

IN THE UNDERCOVER POLICING INQUIRY

CLOSING SUBMISSIONS FOR TRANCHE ONE ON BEHALF OF THE CO-OPERATING GROUP OF NPSCPs

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I. INTRODUCTION

1. These closing submissions are made in respect of Tranche 1 (1968 to 1982) ('T1'), to assist the Chair in preparation of the T1 interim report. They are made on behalf of all the co-operating non-police, non-state core participants ('NPSCPs') who have expressed a view. Certain topics in these submissions will be addressed in more detail by the legal teams representing individual non-state core participants. These submissions also address the recent disclosure from the Inquiry in respect of T1 Modules 2b and 2c (which covers senior SDS management, the Cabinet Office and the Home Office) and accompanying witness evidence.¹ The NPSCPs support and endorse all the submissions made on behalf of non-state core participants, including in relation to the legal framework.
2. This Inquiry is focusing on the Special Demonstration Squad ('SDS') and the National Public Order Intelligence Unit ('NPOIU').² The SDS was a unit within the Metropolitan Police Service ('MPS') Special Branch ('MPSB'). T1 has examined SDS undercover operations and conduct between 1968-1982.³ The Inquiry has heard evidence from a number of civilian witnesses and former undercover officers ('UCOs') and SDS managers⁴ (some of which took place in closed proceedings ('T1P4'))⁵ and has received written statements from senior MPS managers and recipients of SDS intelligence.⁶
3. The NPSCPs rely on, and do not repeat, their opening statements already given to this Inquiry as part of Phases 1, 2 and 3.⁷ These submissions aim to develop

¹ Counsel to the Inquiry's opening statement ('O/S') for T1 Modules 2b and 2c (M2b and 2c) at <https://www.ucpi.org.uk/publications/cti-opening-statement-t1-m2b-m2c/>

² Counsel to the Inquiry's opening statement for T1P1 (§1): the SDS existed between 1968 and 2008 and the NPOIU existed between 1999 - 2010. The SDS was initially referred to as Special Operations Squad from at least 1968 "*The title Special Operations Squad better describes a unit with a wider remit, which is what those using that name wanted it to become and what it quickly did become after the October Demonstration*". CTI O/S T1P1(§33)

³ <https://www.ucpi.org.uk/about-the-inquiry/>

⁴ T1P1 <https://www.ucpi.org.uk/2020/12/18/november-2020-hearings-round-up/>

T1P2 <https://www.ucpi.org.uk/2021/05/23/apr-may-2021-hearings-round-up/>

T1P3 <https://www.ucpi.org.uk/2022/05/25/may-2022-hearings-round-up/>

⁵ T1P4 Unattributed closed officer evidence (MPS-0748061); HN341 (MPS-0748066), HN21 (MPS-0748062); HN41 (MPS-0748063); HN109 (MPS-0748064); HN302 (MPS-0748065)

⁶ See Fn1

⁷ T1P1 https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201026-Opening_Statement-NPNSCP_Group.pdf

core themes of concern to all NPSCPs and to identify the early development and evolution of SDS tradecraft which will feature heavily in later tranches. Throughout the submissions, the NPSCPs set out a number of suggested findings which appear in bold and are collated in Annex A. The NPSCPs invite the Chair to record these findings when the interim report is delivered.

4. For over 40 years, the MPS and the British Government remained silent, and actively sought to keep hidden from public scrutiny the unlawful, illegitimate, and anti-democratic system of state-sponsored espionage that was being carried out by British police officers across the UK. The fact that, for decades, the police were engaged in policing that was politically motivated and which primarily targeted the left was an embarrassment and hence a closely guarded secret. The abhorrent practices that we now know took place and were sanctioned at the highest political levels were fully exposed when the courageous women deceived into sexual relationships with officers identified and exposed the SDS UCOs.⁸ It is important that the Chair publicly acknowledges these facts and records that it was the actions of courageous individuals, rather than the state, that allowed the truth about the unlawful activities of the SDS to be exposed.⁹
5. Since then, those affected by undercover policing (which is not just limited to the NSPCPs) have faced an unrelenting fight for truth, justice, and accountability, with resistance from the state and policing institutions at every stage.¹⁰ There has been a deliberate and concerted attempt to prevent NPSCPs and the public from understanding the true extent of the state's wrongdoings, whether it be through

T1P2 https://www.ucpi.org.uk/wp-content/uploads/2021/04/20210415_Opening-Statement-NPNSCP-AMENDED.pdf

T1P3 https://www.ucpi.org.uk/wp-content/uploads/2022/05/20220426-T1P3-NPSCPs-Opening_Statement.pdf

⁸ <https://www.theguardian.com/uk/2013/jan/17/spies-sexual-relations-activists-routine>; <https://www.theguardian.com/uk-news/2015/nov/20/lisa-jones-girlfriend-of-undercover-police-office-mark-kennedy-interview>; see also Opening Statement on Behalf of Category H CPs at https://www.ucpi.org.uk/wpcontent/uploads/2020/11/20201026-Opening_Statement-CAT_H_Birnbergs-PKQCAMENDED_09.11.20.pdf

⁹ <https://www.theguardian.com/uk/undercover-with-paul-lewis-and-rob-evans/2013/jun/23/doreen-lawrence-met-police-undercover>; <https://www.bbc.co.uk/news/uk-23097277>; <https://irr.org.uk/article/black-justice-campaigns-prepare-for-new-inquiry-into-undercover-policing/>

¹⁰ <https://www.theguardian.com/uk/2011/jun/07/mark-kennedy-police-spy-secret-tapes>; https://www.theguardian.com/uk-news/2020/oct/07/met-police-pay-compensation-to-man-fathered-by-undercover-officer?CMP=Share_iOSApp_Other

the suspected destruction of evidence,¹¹ frustrating and restricting disclosure¹² or an apparent refusal to tell the truth.¹³ Every investigation to date has either been frustrated, or resulted in adequate, incomplete, and unsatisfactory conclusions.¹⁴ It should not be forgotten that the MPS have failed to disclose vital incriminating information on their police spying operations to another public inquiry; the Macpherson Inquiry.¹⁵

6. The facts under investigation by this Public Inquiry are a national scandal. The devastation caused by what occurred during the T1 era (and beyond) must not be underestimated. Lives have been destroyed, identities have been stolen, individuals have faced a lifetime of unemployment and poverty, those seeking justice, including against the actions of the state, have been undermined and the legal system has been damaged. There have undoubtedly been numerous

¹¹ Investigation into links between Special Demonstration Squad and Home Office, Stephen Taylor, January 2015, p.3, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/411785/2015-01-06_FINAL_Report_on_HO_links_to_SDS_v2.4_REDACTED_FINAL.pdf. See also §17 of CTI Addendum disclosure note: “as was true more generally of a significant number of the MPS files which were identified to be of potential relevance by or to the Inquiry, many of these files were believed to have been destroyed and so were unavailable to review,” at https://www.ucpi.org.uk/wp-content/uploads/2021/04/20210415_Opening-Statement-NPNSCP-AMENDED.pdf

¹² See, for example, arguments advanced by the MPS and NPCC for a more selective approach to requests for restriction orders which, in the former Chairman’s words, “may have the incidental effect of reducing the scope of the Inquiry” at <https://www.ucpi.org.uk/wp-content/uploads/2017/05/20170502-ruling-MPS-applications-re-SDS.pdf> (§84). This approach limited the issues and reduced the witness statements to be taken from former members of the SDS.

¹³ See, for example, denial by the MPS that other officers, including seniors, had knowledge of Mark Kennedy’s sexual relationship with activist Kate Wilson, and assertions that training, supervision and safeguarding were generally adequate, in <https://www.ipt-uk.com/judgments.asp?id=61>

¹⁴ Investigations and reviews to date include: “A review of national police units which provide intelligence on criminality associated with protest”, HMIC (2012); “Ratcliffe-on-Soar Power Station (Operation Aeroscope) Disclosure Nottingham Police”, IPCC (2012); Operation Herne Reports 1 - 4, MPS (2013-2015); “Stephen Lawrence independent review”, commissioned by the Home Secretary (2014); “Independent report: Investigation into links between Special Demonstration Squad and Home Office”, Home Office (2015); “Operation Hibiscus: Investigation into the shredding of material potentially relevant to the planned Undercover Policing Public Inquiry”, IPCC (2019)

¹⁵ The Stephen Lawrence Independent Review at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287030/stephen_lawrence_review_summary.pdf

miscarriages of justice.¹⁶ Public trust in policing has been broken.¹⁷ The damage continues; thousands of individuals have had their most private activities reported on and their data stolen by the state.¹⁸

7. When, on 6 March 2014, the then Home Secretary Theresa May announced this Public Inquiry to Parliament, following the damning findings of Mark Ellison KC, she felt able to clearly assert that what had been discovered about the SDS was profoundly shocking and “*will be of grave concern to everyone in the House and beyond*”.¹⁹ The NPSCPs agree. It should not be forgotten that although the Terms of Reference for Mark Ellison KC were limited, what he discovered, from the information at his disposal, raised concerns about the SDS that went far wider.²⁰ The evidence before this Inquiry raises significant concerns that go even further.
8. The primary purpose of this Inquiry is to establish “*justice for the families and victims*” and make “*recommendations for future operations and policing practice*”.²¹ However, in doing so this Inquiry must also play a fundamental role in repairing the damage caused by undercover policing, to restore public trust and ensure that the public and the state understand what went wrong, and why, so that the right lessons are learnt.
9. The findings of this Inquiry for T1 could not come at a more important time. This Inquiry has a unique and privileged opportunity to inform the future of undercover

¹⁶https://www.ucpi.org.uk/wp-content/uploads/2021/06/20210622-miscarriages_of_justice_panel_referral.pdf; Over 50 convictions have already been overturned as a result of the role of undercover police, see <https://www.theguardian.com/uk-news/undercover-with-paul-lewis-and-rob-evans/2015/jan/20/inquiry-into-unjust-convictions-caused-by-undercover-operations-to-last-longer-than-expected>

¹⁷ See the Home Affairs Select Committee minutes, evidence and report on Special Branch, 23 January 1986 (UCPI0000035160)

¹⁸ Diane Langford’s witness statement describes how she made a Subject Access Request to the MPS in March 2022 and received a response providing her with 22 heavily redacted documents which were evidently still being held on police systems (UCPI0000035065)

¹⁹ HC Deb, Ellison Review Debate, 6 March 2014, Volume 576, Column 1063-1064 at <https://hansard.parliament.uk/commons/2014-03-06/debates/14030652000002/EllisonReview>

²⁰ The Stephen Lawrence Independent Review, see in particular pp.33-34, see fn 15

²¹ House of Commons: Written Statement (HCWS381) made by The Secretary of State for the Home Department (Mrs Theresa May) on 12 March 2015, at <https://www.parliament.uk/globalassets/documents/commons-vote-office/March-2015/12-March-2015/31.HOME-Undercover-policing.pdf>

policing and public debate both in the United Kingdom and around the world.²² This is no small task. Public trust and confidence in policing (and the MPS in particular) is at an all-time low following the exposure of appalling acts of police racism, misogyny and rape,²³ and corruption. The MPS is an institution which has already been found to be institutionally racist,²⁴ institutionally corrupt,²⁵ and marred by a culture of toxic masculinity, misogyny, and sexual harassment.²⁶ Much of the misogyny that still affects policing today, particularly in the MPS, has its roots in the history of MPSB policing.²⁷

10. Against this background, there is widespread concern about the future of undercover policing. The Covert Human Intelligence Sources (Criminal Conduct) Act 2021 ('the CHIS Act') received Royal Assent on 1 March 2021. The CHIS Act provides for an express power to authorise undercover law enforcement agents to commit crimes, including those of the most serious nature, in the undertaking of their duties. The available justifications for criminal activities provided by the statute include the prevention or detection of crime or prevention of disorder and

²² Spain is facing its own undercover policing scandal. Two undercover police officers have recently been identified infiltrating various groups considered to be on the political left, one had at least eight sexual relationships with women, at <https://www.statewatch.org/news/2023/february/second-undercover-police-officer-spying-on-barcelona-activists-unmasked/>; <https://www.statewatch.org/news/2023/february/if-i-had-known-he-was-in-the-police-i-would-never-have-got-involved-with-him/>

²³ Met condemns officer guilty of most serious sexual offences", at <https://news.met.police.uk/news/met-condemns-officer-guilty-of-most-serious-sexual-offences-460333>

²⁴ The Stephen Lawrence Inquiry, presented to the Secretary of State for the Home Department, February 1999, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf. See also The Stephen Lawrence Independent Review, p.23, see fn 15

²⁵ The Report of the Daniel Morgan Independent Panel, June 2021, at https://www.danielmorganpanel.independent.gov.uk/wp-content/uploads/2021/06/CCS0220047602-001_Daniel_Morgan_Inquiry_Web_Accessible.pdf

²⁶ Operation Hotton, Learning Report, IPCC 1 February 202, at <https://www.policeconduct.gov.uk/sites/default/files/Operation%20Hotton%20Learning%20report%20-%20January%202022.pdf>; An inspection of vetting, misconduct, and misogyny in the police service, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services ('HMICFRS'), November 2022, at <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/inspection-of-vetting-misconduct-and-misogyny-in-the-police.pdf>;

²⁷ Suffragettes were a major preoccupation of the MPSB. By 1912, every single telegram sent to and from any member of the Women's Social and Political Union was being intercepted. See "A Brief History of Political Policing in Britain", Connor Woodman, December 2018, Centre for Crime and Justice Studies, p. 9, at https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Spycops%20in%20context%20%E2%80%93%20a%20brief%20history%20of%20political%20policing%20in%20Britain_0.pdf

necessity in the interests of the economic well-being of the United Kingdom.²⁸ The serious abuses that the NPSCPs have experienced, at the hands of UCOs, are a stark reminder of the potential consequences of the expansion of covert surveillance powers without sufficient accountability. Against this background, it is even more important that the Inquiry fully and fearlessly exposes what went wrong within the MPS and the SDS, and why, so that the correct lessons are learnt from the T1 era.

11. The starting point in restoring public trust is that the state itself must acknowledge the indisputable unlawfulness and illegitimacy of SDS actions, and open itself up to honest public scrutiny and accountability. So far, in this Inquiry, the police have gone to great lengths to restrict and hide from public view the names and identities of former SDS police officers and managers, together with huge swathes of information, including the names of many of the groups spied upon by the SDS. The NPSCPs are aware that the Chair has been challenged in the courts, presumably in an attempt to further restrict the disclosure available for public scrutiny. More recently, two relatives of a deceased child whose identities were stolen by SDS UCOs also had their identities restricted.²⁹

12. The NPSCPs call on the UK Government and the MPS³⁰ to formally admit, and take responsibility for, the abuses of fundamental human and democratic rights that occurred as a result of the establishment of the SDS and the devastating and lasting effect on members of the public and upon British democracy, as a consequence of SDS undercover operations.

²⁸ The CHIS Act amends Part II of the Regulation of Investigatory Powers Act 2000 by inserting a new Section 29B (at Section 1(5) CHIS Act). It provides that authorisation can be granted for criminal conduct if it is necessary and proportionate (a) in the interests of national security; (b) for the purpose of preventing or detecting crime or of preventing disorder; or (c) in the interests of the economic well-being of the United Kingdom.

²⁹ Core participants Ruling 46, 24 November 2022 https://www.ucpi.org.uk/wp-content/uploads/2022/11/20221124_ruling_core_participants_46_RLR_38_costs_35.pdf

³⁰ For example, per Mark Ellison KC at p.33: *“the wider MPS must take responsibility for allowing a situation to develop over the years whereby the SDS operated as if it was exempt from the developing duty of proper disclosure required of the MPS in legal proceedings, and particularly in criminal prosecutions”*

13. The NPSCPs also call on the UK Government and the MPS to reconsider their attempts to restrict the public scrutiny of documents before this Public Inquiry as it moves into later tranches.
14. Ensuring accountability and the “*the greatest possible scrutiny...into what has taken place*”³¹ will require the Chair to be bold and robust in recording and identifying precisely what went wrong within the MPS and MPSB and why. This requires the Chair to consider and make clear findings on where the responsibility lies, including at the highest political levels. This must include findings in relation to the influence and role played by the Security Service³² in seeking to outsource key tasks to an unaccountable policing unit. The Inquiry must also consider the political influence exercised by the Home Office, Cabinet Office and other government departments, and their combined role in maintaining the secrecy of the SDS.
15. The NPSCPs maintain that the evidence from T1 makes it clear that, from the outset, the SDS was deliberately and knowingly designed to be a secret policing unit so as to avoid independent democratic scrutiny and oversight. The Home Office and Home Secretaries in T1 not only knew this fact but also made clear that the funding and survival of the SDS was contingent upon the preservation of total secrecy, to avoid political embarrassment.³³ It is inconceivable that the fact of the SDS and the nature of its undercover operations was not known about and sanctioned by each Prime Minister in T1.³⁴ This is an area that will also need to be robustly explored by the Inquiry in T2.³⁵ The latest disclosure for T1 Module 2c

³¹ HC Deb, Ellison Review Debate, 6 March 2014, Volume 576, Column 1064

³² Security Service should include MI6 and their role in information sharing and tasking in relation to the SDS (e.g., Peter Hain and South Africa, anti-nuclear campaigns, and the United States), see also other state bodies that the NPSCPs contend ought to be investigated by the Inquiry in Annex A to NPSCPs’ submissions on preliminary draft Module 2c issues list SDS, 22 July 2022

³³ MPS-0730718; MPS-0728981; MPS-0728980, §14; MPS-0728985, §7; UCPI0000031258/2; MPS-0728980, §14; MPS-0728985, §7; MPS0724109; MPS0724130; MPS0730906; MPS0730906

³⁴ James Callaghan was aware of the SDS as Home Secretary (see government state of awareness section) and became Prime Minister in 1976. Prime Minister Harold Wilson attended a meeting to discuss the planned policing response to the VSC demonstration (DOC053) and then UCPI0000035230 (SDS discussed in context of planned response to VSC in Cabinet Office committee); followed by UCPI0000035268 (PM direction for establishment of 1972 Cabinet Committee in which SDS line managers participated)

³⁵ NPSCPs’ submissions on preliminary draft Module 2c issues list SDS https://www.ucpi.org.uk/wp-content/uploads/2022/07/20220722-m2c_t1_issues_list-npscp_submission.pdf

suggests that the secret Cabinet Office ‘subversion’ committees, set up at the direction of various Prime Ministers (and in which the MPS played an integral role), were a key tool through which successive governments could inform the MPS of their political priorities.³⁶ These committees appear to provide focus and direction for the unlawful surveillance operations into so called ‘subversives’ which dominated the work of the SDS in T1.³⁷

16. The NPSCPs maintain that the work of the SDS in T1 was dominated by surveillance for the Security Service and this was a key motivation for allowing the unit to continue in 1968. However, those targeted by the SDS were not ‘subversive’. The NPSCPs agree with the conclusion reached by Counsel to the Inquiry (‘CTI’) in the Opening Statement for T1 Modules 2b and 2c, in relation to the justification of the SDS in the context of subversion, that:

“No one appears to have considered whether (after its introduction) both limbs of the Harris definition were met. Had they done so, there is a strong case for concluding that they should have decided to disband the SDS.”³⁸

17. The unashamedly political policing practices of the SDS and its successor unit, the NPOIU, continued for at least forty years. This seems to be the result of a deliberate decision taken by politicians and senior civil servants to conceal the existence of the SDS, while the public and Parliament were simultaneously reassured that any surveillance, including data collection of those politically active on the left, did not happen.³⁹

18. At the same time, police managers within the MPS and SDS knew about, encouraged and covered up obviously unlawful conduct and misconduct by UCOs and misled the courts.⁴⁰ They developed abhorrent tradecraft practices which became embedded within the SDS⁴¹ and its successor unit the NPOIU. Secrecy

³⁶ The Security Service note at UCPI0000031256 evidences pressure from Whitehall for intelligence on subversive activity in unions, including through the secret Cabinet Committees (see reference at §2 to the “Waddell Group”)

³⁷ CTI O/S T1 M2b and 2c, §§43-61

³⁸ CTI O/S T1 M2b and 2C, §99

³⁹ UCPI0000035160/34

⁴⁰ https://www.ucpi.org.uk/wp-content/uploads/2021/06/20210622-miscarriages_of_justice_panel_referral.pdf

⁴¹ MPS-0527597

prevailed above all else, including the rule of law. There was no adequate system of operational governance or oversight of the SDS at any level, including operational governance of the SDS by the Home Office, the MPS and by the SDS managers. HM Chief Inspector of Constabulary (“HMCIC”) failed to provide independent oversight and, at times, went even further than the police in ensuring that MPSB/SDS activities remained shielded from scrutiny.

19. The Chair is requested to unequivocally find that, from the moment of its inception, the SDS was an unlawful, unjustified, and illegitimate undercover policing unit; that senior politicians, civil servants and senior police officers knew of its existence; that SDS operations were motivated by political and economic objectives and targeted civil society on the political left wing and, in doing so, attacked, undermined, and violated the fundamental and democratic rights of citizens to engage in the exercise of the right to freedom of expression, political thought, assembly, and association. It is important that the Chair records that these rights were enshrined in law precisely because Parliament and the courts recognised that individuals exercising such rights needed protection, often against the state, and those seeking to preserve the *status quo*, such as employers. The Chair is also invited to record that those targeted by the SDS have been vindicated. Put simply, they were on the right side of history in their campaigns against, for example, apartheid, racism, sexism, blacklisting and the fight for trade union rights and adequate pay, protection of the environment and animals and police accountability. It ought to be recognised that it was the job of the police to protect such rights and enforce the law in the face of pressure from the government of the day.

20. The judgment of the Investigatory Powers Tribunal in *Kate Wilson v Commissioner of the Metropolis and National Police Chiefs Council (NPCC)* [2021] UKIPTrib IPT 11/167/H puts beyond doubt that the type of undercover policing operations used by the SDS and later units violated fundamental human rights, including the right not to be subjected to inhuman and degrading treatment, the right to private and family life, and freedoms of expression, assembly, and association.

21. The NPSCPs call on the Chair to publicly acknowledge that the political policing of the SDS had a devastating and lasting impact on a wide range of individuals and groups. Further, the Chair must recognise that there were many missed opportunities and occasions when the state could and should have revealed the existence of the SDS to ensure wider public scrutiny. The NPSCPs assert that if this had happened the SDS would have been disbanded. The Chair must record that the failure to take such steps has led to yet more devastation and trauma for a wide range of individuals and groups, whose voices are still to be heard by this Inquiry.
22. There were a number of key watershed moments in the T1 era when there were crucial missed opportunities for members of the government, Whitehall and the MPS to review and disband the SDS and bring an end to its methods and tradecraft. The NPSCPs contend that the fact that this did not happen is highly significant. The missed opportunities and how the 'state' responded to those moments must remain at the front and centre in the Chair's mind when he is considering the findings for T1. As will be developed further, they give a valuable insight into the reasons why the SDS was able to exist for so long. They also begin to illustrate the extent to which institutions of state either turned a blind eye to the SDS or were deliberately complicit in shielding the unit from public scrutiny.
23. The first missed opportunity was the Lord Scarman Public Inquiry into what happened at Red Lion Square on 15 June 1974. The NPSCPs, as part of these submissions, provide the Inquiry with documents located in the National Archives by the Undercover Research Group ('URG').⁴² These documents suggest that, in 1974, the MPS and their solicitors, on direct instructions from a senior minister in the Home Office and with the involvement of the deputy treasury solicitor,⁴³ instigated a private briefing of Lord Scarman to persuade him to not to investigate the fact that, "*plain clothes police officers get information about demonstrations and extremist organisations by methods which it is essential should not be revealed*".⁴⁴

⁴² <https://UndercoverResearch.net>, see Annex B

⁴³ Sir Arthur Peterson, Home Office, Permanent Under-Secretary of State 1972– 1977, CTI O/S T1 Modules 2b and 2c, p.64

⁴⁴ Scarman Inquiry, 1974, "notes of meetings (incl the handling of sensitive papers)", HO 233/118, at: <https://www.documentcloud.org/documents/23433275-ho-233-118-and-233-97-to-separate>

24. The events at Red Lion Square on 15 June 1974 are of huge significance to the NPSCPs (and to this Inquiry). One of the demonstrators, Kevin Gately, died. Policing tactics adopted on the day, including the deployment of the Special Patrol Group ('SPG'), were used at subsequent demonstrations, including in Southall in 1979, when Blair Peach was killed following a blow to the head from an SPG police officer.⁴⁵
25. The presence of SDS officers at the demonstration in Red Lion Square, what they witnessed, and their related reporting (and how it may or may not have been used), were matters of relevance to Lord Scarman's Terms of Reference and the findings that he reached (which include the findings that the MPS did not engage in political policing). The NPSCPs have long suspected that the MPS deliberately destroyed key reporting and documentation relevant to what happened at the demonstrations in Red Lion Square and at Southall.⁴⁶ The MPS, Treasury Solicitor and Home Office have failed to disclose to this Inquiry any information on their private briefings to Lord Scarman. The NPSCPs ask the Inquiry to request all relevant evidence on this issue. The Chair must consider why it was that Lord Scarman did not investigate the SDS. Was it because Lord Scarman was told about the SDS,⁴⁷ but decided not to investigate the unit (possibly under pressure), or was the SDS and information about its methods deliberately withheld from Lord Scarman?
26. The second missed opportunity came with the circulation of the Special Branch Report, "Political Extremism and the Campaign for Police Accountability within the Metropolitan District" (the 'Police Accountability Report'), in January 1983⁴⁸ and the associated documents.⁴⁹ The Police Accountability Report is a MPSB report by 'C' Squad that evidences the targeting and reporting on the elected leadership

⁴⁵ First witness statement of Celia Stubbs (UCPI0000034309) and closing submissions

⁴⁶ Reports were generally prepared after a large demonstration (MPS-0747443/10, 19) such as in respect of the disorder at Lewisham (MPS-0733367). The corresponding reports are missing for Red Lion Square and Southall (MPS-0733404)

⁴⁷ Witness statement of Anthony Speed (MPS-0748205/37, §79): "*I cannot remember Lord Scarman being made aware that undercover officers from the SDS or Special Branch attended the demonstrations at Red Lion Square. I would be surprised if he was not told*"

⁴⁸ MPS-0748355

⁴⁹ MPS-0748422

of the Greater London Council ('GLC') and justice and defence organisations campaigning for police accountability within the London area. The material exposes how these organisations were targeted and reported on, as were elected representatives. The Police Accountability Report is a significant document in scope and size, totalling 100 pages.⁵⁰ It contains extensive personal and financial information, including information about the GLC and key individuals, some of whom are core participants in this Inquiry, such as Ken Livingstone. The MPS knew that the subject matter and scope of such targeting was "*fraught with problems*" (not least that it was potentially unlawful and strayed beyond the Association of Chief Police Officers ('ACPO') 1970 Terms of Reference for Special Branches ('ACPO 1970 ToR')).⁵¹ The Police Accountability Report triggered outrage in the Home Office and clearly represented a crucial opportunity for the Home Office to rein in the MPSB and ask crucial questions about the undercover operations of the SDS and the use of its intelligence. There are clear examples within the Police Accountability Report of reliance on SDS reporting⁵² and 'secret sources'.⁵³ However, the real significance of The Police Accountability Report is that it puts the Home Office on notice as to just how far the MPS was willing to go to protect itself. Despite this, the Home Office continued to fund a secret and unaccountable MPSB spying unit with no or few questions asked. This was a significant missed opportunity in the history of the SDS.

27. The third missed opportunity is the Report (and draft report)⁵⁴ of the Home Affairs Select Committee ('HASC') into Special Branches of 23 January 1985 ('HASC Report').⁵⁵ This HASC Report and the draft are highly material to this Inquiry's

⁵⁰ MPS-0748355

⁵¹ MPS-0748422/9

⁵² The following groups were reported on by the SDS which feature in the Police Accountability Report: ELWAR, the Newham 8 Defence Campaign (subject of a 1982 SDS report signed by DCI ND Short UCPI0000015892), the Greenwich group and the Bexley Campaign Against Racism and Fascism (reported on by HN356 'Bill Biggs' from 29 March 1978 to 6 February 1981). The following groups appear in the SDS Annual Reports ('SDS AR'): Revolutionary Communist Party: SDS AR 1981, 1982, 1983; Revolutionary Communist Group: SDS AR 1982, 1983; Campaign for Nuclear Disarmament SDS AR 1981, 1982, 1983; Troops Out Movement: SDS AR 1980, 1981, 1982, 1983; Bexley Campaign Against Racism and Fascism: SDS AR 1980, 1981, Anti-Nazi League: SDS AR 1979, 1980, 1981, 1982, SWP: SDS AR 1979, 1981, 1982, 1983; the Campaign for Police Accountability in Camden: SDS AR 1981

⁵³ UCPI0000035096, p.3

⁵⁴ Clare Short and David Winnick dissented and authored a more critical draft report at UCPI0000035160/17

⁵⁵ UCPI0000035160

Terms of Reference and to T1. The HASC investigation provided a crucial opportunity for certain branches of the 'state' and the MPS to be honest about their activities and open themselves up to democratic scrutiny and accountability. Evidence ought to be called in this Inquiry from two MPs who served on the Committee, Clare Short and David Winnick. They can speak to the concerns they recorded on politicised police surveillance. The Inquiry should ask Clare Short and David Winnick whether they or the HASC were told about the SDS.

28. There is now substantial evidence before the Inquiry on the extent to which the MPSB was willing to engage in unlawful state surveillance and utilise the SDS in targeting campaigns seeking justice and police accountability under the mantle of so called 'subversion'. This must be reflected in the Chair's findings for T1. This Inquiry must also now explore in T2 the implications of the Police Accountability Report and associated material, and the apparent intention of the MPS to set up a police accountability monitoring unit within the force. The Inquiry must investigate whether there is any connection between this monitoring unit and the targeting of police accountability campaigns in T2 and beyond, including Category G - the family of Stephen Lawrence, Duwayne Brookes OBE and Michael Mansfield KC.

II. PRELIMINARY POINTS

a. Terms of Reference

29. The limitations within the Terms of Reference must not inhibit the Chair in his efforts to understand and place the events of T1 within their proper historical and geographical context. The Chair is tasked with understanding the question of motivation and justification. It is simply impossible to understand, and make findings on these matters, without gaining a deep awareness and appreciation of the long and complex history of political policing in the UK, and the impact and legacy of colonialism, imperialism, institutional racism, sexism, and class bias. This is an onerous task, and the NPSCPs have consistently raised concerns about the difficulties facing any lone decision maker in this regard.⁵⁶ The NPSCPs

⁵⁶ NPSCPs' O/S T1P1, §§32-35. It is understood that the Chair currently intends to sit with a Panel when considering recommendations, as confirmed at <https://www.ucpi.org.uk/faq-items/why-is-there-a-single-chairman-rather-than-a-panel/>

repeat their consistent demand that the Chair reconsiders sitting with a panel of experts as the Inquiry moves into T2.

30. This Inquiry is not investigating the Security Service, but has received significant disclosure from the Security Service which provides some contextualisation of the motivation behind the creation and continuation of the SDS in T1. However, a strict interpretation of the temporal limitation within the Terms of Reference will prevent the Chair from placing motivation in context. The evolution of the relationship between the MPSB and the Security Service, and the historical context of this relationship, is key to understanding the motivation behind the creation of the SDS. The SDS was not a rogue unit. In the era prior to T1, the MPSB, which predated the formation of MI5 in 1909, led the way in the targeting and monitoring of so-called 'subversive' elements in British society. The MPSB has always been well integrated, and a leader, within the secret state.⁵⁷

31. The Inquiry has been tasked with investigating the role and the contribution made by undercover policing towards the prevention and detection of crime. The NPSCPs are concerned that the Inquiry does not depart from the overall purpose and context in which this Inquiry was established and that the failings that have already been publicly acknowledged are not diluted. The SDS was not established to prevent or detect crime. It was an intelligence gathering unit whose activities went far beyond what could be considered proper and lawful policing. The NPSCPs consider that the inherent unlawfulness of the SDS must remain at the front and centre of any T1 findings, and that the Chair should resist any approach which involves assessing lawfulness by individual deployment.

32. The evidence before this Inquiry overwhelmingly demonstrates that the NPSCPs and other members of the public were targeted solely because of their connection to political activity and because they were organising to protect their rights or the rights of others. They were not involved in "*committing serious crimes, seeking to harm our communities, our way of life, and our nation.... or our children*".⁵⁸ They

⁵⁷ "A Brief History of Political Policing in Britain", Connor Woodman, see fn 27

⁵⁸ HC Deb, "Ellison Review Debate", 6 March 2014, Volume 576, Column 1063-1064, at <https://hansard.parliament.uk/commons/2014-03-06/debates/14030652000002/EllisonReview>

were not involved in serious organised crime, terrorism, trafficking, child abuse, smuggling weapons or indeed any other serious crimes referred to by the MPS, National Police Chiefs' Council, National Crime Agency and the Designated Lawyer Officers in their efforts to justify SDS undercover policing.⁵⁹

b. *Closed Proceedings*

33. The NPSCPs are aware that evidence has been considered in closed proceedings in T1P4, and that further closed material has been considered by the Chair on the papers. The NPSCPs have not had sight of certain material (beyond a gisted summary) and have not seen the full closed hearing transcripts from T1P4. No papers have been or will be disclosed in relation to HN337's deployment.⁶⁰ This clearly limits the ability of the NPSCPs and the public to fully participate in this Inquiry.

34. The NPSCPs urge the Chair to robustly scrutinise, and treat with great scepticism, any suggestion that the activities and existence of the SDS as a whole can be justified by reference to a few deployments considered in closed session. The latest disclosure from T1 highlights that there was no real threat posed by groups connected to Irish causes and subject to SDS monitoring. The Security Service report on "The Threat of Subversion in the UK", produced in April 1977, states that no British subversive groups "*are known to aid Irish Republican extremists in the commission of acts of terrorism*".⁶¹

35. When Stephen Taylor investigated the Home Office, he was concerned that he was unable to locate documents of relevance, despite the existence of a consistent Home Office file reference.⁶² The Home Office has been required to disclose all relevant evidence to this Inquiry. It is not known what, if any, of this

⁵⁹ MPS O/S T1/P1 at §§61-79 and NPCC O/S T1/P1 at §§20-21; see also NCA O/S T1/P1 at §§20-21

⁶⁰ Email from Inquiry Legal Team to NPSCPs' co-ordinating solicitor, 9 January 2023

⁶¹ UCPI0000035333/7, §20

⁶² Investigation into links between Special Demonstration Squad and Home Office, Stephen Taylor, January 2015 (p.3) "*Detailed file searches failed to identify any documents of relevance and although a consistent file reference is available, there is no record to show where this file is or when it may have been destroyed. The absence of any current record of this reference number in Departmental systems is a concern given that the material would have been classified as Secret or Top Secret. It is not possible to conclude whether this is human error or deliberate concealment.*"

material has been redacted or subject to restriction by the Inquiry. The Chair must unearth exactly how the Home Office facilitated the SDS⁶³ and how this may have been connected to other governmental departments (aside from the Security Service) including the Office of the Prime Minister. The Chair is requested to ensure that relevant findings are openly published.

c. *Section 2 Inquiries Act 2005 and permissible findings*

36. The NPSCPs agree with CTI's interpretation in respect of findings which are permissible under Section 2 Inquiries Act 2005 ('s.2 IA 2005').⁶⁴

37. For completeness, the NPSCPs also refer the Chair to the approach to findings taken in the Anthony Grainger Inquiry, which considered the fatal police shooting of Anthony Grainger by Greater Manchester Police firearms officers. This Inquiry makes clear that statutory inquiries can lawfully reach conclusions that relevant conduct was contrary to, in that case, the standards set under Article 2 European Convention on Human Rights ('ECHR'). HHJ Teague KC, the Chair of the Grainger Inquiry and now the Chief Coroner, concluded that, "*Overall, Mr Grainger died because GMP failed to authorise, plan or conduct the MASTS operation on 3 March in such a way as to minimise, to the greatest extent possible, recourse to the use of lethal force.*"⁶⁵ That form of wording is drawn directly from the requirement under the relevant Article 2 ECHR substantive duty. There was no criticism of that approach.

38. CTI also refers to the case of *R (Pounder) v HM Coroner for North and South Districts of Durham and Darlington* [2009] EWHC 76 (Admin)⁶⁶ and *R (Pounder) v HM Coroner for North and South Districts of Durham and Darlington* [2010] EWHC

⁶³ HN321 'William Paul Lewis' states in his witness statement: "*As I mentioned we had regular attendances from a man who I understood was part of the Home Office who would come with a briefcase of cash to pay for our incurred expenses: His attendance was really just as a support function though.*" (MPS-0747158, §10f)

⁶⁴ CTI's Submissions on Section 2 of the Inquiries Act 2005 and the relevant Legal framework applicable to Undercover Policing in the T1, at https://www.ucpi.org.uk/wp-content/uploads/2022/09/20220929-cti-submissions-section_2_inquiries_act_2005.pdf

⁶⁵ The Anthony Grainger Inquiry, July 2019, §§1.75, 12.11, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816313/Anthony_Grainger_Inquiry.pdf

⁶⁶ See §§62, 70, 72, 73 and 78

328 (Admin).⁶⁷ The Chair is also referred to §73 of the 2009 judgment which made clear that it was permissible for the inquest into the death of Adam Rickwood to consider whether conduct towards Adam was in accordance with law.

d. *Burden and standard of proof*

39. When the Chair considers justification, the burden must remain on the police to justify that the NPSCPs were legitimately targeted and that the methods used were lawful and proportionate.⁶⁸ This is consistent with the position at common law⁶⁹ and in the context of violations of rights under the ECHR. Where the State fails to provide a satisfactory and convincing explanation about how the events in question occurred, strong inferences can be drawn.⁷⁰

40. In relation to all deployments, the Chair should reject any suggestion that deference must be shown to the contemporaneous views of the MPS in justifying the SDS and its operations. The lawfulness of the activities of the SDS, the justification for it and pressing social need and proportionality are matters solely for the Chair.⁷¹

41. The Chair is reminded of the conduct of, and the admissions made by, the MPS in the context of the *Wilson* case.⁷²

⁶⁷ See §§3, 6, 15 and 53

⁶⁸ O/S T1P1 on behalf of Tariq Ali, Norman Blair, Piers Corbyn, Ernie Tate, Myk Zeitlin, Advisory Service for Squatters, Friends of Freedom Press Ltd, Audrey Adams, Natham Adams, Richard Adams, Duwayne Brooks OBE & Ken Livingstone, p.10, §12(g), at https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201025-Opening_Statement-Saunders_DPG_CP_clients-RMQC.pdf

⁶⁹ See *IRC v Rossminster* [1980] AC 952 at §1008; *Entick v Carrington* (1765) 95 ER 807 at §817-8, *Ashley v Chief Constable of Sussex Police* [2007] 1 WLR 398, *Piechowicz v Poland* (2015) 60 E.H.R.R. 24 at §212, cited in *Wilson v Commissioner of Police of the Metropolis* at §289. In *R (Quila) v Home Secretary* [2012] 1 AC 621 at §§44-47, Lady Hale set out the stages of the analysis in determining whether an interference was justified under Art 8(2) ECHR. The burden is on the respondent to establish justification (§44)

⁷⁰ *Husain v Poland* (2015) 60 EHRR 16, §395; *Bouyid v Belgium* (2016) 62 EHRR 32 [GC], §83, *El Masri v Macedonia* [2013] 57 EHRR 25, §152, *Orhan v Turkey* (25656/94), 18 June 2002, §274); see also (*Das v Secretary of State for the Home Department* [2014] 1 WLR 3538 at §80 in relation to inferences in judicial review of public authorities

⁷¹ *Wilson v Commissioner of Police of the Metropolis* at §278

⁷² O/S Category H T1P3, §§26-27, at https://www.ucpi.org.uk/wp-content/uploads/2022/05/20220504-T1P3-Cat_H_CPs-Opening_Statement.pdf

42. The NPSCPs endorse the variable and flexible approach to findings as set out by LJ Pitchford on 13 January 2016.⁷³ The NPSCPs urge the Chair to make clear whether he is sure or satisfied to a high standard of proof in relation to the various findings set out by all the NPSCPs (or equivalent findings, however expressed).⁷⁴ This is important because, by doing so, the Chair will provide the greatest possible clarity for those affected by undercover policing. It will also emphasise the gravity of what took place, and focus minds. The clearest possible findings in the Inquiry's report will also foster public confidence in the Inquiry's conclusions.

43. The NPSCPs endorse the submissions made on the Legal Principles on behalf of Category H in T1P3 and in closing submissions for T1. The NPSCPs agree with the summary of the law advanced by CTI.⁷⁵ The NPSCPs can find no legal or factual justification for the SDS and its undercover operations in domestic, European or International Law. The NPSCPs intend to respond further, in oral submissions, to any legal submissions advanced on behalf of the state core participants in relation to the Legal Framework and justification for the SDS.

III. SUBMISSIONS

Motivation for undercover policing operations

44. The NPSCPs submit that the Special Demonstration Squad ('SDS') was established so that the state could monitor and record the exercise of fundamental human and democratic rights, including freedom of expression⁷⁶ and political thought, freedom of assembly, and political association of members of the public.

⁷³ Standard of Proof Ruling, 13 January 2016 and CTI Note of the Standard of Proof

⁷⁴ Such an approach is permissible, see §36 of CTI note on the standard of proof, 16 December 2015

⁷⁵ See fn 64

⁷⁶ SDS reported on the press and media activities of those targeted, see for example, members of the Right to Work Campaign and members of the press (UCPI0000016152/2); HN347 'Alex Sloan's' report list people on the mailing list for the Irish Liberation Press (MPS-0741697/15, §65); HN303 'Peter Collins' produced a report detailing weekly circulation numbers of the WRP publication, Workers Press and the turnover (UCPI0000022274, UCPI0000022002); HN297 'Rick Gibson' enclosed a copy of a press statement issued by the London Co-ordinating Committee of Troops out Movement (UCPI0000014979)

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

46. The SDS was not a rogue unit.⁷⁷ It was a political policing unit that came under the umbrella of the wider secret state. The NPSCPs submit that SDS activities were motivated by political and economic objectives, rather than any lawfully justifiable legitimate policing purpose.

Political policing

47. The Cambridge English Dictionary defines secret police as “a police force that secretly collects information about people who oppose the government and tries to make such opposition weaker, often using illegal and violent methods.” This tradecraft has a long history in the United Kingdom. Undercover political policing and the secret state did not suddenly come into existence in 1968; state powers have been used since as early as the 1790s to target groups and individuals threatening to disrupt the political *status quo*.⁷⁸

48. The politicisation of operational policing began to receive attention in the years before the T1 era. The 1962 Royal Commission recognised that, structurally, the police should not fall directly under government control and noted that, “*the police should be powerful but not oppressive; they should be efficient but not officious; they should form an impartial force in the body politic*”.⁷⁹

49. Lord Denning in *R v Commissioner of Police of the Metropolis Ex p. Blackburn* (No.1) [1968] 2 Q.B. 118 focussed on this issue; “*.I have no hesitation in holding that, like every constable in the land, he should be, and is, independent of the executive....*”⁸⁰

⁷⁷ CTI O/S T1 Modules 2b and 2c, §86

⁷⁸ “Spycops in context: A brief history of political policing in Britain”, pp.106-107; Report from the Select Committee on the Petition of Frederick Young and Others, 6 August 1833, House of Commons

⁷⁹ Ibid, §24

⁸⁰ Pp.135-136

50. Lord Scarman, in *The Red Lion Square Disorders of 15 June 1974* said, “*The police are not concerned with the politics of a demonstration: if they were, we should be a police state. Their duty is to maintain public order and to act, if need be, to prevent or suppress a breach of the peace.*”⁸¹

51. It was well known that politics impacted on the decision making of the MPS/MPSB and other special branches. In the face of an increasing number of policing scandals, the issue gained Parliamentary attention. Robin Cook MP, in a Commons debate on the subject of Special Branch accountability in 1978, warned that the use of law enforcement powers for political means would lead to a form of thought policing and a “*closed society*”.⁸²

52. American society was grappling with similar concerns. In 1976, the US Senate Church Commission condemned grave abuses by the FBI in targeting political activists on the left, some of which mirrored the tactics being used and developed by the SDS.⁸³ In 1979, the British Government and the MPS were facing increasing pressure from Parliament to respond to a litany of police MPSB scandals and make Special Branch operations more transparent. The significance of the scandals that rocked American and Canadian policing in their surveillance of the so-called political left were appreciated by senior MPS police officers. In a letter dated 6 September 1979, DAC Bryan strongly opposed publishing guidance under which MPSB operated to avoid a “*drift towards excessive freedom of information such as has emasculated and embarrassed the FBI and is currently troubling the RCMP.*”⁸⁴

⁸¹ Red Lion Square Disorders of June 15, 1974: Report of Inquiry by the Rt.Hon.Lord Justice Scarman, DOC088, §§7,69

⁸² HC Deb, “Special Branch (Accountability)”, volume 950, column 1713, at [https://hansard.parliament.uk/Commons/1978-05-24/debates/45d47e07-ba77-4c01-91d3-0faf33c2ee97/SpecialBranch\(Accountability\)](https://hansard.parliament.uk/Commons/1978-05-24/debates/45d47e07-ba77-4c01-91d3-0faf33c2ee97/SpecialBranch(Accountability)). This was one of a series of parliamentary debates initiated by Robin Cook

⁸³ Final Report of the Select Committee to Study Governmental Operations with respect to Intelligence Activities United States Senate, “Intelligence Activities and the Rights of Americans”, 26 April 1976

⁸⁴ UCPI0000035109. The Royal Canadian Mounted Police (‘RCMP’) were condemned by a Royal Commission of Inquiry into illegal activities in the 1970s, including surveillance and theft of data, theft of the membership list of the Parti Québécois, several break-ins; illegal opening of mail, forging documents; and conducting illegal electronic surveillance. At <https://epe.lac-bac.gc.ca/100/200/301/pco-bcp/commissions-ef/mcdonald1979-81-eng/mcdonald1979-81-eng.htm>

53. There were close ties between the MPS and their international policing allies.⁸⁵

Those with managerial responsibility for the SDS were well aware how the policing tactics of their allies had been found to be unlawful, anti-democratic and illegitimate in a western democracy. Despite this, the warnings from America and Canada were not heeded. Instead, there was a continued drive towards secrecy and obfuscation which allowed SDS operations to continue and avoid, at all costs, being ‘*embarrassed*’ and ‘*emasculated*’.

Creation of the SDS

54. The SDS, from the moment of its creation, was not politically neutral. The election of Ted Heath heralded an intensifying political paranoia around subversion⁸⁶ which was often found lacking by civil servants.⁸⁷ In the statement of the Security Service’s ‘Witness Z’ to this Inquiry, we learnt that the pressure to investigate subversive organisations, “*often came from the Prime Minister and Whitehall*”.⁸⁸ The Cabinet Office documents disclosed to this Inquiry show that the SDS, whilst the brainchild of Conrad Dixon, was highly likely to have been considered and co-opted as part of a broader campaign to counter ‘*subversion*’ in the UK.⁸⁹ In the words of CTI, “*The SDS did not operate in a vacuum. Nor was it a rogue unit. It was one part of a larger intelligence gathering apparatus which gathered intelligence about political activists on what was termed the Extreme Left Wing*”.⁹⁰

55. High-level engagement and direction on subversion came through secret Cabinet Office committees,⁹¹ which evolved over the T1 era. The first “Official Committee on Subversion (Home)” was established at the request of Prime Minister Harold Wilson.⁹² Subsequent iterations and a similar Committee was chaired by the

⁸⁵ MPS Commissioner, David McNee, Speech to Canadian Association of Chief Police Officers, 1 January 1980 “Quo Vadis? An Address to the Canadian Association of Chief Police Officers”, The Police Journal, 53(1), 9–17, at <https://journals.sagepub.com/doi/abs/10.1177/0032258X8005300103>

⁸⁶ UCPI0000035253/2, §(b)

⁸⁷ UCPI0000035250; UCPI0000035257; UCPI0000035261/13; UCPI0000035255; UCPI0000035253

⁸⁸ UCPI0000034350/16, §§51,56

⁸⁹ UCPI0000035261/7; UCPI0000035261/11; UCPI0000035225/1; UCPI0000035255

⁹⁰ O/S T1 M2b/c, §86

⁹¹ UCPI0000035279/2; UCPI0000035269 ‘UCPI0000035263/1; UCPI0000035242/2

⁹² UCPI0000035238

Prime Minister personally (Committee of Ministers).⁹³ The 1972 “Subversion in Public Life” Committee (‘SPL Committee’) was chaired and established under the direction of Ted Heath.⁹⁴ The SPL’s Terms of Reference described its purpose as to, “*supervise and direct the collection of intelligence about threats to the internal security of Great Britain arising from subversive activities, particularly in Industry; and to make regular reports to the Ministers concerned*”.⁹⁵ By 1972, the MPS and those with direct line management responsibility for the SDS were participating in this Committee,⁹⁶ which continued through T1, although the meetings became more sporadic.⁹⁷ CTI’s opening statement for T1 Modules 2b and 2c outlines how SDS reporting was fed into these secret committees.⁹⁸

56. There is no doubt that SDS intelligence contributed to the work of these Committees. The minutes of the first Official Committee on Subversion (Home) meeting on 31 January 1969 note that, “*the defensive arrangements made last year should continue at least until the Summer*.”⁹⁹ This would appear to be a reference to the SDS.¹⁰⁰

57. A number of senior civil servants and key figures who attended, and often chaired, the meetings of the ‘subversion’ Cabinet Committees knew about the SDS.¹⁰¹ The list of attendees included, Richard Thistlethwaite of the Security Service,¹⁰² Sir James Waddell, Sir Robert Armstrong, David Heaton¹⁰³ and Robert Andrew.¹⁰⁴ Sir James Waddell missed out on becoming Director General of MI5 to Michael Hanley¹⁰⁵ and, shortly afterwards in August 1972, was made Chair of the SPL

⁹³ UCPI0000035279/2; UCPI0000035279; UCPI0000035268

⁹⁴ UCPI0000035268

⁹⁵ UCPI0000035268

⁹⁶ UCPI0000035262; UCPI0000035271

⁹⁷ UCPI0000035307; UCPI0000035248; UCPI0000035307; UCPI0000035247; UCPI0000035246; UCPI0000035243; UCPI0000035244

⁹⁸ §52

⁹⁹ UCPI0000035230

¹⁰⁰ See CTI O/S T1 Modules 2b and 2c §49 - 50

¹⁰¹ CTI O/S T1 Modules 2b and 2c §45

¹⁰² UCPI0000030045, MPS-0735786/1, MPS0735787, MPS-0735788

¹⁰³ David Heaton was a senior civil servant in the Cabinet Office, then Home Office in the T1 period

¹⁰⁴ Deputy Under-Secretary of State at the Home Office

¹⁰⁵ Defence of the Realm: The Authorized History of MI5, Christopher Andrew, published by Allen Lane in 2009; updated version Penguin Books 2010, pp.547-548

committee.¹⁰⁶ Sir Robert Armstrong, who later became Baron Armstrong of Iilminster, was Cabinet Secretary and Head of the Home Civil Service. Between 1970 and 1975, he was the Principal Private Secretary to two Prime Ministers, Ted Heath and Harold Wilson. Sir James Waddell, Robert Andrew and David Heaton all signed off SDS funding throughout the T1 period.¹⁰⁷ Sir James Waddell was also involved in responding to concerns raised by Members of Parliament in 1974 about the remit of Special Branch.¹⁰⁸

58. The approval of the SDS and its financing, and therefore the unit's existence, was also heavily influenced by the Security Service. The original SDS planning meetings on 1 August 1968¹⁰⁹ and 20 September 1968¹¹⁰ were chaired by Security Service officers, and those present included the Director of "F" Department of the Home Office (Counter-Subversion) and the Commander of MPSB.

59. In the aftermath of the October Vietnam Solidarity Campaign ('VSC') demonstration in 1968, the Head of MPSB, Ferguson Smith, shared a memo by Conrad Dixon and made representations to the Assistant Commander of 'C' Squad, Peter Brodie, for the SDS to continue. In this letter dated 9 November 1968, he writes, "*You may also consider that this project might well be laid before the "Waddell Committee" to receive Home Office backing on the financial side*".¹¹¹

60. Following these representations, Assistant Commander Brodie wrote to the Home Office seeking funding for the cover accommodation used by SDS undercover officers.¹¹² Sir James Waddell confirmed that the funding had been authorised in a letter dated 18 December 1968 and stated as follows:

¹⁰⁶ UCPI0000035269

¹⁰⁷ UCPI0000004437; Sir James Waddell UCPI0000034700/4 & UCPI0000034699/4; RJ Andrew UCPI0000034697, UCPI0000004715/1 & UCPI0000004437/1; David Heaton UCPI0000004715/5 & UCPI0000004437. Civil servant Michael Partridge signed off an SDS authorisation letter in 1984 (MPS-0730903/1) and sat on the 1987-89 Subversion at Home Committee

¹⁰⁸ UCPI0000035102

¹⁰⁹ UCPI0000030045

¹¹⁰ MPS-0742196

¹¹¹ MPS-0730219/2

¹¹² Letter referred to by James Waddell in the correspondence at MPS-0724116

“We discussed on 13th December your letter of 21st November about accommodation arrangements for some of your Special Branch officers. In the light of what you and Ferguson Smith told us, we would be quite happy that you should incur the expenditure described in your letter, at any rate until about mid-Summer 1969 [...]

“I was glad to have the assurances you gave me about the close working between yourselves and the Security Service on this particular enterprise.”¹¹³

61. Conrad Dixon and his seniors in the MPS appreciated that the SDS could only exist and expand were it to cater for the Security Service’s desire for short term and wide-ranging information on certain groups and individuals on the political left wing and thereby cater to the government’s political paranoia around subversion.¹¹⁴ This is a tactic which would come to feature in subsequent SDS annual reports¹¹⁵ and indeed become a fundamental part of the conceptualisation of the SDS. An early example appears in the SDS Annual Report of 10 September 1968:

“Indeed, the more vociferous spokesmen of the left are calling for the complete overthrow of parliamentary democracy and the substitution of various brands of “socialism” and “workers control”. They claim that this can only be achieved by “action on the streets”, and although few of them will admit publicly, or in the press, that they desire a state of anarchy, it is nevertheless tacitly accepted that such a condition is a necessary preamble to engineering a breakdown of our present system of government and achieving a revolutionary change in the society in which we live”.¹¹⁶

¹¹³ MPS-0724116

¹¹⁴ UCPI0000030045, Conrad Dixon had a pre-existing relationship with the Security Service focused on intelligence gathering on certain left-wing groups

¹¹⁵ See the 1975 SDS AR, §2 (MPS-0730099/1); 1976 SDS AR (MPS-0728980/12). See also the 1978 SDS AR which links subversion with the harbouring of international terrorists (MPS-0728981/1)

¹¹⁶ MPS-0730063/1

62. The transition of the SDS, from a single-issue focussed politicised police spying operation to a wide-ranging operation targeting the political left, was rapid.¹¹⁷ The 1970s saw a considerable increase in the size and responsibility of Special Branches.¹¹⁸ What was considered as a potentially 'subversive' activity quickly expanded to include a wide range of political and industrial activities,¹¹⁹ trade union activity and monitoring of 'subversive' political groups.¹²⁰ By 1983, the focus had clearly shifted further to police accountability groups which the MPS considered, "*a current and quite legitimate political issue in London*" that they should target.¹²¹

63. It therefore comes as no surprise that the Security Service fully supported the continuation of the SDS beyond its original mandate¹²² or that a precondition for the initial establishment of the SDS was that: "*Any information which they [SDS] pick up this way which they think might be of interest to us will be passed on.*"¹²³ As the MPSB expanded its surveillance activities, it was widely acknowledged that this resulted in the SDS becoming more heavily involved in work that was "*most sensitive politically*".¹²⁴

Scope of undercover policing operations in practice

64. The NPSCPs submit that SDS undercover policing operations targeted and had an impact on members of the public across England and Wales.¹²⁵

¹¹⁷ By 1969 the SDS AR was citing over 200 information reports and over 1000 minor meetings

¹¹⁸ HN339 'Stewart Goodman' (MPS-0736910/17); HN155 'Phil Cooper' (MPS-0747546/31); HN299/342 'David Hughes' (MPS0745773); HN351 'Jeff Slater' (MPS-0740332/14); HN347 'Alex Sloan' (MPS-0741697/15)

¹¹⁹ UCPI0000028777/1

¹²⁰ The SWP and its members were heavily targeted, for example, UCPI0000028810/2

¹²¹ UCPI0000035096/3

¹²² MPS-0728973, 1969 SDS AR

¹²³ UCPI0000030046, 29 August 1968

¹²⁴ UCPI0000004437/2 §3

¹²⁵ NPSCPs' O/S T1P1, p.2: "*The activities of the Special Demonstration Squad and National Public Order Intelligence Unit were not limited to England and Wales. Undercover officers from those units are known to have travelled to and worked in Scotland and Northern Ireland as well as several other countries throughout Europe. It is the NPSCPs' case that the activities of UCOs and their handlers that occurred in England and Wales in preparing for, managing and debriefing on overseas activity, as well as contacts with overseas bodies that occurred in England and Wales, are all squarely within the terms of reference of the Inquiry*", at https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201026-Opening_Statement-NPNSCP_Group.pdf

65. Police spies from the SDS used false and stolen identities to invade private homes, violate the intimacy of private family and personal lives, and to inveigle their way into the personal and private dealings of individuals, groups and communities.

66. In T1, there is evidence that the SDS intentionally targeted:

- a. Political organisations and politicians;**
- b. Trade unions and trade union members;**
- c. Justice and defence campaigns, including campaigns focussed on police accountability;**
- d. Lawyers;**
- e. Children;**
- f. Political activists;**
- g. Social and environmental activists.**

67. The scope of SDS undercover policing operations is set out in detail throughout these submissions and so is not repeated in this section.

Effect of SDS undercover policing operations upon individuals, in particular, and the public, in general

68. As a direct and indirect result of SDS undercover operations, the state interfered with, and disrupted, the exercise of fundamental human and democratic rights by members of the public.¹²⁶

69. These fundamental human and democratic rights and the impact on those rights of SDS undercover policing were rarely, if ever, considered by politicians and senior civil servants in government, including the Home Office and Cabinet Office, by the Security Service, senior police officers in the Metropolitan Police Service or SDS managers.

¹²⁶ Category H Core Participants' O/S T1P3, §12(1): "*The public's ability to exercise these rights without state interference is the lynchpin of Britain's democratic system, as well as a constitutional and international human right (see Wilson §§322 – 333; Handyside v UK (1979-80) 1 E.H.R.R. 737 §49).*" At https://www.ucpi.org.uk/wp-content/uploads/2022/05/20220504-T1P3-Cat_H_CPs-Opening_Statement.pdf

70. The SDS gathered vast quantities of data, including highly confidential information about people's private lives and their relationships,¹²⁷ including medical¹²⁸ and financial information,¹²⁹ and information relating to membership of and support for political organisations and groups.¹³⁰ This data was stored in police files and shared with the Security Service, employers and other shadowy "customers";¹³¹ government agencies and private entities. There was no consideration as to whether this information was relevant to SDS operations or the right to privacy.¹³²

71. SDS state sponsored espionage had a devastating and lasting impact on society, individual members of the public and their communities and families of UCOs:

- a. Lives and livelihoods were destroyed;
- b. The identities of dead children were stolen, leading to deep trauma for bereaved families;
- c. Members of the public were assaulted and betrayed into false intimate personal relationships, including being deceived into having sexual intercourse and intimate contact with UCOs, without giving informed consent;
- d. Bereaved individuals campaigning for justice and those defending their rights (often against police abuses) were deliberately targeted and had their campaigns and right to legal advice violated;
- e. Courts were misled and the justice system was undermined;

¹²⁷ See, for example, reporting on an individual's abortion UCPI0000018782; another's divorce and daughter UCPI0000021293; and details of "*private sexual behaviour*" UCPI0000016206 and sexual orientation; UCPI0000017523, UCPI0000011809, UCPI0000017640, UCPI0000011289, UCPI0000018103, UCPI0000010931, UCIP0000010996, UCP10000007693, UCPI0000011210, UCPI00000175115

¹²⁸ UCPI0000013873, UCPI0000011924; UCP10000013873

¹²⁹ MPS-0739238, UCPI0000011681, UCPI0000011680, UCPI0000011389, UCPI0000017032

¹³⁰ UCPI0000015145, UCPI0000017439, UCPI0000017459, UCPI0000017453, UCPI0000017540, UCPI0000017575, UCPI0000011140, UCPI0000010940, UCPI0000010968, UCPI0000010995, UCPI0000011181, UCPI0000011193, UCPI0000018134, UCPI0000011771

¹³¹ MPS-0747578 at § 28 & §52 MPS-0747578

¹³² HN351 'Jeff Slater', MPS-0740332/8 at §31; HN348 'Sandra', MPS-0741698/15, HN329 'John Graham', MPS-0738576/31; HN106 'Barry Tompkins' MPS-0745735/15 at §45., HN354 'Vince Miller' MPS-0744903/31 at §147, HN353 'Gary Roberts' MPS-0740413/16 at §40, HN336 'Bill Biggs' MPS-0739316/34 at §152, HN218 Barry Moss, Transcript, T1P3 Day 5, p.69

f. Groups and individuals exercising their democratic rights were interfered with and disrupted.

72. The MPS, through the SDS, established policing practices and tradecraft¹³³ that were criminal, unlawful and abhorrent. These practices went unchallenged for at least 40 years.¹³⁴

73. Democracy, policing legitimacy, and public trust have been undermined by the SDS and there have been continued attempts by the MPS and certain branches of the state to conceal the true nature and extent of SDS operations and SDS tradecraft.¹³⁵

74. The effect of SDS undercover policing operations on the non-state core participants has been powerfully set out in various opening and closing statements to this Inquiry.

State of awareness of undercover police operations of His Majesty's Government

75. The SDS was known about by home secretaries¹³⁶ and senior civil servants¹³⁷ holding office in T1. It is inconceivable that successive prime ministers during T1 did not know about the SDS.¹³⁸

¹³³ See the Tradecraft Manual at MPS-0527597

¹³⁴ The SDS Tradecraft was adopted and continued by the NPOIU, as will be seen in later tranches

¹³⁵ See section of these submissions dealing with 'State of awareness of His Majesty's Government'

¹³⁶ See witness statement of HN3095 William Furner (MPS-0747104, §61). The "Investigation into links between Special Demonstration Squad and Home Office" by Stephen Taylor also summarises evidence of Ministerial involvement in the SDS. There are records indicating that James Callaghan knew of the SDS as Home Secretary, as did Reginald Maudling and probably Robert Carr (p.19, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/411785/2015-01-06_FINAL_Report_on_HO_links_to_SDS_v2.4_REDACTED_FINAL.pdf)

¹³⁷ CTI notes in the O/S T1 Modules 2b and 2c (§45) that the following senior civil servants knew of the existence of the SDS: Sir James Waddell, Deputy Under-Secretary of State from 1966-1975 (MPS-0728973); Sir Robert Armstrong, Permanent Under-Secretary of State and later Head of the Home Civil Service (MPS-0730742) Robert Andrew, Deputy Under-Secretary of State (MPS-0730689); David Heaton, Assistant Under Secretary of State (MPS-0730688); Sir Gerald Hayden Phillips, Head of F4 Division, later Under-Secretary of the Home Office Police Department (MPS-0731862); and A. S. Baker, exact job title unknown but believed to be a senior member of staff in the Home Office (MPS-0724156)

¹³⁸ See fn 34

76. The Chair is referred to the section of these submissions on motivation and subversion which detail the political context in which the SDS was established and the role of the various Cabinet Office committees on Subversion in Public Life including in approving funding for the SDS.

77. Documents before the Inquiry highlight the interest taken by senior members and civil servants in the 1968 October Vietnam Solidarity Campaign demonstration.¹³⁹ On 16 September 1968, a meeting took place between the Prime Minister, Home Secretary and four other cabinet ministers, as well as Sir Burke Trend¹⁴⁰ and David Heaton, in which the planned policing response to the demonstration was discussed.¹⁴¹ Proposals for management of any public disorder or property damage at the march “*should be agreed by Ministers as it raised wide and sensitive issues.*”¹⁴² Both the Prime Minister, Harold Wilson, and the Home Secretary, James Callaghan, were expecting a “*situation report*” prior to the October 1968 demonstration, responsibility for the production of which was to rest with the Security Service, with input from DCI Dixon.¹⁴³ HN3095 William Furner,¹⁴⁴ confirms that Home Secretary Jim Callaghan received briefings directly from Conrad Dixon at least once.¹⁴⁵

78. The type of undercover operations engaged in by the SDS was discussed openly shortly after the unit was established. In September 1968, MPS Deputy Assistant Commissioner Ferguson Smith gave a speech to the 1968 ACPO conference, a copy of which went to the Home Office.¹⁴⁶ Ferguson Smith outlined the challenges posed by gathering intelligence for major demonstrations. He described the technique of “*infiltration*”, which he saw as being “*of tremendous value*”. The intelligence gathering involved suitable officers being given the “*task of getting themselves accepted*” by the organisers of political meetings and following this up to “*learn something of their inner plans and intentions at subsequent private*

¹³⁹ O/S CTI T1P3, p.13, §42

¹⁴⁰ Sir Burke Trend was Cabinet Secretary, Cabinet Office from 1963 to 1973

¹⁴¹ DOC053

¹⁴² DOC053/10

¹⁴³ MPS-0730060

¹⁴⁴ Active in the SDS from summer 1968 to September 1970

¹⁴⁵ MPS-0747104/19, §61

¹⁴⁶ UCPI0000035301

*gatherings.*¹⁴⁷ This necessarily involved “*a good cover story, a cover address for contact, and plenty of nerve and imagination on the part of the officer.*”¹⁴⁸ He explained how his unit was given “*considerable practical assistance*” from the Security Service and noted that the “*Home Office too are kept well in the picture*” and that they were given copies of the reports produced by the officers.¹⁴⁹ It is of further significance that the then Director of Public Prosecutions, Sir Norman Skelhorn and J. Lawlor, Commander of the Metropolitan Police, were both listed as speakers at the same conference.¹⁵⁰

79. In a letter dated 21 December 1970, the Home Secretary appears to have been briefed about the risks of authorising an increase in SDS expenditure, Sir James Waddell emphasised that the SDS could “*be a source of acute embarrassment to the Home Secretary*”, but, in light of assurances given that “*a careful watch would be maintained to guard against disclosure*”, the funding was authorised; “*We have, in the light of these assurances, consulted the Home Secretary and I now write to let you know that the arrangements may be continued for a further year, up to a cost of £4,000 for the year.*”¹⁵¹

80. There is clear evidence of government and wider state awareness of the existence of the SDS and its activities throughout the T1 era. SDS UCOs recall visits to the SDS safe house by MPS Commissioners, and one recalls, “*messages being received from 10 Downing Street with respect to the success of the SDS in combatting public disorder (sic)*”.¹⁵² HN354, ‘Vince Miller’/ Vince Harvey,¹⁵³ states, “*I was told by the Office that the continuation of the Unit was one of the first decisions that a new Home Secretary had to make on their appointment. Each Home Secretary, from the various political parties, approved the SDS.*”¹⁵⁴

¹⁴⁷ DOC091/6

¹⁴⁸ Ibid

¹⁴⁹ DOC091/10

¹⁵⁰ UCPI0000035304

¹⁵¹ MPS-0724130

¹⁵² UCPI0000034307/8, §37

¹⁵³ Active from 1976 to 1979

¹⁵⁴ MPS-0744903/38, §175

81. In 1968, Sir James Waddell stated that he did not think the SDS “*should be a permanent feature of the Branch*”.¹⁵⁵ By 1984, however, the SDS was given the seal of approval by Sir Brian Cubbon, the Permanent Under-Secretary of State at the Home Office, from 1979 to 1989. It was made clear that they, and by implication, the Home Secretary, were “*entirely content with the way the Squad’s role has been adapted to changing circumstances and with the arrangements for liaison with the Security Service.*”¹⁵⁶

82. The NPSCPs submit that unlawful, unjustifiable and illegitimate SDS undercover operations were knowingly hidden from the public by senior politicians, civil servants, police officers, and MPS Commissioners.¹⁵⁷

83. It was not a closely guarded secret that Leon Brittan, as Home Secretary, would deflect criticism of the unlawful or problematic ‘counter-subversion’ police surveillance work carried out by the MPSB on behalf of the Security Service: “*The metropolitan police could rely on the Home Secretary to combat the slings and arrows which came their way.*”¹⁵⁸

84. When the Home Secretary, Leon Brittan, learnt of Parliament’s interest in reviewing special branches through the HASC, he sought to head off any parliamentary investigation: “*... the Home Secretary sought to discourage the Committee from an enquiry into Special Branches, on the grounds that security considerations would prevent those called to give evidence from commenting in detail on the operation of Special Branches, and that such an enquiry could therefore turn out to be something of a blind alley*”.¹⁵⁹

85. As soon as it became clear that the HASC hearings could not be avoided, a series of tactical decisions were made to prepare (and later to publish) updated Special Branch Terms of Reference (‘Special Branch ToR’) in order to give the impression

¹⁵⁵ MPS-0724117/3

¹⁵⁶ MPS-0734164

¹⁵⁷ The interactions between the government and MPS and the judicial system are dealt with in later sections of these submissions under judicial oversight.

¹⁵⁸ UCPI0000004658/1

¹⁵⁹ See internal Home Office letter dated 15 May 1984 attaching a briefing note originally prepared for Mr Harrington, F4 Division discusses efforts to influence and resist Select Committee plans to hold an inquiry (UCPI0000035090/2, §2)

that Special Branch operations were properly justified and overseen and to head off any possible criticism.¹⁶⁰

86. The main HASC report recorded that public anxiety about the work of Special Branches in England and Wales was not justified.¹⁶¹ Clare Short MP and Mr. David Winnick MP (both of whom are still alive) prepared a draft report making clear that, in their view, they were “*satisfied that political surveillance is carried out by the special branches, often at the request of the intelligence services, against those who in no way wish to undermine or destroy parliamentary democracy or threaten the well-being of the state.*”¹⁶² They were of course entirely right. The question remains though, whether Clare Short and David Winnick were told about the SDS and whether they were satisfied with the Home Secretary’s assurances that peaceful political campaigning were not legitimate activities for surveillance. The T1 material is full of examples of the SDS targeting such groups, including the Campaign for Nuclear Disarmament (‘CND’).¹⁶³

Justification of undercover policing

87. The NPSCPs submit that there was insufficient justification for the establishment of the SDS and for SDS undercover policing operations between 1969 - 1982.

88. Further, it is submitted that senior ministers and civil servants in the Home Office knew that the MPS, through the SDS, was engaged in police surveillance work that was deeply problematic and not legally justifiable.

89. Despite this, senior ministers and civil servants and politicians in the Home Office and senior MPS police officers did not consider the lawfulness of SDS operations, the legal rights of activists subject to surveillance, or the effect and consequences of the type of secret policing and tradecraft being

¹⁶⁰ UCPI0000035129; UCPI0000004541; UCPI0000004413; UCPI0000004627; UCPI000004648/2, §3

¹⁶¹ UCPI0000035160/10, §23

¹⁶² UCPI0000035160/20, §25

¹⁶³ Examples of SDS reporting on the CND at UCPI0000028799/1 and MPS-0732971. See also MPS-0742216; UCPI0000016545; UCPI0000011588. See also submissions on “Adequacy of authorisation (targeting) of undercover policing”

conducted by the SDS. SDS managers also gave these issues scant, if any, consideration.¹⁶⁴

90. The NPSCPs endorse the submissions that have already been made by other NPSCPs in relation to the lack of justification for the establishment and continuation of the SDS,¹⁶⁵ including the submissions of Category H in their Opening Statement for T1P3 and the associated Legal Framework.¹⁶⁶

Establishment of the SDS

91. The SDS was initially established in July 1968 to gather intelligence on a forthcoming demonstration on 27 October 1968 organised by the Vietnam Solidarity Campaign, for the stated purpose of avoiding a repetition of the violence and disorder which had occurred at an earlier demonstration, on 17 March 1968.¹⁶⁷ The SDS, as a concept, was presented as a unit where UCOs would only be a small part to be used alongside legitimate and lawful policing tactics: *“It was envisaged that information concerning the demonstration would be obtained from publications, informants, police sources, technical devices and undercover police officers”*.

92. In reality, the SDS was created with the intention of placing UCOs into private meetings in private spaces, into the heart of groups, and in close proximity with members of the public. It was clearly known and understood, at least by very experienced MPSB police officer, HN3093 Roy Creamer, that this was unlawful. In his evidence to the Inquiry, Roy Creamer stated that if a police officer was sent to cover a meeting in a private home: *“you should and you could for example go back to the yard and say, “No, I can’t get in.... the official line was, “No, way, you don’t go -- you don’t go in”, and most of us knew that. But, of course, because it happened*

¹⁶⁴ See evidence of HN218 Barry Moss, Transcript T1P3, Day 5 (13 May 2022), pp.34-35, 40, 177, 179; HN34 Geoffrey Craft, Day 8 (18 May 2022), pp.63-64; HN307 Trevor Butler, Day 10 (20 May 2022), p.27; HN244 Angus McIntosh, Day 9 (19 May 2022), p.17. On the use of deceased children’s identities, see HN218 Barry Moss T1P3, Day 5 (as above), pp.56, 63-64, 167-168

¹⁶⁵ O/S T1P1 on behalf of Tariq Ali, Norman Blair, Piers Corbyn, Ernie Tate, Myk Zeitlin, Advisory Service for Squatters, Friends of Freedom Press Ltd, Audrey Adams, Natham Adams, Richard adams, Duwayne Brooks OBE & Ken Livingstone, p.16; O/S T1P3 on behalf of Lindsey German, Richard Chessum, ‘Mary’

¹⁶⁶ See “Annex to Cat H CPs Opening Statement T1/P3 Legal Framework”, p.23, at https://www.ucpi.org.uk/wp-content/uploads/2022/05/20220504-T1P3-Cat_H_CP-Opening_Statement.pdf

¹⁶⁷ MPS-0728973

so rarely, it kind of got overlooked or, you know, people just didn't think about it".¹⁶⁸

The closing submissions for T1, on behalf of Category H, detail further evidence on SDS managers' wider knowledge on the issue of lawfulness of entry into private premises.¹⁶⁹

The continuation of the SDS – 1968 and beyond

93. The justification for not disbanding the SDS after the October 1968 demonstration was based on the myth that the October demonstration was largely peaceful, because of the intelligence collated, with the SDS taking a large slice of the credit. The Chair is referred to the Opening Statement made on behalf of Tariq Ali and others for T1P1 on this issue.¹⁷⁰

94. By 1969, as per the SDS Annual Report, the SDS had fully transitioned from a single-issue policing unit, to one with much broader aims which targeted the "*larger canvass of the political scene*", to "*gathering and recording information for long-term intelligence purposes*". This was because "*disorderly demonstrations*" were on the wane, a factor that was ludicrously presented by Chief Superintendent Cunningham as being, in part, "*due to some extent to superior intelligence supplied by the Squad*".¹⁷¹ Chief Superintendent Cunningham suggested that the SDS was also "*obtaining evidence and identifying suspects in relation to breaches of the law before, during and after demonstrations*".¹⁷² As noted by CTI, there is no evidence before the Inquiry to support this latter purported justification.¹⁷³ The NPSCPs assert that this is because it was simply untrue.

95. Chief Superintendent Cunningham justified the continued existence of the SDS by focussing on the fact that, "*there had been no criticism of these undercover methods by the public, by extremists or by civil liberties groups. No officer has been exposed as a "police spy" and the precautions taken are such that this is not now regarded*

¹⁶⁸ Transcript T1P3, Day 6 (16 May 2022), p.132

¹⁶⁹ §59

¹⁷⁰ See fn 165, §39

¹⁷¹ MPS-0728973/3

¹⁷² MPS-079283/1

¹⁷³ CTI O/S T1P1 §83

as a likely contingency”.¹⁷⁴ The lawfulness and legitimacy of the unit was simply ignored. The focus was on whether the SDS could be kept secret and that it should be allowed to continue, just in case it was needed further down the line. Assistant Commissioner Brodie told Sir James Waddell, in 1969, that it would be “*vastly more difficult*” to recreate the squad if future circumstances required it.¹⁷⁵

96. The frequent justification put forward by SDS managers to the Home Office for the continuation of the unit was the need to ensure effective allocation of police resources in the public order field. It was also the primary justification put forward by Assistant Commissioner Brodie, when he sought authorisation to establish the SDS.¹⁷⁶ This was reaffirmed in the evidence given by the SDS managers in T1P3.¹⁷⁷ A contemporaneous example can be found in the words of Chief Inspector HN34 Geoffrey Craft in the 1976 Annual Report that “*demonstration assessment has been turned into a fine art*”.¹⁷⁸ HN218 Barry Moss referred, in his witness statement, to the fact that the SDS “*enabled a suitable number of officers to be deployed or assisted in enabling policing in a given circumstances thereby avoiding the waste of public money or insufficient policing*”.¹⁷⁹ This rationale continues to be advanced by many of the state CPs on behalf of the SDS and its UCOs.¹⁸⁰ The need to maintain public order at demonstrations and/or the need to ensure that such policing work was carried out with the appropriate resourcing does not and cannot justify the use of such highly intrusive and covert surveillance, particularly when such operations were devoid of strict oversight and control.¹⁸¹ The state core participants have failed to identify how SDS operations were in pursuit of a legitimate aim, or necessary to meet any pressing social need, such as the prevention or investigation

¹⁷⁴ MPS-0728973

¹⁷⁵ *Ibid*/1

¹⁷⁶ *Ibid*

¹⁷⁷ See witness statement of HN304 ‘Graham Coates’: “*the work of the SDS helped to make sure police resources were not being wasted on small demonstrations*” (MPS-0742282/44, §150); HN218 Barry Moss (MPS-0747797/54, §§98); essay by HN103 David Smith (MPS-0747444/2-3)

¹⁷⁸ 1976 SDS AR MPS-0728980/5

¹⁷⁹ HN218 Barry Moss, MPS-0747797/56, §103

¹⁸⁰ Opening Statement on behalf of the MPS DL Core Participant Group, pp.26-29, at https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201028-Opening_Statement-DL_Clients.pdf

¹⁸¹ *Ghani v Jones* [1970] 1 QB 693 at 706G-H; *Wilson* §289; *Malone v Commissioner of Police* [1979] Ch. 344, 377; *Klass v Germany* (1979-80) 2 E.H.R.R. 214 §50, §55

of serious crime or an imminent breach of the peace, or how they were proportionate.

97. There are many examples in the evidence before the Inquiry in T1 where SDS UCOs, by their own admission, targeted groups and individuals where there was no recognised threat of public disorder or subversion.¹⁸² For example, HN304 'Graham Coates', who over three years targeted the International Socialists and anarchist groups such as the Anarchy Magazine stated, "*I do not believe any info I provided... was particularly significant. I do not think it would have made any difference to public order if I had not worked for the SDS*".¹⁸³ SDS managers, from Conrad Dixon onwards, directed UCOs to use organisations and individuals as stepping stones to another target¹⁸⁴ or to build cover (the so-called '*oblique approach*').¹⁸⁵ HN353 'Gary Roberts' stated, "*I don't think anything I witnessed was actually subversive, the IMG were strong on words, but I think in hindsight they were not really likely to act on them...the security service gave me a commendation for one of my report, but I don't really know why*".¹⁸⁶

98. There was no proper review or reconsideration of the necessity for the SDS in light of a reported reduction in public order threats.¹⁸⁷ The one formal review, in 1976, recognised that "*the degree of violence associated with public demonstrations has declined since the formation of the Squad in 1968*", but supported the continuation of the SDS to assist A Department and the Security Service.¹⁸⁸ As set out below, this was at a time when chief constables were expressing concerns about the lawfulness of the work undertaken by Special Branches for the Security Service.

¹⁸² UCPI0000028835/1; SDS AR for 1972, MPS-0728970, §17; HN348 reported on the women's liberation movement including Christmas parties and jumble sales (UCPI0000010932/2; UCPI0000010908); HN298 'Michael Scott' targeted the youth wing of the Liberal party even though "*it was not a subversive group*" who disapproved of violence; MPS-0746258/2

¹⁸³ MPS-0742282, §127

¹⁸⁴ UCPI0000028835/1, §(b)

¹⁸⁵ SDS AR for 1972, MPS-0728970, §17: "*most of the current team of officers have been through several organisations which has not only established their identity firmly but has increased coverage of the extremist field*"

¹⁸⁶ MPS-0740412/26

¹⁸⁷ MPS-0728973; 1974 SDS AR, MPS-0730906; 1976 SDS AR MPS-0728980/1

¹⁸⁸ 1976 SDS AR MPS-0728980/1

Subversion and Special Branch Terms of Reference

99. The NPSCPs maintain that an overriding consideration in allowing the SDS to continue in 1968 was the benefit it could bring in reporting on groups and individuals of concern to the Security Service.¹⁸⁹ A significant proportion of the reporting by the SDS in T1 was copied to the Security Service. Whilst the definition of subversion changed over T1, there is no evidence before the Inquiry that the SDS targeted or reported on any group or individual who could even remotely be classified as ‘subversive’. The NPSCPs endorse the conclusion reached by CTI in the Opening Statement for T1 Modules 2b and 2c that:

*“No one appears to have considered whether (after its introduction) both limbs of the Harris definition were met. Had they done so, there is a strong case for concluding that they should have decided to disband the SDS.”*¹⁹⁰

100. The official ‘working’ definition of ‘subversion’ changed over the T1 era. In 1972, the Security Service unilaterally changed and sought to water down the legally accepted [1963] Lord Denning definition,¹⁹¹ suggesting subversion was “activities threatening the safety or well-being of the State and intended to undermine or overthrow Parliamentary democracy by political, industrial or violent means”.¹⁹² Lord Harris of Greenwich referred to this as the Security Service definition in a debate in the House of Lords on 26 February 1975,¹⁹³ although he added the following crucial caveat later in his speech:

*“It is fundamental to our democratic traditions that people should be free to join together to express and further their views, whatever others may think of those views, provided they do not break the law.”*¹⁹⁴

¹⁸⁹ MPS-0724116

¹⁹⁰ CTI O/S T1 Mod 2b/c §99, at https://www.ucpi.org.uk/wp-content/uploads/2023/01/20230127-CTIs_M2B-C_Opening_Statement.pdf

¹⁹¹ Subversives are those who would “contemplate the overthrow of the Government by unlawful means” (Lord Denning’s Report into the Profumo Affair, 24 October 1963, Her Majesty’s Stationery Office)

¹⁹² Statement of ‘Witness Z’, UCPI00000034350/4, §13; UCPI00000035314

¹⁹³ Hansard, HL Debate, 26 February 1975, Vol 357, col 947, at <https://hansard.parliament.uk/Lords/1975-02-26/debates/66805980-058a-42cc-b571-fcfd518d301f/SubversiveAndExtremistElements>; UCPI00000034265

¹⁹⁴ Hansard, HL Debate, 26 February 1975, volume 357, column 949, at <https://hansard.parliament.uk/Lords/1975-02-26/debates/66805980-058a-42cc-b571-fcfd518d301f/SubversiveAndExtremistElements>

101. The Security Service/ “Lord Harris” formulation was apparently adopted by Ministers and the Security Service before 1975.¹⁹⁵ Leon Brittan, as Home Secretary, subsequently made clear to Parliament that, to be classified as subversive, both limbs of the Lord Harris test must apply.¹⁹⁶ The Trade Union Congress (‘TUC’) in their evidence to the HASC, in 1985, set out further nuances in the changing definition of subversion over T1.¹⁹⁷
102. Correspondence between government departments and the Security Service in the early 1970s indicated that there was an ongoing desire for intelligence agencies to play an active role in countering subversion, in particular in industry,¹⁹⁸ although the working definition of subversion to be applied appeared to vary according to the political concerns of the day. Little consideration was given to the appropriate legal boundaries of the definition to be used,¹⁹⁹ or of the requirement for realistic threat posed by a group or activity.²⁰⁰
103. In 1979, the Security Service produced a paper titled “*The Threat of Subversion in the UK*” for new Prime Minister Margaret Thatcher.²⁰¹ Although the Harris definition was noted, the emphasis was primarily on the second limb; the “*heart of the definition*” is described as “*an intention to undermine or overthrow Parliamentary democracy*”.²⁰²
104. Although the reference to a requirement for Lord Denning’s ‘unlawfulness’ appears to have been forgotten or ignored, it seemed to be well understood within the Home Office, from a policing perspective, that the two limb test could only be satisfied where there was the detection of an illegal, or prevention of a possible,

¹⁹⁵ UCPI0000035314/5

¹⁹⁶ Hansard, HC Debate, “Police (Special Branch)”, 7 November 1979, Volume 973, Column 577, at [https://hansard.parliament.uk/Commons/1979-11-07/debates/cdffcc21-5a81-4ea4-91f0-766e4e842517/Police\(SpecialBranch\)](https://hansard.parliament.uk/Commons/1979-11-07/debates/cdffcc21-5a81-4ea4-91f0-766e4e842517/Police(SpecialBranch)) Yet, as CTI notes in the M2b and 2c Opening Statement (at §63), there was no change in who was regarded as subversive when the two-limbed “Harris definition” was introduced.

¹⁹⁷ UCPI0000035160/88 §7(b): see references to Home Secretary Roy Jenkins MP who in 1974 said that subversion involved “*the activities of individuals who undermine the democratic party regime*”, and Home Secretary Merlyn Rees MP who said in 1978: “*the Special Branch collects information on those who I think cause problems for the State*”.

¹⁹⁸ UCPI0000035278, §6

¹⁹⁹ UCPI0000035267

²⁰⁰ UCPI0000035253/1

²⁰¹ UCPI0000035314

²⁰² UCPI0000035314/5

illegal act.²⁰³ At the same time, the Home Office conceded that the MPS were actually targeting ‘*legitimate political activities*’.²⁰⁴

105. The Inquiry is reminded of the comments made in Parliament in 1978 by Robin Cook MP on the 1972 definition stating, “[*Lord Harris*] definition of subversion does not turn on any reference to unlawful. It is in no way restricted to unlawful activities. It is, therefore, an invitation to the police forces that police this concept of subversion to stick their nose into any form of political or industrial activity.”²⁰⁵

106. Robin Cook was correct, as evidenced by all of the material before this Inquiry in T1. There is currently no evidence in the public domain that SDS deployments came close to targeting any individual or group that were subversive or could ever satisfy Lord Harris’ formulation, on any sensible interpretation. As Robin Cook’s comments highlight, this is not a question of hindsight, but rather it was something that should have been obvious at the time. SDS managers and other senior figures must have been aware of this. In their evidence to this Inquiry, UCOs and their managers were unable to provide any actual examples of subversion. Indeed, many conceded that they did not see any genuine evidence of attempts to undermine parliamentary democracy.²⁰⁶ As early as 1974, Commander Gilbert told the Security Service that “*the SDS did a tremendous amount of work for the [Security Service] and.... that for the most part work done for us [Security Service] had little or no relevance to SB’s proper charter and as far as he was concerned it tied up staff, of which he was chronically short anyway, in totally unproductive activity*”.²⁰⁷

107. In spite of this, MPSB/SDS managers do not appear to have sought clarity or guidance on the lawfulness of SDS operations carried out for the Security Service. They did not ask the obvious questions around the meaning of subversion. It does

²⁰³ UCPI0000035107/2

²⁰⁴ Ibid

²⁰⁵ Hansard, HC Debate, “Special Branch (Accountability)”, 24 May 1978, Volume 950, Column 1712, at <https://api.parliament.uk/historic-hansard/commons/1978/may/24/special-branch-accountability>

²⁰⁶ For example, HN218 Barry Moss ‘Barry Morris’, notes that whilst he viewed left-wing groups as having a subversive aim, he did not believe they “*had the numbers achieve this aim*” (MPS-0747797/57, §104). Sir Robert Mark stated in his autobiography that alleged subversives “*have never represented a serious threat*” (DOC057/4)

²⁰⁷ UCPI0000030051/1, §3

not seem to have been considered that the work should have stopped because it was neither justified nor lawful. The NPSCPs query how it came to be that the concerns of Commander Gilbert were not echoed by his successors (such as Rollo Watts) who was also well aware of what the MPSB was being tasked to do by the Security Service. After all, the HASC was told by the Deputy Commissioner of the Metropolitan Police that, *“in regard to subversion, special branch officers were taught that the definition (see paragraph 15 above) did not include people only because of their support for unpopular causes, criticism of the police, demonstrations on the streets or strikes as trade unionists”* (Q328).²⁰⁸

108. This was a fundamental (and no doubt deliberate) failure on the part of the MPSB and the MPS.

109. When public scrutiny was brought to bear on this issue, senior civil servants in the Home Office suggested that it was for the police and Chief Constables to consider the application of the definition of subversion in every case, and to satisfy themselves that their activities were within the remit of law and order, with the aim of upholding and preserving the Queen’s Peace.²⁰⁹ Interestingly, we see the same line repeated by Roy Alastair Harrington, Head of the F4 Division (“F4”) in the Home Office (and later Head of the Metropolitan Police Division), in his witness statement to this Inquiry.²¹⁰ It is deeply unfortunate, even now, that senior Home Office witnesses (who had responsibility for the MPSB and the Terms of Reference under which they operated) are refusing to provide clarity and accept responsibility for their role in allowing and perpetuating the unlawful police operations conducted by the SDS.

110. The disclosure before the Inquiry from the Home Office reveals how this state of affairs arose. It is clear that the Home Office was acutely aware that the MPSB (and other police forces) were engaged in police surveillance work for the Security Service and that this was deeply problematic and not legally justifiable.²¹¹ This

²⁰⁸ UCPI0000035160/9-10, §21

²⁰⁹ UCPI0000035086/1

²¹⁰ UCPI0000035341/11

²¹¹ UCPI0000004437/7

included the type of undercover policing operations being carried out by the SDS for the Security Service.

111. In terms of the history of guidance to Special Branches, between 1969 – 1982, the only official high-level instructions were to be found in the 1967 Responsibilities of Special Branch ('1967 ToR'),²¹² this was followed by the ACPO 1970 ToR²¹³ which was supplemented by letters from the Security Service on 'Subversive Activities in Industrial Disputes' (1974)²¹⁴ and 'Subversive Activities in Schools' (1975).²¹⁵ There is also reference to the '1977 Surveillance Guidelines' but they have not been disclosed.²¹⁶

112. The 1967 TOR made "*the prevention of crimes directed against the State*" an explicit focus reflecting the legal definition of subversion. The ACPO 1970 ToR omitted a reference to crimes and created a mandate for the Security Service to '*collect, process and record information about subversive or **potentially** subversive organisation and individuals*'.²¹⁷ The word 'potentially' opened the door to unlawful surveillance by the SDS. The Home Office was acutely aware that this word was problematic.²¹⁸

113. A file opened on 27 July 1978, entitled "Review of Special Branch Duties and liaison with the Security Service", was concerned with dealing with increasing demands for public scrutiny of Special Branches and redrafting and publication of revised Special Branch terms of reference. A handwritten note states "*I agree that a public charter would be helpful. If SoS is concerned that police SB activities being conducted in the 'open' will make the services as a whole more vulnerable, we must ask the Security Service to do more of their own work.*"²¹⁹

114. There is ample evidence before this Inquiry demonstrating that concerns were being raised from many quarters, including by Chief Constables themselves.²²⁰

²¹² UCPI0000030040

²¹³ UCPI0000004459

²¹⁴ UCPI0000004545

²¹⁵ UCPI0000034698

²¹⁶ UCPI0000004540

²¹⁷ UCPI0000004459/2 at (d)

²¹⁸ UCPI0000004716/1

²¹⁹ UCPI0000035084/3

²²⁰ UCPI00000445; UCPI000004450

Despite this, the Security Service²²¹ and the MPS²²² strongly resisted any rewriting of the ACPO 1970 ToR. Her Majesty's Chief Inspectorate of Constabulary ('HMCIC') advocated for a basic document that would remain secret,²²³ despite appreciating that *"the Security Service sought more information from Special Branches than they really needed"*.²²⁴

115. As the Inquiry is aware, the fact that there was disquiet in the Home Office around unlawful MPSB surveillance is articulated in writing, in 1980, in the following stark terms:

*"How can the work of police officers (which all members of Special Branches are) in investigating subversion, as currently defined, be justified given that the definition covers some activities which are not, as such, unlawful?"*²²⁵

[...]

*"Neither the present definition of subversion nor the 1970 terms of reference assist officers in resolving this dilemma. Nor do they provide Ministers or chief officers with a water-tight basis on which to justify the work of police officers in investigating and recording the activities of subversives."*²²⁶

116. This correspondence was directed to, and indeed sought the views of, Sir Brian Cubbon,²²⁷ who was aware of the SDS.²²⁸ It constitutes clear evidence that senior Home Office civil servants were on notice that unlawful police surveillance was taking place for the whole of the T1 period.

117. The documents before the Inquiry evidence that what followed was not an attempt to immediately stop such unlawful state surveillance. Senior Home Officials did not seek clarity or guidance on the lawfulness of SDS operations, or consider the legal rights of activists subject to surveillance, or even the effect and consequences of the type of secret policing being conducted by the SDS. Rather,

²²¹ UCPI0000004720; UCPI0000004426

²²² UCPI0000035109

²²³ UCPI0000035108; UCPI0000004721

²²⁴ UCPI0000004719/1

²²⁵ UCPI0000004715/4, §11(a)

²²⁶ UCPI0000004437/7, §21

²²⁷ UCPI000004715/5, Permanent Under Secretary of State at the Home Office

²²⁸ MPS-073416

under mounting public and parliamentary pressure, (which began with the Parliamentary debates initiated by Robin Cook),²²⁹ faced with the realisation that there needed to be clarity on the role of Special Branches and their relationship with the Security Service,²³⁰ the state opted for inaction. That “*particular skeleton*” was allowed to remain in the cupboard.²³¹

118. As a result, further unlawful SDS surveillance continued, no doubt including the type of unlawful surveillance that so outraged Sir Gerald Hayden Phillips, when he was presented with the MBSB Police Accountability Report. As set out above, this report into the GLC and campaigning groups was written by ‘C’ Squad but it was signed off by HN819 Derek Kneale, who was a Chief Inspector (1974 to 1976) and then Chief Superintendent (1978 to 1980) in the SDS. In some areas the report made clear reference to SDS intelligence product.²³²

119. In the words of Sir Gerald Hayden Phillips, “*the report caused me concern because in my view the MPSB had gone too far in their report and had looked into intelligence about what one might consider normal and legitimate political activity which, in my view, was not subversive*” and it was “*dangerous in implication*”²³³ Presumably, this was because, as the MPS conceded in the report, “*we are not talking about ‘subversion’ in the accepted definition of the word*”.²³⁴

²²⁹ HC deb, 5 May 1977, “Police (Special Branch)”, volume 931, columns 804-816, at https://api.parliament.uk/historic-hansard/commons/1977/may/05/police-special-branch#S5CV0931P0_19770505_HOC_462. See also debates in 1978 and 1979 at [https://hansard.parliament.uk/commons/1978-06-13/debates/51e5d945-a6d3-463e-a461-2804b94452c0/Police\(SpecialBranch\)](https://hansard.parliament.uk/commons/1978-06-13/debates/51e5d945-a6d3-463e-a461-2804b94452c0/Police(SpecialBranch)) and <https://api.parliament.uk/historic-hansard/commons/1979/nov/07/police-special-branch>

²³⁰ UCPI0000004427

²³¹ UCPI0000035096

²³² ELWAR, the Newham 8 Defence Campaign (subject of a 1982 SDS report signed by DCI ND Short UCPI0000015892), the Greenwich group and the Bexley Campaign Against Racism and Fascism was reported on by HN356 ‘Bill Biggs’ from 29 March 1978 to 6 February 1981; the SDS AR for 1981 lists the Campaign for Police Accountability in Camden. The following groups appear in the SDS ARs: Racism: SDS AR 1979, 1980, 1981, 1982, 1983, Revolutionary Communist Party: SDS AR 1981, 1982, 1983, Revolutionary Communist Group: SDS AR 1982, 1983, Campaign for Nuclear Disarmament SDS AR 1981, 1982, 1983, Troops Out Movement - SDS AR 1980, 1981, 1982, 1983, Bexley Campaign Against Racism and Fascism: SDS AR 1980, 1981, Anti-Nazi League: SDS AR 1979, 1980, 1981, 1982, SWP: SDS AR 1979, 1981, 1982, 1983.

²³³ UCPI0000035282/10 §25

²³⁴ UCPI0000035096/3

120. It is simply not credible that Sir Gerald Hayden Phillips did not consider the implications of this report for the SDS.²³⁵ The Inquiry must identify this report as a significant watershed moment and missed opportunity for the Home Office to immediately investigate the activities of the SDS and halt their operations.²³⁶

121. When the review of the Special Branch ToR was later re-started in 1983, initial progress was slow and the Home Office was clear, in Sir Brian Cubbon's words, that "*work on this subject should not have a high priority*".²³⁷ It was only due to mounting political pressure that work to redraft the document began. The Security Service agreed to participate in the review in May 1983²³⁸ and a first draft was circulated by the Home Office in July.²³⁹ It was thereafter subject to discussion and amendment by the Security Service, MPS and ACPO.

122. The revision of the ACPO 1970 ToR was wholly tactical; the focus was on creating a formal justification for the activities of the SDS and Special Branches, and to give the appearance that they had proper authority in the face of increasing public scrutiny, including from police authorities and Parliament.²⁴⁰ It was agreed that the Special Branch ToR would not be made public unless public controversy demanded it.²⁴¹ By July 1984, it was thought that publication would be to the advantage of the Home Secretary and police, in light of the impending HASC Inquiry into Special Branches,²⁴² and so the Home Office, MPS and ACPO agreed that updated Guidelines would be provided to the HASC and made public.²⁴³

²³⁵ UCPI0000035282/12

²³⁶ Sir Gerald Hayden Phillips had highlighted concerns in December 1979 that SB officers faced difficulties in determining where "*legitimate political activities end and subversion begins*" (UCPI0000035107)

²³⁷ UCPI0000004431

²³⁸ UCPI0000035092

²³⁹ Cover letter at UCPI0000004631, draft Special Branch ToR at UCPI0000035286

²⁴⁰ UCPI0000004658

²⁴¹ UCPI0000004658

²⁴² UCPI0000004645

²⁴³ State bodies involved were also aware of increasing controversy in other quarters in relation to intelligence gathering on peaceful organisations and individuals. For example, one of the concerns of the Working Party of the Police Panel of the Association of Metropolitan Authorities on Accountability was that: "*...instances were quoted where the Special Branch had appeared to involve itself, under (iii) above, in activities of certain "pressure" groups (political and nonpolitical), which on the face of it appeared not to cause any threat to the security of the State*" (UCPI0000004455/5)

However, the Guidelines would be provided to police with a cover letter that “*would not under any circumstances be published*”.²⁴⁴

123. The resulting document²⁴⁵ - 1984 Home Office Guidelines on Special Branch - was the first copy of Special Branch ToR to be made public. One of the key amendments made was the removal of the reference to “*subversive or potentially subversive*” organisations and individuals (included at §3(d) of the ACPO 1970 ToR).²⁴⁶ However, rather than representing a genuine tightening of the guidance, publication of this document was part of a deliberate ploy to preserve and keep hidden from public scrutiny the true scope of Special Branch operations. Controversial guidance was contained in a separate classified cover letter that accompanied the Special Branch ToR.

124. Roy Alastair Harrington, Head of the F4 Division (“F4”) in the Home Office (and later Head of the Metropolitan Police Division) states in correspondence to Chief Constable and secretary of ACPO, Mr. Buck that, although it would not be wise to draw the point out specifically in a public document, private accompanying correspondence to Chief Constables would make clear that “*potentially*” subversive activities could still be targeted.²⁴⁷

125. The relevant reference to “*potentially subversive organisations or individuals*” is contained in the final letter sent out to chief officers on 19 December 1984.²⁴⁸ This letter also makes it clear that organisations operating within the law may be considered subversive due to their long term aims, even where their activities are legitimate and peaceful.²⁴⁹ The letter was included at the request of the Security Service.²⁵⁰

126. It is now clear, at the behest of the Security Service, that the Home Office covertly sanctioned the adoption by the MPS (and all Special Branches) of a

²⁴⁴ UCPI0000004645

²⁴⁵ UCPI0000004538

²⁴⁶ UCPI0000004459. See also a copy of the ACPO 1970 ToR at UCPI0000004459 in which references to potential subversion are highlighted as difficult aspects of the document

²⁴⁷ UCPI0000004542/1

²⁴⁸ UCPI0000004584

²⁴⁹ UCPI0000004584/1

²⁵⁰ UCPI0000004651

definition of subversion that was so wide it could cover almost any group or individual of concern to the state. The absence of any requirement for a realistic or immediate threat to the safety or wellbeing of the state meant that virtually any activity could be monitored on the basis that it was *possibly* subversive, or had the potential to be so in the future.²⁵¹ It would appear that the 'state' deliberately took a duplicitous and secretive approach to redrafting the Special Branch ToR to ensure the continuation of unlawful state surveillance operations, such as those being conducted by the SDS. This will be of relevance to T2 when the Chair examines the motivation and justification for SDS deployments.

Adequacy of authorisation (targeting) of undercover policing

127. **The NPSCPs submit that the actions of the SDS were not subject to any of the strict controls, as required by law, for the type of surveillance engaged in by the SDS.**²⁵²
128. **Decision making and the authorisation of targeting was subject to inadequate managerial control both within the SDS and by the senior MPS police officers.**
129. **SDS managers did not review the necessity or proportionality of SDS operations and deployments either before or during the deployment.**²⁵³ **Feedback was not sought.**²⁵⁴
130. The evidence before the Inquiry, from both UCOs and their managers, demonstrates that throughout T1 the managers did not exercise the strict and tight control of such operations, as required by law. This was not an omission or an oversight, but rather a deliberate tactical approach, designed to maximise intelligence gathering and develop cover identities.

²⁵¹ See, for example, the discussion in UCPI0000035107, §2

²⁵² *Hepburn v Chief Constable of Thames Valley Police* [2002] EWCA Civ 1841; *GG v SSHD* [2010] QB 585; *Morris v Beardmore* [1981] AC 446

²⁵³ See transcript of evidence of HN307 Trevor Butler (T1P3 Day7, p.37, §§19-25, p.58, §§17-20); HN218 Barry Moss (T1P3, Day 2, p.57, §§16-25); HN34 Geoffrey Craft (T1P3, Day 5, p.13 §§6 - 8, p.30, §§17 - 23)

²⁵⁴ Evidence of HN298 'Mike Scott' (MPS-0746258/11, §39); HN103 David Smith (MPS-0747443/14); HN368 Richard Walker (MPS-0747527/50); HN34 Geoffrey Craft (MPS-0748041/6); HN3093 Roy Creamer (MPS-0747215/27)

131. From the outset, certain authorizations to conduct operations were broad brush and speculative, relying on the discretion of officers to decide which groups to infiltrate, and on what to report. This contrasted with the formality of the way in which other parts of MPSB operated.²⁵⁵ The ‘*oblique*’ approach came with no guidance for UCPOs. Reporting was often indiscriminate, in the hope that something of relevance may be found.²⁵⁶ This was in contrast to the more focused SDS targeting when the unit was operating at the behest of the Security Service.

132. Some UCOs recalled that they were generally given “*a free rein*”²⁵⁷ and virtually no guidance in relation to specific areas of reporting,²⁵⁸ although they appear to have been aware in a more general sense that managers were interested in certain political activities.²⁵⁹ HN354 Vince Harvey (‘Vince Miller’), for example, described the attitude of managers as “*quite relaxed: if you [UCOs] think you can do it and you think it would work, then go ahead and do it; we’re not instructing you to do it; it’s up to you to find your own way in whatever organisation.*”²⁶⁰ HN218 Barry Moss (‘Barry Morris’), recalled that when a UCO, “*Conrad Dixon tasked us to..... to sweep wide to include any groups sympathetic to involvement at the forthcoming demonstration in October 1968.*”²⁶¹ HN321 ‘Bill Lewis’ stated, “*No one knew how to run an undercover squad at that time. There was very little direction either verbal or written. Conrad (Dixon) might have said: If you hear about a certain person or group let me know’, but there was no direction beyond that and nothing in writing.*”²⁶²

133. HN339 ‘Stewart Goodman’,²⁶³ who was tasked by HN294 and HN1251/371 Phil Saunders, stated, “*Phil and HN294 ran a pretty tight ship, but UCOs had to have a fair bit of free rein. If you could not be trusted to make decisions yourself,*

²⁵⁵ MPS-0740351/13, §62 (HN322)

²⁵⁶ According to HN96 ‘Michael James’, information about individuals was submitted because it “*may provide to be of some benefit to police or to the Security Service at a future date. Or it may just be locked away in a filing system and never seen again*” (T1P2 Transcript Day 16 (13 May 2021), p.150)

²⁵⁷ HN339, ‘Stewart Goodman’, MPS-0736910/11, §38

²⁵⁸ T1P2 Transcripts Day 5 (27 April 2021), p.117: “*Q: Were you ever given any advice or guidance about reporting on what we might call “justice cases”?*” HN347 ‘Alex Sloan’: “*No*”

²⁵⁹ MPS-0739804/29, §118

²⁶⁰ Transcript T1P2 Day 14 (11 May 2021), p.195

²⁶¹ MPS-0740354, §24

²⁶² MPS-0747158, §44

²⁶³ Active from 1970-71

*you could not do the job of a UCO as you would necessarily be fending for yourself a lot of the time”.*²⁶⁴

134. HN298, ‘Mike Scott’,²⁶⁵ recalled, “*My movement between groups happened organically.*²⁶⁶ *I was not specifically tasked to infiltrate any particular group. I do not think I was given any particular instructions at the beginning of my deployment about what to do, nor do I think I received any instructions during my deployment. The decisions as to how to conduct my work were left to me, and I liked it that way. Despite not being specifically tasked by managers, I am sure my self-tasking was useful and relevant....When I left one group, it was not really a case of deliberately leaving one group to move onto the next. Rather, I would just naturally become more engaged in another group, or a group might reach a natural end point, and so I would stop attending. It was all quite fluid”.*²⁶⁷

135. A lack of managerial control in relation to targeting appears to have continued throughout the later period in T1. HN126 ‘Paul Gray’,²⁶⁸ was responsible for huge volumes of disproportionate and inappropriate reporting of data for the Security Service (including about children), stating that, “*Tasking was never a word that was used. You were just asked to go into an area and get settled. It was very relaxed. The pressure was not on*”.²⁶⁹ However, HN304 ‘Graham Coates’ suggested that the reporting on personal relationships was directed by managers as “*no man is an island*”.²⁷⁰

136. Allowing UCOs significant discretion on how to operate was accompanied by a lack of managerial guidance on what to report.²⁷¹ This resulted in UCOs deciding to include anything they thought might be of interest and setting their own boundaries. Many UCOs assumed what they were doing was acceptable,

²⁶⁴ MPS-0736910, §38

²⁶⁵ Active from 1972 to 1976

²⁶⁶ MPS-0746258, §40

²⁶⁷ Ibid, §49

²⁶⁸ Active from 1978 – 1982

²⁶⁹ MPS-0740761, §114

²⁷⁰ MPS-0742282/24 §78

²⁷¹ See, for example, MPS-0747802/30 §98: “*Undercover officers were not given any guidance as to the level of personal detail which was considered helpful to the readers of the report*”

because they did not hear anything to the contrary.²⁷² Most did not consider this to be a problem, claiming that as they were ‘*Special Branch*’ they knew what to look for.²⁷³ Others stated that the responsibility lay with those higher up, claiming it was not for them to decide what was useful intelligence, and what was not.²⁷⁴

Managerial approval and encouragement of this indiscriminate approach to reporting is reflected in the lack of feedback to the UCOs.²⁷⁵ HN340 ‘Alan Bailey’, for example,²⁷⁶ stated: “*I was not given any specific instructions on what was or was not of interest. If you were an officer in SB, it was assumed that you were reasonably intelligent and could be trusted to report what was or might be relevant*”.²⁷⁷

137. HN299/342 ‘Dave Hughes’,²⁷⁸ recalled: “*To a certain extent I made my own judgments about what was important to report or not, but what information I reported was informed by my experience of Special Branch reporting previously when I conducted enquiries. I knew the kind of information that Special Branch were interested in and would want me to include in my reports...Tasking was certainly not rigid, you found out what you could and that meant taking an inclusive approach to what you reported.*”²⁷⁹

138. HN345 ‘Peter Fredericks’,²⁸⁰ said he came across all kinds of information by just talking to people, and he reported everything he got to hear, explaining there was no room to decide what was of value, and what was not: “*Some things we reported turned out to be unimportant, but we did all we could because we could not assess the intelligence at the time of collecting it.*”²⁸¹ HN126 ‘Paul Gray’

²⁷² HN298 ‘Michael Scott’, T1P2 Transcripts, Day 9, page 95; HN347 ‘Alex Sloan’, T1P2 Transcripts, Day 5, page 119

²⁷³ HN96 ‘Michael James’, stated “*We were all experienced Special Branch officers so it was left to our own common sense what to report on*” (MPS-0745772/21); see also MPS-0740351/11, §48 (HN322)

²⁷⁴ T1P2 Transcripts, HN347 ‘Alex Sloan’, Day 5, page 133; HN298, MPS-0746258/11, §39

²⁷⁵ HN298 ‘Michael Scott’ stated: “*The office seemed content with how I was conducting my deployment and with the reports that I submitted. No one ever asked me to stop reporting on a particular group, or change focus to a different group, to my recollection*” (MPS-0746258/11, §39)

²⁷⁶ Active from 1970 to 1972

²⁷⁷ MPS-0740414, §85

²⁷⁸ Active from 1971 to 1976

²⁷⁹ MPS-0745773/19, §§86 and 88

²⁸⁰ Active for seven months in 1971

²⁸¹ MPS-0741109/22, §54

described how he would produce reports for superior officers to read the intelligence contained within *“and to pass on or tear up”*.²⁸²

139. HN106 ‘Barry Tompkins’, who infiltrated the Spartacus League, stated that, *“While we had a good idea about the individuals and groups that we were involved with, we would not necessarily know how they fitted into the bigger picture and I would therefore always err on the side of passing on more information as it was difficult for us to fully assess its utility”* *“by and large I would pass on as much information as I could recall during my deployment, and I understood that it was up to the SDS managers to decide whether this information should be formally recorded and disseminated.”*²⁸³

140. Similarly, HN45 ‘Dave Robertson’,²⁸⁴ who was tasked into the field of Maoist groups, reported that *“I knew that my role was to gather as much intelligence as I could on my target groups and pass this back to the SDS; it was up to the powers that be to decide what information was relevant and needed to be passed on.”*²⁸⁵

141. The T1P3 evidence from the SDS managers is consistent with the above analysis. Managers claimed to have had little to no involvement in decision making on the targeting and tasking of the undercover officers;²⁸⁶ with confusion about who (if anyone) was responsible for such targeting and tasking.²⁸⁷ A range of possibilities were suggested in evidence given by former SDS officers and managers, including the individual UCOs themselves,²⁸⁸ senior officers in Special

²⁸² T1P2 Transcripts, Day 15 (12 May 2021), pp.228-230

²⁸³ MPS-0745735/16, §45

²⁸⁴ Active from 1970 to 73

²⁸⁵ MPS-0741095/9, §34

²⁸⁶ Evidence of HN3378 Derek Brice (MPS-0747802/12, §33); HN244 Angus McIntosh (MPS-0747578/13,28 §§39, 87); HN2152 Richard Scully (MPS-0747155/16, §40)

²⁸⁷ HN3378 Derek Brice stated *“I do not know how targeting decisions were made”* (MPS-0747802/22 ,§71). CTI also notes in the T1P3 Opening Statement that there are differing recollections about who made decisions on targeting and tasking across the T1 witness statements (p.59, §211.7)

²⁸⁸ HN218 Barry Moss, ‘Barry Morris’, MPS-07403554/10-11, §§24, 29, 34, MPS-0747797/13, §23(e); HN307 Trevor Butler, MPS-0747658, §73

Branch,²⁸⁹ and the Security Service.²⁹⁰ HN3093 Roy Creamer described a haphazard system of deployments, in which different people went to different meetings and Sergeants did not have an overall view of reports, with the reports going to the Chief Inspector and Superintendent.²⁹¹ Managers did not conduct any assessment of the necessity for, or benefit of, the surveillance, either prior to or after the event.²⁹² As a result, UCOs were given little or no guidance by managers about the conduct of their surveillance and on what and whom to report.²⁹³ They were expected to know what to report “*instinctively*”²⁹⁴ and were encouraged to report as broadly as possible, including personal information, with no filter.²⁹⁵

142. Although SDS UCOs considered that they were largely left to their own devices, actual tasking or steering by managers did take place on an *ad hoc* and informal basis, including managers stepping in when logistical problems arose, such as clashes between taskings,²⁹⁶ and the redeployment of UCOs.²⁹⁷ This suggests a level of awareness and monitoring of the activities of UCOs by those in positions of responsibility.

²⁸⁹ HN34 Geoffrey Craft, MPS-0748041/16, §17b, MPS-0747446/10-12, §§27-28; HN218 Barry Moss, ‘Barry Morris’, MPS-0747797/30, §44; HN103 David Smith, MPS-0747443/11, §23

²⁹⁰ HN244 Angus McIntosh, MPS-0747578/18, §§52-53; HN218 Barry Moss, ‘Barry Morris’ MPS-0747797/18-19, §23(q)

²⁹¹ MPS-0747215/9, §16

²⁹² HN218 Barry Moss, ‘Barry Morris’, MPS-0747797/17, §23(o); HN244 Angus McIntosh, MPS-0747578/15, §45, T1P3 Transcript Day 9 (19 May 2022), p.99; HN34 Geoffrey Craft, MPS-0747446/18, §38; HN3378 Derek Brice MPS-0747802/22, §71, T1P3 Transcript, Day 7 (17 May, 2022), p. 52. HN307 Trevor Butler stated that although he signed a number of SDS ARs in the late 1970s and early 1980s, he certainly did not recall reviewing the UCOs reports for the year (MPS-0747658/20, §71)

²⁹³ HN348 ‘Sandra’ T1P1 Day 13 (18 November 2020), p.12; HN351 ‘Jeff Slater’, MPS-0740332/8, §29; HN349, MPS-0747546/41, §143; MPS-0746258/66 at §230; HN354 ‘Vince Miller’ MPS-0744903/24, §112, MPS-0747657/24; HN345 ‘Peter Fredericks’, MPS-0741109/5; HN326 ‘Douglas Edwards’ MPS-0738584/18; HN96 ‘Michael James’, MPS-0745772/65, §316

²⁹⁴ HN103 David Smith, MPS-0747443/12, §27

²⁹⁵ HN2401 Anthony Greenslade, MPS-0747760/22, §74

²⁹⁶ HN329 ‘John Graham’ remembered how DI Wilson tasked him with attending a meeting of which the SDS required coverage: “*It so happened that I had already been delegated by a member of my group to attend a different meeting taking place at the same time. I explained to DI Wilson that I could not attend the meeting he wanted me to attend. DI Wilson issued me with an ultimatum: either I attended the meeting or I was thrown off the SDS [...].*” (MPS-0738576, §258)

²⁹⁷ HN96 ‘Michael James’ was encouraged to redeploy from East London SWP, to TOM (MPS-0745772/14-15, §75); HN353 ‘Gary Roberts’ was moved from targeting IS to the International Marxist Group (MPS-0740413/14, §34); HN218 Barry Moss ‘Barry Morris’ admitted that on his arrival he considered that the “*unit was a bit heavy on the SWP and so when HN19 was recruited he was deployed to RCP and the Communist Party of Great Britain Marxist -Leninist*” (MPS-0747797/30, §44).

143. The provision of such a free rein to UCOs was, the NPSCPs say, likely to have been a deliberate strategy to maximise the collection of intelligence and to give officers the opportunity to infiltrate political groups more deeply, unencumbered by any “*micro-managing*”.²⁹⁸ UCOs knew that their seniors wanted information in particular areas of political interest, the far-left, and were allowed to use their “*judgement and discretion*” to pursue intelligence however they saw fit.²⁹⁹

144. This ‘arms-length’ relationship offered the further benefit of allowing senior officers in authority to be able to distance themselves from conduct which they were aware risked reputational damage to the SDS or MPS. By way of an example, in his oral evidence, HN298 ‘Mike Scott’ referred to the views of his managers about his attendance at a meeting in the front room of Peter Hain’s family home.³⁰⁰ He described their reaction as “... *I think probably this kind of thing, they’re actually too frightened of these things. They happen and they’re confronted with them, and they don’t really want to make waves. And this is how these things work.*”³⁰¹

145. HN298 ‘Mike Scott’ went on to describe how “*the office staff, the admin, people in charge*” were still “*in essence obliged to go along with it*”, even though they regarded such activity as a “*risky infiltration*” with potential reputational risks including political consequences, with “*a lot of fuss about it in the Houses of Parliament*”.³⁰²

146. **The NPSCPs submit that the SDS and its targeting was influenced by demands from outside of the SDS, including the Security Service,³⁰³ the wider MPSB, the MPS, and other government agencies.**

²⁹⁸ MPS-0747797/13, §23(e)

²⁹⁹ Ibid

³⁰⁰ T1P2 Transcript, Day 9 (4 May 2021), pp. 59-60

³⁰¹ Ibid

³⁰² Ibid

³⁰³ HN343 ‘John Clinton’, MPS-0739804/31; HN299/342 ‘David Hughes’, MPS-0745773/27, §131; HN321 ‘William Paul Lewis’, MPS-0747158/19, §59; HN34 Geoffrey Craft T1P3 Transcript, Day 5, p.111, MPS-0748352/2

147. The evidence received by the Inquiry indicates that the recipients of intelligence, described as ‘customers’,³⁰⁴ did not provide formal feedback to the SDS about the information they were gathering,³⁰⁵ nor were MPSB and managers able to assess the value of intelligence gathered by the SDS.³⁰⁶ Personal information was thought to be recorded for the benefit of the Security Service, rather than the police.³⁰⁷ The ultimate dissemination of information was conducted by the “customer”, the recipient, of the information.³⁰⁸ There is however evidence that intelligence, once collated, was used for wider ranging purposes and not just by the original ‘customer’. HN106 ‘Barry Tompkins’ described being contacted by his managers about the accuracy of his reporting as “*there was consideration of deporting*” the person reported on.³⁰⁹

148. In evidence to this Inquiry, SDS managers made clear that the direction to the SDS on targeting came from more senior levels within MPSB and the MPS. Both HN218 Barry Moss, and HN34 Geoffrey Craft, suggested that targeting came from C Squad,³¹⁰ with references to daily discussions between the Commander of Operations and his operational Chief Superintendents.³¹¹ Some managers were clear that political influence also came from even higher up in the political hierarchy, with HN34 Geoffrey Craft describing how the SDS were “*at the behest of the Home Secretary*”.³¹²

Influence of the Security Service on SDS targeting

149. The evolution of the relationship between the SDS and the Security Service is relevant to motivation and justification. The Security Service was instrumental in the creation of the SDS 1968 (as set out in these submissions on justification).

³⁰⁴ HN308 Christopher Skey (MPS-0747528/14); HN34 Geoffrey Craft (MPS-0748041/7); 1983 SDS Annual Report (MPS-0730903/10); HN368 Richard Walker (MPS-0747527/12)

³⁰⁵ HN103 David Smith (MPS-0747443/14); HN368 Richard Walker (MPS-0747527/50); HN34 Geoffrey Craft (MPS-0748041/6); HN3093 Roy Creamer (MPS-0747215/27)

³⁰⁶ HN3378 Derek Brice (MPS-0747802/14); HN244 Angus McIntosh (MPS-0747578/69); HN218 Barry Moss ‘Barry Morris’ (MPS-0747797/17).

³⁰⁷ HN34 Geoffrey Craft (MPS-0747446/57)

³⁰⁸ HN308 Christopher Skey, MPS-0747528/15-16, §29(h)

³⁰⁹ MPS-0745735

³¹⁰ See Annex on MPSB Squads in NPSCPs’ O/S T1P3

³¹¹ MPS-0747446/27-28, §§68, 69

³¹² Ibid

The majority of SDS reporting appeared to have been passed to the Security Service.³¹³ It was an open joke that the work of the MPSB was heavily influenced by the Security Service. In the words of Tony Speed, a Chief Inspector in A8 from 1977 to 1980, officers “*often wondered if Special Branch officers knew they worked for the Commissioners rather than the Security Service*”.³¹⁴

150. The close and mutually beneficial relationship between the SDS and the Security Service was also well understood by SDS UCOs and managers. According to HN349 “*once the threats to public disorder reduced after the Vietnam protests ceased, the security services played a more significant role in directing the work of the SDS*”.³¹⁵ Similarly HN34 Geoffrey Craft, has told the Inquiry that “*The Branch was the legs of the Security Service*”.³¹⁶ It is not surprising that the Security Service viewed the relationship as “*exceedingly easy and co-operative*”.³¹⁷

151. At a strategic level, it was through the Cabinet committees on subversion that the concerns of the Security Service around ‘subversion’ and the priorities of ‘Whitehall’ were imparted to the MPS.³¹⁸ By 1972, the MPS Deputy Assistant Commissioner, Vic Gilbert and MPS Assistant Commissioner (Crime), Colin Woods became involved in the Cabinet Committees on subversion,³¹⁹ sanctioned by MPS Commissioner Robert Mark who indicated he would get involved if “*any extra-ordinary circumstances suggest such a need (sic)*”.³²⁰

152. The evidence before the Inquiry clearly establishes that SDS work for the Security Service influenced the former’s targeting priorities. This ranged from specific requests for particular information on individuals,³²¹ to ensuring that SDS

³¹³ HN103 David Smith recalled that it was around “75 to 80%” between 1970-74, Transcript T1P3, Day 6 (16 May 2022), p.77

³¹⁴ MPS-0748205/17, §37

³¹⁵ MPS-0740356/12-13, §41

³¹⁶ MPS-0747446 §72

³¹⁷ UCPI0000028776/1

³¹⁸ UCPI0000031256 (in context of Whitehall demands for intelligence on subversion in industry and Vic Gilbert being aware due to his role on Waddell Group)

³¹⁹ UCPI0000035262

³²⁰ UCPI0000035325/1; UCPI0000035328/1

³²¹ MPS-0739241

officers supported Security Service work on “*countering subversion*”³²² and joint “*source planning*”.³²³ The fact that the Security Service sought to influence and control SDS targeting is evidenced early on in T1.³²⁴ By 1976, the Security Service had appointed a liaison officer with MPSB who had access to an office in MPSB.³²⁵

153. There is evidence to suggest that the MPSB initially raised some objections to the demands from the Security Service, particularly in relation to targeting trade unions.³²⁶ MPS Commissioner Robert Mark, was described in 1973 as fearing the “*possible embarrassment*” as a consequence of the targeting of what the Security Service perceived to be ‘subversive’ organisations.³²⁷ Such objections and concerns were however short lived and appear to have been largely meaningless in practice. SDS targeting quickly became increasingly focused on complying with Security Service tasking priorities and it is clear that the SDS had agents monitoring political organisations, such as the Socialist Labour League (later the Workers Revolutionary Party (‘WRP’)³²⁸) from at least 1971.³²⁹ This was in spite of the fact that the group was never considered to be a threat to public order.³³⁰ In 1979, HN135 DCI Mike Ferguson, then a senior SDS officer, stated in response to a Security Service request for coverage of the WRP that, “*although the WRP was not considered to be a law and order problem, nevertheless he was ready to put a source into the WRP if this would legitimately act as a stepping stone for*

³²² HN34 Geoffrey Craft, MPS-0747657, §70; HN96 ‘Michael James’, MPS-0745772, §98

³²³ MPS-0735788/2

³²⁴ MPS-07357562/2

³²⁵ MPS-0735760/4

³²⁶ UCPI0000031256, §4: “*Colin Woods [AC Crime] said that, having consulted the Commissioner (Bob Mark) he did not want to get M.P.S.B. involved in running agents in trades unions. M.P.S.B.’s role should be to collect information (e.g. about likely law and order trouble spots) on which police executive action could be taken.*”

³²⁷ UCPI0000031258/2

³²⁸ MPS-07747833/11 records the change from Socialist Labour League to Workers Revolutionary Party.

³²⁹ MPS-737411; UCPI0000015700

³³⁰ CTI’s O/S T1P3, p.28, §98: “*The Socialist Labour League, which became the Workers Revolutionary Party in 1973, is frequently referred to in the annual reports. However, it is not referred to as committing crimes, as a public order threat or as an imminent threat to Parliamentary Democracy. It is recorded as concentrating on industrial issues and organising meetings which were well attended and orderly. It is also recorded as participating in democratic elections.*” The MPSB Annual Report of 1981 records that the WRP is “*...not considered to be a threat to public order*” (MPS-0747793/9); and the 1983 Report records that “*the WRP has never posed a threat to public order*” (MPS-0747795/4)

penetration of an SDS target".³³¹ By 1979, informal and secret conferences were held between MPSB and the Security Service where targeting was discussed.³³²

154. Other examples of Security Service influence on SDS targeting include continued monitoring of the Anti-Apartheid Movement ('AAM'), even after the unit's formal targets had moved on.³³³ The motivations can only have been driven by the fact that the AAM remained of interest to the Security Service.³³⁴ As noted in the Opening Statement on behalf of Lord Peter Hain, Professor Jonathan Rosenhead and Ernest Rodker,³³⁵ the SDS continued to collect intelligence on the AAM throughout the Tranche 1 period and well into the 1980s.³³⁶

155. The influence of the Security Service also appears to have motivated SDS targeting of school children and teachers. A circular produced by the Security Service dated 16 December 1975, addressed to Chief Constables, requested information about subversive activity in schools, in particular, regarding "*older pupils (14 or over) who are active in subversive organisations which are exploited for subversive purposes such as the National Union of School Students (NUSS)*".³³⁷

156. There is no evidence to suggest that senior officers or SDS managers ever questioned why schools, school children, teachers, and higher education were deemed to be subversive. This was a significant failing by the SDS, given the Inquiry can now see that the Security Service did in fact have some difficulty in finding any actual subversion in education. The 1972 Security Service document "Subversion on the UK," for example, includes references to dons exerting their subversive views in an influential way and the influence by unions on working

³³¹ UCPI0000028835/1, §(b)

³³² MPS-0735809/2

³³³ See O/S on behalf of Lord Peter Hain and Professor Jonathan Rosenhead T1P3, p.9, §22, citing UCPI0000028795

³³⁴ UCPI0000028795

³³⁵ O/S on behalf of Lord Peter Hain, Professor Jonathan Rosenhead and Ernest Rodker T1P1, p.6

³³⁶ UCPI00000016192 is a report by HN106 'Barry Tompkins' on a social event held by the AAM in January 1981

³³⁷ UCPI0000034698

conditions and pay in education with the admission that “*the extent of subversive activities at school level is negligible*”.³³⁸

157. The irrational interest of the Security Service in ‘subversive threats’ within schools and education continued throughout T1³³⁹ with a corresponding impact on SDS reporting. HN126 ‘Paul Gray’s’ deployment between 1977 and 1982 saw extensive reporting on Schoolkids Against the Nazis (‘SKAN’).³⁴⁰ The Chair is referred to the NPSCPs’ opening statements for T1P2 and T1P3 on this topic.³⁴¹ HN354 ‘Vince Miller’ also submitted some reports, for example a report dated 13 March 1978³⁴² on a school-aged child, “*because the SWP had two youth movements that generated considerable support. It was important that SB and the Security Service knew of the impact of these group[s]*”.³⁴³ Despite the banal and irrelevant nature of SDS reporting in this area, the Security Service requests continued. In a minute sheet dated 1 January 1983, the Security Service requested information from the SDS about the “School Stoppers Text-Book” and information about the “Anarchist Youth Federation”.³⁴⁴

158. The NPSCPs submit that the apparent hoovering up of wide scale data by the SDS was a response to the demands from the Security Service. The Security Service made regular and repeated requests to the SDS for personal data including employment data:

- a. By way of a Box 500 letter dated 14 January 1972, the Security Service asked for the employment particulars of a named individual.³⁴⁵

³³⁸ UCPI0000035255/4

³³⁹ UCPI00000034698/1; UCPI0000034697/1

³⁴⁰ O/S CTI T1P3, p.40, 142

³⁴¹ At https://www.ucpi.org.uk/wp-content/uploads/2021/04/20210415_Opening-Statement-NPNSCP-AMENDED.pdf and https://www.ucpi.org.uk/wp-content/uploads/2022/05/20220426-T1P3-NPSCPs-Opening_Statement.pdf

³⁴² UCPI0000011874

³⁴³ HN354 ‘Vince Miller’ witness statement, MPS-0744903/28-29, §132

³⁴⁴ UCPI0000028807/2

³⁴⁵ MPS-0739241/1

- b. A Box 500 letter dated 15 January 1973, asked about the addresses and telephone numbers of two individuals involved in (hosting) the London Alliance in Defence of Workers' Rights and the Revolutionary Women's Union.³⁴⁶
- c. A minute sheet dated 1 January 1979, records a Security Service request for the numbers and background of trade union representatives attending a large event.³⁴⁷
- d. The SDS was tasked in September 1982 to identify six members of the Revolutionary Community Party ("RCP") from their photographs, including confirmation of details of their partners/spouses.³⁴⁸
- e. A request was made for SWP membership records in a note dated 10 December 1982.³⁴⁹
- f. Information was requested in a note of 29 November 1983, about marriages between specific members of the RCP and whether any were "*marriages of convenience*".³⁵⁰

159. There is scant evidence of SDS managers questioning what they were being asked to do on behalf of the Security Service during T1, with the early exception of Commander Gilbert in 1974.³⁵¹ From 1979 onwards an explanation may lie with the fact that Mrs. Thatcher did not share her "*predecessors' disquiet about the work of Special Branches*".³⁵² In his witness statement, Sir Gerald Hayden Phillips states that, "*If there is a Labour government and Labour MPs who feel that the MPSB is taking an excessive interest in left-wing activities they are likely to raise those concerns directly with the Home Secretary. In my view, however, there is likely to be less pressure on Conservative MPs and ministers to act in such circumstances.*"

³⁴⁶ UCPI0000014736

³⁴⁷ UCPI0000028777/1

³⁴⁸ UCPI0000028794

³⁴⁹ UCPI0000027448/1

³⁵⁰ UCPI0000029233/1

³⁵¹ UCPI0000030051/1, §3; UCPI0000031256, §4

³⁵² UCPI0000004715/5 §14

Targeting of social justice campaigns and defence campaigns

160. **Senior MPS and SDS managers knew about and authorised the targeting and infiltration of, and gathering of intelligence about, justice campaigns (including defence campaigns and those campaigning for police accountability) in order to gain a litigation advantage, sow discord, shield the police from criticism and to disrupt the lawful and legitimate activity of such groups.**
161. **Senior MPS and SDS managers gave no consideration to the possible impact of gathering intelligence in this way on legitimate justice, defence and police accountability campaigns and campaigners.**
162. During T1, the MPS developed a tradecraft to monitor justice campaigns, (including defence campaigns and those campaigning for police accountability). This practice started almost as soon as the SDS was created, with the vast majority of groups involved some element of anti-racism campaigning and, in particular, a focus on police racism and/or brutality and police accountability. The Black Defence Committee is referred to in the MPSB Annual Report 1970,³⁵³ the Stephen McCarthy campaign from 1971,³⁵⁴ and the Stoke Newington Eight Defence Group is mentioned in reports from around 1972.³⁵⁵ The Stephen McCarthy case is the first example of the targeting of a justice campaign arising from a death following police contact.³⁵⁶ By 1983, the organisation INQUEST appeared in the Police Accountability Report into the GLC and police accountability groups.³⁵⁷
163. The justification provided by SDS witnesses (and the Designated Lawyers)³⁵⁸ is that such groups and individuals were being monitored because they had been identified as potential threats to public order. HN218 Barry Moss was asked if there was *“any reason, over and above the unfiltered, hoovering-up approach, why justice*

³⁵³ MPS-0728972

³⁵⁴ MPS-0737487, MPS-0747786

³⁵⁵ MPS-747796/22

³⁵⁶ MPS-0737487, MPS-0747786

³⁵⁷ MPS-0748355

³⁵⁸ DL O/S T1P1, p.38, §5.5.1, at https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201028-Opening_Statement-DL_Clients.pdf

campaigns were reported on? and he responded “[i]n connection with the potential for public disorder, of a minor or large scale”.³⁵⁹ The T1 disclosure does not identify any evidence of a risk of serious crime or disorder posed by any of the campaigning groups. The motive for such monitoring is now clear following disclosure of the MPSB document titled “Political Extremism and the Campaign for Police Accountability within the Metropolitan Police District” (referred to above as the Police Accountability Report). It was to alert the police to any criticism likely to emerge in the public domain which might be damaging, unless countered.³⁶⁰ This is plainly not a legitimate justification. The self-serving motivation behind the Police Accountability Report and the general MPSB/SDS targeting of justice campaigns, defence campaigns and police accountability groups is considered in detail in the closing submissions made on behalf of Celia Stubbs.³⁶¹

164. The targeting of East London Branch of Workers Against Racism (“ELWAR”) was extensive and *“often concern[ed] the work of left-wing activists with people of colour”*.³⁶² As noted by CTI, *“Through ELWAR, HN106 also reported on a march in support of the Newham 8 campaign. A public meeting of the Newham 8 Defence Campaign held on 28 October 1982 was the subject of another report although HN106 has no recollection of it15. There appear to be at least some similarities between HN106’s deployment and that of HN81 (who used the cover name “David Hagan”). In the 1990s “David Hagan” reported on the Stephen Lawrence Campaign. He did so having infiltrated another group which campaigned against racism, the Movement for Justice”*.³⁶³

165. HN106 ‘Barry Tompkins’ was asked about a report on an ELWAR meeting, on 19 April 1983, concerning the case of a 13-year-old boy who alleged he had been assaulted and stabbed by police.³⁶⁴ The report focussed on campaigning work in relation to the case, including the distribution of leaflets and planned future

³⁵⁹ T1P3 Transcripts, Day 5 (13 May 2022), p.120

³⁶⁰ See the comments of Commander J Wilson (28 March 1983) on the Police Accountability Report MPS-0748422/5

³⁶¹ §23-37

³⁶² O/S CTI T1P3, p.36, §130

³⁶³ CTO O/S T1P2 §41

³⁶⁴ UCPI0000019008

activities, such as “street theatre” and a public meeting. The report noted that relatives of the boy (and potentially the boy himself) were refused legal representation, and referred to the family in disparaging terms: “*It appears that following the incident of which [redacted] complains he, together with his parents attended [redacted], to obtain legal representation. However, on hearing of the criminal history of [redacted] and presumably being unimpressed with the family, the firm refused to act on their behalf.*”³⁶⁵ HN106 ‘Barry Tompkins’ stated that he could not recall attending the meeting and that, “*I would have thought that this could have been of interest to Special Branch*”.³⁶⁶ This is despite the fact that the campaigning activities of the group were clearly legitimate.

166. HN106 ‘Barry Tompkins’ confirmed that the infiltration of the group was deliberate³⁶⁷ and followed the publication of a *Daily Mail* article.³⁶⁸ ELWAR was of interest to the Security Service and features in their report on “Subversive Aspects of Racialist Activity” in 1981³⁶⁹ (and in more detail in a dedicated annex to the report).³⁷⁰ By the time of the Brixton riots in 1981, HN106 ‘Barry Tompkins’ stated that he had already been involved with the group for some time.³⁷¹ HN106 ‘Barry Tompkins’ “*formed the view that WAR did not represent much of a threat.*”³⁷² He also informed his managers that his assessment of the real threat posed by the group was “*less significant than the article implied*” and, in his view, the article was “*alarmist*”.³⁷³ Despite the absence of any clear reason for the group to be so closely monitored, the campaign appeared in a number of Special Branch reports,³⁷⁴ including the 1983 Police Accountability Report.³⁷⁵

³⁶⁵ Ibid, §3

³⁶⁶ MPS-0745735/33, §102

³⁶⁷ MPS-0745735/15, §43

³⁶⁸ Ibid

³⁶⁹ UCPI0000035300

³⁷⁰ UCPI0000035299/31

³⁷¹ MPS-0745735/31

³⁷² MPS-0745735/31, §95

³⁷³ MPS-0745735/15, §43

³⁷⁴ UCPI0000015540; UCPI0000019525; UCPI0000019525/2

³⁷⁵ MPS-0748355/33

167. SDS interest in justice campaigns, defence and police accountability campaigns further highlights that the focus of the SDS was not on serious crime but more about the political objectives of the groups reported on and, in particular, campaigners who sought to discredit or criticise the police. For example:

- a. The Campaigns arising from the death of Colin Roach, and subsequent activism.³⁷⁶ A Special Branch Report dated 25 July 1995, for example, reports on a public meeting organised by the Colin Roach Centre (CRC) to launch the “Justice for David Ewin Campaign” (‘JDEC’).³⁷⁷ David Ewin was shot by police in Barnes on 28th February 1995, whilst attempting to escape from police in a stolen car. He died seventeen days later in hospital. Forty-five people attended, yet there was no suggestion of violence or disorder and no arrests were made. Specific speakers referred to in the report of the meeting include Deborah Coles of INQUEST, who “*strongly criticised the police complaints procedure and received a warm round of applause from the audience*”,³⁷⁸ and the Core Participant Graham Smith of the Hackney Community Defence Association (‘HCDA’) who spoke “*at some length about the role of the HCDA which was formed as a self-help group for the alleged victims of police brutality*”.³⁷⁹ He is recorded as arguing that it was necessary to target the Police Federation due to their stance on the Government’s Sheehy proposals and the routine arming of police.³⁸⁰
- b. Similarly, a report dated 16 April 1981 into political activity in Brixton after the disturbances of 13 April 1981 details a number of “*black organisations*” and named individuals working on anti-racism in the area, despite the fact that, according to the report, “*There is no indication from any source that any subversive group, black or white, deliberately started or planned the disturbances.*”³⁸¹

168. Another key theme in relation to defence and justice campaigns is that of deliberate targeting. Intelligence was not just collected as a result of “collateral

³⁷⁶ See UCPI0000016951 and UCPI0000018697

³⁷⁷ MPS-0742216

³⁷⁸ Ibid, §5

³⁷⁹ Ibid, §6

³⁸⁰ Ibid

³⁸¹ UCPI00000351512, §4

intrusion,” as has been suggested by some UCOs.³⁸² The SDS Annual Reports show that many groups were purposefully targeted:

- a. The SDS Annual Report 1971 confirms direct targeting on the Action Bangla Desh and the Afro-Asian American Association;³⁸³
- b. HN106 ‘Barry Tompkins’ confirmed that the infiltration of ELWAR was deliberate;³⁸⁴
- c. Further SDS Annual Reports describe intelligence in relation to: the Murray Defence Group,³⁸⁵ the Hackney and Tower Hamlets Defence Committee,³⁸⁶ Persons Unknown (PUNK),³⁸⁷ the Newham Defence Committee,³⁸⁸ the Greenwich Action Committee Against Racist Attacks and the South East London Action Committee Against Racist Attacks³⁸⁹ and the Brixton Defence Committee;³⁹⁰
- d. Groups such as the Stoke Newington and Hackney Defence Campaign were listed as groups that were “*directly penetrated or closely monitored*” in 1983.³⁹¹

169. A number of campaigns and individuals also had Special Branch registry files and featured in SDS reporting: the Blair Peach Campaign (RF 402/78/251), Cecil Cuttmore of the Brixton Defence Committee (RF 402 [remainder redacted]³⁹²), the Newham 8 Defence Campaign (400/82/145), the Stoke Newington and Hackney Community Defence Campaign (400/92/34) and the Justice for Brian Douglas Campaign (400/95/67).

170. Correspondence disclosed alongside the SDS Annual Reports shows that every year, the Reports were seen by high ranking members of the Metropolitan Police

³⁸² See, for example, HN304 ‘Graham Coates’ evidence: T1P2 Transcripts Day 12 (7 May 2021), pp.77-78

³⁸³ MPS-0728971

³⁸⁴ MPS-0745735

³⁸⁵ MPS-0747789/12

³⁸⁶ MPS-0727595/70

³⁸⁷ MPS-0727595/71

³⁸⁸ MPS-0727595/82

³⁸⁹ MPS-0727595/103

³⁹⁰ MPS-0747793/16

³⁹¹ MPS-0730903/6

³⁹² Ibid

(usually an Assistant Commissioner) as well as the permanent secretary responsible for policing in the Home Office, in order to authorise further funding for the Special Demonstration Squad. Senior members of the force and ministers must therefore have been aware of such monitoring and, in light of the clear and consistent references to defence and justice campaigns in the reports from 1970 to 1984, it is highly likely that such targeting was approved. As an example, the following relevant reports were signed by senior figures in the MPS:

- a. Special Branch report on a public meeting of the Newham 8 Defence Campaign (dated 4 November 1982) which included members of the campaign as well as the local Member of Parliament.³⁹³ The group were discussing the recent arrests of “*eight Asian youths for various offences arising from an incident involving plain-clothes police officers,*” as well as racist abuse and the police response more generally. The report is signed by Nigel Short, Chief Superintendent.
- b. The Special Branch report of a meeting of the Camden Committee for Community Relations on 14 December 1981, on the subject of police accountability, was signed by HN307 Trevor Butler.³⁹⁴ The meeting included a range of community and trade union groups, as well as the local Member of Parliament and a speaker from the Richard “Cartoon” Campbell campaign. The report is one of a number that records the proportion of black attendees at the meeting.
- c. A Special Branch report dated 8 April 1982 enclosing an SWP weekly information sheet which discusses, *inter alia*, Tebbit Laws, as well as support for the Bradford 12 Campaign, was signed by Nigel Short, Chief Superintendent.³⁹⁵

171. Targeting of justice (and similar) campaigns was likely to have been known about at the highest political levels. HN298, ‘Michael Peter Scott’, said that his reporting on the campaign of the Young Liberals for a public inquiry into the death

³⁹³ UCPI0000015892

³⁹⁴ UCPI0000016831

³⁹⁵ UCPI0000018002

of Kevin Gately at Red Lion Square would have been of interest to the Home Secretary, and the information likely would be “*passed along to him*”.³⁹⁶

172. There is no evidence that consideration was given by SDS managers to the possible impact of the monitoring of justice (and similar) campaigns. HN298 ‘Michael Peter Scott’ stated that there were no concerns raised with him about reporting of that kind.³⁹⁷ UCOs confirmed in evidence that they were not given any advice or guidance about reporting on these sorts of activities.³⁹⁸

173. The private cover letter to chief officers from the Home Office accompanying the new Special Branch ToR released in December 1984 states:

*“It is not the function of the force Special Branch to investigate individuals and groups merely because their policies are unpalatable, or because they are highly critical of the police, or because they want to transform the present system of police accountability.”*³⁹⁹

174. This strongly suggests that the Home Office acknowledged that targeting on this basis had been taking place. The apparent warning was no doubt informed by the increased political scrutiny of the work of MPSB officers, and the pressure on the government to rebut and cover-up high-profile claims that UCOs were unlawfully monitoring industrial activity.⁴⁰⁰ Whether or not this warning was genuine, SDS activities in later tranches show that it went unheeded.

175. By 1983, the MPS appeared intent on establishing a “*support unit to collate and disseminate with the MPS information relating to the activities of, and those involved, in Police Monitoring Groups*”.⁴⁰¹ There was realisation, at the time, that such monitoring was likely to be unlawful, especially where it led to covert

³⁹⁶ T1P2 Transcripts Day 9 (4 May 2021), pp.79-80, see also report of HN353 ‘Gary Roberts’ 18 June 1974 on events at Red Lion Square UCPI0000007917/1

³⁹⁷ Ibid

³⁹⁸ HN347 ‘Alex Sloan’ T1P2 Transcripts Day 5 (27 April 2021), p.117; HN354 ‘Vince Miller’ T1P2 Transcripts Day 14 (11 May 2021), p.217

³⁹⁹ UCPI0000004584

⁴⁰⁰ See the discussions between the Home Office, MPS and ACPO prior to the HASC Inquiry, for example: UCPI0000004658

⁴⁰¹ MPS-0748422/6

surveillance by MPSB (“*might be exceeding our remit*”).⁴⁰² This is a topic that will require considerable further exploration in T2 so that the Inquiry can understand how this behaviour went on to influence SDS undercover policing and whether there is any connection between these early initiatives and the targeting of the family of Stephen Lawrence, Duwayne Brookes OBE and Michael Mansfield KC.

Targeting of Members of Parliament (‘MPs’) and other elected politicians

176. Senior MPS and SDS managers knew about and authorised the targeting and infiltration of, and gathering of intelligence about, elected politicians and elected representatives, political organisations and political activists in order to disrupt and gain intelligence on political protest and industrial action and to undermine criticism of police actions.

177. Senior MPS and SDS managers gave no consideration to the threat to democracy and the political and democratic process of gathering intelligence on elected politicians and elected representatives and political organisations and those involved in lawful political activity.

178. There are many examples of SDS reporting on elected politicians within the material disclosed by the Inquiry. These include:

- a. A report signed by HN68 ‘Sean Lynch’ in which Labour’s Shadow Secretary of State for Transport, Albert Booth MP, would be speaking.⁴⁰³
- b. HN155 ‘Phil Cooper’ monitored the Right to Work campaign, obtaining private documents⁴⁰⁴ and correspondence with the organisers, one of whom was serving MP Ernie Roberts⁴⁰⁵, and the personal bank account details of John Deason, SWP Central Committee member.⁴⁰⁶
- c. HN353 ‘Gary Roberts’ reported on the march and meeting organised by the South-East London Labour Party Young Socialists held on 8 November

⁴⁰² MPS-0748422/8

⁴⁰³ UCPI0000016545

⁴⁰⁴ UCPI0000017230

⁴⁰⁵ UCPI0000017125, see also UCPI0000017202

⁴⁰⁶ UCPI0000016846

1975.⁴⁰⁷ The report summarises a speech by Jo Richardson, then a Labour MP.

- d. A report by HN356/HN124, 'Bill Biggs', dated 4 June 1980 details a 'Day of Action' march organised by Greenwich, Bexley and Bromley Trades Councils, Royal Arsenal Co-operative Society Political Purposes Committee and AUEW Erith District Committee, and attended by Guy Barnett MP.⁴⁰⁸
- e. Many of HN68 'Sean Lynch's' reports refer to the MP Bernadette Devlin in the context of her support for the Irish Civil Rights Solidarity Campaign ("ICRSC") (she also features in reports related to HN340 'Andy Bailey'/'Alan Nixon'⁴⁰⁹).
- f. There are also references within HN68's reports to John Ryan MP (in his capacity as a speaker)⁴¹⁰ and Douglas Hulme MP.⁴¹¹
- g. Michael Barnes MP is referenced in the report dated 19 January 1971, which provides details of a forthcoming Anti-Apartheid Movement conference to discuss arms sales to South Africa.⁴¹²

179. The Report on "Political Extremism and the Campaign for Police Accountability with the Metropolitan Police District" (referred to above as the Police Accountability Report) is said to include contentious intelligence "*closely connected with elected GLC members openly carrying out their publicised policies*".⁴¹³ The Police Accountability Report addressed the so-called '*Extremist Influence in the GLC*', stating that 11 of the 50 Labour councillors elected to the GLC in May 1981 had previously come to the attention of Special Branch in an extremist context, and erroneously identified Ken Livingstone as a "*self proclaimed Marxist*".⁴¹⁴

180. In July 1981, having been elected as Leader of the GLC, Ken Livingstone established the GLC Police Committee to monitor the activities of the Metropolitan Police. He criticised the police for exacerbating the problems which caused the

⁴⁰⁷ UCPI0000008224

⁴⁰⁸ UCPI0000013983

⁴⁰⁹ MPS-0738245 and MPS-0738244

⁴¹⁰ MPS-0739888

⁴¹¹ UCPI0000016057

⁴¹² MPS-0732551

⁴¹³ UCPI00000035096/2

⁴¹⁴ MPS-0748355/14

Brixton riots in 1981. Ken Livingstone and 20 other members of the GLC demanded MPS Commissioner McNee's resignation.⁴¹⁵

181. Until the Police Accountability Report was disclosed, the only documents before this Inquiry for T1 in relation to Ken Livingstone referred to him speaking at public events (until 1982, when he is specifically named in the MPSB Annual Report)⁴¹⁶. Ken Livingstone was of interest to the MPSB. A Detective Inspector in 'C' Squad was given a "watching brief" in relation to the GLC Police Committee from 1981 and "*attempted to follow the campaign in detail and in doing so has collected a mass of information about the personalities and groups involved.*"⁴¹⁷ It is therefore extraordinary that there is such a paucity of SDS related disclosure in relation to Ken Livingstone in T1.⁴¹⁸ It is hoped that full disclosure will be forthcoming in T2.

182. SDS reporting often focussed on the speaking engagements of MPs.⁴¹⁹ The MPs subject to monitoring were politically on the left and, as can be seen from the examples above, tended to attract the interest of UCOs because of their involvement in trade union, anti-racism, or anti-war campaigns.⁴²⁰

183. The activities and membership of a number of political organisations were also monitored and recorded. The SDS were particularly interested in the activities of the SWP. As noted in the Opening Statement of Lindsey German, Richard Chessum and 'Mary', at least twenty-four UCOs infiltrated the party and many took positions of responsibility, including at branch, district or national level.⁴²¹ Despite the intensive monitoring of the organisation and its members, there is a striking lack of reports on criminality, public disorder or violence.⁴²²

184. This theme was repeated across other party-political organisations. They appear on multiple occasions in SDS records, despite the fact that no obvious

⁴¹⁵ Ken: *The Ups and Downs of Ken Livingstone*, Andrew Hosken, p102

⁴¹⁶ MPS-0747794/12

⁴¹⁷ MPS-0748355/5

⁴¹⁸ Transcript T1P1 Opening Statements Day 4 (5 November 2020), p.47-48; Transcript T1P3 Opening Statements Day 3 (11 May 2022), p.24

⁴¹⁹ O/S CTI T1P1, §48.1

⁴²⁰ MPS-0736910/9, §31

⁴²¹ O/S T1P3 on behalf of Lindsey German, Richard Chessum, 'Mary', p.6, at https://www.ucpi.org.uk/wp-content/uploads/2022/05/20220425-T1P3-LG_RC_M-Opening-Statement.pdf

⁴²² Ibid, p.7

security threat was identified. "Trotskyist Groups" were, for example, targeted and there were repeated references to such groups in the SDS Annual Reports.⁴²³ It was acknowledged however that there were no real security concerns relating to these organisations.⁴²⁴ In the 1970s, the attention turned to the Revolutionary Socialist League, which became Militant Tendency, and the organisation's attempts to gain power within the Labour Party, despite the fact that the 1976 report noted that the organisation "*cannot at present be regarded as a threat to public order*".⁴²⁵

185. Reporting on other political groups included the contents of discussions at meetings and details of individual party members, even where there was no apparent relevance of such details to the maintenance and management of public order and no suggestion of criminal activity.⁴²⁶

186. Intelligence was also collected about plans for elections and potential candidates, such as the report by HN353 'Gary Roberts' on the aggregate meeting of South London IMG, dated 25 March 1977. The report contained information about IMG candidates standing in the 1977 GLC elections, including Piers Corbyn who was to stand as candidate for Lambeth Central.⁴²⁷

187. One example of particularly detailed reporting into party political activities concerned a conference held by the Haringey Labour Movement Anti-Racist and Anti-Fascist Campaign set up by local Constituency Labour Parties ('CLPs'). The conference, organised by Jeremy Corbyn and chaired by Ted Knight of Haringey Labour Party, was described in an SDS report dated 30 November 1977.⁴²⁸ Debates and motions are set out in considerable detail in the 10-page SDS report. It is notable that the author of the report appears to be extremely familiar with internal Labour Party politics.⁴²⁹ The report includes a list of names of attendees and personal details (including dates of birth) and any records of previous "mentions" within SDS files. Special Branch references are recorded for many

⁴²³ MPS-0747786/18. See also in similar terms in 1972 MPS-07747796/16; MPS-0747833/8; MPS-0747787/5; MPS-0747789/2; MPS-0727595/12

⁴²⁴ Discussed in CTI's O/S T1P3, §80

⁴²⁵ MPS-0774789/9

⁴²⁶ MPS-0730076; UCPI0000007685. The report is also signed by a Chief Superintendent (name redacted) and copied to the Security Service

⁴²⁷ UCPI0000017814/2

⁴²⁸ UCPI0000011588

⁴²⁹ UCPI0000011588/2-3, §8

attendees, including Ted Knight, Jeremy Corbyn, Martha Osamor and Bernie Grant.⁴³⁰ Fifteen organisations represented at the conference are also listed, twelve have associated file references or previous mentions.⁴³¹

188. Despite the volume of intelligence contained within the report, there is no apparent justification for such detailed monitoring of the event. The campaign is described as having been set up by three CLPs to lead “*local anti-racist and anti-fascist activities, under the slogan of ‘United to Fight Against Racism’*”.⁴³² Proceedings were clearly non-violent and there were no particular demonstrations or other events proposed or discussed which might have relevance to possible public order concerns. The actions of persons and organisations involved in the conference could not be described as subversive. Indeed, the conference aims were described as “*fairly predictable for a Labour Party ‘campaign.’*” Despite this, the campaign had been reported on by Special Branch on two previous occasions, including when a meeting was held at the Wood Green Community Centre on 3 April 1977 and when the Campaign held a counter-demonstration at a National Front demonstration on 23 April 1977 and distributed leaflets.⁴³³

189. This is a stark example of what, the NPSCPs submit, was completely unjustified surveillance of entirely legitimate political organising against racism and fascism by a mainstream political party.

190. The report is associated with HN80 ‘Colin Clark’, although he did not think that he was the UCO who attended the event. In any event, he sought to justify such reporting as follows: “*On this occasion at least, it appears to have been justifiable and proportionate to report on non-party political activities: the focus was on the risk rather than who was doing it*”.⁴³⁴

191. This fails to explain the level of detail provided in the report (including, for example, the contents of motions and details of individual speakers) and the absence of any risk. Further, the event and the contents of discussions were

⁴³⁰ UCPI0000011588/5-6, Sharon Grant OBE, widow of Bernie Grant, has CP status Peter Francis has claimed that Bernie Grant was a target of undercover policing <https://www.ucpi.org.uk/wp-content/uploads/2016/09/160921-ruling-core-participants-number-1-reissued.pdf>

⁴³¹ UCPI0000011588/7

⁴³² UCPI0000011588/1, §3

⁴³³ UCPI0000011588/3-4, §14

⁴³⁴ UCPI0000033626/26, §78

inherently party-political and concerned democratic processes and internal decision making within the Labour Party. Such discussions were reported in detail despite the absence of any possible risk or security threat. The only relevant threat was that of National Front violence, yet no action appears to have been taken by the SDS in response to those concerns documented in the report.

192. This detailed monitoring of Labour Party members and politicians was unjustifiable and evidently disproportionate. The SDS's own report shows that any threat of violence came from the organisations to which attendees were vigorously opposed, yet it seems that no action was taken to protect those involved from National Front violence. This is again demonstrative of the entirely political motivations for such surveillance.

193. It is clear from the disclosure that SDS managers were aware of the surveillance of MPs and political parties by UCOs.⁴³⁵ A series of reports, signed by Chief Superintendent Wilson, show that HN297 'Rick Gibson', not only monitored party political activities but that he even engaged with and took part in political processes (in clear contravention of the "*firm line*" articulated by Conrad Dixon).⁴³⁶ The reports show that HN297 'Rick Gibson' attended a Labour Movement Delegate Conference on 24 May 1975,⁴³⁷ reported back on the event at a subsequent Troops Out Movement meeting chaired by him on 30 June 1975 and advised that local Labour members should be contacted ahead of a planned "Week of Action" in order to lobby local Labour MPs.⁴³⁸

194. SDS Managers were also aware that UCOs were using their positions in political campaigns to access and monitor MPs. At a meeting with the Security Service in July 1982, HN68 'Sean Lynch' (by then a manager in the SDS) expressed "*serious doubts*" about HN155 'Phil Cooper', due to various

⁴³⁵ See, for example, UCPI0000008224/2; UCPI0000007685; UCPI0000017814; UCPI0000016568/2, all of which were signed by Chief Inspectors and Chief Superintendents

⁴³⁶ In his 1968 paper 'Penetration of Extremist Groups' Conrad Dixon wrote: "*A firm line must be drawn between activity as a follower and a leader, and members of the squad should be told in no uncertain terms that they must not take office in a group, chair meetings, draft leaflets, speak in public or initiate activity.*" (MPS-0724119/6)

⁴³⁷ See meeting to "report back" on the event at MPS-0728676/3. Notably, Labour MP Leo Abse spoke at the event.

⁴³⁸ Ibid

misdemeanours.⁴³⁹ A subsequent Security Service note records HN68 telling “F6” that he was worried because “*Cooper’s position within the Right to Work Movement gives him regular access to Ernie Roberts MP and meetings at the House of Commons*”.⁴⁴⁰ It seems that no action was taken by SDS managers.

195. It is evident that SDS and MPS managers were aware that UCOs were coming into contact with, and monitoring, MPs, political parties and party members. It is also clear that the Security Service was aware that such surveillance took place, as the meeting between HN68 ‘Sean Lynch’ and F6 demonstrates (as do the large volume of reports sent to Box 500). In fact, HN330, ‘Don de Freitas’, suggests that, as with other areas of targeting, the desire for such information came from the Security Service. Within meeting reports submitted on 30 September and 5 October 1968,⁴⁴¹ HN330 records information concerning a member of Havering IS/VSC who held a position within a local branch of the Labour Party. In his witness statement he explains:

*“MI5 would have been particularly interested in [the person] possessing a particular role in a local Labour Party; it was part of their remit, as I understood it, to consider whether there was any infiltration of legitimate left wing political organisations by extremists, hence why it would have been noted.”*⁴⁴²

196. SDS Managers confirm that they did not give UCOs any instructions, advice, or guidance on reporting on or interacting with elected politicians.⁴⁴³ However, the Wilson Doctrine 1966 prevents the police and intelligence services from tapping the telephones of members of the House of Commons and the House of Lords. Such surveillance was possible but on the authorisation of the Prime Minister on the grounds of national security. Given the doctrine was established shortly before the T1 era its significance would be well understood, including by the MPS, Security Service and SDS managers. It is therefore important for the Inquiry to

⁴³⁹ UCPI0000027446

⁴⁴⁰ UCPI0000027515

⁴⁴¹ MPS-0731906 and MPS-0731911

⁴⁴² MPS-0740328/11

⁴⁴³ SDS Manager HN307 Trevor Butler confirms in his witness statement: “*As far as I can remember, I never gave the UCOs any instructions, advice or guidance on reporting on or interacting with elected politicians — neither to warn them off or encourage them. I imagine the same is true for the other managers.*” (MPS-0747658/33, §126)

establish whether the SDS reporting above (particularly the HN155 'Phil Cooper' example) was known about or authorised by the Prime Minister.

Targeting of trade unions

197. **Senior MPS and SDS managers knew about and authorised the targeting and infiltration of, and gathering of intelligence about, trade unions and trade union members. These actions were motivated by: the fears of successive governments in T1 of the political influence of trade unions, especially their potential to challenge government policy; and a desire to gain intelligence about trade union influence and tactics within firms, including legitimate trade disputes, and their tactics. SDS intelligence gathered in this area was gathered to assist employers and government to defeat legitimate trade union activity aimed at improving wages, terms and conditions.**
198. **The policing establishment sought to shield the police from political criticism and hide the fact of police targeting of trade unions from Parliament.**
199. **It is inconceivable that senior MPS and SDS managers were not aware that the surveillance of lawful and legitimate trade union activity was unjustifiable, legally, politically and morally.**
200. **SDS intelligence was deployed for wide scale vetting and for blacklisting purposes.**
201. Alleged subversion in industry was a major focus for Security Service and senior government officials throughout T1, under pressure from various Prime Ministers.⁴⁴⁴ This appears to have caused unease, at times, within the civil service.⁴⁴⁵ Senior civil servants in the Home Office suggested that "*Ministers should be warned of the importance of maintaining secrecy about this enterprise. Very great political damage could be done if it became known that the Government maintained an organisation which could easily be misrepresented as*

⁴⁴⁴ UCPI0000035250; UCPI0000035257; UCPI0000035261/13; UCPI0000035255; UCPI0000035253

⁴⁴⁵ Ibid

“spying” on good, honest trade unionists and others who claim to defend the liberty of the subject!”.⁴⁴⁶ The targeting of trade unions was a hugely sensitive issue which attracted significant parliamentary attention.⁴⁴⁷

202. The pressure to target unions appears to have come from successive Prime Ministers and may explain why the MPS came under pressure to penetrate trade unions and collect intelligence on the organisations and individual members.⁴⁴⁸ The ACPO 1970 ToR confirms that a key focus for the MPSB was “... (f) *To investigate any subversive background to demonstrations and breaches of public order and, in consultation with the Security Service, to certain industrial disputes.*”⁴⁴⁹

203. As these submissions have already set out, the ‘working’ definition of subversion was never properly reflected in the ACPO 1970 ToR. Further, the Security Service was working under an interpretation of subversion which did not fit with any officially accepted definition of ‘subversion’. According to a note sent by Lord Rothschild to Prime Minister Edward Heath on 14 December 1972, if a union leader, for example, could be said to have had an intention (whether “a primary or secondary intention”) of “*undermining the system of Government, then, although his means are lawful, his end is subversive and therefore not lawful*”.⁴⁵⁰ It follows that “*his actions... and also his political opinions... are subject to the operations of the Security Service*”.⁴⁵¹ Under such an interpretation of subversion, trade union opposition to government incomes, policies, and trade union activity opposing privatisation, could be said to be subversive and therefore suitable for Security Service/SDS surveillance. Indeed, if trade union activists who sought higher wages believed that a socialist system, in which the means of production should be in the hands of the workers, their pursuit of the wage claim would, under this definition, be rendered unlawful. The authoritarian nature of the scope of surveillance was apparently not based on the lawfulness or otherwise of the activities of trade unionists, but on the legitimacy of their thoughts. This is truly

⁴⁴⁶ UCPI0000035264/1, memorandum dated 6 February 1973, Sir Burke Trend, Cabinet Secretary

⁴⁴⁷ UCPI0000035102

⁴⁴⁸ UCPI0000031256

⁴⁴⁹ UCPI0000004459

⁴⁵⁰ UCPI0000035261/4, §5

⁴⁵¹ Ibid

Orwellian thought policing. As noted above, the TUC raised concerns to the HASC in 1985 about the problematic and ever changing definitions of subversion in the context of industry.⁴⁵²

204. In T1 there is “*a growing focus on industrial issues*” as referenced in the 1972 MPSB Annual Report and this “*forms a theme which runs on throughout the remainder of the Tranche 1 era*”.⁴⁵³ HN299/342 ‘David Hughes’ notes that the perceived “infiltration” of trade unions (and the Labour Party) by “*extreme political groups*” was of concern to both MPSB and the Security Service. He described their work as follows, “*The SDS office would sometimes mention that senior MPS officers were meeting with the Security Service or the Home Secretary to discuss intelligence of this sort. I understand that there was a lot of high level cooperation in relation to subversion*”.⁴⁵⁴

205. Security Service influence initially caused disquiet amongst some senior police officers, who were concerned that the MPSB should not be involved in such activities. Assistant Commissioner (Crime) Colin Woods, for example, said in a meeting in December 1972 that the MPSB shouldn’t be “*running agents in trades unions*” and that their role should be to collect information, including about likely law and order trouble spots on which police executive action could be taken.⁴⁵⁵ He was concerned that it would be “*politically embarrassing*” for the police to be involved in this field, presumably due to the explicitly political nature of Security Service priorities. In any event, in the very same document, it was noted that the MPSB were already targeting trade unions.

206. During Harold Wilson’s tenure as Prime Minister, there were a number of controversies about Special Branch overstepping and infiltrating trade unions. This culminated in articles in the Morning Star and The Sunday Times reporting on concerns expressed to the Home Secretary about the MPSB being involved in

⁴⁵² See fn 197

⁴⁵³ O/S CTI T1P3, p.20, §68

⁴⁵⁴ MPS-0745773, §§118-121

⁴⁵⁵ Security Service note for policy file entitled ‘Relations with M.P.S.B. about Industrial Subversion’ UCPI0000031256/1-2

Trade Union affairs⁴⁵⁶. MPs complained and asked for an independent inquiry into MPSB.⁴⁵⁷ Following various private investigations (some of which involved Sir James Waddell, who knew about and was instrumental in funding the SDS),⁴⁵⁸ a letter was sent from the Security Service to Chief Constables and the MPS Commissioner noting:

*“The Home Secretary is aware of the Terms of Reference under which Special Branches pursue their investigations into subversive activities in the industrial field. He is also aware of the assistance which Special Branches give the Security Service in this area of enquiry. He is content with these arrangements; but he has asked the Security Service to exercise due care in its own investigations to avoid adverse publicity. Such investigations might be misrepresented as being aimed at the penetration of trade unions rather than the investigations of subversive groups which may be active in industry as in other fields of public life”.*⁴⁵⁹

207. It is notable that the concern expressed relates to publicity rather than any concern that the interference in trade unions went beyond what was legitimate. The Chair is reminded that trade unions and trade union activities are legitimate in a democratic society and are protected in both UK law and, in the T1 era, by Article 11 of the ECHR, as set out in the Opening Submission to the Inquiry on behalf of the Fire Brigades Union and Unite the Union.⁴⁶⁰

208. Within the disclosure in this Inquiry, there are numerous SDS reports providing detailed information about trade unions and their members. These include details of the organisational structure of trade unions, planned campaigns and events, and the response by political parties to anticipated strike action.⁴⁶¹ HN80 ‘Colin Clark’ even reported on a meeting at which a play concerning trade union “*worker/management participation schemes*” was performed.⁴⁶² Detailed

⁴⁵⁶ UCPI0000034700; UCPI0000035101

⁴⁵⁷ Ibid

⁴⁵⁸ UCPI0000035102; UCPI0000035100; UCPI0000034699

⁴⁵⁹ UCPI0000004545

⁴⁶⁰ O/S on behalf of Fire Brigades Union and Unite the Union, at https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201104-Opening_Statement-FBU_Unite-AMENDED.pdf

⁴⁶¹ UCPI0000016446

⁴⁶² UCPI0000014068

information was also recorded about specific individuals,⁴⁶³ including union affiliation, employers,⁴⁶⁴ participation in particular union campaigns⁴⁶⁵ and roles as shop stewards.⁴⁶⁶

209. Much of the reporting focussed on planned industrial action. HN304 'Graham Coates' confirmed that intelligence about forthcoming demonstrations was "very much" an important part of the SDS's work and confirmed that he made multiple reports about planned pickets.⁴⁶⁷ The 1977 Annual Report states that "a great deal of Special Branch effort was directed to the successful provision of forward intelligence" in relation to the Grunwick dispute.⁴⁶⁸ Such monitoring took place as a direct result of the SDS's specific interest in the activities of trade unions and their members. HN299/342 'David Hughes', who joined the Transport and General Workers' Union, explained that MPSB were interested in the union due to concerns around "entryism being employed by extreme political groups in organisations such as the T&G".⁴⁶⁹ HN80 'Colin Clark' noted that information relating to tactics to be used at the Grunwick industrial dispute was of interest to MPSB as the dispute "has significant public order implications and so it and the groups involved were a focus for reporting".⁴⁷⁰ HN126 'Paul Gray' stated that information about an individual's membership of a union was "relevant to special Branch and/or to the Security Services".⁴⁷¹ The SDS manager, HN244 Angus McIntosh confirmed that information on Trade Unions would have been reported if relevant to a deployment or requested by the Security Service or Special Branch.⁴⁷² The statement of HN299/342 'David Hughes' points out that because the MPSB did not cover ordinary trade union meetings he considered it necessary

⁴⁶³ One report even records that a campaigner's studies at the London School of Economics was funded by a trade union scholarship: MPS-0739863

⁴⁶⁴ UCPI0000017182, UCPI/21645

⁴⁶⁵ UCPI0000014547

⁴⁶⁶ HN126 'Paul Gray' witness statement, MPS-0740761, §238 (referring to the reports at UCPI0000011407, UCPI0000013201, UCP10000021745 and UCPI0000016795)

⁴⁶⁷ T1P2 Transcripts, Day 12 (7 May 2021), pp.87-88

⁴⁶⁸ MPS-07747790/4

⁴⁶⁹ Witness statement, MPS-0745773/37, §176

⁴⁷⁰ Witness statement, UCPI0000033626/26, §75

⁴⁷¹ T1P2 Transcripts, Day 15 (12 May 2021), pp. 228-230

⁴⁷² Witness statement, MPS-0747578/70, §192

to produce substantive reports about what occurred at them. MPSB Registry Files were maintained on many trade unions.⁴⁷³

210. Specific requests were made by the Security Service for MPSB to increase coverage of industrial affairs and subversion in industry.⁴⁷⁴ Another minute sheet requested coverage of a large event, including information on numbers and background of TU representatives attending the event, details of any indications of action on political and industrial matters, and indications of activism or “*exploitation of anti-racism in trade union activities*”.⁴⁷⁵ It is clear that the requests made by the Security Service were to discover the tactics and strategy of trade unions’ pursuit of legitimate industrial goals. The information sought also suggests senior MPS managers must have become involved in the provision of such information to the Security Service.

211. An unidentified UCO described in closed evidence how they attended the industrial dispute at Grunwick about half a dozen times. They would go to “*gauge what the support was for the picket*” and SDS managers were said to be pleased with the intelligence officers were providing.⁴⁷⁶ HN126 ‘Paul Gray’ denied in his witness statement that he was a key organiser at the Grunwick picket.⁴⁷⁷ However, he stated to risk assessor Brian Lockie about Grunwick that “*SWP were a big part of the protests - I helped to organise the numbers and which days were going to have a list of SWP (sic)*”.⁴⁷⁸

212. There is no indication within the disclosure in T1 that senior MPS/ SDS managers considered the rights of trade unionists to freedoms of expression or assembly or the legitimate and lawful grievances that lay at the heart of trade union activity. The MPSB and the SDS were fully indoctrinated into the government’s political rhetoric, as evidenced by the Annual Report of 1978:

⁴⁷³ See T1P1 O/S on behalf of Fire Brigades Union and Unite the Union (p.16-17)

⁴⁷⁴ UCPI0000031256

⁴⁷⁵ UCPI0000028777

⁴⁷⁶ MPS-0748061/25

⁴⁷⁷ MPS-0840761 §270

⁴⁷⁸ UCPI0000034397

*“1979 unfortunately has all the ingredients for a year of unrest on the political front. The Government’s economic strategy appears to have suffered considerably as a result of its failure to maintain a pay policy, with the inevitable consequence that militant trade unions have used their power to conduct damaging strikes in key industries. The collapse of capitalism is the cornerstone of Marxist philosophy, and the left-wing elements will do their utmost to encourage this collapse.”*⁴⁷⁹

Blacklisting and vetting⁴⁸⁰

213. No consideration was given to the lawfulness and the effect of SDS intelligence being used for wide scale vetting and for blacklisting purposes. Vetting and blacklisting in reliance on SDS intelligence did occur in T1.⁴⁸¹

214. It is unsurprising that one of the key uses to which industrial intelligence was put was the blacklisting and vetting of individuals with political views or a trade union record that did not accord with the MPS anti-left, anti-union stance.

215. The evidence before this Inquiry reveals that state agencies tasked with countering ‘subversion’ deliberately disseminated intelligence gathered to external agencies. For example, a “Note on Counter Subversion” supplied by the Foreign and Commonwealth Office to Sir Burke Trend in 1971 states:

*“The proposed Coordinating Group... would analyse the problem as a whole and study the range of possible counter-subversion measures, including the dissemination and leakage of information at present practised...”*⁴⁸²

216. The dissemination of intelligence included providing information to employers. The evidence of the senior officers disclosed in T1 makes repeated reference to SDS reports being used for “vetting”,⁴⁸³ but this was a misnomer as, in reality, the

⁴⁷⁹ MPS-0728964/16

⁴⁸⁰ *Blacklist, the Inside Story of Political Vetting*, Mark Hollingsworth & Richard Norton - Taylor,

⁴⁸¹ Blacklisting is an issue that will arise in more detail in T2. The Chair is referred to the O/S of the Blacklist Support Group (‘BSG’), a campaign set up by and representing union members who were unlawfully blacklisted by major construction firms, at: https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201105-Opening_Statement-Blacklist_Support_Group.pdf

⁴⁸² UCPI0000035277/3

⁴⁸³ Detailed in the 1967 “Responsibilities of Special Branch” (UCPI0000030040/1). “Positive Vetting and Vetting for Government Departments” were listed as responsibilities of “R” squad

information was being used to blacklist named individuals.⁴⁸⁴ Legitimate vetting processes are fair, transparent, and specific to a genuine security threat. The secretive exchange of information between the SDS, Security Service and a range of employers seen within the T1 disclosure was, the NPSCPs submit, nothing of the sort. References to ‘vetting’ activities give an indication of the scale of monitoring for such purposes. HN34 Geoffrey Craft, for example, describes the “*huge base*” of information collected by the SDS for the Security Service to pass on:

*“The Security Service would have to answer the question of what the SDS did to assist them in its work. I would have thought the far-left intelligence provided them with a huge base of information for their vetting activity.”*⁴⁸⁵

217. Similarly, HN244 DI Angus McIntosh,⁴⁸⁶ HN307 DCI Trevor Butler,⁴⁸⁷ HN308 DS Christopher Skey⁴⁸⁸ and HN368 DS Richard Walker⁴⁸⁹ all make reference to the use of information in relation to a person’s activities and associations for vetting purposes. In “Defence of the Realm: The Authorised History of MI5” by Christopher Andrew, it is recorded that until the early 1990s the Security Service kept a record of “*rank and file members of subversive organisations*” for such purposes.⁴⁹⁰

⁴⁸⁴ Blacklisting is defined by the House of Commons Library as the “*practice of compiling information on individuals concerning their trade union membership and activities, with a view to that information being used by employers or employment agencies to discriminate in relation to recruitment or treatment.*” It has a long history, dating back to at least 1919 and the formation of the Economic League (House of Commons Library, “Trade unions: blacklisting”, Number CBP-06819, 1 September 2017, p.3, at <https://researchbriefings.files.parliament.uk/documents/SN06819/SN06819.pdf>)

⁴⁸⁵ MPS-0747446, §152

⁴⁸⁶ MPS-0747578, §98

⁴⁸⁷ MPS-0747658, §32: “*the reports which have been obtained from the Security Service would contain information generally of interest to them, specifically in relation to counter-subversion and vetting matters*”. Ibid, §139: “*I have no direct knowledge of the Security Service used this reporting but I imagine that it influenced their operational decision-making, including the deployment of technical means, as well as feeding into that organisation’s role in national security vetting*”.

⁴⁸⁸ MPS-0747952, §101: “*My instinct is that the associations of persons of interest may be relevant to... (b) vetting.*” Further, in reference to UCPI0000014184, a report detailing the breakdown of a relationship between two SWP members: “*This may have been relevant information for association or vetting purposes*”.

⁴⁸⁹ MPS-0747527/47: In reference to UCPI000017523 a report detailing a sexual relationship between two SWP members: “*My instinct is that the associations of persons of interest may be relevant to a) their activities and b) vetting.*”

⁴⁹⁰ See p.780

218. SDS officers had been answering specific Security Service requests for information on employment since at least 1972.⁴⁹¹ As CTI notes in the T1P3 Opening Statement, the 1979 Special Branch Annual Report provides an insight into the scale of Special Branch's "vetting" work at the time. In 1979, there were 8,025 "Reports on information obtained by individual officers" and 2,846 "Enquiries for Box 500".⁴⁹² The SDS did not always know to what use this information would be put, they simply responded to requests.⁴⁹³
219. A series of three documents record an exchange, in late 1975/ early 1976, between the Security Service and MPSB about their respective roles in the process, which demonstrates the widespread nature of the practice.⁴⁹⁴ One document describes the "convention" of passing of "security information" about employees to certain employers.⁴⁹⁵ The relevant employers were described as Government Departments, public corporations including the Atomic Energy Authority, Bank of England, British Airports Authority, British Airways (European and Overseas Divisions), Post Office Corporation, British Broadcasting Corporation, British Council, National Research Development Council and Crown Agents for Overseas Governments and Administrations, and "List X" companies.
220. "List X" encompasses a wide range of employers which the government defines as private corporations engaged in government security contracts.⁴⁹⁶ It is not known how many "X Firms" there were in total but, to give an indication of the scale, between 1970 and 1973, the top fifty firms that held government defence contracts were all household names. They covered a range of sectors and included, for example, British Leyland, Rolls Royce, Laird Group, British Steel,

⁴⁹¹ MPS-0739241: a report by HN45 'Dave Robertson' provides details of an individual's employment, at the request of Box 500, in January 1972.

⁴⁹² MPS-0727595/27

⁴⁹³ In respect of information reported from a political meeting for the Security Service, HN353 'Gary Roberts' states "I would Hoover up everything, it wasn't my job to analyse it, I would just report it" HN353 'Gary Roberts' witness statement, §40. "The fact that much of Special Branch's work is carried out on behalf of the Security Service means that the Security Service has an important say in what work Special Branches actually do. Indeed it appears that some chief officers may find difficulty in evaluating the work they are being asked to do on behalf of the Service." (UCPI000004437/9, §30)

⁴⁹⁴ MPS-0735755, MPS-0735757 and MPS-0735759

⁴⁹⁵ MPS-0735755/1, §1

⁴⁹⁶ Government security requirements for "List X" contractors, <https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors#:~:text=List%20X%20contractors%20are%20companies,premises%20at%20a%20specific%20site>

Shell, ICI, Weir Group and Standard Telephones.⁴⁹⁷ Once those lists were passed on to external organisations, there was nothing to stop them being passed on again, and again, amongst federations of employers.

221. MPSB Officers (including those at senior levels) simply did not know whether the work that they did for the Security Service was properly justified, and therefore whether they had proper authority to carry out the activities requested. Some clearly suspected that they did not.⁴⁹⁸ Despite these concerns, the dissemination of sensitive information to employers was also carried out directly by the MPSB, to the dissatisfaction of the Security Service. This is evidenced by a letter sent by the Security Service to the MPSB that was clearly intended to be a rebuke, indicating that the, “*Security Service is the normal channel for passing security information.*”⁴⁹⁹ In response, a document from MPSB confirms that their officers have a “*close and mutually profitable relationship,*” with employers through contacts working within those organisations, such as former police officers⁵⁰⁰ and that “*any measure tending to restrict or inhibit our enquiry work*” is not acceptable to them.⁵⁰¹

222. Such “*enquiry work*” is also referred to within documents disclosed by the Home Office. Following concerns raised by a number of MPs about the relationship between the MPSB and employers,⁵⁰² including that the MPSB were taking photographs of people at meetings and demonstrations, composing lists of participants and passing on that information to employers,⁵⁰³ Sir James Waddell wrote an internal note to the Home Secretary, dated 3 June 1974, to advise on any action needed, as well as “*what can be said to the Members, and how and when it should be said*”.⁵⁰⁴ This was stated to have followed a discussion with Sir Michael Hanley, the then Director General of the Security Service, which took

⁴⁹⁷HC Deb, “Government Contracts”, 4 July 1973, Volume 859, Columns 149-150, at <https://hansard.parliament.uk/Commons/1973-07-04/debates/15a91c0d-9fa1-4a18-a4b3-86deffd6034e/GovernmentContracts>

⁴⁹⁸ UCPI0000030051/1

⁴⁹⁹ Ibid, §§1, 5

⁵⁰⁰ MPS-0735757/2, §6

⁵⁰¹ MPS-0735757/2, §7

⁵⁰² UCPI0000034700/1

⁵⁰³ UCPI0000034700/1-4

⁵⁰⁴ UCPI0000034699/1

place on 13 May 1974. Sir Arthur Peterson (then Permanent Under-Secretary of State at the Home Office) was copied into the exchange. In the letter, Sir James Waddell advised that, *“in view of the sensitivity of the subject, it would be as well to remind Special Branch officers about the particular need for care and discretion in the industrial field.”*⁵⁰⁵

223. The letter goes on to deal with the use to which information obtained by MPSB officers was put. As CTI notes in the T1P3 Opening Statement, the relevant passage is revealing on three counts. Firstly, because it accepts that this was *“difficult ground”*, secondly, because it appears to refer to the Economic League,⁵⁰⁶ without naming that organisation and, thirdly, because it also implicitly accepts that information obtained by the MPSB about trade unionists might well be given either to other trade unionists, or to employers. It reads:

*“The Members expressed fears that information obtained by Special Branch officers about trade unions might be given either to other trade unionists or to employers. This is difficult ground. We know ourselves that some employers plead to be given warning if known agitators seek or obtain employment with them. The official response has always been refusal, sometimes with a hint that there are unofficial bodies which might help. But when a Special Branch officer is himself seeking help from an employer, or from a union official, it is asking a good deal to expect him to insist invariably that he is engaged in a one-way traffic. Only good and experienced officers can maintain this position and the most we can do is run the point home whenever there is a chance.”*⁵⁰⁷

224. These documents, in addition to the numerous Security Service requests for specific information in relation to employment, make clear that information collected by the MPSB, or on a joint basis by the MPSB and the Security Service, was passed on to employers by both agencies (through formal and informal channels) and was highly likely to have been used to disqualify named individuals from possible employment.

⁵⁰⁵ Ibid/2

⁵⁰⁶ The Economic League sought to combat subversion and opposition to free enterprise by providing member companies with a system for checking potential recruits to see whether they are known to the League as active members or supporters of revolutionary groups (see House of Commons Library Briefing Paper, “Trade unions: blacklisting”, at <https://researchbriefings.files.parliament.uk/documents/SN06819/SN06819.pdf>.)

⁵⁰⁷ UCPI0000034699/2

225. Crucially, the note from Sir James Waddell does not completely deny the claims made by Members of Parliament, referring instead to “*difficult ground*”.⁵⁰⁸ Further, the document makes clear that the passage of information to employers did not take place through formalised vetting processes, but more likely through direct contact between police officers and individual employers. This fell far short of a fair, transparent vetting process and instead clearly demonstrates a practice of providing information about “*known agitators*”. These were not individuals posing a genuine security threat, but merely activists engaged in political or industrial activities, such as those attending SWP meetings. This, combined with the implicit reference to the Economic League, very clearly indicates that the SDS was used for blacklisting in T1.

226. The acknowledgment of such information sharing implicit from the note referred to above further demonstrates that awareness of this practice went right to the most senior levels of the Home Office.

227. A note of a meeting between the Security Service and Special Branch provides evidence of blacklisting of an individual because of her membership of the SWP. The author of the note described himself as having “*said that it was likely that her employment with [a Government body] would be terminated. We agreed that as she had been an active member and it was a big breach there was no danger to the SDS source even if she attributed her dismissal to her SWP membership.*”⁵⁰⁹

228. The impact of this tradecraft was profound. The Core Participant Richard Chessum, another victim of blacklisting, has given evidence to this Inquiry as to how, despite his qualifications and decency, he was repeatedly refused employment.⁵¹⁰

⁵⁰⁸ Ibid

⁵⁰⁹ UCPI0000029219

⁵¹⁰ Transcript T1P2 Day 10, p. 121: “*I applied for thousands of jobs... I calculated at the time about 1500 jobs over a period of five years in the 80s, applying for absolutely everything, jobs for which I was qualified, jobs for which I was well over qualified, in a desperate attempt to get work, and I just never seemed able to get an interview for anything. There were other factors at work, and I understand that. But I think the sheer longevity of my unemployment and the fact that it went on for so very long does give rise to suspicion in my mind... I was desperate for any kind of job just to keep in touch with my children... I applied for a job, just as a sorter with the Post Office... I more than excelled in the test. We were told that there would be feedback, to tell us why they weren't employing us... I was told that in my case they couldn't give any. And I said “Why not?” And the man said, “Well, I'm not at liberty to tell you”.*”

229. The Opening Statement of Dave Smith, on behalf of the Blacklist Support Group, describes in detail the unimaginable emotional and financial toll that this practice took on those affected, including fellow blacklisted workers on the Jubilee Line Extension in the 1990s, who took their own lives. As he said, *“No one can say that blacklisting was the sole reason for these suicides, but prolonged periods of unemployment and family tensions cannot be good for anyone’s mental health”*.⁵¹¹

230. Despite the clear evidence that trade unions and their members were being specifically targeted throughout the T1 era, and that the intelligence gained was being used for blacklisting, by the end of T1 such allegations were still being publicly denied. The Trades Union Congress (“TUC”), amongst others, submitted a Memorandum to the HASC setting out their concerns about Special Branch activities. These included the involvement of Special Branch in industrial disputes and the *“maintaining of files, and collecting information on union activists”*.⁵¹² They noted that in 1980, Special Branch investigated a TGWU steward, James Hogg, for “enthusiastic” union activities and that there were complaints about surveillance (through telephone taps) on union officials and headquarters.⁵¹³ The disclosure summarised above shows that these suspicions were entirely justified.

231. Despite this, the Deputy Commissioner of the MPS told the Committee that, *“...disclosure of information in special branch records to persons outside the police service or the security service was contrary to the standing orders of his force and would be the subject of a criminal or disciplinary prosecution (Q398)”*.⁵¹⁴

232. Further, the new 1984 Guidelines to Special Branch specifically prohibited the passing of information on to *“commercial firms or employers’ organisations”*,⁵¹⁵ despite the fact that this is exactly what was happening behind the scenes.

⁵¹¹ Blacklist Support Group O/S T1P1, p.9, §9, at: https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201105-Opening_Statement-Blacklist_Support_Group.pdf

⁵¹² UCPI0000035160/88

⁵¹³ Ibid

⁵¹⁴ UCPI0000035160/9, §19

⁵¹⁵ UCPI0000004538/4, §18

Targeting social and environmental activists

233. **Senior MPS and SDS managers knew about and authorised the targeting and infiltration of, and gathering of intelligence about, social and environmental activist groups, in order to disrupt and undermine the activity of such groups. Senior MPS and SDS managers gave no consideration to the possible impact of gathering intelligence in this way on social and environmental activists.**

234. **Senior MPS and SDS managers gave no consideration to the possible impact of gathering intelligence in this way on legitimate social and environmental activism.**

235. The disclosure in this Inquiry is full of examples of the SDS targeting social and environmental activists in the T1 era,⁵¹⁶ paving the way for more intensive surveillance in later years.⁵¹⁷

236. The SDS Annual Reports disclosed in T1 refer to a number of these campaigns under the heading of “*anarchist groups*”. Incongruously, as noted by CTI, this included women's liberation groups,⁵¹⁸ as well as a variety of other campaigns, including those focused on social issues like housing and access to social security.

237. In 1973, under the heading of “Anarchism and Neo-Anarchism”, the women’s rights movement is reported in the following terms:

“Most activity within the Women’s Liberation Movement is organised at group level, and the movement as a whole had shown itself unable to mobilise large numbers at short notice. The only demonstration of note occurred on 2 February when about 120 women demonstrated outside the House of Commons during a

⁵¹⁶ MPS-0728971/4; MPS-0728971/4; MPS-0728970/9; MPS-0728975/2; MPS-0747833/16; MPS-0730906/9 and MPS-0730906/9

⁵¹⁷ See, for example, O/S on behalf of Core Participants Represented by Hodge Jones & Allen, Bhatt Murphy and Bindmans Solicitors for an overview of the targeting of organisations like Greenpeace after the T1 era, at https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201026-Opening_Statement_CP_s_represented_by_HJA_BM_Bindmans-MRQC.pdf

⁵¹⁸ O/S CTI T1P3, §107. The 1970 and 1971 SDS ARs refer to the Women’s Liberation Front (MPS-0728972/2; MPS-0728971/4); the 1971 SDS AR lists the Women’s National Co-ordinating Committee (MPS-0728971/4); the Women’s Liberation Movement and the Revolutionary Women’s Union are listed in the 1973 SDS AR (MPS-0728970/9)

debate on the Anti-Discrimination Bill. Some entered the public gallery where they applauded and cheered; later about 200 marched to Downing Street to present a petition ..."⁵¹⁹

238. Despite this, UCOs intruded into many areas of the organisations' work, such as a Women's Liberation Study Group taking place in a "private flat", at which the atmosphere was described as "studious, quiet, orderly and generally quite friendly."⁵²⁰ The report by HN348, 'Sandra', who was present at the meeting, is dated 26 February 1971 and includes a copy of the group's aims and objectives. They include fighting for a society in which "there shall be no exploitation and oppression of women and where they shall enjoy equal rights and opportunities with men", fighting for equal pay, for equal opportunities in employment, education and training, social and political life, as well as for maternity leave and access to contraceptive and abortion facilities.⁵²¹ As with other areas of reporting, SDS Annual Reports and other records show that senior officers were aware that UCOs were monitoring these groups. HN348 'Sandra' reports on a Women's Liberation Study Group is signed by a Chief Inspector, a Commander and marked for "Ch. Supts to see".⁵²² Another report of HN348 on a paper issued by the WLF is signed by Chief Inspector HN294,⁵²³ as well as by a Chief Superintendent.⁵²⁴ It is also notable that the two members of the organisation named in the report, Abhimanyu Manchanda and the Core Participant Diane Langford, have special branch reference numbers.⁵²⁵ Another report into the WLF by HN45 'David Robertson', dated 16 February 1971, is signed by HN1251 Chief Inspector Saunders, a Chief Superintendent and marked for Box 500.⁵²⁶

239. HN348 'Sandra' did not believe she had "really yielded any good intelligence" during her time in the SDS,⁵²⁷ and confirmed her view in oral evidence that

⁵¹⁹ MPS-0747833/16

⁵²⁰ UCPI0000026989-CLF

⁵²¹ Ibid

⁵²² Ibid

⁵²³ Cover name unknown

⁵²⁴ UCPI0000011764/1

⁵²⁵ Ibid

⁵²⁶ UCPI0000010570

⁵²⁷ MPS-0741698/15, §34

undercover work should not be done by police officers at all.⁵²⁸ She often attended meetings held in private homes, told senior officers about this and “*there was no suggestion that I should not attend because the meetings were held in people's homes*”.⁵²⁹ She was not given any guidance not to report private or personal details observed in people's private homes.⁵³⁰

240. The National Abortion Campaign was also reported on by male UCOs who were likely embedded in the SWP and was named in the 1975, 1976 and 1977 SDS Annual Reports.⁵³¹

241. Other social activist groups subject to surveillance in the T1 era included:

- a. St Pancras & Camden United Tenants Association, and Hackney United Tenants Ad-Hoc Committee are both said to have been penetrated in the 1971 SDS Annual Report.⁵³²
- b. The Claimant's Union is listed as having been penetrated in the 1971, 1973, 1974 and 1975 SDS Annual Reports.⁵³³
- c. The 1973 report also makes reference to the Gay Liberation Front and Preservation of the Rights of Prisoners campaign groups.⁵³⁴
- d. The Battersea Redevelopment Action Group is listed in the 1974 SDS Annual Report.⁵³⁵ The core participant Ernest Rodker was involved in this group and the Pavement Collective which was infiltrated by HN300 'Jim Pickford' and HN297 'Mike Scott'.⁵³⁶

242. A considerable amount of the reporting into activists focussed on social issues which overlapped with other groups, such as trade unionists and elected politicians. For example, one report of a proposed meeting of the Battersea Redevelopment Action Committee and the Camden Compulsory Purchase Order Campaign Committee described that the meeting would feature tenants groups,

⁵²⁸ Transcript T1P1 Day 13 (18 November 2020), p.82; MPS-0741698/48-50, §133

⁵²⁹ MPS-0741698/26, §61

⁵³⁰ Transcript Day 13 (18 November 2020), p.13

⁵³¹ 1975 SDS AR MPS-0730099/3,6; 1976 SDS AR MPS-0728980/8; 1977 SDS AR MPS-0728981/4

⁵³² MPS-0728971/4

⁵³³ MPS-0728971/4; MPS-0728970/9; MPS-0728975/2 and MPS-0730906/9

⁵³⁴ MPS-0747833/16

⁵³⁵ MPS-0730906/9

⁵³⁶ UCPI0000033630 (§96 & §67)

union branches as well as a panel of MPs and councillors.⁵³⁷ As with other target areas, this was evidently entirely legitimate democratic campaigning.

243. The disclosure to date shows that the animal rights movement became a particular focus from the T2 era onwards. Specific groups are listed in the Annual Reports from 1981.⁵³⁸ The SDS Discussion Paper on “*SDS Targeting Strategy and Deployment in Relation to the Animal Liberation Front*” authored by HN10 Bob Lambert is particularly revealing in its description of how HN11 ‘Mike Blake’ (Michael Chitty)⁵³⁹ infiltrated a number of groups in the animal rights movement, despite the fact that the people he was working with were generally “*peace loving, compassionate people*” and “*well meaning, idealistic campaigners who were unable to accept either cruelty to, or abuse of, animals in virtually any context*”.⁵⁴⁰ Nevertheless, he was able to persuade managers that he was “*gainfully employed monitoring legitimate animal rights groups in South London*”.⁵⁴¹

244. The unjustified and brazen monitoring of legitimate social and environmental activism in the absence of adequate managerial oversight is likely to feature heavily in the evidence in T2 and later tranches.

Targeting and race

245. **Senior MPS and SDS management of targeting and tasking of the SDS (and SDS reporting) was influenced by systems, structures and attitudes that were consciously and subconsciously racist.**

246. The NPSCPs remind the Chair of the powerful submissions made at the start of this Inquiry by the NPSCPs with direct experience of the institutionalised racism of the MPS, SDS and NPOIU.⁵⁴²

⁵³⁷ UCPI000006881/2

⁵³⁸ MPS-0747793/11

⁵³⁹ Active from 1979 to 1984

⁵⁴⁰ MPS-0726956/14

⁵⁴¹ MPS-0726956/19

⁵⁴² T1P1 O/S made on behalf of Tariq Ali and others, Baroness Doreen Lawrence of Clarendon OBE, Mike Mansfield KC, Cat K and L Newman Monitoring Project & others, Category J John Burke-Monerville, Patricia Armani Da Silva, Marc Wadsworth

247. These submissions make reference to some of the most obvious examples of SDS reporting where racism and racist stereotypes and profiling are in evidence. Such attitudes clearly pervaded the MPS/ MPSB and SDS. This, the NPSCPs submit, is no surprise. It must not be forgotten that the MPS was branded as 'institutionally racist'⁵⁴³ by Sir William Macpherson in 1999.⁵⁴⁴ That finding must not be diluted by this Inquiry.⁵⁴⁵ Former MPS Chief Constables are on record in T1 displaying abhorrent racist attitudes.⁵⁴⁶

248. A significant number of the campaigning individuals and organisations targeted by the SDS were black justice campaigns⁵⁴⁷. Consequently, it is essential that the role of racism in undercover policing is not misunderstood or unexplored. Race is a relevant factor in how campaigners were viewed by the state and the MPS. The Chair must therefore ensure that he has an understanding of the history of racism within the police, including its historical origins. The Chair cannot ignore the legacies of colonialism and imperialism and their impact on the system of British Policing and how this, in turn, effects the lives of black people and people of colour in the UK.

249. The targeting decisions made by SDS managers and their UCOs in relation to the nature of their reporting on anti-racist campaigns betray a deeply rooted

⁵⁴³ In 1967, two black activists, Stokely Carmichael and Charles V Hamilton, stated that institutional racism "originates in the operation of established and respected forces in the society. It relies on the active and pervasive operation of anti-black attitudes and practices. A sense of superior group position prevails: whites are 'better' than blacks and therefore blacks should be subordinated to whites. This is a racist attitude and it permeates society on both the individual and institutional level, covertly or overtly" (Black Power: the Politics of Liberation in America, Penguin Books, 1967, pp 20-21).

⁵⁴⁴ The Stephen Lawrence Inquiry, presented to the Secretary of State for the Home Department, February 1999, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf.

⁵⁴⁵ see "The Stephen Lawrence Inquiry 10 Years' on' Richard Stone 2009 (finding institutional racism existed at that date) <https://www.runnymedetrust.org/publications/the-stephen-lawrence-inquiry-10-years-on>

⁵⁴⁶ Former MPS Commissioner (1977-82) David McNee states in his autobiography, "McNee's Law, the autobiography of David McNee" at p.243: "On the day of my arrival at New Scotland Yard, I said that in my view the main problem which I would be facing as Commissioner would be that of race and the conflicts which racial issues bring for policing. Nothing occurred during my time as Commissioner led me to deviate from that view and I think that it will probably be the principle problem to be faced by my successor, and probably too by his successor." See also views on "young blacks" and Notting Hill Carnival in Chapter 17 of "The Office of Constable by Sir Robert Mark" (MPS Commissioner from 17 April 1972)

⁵⁴⁷ Operation Herne identified 17 (1970 -2005), at https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/priorities_and_how_we_are_doing/corporate/operation-herne---report-3---special-demonstration-squad-reporting-mentions-of-sensitive-campaigns

hostility towards black people and other marginalised groups, as well as a deep mistrust of activism in support of racial equality. Anti-racist campaigns were seen as a threat to the *status quo*, and any suggestion of racial discrimination was dismissed. This belief system was institutionalised within the secret state, in particular the Security Service. A Security Service paper shared by David Heaton, Secretary of the Official Committee on Communism (Home), in 1968 framed anti-racist campaigns as a “*stimulant*” of fascism:

*“This paper differs from its predecessors in that whereas the subversive threat to the nation’s livelihood still lies in the Communist Party’s attack on the prices and incomes policy through its penetration of the trade unions which continues on familiar lines with some disquieting success, pride of place is given to the subversive elements behind the various protest demonstrations, some of them violent, which have taken place in the last six months with attendant publicity. The possibility of violent extremism in Wales also deserves mention. Behind lurks the racial situation with the subversive potentialities of Black Power both in its own right and as a stimulant and polariser of Fascism.”*⁵⁴⁸

250. The NPSCPs submit that, from its inception, SDS targeting and reporting was informed by a racist outlook that saw the efforts of black people fighting for justice and equality as a subversive threat. This was an institutional legacy of colonialism and one that permeated the mindset of the government and senior officials in T1 and, in particular, the Security Service.

251. This is evidenced in the shocking 1981 Security Service report on “Subversive Aspects of Racist Activity” which “*aims to assess the threat posed by West Indian and Asian organisations and individuals, having subversive objectives.*”⁵⁴⁹ This document, and the accompanying annex, contains an extensive survey of groups, many of which were campaigning for justice and equality, including legal advice centres and groups scrutinising police accountability. This document is no less ‘*dangerous in implication*’ than the Police Accountability Report on the GLC that so outraged Sir Gerard Hayden Phillips.⁵⁵⁰ Curiously, Sir Gerald Hayden

⁵⁴⁸ UCPI0000035235

⁵⁴⁹ UCPI0000035300/2

⁵⁵⁰ UCPI0000035096

Phillips was provided with this document and the annex,⁵⁵¹ yet there is no evidence before the Inquiry to suggest that he raised any concerns. This would have been a matter to be explored with Sir Gerald Hayden Phillips had he been invited to give oral evidence.

252. Records from the T1 era are demonstrative of the unit's racist attitude. For example, activism against racial apartheid in South Africa is described as "trouble" in the 1974 Annual Report:

*"The Stop the Apartheid Rugby Tour failed to gather any real momentum in its efforts to stop the British Lions' tour of South Africa, but the fact that the organisation has now restyled itself Stop All Racist Tours shows that further trouble can be anticipated when the opportunity arises."*⁵⁵²

253. A review of the work of the MPSB in October 1980 notes that one report recorded a young man as a potential 'subversive' merely "*because of some badges he was wearing when he passed through Dover which indicated that he was opposed to racism*".⁵⁵³

254. Decisions to target black campaign groups were clearly a product of racist attitudes and stereotypes within the SDS, MPS and state institutions. There are, for example, numerous descriptions associating black communities with crime and aggression:

a. A draft MPSB paper following a National Front march in Lewisham on 13 August 1977 states:

*"Last Saturday, 13 August, about 2,000 supporters of the National Front held a march in the London Borough of Lewisham where it enjoys a high degree of support ostensibly to protest at the high incidence of robbery by young blacks in the area."*⁵⁵⁴

⁵⁵¹ UCPI0000035299/1

⁵⁵² MPS-0730906/14

⁵⁵³ UCPI0000004427/3

⁵⁵⁴ MPS-0748340/2

- b. A MPSB report providing an assessment of political activity in Brixton, dated 16 April 1981, features a number of undeniably racist descriptions of the black community. The report states:

“It is also possible that the young criminal blacks in the area may well decide to wind up the Bank Holiday with a riot on Monday, as has become almost the traditional end to the Notting Hill Carnival on the August Bank Holiday.”⁵⁵⁵

- c. A Security report on “The Threat of Subversion in the UK - April 1976” states:

“Despite the inferior social and economic status of the coloured community, the exploitation of racial issues by the extreme Left (including Black Power) organisations does not in the short term pose a substantial subversive threat...

“In the longer term the prospect is more threatening. In some urban areas with high coloured populations the involvement of 'second generation' black youths in crime and violence now poses a significant law and order problem. This could lead to a severe deterioration in race relations. Should this happen, such factors as the growing alienation of black youths from the older generation, their deliberate cultivation of separate social customs, unemployment, housing difficulties, or even the emergence of an 'influential extremist to provide leadership, could well produce a situation which Black Power and other subversive organisations could exploit with serious effects.”⁵⁵⁶

The Security Service report was attached to a letter from Arthur Peterson KCB, Permanent Under-Secretary of State at the Home Office, to Sir John Hunt of the Cabinet Office, in order to inform Whitehall's handling of the subversive threat, indicating that racism underpinned the approach to subversion at the very highest levels.

255. As CTI notes,⁵⁵⁷ it is clear that intelligence gathering on the activities of people of colour, alongside left-wing activists, was not limited to the SDS and was being

⁵⁵⁵ UCPI0000035151

⁵⁵⁶ UCPI0000035247/16, §37

⁵⁵⁷ CTI O/S T1P3, p.36, §130

conducted more widely by MPSB and discussed with/ driven by the Security Service.⁵⁵⁸

256. It is notable that these reports were produced some time after the Race Relations Act received Royal Assent in 1965.⁵⁵⁹ The 1965 Act banned racial discrimination in public places and made the promotion of hatred on the grounds of 'colour, race, or ethnic or national origins' an offence.

257. A report dated 4 May 1970, on the Secretary of the North West London Committee of Stop the Seventy Tour includes an antisemitic and sexist description of an activist's appearance: "*slim build with well-developed bust: slightly Jewish features...*" as well as details of her address and living arrangements.⁵⁶⁰

258. There are also a number of instances in the T1 disclosure in which specific reference is made to the race of those attending events, or to the race/ ethnicity of individuals. CTI describes this as a "*common feature*" of SDS reporting.⁵⁶¹

259. UCOs confirmed in evidence that they received no training or guidance in relation to reporting on race. In answer to the question of whether he has had "*any type of race training as to what was appropriate and what was not appropriate to note about people*", HN45 'David Robertson', told the Inquiry:

*"Race – race wasn't a problem in my day, and there was no training whatsoever. I never – I've never heard it mentioned until now. [...] Well, I don't think it was a problem. That's my personal opinion."*⁵⁶²

260. HN218 Barry Moss, confirmed that no relevant training had been given on either the Race Relations Act 1976 or the Sex Discrimination Act 1975 and that he did not give any consideration as to whether or not what he or the unit was doing

⁵⁵⁸ UCPI0000035247

⁵⁵⁹ Further legislation followed in 1968 and 1976

⁵⁶⁰ UCPI0000014418

⁵⁶¹ CTI O/S T1P2, p.81, §2.7

⁵⁶² Transcript T1P2 Day 5 (27 April 2021), p.74

could be “*considered to be discriminatory, either on racial grounds or on grounds of sex*”.⁵⁶³

Conscious and subconscious sexism and misogyny

261. A misogynistic thread runs through much of the SDS reporting on women.

There are regular comments in relation to women’s build and proportion and physical descriptions such as “*always scruffily dressed in blue jeans and T-shirt (without a bra)*”⁵⁶⁴ and “*plump build; full faced with plucked eyebrows; wears little make-up*”.⁵⁶⁵ A number are explicit in noting that the subject of a report is considered attractive (often in relation to young women), for example the 1969 Special Branch report of HN200 ‘Roger Harris’, describes the subject as “*c.20 years, slim build... attractive looking*”.⁵⁶⁶ SDS Managers, thought nothing of belittling women, and reported in sexist and derogatory ways, such as the comment that “*500 women, many patently emotionally unstable and quite paranoically opposed to men,*” attended the Women’s Liberation spring conference.⁵⁶⁷

262. This theme is repeated in 1976, where a report attributed to HN304 ‘Graham Coates’, describes one the of the speakers at a meeting on the Right to Work march as follows: “*... then introduced the main speaker of the evening, who was to talk about ‘Women – the fight for equality’. ... She immediately pointed out that it was her first attempt at speaking to a ‘mature’ audience. In addition to being attractive, was both eloquent and forceful.*”⁵⁶⁸

263. Another pattern within the reporting is a dismissive tone in relation to the contribution of women to meetings, particularly in discussions about feminism or women’s rights. For example, a 1972 report attributed to HN299/342 ‘David

⁵⁶³ Transcript T1P3 Day 5 (13 May 2022), p.35

⁵⁶⁴ UCPI0000021512

⁵⁶⁵ UCPI0000017823

⁵⁶⁶ MPS-0739315

⁵⁶⁷ MPS-0747796/2 paragraph 122, 1972 SDS Annual Report

⁵⁶⁸ UCPI0000010823

Hughes' and HN338⁵⁶⁹ described an IMG/SL conference discussion on "various womens documents" as follows:

*"Her speech contained little that was constructive and confined itself almost entirely to an attack on the men at the conference. This attack brought squeals of delight from most of the other female members of the audience...The women completely dominated this session as if to emphasise their liberation. They used obscenities to punctuate their prose and ran to the stage as often as possible for maximum effect."*⁵⁷⁰

264. This dismissive attitude continued throughout T1. HN356/124 'Bill Biggs' reported on a meeting of Plumstead SWP on 21 February 1978 as follows: *"[Privacy] a guest speaker and a member of the District Committee, who spoke on the subject of 'Sexism in Politics'. After a meaningless tirade on the exploitation of women, 'gay's, etc., and a brief discussion the meeting was brought to a close."*⁵⁷¹ The report is signed off by HN135 Michael Ferguson, then a manager. Other reports describe women giving "an incoherent speech"⁵⁷² or "a short tirade".⁵⁷³

265. Another example of women being reported on in demeaning terms comes from HN80 'Colin Clark', who reported on a Tottenham SWP activist in 1980:

*"Since that time she has been 'unattached', until recently when she formed a relationship with a bus conductor on the [Privacy] bus route', called [Privacy] (a black-belt Karate exponent) and it is likely that this liaison will blossom although the two characters prefer at present to maintain their independence. However, she still lives at [Privacy] and in the last week has intimated that she wishes to fall pregnant again and for this purpose has ceased to take 'the pill' on a regular basis. She is, however not quite sure at the present as to who will sire this latest socialist offspring."*⁵⁷⁴

⁵⁶⁹ Cover name unknown

⁵⁷⁰ UCP10000015694, §§24-25

⁵⁷¹ UCPI0000011814

⁵⁷² UCPI0000012311

⁵⁷³ UCPI0000010712

⁵⁷⁴ UCPI0000014174

266. In his oral testimony, HN80 'Colin Clark' acknowledged that the report was inappropriate and did not meet current standards, but admitted that he did not think about it at the time, and relied on the defence that it was a different era.⁵⁷⁵ It is of note that this report was signed off by HN218 Barry Moss, then head of the SDS, but who later also went on to become Commander of Special Branch.

267. The reports were generally signed off by managers in both the SDS and C Squad without further comment on the appropriateness of the language of descriptions. None of UCOs who gave evidence in T1P2 spoke of being given advice to avoid such terms. As such, the contents of these reports can be considered to be unexceptional for the SDS and as demonstrative of the mindset of the MPSB. This attitude is consistent with the fact that, in T1, there is strong evidence to suggest that SDS managers repeatedly either condoned or turned a blind eye to increasingly frequent incidents of inappropriate sexual behaviour by their officers, as well as misogynistic banter.⁵⁷⁶ The fact that such banter was considered harmless and not worthy of managerial challenge is evidence itself of deep-seated institutional misogyny. This managerial attitude is perfectly illustrated by the following comment in the witness statement of HN368 'Richard Walker', who, on sexist safe house banter stated, "*men who say things about women don't always mean it, or follow through with what they say.*"⁵⁷⁷

The far right

268. **Far right groups were not directly targeted by the SDS in T1, despite an awareness that they threatened, participated in and instigated acts of racist violence and public disorder.**

269. SDS operations were overwhelmingly confined to movements to the left of the political spectrum; trade unions, socialists, anti-racists, internationalists and others. As is noted in the T1P3 Opening Statement on behalf of Lindsey German, Richard Chessum and 'Mary', and as shown by the contents of the Annual Reports in the

⁵⁷⁵ HN80 'Colin Clark', Transcript T1P3 Day 5 (13 May 2022), pp.108-111

⁵⁷⁶ HN304 'Graham Coates' witness statement MPS0742282/43 and T1P2 transcript of evidence

⁵⁷⁷ MPS-0747527/45

T1 period, the SDS “*quickly became an intelligence trawl of left-wing political groups, growing ever more indiscriminate and ever more intrusive.*”⁵⁷⁸

270. There is no evidence in the T1 disclosure of the SDS targeting the far right, with the exception of the accidental infiltration by HN303 ‘Peter Collins’ of the National Front, who only did so on the orders of the Workers Revolutionary Party, in order to maintain his cover.⁵⁷⁹ This was described in the 1975 Annual Report as the first time that an SDS officer had penetrated the organisation.⁵⁸⁰

271. The lack of monitoring of the extreme right is surprising given that the late 1960s to 70s were a very significant period for extreme right and fascist organisations. The National Front (“NF”) was formed in 1967. There was a marked rise in support for organisations proclaiming extreme right and neo-Nazi views, including the British Movement. This is acknowledged by the SDS in the Annual Report of 1974, which notes that “*the current situation will probably prompt an upsurge in the fortunes of the extreme right wing in general, and the National Front in particular*”.⁵⁸¹

272. While NF membership figures have not been released, historical research drawing on figures produced by the Searchlight Magazine suggests a period of growth from about 4,000 in 1968 to a peak of 17,500 during the UK Ugandan Asian crisis in 1972.⁵⁸² Membership then fell to around 10,000 at the time of the 1979 general election.⁵⁸³ In contrast, membership of the SWP was a little over 4,000 in the late 1970s.⁵⁸⁴

273. With the rise of the far right came greater threats of violence against minority groups and anti-racist demonstrators. HN244 Angus McIntosh, who was active

⁵⁷⁸ T1P3 O/S on behalf of Lindsey German, Richard Chessum, ‘Mary’, p.2

⁵⁷⁹ HN303 ‘Peter Collins’ was one of the first officers to penetrate the National Front, between 1975 to early 1976, albeit at the instigation of a leading member of the WRP rather than SDS management.

⁵⁸⁰ MPS-0730099/2 §4

⁵⁸¹ MPS-0730906, §34

⁵⁸² Thurlow, Richard (1987). “Fascism in Britain: A History”, 1918–1985. Oxford: Blackwell. ISBN 978-0-631-13618-7, p.290

⁵⁸³ Although the 1979 Annual Report refers to the “*14,000 strong National Front*,” MPS-0727595

⁵⁸⁴ McIlroy, John. “Always Outnumbered, Always Outgunned”: The Trotskyists and the Trade Unions, in McIlroy, John, Fishman, Nina & Campbell, Alan (eds), British Trade Unions and Industrial Politics vol II: The High Tide of Trade Unionism, 1964-79. Aldershot: Ashgate, 1999 p. 285.

from 1976-1979 stated, “During my time there [at the SDS] there was no one in a right-wing organisation. I believe this was a policy decision. My recollection is that this was a high level policy decision, and I certainly was too junior to be a part of this.”⁵⁸⁵

274. The SDS were aware of the threat of violence posed by right-wing groups because they witnessed it first-hand. HN21 gave significant evidence of his experiences whilst infiltrating the SWP in the T1P4 closed hearing.⁵⁸⁶ As to who was initiating violence on the streets he stated (emphasis added), “It depended on exactly where it was and how many people were there. From the SWP side, it was mostly shouting. From the Far Right thing, it was mostly physical violence. You know, you knew if the police weren’t there, then you would have to run for it.”

275. HN218 Barry Moss even suggested that a policy decision was taken not to deploy anyone into the far right because they were “too violent” and there was concern about “what the officer may have to do to prove his credentials”.⁵⁸⁷ This was echoed by HN244 Angus McIntosh in evidence: “[the extreme right wing] was a very violent section and it was often involved in crime, so to put an undercover officer into that would be very, very difficult.”⁵⁸⁸ The SDS seemed to have a fixation on the groups on the left as being responsible for causing public disorder, despite awareness that the main threats of violence often came from the far right. The SDS manager, HN34 Geoffrey Craft, stated in relation to coverage of the anti-racist sub-group of the SWP that “those sorts of [anti-racist] activities would bring the far-right in and that would result in public order concerns.”⁵⁸⁹ Yet the SDS was only interested in sourcing intelligence about possible confrontations with left-wing groups.⁵⁹⁰ The fact that the SDS was not in fact interested in preventing far right crime and disorder or fascists’ long term aims merely reinforces the obvious bias and politicised motivations underlying the SDS.

⁵⁸⁵ MPS-0747578

⁵⁸⁶ MPS-0748062

⁵⁸⁷ Transcript T1P3 Day 5 (13 May 2022), p.68

⁵⁸⁸ Transcript T1P3 Day 9 (19 May 2022), p.38

⁵⁸⁹ MPS-0747446, §75

⁵⁹⁰ Ibid.

276. SDS managers claimed that they stood ready to target the far right,⁵⁹¹ however no material action was taken (save for the accidental infiltration by HN303 ‘Peter Collins’, referred to above). There is no evidence of any concerted effort to infiltrate such groups in the T1 period and HN307 Trevor Butler, first an Inspector and then Chief Inspector with the SDS, confirmed in his witness statement that there was no direction from the MPSB to target extreme right-wing groups.⁵⁹² The Annual Report of 1972 states that right-wing extremist groups were not covered by the SDS.⁵⁹³ HN307 Trevor Butler sought to explain this approach because of the fact that “*the extreme right-wing and race-based groups did not attract the numbers or demonstrate the same level of risk, albeit there might be limited violent disorder on occasions.*”⁵⁹⁴ This is inconsistent with SDS awareness of the risks posed by the far right, and the proclivity for physical violence witnessed by officers. HN244 Angus McIntosh, for example, described in evidence how the extreme right wing “*was a very violent section and it was often involved in crime.*”⁵⁹⁵

277. In T1P3, HN307 Trevor Butler was asked about his apparent focus on “anti-fascist activity”, rather than on the fascist or racist groups in attendance where confrontations took place. He reiterated his view that the left was more likely to cause serious disorder. In answer to a question about whether both sides held some blame, stated “*I don’t think the job of the SDS was to try and predict individual racist attacks.*”⁵⁹⁶

278. There are also examples within the disclosure of intelligence passed on to senior managers regarding threats from the right wing, but no evidence that these were acted on. A report dated 30 August 1977, documents intelligence that a member of the central committee of the SWP received a threat that Column 88 would burn down his house. The report notes that the party took the threat seriously and placed a guard at his house. The report was signed, and hence

⁵⁹¹ HN34 Geoffrey Craft (MPS-0747446/28-34); HN244 Angus McIntosh (MPS-0730745/31); 1975 SDS AR (MPS-0730099/1); HN307 Trevor Butler (MPS-0747658/11,20)

⁵⁹² MPS-0747658/11, §31

⁵⁹³ MPS-0728970, §7

⁵⁹⁴ MPS-0747658, §31

⁵⁹⁵ Transcript T1P3 Day 9 (19 May 2022), p.38

⁵⁹⁶ Transcript T1P3 Day 10 (20 May 2022), p.108

seen, by senior managers including Chief Inspector HN34 Geoffrey Craft and Chief Superintendent Dickinson. There is no evidence that any action appears to have been taken in response to this threat of criminality on the part of a known neo-Nazi paramilitary organisation.

279. The very real threats posed by the extreme right were well known and, importantly, the wider campaign of racism spearheaded by groups such as the National Front, was common public knowledge. However, the SDS had no interest in any targeting of these groups, as a matter of “*high level policy*”.⁵⁹⁷

280. The justification provided for this is contradictory. While some SDS officers comment on the known risks posed by the far right, and even suggest that associated organisations were too violent to be targeted, others suggest that far right groups did not have the numbers or demonstrate sufficient level of risk to justify monitoring. There is a suggestion that the far right was being monitored using more traditional policing methods or existing sources⁵⁹⁸ which reinforces the NPSCPs’ contention that the SDS was conceived as a politicised police surveillance unit targeting the left.

281. If the absence of SDS or MPSB coverage of far right activity was because it was already covered by other units or agencies (such as the Security Service), the Inquiry must make this clear, in its disclosure and interim report, so that core participants and the public know.

Targeting and the media

282. During the T1 era, the SDS took a particular interest in monitoring the activities of a number of individuals in the media, and of the perceived political leanings of major organisations, including national broadcasters, political publications and TV and film producers. This interest was wholly based on concern about the expression of left wing and radical political opinions and was influenced/ in

⁵⁹⁷ HN244 Angus McIntosh witness statement, MPS-0747578, §92

⁵⁹⁸ MPS-0728980/4, §9; HN34 Geoffrey Craft first witness statement p.34, §83

response to the Security Service. Representatives from the media do not have Core Participant status.

283. A Security Service paper entitled “Subversion in Industry and the Mass Media, 1965 - 1971” dated 10 June 1971 gives a sense of the scale of such monitoring.⁵⁹⁹ This appears to have been prepared at the request of Cabinet Secretary Sir Burke Trend,⁶⁰⁰ and was subsequently discussed at a meeting of Home Office, Security Service, Downing Street and Cabinet Office officials.⁶⁰¹ The report evidences Security Service monitoring of:

- a. political parties’ press offices;⁶⁰²
- b. BBC interviews with trade unionists who were “*known to the Security Service as Communists or sympathisers*”;⁶⁰³
- c. the influence of a “*Trotskyist editor on Granada’s “World in Action”*” who was thought to “*have been responsible for a decline in objectivity in that programme in early 1969*”;⁶⁰⁴
- d. a production assistant with “*Trotskyist inclinations*” employed by the BBC;⁶⁰⁵
- e. a “*small cohesive group of writers and producers, mostly with Trotskyist sympathies*” including Ken Loach, noting that films such as “*Cathy Come Home*” and two plays “*portraying strikes of dockers and at a glass factory seen from the strikers’ viewpoint*” had been broadcast by the BBC;⁶⁰⁶
- f. two Penguin editorial staff who were said to hold “*left wing revolutionary views*”;⁶⁰⁷
- g. the Private Eye magazine;⁶⁰⁸
- h. the “*Underground Press*”, which included Rolling Stone magazine.⁶⁰⁹

⁵⁹⁹ UCPI0000035278

⁶⁰⁰ UCPI0000035278/12

⁶⁰¹ UCPI0000035250

⁶⁰² UCPI0000035278/8

⁶⁰³ UCPI0000035278/8

⁶⁰⁴ UCPI0000035278/9

⁶⁰⁵ UCPI0000035278/9

⁶⁰⁶ UCPI0000035278/9

⁶⁰⁷ UCPI0000035278/9

⁶⁰⁸ UCPI0000035278/9, §22

⁶⁰⁹ UCPI0000035278/10

284. It is clear that these organisations and individuals received attention solely because of their political views. The Report describes Private Eye as having “*developed an outlook which is largely destructive and which is often aimed at reducing public confidence in national institutions*”.⁶¹⁰ This description, and the inclusion of the magazine in a report titled “Subversion in Industry and the Mass Media” suggests that the Security Service regarded it to be subversive, and that this was based on little more than its criticisms of the government of the day.
285. The report also reveals that political judgements were inherent in the surveillance carried out by the Security Service. For example, it notes that people with left-wing revolutionary views “*may select and possibly prefer certain revolutionary works for publication at the expense of other more objective material*.”⁶¹¹
286. Another Security Service report, dated 16 March 1972, provided by Sir Burke Trend to Prime Minister Edward Heath discusses potential subversion in the media in some detail.⁶¹² In the covering letter addressed to the Prime Minister, Sir Burke Trend notes that, following the miners’ strike, the Security Service had been asked to produce a study of the present state of subversive activity in the country, including “*important spheres of influence such as the education and communications media*.”⁶¹³
287. As with the report of the previous year, the 1972 report evidences specific coverage of a political party press department,⁶¹⁴ participants in BBC current affairs programmes and senior media figures who the Security Service say are communists.⁶¹⁵ This included the Assistant General Secretary of the Association of Broadcasting Staffs, who is said to be a communist, as well as senior members of the Association of Cinema and Television Technicians and the National Union of Journalists.⁶¹⁶

⁶¹⁰ UCPI0000035278/9, §22

⁶¹¹ UCPI0000035278/9, §21

⁶¹² UCPI0000035255

⁶¹³ UCPI0000035255/1

⁶¹⁴ UCPI0000035255/20

⁶¹⁵ UCPI0000035255/21

⁶¹⁶ UCPI0000035255/21

288. The 1972 report makes further reference to the alleged “Troskyist television group” which included Ken Loach and describes his films as follows:

*“One, ‘Kes’, which contains an element of social criticism, enjoyed a mild success; a second produced recently, ‘Family Life’, politicises the social issue of the treatment of mental illness in keeping with its writer’s and director’s views that human relation-ships are political”.*⁶¹⁷

289. Interestingly, a handwritten note by this passage (author unknown) states “*This is not quite true*”.⁶¹⁸

290. The same report also appears to express a hope that individuals and groups will be prevented from “*propagating subversive ideas*” by economic and “*professional*” controls:

*“In the Press generally and in the Cinema, the professional and in particular the economic controls over production and distribution are effective barriers against attempts to propagate subversive ideas...”*⁶¹⁹

291. Another Security Service report, which details suspected subversion in the media, is attached to a cover letter dated 24 May 1976 provided by Sir Arthur Peterson, Permanent Under-Secretary of State in the Home Office, to Sir John Hunt, Cabinet Secretary. The report claims that members and associates of the WRP working in television produce “*work containing elements of Trotskyist propaganda*”⁶²⁰ and that the WRP has “*a wide range of contacts in the Media through whom Trotskyist influence may be brought to bear in the reporting of news and current affairs.*”⁶²¹ It is not clear in the report how the Security Service came into possession of this information as it would not have been publicly available but, given the frequent references to both the Socialist Labour League and then the WRP in the SDS Annual Reports, it is plausible that the information was obtained by SDS UCOs (or at the very least that there was close cooperation on the issue). Concerns about WRP influences are evident in the report despite

⁶¹⁷ UCPI0000035255/21, §17

⁶¹⁸ UCPI0000035255/21

⁶¹⁹ UCPI0000035255/20

⁶²⁰ UCPI0000035247/15

⁶²¹ UCPI0000035247/15

the fact that the party was not considered to be a public order threat or an imminent threat to Parliamentary democracy.⁶²²

292. Security Service interest in the WRP led to the monitoring of Roy Battersby.⁶²³ 'Intelligence' was provided to the Security Service who were expressly given the task of collating files in order to vet those seeking posts in sensitive/ government bodies, including the BBC.⁶²⁴ Indeed, the BBC have confirmed and described this process.⁶²⁵ As is noted in his witness statement, there is clear evidence that, as a BAFTA winner, Roy Battersby was one of those blacklisted. He was, by no means, the only one.⁶²⁶ This creates a very clear paper trail of blacklisting directly implicating the SDS. As Roy Battersby made clear in his witness statement, this practice was an attack on the democratic process (elections), privacy, and freedom of political and artistic expression, in particular the plurality of voices and standpoints on our national broadcaster, the BBC.⁶²⁷

293. Concern is also expressed within the 1976 report that Granada TV (particularly the "World in Action" documentary programme), The Sunday Times, and The Guardian have "*acquired a disproportionate extreme left element in their staff*".⁶²⁸

294. In 1968, political interference in press reporting came from the highest political levels, particularly about coverage of the anti-war demonstrations. Prime Minister Harold Wilson was evidently concerned about media reporting of the government's response to the demonstrations, and is recorded as directing the Home Secretary to speak to senior figures at ITV and the BBC in the following terms:

"Ministers had also expressed concern at the irresponsible behaviour of television teams on a number of occasions, and it would be right for the Home Secretary to

⁶²² For example MPS-0747793/9: "*WRP ...not considered to be a threat to public order*"; and MPS-0747795/4 "*...the WRP has never posed a threat to public order*"

⁶²³ UCPI0000012240

⁶²⁴ The BBC is named as one of the public corporations to whom security information would be passed in relation to certain employees: MPS-0735755, MPS-0735757 and MPS-0735759

⁶²⁵ "The Vetting Files", BBC, at <https://www.bbc.com/news/ampstories/the-vetting-files/index.html>

⁶²⁶ UCPI000003471/3, §8

⁶²⁷ UCPI0000034741/44, §15

⁶²⁸ UCPI0000035247/16

*talk to Lord Hill and Lord Aylestone on this matter and to invite their cooperation".*⁶²⁹

295. The Secretary of State for Education and Science, Edward Short, seems to have agreed and was recorded as having proposed a remarkable degree of control over what was broadcast:

*"It might be worthwhile trying to get the television authorities on our side, and to organise, for example, a confrontation between three leading radical students and three tough, intelligent, moderate students. The intellectual destruction of the radicals would have a considerable impact on intelligent student opinion. Alternatively, an interview might be arranged between a BBC interviewer and a group of radical students. Only if the interview went well need it be used."*⁶³⁰

296. Minutes of a meeting held on 7 December 1978 and attended by Sir Robert Armstrong,⁶³¹ Robert Andrew,⁶³² David Heaton,⁶³³ and Sir Colin Woods⁶³⁴ show that there was high-level concern about investigations by the press into the work of the MPSB, and in particular, work done on behalf of the Security Service. Sir Robert Armstrong concluded the meeting with comments that the scope for coverage of subversion activities would need to be developed "*in light of the increasing activities of investigative journalists...*"⁶³⁵

297. Examples of SDS monitoring of press interest in left-wing groups, as well as their political publications, include:

- a. A MPSB report dated 20 January 1981 listing local organisers for the Right to Work Campaign includes members of the press;⁶³⁶
- b. HN347 'Alex Sloan's' reports list people on the mailing list for the Irish Liberation Press, the INLSF's newspaper. HN347 states that although he was not specifically tasked to obtain membership or mailing lists, doing so was:

⁶²⁹ DOC053/3

⁶³⁰ Ibid/4-5

⁶³¹ Then Permanent Under-Secretary of State at the Home Office

⁶³² Deputy Under-Secretary of State at the Home Office

⁶³³ Senior Civil Servant, Cabinet Office and then Home Office, Secretary of the Official Committees on Communism (Home) and Subversion at Home

⁶³⁴ HM Chief Inspector of Constabulary for England and Wales

⁶³⁵ UCPI0000035289/4, §8

⁶³⁶ UCPI0000016152/2

- “obviously part of my remit.”*⁶³⁷ He also reports on Norman Temple’s⁶³⁸ experiences selling copies of the Irish Liberation Press in Ireland;⁶³⁹
- c. HN303 ‘Peter Collins’ produced a report detailing weekly circulation numbers of the WRP publication, Workers Press.⁶⁴⁰ It was also recorded that the turnover of Workers Press was £156,000;⁶⁴¹
 - d. A report by HN297 ‘Rick Gibson’ dated 10 December 1974, enclosed a copy of a press statement issued by the London Co-ordinating Committee of the Troops Out Movement, concerning recent bombings in Birmingham on 21 November 1974;⁶⁴²
 - e. Notes of a meeting of the Troops Out Movement London Coordinating Committee, reported on 11 February 1976, reveal that HN297 ‘Rick Gibson’ was elected as a member of the campaign’s Press committee.⁶⁴³

Abhorrent reporting

298. There is a huge volume of reporting by the SDS across the T1 era containing sexist,⁶⁴⁴ misogynistic,⁶⁴⁵ homophobic,⁶⁴⁶ anti-semitic⁶⁴⁷ and racist language⁶⁴⁸ which went unchallenged by SDS managers. Such views appear to have reflected the wider attitudes within the MPS, including the views held by some MPS Commissioners.⁶⁴⁹

⁶³⁷ MPS-0741697/15, §65

⁶³⁸ Gave evidence in T1P2

⁶³⁹ MPS-0739470, UCPI0000007822, MPS-0739474, MPS-0739319, MPS-0739321, MPS-0739483 and MPS-0739490

⁶⁴⁰ UCPI0000022274

⁶⁴¹ UCPI0000022002

⁶⁴² UCPI0000014979

⁶⁴³ MPS-0728779/3

⁶⁴⁴ MPS-0739315; UCPI0000008509; UCPI0000006955; UCPI0000012336; UCPI0000010823; UCPI0000021512; UCPI0000017823; UCPI0000011140; UCPI0000011602; UCPI0000011891; UCPI0000013905; UCPI0000016457

⁶⁴⁵ UCPI0000011741; UCPI0000015694; UCPI0000012311; UCPI0000010712; UCPI0000017456;

UCPI0000011129; UCPI0000011116; UCPI0000011814; UCPI0000014174; UCPI0000014258; UCPI0000015979

⁶⁴⁶ Homophobia - mainly reporting on sexual orientation; UCPI0000007576; UCPI0000017323;

UCPI0000010996; UCPI0000011814; UCPI0000013063; UCPI0000015145; UCPI0000015431; UCPI0000015603.

'Effeminate characteristics': UCPI0000021266; UCPI0000021267; UCPI0000015145

⁶⁴⁷ UCPI0000021512; UCPI0000011891; UCPI0000021776; UCPI0000009718; UCPI0000021558;

UCPI0000011593

⁶⁴⁸ UCPI0000014326; MPS-0736415; MPS-0739315; UCPI0000010248; UCPI0000012336; UCPI0000010659;

UCPI0000011814; UCPI0000011994. MPS-0728891 (anti-Irish); UCPI0000008854; UCPI00000150602;

UCPI0000011602; UCPI0000012924; UCPI0000014174; UCPI0000016793

⁶⁴⁹ See fn 546 and see Robert Mark’s autobiography (see fn 667)

Adequacy of operational governance and oversight of undercover policing

299. **The NPSCPs submit that:**

- a. There was no adequate system of operational governance and oversight of the SDS at any level, including operational governance of the SDS by the Home Office, the MPS and by SDS managers. This was because the SDS was deliberately designed to be a policing unit that operated in secret⁶⁵⁰ and without any independent scrutiny and oversight to avoid embarrassment and to ensure its survival;⁶⁵¹**
- b. There was no formal mechanism for regular review of SDS practices by the Home Office. The ACPO 1970 Terms of Reference under which the MPSB operated⁶⁵² were woefully inadequate, deliberately vague and conflicted with official definitions that sought to limit covert police surveillance;**
- c. Senior MPS managers took no action to ensure robust governance of the SDS. There was only one formal review;**
- d. The secrecy and security of SDS operations and the welfare of officers was prioritised over the rule of law, democratic accountability, the rights of members of the public and their obligations to the court and Parliament.⁶⁵³**

Government/ Home Office oversight

300. The 1962 Royal Commission on the Police (which considered governance and accountability of police forces) rejected the creation of a single police force under the direct central control of the Government, opting for police forces to remain

⁶⁵⁰ 1975 SDS AR (MPS-0730099/4); 1977 SDS AR (MPS-0728981/7); 1978 SDS AR (MPS-0728964/11)

⁶⁵¹ 1980 SDS AR, MPS-0728962/6

⁶⁵² UCPI0000004459

⁶⁵³ For example, HN218 Barry Moss used police surveillance to investigate the wife of HN126 'Paul Gray' when she complained about an alleged affair by HN126 in police accommodation due to a concern over SDS exposure (MPS-0747797/15, §23(l) ; MPS-0726912/7), HN155 'Phil Cooper' was allowed to maintain his position in the Right to Work campaign which gave him "regular access to Ernie Roberts MP", despite concerns about misconduct (UCPI0000027515; UCPI0000027446)

under their respective police authorities to ensure local accountability.⁶⁵⁴ However, the MPS remained under direct Home Office control, with the Home Secretary acting as the police authority with the MPS Commissioner appointed by the sovereign.⁶⁵⁵ This structural anomaly was, at best questionable and, at worst, constitutionally impermissible⁶⁵⁶ but it explains how and why the SDS became a secret politicised policing unit.

301. Funding streams differed in the MPS compared to other police forces. SDS Funding was approved by the Home Office, seemingly with influence from senior civil servants sitting on the Cabinet Office committees on 'subversion'. Again there was no local transparency or accountability as to how money was being spent. SDS funding was channelled directly from the Home Office to the MPS Receiver, who it appears may have sat on the Cabinet Office subversion committee when the SDS was established.⁶⁵⁷

302. In November 1968, James Waddell notes in respect of SDS financing that, "*the Receiver has been consulted and raises no financial objection. In fact, he has even been constrained to minute the file "this is good value"*".⁶⁵⁸ This is the lens through which The Police Accountability Report on the GLC must be viewed. This report was drafted because of concerns that the GLC was trying to 'seize control' of the MPS and introduce local accountability. The MPS and MPSB did not want local accountability.⁶⁵⁹

303. Governance arrangements for the SDS were largely absent and were certainly not imposed by the Home Office. However, the conditions under which the SDS

⁶⁵⁴ The Commission led to The Police Act 1964, see HC Deb "Police Bill", 26 November 1963, volume 685, columns 81-210, at <https://api.parliament.uk/historic-hansard/commons/1963/nov/26/police-bill>

⁶⁵⁵ The 1962 Royal Commission confirmed at §231 that "*the Home Secretary will continue to exercise his present powers in relation to the Metropolitan Police*"; see also MPS-0748355/6 Police Accountability Report

⁶⁵⁶ Salmon LJ observed in *R v Commissioner of Police of the Metropolis ex parte Blackburn* [1968] 2 QB 118 at [138F]: "*Constitutionally it is clearly impermissible for the Secretary of State for Home Affairs to issue any order to the police in respect of law enforcement*".

⁶⁵⁷ The receiver plays a key role in agreeing to SDS financing (MPS-0724120). See also MPS-073019 which has further detail on the role of the receiver in early SDS financing, and references to the receiver at MPS-0732916. R. J. Guppy is the suspected receiver who had previously represented the Dept. of Education and Science in the Subversion at Home Committee in 1968 and 1969 for example (see UCPI000035232). Richard A. James, of the F4 Division in the Home Office, was appointed receiver by David McNee ("*McNee's Law*," David McNee, 1983 p.74, <https://archive.org/details/mcneeslaw0000mcne>)

⁶⁵⁸ MPS-0724120/2

⁶⁵⁹ MPS-0748355/6

existed and operated meant that robust governance should have been a prerequisite of the unit. It was clear that senior civil servants in the Home Office knew that: (i) the SDS and its undercover-operations were a significant departure from what had gone before; (ii) UCOs operated in secret in increasingly long deployments; (iii) the purpose of the deployments differed from traditional undercover work in respect of serious crime as SDS work would/could not be scrutinised in a court of law; (iv) the SDS was not subject to any independent oversight or scrutiny including from HMCIC.

304. While it seems that the Home Office demanded total secrecy as a precondition for the continuation of funding, there is no evidence before this Inquiry that anyone from the Home Office considered the risk of misconduct in the SDS. The only evidence before this Inquiry of a senior Home Office minister reading an SDS Annual Report is in 1984. Given the role of the Home Office, akin to a local policing authority for the MPS, it was obliged to oversee and ensure adequate governance and oversight. At the very least, this had to include reading SDS Annual Reports.

305. The documents before the Inquiry suggest that the Home Office merely rubber stamped a continuation of funding for the SDS, often in reliance on limited references to supervision in the corresponding SDS Annual Reports. For example, in 1980 David Heaton agreed to further funding “*in view of your assurance about security and supervision*”.⁶⁶⁰ The assurances that were typically being given by managers, on this occasion by HN307 Trevor Butler in the 1979 Annual Report, were vague. They did not address in detail the risks (especially of misconduct) arising from the type of activities engaged in by the SDS and how operational governance might mitigate against such risks:

“...close supervision and attention to welfare...regular contact is established through group meetings held twice a week at HQ flats and by personal meetings which ensure that every officer is frequently met on an individual basis. The office staff are available to offer assistance and guidance at all times and in this context use is made of GPO radio-packaging equipment. Further contact is provided by weekly promotion classes organised by the Inspector and in 1980 seven Constable

⁶⁶⁰ MPS-0728963/1

sat the Constables examination and four Sergeants are studying for the April examination”.

306. The need for robust systems of operational governance was a baseline that ought to have been identified at every level, but principally by the Home Office. Where risk was considered, this was only the risk of compromise and consequently political embarrassment, in particular, arising from the funding of accommodation for police spies.

307. The Chair is invited to hold the Home Office (and to some extent the Cabinet Office) to account for the fundamental and defining role both departments played in allowing and facilitating the continuation of the SDS without proper ministerial oversight. The Home Office seems to have been wilfully blind to the obvious risk of unlawfulness at the core of the SDS.

MPS operational governance and oversight

308. In terms of operational governance within the MPS and the SDS, the NPSCPs endorse the following comments made by Peter Francis in his Opening Statement at the start of this Inquiry:

“During the time when he worked for the Metropolitan Police Service - the MPS - it was perfectly clear to him that the MPS, as an institution, did not have sufficient integrity, governance arrangements and insight into the effects of undercover policing on both officers and those who were subject to surveillance to be trusted to carry out undercover operations which balance the interests of the Force and the interests of those who were the victims of state-sponsored deception.”⁶⁶¹

309. When Theresa May established this Inquiry, she identified *“significant failings of judgement, intrusive supervision and leadership over a sustained period.”⁶⁶²* The NPSCPs agree.

⁶⁶¹ O/S Peter Francis T1P1, §14, at https://www.ucpi.org.uk/wp-content/uploads/2020/11/20201029-Opening_Statement-Peter_Francis.pdf

⁶⁶² See fn19

310. Senior MPS police officers were well aware of the existence of the SDS. There is evidence in the evidence from T1P2 of visits to the safe house from MPS Commissioners Robert Mark and John Waldron, Assistant Commissioners Peter Brodie and Colin Wood, Chief Supt Arthur Cunningham, Commander Special Branch Ferguson Smith, Chief Supt Rollo Watts, Commander Operations Matthew Rodger, Head of Special Branch Ferguson Smith and Victor Gilbert, Assistant Commissioner 'Crime' Gilbert Kelland. Deputy Assistant Commissioner MPSB Robert Bryan, John Mastel, and Assistant Commissioner A Division.

311. It is reasonable to assume that the above police officers would have known about the nature of SDS operations and that, structurally, it was profoundly different to other conventional forms of undercover policing (see, for example, the length of deployment undercover, addressed below). Despite this, there was no attempt to introduce formalised governance arrangements, written doctrine or terms of reference or any other measure that would limit the scope of operations and prevent unlawful surveillance and reduce risk from long deployments. The SDS operated under the obviously inadequate ACPO 1970 ToR.

312. In terms of length of deployment, HN325 Conrad Dixon suggested in his 1968 paper 'Penetration of Extremist Groups' that deployments should last no longer than twelve months, in recognition of the stresses of undercover life.⁶⁶³ This document seemingly remained buried and largely ignored. Even in the early days, the deployments lasted significantly longer than Dixon himself considered appropriate.⁶⁶⁴ This came with risk. By the mid-1970s, HN200 'Roger Harris' was deployed from 1974-77, commenting: *"I was not told how long I would be in the SDS. ... I feel that the first year you find your feet, the middle year is the most effective, and in the third year there is a danger you could become careless or overconfident. For example, when I was nearing the end of my deployment, I signed one of my personal cheques in my cover name. I knew the person serving me at*

⁶⁶³ MPS-0724119

⁶⁶⁴ HN304 'Graham Coates' (1976-79), HN354 Vincent Harvey (1976-79), HN80 'Colin Clark' (1977-82), HN106 'Barry Tompkins' (1979-83) and HN155 'Phil Cooper' (1979-84); all indicated that they were told or expected their deployment to last around four years

*the bank and so it was not a problem, but it made me think it was time to stop working undercover.*⁶⁶⁵

313. The four-year deployment remained in place into the 1980s, with the 1982 SDS Annual Report also noting that a tour of duty in the SDS was “*normally a maximum of four years.*”⁶⁶⁶ Long deployments will become a feature of T2 and later tranches.

314. In terms of MPS governance (and failures in governance), Sir Robert Mark is of particular importance to this Inquiry. Sir Robert Mark was appointed MPS Commissioner in 1972 and served until 1977. His task was to end the wave of corruption that had engulfed New Scotland Yard and, in this role, he was considered to have been a success.⁶⁶⁷ However, there was one notable exception, the SDS.

315. As the newly appointed MPS Commissioner with such a significant brief, Sir Robert Mark would have immediately familiarised himself with the dark corners of the MPSB, their operations and all the obvious associated risks. That Sir Robert Mark knew about the SDS is not in doubt. Immediately, on his arrival as Commissioner it is well documented in the evidence before this Inquiry that he visited the safe house,⁶⁶⁸ and by all accounts gave a rabble-rousing speech:

“I recall that, on one occasion, a commissioner, Robert Mark, came to a safe house for an SDS meeting. I think there was a lunch arranged, as we sometimes had one in the safe house that we prepared and cooked ourselves. He wanted to meet the UCOs and I think he addressed the group on how deeply appreciative he was of our work and how he understood how stressful it was. I particularly recall [gist: the

⁶⁶⁵ MPS-0740968/10, §40

⁶⁶⁶ MPS-0730904/6

⁶⁶⁷ “Bent Coppers”, Graeme McLagan, Orion, 24 October 2007, “In the Office of a Constable”, Sir Robert Mark, Collins, 1 January 1978

⁶⁶⁸ According to HN299/342 ‘David Hughes’ (active 1971-76), Robert Mark visited the SDS cover flat in NW London in 1972 or 1973, when he was Commissioner: “*It was obvious to me that he had concerns about the SDS. I remember him saying words to the effect that “you realise that you [the SDS] could cause me tremendous problems under certain circumstances”* (MPS-0745773/47, §226); HN301 ‘Bob Stubbs’: “*The Commissioner of Police, Sir Robert Mark, came to the [North West London] SDS flat one day, which was a bit of a surprise. He was interested in what we did... I cannot remember what was discussed with him but I think he said that he was happy with what we were doing and to keep up the good work*” (MPS-0742600/37, §112); HN200 ‘Roger Harris’ (MPS-0740968/30, §113)

Commissioner making a jocular remark about HN155] because his overtime claims were seen as high by the senior officers.”⁶⁶⁹

316. Various SDS Annual Reports demonstrate Sir Robert Mark’s awareness and keen interest in the activities of the SDS.⁶⁷⁰ He was aware of the stresses of the conditions of deployments as he recognised the stress UCOs faced. Crucially, he recognised ‘*the risks inherent in any operation of this type*’ and ‘*that the Hairy squad survived almost day to day*’.⁶⁷¹ In relation to obvious risks, he knew that UCOs were in the field, socialising and drinking at the expense of the MPS or simply having contact with women when undercover. For example, he knew that HN155 ‘Phil Cooper’ was prolific in claiming expenses. Sir Robert Mark understood that, given the opportunity, young MPS police officers would engage in sexual relationships when at work. He said as much in his autobiography published during T1 (1979):

“Chapter 17 civil liberty and public order...

*“I also had given away to the blandishments of Henry Hunt [...] who had long wanted to introduce girls into our corps. They are an expensive investment because on average they serve under four years before leaving, usually for marriage and I was a bit worried at the prospect of 120 nubile young woman at Hendon Cadet schoolhouses with 500 young men, healthy energetic and full of go. With a touch of the valentines, I inquired acidly if Henry had provided that a professional abortionist to be assigned to a police house at Hendon or was it that recruiting was so bad that we now have to breed our own as we had already attempted to do with dogs and horses”.*⁶⁷²

317. By contrast, the public message being presented by Sir Robert Mark was at odds with the reality in the SDS. In his famous and controversial Dimbleby Lecture of 1973, Mark was at pains to reinforce the importance of police accountability,

⁶⁶⁹ HN304 Graham Coates, MPS-0742282/41, §140

⁶⁷⁰ 1972 Annual Report (MPS-0728970): “*The Commissioner and I have taken a close personal interest in these activities and are satisfied that the security aspects of the work are controlled in such a manner as to minimise all such risks as are inherent in any operation of this type*”. See also 1974 SDS AR (MPS-0730906/1); 1976 SDS AR (MPS-0728980/5)

⁶⁷¹ UCPI0000031258/2

⁶⁷² See fn 667

stating the police are concerned “by two conflicting needs. One to maintain order and protect people, the other to ensure that we do not act unreasonable or oppressively. For this reason the police have remained... answerable to the general law. We have no special immunities. A policeman who breaks the law is prosecuted and punished just like everyone else... The fact that the British police are answerable to the law, that we act on behalf of the community and not under the mantle of Government, makes us the least powerful, the most accountable and therefore the most acceptable police in the world”.⁶⁷³

318. Sir Robert Mark, as MPS Commissioner, spent a significant proportion of the time covered by T1 presiding over a secret policing unit. A unit that, under his watch, saw senior MPS officers deceive the courts and engage in wide-ranging and abhorrent police misconduct and corruption and avoid accountability.

SDS managers - oversight and governance

319. There was a system of governance in the SDS which was overseen by SDS managers. UCOs met regularly with SDS managers in twice-weekly meetings in two safe houses, which sometimes included a visit to the pub.⁶⁷⁴ They also had regular contact with managers by phone.⁶⁷⁵ As the SDS managers are at pains to point out, they considered that their primary duty was the welfare of the UCOs. This was recognised as a vital function, given the unique stresses of undercover work. Almost every SDS Annual Report to the Home Office emphasised the close supervision of officers and managerial attention to their welfare. In his witness statement HN34 Geoffrey Craft gave evidence that, “*I do not think any police officers were more carefully monitored than this lot*”.⁶⁷⁶ The Chair should therefore reject, as lacking in credibility, the denials of the SDS managers in respect of knowledge of the evolution of certain abhorrent practices and tradecraft and misconduct engaged by the UCOs. Such tradecraft was, in many instances, positively encouraged, developed and overseen by SDS managers.

⁶⁷³ <https://www.sirrobertmark.co.uk/the-dimbleby-lecture/>

⁶⁷⁴ HN155 ‘Phil Cooper’ (MPS-0747546/14)

⁶⁷⁵ UCPI0000034307/2; HN106 ‘Barry Tompkins’ MPS-0745735/48; HN155 ‘Phil Cooper’ MPS-0747546; HN351 ‘Jeff Slater’ MPS-0740332; HN339 ‘Stewart Goodman’ MPS-0736910

⁶⁷⁶ MPS-0747446/48, §113

320. SDS UCOs considered themselves exempt from the normal police disciplinary codes, regulations and the criminal law. There was a pattern of UCO withdrawal to avoid disciplinary sanction.⁶⁷⁷

SDS UCOs, in their cover names, committed criminal offences and then became involved in criminal proceedings and acted as *agent provocateurs*⁶⁷⁸

321. **The NPSCPs submit that senior MPS and SDS managers knew and allowed UCOs to commit criminal offences - including acting as *agent provocateurs* - and then become involved in criminal proceedings with UCOs maintaining their cover identities upon arrest, charge, or summons and misleading the courts. This was in order to allow UCOs to maintain their cover, to protect the operational integrity of the SDS, and to avoid professional and political embarrassment to the MPS and the state/UK government.**

322. **Senior MPS and SDS managers gave no consideration to the potential impact upon the fairness of criminal trials and the risk that their actions would lead to miscarriages of justice. Numerous miscarriages of justice are likely to have occurred.**

323. The Home Office issued guidance in the Home Office Circular 97/1969 entitled, '*Informants who take part in crime*'⁶⁷⁹ which prohibited officers engaging in course of action, including crime, to protect an informant where that would result in officers misleading a court. The document also made clear that protecting an informant did not justify a grant of immunity to an informant from arrest or prosecution for the crime. SDS UCOs gave evidence that they did not see or know of the above Home Office circular,⁶⁸⁰ and had been given little or no guidance about becoming involved

⁶⁷⁷ MPS-0726956/50

⁶⁷⁸ An *agent provocateur* is defined by the Collins English Dictionary as "a person who is employed by the government or the police to encourage certain groups of people to break the law, so they can arrest them or make them lose public support. Agents provocateurs may seek to discredit the opposition", at <https://www.collinsdictionary.com/dictionary/english/agent-provocateur>

⁶⁷⁹ MPS-0727104

⁶⁸⁰ See, for example, the witness statements of HN298 'Michael Scott', HN304 'Graham Coates' and HN126 'Paul Gray' (MPS-0746258/5; MPS-0742282/5 and MPS-0740761/8)

in participating in criminal activities (beyond calling a phone number, if they were arrested).⁶⁸¹

324. In T1 there are numerous examples of SDS officers engaging in minor crimes, from fly posting to violence,⁶⁸² with evidence to suggest that minor offences were approved by managers.⁶⁸³ For example, a note of a visit by HN244 DI McIntosh and HN307 Trevor Butler to the Security Service records a conversation about the “*problems of agents being involved in actions of varying degrees of illegality*”.⁶⁸⁴ HN135 Mike Ferguson remarked that, “...*certainly for the more trivial offences this was no real hindrance to their operation since they were often able to insulate their source even though this sometimes meant not prosecuting other offenders*”.⁶⁸⁵

325. HN354 Vince Harvey (‘Vince Miller’), was involved alongside members of the SWP in events known as “The Battle of Lewisham” in August 1977, and turned up the night before to plan a counter-demonstration against the National Front. He states that bricks were placed “*at strategic locations to use the next day*” and were thrown on the day of the demonstration.⁶⁸⁶ Although HN354 denied being involved in the violence,⁶⁸⁷ it is clear that he was present and potentially involved in preparatory activities the night before and was aware of where the bricks had been deposited.

326. T1 disclosure also provides evidence that criminal activities such as burglary took place. For example, HN336 ‘Dick Epps’ confirmed in his witness statement and in oral evidence that he obtained keys for the IMG office.⁶⁸⁸ After telling HN1251/371 Phil Saunders about this, he was instructed to take pressings of the keys and was provided with plasticine in order to do so. He was told that the IMG may be “*‘visited’ by MI5*”.⁶⁸⁹ HN336 was asked in evidence whether taking an impression of the keys

⁶⁸¹ HN353 ‘Gary Roberts’ recalls being given a number by Chief Inspector Derek Kneelee (MPS-0740413). See also witness statement of HN354 ‘Vince Miller’/Vince Harvey (MPS-0744903, §§25–29, §§171–172, 206)

⁶⁸² HN106 ‘Barry Tompkins’ MPS-0745735 (MPS-0745735/5, §§14, 140)

⁶⁸³ HN354 ‘Vince Miller’/Vince Harvey: “*As to participation in crime, it was made clear only low-level criminal activity was permitted, for example flyposting*” (MPS-0744903/5, §25)

⁶⁸⁴ UCPI0000028810/2, §3

⁶⁸⁵ Ibid

⁶⁸⁶ MPS-0744903/23, §§105, 107

⁶⁸⁷ Ibid, §110

⁶⁸⁸ MPS-0739316/24, §106; Transcript T1P1, Day 11 (16 November 2020), p.67

⁶⁸⁹ MPS-0739316/24, §106

would be “for the purpose of gaining access to the building at another time” and answered “Maybe, yes”.⁶⁹⁰

327. UCOs confirmed repeatedly in their evidence that there was no advice given on what to do on arrest,⁶⁹¹ if brought before a court⁶⁹² or in relation to legal professional privilege (‘LPP’).⁶⁹³

328. Managers and the senior MPS hierarchy facilitated a practice of UCOs maintaining their cover and misleading the court, if arrested and prosecuted.⁶⁹⁴ This practice was known by an officer at least to the rank of MPS Deputy Assistant Commissioner.⁶⁹⁵ This also included allowing UCOs to spy on conversations subject to LPP and lawyers.⁶⁹⁶

329. The Chair is already familiar with the events involving the arrest of HN298 ‘Mike Scott’. The Deputy Assistant Commissioner approved HN298 ‘Mike Scott’ maintaining his cover and misleading the court rather than withdrawing him from the field. The NPSCPs endorse the Chair’s comment that, in this case, “*The prosecutor and the court were deliberately misled about his [HN298’s] identity and role in the events which it was considering*”.⁶⁹⁷ This was not a one-off event but rather a tradecraft practice that was set down early in the history of the SDS and which will feature heavily in T2. In T1, for example:

⁶⁹⁰ Transcript T1P1 Day 11 (16 November 2020), p.68

⁶⁹¹ HN218 Barry Moss (MPS-0747797/46); HN322 (MPS-0740351/8); HN326 ‘Douglas Edwards’ (MPS-0738584/8); HN328 Joan Hillier (MPS-0740760/7); HN300 ‘Don de Freitas’ (MPS-0740328/6); HN336 ‘Dick Epps’ (MPS-0739316/7); HN339 ‘Stewart Goodman’ (MPS-0736910/6); HN340 ‘Andy Bailey/ Andy Nixon’ (MPS-0740414/6); HN343 ‘John Clinton’ (MPS-0739804/10)

⁶⁹² HN218 Barry Moss (MPS-0747797/47); HN322 (MPS-0740351/8); HN326 “Douglas Edwards” (MPS-0738584/8); HN328 Joan Hillier (MPS-0740760/7); HN300 “Don de Freitas”(MPS-0740328/6); HN336 “Dick Epps”(MPS-0739316/7); HN339 “Stewart Goodman”(MPS-0736910/6); HN340 “Andy Bailey/ Andy Nixon” (MPS-0740414/6); HN343 “John Clinton” (MPS-0739804/10)

⁶⁹³ HN322 (MPS-0740351/8); HN326 “Douglas Edwards”(MPS-0738584/8); HN328 Joan Hillier (MPS-0740760/7); HN300 “Don de Freitas”(MPS-0740328/6); HN336 “Dick Epps”(MPS-0739316/7); HN339 “Stewart Goodman”(MPS-0736910/6); HN340 “Andy Bailey/ Andy Nixon”(MPS-0740414/6); HN343 “John Clinton” (MPS-0739804/10)

⁶⁹⁴ HN103 David Smith (MPS-0747443/33); HN34 Geoffrey Craft (MPS-0748041/12; HN368 Richard Walker MPS-0747527/36

⁶⁹⁵ MPS-0526782

⁶⁹⁶ MPS-0526782z/11

⁶⁹⁷ www.ucpi.org.uk/wp-content/uploads/2021/06/20210622-miscarriages_of_justice_panel_referral.pdf (at §11)

- a. HN331 and HN68 ‘Sean Lynch’ were arrested for fly posting, attended court in their cover names and paid a fine.⁶⁹⁸
- b. HN12 ‘Mike Hartley’ was arrested and prosecuted for fly posting in 1984.⁶⁹⁹
- c. HN13 ‘Barry Desmond Loader’ was arrested twice in 1977 and 1978.⁷⁰⁰ The documents disclosed to date highlight various senior MPS managers interfering and seeking to influence in the judicial process⁷⁰¹, with an update being given to the Commissioner of the MPS.⁷⁰² The lengths to which the managers have gone to avoid assisting this Inquiry is typified by Manager HN34 Geoffrey Craft initially denying knowing about this incident.⁷⁰³ This was despite contemporaneous reports showing that he attended Barking Magistrates Court on 21 September 1977 for HN13’s first appearance and had “*a long conversation at court with the arresting officer*”.⁷⁰⁴ Craft later confirmed in oral evidence that he did in fact recall HN13’s appearance in court⁷⁰⁵ and was involved attending court to deal with the prosecution.⁷⁰⁶

330. In all of the contemporaneous documents the focus was maintaining the secrecy of the SDS operations. HN298 ‘Mike Scott’ was aware, when he was arrested and subsequently convicted, that his managers “*were probably worried that [his] arrest would reflect badly on them, perhaps for allowing it to happen*”.⁷⁰⁷ A note in relation to a UCO who was convicted and fined for an offence records DCI Short’s view that “*this matter has been resolved satisfactorily without prejudice to Special Demonstration Squad operations in this particular field.*”⁷⁰⁸ Clearly, the focus of managers involved in such incidents was on protecting the unit and secrecy of operations at all costs. UCOs had an obvious motivation to cover-up unlawful conduct to avoid police embarrassment. HN103 David Smith confirmed that the security of the SDS was of paramount concern when officers were arrested; if things

⁶⁹⁸ HN329 ‘John Graham’ MPS-0738576, §§22 –24, 243–244, 266, 276, 277

⁶⁹⁹ MPS-0526785

⁷⁰⁰ MPS-0526784, UCPI0000011984 UCPI0000011356

⁷⁰¹ MPS-0526784/7

⁷⁰² MPS-0526785/5

⁷⁰³ MPS-0747446/43, §100

⁷⁰⁴ MPS-0526784/12

⁷⁰⁵ Transcript T1P3, Day 8, p.3

⁷⁰⁶ *Ibid*, pp. 82-89

⁷⁰⁷ MPS-0746258/26, §97

⁷⁰⁸ MPS-0526785/3

went wrong, it could “*create a tremendous problem which caused the collapse of everything*”.⁷⁰⁹

331. There is no mention by managers of any concern over the rights of co-defendants, who faced charges arising from incidents involving excessive force from uniformed officers, or for the integrity of the criminal justice system. HN304 ‘Graham Coates’ recalls being told that, if he was arrested whilst on a demonstration, to just “*go along with it and the managers would sort it out afterwards*”.⁷¹⁰ A minute by HN34 Geoffrey Craft, SDS Detective Inspector and then Chief Inspector, indicates that managers took a favourable view of an arrest in enhancing a UCO’s cover: “*the arrest of an SDS field officer will have done no harm to his standing amongst his comrades*”.⁷¹¹ Craft noted in evidence that he could see “*how people could be swept up in conduct so as not to blow their cover*”.⁷¹² A minute sheet signed by MD Rodger describes HN298 ‘Mike Scott’ as having acted with “*refreshing initiative*” in his arrest and that the SDS should “*take advantage of the situation*” to keep abreast of planned campaigning activity.⁷¹³

332. This is consistent with comments in the Review of Possible Miscarriages of Justice carried out by Mark Ellison KC and Allison Morgan in 2015:

*“We have seen nothing to indicate that during the era of 1968 to 1989, when the Home Office funded the SDS and received brief annual summaries of its work, that the potential impact that the policy of total secrecy might have on criminal prosecutions of activists was ever considered.”*⁷¹⁴

333. The Chair is referred to the evidence given to the HASC on behalf of the ACPO Officers in January 1985, namely that MPSB officers were subject to adequate controls through their adherence to Home Office circulars, as well as the discipline code and guidance documents.⁷¹⁵ The State and the MPS have provided this

⁷⁰⁹ Transcript T1P3 Day 6, p.101

⁷¹⁰ MPS-0742282, §17

⁷¹¹ MPS-0526785/2

⁷¹² MPS-0748041, §11

⁷¹³ MPS-0526782

⁷¹⁴ p.45, at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445551/2015-07-16_HC_291_Possible_miscarriages_of_justice_-_Web_Accessible_-_FINAL.pdf

⁷¹⁵ UCPI0000035160/29, §129

Inquiry with no explanation as to why they apparently considered that the SDS was somehow exempt from the very clear Home Office guidance set out above. This Inquiry must find that the MPS viewed perjury in court as a benefit which enhanced the credibility of the UCOs and maintained the secrecy of the SDS, rather than as a serious departure from proper policing standards, an attack on justice and the rule of law, and a criminal offence.

334. This is particularly important given that the practice is known to have become entrenched and formalised during T2, as evidenced in key sections in the Tradecraft Manual.⁷¹⁶ Revealingly, a 1994 discussion paper on “SDS Targeting Strategy and Deployment in Relation to the Animal Liberation Front”, authored by HN10 Bob Lambert, criticises an UCO for appearing to be unwilling to take part in criminal activity: *“DS Chitty was not unique amongst field officers at the time, in wishing to avoid the risks and hassle inherent in criminal participation.”*⁷¹⁷

335. Any SDS complicity in grave miscarriages of justice and in the most serious crimes must be exposed in full in later tranches.

SDS UCOs spying on lawyers

336. **The NPSCPs submit that senior MPS and SDS managers knew and were complicit in UCOs spying on lawyers and infringing Legal Professional Privilege (‘LPP’) in order, at times, to gain a litigation advantage and obtain intelligence, particularly in relation to police accountability groups.**

337. The T1 disclosure reveals intrusive SDS reporting on lawyers and material potentially subject to LPP. This included monitoring of the names, personal details and even physical appearance of individual lawyers, as well as details of legal representation obtained by racial justice campaigners, left-wing groups, trade unionists, and, in particular, campaigns focussed on police accountability arising from police brutality or miscarriages of justice. Reporting signed off by SDS managers either referenced lawyers or showed SDS UCOs present when legal

⁷¹⁶ MPS-0527597, section 5.8

⁷¹⁷ MPS-0726956/21, §2.17

advice was being given.⁷¹⁸ Lawyers, including for police accountability campaigns, have MPSB registry files.⁷¹⁹

338. The first SDS related reference to a lawyer appears in reporting from Conrad Dixon when he describes a solicitor instructed by a VSC campaigner as “a *well-known defender of left-wingers*”.⁷²⁰ HN345 ‘Peter Fredericks’, reported on Michael Seifert, a solicitor and member of the Angela Davis Defence Committee (who also represented Celia Stubbs), and his involvement in a 1971 meeting of the Black Defence Committee.⁷²¹ Other reports disclose the personal details and physical appearance of John Witzendorf, who represented some of those arrested on the Right to Work march.⁷²² Another gives the name, suspected home address and age of a member of the Radical Lawyers Association and describes his appearance in some detail, including his build, “*gold-rimmed spectacles*” and remark that he wears “*suit, collar and tie, albeit scruffily*”.⁷²³

339. The evidence suggests an emerging tradecraft in T1 of deliberate spying on lawyers practising in criminal defence or police accountability for no justifiable policing-related reason. Many other lawyers are identified in SDS reports, include the solicitor acting on behalf of six of the “Bradford 12”,⁷²⁴ the INLSF group’s solicitor,⁷²⁵ law centre staff⁷²⁶ and the individuals responsible for running the Defence Information Service (“DIS”), a database listing the details of police officers who have been reported or convicted of criminal or disciplinary offences.⁷²⁷

340. When asked about the justification for reporting on the identity of a lawyer who was to be approached for legal advice, the response of HN336 ‘Dick Epps’ was that they “*just thought it was of --- of interest at the time*” and that if somebody was

⁷¹⁸ MPS-0526782, HN298 ‘Mike Scott’ is clearly present when Ben Birnberg provides legal advice to all Defendants (signed off by HN294)

⁷¹⁹ UCPI0000016366 (Stephen Sedley - when representing Celia Stubbs), UCPI0000027014 (Mike Seifert - when representing Celia Stubbs) - reports signed off by HN307 Trevor Butler

⁷²⁰ MPS-0722106, §16

⁷²¹ UCPI0000026456

⁷²² UCPI0000009718, UCPI0000012323

⁷²³ MPS-0245536

⁷²⁴ UCPI0000017170

⁷²⁵ MPS-0739491

⁷²⁶ UCPI0000008854

⁷²⁷ MPS-0245536

utilising their professional knowledge to “*provide others with a way of avoiding arrest when perhaps arrest would be appropriate, then --- then that certainly would be of interest*”.⁷²⁸

341. There is evidence of reporting on legal advice given on proposed legal action/ complaints against the police,⁷²⁹ the legal position in relation to a picket outside a court,⁷³⁰ and advice on a plea to a criminal charge.⁷³¹ The disclosure also reveals repeated occasions on which the specific contents of legal advice given was subject to monitoring and reporting, regardless of whether it was subject to LPP. According to HN336 ‘Dick Epps’, reports of a lawyer’s “*presentation*” to a client by the SDS would include “*a factual reporting of the circumstances and the content of the presentation*”⁷³² but he did not know what was done with such information,⁷³³ HN347 ‘Alex Sloan’ stated, in relation to a report which detailed legal advice given to campaigners about the legality of a potential picket, that he was “*just passing it on to fellow police officers who can deal with it in the way that they feel the matters should be dealt with.*”⁷³⁴ HN347 ‘Alex Sloan’ was never advised against reporting on discussions about contemplated legal action against the police,⁷³⁵ or on an individual solicitor’s name and his evidence was that “*if they wanted to redact it then they would have done so*”.⁷³⁶ There was no attempt on the part of individual UCOs to assess the lawfulness or proportionality of such intrusions.

342. The accounts provided by UCOs and their managers show that the responsibility for this approach lay with senior officers. No efforts were made by SDS managers to restrict monitoring of advice subject to LPP or to inform UCOs of any legal prohibitions on the collection of such information or give guidance.⁷³⁷ Indeed, the recurrence of such reports indicates that spying on lawyers and legal meetings was

⁷²⁸ Transcript T1P1 Day 11 (16 November 2020), p.57

⁷²⁹ MPS-739487/2

⁷³⁰ Transcript T1P2 Day 5, p.133

⁷³¹ MPS-526782/11

⁷³² Transcript T1P1 Day 4, p.57

⁷³³ Ibid

⁷³⁴ Transcript T1P2 Day 5, p.133

⁷³⁵ Transcript T1P2 Day 5, p.119

⁷³⁶ Ibid, p.133

⁷³⁷ Transcript T1P3 Day 10, pp.53-54 (HN307 Trevor Butler)

condoned. UCOs confirmed that SDS managers did not comment on reports that included information subject to LPP.⁷³⁸

- a. HN126 'Paul Gray' stated that he never received guidance on LPP and did not understand the meaning of the term;⁷³⁹
- b. Inspector HN3378 Derek Brice confirms in his witness statement that he did not know what legally privileged material was, and, further, "*did not give any undercover officers orders, instructions, advice or guidance about how to identify and deal with legally privileged information whilst operating undercover*" or have any "*informal conversations*" with UCOs about the same.⁷⁴⁰ To his knowledge, other managers similarly did not give UCOs instructions, advice or guidance about identifying and dealing with legally privileged information whilst undercover.⁷⁴¹

343. The evidence before this Inquiry overwhelmingly demonstrates that, in order to maximise intelligence gathering at all costs and justify police actions, SDS managers oversaw the development of a practice of intrusive SDS reporting on lawyers and material subject to LPP, with no sense that such monitoring or targeting should be legal, properly justified or in any way proportionate. This was evidently enabled by a culture of disregard for legal or ethical norms.

Impunity for police brutality

344. **The NPSCPs submit that senior MPS and SDS managers also knew about and ignored violent and unlawful conduct by MPS police officers against SDS UCOs, to maintain SDS cover. This reinforced a culture of impunity in respect of these acts of police brutality.**

345. As a consequence of the desire to maintain cover and the secrecy of the SDS, the criminal law was deliberately not enforced by the MPS against uniformed

⁷³⁸ Transcript T1P2 Day 9, pp.22-23, 95, 108 (HN298 'Michael Scott')

⁷³⁹ Transcript T1P2, Day 15, p.77

⁷⁴⁰ MPS-0747802/29

⁷⁴¹ Ibid/30

officers who engaged in crimes against SDS UCOs in order to protect the operational integrity and secrecy of the SDS. Impunity went both ways. HN80 'Colin Clark', records being badly assaulted at the hands of officers and receiving severe bruising.⁷⁴² He witnessed police brutality, which he reported to his managers.⁷⁴³ HN304 'Graham Coates' learnt of activists being hit by police at Grunwick.⁷⁴⁴ HN13 'Barry Loader' was "*knocked to the ground after attempting to shield two young children, and was somewhat battered by the police*". He then attended hospital for a scan to the nose.⁷⁴⁵ It would appear that no MPS officer was ever disciplined in relation to these assaults. There is no suggestion that this police violence was reported on or acted upon in any way by SDS managers.

SDS UCOs: sexual and personal relationships when undercover

346. Senior MPS and SDS managers knew about⁷⁴⁶ and encouraged relationships between SDS UCOs in their cover identities and those with whom they came into contact, including sexual relationships, in order to allow the UCOs to maintain and enhance their cover, to gain intelligence and to protect the operational integrity of the SDS.

347. The NPSCPs endorse the opening and closing submissions that have been made on behalf of Category H.

SDS UCOs other misconduct (not existing CP categories)

348. Senior MPS and SDS managers knew, encouraged and covered up misconduct and criminal and unlawful conduct by UCOs, including burglary, driving when drunk, theft, and the misuse of alcohol and drugs. SDS managers did not consider SDS UCOs should be subject to disciplinary proceedings due to a risk of exposing the SDS.

⁷⁴² UCPI0000033626/29-30, §96

⁷⁴³ Ibid

⁷⁴⁴ MPS-0742282/34, §108

⁷⁴⁵ MPS-0526784/12

⁷⁴⁶ HN304 'Graham Coates' (witness statement MPS-0742282/42-43) confirmed that jokes about HN297's ('Rick Gibson') sexual relationships with activists, as well as general sexist and misogynistic banter, took place with managers present. HN34 Geoffrey Craft overlapped with HN297 (see witness statement, MPS-0747446).

349. The starting point for the Chair's consideration of misconduct and criminal conduct by UCOS must be that police officers should not be exempt from the law. This was confirmed in 1985 by police representatives at the HASC. The Memorandum submitted to the HASC by ACPO stated that "*Special Branch officers ... are in no way exempt from the provisions of the police discipline code, or from the law.*"⁷⁴⁷

350. In reality, a culture of impunity ran through SDS operations and unlawful and criminal conduct was allowed to thrive and became embedded as part of UCO tradecraft. This included, for example, the use of alcohol and drugs and drink - behaviour that will take on more prominence during T2.

351. The Tradecraft Manual describes how "*in the past alcohol was sometimes a regular lubricant of SDS operations*" and notes how although UCOs may have concerns that use of alcohol or drugs could "*loosen your tongue and... give the game away*", the author has "*been in many states of intoxication during my tour and have never had a problem with basic security*".⁷⁴⁸ It would appear that getting drunk when undercover was a tradecraft that started in T1 and continued into T2 and beyond.

352. SDS managers knew about such behaviour in T1 but took no effective steps to stamp it out:

- a. HN3093 Roy Creamer met with UCOs in an anonymous pub and says in his witness statement that he would "*give them fatherly advice like not taking drugs, not getting involved with mischief and, not getting illnesses*" he was an exception;⁷⁴⁹
- b. UCOs could claim alcohol as an expense and bought alcohol when undercover but gave no consideration to the consequences of drinking alcohol when undercover⁷⁵⁰ The Inquiry now knows that HN300 'Jim Pickford',⁷⁵¹ became dependent on alcohol and was confined to the back office.⁷⁵² HN34 Geoffrey

⁷⁴⁷ Annexed to HASC Report, UCPI0000035160/26; also referenced with the Report UCPI0000035160/6, §7

⁷⁴⁸ MPS-0527597/24

⁷⁴⁹ MPS-0747215/6

⁷⁵⁰ Transcript T1P3 Day 10, p.121-122 (HN307 Trevor Butler)

⁷⁵¹ Active from 1974 to 1976

⁷⁵² MPS-0748061/43

Craft was an SDS Inspector and then Chief Inspector at this time and therefore would have been aware of HN300's confinement and addiction⁷⁵³. The Chair may consider that HN34 Geoffrey Craft's evidence to the Inquiry on this issue was not credible.⁷⁵⁴

- c. HN155 'Phil Cooper' developed a drink and drug addiction when undercover and admitted in his psychological screening in 2020, that he was a "*heavy drinker during UC deployment years with occasional drug taking as 'part of the scene'*".⁷⁵⁵ HN155's high expenses bill was an open joke with the MPS and was even mentioned when MPS Commissioner Robert Mark attended the SDS safe house.⁷⁵⁶ HN155 'Phil Cooper' was a problematic officer. On 29 June 1982, it is recorded by the Security Service that the managers HN68 "Sean Lynch" and manager Dave Short reported that there were serious doubts about the performance of HN155 'Phil Cooper', that his "*days were numbered*" due to other "*misdeemeanours*" and that he was soon to be withdrawn.⁷⁵⁷ Additionally in this note, reference is made to HN106 'Barry Tompkins' who is said to have "*bedded [blank]*" and "*warned off by his bosses*".⁷⁵⁸ Despite obvious knowledge of clear misconduct, HN155 'Phil Cooper' remained in post. The Inquiry can see that HN155 was openly discussed within the SDS as a UCO who left to avoid disciplinary or criminal proceedings, something that appeared to be a well recognised tactic in the SDS.⁷⁵⁹

353. UCOs were provided with cars and, at times, drove while under the influence of alcohol. SDS managers were aware and provided assistance when things went wrong:

- a. HN339 'Stewart Goodman' describes drink-driving, crashing his unmarked police car and attending court with a manager and in his cover identity: "*even though I was definitely intoxicated... I believe that the uniformed officers would*

⁷⁵³ Inquiry Timeline at DOC070/1

⁷⁵⁴ When asked in T1P3 whether HN300 'Jim Pickford' had a suitable temperament for undercover policing HN34 Geoffrey Craft told the Inquiry "*Well, let's say I -- I didn't know of any reason why he should not have been*" (Transcript T1P3, Day 8, pp. 15,16)

⁷⁵⁵ UCPI0000034361/1

⁷⁵⁶ See section on MPS governance

⁷⁵⁷ UCPI0000027446

⁷⁵⁸ UCPI0000027446/1

⁷⁵⁹ MPS-0726956/50

have called Phil Saunders.... I was charged with driving without due care and attention and I attended court with Phil Saunders and pleaded guilty... it is more likely that I appeared in my cover name".⁷⁶⁰

- b. HN126 'Paul Gray' admitted to driving people home when undercover after drinking in the pub⁷⁶¹
- c. HN218 Barry Moss utilised police forensic resources and covert surveillance against the wife of HN126 'Paul Gray' when she complained about HN126 having an affair in police accommodation.⁷⁶² The Chair may consider it telling that managers and the MPSB senior hierarchy thought it appropriate and lawful to use police resources to cover-up potential UCO misdeeds, rather than consider the substance of the allegations that were made, namely serious police misconduct.

354. The Chair is also reminded of the closing submissions made on behalf of Category F in relation to the potential criminal offences engaged in by both former UCOs and their managers when using and relying on false documents in T1.

Positions of responsibility

355. **The NPSCPs submit that MPS and SDS managers knew and encouraged the development of tradecraft involving UCOs taking positions of responsibility in targeted groups and disrupting the exercising of rights, including sowing discord.**

356. The evidence before this Inquiry overwhelmingly demonstrates that, in order to maximise intelligence gathering and enhance cover, managers were complicit in overseeing the development of a tradecraft practice that involved UCOs placing themselves into positions of responsibility in groups. This practice developed very early in the history of the SDS, with for example, HN348 'Sandra' becoming treasurer of the Women's Liberation Front.⁷⁶³ It quickly became widespread during

⁷⁶⁰ MPS-0736910/19-20, §§67-68

⁷⁶¹ Transcript T1P2 Day 15, pp.76-77

⁷⁶² MPS-0747797/15, §23(I); MPS-0726912/7

⁷⁶³ UCPI0000010905

T1⁷⁶⁴ and was seemingly motivated by the demands of the Security Service for private data.⁷⁶⁵

357. This tradecraft evolved with the agreement and often at the instigation of managers. There is no evidence to suggest that the practice was accompanied by any managerial assessment of risk in relation to an officer acting as an *Agent Provocateur* or sowing discord. From the early days of the SDS, managers authorised and instructed UCOs to gain positions of responsibility.

358. By way of an example, a memorandum dated 7 February 1972, from SDS manager HN332 to Special Branch's Commander Operations records that HN45 'Dave Robertson' had been invited to run Banner Books, a Maoist bookshop.⁷⁶⁶ HN332 wished HN45 to assume this responsibility but only temporarily and gives four reasons: (a) to enhance HN45's legend; (b) to understand how the bookshop operated; (c) to obtain access to the bookshop's records and mailing list; and (d) to obtain a plan of and keys to the building.

359. It is clear that the managers knew this was wrong. *The guidance set out by Conrad Dixon* in his 1968 paper '*Penetration of Extremist Groups*' states "*members of the squad should be told in no uncertain terms that they must not take office in a group, chair meetings, draft leaflets, speak in public or initiate activity*".⁷⁶⁷

⁷⁶⁴ HN135 Mike Ferguson inner circle of ICRSC (Islington Branch), HN326 'Douglas Edwards' (treasurer Tower Hamlets branch of ILP), HN339 'Stewart Goodman' treasurer of Lambeth branch of IS, HN348 'Sandra' treasurer of women's liberation front, HN298 'Michael Scott' became the Membership Secretary of the Putney Branch of the Young Liberals, HN353 'Gary Roberts' became the Vice President of a student union (which was not his target) HN106 'Barry Tompkins' formed a new group with 2 others, HN297 'Richard Gibson' Troops Out Movement, London and National Organiser, HN296 'Geoff Wallace' IS branch treasurer and SW organiser, Flame organiser, on committee for logistical arrangement for ANL carnival, HN354 'Vince Miller' treasurer. HN356 'Bill Biggs' Paper Sales organiser and Treasurer of the Plumstead branch and, later, Treasurer of the Brixton branch, HN300 'Jim Pickford' is named as one of the three individuals responsible for running the new branch of Kingston Branch of the Anarchist Workers Association. During this time, HN300 'Jim Pickford' had access to the larger AWA structure, attending a National Conference and Delegate Conferences, HN45 'Dave Robertson' ran Banner Books, MPS-0730516, HN351 'Jeff Slater' had been appointed 'SW [Socialist Worker] Organiser' for the Tottenham branch of IS, HN96 'Michael James' was elected to a position on the Hackney District Committee of the SWP, HN80 'Colin Clark' and HN155 'Phil Cooper' treasurer of the Waltham Forest Anti-Nuclear Campaign, and then same in SWP's Right to Work Campaign, HN126 'Paul Gray' Socialist Worker organiser for the North West London District.

⁷⁶⁵ The Security Service informed the SDS that their "*ideal would be a permanent well-placed employee in... headquarters, not necessarily too high up in the organisation*", November 1973. UCPI0000030049 § 2.

⁷⁶⁶ MPS-0730516

⁷⁶⁷ MPS-0724119/6

360. Even Conrad Dixon ignored his own advice and own rules. Dixon, along with his fellow UCOs, not only voted in meetings but either he or HN329 'John Graham' also penned an article for "Red Camden".⁷⁶⁸

SDS UCO's use of deceased children's identities

361. **A practice emerged during the T1 era of widespread use of deceased children's identities in the creation of undercover identities for SDS officers. Senior officers were aware of the practice of reliance upon the identities of dead children. Those senior officers wilfully disregarded the constitutional, legal and ethical implications of this practice. The risk of causing significant distress to the bereaved families was an obvious one, to which the senior officer's attention was repeatedly drawn. The practice nevertheless persisted. The risk of causing such distress was ignored because it was not anticipated that any family member would find out about this secretive practice.**⁷⁶⁹

362. The NPSCPs endorse the opening and closing submissions that have been made on behalf of Category F.

Selection, training, management and care of UCOs

363. **The NPSCPs submit that:**

- a. there was no formal selection process for UCOs and most joined following informal recommendations.**⁷⁷⁰
- b. There was little or no guidance or training on any aspect of the undercover role, whether for managers or UCOs. SDS managers closely monitored SDS UCOs and were aware of their activities but they exercised limited day to day control and supervision. There was no formal documented system of inspections by senior police officers. Visits by the MPS Commissioners, Deputy and Assistant Commissioners were *ad hoc* and fell far short of formal inspections.**⁷⁷¹

⁷⁶⁸ UCPI0000007701/9, see also T1P1 transcript day 9 (12 November 2020), p. 30

⁷⁶⁹ Witness statement of HN244 Angus McIntosh, MPS-0747578/55, §157

⁷⁷⁰ Ibid, §34-36

⁷⁷¹ Witness statement of HN34 Geoffrey Craft §§22, 32, 48-49

Recruitment and vetting

364. Despite an understanding amongst managers of the risks of recruiting unmarried UCOs (less temptation to enter into inappropriate relationships with women),⁷⁷² single undercover officers were recruited and/or allowed to remain in post on becoming single and without adequate supervision⁷⁷³ and for long periods of time. UCOs were personally recruited at times without proper vetting. For example, HN300 'Jim Pickford' had a reputation for being a 'sexual predator'.⁷⁷⁴

365. The evidence of HN348 'Sandra' hints at the involvement of managers within C Squad playing a role in either recruiting or providing guidance to SDS UCOs. 'Sandra' " *He [Peter Imbert]⁷⁷⁵ said it was undercover, to collate and disseminate information about anti-social behaviour, I think. That was the essence of it, yeah'.....Peter Imbert certainly referred to the term agent provocateur This was explained as meaning not to be involved in any illegal activities.*"⁷⁷⁶

Training

366. All SDS managers confirmed there was no training or guidance for UCOs, and no formal written SDS procedures or policies during this period.⁷⁷⁷ The expectation was that the managers and officers would 'learn on the job',⁷⁷⁸ although some managers say they provided undercover officers with informal guidance, such as

⁷⁷² MPS-0726608/4 "the reason married men were favoured is because it was considered that there would be less temptation for them to enter into inappropriate relationships with women. The maximum that an officer was allowed to be a 'hairy' was two years, this was considered an absolute rule." HN357 Dave Bicknell

⁷⁷³ HN354 Vince Harvey became single about 12 months into his deployment (MPS-0747657/35, §165)

⁷⁷⁴ MPS-0748061/44

⁷⁷⁵ In 1971, Peter Imbert was an Inspector on the Irish desk (B Squad) in receipt of material (MPS-0728449, MPS-0728451), in 1973 in C squad aid to Ch Supt Watts (MPS-0737402 & MPS-0737401)

⁷⁷⁶ T1P1 (Day 13) 18.11.2020

⁷⁷⁷ HN3093 Roy Creamer (MPS-0747215/30); HN103 David Smith (MPS-0747443/18); HN2401 Anthony Greenslade (MPS-0747760/23); HN 3378 Derek Brice (MPS-0747802/32); HN34 Geoffrey Craft (MPS-0747446/59); HN368 Richard Walker (MPS-0747527/52); HN244 Angus McIntosh (MPS-0747578/73); HN308 Christopher Skey (MPS-0747952/50); HN307 Trevor Butler (MPS-0747658/42); HN218 Barry Moss ('Barry Morris') (MPS-0747797/59)

⁷⁷⁸ HN3093 Roy Creamer (MPS-0747215/12); HN103 David Smith (MPS-0747443/6); HN2401 Anthony Greenslade (MPS-0747760/6, §19-20); HN3378 Derek Brice (MPS-0747802/7,10); HN34 Geoffrey Craft (MPS-0747446/7, 11) and (MPS-0748041/5); HN368 Richard Walker (MPS-0747527/6); HN244 Angus McIntosh (MPS-0747578/8); HN308 Christopher Skey (MPS-0747952/5); HN350 Paul Croyden (MPS-0747192/5); HN307 Trevor Butler (MPS-0747658/7); HN218 Barry Moss ('Barry Morris') (MPS-0747797/8,12)

not to act as an *agent provocateur* and not to become involved in serious crime. There was no guidance or training on privacy concerns, intimate relationships or the welfare of those under surveillance.⁷⁷⁹ Tradecraft and guidance appears to have been passed between UCOs on an *ad hoc* basis and unsupervised manner through informal discussion,⁷⁸⁰ including in the back office⁷⁸¹ and from UCOs already '*in the field*'⁷⁸² or possibly a black loose leaf folder.⁷⁸³ Certain managers appeared to play a more dominant role in *ad hoc* training such as HN135 Mike Ferguson, which is of concern given his activity as an undercover officer. A lack of formalised training was arguably a deliberate strategy to allow the unit to evolve outside codified rules and a transparent system.

367. SDS managers and officers working in the back office did not receive guidance or training and there was no training on Human Rights and Discrimination law.⁷⁸⁴ This contrasts with the evidence submitted by the ACPO to the HASC in 1985, namely that MPSB officers attended specialist training courses run by the MPS and that, "*Officers will also have had training on human rights and the liberty of the individual, including the freedom to protest and demonstrate peacefully.*"⁷⁸⁵

Adequacy of statutory, policy or judicial regulation

368. **There was no statutory regulation of undercover policing and the type of surveillance and violations of rights arising from SDS surveillance - including the right to private and family life. Further, the SDS was consciously insulated and protected from any form of independent oversight and regulation, including by Parliament and the judicial system or any other external regulatory body, including HMCIC.⁷⁸⁶ An opportunity for judicial scrutiny by a Public Inquiry of the SDS was missed in T1.⁷⁸⁷**

⁷⁷⁹ Vince Harvey ('Vince Miller') HN354 Transcript T1P2 Day 14, pp.14-15

⁷⁸⁰ HN200 'Roger Harris' MPS-0740968/5, §17

⁷⁸¹ HN106 'Barry Tompkins' (MPS-0745735/4, §11); HN126 (MPS-0740761/7, §22); HN155 'Phil Cooper' (MPS-0747546/5); HN301 'Bob Stubbs' (MPS-0742600/4), §12; HN351 'Jeff Slater' (MPS-0740332/4, §10); HN354 'Vince Miller' (MPS-0744903/5, §18)

⁷⁸² HN96 'Michael James', (MPS-0745772/5), §§23-29

⁷⁸³ HN21, MPS-0748062/2; HN109, MPS-0748064/2

⁷⁸⁴ See, for example, oral evidence of HN218 Barry Moss, (Transcript T1P3 Day 5, p.35)

⁷⁸⁵ UCPI0000035160/9-10, §21; UCPI0000035160/26-28

⁷⁸⁶ WS of HN308 Christopher Skey, MPS-0747528/52, §118

⁷⁸⁷ The Chair is invited to consider this in his findings on the adequacy of judicial scrutiny

Statutory regulation

369. The NPSCPs endorse CTI's comments in the Submissions on Section 2 IA 2005 as regards statutory framework: "*Whether the statutory framework in the Tranche 1 era was adequate does fall within the terms of reference. The statutory framework for undercover policing in the Tranche 1 era was non-extant and, in the absence of alternative satisfactory arrangements to meet the requirements of the Convention, in relation to undercover policing, we submit, plainly inadequate.*"⁷⁸⁸

370. As is evidenced from the judgment of Sir Robert Megarry below, the government was on notice in T1 that there was an inadequate legal framework to ensure protection from arbitrary interferences with the right to private and family life arising from undercover policing. This was not addressed until October 2000 with the coming into force of the Regulation of Investigatory Powers Act 2000 which, as the Inquiry knows, made little difference to the activities of the SDS/ NPOIU.

371. In the context of phone surveillance Sir Robert Megarry, in his judgement in *Malone v. Commissioner of Police of the Metropolis* [1979] Ch 344, gave a strong indication that the lack of statutory regulation in the UK was inadequate and that protection was needed. The ECtHR confirmed the position in 1984.⁷⁸⁹ Sir Robert Megarry noted that, when compared to the regulation and statutory protection in West German law, "*it was not possible to feel any pride in English law*" in this regard. He further added that, "*I would have thought that in any civilised system of law the claims of liberty and justice would require that telephone users should have effective and independent safeguards against possible abuses.... If there were effective and independent safeguards, these would not only exclude some cases of excessive zeal but also, by their mere existence, provide some degree of reassurance.*" Of course, the activities of the SDS included and went way beyond telephone surveillance.

372. When the government introduced to the House of Commons the Interception of Communications Bill (which became an Act in 1985) the then Home Secretary, Leon

⁷⁸⁸ CTI O/St, T1 M2b and 2c, §41

⁷⁸⁹ *Malone v United Kingdom* [1984] ECHR10; *Weber v Germany* (2008) 46 EHRR SE5 at §95; *Big Brother Watch v. United Kingdom* (58170/13) 13 Sept 2018, §303-320

Brittan, was well aware of the public and Parliamentary concern around Special Branch covert surveillance. He was also aware that the above High Court judgment of *Malone* made clear that certain unregulated covert surveillance was likely to be incompatible with the ECHR and constituted a gap in legal protection. He made reference to the *Malone* judgment in the Parliamentary debate introducing the Bill.⁷⁹⁰ The Home Secretary reassured the House of Commons that legislation was not needed for other forms of surveillance as the guidance [ie. Special Branch ToR] had been tightened up and that, *“With regard to CND, the hon. Gentleman was present in the House when on another occasion I said that there was no question of special branch interception or interest in any organisation which campaigns in a legitimate way for legitimate political objectives however contrary they may be to the interests and policies of the Government”*.⁷⁹¹

373. In terms of external oversight of the SDS, Home Office communications to Sir Brian Cubbon, then Permanent Under-Secretary of State at the Home Office, noted that, *“HMCIC proposed that there should be a systematic, planned inspection of all headquarters, Special Branch units and selected port units. However, on further consideration it was thought that some chief officers might resist such an approach”*.⁷⁹² It now seems that there was never any external oversight of the SDS or MPSB during this era and beyond. It would appear that this was a decision known about and sanctioned at the highest political level within the Home Office, by Sir Brian Cubbon. The Inquiry is here presented with clear evidence that certain members of the Home Office and other state organisations were complicit in covering up, and insulating from external scrutiny, the unlawful activities of the MPSB, as typified by the SDS. As set out in the section of these submissions dealing with subversion, HMCIC often went further than the police themselves in seeking to prevent public scrutiny by initially resisting publication of the revised Special Branch ToR.

⁷⁹⁰ HC Deb, “Interception of Communications”, 7 February 1985, Volume 72, Column 1119, at <https://hansard.parliament.uk/Commons/1985-02-07/debates/ee79c72e-532d-4fad-a42a-6335b5ce19ee/InterceptionOfCommunications>

⁷⁹¹ Ibid

⁷⁹² UCPI0000004715/3

Judicial regulation

374. Provided with these submissions at Annex B are documents located in the National Archives by the Undercover Research Group (URG) relevant to the issue of whether Lord Scarman knew about the SDS prior to or during the Public Inquiry hearings into the public disorder at Red Lion Square in 1974 (which resulted in the death Kevin Gately).

375. The document appears to show that prior to or during the Public Inquiry, Lord Scarman was told about the methods used by the SDS in a note and then a private discussion and was asked not to reveal these methods in the Inquiry. The note is set out in full at Annex B. Lord Scarman details the evidence he has considered. There is also no suggestion of any closed session or closed material being given to the Inquiry.⁷⁹³

376. The SDS was targeting and reporting on groups present on 15 June 1974 prior to and during the protest in Red Lion Square. SDS UCOs provided advance intelligence and “*gave forewarning of both the size of the demonstration and the possible disorder which might occur.*”⁷⁹⁴ HN34 Geoffrey Craft told this Inquiry that he thought SDS intelligence made a difference to the police response.⁷⁹⁵ At least two SDS officers were present on the day and witnessed what happened. It is clear that one of those UCOs was assaulted by a police officer in uniform.⁷⁹⁶ The presence of the SDS UCOs and the nature of its undercover operations fell squarely within Lord Scarman's Terms of Reference; “*to review the events and actions which led to disorder in Red Lion Square on 15 June and to consider whether any lessons may be learned for the better maintenance of public order when demonstrations take place.*”⁷⁹⁷

377. Lord Scarman had a role to play in bringing judicial oversight to MPSB undercover policing and public disorder. He was tasked not only with gathering

⁷⁹³ Red Lion Square Disorders of June 15, 1974: Report of Inquiry by the Rt. Hon. Lord Justice Scarman, DOC088, p.58

⁷⁹⁴ MPS-0730906

⁷⁹⁵ Transcript T1P3 Day 8, p.95

⁷⁹⁶ HN301 ‘Bob Stubbs’, MPS-0742600, §84

⁷⁹⁷ DCO088/7

eye witness accounts but also to understand whether “*lessons may be learnt*” in managing public order in the future. This was the apparent justification for the existence of the SDS. Surely, if the unit was not doing what it was tasked to do, Lord Scarman needed to know. Had Lord Scarman investigated the SDS, the SDS may have been exposed. There is every possibility that the SDS would have been disbanded. Covering up the existence of the SDS would have been much more difficult following judicial scrutiny in a public inquiry. It is therefore important that the Chair establishes, so far as possible, what happened and, given the findings of Mark Ellison KC in relation to the Stephen Lawrence Inquiry,⁷⁹⁸ considers whether the nature and existence of the SDS was hidden from Lord Scarman or whether Lord Scarman was briefed about the SDS and/or its methods and did not investigate further. Questions must be asked about the extent to which the SDS was protected from public scrutiny in yet another public inquiry and who was complicit in this.

378. The NPSCPs understand that the Inquiry has conducted some inquiries into whether Lord Scarman knew about the SDS but that this was limited to seeking evidence on this issue from Anthony Speed.⁷⁹⁹ The NPSCPs ask the Inquiry to go much further and request all relevant evidence on this issue. The Inquiry is also requested to call evidence in T2 from Anthony Speed, in light of his role and comment that he would be surprised if Lord Scarman had not been told about the SDS.⁸⁰⁰

Role and the contribution made by undercover policing towards the prevention and detection of crime

379. The SDS was not designed to be a unit that prevented and detected crime. The SDS did not prevent and detect crime. The SDS engaged in unlawful undercover policing surveillance and broke the criminal law and engaged in police misconduct with impunity.

⁷⁹⁸ The Stephen Lawrence Independent Review, pp.34,43, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287030/stephen-lawrence-review-summary.pdf

⁷⁹⁹ CTI O/S T1 Modules 2b/c, p.3 (fn 1)

⁸⁰⁰ MPS-0748205/37, §79

380. The question of what role, if any, SDS activities contributed to the prevention of crime and/or the maintenance of public disorder must be answered in the context of the unlawful and anti-democratic nature of SDS. Assuming an individual deployment did prevent or detect crime, then this would still not provide lawful justification for the SDS. Those targeted and spied upon by the SDS were not involved in serious organised crime, terrorism, trafficking, child abuse, smuggling weapons or indeed any other serious crime of the type referred to by the MPS, National Police Chiefs' Council, National Crime Agency and MPS Designated Lawyer Officers as justifying undercover policing.

381. In any event, the SDS was not a unit that was designed to prevent or detect crime and, as noted by CTI in their T1 O/S:

*"We have not recovered intelligence to corroborate the claim that more information in relation to breaches of the law, or evidence of the same, was being obtained. However, the evidence that we have obtained, and which will be adduced during Phase 1, does demonstrate that the SDS was gathering and recording a great deal of information on individuals and on groups which was then filed on a long-term basis."*⁸⁰¹

382. The primary objective of the SDS was not genuine law enforcement. SDS UCOs who infiltrated political groups were operationally different from more traditional undercover officers, who infiltrated criminal gangs. SDS UCOs gathered inside information about the political groups they were spying on, and the information was fed back to their handlers and then to the Security Service. They were neither tasked to gather evidence for use at trial nor called as prosecution witnesses in court. Deployments were not limited and any scrutiny that might have been afforded by the judicial process was absent.

383. The SDS managers insisted that the SDS benefitted and improved the MPSB's public order policing and contributed to demonstration assessments before the major public order demonstrations. However, this is not borne out by the evidence. The significant public order events of the T1 era namely, October 1968, Red Lion

⁸⁰¹ At §83

Square, Southall, and Lewisham, were not preempted or policed successfully because of the work conducted by the SDS. The demonstration at Southall was undoubtedly a catastrophic failure of MPSB policing, which resulted in the death of the teacher, Blair Peach. The same can be said of Red Lion Square.

384. Further investigation by CTI in relation to the public disorder at Southall led to the discovery of a MPSB report dated 23 April 1979 (the date of the demonstration) which contains an account of events on the day. There is no reference to the SDS, express or implied, in that report.⁸⁰² SDS reporting from this period principally concerns the picketing of police stations, on 23 April 1980.⁸⁰³ As CTI notes, the SDS reports published by the Inquiry include leaflets advertising the 27 April 1980 demonstration but it does not cover the demonstration itself. This is an important example of a key period in which significant public demonstrations were taking place, where the focus of the SDS was on the interests of police rather than law and order or crime issues.

385. HN41,⁸⁰⁴ who gave evidence in the secret hearings in T1P4, spoke of “*disastrous mistakes*” in the public order planning for Southall and that, “*there was a perception that the public order branch weren’t perhaps as receptive to some of our ideas as we thought they might have been. That was the impression I got from the management because the Met, with [redact] and then with Southall, had had sort of significant problems that perhaps they needn’t have had*”.⁸⁰⁵ It would appear that the MPS did not in fact consider that SDS intelligence had much role to play in managing public order.

386. It is suggested that SDS intelligence reports were read within MPSB and the Security Service and digested into “*threat assessments*” for consumption by A8.⁸⁰⁶ The role of A8 was to monitor events throughout London and plan the operational response.⁸⁰⁷ HN3093, Roy Creamer, explained how he would draft two-page reports for A8 to help determine how many officers should be brought to certain

⁸⁰² MPS-0748296

⁸⁰³ UCPI0000013888; UCPI0000013891; UCPI0000020094; MPS-0733406

⁸⁰⁴ Real and cover names restricted

⁸⁰⁵ MPS-0748063/6

⁸⁰⁶ DL O/S, T1P3, §2.4(2)

⁸⁰⁷ Anthony Speed’s witness statement, MPS-0748205, §28

events, however, he says that describing such reports as “intelligence” is “a bit of a misnomer” as “A8 were not without sources; they would interview the organisers of demonstrations and they had other ways of obtaining information such as how many buses were coming. They would look at newspapers and things of that nature. What they did not have was the political information that we had... I did not put truly sensitive information in my reports; they consisted of an amalgam of information, most of which was public knowledge if not widely known.”⁸⁰⁸

387. It is clear that units such as A8 had multiple sources, including perfectly legal means of obtaining the required information for the policing of large events. The evidence before the Inquiry does not show that the highly intrusive methods employed by the SDS were necessary for this purpose. In fact, HN3093 Roy Creamer notes that attendance figures provided by the SDS “would be what A8 had already been told by the organisers who turned up”.⁸⁰⁹ The focus of the SDS was on the politics of these groups; this information went far beyond that which was necessary for the policing of events.

388. The usefulness of the SDS to public order policing is best summed up by HN3093 Roy Creamer when he stated that: “With demonstrations it was a waste of time to look for deep seated plans [to cause violence/disruption]... It was difficult to assess all that really. When the Yard expected Special Branch to come up with specific information, it was asking for the moon and this could not be done. The SDS made an effort and did find out a lot of information. However, the idea that the SDS would find out and reveal plans was wishful thinking, I think.”⁸¹⁰

⁸⁰⁸ MPS-0747215/16-17, §39

⁸⁰⁹ MPS-0747215/19, §44

⁸¹⁰ MPS-0747215/7, §14

IV. CONCLUDING COMMENTS

389. As T1 draws to an end, there is an opportunity to take stock and consider what changes ought to be made to the procedures and practices in this Inquiry to ensure that there is robust public scrutiny of undercover policing in T2 and beyond.

390. The NPSCPs remind the Inquiry of their core requests. The Inquiry should:

- a. enable non-state core participants to participate meaningfully and effectively, by giving them disclosure of their personal files;
- b. publish the full list of groups spied and reported on;
- c. publish photographs, as well as the cover names, of undercover officers, so that members of the public can know if they were affected;
- d. expand the panel to include a diversity of expertise, perspectives and experience not just for Module 3, but for T2 and beyond;
- e. review all restriction orders and release the real and cover names of all SDS UCOs and managers.

391. The NPSCPs ask for openness and dialogue with the Inquiry Legal Team to continue so that the NPSCPs are placed at the heart of this Inquiry.

392. The NPSCPs remain concerned that the first set of closed hearings took place in T1 (T1P4) with NPSCPs unable to play any meaningful role. Despite requests both in previous hearings, submissions and correspondence, the Inquiry has indicated that no formal protocol for closed hearings will be published.⁸¹¹ As a consequence, there was no opportunity afforded to the NPSCPs to ask the Inquiry to pursue legitimate further questions arising from the evidence given in closed session in T1P4.

⁸¹¹ At https://www.ucpi.org.uk/wp-content/uploads/2021/01/20210122-Submission_Kellys.pdf; https://www.ucpi.org.uk/wp-content/uploads/2021/02/20210202_Further-Submissions_Kelly-Solicitors.pdf; https://www.ucpi.org.uk/wp-content/uploads/2021/01/20210113_Submission_NSCP_Saunders-Solicitors_Rajiv-Menon-QC.pdf; https://www.ucpi.org.uk/wp-content/uploads/2021/01/20210121-Submission-NSCP-Deighton_Pierce_Glynn.pdf; https://www.ucpi.org.uk/wp-content/uploads/2021/02/20210102_Further-Submissions-Deighton-Pierce-Glynn.pdf. Transcript of hearing at <https://www.ucpi.org.uk/hearing/ucpi-directions-hearing-t1-p2/#publications>

393. The NPSCPs recently learnt from the Inquiry’s website that HN337’s deployment is being considered in T1 “*on paper only and in closed*”.⁸¹² HN337 is an important witness in later tranches (as an SDS manager and with responsibility for HN81 ‘Dave Hagan’ and HN10 Bob Lambert).⁸¹³ The NPSCPs have not been afforded the opportunity of making submissions on the admission of HN337’s material relevant to T1. It is unclear if HN337 will feature in later tranches.

394. The NPSCPs are extremely concerned that this Inquiry will increasingly rely on closed proceedings. Such a development would be unprecedented in a Public Inquiry such as this and it would fundamentally limit the ability of NPSCPs (and the public) to participate and to learn the truth about why they were spied upon by the SDS. With the passage of time, the NPSCPs once again query whether closed hearings and sessions are really necessary and, if they are, they should be an absolute last resort in this Inquiry. In addition, the NPSCPs reiterate the need for a formal protocol so that the procedures are clear and transparent.

395. In relation to designation of Core Participant status, it is of grave concern that the Inquiry has failed to allow a voice to protagonists in events in T1 and T2. For example, the Inquiry has refused core participant status to: Christabel Gurney OBE of the national Anti-Apartheid Movement;⁸¹⁴ key members of the Workers’ Revolutionary Party including BAFTA winner Roy Battersby who was blacklisted at the BBC and his then partner, Elizabeth Leicester;⁸¹⁵ John Lockwood,⁸¹⁶ a key organiser of the ALCARAF in the Lewisham anti-fascist demonstrations; and the original application for Bruce Kent (now deceased) was deferred⁸¹⁷ (General

⁸¹² See <https://www.ucpi.org.uk/about-the-inquiry/#timetable>

⁸¹³ At [20180319-anonymity-submissions-Francis-1.pdf \(ucpi.org.uk\)](#), §30; see NPSCPs’ submissions at [\(20180319-anonymity-submissions-NPNSCPs-1.pdf \(ucpi.org.uk\)\)](#)

⁸¹⁴ Core participants Ruling 35, 9 June 2020, at https://www.ucpi.org.uk/wp-content/uploads/2020/06/20200609-ruling-CP_35.pdf

⁸¹⁵ Core participants Ruling 44, 18 November 2021, at https://www.ucpi.org.uk/wp-content/uploads/2021/11/20211118-ruling-CP_44-RLR_36.pdf

⁸¹⁶ *Ibid*

⁸¹⁷ Bruce Kent applied for core participant status in 2016. His original application was ‘deferred’. The Campaign for Nuclear Disarmament was designated as a core participant on 20 July 2021. Bruce Kent died in 2022, within a year of the ruling. See Core participants Ruling 41 at https://www.ucpi.org.uk/wp-content/uploads/2021/07/20210720-ruling-CP_41.pdf

Secretary and Chair of the Campaign for Nuclear Disarmament in the 1980s). On behalf of those refused core participant status, the NPSCPs are concerned that this pattern has continued and will continue into later tranches.

396. The NPSCPs remind the Inquiry of the of the need to:

- a. keep applications for core participant status under review and actively ensure that potential core participants are identified, approached and invited, with full disclosure to engage with the Inquiry;
- b. liaise with RLRs and applicants to ensure there is early disclosure of material to CPs (so that there is adequate time to prepare for hearings);
- c. continue to liaise over the Rule 10 process;
- d. ensure as much of the oral evidence as possible is live streamed in all future hearings;
- e. ensure that the NPSCPs are given detailed reasons as to why some witnesses are not being called to give oral evidence with an opportunity afforded to make representations.⁸¹⁸

397. There is a further significant issue that has not been covered in any set of previous submissions and so will be touched upon briefly. It is a critical concern to NPSCPs that a decision has been made not to have a further hearing in T1 to cover the evidence adduced in respect of T1 Modules 2b and 2c and to deal with the further evidence of HN126 'Paul Gray'. These modules cover vitally important evidence going to state of awareness of the UK government and the direction and control exercised over the SDS by the Home Office, Cabinet Office and senior civil servants and police officers. As a consequence, the evidence of a number of key witnesses⁸¹⁹ will never be explored or tested in court. A number of these witnesses deny knowing about the SDS, when the evidence may suggest otherwise and there are significant conflicts of fact (principally between Neil

⁸¹⁸ Following representations on behalf of the NPSCPs the Chair decided to hear oral evidence from HN3093 Roy Creamer. HN3093 Roy Creamer gave extremely important evidence beyond that contained in his witness statement

⁸¹⁹ Tony Speed, John Cracknell, Sir Charles Pollard, Michael Hugh Rumble, Frederick John Warne, Sir Gerald Hayden Phillips, Neil Hardie (civilian witness UCPI0000035163)

Hardie and HN126 'Paul Gray').⁸²⁰ It is not clear how the Chair will resolve such matters in the absence of oral evidence.

398. In relation to HN126 'Paul Gray', in his first witness statement, he asserts that "*None of the people I reported on were or were likely to be elected politicians at the time I reported on them*".⁸²¹ Neil Hardie states in his witness statement that HN126 may have reported on elected politicians, including Ken Livingstone.⁸²² In response HN126 made a further witness statement and claims that he does remember Ken Livingstone "*at socials*", and that, "*I do not know whether he had any elected position at that date*" and "*I do not recall reporting on Ken Livingstone*".⁸²³ The true nature of the dealings HN126 'Paul Gray' had with Ken Livingstone ought to be tested in oral evidence, given the change in his evidence and failure to mention Ken Livingstone at all in his first very detailed statement. This evidence is important as further questioning in an oral hearing may throw light, not just on the credibility of the witnesses, but on the actual role of the SDS in surveilling the left. HN126 'Paul Gray' was deployed from 1977 to 1982. Ken Livingstone became leader of the Greater London Council in 1981. On taking power, Ken Livingstone became a nationally renowned public figure. He was very frequently in the media. He was left-wing. He was savaged by the media as a subversive, and was dubbed "*Red Ken*". He was the type of activist that undercover officers were deployed to surveil. It is therefore extraordinary that an UCO seeing him at a social event would forget to put this in his witness statement and would not have taken note at the time. That Ken Livingstone was of interest to the MPS/ MPSB is now clearly established given the disclosure of The Police Accountability Report, which evidences the MPSB surveillance of the GLC and an obsession with related police accountability groups and campaigns.

399. The disclosure of the Police Accountability Report confirms what Ken Livingstone has long suspected, that his political activity within the GLC came under the scrutiny of MPSB or MI5. However, it raises more questions than it

⁸²⁰ HN126 'Paul Gray' was given special measures and his visual identity was restricted and was only visible to a small team of the NPSCPs/RLRs

⁸²¹ MPS-0740761/73, §271

⁸²² UCPI0000035163/6, §45

⁸²³ MPS-0748266/11, §20

answers; what or who were the 'secret sources'⁸²⁴ of information for this Report? How was information obtained in relation to Ken Livingstone? What other documents exist that have yet to be disclosed? Only when the Inquiry identifies and discloses who was targeting Mr. Livingstone, can the Inquiry and Mr. Livingstone be satisfied that he was not targeted by the SDS.

400. The Inquiry must take every opportunity to understand precisely how the SDS and its reporting fed into the MPSB attempts to target and unlawfully monitor those seeking police accountability, including elected officials.

401. Sir Charles Pollard was in A8 from 20 November 1978 until he joined Sussex Police in September 1980 (where he held a more senior position but doing a similar job to his role in A8), and before he became Chief Constable of Thames Valley Police. Sir Charles Pollard states that he did not know of the SDS until he made his witness statement for this Inquiry. He maintains this position even though he is interviewed and appeared in each of the episodes of 'True Spies'.⁸²⁵ It is simply not credible that this witness did not watch 'True Spies' or discuss the programme with his colleagues and that he was not aware of the SDS. This is significant as Sir Charles Pollard was Chief Constable at Thames Valley Police from 1991, until he retired in 2002. During this period, undercover officers were deployed into campaigns not limited to the Newbury bypass and Hillgrove Cattery,⁸²⁶ both of which feature in the 'True Spies' program. Further, by reason of his position, Sir Charles Pollard also had a key role in ACPO. It is unclear if he had any role in any committees and whether or not he was involved in any committees at around the time the NPOIU was founded. These are significant matters that ought to be explored in oral evidence in T2.

402. Sir Gerald Hayden Phillips is a now retired senior civil servant, who continues to work part-time outside of the civil service. He is an extremely important witness for this Inquiry as he is a government official who was aware of the SDS and signed off their expenditure. In spite of a wealth of documents and material

⁸²⁴ UCPI00000035096

⁸²⁵ MPS-0748347

⁸²⁶ UCO HN26 'Christine Green' was deployed at Hillgrove

disclosed in this phase, in which significant concerns are raised, in particular about the relationship between the Security Service and the SDS, the NPSCPs and wider public will not hear from this pivotal witness. He nevertheless states that his knowledge of the SDS is limited solely to signing off expenditure. There are issues that ought to be explored with this witness in oral evidence, as set out in these submissions under the section dealing with 'subversion'. In brief core topics include, for example:

- a. why did this witness not investigate and disband the SDS?;
- b. what steps were taken to prevent unlawful SDS surveillance?; and
- c. what concerns, if any, were raised about the Security Service' extensive monitoring and reporting on campaign groups and political movements set up and run by black ethnic minority communities and whether any thought was given to whether the SDS were engaged in similar targeting?;⁸²⁷
- d. why did this witness not disclose his work between 1982-83 in the Public Order Liaison Group⁸²⁸ which led to training for public order police?⁸²⁹ This obvious intrusion into operational matters for public order policing is a matter that should be able to be put to this witness not least to assess the credibility of the statement he makes about the level of involvement of the Home Office with MPSB.

Kirsten Heaven, Garden Court Chambers

Lily Lewis, Garden Court North Chambers

The co-operating group of NPSCPs' and their RLRs who have expressed a view

10 February 2023

⁸²⁷ UCPI0000035299/1

⁸²⁸ "Charged – How the Police Try to Suppress Protest", Matt Foot & Morag Livingstone, 2022, Verso, see Introduction pp.1-9; The National Archive HO 325/523

⁸²⁹ The National Archive HO 325/902

ANNEX A

SUGGESTED FINDINGS ON BEHALF OF NPSCPs

In light of the evidence before the Inquiry and the submissions made on behalf of the NPSCPs in opening and closing, the Chair is invited to make the following findings.

Motivation

- 1) The Special Demonstration Squad ('SDS') was established so that the state could monitor and record the exercise of fundamental human and democratic rights, including freedoms of expression and political thought, freedom of assembly, and political associations of members of the public.
- 2) The individuals and groups targeted by the SDS were largely on the political left wing and/or perceived to be on the political left wing. They were targeted because of their beliefs and activities, as opposed to any real subversive threat and/or participation in serious crime.
- 3) The SDS was not a rogue unit. It was a political policing unit that came under the umbrella of the wider secret state.
- 4) SDS activities were motivated by political and economic objectives, rather than any lawfully justifiable legitimate policing purpose.

Scope

- 5) SDS undercover policing operations targeted and had an impact on members of the public across England and Wales.
- 6) Police spies from the SDS used false and stolen identities to invade private homes, violate the intimacy of private family and personal lives and to inveigle

their way into the personal and private dealings of individuals, groups and communities.

- 7) In T1, there is evidence that the SDS intentionally targeted:
- a. Women, by engaging in close intimate and sexual relationships when undercover.
 - b. Political organisations and politicians;
 - c. Trade unions and trade union members;
 - d. Justice and defence campaigns, including campaigns focussed on police accountability;
 - e. Lawyers;
 - f. Children;
 - g. Political activists;
 - h. Social and environmental activists;

Effect

- 8) As a direct and indirect result of SDS undercover operations, the state interfered with and disrupted the exercise of fundamental human and democratic rights by members of the public.
- 9) These fundamental human and democratic rights and the impact on those rights of SDS undercover policing were rarely, if ever, considered by politicians and senior civil servants in government, including the Home Office and Cabinet Office, by the Security Service, senior police officers in the Metropolitan Police Service and SDS managers.
- 10) The SDS gathered vast quantities of data, including highly confidential information about people's private lives and relationships, including medical and financial information, and information relating to membership of and support for political organisations and groups. This data was stored in police files and shared with the Security Service, employers and other shadowy "customers"; government agencies and private entities. There was no consideration as to whether this information was relevant to SDS operations

or the right to privacy. It was plainly not.

11) SDS state sponsored espionage had a devastating and lasting impact on society, individual members of the public and their communities and the families of UCOs:

- a. Lives and livelihoods were destroyed;
- b. The identities of dead children were stolen, leading to deep trauma for bereaved families;
- c. Members of the public were assaulted and betrayed into false intimate personal relationships, including being deceived into having sexual intercourse with UCOs and intimate contact with UCOs, without giving informed consent;
- d. Bereaved individuals campaigning for justice and those defending their rights (often against police abuses) were deliberately targeted and had their campaigns and right to legal advice violated;
- e. Courts were misled and the justice system was undermined;
- f. Groups and individuals exercising their democratic rights were interfered with and disrupted.

12) The MPS, through the SDS, established policing practices and tradecraft that were criminal, unlawful and abhorrent. These practices went unchallenged for at least 40 years.

13) Democracy, policing legitimacy, and public trust have been undermined by the SDS and the continued attempts by the MPS and certain branches of the state to conceal the true nature and extent of SDS operations and SDS tradecraft.

State of awareness

14) In T1, a series of Home Secretaries and senior civil servants knew about the SDS. It is inconceivable that in T1, Prime Ministers did not know about the SDS.

15) The unlawful, unjustifiable and illegitimate SDS undercover operations were knowingly hidden from the public and Parliament by senior politicians, civil servants, police officers and MPS Commissioners.

Justification

16) There was insufficient justification for the establishment of the SDS and for SDS undercover policing operations between 1969 - 1982.

17) Senior ministers and civil servants in the Home Office knew that the MPS, through the SDS, was engaged in police surveillance work that was deeply problematic and not legally justifiable.

18) Despite this, senior ministers and civil servants in the Home Office and senior police officers did not consider the lawfulness of SDS operations, the legal rights of activists subject to surveillance, or the effect and consequences of the type of secret policing and tradecraft that was conducted by the SDS. The MPS and SDS managers also gave these issues scant, if any, consideration.

Targeting and authorisation

19) The actions of the SDS were not subject to any of the strict controls required by law for the kind of surveillance engaged in by the SDS.

20) Decision making and the authorisation of targeting was subject to inadequate managerial control both within the SDS and by the senior MPS police officers.

21) SDS managers did not review the necessity or proportionality of SDS operations and deployments, either before or during the deployment. Feedback was not sought;

22) SDS targeting was influenced by demands from outside of the SDS, including the Security Service, the wider MPSB, the MPS, and other government agencies.

23) Senior MPS and SDS managers knew about and authorised the targeting and infiltration of and gathering of intelligence about:

- a. **justice campaigns including defence campaigns and those campaigning for police accountability** in order to gain a litigation advantage, sow discord, shield the police from criticism and to disrupt the legitimate activity of such groups;
- b. **elected politicians and elected representatives, political organisations and political activists** in order to disrupt and gain intelligence on lawful political protest and industrial action and to undermine criticism of police actions and conduct;
- c. **trade unions and trade union members**. These actions were motivated by; the fears of successive governments in T1 of the political influence of trade unions, especially their potential to challenge government policy; and a desire to gain intelligence about trade union influence and tactics within firms, including legitimate trade disputes, and their tactics. SDS intelligence in this area was gathered to assist employers and government to defeat legitimate trade union activity aimed at improving wages, terms and conditions.

The policing establishment sought to shield the police from political criticism and hide the fact of police targeting of trade unions from Parliament.

It is inconceivable that senior MPS and SDS managers were not aware that the surveillance of lawful and legitimate trade union activity was unjustifiable, legally, politically and morally.

No consideration was given to the lawfulness and the effect of SDS intelligence being used for wide scale vetting and for blacklisting purposes.

Vetting and blacklisting in reliance on SDS intelligence did occur in T1.

It is unsurprising that one of the key uses to which industrial intelligence was put was the blacklisting and vetting of individuals with political views or a trade union record that did not accord with the MPS anti-left, anti-union stance.

- d. **social and environmental activist groups**, in order to disrupt and undermine the activity of such groups.

- 24) Senior MPS officers and SDS managers gave no consideration to the possible impact of gathering intelligence in this way.
- 25) Senior MPS officers and SDS management of targeting and tasking of the SDS (and SDS reporting) was influenced by systems, structures and attitudes that were consciously and subconsciously racist.
- 26) Far right groups were not directly targeted by the SDS in T1, despite an awareness that they threatened, participated in and instigated acts of racist violence and public disorder. This evidence shows that the SDS was a political unit designed only to target the left in T1.
- 27) There is a huge volume of reporting by the SDS across the T1 era containing sexist, misogynistic, homophobic, anti-semitic and racist language which went unchallenged by SDS managers. Such views appear to have mirrored the wider attitudes within the MPS.

Operational governance and oversight

- 28) There was no adequate system of operational governance and oversight of the SDS at any level, including operational governance of the SDS by the Home Office, the MPS and by SDS managers. This was because the SDS was deliberately designed to be a policing unit that operated in secret and without any independent scrutiny and external governance and oversight, to avoid embarrassment and to ensure its survival;
- 29) There was no formal mechanism for the regular review of SDS practices by the Home Office. The MPSB Terms of Reference was woefully inadequate, deliberately vague and conflicted with official definitions that sought to limit covert police surveillance;
- 30) Senior MPS managers took no action to ensure there was robust governance of the SDS. There was only one formal review;

- 31) The secrecy and security of SDS operations and the welfare of officers was prioritised over the rule of law, democratic accountability, the rights of members of the public and their obligations to the court and Parliament.
- 32) Senior MPS and SDS managers knew and allowed UCOs to commit criminal offences - including acting as *agent provocateurs* - and then become involved in criminal proceedings with UCOs maintaining their cover identities upon arrest, charge, or summons and misleading the courts. This was in order to allow UCOs to maintain their cover, to protect the operational integrity of the SDS, and to avoid professional and political embarrassment to the MPS and the state/UK government.
- 33) Senior MPS and SDS managers gave no consideration to the potential impact upon the fairness of criminal trials and the risk that their actions would lead to miscarriages of justice. Numerous miscarriages of justice are likely to have occurred.
- 34) Senior MPS and SDS managers knew and were complicit in UCOs spying on lawyers and infringing legal professional privilege in order, at times, to gain a litigation advantage and obtain intelligence, particularly in relation to police accountability groups.
- 35) Senior MPS officers and SDS managers were aware of, and ignored, violent and unlawful action by MPS police officers against SDS UCOs to maintain SDS cover. This led to a culture of impunity in respect of these acts of police brutality.
- 36) Senior MPS officers and SDS managers knew about and encouraged relationships between SDS UCOs in their cover identities and those with whom they came into contact, including sexual relationships, in order to allow the UCOs to maintain and enhance their cover, to gain intelligence and to protect the operational integrity of the SDS.

- 37) Senior MPS officers and SDS managers knew, encouraged and covered up misconduct and criminal and unlawful conduct by UCOs, including, for example, burglary, driving when drunk, theft, and the misuse of alcohol and drugs. SDS managers did not consider SDS UCOs should be subject to disciplinary proceedings, due to a risk of exposing the SDS.
- 38) Senior MPS officers and SDS managers knew and encouraged the development of tradecraft involving UCOs taking positions of responsibility in targeted groups and disrupting the exercising of rights including sowing discord.
- 39) A practice emerged during the T1 era of widespread use of deceased children's identities in the creation of undercover identities for SDS officers. Senior officers were aware of the practice of reliance upon the identities of dead children. Those senior officers wilfully disregarded the constitutional, legal and ethical implications of this practice. The risk of causing significant distress to the bereaved families was an obvious one, to which the senior officer's attention was repeatedly drawn. The practice nevertheless persisted.¹ The risk of causing such distress was ignored because it was not anticipated that any family member would find out about this secretive practice.

Selection, training, management and care of undercover police officers

- 40) There was no formal selection process for UCOs and most joined following informal recommendations.
- 41) There was little or no guidance or training on any aspect of the undercover role, whether for managers or UCOs.
- 42) SDS managers monitored SDS UCOs and were aware of their activities but they exercised limited day to day control and supervision.

¹ See the Category F closing submissions on T1

43) There was no formal documented system of inspections by senior police officers. Visits by the MPS Commissioners, Deputy and Assistant Commissioners were *ad hoc* and fell far short of formal inspections.

Adequacy of the statutory, policy and judicial regulation of undercover policing

44) There was no statutory regulation of undercover policing and the type of surveillance and violations of rights arising from SDS surveillance, including the right to private and family life.

45) The MPS and the Home Office consciously insulated and protected the SDS from any form of independent oversight and regulation, including by Parliament and the judicial system or any other external regulatory body, including HMCIC.

46) An opportunity for judicial scrutiny in a public inquiry was missed in T1.

Contribution

47) The SDS was not designed to be a unit that prevented and detected crime. The SDS did not prevent and detect crime. SDS officers engaged in unlawful undercover policing surveillance, broke the criminal law and engaged in police misconduct, with impunity.

IN THE UNDERCOVER POLICING INQUIRY

ANNEX B

National Archive Material from Red Lion Square Public Inquiry

HO 233/118

RLS 2003

RLS 2001

RLS 1203

7A
119

(K)

RED LION SQUARE INQUIRY

Notes of Meetings (2)

(including the handling of sensitive papers)

CLOSED UNTIL
2005

ConfidentialMr Belfall

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

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

F4 Division

D H J Hilary

(D H J HILARY)