

**IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY**

**BEFORE SIR JOHN MITTING**

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**TRANCHE 1 CLOSING SUBMISSIONS ON BEHALF OF  
TARIQ ALI, ERNIE TATE & PIERS CORBYN**

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**Introduction**

1. In our first Opening Statement in November 2020, we analysed the history and politics of undercover policing in Britain, and specifically the formation and early years of the Special Demonstration Squad (“SDS”). We did so largely in an evidential vacuum, as the Inquiry had only disclosed a limited amount of material by then. Consequently, our analysis was primarily based on our study of the publicly available literature produced by academics, journalists and activists on secret political policing by the police and the Security Service, MI5.
2. In summary, we made the following assertions:
  - a) Undercover policing in Britain, as established by Special Branch in 1968 and institutionalised in subsequent years as a weapon in the arsenal of the state, was fundamentally incompatible with the norms and values of a democratic society.
  - b) Whilst the SDS was very much a part of a tradition of secret political policing dating back centuries, the SDS did mark a departure in that the systemic deployment of officers to infiltrate political groups on a long-term basis had not been done before, with the odd possible exception.

- c) The primary objective of the SDS was never to prevent crime or engage in genuine law enforcement. It was always to spy on those perceived to be political opponents of the state or the status quo. It was always to prevent positive social change and allow the established order to thrive.
- d) The non-state core participants (“NSCPs”) had been targeted by the police and MI5 because of their politics and their ideas, not because of any engagement in crime, subversion or public disorder.
- e) As a result of the “oblique approach” that encouraged the SDS to sweep wide and infiltrate groups that were of no threat, as part of a strategy to provide cover for penetrating other groups of interest, everybody was “fair game”. Hundreds of left-wing, progressive and community organisations were targeted and reported on by the secret state. The extent of the espionage was staggering.
- f) Insofar as the period between 1968 and 1982 was marked by an upsurge in unrest, the preponderance of the violence was inflicted by the police on protestors, and not vice versa.
- g) The SDS was never politically neutral. It had a clear political orientation on the right of the political spectrum. It represented the hard end of the state apparatus, naturally conservative in culture, politics and outlook, and its officers were politically vetted by Special Branch so to be.
- h) The targets of the SDS were almost exclusively on the left of the political spectrum and were routinely and wrongly labelled as “domestic extremists”. Any spying on the far right was minimal and very much an afterthought.
- i) Policing against ethnic minority communities in Britain has always been blighted by an entrenched racism that permeates the culture, ranks and structures of the police.

- j) Whilst the SDS was kept secret from the public, it was completely integrated into the established security apparatus of the state, with a strict chain of command through the senior ranks of the police to the highest levels of MI5 and the government.
  - k) The SDS had more than simply a close working relationship with MI5. It was subordinate to MI5.
  - l) Nobody in policing or government apparently had the slightest concern about the illegality or immorality of what police spies were doing. In the name of law and order or national security or the defence of the realm, the SDS was given free rein to engage in intrusive espionage, regardless of the consequences for those targeted or for our democratic norms and values.
  - m) There is nothing to suggest that the police and MI5 have learned lessons and moved on, or that the secret state is now subject to proper and rigorous judicial and parliamentary scrutiny and oversight.
3. Since November 2020, the Inquiry has disclosed a considerable amount of further material and held three phases of open hearings and one phase of closed hearings. Some of the Tranche 1 Modules 2b and 2c documents in the most recent disclosure in December 2022 and January 2023 about the role of those in the higher echelons of the police, the Home Office and the Cabinet Office are particularly revealing.
4. Whilst it is deeply regrettable that we have had so little time to read and consider the recent disclosure and that no live evidence is to be called to explore in greater detail the more interesting, even shocking and unexpected, matters raised by this disclosure, it is now clear beyond doubt that not only were the assertions we made in November 2020 entirely accurate but secret political policing between 1968 and 1982 was even more extensive, invasive and uncontrolled than we had asserted in several notable respects:

- a) The espionage on an industrial scale in which the SDS engaged was unlawful from the very outset. There was never any lawful justification for the criminal acts of undercover police officers committed in the name of preventing public order.
- b) The real threat to democracy and the nation's safety and well-being were those engaged in unwarranted state espionage against the people and not those targeted, spied on or infiltrated by the state.
- c) The state's approach to subversion, whether guided by the Maxwell Fyfe Directive of 1952<sup>1</sup> or Lord Harris's 1975 definition<sup>2</sup>, was overbroad. It extended way beyond activity that represented a real threat to parliamentary democracy or the security of the nation. It encompassed perfectly lawful and peaceful activity – activity that should have been encouraged and celebrated in a democratic society. Lord Denning's sensible and proportionate definition of subversion<sup>3</sup> was deliberately ignored. In fact, it is now clear from the most recent disclosure that merely being critical of the police or demanding police accountability was sufficient to attract the interest of the police and MI5.<sup>4</sup>
- d) Although there were senior police officers and civil servants at the Home Office, Sir Gerald Hayden Phillips<sup>5</sup> in particular, who recognised and were critical of the dangers of an overbroad approach to subversion, no political action was taken to curb the excesses of the SDS and MI5.

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<sup>1</sup> The task of the MI5 is "the defence of the realm as a whole, from external and internal dangers arising from attempts at espionage and sabotage, or from actions of persons or organisations whether directed from within or without the country, which may be judged to be subversive to the State." – UCPI0000034262

<sup>2</sup> Subversive activities are "those which threaten the safety or well-being of the state, and which are intended to undermine or overthrow parliamentary democracy by political, industrial or violent means." – UCPI0000004538/4, §20

<sup>3</sup> Political opinions are only subversive if they "contemplate the overthrow of the government by unlawful means." – Lord Denning's *Report into the Profumo Affair* (Her Majesty's Stationery Office, 1963), p139

<sup>4</sup> MPS-0748355 & MPS-0748422

<sup>5</sup> UCPI0000035096 & UCPI0000035282

- e) Not only did the police fail to target the far right who were a real and growing threat to public order during the 1970s, and specifically a real and growing threat to ethnic minority communities, but they were also guilty of active political collaboration with the far right. Obvious examples were the Battle of Lewisham on 13<sup>th</sup> August 1977 and the killing of Blair Peach by a police officer in Southall on 23<sup>rd</sup> April 1979, both of which were a direct result of the fascist National Front holding deliberately provocative political events in communities with large ethnic minority populations during which the police openly sided with the National Front and used brutal and gratuitous violence against anti-racists and anti-fascists.

### **Other submissions**

5. We commend and endorse the detailed closing submissions on behalf of the Co-operating Group of NSCPs. This fully referenced and painstaking analysis of undercover policing is the final, damning indictment of the SDS and its covert operations. In the circumstances, we have not sought to replicate the same in our closing submissions. Instead, our approach is more discursive and focuses on the political and ideological reality of undercover policing by the police and MI5 between 1968 and 1982.
6. We also welcome the fact that Counsel to the Inquiry (“CTI”) have been driven to the conclusion by the sheer weight of the available evidence that there is a strong case for concluding the Home Office should have disbanded the SDS in 1976 when reviewing its activities and objectives.<sup>6</sup> Whilst we agree, we would go considerably further and say that the SDS should never have been set up in the first place. It was a plainly illegitimate and disproportionate response to what was fundamentally a failure of public order policing (as opposed to a failure of police intelligence) at the demonstration against the Vietnam War in London on 17<sup>th</sup> March 1968. The Metropolitan Police including its Special Branch already had all the necessary tools at its disposal to ensure that similar public disorder

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<sup>6</sup> CTI's Opening Statement for Tranche 1 Modules 2b and 2c, §99 (27/1/23)

did not occur again. The intrusive espionage in which the SDS subsequently engaged was neither necessary for public order policing purposes nor legally justifiable. DCI Conrad Dixon's fantasy of "give me a dozen men, half a million pounds and a free hand" should never have been indulged, either by his superiors in the Metropolitan Police or by politicians and civil servants in government. As we stated in our first Opening Statement, the lie that the violence at the March 1968 demonstration was due to a failure of police intelligence was the original sin that led to the establishment and continuation of the SDS.

### **Tariq Ali, Ernie Tate & Piers Corbyn**

7. During Tranche 1 of the Inquiry, we represented Tariq Ali, Ernie Tate and Piers Corbyn. Tariq Ali and Piers Corbyn gave evidence. Ernie Tate could not attend for reasons of ill-health, but his statement was read into evidence. Sadly, Ernie Tate, who was one of the founding members of the Vietnam Solidarity Campaign ("VSC"), passed away in February 2021. His widow, Jess MacKenzie, remains engaged with us over the findings and conclusions of the Inquiry.
8. In short, there was no lawful policing purpose for spying on Tariq Ali, Ernie Tate or Piers Corbyn. None of them nor the organisations in which they were involved, notably the VSC and the International Marxist Group ("IMG"), posed a public order threat or were engaged in subversive activity, however defined, or were undermining parliamentary democracy, or were contemplating the overthrow of the government by unlawful means, or were a danger to the safety and well-being of the nation.
9. Tariq Ali, Ernie Tate and Piers Corbyn were public political figures who were always open and transparent about their politics. They had nothing to hide. They should never have been targeted by undercover police officers. As Roy Creamer, an SDS officer, rightly observed: "These were the days of Tariq Ali,

but on the other hand them [the VSC] being firebrands was not really actionable in any way. What he was saying was perfectly legal.”<sup>7</sup>

10. The state core participants have failed to provide any credible justification for why it was lawful to spy on Tariq Ali, Ernie Tate or Piers Corbyn. Tariq Ali and Piers Corbyn remain politically active today. Are they still under surveillance, more than 50 years after Registry files were first opened on them? And why are they still being denied access to those files, even during an Inquiry into undercover policing?

### **Southall**

11. The policing of the counterdemonstration against the National Front meeting at Southall Town Hall on 23<sup>rd</sup> April 1979, during which Blair Peach, a socialist and anti-racist schoolteacher, was killed by a police officer from the infamous Special Patrol Group (“SPG”), is a stark microcosm of both violent political policing against the left and violent and racist political policing against a multi-racial community with a substantial ethnic minority population. It is essential that it is examined at length to understand how political policing works in practice.
12. In his witness statement, Tariq Ali described the police killing of Blair Peach and the subsequent institutional cover-up as “one of the most despicable events in the history of the Metropolitan Police.”<sup>8</sup> He was right. Moreover, the recent disclosure provides yet more evidence of the depths to which the police and others were prepared to sink in seeking to deflect blame onto others for the violence and unrest that the police undoubtedly caused in Southall.
13. Tariq Ali attended the counterdemonstration against the National Front and its Nazi sympathisers. At the time, he was the Socialist Unity parliamentary candidate for Southall. The general election was due to take place on 3<sup>rd</sup> May 1979, ten days later.

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<sup>7</sup> MPS-0747215/30, §68

<sup>8</sup> UCPI000034187/55, §179

14. Special Branch provided briefings in the days prior to the National Front meeting and counterdemonstration. One stated that “the young ones within the community of Southall will produce the policing problem of the future... aggravated by the colour of the skin and the culture” and “stimulated by outside influences of Left Wing origin.”<sup>9</sup> Another instructed officers to “act firmly and actively from the start.”<sup>10</sup> A debrief on the day itself stated that “it is generally recognised that Asians can be extremely emotional, volatile and violent on occasions” and noted “there was an insignificant number of white supporters – probably less than one hundred.”<sup>11</sup>
  
15. Tensions were high in Southall on the day. Shops were closed. The Anti-Nazi League (“ANL”) had called for a picket of the Town Hall. Thousands of local people and anti-fascists from across London attended, including veterans from the Battle of Cable Street in 1936 against Oswald Mosley and the British Union of Fascists. After speaking at the rally, Tariq Ali and others were taken by the organisers to the Peoples Unite Centre on Park View Road as the organisers were worried that the police were getting out of control. The police later attacked this safe house where those injured by the police were being brought for medical treatment, smashed up the premises, dragged out the occupants, beat them with truncheons and arrested them. Tariq Ali was bleeding from the head and knocked unconscious by a police officer. Clarence Baker, a member of the Misty in Roots reggae band, was so badly injured by a police officer that he went into a coma and spent three weeks in hospital.
  
16. Jack Dromey, at the time a senior official of the Transport and General Workers’ Union and later a Labour Member of Parliament from 2010 to 2022, told an Inquiry by the National Council of Civil Liberties that he had “never seen such unrestrained violence against demonstrators,, The Special Patrol Group were just running wild.”<sup>12</sup>

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<sup>9</sup> MPS-0748342/6

<sup>10</sup> MPS-0748331/3

<sup>11</sup> MPS-0748296/5

<sup>12</sup> *Blair Peach in the Press: “Door Opened on Trial of the Southall 342* (<https://livesrunning.wordpress.com/tag/southall/>, 26/9/79)



17. Tariq Ali was not even present on the streets when, according to eyewitnesses, unrest predictably broke out after the police went berserk, drove vans straight into the crowd, deployed mounted officers and indiscriminately attacked those who were demonstrating against the National Front. Nevertheless, in a report dated 24<sup>th</sup> April 1979 entitled *Demonstration with Disorder and Death – Southall – Monday 23 April 1979*, Detective Assistant Commissioner Helm accused Tariq Ali of being “one of the prime movers of the disorder and civil disobedience.”<sup>13</sup> This was a brazen lie.
18. Furthermore, DAC Helm painted an entirely false picture of what happened in Southall, exonerating the police and the National Front, and placing the blame for the unrest squarely on Asian youth, anti-fascists and bizarrely some Rastafarian squatters. He even blamed Asian youth for seriously injuring a man who was believed to be a National Front sympathiser. Although he mentioned in passing Blair Peach “suffering from a head injury, from which he subsequently died,” he disingenuously added that the “circumstances of this death are not fully known.”<sup>14</sup> DAC Helm knew perfectly well, even the day after, that Blair Peach had been killed by one of his own officers. The blame game had begun.
19. Although Sir Charles Pollard, a Chief Inspector in A8 in 1979, acknowledged that the SPG “occasionally went over the top,”<sup>15</sup> it seems clear that the order of the day was to crack down with brutality on the local ethnic minority community and their left-wing supporters and inflict as much pain, physical and psychological, as possible. The political and cultural alignment of the police and the National Front could not have been starker.
20. There is now plenty of credible material in the public domain about what really happened at Southall, despite repeated attempts over the years to suppress the truth by, amongst others, the Metropolitan Police and the Coroner, Dr John

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<sup>13</sup> MPS-0748333/1

<sup>14</sup> MPS-0748333/3

<sup>15</sup> MPS-0748347/10, §29

Burton, who conducted the Inquest into the death of Blair Peach.<sup>16</sup> David Renton's article, *The Killing of Blair Peach*<sup>17</sup>, is an excellent exposé and highlights the salient facts:

- a) On 23<sup>rd</sup> April 1979, 2,875 police officers (including 94 on horseback) were deployed to Southall to protect the right to assembly of less than 100 National Front supporters, some of whom gave Nazi salutes at they entered and exited the Town Hall.
- b) Fourteen eyewitnesses saw Blair Peach struck on the head with a truncheon by a police officer, ten of whom gave evidence at the Inquest. Blair Peach was admitted to intensive care with a fractured skull. He died in hospital.
- c) Some 700 protesters against the National Front were arrested, and some 342 were charged. Most of them were young Asians from Southall. Not a single National Front supporter was arrested or charged.
- d) Commander John Cass, chief of the Metropolitan Police's Complaints Investigation Bureau, conducted an internal inquiry into the killing of Blair Peach. In June 1979, Commander Cass concluded in his first Report that Blair Peach was killed by one of six SPG officers.<sup>18</sup> However, he anonymised their names. In September 1979, Commander Cass set out further evidence in a second Report implicating the six SPG officers.<sup>19</sup>

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<sup>16</sup> See, for example, *Evidence Given by the Friends of Blair Peach Campaign to the 1981 Scarman Inquiry* (DOC104), *Southall 23 April 1979: The Report of the Unofficial Committee of Enquiry* (National Council of Civil Liberties, 1980) & *Blair Peach in the Press: "Door Opened on Trial of the Southall 342"* (<https://livesrunning.wordpress.com/tag/southall/>, 26/9/79)

<sup>17</sup> London Review of Books, Vol. 36, No. 10, 22/5/14 (<https://www.lrb.co.uk/the-paper/v36/n10/david-renton/the-killing-of-blair-peach>)

<sup>18</sup> [https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/other\\_information/corporate/blair-peach---12-july-1979-report-pseudonyms](https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/other_information/corporate/blair-peach---12-july-1979-report-pseudonyms)

<sup>19</sup> [https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/other\\_information/corporate/blair-peach---14-september-1979-report-pseudonyms](https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/other_information/corporate/blair-peach---14-september-1979-report-pseudonyms)

- e) The Director of Public Prosecutions, Sir Thomas Hetherington, decided that no police officer would be prosecuted, either for the murder of Blair Peach or for conspiracy to pervert the course of justice.
- f) Although the Coroner, Dr Burton, had a copy of the first Cass Report, he refused to disclose it to the family or their lawyers during the Inquest. This was an outrageous breach of due process, not to mention blatant judicial bias.
- g) In June 1979, the lockers of the SPG officers who were in Southall were raided. Numerous offensive weapons were found, including a leather-covered stick, two knives, a very large truncheon, a metal cosh, a crowbar and a whip.
- h) The Cass Reports were only published in April 2010, 31 years after Blair Peach was killed. The extraordinary delay in making these reports available to the public was indefensible and amounted to a concerted cover-up by the state.
- i) David Renton names the six SPG officers in his article, one of whom killed Blair Peach, as Inspector Alan Murray, PC Greville Bint, PC James Scottow, PC Anthony Richardson, PC Michael Freestone and PC Raymond White. Inspector Murray was Commander Cass's prime suspect.
- j) In June 1980, Dr Burton sent the Home Office a draft of a controversial paper that he had written entitled *The Blair Peach Inquest – the Unpublished Story*.<sup>20</sup> He blamed the protesters against the National Front for the killing of Blair Peach. He was at pains to stress that the National Front acted peacefully and that one of their number had been seriously injured on his way home. He accused the civilian witnesses at the Inquest of “fabrication”, claiming they told “palpable lies” and “did not have

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<sup>20</sup> <https://www.theguardian.com/uk/2010/jan/22/blair-peach-coroner-inquest>

experience of the English system” sufficient to give credible evidence. He went even further and falsely accused protesters of bombarding the police with bricks. Despite the racism and lunacy of his paper, Dr Burton went on to become Coroner of the Queen’s Household from 1987 to 2002.

21. Further support for the contention that the violence and public disorder at Southall was instigated and pre-planned by the police can be found in the material disclosed by the Inquiry. When he gave evidence during the Tranche 1, Phase 4 closed session, HN41, an SDS officer in 1979, says that he was warned by senior Special Branch officers not to go to Southall with his target group “because the uniform police were going to clamp down on the demonstrations” and “management considered the dangers were more than normal.”<sup>21</sup>
22. The police acted with impunity in Southall on 23<sup>rd</sup> April 1979. This was a full-scale police riot against the local Asian community and the left. Blair Peach was killed. At least three anti-fascists suffered fractured skulls. And yet no police officer has ever been prosecuted for the killing of Blair Peach or the serious assaults on Clarence Baker, Tariq Ali and dozens of others who were severely beaten on the day. This itself speaks volumes about the reality of political policing and the role of the prosecuting authorities during this period.

### **Legality**

23. In relation to the relevant legal framework, it should be remembered that the UK government signed the European Convention on Human Rights in 1951 and was one of the prime movers in this significant attempt to uphold fundamental human rights following the defeat of fascism in the Second World War. Aside from this, what protections did individual citizens of the UK have in the 1960s and 1970s? There is the Bill of Rights 1689, a core document of the uncodified British constitution, but a partial document at best that was principally drawn up

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<sup>21</sup> MPS-0748063/6

to protect the interests of the Protestant aristocracy and the City of London as represented through Parliament and the Crown. And there is common law, a body of unwritten laws based on judicial precedents arising from the decisions of the Court of Appeal and House of Lords over the past 300 years.

24. The Inquiry will be carefully considering the relevant legal framework and the legality or otherwise of the SDS and its operations. The roles played by the highest echelons of the constabulary and by senior civil servants and politicians will be of particular interest. Other NSCPs will be making detailed submissions on these matters. While we welcome any findings of illegality by the Inquiry, we want to concentrate on the reasons why those in command of the institutions of the British state in 1968 were more than happy to countenance intrusive espionage on an industrial scale, and why they were obsessed with secrecy not just from the public but from parliament too, lest they be found out.
25. The reason is of course political. All the institutions of the British state had a natural right-wing bias; their professed liberalism was only skin deep. Importantly, the leadership of both the Labour Party and the trade unions were no exception to this innate conservatism. They too were more than happy to collude with the police, MI5 and other state institutions in opposing any threat to their control from the left. One cannot ignore the fact that the SDS was formed in 1968 under the Labour Government of Harold Wilson, and under the direct authority of James Callaghan, the then Labour Home Secretary who later became Prime Minister in 1976.

### **The public order justification**

26. The initial justification for setting up the SDS was the supposed public order threat from the VSC demonstration in London against the Vietnam War that was planned for 27<sup>th</sup> October 1968. In fact, MI5 had identified a change in political temperature and mood the previous year with the occupation of the Greek Embassy on 28<sup>th</sup> April 1967, which in turn was a response to the fascist coup

by the Greek military just a week earlier.<sup>22</sup> The Greek dictatorship proceeded to torture and murder workers and students until it was finally overthrown in 1974.

27. The importance of the Greek Embassy occupation has not come to the fore in this Inquiry. However, it was clearly of importance to the police and MI5. The Royal Hellenic Embassy, as it was officially called, was situated on Upper Brook Street, only 30 yards away from the US Embassy in Grosvenor Square. This occupation had nothing to do with the VSC; it was largely organised by anarchists and members of the Committee of 100, a British anti-war group. Nevertheless, the occupation of an embassy in the heart of London, and the prospect of the same happening to the US Embassy, triggered a certain amount of panic in the highest circles of the British establishment.
28. It is also important to remember the background to events in 1968 when the SDS was formed. The sympathies of the British state were not just with the democracies of Western Europe. The UK was also in alliance with fascist Portugal and fascist Greece, both NATO members. Although Franco's Spain, another fascist country, did not join NATO until 1982, it still enjoyed friendly ties with the US and the UK in 1968. And of course, between half a million and one-and-a-half million people were killed during the Vietnam War after the US invaded Vietnam in 1965. It was these close alliances, relationships and world events that influenced the outlook of those in power at the heart of the British state, be they police officers, civil servants, soldiers, spies or politicians.
29. There is one matter not touched on anywhere, not least because it is beyond the remit of the Inquiry, namely the involvement of the US in spying on the VSC, particularly its Central Intelligence Agency ("CIA"), both through links with their counterparts in MI5 and through diplomatic channels. In 1967, the CIA had set up the 'CHAOS' programme to counter anti-war groups in the US. This entailed investigations into some 7,000 anti-war protesters. This programme was later characterised as a "massive illegal domestic intelligence operation... against

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<sup>22</sup> <https://pasttenseblog.wordpress.com/2019/04/28/today-in-london-diplomatic-history-1967-the-greek-embassy-occupied-protesting-military-coup/>

the anti-war movement and other dissident groups.”<sup>23</sup> It is interesting that the first major target for the novel spying operation launched in London in 1968 was also an anti-war group, namely the VSC. There is little doubt that the CIA spied on American activists in London who were active in the VSC, and we can fairly assume that they were given SDS product, via MI5.

30. It has always been our contention that the public order justification for setting up the SDS was a smokescreen for a simple public order failure by the police. We repeat that now. We invited the Inquiry to obtain evidence from the National Council for Civil Liberties archives which are held at the University of Hull. It declined but did post various news clippings from the press and some TV reports of the time. These mainstream media reports were necessarily partial and subject to the prejudices of the day.
31. In the recent disclosure, the Inquiry released over 1,000 pages of selected documents concerning the role of civil servants in the Home Office, together with MI5 and others, in setting up committees on “subversion in public life.” Some of these documents allude to the role of the Information Research Department (“IRD”), a shadowy unit within the Foreign and Commonwealth Office (“FCO”), specifically tasked to plant stories in the media about political opposition from the left.<sup>24</sup> Certain newspapers and of course the BBC (who had a dedicated MI5 agent working within their premises to monitor material pre-broadcast) were happy to act as conduits for IRD misinformation.
32. We know that various media heads met directly with the Home Secretary, James Callaghan, for the purposes of being onside with the government’s plan for the VSC demonstration in October 1968. They were directly briefed. However, we do not know what stories were planted in the media by the IRD, or even by the Metropolitan Police themselves. We posit that the hype and hysteria about the VSC demonstration in October 1968 was a product of state agencies, with a complicit media. It made good copy and provided the basis for the establishment and continuation of the SDS. It was a virtuous circle for the

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<sup>23</sup> *The New York Times*, 22/12/74

<sup>24</sup> UCPI0000035238 & UCPI0000035231

police as it provided the necessary justification for the new unit they were setting up. It has been said that in the run-up to the VSC demonstration in October 1968, "Special Branch hatched up their own plot."<sup>25</sup>

33. Another result of the unrest at Grosvenor Square in March 1968 was the setting up of a small unit of a dozen officers in New Scotland Yard called A8, under Superintendent Kenneth Newman, reporting to the Deputy Assistant Commissioner (Operations), and dedicated to public order planning. The uniformed branch of the Metropolitan Police was unhappy about what had happened and did not wish to rely simply on better intelligence. Their complaints to the Commander of Special branch, Vic Gilbert, that they did not get "top class" intelligence about the VSC in advance of the March 1968 demonstration<sup>26</sup> was a blame game to cover up their own failures. A8 was the response of the uniformed branch, and it was clearly effective on its own terms, regardless of any "top class" intelligence. John Cracknell, a former senior officer in A8, states that their own intelligence was based on reading the *Morning Star* and simply meeting with protest organisers, which he calls "a very good mechanism for gathering information."<sup>27</sup> Tony Speed, while stating for the record that A8 relied on Special Branch threat assessments for operational planning, in fact put little real value on them. Indeed, he says that Special Branch would occasionally overstate matters, and they were not always right. Years later, in 1997, the Association of Chief Police Officers ("ACPO") recommended that all public order intelligence be taken over by the uniformed branch; such little value did they place on Special Branch intelligence.<sup>28</sup>
34. Sir Charles Pollard who was involved at the heart of A8 planning was also dismissive of the intelligence provided by Special Branch: "It was irrelevant for me to know [about planned violence] as I had to prepare for the worst-case scenario in any event... It was about covering our backs."<sup>29</sup>

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<sup>25</sup> Clive Borrell & Brian Cashinella, *Crime in Britain Today* (Routledge, 1975), p65

<sup>26</sup> MPS-0748287/25, §48

<sup>27</sup> MPS-0748338/19 at §49

<sup>28</sup> MPS-0748205/12 at §24

<sup>29</sup> MPS-0748347/17 at §45



35. In evidential terms, it is a shame that the entire A8 archive seems to have been lost or destroyed. This would have shown that Special Branch input was only a minor part of A8's public order planning and did not provide any justification for SDS activity.
36. We reiterate that there was no need for the SDS to be formed, even after the events at Grosvenor Square in March 1968. In Tranche 1 Phase 3, we were fortunate to hear live evidence from an SDS officer, Roy Creamer. The Inquiry had initially decided not to call him to give evidence, but several of the NSCP teams recognised his importance and asked for this decision to be reconsidered. We are pleased that the decision was reversed as Roy Creamer has been one of the few Special Branch voices to have given some credible evidence. Roy Creamer was of the view that the SDS would be wound up after the peaceful conclusion to the October 1968 march. He was of the view that the SDS could not pick up any valuable public order intelligence by undercover methods. The old school methods were perfectly sufficient. He found the idea that A8 would benefit from Special Branch threat assessments laughable. And he was right. There was never any genuine public order justification for the setting up of this secret undercover unit. It was not just illegal; it served no public order purpose.
37. It is of note that a later Special Branch report from 1977, reflecting on the successful policing of the VSC demonstration in October 1968, stated that mutual aid from other police forces ensuring that the police were always present in massive numbers was the key to success that "finally ended the very violent demos in Grosvenor Square."<sup>30</sup> In other words, it was just sensible public order policing, based on obvious tactical considerations, that stopped public disorder. It had nothing to do with intelligence obtained by undercover officers.
38. The idea that the SDS were gathering intelligence to prevent public disorder was a convenient fiction, a joke played on their own officers. HN41 was but one

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<sup>30</sup> MPS-0748340/8

of many undercover officers who simply did not understand that they were being manipulated by forces way above their pay grade.

### **Ignoring the far right**

39. Why is it that throughout the period from 1968 to 1982, the SDS did not deploy a single undercover officer into any far-right organisations, despite their growth, their increasing extremism, and the concomitant rise in racist violence nationally? Where was their regard for public order when it came to fascists and Nazi supporters? The answer is to be found in the very nature of institutions like the police, Special Branch, MI5, the armed forces and the civil service. The inconvenient truth is that there was a natural cross-over between far-right organisations, like the National Front and the British Movement, and key institutions of the British state.
40. It is true that Special Branch had E Squad that was partially dedicated to maintaining a watch on the far right, but throughout this period, senior officers viewed the National Front as a legitimate political organisation that was neither a threat to public order nor subversive. An SDS officer, Angus McIntosh, said that the SDS were standing ready to infiltrate the far right, if necessary, but this was never approved or ordered in his time. He believed that this was a high-level policy decision.<sup>31</sup>
41. As an example of the respectful relationship between the police and the far right, there is an illuminating Special Branch report from September 1968 when an SDS officer, HN332, and a Detective Inspector, on the direction of a Chief Superintendent, visited Lady Jane Birdwood, a notorious fascist and antisemite, and had a chat with her in her garden, whilst she railed against the VSC.<sup>32</sup> It was all politeness and deference, with the officers even thanking her for her interest. What a far cry from how the police treat ordinary left-wing activists. Later, in July 1977, a Special Branch Detective Inspector visited Martin Webster, a National Front leader, at their Teddington headquarters to enquire

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<sup>31</sup> MPS-0747578/31 at §91-92

<sup>32</sup> MPS-0738582

about their plans for the forthcoming Lewisham demonstration, only to find his attitude uncooperative.<sup>33</sup> This did not, however, provoke Special Branch to infiltrate the National Front.

42. The Inquiry must ask itself why the SDS was so uninterested in the far right between 1968 and 1982, given the far right's neo-Nazi politics and their undoubted role in fueling the rise of racist attacks nationally. An obvious answer is that the police were themselves institutionally racist and right-wing. One might even go further and say the police were a natural recruiting ground for far-right organisations.
43. One of the inevitable and tragic consequences of the failure of the police to tackle the far right was that the number of racist attacks against ethnic minorities continued to increase dramatically during the 1970s, 1980s and 1990s, as we shall see in Tranches 2 and 3. Had the police taken steps to crack down on the far right and the perpetrators of racist violence generally, lives that were lost over the years could potentially have been saved. The other side of the coin is of course racist policing that has plagued relations between the police and ethnic minority communities for decades. This continues to be a largely unresolved problem to this day.
44. There was also far-right terror against the left with the firebombing of left-wing premises and bookshops. In 1979, a member of the National Front, Alan Birtley, was charged with possession of explosives linked to 24 such attacks. Targets included the anarchist bookshop Freedom, Housmans bookshop, News from Nowhere bookshop, Brighton Resource Centre and the home of Peter Hain.<sup>34</sup>
45. The full story of far-right terror in the UK has not been told because its organised nature was largely ignored by the police and prosecution authorities during this period. Almost all those arrested and prosecuted have been conveniently

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<sup>33</sup> MPS-0748280

<sup>34</sup> David Renton, *Never Again* (Routledge, 2019)

mischaracterised as “lone wolves.”<sup>35</sup> No wonder the police were viewed by the left as sympathetic to the far right. They were.

46. There is no question that the failure of the police to crack down on the far right led directly to violence on the streets. As the violence flared, the police called for greater funding and more weaponry. By 1982, following riots in many cities in the UK, the police were openly calling for armoured vehicles, rubber bullets, CS gas and water cannons. Indeed, Chief Constable James Anderton of the Greater Manchester Police ordered sub-machine guns for his officers in 1981, acting, he said, under the “Royal Prerogative” but without any authorisation from his Police Authority.
47. In the circumstances, it is difficult not to postulate whether the apparent blindness of the police to increasing far-right violence and criminality during the 1970s was not in fact a deliberate tactic, a ‘strategy of tension’ if you will, to enhance the role and power of the police, whilst simultaneously blaming unrest and public disorder on the left.

### **Obsessed with the left**

48. There is something more sinister at play here. We raise it, whether the Inquiry is prepared to countenance it or not. We submit that far from being concerned about violence on the streets, many in the Metropolitan Police, both senior and junior officers, relished it.
49. It would be extraordinarily naive to believe that the police were politically neutral and caught in the middle between the left and the right. The history of the police being used in a political context has always been to attack the working class and the left, be it Bloody Sunday in Trafalgar Square in 1887, the Tonyandy riots in 1910-1, the general strike of 1926, the National Hunger March in 1932, or the attacks on CND and other protestors in the early 1960s.

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<sup>35</sup> See <https://core.ac.uk/download/pdf/18526772.pdf> for an analysis by Searchlight of so-called lone wolves and their fascist associations

50. The SDS Annual Reports in the 1970s contend that the more militant protests of the late 1960s had died away by the 1970s, and as such the supposed public order threat from the left had receded. CTI's conclusion that there was a strong case SDS should have been disbanded in 1976 is clearly consistent with this evidence.
51. We have further disclosure now from A8 officers and their assessment of the relevance of Special Branch threat assessments. The prospect of violence during a protest was almost entirely dependent on the attitude of the police. The pickets and protests that turned violent sometimes began with pushing and shoving. This was fairly routine on pickets and protests, and something uniformed police could normally handle without resort to truncheons. But time and time again, senior police officers were happy to create the conditions for violence, by ordering weapons to be drawn and ordering charges on unarmed protestors.
52. The C Squad intelligence sent to A8 acted on the minds of senior officers and produced a mindset that the only people on a protest were a marginalised bunch of long-haired students and Trotskyists who they loathed. The senior officers of A8 made their plans for Red Lion Square in 1974, the Grunwick dispute from 1976 to 1978, Lewisham in 1977 and Southall in 1979 without taking the slightest notice of any C Squad threat assessments. In fact, the opposite was the case. The C Squad threat assessments acted as a justification for the police attacking with impunity those who they perceived as their political opponents. The police would protect National Front marches but fight with anti-fascist counter-protestors. Having effective control over the narrative through a compliant media ensured that the police could subsequently justify their actions.
53. The relationship between Special Branch, specifically C Squad, and A8 is worth further scrutiny. Roy Creamer has provided three witness statements to the Inquiry as well as giving live evidence. He recalled that the threat assessments provided by C Squad to A8 were "telling them what they knew."<sup>36</sup> It was not

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<sup>36</sup> MPS-0748287/19, §38

necessary, in his opinion, to provide intelligence to A8 as they already had it from local divisions, and more significantly from the organisers of the protests themselves. He did not ever recall getting feedback from A8 on the intelligence provided by C Squad.

54. Sir Charles Pollard, formerly in A8 and later Detective Assistant Commissioner, supports what Roy Creamer has to say. “If we found out about an upcoming demo from the organisers, we would inform Special Branch and tell them what was going to happen. Rather amusingly, on a Thursday we would then get a file marked ‘secret’ with exactly the same information we gave them.”<sup>37</sup>
55. The result was extraordinary levels of police violence. At Red Lion Square in 1974, a mounted police officer was almost certainly responsible for the death of Kevin Gately, regardless of what Lord Scarman’s Report says.
56. Before the Battle of Lewisham in 1977, the local Member of Parliament and the Bishop of Southwark, amongst others, urged the new Metropolitan Police Commissioner, David McNee, to ban the upcoming National Front march through Lewisham. It was clearly provocative and would meet with resistance from the local community. The intelligence was quite clear: “the scene is set for a violent afternoon” and “a potentially ugly and violent confrontation must be anticipated.”<sup>38</sup> Even without the Special Branch intelligence, it was blindingly obvious that the National Front marching through a multi-racial community with a high ethnic minority population was bound to lead to trouble. Roy Creamer was surprised as he thought it was clear that the National Front march should be banned.
57. But Commissioner McNee and his Assistant Commissioner Gibson opposed the ban. According to the Assistant Commissioner, there was “a good case for resisting any call for a ban on the National Front march” as “if the march was banned a precedent would be set and the National Front would be unable to

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<sup>37</sup> MPS-0748347/12, §34

<sup>38</sup> MPS-0748208/2

hold any marches in London.” “A ban would be welcomed by the left and resented by the right.”<sup>39</sup>

58. As Commissioner McNee refused to exercise his powers under the Public Order Act 1936, a case was taken to the High Court by the local Member of Parliament and others. In response, Commissioner McNee submitted an affidavit. Remarkably, and mendaciously, he stated that “no serious public disorder would ensue,” and no information was available as to the counter-protest. Consequently, the High Court refused to order a ban. A political decision had been deliberately engineered by the police at the highest level. The National Front march would be “looked after” by the Metropolitan Police, and police specials would be equipped with riot shields for the very first time in England and responsible for “containment” of the counter-protestors.
59. As any fair-minded and objective observer could grimly have predicted would happen, mass disorder broke out on the streets of Lewisham. The Met took the opportunity to test their new public order tactics, and the Labour government of James Callaghan failed to intervene. The subsequent killing of Blair Peach by the police in Southall two years later was the apogee of this period of police brutality against the left.
60. Ultimately, both protest and public disorder arise from objective conditions; they cannot be willed into existence. Occasionally, this was recognised by the police. A Special Branch report into the Brixton riots of 1981 (that bookends Tranche 1 of this Inquiry) concluded that there was almost no involvement by the left in these events; in fact, they had almost no presence in the local community.<sup>40</sup> It was a purely spontaneous uprising by local people, triggered by racist targeting by the Metropolitan Police, against a background of years of racist policing and deprivation. Once again, the involvement of the SPG, here as part of Operation Swamp, as the trigger for serious violence in Brixton simply underlines the brutal nature of British political policing during this period.

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<sup>39</sup> MPS-0748210/2

<sup>40</sup> UCPI0000035297 & UCPI0000035298

## The true role of the SDS

61. The true role of the SDS was spying on behalf of MI5. MI5 had seen the value of the SDS from the outset, and no doubt could not believe their luck. In 1968, MI5's domestic counter-subversion effort was primarily concentrated on the Communist Party of Great Britain. They had little coverage of other groups on the left or anarchist groups, mainly because such groups represented no serious threat. In a 1967 report on subversion, MI5 assessed Trotskyism in the UK as presenting "only a limited threat."<sup>41</sup> But once they saw the SDS in operation, with the collateral approach of sweeping wide, they realised that they could Hoover up large amounts of intelligence on a range of groups, regardless of their political importance.
62. In 1963, whilst investigating the Profumo affair, Lord Denning had pronounced it a cardinal principle that MI5 "operations are to be used for one purpose, and one purpose only, the Defence of the Realm. They are not to be used so as to pry into any man's private conduct, or business affairs; or even into his political opinions, except in so far as they are subversive, that is, they would contemplate the overthrow of the Government by unlawful means... Most people in this country would, I am sure, wholeheartedly support this principle, for it would be intolerable to us to have anything in the nature of a Gestapo or Secret Police to snoop into all that we do, let alone into our morals."<sup>42</sup> Whether he was being disingenuous or ignorant of the role of MI5, we do not know, but he was plainly wrong. Industrial scale snooping did not begin with the SDS. By 1968, the MI5 Registry already had a card index system of files that kept information on between 600,000 and a million people in the UK.
63. It is reported in the recent disclosure that the police hardly ever refused a request from MI5. Numerous reports show how MI5 wined and dined Special Branch officers in the local pubs of Mayfair, and the Special Branch officers lapped it up. Of course, for MI5, the SDS, if discovered, offered plausible

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<sup>41</sup> UCPI0000035236/8

<sup>42</sup> Lord Denning's *Report into the Profumo Affair* (Her Majesty's Stationery Office, 1963), p139



deniability. It was purely a police operation, and the Metropolitan Police could harp on about public order as their justification. It was a perfect MI5 operation.

64. The product of almost every single SDS report went to MI5. Thousands of files were opened. Of course, MI5 did not believe everything it was told. They had their own agents and could cross-check information and produce a more reasoned analysis. They were probably cognizant of the fact that undercover police officers needed on occasion to overelaborate to justify their continued existence. However, the significance of this vast intelligence operation was that thousands of ordinary citizens who had done nothing more than go to a meeting or a demonstration or join a lawful left-wing organisation were denied employment and a career. Lives were damaged, even destroyed, let's make no bones about it. And the police and MI5 simply did not care. Because their targets were, as Margaret Thatcher, when Prime Minister, later declared, "the enemy within."
65. It is for this reason that Tariq Ali was shocked when he appeared on the BBC *True Spies* documentary in 2002 to learn that the VSC and the IMG had been infiltrated by undercover police officers. He fully expected the routine surveillance as described by Roy Creamer, the simple monitoring of meetings and literature, telephone tapping, even informers. But to infiltrate themselves into people's lives and homes, even their beds, as long-term agents was not something even the Metropolitan Police had ever done before.

### **The relationship between the SDS and MI5**

66. The relationship between the SDS and MI5 was described by Roy Creamer as "master-servant".<sup>43</sup> We submit this was entirely accurate. Roy Creamer felt that C Squad were "very much treated as messenger boys"<sup>44</sup> by MI5. He recalled that 80% of "the bread and butter work of most C Squad officers" was fulfilling

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<sup>43</sup> MPS-0748287/9, §19

<sup>44</sup> MPS-0748287/5, §10

MI5 requests.<sup>45</sup> As he put it, “we would not take the initiative on political extremists; we were guided entirely by what MI5 felt to be subversive.”<sup>46</sup>

67. In 1984, Sir Brian Cubbon, Permanent Under-Secretary of State at the Home Office, queried whether a Chief Constable could in fact (as opposed to in theory) decline to accept a task which MI5 wished Special Branch to carry out.<sup>47</sup>
68. SDS reporting on activists gave MI5 a huge base of information for their vetting activity. A major concern of the British state has always been to keep left-wingers, or those deemed subversive, out of the civil service, media and industry.
69. Of course, we do not know what other use was made of the information gathered, but we know it included the slightest details about people’s private lives, their partners, their sexual orientation, the sort of tittle tattle that could easily be used to unsettle or even blackmail. ‘Black ops’ is a normal part of intelligence work.
70. HN109 confirms that one of their jobs as SDS officers was “talent spotting” for MI5. This meant targeting a member of a political group who might be approachable with a view to becoming an MI5 informer. Derek Brice baldly states that the SDS’s “role and purpose was an intelligence gathering operation.”<sup>48</sup> Despite his rank of Detective Inspector in the SDS, he says that he does not know how targeting decisions were made. In fact, targeting decisions were made by MI5 and passed down from the Commander of Special Branch or the Commander of Operations to C Squad (whose office was next door to that of the SDS), although sometimes with a certain degree of flexibility, given it was deemed useful to infiltrate peripheral groups which posed no subversive threat so as to provide background cover before moving into a target group.

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<sup>45</sup> MPS-0748287/8, §16

<sup>46</sup> MPS-0748287/7, §15

<sup>47</sup> UCPI0000035089

<sup>48</sup> MPS-0747802/21, §68

71. Notwithstanding the subservient relationship, the Metropolitan Police and Special Branch were occasionally uneasy about MI5 and sought to protect their undercover officers. In fact, the police did not fully trust MI5, and hence did not share information about the identity of their undercover officers in the field.<sup>49</sup> This is the reason that their own undercover officers are listed as attendees in the reports – to hide their identity. The worry was that as MI5 relied on both informers and long-term agents, the undercover officers might be compromised, perhaps even to build up an MI5 agent's cover. The murky world of spying was a dirty business indeed.
72. There was further disquiet at the higher echelons of the Metropolitan Police when assurances were sought from a senior civil servant, Sir Robert Armstrong, and MI5 that the work Special Branch did on behalf of MI5 had the support of government ministers.<sup>50</sup> The police did not want to be left politically exposed.

### **Police accountability**

73. During the 1970s, some Labour MPs and councilors up and down the country began raising questions about the conduct of the police including Special Branch. Outside London, the counties had Police Authorities, and police annual reports were meant to go to them. But these reports were largely silent about Special Branch activity. The MPs and councilors wanted democratic accountability of the police including Special Branch. In London it was different. The Home Secretary was the Police Authority for the Metropolis; hence the Metropolitan Police was accountable to an elected politician.
74. In 1981, Ken Livingstone was elected leader of the Greater London Council ("GLC"). A campaign began to make the GLC the Police Authority for the Metropolis in line with other police forces around the country. Concurrently, parliament was persuaded to examine the activity of Special Branch and gave this work to the Home Affairs Select Committee. These two actions led to fury

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<sup>49</sup> UCPI0000035121

<sup>50</sup> UCPI0000004720

and terror within the heart of the British establishment. The Metropolitan Police, ACPO, MI5 and Home Office civil servants effectively colluded to mislead parliament and cover up the existence of the SDS. They feared political embarrassment because they knew what they were doing was illegal, anti-democratic and wrong.

75. Special Branch went into overdrive to report on the GLC and those engaged in police monitoring, horrified at the idea that the police could be democratically accountable at all, let alone to a left leaning GLC. Our democratically elected politicians were hoodwinked. They were assured by the blandishments of the executive, the civil service and the police that nothing was amiss. Had they in fact been allowed to pursue their mandate properly, and had they discovered the existence of the SDS and their spying operations, it is almost certain that the SDS would have been wound up, and heads would have rolled.
76. Notwithstanding the best efforts of the police and their allies in government, nothing could stop the momentum of those campaigning for greater police accountability. During Tranches 2 and 3, we will undoubtedly discover the full extent of police spying on justice campaigns and others at the forefront of this important movement.

## **Conclusion**

77. There was something rotten at the heart of the British state between 1968 and 1982 as secret political policing became increasingly entrenched within the security apparatus of the state. The greatest lie in this Inquiry is that SDS and MI5 operations were to prevent public disorder and protect parliamentary democracy. This was just a veneer; the police, MI5 and their allies in the civil service and government above all served their own interests. If there is something called the British establishment, it is this concurrence of political interests that are so profoundly anti-democratic in nature. If there was any threat to parliamentary democracy post-1968, it was never from the left.

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**16<sup>th</sup> February 2023**