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IN THE CROWN COURT

Before:

HIS HONOUR JUDGE R.A.R. STROYAN, QC

Held At:  
The Law Courts,  
Teesside.

On: 23rd March, 1981

R E G I N A

.v.

JOHN ALEXANDER SYMONDS

Transcript of: Mr. Mounter (cont'd)  
Mr. Hawkey

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Transcript of the shorthand notes of Miss A. Dixon of Messrs.  
Humphreys, Barnett & Co., Official Shorthand Writers, 19 Queen  
Victoria Street, Leeds.

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Mr. Rivlin Q.C. appeared as Counsel for the Crown  
Mr. John Alexander Symonds conducted his own defence

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MR. RIVLIN: Your Honour Mr. Mounter is here this morning. I am told the defendant has no objection to me calling him now.

MR. JULIAN D'ARCY MOUNTER (continued)

CROSS-EXAMINED BY MR. SYMONDS (defendant)

MR. RIVLIN: You are still under oath Mr. Mounter.

HIS HON. JUDGE STROYAN: Alright this morning Mr. Symonds?

MR. SYMONDS: A bit better thank you.

HIS HON. JUDGE STROYAN: Good.

Q. Mr. Mounter you were looking at a statement made by yourself to Scotland Yard Officers on the 28th/29th November. I wonder if you could have that statement again. A. Yes. I haven't got it at the moment.

HIS HON. JUDGE STROYAN: Is that the one that begins on Monday 27th October, 1979?

Q. That is correct Your Honour. I believe you also had before you a copy of your notes and a copy of your statement to the Times.

A. I have those, yes.

Q. And do you have a copy of the statement you made to the police dated 19th December? A. No.

Q. I wonder if Mr. Mounter could also be supplied with his statement he made to the police, made on 19th of December. A. Thank you. Right.

HIS HON. JUDGE STROYAN: Yes.

Q. Mr. Mounter do you recognise that statement? A. Yes.

Q. And do you recall the events of the night when you made it?

A. Some of them yes.

Q. Do you recall going to New Scotland Yard together with, I believe Mr. Colin Webb? A. Yes, I went with Mr. Webb and handed

over a whole serious of copy tapes and transcripts.

Q. Looking down to the bottom paragraph of page 1 I think you said there you handed over one parcel containing envelopes, one containing statements by Garry Lloyd marked number 1, original of (inaudible) marked 2 and statements by yourself marked 3, also a sheet of evidence available marked number 4. Is that correct? A. Yes.

Q. Following on from that you list a number of tape recordings that you handed over. Do you have a pen or pencil there, perhaps it would be easier to make a slight small mark in the column.

A. Yes.

Q. And perhaps you can identify the tape recordings or enumerate the tape recordings you handed over. Do you see on the bottom of page 1 you refer to 1 tape recording in an envelope marked number 5?

A. Yes.

Q. A tape recording containing on one side a tape recording containing conversation referring to myself and Mr. Perry on October the 28th?  
A. Yes.

**A** Q. And then on the other side recording by Perry.

HIS HON. JUDGE STROYAN: Where is this.

Q. On the bottom of page 1 Your Honour.

HIS HON. JUDGE STROYAN: Yes.

**B** Q. So do you recall that tape recording had in fact two tape recordings upon it? A. Yes. Well I don't recall it but it says so here.

Q. So that's one tape recording. And looking on to the next page, page 2 do you see envelope number 10 contains a tape recording. Can you make a mark, that is the second tape recording. A. Yes.

**C** Q. And envelope 12 contains a tape recording. That is the third.  
A. Yes.

Q. Envelope 13 contains a tape recording. A. Yes.

Q. That is the fourth. Envelope number 15 contains a tape recording.

HIS HON. JUDGE STROYAN: What about 14.

**D** Q. Envelope 14 contains a transcript Your Honour. A. Yes.

HIS HON. JUDGE STROYAN: I'm not quite clear about this. What sort of tape recordings are they? Are these the originals or copies on the occasion you handed them to the police. A. Copies.

HIS HON. JUDGE STROYAN: What about number 15?

**E** Q. Envelope 14 contains a transcript Your Honour of the tape recording, not a tape recording.

HIS HON. JUDGE STROYAN: Very well.

Q. Envelope 16 do you see contains another tape recording, that would be six? A. Yes.

**F** Q. Envelope 18 contains another tape recording, that is seven?  
A. Yes.

Q. Envelope 19 contains another tape recording, that is eight?  
A. Yes.

Q. Envelope 22 contains a tape recording, that is ten? A. Yes.

**G** Q. Envelope 23 contains a tape recording, that is eleven? A. Yes.

Q. And going down, envelope 26 contains a tape recording, that is twelve?  
A. Twelve, yes.

Q. Envelope 27 contains a tape recording, that is thirteen? A. Yes.

**H** Q. Envelope 29 contains a tape recording, that is 14? A. Yes.

Q. Now over the page on page four you refer to another four original tape recordings which you didn't hand over copies, the Grundig.

A. Yes.

A

Q. Do you agree that those two parcels you handed over contained fourteen copy tape recordings? A. Yes.

Q. Of the EMI type? A. According to this.

Q. And do you further agree that the first envelope contained a tape recording bearing two conversations, as it were? A. Two it says, yes.

B

Q. One being a phone call between Perry and Symonds? A. Yes.

Q. And the other being a conversation during the above mentioned meeting which was on the 28th? A. Yes.

C

Q. Will you please look at exhibit number 10 which is a transcript of the notes of your colleague Mr. Lloyd. Will you turn to page 30 of that transcript? A. Yes.

Q. Looking briefly at pages 30 and 31 do you see from Mr. Lloyd's notes concerning the copying of a number of tape recordings on November the 11th? A. Yes I do.

D

Q. And do you see he refers in fact to 7 tape recordings being copied? A. Yes.

Q. He numbers them tapes 1 to 7? A. Yes.

Q. Now will you please look at a statement you made to the police on the 27th of November, 1970 and a statement you made to the police on 4th January, 1971. A. 4th January?

E

Q. Yes, you will be handed the statements in a minute. One is the statement made on 4th January to Mr. Esant and the other is a statement made on the 17th of November, 1970 to Mr. Moody.

HIS HON. JUDGE STROYAN: How are they going to help?

MR. SYMONDS: Your Honour so far we have evidence of 14 copy tape recordings being handed over to the police on the night the story was printed and looking at Mr. Lloyds notebook exhibit 10 we have evidence of 7 tapes being copied by Mr. Lloyd on the 11th November.

F

HIS HON. JUDGE STROYAN: You asked Mr. Lloyd about that.

MR. SYMONDS: Pardon.

HIS HON. JUDGE STROYAN: You asked Mr. Lloyd about that.

G

MR. SYMONDS: Oh yes, I asked him in great detail about that Your Honour. And looking at these two statements Mr. Mounter you will see ... well you can see on the 25th November he handed 7 tape recordings to a lady secretary for copying, so then we have the position that according to the records that puts the Times records straight. They have 14 copy tapes and they have and are supplying evidence of having copied 14.

H

HIS HON. JUDGE STROYAN: I don't suppose this is in dispute, is it?

A MR. RIVLIN: No Your Honour. I will in due course re-examine this witness and I hope it may transpire that the basis of this cross-examination has been a false one - not may I say that it matters either way because we are talking about copy tapes, but there it is.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: I didn't quite catch that Your Honour, was I supposed to?

B MR. RIVLIN: Yes, I am sorry the defendant didn't hear what I said. I was asked by His Honour whether this was disputed and I said that I would cross-examine ... re-examine the witness and it may then transpire that the basis of part of this cross-examination is a false one. But that I would respectfully agree that it didn't matter because we are talking about copy tapes.

HIS HON. JUDGE STROYAN: Yes.

C MR. SYMONDS: Yes.

(cross-examination continued)

Q. Do you have those two statements before you? A. I do.

D Q. Looking at the two statements do you see according to this statement on the 25th November you handed 7 tapes over to be copied, to a lady typist to take them away for copying. And subsequently the same day ...

HIS HON. JUDGE STROYAN: He hasn't said so yet. Wait if you want it.

Q. Yes. A. The one on the 27th November says that I handed four tapes to Miss Woore for copying and do you say there is another three somewhere.

E Q. If you look at the other statement, the one you made on the 4th of January, what do you see there? A. Yes, another three, so that is seven.

Q. That is seven? A. Right.

F Q. So the situation we have now is that there is evidence from yourself and from Mr. Lloyd about the copying of a total of fourteen tape recordings and there is evidence from a statement you made to the police on the day you handed over the copy recordings ...

HIS HON. JUDGE STROYAN: You must be careful what you are talking about as evidence. These are statements made on another occasion, his evidence before the jury is what he says.

Q. May be I should exhibit ...

G HIS HON. JUDGE STROYAN: No I'm afraid not. What is evidence is what he says about it, not the statements.

Q. Yes. What do you say about ...

H HIS HON. JUDGE STROYAN: He's just given the answers you want. But it's wrong for you to refer to the statements as evidence because they are not. What is evidence is the answers you've just got about that which I have just written down.

A

Q. From the evidence we have adduced this morning it would appear that fourteen copy tapes were handed over to the police on the 28th and we have heard evidence that 14 tapes were in fact copied on two different occasions to produce those 14 copy recordings. I would like you to look again at exhibit ten which is Mr. Lloyds note book and I would like you to look carefully at what Mr. Lloyd refers to as tape one. I would like to clarify one point here. Were you present with Mr. Lloyd when these copies were made?

A. Reading the statement you lead me through on Thursday I visited one copying process, the first copying process.

B

Q. Yes. A. I still don't really remember it in fact.

Q. So looking at Mr. Lloyds notes regarding the copying of tape one, A. Would you refer me to the page.

Q. Page 30 at the top. A. Yes.

C

Q. Do you see Tuesday November 11th, 10.55 at Location Sound, sound proof cutting rooms? A. Yes.

Q. D.S. Symonds october 28th 1969? A. Yes.

Q. Rose public house Camberwell, Perry and Symonds. A. Yes.

D

Q. According to Mr. Lloyds notes this was copied on Uher to Uher 4,000 (inaudible) at seven and a half inches per second. A. Yes.

Q. The copy was taken at the speed at which it was recorded. A. Yes.

Q. Do you see that under that - copied onto brand new tapes?  
A. I do.

Q. Do you see under that, both sides recorded? A. Yes.

E

Q. So Mr. Lloyds record of tape one is appearing to comply more or less exactly with your record of ...

F

HIS HON. JUDGE STROYAN: Mr. Symonds you are getting into comment. I have been very lenient here but you are not really entitled to ask this witness about Mr. Lloyd's notes. You've asked Mr. Lloyd about them in enormous detail. It's not a document he made and it's not really right for you to refer him to. If there is some particular point, put it, but you really can't ask him to look at Mr. Lloyd's notes. You've made your comment about it, I'll tell the jury it's not really admissible. As I've said you've asked Mr. Lloyd about it in great detail, you can make a speech about it at the end. But this is Mr. Lloyds notes, not this witnesses, do you see?

Q. Yes, but Mr. Lloyds note book is an exhibit in this case Your Honour.

G

HIS HON. JUDGE STROYAN: It may be an exhibit in the case but it's not a document made by this witness you see. You can ask people about documents which they've made because that is fair. It is not fair to ask them about a document made by someone else.

H

Q. But it may follow these notes were made in Mr. Mounters presence in view of his evidence of being present during the copying procedure.

HIS HON. JUDGE STROYAN: Mr. Mounter were you present when the notes were made?  
A. I don't remember being so Sir and I would not have checked them.

Q. Do you see after being copied onto new tapes the words "both sides recorded"?  
A. I do.

Q. Referring back to your statement to the police on the 29th you refer to a tape recording containing on one side a conversation during the 28th October and on the other side a telephone conversation.  
A. Which statement is this.

Q. The one we've been looking at about the 14 tapes.  
A. The 27th?

Q. Yes, the 28th November.  
A. Right, now we are talking about number one.

Q. Yes, the bottom of the first page.  
A. Yes.

Q. Now would you agree that Mr. Lloyds description of tape one in his pocket book matches your description of tape one when you handed the copies over of copy tape one when you handed them over?

HIS HON. JUDGE STROYAN: Mr. Symonds this is comment which you are perfectly entitled to make, you can ask the jury to consider the two pieces of evidence but you cannot go on asking this witness about something written down by someone else. Do you see.

MR. SYMONDS: This was written down by Sergeant Hadrell but it was written down at Mr. Mounter's dictation Your Honour, in the presence of several senior officers.

HIS HON. JUDGE STROYAN: I follow that, I'm not stopping you asking him about his own record but what I am pointing out to you is you cannot go on asking him what has been written down by Mr. Lloyd on some other occasion. You had a very full opportunity to ask Mr. Lloyd, which you did, and it is not right to ask this witness. You've got your answer from Mr. Lloyd and you've got your answer from this witness.

MR. SYMONDS: I haven't got the answer yet you see Your Honour.

HIS HON. JUDGE STROYAN: You can make a point about it to the jury in due course. Now what is the point.

Q. The point is it would appear that tape one originally which was a Uher recording originally contained a telephone call on one side on the morning of the 28th and the meeting on the 28th on the other side?  
A. The copy did.

Q. And the original, if the copy was a true copy of the original?

HIS HON. JUDGE STROYAN: No, no, no.  
A. It doesn't follow at all. It could have been recorded with one tape and then another one used for the copying process as well.

Q. But Mr. Lloyd is referring obviously in his note book to the original tape recording, is he not.

HIS HON. JUDGE STROYAN: You can't ask him that, you can only ask Mr. Lloyd that and you have done so.

**A** MR. SYMONDS: Mr. Lloyd if Your Honour recalls he agreed in evidence that tape one contained the telephone conversation in the morning and the meeting in the afternoon and I am trying to get the same agreement from Mr. Mounter now.

HIS HON. JUDGE STROYAN: You can ask him what happened but not what Mr. Lloyd said it was. That would be quite unfair. You cannot ask any witness what another witness thought.

**B** Q. Do you agree Mr. Mounter that a tape one the Uher tape had on the tape track, the top track the telephone conversation between myself and Mr. Perry on the morning of the 28th and on the bottom track the meeting recorded at the Rose on the afternoon of the 28th? A. If that is what it says on the original tape that we have, the master tape, then yes. But I would not be able to say so from this.

**C** Q. That is the whole point because at the moment the original ... we have fifteen tapes not fourteen and the situation before the Court at the moment is that two tapes have been produced to cover these two occasions. Tape one which is for the telephone call and tape two is for the meeting in the afternoon. A. Well then it would stand to reason that Mr. Lloyd copied both those onto one tape.

**D** Q. According to Mr. Lloyds notes he copied both of those onto two tapes. A. Well I cannot explain that.

HIS HON. JUDGE STROYAN: We've got this point. We must go on to the next one.

Q. Would Your Honour agree it is slightly important.

**E** HIS HON. JUDGE STROYAN: I am not making any observations of that sort at this stage.

Q. You see, I think this is an important enough point ...

HIS HON. JUDGE STROYAN: Well we've got the point, whether it is important or not we will have to decide at the end of the day.

**F** Q. I think I should be allowed to continue along these lines until the point is absolutely clarified.

HIS HON. JUDGE STROYAN: It is clarified.

**G** Q. You see it's not Your Honour, it's not clarified at all. If you recall you stopped me questioning Mr. Mounter on this statement in the proceedings before in the absence of the jury and if I had been allowed to bring out these matters I think you might well have come to a different decision.

HIS HON. JUDGE STROYAN: I have not made any decision. Now let us have this one clearly once and for all.

**H** Q. If I could be allowed to sort of do it without interruption. A. If I can help you Mr. Symonds. I totally understand your point. I cannot ... I do not know the explanation for it, I would think there is a very simple one and I cannot remember it. It is simple as that.

Q. Could it be that when you went to Location Sound Facilities on the 11th you took your original tape one and if Mr. Lloyds note is correct, and the original tape one which contained two conversations was copied onto two tapes? A. I do not know, it's simple as that.

Q. Because if that is what in fact happened it would explain why there are now fifteen tapes before the Court instead of fourteen.

A. I don't know. I have, as I say I have no explanation for it. I am sure there is a very simple explanation for it, but I don't know.

Q. And following on from that not only one tape but at least two tapes must be not originals.

HIS HON. JUDGE STROYAN: He cannot possibly answer that. You are calling experts about that aren't you?

Q. Well the experts have given evidence ... will give evidence that in their opinion certain tapes were copies. Now we have a situation which has arisen which would bear out what the experts have to say, Your Honour.

HIS HON. JUDGE STROYAN: We've all got this point now Mr. Symonds, let's go on to the next one.

Q. Well you say we all have this point, but it would appear to me that perhaps you don't have it Your Honour because this is an incredibly important point.

HIS HON. JUDGE STROYAN: Very well we've heard what you said about it. Let's go on to the next one.

Q. Are you forbidding me to continue asking questions about this point. Because you have done once. And I think on this occasion before the Jury we really ought to get to the bottom of the matter and to establish how tape one which originally contained a telephone conversation on one track and a meeting in the afternoon on the second track, how this has now come to be split into two separate tapes, both of which have been produced before this Court as originals.

HIS HON. JUDGE STROYAN: You have made that point time and time again. Do you know the answer to it Mr. Mounter? A. No I don't.

HIS HON. JUDGE STROYAN: Very well. Mr. Mounter does not know the answer to the point. The point has been canvassed and we must go on to the next one.

Q. Mr. Mounter, before we were looking at this statement we were in fact dealing with the matters of the 21st? A. Immediately what you dealt with before copying was November the 21st.

Q. So if you would now turn to your statement to the police regarding matters of the 21st. A. Yes.

HIS HON. JUDGE STROYAN: The last thing you were asked about was the photograph of exhibit number 12 and his last answer was "I don't think the van shown in the car park was ours". Can we go on from there.

Q. I wonder if you would now look at exhibits ... Will you now please look at exhibit 5, tape 14? A. Yes.

Q. I believe you identified all the writing on the back of that box as yours?  
A. No, the 7" number 7 isn't mine.

**A** Q. But the word "master" I'm sure that is yours? A. Yes, that's mine. "Master, Symonds, The Grove, November 21st" is mine. The number 7, 7" on the back is not. The writing on the spool is all mine.

Q. I'm sorry. If we heard evidence from another witness that he had written that word "master" would he be wrong?  
A. Yes, he would be mistaken, that is my writing.

**B** Q. And now would you please look at the box of exhibit 6. GDM 17,  
A. All the writing on the box which says "master radio (inaudible) Symonds at the Grove November 21" is mine.

Q. Yes. A. And all the writing on the spool is mine.

**C** Q. If we heard from another witness that he wrote that word "master" on that box he would be mistaken is that right? A. I think he would be mistaken, unless he has exactly the same writing as mine he would be mistaken. That is how I write the word master.

Q. I would remind you that you have previously with Mr. Lloyd identified the words "Phone Call" on tape three, you both claim the writing.  
A. That's my writing, I've just written the word Master down again and that is my writing.

**D** Q. Yes. Would you look at the writing on the box of tape four please.

HIS HON. JUDGE STROYAN: Do you mean exhibit three.

Q. No. Tape four Your Honour. Now do you identify that writing?  
A. Yes, all that's mine.

Q. And ...

**E** MR. RIVLIN: Your Honour I note that the Jury are trying to trace this through. This as I understand it is not an exhibit in this case. This concerns another case.

**F** Q. This is the back up tape to the free exhibit, an exhibit in my case and in another one. In other words Your Honour it is the back up to 3.a.  
A. I recognise the writing on that as being mine, yes.

**G** Q. There seems to be no continuity in the writing of the markings of the tapes in the boxes, by which I mean some tapes are marked 'master' and some are not.  
A. Yes. Nobody devised earlier on a fool proof system Mr. Symonds, it developed as we went along and we shared the work, sometimes somebody would write one thing and somebody else another.

**H** Q. And some have been signed by either you or Mr. Lloyd and some by you or Mr. Lloyd.  
A. Yes, it was important that one of us identified them.

Q. And in view of that would you say that there was a possibility of a mix up?  
A. No.

Q. In as much as the effect some tapes were not identified "master"?  
A. No I don't see any possibility of a mix up.

**A** Q. And is it to your knowledge that some of these tapes are in the wrong boxes. A. It has been suggested they are in the wrong boxes, yes. You have shown me some of the tapes ... the numbers on the tapes are not the same as the numbers on the boxes. I don't think that proves anything at all.

**B** Q. I'm not sure whether you accept this or not. A. I think I did accept you showed it to me and I could see the number on the leader as you call it and the boxes were different.

Q. Yes. Well I'm not sure whether you accept it or not that when tapes are issued by the suppliers ... A. Yes I accepted that.

**C** Q. And therefore from that would you say there could have been a possibility of a mix up somewhere along the line? A. No. Do you mean a mix up between copy tapes and originals.

Q. Yes somewhere along the line? A. No because the originals were marked by us at the time and the place and I can identify those by the writing on the spools and they couldn't be mixed-up. The boxes might have got mixed up but not tapes.

**D** Q. Was it the policy to mark the tapes at the time and the boxes later? A. You have asked me that before. I don't think so I think the boxes on some occasions were marked at the time but I'm not absolutely certain. I do know the spools were marked at the time - I'm absolutely certain about that, and I think many of the boxes were as well.

Q. But not all? A. I don't know, I'm not absolutely certain.

**E** Q. Now when you set up the devices on the 21st I believe you set up four devices.

HIS HON. JUDGE STROYAN: He has told us that and so has a lot of other people.

Q. Have you found the place yet? A. Yes I have.

**F** Q. Is that correct? A. Yes.

Q. And were two of these devices contained in the boot of Mr. Perry's car? A. Yes.

Q. And was one in Mr. Perry's pocket - the Grundig in fact?  
A. Yes.

**G** Q. And was there another one which was kept in another car by the Sound Engineer? A. Yes.

Q. And attached or connected by means of a radio transmitter broadcast to Mr. Perry? A. Yes.

**H** Q. Now looking at page, sheet 80 in your statement. I think you said "I signed the tapes that were fitted to these recorders having myself removed the seals, I can identify them". A. That is so.

Q. Does that mean that you signed the tapes before you fitted them on this occasion? A. It would seem to suggest that is so, yes.

A Q. And do you think you would have marked the boxes at that time on this occasion? A. I'm not sure.

Q. And following on the meeting did you see Mr. Perry's Wolseley car drive off? A. I think you asked me that on Thursday, I'm not sure if I did or not.

B Q. Were you in fact watching from across the road in another persons car? A. I seem to remember on this meeting I moved around a bit. If it's in here then I probably did. If it isn't then I don't know.

HIS HON. JUDGE STROYAN: Your evidence on Thursday was "Perry's car left the car park and returned to Beckinham. He returned to Beckinham by himself. It's a considerable journey. I think Grevit followed him in his car" A. Yes.

C Q. And then did you return to Beckinham with in fact Mr. Grevit? A. I can't remember whether I was with Mr. Grevit or not.

Q. Or did you return with the Sound Engineers in their station wagon. If you look on page 85? A. Yes, I went with the Sound Engineers.

D Q. And in the station wagon on the way back to Beckinham did you listen to the tape recording they had made in their car? A. Yes, you asked me this on Thursday. We listened to the tape, yes.

Q. Can you recall the quality of that recording? A. You asked me this again on Thursday. I think this was the tape which had nothing on it, I'm not sure.

E Q. If it had nothing on it why do you say you listened to it? A. To find out whether there was anything on it.

Q. Because on previous occasions throughout the series there are a total of fifteen tape recordings which were made and are not before this Court you do not refer to them in that way you say simply that there was nothing on the tape recording and it was returned to Mr. Hawkey. A. Maybe I refer to it in a different way, what's what I would have done. I would have listened to any tape to find out if there was anything on it.

F Q. Yes. And in your statement to the police shortly after listening to the tape recording did you say "I cannot now remember what was on this tape"? A. That is what it says yes. And it is now not available. That is what it says: "I cannot now remember what is on this tape and it is now not available".

G Q. So. But did it originally say I cannot now remember what was on this tape exhibit number - and then was exhibit number crossed out and did you write in it is now not available in your own hand writing later? A. Yes, that would be done as we were going through. I think the point is Mr. Symonds on that meeting there were several tape recorders and several tape recordings. One of them would have been absolutely perfect because it was on a direct system from the microphone to the tape recorder.

H

This tape could maybe have had tiny tiny snatches, I don't know, but I obviously listened to it and I didn't keep it. I accept that, it isn't there and it wasn't handed to the police.

**A** Q. Yes so there may have been tiny, tiny snatches on it?  
A. Yes, if there were it would be exactly the same as what is on the main tape.

Q. When you made the statement on the 19th December 1969 you said "I cannot now remember what was on this tape". A. Yes.

**B** Q. And then today in 1980 you say because there was nothing on the tape. A. No. I've said ... I've just told you there may have been, I don't know, there may have been bits, there may have been nothing I cannot remember. But if there was bits or if there was nothing we had the main tape and we have held those.

HIS HON. JUDGE STROYAN: I think we have all got that point now. What is the next please.

**C** Q. Will you please look at exhibit ... I think it's 44 which is copy tape one. A. Yes.

Q. Do you see some writing crossed out on that box? A. Yes, you have already asked me about this on Thursday. It says "master, symonds, The Grove, November 21st, mobile Nagra" and it's been crossed out.

**D** Q. The fact 'master' is crossed out would it appear that at one stage you did intend to keep this tape and in fact copy it?  
A. No. It would show that at some stage this was set up for that recorder. I don't know whether that means the box was written then the tape placed on or whether it was written afterwards and before we listened and found we weren't keeping it, or whether we decided later that we weren't keeping it, I don't know. But at some stage we obviously decided that tape wasn't important and that's crossed out and we have used the box for something else. I am sorry Mr. Symonds but there really is absolutely (as I said on Thursday) nothing sinister about this. You are trying very hard to try and throw a smoke screen about it but there really isn't anything.

**E** Q. Did you feel that you had ... That you were in a position to discard certain evidence and keep certain evidence?  
**F** A. No not at all, not at all. Had there been anything on this tape which was different from the other tape, although I can't see how it could happen, but had there been anything we would have kept it I am sure. I have absolutely no reason to do otherwise.

HIS HON. JUDGE STROYAN: What it amounts to is this. There were four pieces of machinery recording the same conversation. Three tapes are in existence and give very closely similar versions of those conversations. One didn't come out so it has not been kept. Is that what it comes to?  
**G** A. Yes.

HIS HON. JUDGE STROYAN: Well there we are.

Q. You ...

**H** MR. RIVLIN: Your Honour, with respect, not "very closely similar versions" but identical.

HIS HON. JUDGE STROYAN: I was using that phrase deliberately so as not to ...

A MR. RIVLIN: Yes ...

HIS HON. JUDGE STROYAN: There are minor differences on the transcripts but on the tapes it is the same.

MR. RIVLIN: Yes.

B HIS HON. JUDGE STROYAN: But the tapes are the same.

Q. Later when you made this statement to the police did you make a schedule of tapes which had been used? A. Yes I did.

Q. And is this on page 112 of your statement? A. Yes it is.

C Q. And looking through the schedule do you see two tapes are referred to on the first page, two on the second ... A. Yes.

Q. Two on the third ... A. Yes.

Q. And on the fourth page two tapes referred to and one which is now not available which is Grundig? A. Yes.

D Q. And looking on the next page do you see a number of tapes referred to in which you say the first tape is a 7" Nagra linked to direct microphone concealed in the boot of Wolsely? A. Yes.

Q. And you say now you put "not now available underneath"? A. Yes.

E Q. And then you suddenly find it was available and did you cross out "not now available" and did it become tape 9? A. Honestly Mr. Symonds if you are trying to make something sinister of that - this was during giving a statement which took two weeks with people passing me boxes and me passing them back. What I signed there is obviously what it was. If we made a slip while somebody was writing it out then we would cross it out and do it again. It wasn't suddenly. - I better put that right.

F Q. So there we have a case where you say the tape was not available and then later it became available. A. I really don't think that ...

Q. And looking through a number of other tapes became unavailable. For example looking on page 120. Do you see tape three? A Yes.

Q. And later on written now not available written in your hand? A. Yes.

G Q. So that is another little occasion is it where the tape was thought to be available at one stage but later found to be not available. Now would this indicate to you some sign of muddle? A. I don't think so. I think probably what happened, it's only an assumption but when we were typing out the ... (I'm speaking broadly) ... when Chief Inspector Duffy and I were working through we listed all the things from the meetings in the statements so we would remember how many tape

H

recorders were set up. Then when we went through and worked out tapes that had been handed across we would have said oh yes that one we didn't keep, that's not now available. That would be the explanation I would think.

A

Q. You see isn't what you think that there is some sort of muddle regarding the copying of the tapes on the first instance when a number of tapes which were allegedly in existence by November the 11th weren't copied on that day? A. No, I don't think so.

B

Q. I don't know if we went into this on Thursday, but did we count up the tape recordings which had been made up to and before the 11th November. A. No we didn't.

Q. Well perhaps we could do that now. If you look at your schedule. I think you will see in fact there were ten tape recordings allegedly in existence. Look at page 112 you see two recordings regarding October the 28th?

C

HIS HON. JUDGE STROYAN: I have not got this document. Perhaps it doesn't matter very much.

Q. Two on page 113, that's four tapes. A. Yes.

Q. One on page 115, five tapes. A. You've missed out page 114, two tapes.

D

Q. No, the second one is part of one we have already counted. A. Sorry. Two tapes on page 112.

Q. Yes. A. Two tapes on page 113.

Q. Yes. That's four. A. Two tapes ...

Q. One tape ... A. Yes, one tape, that's five.

E

Q. Two tapes on page 115. A. Three tapes.

Q. You say one is now not available. A. Sorry, are you counting the ones available or not?

Q. Only the ones that are available. A. Yes.

F

Q. Seven. What do you see on page 116.

MR. RIVLIN: Your Honour if it helps the defendant for me to accept that not all of the tapes that were in existence were sent for copying on the 11th I am happy to do it. He asked Mr. Lloyd about it and Mr. Lloyd gave an explanation about it.

G

Q. He did not give an explanation for it.

MR. RIVLIN: I am so sorry. My recollection is that he did give an explanation for it but it would not be appropriate for me to give that in the presence of this witness otherwise this witnesses evidence might be coloured by it. But if it helps the defendant for me to make that admission I am happy to do it.

H

Q. We have finished counting now. With the three on page 116 that makes ten? A. I take your point but we would not have copied

other than the main tape on each meeting I should think. I don't see any reason for us to have done so. We wanted a copy of the conversation not of a whole load of duplicate tapes.

**A** Q. Then according to the records you see you have copied duplicate tapes, according to Mr. Lloyds record most were duplicate.  
A. I am trying to give my own explanation as to why they should not all be copied. Now I don't know.

**B** Q. Then the three tapes missing one was allegedly the telephone call on the 28th, one allegedly tape 4 which you looked at which is the only tape in existence for that meeting and the other one is tape ten. So there we have three tapes not copied on the 11th now would that be a muddle?  
A. No.

Q. They were deliberately not copied on the 11th?  
A. Can you take me back through the tapes, which ones are you saying are not copied.

**C** Q. Tape one the telephone call not copied on the 11th.  
A. That's conceivable.

Q. Tape four ...  
A. I don't think we thought that terribly relevant at the time.

Q. Tape four is the second tape on page 113.

**D** HIS HON. JUDGE STROYAN: That related to another case.

Q. It was not copied. Why was that not copied?  
A. I have no idea.

Q. I think you will see that is the only copy of that alleged meeting?  
A. Yes.

**E** Q. And tape ten in fact was never copied according to anybody's records. Would you agree there now seems to be some sort of muddle in the handling of these tapes.  
A. No, absolutely not.

Q. Would you agree that there seems to be some sort of muddle in the way in which you remember bank notes?  
A. No.

**F** Q. But haven't we been through them on a number of occasions where you numbered bank notes allegedly handed over by Mr. Perry and Mr. Lloyd numbered the same numbers as being kept by you?  
A. There is no muddle as I said on Thursday. I can't remember the details of that but I would have done if I had been asked very much closer to the time, but I can't now remember. But there was no muddle.

Q. But weren't you interviewed about that very matter by a senior police officer?  
A. Did they ask me about that, I don't know.

**G** Q. By Mr. Ement on the 4th January 1971 for example.

HIS HON. JUDGE STROYAN: Mr. Symonds I think we have got this point. You say there was a muddle about the tapes and the bank notes, this witness says not. Can we usefully take it any further?

Q. It may be useful because I am not satisfied with the answer.

**H** HIS HON. JUDGE STROYAN: You may not be.

Q. He says not, but here we have evidence of hopeless muddles on no less than four occasions.

A

HIS HON. JUDGE STROYAN: That's a point you can make in your speech.

Q. I think you did advice me once Your Honour that I'm not allowed to make points to the jury in my speech unless I've covered the points in the evidence. I don't know if I recall that correctly. Therefore if I don't make these points now they will be lost to me;

B

HIS HON. JUDGE STROYAN: We've got the point you see. Your point is that there is a muddle about tapes and a muddle about bank notes.

Q. Yes. Well would you agree that you told Mr. Ement you could offer no explanation as to why you wrote additional numbers on a piece of paper?  
A. If that's what I said, yes.

C

Q. For example I think you ended up by saying Mr. Lloyd must be wrong?  
A. Possibly yes.

Q. Which you also said in evidence... Now I believe you gave evidence that after the meeting on the 21st you searched ... you were present when Mr. Perry was searched?  
A. Yes.

Q. No money was found on him?  
A. Yes.

D

Q. Would it have been he was in fact searched at Beckinham?  
A. I cannot remember that. Would you like to refer me to my page?

Q. Well according to your page 86 which carries on from the last page of evidence "I cannot now remember what was on this tape. When we got back to the Beckinham address we found the Wolsely".  
A. Yes.  
From this it would appear he was searched at Beckinham.

E

Q. So from this it would appear that you did not follow Mr. Lloyd back to Beckinham.  
A. No I didn't.

Q. And we have heard evidence from Mr. Lloyd that he did not follow Mr. Perry back to Beckinham and I understand Mr. Perry was instructed to take a round about route back to Beckinham on that event?  
A. Yes. I'm not absolutely certain about this and I may be misleading everybody but I have a feeling that Mr. Grevit was asked either to travel with him or follow Mr. Perry's Wolesley. I can't remember. He may well have travelled alone.

F

Q. And looking at just underneath there you say "On the tape attached to the radio receiving equipment concealed in the boot of Perry's car GDM 17 is the whole conversation, on the tape on the direct Nagra GDM 18 concealed in the boot of Mr. Perrys car were a few words". Did you write that originally?  
A. What it says was the whole conversation on that tape was on the direct Nagra GDM 18 concealed in the boot of Mr. Perry's car were a few words, which were crossed out and also a conversation.

G

Q. So it would appear at one stage to you ... there was a bit of a muddle ... but on one of these tapes at least there were a few words only?  
A. Yes, that would appear so.

H

Q. And this could well have been from the evidence we have heard, it could well have been the mobile you made?  
A. Yes that seems perfectly logical.

Q. You then say "At this point Perry was searched thoroughly".  
A. Yes.

A Q. This would, would it not, have been at least half an hour after the meeting after Mr. Perry had been out of sight of both you and Mr. Lloyd and anybody else and had taken a long and involved route back to Beckinham?  
A. From what I am hearing that would seem so, yes.

Q. Therefore would you agree that not too much weight could be placed upon the fact that Mr. Perry was searched after that time?

B HIS HON. JUDGE STROYAN: No, no Mr. Symonds. The weight is for the jury.

Q. That afternoon did you set off to observe another meeting between Mr. Perry and another Police Officer?  
A. Yes.

Q. Following on from your notes.  
A. Yes.

C Q. And I believe that as a result of what happened during that meeting you were later interviewed by senior officers in respect of an allegation made by Miss Millard?  
A. I was interviewed by a Commander Hunt.

D Q. And Miss Millard's allegation had been in fact supported to a degree by Mr. Hawkey?  
A. Absolutely no idea. I was just asked a series of questions all of which I thought seemed ridiculous and I think it was accepted that they were ridiculous and they went back to the people and sorted them out.

Q. And was the allegation more or less to the effect that the evidence that you had given in respect ...

MR. RIVLIN: Your Honour I don't object to the allegation being put ...

Q. Very good ...

E MR. RIVLIN: Providing that the defendant knows it's going to be supported by hard evidence. Plucking allegations out of the air that he is not able to support won't do.

HIS HON. JUDGE STROYAN: No.

F MR. RIVLIN: If he knows he is going to be able to support some allegation - and may I say Your Honour I don't know what it is - but if he feels he is going to be able to support it by evidence, fine, no objection. But if he knows in his own mind that he is not going to be able to support it by any other evidence and the only possible effect it could have is to poison the jurys mind ...

HIS HON. JUDGE STROYAN: You heard that.

G Q. I have a number of police statements here taken by the police in accordance ...

H HIS HON. JUDGE STROYAN: Just listen to me for a moment please. It is just as important that witnesses get a fair hearing and are not misrepresented to the jury as it is that the defendants get a fair hearing. Those are both important in any Court. Now it is not fair to this or any other witness to put to him allegations unless you have got solid evidence to back them up. Do you understand that?

A Q. Yes. And was this allegation to the effect that you and Mr. Lloyd had given false evidence in the case of the other officers in respect of that meeting at the Army and Navy Stores. A. I don't remember the detail, but if it was it was nonsense. A great deal of length was gone to by all the police officers involved in the investigations to try and shake us because if they felt they could find there was some fault it was the quite right thing to do. In which case there would not have been these trials. They gave a great deal of effort to it and found we were telling the truth.

B Q. And did an officer eventually approach you and say to you "We've decided you were telling the truth"? A. No, but Mr. Huntly told me we would hear from him again if there was any reason and we did not hear from him after that.

Q. And on that basis you tell the jury the police discovered you were telling the truth? A. I am telling you the truth and I am telling you that is so, yes.

C HIS HON. JUDGE STROYAN: Yes?

Q. Well Your Honour I now wish to put a series of allegations to Mr. Mounter but I would like to speak to my legal advisor first, particularly in view of what you have just said.

D HIS HON. JUDGE STROYAN: Yes. Very well I will break off for five minutes. Bear in mind it is important and unfair to witnesses to put to them material which is not to be supported.

Q. I can support that allegation Your Honour but I'm not so sure about one or two others which I want to speak about.

HIS HON. JUDGE STROYAN: Very well you can have a few moments.

E (BREAK)

(Cross-Examination of Mr. Mounter) cont'd.

F Q. Mr. Mounter I seem to have forgotten a couple of points in respect of further copyings. Were you present when a second time at Location Sound Facilities when all the tapes, the original tapes in the case were copied on behalf of your employers, the Times? A. I've told you before and I have said in my main evidence as well, I cannot really remember I'm afraid. I do remember vaguely something to do with Mr. Duffy, Chief Inspector Duffy and myself going to Location Sound Facilities to do that but I don't really remember it. It was done, I mean it was found necessary to have our own set of tapes.

G Q. And if you had gone and been present would you have had the responsibility for marking the tapes and placing them in their new boxes or would that have been done by Mr. Hawkey? A. I don't know. Or by both of us, I don't know, I mean if I was there I may have done or I may not have done.

Q. Would you look at two Times tapes 7" number 4 and 7" number five please?

H MR. RIVLIN: I think these are in the custody of the Court.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Times copies.

**A** HIS HON. JUDGE STROYAN: Yes, how are they going to help us?

Q. 7" number four is writing about ... in which it says in the boot of 409 BMU the boot locked by Garry Lloyd and I before meeting and opened up by us afterwards, which would indicate perhaps "Garry Lloyd and I" means I Julian Mounter. Which would indicate perhaps Mr. Mounter did make this writing upon these copies, and 7" number 4 ...

**B** HIS HON. JUDGE STROYAN: 7" number four is not one which is before the Court, is it. It's not one of the originals.

Q. No, but this is another case of the wrong tape in the wrong box with 'master' crossed out. And perhaps Mr. Mounter could recognise if once again it was his writing of the word 'master' and in fact that he crossed it out.

**C** HIS HON. JUDGE STROYAN: I don't see how this is possibly going to help - these very fine points of detail when you ask about things happening eleven years ago don't seem to be of great assistance.

Q. The point I am making Your Honour is that of a muddle or incompetence relating to certain matters, particularly the handling of tapes and copies and it is important I believe because I may be calling evidence to show the Court and the Jury that some of the tapes placed before the Court as originals are likely in fact to be copies.

**D** HIS HON. JUDGE STROYAN: We've had all this. You've made the point about the muddle.

Q. Not before the Jury Your Honour.

**E** HIS HON. JUDGE STROYAN: You have been making the point about muddles this morning and at exhaustive length on Thursday.

Q. This is another point for the jury to see there was a muddle and the wrong tapes were being put in the wrong boxes - some boxes were having 'master' written on them and these boxes contained copy tapes and the word 'master' was after crossed out. Therefore I am going to say to the jury later on that they shouldn't pay too much attention to the writings upon boxes and the spools and the word 'master' which is the Prosecutions case after all.

**F** HIS HON. JUDGE STROYAN: Well you've said it all now. Do you really want to go into these?

Q. Just those two Your Honour, 7" number 4 and 7" number 5. If Mr. Mounter could see 7" number 5 first. Looking at 7" number 5 do you see writing upon that box?  
A. Yes, it says in The Grove November 5th Sergeant Harrison, Inspector Robson taken by radio-mike on the tape (inaudible) boot of which was locked by Garry Lloyd and I before meeting and opened by us afterwards".

**G** Q. Now, "Garry Lloyd and I".  
A. It is my writing, that would have been written by me.

**H**

Q. Written by you? A. Yes.

Q. So it would have been you yourself? A. Yes.

Q. Looking at 7" number 4 please. A. I've also written on it "Copied December 2".

Q. Yes on 7" number five. A. Four, sorry.

Q. Sorry. Four. Do you see first of all the number written on the box, batch number in fact. A. Yes.

Q. Can you read that number out please? A. 82994

Q. Looking on the spool of the tape do you see a batch number written?  
A. 35462.

Q. And those two numbers are of course different? A. Yes.

HIS HON. JUDGE STROYAN: What is the first one again?

A. The batch number there Sir is 33254 and the number of the tape is 35462.

Q. I beg your pardon would you read the batch number on the box again?  
A. It s 33254 and on the tape it is 35462.

HIS HONOUR JUDGE STROYAN: Yes. Does that have anything to do with this case at all?

Q. Yes Your Honour it is another case of the wrong tape in the wrong box and furthermore ...

HIS HON. JUDGE STROYAN: What ...

Q. Do you see ...

HIS HON. JUDGE STROYAN: Just be quiet a moment Mr. Symonds. Does it relate to this case or to Robson and Harrison? A. That is Robson and Harrison.

HIS HON. JUDGE STROYAN: Very well.

Q. Do you see the word 'master' written on the box? A. I do yes, wrongly written master on the top and then crossed it out.

Q. Would that be a sign of incompetence or muddle?

A. No. Do you ever correct yourself immediately afterwards Mr. Symonds - it's ridiculous to say it's muddle.

Q. And were you present at another copying session in which the cassettes were copied by Mr. Hawkey? A. I don't remember being so.

Q. Did you later hand over to Police a number of copies of cassette recordings?  
A. They asked for the originals of the cassette recordings, yes.

Q. The originals. And did you later hand over a number of copies to Mr. Ement, I believe, at the offices of Charles Russell and Company?  
A. I think we handed over a number of originals of the cassettes.

A HIS HON. JUDGE STROYAN: Originals or copies? A. Originals Sir.

Q. That would have been on the 2nd of December or 3rd of December, would it not?  
A. Yes.

Q. But I am talking about on a date in May 1971 at the offices of Charles Russell and Company.  
A. I don't know, I don't know when they were handed over, again they were duplicates of the main tapes.

Q. Well perhaps you can look at the statements you made on 25th May, 1971.

C HIS HON. JUDGE STROYAN: Mr. Symonds have you any more points of any importance about this. I am not letting you go on and on about this point which you have made about a muddle. You got the same answer each time. Have you any more points of any importance before you go on to what you call your allegations?

D Q. Well this is a point which I think probably is important, this point about when the cassettes were copied, they weren't just copied one original onto one copy the same as all the other tapes to which it is alleged to have been copied. They were in fact copied four or five times in some cases. And they were copied in such a way whereby the original tape was played through a sort of a filtering machine and on through various devices to cut out background noise and to try to get a clearer reception.  
A. I do recall some discussion when Mr. Hawkey said there was a problem over copying these sort of cassettes, yes, I don't remember being present.

E Q. But in the event were there a number of copies made of the cassettes?  
A. I don't know that but it would stand to reason if there was a problem in getting them properly copied that there were.

Q. Do you have that statement before you now?  
A. No, they are looking for it.

F HIS HON. JUDGE STROYAN: This case concerns only one cassette which relates to the 21st of November and concerns a conversation which is also recorded on two other tapes. I really don't think we need to go into this any further.

G Q. Well if the copying procedure used when copying cassettes is such that the copies produced were not true copies of the originals but copies which had been produced by passing through various filtering devices in machines I would suggest that that is in fact a matter of importance to the Court.

H HIS HON. JUDGE STROYAN: Well this witness has told you and I don't think he can possibly say anything more after the lapse of time, there was a problem with the copying of cassettes and I think that is as far as you can take it. You can make your point when you make submissions to the jury on that basis. I don't see how this witness can possibly remember anything more about that...

Q. Mr. Mounter do you recall ... When you say you were ... During your observations of the meetings would you say you observed them in an entirely dispassionate and neutral manner? A. Yes.

A

Q. Do you recall referring to me as a shit and a bastard on many occasions to Mr. Perry? A. On any or many?

Q. On several occasions? A. I remember on one tape there are some expletives used by me, yes.

B

Q. And did the expletives include the word bastard? A. It sounds appropriate, yes.

Q. And shit? A. Yes, I think I may well have said these things.

Q. And you say it sounds appropriate. Those were your feelings at that time were they? A. When I heard the tapes that's what I felt, yes.

C

Q. And would one of these expletives be directed to me on the 28th? A. I don't remember the date.

Q. When in fact the only tapes you had heard was the telephone conversation and the broken up tape number two? A. I don't remember, but I will accept that.

D

Q. And when talking to Mr. Perry did you adopt what you imagined to be a sort of London top guy accent, such as "let's move it round here shall we naw". Would you like to listen to this? A. No, it sounds most unlikely but I will listen to it.

Q. Do you recall the word 'naa' A. I don't know.

HIS HON. JUDGE STROYAN: I am sure you have got better points than that.

E

Q. Yes perhaps we have because following on from that did Mr. Hawkey suggest to you that he would completely and easily delete these words from the tape recordings? A. If he did I would have told him he shouldn't do it and presumably that's why the words are there, I would not have anyone touch those tapes under any circumstances.

F

Q. But do you recall Mr. Hawkey making this offer? A. I don't recall it but if he did I would have told him he shouldn't/mustn't do so - even though I must say I don't like it to be known that I use that sort of language.

Q. Do you recall saying on evidence that Mr. Hawkey had offered to remove these words from those tapes? A. I don't remember, but if I did that's probably so.

G

Q. Would you like me to read out your words from the occasion because at the moment you are being evasive. A. No, I am not being evasive Mr. Symonds. I am helping you and I have been helping you very patiently for three days.

H

HIS HON. JUDGE STROYAN: The observation is quite clear, he doesn't remember if Hawkey made the offer to delete the words, he would be surprised if he did, but if he did this witness would not have accepted the offer.

Q. That is not quite what I am after Your Honour because previously it was Mr. Mounter who mentioned this in the first place that Mr. Hawkey ...  
A. If I did at the time then my memory would have been a lot clearer, but it's a long time ago, I don't remember it now, I'm not being evasive, I don't remember it, but I would not have let him do it.

HIS HON. JUDGE STROYAN: There we are. On to the next one.

Q. I would like it a bit stronger than that, not if he offered, but he did offer.

HIS HON. JUDGE STROYAN: This witness has given his evidence he said he may have offered but he doesn't remember.

Q. I beg your pardon?

HIS HON. JUDGE STROYAN: He said he may have said this on a previous occasion but he doesn't remember. And it's hardly surprising since we are now in 1981.

Q. Perhaps when I find that I will be in a position to read that out to the jury.

HIS HON. JUDGE STROYAN: We have got the point, the witness accepts he may have said it on a previous occasion but he does not remember now. We have got that point and we cannot pursue it any further.

Q. I would like to find it.

HIS HON. JUDGE STROYAN: Can we go on to the next point please.

Q. Very well Mr. Mounter. Did you ever regard this observations, a series of observations as a commercial undertaking?  
A. Absolutely not.

Q. Absolutely not. Did you ever plan to write a book about this?  
A. I was asked about this at the lower Court. I went into a pub I think in Fleet Street where several of my colleagues after the story had first been published said that would make a good book and I said yes it would. I said ... They said are you going to write it and I said mmm. could do, might do one day. I have not done so. I did not have that in mind when I did the investigations or wrote the story. I'm sure it would have made a good book.

Q. And when you first gave your account of your attitude towards this as a commercial undertaking did Mrs. McConnell who was only the Editor of the Sun jump up in Court and shout liar. Do you recall that event?  
A. I do not know.

Q. And do you recall eventually making several retractions on that matter ending up by saying at this stage "It is fair to say ..." (I am quoting now from your words on oath) "At this stage it's fair to say that I was regarding this as a commercial venture".  
A. No, I don't remember saying that.

Q. I am reading from page 40 - a transcript of evidence given on oath on 2nd, 3rd, 4th of February, 1971.  
A. I certainly did not regard it as a commercial venture.

A Q. Mr. Mounter what I suggest to you happened is this, that you came into this enquiry with Mr. Lloyd and that you were not by any means dispassionate and neutral servers, you were involved in this either as a commercial venture or as you saw an opportunity to promote your own future career pending from the result of these series of investigations. Yes?  
A. That is utter nonsense Mr. Symonds. My career needed no promotion. I was doing extremely well at the Times. This story is one of hundreds of thousands of stories I have covered and it is not the most important nor the one that has done anything for my career.

B Q. And you say shortly before this you had just returned from Biafra, is that correct?  
A. Yes that is so.

Q. Were you working as a war correspondent?  
A. I was, I was a senior member of the Times staff.

Q. How long were you in Biafra?  
A. We did short stints, I think I was there for about eight weeks.

C Q. This was in 1969 was it?  
A. Yes.

Q. And then you say you were afterwards a motoring correspondent, in your evidence in chief?  
A. I didn't say that, but after this case was started the office asked me to choose a job which would keep me available to the police and for a year I did the specialist job and that was the one I chose to do.

D Q. When you were assisting Mr. Wheymark?  
A. No. Mr. Wheymark took over from me. My brief was to try and campaign for some honesty amongst (inaudible).

Q. Had not Mr. Wheymark been the motoring correspondent for some years before this occasion?  
A. No, he'd not.

E HIS HON. JUDGE STROYAN: Mr. Symonds this cannot possibly go on.

A. The motoring correspondent before me was Jeffrey Charles and I was motoring correspondent for only a year and a half and then my successor was Peter Wheymark ...

Q. And did you appear on television and accuse all motoring correspondents of being corrupt during the first day of the National Motor Show?

A. What did you say?

F Q. Did you appear on television and accuse all motoring correspondents of being corrupt during the first day of the National Motor Show in 1970?  
A. I did on a number of occasions make comment in the paper that I did not agree with people accepting presents from motoring companies if they were going to write about it. It was not the practice for anybody on the Times to do that and I didn't think other newspaper journalists or people who wrote about motoring should do either. Yes, it made me most unpopular when I wrote that, but that is the case.

G Q. Would you say you were sort of obsessed with corruption?

A. No I am absolutely not absolutely obsessed by corruption Mr. Symonds but I don't like it when I see it and I try to put it right.

H Q. And in the event were you smartly removed from the motoring section after making this allegation?  
A. That is an appalling suggestion, I was not smartly removed from anything.

HIS HON. JUDGE STROYAN: Mr. Symonds I say again this sort of allegation is quite unfair unless there is material to support it.

A

Q. Going back to your involvement in this enquiry I put it to you that you made a complete muddle of the handling of these tapes and that your evidence of the marking is in fact incorrect and untrue.

A. Absolutely wrong. I did not make a muddle of it and it is all very clear and it would be much more clear to me if I could have been asked these questions at the time.

B

Q. I put it to you you made a complete muddle of recording notes of bank number notes. A. No I did not.

Q. And that at some stage you received advice whereby your evidence was changed and pulled together so to speak. A. Absolutely not, totally untrue.

Q. And that your evidence of the safe-keeping of these tape recordings is untrue? A. That is totally untrue.

C

Q. And I will ask you if it is to your knowledge that a female member of the Times staff reported this fact to my Counsel and Solicitors at committal proceedings. A. It is not.

Q. She reported that your evidence of these tapes being kept in a steel cabinet from day one was quite wrong. A. I think I have told you from day one we didn't have them locked in the steel cabinet.

D

HIS HON. JUDGE STROYAN: I hope you have some back up evidence for that, have you?

?

Q. You can always call Mr. Sherer or Mr. Capstick. I don't know what further evidence you could have - the two Q.C.'s and their highly respectable solicitor I also hope of course to call the lady herself because there are of course notes ... A. The fact of the matter is Mr. Symonds that those tapes were looked after with great care. I don't know whether they were locked in a steel cabinet from day one, I think it is probably the first one or two were not, but they would have been kept in our custody and treated with great care and caution and that is the fact of the matter.

E

Q. I put it to you that you edited parts from these tape recordings? A. That is absolute rubbish.

F

Q. And in particular you edited a reference to a photographer which should have appeared on tapes 5 and 3.b? A. I cannot think why I should but it is total rubbish anyway.

HIS HON. JUDGE STROYAN: You are putting to this witness that he deleted passages on tape 5 which mentioned the presence of a photographer, is that it?

G

Q. Yes. A. That is absolute nonsense.

Q. Mr. Mounter under what circumstances did you leave the Times in 1972? A. I was approached by a London Week-End Television who wanted to hire new people for their programme Week-End World and I left to join them under extremely good circumstances with very very good references from my employers who I have very good

H

relationships now. If you are suggesting I left under any sort of cloud that is an absolute lie.

A Q. You made the suggestion Mr. Mounter. A. No, you are making it Mr. Symonds. As it happens Mr. Symonds you are making it and I am telling you it is an absolute lie, an outrageous one.

Q. As it happens Mr. Mounter the question was under what circumstances did you leave?

B HIS HON. JUDGE STROYAN: You have the answer, I am not going to permit this sort of cross-examination to continue. Is there another point?

Q. No further questions.

MR. RIVLIN: Your Honour I would like to raise a matter with Your Honour but I think it is best done in the absence of the jury.

C HIS HON. JUDGE STROYAN: Yes. Would you mind leaving for a short time members of the jury.

(JURY OUT)

D MR. RIVLIN: Your Honour the matter is this, that Mr. Symonds is perfectly entitled to accuse Mr. Mounter of dishonesty in this trial if he thinks it appropriate, but he's gone beyond that, he's accused him of dishonesty in the trial of Robson and Harrison.

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: And what I'd like to be able to ask the witness in those circumstances is whether in the trial of Robson and Harris the Jury accepted the evidence and convicted. It seems to me to be quite wrong, quite wrong that this defendant has thought it appropriate to cross-examine the witness on the basis of lies in that trial ...

HIS HON. JUDGE STROYAN: Yes.

DEFENDANT, SYMONDS: Your Honour this evidence did not come into existence till sometime after the trial so there was no point for it being put or refuted.

F HIS HON. JUDGE STROYAN: Be quiet.

MR. RIVLIN: He talked about various Counsel and the Editor of the Sun standing up and saying he was a liar.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: I heard that.

G HIS HON. JUDGE STROYAN: So did I.

H MR. RIVLIN: It seems to me Your Honour to be quite wrong that that type of cross-examination should take place without Mr. Mounter at least having the opportunity to let it be known to this Jury who is considering his veracity in this case that on that previous occasion his evidence was accepted.

HIS HON. JUDGE STROYAN: I think clearly he has been accused by the defendant of dishonest evidence in a previous trial, the witness should be entitled to defend himself against that allegation.

A

MR. RIVLIN: Your Honour I am obliged for that. It would seem to me, with respect that if he were not able to do so not only would an injustice be done to him, but an injustice would be done in the round because this Jury might not appreciate what the true position was.

HIS HON. JUDGE STROYAN: Yes, I think it is right he should have the opportunity of defending himself.

B

MR. RIVLIN: Your Honour, yes. The defendant certainly cannot say he's been taken by surprise by this type of observation by me because before this trial ever started I caused those instructing me to write to his solicitors to inform them that we did not propose to adduce in evidence the results of the previous trial, that would be quite wrong, but, if any question was raised by the defendant himself he would do so at his peril. It seems to me he has gone so far that it would be wrong that this matter should not be put right.

C

HIS HON. JUDGE STROYAN: Yes. Mr. Symonds what do you say?

MR. SYMONDS: Yes. The matter referred to, that is the complaint of Miss Mounter wasn't made ...

D

HIS HON. JUDGE STROYAN: Made to whom?

MR. SYMONDS: Of ... Mr. Hawkey. Wasn't made in fact till after the trial of Robson and Harris and in fact if it had been raised during the trial of Robson and Harris it might well have effected the outcome. But this matter was not brought up till several months after the Robson and Harris trial and therefore I don't see the connection being made by Prosecuting Counsel. Because it could be argued if the Jury at the trial of Robson and Harris had been aware that out of a team of five people, one criminal and two reporters and two Location Sound employees, that later the two Location Sound employees would complain about the evidence of the two reporters, this might well have had a very telling effect upon the jury.

E

WITNESS, MR. MOUNTER: That was before the trial, Mr. Symonds.

F

MR. SYMONDS: I beg your pardon.

WITNESS, MOUNTER: That was before the Robson and Harris trial.

MR. SYMONDS: It was afterwards the complaint was made.

WITNESS, MOUNTER: It was made before hand.

G

MR. SYMONDS: Well, the records are available. So therefore I think that would be a quite wrong attitude to take and of course I shall make an appeal eventually if you insist on introducing what happened to other officers, on this very flimsy and scanty excuse.

HIS HON. JUDGE STROYAN: No question of appeal will ... could arise unless and until the Jury convict you, we haven't reached that stage, it may never arise.

H

My judgment is in the course of cross-examination the defendant made a series of allegations against this witness, accusing him in somewhat (inaudible) terms of lying on oath before the Jury in that case of Robson and Harris, that has been done ...

A

MR. SYMONDS: I said Miss Millard.

HIS HON. JUDGE STROYAN: That has been done in the clearest terms. The Prosecution had not raised this matter, quite rightly before, it was quite unnecessary for them to do so but now that the defendant has thought fit to make allegations of this sort some people might think it quite outrageous now that allegations of that sort have been made it would be quite unjust not to allow the witness to be able to deal with them and I shall allow Mr. Rivlin to deal with the matter that has just been put before me. It would be quite wrong not to let the witness do so. Let the Jury return.

B

MR. SYMONDS: The same allegation was made to Mr. Lloyd, Your Honour and no action was taken then, if you recall. Another trick.

C

HIS HON. JUDGE STROYAN: <sup>41</sup> Mr. Symonds I've made my ruling.

(JURY RETURN)

D

JULIAN D'ARCY MOUNTER  
RE-EXAMINED BY MR. RIVLIN

Q. Mr. Mounter you have been accused of dishonesty and muddle in relation to this trial. You've also been accused of dishonesty in relation to the previous trial which has absolutely nothing to do with this case. A. Yes Sir.

E

Q. And that is something you denied? A. Yes Sir.

Q. In the other trial did the Court accept your evidence or reject it? A. They accepted it Sir and the defendants were convicted.

Q. Well your evidence was accepted? A. Yes.

F

Q. Now you have been accused of editing tapes but the only specific accusation that has been put against you is that a reference to a photographer was edited out of a tape. I think perhaps you may have noticed that was the only specific allegation put at you. A. Yes.

G

Q. It's not been suggested you deleted anything else ... A. No.

Q. Or moreover that you inserted anything. Did you ever tamper with tapes? A. I tampered with nothing Sir and never at any time altered those tapes.

H

Q. Now I do have a few matters to put to you but not many. It may help us to have that word 'muddle' in mind as we are coming to consider them Mr. Mounter and perhaps investigate who has been muddling who in

this case, shall we. You will remember last week you were asked about the afternoon of the 31st of October and the time that that meeting took place. A. Yes Sir.

**A** Q. Do you remember it being put to you that it was agreed and so it is that the meeting appears to have started in fact at 2.29 p.m.  
A. Yes Sir.

Q. And you were cross-examined at length about that, the timings, weren't you? A. Yes.

**B** Q. And about what happened at two o'clock? A. Yes.

Q. I would like you if you would to have a look at your original statement to the Times relative to this particular matter. It is the second statement you made relative to the 31st of October I think.

HIS HON. JUDGE STROYAN: Page?

**C** Q. It is my page 68 but I have a bundle of the whole lot together.

HIS HON. JUDGE STROYAN: It's statement number four is it?

Q. It's statement number four, that's right Your Honour. Do you have that? A. Yes I do.

**D** Q. 31st of October. You just read that because you have been cross-examined about these statements. A. Yes Sir.

Q. Was this the first statement that you actually made, in other words the one closest to the day in question? A. Yes Sir.

Q. What was the position Mr. Mounter about the times there?  
A. It says a meeting was arranged between Mr. Symonds and Mr. Perry for 2.30 p.m. Mr. Perry was instructed to drive his car into the larger of the two car parks.

**E** Q. Speak up please. A. Sorry. Mr. Perry was instructed to drive into the larger of the two car parks at the Grove at 2.00 p.m. to await Detective Sergeant Symonds.

**F** Q. To await Detective Sergeant Symonds. Does that help you to recall what did happen on that day. The meeting was fixed for 2.30. Perry you say arrived at ... A. Two o'clock.

Q. Two o'clock to await Detective Sergeant Symonds. A. Yes.

Q. You may not know this, or you may know this, on the tape we can hear music being played and the like covering the period in question.  
A. Yes.

**G** Q. Thank you. The second point is this, you may recall being asked about November the 20th and being asked questions on the basis that on the 20th false calls were recorded and you told the defendant in cross-examination that if the tapes had any evidential value they would be kept? A. Yes.

**H** Q. Now you have your large police statement there, do you not?  
A. Yes Sir.

Q. And I would invite Your Honour to look at your page 63. Would you please go to November the 20th.

A HIS HON. JUDGE STROYAN: Page 63.

Q. Your Honours page 63.

HIS HON. JUDGE STROYAN: 63 at the bottom?

Q. No, 63 at the top. Of Julian Mounter.

B HIS HON. JUDGE STROYAN: The first two words are "consulted with" are they?

Q. Yes. Do you see your statement there? A. Yes.

Q. And this is a typewritten statement is it not? A. Yes.

C Q. And anyone who has got it in front of them can see it, it is there as large as life. A. Yes.

Q. Would you look at the third paragraph please. A. Yes.

Q. Just read it to yourself. A. Yes.

D Q. Does that help you to recall what the true position was about tapes on the 20th? Read it out. A. It says: "There are no tape recordings of anything on the 20th of November nor did we attempt to make any. I made no notes of that day whatsoever".

Q. And that appears in your statement. Is it true?  
A. Yes.

E Q. Thank you. You were asked this morning about tapes and you will remember the large number of questions about tapes and copy tapes?  
A. Yes.

Q. Right. And do you remember it was put to you if one follows your statement through there appeared to be fourteen copy tapes whereas in this case there are 15 alleged originals tapes? A. Yes Sir.

F Q. Yes. In fact we've got all the copy tapes in Court Mr. Mounter and I was very reluctant to put them in evidence because it means so many more exhibits. A. Yes.

Q. Your Honour the defendant has had all of these tapes examined on his behalf.

HIS HON. JUDGE STROYAN: Yes.

G Q. He must know that there are fifteen copy tapes in Court. Would you please have a look at the first two. I think the position is this that they both come in one envelope, or they were in one envelope, I think copy tape number one was taken out for questioning you.

HIS HON. JUDGE STROYAN: I think the defendants point was that there were fourteen copy tapes and fifteen originals.

H Q. Yes. A. Yes.

Q. Do you have two copy tapes, two tapes said to be copy tapes in your hand? A. Yes.

A

Q. Both marked as copy tapes? A. Yes.

Q. Do they bear any of your handwriting at all? A. This one does where I've scrubbed out.

Q. The one you scrubbed out, what does it say on that one?

B

A. It says "Copy phone call October 28th, 3 and three-quarters" to Symonds which I think is in Garry's writing and it says master Symonds the Grove Nagra November 21st which is the one that I've crossed out.

Q. Yes, now what does the other one say? A. Copy, October 28th 1969 Rose public house ...

HIS HON. JUDGE STROYAN: Just a moment. The first one says what?

C

Q. Copy, telephone. A. Phone call, october 28th.

Q. And the second one says? A. Copy, October 28th 1969.

HIS HON. JUDGE STROYAN: Just a moment. A. Rose public house, Camberwell, Perry and D.S. Symonds.

D

Q. Now I'm not going to take up a good deal of time on this if I can avoid it. Now you've seen the first two copy tapes, I would just like you if you would please to look at the others and count them up so you can see how many copy tapes there in fact are.

HIS HON. JUDGE STROYAN: Were those first two in the same envelope?

Q. They were.

E

HIS HON. JUDGE STROYAN: And a separate envelope for each of the others?

Q. So I understand. Please don't take a lot of time over this, I am sure it can be done quite quickly. They've got to go back in the right envelope, that's rather important. That's the third one you are being shown. A. Yes.

Q. That's the fourth one? A. Yes.

F

Q. That's the fifth one and that is not in a box, is it?

A. No. That's the sixth one. The seventh. Eighth. Yes, that's the 9th. Ten. Eleven. Twelve. Thirteen. Fourteen. Fifteen tapes, yes.

HIS HON. JUDGE STROYAN: Those are copy tapes.

G

Q. Those are copies. There are copies in addition of the cassettes Your Honour but we are talking about tapes.

HIS HON. JUDGE STROYAN: But we are talking about tapes.

H

Q. Now I am going to ask you about 25th November because you were asked about the 25th of November and shown your statement ... two statements which related to copying on the 25th of November.

A. Yes.

Q. When Miss Woore went along with some tapes? A. Yes.

Q. Would you please have those two statements. Your Honour if yours are page numbered at the bottom, I have got on my copy page 210 and 241, statements numbered 6 and 8.

HIS HON. JUDGE STROYAN: From whom?

Q. This witnesses statements number 6 and 8 of this witness.

HIS HON. JUDGE STROYAN: I don't think I've got those. I have got number 5.

Q. Your Honour it's in the big bundle.

HIS HON. JUDGE STROYAN: In the bundle of depositions?

Q. Yes. Mine is at all events.

HIS HON. JUDGE STROYAN: Page?

Q. My page 210, but it may not be Your Honours. I don't think this will present a problem anyway once ... Do you have two statements there Mr. Mounter?

HIS HON. JUDGE STROYAN: What are the dates?

Q. They are the 27th of November, 1970 and 4th January, 1971?

A. Yes Sir.

HIS HON. JUDGE STROYAN: I have not got them yet.

Q. 27th of November 1970 and 4th of January 1971. And they both relate do they not to tapes that were taken on the 25th of November to Location Sound Facilities for copying? A. Yes Sir.

Q. On each occasion who was entrusted with the tapes ...

A. Miss Prudence Woore.

Q. ... to go to Location Sound Facilities? A. Yes.

Q. Now Mr. Mounter we are going to hear, or we may hear some further evidence from Mr. Hawkey about this, do you understand? A. Yes.

Q. But can you remember at what sort of time she would be given these and what time she would bring them back, would it be in working hours or outside working hours, or what? A. Certainly in working hours.

Q. In working hours? A. Yes.

Q. I am trying to establish you see how much opportunity she would have to fiddle the tapes if that was ever suggested? A. She would have had none Sir.

Q. And indeed I think that I am right in saying this, that as regards tapes that are referred to there, a number of them have nothing to do with this case whatsoever. A. That is right.

A Q. But as regards those that did have something to do with this case they are the following ones: exhibit number one tape number one; and exhibit number ... (just allow me a moment please) ... five, tape number fourteen. A. Yes Sir.

Q. Now exhibit number one tape number one is first recorded on the 28th of October and that hadn't been sent for copying on the 11th of November? A. No Sir.

B Q. And do you remember a number of questions being asked by the defendant about this and you saying you could not give an explanation and it was being put to you that that was muddle? A. Yes.

Q. Well Your Honour at this stage I shall ask the witness no questions about it but I remind the Court if I may that Mr. Lloyd did give an explanation, namely that one of them had fallen behind the ...

HIS HON. JUDGE STROYAN: Inside the slide.

C Q. And that he thought that that was the one.

HIS HON. JUDGE STROYAN: He thought tape one was.

Q. Yes, he thought tape one was the one. And he also said that at the time this was going on on the 11th of November tapes were being transcribed.

D HIS HON. JUDGE STROYAN: Yes.

Q. Did you regard Miss Woore as being a competent employee?  
A. Yes.

Q. A responsible employee? A. Yes, most certainly.

E Q. And do you remember ... And I am sorry to return to this because it has been dealt with about three times now, that the defendant put to you in relation to the tape recording that was recorded or supposed to be recorded on the mobile, the defendant put to you on the 19th of December you said you couldn't remember what happened to the tape and today in 1981 you say there was nothing on the tape. A. Yes Sir.

F Q. Now if you just look at that schedule which is appended to your statement, the one that we looked at last week. You do there describe what happened to that tape, do you not. Your Honour it is our page 100. Do you have the schedule? A. I do.

Q. And go to the 21st November would you please? A. Yes.

Q. And as regards number four, tape operated in blue station wagon by Hawkey and Millard. What do you say about it? A. Not now available as there was nothing on the tape.

G Q. This statement was made in I think ... When, in ...  
A. Made shortly afterwards in December.

Q. December 1969? A. About a month later.

H Q. So is there any truth in the proposition that you waited until 1981 in order to think up some explanation? A. Absolutely not, Sir.

Q. Then you were asked questions were you not about writing a book?  
A. Yes.

A Q. And I think this is the last thing I wish to ask you about and I really don't want to spend much time on it. Do you remember a transcript of a previous trial was put to you? A. Yes.

Q. Would you just look at the relevant passage. Just read it through to yourself. Just read the last sentence out loud to the Jury first?  
A. Before I read it?

B Q. Before you read it because it is the one the defendant put to you.  
A. It says "At this stage it is fair to say I was regarding this as a commercial venture".

Q. Yes. Now would you just read the passage to yourself and tell the Jury what you were talking about when you said that?

C HIS HON. JUDGE STROYAN: Where is this?

Q. You won't have this Your Honour. What were you talking about?  
A. What I say here, and that is the case, that after I'd done the story, I at that point considered all possibilities about it and one of them would be it might be a book to be written. And when I use the phrase "At this stage it's fair to say ..." Could I read it Sir, it will explain it much better ...

D Q. Yes. A. It says "I cannot remember how soon after the conversation in the Aircraft I saw Mr. Perry for the first time but I think it was one month. I can check this by looking at the record of the journey in the office file. I did not seek out Mr. McConnell anywhere, it was a chance meeting. I knew Mr. McConnell was an Executive for the Sun newspaper. The idea that there may possibly be a book was not in my mind till after publication. I can't remember discussing it with Mr. Lloyd. I think most journalists consider the potential of every story. When I say potential I mean having done the story for The Times I then considered whether it would make a book just as Mr. McConnell had written a book about a trial that he had covered. At this stage it's fair to say I was regarding this as a commercial venture." In other words the consideration was at the time after publication of the story.

F Q. And? A. And the suggestion was made by the defendant I considered it before hand.

Q. The defendant was suggesting that you regarded the whole of this investigation as a commercial venture. A. Totally untrue.

G Q. And did you ever tell the Court on that previous occasion that you regarded the whole investigation as a commercial venture?  
A. No.

H Q. What were you referring to there? A. I was referring to the fact that after the story and this was following a conversation somebody had had with me at that particular moment when that person had the conversation that I was considering it as a potential commercial venture.

Q. That is the writing of a book? A. Yes.

Q. Thank you Mr. Mounter. Might the witness now be released Your Honour.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Could you please clear out the witness box. Mr. Hawkey please.

MR. ERNEST HAWKEY (continued)

MR. RIVLIN: Mr. Hawkey you are still under oath, do you understand.

HIS HON. JUDGE STROYAN: Yes. Mr. Symonds do you want to cross-examine?

MR. ERNEST HAWKEY

CROSS-EXAMINED BY MR. SYMONDS (defendant)

Q. Mr. Hawkey would you look at your notes that you made. Do you remember you were asked a question about when the microphone was put in Mr. Perry's car and you said it was on the 28th then you were put under some pressure to say perhaps it was another day but you said no it was the 28th. If you look at your note E.W.3. outstanding equipment. A. For what date?

Q. Well just headed E.W.3. A. Yes.

MR. RIVLIN: Your Honour I don't think you have a copy.

Q. Second from the end in your bundle I think.

MR. RIVLIN: Your Honour if my watch is right it is five minutes to one.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Mr. Hawkey is about to be cross-examined about his original notes. If it would be of some assistance we could get them photo-copied between now and two o'clock.

HIS HON. JUDGE STROYAN: Yes, very well.

MR. RIVLIN: So that you can have them in front of you.

(COURT ADJOURNED FOR LUNCH)

Cross-Examination of Mr. Hawkey (cont)  
By Mr. Symonds (defendant)

Q. Mr. Hawkey you were looking at your note book and it was helping you to refresh your memort about a matter of whether or not a microphone had been fitted in Perry's car from the first day. I asked you to look

at the second last page where you have a note headed 'E.W.3'?

A. That is correct.

Q. This is a list of outstanding equipment you made at some time.

HIS HON. JUDGE STROYAN: The last page did you say?

Q. The last but one Your Honour. You see that note? A. I do.

Q. And under the list of outstanding equipment outstanding at some time during this enquiry you have listed one D.I.6 or D.19. What exactly is that? A. That is a microphone, the number of a microphone.

Q. And that was the microphone that was fitted into Mr. Perry's car, was it?

HIS HON. JUDGE STROYAN: I must be looking at a different page. The last page but one you say?

Q. Of Mr. Hawkey's notes.

HIS HON. JUDGE STROYAN: Of the document I have just been given?

Q. I would assume Sir. You should have on the first page "The Times equipment used", second page headed '31st October'. Third page headed '24th November'. Fourth page headed outstanding equipment E.W.3.

HIS HON. JUDGE STROYAN: That is my third page E.W.3.

Q. Yes. Now a D.19 is a microphone in fact, is it? A. It is the microphone ...

Q. The microphone that was fitted into Mr. Perry's car? A. That is correct.

Q. Just below the dash-board.

HIS HON. JUDGE STROYAN: Just a moment now. What is the date of all this?

Q. I was coming to that Your Honour.

HIS HON. JUDGE STROYAN: The date the 25th November, 1969 ...

Q. If you can allow me ...

HIS HON. JUDGE STROYAN: I just want to be clear in my note what I am getting down. It says the 25th November 1969. What date is that?

A. Sorry My Lord?

HIS HON. JUDGE STROYAN: The date at the bottom which says 25th November 1969? A. That is the outstanding equipment at the time ...

That's when we done the transcript My Lord, of the tape ...

HIS HON. JUDGE STROYAN: What's the date of this 1.D.19?

A. That's the outstanding equipment at the time it was going to be returned to stock.

HIS HON. JUDGE STROYAN: So it was outstanding on the 24th of November or the 25th of November? A. Yes.

Q. Right. Now listed below that D.19 microphone you have one 20'

microhpne cable. Now is that the cable that went from the microphone to the recorder in the boot of Mr. Perry's car? A. It is, yes.

A

Q. You have two lines drawn from those two items to a date at the bottom of the page which was from 27th October to 24th November, do you see that? A. Yes I do.

Q. From that, looking at that would you assume that between 27th October and 24th November you made a note that microphone and cable were outstanding and would these have been in fact fitted into Mr. Perry's car? A. Would you please explain that again.

B

Q. Does your note mean that these items were fitted into Mr. Perry's car between those dates? A. The 24th of November to the 27th?

Q. From the 27th of October it looks like to the 24th of November. The bottom of that page. Below the words 'means multi'? A. No I wouldn't say so, no. Because we used that microphone on the first meet that we made.

C

Q. Which was on the 28th? A. Sorry. It was actually fitted on the car on the first meet that we actually made. I am just trying to recollect the actual dates.

Q. Well look, can I help you again. If you turn to the very back of the first page ...

D

HIS HON. JUDGE STROYAN: Just a moment. This microphone was fitted on the day of the first meeting, is that it? A. Yes, that is correct.

HIS HON. JUDGE STROYAN: Between whom? A. I can't actually remember who the first meet was made with.

HIS HON. JUDGE STROYAN: Very well.

E

Q. On the very first page under equipment used you have the 28th of October and it appears the 8 is over-written on a 7. Do you see, it was the 27th October which has been changed to the 28th. Below that you have the 30th October which appears to have been changed to the 31st. And also over on the next page. A. That is correct, yes.

F

Q. So by referring to these notes would it seem to you that the microphone and microphone cable were fitted into Mr. Perry's car from either the 27th or 28th October till 24th November which I believe was the date of the last meeting? A. That is correct, yes.

Q. And then after the last meeting did you retrieve the microphone and the cable from Mr. Perry's car, and I see you have a note that both items were returned, presumably returned to stores on the 24th? A. Yes that is correct.

G

Q. Now as you have previously marked dates as 27th and changed it to the 28th, could that have been a mistake and you meant the 28th October that the microphone and the cable were used in Mr. Perrys car? A. They were fitted on the first day which I believe to be the 27th.

Q. 27th or the 28th or the first day? A. The first day, yes.

H

Q. Now about yourself Mr. Hawkey. I understand you are a sound engineer and at this time were asked ... you were working for or were you on contract to Location Sound Facilities? A. That is correct, yes.

A Q. And would it be true to say that at that time Location Sound Facilities was the largest organisation of its kind at least in England if not in Europe? A. For what? May I ask?

Q. For supplying equipment and specialists to attend at locations to do with filming, T.V. work etc.? A. No that is not correct. Not the largest at all, they were a company that worked for film companies I agree, but they were not the largest, no.

B Q. Alright. Were there about 70 or 100 employees at that time? A. I wouldn't agree with a hundred employees no. They were quite small.

Q. About how many employees were there? A. Actually in the company itself?

C Q. Yes. A. I should say 20 or 30 and the rest were freelance engineers or from the film company.

Q. So 20 or 30, would you call them permanent staff? A. Actually permanent staff.

Q. How many would you say were freelance people who worked there? A. They used to contract them in respect of the amount of work that was coming in at the time.

D Q. Yes. Were there a number of ... at the Headquarters building were there a number of rooms for the use of those specialists for their work to do with tape recordings etc. and were these rooms called sound proof cutting rooms? A. It wasn't tape recording equipment. It was mainly built for editing films.

E HIS HON. JUDGE STROYAN: One room or more than one room? A. More than one room My Lord, yes.

Q. In November/October 1969 how long had you been working for Location Sound Facilities? A. To be quite honest I can't remember but I think it was approximately two years, two or three years.

F Q. And had you ever been ... is the word 'on location' before with Location Sound Facilities - sent out on a job? A. Yes I had.

Q. I see a statement here from one of your colleagues who is described as a boom operator. Would that be a man who has to do with the recording of voices and such on location? A. It is.

Q. And would he normally be supported by a man who operates tape recorders and such? A. In a film unit, yes.

G Q. Would that be your sort of work, to operate the tape recorder? A. No. My main function at Location Sound was to mainly maintain the equipment and get it ready for sending out on hire, etc.

Q. Now would you say that Location Sound Facilities were a large customer to EMI, they bought a considerable amount of tapes? A. They did buy quite a considerable amount of tapes.

H

Q. Direct from the manufacturer, EMI? A. Correct, yes.

Q. And were all these tapes and other equipment, tape recorders and such kept in some sort of storage facility? A. Yes they were.

Q. And who was the storeman who looked after all this?  
A. I can't remember his name actually, I'm afraid.

Q. Would it have been perhaps a Mr. Husdon? A. No, he was the Chief Engineer then but there used to be a gentleman who was responsible for the stores.

Q. When you went on location with the film unit or whatever was it your habit to take a certain amount of equipment with you usually, such as whatever equipment would be needed for that job, that type of tape recorder plus a supply of tapes and batteries and such? A. Yes it would do, yes.

Q. And was this a standard procedure on going on location to go properly equipped with supplies of batteries and spare tape recordings?  
A. Well normally if you were going out on a film location this would be done by the Production Office

HIS HON. JUDGE STROYAN: I don't think you need bother with this. Can we get on to the point you are going to put?

Q. And if you found yourself on location but short of some materials or equipment was it quite a simple procedure to telephone your head office and fresh supplies would be brought out to you? A. That is correct, yes.

Q. Now do you know the name of Millard, Miss Millard? A. I do, yes.

Q. Was she in fact head of or part of this transport section?  
A. She was.

Q. Which used to take out spare parts and to re-supply people on location?  
A. Partly, yes.

Q. Now when did you first come into contact with Mr. Lloyd and Mr. Mounter in respect of this case? A. I was asked by the Director of Location Sound if I would have a word with the two reporters that they had come down and were asking advice on some recording equipment.

HIS HON. JUDGE STROYAN: Can you give us an approximate date?  
A. I think a couple of days actually before this actually started.

Q. Would that be the 25th or 26th of October? A. Possibly. The Director would have a note of that I am quite sure.

Q. Would that be Mr. Hales the Director? A. Yes.

Q. And you were then asked by Mr. Hales to assist Mr. Mounter and Mr. Hawkey on a tape recording exercise, is that correct?  
A. That is correct, but my name is Mr. Hawkey.

Q. Sorry. A. Yes, that is correct, yes.

Q. Now when you went off on your first job was this on the 28th of October, by referring to your note? A. The 27th or the 28th, I would have to refer to the statement to give you the exact date because

it was so long ago. I should say the 27th of October.

Q. And did you go to an address in Woolwich? A. I did, yes.

**A** Q. And did you meet there Mr. Perry? A. I did.

Q. And did... When you went to this address at Bingham Point were you aware you were going to be asked to tape a telephone conversation?

A. When I arrived at Bingham Point I did not know what I was going to be asked to do, then they made the suggestion that they were going to try and record some telephone conversations.

**B** Q. Did you have equipment with you then to record a telephone conversation?

A. I did, yes.

Q. Was the machine you used a Uher? A. It was, yes.

Q. Were you also asked to fit up a microphone and another tape recorder into Mr. Perrys car? A. That is correct.

**C** Q. And did you do that the same morning? A. I did.

Q. Did you have that equipment with you when you went to Bingham Point?

A. When you say did I do it the same morning, I'm not sure whether it's morning or afternoon, I'm sorry to say.

**D** Q. If you didn't have it with you would you have made arrangements to have it brought out to you? A. I would have done, yes.

Q. Now looking back at your notes regarding equipment outstanding section again. The D.19 microphone and 20 foot cable. Now in nearly every case throughout this series I believe this D.19 microphone has been connected to a Nagra recorder, would that be correct? A. That is correct.

**E** Q. And would this microphone and this particular cable (presumably you had some form of extension plugged on the end) would this fit only a Nagra machine? A. Yes it would do.

Q. So you couldn't plug some other type of tape recording machine into this cable extension plug? A. You could if you had an adapter lead.

**F** Q. Did you ever have to make use of an adapter lead to connect say this Uher to the microphone? A. Not to my knowledge, not that I can remember.

**G** Q. So it would seem then that on the afternoon you when you set off to observe a meeting you set off with two machines, a Uher and a Nagra and the Nagra would have been connected to the direct microphone in the boot of Mr. Perry's car and the Uher I believe you had fixed up with some sort of radio receiver apparatus, is that correct? A. Well on the first instance the Uher tape recorder was connected to the telephone.

Q. And in the afternoon? A. In the afternoon it would have been connected to a radio microphone.

**H** Q. A radio microphone. Now when you first arrived at Bingham Point did you know what sort of observation and what sort of job this was going to be in fact? A. No.

Q. That the police were going to be involved and such? A. I did not know that the police were involved at all.

A Q. At what stage did you know that the operation was going to be a meeting during Mr. Perry (a criminal) and police officers? A. It came out during one of the meets we made if I can recollect correctly. I was told it was... they were going to ... it was going to involve police officers.

HIS HON. JUDGE STROYAN: Don't tell us what you were told. A. Sorry?

B HIS HON. JUDGE STROYAN: You mustn't tell us what you were told, it's hearsay. You found out the police were involved.

Q. What was your reaction when you first discovered this?  
A. Very surprised.

C Q. Very surprised. And could you say that you were quite happy to continue with this operation or were you reluctant to continue with this operation? A. I was ... Well I didn't know what it was going to involve. I wasn't very happy with it at the time, no.

Q. Having already become involved did you feel obliged to continue on anyway?  
A. Yes I did and I followed it through.

D Q. Would it be true to say though you deliberately tried to keep out of the investigation yourself? A. Generally yes.

Q. Confined yourself to supplying and setting up the equipment and machinery?  
A. That is correct, yes.

Q. And it would be true to say that you did not want to be involved?  
A. Truly no.

E Q. So right at the beginning in the morning you didn't realise, and also again in the afternoon of course according to your evidence you didn't realise that this recording exercise might well end up in a Court case and such? A. No I did not.

Q. Now in the morning when using a Uher tape recorder to record a telephone conversation did you use a new tape on the recorder, do you recall?  
A. It was a new tape, yes.

F Q. And is it a practice of yours always to use a new tape? A. It is.

Q. And throughout this whole enquiry did you make a point of using brand new tapes?  
A. Yes I did.

Q. By brand new tapes do you mean they were absolutely factory fresh, new, wrapped up in selophane bags which had to be broken open and sealed with sticky tape?  
A. That is correct.

G Q. As from EMI in fact? A. As from EMI in fact.

Q. Now is this a professional ... Is this a professional method of making tape recordings in your trade always to use brand new tapes?  
A. It is.

H Q. And to explain to the jury, is it a fact that if you don't use brand new tapes on all professional operations, the resulting recording, could

it be spoiled in some way? A. No. They are very particular in the film trade and it's a practice that they've always carried out because generally you find a noise level goes up slightly.

A

Q. So dealing with professional customers if you didn't use brand new tapes they would perhaps recognise this noise level was increased and be dissatisfied with it? A. Possibly. In general you probably would not notice it, but yes it was a professional thing that we actually done.

B

Q. So as you were using a Uher recorder would it be correct to say you would be using a five inch reel of tape? A. That is correct.

Q. Would a seven inch tape not fit on a Uher? A. That is correct.

Q. Is it true to say that with the Uher machine you can use the one tape twice as it were, it has a half track function? A. It has a half track function, that is correct.

C

Q. So when you run the tape through the Uher the first lot of recording would be on what, the top or bottom of the tape? A. On the top track number one.

Q. And then you could run it again on the Uher and make a second recording on the second track? A. You would have to turn the tape over.

D

Q. So particularly in the first day or so you would not consider it unusual in any way and without knowing the full details of the investigation to use this tape say for the telephone conversation in the morning and the meeting in the afternoon? A. No, not unusual.

Q. It would be quite normal to you? A. Correct.

E

Q. Because both incidents are related as it were to the same person and the same investigation and it's just a matter of ... What I meant there was they would be recorded on the same tape, more than one meeting in this way could be recorded on the same tape, more than one incident? A. That is correct.

F

Q. Now during the telephone ... During the morning was Mr. Perry telephoning a number of police officers in order to make contact with them? A. He made various telephone conversations. At the beginning I wasn't sure who he was phoning. But various telephone calls were made, yes.

Q. And were these calls did you later establish made to police stations? A. I later established it was to police stations.

G

Q. Now of course you recall Mr. Perry using the name Symonds in these telephone calls? A. I do, yes.

Q. Do you recall Mr. Perry using any other names of any other police officers? A. I did, yes.

H

Q. Can you bring them to mind at the moment? A. Mr. Sylvester, Mr. Robson and Mr. Harris.

Q. And does Mr. Hughes mean anything to you? A. Mr. Hughes?

Q. Yes, Peckinham? A. No.

Q. So would it be right on the morning of the 28th Mr. Perry was engaged in making a number of telephone calls to different police officers at different police stations? A. That is correct, but at the time I did not know.

Q. Would it be true to say that only one of those calls was successful and that was the call to me? A. I believe that is correct.

Q. Now as these other calls had not been successful were they afterwards rubbed away? A. No, they were left on the tape.

Q. Now did you attend the meeting in the afternoon at the Rose Public House? A. Yes I did.

Q. And would it be fair to describe the scene as follows: Mr. Perry was driving his car with a microphone fitted under the dash board, the being connected to a Nagra machine in the boot? A. That is correct.

Q. And Mr. Perry was also wearing some sort of microphone on his person attached through some radio transmitter which was broadcasting to a receiver attached to a Uher tape recorder? A. Correct, yes.

Q. And was the Uher tape recorder in fact in your car? A. I believe it was, yes.

Q. When you set off for this meeting did Mr. Perry travel alone or for example did Mr. Lloyd travel with him in his car? A. I cannot remember to be honest. No, that would be in the statement.

Q. When you arrived at the Rose did you see Mr. Perry in another car other than his own at any time? A. No. I saw Mr. Perry in his own car as far as I remember.

Q. In his own car. Did you see Mr. Perry leave his car for any reason? Or when you saw him had the meeting finished? A. I cannot recollect to be honest.

Q. Now as the meeting ... As the meeting is alleged to have taken place in a Vauxhall car, not Mr. Perry's it would then follow there would be no recording of interest on the Nagra in Mr. Perry's car? A. That is correct.

Q. So what would happen to that recording, what would happen to that tape? A. It would be returned to the Stores and cleaned and then used for workshop only.

Q. When you say cleaned you mean it is put into a machine where everything is wiped, it is cleaned.

HIS HON. JUDGE STROYAN: Just a moment. "No recording on Nagra tape in boot, tape would be scrubbed out". A. Yes, bulk erased My Lord.

HIS HON. JUDGE STROYAN: And then? A. Returned for workshop use.

Q. By bulk erased will you explain to the jury what that is. I know you can erase a tape by running it through a machine in the erase mode, but bulk erase is something different I think? A. Yes it is a

machine which you can place a spool onto and it has a magnetic field which erases anything that is actually on the tape.

A Q. So you just put the tape whole onto this machine? A. And it erases the tape.

Q. Having been bulk erased would an expert or anybody to do with the tape recording business be able to tell by listening to it that it wasn't a new virgin tape? A. If he was looking for that particular thing yes.

B Q. Would this be because the noise level, the hiss or background noise level on this tape would be higher than that that would be found on a virgin tape, absolutely fresh tape? A. That is correct.

Q. Is that the reason why a tape that has been bulk erased in your bulk erasing machine is not used again for professional purposes but is put into the laboratory I think you said? A. That is correct, yes, yes.

C Q. In that case would the Times, the people who were employing you would they be invoiced for that tape eventually, would they have to pay for it? A. I wouldn't honestly know, I would say no.

Q. So what you are saying in that instance a tape which has been returned in this fashion has been returned to stock invoice wise, yes? A. Yes.

D Q. But it would not be used again professionally on location? A. I wouldn't have thought so, no.

E Q. Now as regards the tape on the Uher which was being used that afternoon in your car and I believe it was carried at one stage by Mr. Mounter, I suggest that that tape on the Uher that afternoon was the second half, second track of the tape which had been used for the telephone conversation in the morning, is that right? A. I don't recollect this unless I have a look at the actual schedule, I'll have to take your word for it.

Q. Well I would like you to take a look at exhibit ten in this case which is the transcript of the note book of Mr. Lloyd. May this witness look at exhibit ten please.

F HIS HON. JUDGE STROYAN: I don't think he can look in the note book.

Q. Only to refresh his memory.

HIS HON. JUDGE STROYAN: You should have asked Mr. Lloyd to refresh his memory from his note book, I don't see how this witness can refresh his memory from Mr. Lloyds note book.

G Q. Well because this man was the man who made the copies that Mr. Lloyds note book refers to.

HIS HON. JUDGE STROYAN: Yes, but that doesn't enable him to look at Mr. Lloyds note book. You put the question, you ask him what he remembers.

H Q. Well Mr. Lloyd according to his note book has given evidence to this

effect, when he took seven tapes to be copied on November the 11th ...  
A. Yes.

**A** HIS HON. JUDGE STROYAN: Well the way to put that question is to ask him a question about when the tapes were copied or how many tapes were copied. It's no good saying Mr. Lloyd said so and so any more than it's any good saying the man in the moon said so and so.

Q. Well do you remember how many tapes were copied on November the 11th?  
A. The actual number, no. I think there must be a record invoice somewhere at Location Sound.

**B** Q. Well maybe you could look at that record because I believe we have invoices of that occasion available. I believe I can even give you the invoice and transfer note number.

HIS HON. JUDGE STROYAN: Is this right "I don't remember how many tapes were copied on November the 11th?"  
A. That's right.

**C** Q. He can find that by looking at his Company's record of the occasion.  
A. Thank you. May I ask which bit you are referring to?

Q. The bit which refers to the copying of tapes on November the 11th I think it is?  
A. November the 11th?

Q. Yes.

**D** HIS HON. JUDGE STROYAN: Is there any dispute about tapes copied on November the 11th?

MR. RIVLIN: The problem is this, the whole basis of this cross-examination may be totally false.

HIS HON. JUDGE STROYAN: Yes.

**E** Q. I missed that Your Honour.

MR. RIVLIN: The whole basis of this cross-examination may be totally false.

MR. SYMONDS: That's twice you've said that and twice you've whispered it. It's not totally false at all. In fact it's just about the end of your case - the number of originals and the number of copies and who copied what, where.

**F** MR. RIVLIN: Your Honour it is very difficult if I may say so in these circumstances because ...

HIS HON. JUDGE STROYAN: Yes, it is ...

**G** MR. RIVLIN: Because I haven't risen but all of this is absolutely objectionable and inadmissible, but I haven't risen to object at all.

HIS HON. JUDGE STROYAN: I know.

MR. RIVLIN: But he's very anxious to make a point. My proper time to deal with it is in re-examination and I think I'll just have to await my time to do it.

**H** HIS HON. JUDGE STROYAN: Yes, yes. I think that is probably the best.

A MR. SYMONDS: Your Honour I suggest it would have been easier to let me continue in the first place, I was referring this witness to an official exhibit in this case. And these notes were made according to the evidence of Mr. Lloyd at Mr. Hawkey's dictation because Mr. Lloyd said he knows nothing about tape recorders.

HIS HON. JUDGE STROYAN: Just listen to me a moment. The principle in law is perfectly simple. You can ask a witness to look at a document made by himself to refresh his memory. Documents made by somebody else can be put to that other person who made it and he can talk about it.

B MR. SYMONDS: And if this witness dictated these facts to the man who wrote these facts down ...

HIS HON. JUDGE STROYAN: What document are you looking at. Can I just see it. It looks as though it's a bill to the Times. Is it a bill from your company to the Times?  
A. It is.

C HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour it may help the defendant if I just point out what our concern is about this cross-examination. We may be quite wrong about it but if we are right then the defendants point is going to get him nowhere. He made the point with the witness that the Uher is a two track recorder.

D HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And that the same tape may have been used for both recordings, morning and afternoon.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: But Your Honour the afternoon recording was radio microphone...

E MR. SYMONDS: I've checked this, and any way, Mr. Lloyd has already agreed and admitted in evidence that one tape was used on this day. You can look up the Court records. One Uher tape was used on this day ...

HIS HON. JUDGE STROYAN: Now Mr. Symonds will you ...

MR. SYMONDS: One Uher tape was used on this day to record the telephone conversation in the morning and ...

F HIS HON. JUDGE STROYAN: Mr. Symonds will you be quiet and let Mr. Rivlin say what he wants to say and then you can say what you want to say.

G MR. RIVLIN: Your Honour it seems apparent if I may say so that the defendant knows what I am going to get at. The tape that was taken in the afternoon was a radio microphone on Perry to a Nagra and that is not a half track it is a full track recording and that is where and why we suggest the whole basis of this may be false. Now if the whole basis is false ...

H MR. SYMONDS: I do object to this. Perhaps this witness could leave the Court. What he's trying to do is poison his mind. I object most strongly to people standing up in the middle of my cross-examination and trying to tip off people what to say.

HIS HON. JUDGE STROYAN: Mr. Symonds ...

MR. SYMONDS: Because Mr. Lloyd has given evidence that ...

HIS HON. JUDGE STROYAN: Mr. Symonds ...

MR. SYMONDS: ... that this was a Uher. And it's in the Court records.

HIS HON. JUDGE STROYAN: Mr. Symonds, listen to me. I shall conduct this case in the way in which I think fit and in the way in which I think fit to the witnesses as well as to you and to the jury as well as to you. I am not going to have false impressions given whether deliberately or not deliberately. Now let's get on with this properly.

Cross-examination continued

Q. So continuing on this point Mr. Hawkey the situation we have now is that according to your notes on page one ... A. Are you referring to ...

Q. Yes, your pocket book notes. You listed the equipment in use that day the 28th. And you listed that on that day you used one Uher TR and you've given the number of the machine behind it. Do you see that? A. I do.

Q. One telephone adapter. One Nagra TR and the number of the machine and what looks like one radio mike. A. Yes that is correct.

Q. So it would appear that in use on that day you had two machines - one nagra and one Uher. Now we have also heard that the D19 microphone and the 20 foot microphone cable attached to the microphone and leading to the machine only fits into a Nagra. We've also heard that it can be fitted into another machine with some sort of adapter cord which you never had use for. We have also heard in each and every case throughout this enquiry the direct microphone in Mr. Perry's car leads through to a Nagra and now therefore it would appear right your evidence so far, quite correct in fact that the Nagra was in Mr. Perry's boot attached to the direct microphone and the Uher was in your car attached to a radio receiver linked to a microphone on Perry. As we've already heard just now, Mr. Lloyd also said in his evidence that it was a Uher in use attached to the radio microphone. Now following on from that, the Nagra was in the boot of Mr. Perry's car and the Uher was being used as a mobile, if you like, yes. We've also heard from Mr. Perry ... From Mr. Lloyd that the tape one or his tape one which he took to be copied on the 11th was recorded on both sides. And when we discussed this in evidence he said yes it was quite possible this was a Uher tape which...

HIS HON. JUDGE STROYAN: Would you please stop making a speech and ask a question.

Q. Just trying to put right the damage that's been done by these interruptions.

HIS HON. JUDGE STROYAN: Well you are not going to. You are asking questions.

Q. And in fact the Uher used on that day recorded both sides on tape, a five inch tape. In the morning it recorded telephone calls on one track of the five inch tape and in the afternoon it recorded the conversation at the Rose. Now would you agree with that, that that is what in fact happened Mr. Hawkey?

HIS HON. JUDGE STROYAN: That is quite unfair and I am not going to allow him to answer that question - you've made a speech there and asked him to agree. Now if you want an answer ask him proper questions.

Q. On the 28th did you record the telephone calls in the morning on the top half of a five inch tape on a Uher? A. That is correct.

Q. On the 28th in the afternoon did you record the meeting outside the Rose on the bottom half of a five inch Uher? A. You would have to refer to the notes in the schedule for that because it was twelve years ago.

Q. But could you have done?

HIS HON. JUDGE STROYAN: That won't do.

Q. Now about this entry in Mr. Lloyds pocket book about the copying, Your Honour, I think this would clarify matters for Mr. Hawkey almost immediately if he was able to look at this exhibit.

HIS HON. JUDGE STROYAN: You can ask him a question based on what you concede in Mr. Lloyds notes. It is not right to ask him about somebody elses notes and ask what they mean.

Q. According to Mr. Lloyds note book, Mr. Lloyds recollection is that on tape one which is a five inch tape, both sides were recorded. Would you agree that that was a correct record he made?

HISHON. JUDGE STROYAN: I don't see how he can possibly answer that ...

Q. Because Mr. Lloyd has given information that ...

HIS HON. JUDGE STROYAN: Now listen to me. That has nothing to do with it. You can ask him what was recorded on the top and what was on the bottom. It is quite wrong and quite unfair to ask him what somebody else has said. You can ask him a question and you must take your answer. You have already asked him the question whether on the 28th October he recorded the telephone conversation on the upper half of a Uher two track tape and he has said yes. You have asked him whether he recorded the afternoon conversation on the bottom half of that same tape and he said he did not know. That's the present position. Of course if you want to ask him some further question about that of course you can do so.

Q. The situation has arisen Your Honour that on Friday 11th November copies were made of these tapes and Mr. Hawkey, this witness, dictated to Mr. Lloyd certain technical details of matters such as speed of copying and the details of the machines to Mr. Lloyd so therefore the information about these tapes came originally from Mr. Hawkey and therefore I would submit in that case it is quite proper for Mr. Hawkey to refresh his memory from information that he supplied in the first place to Mr. Lloyd. You've had this evidence from Mr. Lloyd.

HIS HON. JUDGE STROYAN: Were you present Mr. Hawkey when Mr. Lloyd made a note about these recordings on Tuesday November the 11th?

A. I cannot remember My Lord. I'm not actually sure of the question.

HIS HON. JUDGE STROYAN: What you are being asked about is the occasion on November the 11th when allegedly certain tape recordings were copied, do you follow? A. Yes.

A HIS HON. JUDGE STROYAN: You are being asked to remember that occasion. But in particular you are being asked to remember whether on that occasion you dictated to Mr. Lloyd the details of what was going on. That I think is the question the defendant wanted to ask about. Now can you remember doing that? A. If you are asking if Mr. Lloyd asked me, or Mr. Mounter, what the procedure was ...

Q. Yes. A. Yes I would have explained what the procedure was.

B Q. Thank you. And if you bear in mind Mr. Lloyd's evidence on this matter Your Honour, where he said in fact Mr. Hawkey did tell him what was happening and he made a careful note, I would suggest it is quite proper for Mr. Hawkey to have a look at this particular part of Mr. Lloyds note book exhibited in this case.

HIS HON. JUDGE STROYAN: Well it's not as a matter of fact, but as you seem so excited about it I'll let him do so.

C Q. Thank you. Will you please look at page 30 of exhibit ten in this case. A. Page 30?

Q. Thirty, yes.

HIS HON. JUDGE STROYAN: First of all Mr. Hawkey just read it to yourself, will you.

D Q. Both pages 30 and 31.

HIS HON. JUDGE STROYAN: Just read through it. Now before you are asked any further questions just answer me this. Do you recollect dictating or saying to Mr. Lloyd the material which you see recorded there? In other words is that something which comes from you? A. I wouldn't like to say My Lord to be honest.

E HIS HON. JUDGE STROYAN: Well ... A. I don't think its of any importance to be honest. It just says the actual tape was recorded reel to reel at three and three-quarters and the speed at the time. What's the point.

F HIS HON. JUDGE STROYAN: Well it's rather difficult to see, I'm sharing your difficulty. But I'm not really concerned with that at the moment. What I am concerned about is Mr. Symonds badly wants to make some point about it. But what is important is whether that is something you told Mr. Lloyd in which case it is something which you can be asked about or whether it is something which you can't remember whether you told Mr. Lloyd - in other words something Mr. Lloyd has put down for himself in which case it is perfectly proper for Mr. Lloyd to be asked about it - which he has been. And it's not proper for you to be asked about it because you are not responsible for it. A. In this instance I would say it's Mr. Lloyd ... Referring to Mr. Lloyd?

G HIS HON. JUDGE STROYAN: If those are his notes you are looking at? A. I would say they are Mr. Lloyds as he saw it.

H HIS HON. JUDGE STROYAN: Let me put it to you this way. If you are in one way or another responsible for Mr. Lloyd writing down what you see there then you can be asked about it. If it is something which Mr. Lloyd wrote down of his own notion albeit in your presence then it should be Mr. Lloyd to be asked about it (as he has been) and not you. A. I think Mr. Lloyd wrote these notes down and they weren't dictated at the time, so

he's done them on his own back.

A HIS HON. JUDGE STROYAN: Yes. I don't think you can ask this witness about them. You asked Mr. Lloyd about these in detail.

Q. May I ask one or two? May I ask this witness if he recalls Mr. Lloyd asking him the name of the room they were in?

HIS HON. JUDGE STROYAN: Yes.

B Q. Do you recall Mr. Lloyd asking you about the room you were in and you saying this was the Sound Proof Cutting Room? A. No, no. Your Honour in actual fact I don't think they were sound proof, they were just cutting rooms.

C MR. RIVLIN: I would like to say something. I will say it out aloud so the defendant can hear it but I am very reluctant to say it in the presence of the jury because it may provoke an outburst. But I think something must be done about this point at this stage. And with great regret I respectfully ask that the jury might be requested to leave for a moment or two whilst I point out certain matters to Your Honour.

HIS HON. JUDGE STROYAN: Yes, very well.

(JURY LEAVE)

D MR. RIVLIN: Might the witness just withdraw for one moment?

HIS HON. JUDGE STROYAN: Yes.

(Mr. Hawkey withdrew)

E MR. RIVLIN: Your Honour the point as I understand it being made is there was some muddle or inconsistency about the first two tapes and it's been repeatedly put to Mr. Hawkey that Lloyd said when he gave evidence that the recording in the afternoon of the 28th was onto a Uher. Your Honour I've been handed a note by my learned junior which says no such thing. I have been handed my instructing solicitors note (and he's been making notes) and it says no such thing. And Your Honour if you look at Lloyds statement which has just been put to him, page 30 ...

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: Tuesday 11th. D.S. Symonds October 28th 1969 Rose Public House. That's tape two.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour can see just beneath this "taken on nagra originally be automatic recording" - do you see that in brackets?

G HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Your Honour ...

HIS HON. JUDGE STROYAN: Just be quiet Mr. Symonds.

H MR. RIVLIN: Yes, if you just allow me a moment please Mr. Symonds. Your Honour we have had scientists on both sides looking at these tapes.

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Scientists on both sides say the tape in the afternoon was a full track recording and not a half track recording. We have Ford's report and also reports from my own scientists. And Your Honour in addition to that if we look at Hawkey's statement, his statement to the Police which I don't think Your Honour has, this is what Mr. Hawkey says - and he says Look I can't remember now without my statement. And he's talking about this afternoon ... And for the defendants benefit it is page four. "I was to fit Perry up with a radio microphone which would be worn around his neck and a transmitter in his inside pocket, this I did. I also fitted a fixed frequency receiver linked to a NAGRA tape recorder into a Ford Cortina Automatic index number THV 199F which I was now using". It is possible to approach this point from about five or six different stand points as Your Honour now appreciates and the answer is the same whichever way you look at it. And Your Honour what concerns me is this, that it's terribly easy with the passage of time ... and I am saying this in the absence of anybody who may be effected by it ... it's terribly easy to deliberately muddle and confuse an issue and that I respectfully submit is exactly what is being done and has been done now over a period of time.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Everything, everything that we have and the defendant has I would respectfully suggest points to the recording in the afternoon being a recording from a radio transmitter to a Nagra. And Your Honour the cross-examination we have been listening to for some period of time now with a witness who has not even got the advantage of his police notes in front of him because his statement to the police was about three months afterwards, and who has not got the advantage of the expert reports that we have - and by that I mean the Prosecution and Defence, is purely misleading and goodness knows what the jury must be thinking in the absence of all this information which is so well known to the defendant.

HIS HON. JUDGE STROYAN: Yes I have been increasingly worried about this.

MR. RIVLIN: Your Honour I raise this matter now because it is not the first time this sort of thing has happened and sometimes it is possible for me in re-examination to deal with the matter quite easily by reference to notes that I can refer a witness to. But when a proposition is put to a witness and the defendant suggests Mr. Lloyd said something or Mr. Mounter said something which in fact he didn't, and when the defendant himself must know that there is a simple answer to this and it is in all of the documents and the information he has I am entitled I submit not merely because it advances my case but because it protects the jury against being muddled, to raise it with Your Honour and to enquiry really what is going on here.

HIS HON. JUDGE STROYAN: Mr. Symonds you heard that. I hope you followed it. It is quite plain on the evidence and indeed obvious that the recording of the 28th was taken from a microphone which was recording on a Nagra.

MR. SYMONDS: I disagree absolutely Your Honour. Your Honour unfortunately I am standing here by myself surrounded by papers. I don't have juniors and a large number of other people to make notes. But I know there are several places written that it was a Uher used to make that second recording in the afternoon and I would like to find it now. I would like to find it where people say the recording was taken on a Uher because I know it's a fact and I think you are having false points put to you. Quite honestly I think it's outrageous. I have every disadvantage. In fact Mr. Lloyd himself said it was a Uher.

HIS HON. JUDGE STROYAN: Just a moment, I'm going to look at Mr. Lloyds evidence.

A  
MR. RIVLIN: Your Honour the defendant will find it on page 10 if he wishes of his own experts report, Mr. Ford. It is possible ... Your Honour doesn't have this. Line two at page ten of Mr. Ford's report. It is possible that the defendant may be genuinely confused because the copying of that tape on November the 11th was done by using a Uher to Uher and this we see on page 30 of Mr. Lloyds reports. The transfer was from a Uher to a Uher and underneath that he puts 'taken on Nagra originally by automatic recording'. So that the defendants confusion may be - and I don't suggest for a moment that it's not a genuine one, that whereas the recording was originally taken on a full track nagra in fact the copying process was done Uher to Uher.

B  
MR. SYMONDS: That is impossible Your Honour.

C  
MR. RIVLIN: But Your Honour the problem is and I would respectfully invite the defendant to look at a little schedule which appears to his own expert's report (page ten of Mr. Ford's latest report). The position is this Your Honour I don't wish to take up any more time on this, but if the defendant persists in this point then I shall feel entitled to deal with it and it may not assist his if I am able to demonstrate conclusively in front of the jury that he must know he is taking a false point.

HIS HON. JUDGE STROYAN: Yes.

D  
MR. SYMONDS: The thing is to start off with ...

HIS HON. JUDGE STROYAN: Just a moment.

MR. SYMONDS: If the nagra is a full track tape recording it can't possibly be copied onto a half track so far as I can understand.

E  
HIS HON. JUDGE STROYAN: Mr. Lloyd's evidence is clear enough. "I obtained exhibit two after it was made" That is the tape which he identified. He said it was played as soon as it was made. And his evidence was that it was made from a radio microphone to a Nagra. Does that agree with anybody elses note.

F  
MR. RIVLIN: Your Honour that assists us in fact if he actually used the word Nagra. But certainly he did not say it was a Uher as has been put I think two or three times now to this last witness. And Your Honour it is so difficult. I do commend with all respect the defendant to just have a look at the reports of his own experts.

MR. SYMONDS: Your Honour the experts are reporting on what they were given. The experts reports mean nothing in fact if there was a Uher recorded on both sides originally. The experts report on what was produced by the police, they say this is the evidence so it's not worth a light.

G  
HIS HON. JUDGE STROYAN: If you say your experts evidence is not worth anything no doubt you won't need to call him. I think the only thing to do is bring the jury back and if this point is persisted in it will have to be dealt with.

MR. RIVLIN: I can't stop the defendant taking up that point, I really cant. All I can do is to.

H  
HIS HON. JUDGE STROYAN: I shall point it out to him myself.

A MR. RIVLIN: All I can do is point out any inaccuracy where the defendant puts it to a witness that another witness has said something. And it's the only point I am entitled to make I think thus far, although I would suggest to the defendant the overwhelming weight of the evidence on all sides and all the information suggests he is taking a false point. The only point I am fully entitled to make is Mr. Lloyd said no such thing as the fact a Uher was used for the afternoon of the 28th.

HIS HON. JUDGE STROYAN: Yes. Let the jury come back.

(JURY RETURN)

B HIS HON. JUDGE STROYAN: Members of the jury I have been checking my note because it has been suggested to this witness a number of times by the defendant that Mr. Lloyd had said that this recording on the afternoon of the 28th was made on a Uher. He said no such thing. Yes.

MR. SYMONDS: In that case Your Honour I would like to ask for an adjournment so I can fully look up all the notes and find ...

C HIS HON. JUDGE STROYAN: No. This case is taking quite long enough as it is.

cross-examination of Mr. Hawkey cont'd  
by Mr. Symonds (defendant)

D Q. On the 28th did you only have two machines in use or did you have some extra machines? A. Well it will be in the schedule that you have but according to my notes a Uher tape recorder and a Nagra.

Q. A Uher and a Nagra. And did you have a microphone fitted into Mr. Perry's car? A. I did, yes.

Q. And was there a 20 foot cable attached to this microphone?

E HIS HON. JUDGE STROYAN: We are not going to go into all this again. Get on with the next point.

Q. It is rather important.

HIS HON. JUDGE STROYAN: You have done it once already.

Q. I would like to make it clearer in view of what you've just told the jury.

F HIS HON. JUDGE STROYAN: It is quite clear. We are not having this point again.

Q. May I just say then ...

HIS HON. JUDGE STROYAN: You may not make a speech, you may ask questions.

G Q. It must have been a Nagra in Perry's car? A. The microphone was connected to a Nagra in Perry's car.

Q. And therefore the tape recorder carried mobile must have been a Uher?

HIS HON. JUDGE STROYAN: That is completely muddled.

H Q. Is it true that this cable attached to the microphone would only fit into a Nagra? A. The cable from the microphone would only fit into a Nagra, yes.

Q. And if there was only a Nagra and Uher in use this day the Nagra must have been in the boot of Perry's car attached to the cable attached to the microphone?  
A. I would have to refer to the statement but I believed the microphone was connected to a Nagra in the boot of the car.

Q. Yes. And as you only have one Nagra and one Uher would it also follow then that the machine you were using for mobile attached to the radio microphone must have been the Uher. Can you cast your mind back to the 28th when you were sitting there with the machine in the car, was it a Uher?  
A. I can't honestly remember. I would have to refer to the statement actually. Wouldn't the schedule tell you in actual fact. There was a schedule made up of the equipment used on that day and the position that the equipment was in at the time.

Q. Yes, but the schedule might be wrong you see, because we are going on a form of logic now.

HIS HON. JUDGE STROYAN: What does the schedule say. I think we've got it somewhere haven't we? Will you look at I think page 35 referring to the schedule.

MR. RIVLIN: Your Honour I have got the schedule, that is Mr. Hawkey's own schedule attached to his own statement, page 35.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Would you please have a look at this Mr. Hawkey.

Q. So is Your Honour putting Mr. Hawkey's statement to him. I would like to have it made clear if you are.

HIS HON. JUDGE STROYAN: Mr. Hawkey will you look at your schedule so that the jury should not be misled either deliberately or not. Do you see the second item in that schedule on page 35?  
A. Yes. Radio microphone to a Nagra carried in a bag, snatches of conversation only.

HIS HON. JUDGE STROYAN: Does that help you in your recollection about this?  
A. Yes if I remember rightly we made the telephone conversations the microphone was under the dash board and the Nagra was in the boot of the car. And if Mr. Perry got out of the car at the time there would only have been snatches on the tape. Is that your point Mr. Symonds.

Q. No. My point is first of all when did you make this schedule?  
A. When I made the statement I believe.

Q. What date would that be?

HIS HON. JUDGE STROYAN: 13th of January, 1970 it says.

Q. Pardon? Well ... So what you are saying there you are talking about the Nagra in the boot of the car, yes?  
A. That is correct.

Q. Which contains snatches of conversation because the conversation ... the meeting didn't take place in the car. So as there was only a Nagra and a Uher in use that day it would follow that the Uher was the one receiving from the radio microphone would it not?

HIS HON. JUDGE STROYAN: If you are not able to answer that say so.  
A. I am sorry.

Q. Would you say the Nagra ...

HIS HON. JUDGE STROYAN: Be quiet Mr. Symonds. Now Mr. Hawkey say what you want to say.  
A. I didn't hear that question My Lord.

HIS HON. JUDGE STROYAN: What did you want to say? You were about to say something and Mr. Symonds said something to you, you said "Oh sorry" then you were going to say something.  
A. It's gone I'm afraid.

Q. So is that the situation. Have I understood that right that the Nagra was in the boot of the car and only received snatches of conversation?

A. That is correct. When you say snatches of conversation ...

Q. Because there was no meeting in the car?  
A. There was no meeting in the car.

Q. Exactly so it would be Perry saying a few word before the meeting and something afterwards.  
A. When he closes the door of the car and the microphone is unable to pick it up, yes.

Q. So that tape was not in fact kept, there was nothing on it.  
A. I shouldn't think so.

Q. So as there was only a Nagra and Uher in use that day, we have just established several times earlier on, the Nagra was in the car or must have been through any form of logic and the Uher being used as a mobile?

HIS HON. JUDGE STROYAN: That's what you say. Yes?

Q. And therefore it is quite possible is it not that the conversation recorded by the mobile, the Uher could have recorded on the second track of a five inch tape?  
A. May I just point out there's no ...  
Can I just refer to my notes. There is something wrong there in actual fact.

HIS HON. JUDGE STROYAN: Don't hurry. Just work it out Mr. Hawkey. Take your time.  
A. From what I can see from the schedule the microphone under the dash board of the car must have been connected to the Uher tape recorder and a meeting that was carried in the bag was the Nagra tape recorder.

Q. According to the schedule. When was that schedule made exactly? Is there a date on it?  
A. On the 28th of the 10th the actual schedule.

Q. Is it attached to some sort of statement?

HIS HON. JUDGE STROYAN: I think the date is 13th January 1970.  
A. I can't see that.

Q. 13th January, 1970. This is to do with matters of October 1969?  
A. Right.

Q. And the only notes you made were these we've been looking at?  
A. That's correct.

Q. Two or three pages. And apart from the fact that its a couple of months later at lease and apart from the fact that the original source of information is very scanty, you could have made a mistake?

A. May I say I made a statement at the time with a list of equipment

used which was very quickly after this case took part.

Q. You made a statement? A. Yes.

Q. Perhaps you would like to look at that statement now? A. May I?

Q. When you say it was made very quickly, was it in December or something or what? A. I can't remember the actual date the statement was made.

Q. Perhaps the exhibits officer will see if you did make a statement immediately afterwards.

HIS HON. JUDGE STROYAN: Are you talking about the statement you made on the 13th of January or is there some other one? A. The one to the police.

HIS HON. JUDGE STROYAN: This is the one to the police. A. The actual main statement itself?

HIS HON. JUDGE STROYAN: Yes. The statement to the police you have just been looking at the schedule which deals with the Nagra carried in the bag amongst other things, that is dated the 13th January 1970 and it is a long statement to the police. A. Sorry, I thought I had made it earlier than the actual schedule.

HIS HON. JUDGE STROYAN: Yes. But that's the only statement to the police you made? A. That's the only one I made.

HIS HON. JUDGE STROYAN: Yes. On the basis of what you've just said, the microphone under the dash board of the car was connected to the Uher and the Nagra in the bag, what would it be that was transmitting to the Nagra in the bag? A. It would have been a radio microphone connected to Mr. Perry.

Q. How exactly did you connect the microphone in the car to the Uher in the boot? A. As I said before this could be done by an adapter.

Q. Did you have such an adapter with you? A. I can't recollect to be honest.

Q. Would you look to see if you drew one from the stores? A. You wouldn't draw a thing like that from the stores, you would make one up.

Q. Do you recall making up an adapter? A. From twelve years ago, no.

Q. Would you consider it unusual if you had a D.19 microphone, 20 foot of cable made for the job in fact of plugging into a Nagra, would you find it unusual and strange that instead of just plugging the Nagra into the Nagra adapter attached to the microphone, would it be rather unusual to fiddle around making an adapter to get the lead somehow to fit into a Uher? Yes? In order to carry the Nagra about? A. As I say this was the very first meeting and we didn't have any idea what we were about to record so we would have made do with the equipment we had at that particular time, at that particular moment. As I say, we didn't know we were going to fit up a car originally with the microphone and tape recorder in the boot so we went originally to make telephone conversations which we did. It was then suggested by the reporters that

other further recordings should be made.

A Q. So you would not expect that it would be rather unusual under those circumstances with that equipment available to make up an adapter to in some way get the Uher to fit on to the ... A. At that moment I would not have thought it unusual we were doing it all the time.

Q. Although the extension lead you had fitted in the car was containing an extension to fit a Nagra? A. That is correct, yes.

Q. Which you had with you? A. That is correct.

B Q. So the next day, well ... At the end of the day what did you with with the tape recording or tape recordings that had been made that day? A. Recordings would have been given to the reporters and I believe they took them back to the Times office.

Q. Both of them or just the one? A. All of the recordings.

C Q. And was this the standard procedure - they always did this did they? A. Yes.

Q. And in the next meeting which I believe took place on the 31st were you present at that? A. I believe I was, yes.

D Q. But before that had you been present at Mr. Perry's house when a number of telephone calls were made by Mr. Perry once again to a number of police stations? A. Yes.

Q. On the 30th? A. I'm not sure if it was the 30th or the 31st, but I was present when they made other telephone conversations to police stations.

E Q. Were these recorded? A. I'm not absolutely sure but I would say in one instance ... well in a couple of instances you could hold the set in the pause position and listen to the calls through headsets or monitor it through the speaker. So unless there was a call, a recording they actually wanted there was no reason for them to set the machine in motion.

Q. This pause button. Is this on a Nagra and a Uher? A. I believe there is one on the Uher and I believe if my memory is correct you can pause on a Nagra but I'm not absolutely sure about that at the moment.

F Q. Could this pause button be used for a form of editing? A. I suppose it could be, yes.

Q. And ...

G HIS HON. JUDGE STROYAN: The only suggestion of editing we've had from you throughout is something was left out of tape number five which indicated the presence of a photographer, that's the only suggestion you've made about that so let's go on to the next point.

Q. The only specific point.

HIS HON. JUDGE STROYAN: Yes. Go on to the next point.

H Q. So continuing on the 30th.

HIS HON. JUDGE STROYAN: No, we are going to the 31st. I've really got to keep this case going. I'm not prepared to let you go on and on and on.

A Q. So you think matters on the 30th aren't important?

HIS HON. JUDGE STROYAN: You have been cross-examining a very long time. I am not allowing you to go on about the 30th, there is nothing in issue about the 30th.

B Q. There is a lot in issue about the 30th including these tape recordings being brought down from the Times and being given to the reporters across the road in a pub. And including the fact the tape recording device was set up on Perry's telephone in his brothers house and Perry was left alone in the house when everyone went for a drink and a host of other things which I am sure the jury will be very interested in. But if you absolutely insist on refusing to allow me to mention these matters I would like it mentioned on the Court record because I think the Appeal Court will be interested in that. So you can make your mind up now.

C HIS HON. JUDGE STROYAN: Mr. Symonds ...

D Q. Whether I am allowed to be able to defend myself or whether I'm going to be ... You see I know this is an official cover up and I know it's a sort of a bums rush job on me, a rough and ready job - get me convicted at all costs. But the only way you can shut me up is to ask these gentlemen to drag me down the stairs because I'm going to defend myself and I'm going to ask questions.

HIS HON. JUDGE STROYAN: Mr. Symonds ...

Q. I won't be shut up.

E HIS HON. JUDGE STROYAN: Now if you want to ask a question about the tape recording being left in Perry's custody without anyone else there you may do so. What I am not going to have you going on about are the points about recordings of telephone conversations to other people involved in other cases on the 30th. Now if you want to ask about Perry having the tape go on and do so.

F Q. On the 30th did you hear Perry trying to make contact with me at all by phoning the police station and asking for Detective Sergeant Symonds? A. He made quite a number of telephone calls, I can't recollect whether he asked particularly to speak to you on that particular day.

G Q. Do you recollect that at one stage in the evening while the telephone attachment device was attached to the telephone and the equipment was set up, do you recall going across to a pub across the road together with Mr. Mounter and Mr. Hawkey for a drink? A. I did at one time go, yes I do.

Q. Was this in fact the night when Miss Mounter first joined you?

HIS HON. JUDGE STROYAN: Who is Miss Mounter?

Q. Miss Millard first joined you? A. I believe it was.

H

Q. Were you not in the pub with Mr. Mounter and Mr. Lloyd when Miss Millard came down and met you in the pub? A. Yes.

Q. Did she bring you some equipment? A. She did.

Q. Can you recollect what equipment she brought? A. I can't remember.

Q. Could it have been spare tapes and spare batteries? A. Possibly.

Q. Later on that evening whilst in the public house do you recall two gentlemen arriving, one of whom was a photographer named Pridmore and the other was a car hire driver named Mr. Owen? A. I remember two people joining us, I didn't know their names there at the time.

Q. Do you remember the smaller gentleman, Mr. Pridmore giving a parcel or a number of tape recordings to Mr. Lloyd or Mr. Mounter? A. No, I have no recollection at all.

Q. Can you recall whether the arrangements for the meeting for the 31st had been made on the 30th by the time you went home that night? A. Possibly, possible. The standard procedure was that if Mr. Mounter and Mr. Lloyd wanted us if there was a meeting set up that we would arrange to meet the following day, if not, he would telephone.

Q. So if it was to your knowledge a meeting had been arranged for the 31st you would have taken steps to equip yourself for carrying out this operation would you not the next day by drawing tapes from the stores, would it be? A. Yes.

Q. And whatever equipment was necessary? A. Yes we would do, yes.

Q. From your memory can you say whether you equipped yourself for an expedition or to go on location or site, how many tapes did you normally draw out. Was there some sort of rule of thumb - half a dozen tapes or something like that? A. It was just an approximation, a guess actually on how many tapes we would need for the day. There was no set amount.

Q. So whenever you were out on a day with the reporters what sort of quantity of tape recordings would you have in your possession, brand new tapes? A. If we were going out to do a meeting I should say four or each, three of each.

Q. And do you ever recall an occasion when you didn't have any tapes at all for example or is it true to say you were always properly equipped and supplied? A. Not always but as you made the point before if we needed any other equipment we could always get it from Location Sound.

Q. And I believe you made use of this facility a number of times because a number of people came out to you during this month from Location Sound bringing bits and pieces. A. That is correct, yes.

Q. Now we have been talking about the 30th and phone calls being recorded on that day. I would like you to look at page 3 exhibit 5, tape 3 exhibit 4 sorry. Look at the writing on that box and on the spool. Can you refresh your memory enough to say whether or not that this is the recording of telephone calls or a telephone call which was made on the 30th of October? A. Yes I would say it was the original tape.

Q. Now on the 30th of October what would have happened to that tape in the normal course of things? A. It would have been given to Mr. Mounter or Mr. Lloyd.

**A** Q. They would have taken it away would they? A. That's right.

Q. Looking at that box again, can you see that not only was it used to tape a telephone call on the 30th but it was in fact used to record a conversation on the 31st? A. That's correct, yes.

HIS HON. JUDGE STROYAN: That is what it says. A. Yes.

**B** Q. In view of the evidence about always being properly equipped and having plenty of tapes and what not how does it come about that you were obliged to get hold of this tape which was not professionally brand new. A. No. You say that, that is incorrect.

Q. Pardon? A. That is incorrect.

**C** Q. Why is that? A. Well just because some recordings had been made of telephone conversations doesn't mean to say the rest of the tape has already been used, the rest of the tape should have been virgin. So consequently if you made the recording of the 31st on the other track or another part of the tape ...

Q. Yes ... A. It is still a new tape as such, it's only that it's been used twice.

**D** Q. Yes. You see I have to explain to you Mr. Hawkey we've heard a lot of evidence about the security of these tapes and whenever a tape has been recorded it was taken back to a safe place and locked up as it were, and in every other case it's been a matter of the one tape for the one job - the telephone calls this is one tape kept separately. A. May I just say this. Normally when you put a tape on a Nagra in a boot of a car for instance we switch it on just before the meet, generally that tape would run right the way through. Whereas on this occasion we were making snatches of conversation on part recording and there was no point.

**E** Q. I think you said professionally once a tape had been used it would never be used again? A. If you only use half a tape the second half hasn't been used.

**F** Q. And is this what you did on the 28th, the telephone call in the morning and the meeting in the afternoon? A. Correct, yes.

Q. Now a further thing about that tape is that phone calls are on one side ... A. Yes.

**G** Q. To do with the 30th and on the first half of the second side or the bottom track there's another meeting recorded with another officer. If you look at the box you may be able to refresh your memory. A. Yes.

Q. I believe this was a meeting where the batteries ran down. A. That is correct, yes.

**H** Q. Now having heard your evidence about always having plenty of fresh batteries and tapes, is there a means of checking the batteries on the tape recorders - can you press a button and does it show on the red or

A the yellow or whatever? A. Yes but that's no true guide whatsoever. If a battery has been left, even though it is brand new and sealed, if ... it's got a certain shelf life so consequently if you take one of those batteries down and put it into a machine and then press the button it will read perfectly alright but after it's run for about five minutes it deteriorates very quickly and that is what happened.

Q. So this was as far as you were concerned brand new batteries lodged into the machine? A. Yes.

B Q. So you did all the tests and checks and they showed to be fully loaded put on the tape and started to run it and the batteries ran flat immediately? A. Not immediately, after a very short time.

Q. A very short time. Had you ever come across this in your professional recording experience before? A. Yes, it happens everyday, even today.

Q. It does? A. Yes.

C Q. Now having had this accident or as it were this bad luck with tape 3.a you ended up with a conversation between Perry and another officer on the first half of tape 3.b the second track. A. Yes.

Q. Shall we call it the first track tape 3 telephone call and the second track 3.a and 3.b Perry and another Officer; 3.b Perry and myself? A. Yes.

D Q. Why did you decide to start this meeting between Perry and myself on the afternoon of the 31st immediately after this other meeting where the batteries ran down which ... did it take place on the previous day, I think it did? A. Possibly.

Q. Also on the 30th. Why did you decide to start my meeting on this little bit of half a tape and half a track? A. Why did we do it?

E Q. Yes? A. This was on the second day of the meets, was it?

Q. No. A. Can you give me the date.

F Q. The 31st. By this time there had been meetings between myself and Perry and Perry and another officer on the 30th and Perry and two other officers on the 31st in the morning. There had been two lots of phone calls and three lots of meetings with police officers by the time you used this tape in this fashion. A. There was no particular reason I should have thought at that particular time. Convenience I would think.

Q. What, when you started this tape ...

G MR. RIVLIN: I think the answer was "convenience I should think".

Q. Further to that when you started this particular tape you wiped out a bit of the recording of Perry and the other officer which we will call 3.a. A. Possibly.

Q. Did you know you were doing this or were going to do this? A. No I didn't realise it in actual fact till possibly it was played back.

H

Q. So is that not important in some way that when you take a recording of Perry and me you are over-running a bit at the end of the recording of Perry and another officer? A. That was pure accident.

A

Q. An accident, yes. And have you made this sort of accident before in your career as a professional? A. Well I hope so otherwise I wouldn't be human.

Q. You have made such accidents? A. Don't we all.

B

HIS HON. JUDGE STROYAN: Is the suggestion that these conversations never took place at all?

Q. No Your Honour. I am asking why they were tape recorded in this crazy, cock-eyed fashion. Because when this meeting was arranged did you have any idea how long it was going to take place, might it last a hour, half an hour or longer? A. We had a rough idea at the time.

C

Q. So why did you fit up a machine where you've only got half of the bottom track of a five inch tape left on which to record it? A. I think there was sufficient tape on that spool to cover anything we needed to tape that particular day.

HIS HON. JUDGE STROYAN: Just a moment please. Yes.

D

Q. How long does a five inch spool run for normally? A. It depends on the length of the tape on the spool, that is standard play, long play and extra long play.

Q. Your Honour I wonder if we could take a break for five minutes now.

MR. RIVLIN: I think the defendant is fully justified in asking for this adjournment, I know what he has got in mind. The position is this, I have communicated to his solicitors and he is fully justified.

E

HIS HON. JUDGE STROYAN: Yes. Very well. Five minutes.

(Adjournment)

cross-examination of Mr. Hawkey (cont'd)  
By Mr. Symonds, (defendant)

F

Q. Do you still have tape 3 exhibit 4 in front of you? A. If that's the one, yes.

Q. What points I was trying to get out there which I don't think I did very successfully was that this tape recording, this tape was first used on the day before the 30th? A. That is correct.

G

Q. And you said that when these tapes were made, after they were made you gave them to reporters who took them away? A. That is correct.

Q. And so it would appear then on the 31st the reporters must have brought this one back again? A. On the 31st yes.

H

HIS HON. JUDGE STROYAN: That depends whether he took it away on the 30th of October. At this length of time can you remember whether he took it away on the 30th or whether you held on to it? A. As far as I'm

concerned My Lord we had no use for the tapes at all and we would always give them back to the reporters to take back to the Times.

A Q. You can't remember one exception to that rule when you might have held a tape overnight? A. No.

Q. So therefore would it follow from that the reporters brought this tape back the next day and used it to tape record me? A. Yes.

B Q. Did it happen on any other occasions to your knowledge where a tape which had been used previously was brought back again and perhaps used again? A. Not to my knowledge.

Q. On that particular day this was a meeting in the afternoon in fact I believe you had been engaged in tape recording two other police officers in the morning, do you remember that? A. What day are you talking about.

C Q. The 31st? A. The 31st yes.

Q. And can you recall whether that session had been successful or not from the point of view of getting successful tape recordings? A. It will tell you in the schedule.

Q. Well the Judge has believe given you that schedule to look at? A. On the 31st?

D Q. Yes, in the morning? A. Yes. Quality was good on one machine which was direct to the Nagra, that was the microphone from underneath the dash board to the Nagra in the boot and the quality was good according to the schedule.

Q. On the 31st in the morning. A. 10.69, the 31st. I can't remember if it was the morning or afternoon.

E HIS HON. JUDGE STROYAN: What tape is that? A. Five.

Q. Do you have a record there of any other tapes being made that day apart from 5 and 3? A. Yes, the radio microphone to a Uher in the boot of Perry's Wolsey.

F HIS HON. JUDGE STROYAN: Just a moment. On the 31st is it?

A. The 31st My Lord, yes. 3.b that is the one you are referring to.

Q. Yes.

G HIS HON. JUDGE STROYAN: Radio mike to Uher in the boot, is that right?

A. Yes My Lord.

Q. So according to your records there there was only two tape recordings successfully made on the 31st? A. Yes that is correct.

G Q. And therefore if there had been another meeting in the morning between Perry and two other police officers you would assume from that that there had been no tape recordings made successfully. - Because there's no record of them in your schedule? A. That's correct.

H Q. Now in that instance where you've tried to make some tape recordings and have failed for one reason or another what was normally done with those tape recordings? A. Well if there was snatches on them

they were given to the reporters but if there was nothing on them at all they were taken back to the workshop, bulk erased and replaced to the workshop.

**A** Q. You would do that yourself, take it back to the workshop and bulk erase it? A. Yes.

Q. Or would you take it back, give it in to Stores and somebody else bulk erase it? A. No, I would take it back myself.

**B** Q. Now in many cases, from the evidence we have heard, there must have been occasions arising where you are taking back tapes to be bulk erased because there is nothing on them, there must have been nothing on them electrically on the tape ... A. When you say electronically there may have been road noises or engine noises.

**C** Q. But if the evidence we have heard is right there should have been writing on the spools and boxes where the reporters have written something like meeting of such and such but the tapes have not been kept. Did you come across this? A. If you remember correctly in evidence given earlier I said I didn't remember whether they signed them before or after. Therefore if there is nothing on that particular tape there is no reason for them to sign the spool if they signed it afterwards.

**D** Q. But did you have an occasion where you were taking back tapes to be returned to stock invoice wise, to be bulk erased, and there was writing on the boxes or on the spools regarding the meeting that had taken place? A. If there was nothing on the tape there was nothing to write on the box.

**E** Q. Would you look now at exhibit 44 please. What do you see written on that box? A. Copy, phone calls October the 28th three and three-quarter inches to Symonds. Then there's some writing that's crossed out.

Q. Yes. Can you read the writing that's been crossed out? A. Symonds at Grove, November the 21st.

**F** Q. Yes. Mobile Nagra, can you see? A. I can see Mobile. I can't distinguish the other word. It could be Nagra.

Q. Yes. Can you see the word 'master' which has been crossed out? A. Top lefthand corner?

Q. Yes. A. Yes.

**G** Q. You see. Now this is a tape which is now a copy tape kept in a box which has previously had writing on it concerning another event, according to that box, which has been scratched out. Now that's the point I am trying to make. Did this occur more than once in your experience where you were taking a tape back to be cleaned, put back into stock, but there was writing on the box that had to be crossed out because the writing no longer applied to that? A. I just don't know the reason for that I'm afraid.

**H** HIS HON. JUDGE STROYAN: We must be careful about this. We've already had the explanation for this more than once.

Q. The explanation Your Honour as I recall it is that the writing was crossed out when they decided not to keep the tape.

**A** HIS HON. JUDGE STROYAN: The explanation appears there was nothing on the tape.

**B** Q. And therefore according to the explanation this would be one of the tapes returned to Mr. Hawkey to be bulk erased at his factory. And the point I would like to make is that there must have been a number of occasions according to the evidence something like fifteen tapes throughout the series were used but haven't been brought in evidence before us because the reporters say there was nothing on them of value to the case. What I am saying is we have heard evidence of contemporaneous markings ...

HIS HON. JUDGE STROYAN: Mr. Symonds what is the next question. We don't want a speech, we've had enough of that already.

**C** Q. I am asking Mr. Hawkey if he can think of other occasions when he's taken tapes back to clean them off because there's nothing of value on them and nothing wanted, where there's been writing on the spool or box that has had to be rubbed out in some way? A. No I can't.

Q. You see we've heard evidence in some cases the spools were written on before being fitted on to the recorder. A. My evidence?

**D** Q. No, we've heard evidence placed before the Court. A. As I stated, I wasn't sure whether they were actually written on before or just afterwards.

Q. Going back to the morning of the 31st when there was an unsuccessful attempt to record, would it follow you would have taken those two tape recordings back with you to Location Sound Facilities? A. If there was no conversation on them I would have taken them back.

**E** HIS HON. JUDGE STROYAN: In the morning or when you stopped working? A. At the end of the evening.

**F** Q. And when you took them back would there have been some sort of a book-keeping or stock-keeping method to show these two tapes had been returned to stock or returned to stores or were handed back? A. No, I would have just taken two more out to replace them to keep the number tidy and those two as they were used for our own purpose wouldn't count.

Q. What do you mean by your own purpose? A. We use them in the workshop for testing purposes.

Q. In connection with this enquiry? A. No.

**G** Q. In connection with your Company business? A. With the company business.

Q. Can you recall on the afternoon of the 31st whether the other tape was a brand new one used on the other machine. Would you have a look at tape five exhibit 3.b? There were two tapes made that day, one on the Uher on the 5 inch and the other one was that one. A. Yes.

**H** Q. Would that have been a brand new tape when it was fixed to the machine? A. Yes.

Q. And would you have removed the plastic covering or bag it was in and broken the seal? A. Yes.

Q. As I believe you said you did on every occasion bar this one we know about? A. Yes.

Q. Your Honour I wonder if we might break off at this point. I would be going into quite a long winded affair in connection with tape 5.

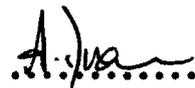
HIS HON. JUDGE STROYAN: This base has been dragging on because you have been asking so many questions, most of which are not relevant. You must really press on to-morrow otherwise I might have to put a time limit on the amount of time you are allowed to have to question.

MR. SYMONDS: Very well.

HIS HON. JUDGE STROYAN: It is my responsibility to ensure this trial is conducted with reasonable expedition and the jurys time and public money are not wasted. If you don't stick to essentials tomorrow, as I say I'm going to put a time limit on you.

(COURT ADJOURNED)

I certify that I took the shorthand notes in the case of Regina .v. Symonds on 23rd March, 1981 and the pages numbered 1 - 67 is a complete, true and accurate transcript of the said shorthand notes according to the best of my skill and ability.

  
A. Dixon

18th October, 1984