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**Opening statement to the Undercover  
Policing Inquiry on behalf of:**

**Lois Austin**

**Richard Chessum**

**'Mary'**

**Dave Nellist**

**Hannah Sell**

**Youth against Racism in Europe**

**James Scobie QC | Garden Court Chambers**

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**22 October 2020**

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**Opening Statement on behalf of  
Lois Austin; Richard Chessum; 'Mary'; Dave Nellist;  
Hannah Sell and Youth against Racism in Europe.**

**Introduction:**

We represent two core participants in Tranche 1, Richard Chessum and “Mary”, and core participants in later tranches, Youth Against Racism in Europe (YRE), Hannah Sell, Lois Austin and Dave Nellist the former Labour Member of Parliament.

Their evidence will span the decades between 1974 and the early 2000s and demonstrate that the most invidious of the practices and tactics utilised by the SDS, were in place **at the very outset** and have been allowed or encouraged to proliferate over more than 40 years.

Throughout that time, the State has targeted peaceful, democratic campaigns, in the full knowledge that the individuals spied upon were not criminally motivated in any way.

It has used subterfuge and deceit to interfere with democratic organisations, slowing progress towards better lives for its citizens.

It has infiltrated legal non-violent political parties, spying on Members of Parliament, elected to serve their constituents.

It has invaded the privacy of its citizens. It has betrayed the trust of its citizens.

It has sexually violated and exploited its citizens.

Richard Chessum and “Mary” will give evidence that will rebut any suggestion that these tactics developed over time or that they were the work of “rogue” officers without direction from above. The bulk of the tactics that have outraged and disgusted society to the extent that this Inquiry had to be called, were being used as far back as 1975.

They were not aberrations. They were repeated time and time again. They were systematic and systemic.

When you have the same tactics being used over a period of at least four decades it renders it incredible that those tactics were not widely known within the highest levels of Government. And then the question arises: to what extent were they encouraged, endorsed or instigated by the highest authority?

When tactics like these are being used for more than 40 years, there are only two alternative scenarios.

Either they were known about in Government, instigated, endorsed and allowed to flourish or, successive Governments were unable or unwilling to prevent a secret police force functioning with impunity and without oversight or authority for at least four decades.

Which of those two scenarios is the most frightening and outrageous?

What the State has also done, from 1968 up until today, is to do everything it can to make sure that the fact and details of this do not come to light. That approach has continued right into the preparation of this Inquiry. For five years the victims that we are representing have been demanding information. The delay has been unconscionable and adds to the punishment they have already been subjected to. The disclosure that we have received from this Inquiry has been piecemeal, limited and late. For vast swathes of the subject matter relating to our Core Participants, there has been nothing at all.

Is it the State that is being deliberately obstructive? Or is it the Police? Can the State not control its Police force to the extent of forcing it to properly comply with the remit of this Inquiry? Or is it the Inquiry itself which is failing?

The impact of this lack of sharing of information is that non state non police Core Participants have been excluded from the investigative process. If this Inquiry wants us to assist, it needs to include us. Currently we are in the dark. The overwhelming feeling amongst the non-state Core Participants, is that they always will be.

We will deal with the detail of the lack of disclosure, and the approach of the Inquiry, later.

For now, it needs to be pointed out that this opening statement is made in the terms that it is, despite the almost complete and apparently deliberate, vacuum of information from the State.

**A Focus on lack of criminality: Purpose of and need for policing.**

The subject matter of the Inquiry, let us start with the basics. This is an Inquiry into the Police who should exist to safeguard citizens and to prevent and deal with crime.

None of the people that we represent are criminals.

Between the five of them they have a grand total of two fines. Even those incidents arose from community minded interventions; one to prevent a racist altercation and the other to prevent a 77 year old decorated ex-paratrooper, from being tried and imprisoned because he couldn't pay his poll tax. Two fines that reflect a tendency to criminalise peaceful democratic protest and civil disobedience, a theme that recurs across the Non State Non Police Core Participants more generally.

All of our core-participants are decent people with a common commitment to helping others.

The limited disclosure that we have seen, in relation to our Tranche 1 clients only, are SDS and Special Branch files covering the period of 1974-1976. They confirm the contentions of both Richard Chessum and "Mary" that there is not even a suggestion that either of them were involved in criminality in any form. Across those files there is not even a concern raised about them being potentially involved in any threat to public order.

Even as far back as 1970, there was a clear recognition from the Police, that not all targets were either engaging or likely to be engaged in acts leading to public disorder. The police knew that they were targeting innocents.

It must have been crystal clear to Rick Gibson (HN297), the officer that spied on Richard Chessum and "Mary", that both were vigorously anti-violence and that neither were concerned with any form of criminality.

And yet, they were both subjected to intrusion in their personal lives, with far-reaching ramifications in both of their cases. “Mary” was sexually violated by an officer acting on the orders of the State. She has had to live with the fact of that violation and the fact that it was sponsored by the State. Richard Chessum’s life has been irrevocably, unfairly, and detrimentally altered.

In common with so many of the non-state core participants, they were subjected to the wholesale use of deceit, manipulation and exploitation, by the State; using a police force whose purpose is purportedly, to deal with crime.

### **The infiltration of peaceful democratic organisations and the curtailment of democratic activity.**

The Metropolitan Police Service’s position is that the SDS was conceived to limit the impact of public disorder in the aftermath of the 1968 demonstrations in Grosvenor Square.

It will be suggested that, originally, the SDS was a justified means of achieving a legitimate aim, in the context of public order.

Even if that were so, it is clear that within a very short time it had transformed into something else. It became a tool, used by the State, to curtail the activities of peaceful, democratic organisations. The aims of those organisations were and are supported by significant sections of society, but they happened to be contrary to the policies of the State.

All of our Core-participants campaigned for social justice, in defence of human rights, for peace, for an end to discrimination, they campaigned for better conditions for working people, better housing, better opportunities for women. All of these campaigns were run on an open and democratic basis, none of them were secret.

Dealing with “Mary” and Richard Chessum specifically, as the spying on them happened so long ago, we can look back at the causes that they campaigned for. And we can ask ourselves: What were those causes? What were their aims? Were they helpful? Would they have improved peoples’ lives? Would they have saved peoples’ lives?

The Troops Out Movement argued that the withdrawal of the British military from Northern Ireland was an essential precursor to peace. They argued that the bombings, the sectarian murders, the carnage that blighted the lives of the people of Northern Ireland and Britain would not end until the British troops were out. Was that a just cause? Hasn't history given the answer to that? During the 1990s 'peace process', successive British, Irish and US governments, and all the main Westminster political parties, accepted that a 'de-militarisation' process of Northern Ireland was an essential step towards peace.

They campaigned against mass incarceration without trial - internment, and other draconian State measures in Northern Ireland and Britain. They argued that these sweeping repressive powers acted as a recruiting Sergeant for those disposed towards violence, fuelling and prolonging the conflict. Was that a just cause? Hasn't history given the answer to that?

They campaigned for justice in the aftermath of Bloody Sunday, arguing again that State violence such as that just served to fill the ranks of the Provisional IRA and Loyalist paramilitaries. Ensuring the cycle of violence continued. Decades later, the inordinately protracted Saville Inquiry provided some of the answers. The State was forced to apologise. Too little, too late.

They campaigned for the Anti-Apartheid Movement, against the racist, segregationist policies of the South African Government, against atrocities like the Sharpeville massacre, against a legal system that actively discriminated against non-whites in South Africa, at a time when the British State was supportive of what was going on over there. Was that a just cause? Hasn't history given the answer to that?

They campaigned against institutional racism in the Police force, a fact confirmed by the MacPherson Report.

In each case, ask yourself were they/have they been proved to be on the right side of history? But in each case, the State interfered with, spied on, reported on and actively sought to undermine their campaigns. In each case prolonging the violence.

## **The use of Specific Tactics:**

### ***i. The targeting of non-criminal, political organisations:***

The methods used by the SDS, were tactics. They were devices designed to achieve an end. For the most part it is clear that they were developed at an early stage and used and re-used over the decades. Those tactics, alone and cumulatively, amounted to a strategy. It is the evidence of their re-use that goes to the heart of the question of the extent to which they were accepted, endorsed, encouraged and authorised by those in the highest authority.

The first, and most fundamental, “tactic” to address is that, apparently in pursuance of protection of public order, organisations were targeted **that posed no threat to the public**. The Troops Out Movement posed no threat. They were an open, public campaigning group that drafted alternative White Papers on legislation. They organised public meetings and lobbies. They organised demonstrations, in accordance with the right to demonstrate. They spoke with elected representatives in local council and parliament. They did what any campaign group does, from Shelter to the Child Poverty Action Group. The difference is policy. Their aims were contrary to the stated policies of the State.

The infiltration of, and sustained spying on, the Troops Out Movement was not to prevent crime or public disorder. The police were used to infiltrate and influence political movements. They used exploitation and deceit to discredit and curtail the progress of those political movements.

This was not criminal policing. It was political policing.

And this tactic was in place at the very latest by 1974, if not significantly before. As with the other tactics that the SDS employed, it became embedded as a strategy.

### ***ii. The infiltration of left and left leaning political movements only:***

A notable theme that stretches across our core-participants and once more over the decades, is that the infiltration of political movements was overwhelmingly confined to

movements to the left of the political spectrum; trade unions, socialists, anti-racists, internationalists and others.

From “Mary” in the early 1970s: who was involved in campaigning against Fascists, who at the time had united under one organisation, the National Front.

She had been driven to campaigning by a firm conviction that the State were doing little or nothing to prevent extreme right-wing organisation. She watched National Front members smash up a meeting in East Ham whilst police officers stood by.

Her conviction is given credence when one looks at the activities of the SDS. There was no infiltration of right-wing groups **at all** in those early days.

Richard Chessum, Lois Austin, Hannah Sell, Youth against Racism in Europe, and Dave Nellist MP were and are all committed anti-racist campaigners.

Looking back now over 40 years of SDS infiltration of activist groups, we do not know exactly how many groups were infiltrated, because we have not been told. It seems that there were over a thousand and only the tiniest of fractions, perhaps only three, were from the right wing.

Wouldn't a unit that was genuinely prioritising public order and violence, be putting resources into groups that actually go so far as openly advocating violence?

But rather than concentrating on organisations that fracture community cohesion, the concentration has been on individuals and organisations, like all of our Core Participants, who have spent their lives campaigning for peace, workers' rights, better living conditions, wages, jobs, environment. What does that say about the nature of the British State and its priorities?

Again this tactic has been in place since 1974 at the very earliest. It was part of the strategy.

**iii. Political Police Officers: The obtaining of high office in targeted organisations:**

The infiltration of non-threatening and non-extremist organisations coincided, in the early 1970s, again if not before, with the introduction of another tactic. This one had been specifically prohibited in the first days of the squad, for good and obvious reasons.

In the Tranche 1 phase 1 disclosure that was served on the 30<sup>th</sup> of September this year, a document was provided that had been penned by Chief Inspector Dixon, who founded the “Squad” and was its earliest commanding officer. That document, entitled “the Penetration of Extremist Groups”, “attempts to lay down basic principles” for this type of operation.

In fact it dealt primarily with practical issues rather than ethical considerations, however, in a section marked “Scope of Activities” it did lay down one fundamental principle:

*“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”.*

No rationale is given for this clear policy decision. But one would hope that it was designed to ensure that the police would not influence, or at least would not be seen to be influencing, the direction of the infiltrated political movements.

Interestingly all of the early SDS officers who have provided statements pre-1974, maintain that they had not taken any positions of office within any organisation.

Within a few short years this policy had not only been abandoned but had been completely overturned. By 1974-1976, with the full knowledge of his superiors, HN297 - Rick Gibson, had first assisted in establishing the South East London branch of the Troops Out Movement, moved on to become the London Organiser, member of the Secretariat and Convenor of the Secretariat and then the Joint National Secretary of the whole movement.

He was speaking at and chairing meetings (not only of the Troops Out movement but also at the Marxist discussion group Big Flame). He was producing promotional material. He had access to national membership lists. He had the potential for influencing the direction of the movement as a whole.

We know from one SDS report that Gibson reported to his superiors that he had used his position to launch a “scathing attack” on sectarianism within the movement. He was effectively using his position to discredit others within the organisation and assist in sowing discord.

It is apparent that he used his advance knowledge of the locations of public meetings to enable uniformed officers to attend the meeting venues and tell the proprietors (falsely) that the Troops Out Movement was an illegal organisation. The venues were encouraged to cancel the meetings. Gibson used his position to curtail the progress of the movement.

This political policing was undertaken with the full knowledge of his superior officers. They in turn submitted reports up and along the chain of command, passing the information beyond the “Squad” itself and across, at the very least, the different departments of Special Branch and to MI5

We do not know what material we have not had access to, be it because of redaction, non-disclosure, misplacing or shredding. We have not yet seen anything in relation to our core participants in later tranches. But what is clear from the material we have seen, is that rationalised policies designed to limit police activity and prevent the police from exerting covert political influence, had been abandoned.

And that abandonment of policy was not the work of a “Maverick” officer, it was done with the full knowledge and endorsement, not just of the Commanding Officers of the SDS but of Special Branch as a whole and the Secret Service at the very least.

Any suggestion that it went no further than that, that the Metropolitan Police Service, with the consent and knowledge of the Secret Service, were acting independently of Government, just is not credible.

By 1975, the **only** ethical policy on the scope of the SDS activity envisaged by Chief Inspector Dixon had been entirely scrapped. The scrapping of that policy gave police

officers the platform to stifle, inhibit and derail the progress of legitimate, democratic political activity.

The inhibition of that activity amounts to the inhibition of democracy itself. This is State interference with the right to organise, campaign, demonstrate and to progress to a better world. Political policing of the very democracy that Britain is supposed to be proud of.

It is clear once again, that what went wrong here, went wrong at a very early stage.

***iv. Exploitation of trust and friendship relationships:***

Again, the statements provided by the Pre-1974 officers maintain that none of them formed close relationships with any of their targets. Whether that is true or not remains to be seen.

But by 1974 it certainly was not true.

Richard Chessum had been a lay preacher with the Methodist Church, a member of the Christian Socialist Movement. In the 1960s he worked at the South London Mission.

He was actively involved in the Fellowship of Reconciliation, an international movement of people who commit themselves to active non-violence as a way of life.

He worked for the mid Bedfordshire Labour Party and for CND. He was the Secretary of his local United Nations Association.

He wanted to help people in this country and beyond and he dedicated his life to doing that.

He is a thoroughly decent, caring and intelligent individual who campaigned for peace and a better way of life for others.

He has spent the last 17 years setting up a Charity for Asylum seekers, helping thousands of homeless and destitute people.

He came to the attention of Special Branch because he wrote an article for a newspaper and after that he was systematically spied upon, along with his sister and his then girlfriend (who later became his wife).

He was targeted by Rick Gibson because he ran the Socialist Society at Goldsmith College in South East London. Prior to the involvement of Rick Gibson there was not a branch of the Troops Out Movement in South East London. Richard Chessum was encouraged by Gibson to set up a local branch.

Gibson inveigled his way into a friendship with Mr. Chessum and cultivated that friendship to exploit him.

They socialised together, spending time in pubs, going to football matches together, eating with him as a guest in his home on many occasions, invited in to break bread, spending time with him and his partner.

The whole time Gibson was reporting back the intricate details of Richard Chessum's life to the State. Exploiting and betraying the trust given to him by a decent man. For what purpose? Why?

That tactic was in place from 1974 and used over and over again in the decades that followed.

**v. *Blacklisting:***

That friendship and the details of Mr Chessum's life, however innocuous, were passed back amongst Special Branch and the Secret Service.

Despite his clear and acknowledged lack of involvement in any criminality, despite his decency and intelligence, and despite his university level education he was refused job after job over the next two decades.

He applied for teacher training courses and was refused. He could not secure any lecturing positions. Applications for research posts were rejected.

Overqualified though he was, he applied for a job sorting mail at the Post Office. He scored 86% on the entry test. And then again, he was refused. When he asked why, he was told that they were “Not at liberty to say”. That is Orwellian.

Blacklisting was always a fear of campaigners. Such was the concern that members of the International Marxist Group used pseudonym Party Names precisely because they were aware that political opinions could lead to economic blacklisting; Richard Chessum was “Churchill” and “Mary” was “Millwall”.

That fear was not unfounded. In 2009 the Information Commissioner established that thousands of files had been held, blacklisting workers purely on the basis of their views. Peter Francis has admitted that he and other Undercover officers passed information directly to blacklist companies working for private industry and big business.

What was not known was the extent to which SDS officers passed on information about decent citizens that helped to ensure that they would basically never work again. Their whole lives were fettered and restricted. Decent people were prevented from being productive and fulfilling their potential, simply because of their political opinions. The unlawful victimisation of citizens because of their politics is a scandalous use of police surveillance and public funds.

Richard Chessum does not know if he was blacklisted. He knows that a Special Branch file was opened on him simply because he wrote a letter to a newspaper. He knows that he could not secure employment for most of his working life, despite his qualifications. We have raised this issue with the Inquiry. So far we have heard nothing.

**vi. *Sexual exploitation and targeting:***

“Mary” was a Student at Goldsmith College. She was a member of that College’s Socialist Society. Another victim of a tactic of infiltration of places of learning by Special Branch and the Secret Service.

She was involved in campaigns for student welfare, providing creches at the college, expressing support for Trade Unions, hospital workers and miners. She had a certificate in nursery Education. She was committed to helping others.

She knew Richard Chessum through Goldsmith College. She also campaigned for the Troops Out Movement. And so, she was also spied upon by Rick Gibson.

But in her case, she was also sexually exploited by Rick Gibson.

He made advances on her and initiated a sexual relationship with her.

“Mary” is clear, unsurprisingly, that had she known that he was a police officer there is no way that she would ever have consented to any form of relationship with him.

He used her for sex, to consolidate his history, cement his reputation and get closer to a group of activists. Sex was used as a tactic of undercover policing. There can be no doubt about it.

Sexual exploitation and manipulation were used by the State to obtain information and disrupt political activity by decent people. This is exploitation of the most intimate kind. It is nothing less than State Rape.

And it was not a one-off. Gibson was involved in **at least** four different sexual relationships with activists in his time in the Troops Out Movement and Big Flame.

At least one of those was a long-term relationship, with a victim whose emotional well-being was seriously exploited as well as her body.

After Gibson was “outed” as an undercover officer, he wrote to her, explaining his reasons for having to “go away”. He was lying of course. This was an exit tactic, that we will hear has been used time and time again.

The exit tactic was used to further deceive the many, many women who have been sexually and emotionally abused at the hands of the State over the following decades. It is the last in a series of lies, and it was designed only to hide the fact that this is what the State was doing.

Any presumption that sexual targeting started much later in the history of the squad, or that it was an occasional occurrence, or that the officers were Mavericks, has been shattered.

Sexual targeting and the accompanying exit strategy were tactics that were in place from 1975 at the very latest. They were repeated time and time again, to the extent that they became part of the DNA of political policing in Britain.

**vii. *Theft of the identities of deceased children:***

Unconcerned as they were with the questionable morality of targeting the living in the way they did, the SDS also had no qualms about targeting the dead.

In terms of policy in 1968, all that has been disclosed on the theft of the identities of deceased children, is Conrad Dixon's paper. Amongst the heavy redactions in the section on "Identity and Background" it states:

*"On joining the squad an officer has to supply an autobiography covering his new identity, and after the various inconsistencies have been eradicated he obtains the necessary papers to confirm it".*

That entry suggests that the burden of identity creation is placed on individual officers, with some input from superiors or others to "eradicate inconsistencies".

It is an interesting placement of responsibility, away from those in charge, onto the individual officers themselves. That is a theme that we expect to see repeated throughout this Inquiry.

It is also interesting because it is so very short on detail. With no explanation or guidance as to exactly how new identities are to be forged and how the necessary papers are obtained.

Interestingly every one of the witness statements of the officers deployed in the very early days (served as part of T1P1) states that they did not use the identities of deceased children. Some express disgust that such a tactic would be utilised. Disgust, no doubt, that the State would sink to such a level, languishing in the sewers.

The heavily redacted SDS Tradecraft Manual, that has been published as evidence, shows that by 1995 the theft of the identities of deceased children and research into the families of those children had long been an established, routine practice. It was expressed in robotic terms and exposed a lack of even basic humanity.

The Manual cautions *“we are all familiar with the story of an SDS officer being confronted with his “own” death certificate”*.

That SDS officer was HN297 Rick Gibson who was discovered by members of the Big Flame group at the time of his infiltration of the Troops Out Movement and his association with Richard Chessum and “Mary”.

The response of SDS officers and managers is shocking. The discovery of the death certificate should have been a “wake-up” call. It was the opportunity for them to realise that what they were doing was appalling and unlawful. It was their opportunity to stop. Instead they doubled down on the tactic. They embedded it into a strategy to provide officers with a new identity. Rick Gibson’s discovery did not become a lesson in their immorality. It became a lesson in how not to get caught. It was a lesson in maintaining secrecy whatever the cost.

Once more by 1975, without any question of a doubt, what went wrong had certainly gone wrong at this early stage. The interference with democratic organisations, the sexual violation of activists and the theft of dead children’s identities.

***viii. Provocation of criminality:***

Both Richard Chessum and Mary categorically state that, as far as they were aware, Rick Gibson did not engage in encouraging or provoking activists to engage in criminality.

Certainly, by the early 1990s that position had changed.

Hannah Sell and Lois Austin joined the Labour Party and the Labour Party Young Socialists when they were teenagers. They have spent their lives working and campaigning within the Labour movement generally and particularly as leading figures

in Militant Labour, which became the Socialist Party. For decades they have effectively dedicated their lives to campaigning for a fairer society.

In the early 90s, they were aware of the rising racist attacks across Europe but particularly from their perspective in London. They helped set up Youth Against Racism in Europe; a campaigning group aimed at a united response to racism and racist violence.

It was a mass protest movement, advocating peaceful change, combating racism with socialist ideas rather than violence and campaigning around the concept of 'jobs and homes, not racism'.

A significant part of their campaign was against the British National Party in Tower Hamlets and South East London. In the latter, the British National Party set up their headquarters in Welling. They began recruiting locally, even outside of schools, and the incidence of racist attacks increased significantly and escalated in severity.

In February 1991 Rolan Adams was murdered. In July 1992 Rohit Duggal was murdered. In April 1993 Stephen Lawrence was murdered. That is real crime that needed to be prevented. That is a job for the police.

YRE campaigned to close down the BNP Welling Headquarters, lobbying the local Council and organising large demonstrations to show that the violence and racism was not acceptable and that the closure of that office had widespread public support.

It was in this context that they were infiltrated by the Undercover Officer Peter Francis.

Peter Francis's deployment lasted for five years. It started within YRE but followed Hannah Sell and Lois Austin over the years into Militant Labour.

Francis was followed into Militant Labour, which was by then known as the Socialist Party, by another officer, Carlo Neri.

Tactically, Francis and Neri followed the SDS playbook to the letter. They used the whole array of dirty tactics that had been in play for at least 20 years.

Both targeted organisations that were endeavouring to improve society.

Both obtained officer positions within an organisation, which entitled them to go to regional and national conferences. Neri as Branch treasurer of the Hackney Socialist Party, involved in recruitment. Francis as Branch Secretary for Hackney Militant Labour. They both attended regional and national conferences.

Francis at the very least, stole the identity of a deceased child.

Both formed close relationships with decent people and betrayed their trust. Eating with them, drinking with them, confiding in them, spending weekends away together.

Both had exploitative sexual relationships with members of the groups they were targeting. Each had at least two such relationships. Francis admitted to journalists that sexually exploiting activists was indeed a “tool to maintain cover and glean intelligence”; it was a tactic.

But where they were fundamentally different to Rick Gibson was their willingness to encourage and even engage in criminality.

Francis has described himself as being a “natural fighter” having a “very aggressive” dimension to his personality.

Hannah Sell and Lois Austin, within YRE, argued that defeating racists and fascists was a political task, that needed patient campaigning in working-class communities. YRE was prepared to defend itself against attack from fascists, and on occasion had to do exactly that. But the group’s aims and methods were political.

Peter Francis, on the other hand, repeatedly tried to persuade YRE activists to engage in violence with fascists. He encouraged activists to attack others, not only in direct opposition to the ethos and aims of YRE but also completely contradicting the stated aims of the SDS and the purpose of the Police Force that is supposed to protect us.

Hannah Sell has no doubt that he was consciously trying to get them to do things that they could be arrested for.

A few years later in 2003, Carlo Neri took things much further than Peter Francis had ever done. He took anti-fascist members of the Socialist Party to show them a charity shop in West London, that was being used as a front for raising money for fascists.

He told them that it was owned by a well-known Italian fascist, who had been convicted in his absence in Italy for being a member of the political wing of the Armed Revolutionary Nuclei, a fascist terrorist group. That group was implicated in the Bologna bombing of 1980, which killed 85 people.

The shop was on a residential street. On more than one occasion Neri suggested that they firebomb the premises. Burn it down.

Not only were these undercover police officers encouraging crime, they were encouraging serious crime. They were prepared to criminalise decent people. In a case of that kind, a serious arson attack, they were prepared to have law abiding people imprisoned for a very significant period of time. They were also prepared to put the lives of local residents at risk. Again, this was not an isolated example. This was not the first or only time that an undercover officer incited arson.

Provocation of serious criminality would not just discredit organisations, it would destroy them. Why were undercover officers encouraging criminality? Was it to discredit? Was it because the SDS were trying to justify their existence, creating crime where there was none? Was it another extension of the strategy used to keep their cover?

It raises another issue: As with all of these tactics and strategies: Has the use of these tactics been stopped since the Inquiry was ordered in 2015? To what extent are they all still ongoing? At the current time, the Government is seeking to introduce legislation that, if it remains in its current form, would establish a framework for legitimising the use of criminality in undercover work. Why is that?

And why now? Is it an attempt to undermine these proceedings and fetter any recommendations that are made?

**ix. *Infiltration of Political Parties and Elected Representatives.***

The other aspect of Francis and Neri's deployments that differed from most of the early SDS activity, was their infiltration of a political party rather than a campaigning group.

This goes beyond State interference with democratic organisations on single issues and goes to the heart of electoral democracy. The infiltrations included putting officers into the Labour Party, the opposition to Government. This is interference with democracy full stop.

Francis and Neri infiltrated and interfered with Militant Labour and the Socialist Party, which we say is the tip of the iceberg. Bearing in mind the leading role of *Militant* supporters in Liverpool City Council, the poll tax campaign and anti-racist campaigns, we contend that political policing by SDS and MI5 was sanctioned at the highest levels.

This political interference goes back historically at least to the mid to late 1980s.

Dave Nellist was the Labour Party Member of Parliament for Coventry South East from 1983 to 1992. He was always, avowedly, a socialist member of the Labour Party.

He was a constituency MP who was well known for his support of the *Militant* newspaper and a member of the Socialist Campaign Group, of Labour MPs, which included Jeremy Corbyn, Tony Benn and Dennis Skinner.

He was thoroughly committed to his constituents, spending a significant part of his time in his constituency concentrating on local issues. Alongside that local commitment he nevertheless managed to maintain one of the highest voting records in Parliament, throughout his nine years as an MP.

It was widely known throughout his time in Parliament that he only retained part of his MP's salary for himself and his family. Every year he lived off the average wage of a skilled worker in Coventry. The rest of his salary was donated to the Labour Movement and to socialist causes.

He organised the opposition to increases in MP's pay, forcing a vote in July 1987, arguing that Members of Parliament should live at the same standard as those they represented. 36 MPs voted against the pay rise, whilst more than 400 voted for it.

Eventually, in 1992, he was expelled from the Labour Party as a result of his dedicated opposition to the Poll Tax and his support of the estimated 14 million people who could not or would not pay that tax. His constituency party was suspended and another Labour candidate was imposed on Coventry South East.

Ironically that was the year that he was awarded the “Backbencher of the Year” Award by the Spectator.

Later in 1997 he helped launch the Socialist Party alongside Hannah Sell and others.

But whilst he was a serving Labour MP, MI5 contacted the West Midlands Police Force and having been tasked to infiltrate Militant they targeted Dave Nellist.

We know this only as a result of the police admissions on a documentary programme “True Spies” broadcast back in 2002. An agent supposedly tasked to infiltrate Militant, in fact “cultivated” Dave Nellist, getting close to him, helping him and accompanying him to meetings. The clear inference is that an undercover officer was planted within his Labour Party constituency office.

The targeting of Dave Nellist is different to that of other MPs. He was not targeted on the basis that he was associated with a campaigning group. He was a constituency MP who happened to support the Militant newspaper. His constituency office where he worked on behalf of the people of South East Coventry was infiltrated by the West Midlands Police. He was a serving Member of Parliament in opposition to the Government of the day.

Apart from the fact that this was a blatant attack on the functioning of our democracy, this infiltration raises other issues.

The first is that the targeting was at the behest of MI5. We know that from the very outset, in 1968, the SDS was supplying material to the Security Service. Peter Francis maintains that he supplied MI5 with files in relation to members of Militant. He states that he outed an ineffective MI5 officer who was spying on Militant. Some critical questions arise that need to be answered. How engaged was MI5 within the Socialist Party? Why is the State putting agents into political parties?

The State may not like the policies of the Socialist Party, but their remit is to protect us from terrorism and criminality. We choose who we want to elect. That should be the essence of Parliamentary Democracy.

This is not the only example of M15 operating covert surveillance of organisations within which Militant supporters had won elected positions. When cabinet papers from 1984 were released under the thirty year rule they revealed that Cabinet Secretary

Lord Armstrong, at the behest of M15, presented a paper expressing concerns about the election of Militant supporters in the civil servants' trade union, CPSSA. Lois Austin is a full time official for the Public and Commercial Services Union, the PCS, which is the current incarnation of the CPSSA.

The result was the establishment of the Orwellian-sounding 'Interdepartmental Group on Subversives in Public Life', with Prime Minister Margaret Thatcher recorded as stating that the civil service should be 'very ready to sack subversive trouble makers...'. This was government-sanctioned victimisation of democratically elected trade unionists. Meetings of the Interdepartmental Group were attended by the Metropolitan Police Deputy Assistant Commissioner and officials from the security services.

As for Dave Nellist: at what stage did the Security Service and the police start to work so closely together that M15 was asking the West Midlands Police to infiltrate a serving Member of Parliament?

How were the West Midlands Police in such a position as to be able to manage that kind of a deployment? This Inquiry has prioritised questions in respect of the London based SDS. But the West Midlands Police were able to put an officer into an MP's constituency office. They were spying on one of their own elected representatives. This goes beyond the SDS. Political Policing was taking place nationwide.

How did this specific infiltration happen? The Chief Constable must have been asked. Who was that officer accountable to? How could such an assault on democracy be sanctioned without asking high authority? What authority?

Did the West Midlands write to the Home Office for authority in respect of this "request"? If not, why not? Is it really conceivable that they did not?

Which Home Secretary did they ask? Between 1983 and 1992. Was it Leon Brittan? Douglas Hurd? David Waddington? Kenneth Baker? Who was it?

And how could a Home Secretary endorse this kind of policing, without recourse to the Prime Minister? Is it really credible in any way that this could be the work of a "Rogue" or "Maverick" Minister of State, without the highest authority being engaged?

And this brings us to the key question in this Inquiry. How high did this go?

## **The involvement of the State:**

We know that at its conception the SDS was authorised and funded by the Home Office

We know from SDS officer witness statements, that there was a clear feeling amongst the rank and file of the Squad, that the unit had been ordered by the Home Office and that the Home Secretary, James Callaghan, had himself been put under pressure from above, to “do something”. (HN343)

We know that there was clear concern from the outset that the existence of the squad could cause “acute embarrassment” for the Home Secretary. The Home Office needed assurance that a “careful watch” be kept to “guard against disclosure”

In 1969 Commander Smith of Special Branch wrote “The Home Office view may be that the exceptional methods as practiced by the Squad are only justified in special circumstances when the importance of the product outweighs the political danger run by the Government should its existence and methods of operation be officially exposed”.

There was clear recognition of Home Office, and Government, involvement.

And there was clear recognition that the Government was terrified of exposure.

We also know from the witness statement of HN45, “David Robertson”, that Special Branch would go to extreme lengths to make sure that responsibility for the unit was never discovered. When his deployment was discovered by campaigners, the fear of exposure within the Metropolitan Police was so extreme that both the Head of Special Branch and the Deputy Commissioner went to speak to him in person. They instructed him to say that he was acting “completely off his own bat”. You carry the can.

Is “can carrying” going to become a recurring theme?

Richard Chessum, “Mary”, Lois Austin, Hannah Sell, YRE and Dave Nellist show that all of the tactics in the playbook were in use for more than four decades. By now the tactics have become engrained devices, endemic to the whole system of undercover policing.

Are we really going to be told that all of this was off the officers' own bats?

Thus far, the disclosure from the Inquiry has consisted of material from Police files only. On the face of it, there have been no internal Government documents sourced from Government files, provided to us.

We do not know what, if any, work the Inquiry has actually done on researching how far up the chain this went. How far have Home Office and Government files been accessed in relation to the SDS? Does anyone seriously think you are going to find the answer to the ultimate question of accountability by asking the Police to provide you with this material?

Accountability should be the ultimate aim and responsibility of this Inquiry. You have the access and resources. To date, we have seen nothing to suggest that that responsibility has been undertaken to any safe and satisfactory level. This has to be done.

It can be done. In other cases, it has been done. We refer particularly to the ongoing appeal of Ricky Tomlinson and the Shrewsbury 24. Campaigners have unearthed declassified material in the National Archives that shows the extent to which the Government, to the very top, including the Prime Minister, Ted Heath, was interfering in and curtailing the activities of Trade Unions.

This Inquiry has access to more than any campaigner could ever have access to. It can be done.

The question is: will it be done?

And so far, the indications are that it will not be.

On behalf of all of the Non-State Non-Police Core Participants, Ruth Brander will be dealing in detail with the Inquiry's approach to disclosure and procedural issues very shortly. So, we will simply highlight some of the main issues that have impacted on our Core Participants so far.

It has been 5 years since this Inquiry was announced.

Our Core Participants in the later tranches have not received a single statement or a single page from the police files that were kept on them.

Richard Chessum and “Mary” in Tranche 1, phase 2, due to be heard at the end of January next year have not received a single witness statement in relation to the infiltration that they were subjected to.

They have been told that witness statements exist. They have been given the cover names of three further undercover officers that spied on them and asked if they can comment on those individuals. Gary Roberts (HN353) David Hughes (HN299/342), Jim Pickford (HN300). Both Richard Chessum and “Mary” have made it clear that after 45 years it is difficult to remember the names and have asked if they could see photographs to see if they can assist. We are talking about photographs from 45 years ago, of two men who were presumably in their 20s then and would be in their 70s now, and one of whom is deceased. We are talking about those photographs being shown to our two Core-Participants who were victims of their spying, who are also both of advanced years and who have lived blameless lives. Nothing has been forthcoming.

So “Mary” in particular, has been told that other officers infiltrated her life but other than being given their unremarkable cover names, has no idea who they could be.

How can assistance be given to the Inquiry in respect of the activities of these officers, if the Inquiry will not give us access to the material that we need to assist them?

The documents that we have been allowed to see in respect of the Troops Out Movement and SDS spying on Richard Chessum and “Mary” are heavily redacted, with chunks of material blacked out. In any event they are nothing more than sanitised, second-hand reports of ‘intelligence received’. There is no first-hand original material at all. There is little or nothing in relation to policy. Where is it? If the Inquiry does not have it, why don’t they have it? And what does that tell us of the approach that the Police and Government are taking to disclosure? Who is monitoring the Police’s approach to providing material to this Inquiry? Why has there not been a specialised team of independent investigators to assist the Inquiry?

The files we have seen do show us one thing of importance. In respect of **one group**, the Troops Out Movement, they show that many tens, if not hundreds of citizens were being spied on and were the subjects of Special Branch files. Just one group. It is estimated that over a thousand groups were infiltrated. How many innocent people

have been spied upon? How many people have had the course of their lives changed irrevocably because the State did not like their politics?

This spying was conducted on an industrial scale. But how many of these individuals have been contacted and told that they were direct or indirect targets of undercover policing? How many have been asked for their accounts? We cannot ask them; we know who some of them are, but for us to have even have had sight of the material in the first place we have had to sign Restriction Orders preventing us from disclosing their contents. How is this an open Inquiry, seeking to get to the truth of what we contend are State crimes committed over decades, on its own people?

We have not even been told the names and number of groups that were targeted. We have had documents provided with names of organisations blacked out. How can the public get any idea of the magnitude of what is State-sanctioned criminality and gratuitous abuse of its powers?

Instead of being open with us, we are faced with numerous anonymity applications restricting the identities of police officers. Having had their rights to privacy abused by the State for such a long time, those we represent are well aware of the need to protect the privacy of the families of some of these officers. But many of the applications refer to harm, suggesting an element of danger that simply does not exist. The Police are trying to steer this Inquiry to a conclusion that there was criminality that had to be prevented. This is nothing more than an attempt to justify the unjustifiable.

We expect to see more of that. In the same way that we expect to see investigations into accountability going no further up the chain than some undercover police officers and their direct superiors being cut loose and rendered expendable.

If the democratic rights of ordinary citizens are to be protected, this Inquiry has to go further than that.

It has to concentrate on the victims; properly include them, provide them with the material and representation that they need to be able to genuinely assist. Otherwise they are being treated with a disdain that mirrors the behaviour of the State and the SDS.

It has to lift the veil of secrecy that was the trademark of the SDS and those in Government that ordered it. Otherwise, it will become simply another tactic in the strategy of concealment and deceit.

It has to behave in an objective, open and democratic way. Otherwise it is simply mirroring the approach taken by the State and the SDS.

It has to genuinely deal with Accountability. It has to properly investigate where and with whom the responsibility lies. It has to delve into the State's fear of discovery. It has to ensure that it does not end up like the superior officers of "David Robertson", trying to find a way to make the foot-soldiers "carry the can".

And when it has concluded, we seek not just a condemnation of the methods, but an end to all political policing. For a police force which is democratically controlled and accountable to the communities that they should be serving.

James Scobie QC | Garden Court Chambers

Piers Marquis | Doughty Street Chambers

Paul Heron | Public Interest Law Centre