

IN THE CROWN COURT

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Before:

HIS HONOUR JUDGE R.A.R. STROYAN Q.C.

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Held at Teesside Crown Court,
Victoria Square,
Middlesbrough,
Cleveland.

Thursday, 19th March 1981

D

E

R E G I N A

v

JOHN ALEXANDER SYMONDS

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G

.....
(Transcript of the Shorthand Notes of MRS. ANN LEE of HUMPRHEYS BARNETT AND
CO., Official Shorthand Writers, 19 Queen Victoria Street, Leeds, LSL 6BD.
Tele 455082.)
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MR. G. RIVLIN, Q.C. with MR. RADCLIFFE appeared as Counsel for the Prosecution.
THE ACCUSED appeared on his own behalf.

TEESSIDE CROWN COURT

BEFORE: HIS HONOUR JUDGE R.A.R. STROYAN, Q.C.

THURSDAY 19th MARCH 1981

EVIDENCE IN CHIEF OF MR. JULIAN D'ARCY MOUNTER continued:-

MR. RIVLIN: The 21st November 1969 a meeting took place on that day.
Is that right?

A. Yes sir.

Q. And was that at The Grove?

A. That's right, yes.

Q. The same place as the meeting on October 31st.

A. Yes sir.

Q. Were you present at that meeting.

A. I was, yes.

Q. And what time was it held please.

A. It was 12.30.

Q. And were other people present as well.

A. Yes.

Q. Who were they do you have them recorded.

A. Mr. Lloyd, Mr. Hawkey and I am not sure whether Miss Millard was there or not.

Q. Yes now on this occasion Mr. Mounter what was the situation about Mr. Perry. Did he have anything in his possession before the meeting.

A. I don't think so. From this statement I can't tell whether he had his normal £50. I would imagine not from the statement.

Q. Yes. Well what I would like to know is this. Do you have any record of the numbers of any money that he had in his possession on that occasion or not.

A. I would have on the cheque book or the envelope.

Q. You believe you would have on the cheque book or envelope. Would you please look at the cheque book and an envelope which might also be part of exhibit 43 your honour.

THE JUDGE: 43?

MR. RIVLIN: Yes.

THE JUDGE: Is that the same cheque book.

MR. RIVLIN: Yes the same cheque book.

THE JUDGE: That had two columns of figures both dated 31st October.

MR. RIVLIN. That's on the front but it has a number of other columns of figures

as well.

THE JUDGE: Yes.

A. No I don't have a note of those.

MR.

MR. RIVLIN: I wonder if you have a list somewhere that begins with C27 Now just have a look at that list. Do you recognise that list.

A. Yes I do.

Q. In whose handwriting is that.

A. The writing is not mine but I have written November 21st.

Q. You have written November 21st?

A. Yes.

Q. And is it a list of serial numbers of notes.

A. Yes it is.

Q. And can you identify the document. Can you remember how the document came into being Mr. Mounter.

A. No I can't. I have got a feeling this was something to do with the secretary taking down, copying numbers, but I am not absolutely certain.

Q. Yes. Well the position is this. I don't think I would be entitled on what you said, to ask you to read out any serial numbers but you have seen your own handwriting on that, November 21st, have you not.

A. Yes sir.

Q. Now do you know, because there were two meetings on November 21st, one in ROBSON & HARRIS.

A. Yes.

Q. Do you know whether that relates to ROBSON & HARRIS or to this case.

A. I have written "Symonds" on it so it relates to this case.

Q. And so when dealing with the content of that document are you able to say whether Mr. Perry had any money in his possession before the meeting took place.

A. My memory is not very clear. I am sorry. But I believe in all the meetings with Mr. Symonds there was money but I would have to be reminded of it I am afraid.

Q. Yes. Well you have the document in front of you.

A. From this, yes it would appear that is what it is yes.

Q. So you may not be able to refer to the detail but that is a document about money isn't it.

A. Absolutely, yes.

Q. Now you were in court last week or the week before last and you listened did you not to a tape being played relative to this day.

A. Yes.

Q. It was tape number 14 exhibit number 5.

A. Yes sir.

Q. And I think you had a transcript on your lap as you were listening didn't you.

A. Yes indeed.

Yes indeed/...

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MR. RIVLIN: And following it through.

A. Yes.

Q. When you listened to that tape what did you think in relation to its content and that which happened so long ago.

A. It was the same conversation the same tape as that I had recorded on that day.

Q. Did you listen to tapes after the meetings that had taken place.

A. Yes sir on a number of occasions.

Q. On a number of occasions. How long would you wait before listening to the tapes.

A. Sometimes almost immediately. Always within an hour or so I think.

Q. Yes.

A. And then each tape would have been played maybe two or three times shortly after that meeting so it was not only played once and sometimes when we got back to the office it would be played to the News Editor as well.

Q. So it would be played several times.

A. That is so.

Q. Now after this meeting can you remember whether Mr. Perry was searched and, if so, whether he had anything in his possession.

A. I can't remember sir, but I believe that is so. Yes.

Q. Is this right. Have you any note of it as such, because if you have not the jury should know about it.

A. No I don't.

Q. You have not actually made a note about it.

A. No.

Q. But was it your practice to search Perry.

A. Yes it was on all occasions.

Q. You say on all occasions and certainly do you ever recall him after a meeting with Mr. Symonds still being in possession of the money that he had been given before the meeting.

A. No he never was.

Q. And Mr. Mounter can I ask you now please to have a look at certain boxes and tapes but before, just before doing that, can you help the jury as to the equipment that was used on this occasion and the tape recordings that were made. Do you have a note of that. I think you do don't you.

A. Yes.

Q. Would you just tell the jury what equipment was used on this occasion please.

A. He had a small Grundig tape recorder taped to his wrist. The microphone was placed to his wrist and he had the recorder under his coat. He had a radio microphone...

THE JUDGE: Just a moment please.

A. He had a radio microphone around his neck and concealed under his shirt and there was one receiver for this attached to a Nagra tape recorder in the boot of his Wolseley car and another was attached to a Nagra which was placed in the back seat of a blue station wagon and the third Nagra was linked up to the direct microphone which was under the dashboard of Mr.

Perry's car.

A

MR. RIVLIN: Yes. So three Nagra's and one Grundig cassette.

A. Yes that is so.

Q. And at the end of all of that if everything had recorded properly there would have been four tapes.

A. That is so yes.

B

Q. Now can you remember in fact whether at the end of the meeting it was discovered that there were four tape recordings of what had transpired.

A. I can't remember that meeting separately from the others sir but I do know on one or two occasions not all the tape recorders picked up the conversation.

C

Q. Well I think I may be able to help you now when we go and look at the various boxes and tapes. Now if the jury would kindly have schedule (b) out in front of them please. Perhaps it would be most convenient really if I took these various tapes and tape recordings in the order in which they appear on the schedule. The first is tape 13, exhibit 6. Would you have a look at that please and then identify if you can any markings that you are responsible for making on either of these items.

A. Yes on the back of the box I have written "Master radio microphone in boot of BLU" which relates to the number plate of the Wolseley.

D

Q. "Master radio microphone in boot of BLU". I don't know whether the jury have the word "Master" on theirs. They have. Very well.

THE JUDGE: Just a moment. "Master, radio mike in boot of BLU". That's in your handwriting is it.

A. Yes.

E

Q. That's on the box.

A. That's on the box.

Q. Yes.

MR. RIVLIN: That's in whose handwriting.

A. In mine sir.

F

Q. And BLU is.

A. Reference to the registered number of the Wolseley car.

Q. That was Perry's motor car.

A. Perry's car.

Q. Right.

A. It also says, "Symonds at The Grove, November 21" on the box.

G

Q. In whose handwriting.

A. Again in mine

Q. Then would you go what about the spool then please.

A. On the spool it says, "Symonds Grove November 21 radio mike, radio mike in boot of blu" and I have signed it.

H

Q. In boot of blue?

A. BLU.

Q. And then you have signed it.

A. Yes.

A

MR. RIVLIN: Signed it with your full name or your initials.

A. My initials, JDM.

Q. And when did you do that. When did you write these various things on the box and on the tape.

A. Immediately after. Immediately after the meeting when we took the tapes off the machine.

B

Q. And what was the point of doing that on each occasion that something was written on what was the whole purpose of the exercise.

A. So we knew which tapes were which and they would not get mixed up and be unidentifiable and also too the idea of signing them and so forth was so we could identify them at a later date.

C

Q. Now what do you say about exhibit 6 tape 13 the one you have got in front of you.

A. It would appear to be the same tape sir.

Q. Which is.

A. Which is the original.

Q. Now would you please take a look at exhibit five tape number fourteen and deal with the box first please.

A. Yes. There are two things written on it. There are two handwritings. First it says, "Master", "Symonds at Grove November 21" and that is in my writing, and then it says, "seven inch, No. 7", which is not in my writing.

D

Q. Do you know whose handwriting it is. If you can, say.

A. No I can't say.

Q. Now what about the tape.

A. The spool says, "November 21, Symonds at The Grove direct to Nagra in boot of BLU" and I have signed it.

E

Q. And whose written those various words.

A. That is my writing.

Q. All of it is your writing.

A. All of it.

F

Q. And what do you say then about exhibit number 25.

A. That again, sir, that appears to be the original tape that I recorded on that day.

Q. Now exhibit seven please. Tape 15.

A. Yes sir.

G

Q. What about that one.

A. The box says, "November 21 at Grove, Symonds, Grundig, used direct", and I have signed it. That is in my writing and then also written on the box is "Master". The word "Master", which I think is in Mr. Lloyds writing.

Q. But its not in yours.

A. Its not in mine.

H

Q. And what about the tapes, the cassette rather.

A A. The cassette has a piece of tape around it on which I have written "Symonds at The Grove, November 21, direct Grundig pocket", and signed it. I have also written on the cassette itself. I appear to have written "October 21", I am not sure.

Q. If you had written October 21 would that be right.
A. No it would be a mistake.

B Q. Because the meeting was on,
A. November 21 and then I have signed it "JDA Mounter" and I think it says "Sergeant Symonds", certainly it starts to say "Symonds", but the writing is faint.

Q. The writing is faint you say. Very well.
A. Yes.

C Q. And all of that is in.
.A. In my writing.

Q. Your writing and what do you say about the cassette.
.A. It would mean its the same cassette as I recofded on that day.

Q. Well now that's three recordings, we have dealt with but not four.
A. Yes.

D Q. I wonder if you would kinly look please at copy tape box number one which is exhibit 44 in this case and do you see something on that box that has been crossed out.

THE JUDGE: Exhibit what?

MR. RIVLIN: 44. Do you see something on that box which has been crossed out.
A. Yes sir.

E Q. Whose writing is this.
A. Its in mine.

Q. And who has done the crossing out.
A. Me.

F Q. Can you make out what was on the ...
A. Yes it says, "Symonds at Grove November 21 Mobile Nagra."

Q. Anything else.
A. There's a "Master" written at the top, "Master."

G Q. Now you have crossed that out haven't you.
A. Yes sir. I would assume that's because the mobile Nagra didn't pick anything up and we didn't, we used this tape again.

THE JUDGE: Just a minute. Yes.

MR. RIVLIN: I think its fair to say there is nothing is there in your statement to The Times to the effect that that tape didn't take, as it were, or perhaps I am wrong about that. You can have a look yourself.
A. No there's not sir.

H Q. But the expression "mobile", what does that mean to you.

mean to you/...

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A

A. That was when we put it in a bag or had it ready to be moved from one place to another in case they held their meetings inside a pub or if they moved away from the cars.

B

MR. RIVLIN: Yes and your honour, in the circumstances I would invite your honour to say that the witness might refresh his memory from his statement to the police, made I think about a month later. In fact under a month later. Three and a half weeks later. He has said that matters were then fresh in his mind.

THE JUDGE: Certainly a great deal fresher than they are now.

MR. RIVLIN: Well yes your honour, yes absolutely. Mr. Lloyd was permitted to following cross-examination.

THE JUDGE: Yes. Mr. Lloyd was cross-examined about it.

C

MR. RIVLIN: Yes he was. Yes your honour. I am in your hands. If you feel it is best left here I leave it here but it is only three and a half weeks later.

THE JUDGE: Yes.

MR. RIVLIN: At a time when according to the evidence that we have heard from Mr. Mounter matters were fresh in his mind.

D

THE JUDGE: Yes, well I think a due note of caution about the lapse of time.

MR. RIVLIN: Your honour yes.

E

THE JUDGE: Particularly because Mr. Lloyd was asked about his statement to the police I think it is right with proper caution he should be allowed to look at it. Members of the jury this is a statement made by this defendant (sic) to the police somewhere between three and four weeks after the events. That is quite a long time after what happened. He says the matters were fresh in his mind at the time. The document is not of course evidence. What is evidence is what he says after he has refreshed his memory from it and you will take great care in approaching what he says about something which happened about something like three or four weeks after the events. Not obviously made on the day but in present circumstances it is a good deal better than nothing after all these years.

F

MR. RIVLIN: Yes of course we have the box anyway.

THE JUDGE: Yes.

MR. RIVLIN: Would you please look at your statement to the police at page 100. Can you see that there is a schedule there of various things you handed over to the police or that you and Mr. Lloyd handed over to the police. Towards the end.

G

A. Page 100 did you say sir.

Q. Yes, page numbers being at the top of each page.

A. Yes. I am afraid the schedule is not on my sheet 100.

Q. Oh I see. Can I have a look at it.

A. It starts sheet 112 on the schedule.

H

Q. That's it on mine.

on mine/..

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A MR. RIVLIN: Its not your honour?

THE JUDGE: Looking at the page numbers at the bottom.

MR. RIVLIN: Your honour it happens to be on mine.

THE JUDGE: 102 on mine the one you want me to look at 102 at the bottom and nothing at the top.

B MR. RIVLIN: Yes. Well look there's the page that is being handed to you now. Just look at that. Is that a document signed by you is it not on each and every page.

A. Yes sir.

Q. And is there on that page reference to Nov-ember 21 at The Grove.

A. Yes there is.

C Q. And to a fourth tape. Look at number 4.

A. Yes.

Q. A Nagra operated in blue station wagon. Now just read that to yarself.

A. Yes sir.

D Q. Does that help you to remember what happened about that one.

A. Yes si~~r~~ it does. It would have been ... that is why that tape would have been scrubbed out because it meant the tape did not pick anything up sir.

Q. The tape didn't pick anything up.

A. Yes.

E Q. Yes very well. Now would you please put that statement down to one side and, Mr. Mounter, I am now going to ask you one or two general questions about the tapes but, before doing that can I just ask whether you ever saw the person who was with Mr. Perry on these meetings, during these meetings.

A. Yes I did sir.

Q. Once or more than once.

A. I can't remember whether it was once or more than once. I think it was more than once. I think it was on two occasions that I got a reasonable look at him.

F Q. Who did you see.

A. I saw Mr. Symonds.

Q. Once these tapes had been obtained by you how did you treat them.

A. With the very greatest of care sir.

G Q. Why did you treat them with the greatest of care.

A. Once it was apparent what was on them, the seriousness of what was going on, we realised that they would be subject at least of a possibly, a libel action against the Times, if we were to name names, but also, that they would possibly be evidence in a court case like this.

H Q. You appreciated that.

A. Absolutely.

Q. And so, in treating them with care, what did you do with them.

A

A. We locked them up. We took great care to make sure that nobody could interfere with them in any way. We had stringent precautions in many ways which is hard to list at the moment but in all respects we were very very careful about those tapes. For instance, I can remember that when the secretaries were transcribing them we put tape across the recorder button, things like that, so that nobody could possibly wipe anything out. We were very very careful.

B

MR. RIVLIN: Were there occasions when the tapes were sent for copying or taken for copying.

A. Yes there were.

Q. Can you remember the days or dates of those occasions.

A. No I don't think I can remember the dates.

C

Q. Well let's try and deal with it in stages. Were they taken for copying before or after they were given to the police.

A. Before.

Q. Before. Well now they were given to the police we have established on the 3rd December and the cassettes on the 5th December. Right.

A. Yes sir.

D

Q. So it must have been sometime before 3rd December.

A. Yes.

Q. And on such occasions as they were taken for copying what arrangements were made for their custody and transportation.

A. I am afraid for some reason sir, as I was asked last week, I am vague about the copying in my memory. The meetings are very very clear in my memory.

E

Q. Yes.

A. But this, at the time, didn't seem so important and I really cannot remember very much. I do remember going to Location Sounds and I tried very hard since last being here to try and recall things. I can't.

Q. Well if you can't remember you can't remember, and that's that. Do you remember whether there was any other member of The Times staff involved in looking after tapes when they went for copying.

A. I have a recollection of us sending Miss Waugh to have some tapes copied in a taxi.

F

Q. Yes.

A. I don't know whether that is because.. why I remember it but I do.

Q. Yes, well Mr. Hawkey is going to give evidence I hope. He may be able to help us about that. But we do have in the custody of the court a number of tapes which have been described as "Times copy tapes."

G

A. Yes sir.

Q. And they do bear a date.

A. Yes.

Q. In my submission I should be allowed to put the date to the witness.

H

THE JUDGE: The tapes bear a date themselves.

date themselves/...

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A MR. RIVLIN: The tapes themselves bear a date. That box which your clerk has your honour.

THE JUDGE: Yes.

MR. RIVLIN: The tapes bear a date on the box. May I put the date.

THE JUDGE: Yes.

B MR. RIVLIN: There's a set of tapes known as "The Times copy tapes".
A. Yes sir.

Q. Which The Times had copies for their own purposes.

A. Yes.

Q. You remember that.

A. Yes.

C Q. So that they would have something to keep for themselves.

A. Yes.

Q. And there is a date on this and the date is 2nd December.

A. Yes.

D Q. Which is one day before the police took the originals.

A. That's right, yes.

Q. Can you remember whether you were involved in that copying or not.

A. I can remember the considerable debate about whether or not we should hand over the original tapes to the police at that stage. Because there was considerable concern by the editor and lawyers about doing that.

Q. Yes.

E A. I remember it was agreed we would need our own copies before doing that. I have some recollection of going with Mr. Duffy. Chief Inspector Duffy to have those tapes copied but, for some reason, I can't really recall any more than that.

Q. No. Well its a long time ago.

A. Yes.

F Q. And why was it that The Times was so anxious to have copies for themselves.

A. They were anxious for many reasons. They were anxious that if anything happened to the originals while they were in the custody of the police that they would have a second set of copies to prove, first of all the allegations they had made in the newspaper and, secondly, to ensure that something was done about it.

G Q. Yes. All right. Mr. Mounter were any of these tapes to your knowledge tampered with by anyone.

A. They were not and, in my opinion they could not have been sir.

Q. If you just allow me a moment your honour. Yes would you please wait there Mr. Mounter.

H THE JUDGE: Yes. Mr. Symonds?

.....

A THE DEFENDANT: Your honour I would suggest at this point that if other prosecution witnesses are present perhaps they could be called to give their evidence now and perhaps I could recall Mr. Mounter for cross-examination, the reason being is that I feel that my voice is about to go and if I rested and perhaps have some form of medication it might well have recovered by tomorrow and if I force it, on my previous experience, tells me it might well be gone for a week or so.

B THE JUDGE: Well it is most unusual and it makes it extremely difficult for the prosecution, well the witness in the box ought to be cross-examined after he has given his evidence really.

B THE DEFENDANT: My lord I will continue then as long as I can.

C THE JUDGE: Perhaps we can arrange a microphone so you can keep your voice down, Mr. Symonds, I will see if arrangements can be made for you to talk through a microphone and therefore I will rise for a short time while that is being done. If necessary you can leave the dock.

.....

C THE JUDGE: Mr. Symonds keep your voice down, don't stand up.

D THE DEFENDANT: Mr. Mounter do you have before you a copy of your transcript of notes taken during The Times investigation.

A. Yes I do.

D Q. I believe you said that this is a copy of notes which you made into a pocket book.

A. You are referring to the transcript.

Q. Yes.

A. The transcript is a copy, is a transcript of notes that were made up after the enquiry was going. They were not contemporaneous notes.

E Q. No. I am not referring to the statement. I am referring to the document which is headed, "Transcript of notes taken by Julian Mounter during the 1969 Times investigation."

A. Yes.

Q. These are notes you took from a pocket book. Is that right.

A. They are taken from a pocket book, yes.

F Q. Where is that.

A. Pocket books.

Q. Where are those pocket books now.

A. I don't know.

Q. They are lost.

A. I don't know where they are. I presume they are lost.

G Q. Now you gave evidence that you realised at some stage the importance of making contemporaneous markings and such upon the tape recordings. Did you not realise the importance perhaps of keeping your contemporaneous notes.

A. I did keep my contemporaneous notes and they are produced as the cheque book and the envelope. Those are the only contemporaneous notes I took.

H Q. So are these notes copied from notes you made during the day.

A

A. These are copied from notebooks which I made up. I can't remember whether it was during or after from a, whole sections of different things and they were purely for my own records. It was decided fairly early on in the investigations because we were very very busy, on every occasion, that Mr. Lloyd would keep contemporaneous notes and interview Mr. Perry and I would not do so. I would be involved in things like looking after which tapes were put on which machine and help to take down numbers of the notes and deciding where people were going to go, which corner they were going to stand on and whatever.

B

THE DEFENDANT: And the original notebooks were they still in your possession at the time you were interviewed by police officers.

A. The notebooks referred to here were yes.

Q. Did you hand those notebooks over to the investigating police officers.

A. I don't think so. No.

C

Q. So is it true to say your original notebooks were lost sometime after the police investigations started.

A. If you are suggesting to me that notes that I took at the time were lost. no they weren't. These notes were taken, as I have said, later or put together from all the various sources of notes that I had taken.

Q. Yes.

A. And they have now ... I don't know where they are. Its a long time ago. I have moved many times. I don't know whether they are lost or not.

D

Q. Did you refer to those notebooks during any hearing at any committal hearing or whatever, for instance.

A. I may have done.

Q. You may have done. May I read to you from the introduction at the head of these notes. "These notes were taken both at the time of the alleged meetings and at the end of each day or at the end of each investigation. Most of these were subsequently changed into statement form and handed to the police at the conclusion of our enquiries."

A. Yes.

E

Q. "Mr. Gary Lloyd took most of the contemporary notes. Few of these were recorded at the time and place. It was my habit to rely on memory until I returned to the office when I made up a notebook or straight from memory dictated a statement."

A. Yes, that is so.

F

Q. And I believe it has been said in evidence you had two notebooks which were of the role binder type.

A. Yes. In fact I think that at the time I wrote, at the time I wrote some notes into a large spiral notebook, but that was not the note, that would be at the end of the day, that would not be the notes directly relating to this document.

G

Q. And that spiral notebook is lost.

A. Yes.

H

Q. Now goig on to the statements that you referred to. Statement number one by Julian Mounter, Times on Police Enquiries, and there are a number of statements. When were these statements made.

A. They were made sometimes the same night. Sometimes a few days, a couple of days later, throughout the investigation.

A THE DEFENDANT: And were these statements made for the information of your superiors at The Times.

A. No they were made for our own records to back up our investigation.

Q. And did your superiors at The Times ever refer to or ask to refer to these statements.

A. No.

B Q. The prosecuting counsel drew your attention to part of the statements that you made to the police on the 19th December 1969.

A. Yes.

Q. Do you have that before you now.

A. No I don't.

Q. I wonder if you could have a copy of that before you.

A. Yes I have it.

C Q. I believe you said this statement was made whilst events were still fresh in your memory.

A. Yes.

Q. Now when you made this statement did you refer to your original spiral pocket book and your statements to The Times.

A. I don't know.

D Q. But it is likely that you would have done if they had been in your possession.

A. Without reading it all I could not tell you.

Q. And when you made this statement did you make it alone or were you in company with Mr. Lloyd.

A. I made it separately. We were separated and put in two different rooms. It took about two weeks I think for each of us to make the statement.

E Q. Yes and was the statement made in the presence of The Times solicitor.

A. No. Nobody was allowed there except the police.

Q. Very good. Now, Mr. Mounter, I believe you came into this enquiry more or less on the very first day. Is that right. The 27th October.

F A. No I think it was, there had been some happenings before that, talking about the enquiry concerning other officers, other than yourself, so I was not in at the very start. It was two or three days later.

Q. Yes. Now will you refer to your police statement page one.

A. Yes.

Q. Second paragraph.

A. Yes.

G Q. Do you see written there, "On the 27th October 1969 Mr. Gary Lloyd spoke to me about 6 p.m."

A. Yes.

Q. "And told me that he was working on an enquiry."

A. Yes.

H Q. A criminal had complained. Now is it to your knowledge that the criminal, Mr. Perry, had complained that very day to Mr. Lloyd.

A. I think what happened was that may have been the first day Mr. Lloyd

A had seen him but The Times had been approached by somebody else and put Mr. Perry in touch with him so when you say on the very first day. I was not involved in that original approach. I heard on this day.

THE DEFENDANT: And was the original approach by an older criminal who had assisted The Times with information on at least one previous occasions.
A. That is so yes.

B Q. And that is a Mr. Brennan.
A. Eddie Brennan, that is so.

Q. And had Mr. Brennan been paid by The Times for information he supplied to them on previous occasions.
A. I don't know.

C Q. Now when Mr. Lloyd spoke to you at 6 p.m. the evening of 27th October was he then in company with three criminals that he had brought to The Times office.
A. I remember the criminals being there. Whether he was speaking to me at that time with them present I don't know. I don't think so.

Q. Is it to your knowledge that the three criminals made statements that night at The Times respecting their allegations.
A. Yes. Whether it was that night. They did make statements to us yes.

D Q. And were the three criminals Mr. Perry, Mr. O'Keefe and Mr. Lanning(?).
A. I don't know whether it was Mr. O'Keefe. I remember Mr. Lanning.

Q. And did you read those statements or were you present when they were made.
A. Yes. I presume I did. I don't know.

Q. Now would you look at this statement made that evening by Mr. O'Keefe, Mr. Perry and Mr. Lanning.

E THE JUDGE: Mr. Symonds he can look at them but cannot read out.

MR. SYMONDS: No I was not going to ask him to your honour. If you could just quickly look through them to take the essence of the statements.
A. Yes.

F Q. Now may I ask you, is it a fact that those statements referred to allegations made by these criminals against certain other police officers.
A. That is so.

Q. And is it so that there is no reference to me or my name whatsoever in those statements.
A. Yes that would be because when Mr. Perry approached us in the first instance it was not about me.

G THE JUDGE: Yes.

THE DEFENDANT: Now on the 28th of October did you go to the home address of Mr. Perry.
A. Yes I did.

H Q. And did you go alone early in the morning. You refer to your statement to the police.
A. Yes. I believe I went ahead. We travelled separately. I believe I travelled ahead of Mr. Lloyd. I am not sure.

A THE DEFENDANT: Yes and that at some stage during the time you were speaking to Mr. Perry I understand awaiting the arrival of your colleague Mr. Lloyd did Mr. Perry mention my name to you.

A. Yes he did.

Q. And did he make an allegation to you.

A. Yes. About Tower Bridge Magistrates Court.

Q. Now are you sure about that, Tower Bridge Magistrates Court.

A. Well it is what it says here and my memory was fairly fresh then.

B Q. Yes. Well are you looking at page three.

A. Yes.

Q. Now would you look carefully at the name of the sergeant he is making an allegation about at Tower Bridge.

A. Yes. I am sorry it wasn't... (inaudible).

C Q. Was that another officer.

A. Yes. Sorry. It was Mr. Campbell (?). Yes I am sorry the incident in Nuneaton.

Q. Yes and in respect of the Nuneaton allegation can you remember ..

D THE JUDGE: Before we pass from that, in that same paragraph you have been asked to look at...

THE DEFENDANT: I am going to ask that question now your honour.

THE JUDGE: Very well.

THE DEFENDANT: And in respect of the Nuneaton allegation can you remember the details of the complaint made by Mr. Perry.

A. No I can't, I cant.

E Q. Did you make a note of any sort in respect of that conversation with Mr. Perry that morning.

A. No I didn't. At that point I was only interested really in meeting Mr. Perry and talking to him, seeing whether I felt he was telling anything of the truth and one approaches this sort of thing with great suspicion and I approached it in that manner and it was merely a conversation to see whether I thought it was worth pursuing.

F Q. Good and can you remember whether Mr. Perry made allegations against certain other police officers that morning.

A. Yes he did.

Q. In fact he made a number of allegations against a number of police officers.

A. That is so yes.

G Q. Now at that time were you aware that Mr. Perry was facing a number of charges himself.

A. He said so yes.

Q. And were you aware at that point he was in fact on bail, I believe respecting further charges.

H Q. I can't remember if that was the case but it may have been. Yes.

Q. Did it cross your mind that these allegations may have been made by Mr. Perry

in order to further his own interests as it were.

A. Absolutely I started with that assumption.

A THE DEFENDANT: In other words you regarded him, did you, as a most unreliable source of information.

A. I didn't, we regard most until I have checked them, most sources of information as unreliable and this one as more unreliable than most.

Q. And eventually sometime later that morning, did Mr. Lloyd arrive together with another gentleman.

A. Yes he did.

B Q. Can you remember the name of the other gentleman who arrived that morning.
A. Yes I think it was Mr. Hawkey.

Q. Mr. Hawkey, and did Mr. Lloyd and Mr. Hawkey bring certain ...

A. Yes they did .

C Q. .. equipment with them.

A. Yes.

Q. Can you remember the equipment they brought with them.

A. I think they brought a Uher tape recorder.

Q. And anything other ...

A. I think a microphone to pick up sound from the telephone.

D Q. Now was this a surprise they should bring such equipment or were you aware a tape recording session was to take place.

A. No. It became, I think, I am not absolutely certain of this, but I think what happened was seeing and talking to Mr. Perry I realised there was only one way to check out if he was telling the truth and that was to hear the conversation that he was to have with you.

E Q. Before you go any further.

A. Can I just finish?

Q. Yes, all right, yes.

A. And I believe Mr. Lloyd had come to that decision independently. I can't be certain of that but I think that's what happened.

F Q. Independently. So you didn't know at that stage that there was to be tape recording equipment set up.

A. I am not sure about that. It may have been that that was discussed the day before but I don't think so. For some reason I don't think so.

Q. You said something there which I think must have been a slip of the tongue which was why I tried to stop you. It was about recording a telephone conversation with me. Now at that stage do you think Mr. Lloyd had any reason to even know my name, in view of the statements you looked at just now.

G A. No.

Q. May I suggest maybe it was to record a telephone conversation with another officer the subject of the allegations made the previous day.

A. No. I did say you and other officers, yes, anybody who has having to check the conversations to see whether these allegations were true and it was about many officers.

H Q. Well do you recall whether or not Mr. Perry was expecting a telephone call from

- A** a certain Inspector Robson.
A. Yes I think he was. Yes.
- Q. And, therefore, would it follow that the telephone recording equipment had been brought to record a telephone, an expected conversation with Mr. Robson.
A. That would be so.
- B** Q. And would it also follow that, from the statements that you have read, and from your evidence just now, that my name had not come into the picture at this stage.
A. Well I don't know whether he, Mr. Lloyd, had been told about you. I was certainly aware of you on that morning and I don't think I was aware of you before.
- C** Q. Now when Mr. Lloyd came did you report to him about the conversation that you had had with Mr. Perry...
A. I would have done.
- Q. ... the allegations he had made. And, did Mr. Lloyd appear to know of me at that stage.
A. I can't remember that I am afraid.
- D** Q. Now going on to the subject of tape recording generally. What is or what was the procedure at that time with your newspaper about surreptitiously recording telephone calls. Was there some sort of policy you had to follow.
A. I can't remember. Its general in journalism that you have to seek higher authority if you are going to secretly record both parties without having been aware. It is different if you are recording one person who is aware and the person is saying, "Look this is something I am concerned about" but certainly at a very early stage we would have asked permission because I think it was a very serious thing for us to go ahead with.
- E** Q. And would you have asked permission from your immediate superior which would have been Mr. Colin Webb.
A. I cannot exactly how important or how we felt about the case at this stage. It would have been Mr. Webb or one of his two assistants, yes.
- F** Q. And would Mr. Webb's authority, if given, have referred to one specific case of which he knew some details, or would it have been a general authority.
A. I seem to recall that when we got into the investigation then we went back for authority on a number of occasions but at that point it would have gone above Mr. Webb. The initial reasons for recording or listening to the 'phone calls I believe was just to establish whether Mr. Perry was telling the truth.
- G** THE JUDGE: These matters are rather on the fringe of what the jury have to consider.
- THE DEFENDANT: Yes. Do you recall Mr. Webb making it clear to you that you must not encourage Perry to make calls or to suggest them.
A. That would have been our attitude as well and I am sure Mr. Webb would have mentioned it as well and, throughout the investigation, we were very careful not to be in any way agent provocateurs.
- H** Q. Right. Now that morning did you make, following on from your evidence about establishing the truth of Perry's allegations, and I believe you said he had made allegations against a number of officers and that you set out to check

these allegations in some way by monitoring telephone calls.
Did you that morning make a number of telephone calls in order to check Mr. Perry's allegations.

A. I believe a number of 'phone calls were made, yes.

Q. And were these calls made to the several different officers mentioned by Mr. Perry in his allegations.

A. I think they were made to you and I think we were also waiting for a call from Mr. Robson but I am not sure.

Q. Yes. After the call from Mr. Robson didn't arrive did you make any attempt to contact Mr. Robson or Sergeant Harris at his office. Do you recall.

A. I can't remember. I don't think the call happened at that stage.

Q. Yes. Do you recall the name, "Sylvester".

A. Yes I do.

Q. Do you recall the name, "Hughes".

A. Yes.

Q. Now is it correct Mr. Perry had made allegations against Detective Inspector Sylvester and Detective Hughes on the very first day the 27th.

THE JUDGE: If he had it would not be admissible.

THE DEFENDANT: Following on from that do you recall whether or not you made telephone calls to try to contact Mr. Sylvester on the morning.

A. I don't think we did no.

Q. Now going back to the equipment ...

A. I think there was a reason for that. I think Mr. Sylvester was alleged..

THE JUDGE: We need not bother with that.

A. No.

THE DEFENDANT: Going back on that. Can you recall the equipment that had been brought by Mr. Hawkey.

A. Yes, I said I did, a Eher tape recorder and a microphone.

Q. And was it a battery run tape recorder.

A. Yes.

Q. And can you recall if he had perhaps spare batteries with him and spare tapes.

A. I can't recall that.

Q. But during the investigation generally did he appear to be properly equipped.

A. Not at the very beginning, no. We had an occasion when some batteries ran down. We had a couple of occasions when in the very early days when he had not brought enough tapes with us. What happened was a system developed fairly early on, we made it clear to him he must come with batteries and new tapes.

THE JUDGE: Yes.

THE DEFENDANT: Now when the recording device was set upon the morning of the 28th do you recall Mr. Perry, Mr. Hawkey, testing the equipment.

A. I don't recall it but I am sure he did.

Q. For example, making a "TIM" call.

A. Yes I do believe he did do that.

A THE DEFENDANT: Now I believe you also said in your statement to the police that a number of calls were made that morning. Do you recall if they were made from Mr. Perry's house. By this I mean calls to your office and calls to Mr. Hawkey's office.

A. I can't remember but it is quite possible.

Q. So when making those calls you would have detached the telephone listening device would you. that

B A. I can't remember/but I presumably would not have switched on the tape recorder.

Q. Therefore you were in a position to .. you were deciding what should be recorded and what should not be recorded.

A. Clearly there was no point in recording my conversation with (inaudible due to coughing).

C Q. Now as a result of that telephone call that morning did you then make further arrangements about an expected meeting later that day.

A. Yes we did.

Q. And in respect of that expected meeting did you require Mr. Hawkey to obtain further equipment.

A. Yes I think a radiomicrophone was sent for.

D Q. Can you recall whether or not in fact two or three people came from Location Sound Facilities to Mr. Perry's house bringing various items of equipment with them.

A. I think somebody came from Location Sound. I don't know whether they met us at the house or where they met us tobring equipment.

Q. Do you recall the name Stevens.

A. No.

E Q. Do you recall the name Clarke.

A. No.

Q. Can you recall that morning Mr. Hawkey in fact fitted a device into Mr. Perry's motor car to record any conversation that may take place in the car.

A. I don't think he did. If this was the first meeting that we had of any sort then I am almost certain he did not. The only microphone and only transmitter, I think on that occasion only one, one microphone...

F THE JUDGE: This can be dealt with by Mr. Hawkey.

THE DEFENDANT: I beg your pardon.

THE JUDGE: This can be dealt with by Mr. Hawkey can't it.

G THE DEFENDANT: Yes. May I just put to you you are not sure about this.

A. No. I am almost certain it was on a second occasion that we decided to use the direct microphone system, but I am not certain.

Q. Yes, now can you recall the time that the meeting that day was due to take place.

A. From this I can remember that it was 10 p.m.

H Q. 10 p.m. and did at some stage did you decide to change that time for some reason.

A A. Yes it was felt that it would be better if it was earlier in the day.

THE JUDGE: I think we can cut through this fairly quickly because it does not seem to be disputed what time it was and it does not appear to be disputed that arrangements were made to change it.

THE DEFENDANT: Do you recall a photographer being summoned to meet you.

B A. I don't, but yes it does here say that .."should be brought forward as it might be necessary to take photographs." I don't know whether that meant that in the end we decided to or not but that appears to be the reason.

Q. And, looking at page nine of your statement about halfway down..

A. Yes.

C Q. During Mr. Lloyd and Mr. Hawkey the cars were later joined by another member of Mr. Hawkey's firm who brought some equipment with them."

A. Yes.

Q. Now this would have been at the Plough Public House, according to your statement.

A. That is so.

D Q. Yes and is your recollection that the first member of Location Sound Facilities to arrive with further equipment came in fact to Mr. Perry's in the morning.

A. I am afraid I can't remember that.

Q. You can't remember. Now you gave evidence I believe that shortly before this meeting was due to take place you counted out an amount of money totalling £50.

A. That's correct yes.

E Q. And did you make a note of this money.

A. Yes I did.

Q. And where did you make the note.

A. I think that is one of the ones that I made on the cheque book but I am not certain.

F Q. Well perhaps you could look at the cheque book exhibit 43 and can you by looking at that exhibit see the list of the money allegedly in Mr. Perry's possession that afternoon before the meeting, which was on the 28th.

A. No. It couldn't .. Oh yes I have it, the 28th.

THE JUDGE: The 28th.

A. Yes.

G THE DEFENDANT: And will you read out the number you have there listed.

A. T74 866 351.

Q. Yes. X56 908 263 X56 908 353 X56 908 290 X43 921 577
X44 53 712 X56 ...

H Q. Well may I stop you there and ask to see the exhibit because I think I might have made a mistake. I see my mistake note. If you look at your transcript of notes, your pocket book, I believe that one of those numbers was added later. Is that right.

A. Yes I have written into that.

A THE DEFENDANT: So when you copied this into your pocket book in fact you missed out one number and added it later.

A. That's probably so yes.

Q. O.K. thank you. Now was the photographer present when this money was given to Mr. Perry.

A. I don't know.

B Q. Can you recall if anybody else was present apart from you and Mr. Lloyd.

A. No, I can't. I think actually we took him, took Mr. Perry, if I remember, I think we took him away from the area so that .. because we wanted to search him. It would have looked silly to search him in a High Street. I think I remember a lamp post.

Q. Yes. So you searched him did you and did you then give him the money after searching him.

C A. That's right.

Q. And where did this money come from. Was it your money or The Times.

A. No not at all it was his money.

Q. It was his money was it. He brought this money with him.

A. Yes.

D Q. From his home address.

A. Yes.

Q. So you left the home address I believe, according to your notes about 2.45. Is that right.

A. I don't know.

E Q. Yes, and at that time did you expect there would be a meeting at ten o'clock that night.

A. I presume so.

Q. Yes and so, therefore, was it arranged that Mr. Perry in some way that a sum of £50 should be given to the police officer at ten p.m. that night.

A. I think what happened was that we asked what would happen. He said he would pay you some money and we said would he have this money available and he said yes.

F Q. And he took the money from his house did he.

A. I can't remember where he got it or whether it was in his possession at the time. I was absolutely, and so was Mr. Lloyd, it was a thing one adheres to throughout ones career, very very careful not to in any way give him any money.

G Q. Not to give him any money at all.

A. Yes.

Q. And did you during the course of the enquiry give Mr. Perry any money.

A. No.

Q. Did you after the enquiry give Mr. Perry any money either yourself or your employers at the time.

H A. No nothing as far as I know. I can't speak for my employers but I know what my advice would have been and I think they would have treated it in

exactly the same way as I.

A THE DEFENDANT: But after the enquiry didn't you take over Mr. .. or your employers take over Mr. Perry's defence in the case in which he was involved when he first came to you.

A. That is not in my knowledge. The Times has been rather careful not to confuse us with knowledge of what happened after the events before coming to court, but we were very stringent throughout. There was no point in giving any money to Mr. Perry because that might have been said later to have bought his information. We wanted him to tell us the truth.

B Q. But was it within your knowledge that in fact The Times retained Mr. Durand and in fact transferred ...

THE JUDGE: Well just a moment the witness can only answer questions about things he saw for himself. He cannot ...

C THE DEFENDANT: I believe these questions were put to this witness at the committal proceedings your honour and they were answered then.

THE JUDGE: I dare say they were but they are hearsay. It may be that admissions can be preferred about them, I don't know, but we certainly can't have what other people tell you ...

D MR. RIVLIN: Your honour the questions were put to Mr. Perry at the committal proceedings and he gave answers and if they are put to Mr. Perry during this case then of course he will give answers.

THE JUDGE: Yes very well there you are.

THE DEFENDANT: So leave it for Mr. Perry.

THE JUDGE: Yes leave it for Mr. Perry.

E THE DEFENDANT: So going back to the afternoon the 28th, can you remember at what part of time of the afternoon this money was counted and given to Mr. Perry to hold.

A. Well it was very shortly before the meeting but I don't remember exactly.

Q. ..

THE JUDGE: Well it was not given to him he had it.

F THE DEFENDANT: Well it was taken away from him to be counted and the numbers noted and I think the evidence of Mr. Lloyd was some additional money was retained.

THE JUDGE: Yes we have heard that. On we go.

G THE DEFENDANT: Now did you follow Mr. Perry to The Rose public house.
.A. Yes.

Q. And I believe that there was someone travelling, if you refer to your pocket book notes, there was someone travelling with Mr. Perry.

A. I think Mr. Lloyd travelled with Mr. Perry, I think, I will just glance through the statement. Yes.

H Q. Yes. Looking at your pocket book notes you say, "Mr. Lloyd was in the passenger seat". Is that right. "Drove in convoy to Rose, Mike leading the way with Gary in passenger seat."

A. Yes if that is what it says, yes.

A THE DEFENDANT: Well if you look on the first page.

A. Do you mind if I refer to my police statement.

THE JUDGE: Well we heard what Mr. Lloyd said about this.

THE DEFENDANT: Yes something quite different your honour. He said he was in the back seat and it is, therefore, a point, I would say.

B A. Well I can't remember but there it is that is what it says, yes.

Q. Yes, so according to your recollection at the time you made these notes, Mr. Lloyd was in the passenger seat.

THE JUDGE: Is that right.

A. Yes it appears so from here. Yes.

C Q. From where.

THE DEFENDANT: From page one transcript of notes, halfway down, just under the list of money.

THE JUDGE: I don't think I have got this, well anyway. Yes. "I can't remember but my note says Lloyd in passenger seat." Yes. Yes on we go.

D THE DEFENDANT: And did you see Mr. Perry's car stop by another car.

A. Sorry.

Q. Did you see Mr. Perry's car stop by another car.

A. No. No I can't recall that.

Q. Well will you refer to your pocket book notes following on from, "Gary in passenger seat", and just look at the few lines underneath there which is your report at the time of what you saw.

E THE JUDGE: Is there a copy of those notes that I can have. I don't appear to have them.

MR. RIVLIN: I think we may have handed one up earlier but we can provide another copy for you.

F THE JUDGE: I may have one here but I can't lay my hands on it.

MR. RIVLIN: Well yes your honour I appreciate that. We will obtained another copy for you.

THE DEFENDANT: Your honour I have a spare copy, perhaps I can give it to you.

G MR. RIVLIN: Can I have perhaps a look at it please.

A. I don't see that in these notes. I am trying to find the place in the statement.

THE DEFENDANT: Yes page one just below the list of money,

A. Yes.

H Q. "Drove in convoy Rose, Michael".. do you see that.

A. Yes.

THE DEFENDANT: "leading way with Gary in passenger seat me following."

A. Yes.

Q. Seen engineer station wagon and then about a photographer.

A. Yes.

Q. And you have a car number down, 739 CRK.

A. Yes.

Q. Now when did you note that car number. When did you see it and write it in your book.

A. Well I would have thought that particular note would have been made sometime after the event. These, as I have said, already, were notes that were made in books for my own purposes and would have been taken from the various statements, so it may have come from the statement or from Gary's notebook or, I am not sure when I wrote that down.

Q. But according to your note here you say that you followed Mr. Perry's car with Gary in the passenger seat. You saw Mr. Perry's car stop by this Vauxhall, VX 490.

A. Yes.

Q. And you saw a man sitting in the drivers seat...

A. Yes, I am sorry, when you say, "Stopped by it", yes alongside it not stopped by it.

Q. Yes. The car was facing you.

A. Yes.

Q. And then you say, "Gary got out of Perry's car and walked off". Yes.

A. Yes.

Q. And then Perry pulled in front of the Vauxhall, got out and got into the passenger seat.

A. Yes.

Q. Well is that more or less a fair account of what you saw happen on that day.

A. I presume its fairly accurate, yes.

Q. So what you saw was Perry's car driving in front of The Rose with Gary in the passenger seat. The white Vauxhall was parked outside the Rose, Perry's car suddenly stopped. Mr. Lloyd got out of the passenger seat and walked sharply away or walked away and then Perry pulled in and jumped into the Vauxhall. According to your notes.

A. Yes.

Q. Yes. Now may I ask if you were surprised in any way to find this white Vauxhall car outside the Rose when you arrived. Did you have any reason to be surprised.

A. I can't remember that I am afraid.

Q. Well had you attended this meeting perhaps in good time or perhaps early.

A. Yes it may have been it was early. I don't know, its possible.

Q. And maybe you didn't expect to find the Vauxhall there at the time you arrived.

A. Well you are suggesting things to me which I can't remember but its quite possible yes.

Q. You then drove past The Rose and then did you at this time have your equipment

switched on the device you had in I believe your car.

A A. Well at some stage we switched it on yes. I can't remember when exactly.

THE DEFENDANT: And you made the recording that you heard in court the other day.

A. That is so.

B Q. Now tape two. Now when you listen to the recording .. your honour we now come to this point of the voice, your honour, saying, "He is here", which I am going to say is Mr. Lloyd's voice. We did play this, just the first fraction of tape two, exhibit two to Mr. Lloyd .. I don't know .. this comes right at the very beginning.

THE JUDGE: Yes I remember that.

C THE DEFENDANT: Could Mr. Mounter please listen to that to see if he can recognise Mr. Lloyd's voice.saying, "He is here."

A...It is possible Mr. Lloyd's voice was on it. There's a lot of coming and going from the car which we had the recorder in and Mr. Lloyd may well have walked over to us and spoken to us through the window. I don't know.

D Q. Yes so when you were following Mr. Perry's car with Mr. Perry driving and Mr. Lloyd in the passenger seat, do you recall, above the static and what not, Mr. Lloyd's voice saying, "He is here." And then ...

.A. Thinking about it again of course the microphone ...

Q. Would you like to listen to it perhaps to refresh your memory.

A. Well I am trying to think, think-ing about it again I mean presumably the microphone being in with Mr. Perry it would have needed Mr. Lloyd to be very close to Mr. Perry, not ...

E Q. Well he was sitting in the front seat.

MR. RIVLIN: No I am sorry your honour this wont do, with respect. Rather than the defendant put something to Mr. Mounter that Mr. Mounter accepts, it is best that he should listen to that tape, if that is to be the point at which we had Mr. Lloyd listeded at I think and your honour ...

THE JUDGE: We had Mr. Lloyd listened to it, yes.

F MR. RIVLIN: And the other point is this, it was specifically put to the witness that in his statement he said,that, "Gary was in the front passenger seat." Now you have got the statement in front of you your honour and you can see what it reads. Immediately after the list of numbers the first line, the word "front" was used in cross-examination.

THE JUDGE: Yes. There's no mention of it.

G MR. RIVLIN: No mention of it here. I would respectfully ask Mr. Symonds to be rather careful when he quotes from documents.

THE JUDGE: Yes. We had this before.

H MR. RIVLIN: Yes but as I say rather than Mr. Mounter just accept something it is probably best if the point is really said to be an important one, that he should listen.

A THE JUDGE: Well I think I should ask the witness, in the light of what happened, would you look at that note again, just after the numbers.
A. Yes your honour.

Q. "Drove in convoy to The Rose", how does it go on after that.
A. "Drove in convoy to the Rose, Michael leading the way with Gary in passenger seat. Me following."

B Q. Well now, the phrase is "passenger seat" as opposed to "front passenger seat". Did you actually see or can you remember whether you saw which passenger seat, if any Lloyd was in.
A. No I can't, I can't remember.

THE DEFENDANT: And as a journalist Mr. Mounter, and as a car owner and driver when talking about the seats of cars, would you call perhaps the front seat the driver's seat and the passenger's seat and would you call the back seat the back seat, in normal way of life.
C A. Yes. I think that is ...

Q. Yes you would.
A. I would tend to call them the front passenger seat ...

Q. And the back seat.
A. And the back seat.

D Q. So may it be taken from this that when you were making that note you were thinking of the front passenger seat because you did not ...
A. I think that is probable, yes.

Q. Yes. Otherwise you would probably have written the back seat. Thank you very much.

E THE JUDGE: He gave you the answer you wanted and then you added something which he didn't say. Would you be careful about that. You added the phrase about the back seat and that is not what the witness said at all. You must be careful otherwise you give a false impression. Now we had better hear the small part of the second tape I think. Now then which tape, transcript, are we going to follow this on.

MR. RIVLIN: Your honour its the beginning of tape two. Its not on the transcript because I think the defendant wishes the earliest part of therecording.

F THE DEFENDANT: Yes its sot on the transcript your honour, anywhere, its just a snatch of conversation.

MR. RIVLIN: Its not recorded on the transcript.

THE JUDGE: Yes very well. We will have the earliest part of tape two.

G THE DEFENDANT: If we could start it and stop it again please.

(TAPE PLAYED)

H THE DEFENDANT: "Is he here", or "He is here", did you make out anything like that.

A. No. It doesn't sound like Mr. Lloyds voice either to me.

THE DEFENDANT: So that during the meeting did you come to understand that the tape recording, the recording was not coming out successfully should I say.

9 A. That is so.

Q. And did you take steps to improve the reception.

A. Yes we tried to walk closer to, or get the receiver closer to the transmitter.

Q. And did you do this yourself.

A. I believe I did, yes.

Q. And, in order to disguise the fact that you were carrying a tape recorder did you wrap it in something.

A. I would presume so, yes.

Q. I believe you have said in evidence once before you wrapped it in newspapers.

A. It is possible, yes.

Q. Possible. Now when you were walking nearer to the car did you, the Vauxhall, did you look into the car at all at the people sitting inside.

A. I presume I did. Yes indeed.

Q. And did you recognise Mr. Perry.

A. I would have done.

Q. Pardon.

A. I would have done. yes.

Q. And who was the other person,

A. Well I can't really remember now whether I identified you at that meeting or not, but I certainly will have seen you in the car. Whether I got a very good look at your face at that meeting I am not sure.

Q. %And then at some stage did the meeting finish.

A. Yes it did.

Q. And what happened then did the Vauxhall or the Wolseley drive away.

A. I am not sure about that from memory.

Q. Or did both cars drive away.

A. I can't remember I am afraid.

Q. Well if you look at page 16 of your statement to the police that might help you refresh your memory, the first paragraph.

A. Yes.

Q. And from looking at that.

A. The Vauxhall had gone.

Q. Yes and Mr. Perry's car had also moved.

A. Well it doesn't say ...

Q. To outside the church.

A. It doesn't say that. It says, "I could see Perry was then back in his own car" .. oh yes, I am sorry .. "which had moved fifty yards towards the church."

THE JUDGE: Where is this.

is this/...

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A THE DEFENDANT: First paragraph page 16.

THE JUDGE: On what?

THE DEFENDANT: The statement to the police.

THE JUDGE: My page 16 is a reference to exhibit number JDM3.

B THE DEFENDANT: Perhaps you should look at the previous page my lord, exhibit JDM3 comes at the bottom of page 16 on mine.

MR. RIVLIN: There may be some confusion. Mr. Mounter is referring to his original statement. You are referring to photocopies and the page numbers may be different. I wonder if Mr. Mounter could be provided with a photocopy which is the page numbers as your honour's.

THE JUDGE: Yes.

C THE DEFENDANT: I believe I have the same one as Mr. Mounter now has which I am going on.

THE JUDGE: Mine is headed on the front "re statement of Julian d'Arcy Mounter" and then, in brackets, the word, "Index", and the word figure two and then it is headed, "The events occurred on the date shown are described on the pages shown" ... that is on the front page.

D MR. RIVLIN: Your honour, whilst I am on my feet may I enquire whether cross-examination as to such fine detail as this could conceivably assist the court.

THE JUDGE: Well I personally am not finding it very helpful.

MR. RIVLIN: Because the Jury has to decide on the charges here and I respectfully wonder whether cross-examination into such minutae could possibly assist the court.

E THE JUDGE: Will you try and get to the real meat of this please Mr. Symonds.

THE DEFENDANT: Well from that interruption your honour, I can only assume I am getting near another important point or weakness in the prosecution case because these interruptions always come about inadmissible questions just as I am approaching a breach in the prosecution case.

F THE JUDGE: Well what is the point, what is the point, well what is the breach in the prosecution case. Let us have the questions pointed out.

THE DEFENDANT: I would like to continue your honour along the only way I know how. I am not a barrister. All I can do is to work through these things slowly and carefully.

G THE JUDGE: We are not going to waste time about it. We have the points. Let us have the points you have without unnecessary detail. I am trying to help you. You wont improve your case by going into an enormous amount of detail with various points (inaudible). What is the point you want to make now.

H THE DEFENDANT: Two points I am leading up to now, but I do protest I am having to lay my case out at this stage. Two points I am leading up to now. One is the playing of the tape back in Perry's presence and the other is the searching of Perry afterwards.

THE JUDGE: Yes. Very well.

A THE DEFENDANT: If I must just **badly** make the question like that I think that I am putting myself at **a disadvantage**.

THE JUDGE: Well I think you may be putting yourself at even more of a disadvantage if you keep on going into such tiny details that the real point does not emerge. Do you see.

B THE DEFENDANT: The point would have emerged your honour, perhaps after five minutes and I would suggest if this interruption had not come and this conversation followed we would long ago passed the point and been on to something else.

THE JUDGE: Let's get on to the point now.

C THE DEFENDANT: So you saw Mr. Perry's car had moved to another position. Is that right.
A. That is so.

Q. And then you kept an eye on Mr. Perry's car I believe you said until Mr. Lloyd and Mr. Hawkey had returned. Is that right.
A. I ...

D Q. Following on from your page 16 of your statement.
A. Yes. Yes.

Q. And then from time to time looking over your shoulder and keeping an eye on Mr. Perry sitting in his Wolseley some distance away, you played back the tape recording. Is that right.
A. At some stage we played back the tape recording yes.

E Q. Yes so from that it would appear that Mr. Perry was not present at the playing back of the tape recording following the meeting on the 28th.
A. I have a vague recollection it was played in the back of his car but I may be wrong.

Q. But, I can only go on the statement you have made.
A. I can only go on my memory and as far as I know that is so. I may be wrong.

F Q. But according to the statement you made to the police in fact Mr. Perry was not present. He was sitting in the car some distance away and I believe you then walked over to Mr. Perry's car and Mr. Lloyd asked Mr. Perry some questions about what had happened.
A. That happened certainly happened after the meeting, yes.

G Q. And then did you and Mr. Lloyd get into a car and follow Mr. Perry's car as you **alk** drove away to another public house nearby.
A. I can't remember the detail of that but I think that is what happened yes.

Q. Yes, well if you look at the bottom of your page 17.
A. Yes.

H Q. "Mr. Lloyd and I in my car followed closely behind Mr. Perry's Wolseley and we drove 200 yards towards the church."
A. Yes.

Q. Yes. Well over the next page. "We all got out of our cars and went inside the

pub.

A. Yes.

A

THE DEFENDANT: And then there is talk then about the photographer and what not and you question Mr. Perry further and you had some drinks.

A. Yes.

Q. I believe you mention two drinks and then you all went into the courtyard of the public house and in turn searched Mr. Perry. Yes.

A. Can you point me at that.

B

Q. Halfway down page 18.

A. Yes that is what I say.

Q. Yes so it would appear from the statement made at the time or near enough to the time that Perry was not searched regarding, respecting this money he had allegedly handed over until after a period of time, perhaps even half an hour.

A. It appears from my statement that is so, yes.

C

Q. And in this period of time Perry had been sitting in his car and I believe we do have an admission from the prosecution that after the conversation finishes there is about a further seven minutes or so of noises while the tape is still functioning. Then you played back the tape, and went to a pub, had some drinks and searched afterwards. Now did it occur to you that an experienced and clever criminal such as Perry, with considerable experience in crime, stealing things, secreting things, hiding things about his person, did it occur to you Mr. Perry might have disposed of this £50 in some other way other than by giving it to me.

A. It certainly occurred to us that he might dispose of it but really not so much that we were not when we were thinking he might have done that, but that it might be said he had done so, and that is why we searched him in the first place and made sure the amount he retained was only the amount he was to pay to you and in that we did that, I can't remember, but I am sure we would have been very careful he didn't wander off or go somewhere where he could get rid of the money because that was the whole point of doing anything.

D

Q. Yes.

THE JUDGE: Yes.

THE DEFENDANT: So that evening did you then return to your office.

A. I can't remember whether we went back that evening. I would think so yes.

F

Q. And perhaps you reported what had happened that day to one of your superiors.

A. We would have talked about it, either that day or the following day or sometime very soon afterwards, yes.

Q. And would you have played over the tape recording you had retrieved that day.

A. I can't remember. Yes I think we did. I think we did play that one to Mr. Webb fairly soon after.

G

Q. Now you heard that tape played in this court. Would you describe it as very broken up and practically impossible to make any sense out of.

A. That was our view at the time. Hearing it on these machines I can hear a lot more than I did, its much clearer than listening to it on a small tape recorder, but it did contain some things which made us feel that Perry was probably telling us the truth.

H

Q. So if Perry was telling you the truth and you thought he was telling you the

telling you the/...

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truth, you would at this time also have realised or understand that in fact a crime had been committed that day.

A. If he was telling the truth and if that is what happened yes of course a crime had been committed.

THE DEFENDANT: I had committed a crime.

A. Absolutely.

Q. And did it also cross your mind perhaps also Mr. Perry would have committed a crime.

THE JUDGE: No I am not having this because that's not the law.

THE DEFENDANT: Its not the law?

THE JUDGE: No its not the law.

THE DEFENDANT: It's been changed has it?

THE JUDGE: No it has not. I have already dealt with this.

MR. RIVLIN: Your honour, as the defendant says, "It has been changed has it" and as he says that in the presence of the jury, might I please read out the passage that was read in his presence a couple of days ago when this matter arose so that the jury will understand, or would your honour, so that the jury will understand what the law is?

THE JUDGE: Yes, I think we had better.

MR. RIVLIN: When the defendant says something like "the law has been changed". Its paragraph 4 thousand your honour.

THE DEFENDANT: And this your honour refers to the state of mind I believe. Have you a copy there so I can follows this.

MR. RIVLIN: Paragraph 4 thousand.

THE JUDGE: The second paragraph.

MR. RIVLIN: Yes the second paragraph the last sentence.

THE JUDGE: Yes. This is the law members of the jury, "If the money was received in order to entrap the giver or to provide evidence to those listening or making a tape recording, and the acceptor did not want to keep it that would plainly not be corrupt."

Now that is just as true the other way round and on the evidence which we have heard it may or may not be the case that you will come to the conclusion that this defendant has committed the offences as they have been set, at the end of the case, but it is certainly not the case that either of the recorders .. I am sorry either of the reporters, or Mr. Perry, on the evidence we have heard so far, were committing any crime at all. Do you see?

If any crime has been committed on this occasion it has been committed by the defendant and not by either of the reporters or Mr. Perry.

THE DEFENDANT: Well the evidence so far on that my lord, is that Perry was alleging that he was paying a debt.

A

THE JUDGE: I am not having any argument about this. I have just told the jury what the law is and that you must accept.

THE DEFENDANT: And, regarding the law being changed, if your lordship will also tell the jury this offence took place in 1969 and the law you have read out was made in 1978, so it would appear the law has been changed.

B

THE JUDGE: The law has not changed. That was to clarify what the law always was. Now what the law is is my responsibility in this court and nobody else's and the jury will accept it from me and so will you.

THE DEFENDANT: Well whatever. Did it cross your mind perhaps that it was your duty to make, to report this crime which had taken place to the perhaps the appropriate authorities.

C

A. It most certainly crossed our minds. We didn't feel that we had sufficient evidence at this stage. We were worried about handing the evidence over. We didn't know exactly who we would have to hand it to.

Q. Now you say you were worried about handing the evidence over because you didn't know who exactly you would have to hand it to and this was your state of mind on 28th October was it.

D

A. Yes it was. At this time there had been allegations against police officers in Scotland Yard which in the opinion, quite broad opinion, of many journalists had not been properly pursued. It was felt that things had got swept under the carpet and I think at this stage and throughout this enquiry we were very anxious that that should not happen.

Q. Now was this the thoughts of yourself and of some fellow journalists or the thoughts of maybe your newspaper at that time.

A. It was certainly the thoughts of Mr. Lloyd and myself and certainly thoughts of the newspaper and I think it was quite commonly thought at that time.

E

Q. And in respect of previous allegations being swept under the carpet, was this anything to do with perhaps a previous investigation either you or Mr. Lloyd had been involved in.

A. No.

Q. So this was not to your personal knowledge this business of previous allegations having been swept under the carpet.

F

A. No, we are quite used, and I was used at that time, to, if you report to anybody, be it the medical profession or the police or anything else, there is sometimes a reluctance to have that properly investigated and openly and so it was a general thought although I know at that stage I had heard of specific cases which journalists felt had not been pursued properly.

THE JUDGE: Now may we get back to this case ... yes?

G

THE DEFENDANT: And so did you decide then to try to obtain more evidence perhaps.

A. That is absolutely so.

Q. Would that be for writing a story or for eventually handing over to the police.

A. Both.

H

Q. Both. But wouldn't your fears about things being swept under the carpet still apply perhaps some weeks later.

A. Yes but the more evidence we had, the more we could present, the more chance we had that it would not be swept under the carpet which is indeed the

indeed the case/...

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THE DEFENDANT: So the fact was on the 28th you had only the evidence of the word of Mr. Perry that money had been handed over.

A. And our search and some conversation on the tape which I can't remember.

Q. But was there any conversation on the tape you heard referring to the passing of money.

A. I can't remember that but there were things upon the tape which suggested to us that the broad allegations ~~Mr~~ Perry was making were in fact true.

Q. Well will you look at the transcript of the tape, exhibit 35 (a) the Times transcript and perhaps point out those particular passages.

THE JUDGE: Well I don't really think...

THE DEFENDANT: I beg your pardon your honour.

THE JUDGE: I don't think we can have this. The jury have got the tape. They have heard the transcript. They have read the transcript. You can make the comments about it when you get to the end of your case.

THE DEFENDANT: Well the point is Mr. Mounter says certain part of the ...

THE JUDGE: Well he has said as a result of what he heard he thought more ought to be done about it. That's putting it ...

THE DEFENDANT: When I pressed him about handing over the money ...

THE JUDGE: JUST a moment...

THE DEFENDANT: about the handing over of money, which is after all the essence of this case ..

THE JUDGE: We have done this exercise already ...

THE DEFENDANT: Well that was with another witness.

THE JUDGE: Yes.

MR. RIVLIN: Your honour can I say this to help, can I say this to help the defendant. Mr. Mounter has already said they didn't consider they had enough evidence on the 28th...

THE JUDGE: Yes.

MR. RIVLIN: If the defendant is going to ask Mr. Mounter which passages he Mr. Mounter, thought to be sinister or potentially sinister, the defendant may be asking for trouble. He is asking for the witness's opinion about him. Now if he asks that he may get it.

THE DEFENDANT: Your honour I asked Mr. Mounter to point out any passages referring to the passing of money or any reference to the money.

THE JUDGE: Now which transcript are we looking at.

THE DEFENDANT: The Times transcript, 35(a). I did not ask his opinion about anything sinister, as far as I can remember.

THE JUDGE: Well you have asked the question you can have the answer.

have the answer/..

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Page 2 is it.

A. Yes at the top of the page it says, "You get to see the customers and that's where you get the money, see, on a nice little fraud..."

A

THE JUDGE: Yes.

A. Doesn't matter how hard you work or how much you go out thieving and you fucking turnover, you will want to make as much in tens."

THE DEFENDANT: Yes.

A. You appear to be talking about some advice to the man~~there~~.

B

Q. Yes, but is there any reference to Mr. Perry giving me money or my receiving money for instance.

A. Mr. Perry says, "I can scrape up a few when it comes on I can scrape it up". You say, "Yeah."

Q. Yes. And does that immediately follow a reference to the yard and the jelly.

A. Yes it does.

C

Q. So would you infer from that Mr. Perry saying he could scrape up a few, which can be a few, according to your transcript, a few of anything, in respect of the Yard and the jelly.

A. You remember that what we did was to talk to Mr. Perry about what he said.

Q. Yes.

A. Before playing this back. What he said had happened at that meeting, matched these very brief snatches and what I have said is the passages that I could hear led me to believe that Mr. Perry was probably telling the truth.

D

Q. And did you make a note of what Mr. Perry said just after the meeting.

A. No I didn't. Mr. Lloyd did.

Q. And did you later have any cause to look at that note.

A. No. I don't think so.

E

Q. Well in that case I can't ask you about it. When you returned to your office at The Times with these two tape recordings, did Mr. Webb or any other of your superiors, express any surprise at this development that had occurred.

THE JUDGE: Isn't this hearsay. You can't have that. He can't remember anyhow.

A. I can't remember.

F

Q. Yes. On we go.

THE DEFENDANT: I must ask Mr. Webb about that then and so did you decide to arrange a further meeting.

A. Yes a further meeting was arranged.

G

Q. And do you recall when that meeting was arranged.

THE JUDGE: There is no dispute about that is there.

THE DEFENDANT: Pardon.

THE JUDGE: There is no dispute about this is there.

H

THE DEFENDANT: No but we are coming on now to tape three.

THE JUDGE: Yes. There is no dispute about the date is there the 31st October.

A. 31st October yes.

THE JUDGE: Yes.

THE DEFENDANT: And, on the day before the meeting did you encourage Mr. Perry to make a number of telephone calls to arrange this meeting and possibly others.

A. Mr. Perry made several phone calls yes.

Q. Were these phone calls made from Mr. Perry's home address.

A. I can't remember that.

THE JUDGE: But did you encourage Mr. Perry to make the phone calls or did he make them off his own bat.

A. Yes that was the question. I think we asked him whether he was going to make, to have another meeting with you. He said he was. We said when would that happen and I think we asked him to compress the timescale. We did not incite him to go and make phone calls to you but he said it was necessary to do so.

THE DEFENDANT: But if you had not been along to Mr. Perry's house and asked him to make these phone calls did you have any reason to believe he would have made a phone call to me on that day.

A. I did not say that we asked him to Mr. Symonds. It is possible we asked him to make it on that DAY if he was going to make that call in any case, yes. Mr. Perry had told us that he was going to pay money, he was being asked to pay money to you and to other officers. It was important for us that the investigation was done in a fairly tight timescale. We did not ask him to pay that. It was happening anyway.

Q. And do you recall an occasion when Mr. Perry said that he wished to pay one instalment of £100 to a police officer.

A. No. I can't recall it in fact.

Q. Do you recall Mr. Perry ever being encouraged to pay money in instalments.

A. No I can't. I don't think, though I can remember times when he didn't have the money that was being demanded of him and I think that was the reason he was probably paying it in instalments. I know, I remember one occasion, when he said he really did have a problem over money.

Q. It was not that he was paying in instalments on the advice of you and Mr. Lloyd in order to facilitate extra and further tape recording sessions.

A. No I don't believe that is so.

Q. And, on the 30th did you make a number of phone calls and tape record them.

A. Yes.

Q. Will you please look at tape three exhibit four.

A. Yes.

Q. Now do you see the word "phone calls" written on the spool.

A. Yes.

Q. Do you identify that handwriting as your own.

A. No it looks like Mr. Lloyds.

Q. But did you not on a previous occasion identify that handwriting as your own.

A. I don't think so.

Q. Could you have.

you have/...

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A. No I don't. Well it is possible. Its possible but it really isn't my own.

THE DEFENDANT: Pardon?

A. It is not my own.

THE JUDGE: We have already had evidence from Mr. Lloyd it is his.

THE DEFENDANT: Yes on oath previously Mr. Mounter has given evidence it is his. I think it is of some relevance concerning the importance attached to the markings on these spools and boxes...

A. The writing on the other side is mine. This doesn't look like mine. It looks like Mr. Lloyds.

Q. The writing on the other side. But the 'phone calls, are you saying you are not sure about that.

A. I am saying it looks like Mr. Lloyds writing. It doesn't look like mine. In fact I am almost certain that is not my writing.

Q. But could I read out to this witness part of the depositions made on a previous occasion or not.

THE JUDGE: Yes.

THE DEFENDANT: Or perhaps your lordship, your honour, should look at this first to see ...

THE JUDGE: I have no idea what you are looking at.

THE DEFENDANT: I am looking at the deposition of Julian d'Arcy Mounter taken on 2nd, 3rd and 4th February 1979, 1971, page 2. "After the tape was played I removed it with the help of Mr. Hawkey. I signed it and dated it and I see the tape produced. When it was removed I signed it on the centre label." "Correction it is not true that when I signed and dated this tape but when I took possession of it from the machine I wrote 'phone calls' on the centre labels. I now produce this tape, tape number three."

A. Well if that is what I said I think I must have been mistaken at that time because this is not my writing.

Q. Very well.

THE JUDGE: Very well. Yes.

THE DEFENDANT: Could you have been mistaken on any of your other identifications

A. It is very difficult to remember all these tapes and to see them I mean its very very faint writing. Its possible I was mistaken. Very clear about most of my writing on these tapes.

THE JUDGE: Yes we have got that point.

THE DEFENDANT: And so the next day did you in fact attend a meeting. I am sorry, did you attend a meeting that day with Sergeant Harris.

A. Yes I did.

Q. And looking at exhibit three and the writing on the box does that help you to refresh your memory about the meeting you held later on that day the 30th.

A. No, it doesn't.

THE DEFENDANT: Is there something about batteries running flat or something on that box, to refresh your memory.

A. Yes there is, in Mr. Lloyds writing.

A

Q. Yes, Perhaps if you read that and refresh your memory from that would that help you to remember when that tape recording was made. Tape 3(a).

A. Well yes, I suggest that was made at The Edinburgh Castle.

Q. Edinburgh Castle.

A. It says here "Edinburgh Castle."

B

Q. And does it give a name.

A. It says "Sergeant Harris."

Q. Sergeant Harris.

A. No it says "Harris."

C

Q. Would you like to refer perhaps to one of your statements about events of November, October 30th. Perhaps either your pocket book statement, that would be on page two October 30th.

A. Yes. I can see that that is...

Q. Is that sufficient for you is it.

A. Yes.

Q. To see that tape 3(a) refers to a meeting.

A. Yes it does.

D

Q. Refers to a meeting between Mr. Perry and Sergeant Harris.

A. Yes.

Q. On the 30th. And is it correct that on that occasion two tape recordings were made.

A. Yes.

E

Q. On on a Uher and one on a Nagra.

A. Yes.

Q. And is the Uher tape recording now exhibit three, exhibit **four**, I am sorry.

A. Yes. I am not sure.

Q. After making those recordings on the 30th can you remember what you did with the tapes.

F

A. No I can't. They would have been taken into the custody of Mr. Lloyd or myself.

Q. Mr. Lloyd or yourself, and, having taken them into custody and gone through the procedure of signing the tapes did you, what would you have done with them, for instance that evening.

A.. They would have been locked away somewhere I think.

G

Q. Would that have been in The Times or one of your private homes.

A. To the best of my knowledge at The Times. I think, apart from one of the very earliest tapes which contained phone calls, very soon in the enquiry we developed a system of taking them back to the office and locking them up in a filing cabinet.

Q. So, now turning to the next day, the 31st...

H

THE JUDGE: Well you can do that after the adjournment.

THE DEFENDANT: Thank you.

A THE JUDGE: Members of the jury would you be kind enough to be back in your places at two o'clock, the proper time. The clock is wrong I am afraid. This afternoon I have to rise at quarter past four rather than half past. Be careful not to discuss the case with anybody.

B LUNCHEON ADJOURNMENT

THE JUDGE: Yes we got to 31st October.

C THE DEFENDANT: Mr. Mounter referring to your notes in respect of notes on the 31st October, on the second page of your pocket book notes transcribed and statement number three of your statement to The Times, which refers to a meeting between Mr. Perry and other officers on the morning of the 31st.
A. Yes.

D Q. Now can you recall after briefly looking through your notes, the events of that morning and whether the meeting was successful. By successful I mean of course, successful in relation to whether you successfully obtained tape recordings.
A. I think this was the meeting that was not successful.

Q. Yes.

THE JUDGE: I can't hear.

A. I am sorry sir. I think this was the meeting that was not successful.

E Q. The meeting with whom.
A.. The meeting with Mr. Hamis.

Q. Yes. Very well. "The morning meeting with Harris, not successfully recorded."
Is that a fair way of putting it.
Q. Yes.

Q. Yes. On we go.

F THE DEFENDANT: And I believe in your statement to the police page 28, very bottom of the page, when describing how you said, how arrangements for that meeting in the morning. Do you have that Mr. Mounter, the paragraph starting off, "I should mention here...."
A. Yes.

G Q. "I should mention here sometime between the time of arrival at The Plough and the switching on in the side street,..". Do you see that.
A. Yes.

H Q. "Brand new tapes were fitted to both the Uher tape recorder and the Nagra."
A. Yes I see that.

I see that/...

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THE JUDGE: Where is this.

A THE DEFENDANT: Bottom of page 28 of Mr. Mounter's statement to the police.

THE JUDGE: Its not on my page 28. Just a moment.

THE DEFENDANT: Its to do with the morning meeting your honour.

THE JUDGE: I can't see it. Never mind go on. What's the point?

B THE DEFENDANT: "Brand new tapes were fitted to both the Uher tape recorder and the Nagra" and you say you saw both tapes placed on the machines.
A. Yes.

Q. As the meeting was not successful what would you have done with those two tapes after the meeting.

A. I am not sure.

THE JUDGE:

C Q. Do you mean the tapes were used.

A. Yes the tapes were used sir, but because they didn't pick anything up...

Q. Yes.

A. We would not have retained them, I don't think. We may have used them again. I am not sure.

Q. Yes.

D MR. RIVLIN: He said, "We may have used them again", your honour.

THE DEFENDANT: Yes. Would you have returned them to Mr. Hawkey under those circumstances.

A. Well yes he may have had them temporarily before using them again or he may have had them. We would not have treated them in the manner we have treated the ones that had evidence.

E Q. Yes and, although the meeting was unsuccessful instead of obtaining a tape recording of the events some money was allegedly handed over to the other police officers in this event, according to your notes.

A. Money was handed over.

Q. Yes and I see you have listed here the number of bank notes which were allegedly handed over to other officers. This is on page 27, transcript of pocket book.

F A. Because I am not very sure I would like to see.

Q. Look at your transcript of the pocket book.

A. At the cheque book or whatever it was written on I think.

Q. Yes alright. Would you look at the cheque book exhibit 43 and that was where you made notes at the time was it on that cheque book.

G A. I think on this occasion I am not certain.

Q. Yes.

A. No.

Q. Do you see a list of numbers there with perhaps cover 31 written inside.

A. Yes, sorry, on the cover 31. Yes.

H Q. And can you recall whether Mr. Perry had more than £5 on him when you

when you/...

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arrived that morning.

A. No. I can't.

A

THE DEFENDANT: Now was it the habit developed, or the procedure developed by you and Mr. Lloyd that you would record the numbers of the notes that Mr. Perry was supposed to hand over to the police and that Mr. Lloyd would record the numbers on the excess bank notes, that is bank notes retained by Mr. Lloyd during the time of the meeting and returned to him afterwards.

A. I don't know whether that is so. I know I took notes of the numbers which were left with him .

B

Q. Yes. In respect of that meeting are you first, perhaps, you see on the back of your cheque book cover, A55 332 2984.

A. That is so.

Q. Is that a £10 note.

A. It is.

C

Q. And is the second number X14 953 202.

A. Yes.

Q. A £5 note.

A. Yes.

D

Q. And is the third number X56 909 934.

THE JUDGE: None of these numbers yet means anything to the jury. What's the point?

THE DEFENDANT: Alright the point is coming in one second your honour, can I continue with the particular numbers please, only the particular numbers?

THE JUDGE: Yes. The time may have to come when I may have to insist that you keep your cross-examination within proper bounds.

E

THE DEFENDANT: If you recall this point did come up with Mr. Lloyd.

A. The next three numbers are sequential.

Q. Sequential yes. Now you see Mr. Lloyd recorded those same numbers in his pocket book. We have had evidence before this court that those bank notes were in fact retained by him during that meeting and returned to Mr. Perry afterwards.

A. Well he would be wrong about that. These are the notes that were given to Mr. Perry, given back to Mr. Perry and those would have been the notes that he would have handed over to you or to Sergeant Harris in this case.

F

Q. So Mr. Lloyd notes would have been wrong.

A. It may have been that there was some confusion but I am sure from this, absolutely certain these notes were the ones given back to Mr. Perry.

G

Q. You could have been confused.

THE JUDGE: Just a moment. "I am sure these notes were left with Perry." Is that right, is that what you say?

A. Yes.

H

THE DEFENDANT: Were given to him.

THE JUDGE: Yes.

to him/Yes/...

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A THE DEFENDANT: Now following on from the bottom of your entry for that day, you said he had no money on him when he returned and you also say there you took possession of the tapes with Gary. Do you see that entry.

A. Yes.

Q. But there was nothing on the tapes that morning.

A. That is so.

B Q. Would you have taken possession of them for any other reason but the conversation at the very beginning or the very end of the tapes, for example.

A. No. I seem to remember there was nothing on these tapes and my reference to them, to taking possession of them is either a mistake, because these notes were made up later, or reference to me just taking them off the machine. We didn't keep anything which didn't have anything on it.

C Q. And when you took possession of these tape recordings would you have followed your normal procedure of having made markings upon them, have written upon them.

A. Yes if they had been successful.

Q. Is the fact you used to listen to the tapes to see if they were successful or not.

A. No.

D Q. Before writing upon them,

A. No in fact you are correct, they would have been written on before we knew they were successful.

Q. Because that was your procedure as you have said before, so you would have written on those tapes something to the effect of October 31st, Perry and Robson, wherever it was, Victoria or Grove meeting.

A. Yes.

E Q. Now after, can you recall or do you have any note, anywhere, about how much money Mr. Perry had left over after he had to get this £50 or £5 which was allegedly given to Inspector Robson.

A. No but as you say, as I said I think, he was left with 55 from my note it appears he paid fifty.

F Q. Well, forgetting about the discrepancy in the numbers Mr. Lloyd has given evidence in fact there was £18 left over. That appear about right to you.

A. I don't know I couldn't possibly remember

Q. And then did you go with Mr. Lloyd and Mr. Hawkey, I believe Miss Flood and Mr. Perry, to have lunch in a public house.

A. I don't recall it.

G Q. Was there a photographer present with you on that day.

A. I believe there was, yes.

Q. If you look at page 36 of your statement to the police maybe that would refresh your memory as to who the photographer was and who was with you.

THE JUDGE: You can put it to him it may save some time. Have you evidence. Why don't you put it to him?

H THE DEFENDANT: Was it Mr. Pridmore.

A. Yes.

A

THE JUDGE: Yes. There you are. On we go. Yes.

THE DEFENDANT: And, if you turn to page 42 of your statement to the police, you are then recalling the events that took place immediately after the meeting in the morning.

A. Yes.

B

Q. And, at the very bottom of the page do you see, "When we left the swithhing off point we arranged to meet for lunch at, I think, the Kings Arms public house, Peckham Rye."

A. Yes.

Q. Can you cast your mind back. Can you recall the events when you went there that day.

A. No I can't.

C

Q. Over the next page. Do you see, "Well all met within ten minutes at the pub."

Yes.

Q. "and Gary Lloyd and I disussed the situation with Michael Perry."

A. Yes.

D

Q. And, sometime during lunch did Mr. Lloyd and Mr. Perry go to telephone me.

A. Yes.

Q. And I think you say there you knew the decision was made to telephone Sergeant Symonds but you do not know whose suggestion it was.

A. That is so.

E

Q. When they returned did they tell you a meeting had been arranged for that.. for 2.30 that afternoon.

A. Yes.

Q. Do you recall another person being present in the public house that lunchtime who was in fact a friend of Mr. Perry's.

A. No I don't.

Q. Can I mention the name here again, your honour, to save looking up.

F

THE JUDGE: Yes.

THE DEFENDANT: Do you recall whether or not Mr. O'Keefe was present with you in the Kings Arms public house that lunchtime.

A. No I don't.

G

Q. So then did you then make arrangements to fix up certain recording devices to cover the meeting that afternoon.

A. Yes.

Q. Now looking at page 44 again do you have it in front of you.

A. I do.

Q. Do you see, "After lunch Mr. Hawkey Mr Lloyd and I fixed two recorders in the boot of the Wolseley."

A. Yes.

H

Q. "Fitted them with one brand new tape.."

A. Yes.

THE DEFENDANT: "And another which had been used on the 30th October."
A. Yes I see that.

Q. Would the one used on the 30th October be in fact tape three that you were looking at a few minutes before lunch.

THE JUDGE: What page is this you are reading from.

THE DEFENDANT: 44 your honour.

THE JUDGE: What is the page number on top of that.

THE DEFENDANT: 34 of your honour's.

MR. RIVLIN: 34 of your honour's I think.

THE JUDGE: The big numbers at the bottom or perhaps at the top.

MR. RIVLIN: At the top your honour.

THE DEFENDANT: At the top.

MR. RIVLIN: I am afraid you and I are working from different photocopies than those being used by Mr. Mounter and the defendant.

THE JUDGE: Its very irritating.

MR. RIVLIN: It is.

THE JUDGE: You think we are on page ...

MR. RIVLIN: 34 at the top I hope.

THE JUDGE: You decided the radio receiver should be linked. Is that the one.

MR. RIVLIN: Yes it is.

THE DEFENDANT: Pardon your honour.

THE DEFENDANT: We have covered this ground.

THE DEFENDANT: Oh no before lunch we were dealing with the previous date.

THE JUDGE: Yes. Yes but it has been dealt with in chief though.

THE DEFENDANT: Well yes and no your honour. If your honour would allow me to continue one or two more questions you might see one or two important points of considerable importance.

THE JUDGE: Well what are the points of importance.

THE DEFENDANT: Now did you either supply Mr. Perry or did you count some money or make notes of some numbers of bank notes which Mr. Perry was allegedly going to hand over to me that afternoon.

A. I made it quite clear to Mr. Perry, I did not supply him with money. Yes we took the numbers, again of the money handed over to you.

handed over to you/...

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THE DEFENDANT: Yes. Do you see a list in that exhibit in front of you recording, the cheque book cover.

A. Yes I see that.

Q. Does the money total £50.

A. Yes.

Q. Yes. Now where did Mr. Perry get this money from.

A. I said I don't know. I am not sure whether it was his own from his own or whether he had to go and get it. I don't know, but he had the money on him.

Q. You see so far we have when Mr. Perry came to you in the morning he had over £55 or £88 or .. and that he handed over £50 and so, and had £33 left according to the evidence of Mr. Lloyd. Then you had lunch together, according to the evidence and suddenly Mr. Perry is in possession of £50. That means he must have got .. if the evidence we have heard so far is right.. he must have had to get some more money from somewhere.

A. That's absolutely right. Yes. If Mr. Lloyd is right that the amount of money that was left with him.

Q. In the region of £20 or so.

A. Yes.

Q. Do you have any idea where this £20 came from.

A. No I don't but I do know those numbers are different to the other one but the situation was that Mr. Perry had that money and nobody gave it to him at the time.

Q. Yes and that is a good point you have made about the numbers being different, to the ones listed by Mr. Lloyd, as being retained that morning.

A. The point is they are different to the ones which were given over in the morning.

Q. Yes.

A. So, therefore, he could not in any way have retained the money to be given again. That is the point I am making.

Q. Yes.

A. So it is separate money. I don't know where he got it. As I said earlier I know from time to time he was worried. He did not have this money which was being demanded of him. Whether he went home or went to a bank I can't remember at this stage.

Q. But you had lunch together and I think, according to notes and the evidence we have been through that Mr. Lloyd and Mr. Perry left to make a phone call.

A. Yes. The short answer is I cannot explain that.

Q. You cannot. And I think if I put it to you that this money was supplied in fact by either you or Mr. Lloyd what would you say to that.

A. I would tell you that was not so.

Q. Right.

THE JUDGE: What?

THE DEFENDANT: That was not so.

A. I would tell you that was not so.

was not so/...

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A THE DEFENDANT: The next point is about the two tapes that were fitted. You said that one of the tapes was one which had been used on the 30th October.
A. Yes.

Q. And that is .. do you still have tape 3 there Mr. Mounter.
A. No I dont.

B Q. Could you perhaps please look at it again. Yes.
Now is that one of the tapes which was fitted up on the afternoon of the 31st, for the meeting between Mr. Perry at The Grove.
A. Yes.

C Q. Now one or two points arise from that and that is we have heard that when the phone calls were recorded on the previous day and the recording was made of Sergeant Harris, that you thought that this tape was taken back to The Times. Is that right, and locked away.
A. I am not sure. I thought what I said was I was not sure exactly but it would have been taken into our custody.

Q. If you had taken it into custody why did you bring it from The Times the next day the 31st and use it again. Can you offer any explanation.
A. No. No I can't remember that.

D THE JUDGE: Yes.

THE DEFENDANT: The other point is why did you set up that tape recording in such a way that the beginning of the meeting on the afternoon erases part of the conversation of the meeting on the previous day between Perry and Mr. Harris.

E A. I am sorry I am getting confused about these two. I thought we established there was nothing on the recording to do with Mr. Harris?

Q. On tape 3(a).
A. I am sorry I am lost.

Q. Yes. I am sorry. Now is it correct that tape 3 which is one track of this two track tape refers to phone calls made on 30th.
A. I am afraid ...

F Q. Maybe if I could look at the exhibit maybe I am misleading you.

THE JUDGE: I don't think there is any dispute that at the, all the conversations earlier recorded were overlaid by the conversation which are now on that tape. There is no dispute about that so we can get on with that.

G THE DEFENDANT: Yes. Do you understand that Mr. Mounter, in fact there is no dispute that part of the conversation between Perry and another officer has been erased by the start of the conversation between this meeting.

THE JUDGE: Between what?

THE DEFENDANT: This meeting of the 31st of the afternoon.

H THE JUDGE: Between yourself and Perry.
A. Yes.

MR. RIVLIN: Your honour the answer is on the top of the box of this tape

A THE DEFENDANT: That is why I kept asking Mr. Mounter.

A. Yes I see it. Its terribly confusing after all this time to remember all these tapes and everything else.

Q. Yes. Is that your handwriting on the box.

A.. No it is not. Its. Mr. Lloyds.

Q. Do you recall when that entry was put on.

A. No I don't.

B Q. Would you infer from the "misses" written on the back of the box, that handwriting must have been put on on the 31st.

A. Yes. I would think so because it appears to follow on.

Q. Because...

A. Because later on it says, "Sergeant Symonds" said.

C Q. And start off would not normally be used unless there had been a second conversation.

A. Yes, right.

Q. The other tape you have described as being brand new. Would you look at tape five exhibit three.

A. ...

D MR. RIVLIN: When did he describe it as being brand new?

THE DEFENDANT: In the statement to the police, page four.

THE JUDGE: He has done so in the evidence today or yesterday. I think it is accepted isn't it, its not a new tape isn't it. Isn't that right Mr. Rivlin its accepted its not a new tape.

E MR. RIVLIN: Yes it is your honour.

THE JUDGE: Its accepted its not a new tape. No need to go on about it.

THE DEFENDANT: By whom?

THE JUDGE: By the Crown.

F THE DEFENDANT: It may well be but this gentleman has for many years now been saying that this was a brand new tape and this was in a statement made by him to now Commander Duffy and in a statement he made shortly after these events he recalled this was a brand new tape and I would like now Mr. Mounter for you to look at this tape. Do you identify this tape as the other tape used on that afternoon.

A. Yes.

G Q. And how do you identify that.

A. By my writing on it and my signature.

Q. By your writing and your signature. Now are you sure that when you fitted these tapes to the recording devices that one of them was tape three which had been used before on the 30th and the other one was a brand new tape which you are now holding.

H THE JUDGE: He has not said it was a brand new ...

brand new/...

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THE DEFENDANT: He said it several times your honour.

A

THE JUDGE: He has not said it several times.

THE DEFENDANT: Could we have the transcript played back because he said five minutes ago in evidence...

THE JUDGE: I am not going to order the shorthand writer to play it back.

B

THE DEFENDANT: Did you make a note of that Tim, did you?

THE JUDGE: Come on let's get on.

THE DEFENDANT: So would you carefully look at page 44 of your statement to the police and would you look at the fourth paragraph down.
A. Yes.

C

Q. Do you read the words, "After lunch Mr. Hawkey and Mr. Lloyd and I fixed up two recorders in the boot of the Wolseley." Do you see that.
A. And it says with a brand new tape. Yes.

Q. "Fitted one with a brand new tape and another which had been used on 30th October."
A. Yes.

D

Q. Yes when you made that statement to Mr. Duffy your memory was fresh.
A. It was fairly fresh yes. I would remember most things.

Q. Yes.

THE JUDGE: Yes. We have got that point now what's the next one?

E

THE DEFENDANT: When you fitted those tapes did you make a note of the times at which they were fitted.
A. No. I made no contemporaneous note other than those of the numbers of the bank notes.

Q. Yes. Would you look at your statement, number four, headed October 31st 1969. this is statement, Times.
A. Yes.

F

Q. Do you see that.
A. I do.

Q. The bottom of the first paragraph you described setting up these tape recordings and I believe you say Mr. Perry was instructed to drive his car into the larger of the two car parks at the Grove at 2 p.m. to await D.S. Symonds."
A. Yes.

G

Q. Yes. You say "I was present when clean tapes were fitted to the recorders in the boot of his car."
A. Yes.

Q. Yes.
A. Yes.

H

Q. Now do you say after that that the tapes were switched on at approximately five minutes to two o'clock.

A. Yes.

A THE DEFENDANT: Does that refresh your memory.

A. Yes.

Q. Now you said there clean tapes on your statement to The Times.

A. Yes.

Q. So you were referring to tapes five and three.

A. Yes.

B

Q. Exhibits three and four.

A. Yes.

Q. Why did you describe exhibit four as a clean tape if it had been already been used on the 30th.

A. I am not quite sure.

C

Q. By clean did you mean new or did you mean there was just nothing recorded on them.

A. I don't know about that. It would have meant, I would have thought at that point I would have said brand new if I meant brand new. Clean I would have thought I meant there was nothing on them.

Q. Yes but we know now of course there was something on one of them anyway.

A. This is true.

D

Q. Yes. Now when you made your statement to the police did you refer to your pocket book and the statement to The Times to refresh your memory.

A. No we were not allowed to.

Q. You were not allowed to.

A. No but I think Mr. Lloyd was allowed to refer to his pocket book and I may actually thinking about it I may have been allowed to refer to this statement. I may have been allowed. I am not sure.

E

Q. You may have been allowed.

A. Yes. I am not quite sure.

Q. Now having switched on the tapes at five to two, before we get there if you look at page 45 of your statement to the police, I see you correct yourself there about the numbers of the bank notes, you changed one of the numbers I see.

A. Yes.

F

Q. And you explain this was a mistake in taking it from your chequebook to the notebook.

A. Yes.

G

Q. And then along the page you refer again to these two tape recordings.

A. Yes.

Q. And you say one of the tapes was brand new.

A. Yes.

Q. The other a 5" was the one we had used for telephone calls on October 30th."

A. Yes I see that.

H

Q. And you say, "We were using the other side of this".

A. Yes.

THE DEFENDANT: And you then followed Mr. Perry to The Grove did you.
A. Yes.

Q. And did you see Mr. Perry turn into TheGrove,
A. Yes I think so.

Q. Car park.
A. Yes.

Q. And, having switched on the tapes at five to two did Mr. P rry set off straightaway or did he set off straightaway after turning on the tape recorder, if you refer to your statement to The Times if you look at the times.

A. Your honour it is impossible for me to remember in this detail. If I am referred to it...

Q. I would suggest they are going to be very important in, about what happened (inaudible) your honour.

THE JUDGE: Very little of what you have said so far has been very important.

THE DEFENDANT: Well I hope the jury thinks differently.

A. I cannot remember such things in that detail.

Q. Having switched on the tapes and followed Mr. Perry who drove his car into the ~~Grove~~ car park, did you.

A. Yes.

Q. Did you see him turn into the car park.

A. If it says here I did, yes.

Q. And then did you go to the traffic lights and turn right and right again and then did you yourself drive into the Grove car park.

A. If that is what it says in my statement, yes.

Q. Well look at your statement page 46.

A. Yes it is.

Q. And then you say, "We went very slowly into the big car park."

A. Yes.

Q. And as we passed Mr. Perry's Wolseley..."

A.. Yes.

Q. .. "to leave by the gate through which he had entered"...

A. Yes.

Q. "I noticed a white Vauxhall car parked alongside it."

A. Yes.

Q. And you noted the registration number.

A. I saw the number the registration numbers, yes.

Q. And you then drove out of the car park and parked across the road. Is that right.

A. Yes.

Q. And you say then that you saw Mr. Pridmore the photographer walk past the entrance.

past the entrance./,..

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THE JUDGE: What's the point.

A THE DEFENDANT: The point is ~~going~~...

THE JUDGE: It had better come. I am getting really rather tired of this endless repetition.

THE DEFENDANT: I would like a fair trial if at all possible.

B THE JUDGE: I have been very very patient.

THE DEFENDANT: Yes right.

THE JUDGE: What 's the point?

THE DEFENDANT: The point is coming now.

C THE JUDGE: Well let us have it.

THE DEFENDANT: Then you say, right, "As I passed the Wolseley when we drove through the car park I noticed there were two people sitting in the Wolseley one of whom was Perry, and the other a man I can identify."
A. Yes.

D Q. Now that is .. and you are quite sure about that aren't you.
A. I am quite sure that is what it says here yes.

Q. Yes. Right. So would it follow then it must have been at about two o'clock or shortly afterwards that you followed Mr. Perry's car when he turned into the car park, you drove through the car park, you saw Mr. Perry's car parked next to a white Vauxhall and sitting in Mr. Perry's car you saw Mr. Perry and a man you can identify.
A. Yes. This is on the second occasion of driving through isn't it .. drove out of the car park.

E Q. Yes. "As I passed the Wolseley when we drove through the car park.."
A. Oh.

Q. Yes.
A. Yes.

F Q. That refers to the first occasion.
A. Yes. Right.

Q. So this would be just after two o'clock and then you (inaudible) here the man you can identify who was sitting next to Mr. Perry in his car.
A. It was you.

G Q. It was me. Now you are quite sure of that are you.
A. Yes I am quite sure I saw you in that car. Yes.

Q. And are you quite sure you followed Mr. Perry's car to The Grove car park you saw it turn in you went to the traffic lights and turned right and right again and into the car park.
A. I think the explanation for this, although I cannot be sure, I think the possible explanation is I think on one or two occasions when there was a very large wall in that public house.

H Q. Yes.

A. And what we did, rather than walk through was to drive through and second time or have another go at it and that may be the reason, I don't know.

A

THE DEFENDANT: Again according to your evidence...

THE JUDGE: Are you suggesting it was not you whom he saw.

THE DEFENDANT: My lord may I continue.

B

THE JUDGE: No.

THE DEFENDANT: Am I not allowed to continue with his question.

THE JUDGE: I did not say that.

C

THE DEFENDANT: Well the whole point of this is as we heard yesterday that Mr. Lloyd .. I don't want to play tape five but we do have an admission from the prosecution that the starter tape five includes a long period of music and then I think prosecuting counsel said Mr. Parry said the time was 2.13.

THE JUDGE: Listen to me, the question I asked you is whether you were challenging that this witness thought it was you who was sitting in the car. If you are saying it was someone else and not you this witness ought to have an opportunity of dealing with that.

D

THE DEFENDANT: I am challenging that Mr. Mounter saw me sitting in Mr. Perry's car at 2 p.m. on the afternoon of October the 31st 1969.

THE JUDGE: So its the time you are challenging.

THE DEFENDANT: Yes and the indentification.

E

THE JUDGE: Very well.

A. That may be so. The fact is I saw you on that occasion, I am sure where I saw you.

THE DEFENDANT: Well...

A. Where I saw you Mr. Symonds, immediately we arrived or not I can't remember but I know that I saw you.

F

Q. Yes, well will you look at the photograph of that next taken, exhibits, 11, 12, exhibit 11.. Now when you drove through the carpark...

A. Yes.

Q. Is that the scene you saw on that day.

A. Yes.

G

Q. Now looking at the photographs and the windows can you see anything.

A. No.

Q. Now when you drove through the car park did you drive from one entrance to the other directly.

A. Yes I would have done.

H

Q. So you would not have driven nearer to the car.

A. Than this photograph?

Q. Than this photograph.

A. I don't know what size lense this photograph was taken on but I should have imagined it was a fairly wide angle. I should have thought you were clearer in real life.

THE DEFENDANT: Yes. So do you see the windows appear to be misted up. Would you say its very difficult to see anybody in fact inside this car.

A. There was an occasion when the windows were misted up. I remember that. But I don't think this was the occasion because, if you look at the subsequent pages of this meeting you see other cars are not misted up. This does not look misted up to me I concede.

Q. Well I put it to you that you did not see anybody, other than Mr. Perry possibly, sitting in that car when you drove through the car park.

A. I did Mr. Symonds.

Q. Now, your honour, we have an admission from the prosecution that when tape five commences, I forget the exact words, but there are some minutes of music and then an announcer announces the time as 2.13 and there are some more minutes of music and the alleged conversation starts I think at twenty nine minutes past two.

THE JUDGE: Yes.

THE DEFENDANT: So did you hear that Mr. Mounter.

A. Yes.

Q. So how could you have seen Mr. Perry and myself sitting in the car at a few minutes past two, according to your statement to the police and your evidence.

A. I have given you the explanation. One possible explanation. I can't remember it this far back, but I do know that on one or two occasions we drove through the car park more than once.

THE JUDGE: Well you have had this point, for what it is worth, with Mr. Lloyd. It depends does it not, on whether people were looking at watches at the time and their watches had accurate times on them. That's all there is in it isn't it?

THE DEFENDANT: Well it could ... two things could come from this your honour.

THE JUDGE: Well you usually make those points when you make your speech. Let's get onto the next point now.

THE DEFENDANT: After did you see the Wolseley leave the car park after the meeting.

A. I can't remember whether I saw it or not.

Q. If you look at the bottom of your statement to the police. Page 47. You made a note there about it.

A. Yes.

Q. And did you make, did you take possession of those tape recordings.

A. Yes.

Q. And you either made the writing upon them or you saw the writing made did you.

A. Yes that is so yes.

Q. Now did you search Mr. Perry after this meeting.

A. Yes.

THE DEFENDANT: Can you recall where and when you searched him.

A. No I can't.

Q. Was it shortly after the meeting or sometime after the meeting.

.A. I can't remember that. I would have thought it was fairly shortly afterwards.

Q. And when you searched him how did you search him.

A.. Very thoroughly. We looked in his shoes. We searched him around his body, took off, undid his shirt and kept it down. We searched him very thoroughly.

Q. Was this inside the car or outside the car.

A. Sometimes ... no I think it was always out of the car.. I think sometimes it was in a building. I can't remember exactly where. We tried not to search him in main roads.

Q. Did you ever search him sitting in the car.

A. No I don't think so.

Q. Would you agree it would be rather difficult, to say the least, to search a man sitting in the car.

A. Yes.

Q. And, did you search Mr. Perry's car after this meeting.

A. Yes.

Q. Do you recall particularly, you do recall doing that.

A. I say that here I made a brief search of the car.

Q. Now a brief search would include what? Did it include looking under the carpets.

A. A brief search. It was fairly clear to us we could never strip the car down.

Q. Yes.

A. Somebody who was sitting in a car within our range of vision for some time could only have placed the money in a selected number of places and we searched those places. Down the backs of the seats, round by the pedal area, underneath the dashboard and such like.

Q. Yes, but would you agree that it is very difficult, if not impossible, to make a thorough and complete search of a motor car, in a fairly brief period of time.

A. That is so.

Q. And following on from that, on page 48, did you sign these two tape recordings, before listening to them.

A. No, I think it was afterwards ... Oh no, sorry, it was before.

Q. It was before listening to them.

A. It would be when we took them off the machines.

Q. Was it at this stage of your series of enquiries that you started to sign the tapes before listening to them.

A. Yes. I certainly signed them before listening to them on this occasion. Yes, that is what I say.

Q. Yes now you say that Mr. Perry, in your statement to the police, mentioned

A one or two things I am alleged to have said to him.
A. That is so.

THE DEFENDANT: And then you played the tapes back.
A. Yes.

B Q. Now when you played the tapes back can you recall whether there was any conversation on the tapes that you noticed at that time, which referred to either the passing or the receiving of money.
A. I can't remember that. I would have to look at the transcripts.

Q. Would you look at the Times transcript, exhibit 35(a).
A. Yes.

Q. And quickly look through.
A. Yes.

C Q. Have you looked through the complete transcript.
A. Yes.

Q. Yes now having looked through that complete, the transcript, do you see any specific reference to Mr. Perry offering or giving me money and me receiving it from him.
A.. There's several references which led us to believe that was .. there were places where you were discussing money.

D Q. Yes but the question was is Mr. Perry anywhere saying "Here's \$50", and am I anywhere saying anything about it.
A. I have only gone through here briefly.

Q. Would you point out ..
A. Yes I will point out...

E Q. The references you think might refer to that.
A. There was some jargon about... talk about... the other officer. "Yeah Yeah that's worked out alright then."

THE JUDGE: What page is this.
A. Page eight.

F THE DEFENDANT: Page eight.

THE JUDGE: What about page one, anything there. Starting at the very top. I am sorry its page five.
A. Yes. "Got a bit of dough", garbled ... "I've got a bit more done."

Q. Yes., "Reference to money page five..."
A. And then on page eight there's, "I've just done the other geezer for the jelly like."

G THE DEFENDANT: Page eight. "I have just done the other geezer for the jelly..."
A. And then you saying, "Yeah yeah that's worked out alright then."

Q. Yes.
A. And Perry says, "Yeah, I've got it don't you mention it to no one."

H Q. Excuse me where is that.

A. This is still continuing on page eight and you say, "No don't you mention anything about it or me."

THE JUDGE: I think it was 12 in the big letters.

A. Yes, I am sorry, 12 in the big letters at the bottom.

THE DEFENDANT: Yes. I am looking at the wrong page.

THE JUDGE: Did you start at the very bottom of page eleven.

A. Yes. Symonds is saying, "That's the thing it can work, well it has worked for fucking years hasn't it." ... and "its handy if you get a bit of help isn't it", says Perry and you say, "You can warn that you see you can have more than help you can have fucking, you know." (inaudible).

THE DEFENDANT: Yes. Well I know you are being prompted by the judge and I am asking you and my question to you was, could you see any specific reference to Perry actually giving me money, and me, or me actually receiving money from Mr. Perry. That was the question.

A. There is ... having had a brief look through this ... I know there is no specific mention of £50 ...

Q. No specific mention...

A. ... being handed over.

Q. That was the question.

A. Then it would have been a bit unusual if that happened.

Q. Well did you not, were you not in the habit of instructing Perry before these meetings to be sure to make reference to the handing over of money in some way.

A. We did say that if he was having a conversation about it then he should try and make sure it was clear what he was talking about here.

Q. Yes. Did you go further than that and before the meetings when you had a photographer in attendance, did you make a point of telling Perry to fan out the money in some way and hand it over in such a fashion that may be the photographer could take a photograph.

A. I don't remember doing that.

Q. You don't remember doing that.

A. I know it was very very difficult for him because he was working under a lot of pressure.

Q. Yes.

A. He was very scared of you.

Q. Yes.

A. And when he came back he would say it was very difficult.

Q. Yes. So at the end of this meeting, having listened to the tape recording were you in some way disappointed that there was no obvious and blatant reference to the handing over or receiving of money.

A. Not at all. This tape, to us, showed clearly your corruption. That you were inciting people to crime and that you were behaving in an appalling way. There was no disappointment, nor joy, in that for either of us.

Q. No. But was not the whole object of your exercise to make a tape recording of Perry handing over money.

A. The whole object of the exercise Mr. Symonds was to catch you in the act of being a criminal.

THE DEFENDANT: Of taking money.

A. As alleged by Mr. Perry.

A Q. As alleged by Mr. Perry. Now the other bits you were probably very pleased to hear about were you not, the **banus** in fact.

A. No I was not in the least ...

Q. .. the talk of, the criminal talking ...

A. No I was not pleased.

B Q. Didn't this make very good newspaper copy;

A. It indeed makes strong reading, yes.

Q. Yes wasn't it not the foundation of your story.

A. It was indeed the most damning stuff in the story yes.

Q. Yes.

A. Yes it was appalling.

C Q. Yes, therefore, you may have been somewhat disappointed that there was no direct reference to the handing over or receiving of money but you were quite pleased with the other bits on the tape.

A. You keep putting this ...

Q. From a newspaper man's point of view ...

A. ... you keep putting these words in my mind(sic).

D Q. Well you can always say yes or no..

A. And your suggestion from a newspaper man's point of view, involved in a serious enquiry, and I felt that this was, these tape recordings were showing some horrendous things. I was neither pleased about it nor disappointed about it.

E Q. Well at this stage were you interested more in catching what you thought to be a corrupt policeman or obtaining the ingredients, as it were, for a scandalous newspaper story.

A. I am not in the business and never have been, in the business of trying to find scandalous stories Mr. Symonds. I have worked always for serious journalists and serious journalism and the situation was that on this occasion **and** all these occasions we were investigating corruption of police officers.

F Q. And was it not the policy of The Times at that stage to in fact, to if possible, increase their circulation in some way.

A. The Times was at that time trying to increase its circulation. To suggest that we would have done anything to pervert the course of justice or to affect facts or to, in any way, discredit our own profession or the paper, to do so is scurrilous. Its a terrible suggestion.

G THE JUDGE: Mr. Symonds are you suggesting that this witness has done something dishonest or dishonourable.

THE DEFENDANT: I certainly am.

THE JUDGE: Well what is it you are objecting to.

THE DEFENDANT: I will come to that when I make the application.

H THE JUDGE: Would you mind coming to it now.

THE DEFENDANT: Well are you putting me out of context?

A THE JUDGE: I dare say I am. Would you kindly come to it now. You have just made a very wounding suggesting to the witness...

THE DEFENDANT: And what was the wounding suggestion?

B THE JUDGE: Let us just have what you suggest against him. You say you are suggesting something dishonest or dishonourable about him. What is it. He in justice and fairness is entitled to know what it is. I am just asking you.

THE DEFENDANT: Very well. One of the allegations I shall be putting to you in due course and I will now put to you now and that is that during the course of this enquiry you were more interested in writing an eventual scandalous story to further your own careers than you were in bringing to justice an alleged corrupt policeman.

C A. That is absolutely untrue Mr. Symonds. Absolutely untrue.

Q. Why did you not bring my alleged corrupt activities to the notice of the proper authorities.

A. Who are you calling the proper authorities?

Q. Well you have the police or the Home Office.

D THE JUDGE: Mr. Symonds let's move on to something else. Its perfectly plain that the matters have been brought to the notice of the proper authorities. That is why you stand where you are now. Now let's move on to something else.

THE DEFENDANT: Well is that allegation sufficient or do you want me to put some more...?

THE JUDGE: Move on to the next point.

E THE DEFENDANT: Move on to some more. Right. Now I think the next event chronologically is the copying of the tapes on the 11th, but I would suggest to you that before that date on the 11th, you were involved in making arrangements for Perry to meet other officers on several occasions.

A. Yes that is so.

F Q. And I would suggest to you that on those occasions you recorded the numbers of bank notes on your cheque book cover and Mr. Lloyd recorded the self same numbers in his notebook as being retained and that the previous situation we discussed was not a solitary one.

A. I don't know about that.

Q. No. Well well if you look at page, for example, 63 of your statement to the police.

G A. Yes.

Q. Do you see a list of numbers.

A. Yes....£5 notes.

THE JUDGE: That's the other case is it not.

THE DEFENDANT: Well it was a series your honour.

H THE JUDGE: Well we are not having those.

having those/...

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THE DEFENDANT: So you are not allowing me to point out to the jury ...

A THE JUDGE: No. I am asking you to get on with this. I am telling you to get on with this case. I have been extremely patient with you.

THE DEFENDANT: Yes. So would you say this makes no difference ...

THE JUDGE: Just get on ...

B THE DEFENDANT: ... to the facts of this case..

THE JUDGE: Just get on with this case. I am not going to waste time with the facts of other cases. You have had ample time ...

THE DEFENDANT: So would you say then the jury should pay great attention to Mr. Lloyd, to Mr. Mounter's list...

C THE JUDGE: Mr. Symonds...

THE DEFENDANT:...list of numbers as carrying some weight?

THE JUDGE: Just get on with your cross-examination. You are going to 11th November you said.

D MR. RIVLIN: Now your honour if the defendant is going to have a little chat with his solicitor perhaps it is better done away from the microphone.

THE JUDGE: Yes I was going to suggest that. I was unable to understand it in any event.

THE DEFENDANT: So the next meeting chronologically, the next item chronologically, would be the copying of some tape recordings on the 11th.

E .A. Yes.

Q. Now were you present with Mr. Lloyd and Mr. Hawkey when those copies were made.

A. I didn't recall it this morning but according to this I was. Yes.

Q. And you are referring now to what.

F A. This statement. To my statement, page 71. I saw, "While I was there a period of three to four hours I saw that stringent precautions were being made to see the tapes were not damaged. The copying was done on machines the same make as those which originally had been used in the first instance. Mr. Lloyd was with Mr. Hawkey checking every manouevre. "

Q. Yes. Now can you recall whether or not there was a young lady present with you also who was in fact a secretary from The Times.

G A. I can't. I remember that we sent Miss Prudence Waugh off to do some copying on one occasion, which suggests to me that either there were two occasions when copies were made or that she went off with them and then we went there. I don't know which.

Q. Now when you saw this copying process being undertaken can you bring to mind how it was undertaken. By that I mean, was one machine used at a time or two machines used at one time to copy the tapes, or whether a large number of machines all in action.

H A. I frankly can't remember the copying process as I said yesterday Mr. Symonds.

A THE DEFENDANT: Can you remember whether brand new tapes were in fact used to copy, to make the copies on.

A. I can't remember that and I don't think we would have thought it important that the copies should be brand new tapes but I don't know.

Q. So it could have been that the copies were made onto previously discarded tapes.

A. The idea of the copies at this stage was so that the secretaries who were transcribing them would not be working with the originals.

B Q. And would it be perhaps that non-brand new tapes would perhaps be cheaper or something.

A. I have no idea.

Q. No idea.

C THE JUDGE: This is something Mr. Hawkey can probably deal with.

THE DEFENDANT: Now, while you were present at this copying process, were any other LSF staff present other than Mr. Hawkey.

A. I have said and really, I know, because I have tried very hard to remember it, I do not remember the copying process or being there.

D Q. Yes. Now you carry on there to say, "Also during this period we started transcribing the tapes we had made on the 11th November."

A. Yes, "using the copies we made on the 11th November" it says, yes.

Q. Are we to understand from that no transcriptions were made from the originals.

A. I think it may have been that transcriptions were made from some of the earlier ones or before this date. I am not sure.

E THE JUDGE: Which page are you looking at.

A. I do remember ..

THE DEFENDANT: Page 71.

A. We went through a process of worrying I remember this ...

MR. RIVLIN: 59 your honour.

F THE JUDGE: 59.

A. I remembered this morning that we were worried about a possibility of somebody switching on the forward button when they were transcribing so it may well be we were using the originals before that time.

THE DEFENDANT:

Q. Now at what stage did you start to undertake security measures in connection with the way the tape recordings were being kept at The Times office.

G A. Fairly early on. I can't be absolutely certain when but as soon as I think probably the first tape which contained any lengthy conversation on it. Whether that was one of yours or one of the other detectives I am not sure.

Q. And where exactly were these tapes kept.

A. They were kept in a cabinet somewhere in The Times newsroom.

Q. In the newsroom.

H A. Yes.

Q. And is the newsroom a large room with many desks and many people working.

A. It was at the time, yes.

THE DEFENDANT: And were the tapes being transcribed in this newsroom also.

A. Yes.

Q. Now if I can clarify this, were any tapes transcribed from the original.

A. I said, it is possible yes.

Q. Now when the tapes were being transcribed from the original who would have been present.

A. I do remember that on one occasion Miss Anne Dippey was working on transcribing the tapes. She sat in the managing editor's office and in that instance she would I think there would have been just her, but what generally happened, particularly when we were transcribing from the copies the machines were set up on several desks which had been put together at one end of the room and the girls worked from earphones when we were there. Now as soon as they were with the copies I think we left them and they could work on their own.

Q. So when Miss Dippey was transcribing she had in fact the custody of an original tape for a period of time.

A. That's possible. I am not certain of it as I said.

Q. Could this tape in fact have been tape five.

A. I don't know about that. What date was tape five.

Q. That's the one you have just been looking at.

THE JUDGE: 31st October.

A. Yes its possible.

THE DEFENDANT: And could other secretaries also have had custody of originals at some time.

A. No.

Q. For example Miss Waugh.

A. Not to my knowledge. She did take some tapes to Location Sound as I say but I am not sure.

Q. Did Miss Waugh do any of the transcriptions.

A. Yes she did I think from time to time.

Q. Would she have made any transcriptions from the original.

A. It is possible. I can't recall.

Q. And did any other secretaries, have custody, for instance Miss Leonie Humphrey.

A. I don't remember Miss Leonie Humphrey But I don't think anybody ... I didn't say Miss Waugh had custody of them ... we always had custody of the tapes and if Miss Anne Dippey was working on them I am pretty certain we would be in the adjacent room. She had a glass, the office, Mr. Cutler's (?) office, had a glass window. You could see straight through the newsroom across the news desk into Mr. Cutler's office where Miss Dippey worked.

THE JUDGE: Yes.

THE DEFENDANT: Now in this cabinet or filing cabinet, were there a number of keys. Did it lock.

A. Yes it was locked. I think it had two keys. It may have had one I don't know but it certainly had keys which only we had.

only we had/...

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THE DEFENDANT: And who kept those keys.

A. Gary or myself.

THE JUDGE: Did anybody else have a key.

A. No sir.

THE DEFENDANT: Did anybody else have a key.

A. No sir.

Q. Now did Miss Dippey make a statement at some stage about transcribing tape two if you look at your statement number one.

A. Yes I think she did.

Q. And was this statement handed to the police later.

A. Yes.

Q. Would you please look at that statement now. Statement of Miss Anne Dippey.

D I P P I E?

MR. RIVLIN: Your honour the defendant has the statement. I wonder for what reason he wants to put it into the witness's hands.

THE JUDGE: I can't see its admissible at the moment.

MR. RIVLIN: Well of course it is not, and under normal circumstances.

For example if Mr. Symonds was represented, this could not happen.

THE JUDGE: No.

MR. RIVLIN: And I wonder for what purpose he proposes to put it into the witness's hands. If it is to elicit that which appears in the statement then of course he can't do it.

THE JUDGE: No.

THE DEFENDANT: Well in that case will you look at statement number seven.

The one you made on November 21st, to refresh your memory.

A. Yes.

Q. The bottom of page one.

A. Yes.

Q. Do you see that you say that you were present when the boot of the Wolseley was unlocked. You took possession of the tapes.

A. Yes.

Q. "Signed them and they have since been in the custody of myself, Mr. Lloyd, and our secretary, Miss Prudence Waugh."

A. Yes.

THE JUDGE: Yes that apparently concerns Friday November 21st. I thought you were asking about the tapes made earlier. Isn't that right?

THE DEFENDANT: At the moment we are on the subject of the custody of the tapes and who had access to them.

A. That would be reference there to Miss Waugh, I would have thought the fact she took some of the tapes to Location Sound for re-recording, getting second copies, getting copies.

A THE DEFENDANT: Well I will take his honour's point about November 21st. So I will then ask you to look at a statement number four which is about October 31st which I think almost surely must come under this scope.
A. Yes I have that.

Q. Will you look at page two.

A. "Secretaries took the transcript Miss Anne Dippey and Miss Prudence Waugh. Neither added to them or altered them in any way and her testimony to this effect is attached."

B Q. Yes. So from that it would appear that Miss Anne ~~Dippey~~ and Miss Prudence Waugh would have had possession of the originals.

THE JUDGE: No. No.

C THE DEFENDANT: Because this statement was in reference to events on the 31st and they were not copied until the 11th.

THE JUDGE: No it could not possibly mean that.

A. They in no way had possession of them. We had possession of them. Occasionally we would take them out for purposes of transcription.

Q. Yes.

D THE DEFENDANT: And di Miss Anne Dippey and Miss Prudence Waugh also make statements to that effect.

A. Yes.

THE JUDGE: No you can't ask him that.

THE DEFENDANT: Pardon.

E THE JUDGE: I said you can't ask him that. Its inadmissible.

THE DEFENDANT: That they made statements.

THE JUDGE: To that effect.

F THE DEFENDANT: Well did they make statements. Did Miss Anne Dippey and Miss Prudence Waugh make statements.

THE JUDGE: You can't get around the law by trying to put into the mouth of this witness that which someone else has said, whether in writing or by word of mouth. Even if I wanted to let you do it I have no jurisdiction. I am bound to apply the law as it is. I have got no jurisdiction to admit any inadmissible evidence.

G THE DEFENDANT: Well I will come to that later. So continuing on with the copying of the tapes on the 11th. You were, to recap a bit ...

THE JUDGE: No you are not to...

THE DEFENDANT: ... you were present with Mr. Lloyd but don't recall the secretary being present.

A. I have said many times I don't recall the copying process.

H Q. Right. So the next meeting as far as I was concerned was not thought of or arranged until the 20th November. Is that right.

A. I can't say whether it was thought of. I don't know.

A THE DEFENDANT: No. Well the point I am going to make from that is had it crossed your mind between October 31st and November 20th to arrange another meeting between Perry and myself.

A. I think Mr. Perry had some more money which you said was owing to him for your services and, therefore, there was another meeting to be had yes.

Q. And, during this period of time were you attempting to arrange meetings between Mr. Perry and Mr. Sylvester.

B A. It was discussed. We discussed the possibility of arranging a meeting between Inspector Sylvester and Mr. Brennan because we understood that there was a transaction going on between

THE JUDGE: That is not relevant to this case.

THE DEFENDANT: And is it true to say that you decided against arranging a meeting between Inspector Sylvester and Mr. Brennan.

C THE JUDGE: You are not going on about Mr. Sylvester and Mr. Brennan. It has nothing to do with this case. So go on to something which has to do with this case.

THE DEFENDANT: Well there's one point here which I think is to do with this case.

D THE JUDGE: No. We are not having that. We have had a great deal already which is inadmissible. We will go on to this case.

THE DEFENDANT: And so did you meet Mr. Perry on the 20th November at all.
.A. Yes.

Q. And did you meet him in a house at Beckenham.
A. Yes. It says so here.

E Q. And did Mr. Perry make a number of telephone calls in your presence.
A. Yes.

Q. And were these calls recorded.
A. Yes.

F Q. And what happened to the tape of these recordings
A. I don't know. I presume it was handed to the police. If it had any evidential value, I think that ...

Q. And if not...
A. I don't know. This is the one concerning Inspector Robson is it not?

G Q. "Inspector Robson, Mr. Sylvester and myself," according to your statement, "attempts were being made to contact."
A. No I don't think we made ny telephone calls to contact Mr. Sylvester and I don't remember, I don't see here an attempt to contact you. I don't think there was an attempt to contact you. I think it was Mr. Robson.

Q. Is it a fact then that if...
A. We discussed ...

H Q. .. that there was nothing you thought of interest on a tape recording you handed it back to Mr. Hawkey or had it cleaned or whatever.
A. No. It was, the tape recordings, all tape recordings of meetings

A

were kept. I can't remember whether this tape recording of this phone call was kept or not. I don't know.

THE DEFENDANT: And did later that day did you receive some form of communication from Mr. Perry to the effect of a meeting the following day.
A. That's right. On the 21st November.

Q. On the 21st November did you set up some equipment.
A. Yes.

B

Q. Now if I refer you to your notes and to your statement to the police, page sheet 80, can you recall what equipment exactly was set up.

THE JUDGE: He has already said so in chief I think. It was the mobile, and the Grundig and the two tape recorders.
A. Yes.

C

Q. That's what he said.

THE DEFENDANT: Well can you recall whether or not you signed those tapes.. before or after .. looking at the sheet 80 .. before or after fitting them to the tape recorder.
A. Looking at page 80.

D

Q. Sheet 80 yes.
A. Yes. Here it says, "I signed the tape that was fitted to this having removed it from its seal", so ...

THE JUDGE: Which one is this.
A. On page 80.

MR. RIVLIN: 65 your honour.

E

THE JUDGE: Thank you yes.

THE DEFENDANT: Now when you signed the tapes do you recall whether you also marked the boxes at that time and on that occasion.
A. No I can't remember that.

F

Q. Would it have been your habit to write upon the boxes at the time of either fitting or removing the tapes or at some later time.
A. Well we certainly remember, I certainly remember, we signed the tapes. I am not absolutely certain whether we signed or wrote on the boxes immediately afterwards.

THE JUDGE: You signed all these tapes before they were put on the machines.
A. On this occasion.

G

Q. On this occasion yes. I know it wasn't your ordinary practice but on this occasion you signed them all before putting them on the machine.
A. Yes. I don't remember when we wrote on the boxes.

Q. Yes.

H

THE DEFENDANT: Now is it to your knowledge that each box comes in its own box as it were.
A. This has been pointed out to me yes.

Q. And there's a number written on the leader of every tape which should match

the number on the box.

A. Yes.

THE DEFENDANT: Was this to your knowledge before.

A. No.

Q. Or at the time you were doing this.

A. No.

Q. So if you didn't know this at the time and if you were not in the habit of marking boxes is that how certain tapes could have got into the wrong box.

A. Its possible, yes.

Q. Now when you marked these tapes did it ever cross your mind to mark the tape itself.

A. No.

Q. You know that on a tape there is a piece of white plastic material at the beginning which is called a white leader.

A. Yes.

Q. Which is non-magnetic. It never crossed your mind to make a mark on that white leader in any way.

A. No.

Q. So what that means then is that when you identified in this court your writing upon spools and upon boxes this has by no means identified the tape itself.

A. It is true that it is possible that there is a different tape on that spool. However the conversations are, I am absolutely certain, the same conversations that were held at the time. They are engraved on my memory. I recognise them.

Q. And, if for example, a tape had been copied on to another tape and was in fact a perfect matching copy, if that copy tape was played in this court would you be able to tell the difference.

A. No.

Q. And if one or two words had been altered within the context of a tape recording could you say either some months or some years later, that in fact that tape was exactly the same as you had heard on a previous occasion.

A. If one or two words were altered in the relevant passages. What I considered to be the important passages. I would certainly notice. These phrases have become part of a language which is used by almost everybody who has come into contact with the case and I can remember almost every phrase and section.

Q. And were there not a number of passages on these tape recordings which to you and to Mr. Lloyd ..

A. Were garbled.

Q. And to your secretaries at The Times, were garbled.

A. Yes. If a word was to be altered in those passages no I would not recognise them.

Q. And is it to your notice that a number of new expressions and words are now recorded on later transcripts which were not recorded on The Times transcripts.

A. Our transcripts we always recognised were not very full. It was a very very difficult thing to, in the limited amount of time we had ..

A THE JUDGE: Yes we have had this point time and time again.

THE DEFENDANT: Now having connected up all these machines.. Was this done at Beckenham the fitting of these machines.

A. I can't remember whether it was in Beckenham or near the site of the meeting. It would have been one or the other.

B Q. Well did you go to another place near to TheGrove.

A. Yes.

Q. And there switch on the machines.

A. Yes that was the general rule.

Q. Yes..

A. From which you could follow ..(inaudible)

C Q. And can you recall who was present when these machines were switched on.

A. Well it would have been Mr. Perry, myself, Mr. Lloyd and Mr. Hawkey.

Q. Are you quite sure about that.

A. There may be on this occasion one missing, I don't know but it would have been one or more of those people.

D Q. Could it have been you and Mr. Hawkey for example.

A. It could have been yes.

Q. And was the mobile Nagra contained in a motor vehicle driven by Mr. Hawkey with Miss Millard as a passenger.

A. I believe that is so yes. I believe that is so.

E Q. Now did you observe this meeting. By that I mean did you see the two cars parked in the car park at The Grove.

A. I can't remember whether I did on this occasion. I think so.

Q. And did you identify anybody in the cars on this occasion.

A. I can't remember whether I did. I don't think so.

F Q. Well if you look at page 85 at the top.

A. It says on page 83. "It was raining the windows were misted up. I could not see clearly who they were. I think I can identify who was sitting in the passenger seat but I am not certain."

THE JUDGE: ..

MR. RIVLIN: Your page 70 your honour penultimate paragraph.

G THE JUDGE: Thank you.

A. And then there was a lot of ... and then I say, on page 85 of my numbering. "I ran to the main road so that I was only a few feet from it when the Vauxhall went past and I am not sure whether it was the conversation that had gone -- or the window of the car was open but I think I can identify the driver."

H THE DEFENDANT: And in whose company were you when you were observing this meeting.

A. Well I think that I was in various companies. I moved around I seem to

A

remember in this meeting. I was watching from a toilet window and then walking down into a car park and being with Miss Millard and Mr. Hawkey in various places.

THE DEFENDANT: Were you ever with Mr. Grevett.

A. Mr. Grevett was there I believe but I don't know if I was with him. I don't think I was with him but I may have been.

Q. Your honour may we break off for five minutes now please.

B

THE JUDGE: Yes.

THE DEFENDANT: Thank you.

.....

RETIRED FOR A SHORT ADJOURNMENT

C

.....

THE DEFENDANT: Mr. Mounter we were talking about the meeting on the 21st and you were giving evidence this morning I believe that you said before the meeting there was a sum of money checked. £50. Now did you write these numbers down somewhere, the £50 allegedly handed over on the 21st.

D

A. I did at the time yes.

Q. Would you look at exhibit 43 and see if...

A. There was one occasion when the notes of the numbers were lost. I don't know whether, to save time, I don't know whether this was the one.

Q. Well if you look at the exhibit you might well be able to refresh your memory.

A. Yes. This is the one which was written in someone else's writing. Yes.

E

Q. Well whose writing is that.

A. I don't know.

Q. I wonder if I could look at that please. At that piece of paper. Now I must ask you could this be Mr. Perry's writing.

A. I don't ... It could be ... I don't know.

F

Q. Because ...

A. I would not recognise Mr. Perry's writing.

Q. Because you have previously said in evidence that ... on page 35 of your depositions ... "Mr. Perry gave me a piece of paper with the note numbers left on it. i.e. I mean bank note numbers."

A. In that case that could be, though I don't know. I don't remember at this time.

G

Q. So Mr. Perry turned up with this piece of paper with bank note numbers written on it. Is that right.

THE JUDGE: Let him answer.

THE DEFENDANT: Yes. Sorry.

H

A. If that was so we would have checked them which is why I expect these books are there I can't tell, but it looks as if the books are in the same writing as I have written 'November 21' and so maybe he did turn up with those... ..

numbers and we checked them off. I don't know. We would have checked them. We would not just take a piece of paper from him.

A

THE DEFENDANT: And that is the only occasion when Mr. Perry turned up with notes of numbers written on a piece of paper.

A. I can't remember. There's another piece of paper here actually with writing which seems to be the same sort of writing.

B

Q. Could I have a look at that please? I notice on this piece of paper the top four bank note numbers have been crossed through and, through more bank note numbers it is written down in a different writing. Is that so.

THE JUDGE: Do you know anything about that list or not?

A. I don't sir. I don't think the writing where some have been crossed out and numbers added, I think are, is, in my writing. Yes, the writing on the right hand side is mine. Which would suggest that if these were, if these were written out by Mr. Perry then I checked them and then, you know, those weren't there and these were. I mean that could be the explanation.

C

THE DEFENDANT: So Mr. Perry's list was incorrect on checking. Is that your explanation of it.

A. That could be one explanation. Only one. I don't know. Its so long ago. I don't know.

D

Q. And those numbers listed there.

A. These don't refer I think to your case do they?

Q. No. I believe after switching on the tape recorders, Mr. Perry drove into one of the car parks and you were in Mr. Hawkey's vehicle. Is that right.

A. Yes.

Q. And then you left Mr. Hawkey's vehicle and went into the public house. Is that right.

A. Can you refer me to my ... to which page it is.

E

Q. I am referring to your previous evidence on oath. Page 76 of your deposition. Well, wait a minute. Perhaps its in your notes. Maybe I am misleading you here. I have a note about "watched from toilet window" or something.

A. Yes. I remember that there was.

F

Q. "I watched him from toilet window". You see that.

A. Yes.

Q. That would be the toilet of the pub.

A. Yes it says here. "I watched from a toilet window." as well, yes.

THE JUDGE: Yes.

G

THE DEFENDANT: And then did Mr. Perry's car at some stage leave the car park.

A. Yes it would have done yes.

Q. And on that day did Mr. Perry in fact return to the Beckenham house by himself.

A. I think so, yes.

H

Q. And you met up agin with Mr. Perry approximately half an hour later. Would that be right.

A. I think on this occasion. I am not sure. Just a moment.

THE DEFENDANT: If you look at page 86.

A. Yes that's right. Yes that's right. I met up with him. Yes.

Q. And its a fair distance from The Grove to the house in Beckenham is it not.
A. Yes.

Q. Where, I believe, if you listen to the music and car noises on the recording..
A. Yes its a long way.

Q. It would appear obvious there was a considerable journey involved.
A. Yes.

Q. So you do not have an opportunity on this occasion of searching Mr. Perry after the meeting for some considerable time.
A. No that's right.

Q. When he had driven off after a meeting and half an hour or so later you met up with him at another address.

A. Yes I would have to check it but I think this was an occasion when Mr. Grevett followed him in the car but I am not sure. I certainly did not have him in my sight all that time. I don't think so.

Q. Isn't it a fact Mr. Lloyd returned to Beckenham with Mr. Grevett as we have heard about in evidence.

A. I am not sure.

Q. Is it a fact that Mr. Perry has been instructed to return to Beckenham by a roundabout route to throw off any possible followers or pursuers.

A. I don't remember that but its possible.

Q. Anyway it would appear to be at least half an hour or even longer before Mr. Perry was searched after the meeting and I submit he had been out of sight or out of contact of either ...

THE JUDGE: Well this witness says he was out of his sight.

THE DEFENDANT: Yes and out of Mr. Lloyd's sight also as we heard yesterday. Out of sight of everybody in fact.

A. Yes that is so. To my knowledge, he was out of my sight.

THE JUDGE: Yes. All he can say is he was out of his sight. He can't say he was out of anybody elses.

THE DEFENDANT: Yes. We heard about it yesterday. Yes.

THE JUDGE: Yes alright. On we go.

THE DEFENDANT: Now you returned to Beckenham in Mr. Hawkey's car did you not with Miss Millard. If you look at the bottom of page 85 of your statement. "I walked back to the station wagon with and got in and on the way back to Beckenham."

A. Yes.

Q. "On the way back to Beckenham listened to the tape recording they had made in their car, the station wagon."

A. Yes.

Q. And then you go on to say you can't remember now what was on the tape, but I would ask you to try very hard to remember what, if any, of the conversation you did hear on that tape.

A. I think we listened to it right the way through and found there was nothing on it but I don't know, I may be wrong about that.

THE DEFENDANT: Could it have been a conversation but one which was broken up.

A. I don't think so. What it would have been, if there was anything on that tape, was a duplicate of the one which was on the main tape recording and it would have been exactly the same as that, but I have got a feeling that this tape, this ~~tape~~ recording didn't work. But I am not sure.

Q. Yes. If you look at exhibit 12 which is a photograph of the two cars parked side by side at The Grove.

A. Yes.

Q. Would you say that that was the scene you saw.

A. Yes.

Q. On that day. And would you say that those cars appear to be parked very close together.

A. Not very close together, no.

Q. Well separated by what.

A. Five cars between them. Yes five car distance between them.

THE JUDGE: We can see that.

THE DEFENDANT: Five cars distance you say.

A. Well maybe four.

Q. Maybe four. Are there any cars separating, in between.

A. No, none.

Q. Just a distance in fact.

A. That is so.

Q. A space.

THE JUDGE: We can all see the photograph without going on about it.

THE DEFENDANT: And in view of the other tape recordings you had made on previous occasions using a mobile would you think that ...

A. It does not show us where the mobile was located it only shows where your car and Mr. Perry's was.

Q. Well would you look at the second photograph.

A. Yes.

Q. And do you see Mr. Perry's car to the left, white Vauxhall in the centre and do you see a station wagon to the right.

A. Yes. I don't think that's the mobile car. I don't know. I don't think that was I think. It was the other side of a wall. I am not sure.

Q. Well if you look at your statement, page 85.

A. There certainly would not have been their car because with the two of them sitting in there of course. I am almost certain it was in fact out of sight. I think that must be another station wagon.

Q. If you look at page 85 of your statement, the third paragraph down. Do you see, "I asked them what had happened..."

A. Yes.

A

THE DEFENDANT: And then the conversation, "The next minute the two cars were close to the station wagon."

A. Yes.

Q. Yes. So that may in fact be the station wagon.

A. I don't think it was. I think they were positioned . there was a gap in this wall. There are two car parks at that public house. I seem to remember and I now really am confused as to which meeting was which, but I seem to remember we used to station one car in another adjacent carpark with a view through the gap.

B

Q. Yes.

THE JUDGE: The point of all this surely is that there is a recording which was apparently made on what has been called the Nagra mobile recorder, which on one view of the matter has not come out and on any view is not present. That's the point isn't it?

C

THE DEFENDANT: Yes. that is part of the point, your honour, but also we must remember that in view of the procedure adopted or apparently adopted of marking on tapes or boxes, if the tape had not come out, as Mr. Mounter now says, why was the box marked which I am now going to show him again and which I am now going to show him again and which I think is exhibit 44.

A. I don't know the answer to that. The relevant point from our point of view is that we were only interested really in having one tape recording. The reason for having several tape recordings going is in case you went and sat in a car we didn't expect, or you got out and arranged to have a meeting in a pub or walked away. One tape recording was for us was sufficient These were duplicate recordings. If that recording did not work or did not work very well it is possibly not there. I don't know.

D

Q. If it did not work very well.

A. Well I mean if it was breaking up all over the place and I could not hear it you know, there was nothing you could get out of it, we would not have retained it. Its Possible.

E

THE JUDGE: I think we have all got that point now. Next one.

THE DEFENDANT: Now this morning you looked at exhibit 44 or at any rate got tape number one. You looked at the box of that copy tape and ...

F

THE JUDGE: Well the number of the spool does not match the number of the box. That is something we know as well. What is the next point.

THE DEFENDANT: Well apart from the numbers not matching those on the box, also the fact we have, "Master, Mobile Nagra, Symonds at The Grove, November 21st", crossed out, which was the point I was going after.

G

THE JUDGE: Yes very well. You say there has been a mistake about that.

THE DEFENDANT: And I would like Mr. Mounter to look at the boxes of exhibits five and six please and at the box of exhibit 44.

A. Yes.

Q. Looking at the box and exhibit five do you see some writing upon the box.

A. Yes.

H

Q. Are you sure that is exhibit 5.

A. I don't know which is exhibit 5 and which is not I am afraid.

A

THE DEFENDANT: The one in your right hand I would assume. Some writing on the box.

A. It has numbers on ...

Q. Yes.

A. Oh yes, "Symonds at the Grove, November 21st Master" and "Symonds direct to Nagra in boot of BLU."

B

Q. Yes and what colour ink is that written in on the box.

A. Blue.

Q. Blue ink and is it your writing.

A. Yes all except seven inch number seven.

Q. Yes and will you look at box exhibit six.

A. Yes.

C

Q. And what do you say there.

A. "Master radio mike in boot of BLU Symonds at The Grove November 21".

Q. And what colour ink is that.

A. Blue

qQ. And will you look at the box of exhibit 44.

A. Yes.

D

Q. And look at the writing crossed out.

A. Its in blue ink.

Q. And what do you see written there.

"Symonds at Grove mobile Nagra."

Q. Would you say they are all written in the same pen for instance.

A. I don't know. Its my habit to carry more than one.

E

Q. Its your writing.

A. Yes.

Q. A ball point pen.

A. Yes.

F

Q. Is it the same sort of blue ink.

A. Yes it looks like it.

Q. Does it look to you they were all written on an occasion.

A. Yes.

Q. Perhaps the same day or at the same time.

A. Its possible yes.

G

Q. Now regarding the words "Master" on exhibits five and six are you quite sure that that is your handwriting and that you wrote, "Master."

A. Yes.

Q. You are positive of that.

A. Yes. Yes its my writing.

H

Q. Now looking at those three boxes from those three tape recordings made on the same day when would you say you marked those boxes.

A. I don't know. I have no idea.

A THE DEFENDANT: Would it have been on the day or would it have been later. Perhaps before they were sent off to be copies or something like that.
A. Well I think the general thing was to mark them on the same day. I am not sure. I maybe wrong. Maybe it was before they were sent off for marking (sic). The thing that was marked on the day or almost immediately afterwards prior to, was the spool but to my knowledge that was the system. You seem Mr. Symonds, to be trying desperately to show something sinister. There is absolutely nothing sinister about any of these markings on these boxes.

B Q. Well would you mark on a box if the tape was known to you to be quite unsuccessful and you were going to, you were not going to keep it.
A. No, it would suggest and I think it is somewhere here said we marked the boxes beforehand, which would suggest obviously this was one marked before we knew it was not worth keeping.

C Q. Yes. For example taking your mind back to the 31st when there were two unsuccessful recording attempts on the morning, would you have marked the boxes on that day.
A. I don't know. I have no idea. There were some days it might have been done beforehand, some days afterwards. Its .. I am telling you as often and as clearly as I can that there is absolutely nothing sinister about the way these boxes are marked.

D Q. Because you see it would appear that one possibility of the present condition of tape five is that in fact it had been used earlier that day.
A. I am sure if I had been asked if this point had been made to me, Mr. Symonds, at the time, there would have been absolutely clear reasons for them. The fact that I cannot delve eleven years back into my mind to produce them is nothing to do with me I am afraid, its your fault and I cannot help you but I can tell you, over and over again, these are the recordings made at the time. I remember what was said on them. I know they have not been interfered with and there is nothing sinister about the markings on boxes of some of the tapes.

E THE JUDGE: Yes is there anything else Mr. Symonds.

THE DEFENDANT: Oh yes.

F THE JUDGE: What is it? We have been over this ground again and again now. What more is there.

THE DEFENDANT: I have not much more to ask this witness.

THE JUDGE: Well you ask it quickly. I have been extremely patient with you. We are not going over the same ground again. Is there another point.

THE DEFENDANT. Yes. There are, I believe, many other points.

G THE JUDGE: Very well, lets have the first one.

THE DEFENDANT: Now we are going now, chronological order, to the 25th but before we go there this meeting was on the 21st November in the morning. Is that correct.

A. Yes.

H Q. We are discussing .. Now on the 21st November, in the afternoon, did you attend and observe another meeting between Mr. Parry and another officer.

A. Yes I believe I did.

I believe I did./...

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THE DEFENDANT: And also taking part in this meeting was there Mr. Lloyd Mr. Hawkey and Miss Millard.

A. Yes I believe so.

Q. This was the meeting which took place at the Army & Navy Stores was it not.

A. Oh yes, that's right. That is so.

THE JUDGE: We are not going into that meeting.

THE DEFENDANT: Pardon.

THE JUDGE: I said we are not going into that meeting.

THE DEFENDANT: No. No. I wont go any more into that meeting but is it not a fact that some months later Miss Millard made an allegation ...

THE JUDGE: No.

THE DEFENDANT: ... to the effect...

THE JUDGE: No we can't have that.

THE DEFENDANT: No?

THE JUDGE: No.

THE DEFENDANT: Is there any other way I can put it?

THE JUDGE: No.

THE DEFENDANT: Do you think it has no relevance to this case?

THE JUDGE: I have said you can't ask that question. What's the next one?

THE DEFENDANT: Perhaps I can advise with my solicitor to see if there is another way I can put the question.

THE JUDGE: I understand Miss Millard is going to be called as a witness.

THE DEFENDANT: Some months later were you interviewed by senior police officers.
A. Yes I was.

Q. And were you interviewed in connection with an allegation that had been made against you.

A. I don't know whether it was an allegation. I was asked a series of questions referring to the meeting at the Army & Navy Stores following an interview which I was told had been held between Miss Millard and I think it was Chief Superintendent .. no I can't remember his name. I remember saying and I remember feeling that the thoughts that had been expressed to me were farcical and I said so.

Q. Yes and was the essence of this interview to the effect Miss Millard and Mr. Hawkey ...

THE JUDGE: No.

THE DEFENDANT: Well in that case this witness will have no chance to make a reply to this serious allegation.

THE JUDGE: No serious allegation has ...

serious allegation has/...

A

THE DEFENDANT: ... because it will come out with other witnesses when he has left..

THE JUDGE: No serious allegation has been made to this witness about that meeting. Nor can it be. It would be irrelevant.

THE DEFENDANT: Irrelevant?

THE JUDGE: Irrelevant.

B

THE DEFENDANT: What that two of his colleagues accused him

.....

(THE JUDGE left the bench and the court was closed for the day.)

C

D

E

I CERTIFY that I took shorthand notes in the trial R V SYMONDS on 19th March 1981 and that pages 1 - 75 inclusive hereof are a complete and correct transcript of my said shorthand notes to the best of my skill and ability.

F

Archie

.....

G

H