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**STRIVING TO PRESERVE THE PEACE! The National Council
for Civil Liberties, the Metropolitan Police and the
Dynamics of Disorder in Inter-War Britain**

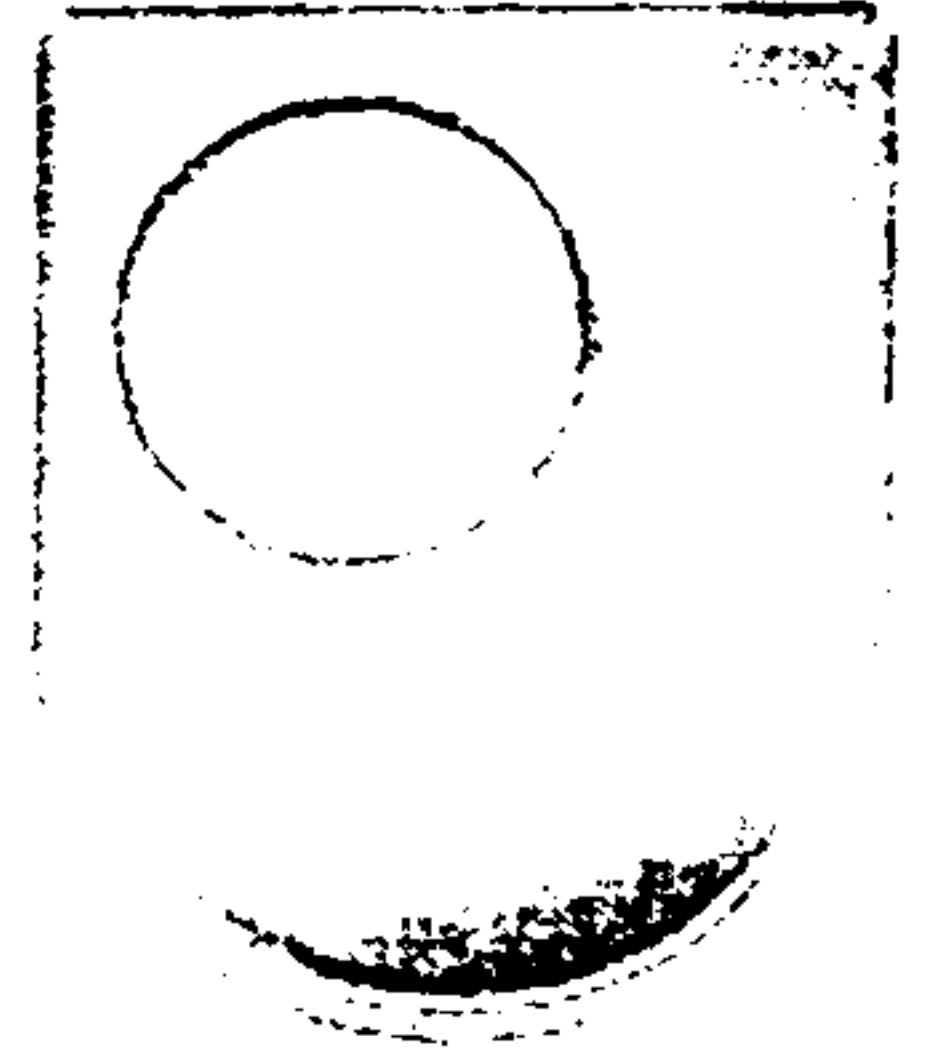
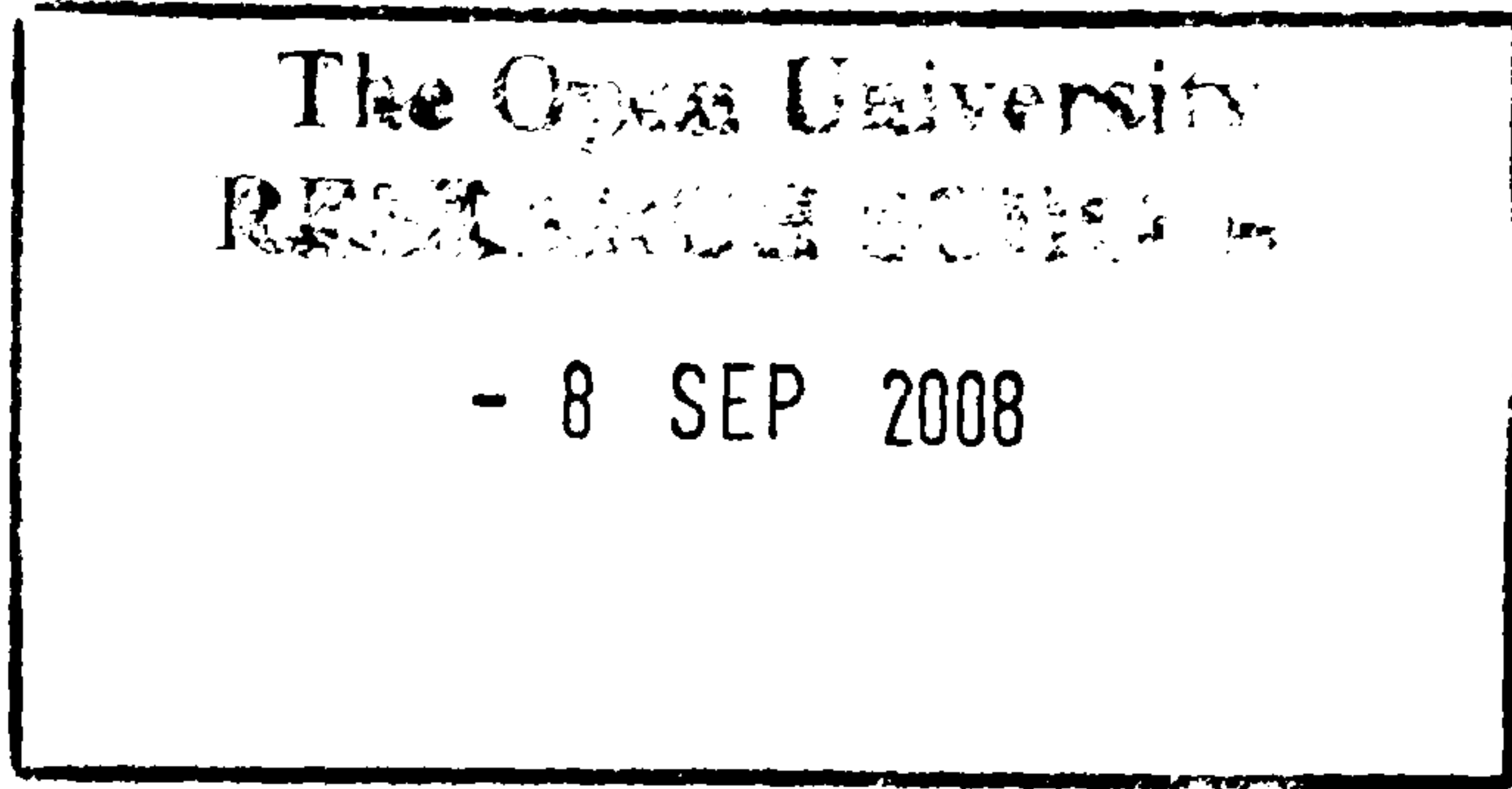
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Abstract

This thesis re-examines the policing of political activism in 1930s London. It was a period of struggle between political extremes that provoked some of the most violent disorder on London's streets in the history of the Metropolitan Police. This thesis explores the emergence of the National Council for Civil Liberties (NCCL) and its role in the context of the policing of political disorder in the period. The early chapters consider current historiography and the background to policing policies and operational techniques that led to a view of policing as partisan and tolerant of right wing (fascist) violence. The political events and chance involvement of the press that led to the formation of the NCCL are examined together with the prominent and influential support that emerged for a civil liberties movement. It is argued that the authorities regarded the NCCL as a product of the radical left but, at the same time, the organisation attracted wide popular support for its aims and the backing of the liberal press and in parliament. Chapters five and six show that the Home Secretary became progressively more concerned about the public order policing operation in the capital as police powers and political activism increasingly became the focus of the NCCL's campaign through 1935 and 1936. In chapter seven the discussion of the implementation of the Public Order Act 1936 illustrates the resultant tensions between the Commissioner and the Home Secretary. Finally it is argued that the NCCL achieved wide recognition as an important pressure group with established influence in parliament despite the finely balanced position it occupied in the political spectrum. It is concluded that the NCCL played a much more active and influential role in the policing of political disorder in the 1930s than has previously been acknowledged and thus an important aspect of the debate has been neglected.

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Abbreviations

BoD	Board of Deputies of British Jews
BUF	British Union of Fascists
CPGB	Communist Party of Great Britain
NCAC	National Council Against Conscription
NCCL	National Council for Civil Liberties
NUJ	National Union of Journalists
NUWM	National Unemployed Workers Movement
ICWPA	International Class War Prisoners Aid
ILD	<i>International Labour Defence</i>
ILP	Independent Labour Party
JPC	Jewish Peoples Council
LCC	London County Council
TUC	Trade Union Congress
UDC	Union of Democratic control

Introduction

...until I have had another talk with the S. of S. I am doing nothing beyond striving with varying success, to preserve the peace!¹

Philip Game, the Commissioner of the Metropolitan Police, was referring to his public order policing operation which, in the summer of 1938, he regarded as unreasonably constrained by political debate. Legislation introduced at the beginning of 1937 had provided the police with extensive powers to control political meetings and processions. It was intended to ensure there would be no repeat of the violent scenes witnessed at fascist events at Olympia in 1934 and at Cable Street in East London in 1936.² Nevertheless, more than a year after the battle of Cable Street, public order policing in the Metropolitan district remained marred by anti-semitism and political confrontation. Furthermore, operational policing had increasingly become the focus of a campaign by the National Council for Civil Liberties (NCCL) - a pressure group founded in 1934 to combat a perceived erosion of civil liberties through the introduction of oppressive legislation and extension of police powers.

This thesis re-examines the policing of political activism in London in the 1930s and evaluates the active role of the National Council for Civil Liberties, an aspect of the public order debate that historians have thus far overlooked. The NCCL, an organisation which still exists as Liberty, was formed by Ronald Kidd, one-time journalist and bookseller, with the support of a group of politicians, lawyers and journalists. Through pressure in parliament and in the press the organisation was able to voice concerns for police powers and civil liberties

¹ The National Archives, Metropolitan Police (MEPO) 3/2490, Letter to Norman Brook from Philip Game, 27 June 1938.

² Violent fascist stewarding at a British Union of Fascists meeting at Olympia in June 1934 attracted condemnation in the press and in Parliament. There was extensive criticism of the policing operation that appeared to ignore serious assaults on anti-fascist protesters. At Cable Street in the East End of London in October 1936 police officers fought a pitched battle with the mainly Jewish residents protesting at Mosley's plans to conduct an anniversary march through the East End.

and ultimately to influence policing policy. It came into being during a period when political tensions around labour and unemployment issues engendered a perception that policing policies were biased against the political left. This view had its roots more than two decades earlier in the policing of strikes and labour unrest. The policing of labour activism throughout the first quarter of the century is widely regarded as having favoured local business owners. Barbara Weinberger and Jane Morgan particularly have argued that there was consistent anti-Left bias in this period.³ During the First World War fears of German influence in trade disputes led to the decision to instruct Special Branch to investigate labour activism, which eroded the distinction between industrial unrest and political subversion.⁴ Then, from the end of the war, revolution in Russia and the emergence of the Communist Party of Great Britain fostered a belief among many in authority that all left-wing activism was communist inspired. As a result the labour disputes and hunger marches of the 1920s and early 1930s were regarded as subversive communist activism that called for strong policing policies. At the same time, although the emergence of the far right in Britain during the 1930s never threatened to match fascist regimes such as those in Germany and Italy, the struggle between political extremes during the decade generated some of the most violent disorder on the streets of London in the history of the Metropolitan Police. The military paraphernalia and anti-semitic propaganda of Oswald Mosley's British Union of Fascists provoked fierce anti-fascist protest. Nevertheless, for reasons that will be explored below the responses of the police to political activism remained focused on the control of the Left. This ensured that policing appeared biased. It was also often rough and, unsurprisingly, both generated support for a civil liberties movement.

The NCCL began as one man's crusade - although obviously reflective of wider public concerns - against aggressive policing techniques that were characterised by perceptions of

³ Barbara Weinberger, *Keeping the Peace? Policing Strikes in Britain, 1906-1926*, (Oxford: Berg, 1991), Jane Morgan, *Conflict and Order: The Police and Labour Disputes in England and Wales, 1900-1939*, (Oxford: Clarendon Press, 1987).

⁴ Weinberger, *Keeping the Peace?*, p.113.

anti-Left police bias. In a remarkably short time it became an important pressure group and part of the political dialogue that influenced proceedings in parliament and informed policing policy. And yet it barely features in the historical debate on the policing of political activism. Nigel Copsey's commendable work, *Anti-fascism in Britain* devotes barely a dozen lines to the NCCL.⁵ Where the organisation has been considered at all, most notably in the work of Richard Thurlow, it has been the preoccupation of the authorities with Kidd's own political affiliation and the perceived communist objectives of the organisation that have received most attention.⁶ The plethora of Special Branch reports that are to be found in the Metropolitan Police and Home Office files portray the NCCL as a front organisation for the Communist Party, Ronald Kidd as a puppet of Communist Party machinations and its prominent supporters as hoodwinked and misguided. Often historians seem simply to have assumed that such Special Branch intelligence would have discredited Kidd and the NCCL to the extent that both he and the organisation would be disregarded by the authorities and their representations would have been ineffective. Or, like Raphael Samuel, they have accepted that communist influence within the NCCL was such that the objectives of the organisation were effectively those of the Communist Party.⁷

However, a detailed examination of its activities shows that the NCCL was more influential than has previously been acknowledged. Its campaigns brought vital new tactics to the protest against legislation and police powers that were seen increasingly to encroach upon individual freedoms and liberty. There had been protests about civil liberties and the policing of political activism back into the nineteenth-century. The perceived politicised policing of public meetings in Trafalgar Square through the latter part of the 1880s generated

⁵ Nigel Copsey, *Anti-Fascism in Britain*, (Basingstoke: Palgrave, 2000), pp.44-5 and p.77.

⁶ Richard Thurlow, *The Secret State: British Internal Security in the Twentieth Century*, (Oxford: Blackwell, 1994).

⁷ Raphael Samuel, 'Staying Power: The Lost World of British Communism, (Part II)', *New Left Review*, 1/156 March-April 1986. Samuel's acknowledged source is Joe Jacobs, *Out of the Ghetto*, although Samuel accepts that Jacob's views are on occasions inconsistent with other sources.

complaints about the interference with free speech and the actions of the police.⁸ A proclamation issued in 1887 prohibiting meetings in Trafalgar Square was considered by radical and liberal groups to be in breach of the public right to assemble in the square and to free speech. Cunningham Graham MP was arrested and imprisoned during attempts to test the legality of the prohibition.⁹ In the first decade of the twentieth-century the policing of Suffragettes raised concerns about police behaviour, most notably an event in November 1910 that became known as 'Black Friday' because of the brutal police actions.¹⁰ A long running campaign protested at police connivance in the breaking up of a Labour meeting in Woolwich in 1918. There were demands for the Home Secretary to receive a deputation over the alleged inaction of the police when a meeting of the London Labour Party was disrupted and property damaged by organised opposition.¹¹ Indeed, an earlier organisation that shared the title 'National Council for Civil Liberties' pursued a pacifist campaign against conscription and for the rights of conscientious objectors during the First World War. Documents were seized from its premises in a police raid in 1917 and items of interest retained by Special Branch.¹² Crucially, the NCCL adopted a non-party identity that attracted the support of a strong line up of respected individuals who were prepared to work with cross-party interests. It associated the organisation with a broad culture of political pressure outside party organisations that had been part of political activism in Britain since the beginning of the twentieth century.¹³ The decades following the extension of the franchise in 1918 saw the growth of civic organisations or non-party associational pressure groups of varied character

⁸ Clive Emsley, *Hard Men: The English and Violence since 1750*, (London: Hambledon & London, 2005), p.123.

⁹ TNA, Home Office (HO) 144/206/A479760, Home Office minutes, November 1887 and extract from *The Standard*, 17 January 1888. HO 144/215/A49014 extract from the *Daily News*, 1 March 1889 and extract from *The Star*, 19 February 1889.

¹⁰ The Womens Library, Papers of Hugh Franklin and Nancy Duval, 7/HDF Box 226 Folder 2. Accusations of police brutality at a Suffragette demonstration on 18 November 1910 (Black Friday).

¹¹ HO 45/10744/263275 fos. 385, 390, 410, 431, extract from *Parl. Debs.*, 17 July 1918 and correspondence between Home Secretary and the London Trades & Labour Council, July 1918.

¹² The earlier National Council for Civil Liberties was formed in c.1916 and originally known as the National Council Against Conscription. No evidence of a direct connection between this organisation and the NCCL of the 1930s has been found although there were some common supporters. See chapter 4 pp.126-7.

¹³ B. P. Dackombe, *Single-issue extra-parliamentary groups and Liberal Internationalism, 1899-1920*, Open University PhD Thesis (not yet submitted).

and interests. These organisations saw their role as educational or having a welfare or social function. They avoided political or ideological direction. Nevertheless, the campaigns they pursued related to progressive and reformist issues and whilst they did not organise on party lines members were encouraged to adopt active citizenship and to take part in local politics as individuals.¹⁴ In a very recent study of four such voluntary organisations, the National Federation of Women's Institutes (NFWI), the British Legion, the Rotary International and the League of Nations Union (LNU), Helen McCarthy has argued that they cultivated mass memberships and engaged in a range of public activities as well as campaigning on issues ranging from birth control, equal pay and slum clearance to war pensions, relief work and the Poppy Day appeal. At the same time, McCarthy emphasises, they embraced an aggressive non-party identity and located themselves firmly outside the arena of partisan controversy.¹⁵ Non-party organisations were thus a means via which individuals of all political views, and of none, participated in political activism outside party affiliation. Their campaigns attracted the backing of politicians, political and economic theorists and intellectuals and through the 1930s they represented a broad challenge to the National Government.

In the wider political context, following the split with MacDonald in 1931,¹⁶ the progressively more left focused Labour Party was essentially marginalised by the dominance of successive, predominantly Conservative National Governments. McKibbin has argued that as a party of the working class the Labour Party was unique in Europe but, he suggests, that did not mean that it was the party of choice as far as the working classes themselves were concerned. According to McKibbin, much of the working class remained by 'instinct and

¹⁴ Caitriona Beaumont, 'Citizens not feminists: the boundary negotiated between citizenship and feminism by mainstream women's organisations in England, 1928-9', *Women's History Review*, Vol.9, No.2, 2000, pp.411-429.

¹⁵ McCarthy, Helen, 'Parties, voluntary associations and democratic politics in interwar Britain', *The Historical Journal*, Vol.50, No.4, 2007, pp.891-912.

¹⁶ The collapse of the second Labour Government and Ramsay MacDonald's decision to accept the opportunity to form a National Government led to most of his party breaking away to form an oppositional Labour Party.

allegiance' committed to the Tory Party through most of the inter-war period.¹⁷ Further he suggests that Conservative policies appealed to a huge group of 'middle' classes between the real middle-class and the manual working-class. Conservative rhetoric referred to this 'constitutional' class as the 'public'. It was terminology that avoided class definitions and it was often Labour that was seen as constrained by class. At the same time Conservative campaigns had wide appeal to women and the party attracted disproportionate numbers of the female electorate.¹⁸ The Labour Party's minor role in events through the latter part of the 1930s has been viewed by Ben Pimlott as symptomatic of the political strait-jacket imposed by its own internal conflicts, and influences from the far left that inhibited flexibility and new approaches.¹⁹ He does, however, acknowledge the extraordinary growth of local party organisation through the interwar years which, he suggests, built the machinery for future electoral success.²⁰ Non-party organisations represented compromise and, importantly, an alternative means of participation in the political process that did not involve supporting or joining a political party. Crucially, non-party organisations were part of the growth of a politically active middle-class whose support was keenly sought by both major parties and whose allegiance would be vital to Labour in the rebuilding of a credible Party after 1931.

The focus of this thesis is on the NCCL and its relationship with the police and the Home Secretary. As such the strategies and internal mechanisms of other groups are not explored in detail here. Nevertheless, the work of Susan Pedersen, Caitriona Beaumont, Arthur Marwick and, more recently, Helen McCarthy, which will be discussed further in chapter one, supports a view that the NCCL's intervention in the policing of public order broadened the scope of 'non-party' political pressure into the arena of police powers and civil

¹⁷ McKibbin, *The Ideologies of Class: social relations in Britain, 1850-1950*, (Oxford: Oxford University Press, 1994), p.95

¹⁸ McKibbin, 'Class', p.285, and for discussion on Conservative appeal to women see David Jarvis, 'Mrs Maggs and Betty: the Conservative appeal to women voters in the 1920s', *Twentieth Century British History*, Vol.5, No.2, 1994, pp.129-52, and David Jarvis, 'British Conservatism and Class Politics in the 1920s', *The English Historical Review*, Vol.111, No.440, Feb. 1996, pp.59-84.

¹⁹ Ben Pimlott, *Labour and the Left in the 1930s*, (Cambridge: Cambridge University Press, 1977), p.202.

liberties and brought a new dynamic to relations between the state and public protest. Volatile meetings had been widely accepted as part of the rough and tumble of politics until the early part of the twentieth-century. Hired 'heavies' to control political meetings were common and indeed a Home Office inquiry into the policing of political meetings in 1909 found a number of chief constables who were convinced this was the only way to control livelier constituencies.²¹ After 1918 acceptable disorder around political activism had been sharply redefined by issues such as fears of revolution and of the brutalising effects of war, the view that adult male suffrage had made such political expression unnecessary and concerns that the new feminised electorate would be deterred by violence.²² Whilst some individuals may still have been in favour of the old ways all the main political parties were anxious to distance themselves from disorderly meetings. Nevertheless, political activism through the 1920s and 1930s remained volatile and was often characterised by violent disorder and very firm policing. The NCCL specifically targeted police behaviour around labour and anti-fascist activism. It employed a professional and legalistic approach to the collation and presentation of evidence. It fed this into independent inquiries and lobbied and coached MPs to raise in parliament grievances of rough and also ineffective policing.

As an example of the NCCL's tactics, one of the events that will be discussed in detail later is a British Union of Fascists meeting at the Albert Hall in London in 1936 and a subsequent anti-fascist protest in Thurloe Square, where police actions raised serious complaints. In this case the NCCL advertised in the press in advance of the meeting for individuals to act as independent observers and following the event, in which a number of people were injured by police batons, it again used the press to appeal for witnesses. The statements of observers and independent eye-witnesses were presented to the Home Secretary by Dingle Foot MP who led the call in parliament for a public inquiry. This was

²⁰ Ibid, p.197.

²¹ Jon Lawrence, 'The transformation of British public politics after the First World War', *Past and Present*, No.190, Feb. 2006, pp.185-216, p.189.

²² Ibid, p.203.

refused and the NCCL set up an unofficial Commission of Inquiry that included MP Eleanor Rathbone and J.B. Priestly and was chaired by barrister Prof. Norman Bentwich. Evidence given to the Commission held over two days was presented in a comprehensive report to the Home Secretary in support of further demands in parliament for an official inquiry. Although no official inquiry was held it is an example of the mechanisms used very successfully by the NCCL to lobby and coach MPs and to secure respected legal and professional support.²³

Rather than the ineffectual communist mouthpiece that historians have often assumed, the NCCL built up an enviable network of influential support and a body of sympathetic MPs through whom it was able to participate in parliamentary debate and to lobby the Home Secretary with explicit complaints of police irregularities and, more specifically, to influence police policies and legislation. Moreover, the evidence suggests that Special Branch intelligence ensured that the Commissioner was all too aware of the significance of the NCCL for the policing of public order around political activism. Both Game and Hugh Trenchard, his predecessor, appealed to the Home Secretary to ignore its representations so as not to encourage its activities, which they regarded as troublesome.

The extent to which the authoritarian outlook of the police made hostility towards the Left and thus towards the NCCL inevitable is an interesting point. The Commissioner's view of left-wing activism was predominantly based on Special Branch intelligence. The responsibilities of Special Branch in the inter-war period, and indeed well beyond, related almost exclusively to the exposure of subversive political activity and the surveillance of suspected communists. Its viewpoint was naturally in conflict with left-wing interests to the extent that the objectivity of Special Branch information is questionable. Even so, the Special Branch view of the personal connections and political affiliations of the members and supporters of the NCCL cannot be simply dismissed. After all, it informed the

²³ See chapter 6 pp.183-6 for detailed discussion.

Commissioner's opinion and therefore contributed to policing policy. However, this thesis is not concerned with whether or not the organisation was inspired by the CPGB and fundamentally communist as Special Branch maintained, or non-party as it claimed. Although, as will be shown, the evidence suggests that for most of the 1930s, whilst under Kidd's stewardship, the NCCL was unlikely to have satisfied Communist Party ambitions, there are indications of increased communist influence towards the end of the decade. More significant than its political make-up, as far as this thesis is concerned, is its appeal to a wide body of opinion that rejected violence in politics and opposed policing policies perceived to be biased and brutal. It is the effectiveness of the organisation in these terms, hitherto neglected by historians, that this thesis aims to explore.

The principal sources for the actions and decisions of the Commissioner and the Home Secretary, and for the dialogue between the Home Office and Scotland Yard are the papers of the Metropolitan Police and of the Home Office held at the National Archives at Kew. These contain the Commissioner's correspondence and reports, Home Office minutes and the Home Secretary's letters and memoranda. A number of closed files from these records have been made available. However, it has proved more difficult to obtain material still held by the Metropolitan Police. Whilst there is extensive Special Branch material within the papers of the Home Office and the Metropolitan Police at Kew, which has been made available, a number of Special Branch files from the 1930s are still retained by Scotland Yard. Despite repeated requests, to date no information on their release has been forthcoming.²⁴

The NCCL archive held at the University of Hull contains the general correspondence of the organisation from its inception including that with vice presidents, committee members, MPs, legal and press contacts. Also included within these papers are witness statements and reports relating to the NCCL's various campaigns, complaints and commissions' of

inquiry, as well as copies of speeches, conference papers, literature and press clippings. A valuable, recently catalogued, addition to this archive are the papers of Sylvia Scaffardi (formerly Crowther-Smith), Kidd's close personal friend and assistant in the administration of the NCCL throughout the 1930s. This collection contains material gathered together by Scaffardi from a number of sources in preparation for her autobiography *Fire Under The Carpet*.²⁵ It comprises Kidd's diaries and personal papers and, importantly, transcripts of interviews with Scaffardi herself, and with prominent individuals associated with the NCCL during the early period of its existence. The interviews were conducted by Barry Cox in the 1960s as research for his book *Civil Liberties in Britain*.²⁶ They include contributions from Kingsley-Martin, Claud Cockburn, Douglas.N.Pritt, Dingle-Foot and Neil Lawson. It has to be borne in mind that these are the personal reflections of the interviewees who each had their own reasons for association with the NCCL and Scaffardi was involved alongside Kidd with the day to day administration and finances of the organisation. Nevertheless, whilst accepting these limitations and those of oral testimony generally the material is notable for the consistency of views on Kidd's character and personal objectives and on the workings of the NCCL. It is a valuable and illuminating source in its own right and, where qualified by other sources, an important cross-reference to the material held in the main NCCL archive and in the Home Office and Metropolitan Police records.

Press reports have been draw upon for distinct impressions of public order events, the NCCL's interests and activities and the public responses of the authorities to political activism. *Hansard* was consulted for Commons debates and for the extent of parliamentary engagement with the interests of the NCCL. The Trenchard papers held at the Royal Air

²⁴ The first FOI request was made to the Metropolitan Police on 24 March 2005. Despite considerable correspondence in the interim no decision had been made by the end of December 2006. TNA has subsequently confirmed it has no responsibility to pursue the request under FOI.

²⁵ Sylvia Scaffardi, *Fire Under the Carpet*, (London: Lawrence & Wishart, 1986).

²⁶ Barry Cox, *Civil Liberties in Britain*, (Harmondsworth: Penquin Books, 1975). Cox was a reporter for the *Scotsman* and the *Sunday Telegraph* before moving into television in 1970 where he worked on current affairs programmes such as *World in Action* and *The London Programme*. In recent years he has had a leading role in the switch from analogue to digital television.

Force Museum at Hendon are an insightful addition to the Metropolitan Police and Home Office files. They contain Trenchard's personal papers and correspondence including material relating to his term as Commissioner of the Metropolitan Police. The papers of the Board of Deputies of British Jews retained by the Board as well as its records held at the London Metropolitan Archive were consulted for official responses to Jewish involvement in anti-fascist activism. The Parkes Collection held at University of Southampton has also proved a worthwhile source in this respect.

This thesis considers a number of aspects central to the conception and evolution of the NCCL and the responses of the authorities to the emergence of a civil liberties movement focused primarily on the police. It explores, in particular, the role of the NCCL in political activism as it established a lobbying mechanism able to articulate complaints against the police in parliament; the importance of personalities to the organisation and the significance of its political connections; the influence of Special Branch that tainted views of Kidd and the NCCL's objectives; the extent to which the NCCL, via parliamentary pressure on the Home Secretary, was able subsequently to affect policing policy. Discussion in the following chapters of the extensive interest of Special Branch in the activities of the NCCL and of the Commissioner's reluctance to yield any ground to its criticism and demands, will show that the organisation did affect the dialogue on public order policing between the Commissioner and the Home Secretary. The ways in which the NCCL manoeuvred are evidenced by reference both to informal or inferred influence and to direct influence. The following are examples of informal influence where evidence that the NCCL's activism has made its way into the consciousness of politicians is inferred in the debates in the House and in the correspondence between MPs and the Home Secretary or the Commissioner. The debate on the Public Order Bill through November and December 1936 is an example of this.²⁷ So too is the House of Commons vote on the Home Secretary's handling of the maintenance of

individual liberty in 1937;²⁸ the Home Secretary, John Simon's, understanding that parliamentary questions on civil liberties were inspired by the NCCL;²⁹ and Home Office correspondence with MPs such as that with Ernest Thurtle and George Jones on fascist attacks on Jewish property in 1935.³⁰ These and other such examples will be expanded upon below. The extensive evidence of the direct influence of the NCCL on MPs includes correspondence and questions in the House of Commons from Vyvian Adams MP on his experience of a fascist meeting at Hampstead that led the Home Secretary to make his own personal enquiries;³¹ the correspondence between Fred Messer MP, Kidd and the Home Secretary on the injuries sustained by an anti-fascist protester at a fascist meeting at Hornsey;³² and correspondence with J.H.Hall MP and Dan Frankel MP arranging a meeting at the House of Commons to discuss the anti-semitic activities of fascists and a subsequent deputation to the Home Secretary.³³ These cases and events will also be discussed in detail in the following chapters.

Chapter one discusses how current historiography has viewed the authoritarian responses of the police to labour unrest that was the background to concerns for police powers and civil liberties. It considers the limited extent to which historians have hitherto taken the role of the NCCL into account and poses questions about its identity as a non-party pressure group and its relationship with the police, the Home Secretary and the political left, and the extent to which it was able to influence policing policy. The chance events and the

²⁷ For example see *Parl. Debs.*, vol.317, col.1349-1471, 16 November 1936, vol.318, col.49-193, 23 November 1936, col.582-710, 26 November and col.1659-1786, 7 December, 1936. See chapter 6 pp.205-7 for discussion.

²⁸ *Parl. Debs.*, vol.330, col.1239-98, 15 December 1937. See chapter 7, pp.244-5.

²⁹ HO 45/25462, Vote on Account, Civil Liberties, 5 March 1936. See chapter 5, pp.174-5.

³⁰ MEPO 3/548, letter Euan Wallace to George Jones and HO 144/21377, police report J Division 25 November 1935. See chapter 5 pp.168-9.

³¹ *Parl. Debs.*, 26 May 1936, vol.312, col.1859-60 and HO 144/21378 letter and encl. Vyvian Adams to John Simon, 19 May 1936. See chapter 6 pp.187-8.

³² DCL/40/6, Fascist Meeting Hornsey Town Hall, 25 January 1937, Home Secretary to Messer 17 May 1937 and Messer to Kidd 27 May 1937. Messer attended a meeting at the House of Commons where Kidd presented a Mr. Holland to demonstrate his injuries and witness statements corroborating his allegation that had been assaulted by fascist stewards at the Hornsey meeting. Messer subsequently took up the matter of police inaction at the event with the Home Secretary. See chapter 7 pp.222-5.

political climate from which the NCCL was to emerge are explored in chapter two. The analysis follows the public confrontation in the press between Ronald Kidd and Lord Trenchard, the Commissioner of the Metropolitan Police, that attracted the interest of prominent liberal opinion and provided the momentum for a civil liberties movement. It considers the significance of events of that time such as the Reichstag Fire counter-trial held in London that generated sympathy for the political Left, and the police reforms introduced by Trenchard that raised profound concerns that policing was moving towards a more authoritarian policy and directed against the Left. It considers the tactics and mechanisms through which the organisation was able to lobby and coach MPs to raise grievances in parliament.

Chapter three then considers the reaction of the Home Secretary and the police to the formation and early development of the NCCL. The discussion considers who was amenable to the NCCL's agenda in its early campaigns and how support was harnessed. Two events occurred within the first months of its existence that enabled the NCCL to make an immediate impression and attract influential support in the press and in parliament. First, its opposition to the Incitement to Disaffection Bill was responsible for a significant watering down of the legislation that was eventually introduced. At the same time it was instrumental in raising awareness of fascist violence and the failure of the police to intervene at a British Union of Fascist rally at Olympia in June 1934. A preoccupation with Kidd's political position precluded any direct dialogue with the organisation as far as the Commissioner was concerned but parliamentary support for its objectives ensured that the Home Secretary could not dismiss the NCCL or its representations.

A theme running through these early chapters is that the Commissioner's understanding of Kidd and the NCCL as communist inspired was informed by Special Branch

³³ DCL 38/4, letter Hall to Kidd, 16 March 1937, letter Kidd to Frankel, 26 July 1937. See chapter 7

intelligence. Chapter four will thus consider the history of Special Branch and its ideological perspective which, shaped by 50 years of dedication to the exposure of subversive activity, was naturally antagonistic to the liberal-Left and radical-Left movements of the 1930s.

Furthermore, many of the members and supporters of the NCCL had either been associated with the socialist and suffrage movements that had attracted the attention of Special Branch in the early years of the century or had found their way to the files of M.I.5 as suspected communist sympathisers. These connections made a significant contribution to the Special Branch view of the organisation and the objectives it promoted.

The next two chapters are concerned with the second half of the 1930s as the NCCL became increasingly associated with anti-fascism. Chapter five considers how the NCCL was able to provide a focal point for the legitimate concerns about civil liberties arising from perceptions of police partiality, and the extent to which it created an environment for the expression of those concerns. The discussion explores the police response to escalating anti-fascist protest and the preoccupation of the authorities with the activities of the political left that allowed fascist anti-semitic provocation to go unchecked and complaints of police irregularities to go unheeded. This strengthened the view that policing policies and practices favoured fascists. Chapter six deals with Home Secretary John Simon's public responses and private concerns relating to allegations of police partiality and tolerance of anti-semitic activities through the stream of complaints, parliamentary debates and major public order events of 1936. Ultimately, it was pressure from Members of Parliament, who represented Jewish communities, and who were persuaded by the NCCL's campaign, that forced the Home Secretary to intervene directly in the Commissioner's policy for the day to day policing of political activism.

Fascist/anti-fascist confrontation reached its peak in London in October 1936 when serious disorder at Cable Street in the East End led to the rapid introduction of Public Order legislation. Chapter seven is concerned with the increasingly aggressive responses to fascist provocation both on the streets and in Parliament and it looks at the role of the NCCL in bringing anti-fascist protest to the attention of the Home Secretary. Dialogue between the Commissioner and the Home Secretary on the implementation of the Public Order Act follows the course of events that led to the prohibition of political marches and processions in the East End of London. The discussion illustrates the tension between the Commissioner, necessarily focused on operational policing and prepared fully to utilise the new police powers, and successive Home Secretaries, who were unwilling to give the Commissioner a free hand and wary of antagonising opposition MPs.

Chapter eight looks at the position of the NCCL towards the end of the 1930s. It had achieved recognition as an important pressure group but its position in the political spectrum was finely balanced. From 1939 Special Branch began to recognise communist fractions within the NCCL and eventually came to see Kidd as an obstruction rather than an asset to Communist Party ambitions. At the same time, it was Labour leaders who were to make damaging allegations of communist influence within the organisation. This public indictment and the subsequent decline in mainstream backing has for some historians seemed to support the Special Branch view. Nevertheless, for most of the 1930s the NCCL enjoyed the wide support of the labour movement, and by the time of Kidd's death in 1942 a strong civil liberties movement had been established and a sophisticated lobbying mechanism was in place that could bring pressure to bear on the Home Secretary and, more specifically, influence policing policy.

The final chapter concludes that the NCCL was much more significant than current historiography suggests. It broadened the scope of non-party political pressure and raised

the issue of civil liberties and police powers into the public consciousness. It was instrumental in articulating allegations of police violence or tolerance of fascist anti-semitism in the parliamentary arena. Predominantly through parliamentary pressure, backed by the press and a strong legal team, the organisation was able to force the Commissioner to account for police actions and to influence the Home Secretary's decisions on policing policy.

Historiography and Debates

Successive governments in Britain have generally declared themselves to be committed to the values of liberty and freedom. However, current historiography surrounding the policing of political activism in the 1920s and 1930s suggests that such sentiments did not necessarily extend to concern for civil liberties and police powers.

Ewing and Gearty have argued that the CPGB and socialist organisations in the early inter-war period drew a 'vicious response' from the authorities. They suggest that relentless surveillance, infiltration by the secret service and Special Branch, and the use of emergency powers, were employed to crush such organisations so that additional legislation was not seen as necessary until the introduction of the Incitement to Disaffection Act 1934. They argue that there was in this period 'no political freedom in Britain save that which the authorities were prepared to tolerate.'¹

Aggressive policing of political activism, particularly relating to labour unrest, had been characteristic of the 1920s and early 1930s. However, no matter how violent police actions were, they invariably received the backing of the Home Secretary. As Barbara Weinberger has suggested, 'the fact that no enquiry was ever held into any of the incidents of police-labour violence [...] offered them strong confirmation of the authorities' approval and support'.² Clive Emsley has commented that there was, in parliament during the inter-war years, 'something of a consensus on the excellence of the English Police'. A Royal Commission set up to investigate corruption scandals in 1929 formed a 'favourable

¹ K. D. Ewing and C. A. Gearty, *The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain, 1914-1945*, (Oxford: Oxford University Press, 2000), pp.151-4.

² Barbara Weinberger, 'Police Perceptions of Labour in the Inter-war period: The case of the unemployed and the miners strike' in Francis Snyder and Douglas Hay (eds.), *Labour Law and Crime* (London: Tavistock Publications, 1987), p.158.

opinion of the conduct, tone and efficiency of the police service as a whole'. Even the Labour Party accepted the 'indulgent tradition' although, Emsley suggests, sections of the working class and some labour activists may not have agreed.³ By the 1930s, police behaviour and the attitude of the Home Office aroused real public concern, particularly among those of liberal and left-wing sympathies. At the same time some historians have noted a move away from the acceptance of violence and force within politics. Jon Lawrence has argued that a decisive change in attitudes took place following the First World War. Lawrence associates this with the condemnation of fascist methods employed by Mosley's British Union of Fascists at Olympia in 1934, an event that raised serious questions for the policing of political activism.⁴ It was in this climate that the National Council for Civil Liberties was created. The organisation's initial aim was to monitor police behaviour and to establish a mechanism that allowed allegations of aggressive and invasive policing to be brought to the Home Secretary. This made the police the focus of open and organised monitoring for the first time in their history.

Whilst there is a good deal of historical opinion on the police response to labour unrest and on the putative partisan nature of policing during the period, there is comparatively little research into the significance of the activities of the NCCL. Most commentators have gone no further than to highlight close connections between the NCCL and the Communist Party and, like Nigel Copsey, argue that '[communist] connection discredited it in official circles where the NCCL was constructed as a front organisation for the CPGB'.⁵ The impact of the NCCL on the police relationship with the Home Secretary, with the political left and subsequently on police powers and civil liberties, and the course of disorder has been largely ignored.

This chapter will consider how current historiography has viewed the activities of the NCCL and the responses of the police to labour unrest and unemployment protest that

³ Clive Emsley, 'The English Bobby' in Roy Porter, *Myths of the English*, (Cambridge: Polity, 1992), pp. 126-7

were the background to concerns for police powers and civil liberties. It will take account of how 'non-party' identity has been discussed in relation to other organisational pressure groups and consider the inter-war political landscape of which they were a part. In the context of their relationship with the left and the CPGB, it will suggest that the authoritarian attitude of the police may have pre-determined a natural animosity towards the political left, which extended to the NCCL, and allowed them to interpret all left-wing activism as communist. It will show that the police relationship with the NCCL, and the responses of the Home Secretary and the police to its representations, are important aspects of public order policing in the inter-war period that have yet to be explained, and that this thesis aims to explore.

The National Council for Civil Liberties (originally the Council for Civil Liberties) was the inspiration of Ronald Kidd. Described by E. M. Forster in an address given at Kidd's funeral in 1942 as dedicated to 'the service of the elusive principle which we call liberty',⁶ Kidd's chequered career had included journalism, advertising, theatrical stage management and occasionally acting. More significantly, he had connections amongst lawyers, academics and journalists. The motivation for Kidd's campaign stemmed from his experience of witnessing police *agents provocateurs* amongst the crowds at the 1932 hunger march. The subsequent denial by Lord Trenchard, Commissioner of the Metropolitan Police, that the police were involved with such practices and promise to deal severely with any such offenders provided the impetus for Kidd to set up the NCCL.⁷

The inaugural meeting of the Council for Civil Liberties on 22 February 1934 consisted of a dozen or so individuals, amongst them barristers, solicitors and writers. Sylvia Scaffardi recalls passionate speakers voicing a common feeling that,

the accepted norms of democracy: free speech, freedom of assembly and association, the democratic control of government,

⁴ Jon Lawrence, 'Fascist violence and the politics of public order in inter-war Britain: the Olympia debate revisited', *Historical Research*, vol. 76, no.192 (May 2003), pp.238-67.

⁵ Copsey, *Anti-Fascism in Britain*, p.45.

⁶ E. M Forster, *Two Cheers for Democracy*, (Harmondsworth: Penguin, 1976), pp. 63-4.

⁷ Mark Lilly, *The National Council for Civil Liberties: The First Fifty Years*, (London: The Macmillan Press, 1984) p 2

too easily taken for granted were all now at risk in the current climate.⁸ She describes an immediacy in the job of organising a vigilance committee of observers to cover the hunger march shortly to arrive in London. The NCCL embraced a non-party identity and from the outset the organisation attracted the support of politicians Nye Bevan, Clement Attlee, Ellen Wilkinson, George Lansbury and middle-class professionals and intellectuals such as Harold Laski, Gerald Barry, E. M. Forster and H. G. Wells.⁹ A line-up described by Barbara Weinberger as 'a roll call of the liberal left's great and good'.¹⁰ Or what L.T. Hobhouse might have termed 'a scratch crowd'.¹¹

The initial focus of the NCCL was the invasive and violent policing that surrounded the hunger marches organised by the NUWM. However, the rise of fascism and anti-semitism were to become major concerns of the organisation, very soon after its formation.¹² The NCCL's strategy was to monitor police behaviour by placing observers at demonstrations, meetings and marches. On the eve of the 1934 hunger march, whilst the Metropolitan Police and the Home Secretary were warning people to stay off the streets and shopkeepers to shutter their windows, a letter appeared in the *Times* and the *Manchester Guardian* introducing the newly-formed Council for Civil Liberties. It deplored the atmosphere of misgiving created by, what it described as, the alarmist warnings of the authorities and announced that it would 'maintain a vigilant observation of proceedings' and that 'relevant and well-authenticated reports by responsible persons will be welcomed and investigated by the Council'.¹³ It was, almost certainly, the first time the police had experienced surveillance as the 'watched' and they were, not surprisingly, extremely hostile to the organisation from the outset.

⁸ Scaffardi, *Fire Under The Carpet*, p.43.

⁹ Cox, *Civil Liberties in Britain*, p.23.

¹⁰ Barbara Weinberger, *The Best Police in the World: An Oral History of English Policing*, (Aldershot: Scolar Press, 1995), p.173.

¹¹ Noel Buxton Papers (McGill University, Montreal), MS951 c.24/2, L. T. Hobhouse to Noel Buxton, 8 January 1913, cited in Dackombe, p.50. The correspondence relates to the activities of the Bulkan Committee where Hobhouse refers to the prominent individuals associated with non-party pressure groups as 'a scratch crowd'.

¹² Brian Dyson, *Liberty in Britain 1934-1994; Diamond Jubilee History of the National Council for Civil Liberties*. (Civil Liberties Trust 1994), p.13.

Richard Thurlow has suggested that the NCCL were simply dismissed by the police as a front for the Communist Party and as such, he suggests, they received cursory and hostile treatment from Whitehall. He does agree the organisation was more significant than such treatment suggests but argues that its real significance was in articulating some of the constitutional concerns of opposition MPs and the resulting influence on proposed legislation.¹⁴ Ewing and Gearty's exploration of the role of the judicial system in defending civil liberties in Britain during the period 1914 to 1945, is one of the few studies to consider the part played by the NCCL. They have described the NCCL as 'an organisation of great importance' and have included Ronald Kidd amongst those who 'kept the flame of liberty burning in otherwise dark years'.¹⁵ Their work has not, however, been concerned with the reaction of the police and the authorities to Kidd or to the NCCL as a pressure group. Nor have they assessed the potential of the organisation to impact upon policing policy. Like Thurlow they have seen its importance in terms of parliamentary pressure and opposition to oppressive legislation. They have found that the NCCL achieved early success in limiting the terms of the Incitement to Disaffection Bill in 1934. They argue too that its 'non-revolutionary personality asserted itself in its confidence that the rule of law could be deployed via the courts to curb executive excess'.¹⁶ This they find evident in its legal challenges to state attempts to obstruct agitation on behalf of the unemployed such as in the *Duncan v. Jones* case.¹⁷ Barbara Weinberger has suggested that, in inspiring the creation of the NCCL by its behaviour against the left, the police had 'first rallied this influential section of the middle class, which remained suspicious of the police ever after'. She further suggests the consequences were to have serious implications for the reputation of the police in the long term.¹⁸

¹³ Scaffardi, *Fire Under The Carpet*, p.45.

¹⁴ Richard Thurlow, *The Secret State: British Internal Security in the Twentieth Century*, (Oxford: Blackwell, 1994), pp.196-7.

¹⁵ Ewing and Gearty, *The Struggle for Civil Liberties*, p. 215.

¹⁶ *Ibid*, p.418

¹⁷ A series of meetings and demonstrations, organised by the NUWM, held outside labour exchanges to protest about cuts in dole payments led to the Commissioner Lord Trenchard banning meetings in the vicinity of public buildings. This became known as the 'Trenchard Ban'. Kath Duncan was prosecuted for attempting to hold an impromptu meeting in defiance of the Ban.

¹⁸ Weinberger, *The Best Police in the World*, p.173.

Much of the debate around the responses of the police and the Government to labour unrest has been generated by Jane Morgan and Barbara Weinberger. Both Morgan and Weinberger see police hostility to left-wing activism in the early inter-war period as a legacy of earlier experiences. In Weinberger's view, it was the close relationship between the police and local business that had soured relations with labour, particularly in areas such as Glamorgan where, she suggests, Chief Constable Captain Lionel Lindsay, had assumed the role of 'guardian of the local coal owner's property and disciplinarian of their work people'.¹⁹ She highlights events at Tonypany in 1910 when serious rioting by strikers provided Lindsay with both the opportunity to condemn strikers as 'a lawless mob who could only be restrained by force',²⁰ and the evidence he needed to requisition troops to quell the disorder. However, Churchill, as Home Secretary, intervened in the situation at Tonypany that has been described as entirely out of the control of the local police and Watch Committee.²¹ He discouraged Lindsay from using troops and despatched Metropolitan police to South Wales to be used as first recourse. Both the troops and the police were placed under the control of General Macready under Home Office direction. Weinberger argues that this Home Office control set a new precedent, by which she suggests that, 'At one stroke the local police were thereby catapulted into the twentieth century and forced to rethink the whole basis on which their previous strategy had been based'.²² Further, she suggests, it was an indication of the Home Secretary's intention to 'wean the local authority from their easy recourse to the military' which he regarded as politically sensitive, and to 'give them an object lesson in how civil disturbances could best be policed'.²³

Although not all Chief Constables were as extreme as Lindsay, Weinberger nevertheless concludes, that it was, the marshalling of outside police and military to clamp down on picketing and mass demonstrations by strikers during the pre-First World War

¹⁹ Ibid, p.40

²⁰ Weinberger, *Keeping the Peace?*, p. 51.

²¹ Richard Vogler, *Reading the Riot Act: the magistracy, the police and the army in civil disorder*, (Milton Keynes: Open University Press, 1991).

²² Weinberger, *Keeping the Peace?*, p.52.

²³ Ibid p. 54

period that 'set the seal on the bitter relations between the police and strikers [...] that were to endure for decades to come'.²⁴ Morgan broadly concurs with Weinberger's view suggesting that inconclusive handling of pre-war industrial disputes and failure to secure a consistent policy in the policing of picketing 'did not bode well for the handling of renewed, intensified labour troubles, or the future course of police executive action in the post 1918 era'.²⁵ Both Morgan and Weinberger attribute increasing power of Chief Constables to the period. However, Morgan has concluded that this resulted from the 'abiding power of the Home Office and the steady centralisation of control of the provincial police'. She finds that as central state power increased so too did that of the Chief Constables and most were willing to co-operate with central government.²⁶ Contrary to Morgan's view, Weinberger's suggests that the Home Office were, apart from the period when Churchill was Home Secretary, passive as far as provincial matters were concerned.²⁷ Instead, she highlights the significance of government fears of German influence in the industrial disputes during the First World War that led to the involvement of Special Branch. This, she argues had the effect of weakening the local authorities hold over Chief Constables from which they were to gain increased power and autonomy. She suggests it also marked the start of 'a new intelligence initiative in which the distinction between industrial unrest and political subversion was to be consciously eroded'.²⁸

A number of historians have commented on the significance of Special Branch involvement in the policing of labour unrest. Tony Bunyan has found that towards the end of 1916, Special Branch work took on a new importance. Instigated by Lloyd George, a Directorate of Intelligence was set up to report on industrial unrest and subversion. Basil Thomson was appointed to the position. Thomson provided Lloyd George with weekly reports on the activities of revolutionary groups in Britain. The information reported came from the literature of socialist movements, reports of meetings transcribed by Special Branch and uniformed police officers and informers infiltrated into organisations. Bunyan

²⁴ Ibid, p. 68.

²⁵ Morgan, *Conflict and Order*, p.187

²⁶ Ibid pp 146-7

suggests that Special Branch surveillance was not limited to revolutionary groups. In his view, 'everyone who was ideologically to the left of the Tory Party became a potential subversive'.²⁹ Bernard Porter has drawn a similar conclusion. He finds that investigating the Bolshevik influence in the final year of the war had established the role of Special Branch as 'monitors of political opposition' in Britain. In Porter's view, under pressure of war Special Branch had become a 'proper political police' and this, he suggests, 'marked a new era for it and consequently for what today are called 'civil liberties''.³⁰

Rupert Allason has commented on Thomson's enthusiasm for the suppression of the radical-left. He suggests that Thomson saw Special Branch as 'a bulwark against a growing tide of Bolshevism' and isolated it entirely from the rest of the force to protect it from the 'spreading mutinous influences'.³¹ In Christopher Andrew's view Basil Thomson was convinced of impending revolution. On the general strike in Glasgow in 1919 he reported to the cabinet that the 'revolutionary minority was to use the Clyde as the touchstone for a general strike [...] to bring out the engineers and the railways all over the country, to seize the food and achieve a revolution'.³² By August of the same year Thomson was reporting evidence that 'revolutionary leaders in England, France and America were in touch with one another and with Moscow'. The police strike, in the same year, he claimed 'was not industrial but revolutionary'.³³ Thomson reported directly to the Home Secretary rather than the Commissioner. Ewing and Gearty have argued that this situation made Special Branch barely accountable.³⁴ Porter, too, has commented on the absence of democratic control, concluding that Metropolitan Commissioners in this period resented Special Branch independence. He suggests that Sir William Horwood, the newly appointed Commissioner in 1920, complained that he was not even aware of what

²⁷ Weinberger, *Keeping the Peace?*, p.113.

²⁸ *Ibid.*, p.140

²⁹ Tony Bunyan, *The History and Practice of the Political Police in Britain*, (London: Quartet Books, 1977), pp.113-4.

³⁰ Bernard Porter, *The Origins of the Vigilant State*, (London: Wiedenfeld & Nicolson, 1987), p.180.

³¹ Rupert Allason, *The Branch: A History of the Metropolitan Police Special Branch 1883-1983*, (London: Secker & Warburg, 1983), p.74.

³² Christopher Andrew, *Secret Service: The Making of the British Intelligence Community*, (Sevenoaks: Sceptre, 1986), p.338.

³³ *Ibid.* p.211

Thomson was up to.³⁵ In Allason's view the appointment of Major General Sir Wyndham Childs as Thomson's successor in 1920, brought an end to Special Branch's semi-independent status, but, he suggests, Childs was no less committed than Thomson to the eradication of the CPGB.³⁶

Government anxiety at the success of communism in Russia and the emergence of the Communist Party of Great Britain, exacerbated to some extent by Special Branch alarmism, was inevitably reflected in very vigorous policing. Morgan makes the point that the police were openly encouraged to adopt a more forceful attitude towards pickets. She argues that many on the political left believed that police authority was being both 'inexorably reinforced' and put to 'political and partisan' use.³⁷ Morgan's work on the strikes in the collieries has found that police behaviour had engendered in many people the belief that they were engaged in an anti-communist crusade.³⁸ She highlights the extensive use made of police powers conferred under emergency regulations and in force for some eight months following the general strike. She finds that throughout the coalfields, Chief Constables were zealous in banning meetings, breaking up groups of pickets and indulging in baton charges. She quotes a *Daily Herald* comment from 17 November 1926 that Chief Constables were the real rulers of the country 'invested by the Home Secretary with powers similar [...] to those which Mussolini had delegated to his agents in Italy to suppress his critics'.³⁹ In Weinberger's view an adamant refusal to consider any alternative explanation to communism for industrial unrest in the collieries, encouraged Chief Constables to deal with strikers as if they were 'enemy invaders to be encircled, ambushed and beaten down'.⁴⁰

³⁴ Ewing and Gearty, *The Struggle for Civil Liberties*, p.154.

³⁵ Bernard Porter, *Plots and Paranoia: A History of Political Espionage in Britain*, (London: Unwin Hyman, 1989), p.157.

³⁶ Allason, *The Branch*, p. 80.

³⁷ Morgan, *Conflict and Order*, p.189.

³⁸ *Ibid*, p. 201.

³⁹ *Ibid*, pp. 206-8.

⁴⁰ Weinberger, 'Police Perceptions of Labour in the Inter-war Period', pp.166-7.

Morgan has drawn the conclusion that Special Branch looked forward with relish to the general strike as 'this supreme confrontation with labour' and had attempted to turn it into a massive anti-communist crusade. It was, she suggests, to their great disappointment that only 11 per cent of arrests were Communist Party members.⁴¹ Overreaction to the extent of communist influence behind the general strike has also been highlighted by Thurlow. The near obsession of Special Branch and the Home Secretary with discovering soviet funding behind extremist activism, he suggests, led to the construction of a conspiratorial view of the general strike where the Trade Union Congress were funded by 'Russian money' and the unemployed were alleged to be the 'nucleus of a Red army in Britain'.⁴² Thurlow considers that, in reality, there was little to suggest the working class were becoming more politically militant, and at the same time the Labour Party was reflecting the aspirations of much of the organised labour and proved to be indelibly reformist not revolutionary. Unemployment, he suggests, produced more apathy than revolutionary activity.⁴³ Matthew Worley's work on the CPGB finds that such support as there was for communists was more for individuals at a local level who were prepared to get involved, rather than for the revolutionary ideology of communism or the CPGB.⁴⁴ Following the TUC's decision in the aftermath of the general strike to break all ties with the CPGB and the failure of the communist National Minority Movement to establish oppositional 'Red' trade unions, Worley suggests that 'the CPGBs attempts to take the lead in the industrial struggles of the working class were evidently floundering' and, by the 1930s the NMM had virtually disappeared.⁴⁵

If fears of revolution were understandable in the early 1920s they were then much less so after the general strike. The failure of the CPGB to attract a significant membership, the widening gulf between the CPGB and the TUC and Labour party following the general strike, and the extensive emergency powers which gave the police

⁴¹ Morgan, *Conflict and Order*, p. 209.

⁴² Thurlow, *The Secret State*, p 147.

⁴³ *Ibid*, pp. 128-9.

⁴⁴ Matthew Worley, *Class against Class: The Communist Party in Britain between the wars*, (London: I.B.Tauris, 2002), pp.33 ff.

⁴⁵ *Ibid* p 174

unrestrained power to suppress communist activities, made revolution look very unlikely. Nevertheless, the communist connections of the National Unemployed Workers Movement allowed the authorities to maintain their focus on revolutionary subversion and ensured the organisation's leadership and the hunger marchers attracted the full force of Special Branch and uniformed police attentions. There is little support amongst current research for the interpretation of the NUWM as a revolutionary organisation. Bunyan argues that the activities of the NUWM and the unemployed were perfectly legitimate political actions within a liberal-democratic system. Even so, he comments that 'the Branch and the police infiltrated the movement, followed its leaders, attacked peaceful marches and prepared lists of 'militants' to be arrested if the chance arose'.⁴⁶

Thurlow finds the NUWM had relative success as a reforming organisation. He suggests that there is little evidence it embraced revolutionary ideology, in fact, they were often disciplined by the Party for failure to make a direct challenge to the state. He finds the British state took a contrary view and massively over-estimated the revolutionary potential of the NUWM and its propensity for disorder.⁴⁷ Worley too finds that NUWM leader Wal Hannington forged 'a very distinct and effective organisation' in the NUWM. He did so, Worley suggests by drawing on his experiences as a trade unionist with the AEU rather than communist policies dictated by the CPGB or the Comintern in Moscow.⁴⁸ Stevenson agrees that the NUWM had no serious revolutionary intent and, in fact, considers they were not that well organised and not generally in favour of violence. Nevertheless, they were constantly under surveillance of Special Branch and attracted very rough policing. In Stevenson's view the 1932 hunger march marked the culmination of the most violent phase of unemployment protest with the police and protesters clashing in serious disturbances around the country as well as in London.⁴⁹ Peter Kingsford's work on the hunger marches has found that the police preparations for the 1934 hunger march were ominously similar to those of 1932 and they were expecting a similar showdown.

⁴⁶ Bunyan, *The History and Practice of the Political Police*, p.122.

⁴⁷ Thurlow, *The Secret State*, p.168.

⁴⁸ Worley. *Class against Class*. pp.300-1.

However, he suggests, the public mood had changed. There was sympathy for the marchers along the route, the *Times*, hostile to the marchers in 1932, printed a letter from the Dean of Bishop Stortford praising the behaviour of the marchers, and a new ally had appeared 'a group of influential sympathisers, writers, academics and lawyers' – the National Council for Civil Liberties.⁵⁰ The whole period of the hunger marches from the first in 1922 to the last in 1936 has been described as one in which 'the police assumed power to decide the civil liberties of the people'.⁵¹

Although the NCCL was formed specifically in response to policing issues surrounding the NUWM hunger marches, its formation coincided with mounting anti-fascist activity targeted mainly at the British Union of Fascists. The BUF were seen from the outset as having an anti-semitic attitude. Indeed, Nigel Copsey has suggested that even before the formation of the BUF its leader, Oswald Mosley, was identified by Jewish and communist groups as fascist and anti-semite.⁵² Following its Olympia rally in June, 1934, when the brutal response of BUF stewards to communist and anti-fascist opposition led to wide condemnation of fascist methods, the BUF moved towards an openly anti-semitic campaign. Thurlow has found that it was in the aftermath of Olympia that Mosley conducted research into Jewish influence in British life. He suggests Mosley's conclusions that 'little Jews' made up more than half of those arrested for offences against the BUF and 'big Jews' dominated British finance and industry, persuaded him to 'take off the kid gloves'. His speeches at the Royal Albert Hall and in Manchester in 1935 were the first to criticise Jewish influence in British life. Thurlow argues that 'receptive audiences', particularly in London's East End during the summer of 1935, and 'the public order responses of the authorities', led to the issue being seen as a fruitful one for the BUF.⁵³ In Copsey's view it was following Mosley's Albert Hall meeting in March 1936 and the

⁴⁹ John Stevenson, 'The Politics of Violence', in Gillian Peele and Chris Cook (eds.), *The Politics of Reappraisal, 1918-1939*, (London: Macmillan, 1975), pp.158-64.

⁵⁰ Peter Kingsford, *The Hunger Marchers in Great Britain 1920-1939*, (London: Lawrence and Wishart, 1982), p.190-1

⁵¹ *Ibid*, p.9.

⁵² Copsev. *Anti-fascism in Britain*. pp.13-20

actions of police at an anti-fascist opposition meeting in Thurloe Square, that the NCCL, appalled by allegations of police partiality against anti-fascists, anchored itself to the anti-fascist cause.⁵⁴ In the absence of an official inquiry into allegations of police violence at Thurloe Square, the NCCL commissioned its own inquiry. In Stevenson's view the police response to the NCCL inquiry was indicative of the ingrained mistrust they had for what they considered to be a CPGB front organisation. The Commissioner of the Metropolitan Police dismissed the NCCL as a subversive body whose objective was to 'vilify the police on all possible occasions'.⁵⁵ Despite the attitude of the police backed, publicly at least, by the Home Secretary, Barry Cox has found the NCCL had 'impressive and wide ranging support' including an all-party group of MPs.⁵⁶

Anti-fascism attracted large numbers of Jews disillusioned with the attitude of the Board of Deputies of British Jews, because of its reluctance to make a stand against fascism. Gizela Lebzelter finds that the Board of Deputies were considered by many working class Jews to be ambivalent to anti-semitism and out of touch with the issues affecting working class Jewish communities.⁵⁷ Lebzelter has commented that the Board of Deputies urged Jews to stay away from fascist meetings and anti-semitic propaganda. Nevertheless, she finds considerable numbers of Jews were members of the CPGB or left-wing Jewish organisations such as the Jewish Peoples Council (JPC) who were offering a much more active anti-fascist campaign than the Board of Deputies.⁵⁸ Similarly, Worley has suggested that, for Jews, communism appeared to address both class and ethnic oppression. In Worley's view, the CPGB 'boasted a certain prestige' amongst the

⁵³ Richard Thurlow, 'The Straw that Broke the Camel's Back: Public Order, Civil Liberties and the Battle of Cable Street', in Tony Kushner and Nadia Valman, (eds.), *Remembering Cable Street: Fascism and Anti-Fascism in British Society*, (London: Vallentine Mitchell, 2000), p.81.

⁵⁴ Copsey, *Anti-fascism in Britain*, pp.44-5.

⁵⁵ John Stevenson, 'The BUF, the Metropolitan Police and Public Order' in Kenneth Lunn and Richard Thurlow (eds), *British Fascism: Essays on the Radical Right in Inter-War*, (London: Croom Helm, 1980), p.135.

⁵⁶ Cox, *Civil Liberties in Britain*, p.31

⁵⁷ Gisela Lebzelter, *Political Anti-Semitism in England, 1918-1939*, (London: Macmillan, 1978), pp. 139-45.

⁵⁸ *Ibid* p 156

Jewish community, particularly those located around the clothing trade in the East End of London.⁵⁹

Lebzelter has argued that the Home Office propensity to ignore left-wing organisations such as the CPGB, the JPC and the NCCL is indicative of their apolitical attitude to anti-semitism in Britain where the issue was viewed as a religious rather than a political matter. She finds that Neville Laski, president of the Board of Deputies for most of the 1930s, carried considerable weight with the authorities. However, she suggests the Home Office co-operated with the Board of Deputies as a religious rather than a political organisation.⁶⁰ Policing the Jewish community created particular strains for the Metropolitan Police and Forces in other major cities such as Manchester. From the mid-1930s the Home Secretary repeatedly challenged the police over allegations of tolerance of anti-semitic behaviour. Even so, Louise London has commented that anti-Jewish attitudes still existed in 1939. Whilst she acknowledges that prejudice against Jews was considered unacceptable in Britain as part of a social or political programme, she notes that the tone of police reports on Jewish refugees entering the country were 'predominantly anti-Jewish' and that Home Office officials 'pounced on these displays of police prejudice'.⁶¹

Anti-fascist protest generated some of the worst disorder of the 1930s. There is little doubt that BUF activities heightened interest in the Communist Party and, by the same token, contributed to police mistrust of the left. At the same time the anti-semitic nature of fascist provocation undoubtedly gave credibility to anti-fascist protest. Whereas, the Home Office showed little concern for the civil liberties of communists, overt anti-semitism was taken more seriously. Special Branch and operational police reports of left wing groups, such as the JPC, suggest the police propensity to regard them as communist backed endured beyond the 1930s. A view that had a negative influence on

⁵⁹ Worley, *Class against Class*, p. 36.

⁶⁰ Lebzelter, *Political Anti-Semitism in England*, p.167.

the enthusiasm of the police for controlling the anti-semitic activities of the BUF. Where anti-semitism was involved, however, the police could be less confident of Home Office backing and Metropolitan Commissioner Philip Game was forced, by Home Office demands, to confront his failure to effectively police anti-semitic activity. Policing the activities of the BUF and anti-fascist opposition generated many complaints of police partiality. Although there is little evidence to suggest the police consciously exercised a pro-fascist bias, there is a view that their historical relationship with the left did influence policing of fascist and anti-fascist disorder in a way that arguably favoured fascists.⁶² From her interviews with serving police officers of the period, Barbara Weinberger found accounts that can be considered variously as pro-fascist, pro-police and inclined against fascists, she found no account favourable to the left. She concluded that in so far as the police attitude was consistently against the left in a way in which it was not against the extreme right, it could be said to favour fascists.⁶³ In David Lewis's view, there are many convincing examples of police partiality in favour of the BUF by both beat policemen and senior officers. Like Weinberger he concludes there was consistent institutional bias which, whilst not always in favour of the BUF, was always directed against its opponents.⁶⁴

Weinberger commented that the police had a huge belief in their own ideology, which allowed them to see their actions as impartial and non-political enforcement of the law.⁶⁵ In all probability that ideology was overtly conservative, that is, having an affinity with discipline and order, deference to authority and moral conservatism and an inclination to Conservative politics. Robert Reiner's work on the politics of the police cites an unpublished study from the 1970s, of British police officers' political attitudes. The study found that '80 per cent described themselves as Conservative – 18 per cent of whom were to the right of the party. The remainder were evenly divided between Labour, Liberal

⁶¹ Louise London, *Whitehall and the Jews 1933-1948*, (Cambridge: Cambridge University Press, 2000), p. 278.

⁶² Weinberger, *The Best Police in the World*, p.180.

⁶³ *Ibid*, pp.180-2

⁶⁴ David Lewis, *Illusions of Grandeur: Mosley, Fascism and British Society, 1931-1981*, (Manchester: Manchester University Press, 1987).

and don't know'.⁶⁶ Reiner suggests that the public order role that has routinely pitted the police against organised labour and the left as well as the hierarchical, tightly disciplined organisation of the police force, has meant that 'the police officer with a conservative outlook is more likely to fit in'.⁶⁷ There are no similar studies relating to the 1930s, although Weinberger commented that policemen tended to be 'conservative and authoritarian'.⁶⁸ However, she suggests, this was not because police recruits held authoritarian views, rather it was 'their working culture that create[d] a change in values and attitudes'.⁶⁹ Thurlow has commented on the right-wing connections of the intelligence services. He finds that M.I.5 and Special Branch co-operated with private organisations in the political surveillance of anti-revolutionary operations following the First World War. Thurlow suggests that key M.I.5 personnel were recruited from the private intelligence network of patriotic middle-class organisations such as the British Empire Union and the Empire League. Significantly he suggests that propaganda arising from these associations contributed to Special Branch reports on left-wing extremism.⁷⁰

The ideological position of the police in terms of their relationship with the left has received little attention. Current historical research has concentrated on specific events where the issues of police powers and civil liberties are most tangible, such as the mineworkers' strikes, the general strike and the hunger marches and fascist inspired disorder such as at Thurloe Square and the Battle of Cable Street. Predominantly, the debate has revolved around perceptions of partisan policing and the extent of anti-left bias exercised by the police. Whilst commentators generally have concluded that the police had no political agenda, but were predominantly motivated by a determination to maintain their authority as sole arbiter of public order, most have acknowledged some degree of anti-left bias. However, such conclusions do not yield a comprehensive explanation of the nature of police relationships with left-wing groups. The possibility that the authoritarian

⁶⁵ Weinberger, 'Police Perceptions of Labour in the Inter-war period', p.158

⁶⁶ Robert Reiner, *The Politics of the Police*, (Hemel Hempstead: Harvester, 1992), pp.121-3.

⁶⁷ Ibid, p.122.

⁶⁸ Weinberger, *The Best Police in the World*, p.183.

⁶⁹ Ibid, pp.178-80.

⁷⁰ Thurlow. *The Secret State*. pp.113-4

attitude of the police engendered a natural antipathy towards the left, that made inevitable the hostility towards organised labour, the CPGB and anti-fascism, and similarly towards the NCCL, has received little attention.

Notably, this historiography does not include any discussion of the mechanisms through which the NCCL was able to exert influence. The importance to the NCCL of personal connections, the extent of its involvement in bringing complaints and allegations against the police to parliament and to the attention of the Home Secretary, and its influence on policing policy are absent from current debates. Publicly, the close relationship between the police and the Home Secretary may have appeared unaffected by the NCCL's allegations of police tolerance of anti-semitism and violent, partisan policing. Nevertheless, Home Office records show that the Home Secretary was influenced by its representations and admitted the NCCL had support from 'surprising quarters',⁷¹ and its unofficial report into the Thurloe Square incident 'had some merit and should be taken seriously'.⁷²

Studies by sociologists and criminologists suggest that it can be the behaviour and actions of the police that leads to disorder rather than the nature of the crowd. The work of Waddington, Jones and Critcher on demonstrations during the 1980s, has found a number of crucial conditions where disorder is most likely to occur. Significantly, police partiality, excessive use of violence, a lack of cultural understanding and a recent history of conflict between the police and the demonstrators giving rise to expectations of violence, have been identified as factors likely to exacerbate disorder.⁷³ How the police relationship with the NCCL may have influenced these factors in the inter-war years is an interesting aspect of policing in the period that this thesis explores.

⁷¹ TNA, Home Office (HO) 45/25462, Home Office minute November 1935.

⁷² MEPO 2/3089, Fascist Meeting at Albert Hall and complaint of Police action in Thurloe Square: Investigation and Report, 1936.

⁷³ David Waddington, Karen Jones and Chas Critcher, 'Flashpoints of public order', in George Gaskell and Robert Benewick, (eds.), *The Crowd in Contemporary Britain*, (London: Sage, 1987), pp. 127ff

In summary, current historiography takes little account of the role of the NCCL in the policing of political activism. Where it has been considered the emergence of a civil liberties movement is seen as a logical consequence of public order policing that had, since before the First World War, been focused on the control of labour and the political left. Commentators such as Ewing and Gearty, Weinberger and Thurlow have recognised the influential support the NCCL attracted and the modifying effect the organisation had on legislation, but commonly the Special Branch view of the NCCL as the inspiration of the Communist party has proved as convincing to historians as to the Commissioner. Thus, assumptions have been made that the organisation was ineffective and detailed consideration of its role has been overlooked.

Mosley's BUF brought a new dimension to public order policing in the 1930s. Against the background of the heavy handed policing of labour activism the disorder at Olympia and Thurloe Square, and the heightened racial tensions in the East End, attracted criticism of the police and allegations of bias in favour of fascists. The role of Special Branch was problematic. As official monitor of political opposition Special Branch was primarily focused on communist subversion and was naturally antagonistic to the political left. Nevertheless, Special Branch intelligence played an important part in the policing of political activism and its objectivity was never questioned by the Commissioner. Despite complaints of partiality and rough policing Home Secretaries throughout the period defended the actions of the police and, on a number of occasions, resisted calls for a public inquiry. The Commissioner could, therefore, be confident of public backing for police actions.

There is not scope to discuss the party-political developments of the period in detail here. Nevertheless, these events did not occur in a political void and it is necessary to contextualise the evolution of the NCCL. Two points in particular are of interest. Firstly, a non-party identity had important resonance in the 1930s representing broad cross-party agreement and consensus on progressive economic and social issues.

Secondly, mainstream politics in Britain had polarised into two main parties by the 1930s – Conservative on the right and Labour on the left. It was a political landscape where both parties battled for the huge middle ground of new working class and female electorate. But where the conservative party remained remarkably strong throughout the interwar period and labour and the left strove to achieve unity and, after 1931, credibility. Many of the NCCL's prominent backers were associated with a number non-party organisations and recognised them as an important aspect of democratic participation. Arthur Marwick has argued that groups such as the National Peace Council, the League of Nations Union, the Next Five Years group and the Popular Front represented a consensus of agreement across party boundaries in the 1930s. Marwick suggests that the divisive political crisis of 1931 provided incentive for collective extra-party activities on issues such as political and economic planning, disarmament and world peace. He argues that the National Peace Council and LNU successfully brought about a union of 'centre-progressive forces' in the mid-1930s that saw individuals as politically diverse as Sir Stafford Cripps, leader of the Socialist League, and young Conservative MP Vyvyan Adams working together.⁷⁴ The LNU was the most successful, in terms of membership numbers, of the liberal internationalist groups formed in the early part of the period. It boasted 987 founding members in 1918 and by the end of 1919 its membership numbered 14,665.⁷⁵ Its main support came from the rank and file of the Labour Party but it included Conservative Party leader Stanley Baldwin amongst its honorary presidents. Supporters of the Next Five Years Group, formerly Liberal and Democratic Leadership, included Lansbury, Julian Huxley, Eleanor Rathbone as well as Conservative Harold Macmillan and Liberal Herbert Samuel. Marwick suggests that the idea of a Popular Front, at least in its early stages, embraced 'Tory radicals and liberals as well as men of the Left'. In Marwick's view an important aspect of these groups is that they brought together members of all parties 'in general, if not particular agreement'.⁷⁶ This broad consensus of agreement across

⁷⁴ Arthur Marwick, 'Middle Opinion in the Thirties: planning progress and political agreement', *The English Historical Review*, Vol.79, No.311, Apr. 1964, pp.285-298.

⁷⁵ Dackombe

⁷⁶ Marwick. pp.285-298.

political and public opinion characterises the ideals to which the NCCL objectives belonged.

The work of Susan Pedersen and Caitriona Beaumont suggests that both the growing unpopularity of feminism and the drive to attract the female vote meant that women's organisations made an important contribution to non-party political pressure through the 1920s and 1930s. Pedersen, Eleanor Rathbone's biographer, has argued that the slow political progress of women following the extension to the franchise in 1918 and a renewed emphasis on the ideals of femininity had, by 1921, made the whole women's movement very unpopular. She suggests that in Rathbone's passionate commitment to 'new feminism' and to reforms related to motherhood she effectively sought to 'redefine the goals and content of feminism'.⁷⁷ This, Pedersen argues, was eventually to distance her from the feminist National Union of Societies for Equal Citizenship (NUSEC) of which she was President for ten years from 1919. But from 1928 the NUSEC began to set up the 'Townswomen's Guilds' – civic non-party organisations in medium-sized towns run along the lines of the rural Women's Institutes and never staunchly feminist in orientation.⁷⁸ As well as the Townswomen's Guilds Pedersen finds that Rathbone was associated with the reformist campaigns of a number of women's organisations including the Women's Institute movement and the Mothers Union which were aggressively non-party and rejected any identification with feminism. Rathbone was a prolific supporter of pressure group politics. According to Pedersen, she had many disguises and was, 'as likely to pop up on deputations for the National Council for Civil Liberties [...], the League of Nations, the Abyssinia Association or any one of three or four committees on Spain'.⁷⁹

Caitriona Beaumont's work has shown that the narrow appeal of feminist groups through the interwar years cannot be taken to mean that women were politically inactive.

⁷⁷ Susan Pedersen, *Eleanor Rathbone and the politics of conscience*, (Cambridge: Cambridge University Press, 2004), p.178.

⁷⁸ *Ibid.* p.196.

She concurs in the view that very many women were associated with women's sections of the main political parties as well as members of non-party voluntary organisations like the Women's Institutes and Townswomen's Guilds. She argues that it was via these and other similar organisations that the campaign for social and economic rights for women citizens continued alongside pressure for improvements in maternity services, the provision of birth control information and family allowance – issues that related to women's role as wife and mother.⁸⁰ Beaumont has argued that it was the negative establishment and media propaganda around feminism that convinced the leaders of women's groups to reject political and ideological associations and this led them instead to campaign under the banner of women's citizenship.⁸¹ Nevertheless, she finds in the example of the Women's Institute movement that they readily pursued feminist issues and it was official policy to educate every member in 'her sense of obligation to the country in which she is a citizen, to help develop her mental powers, to make her realise the importance of the intelligent use of the vote'.⁸²

McCarthy's more recent work has argued that a corresponding masculine sphere can be found in organisations such as the British Legion and the Rotary International. She finds that the British Legion lobbied the Government on issues affecting ex-servicemen such as unemployment and war pensions, and called on members to serve their nation faithfully in civilian life as they had during war-time. Rotary International, she suggests, sought to create a cross-section of influential local businessmen and professionals to promote ethical high standards and build friendships locally, nationally and internationally. In McCarthy's view the LNU was the one organisation that came close to creating a truly mass movement and enjoyed huge popularity amongst British men and women. Its activities ranged from large public meetings with key-note speakers to social events via which it aimed to educate the public on international affairs and

⁷⁹ Ibid, p.197.

⁸⁰ Caitriona Beaumont, 'The Womens Movement, Politics and Citizenship' in Ina Zweiniger-Barnielowska *Women in Twentieth-Century Britain*, (Harlow: Longman, 2001), p. 269.

ultimately to influence government foreign policy. All these organisations remained very firmly outside party identity.⁸³ The NCCL did not seek to emulate the mass membership of these organisations. Whilst it did, on occasions, host events for honoured guests,⁸⁴ neither civic activities nor social events were part of its armoury. Its campaigns targeted specific issues and it sought to attract members via delegate conferences and press propaganda. Nonetheless, it identified with broad non-party objectives to educate, inspire political awareness and arouse public opinion beyond the confines of its membership.

However, non-party identity was problematic. McCarthy highlights the view that professed non-political or non-party credentials aroused suspicion in some left-wing circles that such organisations were in truth middle-class and anti-socialist. She cites McKibbin's account of interwar social relations where he has argued that such self-consciously non-party associations had a tendency to depoliticise social relationships and served to support an anti-socialist mentality and reinforce the hegemony of the Conservative Party.⁸⁵ However, McCarthy finds the situation to be more complex than McKibbin's view suggests. She argues that non-party pressure was part of a wider political response to the destabilising ideological and economic forces of the period and an important category of democratic participation that effectively 'anchored British politics ideologically in the centre-ground'.⁸⁶ Notably the NCCL credentials did not support a view that non-party organisations tended to uphold an anti-socialist outlook. Neither the NCCL's supporters nor its critics were concerned that its true orientation may have been conservative but rather that it may have been communist.

The political landscape of the 1920s and 1930s was monopolised by the Conservatives' yet historians and commentators have found the extraordinary success of

⁸¹ Caitriona Beaumont, 'Citizens not feminists: the boundary negotiated between citizenship and feminism by mainstream women's organisations in England, 1928-9', *Women's History Review*, Vol.9, No.2, 2000, pp.411-429.

⁸² *Ibid*, p.418

⁸³ McCarthy, pp.895-6

⁸⁴ DSF1/1, The National Council for Civil Liberties Annual Report 19348-1939, pp.14-5

⁸⁵ Ross McKibbin, *Classes and Cultures: England 1918-1951*, (Oxford: Oxford University Press, 1998). cited in McCarthy. p.893

the Conservative Party throughout the interwar period difficult to explain. Some, like Philip Williamson, have pointed to Baldwin's enduring appeal to the electorate. Williamson has attributed this in part to his skilled use of radio and newsreel and his conversational 'non-party' tone via which he was reaching an audience of more than thirty-three million people on the radio and cinema audiences of more than twenty million by the mid-1930s.⁸⁷ Baldwin's celebrated 1924 speech on 'Englishness',⁸⁸ became the basis of a sustained attack on socialism and the Labour Party and allegiance to the Red Flag contrasted to Conservative Party loyalty to the Union Jack.⁸⁹ Others have highlighted the importance of the gender bias to conservative support and pointed out the massively disproportionate support for the Conservative Party amongst women.⁹⁰ Jarvis's analysis of the content of a series of political messages shows how Conservatives tailored propaganda towards the new female electorate. Whilst he acknowledges that this discourse cannot fully explain why women chose to vote Tory he argues that it shows Conservative appeal to women was both complex and perceptive. Jarvis suggests that Conservative fears about women's irresponsibility and susceptibility to socialism in fact manifest in propaganda literature as an optimistic stereotype of Conservative women - 'responsible, not feckless; hardheaded without being hardheaded; dedicated to Empire'. He finds that, despite the frequent crudity of the Conservative message and a continued dependence on domestic stereotypes, Conservative propaganda remained topical and relevant and at the same time addressed some of the concerns of feminism.⁹¹ In McKibbin's view other explanations demand consideration. He finds merit in the view that the Conservative Party represented the 'predominant value order' and that to vote Conservative was thus the 'natural' thing to do for all but a minority that felt excluded. He suggests the post 1918 electoral redistribution was particularly favourable to the Conservative Party giving them a

⁸⁶ McCarthy, p.893

⁸⁷ Philip Williamson, *Stanley Baldwin: conservative leadership and national values*, (Cambridge: Cambridge University Press, 1999), pp.78-83

⁸⁸ Williamson, p.339

⁸⁹ Francis, Martin and Zweiniger-Bargielowska, Ina, eds., *The Conservatives and British Society, 1880-1990*, (Cardiff: University of Wales Press, 1996), p.131

⁹⁰ McKibbin, *Ideologies of Class*, p.285.

⁹¹ David Jarvis 'Mrs Maggs and Betty: the Conservative appeal to women voters in the 1920s', *Twentieth Century British History*. Vol.5, No.2, 1994, pp.129-52, pp.131-2. See also David Jarvis,

substantial net gain in seats. Further, he supports the argument that it was the Conservatives' 'good fortune' to be defeated in the 1929 elections and thus in opposition during the 1930-31 depression that swept away all the governments of the English speaking countries.⁹²

Pimlott has explored views that Labour's political performance in the 1930s could be seen as characterised by missed opportunities and resistance to flexibility and new approaches. Whilst he finds it might have played a more important role but for its own internal struggles, he has argued that Labour ideology was undeniably no match for the highly skilled, vastly experienced Conservative bureaucracy. He suggests that Labour leaders with wide experience of political organisation, propaganda and in some cases parliament, nevertheless, had little perception of the complexities involved in major changes to the political and economic system and did not set about addressing this until after 1931.⁹³

Mathew Worley too has argued that the working-class Conservative vote cannot be simply attributed to Labour's failings. He suggests some labour policies did not have wide appeal. Labour promises of a radical overhaul of Britain's infrastructure went against the grain for many looking for stability and Labour's emphasis on intervention perhaps alienated as many people as it attracted. Even campaigns that highlighted the plight of the unemployed and socially disadvantaged did not necessarily resonate with the experiences of many British people. Worley suggests that the Conservatives' were much better at representing themselves as the 'defender of the national interest and purveyors of conventional wisdom' than Labour.⁹⁴

'British Conservatism and Class Politics in the 1920s', *The English Historical Review*, Vol.111, No.440, Feb. 1996, pp.59-84

⁹² McKibbin, *Ideologies of Class*, 262-4

⁹³ Pimlott, p.198-203

⁹⁴ Matthew Worley, *Labour Inside the Gate: a history of the British Labour Party between the wars*, (London: I B Tauris 2005) p 174-77

The prevailing political situation in Britain in the early 1930s can, therefore, be viewed as favourable to the formation of the NCCL. Many on the left of British politics felt marginalised by the predominance of the Conservative Party and disadvantaged by policing seen as favouring the political right. Furthermore, the weak response of the newly enfranchised working class and female electorate towards Labour policies left Labour politicians with a great deal to do to rebuild a credible party after 1931. Opposition politicians in particular were eager to promote the ideals of liberty, freedom and democracy and were as a result amenable to the NCCL's non-party challenge to the politicised policing of labour activism.

This thesis challenges the perception that the NCCL was ineffective. The following chapters will analyse NCCL methods and show that it was able to exert pressure in parliament and influence policing policy. It will be argued that the organisation changed the dynamics of the policing of political activism and affected the relationship between the Commissioner, the Home Secretary and the political left. It will be shown that without consideration of the active part played by the NCCL an important aspect of the debate has been neglected.

Chapter 2

Motivation and Inspiration: The Genesis of the National Council for Civil Liberties

This chapter will demonstrate how a combination of events, personalities and personal connections contributed to the origins of the National Council for Civil Liberties. The two key personalities in its formation will be shown to be Ronald Kidd, the inspirational force behind the NCCL, and Lord Trenchard, the Commissioner of the Metropolitan Police, the 'militarist' whose appointment Prime Minister Ramsay MacDonald had considered vital to tackle two fundamental problems his predecessor had failed to resolve, 'reorganising the force and weeding out dissident elements'.¹ It will explore how political events in Germany and police reforms in England contributed to the political climate in which disparate concerns for civil liberties came together in February 1934 to form the NCCL and launch a civil liberties movement.

A chance confrontation between Ronald Kidd and Lord Trenchard, facilitated by the press, set in motion the idea that was to become the National Council for Civil Liberties. An opportunity presented itself to Kidd in August 1933 when the *Weekend Review* published an article under the title 'Bandits and Bottles' by barrister and author, A.P. Herbert. Herbert's article exposed the probability that the Metropolitan Police used police officers as *agents provocateurs* in connection with after hours drinking in London's night clubs.² Kidd believed he had witnessed similar police practices to those described by Herbert, in connection with hunger marchers in November 1932. There is no doubt from his exchange with Herbert that Kidd was very disturbed by his perceptions of police behaviour but there is nothing in the available evidence to suggest that he had made any serious attempt to challenge the Commissioner either as an individual or through an

¹ Andrew Boyle, *Trenchard: Man of Vision*, (London: Collins, 1962), p.584

² *Weekend Review* 5 August 1933

organisation. Indeed, quite the contrary, he appears to have believed any such representation would have been futile. In a vociferous reply to the editor of the *Weekend Review*, Kidd deplored what he regarded as the trivialising of civil liberties and accused Herbert of snobbery and hypocrisy. He wrote

Many, many things ought recently to have excited Mr Herbert to fierce and blazing anger about the liberty of the subject. If he, our jester and snob really cared twopence for the liberty of any but his own social class, he would have raised his voice and his pen in violent protest against a government which pretends to care for democracy and yet gets rid of its inconvenient opponents like Tom Mann and Wal Hannington by putting them in prison [...] when the magistrate was at pains to make it clear that they were charged with no offence.³

Kidd went on to invite Herbert 'as one so solicitous for liberty', to say whether he had been present in Hyde Park and Trafalgar Square to see 'perfectly orderly Hunger Marchers batoned by police *agents provocateurs* who wore cloth caps and red handkerchiefs'.⁴

Herbert's interests in civil liberties were probably rather different from Kidd's. His response betrayed no sympathy with Communist Party members, Mann and Hannington, whose activities he regarded as 'an abuse of political liberty'. On the subject of *agents provocateurs*, however, there was common cause. He challenged Kidd to 'give me authentic evidence [and] I will denounce them as I have done many times before'.⁵ Whether from genuine interest in supporting Kidd's allegations or, as Kidd obviously suspected, expecting him to 'withdraw in confusion',⁶ Herbert invited Kidd to make an affidavit supporting his story and offered to 'bring Mr Kidd and his affidavit to Lord Trenchard's notice myself'.⁷ Kidd's response sums up his expectations from the Commissioner

I think I can safely predict exactly what course will be followed in official quarters if Mr. Herbert succeeds in reaching Lord Trenchard with my affidavit. I may safely say [...] that if Lord Trenchard promises an inquiry into my allegations, one of two things will happen, (a) the policemen who acted under orders from their supervisors will be made scapegoats [...] or (b) Lord Trenchard will say that Mr Kidd made a complete mistake, and that no *agents provocateurs*

³ *Weekend Review*, 19 August 1933, p.182

⁴ *Ibid*, p.183

⁵ *Weekend Review*, 26 August 1933, p.205

⁶ *Weekend Review*, 16 September 1933, p.270

⁷ *Weekend Review* 9 September 1933, p.245

were employed on that occasion and that policemen did not wear caps and neckerchiefs.⁸

Nevertheless, Kidd made the affidavit, and he also secured a second from Douglas Jefferies, a journalist friend, so that Herbert, in fact, had two affidavits to present to the Commissioner.⁹

Kidd's statement placed him in Whitehall on 1 November 1932 where, he said, fairly orderly marchers were being subjected to 'numerous baton charges by mounted and foot police with much severe clubbing of apparently orderly persons of both sexes'. He described 'two men wearing cloth caps and neckerchiefs' who, he said, he believed to be 'genuine demonstrators' until he approached nearer when they 'appeared to be excited and their behaviour was liable at any moment to incite others to disorderly conduct'. Kidd's allegations continued, 'both drew truncheons from their clothing and laid about [the marchers] indiscriminately. [...] two men who attempted to defend themselves from the batons were immediately arrested by these disguised police officers'.¹⁰

Jefferies described an unrelated but similar incident. He said that he had noticed several members of the crowd 'behaving suspiciously, shoving in a boisterous manner, shouting violently and pushing those ahead of them'. He added 'these unruly people looked suspiciously like plain-clothes policemen, judging by their build, carriage and drilled movements'. Jefferies had recognised Arthur Cane of the Special Branch. Cane, he said, 'is well known to me as I have met him at least a dozen times in the course of my activities as a journalist'. Jefferies described how Cane ran into the thick crowd in front of him, 'he was shouting and causing a disturbance and seemed to be assisted in this by a number of other large men, whom I had noticed standing about before, but could not say definitely, despite my suspicions, were police'. He added 'the last thing I saw Cane do was take from his overcoat pocket certain missiles and throw them over the heads of the crowd in the direction of the mounted police who patrolled at the end of the street. [...] a baton

⁸ *Weekend Review*, 16 September 1933, p.270

⁹ Scaffardi *Fire Under The Carpet*, pp.41-2

charge then followed and street fighting broke out amongst a crowd that had previously not been unruly'. His statement concludes 'to my mind the disturbances on the Embankment at least were due to the provocation of Cane and his fellows'.¹¹

Kidd's expectations of Trenchard's likely response were well founded. Despite the seriousness of the allegations, the Commissioner's reaction to Herbert's letter and the affidavits was dismissive. He noted that

It is for consideration whether I should:

1. Simply say that I am satisfied that none of the charges took place and if he has any further complaints to make he should send them to the H.O. or
2. Whether I should say forthwith that the facts are incorrect.¹²

The Commissioner did ask to be advised if there is anyone called Cane in Special Branch but noted 'if there is not the matter will, to some extent, be easier to deal with.'¹³

The reports and statements prepared for the Commissioner, provided far from conclusive vindication of police actions. Superintendent Foster of Special Branch confirmed that PC Cane, since promoted to sergeant, was amongst the Special Branch officers Foster had been personally in charge of on 1 November. Furthermore, he confirmed that many Special Branch and other police officers were dressed in 'rough manner', this being the only way police officers were able to 'mingle with the mob and collect essential information'. In Foster's view 'police officers operating in Whitehall etc. were under the immediate supervision of senior officers and any organised untoward conduct on the part of junior officers, both in uniform and plain-clothes would have been immediately observed'.¹⁴ It also placed any blame on junior officers. Much as Kidd had anticipated, Foster concluded there were no grounds for the allegations that he and Jefferies had made.

¹⁰ MEPO 3/553, Sworn affidavit of Ronald Kidd, 27 September 1933

¹¹ Ibid, Sworn affidavit of Douglas Jefferies, 28 September 1933

¹² Ibid, Commissioners minute 2 October 1933

¹³ Ibid.

¹⁴ Ibid. Superintendent Foster. Special Branch memo, 5 October 1933.

Sergeant Cane's statement confirmed that he and Jefferies were well acquainted. They first met, he says, in the autumn of 1931 'at a small literary debating society, which met at a vegetarian restaurant in Grays Inn Road.' Cane subsequently had dinner at Jefferies flat saw him again at the debating society and 'accidentally' in the street. Of the allegations made by Jefferies, Cane found them 'ridiculous' and denied he had caused any disturbance or thrown missiles.¹⁵

Consistent with Kidd's statement, two arrests by plain clothes officers were recorded at Cannon Row Police Station on 1 November.¹⁶ The statements of Sgt. Charles Morris and PC Arthur McKetterick, who were both policing the marchers' in plain clothes confirm an arrest at about 10.15pm.¹⁷ Sergeant Cane's statement confirms a second 35 minutes earlier.¹⁸ On the strength of this 35 minute time difference in taking these men into custody, Superintendent Foster concluded that Kidd's statement was false. This despite the probable disruption caused by there being some 11,000 people in the area and a considerable amount of disorder leading to 36 people being arrested, all of whom were taken to Cannon Row police station.¹⁹ In fact, the station was 'full of police and prisoners' when McKetterick and Morris arrived with their prisoner.²⁰ Foster did suggest that Kidd 'may have been genuinely mistaken'. However, he found Jefferies 'story', that Cane or any plain-clothes officer would 'throw bricks about', to be 'utterly incredible'. This would have been considerably more convincing if Jefferies statement had mentioned Cane throwing bricks – he referred to missiles taken from Cain's pocket. It was Sgt. Morris who alleged a brick had been thrown.²¹

Superintendent Foster was at pains to point out that Jefferies, who had been known to Special Branch for almost a year, had been appointed to supervise the affairs of

¹⁵ Ibid, Statement of Sgt. Cane, Special Branch

¹⁶ Ibid, minute note Superintendent Foster, 6 October 1933.

¹⁷ Ibid, Statement of Sgt. Morris, Special Branch, 6 October 1933 and Statement of PC McKetterick, 5 October 1933.

¹⁸ Ibid, Statement of Sgt. Cane, Special Branch, undated.

¹⁹ Ibid, Report of A/Superintendent Foster, 5 October 1933.

²⁰ Ibid, Statement of PC McKetterick, 5 October 1933.

²¹ Ibid, Statement of Sgt. Morris, Special Branch, 6 October 1933.

the NUWM on behalf of the Communist Party and was also editor of a Communist journal called *Storm*. Kidd, Foster noted, had been reported as being a member of the West Central London Branch of the Friends of the Soviet Union.²² The inference of Foster's statements implied that the affidavits were unreliable, 'both these men are to some extent tainted' he wrote, and suggested they were 'driven to making the affidavits by the persistence of Mr. Herbert'.²³

Betraying evidence of the ingrained institutional bias identified by Weinberger and Lewis,²⁴ Trenchard focused not on the allegations against his force but on the perceived political status of Kidd and Jefferies. However, rather than replying to Herbert in the dismissive tone he had first considered, the Commissioner arranged to see Herbert 'confidentially'. Trenchard clearly hoped Herbert would be persuaded that Kidd and Jefferies were unreliable. He wrote to Sir Russell Scott, the Permanent Under-Secretary of State, 'I understand Mr Herbert is an anti-communist and I think he would be interested if he knew these two were communists.' He proposed to advise him, and added 'I am convinced that what they have said is not correct, nor is any of the evidence correct' and therefore there is 'no case for an enquiry'.²⁵

Herbert and Gerald Barry, editor of the *Weekend Review*, who also attended the meeting with Trenchard, may not have been easily persuaded. In discussion with Russell Scott following the meeting, Trenchard referred to 'a very long interview with Mr Herbert',²⁶ and proposed that he would stress again, in his written reply to Herbert, that 'no police officer acted in the manner suggested in the affidavits' and that he regarded the accusations as 'inherently improbable'.²⁷ Faced with the prospect of support for Kidd and Jefferies from influential and respected figures such as Herbert and Barry, Russell Scott was cautious. He warned the Commissioner,

²² Ibid, Report of A/Superintendent Foster, 5 October 1933.

²³ Ibid, minute note Superintendent Foster, 9 October 1933.

²⁴ See chapter 1 p.32.

²⁵ Ibid, memo Commissioner to Sir Russell Scott, 10 October 1933

²⁶ Ibid, MEPO 3/553, memo Commissioner to Sir Russell Scott, 17 October 1933

²⁷ Ibid MEPO 3/553 Commissioner's draft letter to Herbert, October 1933

I should be strongly disposed [...] to omit at this stage all reference to the inherent improbability of the allegations. You have already made this point in the course of your interview and I think that if it was stressed once again it might be misconstrued as an indication that the authorities at Scotland Yard are only too apt to decide that no offence has been committed if they reach the view that any offence is inherently improbable.²⁸

Scott suggested he should rather give 'chapter and verse of the conclusive evidence [...] from the police records at Cannon Row' and to stress that had any officer acted in the manner suggested 'it would have been entirely contrary to all his instructions and training and would have rendered him liable to severe punishment if his offence had been detected'.²⁹ Trenchard followed the advice. His letter invited Herbert to, 'publish the gist' of its contents, 'if it will help to counteract the statements of Mr. Kidd and Mr. Jefferies'.³⁰

Whilst Trenchard had no time for Kidd, he was prepared to exchange friendly banter with Herbert. Shortly after the *Weekend Review* discourse, he wrote to Herbert congratulating him on his book *Still More Misleading Cases*, over which the Commissioner said he had 'laughed more than I have laughed in a long time'. He was, he said, considering giving the book as Christmas presents, and added 'how I would like to see you as a Commissioner of the Metropolitan Police'.³¹ Characteristically, Herbert's reply solicited Trenchard's support in granting a licence extension to the Black Lion for their Skittle Club dinner, and invited him to attend.³² Trenchard declined for fear that 'the cartoons will increase in number and I shall have to buy more scrap books to put them in!'.³³

²⁸ Ibid, MEPO 3/553, memo Scott to Trenchard, 18 October 1933

²⁹ Ibid.

³⁰ Ibid, memo Trenchard to Herbert, 18 October 1933

³¹ Royal Air Force Museum Hendon, Trenchard Papers 111/13, Letter Trenchard to A P Herbert, 12 December 1933. A.P. Herbert, *Still More Misleading Cases*, (London: Methuen, 1936), first punished in 1933. This was the third in a trilogy of satirical reports of fictitious court cases intended to expose the eccentricities of English law. For example, in the case of *Rex v. George MacDonald, Maxton and others*, Herbert placed the entire Labour and Liberal Party candidates in the dock, charged under the Corrupt Practices Act 1854, with bribing the electorate with promises of employment for all, pp.62-6.

³² Trenchard Papers 111/13, Letter A P Herbert to Trenchard, 18 January 1934.

³³ Ibid Letter Trenchard to A P Herbert, 19 January 1934.

Herbert was a barrister and soon to be an MP. He welcomed Trenchard's assurances on police *agents provocateurs* but was well aware that the time discrepancy in the charge sheet at Cannon Row could have been accounted for in a number of ways.³⁴ Herbert's summing-up of the case made the front page of the *Weekend Review*. He regarded the discrepancy in the records as 'not quite so shattering as Lord Trenchard seems to think'. However, attaching 'more importance to the future than the past', Herbert found Trenchard's assurances 'far more valuable than any enquiry' into past events. Trenchard's attempt to convince Herbert and Barry was not successful. Although Herbert clearly had little in common with Kidd, he felt able to say that Kidd and Jefferies had 'impressed me as sincere and reasonable men, not likely to permit their political opinions or sympathies to lead them into wild accusations'. Although he saw no point in pursuing the matter further, he thought that 'Mr. Kidd may have done a service in raising it'.³⁵ For Kidd, the result was probably his first recruits for the NCCL. Barry was at the inaugural meeting and both Barry and Herbert were amongst its first vice presidents.

According to Scaffardi, Kidd was immensely impressed by the impact just two witness statements could have in the hands of a public figure such as Herbert. She suggests that it was this that gave Kidd the idea for a group of well known professional and literary figures who were prepared to act as observers.³⁶ Scaffardi recalls the 'front page splash' in the *Weekend Review* and Kidd's excitement that 'it was going to lead up to something. There was going to be an organisation [...] and he knew that things were going to break'. She recalls that such an event at that time had huge significance, 'When you go up to Lord Trenchard on an issue like that in the thirties (*agents provocateurs*) when things are very rocky, then you are getting some place'.³⁷

³⁴ Scaffardi, *Fire Under The Carpet*, p.42.

³⁵ *Weekend Review*, 28 October 1933.

³⁶ Scaffardi, *Fire Under The Carpet*, p.42.

³⁷ Scaffardi Papers, DSE/4/2. Barry Cox interview with Sylvia Scaffardi, c.1969

The Roots of the NCCL

It was not inevitable that Kidd would turn press publicity into tangible support for his idea for an organisation. *Weekend Review* editor Gerrald Barry played a significant part. Barry had obviously taken an interest in Kidd's campaign. He had accompanied Herbert to the meeting with Trenchard and he was at the inaugural meeting of the NCCL. Both he and Herbert were amongst its first vice presidents. Barry was a very well respected political commentator and involved with cross-party interests.³⁸ He was editor of the *Saturday Review* from 1924 until he founded the *Weekend Review* in 1930 earning the regard of his peers for having 'refused outside dictatorship'.³⁹ There is no doubt that Barry had useful contacts in press and political circles. Kingsley Martin was particularly important. Martin was editor of the *New Statesman and Nation* into which the *Weekend Review* was absorbed in January 1934 under Martin's editorship with Barry being appointed Director. It was almost certainly Martin's association with the campaign against arrests in Germany following the Reichstag fire that gave Kidd his opening. Martin took a personal interest in his progress, he was to note a few months after the NCCL was set up that, 'Kidd has done better than I could have thought possible'.⁴⁰ Timing is also significant. Two events in particular were to make 1933 a good year for the launch of a civil liberties movement in England, namely the burning of the Reichstag in February 1933 and subsequent concern for the rapid curtailment of civil liberties in Germany, and in England the Metropolitan Police Bill debated in Parliament throughout the summer.

The burning of the Reichstag on 27 February 1933, seized upon by the Nazi Party as the start of a communist terror campaign across Germany, allowed the Nazi regime to expedite their objectives with unprecedented speed. A legal commission, or countertrial, held in London through the autumn of 1933 to investigate the possibility of a Nazi conspiracy generated some support for the political left as well as an awareness of the

³⁸ Marwick, 'Middle Opinion in the Thirties:', p.288

³⁹ London School of Economics, BARRY 46, extract from *New Statesman*, 22 February 1936.

⁴⁰ University of Sussex, Kingsley Martin Papers, KM7/25, Diary and Notebook for 1934-1937, 17 July 1934

fragility of civil liberties. Opposition Chief Whip Lord Marley contributed to the organisation of the London Inquiry and chaired the 'World Relief Committee for the Victims of German Fascism' set up in May 1933 and supported by a number of high-profile Labour Party members frustrated by their Party's weak official response. These included Dorothy Woodman, Kingsley Martin's wife.⁴¹

The protest in England against events in Germany was led by the International Labour Defence (ILD). This organisation, originally known as the International Class War Prisoners Aid, was ostensibly a communist relief organisation providing aid for political prisoners.⁴² It was believed by the security services to be a Moscow backed Communist Party institution and in 1934 it was refused affiliation with the Labour Party because of the revolutionary tone of its manifesto.⁴³ However, throughout the latter years of the 1920s, the organisation in Britain had been made up largely of MPs and trade union officials and, in 1933, it still enjoyed mainstream left wing support. There is no evidence to suggest that Kidd was associated with the ILD in any official capacity but he undoubtedly supported its activities and it appears almost certain that he was at an ILD meeting at Conway Hall on 22 September 1933. The organisation attracted the intense scrutiny of the Special Branch. ILD meetings at both Conway and Kingsway Halls on 22 September were under Special Branch surveillance. However, if Kidd's presence at the meeting was significant, Special Branch appear to have been unaware of it. They reported that the audience were invited to nominate candidates for a deputation to the German Embassy and listed amongst the nominees, a Mrs.Kidd.⁴⁴ This is almost certainly a transcription error. Ronald Kidd is known to have been at an ILD demonstration at the German Embassy three months later, on 17 December. He made a complaint at Cannon Row police station about the treatment of a man arrested there for causing a disturbance.⁴⁵

⁴¹ Copsey, *Anti-semitism in Britain*, pp.19-20.

⁴² University of Manchester, The Labour History Archive and Study Centre, LP/ID/C1/4/1, The International Class War Prisoners Aid by Dr. Friedrich Adler.

⁴³ The Labour History Archive and Study Centre, LP/ID/C1/10/1, The International Class War Prisoners Aid, List of Officers and Committee Members.

⁴⁴ MEPO 2/3057, Summary of meetings held at Kingsway and Conway Halls on 22 September 1933, A/Superintendent Foster.

⁴⁵ MFPO 3/553. Statement of Ronald Kidd, 17 December 1933.

The involvement of the police and security services in their legitimate affairs was deeply resented by the ILD. They had been warned in a letter delivered personally by the chief Constable, to their secretary, Alun Thomas that 'the Commissioner has decided that deputations, processions and persons with petitions will not be allowed to proceed to the Embassy nor will any assembly of persons be permitted in the vicinity thereof'.⁴⁶ Speaking at the Kingsway Hall meeting Miss Ellen Wilkinson declared this intervention to be a 'very high-handed action and doubted the authority of the Commissioner to prohibit this gesture from representative citizens of London'.⁴⁷ Alun Thomas returned the letter with the response: 'we consider your letter to be an unwarranted interference with what is a recognised public right. Our organisation will continue to carry on its legal public activities'.⁴⁸ The Special Branch report to the Commissioner lists among the speakers at that meeting barrister Neil Lawson, *New Statesman & Nation* editor Kingsley Martin and Dorothy Woodman, who was involved with the running of the Union of Democratic Control, a leading anti-war organisation. Also speaking were Professor Harold Laski, a member of the Fabian Society Executive and later to be on the Labour Party Executive Committee and Frederick Pethick-Lawrence, Financial Secretary under Philip Snowden in the second Labour Government. Pethick-Lawrence had resigned in opposition to the public spending cuts in 1931.⁴⁹ Each of these speakers would, in all probability, have identified with Kidd's sentiments expressed in the *Weekend Review*. All were associated with the NCCL from the outset. ILD secretary Alun Thomas was elected to the Executive Committee of the NCCL at the inaugural meeting.⁵⁰ Marley was to become one of its first vice presidents.

⁴⁶ MEPO 2/3057, Letter Deputy Commissioner to The Secretary, International Labour Defence, 19 September 1933.

⁴⁷ Ibid, Summary of meetings held at Kingsway and Conway Halls on 22 September 1933, A/Superintendent Foster.

⁴⁸ Ibid, Letter Alun Thomas, Secretary to International Labour Defence to Deputy Commissioner, 21 September 1933.

⁴⁹ Ibid, Summary of meetings held at Kingsway and Conway Halls on 22 September 1933, A/Superintendent Foster

⁵⁰ Scaffardi Papers. DSF1/1. The National Council for Civil Liberties, Annual Report for 1934.

This was a very significant body of support for Kidd but it brought with it the certainty of Special Branch attention. The defence of the four communists accused of causing the Reichstag fire and the case for a Nazi conspiracy was led by the 'Red Millionaire' German Communist Willi Munzenberg who was well known to the security services and thought to be the Soviet Union's director of propaganda operations in the West.⁵¹ Munzenberg had been the subject of M.I.5 interest since 1917 and had been denied entry to Britain on several occasions throughout the interwar years.⁵² He was refused permission to attend the legal commission in London in 1933 and the regular visits of his close associate Otto Katz during the trial were under round the clock surveillance.⁵³ Any association with the Reichstag fire affair would have been interpreted by the authorities as evidence of communist affiliation.

Thus it would appear that the Reichstag fire and interest in England surrounding the counter-trial helped Kidd make connections on the left. At the same time the parliamentary debate on the Metropolitan Police Bill throughout the summer of 1933 showed that Kidd's crusade had mainstream appeal. The proposed legislation had focused Labour MPs on the Commissioner and his policies and ensured that the opposition benches of the House of Commons were a valuable recruiting ground for the NCCL. Again the influence of Barry's political associations cannot be ruled out.⁵⁴ The Bill was essentially Trenchard's plans to reform the force. Designed to curb the activities of the Police Federation, cut service to a maximum of 10 years and to establish a Police College to recruit and train an 'officer class' of senior police officers, it met fierce opposition in the House of Commons. Labour MPs were suspicious that the reforms were

⁵¹ Koch, Stephen, *Lying for the truth: Munzenberg & the Comintern*, (The New Criterion on line www.newcriterion.com/archive/12/nov93.Koch.htm). Munzenberg controlled a media empire that included publishers, newspapers, film studios, cinemas and theatres and made up a formidable communist propaganda machine. See Sean McMeekin, *The Red Millionaire A Political Biography of Willi Munzenberg*, (New Haven & London: Yale University Press, 2003).

⁵² See T.N.A., KV 2/772, KV 2/773 and KV 2/774, Wilhelm Munzenberg: A leading German communist and Comintern official.

⁵³ KV 2/1382, Otto Katz: Czechoslovak, significant agent of the Comintern based in Paris.

⁵⁴ LSE, British Library of Political and Economic Science, BARRY, biographical history. Barry was a political journalist and editor. He had cross party affiliation and chaired various Government Committees including the reform of obscene libel laws on radio and television. He was Director

being rushed through 'to some sinister ulterior end'. A White Paper was issued just one week after Trenchard's first Annual Report as Commissioner had hinted at the problems in the force. The apparent need for quick remedial action stirred suspicions of panic legislation.⁵⁵ From the 17 May 1933, when the Police Bill was presented to the House by the Home Secretary, Sir John Gilmour, until 26 June when it secured its third reading, the opposition repeatedly challenged the Home Secretary for an explanation. George Lansbury, leader of the opposition demanded to know why the reforms were necessary when, previously, any criticism of the Metropolitan Police force in the House of Commons would have been 'shouted down'. In fact, opposition was directed as much at Trenchard as at the reforms themselves. Lansbury argued, 'We have been told that [the Metropolitan Police] is the most perfect police force in the world; that it is the admiration of the world; that foreigners come here and almost kneel down to worship the man on point duty'. He continued 'Now, all of a sudden, out of the blue comes Lord Trenchard. This wonderful genius of the air has discovered that this police force wants revolutionary treatment'.⁵⁶ Lansbury argued that there had been a steady militarisation of the police force over many years, 'this is another step in that direction'.⁵⁷ Turning to the Federation, Lansbury pointed to the deterioration in the relationship between the Commissioner and the Federation since Trenchard had succeeded Lord Byng. 'We know perfectly well', he said, 'that both the Commissioner and the Federation officials at that time exchanged friendly messages'.⁵⁸ The Home Secretary's demand that Lansbury should stick to questioning him as the person 'responsible in this House' and not Lord Trenchard went largely unheeded.⁵⁹

Clement Attlee's view was equally hostile. The White Paper was, he said, 'really based on the Trenchard Report. [...] where the whole case for a Bill is based on a report

General of the Festival of Britain and executive of Granada Television. He was a co-founder of PEP (Political and Economic Planning).

⁵⁵ Andrew Boyle, *Trenchard: Man of Vision*, pp.630 ff.

⁵⁶ *Hansard, Official Report Fifth Series, Parliamentary Debates, Commons*, 23 May 1933, vol.278, col.956-7.

⁵⁷ *Ibid*, col.957-8.

⁵⁸ *Ibid*, col.965-7.

⁵⁹ *Ibid*, col.957-8.

made by an individual it is necessary to examine that report'. Attlee went on, 'most remarkable is the light which it [the report] throws on the Commissioner. I do not think I recall another report by the head of such a body as the Metropolitan Police Force in which one can search in vain for the slightest appreciation by the author of the report of the men serving under him'. He continued, 'the whole thing breathes a spirit of distaste for the ordinary police constable'. Attlee expressed his suspicions as to the real motives behind the reforms 'I believe that at the back of this Bill there is something very different. I do not think that the present Government believe in democracy'.⁶⁰

Aneurin Bevan went so far as to suggest that fascism was inherent in policing policy. At the final reading of the Bill, Bevan argued that the proposed reform of the Federation had been 'designed to separate the officer class from other members of the police force'. He went on to suggest that

neither the Home Secretary nor the Commissioner is organising the police in order to avoid trouble but on the basis of the certainty that there is going to be trouble. They are not organising the civilian police to keep civilian peace, but on the assumption that civilian disturbances are inevitable.⁶¹

Bevan continued, 'It is an entirely Fascist development. It is to make the Police Force more amenable to the orders of the Carlton Club and Downing Street, if there is a disturbance'. He argued, 'They want to militarise the upper hierarchy of the Police Force because they cannot trust the Police Force'.⁶²

The Commissioner's reforms of the force may well have facilitated recruitment to the NCCL just as his policies towards the NUWM and the ILD had apparently done. The vote on the Police Bill on 23 May returned 321 Members in favour and 60 against. After a number of amendments the Bill was passed at the final reading on 26 June with 210 in favour and 52 against. Amongst those voting against were Clement Attlee, Aneurin Bevan, Dingle Foot, Eleanor Rathbone and George Lansbury, all were vice presidents of

⁶⁰ Ibid, col.1052-7.

⁶¹ Ibid, 26 June 1933, vol.279, col.1216-8.

⁶² Ibid

the NCCL from the outset.⁶³ George Buchanan, Sir Stafford Cripps, Sir Percy Harris, Edward Mallalieu and James Maxton, were amongst those who were to be associated with the organisation over the coming years.

Regarded as the father of the air force Lord Trenchard's military skills and achievements were in little doubt but his appointment as Commissioner of the Metropolitan Police Force was, to many on the political left, indicative of a government committed to right wing policies. Lord Trenchard had taken up the post in October 1931 in the midst of economic crisis and in the wake of pay cuts for civil servants including the police. Following the Invergordon incident, an Admiralty blunder over reductions in pay that led to naval ratings refusing to obey orders and sensational press reports of mutiny and imminent revolution, there was deep apprehension at the possibility of a police strike particularly in London. It was felt that a resolute Commissioner was needed, who would be prepared to effect wholesale reforms if necessary, to curb the influence of the Federation and 'recall the police to a sense of their responsibilities'.⁶⁴ Reluctant at first, Trenchard eventually accepted the post on the assurance from the Prime Minister of a free hand and full support for his proposals, 'even if it means turning the force upside down'.⁶⁵

Little more than a year into the role of Commissioner, Trenchard regarded reform as vital and urgent. He wrote to the Home Secretary on 12 January 1933, 'the difficulty of carrying on here under present conditions is so great that I feel it is essential to sketch out a definite programme of action as regards the reforms without any further delay'.⁶⁶ Well aware his proposals would be difficult for many to accept, Trenchard considered that '75% of the decent people believe that everything in the Metropolitan Police Force is perfect and will not altogether believe that these drastic remedies are necessary'.⁶⁷ He, however, felt the force was in an appalling state. The Police Federation he considered to be virtually

⁶³ Scaffardi Papers, DSF 1/1, Annual report of the National Council for Civil Liberties for 1934.

⁶⁴ Andrew Boyle, *Trenchard: Man of Vision*, p.591.

⁶⁵ *Ibid*, pp.591ff.

⁶⁶ Trenchard Papers 111/9 Letter from Trenchard to the Home Secretary, 12 January 1933.

a police trade union, 'no more than a tool of agitators'.⁶⁸ He was in no doubt that the real cause of the 'inefficiency and discontent' prevalent in the force for a very long time was the lack of an 'educated officer class'.⁶⁹ He was, he said, 'perfectly certain that if any serious trouble arises in the next two or three years, there is real danger of the Force breaking in our hands'. Trenchard urged that there should be no delay in implementing the reforms, but with a hint of concern that he might not pull it off he warned, 'the only thing that would stop this programme would be the beginning of a big strike'.⁷⁰

To many, particularly those of liberal and left-wing views, Trenchard's reforms appeared to represent a lurch to the right. Home Secretary Gilmour's determination to narrow the field of debate in the House of Commons enraged opposition MPs, but it also alarmed uncommitted onlookers as well as many intellectuals and writers of the day. Andrew Boyle, Trenchard's biographer, suggests that the influence of this body of opposition was seriously under-estimated, even despised, and he views the formation of the National Council for Civil Liberties as a 'logical enough sequel'.⁷¹

Membership and political orientation

On 22 February 1934, just four months after the *Weekend Review* had brought Kidd recognition, he launched the National Council for Civil Liberties. His objective was to bring together 'people whose names carry weight in literature, science, art and the law to represent disparate concerns for civil liberties', and to

co-ordinate the activities of political parties and other bodies, and to concentrate into a single channel the diffuse efforts of numerous societies which, in their specialised way, are

⁶⁷ Ibid.

⁶⁸ Trenchard Papers 111/13, Memorandum by the Commissioner attached to Letter from Trenchard to the Home Office, 23 December 1932.

⁶⁹ Ibid, Letter from Trenchard to the Home Office, 23 December 1932.

⁷⁰ Trenchard Papers 111/9, Letter from Trenchard to the Home Secretary, 12 January, 1933.

⁷¹ Andrew Boyle, *Trenchard: Man of Vision*, pp.634-5.

concerned with preservation of our civil rights.⁷²

The stated aims of the organisation were to

assist in the hard-won rights of citizens – especially freedom of speech, press and assembly – from all infringement by executive or judicial authority contrary to due process of law, or by the tendency of governmental and other agencies to use their powers at the expense of precious liberties for which citizens of this country have fought.⁷³

'Vigilant observation, press activity, legal advice, organised protest and other appropriate means' were advocated as the means of achieving the aims and objectives of the organisation. There was to be a strong bias towards the legal profession and literary figures,

as so many of the problems which the Council would be called upon to deal were of a technical legal character a strong representation of barristers and solicitors would be valuable; and as so much of the Council's success must depend on effective Press propaganda, it was felt to be desirable to have a strong literary and journalistic element on the committee.⁷⁴

At the inaugural meeting some thirty well-known public figures were appointed vice-presidents and an executive committee of 18 individuals was elected including Kingsley Martin, Harold Laski, Claud Cockburn and Geoffrey Bing. A non-party identity was recognised as important. Author and critic E.M. Forster was elected president. This appointment was considered to be 'particularly valuable'. Forster was a liberal, 'not at all left in his views'.⁷⁵ His 'detachment from party politics' and 'breadth of outlook' it was felt, would 'emphasise the comprehensive character of the Council' and its 'non-party and undenominational' status.⁷⁶ Forster's appointment undoubtedly provided a measure of assurance for those who might otherwise have avoided the organisation because of its perceived communist connections. Kingsley Martin was of the view that Forster maintained his association with the NCCL because he 'so much respected Kidd'.⁷⁷ Forster's affection for the organisation was still evident many years later, on its 21st

⁷² Scaffardi Papers, DSF 1/1, The National Council for Civil Liberties Annual Report for 1934, April 1935, p.5.

⁷³ Ibid, p.2

⁷⁴ Ibid, p.5

⁷⁵ Scaffardi Papers, DSF 4/2, Barry Cox interview with Kingsley Martin, c.1969. See appendix A for biographical details of significant individuals.

⁷⁶ Scaffardi Papers, DSF 1/1, The National Council for Civil Liberties Annual Report for 1934, April 1935, p.6

⁷⁷ Scaffardi Papers, DSF 4/2, Barry Cox interview with Kingsley Martin c.1969

anniversary. Thanking Sylvia Scaffardi (then Crowther-Smith) for her letter inviting him to the celebrations, he said 'it seemed like old times to receive it'. He had resigned from the NCCL, he said, 'with regret rather than hostility'.⁷⁸

The non-party identity was crucial. The NCCL's original backers, politicians and prominent personalities, understood the important contribution made by associational non-party organisations and cross-party pressure groups to the political culture of the 1930s. Laski, Attlee, Bevan, Lansbury, Rathbone, Edith Summerskill and other lesser known individuals had their own personal agendas in terms of their association with NCCL campaigns and recognised it as a valuable non-partisan forum from which to challenge the policies of the National Government on the ideals of democracy and liberty. The NCCL's credibility as a pressure group depended upon sound non-party credentials. This was especially so since its first campaigns related to hunger marches organised by the NUWM and to incitement to disaffection legislation aimed at the left. These were issues that could easily have irrevocably identified it with the objectives of the far left and the Communist Party – and indeed did as far as the security services were concerned.

There had been little in Kidd's background to recommend him to accomplished academics and professionals to lead a high profile pressure group focused on challenging the machinery of policing. Kidd's career had been varied and unremarkable. Ill health having prevented him from completing a university degree, Kidd's education had been completed under the guidance of private tutors. He had been a science teacher, holding an appointment as lecturer in bacteriology before enlisting in the Middlesex Regiment. His health problems ensured he did not see active service and by 1916 he could claim to have 'secretarial experience of two church societies' and to have held a 'responsible post as clerk to military personnel at Hampstead Recruiting Office'. Kidd also claimed to have 'considerable experience as a writer for the press' and to have contributed to *The Westminster Review*, *The Local Government Review* and 'numerous daily, weekly,

⁷⁸ Scaffardi Papers, DSF 4/3, Letter from E M Forster to Miss Crowther-Smith dated 8 January

monthly and technical journals'.⁷⁹ By 1933, Kidd identified himself as a bookseller.⁸⁰ His shop, the Punch and Judy bookshop 'no more than a one room kiosk in the entrance hall of a residential block',⁸¹ sold left wing publications and books such as *Fanny Hill* and *Lady Chatterley's Lover* that were not readily available in high street bookshops, books described by Special Branch as 'of an advanced nature'.⁸² He was, by nature, outspoken and inclined to flout authority. Some evidence of this surfaced in 1923 when, working for the Wellcome Historical Medical Museum, he incurred the disapproval of his employers by writing a personal letter to a pharmaceutical journal identifying himself as having the authority of the Wellcome Museum, without obtaining their permission.⁸³ He had to apologise but had, of course, made his point.

Personal accounts of his character suggest Kidd had the temperament and disposition to capitalise on the exposure he received from the *Weekend Review*. Sylvia Scaffardi has described Kidd as 'open minded, anti-authoritarian, absolutely devoid of class consciousness'. He had, she said, a slightly bohemian temperament and unconscious aura of authority that, 'attracted anyone involved in any way in the world of artist – the writer, journalist'.⁸⁴ Kingsley Martin has said of Kidd that a 'faintly theatrical flavour clung about him'. Civil liberties were his passion. He was, Martin suggests, 'one of G.K. Chesterton's Englishmen, with a quixotic desire to maintain our rights just because they were our rights'.⁸⁵ D.N. Pritt, a barrister who defended many cases for the NCCL, and was from 1935, a Labour MP, described Kidd as an enthusiast with the 'capacity for enthusing other people – communicating his enthusiasm'. He found him a 'muddler' in business matters but regarded Kidd's main strength in that 'he got the idea and he was prepared to trout [sic] it to death'.⁸⁶ Most significantly perhaps, Kidd captured what Sylvia

1955.

⁷⁹ Scaffardi Papers, DSF/2/1, Kidd letter to Box J.975 *Times*, 21 June 1916.

⁸⁰ MEPO 3/553, affidavit of Ronald Kidd, 27 September 1933.

⁸¹ Scaffardi Papers, DSF 4/2, Barry Cox interview with Sylvia Scaffardi, c.1969.

⁸² HO 45/25462, Special Branch report of the activities of Ronald Hubert Kidd, November 1935.

⁸³ Wellcome Institute for the History of Medicine, Correspondence between Kidd and Wellcome Museum 18 and 20 November 1916. *The Chemist and Druggist*, 18 November 1916, p.55.

⁸⁴ Scaffardi Papers, DSF 4/2 Barry Cox interview with Sylvia Scaffardi, c.1969.

⁸⁵ Kingsley Martin, *Editor: a second volume of autobiography*, (London: Hutchinson, 1968), p.154.

⁸⁶ Scaffardi Papers, DSF 4/2, Barry Cox interview with D N Pritt, c.1969

Scaffardi has called 'the temper of the times'. She recalls the thirties as a time when 'an individual membership and key people were all important'.⁸⁷

As far as the security services were concerned, Kidd's interest in setting up the NCCL was communist oriented. On the eve of the formation of the organisation, Vernon Kell, head of M.I.5, warned Sir Russell Scott at the Home Office and the Commissioner, 'the Council for Civil Liberties is about to interest itself in the unemployed marches and in the general question of police policy and action in regard to the rights of "free speech and assembly"'.⁸⁸ Kell attached, as evidence of Kidd's communist connections, a copy of a (presumably intercepted) letter from Kidd to Alun Thomas, Secretary of the International Labour Defence (ILD).⁸⁹ In the letter Kidd assures Thomas 'we are keen to keep the correct party line' but he also goes on to defend his proposed title for the organisation and to set out the NCCL's focus on police behaviour. The Council for Civil Liberties will, he wrote, take on cases that will 'not necessarily apply to workers in particular'. Kidd acknowledged that it was 'clearly the function of the ILD' to undertake the 'legal defence' of workers and expressed the hope that by taking up 'irregularities' with the Commissioner and Home Secretary the NCCL might 'be of assistance to the ILD'.⁹⁰ Rather than evidence of Communist Party control, the letter could equally be Kidd's reassurance to Thomas that there would be no conflict between his organisation and the ILD. It is entirely plausible that Kidd would have been wary of upsetting Thomas and the MPs and prominent figures associated with the ILD at such a crucial time for the NCCL.⁹¹

⁸⁷ Ibid, Barry Cox interview with Sylvia Scaffardi, c.1969

⁸⁸ HO45/25462, Letter Vernon Kell to Sir Russell Scott, 22 February 1934.

⁸⁹ Ibid, Letter Ronald Kidd to The Secretary, International Labour Defence, 19 February 1934. There is no way of knowing whether the letter came into the possession of the security services from the surveillance of Alun Thomas and the ILD, or of Kidd. However a hand written note at the foot of the letter reminds Sir Russell Scott at the Home Office, 'You will remember he [Kidd] was the protagonist in the "New Statesman" controversy'. The *Weekend Review* was merged with the *New Statesman*.

⁹⁰ Ibid.

⁹¹ Labour History Archive and Study Centre, LP/ID/CI/10/1 List of Officers and Committee Members of the ICWPA. The ILD had formerly been known as the International Class War Prisoners Aid. In 1925 14 MPs were associated with the organisation. One of them James Maxton, was an active supporter of the hunger marchers in 1934.

Special Branch traced the origins of the NCCL to a legal panel composed of barristers and solicitors 'belonging to or sympathetic with the Communist Party', which was said to have been announced in the Communist press in April 1933. Special Branch reported that the panel comprised a dozen or so legal advisers of which D.N.Pritt, Neil Lawson and W.H.Thompson were the nucleus. The report went on 'it can be stated quite definitely that not only was this "Panel" absorbed into the Council, but that the latter body owes its existence directly to the former'.⁹² There is some evidence that preliminary discussions took place before 22 February 1934. Indeed, it would have been surprising if they had not. These may have included members of such a panel. Pritt considered that he was involved with the NCCL, 'before it existed'. There was, he said, 'a group of people and I was asked to come and join in'.⁹³ It was certainly the case that Pritt, Lawson and Thompson were involved with the NCCL from the outset and Thompson was on the executive committee.⁹⁴ The focus on the 'technical legal character' of the NCCL's role may well have been the objective of such a group. However, if the organisation had been the brainchild of this panel, it is not immediately clear why they would have considered Kidd an asset. Kidd was not professionally accomplished or well connected. He was not a good administrator. He did attend meetings of the Communist Party and other left-wing organisations but there is no evidence he was ever a speaker or in any way presented himself as a potential leader. Had it been the intention of this panel to set up a body such as the NCCL, others, such as Pritt or Lawson, would seem to have been better placed than Kidd. It is much more plausible that there was mutual recognition of a common cause. A team of barristers prepared to defend the concepts of civil liberties would, undoubtedly, have been an asset to Kidd and the NCCL. At the same time, association with a pressure group whose membership 'read just like who's who',⁹⁵ would, no doubt, have benefited the panel if it existed.

⁹² HO 45/25462, Special Branch report of the activities of Ronald Kidd, 12 November 1935.

⁹³ Scaffardi Papers, DSF 4/2, Barry Cox interview with D N Pritt, c.1969.

⁹⁴ Scaffardi Papers, DSF 1/1, The National Council for Civil Liberties Annual Report for 1934, April 1935.

⁹⁵ Scaffardi Papers, DSF 4/2, Barry Cox interview with Sylvia Scaffardi, c.1969.

Special Branch explained the NCCL's 'formidable galaxy of vice-presidents' as having been taken in by Kidd. Kidd, they reported, 'makes great pretence that the Council is an entirely independent non-party body, in order to inveigle well known persons to lending their names as patrons and members'. The majority, the report suggested 'have no knowledge of his real activities'.⁹⁶ The available evidence, however, does not support this view. The vice presidents and officials of the NCCL changed very little throughout the 1930s. Many of the vice presidents may not have been particularly active within the organisation but it is unlikely they were unaware of its activities. It pursued a vigorous press propaganda campaign, regular newsletters and pamphlets were produced detailing NCCL activities,⁹⁷ it provided legal defence in a number of prominent court cases,⁹⁸ and it staged unofficial Inquiries into police behaviour at Olympia and in Northern Ireland in 1934, at Thurloe Square in 1936, and during the Harworth colliery dispute in 1937.⁹⁹ Although policy decisions were made by the NCCL's various committees, the organisation was very much Ronald Kidd's own throughout the 1930s. There is no evidence to suggest that his motives were other than commitment to the campaigns and cases that the organisation was involved with, or that the plethora of literature they produced did not accurately reflect his own views and objectives.

The first Special Branch report on Kidd was compiled for the Home Secretary in November 1935. It detailed all that was known of Kidd and took every opportunity to associate him with the Communist Party. His membership of the West Central London Branch of the Friends of the Soviet Union, was noted; it was in the words of Special Branch, 'a communist controlled body'. He sold his bookshop business shortly after setting up the NCCL, to 'an intimate friend [...] a member of the Communist Party of Great

⁹⁶ HO 45/25462, Special Branch report of the activities of Ronald Kidd, 12 November 1935

⁹⁷ University of Hull, Papers of the National Council of Civil Liberties (NCCL), DCL 48/1, NCCL Newsletters nos. 1-5, 1935-7 and DCL 75/2, NCCL circulars 1937-8.

⁹⁸ Ronald Kidd, *British Liberty in Danger*, (London: Lawrence & Wishart, 1940).

⁹⁹ Scaffardi Papers, DSF 1/21, National Council of Civil Liberties 1934-2001: *Report of the Commission of Inquiry appointed to examine the purpose and effect of the Civil Authorities (Special Powers) Acts (Northern Ireland) 1922 and 1923, 1936*, NCCL, DCL 40/1, NCCL enquiry into fascist meeting at Olympia, 1934, DCL 9/4, Police Thurloe Square, 1936 and DCL 27/2, Harworth Colliery Strike (Police) 1937 and DCL 27/3. Harworth Colliery Strike (Defence material for appeal), 1937.

Britain'.¹⁰⁰ However, the report also claims that Kidd applied for membership of the CPGB, 'in 1934 after the formation of the National Council for Civil Liberties' but, it suggests, the Central Committee informed Kidd via Harry Pollitt that 'he could serve the communist cause much more effectively if he remained nominally outside the party'.¹⁰¹ Kidd was in contact with Pollitt, a diary entry for 6 May 1934 records 'Daily worker – ring up Pollitt and Isobel Brown'.¹⁰² If the Special Branch information is correct it may well be that he approached the Communist Party for financial support. Funding the organisation was always difficult for Kidd and securing CPGB funds would no doubt have required closer ties with the Party. Nevertheless, if he did choose to apply for Communist Party membership only a few weeks after launching the NCCL it would seem to have been a serious error of judgement. The 'non-party' status of the organisation had been essential in securing the liberal support that was fundamental to the formation of the NCCL. Official ties with the Communist Party would certainly have put its future success in jeopardy.

There is no doubt Kidd's sympathies were with the political left. He made no secret of the fact that he deplored fascism, he regarded it as the greatest threat to democracy across Europe and wanted to see it 'completely smashed and wiped out by every legitimate means'.¹⁰³ Throughout his seven years as General Secretary of the NCCL, Kidd often had to defend his own political status and that of the organisation, and not just from Special Branch. In 1941 a 'red smear' campaign, conducted by members of the Labour Party, against the NCCL brought a vigorous response from Kidd.¹⁰⁴ He wrote to a colleague, 'Your Labour Party friends, who seem to favour the victimisation of employees on account of their personal views [...] know and have known for a long time that I am not and have never been a Communist'.¹⁰⁵ Kidd continued,

Perhaps you know that I am the founder of this Council and have been its General Secretary throughout its existence. There has

¹⁰⁰ HO 45/25462, Special Branch report of the activities of Ronald Kidd, 12 November 1935

¹⁰¹ Ibid.

¹⁰² Scaffardi Papers, DSF 2/9 Ronald Kidd pocket diary for 1934.

¹⁰³ Scaffardi Papers, DSF 2/6, Letter Ronald Kidd to Prof. R S Chorley, 30 May 1941. Chorley was a Haldane Society and NCCL member and editor of the *Modern Law Review* 1937-71.

¹⁰⁴ Labour allegations of communist influence within the NCCL will be discussed in more detail in chapter 8.

¹⁰⁵ NCCL DCI 76/1 General correspondence 1937-1941.

never been, and there is not now, any machinery for imposing doctrinal tests in this council – and there certainly never will be whilst I am associated with it.¹⁰⁶

When, in the same year he was accused by Professor Chorley, of impeding the war effort

Kidd raged

I am as vigorous a patriot as you, and how you can fall for such bilge about communist influence on our Council surprises me. [...] Before hinting at these strange conspiracies you should take the trouble to find out at least where I stand.¹⁰⁷

He went on 'We [the NCCL] have never had any dealings with any "subversive" body, nor any organic relationship with any political party whatsoever. We have never been subjected to any kind of pressure or influence from Communists'.¹⁰⁸ Claud Cockburn's recollections would seem to be consistent with Kidd's statements. He recalls that he himself was the only communist on the NCCL Committee at the beginning. Kidd, he says, 'certainly wasn't'.¹⁰⁹

Several of Kidd's associates have commented on his political naivety and have suggested that his obsession with civil liberties rather obscured any appreciation of politics. Kingsley Martin, has described Kidd as 'a genuine liberal'. In Martin's view Kidd knew little about politics. 'I don't think he knew anything about right-wing and left-wing and Fascist and Marxist', he said. 'I never thought of Kidd worrying about whether a person was a Marxist or he was anything else. He only worried about people's liberties'. 'When I say he didn't mind about politics, I meant he understood that you had a right and he would fight for that to the death'.¹¹⁰ F.W.Adams, a member of the NCCL from 1936, saw Kidd as 'definitely an odd character'. Adams recalled 'I heard Kidd say he never voted in an election'. The political complexion of the Council was always left-wing, he said, but 'individual political opinions [were] never discussed'.¹¹¹ Neil Lawson, saw Kidd as 'politically an anarchist; a great individualist he thought that if you left people alone they

¹⁰⁶ Ibid.

¹⁰⁷ Scaffardi Papers, DSF 2/6, Letter Ronald Kidd to Prof. R S Chorley, 30 May 1941.

¹⁰⁸ Ibid.

¹⁰⁹ Scaffardi Papers, DSF 4/2, Transcript of Barry Cox interview with Claud Cockburn, c.1969.

¹¹⁰ Ibid. Barry Cox interview with Kingsley Martin, c.1969.

would automatically behave like decent human beings. He was against all forms of authority. He was a very tough chap in speaking, debating and writing'.¹¹² Lawson described himself as 'always very radical in my political views, but not a communist - though I sometimes agreed with them'.¹¹³ It is perhaps Lawson's view that Kidd, would most closely have identified with.

The objectives of the NCCL may well have had the support of individual Communist Party members but if the organisation was receiving any backing from the CPGB it was certainly not financial. Speaking of the office organisation of the NCCL in the early days, Sylvia Scaffardi recalled that until 1935 'it was not so much a question of organisation as improvisation, without funds, equipment, or staff'. She remembered Cockburn 'gave us a fiver to pay the deposit to get a telephone installed'. Marjorie or Ruth Fry, she said, gave '£50 for the Central Hall meeting in the Sedition Bill campaign'.¹¹⁴ Funds remained difficult, it seems, throughout the whole time of Kidd's association with the NCCL. In January 1935, Forster urged Kidd to adopt a policy of 'no response without subscription'. It was, Forster agreed, 'not a noble motto, but it must perforce be accepted by a struggling society such as our own'.¹¹⁵ Sylvia Scaffardi identified 1941, the end of Kidd's term as General Secretary, as 'certainly our crisis year financially'.¹¹⁶

A practical role and early success

The most urgent task facing the 30 or so individuals that met to launch the NCCL on 22 February 1934 was the imminent arrival in London of an NUWM hunger march. Harold Laski, H.G. Wells, Julian Huxley and Claud Cockburn were chosen, amongst

¹¹¹ Scaffardi Papers, DSF 4/3, Transcript of Barry Cox interview with Adams, c.1969.

¹¹² Ibid, Transcript of Barry Cox interview with Neil Lawson, c 1969.

¹¹³ Ibid.

¹¹⁴ Scaffardi Papers, DSF 4/2, Barry Cox interview with Sylvia Scaffardi, c.1969.

¹¹⁵ NCCL, DCL 74/2, General correspondence, Incitement to Disaffection Bill, letter E M Forster to Ronald Kidd, 21 January 1935.

¹¹⁶ Scaffardi Papers, DSF 4/2, Barry Cox interview with Sylvia Scaffardi, c.1969.

others, to observe police behaviour at a rally in Hyde Park planned for three days later.¹¹⁷ The appointment of a vigilance committee to monitor police activities established a tangible and practical role for the organisation without which, as Claud Cockburn was to note, 'that sort of body at that time could very easily have started with a general proclamation of liberal principles and really never got much further'.¹¹⁸ The following day a letter appeared in the *Times* and the *Manchester Guardian*. It deplored the 'dangerous and unjustified atmosphere of misgiving' that the authorities had created around the hunger march and pointed out the 'excellent discipline' of the marchers. It announced that the Council for Civil Liberties would 'maintain a vigilant observation of proceedings' whilst the marchers were in London.¹¹⁹ Kingsley Martin signed the letter along with Clement Attlee, A. P. Herbert, Harold Laski, D. N. Pritt and H. G. Wells. Lord Trenchard's personal investigation of events during the 1932 march had, Martin recalled, 'left a nasty taste' and the 'well known names' of the NCCL executive decided to take action.¹²⁰

The policing of the NUWM hunger march in the autumn of 1932 had been a brutal affair, particularly so in London. Jane Morgan commented that 'many complaints were voiced about the police especially those in the metropolis' and there were concerns amongst opposition MPs that, 'another kind of police was emerging' where peaceful demonstrations were not being allowed as they had been in the past.¹²¹ James Grant, an eye-witness to the events around Hyde Park on 27 October 1932, described how, 'without the slightest provocation', mounted police raced 'up and down the roads flourishing huge staves in their hands, smashing their way in and out amongst the traffic'.¹²² Some 2600 police had been on duty in and around the Hyde Park rally on that occasion,¹²³ and it was subsequently reported that 'all reserves' and reinforcements had to be called and 'all

¹¹⁷ Kingsley Martin, *Editor: a second volume of autobiography*, (London: Hutchinson, 1968), p.153.

¹¹⁸ Scaffardi Papers, DSF 4/2, Barry Cox interview with Claud Cockburn, c.1969.

¹¹⁹ Scaffardi, *Fire Under The Carpet*, pp.44-5.

¹²⁰ Kingsley Martin, *Editor: a second volume of autobiography*, p.153.

¹²¹ Morgan, *Conflict and Order*, p.253-4.

¹²² J L Grant, 'The Hunger Marchers and the Police', *Socialist Review*, winter 1932, pp.243-4

¹²³ MEPO 2/3071, Summary of the National Hunger March on London October and November

these detachments were needed to meet the situation'.¹²⁴ Wal Hannington recalls that from the speakers' platforms in Hyde Park, 'the roar of the crowd as they battled with the police', could be heard from outside the park gates and there were 'many casualties on both sides'.¹²⁵ Hannington regarded inexperienced special constables as responsible for much of the disorder. They were 'panicky' and 'drew their truncheons, threatening to use them'. 'Serious fighting' broke out, he recalled, as regular police had followed suit to quell the 'incensed' workers.¹²⁶ As far as the police were concerned the responsibility lay with the 'hooligan element' amongst the marchers', who were 'noticeably antagonistic to the Special Constables', and with the 'large number of Communist followers' who were determined to attack the police. However, the observation that, 'the special constabulary turned up in excess of numbers asked for, and showed enthusiasm for their duties' adds credence to Hannington's view.¹²⁷

An elaborate police operation had preceded the marchers' arrival in London in 1932. Police reinforcements were drafted into central London from other districts and areas outside London for the duration of the hunger marchers' stay in the capital. The large numbers available at various events were an indication of the extent to which disorder was anticipated. More than 1,700 police officers were in attendance at a meeting in Trafalgar Square on 30 October and over 3,100 attended the demonstration outside the Houses of Parliament on 1 November. All leave was cancelled, rapid means of transport was provided by 15 motor tenders and five wireless tenders were available in case of emergency. The full resources of the mounted branch were employed and additional horses borrowed from the military authorities and riding schools.¹²⁸ A police report compiled by the West Ham Division on a procession of 200 unemployed who assembled in Plaistow on 25 October gives some indication of the obtrusive nature of the police

¹²⁴ MEPO 2/3065, Confidential Operations Order No.5 dated 26 October 1932 and Report of "A" Division Hyde Park Station, 27 October 1932.

¹²⁵ Wal Hannington, *Never on our knees*, (London: Lawrence & Wishart, 1967), pp.263-4.

¹²⁶ *Ibid*, p.263.

¹²⁷ MEPO 3/3065, Report of "D" Division Marylebone Lane Station, 27 October 1932.

¹²⁸ MEPO 2/3071, Summary of the National Hunger March on London October and November 1932

presence. The marchers, the report stated, were 'apparently surprised by the number of police in attendance, they began to break away en route and the procession faded out'.¹²⁹

The arrest of ringleaders was considered the most effective means of containing the disorder.¹³⁰ Trenchard's observation 'we have no means of arresting the ringleaders before the event that I know of. I am certain, however, that you know better about this than I', is an indication of his approval of finding the necessary reasons for the arrests.¹³¹ An 'urgent and confidential' memo circulated to Officers in charge of Districts required a report of all, 'local or other leaders of the Communists or Unemployed against whom you possess evidence of incitement to create disturbance, or of participation in disturbances that have occurred'.¹³² In an attempt to show the march as the inspiration of the Communist Party, four NUWM leaders were arrested. Such activity may well have been counter-productive since, according to Wal Hannington, a police raid on the NUWM headquarters and his arrest on a charge of attempting to cause disaffection amongst members of the Metropolitan Police, brought 'tens of thousands' of unemployed workers onto the streets of London on 1 November, necessitating 'enormous forces of police' to be mobilised.¹³³ Propaganda was an important part of the policing operation in 1932 and the press had generally collaborated with the authorities in creating an atmosphere of fear. Typical of the sensational headlines and alarmist editorial that sought to keep people away from the marchers, the *Daily Telegraph* warned of 'loot and pillage' and the certainty of 'bloodshed' under the headline 'Truth about Marchers, Communist-led body under orders of Moscow'.¹³⁴

Since the Security Services obviously had Kidd under surveillance by the beginning of 1934,¹³⁵ it is inconceivable that either Trenchard or the Home Secretary would be unaware of the likelihood that some form of vigilance group was about to be set

¹²⁹ MEPO 2/3064, Report of West Ham Division, 26 October 1932.

¹³⁰ Ibid, Memo from Chief Constable's Office No.1 District to D.A.C.A, 6 October 1932

¹³¹ Ibid, Commissioners minute, 6 October 1932.

¹³² Ibid, Memo from Commissioner's Office to Officers in Charge of Districts, 24 October 1932.

¹³³ Wal Hannington, *Never on our knees*, pp.270-1.

¹³⁴ *Daily Telegraph* 29 October 1932

up. Nevertheless, the Commissioner's preparations for the 1934 hunger march gave no impression that he had been influenced by that probability. His plans suggested that he anticipated a policing operation much the same as for the previous march. The Commissioner had at his disposal between 13,000 and 14,000 uniformed constables of which 'one third are available at any moment'. To conserve forces for the major events, 'Specials' were to be used 'as much as possible to relieve the police'. Referring to the allegation that special constables 'provoked trouble', they should, he advised, be used for 'patrolling, traffic work and ordinary beat work as much as possible'. He did not object to having two or three blocks of Specials to keep in reserve for emergencies, '300 here and 300 there provided they are under the charge of uniform police'. Trenchard was, however, anxious to 'avoid plain-clothes men taking people off to Scotland Yard or to the Police Stations'. Referring to the 'A. P. Herbert case' the Commissioner stressed that 'if plain clothes men do this work it gives rise to a wrong impression'.¹³⁶ On the subject of propaganda, the Commissioner was 'in touch with someone who will help regarding sightseers' and he expected to 'get a large number of the press' to write notices on the subject.¹³⁷ Film companies too were to be circulated, asking them to refrain from filming the hunger marchers'. The Commissioner was, they were told, 'convinced that the showing of such pictures either in this country or abroad would be contrary to the public interest'.¹³⁸ If there had been a backlash to Hannington's arrest in 1932, it had not deterred the Commissioner from repeating the exercise. Wal Hannington and Communist leader Tom Mann were arrested on 24 February 1934.¹³⁹

The Commissioner may have paid scant attention to the elements of support for the hunger marchers but the involvement of MPs made the Home Secretary much more cautious. Publicly, Gilmour had cautioned MPs that 'those who were responsible for the

¹³⁵ HO 45/26462, Vernon Kell to Sir Russell Scott, 22 February 1934.

¹³⁶ MEPO 2/3071, Notes of preliminary meeting on the Hunger Marchers held in the Commissioner's Room on 25 January 1934.

¹³⁷ Ibid,

¹³⁸ Ibid, Draft letter to film companies, 2 February 1934.

¹³⁹ Ibid, Metropolitan Police Telegram, 24 February 1934.

march were incurring a grave responsibility'.¹⁴⁰ At the same time, however, he warned the Commissioner that the position had changed from the previous year and that a repeat of the policing operation on that occasion would not be desirable. Gilmour explained that 'on the previous occasion Members of Parliament had not been associated with the hunger march, but this year Messrs. Maxton, Buchanan, McGovern and Aneurin Bevan were all supporting the march and this had to be borne in mind'.¹⁴¹

Not only was there support for the marchers, but a noticeably more amenable attitude of NUWM leaders was also evident. Whereas in October 1932 Hannington's rejection of Independent Labour Party MP John McGovern's offer to present a petition to Parliament on their behalf had created 'indignation amongst the socialist left-wing of the house',¹⁴² there was perhaps, in February 1934, a certain *esprit de corps* between the organisers of the hunger march and some MPs. Hannington describes a scene in the House of Commons of 'extreme bitterness' and raw tempers' as Liberal as well as Labour MPs supported the marchers'.¹⁴³ In 1932 the emphasis of the authorities had been on preventing the presentation of a petition to the Prime Minister. The Home Secretary's concerns in 1934 were focused on how deputations to the House of Commons could be facilitated, given the possibility that it may be a member of parliament presenting the petition.¹⁴⁴ The Commissioner's guarded response reminded Gilmour that deputations to the House of Commons were a matter of 'great difficulty' for the police and that 'it is the duty of the police to prevent large crowds' in the vicinity of parliament.¹⁴⁵ Trenchard translated the Home Secretary's instructions into the conclusion that he 'neither wanted to issue an order to enforce the law to the utmost, nor did he want encouragement of the Hunger Marchers'.¹⁴⁶ Whilst insisting that 'I don't want to be in any way an alarmist', the

¹⁴⁰ Ibid, Report of a meeting of the Fulham and Chelsea United Front Committee in support of the hunger march, 9 February 1934, p.5.

¹⁴¹ Ibid, Note of a Conference held in the Home Secretary's room on Tuesday, 6 February, 1934

¹⁴² *Daily Telegraph*, 31 October 1932.

¹⁴³ Wal Hannington, *Never on our knees*, pp.298-9.

¹⁴⁴ MEPO 2/3071, Note of a Conference held in the Home Secretary's room on Tuesday, 6 February, 1934.

¹⁴⁵ Ibid, Memo Commissioner to the Home Office, 6 February 1934.

¹⁴⁶ Ibid, Notes of preliminary meeting on the Hunger Marchers held in the Commissioner's Room on 25 January 1934

sceptical Commissioner took it upon himself to warn the King and Queen that it would be best during the week of the hunger marchers' stay, to have 'no public or semi-public engagements in London'.¹⁴⁷

The violent scenes of October 1932 were not repeated in February 1934. The NUWM rally in Hyde Park on 25 February went off peacefully and there was remarkably little disturbance during the hunger marchers stay in London. Harold Laski, observing for the NCCL in Hyde Park, reported that 'the police conduct was admirable and there was nothing to which one could take the slightest exception'.¹⁴⁸ Whilst there is no evidence that the Commissioner considered NCCL observers as anything more than an escalation of communist activities, the organisation and its well known observers almost certainly featured in the Home Secretary's decision to tone down the policing operation. The resulting, less obtrusive, policing no doubt played a part in minimising the disorder. So too, it would seem, did the adoption of what might be described as the NCCL ethos by the organisers of the hunger march. Hannington recalls that on previous, unsuccessful, occasions it had been 'the marchers alone' who had asked the government to receive deputations. On this occasion, however, it was the 'Congress and March Council, of which several MPs and trade union leaders were members' that asked the government to receive the deputation. Following initial refusal, a petition was eventually 'presented in Parliament by Labour Members' on 26 February.¹⁴⁹ Undoubtedly, the prominent interest surrounding the formation of the NCCL played a part in securing the support of influential individuals and members of parliament for the NUWM protest.

Trenchard had reluctantly observed Gilmour's instructions to tone down his elaborate plans for policing the marchers at the end of February. Just two weeks later, on 13 March, he wrote to the Prime Minister asking to be relieved of his duties, listing his achievements and saying that he had 'achieved or set in motion all that he had set out to

¹⁴⁷ Trenchard Papers 111/2, Letter Trenchard to Wigram, 12 February 1934.

¹⁴⁸ *Daily Herald*, 26 February 1834.

¹⁴⁹ Wal Hannington *Never on our knees*, p.298.

do'.¹⁵⁰ It is more than coincidence that this came so soon after the Home Secretary had challenged his public order policy. Boyle suggests that the Cabinet were not at all anxious to release Trenchard at that time and may have prompted the King to dissuade him. Trenchard, according to Boyle, 'by both nature and training predisposed to accept the least inclination of the royal will as a categorical command', agreed to stay for at least another year following an audience at Buckingham Palace.¹⁵¹ There was now, however, another dimension to the policing of public order in the shape of the NCCL, a pressure group actively campaigning for the protection of civil liberties in relation to police powers. It could be argued that this was due, in no small part, to Trenchard's policies. The Commissioner's reform of the Metropolitan Police force and the perceptions of right wing bias engendered by policing methods had been a significant factor in motivating influential individuals who were disenchanted by violence and force in the policing of political activism, and who welcomed the advent of a civil liberties movement. Whilst political influences within the NCCL were treated with suspicion at Scotland Yard and its activities regarded as troublesome, prominent support for the organisation's aims ensured that the authorities were forced to account for police behaviour and deployment in a more detailed and careful way.

¹⁵⁰ Trenchard Papers, 111/23, Letter Trenchard to the Prime Minister, 13 March 1934.

¹⁵¹ Andrew Boyle, *Trenchard: Man of Vision*, p.651.

Chapter 3

The Police and The Home Office: Reactions to a New Dynamic in Public Order Policing

Within the first few months of its existence two events allowed the NCCL to make an immediate impact through the press and in Parliament. This chapter will consider how its involvement in opposition to the introduction of the Incitement to Disaffection Bill from April 1934, and condemnation of fascist violence and police inaction at a BUF rally at Olympia on 7 June, attracted influential support and early recognition for the organisation. The reactions of the police and the Home Secretary to the activities of a burgeoning civil liberties movement will be explored here. It will be shown that a preoccupation with Kidd's political views largely precluded direct dialogue. However, NCCL methods depended more on indirect pressure through press propaganda and lobbying MPs where, it will be argued, its representations successfully raised questions for police powers and civil liberties that had popular support and could not be ignored by the Home Secretary or dismissed from public order policing policy.

The salutary effect of the NCCL's press announcements in the lead up to the hunger march and the presence of their official observers at the demonstrations in London had been a very credible start for the organisation. The introduction of the Incitement to Disaffection Bill just a month later in April 1934 provided an immediate opportunity for the fledgling organisation to gain national recognition by leading the campaign against this very unpopular piece of proposed legislation. The Bill outlined severe penalties for the possession of literature likely to cause disaffection amongst the armed forces and proposed extensive additional powers for the police to search premises on suspicion. In

Kidd's view, the proposed legislation 'constituted the most open attack on liberty of thought, speech and the press that had been seen in modern times'.¹

Kidd was focused on the support of MPs from the outset. During the first days of the organisation, Special Branch noted that he took a 'prominent part' in 'organising and directing the lobbying of members of Parliament' at the House of Commons, when the hunger marchers petition was presented.² Following publication of the Incitement to Disaffection Bill, Kidd's first action was again to lobby MPs. Within forty-eight hours of publication, the NCCL had circulated a detailed analysis of the provisions of the Bill, 'emphasising their dangerous character', to every member of the House of Commons. During the following weeks, public meetings and conferences were held in London and around the country; these attracted representatives of all political parties and scholastic, pacifist and industrial societies. Jointly, with the London Trades Council, a delegate conference was held that attracted some 1,600 delegates representing 'every phase of progressive thought'.³ The NCCL's campaign in Parliament opened at the end of October with the 'mass lobbying of MPs' at the House of Commons and the drafting of 'numerous amendments' to the Bill which were supplied to MPs. In the House of Lords members of the NCCL's 'legal panel' were on hand 'to give advice on legal points as they arose'.⁴ Kingsley Martin's autobiographical recollections suggest that the NCCL was 'responsible for emasculating and so discrediting [the Bill] that the act has only been used in very few relatively unimportant cases'. He went on, 'our agitation against the Bill found support all over the country'. Eleanor Rathbone, a 'very industrious and independent MP' and later to be an NCCL vice president, had 'presented a national petition in Parliament', and other sympathetic MPs had introduced 'destructive amendments'.⁵ Ewing and Gearty support Martin's view. Although they argue that the coalition between left and right, both within and outside Parliament, was equally important in damaging the Bill. They suggest further

¹ Ronald Kidd, *British Liberty in Danger*, (London: Lawrence & Wishart, 1940), p.58.

² HO 45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935.

³ Scaffardi Papers, DSF 1/1, The National Council for Civil Liberties Annual Report for 1934, pp.8-9.

⁴ DSF 1/1, The National Council for Civil Liberties Annual Report for 1934.

⁵ Kingsley Martin, *Editor* (London: Hutchinson, 1968), p.155.

that the fact that the true nature of the legislation was so widely recognised 'must in no small measure have been due to the organisational skills of the nascent NCCL'.⁶ There is little doubt that the visibility of the NCCL's activities and the prestige it derived from its campaign caused some anxiety in official circles.

The extent to which support for the campaign extended to backing for the wider objectives of the NCCL is difficult to determine but Kidd achieved notable success in recruiting individual MPs to support the endeavours of the NCCL. Writing to Kidd with the request that he obtain for him a ticket to the debate on the Incitement to Disaffection Bill, E.M.Forster, president of the NCCL, remarked 'I don't know any MPs at all well and you are in touch with several'.⁷ By the beginning of 1935 the NCCL had the support of several MPs, including five amongst their vice presidents, which ensured their representations would receive a hearing in Parliament.

Sylvia Scaffardi's recollections of the early months of the NCCL suggest that the organisation started out with, 'very good official Labour Party support'. From the very beginning, she recalled, Clement Attlee 'sponsored us as a vice president'. The official support for the opposition to the Incitement to Disaffection Bill that followed, and the joint conference with the London Trades Council to oppose the Bill was, she considered, 'a very big achievement and a major hurdle surmounted on the road to prestige and respectability in the Labour movement'.⁸ The organisation gained a great deal of credibility and garnered considerable support from their role in curbing the effectiveness of the legislation. As Sylvia Scaffardi recalled, Kidd succeeded in 'building up the prestige of the Council' in a very short time, soon attracting a number of distinguished supporters.⁹

As far as Special Branch were concerned, the NCCL had 'seized upon' the Incitement to Disaffection Bill in an endeavour to 'further justify its existence'. The Bill,

⁶ Ewing and Gearty, *The Struggle for Civil Liberties*, p.252.

⁷ NCCL, DCL 74/1, Letter from Forster to Kidd, 31 October 1934.

⁸ Scaffardi Papers, DSF 4/3 Barry Cox interview, Scaffardi III, R.K.'s Politics, Political Standing of the NCCL up to 1941 – Red Spear

they reported, had served to 'rally to its banner men and women of widely different creeds and parties, who were looking for some means to express their determined opposition to the Bill but would not otherwise have supported the Council'.¹⁰ That may well have been true. Barbara Weinberger has commented that it was the 'dubiously legality' of the arrests of Hannington and other communist leaders in October 1932, and the subsequent judgement against the police in the *Elias v Pasmore* case, that led directly to the Incitement to Disaffection Act.¹¹ Weinberger has suggested that events leading up to the Act 'discredited the government' and played a significant role in rallying the influential section of the middle class that lent its support to the NCCL.¹²

The NCCL was originally set up as the Council for Civil Liberties but by the end of 1934 it had become a national organisation. The enthusiasm generated around opposition to the Incitement to Disaffection Bill resulted in the setting up of nine branches around the country at Bristol, Manchester, Liverpool, Birmingham, Croydon, Portsmouth, Southampton, Seaham Harbour and Lincoln with a further two proposed at Newcastle-on-Tyne and South Wales. These branches were required to subscribe to the NCCL's 'Statement of Aims' and the 'legal department' was available to them for free advice. Otherwise they had virtually a free hand to organise their own affairs. They provided speakers for the meetings of other organisations and 'progressive' societies; arranged for observers to attend political meetings and demonstrations; and maintained a dialogue with the local press. During 1934 and 1935 the branches at Portsmouth, Liverpool and Manchester challenged the local police authorities on the banning of political meetings in their areas and by 1938 branches at Manchester and Liverpool had their own legal panels and were able to investigate and defend police prosecutions in court.¹³ However, other than an overview of branch activities in the NCCL's annual reports, reference in the NCCL archive to the administration or personnel associated with regional branches is scant. A

⁹ Scaffardi Papers, DSF 4/2, Barry Cox interview with Sylvia Scaffardi c.1969

¹⁰ HO 45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935.

¹¹ In January 1934 in a case brought by Sid Elias of the NUWM, the court had ruled that the Commissioner of the Metropolitan Police had acted illegally in the search of the NUWM headquarters and the seizure of documents in October 1932.

¹² Weinberger, *The Best Police in the World*, p.173.

study of local archives or the local press may yield worthwhile information but this approach has not been pursued here because this discourse is concerned primarily with the NCCL and the policing of public order in London. There is no evidence that Kidd was involved to any extent with branches outside the metropolis although he did independently attend events and speak at meetings outside London. However, as will be seen from the discussion on the Harworth colliery dispute in chapter seven, Kidd worked with MP Fred Bellenger to bring serious complaints about the conduct of the local police to the attention of the Chief Constable, the Standing Joint Committee and to Parliament. An exercise that resulted in the Home Secretary exerting his influence, in calling for the Chief Constable of Nottinghamshire to give a detailed account of the matter, even though he had no official responsibility for the discipline of police officers outside the metropolitan district.¹⁴

Special Branch considered that Kidd's history and that of the National Council for Civil Liberties became interwoven from the point that the organisation was set up.¹⁵ The evidence certainly suggests that Kidd took on the lion's share of the organisational and administrative responsibilities as well as much of the campaigning and public speaking on behalf of the organisation. Sylvia Scaffardi has described the frenetic NCCL activity conducted from their tiny flat, that doubled as a makeshift office in the early days, as almost a labour of love on his modest salary of £4 per week from the Council.¹⁶ There is no doubt of Kidd's total commitment to the objectives of the NCCL from the beginning. His diary records almost daily meetings and events throughout 1934.¹⁷ The Council's first annual report indicated that Kidd was speaking almost every evening of the week during the campaign against the Incitement to Disaffection Bill and at times it was impossible to supply the demand for speakers.¹⁸

¹³ DSF1/1, Annual Reports of the National Council for Civil Liberties for 1934 and 1938-1939.

¹⁴ See chapter 7 pp.210-14.

¹⁵ HO 45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935.

¹⁶ Scaffardi Papers, DSF 4/2 Barry Cox interview with Sylvia Scaffardi c.1969 and Sylvia Scaffardi, *Fire Under The Carpet*, pp.43ff.

¹⁷ Scaffardi Papers, DSF 2/9, Ronald Kidd, 1934-1936 & 1938 pocket diaries (with details of meetings and appointments).

¹⁸ Scaffardi Papers, DSF 1/1, The National Council for Civil Liberties Annual Report for 1934, p.9.

The growing mainstream support for the NCCL throughout the summer of 1934 evidently did nothing to dispel the view held by Special Branch that Kidd and the Council were backed by the CPGB. The activities of the organisation were under surveillance as part of the machinery of the Communist Party. Hence Special Branch reported that the audience of 1,500 at a meeting organised by the NCCL at Kingsway Hall on 23 May included around 200 communists and some of the speakers were of the 'calibre of Harry Pollitt and Fenner Brockway, who treated the matter from a definite communistic standpoint'. Similarly the NCCL's protest demonstration in Trafalgar Square on 24 June was attended by 2,500 people, the greater part of whom, according to Special Branch, were 'of the Communist element which can always be seen at such demonstrations'.¹⁹ Whilst some of the supporters and members of the NCCL undoubtedly held radical left, or communist, political opinions, there is little evidence to support the view that the organisation embraced communist ideology or, indeed, was under the direction of the Communist Party. This is underlined by the absence of NCCL observers, in any official capacity, from the events at Olympia on 7 June 1934, even though organised opposition to the fascist rally orchestrated by the Communist Party had been publicised well in advance.

Oswald Mosley's British Union of Fascists organised their biggest ever rally on 7 June 1934. Billed as 'the greatest political demonstration ever held in an enclosed hall', the event attracted an audience from the influential middle and upper classes, and public figures from the literary, academic and political world.²⁰ They included Professor Julian Huxley, Gerald Barry, Vyvyan Adams MP and Geoffrey Lloyd, Baldwin's private secretary.²¹ Several weeks before the meeting, the Communist Party had announced its intention to turn the event into a fiasco. Anti-fascist marches were organised from around London to converge on Olympia for a counter demonstration outside the hall; demonstrators had obtained tickets to the event and proposed to disrupt the proceedings

¹⁹ HO 45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935, p.6.

²⁰ *Ibid*, p.5.

²¹ Kidd *British Liberty in Danger* p.124

with organised heckling.²² Despite the Communist Party's well-publicised plans, there were no official NCCL observers either outside Olympia or inside the hall. Had the resources of the NCCL been at the disposal of the Communist Party, or had Ronald Kidd been under the direction of Party leaders, they would surely have arranged to monitor police behaviour that evening. The events that took place were arguably the most damaging to the reputation of the Metropolitan police of all the fascist and anti-fascist confrontations throughout the 1930s. Almost immediately Oswald Mosely had begun to speak, orchestrated heckling began from around the hall. Anti-fascist hecklers, or indeed, anyone questioning the speaker, were ejected from the hall by BUF, 'Blackshirt', stewards with unprecedented violence. Despite the obvious serious injuries of those thrown out of the hall, uniformed police did not enter, claiming they had no legal authority to do so. This was contentious. Politicians were obligated to control their own meetings. The law supported the police entering private meetings uninvited only if a breach of the peace was actually taking place. The subsequent widespread condemnation of the fascist violence put police behaviour in the spotlight. It called into question the police decision not to intervene despite the extent of injuries that might have indicated a breach of the peace was underway, and raised issues of police partiality in favour of fascists.

The BUF's Olympia rally was just two days before the NCCL's joint conference with the London Trade Council on the Incitement to Disaffection Bill and it could be that the NCCL had not wanted to divert attention from that campaign by involvement with anti-fascist demonstrations. However Kidd's reaction to Olympia and his willingness for the NCCL to be involved in the immediate aftermath of the event would seem to suggest that this was not the case. More likely, perhaps, the NCCL was focused at that time on the labour movement and the perceived irregularities in policing policy towards NUWM activities and had not considered monitoring fascist meetings. The behaviour of the police at Olympia undoubtedly encouraged the organisation to take an interest in anti-fascism but it was not until 1936 that the NCCL became officially associated with the anti-fascist

²² HQ 144/20140. Special Branch summary of a BUF meeting at Olympia, 7 June 1934

movement. This may explain why there is scant mention of Olympia in their Annual Report for 1934. More significance is attached to the fascist and anti-fascist demonstrations held in London and the provinces during September, October and November when, the report suggests, the representations of the NCCL 'had their effect' and demonstrations were allowed to take place 'without police interference'.²³

Although there had been no official NCCL observers at Olympia, a number of the organisation's officials and supporters had been in the audience. NCCL vice presidents Gerald Barry and The Revd. H.L.R. Shepherd were amongst those who condemned the Blackshirt violence in the press.²⁴ Kidd's immediate response was to publish letters in several newspapers asking for victims of the assaults and eye-witnesses to provide him with details of their experiences. This was followed by notification that an "Inquiry into the attitude of police outside Olympia" would be held, under the chairmanship of E.A. Digby, K.C'.²⁵ Typical of the responses Kidd received, Frank Cull describes how his friend 'had his suit of clothes torn and a bruise on the forehead from a Blackshirt's knuckleduster'.²⁶ A.H. Latter described how wounded people began to leave the hall. Some, he said, were in a 'deplorable condition'. One man 'looked as if an animal had attacked him, his face was mauled' and 'hysterical women came out shrieking'.²⁷ Dr. Peter Grover said that, 'a man's life was in desperate danger and [the police] made no effort to intervene until the crowd made them'. In response to his offer of medical assistance to the injured, he continued, a police constable had, 'used insulting language and invited me to return to Moscow'.²⁸ The NCCL inquiry collected statements from medical staff at Queen Mary's Hospital, Stratford, where several of the injured were taken. Three doctors who had treated the injured spoke of cases where knuckledusters or knives had been used and of a girl who was bleeding from a kick in the stomach.²⁹ Just how instrumental the NCCL

²³ Scaffardi Papers, DSF1/1, The National Council for Civil Liberties, Annual Report for 1934, p.15.

²⁴ *Daily Telegraph*, 8 June 1934, Letter from The Very Revd H.L.R. Shepherd, p.16 and *Daily Telegraph*, 9 June 1934 Gerald Barry's account, p.14.

²⁵ HO 45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935.

²⁶ NCCL, DCL 40/1. Letter from Frank Cull to Ronald Kidd, 5 July 1934.

²⁷ *Ibid*, Letter of A H M Latta on the Olympia Meeting, 7 June 1934.

²⁸ *Ibid*, Witness statement of Dr. Peter Grover.

²⁹ NCCL, DCL 40/1. Witness statements of medical staff at Queen Mary's Hospital.

was in orchestrating anti-fascist sentiment is not clear, but Special Branch certainly considered that it 'took a prominent part' in what was described as the 'furious anti-fascist campaign' that followed the Olympia rally and culminated in a 'full-dress debate in the House of Commons'. It was suggested that an anonymous booklet containing the statements of eye-witnesses, compiled by 'Vindicator' and entitled *Fascists at Olympia*, 'bore the imprint of Kidd's hand'.³⁰ Moreover, it was implied that Kidd 'adroitly exploited' the condemnation of the fascist brutality at Olympia to 'win support for the Council'.³¹ For the NCCL, just as the timing of the introduction of the Incitement to Dissatisfaction Bill had proved fortuitous, the excesses of Mosley's Blackshirts' at Olympia provided an unexpected boost to the fortunes of the organisation.

Jon Lawrence argues that long debated questions around the extent to which politicians should tolerate disorder and organised protest as part of the 'rough and tumble of popular politics' assumed new urgency in the context of the 'dramatic intervention' of fascists' into political life. Mosley, he argues, failed to recognise that political sensibilities had hardened against disorder in the post First World War years. He regards the 'essence' of Mosley's fascism as direct physical confrontation with the 'unruly English political crowd' and meeting force with force as simply a reiteration of the 'old ways' of Edwardian party politics. Lawrence suggests that the outcry against the Blackshirt violence at Olympia changed views in both Westminster and Fleet Street and went so far as to cause both the BUF and the communist party to re-think their tactics.³² This view of Olympia as having 'burst the bubble' for the BUF has been challenged by Martin Pugh. Pugh argues that press comment in the aftermath of Olympia created a misleading impression. He suggests that the reality was far more complicated than has been

³⁰ Vindicator, pseud. Henry Thomas Hopkinson, *Fascists at Olympia: A record of eyewitnesses and victims*, (London: Victor Gollancz, 1934). This publication included contributions from NCCL associates, Gerald Barry, Aldous Huxley and Revd. Shepherd, as well as conservative MPs Geoffrey Lloyd and W.J. Anstruther-Gray. If Kidd was responsible for this publication the foreword is somewhat out of character. It states, 'Several of the documents in this book, in their original form, contain references to the attitude of the police. These have been deliberately omitted as the object of this pamphlet is to call attention to the actions of Blackshirts, and it is not desired to complicate the issue'.

³¹ HQ 15125162, Special Branch Summary Ronald Hubert Kidd, 19 November 1935, p.5.

supposed and cites the unprecedented and immediate fillip to recruitment to the BUF that followed Olympia. He argues that the Conservative weekly journals particularly were very relaxed about Olympia and that a number of Conservative MPs applauded Mosley for giving the 'Reds' an object lesson in freedom of speech.³³

Nevertheless, as Lawrence argues, there was widespread public censure of the fascist brutality at Olympia. This effectively allowed the radical left to acquire credibility and a measure of mainstream support from its affiliation with anti-fascism. Sections of the national press not normally noted for expressions of sympathy with the political left reported 'public disgust at the brutal methods of the fascists',³⁴ and the Home Secretary's warning to the Blackshirts that 'Olympia scenes will not be tolerated'.³⁵ The *Daily Telegraph* did publish a number of letters in support of Mosley,³⁶ but it also published those such as from the Revd Shepherd who witnessed people ejected from the hall 'being treated by an overwhelming number of Blackshirts in the most brutal and outrageous manner'.³⁷ Hostility towards fascist organisations from the left-wing press such as the *Manchester Guardian*, the *News Chronicle* and the *Daily Herald* pre-dated Olympia. Pugh concurs with Lawrence in the view that Olympia re-focused these papers on anti-fascism.³⁸ The *News Chronicle* where NCCL vice-president Gerald Barry was features editor, referred to a 'tide of protest against Blackshirt brutality', but went on to question the role of the police. It reported a 'widespread feeling' in the National Joint Council of the Labour Movement that, 'the police authorities in London are neglecting the powers of preserving the peace embodied in the Public Meetings Act of 1908 which [...] was effectively invoked by the Manchester Authorities in circumstances similar to those

³² Jon Lawrence, 'Fascist violence and the politics of public order in inter-war Britain: the Olympia debate revisited', *Historical Review*, Volume 76, No.192, May 2003, p.239ff.

³³ Martin Pugh, *'Hurrah for the Blackshirts!': fascists and fascism in Britain between the wars*, (London: Jonathan Cape, 2005), p.161.

³⁴ *Daily Telegraph*, 11 June 1934, p.10.

³⁵ *Daily Express*, 12 June 1934, p.2.

³⁶ *Daily Telegraph*, 11 June, p.10.

³⁷ *Daily Telegraph*, 8 June, p.16.

³⁸ Martin Pugh, 'The British Union of Fascists: the Olympia debate', *The Historical Journal*, 41, 2, 1998, p. 526

prevailing at Olympia'.³⁹ There was a strong legal basis for the reluctance of the police to intervene in indoor meetings and, at the same time, the unwillingness to introduce legislation to extend police powers following Olympia suggests that the view that it was the duty of the organisers to keep order at their events remained constant.

Forced to defend the Commissioner's decision not to intervene in the violent Blackshirt stewarding, the official public response of the Home Secretary insisted that no police officers were inside the hall, the police having had no power to enter without the invitation of the organisers. In fact, a number of Special Branch officers were present inside the hall 'not primarily as police officers' but rather to gather 'confidential information from the political side'.⁴⁰ The Commissioner regarded the presence of Special Branch officers as 'nothing to do with anybody'.⁴¹ Nevertheless, their accounts of the events almost entirely corroborate the statements of eyewitnesses and victims of the Blackshirt violence. Inspector Harold Keeble reported that 'very violent treatment' was meted out by the Blackshirts and, 'two men reached the street minus their trousers and others were bleeding at the face'.⁴² Sergeant Thompson witnessed 'interruptions and removals [...] which lasted for about an hour'. One interrupter, he said, was 'pounced upon by stewards' who carried him out 'after giving him many blows with their fists'.⁴³ Sergeant William Rogers had left the hall when the ejections started and taken up observation outside one of the entrances. He witnessed at least 30 people ejected 'almost every person bore some mark of violence and was in a state of semi-collapse. Several men were bleeding profusely from wounds on the face and chin [...] one woman was bleeding freely from the mouth'.⁴⁴ Sergeant Albert Hunt saw about 50 people ejected, all were 'handled in the most violent manner and in some cases were punched unconscious and their clothing torn'.⁴⁵

³⁹ *The News Chronicle*, 12 June 1934, p.13.

⁴⁰ MEPO 2/4319, Home Office minute 10 January 1936.

⁴¹ *Ibid.*

⁴² HO 144/20140, Special Branch summary of a BUF meeting at Olympia, 7 June 1934.

⁴³ MEPO 2/4319, Statement of P.S. Thompson, 9 June 1934.

⁴⁴ *Ibid.* Statement of P.S. William Rogers, 8 June 1934.

Inspector O'Carroll, one of a handful of uniformed officers who entered the hall to rescue an injured man, reported that he had witnessed 'violent assaults'. He was of the opinion that the Blackshirt stewards at Olympia were of two distinct types, those 'acting as stewards and actually escorting interrupters from the hall' without resorting to 'more violence than was necessary', and those of a 'hooligan type', recruited for the purpose of 'assaulting interrupters before they left the building' and who were 'responsible for all the violence'.⁴⁶ At a subsequent interview conducted by D.A.C. Quinn, O'Carroll changed his statement, agreeing that the wording of his report was 'perhaps inaccurate' and had been written to justify having entered the hall against instructions and to have failed to make an arrest. Quinn concluded, 'I am inclined to think that Inspector O'Carroll's report gives a rather more serious impression of the assaults than was really the case'.⁴⁷ That O'Carroll's original statement was consistent with those of the Special Branch officers rather suggests that he may have been encouraged to view things differently with hindsight. It is no surprise that reference to the presence of Special Branch officers in the hall at Olympia was omitted entirely from any official statement and from the Home Secretary's account in the Commons. Eighteen months later when the Commissioner was asked to provide police evidence for the Mosley v Marchbanks case, the matter was still 'troublesome and difficult' and he was advised 'I have no doubt we must die in the last ditch before we disclose any report made by any Special Branch officer'.⁴⁸

The Home Secretary vigorously defended the actions of the police against questions in the House of Commons, insisting they had 'no legal authority to enter the premises' unless asked to do so by the promoters of the meeting or 'when they have good reason to believe that a breach of the peace is being committed'. He pointed out that it

⁴⁵ Ibid, Statement of P.S. Albert Hunt, 8 June 1934.

⁴⁶ Ibid, Report of Inspector O'Carroll's interview with D.A.C Quinn, 9 June 1934

⁴⁷ Ibid.

⁴⁸ Ibid, Home Office minute 13 January 1936. The Mosley v Marchbanks case related to an allegedly slanderous speech made by John Marchbanks at a mass rally in Newcastle Upon Tyne on 15 July 1934. Marchbanks alleged fascist brutality both inside and outside Olympia and accused the BUF of being an essentially subversive movement, acting in the guise of a military machine, with the objective of overthrowing the constitutional government. Messrs. Langton and Passmore. Mosley's legal representatives sought evidence from the police to negate the

was not the duty of the police to steward meetings but added 'hitherto, the advice as regards police action has been based on the assumption that the stewards [...] will act without undue violence and will themselves avoid illegal acts'. Hinting at legislation, Gilmour concluded, 'if this assumption should be found to be unwarranted as regards meetings promoted by any particular organisation the whole policy of police action inside such public meetings will have to be reviewed'.⁴⁹ As Ronald Kidd was later to record, the assumption that Fascist stewards would not indulge in undue or illegal conduct, was a 'most unwarrantable one for any policeman or lawyer to make' since violence by fascist stewards 'was no very rare occurrence'.⁵⁰ The Home Secretary's remarks were difficult to reconcile with the fact that fascist violence was known to have occurred previously at BUF meetings such as those in Bristol in March 1934 and in Oxford in November 1933.⁵¹ The Commissioner's conclusions were apparently hampered by conflicting reports, he confessed 'frankly I cannot reconcile them'. He considered Inspector O'Carroll's position was 'a difficult one and it is not clear that he could have acted otherwise'. The reason that the police did not go into the meeting when they knew that people were being 'violently assaulted', was, he said, that 'orders had been given to avoid interference with the meeting itself as far as possible, and not enter the hall unless requested to do so'. Trenchard's motivation for such an instruction was clear. Intelligence received from 'our man who is inside the BUF HQ' advised the Commissioner that leading members of the BUF considered that the police had 'exceeded their duty in that they entered the building and interfered with Blackshirts who were ejecting interrupters' and proposed to make a formal complaint.⁵² Trenchard was understandably anxious to avoid legal confrontation with the litigious Mosley on such a contentious point. He expressed the view that, 'the

suggestion of fascist brutality. Mosley won the case but was awarded only a farthing in damages. The judge considered Marchbanks' remarks were close to the truth.

⁴⁹ HO 144/20140, Draft answers to questions 40, 42 and 43, 11 June 1934.

⁵⁰ Kidd, *British Liberty in Danger*, p.125.

⁵¹ HO 144/20140, Draft letter to Sir Oswald Mosley attached to Home Office minute dated 10 April 1934 and HO 144/19070, Letter from Colonel Sir Vernon Kell to FA Newsome Home Office, 20 November 1933.

⁵² MEPO 2/4319, BUF meeting at Olympia on 7 June 1934, Special Branch Superintendent Foster, 8 June 1934

only way of preventing these disturbances is to prohibit meetings of the kind being held at all'.⁵³

The intense surveillance of the Communist Party by the Security Services had ensured that the Commissioner had remarkably accurate details of the demonstrators' plans in advance of the Olympia meeting. Special Branch reported that 'Two or three leading members of the Communist Party have made a tour of inspection of the neighbourhood of Olympia' and noted that scattered around were 'many old bricks, of which use could be made'. The report went on, 'the communists and sympathisers who have obtained tickets for the meeting will sit in groups in different parts of the hall. They will act in an orderly manner during the opening of the meeting [...] but after Sir Oswald Moseley has commenced his speech, slogans will be shouted by each group in turn, according to a pre-arranged plan'. The report concluded 'There is no doubt the leaders of the Communist Party are making every effort to bring off a spectacular coup against the fascists [...] they have been especially active among the Jewish elements in the East End from where they hope to obtain a large number of demonstrators.'⁵⁴ This comprehensive intelligence ensured that there was a force of some 800 police officers drafted in the area around Olympia. Nevertheless, the Home Secretary's subsequent statement in response to questions in the House of Commons that, 'the precautions which the Commissioner deemed it necessary to take were in no sense excessive', suggests that Trenchard may have struggled to fulfil his responsibilities.⁵⁵ The *Daily Telegraph* reported 'wild scenes such as have not been witnessed in London since the worst days of the Suffragist agitation',⁵⁶ whilst the *Daily Express* reported that 'police, Blackshirts and communists were at one time locked in a wildly struggling mass for more than two hours'.⁵⁷ Kidd found the Home Secretary's statement that the police had received detailed information on the proposed counter-demonstration some time before the meeting irreconcilable with the

⁵³ HO 144/20140, Trenchard to Secretary of State, answers to questions for the House of Commons.

⁵⁴ HO 144/20140, Special Branch report of Acting-Superintendent Forster, 7 June 1934.

⁵⁵ HO 144/20140, Draft Answer to Questions, 11 June 1934.

⁵⁶ *The Daily Telegraph*, 8 June 1934, p.15.

⁵⁷ *The Daily Express*, 8 June 1934, p.1.

Commissioner's 'adequate arrangements' that did not include drafting police into the hall.⁵⁸ The Commissioner focused police resources on controlling the counter-demonstration outside the hall as it was within his remit to do. There is no evidence that he considered the implications of a breach of the peace occurring inside the hall. He regarded the BUF as obligated to steward its own meetings in a responsible way. His uniformed officers clearly had the unambiguous understanding that they should not enter the hall. From the reports of D.A.C Quinn, Superintendent Varney and Inspector O'Carroll it is obvious they were more concerned to justify their reason for O'Carroll and other officers having entered the hall, even if momentarily, than to explain why they had not intervened to stop the manifest violence.⁵⁹ However, Varney's view betrays some frustration;

It is an axiom and a legal one that police may and indeed ought to stop a breach of the peace in any place, even a private house and may break and enter to do so, but in this case the matter was occurring within view of the public and they were clamouring for police action to prevent further violence. The Inspector [O'Carroll] therefore did the correct thing and would have failed in his duty if he had remained in-active or refused to act.⁶⁰

It also implies a decision to enter the hall would have been defensible. Mosely made a point of complying with police instructions and, to the extent that brutal attacks on protesters had previously gone unchecked by the authorities, it could be argued that the BUF had been encouraged to believe their methods were acceptable. There is very little evidence to support a view that the promotion of the BUF or its objectives formed any part of the Commissioner's public order policies. Nevertheless, Olympia showed that policing fascist and anti-fascist conflict could have damaging consequences for the police. Particularly so, perhaps, at a time when the campaign against the Incitement to Disaffection Bill had highlighted the question of police powers and civil liberties and when there were real concerns about the perceived partisan nature of policing.

⁵⁸ Ronald Kidd, *British Liberty in Danger*, p.125.

⁵⁹ MEPO 2/4319, Minute note from D.A.C, Quinn to A.C.A, 8 June 1934; memo Superintendent Varney to D.A.C. No.1, 8 June 1934; report of Inspector O'Carroll to S.D.Inspector, 8 June 1934.

⁶⁰ *Ibid.* Report of Superintendent Varney to D.A.C. No.1, 8 June 1934.

Policing the Left: fascist provocation and the anti-fascist movement

There is little doubt that the fascist brutality and perceptions of police partiality towards fascists arising from Olympia gave the anti-fascist offensive a boost. A meeting held at the Conway Hall in July 1934, proposed to consider the co-ordination of the 'various anti-fascist bodies that exist in London', and to decide how best to 'give expression to the volume of feeling' against a BUF rally planned for Hyde Park on 9 September.⁶¹ The NCCL had not identified themselves as an anti-fascist organisation at this time. Nevertheless, there was clearly some liaison between individuals associated with the NCCL and the anti fascist movement. Both D.N.Pritt and Henry Nevinson attended the meeting at Conway Hall, with Pritt taking the chair. They appear, however, to have been neither influential in, nor influenced by the proceedings of the meeting. Both apparently attempted to instil a note of moderation. Pritt suggested that tactically it would be better if the name of the proposed Committee was something harmless such as the 'Autumn Campaign Committee' rather than using the words 'anti-fascist'. Henry Nevinson cautioned that, in their plans for opposition to the BUF's Hyde Park meeting, they should 'make sure beforehand that police would not object to their holding a counter demonstration on the same day and at the same place as the British Union of Fascists meeting'. Both suggestions were dismissed out of hand.⁶²

The announcement that a massive anti-fascist rally was to be held in Hyde Park on 9 September to coincide with the BUF rally appears to have convinced Trenchard that his worst fears were about to be realised. There was perhaps an expectation, following Olympia, that the authorities might attempt to use existing powers to prevent similar confrontations. Pritt, apparently cautious about association with militant anti-fascist tactics, had refused to sign a circular from the Co-ordinating Committee on grounds that the Commissioner might legally ban the counter demonstration. Paradoxically, Scotland

⁶¹ HO 45/25383, Special Branch report, 27 July 1934

Yard regarded Pritt's concerns as justification for a Home Office conference to consider whether there were, in fact, grounds for intervention by the authorities. The conference, held in the middle of August, concluded that there were, at that time, 'no grounds for interference'.⁶³ The Home Secretary had faith that the 'weight of advice from the best Labour leaders should deter a large gathering of anti-fascists'.⁶⁴ He was in no doubt that prohibiting the meeting should be avoided 'unless there was some clear evidence of serious disorder'. In fact, he was prepared to 'go so far as to risk a clash. Since this is the most likely policy to bring both these movements into disfavour'.⁶⁵ The Home Secretary's instructions were that the 'usual permission' should be given for the meetings to take place in Hyde Park.⁶⁶ He did allow that, in maintaining order, the police 'must be guided by the latest information of a reliable character', although his emphasis on the word 'reliable' implies a concern that the Commissioner may have been inclined to overreact. No doubt conscious that his decision would not be well received by the Commissioner, the Home Secretary conceded that if disorder arose the police 'must decide if it is necessary to close the park in the public interest'. He added, 'I should, of course be prepared to support them in such action'.⁶⁷ Trenchard had already made clear that his favoured approach was to prevent the meetings altogether, he was clearly not in sympathy with the decision to risk another clash. The Commissioner had to be reassured that 'there was no question of a change of mind at the Home Office on the question of interfering with the demonstrations arranged for 9 September', he was assured that, 'the view would have to be re-considered in the light of possible further developments'.⁶⁸ Nevertheless, the Home Secretary was plainly most reluctant to place himself in a position of having to defend charges of interfering with civil liberties. Gilmour made no specific reference to the NCCL, but it is reasonable to suppose that his 'hope that we can allow

⁶² Ibid.

⁶³ Ibid, Home Office minute, Note of Conference held at Home Office, 2/8/34

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ HO 45/25383, Sir Russell Scott's note on Letter from Sir John Gilmour, 25 August 1934.

⁶⁷ Ibid, Letter from Sir John Gilmour, 25 August 1934.

⁶⁸ Ibid, Letter to Trenchard from the Home Office, 25 August 1934.

freedom of meeting as far as possible since every step we take is being watched closely,' related to the monitoring of police behaviour and the representations of the NCCL.⁶⁹

In contrast to the Home Secretary's judicious response, the Commissioner's proposals betrayed no suggestion that his preparations were restrained by the activities of the NCCL. It seems he considered that left-wing activism had entered a more volatile phase and he almost certainly saw the NCCL as contributing to that volatility. The possibility of a serious clash on 9 September apparently so alarmed the Commissioner that he launched his biggest ever policing operation and prepared to bring in troops. The Commissioner expected 50,000 people in Hyde Park for the demonstrations. He planned to have available about 4,500 police. Frank Newsam, the Home Office official responsible for policing matters, noted that this was 'more than the Metropolitan Police have ever hitherto been able to turn out'. Furthermore, Newsam advised the Secretary of State, 'Lord Trenchard has been in communication with the military authorities in London', and, 'the Commissioner feels thoroughly that he would be failing in his duty if he did not make the necessary arrangements to have troops ready and available to meet any contingency that may arise'. Newsam's conclusion, 'I do not see how it is possible, in the circumstances, to raise objection to the course proposed by the Commissioner', perhaps suggests that his brief may have been to restrain Trenchard's enthusiasm for elaborate preparations involving troops.⁷⁰

A forty-five page 'summary of particulars' from the files of the Special Branch gives some indication of the compulsion behind the Commissioner's preparations. The assembled evidence focused almost entirely on the anti-fascist perspective. The four pages on 'the attitude of the British Union of Fascists', relate to the incitement to violence within their advertising literature and the provocative editorials of some of the Fascist press. There is reference to the 'beating up' of the 'Reds [who] carry out their intention of

⁶⁹ Ibid, Letter from Sir John Gilmour, 25 August 1934.

⁷⁰ Ibid, Home Office minute, Hyde Park Meeting on 9 September 1934, F.A. Newsam to Secretary of State, 7 September 1934.

turning a peaceful rally into a dog fight',⁷¹ and to the promise that 'if attacked the Fascists will certainly defend themselves'.⁷² The remainder of the document is devoted to the activities and associates of the anti-fascist movement and its relationship with bodies such as the National Joint Council of the Labour Party and the T.U.C. Several extracts from the *Daily Worker* over the weeks preceding the demonstration were included, highlighting such comments as 'the working-class of London will not be intimidated and will express its will to defend working class organisation against Fascism',⁷³ and 'workers rally to Hyde Park on September 9th, in the mightiest anti-fascist demonstration ever seen in Britain'. Under the heading 'General Press Comments', there are extracts such as from *The People*, 'Black v Red Shirt Clash Feared', 'Lord Trenchard and Scotland Yard are preparing for trouble in Hyde Park', from the *Manchester Guardian*, 'The demonstration of the Fascist Party and the counter demonstration by Communists [...] is assuming every appearance of a first rate row' and from *The New Statesman and Nation*, 'There is at least a danger of large scale disorder in Hyde Park when the Fascists hold their demonstration on September 9th'.⁷⁴ An extract from a letter from Ronald Kidd reveals that the NCCL proposed to adopt a very different position than they had at Olympia just three months earlier. They were to have

a picked corps of observers moving amongst the crowds inside and outside Hyde Park [...]. This corps of observers will be composed of sound and reliable persons who are not likely to be led away by panic or emotion and they will include eminent public names. [...] their function will be strictly limited to observing the nature of any violence that may occur and the use to which police put their powers'.⁷⁵

In the event the demonstrations went off peacefully. Special Branch estimated that at least 60,000 people attended Hyde Park, but that 'many thousands were present merely out of curiosity or in anticipation of seeing a clash between the two factions, or with the police'.⁷⁶ Nevertheless, Inspector Harold Keeble of Special Branch reported that a heavy police cordon kept demonstrators 'some few yards from the speakers'. He

⁷¹ MEPO 38/15, Special Branch summary of particulars, 10 September 1934, p.38.

⁷² Ibid, p.39.

⁷³ Ibid, p.13.

⁷⁴ Ibid, pp.30-33.

⁷⁵ Ibid, p.34.

regarded the audience as 'distinctly hostile' and considered that 'but for the measures adopted and tact shown by police serious disorder on a large scale might well have occurred'. In all, just eighteen people were arrested on minor charges of insulting behaviour and obstructing the police. Ronald Kidd's presence was noted, his having been 'seen at various places following his usual practice of observing the movements and actions of the police'.⁷⁷ There was, however, no general disorder and no complaints were made by the NCCL.

Policing the Right: Trenchard and the British Union of Fascists

Trenchard had anticipated increasing disorder at fascist meetings well before Olympia. By October 1933 the extent of trouble at BUF meetings had led him to believe 'this Fascist business will probably give rise to breaches of the peace before this winter is over'.⁷⁸ What concerned the Commissioner was the militaristic style of the BUF. Their leaders assumed titles such as 'Chief of Staff', they had adopted a uniform and they practised military drill. In the Commissioner's view they were 'to all intents and purposes an unauthorised military formation'.⁷⁹ At the end of October 1933 he had drawn the attention of the Secretary of State to his concerns relating to the 'increasing practice of members of this body appearing in public in uniform (black shirts)'. Fascist and Communist meetings were commonly held in close proximity and frequently resulted in disorder. The black shirts of the fascists, in Trenchard's view, made a significant contribution to that disorder. The wearing of uniform by members of political organisations was, he wrote, 'looked upon as provocative, not only by members of the Communist Party of Great Britain and kindred organisations, but by more responsible members of the public'. Of particular concern to the Commissioner was the 'incentive to their opponents to adopt similar measures'. He considered there were signs that the Communist Party

⁷⁶ Ibid, Special Branch report, 9 September 1934, p.12.

⁷⁷ Ibid.

⁷⁸ MEPO 2/10646, Minute note Trenchard to A.C.C., 24 October 1932.

⁷⁹ Ibid, Letter from Trenchard to the Under Secretary of State, 26 February 1934.

was 'endeavouring to resuscitate its "Defence Force"', with small bodies of men appearing in demonstrations and marches wearing red shirts.⁸⁰ A conference, involving the Commissioner, Sir Russell Scott, other Home Office officials and Sir Vernon Kell of M.I.5, was held to consider the 'military' activities of the BUF and 'other similar bodies' and concluded that legislation to control the wearing of uniforms would be difficult to draft. Defining the word 'uniform' was considered problematic since sashes and badges, as in the example of the Orangemen, could be just as provocative as full uniform. The obdurate Commissioner 'felt it necessary that the Secretary of State and possibly the Cabinet, should know what were the police difficulties and anticipations, and should take the responsibility of deciding against new legislation' and it was agreed a memorandum should be sent to the Secretary of State. Also on the agenda was the question of 'whether the time had now come when fascist activities in this country should be watched in the sort of way that Communist activities were watched'. Trenchard was in no doubt that it had but it was concluded that budget constraints prevented M.I.5 from taking on the work at that time.⁸¹

Trenchard felt compelled to write again, more urgently, to the Secretary of State at the end of February 1934. He drew attention to organisations such as the BUF that, in other countries, had been allowed to assume large proportions. It was, he suggested, 'a matter for urgent consideration whether action should be taken to put a definite stop to movements of this kind whilst they are still comparatively small and easy to deal with'.⁸² Again Trenchard's concerns failed to secure any positive outcome. At a meeting of the Cabinet on 30 May the Home Secretary acknowledged that he was 'confident that if some restriction were placed on the wearing of uniforms in public by considerable bodies of persons it would be of great assistance to the police'. Nevertheless he had 'not thought fit to submit any proposals to the Cabinet as it appeared doubtful whether the House of Commons in present circumstances would support the imposition of any restrictions'. The

⁸⁰ Ibid, Letter from Trenchard to the Under Secretary of State, 31 October 1933.

⁸¹ HO 45/25386, British Union of Fascists and Cognate Bodies, Note of a Conference held in the Home Office on Thursday 23 November 1933.

⁸² MEPO 2/10646, Letter from Trenchard to the Under Secretary of State, 26 February 1934.

emphasis was to 'remain on the law and order aspects of the problem and the additional duties being placed on the police'.⁸³ That neither the Cabinet nor the Home Secretary advocated legislation targeted specifically at the BUF suggests that concerns about public order priorities focused on the radical left. Any new legislation would be likely to address the issue across the political spectrum. A move that would be unlikely to receive a sympathetic hearing from left-wing MPs.

The Commissioner may well have hoped that the events at Olympia might have strengthened his hand. The ensuing Home Office debate centred on whether the existing powers of the police could have allowed them to enter the hall. Recognising the difficulty the police had in getting information of offences to allow them to decide when to go in, the Attorney General considered, 'it therefore appeared that some new power was wanted'. Whether the Special Branch officers inside the hall at Olympia could have alerted their uniformed colleagues, or whether the injuries of some of the people ejected from the hall ought to have indicated a breach of the peace, if not serious assault, was not recorded as part of the discussion. The Commissioner was clearly not in favour of police officers entering meetings uninvited but was prepared to compromise. He suggested that he would 'not object' to some power for a police presence in meetings 'to keep the peace' as long as it was combined with 'the prohibition of meetings of over five persons wearing the uniform of a political body'.⁸⁴ It would seem that there was, once again, no appetite for Trenchard's proposals amongst a Government conscious of the concerns about increasing police powers and the protection of civil liberties that existed within its own ranks and those of the opposition parties, as well as amongst the general public. On the instructions of the Cabinet, the Home Secretary spoke in Parliament of the 'limitations of the present powers of the police' in situations such as at Olympia and claimed that the Government was, 'anxious to avoid any infringement of the liberty of the subject'.⁸⁵

⁸³ HO 46/25386, Extract from Conclusions of a Meeting of the Cabinet held at 10 Downing Street on Wednesday 30 May 1934.

⁸⁴ Ibid, Note of a Conference held in the Home Secretary's room at the House of Commons on 12 June 1934.

The Commissioner's views in the aftermath of Olympia were, understandably, more concerned with the maintenance of public order than with the liberty of the subject. He proposed in future to use the powers he had to 'stop processions whose object it was to create disorder'. He had to be reminded that many of the demonstrators had had tickets to the meeting at Olympia. On the question of free speech at meetings, Trenchard was of the opinion that it should be the responsibility of the organisers to steward their meetings and pointed out that the Fascist meeting at Olympia had not been broken up by the police. He stressed that he was not in favour of the police having additional responsibilities in this direction and, qualifying his previous offer, he 'wished to make it clear that he had only agreed to anything of the kind reluctantly on the understanding that it was to form part of wider proposals for dealing with the problem as a whole'. He emphasised again that the one thing that mattered was to deal with the problem of uniforms.⁸⁶ Trenchard had already produced a six page memorandum for the Secretary of State recommending that a Public Order Bill be introduced along the lines of legislation that was about to be implemented in Sweden. He considered the Swedish proposals avoided the difficulties of legislating on the wearing of uniforms by 'making the organisation of anything in the nature of a private army a clear offence against the law'.

The Commissioner suggested three points needed to be addressed

- (1) that a Bill should be introduced on the Swedish lines to make private political armies illegal or (if this is regarded as impossible) to prohibit the wearing of uniform for political purposes by Fascists or any other similar bodies
- (2) the police should be empowered to enter meetings when they consider it necessary and
- (3) that processions of persons whose declared intention is to break up a political meeting should be disbanded⁸⁷

No doubt hoping to use the ongoing debate on Olympia to his advantage, the Commissioner considered legislation could be introduced along the lines suggested in time for a BUF meeting planned at the White City scheduled for 5 August. He listed in

⁸⁵ Ibid, Extract from Conclusions of a Meeting of the Cabinet held on 13 June 1934.

⁸⁶ Ibid, Note of Conference held in the Home Secretary's room at House of Commons on 13 June 1934.

⁸⁷ MEPO 3/2490, Memorandum by the Commissioner of Police of the Metropolis dated 2 July 1934.

support of his case what he regarded as 'very significant items of information'. Included amongst them were, the formation of members of the Communist Party and communist oriented organisations into a 'United Anti-Fascist League', the organisation of mass opposition to attempts to hold fascist meetings, the intention of the NUWM to provide a 'defence force' of bodyguards for interrupters at Fascist meetings and attempts to bring about a strike amongst transport and catering workers to prevent food, drink and Fascist personnel reaching the White City meeting.⁸⁸ Trenchard's remonstrations apparently fell on deaf ears. He was forced to press his case with the Secretary of State again in September. In a change of approach the Commissioner now pointed out the cost of maintaining public order at political meetings and demonstrations in the capital, both in terms of the impact on his 'principal duties of preventing crime and accidents in the streets' and the 'considerable expense both to the ratepayers and to the Exchequer'.⁸⁹ The draft Bill finally drawn up fell far short of Trenchard's demands. In spite of all his representations over the previous year the one thing that really mattered as far as the Commissioner was concerned, the question of uniform, had not been addressed. He was, he wrote, 'very sorry to see that there is no mention of the word uniform from beginning to end'. He added, 'I need not remind you that the wearing of uniform does make for military appearance and is provocative'.⁹⁰ The Government remained unmoved. The Home Secretary's unequivocal public support for police actions did not waiver but he showed no willingness to curtail the activities of the BUF or to introduce surveillance of the organisation on the scale applied to the Communist Party and left wing groups. At the same time there was evident anxiety that the protection of civil liberties remain within the remit of the authorities and should not be allowed to be usurped by pressure groups such as the NCCL.⁹¹ It was to be a further two years before public order legislation was introduced.

⁸⁸ Ibid.

⁸⁹ Ibid, Letter from Commissioner of the Metropolis to the Under Secretary of State, 28 September 1934.

⁹⁰ Ibid, Letter from Trenchard to Sir Russell Scott dated 8 October 1934.

⁹¹ HO 45/25462, Vote on Account, Civil Liberties, March 1936.

Trenchard's campaign for new legislation may have concentrated on curtailing fascist activities but his public order priorities were firmly focused on what he perceived to be the, predominantly communist, political left. The majority of communists he regarded as of the 'hooligan type'.⁹² Whilst the root of his argument for legislation rested on the need for 'doing away with Fascists',⁹³ that view related entirely to the extent to which the BUF were able to provoke anti-fascist sentiment. The methods of communists were, he maintained 'obviously also a contributory element', but what particularly troubled the Commissioner was that the large number of police needed to keep the peace at fascist demonstrations was, 'creating the impression among anti-fascists that Sir Oswald Mosley's semi-military organisation is being permitted to develop under police protection'.⁹⁴ This led, in Trenchard's view, to unjustified criticism of the police.

Ironically, the Commissioner and the anti-fascist movement shared the same concerns regarding the provocative activities of the BUF but that did not prevent the political left from seeing Trenchard as part of the fascist menace. As Weinberger and Lewis have argued public order policing did not have to be consciously biased in favour of fascists for it to appear to disadvantage the left.⁹⁵ A typical view expressed by the communist leader Harry Pollitt referred to Trenchard as 'a fascist and [...] close personal associate of Mosley'. The police reforms had, he said, been introduced because 'the ordinary police could not be relied upon as a political instrument'.⁹⁶ Ronald Kidd, and those who supported the NCCL, shared the view that the police used their existing powers selectively in ways that protected fascists and disadvantaged the political left. At Olympia they considered that there had been 'ample and continuous justification' for the police to enter the hall. Clear evidence of breaches of the peace were witnessed by Special

⁹² MEPO 3/2490, Memorandum by the Commissioner of Police of the Metropolis dated 2 July 1934.

⁹³ Ibid, Letter from Trenchard to Newsam at the Home Office, 28 September 1934.

⁹⁴ Ibid, Letter from The Commissioner of Police of the Metropolis to the Under Secretary of State, 28 September 1934.

⁹⁵ See discussion in chapter 1 p.32.

⁹⁶ MEPO 38/15, Special Branch report dated 9 September 1934, pp.6-7. For other examples see also MEPO 2/3071, Communist Party of Great Britain London District Committee, Appeal for International Solidarity in the Fight Against Fascism, dated 14 February 1934, MEPO 2/3073, Special Branch report dated 26 June 1934 and HO 45/25383, Special Branch report, 15 August 1934.

Branch officers inside and outside the hall, by uniformed officers as battered and bleeding victims were thrown into the street, and by 'reliable people' leaving the meeting.⁹⁷ The Commissioner himself was later to acknowledge that 'conducting processions of Communists' right up to the doors of Olympia, knowing their objective was to break up a Fascist meeting, 'made a breach of the peace almost inevitable'.⁹⁸ Trenchard's preparations for a BUF meeting held at the Albert Hall on 28 October 1934 suggest that the tepid reaction to his demands for new legislation encouraged him to test his existing powers. His arrangements for inside the hall included the presence of Special Branch officers, not for political reasons as previously but who, in the event of a disturbance, were to 'go out to the nearest squad of uniform men and bring them in' and 'occasionally leave their seats to go into the corridors and look round the precincts'.⁹⁹ Uniformed men were to 'go in immediately' should they see anyone ejected from the hall looking as if he had been 'knocked about'.¹⁰⁰ Mosley was advised accordingly. There was to be no repeat of Olympia.

The NCCL: from Olympia to anti-fascism

For the NCCL Olympia confirmed the importance of covering political meetings with reliable observers. It also alerted them to the probability of the Government seeking to introduce further powers for the police to maintain public order.¹⁰¹ Although the NCCL took an active part in the condemnation of police behaviour at Olympia, they were not formally to associate themselves with anti-fascism until 1936. Correspondence between Kidd and E.M. Forster suggests there was some caution around association with the newly formed, and communist inspired, Anti-Fascist Committee. The BUF meeting at the Albert Hall in October coincided with an important NCCL meeting in Trafalgar Square to

⁹⁷ Scaffardi, *Fire Under The Carpet*, p.75.

⁹⁸ HO 144/20144, Home Office minute, 29 November 1934.

⁹⁹ MEPO 2/3080, Notes made by the Commissioner at a meeting with A.C.A. and A.C.C. on 16 October 1934.

¹⁰⁰ *Ibid.*

¹⁰¹ Scaffardi, *Fire Under The Carpet*, p.78.

demonstrate against the Incitement to Disaffection Bill. Forster urged Kidd to ensure that the speakers had 'strict orders to stick to the Bill and not be drawn into any anti-fascist demonstrations'. Forster maintained, 'I feel very strongly that it is not the moment for us to take part in them'.¹⁰² Kidd assured him that there were no plans to take part in the anti-fascist demonstration but added that 'we shall have a vigilance committee as on previous occasions to watch and report on any violence or irregularities'. Contrary to the Special Branch view of the NCCL this suggests that Kidd was not under an obligation to the Communist Party. It seems that Forster's advice prevailed. Special Branch reported that around 2000 persons attended the meeting in Trafalgar Square, and that 'there was no public appeal to the audience to create a disturbance at the Albert Hall'. Kidd, they observed, however, 'was among the audience at the BUF meeting'.¹⁰³

The day was, nonetheless, not without incident for the NCCL. Alun Thomas who was leading the anti-fascist demonstration was arrested on a charge of obstructing a police officer in the course of his duty and bound over for three years. The evidence of the arresting police officer, PC Walter Shopland confirmed that the incident had occurred as result of the breaking up of an 'orderly procession'.¹⁰⁴ The NCCL took up the case with the Secretary of State asking 'under what authority such action was taken and whether it was done with your approval'.¹⁰⁵ The Commissioner's observations were sought on 12 December 1934 but despite two reminders he did not respond until 8 January. Trenchard then explained that, in order to prevent a repeat of Olympia, 'I arranged that we should prevent the rival bodies getting within striking distance of each other'. The Council for Civil Liberties was, he wrote, 'of no importance and is run almost entirely by Ronald Kidd. The list of names on the Council's notepaper are of no value whatsoever. Only a few are active and they are of very communistic tendencies'. He continued, 'I would strongly urge that, if an answer is sent at all, it should be to the effect that the Home Secretary is not

¹⁰² NCCL, DCL 74/1, Letter from E.M.Forster to Ronald Kidd, 20 October 1934.

¹⁰³ HO45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935. The Special Branch view of the origins of the NCCL is discussed in chapter 2 pp.62-5. Special Branch intelligence will be discussed in more detail in chapter 4.

¹⁰⁴ HO 144/20144, Statement of Walter Frederick Shopland, 30 October 1934.

prepared to discuss these matters with irresponsible bodies'. Such blatant disregard for the NCCL and the civil liberties issues it represented was not matched at the Home Office. Unimpressed with the Commissioner's response, Newsam advised the Home Secretary, 'the Council ask two simple questions and as the tone of their correspondence is scrupulously polite I do not think it would be wise to give too cavalier an answer'. He noted 'the delay is unfortunate'.¹⁰⁶ Sir Russell Scott's reply to the NCCL was, as far as Kidd was concerned, 'evasive'.¹⁰⁷ Scott, 'expressed regret for the delay in replying', he confirmed that the procession was dispersed 'in pursuance of directions issued by the Commissioner of Police of the Metropolis with the object of preventing disorder and breaches of the peace'. He concluded that the Secretary of State could not find that the police 'exceed their duties and obligations in any way'.¹⁰⁸ However, whilst the official public response of the authorities remained solidly behind Trenchard's more vigorous use of the existing police powers, there was clearly little appetite for his pugnacious approach.

Richard Thurlow has argued that the substance of the NCCL's complaints were always subordinate to their perceived status as a communist front organisation.¹⁰⁹ Whilst the numerous reports of Special Branch officers held on the Metropolitan Police files may well support that interpretation, evidence on the view of the Home Office is not nearly so clear cut. Thurlow acknowledges, somewhat incongruously, that there is evidence to suggest that the NCCL was not wasting its time as both the Home Office and the Commissioner 'went out of their way to impress on the forces of law and order the importance of civil liberties'.¹¹⁰ In fact, the Government were forced to defend their civil liberties record in debate in the House of Commons five times during the period 1934 to 1936. Members of Parliament associated with the NCCL were common amongst those taking part in the debate. During the first of the debates, NCCL Vice-President Clement

¹⁰⁵ Ibid, Letter from Ronald Kidd The Council for Civil Liberties to the Secretary of State, 29 November 1934.

¹⁰⁶ Ibid, Home Office Minute dated 29 November 1934 Note by F.A. Newsam, 9 January 1935.

¹⁰⁷ Scaffardi Papers, DSF 1/1, The National Council for Civil Liberties, Annual Report for 1934.

¹⁰⁸ HO 144/20144, Letter from Sir Russell Scott from The Secretary The Council for Civil Liberties, 14 January 1935.

¹⁰⁹ Thurlow, *The Secret State*, pp. 169-70.

¹¹⁰ Ibid, p. 170.

Attlee demanded to know 'exactly what orders were given to the police at the Olympia meeting'. There was, he said, 'a great crowd of witnesses as to what happened in and around Olympia. I cannot think that these facts were not known to the police, and I am sure that if the police knew they would want to interfere unless they had orders to the contrary'. Attlee warned of the 'grave responsibility on the government and on the Home Secretary in particular to see that this country, which is the oldest child of liberty in the world should not succumb to the forces that have prevailed among some of her younger sisters on the continent'.¹¹¹ In July 1935 debate arose from a question raised by Edward Mallalieu, also an associate of the NCCL, on the matter of partisan policing in connection with the confiscation of anti-war literature at air displays at Hendon and Duxford. Mallalieu noted 'I think I have detected among people of a most peaceable nature that there has been recently a certain amount of discrimination against the left-wing of politicians and, what is far worse, against pacifists'.¹¹² During the same debate questions on the inconsistent approach to the presence of uniformed police inside private meetings showed that Olympia had not been forgotten. In the light of the Home Secretary's insistence on previous occasions that the police did not interfere with private meetings unless they had been invited in, Mallalieu felt an explanation was called for on the police presence at an 'exactly similar private meeting, which was held by Communists in South Wales [...] they stayed there the whole time even though they had been requested to retire'.¹¹³

Labour MP Tom Groves wanted to know 'on whose authority' police attended a Fascist meeting in Stratford, where officers apparently 'watched with cold dispassionate gaze' and did nothing as stewards threw out interrupters with 'little evidence of the spirit of forbearance'.¹¹⁴ In reply to these questions, Gilmour's successor as Home Secretary Sir John Simon pointed to the 'difficult task' facing the police. Recalling the 'unfortunate incidents at Olympia', he felt that 'the better view is that the police authorities should be left to form a judgement as to whether it is better to have some police inside a great hall'.

¹¹¹ *Parl. Debs.*, 14 June 1934, vol.290, col.1933-5.

¹¹² *Ibid*, 16 July 1935, vol.304, col.947-9.

¹¹³ *Ibid*, col.949. The Duxford case is discussed in chapter 5 pp.147-8.

¹¹⁴ *Ibid*, 30 July 1935, vol.304, col.2475 and 2 August 1935, col.3076-81.

The police were, he said, 'generally speaking [...] patient and efficient, not looking for trouble'. He regarded it 'very necessary that there should be no opportunity for a repetition of some of those deplorable events which happened at [...] Olympia'.¹¹⁵ In preparation for the debate on 5 March 1936, the Home Secretary acknowledged, 'this debate is no doubt inspired by the National Council for Civil Liberties'.¹¹⁶ By this time the debate had moved to allegations of inadequate police protection for the Jewish community, particularly in the East End, against attack by fascists. Again the MPs leading the debate, Ernest Thurtle and Herbert Morrison, were among those whose names appear in the records of the NCCL. The subject, Simon felt, especially concerns the Home Office and particularly the Home Secretary because 'they are charged with the duty of keeping public order and, to a large extent, preserving civil liberty'. The Home Secretary had, he said, received a 'good number of complaints' and although he considered some may have been exaggerated he agreed, 'there can be no doubt that there have been cases in which people have been molested because they have been Jews'. Referring to the suggestion that the police discriminated in favour of fascists, he regarded it as 'simply not true that the police in this matter have any bias of a political kind'. Nevertheless, there was clearly room for improvement since, 'with a view to seeing whether more effective measures can be devised', additional police had been detailed for duty in troublesome areas. The Home Secretary concluded 'as I conceive the duty of the police it is in the name of observing the liberties of us all, to see to it that, while everybody has a fair opportunity of expressing his opinions, we do not get this conflict really developed and encouraged'.¹¹⁷ Whilst the Home Secretary was, of necessity forced to defend his role as the guardian of civil liberties against allegations of irregularities raised in the Commons, there is little evidence to support the view that either Trenchard or his successor as Commissioner, Philip Game, addressed the issue of civil liberties from any perspective other than to avoid damaging criticism of the Metropolitan Police.

¹¹⁵ *Ibid*, 2 August 1935, vol.304, col.3082-5.

¹¹⁶ HO 45/25462, Vote on Account, Civil Liberties, March 1936.

¹¹⁷ *Parl. Debs.*, 5 March 1936, vol.309, col.1610-11.

The evidence suggests that during their first year, the NCCL aspired to spread its net wide. As well as the vigilance committees observing police behaviour at political demonstrations and the campaign against the Incitement to Disaffection Bill, its interests had extended to opposition to the 'repressive legislation' introduced in the Gold Coast Colony of West Africa and to the 'provisions and the practical working' of the Civil Authorities (Special Powers) Acts in Northern Ireland. It also adopted the issue of 'sub-standard films', where imprecise interpretation of the legislation allowed the police to prevent films, often left-wing in nature, from being shown, and it began a crusade on the right to free speech and free assembly with reference to the authority of the police to interfere with political meetings.¹¹⁸ The issues pursued were, probably, those closest to the hearts of influential individuals within the organisation.

The next big campaign after the Incitement to Disaffection Bill was the Northern Ireland Inquiry. Neil Lawson, secretary to the Commission of Inquiry suggested that the idea came from Kidd's contacts in Ulster and from Geoffrey Bing, himself an Ulsterman. Others on the Inquiry included Clement Attlee, Margery Fry and Liberal MP Edward Mallalieu.¹¹⁹ W. H. Thompson spent a lot of time on the non-flam film issue which, according to Pritt he 'made a speciality'. Pritt recalled 'H. Thompson really smashed the business of non-flam films'.¹²⁰ At the same time the NCCLs legal panel were apparently kept occupied as a 'stream of applications for help against all forms of encroachment on liberty' began to pour in.¹²¹ These generally took the form of allegations of police partiality, obstruction charges, wrongful arrests and allegations of intimidation and assaults by police officers.¹²² The NCCL was in no position to sustain the financial and administrative

¹¹⁸ Scaffardi Papers, DSF 1/1, The National Council for Civil Liberties, Annual Report for 1934.

¹¹⁹ Scaffardi Papers, DSF 4/3, Barry Cox interview with Neil Lawson, c.1969.

¹²⁰ Scaffardi Papers, DSF 4/2, Barry Cox interview with D.N.Pritt Q.C., c.1969. The 1909 Cinematograph Act was introduced to address the safety issues surrounding the screening of highly inflammable celluloid film. The NCCL campaign was directed at local authorities who used the Act as a form of censorship. In the early 1930's many small film societies produced uncertified educational, political and art films using cellulose-acetate film which was not inflammable. Local authorities often refused licences for the showing of these non-flam films because of the left-wing nature of their content.

¹²¹ Scaffardi Papers, DSF 1/1, The National Council for Civil Liberties, Annual Report for 1934.

¹²² NCCL, DCL 9/2, Overview of allegations against the police for NCCL Commission of Inquiry into the Conduct of the Police August 1935.

demands of such diverse interests. When, in January 1935, Kidd had wanted to pursue the British authorities' activities in India, Forster reminded him, 'we must concentrate on home affairs as funds are so small'.¹²³ The first newsletter to NCCL members, published in August 1935, led with an appeal for funds and a plea for help in recruiting new members. The remainder of the newsletter was devoted entirely to the situation in Northern Ireland and the setting up of an NCCL Commission of Inquiry to investigate the working of the Special Powers Acts. At the same time there was a move to focus their objectives. A meeting on 29 August 1935 considered the launch of a Commission of Inquiry into the conduct of the police and from that time a major part of the NCCL's activities related to providing legal advice and representation for individual cases involving allegations against the police.

Kidd routinely lobbied MPs with allegations of inappropriate police behaviour. It was a very successful means of gaining the attention of the authorities. It was unlikely that MPs would be prepared to ignore serious complaints from their constituents, or the NCCL on their behalf. Similarly, the Home Secretary could not ignore matters raised by Members of Parliament. By the middle of 1935, individual cases of police irregularities, many relating to tolerance of fascist anti-semitism, were as much a part of the activities of the NCCL as monitoring the behaviour of the police at major demonstrations. Conceivably, these individual cases were more difficult for the Home Office and the Commissioner to defend than the public order issues that arose out of large political rallies. Just weeks before his term of office as Commissioner came to an end, Trenchard, uncharacteristically contrite, and in probably his only recorded reference to the issue of anti-semitism, admitted 'this is one of the most difficult questions with which I have had to deal'. Fascists, he believed, complied with police instructions whereas, 'Communists, Jews and others do not comply', and this made the position very difficult for the police. He had, however, 'given instructions that special care should be taken by the police, both

¹²³ NCCL, DCL 74/2, Letter from Forster to Kidd, 21 January 1935

C.I.D. and uniform, to ascertain whether any obscene or provocative language is used by the Fascists'.¹²⁴

Complaint cases recorded in the records of the NCCL suggest that the organisation were behind many, if not most, of the allegations of irregularities in public order policing brought to the attention of the Home Secretary in this period. Direct representation by the NCCL together with the lobbying of MPs ensured that complaints of police indifference, bias or violence against both individuals and more generally in relation to the meetings of anti-fascist and left wing organisations were raised with the Home Secretary.¹²⁵ Similarly, much of the challenge to Home Office policing policy following the emergence of the NCCL arose, if not from the organisation itself, then from its vice-presidents, members and associates as individuals. As well as the condemnation in the national press of BUF activities at Olympia by NCCL vice-presidents Gerald Barry and the Revd. H.R.L. Shepherd, sympathetic press coverage of the anti-fascist view and the objectives of the NCCL, were assured from, amongst others, *The Manchester Guardian*, for which NCCL vice-president, Prof. Harold Laski, wrote many articles, and from *The New Statesman and Nation*, of which Kingsley Martin was editor.

The NCCL's perspective in Parliamentary debate, too, was assured from MPs such as Clement Attlee, Vyvyan Adams, Edward Mallalieu and Tom Groves, all of whom were closely associated with the Council and were amongst those involved in the recurring House of Commons debates on civil liberties. The NCCL was undoubtedly recognised by the authorities as the catalyst for liberal-left concern over police powers and civil liberties. In all probability, it was a perceived willingness on the part of the Home Secretary to consider the representations of the NCCL that preoccupied Sir Philip Game, Trenchard's newly appointed successor when, just days into the role of Commissioner, he

¹²⁴ HO 144/21377, Letter from Trenchard Commissioner of Police of the Metropolis to The Under Secretary of State, 4 October 1935.

¹²⁵ See NCCL, DCL 8/2, 8/3 and 8/4 for examples of complaints supported by the NCCL. See also MEPO 3/548, letter from The National Council for Civil Liberties to Capt. A.U.M. Hudson, MP, September 1935, relating to an attack by Blackshirts on a British Union of Democrats meeting and the inadequacy of police protection, in contrast to that provided at Fascist meetings.

had Special Branch prepare a 21 page report summarising the activities of Ronald Kidd.¹²⁶ The report, giving comprehensive details of all events Kidd and the NCCL were known to have been involved in, was sent for the Home Secretary's attention by Special Branch Superintendent Albert Canning on behalf of the Assistant Commissioner.¹²⁷ By then, however, the activities of the NCCL had become a feature of the political landscape which neither the Home Secretary nor the Commissioner had any alternative but to take seriously. Nevertheless, Special Branch never wavered from their remit to expose communists, conceived from "Reds in the Bed" fears arising from revolution in Russia more than a decade earlier. Kidd's perceived communist connections ensured that the NCCL's activities were consistently reported as subversive and revolutionary. The sentiments of Special Branch doubtless contributed to the Home Secretary's dilemma, as he was to explain in his response to Game,

The difficulty about the Council for Civil Liberties is that it includes two distinct kinds of people (a) Communists and agitators who want to foment trouble and (b) decent citizens of a literary or religious tone who want to be sure that the forces of law and order do not lord it over unpopular minorities (as the Mosley gang certainly would if they got their way).¹²⁸

Class (b) were, he considered, exploited by class (a), and therefore, 'it rests with the police and the Home Office to see that in internal administration civil liberty is respected as being a sensitive part of law and order'. The police, he believed, 'show great patience and mistakes are surprisingly few'.¹²⁹ Much as he may have wished to do so the Home Secretary was unable to dismiss the representations of the NCCL from the public order debate. In contrast, there is little to suggest that the police considered the organisation beyond its perceived communist associations. Thus, the Commissioner was able to feel 'inclined to think that as class (b) gets to know more of the true colour of class (a), it will tend to withdraw its support, and the activities of this society will become less troublesome'.¹³⁰

¹²⁶ HO 45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935.

¹²⁷ Ibid, Letter from Assistant Commissioner to The Under Secretary of State, 19 November 1935.

¹²⁸ Ibid, Home Office minute dated 19 November 1935, Sir John Simon's note, 28 November 1935.

¹²⁹ Ibid.

¹³⁰ Ibid, Home Office minute dated 19 November 1935, Sir Philip Game's note, 22 December 1935.

By the end of 1935 civil liberties issues had polarised around anti-semitism. As 1936 progressed, the BUF's increasingly anti-semitic rhetoric and the Communist Party's drive to bring more Jewish involvement into anti-fascism rendered the police more and more vulnerable to accusations of partisan policing. Jewish mistrust of the police was a significant factor in the 'battle of Cable Street' in October 1936, arguably the final straw that led to the introduction of new public order legislation on 1 January 1937.¹³¹ However, according to Copsey, by the middle of 1936, the CPGB had lost interest in the Coordinating Committee for Anti-Fascist Activities. Its success as a means to broaden the appeal of communism, Copsey suggests, had been considered limited.¹³² For the NCCL, however, main stream support was to wane somewhat in the light of its declared commitment to the anti-fascist movement. As Sylvia Scaffardi recalled, 'what soon put us out in the cold again was our militant tactics in the observer line in the anti-fascist rough and tumble'.¹³³ This did not, however, lead to a waning of influence. It was through the campaign against fascist anti-semitism that the NCCL was most successful in exerting pressure in Parliament and lobbying the Home Secretary. As far as Special Branch was concerned, however, association with anti-fascism was confirmation of Communist Party connections.

¹³¹ Thurlow, 'The Straw that Broke the Camel's Back', pp.74-94.

¹³² Copsey, *Anti-fascism in Britain*, p.45.

¹³³ Scaffardi Papers, DSF 4/3, Barry Cox interview, Scaffardi III, R.K.'s Politics, Political Standing of the NCCL up to 1941 – Red Smear, c.1969.

Chapter 4

The influence of Special Branch

Previous chapters have argued that the NCCL represented the concerns of a body of liberal opinion that objected to violence and force in politics and the excessive use of police power. The dismissive attitude of Scotland Yard towards the NCCL's representations has been shown to be indicative of an understanding of the organisation as an escalation of left-wing activism, intrinsically linked to the Communist Party. In this context the role of Special Branch is an interesting aspect of the policing of political activism that warrants a more detailed explanation. Many Special Branch records from this period remain closed and are retained by the Metropolitan Police.¹ However, a number have been recently opened. In addition, a substantial amount of material produced by Special Branch and correspondence with Special Branch officers is contained within Home Office and Metropolitan Police files at the National Archive and is available.

This chapter will consider the history of Special Branch and will suggest that its ideological perspective was naturally antagonistic to the liberal-left and radical-left movements of the 1930s. Further, it will be argued that a preoccupation with communist subversion compromised the objectivity of Special Branch intelligence. Many of the members and supporters of the NCCL had either been associated with the socialist and suffrage movements that had attracted the attention of Special Branch in the early years of the century or had found their way to the files of M.I.5 as suspected communist sympathisers. It will be suggested here that these connections made a significant contribution to the Special Branch

¹ See Introduction footnote 24 p.11.

view of the organisation and the objectives it promoted. The validity of that view will also be considered. Finally, it will be shown that both Trenchard and Game as Commissioners of the Metropolitan Police throughout the 1930s regarded the information provided by Special Branch as essential to the policing of political activism. It will be suggested that Special Branch intelligence was rarely, if ever, questioned by the Commissioner and was routinely used verbatim in policy making discussions. This, it will be argued, encouraged the Commissioner to disregard genuine concerns for civil liberties.

Special Branch: fifty formative years

Special Branch traced its immediate origins to the Fenian bombing campaign of the early 1880s.² Previously the idea of a political police had been something of an anathema in Britain. Politicians and jurists liked to think that Britain's constitutional and legal structure, like her economic and industrial institutions, provided a model for other less fortunate nations.³ Fenian bombs causing injuries and extensive damage to property at first in Glasgow and then in London challenged confidence in a belief in the 'intrinsic unsubvertability of the British liberal capitalist way of life'.⁴ At the same time there were concerns at Britain's attitude to anarchists and revolutionaries, which was considered more relaxed than anywhere else in Europe. Karl Marx, for example, was allowed to plot the course of revolution from his home in Britain until his death in 1883.⁵ The Fenian campaign along with international pressures for action against anarchist, nihilist and socialist groups eventually led the Government to authorise the development of the Metropolitan Police Special Branch.⁶

² Bernard Porter, *The Origins of the Vigilant State: the London Metropolitan Police special Branch before the First World War*, (London: Weidenfield and Nicholson, 1987), p.98.

³ Clive Emsley, *The English Police: A Political and Social History*, (London: Longman, 1996), p.106.

⁴ Porter, *The Origins of the Vigilant State*, p.98.

⁵ Ibid, p.9.

⁶ Emsley, *The English Police*, p.106.

Throughout the 1880s and 1890s Special Branch duties were focused almost exclusively on foreign anarchists and Fenians. A great deal of Special Branch time was taken up in screening suspected anarchists coming into England and although it is likely much of the information gathered was simply stored away, it might, depending on the circumstances, be passed to foreign governments, used in connection with arrests in Britain or used to harass the anarchist community in the shape of 'raids' on anarchist clubs or newspaper offices. Sniffing out conspiracies against British and foreign royalty and providing them with bodyguards was a similarly important aspect of Special Branch duties.⁷

Whether it was as a result of the heightened interest in subversive activity or, as was suggested, 'owing to the increase of political intrigue' Special Branch strength was progressively augmented from 25 to 74 officers between 1892 and 1905,⁸ and this pattern was to continue into the 1920s. The Commissioner, Sir Edward Henry, requested an augmentation of two sergeants and two constables to section 'B' of Special Branch in July 1909, in response to 'increasing demands'.⁹ 'Indian agitation' and the 'large number of Russian, Polish, Yiddish and Anarchists of other nationalities resident in London' were cited as well as protection duties for a visit of Russia royalty and the daily protection of the King and Queen at Buckingham Palace from suffragette agitation. There were also enquiries of a 'highly important nature' that 'demanded the services of officers of the Branch' and enquiries for the Irish government.¹⁰ The request was sanctioned but for an initial period of six months only.¹¹ However, just two months later it was the activities of the suffragettes that were 'engaging the attention of the Commissioner' and he found it necessary to request the sanction of a further two inspectors, eight sergeants and six constables. Even this was

⁷ Porter, *The Origins of the Vigilant State*, pp.121-5.

⁸ TNA, CAB 127/366, Confidential memo from Sir Russell Scott, 'Special Branch', undated c.June 1925.

⁹ MEPO 2/1297, Letter from Sir Edward Henry to The Under Secretary of State, 10 July 1909.

¹⁰ Ibid, Letter from Superintendent P Quinn to the Commissioner of the Metropolitan Police 1 July 1909.

regarded as a temporary measure with the possibility of a further increase once experience had determined the demand. As far as the Commissioner was concerned the duty of protecting cabinet ministers from 'insult, annoyance and violence' fell to Special Branch because they were 'already engaged' in enquiries relating to members of suffragette organisations. Their involvement was considered essential for the prosecution of enquiries into the 'designs of the leaders and the agents they [suffragette organisations] are likely to employ for militant propaganda purposes'.¹² Sir Edward Troup, Permanent Under Secretary of State confirmed agreement to the 'temporary' promotion of officers to acting rank only so that it would not be necessary to maintain the staff 'in the event of the present troubles ceasing'. He took the opportunity to remind the Commissioner that 'intervention of the police' at public meetings addressed by cabinet ministers was required for the protection of the public attending the meeting as well as the minister.¹³ The Commissioner did not share the Home Secretary's optimism for an imminent cessation of the troubles. The 'obvious non-deterrent nature of the punishment' enforceable against these women gave him 'no reason to anticipate any reduction in their activity in the immediate future'. He insisted that the promotions should be made permanent.¹⁴ Promotions to full rank were eventually sanctioned.¹⁵ One of the police officers considered to have the special qualities of resourcefulness and practical experience required for policing the suffragettes in 1909 was PC Albert Canning.¹⁶ Canning was destined to become Head of Special Branch seventeen years later.

¹¹ Ibid, Letter from Edward Troup Home Office to the Commissioner of the Metropolitan Police, 12 July, 1909.

¹² MEPO 2/1310, Letter from the Acting Commissioner to the Under Secretary of State, 15 September 1909.

¹³ Ibid, Letter from Edward Troup to the Commissioner 22 September 1909.

¹⁴ Ibid, Letter from The commissioner to the Under Secretary of State 27 September 1909.

¹⁵ Ibid, Letter from Edward Troup to the Commissioner of Police, 30 September 1909.

¹⁶ Ibid, Letter from Acting Commissioner to Under Secretary of State, 15 September 1909 and copy police orders 2 October 1909.

Just how successful the Special Branch intelligence gathering operation was at this time is questionable. James O'Donovan, Hon. Secretary of the National Union of Journalists, raised a complaint in October 1913 relating to the tendency of plain-clothes police to represent themselves as journalists in order to secure information or gain admission to events such as suffrage meetings. As result of this practice several cases had been reported where NUJ members, suspected of being disguised police officers, had been threatened or molested and 'greatly hampered in the performance of their duties'.¹⁷ Following a meeting with O'Donovan, Basil Thomson who had taken on the role of Head of Metropolitan CID in June 1913 agreed to 'remove any cause for complaint'.¹⁸ Thomson spelled out his problems to the Under Secretary of State. Special Branch officers had, he wrote, 'lately had great difficulty in obtaining admission to syndicalist and suffragette meetings'. Officers having more than once been 'recognised and molested', whilst attending as pressmen, had led to 'objections' by reporters.¹⁹ Thomson proposed an arrangement with one of the news agencies for the 'supply of a short précis of the speeches, or in special cases a verbatim transcript' at a rate of £1.1.0 for attendance and 8d. a folio of 72 words. This, Thomson considered, would keep the department in touch with associations 'resorting to unlawful methods of agitation'. Reported language 'so inflammatory and dangerous in nature as to indicate that proceedings ought to be taken', would warrant the 'introduction of a police reporter in the usual way'.²⁰ O'Donovan found the arrangements 'entirely satisfactory'.²¹ The move may have been counter productive. The Commissioner's request for additional allowances to encourage the recruitment of more police shorthand writers to Special Branch was rejected.²² Thomson was apparently persuaded that the number of allowances recommended for Special Branch could

¹⁷ MEPO 2/7197, Letter from James O'Donovan, the Hon. Secretary, National Union of Journalists, 2 October 1913.

¹⁸ Ibid, Letter from B H Thomson, Assistant Commissioner of Police to James O'Donovan, National Union of Journalists, 8 October 1913.

¹⁹ Ibid, Memo from B H Thomson to the Under Secretary of State, 13 October 1913.

²⁰ Ibid.

²¹ Ibid, Letter from James O'Donovan, National Union of Journalists to B H Thomson, 22 October 1913.

²² Ibid, Memo from ER Henry, Commissioner of the Metropolitan Police to the Under Secretary of State, 11 October 1913.

be reduced from 12 to 4 if reports were obtained from a press agency.²³ There is no evidence to suggest that Thomson was concerned about the reliability of reports prepared by NUJ members. Neither is it clear how long this arrangement continued or the extent to which information collected by journalists found its way into Special Branch reports.

In May 1919 Special Branch was made independent of CID and given the coordinating role over intelligence collection. Thomson was appointed head of the new Directorate of Intelligence.²⁴ His remit was to deal with political and industrial unrest, which was 'very rampant during the transitory period from war to peace'.²⁵ Thomson's regime set the stage for Special Branch, as a secretive organisation entirely focused on political subversion, that was to endure throughout the interwar years. Andrew suggests the post put Thomson personally in control of Special Branch and formally confirmed him as chief watchdog of subversion. From that time Special Branch produced weekly reports of 'revolutionary organisations' for the cabinet.²⁶ Thomson held the view that there were no 'formidable extremist bodies' in Great Britain before 1911 other than Kier Hardie's Independent Labour Party.²⁷ All other socialist and labour movements he regarded as insignificant in numbers until the 'great wave of industrial unrest' in the summer of 1911, a period that he believed saw the first attempts on the part of 'declared revolutionaries' to attack trade unionism and pursue policies of the 'Russian Bolshevik type'.²⁸ In Thomson's view, the war had shattered socialist's hopes of revolution in Britain but, he believed, it might have been otherwise. He considered revolution in Russia had been 'inevitable' but for Thomson there was 'something providential' in the timing of events that prevented it happening in Britain. Although he suggests it was 'hailed by uninstructed public opinion in England as fulfilment of long deferred hope and some statesmen who ought to have had more prescience

²³ Ibid, Letter from New Scotland Yard to Eagleston, 1 November 1913.

²⁴ Andrew, *Secret Service*, p.336.

²⁵ CAB 127/366, Report by Sir Russell Scott, undated.

²⁶ Andrew, *Secret Service*, pp.336-7.

²⁷ Basil Thomson, *Queer People*, (London: Hodder & Stoughton, 1922), p.262.

joined in the acclamation',²⁹ in Thomson's opinion Englishmen felt they had been let down by the Russian Bolsheviks and 'resented the treachery'. Eighteen months after the Russian Revolution as the British army demobilised and people were looking for a new world he believed 'it might have gone hardly with us'.³⁰ Thomson recalled that *The Protocols of the Elders of Zion*, a bogus document purporting to be a Jewish plot for world power, had received much attention in England and claimed 'I reported that the protocols were almost certainly fabricated'. He went on to point out, however, that 'protocols or no protocols it was inevitable in a country like Russia, when the dregs of the population had boiled up to the top, a preponderance of Jews would be found among the scum'.³¹ For Thomson it was in the first three months of 1919 that unrest 'touched its high water mark'. The word 'revolution' was, he wrote, 'on every lip'. The police strike he believed filled extremists with renewed hope whilst for the Londoner 'the bottom seemed to have fallen out of the world'.³² Jane Morgan has argued that from the beginning of 1920 both the army and the police were instructed to discontinue intelligence work in relation to labour because it aroused too much public suspicion. This, Morgan finds, allowed Basil Thomson and the Special Branch to figure prominently although, she suggests, often ineffectively in the governmental response to labour unrest. The 'somewhat lurid' weekly reports on revolutionary organisations throughout the United Kingdom produced by Thomson were a feature of his regime.³³

Major-General Sir Wyndham Childs joined Scotland Yard as Assistant Commissioner on 5 December 1921 following Thomson's resignation. Thomson had been offered the opportunity to resign to avoid being sacked. The official reason suggests that the newly appointed Commissioner, Sir William Horwood, had resented Thomson's independence and demanded to be told what he was up to. Thomson continued to exclude him to a point

²⁸ Ibid, p.270.

²⁹ Ibid, p.279.

³⁰ Ibid, p.282.

³¹ Ibid, p.285.

³² Ibid, p.273.

where they rarely even met and the Home Secretary had no alternative but to intervene.³⁴ Thomson's version of the story is rather different. He related his demise to an incident at Chequers, the Prime Minister's country residence, when four Irishmen entered the grounds and chalked the words 'Up Sinn Fein' in the summerhouse. Thomson considered the incident was 'in the nature of a skylark' and let the men go. Prime Minister, Lloyd George, who Thomson regarded as having 'an exaggerated solicitude for the safety of his own skin', was livid and demanded Thomson's resignation.³⁵ Whatever the reality, there were certainly difficulties around Thomson's resignation. Seeking sanction from the Home Office to announce Childs appointment, Horwood asked 'considering the trouble which has taken place during the last few weeks I would like to know whether you concur'.³⁶ It was not only the Commissioner that Thomson kept in the dark. Following his departure Childs described Special Branch staff under Thomson as having 'no knowledge of the activities of their Chief'. Thomson's regime was, he wrote, 'a one man show and that one man never took his staff into his confidence'. Childs maintained 'I did not take over from Sir Basil Thomson as I have never seen him [...] or had any communication from him in any shape or form'. Childs considered nothing was handed over to him other than 'an empty safe, a desk full of empty drawers and a sheet of clean blotting paper.'³⁷

Three months after Thomson's resignation Horwood set out his proposals to restructure the command of Special Branch which would effect an annual saving of between £20,000 and £30,000 and 'tend to greater efficiency'.³⁸ Referring to 'several interviews' with the Secretary of State, Horwood proposed the 'reversion to a pre-war organisation' amalgamating the duties of Special Branch and the C.I.D under one Assistant Commissioner.

³³ Morgan, *Conflict and Order*, p.93-4.

³⁴ Porter, *Plots and Paranoia*, (London: Unwin Hyman, 1989), p.157.

³⁵ Basil Thomson, *The Scene Changes*, (New York: Doubleday, Doran & Company Inc., 1937), p.430-1.

³⁶ HO 45/18728, Letter from Sir William Horwood, Commissioner to Edward Troup Home Office, 5 December 1921.

³⁷ CAB 127/366, Report by Sir Wyndham Childs, 30 June 1925.

Work relating to foreign affairs he proposed to transfer to the Foreign Office. The 'large volume of work' to remain under Special Branch control related to 'Bolshevist, Communist and Revolutionary matters generally'.³⁹ The re-organisation involved a 'large reduction' in the number of senior police officers needed in Special Branch, a matter that Horwood found 'extremely difficult' to resolve and sought sanction to 'absorb the surplus officers into vacancies which may arise in the Force as a whole'.⁴⁰ The appointment of Lieut. Colonel Carter as Deputy Assistant Commissioner (Special Branch) caused consternation. Carter was not a police officer even though he had been attached to Special Branch with direct responsibility to the Home Secretary. Carter's appointment did 'regularise' the position whereby he had previously been 'performing the duties of a police officer without any real authority'.⁴¹

Despite the re-organisation the control and responsibilities of Special Branch obviously continued to be something of a mystery. In 1925 Sir Russell Scott, then Controller of Establishments at the Treasury, was asked by the Prime Minister to examine Special Branch and report on its background, activities and funding.⁴² Scott listed amongst its duties, 'responsibility for dealing with all phases of the Irish revolutionary movement'; 'Intelligence department for various police forces' to obtain advance information of 'strikes, demonstrations (especially of the unemployed), and meetings'; the protection of Royalty and cabinet ministers; obtaining information of various 'revolutionary movements' including communists and the unemployed from an 'inside source' or from paid 'informants'; naturalisation enquiries; translations; liaison with immigration officers to identify criminals and revolutionaries.⁴³ Scott acknowledged that Special Branch work was of a 'specially secret

³⁸ MEPO 10/3, Memorandum from Sir William Horwood Commissioner of Police of the Metropolis to The Secretary of State, 1 March 1922.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ CAB 127/366, Report by Sir Wyndham Childs, 30 June 1925.

⁴² Ibid, Letter from Sir Wyndham Childs to Sir Robert Russell Scott, 24 June 1925.

⁴³ Ibid, Report of Sir Russell Scott, undated c.June 1925.

nature' but he considered that the internal organisation 'left something to be desired'. He found that Special Branch carried out 'a certain amount of intelligence work on its own responsibility' and that control and direction were 'inadequately provided'. He found that there was no one whose responsibility it was to ensure the department worked in 'complete harmony'; that intelligence was effectively translated into police action; and that actions taken were in 'strict accordance with general or particular policy'.⁴⁴ The Prime Minister's interest in Special Branch activities may have been prompted by Carter's 'Scheme for the Re-organisation of the British Secret Service'. In April 1925 Carter submitted proposals to address the problems of overlapping work and lack of co-operation between departments, of poor exchange of information and loss of efficiency. Carter cited the 'mistaken zeal' of subordinate officers carrying out enquiries 'on their own initiative' and their subsequent failure to 'appreciate the value of information'. He suggested there was a 'good deal of unnecessary secrecy' that inhibits the sharing of information.⁴⁵ Carter's proposals for the redistribution of responsibilities inspired little enthusiasm. It was questioned whether the scheme would be 'any improvement on the present organisation' and the view was that 'in some respects it is worse'.⁴⁶

As Assistant Commissioner, Childs understood the most important part of his appointment to relate to the problem of communism. According to his autobiography, he took up the challenge with relish and was 'full of confidence' that he would be able to 'smash the organisation'.⁴⁷ Childs regarded the Communist Party as 'social pariahs' against whom every political party should 'wage ceaseless war'.⁴⁸ Years later, he could not understand why the successive governments he served refused to 'strike one overwhelming and final blow against the communist organisation'. He considered he had, 'wasted the seven best years of

⁴⁴ Ibid.

⁴⁵ CAB 127/363, A Scheme for the Re-organisation of the British Secret Service, April 1925.

⁴⁶ Ibid, Letter from M P A Hankey, Secretary to the Cabinet to Warren Fisher, 16 June 1925.

⁴⁷ Major-General Sir Wyndham Childs, *Episodes and Reflections*, (London: Cassell and Company, 1930), p.209.

my life' in trying to induce various governments to allow him to use the 'full force of the law' against the seditious communist organisation.⁴⁹

Childs continued to provide weekly reports of revolutionary organisations as Thomson had done and from the early 1920s intercepting mail and using plain-clothes men to infiltrate the unions and labour organisations became routine Special Branch work.⁵⁰ Nevertheless, Childs must surely have questioned just how seriously his reports would be taken by the new Labour Government when on 30 January 1924 Prime Minister Ramsay MacDonald advised him that 'little of the news contained [...] was likely to be unfamiliar to members of the Government or indeed anyone who reads the *Worker's Weekly* and similar papers'.⁵¹ MacDonald suggested the reports might be made 'at once attractive and indeed entertaining' if Childs were to include 'not only communistic activities but also other political activities of an extreme kind'. He recommended 'a little knowledge in regard to the Fascist movement' and 'a few tit bits' on the influences behind the *Patriot* or perhaps 'the secret history of the Crusader movement'.⁵² He urged enlarging the scope to give an 'exhilarating flavour to the document and [...] convert it into a complete and finished work of art'.⁵³

Childs brusque response pointed out 'in the past the weekly report has confined itself to organisations of a revolutionary or communistic nature'. He was, he wrote, 'quite clear in regard to the Communist movement as it is openly seditious'. Childs suggested the Prime Minister might refer to his previous reports on the Fascist movement which he considered to be more inclined towards 'breaches of the law' than revolutionary activity. Otherwise, he had not 'come across' any other such movements but was ready to 'receive directions' should the

⁴⁸ Ibid, p.223.

⁴⁹ Ibid, p.209.

⁵⁰ Morgan, *Conflict and Order*, p.112.

⁵¹ TNA, PRO 30/69/221, Letter to Wyndham Childs from R P Gower, Prime Minister's Private Secretary, 30 January 1924.

⁵² The *Patriot*, was founded in 1922 by Alan Percy Duke of Northumberland. It was ferociously right-wing promoting anti-socialist, anti-communist propaganda.

Prime Minister want enquiries made of any organisations that might be 'the focus of revolutionary ambitions'.⁵⁴ Childs continued to focus predominantly on communist activities. In reports often strewn with contradictions he produced extracts from speeches made at the meetings and demonstrations of various organisations such as Communists; The Red International of Labour Unions; and the Unemployed, that were often seditious and revolutionary in tone. For example, inciting the armed forces to 'form committees in every barracks, aerodrome and ship' and to 'go forward in a common attack upon the capitalists [...] institute the reign of the whole working class'.⁵⁵ At the same time the Communist Party's 'poor performance in almost every area' is noted.⁵⁶ Activities at communist meetings were often reported as characterised by 'quarrels and violent indictments of the executives' by delegates who considered them 'autocratic', having 'delusions of grandeur' and of 'mismanaging funds', all of which might have been considered to mitigate the threat of revolution.⁵⁷ Nevertheless, the weekly summary was generally couched in terms that suggest a serious threat to the established order. In a clear link to labour the number of people registered as unemployed was always included. Childs circulated the reports to 18 different destinations including the Home Office, Foreign Office, Vernon Kell at M.I.5, the Commissioner, the Air Ministry and the Canadian Mounted Police.⁵⁸

Jane Morgan has questioned how effective such intelligence gathering was since Cabinet Committee documents suggest that the intelligence services view of communists actively fomenting strikes was much exaggerated.⁵⁹ Attempts by the intelligence services to turn the general strike in 1926 into an anti-communist crusade withered, she suggests, when Special Branch found that only 11 per cent of those arrested were Communist Party

⁵³ Ibid.

⁵⁴ PRO 30/69/221, Letter from Wyndham Childs to Gower, Prime Ministers Private Secretary, 2 February 1924.

⁵⁵ PRO/30/69/220, Report on Revolutionary Organisations in the United Kingdom, 31 July 1924.

⁵⁶ Ibid, 22 May 1924.

⁵⁷ Ibid, 20 March 1924.

⁵⁸ CAB 127/366, Report by Sir Wyndham Childs, 30 June 1925.

members, less than 200 people.⁶⁰ Nevertheless, Childs continued to adhere to the opinion that communists were responsible for the general strike.⁶¹ He was convinced that the Communist Party was subversively interwoven with 'all sorts of organisations' such as the Workers International Relief and the International Class War Prisoners Aid. So far as Childs was concerned the Party itself was composed of 'some three thousand wasters, work-shies, half-wits and professional agitators' but its real threat lay in The Young Communist League and its methods of contaminating youth.⁶² Porter has suggested that Special Branch under Childs was more accountable to government and parliament through the Commissioner and the Home Secretary than other intelligence services and that he was not really 'one of them'.⁶³ That perception may have had more to do with propensity for loyalty to authority that went so far as to earn him the nickname 'Fido'.⁶⁴ There is no doubt he held right-wing political views, he regarded the objectives of Fascists as 'laudable' even though he deplored their methods as 'damnable and illegal'.⁶⁵

As was to be the case a decade later and throughout the 1930s when Trenchard and then Game held the post of Commissioner, Horwood shared the Special Branch view. He urged support for the Public Order Bill (1921) and the Seditious Propaganda Bill (1922), a private member's Bill that never reached its second reading, but which was intended to inhibit the flow of foreign money into Britain for seditious propaganda purposes.⁶⁶ In Horwood's view the provisions of the Bill would have secured the 'rapid obliteration' of the CPGB by means of 'financial starvation'.⁶⁷ In support of the Public Order Bill he warned the Secretary of State

⁵⁹ Morgan, *Conflict and Order*, p.112.

⁶⁰ *Ibid*, p.209.

⁶¹ Childs, *Episodes and Reflections*, p.222.

⁶² *Ibid*, p.221.

⁶³ Porter, *Plots and Paranoia*, p.168.

⁶⁴ Morgan, *Conflict and Order*, p.111.

⁶⁵ Childs, *Episodes and Reflections*, p.223.

⁶⁶ HO 144/4684, Notes on the Commissioner's letter of 9 March 1925.

⁶⁷ *Ibid*, Letter from Horwood to the Secretary of State, 9 March 1925.

I feel it is my duty to you, Sir, to advise you from the Police point of view to the best of my ability, and I am firmly convinced that the Police require this Bill as part of the law of the Country at the earliest possible moment so that we can grapple with the Communist and Bolshevist section of the community.⁶⁸

Horwood argued that additional police powers were needed in the event that the 'present labour troubles materialise into what will practically be a strike of the Triple Alliance'. Drawing on Special Branch rhetoric he reasoned that the freedom for the police to act quickly would avert 'what might easily become virtually a civil war'.⁶⁹ A few months later Horwood maintained 'the National Union of Police and Prison Officers is in a large way responsible for the tactics of some of the unemployed demonstrations' and in the event of another 'fracas' with the unemployed he would

very much liked to have raided the headquarters of "Nuppo", but the Assistant Commissioner Special Branch, points out that with the lapse of the Emergency Powers and Defence of the Realm regulations, there is unfortunately no longer any power to raid or obtain a search warrant for such a purpose.⁷⁰

Horwood suggested that had the Home Secretary used his influence to progress the Public Order Bill earlier in the year, 'there were certain clauses that would have enabled us to raid the "Nuppo" headquarters'. He warned 'during the coming winter we shall require far more power than we have at the present time'.⁷¹ Horwood's remonstrations went unheeded.

Pressing his case again some three years later he maintained the Communist Party of Great Britain were a 'seditious and treasonable organisation'. He had, he said, 'always failed to see, why it is not possible to secure legislation to deal with organisations which openly, avowedly, and professedly state that their one aim and objective is to produce revolution'.⁷² The Home Office were unmoved by Horwood's overstated representations. Wary of the influence of Special Branch it was noted that in 1921 Basil Thomson had similarly warned of 'armed

⁶⁸ Ibid, Memo to the secretary of State from W.Horwood, 11 May 1921.

⁶⁹ Ibid.

⁷⁰ Ibid, Memo to the Secretary of State from Horwood, 19 October 1921. By 1921 NUPPO was a rump union with little influence arguing for the reinstatement of strikers sacked following the police strike in 1919.

⁷¹ Ibid.

insurrections which may amount to civil war' and that the Commissioner 'gave utterance to equally gloomy prognostications'. The observation was made that 'the trouble which was prophesied in 1921 did not materialise'. It was considered that the legislation Horwood sought would be 'bitterly opposed' and hard to imagine a serious suggestion to the House of Commons 'that a constable should be given power to arrest without warrant any person suspected of an offence under the Bill'.⁷³

As Jane Morgan has suggested, the Home Office were often indifferent to the overstated representations of Special Branch.⁷⁴ This holds true, it appears, even when promoted by the Commissioner. David Vincent, too, has argued in support of this view. Vincent's discussion of the developing structures of official and public secrecy through the nineteenth and twentieth centuries notes the unstoppable momentum of covert surveillance that wartime measures to combat the flow of information had put in place. He argues that the problem of accommodating the erosion of pre-First World War safeguards was overcome in part by continuing elements of the Edwardian culture of secrecy. Firstly, the view that the problem largely lie outside the ruling order and secondly, that there were no consistent lines of report and command in the field of secret surveillance. Ministers did not know what each other were doing. Vincent has suggested that a new generation of 'professional secret-keepers' that included Basil Thomson of Special Branch were thus seen not as 'all-pervading controllers' but rather as 'official nannies whose fussing advice was by turns tolerated, evaded and ignored' by the authorities.⁷⁵

Although there is no evidence that Trenchard was involved in the decision, a further re-organisation of Special Branch coincided with his appointment as Commissioner in

⁷² Ibid, Letter to the Secretary of State from Horwood, 9 March 1925.

⁷³ Ibid, Notes on the Commissioner's letter of 9 March 1925.

⁷⁴ Morgan, *Conflict and Order*, p.111ff.

⁷⁵ David Vincent, *The Culture of Secrecy; Britain 1832-1998*, (Oxford: Oxford University Press, 1998), p.141.

October 1931. The 'collection of information of revolutionary and seditious activities and propaganda' was transferred from Special Branch duties to M.I.5. This returned some of the duties to Vernon Kell that he had lost to Thomson in 1916 and was intended to 'centralise the information available' and to 'avoid duplication of research'.⁷⁶ It is questionable whether that was achieved. Little over a year later M.I.5 were only aware in a 'vague way' that they had taken over certain duties from the Metropolitan Police and there was not a 'single scrap of paper' that supported the subsequent increase in M.I.5 staff.⁷⁷ What it did mean was that there were no clearly defined boundaries to Special Branch responsibilities. Special Branch officers might at the same time receive instructions from M.I.5 and from the Commissioner. A practice that was to be refined over the 1930s as Special Branch requirements and those of the Home Office and M.I.5 became 'more exacting' necessitating the introduction of a 'squad system' and the 'proper supervision of officers'.⁷⁸ Their duties ranged through naturalisation enquiries for the Home Office, monitoring the movements of aliens and extremists at ports and airfields and intercepting mail and infiltrating the activities of suspected communists for M.I.5 to reporting at political meetings or investigating police brutality at unemployed or anti-fascist demonstrations for the Commissioner.⁷⁹ The convergence of these roles perpetuated a cumulative understanding of revolutionary activity and ensured that Special Branch had no reference for liberal left interest in radical left objectives other than to interpret it as communist and thus subversive. To this extent it is difficult to see how Special Branch intelligence could be objective.

⁷⁶ KV 4/126, Circular letter Carter to Chief Constables, 14 October 1931 and Kell letter to all Chief Constables, 2 November 1931.

⁷⁷ Ibid, Home Office minute Holt-Wilson to Major Philips, 5 January 1933.

⁷⁸ MEPO 2/5385, Superintendent A.Canning report on Special Branch Strength, 21 June, 1935.

⁷⁹ Ibid.

Connections: a shared history

A number of those who were to become the leading figures of the NCCL shared a history with Special Branch through their association with the suffrage and pacifist movements in the years leading up to, during and immediately following the First World War. The suffrage movement took up a great deal of Special Branch time. Suffragettes were considered to be 'specially dangerous'. They were efficient militants, prepared to attack and inflict injury on cabinet ministers and able to incite 'savage reprisals' from the crowd. Apart from policing their extensive activities, surveillance of offenders released from prison under the 'Cat and Mouse Act' and raids on their homes and headquarters tied up much Special Branch resource.⁸⁰ Basil Thomson wrote of the suffragettes 'I'm not sure these ladies were not a more troublesome problem than all the rest together'. As far as Thomson was concerned 'most of them had quite forgotten the vote and were intent only upon the excitement'. He felt they avoided arrest by 'an ingenuity that might have been employed upon a better cause'.⁸¹ Suffragettes were not at the time considered revolutionary but Sylvia Pankhurst whose family were founders of the suffrage movement was subsequently the subject of M.I.5 investigations into her suspected communist activities.⁸²

One of a number of pacifist organisations, the National Council Against Conscription subsequently, and confusingly, known as the National Council for Civil Liberties, although, no relation to the later organisation, was set up in January 1916.⁸³ It attracted the interest of the

⁸⁰ Porter, *The Origins of the Vigilant State*, pp.164-6. The Prisoners Temporary Discharge for Health Act (1913), better known as the 'Cat and Mouse Act' was introduced to allow the government to avoid the embarrassing publicity around the force-feeding of suffragettes. Imprisoned suffragettes routinely embarked on hunger strike. Rather than being force-fed they were allowed to become too weak to cause trouble and then released 'on licence'. Once restored to health, should they re-offend, they were immediately re-arrested and returned to prison.

⁸¹ Thomson, *Queer People*, p.49.

⁸² KV 2/1570, Sylvia Pankhurst, 1914-53.

⁸³ The National Council Against Conscription was set up in January 1916 and changed its name to the National Council for Civil Liberties before the end of that year. It appears to have ceased functioning during the early 1920s, some 10 years before Kidd's organisation was founded. See KV 2/663-7, The

security services from the beginning and in October 1916 when the organisation asked for police protection for a meeting in Cardiff Vernon Kell questioned whether their meetings should be allowed at all at a time when police numbers were depleted by the demands of war.⁸⁴ Pacifist organisations were required to present their accounts and list of subscribers to the authorities. Basil Thomson was party to a decision in November 1917 that this practice was 'by no means so effective as raids' whereby not only could correspondence and information be seized but in addition it would 'considerably upset the organisation and interfere with their activity'.⁸⁵ The premises of the National Council Against Conscription were raided on 21 November 1917 when bank books, cash and invoice books and ledgers, wages books, pamphlets and correspondence were seized. Books showing the names of the secretaries of the principal trade unions were of particular interest and it was suggested they should be retained by Special Branch.⁸⁶

A number of the founder members of Kidd's NCCL would have been familiar to Special Branch from their involvement with these organisations. George Lansbury, Frederic Pethick Lawrence, Henry Nevinson and Hugh Franklin were prominent figures in the women's suffrage campaign. Lansbury, Pethick-Lawrence and Nevinson had associations with the National Council Against Conscription. Franklin was also associated with the ILP and the Fabian Society, Harold Laski too was a Fabian Society member and later a founder of the Left Book Club. Kingsley Martin had links with the suffrage movement and the Union of Democratic Control, a pacifist organisation originally opposing Britain's involvement in the First World War, through his partner Dorothy Woodman. In the early 1930s Special Branch took particular interest in the activities of Claud Cockburn, Denis N Pritt and Dorothy Woodman who were all the subject of extensive M.I.5 investigations.

National Council for Civil Liberties formerly National Council Against Conscription, January 1916 to March 1918.

⁸⁴ KV 2/664, Letter Kell to Edward Troup, 3 October 1916.

⁸⁵ KV 2/665, Copy of Minute, 13 November 1917.

⁸⁶ Ibid, Criminal Investigation Department police report, 21 November 1917.

George Lansbury's arrest in April 1913 as a 'disturber of the peace' likely to incite others to commit 'divers crimes and misdemeanours' attracted Basil Thomson's personal attention. Lansbury was committed to Pentonville Prison but released when he embarked on a hunger strike.⁸⁷ Subsequent allegations that he had attempted to suborn British military prisoners of war from their allegiance to the King during a trip to Russia again involved Thompson.⁸⁸ Wyndham Childs continued to keep Lansbury under surveillance his activities and speeches were recorded and reported to the Home Secretary.⁸⁹ Lansbury's involvement with organisations such as the ICWPA and ILD ensured he was the recipient of sustained Special Branch interest.

Frederick and Emmeline Pethick-Lawrence served a nine month prison sentence for their involvement with the suffragette's window smashing campaign.⁹⁰ In all Emmeline served six terms of imprisonment for her political activities with the suffrage movement.⁹¹ Correspondence between Pethick-Lawrence and the National Council Against Conscription found its way to the files of M.I.5. Passing on received information on the arrest in Dublin and subsequent shooting at Portobello Barracks of one Sheehy Skeffington, Pethick-Lawrence noted that 'anti-conscription views were in part responsible for his violent end' and suggested the NCAC 'honour the death of a gallant gentleman'.⁹² Such sentiments readily aroused the suspicions of the security services.

There is no evidence that Henry Nevinson advocated criminal activity, nevertheless, as a speaker at suffrage and National Council Against Conscription meetings he was the

⁸⁷ Ibid, Report to the Under Secretary of State from Basil Thomson, Assistant Commissioner of Police, 12 June 1914.

⁸⁸ HO 144/5992, Minutes, Mr George Lansbury, 22 October 1920.

⁸⁹ Ibid, Letter and report from Wyndham Childs to Sir William Joynson Hicks, 7 July 1926.

⁹⁰ HO 45/24630, Petitions of Frederick William Pethick Lawrence and Emeline Pethick Lawrence, 14 May 1912.

⁹¹ Emeline Pethick-Lawrence, The National Archives Learning curve, 16 July, 2004.

subject of Special Branch interest.⁹³ The accounts of the NCAC for the year of 1916, seized by the security services, note a payment of 2 guineas to H W Nevinson under the heading Russian Lectures.⁹⁴ He was sufficiently well known to Special Branch to be included amongst the prominent attendees of a National Council Against Conscription lecture on 'Freedom of Thought and Speech' at Westminster Hall in November 1916.⁹⁵

Hugh Franklin was well known to the authorities for his militant women's suffrage activities. He was arrested during the events of Black Friday and although he was discharged he held Churchill responsible for the ill-treatment of women protesters and attacked him with a whip, for which he was imprisoned for six weeks.⁹⁶ He served further terms of imprisonment for his suffrage activities notably nine months for setting fire to a railway carriage. Franklin was the first prisoner to be released from jail under the 'Cat and Mouse' act. Press coverage of his release suggested he had been force-fed more than one hundred times. The 'weary looking gentleman who usually supports the wall outside your front door' observed by a neighbour, was almost certainly Special Branch surveillance.⁹⁷

Although most of these events took place two decades or more before Kidd formed the NCCL they would have been significant background to the formation of Special Branch opinion. The collective memory of Special Branch was long. Colonel Carter, still producing Special Branch reports in 1940 had been in post before Childs' arrival in 1921. Albert Canning, operational head of Special Branch from 1936 to 1946 had policed the suffragettes as a constable in 1909.

⁹² KV 2/663, Letter from Pethick-Lawrence to Langdon-Davies, 9 May 1916.

⁹³ KV 2/1570, United Suffrage Meeting held at Caxton Hall, 18 November 1914.

⁹⁴ KV 2/665, National Council for Civil Liberties Accounts, 6 December 1917.

⁹⁵ KV 2/663, Report of National Council for Civil Liberties Lecture, 1 November 1916.

⁹⁶ The Women's Library, Papers of Hugh Franklin and Elsie Duval, 7/HDF Box 226 Folder 2. A Women's Suffrage demonstration outside the Houses of Parliament on 18 November 1910 became known as Black Friday for the level of violence and number of arrests. The police were accused of behaving with unnecessary brutality towards the women demonstrators.

More recent connections reinforced their view. D N Pritt first came to the attention of the security services in 1933 when he was suspected of involvement with the Communist International on the organisation of their fight against Nazi Germany.⁹⁸ It was thought likely he would go to Germany to defend Ernst Torgler, one of the Communists on trial for the burning of the Reichstag.⁹⁹ From that time Pritt's mail was intercepted and his activities were watched. He was regarded as 'one of those Labour Party members who mask their real communist beliefs for the sake of more effective action in the Party'.¹⁰⁰ Special Branch thought his attendance at the 1936 annual general meeting of the NCCL worthy of a report to M.I.5. He had expressed his admiration for the people's soviets in Russia that had given 170 million people the beginnings of freedom'.¹⁰¹

Claud Cockburn was a member of the CPGB.¹⁰² As editor of *The Week* he was thought to be in touch with many 'far from desirable elements in the lower walks of journalistic life'.¹⁰³ The security services believed Cockburn to be in a position to obtain 'political information of a confidential nature' from various foreign embassies,¹⁰⁴ and he was suspected of leaking information from official sources.¹⁰⁵ His activities occupied a great deal of attention. Vernon Kell commented that Cockburn had 'a very great variety of sources from whom he obtains his information' and Kell was 'endeavouring to keep some sort of check on his activities'.¹⁰⁶ From 1934 the security services were routinely intercepting Cockburn's mail and

⁹⁷ Papers of Hugh Franklin and Elsie Duval, 7/HDF Box 226 Folder 4, Letter to Hugh Franklin from Dorothy Walker Evans, 5 May 1913.

⁹⁸ KV 2/1062, Letter from Vernon Kell to D.C.J.McSweeney, Colonial Office, 8 June 1933.

⁹⁹ Ibid, Letter from Vernon Kell to D.C.J.McSweeney, Colonial Office, 1 July 1933.

¹⁰⁰ Ibid, Letter to Major V. Vivian signed D.G.W, 12 February 1937.

¹⁰¹ Ibid, Special Branch report, D.N.Pritt, 26 February 1936.

¹⁰² Scaffardi Papers, DSF 4/2, Barry Cox interview with Claud Cockburn c.1969.

¹⁰³ Ibid, Memo to Newsam, Francis Claud Cockburn and "The Week", 19 June 1934.

¹⁰⁴ KV 2/1546, Special Branch report of Claud Cockburn, 19 March 1934.

¹⁰⁵ Ibid, Memo to Newsam, Francis Claud Cockburn and "The Week", 19 June 1934.

¹⁰⁶ Ibid, Letter Kell to Major Hind, 19 June 1934.

listening to his telephone calls. His business and personal activities were monitored and his contacts investigated.¹⁰⁷

Kingsley Martin was editor of the *New Statesman* from 1931. That association alone had significance for Special Branch. In 1929 Wyndham Childs had resigned his position as Assistant Commissioner and head of Special Branch to fight a libel case against the *New Statesman* over the Choizza Money affair. Sir Leo Choizza Money had been arrested for committing an indecent act with a Miss Savidge in Hyde Park. The case was dismissed and the two Police Constables who gave evidence were accused of committing perjury.¹⁰⁸ Miss Savidge claimed she had been bullied by the police. A subsequent Inquiry exonerated the police, but the *New Statesman* published an article attacking Childs' handling of the case.¹⁰⁹ Martin had wide connections with the left of British politics not least through his partner Dorothy Woodman. Woodman's interests spanned the socialist and labour movements. She was Honorary Secretary to the Young Suffragists¹¹⁰ and Secretary of the Union of Democratic Control. The Security Services noted 'there has scarcely been a left wing political group within the last 10 years, with which Miss Dorothy Woodman [...] has not been in some way connected'.¹¹¹ Throughout the 1930s her activities were carefully watched by Special Branch. They notified M.I.5 each time she left from or returned to English ports or airports and often reported that Woodman's political activities 'have come under the notice of Special Branch' or identified her as 'the well known extremist speaker'.¹¹² They took great interest in her contacts and noted her association with Geoffrey Bing 'reported to be a member of the Executive Committee of the National Council for Civil Liberties'.¹¹³

¹⁰⁷ There are many examples in KV 2/1546.

¹⁰⁸ See MEPO 3/554 and LO 2/24.

¹⁰⁹ Allason, *The Branch*, (London: Secker & Warburg, 1983), p.91.

¹¹⁰ Women's Library, Records of the National Union of Societies for Equal Citizenship, GB/106/2/NuSEC/D1/1-20, circular letter from The Young Suffragists, 28 February 1927.

¹¹¹ KV 2/1607, Dorothy Woodman, Note (unsigned), 23 January 1941.

¹¹² There are many such reports on KV 2/1607 the M.I.5 file on Dorothy Woodman, for example Croydon Airport, 27 December 1933 and Port of Dover 23 April 1936.

¹¹³ *Ibid*, Letter to Major Vivian, 7 September 1935.

There is no doubt that some members and supporters of the NCCLs were, if not overt Communist Party members such as Cockburn, at least had covert interest in the promotion of the soviet system. Pritt for example well understood how much more effective he could be outside the Party. Responding to an invitation to a CPGB open conference he wrote 'I think you will realise that it would not be possible for me to attend or to send you a message of good will. Whatever my personal inclinations may be I represent a constituency that is strongly anti-communist [...] I have to be particularly careful to do nothing to jeopardise my chances of doing useful work in the future'.¹¹⁴ So too were there individuals who wrestled with contradictory views of their own like Dorothy Woodman who has been described as 'halfway to *communisme*' in the 1930s though she found Russia to be 'a perfect nightmare'¹¹⁵ and Kingsley Martin who described himself as 'philosophically' a communist but knew 'too much about the realities of government to think revolution is a good thing',¹¹⁶ and whom Pritt was later to describe as 'ready to run at any moment at the first smell of a communist'.¹¹⁷

Some of those individuals associated with Kidd and the NCCL may well have been legitimate targets for Special Branch concern, and it is most likely that the extent to which communist interests tried to control the organisation made Special Branch interest inevitable. However, the propensity for Special Branch to avoid any distinction across liberal left, radical left and communist interests allowed their entrenched impressions to preclude objective consideration of the more liberal members of the NCCL. Individuals like Pethick-Lawrence, Nevinson, Franklin, Lansbury and Harold Laski who had been committed to the socialist and labour movements from their early days and went on to hold prominent positions in

¹¹⁴ KV 2/1062, Letter, Pritt to Springhall, 26 November 1935.

¹¹⁵ University of Sussex, Kingsley Martin Papers KM 6/11, Letter from Dr. Waldemar Hoepfner to C.M. Rolph, 23 March 1972.

¹¹⁶ Kingsley Martin Papers KM 7/3, Diary and Workbook 1935.

¹¹⁷ Scaffardi Papers DSF 4/2, Barry Cox interview with D.N. Pritt Q.C. c.1969.

mainstream politics, as well as those who more simply had concerns that the police exceed their powers or applied them selectively such as Herbert and Barry.

Kingsley Martin recalled the NCCL as having a 'fairly liberal outlook'. He considered that

liberalism and socialism, or Marxism really were very mixed up, for the simple reason that whatever was understood or conveyed opposites in philosophy were in fact, in the thirties, so connected; because the people who were being persecuted were the underdogs and so on, and the proletariat or the intellectuals of the left: If therefore you fought for the left you were both Marxist and liberal.¹¹⁸

An argument that is unlikely to have impressed Special Branch.

If many of the liberal members and supporters of the NCCL were not active as Special Branch intelligence suggests,¹¹⁹ neither were their radical left associates. Cockburn's involvement for instance was short term. According to Sylvia Scaffardi he was 'only really in the forefront of the picture at the very start. He "did his bit" for the NCCL [...] but not long after he faded out'.¹²⁰ Cockburn himself considered he had been very active until the outbreak of the Spanish civil war in 1936, he then went to Spain.¹²¹ Pritt, took on cases that interested him without charge, he often attended and sometimes spoke at NCCL meetings but he was not involved with the day to day running of the organisation. Sylvia Scaffardi described him as 'no more than an eminence grise in the background' throughout the 1930s.¹²² ILD Secretary Alun Thomas's interest was probably more to ensure that Kidd did not step on ILD toes. Kidd had found at the outset that ILD support came with the necessity to agree to 'keep the correct party line'.¹²³ Kidd, in fact, received little tangible support from NCCL members of any political persuasion. Sylvia Scaffardi later recalled that Kidd 'took

¹¹⁸ Ibid, Barry Cox interview with Kingsley Martin c.1969.

¹¹⁹ HO 45/25462, Special Branch report on Ronald Kidd, 19 November, 1935.

¹²⁰ Kingsley Martin Papers, KM15/1, Letter from Sylvia Scaffardi to Kingsley Martin, 16 October 1966.

¹²¹ Scaffardi Papers DSF 4/2, Barry Cox interview with Claud Cockburn c.1969.

¹²² Ibid.

charge of everything involving policy' and that 'practically everything that emerged as the result of the Executive Committee would be his concern'. Kidd arranged routine publicity, located venues and organised public meetings and conferences, arranged advertisements and leaflets and the proofs and paste-up of the NCCL publication *Civil Liberty*. In the early days Kidd's attitude was, she said, that the NCCL was 'not so much an employing organisation but a venture for which he was largely responsible'.¹²⁴

Regardless of the perceptions of communist involvement with the NCCL Kidd's enthusiasm for the preservation of individual rights projected an appeal beyond the radical left. Kingsley Martin noted that the nascent Council for Civil Liberties had 'really done marvels'.¹²⁵ Kidd's commitment to the promotion of the NCCL as a non-party organisation did attract liberal support. Scaffardi attributed the NCCL's greatest success to its appeal to diverse interests. She considered it provided a 'point of contact' for so many different people who were 'feeling strongly about the anti-fascist thing'. Whether in 'Bethnal Green or Oxbridge' there was no press organ ventilating the issue except the *Daily Worker* 'something nobody would be seen dead with, in those days you couldn't mention it'. The Council presented she said 'an establishment appearance and style and with a very respectable president [...] a sort of rallying point and a focus'.¹²⁶ Such a disparate mix of people ensured that meetings were lively. Pritt's impression was that 'meetings were always long and half stormy because we were all fairly individualistic people and it's very difficult to define (a) what is a civil liberties issue and (b) [...] can we afford to turn our limited resources to it at the possible cost of neglecting other things'.¹²⁷

¹²³ HO 45/25462, Letter Vernon Kell to Sir Russell Scott, 22 February 1934.

¹²⁴ Scaffardi Papers, DSF 4/2, Barry Cox interview with Sylvia Scaffardi, c.1969.

¹²⁵ Kingsley Martin Papers, KM7/25, Diary and Notebook for 1934-1937, 17 July 1934.

¹²⁶ Scaffardi Papers, Barry Cox interview with Sylvia Scaffardi, c.1969.

¹²⁷ Scaffardi Papers, Barry Cox interview with D.N. Pritt, c.1969

Without question Kidd's crusade for civil liberties attracted radical left and communist attention. Kidd was challenging the authorities on their policies towards policing left-wing political activism. It would have been more surprising if communist factions and individuals with communistic views had not taken an interest in him. However, the extent to which communist interests in the NCCL were to find Kidd useful is questionable. Nigel Copsey has argued that the Communist Party had lost interest in promoting anti-fascism through organisations such as the NCCL by the middle of 1936 and instead concentrated their efforts on the Left Book Club.¹²⁸ By the end of the 1930s even Special Branch were prepared to intimate that Kidd's relationship with the Communist Party may not have been harmonious and that 'his unbusinesslike methods often resulted in Party plans going astray'.¹²⁹ Eventually, Special Branch went so far as to suggest that Kidd may have kept the communist influence at bay and that they were 'likely to have their way' following his death in 1942.¹³⁰

The focus of Special Branch intelligence was invariably in terms of the perceived extent of communist connection. Inevitably socialist and left-wing organisations generally had in their ranks a number of individuals with radical left inclinations. Such individuals were likely to be involved with a number of similar organisations and acquainted with like-minded people. The NCCL was no exception. It is not surprising that its network of members and supporters included personalities with whom Special Branch had had cause to be well acquainted. Nor is it surprising that Special Branch gave no consideration to the NCCL beyond the view that they were a communist front organisation. Its interpretation of these connections provided no mechanism for Special Branch to understand the NCCL, or the concerns for police powers and civil liberties that the organisation promulgated, in any other way. At the same time the

¹²⁸ Copsey, *Anti-Fascism in Britain*, p.45. The Left Book Club was founded in May 1936 by left-wing publisher Victor Gollancz, Marxist political campaigner John Strachey and Labour Party Executive Prof. Harold Laski. The Club aimed to promote the progressive values of the left and oppose the spread of fascism and prevent the outbreak of war. Five thousand members subscribed at the launch of its first book in May 1936 rising to 57,000 at its high point in April 1939.

¹²⁹ HO 45/25465, Special Branch report, 3 October 1941.

¹³⁰ *Ibid*, Home Office minute note 31 March, 1943.

undefined parameters of their role across M.I.5 activities and operational policing and the continuing focus of the security services on the threat of communist revolution reinforced bias and precluded objective consideration.

Lord Trenchard and Sir Philip Game: the influence of Special Branch

Long established commitment to the exposure of subversive activity and communist affiliation ensured that anti-fascism would be the focus of Special Branch attention from the beginning of the 1930s and command a great deal of its resources. Confrontation between fascist and anti-fascist interests provided the grounds for a permanent augmentation of 46 officers to Special Branch between 1934 and 1937 taking the total to 181 officers.¹³¹ The need for additional staff was attributed to the 'rapid development of fascist movements', the formation of 'anti-war and anti-fascist movements by the Communist Party' and the 'formation of "Defence Associations" by Jews'. Increased demands for information on behalf of M.I.5, the activities of the IRA and the repercussions of the terrorist campaign in India were also noted.¹³² From June 1935 'a progressive increase' in open-air and indoor meetings arranged by 'the various revolutionary organisations' and the possibility of clashes between rival factions that made it 'now, more than ever, necessary that as many of these gatherings as possible be attended by Special Branch officers' were highlighted,¹³³ as well as a 'new situation' whereby anti-fascist movements 'some fostered by the Communist Party, and others by Jewish interests' had emerged as a reaction to the formation of fascist organisations. The National Council for Civil Liberties, was said to have 'thrown much additional work on the shoulders of Special Branch Officers' as detailed instructions given to communists on how to 'counter police attention' had necessitated the employment of

¹³¹ MEPO 2/5385, Minute, A.C.D, 20 July 1937.

¹³² MEPO 2/3826, Memo Superintendent Canning to A.C.C., 6 December 1933.

¹³³ MEPO 2/5385, Superintendent A.Canning report on Special Branch Strength, 21 June, 1935.

'considerably more tact and resource' to 'obtain information'.¹³⁴ Just over a year later the 'great deal of additional work' thrown upon Special Branch as a consequence of the activities of Fascist and Communist Parties throughout 1936 and increased number of enquiries from M.I.5 had led to arrears of essential enquiries into naturalisation and individual extremist cases, and a need for further resource.¹³⁵ And again in 1937 a marked increase in Special Branch work owing to the 'birth of many anti-fascist bodies' was noted along with the 'numerous public meetings' of various communist, fascist and anti-fascist organisations that 'have to be attended by Special Branch officers and the proceedings reported, with shorthand notes of the speeches, where necessary'.¹³⁶

As Horwood had shown a decade earlier, Commissioners rarely questioned Special Branch views. It could be assured of the support of first Trenchard and then Game for the ongoing augmentation. Trenchard backed up his requests to the Home Office for additional Special Branch officers with lengthy explanations of their duties and detailed accounts of revolutionary activity. This was invariably a word for word account of the justification presented to him by Special Branch. For example in 1933 a list of six areas of increased extremist activity and the withdrawal of the Deputy Assistant Commissioner highlighted by Superintendent Canning formed the basis for the Commissioner's request.¹³⁷ Less than a year later Trenchard secured a temporary increase of 50 men, 36 Constables and the remainder made up of Inspectors and Sergeants. He considered the increase important 'in view of the number of foreign visitors' expected for the royal wedding and Jubilee celebrations the following year. The greater numbers were needed to 'keep watch on the movements of aliens' and provide protection for 'Royal personages'. He anticipated the run down of the temporary staff would begin in November 1935 and be complete by August

¹³⁴ Ibid.

¹³⁵ Ibid, Letter to Under Secretary of State, 5 October 1936.

¹³⁶ Ibid, Memo to A.C.C. from Chief Constable A Canning, 28 June 1937.

¹³⁷ MEPO 2/3826, Minute sheet memo Superintendent Canning to A.C.C., 6 December 1933 and letter from the Commissioner to the Under Secretary of State, 12 December 1933.

1936.¹³⁸ However, just six months into the arrangement Trenchard approached the Home Office for approval to retain 35 of the temporary officers, raising the permanent strength of Special Branch to a total of 169 officers.¹³⁹ This change of heart arose from Canning's recommendation. His report highlighted the under resourcing of Special Branch over several years and 'arrears of work' for both the Home Office and M.I.5.¹⁴⁰ Although a gradual reduction in Special Branch strength had been anticipated just a few months earlier, Trenchard was now 'satisfied that in many important respects the work of this Branch is seriously hampered by the inadequacy of personnel'.¹⁴¹ His request for additional resource extended to five pages, much of it copied directly from Canning's report.¹⁴² The increased membership of the Communist Party and Young Communists League and the escalating sales of the *Daily Worker* was noted as well as the Communist Party's intention to enter candidates for the general election and their adoption of a 'policy of "peaceful penetration" of all kinds of organisation, with the object of capturing them for it's own ends'. Attention was drawn to the 'backing of the Third International' that had enabled the Communist Party to become engaged in a 'highly organised conspiracy to overthrow the present system of government' and its 'successful agitation' against the Unemployment Act whereby 'the Communist Party can be said to have more influence in the industrial field than its actual paying membership would appear to indicate'.¹⁴³

The coronation period in 1937 prompted a further temporary augmentation to Special Branch of 4 inspectors, 8 sergeants and 38 constables,¹⁴⁴ and again before this arrangement expired 12 of the posts were made permanent. Game may have been a little less inclined to unequivocal acceptance of Special Branch requests for resources than his predecessor.

¹³⁸ MEPO 2/5385, to A.C.C. from Commissioner, 15 October 1934.

¹³⁹ Ibid, Minute to the Commissioner, 27 June 1935.

¹⁴⁰ Ibid, Superintendent A. Canning report of Special Branch Strength, 21 June 1935.

¹⁴¹ Ibid, Letter from the Commissioner to the Under Secretary of State, 4 July 1935.

¹⁴² Ibid, Special Branch Strength, report by Superintendent Canning, 21 June 1935.

¹⁴³ Ibid, Letter from the Commissioner to the Under Secretary of State, 4 July, 1935.

¹⁴⁴ Ibid, Minute to the Commissioner, 14 September 1936.

Whilst he was persuaded by the request he did question whether the initial temporary augmentation need be as long as a whole year,¹⁴⁵ and his decision to ask for Home Office authorisation for a permanent increase was made only 'after discussing the matter fully'.¹⁴⁶ Canning's report embraced tried and tested methods, he again referred to the increased sales of the *Daily Worker* and the 'widespread subversive ramifications' of the Communist Party's activities 'exercising an influence out of all proportion to its numerical strength, over numerous subsidiary and sympathetic organisations'. The Fascist movement he noted 'is still sufficiently strong to cause a great deal of trouble and is likely to become more militant and show less regard for law and order as its numerical strength decreases'.¹⁴⁷ Game's request for authorisation of additional resource included four pages 'lifted bodily' from Canning's report.¹⁴⁸

The Commissioner's loyalty to the value of Special Branch intelligence could become a potential source of conflict with uniformed divisions. Discrepancies in the reports forwarded to the Home Office of a Fascist demonstration at Finsbury Park in June 1934 led to Home Office comments and a subsequent decision to collate the reports for submission together for the future with an explanation of any discrepancies.¹⁴⁹ Trenchard cautioned against delaying the report of the uniformed police and instructed that 'if the Special Branch information is not available in time we should say that Special Branch may have some additional information'.¹⁵⁰ The existing arrangement 'under which copies of the reports go direct to the Commissioner' was to continue unchanged.¹⁵¹ Game too appreciated the value of independent reports. Chief Constable Major de Chair suggested that he be allowed to compare Special Branch reports with those of his uniformed Division to 'help him to see whether the police are

¹⁴⁵ Ibid, Commissioner's minute to A.C.C., 15 September 1936.

¹⁴⁶ Ibid, Commissioners minute to Secretary, 24 July 1937.

¹⁴⁷ Ibid, Memo from Chief Constable Canning to A.C.C, 28 June 1937.

¹⁴⁸ Ibid, From Secretary to the Under Secretary of State, 6 August 1937.

¹⁴⁹ MEPO 3/548, Minute sheet memo A.C.A. to the Commissioner, 5 June 1934.

¹⁵⁰ Ibid, Minute sheet memo from the Commissioner to A.C.C., 6 June 1934.

¹⁵¹ Ibid, Minute sheet note, 11 June 1934.

properly carrying out their duties with regard to making arrests when insulting remarks are made about Jews'.¹⁵² Game was reluctant to agree to any proposal that de Chair should see Special Branch reports. He found it 'a very valuable check to get two separate and independent reports' and noted that any 'slip' that might allow uniformed officers to see Special Branch as 'checking up on their work' would be dangerous.¹⁵³ It was considered essential that Special Branch reports should be 'absolutely independent of Divisional report[s]' and that 'honest differences' in the reports should be welcome. Any attempt to 'make arrangements to say the same thing' was to be avoided.¹⁵⁴

The adoption of Special Branch opinion by the Commissioner is particularly obvious in Game's reports to the Home Secretary on the policing of 'Jew-baiting'. A decisive point came in the summer of 1936 when complaints of police partiality in favour of fascists and tolerance of anti-semitic rhetoric led to the Home Secretary's intervention in the Commissioner's policy for the policing of fascist and anti-fascist activities. Describing the anti-Jewish activities of the BUF as 'intolerable in themselves and a potential source of serious public mischief', the Home Secretary demanded measures be put in place to 'suppress this mischief before it has time to develop into unmanageable proportions'.¹⁵⁵ The Home Secretary's request for monthly reports on 'Jew baiting' prompted Game to ask all Districts to add 'a short summary of the position as they see it' to their monthly statistics relating to political meetings in their area.¹⁵⁶ The request provoked concerns as to the 'question of classifying the various bodies'. It was felt that distinguishing between communist and anti-fascist 'must savour a little of hair-splitting' and there was a suggestion that Special Branch might 'give us some sort of rough and ready guide'.¹⁵⁷ Game dismissed such concerns. He considered that once the District reports were amalgamated with Special

¹⁵² Ibid, Minute sheet memo Drummond to A.C.C., 14 May 1936.

¹⁵³ Ibid, Minute sheet notes dated 14, 16, 18, 19 and 29 May 1936.

¹⁵⁴ Ibid, Minute sheet memo to D/C, 16 May, 1936.

¹⁵⁵ MEPO 2/3043, Memo to the Commissioner from Sir John Simon 16 July 1936.

¹⁵⁶ Ibid, Minute sheet memo from the Commissioner to A.C.A, 16 September 1936.

Branch reports there would be 'little difficulty in distinguishing Fascist, anti-Fascist and other meetings'.¹⁵⁸ It was the account of events prepared by Special Branch that was routinely to form the substance of his reports.¹⁵⁹ Game rarely edited Special Branch prose, he was clearly happy to be associated with statements such as

[Anti-fascist] marches and meetings in the West End have been much better organised and conducted and have been attended very largely by respectable people the hooligan element confining itself to the East End. This hooligan element includes many foreign Jews and the foreign Jews are far more anti-police than anti-fascist.¹⁶⁰

Even where serious disorder had occurred such as at Cable Street on 4 October 1936, Game expanded little on the Special Branch assessment of the event and political aftermath. Instead he regurgitated two and a half pages of Special Branch opinion. He described the political make up of the 100,000 strong anti-fascist demonstration as 'the combined forces of the Communist Party of Great Britain, Independent Labour Party, sections of Labour and Liberal opinions as well as Jewish and gentile religious bodies'. He included the view that the BUF had gained prestige at the expense of the Communist Party and highlighted the concerns of both fascists and anti-fascists that legislation might be introduced to check their campaigns in the East End.¹⁶¹ It is unlikely that Game passed on unexpurgated Special Branch reports simply to satisfy the Home Secretary's requirement with the minimum expenditure of effort. He often used Special Branch sentiments to further his own objectives. In his report for the month of March 1937 for example, whilst he followed his usual practice of including most of the findings of Special Branch, he suggested that incidents between fascists and anti-fascists were, 'as often as not due to a hooligan element which has no real political

¹⁵⁷ Ibid, Minute sheet memo from A.C.A to A.C.C., 18 September 1936.

¹⁵⁸ Ibid, Minute sheet memo from to A.C.A., 22 September 1936.

¹⁵⁹ Ibid, Commissioner's report for the month of August 1936 on the subject of 'Jew-baiting', 9 September 1936 and Special Branch report of Fascist and Anti-Fascist meetings held during August 1936, September 1936.

¹⁶⁰ Ibid, Commissioner's report for the month of September 1936 on the subject of 'Jew-baiting', 8 October 1936 and Special Branch report of Fascist and Anti-Fascist meetings held during September 1936, October, 1936.

¹⁶¹ MEPO 2/3043, Report on Jew-baiting from Game to the Under Secretary of State for the month of October 1936, 5 November 1936 and Special Branch report on Fascist and anti-fascist meetings held during October 1936.

affinities'. He had seized the opportunity to support his requests over the previous two months that the reports might be discontinued since Jew-baiting had 'on the whole declined'.¹⁶² In this instance the Home Secretary was not inclined to relax the requirements and the reports were to be required until 1941.¹⁶³ In his report for the month of September 1937 Game supplemented three pages of Special Branch views with his own sentiments on the extent of police time and manpower expended on preserving order at meetings and demonstrations and the subsequent impact on crime generally - an indicator of his frustration that months after the introduction of the Public Order Act he still had not been given a free hand to suspend fascist and anti-fascist demonstrations as he would have liked.¹⁶⁴ For the month of June 1938 the views of Special Branch were augmented with the Commissioner's impressions on the propensity for both fascist and communist speakers to attack the police. He noted the 'strong Jewish element' within the NUWM and the Jewish Board of Deputies failure to 'restrain' the Jewish Peoples Council. He expressed his concerns that the 'advent of the summer weather' would increase the number of meetings and the extent of disorder.¹⁶⁵

It is not unreasonable for the Commissioner to have sought Special Branch opinion, it held an established and commanding position in the policing of revolutionary organisations and subversive activity. However, naturally antagonistic to all left wing interests, the ideological position of Special Branch ensured that liberal-left as well as radical-left interest in the merits of the soviet system, or in the objectives of socialist and anti-fascist movements would be interpreted as indicative of communist affiliations. The Commissioner's willingness to give absolute endorsement to the Special Branch view served to reinforce its confidence in

¹⁶² Ibid, Report on Jew-baiting from Game to the Under Secretary of State for the month of March 1937, 15 April 1937 and Special Branch report on Fascist and anti-fascist meetings held during March 1937.

¹⁶³ Ibid, Home Office minutes, 12 March 1937 and MEPO 2/3127 and Confidential Instructions from the Commissioner's Office on Jew-baiting, 15 November 1941.

¹⁶⁴ Ibid, Report on Jew-baiting from Game to the Under Secretary of State for the month of September 1937, 11 October 1937 and Special Branch report on Fascist and anti-fascist meetings held during September 1937.

the integrity of its own opinion and to perpetuate an anti-left perspective. There may well have been nothing exceptional in the Commissioner incorporating material provided by police divisions word for word in his reports and correspondence. However, when this involved politically sensitive Special Branch intelligence and activities that gave the appearance of police bias the practice appears careless, perhaps even cavalier. More care to extend a considered view might have been expected.

The deference to Special Branch opinion comprehensively embraced by both Trenchard and Game precluded any objective consideration of Kidd and the NCCL. It is probable that nothing had been known of Kidd before 1933. Special Branch officers had failed to recognise him at an ILD meeting in September 1933.¹⁶⁶ Vernon Kell's letter to Sir Russell Scott at the Home Office warning of the imminent inauguration of the NCCL bears a hand-written reminder, 'you will remember he was the protagonist in the *New Statesman* controversy'.¹⁶⁷ Trenchard, however, was unlikely to have forgotten the findings of the Special Branch investigation into Kidd's allegations in the *Weekend Review*. Entirely willing to be associated with their assessment of Kidd's political interests, he advised the Home Office,

the opinion held here in regard to this organisation – the Council for Civil Liberties. It is of no importance and is run almost entirely by Ronald Kidd. The list of names of Vice-Presidents listed on the Council's notepaper is of no value whatsoever. Only a few are active and they are of very communistic tendencies.¹⁶⁸

By the time Game took up the role of Commissioner in November 1935 Special Branch had been able to compile a comprehensive account of Kidd's background and 'communist' connections that suggested he had been embraced as a key player in the ambitions of the

¹⁶⁵ Ibid, Commissioner's report for the month of June 1938 on the subject of 'Jew-baiting', July 1938 and Special Branch report of Fascist and Anti-Fascist meetings held during June 1938, 1 July 1938.

¹⁶⁶ MEPO 2/3057, Report of meetings at Kingsway and Conway Halls signed A/Superintendent Forster, 23 September 1933.

¹⁶⁷ HO 45/25462, Letter from Sir Vernon Kell to Sir Russell Scott, 21 February 1934. The *Weekend Review* was merged with the *New Statesman* in January 1933.

¹⁶⁸ HO 144/20144, Minute note Trenchard to Secretary of State, 21 December 1934.

Communist Party.¹⁶⁹ Equally willing to be associated with Special Branch opinion, Game's reactions to Kidd's representations were very much as Trenchard's had been. In response to a letter from the NCCL complaining that an anti-fascist meeting had been closed without good reason,¹⁷⁰ Game asked the Home Office if he might not be justified in sending 'some snubbing reply'. Despite the Home Secretary's reluctant response - 'Very well but this means that the HO will get a protest and demand for information',¹⁷¹ Game's reply pointed out that it was the Secretary of State 'to whom alone he [was] responsible' and stressed that he was 'not prepared to enter into any correspondence with the Council on this matter'.¹⁷² The Commissioner advised Newsam at the Home Office 'I must leave it to your ingenuity to draft a suitable answer to the National Council for Civil Liberties, if they write'.¹⁷³ Game's approach remained consistent. Correspondence with Kidd two years later reiterated that the Commissioner was 'not prepared to enter into correspondence [...] regarding his actions in carrying out his responsibilities'.¹⁷⁴

Unequivocal acceptance of Special Branch opinion ensured the entrenched preconceptions of communist affiliation characteristic of Special Branch intelligence would feature in the Commissioner's policy-making decisions. This allowed both Trenchard and Game to disregard the representations of the NCCL and in doing so fail to acknowledge public concerns over police powers and civil liberties. As political activism increasingly focused on the polemic activities of fascists and anti-fascists, allegations of police tolerance of anti-semitic behaviour was to lead to the direct intervention of the Home Secretary in the day to day policing of political activism.

¹⁶⁹ HO 45/25462, Special Branch report on Ronald Kidd, 19 November 1935.

¹⁷⁰ HO 45/25463, Letter from Kidd, Secretary of the NCCL to The Superintendent at Kilburn Police Station, 2 September 1936.

¹⁷¹ Ibid, Minute note J.S., 11 September 1936.

¹⁷² Ibid, Letter from C.R.D. Pulling secretary to The NCCL, 15 September 1936.

¹⁷³ MEPO 2/3095, Letter from Game to F.A. Newsam, 21 September 1936.

¹⁷⁴ MEPO 2/3117, Letter from the Secretary to Ronald Kidd, 26 September 1938.

Chapter 5

Police Discrimination and the Civil Liberties Movement

Policing strategies supported by Special Branch intelligence remained focused on the control of the political left despite the growing menace of fascist provocation. It will be argued here that this allowed the authorities to misinterpret anti-fascist activism and in so doing fail to recognise fascist anti-semitic provocation. This chapter will consider how the NCCL was able to provide a focal point for the legitimate concerns for civil liberties arising from the perceptions of police partiality that this situation engendered, and the extent to which the organisation created an environment for the expression of those concerns. The NCCL's practice of placing observers at local meetings and at major marches and rallies to gather evidence of police violence or partiality had not endeared the organisation, or Ronald Kidd, to the Commissioner. Nor was he heartened by Special Branch reports drawing attention to the effectiveness of NCCL activities in bringing allegations of police irregularities to the Home Secretary and to Parliament. Game was dismissive of the NCCL, as his predecessor had been, but his determination to discourage any official recognition of Kidd's representations suggests he was increasingly aware of the key role played by the NCCL in the escalation of complaints against police behaviour. It is the effectiveness of the NCCL's methods and strategies that will be explored here. This aspect of the organisation's role in the policing of political activism has thus far received negligible attention from historians.

The police and the political left

Trenchard had not identified anti-semitism as an aspect of fascist policy. He had recognised fascist activities as a worrying source of provocation to the radical left and, prompted by events at Olympia, he had commissioned a report of disturbances arising from fascist activities as early as July 1934. Policing policies were, nevertheless, inclined to associate Jewish anti-fascism with the Communist Party rather than with the anti-semitic provocation of the BUF. Whilst this preoccupation with the political left obscured fascist anti-semitism as far as the Commissioner was concerned, Kidd had been able to identify it in the growing menace of Oswald Mosley's 'Jew-baiting' campaign well before Trenchard's term as Commissioner came to an end. Kidd claimed to have attended BUF meetings in Liverpool, London and Manchester where Mosley had been asked 'Is your movement anti-semitic' and he had uncompromisingly replied 'Yes, it is'. He maintained that NCCL observers had attended dozens of meetings and recorded examples of extreme provocation from fascist speakers such as reference to 'Jewish scum' and 'the sweepings of the ghetto'. The disinclination of the police to curb such insulting language by fascist speakers in contrast to their willingness arbitrarily to close down or interfere with Labour Party and Communist meetings was, as far as Kidd was concerned, evidence of police partiality and ought to be brought to the notice of the House of Commons.¹

The policing of anti-fascism as communist-inspired political activism was then consistently to evoke the allegations of anti-left bias that were associated with the policing of labour and socialist activities, and were the focus of NCCL attention. Whilst the NCCL did not explicitly associate with the anti-fascist campaign against anti-semitism until the middle of 1936, fighting police discrimination and opposing oppressive legislation were major facets of the NCCL's activities. Complaints to local police or to Scotland Yard generally received a

¹ NCCL, DCL 48/1, NCCL News sheet no.2, October 1935.

whitewashing response and were, therefore, not a productive route for the NCCL. It is cases such as those of Kath Duncan and of Dr. William Wooster that provide examples of the way in which the organisation worked to challenge police actions and interpretation of the law.

Police interference with the holding of peaceful meetings and demonstrations was a practice that the NCCL strenuously opposed. The Duncan case relates to the prohibition of meetings outside labour exchanges – the ‘Trenchard Ban’.² Duncan was charged with obstruction when she attempted to hold a meeting outside the London County Council Task Centre at New Cross and erected a notice in the street bearing the words ‘Sedition - Meeting at the Test Centre today (now) 1 pm’.³ Duncan was fined £2 and ordered to pay five guineas costs. Special Branch officers attended the hearing, anticipating that the NCCL would endeavour to make it an important case.⁴ The NCCL did take the case to the court of appeal in October 1935 but despite legal representation by D N Pritt KC, the magistrates ruling was upheld. The NCCL considered the ruling to have serious potential. It appeared to allow the police to prohibit any meeting ‘at which some speaker might in their view say something which might lead someone else to say something which might lead to a disturbance somewhere else’.⁵ Although the case was lost, it generated debate and publicity for the NCCL and for its campaign to expose misuse of police powers.

The prosecution of the Cambridgeshire police following interference with pacifist activities at an air display at Duxford aerodrome on 6 July 1935 was more successful. Literature being distributed during the show by Dr. Wooster and other members of the Cambridge Anti-War Council was seized by Cambridgeshire Police under instructions from the Chief Constable to ‘confiscate anything of a communist flavour’.⁶ Sergeant Sussum, who carried out the confiscation, alleged that he did so to avoid a breach of the peace amongst

² A series of meetings and demonstrations, organised by the NUWM, held outside labour exchanges to protest about cuts in dole payments led to the Commissioner Lord Trenchard banning meetings in the vicinity of public buildings. This became known as the ‘Trenchard Ban’.

³ HO 144/19284, *Law Repts*, 1936 Vol.1. KB & P, Part III – March 4 Duncan v Jones, p.219.

⁴ *Ibid*, Special Branch report, 7 August 1934.

⁵ NCCL, DCL 48/1, NCCL News Sheet No.2, October 1935.

those who may have objected to the content of the literature. Kidd was of the view that police forces around the country had been given instructions from the Home Office to make things difficult for pacifists and left-wing propagandists. He believed that the police were too often allowed to get away with irregularities on small technical points and considered that any good cases such as Duxford and similar events should be 'vigorously pressed'. Summonses were issued by the NCCL against the Cambridgeshire Chief Constable William Varney Webb and Sergeant Sussum.⁷ Counsel for the police argued that Sussum was justified in seizing literature to prevent a breach of the peace even though he admitted that, although some adverse remarks were made, there was no attempt by anyone to cause a breach of the peace. In court the NCCL referred to 'similar illegal police interference with pacifists' at Hendon air display a few weeks earlier, and to the 'great volume of evidence' that the organisation had collected on the 'provocative and illegal actions in which the police [...] engage against pacifists and left-wing propagandists'. The case was found in favour of Dr. Wooster. In awarding nominal damages of one pound against the police the judge concluded, 'In acting as he did, I consider that the sergeant went rather beyond what he was in law entitled to do'.⁸

Again the matter presented an opportunity for press exposure and debate in the House of Commons. Liberal MP Harcourt Johnson argued that 'a great many honourable Members feel some uneasiness about what appears to be a tendency or inclination to suppress pacifist demonstrations'. He asked for the assurance of the Home Office that it was not the practice of the police to assume that the distribution of pamphlets and the display of banners and posters in the pacifist interest amounted to an incitement to violence. Liberal MP Edward Mallalieu suggested that police actions at Duxford, and at similar events at Mildenhall and Hendon, gave the impression that 'the impartiality hitherto shown by the police towards opinions which may not be very widely held [or] very popular has not been quite so

⁸ *Cambridge Daily News*, Friday 13 December 1935.

apparent'. He argued that the 'peacefulness which has hitherto marked our great demonstrations is by no means attributable only to the police' and that it would be 'a great misfortune if [...] we got into the habit of thinking that the police must necessarily be right'.⁹

Examples of the policing practices that engendered grievances on the political left are not uncommon. The Commissioner's plans for policing a BUF meeting at the Albert Hall in October 1934 included the proposal to advise Mosley that police would be positioned inside the hall 'to assist, if necessary, to eject men resisting violently'. There was no reference to preventing fascist speakers inciting opposition by the use of provocative, anti-Jewish language.¹⁰ Similarly, at a BUF meeting at Stratford Town Hall in July 1935, a senior police officer with 23 uniformed police officers positioned at various points inside the hall could be satisfied that 'there was no cause at any time for police interference', even though NCCL observer Muriel Lorant claimed to have witnessed serious assaults by fascist stewards at the event.¹¹ Sergeant Albert Hunt noted fighting between hecklers and stewards when Mosley attacked Jewish influence on the City of London with statements such as 'The big Jew puts you in the unemployment queue by the million and the little Jew sweats you'.¹² Hunt's statement that the police took no action when some 15 people were 'roughly ejected' by Blackshirt stewards is consistent with Lorant's allegations that 'police made no effort whatever to interfere' with fascist violence or provocation.¹³

The NCCL's activities in opposing police policies focused on the control of the political left attracted a significant body of press and parliamentary support. Richard Thurlow has argued that the Special Branch view of the NCCL as an organisation whose policy making

⁷ Cambridge University, Needham Papers K.35, letter from Kidd to Maurice Dobb, 10 July 1935.

⁸ NCCL, DCL 48/1, National Council for Civil Liberties News-Sheet No.3, January 1936.

⁹ Hansard, *Official Report Fifth Series, Parliamentary Debate, Commons*, 16 July 1935, vol.304, col.947.

¹⁰ MEPO 2/3080, Extract from Minutes from the Commissioner to A.C.A. 19 October 1934.

¹¹ Ibid, Statement of Chief Inspector G Slatter, 24 July 1935.

¹² Ibid, Statement of PS Albert Hunt, 24 July 1935.

¹³ NCCL, DCL 8/2, Letter from Muriel Lorant to Kidd, 25 July 1935

machinery was firmly in the grip of the CPGB prevailed, and that NCCL protests were officially disregarded.¹⁴ Thurlow's argument does not take account of official responses to the wider influence the organisation was able to exert through parliamentary and legal representations. It did not escape the notice of Special Branch that, through its contacts in the House of Commons, the NCCL was able to ventilate questions on individual complaints or irregular action by the police. It was feared that 'sooner or later a mistaken arrest by the police of a "suspected person" may provide for it a handle by which it can raise a storm of controversy'. By the middle of 1935, when the NCCL's intention to set up an inquiry into the conduct of the police was broadcast in a national news summary by the BBC, Special Branch were prepared to credit Kidd with having built up a movement that had the sympathetic ear of a substantial section of liberal-left press and the potential to 'prove a formidable source of anxiety to the authorities'.¹⁵

The Police Discrimination Campaign

In the summer of 1935 the NCCL's second newsletter of the year announced its proposal to set up a public Commission of Inquiry into the conduct of the police. It claimed that success in a number of cases contested in the courts in little over a year of its existence had prompted a belief that successful legal action 'may have an effect on the conduct of the police on a subsequent occasion and may prevent practices, hitherto illegal, becoming standardised through lack of effective challenge'.¹⁶ Kidd was considered to have 'understood very well all about the police' and to have shown exceptional persistence in challenging police prosecutions.¹⁷ It was, however, Hugh Franklin the NCCL's treasurer whose proposals

¹⁴ Thurlow, *The Secret State*, pp.169-72.

¹⁵ HO 45/25462, Special Branch report on Ronald Kidd, 19 November 1935.

¹⁶ NCCL, DCL 9/2, The National Council for Civil Liberties newsletter, Commission of Enquiry into the conduct of the Police, 1935.

¹⁷ Scaffardi Papers DSF 4/2, Barry Cox interview with Kingsley Martin, c.1969.

launched the campaign against police discrimination.¹⁸ It is not clear whether the Executive Committee of the NCCL appointed a Chairman and four other members of a Commission as Franklin proposed, but a debate around whether the legal sub-committee should select cases for the inquiry on the basis of maximum propaganda for the organisation, or whether a full hearing should be given to all cases submitted by the legal sub-committee, appears to have settled on the latter. Franklin considered this latter course essential if the campaign were to 'carry any weight with authority and the thinking public'. He viewed the question as essentially 'whether we want to provide a background for ourselves or whether we want seriously to curb infringement of civil liberty'. Franklin's motivation stemmed from his experiences of his suffrage days. He did not subscribe to the view that the police were 'getting worse, or that their abuses are any new thing', he observed

Those of us who remember Black Friday and the unofficial Commission's report on that and similar days also remember how then police used to attack women's sex and twist their breasts and knocked them senseless – many of my friends having died or remained cripples in consequence. [...] we are up against something rather bigger than just a Trenchard reaction or a fascist urge. Authority always has used the police to browbeat protagonists of constitutional change and the job of the NCCL – which to me is not just an ad hoc organisation to stem a sudden or new evil – is permanently to provide a watchdog of civil liberty against any and every abuse of any and every government.¹⁹

Franklin had been associated with the earlier pacifist organisation also known as the National Council for Civil Liberties that had had broadly similar objectives.²⁰ He regarded the proposed commission as long overdue and considered the NCCL were merely 'selecting an expedient moment' to set up what might become a permanent institution. The inquiry was, however, to have a broader remit than 'merely the question of possible political discrimination', issues such as unsatisfactory methods of obtaining evidence and the arrest of suspected persons were to be considered.²¹ Kidd assumed an importance for the NCCL's Commission of Inquiry to equal that of the Royal Commission on Police Powers of 1929. He

¹⁸ NCCL, DCL 9/2, Letter from Hugh Franklin to Kidd, 12 August 1935.

¹⁹ Ibid.

²⁰ See chapter 4 p.129.

²¹ NCCL, DCL 9/2, The National Council for Civil Liberties newsletter, Commission of Enquiry into the conduct of the Police, 1935.

suggested that just as the Royal Commission had revealed 'certain disquieting tendencies in police administration', so the 'number of complaints of irregular action may possibly indicate that there are certain practices in police administration, the continuance of which is not in the interests either of the Police or of the Community as a whole'.²²

The forthcoming Public Commission of Inquiry was 'accorded wide press publicity'.²³ At the same time, Kidd scoured the newspapers for court cases and incidents relating to police behaviour, and in October 1935 he wrote directly to a number of organisations including the Transport and General Workers Union, the NUWM and the Secretary of the Communist Party, appealing for material. He wrote, 'You will no doubt have in your files a great many instances of police irregularities, which can usefully supplement the cases of which we have records'. He asked for details of

- (a) police bans of processions and demonstrations, interference with poster parades etc.
- (b) police conduct of (sic) processions – alleged perjury, bullying, exclusion of witnesses etc.
- (c) alleged assaults, ill-treatment and intimidation by officers²⁴

and required a 'brief statement of the facts with particulars of date, place, constable's number, names and addresses of witnesses etc.' Kidd concluded 'it would only be worthwhile sending us cases in which the allegations could be substantiated'.²⁵ This last requirement indicated not only the finite nature of the NCCL's legal resource but also Kidd's reluctance to involve the NCCL with hearsay or spurious allegations. The list of recipients of Kidd's request reflects the understanding that those most likely to have experienced police discrimination were labour and communist organisations and the individuals who supported them. The inclusion of the Communist Party in the request for information does, however, suggest that the NCCL initiated the contact and that the inquiry was not under Communist Party direction. The Secretariat of the CPGB London District Committee advised that they

²² Ibid.

²³ HO 45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935, p.15.

²⁴ NCCL, DCL 9/2, Circular letter from Kidd to The Communist Party, the NUWM, the Transport & General Workers Union etc., 11 October 1935

were 'communicating with all our local organisations asking them for specific instances' and sent 'best wishes for the success of your investigation and campaign'.²⁶ As local branches of the Communist Party routinely held meetings that were at risk of police interference and their supporters attended fascist meetings with the object of challenging speakers, they were naturally to feature amongst Kidd's contacts.

Interest in the campaign was not, however, confined to the radical left. Responses came from the mainstream political parties, labour organisations, members of parliament and the general public. Allegations that reached the files of the NCCL ranged from intimidation, assault by police officers, police partiality, wrongful arrests and interference with meetings to the handling of motoring offences, and insensitivity in dealing with victims of crime and misfortune, some of which Kidd politely declined to pursue. Mrs Mattershead who alleged victimisation by the police of her son and had been 'given your address by the Sunday Chronicle',²⁷ and Mr Margerison who complained of police behaviour towards a relative following a burglary who had read in the Sunday Chronicle that 'your society was about to have a police inquiry',²⁸ received courteous thanks for their interest and an explanation of the role of the NCCL. To one disgruntled motorist Kidd replied, 'we are fully aware of the very unsatisfactory behaviour on the part of the police which is frequently met with by motorists and other people'. He went on to advise that the NCCL were 'limited by our financial resource to those cases of police irregularities which appear to involve a clear issue of civil liberties'.²⁹ Kidd himself was not entirely against the idea of assisting convicted motorists, 'if we have information of good cases which seem to involve questions of propriety of police action'. However, legal advice from barrister Norman Wiggins, suggested there was little

²⁵ Ibid.

²⁶ Ibid, Letter from The Secretariat, Communist Party of Great Britain London District Committee to Kidd, 15 October 1935.

²⁷ Ibid, Mrs E Mattershead to Kidd, 25 August 1935.

²⁸ Ibid, B Margerison to Kidd, 16 August 1935.

²⁹ Ibid,, Letter from Kidd to Fairchild, 5 November 1935.

chance of a successful legal challenge where motoring convictions were concerned.³⁰

Wiggins' advice was sound. Kidd had been keen to defend James Thomson of the Edinburgh School of Natural Therapeutics charged with exceeding the 30 mph speed limit. Thomson maintained the police were not in a position to verify his speed since the police vehicle could not sustain a constant speed of 30 mph. He was convicted and his appeal was dismissed.³¹ Nevertheless, the subsequent press coverage drew much attention to police irregularities as an issue that struck a cord with the growing motoring public. Kidd's interest in police behaviour towards motorists was not misplaced. During the period 1 January to 31 December 1935 recorded complaints for the Metropolitan district relating to motorists and the handling of motoring offences totalled 951, which represented 57% of all complaints received within the district for the year.³² These complainants could obviously represent a considerable potential body of support for the NCCL.

It is doubtful whether a Commission of Inquiry as such was ever established, but the police discrimination campaign continued and was to gather pace as the policing of public order became increasingly focused on anti-fascist opposition to the anti-semitic activities of the BUF. However, the most significant outcome of the campaign and the exercise to gather evidence for an inquiry was the contribution it made towards establishing the NCCL as *the* point of contact for complaints against the police. Kidd's proactive involvement with the various interests in police powers and civil liberties across the political spectrum had created an environment where individuals and organisations were both encouraged to advance complaints of police irregularities in the expectation that they would be pursued with the authorities, and were confident of receiving free legal advice and representation. Kidd's own understanding of what police officers were legally entitled to do was remarkably comprehensive and well respected. He encouraged prompt contact with his office 'by letter

³⁰ Ibid, Letter from Kidd to Norman Wiggins, 25 October 1935.

³¹ Ibid, Letter from Thomson to E.M.Forster, 15 October 1935.

³² MEPO 2/7237, Annual summary of complaints against the police recorded during the period 1 January to 31 December 1935.

or telephone' on any matter believed to 'constitute an infringement of civil rights'. A copy of the NCCL leaflet *Instructions to Branches, Members and Affiliated Societies*, which described the 'numerous ways in which our liberties may be infringed and the manner in which such infringements should be reported' was available from the Council for the price of a three-halfpenny stamp.³³ It does appear that it became routine practice for individuals and organisations that held, or regularly attended, meetings to telephone Kidd for advice during or immediately following an incident. This was the case at a Young Communist League meeting where police attempted to close one political meeting so as to allow that of an opposition party. Kidd advised Lionel Jacobs to give him the 'fullest report possible' supplying the names and addresses of witnesses as 'it might be useful to get in touch with them if the police repeat their tactics'.³⁴ Similarly the Poplar branch of the CPGB sent 'full particulars in connection with the arrest of Ernest Wilson',³⁵ and the Ilford Trades Council and Labour Party particulars of four arrests for using insulting words and behaviour that had taken place the previous evening,³⁶ both made reference to previous telephone conversations. In the case of a Communist Party meeting at Bergen Wharf near Rotherhithe tunnel, closed by police whilst a fascist meeting was allowed to continue at the same location, the report was 'phoned through to the NCCL [whilst] the fascists were still speaking'.³⁷

There were a number advantages to this immediacy for Kidd. Firstly, he could only maintain credibility with lawyers and members of parliament by ensuring that there was accurate and timely evidence to support allegations of police irregularities. It was vital that rapport was established and information gathered as soon as possible after an incident had occurred. Secondly, it established the NCCL as the first point of contact for complaints of

³³ NCCL, DCL 48/1, National Council for Civil Liberties Newsletter, October 1935.

³⁴ NCCL, DCL 8/3, Letter from Kidd to Lionel Jacobs, 1 September 1936.

³⁵ Ibid, Letter from T.E.Roycroft to the Secretary of the NCCL, 28 September 1936.

³⁶ Ibid, Letter from Ernest Kimpton, Ilford Trades Council and Labour Party to the secretary of the NCCL, 11 October 1936.

³⁷ NCCL, DCL 8/4, Report of police interference with meeting, 3 March 1937.

police irregularities and finally, as Special Branch observed, it allowed the NCCL to show the radical left how to challenge police behaviour more successfully.

There were three distinct activities by which the Council was able to maintain this watchdog role. First, the press was an important source for details of police actions and complaints against the police as well as for propaganda and the promotion of NCCL activities. Secondly, legal advice and representation was made available free of charge and many police prosecutions were successfully defended through the NCCL's network of lawyers and barristers. Finally, it was able to get questions raised and issues debated in the House of Commons through a group of MP contacts that amounted to a civil liberties lobby in Parliament.

The National Council for Civil Liberties and the Press

Effective press propaganda was recognised by the NCCL from the outset as one of the means by which its success would be achieved.³⁸ Its journalistic connections were important. Its first Annual Report published in April 1935 acknowledged the 'excellent support' the organisation had received since its formation from the *Manchester Guardian*, the *News Chronicle*, the *Star*, the *Daily Herald*, the *New Statesman* and *Time and Tide* that had greatly helped the Council in 'all its propaganda work'.³⁹ Special Branch noted with concern the sympathetic support for the NCCL 'not only of the Communist and Independent Labour Party press' but also of the liberal press. It highlighted particularly press coverage such as that of the proposed NCCL Commission of Inquiry into the Conduct of the Police in the *News Chronicle* and the *Daily Express* on 25 November 1935, that reported the interest of a group

³⁸ See chapter 2 p.58-9 for discussion of the NCCLs initial aims.

³⁹ Scaffardi Papers DSF 1/1, NCCL Annual Report for 1934, April 1935.

of MPs in the numbers of arrests of 'suspected persons' in London who were subsequently acquitted of any charge.⁴⁰

Press reports were also a vital source of information for the NCCL. The files of the NCCL at the University of Hull contain an extensive collection of press cuttings, some apparently collected by Kidd himself but mostly supplied by *Durrent's Press Cuttings* or the *International Press-Cutting Bureau*. They cover all aspects of civil liberties, fascist activities, the actions of the police at public order events, arrests and complaints against the police. The cuttings were taken from provincial papers across the country such as the *Yorkshire Post*, the *Malvern News*, the *Bristol Times*, from local London papers such as the *Hackney Gazette*, the *Stratford Express*, the *Lewisham Borough News* as well as from the national press and weekly publications such as *Time and Tide* and the *New Statesman*.⁴¹ Where there was a possibility of further publicity or the potential for legal action or a formal complaint Kidd followed the matter up with the editor or by contacting the writer with a request for further details. For example Kidd was in correspondence with Professor Haldane following a press report of fascist demonstrators shouting down his address to University College in London. Kidd wanted to take up the matter of why so few fascists were arrested. Similarly, Kidd was in discussion with Dagenham Labour Party following press reports of fascist inspired disorder at its meetings. Kidd was anxious they should be aware exactly what the police were entitled to do.⁴² Individuals who were able to provide witness statements to NCCL inquiries or evidence of police actions for presentation to MPs were sought in this way. Kidd's approach to Norman Pennington in response to his account in the *Manchester Guardian* of the violent treatment that his friend had received at Olympia, is an example. The

⁴⁰ HO 45/25462, Special Branch Summary Ronald Hubert Kidd, 19 November 1935 and 20 January 1936.

⁴¹ For examples see NCCL DCL 39/1

⁴² NCCL DCL 39/1, Correspondence between Kidd and Prof Haldane, 8 and 9 March 1939 and letter from Brockelbank, Dagenham Labour Party to Kidd, 27 July 1936.

NCCL were considering whether to hold an inquiry into the policing operation at Olympia and Kidd wanted to make contact with Pennington's friend as a potential witness.⁴³

The National Council for Civil Liberties and legal representation

The provision of free legal advice and representation was an important aspect of the NCCL's objectives. According to Sylvia Scaffardi it was initially down to one man, W.H.Thompson who was 'key to all our legal work'. Together with the young barristers Dudley Collard and Neil Lawson, who were under his instruction, he defended a 'phenomenal' number of cases for the NCCL day after day in the 1930s. Scaffardi recalled that

after a while they began to rope in other barristers from the Haldane Society [...] and we formed a legal panel which relieved a little the pressure on them. All this work was, of course, for no fee. NCCL never paid anyone for legal work.⁴⁴

Kidd's enthusiasm for individual rights and persistence in fighting the police through the courts won him a good deal of respect. Kingsley Martin recalled he had 'a whole number of lawyers who were prepared to fight for him'.⁴⁵ Some of those with whom he was in contact came to regularly defend NCCL cases, others may have acted on isolated occasions. Most had no other apparent connection with the organisation beyond an affinity with its objectives. Special Branch identified this legal panel as a Communist Party fraction under the control of Dudley Collard and in close association with the Haldane Society.⁴⁶

Some of the NCCL's legal representatives may well have been associated with the Haldane Society but it is unlikely the legal representation of the organisation was under the

⁴³ NCCL DCL 40/1, Letter from Norman Pennington to Kidd, 29 June 1934.

⁴⁴ Ibid, DSF 4/2, Barry Cox interview with Sylvia Scaffardi, c.1969.

⁴⁵ Ibid, Barry Cox interview with Kingsley Martin, c.1969.

⁴⁶ The Special Branch intelligence relating to communist interest in the NCCL and the Haldane Society through a 'legal panel' will be discussed in greater detail in chapter 8.

control of such a group. A case in point is the defence of four youths arrested at fascist meetings referred to Kidd by Norman Kennedy.⁴⁷ Kidd's choice of barrister to represent them is very unlikely to have had Communist Party connections. Kidd arranged for Barrister T.F. Southall to defend the youths but suggested to Kennedy 'you might like to explain to the four accused that Mr Southall is a young Conservative barrister who is very strongly anti-fascist and very sound on the question of the police interfering with the civil rights of the people'. He went on to warn 'he is a very good man but you should explain to your friends that they should not upset him with any communist propoganda'. Kidd was anxious that Southall should defend these cases because he thought he would carry a good deal of weight with Sir Alfred Bait MP, who Kidd hoped might be persuaded to act as a witness.⁴⁸ Kidd was not at all impressed when Kennedy failed to inform him of the result of the case and he had therefore not had an opportunity to thank Southall for giving up his 'professional time'.⁴⁹ Kidd was always very careful to express his gratitude to those who gave their time to the NCCL. To Barrister Glanville-Brown, who defended a Mr Lamb arrested for obstruction by a plain-clothes officer who did not identify himself as a police officer, Kidd wrote, 'I should like to thank you warmly for your kindness in undertaking this case at considerable inconvenience'.⁵⁰ Again to Barrister W.A.L.Reaburn, who acted in the case of Mrs Sime Seruya roughly handled by the police following her arrest with her son for distributing anti-fascist literature Kidd wrote, 'I want to thank you again very warmly for the case. We appreciate the way you have sacrificed your time'.⁵¹

Kidd commiserated with law firm Alder and Perowne, who were unsuccessful in the case of two men, Price and Salisbury arrested under suspicion,

I regret that finally these cases did not prove to be more satisfactory, but I feel that it is a great advantage that legal defence shall be provided

⁴⁷ Kennedy was described in police files as one of the principal speakers and organisers of local communist and anti-fascist meetings, see MEPO 2/3079.

⁴⁸ NCCL, DCL 8/2, Letter from Kidd to Norman Kennedy, 5 July 1935.

⁴⁹ Ibid.

⁵⁰ NCCL, DCL 9/3, Letter from Kidd to Glanville-Brown, 6 May 1936

⁵¹ NCCL, DCL 8/3, Letter from Kidd to W.A.L.Raeburn, 30 October 1936

in some of these cases of suspected persons, as these cases are increasing so greatly in number and these charges are so often brought on totally insufficient grounds'.⁵²

Kidd acknowledged that there was 'nothing political' in the case of Salisbury and Price but he considered that the number of arrests 'on mere suspicion' had increased 'to the proportion of a public scandal' and many of the arrests were 'so grossly unsatisfactory [...] that the whole question does involve a principle of civil rights'. It was, in Kidd's view, 'perfectly clear that young plain clothes officers in some cases do not exercise sufficient care to prevent injustice being done [...] in order to show themselves zealous officers'.⁵³ These cases were obviously of interest to the NUWM leaders who regarded the unemployed as under constant threat of arrest and considered that, 'fellows are afraid to stop in the street after leaving the Labour Exchange'.⁵⁴ However, interest came too from those who were providing for the poor. Mrs. Scott Dorrien, founder of St. Peter's Kitchens, provided the NCCL with details of arrests and was 'only too happy for you to use my name in connection with any of the instances that I have given you'.⁵⁵ Kidd had information on 'some very flagrant cases' reported by 'the Vicar of a Manchester parish', 'the vicar of an East End Parish' and 'by an assistant priest at a church in Central London'.⁵⁶ NCCL lawyers had successfully appealed against the sentences in a number of these cases.⁵⁷

Ambrose Appelbe, with whom Kidd was on first name terms, regularly defended cases for the NCCL. Appelbe acted for 15 year old Richard Spicer, charged with insulting behaviour after heckling at a fascist meeting in Hampstead. He had been bound over in the sum of £5 and banned from attending fascist meetings for one year. The police had applied the ruling to prevent Spicer from attending any political meetings and he had been cautioned several times even though he had not been at fascist meetings. Kidd generally considered that

⁵² NCCL, DCL 9/3, Letter from Kidd to Alder and Perowne, 13 October 1936.

⁵³ Ibid, Letter from Kidd to Frank Whitworth, 11 September 1936.

⁵⁴ Ibid, Letter from the Secretary Stepney NUWM to Kidd, 14 September 1936.

⁵⁵ Ibid, Letter from Mrs. A. Scott Dorrien to Kidd, 21 September 1936.

⁵⁶ Ibid, Letter from Kidd to Mrs Scott Dorrien, 18 September 1936.

lodging complaints with the Commissioner or local police was a waste of time and likely only to receive a whitewashing response but in this case he seized the opportunity to provoke the Hampstead police. He asked Appelbe to write to the Superintendent at Hampstead police station to complain that 'the police have exceeded their authority'. Kidd knew some of the Hampstead Inspectors personally and considered that 'one or two of them are very high-handed and dictatorial'.⁵⁸ He acknowledged that the letter would invoke the usual postcard response advising that 'your letter has been forwarded to Scotland Yard for attention' but he considered it 'very useful that letters of this kind shall be sent to the local police as they then have the opportunity of reading all about themselves before passing the letter on to the Yard'.⁵⁹

Most of the cases taken by the NCCL were routine and often trivial. They did not make the national press, but many were successful. Malcolm MacFarlane, distributing leaflets outside Camberwell labour exchange, was charged with insulting behaviour when he questioned a police officer's demand for him to move. The case was dismissed, the magistrate was 'satisfied that there was no danger of a breach of the peace'.⁶⁰ MacFarlane's union, the Construction Engineering Union, inserted a paragraph on the case in their journal, 'in order to advocate the need to support the National Council for Civil Liberties'.⁶¹ James Carter, a speaker for the NUWM, received a settlement of £10 damages and an apology for the behaviour of a police constable who 'regretted that in the heat of the moment he acted in a somewhat hasty and offensive manner'. P.C. Yeatman had punched Carter in the jaw and offered to take his uniform off and 'go round the corner'.⁶² Henry Atkins, charged with using insulting words and behaviour, had been chalking advertisements on the pavement for a Labour Party film show and had disputed the constable's accusation that he had pushed

⁵⁷ DCL 48/1, NCCL News-Sheet No.4, August 1936.

⁵⁸ NCCL, DCL 8/4, Letter from Kidd to Ambrose Appelbe, 18 December 1936.

⁵⁹ Ibid, Letter from Kidd to Ambrose Appelbe, 22 December 1936.

⁶⁰ NCCL, DCL 9/3, Letter from Kidd to MacFarlane, 1 October 1936.

⁶¹ Ibid, Letter from G. House to M. MacFarlane, 28 September 1936.

⁶² Ibid, Letter from Davenport Lyons Barker to The Secretary of the NCCL, 10 May 1939.

people off the pavement. The charge was dismissed'.⁶³ The NCCL were not in a position to help in every case. On some occasions it was simply a matter of there being no barristers available. This was the case in the request for legal representation from the Associated Society of Locomotive Engineers and Firemen for two of their members in Workington. They were advised to try a local solicitor.⁶⁴ Although the NCCL did have branches around the country, in areas where they were not aware of influential individuals locally, they could offer little direct help. The Anti-fascist League in Norwich requested NCCL observers following clashes between fascists and anti-fascists. Kidd was forced to decline as there was 'no branch close by' and he did not know of volunteer observers in the area. Instead he advised the organisation to 'get in touch with any progressive minded solicitors, barristers, doctors, school masters or ministers of religion in your town and find out whether they would be prepared to help you make a protest to the police'.⁶⁵

Kidd considered the merits of a case before taking it on. The case of A.E.Wise that related to Special Branch investigations offers a good example. Detective officers had made enquiries at Odham's Press, Wise's employer, implying that he was a 'dangerous character' and was under investigation 'in view of the forthcoming coronation'. Wise wanted to sue the Commissioner of Police for defamation of character. Kidd advised against it unless his manager was prepared to act as a witness, but suggested that 'it might be possible for us to draft a question to be put down in the House of Commons or to make a protest to Scotland Yard'.⁶⁶ Similarly in the case of Peter Dob, a 19 year old public schoolboy and son of a York doctor. Seeking permission for the exhibition of a film in support of the Spanish Medical Aid fund, Dob discovered he was on record as a 'Communist agitator and distributor of Communist literature'. The York Labour Party took up the case with the NCCL on behalf of Dob who was Secretary of the local Left Book Club and a member of the Labour Party's

⁶³ Ibid, Solicitors report on case, Police v Atkins, 21 March 1939.

⁶⁴ NCCL, DCL 8/2, Correspondence Kidd and Percy Collick, September 1935.

⁶⁵ Ibid, Letter from Kidd to A. Dickerson, 1 October 1935.

⁶⁶ NCCL, DCL 9/3, Letter from Kidd to A.E.Wise, 14 January 1937.

League of Youth.⁶⁷ Kidd advised canvassing sympathetic Labour support on the Watch Committee but agreed that "further steps might be taken [...] by means of questions in the House of Commons".⁶⁸

The National Council for Civil Liberties and Parliamentary representation

Parliamentary representation was key to the NCCL's ability to progress complaints of police irregularities. The Commissioner's determination to discourage any official or public recognition of the organisation ensured that representations to Scotland Yard were summarily dismissed. However, the Home Secretary was not in a position to avoid questions in the House of Commons or to disregard the representations of Members of Parliament. The NCCL numbered several MPs amongst its vice presidents including George Lansbury, Dingle Foot, Vyvyan Adams, Clement Attlee, D.N.Pritt, Frederick Pethick-Lawrence and A.P.Herbert. They, together with East End MPs Percy Harris, Herbert Morrison, Fred Watkins and Fred Montague whose constituents predominated in the NCCLs dossier of complains against the police, made up the major contributors to the parliamentary debate on police powers and civil liberties.

Kidd lost no opportunity to build rapport with interested MPs and to keep them aware of the NCCLs involvement with incidents in their constituencies. Even trivial matters provided opportunities. Kidd wrote to Fred Montague, 'I understand that you were present at Mosley's meeting in Finsbury Park yesterday and that you are putting a question down in the House this afternoon', he went on to give an account of his friend having been told by a police officer to 'get out of here quick [...] a procession is coming through' when she stopped in Hyde Park to ask directions to the Tea House. The tenuous link to police partiality that allowed fascist

⁶⁷ Ibid, Letter from Cyril Thallon, York Labour Party to Kidd, 19 February 1937.

meetings to interfere with the lawful pursuits of individuals, was much less significant than the dialogue it facilitated with Montague.⁶⁹ Labour MP Tom Groves was an early associate, he had shared an NUWM platform with Kidd as speakers in July 1934.⁷⁰ Groves was involved with the case of Albert Burford who was arrested when he attempted to assist a man injured by a police horse. Burford alleged that he had been taken to 'the back of the fire engine station' where he was 'kicked in the back and punched by a policeman'. Groves attended the police court and paid the fines for Burford and the injured man. He supported the NCCL's campaign and welcomed the holding of an inquiry into police brutality in the locality.⁷¹

Mark Bass, secretary to the South West Bethnel Green Labour Party contacted Kidd with allegations that police inaction had led to a Labour Party meeting becoming disorderly and a police decision to close it. Bass had already written to the Home Secretary and Liberal MP Percy Harris,⁷² but still considered it worthwhile involving the NCCL. Kidd undertook to 'consult some of our lawyers about the various points raised'.⁷³ Bass subsequently involved Kidd in another incident on which he had already approached Labour MP Dan Chater. The incident related to a meeting of the Unemployed Association held in Victoria Park Square disrupted by a group of Blackshirts chanting offensive remarks. Bass alleged that the police took no action to control the hecklers until the meeting became disorderly and then closed it down.⁷⁴ Praising the 'excellent work which you and your Labour colleagues have been doing to check Blackshirt provocation and violence', Kidd asked if Chater would 'be kind enough to put questions in the House of Commons' relating to Bass's complaint and assured him 'our good friend Percy Harris' would co-operate in this matter.⁷⁵ Chater was initially hostile to Kidd's approach. He did not appreciate that 'after discussion with me personally an apparent

⁶⁸ Ibid, Letter from Kidd to Cyril Thallon, 26 February 1937.

⁶⁹ NCCL, DCL 8/2, Letter from Kidd to Fred Montague MP, 22 July 1936.

⁷⁰ NCCL, DCL 9/2, Police Partiality, list of cases, undated.

⁷¹ NCCL, DCL 8/2, Cases Reported, statement made by Albert Burford, 24 July 1935.

⁷² Ibid, Letter from Mark Bass to Kidd, June 1935.

⁷³ Ibid, Letter from Kidd to Mark Bass, 15 June 1935.

⁷⁴ Ibid, Letter from Mark Bass to Kidd, 26 June 1936.

⁷⁵ Ibid, Letter from Kidd to Dan Chater MP, 1 July 1936.

attempt at indirect pressure should be made through your Council', and wrote 'if I am to put questions in this House they must be based on fully attested cases'.⁷⁶ Extremely apologetic but not inclined to waste his opportunity, Kidd suggested, 'if you would be willing to do so, it would be useful to have questions put to the Home Secretary about the incidents'. 'I personally feel that there would be a value in your asking the Home Secretary [...] what he proposes to do about it'.⁷⁷ It is not clear whether Chater did take the matter further on this occasion but he was to become one of those MPs from whom the NCCL could expect support.

Kidd's chance to canvass the support of Labour MP Ben Smith arose from disorder at a fascist march in Bermondsey. Rotherhithe Labour Party had approached the NCCL for any information that may have been collected at the march by observers, 'knowing that your organisation had a great number of people at various parts of Bermondsey'. They were anxious to compile a full record of the event.⁷⁸ Kidd responded directly to Smith offering 'a number of reliable statements'. He was particularly interested in a report that 120 members of the RAF had been present at the march which, despite mingling with the crowd, none of the observers had encountered. Kidd wanted to know if Smith would be one of those MPs planning to raise questions in the House of Commons on the matter and sought a later opportunity to discuss allegations against the police.⁷⁹ Kidd made good use of his contacts and often persuaded MPs on whose support he knew he could count, such as Percy Harris or Tom Groves to approach other MPs on his behalf. He also involved himself with MPs on issues they had already taken up on behalf of their constituents. He was invariably in a position to procure supporting evidence from similar cases defended or progressed by the NCCL and rarely missed an opportunity to impress on them the wider implications for civil liberties and the importance of the NCCL's work.

⁷⁶ Ibid, Letter from D Chater to The Secretary NCCL, 2 July 1936.

⁷⁷ Ibid, Letter from Kidd to Dan Chater, 4 July 1936.

⁷⁸ NCCL, DCL 40/5, Letter from H.C.Balman to The NCCL, 5 October 1937.

⁷⁹ Ibid, Letter from Kidd to Ben Smith MP, 8 October 1937.

Special Branch opinion conceded that, 'largely owing to Kidd's industry and guile, a movement has been built up which bids fair to prove a formidable source of anxiety to the authorities'.⁸⁰ Certainly, the complaints of police irregularities and demands for more effective policing from East End MPs that were to trouble John Simon from the early months of his term as Home Secretary were no coincidence. Kidd's activities had promoted an awareness amongst the liberal left of the political establishment that ensured police powers and civil liberties were on the Home Secretary's agenda and that the NCCL were part of the debate. Conservative MP Austin Hudson drew Simon's attention to the unsatisfactory circumstances of the arrest of a Jewish woman on 1 July 1935, and wrote again on 5 July with allegations of partiality on the part of the police at fascist meetings in Hackney. The Home Secretary was able to assure Hudson that the police were 'fully alive to the fact that fascist speakers direct much of their criticism against Jews' but on received information from the Commissioner he understood that 'no occasion [had] been found to take action in respect of the use of obscene language'. He suggested that an 'erroneous impression' of partiality may have been created amongst Hudson's constituents by the police practice of preventing rival meetings in Victoria Square. No record could be found of the arrest of the Jewish woman.⁸¹ Hudson was not reassured by the Home Secretary's unconvincing response. He was obliged to approach Simon again a few weeks later concerning complaints of ineffective policing that he had received from the British Union of Democrats and the NCCL following an attack by Blackshirts at a 'Peace and Anti-fascism' meeting at Stamford Hill. The British Union of Democrats alleged that whilst fascists speakers received the protection of hundreds of police, only one Inspector and five police constables attended their meeting with an audience of two thousand people. They complained that the police presence was 'totally insufficient to cope with the situation'. As well as Hudson they had contacted Sir Stafford Cripps, the Home

⁸⁰ HO 45/25462, Special Branch report on Ronald Kidd, 19 November 1935.

⁸¹ HO144/21377, Letter from John Simon to Capt. A.U.M.Hudson, 12 August 1935.

Secretary and the Commissioner,⁸² and asked the NCCL to 'take this matter further, whereby we can maintain freedom of speech to all parties in this country'.⁸³ Kidd pressed Cripps to make enquiries of the Commissioner and Home Secretary and asked for his support for the NCCL's Inquiry into the conduct of the police where 'these matters will be ventilated'.⁸⁴ Appraising Hudson of the role of the NCCL and the observations of their 'accredited observers' Kidd wrote

we can state definitely that in almost every part of the Metropolitan Police area large forces of police are always on duty to protect blackshirt meetings from possible interruption or interference but that similar adequate police protection is not provided for anti-fascist meetings and for meetings of left-wing organisations'.⁸⁵

Although no NCCL observers were present at the British Union of Democrats meeting Kidd was confident the complaint was justified since the brutal and unprovoked assaults had required the calling of police reinforcements, and injuries to the chairman of the meeting had necessitated hospital treatment. Kidd suggested that the 'gravest responsibility' rested upon the police for insufficient control of the crowd and asked Hudson to advise him 'what steps you feel able to take to have the matter thoroughly investigated'.⁸⁶ Hudson was 'in entire agreement [...] we must use every endeavour to preserve free speech and prevent incidents of this kind'.⁸⁷ Hudson was forced to remind the Home Secretary 'these complaints are becoming so frequent that I cannot feel that the local police are really handling things as they ought [...] these repeated attacks on free speech and allegations of police partiality are most disturbing'. They were also continuing, he wrote with further allegations of assaults on his Jewish constituents on 20 September.⁸⁸ Hudson again received assurances from the Home Secretary who shared with him the Commissioner's report. Trenchard stressed that the police had no inclination or reason to show preference towards fascists who were the cause

⁸² Ibid, Letter from W.E.Wilson, British Union of Democrats to Capt.. A.U.M.Hudson

⁸³ NCCL, DCL 8/2, Letter and report from G E Wilson, British Union of Democrats to Secretary, National Council for Civil Liberties, 9 September 1935.

⁸⁴ Ibid, Letter from Kidd to Sir Stafford Cripps, 18 September 1935.

⁸⁵ MEPO 3/548, Letter from Kidd to Capt.A.U.M.Hudson MP, September 1935.

⁸⁶ Ibid.

⁸⁷ NCCL, DCL 8/2, Letter from A.V.M. Hudson to Kidd, 13 September 1935.

of much extra work. He revealed that the situation presented him with 'one of the most difficult questions with which I have had to deal' since he found that fascists, although the cause of the trouble, complied with police orders, communists and Jews did not.⁸⁹

Local police were less alert to these difficulties. Allegations that they were unable to deal with the situation were dismissed as groundless. Police reports noted that many of the local residents were Jews who 'attend the fascist meetings in large numbers, and subject the speakers to severe heckling'. Previous meetings had had to be abandoned for that reason and, 'some feeling' between Jews and fascists was noted. The British Union of Democrats was considered to be 'almost entirely composed of the Jewish element'. They regarded statements as much exaggerated and not impartial and found that 'the Jews are as much, if not more, to blame than the Fascists'. Operationally, the police considered local supervision was entirely in hand and peaceful citizens had nothing to fear.⁹⁰ Despite the reassurances, as complaints of fascists attacks and inadequate policing of the Jewish community continued, the Home Secretary was becoming increasingly uneasy. He considered it 'unwise' to discuss in detail cases of assault raised by George Jones, Unionist MP for Stoke Newington. Jones was advised that the police were 'taking active measures to carry out their responsibility for providing protection against assaults in the district' and that meetings were 'adequately policed'. In the case of isolated assaults, the Home Secretary admitted it was 'less easy to take adequate measures' and special police patrols had been introduced into affected districts.⁹¹ Frank Newsam at the Home Office considered the 'possibilities of mischief are so serious that it might be a good thing if the Secretary of State's reply were published in the

⁸⁸ HO 144/21377, Letter from A.V.M.Hudson to Sir John Simon, 13 and 20 September 1935.

⁸⁹ Ibid, Letter from Trenchard to Under Secretary of State, 4 October 1935.

⁹⁰ MEPO 3/548, Home Office minute, October 1935.

⁹¹ Ibid, Letter from Euan Wallace, Home Office to Sir George Jones, 29 October 1935.

district'. A more cautious Russell Scott doubted the wisdom of publication particularly in view of the admission that it was not possible to do much to prevent isolated cases of assault.⁹²

The Commissioner's response to the Home Secretary's investigation of complaints raised by Labour MP Ernest Thurtle again returned the common reaction from Special Branch and the police division concerned - 'nothing known of this incident', 'the feeling existing between fascists and Jews [...] is well known', and 'both parties are equally to blame for the bad feeling'.⁹³ Submitting his report the newly appointed Commissioner, Philip Game, admitted the evidence was 'not very conclusive' and had little doubt that Fascist meetings spread anti-Jewish feeling amongst the 'hooligan element' of the district.⁹⁴ Thurtle's subsequent petition signed by local residents complaining of persecution of Jews by fascists, and specific allegations by a Mrs Ergis of window breaking by fascists in uniform, finally persuaded the Home Secretary that the Commissioner's response would not do. At the same time, Hudson continued to pressure Simon as new allegations of fascist assaults on Jews in his constituency came to light. He wrote 'I am really very seriously perturbed by the situation which is growing in Hackney' and pointed out that in almost every case assaults were the aftermath of fascist meetings at which 'bitter feelings were aroused by the most filthy insinuation as to Jewish religion and habits'. Hudson called for fascist meetings to be prohibited in predominantly Jewish areas and, questioning Game's effectiveness, reminded Simon that 'Lord Trenchard took a very serious view of the situation'. He asked Simon, '(1) To have this particular case investigated. (2) To allow me to discuss my suggestion with the appropriate individuals in your department and with the police'.⁹⁵ Newsam commented that, although some complaints may be exaggerated, there was no doubt that Jews were being molested and a great deal of hatred was being stirred up by fascists. Of Hudson's proposal,

⁹² Ibid, Home Office minute, October 1935. Frank Newsam was responsible for police matters at the Home Office and for the preparation of the Public Order Bill, Sir Robert Russell Scott was Permanent Under Secretary of State 1932-38.

⁹³ HO 144/21377, Police report J Division, Fascists – Alleged Persecution of Jews, 25 November 1935.

⁹⁴ Ibid, Home Office minutes, February 1936.

he doubted that there was any legal power to prohibit meetings and in any case they were fully policed. He observed that 'from the reports sent to the Home Office it appears that provocative language and disorderly conduct very seldom occur at [...] meetings', he suggested that trouble mostly occurred 'when the police were not in evidence'. He recommended a conference be held between the Secretary of State and the Commissioner 'when the whole question of steps to be taken to deal with the fascist behaviour towards Jews should be discussed', and asked for a report from the Commissioner on specific cases raised by Hudson and by other MPs on the general situation. Simon concurred with Newsam's view that Blackshirt abuse of East End Jews should not go unchecked. He observed that 'It is just as provocative of a breach of the peace as abuse of religion or of loyalty to the Crown and the only reason there isn't a row is because Jews are submissive under insult. But they ought to be protected'.⁹⁶

Simon's demands for a comprehensive account of the situation were not pursued as vigorously at Scotland Yard as they might have been. Colonel Carter was anxious that police reports be compared with Special Branch records before submission to the Home Secretary. He observed that 'the Home Office are inclined to be panicky' and suggested they should not rush into a reply.⁹⁷ At Newsam's request the Commissioner gave his account of an unprovoked attack on two brothers aged 13 and 15 and a 16 year old. He confirmed they were struck in the face and one of the boys suffered concussion. A 17 year old boy complained of a similar attack in the same area half an hour later. The Commissioner was, nevertheless, satisfied that the local police were 'fully alive to the situation' and were doing their best to avoid such incidents but 'could not be everywhere at once'.⁹⁸ Simon found the joint operational police and Special Branch report provided by the Commissioner 'disquieting'. One hundred and forty-eight BUF meetings were reported in Shoreditch, Bethnal Green and

⁹⁵ MEPO 2/3087, Letter from Capt. Hudson to The Home Secretary, 13 February 1936.

⁹⁶ HO 144/21377, Home Office minutes, February 1936.

⁹⁷ MEPO 2/3027, Special Branch minute, 21 February 1936.

⁹⁸ HO 144/21377, Home Office minutes 21 and 25 February 1936.

Hackney over the previous four months. There were nine reports of window breaking at premises occupied by Jews, ten incidents of insulting behaviour and thirteen incidents leading to assaults on Jews, over the same period. A number of arrests had been made, most notably that of Richard Houston who, as chief propaganda officer of the Shoreditch branch of the BUF, was considered by the police to be principally responsible for insults and attacks on Jews. Superintendent Canning predicted that with Houston's conviction 'an abatement of the abuse towards Jews in the East End [could] be confidently expected'. Simon did not share Canning's confidence and was not convinced that the police were treating the matter with the seriousness it deserved. He found it was 'clearly necessary to take special steps to stop this Jew-baiting'. He wanted to know why Dixie Dean described in the report as a 'hooligan type of ex-pugilist' who punched a Jewish shopkeeper in the face, was not prosecuted and he remarked 'I don't appreciate the relevance of, "no allegations of fascism",' a term used by Special Branch in relation to some cases of anti-Jewish behaviour. Neither was he impressed by the reported 'absence of dissent' when Jews were abused at Bethnal Green meetings. This was, he observed, 'so much the worse. If the I.F.L. [Imperial Fascist League] are known to distribute labels like "Jews: public enemy No.1". Is not this an offence?'⁹⁹ Game's memorandum fell short of assuring the Home Secretary that his policies were effective. Simon minuted his concerns,

I have never answered Capt. Hudson, I think. Nor, I think, Mr Laski, KC – and I really don't know what to say to them. It is scandalous that Jewish children should be assaulted like this. And I get the impression that some of the police don't appreciate the seriousness of it all. Was not I furnished with a draft answer the other day that the police knew nothing about Jewish shopkeepers' windows being broken? This does not seem to square with the report [...] from Shoreditch.¹⁰⁰

Acting as mediator in the evolving relationship between the Home Secretary and the Commissioner, both relatively new to their roles, Newsam brokered a suggestion that additional police should be drafted into the troublesome districts specifically to keep an eye

⁹⁹ Ibid, Home Office minutes, 25 February 1936 and Special Branch report, 24 February 1936.

on fascist behaviour, and that consideration should be given to prosecuting the ringleaders for sedition in encouraging ill-will between social classes. Dan Chater asked in the House of Commons two days later whether the Home Secretary was aware of the methods of annoyance and persecution employed by fascist organisations towards Jewish shopkeepers in Bethnal Green, and asked whether he would instruct the police to take preventative steps. Simon maintained the public support for police practices and policies that Commissioners could confidently count on, he replied

Yes, Sir. This matter is engaging my close attention in consultation with the Commissioner of Police of the Metropolis. While this class of offence may be difficult to detect and to bring home to offenders, it is intolerable that any section of the population should be subject to these methods and the Hon. Member may be assured that the police will take every possible step to put a stop to them in this country.¹⁰¹

Home Office recognition

The effectiveness of the NCCL's lobbying mechanism and strategy for raising concerns in parliament is usefully demonstrated by a Commons debate on anti-semitism at the beginning of March 1936 initiated by opposition MPs. Notice of questions on civil liberties in the House of Commons meant to Simon, 'some talk about fascism and jew-baiting'. He convened a conference with the Commissioner and Home Office colleagues Geoffrey Lloyd, Russell Scott and Frank Newsam to 'inform himself as much as possible as to the position in London'. The Commissioner suggested that both fascists and communists were inclined to 'trail their coats', but fascists were less likely to rise to the challenge than communists so that a disproportionate number of proceedings were against communists, hence there was 'a superficial appearance of partiality'. Game did not think the situation 'desperate', although fascists were 'tiresome and difficult', he saw no real increase in the activities of the fascists

¹⁰⁰ Ibid, Home Office minutes, 25 February 1936. Evidently the Home Secretary was also in touch with the Board of Deputies of British Jews on the matter, Neville Laski was president of the organisation.

¹⁰¹ *Parl. Debs*, 27 February 1936, vol.309, col.634.

other than the amount of shouting at Jews. It was suggested that communist remarks were just as offensive as those of fascists and the rule had generally been to 'allow both sides a reasonably free hand as to what they should say'. Russell Scott's observation that fascists talked not so much about communism as about 'dirty Jews' secured an acknowledgement that it was fascists rather than communists that set one group of people against another. Simon was not satisfied that the policing of meetings could be considered effective where provocative speeches simply did not produce violence, he suggested that the real question was 'what were their words'. Game was not convinced that curtailing the use of offensive language would do more than lead to an increase in assaults. There was, however, general consensus that additional police should be made available to target difficult areas as and when needed but that any statement made by the Home Secretary 'should not enter into too much detail'. The NCCL's allegations of high-handed police actions both in London and in the provinces were amongst those issues on which the Home Secretary anticipated questions. Russell Scott's advice that matters in the provinces were generally a matter for the local authorities was joined by Newsam's assurance that the Home Office were not instigating the police either in London or outside to take any particular action.¹⁰²

As Simon had anticipated, questions on civil liberties focused on the policing of Jewish communities. Fred Messer, Labour MP for South Tottenham, asked whether the Home Secretary was aware of Jew-baiting in his constituency and whether he would issue special instructions to the police. Simon referred him to his reply to Dan Chater a week earlier. Herbert Morrison opened the debate later in the day by detailing a list of cases of intimidation, verbal abuse and physical violence by known Blackshirts towards the Jewish residents of several East End districts. Morrison referred to anti-Jewish taunts such as 'Dirty Jewish cow' and 'Kill the Jews' that citizens had to endure and to a letter received by Pethick-Lawrence from the IFL suggesting that the 300,000 Jews in the country equalled the number

¹⁰² HO 144/ 21378, Conference with the Commissioner of Police, 4 March 1936. Geoffrey-Lloyd was

of unemployed, with the implication that Jewish immigration was responsible for high unemployment. Morrison was critical of the police for taking no action when incidents were reported to them. Acknowledging his 'general admiration' for the London police and the difficulties of their task, he nevertheless, considered it was their duty to protect individuals from such incidents. He criticised the police courts that often bound over fascists or imposed a minor fine when communists were more likely to receive a prison sentence for a similar offence. Morrison said he had 'no brief for the Jews as such' but considered the situation in East London held 'elements of grave potential trouble'.¹⁰³ In response, Simon admitted to having received a series of complaints and, although he considered some exaggerated, he had no doubt people had been assaulted 'because they have been Jews'. On the suggestion of police discrimination in favour of fascists, he said that he had taken the greatest care to inform himself and was convinced that there was 'no truth at all in the suggestion'. He insisted that he had already spoken to the Commissioner before he had been aware of the debate and it had been decided to detail additional police in these districts to keep a look out for fascist provocation. Simon maintained that he shared with the Commissioner the view that the police were not concerned with the political views of any body or organisation or that they used their powers in any 'partisan spirit'. He concluded that the debate would greatly strengthen their hands and provide them with the public backing they always need to bring about a more tolerable state of things.¹⁰⁴

Home office preparations for the Home Secretary's address to the House had acknowledged that the debate had been inspired by National Council for Civil Liberties. The NCCL's constitution, its claim to 'co-ordinate the activities of political parties and other bodies [...] concerned with the preservation of our civil rights', and its allegations that the right to free speech and free assembly were being 'systematically undermined by departmental encroachments and by police bans which have no legal validity' were the subject of lengthy

discussion. A review of their campaigns, namely, the 'Trenchard Ban' and the Duncan v. Jones case, the rights of the police to enter private meetings and the Thomas v. Sawkins case, police partiality towards fascists at demonstrations, pacifists and the seizure of anti-war literature, and the arrest of suspected persons, formed the background to the Home Secretary's speech. The observation that debate 'cannot but serve a useful purpose in reminding the public – if any reminder is needed - that parliament is still the watchdog of our liberties and will not lightly tolerate any invasion of them', is an indication that the Home Secretary was, by the Spring of 1936, neither complacent nor dismissive of the NCCL and the questions its activities raised for the policing of political activism.¹⁰⁵

¹⁰³ *Parl. Debs*, 5 March 1936, vol.309, col.1595-1603.

¹⁰⁴ *Parl. Debs*, 5 March 1936, vol.309, col.1603-11.

¹⁰⁵ HO 45/25462, Vote on Account, Civil Liberties, 5 March 1936.

Chapter 6

Police Discrimination and the Home Secretary

On 9 October 1936, in the wake of 'Cable Street'¹ and with his public order policy under intense scrutiny, Philip Game wrote to the Home Secretary in terms that he understood as having gone 'far beyond my legitimate province as a policeman'. He wrote he said, not as Commissioner but as 'Philip Game to John Simon', and set out his recommendation that fascist organisations should be declared illegal.² Game's radical proposal did not relate to any concern that fascist organisations in England represented a threat to the established political order but rather to their propensity to provoke anti-fascist and communist opposition. He was confident he could enforce a ban on fascist meetings and marches, as he had done a few days previously, because fascist leaders were in control and preached discipline and obedience to authority. He did not anticipate any real difficulty in policing an outright ban on the organisation. Game considered the real clash, should it eventually come, would not be with fascism but with communism. The violent attack on the police at Cable Street had convinced him that conditions would be very different should he be forced to ban communist activities. He anticipated the authority of the police would be defied and predicted that drastic police action would be needed to enforce the ban with the possibility of serious injuries on both sides. Policemen, he wrote, 'after all, are human and have no great love for the hooligans of the East End'.³

The Commissioner had less enthusiasm for new legislation than his predecessor, but was not in favour of what he regarded as 'half measures'. Banning individual meetings, prohibiting uniforms and the like would, he wrote, lead to 'fresh and more serious trouble'. He

¹ See Introduction footnote 2 p.2.

² MEPO 3/2490, Letter and enclosure from Philip Game to John Simon, 9 October 1936.

advised the Home Secretary that there were only two practicable alternatives to deal with the immediate situation, '(a) to carry on with existing powers and make the best *ad hoc* arrangements we can to deal with each difficulty as it arises; (b) to declare the fascists an illegal organisation'.⁴ Three days later in his official response to renewed demands for public order legislation Game called upon Trenchard's recommendations from July 1934.

Trenchard had placed considerable weight on the prohibition of uniforms but in Game's view this would barely touch the trouble in the East End where it was most acute. He maintained there was 'one new factor of primary importance' since his predecessor had made his recommendations - anti-semitism or 'Jew baiting'. Fascist speakers, he argued, would get across their anti-semitic message whatever clothes they wore. As far as Game was concerned the anti-Jewish propaganda of fascist organisations was a development of the previous year which, he considered, appealed to 'a latent hostility to the Jewish race which most of us have, even if only sub-consciously'.⁵ There was, however, a development that Philip Game had not been prepared to acknowledge either officially or in his personal correspondence with John Simon - the burgeoning civil liberties movement and the part the National Council for Civil Liberties came to play in the articulation of anti-fascist objectives and as a conduit for allegations of police irregularities.

This chapter will explore Home Secretary John Simon's public responses and private concerns relating to allegations of police partiality and tolerance of anti-semitic activities through the ongoing stream of complaints, parliamentary debate and major public order events of 1936 such as at Thurlow Square in March and at Cable Street in October. It will be argued that it was ultimately pressure from Members of Parliament representing Jewish communities and from Jewish organisations such as the Board of Deputies that forced the Home Secretary to intervene directly in the Commissioner's policy for the day to day policing

³ Ibid.

⁴ Ibid, Letter and enclosure from Philip Game to John Simon, 9 October 1936.

⁵ Ibid, Memorandum from the Commissioner of Police of the Metropolis to the Secretary of State, 12 October 1936.

of political activism. The role of the NCCL in informing the debate on the policing of fascist anti-semitism activities will be considered and it will be shown that the organisation occupied a seminal position in the articulation of anti-fascist objectives.

The Albert Hall and Thurloe Square

If we are going to hold enquiries every time Ronald Kidd chooses to say we have exceeded our powers, or been rough, there will be no end to it. I really do not see why we should encourage him.⁶

This was Philip Game's response to the NCCL's demand for an official inquiry into police behaviour at an anti-fascist counter-demonstration in Thurloe Square following a fascist rally at the Albert Hall in March 1936. Despite the Home Secretary's growing anxieties about the effectiveness of aspects of the Commissioner's policing operation, Game was wholly unwilling to account for police actions or to respond to the representations of the NCCL.

The staging of an unofficial inquiry was a means used by the NCCL on a number of occasions to challenge the authorities and to attract maximum publicity to its campaigns. The NCCL inquiry into events at Thurloe Square on 22 March 1936 provides a useful exploration of the tensions between the civil liberties movement, the Commissioner and the Home Secretary. Game had been prepared well in advance for Mosley's British Union of Fascists meeting at the Albert Hall. Always able to engage in amicable dialogue with Mosley and BUF leaders, the Commissioner had received 'ample notice' of the proposed rally some two months before. Game had insisted on ticket only admission and had 'informed' the Communist Party that no formed procession or opposition meeting would be allowed within half a mile of the Albert Hall. Traffic was to be diverted away from the area and a heavy police presence maintained along the routes to the hall.⁷ Canning had advised the

⁶ HO 144/20147, Letter from Philip Game to A.L. Dixon at the Home Office, 8 April 1936.

⁷ HO 144/20146, Memo from the Commissioner, 16 March 1936.

Commissioner that the Communist Party were intent on creating disorder and that the 'hooligan element' were looking forward to the opportunity of smashing fascism. He noted that the NCCL would have observers both inside and outside the hall and accompanying marchers, their 'known object' being to 'collect evidence to prove that on such occasions police discriminate in favour of fascists'.⁸ Mindful of the criticism of police behaviour at Olympia, Game had arranged with Mosley that uniformed police would be inside the hall for the purpose of 'escorting' individuals ejected by stewards out of the building. Police Officers were to take over this responsibility because of the 'somewhat serious fracas at Olympia, [where] the fascists were said to have handled interrupters rather severely in the passages between the actual hall itself and the street doors'. In all some 2,500 police were to be drafted into the area with a further 400 in reserve.⁹

Kidd's public call for observers was published in the *News Chronicle* and at the same time he appealed directly to the Home Secretary to give 'personal consideration' to previous disorderly BUF meetings where, despite fascist violence and provocation, charges generally led to the prosecution of anti-fascists alone. Kidd observed that opposition groups handing out leaflets were common at such events and trouble rarely arose until the police asked them to move on. He asked Simon to give instructions to the police that people handing out leaflets should not be disturbed unless they themselves were causing a disturbance or an obstruction.¹⁰ Kidd's letter was considered at the Home Office to be 'written with the Mildenhall case in mind',¹¹ and it was expected he would make capital out of the reply. Nevertheless, it was decided that the 'polite and respectful terms' of the letter merited a response, 'despite Mr. Kidd's public slander upon the Home Office and the police'. Couching a neutral reply was not found to be easy and the draft underwent three revisions before it was finally sent. The original, suggesting that unless it was necessary to prevent congestion at

⁸ Ibid, Special Branch report by Superintendent Canning, 21 March 1936.

⁹ Ibid, Memo from the Commissioner to the Home Secretary, 24 March 1936.

¹⁰ Ibid, Letter from Kidd to Sir John Simon, 13 March, 1936.

the entrance to the hall or a breach of the peace, the police would not interfere with the distribution of leaflets was rejected in case it gave the impression that, 'special instructions [had] been given to the police to be on their good behaviour'. Newsam's redraft was more inclined towards the Commissioners view - 'while the police [and] authorities are anxious not to interfere with any lawful activities [...] the police will take such action as may be necessary'. The Home Secretary, however, preferred to 'avoid the inference that any interference with what is lawful could be contemplated' and suggested reference to any actions police may wish to take being limited by their public order responsibilities.¹²

Inside the Albert Hall the meeting produced the rowdy opposition to the speakers and aggressive stewarding that had come to be expected at BUF events. Reports in the national press the following day did nothing to dispel the belief that public order policing favoured fascists. Under the headline 'Police Guard Blackshirts', the *Daily Mail* reported considerable trouble in the hall with a number of people being ejected and twelve arrests. Co-operation between police and fascists was implied by statements such as 'Sir Oswald instructed his followers to hand those ejected over to the police'.¹³ *The Times*, equally suggesting collaboration, reported that 'when a banner was unfurled by men and women from one of the boxes police helped the stewards to eject those who occupied it', and 'very few who interrupted escaped being hurriedly carried, feet in the air, from the hall'.¹⁴ The Commissioner was, nevertheless, satisfied with his senior officer's assurance that, 'Sir Oswald Mosley had been very patient and forbearing and interrupters were only ejected after repeated warnings'. He was 'inclined to think that had it not been so well handled by officers on the spot it might have developed into something more serious'.¹⁵

¹¹ This was a reference to the successful prosecution of Cambridgeshire Police for the confiscation of pacifist literature at Duxford. See chapter 5 pp.147-8 for discussion of the Duxford case. Similar incidents occurred at Mildenhall and Hendon.

¹² HO 144/20146 Home Office minutes, 19 and 20 March 1936 and letter to Kidd, 20 March 1936.

¹³ *Daily Mail*, 23 March 1936, p.16.

¹⁴ *The Times*, 23 March 1936, p.14.

¹⁵ HO 144/20146, Memo from the Commissioner to the Home Secretary 24 March 1936.

It was, however, not the events in the hall but in nearby Thurloe Square that were to claim media and public attention. Exhibition Road had been billed as the venue for an anti-fascist counter demonstration and a large number of people gathered there. As it was within the half-mile exclusion limit anti-fascist leader John Strachey moved the crowd to Thurloe Square. The police account suggests they were, in fact, moved on by the police. This was presumably accomplished without difficulty, as there is no evidence that force was used. The meeting, had attracted a crowd of some 2000 to 3000, and had been underway for almost an hour before mounted police arrived. There is no evidence that police constables at the scene during that time were unduly concerned about the behaviour of the crowd. The evidence of Mrs. Geraldine Young, an NCCL observer, implied that it was the arrival of a police inspector that escalated the situation. She testified that the inspector approached one of the police constables and asked

“What is this place”

“Thurloe Square” was the reply

“what is this meeting”

“mainly communist”

“where is the nearest telephone box”¹⁶.

She alleged that the inspector then made a telephone call and within five minutes about 20 mounted police officers and a number of foot police arrived. Police officers made no attempt to contact the speakers or organisers of the meeting, confining their attention to the crowd.¹⁷ Superintendent Ballentyne, the senior officer in Thurloe Square later reported that he had been approached by a man from the crowd who was ‘obviously of communist sympathies’ and had seen D.F. Springhall who he believed to be the organiser of the demonstration ‘go towards the crowd, presumably to address it’. He had spoken only to a man on the edge of the crowd and asked him to ‘persuade the crowd to disperse’.¹⁸ According to the evidence of the NCCL Inquiry, some few minutes later Ballentyne gave the instruction to clear the square

¹⁶ MEPO 2/3089, Report of the NCCL inquiry.

¹⁷ Ibid.

¹⁸ HO 144/20146, Statement made by Superintendent Ballentyne.

and mounted police forced their way into the crowd, drew their batons and started striking people. Many people in the crowd were taken completely by surprise and large numbers were pinned against railings.¹⁹ The *Daily Mail* reported the following day that 'many people climbed 5 ft high railings into the gardens of houses where they remained until police drove them away'²⁰

Dingle Foot, Vyvyan Adams, Percy Harris and Ernest Thurtle were amongst those MPs looking for an explanation from the Home Secretary of police behaviour both at the Albert Hall and in Thurloe Square in the House of Commons. Adams asked whether fascist stewards were to be prosecuted for violent attacks on the audience at the Albert Hall. Harris wanted to know whether mounted police had issued a warning before the baton charge in Thurloe Square and Thurtle asked the Home Secretary to name the police officer who ordered a squad of mounted police to charge the crowd. Dingle Foot led the call for an Inquiry, and asked whether the Home Secretary had read the witness statements made available by the NCCL. Simon promised to make further enquiries assuring the House that the police officer in charge was a most responsible officer and that he himself took responsibility for police actions.²¹ In all 46 individual complaints arising from the Albert Hall and Thurloe Square meetings had been received at the Home Office by the end of March, most of them collected by the NCCL. They were forwarded to the Commissioner for comment by Arthur Dixon.²² Game's response referred to 'long talks' with the Superintendent and Inspector in charge at Thurloe Square. He conceded that it was a matter of opinion whether it had been necessary to break up the meeting. The crowd were, he believed 'out to hold a meeting as near to the Albert Hall as they could' and were 'undoubtedly inclined to be in a nasty temper'. They were blocking the highway, although traffic was light. Both senior

¹⁹ MEPO 2/3089, Report of the NCCL inquiry.

²⁰ *Daily Mail*, 23 March 1936, p.16.

²¹ *Parl. Debs*, 25 March 1936, vol.310 col.1231. Full debate col.1227-32 and col.1361-78

²² Sir Arthur Lewis Dixon was a Home Office official with responsibilities for the police. He had been secretary to the committee under Lord Desborough to review the police service in 1919-1920 and is credited with having modernised the police service.

police officers had wide experience of dealing with difficult areas of London and Game was inclined to 'accept the opinion of the man on the spot'. Game considered many of the complaints received to be 'rather coloured', and suggested that complaints produced by the NCCL were in essence produced by Ronald Kidd and were 'to a certain extent manufactured'.²³ This he concluded despite his acknowledgement that 'several members of the public [...] were treated for injuries', eleven of whom were treated at St. George's hospital²⁴ He quoted hearsay evidence that Kidd had been heard putting words into the mouths of witnesses. He did not think it worthwhile pursuing all the complaints individually and proposed to acknowledge receipt of the complaints and leave it to the NCCL to 'take any further action if they like'.²⁵

Home Secretaries do not easily succumb to pressures for official inquiries into police behaviour and the events at Thurloe Square were to be no exception. With press and parliamentary support Kidd considered he had a strong case and set up an unofficial Commission of Inquiry with the intention of forcing the Home Secretary's hand. The Commission which first met on 10 July 1936 was chaired by Prof. Norman Bentwich, a barrister attached to the Colonial Office in Palestine until 1931 and brother-in-law of NCCL treasurer High Franklin. Other members of the Commission included MP Eleanor Rathbone and J.B Priestley. Witnesses were sought through the national press and 100 signed statements were collected. The inquiry heard evidence from thirty-one witnesses including nine NCCL observers. The objective was to 'confine the evidence to that which would be admissible in a court of law'. The findings of the inquiry were published in a report at the end of July 1936. As only one witness came forward who was prepared to speak in favour of the police it was a one-sided account of events. Nevertheless, witnesses' statements appear broadly consistent. They suggest that the crowd in Thurloe Square was 'quite orderly' within the meeting and the few police present early on had made 'not the slightest attempt to

²³ HO 144/20147, Letter from Philip Game to A.L. Dixon, 8 April 1936.

interfere with the conduct of the meeting until the baton charge took place'. Witnesses describe indiscriminate use of truncheons as 'horrifying' and 'absolutely terrifying' causing 'many screams from the crowd' who were 'taken completely by surprise'. The Commission found that

the evidence of no less than fifteen of the witnesses [...] forces us to the conclusion that the mounted police struck both men and women on the head and shoulders quite indiscriminately, and that they seemed more concerned with inflicting injuries than with dispersing the crowd

The inquiry concluded that the baton charge was carried out unnecessarily, without warning and with a totally unjustifiable degree of brutality and violence that might have caused serious or fatal injuries, and called for an official public inquiry.²⁶ NCCL barrister and secretary to the Commission Dudley Collard on two occasions during the Inquiry invited the Commissioner to present the case for the police.²⁷ The Commissioner, of course, declined. However, Special Branch officers were apparently present and recorded a detailed account of the proceedings. They reported that around 70 people in attendance most of whom were of the middle-class 'intelligentsia' type along with a proportion of 'the working-class element'. The report notes that several people in the audience 'whiled away their time' whilst waiting for the proceedings to start by reading the *Daily Worker*, which was on sale outside.²⁸

Dixon at the Home Office noted that 'in spite of the one-sidedness of the inquiry the report seems to me to give evidence of careful preparation and to merit careful consideration'.²⁹ The Commissioner held a different view. His response referred to the 'so-called Commission' and to witness statements being 'couched in such extravagant terms as to be utterly discredited.' He discounted witnesses who were 'accredited observers for the Council of Civil Liberties', he challenged the conclusions of the Inquiry with counter

²⁴ HO 144/20146, Memo from Philip Game to the Home Secretary, 24 March 1936.

²⁵ HO 144/20147, Letter from Philip Game to A.L. Dixon, 8 April 1936.

²⁶ MEPO 2/3089 Report of the NCCL enquiry.

²⁷ Ibid, Letters from Dudley Collard to the Commissioner, 30 June and 11 July 1936.

²⁸ HO 45/25462, Special Branch report signed by Superintendent Canning, 16 July 1936.

accusations, he referred to evidence being 'brushed aside' and to the contents of signed statements being 'dismissed from their minds'. Witnesses, it was suggested, were 'of the hysterical variety'.³⁰ He concluded

A more biased judgement I have never read and do not consider that either the mental attitude of the Commission or the ability with which they set out their case warrants their being treated so seriously as to agree to their demand for a public enquiry.³¹

He argued that the grant of an enquiry 'would undoubtedly react to a certain extent on police morale and tend to discourage resolute action with sooner or later, but inevitably one day, unfortunate results'.³² He considered the question of whether police took unnecessarily drastic action was not capable of proof one way or the other. Although, he accepted that, 'it may well have happened that individual police officers erred in judgement or behaviour', he concluded that those responsible were 'experienced officers and in the best position to appreciate the whole situation' and that 'without convincing evidence to the contrary, I think their judgement must be accepted'.³³ The Commissioner pointed out that an inquiry would 'take up a lot of police time and energy' when the Force was already occupied with 'a spate of meetings', 'an endeavour to reduce road accidents' and 'a seasonal increase in crime'. He concluded that 'any unprejudiced tribunal would come to the conclusion that the Commission's report was a completely one-sided account' and stressed that his objections to the NCCL's call for an official enquiry were not from 'any anxiety as to the outcome'.³⁴ The Commissioner dismissed the NCCL as

a self-constituted body with no authority or statutory powers, whose principal activity is to criticise and attack the police [...] and which has arrogated to itself the right to set up commissions to inquire into the actions of constituted authorities in the exercise of their responsibility.³⁵

He went on to warn

²⁹ MEPO 2/3089, Home Office minutes dated 23 July 1936.

³⁰ Ibid, Police analysis of NCCL enquiry reports.

³¹ Ibid.

³² Ibid.

³³ Ibid, Memorandum to the Secretary of State from the commissioner dated 17 September 1936.

³⁴ Ibid.

³⁵ Ibid.

If they are accorded an inquiry it will give them some status and encourage their troublesome activities, which have, I think it is true to say, no public backing whatever.³⁶

There were those at the Home Office who were not entirely convinced by the Commissioner's argument. Dixon noted 'it is a pity that it is not possible to test more fully some of the allegations of unnecessary use of force against individual constables'.³⁷ Nevertheless, it was agreed that the Commissioner's objections to an inquiry were conclusive and that the NCCL inquiry had 'elicited no new facts of importance'. The Commission was advised that its report had been given 'careful consideration' and 'no sufficient grounds' could be found for modifying the decision of the Secretary of State.³⁸

Kidd considered the weight of evidence the NCCL Commission was able to gather from official observers and from the immense range of witnesses to events in the square should have persuaded anyone to hold an official Inquiry. He blamed its failure on the lengthy process of bringing together the commission and producing a report of the findings, which allowed the public attention to drift away. Although unsuccessful in its objective, the inquiry was nevertheless worthwhile for the NCCL and was recognised as having generated tremendous support and introduced a raft of new people to the organisation.³⁹ Publicly the Home Secretary had given his backing to the Commissioner's handling of the Albert Hall and Thurloe Square affair. Privately it had done nothing to restore his confidence in the effectiveness of the Commissioner's public order policy.

³⁶ Ibid.

³⁷ Ibid, Home Office minutes dated 23 July 1936.

³⁸ HO 45/25462, Home Office minutes, 21 and 23 September 1936.

³⁹ Scaffardi Papers DSF 4/2 Barry Cox interview with Sylvia Scaffardi, c.1969.

The Home Secretary, the Commissioner and Fascist Anti-Semitism

As Parliamentary pressure intensified during the spring and summer of 1936, coinciding with the NCCL's Commission of Inquiry into police behaviour at Thurloe Square, the Home Secretary showed signs of increasing concern over the effectiveness of public order policing. Most of the civil liberties lobby were from the opposition benches but a question from Conservative MP Vyvyan Adams troubled the Home Secretary sufficiently to lead him to make his own personal enquiries into police behaviour at fascist meetings held in Hampstead. Adams had been an NCCL vice president in the early days of the organisation but had resigned in November 1934 because of the difficulties he faced from his Party as the only conservative associated with the NCCL administration.⁴⁰ He continued to share their convictions and to maintain his connections with the civil liberties movement, and was prompted to raise the question by a letter handed to him by Kingsley Martin and published in the *New Statesman*. Adams asked the Home Secretary if he had had any reports from the police of the Sunday evening fascist meetings at Hampstead Heath and whether he was aware of John Boulting's allegations that police had allowed speakers at a BUF meeting there on 17 May to indulge in obscene references to Jews as 'venereal ridden vagrants who spread disease to every corner of the earth', and had acted as stewards for the fascists throughout the meeting.⁴¹ In response the Home Secretary confirmed that the Commissioner had reported considerable heckling at the Hampstead meetings but on the occasion in question the attention of the police officer present had been distracted by the noisy crowd. He assured the House, as he commonly did in response to such questions, that the police did their utmost to enforce the law but had a difficult task in these matters.⁴² Game had accepted the explanation of the Chief Inspector attending the meeting that he had heard the remark but could not tell who actually said it, and considered his instructions to Superintendents to 'err

⁴⁰ NCCL, DCL 74/1, Letter from Vyvian Adams to E.M.Forster, 17 November 1934.

⁴¹ *Parl. Debs*, 26 May, 1936, vol.312, col.1859-60 and HO 144/21378, Letter from Vyvian Adams to John Simon, 19 May 1936 with letter from John Boulting to The Editor, *The New Statesman & Nation*, 18 May 1936.

on the side of taking action at once in the case of abuse of Jews' had been generally followed. He agreed to follow up the charge that police officers were involved with stewarding the meeting, since this was a 'more definite accusation than I have had before'. Nevertheless, Game viewed questions 'of this kind', from the protagonists of civil liberties, as 'likely to do more harm than good and to militate against the position we want to reach, that is, the maintenance of the right of free speech'.⁴³

The presence of Sir Albert Clavering, a personal friend of the Home Secretary, at a subsequent BUF meeting at Hampstead suggests that Simon was unconvinced by Game's response. The meeting held on 5 July had produced the usual noisy heckling from the crowd. In response to the speaker's remark 'you stand there shouting, but you haven't the guts to come over here and do it' and an indication towards the fascist bodyguard, led a number of youths to rush forward. One of the youths who ignored the Police Inspector's instruction to return to his former place in the crowd was forcibly removed. Another youth demanded the Inspector's name 'for the National Council of Civil Liberties who will raise the matter in Parliament'. Significantly, the protester understood that complaints against the police would not only be taken up by the NCCL but could expect to be aired in parliament. Clavering approached the police officer and asked why the youth was removed when he was just responding to a request from the speaker. Clavering identified himself as propaganda agent of the Central Conservative Office and personal friend of the Home Secretary and said he was there at Simon's request to 'keep observation'. The beleaguered Inspector, with not only observers for the NCCL but also for the Home Secretary on his patch was able to convince Clavering that a breach of the peace would have been the likely outcome had he not removed the youth and to secure his promise of support should a complaint be made by the NCCL.⁴⁴

⁴² *Parl. Debs*, 26 May, 1936, vol.312, col.1859-60.

⁴³ HO 144/21378, Memo from Philip Game to the Secretary of State, 20 May 1936.

⁴⁴ *Ibid*, Report from Hampstead Police Station 'S' division, Meetings-Preservation of Order, 5 July 1936.

Questions of this nature became almost routine – equally routine were the Home Secretary's responses. Fred Watkins pursued the Home Secretary on the situation in his Hackney constituency and wanted to know whether police had been given instructions to deal with attacks on Jewish residents. He was assured that special steps had been taken.⁴⁵ Montague questioned the government's willingness to allow private armies and suggested the purpose of fascist meetings in Finsbury Park was to conduct military formations in an extremely provocative way. He argued that when fascists processed around the park singing 'Yid, Yid, Yid', they ought to be stopped. He was not persuaded by the Home Secretary's denial of any protection or favouritism of fascists.⁴⁶ Percy Harris, Vyvyan Adams and James Hall, MP for Whitechapel pursued the Home Secretary for an assurance that measures would be taken to stop the intimidation of customers and the persecution of Jewish shopkeepers and stallholders. They were assured that it was the desire of both the Home Secretary and the Commissioner to do everything possible to stop such activities.⁴⁷ Harris wanted an explanation of the actions of two plain-clothes officers who broke into the home of the Renshaw family in Bethnal Green without a warrant until a third detective arrived with it. They used violence against Mr and Mrs Renshaw and arrested their son for an offence under the Betting Act. Harris suggested that this was a case of the police being 'too efficient'. He considered that police in the East End had once been of a friendly character but plain-clothes policemen speeding up to people's premises in police cars and breaking in did not make for good relations. Harris suggested that had a uniformed police officer knocked on the door in a civilised way he would not have met an obstructive response.⁴⁸

The special measures that the Home Secretary had promised – the use of additional uniformed police and the use of plain-clothes officers, had moved the problem from one district to another rather than reduced it. The 'deteriorating situation' was the subject of a

⁴⁵ *Debs*, 17 June 1936, vol.313 Col.1008.

⁴⁶ *Parl. Debs*, 22 June 1936, vol.313 Col.1425-8.

⁴⁷ *Parl. Debs*, 30 July 1936, vol.315 Col.1706.

⁴⁸ *Parl. Debs*, 29 June, 6 and 10 July 1936, vol.315 Col.35-36, 815 and 1576-9.

meeting arranged at the request of L.H. Gluckstein MP, for representatives of the Board of Deputies to meet the Home Secretary at the beginning of July. Neville Laski president of the Board admitted that his organisation had failed to persuade Jews to stay away from fascist meetings but warned that the provocative and offensive language used by fascist speakers was bound to incite counter attacks by Jews. He regarded police officers mingling with the crowd as a useless approach and suggested that if trained officers attended the meetings and arrests were made, it would have a salutary effect. Laski shared the Commissioner's view, he argued that fascists gained publicity by provoking disorder and called for fascist meetings to be prohibited under common law on the grounds that they were likely to lead to a breach of the peace. Simon was unwilling to take that step in case it should fail with 'unfortunate' consequences. His offer to make an announcement on the measures being taken did not impress Laski who felt that the best evidence of effective policing would be cases in the courts.⁴⁹ Despite his anxiety Laski was most anxious a few days later to disassociate himself and the Board of Deputies from D.N.Pritt's allegations in the Commons that the police exercised partiality in connection with Jews.⁵⁰

The debate in the House of Commons on 10 July 1936 was, nevertheless, an important one. Instigated by those MPs associated with the civil liberties movement, it convinced the Home Secretary that his direct intervention in policing policy was unavoidable. Pritt opened the debate with the suggestion that police action had for some time been 'steadily crushing the ordinary freedom of expression of political views' and that the conduct of the police in dealing with fascist activities had been 'such as to cause a great deal of disturbance and anxiety'. He argued that the middle class and working class agreed on many things but on the police and the administration of the law 'the most tremendous differences occur'. The middle class, he suggested, regarded police administration as 'well nigh perfect' whereas 'in general and almost without exception working-class opinion about the police was

⁴⁹ HO 144/21378, Notes of a meeting of the Home Secretary with representatives of the Board of

completely unprintable'. The reality he found to be 'a great deal nearer the working-class point of view'.

Attlee supported Pritt's criticism of police who stood by and watched assaults by fascist stewards and argued that policemen ought to be trained to recognise a breach of the peace. Harris argued that the envied absence of militarisation at public gatherings in London was a credit not only to the police but also to the citizens of London. He sensed a change away from the traditional character of policing towards greater efficiency and militarisation. Lansbury's contribution suggested the authorities had held 'a different balance' for the labour movement, as they had for women's suffrage, that had been treated with very little consideration. Insisting that he had a good relationship with individual policemen in his area and made no charge against them, he accused the Home Office of promoting favouritism towards fascists and failing to check anti-semitic provocation. He argued 'There is, I believe, in nearly every East End district east of Aldgate real terror amongst the Jewish population. The Home Secretary ought to have been able to put a stop to this before now'. Lansbury enquired of the Home Secretary whether competent note takers attended fascist meetings. Relating to his own experience he said that note taking had led to a number of members, himself included, finding themselves sentenced to terms of imprisonment. He argued that if notes were taken of statements made at fascists meetings the Home Office ought to have 'a really big dossier of what these gentlemen say on their platforms' which would immediately bring them to the notice of the public prosecutors. Watkins illustrated cases in Hackney where Jews lived in fear of assault and demanded the strengthening of policing in the area. Foot wanted better use made of existing police powers to stop the incitement exercised by fascist speakers in provoking people to attack Jews.

Deputies of British Jews. 8 July 1936.

⁵⁰ Ibid, Note from Donald Samuel to Simon, 16 July 1936. *Parl. Debs*, 10 July 1936, vol.314 col.1548ff.

The Home Secretary's suggestion that the public could help the police more if they were better able to identify their assailant drew a sardonic response from the newly elected MP for Oxford University A.P. Herbert. Herbert remarked 'It is difficult for anyone lying prone on the floor of a public hall having been hit over the head with one or two people assaulting him from either side and one or two more stamping on his kidneys to take the name and address of anyone'. R.W. Sorensen, Labour MP for West Leyton raised the issue of the increase in arrests on suspicion. He suggested they were a sign that 'we should consider gravely the operation of the police force in the way that it does not assist civil liberties'.⁵¹

Simon's defence of police practices in parliament did not waiver. Nevertheless, just days later he took decisive action to intervene in operational policing policy. On 22 July he issued instructions to the Commissioner on 'further measures to be taken by the police to deal with fascist and anti-Jewish activities'. Finally persuaded by the debate and bolstered by the representations and reports over the previous months, Simon required the concentration of as many police officers in the Jewish districts as could be spared, even if taken temporarily from other duties. He demanded 'intensive action' to prevent the situation developing into 'unmanageable proportions' and wanted to be assured that

Senior officials at Scotland Yard and the higher ranks in the police divisions [and] each individual police officer who may be called on to deal with anti-Jewish incidents is made fully aware that grossly abusive language of the Jews, either individually or as a race, is a serious offence and that there can be no question in this matter of good-humoured toleration of language which in other circumstances might not call for intervention on the part of the police.⁵²

Shorthand notes were to be taken of all fascist speeches in Jewish districts and instructions were to be given that 'the law does not allow interrupters of meetings to be ejected with more force than is reasonable'. Police officers were to be reminded that it was their duty to bring assailants to justice and should themselves effect whatever enquiries necessary to achieve that; they should not assume nothing could be done about a complaint of assault because

⁵¹ *Parl. Debs*, 10 July 1936, vol.314 col.1547-1634.

they themselves had not witnessed it. Definite evidence that communists or anti-fascists were organising counter demonstrations at fascist meetings for the purposes of disorder were to be reported to the Home Office for a decision on whether the organisers should be bound over to keep the peace and a careful watch was to be kept on fascist publications for material that might 'constitute defamatory or seditious libel or public mischief'. Fortnightly reports of the general situation in Jewish districts were to be submitted to the Home Office by the Commissioner. Following discussion with Game, Simon noted 'I appreciate the Commissioner's point that it is not meetings so much as the streets that need extra watching'. He also revised the requirement for fortnightly reports to monthly.⁵³

The Commissioner circulated the Home Secretary's requirements to all districts on 2 August with instructions that they should be read to all ranks at the earliest possible opportunity and then retained by station officers under lock and key. He required a return to be submitted from each district on the first of each month giving the numbers of meetings where police attended; where shorthand notes were taken; where violence occurred; and the number of arrests for seditious or abusive language. The content of these returns survive only as the monthly summary of activities provided by Special Branch Superintendent Canning's reports to the Commissioner, which were in essence Game's report to the Home Office.

The generation of anti-semitic sentiment had been an objective of fascist organisations from the outset but anti-semitic provocation at fascist meetings and intimidation of the Jewish community had not been recognised as an issue by the authorities before the end of 1935. The Home Secretary's concerns that were to culminate in his directive to the Commissioner can be seen to have been conceived in the NCCL's campaign against police discrimination. Although the organisation did not officially affiliate to anti-fascism until the

⁵² MEPO 2/3043, Jew-baiting Aide Memoir from, John Simon to the Commissioner, 16 July 1936.

summer of 1936 many of the cases it pursued in the courts and in parliament involved Jewish organisations or individuals. The October 1935 newsletter drew attention to the reluctance of the police to take any action against the anti-semitic rhetoric of BUF speakers despite the extreme provocation offered by statements such as 'Jews, Communists and other scum' and 'hook-nosed, yellow-skinned dirty Jewish swine'. As the NCCL's activities focused on fascist anti-semitism, pressure increased on the Home Secretary to address the difficulties in the East End. The August 1936 Newsletter featured four pages on the escalating incidents of 'Jew baiting' and concluded that the continuing absence of any attempt to police fascist speakers more effectively indicated that it was the 'settled policy at Scotland Yard that insulting words and behaviour shall be overlooked by the police when uttered by Blackshirts'. The Home Secretary's statement in the House of Commons that, 'In this country we are not prepared to tolerate any form of Jew-baiting' is described as 'rather pathetic'. It was found difficult to believe that either the Home Office or Scotland Yard had 'issued any instructions whatsoever to the police to deal seriously with the question'.⁵⁴

In the summer of 1936 the NCCL extended its activities in a specifically anti-fascist direction. Kidd, in any case, regarded the NCCL's practice of observing and recording police irregularities as, in effect, anti-fascist. It was, in his view, only with the help of 'one-sided police protection' that the fascists were able to make headway. He considered the NCCL was ideally placed to develop an anti-fascist focus through its press and MP contacts by setting up an anti-fascist committee of middle-class professional people in a largely Jewish district.⁵⁵ There were those who felt that it was, in part, opposition to the BUF from Jewish groups that encouraged support for the fascist organisation, and that Jews should simply stay away from BUF meetings so as not to provide Mosley with publicity. A view endorsed by the Board of Deputies, the official voice of British Jewry, that saw anti-semitism as a religious

⁵³ Ibid.

⁵⁴ NCCL, DCL 48/1, NCCL News Sheet No.4 - August 1936.

⁵⁵ NCCL, DCL 74/1, Proposal for the extension of the activities of the NCCL in a specifically anti-fascist direction, undated (but after the police baton charge in Thurloe Square in March 1936).

issue transcending political boundaries that should not be fought on political lines.

Nevertheless, Kidd did involve the Board of Deputies with the NCCL's anti-fascist activities and although they were not anxious to be embroiled in East End politics they were not hostile to the NCCL or its objectives. Board of Deputies' secretary A.G. Brotman found an account of a Blackshirt meeting that Kidd sent to him 'very interesting, and it had not been brought to my notice previously'. Brotman undertook to 'return your courtesy' if he heard of 'Fascist, anti-Jewish activities, which are not given publicity in the press'.⁵⁶

Kidd and the NCCL commanded considerable respect from the Jewish community. NCCL activities had raised fascist anti-semitism onto the political agenda. The numerous questions in parliament relating to fascist activities, particularly in the East End were the result of Kidd's lobbying of MPs and the Home Secretary acknowledged that the parliamentary debate at the beginning of 1936 was inspired by the NCCL.⁵⁷ It was considered 'very necessary that the NCCL shall be well represented' at the International Conference Against Anti-Semitism held in Paris in September 1936. Kidd was given £5 by a 'Jewish friend' to enable him to attend and he raised a further £5 for a second delegate from 'well-to-do Jewish friends'.⁵⁸ Kidd's speech delivered at the Paris conference referred to the Home Secretary's assurances as 'no more than phrases of goodwill designed to pour oil on troubled waters'. Critical of the attitude of the Board of Deputies he argued that

it would be criminal if any rich and influential Jews in Great Britain, who can exercise such powerful pressure on our Government, were to sit back and say, "Gentiles created anti-semitism; let gentiles destroy it." Fascism tries to make this a racial question [...] this is a question of our common humanity.⁵⁹

⁵⁶ NCCL, DCL 37/4, Letter from A.G. Brotman Secretary of the Board of Deputies to Kidd, 25 February 1936.

⁵⁷ HO 45/25462, Vote on Account, Civil Liberties, 5 March 1936 and *Parl. Debs*, 5 March 1936, vol.309, col.1595-1611.

⁵⁸ NCCL, DCL 37/4, Letter from Kidd to H. Shanson, 3 September 1936.

⁵⁹ NCCL, DCL 75/2, NCCL Newsletter, Jewish Civil Rights in Great Britain, Speech delivered in Paris on 20 September 1936

The Paris conference came at the end of month long negotiations that had failed to establish co-operation between the newly formed Jewish Peoples Council and the Co-ordination Committee of the Board of Deputies. The JPC eventually decided the battle against fascism must be waged with or without the Board and the activities of the organisation began on 14 September.⁶⁰ Within days the most violent confrontation between the police and the Jewish community in the East End of London throughout the 1930s was to be waged in and around Cable Street, provoked by Mosley's proposals for a BUF anniversary march.

The Battle of Cable Street

The Home Secretary viewed Mosley's planned meetings and march through the East End on 4 October 1936 with the deepest concern. It raised such difficult questions for Simon that he would, if it had been possible, have consulted the Cabinet.⁶¹ He felt it was necessary to consider whether exceptional measures could or should be taken by the police such as limiting or banning meetings, re-routing the marches or binding over BUF and anti-fascist leaders. In contrast, the Commissioner was not unduly concerned. He advised the Home Secretary 'the march and meetings [...] will probably produce the usual few arrests for minor disturbances but I do not anticipate any serious trouble'.⁶² Privately, Game welcomed a showdown. The day before the march he wrote to a friend 'I expect there will be some fun and a few broken heads before the day is out. I shall be glad if it brings things to a head as I hope it might lead to banning processions all over London'.⁶³ He had discounted the options of banning the proposed meetings or binding over leaders to keep the peace. The political repercussions and the difficulties of drawing the line between various organisations and

⁶⁰ University of Southampton, Parkes Papers. MS60/17/16, Jewish Peoples Council Against Fascism and Anti-Semitism, report of Activities July-November 1936.

⁶¹ MEPO 3/551, Home Office minute, 20 September 1936.

⁶² Ibid, Memo from Philip Game to the Secretary of State.

⁶³ Cited in Andrew Moore 'Sir Philip Game's "other life": the making of the 1936 Public Order Act in Britain', *Australian Journal of Politics and History*, Vol.36, No.1, 1990, 62-72, (p. 67).

locations made the selective banning of meetings an unattractive proposition for the Commissioner. Similarly, he did not favour the binding over of leaders of the rival organisations, he was keen not to create martyrs by sending leaders to prison if they did not comply, as had been the case in his previous experience.⁶⁴ Aware of the BUF's expertise at exploiting the perception of police favouritism, he did find it 'advisable to leave the fascists no loophole to claim that they were acting with the permission or concurrence of the Commissioner'.⁶⁵ There was evidently dialogue between the BUF and the police and an expectation that Mosley's co-operation could be secured. Game's response to the BUF was amicable, approving routes for the march and anticipating their co-operation but pointing out that approval is 'not conferring any vested right to hold meetings [...] should circumstances require it the police will indicate meetings must be held elsewhere or abandoned'.⁶⁶

Local concerns mirrored those of the Home Secretary as communist and anti-fascist groups organised their opposition to Mosley's proposals in the weeks leading up to 4 October. Deputations representing East London residents were received at the House of Commons from the mayors of the East End boroughs and from the Jewish Peoples Council. The JPC's request to present a petition of more than 100,000 signatures to the Home Secretary via a deputation led by Whitechapel MP James Hall was initially refused.⁶⁷ Board of Deputies' President Neville Laski had advised the Home Office that the overtly anti-fascist aims and communist connections of the JPC were unacceptable and that the Board would have nothing to do with them. He said that the JPC 'contained no responsible element and was in no sense representative of Jewish opinion in this country'. JPC Organising Secretary, J Pearce made it clear that the deputation would attend in any case and Home Office officials

⁶⁴ MEPO 3/551, Letter from Sir Philip Game to the Secretary of State dated 11 September 1936.

⁶⁵ Ibid.

⁶⁶ Ibid, Letter to the BUF from the Commissioner's office.

⁶⁷ HO 144/21060, Letter from J Pearce, Jewish Peoples Council to John Simon, 30 September 1936.

had little alternative but to make arrangements to receive it. The deputation in fact, created a 'very favourable impression'.⁶⁸

There had been no direct contact between the police and anti-fascist leaders. A Special Branch memorandum of 2 October reported that the CPGB had cancelled all other activities for 4 October to concentrate on opposition to the BUF demonstration, and the streets of the East End were whitewashed with the anti-fascist slogan 'They shall not pass'.⁶⁹ The decision to cancel all police leave and draft some 4000 mounted and foot police into East London as late as 3 October, suggests that the strength of opposition to the BUF proposals may have taken the Commissioner by surprise, and that his confidence in anticipating 'no serious trouble' just three weeks earlier may have been misplaced.⁷⁰ In fact, Game misjudged the extent of anti-fascist opposition. The mobilisation, by the CPGB and anti-fascist groups, of 100,000 people, at the conservative estimate of Special Branch, ensured that Mosley's Blackshirt procession did not pass at Cable Street.⁷¹ However, the ensuing disorder was directed at least as much at the police as at fascists. The BUF procession, numbering around 2000 Blackshirts, gathered at Victoria Embankment as arranged but by that time the strength of anti-fascist opposition and the extent of disorder in the surrounding streets was such that the Commissioner had made the decision to ban Mosley's East End processions. As he had anticipated, Game was able to secure the co-operation of the fascist leaders. Mosley accepted the Commissioners decision, the Blackshirts then marched westward and, apart from a few sporadic incidents, dispersed peacefully.⁷²

Banning the processions averted clashes between rival demonstrators and the possibility of many injuries but it did not restore order. Game clearly had no mechanism for

⁶⁸ Ibid, Home Office minutes 2 October 1936.

⁶⁹ MEPO 3/551, Special Branch memorandum dated 2 October 1936.

⁷⁰ Ibid, Police leave cancelled – new orders dated 3 October 1936 and *Daily Mail*, 5 October 1936, p.13.

⁷¹ Thurlow, 'The Straw that Broke the Camel's Back', p.89.

⁷² MEPO 3/551, Report from D.A.C.3 Division, 4 October 1936.

securing the co-operation of anti-fascist leaders in the way he had with Oswald Mosley.

Police officers reported being met by 'a volley of stones, bottles and brickbats' on arrival at Cable Street. A lorry loaded with bricks, stolen from a local builder's yard had been driven into Cable Street and overturned, 'the bricks distributed to demonstrators to throw at police' and the overturned lorry used as a barricade. Demonstrators 'came into conflict generally with police in all directions' and numerous baton charges were made to clear the crowds.⁷³

Before order could be restored all police and reserves had been used, truncheons had been drawn and used at various places, 74 arrests had been made, 33 police and 12 members of the public had been injured and Cable Street had secured its place in the history of the policing of public order in London.⁷⁴ Anthony Crossley MP witnessed the events in Cable Street. He considered they were a clash between communists and the police. He thought that 'the Jew-communist attitude was aggressive in the extreme' and that there were 'no fascists present at all' throughout most of the disturbances. He observed that every window in Cable Street was filled with Jewish spectators 'like boxes at the theatre' and 'women shouted, "We don't want the police. We'll look after ourselves"'. Young men smashed glass along the road to deter mounted police. Crossley heard many complaints of police brutality but saw nothing to which law-abiding citizens could take exception. He claimed to hate the fascist movement and to find anti-semitism 'intellectually repulsive'. Nevertheless he found it hard to see the demonstrators as other than 'a riff-raff of the foreign population of London'. When it came, police action to clear Cable Street was swift and effective. In one and a half minutes 'the whole crowded yelling street' was cleared as demonstrators were forced down side streets. Five men were led back 'with bloody heads' along with a woman, her shoes removed and 'kicking unscrupulously'.⁷⁵ In his October 1936 report to the Home Secretary, Philip Game indicated his understanding that the police were as much a target of anti-fascist

⁷³ Ibid, Report from Leman Street Division, 4 October 1936.

⁷⁴ Ibid, Report from D.A.C.3 Division, 4 October, 1936.

⁷⁵ Ibid, Letter and enclosure from Anthony Crossley MP to Geoffrey Lloyd MP, 14 October 1936

demonstrators as were fascists. He concluded that 'This hooligan element [of the East End] includes many Jews and the foreign Jews are more anti-police than anti-fascist'.⁷⁶

The Public Order Bill

Special Branch reported that the East End conflict showed a marked lessening in intensity during the second half of October. This they attributed to 'strong policing' and the fears of anti-fascists that their tactics might result in legislation that would be more harmful to them than to fascists.⁷⁷ However, the intense police activity reported in the press suggests an expectation of further serious trouble. On 12 October the *Daily Mail* reported fourteen arrests as 'Police 20 abreast charged with batons' and on 15 October the *Daily Mail* headline read '4000 Police Guard East End Last Night'.⁷⁸ Game's heartfelt appeal to Simon to declare fascist organisations illegal and his willingness to enforce such legislation shows just how wide the gulf between the Commissioner's approach to the situation and that of the Home Office had become. The Commissioner was in no mood to enter into the debate on civil liberties. His priority was to ensure that his force was able to maintain control of the streets of the East End and he was intent on sustaining the hoped for momentum the events on 4 October had created. So that when a fascist meeting at Victoria Park on 14 October attracted little opposition, Game advised the Home Secretary, 'As you no doubt know, the unexpected happened last night'. Thousands of fascist supporters had turned out and in the absence of disorder it had been considered wise to allow a march from Victoria Park to Salmon Lane. The suggested explanation for the lack of opposition, 'There was dog racing handy and the Jews patronise this. And it was a working day, not a Sunday', left the Commissioner

⁷⁶ MEPO 2/3043, Report from The Commissioner to The Under Secretary of State dated 8 October 1936.

⁷⁷ Ibid, Special Branch Report on fascist and anti-fascist meetings for the month of October 1936.

⁷⁸ *Daily Mail*, 12 October, 1936, p. 14, and 15 October 1936, p.15.

guessing and unprepared to rely on the 'outside chance' of a change of heart on the part of the anti-fascists. He was not deterred by one peaceful event from implementing his plan for strong decisive action should serious disorder break out again. Game advised the Home Secretary that he proposed, if it became necessary, to 'ban all meetings and processions in the five municipalities of the East End concerned'. He would then draft a large force of additional police into each area for three nights running, extending to a week if necessary. Officers would be instructed that anyone attempting to start a meeting should be stopped on grounds that 'we had reason to believe that it would cause a breach of the peace'. Anyone objecting could be arrested for obstructing the police in the execution of their duty and 'not on any account because he disregarded my ban'. Game had taken legal advice and was confident his proposal was 'watertight from the side of the law'. He was convinced, 'if we can hold the fort for even three nights, I think we might have broken the back of the trouble'.⁷⁹

Game's proposals went too far even for Newsam, usually very supportive of the Commissioner. The Home Office considered it likely that such police action would be challenged in the courts and their legal advice suggested there would be 'great difficulty' with such a case, even if the general situation in the East End became much worse. Apart from the legal implications, Newsam considered it would be 'very undesirable on grounds of policy to take such drastic action unless the situation so developed for the worst that it would in fact be unsafe to allow fascist and communist meetings to be held in the five boroughs'. Even were the ban to be extended only to Fascist and Communist meetings, it would be an admission that the situation was 'completely out of hand and that the executive authorities were unable to maintain the liberty of free assembly and free speech'. It was, in any event, considered that enforcing a prohibition over such a large area would be impractical and a 'superhuman task' for the police. The Home Secretary was not impressed with the Commissioner's proposal and wanted to know whether he included meetings of the Salvation

⁷⁹ HO 144/21062, Letter from Game to the Home Secretary, 15 October 1936.

Army or meant that Mr Morrison should not address his constituents. Game's assurance that he anticipated such a show of force would be effective in a very short time and would, therefore, be no real hardship on the Salvation Army or on Mr Morrison made little impression and the Home Secretary concluded 'In the circumstances this proposal can be regarded as dropped'.⁸⁰

The NCCL and the Jewish People's Council were just as anxious to exploit the momentum around events at Cable Street as the Commissioner had been. A mass protest meeting organised by the JPC on 5 October attracted a healthy turnout and promised well for a conference to be held on 15 November, under their auspices.⁸¹ The Co-ordination Committee of the Board of Deputies hastily circulated a warning to the Jewish community that the 'so-called Jewish Peoples Council' functioned without the 'authority or approval of the Co-ordination Committee'. It called upon Jewish organisations to 'refuse to support, directly or indirectly, either by sending a representative if summoned, or otherwise, any Conference called by this body'.⁸² Nevertheless, the conference was attended by 163 delegates from 91 Jewish organisations. It proclaimed that the 'co-ordination of forces within Jewry' was the paramount need. The attitude adopted by the Board of Deputies was viewed with concern and Jewish organisations and individuals were called upon to give their 'utmost financial support' to the JPC.⁸³ The view of the Co-ordination Committee was by no means wholeheartedly embraced by all of those associated with the leadership of the Board of Deputies. Writing in the *Jewish Chronicle*, the Revd. James Parkes, supported the non-political position of the Board of Deputies and said it had been both 'adequate and wise' in dealing with 'an undercurrent of prejudice [that] exist in the general community'. At the same time he recognised that the position had materially changed since 1934 creating an

⁸⁰ Ibid, Home Office minutes, Disorder in the East End of London, 15 October to 13 November 1936

⁸¹ Parkes Papers, MS60/15/53, circular letter from Neville Laski, President of The Board of Deputies of British Jews, 5 November 1936.

⁸² Ibid.

⁸³ Parker Papers MS60/17/16, Jewish Peoples Council Against Fascism and Anti-Semitism, report of Activities July-November 1936.

'embarrassing position for the Board'. Parkes wrote, 'not only is there room for both the Board of Deputies and the Jewish Peoples Council but both are necessary and their spheres of activity must be independent'.⁸⁴ Writing to challenge Parkes on his decision to publish his views, the Board's president Neville Laski, revealed his own doubts. 'It may be wholly wrong of myself, and the Board' he wrote, 'to take up the attitude we have done to the Jewish Peoples Council'.⁸⁵

Whilst the JPC now concerned itself with a campaign against racial incitement and political uniforms by means of propaganda for legislation in parliament, Kidd's concern was that the pressure for legislation presented 'grave dangers that Mosley's provocation of the Jews will be used to suppress our civil rights of free speech and free assembly'. The NCCL proposed a delegate conference in order that 'Labour and other progressive organisations may meet together, hear our views on the legal position and work out a practical method for dealing with the present situation'. An invitation to send delegates to an NCCL conference was extended to divisional Labour Parties and Trade Councils, Co-operative Guilds, the Federation of Adult Schools, the Board of Deputies, Jewish societies, synagogues and other representative organisations.⁸⁶ At the same time a statement issued to the press drew attention to the NCCL's view that legislation already existed that could be used to curb the activities of the BUF without additional police powers and the resulting threats to civil liberties. The statement stressed the NCCL's association with the view that 'The right of any citizen to organise a meeting, a demonstration or a procession without the previous permission of the Executive is a right which [...] should be jealously safeguarded'. Accepting the events at Cable Street must not be allowed to recur, it continued

The Council therefore invites the Government to consider whether the organisation of a uniformed semi-military force with motor-cycle dispatch

⁸⁴ Parkes Papers MS60/15/53, Letter to The Editor, The Jewish Chronicle from James Parkes, 25 November 1936. The Rev Dr James Parkes was an influential figure in Jewish/Christian relations and the fight against anti-semitism. He was involved in the Protocols of the Elders of Zion trial in Geneva in 1935.

⁸⁵ Ibid, Letter from Neville Laski to Rev Dr James Parkes, 30 November 1936.

⁸⁶ NCCL DCL 40/3, Letter from Kidd to Jewish and Labour organisations (listed), October 1936,

riders and ambulance brigades, its parade and review in the public streets by its leader, and a proposed march through a Jewish neighbourhood to the accompaniment of slogans such as "We gotta get rid of the Yids", is a procession for the purpose of propaganda or whether its only purpose was a display of force and terror, and whether such a display is not a breach of the law relating to unlawful assemblies.⁸⁷

The promised delegate conference was held on 5 December and attracted over 300 delegates from national and local organisations including the Fabian Society, the London Liberal Federation, the National Peace Council, the National Unemployed Workers Movement, the Teachers Anti-War Movement and Communist Party Headquarters. The principal speaker, Harold Laski, recalled a history of legislative attacks on democratic liberties imposed under successive Governments, from the Emergency Powers Act 1920, through the Trades Disputes Act 1927 and the Incitement to Disaffection Act 1934, culminating in the Public Order Bill. Opinion differed amongst the delegates as to the 'most dangerous points of the Bill', but there was no dissent from the view that it represented 'a most serious attack on civil liberties'. A unanimous resolution recorded 'strong disapproval of the provision in the Public Order Bill still permitting the use of political uniforms on certain occasions, and those relating to the restriction and prohibition of processions and extending the offence of "insulting behaviour"'. A party of 12 delegates was appointed to lobby the leaders of the three main political parties to urge resistance to the 'objectionable features' of the Bill.⁸⁸

The Home Secretary introduced the Public Order Bill for its second reading on 16 November. Referring to the issue as 'a very important topic [that] touches our essential liberties', he was at pains to stress that no distinction would be drawn between one extreme creed and another. He was, he said, 'not discussing whether it is communists who make fascists or fascists who make communists' but was responding to representations for legislation to 'deal more effectively with persons or organisations that caused a disturbance of

⁸⁷ Ibid, Press statement, 8 October 1936.

⁸⁸ NCCL, DCL 48/1, NCCL News Sheet No.5, January 1937.

the public peace'.⁸⁹ Whilst the action was generally supported and even considered overdue, there were reservations particularly from those Members concerned with the protection of civil liberties and supportive of the NCCL. Percy Harris wanted to achieve 'more workable' legislation and to 'remove certain of what we regard as possible infringements of personal liberty'.⁹⁰ Dan Chater wanted 'not so much to criticise as to improve', with the object of guarding against restricting liberties.⁹¹ Herbert Morrison regretted the need for such a Bill but respected the Government's responsibility to check the actions of an organisation 'calculated to destroy the liberty we wish to preserve'.⁹² Ernest Thurtle appealed for a broad view of the world situation and was prepared 'here and there to sacrifice a certain amount of liberty'.⁹³

Amendments to the Bill were debated throughout November and it was again the civil liberties lobby that made the major contribution to the debate. Finding the clause itself unsatisfactory, both Pritt and Dingle Foot supported one of the most controversial provisions of the Bill, that relating to the wearing of political uniforms, in that it could be directed specifically at fascists. Pritt's oratory on the proposed amendment provoked the suggestion that he had surrendered the views of the NCCL who were opposing the clause. Foot, who said he was speaking as a fellow vice president, pointed out that the NCCL were behind the amendment. Pursuing further the NCCL view Foot observed that the debate had heard a great deal about the preservation of civil liberties and yet he was one of the few people in the House who took the view that the greatest danger of an attack on civil liberties came 'not from any outside body or faction, but from the growing power of the executive itself'.⁹⁴ Foot and Pethick Lawrence urged caution that the proposed police powers to impose an indefinite ban

⁸⁹ *Parl. Debs*, 16 November 1936, vol.317, col.1349-51.

⁹⁰ *Ibid*, col.1373-9.

⁹¹ *Ibid*, col.1384-6.

⁹² *Ibid*, col.1454-5.

⁹³ *Ibid*, col.1433-8.

⁹⁴ *Parl. Debs*, 26 November 1936, vol.318, col.590-3.

on processions may be 'unnecessarily wide'.⁹⁵ A lengthy debate surrounded the use of the proposed legislation in relation to the role of the police at private meetings. This point had been as much a matter of concern for the Commissioner as for opposition MPs. He was particularly keen to ensure that the police should not be drawn into the position of stewards and wanted a redrafting of the relevant clause to make it clear that refusing to give a name and address was an entirely separate offence from disorderly interruption. The police having power to arrest in the former case, the latter being a matter for the organisers of the meeting.⁹⁶ Pritt, Attlee and Pethick Lawrence participated in the debate, securing an agreement from the Home Secretary that the matter ought to be looked at further from the point of administration.⁹⁷ A suggestion made by the Commissioner provided a way out for Simon for 'one of the most substantial' of the difficulties the Bill had encountered.⁹⁸ The Commissioner had recommended that prosecutions of interrupters would not be instituted on police evidence alone but only where those responsible for organising the meeting were prepared to give evidence. This provided the safeguard he needed to avoid 'the certainty of a great deal of complaint as to why the police [had] not prosecuted'.

The Bill received its third and final reading on 7 December. Pethick Lawrence, Pritt and Foot together with George Lansbury were amongst those contributing to the final debate. Foot observed that 'when this Bill was introduced there were certain clauses which simply bristled with points to which we took objection. It is fair to acknowledge that on the third reading a great many of these points had been dealt with by the Government'.⁹⁹ Lansbury made it quite clear he did not like the Bill and considered it was being allowed to go through solely because of 'the circumstances in which we find ourselves after events in East

⁹⁵ Parl. Debs, 23 November 1936, vol.318, col.177-8.

⁹⁶ HO 144/20159, Letter from Philip Game to the Home Secretary, 29 October 1936 and Home Office minutes, 25-30 October 1936.

⁹⁷ Parl. Debs, 23 November 1936, vol.318, col.177-8.

⁹⁸ HO 144/20159, Letter from Philip Game to the Home Secretary, 20 November 1936 and Sir John Simon's reply to the Commissioner, 12 December 1936.

⁹⁹ Parl. Debs, 7 December 1936, vol.318, col.1702.

London'.¹⁰⁰ Pethick Lawrence concluded 'we have co-operated with the Government not to weaken the liberties of the people of this country. Our position in this respect is well known. On the contrary we wish to extend the liberties which we at present enjoy'.¹⁰¹ The Bill passed into law on 1 January 1937. As well as the usual publication of the Bill in Police Orders, a substantial and careful re-draft of the sections of General Orders that dealt with meetings and processions was required. It was considered particularly important that the instructions to be sent out to the force should show 'what we are going to do not what we should do'.¹⁰²

Philip Game was all too aware that the NCCL was able to mobilise a body of opinion that saw anti-left bias as inherent in police policies. It was offering guidance on collecting effective evidence against the police, it was observing police behaviour in politically and emotionally charged situations and it was providing the mechanism to challenge prosecutions and police actions in the courts and in Parliament. For the Commissioner it was a dangerous, subversive organisation with the potential to greatly exacerbate the threat of disorder posed by the political left. The 'Jew baiting' campaign of the BUF made anti-semitism the most difficult public order issue for the Commissioner. Not least in that it effectively focused the attention of the NCCL on anti-fascism and the Jewish community of the East End, and led Members of Parliament representing a large area of London to air the grievances of their constituents in Parliament. Whilst this was a state of affairs the Home Secretary could not ignore, the Commissioner's confidence in the view, perpetuated by Special Branch intelligence, that all left-wing activity was communist inspired, allowed him to disregard the civil liberties movement and in doing so fail to acknowledge legitimate public concerns. Instead he had framed his radical if politically naive solution to the public order problem - to ban fascist organisations. A proposal that did not sit well with the Home Secretary who had publicly claimed for the authorities the role of guardian of civil liberties.

¹⁰⁰ Ibid, col.1765-6.

Association with anti-fascism was something of a double-edged sword for the NCCL. On the one hand it reinforced suspicions of communist connections for those who perceived it as a satellite organisation of the CPGB – notably Special Branch. On the other hand the NCCL's active opposition to fascist anti-semitism presented a persuasive argument which mainstream politicians, particularly MPs for the East End boroughs, readily pursued. The intimidation and persecution of Jews was taken seriously by the Home Secretary. This ensured that the NCCL could not be disregarded in the way that left-wing labour organisations such as the NUWM were. It was not a coincidence that Philip Game was more aware of fascist anti-semitism at the end of 1936 than he had been a year earlier. The activities of Ronald Kidd and the NCCL had ensured that the issue was high on the public order agenda and, as the following chapters will show, was to remain so for the remainder of the decade, despite the introduction of legislation.

¹⁰¹ *Ibid*, col.1757.

¹⁰² MEPO 3/2513, Minutes, 12 to 20 November 1936.

Chapter 7

Striving to Preserve the Peace!

The events of Cable Street detailed in the previous chapter appeared to the authorities to corroborate the perceived dangers of fascist provocation mobilising the left into serious confrontation, not just with fascists but also with the police. The hurriedly introduced public order legislation was broadly welcomed as essential to curb the militaristic activities of the BUF. It was, however, viewed by the NCCL as an unnecessary extension to police power that had the potential to interfere as much with the activities of the left as with fascists. Much of the pressure in parliament for amendments to the Bill came from opposition MPs associated with the NCCL's campaign.

This chapter will explore the dialogue between the Commissioner and the Home Secretary on the implementation of the Public Order Act to show how the police and the Home Office reacted to the increasingly aggressive responses to fascist provocation both on the streets and in parliament.¹ The discussion follows the course of events relating to the prohibition of political marches and processions in the East End of London. It will illustrate the tension between the Commissioner, who focused on operational policing and was prepared fully to utilise the new police powers, and successive Home Secretaries, who were unwilling to give the Commissioner a free hand and wary of antagonising opposition MPs. It will be shown that the NCCL played a central role in anti-fascist agitation in this period and enjoyed the widespread recognition of labour and anti-fascist organisations and the backing of a significant number of MPs. Nevertheless, it will be suggested that whilst police hostility

¹ See Appendix B for relevant extracts of the Public Order Act 1936.

towards the NCCL 's activities ensured that the organisation itself continued to be viewed, by the police at least, as part of the public order problem, its campaign for the effective policing of fascist anti-semitism had parliamentary and public support and could therefore not be dismissed by the Home Secretary.

The police were prepared to tolerate a good deal of fascist aggression from stewards and speakers. More often than not they viewed the recipients of fascist violence as having brought it upon themselves. Nevertheless, it will be shown that it was really only the Commissioner who was prepared to take decisive action against the BUF. He could by no means count on the Home Secretary's endorsement of his proposals. As Martin Pugh has argued, despite the condemnation of fascist violence following Olympia, there is little evidence of the comprehensive rejection of fascist methods and it will be shown that neither the Cabinet nor the Home Secretary were prepared to endorse interference with fascist practices beyond the East End.²

Assurances had been given in parliament that the new legislation was predominantly directed at fascist activities. Nevertheless, the first arrests under the Public Order Act related to an industrial dispute at Harworth Colliery in Nottinghamshire rather than to the militarisation of politics on the streets of East London. Less than a month after the implementation of the Act, five striking miners were charged with the use of insulting words and behaviour.³ As the NCCL had warned, the legislation introduced to put a stop to provocative fascist uniforms and militaristic methods gave the police wide powers to interfere with the activities of the left.

Although not directly related to the racial tensions and use of the legislation in the Metropolitan district it is important to consider the events at Harworth Colliery. Here both the Miners' Association and the local MP actively sought the involvement of the NCCL, and the

organisation was recognised as a successful means of conveying complaints against the police into the parliamentary and public arena. The responses of the Chief Constable and the Home Office to the NCCL's representations show that there was a belief on the part of the authorities that the involvement of the NCCL was sufficient to generate allegations of police bias and brutality. At the same time the dialogue between the Home Office and Nottinghamshire's Chief Constable shows that the Home Secretary was not entirely convinced by the Chief Constable's response despite his public support for the policing operation.

Ronald Kidd was invited to Harworth by the Nottinghamshire Miners' Association who felt that the NCCL ought to be made aware of the 'trouble'.⁴ The dispute had originated with a clash over working conditions in September 1936 and had rapidly widened into a strike over the miners' right to choose their own union. The Association alleged that the large numbers of police drafted into the town over the previous four months had often exceeded their duties and interfered unnecessarily with the daily lives of decent people, using bad language and issuing summonses for the slightest of offences. Joining forces with local Labour MP Fred Bellenger, Kidd produced a report on the behaviour of the police with the intention of bringing it to the attention of the Home Secretary. The report concluded that there had been serious irregularities in the conduct of the police during the dispute. Kidd maintained that they had acted in the interests of the mine owners and this, along with the attitude and composition of the local bench, had led to a feeling that

the administration of law and order in the county is being used in a manner which must do infinite harm to a belief in the traditions of public administration and justice.⁵

² Martin Pugh, 'The National Government, The British Union of Fascists and the Olympia debate', *Historical Research*, vol.78, no.200 (May 2005), pp. 253-62.

³ Ronald Kidd, *British Liberty in Danger*, (London: Lawrence & Wishart 1940), p.75.

⁴ NCCL, DCL 27/2, Letter to Kidd from R.Bunton, Notts Miners Association, 2 January 1937.

⁵ *Ibid*, The Harworth Colliery Strike, Report to the Executive Committee of the NCCL, March 1937.

Bellenger sent the report to the Home Secretary and put down a question in the House of Commons.⁶ At the Home Office it was felt that the report appeared to 'make no serious charges against the police that required investigation'. The allegations were considered 'rather vague' and specific complaints of police behaviour were attributed to 'an occasional excess of zeal or spasm of ill temper'. However, Home Secretary John Simon was perhaps not entirely convinced by Notts Chief Constable Lt Col Lemon's explanation since, in anticipation of Bellenger's question, the Chief Constable was asked to provide a further report.⁷ Lemon's report extended to ten pages. He described a great deal of hostility between strikers and those still working of the kind entirely likely to lead to a difficult public order situation. At the same time, he protested that Kidd's report was one-sided and inaccurate and complaints against police officers were entirely without foundation.⁸

Lemon's report was the 'counter-blast' to the NCCL's findings that allowed the Home Office to maintain that the Nottinghamshire Constabulary was acting with complete impartiality.⁹ Whilst pointing out that he had no responsibility for the disciplinary control of the police outside the Metropolitan district, Simon concluded that the police had 'behaved with the impartiality and forbearance which we are accustomed to expect from the police forces of this country'. He echoed the Chief Constable's view that the NCCL report was a one-sided account and he was 'far from convinced that the report affords any ground for the allegation that the police at Harworth have been guilty of partiality or of abuse of their authority'.¹⁰

For some, the Home Secretary's sentiments were difficult to reconcile with the ongoing situation. On 23 April, just days before Simon's response, tensions had boiled over

⁶ HO 144/20729, Letter to Sir John Simon from F.J.Bellenger enclosing NCCL report, 15 April, 1937.

⁷ Ibid, Home Office minutes, Notts Chief Constable, Harworth Colliery Dispute, 27 March 1937.

⁸ Ibid, Report on Harworth Colliery Dispute to F.A.Newsam Home Office from F.J.Lemon, 10 April 1937.

⁹ Ibid, Home Office minutes, Notts Chief Constable, F.A.Newsam, 28 April, 1937.

¹⁰ NCCL, DCL 27/2, Letter to F.J.Bellenger from Sir John Simon, 9 May 1937. The Home Secretary was not without influence in calling for reports from provincial Chief Constables where necessary but he was not the disciplinary authority outside London.

in Harworth as striking miners vented their frustrations by smashing windows and causing damage to garden walls around the village. Sixteen men and one woman were arrested. The event that followed the next evening again called the integrity of the policing operation into question. At 10.00pm the police raided the local dance hall to arrest a further five men implicated in the previous night's events. The incident sparked a riot. As plain clothes and uniformed police attempted to lead the arrested men away they were jeered and showered with missiles; several police officers were injured and vehicles damaged. Police officers called to assist described being bombarded with bottles, bricks, stones and wooden palings, two police officers lying beside the road injured and cars belonging to police officers overturned. It took until 2.00am before order could fully be restored.¹¹ Witnesses alleged that the raid was carried out with such violence that property was damaged and several people inside the hall were injured. There was a view that the actions of the police were deliberately provocative. All of the men lived in the village and were known to the police, it was felt they could have been arrested at any time of the day. The owners of the Hall, Auctioneers W.Pennington & Co, believed the disturbances were caused by the police themselves. Pennington wrote 'the whole affair was planned so that it would cause a riot and so that the blame [...] would be fastened on to the miners'. He pointed out that the hall had been used often by these same residents of the village for dancing, boxing and meetings without the slightest complaint about their conduct or behaviour. He wanted it to be known that he was a Conservative, an ex-army officer, on good terms with the Colliery Company and knew many of its heads personally.¹²

The NCCL carried out a week-long investigation into the incident and on 4 May Kidd presented the findings to a number of MPs at the House of Commons.¹³ Sir Stafford Cripps agreed to defend the seventeen people arrested. At Quarter Sessions Mr Justice Singleton

¹¹ HO 144/20729, Report of Derbyshire Constabulary, Coal Strike Duty at Harworth, 27 April 1937 and report of Nottinghamshire Constabulary, Dispute at Harworth, 28 April 1937.

¹² NCCL, DCL 27/2, Letter to Ronald Kidd from W.Pennington, 3 May 1937.

¹³ HO 45/25463, Special Branch report on Ronald Kidd Summary No.8, 14 May 1937.

imposed extremely heavy sentences and the refusal to allow an appeal led by D.N.Pritt KC prompted the NCCL to organise a petition to the Home Secretary demanding remission of the sentences.¹⁴ The NCCL campaign generated a great deal of sympathy for those convicted and over 250,000 signatures were collected and delivered to the Home Secretary.¹⁵ A small remission of the sentences was eventually granted by the Home Secretary.¹⁶

Clearly much of the press and public interest in the arrests at Harworth was generated by the activities of the NCCL. Its involvement also aided the parliamentary debate and contributed to securing the intervention of the Home Secretary, which subsequently ensured that the Chief Constable was forced to account for the policing operation. Although, as would be expected, the Home Secretary endorsed the policing operation, these events show the effectiveness of NCCL methods and that the authorities could not easily dismiss its representations. Lemon considered the whole issue had been whipped up by the NCCL and that the allegations of police irregularities and support for the Harworth miners had started with the publication of Kidd's report.¹⁷ Home Office minutes noted the belief that police conduct at Harworth had been the subject of a sustained attack by the National Council for Civil Liberties.

The momentum for Public Order legislation had centred on curbing provocative fascist military practices and particularly the fascist uniform - the black shirt. Trenchard had first proposed the legislation in 1934 following the disorder at Olympia.¹⁸ Game was less convinced than his predecessor seeing the definition of an illegal uniform as problematic and difficult to police. Nevertheless the legislation had broad appeal. Even the NCCL, although generally not in favour of further increasing police powers, did not object to the outlawing of

¹⁴ Scaffardi Papers DSF 1/11, Overview of NCCL and Harworth Colliery dispute by Sylvia Scaffardi, undated.

¹⁵ HO 144/21074, Letter to The Secretary of State for Home Affairs from Ronald Kidd, 8 September 1937, *The Times*, 9 September 1937, p.9.

¹⁶ HO 144/20729, The Prerogative of Mercy, July 1937.

¹⁷ *Ibid*, Letter to F.A.Newsam from F.J.Lemon, 22 May 1937.

political uniforms. In the event, widespread challenges to the legislation did not materialise and breaches of the law were few. The Commissioner's preparations are, nevertheless, interesting not for the impact the legislation had on the BUF but because they show that there was never doubt that it would be aimed at the left.

Section 1 of the Public Order Act made it an offence to wear a uniform in a public place signifying association with a political organisation. The act did not define 'uniform' and deciding what constituted a political uniform was thus left initially to the police and ultimately to the Courts. The Commissioner had anticipated that interpretation would be problematic for 'the police in the street' and Metropolitan Police General Orders notably identified the non-political organisation rather than the political. The Salvation Army, Boy Scouts, Church Lads' Brigade and hospital nurses were identified as organisations where uniforms were not worn for any political purpose and were therefore excluded from the scope of the Act. Ceremonial uniforms and emblems such as rosettes were permitted where the occasion was unlikely to involve disorder. Stewards employed at public meetings were permitted badges or distinguishing signs.¹⁹

In spite of the assurances given during the parliamentary debate that the legislation was aimed at fascists, from the outset the Commissioner required the 'repressive measures' be applied equally to communists.²⁰ Offences were to be reported to Special Branch and backed up by an accurate description of the uniform and corroborative independent evidence. He warned those organisations identified by Special Branch as either fascist or communist that the police would 'take steps that may be necessary to secure compliance with the law' should their supporters continue to wear uniforms in public after 1 January 1937.²¹ The

¹⁸ See chapter 3 pp.94-5 for discussion of Trenchard's proposals.

¹⁹ MEPO 8/11, General Orders and Regulations, 1937, Section 26 Nos.243-245.

²⁰ MEPO 3/2513, List of organisations and uniforms worn provided by Canning, Special Branch, December 1936.

²¹ Ibid, Letter from the Commissioner's office to fascist and communist organisations, 22 December 1936.

Commissioner's warning evoked mixed responses. The Young Communists League informed the Commissioner 'we are definitely not a uniformed organisation', but circulated their branches with the Commissioners instructions.²² The Imperial Fascist League was 'rather grateful to the Home Secretary'. It claimed that many of its members were unable to afford the uniforms it had to adopt to compete with other bodies. The Commissioner was asked to 'keep this dark' so as not to shatter the Home Secretary's illusions.²³ Fenner Brockway, secretary to the Independent Labour Party, claimed that the red shirt worn by supporters of the organisation was worn for rambles, sport and weekend outings and was not political. Brockway advised the Commissioner 'I am taking up this matter with the Home Secretary through Mr James Maxton MP'.²⁴

The BUF, however, wanted to test the scope of the Act. Francis Hawkins, Director General of the organisation, pressed the Commissioner for his interpretation of 'uniform'. Hawkins argued that a black shirt worn with a tie under an overcoat did not contravene the terms of the Act and, should the Commissioner not agree with his view, he wanted advice on the 'most convenient manner of providing an opportunity for a test case'.²⁵ Game was not prepared to express an opinion or discuss a test case. He deemed the matter purely one for the courts. He did, however, seek legal advice in anticipation of a BUF challenge to the legislation. Legal opinion considered that the legislation was wide enough to allow any party who 'paraded in the new fancy dress' to be prosecuted if the Attorney General gave consent, although it was acknowledged that it would be undesirable to do so.²⁶

In reality, the existence of the legislation effectively ended the issue of political uniforms. It was not the practice of the BUF to flout the law openly and the columns of Blackshirts largely disappeared from the streets. Although, on occasions, police and NCCL

²² Ibid, Letter from John Gollan to the Commissioner, 29 December 1936.

²³ Ibid, Letter from P J Ridout to the Commissioner, 28 December 1936.

²⁴ Ibid, Letter from Fenner Brockway to the Commissioner, 30 December 1936.

²⁵ Ibid, Letter from N Francis-Hawkins to the Commissioner, 31 December 1936.

reports of fascist meetings referred to a black shirt being worn or to the adoption of other emblems such as black leather boots, there is little evidence of widespread breaches of the law or of zealous policing of political uniforms. Within weeks the Commissioner was able to say that the wearing of political uniforms had been discontinued.²⁷ Arrests were few.²⁸ However, whilst political uniforms ceased to be seen as a problem, fascist provocation did not. In the event it was the provisions of the Act for the control of meetings and processions, rather than the repression of political uniforms, that was to command the attention of the authorities and of the NCCL throughout the remainder of the decade.

Meetings and Processions: racial tensions in the East End of London

Mosley's focus on the East End to promote anti-Jewish, fascist policies from the end of 1936 played on the volatile racial tensions that existed in the area. It led to MPs representing East End boroughs complaining to the Home Secretary of ineffective or biased policing. What is being considered here is the extent to which it was the NCCL that motivated MPs to raise questions in parliament and lobby the Home Secretary. East End MPs represented large Jewish communities that were the target of fascist, anti-semitic activities but that in itself does not explain the concerns. They also represented large communities of non-Jewish constituents who would have been unlikely to associate themselves with allegations of police bias in favour of fascists. In fact, anti-Jewish feeling was commonplace in this period and many people who would not have considered their views anti-semitic, nevertheless, admitted to anti-Jewish opinions. George Orwell recorded a variety of such views in 1945. A young intellectual of communist sympathies: 'I do not like Jews. I've never made a secret of that. I can't stick them. Mind you, I'm not anti-semitic, of course'; and a 'middle-class' woman: 'Well, no one could call me anti-semitic but I do think the way these

²⁶ Ibid, Minute sheet December 1936.

²⁷ *Parl. Debs*, 12 April 1937, vol.322, col.634.

Jews behave is too absolutely stinking. [...] I think they are responsible for a lot of what happens to them'.²⁹ Even though some of the MPs were themselves Jewish it was not inevitable that they would sympathise with anti-fascist activism. It is evident from the attitude of the Board of Deputies that Jewish leaders did not necessarily support the East End Jewish community which was often perceived as having close links with communism.³⁰

There is perhaps no better account of fascist objectives in the East End than that given by Charles Wegg-Prosser, a BUF candidate in the 1937 London County Council elections. Wegg-Prosser resigned from the BUF in June 1938 because he had become disillusioned with anti-Jewish policies that he saw as distracting from the real issues of social betterment, something calculated to 'get a mass support in East London'. In his letter to Mosley he wrote

I know and you know that vile, unprovoked assaults have been made on a single Jew by a group of Fascists, even looting has occurred. [...] You side-track the demand for social justice by attacking the Jew, you give the people a false answer and unloose mob passions.³¹

Jewish responses to this systematic fascist provocation were uncoordinated. The Board of Deputies' relationship with the alleged communist-inspired JPC was uneasy. The Board sought to encourage a non-aggressive response. Regular meetings were organised in the East End by the Board's Co-ordination Committee at which speakers often encountered anti-Jewish opposition. But, in contrast to other anti-fascist responses they generally reported the good behaviour and supportive actions of the police. However, meetings of the Co-ordination Committee were poorly attended.³² The 'turn the other cheek' message that it promoted was not well received by the Jewish community of the East End where complaints of assaults and damage to property and allegations of inadequate or biased policing were common. The

²⁸ Ewing and Gearty, *The Struggle for Civil Liberties*, p.321-2. There were six convictions under section 1 of the Act in the first month of its operation but very few thereafter.

²⁹ George Orwell, 'Antisemitism in Britain', *Contemporary Jewish Record*, April 1945.

³⁰ For related discussion see chapter 6, pp.194-5.

³¹ MEPO 2/3043, Transcript of letter from Wegg-Prosser to Mosley in Special Branch Report of Fascist and Anti-Fascist Meetings held during May 1938, 3 June 1938.

³² Board of Deputies of British Jews, C6/3/1B/4, Progress report, August 1937.

Jewish People's Council had been born of these frustrations but its communist connections had denied it the official recognition of the Board. However, in association with the NCCL the JPC was able to bring a file of complaints arising from the policing of fascist activities in the East End to the attention of local MPs. The Board and the NCCL shared common support. Laski, Thurtle and Lansbury were amongst those who were associated with both organisations and the NCCL-JPC enterprise does appear to have attracted sympathetic interest. Following publication of a joint report the Board invited JPC secretary Julius Jacobs to attend a meeting to say 'exactly what Blackshirts are doing and what is the best way in which we can help'.³³

The report drew attention to a number of incidents: anti-semitic language used by fascist London County Council (LCC) election candidate Raven Thomson at a BUF meeting in Victoria Park Square; an assault on a prisoner in the charge room at Bethnal Green Police Station; assaults by fascists on members of the Labour party during the LCC election campaign and allegations that the police protected fascists rather than Bethnal Green citizens; a fascist victory parade following election results that included a band to drown out the sounds of window smashing; and the obstruction and intimidation of voters by fascists during polling.³⁴ At Kidd's request J.H.Hall, MP for Whitechapel, arranged a meeting at the House of Commons for representatives of the JPC to present MPs with their allegations. He agreed to speak separately with Clement Attlee and Percy Harris who could not attend.³⁵ Hall was subsequently accompanied by MPs F.C.Watkins (Hackney Central), Dan Frankel (Mile End) and Dan Chater (Bethnal Green), and by D.N.Pritt to an interview arranged to present the allegations to the Home Secretary. Although MP Sir Stafford Cripps was not part of the group his report to the Home Secretary, *Fascists and the L.C.C. Election*, made similar allegations. Cripps argued that the police had failed to protect the people of the East End

³³ BoD, C6/9/1/3, Letter to Board of Deputies from J. Jacobs, 11 March 1937, and reply to J. Jacobs from Board of Deputies, 15 March 1937.

³⁴ MEPO 2/3109, BUF Activities in East End, protests by several MPs, 24 April, 1937 and DCL 37/4, Letter to MPs from Kidd, 17 March 1937.

from fascist violence and had ignored fascist intimidation which might well have influenced the outcome of the election. It was noted at the Home Office that Cripps's report was published by the NCCL.³⁶

The discussion between Hall, his fellow MPs and the Home Secretary revolved around the provisions of the Public Order Act. Whilst the legislation had been readily used against the striking miners at Harworth, fascist speakers who indulged in insulting, anti-Jewish remarks were rarely prosecuted. It was suggested that the legislation was not being fully utilised because its application depended on interpretation and 'how the police regarded their duties under the Act'. Grave concerns were raised about the 'incipient anti-semitism' for which fascists were responsible. Frankel alleged that actionable speeches were being made and that the police were taking no action to stop them. The Home Secretary reasoned that a great deal of trouble had been taken to draw up instructions for the police on the new legislation and insisted that a 'good deal of note taking was being done'. He believed the situation was 'definitely improving' with a number of recent prosecutions. In spite of his outward optimism, however, Simon accepted that there were a number of allegations that needed looking into and he agreed to take up individual cases with the Commissioner.³⁷

The Home Office investigation that followed found that the fascist practice of marching back to their headquarters after meetings was a source of considerable disorder, caused a great deal of annoyance to local residents and excited an expectation of police action. Under cover of darkness the police found the shouting, stone-throwing and fighting associated with these processions difficult to prevent. Police reports acknowledged that police officers were on occasions 'hopelessly outnumbered' and that their actions in relation to damage to property had led Jewish traders to the erroneous belief that the police were in sympathy with

³⁵ NCCL, DCL 37/4, Letter to Ronald Kidd from J.H.Hall MP, 16 March 1937.

³⁶ MEPO 2/3109, Letter and report to Sir John Simon from Sir Stafford Cripps, 24 March 1937 and Home Office minute, 27 March 1937.

³⁷ HO 144/21063, Notes of MPs interview with the Home Secretary, 24 March 1937.

the fascists. It was recognised that solutions included preventing the distribution and display of anti-semitic literature, preventing 'young hooligans' from congregating on street corners and stopping fascists heading their processions with a band. The content of a fascist song sheet distributed at a meeting in Victoria Park was acknowledged to be objectionable but it was maintained that it had not been seen by the police officers present, and there was no record of insulting language being used by fascist speaker Raven Thompson. The involvement of the NCCL was considered to have 'rendered difficult' the enquiries and to have 'exaggerated and distorted' the complaints. It was suggested that, 'had the complaints been made direct to the police in the first instance, a true picture of the grounds for complaint would have been made'.³⁸

Rather than dwell on past events Game wanted the discussion to address the likelihood that 'trouble may break out again at any moment'. He took the opportunity to point out that the time had been considered 'not yet ripe' to impose an order under section 3[3] of the Public Order Act which would have allowed the prohibition of all political processions within a specified area and period of time and lessened the chance of disorder.³⁹ At the Home Office Newsam had his own agenda. He wanted more information on the insulting statements about Jews made from fascist platforms without interference from the police. This had been highlighted particularly at the meeting between MPs and the Home Secretary. He wanted a copy of the Special Branch notes on the speech by Raven Thompson and details of the number of cases since the beginning of the year in which police had interfered with fascist speakers by (a) warning the speaker and (b) instituting proceedings. To give a complete picture similar statistics were required for anti-fascist speakers over the same period.⁴⁰ Game was not inclined to provide the Home Office with such details because of the 'very considerable research' that would be required at a time when he was anxious that Divisions should be 'busy again with normal work which must necessarily have suffered'. From

³⁸ MEPO 2/3109, BUF Activities in the East End Protests by several MPs, 24 April 1937.

transcripts of the Special Branch shorthand notes, however, he was able to verify that he regarded the language of fascist speakers as 'not particularly scurrilous'.⁴¹

It is not clear whether Game produced the further details required but it is likely that his reluctance stemmed in part at least from the involvement of the NCCL. It was not the first investigation into allegations made by the organisation that the Commissioner had been required to carry out since the introduction of the new legislation. At the beginning of the year he had been forced to conduct an enquiry into police actions at a fascist meeting at Hornsey Town Hall where violent fascist stewarding had left four people seriously injured. Police officers were alleged to have ignored the brutal attack and failed to intervene despite being asked to do so by several members of the public. The NCCL launched an investigation with the backing of local MP Fred Messer and with a view to forcing the Home Secretary to hold a public inquiry. Although he resisted the pressure, the Home Secretary had insisted that the Commissioner carry out a full investigation.

The Hornsey investigation leaves no doubt of the Commissioner's reluctance to give a full account of police actions in the face of allegations that he believed to have been orchestrated by the NCCL. It also shows that violent stewarding continued to be a feature of fascist practices throughout the 1930s and did not attract a great deal of attention from the authorities. Even though the police investigation revealed aspects of the policing operation with which he himself was not entirely satisfied, and found at least one police officer to have been blameworthy, Game was disinclined to 'dignify' the NCCL's representations with a response. Following representations from Messer, Simon required Game's 'further observations'. The Commissioner's immediate response claimed that there had been 'a certain amount of difficulty in ascertaining exactly what transpired at this meeting'. He noted however that

³⁹ HO 144/21063, Letter to F.A. Newsam from Philip Game, 11 May 1937.

⁴⁰ Ibid, Letter to Philip Game from F.A. Newsam, 13 May 1937.

Mr Bolton [one of the injured men] is a member of the National Council for Civil Liberties, and one is, I feel, entitled to draw the conclusion that he attended the meeting, as members of this body do, with the express purpose of blaming the police for any trouble that might occur. From what I have been told in confidence I have reason to believe that the Council are the instigators of the question to the Home secretary.⁴²

He considered it 'only to be expected that the National Council for Civil Liberties is trying to make capital out of what happened'. Police reports dismissed witness statements as 'couched in the usual hysterical style adopted by persons giving evidence before the NCCL' and 'so extravagant as to be unworthy of serious consideration'. Game deplored the expenditure of time and police resource on a further report and enquiry.⁴³

In fact, although the senior police officer present, Superintendent Darke, reported that no excessively violent stewarding had been witnessed by the police, he was not satisfied that SDI Lewis, who he had left in charge of the entrance, had handled the case of one of the men ejected 'with that degree of activity and helpfulness that was expected of him under the circumstances'. He had similar doubts about Inspector Russell, who had been responsible for the front of the hall. 'Inspector Russell' he noted 'too seems to have been blind to the necessity of trying to do something for the person assaulted'.⁴⁴ It was acknowledged that Lewis was blameworthy and that both Lewis and Russell would have been better advised 'at least to have made a show of interesting themselves in the assaults'.⁴⁵ Special Branch officers inside the hall reported the usual large number of stewards on duty who, they said, showed 'every indulgence' to hecklers. It was not considered necessary or desirable for uniformed police to be called in to restore order. The only disturbance of note to be recorded was 'caused by a Jew' who asked whether the late Mrs Mosley had been a Jewess. He was ejected by two stewards who 'used some force [...] dragging this Jew passed the steps to the gangway because he was struggling'. Nonetheless, it was reported that no undue violence

⁴¹ Ibid, Letter to F.A. Newsam from Philip Game, 24 May 1937.

⁴² MEPO 2/3104, Minute note signed Commissioner of Police, 22 February, 1937.

⁴³ Ibid, Minute note 26, 4 March, 1937.

⁴⁴ Ibid, Report from Wood Green station 'Y' division Superintendent Darke. 4 February 1937.

⁴⁵ Ibid, Minute note 13, 9 February 1937 and minute note 19, 13 February 1937.

was witnessed.⁴⁶ The Commissioner acknowledged that there was a question as to whether his senior officers exercised their discretion wisely. He did not doubt that the fascist stewards were 'somewhat out of hand and over violent' but he had little sympathy with those ejected and concluded

The Council of Civil Liberties have, as always, done their best to exploit the disorder, primarily caused by their own supporters, in order to attack the police. I should most strongly deprecate giving a fictitious importance to this self-constituted body by acceding to their demand for a public inquiry.⁴⁷

At the Home Office Newsam's lengthy overview of events found the difficulties increased because the complaint was made by the NCCL, a body 'notoriously hostile to the police'. Moreover, it appeared that the police version of events differed substantially from that of the witnesses. Newsam confessed to an 'uneasy feeling that on this occasion the police did not do all that they might have been expected to do'. He questioned the conclusions of Special Branch. Only one person was seen to be ejected when it was clear from the reports of uniformed officers that there were at least five. Special Branch officers did not see any violent stewarding even though they reported that BUF headquarters had acknowledged an unnecessary display of force by some of the stewards. In view of the very visible facial injuries sustained by some of those ejected, Newsam questioned whether Special Branch observers had 'a wrong view as to the amount of force which may lawfully be used by stewards ejecting interrupters'. He considered that the police might need 'further advice' and thought it desirable to issue clear instructions that they should not wait until they are 'called in' to a meeting if they have reason to believe that assaults are taking place.⁴⁸

Game's response was still found to be 'insufficient for the Home Secretary to dispose of the matter'. It was pointed out to the Commissioner that, whilst there was no desire to give fictitious importance to the NCCL by agreeing to a public inquiry, the Home Secretary needed

⁴⁶ Ibid, Special Branch report, 16 March 1937.

⁴⁷ Ibid, Memo to the Secretary of State from Commissioner of Police, 2 April, 1937.

⁴⁸ HO 144/21063, Memo on BUF Meeting at Hornsey Town Hall on 25 January 1937, Criticism of police action by the NCCL, F.A. Newsam, 13 April 1937.

to be satisfied that the matter had been thoroughly investigated so that officers placed in a similar position in the future would have a better understanding of their responsibilities.⁴⁹ Game acknowledged that he was 'not very satisfied with the action taken' but he maintained that a reprimand to the responsible officer would be inappropriate in the circumstances. He considered it arguable whether the injuries were as result of assaults or of resistance to the stewards. In addition, there was a general tendency for the police to think that, 'if a man goes to a meeting to make trouble, he ought not to complain if trouble comes to him'. Despite Game's reluctance, Simon gave assurances to Messer that the Commissioner would emphasise to his officers that they should take action promptly at the first indication of an unreasonable amount of force being used by fascist stewards and should not hesitate to enter the hall whether or not they had been asked for assistance.⁵⁰ Messer found the Home Secretary's response unsatisfactory. He indicated that he personally had interviewed witnesses of unimpeachable character who saw acts of brutality committed and the refusal of police officers to act. He felt that there was justification for an official inquiry and pointed out that as a resident of Hornsey he was aware that a great deal of resentment had been caused by the failure of the police to deal with the situation.⁵¹

The events at Hornsey show, albeit on a much smaller scale, that fascist methods had changed little since Olympia two and a half years earlier. However, it is notable that there was now an expectation on the part of the Home Office that the police would enter an indoor meeting if excessively violent stewarding was suspected. The BUF remained a very violent organisation even within its own ranks. East End area co-ordinator Charles Wegg-Prosser was thrown through a first floor window during a disagreement with one of his colleagues.⁵² At Hornsey hired thugs were brought in from outside the area to act as stewards with the specific purpose of forcibly ejecting hecklers. Pugh has questioned whether Lawrence's view

⁴⁹ Ibid, Letter to the Commissioner from A Maxwell 16 April 1937.

⁵⁰ NCCL, DCL 40/6, Letter from John Simon to Fred Messer, 17 May 1937.

⁵¹ HO 144/21063, Letter to Sir John Simon from Fred Messer MP, 25 May 1937.

⁵² Richard Thurlow, *Fascism in Britain A History 1918-1985*, (Oxford: Blackwell, 1987), p.107.

makes too much of the condemnation of fascist violence following Olympia. He argues that, despite the widespread criticism of fascist methods in the press and in parliament, many Conservative politicians and party members continued to express admiration for fascist ideals.⁵³ The dialogue between the Home Office and the Commissioner surrounding the Hornsey investigation suggests that it was not revulsion at fascist violence that prompted the Commissioner to reinforce his instructions to his officers on the 'reasonable force' allowed to fascist stewards. It was pressure from Labour and Liberal MPs, motivated by the NCCL's campaign, that forced the Home Secretary to demand more effective policing of fascist violence. Most significantly, the Home Office investigation into police behaviour at Hornsey shows that the NCCL was able, through its network of observers and sympathetic MPs to challenge police behaviour in a way that the Commissioner would not be allowed to dismiss.

While the Home Office investigations into the LCC election incidents and Hornsey continued, further allegations of ineffective policing were made by J.H.Hall MP. Hall put down a question in the House of Commons on police inaction against provocative rhetoric used by speakers at a BUF meeting in Whitechapel. He sought the Home Secretary's assurance that such conduct would be stopped in accordance with the Public Order Act.⁵⁴ As had been the case with Raven Thompson's speech at Victoria Park, Simon's response confirmed that the Commissioner had again seen the transcript and decided to take no action. However, Game was now clearly under some pressure to address all aspects of fascist provocation and a few weeks later a confidential memo was issued by the Commissioner's office instructing that the attention of all ranks should once more be drawn to the Home Secretary's directive and his instructions of the previous year on the subject of policing fascist speakers. The memo pointed out that the Commissioner was

by no means satisfied that the general instruction given [...] was being carried out in the manner he intended. There have been several occasions during the last few months when speakers at meetings have indulged in violently abusive

⁵³ Pugh, 'The National Government, 'The British Union of Fascists and the Olympia debate'.'

⁵⁴ *Parl. Debs*, 29 April 1937, vol.323, col.511-2.

language without any action whatever being taken by the police. On more than one occasion the commissioner has, in view of the scurrilous language used felt bound to proceed by summons subsequently.⁵⁵

It was to be 'clearly understood' that it was the duty of the police at all ranks to hear what was being said by a speaker and to act at once should 'reasonable criticism and political controversy degenerate into insult and abuse'.⁵⁶

On 25 April 1937, with the Commissioner in the thick of the Home Office investigations into the events at Hornsey and the disturbances in the East End, the NCCL and JPC held a joint conference in London focused on the perception that it was police bias that allowed fascism to flourish in England. Special Branch reported the attendance of 310 delegates representing 189 organisations including Liberal Party branches, Peace Councils, Left Book Clubs, Workers circles, Trade Union branches, Womens Guilds, I.L.P branches, Trades Councils, Labour Party branches, Jewish organisations and Communist Party branches. Along with Kidd and Jacobs of the JPC the speakers included A.M.Wall secretary of the London Trades Council, Dr.Matthews Dean of St Pauls and Rabbi Dr Moses Gaster.⁵⁷ This was seen as an attack on the government that would necessitate verbatim notes of Kidd's future speeches to be made available to the Home Secretary. It was, however, noted that many were delivered in such circumstances and in such places as to make it impossible openly to take notes and would therefore necessarily rely on memory.⁵⁸ Special Branch warned that the conference had proposed that a deputation should wait on the Home Secretary 'to place before him the resolutions presented at the conference'.⁵⁹

The responsibility for arranging a deputation to the Home Secretary had evidently rested with Kidd although he was notably slow in pursuing the task. Whether this was

⁵⁵ HO 144/21380 Confidential memo to D.A.Cs 1 to 4 from the Commissioner's office, 29 June 1937.

⁵⁶ Ibid.

⁵⁷ HO 45/25463, Special Branch report on a delegate conference on fascism and anti-semitism held by the JPC and the NCCL, 28 April 1937.

⁵⁸ Ibid, Home Office minute Ronald Kidd and the National Council for Civil Liberties 4 May 1937.

⁵⁹ Ibid, Letter to Under Secretary of State from Canning, Assistant Commissioner, 28 April 1937.

because of his current heavy workload with the enquiries into events at Harworth, Hornsey and the LCC elections, or because of any reluctance on Kidd's part is not clear. However, Pearce twice wrote to Kidd following the conference. On 4 June he asked 'whether any developments have occurred in connection with the deputation'; and again on 15 June he pointed out that 'the fascists were intending to mobilise all their forces for a march on 4 July, it is doubly necessary that the deputation [...] be arranged within the next few days'.⁶⁰ In response to the prompts Kidd finally put the proposal to the Home Secretary,⁶¹ and invited A.M.Wall and MPs, Dan Frankel, J.H.Hall, Dan Chater, Sir Percy Harris, Ernest Thurtle, V.M.Adams and F.C.Watkins to join a deputation.⁶² He subsequently arranged a meeting at the House of Commons so that he and representatives of the JPC could discuss the issues.⁶³

Kidd's request for the Home Secretary to receive a deputation was viewed at the Home Office with the customary distaste. Newsam advised the new Home Secretary, Samuel Hoare, that the NCCL was regarded as

A body with close subterranean connections, particularly through its Secretary Mr Ronald Kidd, with the Communist Party. Although it has a long nominal roll of distinguished persons as Vice-Presidents and no doubt attracts a considerable body of support for the ideals for which it professes to stand, its modus operandi is to vilify the police on all possible occasions, the favourite charges being that the police consistently abuse their powers and infringe the liberty of the subject.⁶⁴

The Jewish Peoples Council he suggested was 'not a body which commands respect in responsible Jewish quarters'. He considered the two organisations to be at least as concerned with combating fascism as with fighting anti-semitism and noted that the propagation of fascism as a political philosophy was as lawful as any other creed and it was therefore inappropriate for the Home Secretary to receive a deputation from one political faction protesting against another. Further it was considered undesirable to lend any credence to either organisation and unnecessary to present to the Home Secretary a re-hash

⁶⁰ NCCL, DCL 8/5, Letters to Kidd from J Pearce dated 4 June and 15 June 1937.

⁶¹ MEPO 2/3112 and DCL 8/5, Letter to The Secretary of State for Home Affairs, 7 June 1937.

⁶² NCCL, DCL 8/5, Letter to A.M.Wall and listed MPs from Kidd Secretary of the NCCL, 5 June 1937.

⁶³ Ibid, Letter to J.H.Hall from Kidd Secretary of the NCCL, 18 June 1937.

of incidents already much publicised by the NCCL. Hoare agreed to accept representations in writing rather than to receiving the deputation in the first instance, intentionally delaying his reply to Kidd until he had made a statement to the House of Commons on his proposals for the East End. This he did on 21 June imposing an Order under section 3[3] of the Public Order Act prohibiting political processions in a specified area.⁶⁵

The Home Secretary's announcement appears to have taken Kidd by surprise. He hastily postponed the meeting arranged with MPs pending further consideration of the whole matter by the NCCL with a view to presenting a case against the ban and the possibility of a press statement.⁶⁶ The NCCL believed that the proper course for the Commissioner would have been to bind over the organisers of fascist meetings to keep the peace and to use the Public Order Act only to target specific meetings likely to cause disorder. It anticipated that a total ban in the East End would lead to further disorder, would do nothing to prevent racial hatred and intimidation and would interfere with legitimate labour and Trade Union activities.⁶⁷ The period from the end of January to the middle of June 1937 had seen intense agitation from the NCCL. Paradoxically, it was these activities that had raised awareness of the extent of political tension in the East End and in doing so had significantly strengthened the Commissioner's case for the implementation of a total ban.

Police powers and the political debate

The dialogue between the Commissioner and the Home Office that had proceeded the implementation of the ban on processions in the East End shows that the Home Secretary had been reluctant to authorise the Commissioner's demands and re-awaken the

⁶⁴ HO 144/21380, Home Office minutes National Council for Civil Liberties, 7 June 1937.

⁶⁵ Ibid, Home Office minutes National Council for Civil Liberties, 7 June 1937, and HO144/21086, Order made by the Commissioner of Police under Public Order Act 1936, 21 June 1937.

⁶⁶ NCCL, DCL 8/5, Letter to J.H.Hall from Kidd Secretary to the NCCL, 22 June 1937.

⁶⁷ *Civil Liberty*, No.2 (New Series), Autumn 1937, p.15.

political debate that had surrounded the introduction of the legislation. Section 3[1] of the Act allowed the Commissioner to prescribe the time and the route of any procession or prevent it entering a particular area if there were reasonable grounds for believing that serious disorder might arise. This limited the effect of the legislation almost entirely to fascist activities and even there was subject to challenge. Game considered that disorder would occur around a fascist procession from an East End meeting whatever the route, particularly after dark. Since fascist processions generally took place at the end of an evening meeting he was aware that a decision to impose a time condition to ensure processions took place in daylight hours essentially amounted to a prohibition of the procession altogether even in the summer months. This he was not entitled to do under section 3[1] of the Act. He, therefore, favoured the use of section 3[3] that provided for a total ban to be imposed on all processions within a specified area and for a specified period. This course of action required the approval of the Home Secretary. Game was clearly between a rock and a hard place on this issue. It was acknowledged that the Commissioner would be criticised if he failed to make use of his powers under the Act. However, as Game was reminded at a meeting with Sir Arthur Maxwell, Deputy Under Secretary of State, 'the Secretary of State had given assurances to Parliament at the report stage of the Bill that the powers provided under section 3[3] would only be used in wholly exceptional circumstances'. At the beginning of May 1937 the Home Office view was that 'the time had not yet come' for an order to be made prohibiting all processions in the East End. It was felt that there should be little difficulty in issuing directions as to the time of processions as fascists were always careful to notify the Commissioner of their intentions because they wanted police protection.⁶⁸ Game was not inclined to capitulate and his opportunity to press the point came at the beginning of June when Special Branch intelligence warned that Mosley proposed to conduct a propaganda march through the East End to a meeting in Trafalgar Square on 4 July. Special Branch reports cautioned that co-ordinated action was advocated by anti-fascist movements

⁶⁸ HO 144/21086, Home Office Minute, 3 May 1937 and report of the Commissioners discussion with

including the Jewish Peoples Council and the Communist Party which presented the likelihood of anti-fascist opposition on the scale of the previous 4 October.⁶⁹ The Commissioner advised the Home Secretary of his intention to use his powers under section 3[1] of the Public Order Act to 'prohibit the Fascist procession from entering all the highways in the mainly Jewish part of the East End'. He acknowledged that this was tantamount to banning the procession altogether.⁷⁰

Game's proposal was not well received at the Home Office. It was considered that if the Commissioner were to make use of his powers in this way it would be open to challenge in the courts. More importantly, it would not be 'keeping faith with Parliament' if powers given for one purpose were used for another. Newsam proposed three alternative courses of action for consideration. Firstly, to prescribe a route that would avoid the most sensitive streets but still to allow the procession to pass through East London; secondly, to bring those responsible for organising opposition to the BUF before the courts to be bound over to keep the peace; and thirdly to make an order under section 3[3] of the Act prohibiting all political processions in the Jewish districts of the East End for a specified period. In debate it was felt that, whilst unpalatable, only the third option was likely to prevent disorder. The events of 4 October 1936 had led many to question whether police powers were adequate to deal with such emergencies. Above all there was a determination to prevent a repeat of those events and the likely dissatisfaction and frustration that would be expressed if such a situation was not handled more effectively. The new legislation presented the opportunity to solve the problem with the implementation of an overall ban in the East End. The Commissioner was therefore finally given leave to proceed under section 3[3] to obtain the Home Secretary's approval for an outright ban initially for a period of three months. At first Hoare was against an overall ban fearing an opposition backlash. But, faced with the probability of serious

Maxwell and Dawson headed Disturbances in the East End.

⁶⁹ Ibid, Memo to the Commissioner from A. Canning, Chief Constable Special Branch, 1 June 1937.

⁷⁰ Ibid, Memo to the Secretary of State from the Commissioner, 9 June 1937 and memo to the Under Secretary of State, 12 June 1937.

public disorder arising again from a fascist procession through the East End, he had little alternative but to accede to Game's plea and use the legislation as intended. Before he gave his approval, however, he was careful to secure the agreement of opposition MPs Clement Attlee, Herbert Morrison, Archibald Sinclair and Percy Harris.⁷¹

Game's formal request for the Home Secretary's consent to an order under section 3[3] of the Act identified an area to the North of the Thames approximately bounded by the rivers Lea and Thames, the City boundary and the Midland and Scottish Railway. The Commissioner observed 'there is a large population of Jews in the whole of this area'.⁷² Hoare announced the ban in the Commons in response to a question by Fred Watkins MP for Central Hackney who wanted to know whether the Home Secretary intended to take action under the Public Order Act in relation to the proposed fascist march. Only the Communist Willie Gallacher argued that the Home Secretary had the power to stop provocation without interfering with people's public rights to procession. Otherwise there was little opposition and Hoare was able to maintain that he was carrying out 'the spirit and the letter of the policy that was adopted by parliament'.⁷³

Mosley immediately gave notice of his plans to conduct the BUF procession to Trafalgar Square from Kentish Town. As Game had anticipated Mosley's notification of his revised route generated fervent opposition and demands for the procession to be prohibited. Kentish town had no large Jewish population but the area was believed to support 'a good many communists'.⁷⁴ According to Special Branch many members of the Communist Party in the area also belonged to the Labour Party and virtually every member of the St Pancras Trades Council was a Communist Party member 'open or secret'. Special Branch reported that the communists had successfully persuaded the local Labour Party to lead the agitation

⁷¹ Ibid, Home Office Minutes on Proposed march of British Union of Fascists, 11-16 June 1937.

⁷² Ibid, Letter to the Under secretary of State from the commissioner, 16 June 1937.

⁷³ *Parl. Debs*, 21 June 1937, vol.325, col.846-9.

⁷⁴ HO 144/21086, Extract from conclusions of a meeting of the Cabinet, 23 June 1937.

against the fascist march.⁷⁵ Fifteen thousand leaflets were produced and a demonstration was arranged which presented a petition bearing 3000 signatures to the Mayor. The predominantly conservative Borough Council decided to add no further comment but agreed to forward the petition to the Home Secretary. With the endorsement of the Cabinet the Home Secretary declined to prohibit the fascist march. He argued that he could not 'go on prohibiting meetings indefinitely' and the best course of action would be to confine the procession as far as possible to the 'safe streets'. At the Commissioner's request he released his reply to the LCC to the press.⁷⁶ Special Branch reported that the Communist Party had produced leaflets intended to whip up interest in the event and that 'a member of the Council for Civil Liberties' had contributed to a four-page supplement to the *Daily Worker*, attacking the Home Secretary.⁷⁷ Kidd's whereabouts during the day were of particular interest and carefully observed. He was reported to have arrived at Islip Street at 2.30p.m. and waited there with Miss Crowther-Smith until the march started. He then travelled by tube, first from Kentish Town to Mornington Terrace where he watched the march pass, and then to Strand station where he took up a position outside the Monseigneur News Theatre to watch the proceedings in Trafalgar Square.⁷⁸ In the event the procession was a relatively peaceful affair. The local Labour Party had appealed for calm and claimed the credit for the absence of widespread disorder. Nevertheless, the policing operation was judged a success. In all twenty-four arrests were made and five members of the public and seven police officers received injuries.⁷⁹ Hoare sent congratulations to the Commissioner on the efficiency of his arrangements which were considered to have ensured that anti-fascist opposition did not escalate into serious disorder.⁸⁰

⁷⁵ Ibid, Special Branch report, 25 June 1937.

⁷⁶ Ibid, Extract from conclusions of a meeting of the Cabinet, 23 June 1937 and Home Office minutes, 26 June 1937

⁷⁷ Ibid, Special Branch report, 3 July 1937.

⁷⁸ Ibid, Special Branch report, 4 July 1937.

⁷⁹ Ibid.

⁸⁰ Ibid, Letter from Samuel Hoare to Philip Game, 8 July 1937.

The prohibition of processions deliberately ensnared the legitimate activities of the political left. The term 'political character' which defined prohibited processions was intentionally wide so as to include anti-fascist victory marches and the like irrespective of whether there was a likelihood of disorder, but the interference with the interests of labour organisations was controversial and difficult for opposition MPs to swallow. The Home Office struggled with the Commissioner's decision to include a march by the Bethnal Green Trades Council within the scope of the prohibition. The Trades Council claimed that its march was to promote recruitment. However, the reported involvement of George Kempton, a member of the Communist Party, and of Mark Bass, a member of the NCCL, confirmed its political nature as far as the Commissioner was concerned.⁸¹ Newsam warned that Trade Unions and Trades Councils had the support of MPs and that any prohibition was likely to be challenged in parliament. He suggested an 'unofficial' approach to Mr Attlee before any decision to prohibit the procession was announced. Russell Scott was prepared to believe that a distinction could be made between the obviously political nature of the Trades Council march and Trade Union branches who often marched in London for 'ordinary industrial purposes' whilst Alexander Maxwell argued that such a view might be right it was also debatable since both Trade Unions and Trades Councils often engaged in political propaganda and the presence of MPs at their meetings was an infallible sign of political agitation.

In summarising the discussion, Newsam stressed the importance of impartiality and suggested that the man in the street would not be easily persuaded that 'a procession of Trade Unionists and Trades Councils carrying banners with slogans [...] is anything other than a procession of political character'. He feared that to confuse public opinion during the first Order made under the act would make future use of the legislation much more difficult and suggested that the best solution to 'this difficult question' would be to get the organisers

⁸¹ Ibid, Memo to the Commissioner from Canning, Special Branch, 13 July 1937.

to postpone the procession until after the Order came to an end.⁸² In fact a solution of a different kind was to present itself. The Home Secretary was made aware of a rift over the issue within the labour movement itself. Alfred Wall, Secretary to the London Trades Council believed the recruitment march to be cover for an anti-fascist demonstration. In his view the initiative for the march had been taken by a local official of the Transport and General Workers Union who had been criticised for his association with the rank and file movement. Nevertheless the march had the support of the TUC and Wall was accused of trying to sabotage a bone fide Trade Union demonstration.⁸³ In the light of Wall's observations the Home Secretary decided that the procession should not be permitted and that no attempt should be made to induce the organisers to postpone their arrangements until the ban had expired.⁸⁴

The NCCL had an extensive network of very effective observers and close contacts with anti-fascist activism in this period. This ensured that police behaviour at any potential disorder would be monitored and, if necessary, challenged in parliament. This was the case at a fascist meeting in Stepney Green in July 1937 following which a number of flimsy cases were brought to court. One man had been arrested and charged with insulting behaviour when he put two fingers in his mouth and whistled, and another when he blew his nose in a way that offended the police inspector. The NCCL observers present at the event reported several incidents of police brutality. Witnesses attested that a baton charge which, according to witnesses, was ordered quite unnecessarily after the crowds had started to disperse peacefully. They complained that it had left women and children 'screaming in terror', a pregnant woman in a state of shock having been threatened with a police truncheon and a man hospitalised for five days. Another man arrested and charged with insulting behaviour had been so roughly handled he needed hospital treatment. All of the charges were

⁸² Ibid, Supplementary Memorandum to the Secretary of State from F A Newsam, 6 July 1937.

⁸³ Ibid, confidential note by Mr Leggett on information received from Alfred Wall, undated.

⁸⁴ Ibid, Home Office minutes, Commissioner of Police, Proposed March of Bethnal Green Trades Council, 30 June to 8 July 1937.

dismissed by the magistrate.⁸⁵ Geoffrey Lloyd's defence of police actions in the Commons, following a question put down by Dan Frankel, failed to convince opposition MPs.⁸⁶ Following a meeting at the House of Commons, at which Kidd presented a dossier of eye witness evidence, the *News Chronicle* reported 'Labour MPs are making serious allegations against the police handling of political meetings in the East End'.⁸⁷ Kidd's representations were evidently well received. Under the heading 'East End Police Terror Alleged' the *Daily Herald* subsequently reported that Frankel, Pritt, Chater and Hall would be asking the Home Secretary to receive a deputation to discuss police behaviour at Stepney Green.⁸⁸

Allegations of police brutality such as those at Stepney Green very effectively kept alive support for the NCCL. Mainstream support for the organisation may have suffered following its alliance with the JPC and widening associations with the radical left. Special Branch noted declining enthusiasm for the Council from 'many of the more moderately minded persons who supported it in its early stages'.⁸⁹ Ernest Thurtle MP, usually supportive of the NCCL's objectives, warned Kidd that 'wisdom lies in keeping on friendly terms with the police if this is possible'. On the subject of the proposed deputation to the Home Secretary he wrote, 'if its purpose is to argue that the police are showing partiality towards the Fascist lawbreakers I am not anxious to be identified with it'.⁹⁰ Dan Frankel, who had been one of the most vocal of the MPs to question policing operations in the East End, was found to be 'more inclined to lend an attentive ear' to Kidd's representations following the events at Stepney Green.⁹¹ Such police actions stimulated public debate and undoubtedly consolidated support for the NCCL's campaign. They may also have legitimised the activities of the JPC. The Commissioner's report to the Home Secretary for the month of July 1937 indicated increasing

⁸⁵ Kidd, Ronald ed., *Civil Liberty*, No.2 (New series) (National Council for Civil Liberties), Autumn 1937.

⁸⁶ *Parl. Debs*, 19 July 1937, vol.326, col.1794-5.

⁸⁷ DCL 38/4. Letters to D Frankel from Kidd, 17 July 1937 and 28 July 1937 and *News Chronicle*, 21 July 1937, p.13.

⁸⁸ *Daily Herald*, 21 July 1937, p.1.

⁸⁹ HO 45/25463, Special Branch Report summary No.8, 14 May 1937.

⁹⁰ NCCL, DCL 8/5, Letter to Kidd from Ernest Thurtle MP, 8 June 1937.

⁹¹ NCCL, DCL 38/4, Note to Kidd from H.Blumfield, 17 July 1937.

anti-fascist activity from the Board of Deputies. It was reported that the Board had opened an office in Whitechapel Road and was taking control of all arrangements for meetings to combat anti-semitism in co-operation with the JPC.⁹²

As the expiration of the order approached Mosley announced his plans for a procession through the East End to mark the occasion. There was little doubt that a large fascist demonstration, were it allowed to go ahead, would lead to serious disorder. The Home Office view was that if the ban had been justifiable on 21 June then the situation had certainly not improved and a second order for a further six weeks was considered as the only reasonable option. Nevertheless, the Home Secretary was disinclined to extend the ban until he had had 'some further talk with Messrs Attlee, Morrison, Harris and Sir A Sinclair'.⁹³ Despite Hoare's initial doubts there were no strong objections from the opposition and the order was extended without amendment for a further six weeks.

Bringing a ban on political processions to an end would clearly be problematic. There was no indication throughout 1937 that time would lessen the difficulties and the expiry of the second order approached with no sign that the risk of disorder had diminished. The Commissioner's proposal for a further extension to the ban cited communist intentions to march through the East End on the first Sunday after the cessation of the order on 13 September and fascist plans to stage a large scale demonstration in early October. The certainty that any East End procession would result in disorder was not doubted, nonetheless, Home Office minutes noted that it would be very convenient for the government if the order was allowed to expire so that

the communists came out into the open and matured their plans for a march. A new order would then appear to be directed against the communists in the same way as the earlier orders were represented as being directed against the

⁹² HO 144/21380, Home Office minutes Jew-baiting during July, 7 August, 1937 and Commissioners report to the Home Secretary for the month of July, 7 August, 1937.

⁹³ HO 144/21086, Home Office minutes, Commissioner of Police, Proposed Marches and Demonstrations in the East End of London, 17 to 30 July 1937.

fascists'.⁹⁴

In the event, the risks that both sides would organise processions at very short notice from one of their many meetings were thought to outweigh the potential benefits to the government and in any case it was felt that a further extension to the ban would give rise to little criticism. A press statement by Dr. Mallon of Toynbee Hall was regarded as a particularly important influence on left-wing opinion. Dr. Mallon thought the Commissioner's policy fully justified and the prohibition both desirable and necessary until both sides were willing to show a greater measure of tolerance towards each other.⁹⁵ Hoare wrote confidentially to Attlee, Harris, Morrison and Sinclair explaining his understanding of communist and fascist plans to stage processions immediately after the cessation of the Order and his concerns that the forthcoming elections would intensify the risks of disorder. He proposed a new order to extend the ban for three months to 'tide over' the period of the municipal elections.⁹⁶ Although none of the recipients of the Home Secretary's letter objected to the extension, Sinclair hoped that Dr. Mallon's statement might carry weight with public opinion and Attlee expressed 'considerable anxiety' that the prohibition was to be continued for so long a period.⁹⁷

The extension of the ban again ensured that Mosley would revise his plans. A new route was immediately announced from Millbank through main streets to a meeting in Rotherhithe and a vigorous anti-fascist campaign of leaflets, chalking and propaganda in the left wing and communist press ensued. Mosley demanded that communist leaders be prosecuted for incitement to obstruct the highway and incitement to unlawful assembly. Home Office advice to the Home Secretary was that prosecution might be a salutary lesson

⁹⁴ Ibid, Home Office minute, Commissioner of Police, Political Processions in the East End of London, F A Newsam, 6 September 1937.

⁹⁵ HO 144/21086, Home Office minute, Commissioner of Police, Political Processions in the East End of London, 6 September 1937. James Mallon was Warden of Toynbee Hall from 1914-1954, during the 1930s he was appointed to a number of Commissions including the League of Nations Union, British Empire Exhibition, Royal Commission on Licensing and was on the Board of Governors of the BBC from 1937-39.

⁹⁶ HO 144/21086, Letter from Samuel Hoare to Attlee, Harris, Morrison and Sinclair, 9 September 37.

for those who were ignorant of the law and unaware that they were not entitled to obstruct the passage of a lawful fascist march. It was considered too that prosecution would 'usefully demonstrate to extremists in their fight against fascism' that they were not entitled to claim exclusive use of the streets for their own political processions or by mass demonstration to, 'do what the authorities refused to do' - effectively to frustrate fascist objectives. More cautious opinion reasoned that public opinion might be inclined to see Mosley as the offender; that prosecution of the communist press for 'political offences' might assist communists and the Independent Labour Party in creating a united front; and that the presence of one anti-fascist on a jury might result in an acquittal with embarrassing consequences for the authorities.⁹⁸ Although the Director of Public Prosecutions advised that there was evidence to justify proceedings he acknowledged 'certain difficult questions of policy' and would only institute proceedings under the direct instructions of the Attorney General.⁹⁹ Following discussion with the DPP and the Attorney General, Hoare concluded there was no case sound enough to prosecute.¹⁰⁰

Billed by Mosley as a 'national anniversary procession' the event promised to attract serious disorder. The widespread local concerns were brought to the attention of the authorities by a deputation led by the Mayor of Bermondsey and Ben Smith MP and including representatives of the Communist Party, the Trades and Labour Council and the Church. The deputation, received by the Commissioner and Sir Alexander Maxwell at the Home Office, wanted the Commissioner's assurance that he would use his powers under section 3[1] of the Public Order Act to impose conditions on the organisers as to the route and the preservation of order. The procession would pass close to the area covered by the ban and there was little doubt that anti-fascist opposition would be attracted from outside Bermondsey.

⁹⁷ Ibid, Letters to Hoare from Archibald Sinclair, 13 September 1937 and from Attlee, undated.

⁹⁸ HO 144/21087, Home Office minutes, Sir Oswald Mosley, Police Action against organisers of counter demonstration, 2 to 11 October 1937.

⁹⁹ Ibid, Letter from E H Tindall Atkinson, Director of Public Prosecutions to the Commissioner, 8 October 1937.

Whilst the deputation pledged to make every effort to persuade local residents to boycott the demonstration it accepted that 'the class of people who were deaf to such appeals would assemble in large numbers' and it was considered 'optimistic' to suggest that a fascist march would take place peacefully and without opposition. The Commissioner declared himself 'fully alive to the possibility of disorder taking place' and gave assurances that he was 'making the necessary arrangements'. He was not prepared to share the details with the representatives of Bermondsey.¹⁰¹

In the event the BUF anniversary procession on 3 October 1937 proved a difficult affair for the police and led Game to ask for the Home Secretary's authority to ban political processions throughout London. The scale of anti-fascist opposition to the march and the resulting serious disorder necessitated the intervention of senior police officers to change the proposed route during the course of the procession and to specify an alternative venue for the meeting.¹⁰² Special Branch reported crowds of more than 35,000 in 'very ugly and hostile' mood and made up largely of 'Jews and apparent non-residents'. Wooden railings and paving slabs torn up by the 'mob' barricaded the streets to prevent the fascist procession passing. Police and fascists were showered with stones, bottles and fireworks. All 2,500 police detailed to the demonstration were employed and reinforcements had to be called. One hundred and thirteen people were arrested 37 of who were charged with assaults on the police – none were known to be fascists. Forty-one police officers were injured along with 28 members of the public.¹⁰³

The NCCL had a large number of observers at Bermondsey on 3 October. Their reports, together with the evidence provided by a number of those arrested and who sought

¹⁰⁰ Ibid, Home Office minutes, Sir Oswald Mosley, Police Action against organisers of counter demonstration, 11 October 1937.

¹⁰¹ HO 144/21086, Fascist Procession in South London, minutes of deputation to the Home Office, 22 September 1937.

¹⁰² Ibid, Memo from D.A.C.4's office, 4 October 1937.

¹⁰³ Ibid, Special Branch report of BUF demonstration, 3 October 1937.

the assistance of the NCCL, allege police brutality and indiscriminate use of batons.

Witnesses and observers described mounted police striking randomly at men and women, one woman hit over the head with a baton and left bleeding on the pavement, perfectly orderly sections of the crowd being threatened by police with truncheons and one man being kicked repeatedly in the back by a police officer as he was frog-marched along the street.¹⁰⁴ H. Peel, President of the Westminster (St. George) Divisional Labour Party, described being driven at by a police car and threatened with a truncheon. He witnessed a man being beaten about the head with a police truncheon and then dragged 50 yards along the street to a waiting police car.¹⁰⁵ Miss Singer, from the Department of Physiology, Pharmacology and Biochemistry, University of London, witnessed the systematic clearing of streets by mounted police who appeared to be signalled by the calculated firing of fireworks to mount increasingly violent charges.¹⁰⁶

Aware that there were many NCCL observers at the demonstration, the Rotherhithe Labour Party, of which Ben Smith MP was president, asked the NCCL for help in collating details of individual cases for possible publication. They were concerned that some of those who had been arrested and received heavy sentences had no involvement with the demonstration and that the police actions, rather than protesters, had caused many of the incidents.¹⁰⁷ Kidd took the opportunity to invite Smith to discuss the cases defended by the NCCL and allegations against the police.¹⁰⁸ In fact Kidd had been involved in an accident at about this time and without his full attention the NCCL struggled to deal with the number of cases arising from the Bermondsey demonstration and it had to be selective in those it was able to defend. The importance of Kidd's personal input was expressed by the Spanish Medical Aid Committee that included amongst its officials and patrons A.M. Wall, Dan Frankel

¹⁰⁴ NCCL, DCL 40/5, NCCL report Incidents at the Fascist March Sunday 3 October 1937.

¹⁰⁵ Ibid, Letter to Kidd from H.W.M. Peel Westminster (St. George) Divisional Labour Party, undated.

¹⁰⁶ Ibid, Letter to Ronald Kidd from Eleanor Singer, 4 October, 1937.

¹⁰⁷ Ibid, Letter to The NCCL from H.C. Balman JP Organising Secretary of the Rotherhithe Labour Party, 5 October 1937.

¹⁰⁸ Ibid, Letter to Ben Smith MP from Ronald Kidd Secretary of the NCCL, 8 October 1937.

and the Mayors of Shoreditch, Stepney and Hackney. Wishing Kidd a speedy recovery it was acknowledged 'we cannot afford being held up in the sphere in which he had proved so important'.¹⁰⁹

The Commissioner and political processions: more troubles more police powers?

Game had a tendency to seek rather drastic solutions to situations such as the disorder at Bermondsey. Just as had been the case in the aftermath of Cable Street his proposals went far beyond anything the Home Secretary was likely to sanction. He proposed a general ban be imposed as soon as possible on all political processions throughout the whole of the Metropolitan Police area for a period of three months. He pointed out that he had tried forbidding processions at the last moment, banning processions in a special area, escorting processions along published routes, and diverting processions at the last minute to unscheduled meeting places. He warned that he would not be able to employ a 'fresh technique' on every occasion and the disorder showed every sign of becoming more serious. In these circumstances he understood his powers under section 3[3] of the Public Order Act to be extensive enough to allow such a ban to be imposed. Although he accepted that use of the legislation to that extent had been 'deprecated in debate' he argued that the 'present state of public feeling' indicated that it would be accepted as a wise precaution. Game went further. He called for consideration to be given to new legislation 'to make processions of all kinds in the streets illegal once and for all'. He argued that adult suffrage had rendered street processions an outmoded and unnecessary method of allowing citizens to make their views known. It was, he suggested, a habit almost entirely confined to minorities and 'extreme political elements'. He cited an enormously increased population and traffic congestion as reasons for processions causing far greater nuisance than they had in the past.¹¹⁰ Game was concerned too that the 'constant vigilance' required to prevent breaches of the peace

¹⁰⁹ Ibid, Letter to The NCCL from G.J.Winter Hon. Asst. Sec. Spanish Medical Aid Committee, 29 October 1937.

impacted on regular police duties. He was confident that, by acting quickly whilst memories of the disorder at Bermondsey were still fresh, he would have public opinion with him.

The Commissioner's proposals were viewed as rash. It was thought that the circumstances would not support them having regard to the tenor of the discussion on the Public Order Bill and fearing also that such a ban would be widely challenged as contrary to the intentions of parliament. It was considered that the current legislation could not be used to prohibit political processions across London without obtaining the express authority of parliament.¹¹¹ The Commissioner's view that a London-wide ban 'would not be very controversial if the case were fully presented and given adequate publicity' was viewed as very optimistic. It was felt that a large body of opinion in parliament, the press and the country would take the view that more experience of working with the current legislation should be gained before further powers were sought and that firm action by the police and magistrates was the way forward.¹¹² Hoare was mindful of the assurances given to parliament by his predecessor that the power to prohibit political processions across the whole of London would only be used in 'wholly exceptional circumstances'. He considered that the Commissioner's proposed ban would stretch unduly the provisions of the Act. Hoare circulated the Commissioner's memo to the Cabinet. In anticipation of questions in the Commons he wanted to know 'how the minds of his colleagues were moving'. He suggested that he would welcome the introduction of further legislation if there was a feeling that decent citizens should be spared the experiences of Bermondsey but would be averse to it if he were not satisfied that the House of Commons generally approved of it.¹¹³ There was clearly no will to introduce further legislation or to extend the ban beyond the East End. The prohibition

¹¹⁰ HO 144/21087, Memo from Philip Game Commissioner of Police to the Secretary of State, 5 October 1937.

¹¹¹ Ibid, Home Office minutes, 6-8 October, 1937.

¹¹² Ibid, Memo to the Secretary of State, Public Processions in London, from F A Newsam, 6 October 1937.

¹¹³ Ibid, Memo to the Cabinet, Prohibition of Political Processions in London, from the Home Secretary, 7 October, 1937.

remained in force unchanged and was again renewed without amendment in December for a further three months.

Game did not deny that his interpretation of his powers under section 3[1] may, at times, have been 'too wide'. In fact, he blamed 'The psychological effect of October 3rd' for his erroneous decision to disallow a fascist procession in daylight hours even though no disorder or traffic congestion was anticipated - and which set a precedent followed by his senior officers at subsequent fascist events. The BUF complained that the policy of prohibiting processions after dark appeared to have been arbitrarily extended into daylight hours. Game was 'not inclined to give any facilities for having [his powers] challenged in court' and instructed that future decisions of that nature would be his own rather than left to senior officers.¹¹⁴

His elaborate plans thwarted, Game was ambivalent about further extensions of the ban. He wanted the whole matter discussed in parliament and a future policy clarified.¹¹⁵ The parliamentary debate that followed, however, was not the one that Game wanted. On 15 December 1937 George Strauss Labour MP for Lambeth raised a motion of no confidence in the Government's public order policy. Strauss proposed,

This House views with alarm the extent to which the liberty of the subject has suffered encroachment within recent years, and records its opinion that such encroachment threatens the maintenance and impedes the development of a healthy democracy. [...] That liberty I maintain has been interfered with during recent years by Parliament, by the Judiciary and by the police - particularly by the police.¹¹⁶

He cited the Incitement to Disaffection Act that 'allowed an 18 year old boy of exemplary character to receive a 12 month prison sentence for a silly prank' and the Public Order Act introduced to curb fascist militarism and immediately used to arrest miners and to help break a strike at Harworth. He referred to police inaction against fascist stewards at Hornsey and

¹¹⁴ MEPO 2/3120, Minutes, British Union of fascists, Marching after Sunset, 4 January 1938.

¹¹⁵ HO 144/21087, Memo to the Secretary of State from the Commissioner, 5 October 1937 and Home Office memo Public Processions in London, 6 October 1937.

anti-semitic remarks at Stepney Green and to police violence at Thurloe Square. He applauded the NCCL as 'a body for which every person who appreciates and desires to preserve our civil liberties should be grateful'.¹¹⁷ Geoffrey Lloyd, speaking on behalf of the Home Secretary, accused Strauss of having dredged the records for every police misdemeanour and of delivering a 'bitterly partisan and sectional' speech. Nevertheless it allowed Lloyd to congratulate parliament on the success of legislation that had led to the abandonment of political uniforms and subsequent reduction in disorder. He labelled as deplorable the troubles in Bermondsey and an incident in Liverpool where Mosley was injured by anti-fascist demonstrators, but he insisted that the legislation had relieved the anxieties of most law-abiding citizens and put an end to the possible militarisation of politics in the country. The vote went in favour of the government but a remarkably high number of 92 MPs voted in favour of the motion as opposed to 124 voting against. This suggested a sizeable body of scepticism about public order policing policies and considerable consensus with the NCCL's campaign.¹¹⁸

The Commissioner anticipated that there would be trouble whenever the ban in the East End was lifted but he was not convinced that there was a strong argument for re-imposing it beyond March 1938. Labour leaders viewed a further extension with growing concern. Herbert Morrison had noted 'signs of restiveness among his people at the continuance of the prohibition' and he wanted the Home Secretary to be aware of this before renewing the ban.¹¹⁹ However, Special Branch intelligence revealed BUF plans for a May Day procession. May Day was traditionally the preserve of the left and Labour and Communist processions were expected to be larger than usual in the prevailing political climate. With the temporary nature of prohibition Orders already compromised by the nine months' uninterrupted prohibition in the East End, Hoare successfully argued that the ban

¹¹⁶ *Parl. Debs*, 15 December 1937, vol.330, col.1239-98.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ HO 144/21087, Hand-written note to Secretary of State, East End Processions, 7 March 1938.

continued to be of great value both in preserving the peace and in contributing to a perceived decline in the influence of the BUF. In fact he offered little hope of an early end to the prohibition and warned that it might be necessary to renew the order again in June and possibly also in September since processions were most likely to take place during the summer months.¹²⁰

Although opposition leaders had agreed to the extension of the ban, frustrations at local level were beginning to show. A number of organisations complained to the Home Secretary that traditional May Day celebrations had been interfered with without good reason. The West Leyton Labour Party found it 'a big blow to liberty and freedom of expression'.¹²¹ The Cambridge University Socialist Club considered it 'a violation of the democratic rights of the people'.¹²² The Ilford Left Book Club regarded the ban as 'the curtailment of an age-long custom of Democracy'.¹²³ Even though Attlee concurred with the extension of the ban, the Limehouse Divisional Labour Party of which he was president, asked for it to be lifted for a period of two months.¹²⁴ With the support of Will Thorn MP, West Ham Trades Council announced its intention to proceed with its annual march from East London to Hyde Park 'to give expression to the solidarity and freedom of the working class in this country'.¹²⁵

Once again the fascists proposed to process through Bermondsey. Ben Smith, once again, headed a deputation to the Home Secretary to protest. He warned of 'grave trouble' if the march went ahead. The previous march, he argued, was still fresh in the minds of the people of Bermondsey, 'a one hundred per cent left neighbourhood' that could easily be provoked beyond reason. Whereas he had kept 10,000 people in check previously, he could not guarantee to do so again and warned that the authorities must take the consequences. In

¹²⁰ Ibid, Notes for conference with opposition leaders, 7 March 1938.

¹²¹ Ibid, Letter to the Home Secretary from West Leyton Labour Party, 11 April 1938.

¹²² Ibid, Letter to the Home Secretary from the Cambridge University Socialist Club, 28 April 1938.

¹²³ Ibid, Letter to the Home Secretary from the Ilford Left Book Club, 12 April 1938.

¹²⁴ Ibid, Letter to the Home Secretary from the Limehouse Divisional Labour Party, 22 March 1938.

¹²⁵ Ibid, Letter to the Home Secretary from West Ham Trades Council.

the event the May Day celebrations passed without serious disorder. The joint London Trades Council and London Labour Party meeting in Hyde Park was attended by some 70,000 to 80,000 people. Special Branch reported no disorder and no contravention of the ban on processions through the East End.¹²⁶

There was little resistance from any quarter to a further extension to the ban in June 1938 although Game was particularly concerned that it should not be allowed to lapse in the middle of September when it would coincide with the height of the police leave season and when parliament would have adjourned for the summer recess. Unless he could be sure that the ban would continue at least until the middle of October he wanted it lifted in June.¹²⁷ In fact the ban remained in place into the war years when it was finally superseded by a total prohibition of all public political processions in the Metropolitan Police district imposed under regulation 39E of the Defence (General) Regulations, 1939.¹²⁸ Game appealed for the ban to become a permanent prohibition on processions in London. He reasoned that, 'freedom of meeting, freedom of speech, a free press and the wireless surely afford us all plenty of opportunity of lodging our protests or airing our grievances'.¹²⁹ He was advised that his recommendation could not be adopted. It was felt that there would be strong opposition to any such legislation and that 'people would be very sensitive to any attempt to deprive them permanently of liberties which they surrendered for the purpose of winning the war'.¹³⁰ The ban was lifted on the cessation of hostilities in 1945.

One year after its introduction the Home Secretary was able to claim that the Public Order Act had led to a 'considerable diminution' of real opposition between rival political factions and 'relieved [the police] of a good deal of anxiety'.¹³¹ Nevertheless, in practical

¹²⁶ Ibid, Home Office minutes, 4-5 May 1938.

¹²⁷ Ibid, Norman Brook, Political Processions in East London, 8 June 1938.

¹²⁸ MEPO 2/8656, Order under Defence (General) Regulations, 1939 dated 21 August 1941.

¹²⁹ MEPO 2/6264, Memo to Home Office, 26 September 1944.

¹³⁰ Ibid, Letter to Philip Game from Sir Alexander Maxwell, 25 October 1944.

¹³¹ HO 45/25463, Note for Debate, December 1937.

terms it had energised the civil liberties' movement. Interference with the legitimate activities of the left by prohibiting all political processions rather than specifically those that were likely to result in disorder – notably fascist events, intensified criticism of the police. As too did the perceived failure to make appropriate use of police powers under the legislation to stop anti-semitic rhetoric by fascist speakers. This situation provided momentum for the NCCL's fight against fascist anti-semitism and police discrimination. Special Branch reports suggest extensive NCCL observer activity at political meetings in this period and Kidd himself attended all the events of any note. There is no doubt that this intense interest in police actions raised awareness of civil liberties' issues and influenced opinion. This was reflected in a number of related questions debated in the House of Commons through the course of 1938. Tom Groves, Labour MP for Stratford, for example, asked for an explanation for the failure of the police to prosecute speakers who used insulting language at a fascist meeting in his constituency on 27 February.¹³² A transcript of the shorthand notes provided by the Commissioner amounted to only 350 words. The Home Office minute notes 'some uncomplimentary remarks about Russia [...] but none about Jews'. Hoare gave assurances to Groves and to the House that the police heard nothing to warrant the institution of proceedings. Privately he noted it would be inadvisable to make the notes available for fear that it 'set a precedent which might be awkward on some future occasion'.¹³³ Groves was not satisfied. He had been concerned enough to attend the meeting himself and stood with the police Inspector who had warned the speakers against remarks such as 'red scum' and 'hook nosed unmentionables'.¹³⁴ Will Thorne wanted to hear the Commissioner's account of a Labour Party meeting in Stoke Newington where police had taken no action against a number of disorderly fascist demonstrators.¹³⁵ Percy Harris raised concerns that a fascist procession had been allowed through the streets of Bethnal Green, inside the prohibited area. Geoffrey Lloyd explained that the Commissioner had given a full report of the incident in which fascists

¹³² *Parl. Debs*, 3 March 1938, vol.332, col.1273-4.

¹³³ *Parl. Debs*, 24 March 1938, vol.333, col.1394.

¹³⁴ HO 45/25388, Private letter to the Home Secretary from Tom Groves, 23 March, 1938.

¹³⁵ *Parl. Debs*, 5 May, 1938, vol.335, col.1066.

had to be escorted from the area by the police for their own safety, giving the impression of marching.¹³⁶

Home Secretaries were generally supportive of police actions – publicly at least, but complaints of police brutality and of failure to deal with verbal and physical attacks on Jews from Members of Parliament was not something any Home Secretary was ready to ignore. By the summer of 1938 Game had become exasperated by the Home Secretary's willingness to listen to MPs' complaints of police tolerance of fascist 'Jew-baiting'. In correspondence with Norman Brook, Principle Private Secretary to Sir John Anderson the Lord Privy Seal, Game barely concealed his frustration. Referring to the discussions arising from a deputation received by the Home Secretary Game implied that he had a map ready showing all the meeting places used by the rival factions. He wrote

I suggest that if the S. of S. decides to consider any further suggestion that we proscribe certain places as being altogether too Jewish [...] that I should consult friends Attlee and Frankel with my map and ask them which particular meeting places they consider come under that category. Meanwhile until I have had another talk with the S. of S. I am doing nothing beyond striving with varying success, to preserve the peace!¹³⁷

The Commissioner now had a much finer line to tread between the robust policing of political protest and accusations of police bias and brutality. Kidd could rally parliamentary support whenever police were perceived to have resorted to violence or exceeded their authority. As the Home Office observed, he was 'the prime mover in organising pressure on the Secretary of State' to grant an investigation into allegations of police violence at an 'Arms for Spain' demonstration at the end of January 1939.¹³⁸ This event is a good example of NCCL methods and of the extent of MP involvement with the organisation. Kidd's arrangements for observers to attend the demonstration in Whitehall and Piccadilly Circus had noted the police could turn nasty 'in their present temper'. Edith Summerskill MP was one of those who agreed to his request to act as observer and who subsequently challenged

¹³⁶ *Parl. Debs*, 20 June 1938, vol.337, col.706-7.

¹³⁷ MEPO 3/2490, Letter to Norman Brook from Philip Game, 27 June 1938.

the Home Secretary to carry out a full investigation into complaints against the police.¹³⁹ Witnesses and observers alleged that police officers indiscriminately batoned and punched orderly demonstrators and innocent passers by, dragged people, who had committed no offence to justify arrest, from busses and from a café, and that the police themselves provoked panic and disorder.¹⁴⁰ The NCCL presented a dossier of evidence to four MPs for debate in the House of Commons on 13 February 1939 and subsequently provided 64 statements from independent witnesses. Hoare resisted the pressure for a public inquiry but claimed, 'I am prepared to look into these cases myself'.¹⁴¹ This was not the common reaction of a Home Secretary and was regarded as 'very substantial success'. But Pritt cautioned Kidd to provide only the most reliable witnesses and to have them accompanied at their interview with Hoare by an MP. Otherwise the likelihood would be that 'Hoare will sit still looking judicial while [an] official browbeats the witness into making admissions'.¹⁴²

Hoare's eventual findings, which he sent to the press 'in view of the public interest in the case', confirmed that the Commissioner could find no case for disciplinary action against any police officer for the use of unnecessary violence or assault, that Kidd's statements on police control of crowds were flawed and that the matter could not be taken further unless there were to be an official Inquiry for which he did not consider a case could be made.¹⁴³ Stafford Cripps and Sydney Silverman responded to the press statement protesting that Hoare had failed to carry out his undertaking to the House of Commons but that received little publicity. The same could be said of Kidd's response – the *Times* having declined to publish it even though a whole column was dedicated to Hoare's statement. Nevertheless, whitewashing Home Office responses such as this had the effect of garnering more liberal minded supporters. Marjorie Fry, for example, although keen to give overstretched

¹³⁸ HO 45/25463, NCCL, Activities in connection with disturbances on 31.1.39, 5 May 1939

¹³⁹ NCCL, DCL 8/6, Letter to Dr. Edith Summerskill MP from Ronald Kidd, 4 February 1939.

¹⁴⁰ NCCL, DCL 7/4, Whitehall and Piccadilly Circus Demonstration – 31 January 1939 Index of Statements, February 1939.

¹⁴¹ *Parl. Debs*, 13 February 1939, vol.343, col.1514.

¹⁴² NCCL, DCL 8/6, Letter to Kidd from D.N.Pritt, 14 February 1939.

policemen the benefit of doubt, had found the statements and incidents arising from the 'Arms for Spain' demonstration 'really horrifying'. She was in contact with Alexander Maxwell at the Home Office and recognised him as an 'extraordinarily reasonable man' and a useful contact for the NCCL. She suggested to Kidd that it would be worth 'getting at closer quarters' with him.¹⁴⁴

The NCCL of the 1930s was far more than a bit part player in the public order debate. It had been instrumental in presenting the allegations of ineffective policing of fascist activities that had forced the Commissioner to account for his policing operation and led him to demand the authorisation to exercise the new police powers to prohibit all political processions through the East End. It had established a sophisticated lobbying process that was able to influence parliamentary debate and the views of the Home Secretary, and more specifically policing policy. In public the Commissioner could be just as confident of the Home Secretary's endorsement of his policies at the end of the 1930s as he had been at the beginning. Privately, however, the Commissioner had come under increasing pressure from the Home Secretary to account for police behaviour and to address allegations of inappropriate use of police powers. Public endorsement of police actions was, of course, to be expected from the Home Secretary but it did nothing to dispel concerns for civil liberties. Indeed it could be said to have kept them alive. Throughout the decade, Home Office and police responses to political activism were more inclined to rally than to diminish support for the NCCL, and to strengthen the apparatus that the organisation had put in place to articulate complaints against the police to the Home Secretary and in the parliamentary arena.

¹⁴³ HO 45/25463, Letter to S.S.Silverman MP from Samuel Hoare, 5 May 1939.

¹⁴⁴ DCL 7/4, Letter to Ronald Kidd from Margery Fry, 4 April 1939.

Chapter 8

The End of the Affair: Ronald Kidd, Special Branch and the NCCL

The previous chapter has shown that by effectively lobbying Members of Parliament the NCCL was able to bring pressure to bear on the Home Secretary and to keep the issue of civil liberties on the political agenda. This chapter will consider the NCCL's alliance with national and international interests in civil liberties and will show that, by 1938, the organisation had achieved wide recognition as an important pressure group.

Even though it claimed to be non-political, the NCCL occupied a complex and finely-balanced position in the political spectrum. This discussion will explore the Special Branch view that the NCCL came increasingly under the direction of communist interests towards the end of the 1930s and into the war years as Kidd's influence on the administration of the organisation appeared to weaken. From the early days of the NCCL Special Branch intelligence had promoted the view that Kidd was a pawn of the Communist Party. It had been perceptions of Kidd's own politics and his apparent willingness to 'follow the party line' that had precipitated Special Branch attention in the organisation.¹ However, as Special Branch turned its attention to the NCCL's wider connections from the beginning of 1938 it gradually came to question whether the Communist Party found Kidd useful to its ambitions.

Kidd was, nonetheless, forced to defend his own political position and that of the NCCL when mainstream support for the organisation was threatened by fears of communist connections towards the end of the decade. Even so, by the time of Kidd's death in 1942, a strong civil liberties movement had been established and a mechanism was in place that was

able to rally parliamentary support whenever repressive legislation or the excessive use of police powers provoked protest.

The NCCL: a national pressure group

By the beginning of 1937 the NCCL had achieved recognition as an important player in the civil liberties crusade. As the following examples of Kidd's activities show, the organisation was now extensively involved with a wide range of civil liberties issues at home and with British interests overseas. Kidd was one of the speakers at an International Conference in Paris in July 1937. His lengthy notes, prepared in association with the Haldane Society, suggest that he spoke, amongst other issues, on the raft of legislation introduced in England throughout the 1920s and 30s that were considered to have led to the erosion of individual liberty and on the arbitrary use of police power to interfere with political meetings such as at that in Thurloe Square.²

In September 1937 Kidd was invited to speak at the Second World Congress against Anti-Semitism and Racism in Paris on the question of legislation against racial incitement. He later became Vice-Chairman of the British Committee of the Congress and remained as such until the outbreak of war when it suspended its activities.³ Also in September 1937 he accompanied the Liberal MP Richard Ackland on a visit to the Brazilian *Charge d'affaires* in London to protest about the inhumane conditions in Brazilian prisons. In October the NCCL convened a conference in conjunction with the India League on Civil Liberty in India. Representatives of 50 organisations attended and the conference and messages of support

¹ The Special Branch view of Kidd and the NCCL is discussed in chapter 2 pp.62-5.

² NCCL, DCL 75/2, Conference reports and correspondence, 1937.

³ Ibid, and DCL 44/3, correspondence on British Committee of the World Congress Against Racism and Anti-Semitism, 1937-9.

came from a number of MPs as well as literary and political figures including Gerrald Barry, Kingsley Martin, Ellen Wilkinson and Stafford Cripps.⁴

At the beginning of 1938 the NCCL organised a series of meetings in London to protest against labour conditions and the actions of the authorities in the West Indies. The speakers included Arthur Creech Jones MP whose article on Civil Liberties in the Colonies was published in the Spring 1938 edition of *Civil Liberty*.⁵ Kidd contributed to papers on Academic Freedom and Racial Discrimination in Poland. He organised a protest against religious segregation in Polish universities in the form of 'An Open Letter from British Scholars to their Colleagues in Poland' collecting more than 250 signatures from academics at British universities.⁶ To mark the coronation of King Edward VIII, he campaigned for a Political Amnesty and the release of political prisoners in Northern Ireland, British India and British Crown Colonies, Protectorates and Mandated Territories.⁷

Kidd spent five weeks in the summer of 1938 'fact finding' in the Sudeten-German areas of Czechoslovakia and subsequently addressed crowded Labour Research Department and Left Book Club meetings on what he regarded as the 'scandalous sacrifice [of] our Czech friends' by the British and French governments.⁸ An NCCL conference 'Without the Law – Peoples and Refugees' was held in November 1938 to highlight the plight of refugees from Germany and Czechoslovakia. On the subject of refugees and the right to asylum the NCCL organised deputations to the Foreign Secretary and the High Commissioners of Canada, New Zealand, Australia and South Africa. Kidd, Eleanor Rathbone MP and H.G.Wells were among those involved, aiming to impress upon

⁴ Ibid.

⁵ HO 45/25463, Special Branch Report on the NCCL, 24 August 1938 and *Civil Liberty*, No. 3 (New Series), Spring 1938.

⁶ NCCL, DCL 75/2, Conference reports and correspondence, 1937.

⁷ Ibid, and TNA, CO 323/1469/3, Letter to Rt.Hon.W.Ormsby-Gore MP, Foreign Office from Ronald Kidd, Secretary of the NCCL, 22 March 1937.

⁸ Scaffardi Papers DSF 2/3, Letter to Victor Gallancz from Ronald Kidd, Secretary to the NCCL, 7 October 1938.

representatives of British Dominion Governors the importance of accepting responsibility for large-scale schemes for settlement of refugees under the terms of the Munich Agreement.⁹ In October of 1938 the NCCL, in association with the National Peace Council, hosted a conference at University College London on 'War Preparations and Democratic Liberties' to highlight the threat that the intensification of war preparations posed to civil liberties. Five hundred delegates and visitors attended representing 40 national and 100 local bodies.

The first months of the war saw a profusion of NCCL conference activity. In April 1940 a weekend conference in Brighton addressed 'The Press, Civil Servants and Trade Unions in Wartime'.¹⁰ In July an emergency conference on the same issues held in London attracted 1,300 participants who filled the conference venue and a second adjacent hall to capacity necessitating two parallel meetings. One hundred and forty-two political organisations and 104 'religious, cultural and progressive bodies' were represented. It was reported in *Civil Liberty* as 'one of the most effective and successful conferences which the Council has held'.¹¹ One month later more than 1,500 delegates attended the NCCL's 'largest and most representative conference' since its foundation, at Central Hall Westminster. Messages of support for the 'Civil Liberty and Defeat of Fascism' initiative were received from David Lloyd George, Harold Laski and a string of MPs.¹²

This was a successful period for the NCCL. Kidd himself was a popular and respected champion of civil liberties. He and the activities of the organisation were able to influence varied political interests. MPs recognised it as an important pressure group. But the situation was more complicated than these successes suggest. The NCCL's position was finely-balanced in the complexities of left wing politics and in its relationship with the police and the Home Secretary. Special Branch saw it as more of a threat than ever and reported

⁹ NCCL, DCL 75/2, Conference reports and correspondence, 1937 and *Civil Liberty*, No.2 (New series), Autumn 1937.

¹⁰ HO 45/25463, Special Branch report, 20 April 1940.

¹¹ *Civil Liberty*, No.18 (New Series), August-September 1940.

communist influence on the organisation increasing markedly towards the end of the 1930s. At the same time the practice of observing and challenging police behaviour ensured that the NCCL had an uneasy association with operational policing and with the Commissioner. And yet the Home Office was influenced by its representations.

Ronald Kidd: the end of the affair

Kidd had been the subject of regular Special Branch reports since the NCCL's inception. He had been deemed the motivating force of the organisation responsible for promoting the enrolment of 'non-communist progressives and liberty lovers' to further the interests of communism. His involvement with conferences and meetings, his presence at events as an observer and his contacts with known and suspected communists were reported in detail. The content of his written complaints against the police and speeches challenging legislation and the exercise of police powers were extensively recorded.¹³ The reports were summarised as 'a précis of information relating to Ronald Hubert Kidd and the National Council for Civil Liberties'. Kidd's own activities and the activities of the NCCL were reported as essentially one and the same. NCCL literature and press statements were regarded as 'over Kidd's signature' and the launch of *Civil Liberty* was noted as under Kidd's editorship.¹⁴ From 1938 Special Branch began to recognise communist influence within the NCCL distinct from Kidd. The report for August 1938 was identified as 'information relating to the National Council for Civil Liberties' and devoted two pages to an explanation of factions within the NCCL that were believed to be outside Kidd's influence.¹⁵ Special Branch now identified the NCCL as one of the two most important front organisations for the Communist Party in Britain along with the Haldane Society. Having 'received' detailed information 'which throws an

¹² *Civil Liberty*, No. 19 (New Series), October 1940.

¹³ HO 45/25463, Special Branch reports on the activities of Ronald Kidd and the NCCL, 1936 to 1939.

¹⁴ *Ibid*, Special Branch report on the activities of Ronald Kidd and the NCCL, Summary No.8, 14 May 1937.

interesting light on the manner in which Communist Party contacts penetrate the NCCL', Special Branch described 'secret' groups of professional or middle class people who for various reasons acted as 'militant left-wingers' rather than become Party members. These groups were believed to be controlled by a Middle Class Bureau attached to the Central Committee of the Communist Party and to operate as communist fractions within organisations such as the NCCL and the Haldane Society. Much was made of Dudley Collard's involvement with both organisations.¹⁶ He was reported to be at the centre of a small but highly effective communist fraction within the Haldane Society and to have secured a key position as secretary of the organisation. His 'energetic leadership' was thought to have doubled the membership in the previous twelve months.¹⁷ The Society's Annual Report for 1937-8 reported making available to the NCCL a list of sixty-four barristers and solicitors willing to 'advise or appear in court in matters involving the principle of civil liberty'. It was recognised that not all those acting in a legal capacity for the NCCL or holding office on its various committees were communists. Kidd himself was described as 'hand in glove' with the communist fractions but not a Party member.¹⁸ The communist element was reported to be sufficiently powerful to ensure that 'the policy pursued by the council in all matters of importance is that desired by the Communist Party'.¹⁹

The first meeting of the NCCL's legal sub-committee that Special Branch believed to be controlled by the communist fraction was held in June 1937. Collard outlined its objective to give legal advice on civil liberties issues and to interview, take statements and represent in court all suitable cases. A rota of lawyers were to be available for weekly 'surgeries' at the NCCL's offices. The legal services were given free and attention was drawn to the

¹⁵ HO 45/25463, Summary No.11, Special Branch Report on the NCCL, 24 August 1938.

¹⁶ Collard was a barrister and involved with the administration of the Haldane Society. He was Hon.Secretary of the organisation in 1938 and Chairman in 1940. He was also associated with the NCCL from the outset. (Records of the Haldane Society are at the LSE).

¹⁷ HO 45/25463, Summary No.11, Special Branch Report on the NCCL, 24 August 1938.

¹⁸ Ibid, Home Office minute, Disturbances etc. NCCL, 28 August, 1938. The Special Branch view of Kidd and the NCCL is discussed in chapter 2 pp.62-5.

¹⁹ Ibid, Summary No.11, Special Branch Report on the NCCL, 24 August 1938.

importance of limiting cases to issues of civil liberty so as to avoid acting as 'poor man's lawyers'.²⁰ However the panel may not have been so committed or pro-active as Special Branch information might suggest. After just four weeks of the rota Kidd complained of 'a certain slackness in members not informing the secretary when they are unable to attend' and no case had been recommended as suitable for defence in court. The bulk of the cases presented in the first weeks had been connected with Mosley's St.Pancras march and were felt to arise from 'the undue enthusiasm of those who sought advice'.²¹ The arrangement may not have been entirely benevolent, it was made very clear to members of the legal panel that no cost to the NCCL would be accepted unless previously authorised. However, there may have been some difficulty on that issue since the policy was subsequently clarified and reissued some months later.²²

It is not obvious either from Special Branch reports or from the records of the NCCL that the increased communist influences suggested by Special Branch made any immediate impact on the administration of the organisation which had been undertaken almost exclusively by Kidd from the outset. That may, of course, reflect Kidd's determination to retain control of the functions of organisations but in any event Kidd's activities dominated the August 1938 summary as they had earlier reports. Previous summaries had reported some criticism from NCCL members of Kidd's dictatorial style as secretary,²³ but there is no indication that his personal initiative in implementing committee decisions had been moderated by shifting influences within the organisation. In effect, Special Branch reports of Kidd's activities appear to indicate that he remained responsible for the execution of all aspects of the Council's work. Complaints to the Metropolitan Police were summarised as correspondence from Kidd. Details of events at which NCCL observers were present in almost every case referred to Kidd's own attendance. Kidd appears amongst the speakers at

²⁰ NCCL, DCL 32/1, Report of first meeting of the Legal Sub-committee, 8 June 1937.

²¹ Ibid, Report of Legal Sub-committee, 20 July 1937.

²² Ibid, Memo for the attention of the General Purposes Sub-Committee, 19 April 1939.

²³ HO 45/25463, Special Branch report of Kidd and the NCCL summary No.8, 14 May 1937.

many meetings and conferences. He wrote articles for the press and was editor of *Civil Liberty*, the NCCL's own journal. He entertained visiting guest speakers such as Indian leader Jawaharlal Nehru and Miss Koo Chu Chen daughter of the Chinese ambassador in Paris.²⁴ There was little sign of delegation. In fact, Kidd's punishing schedule took its toll on his health. In the late autumn of 1938 heart trouble enforced a period of hospitalisation. He later wrote

The surgeon who attended me in hospital, and specialists whom I consulted later, all said that in their opinion the heart was not diseased but that the trouble was due to prolonged overwork.²⁵

It was above all ill health that was eventually to force Kidd to relinquish some of the control of the organisation. In fact his increasingly extended periods of absence may well have exacerbated the worries over growing communist influence that began to be expressed beyond the confines of Special Branch intelligence. Signs of concern in the labour movement became apparent in the publicity around an NCCL conference, 'Civil Liberty and the Defeat of Fascism', on 24 August 1940. The conference was concerned with the freedom of the press in wartime and the suppression of the *Daily Worker*. According to Special Branch every individual or organisation thought to be remotely sympathetic was being supplied with 'liberal doses of literature' and a number of trade union leaders and politicians were invited to speak. A subsequent meeting at the House of Commons had attracted one hundred and fifty MPs, forty of them conservatives. However criticism of the *Daily Worker* had notably come from Labour Party members. The National Council of Labour issued an open letter to all its affiliated bodies disassociating itself from the conference and pointing out that it had all matters that concerned the labour movement constantly under review. It emphatically repudiated the suggestion than any other body might make representations to ministers under the guise that they were made on behalf of the Labour movement.²⁶ Lloyd George and Manny Shinwell declined the invitation to speak. The NCCL reply to TUC General Secretary

²⁴ Ibid, Special Branch report of Kidd and the NCCL summary No. HO 45/25463, Special Branch report of Kidd and the NCCL summary No. 11, 24 August 1938.

²⁵ Scaffardi Papers DSF 1/11, Letter from Ronald Kidd, 12 March 1941.

Walter Citrine signed by Nevinson and Kidd vigorously denied any intention to make representations on behalf of the Labour movement and expressed regret that at a time when the focus should be on the eradication of fascism the National Council of Labour should make charges against the NCCL without any foundation whatsoever.²⁷ A conference resolution to arrange deputations to the Home Secretary and MPs was similarly not readily received although the large attendance at the conference and presence of Frank Owen (editor of the *Evening Standard*) and Lord Strabolgi (Opposition Chief Whip) on the same platform as men like Professor Haldane and William Rust (editor of the *Daily Worker*) caused some disquiet. The consistent Home Office advice against receiving deputations from the NCCL, this 'semi-communist body', was tempered on this occasion. It was felt the reply need not be couched in too forthright language.²⁸ The request for a deputation to be received by Attlee was understood to have caused extreme embarrassment in the Labour Party. The communist fraction were considered to be behind the conferences but it was thought that if no deputation could be arranged the suggestion would be made that Labour leaders had finally forsaken the cause of civil liberty.²⁹ Special Branch believed the London District Committee of the Communist Party had a separate agenda to assume tighter control of the NCCL.³⁰

However, just one month later Special Branch reported signs that the NCCL was on the point of disintegration. The two London conferences and follow up regional conferences had been very successful, resulting in greatly increased activity and membership. It was doubted, however, that the central control of the organisation was sufficiently strong to co-ordinate the additional administration. Geoffrey Bing had been almost solely responsible for the organisation of the conferences but it was expected that other commitments would prevent him continuing on a full-time basis. Special Branch now reported Kidd and Sylvia

²⁶ NCCL, DCL 32/5, Circular letter from the National Council of Labour, 9 August, 1940.

²⁷ Ibid, Open letter to Walter Citrine of the National Council of Labour from the NCCL, 15 August, 1940.

²⁸ HO 45/25464, Home Office minute sir Waldron Smithers MP. NCCL emergency Conference held at Conway Hall on 21 July 1940.

²⁹ Ibid, Special Branch report on NCCL, 16 August, 1940.

³⁰ Ibid, Special Branch report on CPGB activity within the NCCL, 16 August, 1940.

Crowther-Smith to be 'poor organisers and [...] becoming increasingly hostile to the Communist Party'. It was suggested that the Executive Committee had approved the recommendation of the communist fraction to appoint Miss Nancy Bell 'a Party member' as national organiser.³¹ A further period of illness kept Kidd from his work for the NCCL throughout January and February of 1941. In March he asked his consultant for a letter confirming his medical condition in support of his request to the Executive Committee for additional clerical assistance. His physician, Dr Parkinson, recommended limiting physical activity and working hours and bed rest whenever the frequent bouts of illness occurred.³² Although still the figurehead of the organisation, Kidd's personal involvement in its activities was now gravely impeded by his failing health. Nevertheless, despite the prognosis of Special Branch, Home Office sources considered disintegration of the NCCL unlikely. An undercover Home Office source within the NCCL suggested that a 'Liberty Campaign', prepared by the Communist Party Bureau attached to civil liberties work, would be launched in January 1941. The movement was considered to be vigorous and relatively popular and likely to thrust the less effective and more academic elements into the background.³³ Minutes of the NCCL's AGM held in March appeared to support the Home Office view. Harold Laski was a new addition to the Executive Committee and was shortly to issue a booklet on the freedom of the press. A solicitors department had been formed under the direction of Miss Angela Tuckett reported to be 'head of the CP secret legal group', and a salaried organiser, Miss Nancy Bell had been appointed. It was noted that these additions had been made possible by the 'staggeringly generous support of the Civil Service Clerical Association' and an addition of 620 new members and 290 affiliated societies.³⁴

³¹ Ibid, Special Branch report NCCL, 24 September 1940.

³² Scaffardi Papers DSF 1/7, Letter to Dr John Parkinson from Kidd, 10 March, 1941 and DSF 1/11, copy letter from Dr Parkinson to Kidd and from Kidd to the NCCL, 12 March 1941.

³³ HO 45/25464, Home Office minute Commissioner of Police, NCCL, 3 October 1940, Special Branch report, 21 December 1940 and Memo to Alexander Maxwell, 23 December 1940.

³⁴ Ibid, Home Office minute Commissioner SB, Annual General Meeting of the NCCL, 8 March 1941.

The increased membership inevitably impacted on the already inadequate administrative and financial resources of the organisation. Kidd proposed a reorganisation of the administration, a move to larger premises to accommodate the essential additional staff and the appointment of a second Assistant Secretary. He pointed out that in more than seven years, despite the growth in volume of work, number of sub-committees and personnel, there had been no additional resource whatever to the secretarial department.³⁵ The Special Branch reported that the Communist faction was putting up Miss Elizabeth Ackland Allen, formerly organiser of the International Peace Campaign, for the post of Assistant Secretary. According to Special Branch the Communist Party saw in Miss Ackland 'an excellent opportunity of guarding against the inefficiency of Kidd and Miss Crowther-Smith'. She was considered to have the necessary forcefulness to 'manage' Kidd. At the same time it was noted that Kidd had been forced to defend objections to D.N.Pritt's membership of the Council and that Professor Laski was expected to make an attack on the communist influence.³⁶ Pritt had been expelled from the Labour Party in 1940 for his anti-war views. His continued involvement with the NCCL left it vulnerable in particular to the communist paranoia of the labour movement. Correspondence with Nevinson suggests that Kidd was concerned about Pritt's position on the Executive.³⁷

Kidd and his fellow founders of the organisation were about to face their biggest challenge. Opposition to the suppression of the *Daily Worker* had divided opinion. All the more so since the organisation had remained silent on the issues for civil liberties raised by Mosley's internment without trial.³⁸ The first major blow for the organisation was the resignation of Harold Laski. Laski had been a highly respected and influential member of the organisation and one of its first vice-presidents. He wrote

I have regretfully come to the conclusion that I cannot serve on a body

³⁵ Ibid, Copy memorandum of staff and premises 14, April, 1941.

³⁶ Ibid, Special Branch report, NCCL, 7 May 1941.

³⁷ DCL 32/8, Letter to Henry Nevinson from Kidd, 26 June 1941.

³⁸ Ibid, has examples of correspondence highlighting the concerns of some NCCL members such as letter from J Stewart Cook to Kidd, 2 May 1941 and letter from Arthur Palmer to Kidd, 15 May 1941.

which contains communist members. I do not I fear, believe that they are interested in any problems except as they can exploit the council for their own purposes.³⁹

According to Special Branch 'persecution mania' had led the Communist Party to believe that Laski had been asked to resign by the National Council of Labour prior to its blacklisting the NCCL and that other resignations were expected to follow.⁴⁰ The freedom of the press campaign clearly caused the Home Office some disquiet. Home Office sources admitted to being unsuccessful in an attempt to gain press publicity for propaganda suggesting that the Communist Party was behind a proposal to hold the Joint NCCL and NUJ Press Freedom Committee meeting on 7 June. The *Daily Herald*, The *Daily Express* and The *Times* all refused to use the story.⁴¹ However, on 2 June A M Wall, leader of the Labour Trades Council, made damaging allegations at a Labour Party Conference that the NCCL was under the control of communists. Wall's statements were particularly injurious because as a member of the Committee set up to investigate alleged 'Fifth Column' activities and as a former Vice-President of the NCCL, who had often shared the speakers platform with Kidd and other NCCL supporters, he would be expected to have specialist knowledge of the supposed communist intrigues. According to Kidd, Wall had never taken the trouble to investigate the Council's affairs or visited the offices but rather had joined the whispering campaign started by the National Council of Labour following its boycott of the NCCL's freedom of the press conferences during the pervious summer.⁴² Kidd's repudiation was circulated to the press and was endorsed by fellow founder NCCL members Henry Nevinson, E.M.Forster and W.H.Thompson, who insisted the organisation would not be under communist or any political domination whilst under their stewardship.⁴³ Kidd asked Kingsley Martin to make a special effort and to publish the piece in the next issue of the *New Statesman*. He wrote: 'Nevinson is very upset about this and both he and E.M.Forster are

³⁹ Ibid, Letter to Kidd from Harold Laski, 13 May 1941.

⁴⁰ HO 45/25464, Minutes, NCCL appeal to DW Defence League for financial assistance, 20, May 1941.

⁴¹ Ibid, Confidential memo to Sir Alexander Maxwell, 21 June 1941.

⁴² NCCL, DCL 32/8, Letter to Nevinson from Kidd, 5 June 1941.

⁴³ Ibid, Letter to The Editor of The Journalist from Kidd, 14 June 1941 and open letter to The Editor from Kidd, 10 June 1941.

very anxious for our repudiation to be published'.⁴⁴ The unsteadiness of Labour support promised serious consequences for the organisation, and equally for its leading personalities, some of whom were deeply disturbed by the communist association. The Council's response involved 'a good deal of desultory and lengthy discussion' within the Executive Committee. Laski and Kingsley Martin were particularly anxious that any press statement conformed to their own political views, at the expense of the recommendations of Kidd and Miss Tuckett that might be construed as exhibiting a 'communist trend'. An unfavourable article in *Time and Tide*, making reference to the NCCL leadership, was suspected to have been orchestrated by Kingsley Martin.⁴⁵ Although *Time and Tide* agreed to publish the Council's response and both Forster and Nevinson also wrote personally to the editor, it was anticipated that the repudiations would likely be tempered by editorial comment. Kidd recognised that the allegations were near impossible to defend. He wrote

if one denies absolutely being a Communist or ever having been one, one is suspected of being a secret member of the CP. [...] In the language of the heresy-hunt, one may also be labelled "near-Communist or "half-Communist". One really cannot keep up with this sort of thing and unless one's word is to be trusted I do not see what one can do about it.⁴⁶

Kidd deplored the heresy-hunting in which the Labour Party were engaged. He regarded any suggestion that doctrinal tests should be carried out into the opinions of employees as scandalous and disgraceful. He quoted Churchill, 'a tough old Tory', who had condemned heresy-hunting for personal opinions as thoroughly objectionable and alien to all instincts of a democratic people.⁴⁷

By the summer of 1941 Kidd's failing health was making it increasingly difficult for him to direct the affairs of the NCCL although he did remain very much involved. The Special Branch report for October 1941, perhaps optimistically, advised that 'Miss Crowther-Smith

⁴⁴ Ibid, Letter to Kingsley Martin, *New Statesman*, from Kidd, 10 June 1941. *New Statesman and Nation*, 14 June 1941, p.605.

⁴⁵ Ibid, Letter to E.M.Forster from Kidd, 25 June 1941.

⁴⁶ Ibid.

⁴⁷ Ibid, Various correspondence between Owen Rattenbury MP and Kidd, July and August 1941.

has resigned and Ronald Kidd is not expected to return'. Special Branch now considered the administration of the NCCL was in the charge of Miss Bell and as such more firmly than ever under Communist Party control. In a new departure the report was copied to M.I.5. The new administration was reported to be reorganising the NCCL's financial affairs, still thought to be in serious difficulty, to effect savings and to sideline Kidd and Crowther-Smith. It was reported that a restructuring of staff had allowed Sylvia Crowther-Smith's services to be dispensed with, but that it was judged both wrong and possibly harmful to discharge Kidd, who was now very seriously ill, because he was 'such a well known figure and so closely connected in the public mind with civil liberty matters'.⁴⁸

Bearing in mind the subjective nature of Special Branch intelligence the extent of communist influence in this period is uncertain. It is, however, clear that a new regime was directing the activities of the NCCL by the end of 1941. Kidd was no longer in control of the organisation. Kidd himself was critical of the Executive and of the new regime. He shared with Forster a view that much of the Council's difficulties arose from 'grave mismanagement' by the Executive Committee and the complacency of some of its members. He considered that the financial difficulties with which the new administration were grappling were no different than he had dealt with over the previous seven years and he found the continued insinuations of office inefficiency insufferable.⁴⁹ Kidd was clearly not close to the Executive at this time and, although he initiated the recommendation, he does not appear to have been involved in the office reorganisation. Whether, like Special Branch, he recognised increased interests of the Communist Party in the organisation is not clear. Although his insistence that a 'distinguished national figure' should be found to take on the presidency following Nevinson's death perhaps indicates his concern that the importance of connections with prominent people and a non-party persona had not been appreciated. Kidd himself had been offered the presidency but he turned it down reasoning that

⁴⁸ HO 54/25465, Special Branch report, NCCL, 3 October 1941.

my name is broadly known in what I may perhaps broadly call 'the progressive movement', it is a fact that I am in no sense a national figure, and I feel strongly that such a national figure is essential for the prestige of this Council.⁵⁰

He preferred the title of Director and wanted to concentrate on producing *Civil Liberty* and pursuing a public relations role with Trade Union leaders and Members of Parliament - a role with which he was familiar and in which he felt he had had some success.⁵¹

Perceptions of the NCCL as a communist front organisation have been discussed earlier and it has been shown that the authorities regarded it as the brainchild of the Communist Party.⁵² This view was largely informed by Special Branch intelligence which, for most of the 1930s, had considered Kidd as the communist influence within the NCCL who had ensured that its objectives were essentially those of the Communist Party. Raphael Samuel argued along the same lines. He suggested that the NCCL played a central role in communist objectives from 1935-6 when united front organisations such as the ILD were dissolved and the Party changed its campaign strategy from marches and meetings to conferences, petitions and attracting prominent people to its platforms.⁵³ And yet there is no evidence that the NCCL received any tangible backing from the Communist Party during Kidd's stewardship. It certainly received no funding – the organisation was penniless – and there is no evidence of Communist Party involvement with the day to day running of the organisation or the promotion of its events or publications. In fact, Special Branch reported criticism of Kidd's controlling inclinations from the Council's Executive Committee members as early as 1937.⁵⁴ Eventually even Special Branch were prepared to acknowledge that Kidd had not been a successful ambassador for Communist Party ambitions.⁵⁵ After his death

⁴⁹ Scaffardi Papers DSF 2/6, Letter to E.M.Forster from Kidd, Secretary to the NCCL, 8 September 1941.

⁵⁰ Ibid, Memo from Ronald Kidd The Presidency of the NCCL, undated.

⁵¹ Ibid.

⁵² See chapter 2 pp.62-5.

⁵³ Raphael Samuel, 'Staying Power: The Lost World of British Communism, (Part II)', *New Left Review*, 1/156 March-April 1986.

⁵⁴ HO 45/25463, Special Branch report on Ronald Kidd Summary No.8, 14 May 1937.

⁵⁵ HO 45/25464, Special Branch report, NCCL, 7 May 1941.

Special Branch went so far as to admit that Kidd may have defended the NCCL against communist influence. It was reported, 'following the death of Mr Ronald Kidd, the communists are likely to have their way with this body'.⁵⁶

It was Pritt together with Nancy Bell and L.C.White, General Secretary of the Civil Service Alliance and Chairman of the Executive Committee, that put together the final proposals for Kidd's role in 1941. They recognised an obligation 'to be as generous as possible to Ronald Kidd, and [...]to cause him the minimum apprehension about the future'.⁵⁷ This view was evidently not universally shared within the organisation. For some the continued involvement of Kidd was evidently seen as detrimental and a potential source of conflict. Kidd found it necessary to write personally to White offering to circulate members of the Executive, at his own expense, with a brief explanation of his views on the Presidency and of his own position. He promised to avoid reference to any ill-feeling that might have existed behind the scenes between himself and W.H.Thompson.⁵⁸ Kidd's subsequent assurances to the members of the Presidency sub-committee recognised that there could be no division of authority between himself and the General Secretary, Miss Ackland Allen. He gave assurances that he would not think of interfering with her responsibility for the complete administration of the office and staff, but that he would put his specialist knowledge at her disposal for any difficulties large or small.⁵⁹ Nevertheless, Kidd's final days at the NCCL were not the happiest. A 'private and personal' note from Kingsley Martin read

I am not really on the inside of this particular row. I am extremely sorry that it should have developed to such proportions. I did not know that any particular member of the Council had an animus against you such as you suggest in one case, nor did I hear the particular charges to which you refer made against you at the sub-committee I attended. [...] If you wish to talk things over with me some time before the matter is again discussed, I should of course be happy

⁵⁶ HO 45/25465, Minute sheet 648133/158, Special Branch N.S.Y. report of [NCCL] Annual General Meeting, 27 March 1943.

⁵⁷ Scaffardi Papers DSF 2/6, Letter to Pritt from Nancy Bell, 8 December 1941 and letters to L.C.White from D.N.Pritt, 5 and 10 December 1941.

⁵⁸ Ibid, Letter to L.C.White from Ronald Kidd, 12 December 1941.

⁵⁹ Ibid, Circular letter to Members of the Presidency Sub-Committee of the NCCL from Ronald Kidd, 8 January 1942.

to see you.⁶⁰

Ronald Kidd died on 12 May 1942. Obituaries and memorials remembered him as a selfless champion of civil liberties whose faith in freedom transcended the philosophical difficulties inherent in the idea of freedom and who, even in his last days, cared more for the fight for the rights of the individual than for his own failing health. Amongst the many tributes Lord Olivier remembered him as 'one of the foremost fighters for the liberty of this country, India and the Colonial Empire'. Gerald Barry described the NCCL as 'a valuable monument to his enthusiasm and integrity'. Ruth Fry hoped for his work to be 'carried on with the vigour that he would wish'. Geoffrey Bing praised his energy, courage and self-sacrifice and wrote of the NCCL as his 'living memorial'.⁶¹ The NCCL of the 1930s had been driven by Kidd's own strong beliefs and sustained by his personal connections with friends and colleagues, politicians, lawyers and journalists who he inspired with his eloquence, his loyalty, his stubborn courage and refusal to admit defeat.⁶² The outbreak of war changed the dynamics of liberty and freedom. As fascism became discredited the focus of the NCCL moved away from the policing of political activism to other concerns such as the freedom of the press and the rights of members of the armed forces, civil servants and trade unions in wartime. The issues had changed but the mechanisms to challenge repressive government measures and excessive police powers were established. It is notable that, despite the attempts to discredit the organisation, when the *Daily Mirror* was threatened with suppression in 1942, the NCCL had no difficulty in securing a number of MPs and literary figures prepared to participate in a deputation to the Home Secretary.⁶³ Perhaps Kidd put it best himself. Writing of his disappointment at not being well enough to address the NCCL's AGM in 1942, as he had done on every previous year, he wrote

As founder of the Council just over eight years ago I have devoted every energy and every moment to building up a strong and stable Council –

⁶⁰ Ibid, Letter to Ronald [Kidd] from Kingsley [Martin], 23 January 1942.

⁶¹ *Civil Liberty*, vol.3, no.3, June 1942, pp.2-3. Lord Olivier was an uncle of the actor Laurence Olivier.

⁶² Scaffardi Papers DSF 2/8, Obituaries and newspaper extracts, May 1942.

⁶³ Scaffardi Papers DSF 1/7, Minutes of Emergency Meetings of the Executive Committee, 26 and 28 March 1942.

almost literally day and night. That was only possible by the generous and willing aid of lawyers, speakers and others, but we did manage to build up something that has taken its place in the nation's life – something that is worth preserving if we are to preserve the very elements of our democratic state.⁶⁴

The monthly returns to the Home Secretary on 'Jew baiting' required since the summer of 1936 finally stopped at the request of the Commissioner in June 1940. Anti-fascist activities had ceased to feature in the Commissioner's annual report from 1939.⁶⁵ The NCCL, nevertheless, remained a part of the political scene. Special Branch interest in the organisation continued undiminished. From around the time of Kidd's death Special Branch appear to have had a highly effective contact inside the organisation. Confidential reports and minutes of NCCL committee meetings formed the content of Special Branch reports to the Home Secretary and to M.I.5; they were still submitted fortnightly into the 1950s. The financial position of the organisation remained perilous. In 1955 it was reported to be 'dire' and the Council 'leading a hand to mouth existence [...] kept solvent by occasional legacies and special appeals for funds'.⁶⁶ At the same time the complexity of the NCCL's relationship with the police and the Home Secretary continued. On one occasion the decision not to prosecute the purveyor of anti-semitic material was made because of fears it would give credence to the organisation,⁶⁷ and yet on another occasion the Home Secretary was prepared to receive a deputation from the NCCL to discuss how meetings intended to incite racial hatred might be stopped.⁶⁸ In 1951 Special Branch was prepared to concede that the NCCL's first Vice-Presidents had included several individuals who had become distinguished members of the Government or representatives of independent thought. At the same time the involvement of communists and communist-sympathisers was believed to be markedly increased since the early days and the individual NCCL member was still thought to be unaware of the true political colour of the organisation.⁶⁹

⁶⁴ Scaffardi Papers DSF 2/6, Letter to Dear Friends from Ronald Kidd, undated.

⁶⁵ HO 144/21382, Home Office minute dated 19 June 1940, note initialled J.M.R. 22 October.

⁶⁶ HO 45/25465, Special Branch report of NCCL AGM, 11 June 1955.

⁶⁷ Ibid, NCCL (Edgware Group), Display of Fascist and anti-semitic books, 23 February, 1945.

⁶⁸ Ibid, Note on NCCL deputation received by the Home Secretary, 18 June, 1948.

⁶⁹ Ibid, Letter to Miss E.H. Harting, 4 July 1951.

The survival of the NCCL beyond Kidd's death in 1942 was attributable, as it had been during his time as General Secretary, to the widespread genuine concerns for police powers and civil liberties and the mainstream cross-party support for a civil liberties movement. Its demands for government action against inequality and injustice were often not met to its satisfaction but the success of its representations was in its ability to keep the issue of civil liberties within the public consciousness and on the political agenda.

The NCCL was fundamentally not about anti-fascism, indeed it was conceived in the politics of labour, unemployment and the hunger marches. From the outset the organisation did have the support of MPs that was essential to its survival. But it was through its campaign against fascist anti-semitism during the latter half of the 1930s that the NCCL most successfully secured vital representation in parliament and thus the ear of the Home Secretary. The perception of ineffective or biased policing that appeared to tolerate Mosley's anti-semitic methods was of grave concern to those MPs whose constituencies included large Jewish communities, and was abhorrent to those who valued individual liberty. Lawrence's view of Olympia as a watershed for fascist violence has been criticised as discussed earlier.⁷⁰ Nevertheless, the wide support for the NCCL's aims suggests there was, as Lawrence argues, a substantial body of opinion that found political violence unacceptable. Further, it suggests that this extended to condemnation of policing policies that appeared to tolerate violent fascist provocation. Through the activities of the NCCL these views were articulated in the parliamentary arena and thus they contributed to the Home Office dialogue with the Commissioner and ultimately to policing policy. It was the fight against policing policies perceived as tolerant of fascist anti-semitism that most notably identified the NCCL's activities and campaigns through the 1930s and did most to establish the organisation as a recognised

⁷⁰ See chapter 3 pp.63-4 and chapter 7 p.225.

pressure group. The mechanisms put in place by the campaign against anti-semitism ensured that oppressive legislation and the excessive use of police power would not in the future go unchallenged.

Conclusion

This thesis set out to explore the role of the National Council for Civil Liberties in relation to the policing of public order through the 1930s. It has predominantly considered two aspects. Firstly, the responses of the authorities to the emergence and ensuing activities of a civil liberties pressure group. Secondly, the extent to which the organisation was able to bring to bear parliamentary pressure, affect relations between the police and the Home Secretary and ultimately to influence policing policy. This chapter will summarise the discussion of events, official responses and the personal objectives of individuals explored in the body of the thesis and will conclude that the NCCL played an important and active role in the policing of public order in the period.

There had been protest about the politicised policing of public meetings since the origins of the modern police. Complaints about police behaviour and interference with free speech had been periodically raised in the press and in parliament for half a century before the formation of the NCCL, and the use of the streets and of public meetings to promote labour activism and the aims of political extremes through the 1930s ensured this continued unabated. Thus, while at first glance the NCCL emerged from a chance event, it can at the same time be viewed as the culmination of a long period of growing public concern. Crucially, the NCCL brought new tactics and vital non-party political pressure to relations between the state and public protest. As a single issue pressure group the organisation identified closely with the non party pressure and cross party consensus in politics that Marwick has emphasised in relation to the National Peace Council, LNU, Next Five Years Group, and the campaigns for world peace and political and economic planning.¹ Backing for

¹ Marwick

the NCCL and its campaign on the issue of civil liberties came from politicians and prominent social and economic commentators who supported its formation as an important addition to non-party political pressure. These well-connected supporters represented a valuable network that promoted the NCCL's ideals and its credibility as a non-party organisation in the face of allegations of Communist party influence, and from which it was able to build vital cross-party contacts and support in parliament. As the reports of Special Branch have revealed, the NCCL was successfully lobbying MPs at the House of Commons in the first days of its existence, on the arrival in London of hunger marchers in March 1934. The furore around the behaviour of the police at Olympia and the widespread opposition to the Incitement to Disaffection Bill over the following months were similarly attributed to the NCCL's lobbying and propaganda activities. The NCCL's handling of the opposition to the proposed Incitement to Disaffection legislation shows its grasp of skilful lobbying, coaching and propaganda techniques from the outset. As has been discussed here, within hours of the Bill being published the NCCL had circulated reasons for opposing the proposed legislation to every MP and organised public meetings and conferences around the country. Its legal team drafted suggested amendments to the Bill and were on hand in both the Commons and the Lords to coach and advise on legal matters and on responses in Parliament.² It was an impressive display of professionalism that won the NCCL extensive support and a good deal of kudos.

Founding members and later recruits to its membership were amenable to the NCCL's representations because they were already part of the established political practice of non-party pressure through their involvement with other groups. The NCCL's ideals of liberty and freedom chimed with their beliefs but equally association with its activities aided their own personal agendas. In Attlee's case, for example, this related to a long association with labour and the social conditions prevailing in London's East End, whilst for Herbert it was the

² For detailed discussion see chapter 3 p.76.

methods used to police afterhours drinking in London's night clubs that went against the grain. Eleanor Rathbone was associated with women's organisations and labour issues in Britain and with conditions for women in colonial countries. She was a strong advocate of non-party political pressure and entirely likely to support the NCCL's campaign against the Incitement to Disaffection Bill in 1934.³ Sir Stafford Cripps was a prominent member of the Socialist League. His advocacy of a united front with the Communist Party and the Independent Labour Party brought him onto a collision course with Labour's executive that eventually led to the winding up of the League.⁴ For Cripps the non-party NCCL represented a collective accord that avoided the controversy of partisan politics. Arthur Creech Jones found association with the NCCL a useful means of rousing the awareness of the condition of civil liberties in Britain's colonial countries amongst an ambivalent British public. This was despite his own strong position on colonial issues within the Labour Party.⁵ Then again, there were occasions when MPs generally sympathetic to the NCCL's campaigns did not support specific activities. Ernest Thurtle, for example did not want to be associated with a deputation to the Home Secretary if the intention was to allege police bias towards fascists in East End clashes in 1937. Thurtle reasoned that it was a mistake to alienate the police.⁶ Dan Chater objected to the NCCL's intervention in a complaint about the policing of a meeting of the Unemployed Association in Victoria Park where he had already taken the matter up with the Home Secretary.⁷

MPs were willing to work with the NCCL because it approached them in a professional manner and backed its representations with hard evidence and sound legal knowledge. As has been argued earlier the NCCL placed respectable, professional people to observe and

³ See Pedersen, *Eleanor Rathbone*

⁴ Oxford Dictionary of National Biography, Sir Stafford Cripps.

⁵ See *Civil Liberty*, Spring 1938, pp.11-12 and Oxford Dictionary of National Biography, Cripps was (from 1935) a member of the Labour Party's advisory committee on imperial questions and a founder member of the Trades Union Congress colonial affairs committee. He was to become Secretary of State for the Colonies in the 1945 Labour Government.

⁶ See chapter 7 p.236.

⁷ See chapter 5 pp.164-5.

record police actions 'on the ground'. It gave advice on what the police were entitled to do at meetings and demonstrations and on how details of events should be collected so that complaints about police conduct could be raised in Parliament or direct to the Home Secretary via correspondence with MPs. Throughout the 1930s and 1940s prominent lawyers including Pritt, Dingle Foot and Geoffrey Bing took on NCCL work.⁸ Only properly evidenced cases were taken on where reliable eye witnesses or evidence of good character were available.⁹ A 'judicial' approach was taken to the collation and presentation of evidence and witness statements to MPs, creating a sense of legal import. The dossier of complaints and statements produced for presentation to the Home Secretary on the situation in the East End of London during the LCC elections in 1937 is an example of this.¹⁰

The NCCL's records contain wide correspondence with MPs and local party officials that evidence the NCCL's influence on parliamentary and public opinion. Correspondence with J.H.Hall MP,¹¹ shows how meetings arranged at the House of Commons provided a forum where Kidd was able to canvass MP support, present witnesses and effectively to coach MPs in the presentation of evidence to Parliament or via a deputation to the Home Secretary on specific incidents. A meeting arranged by Hall at Kidd's request in March 1937 is a case in point. Here Kidd arranged for representatives of the JPC to present evidence of the failure of the police to prevent fascist attacks on Jewish people and property in the East End of London to Hall and fellow MPs Dan Frankel, F.C. Watkins and Dan Chater. This subsequently led to an interview where MPs were able to present the allegations to the Home Secretary.¹² The influence of the NCCL in Conservative MP Austin Hudson's representations to the Home Secretary is similarly evidenced in correspondence between

⁸⁸ Cox, *Civil Liberties*, p.322.

⁹ This is discussed in detail in chapter 5 pp.154-6.

¹⁰ This is discussed in chapter 7 pp.219-20

¹¹ DCL 37/4 letter to Kidd from J.H.Hall MP, 13 March 1937 see chapter 7 pp.219-20

¹² See chapter 7, p.219-21 for discussion

Kidd and Hudson.¹³ Hudson's repeated complaints about the ineffective policing of fascist activities in the East End of London through the latter months of 1935 and the beginning of 1936 drew on information and evidence of police behaviour provided by Kidd. Dingle Foot MP used evidence provided by the NCCL to support demands in Parliament for an official inquiry into police conduct at Thurloe Square.¹⁴ Despite demands being made on a number of occasions, no official inquiry into the conduct of the police was held throughout the 1930s. The 'unofficial' public inquiry was, however, a tactic used by the NCCL on several occasions to escalate pressure for official action and to engage press and public opinion. The unofficial Commission of Inquiry set up by the NCCL following the events in Thurloe Square is an example of the NCCL's methods. Here the authority of an official inquiry was replicated in the collation of witness statements and the examination of witnesses and evidence by the Commission. A comprehensive report of the findings and recommendations of the Commission was submitted to the Home Secretary for consideration and a response pursued in Parliament. Although no amount of pressure was able to provoke a public inquiry throughout the 1930s it has been shown here that the NCCL's evidence of rough or violent policing such as that alleged at Thurloe Square was not ignored and did succeed in prompting internal Home Office investigations that forced the Commissioner to account for the actions of his officers.¹⁵ This was also the case in relation to allegations of police bias at the fascist meeting in Hornsey at the beginning of 1937. In this case it was Fred Messer MP who took up complaints of police tolerance of violent fascist stewarding with the Home Secretary. Witness statements were provided to Messer by the NCCL and Messer kept Kidd informed of the Home Secretary's response via copies of correspondence.¹⁶ In the case of the Harworth Colliery dispute it was the Nottinghamshire Miners' Association and local Labour MP Fred Bellenger that approached Kidd for his assistance but it was Kidd's evidence

¹³ MEPO 3/548 letter from Kidd to Capt. Hudson MP, September 1935 and DCL 8/2 letter and report from G.E. Wilson British Union of Democrats, 9 September 1935 and letter from A.V.M. Hudson to Kidd, 13 September 1935. See chapter 5 pp.166-7 for discussion.

¹⁴ *Parl. Debs.* 25 March 1936, vol.310, col.1231 see chapter 6 p.182.

¹⁵ See discussion in chapter 6 pp.183-6.

and report that Ballenger presented to the Home Secretary in support of his complaints about police actions.¹⁷ Kidd's contribution to Bellinger's long running campaign is evidenced in correspondence throughout 1937.¹⁸

The NCCL's lobbying tactics were particularly successful with Labour MPs representing boroughs in London's East End like Percy Harris, Dan Frankel, Fred Watkins and Dan Chater. This is not surprising in the political landscape of the 1930s that was dominated by strong, mainly Conservative National Governments. But these were also areas where constituents were plagued by fascist, anti-fascist confrontation and where complaints about biased and ineffective policing were most prevalent. As correspondence between the Board of Deputies and the JPC shows the NCCL's non-partisan persona provided a mechanism through which the opposing views of the Jewish Peoples Council and the Board of Deputies as well as the complaints of individuals could be articulated to the Home Secretary and in parliament as common concerns.¹⁹ It was here, in the policing of the anti-semitic provocation of Mosley's BUF, that the NCCL's campaign most successful influenced the Home Secretary and thus policing policy. The failure of the police to intervene in violent assaults by fascist stewards at Hornsey and in the offensive anti-Jewish rhetoric of fascist speakers at Victoria Park during LCC elections were both the subject of lengthy Home Office investigations and led subsequently to a reiteration of the Commissioner's instructions to all metropolitan police divisions to intervene and stop fascist provocation verbal as well as physical. Similarly the Home Office investigation into the complaints raised about the policing of fascist attacks on Jewish people and property in the East End through 1937 forced the Commissioner to admit his officers were often hopelessly outnumbered and led to the

¹⁶ DCL 40/6, Fascist meeting at Hornsey Town Hall, Introduction to Statements, 28 January 1937 and letter from Fred Messer to Kidd with enclosures, 29 May 1937. See chapter 7 pp.222-5 for discussion.

¹⁷ HO 144/20729, Letter to John Simon from F.J.Bellenger enclosing NCCL report, 15 April, 1937.

¹⁸ See DCL 27/2, letter from Bellenger to Kidd with enclosed letter from Home Secretary, 24 May 1937 also correspondence between Kidd and Ballenger December 1937. See chapter 7 pp.210-4 for discussion of this case.

¹⁹ See discussion in chapter 7 pp.218-20 and BoD, C6/9/1/3 correspondence J Jacobs and BoD 11 and 15 March 1937.

deployment of more police officers into the area.²⁰ The NCCL was then able to capitalise on the changing attitudes to violence in politics during the interwar period that more and more MPs were prepared to speak up for in parliament. Whilst some individuals may still have supported the violent confrontations between adversaries epitomised by fascist activities, disorderly protest was increasingly less acceptable. The idealised, self-consciously non-partisan culture of the 1930s provided a forum where the NCCL were able to demand that the police too must be restrained and civilised.

It has been argued in earlier chapters that the culture of non-party pressure with which the NCCL identified was an important category of democratic participation in the 1930s. In its direct challenge to police behaviour and its intervention in the relations between the police and the Home Secretary the NCCL was unique among non-party pressure groups and broadened the scope of non-partisan pressure. The organisation made an immediate impression on the Commissioner as an undesirable addition to political activism. Its activities and the influence of its representations were the subject of operational police and Special Branch reports from the beginning of 1934. As evidenced by the anti-fascist heckler at Hampstead who demanded a police officer's name 'for the National Council for Civil Liberties',²¹ it was able to instil confidence in political protest, particularly so in the communities of the East End of London. This brought about the reasonable expectation amongst anti-fascist, labour and other left-wing groups that allegations of biased or ineffective policing, that previously would have received little attention, would be raised in parliament. This often involved the Commissioner in unwelcome demands for time consuming investigations. The Commissioner was concerned about the NCCL's influence, on the streets as well as in parliament, and determined to mitigate the impact of its influence on the Home Secretary, the police attacked the NCCL as biased and partisan, challenging its non-party credentials with claims of Communist Party control, bolstered by Special Branch intelligence.

²⁰ These events are discussed in chapter 7 pp.217-28.

Throughout 1936 the Commissioner warned that the NCCL's activities had become troublesome, and he wanted the organisation to be actively discouraged. Home Secretary John Simon's admission that he found the Commissioner's view problematic in the light of genuine and legitimate concerns for civil liberties of some of its supporters highlighted an emerging gulf between police and ministerial attitudes.²² This was to become increasingly apparent through 1937 as the Commissioner repeatedly pushed the boundaries of his powers to interfere with political meetings and processions under the new Public Order Act beyond actions that the Home Secretary was prepared to sanction.²³

From its launch and at least until the end of the 1950s the true political orientation of the organisation was problematic. Police attempts to write off the NCCL were based on the belief that the organisation was under the control of the Communist Party. Special Branch intelligence both informed the Commissioners' views and evidenced police demands for wide powers over political protest. As Special Branch observed the NCCL was essentially under Kidd's control and direction throughout the 1930s. During much of that time Kidd himself was regarded as an agent of the Communist Party. Nonetheless, he was a popular figure. His enthusiasm for the protection of individual freedoms earned him recognition across political boundaries and wide public regard. There is no evidence, other than police and Special Branch claims, that his commitment to the protection of civil liberties was motivated by communist ideals. In fact, as has been argued here, even Special Branch later rescinded its assessment of Kidd and noted a more powerful communist element within the organisation following his death. Police Commissioners' were, nevertheless, convinced by Special Branch assertions and this blighted their view of the NCCL, and the police relationship with the political left. It is not the aim of this thesis to determine whether the NCCL was under the covert control of the Communist Party – although the balance of evidence suggests not. Others, such as Mathew Worley, have very ably explored the objectives of the CPGB in this

²¹ HO 144/21378 Report from Hampstead Police Station, 5 July 1936, see chapter 6 pp.188.

period.²⁴ Most significantly for this thesis, the NCCL's campaigns reflected genuine social and political grievances, and despite its ambiguous position with the Communist Party, it had wide cross-party and non-party support.

The major public order events of the 1930s, the hunger marches, anti-fascist protest at Olympia and Cable Street, and the introduction of the Public Order Act, have attracted a good deal of attention from historians. This work has commonly seen the policing of political activism as biased against the political left and police behaviour itself as having provoked disorder. The emergence of a civil liberties movement in this period is treated as unproblematic, a logical side effect, but one which has not received scrutiny itself. The active role of the National Council for Civil Liberties, surprisingly, is entirely absent from these debates. This thesis has shown that the NCCL was much more significant than this historiography suggests. Firstly, it is an example of a non-party organisation that was not conservative and anti-socialist in nature and yet it successfully contributed to the non-party political culture of the 1930s. Undoubtedly, more research on the NCCL's place in interwar non-party political participation than has been possible here would further enrich this narrative. Secondly and most significantly for this thesis, it changed the dynamics between the state and public protest and affected relations between the Home Secretary and the Commissioner of the Metropolitan Police. Home Secretaries have rarely intervened in operational policing unless forced to do so by public or parliamentary pressure. The NCCL was able effectively to apply that pressure by providing a non-partisan mechanism for complaints about the conduct of the police to be raised in parliament. Publicly, the Home Secretary's backing for police actions was never in question. Frequent calls for a public inquiry into police behaviour were all rejected but the Home Secretary's response to NCCL allegations and demands for detailed internal investigations and regular reports on police actions were the source of tension between the Home Secretary and the Commissioner. As

²² See chapter 3 p.108

²³ For discussion see chapter 7 pp.242-7.

this thesis has shown conclusions drawn about the policing of political disorder in the 1930s that do not include consideration of the active role played by the NCCL and its influence in parliament neglect an important aspect of the debate.

²⁴ Worley, *Class against Class*

Appendix A

Biographical Information

Further biographical information is contained in the chapters and footnotes. Listed here are more comprehensive details of the most significant or influential characters.

Attlee, Clement

Clement Attlee (first Earl Attlee) was Prime Minister throughout the 1945 to 1951 Labour government. Attlee had abandoned a career in law on the death of his father in 1909 to pursue social work and politics. He took a particular interest in the way of life of East End where his lack of 'swank' helped win the respect of East Enders. He joined the Stepney Branch of the Independent Labour Party in 1908. He became Secretary of Toynbee Hall the following year but left a year later because the atmosphere did not 'chime' with his socialism. He was subsequently appointed lecturer in the Social Service department at the London School of Economics. Attlee was returned as Labour MP for Limehouse in November 1922 and held the seat until February 1950. He held office in both the MacDonald Labour governments and deputised for Lansbury as Party Leader before holding the position in his own right. He served on the Simon Commission on the government of India between 1927 and 1930.¹ Attlee was among the NCCL's first vice presidents and one its most enduring supporters throughout the 1930s.

Barry, Gerald Reid

Gerald Barry became a journalist for the *Daily Express* following demobilisation from the Royal Flying Corps in 1919 where he had attained the rank of captain. He joined the *Saturday Review* in 1921 and became its editor three years later at the age of 26. However he resigned from the paper in 1930 when it committed to support Lord Beaverbrook's Unionist Empire Party. The *Weekend Review* was launched just six days after his resignation with Barry as its editor. He received well wishes from Prime Minister Baldwin and public figures of all parties and was applauded for his defence of independent journalism. In 1934 Barry joined the Board of Directors of the *New Statesman* as the two papers merged. He became features editor of the left leaning *News Chronicle* in the same year. Barry was a founding member of the Labour think-tank PEP (Political and Economic Planning) and in 1948 was appointed to the job of director-general of the Festival of Britain 1951.² Barry was instrumental in the founding of the NCCL. He attended the inaugural meeting and was one of its first vice presidents.

Bevan, Aneurin

Appointed minister for health and housing in Attlee's 1945-51 Labour government Bevan's achievements included the creation of the National Health Service and a building programme that provided over one million permanent homes by 1950. As a young man in Tredegar, South Wales Bevan was a Trade Union activist and member of the local Independent Labour

¹ *Oxford Dictionary of National Biography*, (Oxford University Press, 2004) on edition May 2005, accessed 14 February, 2007.

² *Oxford Dictionary of National Biography*, (Oxford University Press, 2004) on edition May 2005, accessed 8 February, 2007.

Party. He was active in anti-war campaigns throughout World War I and in protests against inadequate wartime provision of housing and food. He entered national politics in 1929 when he was elected Labour MP for Ebbw Vale. He was an outspoken opponent of Ramsey MacDonald's National Government. He urged an interventionist approach to the Spanish Civil War which he visited first hand in 1938. He was an irrepressible critic of the coalition government during the World War II and an articulate and dangerous opponent in parliament. His outspoken views were often at odds with his own party. He was, nevertheless, widely regarded with affection and respect.³ Bevan was one of the NCCL's founders and first vice presidents.

Bing, Geoffrey

Geoffrey Bing was a barrister. He practised law in Gibraltar, Ghana (previously Gold Coast) and Nigeria. Bing was elected Labour MP for Hornchurch in 1945 and held the seat until 1955. In 1957 he was appointed attorney-general in Ghana by Dr Kwame Nkumah but left the position in 1961 to become Nkumah's adviser. Following the ousting of Nkumah in a *coup d'état* in 1966 Bing was arrested and ill-treated before eventually being sent home. During the 1930s he gave energetic support to the Haldane Society and the NCCL. He had a particular interest in Ulster that fuelled a hatred of discrimination and determination to defend human rights.⁴

Cockburn, Claud

Cockburn was correspondent of the *Times* in New York and Washington from 1929 to 1932 when his 'socialistic tone' forced his dismissal.⁵ From the beginning of 1933 until 1946 he was editor of *The Week* a left-wing paper appealing to the 'more cultured members of the socialist and communist groups'.⁶ He was diplomatic and foreign correspondent for the *Daily Worker* from 1936 to 1946 and subsequently wrote principally for *Punch*, *New Statesman* and *Private Eye*.⁷ Cockburn wrote novels one of which *Beat the Devil* (1953) was made into a film. He became a regular columnist for the *Sunday Telegraph*.⁸ Cockburn was at the inaugural meeting of the NCCL and was well acquainted with a number of individuals involved from the very early days of the organisation.

Foot, Dingle Mackintosh

Foot was a politician and lawyer. From an intensely political family he was the son of MP Isaac Foot and three of his brothers also became parliamentarians. Dingle Foot became Liberal MP for Dundee in 1931 but lost the seat in the Labour landslide of 1945. Foot became increasingly aligned with the radical wing of the Liberal party and eventually resigned from the position of vice-president of the Party to join the Labour Party in 1956. He was appointed solicitor general in 1964 and at the same time accepted a knighthood. Throughout the 1950s Foot had pursued his legal career in the commonwealth being admitted as an advocate in the Gold Coast, Ceylon, Nigeria, Rhodesia, Sierra Leone, India Bahrain and

³ *Oxford Dictionary of National Biography*, (Oxford University Press, 2004) on edition May 2005, accessed 25 June, 2007.

⁴ *Oxford Dictionary of National Biography*, (Oxford University Press, 2004) on edition May 2005, accessed 30 April, 2007.

⁵ KV 2/1546, Special Branch report of Claud Cockburn, 19 March 1934

⁶ KV 2/1546, Memo to Newsam, Francis Claud Cockburn and "The Week", 19 June 1934

⁷ Claud Cockburn, *Who Was Who* (London: A & C Black Ltd, 2005)

⁸ Claud Cockburn, *Concise Distionary of National Biography*, (Oxford: Oxford University Press, 1992)

Malaysia where he specialised in constitutional and civil liberties cases.⁹ Foot was amongst the NCCL's first vice presidents.

Forster, E M

Forster is one of the most acclaimed English novelists of the twentieth century. His many novels include *A room with a View*, *Howards End* and *A Passage to India*. During his lifetime he refused permission for his books to be made into films but in the thirty years after Forster's death in 1970 Merchant-Ivory films very successfully took his work to a new generation. It has been said that he wrote with simplicity and originality in defence of the well-worn concepts of liberty, democracy, and tolerance. Forster wrote articles that quietly championed reform of the law on homosexuality and in 1960 he was a defence witness in the case brought by the crown against Penguin Books after the publication of *Lady Chatterley's Lover*. He refused a knighthood in 1949 but in 1953 became a Companion of Honour and on his ninetieth birthday received the Order of Merit. Forster was the first president of the NCCL and held the post until 1939. He continued to support its aims throughout his life.

Franklin, Hugh

Hugh Franklin was the son of a wealthy Jewish banker. He abandoned his university education in the second year to pursue his interest in politics. He joined the Fabian Society and the ILP and was a member of the Men's Political Union for Women's Enfranchisement. Returning to politics in 1931 after a break of 10 years, Franklin held a position in the New Fabian Research Bureau and the National Executive of the Labour Party. He was elected to Middlesex county Council in 1946.¹⁰ Franklin was Treasurer of the NCCL throughout the 1930s.

Game, Philip

Commissioner of the Metropolitan Police from November 1935 until his retirement in 1945. Game was a slightly built, quietly spoken, somewhat accident-prone man. A striking contrast to his predecessor – Boom Trenchard. Game's list of high distinctions, DSO, CB, KCB, GBE, KCMG, GCVO and GCB reflect a distinguished career that, as well as Commissioner included air vice-marshal and officer commanding RAF India and colonial governor of New South Wales where he had experience of dealing with right-wing political activism.¹¹

Herbert, Alan Patrick

Although called to the bar in 1918, A P Herbert did not practice as a barrister and was best known as a writer and politician. The author of several novels he joined the staff at *Punch* in 1924 where his crusading spirit and talent for literary entertainment found expression. In *Punch* Herbert aired social and political causes that he subsequently championed in parliament and elsewhere. He was independent MP for Oxford University from 1935 to 1950. From otherwise very different political perspectives, Herbert shared with Ronald Kidd a belief

⁹ *Oxford Dictionary of National Biography*, (Oxford University Press, 2004) on edition May 2005, accessed 30 April, 2007.

¹⁰ Papers of Elsie Duval and Hugh Franklin, *Women's Library* (www.aim25.ac.uk, 14 March 2005)

¹¹ *Oxford Dictionary of National Biography*, (Oxford University Press, 2004) on edition May 2005, accessed 3 December 2006.

in individual liberties. He was instrumental in the founding of the NCCL and one of the first vice-presidents.

Kidd, Ronald

Chapter 2 contains detailed biographical information on Ronald Kidd - see pp.60-1.

Lansbury, George

Lansbury was Labour MP for Bow and Bromley from 1910 to 1912. He resigned his seat in 1912 to stand as Independent in support of women's suffrage, which he lost but he was re-elected from 1922 to 1940. He was leader of the Labour Party from 1931-1935.¹² Lansbury was a founder of the Daily Herald in 1912 and edited it until 1922. He was Mayor of Poplar in 1921.¹³ Lansbury joined the National Council Against Conscription in 1916 and was subsequently a member of their Executive committee.¹⁴ In 1925 he was Treasurer of the International Class War Prisoners Aid (ICWPA) suspected by the security services to be controlled by Moscow.¹⁵ He was a founder member and vice president of the NCCL.

Laski, Harold

Professor Harold Laski was lecturer in political science at the London School of Economics from 1920 until his death 1950 and a member of the Fabian Society Executive in 1922 and 1936. He was a member of the Executive Committee of the Labour Party from 1936 to 1949 and Chairman from 1945 to 1946. Laski wrote extensively for the *Nation* and the *Manchester Guardian*.¹⁶ Together with Victor Gollancz and John Strachey Laski founded the Left Book Club in 1936.¹⁷ He was one of the first vice presidents of the NCCL in 1934.

Martin, Basil Kingsley

Political journalist and editor Kingsley Martin spent three years as assistant lecturer in politics and the London School of Economics where he forged a life-long friendship with Harold Laski. In 1927 he resigned his post at the LSE to join the staff of the *Manchester Guardian* moving on again in 1930 to become editor of the *New Statesman and Nation* which he determined to make the flagship weekly of the left. Through the columns of the *New Statesman*, Martin and his colleagues articulated the ideals of liberal middle-class opinion in mid-twentieth century Britain. Martin's personal and political connections were a significant influence in the founding of the NCCL.¹⁸

¹² Rt Hon George Lansbury, *Who Was Who*, (London: A & C Black Ltd, 2005)

¹³ Rt Hon George Lansbury, *Hutchinson Encyclopedia of Britain*, (Abingdon: Helicon Publishing, 2004)

¹⁴ KV 2/665, National Council Against Conscription, list of members, 10 March 1916

¹⁵ The Labour History Archive and Study Centre LP/ID/C1/10/1, list of officials and committee members, 1925

¹⁶ Harold J Laski, *Who Was Who*, (London: A & C Black Ltd, 2005)

¹⁷ Left Book Club Collection, *University of Sheffield* (www.shef.ac.uk/library/special/leftbook.pdf, 13 November 2003)

¹⁸ *Oxford Dictionary of National Biography*, (Oxford University Press, 2004) on edition May 2005, accessed 28 June 2007.

Nevinson, Henry

Henry Nevinson had a long and outstanding career as a journalist and correspondent. Between 1897 and the end of the 1930s he covered some of the most important world events for many papers including the *Daily Chronicle*, the *Manchester Guardian*, the *Daily News*, the *Herald* and was on the staff of *The Nation* from its origin in 1907.¹⁹ Nevinson and his wife Margaret were active supporters of the Women's Social and Political Union and in 1907 Nevinson founded the Men's League for Women's Suffrage. Henry Nevinson was amongst the first vice presidents of the NCCL and appointed President upon Forster's resignation from the position in 1939.

Pethick-Lawrence, Frederick

Frederick Pethick-Lawrence was barrister and Labour MP for West Leicester from 1923 to 1931 and was appointed Financial Secretary to Philip Snowden following Labour victory in 1929. He resigned following Snowden's decision to cut public spending. He was re-elected in 1935 and following the 1945 general election he was appointed Secretary of State for India. He became a Baron in 1946.²⁰ Pethick-Lawrence and his wife Emmeline were leading members of the Women's Social and Political Union. He was owner and editor of the left-wing *Star* from 1902 to 1905 and in 1907 started the journal *Votes for Women*. He was a founder of the Union of Democratic Control and was UDC parliamentary candidate for Aberdeen in 1917.²¹ A conscientious objector during the First World War, he was an early member of the National Council Against Conscription and a member of their Executive Committee in 1916.²² Pethick-Lawrence was a vice president of the NCCL from its first days in 1934.

Pritt, Dennis N

Dennis N Pritt was an eminent and well-connected barrister. In 1927 when his application for Kings Counsel was considered he had a 'large and lucrative practice' dealing mainly with 'commercial work of the most substantial kind'. Of all the names put forward he was considered to be 'the man most likely to attain to high professional distinction'.²³ Pritt was elected Labour MP for Hammersmith North in 1935 but was expelled from the Party in 1940 for his increasingly pro-soviet stance and anti-war views. He held the seat as a Labour Independent until 1950. He was awarded the Lenin Peace Prize in 1954.²⁴ Pritt was one of the founder members of the NCCL and a vice president from the outset and until his retirement from the bar in 1960.

¹⁹ Henry Nevinson, *Who Was Who*, (London: A & C Black Ltd, 2005). *The Nation* was merged with the *New Statesman* in February 1931 and published as the *New Statesman and Nation* until July 1957

²⁰ Frederick Pethick-Lawrence, *Concise Dictionary of National Biography*, (Oxford: Oxford University Press, 1992)

²¹ Frederick Pethick-Lawrence *Museum of London Picture Library*, (www.museumoflondon.org.uk/MOLsite/piclib/pages/bigpicture.asp?id=979, 25 May 2005)

²² KV 2/663, National Council Against Conscription, 17 January 1916

²³ LCO 6/927, Letter from Claud Schuster to Rt. Hon. Lord Stanfordham, 7 March 1927

²⁴ Denis Nowell Pritt, *Concise Dictionary of National Biography* (Oxford: Oxford University Press, 1992)

Trenchard, Hugh Montague

Chapter 2 contains biographical information on Trenchard – see pp.57-8 and 73-4.

Appendix B

Extracts from the Public Order Act 1936

Prohibition of uniforms in connection with political objects

1. (1) Subject as hereinafter provided, any person who in any public place or at any public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object shall be guilty of an offence:

Provided that, if the chief officer of police is satisfied that the wearing of any such uniform as aforesaid on any ceremonial, anniversary, or other special occasion will not be likely to involve risk of public disorder, he may, with the consent of the Secretary of State, by order permit the wearing of such uniform on that occasion either absolutely or subject to such conditions as may be specified in the order.

[...]

Prohibition of quasi-military organisations

2. (1) If the members or adherents of any association of persons, whether incorporated or not, are –
 - (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of the Crown; or
 - (b) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such a manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose;then the person who takes part in the control or management of the association, or in so organising or training as aforesaid any members or adherents thereof, shall be guilty of an offence under this section.

[...]

Powers for the preservation of public order on the occasion of processions

3. (1) If the chief officer of police, having regard to the time or place at which and the to the route taken or proposed to be taken by the procession, has reasonable ground for apprehending that the procession may occasion serious public disorder, he may give directions imposing upon the persons organising or taking part in the procession such conditions as appear to him necessary for the preservation of public order including conditions prescribing the route to be taken in the procession and conditions prohibiting the procession from entering any public place specified in the directions:

Provided that no conditions restricting the display of flags, banners or emblems shall be imposed under this subsection except such as are reasonably necessary to prevent risk of a breach of the peace.

[...]

- (3) If at any time the Commissioner of the City of London police or the Commissioner of police of the Metropolis is of opinion that, by reason of particular circumstances existing in his police area or in any part thereof, the powers conferred on him by subsection (1) of this section will not be sufficient to enable him to prevent serious public disorder being occasioned by the holding of public processions in that area or part, he may with the consent of the Secretary of State, make an order prohibiting for such period not exceeding three months as may be specified in the order the holding of all

public processions or of any class of public procession so specified either in the police area or in that part thereof, as the case may be.

(4) Any person who knowingly fails to comply with any directions given or conditions imposed under this section, or organises or assists in organising any public procession held or intended to be held in contravention of an order made under this section or incites any person to take part in such a procession, shall be guilty of an offence.

[...]

Prohibition of offensive weapons at public meetings and processions

4. (1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any offensive weapon, otherwise than in pursuance of lawful authority, shall be guilty of an offence.

(2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a servant of the Crown or of either House of Parliament or of any local authority or as a constable or as a member of a recognised corps or as a member of a fire brigade.

[...]

Prohibition of offensive conduct conducive to breaches of the peace

5. Any person who in any public place or at any public meeting –

(a) uses threatening or abusive words or behaviour, or

(b) distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting,

with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.¹

¹ Peter Thornton, *Public Order Act 1936*, (London: Financial Training, 1987), pp. 207 ff.

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HO 45/24996, Disturbances: Public Meeting Act (1908) Amendment Bill 1937: maintenance of order at public meetings, 1937-39

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HO 45/25386, Disturbances: Wearing of uniform to denote membership of political organisations. Preservation of public order: disturbances arising out of public meetings and demonstrations particularly those involving the British Union of Fascists, 1933-36

HO 45/25388, Disturbances: Fascist and anti-fascist meetings 1937-1938: police statistics; alleged partiality of police. Protests at action taken by police at meeting held by National Unemployed Workers' Movement in June 1938, 1937-38

HO 45/25389, Disturbances: Public meetings: allegations of connivance between the police and the British Union of Fascists, 1939-51

HO 45/25462, HO 45/25463, HO 45/25464 and HO 45/25465, Disturbances: National Council for Civil Liberties: reports on activities, 1934-36/1936-40/1940-41/1941-51.

HO 45/25479, Special Branch: operational strength and augmentation during the coronation year, 1936-37

HO 45/25519, Disturbances: National Unemployed Workers Movement: police and departmental reactions to organised publicity stunts and financial appeals to HM The King, 1938-39

HO 45/25521, Disturbances: Communist Party of Great Britain: reports on meetings. Surveillance of German and Russian agents in the UK, 1938-39

HO 45/25866, Royal matters: Counsellors of State: interpretations of S.6(1) of the Regency Act 1937; visit of Princess Elizabeth and Princess Margaret to South Africa and Rhodesia, 1939-47

HO 144/206/A47976O, Disturbances: Trafalgar Square Riots. Arrest etc of Mr Cunningham Graham MP, John Burns and others, 1887-1888

HO 144/215/A49014, Disturbances: Trafalgar Square Meetings. Complaints and action of the police, 1888-1889

HO 144/1264/237169, Disturbances: George Lansbury (ex M.P.) suffragette supporter, released temporarily from prison, asks the King to release Sylvia Pankhurst or to order his own re-arrest, 1913-14

HO 144/3764, SEDITION: R Stewart: General Organiser, Communist Party of Great Britain, 1921-24

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Liberties and its predecessor, the National Council Against Conscription, during and after the First World War, Jun 16-Nov 30 1916/Jan 01 1916- Dec 31 1917/1917/1918

KV 2/1062, Denis Nowell PRITT: British. PRITT, a King's Counsel and Labour (and later Independent) Member of Parliament for North Hammersmith, 1932-40.

KV 2/1546, KV 2/1547, KV 2/1548 and KV 2/1549, Francis Claud Cockburn, alias Frank Pitcairn: British. In 1933 COCKBURN, a former 'Times' journalist, started his own political publication 'The Week' which gained a reputation for having inside sources of information. In 1936, under the name Frank Pitcairn, he reported on the Spanish Civil War for the 'Daily Worker', later becoming its Foreign Editor, Jan 01 1933 - Dec 31 1934/Jan 01 1934 - Dec 31 1935/Jan 01 1935 - Dec 31 1936/Jan 01 1937 - Dec 31 1938

KV 2/1570, Sylvia Pankhurst, alias Sylvia Estelle Pankhurst: British. Sylvia Pankhurst was, like her mother Emmeline, active in the Suffragette movement. She was an early Communist and, in the late 1930s and 40s was engaged in anti-war and anti-fascist activity. As founder and editor of 'New Times and Ethiopia News' (1936 onwards) she was very actively involved in promoting the Abyssinian cause and denouncing Italy's imperial activity, Jan 01 1914 - Dec 31 1953

KV 2/1596, Douglas Frank SPRINGHALL, aliases 'Springy', 'Peter', 'Zenoff/Zanoff', usually known as 'Dave': British, Jan 01 1935 - Dec 31 1943

KV 2/1607, Dorothy Victoria Anne Woodman, alias Kingsley-Martin: British. Active from 1930 in several left-wing causes through her position as Secretary of the Union of Democratic Control, Woodman was well-connected on the left of British politics both through her own contacts and those of her partner Basil Kingsley-Martin, 1932-1953

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