

THE NATIONAL COUNCIL
FOR CIVIL LIBERTIES
AND THE POLICING OF
INTERWAR POLITICS

At liberty to protest



JANET CLARK

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AND THE POLICING OF INTERWAR POLITICS

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*The National Council for
Civil Liberties and the
policing of interwar politics*

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Abbreviations

BUF	British Union of Fascists
CID	Criminal Investigation Department
CPGB	Communist Party of Great Britain
NCCL	National Council for Civil Liberties
NFWI	National Federation of Women's Institutes
NUJ	National Union of Journalists
NUWM	National Unemployed Workers' Movement
ILD	International Labour Defence
ILP	Independent Labour Party
JPC	Jewish People's Council
LCC	London County Council
LHASC	Labour History Archive and Study Centre
LNU	League of Nations Union
LSE	London School of Economics
PPU	Peace Pledge Union
TNA	The National Archive
TUC	Trade Union Congress
UDC	Union of Democratic Control

Foreword

The surveillance of protest groups and the policing of crowds protesting against injustice or demanding various rights or reforms have always been controversial. In this book Janet Clark focuses on the 1930s when the police closely observed those advocating so-called alien ideologies that were believed to threaten the British state, and when they stood between rival political activists in the streets. These policing tasks, criticised by many contemporaries as high-handed, biased and rough, in turn prompted the creation of the National Council for Civil Liberties (NCCL) – a body dedicated to preserving liberties from encroachments by state officials and to ensuring that such officials, not least the police, observed both the letter and the spirit of the law.

At the beginning of the 1930s the Metropolitan Police had only recently celebrated its centenary. But in spite of the celebrations and the way in which the British police were commonly lauded as ‘the best in the world’ there had been a succession of scandals during the 1920s. These had led to the appointment of a Royal Commission charged with investigating police powers and procedure. The Commission had given the police a clean bill of health. Any large organisation, it had concluded, was bound to have a few bad apples but, generally speaking, the police were considered to be doing a commendable job in a commendable fashion. This view probably was not shared in many poor working-class districts where tough policemen often got their retaliation in first and were as hard as the local hard men, but this was not something that the Royal Commission chose, or was asked, to investigate. Moreover, the broadly conservative authorities in Britain liked to perceive of their society as one based on consensus; perhaps it is no coincidence that Charles Reith’s classic, popular Whig histories of British police

development began to appear during the 1930s. Economic unrest sparked by poverty and the Depression, and the street politics in which British fascists squared up to British communists challenged the notions of consensus and required policing that was very different from the usual patrolling of the beat Bobby. Given the regular occurrence of unrest and street politics during the 1930s, this style of policing was rarely out of the gaze of the media and the public.

Police officers generally reflect the society from which they are drawn and which they serve. During the 1930s some of them clearly showed a lack of sympathy for Jewish victims of the fascists, but then the police came from a society that had viewed with alarm the influx of central and eastern European Jews on the eve of the First World War. When the NCCL began to question incidents of police behaviour, perhaps understandably, the police began to suspect the organisation of left-wing political sympathies and to investigate it as a creature of the Communist Party. What is striking in Janet Clark's account is how so many in the government and among parliamentarians of different political hues acknowledged the rhetoric of British liberty and were prepared to challenge and question police behaviour. Equally significant is the way in which a cross-section of politicians was prepared to lobby and ask questions on the promptings of the NCCL. Whether it was a communist front or not – and as Clark points out, the case is not proven – its emphasis on British liberty appealed to a wide constituency.

The police supervision of supposedly dissident groups and the police control of crowds are issues that vex British society at the beginning of the twenty-first century as much as they did 80 years ago. Moreover, Liberty continues to raise questions about rights and liberties, and to challenge what it considers to be high-handed behaviour by police officers in much the same way as did its predecessor, the NCCL; and Liberty is often equally denigrated. Janet Clark has written a book that should feed significantly into contemporary debates. It is not that it will teach police officers, politicians, Liberty and the general public how various kinds of activist might best be investigated and kept under surveillance, nor will it show how to resolve confrontations on the streets and the tensions and criticisms that emerge afterwards – we might learn some things from history, or at least think that we can learn from history, but it is quite possible to learn things that are wrong and

to be too dogmatic in our conclusions. What Janet Clark does here is to provide a rich awareness of past problems; this awareness should improve our understanding of the history of the 1930s as well as contribute to the search for more sensible policies, improved behaviour and, it is to be hoped, greater tolerance in the present.

Clive Emsley

Introduction and background debates

In 1933 a little known bookseller, Ronald Kidd, took on the Commissioner of the Metropolitan Police, Lord Trenchard, in the pages of the popular press. Kidd challenged Trenchard to account for the hostile police tactics employed against hunger march protesters in the parks and streets of London.¹ The resultant publicity gained Kidd the support of influential individuals of varied interests, all of whom shared concerns about police practices such as the interference in personal morals by police ‘spies’, heavy-handed police questioning methods and political bias in the policing of labour and public protest. The chain of events begun by Kidd’s press intervention led to the formation in 1934 of the National Council for Civil Liberties (NCCL), a pressure group centred on civil liberties and the powers of the police, with Kidd as its General Secretary.²

This book will consider the key part played by the NCCL in shaping a distinct and organised critique of police behaviour in interwar Britain. Its innovative and direct methods involved placing observers at public demonstrations and meetings to monitor police behaviour, providing legal defence in police prosecutions, collecting witness statements and presenting evidence of police partiality or violence and lobbying MPs with complaints against the police. It established important associations through which it was able to influence Parliament and public opinion and impact upon relations between the police and public protest.

Of course, that is not to say that police powers had not been a concern prior to the 1930s. The upper- and middle-class suspicions of the new and organised force that had surrounded the formation of the Metropolitan Police in 1829 had for the most part become a shared mutual respect with ‘their bobby’,³ but this

equilibrium had not been achieved without occasional hiccups. Police methods were not always effective and there were occasions when the police lost control of public demonstrations. One police officer died during a Chartist riot at Cold Bath Fields in London in 1833 and in 1848 a Chartist weaver died from blows inflicted by police.⁴ Police handling of demonstrators and disorder, and allegations of brutality and corruption had been the subject of a number of select committee inquiries and Royal Commissions on police powers and practices throughout the nineteenth and early twentieth centuries. The outcome of these investigations generally praised police behaviour and problems were put down to a few 'bad apples'. Indeed, the interwar period has often been championed as a 'golden age' where police in Britain could be regarded as the 'best police in the world'. However, for much of the working classes, labour activists and the emergent political left the view was very different. Throughout the nineteenth and into the twentieth century this sector of society widely regarded the police as interfering, partisan and brutal.⁵ The use of plain clothes police officers was a particularly sensitive matter and the introduction of the Criminal Investigation Department (CID) and subsequently Special Branch towards the end of the nineteenth century was controversial.

The use of police 'spies' across mainland Europe (particularly in France and Austria) was widely reported in the British press as deeply objectionable and, throughout the nineteenth and into the twentieth century, incidents of similar 'un-English' practices in use in Britain attracted press and public condemnation.⁶ Nevertheless, the police and government ministers recognised the value of such methods and quietly sanctioned surveillance practices and the gathering of intelligence from the very early days of the Metropolitan Police. In 1833 Metropolitan Police Sgt. William Popay was dismissed for exceeding his duties when his surveillance of the activities of the National Political Union transgressed into the actions of *agent provocateur*. Later on in the nineteenth century socialists and reform groups echoed the sentiments expressed over Popay's activities. Complaints about covert police practices from the Reform League, the Social Democratic Federation and bodies representing the unemployed were among those that excited press interest.⁷ Home Secretaries and select committees were at pains to reassure public opinion that such practices were not the norm. Nonetheless, they were not prepared to condemn their use or to give assurances

about the regulation of undercover police methods. The Popay case, for example, elicited only a warning from the select committee about the discreet and cautious future use of such practices.⁸

The formation of an official detective branch, the Criminal Investigation Department, in the early 1840s was the subject of much public debate, and was only made palatable by a number of earlier uniformed police failures.⁹ Even so, the Home Secretary was faced in Parliament with cries of ‘espionage’ following a police ‘sting’ operation in 1880. He would give no undertaking about the recurrence of such operations.¹⁰ The Special Branch, initially an offshoot of the CID, was set up in 1883 in response to a spate of Feinan atrocities. It established an official focus on political as opposed to purely criminal activity and was met with the considerable hostility of the political left. A letter to the *Pall Mall Gazette* in 1888 claimed that ‘a most bitter system of Continental police supervision’ existed that was ‘calculated to ruin every Socialist individually’.¹¹ By the early twentieth century the extent of Special Branch interest in industrial unrest and labour activism prompted commentators to view the state response to strikers and labour activists as in line with that accorded to enemy invaders.¹² A fixation on association with communism and the influence of Moscow on labour following the formation of the Communist Party of Great Britain (CPGB) in 1920 led to a view of the police, and particularly of Special Branch, as a menace to individual liberties and freedoms.¹³

The ‘ideal’ of British policing was as entrenched in police ideology as in public perception but it was facing challenges on a number of fronts during the interwar years. A Royal Commission on Police Powers and Procedure in 1929 investigated allegations of scandal and corruption in the force. The Royal Commission’s investigation into the questioning of Irene Savidge in connection with the arrest of Sir Leo Choizza Money on a charge of indecency, and the case of Mrs Pace accused of murdering her husband, captured the sympathetic attention of the press. There were questions in Parliament about the behaviour of the police towards women and children in custody and about the use of ‘the third degree’ in police questioning methods.¹⁴ The National Union of Societies for Equal Citizenship, of which Eleanor Rathbone was president, raised concerns about the treatment of women by police and demanded the appointment of women to the Royal Commission.¹⁵ The liberal and left-wing press, the *New Statesman*, the *Manchester Guardian* and the *Herald*

were among those that were highly critical of police actions and of the limitations of the Royal Commission's investigations and its recommendations.¹⁶ At the same time, much of the political left was alarmed at the growing militarisation of the police, and the controversial appointment of Viscount Byng formerly governor-general of Canada, as Commissioner of the Metropolitan Police in 1929, was vociferously opposed by many Labour politicians.¹⁷

For a significant minority, the concerns about encroaching police powers that underpinned the civil liberties campaign in the 1930s were deep rooted and longstanding, and were an important aspect of the support for the civil liberties movement. But it would be wrong to conclude that policing of demonstrations had progressively become more violent or partisan and culminated in 1934 in the formation of the NCCL. Equally important was the wide backing for the NCCL that came from its array of influential supporters and which owed much to the contemporaneous events and to the political ideology of the 1920s and 1930s.

The immediate events from which the NCCL emerged were most obviously the hunger marches of the early 1930s. Organised by the National Unemployed Workers' Movement (NUWM), they were marked by ferocious policing and alarmist government propaganda that many observers found disturbing and the cause of unwarranted public fear and animosity. Notable too was the Police Bill before Parliament during the summer of 1933. The Bill proposed controversial reforms to police recruitment, training and practices and appeared to signal further militarisation. This deeply alarmed opposition politicians who had opposed the appointment of Trenchard as they had his predecessor Lord Byng because of their military backgrounds. Over the same period, the rapid consolidation of the Nazi regime in Germany following an arson attack on the Reichstag at the beginning of 1933 introduced a broader European context in which the issues of civil liberties, police powers and the fairness of the legal system were given added urgency in Britain. Conspiracy allegations and an inquiry into the Reichstag fire affair, held in London, generated sympathy for the political left. What is more, the changing forms of political expression, the divisive party politics, non-party pressure groups and the marginalisation of the mainstream left characterised the political landscape of the interwar period and shaped the personal and political agendas of the NCCL's supporters.

Kidd's letter to the editor of the *Weekend Review* in August 1933 raised serious allegations about police practices that involved the use of *agents provocateur* in the policing of demonstrators in London during the hunger march at the end of the previous year. Such allegations usually met a dismissive response from Scotland Yard but the sequence of events that followed took Kidd's complaint directly to Trenchard. The Commissioner's unconvincing assurances that the allegations were unfounded prompted the idea of a pressure group and the NCCL was launched a few months later with the backing of the paper's editor Gerald Barry and a number of well-connected individuals from politics, journalism and the law.

The adoption by the NCCL of a non-party identity was key. It associated the organisation with a broad culture of political pressure outside party politics that had been part of political expression in Britain since the emergence of Liberal Internationalism and single-issue pressure groups at the beginning of the twentieth century.¹⁸ It was an ethos embraced by organisations like the League of Nations Union (LNU), the National Peace Council and later women's organisations such as the Women's Institute movement and the Townswomen's Guilds. These organisations saw their role as educational or having a welfare or social function and they avoided political direction. Nevertheless, the campaigns they pursued related to progressive and reformist issues and members were encouraged to adopt active citizenship and to take part in local politics.¹⁹ The National Federation of Women's Institutes (NFWI), the British Legion and the Rotary International, for example, cultivated mass memberships and engaged in public activities and political campaigns ranging from birth control and slum clearance to war pensions and the Poppy Day appeal. At the same time they embraced an aggressive non-party identity and located themselves firmly outside the arena of partisan controversy.²⁰ Many of the politicians, professionals and intellectuals associated with the NCCL were also involved with other non-party and cross-party groups and they understood the NCCL to represent a challenge to the National Government's policing policy that was not allied to party politics.

In the wider political context, after the split with Labour leader Ramsay MacDonald following the formation of the first Labour National Government in 1931, the progressively more left-focused Labour Party was essentially marginalised by successive, predominantly Conservative, National Governments.²¹ The Labour Party

was not necessarily the party of choice as far as the working class was concerned and much of the working class remained committed to the Tory Party through most of the interwar period.²² At the same time, Conservative policies appealed to a huge and growing middle class. Furthermore, Conservative campaigns had wide appeal to women and the party attracted disproportionate numbers of the female electorate.²³ The Labour Party had seen exceptional growth in its local party organisation through the interwar years. Nevertheless, the minor role it played in events through the latter part of the 1930s was symptomatic of the political strait-jacket imposed by its own internal conflicts and influences from the far left that inhibited flexibility and new approaches.²⁴ Non-party organisations represented compromise and, importantly, an alternative means of participation in the political process outside party politics that appealed to disenchanted Labour politicians and activists.

Home Office papers held at the National Archives reveal the intense interest the authorities took in the NCCL and its leadership and the dilemma that arose for successive Home Secretaries over its influential support.²⁵ The police were not willing to treat the NCCL's activities as anything other than an escalation of left-wing activism. They did not trust its non-party associations and police sources denounced the organisation as the inspiration of the Communist Party. The plethora of Special Branch reports that are to be found among the papers of the Metropolitan Police and the Home Office portray an image of the NCCL as a communist front organisation, Ronald Kidd as a puppet of Communist Party machinations and its prominent supporters as misled. Throughout the 1930s both Trenchard and his successor, Sir Philip Game used information gathered by Special Branch to discredit the NCCL and to appeal to the Home Secretary to ignore its representations so as not to encourage its 'troublesome' activities. 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 responsibilities of Special Branch in the interwar 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 was questionable. Indeed, even Special Branch was eventually to concede that for most of the 1930s, while under

Kidd's stewardship, the NCCL was unlikely to have satisfied Communist Party ambitions and increased communist influence within the organisation was noted following Kidd's death. 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. The Metropolitan Commissioners of the 1930s rarely questioned Special Branch information, and both Trenchard and Game relied extensively upon it in the making of operational public order policing policy.

Publicly the Home Secretary's support for the Commissioner did not waiver. Nevertheless, throughout the latter part of the 1930s the policing of public order in the capital was the subject of intense internal scrutiny. The presentation by the NCCL of evidence of police violence, partiality or, indeed, inaction contributed significantly to ministerial concerns. Commissioner Philip Game barely concealed his frustration when in he wrote: 'until I have had another talk with the S. of S. I am doing nothing beyond striving with varying success, to preserve the peace!'²⁶ He 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 1936.²⁷ Nevertheless, more than a year after the 'battle of Cable Street', public order policing in the Metropolitan district remained marred by political confrontation and at the centre of the NCCL's campaign. The Commissioner found ministers unwilling to sanction interference with political activism beyond the most troubled areas of the East End.

Commentators have, it seems, often assumed that Special Branch intelligence would have discredited Kidd and the NCCL to the extent that both would have been disregarded by the authorities and would, therefore, have been ineffective;²⁸ or have accepted that communist influence within the NCCL was such that the objectives of the organisation were effectively those of the Communist Party.²⁹ As a consequence the conditions that inspired the formation of the pressure group; the motivation and personal agendas of the prominent politicians, journalists and lawyers that supported the organisation; and its impact on the policing of disorder in the