

DIANE LANGFORD: CLOSING STATEMENT

TRANCHE 1

I: Summary

1. Diane Langford was born on 21 November 1941 in New Zealand. Her experiences there shaped the principled political activism which has been a feature of her life ever since. As a child she witnessed first-hand the unfairness and brutality of colonialism and racism towards Maori indigenous communities¹. Her brothers were, meanwhile, given a university education, whereas as a girl she was expected to leave school at 15 to work in a Kodak factory². She was later sent in 1963 to London, not for her own education, but to support her younger brother who had won a scholarship at the Royal Academy of Music.³

2. Consequently⁴:
 - (1) Following her arrival in London she volunteered at the Campaign Against Racial Discrimination until 1969, became a member of the print union NATSOPA in 1967, and joined the Britain-Vietnam Solidarity Front (BVSF) in 1968 to protest against the excesses of the Vietnam war.
 - (2) In 1970 she co-founded the Women's Liberation Front (WLF), and also set up the Women's Equal Rights campaign.
 - (3) She became involved in the Palestine Solidarity Campaign (PSC) in 1970, and from 1974-1996 was Mother of the Chapel (shop steward) for the union the Society of Graphical and Allied Trades (SOGAT) at the Press Association.

3. She is now 81 years old. While her politics has developed over the past 50 years her priorities remain the liberation of women from all forms of oppression and exploitation, supporting self-determination and freedom from occupation and

¹ {UCPI0000034348}. Diane Langford Statement (hereafter "Statement"), 15 March 2021, §16-21

² Statement, §22-23

³ Statement, §24

⁴ Statement, §25-39

apartheid for the Palestinian people and movements for justice for other dispossessed or marginalised people: (§37 of Ms Langford's Statement, hereafter "**Statement**")

"I continue to organise around issues such as anti-racism, the women's liberation movement, the Palestine solidarity campaign, the LGBTQ movement, trade union and worker rights, support for the NHS against privatisation, nursery campaigns, support for the disabled people's movement, in defence of local services etc.."

4. Ms Langford has never been involved in any criminal activity. *"All my activism has always been open and through the usual democratic means from lobbying the government to attending demonstrations. I have never been arrested for a criminal offence."* (§38 Statement). Nor did Ms Langford's activities pose any threat to public order (see §228 Statement). She has never been involved in any violence.
5. Ms Langford considers that her lifelong commitment (and the commitment of fellow members of the groups she was part of) to using debate, protest and lawful means of community organisation and persuasion to transform the social and political system is emblematic of a healthy democratic system. As her evidence records, members of various groups would debate vigorously the best method of achieving change, with vehement language sometimes used (see eg §152-162 Statement). Some ideas were more palatable than others, but such open exchanges of views, and the moderation achieved by debate and difference of opinion, are the lifeblood of democracy. They do not in any sense undermine democracy nor do exchanges of ideas merit surveillance by the state.
6. It is now clear, however, that the same cannot be said of the activities of the Metropolitan Police Service (MPS) and the Special Demonstration Squad (SDS). The disclosure made by the Inquiry shows that while Ms Langford, her friends, family and acquaintances were engaged in the entirely lawful activities set out above she was the subject of detailed surveillance by undercover officers posing as fellow political activists. The surveillance lasted for at least a 10 year period between July 1968 and January 1979, and appears to have been particularly intense between 1969-1973. Seven UCOs infiltrated her private life in various capacities and reported on her during that period.⁵ They spied on a wide range of her political activities including for the WLF and the PSC. The surveillance was detailed and intrusive, with undercover police officers regularly entering her home, attending private social gatherings and political

⁵ HN348/"Sandra", HN45/"Dave Robertson", HN336/"Dick Epps", HN135/Mike Ferguson, HN345/"Peter Fredericks", HN346/WDC Jill Mosdell and HN335/Michael Tyrrell.

meetings, and recording detailed information about her political views, family arrangements, marriage, and employment. They then stored and shared this private information with other police officers and the Security Service. Their reporting was often accompanied by inappropriate personal commentary on Ms Langford's views and family arrangements.

7. It is Ms Langford's position that:

- (1) The police's surveillance of her was unjustified. They had no right to be in her home and were trespassing there; there was no crime to investigate and they had no lawful authority. They had no right to record details of her family life or her views expressed in the privacy of her own home or the homes of others or at private meetings; there was no pressing need to do so even if she had posed a risk of public disorder, which she did not. Their action was for them to justify at the time and they did not and have not produced any evidence capable of doing so.
- (2) Her political views and family arrangements were and are private and no business of the state. Her right to her views untrammelled by surveillance or interference by the state, secret or otherwise, is a lynchpin of a democratic system, and a key distinguishing feature between democracy and totalitarianism.
- (3) The actions and attitudes of the MPS and the SDS resembled those used by totalitarian states to spy on political opponents. They had little or no respect for the law, for her or for the fundamental rights of any of those spied on⁶. Instead the SDS was unaccountable and a law unto itself. Consequently the SDS seriously undermined and damaged the democratic values which it was its function to uphold.

8. Ms Langford has seen the Closing Statement of the Cat H CPs, which she adopts without repeating it. She notes three features which have particular relevance to her:

- (1) The widespread misogyny and sexism revealed in the Policy Studies Institute, *Police in Action* report at p91-97. As Ms Langford explains in her evidence, sexist and racist attitudes pervade the reporting of HN45 and HN348 (see eg Statement §70, 75-8; §105-6; §§185-190). They also appear to have, at least partly, motivated HN348's deployment; the WLF posed no conceivable threat to either public order or the state (Statement §252), but it seems the SDS and Security Services assumed it was controlled by Ms Langford's husband and infiltrated it for two years

⁶ The SDS viewed those spied on 'as being on the fringes of society... it was 'them and us', HN348, {MPS-0741698/26}, §20; compare Rob Reiner, *Politics of the Police*, 1985, p95- (ii) Police Property

(Statement §70). Ms Langford submits that the failure to tackle this sexism and misogyny has had ongoing repercussions, was embodied in the abuse and exploitation of women who were deceived into relationships with UCOs, and has consequences to this day.

- (2) The '*them and us*' culture which leads police officers to '*normally tell lies*' to prevent another officer from being prosecuted and disciplined (*PSI, Police in Action* p329). It is Ms Langford's case that HN45 and HN348's evidence is inaccurate in significant respects (see Statement, §§216-226, §234 and §256).
- (3) MPS attitudes to the use of force when dealing with public disorder (see *PSI, Police in Action* p190-191). The observations of the PSI researchers match Ms Langford's experience of police violence towards demonstrators and strongly corroborate her evidence (see Statement §137-§139).

II: The SDS' Surveillance of Ms Langford

9. The evidence adduced in T1 shows that Ms Langford's political activities were the subject of intense and long-term surveillance and reporting by at least seven UCOs (see Langford at⁷). Ms Langford has attempted, for the assistance of the Inquiry, to put this reporting in context in her Statement (see §44-§127), although, as she explains, she has not had access to all the information which would enable her to comment most effectively, including photographs of UCOs which would allow her to recall them (eg Statement §256, §261, §262-266, §291).
10. The surveillance and reporting of two of these officers HN348 and HN45 was particularly intrusive. HN348 infiltrated Ms Langford's life for two years spying on WLF meetings, and HN45 for three, with both attending private meetings in her home⁸ and the homes of fellow activists and compiling dozens of reports containing detailed private information about her political views, that of her husband Abhimanyu Manchanda and about their private family life, including their childcare arrangements. Ms Langford was also spied on intensively by three other officers,

⁷ See list of six UCOs in §6 Langford {UCPI0000034348/2}: HN348/"Sandra", HN45/"Dave Robertson", HN336/"Dick Epps", HN135/Mike Ferguson, HN345/"Peter Fredericks", HN346/WDC Jill Mosdell. More recent disclosure shows extensive spying of Diane by a seventh UCO, HN335/Michael Tyrrell - see {UCPI0000011749}, {MPS-0739215}, {MPS-0739218}, {MPS-0739217}, {MPS-0739219}, {MPS-0736413}, {MPS-0739220}, {UCPI0000010253}, {MPS-0739222}, {UCPI0000005791}.

⁸ See, for example, {UCPI0000010567} (in respect of HN45) and {UCPI0000026997} (in respect of HN348); see also §208, §211 DL Statement.

HN135, HN336 and HN335s between 1969-1970, including at private meetings and her home⁹.

11. Sandra Davies (HN348) confirmed that the meetings of the WLF she attended were often held in private homes. She told her senior officers about this and “*there was no suggestion that I should not attend because the meetings were held in people's homes*” (HN348 at §61¹⁰). She was not given any guidance not to report private or personal details observed in private homes.¹¹
12. The groups which HN348 infiltrated held meetings, and engaged in leafleting and demonstrations. Their activities were all within the bounds of the law: ‘*the political ideology they were promoting did not spill over into what they were doing.*’ (HN348 at §19¹²). These events were intimate, social, and refreshments were provided.¹³ It is likely that HN348 took on the role of Treasurer of the WLF on 6 February 1972¹⁴, was closely involved in the work of the WLF and was regarded as a central member as well as a friend¹⁵.
13. HN348 was not aware of any criminal activity and there was no record of public disorder by Ms Langford or any other WLF members nor were any of them arrested (HN348 at §63, §93-94¹⁶). HN348 observed WLF were more talk than action and for the entirety of her two year deployment she did not see any subversive or disruptive or violent extremist behaviour.¹⁷ She was tasked to observe them because ‘*Special Branch did not know much about them and wanted to find out what was really happening*’ (HN348 at §94¹⁸).
14. Her tasking to infiltrate the groups was broad brush and *ad hoc*,¹⁹ although on occasion she appears to have received specific requests for information from the Security Service with which she complied.²⁰ Although UCOs were not given guidance on the meaning of subversion or extremism, HN348 understood that ‘*all these groups were*

⁹ UCPI0000011749, MPS-0739215, MPS-0739218, MPS-0739217, MPS-0739219, MPS-0736413, MPS-0739220, UCPI0000010253, MPS-0739222, UCPI0000005791; §263 and §264 Statement

¹⁰ {MPS-0741698/26}; see DL Statement §242.

¹¹ {Day13T1P1/12:17}.

¹² {MPS-0741698/9}.

¹³ DL Statement, §244

¹⁴ DL Statement, §246-250; {MPS-0741698/26}, §23

¹⁵ DL Statement, §242

¹⁶ {MPS-0741698/26}, 38.

¹⁷ {Day13T1P1/46:13}.

¹⁸ {MPS-0741698/38}.

¹⁹ {Day13T1P1/26:9}.

²⁰ {Day13T1P1/14-16}.

*working against our form of democracy’ and that ‘the purpose of our job,[was] to see whether or not they were going to take direct action, or whether it was just words’.*²¹ HN348 did not think her undercover policing was worthwhile and queried whether police officers should be undercover at all (HN348 at §133²²).

15. As for HN45, he was given the broad task of infiltrating Maoist groups; which groups were a matter for him and he had fluid membership of lots of groups (HN45 at §28 and §32²³). He explained that *“The SDS was trying to find out whether these groups posed a risk to public order and the security services also had an interest in gathering information about any risks posed to state security”* (HN45 at §32²⁴). There was no clear next step once a UCO got connected with a group; they were expected to use their initiative, discretion and judgment but HN45 *‘would not have reported on matters that did not fall within my broad remit’*. He knew that his role was to gather as much intelligence as he could on his target groups and pass this back to the SDS. (HN45 at §33-34²⁵). He reported on names, occupations, addresses and positions of all members of the groups he infiltrated without selection; one of his main jobs was to find out about membership of protest groups (HN45 at §65²⁶). *“The security services were interested in everything and you did not ask questions about why they wanted certain information...’* (HN45 at §73²⁷).
16. The Maoists were generally not violent and HN45 does not remember them being engaged in public disorder (HN45 at §68-9²⁸): *‘they were subversive in the sense that [their] whole purpose... was to subvert the political system but they could not actually achieve this as they did not have the means to do so and were largely pretty ineffective’* (HN45 at §72²⁹). Nor did any of the other groups he spied on pose any particular threat to public order or to the state (HN45 at §53-55, §62).
17. HN45 admits he was closer to Diane Langford and Manchanda than to other activists (HN45 at §76³⁰), and claims to have been sufficiently close to have baby-sat their child.

²¹ {Day13T1P1/30:14}.

²² {MPS-0741698/48}.

²³ {MPS-0741095/7, 9}.

²⁴ {MPS-0741095/9}.

²⁵ {MPS-0741095/9}.

²⁶ {MPS-0741095/17}.

²⁷ {MPS-0741095/19}.

²⁸ {MPS-0741095/18}.

²⁹ {MPS-0741095/19}.

³⁰ {MPS-0741095/20}.

Ms Langford agrees he socialised regularly with them (Statement §211) but denies the babysitting.

18. HN348 and HN45's reports frequently contained information on intimate private matters and social commentary that was racist, sexist and/or homophobic (see Statement §68, §70, §74-§78, §100, §104-106, §121-122, §184, §190). Recording this information served no conceivable intelligence purpose, and yet the UCOs considered it was their function to record such intimate details and convey their views on it to their superiors and the Security Service. Some of the information appears to have been recorded for amusement value, and illustrates the sexist, prurient and contemptuous attitudes of the UCOs to those spied on. Thus:

(1) In relation to Ms Langford's childcare arrangements, HN45 stated:

*"Manchanda considers that this is a practical experiment in the field of Women's liberation as he remains at home to look after their young baby born in December 1970 while his wife is out working."*³¹

(2) HN348 recorded the following about a Women's Liberation Conference in 1972:

*"Lesbian friends in particular made exaggerated and noisy displays of affection openly kissing and hugging each other. These displays were common-place throughout the conference and it was not unusual to see two girls entwined in a corner. That little notice was taken by the majority of women present indicated the prevailing liberal attitude"*³²

19. Both HN45 and HN348 were withdrawn from deployment in 1973 when HN45 was recognised by 'Ethel' as a police officer (§218-226 Statement; HN45, §85-87;³³ HN348, §107³⁴). In fact Ms Langford already strongly suspected him (§245 Statement), but his violence and threats towards Ethel, which he denies (HN45 §88³⁵), exposed the sinister nature of his role (§221 Statement). It appears that HN45's compromise led to a significant diminution in SDS' reporting on Ms Langford's political activities, which confirms that there was no proper need for it in the first place (Statement, §228).

20. Other significant reporting was carried out by HN336, HN135 and HN335 (Mike Tyrell- deceased), with Ms Langford's name appearing in multiple reports from all

³¹ MPS-079236. Statement §75-78

³² UCPI000008284, Statement §103-106

³³ {MPS-0741095/22-23}.

³⁴ {MPS-0741698/41-42}.

³⁵ Diane submits HN45's account of the event which led to his withdrawal is deeply implausible (see Statement §222-224), in particular the suggestion he would or could have hugged someone who has just loudly shouted that Scotland Yard have arrived to take everyone away,

three officers between 1969-1970.³⁶ The targets of HN336 and HN135 were the BVSF and VSC, whereas HN335 infiltrated the PSC.

21. The general evidence about the activities of the SDS in the T1 period is set out in the Cat H Closing Statement and confirms that:³⁷

- (1) The tasking of UCOs was extremely broad brush;
- (2) There was confusion about whether the intelligence gathered was intended to assist the police in maintaining public order or be passed to the Security Service to assess subversive activity or both;
- (3) Managers within the SDS had little to no involvement in decision making on targeting and tasking of the undercover officers³⁸ which was thought to come instead from a variety of sources in Special Branch or the Security Service;
- (4) Undercover officers were often left to direct or determine targeting of individuals or organisations based on their own judgment and discretion;³⁹
- (5) Undercover officers were expected to know what to report without guidance and '*instinctively*';⁴⁰
- (6) There was no filter on intelligence gathered as the SDS "*was not gathering it for its own purposes*"⁴¹ but for '*customers*';⁴²
- (7) There was no limit on the private information about individuals gathered;
- (8) There was no consideration of the rights of individuals and no warrants were obtained to enter property;
- (9) The violence associated with the March 1968 demonstration in Grosvenor Square was not repeated to the same degree in October 1968, and there was thereafter overall very little crime, disorder or intelligence about real risks to democracy. The evidence largely showed an absence of risk;
- (10) Despite this the ongoing need for the SDS's operations was never properly reviewed;
- (11) The principal benefit of the intelligence from a policing perspective was to allocate effective police resources to achieve crowd control.

³⁶ Statement §§263-265; UCPI0000011749, MPS-0739215, MPS-0739218, MPS-0739217, MPS-0739219, MPS-0736413, MPS-0739220, UCPI0000010253, MPS-0739222, UCPI0000005791

³⁷ See the Closing Statement for Category H Core Participants for Tranche 1 at §47-74.

³⁸ HN3378 {MPS-0747802/12,22}; HN244 {MPS-0747578/13,28}; HN2152 {MPS-0747155/16}.

³⁹ HN218 {MPS-07403554/10-11}; HN307 {MPS-0747658/18}; HN218 {MPS-0747797/12-13}.

⁴⁰ HN103 {MPS-0747443/12-13}; HN2152 {MPS-0747155/15}; HN218 {MPS-07403554/10-11}.

⁴¹ HN368 {MPS-0747527/6}; HN244 {MPS-0747578/64}; HN308 {MPS-0747952/44}.

⁴² HN244 {MPS-0747578/45}; HN368 {MPS-0747527/13}; HN218 {MPS-0747797/50}.

IV: The Law

22. Ms Langford adopts, as part of this Closing, the Legal Framework produced by the Cat H CPs for their Opening of P1/P3⁴³ (“**Framework**”).

V: Conclusions

23. Ms Langford also adopts the general submissions of the Cat H CPs in their Closing at §127-141.
24. In relation to her surveillance she submits that, as the Framework makes plain (see also CTI’s Submissions on section 2 of the Inquiries Act 2005 and the relevant legal framework⁴⁴ (**CTI Subs**), the SDS’s undercover operations in respect of her, and the groups of which she was a member, were incompatible with all applicable contemporaneous standards of law, whether those standards were common law, administrative law or international human rights law.
25. Whether seen through the common law, and in particular the law of trespass and breach of confidence, or the European Convention on Human Rights (ECHR) and in particular, Articles 8, 10 and 11, the surveillance of her violated three basic principles:
- (1) No general authorisation may be given to the police or the Security Service to search individuals or property for evidence of wrongdoing (Framework §3(5) and §10; *Privacy International v IPT* [2021] QB 936 §§39-48).
 - (2) Police powers to trespass on land, property, and the person, and interfere with private and personal lives, will only be lawful where necessary and proportionate to meet a pressing social need, such as prevention or investigation of serious crime or an imminent breach of the peace Framework §§1-16 and §26-29; §§42-44;⁴⁵ §§60-62; §56; *Ghani v Jones* [1970] 1 QB 693 at 706G-H; *Wilson v Commissioner* [2021] UKIPTrib IPT-11-167-H §289; *Malone v Commissioner of Police* [1979] Ch. 344, 377; *Klass v Germany* (1979-80) 2 EHRR 214 at §§50 and 55.
 - (3) The use of covert powers by the police and the security service is subject to a particularly strict necessity test, both in terms of the seriousness of the threat

⁴³ See also the legal submissions she made in her Opening Statement for T1/P3 §5-25.

⁴⁴ Submissions dated 4 October 2022

⁴⁵ See also CTI Submissions on section 2 of the Inquiries Act 2005 at §22-72

said to justify their use, and the lack of any alternative method of meeting it. The strict necessity test reflects the danger to democracy which covert powers themselves pose (*Klass v Germany* §§42, 49, 50).

26. Despite this:

- (1) As the evidence summarised above shows, the authorisations for HN45 and HN348 (and the other officers HN335, HN336, HN135, HN345, HN346 who reported on Ms Langford), to conduct the operations were broad brush, speculative and relied on the UCO's discretion to decide which groups to infiltrate, which individuals to conduct surveillance on and what to report. No such authorisation could ever be a defence to trespass to land or goods, or breach of confidence.
- (2) Even if the authorisations had been more targeted, there was no necessity or pressing social need for intensive undercover surveillance of Ms Langford's political activities and private life including in her home, other homes and private premises, still less over many years.
- (3) Maintaining public order could rarely if ever justify the use of such highly intrusive powers and certainly not where the main purpose was effective allocation of police resources (*Wilson* at §§282-4). In any event Ms Langford was known to pose no risk of public disorder.
- (4) As for investigating subversive activity, Ms Langford also plainly posed no threat whatsoever of subversion, still less an imminent one, and was not believed by any of the UCOs who spied on her to do so. Instead her political activities were patently lawful, as the SDS knew and acknowledged, no criminal offences were being committed, and no serious threats to the realm were ever identified.

27. Even if that were not the case, the SDS's operations:

- (1) Had no clear basis in any law at all, so that they fell drastically short of the requirement that they be '*in accordance with the law*' (*Malone v UK* (1985) 7 EHRR 14 at §79, CTI Subs §74-5),
- (2) Were the subject of minimal oversight and supervision with no or minimal attempts to assess their necessity either at the start or on an ongoing basis,
- (3) Were, given the number of UCOs infiltrating Ms Langford's life (at least seven), the intensity and intimacy of their reports (including inappropriate commentary on intimate details of her personal life), and the duration of the

surveillance (at least 10 years), plainly disproportionate to the aim pursued (*Wilson* §289) .

28. For all these reasons, and those set out in the Cat H CPs Closing Ms Langford invites the Inquiry to conclude that SDS's operations as a whole, and the surveillance of her in particular, were unjustified and unlawful.

29. Finally, Ms Langford wishes to draw attention to her Statement in which she answered 22 Rule 9 questions from the Inquiry. In that Statement, in the spirit of co-operation with which she is approaching this Inquiry, she answered in detail a series of questions put to her about her political views and family circumstances. She respectfully submits, however, that neither the intricacies of the varying political stances taken by groups or individuals whom the SDS spied on, nor her contentment with private childcare arrangements between her and her husband (see e.g. Rule 9 Questions 8, 10, 12, 15, and 16) are of relevance to the issues before the Inquiry. As explained above and in the Cat H Closing, long-term undercover policing of the type carried out by the SDS must be lawful and strictly justified at the time. It was not. In those circumstances the only relevance to the Inquiry of the views of those spied on is the fact that they were extensively observed, recorded, and shared by the police, and then stored by the Security Service for decades even though it was unlawful to do so.

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10 February 2023