

Wednesday, 22 February 2023

(9.59 am)

THE CHAIRMAN: Mr Menon.

MR MENON: Good morning.

THE CHAIRMAN: I say I think good day to you, because

I believe you're in a different timezone.

MR MENON: I am.

THE CHAIRMAN: You're welcome in any event.

MR MENON: I'm grateful for you granting permission for me

to do this from outside the jurisdiction.

THE CHAIRMAN: Not at all. We have technology and sometimes

it's useful, as it is on this occasion.

MR MENON: Thank you.

THE CHAIRMAN: Please begin.

Closing statement by MR MENON

MR MENON: Thank you.

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, the 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 publicly available literature produced by academics, journalists and activists on secret political

1           policing by the police and the Security Service, MI5.

2           In summary, in that opening statement, we made the  
3           following assertions.

4           One. Undercover policing in Britain as established  
5           by Special Branch in 1968 and institutionalised in  
6           subsequent years as a weapon in the arsenal of the State  
7           was fundamentally incompatible with the norms and values  
8           of a democratic society.

9           Two. Whilst the SDS was very much part of  
10          a tradition of secret political policing dating back  
11          centuries, the SDS did mark a departure in that the  
12          systemic deployment of officers to infiltrate political  
13          groups on a long-term basis had not been done before  
14          with the odd possible exception.

15          Three. The primary objective of the SDS was never  
16          to prevent crime, or engage in genuine law enforcement;  
17          it was always to spy on those perceived to be political  
18          opponents of the State or the status quo. It was always  
19          to prevent positive social change and allow the  
20          established order to thrive.

21          Four. The Non-State Core Participants had been  
22          targeted by the police and MI5 because of their politics  
23          and their ideas, not because of any engagement in crime,  
24          subversion or public disorder.

25          Five. As a result of the oblique approach that

1 encouraged the SDS to sweep wide and infiltrate groups  
2 that were of no threat as part of a strategy to provide  
3 cover for penetrating other groups of interest,  
4 everybody was fair game. Hundreds of left wing  
5 progressive and community organisations were targeted  
6 and reported on by the Secret State. The extent of the  
7 espionage was staggering.

8 Six. Insofar as the period between 1968 and 1982  
9 was marked by an upsurge in unrest, the preponderance of  
10 the violence was inflicted by the police on protesters  
11 and not vice versa.

12 Seven. The SDS was never politically neutral. It  
13 had a clear political orientation on the right of the  
14 political spectrum. It represented the hard end of the  
15 State apparatus, naturally conservative in culture,  
16 politics and outlook, and its officers were politically  
17 vetted by Special Branch so to be.

18 Eight. The targets of the SDS were almost  
19 exclusively on the left of the political spectrum and  
20 were routinely and wrongly labelled as domestic  
21 extremists. Any spying on the far right was minimal and  
22 very much an afterthought.

23 Nine. Policing against ethnic minority communities  
24 in Britain has always been blighted by an entrenched  
25 racism that permeates the culture, ranks and structures

1 of the police.

2 Ten. Whilst the SDS was kept secret from the  
3 public, it was completely integrated into the  
4 established security apparatus of the State with  
5 a strict chain of command through the senior ranks of  
6 the police to the highest levels at MI5 and the  
7 Government.

8 Eleven. The SDS had more than simply a close  
9 working relationship with MI5. It was subordinate to  
10 MI5.

11 Twelve. Nobody in policing or Government apparently  
12 had the slightest concern about the illegality or  
13 immorality of what police spies were doing in the name  
14 of law and order or national security or the defence of  
15 the realm. The SDS was given free rein to engage in  
16 intrusive espionage regardless of the consequences to  
17 those targeted or for our democratic norms and values.

18 And finally, thirteen, there is nothing to suggest  
19 that the police and MI5 had learned lessons and moved  
20 on, or that the Secret State is now subject to proper  
21 and rigorous judicial and Parliamentary scrutiny and  
22 oversight.

23 Now, since that opening statement in November 2020,  
24 the Inquiry has disclosed a considerable amount of  
25 further material. In fact, 272 documents, totalling

1           some 3,287 pages of material, have been disclosed since  
2           December last year, including 43 documents totalling  
3           1,630 pages of material, which were disclosed as  
4           recently as February 15th, just a week ago. The Inquiry  
5           has also held three phases of open hearings and one  
6           phase of closed hearings. Some of the Tranche 1  
7           Modules 2B and 2C documents in the recent disclosure in  
8           December and January about the role of those in  
9           the higher echelons of the police, the Home Office and  
10          the Cabinet Office are particularly revealing. Whilst  
11          it is deeply regrettable that we've had so little time  
12          to read, consider and digest all the recent disclosure,  
13          and that no live evidence is to be called to explore in  
14          great detail the more interesting, even shocking and  
15          unexpected matters raised by some of this disclosure, it  
16          is now clear beyond doubt that not only were the  
17          assertions we made more than two years ago entirely  
18          accurate, but secret political policing between 1968 and  
19          1982 was even more extensive, invasive and uncontrolled  
20          than we had asserted in several notable respects.

21                 One. The espionage on an industrial scale in which  
22          the SDS engaged was unlawful from the very outset.  
23          There was never any lawful justification for the  
24          criminal acts of undercover police officers committed in  
25          the name of preventing public order. Whilst the Inquiry

1 is, we of course accept, bound by section 2 of the  
2 Inquiries Act 2005 that prohibits any determination of  
3 criminal or civil liability, the Inquiry is not  
4 prohibited from reaching robust findings of fact, or  
5 making strident recommendations from which liability  
6 could inevitably be inferred by others. We trust the  
7 Inquiry will do so, and we trust that the Inquiry will  
8 not be intimidated by the State Core Participants into  
9 reaching uncritical conclusions and making bland  
10 recommendations that change nothing of substance.

11 Two. The real threat to democracy and the nation's  
12 safety and wellbeing were those engaged in unwarranted  
13 state espionage against the people, and not those  
14 targeted, spied on or infiltrated by the State.

15 Three. The State's approach to subversion, whether  
16 guided by the Maxwell Fyfe Directive of 1952, or  
17 Lord Harris' 1975 definition, was over broad. It  
18 extended way beyond activity that represented a real  
19 threat to Parliamentary democracy or the security of the  
20 nation. It encompassed perfectly lawful and peaceful  
21 activity, activity that should be encouraged and  
22 celebrated in a democratic society. Lord Denning's  
23 sensible and proportionate definition of subversion,  
24 namely that political opinions are only subversive if  
25 they contemplate the overthrow of the Government by

1 unlawful means, was deliberately ignored. In fact, it  
2 is now clear from the recent disclosure that merely  
3 being critical of the police, or demanding democratic  
4 accountability of the police, was sufficient to attract  
5 the interest of the police and MI5.

6 Four. Although there were senior police officers  
7 and civil servants at the Home Office,  
8 Sir Gerald Hayden Phillips in particular, who recognised  
9 and were critical of the dangers of an overbroad  
10 approach to subversion, no political action was taken to  
11 curb the excesses of the SDS and MI5.

12 Finally, five, not only did the police fail to  
13 target the far right, who were a real and growing threat  
14 to public order during the 1970s and specifically a real  
15 and growing threat to ethnic minority communities, but  
16 they were also guilty on occasion of active political  
17 collaboration with the far right. Obvious examples were  
18 the Battle of Lewisham on 13 August 1977, and the  
19 killing of Blair Peach by a police officer in Southall  
20 on 23 April 1979, both of which were a direct result of  
21 the fascist National Front holding deliberately  
22 provocative political events in communities with large  
23 ethnic minority populations during which the police  
24 openly sided with the National Front and used brutal and  
25 gratuitous violence against anti-racists and

1 anti-fascists.

2 Turning then briefly to the submissions of others,  
3 we commend and endorse the detailed closing submissions  
4 on behalf of the Co-operating Group of  
5 Non-State Core Participants. This fully referenced and  
6 painstaking analysis of undercover policing is the final  
7 damning indictment of the SDS and its covert operations.  
8 In the circumstances, we have not sought to replicate  
9 the same in our closing submissions. Instead, our  
10 approach is more discursive and focuses on the political  
11 and ideological reality of undercover policing by  
12 the police and MI5 between 1968 and 1982.

13 We also welcome the fact that Counsel to the Inquiry  
14 has been driven to the conclusion by the sheer weight of  
15 the available evidence that there is a strong case now  
16 for concluding that the Home Office should have  
17 disbanded the SDS in 1976 when reviewing its activities  
18 and objectives. Whilst we agree, we would go  
19 considerably further and say that the SDS should never  
20 have been set up in the first place. It was a plainly  
21 illegitimate and disproportionate response to what was  
22 fundamentally a failure of public order policing, as  
23 opposed to a failure of police intelligence, at the  
24 demonstration against the Vietnam War in London on  
25 17 March 1968. The Metropolitan Police, including its



1 Special Branch, already had all the necessary tools at  
2 its disposal to ensure that similar public disorder did  
3 not occur again. The intrusive espionage in which  
4 the SDS subsequently engaged was neither necessary for  
5 public order policing purposes nor legally justifiable.  
6 Detective Chief Inspector Conrad Dixon's fantasy  
7 of "give me a dozen men, half a million pounds and  
8 a free hand", should never have been indulged either by  
9 his superiors in the Metropolitan Police or by  
10 politicians and civil servants in Government.

11 As we stated in our first opening statement, the lie  
12 at the violence at the March 1968 demonstrations was due  
13 to a failure in police intelligence was the original sin  
14 which led to the establishment and continuation of the  
15 Special Demonstration Squad.

16 During Tranche 1 of this Inquiry, we represented  
17 three individuals, Tariq Ali, Ernie Tate and  
18 Piers Corbyn. Tariq Ali and Piers Corbyn give evidence  
19 to the Inquiry; Ernie Tate could not attend for reasons  
20 of ill-health, but his statement was read into evidence.  
21 Sadly, Ernie Tate, who was one of the founding members  
22 of the Vietnam Solidarity Campaign, passed away in  
23 February 2021. His widow, Jess MacKenzie, remains  
24 engaged with us over the findings and conclusions of the  
25 Inquiry.

1           In short, there was no lawful policing purpose for  
2           spying on Tariq Ali, Ernie Tate or Piers Corbyn. None  
3           of them, nor the organisations in which they were  
4           involved, notably the Vietnam Solidarity Campaign and  
5           the International Marxist Group, posed a public order  
6           threat, or were engaged in subversive activity, however  
7           defined, or were undermining Parliamentary democracy, or  
8           were contemplating the overthrow of the Government by  
9           unlawful means, or were otherwise a danger to the safety  
10          and wellbeing of the nation.

11          Tariq Ali, Ernie Tate and Piers Corbyn were public  
12          political figures, who were always open and transparent  
13          about their politics. They had nothing to hide, they  
14          should never have been targeted by undercover police  
15          officers. As Roy Creamer, a former SDS officer, rightly  
16          observed in his witness statements:

17                 "These were the days of Tariq Ali, but on the other  
18                 hand, them ... being firebrands was not really  
19                 actionable in any way. What he was saying was perfectly  
20                 legal."

21          The State Core Participants have failed to this day  
22          to provide any credible justification for why it was  
23          lawful or otherwise permissible to spy on Tariq Ali,  
24          Ernie Tate or Piers Corbyn. Tariq Ali and Piers Corbyn  
25          remain politically active today. Are they still under

1           surveillance more than 50 years after Registry files  
2           were first opened on them? And why are they still being  
3           denied access to those files even during this Inquiry  
4           into undercover policing?

5           Turning next, Sir, to a discrete and important  
6           chapter, namely 1979 and Southall.

7           The policing -- (loss of connection) --

8           THE INQUIRY TECHNICIAN: Sir, Mr Menon may just have  
9           temporarily frozen. What we'll do, we'll take  
10          five minutes and try and get him back on the call.

11          THE CHAIRMAN: Very well.

12          (Pause)

13          THE INQUIRY TECHNICIAN: Sir, I believe Mr Menon is back.

14          (Pause)

15          THE CHAIRMAN: I can't see him.

16          THE INQUIRY TECHNICIAN: Yes, here we go. I think we're  
17          there.

18          THE CHAIRMAN: Mr Menon, I think the shortcomings of  
19          technology were illustrated but you are now restored and  
20          we can hear you.

21          Mr Menon, can you hear me?

22          THE INQUIRY TECHNICIAN: Sir, I think we better take maybe  
23          a longer break and see if Mr Menon's internet --

24          MR MENON: Can you hear me, Sir?

25          THE CHAIRMAN: I can now hear you. I'm sorry. This shows

1 the shortcomings of technology, things go wrong ever now  
2 and then, but I can now hear you and you can now hear  
3 me, so if you are able to proceed, would you please do  
4 so.

5 MR MENON: I will do, Sir. Sorry, I think it was an  
6 electricity fluctuation at my end.

7 THE CHAIRMAN: These things happen, don't worry.

8 MR MENON: Thank you.

9 I was just about to turn to 1979 and Southall.

10 The policing of the counter demonstration against  
11 the National Front election meeting at Southall Town  
12 Hall on 23 April 1979 during which Blair Peach, a  
13 socialist and anti-racist school teacher, was killed by  
14 a police officer from the infamous Special Patrol Group,  
15 is a stark microcosm of both violent political policing  
16 against the a left and violent and racist political  
17 policing against a multi-racial community with  
18 a substantial ethnic minority population. It is  
19 essential that the events in Southall are examined at  
20 length to understand how political policing at its worst  
21 works in practice.

22 In his witness statement, Tariq Ali described the  
23 police killing of Blair Peach, and the subsequent  
24 institutional cover-up, as "one of the most despicable  
25 events in the history of the Metropolitan Police". He

1 was right. Moreover, the recent disclosure provides yet  
2 more evidence of the depths to which the police and  
3 others were prepared to sink in seeking to deflect blame  
4 onto others for the violence and unrest that the police  
5 undoubtedly caused in Southall.

6 Tariq Ali was there. He attended the counter  
7 demonstration against the National Front and its Nazi  
8 sympathisers in Southall. At the time, he was  
9 the Socialist Unity Parliamentary candidate for  
10 Southall. The General Election took place on 3 May, ten  
11 days later.

12 Special Branch provided briefings in the days prior  
13 to the National Front meeting and counter-demonstration.  
14 One stated that "the young ones within the community of  
15 Southall will provide the policing problem of the future  
16 ... aggregated by the colour of the skin and the  
17 culture" and "stimulated by outside influences of  
18 left wing origin".

19 Another instructed officers to act "firmly and  
20 actively from the start".

21 A debrief on the day itself stated that it is  
22 generally recognised that "Asians can be extremely  
23 emotional, volatile and violent on occasions", and noted  
24 "there was an insignificant number of white supporters,  
25 probably less than 100".

1           Tensions were high in Southall on the day. Shops  
2           were closed. The Anti-Nazi League had called for  
3           a picket at the Town Hall. Thousands of local people  
4           and anti-fascists from across London attended, including  
5           veterans from the Battle of Cable Street in 1936 against  
6           Oswald Mosley and the British Union of Fascists. After  
7           speaking at the rally, Tariq Ali and others were taken  
8           by the organisers to the People's Unite Centre on  
9           Park View Road as the organisers were worried that  
10          the police were getting out of control. The police  
11          later attacked this safe house where those injured by  
12          the police were being brought for medical treatment,  
13          smashed up the premises, dragged out the occupants, beat  
14          them with truncheons and arrested them.

15          Tariq Ali was bleeding from on the head and knocked  
16          unconscious by a police officer.

17          Clarence Baker, a member of the Misty in Roots  
18          reggae band, was so badly injured by a police officer  
19          that he went into a coma and spent three weeks in  
20          hospital.

21          Jack Dromey, at the time a senior official of  
22          the Transport and General Workers Union and later  
23          a Labour Member of Parliament from 2010 to 2022, told an  
24          Inquiry by the National Council for Civil Liberties that  
25          he had "never seen such unrestrained violence against

1           demonstrators ... the Special Patrol Group were just  
2           running wild".

3           Tariq Ali was not even present on the streets when,  
4           according to eyewitnesses, unrest predictably broke out  
5           after the police went berserk, drove a vans straight  
6           into the crowd, deployed mounted officers and  
7           indiscriminately attacked those that were demonstrating  
8           against the National Front. Nevertheless, in a report  
9           recently disclosed dated 24 April 1979 entitled  
10          "Demonstration With Disorder And Death -- Southall --  
11          Monday 23 April 1979", Deputy Assistant  
12          Commissioner Helm accused Tariq Ali of being one of  
13          "the prime movers of the disorder and civil  
14          disobedience". This was a brazen lie.

15          Furthermore, Deputy Assistant Commissioner Helm  
16          painted an entirely false picture of what happened in  
17          Southall, exonerating the police and the National Front  
18          and placing the blame for the unrest squarely on  
19          the Asia youth, anti-fascists and bizarrely on some  
20          Rastafarian squatters in Southall. he even blamed Asian  
21          youth for seriously injuring a mean man who was believed  
22          to be a National Front sympathiser. Although he  
23          mentioned in passing "Blair Peach suffering from a head  
24          injury from which he subsequently died", he  
25          disingenuously argued that "the circumstances of this

1 death are not fully known". Detective Assistant  
2 Commissioner Helm knew perfectly well, even the day  
3 after, that Blair Peach had been killed by one of his  
4 officers. The blame game had begun.

5 Although Sir Charles Pollard, a Chief Inspector in  
6 A8 in 1979 acknowledged that the Special Patrol Group  
7 occasionally went over the top, it seems clear that the  
8 order of the day was to crack down with brutality on the  
9 local ethnic minority community and their left wing  
10 supporters and inflict as much pain, physical and  
11 psychological, as possible. The political and cultural  
12 alignment of the police and the National Front could not  
13 have been starker.

14 There is now plenty of credible evidence in the  
15 public domain about what really happened at Southall  
16 despite repeated attempts over the years to suppress the  
17 truth by, amongst others, the Metropolitan Police and  
18 the Coroner, Dr John Burton, who conducted the Inquest  
19 into the death of Blair Peach. David Renton's article  
20 "The killing of Blair Peach" is an excellent exposé in  
21 the London Review of Books and highlights the salient  
22 facts.

23 One. On 29 April 1979, 2,875 officers, including 94  
24 on horseback, were deployed to Southall to protect  
25 the rights of assembly of less than 100 National Front



1 supporters some of whom gave Nazi salutes as they  
2 entered and exited the Town Hall.

3 Two. 14 eyewitnesses saw Blair Peach struck on  
4 the head with a truncheon by a police officer, ten of  
5 whom gave evidence at the Inquest. Blair Peach was  
6 admitted to intensive care with a fractured skull. He  
7 died in hospital.

8 Three. Some 700 protesters against the  
9 National Front were arrested and some 342 were charged.  
10 Most of them were young Asians from Southall. Not  
11 a single National Front supporter was arrested or  
12 charged.

13 Four. Commander John Cass, chief of the  
14 Metropolitan Police's Complaints Investigation Bureau  
15 conducted an internal enquiry into the killing of  
16 Blair Peach. In June 1979, Commander Cass concluded in  
17 his first report that Blair Peach was killed by one of  
18 six Special Patrol Group officers. However, he  
19 anonymised their names. In September, three months  
20 later, Commander Cass set out further evidence in  
21 a second report implicating the six officers.

22 Five. The Director of Public Prosecutions,  
23 Sir Thomas Hetherington, decided that no police officer  
24 would be prosecuted either for the murder of Blair Peach  
25 or to conspiracy to pervert the course of justice.

1           Six. Although the Coroner, Dr Burton, had a copy of  
2 the first Cass Report, he refused to disclose it to  
3 the family or their lawyers during the Inquest. This  
4 was, we submit, an outrageous breach of due process, not  
5 to mention blatant judicial bias.

6           Seven. In June 1979, the lockers of the  
7 Special Patrol Group officers who were in Southall on  
8 the day were raided. Numerous offensive weapons were  
9 found, including a leather-covered stick, two knives,  
10 a very large truncheon, a metal cosh, a crowbar and  
11 a whip.

12           Eight. The Cass Reports were only published in  
13 April 2010, 31 years after Blair Peach was killed.  
14 The extraordinary delay in making these reports  
15 available to the public was indefensible and amounted,  
16 we submit, to a concerted cover-up by the State.

17           Nine. David Renton names the six  
18 Special Patrol Group officers in his article, one of  
19 whom killed Blair Peach, as Inspector Alan Murray,  
20 PC Greville Bint, PC James Scottow, PC  
21 Anthony Richardson, PC Michael Freestone and  
22 PC Raymond White. Inspector Murray was Commander Cass's  
23 prime suspect.

24           Ten. In June 1980, Dr Burton sent the Home Office  
25 a draft of a controversial paper that he had written

1           entitled, "The Blair Peach Inquest, The Unpublished  
2           Story". This has subsequently come into the public  
3           domain. In that paper, he blamed the protesters against  
4           the National Front for the killing of Blair Peach. He  
5           was at pains to stress that the National Front acted  
6           peacefully and that one of their number had been  
7           seriously injured on his way home. He accused  
8           the civilian witnesses at the Inquest of "fabrication",  
9           claiming that they told "palpable lies" and "did not  
10          have experience of the English system" sufficient to  
11          give credible evidence. He went even further and  
12          accused protesters of bombarding the police with bricks.  
13          Despite the racism and lunacy of this paper, Dr Burton  
14          was rewarded by the State and later became Coroner of  
15          the Queen's Household from 1987 to 2002.

16                 Further support for the contention that the violence  
17                 and disorder at Southall was instigated and planned by  
18                 the police can be found in the material disclosed by  
19                 the Inquiry. When he gave evidence during Tranche 1,  
20                 phase 4, the closed session, HN91, an SDS officer in  
21                 1979, says that he was warned by senior Special Branch  
22                 officers not to go to Southall with his target group  
23                 "because the uniformed police were going to clamp down  
24                 on the demonstrations" and "management considered  
25                 the dangers were more than normal".

1           In short, and in summary, the police acted with  
2           impunity in Southall on 23 April 1979. This was  
3           a full-scale police-instigated riot against the local  
4           Asian community and the left. Blair Peach was killed,  
5           at least three anti-fascists suffered fractured skulls  
6           and yet no police officer has ever been prosecuted for  
7           the killing of Blair Peach or the serious assaults on  
8           Clarence Baker, Tariq Ali and dozens of others who were  
9           beaten severely on the day, or for any other offence for  
10          that matter. This itself speaks volumes about the  
11          reality of political policing and the role of the  
12          prosecuting authorities during this particular period.

13          Turning briefly to the relevant legal framework, we  
14          are conscious that others are dealing with this at far  
15          greater length. It should be remembered that the United  
16          Kingdom Government had signed the  
17          European Convention on Human Rights in 1959 and was one  
18          of the prime movers in this significant attempt to  
19          uphold human rights following the defeat of fascism in  
20          the Second World War. Aside from this, what protections  
21          did individual citizens of the UK have in the 1960s and  
22          70s? There was of course the Bill of Rights 1689,  
23          a core document of our uncodified constitution, but  
24          a partial document at best that was principally drawn up  
25          to protect the interests of the Protestant aristocracy

1 in the City of London as represented at the time through  
2 Parliament and the Crown. And there was common law,  
3 a body of unwritten laws based on judicial precedents  
4 arising from the appellate decisions of the Court of  
5 Appeal and the House of Lords over the past 300 years.

6 The Inquiry will of course be carefully considering  
7 the relevant legal framework, the roles played by  
8 the highest echelons of the constabulary and by senior  
9 civil servants and politicians will be of specific  
10 interest to you. Other Non-State Core Participants are  
11 making detailed submissions on these matters. Whilst we  
12 recommend any findings or recommendations by the Inquiry  
13 that will allow the illegality of undercover policing to  
14 be inferred, we want to concentrate on the reasons why  
15 those in command of the institutions of the  
16 British State in 1968 were more than happen to  
17 countenance intrusive espionage on an industrial scale  
18 and why they were obsessed with secrecy, not just from  
19 the public but from Parliament too, lest they be found  
20 out.

21 The reason is simple. It's political, of course.  
22 All the institutions of the British State had a natural  
23 right wing bias. Their professed liberalism was only  
24 skin deep. Importantly the Labour Party and the trade  
25 unions at the time were no exception to this innate

1 conservatism. They too were happy to collude with  
2 the police, MI5 and other State institutions in opposing  
3 any threat to their control from the left. One cannot  
4 ignore the fact that the Special Demonstration Squad was  
5 formed in 1968 under the Labour Government of  
6 Harold Wilson and under the direct authority of  
7 James Callaghan, the then Labour Home Secretary who  
8 later became Prime Minister in 1976.

9 The initial justification in 1968 for setting up  
10 the SDS was of course the supposed public order threat  
11 from the Vietnam Solidarity Campaign demonstration in  
12 London against the Vietnam War that was planned for  
13 27 October. In fact, MI5 had identified a change in  
14 political temperature and mood the previous year with  
15 the occupation of the Greek Embassy on 28 April 1967,  
16 which in turn was a response to the fascist coup by the  
17 Greek military just a week earlier. The Greek  
18 dictatorship proceeded to torture and murder workers and  
19 students until it was finally overthrown in 1974.

20 Now, the importance of the Greek Embassy occupation  
21 has not come to the fore in this Inquiry, however it was  
22 clearly of importance to the police and MI5.

23 The Royal Hellenic Embassy, as it was officially called  
24 was situated, in Upper Brook Street, only 30 yards away  
25 from the United States Embassy in Grosvenor Square.

1 This occupation of course had nothing to do with  
2 the Vietnam Solidarity Campaign, it was largely  
3 organised by anarchists and members of the Committee of  
4 100, a British anti-war group. Nevertheless,  
5 the occupation of an embassy in the heart of London and  
6 the prospect of the same happening to US Embassy  
7 triggered a certain amount of panic in the highest  
8 circles of the British establishment.

9 It is also important to remember the background to  
10 events in 1968 when the SDS was formed. The sympathies  
11 of the British State at the time were not just with the  
12 democracies of Western Europe and the United States.  
13 The United Kingdom was also in alliance with fascist  
14 Portugal and fascist Greece, both NATO members at the  
15 time, and although Franco's Spain, another fascist  
16 country in Europe, did not join NATO until 1982 it still  
17 enjoyed friendly ties at the time with the US and the UK  
18 and of course between half a million and 1.5 million  
19 people were killed during the Vietnam War after the  
20 United States invaded Vietnam in 1965. It was  
21 a combination of these close alliances, relationships  
22 and world events -- and many others, this is a short  
23 list of what was going on at the time -- that influenced  
24 the outlook of those in power at the heart of the  
25 British State, be they police officers, civil servants,

1 soldiers, spies or politicians.

2 Now, there's one matter in relation to this not  
3 touched on anywhere, not least because we accepted it's  
4 beyond the remit of this Inquiry, namely the involvement  
5 of the US in spying on the Vietnam Solidarity Campaign,  
6 particularly their Central Intelligence Agency, the CIA,  
7 both through links with their counterparties in MI5 and  
8 through diplomatic channels. In 1967 the CIA had set up  
9 the CHAOS programme to counter anti-war groups in the  
10 US. This entailed investigation into some 7,000  
11 anti-war protesters there. This programme was later  
12 characterised as "a massive and legal domestic  
13 intelligence operation ... against the anti-war movement  
14 and other dissident groups".

15 It is interesting that the first major target for  
16 the novel spying operation launched in London in 1968  
17 was also an anti-war group, namely the VSC. There is  
18 little doubt that the CIA spied on American activists in  
19 London who were active in the VSC and we can fairly  
20 assume, we submit, that they were given SDS product via  
21 MI5.

22 It has always been our contention that the public  
23 order justification for setting up the SDS was  
24 a smokescreen for a simple public order failure by  
25 the police and we repeat that again. We invited



1 the Inquiry to obtain evidence from the National Council  
2 for Civil Liberties archives, which are held at the  
3 University of Hull. That was declined. But we have had  
4 various news clippings from the press, and some TV  
5 reports uploaded onto the system, contemporaneous from  
6 the time. These mainstream media reports were  
7 necessarily partial and subject to the prejudices of the  
8 day.

9 In the recent disclosure, the Inquiry released  
10 several documents concerning the role of civil servants  
11 in the Home Office, together with MI5 and others, in  
12 setting up committees on subversion in public life.  
13 Some of these documents allude to the role of  
14 the Information Research Department, the IRD, a shadowy  
15 unit within the Foreign and Commonwealth Office  
16 specifically tasked to plant stories in the media about  
17 political opposition on the left. Certain newspapers  
18 and of course the BBC, who had a dedicated MI5 agent  
19 working within their premises to monitor material  
20 pre-broadcast, were happy to act as conduits for IRD  
21 misinformation. We know that various media heads met  
22 directly with the Home Secretary, James Callaghan, for  
23 the purposes of being on side with the Government's plan  
24 for the VSC demonstration in October 1968. They were  
25 directly briefed. However, we do not know what stories

1           were planted in the media by the IRD, or even by the  
2           Metropolitan Police themselves. We posit that the hype  
3           and hysteria about the demonstration of October was  
4           a product of State agencies with a complicit media. It  
5           made good copy and it provided for the establishment and  
6           continuation of the SDS. It was a virtuous circle for  
7           the police as it provided the necessary justification  
8           for the new unit they were setting up.

9           Another result of the unrest at Grosvenor Square in  
10          March 1968 was the setting up of a small unit of a dozen  
11          officers in New Scotland Yard called A8, under  
12          Superintendent Kenneth Newman initially, reporting to  
13          the Deputy Assistance Commissioner (Operations) and  
14          dedicated to public order planning.

15          The Uniform Branch of the Metropolitan Police was  
16          unhappy, understandably, about what had happened in  
17          Grosvenor Square and did not wish to rely simply on  
18          better intelligence. Their complaints to the commander  
19          of Special Branch, Vic Gilbert, that they did not get  
20          top class intelligence about the VSC in advance of the  
21          March 1968 demonstration was a blame game to cover up  
22          their own public order failures in Grosvenor Square. A8  
23          was the response of the Uniform Branch and it was  
24          clearly effective on its own terms regardless of any top  
25          class intelligence or any other intelligence for that

1 matter. John Cracknell, a former senior officer in A8  
2 states that their own intelligence was based on reading  
3 the Morning Star and simply meeting with protest  
4 organisers, which he calls a very good mechanism for  
5 gathering information.

6 Tony Speed, while stating for the record that A8  
7 heavily relied on Special Branch threat assessments for  
8 operational planning, in fact puts little real value on  
9 those very same threat assessments. Indeed, he says  
10 that Special Branch would occasionally overstate matters  
11 and they were not always right.

12 Many years later, in 1997, the  
13 Association of Chief Police Officers recommended that  
14 all public order intelligence be taken over by the  
15 Uniform Branch, such little value did they place on  
16 Special Branch intelligence.

17 Sir Charles Pollard, mentioned previously, involved  
18 at the heart of A8 planning, was also dismissive of  
19 the intelligence provided by Special Branch. This is  
20 what he said:

21 "It was irrelevant to me to know [about planned  
22 violence] as I had to prepare for the worst case  
23 scenario in any event ... it was about covering our  
24 backs."

25 In evidential terms, it's a shame that the entire A8

1 archive seems to have been lost or destroyed. This  
2 would have shown that Special Branch input was only  
3 a minor part of A8's public order planning and did not  
4 provide any justification for SDS activity. And so we  
5 reiterate again, there was no need for the SDS to be  
6 formed, even after the events at Grosvenor Square in  
7 March 1968. In Tranche 1, Phase 3, we were fortunate to  
8 hear live evidence from Roy Creamer, a former  
9 SDS officer, an officer who the Inquiry had initially  
10 decided not to call, but after several of  
11 the Non-State Core Participants teams, recognising his  
12 importance, asked for a reconsideration of that  
13 decision, we are pleased that the decision was reversed  
14 and Roy Creamer was able to give evidence. It's fair to  
15 say, Sir, that he has been one of the few Special Branch  
16 voices from whom the Inquiry has heard who has given  
17 some credible evidence about the events between 1968 and  
18 1982. Roy Creamer was of the view that the SDS would be  
19 wound up after the largely peaceful conclusion to the  
20 October 1968 march. He was of the view that the SDS  
21 could not pick up any valuable public order intelligence  
22 by undercover methods. The old school methods, as far  
23 as he was concerned, were perfectly sufficient. He  
24 found the idea that A8 would benefit from Special Branch  
25 threat assessments laughable. And he was right. There

1 was never any genuine public order justification for  
2 the setting up of the secret unit.

3 It is of note that a later Special Branch report  
4 from 1977, reflecting on the successful policing of  
5 the VSC demonstration in October 1968, stated that  
6 mutual aid from other police forces ensuring that  
7 the police were always present in massive numbers, was  
8 the key to success that "finally ended the very violent  
9 demos in Grosvenor Square". In other words, it was just  
10 sensible public order policing based on obvious tactical  
11 considerations that stopped public disorder; it had  
12 nothing to do with intelligence obtained by  
13 undercover officers.

14 Counsel to the Inquiry, in his closing statement,  
15 accepts that it is difficult to assess the actual  
16 contribution of undercover policing to the outcome of  
17 the VSC demonstration in October 1968, but he adds, we  
18 say too generously, that "it might be said that the SDS  
19 reports on the VSC were timely and authoritative and  
20 consequently provided assurance to those planning  
21 the police response, thereby helping to avoid an  
22 overreaction".

23 Unsurprisingly, counsel for the  
24 Metropolitan Police Service and  
25 Designated Lawyer Officer Group go considerably further

1 and maintain in their closing statements that the  
2 contribution of SDS intelligence to the outcome of the  
3 October 1968 demonstration was significant. And yet no  
4 specific pieces of intelligence obtained by the SDS  
5 prior to the October 1968 demonstration had been  
6 identified by anybody that contributed to there having  
7 been only limited public disorder in October, by  
8 contrast with March. And that's a significant point, we  
9 submit. The idea that the SDS were gathering  
10 intelligence to prevent public disorder was a convenient  
11 fiction, a joke played on their own officers. HN41,  
12 just one example, was one of many officers who simply  
13 did not understand that the SDS officers on the ground  
14 were being manipulated by forces way above their pay  
15 grade.

16 Turning next, Sir, to an important discrete topic  
17 which others have touched upon already as well, namely  
18 the policing of the far right.

19 Why is it that throughout the period from 1968 to  
20 1982 the SDS did not deploy a single undercover officer  
21 into any far right organisations other than  
22 the accidental deployment of an officer who had  
23 infiltrated the Workers Revolutionary Party and was  
24 deployed by them to infiltrate the National Front? Why?  
25 Despite the growth of the far right, despite their

1 increasing extremism during the 1970s, and despite  
2 the concomitant rise in racist violence nationally?  
3 Where was the supposed regard of the SDS for public  
4 order when it came to fascists and Nazi supporters?  
5 Now, the answer, I'm afraid, is to be found in the very  
6 nature of institutions like the police Special Branch,  
7 MI5, the armed forces and the civil service.

8 The inconvenient truth is that there was a natural  
9 crossover between far right organisations like  
10 the National Front and the British Movement and key  
11 institutions of the British State. It's true, we  
12 accept, that Special Branch had E Squad, a squad that  
13 was partially dedicated to maintaining a watch on  
14 the far right, but throughout this period, in any event,  
15 senior officers -- we would say incredibly -- viewed the  
16 National Front as a legitimate political organisation  
17 that was neither a threat to public order nor  
18 subversive, despite the fact that the National Front,  
19 from its very inception in 1967, was a party of  
20 self-avowed fascists and white supremacists committed to  
21 the expulsion of all non-white immigrants from  
22 the United Kingdom. Former SDS officer Angus McIntosh  
23 said that the SDS were standing ready to infiltrate  
24 the far right if necessary, but this was never approved  
25 or ordered in his time. He believed that this was

1 a high level policy decision.

2 And as example -- and it's but one -- of  
3 the respectful relationship between the police and the  
4 far right, there is an illuminating Special Branch  
5 report from September 1968 when an SDS officer, HN332,  
6 and a detective inspector, on the direction of  
7 a chief superintendent, visited Lady Jane Birdwood,  
8 a notorious fascist and anti-Semite, and had a chat with  
9 her in her garden while she railed against the Vietnam  
10 Solidarity Campaign. It was all politeness and  
11 deference, with the officers even thanking her for her  
12 interest. What a far cry from how the police treat, to  
13 this day, ordinary left wing activists.

14 Later, in July 1977, a Special Branch detective  
15 inspector visited Martin Webster, a National Front  
16 leader, at their Teddington headquarters to enquire  
17 about their plans for their forthcoming Lewisham  
18 demonstration only to find Mr Webster's attitude  
19 uncooperative. This did not, however, provoke  
20 Special Branch to infiltrate the National Front.

21 The Inquiry must ask itself, we submit, why the SDS  
22 was so uninterested in the far right between 1968 and  
23 1982 given the far right's neo-Nazi politics and their  
24 undoubted role in fuelling the sharp rise of racist  
25 attacks against ethnic minorities nationally.



1           The obvious answer is that the police were themselves  
2           institutionally racist and right wing. One might even  
3           go further and say that the police were a natural  
4           recruiting ground for far right organisations.

5           One of the inevitable and tragic consequences of  
6           the failure of the police to tackle the far right was  
7           that the number of racist attacks against ethnic  
8           minorities in this country continued to increase  
9           dramatically during the 1970s, 1980s and 1990s, as we  
10          shall see in tranches 2 and 3. Had the police taken  
11          steps to crack down on the far right during the 1970s  
12          and the perpetrators of racist violence generally, lives  
13          that were subsequently lost over the years could  
14          potentially have been saved.

15          The other side of the coin is of course racist  
16          policing, a serious problem that has plagued relations  
17          between the police and ethnic minority communities for  
18          decades. This, again, will come more to light in future  
19          tranches and we submit continues to be a largely  
20          unresolved problem to this day.

21          There was also far right terror against the left  
22          with the firebombing of left wing premises and  
23          bookshops. In 1979 a member of the National Front,  
24          Alan Birtley, was charged with possession of explosives  
25          linked to 24 such attacks. Targets included

1 the anarchists book shop Freedom, Housmans bookshop,  
2 News From Nowhere bookshop, Brighton Resource Centre and  
3 the home of Peter Hain.

4 The full story of far right terror in the UK has not  
5 been told, because its organised nature was largely  
6 ignored by the police and prosecuting authorities during  
7 this period. Almost all of those arrested and  
8 prosecuted of the far right persuasion were conveniently  
9 mischaracterised as "lone wolves". No wonder the police  
10 were viewed by the left as sympathetic to the far right;  
11 they were.

12 There is no question, standing back and looking at  
13 this period now, many years later, that the failure of  
14 the police to crack down on the far right led directly  
15 to violence on the streets. As the violence flared, the  
16 police inevitably called for greater funding and more  
17 weaponry. By 1982, following uprisings in many cities  
18 in the UK, the police were openly calling for armoured  
19 vehicles, rubber bullets, CS gas and water cannons.  
20 Indeed, Chief Constable James Anderton of the  
21 Greater Manchester Police ordered sub-machine guns for  
22 his officers in 1981 acting he said under the "Royal  
23 Prerogative" but without any authorisation from his own  
24 authority.

25 In the circumstances, it's difficult not to

1 postulate whether the apparent blindness of the police  
2 to increasing far right violence and criminality during  
3 the 1970s was in fact a deliberate tactic, a strategy of  
4 tension, if you will, to enhance the role and power of  
5 the police while simultaneously blaming unrest and  
6 public disorder on the left.

7 Finally on this topic, we note what  
8 Counsel to the Inquiry and counsel for  
9 Designated Lawyer Officer Group said in their closing  
10 statements about why the SDS did not target the far  
11 right between 1968 and 1982. Counsel to the Inquiry  
12 said that the most likely reason was that there were  
13 alternative sources of intelligence available on the far  
14 right. Counsel for the Designated Lawyer Officer Group  
15 said that the reason that the SDS did not target the far  
16 right was not because of political bias, it was because  
17 there was no need to do so. There were other secret and  
18 reliable sources of intelligence on the far right.

19 Now, all of this is rather cryptic. What other  
20 sources of intelligence are we talking about? Are we  
21 talking about Special Branch intelligence, are we  
22 talking about other Metropolitan Police intelligence,  
23 are we talking about MI5 intelligence? Why not, given  
24 this is a Public Inquiry into undercover policing, spell  
25 it out openly and transparently so that the Inquiry can

1 properly evaluate whether political bias was at play, as  
2 we submit it was, and if so, to what extent?

3 There is, I'm afraid, something more sinister at  
4 play here. We raise it whether the Inquiry is prepared  
5 to count countenance it or not, because we believe it is  
6 important. We submit that far from being concerned  
7 about violence on the streets, many of the  
8 Metropolitan Police, both senior and junior officers,  
9 positively relished it. It would be extraordinarily  
10 naive to believe, as counsel for the  
11 Designated Lawyer Officer Group posited on Monday in his  
12 closing statement, that the police were politically  
13 neutral and caught in the middle between the left and  
14 the right. The history of the British police being used  
15 in a political context has always, always been to attack  
16 the working class and the left, be it Bloody Sunday and  
17 Trafalgar Square in 1887, the Tonypandy Riots in 1910  
18 and 1911, the General Strike of 1926, the National  
19 Hunger March in 1932, the Battle of Cable Street in  
20 1936, the attacks on CND and other left protesters in  
21 the 1960s, or endless other examples that we could have  
22 provided.

23 The SDS Annual Reports in the 1970s contend that  
24 the more militant protests of the 1960s had in fact died  
25 away by the 1970s, and as such, the supposed public

1 order threat from the left had receded.

2 Counsel to the Inquiry's conclusion that there was  
3 a strong case that SDS should have been disbanded in  
4 1976 is clearly consistent with that evidence.

5 We now have further disclosure from A8 officers and  
6 their assessment of the relevance of Special Branch  
7 threat assessments. The prospect of violence during  
8 a protest was almost entirely dependent on the attitude  
9 of the police. The pickets and protests that turned  
10 violent sometimes began with pushing and shoving. This  
11 was fairly routine on pickets and protests and something  
12 uniformed police could normally handle without resort to  
13 truncheons, but time and time again, senior police  
14 officers were happy to create the conditions for  
15 violence by ordering weapons to be drawn and ordering  
16 charges on unarmed protesters.

17 The C Squad intelligence sent to A8 acted on  
18 the minds of senior officers and produced, we say,  
19 a mindset that the only people on protests were  
20 a marginalised bunch of long-haired students and  
21 Trotskyists who the police loathed. The senior officers  
22 at A8 made their plans for Red Lion Square in 1974,  
23 the Grunwick Dispute from 1976 to 1978, Lewisham in  
24 1977, Southall in 1979 and many other demonstrations and  
25 protests without taking the slightest notice of any

1 C Squad threat assessments. In fact the opposite was  
2 the case. The C Squad threat assessments acted as  
3 a justification for the police attacking with impunity  
4 those who they perceived as their political opponents.  
5 The police would protect National Front marches but  
6 fight with anti-fascist counter-protesters. Having  
7 effective control over the narrative to a compliant  
8 media ensured that the police could subsequently justify  
9 their actions. The relationship between Special Branch,  
10 specifically C Squad, and A8 is worth further scrutiny.

11 Roy Creamer, again, has provided three witness  
12 statements to the Inquiry as well as giving live  
13 evidence. He recalled that the threat assessments  
14 provided by C Squad to A8 were telling them what they  
15 knew. It was not necessary, in his opinion, to provide  
16 intelligence to A8, as they already had it from local  
17 divisions, and more significantly from the organisers of  
18 the protest themselves. He did not ever recall getting  
19 feedback from A8 on the intelligence provided by  
20 C Squad.

21 Sir Charles Pollard, formerly in A8 and later  
22 a Detective Assistant Commissioner, supports what  
23 Roy Creamer has to say. To quote him:

24 "If we found out about an upcoming demo from  
25 the organisers, we would inform Special Branch and tell

1           them what was going to happen. Rather amusingly, on  
2           a Thursday, we would then get a file marked 'secret'  
3           with exactly the same information we had given them."

4           The result of all of this was what extraordinary  
5           levels of police violence. At Red Lion Square in 1974,  
6           we say a mounted police officer was almost certainly  
7           responsible for the death of Kevin Gateley regardless of  
8           what Lord Scarman's report may say about the matter.

9           Before the Battle of Lewisham in 1977, looking at  
10          that briefly, the local MP and the Bishop of Southwark  
11          amongst others urged the new Metropolitan Police  
12          Commissioner David McNee to ban the upcoming  
13          National Front march through Lewisham. It was clearly  
14          provocative and would inevitably meet with resistance  
15          from the local community. Special Branch intelligence  
16          was quite clear:

17                 "The scene is set for a violent afternoon."

18                 "A potentially ugly and violent confrontation must  
19                 be anticipated."

20          But even without this intelligence, it was  
21          blindingly obvious that the National Front marching  
22          through a multi-racial community with a high ethnic  
23          minority community in 1977 was bound to lead to trouble.  
24          This was hardly rocket science. Roy Creamer was  
25          surprised, as he thought it was clear that the

1 National Front march should be banned. But  
2 Commissioner McNee and Assistant Commissioner Gibson  
3 opposed the ban. According to  
4 Assistant Commissioner Gibson "there was a good case for  
5 resisting any call for a ban on the National Front  
6 march" as "if the march was banned, a precedent would be  
7 set and the National Front would be unable to call any  
8 marches in London". "A ban would be welcomed by  
9 the left and resented by the right."

10 Those quotes by Assistant Commissioner Gibson tell  
11 you, Sir, all you need to know about the ideology of the  
12 police in the 1970s and their policing priorities.

13 As Commissioner McNee refused to exercise his powers  
14 under the Public Order Act 1936, a case was taken to the  
15 High Court by the local MP and others. In response  
16 Commissioner McNee submitted an affidavit. Remarkably  
17 and mendaciously, he stated that "no serious public  
18 disorder would ensue" and no information was available  
19 on the counter-protest. Consequently the High Court  
20 refused to order a ban. A political decision had been  
21 deliberately engineered by the police at the highest  
22 level. The National Front march would be "looked after"  
23 by the Metropolitan Police and police specials, equipped  
24 with riot shields for very first time in England, would  
25 be responsible for "containment" of



1 the counter-protesters. Is it any surprise that the  
2 events of the day are recorded by history as the  
3 Battle of Lewisham?

4 As any fair-minded or objective observer could  
5 grimly have predicted with happen, mass disorder broke  
6 out on the streets of Lewisham. The Metropolitan Police  
7 took the opportunity to test their new public order  
8 tactics and the Labour Government failed to intervene.  
9 The subsequent killing of Blair Peach by the police in  
10 Southall two years later was the apogee of this period  
11 of police brutality against the left.

12 Ultimately, both protest and public disorder arise  
13 from objective conditions, they cannot be willed into  
14 existence. Occasionally that has been recognised by the  
15 police. Only occasionally, but at least occasionally.  
16 A Special Branch report into the Brixton Riots of 1981,  
17 for example, an event that bookends Tranche 1 of the  
18 Inquiry, concluded that there was almost no involvement  
19 by the left in these events. In fact, they had almost  
20 no presence in the local community. It was a purely  
21 spontaneous uprising by local people, triggered by  
22 racist targeting of the Metropolitan Police against  
23 a background of years and years of racist policing and  
24 deprivation. Once again, the involvement of the  
25 Special Patrol Group here as part of Operation Swamp as

1 the trigger for serious violence in Brixton simply  
2 underlines the brutal nature of the British political  
3 policing at this time in Britain.

4 Turning next to the relationship between the SDS and  
5 MI5. The true role of the SDS, we say, was spying on  
6 behalf of MI5. MI5 had seen the value of this new unit  
7 from the outset and no doubt could not believe their  
8 luck. In 1968, MI5's domestic counter-subversion effort  
9 was primarily concentrated on the Communist Party of  
10 Great Britain. They had little coverage of other groups  
11 on the left, or anarchist groups, mainly because such  
12 groups represented no serious threat. In a 1967 report  
13 on subversion, MI5 assessed Trotskyism in the UK as  
14 presenting "only a limited threat". But once MI5 saw  
15 how the SDS worked in operation with their collateral  
16 approach of sweeping wide, they realised that they could  
17 Hoover up, via the SDS, large amounts of intelligence on  
18 a range of groups regardless of their political  
19 importance.

20 Five years previously, in 1963, whilst investigating  
21 the Profumo Affair, Lord Denning had pronounced it  
22 a cardinal principle that MI5 operations -- and I quote  
23 "are to be used for one purpose and one purpose only,  
24 the defence of the realm. They are not to be used so as  
25 to pry into any man's private conduct or business

1           affairs, or even into his political opinions, except  
2           insofar as they are subversive, that is they would  
3           contemplate the overthrow of the Government by unlawful  
4           means ... most people in this country would, I am sure,  
5           wholeheartedly support this principle, for it would be  
6           intolerable to us to have anything in the nature of  
7           a Gestapo or Secret Police to snoop into all that we do,  
8           let alone into our morals."

9           Now, whether Lord Denning was being disingenuous or  
10          whether he was simply ignorant of the role of MI5, we do  
11          not know. But he was plainly wrong. Industrial scale  
12          snooping did not begin with the SDS. By 1968, the MI5  
13          Registry already had a card index system of files that  
14          kept information on between 600,000 and a million people  
15          in the UK. It is reported in the recent disclosure that  
16          the police hardly ever refused a request from MI5.  
17          Numerous reports show how MI5 wined and dined  
18          Special Branch officers in the local pubs of Mayfair and  
19          the Special Branch officers lapped it up. Of course,  
20          for MI5, the SDS had discovered, offered plausible  
21          deniability. It was purely a police operation and the  
22          Metropolitan Police could harp on about public order as  
23          their justification. It was a perfect MI5 operation.

24          The product of almost every single SDS report went  
25          to MI5. Thousands of files were opened. Of course MI5

1 did not believe everything they were told. They had  
2 their own agents and could cross-check information and  
3 produce a more reasoned analysis. They were probably  
4 cognisant of the fact that undercover police officers  
5 needed on occasion to overelaborate to justify their  
6 continued existence. However, the significance of this  
7 vast intelligence operation was that thousands of  
8 ordinary citizens who had done nothing more than go to  
9 a meeting or a demonstration, or join a lawful left wing  
10 organisation, were reported and on occasion denied  
11 employment and even a career. Lives were damaged, even  
12 destroyed, let's make no bones about it, and the police  
13 and MI5 simply didn't care, because their targets were,  
14 as Margaret Thatcher, then Prime Minister, later  
15 declared "the enemy within". It's for this reason that  
16 Tariq Ali was shocked when he appeared on the BBC  
17 "True Spies" documentary in 2002 to learn that the VSC  
18 and the International Marxist Group had been infiltrated  
19 by undercover police officers. He fully expected the  
20 routine surveillance, as described by Roy Creamer,  
21 the simple monitoring of meetings and literature,  
22 telephone tapping and even informers, but to infiltrate  
23 themselves into people's lives and homes, even their  
24 beds, as long-term agents was not something even the  
25 Metropolitan Police had ever done before.

1           This relationship between the SDS and MI5 was  
2 described by Roy Creamer as a "master/servant" one, and  
3 we submit this was entirely correct. Roy Creamer felt  
4 that C Squad were very much treated as messenger boys by  
5 MI5. He recalled that 80% of the bread and butter work  
6 of most C Squad officers was fulfilling MI5 requests.  
7 As he put it:

8           "We would not take the initiative on political  
9 extremists. We were guided entirely by what MI5 felt to  
10 be subversive."

11           In 1984, Sir Brian Cubbon, Permanent Undersecretary  
12 of State at the Home Office, queried whether  
13 a Chief Constable could in fact, as opposed to in  
14 theory, decline to accept a task which MI5 wished  
15 Special Branch to carry out. Special Branch -- SDS  
16 reporting of activists gave MI5 a huge base of  
17 information for their vetting activity. A major concern  
18 of the State has always been to keep left wingers or  
19 those deemed subversive out of the civil service, the  
20 media and industry. Of course, we do not know what  
21 other use was made of the information gathered, but we  
22 know the information included the slightest details  
23 about people's private lives, their partners, their  
24 sexual orientation, the sort of tittle-tattle that could  
25 easily be used to unsettle or even blackmail. "Black

1 Ops" is a normal part of intelligence work.

2 Notwithstanding that subservient relationship,  
3 the Met and Special Branch were occasionally uneasy  
4 about MI5 and sought to protect their undercover  
5 officers. They didn't fully trust MI5 all the time and  
6 hence did not share information about the identity of  
7 their undercover officers in the field, and this is the  
8 reason why the reports list undercover officers as  
9 attendees frequently, to hide their identity. The worry  
10 was that as MI5 relied on both informers and long term  
11 agents, the officers might be compromised, perhaps even  
12 to build up MI5 agents' cover. The murky world of  
13 spying was a dirty business indeed.

14 During the 1970s, some Labour MPs and councillors up  
15 and down the country finally began raising questions  
16 about the conduct of the police including  
17 Special Branch. Outside London, the counties had police  
18 authorities and police Annual Reports were meant to go  
19 to them, but these reports were largely silent about  
20 Special Branch activity. MPs and councils wanted  
21 democratic accountability of the police, including  
22 Special Branch. In London, of course, the situation was  
23 different; the Home Secretary was the police authority  
24 for the Metropolis and hence the Metropolitan Police was  
25 accountable to an elected politician.

1           In 1981, Ken Livingstone was elected leader of  
2           the Greater London Council, the GLC. A campaign later  
3           began to make the GLC the police authority for the  
4           metropolis, in line with other police forces around  
5           the country. Concurrently, Parliament was persuaded to  
6           examine the activity of Special Branch and gave this  
7           work to the Home Affairs Select Committee. These two  
8           actions led to fury and terror within the heart of the  
9           British establishment, the Met, ACPO, MI5 and  
10          Home Office civil servants effectively colluding to  
11          mislead Parliament and cover up the existence of  
12          the SDS. They feared political embarrassment, because  
13          they knew what they were doing was anti-democratic and  
14          wrong.

15                 Sir, I note the time. I think I'll just be about  
16                 two/three minutes more. I hope that's okay.

17   THE CHAIRMAN: Forgive me, I was on mute.

18                 Certainly it is.

19   MR MENON: Thank you.

20                 Special Branch and MI5 went into overdrive to spy on  
21                 and report on the GLC and those engaged in police  
22                 monitoring, horrified at the idea that the police could  
23                 be democratically accountable at all let alone to  
24                 a left-leaning GLC. We'll undoubtedly hear more about  
25                 this in Tranche 2.

1           Our democratic elected politicians sadly were  
2           hoowinked. They were assured by the blandishments of  
3           the executive, the civil service and the police that  
4           nothing was amiss. Had they in fact been allowed to  
5           pursue their mandate properly and had they discovered  
6           the existence of the SDS and their spying operations it  
7           is almost certain that the SDS would have been wound up  
8           and heads would have rolled. Notwithstanding the best  
9           efforts of the police and their allies in Government,  
10          nothing would stop the sheer momentum of those  
11          campaigning for greater police accountability and during  
12          Tranches 2 and 3 we will undoubtedly discover the full  
13          extent of that spying on justice campaigns and others at  
14          the forefront of this important movement.

15          In conclusion, Sir, there was, we submit, something  
16          rotten at the heart of the British State between 1968  
17          and 1982 as secret political policing became  
18          increasingly entrenched within the security apparatus of  
19          the State. The greatest lie in this Inquiry is that SDS  
20          and MI5 operations were to prevent public disorder and  
21          protect Parliamentary democracy. This was just  
22          a veneer. The police, MI5 and their allies in the civil  
23          service and Government above all served their own  
24          interests. If there is something called the British  
25          establishment, it is this concurrence of police and



1 ideological interests that are so profoundly  
2 anti-democratic in nature. If there was any threat to  
3 Parliamentary democracy post-1968, it was never from  
4 the left.

5 Sir, that completes our Tranche 1 closing statement  
6 on behalf of Tariq Ali, Ernie Tate and Piers Corbyn.

7 THE CHAIRMAN: Thank you very much indeed, and I'm grateful  
8 to you for finishing nearly on time.

9 MR MENON: Thank you.

10 (11.12 am)

11 (A short break)

12 (11.21 am)

13 Closing statement by MR SCOBIE

14 THE CHAIRMAN: Mr Scobie.

15 MR SCOBIE: Thank you, Sir.

16 Sir, I appear with Piers Marquis of Doughty Street  
17 Chambers and Paul Heron of Public Interest Law Centre  
18 and this is our closing submission for Tranche 1 of  
19 the Undercover Policing Inquiry on behalf of our three  
20 Core Participants: Richard Chessum, "Mary" and  
21 Lindsey German.

22 An issue has been raised in respect of our  
23 submissions potentially breaching Parliamentary  
24 privilege. Accordingly, perhaps cautiously, we have for  
25 the time being made redactions to our submissions; we

1 will consider the law on the issue and return to these  
2 areas in the Tranche 2 period.

3 The key issues in respect of Richard Chessum and  
4 "Mary" in our Phase 2 opening statement, in our Phase 3  
5 opening statement we focused on Lindsey German who was  
6 a member of the Socialist Workers Party from 1972 with  
7 roles on the central committee of that party for more  
8 than 30 years. We ask that this closing statement is  
9 read alongside those documents.

10 We are grateful to the Inquiry for allowing us  
11 additional time to present our closing submission,  
12 however we ask those who are listening to consider this  
13 statement alongside the published written version, which  
14 is detailed, fully referenced and available on  
15 the Public Interest Law Centre website.

16 In this closing statement, we will demonstrate six  
17 principal points:

18 Number one. The Rick Clark deployment was not  
19 simply an intelligence-gathering exercise, it was  
20 designed with the knowledge and approval of  
21 Special Branch managers and MI5 to undermine  
22 a democratic organisation.

23 Point number two. This undermining of a democratic  
24 organisation was one of a range of countermeasures  
25 endorsed by Government.

1           Point number three. Post 1972, the principal  
2 purpose of the SDS was not to assist with maintaining  
3 public order: its task, in conjunction with MI5, was to  
4 spy on citizens who were politically active,  
5 particularly in the trade union movement.

6           Point number four. Government knew and approved,  
7 encouraged and enabled the continuation of the SDS.

8           Point five. From as early as 1975, the SDS  
9 management knew of undercover officer sexual  
10 relationships with their targets.

11           And point number six. The public were continually  
12 deceived by Government as to the function and tasking of  
13 Special Branch.

14           Part one, the Rick Clark deployment.

15           This Inquiry started with a preconception, that  
16 the deployment of HN297, Richard Clark, "Rick Gibson",  
17 was unremarkable. The evidence of Richard Chessum and  
18 "Mary" was critical in demonstrating that that  
19 preconception was misconceived, and that led to  
20 recognition from the Inquiry that a mistake had been  
21 made in that pre-judging of a deployment. That  
22 recognition was both welcome and encouraging.

23           The known facts about Clark's deployment are as  
24 follows. He dishonestly misappropriated the identity of  
25 a child who had died. He was deployed directly into

1 a university with the Troops Out Movement as his  
2 pre-deployment target. He established a branch of the  
3 Troops Out Movement where one had not really existed.  
4 He encouraged others to assist him in that endeavour.  
5 When they did so, he opened files on them and reported  
6 on them. In Richard Chessum's case, that led to his  
7 lifelong blacklisting. Clark spent time in the home  
8 addresses of these people, abusing their hospitality and  
9 embarking on sexual relationships with at least two of  
10 them. He rose incrementally to the top of the  
11 Troops Out Movement, taking over higher positions of  
12 responsibility within the movement and undertaking  
13 executive actions that can only have destabilised it and  
14 were plainly likely to destabilise it.

15 He then attempted to use that position to decapitate  
16 the whole movement whilst ingratiating himself with  
17 Big Flame and embarking on at least two further  
18 sexual relationships. He only stopped because his  
19 activity was discovered. Big Flame activists confronted  
20 him with his birth and death certificates. The outing  
21 of Richard Clark was so significant for the SDS that it  
22 went down in SDS folklore and was used as a cautionary  
23 tale for decades.

24 All of that is now established, and because it is  
25 established, a more important set of issues arises. In

1 respect of each one of Clark's actions and his  
2 objectives, the question is: why? Ultimately, why was  
3 this officer put where he was to do what he did?  
4 Richard Chessum was able to come to educated conclusions  
5 about some of the reasons for what Clark did, basing  
6 those conclusions on his first-hand experience of  
7 the man and the movement and on the documents that had  
8 been disclosed. Ultimately, Chessum could not give any  
9 definitive answer as to why, nor of course could Clark  
10 himself; he died some years ago.

11 Geoffrey Craft was the SDS inspector from early 1974  
12 until some point in 1976, when he became the  
13 Chief Inspector, a role that he remained in until  
14 the autumn of 1977. He was, therefore, a managing  
15 officer of the SDS throughout Clark's deployment, which  
16 lasted from December 1974 to September 1976. In  
17 addition, 1981 to 1983, Craft was Chief Superintendent  
18 of the Special Branch in charge of S Squad with the SDS  
19 as his "biggest responsibility". Craft was best placed  
20 to assist the Inquiry in respect of Rick Clark's  
21 "remarkable" deployment. Anything that is "remarkable"  
22 is likely to be memorable. We submitted over 70 pages  
23 of questions for Counsel to the Inquiry to ask  
24 Geoffrey Craft. Each question was supported by  
25 referenced documentary evidence, setting a context,

1 foundation and rationale for asking it. We have  
2 published the full set of questions on the Public  
3 Interest Law Centre website.

4 Those questions were key to understanding both the  
5 Rick Clark deployment and, because it was so  
6 significant, all of the deployments that followed.  
7 Because of that significance, we submitted those  
8 questions to the Inquiry far in advance of the deadline  
9 for doing so to ensure that they could be properly  
10 considered and included in Counsel to the Inquiry's  
11 questions. Many of the key questions were not asked.  
12 We don't know why. It may be that the Inquiry already  
13 has in mind the documentary evidence and the strong  
14 inferences that can be drawn from them. But if there  
15 have been preconceptions about Geoffrey Craft based,  
16 perhaps, on his career trajectory or the subjective  
17 character references of some of the officers who served  
18 under him, we ask the Inquiry to exercise great caution.

19 The Rick Clark deployment is very important to this  
20 Inquiry. It has far-reaching implications in respect of  
21 the use to which the unit was put and the tactics that  
22 it used. It would be very fortunate and convenient for  
23 many of the State Core Participants if the Inquiry were  
24 to find that Clark was a maverick officer who was acting  
25 on his own. On the evidence, that is not a realistic

1 conclusion. It is not sustainable to conclude that  
2 Clark did what he did off his own bat, or was running  
3 wild.

4 We're going to reference as much of that documentary  
5 evidence that we included in our questions as we can in  
6 the time available. Then we're going to invite you to  
7 draw conclusions from them that we suggest are  
8 inescapable.

9 Positions of responsibility.

10 The key aspect of Rick Clark's deployment was that  
11 he set up a branch of the Troops Out Movement and  
12 subsequently rose to the top of the movement nationally.  
13 Mr Clark's position, as set out in his statement, was  
14 that he knew absolutely nothing about it. In his oral  
15 evidence to the Inquiry, he conceded that, as he had to,  
16 that if an officer were to take a position of high  
17 office in a political organisation, that would risk  
18 influencing the freedom of expression and political  
19 action of the group.

20 He was then asked the following question:

21 "Mr Craft, if you had known that Richard Clark had  
22 risen to high office in the Troops Out Movement,  
23 including becoming the convenor to the  
24 National Secretariat, would you have approved?"

25 Unsurprisingly, following such a leading question,

1 he answered, "No".

2 That question is as interesting as the answer. It  
3 presupposes that Craft was telling the truth when he  
4 said that he knew nothing at all. It also presupposes  
5 that Rick Clark did what he did without approval. These  
6 are dangerous preconceptions. They bury the truth.  
7 They set Rick Clark up to take the fall for a deployment  
8 that did impact upon the political action and freedom of  
9 expression of the Troops Out Movement. They are as  
10 wrong as the preconception that his deployment was  
11 unremarkable.

12 Chief Inspector Craft did know that Clark had  
13 targeted the movement and set up the branch. He did  
14 know that Clark had risen to the highest office in  
15 the movement, and he did prove it.

16 He also did know that Clark undertook a number of  
17 actions that inevitably impacted on the political action  
18 and freedom of expression of the movement. He approved  
19 that too.

20 Of course, there's the obvious inconsistency between  
21 the account of a chief inspector maintaining that he  
22 employed the highest levels of monitoring and  
23 supervision while simultaneously not noticing an  
24 officer's 21-month meteoric rise to the movement's  
25 hierarchy. To accept that would be stretching credulity



1 to breaking point.

2 It's all the more incredible when one looks at  
3 Craft's account of how often he looked at the reports of  
4 his officers. He would only see reports "if there was  
5 something particularly interesting in them" and would  
6 not sign them "unless there was something specifically  
7 to sign". The fact is that the report from Clark that  
8 dealt with his involvement in establishing the South  
9 East London Branch of the Troops Out Movement was so  
10 particularly interesting that Craft did indeed sign it  
11 off personally.

12 There are four reports within a month of each other  
13 dealing with Clark's election as branch secretary, as  
14 a delegate to the London Coordinating Committee, the  
15 All London meeting and the National Coordinating  
16 Committee. All of those were interesting enough to have  
17 been signed off by Craft's superior, DCI Kneale.

18 The next month Craft was signing off the reports  
19 that indicated Clark had achieved those positions.  
20 Craft then signed off the report dealing with Clark's  
21 further election as delegate to London Coordinating  
22 Committee. Kneale signed off a further election as  
23 delegate to National Coordinating Committee, and Clark's  
24 attendance at a private meeting with Gery Lawless, the  
25 head of the movement. But Craft was back signing for

1 the next delegate election two weeks later.

2 Kneale signed off the election to the national  
3 position on the Organising Committee for London, his  
4 election as London organiser, his nomination for  
5 a position on the National Secretariat and his role as  
6 organiser of the National Rally. But it was Craft who  
7 signed off his election for a role on the press  
8 committee, and, most importantly, when Rick Clark took  
9 Lawless' position as Convenor of the Secretariat and  
10 took charge of the whole movement, it's Craft's  
11 signature on the report. Kneale signed off those  
12 reports in dealing with Clark's early attempts to create  
13 division and dissent when he severely criticised another  
14 section of the movement and launched a scathing attack  
15 on some members.

16 But once in place at the top, when he insisted on  
17 the removal of Troops Out Movement press officer from  
18 the Secretariat, when, as convenor, he delayed a long  
19 planned trade union delegation to Ireland, "severely  
20 criticised" another member and prepared documents for  
21 circulation to the press, Craft signed off every report.  
22 When, as convenor, Clark censured another very prominent  
23 member of the Troops Out Movement, once again, it was  
24 Craft who signed the report. And when it was reported  
25 that, four months into Clark's leadership, at least one

1 prominent organisation withdrew its support for  
2 the Troops Out Movement because the atmosphere was  
3 "increasingly reformist", again, it was Craft signing  
4 off. When serious dissent was noted with the  
5 International Marxist Group over the postponement of  
6 the delegation to Northern Ireland and by the time  
7 Lawless returned two members of the Secretariat had  
8 resigned, there, at the bottom of the report, is Craft's  
9 signature.

10 Rick Clark conspired with members of Big Flame to  
11 plot opposition and resistance to the leadership of  
12 the Troops Out Movement. He facilitated that even to  
13 the extent of risking the security of the SDS by holding  
14 the meeting at his police cover flat. That critical  
15 report was also signed off by Craft.

16 On 2 September 1976, shortly before his identity was  
17 discovered, Clark held a meeting which the major aim of  
18 the nine attendees was the defeat of the present  
19 leadership of Troops Out Movement and the replacement of  
20 them by independent members. Clark was described  
21 as "influential" and was named as the second of five  
22 proposed new leaders. It was a coup signed off by  
23 Geoffrey Craft.

24 In our first opening statement to the Inquiry, we  
25 warned of the risk of individual officers being

1           scapegoated and made to "carry the can". This was  
2           precisely why we did so. None of those documents were  
3           put to Craft and none of those questions were asked,  
4           even though we spoon-fed the Inquiry with them.  
5           Instead, Craft was led by the hand to say that he  
6           neither knew nor approved. Craft should not have had  
7           his hand held on any issue, but certainly not one as  
8           important as this. Craft knew that Clark went to  
9           the top of the Troops Out Movement and conspired to  
10          destabilise it. His continued approval, and authority  
11          for it, is stamped at the bottom of every report. His  
12          superior officers knew as well. Their stamps of  
13          approval and authority are there too. The dispersal of  
14          the knowledge and approval can be followed up the  
15          Metropolitan Police hierarchy just by looking at the  
16          minute sheets. Critically, every single one of those  
17          reports was sent to MI5 at Box 500. They saw them all.

18                 If they were asked, MI5 would not be able to pretend  
19          that they did not know that an SDS officer had rapidly  
20          risen through the ranks of the Troops Out Movement,  
21          right to the very top. They could not pretend that they  
22          did not know that an SDS officer was plotting to  
23          destabilise a democratic movement. They could not say  
24          that they were unaware of the source of the reports.  
25          Their knowledge that Rick Clark, as "Rick Gibson", was

1 an SDS agent is clearly stated in a Security Services  
2 minute sheet. They knew who he was and they knew what  
3 he was doing. The likelihood is that the knowledge and  
4 approval went higher than that. We shall deal with that  
5 aspect more generally at a later stage in these  
6 submissions.

7 Richard Walker, a Detective Sergeant in the SDS  
8 back office throughout Clark's deployment was conscious  
9 that the reporting was likely to go not just to the  
10 Security Services but to the Home Office as well. This  
11 Inquiry cannot be complicit in scapegoating Rick Clark.  
12 Whether Craft remembers it or not, the evidence  
13 overwhelmingly shows that Clark was not acting alone.

14 The Clark deployment conclusively demonstrates that  
15 the Metropolitan Police and the Security Services were  
16 using a secret police unit to destabilise and decapitate  
17 a democratic movement. The SDS was authorised and  
18 encouraged to do exactly that. That is a fact.  
19 The Inquiry cannot shy away from that. We do not expect  
20 it will do so. That fact has far-reaching implications  
21 for every aspect of this Inquiry. It raises questions  
22 about the true function of the SDS. It cannot be argued  
23 that it was simply an intelligence-gathering  
24 organisation when it plainly was not.

25 Additionally, it raises questions as to the true

1 state and purpose of the SDS. It's impossible to argue  
2 that this activity had any role in preventing disorder  
3 or countering subversion, however one chooses to define  
4 that conveniently fluid concept. It casts a shadow over  
5 the credibility of any witness who protests that somehow  
6 the SDS was a protector of our right to free speech and  
7 of our democratic right to organise. It is a stark  
8 reminder that dishonesty is the lifeblood of these  
9 people. They sought out a career that was founded on  
10 deceit and their success or otherwise depended on how  
11 dishonest they could be. It puts a perspective on  
12 the tactics that were used by the SDS, be they  
13 the dishonest appropriation of deceased children's  
14 identities, the cultivation of false friendships, or  
15 the sexual exploitation of activists.

16 A State that is prepared to undermine the very  
17 democracy that it loudly purports to be protecting is  
18 a State with very few qualms at all.

19 The Troops Out Movement.

20 The Troops Out Movement was established in 1973 as  
21 a campaign group whose aim was publicly stated and  
22 straightforward: self-determination for the Irish people  
23 and the withdrawal of British troops from  
24 Northern Ireland.

25 Their methods were lobbying Members of Parliament,

1 drafting alternative legislation and raising awareness,  
2 with the occasional low key demonstration, talks and  
3 film screenings. It had already been infiltrated by  
4 the SDS when Clark was sent in. HN298 "Michael Scott"  
5 was reporting on the movement in 1974 and was withdrawn  
6 after he broke his finger punching Gery Lawless in  
7 the place. Very shortly after Scott stopped reporting  
8 on the Troops Out Movement, Rick Clark was sent in. We  
9 know that there were other SDS infiltrations after  
10 Clark. Detective Inspector Angus MacIntosh, who served  
11 in the SDS between April 1976 and autumn of 1979 noted  
12 the successful infiltration of the movement and implied  
13 infiltrations other than Clark in the period up to 1979.  
14 The SDS was certainly supplying the Security Services  
15 with intelligence on the Troops Out Movement in  
16 the summer of 1980.

17 The officer concerned was involved enough to have  
18 been in closed meetings. It's referred to in a liaison  
19 file, but no disclosure has been provided in respect of  
20 the officer who sourced the information, or his role in  
21 the movement. Towards the end of 1980, HN96,  
22 "Michael James", began reporting on the  
23 Troops Out Movement, having been encouraged to do so by  
24 the SDS management. He was elected to the National  
25 Steering Committee in November and December 1981, taking

1 the position of National Membership Secretary, second  
2 only to the National Convenor. He reported on the  
3 Troops Out Movement from that position well into 1983.  
4 "Michael Scott" concluded that the Troops Out Movement  
5 had no subversive objectives and did not employ or  
6 approve of the use of violence. There is nothing in any  
7 of Rick Clark's reporting to suggest subversion or any  
8 public order risk. The same is true of the reporting of  
9 "Michael James". Generally, there has been no reporting  
10 suggesting public disorder at any Troops Out Movement  
11 event.

12 Interestingly, Geoffrey Craft was the SDS  
13 Detective Inspector and Chief Inspector for both the  
14 Scott and Clark deployments. He was the  
15 Chief Superintendent of S Squad with the SDS as his  
16 "biggest responsibility in that role" at the time of the  
17 "James'" deployment. Craft himself agreed that the  
18 organisation was not subversive and the public order  
19 risk was "just in case", or trying, as he put it, to be  
20 "ahead of the game", ie there was no public order risk,  
21 but it was conceivable that there might be one day.  
22 That argument might have a shred of credibility for  
23 a one-year deployment to assess a situation, but Craft  
24 had officers in there for at least seven of the ten  
25 years, between 1974 and 1983. Clearly there was no game



1 to be ahead of.

2 It's worth noting that under the "just in case"  
3 theory of public disorder prevention, Special Branch  
4 could try to retrospectively justify any infiltration of  
5 any protest or campaign group. There did not have to be  
6 a genuine risk of disorder, or even a suggestion of one.  
7 Craft called this the "ultimate defence line" that would  
8 prevent any "embarrassment" if the SDS existence were  
9 ever to become public knowledge. Another way of  
10 phrasing "ultimate defence line" is "ultimate excuse",  
11 and it is the excuse that we have heard repeated time  
12 and time again.

13 Absent a subversion or a public order justification,  
14 the fall-back justification for the repeated  
15 infiltrations of the Troops Out Movement seems to be  
16 that it might have provided intelligence on  
17 Irish Republicans, particularly in the light of a policy  
18 decision not to infiltrate any actual Irish Republican  
19 movement. It was a soft option along the lines of the  
20 policy decision not to infiltrate fascists because they  
21 were too dangerous and criminal for a police officer to  
22 infiltrate. An interest in possible Irish Republicans  
23 does not explain why it was that Richard Chessum, "Mary"  
24 and countless others had Special Branch files created on  
25 them and the detail of the minutiae of their lives

1 passed on to the Security Services with life-changing  
2 consequences.

3 It does not explain why authority and approval was  
4 given to undermine the Troops Out Movement to the extent  
5 that it was undermined. If Big Flame had not discovered  
6 and outed Rick Clark when they did, there would have  
7 been a coup. It may or may not have been successful,  
8 but it would inevitably have had consequences for the  
9 movement. What is clear is that the Troops Out Movement  
10 was riven to the extent it was widely viewed as being  
11 "too busy fighting amongst themselves to do any good  
12 work on the Troops Out issue".

13 It had had undercover officers running the movement  
14 for at least five of its first ten years. By the time  
15 they left, it was a shell of a movement. Its registered  
16 office was a council flat just south of King's Cross.  
17 Tragically, more than 3,500 people lost their lives in  
18 the Troubles before the troops eventually met.

19 "Mary".

20 There are a number of inconsistencies at the heart  
21 of Craft's evidence about sexual relationships. On the  
22 one hand Craft emphasises careful recruitment of  
23 SDS officers based on the results of their vetting and  
24 their good reputation within a small Special Branch  
25 where "everyone had a reputation very quickly". On the

1 other hand, Craft claims not to have known about  
2 Richard Clark's reputation within that same small  
3 Special Branch as being a bit of a lad, a womaniser and  
4 a "carnivore", despite evidence of it being "generally  
5 well known among the existing SDS officers".

6 Craft emphasises the "very close" officer  
7 supervision and close camaraderie yet claims to have had  
8 no knowledge of any sexual relationships at all, despite  
9 the proliferation of them under his command and two  
10 officers being honest enough to say that managers knew,  
11 either with certainty or in all likelihood. Craft was  
12 asked about the "particular risk" of an  
13 undercover officer being put directly into a university  
14 situation where he would inevitably be involved with  
15 young single woman. He replied that "he did not think  
16 of that at the time" but accepted that, with hindsight,  
17 of course he recognised the risk. That concession was  
18 inevitable.

19 It is difficult to realise how anyone could not  
20 recognise the risk. It is difficult to square his  
21 account that, he a 40-year old Detective Chief Inspector  
22 of the Metropolitan Police Special Branch, was too naive  
23 to recognise it. But somehow, since then, he acquired  
24 the necessary life experience to see what is already  
25 plain to the rest of us. Craft put an undercover police

1 officer into a university at a time when the sexual  
2 revolution was well under way and more permissive  
3 attitudes to sexual liberation, particularly in  
4 a university setting, were commonplace and common  
5 knowledge. He did so in the full knowledge that his  
6 success or failure as an undercover officer was  
7 dependent on him forming relationships with activists.

8 Craft was also in the unique position of actually  
9 reading and signing off the reports that Rick Clark was  
10 generating, yet somehow he did not see the red flags.  
11 Clark's first six reports included personal details of  
12 single female students and made it plain that he was  
13 spending time at home with them. You don't have to be  
14 a detective, let alone a Detective Chief Inspector, to  
15 have an alarm bell ring when those reports arrive on  
16 your desk. I mean, one of those reports was signed off  
17 by Chief Inspector Craft at a time when he was closely  
18 monitoring his officers, particularly one that had just  
19 entered the field. Those reports, along with all  
20 the others, went up to another senior officer, who also  
21 signed them off, before being sent to  
22 the Security Service. It will be interesting to hear  
23 every one of them plead naivety.

24 The real insight into Craft's approach to sexual  
25 relationships came from the unguarded moments of his

1           exculpatory belittling assertions that sexual activity  
2           does not require an exchange of CVs and that "these  
3           things happen". The truth about his recognition of risk  
4           came in his acknowledgement of what he actually saw as  
5           an inevitability. "How does one prevent it?" The line  
6           between an accepted inevitability and knowledge is very  
7           thin indeed, particularly for an organisation that  
8           mastered in deceit and had no qualms about using people  
9           generally.

10           "Graham Coates", HN304, had no doubt that all of  
11           the SDS managers were aware of Rick Clark having had at  
12           least one sexual relationship. "It was made quite plain  
13           with jokes and banter that they knew, we knew and  
14           management knew what was going on."

15           Craft used repeated denial as his own ultimate  
16           defence line in the same way that he denied all  
17           knowledge of the anti-democratic activity that he  
18           repeatedly signed off.

19           Big Flame and Rick Clark's discovery.

20           A conspicuous hole in Craft's evidence was in  
21           relation to the discovery of Rick Clark's identity by  
22           members of Big Flame. Craft had a very close  
23           involvement in the creation of undercover officer  
24           identities and was personally involved in the creation  
25           of Rick Clark's cover identity. He was very aware of

1 the "paramount" importance placed on the secrecy of  
2 the SDS and the need to avoid the political  
3 "embarrassment" that would befall  
4 the Metropolitan Police and the Home Office should  
5 the operation become public. He cited his own  
6 recognition of the "political sensitivity" when  
7 personally assuring the Home Office that officers were  
8 provided with "the strongest possible cover backgrounds  
9 compatible with the modern computer age".

10 Craft was also "very much involved in the  
11 exfiltration of SDS officers<sup>2</sup>, discussing with them how  
12 they would come out of the field, what their story would  
13 be, and how it would be explained. He considered it to  
14 be a "serious matter".

15 The impact of Big Flame's discovery of Rick Clark's  
16 death certificate must have been ground-shaking for the  
17 Metropolitan Police. Their "computer age" compliant  
18 security had been breached. The assurances they had  
19 given the Home Office in respect of it were worthless.  
20 The protracted police applications for anonymity in this  
21 Inquiry suggested danger to these officers in their  
22 undercover roles. If that were true, every SDS officer  
23 in the field would have been at risk. If, as Mr Craft  
24 suggests, Clark's deployment into the  
25 Troops Out Movement involved intelligence on Irish

1            Republicanism, the police would have been fraught with  
2            concern about repercussions.

3            Most importantly, the compromise risked the public  
4            outing of the SDS and the inevitable political fallout.  
5            That political fallout would have been all the more  
6            terrifying because Special Branch activity was  
7            the subject of particular public scrutiny at the time.  
8            The impact would have been all the more significant in  
9            the context of a deployment into a broad base single  
10           issue movement that could not be justified on either  
11           subversion or public order grounds. It was also in the  
12           context of an officer who had been engaged in blatantly  
13           anti-democratic activity within the knowledge of those  
14           who outed him and with a paper trail that confirmed the  
15           knowledge and approval of both the Metropolitan Police  
16           and the Security Services. There would have been heads  
17           rolling all the way up the hierarchy. How far up it  
18           went would have only depended on the extent to which it  
19           could be covered up. For Craft, as the Chief Inspector  
20           in charge, it would have been career-ending. He would  
21           have been remembered as the officer who presided over  
22           the demise of the unit.

23           A full decade later, in June 1986, Special Branch  
24           was so concerned about the details of Rick Clark's  
25           deployment being made public that the commander issued

1 a memorandum directing attention of "all officers" to  
2 Richard Chessum, warning them that he was speaking to  
3 a freelance investigative journalist about Clark and  
4 Big Flame. We did not know exactly when in 1986  
5 Mr Craft retired, but if he was still working in  
6 the summer of that year, he himself would have received  
7 the alert.

8 The incident was such a key moment in the SDS's list  
9 that 20 years later every single officer was "familiar  
10 with the story of an SDS officer being confronted with  
11 his 'own' death certificate", and yet the statements of  
12 the two officers in charge of the SDS at the time,  
13 Detective Inspector Craft and Detective Inspector Angus  
14 MacIntosh are silent on the issue. Conspicuously  
15 silent. The only reference Craft made to the compromise  
16 in his statement was a single sentence in the middle of  
17 a paragraph on officer welfare. He referred to an  
18 occasion Rick Clark thought he had been rumbled and was  
19 called to a meeting in a pub.

20 In the section on the use of deceased children's  
21 identities, there is no reference to it at all.

22 McIntosh started in the SDS in April 1976 and was  
23 well in place and working in September 1976. In his  
24 statement about exfiltration generally, he said:

25 "I do not remember one [exfiltration] causing any



1 trouble at all."

2 In the section of his statement where he was asked  
3 specifically about Rick Clark, he makes no reference at  
4 all to the discovery of the birth certificate or his  
5 exfiltration. These are striking omissions of senior  
6 officers, who are, at best, being deliberately  
7 unforthcoming.

8 Coupled with that is the bizarre insistence from  
9 both officers that neither of them recalls ever having  
10 worked with the other. Despite there being an 18-month  
11 period when they were together in charge of the SDS,  
12 Craft states he did not overlap with McIntosh at all in  
13 the SDS, and McIntosh states he does not remember ever  
14 working with Craft. They clearly were working with each  
15 other and they were definitely working together in  
16 September 1976, the very month of Clark's outing. There  
17 is documentary evidence to put that beyond question.

18 Craft maintained his memory block throughout his  
19 oral evidence and was unable to explain it, but conceded  
20 in the face of the documentary evidence that they must  
21 have been working together.

22 McIntosh began by maintaining his memory block. He  
23 put it down to being away for long training courses  
24 during his deployment where he would have overlapped  
25 with Craft, particularly for major incidents. That

1 account does not correlate with the actual periods of  
2 training that McIntosh is recorded as having done, which  
3 only account for four months of the 18-month overlap,  
4 and which took place in the year after the outing of  
5 DC Clark.

6 However, almost imperceptibly, Mr McIntosh slipped  
7 up in the middle of his evidence. Having maintained his  
8 zero recollection of working with Craft, he was asked  
9 some questions about the management style of  
10 DCI Mike Ferguson. He was asked if he recalled  
11 DCI Mike Ferguson's rigorous testing of new recruits.  
12 "Was that something common? Did Mike Ferguson tend to do  
13 that with undercover officers when they first started?"  
14 His reply, "Geoff Craft as well". In a split second he  
15 let it be known that he remembered working with  
16 Geoffrey Craft only too well.

17 That slip was not followed up by  
18 Counsel to the Inquiry. That's unfortunate. This  
19 contrived mutual memory loss is very convenient. It  
20 prevents questioning and inquiry on the way in which  
21 management discussed and decided to deal with events as  
22 significant as Rick Clark's outing, or very shortly  
23 afterwards, in November 1976, the antics of HN300,  
24 "Jim Pickford".

25 Both Craft and McIntosh did expand on their

1           recollections of the Clark outing in their oral  
2           evidence. Both recalled going to a pub because Clark  
3           had been uncovered. Craft said he'd gone with  
4           Derek Kneale, but Clark giving an excuse that Big Flame  
5           seemed to have accepted, all appeared to be well. He  
6           and Kneale had debriefed Clark the following day and  
7           decided to withdraw him anyway. Essentially, Craft  
8           downplayed the problem and put himself with a more  
9           senior officer who is now dead and therefore unable to  
10          assist.

11           McIntosh said he had gone with a surveillance team.  
12          He did not know any details of the potential compromise.  
13          He illogically prevaricated on Craft's presence or  
14          otherwise, presumed that Geoff Craft had dealt with it  
15          with another unnamed member of staff, which was why, he  
16          said, he did not remember working with Craft, before  
17          remembering it, at least to the best of his belief. He  
18          accepted that it was an event of "great significance  
19          operationally", that "without doubt [the SDS] would have  
20          been very concerned about it". He just said it had  
21          nothing to do with him.

22           Both were reluctant to confirm the production of  
23          a death certificate. Craft did so, obliquely. When  
24          pressed, McIntosh maintained he was not aware of one  
25          being produced at the time. Neither account was

1           credible, but both refrained to ensure that any  
2           questions on the internal inquiry into the reason for  
3           the compromise were not going to lead anywhere.

4           Fortunately, there's an official confirmation of  
5           both production of the death certificate and how  
6           "disturbing" the compromise was for the  
7           Metropolitan Police senior officers. Mr Craft's account  
8           that Clark came out of the pub giving no indication of  
9           any concern so they waited until the next day for  
10          a debrief and then decided there was "little point in  
11          leaving him out there" does not fit any of  
12          the surrounding circumstances.

13          Richard Chessum's account, albeit secondhand, that  
14          Clark went "white as a sheet" and that his cover flat  
15          was stripped overnight is a response that's far more in  
16          keeping with the reality of the fear that must have  
17          gripped the SDS. This was the biggest risk to their  
18          security until the "True Spies" programme. There must  
19          have been extensive internal inquiry. Clark must have  
20          been asked how it was that he came to be "rumbled", and  
21          his account must have been vigorously examined. Bearing  
22          in mind that Craft was aware that "people did talk all  
23          the time" and the SDS was much more open than  
24          Special Branch, they must have asked other officers what  
25          they knew.

1           Clark told several officers that two sexual  
2 relationships had led to his compromise. At least two  
3 officers gave evidence about that account in the closed  
4 hearings. One of them gave a character reference for  
5 Craft, unable to believe that he would have known.  
6 Another believed that it was generally well known among  
7 the existing SDS officers, including at least some of  
8 the managers. The latter would have been consistent  
9 with "Graham Coates"' account of wider managerial  
10 knowledge.

11           HN126, "Paul Gray", confirmed that when he joined  
12 the SDS, just one year after Clark's exfiltration, the  
13 unearthing of the death certificate was very much in  
14 the minds of all officers had they joined the squad and  
15 that he was aware that the security breach was said to  
16 have come about because Clark had an affair with an  
17 activist.

18           A further strong indicator of wider managerial  
19 knowledge of the sexual relationships leading to the  
20 compromise comes from the method of Clark's  
21 exfiltration. Commander Watts urged that Clark's  
22 withdrawal must be "under suitable cover", ie using  
23 appropriate methods to ensure that his tracks were  
24 covered. A key feature of that "cover" was Clark  
25 sending a note to one of the women that he'd had

1 a relationship with giving a false explanation as to why  
2 he had suddenly left. There was no exploration of that  
3 with Craft, despite his close involvement in  
4 exfiltration tactics.

5 The documentary evidence conclusively demonstrates  
6 that Clark was not a maverick officer acting in  
7 isolation. A conclusion that this letter was  
8 unauthorised and sent without managerial knowledge would  
9 be as suspect as a conclusion that his anti-democratic  
10 activity was similarly unknown and unapproved.

11 The Rick Clark letter was not an outpouring of  
12 honesty revealing his status and expressing regret, it  
13 was a tactic designed to reinforce the lie underlying  
14 the exfiltration and therefore to prevent further  
15 inquiry from activists. It was part of Clark's  
16 "suitable cover". Ultimately the "cover" worked, of  
17 course, despite what Clark referred to as the  
18 "ingenuity" of the "sinister" Big Flame.

19 Clark was not publicly uncovered as an SDS officer.  
20 The letter-writing tactic lived on.

21 In the postcard sent to "Madeleine" by  
22 Vincent Harvey and the many, many letters that were sent  
23 to the victims of undercover officers thereafter, in the  
24 circumstances of the Clark compromise, that letter is  
25 the evidence that breaks through the thin line from an

1           inevitable risk of sexual relationships into definitive  
2           knowledge of them.

3           The Rick Clark deployment is indeed "remarkable".  
4           On a personal level, it demonstrates the extent to which  
5           the SDS were prepared to use people, to get into their  
6           homes, to deceive, and sexually exploit them. On  
7           a political level, it proves the lie that is the public  
8           order of justification. There was none. It proves  
9           the lie that a "subversive" was anyone other than  
10          someone who was opposed to State interests, in this case  
11          the single issue of demilitarisation. It demonstrates  
12          that SDS deployments were being used for far more than  
13          simply intelligence-gathering. And finally, it shows  
14          who was pulling the strings.

15          Part 2, masters and servants.

16          Both Craft and McIntosh were unwilling to assist  
17          with the extent of their liaison with the  
18          Security Services during their time as managers. Craft  
19          said that he "did not have much communication with the  
20          Security Service whilst on the SDS". When MI5 wrote to  
21          him to convey "their gratitude for the flow of  
22          information" he was sending them on the activities of  
23          the SWP, there was no formality. Not only was Craft on  
24          first-name terms with MI5, they used the diminutive of  
25          his first name, Geoff, but Craft does not remember going

1 to the party that MI5 threw for the SDS. Nor does he  
2 remember taking DI Pryde to meet MI5 and introduce them  
3 to him. Nor does he remember being specifically called  
4 to a meeting with MI5 to be informed that the existence  
5 of the SDS was widely known amongst regional  
6 Special Branches.

7 McIntosh was also very reluctant to accept SDS  
8 engagement with the Security Services, despite MI5  
9 describing his last visit to them as "routine".

10 Whether they remember them or not, SDS engagement  
11 with the Security Service was increasing steadily from  
12 1972, at the same time as the public order ultimate  
13 defence line for deployments was decreasing.

14 Roy Creamer described 80%, perhaps more, of C Squad's  
15 work as being for MI5. It was "the bread and butter  
16 work of most C Squad officers". That figure would be an  
17 underestimate on the face of the documents disclosed to  
18 the Inquiry where reports dealing with public order are  
19 few and far between. Creamer's account that "the  
20 relationship between C Squad and the Security Service is  
21 best described as 'master/servant' -- the  
22 Security Service was the master" is borne out by the MI5  
23 briefings which the SDS were very ready to accept.

24 The primary objective was not public order as  
25 Mr Craft stated, it was to service MI5 requests for



1           infiltrations into the Troops Out Movement and for high  
2           grade political intelligence, particularly on the SWP.

3           The "ultimate defence line", the National Front.

4           In our last opening statement we addressed the six  
5           obvious ways in which the Metropolitan Police could have  
6           improved policing and eliminated the risk of public  
7           disorder between fascists and those who opposed them.  
8           Had those methods been adopted, the disorder at  
9           Red Lion Square, Southall and Lewisham would not have  
10          happened. Without those events, the Metropolitan Police  
11          would have lost their "ultimate defence line" for  
12          rationalising their infiltration and surveillance of the  
13          Socialist Workers Party. There is no evidence of any  
14          intelligence from the SDS impacting on the policing of  
15          those demonstrations.

16          Recent disclosure to the Inquiry has shown the one  
17          piece of information reliably thought to have come from  
18          the SDS in respect of Lewisham actually came from  
19          a press release from the counter-demonstrations ad hoc  
20          organising committee. That press release was the basis  
21          of the Special Branch threat assessment that the  
22          Home Office requested. The only solely SDS intelligence  
23          that made it into the threat assessment was the  
24          possibility that "smoke bombs, flour, paint and eggs"  
25          might be used.

1           At Southall, the disorder and violence was not only  
2 predicted by the police but in reality pre-planned by  
3 them. Undercover officers were warned off attending to  
4 avoid the police violence that ultimately killed  
5 Blair Peach.

6           That Government did not need the SDS to tell them  
7 that there was going to be trouble at Red Lion Square,  
8 Southall or Lewisham. The "law of the land" may well  
9 have entitled the National Front to make use of those  
10 places at the time, but this was a fascist organisation  
11 with its roots in the party that supported Hitler's rise  
12 to power and the genocidal violence that followed. It  
13 was staging deliberately intimidating marches in  
14 minority communities. The genocidal violence was fresh  
15 in the memories of the sons and daughters of those who  
16 had fought against it. It was even more fresh in the  
17 memories of the communities who faced that violence day  
18 after day on the streets and in their businesses and  
19 homes. The violence was so extreme that it was  
20 apparently the basis for the high level policy decision  
21 that stopped the SDS from infiltrating the  
22 National Front. Special Branch were too frightened of  
23 violent crime to infiltrate the National Front, yet the  
24 people who were suffering that violence were expected to  
25 be silent and tolerate the National Front marching in

1 their hundreds through their communities. It was  
2 obvious that those communities should have been listened  
3 to and the marches should be banned.

4 Detective Inspector Roy Creamer felt so strongly  
5 that the Lewisham march should have been banned that he  
6 refused to do the Special Branch threat assessment.  
7 Even The Daily Express and Sun newspapers called for  
8 the National Front march to be banned.

9 Inevitably, the people of those communities and  
10 those that supported them were not going to let the  
11 fascists pass. Those three demonstrations had become  
12 the ultimate defence line for the Metropolitan Police  
13 when trying to justify the infiltrations of the  
14 Socialist Workers Party. It was the focus of  
15 the State's Rule 10 questions of Lindsey German  
16 underpinning the theatrical repetition of the  
17 word "overthrow".

18 There is no Metropolitan Police acknowledgement of  
19 expulsion for the squadists or for the policies of  
20 disciplined stewarding that the undercover officers  
21 themselves were sometimes involved in. There is no  
22 acknowledgement of the contemporary police recognition  
23 that "the Socialist Workers Party does not get involved  
24 in violence as an organisation". Of course there's no  
25 reference to the community, campaigning and committed

1 work the Marxist left did to counteract the fascist  
2 threat. There is certainly no acknowledgement that the  
3 threat of the National Front only finally subsided  
4 because the Anti-Nazi League held firm against them.

5 The National Front had the destruction of any form  
6 of democracy as a primary action. Their action  
7 throughout the Tranche 1 period was a clear threat to  
8 public order. It was also politically violent. They  
9 were following the Nazi playbook from the early 1930s by  
10 attempting to dominate and control the streets. The  
11 fascist activity therefore fell within Special Branch's  
12 remit, however it was defined, from the 1967 tasking and  
13 the Denning definition to the 1970, 1972 and 1984  
14 adaptations, all of which we deal with below.

15 The lack of SDS interest in fascists was doubtless  
16 in part due to fear. The institutionalised racism at  
17 the Metropolitan Police inevitably also played a part.  
18 The racist language used in many of the SDS reports  
19 firmly indicates the mindset that was shared by  
20 the National Front. Infiltrations of fascists that  
21 generated the scale of personal data that was obtained  
22 on the left would have caused such vetting problems for  
23 the Metropolitan Police that they would have struggled  
24 for their own ranks.

25 But the Cabinet disclosure points to a far more

1 significant rationale for the lack of SDS infiltration  
2 of fascists. They were anti-trade union. Fascists had  
3 no interest in furthering their aims through an  
4 industrial context following the success of the strikes  
5 of the miners, dockers and building workers in 1972, the  
6 Government's primary focus in relation to  
7 intelligence-gathering was on trade unions and industry.  
8 The Socialist Workers Party and militant trade unionists  
9 campaigned for better wages and against national wage  
10 restraint, unsafe working conditions, unemployment and  
11 poverty. Ultimately, those campaigns led into national  
12 actions against wage restraint, and restriction of  
13 trade union organisations. This inevitably impacted on  
14 the concerns of industry and national Government.

15 Subversives.

16 In our opening statement to the last phase of the  
17 Inquiry we undertook an analysis of the way the state  
18 shifted the role of the Metropolitan Police away from  
19 policing duties into political policing duties. We  
20 emphasised the starting point in 1967 that  
21 Special Branch officers were tasked with the preventions  
22 of crimes directed against the State, a clear task  
23 entirely consistent with the established principles of  
24 policing.

25 That was followed by the shift, in 1970, with new

1 terms of reference, to "defending the realm from ...  
2 actions of persons and organisations which may be judged  
3 to be subversive of the security of the State". This  
4 was a job description taken directly from the  
5 Security Service directive of 1952 of the then Home  
6 Secretary David Maxwell-Fyfe. The shift was accompanied  
7 by a definition of subversive behaviour that was  
8 intention specific and designed to be loose and capable  
9 of wide interpretation, "Broadly speaking, any  
10 organisation or individual whose purpose is  
11 the undermining or overthrow of the established order".  
12 Those terms of reference were classified "confidential"  
13 and never released to the public.

14 The emphasis of "potentially subversive"  
15 organisations and individuals could at least to some  
16 extent be tempered by the careful application of the  
17 Denning definition of subversion. Under that very  
18 public definition, actions were only subversive if they  
19 were "unlawful".

20 A Chief Constable concerned with real policing could  
21 apply that definition if action was not unlawful, it not  
22 be subversive. Crucially the perspective was that it  
23 was MI5 who was tasked with dealing with subversives in  
24 defence of the realm against those break can the law.

25 In 1972, MI5 redefined the concept. "Subversion"

1 became "activities threatening the safety or wellbeing  
2 of the State and intended to undermine or overthrow  
3 Parliamentary democracy by political, industrial or  
4 violent means". That definition was given some false  
5 legitimacy in 1975 when the Security Service briefed it  
6 for adoption by the House of Lords, branding  
7 it "the Harris definition", a misnomer for what was in  
8 reality the "MI5 definition". Importantly, that public  
9 rebranding included reassurances that the definition  
10 only applied to those who broke the law, because  
11 the freedom to "join together to express and further  
12 views" was "fundamental to our democratic traditions".  
13 People could sleep easy, secure in the knowledge that  
14 what was happening in the United Kingdom was so very  
15 different to what was happening with the STASI in  
16 East Germany.

17 Later, in 1979, Leon Brittan attempted to calm  
18 concerns about a rampant Special Branch by stressing  
19 a strict application of the MI5 definition. Before they  
20 could be called "subversive", a person or group had to  
21 have a desire to overthrow that State and be an actual  
22 threat to the State. Like Lord Harris, Brittan stressed  
23 that Special Branch was "concerned with offences against  
24 the security of the State", implicitly equating  
25 subversion with terrorism, thereby reinforcing the

1 fallacy for the consumption of the public that in  
2 Britain police only dealt with crime.

3 This was retrospective window dressing and  
4 a cover-up. There had been no strict application and  
5 neither would there be. The State was fully conscious  
6 that the reality did not match the facade. It was  
7 appropriately Orwellian that the delayed Special Branch  
8 Guidelines were finally published by the Thatcher  
9 Government in 1984. Those Guidelines were carefully  
10 constructed to continue the deception by once again  
11 implicitly equating subversion with terrorism, at least  
12 as far as the public were concerned. The confidential  
13 correspondence accompanying the Guidelines made it clear  
14 that the "MI5 definition" had never been read to include  
15 an actual threat to the State.

16 The Home Office assured every Chief Constable that  
17 "an organisation currently operating within the law may  
18 nevertheless be subversive because its long term aims  
19 satisfy the definition."

20 Crucially, the Guidelines were widely drafted with  
21 the clear but secret intention of enabling the police to  
22 continue to target those who were "not engaged in  
23 subversion" as long as they "may become subversive in  
24 the future". In other words, those who were potentially  
25 potential subversives.



1           The truth is that the words "broadly speaking", "may  
2           undermine", "wellbeing", "political", "industrial",  
3           "operating within the law" and "long term", enabled  
4           the Metropolitan Police to be as flexible and intrusive  
5           as MI5 and Government wanted them to be. Back in 1975,  
6           and importantly for our Core Participants, the very  
7           moment that Lord Harris was releasing the  
8           "MI5 definition", Rick Clark was engaged in inveigling  
9           his way into Richard Chessum's home, the hierarchy of  
10          the Troops Out Movement and "Mary's" bed.

11          Government connivance.

12          Successive Governments were well aware that there  
13          was no "actual threat" to the State. In January 1969,  
14          the Official Committee on Subversion at Home was  
15          established on the direction of the Prime Minister  
16          Harold Wilson. It was comprised of key Government  
17          departments and immediately concluded that at no time  
18          were the aims of subversives, as they were then defined,  
19          within measurable distance of attainment. Instead,  
20          the focus of the committee was mainly on industrial  
21          issues and trade unions. Their "concern", more often  
22          than not, was about "the size of recent wage"  
23          settlements" and "the increase in their frequency".  
24          It's telling that a committee specifically designed to  
25          deal with subversion spent much of their time worrying

1 about people who were dedicated to improving standards  
2 of living.

3 The Wilson Government nevertheless encouraged  
4 the extension of intelligence-gathering activity and the  
5 existing "intimate relations" between the  
6 Security Services and Special Branch. That Government  
7 was fully aware that those "intimate relations" included  
8 the SDS and the work they were doing. The SDS and its  
9 continuation had been raised in discussion as at the  
10 Subversion at Home Committee in 1968 in the presence of  
11 representatives from the main Government ministries,  
12 many of whom remained in the group or its various  
13 incarnations over the following years.

14 It is unrealistic to suggest that that  
15 interdepartmental knowledge of the SDS's existence was  
16 restricted to the individuals present, or was forgotten  
17 without question over the following years.

18 The Government was also aware that the Security Service  
19 were reluctant to use "their resources to investigate  
20 the behaviour of individuals who, however politically  
21 repugnant and socially objectionable they may be, are  
22 not seeking to overthrow the established constitution by  
23 extra-political means".

24 The solution to that conundrum was to expand the  
25 role of Special Branches. One of the last acts of the

1 Wilson Government, just four days before the 1970  
2 General Election, was the introduction of the 1970  
3 Special Branch terms of reference, which made  
4 the relationship with MI5 and the SDS ever more  
5 intimate. In March 1972, a Security Service report sent  
6 to the Prime Minister Edward Heath concluded that:

7 "Troublesome though these groups are, they do not  
8 constitute anything in the nature of an organised  
9 conspiracy against the State."

10 The following month, a letter from the  
11 Cabinet Office to the Prime Minister expressed the view  
12 that there was no "genuinely subversive threat to  
13 society". Instead there was a "pervasive climate of  
14 opinion which is opposed in principle to most forms of  
15 established authority ... not necessarily a conscious  
16 and organised threat".

17 That letter concerned a ministerial meeting  
18 instigated by the Prime Minister himself for  
19 "consideration to be given to the question as to  
20 subversive activity in society, particularly in  
21 the industrial context". The nation's ruling elite  
22 attended, the Home Secretary, Foreign and Commonwealth  
23 Secretary, Secretary of State for Defence, Lord  
24 President, Secretary of State for Employment.  
25 The Cabinet Office raised two areas for consideration.

1 First, as there was no subversive threat to the security  
2 of the State, MI5 were limited in the help they could  
3 offer. So could MI5 be persuaded to adopt a more  
4 "aggressive" approach?

5 Secondly, could the Government respond to the  
6 "reluctant" conclusion that there was no threat with  
7 "pervasive, oblique and unattributable" action  
8 "sometimes supplemented by more covert forms of  
9 activity"?

10 The conundrum was the same as that faced by  
11 the Wilson Government two years before. The response  
12 this time was to change the definition of "subversion".  
13 The "MI5 definition", combined with the 1970 terms of  
14 reference, ensured that Special Branch and in particular  
15 the SDS would be doing MI5's dirty work for them,  
16 pervasively, oblique by, covertly and of course  
17 unattributably.

18 But August 1972 the slightly renamed group on  
19 Subversion in Public Life, SPL, was formed to improve  
20 the coordination of intelligence on the redefined  
21 concept of subversion. Its formation was directed by  
22 the Prime Minister Edward Heath. It included the same  
23 Departments of State as its predecessor. But for  
24 the first time, a recognition of the change in role  
25 provided by the new definition of "subversion", it also

1 included the Metropolitan Police Special Branch.

2 The first Special Branch attendee at SPL meetings  
3 was Deputy Assistant Commissioner Gilbert. He was  
4 promptly informed of the new definition including  
5 the brand new emphasis on the political and industrial.  
6 The SDS were not being tasked with infiltrating  
7 organisations to counter a genuine threat to the State,  
8 they were being tasked to infiltrate in order to counter  
9 "opinion", be it political opinion or industrial  
10 opinion. The role of the SPL was "to supervise and  
11 direct the collection of intelligence, particularly in  
12 industry". The chairman was Sir James Waddell.

13 In case there's any doubt about the origin of  
14 the intelligence that was being collected, the oversight  
15 of the SDS Annual Reports and the decision to continue  
16 funding them was signed off in 1969, 1971, 1972 and 1974  
17 by Sir James Waddell. Government knowledge of the SDS  
18 role in gathering that intelligence is graphically  
19 illustrated by an MI5 policy note of December 1972.  
20 Those who attended the Waddell group meetings knew that  
21 "Special Branch and MI5 were under increasing pressure  
22 from Whitehall for more and more detailed information  
23 about subversive influence in trades unions". They knew  
24 that Special Branch and MI5 were being pressured "to  
25 increase agent coverage of industrial affairs,

1 particularly in the metropolitan area". "What [was]  
2 needed was long-term agent penetration of subversive  
3 groups active in the unions rather than casual informant  
4 sources."

5 Waddell's continued authorisation of the SDS  
6 guaranteed that "long term penetration". That policy  
7 note made it clear it was not only SDS who used long  
8 term undercover officers, "provincial forces" also had  
9 "some success in that field". Regional police forces  
10 not only knew of the existence of the SDS but were using  
11 the same method from at least 1972. That's of  
12 particular importance for the infiltrations of the  
13 constituency office of the former member of Parliament  
14 Dave Nellist by the West Midlands Police. Prime  
15 Minister Edward Heath attached "particular importance to  
16 ministers receiving comprehensive reviews at regular  
17 intervals".

18 The existence and the work of the SPL was to be  
19 regarded as "entirely secret". It's little wonder that  
20 the SDS repeatedly reassured the Home Office of their  
21 awareness of the "political sensitivity" of their  
22 existence, as well as their "computer age" compliant  
23 security.

24 The close association between the SPL and the SDS  
25 continued after Edward Heath's Government. In 1975,

1 Sir James Waddell was succeeded as Chair by  
2 Robert Armstrong who signed off the SDS annual reports  
3 in 1976 and 1977. Special Branch retained membership of  
4 the SPL group. The "peculiar sensitivity" of  
5 the subject and Prime Minister Wilson's "close interest"  
6 in it ensured that it remained classified as "top  
7 secret".

8 We've not been provided with the SPL documents that  
9 cover Wilson's Government, nor that of James Callaghan,  
10 who had been the Home Secretary, who both co-created  
11 the SDS in 1969 and oversaw the introduction of the 1970  
12 terms of reference. The Inquiry has seen them and the  
13 limited gist evidence that we have had disclosed  
14 confirms that DAC Gilbert insists that he attended the  
15 SPL meetings from March 1974 to June 1977, often with  
16 James Waddell chairing. Special Branch senior officers  
17 with responsibility for the SDS were recipients of  
18 the SPL reports and minutes. The Inquiry is not in  
19 possession of any documentation from the group between  
20 1979 and 1982, although it clearly remained operational.

21 However, in December 1979, the Security Service  
22 rebuffed any discussion about amendments to the  
23 Special Branch terms of reference by arguing that the  
24 then Home Secretary, William Whitelaw had no doubts  
25 about the work being carried out by Special Branches,

1 including the work for MI5. Whitelaw was de facto  
2 Deputy Prime Minister to Margaret Thatcher. Whitelaw's  
3 successor, Leon Brittan, had a very strong interest in  
4 the 1984 Special Branch Guidelines. His role in both  
5 their drafting and the tactical considerations  
6 surrounding their disclosure to the  
7 Home Affairs Select Committee suggests that the appetite  
8 for intelligence or potential subversives had certainly  
9 not declined.

10 The Security Service had repeatedly vetoed any  
11 attempts to amend the 1970 Special Branch terms of  
12 reference and the Home Office had delayed consideration  
13 because there had been no public pressure in respect of  
14 Special Branch in the early 1980s. That change though  
15 in 1984 when a Working Party of the Police Panel  
16 Association of Metropolitan Authorities started asking  
17 awkward questions about Special Branch conduct.  
18 The Chief Constable became increasingly nervous.  
19 The pressure was on and work on the Guidelines  
20 commenced?

21 The key difference between the 1970 terms and the  
22 1984 replacement was the section on the Special Branch  
23 relationship with MI5. The 1970 terms read:

24 "In consultation with the Security Service to  
25 collect, process and record information about subversive



1 or potentially subversive organisations or individuals."

2 In practice, as we have heard from almost every  
3 officer, that meant "hoovering up" every possible piece  
4 of information about anyone who so much as bought a copy  
5 of the Socialist Worker newspaper.

6 The 1984 terms read:

7 "A Special Branch provides information about  
8 extremists and terrorist groups to the  
9 Security Service."

10 The 1984 terms draw attention away from the  
11 wholesale collecting and recording of personal  
12 information and distracts with the word "provides", as  
13 if to suggest that intelligence was just the byproduct  
14 of other work, a line the SDS witnesses have been trying  
15 unpersuasively to hold firm on.

16 Importantly, it hides the words "potentially  
17 subversive" and suggests that only extremists, who are  
18 equated, with terrorists had their information passed  
19 on. It's extraordinary subterfuge to try to hide  
20 14 years of sinister persecution of harmless citizens  
21 for political reasons and nefarious activity conducted  
22 for their masters at MI5.

23 The reality was very different. At the time  
24 Special Branch Records division held files of over  
25 a million individuals.

1           When the Guidelines were sent to Chief Constables,  
2 they were accompanied by a confidential covering letter.  
3 Paragraph 5 of that letter had been specifically  
4 included by the Security Service and included a widening  
5 of the subversion definition to include "long term aims"  
6 applicable to "those who may become subversive in  
7 the future".

8           Paragraph 7 dropped any mention of threat at all for  
9 Special Branch deciding whether militant trade unionism  
10 constituted subversion. The Home Office,  
11 Security Service and police connived to ensure that  
12 those engaged in "law-abiding, non-violent" activities  
13 could continue to be infiltrated. We ask the Inquiry to  
14 be conscious of this all-pervading duplicity when  
15 engaging with Government about their authorisation and  
16 knowledge of the SDS.

17           "Counter-subversion" and anti-democratic  
18 "assistance".

19           The acknowledged lack of any subversive threat  
20 coupled with the expansion of Special Branch  
21 intelligence-gathering capability raises an obvious  
22 question: to what use was the SDS intelligence put?  
23 It's been a key feature of the SDS evidence that first  
24 they gathered everything they could, and, secondly, they  
25 never received complaints about the intelligence they

1           were gathering. They generated vast amounts for the  
2           benefit of their customers, many of whom have been the  
3           subject of redactions.

4           What is clear from the Cabinet Office disclosure is  
5           that the various interdepartmental groups in Government  
6           were "customers", be they direct, as a result of  
7           Special Branch membership of those groups from 1972, or  
8           circulated via the Security Service as a product of  
9           their "intimate relationship". The purpose of these  
10          groups was not simply to gather intelligence but to use  
11          it for what they called counter-subversion. Bearing in  
12          mind the lack of any threat, the organisations targeted  
13          and the methods adopted, "counter-subversive" activity  
14          may be more appropriately termed "anti-democratic  
15          activity".

16          That activity took a number of different forms, many  
17          of which are mirrored in the deployments of undercover  
18          officers.

19          Disruption. It was widely recognised in Government  
20          that internal quarrels and dissent were a "great  
21          disabling factor" for political groups. In August 1968  
22          the Official Committee on Communism (Home) Working Group  
23          on Counter Measures held a meeting in advance the  
24          upcoming October demonstration. The first two "main  
25          points" of discussion were a "recognition of dissention

1 within the organising committee" and then a stated aim  
2 to exploit that dissent. "The object should be to allow  
3 it to be a demonstrable failure, by encouraging the  
4 process of disruption among the organisers and thus  
5 minimising its chances of success." Bearing in mind the  
6 primacy of that aim in the discussion, there must have  
7 been additional considers on the methods that could be  
8 used to achieve it. What's the best way of encouraging  
9 disruption in a group and minimising its chance of  
10 success? The participants in that meeting, like those  
11 that followed, including representatives of the  
12 Cabinet Office, Foreign and Commonwealth Office,  
13 Home Office, Departments of Education and Employment,  
14 and of course the Security Service, all united in their  
15 aim of encouraging disruption.

16 The SDS had been founded in the preceding months.  
17 The chances of undercover officers having a disruptive  
18 impact on the organisers, ie those at the higher levels  
19 of the organisations involved, were limited by the short  
20 time available before the demonstration. However, the  
21 potential must have been noted.

22 The key ministerial representatives at that 1968  
23 meeting were also present at the meeting of the  
24 Subversion at Home Committee the following year in which  
25 the continuation of the SDS was discussed.

1 Sir Burke Trend, Richard Thistlethwaite from MI5,  
2 John Tyrer from the Foreign Office, David Heaton as  
3 Secretary and of course, the Home Office representative  
4 Sir James Waddell.

5 A growing potential that came with longer  
6 deployments and deeper infiltrations cannot failed to  
7 have been noticed by individuals who had been  
8 specifically tasked to "counter-subversion".

9 There may not be evidence of disruption being caused  
10 by undercover officers in 1968, but there is  
11 the clearest possible evidence of disruption being  
12 caused in 1975 and 1976 by Rick Clark's deployment into  
13 the Troops Out Movement.

14 The paper trail for that deployment leads to the  
15 inescapable conclusion that the disruption was known and  
16 approved of by Special Branch management at  
17 Security Service. At the time of Clark's deployment,  
18 Commander Rollo Watts and Matt Rodger were on  
19 the recipient lists of the SPL reports of minutes and  
20 DAC Gilbert was a frequent attendee at the meetings.

21 The focus of the Inquiry so far has been on SDS  
22 intelligence-gathering. However, since at least 1972,  
23 the Metropolitan Police Special Branch was directly  
24 involved via the SPL with those involved in using  
25 intelligence for "counter-subversion". Further, and

1 very importantly, some time between 1970 and 1984,  
2 the general remit of Special Branch in respect of  
3 subversion changed. In 1970, Special Branch was tasked  
4 with gathering intelligence for the Security Service.  
5 By 1984, the tasking was widened to include not only  
6 intelligence-gathering but also assistance.

7 The Clark deployment stands out as a demonstrative  
8 example of assistance in "counter-subversion" by  
9 disruption and destabilisation. There is nothing  
10 comparable in any of the other undercover deployments in  
11 Tranche 1. It may be that as an overconfident  
12 deployment that nearly ended in disaster for everyone  
13 from the SDS up to Government, a decision was taken to  
14 tone down that kind of activity. It may simply be that  
15 the example stood out because the Troops Out Movement as  
16 an umbrella organisation was an easier target for  
17 disruption than others. The larger democratic,  
18 centralist Socialist Workers Party, for example, would  
19 have been a much harder target.

20 The Clark deployment is not the only example of  
21 assistance. Another much more proximate to the 1984  
22 Guideline drafting is a Security Service liaison note  
23 detailing a meeting between MI5 and  
24 Chief Inspector Short of the SDS in 1983. MI5 passed on  
25 a brief to the SDS on instructions in respect of

1 the Socialist Workers Party. Short informed MI5 that  
2 "Phil Cooper", HN155, who had infiltrated  
3 the Socialist Workers Party headquarters, is "brewing a  
4 row at HQ". That line, although short, is important.  
5 First, it is directly indicative of the assistance  
6 rather than intelligence-gathering. Secondly, it's an  
7 example of disruptive assistance aimed at the SWP.  
8 Thirdly, it was relevant enough for the SDS/MI5  
9 relationship for a Chief Inspector to refer to it and  
10 MI5 to note and record it. Fourthly, the fact that  
11 the row was brewing demonstrates that it was an ongoing  
12 action. The reference to it and noting of it are  
13 plainly indicative of approval.

14 Finally, for a Chief Inspector to know of the  
15 disruptive assistance, it must have been reported to  
16 him. The lack of additional supporting evidence does  
17 not mean it did not happen, it shows that the reports  
18 have not been disclosed by the Metropolitan Police or  
19 MI5. The best way to ensure that the Inquiry concludes  
20 that there is no evidence of an activity or tactic is to  
21 provide no evidence of it.

22 Membership, propaganda and electoral interference.

23 It's no coincidence that Special Branch membership  
24 of the Committee on Subversion in Public Life  
25 immediately followed the introduction of the MI5

1 definition and its focus on political and industrial  
2 activity. The very first report that Special Branch  
3 received from the SPL was titled, "The Impact of  
4 Subversive Groups on Trade Union Activity". It was sent  
5 to Deputy Assistant Commissioner Gilbert as well as  
6 a number of other recipients who were specifically  
7 tasked with counter-subversion via their committee  
8 memberships.

9 A significant focus, from the perspective of  
10 Special Branch and the SDS, was on  
11 the Socialist Workers Party, in particular, their main  
12 objective to attract new recruits by the virulence of  
13 their propaganda. This was followed by some detail on  
14 the circulation and influence the Socialist Worker  
15 newspaper, which contributed to the propagation of  
16 militant attitudes in industry generally. The emphasis  
17 was on the first, the ability of the  
18 Socialist Workers Party to increase its membership, and  
19 secondly, the quality and effectiveness of its media.

20 The membership figures of the  
21 Socialist Workers Party were a constant fixation of  
22 Government. Equally, the media more generally was  
23 a fascination for the various counter-subversion groups.  
24 The Cabinet documents detail a number of examples of  
25 Government manipulation of the mainstream media to



1 further its ends. It's not a surprise that Government  
2 was so fixated. The Socialist Workers Party were not  
3 advocating a putsch, they were advocating a process of  
4 heightening awareness and winning people over to try to  
5 achieve a more democratic society.

6 A significant part of that campaigning work, in and  
7 around 1972, was in industry and was proving very  
8 effective. The study of the range of possible  
9 counter-subversion measures must have included  
10 consideration of methods to limit party membership, and  
11 newspaper circulation. It's no coincidence that,  
12 post-1972, a large number of the many SDS officers who  
13 infiltrated the Socialist Workers Party took positions  
14 as either membership secretaries or newspaper  
15 organisers. The officer tendencies to downplay these  
16 roles as menial are in conflict with the Government's  
17 preoccupation. They were key roles.

18 The role of the membership secretary in an  
19 organisation is not simply -- not to simply record  
20 membership but to engage with and encourage that  
21 membership. The role of the paper organisation in  
22 the Socialist Workers Party was to promote the sales of  
23 the newspaper, which was the foundation on which  
24 the party was built. It was a very, very central role.

25 The SDS taking positions of responsibility within

1 organisations fitted the Government requirement for  
2 "pervasive, oblique and unattributable" action. It is  
3 self-evident that it would be destabilising and  
4 anti-democratic, whether it led to orchestrated  
5 disruption or simply put an uncommitted individual in  
6 a role that would have been more productively taken by  
7 someone else. The latter was consistent with  
8 the Government view that low level counter-action was  
9 often effective.

10 Trade unions.

11 The main concern in Special Branch's first  
12 SPL briefing was the extent to which "the influence and  
13 standing of many right wing [trade union] leaders had  
14 been reduced". It became a "general swing in major  
15 unions away from moderator right wing policies" and  
16 the "difficulties" that "national officials" were having  
17 controlling shop stewards and the wider trade union  
18 multiple. The Government problem was with trade union  
19 militancy, and the challenges it raised to their social  
20 policy and State legislation. The Government's clear  
21 aim was to put an end to it.

22 Secret "counter-subversion" documents boasted about  
23 the success that Government had had in 1971, including  
24 in influencing "certain key trade union elections". But  
25 the successful strike action of 1972 had shown

1 the electoral interference in a trade union was not  
2 enough. The rank and file and unofficial, factory  
3 based, leadership were immune to it. The Government had  
4 difficulty putting agents directly onto the shop floor.  
5 Certain Parliamentarians and trade unionists were very  
6 alive to the threat. Strike action, sit-ins and  
7 unwillingness to negotiate were not unlawful.

8 But the extension of Special Branch powers by  
9 the "industrial" addition to the subversion definition  
10 allowed for widespread indirect infiltration and  
11 monitoring of the trade union rank and file. Any  
12 organisation MI5 said was "potentially subversive" could  
13 be infiltrated, and so any campaign designed to  
14 challenge Government policy could be dealt with as if it  
15 were designed to overthrow the state. Militant  
16 trade unionism was the target behind the presence of  
17 dealing with subversion.

18 The specific exclusion of any "subversive" threat in  
19 relation to infiltrations of militant trade unionism in  
20 the 1984 Guidelines cannot have been an accident of  
21 drafting. It was simply a continuation of what had been  
22 happening since 1972.

23 The Socialist Workers' Party campaigns such as  
24 the Rank and File Organising Committee and the Right to  
25 Work Campaign were, in the words of the SDS themselves:

1            "To fight for the rights of Trade Unions,  
2 individuals and groups of workers against the oppression  
3 of management and Government, in particular at this time  
4 of high unemployment and anti-union legislation."

5            The aim, again in the SDS's own words, was for  
6 "pressure [to] be brought to bear against management and  
7 Government when fighting short term working,  
8 redundancies and unemployment, or demanding improved pay  
9 and/or conditions."

10           That was exactly what Government was worried about  
11 and their various groups were designed to deal with.  
12 That was why the Socialist Workers Party was infiltrated  
13 at the headquarters level on the direct orders of MI5  
14 and why the Right to Work Campaign was specifically  
15 targeted.

16           "Colin Clark" and "Phil Cooper" harvested  
17 intelligence on the Socialist Workers Party, its  
18 administration, finances and membership. They used  
19 their own attendance at almost every National Delegate  
20 Conference and Annual Skegness Rally of from 1977 to  
21 1983 to gather and capture personal details of hundreds  
22 of attendees. They used their access to the Party  
23 Headquarters and computer system to steal  
24 the organisations data, and the data of its members,  
25 even going so far as controlling finances. As ordered

1 by MI5.

2 Sir, we've got a few more pages to go. I'm aware  
3 that it's -- we're approaching 1 o'clock. Can I be  
4 allowed to finish it off, or ...

5 THE CHAIRMAN: Of course.

6 MR SCOBIE: Thank you very much indeed, and I apologise to  
7 everyone for delaying their lunch. Thank you, Sir.

8 Blacklisting.

9 The focus of all the reporting was employment,  
10 education and trade union related. When Government  
11 wrings its hands about trade union militancy and orders  
12 "positive counter-action against key subversive groups  
13 and individuals", what possible explanation is there for  
14 the repeated targeted and obsessive harvesting of that  
15 specific information?

16 The ultimate anti-democratic countermeasure is  
17 blacklisting. We dealt with the evidence on this topic  
18 extensively in our last opening statement.

19 Lindsey German was questioned by  
20 Counsel to the Inquiry on the apparent inconsistency  
21 between the Socialist Workers Party being an open  
22 organisation and the need for security measures at  
23 the 1978 National Delegates Conference. It was a State  
24 led line of questioning, designed to suggest that there  
25 was something sinister about the Party taking security

1 measures. It was somewhat ridiculous bearing in mind  
2 that the State had comprehensively infiltrated  
3 the conference and was fully aware there was nothing  
4 remotely sinister going on.

5 The principal reason for the security was fear of  
6 the threat of blacklisting. By the late 1970s it was  
7 common knowledge that people were being sacked and could  
8 not find work because of their political opinions.  
9 Blacklisting was a countermeasure. Not only did it take  
10 politically active people out of the workplace, it made  
11 people afraid to be politically active or militant there  
12 or indeed anywhere else.

13 We recognise the step in the right direction that  
14 Counsel to the Inquiry has taken on this topic, but the  
15 conclusions do not go far enough on a considered  
16 analysis of the evidence and the inferences that can be  
17 drawn from it.

18 There is no doubt that SDS intelligence reports were  
19 used for "vetting" purposes. The evidence from  
20 the managing officers was clear on the vetting value to  
21 MI5 of the SDS reporting.

22 Vetting did not apply to work in Government  
23 departments -- did not only apply to work in Government  
24 departments, it also applied to public corporations,  
25 "List X firms", private corporations engaged on

1 Government security contracts. The list of those  
2 private corporations was extensive, and they covered all  
3 sectors of the economy.

4 There is no doubt that SDS reports were used for  
5 blacklisting. The Government accepted and excused  
6 the inevitability of it. Employers "pleaded" for  
7 intelligence and "when a Special Branch officer is ...  
8 seeking help from an employer, or from a union official,  
9 it is asking a good deal to expect him to insist  
10 invariably that [it] is engaged in a one way traffic".

11 It should not be asking a "good deal to expect"  
12 a police officer to abide by the criminal law on bribery  
13 of a corruption. It is interesting that  
14 Sir James Waddell thought that it was; and he was  
15 prepared to share that view so openly with  
16 the Home Secretary himself.

17 Unsurprisingly, the Government's own approach was  
18 consistently duplicitous. The rules may prevent it,  
19 but, "Where there was overt evidence that a subversive  
20 employee was likely to change the scene of his  
21 operations, it was possible to ensure that this was  
22 given enough unofficial publicity to serve as an  
23 adequate warning to firms who might be at risk".

24 The Government simply directed employers to a  
25 non-official organisation, such as the Economic League

1 or Industrial Research and Information Services  
2 Limited", IRIS. IRIS was the unofficial body  
3 the Government's "counter-subversion" groups liaised  
4 with to influence trade union elections. They were all  
5 working hand in glove.

6 The SDS reporting on the national membership and  
7 trade union affiliations of the Socialist Workers Party  
8 was ordered by the Security Service. The details were  
9 provided by the Security Service and from there, there  
10 was no limit on the onward dissemination.

11 Conclusion.

12 In the early 1990s -- in the early 1970s, there was  
13 a fundamental change in what the SDS was to be, and what  
14 it was expected to deliver. It would no longer be  
15 a case of an officer sitting at the back of a public  
16 meeting and taking notes. It was a squad that was  
17 driven to be deep undercover, to draft reports on  
18 anything and everything. Officers were assigned to  
19 organisations for four to five years, using the names of  
20 deceased children to establish their legend. It was  
21 a squad that would report extensively on trade  
22 unionists, socialists, anti-apartheid activists,  
23 communists, and those who wanted troops out of Ireland.

24 Officers such as Rick Clark not only entered an  
25 organisation, he instigated and helped establish



1 a branch of that organisation, the Troops Out Movement.  
2 Following the new direction of what was expected of an  
3 SDS officer, he then fought his way to the top of  
4 the movement. Along the way he was happy to use people  
5 as stepping stones. He invaded people's lives and used  
6 sex as a tactic to build his credibility. He abused  
7 friendships, and undermined activists who were genuinely  
8 committed to the cause. Rick Clark was not a rogue  
9 officer, he was a foot soldier for the new strategy.  
10 His activities were understood, known and, crucially,  
11 directed. They became a blueprint for officers, as they  
12 joined campaigns and political parties and moved their  
13 way to positions of influence.

14 Rick Clark is important to this Inquiry as an  
15 example of what was to come from the 1970s. He  
16 represented the new strategy of not just the SDS but  
17 the British establishment, an establishment that had  
18 already opened a million files on its citizens.

19 The disclosure we have reviewed demonstrates that  
20 political policing was organised on a scale that should  
21 shock everyone, not just because of what was being done,  
22 but the impact it had on the lives of ordinary people.  
23 It was surveillance and spying on an industrial scale.

24 The new strategy was built on deep infiltration of  
25 campaigns and political parties by SDS officers; funded

1 and direct by a cabal of state institutions from  
2 Special Branches to the Security Services, from  
3 the Home Office to the Foreign and Commonwealth Office.  
4 It included a cast of senior civil servants and outside  
5 bodies such as the Economic League. This army of  
6 surveillance led all the way from the door of successive  
7 Cabinet ministers and successive Prime Ministers.

8 In their defence, the British establishment claimed  
9 to be defending democracy, but it was not a defence of  
10 democracy, it was the undermining of democracy in  
11 defence of the establishment.

12 Sir, thank you very much for allowing us to finish.

13 THE CHAIRMAN: Thank you for finishing within a reasonable  
14 time, even though not to the letter of the -- second of  
15 the time that you were originally allocated. I'm  
16 grateful to you for completing your submissions --

17 MR SCOBIE: Thank you.

18 THE CHAIRMAN: -- with the efficiency that you have.

19 We will now pause and resume at 2 o'clock for  
20 further submissions, beginning with those of  
21 Mr Greenhall. Thank you.

22 (1.05 pm)

23 (The short adjournment)

24 (2.00 pm)

25

1 Closing statement by MR GREENHALL

2 THE CHAIRMAN: Mr Greenhall.

3 MR GREENHALL: Sir, thank you for the opportunity to make  
4 a closing statement on behalf of Lord Peter Hain,  
5 Professor Jonathan Rosenhead and Ernest Rodker.

6 I intend to follow the written closing which has  
7 been submitted to the Inquiry and I will not rehearse  
8 here all the detail that has been put in that written  
9 document. I will also try to pick up on some of  
10 the points that have made by the other Core Participants  
11 as I go.

12 Tranche 1 has heard evidence of shocking,  
13 unjustified and unjustifiable surveillance of  
14 anti-apartheid campaigners by undercover officers in the  
15 Special Demonstration Squad. Lord Peter Hain,  
16 Professor Jonathan Rosenhead and Ernest Rodker invite  
17 the Inquiry to make robust findings in line with this  
18 conclusion.

19 In their opening statement for Tranche 1 these  
20 Core Participants raised the following concerns over  
21 the targeting of political and social justice campaigns  
22 and the participation of undercover officers in protests  
23 and miscarriages of justice.

24 Those were: number one, the unjustified and  
25 politicised nature of undercover policing; number two,

1 the lack of any effective system of checks and balances;  
2 number three, the lack of any proper oversight;  
3 number four, racial bias and racism within undercover  
4 policing; number five, a culture of contempt and abuse  
5 towards the rights of those targeted, including gross  
6 disregard for breaches of fundamental human rights. All  
7 of these issues have been exposed in Tranche 1 of this  
8 Inquiry.

9 I turn now to the targeting of the anti-apartheid  
10 campaign.

11 The Core Participants I represent have consistently  
12 raised two broad concerns over the targeting of  
13 anti-apartheid campaigns by the Special Demonstration  
14 Squad.

15 First, there was no legitimate policing need to  
16 target these campaigns using undercover officers.

17 Second, the targeting of those campaigns was  
18 influenced by political concerns.

19 Turning to the issue of justification, there was no  
20 proper justification for targeting the Anti-Apartheid  
21 Movement or the Stop the Seventy Tour, or the other  
22 organisations campaigning against apartheid in  
23 South Africa using undercover officers. The apartheid  
24 movement was an entirely conventional campaigning  
25 organisation which gave rise to no particular concerns

1 over public order or subversion. While the  
2 Stop the Seventy Tour openly used non-violent direct  
3 action to further its campaign, this did not justify  
4 the use of undercover officers to infiltrate  
5 the organisation.

6 It is important to correct the record relating to  
7 the purported justifications for targeting  
8 the anti-apartheid campaign. Former undercover officers  
9 have claimed that these groups were involved in violence  
10 and disorder and that this was the justification of the  
11 actions of the SDS towards them. These claims are  
12 false.

13 From the outset, the Stop the Seventy Tour and the  
14 Anti-Apartheid Movement were non-violent campaigning  
15 organisations. Violence was never part of their aims or  
16 their methods. Lord Hain, Professor Rosenhead, everyone  
17 Ernest Rodker and Christabel Gurney have all made  
18 statements confirming this was the case and it was  
19 confirmed in their oral evidence. Their position is  
20 supported by contemporaneous documentation about  
21 the aims and methods of the Anti-Apartheid Movement.  
22 This was summed up by the undercover officer HN298 in  
23 his witness statement as follows:

24 "There was nothing clandestine or revolutionary  
25 about the Anti-Apartheid Movement. They were a group of

1 people who did not think the situation in South Africa  
2 was fair. They wanted to make apartheid a high profile  
3 issue so that people would say that it was outrageous  
4 and things would change. It was not subversive so far  
5 as I was aware. I do not think they employed or  
6 approved of the use of violence."

7 The Stop the Seventy Tour did engage in non-violent  
8 direct action, however this went no further than minor  
9 damage to property and disruption of sporting events.  
10 This was known implicitly by those though took part.  
11 Any debate recorded in SDS records over the use of  
12 "violence" was effectively confined to the extent to  
13 which damage to property would be condoned by the STST.  
14 Violence against persons was never part of their aim.

15 Much has been made by those in the SDS. HN135,  
16 Mike Ferguson, occupied a close position to the  
17 leadership of the STST being referred to as  
18 "Peter Hain's right-hand man". Lord Hain continues to  
19 deny that HN135 occupied any role that could be  
20 described in that way. Whatever his precise role was,  
21 he did attend STST planning meetings where few others  
22 were present. It is there therefore telling that his  
23 reports about the STST's plans and methods do not at any  
24 point indicate or suggest that the STST supported  
25 the use of violence on demonstrations.

1           I note in passing that it would clearly be  
2 impossible to attend such small planning meetings of  
3 a group such as the STST without taking on some sort of  
4 active role within the organisation. Tactics and  
5 proposals would definitely have been discussed in these  
6 small groups and those present would inevitably have  
7 been drawn into such discussion. Therefore, the  
8 boundary between activity as a follower and as a leader  
9 does not appear to have been respected.

10           The Core Participants repeat their repetition of the  
11 claim by HN336 "Dick Epps" in oral evidence to  
12 the Inquiry that he attended an STST demonstration at  
13 Twickenham in which instructions were given to "attack  
14 the police". This is untrue. The allegation was made  
15 for the first time 50 years after the event and is  
16 unsupported by the contemporaneous documents. For the  
17 reasons set out by the Core Participants' opening  
18 statement of Tranche 1, Phase 2, the Inquiry is invited  
19 to reject this part of his evidence in the face of clear  
20 evidence to the contrary.

21           It is submitted that it is not enough to claim that  
22 public order records and reports have been lost and that  
23 only a selection of reports remain. Instructions to  
24 commit violent acts do not feature in any documents that  
25 have been recovered by the Inquiry.

1           As Lord Hain stated in his oral evidence to  
2           the Inquiry, the STST was entirely open about its aims  
3           and methods. It was public knowledge that the STST  
4           sought to disrupt sporting events by attempting to enter  
5           the pitch. Against this background, there was nothing  
6           which required a policing response based on SDS officers  
7           seeking to infiltrate the STST. Any public order  
8           concerns that arose could have been dealt with using  
9           conventional policing methods and did not justify the  
10          activities of the SDS.

11          The Met Police, by way of contrast, invite  
12          the Inquiry to conclude that the SDS reporting into the  
13          STST assisted the policing of events. By way of  
14          example, they cite reports by HN135 which set out "basic  
15          tactics" to be used by the STST. For example, they cite  
16          a report dated 9 December 1969, which related to the  
17          forthcoming Springboks match at Twickenham on the 20th  
18          of that month. The report stated that there would be:  
19          first a mass demonstration outside the ground; secondly  
20          protesters handcuffing themselves to goalposts; and  
21          thirdly an attempt to gain employment at a hotel where  
22          the Springboks were staying.

23          In response, we submit that in reality there was  
24          little information of use to public order policing that  
25          was not already well known. That there would be a mass



1 demonstration outside the ground was easily predictable  
2 and had been stated publicly. That people were trying  
3 to disrupt the match and try to get on to the pitch was  
4 obvious, and again, publicly stated by the  
5 Stop the Seventy Tour. There was no need for undercover  
6 officers to establish that information.

7 The specifics of how persons would seek to get on to  
8 the pitch was not so important. It's unclear how the  
9 fact that handcuffs might be used is of such great  
10 relevance in terms of public order policing. And in  
11 relation to direct action at a hotel, it's submitted  
12 that this doesn't create any significant public order  
13 issue.

14 Similarly, the Met Police rely on a report about the  
15 Stop the Seventy Tour National Conference on  
16 7 March 1970, which included details of plans to  
17 demonstrate at all places where the South African team  
18 were assembling, the first big demonstration to be held  
19 in June and other locations were listed. Again it's  
20 submitted that it was obvious that the  
21 Stop the Seventy Tour would seek to demonstrate wherever  
22 the South African rugby team assembled. The dates of  
23 the big demonstrations were easy to find out with  
24 conventional methods, so it is unclear how much  
25 assistance to public order policing this report

1           contributed.

2           It is important to note that it was only disruption  
3           to the large matches that had any real public order  
4           concerns.  Smaller roadblocks at team hotels and the  
5           like were certainly not on the same scale.  Of course  
6           there was an element of surprise to the STST tactics,  
7           but that concerned the specifics of how a match would be  
8           disrupted.  That the STST would seek to disrupt the  
9           matches, primarily by getting on to the pitch, was very  
10          well known, and the specifics of how that was to be done  
11          were less important for policing purposes.  Therefore  
12          the utility of the SDS to the policing of the large STST  
13          demonstrations was minimal and certainly did not justify  
14          the methods employed by the SDS.

15          I now move on to the issue of disproportionate  
16          reporting.

17          The Inquiry has seen evidence of very widespread  
18          recording of personal and private information about the  
19          Core Participants which went well beyond any conceivable  
20          public order concerns.  In relation to Ernest Rodker,  
21          reports were filed and sent to the Security Services  
22          containing personal information irrelevant to any public  
23          order concerns.  These included the fact that he and his  
24          wife had had a child, the fact that he had been unwell  
25          and was in hospital.  Similarly, undercover officers

1 reported the presence of Peter Hain's younger sisters,  
2 both still children at the time, at meetings of the  
3 Young Liberals in his parents' home. Again, this  
4 information was copied to the Security Service. And  
5 this information is not unusual, but in many ways is  
6 typical of the sorts of information collected.

7 Beyond their involvement in the anti-apartheid  
8 struggle, there are numerous reports relating to the  
9 Core Participants I represent attending public meetings  
10 of an entirely conventional political nature. These are  
11 meetings which should have been free from State  
12 surveillance.

13 In 1975, an intelligence report is made of a public  
14 meeting held by the Battersea Redevelopment Group  
15 attended by 150 people including Ernest Rodker. That  
16 meeting is simply part of a local campaign relating to  
17 redevelopment of a funfair attended by residents and  
18 local politicians. Again, it is concerning to note that  
19 the information is sent to the Security Services.

20 An SDS intelligence report from 1980 also lists the  
21 names of people identified as being present outside  
22 a conference centre in Wembley in Middlesex where  
23 the Labour Party is holding a special conference.  
24 Peter Hain attended that conference in his role as  
25 a delegate from the Putney Labour Party branch and he

1           took his two sons to the crèche there. There is simply  
2           no legitimate reason for the SDS to collect this data.

3           We submit that the opinion of undercover officers  
4           towards their managers in relation to the collection of  
5           personal information can be seen in the oral evidence of  
6           HN298. Referring to the views of the office and admin  
7           and people in charge, towards his attendance at meetings  
8           in the front room of Peter Hain's home where  
9           Peter Hain's sisters were recorded to be in attendance,  
10          HN298 said:

11                 "I think probably in relation to this kind of thing  
12           they're actually too frightened of these things. They  
13           happen and they're confronted with them and they don't  
14           really want to make waves and this is how these things  
15           work, they don't want you to make waves, but when  
16           they're confronted with it, they're in essence obliged  
17           to go along with it."

18           It's important to note that when SDS managers did  
19           seek to provide direction on tasking, many SDS managers  
20           state that decisions came from outside the SDS, either  
21           from C Squad in Special Branch, or either directly or  
22           indirectly from the Security Services. As former SDS  
23           manager Geoffrey Craft stated, the branch was "the legs"  
24           of the Security Service.

25           So the picture presented is of SDS officers adopting

1 an unfiltered approach to the recording of private  
2 information, the managers taking a reactive approach to  
3 what was recorded and "feeling obliged" to go along  
4 with it for fear of "making waves", and when they do  
5 seek to influence the tasking of officers, it is subject  
6 to inappropriate influence from the Security Service.

7 In any event, no proper justification has been  
8 provided for the type of personal information which was  
9 collected by the SDS on the Core Participants.

10 The means of collecting such information often involved  
11 entering their family homes by deception, it served no  
12 legitimate policing purpose and there is no legal  
13 foundation for collecting the information, and the  
14 Inquiry is invited to find that it should not have been  
15 recorded.

16 I turn now to the topic of political influence on  
17 SDS tasking and operations.

18 Documents disclosed in Module 2 from Cabinet Office  
19 records demonstrate that concerns that were raised at  
20 the highest political levels over the Anti-Apartheid  
21 Movement and Stop the Seventy Tour campaigns, and it  
22 appears that SDS reports were provided to meet these  
23 openly political influences. There were a number of  
24 secret committees formed at the highest levels which  
25 focused on subversion. These included the Official

1 Committee on Subversion at Home and a variety of others.  
2 Many of those who sat on the committees had knowledge of  
3 the SDS, and the committees also sought to promote  
4 the gathering of intelligence on groups with which they  
5 were concerned. These committees played a keen interest  
6 in both the Anti-Apartheid Movement and the  
7 Stop the Seventy Tour. The minutes of the Committee on  
8 Subversion at Home meeting on 21 March 1970 contained  
9 a detail report on the planned STST demonstrations and  
10 it ends with the statement that:

11 "The Security Service would keep in close touch with  
12 the Home Office in order to advise on the deployment of  
13 police resources at demonstrations."

14 Similarly, notes for the 10 March 1970 state  
15 "Sir Burke Trend may like to ask the Home Office and the  
16 Security Service for an up-to-date report on the cricket  
17 tour prospects and the development of measures to  
18 contain demonstrations", and that is accompanied by  
19 a briefing note entitled, "Stop the Seventy Tour  
20 committee", which gives details of the national  
21 conference held in March of 1970, and that is  
22 the conference that was attended by Mike Ferguson in his  
23 role as an SDS officer. Again, that report was provided  
24 to the Security Services and it appears that information  
25 has been passed on to the Subversion at Home Committee.

1           Now, there is debate in the Cabinet Office records  
2           over appropriate definitions of "subversion", and some  
3           of the minutiae of the proposed definitions is gone  
4           through. But what is clear from the definitions adopted  
5           is that they are not limited to those who use unlawful  
6           means for achieving their aims, or those which actually  
7           or potentially posed any sort of threat to the British  
8           State.

9           Irrespective of the particular definitions  
10          of "subversion", what does not appear to have been  
11          considered is why the Security at Home Committee was  
12          taking such a keen interest in the Stop the Seventy Tour  
13          and anti-apartheid protests. These were campaigns which  
14          were focused on ending apartheid in South Africa. They  
15          did not have any intention to overthrow the British  
16          State, on any definition of "subversion", even on  
17          the wide definitions adopted by some of the committees.

18          Similarly, if the definitions of Lord Denning or  
19          Lord Harris were adopted, there is no basis on which  
20          the STST and the Anti-Apartheid Movement fall within  
21          the remit of the various subversion committees. There  
22          is hence no legitimate reason why the SDS should have  
23          been involved in providing reports on the STST to those  
24          committees.

25          The fact that a request for targeting was made to

1 Special Branch by the Security Service did not provide  
2 a lawful basis for complying with it. If the request  
3 for targeting fell outside the policing remit of  
4 Special Branch, then the police officers were obliged to  
5 refuse to comply with it. That is -- the details of  
6 that are set out in the written version of this closing  
7 statement.

8 But it is quite clear that very little questioning  
9 was taken by Special Branch to requests for information  
10 from the Security Service, and they were more than happy  
11 to go along with requests for information in relation to  
12 the Anti-Apartheid Movement and the STST.

13 It is clear that, as well as the Home Office and the  
14 Security Service, the Foreign and Commonwealth Office  
15 were represented on the various committees in relation  
16 to subversion. Given the committee's interest in the  
17 Anti-Apartheid Movement, this raises questions over the  
18 extent to which the Government's interests abroad  
19 influenced the focus of the subversion committee, and in  
20 consequence the provision of information from both the  
21 Security Service and Metropolitan Police Special Branch  
22 and ultimately the SDS, and these issues tie in with  
23 concerns that have been raised by the Core Participants  
24 throughout the Inquiry.

25 Documents from the Cabinet Office now show the



1 influence of Cold War anxiety about communism informing  
2 the motivation of the Security Services. The records  
3 show a pervasive concern with communism which spread  
4 into other areas of alleged subversion. There were  
5 a myriad of different committees, all of which  
6 emphasised a policy of secrecy, as the minutes of the  
7 first meeting of the official group supporting the  
8 Ministerial Committee on Subversion state, and I quote:

9 "The existence of these groups, both ministerial and  
10 official, should in no circumstances be allowed to  
11 become known. The trend in expanding coverage of these  
12 groups is summarised in a report relating to the  
13 Information Research Department."

14 Which dates from 1974. And I set out the quote from  
15 full in the written document, but it states that:

16 "Over the years, the Unit has evolved an expertise  
17 in viewing the subversive threats in their context and  
18 seeking to counter them by disseminating factual  
19 material to carefully selected recipients."

20 And it goes on to talk about the broadening of the  
21 movement from 1969 to embrace all domestic subversive  
22 activities. The section now also watches such  
23 activities as those represented by student protests,  
24 Black Power, terrorism and Irish extremism.

25 Lord Hain has repeatedly emphasised in his evidence

1           that the British State's response to the Anti-Apartheid  
2           Movement must be viewed through the perspective of  
3           the Cold War. As he stated in his oral evidence to  
4           the Inquiry:

5           The Cold War prism through which the anti-apartheid  
6           struggle was seen was a very big part of the context in  
7           which we worked, but it was the South African apartheid  
8           State that presented itself as a bulwark against  
9           communism in its own language ... and it suited

10          Its purposes that Washington and London and Berlin  
11          and Paris and Rome saw it as part of a contest between  
12          the Soviet Union and the democratic West, saw it as  
13          being on the side of the democratic West, when in fact  
14          it wasn't a democratic regime, the very opposite ... it  
15          went against all the principles of democracy, including  
16          not having a democracy because the majority were not  
17          allowed to participate or vote and were denied the most  
18          elementary human rights."

19          Lord Hain has provided the Inquiry with  
20          a Special Branch report from 1970 which is entitled,  
21          "The final of a series of reports regarding the  
22          Stop the Seventy Tour Committee". The report refers  
23          to "discrete inquiries into Hain's background", and  
24          makes a number of false claims, including that his  
25          mother was "one of the leading members of

1 the South African Communist Party" and that his father  
2 was "active in the South African Communist Party", and  
3 that Lord Hain himself was "closely associated with the  
4 South African Communist Party". As Lord Hain stated in  
5 his witness statement, it is clear that this information  
6 must have been provided by the South African Security  
7 Services, the South African Bureau of State Security  
8 targeted groups campaigning against apartheid both  
9 inside and outside South Africa. They were active in  
10 London in the 70s and 80s and targets included  
11 the ANC and the Anti-Apartheid Movement.

12 This document, when viewed alongside the interests  
13 of the committees referred to in the Cabinet Office  
14 records, illustrates the clear liaison and influence  
15 between the UK Security Service and counterparts in  
16 South Africa, the product of which fed into  
17 Special Branch reports.

18 The Anti-Apartheid Movement in the UK was, of course  
19 part of a worldwide campaign and sprang from  
20 the Anti-Apartheid Movement in South Africa including  
21 the ANC. Christabel Gurney OBE has provided the Inquiry  
22 with details of how the movement was targeted in the UK,  
23 including a series of break-ins in the 1960s, the theft  
24 of membership records from the Anti-Apartheid Movement's  
25 office in the early 1970s, and an arson attack on

1 the Anti-Apartheid Movement office in the 1980s. These  
2 incidents should be viewed alongside the bombing of the  
3 ANC's London office in 1982.

4 The South African angle of some of these matters  
5 were explored in the report to the Truth and  
6 Reconciliation Committee in South Africa.  
7 The Cabinet Office records show a continued interest in  
8 actions taken opposing the apartheid regime in  
9 South Africa. In this context, the potential for  
10 influence on SDS targeting by the interests of  
11 the committees on subversion cannot be ignored.

12 The Cabinet Office records also provide a historical  
13 link with State surveillance before the SDS era. There  
14 are similarities in the SDS targets from 1968 with  
15 groups that were the interest to the Security Services  
16 from the 1950s onwards. Anti-militarism and peace  
17 campaigns from the 50s and 60s were of interest to the  
18 committees on subversion. And there's reference to the  
19 Committee of 100 being a target for the Security Service  
20 in a paper dated 1967 and a note from the Secretary of  
21 the Official Committee on Communism.

22 Ernest Rodker was active in the Committee of 100 and  
23 it is notable that in documents relating to  
24 Ernest Rodker's prosecution at the Star and Garter  
25 demonstration, which I will refer to later, he is

1 described by MD Rodger as follows:

2 "This man Rodker has been a thorn in the flesh for  
3 several years now. He had no fewer than 14 court  
4 appearances prior to 1963 for offences involving public  
5 disorder."

6 The continuity of interest from the committees on  
7 subversion suggests the explanation of why he was  
8 targeted in the SDS era and why he appeared to have  
9 attracted so much attention, including reports, as has  
10 been stated, on his involvement in conventional  
11 campaigning groups and the collection of personal and  
12 private information about him.

13 The Subversion at Home Committee records also show  
14 a keen interest in student demonstrations. The  
15 London School of Economics is specifically mentioned in  
16 a Security Service memorandum from 1970 provided to  
17 the Subversion at Home Committee and I quote here:

18 "Firms and individuals with investments in  
19 South Africa have been under attack for a long time. It  
20 will be recalled that this was the issue that first  
21 started The Troubles in the London School of Economics  
22 and the issue has had new life breathed into it by  
23 the Springboks tour and the forthcoming tour of the  
24 South African cricket team this summer."

25 Professor Rosenhead was an academic at

1 the London School of Economics at the time.  
2 The particular interest of the Subversion at  
3 Home Committee in student demonstration therefore  
4 provides a motivation for his targeting by the SDS over  
5 and above his involvement in the Stop the Seventy Tour.  
6 It is notable that several SDS reports concern meetings  
7 that were held at Professor Rosenhead's office in the  
8 London School of Economics. Again, this suggests an  
9 influence from the committees on subversion on SDS  
10 targeting.

11 It is also clear that even when the formal targets  
12 of the SDS had moved on from the anti-apartheid campaign  
13 and the Stop the Seventy Tour, the Anti-Apartheid  
14 Movement remained of interest to the Security Service.  
15 The SDS were aware of this interest and appear to have  
16 been collecting information on the Anti-Apartheid  
17 Movement, sometimes on behalf of the Security Service,  
18 well into the 1980s. The political interest shown in  
19 the Cabinet Office records adds a further dimension to  
20 this influence.

21 The influence of the committees on subversion on  
22 the SDS and its targeting is also evident in groups  
23 other than the Anti-Apartheid Movement. For example,  
24 the Workers Revolutionary Party and its predecessor, the  
25 Socialist Labour League, are referenced throughout the

1 Cabinet Office records. Repeated reference is made to  
2 connections between the WRP and the entertainment  
3 industry. Documents record that the WRP had attracted  
4 to it a small number of talented writers, directors and  
5 producers whose abilities are exploited in its  
6 interests. In television drama, members of  
7 the WRP produce work containing elements of Trotskyist  
8 propaganda. At the same time, the WRP has a wide range  
9 of contacts in the media through whom Trotskyist  
10 influence may be brought to bear in the reporting of  
11 news and current affairs.

12 It is important to clarify that the work produced by  
13 the WRP members was emphatically not Trotskyist  
14 propaganda. The professional credentials of those WRP  
15 members working in film and television was of the  
16 highest order. The professional work they produced  
17 consisted of high quality and imaginative films and  
18 television dramas, the content of which was determined  
19 on artistic merit alone. The quality of their work was  
20 often given full recognition from independent critics  
21 and award bodies, and the written statement of  
22 Roy Battersby sets out examples of the awards and  
23 recognition which he in particular received.

24 The same documents from the Cabinet Office also  
25 refer to the exclusion of subversives, or so-called

1           subversives, from the higher ranks of the civil service.  
2           The concerns and methods of the committees on subversion  
3           are mirrored in the concerns of Roy Battersby who, as  
4           Sir knows, is a film director and was a WRP member and  
5           who was blacklisted by the BBC, as outlined in his  
6           evidence to the Inquiry.

7           The WRP was well recognised by the SDS as not using  
8           violence and not being a threat to public order. It was  
9           clearly not a subversive organisation, standing general  
10          election candidates, for example. However, it was  
11          nevertheless targeted by the SDS despite misgivings by  
12          some managers.

13          Indeed, in 1979, DCI Mike Ferguson, who was then  
14          a senior SDS officer, stated in response to  
15          a Security Service request for coverage of the WRP --  
16          and I quote:

17                 "Although the WRP was not considered to be a law and  
18                 order problem, nevertheless he was ready to put a source  
19                 into the WRP if this would legitimately act as  
20                 a stepping stone for penetration of an SDS target."

21          It was clear that the SDS was involved in targeting  
22          the WRP at the behest of the Security Services for  
23          reasons unrelated to any proper policing purpose.  
24          The continued interest in the WRP by the committees on  
25          subversion further confirms the political influence on



1 SDS targeting.

2 Finally in relation to the WRP, it's worth examining  
3 some of the actions of the SDS in relation to the WRP in  
4 closer detail. For example, it is known that HN298,  
5 "Michael Scott", attended the WRP education centre,  
6 White Meadows, in February of 1976 and this was contrary  
7 to the wishes of Deputy Assistant Commissioner Gilbert  
8 and HN3030 "Peter Collins".

9 The purported explanation for his attendance at  
10 White Meadows, contrary to his authorisation, was that  
11 there was not time to communicate the withdrawal of  
12 the authorisation to him before he attended on the basis  
13 that he was invited to attend at short notice. This  
14 explanation was criticised by Liz Leicester in her oral  
15 evidence, who explained that WRP members invited to  
16 attend White Meadows would regularly decline to attend  
17 at short notice due to work, family or other personal  
18 commitments without attracting any undue attention. In  
19 short, the cancellation of the authorisation should have  
20 been communicated to HN298 before leaving for  
21 White Meadows, and had this happened, he could easily  
22 have withdrawn from attending without attracting any  
23 adverse attention. It's regrettable that, due to  
24 the late addition of Liz Leicester as a witness and her  
25 lack of Core Participant status, this point could not

1 have been put to HN298 when he gave evidence.

2 The White Meadows Conference Centre was also  
3 previously subject to a police raid in September of  
4 1975. A Home Office paper written in 1980 describes  
5 this as a "raid on the Workers Revolutionary Party on  
6 the advice of the Security Service but much against the  
7 advice of the Metropolitan Police Special Branch".

8 The raid was covered by the Observer newspaper, who had  
9 been tipped off prior to the raid occurring, and the  
10 Observer printed a report critical of the WRP. There  
11 are clear parallels with the references to the use of  
12 adverse media coverage against purported subversive  
13 organisations, as recommended by the committees on  
14 subversion.

15 The context of the raid on White Meadows is  
16 described in Roy Battersby's witness statement. It is  
17 important to consider the wider picture, which we now  
18 get from the Cabinet Office records, in particular the  
19 committees on subversion. The Cabinet Office records  
20 confirm concerns over entryism and Labour MPs by the WRP  
21 around the time of the raid. This ties in with SDS  
22 reporting by HN298 in the East Ham subdistrict of the  
23 WRP in 1975, which addressed a campaign to oust the  
24 sitting Labour MP, Reg Prentice. The Cabinet Office  
25 records also confirm that "dissemination and leakage of

1 information" was a recognised method of  
2 counter-subversion.

3 We can then see Special Branch documents which show  
4 that there were meetings between the editors of the  
5 Observer newspaper and Special Branch in the days before  
6 the raid. The newspaper was tipped off about the raid  
7 before it took place. This led to a campaign by the WRP  
8 around the raid and the Observer reporting.

9 Importantly, the timing of the raid came just before  
10 the 75th Labour Party conference at which Reg Prentice  
11 was due to make a speech against his deselection by his  
12 local party. In this wider context, the political  
13 influence on the SDS operations take on a far more  
14 significant role. What the reports from the  
15 Cabinet Office records show is the level of political  
16 interest in many of the groups targeted by the SDS,  
17 particularly in circumstances where the SDS was  
18 ultimately dependent on the Home Office for funding,  
19 this gives rise to very real concerns over political  
20 influence on SDS targeting.

21 In concluding this section on political targeting,  
22 I wish to return to those groups campaigning against  
23 apartheid and for racial equality more widely. In  
24 response to criticism of targeting of the Anti-Apartheid  
25 Movement, both the Metropolitan Police and the

1 Designated Lawyer Officer Group have stated that  
2 the police were required to remain neutral in political  
3 matters. As the Designated Lawyer stated in his closing  
4 statement on Monday, the right to demonstrate peacefully  
5 is a right of all citizens, whatever political view,  
6 unless they are prescribed organisations and that  
7 the police were obliged to treat the far left and the  
8 far right in the same way. I wish to make three points  
9 in response.

10 First, as a matter of law, there is no equivalence  
11 between freedom of expression, political opinion and  
12 hate speech. Many of the opponents of the  
13 Anti-Apartheid Movement, the Stop the Seventy Tour and  
14 later the Anti-Nazi League were seeking to uphold an  
15 avowedly racist system of Government perpetrating gross  
16 abuses of the human rights of the majority black  
17 population of South Africa. Similarly, far-right groups  
18 opposed to the Anti-Nazi League were espousing racial  
19 hatred. This, the principle of the lack of equivalence  
20 between political speech and hate speech, finds its  
21 modern expression in the European Convention  
22 on Human Rights and the limits of Articles 10 and 11 in  
23 relation to hate speech and actions with violent intent.

24 But even looking at domestic law at the time under  
25 the Race Relations Act 1965, promoting racial hatred was

1 a criminal offence. Therefore where the conduct of  
2 those who were opposed to people campaigning on issues  
3 of racial equality fell within hate speech, is simply  
4 lacked the legal protection that is granted to the  
5 Anti-Apartheid Movement, the Anti-Nazi League and  
6 others.

7 Second, as a matter of fact, the SDS did not appear  
8 to concern itself with ensuring political neutrality or  
9 avoiding taking sides in a dispute. There are three  
10 documents from the SDS that suggest that this was  
11 a factor which entered into the consideration of the SDS  
12 in deciding whether to target the Anti-Apartheid  
13 Movement, or how far such surveillance should go.

14 Putting forward the suggestion that the SDS was  
15 required to remain politically neutral as a reason for  
16 why the Anti-Apartheid Movement was targeted or why  
17 there were no limits put on the infiltration of the  
18 anti-apartheid movement or STST is an ex post facto  
19 justification that is not reflected in the  
20 contemporaneous evidence.

21 Third, and most importantly, this line of argument  
22 that the police were required to remain neutral simply  
23 ignores the fact that the SDS was already highly  
24 politicised in its targeting. The clear line the  
25 influence from the Cabinet Office committees on

1           subversion through the Security Services to  
2           Special Branch and the SDS show a clear political  
3           influence in its targeting and its work. There are  
4           repeated references in the Cabinet Office documents to  
5           concerns about protests targeting firms and businesses  
6           with South African connections. There are no  
7           countervailing concerns raised about the need for the  
8           British State to stand for racial inequality and to  
9           combat racism, there are no countervailing concerns  
10          raised about the targeting of the ANC and the  
11          Anti-Apartheid Movement and those campaigning against  
12          apartheid South Africa.

13                 The response by the Metropolitan Police on  
14          the reliance on police neutrality is therefore as  
15          follows. If only the SDS had been politically neutral,  
16          then we would not have seen them targeting groups in the  
17          manner that they did.

18                 The Core Participants repeat what was said in their  
19          opening statement for Tranche 1, Phase 2. The targeting  
20          of groups campaigning against the South African  
21          apartheid regime appears hard to justify because it is  
22          hard to justify. This is not simply a present day  
23          perspective; it was unacceptable conduct even judged by  
24          the standards of that time. These were political  
25          campaigns on issues of worldwide significance. They

1           deserve to remain free from the influence of  
2           undercover officers. The decision to target  
3           Lord Peter Hain, Professor Rosenhead,  
4           Christabel Gurney OBE and Ernest Rodker by surveillance  
5           as they campaigned against apartheid and to approach  
6           what they were doing as a threat to public order,  
7           democracy and British society was a political choice and  
8           involved the SDS taking a political approach to the  
9           work. In doing so, the SDS made a serious and grave  
10          error in the way it treated the Anti-Apartheid Movement.  
11          This Inquiry should confirm that error as a matter of  
12          historical record if there is ever to be confidence in  
13          a surveillance system that went badly awry and to ensure  
14          similar errors do not occur in the future.

15                 Sir, I intend now to move on to cases of  
16          miscarriages of justice, and principally the  
17          Star and Garter prosecution.

18                 On 17 January of 2023, more than 50 years after they  
19          were first convicted, the Crown Court at Kingston upon  
20          Thames upheld the appeals brought by Jonathan Rosenhead,  
21          Christabel Gurney and Ernest Rodker for offences arising  
22          out of the demonstration at the Star and Garter Hotel in  
23          1972. These appeals followed the Inquiry's referral of  
24          the matter to the panel concerning case of miscarriage  
25          of justice who then made an onward referral to the

1 Criminal Cases Review Commission who in turn referred  
2 the case to the Crown Court.

3 The Core Participants welcome the Chair's referral  
4 of the Star and Garter demonstration to the panel over  
5 concerns that the prosecution constituted an affront to  
6 justice. They endorsed the Chair's comment that  
7 the prosecutor and the court were deliberately misled  
8 about HN298's identity and role in the events which it  
9 was considering.

10 Referrals from the Criminal Cases Review Commission  
11 to the Crown Court operate as a rehearing. Given the  
12 age of the case it was clearly impossible for the  
13 Crown Prosecution Service to prosecute the appeal and  
14 the appeals were allowed without the Crown Court being  
15 required to make any factual findings. However, when  
16 allowing the appeals, His Honour Judge Lodder KC stated  
17 in open court that:

18 "It is important to recognise that in the judgment  
19 of the CCRC there were substantial grounds for finding  
20 an abuse of process. We do not resile from that in any  
21 way whatsoever."

22 It is regrettable that none of the others convicted  
23 at the Star and Garter demonstration appear to have been  
24 contacted by either the Inquiry or the CCRC. These  
25 remaining convictions appear to be unsafe, just like



1 those that have already been quashed. Moreover, the  
2 Core Participants are unaware of any attempt to correct  
3 the record of conviction from Mortlake Magistrates'  
4 Court to replace the false name given by HN298 which is  
5 known to refer to another person who is still living.  
6 It should of course be placed with HN298's real details.

7 It is submitted that as well as referring the  
8 convictions of Rodker, Rosenhead and Gurney to the  
9 panel, it is important for the Inquiry to consider  
10 the following matters when assessing the issue of  
11 miscarriages of justice within the Inquiry's terms of  
12 reference. I do not intend to repeat the detail which  
13 is provided in the written document, I will simply give  
14 the headline points.

15 The first is the factual innocence of those who were  
16 protesting at the Star and Garter.

17 The second is the lack of prior authorisation to  
18 HN298 to participate in the demonstration or any  
19 demonstrations of that type. The system of  
20 authorisation, both at a particular and general level,  
21 was entirely ineffective if not non-existent.

22 Third concerns the lack of disclosure of HN298's  
23 true role.

24 Fourth is misleading the court.

25 Fifth is breach of legal privilege.

1           The Core Participants also ask the Inquiry to make  
2 findings concerning the role of SDS management in the  
3 decisions that led to the Star and Garter prosecutions.  
4 Even a cursory examination of the evidence shows that  
5 the matters referred to above were done with the full  
6 knowledge and even encouragement of the SDS management.  
7 Again, I don't propose to rehearse the details which are  
8 in the written submission, but simply to note that the  
9 Star and Garter matter was referred to  
10 Assistant Commissioner level within the  
11 Metropolitan Police within days of arrest and charge.  
12 Far from being critical of HN298, senior management  
13 praised his "refreshing initiative".

14           The court proceedings were considered by the  
15 management in a memo in which the only concern raised  
16 was "embarrassment to the police if his true identity  
17 should ever be disclosed". It appears that the  
18 Metropolitan Police have managed to avoid such  
19 embarrassment until this Inquiry began to look into  
20 matters.

21           The Core Participants submit that the management at  
22 all levels within the SDS and the higher ranks of  
23 Special Branch were aware of and approved the plan for  
24 HN298 to participate in criminal proceedings without  
25 disclosing his true identity. It is further submitted

1           that no concerns were held by SDS managers over  
2           misleading the court, breaching legal privilege, or for  
3           any other consequence beyond reputational damage to  
4           the police and the Inquiry is respectfully invited to  
5           make relevant findings in line with these submissions.

6           Sir, I turn now to the issue of later prosecutions.

7           As submitted in the opening statements for earlier  
8           phases of Tranche 1, the Star and Garter prosecution set  
9           the template for the policy of total secrecy around the  
10          involvement of undercover officers in the criminal  
11          justice process. The policy against disclosure and the  
12          lack of concern for legal privilege also appears to be  
13          embedded in the Tradecraft Manual. Similar concerns  
14          about a lack of disclosure to defence and prosecution  
15          can be seen in the prosecution of HN13, "Desmond" or  
16          "Barry Loader" in 1977. I set out details in the  
17          written submission about two occasions on which he was  
18          arrested and prosecuted for public order matters.

19          On both occasions the documents show that no  
20          disclosure was made to the defence or prosecution that  
21          an undercover officer was involved in the case in any  
22          way. What is disclosed in the documents is that a court  
23          official appears to have been told that HN13 was an  
24          informant that the police wished to safeguard from  
25          a prison sentence. However, seeking a reduction of

1 sentence for an informant on the basis of assistance  
2 given to the police is very different from disclosing to  
3 the court that a defendant currently facing trial  
4 alongside others is in fact an undercover police officer  
5 and it does not remedy the integrity of the trial  
6 process.

7 It's against these documents that the oral evidence  
8 of HN34, Geoffrey Craft, must be assessed. HN34 signed  
9 off two reports relating to the prosecution of HN13.  
10 Later documents postdate his time in the SDS. In his  
11 written Rule 9 statement, HN34 denied any recollection  
12 of the prosecution of HN13 stating explicitly "I have no  
13 recollection of this at all, I do not remember going to  
14 court for HN13".

15 However, shortly before the oral hearings, HN13  
16 stated that he did recall the incident. No further  
17 witness was provided, but in oral evidence he stated  
18 that he briefed the magistrates that HN13 was an  
19 undercover officer working in his undercover name and  
20 that it was a secret operation and that he would  
21 maintain that name, presumably in the court proceedings.  
22 He states his concern was because he was arrested with  
23 other people who like to make public display and there  
24 was a chance they might kick up in the dock and behave  
25 badly and he would be obliged to maintain his cover to

1 join in with that.

2 Again, the details are provided in the written  
3 documents and I don't propose to rehearse them here, but  
4 it is notable that the oral evidence of HN34 was only  
5 given following opening statements where submissions  
6 were made that disclosure to a court official, as set  
7 out in the written documents, fell short of what was  
8 required to ensure a fair trial. It is also clear that  
9 the oral evidence of HN34 has the following weaknesses.

10 First, it's unsupported by contemporaneous  
11 documents. There is no reference in the contemporaneous  
12 documents that a magistrate was told anything about  
13 HN13's true role. The chronology provided by HN34 does  
14 not appear to match what is set out in the written  
15 documents. The number of court officials spoken to,  
16 again, does not match what is set out in the written  
17 documents. The content of the disclosure does not match  
18 what is set out in the written documents. The written  
19 documents refer simply to a court official being told  
20 HN13 is an informant. In fact, in relation to one of  
21 the prosecutions, it states that the defendant was not  
22 particularly identified as amongst the group of  
23 defendants before the court.

24 Fifthly, the motivation for the disclosure provided  
25 in oral evidence does not reflect what's in written

1 records.

2 And sixth, the general level of recollection of HN34  
3 of events does not appear to be strong. He doesn't  
4 appear to be able to give evidence about any other  
5 matter other than his statement that he recalled  
6 speaking to a magistrate. The fact that this evidence  
7 came late in the day, without any updated written  
8 statement has meant that there has been a limited  
9 opportunity in order to test his recollection.

10 For the reasons given in the written document  
11 the Inquiry is invited to reject the oral evidence of  
12 HN34 that a magistrate was told that HN13 was an  
13 undercover officer.

14 In any event, there is no evidence that any  
15 magistrate was spoken to in relation to the later  
16 prosecution of HN13 at Camberwell Green Magistrates'  
17 Court. In relation to this all the written documents  
18 referred to are that a court official is told. In  
19 relation to both prosecutions, it's clear that no  
20 disclosure over HN13's role was made to the prosecution.  
21 There was hence no means for the prosecution to consider  
22 whether there was other material which would have fallen  
23 to be disclosed to the defence if they had been aware of  
24 HN13's true role, or to consider the public interest in  
25 continuing the prosecution, and this is particularly

1 concerning in relation to prosecution for charges that  
2 appear to arise from incidents involving excessive force  
3 from uniform officers.

4 In any event, it is not accepted that informing  
5 a magistrate, even assuming this was the trial judge,  
6 that HN13 was an undercover officer is sufficient  
7 disclosure to ensure a fair trial. The court was not  
8 told whether HN13 was going to go on to give, through  
9 evidence, or whether what he said in court would be  
10 a continuation of his undercover role. This is, again,  
11 particular significance in relation to the context of  
12 offences arising from excessive force by uniformed  
13 officers.

14 The disclosure given in the manner suggested by HN34  
15 which is submitted is not sufficient to remedy the  
16 integrity of the trial process.

17 Stepping back from the details of what was said to  
18 the court officials in these cases, what is clear is  
19 that the only concerns raised by the managers in the SDS  
20 are over maintaining operational secrecy of the SDS and  
21 protecting HN13 from a prison sentence. No concerns are  
22 raised by anyone in relation to the fairness of the  
23 court proceedings, or the impact on the co-defendants  
24 who, assuming the SDS managers' fears for HN13 were  
25 correct, appear to be facing a real risk of

1 imprisonment. This focus is shared by HN34 in his oral  
2 evidence, but whatever he said to the court, his  
3 motivation is simply to protect HN13 and not over  
4 ensuring the integrity of the trial process.

5 Again, the fact that an undercover officer was  
6 facing criminal proceedings was communicated to very  
7 senior managers within Special Branch. Again, details  
8 are in the written closing, but the matters were  
9 communicated right up to the Commissioner of the  
10 Metropolitan Police. At all stages, the only concerns  
11 raised are for the wellbeing of HN13 and maintaining the  
12 secrecy of the SDS. No concerns over any other aspects  
13 of the criminal justice system.

14 These findings are mirrored in the review of  
15 possible miscarriages of justice carried out by  
16 Mark Ellison QC and Allison Morgan in 2015. As they  
17 say, they have seen nothing to indicate during the era  
18 from 1968 to 1989 when the Home Office funded the SDS  
19 that the potential impact of the policy of total secrecy  
20 might have on prosecutions of activists were ever  
21 considered.

22 So the picture emerging from the evidence of  
23 Tranche 1 is that SDS management are aware of undercover  
24 officers facing criminal charges but then actively  
25 promote and support the policy of total secrecy without



1 regard for any impact beyond the SDS itself.

2 The policy of total secrecy had the capacity to  
3 erode faith in the criminal justice system. It was  
4 a template set down by the prosecutions considered in  
5 Tranche 1 and picked up in later decades. It should be  
6 a central concern of this Inquiry.

7 Not all the identities of those defendants  
8 prosecuted alongside HN13 have been made public. Whilst  
9 these convictions were subject to the short report by  
10 the CPS for Operation Shay, no referral to  
11 the convictions appear to have been made to the CCRC.  
12 The Core Participants ask that the convictions are  
13 referred for consideration by the panel considering  
14 miscarriages of justice.

15 I now wish to make a few brief statements in  
16 concluding.

17 In concluding, the Core Participants return to the  
18 questions which they invited the Inquiry to address in  
19 their opening statements, and these are:

20 What was the purpose of the surveillance on them in  
21 the first place? Was the purpose legitimate? Each if  
22 one of the purposes put forward was ostensibly  
23 legitimate, was there a different, illegitimate and true  
24 purpose? Was the purpose tainted by political  
25 motivations? Was it tainted by racism or other

1 prejudices? Is the purpose now being presented no more  
2 than an ex post facto justification? And was the  
3 purpose even clear at the time?

4 Two, was there an appropriate legal and supervisory  
5 framework for that surveillance? And that includes:  
6 what was the framework? Is there any evidence of the  
7 framework at the time? Was the framework followed? How  
8 was the legal and supervisory framework avoided or  
9 exploited by officers and supervisors? And why did the  
10 framework not fulfil its purpose to protect the rights  
11 of these Core Participants?

12 Thirdly, was the activity carried out pursuant to  
13 the surveillance necessary and proportionate? What was  
14 the threat, if any, posed by those placed under  
15 surveillance? And was the level of intrusion and the  
16 unlawful activity pursuant to that surveillance  
17 justifiable?

18 Following the hearing of evidence in Tranche 1, the  
19 Core Participants submit that the answers to these  
20 questions in the Tranche 1 era are clear.

21 One, there was no legitimate purpose behind  
22 the surveillance of these Core Participants.

23 Two, the legal and supervisory framework was wholly  
24 inadequate, if not non-existent.

25 And three, the surveillance activity was a grossly

1 disproportionate interference with their private lives  
2 and legitimate political campaigning.

3 Sir, thank you very much. Unless I can be of  
4 further assistance.

5 THE CHAIRMAN: Thank you very much for your submissions.  
6 You've come comfortably within the time that you allowed  
7 yourself. Thank you.

8 We will now resume at 3.10 from Wales with  
9 Ms Heaven.

10 (2.57 pm)

11 (A short break)

12 (3.10 pm)

13 Closing statement by MS HEAVEN

14 THE CHAIRMAN: Ms Heaven.

15 MS HEAVEN: Good afternoon, Sir. I've just un-muted myself.

16 THE CHAIRMAN: I'm afraid you've got the graveyard slot.

17 You were the last person on the last day of submissions.

18 MS HEAVEN: Yes, Okay. Thank you very much.

19 Sir, these oral closing submissions are made to  
20 assist you in preparation of the Tranche 1 interim  
21 report. They are made on behalf of the Cooperating  
22 Non-Police Non-State Core Participants who have  
23 expressed a view on these matters. Detailed written  
24 closing submissions have also been submitted and will be  
25 published shortly on the Inquiry's website. The written

1           submissions of course deal with the evidence in much  
2           more detail than I can cover today.

3           Sir, for over 40 years, the  
4           Metropolitan Police Service and the British Government  
5           remained silent and actively sought to keep hidden from  
6           public scrutiny the unlawful, illegitimate and  
7           anti-democratic system of State-sponsored espionage that  
8           was carried out by British police officers across the  
9           United Kingdom. The fact that, for decades the police  
10          were engaged in politically motivated policing that  
11          primarily targeted the left was an embarrassment, and  
12          hence a closely-guarded secret.

13          The abhorrent practices that took place were only  
14          brought to public attention when the courageous women  
15          deceived into sexual and close personal relationships  
16          with undercover officers exposed those officers and  
17          spoke about what had happened to them. It is important,  
18          Sir, that you publicly acknowledge these facts and  
19          record that it was the actions of courageous individuals  
20          rather than the State that allowed the truth about the  
21          unlawful activities of the SDS to be exposed.

22          Since then, those affected by undercover policing,  
23          which is not just limited to the Non-Police State  
24          Core Participants, have faced an unrelenting fight for  
25          truth, justice and accountability. They have faced

1 resistance from the State and policing institutions at  
2 every stage. There has been a deliberate and concerted  
3 attempt to prevent the public and the Non-Police State  
4 Core Participants from understanding the true extent of  
5 the wrongdoings, whether it be through the suspected  
6 destruction of evidence, restricting disclosure or an  
7 apparent refusal to tell the truth. Every investigation  
8 to date has either been frustrated or resulted in  
9 inadequate, incomplete and unsatisfactory conclusions.

10 It should not be forgotten that the Metropolitan  
11 Police Service have failed to disclose vital  
12 incriminating information on their police spying  
13 operations to another Public Inquiry, the Macpherson  
14 Inquiry.

15 The facts under investigation by this Public Inquiry  
16 are a national scandal. The devastation caused by what  
17 occurred during the Tranche 1 era and beyond must not be  
18 underestimated. Lives have been destroyed, identities  
19 have been stolen, individuals have faced a lifetime of  
20 unemployment and poverty, those seeking justice,  
21 including against the actions of the State, have been  
22 undermined and the legal system has been damaged. There  
23 have undoubtedly been numerous miscarriages of justice  
24 and public trust in policing has been broken. The  
25 damage continues. Thousands of individuals have had

1 their most private activities reported on and their data  
2 stolen by the State.

3 When, on 6 March 2014, the then Home Secretary  
4 Theresa May announced this Public Inquiry to Parliament,  
5 she felt able to clearly assert that what had been  
6 discovered about the SDS was profoundly shocking  
7 and "will be of grave concern to everyone in the House  
8 and beyond". The Non-Police State Core Participants  
9 agree.

10 It should not be forgotten that although the terms  
11 of reference of Mark Ellison KC, who first investigated  
12 the SDS, were limited, what he discovered from  
13 the information at his disposal, which was limited,  
14 raised concerns about the SDS that went far wider.  
15 The evidence before this Inquiry raises significant  
16 concerns that go even further.

17 The primary purpose of this Inquiry is to  
18 establish "justice for the families and victims and make  
19 recommendations for future operations and policing  
20 practice". However, in doing so, this Inquiry must also  
21 play a fundamental role in repairing the damage caused  
22 by undercover policing, to restore public trust and  
23 ensure that the public and the State understand what  
24 went wrong and why, so that the right lessons are  
25 learned. The findings of this Inquiry for Tranche 1

1           could not come at a more important time in both the  
2           United Kingdom and around the world. This Inquiry, and  
3           you, Sir, have a unique and privileged opportunity to  
4           inform the future of undercover policing and public  
5           debate. This is no small task.

6           For example, in the last few weeks, it has emerged  
7           that Spain is facing its own undercover policing  
8           scandal. It seems that two undercover police officers  
9           have recently been identified infiltrating various  
10          groups considered to be on the political left and one  
11          had at least eight sexual relationships with women. So  
12          the world is watching this Inquiry.

13          In this country, as you know, public trust and  
14          confidence in policing and in the Metropolitan Police  
15          Service in particular is at an all-time low.  
16          The Metropolitan Police Service as an institution has  
17          already been found to be institutionally racist and  
18          corrupt, and marred by a culture of toxic masculinity,  
19          misogyny, sexual harassment and rape. Much of the  
20          misogyny that still affects policing today, particularly  
21          in the Metropolitan Police Service, has its roots in the  
22          history of their policing and the abhorrent practices  
23          and culture that infected the Metropolitan Police  
24          Service during and following the Tranche 1 era. This  
25          has been powerfully and comprehensively demonstrated to

1 be the case in the written and oral submissions  
2 submitted on behalf of Category H, which you heard  
3 yesterday.

4 Against this background, there is widespread concern  
5 about the future of undercover policing. The Covert  
6 Human Intelligence Sources (Criminal Conduct) Act 2021  
7 received Royal assent on 1 March 2021. The CHIS Act, as  
8 it's colloquially known, provides for an express power  
9 to authorise undercover law enforcement agents to commit  
10 crimes, including those of the most serious nature, in  
11 the undertaking of their duties. The available  
12 justifications for criminal activities provided by  
13 the statute include the prevention or detection of  
14 crime, or prevention of disorder, and necessity in  
15 the interests of the economic wellbeing of the United  
16 Kingdom. The serious abuses that the Non-Police  
17 State Core Participants have experienced at the hands of  
18 undercover police officers are a stark reminder of the  
19 potential consequences of the expansion of covert  
20 surveillance powers without sufficient accountability.

21 Against this background, it's even more important  
22 that the Inquiry fully and fearlessly composes what went  
23 on within the Metropolitan Police Service and the SDS  
24 and why, so that the correct lessons are learned from  
25 Tranche 1.



1           The starting point in restoring public trust is that  
2           the State and the police must acknowledge the  
3           undisputable unlawfulness and illegitimacy of the SDS,  
4           and its undercover operations, and open itself up to  
5           honest public scrutiny and accountability. So far in  
6           this Inquiry, the police have gone to great lengths to  
7           restrict and hide from public view the names and  
8           identities of former SDS police officers and managers,  
9           together with huge swathes of information, including the  
10          names of many of the groups spied upon by the SDS.

11          The Non-Police State Core Participants note that  
12          recently two relatives of a deceased child whose  
13          identities were stolen by the SDS undercovers also had  
14          their identities restricted. The Non-Police  
15          State Core Participants are aware, Sir, that you have  
16          been challenged in the courts. We do not know who has  
17          challenged you, but we are fairly certain any challenges  
18          were brought to further restrict disclosure available  
19          for public scrutiny in this Inquiry. Of note, the  
20          Non-Police State Core Participants do not know the full  
21          extent to which the Home Office has sought to restrict  
22          information disclosed to this Inquiry.

23          Now that the evidence has concluded for Tranche 1,  
24          it is deeply concerning and regrettable that certain  
25          parts of the State are still no closer to fully

1           acknowledging what went wrong and why. The Non-Police  
2           State Core Participants and the public have still not  
3           been provided with fulsome and unqualified apologies.  
4           It is not correct to assert, as the Home Office do, that  
5           they have limited direct involvement with the SDS in  
6           Tranche 1. The Home Office funded and approved  
7           the establishment of the SDS. Not only that, senior  
8           Home Office officials allowed the SDS to continue whilst  
9           fully appreciating that the vast majority of its  
10          operations were unjustified and potentially unlawful.

11           Despite this, the Home Office is still refusing to  
12          publicly accept responsibility for what the SDS did in  
13          Tranche 1. Rather the Home Office seeks to distance  
14          itself from the worst behaviours of SDS undercover by  
15          claiming that it did not know what was going on. So the  
16          Home Office was the relevant police authority for the  
17          Metropolitan Police Service. It is not good enough  
18          for it to simply say that politicians and Home Office  
19          civil servants were blind to the worst excesses of  
20          the SDS. The Non-Police State Core Participants remain  
21          sceptical and believe that the Home Office and its  
22          employees knew and know a lot more than it is willing to  
23          admit or disclose. However, if this really is the  
24          position, then, Sir, you should make it clear that this  
25          was a catastrophic failure of governance by the

1 Home Office. Either way, this Inquiry should condemn  
2 the use by the Home Office of this tactic of  
3 plausibility deniability.

4 In terms of the Metropolitan Police Service, the  
5 Non-Police State Core Participants were disappointed to  
6 read their closing submissions. There is no getting  
7 away from the fact that the Metropolitan Police Service  
8 is still seeking to defend the SDS and much of its  
9 undercover operations. As we have heard, the  
10 Metropolitan Police Service is disputing the independent  
11 view of your Counsel to the Inquiry and is seeking to  
12 persuade you, Sir, that you cannot make clear findings  
13 on the lawful justification for the SDS and its  
14 undercover operations. We urge you to reject these  
15 submissions. They are simply wrong, for all the reasons  
16 we, and your Counsel to the Inquiry, have already set  
17 out in written submissions.

18 As we've heard, Sir, the Metropolitan Police Service  
19 is also still refusing to provide a fulsome and  
20 unqualified apology for all aspects of SDS undercover  
21 operations and reporting. The Non-Police State Core  
22 Participants therefore call on the Government, including  
23 the Home Office, the Security Service and the  
24 Metropolitan Police Service to formally admit and take  
25 responsibility for all the abuses of fundamental human

1 and democratic rights that occurred at the hands of the  
2 SDS. This must also include an acknowledgement of the  
3 devastating and lasting effect the SDS has had on  
4 individuals, members of the public and British  
5 democracy.

6 The Non-Police State Core Participants also call on  
7 the Government, the Home Office, the Security Services  
8 and Metropolitan Police Service to reconsider their  
9 attempts to restrict the public scrutiny of documents  
10 before this Inquiry as it moves to later tranches.

11 Sir, ensuring accountability, and in the words of  
12 Theresa May "the greatest possible scrutiny into what  
13 has taken place". Sir, this will require you to be bold  
14 and robust in recording and identifying precisely what  
15 went wrong and why. So you will need to make clear findings  
16 on where responsibility lies, including at the highest  
17 political levels. You need to be, Sir, very clear in  
18 identifying the political influence exercised not only  
19 by the Home Office but crucially by the Cabinet Office  
20 and other Government departments, and their combined  
21 role in facilitating the establishment of the SDS and  
22 maintaining its secrecy. This must also include  
23 findings in relation to the influence and role played by  
24 the Security Service in seeking to outsource key tasks  
25 to an unaccountable policing unit. It must also include

1 an analysis of what was known by the various prime  
2 ministers of the day.

3 Sir, this Inquiry has so far declined to investigate  
4 the Office of the Prime Minister. It is inconceivable  
5 that the fact of the SDS and the nature of its  
6 undercover operations was not known about and sanctioned  
7 by each Prime Minister in Tranche 1. Establishing  
8 the state of knowledge of His Majesty's Government is  
9 a requirement of the terms of reference. This must  
10 include the prime ministers in post at the relevant  
11 time. It is therefore essential that this Inquiry  
12 follows the chain of knowledge about the SDS, and its  
13 successor unit the NPOIU, all the way to the top. This  
14 is an area that will need to be robustly explored by the  
15 Inquiry in Tranche 2.

16 Sir, as you know, the unashamedly political policing  
17 practices of the SDS and its successor unit the NPOIU  
18 continued for at least 40 years. It therefore came as  
19 some surprise to the Non-Police State Core Participants  
20 when they met the Metropolitan Police Service's closing  
21 submissions and the assertion that SDS undercover  
22 operations "would not occur now applying modern policing  
23 standards and under the current legal and policy  
24 framework post-RIPA" and that "by modern standards, the  
25 SDS deployments in this period are unjustifiable".

1           As you know, Sir, the abhorrent practices from  
2           Tranche 1 did survive the passing into law of the  
3           Regulation of Investigatory Powers Act 2000. Regulation  
4           made no difference. The Non-Police State  
5           Core Participants consider that in these Tranche 1  
6           closing submissions the Metropolitan Police Service have  
7           now finally accepted that the NPOIU and its undercover  
8           operations were unjustifiable and that unit should have  
9           been disbanded. The Non-Police State Core Participants  
10          hope that this admission will inform the  
11          Metropolitan Police Service's approach to Tranche 2.

12          The Non-Police State Core Participants have always  
13          suspected and maintained that the SDS was not  
14          fundamentally about managing and policing public  
15          disorder, or detecting or combating crime. Rather it  
16          was a political policing unit that was dominated at  
17          times by the demands of the Security Service and heavily  
18          influenced by Governmental paranoia about so-called  
19          subversion in the political left. The Non-Police  
20          State Core Participants maintain that this provides  
21          the true explanation as to why the SDS was allowed to  
22          continue and why the abhorrent practices flourished long  
23          after Tranche 1.

24          At the conclusion of the evidence, the Non-Police  
25          State Core Participants have been vindicated and shown

1 to be right. The disclosure before this Inquiry puts  
2 beyond any doubt that from the outset the SDS was  
3 deliberately and knowingly designed to be a secret  
4 policing unit to avoid independent democratic scrutiny  
5 and oversight. The Home Office and Home Secretaries in  
6 Tranche 1 not only knew in fact, but they also made  
7 clear that the funding and survival of the SDS was  
8 contingent upon the total secrecy, to avoid political  
9 embarrassment. Not only that, as you will know, Sir,  
10 decisions were taken by certain senior civil servants to  
11 conceal the existence of the SDS whilst at the same time  
12 the public were being reassured that any surveillance,  
13 including data collection of those politically active on  
14 the left, did not happen.

15 At the same time, police managers within the MPS and  
16 SDS knew, encouraged and covered up obviously unlawful  
17 conduct and misconduct by undercover officers and misled  
18 the courts. They developed abhorrent tradecraft  
19 practices which became embedded within the SDS and the  
20 NPOIU. Secrecy prevailed above all else, including  
21 the rule of law. There was no adequate system of  
22 operational governance or oversight of the SDS at any  
23 level, including operational governance of the SDS by  
24 the Home Office, the Metropolitan Police Service and by  
25 the SDS managers.

1           Her Majesty or His Majesty's Chief Inspector of  
2           Constabulary failed to provide independent oversight and  
3           at times went even further than the police, ensuring  
4           that Special Branch and the SDS activities remained  
5           shielded from scrutiny.

6           Sir, you are therefore requested to unequivocally  
7           find that from the moment of its inception the SDS was  
8           an unjustified and profoundly undemocratic undercover  
9           policing unit and that senior politicians, civil  
10          servants and senior police officers realised at the time  
11          that what they were doing probably did not have any  
12          lawful justification.

13          You are also requested to find that SDS operations  
14          were motivated by political and economic objectives and  
15          targeted civil society on the political left wing, and  
16          in doing so attacked, undermined and violated the  
17          fundamental and democratic rights of citizens to engage  
18          in freedom of expression, political thought, assembly  
19          and association.

20          Sir, you are also asked to recognise and record that  
21          there were many missed opportunities and occasions when  
22          the State could and should have revealed the existence  
23          of the SDS to ensure wider public scrutiny.

24          The Non-Police State Core Participants assert that if  
25          this had happened, the SDS would have been disbanded.



1           So the failure to take such steps has led to yet more  
2           devastation and trauma for a wide range of individuals  
3           and groups, whose voices are still to be heard by this  
4           Inquiry.

5           It's also important, Sir, that you acknowledge that  
6           those targeted by the SDS were not subversive, they were  
7           simply exercising their fundamental human and democratic  
8           rights, which were protected in law. These rights were  
9           enshrined in law precisely because Parliament and the  
10          courts recognised that individuals exercising such  
11          rights needed protection, often against the State and  
12          those seeking to preserve the status quo. It also ought  
13          to be recognised that it was the job of the police to  
14          protect such rights and enforce the law in the face of  
15          pressure from the governments of the day.

16          The judgment of the Investigatory Powers Tribunal in  
17          the Kate Wilson case puts beyond doubt that the type of  
18          undercover policing operations used by the SDS and later  
19          units violated these fundamental human rights, including  
20          the right not to be subject to inhuman and degrading  
21          treatment, the right to private and family life, and  
22          freedoms of expression, assembly and association.

23          Finally, Sir, we also ask you to reflect on the fact  
24          that the Non-Police State Core Participants, put simply,  
25          were on the right side of history in their campaigns

1           against, for example, apartheid, racism, sexism,  
2           blacklisting and the fight for trade union rights and  
3           adequate pay, protection of the environment and animals,  
4           and police accountability.

5           Sir, I now want to deal with missed opportunities  
6           briefly.

7           There were a number of key watershed moments in the  
8           Tranche 1 era when there were crucial missed  
9           opportunities for members of the Government, Whitehall  
10          and the MPS to review and disband the SDS and bring an  
11          end to its methods and tradecraft. The Non-Police State  
12          Core Participants contend that the fact that this did  
13          not happen is highly significant.

14          The missed opportunities and how the State responded  
15          to those moments must remain at the front and centre of  
16          your mind when considering the findings for Tranche 1.  
17          This is because they will give you a valuable insight  
18          into the reasons why the SDS was able to exist for so  
19          long. They also begin to illustrate the extent to which  
20          institutions of the State either turned a blind eye to  
21          the SDS or were deliberately complicit in shielding  
22          the unit from public scrutiny.

23          The first missed opportunity was the Lord Scarman  
24          Public Inquiry into the public disorder at  
25          Red Lion Square on 15 June 1974. The events at

1 Red Lion Square on this day are of huge significance to  
2 the Non-Police State Core Participants. One of  
3 the demonstrators, Kevin Gateley, died. Policing  
4 tactics adopted on the day, including the deployment of  
5 the Special Patrol Group, were used at subsequent  
6 demonstrations, including in Southall in 1979 when  
7 Blair Peach was killed following a blow to the head from  
8 an SPG officer.

9 The events are also of significance to this Inquiry,  
10 which is concerned with judicial oversight of undercover  
11 policing. The Non-Police State Core Participants, in  
12 their written closing submissions, have provided  
13 the Inquiry with a document located in  
14 the National Archives by the Undercover Research Group.  
15 This document appears to show that prior to or during  
16 the Public Inquiry, Lord Scarman was told about  
17 the methods used by the SDS in a note and then in  
18 a private discussion, and then he was asked not to  
19 reveal these messages in the Inquiry. The document  
20 speaks for itself, so I'll read it out.

21 Could I ask, please, for the Inquiry to put the  
22 document up on screen. It's {DOC/110/1}. Thank you.  
23 And if we could just go to the first page.

24 As we can see from the first page, this is an  
25 undated document and it's self-explanatory but it

1 relates to the Red Lion Square Inquiry. There's  
2 a bundle of documents which contain notes of meetings,  
3 and we can see, it remained closed and secret until  
4 2005.

5 So if we could just go over to the next page, please  
6 {DOC/110/2}.

7 Sir, this is the document I'm just going to read  
8 into the record. It's titled "Confidential" and it's  
9 a letter to Mr Belfall from DHJ Hilary of F4 Division.  
10 And just so that we're clear, Mr Belfall was the  
11 Secretary of the Red Lion Square Inquiry and it says as  
12 follows:

13 "Mr Belfall.

14 "As I have mentioned to you, plain clothes police  
15 officers get information about demonstrations and  
16 extremist organisations by methods which it is essential  
17 should not be revealed. The police files about  
18 the Red Lion Square demonstration contain references to  
19 these methods. Sir Arthur Peterson has instructed me to  
20 indicate this difficulty to Lord Justice Scarman, and  
21 I should be grateful if you would place this note before  
22 him. I have also mentioned the difficulty to Sir Henry  
23 Ware."

24 Sir, just pausing there, just for the record, in  
25 case others don't know, Sir Arthur Peterson was the

1 Permanent Undersecretary of State at the Home Office at  
2 this time, and we understand Sir Henry Ware was  
3 the Treasury Solicitor.

4 The note goes on:

5 "The solicitor to the Metropolitan Police is seeing  
6 the Deputy Treasury Solicitor at noon tomorrow and will  
7 discuss the matter then. Mr Hall will then be able to  
8 inform Lord Justice Scarman of the difficulty in greater  
9 detail."

10 And as I have said, it's signed off "DHJ Hilary" of  
11 F4 Division, which is the Metropolitan Police Service.

12 Thank you very much. We can take that down now.

13 So as you can see, Sir --

14 THE CHAIRMAN: Forgive me for interrupting you, Ms Heaven,  
15 but this document -- you've put this in and this is the  
16 first time it's been discussed. It is not clear from  
17 the language that the author is referring to the SDS.  
18 The language is consistent with him referring to the  
19 SDS, to the gathering of intelligence by other means  
20 available to Special Branch traditionally, or both.

21 MS HEAVEN: Yes, sir, and I'm going to say some words about  
22 that, but I think that must be fair.

23 So, as you can, Sir, in 1974, the MPS and their  
24 solicitors, on direct instructions from a senior  
25 minister in the Home Office and with the involvement of

1 the Treasury Solicitor, who was the solicitor for this  
2 Inquiry, instigated a private briefing of Lord Scarman  
3 to persuade him to investigate the fact that "plain  
4 clothes police officers get information about  
5 demonstrations and extremist organisations by methods  
6 which it is essential should not be revealed".

7 The Non-Police State Core Participants contend that  
8 the only sensible explanation is that this description  
9 must at the very least refer to the SDS, and of course  
10 it could relate as well to other methods, as you have  
11 just indicated.

12 Sir, no one could sensibly suggest that the SDS and  
13 its operations were not relevant to Lord Scarman's  
14 Public Inquiry into Red Lion Square. The presence of  
15 the SDS undercover officers and the nature of its  
16 undercover operations fell squarely within  
17 Lord Scarman's terms of reference, which were to review  
18 the events and actions which led to the disorder in  
19 Red Lion Square on 15 June and to consider whether any  
20 lessons may be learned for the better maintenance of  
21 public order when demonstrations take place.

22 As part of this Inquiry Lord Scarman was tasked not  
23 only with gathering eyewitness accounts but also to  
24 understand whether lessons may be learned in managing  
25 public order in the future. This was the apparent

1 justification for the existence of the SDS. Surely if  
2 the unit was not doing what it was tasked to do,  
3 Lord Scarman needed to know?

4 Sir, the document that I've just read out from the  
5 police files about Red Lion Square does suggest that the  
6 sensitive material is within the Red Lion Square file.

7 Now, Sir, coming on to the query or the point that  
8 you have just made. This Inquiry knows that the SDS was  
9 targeting and reporting on groups present on  
10 15 June 1974 prior to and during the protest in  
11 Red Lion Square. SDS undercover officers provided  
12 advance intelligence and "gave forewarning of both  
13 the size of the demonstration and the possible disorder  
14 which might occur". HN34, Geoffrey Craft, told this  
15 Inquiry that he thought SDS intelligence made  
16 a difference to the police response on the day. At  
17 least two SDS officers were present on the day and  
18 witnessed what had happened, and one of those  
19 undercover officers was punched in the face by a police  
20 officer in uniform. And Sir, this is why we say it's  
21 highly likely that at the very minimum that  
22 Red Lion Square file would have contained information  
23 and documents from the SDS and that the quote that I've  
24 read out must at least have included that material, if  
25 not other material and other tactics being used on that

1 day as well.

2 None of this was investigated by Lord Scarman in  
3 open proceedings. There is no suggestion in  
4 Lord Scarman's report of any closed session, or closed  
5 material being given to the Inquiry. This was  
6 a significant missed opportunity. Had Lord Scarman  
7 investigated the SDS, the SDS may have been exposed.  
8 There is every possibility that the SDS would have been  
9 disbanded. No doubt there would have been public  
10 exposure of how SDS intelligence made absolutely no  
11 difference to the police response on that day. Covering  
12 up the existence of the SDS would have been much more  
13 difficult following judicial scrutiny in a Public  
14 Inquiry.

15 Sir, the Non-Police State Core Participants have  
16 long suspected that the Metropolitan Police Service have  
17 deliberately destroyed key reporting and documentation  
18 relevant to what happened at the demonstrations in Red  
19 Lion Square and at Southall. The Metropolitan Police  
20 Service, Treasury Solicitor and Home Office have failed  
21 to disclose to this Inquiry any information on their  
22 private briefings to Lord Scarman. The Non-Police  
23 State Core Participants ask the Inquiry to request all  
24 relevant evidence on this issue.

25 The Inquiry's also requested to call evidence in



1 Tranche 2 from Anthony Speed in light of his liaison  
2 role to Lord Scarman and his comment in his witness  
3 statement to this Inquiry that he would be surprised if  
4 Lord Scarman had not been told about the SDS.

5 It is important, Sir, that you establish so far as  
6 possible why Lord Scarman did not investigate the SDS.  
7 This is particularly so given the findings of  
8 Mark Ellison KC in relation to the Stephen Lawrence  
9 Inquiry, a Public Inquiry that was not told about  
10 the SDS. Questions must be asked and answered about  
11 the extent to which the SDS was protected from public  
12 scrutiny in yet another Public Inquiry and who was  
13 complicit in this.

14 The second missed opportunity came with the  
15 circulation of the Special Branch report "political  
16 extremism and the campaign for police accountability  
17 within the Metropolitan District in 1983". The report  
18 is a Special Branch report by C Squad that evidences the  
19 targeting and reporting on the elected leadership of the  
20 Greater London Council and justice and defence  
21 organisations campaigning for police accountability  
22 within the London area.

23 Sir, the Non-Police State Core Participants endorse  
24 the comprehensive critique of this document set out  
25 yesterday in the closing submissions made on behalf of

1 Celia Stubbs.

2 In brief, the Police Accountability Report is  
3 a significant document in scope and size, totalling 100  
4 pages. It contains extensive personal and financial  
5 information, including informing about the Greater  
6 London Council, and key individuals, some of whom are  
7 Core Participants in this Inquiry, such as  
8 Ken Livingstone.

9 The report triggered outrage in the Home Office and  
10 clearly represented a crucial opportunity for senior  
11 Home Office civil servants to rein in the Metropolitan  
12 Police Special Branch and ask crucial questions about  
13 the undercover operations of the SDS and the uses of its  
14 intelligence. There are clear examples where this  
15 Police Accountability Report refers to SDS reporting  
16 and "secret sources". However, the real significance of  
17 the Police Accountability Report is that it puts the  
18 Home Office on notice as to just how far the  
19 Metropolitan Police Service was willing to go to protect  
20 itself. Despite this, the Home Office continued to fund  
21 a secret and unaccountable Metropolitan Police spying  
22 unit with no or few questions asked. This was a  
23 significant missed opportunity in the history of the  
24 SDS.

25 There is now substantial evidence before the Inquiry

1 on the extent to which the Special Branch were willing  
2 to engage in unlawful State surveillance and utilise  
3 the SDS in targeting campaigns seeking justice and  
4 police accountability under the mantle of so-called  
5 subversion. Not only must this be reflected in your  
6 findings for Tranche 1, the Inquiry must now explore in  
7 Tranche 2 the implications of the Police Accountability  
8 Report and the apparent intention of the  
9 Metropolitan Police Service to set up a police  
10 accountability monitoring unit within the Force.  
11 The Inquiry must investigate whether there is any  
12 connection between this monitoring unit and the  
13 targeting of police accountability campaigns in  
14 Tranche 1 and Tranche 3 and beyond, including  
15 Category G, the family of Stephen Lawrence,  
16 Duwayne Brooks OBE and Michael Mansfield KC.

17 The third missed opportunity is the report and the  
18 draft report of the Home Affairs Select Committee into  
19 Special Branches of 23 January of 1985. The Home  
20 Affairs Select Committee investigation provided  
21 a crucial opportunity for the Home Office and the MPS to  
22 be honest about their activities and open themselves up  
23 to democratic scrutiny and accountability in relation to  
24 the SDS. It is a matter of historical fact that  
25 the final committee report recorded that public anxiety

1 about the work of Special Branches in England and Wales  
2 was not justified. Clare Short MP and  
3 Mr David Winnick MP, both of whom are still alive, came  
4 to a different view. They prepared a draft report  
5 making clear that in their view they were satisfied  
6 "that political surveillance is carried out by the  
7 Special Branches often at the request of the  
8 Intelligence Services against those who in no way wish  
9 to undermine or destroy Parliamentary democracy or  
10 threaten the wellbeing of the State".

11 Now, Counsel to the Inquiry have stated in their  
12 closing submissions that Parliamentary privilege  
13 prevents you from making critical findings on the  
14 evidence given to the Home Affairs Select Committee.  
15 However, the Home Affairs Select Committee is of real  
16 significance to this Inquiry, and as you know, Sir, the  
17 Non-Police State Core Participants have legitimate  
18 concerns arising from the disclosure of the Home Affairs  
19 Select Committee papers.

20 Sir, given the importance of this issue to your  
21 terms of reference, and given the fact that it actually  
22 falls after the Tranche 1 period, the Non-Police State  
23 Core Participants propose that this issue is dealt with  
24 in slower time in Tranche 2. But, Sir, at this stage, we  
25 note the following.

1           It is not a breach of Parliamentary privilege for  
2           you to record and make reference to Parliamentary  
3           proceedings as undisputed proof of a historical fact.  
4           And for your reference, Sir, this can be found in  
5           Erskine May at paragraph 1618 to 1622.

6           The Non-Police State Core Participants ask that you  
7           do not completely disregard and exclude from your mind  
8           what you have read and know to be true. It is a matter  
9           of historical fact that the existence of the SDS and its  
10          undercover operations does not appear in the evidence  
11          given to the Home Affairs Select Committee. Sir, if  
12          you're in any doubt about this historical fact, then an  
13          obvious step would be to obtain witness evidence from  
14          Clare Short and David Winnick so that they can tell this  
15          Inquiry what, if anything, they knew about the SDS and  
16          its methods during Tranche 1 and Tranche 2.

17          As has been stated by Counsel to the Inquiry in  
18          their closing submissions for Tranche 1, the concerns  
19          raised within the Home Office about the  
20          counter-subversion work of Special Branches' role  
21          represented a missed opportunity to act on those  
22          concerns. Sir, this opportunity was missed largely  
23          because of the Home Office, under some influence from  
24          the Security Service, was preoccupied with covering up  
25          the problematic State surveillance of so-called

1 "potentially subversive individuals" by Special Branch.  
2 The documents show that the Home Office wanted to ensure  
3 that Special Branches could continue with this work.  
4 The duplicitous approach taken by the Home Office to the  
5 redrafting of the 1970 Special Branch Terms of  
6 Reference, which became the 1984 Guidelines, is linked  
7 in various ways to the Home Affairs Select Committee.  
8 These are all matters upon which the Non-Police State  
9 Core Participants will wish to make further submissions  
10 in advance of Tranche 2.

11 Now, Sir, I just want to say a very few words on  
12 each of the specific aspects of your terms of reference.

13 As you know, Sir, detailed written closing  
14 submissions suggest to you that you should make a number  
15 of factual findings as being open to you on the evidence  
16 in respect of Tranche 1. I will read some of those  
17 suggested findings shortly, with a brief explanation,  
18 time permitting.

19 But just by way of general comment, Sir, the  
20 Non-Police State Core Participants ask you to record as  
21 many of these factual findings as possible, or findings  
22 of a similar nature, however you choose to express them.  
23 You are also asked to reflect the findings contended for  
24 by other Non-State Core Participant categories who have  
25 made detailed written and oral representations. You

1 will understand, Sir, that the Non-Police State Core  
2 Participants have been waiting a very long time for  
3 answers and accountability and it's important therefore  
4 that findings are as detailed as possible.

5 So the Non-Police State Core Participants contend  
6 that the following findings are supported by the  
7 evidence before this Inquiry in Tranche 1. In terms of  
8 motivation for undercover policing operations, these are  
9 the findings the Non-Police State Core Participants ask  
10 you to record.

11 The SDS was established so that the State could  
12 monitor and record the exercise of fundamental human  
13 democratic rights, including freedoms of expression and  
14 political thought, of assembly and political association  
15 of members of the public. Sir, you do have these in our  
16 written document, just so you know.

17 The individuals and groups targeted by the SDS were  
18 largely on the political left wing and/or perceived to  
19 be on the political left wing. They were targeted  
20 because of their beliefs and activities, as opposed to  
21 any real subversive threat and/or participation in  
22 serious crime.

23 The SDS was not a rogue unit, it was a political  
24 policing unit that came under the umbrella of the wider  
25 Secret State.

1           The SDS activities were motivated by political and  
2           economic objectives rather than any lawfully justifiable  
3           legitimate policing purpose.

4           Sir, just by way of brief explanation, we've  
5           discussed in our written submissions the history of  
6           political policing in the United Kingdom and we've  
7           referred you to what we say is an important book,  
8           written by a Core Participant Tony Bunyan on the history  
9           of and practice of the Political Police in Britain.

10          Sir, as you will of course appreciate, the history of  
11          political policing is important in the context of this  
12          Inquiry.

13          Undercover political policing and the Secret State  
14          did not suddenly come into existence in 1968. State  
15          powers have been used as early as the 1790s to target  
16          groups and individuals threatening to disrupt the  
17          political status quo. The Metropolitan Police Special  
18          Branch predates the formation of MI5 in 1909, and in the  
19          era prior to Tranche 1, Metropolitan Police Special  
20          Branch led the way in targeting and monitoring so-called  
21          subversive elements in British society.

22          The Metropolitan Police Special Branch has always been  
23          well integrated and a leader within the Secret State.

24          The politics and the lie behind the creation of the  
25          SDS have been comprehensively dealt with in both the



1 opening and closing submissions by Mr Menon KC on behalf  
2 of Tariq Ali, Ernie Tate and Piers Corbyn. We simply  
3 add that the SDS, from the moment of its creation, was  
4 not politically neutral. The election of Ted Heath  
5 heralded an intensified political paranoia around  
6 subversion which was often in the documents found  
7 lacking by civil servants. In a statement of the  
8 Security Service witness said to this Inquiry:

9 "We learned that the pressure to investigate  
10 subversive organisations 'often came from the prime  
11 Minister and Whitehall'."

12 The cabinet Office documents recently disclosed to  
13 this Inquiry and to the Core Participants show that the  
14 SDS, whilst the brainchild of the Conrad Dixon, was  
15 highly likely to have been considered and co-opted as  
16 part of a broader campaign to counter-subversion in the  
17 United Kingdom. In the words of your Counsel to the  
18 Inquiry, which we endorse, the SDS did not operate in  
19 a vacuum, nor was it a rogue unit. It was one part of  
20 a larger intelligence-gathering apparatus by gathered  
21 intelligence about the activities of what was termed  
22 "the extreme left".

23 Now, Sir, I just want to briefly touch upon the  
24 findings that we ask you to make on the scope of  
25 undercover policing and they are as follows and they are

1 replicated in our written document.

2 SDS policing operations targeted and had an impact  
3 on members of the public across England and Wales.  
4 Police spies from the SDS used false and stolen  
5 identities to invade private homes, violate the intimacy  
6 of private life and personal lives and to inveigle their  
7 way into personal and private dealings of individuals,  
8 groups and communities.

9 In Tranche 1 there's evidence that the SDS  
10 intentionally targeted the following groups and  
11 individuals and that this was known about and sanctioned  
12 by managers: police organisations and politicians, trade  
13 unions and trade union members, justice and defence  
14 campaigns, including campaigns focused on police  
15 accountability, lawyers, children, political activists  
16 and social and environmental activists. I'll come on in  
17 a moment to just say a few brief words in relation to  
18 each of those groups, but before I do that, I'll just  
19 summarise the propositions in relation to the effect of  
20 undercover policing.

21 So, Sir, we ask you to consider making findings  
22 along these lines.

23 As a direct and indirect result of SDS undercover  
24 operations, the State interfered with and disrupted the  
25 exercise of fundamental human and democratic rights by

1 members of the public. These fundamental human and  
2 democratic rights and the impact on those rights were  
3 rarely, if ever, considered by politicians and senior  
4 civil servants, in Government, including the  
5 Home Office, Cabinet Office, by the Security Service,  
6 senior police officers in the Metropolitan Police  
7 Service or SDS managers. The SDS gathered vast  
8 quantities of data, including highly confidential  
9 information about people's private lives and their  
10 relationships, including medical and financial  
11 information, and information relating to membership of  
12 and support for political organisations and groups.  
13 The data was stored in police files and shared with the  
14 Security Service, employers and other shadowy customers,  
15 Government agencies and private entities.

16 There was no consideration as to whether this  
17 information was relevant to SDS operations or the right  
18 to privacy.

19 SDS State-sponsored espionage had a devastating and  
20 lasting impact on society, individual members of the  
21 public, their communities and families of undercover  
22 officers. Lives and livelihoods were destroyed. The  
23 identities of their children were stolen leading to deep  
24 trauma for bereaved families. Members of the public  
25 were assaulted and betrayed into false intimate personal

1 relationships, including being deceived into having  
2 sexual intercourse and intimate contact with undercover  
3 officers without informed consent. Bereaved individuals  
4 campaigning for justice and those defending their rights  
5 often against police abuses were deliberately targeted  
6 and had their campaigns and right to legal advice  
7 violated. Courts were misled and the justice system was  
8 undermined. Groups and individuals exercising their  
9 democratic rights were interfered with and disrupted.

10 The Metropolitan Police Service, through the SDS,  
11 established policing practices and tradecraft that were  
12 criminal, unlawful and abhorrent and these practices  
13 went unchallenged for at least 40 years. Democracy,  
14 policing legitimacy and public trust have been  
15 undermined by the SDS and there have been continued  
16 attempts by the MPS and certain branches of the State to  
17 conceal the true nature and extent of SDS operations and  
18 SDS tradecraft.

19 Sir, the effect of SDS undercover policing  
20 operations on certain Non-State Core Participants has  
21 been set out in a number of opening and closing  
22 statements to this Inquiry. You've also heard some oral  
23 evidence and received some witness statements. However,  
24 the reality is that there are many individuals and  
25 members of the public who have been affected by SDS

1           undercover policing whose voices have not and will not  
2           be heard. It is hoped that in Tranche 2 the Inquiry  
3           will seek to hear as many of these voices as possible.

4           Sir, I've already largely dealt with His Majesty's  
5           Government's state of awareness in my introduction, but  
6           the finding -- I'll just read it out -- that we have  
7           submitted to you in writing is as follows.

8           The SDS was known about by Home Secretaries and  
9           senior civil servants holding office in Tranche 1 and  
10          it's inconceivable that successive prime ministers in  
11          Tranche 1 did not know about the SDS.

12          I will now turn to the issue of justification of  
13          undercover policing.

14          Sir, you must address the issue of lawfulness for  
15          all the reasons set out on behalf of the Category H Core  
16          Participants yesterday and I won't repeat them now.  
17          However, it is important for me to make clear today that  
18          the Non-Police State Core Participants agree and endorse  
19          your Counsel to the Inquiry's view, which has been set  
20          out in some detail but in particular I want to emphasise  
21          what is said about lawfulness of SDS operations being  
22          relevant to your terms of reference and it's as follows.

23          Whether the methods used by undercover police  
24          officers were lawful is relevant to whether or not their  
25          work was justified and to whether authorisation,

1 operational governance, training, management and  
2 oversight were adequate.

3 Similarly, if undercover policing was being  
4 conducted in an unlawful manner, it will call into  
5 question the adequacy of statutory and policy guidance  
6 in particular.

7 Sir, the Metropolitan Police Service and those who  
8 represent the designated officers in particular have  
9 gone to great efforts to emphasise the public order  
10 aspect of SDS undercover operations. There is, as you  
11 know, a large measure of disagreement as to the extent  
12 to which the assistant was in fact concerned with public  
13 order. The Non-Police State Core Participants, in their  
14 analysis of the reporting, have struggled to find  
15 anything more than a tiny minority of reports that could  
16 be said to be tangentially relevant to public order.

17 In any event, in respect of public order  
18 justification, the Non-Police State Core Participants  
19 agree with your Counsel to the Inquiry's closing  
20 submissions, namely that "the need for and value of  
21 the public order intelligence provided by the SDS was  
22 not an adequate justification for the intrusion caused  
23 by the SDS model of long-term undercover policing in  
24 the Tranche 1 era".

25 In respect of the subversion justification, the

1 Non-Police State Core Participants also agree with your  
2 Counsel to the Inquiry's closing submissions, namely  
3 that "the groups infiltrated by the SDS were not  
4 subversive" and that "there is a strong case for  
5 concluding that they should have decided to disband  
6 the SDS".

7 So on this latter issue of justification and  
8 subversion, the Non-Police State Core Participants just  
9 remind you of what appears in the contemporaneous  
10 Home Office disclosure, and you don't need to look at  
11 very much of this, we say, on this topic. In short, the  
12 disclosure shows you that the Permanent Undersecretary  
13 of State at the Home Office -- and this individual was  
14 funding the SDS at the time -- was told in 1980:

15 "Neither the present definition of subversion nor  
16 the 1970 terms of reference provide ministers or chief  
17 officers with a watertight basis on which to justify the  
18 work of police officers investigating and recording the  
19 activity of subversives."

20 Sir, I mentioned Home Office accountability at the  
21 start of these submissions. The quotation that I've  
22 just read out constitutes in the Non-Police  
23 State Core Participants' submission, very clear evidence  
24 that senior Home Office civil servants were on notice  
25 that the SDS was probably engaging in unlawful and

1 unjustified police surveillance during the whole of the  
2 Tranche 1 period, and what we know from the evidence is,  
3 on being told that, no steps were taken to disband or  
4 even investigate the SDS.

5 The Non-Police State Core Participants therefore ask  
6 you to make the following findings -- well, we want you  
7 to find the findings that I've already read out from  
8 your Counsel to the Inquiry, and alongside that we ask  
9 you to find the following.

10 That there was insufficient justification for  
11 the establishment of the SDS and for SDS undercover  
12 policing operations between 1969 to 1982.

13 Senior ministers and civil servants in the  
14 Home Office knew that the Metropolitan Police Service,  
15 through the SDS, was engaged in police surveillance work  
16 that was deeply problematic and probably not legally  
17 justifiable. Despite this, senior ministers and civil  
18 servants and politicians in the Home Office, and senior  
19 Metropolitan Police police officers did not consider  
20 the lawfulness of SDS operations, the legal rights of  
21 activists subject to surveillance, or the effect and  
22 consequences of the type of secret policing and  
23 tradecraft being conducted by the SDS. SDS managers  
24 also gave these issues scant, if any, consideration.

25 Then finally, the State deliberately took



1 a duplicitous and secretive approach to redrafting the  
2 Special Branch Terms of Reference or Guidelines to  
3 ensure the continuation of unlawful State surveillance  
4 operations such as those being conducted by the SDS.

5 Sir, very briefly in the context of justification,  
6 I'll just make a few discrete points.

7 The Metropolitan Police Service in their closing  
8 submissions place significant emphasis during the  
9 Tranche 1 era on the so-called British policing model,  
10 which was described as "striking a balance in  
11 the protection of rights that was more effective and  
12 more appropriate when compared to the model used in  
13 America". The Metropolitan Police Service suggests that  
14 this reflects the value of the SDS to public order  
15 policing.

16 Sir, we simply remind you that there is documentary  
17 evidence before the Inquiry that in Tranche 1 the  
18 Federal Bureau of Investigations, FBI, in America, and  
19 the Royal Canadian Mounted Police, were exposed in the  
20 Tranche 1 era for using covert surveillance policing  
21 tactics on the political left that were similar and in  
22 some cases identical to those being used by the SDS.

23 We can also see that those with managerial  
24 responsibility for the SDS in Tranche 1 were well aware  
25 that these policing tactics of their allies had been

1 found to be unlawful, anti-democratic and illegitimate  
2 in a Western democracy in Tranche 1. Those same  
3 managers are on record in Tranche 1 expressing their  
4 worries and concerns that there could be similar  
5 exposure of their own policing tactics.

6 These international examples are relevant, Sir, as  
7 they do tend to run counter to the general defence of  
8 the SDS as put forward by the MPS and DL officers. In  
9 particular, the concept that rights were very different  
10 in Tranche 1, or that covert surveillance tactics on  
11 the left would not be called out as controversial for  
12 contemporaneous public policy reasons. Sir, these  
13 examples in particular show you that these arguments are  
14 not borne out by what had happened in America and Canada  
15 in the mid-1970s, which was of course at the height of  
16 the Cold War.

17 Sir, I now turn to the adequacy of authorisation and  
18 targeting of undercover policing.

19 The Non-Police State Core Participants ask you to  
20 make the following findings.

21 The actions of the SDS were not subject to any of  
22 the strict controls as required by law for the type of  
23 surveillance engaged in by the SDS. Decision-making,  
24 and the authorisation of targeting, was subject to  
25 inadequate managerial control, both within the SDS and

1 by the senior MPS police officers. SDS managers did not  
2 review the necessity or proportionality of SDS  
3 operations in deployments, either before or during the  
4 deployment. Feedback was not sought. SDS and its  
5 targeting was influenced by demands from outside the  
6 SDS, including from the Security Service, the wider  
7 Special Branch, the Metropolitan Police Service and  
8 other Government agencies.

9 Now, the Non-Police State Core Participants' written  
10 submissions deal with the external influences on SDS  
11 operations, including from the Security Service, and one  
12 example of abhorrent targeting and reporting that we've  
13 identified, as you know, relates to children, and you  
14 will recall the footage from the School Kids Against the  
15 Nazis that we played in our opening submissions in  
16 Tranche 1 Phase 2.

17 You will have heard the submissions made on behalf  
18 of the DL officers about there being nothing wrong with  
19 police officers targeting and reporting on children and  
20 schools where they were being targeted by left wing  
21 extremists. The Metropolitan Police Service now suggest  
22 in their closing submissions that children were reported  
23 on, but it was for "safeguarding or vulnerability  
24 assessments". The MPS made the general submission on  
25 Monday that you should not judge the SDS by reference to

1 the so-called modern era. However, this is exactly what  
2 the MPS is now doing in relation to reporting on  
3 children. There is no evidence to suggest children were  
4 being reported on in Tranche 1 for safeguarding or  
5 vulnerability reasons. In fact, many would say there  
6 was no concept of safeguarding and vulnerability in the  
7 Tranche 1 era. After all, this was before the  
8 introduction of the Children Act 1989.

9 In fact, the protection of children appears to have  
10 been of little concern. Children are routinely  
11 described in disparaging ways in SDS reporting, and of  
12 course there's no reference to the Metropolitan Police  
13 Service of the fact that undercover officers were  
14 babysitting for children when undercover.

15 The Non-Police State Core Participants query why, after  
16 all this time, the MPS is still attempting to justify  
17 what is plainly abhorrent and disproportionate reporting  
18 of children. This is unfortunately an example of how  
19 the MPS still appears to be trying to excuse some of the  
20 actions of the SDS.

21 The Inquiry can now see that children, schools,  
22 education facilities, they were all not being targeted  
23 because of some concern for child radicalisation.  
24 Rather it was the influence of the Security Services  
25 that mooted this targeting. However, there's no

1 evidence to suggest that senior officers or SDS managers  
2 ever questioned why schools, schoolchildren, teachers  
3 and higher education were deemed to be subversive. This  
4 was surely a common sense enquiry. Not to make it was  
5 a significant failing by SDS managers.

6 The Inquiry can now see that the Security Service  
7 did in fact have some difficulty themselves in finding  
8 any actual subversion in education. Their 1972 document  
9 "Subversion in the UK", for example, includes references  
10 to dons exerting their subversive views in an  
11 influential way and the influence by unions on working  
12 conditions and pay and education with the admission that  
13 "the extent of the subversive activities at school level  
14 is negligible". Had the SDS managers asked the  
15 Security Service's about subversion in education, then  
16 presumably this is what they would have been told.

17 Sir, I'll now briefly deal with targeting and number  
18 of topics. The first is targeting of social justice and  
19 defence campaigns.

20 During Tranche 1, the MPS developed a tradecraft to  
21 monitor justice campaigns, including defence campaigns  
22 and those campaigning for police accountability, which  
23 we know continued to Tranche 2 and later tranches.  
24 The practice started almost as soon as the SDS was  
25 created, with the vast majority of groups involved in

1           some element of anti-racism campaigning, and in  
2           particular with a focus on police racism and/or  
3           brutality and police accountability. By way of very  
4           limited example, we see the Black Defence Committee,  
5           the Stephen McCarthy campaign from 1971,  
6           the Stoke Newington Eight Defence Group in 1982.  
7           The Stephen McCarthy case is the first example before  
8           the Inquiry of the targeting of a justice campaign  
9           arising from a death following police contact. By 1983,  
10          the organisation INQUEST, which was set up to campaign  
11          for truth, justice and accountability in respect of  
12          deaths in custody, appears in  
13          the Police Accountability Report into the Greater London  
14          Council.

15                 SDS interest in justice, defence and police  
16          accountability campaigns highlights that the focus of  
17          the SDS was not on serious crime but more about  
18          the political objectives of the groups reported on, and  
19          in particular campaigners who sought to discredit or  
20          criticise the police. Intelligence was not just  
21          collected as a result of "collateral intrusion", as has  
22          been suggested by some undercover officers. The SDS  
23          Annual Reports show that many groups were purposefully  
24          targeted, for example, to name a few,  
25          the Action Bangla Desh and the Afro-Asian American

1 Association, ELWAR, the Murray Defence Group,  
2 the Hackney and Tower Hamlets Defence Committee, Persons  
3 Unknown, the Newham Defence Committee, the Greenwich  
4 Action Committee Against Racist Attacks and the  
5 South East London Action Committee Against Racist  
6 Attacks, the Brixton Defence Committee. Groups such as  
7 the Stoke Newington and Hackney Defence Campaign, were  
8 listed as groups that were "directly penetrated or  
9 closely monitored".

10 A number of campaigns and individuals also had  
11 Special Branch registry files and featured in SDS  
12 reporting, including, as you heard yesterday,  
13 the Blair Peach Campaign. We therefore ask you, Sir, to  
14 consider making the following finding. Senior MPS and  
15 SDS managers knew about and authorised the targeting and  
16 infiltration of, and gathering of intelligence about,  
17 justice campaigns, including defence campaigns and those  
18 campaigning for police accountability, in order to gain  
19 a litigation advantage, through discord shield  
20 the police from criticism and to obstruct the lawful and  
21 legitimate activity of such groups. Senior MPS and SDS  
22 managers gave no consideration to the possible impact of  
23 gathering intelligence in this way on legitimate  
24 justice, defence and police accountability campaigns and  
25 campaigners.

1           I now want to turn to the targeting of Members of  
2 Parliament and other elected politicians, very briefly.

3           There are many examples of SDS undercover officers  
4 reporting on elected politicians within the material  
5 disclosed to the Inquiry. One of the most egregious  
6 examples relates to HN155, "Phil Cooper", who  
7 infiltrated the Right to Work Campaign, and obtained  
8 private documents and correspondence relating to  
9 the organisers, one of whom was a serving  
10 M Ernie Roberts. SDS manager HN68, "Sean Lynch", knew  
11 about this, and he noted to the Security Service that:

12           "Cooper's position within the Right to Work Movement  
13 gives him regular access to Ernie Roberts MP and  
14 meetings at the House of Commons."

15           But no action was taken to bring this situation to  
16 an end.

17           Now, Sir, the Wilson doctrine had been introduced in  
18 1996 and it would have been fresh in everyone's minds.  
19 It prohibited the phone tapping of MPs. However, what  
20 actually is the difference in practice between  
21 the tapping of an MP's phone and what HN155 was able to  
22 report on Ernie Roberts MP and his private  
23 conversations, should he so wish? There was no  
24 difference, and this would have been obvious to SDS  
25 managers. This one example, Sir, gives you an insight



1           into how these SDS managers saw themselves, as above or  
2           exempt from the law and rules governing their conduct.

3           Sir, we ask you to find that senior MPS and SDS  
4           managers knew that SDS undercover officers were deployed  
5           in close proximity to elected politicians, and on one  
6           occasion an MP in Parliament, they knew that SDS  
7           undercover officers had access to private dealings of  
8           MPs, elected representatives and political  
9           organisations, including mainstream political parties,  
10          and there is evidence of SDS reporting referencing MPs  
11          and that such MPs had Metropolitan Police Special Branch  
12          registry files.

13          Senior MPS and SDS managers gave no consideration to  
14          the threat to democracy and the political and democratic  
15          process -- and the risk to the political and democratic  
16          process of SDS undercover police officers gathering  
17          intelligence in close proximity to elected politicians  
18          and representatives, and those involved in lawful  
19          political activity. They gave no consideration to  
20          whether in such circumstances the SDS was in breach of  
21          the Wilson doctrine.

22          Targeting of trade unions, Sir, just a following few  
23          short points.

24          In Tranche 1, there is "a growing focus on  
25          industrial issues", as referenced in the 1972

1 Special Branch Annual Report, and this forms a theme  
2 which runs on throughout the remainder of Tranche 1.

3 HN299/342, "David Hughes", notes that the perceived  
4 infiltration of trade unions and the Labour Party by  
5 extreme political groups was of concern to  
6 Special Branch and the Security Service. He described  
7 their work as follows:

8 "The SDS office would sometimes mention that senior  
9 MPS officers were meeting with the Security Service or  
10 the Home Secretary to discuss intelligence of this sort.  
11 I understand that there was a lot of high level  
12 cooperation in relation to subversion."

13 Within the disclosure in this Inquiry, there are  
14 numerous SDS reports providing detailed information  
15 about trade unions and their members. These include  
16 details of the organisational structure of trade unions,  
17 planned campaigns and events, and the response by  
18 political parties to anticipated strike action. For  
19 example HN80, "Colin Clark", even reported on a meeting  
20 at which a play concerning trade union  
21 "worker/management participation schemes" was performed.  
22 Detailed information was also recorded about specific  
23 individuals, including union affiliation, employers,  
24 participation in non-union campaigns, and the role of  
25 shop stewards.

1           Much of the reporting focused on planned industrial  
2           action. HN299/342, "David Hughes", who joined  
3           the Transport and General Workers Union, explained  
4           Special Branch were interested in the union due to  
5           concerns around "entryism being employed by extreme  
6           political groups in organisations such as the T&G".

7           HN80, "Colin Clark", noted that information relating  
8           to tactics to be used at the Grunwick industrial dispute  
9           was of interest to Special Branch as the dispute "has  
10          significant public order implications and so it and the  
11          groups involved were a focus for reporting".

12          HN126, "Paul Gray", stated that individuals about an  
13          individual's membership of a union was "relevant to  
14          Special Branch and the Security Services". And an  
15          unidentified undercover officer described in closed  
16          session how they attended the industrial dispute at  
17          Grunwick about half a dozen times. They would go  
18          to "gauge what the support was for the picket", and SDS  
19          managers were said to be pleased with the intelligence  
20          officers were provided.

21          But HN126, "Paul Gray", whilst he denied in his  
22          witness statement that he was a key organiser at  
23          the Grunwick picket, he said something very different to  
24          his risk assessor. He said this to Brian Lockie about  
25          Grunwick, that:

1           "SWP were a big part of the protests - I helped to  
2           organise the numbers and which days were going to have a  
3           list of SWP."

4           So we ask you to find the following.

5           Senior MPS and SDS managers knew about and  
6           authorised the gathering of intelligence about trade  
7           unions and trade union members.

8           These actions were motivated by the fears of  
9           successive governments in Tranche 1 of the political  
10          influence of trade unions, especially their potential to  
11          challenge Government policy and a desire to gain  
12          intelligence about trade union influence and tactics  
13          within firms, including legitimate trade union disputes  
14          and their tactics.

15          SDS intelligence gathered in this area was gathered  
16          to assist employers and the Government to defeat  
17          legitimate trade union activity aimed at improving  
18          wages, terms and conditions.

19          The political establishment sought to shield  
20          the police from political criticism, and it is  
21          inconceivable that senior MPS and SDS managers were not  
22          aware that the surveillance of lawful and legitimate  
23          trade union activity was unjustifiable, legally,  
24          politically and morally.

25          SDS intelligence was deployed for wide scale vetting

1 for blacklisting purposes.

2 Now, in relation to this topic and vetting in  
3 particular, the Non-Police State Core Participants agree  
4 with your Counsel to the Inquiry that:

5 "Personal information recorded by SDS officers may  
6 have been used when files were later interrogated for  
7 vetting purposes, however vetting occurred both before  
8 and after the SDS's existence. The level of intrusion  
9 into people's lives occasioned by SDS infiltrations does  
10 not seem to be justified by any additional relevant data  
11 that the SDS might have collected. It is certainly not  
12 a purpose which features prominently in the documents."

13 In relation to blacklisting, the evidence before  
14 this Inquiry reveals that the state agencies tasked with  
15 countering subversion deliberately disseminated  
16 intelligence gathered to external agencies. For example  
17 a note on counter-subversion supplied by the Foreign and  
18 Commonwealth Office to Sir Burke Trend in 1971 states:

19 "The proposed Coordinating Group ... would analyse  
20 the problem as a whole and studied the range of possible  
21 counter-subversion measures, including the dissemination  
22 and leakage of information at present practised ..."

23 A series of three documents record an exchange in  
24 late 1975/early 1976 between the Security Service and  
25 the Special Branch about their respective roles in

1 the process. This demonstrates the widespread nature of  
2 the practice. One document describes the "convention"  
3 of passing "security information" about employees to  
4 certain employers. The relevant employers were  
5 described as Government Departments, public  
6 corporations, including the Atomic Energy Authority,  
7 the Bank of England, British Airports Authority,  
8 British Airways, the Post Office Corporation, the BBC,  
9 the British Council, the National Research Development  
10 Council and Crown Agents for Overseas Governments and  
11 Administrations, and "List X" companies.

12 "List X" encompasses a wide range of employers which  
13 the Government defines as private corporations engaged  
14 in Government security contracts. Between 1970 and  
15 1973, the top 50 firms that held Government defence  
16 contracts were all household names. They covered  
17 a range of sectors and included, for example,  
18 British Leyland, Rolls Royce, Laird Group, British  
19 Steel, Shell, ICI, Weir Group and Standard Telephones.

20 The impact of this tradecraft was profound.  
21 The Core Participant, Richard Chessum, has given  
22 evidence to this Inquiry as to how, despite his  
23 qualifications and decency, he was repeatedly refused  
24 employment. The Tranche 1 Phase 1 opening statement of  
25 Dave Smith, on behalf of the Blacklist Support Group,

1 describes in detail the unimaginable emotional and  
2 financial toll that this took on those affected,  
3 including fellow blacklisted workers on  
4 the Jubilee Extension Line in the 1990s who took their  
5 own life. As he said:

6 "No one can say that blacklisting was the sole  
7 reason for these suicides, but prolonged periods of  
8 unemployment and family tensions cannot be good for  
9 anyone's mental health."

10 In terms of specific examples, the Inquiry knows  
11 that the SDS was tasked to spy on  
12 the Workers Revolutionary Party, and in particular  
13 Roy Battersby. Intelligence was provided to  
14 the Security Services, who were expressly given the task  
15 of collating files in order to vet those seeking posts  
16 in sensitive Government bodies, and as I've said, this  
17 included the BBC. Indeed, the BBC has confirmed and  
18 described this profess. Roy Battersby, who was a BAFTA  
19 winner, has described in his statement to you how there  
20 was clear evidence that he was one of those blacklisted  
21 in the early to mid-1970s, despite having already won  
22 awards for his films, "Roll on Four O'Clock" and "Leeds  
23 United". That Roy Battersby was blacklisted is now  
24 strengthened by what we see in the Tranche 1 disclosure.  
25 It clearly shows the obsession the Security Services had

1 with so-called subversives in film and media, which at  
2 one point even extended to Ken Loach for his film "Kes".

3 Sir, you will know we set some more detailed  
4 submissions down in writing on the media in our closing  
5 submissions.

6 Roy Battersby was by no means the only one to  
7 experience blacklisting connected to the SDS. As  
8 Roy Battersby states, this practice was an attack on  
9 the democratic process, privacy and the freedoms of  
10 political and artistic expression, in particular  
11 the plurality of voices and standpoints on our national  
12 broadcaster, the BBC. And we ask you to find that no  
13 consideration was given to the lawfulness and the effect  
14 of SDS intelligence being used for wide scale vetting  
15 and for blacklisting purposes. Vetting and blacklisting  
16 in reliance on SDS intelligence did occur in Tranche 1.

17 I'll now turn to the targeting of social and  
18 environmental activists.

19 The disclosure in this Inquiry is full of examples  
20 of the SDS targeting social and environmental activists  
21 in the Tranche 1 era, paving the way for what we know  
22 was going to be much more intensive surveillance in  
23 later years. I'll just read out very few examples of  
24 some of the groups targeted in Tranche  
25 1: the Women's Liberation Front, the Women's National



1 Coordinating Committee, the Women's Liberation Movement,  
2 the Revolutionary Women's Union, the National Abortion  
3 Campaign, St Pancras Tenants Association, Hackney United  
4 Tenants Ad Hoc Committee, the Claimants Union, Gay  
5 Liberation Front, and Preservation of the Rights of  
6 Prisoners campaign groups, the Battersea Redevelopment  
7 Action Group and The Pavement Collective.

8 The vast majority, if not all, of the reporting into  
9 activists focused on social issues and entirely  
10 legitimate democratic campaigning. Much of this  
11 reporting was signed off by SDS managers, so we  
12 therefore ask you to find that senior MPS and SDS  
13 managers knew about and authorised the targeting and  
14 infiltration and gathering of intelligence about social  
15 and environmental activist groups in order to disrupt  
16 and undermine the activity of such groups. Senior MPS  
17 and SDS managers gave no consideration to the possible  
18 impact of gathering intelligence in this way on social  
19 and environmental activists.

20 Sir, I now turn to the issue of race.

21 The Non-Police State Core Participants remind you,  
22 Sir, of the very powerful submissions made at the start  
23 of this Inquiry from those Non-Police  
24 State Core Participants with direct experience of  
25 the institutionalised racism of

1 the Metropolitan Police Service, SDS and the NPOIU.  
2 These submissions make reference to some of the most  
3 obvious examples of SDS reporting where racism, and  
4 racist stereotypes and profiling are in evidence. Such  
5 attitudes clearly pervaded the MPS, Special Branch and  
6 the SDS in Tranche 1. This is, we submit, no surprise.  
7 It must not be forgotten that the MPS was branded as  
8 "institutionally racist" by Sir William Macpherson in  
9 1999. That finding must not be diluted by this Inquiry.  
10 Former MPS Chief Constables are on record in Tranche 1  
11 displaying racist attitudes. For your reference, Sir,  
12 you can find many examples of abhorrent attitudes on  
13 race in the autobiography of former MPS  
14 Commissioner Robert Mark, as referenced in our written  
15 submissions.

16 A significant number of the campaigning individuals  
17 and organisations targeted by the SDS were black justice  
18 campaigns. Consequently, it's essential that the role  
19 of racism in undercover policing is not misunderstood or  
20 unexplored. Race is a relevant factor in how  
21 campaigners were viewed by the State and the MPS.  
22 However, for the purpose of Tranche 1 findings,  
23 the Non-Police State Core Participants agree with  
24 Counsel to the Inquiry's suggestion that this is an  
25 issue that is best left for your final report, once

1           you've had the benefit of the full evidential picture  
2           for both the SDS and the NPOIU. Sir, we do not ask you  
3           to make any findings on race in the interim report.

4           I now turn to the adequacy of operational governance  
5           and oversight.

6           In terms of operational governance, when Theresa May  
7           established this Inquiry, she identified "significant  
8           failings of judgment, intrusive supervision and  
9           leadership over a sustained period". The Non-Police  
10          State Core Participants agree. However, as we've  
11          already indicated, the failings go much further, and so  
12          these are what we ask you to record, Sir.

13          There was no adequate system of operational  
14          governance and oversight of the SDS at any level,  
15          including operational governance of the SDS by  
16          the Home Office, the MPS and by SDS managers. This was  
17          because the SDS was deliberately designed to be  
18          a policing unit that operated in secret, and without any  
19          independent scrutiny and oversight, to avoid political  
20          embarrassment and to ensure its survival. There was no  
21          formal mechanism for regular review of SDS practices by  
22          the Home Office. The 1970s terms of reference for  
23          Special Branch under which the SDS operated were  
24          woefully inadequate, deliberately vague and conflicted  
25          with official definitions that sought to limit covert

1 police surveillance. Senior MPS managers took no action  
2 to ensure robust governance of the SDS; there was only  
3 one formal review. The secrecy and security of SDS  
4 operations and the welfare of officers was prioritised  
5 over the rule of law, democratic accountability, the  
6 rights of members of the public and their obligations to  
7 the court.

8 Then, Sir, there are a number of findings -- I'll  
9 just read them out briefly -- which come under  
10 the heading of "Governance".

11 The first relates to criminal offences. Sir, we  
12 suggest you have sufficient evidence to find SDS  
13 undercover officers, in their cover names, committed  
14 criminal offences, and then became involved in criminal  
15 proceedings and acted as agent provocateurs.

16 Senior MPS and SDS managers knew and allowed this  
17 practice to occur in order to allow undercovers to  
18 maintain their cover, to protect the operational  
19 integrity of the SDS and to avoid professional and  
20 political embarrassment to the MPS.

21 Senior MPS and SDS managers gave no consideration to  
22 the potential impact on the fairness of criminal trials  
23 and the risk that their actions would lead to  
24 the miscarriages of justice. Numerous miscarriages of  
25 justice are likely to have occurred. And you've heard

1 comprehensive submissions, just a moment ago, on this on  
2 behalf of Lord Hain, Jonathan Rosenhead and Ernest.

3 In respect of spying on lawyers, we ask you to find  
4 that senior MPS and SDS managers knew and were complicit  
5 in undercovers spying on lawyers and infringing legal  
6 professional privilege, and we've set out much more  
7 detail on that in our written closing submissions.

8 Likewise, in respect of impunity for police  
9 brutality, we say that managers knew about, and ignored,  
10 violent and unlawful conduct by MPS police officers  
11 against SDS undercovers to maintain SDS cover. This  
12 reinforced the culture of impunity in respect of these  
13 acts of police brutality, and we've set out many  
14 examples in our closing submissions.

15 We ask you to find that managers knew, encouraged  
16 and covered up misconduct, and criminal and unlawful  
17 conduct by undercovers, including burglary, driving when  
18 drunk, theft and the misuse of drugs and alcohol. SDS  
19 managers did not consider SDS undercovers should be  
20 subject to disciplinary proceedings, due to a risk of  
21 exposing the SDS. Again, we list all those examples in  
22 our closing submissions.

23 It's also right that I say clearly, in respect of  
24 Category F and Category H, we endorse the submissions in  
25 written and oral submissions that you've already heard

1 in respect of those categories.

2 In relation to selection, training, management and  
3 care of undercover officers, we ask you to find that  
4 there was no formal selection process for undercovers  
5 and most joined following informal recommendations.  
6 There was little or no guidance or training, and on any  
7 aspect of the undercover role, whether for managers or  
8 undercovers.

9 And in relation to the adequacy of statutory policy  
10 or judicial regulation, we ask you to find that there  
11 was no statutory regulation of undercover policing, and  
12 the type of surveillance and violation of rights arising  
13 from SDS surveillance, including the right to private  
14 and family life.

15 Further, the SDS was consciously insulated and  
16 protected from any form of independent oversight and  
17 regulation, including by Parliament, the judicial  
18 system, or any other external regulatory body, including  
19 His Majesty's Chief Inspector of Constabulary.

20 Now, finally, Sir -- and this is finally -- I would  
21 like to finish on the topic of the role and  
22 the contribution made by undercover policing towards  
23 the prevention and detection of crime.

24 Sir, over the last few days, those who represent  
25 the Metropolitan Police Service, and the former SDS

1 police officers and managers, have placed significant  
2 emphasis on public disorder in Tranche 1. Sir,  
3 the Non-Police State Core Participants were going to ask  
4 you to guard against these cynical attempts to flood  
5 your mind's eye with image after image of public  
6 disorder, much of which has no relevance to what you are  
7 tasked to consider. Sir, such tactics are unhelpful to  
8 this Inquiry. We were intending to remind you that you  
9 must make findings based on the evidence, and that this  
10 evidence in fact shows there is very little SDS  
11 reporting that could, even tangentially, be said to be  
12 relevant to public order, and that this is against  
13 a backdrop where you have been told that around 75% to  
14 80% of SDS reporting went to the Security Service, and  
15 it is they, the Security Service, who have supplied much  
16 of the SDS reporting to this Inquiry.

17 However, Sir, it's clear from your exchanges on  
18 Monday that you've already got this point. Sir,  
19 the Non-Police State Core Participants are grateful for  
20 the detailed and forensic work that you and your team  
21 have clearly undertaken.

22 Sir, on contribution, we would like to end with  
23 the words of HN3093, Roy Creamer, who was one of  
24 the original founders and managers of the SDS. You may  
25 consider, Sir, that having reflected on all of

1 the evidence you heard from SDS managers in Tranche 1  
2 Phase 3, that Roy Creamer was, by a long shot, the most  
3 insightful, the most honest and the most credible of  
4 witnesses. He was obviously the least politically  
5 biased of all of the SDS managers, and he was the only  
6 one who was willing to be honest with you about some of  
7 the problematic aspects of SDS tactics.

8 Importantly, in terms of contribution, Roy Creamer  
9 was able to give you the perspective from both the SDS,  
10 and then from the wider Special Branch, in C Squad,  
11 where he spent a considerable period of Tranche 1. On  
12 SDS contribution, Roy Creamer told you:

13 "With demonstrations, it was a waste of time to look  
14 for deep seated plans ... It was difficult to assess all  
15 that really. When the Yard expected Special Branch to  
16 come up with specific information, it was asking for  
17 the moon and this could not be done. The SDS made an  
18 effort and did find out a lot of information. However,  
19 the idea that the SDS would find out and reveal plans  
20 was wishful thinking, I think."

21 Thank you, Sir.

22 THE CHAIRMAN: Thank you very much. I'm sorry you had  
23 rather a hard task there. Not only did you draw  
24 the graveyard slot, but you also had to get through an  
25 enormous amount of ground and I'm very grateful to you





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