

 MENU

# SPECIAL BRANCH FILES PROJECT

## *Operation Reuben Unpicked: police involvement in blacklisting (part 1)*

*Dónal O'Driscoll, June 2019*

In 2009 blacklisting organisation The Consulting Association was raided. The files seized revealed the considerable extent to which blacklisting of trade union and left wing political activists was being conducted by the construction industry. As some of the people whose files were recovered examined the material more closely, they realised some of it could only have come from the police.

In April 2012, the Blacklist Support Group submitted a formal complaint to the Metropolitan Police alleging collusion between Special Branch and construction companies. The investigation this triggered was called Operation Reuben, and though its final report was completed in 2014, it took another four years before a redacted version was provided to the

Blacklist Support Group.

## Background to the report

For much of the 20th century, the construction industry ran schemes to blacklist trade unionists fighting for basic health and safety and a decent pay. Thousands of builders were kept from work and placed in considerable financial hardship. The most pernicious of these schemes was run by a private industry body called the Economic League, funded by the largest construction companies in the UK. With the active participation of the directors of the building firms, it and its successor organisation, The Consulting Association, collated information on workers to put together an extensive and illegal blacklist.

The construction industry blacklist is only one of a number of such illegal schemes where workers were prevented for taking up jobs because of union or political activism. It should be seen as part of a larger programme of vetting, where by police and security services regularly met and colluded with industry bodies and leaders to curtail employment rights, often in the name of anti-communism or national security.

An exposé in *The Guardian* in 2008<sup>[1]</sup> led to the Information Commissioner's Office raiding The Consulting Association a year later and seizing its blacklist, along with a number of the associated personal files. There were 3,216 names on the list and approximate 200 names on the so-called 'green list' of environmental and other campaigners.<sup>[2]</sup> Court cases have followed with an industry compensation scheme providing significant settlements to many.

[3][4]

Through the Information Commissioner's Office, blacklisted workers were able to examine

### 3 What is a Blacklist?

- 3.1 A **Blacklist** is defined as a list or register of entities or people who, for one reason or another, are being denied a particular privilege, service, mobility, access or recognition; a list privately exchanged among employers, containing the names of persons to be barred from employment because of untrustworthiness or for holding opinions considered undesirable.
- 3.2 The first organisation known to have coordinated "**Blacklisting**" in the UK was the **Economic League (EL)**. Established in 1919 to protect Free Trade from the growth in popularity of Marxism/Communism at the time, their blacklist recorded those deemed to be left-wing troublemakers within the whole range of industry. The EL closed in 1993, after a series of scandals regarding the accuracy of its material and a parliamentary inquiry.
- 3.3 The **Consulting Association (TCA)** was established in 1993, following the fall of the EL, and focussed solely on the Construction Industry. Its records and managing director came from an EL branch called the **Services Group**, which covered the construction industry.

"What is a Blacklist?" – definition from Operation Reuben.

their files. As a result, a number of them grew suspicious that material in them could only have come from police.

None of this was particularly new: illegal vetting by the Economic League and their collaboration with the Security Service had been known for many years.<sup>[5]</sup> Likewise, it was long known that Special Branch and MI5 had monitored industrial disputes. In 1988, journalists Mark Hollingsworth and Richard Norton-Taylor wrote how much of blacklisting and vetting was being done illegally and with open complicity by police, including the sharing of Special Branch files.<sup>[6]</sup> While in 2002 the BBC series True Spies had former Special Branch agents talking about infiltrating unions.<sup>[7]</sup>

Those suspicions deepened when the undercover policing scandal broke. Firstly, in 2009 former undercover Peter Francis came forward to talk about how he had spied on trade unionists in the 1990s.

Several years later it was revealed that another undercover Mark Jenner, as Mark Cassidy had infiltrated the Colin Roach Centre, anti-fascists and social justice groups in north London from 1995 to 2000.<sup>[8]</sup> He was also involved in trade union activism, focusing on construction union UCATT, where he attended meetings and pickets. Notably, a number of people he was close to were on The Consulting Association blacklist.

Both Francis and Jenner were part of the highly secretive unit within the Metropolitan Police Special Branch (MPSB) called the Special Demonstration Squad (SDS). From 1968 to 2008, it deployed undercovers into a variety of left-wing parties, Irish solidarity groups and a variety of social justice campaigns.

Material from the SDS, once sanitized as to the origin, was passed on to MPSB's 'C Desk' (or C Squad), which dealt with counter-subversion (these days called 'domestic extremism'). There the data was combined with material from other sources to provide reports on



A page from Jenner's 1996 diary showing his interest in a UCATT meeting.

protestor activity to the rest of police. 'C Desk' also disseminated information to other agencies such as the security services, and seemingly had links with private firms as well – the information flow going both ways.

The closer the construction workers examined their files, the more they grew concerned that particular material in those files had not just come from Special Branch but had actually originated in undercovers such as Francis and Jenner.<sup>[9]</sup>

## The complaints

Following the discovery of the blacklist, the trade union backed Blacklist Support Group was established to pursue various avenues for justice.

In April 2012, following a request by the MP of one blacklisted worker, the Metropolitan Police did a cursory investigation into the issue and swept it under the carpet (see Operation Creel below). This led to solicitors for victims of blacklisting lodging a complaint with the Independent Police Complaints Commission (since rebranded the Independent Office for Police Conduct) in November 2012, alleging that police officers were complicit in supplying information on workers to blacklisting organisations to the detriment of those workers.

The IPCC passed the complaint on to the Metropolitan Police who initially dismissed it. The Blacklisted Support Group appealed, and the IPCC found against the MPS.<sup>[10]</sup>

### OP REUBEN DESCRIPTION (p. 7)

#### **Operation Reuben**

**Operation Reuben** was initiated following the receipt by the **Metropolitan Police Service (MPS)** of a public complaint made on behalf of the **Blacklist Support Group (BSG)** by **Christian Khan Solicitors (CKS)**. The BSG alleges that Police were complicit in supplying information about workers to blacklisting organisations. This personal information was then used to preclude these individuals from employment.

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Having been forced to take the issue up again,<sup>[11]</sup> the MPS tasked the investigation of the complaint to Operation Herne, then headed by Mick Creedon, Chief Constable of Derbyshire. Herne had been set up in the wake of the undercover policing scandal to investigate the many serious abuses conducted by undercover officers. However, being a Metropolitan Police investigation, it has never been trusted by those targeted by spycops as its independence and willingness to get to the truth is questionable.<sup>[12]</sup>

## 11 Investigation

### 11.1 Christian Khan and Partners Solicitors Complaint

11.1.1 The initial complaint made to the MPS is as follows:

*"police, security services, undercover officers, members of Special Branch and/or members of the Special Demonstration Branch (sic) and/or National Public Order Intelligence Unit supplied information to the Blacklist funded by the country's major construction firms, the Consulting Association and/or other agencies in breach of the Data Protection Act 1998 (DPA) and contributed to keeping thousands of people, including members of Blacklist Support Group, out of work. It is believed the police forces involved are the Metropolitan Police Service and the Strathclyde Police."*

11.1.2 The scope of this allegation is vast. Therefore, as per the Terms of Reference, Operation Reuben has concentrated its resources on the involvement of the SDS.

11.1.3 Despite this, there is natural cross-over into general policing and SB duties; due to the recording of the public's interaction with the police, and the SDS' use of SO12 and SO15's intelligence records.

Complaint submitted on behalf of the Blacklist  
Support Group

Furthermore, establishing Operation Reuben within Herne meant the opportunity of a wider inquiry into the investigation into the allegation of police collusion in blacklisting was lost. Not least because it meant the focus was less on Special Branch as a whole, but on the narrow question of whether the Special Demonstration Squad was the source of information in The Consulting Association's blacklist files, something that downplayed wider links between Special Branch and industry bodies.

Set up in February 2013, initially the operation was supervised by the Independent Police Complaints Commission, but in May that year it was downgraded to a local police investigation.

## The Operation Reuben Report

The final report in Op. Reuben was completed on 14 February 2016. In 2018, it was released by the police to the solicitors representing the Blacklist Support Group in a partially redacted form. Though thin on detail, the report sheds further light on aspects of Special Branch interactions with private firms and its role in political vetting.

## Methodology

Operation Reuben is not a comprehensive investigation of the blacklisting files and links to the SDS. It took a sample of only twenty out of the more than three thousand names to look at, less than 0.5% of the total list. Twelve names came from the Information Commissioner who had highlighted them as of particular interest. Eight others were a random sample.

The operation also looked at specific allegations made in the Blacklist Support Group complaint, including in relation to SDS undercover Mark Jenner. It also examined related statements made by whistleblower Peter Francis regarding his reporting on some of the blacklisted activists.

Additionally, the investigation made a cursory examination of wider breaches of data protection law, by simply asking regional forces to send in details of officers disciplined for this offence.

## Findings

### 11.2 Investigative Procedure for Blacklisting

- 11.2.1 Due to the scale of the Blacklist database (3,213 names), it was decided that a review would be conducted of a sample of entries.
- 11.2.2 The ICO had previously highlighted 12 records which they deemed to be of interest. SO15's Operation Creel had also picked a selection of 8 other records. As they had been picked independently of Operation Herne, it was decided that the 20 records would pose a suitable test batch.
- 11.2.3 Checks were conducted using all available resources to compare the entries on the Blacklist to police records. This included the Police National Computer (PNC), Criminal Intelligence Plus (Crimint plus), Crime Report Information System (CRIS), Computer Aided Dispatch (CAD), Missing Persons and Related Linked Indices (Merlin) and National Special Branch Intelligence System (NSBIS).
- 11.2.4 A full schedule identifying the individuals and records held within police, SDS or Special Branch records is attached.
- 11.2.5 12 of the people mentioned had a PNC record, 5 of these entries are shown as having addresses within the MPS at one time. 4 are shown as victims or witnesses on MPS intelligence/crime recording systems. None of the 20 is featured as a suspect for MPS crimes.

"Investigative Procedure for Blacklisting" – how

### 5.2 The original Terms of Reference (ToR) agreed with the IPCC were, to:

1. Investigate allegations of collusion, corruption and misconduct in a public office.
2. Investigate breaches of the Data Protection Act and any other criminal or misconduct offences.
3. Prepare a written report on the findings of the investigation for the attention of the IPCC Senior Investigator, copied to the Appropriate Authority (DCC or ACC). Prior to the finalisation of the report, the Investigating Officer (IO) will ensure that the IPCC is satisfied that the investigation has met the Terms of Reference.
4. Identify whether any person subject of the investigation, in the investigator's opinion, has a case to answer for misconduct, gross misconduct or no case to answer or whether any person's performance is, or is not, unsatisfactory. It is for the force to make determinations and recommendations with regard to disciplinary action. The IO to make recommendations on the culpability of any individual for any criminal liability and forward the report to the Crown Prosecution Service (CPS) where appropriate.
5. Consider and report on whether the complaint has merit as a quality of service complaint and therefore should be upheld as a legitimate grievance.
6. Consider and report on whether there is organisational learning, including:
  - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
  - whether the incident highlights any good practice that should be shared.

### Operation Reuben's Term of Reference

The complaint from the Blacklist Support Group made a number of specific claims about individuals' files that had been seized from The Consulting Association, asserting that some of the material discovered could only have come from the police. In each of these cases, the Report concludes that the allegations were 'not proven', mainly on grounds that the investigating officers thought the information could just have easily come from other sources such as private investigators or informers within the trade unions.

Op. Reuben chose the sample of blacklist files to investigate.

We address two of these cases, the Frank Smith / Lisa Teuscher files and the Cenotaph incident in greater detail below and demonstrate that there

is considerable deficiencies in the drawing of these conclusions.

Reuben also found that the allegation made by David Clancy, a senior investigator in the Information Commissioner's Office that 'the information was so specific and contained in effect operational information that would not have formed anything other than a police record'<sup>[13]</sup> was not proven. Again, as we argue below, this is not well sustained by the Report itself.

The Report does however concede that the police including Special Branches had likely supplied information to blacklisting organisations though no specific examples are given. This despite various protocols or standing orders being in place within Special Branch explicitly prohibiting sharing information with outside entities. These protocols are not set out and their existence is only known because the report notes that Special Branches had to recirculate reminders of them in light of breaches having come to light.

More specifically, Op. Reuben concluded that because of the secretive nature of the SDS, it was unlikely the undercovers were directly involved in the passing of information on to blacklisting organisations. However, once information from the unit had been assimilated into Special Branch files, unauthorised passing on of materials from those files may have been passed on.

According to the Report, while undercover, Jenner reported on 300 people, most of which were just mentions of their presence at events. Of those reported on in more detail, 16 names were also to be found on the Blacklist. Nevertheless, the authors of the Op. Reuben report said that the information in their blacklist files was not necessarily provided by Jenner, and again, could instead have come from other sources.

**Allegation:** As a member of the **Building Workers Group, (BWG) Mark Cassidy / Jenner** collected information on individuals, which was then passed to The Consulting Association (Appendix 10).

**Operation Herne finds that this allegation is 'Not Proven'.**

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It is also worth highlighting the following passage from the Report's conclusions, which reveals an important source of information, an address book, that apparently has not been looked at in detail:

*It is recommended that further investigation should take place to establish the scale of the 'information sharing', utilising the information supplied by [redacted] address book, which contains detail of just under 100 people from 23 different policing areas around the UK. Amongst those names are 9 officers linked to the MPS, and it is believed that the MPS may wish to speak to these officers further.*

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## Specific complaints

The Blacklist Support Group complaint named two specific issues as highlighting material in The Consulting Association files which could only have come from police. In both cases Operation Reuben said this was 'not proven'.

Both these cases are dealt with in Dave Smith and Phil Chamberlain's book *Blacklisted*, which cover them from the perspective of what was learned from The Consulting Association files.<sup>[14]</sup> The Operation Reuben report sheds a small bit of light on the police side of things.

## Frank Smith and Lisa Teuscher

Frank Smith was a bricklayer and socialist in London who was politically involved in Militant

Labour, Youth Against Racism in Europe (YRE) and anti-fascist campaigning. He was also an active trade unionist. Throughout the late 1990s he was in a relationship with an American woman, Lisa Teuscher, who was also active with YRE though not involved in the construction industry.

Both organisations were targeted by SDS undercover Peter Francis, who at one point was secretary of the YRE Hackney Branch and who regularly went drinking with Smith.

In 2013, Peter Francis, having turned whistleblower, told *The Guardian* there was a Special Branch file on the pair and that he had been responsible for starting Frank's file. He also revealed that Lisa had a file opened on her as she was said to be an important member of YRE. Around this time, an effort was made to deport Lisa, leading to her passport being seized for seven years, apparently at the intervention of the Home Office. Francis recalled being asked by his superiors to supply information to the Home Office on her marital status. She eventually won her fight, though the effort that took proved too much and she returned to the US to be reunited with her family there.

Frank and Lisa were also subject of files compiled by The Consulting Association. Frank's TCA file starts in 1992 due to his involvement in trade union strikes. It also mentions that he was in a relationship with Lisa, and falsely stated she was involved in 'several marriages of convenience'. Lisa's blacklist file was one line describing her as 'girlfriend of Frank Smith'.<sup>[15]</sup>

In Operation Reuben, a significant section of the investigation into this case is redacted. The first unredacted note is para. 11.4.13, but from there the case as set out by Reuben is worth reading in its entirety.

- 11.4.13 The first mention of her "marriage of convenience" was on 21/03/1995 in folio [REDACTED] a comprehensive report compiled by DC [REDACTED] on C Squad at the request of [REDACTED] manager. The report refers to information about her marriage to [REDACTED] being simply for convenience. No mention is made of a relationship with Smith. Although not cited, it is believed that this information came from the SDS.
- 11.4.14 Militant Labour file [REDACTED], folio [REDACTED] dated 24/05/1995 is a linked report from Francis, in which he explains that [REDACTED] was romantically linked to another ML activist, [REDACTED]. Folio [REDACTED] (10/07/1995) of the same file is another report from Francis, in which he states that Teuscher and Smith are living together as a couple.
- 11.4.15 The last report by an SDS officer was folio [REDACTED] on 25/11/1996. This mentions both the marriage of convenience and Smith.
- 11.4.16 The final report in her file was entered on 17/07/1997 and refers to the end of the **Immigration and Nationality Department's** attempts to remove her from the country.
- 11.4.17 **Frank Smith**. In total, there are 23 entries in Smith's file, which begins in 1996 and ends in 2004. [REDACTED]
- 11.4.18 Smith's SB record begins on 02/05/1996, with information sheet 1A, from the SDS: this is the only SDS record on him. He is shown as a member of ML, in a long term relationship with Lisa Teuscher. His membership of YRE is not mentioned.
- 11.4.19 Apart from the submission of a photograph in July of 1996, there are no further entries in his file until March 1999, when his activity with the Socialist Party and the Away Team is mentioned, sparking a request for a comprehensive report to be written.

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- 11.4.20 The Comprehensive report was requested in March 1999 and completed by C Squad DC [REDACTED] in September of that year. It mentions that there is no up to date information on Smith's relationships.
- 11.4.21 [REDACTED] is still a serving officer and has provided a statement to the effect that [REDACTED] does not remember any contact with TCA and is not sure how the information could have come to their attention. However, [REDACTED] admits that irregular meetings were held with contacts from other organisations, and cannot rule out the possibility that someone connected with TCA was present at such a gathering.
- 11.4.22 [REDACTED]
- 11.4.23 [REDACTED] report does not mention a "marriage of convenience", simply stating that there had been no update on [REDACTED] personal circumstances since the 1996 intelligence.
- 11.4.24 Prior to the commencement of his personal file, Smith had come to the notice of MPSB due to his involvement with YRE and ML. He was also arrested for an offence at the Wapping riots in 1986.
- 11.4.25 [REDACTED] has provided a statement to Operation Herne, in which [REDACTED] confirmed that [REDACTED] did not remember Frank Smith and could not remember providing the information to the TCA.

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From the above, Operation Reuben contacted at least two people in relation to the files on Frank and Lisa. The first (in para. 11.4.21) was a serving officer in 2014 and states that meetings were held at which the TCA were possibly present. The implication of the last sentence in that paragraph is that personal material was being shared at such meetings *per se* – something the Op. Reuben investigators do not seem to have followed up on.

The second individual contacted (referred to in 11.4.25) is probably the same person referred to in 11.4.27 where they are named as a source for some of the material in The Consulting Association files on Frank Smith. The author of the Report notes that this person was said to have had direct links with local Special Branches. While the individual provided a statement to Reuben, it is not clear they were actually interviewed, and it is not clear why this link with Special Branch was not followed up.

They are most likely Gayle Burton, the former head of Human Resources of blacklisting firm

Costain, who appears as a source in the TCA file on Frank Smith<sup>[16]</sup> and was named in the Scottish Parliament as having Special Branch links.<sup>[17]</sup>

Paras. 11.4.27 and 28 raises further questions over the Op. Reuben approach to the investigation. It states that though Francis claimed responsibility for some of the reporting on Frank Smith, Reuben is focused on the lack of corroborating reports to support this. It ignores the fact that Francis was at the time a YRE branch secretary and also regularly drank with Smith, hence in a good position to know these details.

Much of the discussion around dates of files are red herrings, as is to a degree, whether or not Peter Francis is the original source of the Special Branch material. The actual question is who would have known of Lisa and Frank's relationships and the allegations around Lisa's marital status, and why it would have been of interest to The Consulting Association. The latter's interest in Lisa is minimal and solely in light of her relationship with Frank. Rather, it was Special Branch that opened a file and had an interest in her relationship with Frank. Furthermore, the simple spelling mistake in the TCA file of 'marriages' rather than marriage, speaks of information being passed on and noted erroneously, rather than acquired themselves.

The key points however, are that the information was circulating within Special Branch, not just the SDS; and that there were possible routes to The Consulting Association attested to, even if the specifics are not recalled.

The corollary then is whether the information on Frank and Lisa personal life could have reached TCA through other means. What Reuben's authors ask us to believe, is that all possible routes are somehow equivalent. That this is material that was just as likely and somehow 'open source', or something a construction industry manager or even an informer would pass on. They do not address at all that the information is in terms that reflect the interests of Special Branch.

While TCA did use other sources, it is clear that the Reuben investigators have a particular source in mind, who we have provisionally identified above. There is clear necessity to



explore their role in further depth not least because of the stated Special Branch link. Indeed, there is the related question of why TCA would use these other routes to acquire knowledge Lisa's existence at all, let alone the 'marriages of convenience'. Added to this is that Lisa's involvement was through the YRE, not the construction industry and knowledge of her was very unlikely to be known to building firm managers – a key source of intelligence for the TCA.

Rather, the breath of the material in Frank Smith's TCA file alone speaks of an origin from those who are interested in each different aspect of his activism and personal life as well as his trade union campaigning. In the absence of any viable alternative suggestion, the front runner by far for the source of that material is the organisation with a demonstrable interest in all of it including Lisa Teuscher – Special Branch.

In light of this, the Report is demonstrably an investigation that stops at the point where it would be able to demonstrate that material from the undercover police was being placed into files being passed onto the blacklisting firms. Thus, on this particular issue the finding of 'not proven', is missing the crucial clause 'but very probably the case'.

There is another aspect of Frank Smith's TCA file that is not addressed at all by the Operation Reuben report. His file states: 'under constant watch (officially)'.<sup>[18]</sup> Who else but police or related agencies would be able to say that he was being formally observed? Given it is clear from the Reuben report that he was a target of Special Branch attention at the time, something corroborated by Francis, one of those involved in that targeting.

## Cenotaph incident

The second of the two incidents raised by the Blacklist Support Campaign refers to three anti-fascist protestors from the YRE, including Frank Smith, who were stopped and searched by police in 1999. It is known as the Cenotaph incident as they were on their way to demonstrate against the British National Party laying a wreath there as part of Remembrance Sunday. The three were stopped by a uniformed police constable at nearby Charles Street. A report of this was passed onto Special Branch and logged under YRE, and

the Extreme Left Wing desk (part of 'C Desk') within MPSB notified.

The stop and search was a brief incident and not a matter of public record, particularly as they were not arrested. Of the three, one Steve Hedley, was targeted by SDS undercover 'Mark Cassidy'<sup>[19]</sup> who was also infiltrating construction workers, including another leading campaigner who was extensively blacklisted, Brian Higgins.

According to Op. Reuben, the material was not held in the Special Branch personal files of the three or among SDS files, but was found in the file on the YRE Away Team. However, the TCA files on the three individuals noted the incident, citing a construction company as the source. Since Hedley worked for the railways, while the third individual, Dan Gilman, was a teacher, it is not clear why a construction industry manager would have that kind of specific information.

The Operation Reuben investigation into this complaint is confusing and seems to deliberately misconstrue the case.

## 11.5 Francis's Allegations: the Cenotaph incident

- 11.5.1 August 2013: In a Guardian article, Francis stated that he supplied information on two individuals, which he claims would only be known to police through his undercover work; namely that they were members of Youth Against Racism Away Team (YRE) (AT).
- 11.5.2 According to the article, the Blacklist records for these individuals show that they were "observed" or "apprehended" at a protest against right wing groups laying wreaths at the Cenotaph in 1999.
- 11.5.3 The SB file for YRE AT has been examined and contains a report from a uniformed officer, PC [REDACTED] regarding the stop of three individuals in **King Charles Street**, opposite the **Cenotaph**, on the day in question.
- 11.5.4 The people involved were: **Steve Hedley, Frank Smith and Dan Gillman**. PC [REDACTED] records that Hedley stated that he belonged to the Socialist Party. No further information regarding the political leanings of the individuals is noted; however the stop slip was passed to SB by the local collator and logged as YRE AT.
- 11.5.5 The report has been marked to show that the **Extreme Left Wing (XLW)** desk was made aware and it was to be transposed to the computer system. Although the individuals are obviously recognised by SBR, no note of the stop is contained in their SB personal files.
- 11.5.6 Although all three males feature within SDS records, no mention of this stop has been found within the unit's files.
- 11.5.7 The information on the Blacklist is attributed to the construction company, [REDACTED] although an individual source is not cited.
- 11.5.8 There is no evidence to suggest that the information regarding the police stop was shared outside of the organisation.

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PAGE 43 (p. 43)

- 11.5.9 There is a gap of over 2 years between the end of Francis' SDS deployment in August 1997 and the appearance of the information on TCA records in November 1999.
- 11.5.10 The article's claim that knowledge of the Away Team's existence was known to "only a handful of members at the heart of" YRE and Francis' claim that he could be the only source for this information is also undermined by a World in Action programme from November 1993. The show explained that the group of approximately 25 individuals were linked to YRE and used for defence and attack.

There is an obvious immediate mistake in the final paragraph (11.5.10): *The Guardian* article referred to<sup>[20]</sup> does not state that knowledge of the Away Team's existence was a carefully guarded secret. This is compounded by the misconception that knowledge of the existence of the 'Away Team' within the YRE is not the same as knowledge of its members. The reference to a *World in Action* programme is presumably the November 1993 documentary on the Welling riots, which does name the Away Team, but does not identify its membership.<sup>[21]</sup> Actual membership of the group was a carefully guarded fact, albeit one that found its way into police files via Francis. No explanation is given how construction industry managers would have learned of that membership.

A careful reading of section 11.5 of the Report indicates that a focus on Peter Francis is used as a smokescreen. The statement that 'there is a gap of over two years' between the end of Francis' deployment and the appearance of information in the TCA is used to imply he is not speaking the truth. What it does not address is that the files may have been passed over after Francis' deployment. Nor that Francis stayed on at the SDS after his deployment and was privy to much of the intelligence and inner workings of the unit.

Whether or not Francis being the source of the information that the individuals were members of the YRE Away Team is actually a secondary point. Focusing on it distracts from the more significant issue, the knowledge of the Cenotaph incident itself.

Likewise, in focusing on the undercover officer, Op. Reuben brushes over the question of how TCA got access to the details of the Cenotaph incident, something not apparently explored. If there is material in The Consulting Association files that could only have come from the police, as the Information Commissioner's Office investigator David Clancy said, then this fact is among it.

Francis' detail on Frank's activity with the YRE Away Team is important, because it shows the amount of detail which TCA acquired, indicating that Special Branch were the most likely source of the material (via a liaison with a construction company).

Operation Reuben concluded that the allegation was not proven, but a more accurate statement would be that it was highly likely to have been the case.

On to part 2

[Read the Operation Reuben report \(external link\).](#)

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- 2 Matthew Taylor, Blacklist used by construction firms to disrupt environmental protests, *The Guardian*, 28 January 2013.
- 3 Construction firms strike blacklisting settlement, *BBC Online*, 29 April 2019.
- 4 Alan Jones, Blacklisted construction workers get compensation, *The Independent*, 9 May 2019.
- 5 In the year leading up to the second world war, MI5 was secretly vetting 25,000 workers a month. However, this was not aimed at Nazi sympathisers but working class communists. The National Archives, Cabinet Office 116/37, Lord Swinton to Service Supply Departments, July 10, 1940, cited in Jennifer Luff, *Covert and Overt Operations: Interwar Political Policing in the United States and the United Kingdom*, June 2017.
- 6 Mark Hollingsworth & Richard Norton-Taylor, *Blacklist: The inside story of political vetting*, Hogart Press, 1988.
- 7 Eveline Lubbers, True Spies – Story, *SpecialBranchFiles.uk*, 24 March 2016. Links to video and transcripts of the TV series.
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- 9 Dave Smith & Phil Chamberlain, Blacklisted: The secret war between big business and union activists, *New Internationalist*, 2nd Edition, September 2016.
- 10 Will Hurst, Police dismiss claims of blacklist collusion, *Building*, 1 February 2013.
- 11 Met police launch inquiry into construction worker blacklisting, *The UK Construction Blog*, 25 February 2013.
- 12 Spycops Investigator was Spycops Overseer, Campaign Opposing Police Surveillance, 31 May 2016.

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- 16 Tom Coburg, The links between Costain & the Consulting Association (blacklisters), *UndercoverInfo (blog)*, 3 July 2016.
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## *Operation Reuben Unpicked: police involvement in blacklisting (part 2)*

*Dónal O'Driscoll, June 2019 (updated September 2019)*

*[back to part 1]*

### **Wider evidence of police collusion in blacklisting**

The Report provides several short accounts of statements by a number of officers discussing contact between Special Branch and the Economic League. Most of them refer to the links between the two organisations as being informal. The various police and other witnesses maintained the exchange of information was mostly one way, from the Economic



League to the police, and not vice versa.

However, the redactions in this part of the report and lack of any detail on the position of the officers interviewed make it impossible to draw conclusions on the extent to which intelligence gathered by the SDS, or Special Branch as a whole, was ending up in the Leagues' files.

Nevertheless, despite citing statements to the contrary, material quoted in the Report makes it is clear that contact between Special Branch and the Economic League was sustained over decades and included sharing of information in both directions. Though only lightly covered in the report, it is apparent such would have required a degree of tacit approval from police management. Not least as the durability of it indicates methods for facilitating ongoing contact through changes of staff.

While the Report focuses on the illegality of unauthorised passing of information from police to private hands, what it does not address is legality and proportionality of their own use of intelligence gathered by other sources. In accepting and using material from the Economic League and The Consulting Association, the police were tacitly endorsing these illegal operations – if not taking part in them. The Report does acknowledge that prior to the 1984 Data Protection Act, policy on the sharing of police information and oversight relating to it was lax. However, there is no evidence that the new legislation had any real effect in curbing Special Branch's relationship with the blacklisters.

What the Report does note is that both the Economic League and The Consulting Association drew on media reports, hired private investigators to compile 'special' in-depth reports, and used informers. It also reveals that The Consulting Association employed people with police and military backgrounds, though, again there is

- 11.1.11 Evidence also exists of Special Branches' legitimate widespread involvement with private organisations and institutions, again mainly through MPSB's Industrial Unit and their regional counterparts.
- 11.1.12 These officers maintained relationships with key figures from all sectors of the working world who provided insight into issues affecting their specific areas, both professionally and geographically. Some of these people would have been considered to be Sources, whilst others were simply referred to as "Contacts". The individual officers closely guarded the identity of these people, and thus retained a sense of ownership.
- 11.1.13 An individual's reasons for providing information to the police differ for each person; ranging from a desire to assist with national security to personal advancement within a group.

#### 11.7 Alternative Sources

- 11.7.1 As reported above, Operation Reuben can say that there are numerous potential alternative sources of information for many of the records on the Blacklist. They are follows:
- 11.7.2 [REDACTED] has confirmed that before 2006, their procedures around the sharing of information were: "quite lax". Even now, it is possible to request information from them with: "reasonable cause".
- 11.7.3 **Open Source reporting:** Both the EL and TCA relied heavily on media reporting for their records. This could have included anything from stories naming campaigners, to the note of court appearances in local newspapers.
- 11.7.4 **Private Investigators:** The Economic League appears to have commonly used Private Investigators to compile their "Special", in-depth reports. They were also employed by companies to complete checks on prospective employees, verifying their claims.

no revelation of any individual names and little discussion of how this may have been a source of particular information in the blacklist files. It is not stated if any of these ex-police officers were known to be former Special Branch or linked with the SDS or NPOIU.

- 11.7.5 **Union Representatives:** There are numerous mentions of union officials being the source of information within The Consulting Association files. It is also known that they would report direct to companies and to Special Branch.
- 11.7.6 **Former Military or Police officers:** Although no records have been found to give specific details, it is known that the Economic League employed people with police and military backgrounds.

“Alternative Sources” – Op. Reuben on other means of intelligence gathering used to compile blacklists.

In their reliance on the police's defence that material could have come from other sources, the Report's author is not keen to address the likelihood that this was the case, or that such statements are a comfortable way of sanitizing such material. There is no mention of effort being made to rule out these alternative routes, or to demonstrate that they did actual exist in the specifically cited cases. Thus, it seems unlikely Operation Reuben conducted this crucial aspect of the investigation – other than one example, discussed in the next section.

## 1978 and the Economic League

11.1.7 The only documented incident of this found by Operation Reuben, occurred in 1978. On this occasion, it was identified that (erroneous) information emanating from Special Branch had resulted in an individual being refused work.

11.1.8 [REDACTED] union activist applied for a role with a television company involved in making educational videos. The company also produced work for the construction industry, and as part of the recruitment process, [REDACTED] name was passed to the Economic League to be checked. The EL representative identified [REDACTED] as a left-wing sympathiser and therefore decided to contact MPSP's Industrial Unit, due to the perceived risk of [REDACTED] involvement in education.

11.1.9 The receiving officer's initial enquiries revealed a potential link to the [REDACTED] which in his opinion had not been resolved satisfactorily. Amongst other strands of investigation, he returned to the EL asking for any further information, stressing the matter's importance due to the possible link to terrorism. This was recorded as fact by the EL representative and passed on to the prospective employer. [REDACTED] was initially denied employment as a direct result of the information, being informed that it was due to [REDACTED] being "Blacklisted by the security people".

11.1.10 Fortunately, [NAME]'s relative [REDACTED] was a retired [REDACTED] Chief Superintendent who made inquiries on [REDACTED] behalf at senior levels. A thorough internal investigation was conducted and the issue corrected. Consequently, Special Branch standing orders were re-circulated, which show that policy restricted contact with any such organisations and forbade searching for and sharing of information with "commercial organisations".

Operation Reuben: detail of 1978 incident (redacted).

One of the few examples given in the Reuben report details how someone was blacklisted in 1978 due to erroneous information being exchanged between Special Branch and the Economic League (sections 11.1.7-11.1.10). A union activist applied for a job to make educational videos with a company that also carried out work for the construction industry. The Economic League identified him as a left-wing organiser and contacted a Special Branch department over the perceived risk of the individual being involved in education.

Special Branch asked for more details of the Economic League on this matter, alleging the individual was potentially linked to terrorism. In turn, the

Economic League recorded this as a fact, leading to the person being denied the job – they were informed it was due to them being ‘Blacked by the security people’.

‘Fortunately’ (in the words of the Report’s author) the person had a relative who was a police Chief Superintendent who was able to make some inquiries. This led to an investigation and the erroneous information that had come from Special Branch being corrected.

The same incident is also seemingly noted in the Rupret Allason’s history of Special Branch:

[1]

*The difficulty in assessing the misuse of the Branch’s information lies in the very nature of the material. On one well-publicised occasion an employee of the BBC of a television company nearly lost her job because her husband had been mistakenly identified as a Baader-Meinhof terrorist suspect while on a holiday on the Continent. The information, unchecked had been entered on a Special Branch file. Fortunately the situation was rectified by the intervention of the suspect’s father-in-law, who happened to be a retired Scotland Yard man himself.*

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The language is here is telling and the use of the word ‘Fortunate’ indicates that the authors of Reuben were using the book as one of their sources. It also shows that they were relying on material known to be in the public domain already.

As a result, according to the Reuben report (11.1.10):

*Consequently, Special Branch standing orders were re-circulated, which show that policy restricted contact with any such organisations and forbade searching for and sharing information with “commercial organisations”.*

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# MPSB Industrial Unit / Industrial Intelligence Section and its links with industry

The Metropolitan Police Special Branch (MPSB) had an Industrial Unit (or Industrial Intelligence Section). Op. Reuben report says of this unit:

## ***MPSB Industrial Unit***

*Formed in 1970 to monitor growing Industrial unrest, officers from the Industrial Unit used various methods to report on the whole range of working life, from teaching to the docks. This included collating reports from other units (from uniform officers to the SDS), attending conferences and protests personally, and also developing well-placed confidential contacts from within the different sectors. There is no knowledge or record of the Industrial Unit using undercover officers.*

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This, it should be noted, does not rule out plain clothes officers from the unit simply turning up a more public meetings and recording what occurred.

The mention of the docks is worth exploring further, as it is likely a reference that includes Special Branch interest in the national dock strikes of 1970 and 1972. The latter strike produced a cause celebre when five union leaders were imprisoned over their alleged leadership of the strike. Known as the Pentonville 5, part of the evidence against them was gathered by private security firm Euro-Tec which had been hired by Special Branch.

This is yet another example of links between private security and British intelligence services as Euro-Tec was set-up in 1968 by former MI5 operative Gary Murray. Later in the 1980s, disillusioned by what he was being asked to do, Murray turned whistleblower and authored a book on the private intelligence industry and its links to the security services.<sup>[2]</sup>

[3]

Though the Reuben report states the Industrial Unit did not deploy undercover directly, there were links though. The Undercover Policing Inquiry has revealed that at least one undercover officer (HN336, using the cover name Dick Epps when he infiltrated the International Marxist Group and British Communist Party for the SDS from 1969-72) went on to work for the Industrial Intelligence Section. He also appeared on the True Spies documentary as 'Dan'.<sup>[4]</sup>

## Domestic Extremism units of the 2000s

From 1999, the Association of Chief Police Officers began establishing a number of Special Branch units to operate on a national basis. The first of these was the National Public Order Intelligence Unit, a sister unit to the London-focused SDS, that ran undercover across the country. The NPOIU itself was formed from the Animal Rights National Index which had been collecting information on animal rights activists since the 1980s.

Another unit was the Cambridgeshire based National Extremism Tactical Co-ordination Unit (NETCU), initially founded in 2003 / 2004 to protect animal testing firm Huntingdon Life Sciences, but spread its remit to all forms of protest. According to the Reuben report:

***National Extremism Tactical Coordination Unit***

*NETCU performed a Liaison role with different contacts from the Life Sciences sector, Oil, Gas and Energy, Banking, Commerce, Farming as well as other Government Agencies that connect with Industry affected by extremism. NETCU was dissolved upon reintegration into the MPS; however a similar Liaison Unit was set up within the NDEU/ NDEDIU.*

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From 2006 NETCU and NPOIU were subsumed into the National Domestic Extremism Unit, headed by National Coordinator for Domestic Extremism, Anton Setchell. Following the exposure of NPOIU undercover Mark Kennedy, the domestic extremism units were in

2011 placed under the wing of Counter-Terrorism Command / SO15 – the successor of the old Metropolitan Police Special Branch.

That these Special Branch units have survived reorganisations under the guise of different names – more recently as the National Domestic Extremism and Disorder Intelligence Unit – shows there is a continuity in gathering intelligence by undercover officers in direct liaison with industry (see more below).

## NETCU & the 2008 Woodstock meeting

The Report briefly mentions the presence of NETCU officer DCI Gordon Mills at a meeting of the Construction Industry Forum in Woodstock, Oxfordshire on 6 October 2008. The Forum was made up of directors of large building companies.

Among the material seized from The Consulting Association were notes the TCA's head Ian Kerr had made of a talk given by Mills. Mills denied to Reuben investigators that he knew Kerr was present or having any knowledge of the blacklisting firms. He also claimed that the material in presentation was based only on open source material.

Another, unnamed, NETCU staffer said Kerr had been invited by one of the companies and there was no direct link between The Consulting Association and the unit.

Not mentioned by Reuben is a posthumous interview with Kerr in *The Times*, published in January 2013, where Kerr not only refers to this meeting but directly contradicts the above positions. The newspaper quotes him saying that a two way information exchange began with NETCU. In the same interview he also disclosed the sort of codes used to indicate which individuals were of interest to Special Branch.<sup>[5]</sup>

Anton Setchell, who by that stage had oversight of NETCU, told Reuben he only became aware of blacklisting after he left the firm to become global head of security for construction firm Laing O'Rourke. Notably, the company is an amalgamation of several companies known to have been active in the blacklists put together by the Economic

League and The Consulting Association. That Setchell is not challenged at this point is telling for the depth of Operation Reuben if not the knowledge of its investigators.

According to Op. Reuben, when it sought out the records of NETCU it was told they had all been conveniently destroyed in the period 2011-2012. This was following the transfer of its parent unit to the Metropolitan Police.

Not mentioned in the report is another significant transfer from police to the corporate. Steve Pearl, the founder and head of NETCU, went on to become a director of vetting agency Agenda Resource Management, which has strong links controversial animal experimentation firms.<sup>[6]</sup> Not mentioned either is that under him, NETCU had actively encouraging companies to take out civil injunctions against protestors for which he regularly provided supporting statements. In one case, Pearl handed over details of campaigners convictions without the necessary court order.<sup>[7]</sup>

## Ongoing liaison

### ONGOING LIAISON: FAIRWAY (p. 31)

The modern equivalents of MPSB's Industrial Unit would be **Operation Fairway** and the **National Domestic Extremism and Disorder Intelligence Unit (NDEDIU)**'s Industrial Liaison section (please see section 7 for further explanation of these groups). Although operating within ostensibly secret departments, their role is much more open, with officially sanctioned **Information Sharing Agreements (ISAs)** completed for each organisation since 2007. ISAs are agreed when sharing personal information (data) with an outside, non-police organisation to achieve a common aim (i.e. public protection, preventing crime and/or reoffending).

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The Report notes how changing legislation such as Data Protection Acts and the Regulation of Investigatory Powers Act 2000 had their impact on the police regime. Though the exchange of information now requires officially sanctioned agreements between police and industry, the following three paragraphs found in the report demonstrate a degree of historical continuity of links between Special Branch units and industry:

*6.14 ...NETCU was dissolved upon reintegration into the MPS;  
however a similar Liaison Unit was set up within the NDEU/NDEDIU.*

*6.18 SO15's Operation Fairway Engagement Team*

*Liaising with all sectors of industry and the community, they deliver counter-terrorism briefings to raise awareness of suspicious activity and encourage reporting to the Anti-Terrorist Hotline.*

*11.1.17 The modern equivalents of MPSB's Industrial Unit would be Operation Fairway and the National Domestic Extremism and Disorder Intelligence Unit (NDEDIU)'s Industrial Liaison section [...]  
Although operating within ostensibly secret departments, their role is much more open, with officially sanctioned Information Sharing Agreements (ISAs) completed for each organisation since 2007. ISAs are agreed when sharing personal information (data) with an outside, non-police organisation to achieve a common aim (i.e. public protection, preventing crime and/or reoffending).*

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That 'Operation Fairway' is mentioned in this context is curious. It is publicly presented as an operation to raise awareness of terrorism issues, giving workshops to staff of shops, commercial and public buildings on how to respond to it 'to detect, deter or disrupt terrorist activity'.<sup>[8]</sup> Yet, it is also described as one of the 'key intelligence-gathering operations for the United Kingdom'. In 2008, the Metropolitan Police wrote:<sup>[9]</sup>

*Under the name 'Operation Fairway, [the Joint Terrorism Analysis Centre (JTAC)] produces a variety of reports tailored to meet the needs of individual customer departments. These are sanitised intelligence reports that are disseminated to a wide range of Police customers via Special Branches. They are predominantly intended for use as background briefing documents among officers and staff engaged in operations duties, in order*



*to heighten awareness of the current international terrorist threat.*

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*The Times*, however, has noted that Fairway has also been used to gather information on journalists.<sup>[10]</sup>

The following report from a 2010 police presentation to a logistics conference gives considerable insight into the scope of Fairway's intelligence gathering remit:<sup>[11]</sup>

*Conference delegates were informed of the role of Operation Fairway, the umbrella title given to various workstreams which feed into an intelligence database designed to counter terrorism in its earliest stages of planning.*

*The programme asks police officers and security personnel to be aware of the constant threat of terrorism and feed any gathered intelligence, including any concerns regarding individuals behaviour, to their local Special Branch for inclusion on to the National Fairway database. This suspicious behaviour can be anything from employee failure to disclose details of higher education; discrepancies in dates of work history or gaps in employment; supplying forged documents such as P45s; the purchase of commercial vehicles that are sign-written or parked for periods in residential areas; or individuals taking photographs of public places, entrances to car parks or service areas.*

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The National Fairway Database is clearly an update of the earlier National Domestic Extremism Database and the National Special Branch Intelligence System which carried out the same functions.<sup>[12]</sup>

So while names are changed and new guises adopted, the ongoing process of broad data

collection in relation to political and trade union activity, a hallmark of Special Branch, continues unabated. The standard pattern of embedding such units within those devoted to national security or counter-terrorism permits the masks a wider domestic extremism programme which targets all forms of dissent across civil society.

## Operation Creel & Richard Walton

7.15 August 2012: After several basic searches, Operation Creel was closed by Commander Richard Walton as it was concluded that there were a number of alternative sources for such information, combined with little evidence of any SO15/MPSB involvement.

7.16 In his report to the Commissioner's staff officer, Commander Allan Gibson (now retired), Commander Walton made a recommendation that any further investigation would be more suited to the Directorate of Professional Standards (DPS) but for an unknown reason, this was not pursued at the time.

Operation Reuben summary on Operation Creel  
and role of Richard Walton.

Prior to Reuben, there had been a earlier investigation into blacklisting by the Metropolitan Police MPS). This was 'Operation Creel,' set up in April 2012 after MP George Howarth wrote to the MPS on behalf of a blacklisted constituent. Creel was overseen by SO15 Counter Terrorism Command which had

subsumed both Special Branch and the National Domestic Extremism Unit (which had ran the other main spycop squad, the National Public Order Intelligence Unit).

SO15 at that point was headed by Commander Richard Walton,<sup>[13]</sup> who would later be revealed as playing a role in the scandal of the SDS spying on the family of Stephen Lawrence during the Macpherson Inquiry.<sup>[14]</sup>

According to the Op Reuben report, Walton closed down Creel when 'it was concluded that there were a number of alternative sources for such information, combined with little evidence of any SO15/MPSB involvement'. A set of conclusions which Operation Reuben also adopted. Walton did recommend to the Commissioner of the Metropolitan Police that further investigation be taken up by the Directorate of Professional Standards, but this proposal was not taken up.

## World In Action programme / Chris Mullins complaint

In 1987, TV current affairs programme *World in Action* aired a three part series on blacklisting<sup>[15]</sup> alleging illegal information sharing was taking place between the police and private companies. Specifically, the programme interviewed Alan Harvey of the Economic League openly talking about collusion with Special Branch.

This was raised in Parliament by Chris Mullins MP, who stated that several officers had been disciplined for offences under the Data Protection Act.

Creedon followed up on this, and asked police forces to send details of any cases which this might have happened in the period 1987-89. It appears that due to the length of time, relevant records had again been disposed of. However, five cases were identified – one from MPS in 1988, two from Lancashire police in 1989 and two from British Transport Police in Glasgow. According to the Op. Reuben report, based on available material, none of these were linked to the blacklist.

The Reuben report also noted that North Yorkshire Police investigated Alan Harvey's statements at the time, but 'concluded there was no detrimental findings', so dismissed the claims. The report was not retained by that force.

## Missing: the revolving door with private security

It is known that a number of MPSB officers have gone on to work in the private intelligence industry.<sup>[16]</sup> Since in their new job they theoretically have the opportunity to make use of information gathered while serving offices or of their contacts within Special Branch, this would offer a potential route for police information to turn up in private intelligence files. Operation Reuben fails to address this issue.

The 2012 HM Inspectorate of Constabulary investigation into the NPOIU, reporting before Op. Reuben was established, indeed did note inappropriate contact between the domestic extremism units and ex-officers:<sup>[17]</sup>

*A close relationship was built-up over a number of years between the [National Domestic Extremism Unit] and those industries which found themselves the target of protests, to raise awareness of threats and risk so that damage and injury could be prevented. A number of police officers have retired from NDEU's precursor units and continued their careers in the security industry, using their skills and experience for commercial purposes. Whilst this is perhaps no different from any other retired officer finding similar employment, HMIC acknowledges NDEU's concerns about attempts by retired officers to then contact and work with NDEU as this, on occasions, led to potential conflict of interests. Given this, HMIC welcomes NDEU's policy that it will have no contact with private security companies which operate in the same type of business.*

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The most noted of these companies is Global Open, set up by Rod Leeming, the former head of the MPSB's Animal Rights National Index.<sup>[18]</sup> Global Open made an appearance in evidence bundles relating to the injunctions supported by NETCU, and facilitated the infiltration of anti-arms trade protestors by other private operatives. It also hired other Special Branch officers.

Global Open came to wider attention when it emerged that it had hired Mark Kennedy to spy on activists after he had left the police.<sup>[19]</sup> It remains unexplained how Leeming and Kennedy knew of each other.

Another such firm is C2i which had former Special Branch officers in senior positions and targeted environmentalists, etc.<sup>[20]</sup> One of its operatives, who later formed her own company, was Rebecca Todd, Notably, she began infiltrating London Rising Tide, while SDS undercover 'Dave Jones' deployment within the same group was coming to an end.<sup>[21]</sup>

The Undercover Policing Inquiry has also noted that 'Dave Jones' went on to work in private

intelligence.<sup>[22]</sup>

In 2000, the Metropolitan Police settled out of court a complaint by Helen Steel and Dave Morris (the 'McLibel Two') regarding Special Branch exchanging their personal details with private intelligence companies hired by McDonald's. The fastfood company had taken the two to Court over a leaflet handed out in front of their shops. The settlement also required the London police commissioner to remind all officers of their responsibility not to disclose such information. <sup>[23]</sup>

## Relation to Herne 2 report: The Allegations of Peter Francis

The Cenotaph incident in Reuben also provides context to a section in the second Operation Herne report. Herne is the Metropolitan Police's wider investigation into the undercover policing scandal, formerly led Chief Constable Mick Creedon of Derbyshire Constabulary, which Operation Reuben was also part of. The second Herne report explicitly looked at the allegations of Peter Francis and wrote in relation to blacklisting:<sup>[24]</sup>

*SO15 records show one documented instance of the exchange of information between Special Branch and Economic League, dating from 1978. This related to a police enquiry about terrorism offences. The officer-in-the-case inadvertently disclosed the terrorism link to emphasise the importance of the inquiry. The Economic League recorded this disclosure as fact, leading to the individual being refused work at a later stage. A complaint was made which was investigated and subsequently corrected. This complaint was brought to the attention of both Assistant Commissioner Specialist Operations and the Home Office. This incident was widely reported in 1981, subject to newspaper reports and a Panorama programme. On 3 November 1978, Special Branch issued a Memorandum to all officers in relation to the disclosure of information and how seriously*

*they regarded it. It reiterated Metropolitan Police Standing Orders, Paragraph 13 that prohibited searches of Special Branch on behalf of commercial organisations. It also documented that such 'improper' disclosure constituted a disciplinary offence. This memo came directly from the then Head of Special Branch.*

*Operation Herne has established that the individuals identified by Peter Francis appear on the blacklist. However, Peter Francis claims to have been deployed between 1993 and 1997. The CA record is dated from 1999, two (2) years after Peter Francis alleged deployment ceased. There is no evidence to suggest that SDS exchanged any information with either the Economic League or the Consulting Association. Twenty (20) test records have been highlighted by the ICO as being the most likely to be the result of police information. These records have been investigated, revealing numerous alternative sources for information. A Special Branch officer has stated in interview that, 'The flow of information was purely one way' the Economic League were a 'conduit of information' driven by their sense of 'civic duty'. The Economic League was treated as a source of information. It was not Special Branch policy to pass information to them or any other external organisation. There is no evidence that any information reported by SDS operatives was ever shared with the Consulting Association.*

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The above is clearly based on the work carried out in Operation Reuben. However, Creedon has selectively picked a set of things that amount to misleading the public and do not accurately reflect the Operation Reuben report's conclusions (for all that's investigation's weaknesses).

Herne ignores the general conclusion was that indeed information from police was passed

on. It also mis-states the allegations made by Peter Francis and seeks to sweep them under the carpet, while ignoring other more salient facts. Another mis-statement is to say that 'numerous alternative sources for information' are presented; this was only done in the most general of terms. As we have pointed out above in the specific complaints made (which are not referenced in Herne), those conclusions are questionable. Finally, Creedon relies on one officer's statement as being indicative of the flow of information from industry to police, when even Operation Reuben does not conclude this.

## Conclusion

As an investigation into blacklisting, and particular the role of undercover police in it, Operation Reuben is fatally flawed in its narrow and selective approach. It refrains from a detailed examination, instead limiting itself to a few specific complaints which it readily dismissed as 'not proven'. Something it does by taking the expedient approach of applying the general proposition that the blacklisting organisations could have got the material through other routes – without apparently testing just how more likely that hypothesis was.

It also looked for something that was never likely to exist – a formal mechanism with a paper trail in which personal details of individual trade unionists were passed on to private companies. The apparent informal and ad hoc nature of the information breaches is used by the reports authors to downplay the significance of clearly sustained contact between Special Branch and private blacklisting organisations.

### EMBEDDED IN OPERATION HERNE (p. 13)

As expressed above, the Terms of Reference must be considered in the context of Operation Herne, which was set up to investigate the SDS. Despite this, there has been some natural merging of the investigation into the broader realms of policing and more specifically Special Branches, both within the MPS and externally. This report will therefore contain information which will not be directly associated to the SDS, however it is not within the remit or resources of Operation Reuben to pursue all of these avenues. Therefore, it is expected that any findings not related to the SDS which require further investigation will be referred back to the MPS or a relevant external body.

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The placing of Operation Reuben in Herne, an operation designed to investigate undercover policing within Special Branch is problematic in that it leads to a focus on particular units. As such, it misses the wider context of Special Branch's role in the illegal vetting industry and both the scale and duration over which that has occurred. Or indeed the appropriateness of ongoing programmes on that front.

However, that such a limited investigation was nevertheless able to touch on significant material demonstrates that a more thorough would be likely to discover considerably more. Ultimately, the impact of Operation Reuben is not to the individual conclusions arrived at, but to demonstrate that a broader and more in depth examination is needed of the role of police generally in blacklisting and its relationship to the modern vetting industry.

#### RECOMMENDATIONS (p. 61)

In order to properly establish the scale of the 'information sharing' between Special Branches throughout the United Kingdom and the construction industry, further investigation is necessary; albeit this will be necessarily limited, given the passage of time and the quite proper weeding of Police Special Branch records. This is beyond the remit of Operation Reuben and Operation Herne.

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## Resources

- Read the Operation Reuben report (external link).
- Blacklist Blog & Facebook page (hosted by Hazards.org)
- Mark Hollingsworth & Richard Norton-Taylor, *Blacklist: the inside story of political vetting*, Hogarth Press, 1988.
- Mike Hughes, *Spies at Work*, 1993. The associated website contains considerable resources on the Economic League.
- Dave Smith & Phil Chamberlain, *Blacklisted: The secret war between big business and union activists*, *New Internationalist*, 2nd Edition, September 2016. See also
  - Dave Smith & Phil Chamberlain, *On the Blacklist: how did the UK's top building firms get secret information on their workers?*, *The Guardian*, 27 February 2015.



- Dave Smith, Police spied on trade unionists for an illegal blacklist. We demand justice, *The Guardian*, 6 March 2016.
- Rob Evans & Paul Lewis, Undercover: The true story of Britain's secret police, *Guardian / Faber & Faber*, 2012.
- See also Rob Evans, Covert police unit spied on trade unions, whistleblower reveals, *The Guardian*, 13 March 2015.

*[back to part 1]*

- 1 Rupert Allason, *The Branch: a history of the Metropolitan Police Special Branch 1883-1983*, Seeker & Warburg, 1983.
- 2 Graham Stevenson, The Pentonville 5: dockers in action, solidarity and the anti-union laws, *Our History (Communist Party)*, Pamphlet No. 7, July 2012.
- 3 Gary Murray, *Enemies of the State*, Simon & Schuster, May 1993.
- 4 Sir John Mitting, In the matter of section 19 (3) of the Inquiries Act 2005 Applications for restriction orders in respect of the real and cover names of officers of the Special Operations Squad and the Special Demonstrations Squad 'Minded to' note 2, Undercover Policing Inquiry, 14 November 2017.
- 5 Billy Kember, Police were briefed on industry extremists and 'bad eggs', *The Times*, 23 January 2013.
- 6, 16 Re-visiting NETCU – Police collaboration with industry, *Corporate Watch*, 6 August 2014.
- 7 Huntingdon Life Sciences v Stop Huntingdon Animal Cruelty, EWHC (Queen's Bench Division), 2004, unreported.
- 8 Operation Fairway Sessions, *The Galleria (newsletter)*, 26 May 2011 .
- 9 Ch. Insp. Geoff Bishop, Section 44 Terrorism Act 2000: Standard Operation Procedures, Metropolitan Police Service, 7 February 2008 (archived by Statewatch.org).
- 10 Jules Mattsson, Journalists named on secret files, police admit, *The Times*, 11 November 2014.
- 11 Logistics security scrutinised at DHL & Reliance conference, *Logistics Handling (trade newsletter)*, 28 June 2010.
- 12 Peter Salmon & ors, *National Domestic Extremism Database*, Undercover Research Group ([powerbase.info](http://powerbase.info)), 2015.

- 13 As head of SO15, Walton also had oversight of the protests around the Olympics. Once such protest, which took place two months before Walton became head of the unit was by the Blacklist Support Group, but was one he would have been made aware of.
- 14 Eveline Lubbers, Peter Salmon & ors, Richard Walton (profile), *Powerbase.info*, 2015-2018.
- 15 The Operation Reuben report mistakenly says it is 1989. See: Boys on the Blacklist, World in Action, season 23, episode 20, first aired 16 February 1987 – source: IMDB.com.
- 17 A review of national police units which provide intelligence on criminality associated with protest, *HM Inspectorate of Constabulary*, 2012.
- 18 Global Open (company profile), *Powerbase.info*, 2011-2015.
- 19 Rob Evans, Amelia Hill, Paul Lewis & Patrick Kingsley, Mark Kennedy: secret policeman's sideline as corporate spy, *The Guardian*, 13 January 2011.
- 20 C2i International (company profile), *Powerbase.info*, 2011.
- 21 Rebecca Todd (profile), *Powerbase.info*, 2011.
- 22 Additional information from closed risk assessment to be considered with open application with HN66/EN32's restriction order application, *Undercover Policing Inquiry*, 21 February 2019.
- 23 The settlement also included apologies the claimants and a payout. See: Eveline Lubbers, McSpy: case study, in *Secret Manoeuvres in the Dark*, Pluto Books, 2012, p. 106. It has been revealed since that SDS officer Bob Lambert was involved in authoring the disputed leaflet. See Paul Lewis & Rob Evans, McLibel leaflet was co-written by undercover police officer Bob Lambert, *The Guardian*, 21 June 2013.
- 24 Mick Creedon, Operation Herne – Report 2: Allegations of Peter Francis (Operation Trinity), *Metropolitan Police Service*, March 2014.