercover officers, e.g. A8 operational orders and briefings.

⁴⁹ BFI archive ref.8149, "The Young National Front".

4.3.2 There is nothing inherently objectionable about written references to elected representatives in police documents when they simply represent the documentation of relevant information. Such references do not infringe any privilege or immunity enjoyed by elected representatives or any principle that they should be treated as if they are invisible or do not exist. Elected representatives are not above the law, they can be the perpetrators or victims of crime, they can sit on Committees or hold roles which require access to classified information and they may therefore be the subject of or mentioned in police or MI5 enquiries or investigations. Furthermore, it should be remembered that far right groups contested local, national and European elections with some isolated success throughout the period under investigation.

4.3.3 Accordingly, while it is recognised that this is a sensitive area, it is submitted that the focus should not be on whether elected representatives were mentioned in reports, but whether SDS undercover officers reported information about or had interactions with them when it was inappropriate to do so or interfered with the democratic process. No such incidents have been identified in T1.

4.4 Political neutrality

4.4.1 It is a foundational principle of policing that the police should remain operationally independent and politically neutral (Lord Scarman, *The Brixton Disorders 10-12 April 1981* (Cmnd.8427, November 1981), §§4.55-4.60).

4.4.2 Curiously, two contradictory allegations have been levelled against the SDS under this heading, first, that it displayed political bias by reporting on the far left and not the far right (at least during the T1 era) and, secondly, that it failed to display political bias because it reported on groups said to have been pursuing righteous causes “on the right side of history” when this was inherently objectionable and should not have happened, e.g. anti-apartheid groups. Both allegations are misconceived.

4.4.3 The NF was obviously more authoritarian, pro-establishment and pro-“law and

order” than the far left and its aims, ideology and electoral ambitions made it more interested in cultivating a “respectable” image. However, it still presented a threat to public order during T1P2 and was rightly treated as a threat to public order and subversive. The reason the SDS did not itself target the NF or any other far right groups during the T1 era was not because of political bias, but because there was no need for it to do so.

4.4.4 The *SDS annual report for 1972*, §7 said, “The Communist Party and right wing extremist groups, who in recent times have not posed much of a threat to public order, are not covered by the SDS, but there are no technical reasons why they could not be should the position deteriorate” [MPS-0728970]. Following the subsequent growth in NF support and activity, the *SDS annual report for 1976*, §9 made clear that (1) MPSB as a whole already had “excellent sources” in or on the group, (2) HN303’s infiltration of it (on behalf of the WRP) had not yielded any additional information of value and (3) renewed coverage could and would be considered “if existing sources on the far right show any sign of weakening” [MPS-0728980]. See also the *Special Branch Annual Report 1977*, p.5, “Both factions are under close scrutiny by the Branch” [MPS-0747790]. Evidence of non-SDS reporting on the NF can thus be seen in an MPSB report dated 8 July 1977 referring to its Deputy Leader, Martin Webster having “fully co-operated with me over public order issues” [MPS-0748280] and another such report dated 15 April 1980 about NF plans derived from a “secret and reliable source” [MPS-0733126/16].

4.4.5 So far as concerns the alleged failure of the SDS to position itself “on the right side of history” when it came to righteous causes, it did nothing to hinder or thwart any demonstration or protest and any attempt to identify and favour righteous causes would have immediately led it into the forbidden territory of “exercising political judgment”. See Lord Scarman, *The Red Lion Square Disorders of 15 June 1974* (Cmnd.5919, February 1975), §§7 and 69 respectively:

The police are not to be required in any circumstances to exercise political judgment. Their role is the maintenance of public order - no more, and no less... But it is vital, if the police are to be kept out of

political controversy, that in a public order situation their sole immediate concern is, and is seen to be, with public order.

...

The police are not concerned with the politics of a demonstration: if they were, we should be a police state. Their duty is to maintain public order and to act, if need be, to prevent or suppress a breach of the peace.

4.5 Justice campaigns

- 4.5.1 As with elected representatives and righteous causes, there is no principle that the police cannot or must not concern themselves with “justice” campaigns or, in particular, anti-police campaigns simply by reason of their status or objectives. Even if a death occurred and it was immediately apparent that the police were undoubtedly responsible, this would not entitle, let alone require, the police to abdicate responsibility for the maintenance of public order. Indeed, the threat of public disorder may be particularly acute at such times, as seen after the death of Mark Duggan in 2011.
- 4.5.2 In the context of the SDS, the key questions must be whether there was any reporting on justice campaigns and, if so, whether there was a public order or counter-subversion reason for this.
- 4.5.3 During the course of the T1 era, the SDS did not target or infiltrate any justice campaigns, its very limited reporting on such campaigns was tangential or collateral to its primary reporting and there is no suggestion that it did anything to hinder or thwart any such campaigns.
- 4.5.4 In this regard, the suggestion that ELWAR - reported on by HN106 - was a racial justice campaign is unsustainable. Despite its name, ELWAR was an RCP front organisation operated almost exclusively by white communists looking to recruit minority support in the East End. Furthermore, MI5 was interested in and asked questions about both the RCP and ELWAR (e.g. MI5 file notes dated 19 April 1983 [UCPI0000029212] and 9 June 1983, §3 [UCPI0000029219]) and it was in this milieu that HN106 was approached by a KGB officer looking to recruit him as a “courier”.

4.5.5 A report on a meeting of the Winston Rose Action Campaign (WRAC) dated 18 August 1981 which was attributed to HN106 - albeit that he could not remember it - is a good example of tangential or collateral but appropriate reporting on a justice campaign [UCPI0000015540]. Representatives of ELWAR and (in the guise of a union) the SWP spoke at the meeting, there were calls for revenge attacks on the police and the report gives a helpful indication of the respective positions of ELWAR, WRAC and others on possible disorder.

4.5.6 As set out in part 2.1 above, SWP activities around the Lewisham 21 (later 24) Defence Committee drew it into violent confrontations with the NF and were part of the build-up to the Battle of Lewisham. Indeed a draft paper produced after the disorders by DAC Bryan dated 13 August 1977 [MPS-0748340] records that some of the parents of the Lewisham 21 “sought injunctions to prevent interference by the SWP” (p.4). Again, this is an example of appropriate coverage of a justice campaign subject to exploitation by the far left and linked to public order matters.

4.5.7 So far as concerns the Friends of Blair Peach Committee, this was connected with the SWP / ANL and staged a number of major public order events which needed to be policed and which the SDS therefore needed to include in its reporting, including Mr Peach’s funeral:

(1) **Blair Peach demonstration, Saturday 28 April 1979.** The *MPS Report for 1979, op. cit.*, p.88 shows that this and two other major public order events required a total deployment of 6,733 police officers. Irrespective of the cause of Mr Peach’s death, the mourning march (attended by around 10,000 people)⁵⁰ clearly had public order implications:

(a) AP footage shows shops and banks in Southall being boarded up in advance:

https://www.youtube.com/watch?v=RfBeND_EVS0

⁵⁰ Copsey, *op. cit.*, p.142.

(b) Further AP footage shows the size of the demonstration itself:
<https://www.youtube.com/watch?v=pvDn-f5g8NU>

(c) MPS footage covering more than one post-death demonstration shows the numbers involved and also the logistical challenges of feeding and watering thousands of police officers on public order duties: <https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/58705695-c377-43ec-bdbd-02abd4bed7a4>⁵¹

(2) **Blair Peach funeral, Wednesday 13 June 1979.** According to the MPS *Report for 1979, op. cit.*, p.88, this was a significant public order event and required the deployment of 1,278 police officers. MPS footage shows the cortege proceeding at walking pace from Shoreditch to West Ham accompanied by numerous uniformed police officers and followed by 5,000-10,000 mourners, some carrying banners:

<https://app.frame.io/reviews/8b3029c7-5b45-4a6c-aa76-529fe9891f0e/ea30c90d-ce43-4139-9318-a7a9a895027c>⁵²

4.6 Positions of responsibility

4.6.1 This is the inquiry's shorthand term for the issue originally raised by DCI Conrad Dixon in his 26 November 1968 paper "Penetration of Extremist Groups", p.4 [MPS-0724119]:

SCOPE OF ACTIVITIES

The incompetence of the British left is notorious, and officers must take care not to get into a position where they achieve prominence in an organisation through natural ability. A firm line must be drawn between activity as a follower and a leader, and members of the squad should be told in no uncertain terms that they must not take office in a group, chair

⁵¹ BFI archive ref.458280, "Southall Demo (Blair Peach Murder) - 22 April 1979 and 29 April 1979". Despite its title, all of this footage post-dates the death of Blair Peach. From landmarks and street signs it can be seen that the first five minutes and last nine minutes of this footage were filmed in the East End of London and minutes 5-31 were apparently filmed in Southall on 28 April 1979. The MPS *Report for 1979* (Cmnd.7932, June 1980), p.88 refers to a Socialist Unity meeting in Southall on 28 April 1979 and a demonstration and rally against racism and fascism on 29 April 1979.

⁵² BFI archive ref. 458280, "Funeral/Demo (Blair Peach) - June 1979".

meetings, draft leaflets, speak in public or initiate activity.

4.6.2 During the course of the T1 era, no DL SDS undercover officers crossed DCI Dixon's "firm line" or took on positions of *managerial or political* responsibility within their target groups, i.e. positions giving them or requiring them to exercise powers of direction, control, leadership or decision-making. Some took on *administrative or logistical* roles as secretaries, treasurers or drivers where they took minutes, collected subscriptions, chaired meetings, drove vans etc. However, these were only "positions" or "offices" and only involved "responsibility" in the loosest sense - they did not involve "leadership" and they cannot be said to have crossed the "firm line". The handful of officers who "chaired" meetings did so in connection with relatively informal meetings where the "chairing" involved nothing more than following an agenda: this was not "leadership" or "prominence" in the sense contemplated by DCI Dixon.

4.7 Criminal offences and proceedings

4.7.1 As noted in the CTI T1P2 opening, §179.8, the majority of SDS undercover officers could not recall being shown Home Office Circular 97/1967 *Informants who take part in crime*, albeit that they were generally familiar with its core principles and the rule against acting as an *agent provocateur*. As with the covering letter to Chief Constables mentioned at §§3.1.5-3.1.7 above, it should be borne in mind that the Circular itself was classified "CONFIDENTIAL". On the inquiry's copy - MPS-0727104 - the classification has been crossed out and the annotation "Declassified" and the date 2 October 1980 has been added in manuscript. This may explain its limited distribution, e.g. it could not have been put up on a noticeboard without causing a security breach.

4.7.2 The Circular indicates that it was drawn up and agreed at a Central Conference of Chief Constables meeting on 6 March 1969 in response to judicial criticisms from the Court of Appeal about the non-disclosure of informant involvement in criminal proceedings. Although it was subsequently endorsed by the Home Secretary, there was no wider input or approval by the Cabinet, Law Officers, MI5 or Parliament and the focus is clearly on evidential rather than intelligence-based police work. Indeed, the Circular was not followed by the RUC in

Northern Ireland as it was seen as inadequate to deal with counter-terrorist intelligence work (Sir Desmond de Silva QC, *The Report of the Patrick Finucane Review* (HC 802-I, December 2012), ch.4 and esp. §§4.15-4.17). The view within government was that the guidelines contained in the Circular were “essentially aimed at ordinary decent crime, and in any case do not bind the RUC” (*ibid.*, §4.44).

4.8 Resources

4.8.1 As set out in the DL T1P3 opening, pt 5, and bearing in mind that the Home Office paid the additional expenses of the SDS, the expenditure of MPS resources on the unit during the T1 era (and hence any diversion of those resources from elsewhere) was extremely limited indeed:⁵³

- (1) the percentage of MPS officers posted to MPSB was very small, generally hovered around 1.7-1.8% and never got as high as 2% - more than 98% of MPS officers were deployed elsewhere;
- (2) the percentage of MPSB officers posted into the SDS as managers, back office staff or undercover officers was also very small and generally hovered below 5% - more than 95% of MPSB officers were deployed elsewhere;
- (3) the percentage of MPS officers posted into the SDS as managers, back office staff or undercover officers was miniscule and never got as high as 0.1% - more than 99.9% of MPS officers were deployed elsewhere.

4.9 Cover identities

4.9.1 As set out in the DL T1P3 opening, pt 4: the KGB, criminals, mercenaries and

⁵³ These figures can be derived using the precise size of MPSB as set out in its annual reports or the broad indication of “about 400” given in the note for the Home Secretary dated 3 June 1974 [UCPI0000034699]. The CTI T1P3 opening, §121 said, “A snapshot of the size and composition by rank of Special Branch is included in the 1979 report. The effective strength of Special Branch at that time was 386. Sergeants and Constables were by far the most populous ranks”.

others (including, a number of DL officers believe, MI5) used information relating to the identities of deceased individuals, particularly those who died in childhood, in the construction of false identities; MI5 even established a system for checking applications for birth and death certificates to identify those which might have been made by or on behalf of the KGB in the creation of “dead doubles”; a viable alternative method of creating secure false identities during the T1 era has not been identified⁵⁴; the SDS adopted this relatively well-known and well-established practice and it was not unreasonable for it to do so given its use by others, including those whom MPSB worked with and against; this was done in the belief that the families concerned would never find out; just over a quarter of the families who have been informed that information about a deceased relative was used by an SDS or NPOIU undercover officer in the creation of their undercover identity have indicated their disapproval of the practice; and none of the eight T1P2 families contacted by the inquiry wished to participate or give evidence (CTI T1P2 opening, §151).

4.9.2 For the avoidance of doubt, the DL officers would not wish to deny the hurt and distress experienced by some families told this news and they understand where it comes from (DL T1P1 opening, §8.2.4). Some DL officers were uncomfortable with the practice, some regarded it as necessary tradecraft and all those who followed it proceeded on the basis that there was no alternative and the families of the deceased children in question would never know.

4.9.3 It may also be relevant to bear in mind that the Second World War was well within living memory in the T1 era and child and infant mortality rates were higher then than now. See Bicknell, pp.5-6:

In respect of the use of dead children’s identities, I would like to say the following; I grew up during WW2 and in the Branch we had many officers that had served in the Second World War and I, personally, recall suffering from German bombing, people that we knew were killed or had been injured including fellow pupils at my school. We had an

⁵⁴ See the DL T1P1 opening, §8.2.2, “Although the preparation of a fake birth certificate was always possible, the insertion of a corresponding entry in the publicly accessible register of births was not because the register was contained in large bound volumes with multiple entries on each completed page”.

unsentimental attitude of getting on with the job, no matter what. This was reflected in the use of dead children's ID's, it was a practical solution to the problem which we faced in creating plausible identities...

4.9.4 To the extent that some undercover officers visited the place of birth of the deceased individual whose identity they used in the construction of their cover identity, this was simply for legend-building purposes and not to spy on the bereaved family. This can be seen from the fact that some SDS undercover officers continued to visit their supposed place of birth even after the practice of using information about deceased individuals was abandoned in the 1990s.

4.10 Sexual relationships

4.10.1 So far as concerns DL undercover officers, the position remains as disclosed by them and as set out in the DL T1P1 opening, pt 8: four had casual sexual encounters while deployed; and two entered into long-term relationships, one of which is still ongoing. Three of those who had casual sexual encounters fall within T1, the others fall within T2-T3.

4.10.2 All three of the DL officers who had casual sexual encounters in T1 - HN21, HN302 and HN354 - recognise that they should not have done so, although it is right to note that they did not sleep with the women in question in order to obtain intelligence or further their deployments:

- (1) HN21 and HN302 each slept with a woman who was unconnected with their target groups or reporting - once in the case of HN302 and twice in the case of HN21;
- (2) HN354 had one night stands with two non-activists earlier on his deployment and with two activists connected with his reporting at what he knew to be the end of his deployment.

4.10.3 While the inquiry is understandably investigating all sexual activity by undercover officers in their undercover identities, it is submitted that a distinction should be drawn between long-term relationships and casual sexual

encounters because of the greater deception and risks involved in, and potential impact of, the former.

- 4.10.4 So far as concerns casual sexual encounters: those involved could have had one night stands with women they had met in pubs or at evening classes away from their target areas and not in their undercover identities; they have all spoken of the unreal or surreal nature of living a double-life and the stresses of undercover work; and their undercover “down time” was unlike any normal time spent “on duty” as a police officer. They could spend time away from their targets doing any number of things that would have been impermissible for any normal police officer “on duty” and that would have looked and felt like “off duty” activities.
- 4.10.5 Civilian witness evidence was heard about HN155, but it did not corroborate suggestions he engaged in sexual activity whilst undercover which appear to have arisen from a misunderstanding between him and the risk assessors.
- 4.10.6 The only civilian witness to come forward and make claims about a previously undisclosed relationship is Neil Hardie who “assumed” that HN126 had a relationship with Ros Gardner because he saw her looking “doe-eyed” at him and they once did the washing up together after a party (Hardie, §§31-32 and 39). Mr Hardie’s evidence goes no further - he never discussed his assumption with anyone and is not aware of anyone else discussing the matter with HN126 or Ms Gardner. He also does not mention that Ms Gardner was a grandmother who was much older than HN126 or that she was in consecutive co-habiting relationships with two other men at the time she, Mr Hardie and HN126 overlapped in North West London.
- 4.10.7 HN126 was asked by the inquiry to address Mr Hardie’s claims (which also covered other matters) in as much detail as he could and he did his best to do so in his second statement. His evidence entirely rebuts Mr Hardie’s vague claims and illustrates how easy it is to make serious allegations on the flimsiest of bases. This raises serious questions about what Mr Hardie had said to the inquiry at the point when CTI chose to put such portentous questions to HN126’s

managers during the T1P3 hearings about his supposed involvement in sexual activity whilst undercover.

4.10.8 The CTI T1M2b-c opening, §87 says, “The Security Service understood from the SDS that managers believed that HN106 ‘Barry Tompkins’ had slept with an activist”. This is not a fair reading of the documents when it comes to either the “beliefs” of “managers” or the activities of HN106. The basis for CTI’s statement would appear to be an internal MI5 file note dated 12 July 1982 - documenting a meeting two weeks beforehand - which includes the comment, “Information on this subject may be bedevilled by the fact that [HN106] has probably bedded [X] and been warned off by his bosses” [UCPI0000027446]. The “subject” referred to was MI5’s interest in X who was known to HN106 in connection with his deployment.

4.10.9 A redacted passage in another internal MI5 file note by the same author dated 18 June 1982 - documenting a meeting two days beforehand - records DCI David Short making informal comments about HN106 over lunch the week before [UCPI0000028784]. As the inquiry knows, there was a lot more to the underlying episode than has been made public (see, e.g. the unredacted text of [UCPI0000028780]). Furthermore, HN106 recalled an incident when DCI Short’s predecessor, DCI Trevor Butler, questioned him about a reference to “Barry’s girlfriend” overheard in an intercepted telephone call involving a target (HN106, §135). Whether this incident involved DCI Butler or another manager (HN307, §§97-98), it certainly could have given rise to concerns about HN106 within the unit. However, he explained the “Barry’s girlfriend” reference in his witness statement and denied any sexual activity in his undercover identity.

4.10.10 The short point is that the documents do not support the proposition that MI5 understood that SDS managers believed HN106 had slept with X. Furthermore, HN106’s witness pack did not include and his r.9 request did not ask about the abovementioned internal MI5 file notes. Redacted versions of the file notes were later provided to the DL as “top up” documents. However, HN106 was not asked further questions by the inquiry about these and he could not be shown

them at that stage because he was overseas and, more to the point, extremely unwell and coming to the end of his life. It had already been indicated that he would not be required to give oral evidence. As already mentioned, HN106 explained the possible source of concerns about him and it would be unfair now to make adverse findings against him on the basis of documents which he was not shown or asked about when he made his statement.

4.10.11 Taking into account (1) the marked difference between T1P1 and T1P2 when it came to evidence about sexual activity by SDS undercover officers and (2) the evidence heard about the deceased officers HN297 and HN300, it is obvious that there was room for learning and improvement in how officers were trained, guided and conducted themselves at that time.

4.10.12 However, this does not mean that sexual contact between SDS undercover officers in their undercover identities and members of the public was “not uncommon” during T1P2 (CTI T1P2 opening, §178): given the total number of officers deployed and the total number of days and nights they spent in the field, their involvement in sexual activity was extremely rare.

4.11 Embarrassment

4.11.1 One recurring theme is whether occasional suggestions that the public revelation of the SDS could “embarrass” the Commissioner or Home Secretary indicated an understanding that the unit was engaged in some kind of misconduct or wrongdoing. This reading conflates shame and guilt. The SDS was intended to be a secret operation and its public revelation would have constituted a failure by the Commissioner and Home Secretary to achieve their intention and keep it secret. This would have put them on the back foot, made them appear incompetent and forced them to answer questions they would rather not have answered: a juggler who drops their clubs or an actor who forgets their lines would find it similarly embarrassing; and an individual might well find the publication of pictures of themselves in the bath embarrassing - it is the publication that is embarrassing, not the fact they took a bath.

4.11.2 None of the MPS or Home Office correspondence supports the notion that those involved believed that the operation of the SDS was unlawful or unethical.

4.12 Non-issues

4.12.1 The inquiry should make the following clear about the SDS in the T1 era:

- (1) the unit did not target unions or take account of union membership or involvement when targeting individuals or groups and it had no knowledge of or involvement or interest in blacklisting;
- (2) none of its undercover officers went on to use skills or contacts acquired in the SDS in the private sector;
- (3) the inquiry knows from closed background information that HN45 had no reason to threaten Ethel and would not have done so.

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