

IN THE CROWN COURT AT TEESSIDE

Before:

HIS HONOUR JUDGE STROYAN QC

Held at the Law Courts,
Victoria Square,
Middlesbrough.

TUESDAY 7TH APRIL 1981

R E G I N A

- v -

J. A. SYMONDS

(Defence case. Evidence of: Mr. Ford
Mr. Killick
Miss Millard)

MR. RIVLIN QC assisted by MR. RADCLIFFE appeared as counsel for the Crown
MR. SYMONDS represented himself

(Transcript of the shorthand notes of Mrs. L. Pearce of Messrs. Humphreys,
Barnett & Co., Official Shorthand Writers, 19 Queen Victoria Street,
LEEDS.)

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Tuesday 7th April 1981

Continuation of defence case

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TUESDAY 7TH APRIL 1981

Continuation of the evidence of Mr. Ford, defence witness (in cross-examination)

MR. RIVLIN:

Q. Now Mr. Ford, I had almost finished asking you questions yesterday and I promise I shall not start up again with a lot more. - A. Yes sir.

Q. We were dealing with the last three tapes and we had come to tape number 13, you having no criticisms or complaints to make in relation to tapes numbers 14 and 15. As regards tape 13, the feature that you pointed out to the court is the 50 hertz hum. - A. Yes.

Q. Which I think you confirmed comes some ^{considerable} distance after the recorded conversation between, allegedly between Mr. Perry and Mr. Symonds. - A. Yes, that is so.

Q. Whilst it would appear the motor car is being driven away. - A. Yes, it is during that sequence.

Q. Yes, during that sequence, yes. Now you have known, have you not, since last November that a possible reason for the 50 hertz hum was being suggested as being the transmitter? - A. Yes, that has been suggested.

Q. But you have known that since last November? - A. Yes.

Q. Have you since last November up to today conducted any experiment in that area? - A. No, I have not been asked to do so.

Q. No, very well.

HIS HONOUR JUDGE STROYAN: Just a moment.

Q. Have not done any experiment in that area? - A. No Your Honour.

MR. RIVLIN:

Q. Of course, do you live in London? - A. No, I live outside London.

Q. How far? - A. Well Richmond, very close.

Q. That is very close isn't it? - A. Yes.

Q. So that you could conveniently have conducted some experiment if you had wanted to? - A. If I had been asked to I would most certainly have done it.

Q. So if you had wanted to ... - A. Yes, given a time.

Q. And do you remember when Mr. Ealey was in the witness box last week and he was asked questions about this he produced a photograph. Do you remember that? - A. I have not seen that photograph.

Q. I know you haven't, because perhaps you can confirm this, that at the rising of the court when you were given the opportunity of having a look at it you declined didn't you Mr. Ford? - A. If I remember correctly we were involved in looking at some of the other evidence with Mr. Hyde at the time.

Q. I really do not want to get bogged down in this, but the truth of the matter is - and it is the truth with which we are concerned ...

HIS HONOUR JUDGE STROYAN: Is this right, Mr. Ealey certainly produced a document, I remember that.

MR. RIVLIN: Mr. Ealey produced this, Your Honour. Not as an exhibit, he held it up and said "This is a photograph of what I found". And you know, do you not Mr. Ford, that at the rising of the court you were given the opportunity of looking at this weren't you?

A MR. FORD: I must say my recollection of that is a bit hazy.

HIS HONOUR JUDGE STROYAN:

Q. What? - A. My recollection of that, Your Honour, is somewhat hazy I must say.

MR. RIVLIN: Well I am sorry about that Mr. Ford, if your recollection is hazy.

B HIS HONOUR JUDGE STROYAN: It was handed to the defence, was it not?

MR. FORD: I have not seen it Your Honour at all, no, of course not. Some other documents were handed to the defence.

MR. RIVLIN:

C Q. Mr. Ford you have not seen it and I accept that you have not seen it, but the reason why you have not seen it is that you declined to look at it. That is right isn't it? - A. I don't believe so, no.

HIS HONOUR JUDGE STROYAN: What happened to this document?

MR. RIVLIN: This is the photograph here. I have got it in my hand. Well Your Honour I cannot really call evidence from these people behind me about this. I have put to the witness what happened and he says that he does not think that it happened and we will have to leave it at that.

D HIS HONOUR JUDGE STROYAN: He is hazy about it.

MR. SYMONDS: I have no objection to the prosecution calling evidence about this, Your Honour.

E HIS HONOUR JUDGE STROYAN: I am not going to let them call evidence which is inadmissible any more than I am going to let you.

MR. RIVLIN:

Q. Perhaps if I just try to jog your memory to this extent Mr. Ford. You can see the gentleman sitting behind me now? - A. Yes I can.

F Q. Mr. Orr. He was there, wasn't he, when you declined to look at it? - A. I don't recollect declining to look at it at all. I was looking at some other documents which I wished to discuss and we had not discussed. There were two documents from Mr. Hyde, some ?(inaudible) recordings and another recording which I do not understand the nature of, but those have not been discussed.

G Q. Well as regards the other recordings that you do not understand the nature of, were those Mr. Hyde's? - A. One was. One I did not understand and one I did understand.

Q. Well let me come to that now, because it may be possible for us to clear another matter out of the way. You are not a speech expert are you? - A. No, I make no claims whatsoever of that.

Q. And you are not an expert in speech recognition? - A. No I am not.

H Q. And you have heard Mr. Hyde's evidence about the content of these conversations, have you not? - A. Yes.

Q. And he has gone into some detail hasn't he, explaining the difficulties to be encountered in, for example, concecting speech where two people are talking at one and the same time? - A. Yes, that is so.

A Q. But you are not an expert in that field? - A. I am not an expert in analysis of speech at all, no.

Q. No, and so you are not in a position to contradict what he says, or are you Mr. Ford? - A. So far as the analysis, technical analysis is concerned, I am most certainly not in a position to contradict what he says, and in principle I do not contradict what he says.

B Q. You do or you do not? - A. I do not in principle.

Q. Very well. Now given that you have told us that you have been able to find nothing to suggest that the content of these conversations is fabricated, may I just finally ask you this question Mr. Ford. It always helps, doesn't it, when making an investigation if, as it were, you knew what you are looking for? - A. Oh of course.

C Q. Yes, and in relation to the question of fabrication is this the situation, you unhappily have never been in the position to know what you were looking for? - A. Well automatically one is not, nobody is in a position to know what they are looking fer.

D Q. You have never been in this situation of saying to yourself, well now I will have to look very closely at this passage or that passage or the other passage, have you? - A. No, I have not.

Q. And you have conducted many hours of investigation into these tapes and the Harris and Robson ones haven't you? - A. Yes I have.

Q. Yes, and had an opportunity to do that not merely in 1970 or 1971, but also in 1980? - A. That is correct.

E Q. And you certainly do not complain, do you, that you have not been given all the opportunity that you require to examine and investigate these tapes? - A. No, I have always had access to the tapes when they have been demanded, yes.

Q. But - and I promise you that this will be the final matter - always under close supervision of the police. - A. As is only right and proper. I am very glad it happened.

F Q. And you can confirm, can you not Mr. Ford, that at all times that you were involved in looking at these tapes the police were taking them very seriously indeed? - A. Of course.

Q. And you were looking at them under conditions of great security. - A. I always had two police officers present when I was looking at the tapes, and that I believe to be only right and proper.

G MR. RIVLIN: Yes, thank you.

RE-EXAMINED BY MR. SYMONDS

MR. SYMONDS:

Q. Mr. Ford you do not have a degree. - A. No, I do not have a degree.

H Q. Does that mean that your scientific evidence is worth less? - A. Most certainly not. My opinion is a degree, it is a very good starting point to get in the door, but what you achieve after that is

nothing whatsoever to do with bits of paper.

Q. And if you had a degree in music or art, cookery, or needlework or any other subject, do you think it would make the slightest difference to the scientific facts that you have laid before this court? - A. None.

Q. I see you are a Chartered Engineer? - A. Yes.

Q. What exactly is that please? - A. That means that you have to have paper qualifications generally up to degree standard. Some degrees are accepted, some are not, and in addition to that you have had practical experience and a recommendation from your employer that you are a suitable person to gain that title.

Q. And what number of years of experience and study would normally be taken to be in a position to put the letters "Chartered Engineer" after your name? - A. Normally it would mean at least a science degree course, often further examinations afterwards, plus, I cannot recollect how many years, I think it is 4 years in a senior position. I cannot swear to that though.

Q. And I see that you also held corporate membership of a number of bodies, for example the Institution of Electronic and Radio Engineers, the British Computer Society, the Royal Television Society, the Audio Engineering Society, the British Kinematograph Sound and Television Society and I believe others. Now what exactly does that mean, could you tell the jury, in respect of your scientific standing, knowledge, qualifications, etc.? - A. In all cases there is no sort of minimum scientific requirement. Requirement is that you shall be suitably versed and experienced in the subject in practical terms.

Q. And I believe you are also a past Chairman of the British section of the Audio Engineering Society. What does that mean exactly please? - A. That means that I was selected by members to hold the office of being Chairman.

Q. I see that you are or were one of the sixth engineers in this international body. - A. I am now Governor of the Audio Engineering Society, yes.

Q. And are you or were you Chairman of the Association of Professional Recording Studios Committees on Digitised Audio Standards Harmonisation? - A. Yes, I am a Chairman of that Committee.

Q. And did you serve on a number of other national and international committees relating to radio? - A. Yes, I have and I do.

Q. And have you found that you do not have a degree or diploma of some sort any sort of bar or have you found it any bar during your professional career? - A. Absolutely none.

Q. It is in fact I believe, as you said, the sort of thing that might be useful before starting on a career, some sort of such academic qualification. - A. It is very useful to get into the right door at the right time, but after that I believe it is more ones practical ability that counts.

Q. Thank you. Now another point was raised in which a few words were picked out of a learned report you presented to a learned society, and would that be "The Legal Aspects of Magnetic Tape Recordings"? -

A. Yes, that was one of the titles under which that paper was published.

Q. And was this paper presented on March 27th 1974 at the 47th Convention of the Audie International Society, Copenhagen? - A. I cannot confirm the exact date but it was certainly March and that was where it was presented.

A Q. Do you have a copy of this report? - A. Not with me, no.

Q. Would you look at this copy. Would that be a copy of the report to which I have been referring? - A. That is the version that was published in a journal of the Audie Engineering Society in America.

B Q. May I have it back. And will you now produce a copy of this, as this report has an exhibit in this case please.

HIS HONOUR JUDGE STROYAN: No I am afraid not. No, you can ask him for his own opinion.

C MR. SYMONDS: The prosecution have picked out two or three words out of a highly technical learned report which must be 7,000 words Your Honour, and I think that as now the prosecution have picked out that little bit of it and brought it to notice, I did not in my examination in chief, I think the jury should be able to see the whole of the report to put that bit in its proper aspect.

D HIS HONOUR JUDGE STROYAN: Just let me explain. When you are asking a witness evidence in chief you are not allowed to get him to put in any document setting out his beliefs because that witness is in the witness box and the jury would like to hear what he has got to say for himself. When he is being cross-examined the person cross-examining the expert is always entitled to put to him a document which he has made, just the same way as you are entitled to put a statement to a policeman to show, if it be the case, that he has said something different on another occasion. Do you see?

MR. SYMONDS: Yes.

E HIS HONOUR JUDGE STROYAN: When it comes to re-examination, if that has been wrongly done you are entitled to ask him further questions about that document to bring out some other aspect of it, but you are still not allowed to put the document in because here is the witness in the box and he tells the jury his views, do you see.

MR. SYMONDS: Thank you my Lord. I wonder if, I now have another copy. Perhaps the witness could refer to that.

F Q. And looking at the first page of this paper Mr. Ford, before the introduction do you say "Some countries accept magnetic recordings as evidence in their courts of law, others do not accept it." - A. Yes.

Q. Some of the problems of detecting recordings which have been tampered with are reviewed and in particular the problem of detecting copies of recordings. - A. Yes.

G Q. It is concluded that while some forms of tampering can be detected, others cannot, with the result that in evidence magnetic recordings should be treated with great caution. - A. That is correct.

HIS HONOUR JUDGE STROYAN: That is what he just said.

H MR. SYMONDS: That is what he said in 1974 Your Honour, when making this paper to the Society.

HIS HONOUR JUDGE STROYAN: That is what he said in evidence yesterday. In fact I think he was rather more favourable to you yesterday. Now you have got the point. That is what he said in his report, that is what he said yesterday.

A

MR. SYMONDS:

Q. Then after your introduction do you talk about the original recording? -

A. Yes.

Q. And do you say that to an audie engineer the first thing that comes to mind, is the recording made in a proper studie under ideal conditions and using first class equipment. - A. Yes I do.

B

Q. We have never heard of such a recording being challenged in court. -

A. That is correct.

Q. And then is your next chapter that of the law ...

MR. RIVLIN: I am sorry but I object. What the defendant is doing now ...

C

MR. SYMONDS: I am putting my ...

MR. RIVLIN: Your Honour what the defendant is doing now is reading just about the whole report, because I have got it in front of me and I can see, starting at the beginning. Your Honour I cross-examined about a particular matter, cyclic hum. The main reason I object is this could take all day and with respect I do not see how it arises out of cross-examination. That is the basis of my objection.

D

MR. SYMONDS: Your Honour ...

HIS HONOUR JUDGE STROYAN: Just listen would you please. You can ask him questions about cyclic hum arising out of that report because that arises out of cross-examination. The purposes of re-examination which you are now doing is to clear up any points raised in cross-examination. The only point raised in cross-examination about that document related to cyclic hum. You can ask questions about that but not about other things.

E

MR. SYMONDS: Point is Your Honour, the question of cyclic hum ...

HIS HONOUR JUDGE STROYAN: Well you ask questions about it.

F

MR. SYMONDS: I would like to ask to continue to take some small extracts. I am not reading. It is quite a false point that I am reading through the whole report because out of a paragraph of several hundred words I picked out about half a dozen, then I was going on to the next one, I was bringing out some point.

HIS HONOUR JUDGE STROYAN: You can ask him about cyclic hum because that was what was raised in cross-examination but you cannot ask him about anything that was not asked in cross-examination. That is the ordinary rule and it applies in this case.

G

MR. SYMONDS: Situation about cyclic hum was this witness, and the court was deliberately confused and thrown into a state of confusion as a deliberate prosecution tactic, which has been the prosecution way throughout the technical evidence I submit, Your Honour, to try and throw red herrings in all directions. Prosecution are being, and have to be very, very defensive about these tape recordings.

H

HIS HONOUR JUDGE STROYAN: No, no, Mr. Symonds, we are not having a speech about it. There may be two views about people who are going into red herrings in this case. What you are now entitled to do is to ask questions about cyclic hum because that is what this witness was asked about in cross-examination.

MR. SYMONDS:

Q. Mr. Ford when I was asking you about your opinion of tape 1, did you answer in words to the effect that you had found cyclic hum on tape 1? -

A. Yes I have.

Q. And when making this answer did you look at the jury in a most sinister fashion? - A. I do not recollect doing that.

Q. Did you put any sinister tones in your voice to leave the court with the impression that this was an utterly sinister thing you had found? - A. I do not believe so.

Q. Did you just quietly and calmly mention that you had found cyclic hum in tape 1? - A. I did mention that there was cyclic hum in tape 1, yes.

Q. And in cross-examination was it then put to you that you had mentioned cyclic hum for a sinister purpose of some sort, or in a sinister way? - A. No, I don't think that is particularly the case. It was suggested that did I feel there was something sinister about it, yes. That was not my suggestion.

Q. From the point of view of the phenomena found upon these tape recordings, would it be true to say that whereas the evidence is that all tapes were brand new virgin tapes put onto the recorders, recorded and locked away in conditions of security,

HIS HONOUR JUDGE STROYAN: Mr. Symonds ...

MR. SYMONDS: That any such phenomena found upon the tapes could be sinister.

HIS HONOUR JUDGE STROYAN: Mr. Symonds that is not the evidence and you know it.

MR. SYMONDS: No, because the prosecution are now trying to say that some of the tapes were second hand when they were used, but I do not believe that the prosecutor is supported by his witnesses in this Your Honour.

HIS HONOUR JUDGE STROYAN: Well the jury have heard the evidence. You can say that in your speech at the end.

MR. SYMONDS:

Q. And would it be right to say, am I right in thinking that the upshot of this exchange is something along these lines, that when you wrote this report in 1974, to find cyclic hum upon a tape recording made from a telephone call would be to your mind expected? - A. I had not at that stage investigated the matter in very great detail. Obviously over the past 7 years since I wrote this paper I have learned quite a lot more about tape recordings involved in court.

Q. And during the past 7 years since writing this report, was one of the things you learned that the telephone system is in some way run or is in some way battery operated? - A. It is largely battery operated but our case is where it is possible to get cyclic hum at times, I think it is not normally to be expected.

A Q. And in view of the knowledge gained over the past 7 years, the further knowledge in the course of research and experiments, would the fact today that cyclic hum was found on tape 1 be of more importance in this case to your mind than it was in 1974? - A. It always has been important in my mind. I have never dismissed this as a purely natural thing of the telephone system. Any form of cyclic hum does form grounds for suspicion of copying.

Q. Now Mr. Ford would it be true to say that most of the phenomena found on these tape recordings, by which I mean the 50 hertz hum, the 30 hertz hum, etc., was in fact found by you in your research studio. - A. It was largely found by me, yes.

B Q. And I believe the marks were found by Mr. Killick, is that right? - A. I found the first one and after that Mr. Killick looked through all the tapes with considerable care to find further marks.

Q. And you found the first mark? - A. Yes, that is correct.

C Q. And is it right to say that upon discovering this phenomena you brought this to the attention of the prosecution experts? - A. When I found the first mark I immediately brought it to the attention of the two police officers who were present with me.

Q. Would it be right to say that at some stage in 1972 you and Mr. Killick, correct me if I am wrong, were asked to attend a conference of experts at the Director of Public Prosecutions office? - A. No, you are wrong about that.

D Q. Did you attend a conference of experts with representatives of the prosecution? - A. Yes, at my premises.

HIS HONOUR JUDGE STROYAN: No, we cannot have evidence about that.

MR. SYMONDS: What I am trying to lead up to Your Honour is whether or not the findings of the defence experts were handed over to the prosecution experts at some stage.

E HIS HONOUR JUDGE STROYAN: You cannot have evidence about what happened at some conference.

MR. SYMONDS: Very good.

F Q. At some stage was the evidence, was details of your scientific findings were then handed over to the prosecution experts? - A. I believe eventually my report was handed over but I cannot entirely confirm that because this was in the hands of the solicitors.

Q. And eventually did it come to your knowledge that the prosecution experts were forced to agree.

HIS HONOUR JUDGE STROYAN: No, no, no, no, this cannot ...

G MR. SYMONDS: It has been agreed by the prosecution Your Honour that these hums exist and these marks exist, so that is why I was framing the question. I do not think there is any dispute about it that these hums and marks exist.

HIS HONOUR JUDGE STROYAN: You have had the opportunity of cross-examining the prosecution experts. You have had an opportunity of calling your own experts. Each of these witnesses must speak for themselves and it is not right to try and get in bits of their evidence.

H MR. SYMONDS: I will try and do it a different way then Your Honour.

HIS HONOUR JUDGE STROYAN: Which are hearsay.

MR. SYMONDS:

Q. Are these hums, 50 hertz and 30 hertz tone burst and the marks, are they scientific facts? - A. Yes.

Q. Has it ever been disputed by the prosecution that these are scientific facts?

HIS HONOUR JUDGE STROYAN: No, no, no, no, we have all heard the evidence but you cannot deal with it in that way.

MR. SYMONDS:

Q. Would you agree that a scientific fact stands only overturned by another scientific fact. Do you understand me? - A. If I understand you correctly, the answer is yes.

Q. And may I ask you if you have yet been presented with one scientific fact, scientific fact which causes you to change your scientific findings or your scientific conclusions about any of the phenomena found on these tape recordings? - A. The 50 hertz hum and the 30 hertz tone burst and the marks are all present and there is no doubt about it. I have no reason to change my mind about their presence. They are there.

Q. But have you heard any scientific propositions or whatever causing you to change your opinion about how these phenomena could have come onto the tapes? - A. I am always very amenable to any reasonable suggestions. Various suggestions have been put forward and many of which I do not agree with.

Q. I hope I brought it out during your examination in chief Mr. Ford, and that is the point that if a tape recording of a speech has been edited by anyone over the standard of, shall we say moren, edited in any competent fashion by any competent person, would you expect to automatically be able to find the points of those edits? - A. No I would not. Any competent edit may well be completely undetectable.

Q. And the bulk of your cross-examination following on from this business of the cyclic hum has appeared to me to have been whether or not you found any signs of editing during the speech part of the tapes, so I would like to ask you if part of the telephone conversation on tape 1 had been edited competently would you expect to have found evidence of that during your examination? - A. It could be either extremely difficult or impossible to find. A bad edit you will find. A good edit you will never find.

Q. And if parts of tape 2 had been edited competently would you expect to be able to bring evidence before this court as to where and how that speech had been edited? - A. Well I can only reiterate what I have just said. If somebody made a bad edit I might well have found it. If someone made a very good edit I would not have found it.

Q. And could you reiterate that for tapes 3(b), 5, 13, 14 and 15? - A. So far as I am concerned that remark applies to any tape recording.

Q. Thank you. Now there was put to you whether or not you are a speech expert and I believe you said that you were not. - A. No I am not, I have no training in that science.

Q. And I believe you were asked if you would say, if you felt in a position to dispute any of the evidence given by that speech expert in respect to listening parts of speech. - A. Yes.

Q. And I believe you said no. - A. No.

A Q. And would you feel that a speech expert who does not claim any great expertise or previous experience of magnetic tape recordings would be in a position to dispute the scientific evidence of those who are and did? - A. I think in order to investigate any recording, number of scientific backgrounds are necessary. Certainly I do not dispute what Mr. Hyde said so far as the speech is concerned. On the other hand, so far as evidence of the magnetic characteristics and properties of tape are concerned, I feel this is a slightly different issue.

B Q. Now another point was raised about the Times copy tape and you were asked to say that they were in fact true copies of the alleged originals. May I ask you, when you went to examine the Times copy tapes did you examine them against the originals or did you just play them through and listen to them? - A. So far as the transcripts were concerned, a transcript was in my possession, which is not the one before the court I might remark. The contents of the tapes were the same as the originals, the speech contents that is.

C Q. See it is right to say that when you examined the copy tapes you examined them against your own transcript and not against the alleged originals. - A. Not as such. I followed my notes on the alleged originals and basically I found no difference, though in some cases the copies are not complete copies of the alleged originals, they are shorter.

D Q. And that means that large parts or parts of the alleged originals do not appear on the copies. Would that be music and radio noise etc.? - A. Yes, be things which are not within the conversations.

Q. Would it appear that when these copies were made the main idea was to copy the conversations only? - A. Yes, I think that was the main idea in certain ways.

HIS HONOUR JUDGE STROYAN: I do not think he can say what the idea was. He can tell us what he found.

E MR. FORD: Yes, it is slightly peculiar that, for instance in the case of copy of tape 3 that has been copied in exactly the same format of tape 3 using two tracks and so on, but why that was done I have got no idea. I do not see anything particularly suspicious about it.

MR. SYMONDS:

F Q. May I ask you if you were in court when I asked Mr. Taylor a question about whether or not he thought it possible to carry out a full and competent and proper examination of a tape recording submitted as an original by purely listening carefully to the speech recording part? - A. Oh yes I was.

G Q. And may I ask you if you agree with Mr. Taylor's answer? - A. I agree entirely with that. I think it is absolutely vital to look at the characteristics of the tape outside the actual speech recording section.

Q. In other words, to study the tape as an entity, I think were the words you used. - A. From end to end, yes.

H Q. And may I ask you if when you examined these tape recordings you were aware of their alleged history? - A. I had seen certain statements which largely alleged original tapes were used and I had seen certain information about how the tapes were alleged to have been recorded, yes.

Q. And would you consider as expert that this was also a necessary part of your examination to know in fact where the tapes were alleged to have come from and how they had been made etc., and under what conditions? - A. It is certainly of very great assistance when evaluating a recording.

A Q. And were you in court when the prosecution expert gave his evidence as to not having knowledge of their alleged history of these tape recordings? - A. I believe that was Mr. Hyde's evidence.

B Q. Mr. Hyde, yes, and would you say that it would be at all possible to submit to a court of law an expert opinion on the originality and authenticity of a tape recording having listened to the speech recording part only and having no knowledge of how they were alleged to have come into existence?

HIS HONOUR JUDGE STROYAN: That is not a question for the witness. It is something the jury will have to determine.

MR. SYMONDS:

C Q. Now you were asked questions about whether you were told something in November of last year. Well I am not quite sure what you were supposed to have been told about. I wonder if you would tell me what you were told in November of last year? - A. I am sorry, I do not understand that question.

HIS HONOUR JUDGE STROYAN: Neither do I.

D MR. SYMONDS: I wondered whether the question was referring to an experiment at Crystal Palace or to something else.

Tim, do you have a note of the question?

HIS HONOUR JUDGE STROYAN: I think what was put is this, that this witness had known since November that there was going to be evidence in relation to cyclic hum and in relation to Crystal Palace, that is what was put to him.

E MR. RIVLIN: Your Honour in relation to the 30 hertz hum.

HIS HONOUR JUDGE STROYAN: I am sorry, yes.

MR. SYMONDS: In relation to the 30 hertz hum, so is it right ...

F MR. RIVLIN: Sorry, 50, Crystal Palace - got to be very careful - Crystal Palace 50 hertz hum, yes, and the witness agreed that he had known that that was the suggested possibility of that happening since November of last year. Yes.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

G Q. So was that right and did you understand the question and is it right that when you were saying if you had known since last November that the prosecution intended to put up a theory about Crystal Palace, did you know about that? - A. I believe that was introduced in evidence in November last year.

Q. Then you were asked if you had made experiments about this possibility, is that right? - A. That is correct.

H Q. And I believe you said no. - A. That is correct.

A Q. You were then asked where you lived. The implication was that you were not living too far away etc., and that maybe you were neglecting your duties in some way, but I would like to ask you this. First thing is would you find it helpful as a scientist to carry out an experiment in the Crystal Palace area 12 years after an original tape recording had been made and some years after I believe new and more powerful transmitters had been erected in that area. Could I ask you that question first? - A. I think if one had used the original recording equipment this would certainly be an advantage. I think doing experiments of this type using different equipment under different circumstances can produce doubtful results.

B Q. May I ask you in another way, and that is that when you first heard this proposition, this theatrical pie in the sky about sound waves coming from television aerials and going into tape recordings, is it true to say that your first and immediate reaction was that the proposition is absurd? - A. Yes it was my reaction.

Q. But did you nevertheless make certain enquiries of, for example, the technical head of the B.B.C.

C HIS HONOUR JUDGE STROYAN: No.

MR. SYMONDS: Well he has been accused of having done nothing Your Honour. He only had to make a couple of telephone calls and all the other experts shouted absurd and everybody started falling down laughing and to come along 12 years later and make an experiment would be ridiculous.

D HIS HONOUR JUDGE STROYAN: We are not ...

MR. SYMONDS: Let us have the truth out. I am accused of spreading rumours and leaving the court in fog, but I suggest it is the other side who are doing that. Their whole case is based on suspicion.

HIS HONOUR JUDGE STROYAN: Mr. Symonds we are not having evidence about telephone conversations between this witness and someone else.

E MR. SYMONDS:

Q. Would it be false for the court to believe that you took no steps whatsoever to investigate this incredible and outrageous suggestion that had been put up about how the 50 hertz hum could have got onto tape 13? -

A. I most certainly have discussed that matter with a number of colleagues.

F MR. SYMONDS: Is this witness allowed to say what his colleagues think about it Your Honour?

G HIS HONOUR JUDGE STROYAN: No. He can give his view. He has all his qualifications, he can give his view. Cannot give his colleagues view. You have put to him in very leading form that it was absurd. That was a question I did not stop because there is really not a lot of point in stopping you asking, but he accepted what you said, he thought it was absurd. He cannot say what other people may or may not have thought about it.

H MR. SYMONDS:

Q. And so apart from this suggestion about television aerial, which I believe we have probably covered sufficiently as to its value and worth, has any similar suggestion been made to you on any form of alleged scientific basis or not about how the hum might have got onto, for example, tape 3(b) or to tape 1 or 2. Have you ever heard any theory put forward about television aerials or anything like that as to the hum on the other tapes? - A. No, not in relation to any other tape.

Q. And have you ever heard any sort of explanation offered by any witness for the prosecution as to how these marks came to be on the tapes? - A. That would appear to be a complete mystery as far as the evidence I have heard is concerned, no-one put them there.

A

Q. No-one has offered you any form of explanation? - A. No.

Q. And is the mark on 3(b), is this mark consistent for example with copy editing? - A. The purpose of mark certainly is not clear. The mark is accurately placed at the junction of recordings 3(a) and 3(b). Possibly it could have been used for such purpose, I do not know.

B

Q. And in general if copy editing is done, by copy editing of course I mean where the true original has been cut up.

HIS HONOUR JUDGE STROYAN: This is not a tape that has been cut up is it?

MR. SYMONDS: Who knows?

MR. FORD: No Your Honour it is not. The tape purely contains this mark at the juncture of recordings 3(a) and 3(b).

C

MR. SYMONDS:

Q. And if copy editing is done, would the mark be left on the edited tape?

HIS HONOUR JUDGE STROYAN: Just a moment Mr. Symonds.

D

Q. So the tape on which, or tapes on which the marks were found are not cut up tapes? - A. No Your Honour.

Q. So if anyone was going to do any editing that would be a mark for the purpose of copying that tape onto some other tape would it? - A. It could have been a mark for the purpose of copying some other tape onto that tape possibly, for instance 3(b) could have been copied onto an existing tape from another tape in which case that mark could have been useful. That would define the start point from which one copied.

E

Q. But if one was producing an edited tape to deceive, presumably one would not want to leave a mark on it. - A. Certainly one ^{could} leave joins on it. Preferably one wouldn't leave a mark but marks are very very difficult to find. In normal replay you would never see them.

F

Q. If you were looking to see them you would find them? - A. They were not easy to find at all. Even the, so to speak, best of the marks would normally remain unfound I suggest if it had not occurred at a point of particular interest within the recording from a scientific point of view.

Q. You found them? - A. Well the first one I found because it coincided with the section of particular interest. Others were found by Mr. Killick by laboriously going through the tapes literally (inaudible) by hand.

G

HIS HONOUR JUDGE STROYAN: We are going to hear Mr. Killick.

MR. SYMONDS:

Q. And could these marks be a stage of editing? By this I mean could a tape be edited once and the copy edited produced and then on further examination be decided that perhaps further editing needed to be done. By this I mean a stage of editing. - A. As I have said marks can be useful for the purpose of editing. Why they are they I do not know.

H

Who put them there I do not know, but personally I would never use such marks. From the point of view of scientific evaluation of the tape it would be utterly unnecessary and if one is listening to a recording there is no point in putting a mark on it, and here we are ...

A Q. And for the last time to clarify the matter of cyclic hum a bit, on tape 1, you gave your opinion about the presence of cyclic hum. Now was that opinion influenced by your researches undertaken since 1974 and since writing your article on that subject? - A. Of course, all my opinions have to a certain extent been influenced by subsequent knowledge I have gained, having evaluated many other tape recordings that have been involved in courts.

B Q. Thank you. Now in respect of tape 2, were you in court when Mr. Taylor referred to switching or disconnecting the microphone radio transmitter as of course as a cause of some or all of the many breaks in the recording, and may I ask you your opinion about this? -

C A. Yes I was there when that was mentioned. There is more than one way I think in which those breaks could have been made. Certainly if the transmitter had been disconnected you get that type of break. If the transmitter aerial had been disconnected maybe you would get a similar sort of break. If you have got a fault in the transmitter, in the microphone plug or an aerial lead, again you will get a similar break.

Q. And may I ask you if you are familiar with the type of transmitter allegedly used on this occasion by Mr. Perry? - A. I did investigate those transmitters 9, 10 years ago, yes.

D Q. May I ask you whether or not it would be a simple task to disconnect or pull out a plug of some sort and replug it in again in which to carry out a form of editing by omission, or exerting some control over what goes onto the recorder? - A. This depends very much where the transmitter was located.

Q. If it was in his pocket. - A. I think it wouldn't be that easy. I wouldn't say it is impossible.

E Q. Could you describe to the court for the benefit of the jury how this transmitter looks and what this wire or plug is in fact? - A. Well they are transmitters. A small box, the microphone plugs into that (demonstrates) ... from my recollection plugs into the socket so in order to move the microphone you have to twist the plug and pull it out. To get it back in again you have to push it in with the right reintroduction. You have to get the plug and socket the same way so they go into each other.

F Q. You demonstrate using both hands. Would that be necessary? - A. You could do it with one hand. I could do it like that in my pocket, it would be fairly fiddly.

Q. If the plug was partially removed and not fully removed would that also cause a break in transmission? - A. It could do.

G Q. In which case there would be no difficulty in pushing it back home again. - A. If you could control it with sufficient accuracy you could probably do it but you would not be aware when it was in and when it was out unless you completely removed it.

H Q. Thank you. And in respect of tape 5 may I ask you if the noise in the gap between the two recordings, tapes, tape was produced by one or more of the heads in the machine in which it was being recorded? - A. The noise in that gap varies slightly throughout the length of the gap. It is generally very close to bulk erase noise.

Q. And does the measured level of this noise indicate the bias erase noise?

A MR. RIVLIN: Your Honour whilst the defendant is consulting with his Solicitor may I just rise to make this comment, that almost the whole of this re-examination has been really of a type that should not be received. I am sure that the defendant may appreciate that the whole of the last questions about the transmitter, for example, did not arise out of cross-examination at all, and the defendant has really had his chance to deal with all matters with the witness. One is very reluctant to take this sort of point with the defendant in person, but it seems to be going on for a long time.

B HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: Your Honour I only have one question on each tape which was more or less going to be finishing off.

HIS HONOUR JUDGE STROYAN: Well you can only ask questions, obviously, about things which have been asked in cross-examination.

C MR. SYMONDS:

Q. We have heard evidence from two technicians from the Metropolitan Police laboratory. Can I ask you if you were asked by the police to advise them on the original ...

D HIS HONOUR JUDGE STROYAN: No. You see this is not something which arose out of cross-examination. You really must try and stick to the matters raised in cross-examination. You cannot go into new things or things that were not cross-examined to.

MR. SYMONDS: Thank you.

HIS HONOUR JUDGE STROYAN: Yes, thank you.

MR. FORD: Thank you Your Honour.

E MR. SYMONDS: Your Honour I wonder if I could ask for a 5 minute break at this point. Following on from that there are some questions I want to clarify before calling the next expert witness Mr. Killick.

HIS HONOUR JUDGE STROYAN: Yes, I think you should be very careful. Mr. Green will understand.

F MR. SYMONDS: I beg your pardon?

HIS HONOUR JUDGE STROYAN: I think you ought to be careful what you talk about. Mr. Green will understand that.

MR. SYMONDS: Quite simply I do not understand the writing.

G HIS HONOUR JUDGE STROYAN: Well I will rise for a few minutes.

(SHORT ADJOURNMENT)

MR. SYMONDS: I call Mr. Killick please.

MR. KILLICK (SWORN)

EXAMINED-IN-CHIEF BY MR. SYMONDS

MR. SYMONDS:

Q. And what is your full name please sir? - A. Denys Gilbert Killick.

Q. And what is your address please? - A. Is Kings Acre, Crown Hill, Llantwit-Fardre, Pontypridd, Mid Glamorgan.

Q. May I start off by asking you sir if you have a degree? - A. No sir.

Q. May I ask you from what date you yourself have been intimately involved in tape recording? - A. Since the mid 1950s.

Q. And from what date approximately has tape recording been a common professional and amateur activity in this country? - A. The starting date I will put at about 1948. That was the date in which the first ferrograph open reel tape recorder became available and the public became interested.

Q. And is it a fact in the late 1950s you were asked by the L.C.C., London County Council as it then was, to establish the first adult education classes in this subject in London and did you subsequently teach for a number of years? - A. That is correct.

Q. Were you responsible for compiling the subject syllabus and did that syllabus include matters such as editing and tape copying? - A. I was and it did.

Q. And were you from 1966 to 1970 Editor of a publication called Tape Recording Magazine? - A. That is correct.

Q. And have you since 1970 and currently to date been Editor and Publisher of a publication called Hi Fi Trade Journal? - A. That is correct.

Q. And were you for the whole of its lifetime, that is from 1973 to 1976 approximately, Technical Editor of a publication called Cassettes and Cartridges which was a sister publication to the Gramophone Magazine? - A. Yes I was.

Q. And have you been a regular contributor of technical articles to publications such as The Gramophone and Hi Fi News in this country and an occasional contributor to other publications both at home and abroad? - A. That is correct.

Q. And have you ever broadcast for the B.B.C. on the subject of the technicalities of sound recording and reproduction? - A. I have.

Q. And did you in 1977 read to the Medico Legal Society a paper under the title Tape Recordings as Evidence? - A. I did.

Q. Is it a fact that you have been in the past or are now currently working in a private capacity as a technical consultant for many major firms in the audio industry including in the field of magnetic tape, such companies as TDK, EMI, Audio Magnetics and 3M. - A. Yes.

Q. And with regard to recording equipment for such firms as Toshiba, Alrex, Tria, Tandberg and others? - A. Yes.

Q. Now within the context of what are known as the Times tapes, or those exhibits before this court, when did you first become involved in this matter? - A. In July 1971 when I was first approached by solicitors on behalf of a Mr. Harris I began examinations on original recordings on, I think it was the 21st September 1971. I was instructed on your behalf by Messrs. Birnbergh & Co. in the autumn of that November 1971.

Q. I say it is now common knowledge that these recordings and the following investigation resulted in charges being made against three officers. Were any of these persons previously known to you and have you had any contact with them personally apart from when performing your duties as an expert in these matters? - A. They were quite unknown to me and I have had no contact with them other than in professional capacity.

Q. And can you explain to the court how you were given access to the original tape recordings? - A. Yes, the original tape recordings were brought to the premises of Mr. Hugh Ford which at that time were at Sunbury on Thames. Two police officers brought them and they were in their care the whole time.

Q. Now you were working with Mr. Ford at his laboratory, is that right? - A. That is correct.

Q. Had Mr. Ford been previously known to you? - A. Oh yes, I had made use of Mr. Ford's services and his laboratory for several years previously for technical (inaudible).

Q. And could you define to this court the different responsibilities undertaken by Mr. Ford and yourself during the course of your joint investigation? - A. Yes. Because we were using Mr. Ford's laboratory and Mr. Ford's equipment he was solely responsible for all measurement work, preparation of scientific documents etc. If I may just explain, the nature of a detailed analysis is such that it is quite impracticable to subject the whole length of any one or more tapes to this kind of examination. It therefore follows that a great deal of careful listening is necessary because the ear has to guide the mind on where to look and where to analyse. I was deeply involved in that aspect, with visual examinations, discussing interpretations, and I was present when most of the measurements were taken and I was agreeing them with Mr. Ford.

HIS HONOUR JUDGE STROYAN:

Q. Mr. Killick did I understand you to say it is impractical to examine the whole of these tapes? - A. No, what I said was it is impracticable to devote to the whole length of these tapes the kind of detailed analysis to it. Certain suspect or interesting sections have been subjected.

Q. I see, yes, I have got that. - A. Yes.

MR. SYMONDS:

Q. Now about the editing marks, are you aware that such marks were found? - A. Yes I am.

Q. Did you yourself at any time using any kind of writing instrument make any kind of mark on the base film side of any of the tapes involved in this matter? - A. I did not.

Q. Do you think it would be a proper or an improper thing for an authorised investigator to make such marks during the course of his examination of tape recordings? - A. I would have thought it would have been highly improper, particularly as they were under the careful guardianship of police officers who would have had to have been consulted. I also do not understand what reason there could be for such an investigator to make such marks.

MR. SYMONDS: At this stage Your Honour I should ask this witness to identify the boxes and spools. I wonder if the prosecution would make the same ...

MR. RIVLIN: Oh yes, happily Your Honour. He has already had a look at these and he has identified them.

HIS HONOUR JUDGE STROYAN: Yes very well, thank you.

MR. SYMONDS:

Q. Following on from that, would it be right that when you identified the boxes and spools you identified in fact just these? - A. Yes. However, none of the tapes carries its own individual identification. Some carry batch numbers, but of course they relate to a manufacturing batch of tapes.

Q. And is it in fact a normal matter when playing tapes of this sort, quarter inch, to run a tape off one spool onto another? - A. Yes, if the tape is being played throughout its length it will by the nature of the operation end up on what we call take up spool.

Q. And unless you are watching the tape very carefully and jump to switch off before the end, in fact the tape will unwind itself automatically from the original spool and onto the second. - A. No, I am afraid you are, I am sorry, if the tape is being played the full spool of tape is placed on the left hand side, the tape is threaded through the sound channel, laced up onto an empty spool, the play back button is pressed. Now what I was saying was if that tape was left to play through its length it will then end on the take up spool.

Q. Exactly. - A. Now if one is, as you say, not watching, that tape will not unwind; all that will happen would be that the take up spool will revolve rather fast and the leader tape will bang itself against the fittings on the deck.

Q. And would you agree with the evidence of Mr. Taylor, the expert from EMI, that the leader that you just referred to can be simply removed and replaced with an un-numbered or spare leader? - A. Oh yes, leader tape in a variety of colours is readily available.

Q. And did you notice that a number of the leader tapes on the exhibits before the court are in fact un-numbered? - A. Yes.

Q. And were you present when Mr. Taylor gave evidence to the fact that he would expect batch numbers to be shown on tapes if they have been properly examined? - A. I was.

Q. So would you agree that the only identifications that have taken place throughout the course of this trial have been identifications in fact of the boxes of the spools? - A. Yes, the boxes of the spools are identifiable by handwriting, by inscriptions, handwriting inscriptions on them. The tapes are not.

HIS HONOUR JUDGE STROYAN: Well the tapes have in fact been identified themselves by these who ?(inaudible).

MR. SYMONDS:

Q. Who listened to them 12 years afterwards, is that right? - A. Yes.

Q. And would you say that it is possible for any person, no matter how expert, no matter how qualified, to listen to a tape recording and unless there is phenomena coming upon that take recording, recognisable or unrecognisable, it would be impossible to say whether that person was

listening to the original or a copy of the original? - A. Yes, if the copy has been competently made it would not be possible to be definitive about whether it was the original or the copy.

A MR. RIVLIN: Your Honour I am going to interrupt here. Your Honour the defendant has already asked this witness questions on another occasion and he did it beautifully without asking leading questions and the witness gave his answers, and because he has shown that he is able to do it I am going to ask him not to ask directly leading questions just now.

B HIS HONOUR JUDGE STROYAN: Well you understand that Mr. Symonds. You must abide by the ordinary rule, you must not ask leading questions. That means questions which suggests their own answer. A good example of a leading question was one you asked the last witness in re-examination when you asked him if he thought that it was absurd that in relation to some question about 50 hertz hum. That sort of question you must not ask. You may ask a witness for his own views, but he must give them himself rather than having it put into his mouth by you.

C MR. SYMONDS:
Q. Now Mr. Killick you have been in court whilst Mr. Ford gave his evidence. - A. Yes.

Q. And I would like to ask you if you fully understand what he was talking about when he referred to 30 hertz tone burst, 50 hertz hum and editing marks. - A. I do understand.

D Q. I won't, therefore, waste time asking you to define these phenomena all over again in detail, unless you have any reason to add or subtract to what Mr. Ford has already said in his description of them. -
A. No, I believe his description was adequate.

Q. Now in connection with tape 1 exhibit 1, telephone conversations, during the course of your examination did you find 30 hertz tone burst to be present in what ...

E HIS HONOUR JUDGE STROYAN: No, the way to put that question is "What did you find on the tape?"

MR. SYMONDS:
Q. What did you find on the tape? - A. May I refer to my notes?

HIS HONOUR JUDGE STROYAN: Yes.

F MR. KILLICK: Tape 1 contained no editing marks. It contained 30 hertz tone bursts at the end of the tape in what appear to be factory bulk erase noise.

HIS HONOUR JUDGE STROYAN: Just a moment.

G Q. The end of the tape meaning after the conversation? - A. Yes. Yes, in fact after the recording in total had stopped. I believe there is some music after the conversation.

Q. Yes. - A. And I found 50 hertz hum within the recording of the telephone conversation.

Q. Yes.

H MR. SYMONDS:
Q. And can you offer any explanation for the 50 hertz hum being where you found it? - A. Yes. According to my information this recording

was taken by the use of what is known as a telephone adaptor induction coil, that will be placed on the telephone instrument and the recording was taken inside a domestic living environment.

HIS HONOUR JUDGE STROYAN:

A Q. In a house. - A. In a house, yes.

B Q. Easier word than domestic living environment. - A. Apologise. One of the characteristics of the induction coil is that it is by its nature very liable to pick up 50 hertz hum if there should be a free field of 50 hertz anywhere close to it. A feature, however, of this recording is that the hum has a cyclic beat. Now the fact that the hum existed in the first place is by no means surprising. I would expect it to be there.

Q. Just a moment. Yes. - A. The question that needs to be resolved is why is it beating in a cyclic fashion.

MR. SYMONDS:

C Q. Could you clarify "beating in a cyclic fashion" to the court please? - A. Yes. I believe that another tone of the same or very similar frequency was also recorded at the same time as the first hum that I referred to and the beating effect is caused by the two signals moving in and out of phase.

Q. So could I reduce it to ground floor level by saying that in your opinion there were two lots of 50 hertz hum on this tape? - A. Yes.

D Q. And what would that indicate to you? - A. I considered the possibilities here and there are I believe two main possibilities. The first is that a tone was being picked up through the telephone, i.e. it was entering the instrument through the telephone lines. The second possibility is that the hum was originally not cyclic but that the tape might have been copied under conditions where a second 50 hertz signal was present.

E Q. And did you find anything else on this tape? - A. No, that covers the features of tape 1.

Q. And would I be right to ask you if the features on this tape would be consistent with the copying process? - A. They might be.

Q. Thank you. And now if you could turn your mind please to tape 2 exhibit 2. - A. Yes.

F Q. And may I ask you what you found on this tape? - A. Yes. The tape carried no marks on the base film side. It was not possible to detect any 30 hertz tone bursts, although because this was a full length recording, that is to say the tape ran out at the red trailer, it would not have been possible to detect them had they been present.

HIS HONOUR JUDGE STROYAN:

G Q. You mean they are only recognisable when there is no other noise on the tape? - A. Yes my Lord, they are very low. There was what appeared to be a break in continuity but it is now my opinion that that was caused by the action of a car door slamming and I am now of the opinion that that is a continuous recording at that point.

MR. SYMONDS:

H Q. And was this tape of good or poor technical quality? - A. This is tape 2. Tape 2 consists of snatches of speech interrupted by what appear to be long radio microphone mutes.

Q. Would you say that the technical quality of this tape assists or defeats any attempt at detailed technical examination? - A. It is almost impossible to apply detailed technical examination to this recording.

A Q. And were you present when Mr. Taylor and I believe Mr. Ford gave evidence about the possibility of the transmitter being switched on and off? - A. I was.

Q. During the course of this recording. - A. I was.

B Q. And do you agree with their opinions on this? - A. Well unfortunately I haven't had that equipment in my hand since 1971, 1972, and I am afraid with this period of time I do not really recollect as much as Mr. Ford recollected.

Q. Now would you please turn your mind to tape 3 exhibit 4. - A. 3(b).

Q. 3(b) exhibit 4. Did you find a mark on the base film applying to this tape? - A. Yes I do.

C Q. And may I ask you if you found anything else on this tape recording? - A. Yes. I did not find 30 hertz tone bursts to be present but there were technical problems in establishing whether they were actually there or not, but I certainly did not find them. I did find 50 hertz hum to be present in a break in the recording towards its end and after the speech interview section.

D Q. May I ask you if it is to your knowledge that tapes 3(a) and 3(b) were recorded on different days at different locations? - A. It is.

Q. And did you find 50 hertz hum on 3(a) as well? - A. Yes.

E Q. And in connection with the conjunction of 3(a) and 3(b) do you have an opinion on how this at first sight apparently continuous recording could have come to be broken? - A. Yes. I believe that originally the recording known as 3(a) was probably considerably longer than it now is. My reason for saying considerably longer is because it is known that the tape was slowing up because the batteries running the tape recording were becoming exhausted, but according to my investigations the speed at which it was running at the point of conjunction was not the speed at which it would have stopped due to the cells being completely useless. I therefore assume it was longer. I believe that recording 3(b) was made by winding to a specific point on the tape approximately halfway through its length then activating the pause button on the tape recorder then switching it into the record mode then moving the tape back by hand, twisting the spools until the point was reached where recording 3(b) begins. I give that rather complicated procedure because from a technical point of view there is no break discernable between 3(a) and 3(b) and there is no on-click switch pattern apparent as it should be from the moment that 3(b) recorder was switched on. That has been erased.

G Q. And is it to your knowledge that the part of 3(a) erased ...

HIS HONOUR JUDGE STROYAN: No, ask him what his view is. Do not put it to him.

MR. SYMONDS:

H Q. And did you come to an opinion about the part of 3(a) that may have been erased? - A. Yes, as we now find the tapes 3(a), 3(b) - recordings, rather, 3(a), 3(b), 3(b) starts very close adjacent to a point on 3(a), which is of course a Robson/Harris recording, that contained phenomena that were partly contested at that trial.

Q. And would it be right to say that tape 3 is a 5 inch tape? - A. Yes.

A Q. And would you consider it normal for a professional sound engineer covering a meeting of unknown length to set up a tape which was playing the last half of the second track, a 5 inch tape? - A. No, it does not seem to be a sensible thing to do. I must point out, however, that the recording speed was the very slow speed of $1 \frac{7}{8}$ inches per second. I do not suggest that 3(b) starts ...

HIS HONOUR JUDGE STROYAN:

Q. Just a moment please. Not sensible to set up the last part ... - A. I am so sorry.

B Q. You are saying it is not sensible to set up the last part of the second track? - A. Yes, because it would ...

Q. Run out. - A. It would deprive of tape, but against that I am pointing out that the recording speed used was the very slow speed of $1 \frac{7}{8}$ inches per second.

C Q. Yes, how long? - A. That doubles the length of time as compared to $3\frac{3}{4}$ i.p.s. If, and I do not suggest it as a fact, but if 3(a), 3(b) were arithmetically in the dead centre of the tape there would be the same running tape at $1 \frac{7}{8}$ as there would have been at the beginning of $3\frac{3}{4}$.

MR. SYMONDS:

Q. Point I was trying to make, Mr. Killick, was it not unusual also to set up a tape in the middle rather than at the beginning? - A. Oh yes, very.

D Q. If, as we have heard, it may have been put on by accident. - A. Yes, I can see no logic in it at all.

Q. And talking again about Times tapes, times and speeches, is it to your knowledge that tape 2 was a 5 inch tape? - A. Yes it is.

E Q. And is it to your knowledge that the tape presented to this court was allegedly made at the speed of $7\frac{1}{2}$...

HIS HONOUR JUDGE STROYAN: No, no, you can ask him the question, do not put the answer to him.

MR. SYMONDS: Very good.

Q. Do you know at what speed tape 2 was recorded? - A. I do. It was recorded at $7\frac{1}{2}$ inches per second.

F Q. Do you know what size tape was used? - A. A 5 inch reel.

Q. Do you know how long a 5 inch tape runs at $7\frac{1}{2}$ inches a second? - A. Approximately 16 minutes.

G Q. Would there appear to be any rhyme or reason to you to be setting up a tape recording for an unknown period of time to have set the machine at that speed on that size of tape? - A. No, it would not appear to be a sensible thing to do when other speeds were available.

Q. And I believe you said you did find 50 hertz hum present on this recording? - A. We are back to 3(b) now.

Q. Yes. - A. Yes.

H Q. And on 3(a) also? - A. Yes.

Q. And in your knowledge that these two recordings were taken at different locations on different days, could you draw an opinion from finding 50 hertz hum on both these tape recordings? - A. Only that it surprised me enormously.

A Q. And how would 50 hertz hum normally come on a tape recording? -
A. Ah, can we qualify that, on a battery.

B Q. Yes, on a battery operated machine, I am sorry, at both locations and on both days 3(a) and 3(b) were supposed to have been recorded on a battery operated machine in the open air, so to speak. - A. Yes. I would not be surprised to find 50 hertz hum if the recording had been taken within the environment of a 50 hertz field such as would be present in a big factory, near big transformers, under overhead power lines, above underground power lines or in some such similar situation, but I am surprised to find 50 hertz hum to be present in what I knew to be a suburban living environment without such commercial and powerful installations immediately around.

C Q. Would you say that the presence of this hum on these recordings, both parts, is or is not indicative of a copying process? - A. It might be, it might be.

Q. And now coming on to tape 5 exhibit 3. - A. Yes.

Q. Did you find any editing, what did you find on this tape? -
A. There was a mark on the base film side of the tape.

D HIS HONOUR JUDGE STROYAN: Just a moment please. Mr. Symonds, before we leave finally tape 3(b), you have got from the witness there was a mark but you did not get where it was.

MR. SYMONDS: I am sorry.

HIS HONOUR JUDGE STROYAN: Do not ask the question if you do not want it.

E MR. SYMONDS: Yes.

Q. Can you say where this mark was exactly on tape 3? - A. Yes, it was very close indeed to the beginning of tape 3, in fact tape 3(b). 3(b).

HIS HONOUR JUDGE STROYAN: I am afraid I am in a muddle now.

MR. KILLICK: Sorry.

F HIS HONOUR JUDGE STROYAN:

Q. There was a mark, you say, on tape 3(b)? - A. Yes.

Q. Where? - A. Very close to the beginning of the recording known as 3(b) which commences with some music, and measured on the tape it is about one inch inside the music section approximately.

G Q. Just before you get to speech? - A. Yes, the music is before the speech.

Q. So the mark is just before you get to the speech? - A. I wouldn't say just before. I am not sure what the timing is but there is a passage of music.

Q. One inch inside the music is what you said. - A. That is right.

H Q. Yes, thank you. Now you can go back to tape 5 where you said there was a mark on the base film side. - A. That is so.

HIS HONOUR JUDGE STROYAN: I expect you will tell us about it.

MR. SYMONDS:

Q. And did you make any measurements in respect of defining the position of the mark you found on tape 5? - A. Yes, this is positioned about half an inch after the end of the audio signal, but we have not yet discussed the fact that there are two recordings on the tape and I shall be talking about something that we haven't ...

Q. Yes, thank you. Just say where you found the mark. - A. Yes, right. It is about half an inch after the end of the last audio signal relating to the recording referring to yourself.

Q. And did you find ...

HIS HONOUR JUDGE STROYAN:

Q. It says half an inch after the alleged interview, is that right? -

A. No my Lord, after the end of the total recording referring to Mr. Symonds and I believe there is some music following or other noise.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

Q. And did you find - well I should have asked you this about tape 3. Did you find tape 3 to be a continuous recording? - A. I did say that from the technical point of view there is no break, although quite obviously to the ear it comprises two separate recordings and two separate events.

Q. May I ask you if you found tape 5 to be a continuous recording? -

A. No, it is two recordings of two separate events.

Q. And did you take steps to establish, or did it later come to your knowledge as to what other event the other part of the recording referred to? -

A. Yes, from the contents of the recording I believe this is related to an episode involving Robson and Harris and I believe ...

Q. Previous occasion would it be? - A. I beg your pardon?

Q. On a previous or later occasion? - A. I was going to say I believe that that recording existed on the tape first and then the tape was used again to make the recording that is now our tape 5, i.e. concerning yourself, so that chronologically your recording was I believe the second in order although in fact it is the first on the spool now.

Q. Yes, and may I ask if you found any other phenomena on this tape apart from that mark? - A. Tape 5. Yes, it was found that after the end of what I would call the Robson and Harris bit, that is at the end of the recorded section of the tape, there is some apparently blank tape. The spool did not run off the machine, it left some blank tape there, and within that area there are to be found 30 hertz tone bursts.

Q. And as a specialist investigator investigating these tape recordings, did the combination of 30 hertz tone burst plus an editing mark present some sort of problem to you? - A. I think they are not necessarily related matters, but they add to the sum total of concern that one must have about this tape.

Q. Did you find any other hum present on this tape? - A. No, the tape was examined for 50 hertz hum but none was detected, none was found to be present.

Q. Now turning to tape 13. - A. Yes.

Q. Exhibit 6. Did you find anything on this tape to cause you concern? -
A. Tape 13, there was no mark to be found on the base film side. This is a full length recording that ran off the machine at the red trailer, therefore it was not possible to tell if 30 hertz tone bursts had been present. A 50 hertz hum was found at very low level in a break in the recording towards its end. This is well past the speech area, my Lord.

Q. And would the 50 hertz hum indicate the history of origin other than that stated by the prosecution witnesses? - A. I am not satisfied that that hum could have arisen as a result of the kind of recording described.

Q. Were you present in court when Mr. Ealey gave evidence for the prosecution? - A. I was.

Q. And did you hear of his experiment? - A. I did.

Q. And did you make some sort of study or research into Mr. Ealey's experiment and proposition resulting? - A. Not directly into his experiment. I did indeed do as much research as I could into the possibility of what he was proposing.

Q. And did you understand Mr. Ealey to say that he had established the 50 hertz wave as a sign wave? - A. Yes I did.

Q. And if that was a sign wave, would this conform to the proposition that the hum could have emanated from a television tower? - A. I do not believe so.

Q. Did you hear evidence that it may be thought that this hum emanates from, I believe it is called the frame scan rate? - A. Yes. I must make it clear that I am not an expert in television, but I have checked this myself in text books and in other ways and I believe that to be the case.

HIS HONOUR JUDGE STROYAN:

Q. You believe what to be the case? - A. That it results from the frame scan rate.

Q. 50 hertz hum? - A. No my Lord, that there is a 50 hertz component within the transmission and this originates from the frame scan rate, but it is not a sign wave.

MR. SYMONDS:

Q. And if that hum resulted from the frame scan rate would it appear in any significant form? By that I mean would it appear as an annoying hum on domestic equipment of the many hundreds and thousands of householders living immediately close by Crystal Palace television? -

A. It is my understanding that this is a, these are pulses generated at the rate of 50 per second, which is where the 50 hertz component comes into it. If such a signal were to be picked up I believe it would be aurally different to a sign wave. It would not be a hum, it would be more akin to a buzzing noise, and if such a noise were to be picked up domestically by residents in what is a very densely populated area, I am quite sure they will protest very loudly.

Q. And during your enquiries and research did you learn of such protest being made?

HIS HONOUR JUDGE STROYAN: You have got his view.

MR. SYMONDS: Pardon Your Honour?

HIS HONOUR JUDGE STROYAN: I said you have got his view. The jury can use their common sense.

A MR. SYMONDS: Trying to avoid calling the head engineer of the B.B.C. as a defence witness, Your Honour.

MR. RIVLIN: I have no objection, Your Honour, to him putting the question.

MR. SYMONDS: We can call the chief engineer of the B.B.C. about this if we leave it.

B HIS HONOUR JUDGE STROYAN: You are not going to do that. Mr. Rivlin does not mind you putting the question, so off you go and put it.

MR. SYMONDS: Very well.

Q. Did you discuss this problem with Mr. Charles Hope(?) of the B.B.C.? -

A. I did, B.B.C. Engineering Services, Broadcasting House, London.

C Q. And would it appear that the B.B.C. have been inundated with complaints about 50 hertz hum appearing on domestic appliances? - A. No, they are conscious, as am I from my own personal experience, that all forms of powerful radio transmitters can introduce interference, but the character of the interference is quite different. It takes the form of whistles, beating noises, or indeed in some cases of an actual breakthrough of the transmitted programme material.

D Q. And if such a component were to be present could the B.B.C. tolerate this interference on its own equipment? - A. No, if their own antennae were radiating 50 hertz signwaves, I am given to understand that it would seriously interfere with their own equipment and would not be tolerated.

HIS HONOUR JUDGE STROYAN: We are getting a long way from the important facts of the case. We have got the evidence now.

E MR. SYMONDS: Very well.

Q. And if you could turn your mind to tape 14. - A. Yes.

Q. Did you find anything on this tape? Should I start by saying was this a tape recorded throughout its length also? - A. Yes it was. It runs off at the red trailer.

F Q. And would it be right to say that the phenomena that you found in tape 13 occurred in a break which occurred in a full running tape? - A. That is the 50 hertz, yes. Yes it was. May I correct that. I am not saying it occurred in that break. It was capable of detection and measurement within that break.

HIS HONOUR JUDGE STROYAN:

Q. That is on tape 13? - A. On tape 13.

G Q. Not on tape 14? - A. No.

MR. SYMONDS:

Q. So it could have occurred in other parts but because of the speech and music recordings would not have been detectable? - A. Yes, yes.

Q. And on tape 14 did you find ...

H

HIS HONOUR JUDGE STROYAN:

Q. I am sorry, that is 30 tone bursts or 50 hertz hum? - A. No my Lord, it is 50 hertz hum. No, 30 hertz tone bursts on tape 13.

HIS HONOUR JUDGE STROYAN: Any 50 hertz hum?

MR. SYMONDS:

Q. 50 hertz hum? - A. Yes my Lord, I just said to you that the signal that the defendant was talking about is the 50 hertz hum. I said that it was found in a break and might be present elsewhere but could not be detected.

HIS HONOUR JUDGE STROYAN:

Q. In tape 14? - A. In tape 13. He went back to 13.

Q. I thought you were talking about tape 14. - A. I am sorry, we keep dodging backwards and forwards.

Q. Let us deal with tape 14. There was a 50 hertz hum on tape 14. - A. No my Lord.

Q. And 30 hertz tone bursts? - A. No my Lord, and no marks.

MR. SYMONDS:

Q. And if there had been 50 hertz and 30 hertz would you have stood any chance whatsoever of finding them on a fully recorded tape? -

A. 30 hertz quite definitely no. 30 hertz tone bursts could not have been found. The 50 hertz hum would depend to a large extent upon its level as to whether or not it could be detected.

Q. And would it be right to say there were no breaks on tape 14 such as there were on tape 13 which allowed you to examine in between them, as it were? - A. Correct.

Q. Now tape 15 exhibit 7, to remind you is a small Grundig cassette. - A. Yes.

Q. Did you find any of the phenomena we have been discussing, marks, tone bursts, hum, etc. on this recording? - A. No, I would not expect to. This would be a very difficult tape to mark because of its physical shape, size and the way the machine works, and the basic noise level of the recording is such that it would defeat the technical examination.

Q. So would it be right to say that the recorded quality of this tape is too poor to be able to carry out a proper technical evaluation? - A. With instruments, yes. It might not be too poor for speech analysis. I am referring to electro-magnetic examination.

Q. Now some number of further points about the marks. Can I ask you, is it a fact that the discovery of the first mark within the series of the Times recording was made by Mr. Ford in your presence? - A. Yes, that is so.

Q. In the presence of two police officers? - A. And there were two senior police officers present as well.

Q. I believe you then said as a result you instituted a long programme of visual examination of the alleged originals, again under the supervision of the police? - A. That is correct.

Q. And is it right to say that the marks that were subsequently found were positioned at what might be called technically interesting points? -
A. Yes.

A Q. So to get things clear, during the course of your visual examination did you go directly to the points that you considered to be of technical interest to see if a mark existed or did you begin your examination at the start of the tape and work your way along its entirety? -

B A. The method I adopted was in fact not to examine them by hand because that would have been impracticable. It might have damaged the tapes. They were placed on a tape recorder and played back at a very very slow speed without the sound turned up. I had no idea of what the programme was, and was watched under specially arranged lighting, and in that way the other three marks were found, and then when they were found and the tape was played back at that point it was found that in every case it was a point of technical interest.

C Q. And have you yourself ever marked any tapes for editing purposes and if so what kind of writing instrument did you use? - A. Oh yes, I have marked thousands of tapes for editing purposes and I use the conventional instrument which is a chinagraph pencil.

D Q. And do you think that the marks we are now discussing were made with that kind of instrument, or if not what do you think? - A. I am quite sure they were not made with a chinagraph pencil. I am not a chemist, but to my lay eye they have the appearance of a felt tipped pen type of instrument, because it was, appeared to be an ink like line that was drawn on the remains of it. I would like to add that the intensity of the marks in terms of their clarity did vary from tape to tape, and even at that time I was describing one or two of them as almost shadowey. They were there but they were fading rapidly.

Q. And were you surprised to find in 1971 and 1972 that marks made on tapes recorded in 1969 were still visible a year or more later? -

E A. Yes I was because one of the features of the chinagraph pencil, and one of the reasons why it is used, is because it is so easily removed. Had chinagraph been used the marks would not have remained. I have never previously seen audio tapes marked using the kind of instrument that must have been used in this case.

F Q. Am I right in understanding from that that if you used a chinagraph pencil, after some playing of the tape it would disappear of its own accord? - A. Yes. Chinagraph derives its name from the popular trade use of crockery ware and it is because the housewife can easily rub it off.

Q. And I believe from your previous answers that you said that marks were found on two of the alleged originals now before the court, that is tape 3(b) exhibit 4 and tape 5 exhibit 3. - A. That is correct.

G Q. You have already said that these marks occur at points of technical interest, so could you please remind the court of what was the interest in each case? - A. Yes. In each case we have what I would technically call a change of programme, in other words they relate to the change between recording 3(a) which is a Robson/Harris recording and recording 3(b), and again on tape 5 the relationship is clearly between the first recording on the tape, the Symonds interview, and the remains, if I may use that term, of the Robson/Harris event.

H Q. Thank you. And in your opinion is there even the slightest possibility of these marks having been applied by, for example, a typist for use as a reference point during the course of authorised transcription work? -

A. They are not useful.

HIS HONOUR JUDGE STROYAN: I do not think he is an expert in the activities of typists.

MR. SYMONDS: Or some other such person.

A HIS HONOUR JUDGE STROYAN: Just a moment.

Q. You have told us the position of the mark on 3(a), 3(b), and the position of the mark on tape 5. What were these marks, where were they? -

A. Oh yes, on tape 4, Robson/Harris.

Q. Yes, that does not concern us. - A. The mark was not in the identical position in relation to 3(a) but it was in that area, and frankly my Lord, I now no longer have information on the other marks, the Robson/Harris marks.

B Q. The other one was Robson/Harris. - A. Yes.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

C Q. The point I am trying to get to, Mr. Killick, when I asked about whether this mark might have been put there by a typist or someone doing transcription work, would you say that these marks can only have been applied by some person or persons with some degree of technical knowledge? -

HIS HONOUR JUDGE STROYAN: Well ...

D MR. KILLICK: In view of their positions, yes, I would say definitely yes. I would like to point out that it has already been said that they are difficult to see and I do not believe that they, that anyone would have put them on the tape in order to come back to a point such as for transcription or other purposes.

MR. SYMONDS:

E Q. I believe you have been present in court when the prosecution have made the point about anyone could recognise that there were two conversations or anyone could see that there was a big fault here. - A. Which tape are you referring to?

Q. 3(b) and 5. - A. Yes.

F Q. So I am asking you whether the marks on 3(b) and 5 could be marks made by anyone who could hear immediately that there was a fault there or they have been placed with some sort of precision which would indicate some sort of technical knowledge. - A. Yes they have. I would just like to pick you on one point there. It is indeed obvious to any ear on tape 3 that 3(a) and 3(b) are separate recordings, but it is much less obvious on tape 5 and the casual listener might not be aware that there are two recordings there.

G Q. I believe we heard evidence from the prosecution expert that this was regarded as a switch on or switch off fault for many years in fact by the prosecution. - A. I believe that it was not stated at first that there were in fact anything, it was not stated at first that there were two recordings on tape 5.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

H Q. And if these marks had been the first stage or a stage of an editing process following cutting, splicing followed by copying, would you expect them to be present on copy tapes offered as originals? - A. No. You mean followed by cutting and splicing? No, no I would not.

A Q. Well a stage of an editing process. Could I make a little proposition here. If the first editing process had been completed and the edited tape had been copied onto tape 5, could some person with some technical knowledge later listening to this tape have recognised that in fact there were two conversations and have made that mark with further editing, another stage of editing in mind? - A. Sorry Mr. Symonds, that was a rather involved question and I do not quite follow it.

Q. I am putting the proposition ...

HIS HONOUR JUDGE STROYAN: I think you are in the same boat as many of us.

B MR. SYMONDS:

Q. Proposition is this. Tape 5, supposing you wish to cut out a bit of tape 5, talk about a photographer and some other bits. - A. Yes.

Q. Out of the true original which is supposed to have been a virgin tape, so having made your edits and cut out the bit about the photographer, you then have a mutilated true original? - A. Yes.

C Q. And if you were going to copy the mutilated true original onto a second tape. - A. Yes.

D Q. Which you propose later to offer as the true original, and then discovered at some later stage that instead of picking up a virgin fresh tape in the copying room you had picked up a tape which had been returned for going through the cleaning machine, and had in fact put your copy edited master onto a tape which had not been cleaned and was not a virgin and at some later stage discovered this, would an editing mark have been made at the point you found if it had been in someone's mind at some time to put matters right by removing the second recording? - A. Yes, the editing marks on both tapes 5 and the 3(b) would be useful as starting points. They would not be useful as stopping points.

E Q. And would it be true to say that in both 3(b) and 5 you would only need a starting point, because 3(b) would start at the editing mark and go to the end of the tape that was going to be separate from 3(a), and 5 would start at that mark and go to the end of the tape that was going to be accepted from the first part, the Symonds meeting? - A. If we are considering editing by copying onto the tape, I think the situation if I could clarify it is that on the conjunction with 3(a) and 3(b) we have the situation where the presence of the mark is logical if it is assumed that 3(b) has been deliberately recorded onto that tape, I would then not be surprised to find a mark, and what we have is the finished job except that the mark remains.

F Q. Yes. - A. The situation is rather different on tape 5, as I think you yourself said.

G Q. Yes, the reversal. - A. Because there we have a situation where if the mark was put on with a view to editing, in fact it would appear that that editing has not been carried out. I would therefore say it was a first stage of an incomplete task if it is regarded in that way.

Q. If the editing was to remove the unwanted remnants of the previous meeting. - A. Yes, it could serve a purpose which was not carried out.

H Q. Now in connection with 30 hertz tone burst you have already said that this phenomenon was detected and in this case was found to be present on tape 1 exhibit 1 and tape 5 exhibit 3. - A. Correct.

A Q. Does this mean that you are confident that the same phenomenon is not present or has not been present in the other open reel tapes exhibited before this court? - A. No, the other open reel tapes in this respect fall into two categories. They are either recorded throughout their length running onto the red trailer, or they contain other recordings or for other technical reasons it was not possible properly to examine because of (inaudible) problems, but there were technical difficulties.

B Q. And within your experience is the presence of this phenomena a common occurrence, a rare occurrence or a unique occurrence? - A. Within my experience this is unique to the Times series of recordings. I am saying here they were found in both Robson/Harris tapes and your own, but I have also done some work on the Times copy tapes to distinguish - I mean these are the Times copy tapes that have been in the custody of the police, not the Times held tapes, and on those tapes the tone bursts were not found. They were specifically looked for.

C Q. And during the course of your many years experience is it likely or unlikely that you would have detected such a thing had it been recorded on the many tapes that must have passed through your hands? -

A. Oh yes, because although inaudible in normal play back process, if the tape is fast wound across a live play back head then the tones will be heard in the form of rapidly occurring bleeps. It is necessary for the tape to be fast wound to raise the frequency from 30 hertz up to a frequency that the ear can actually hear.

D Q. I wonder, sir, if you could explain these tone bursts in layman's language if you like? - A. Yes.

Q. In as simple language as possible.

HIS HONOUR JUDGE STROYAN: He has said they are bleeps. Do you know more than that?

MR. SYMONDS: Well the reason for that is that Mr. Taylor heard them as rapid bleeps.

E HIS HONOUR JUDGE STROYAN: That is just what this witness has said, so we do not need to elaborate on that.

MR. SYMONDS: Well does everyone understand tone bursts absolutely, 30 hertz tone bursts?

F HIS HONOUR JUDGE STROYAN: If they don't now I don't think they ever will.

MR. KILLICK: May I ask your Lordship to clarify one ... I think the presence or lack of presence of tone bursts relates to what I will call virginity of tape, whereas the 50 hertz hum is something quite different, and that in my opinion does not relate to virginity at all but relates to circumstances of recording and I think there has been a little confusion.

MR. SYMONDS:

G Q. Or copying process? - A. Yes, well that would be a circumstance of recording.

HIS HONOUR JUDGE STROYAN: Yes, thank you.

MR. SYMONDS:

H Q. Well if the 30 hertz relates to virginity, could they have been introduced as a result of any manufacturing or packaging process? - A. I believe not.

Q. Could they have been recorded whilst in transit or in store? - A. No.

HIS HONOUR JUDGE STROYAN: We have had all this. It has been said once already. No-one has disputed it. Do not want it again.

MR. SYMONDS:

Q. Well could I ask if they could have been recorded on the tape during the recording process? - A. As an integral part of the ...

Q. Yes. - A. No. No, I am quite sure not.

Q. So they must have been either deliberately or accidentally put on after the original tapes were taped. - A. I find it hard to accept that they were deliberately put on the tapes. I suspect they were accidental.

HIS HONOUR JUDGE STROYAN:

Q. Which are we talking about now, the 50 hertz or the 30? -

A. 30 my Lord.

HIS HONOUR JUDGE STROYAN: Yes.

MR. KILLICK: The situation is that they, the only definitive thing I can say is that these recordings of tone must have been put on the tapes at some point in time between the moment the brand new boxes were first opened and the time ...

MR. SYMONDS:

Q. ...they come before the court. - A. That they were first discovered. Now whether they were put on the tapes accidentally or deliberately after the recordings were taken or whether they were there on the tapes before the recordings were made is another matter.

Q. So in terms of originality and authenticity what are the implications of what you have been saying? - A. Well if it could be shown that the tapes which bore these 30 hertz tone bursts had been subjected to a process likely to cause them to occur, that would be a satisfactory explanation for their presence, but so far as I am aware no such explanation has been offered, although I must point out I was not in court when Mr. Hawkey was giving evidence before the jury.

MR. SYMONDS: Your Honour I suggest this would be a suitable time to break before I go onto 50 hertz hum.

HIS HONOUR JUDGE STROYAN: You have done 50 hertz hum, we are not going to have any more. Let us get on. You are not going back again over the same old ground.

MR. SYMONDS: I have covered 50 hertz with another witness Your Honour, not with this witness yet. It is the crux of the defence, how could these hums and tone bursts and marks come to be upon these recordings if the reporters, for example, are telling the truth as to how they were made, and this is technical evidence I suggest which must ...

HIS HONOUR JUDGE STROYAN: There comes a limit.

MR. SYMONDS: ...worry the jury.

HIS HONOUR JUDGE STROYAN: I dare say ...

MR. SYMONDS: Because prosecution say, well forget all that, forget all that, no-one is interested in hums. All we want you to say is what did you mean when you told Perry to tuck the profits of his crime away.

HIS HONOUR JUDGE STROYAN: No, no, no.

MR. SYMONDS: And I am saying no, no, no, there is a stage before that. Before that we must decide whether these tapes are edited or not.

A HIS HONOUR JUDGE STROYAN: Mr. Symonds we are not having another speech. Now is there another question you want to ask?

MR. SYMONDS: There are many questions I want to ask.

HIS HONOUR JUDGE STROYAN: We are not going over the same ground all over again.

B MR. SYMONDS: If you forbid me to ask ...

HIS HONOUR JUDGE STROYAN: I do not forbid you.

MR. SYMONDS: This witness Mr. Killick, whose vast experience, probably almost unequalled, to ask him about 50 hertz hum when I am defending myself.

C HIS HONOUR JUDGE STROYAN: What is the question you want to ask?

MR. SYMONDS: I want to ask him about 50 hertz hum.

HIS HONOUR JUDGE STROYAN: Then ask the question.

MR. SYMONDS: Thank you.

D Q. On what tapes did you find 50 hertz hum? - A. Tape 1, tape 3(b), tape 13.

Q. Thank you. And is the intrusion of hum from the mains power supply a common or uncommon occurrence as far as the tape recording equipment is concerned? - A. In general it is very common indeed.

Q. And would you expect it to be present within recordings taken out of doors using battery operated equipment?

E HIS HONOUR JUDGE STROYAN: We have had this and you have got the answers you wanted. Alright, we are not going to go over it all again.

MR. SYMONDS: We have had it from Mr. ...

HIS HONOUR JUDGE STROYAN: We have had it from this witness too.

F MR. SYMONDS: Mr. Ford, who we were then told was quite useless as a scientific witness because he has not got a degree and every effort was made to play down ...

HIS HONOUR JUDGE STROYAN: Just listen.

MR. SYMONDS: The whole idea of having more than one expert is for support. It is not just Mr. Ford who has not got a degree who is saying that it is most unusual. We now have another gentleman also with vast experience.

G HIS HONOUR JUDGE STROYAN: Mr. Symonds, he has said it, I have written it down, he need not say it again. He has dealt with 50 hertz hum on tape number 1.

H MR. SYMONDS: These are general questions Your Honour, such as has Mr. Ford ever been troubled by this phenomena when undertaking the copying of tapes, for example.

HIS HONOUR JUDGE STROYAN: You have had ...

MR. SYMONDS: You see Mr. Killick has vast experience Your Honour, as I hope was made clear to the court. Mr. Ford is the scientist, he is the man with the machines.

A HIS HONOUR JUDGE STROYAN: Mr. Symonds we are all aware of this. If you have some new question to ask about 50 hertz hum, please ask it, but we are not going to have the same questions asked over and over again.

MR. RIVLIN: Your Honour it may help the defendant to know, and I am sure he does, that if a witness gave evidence such as Mr. Ford did and I did not challenge part of his evidence, I did not challenge it because it is accepted.

B HIS HONOUR JUDGE STROYAN: Yes, I hope the defendant has understood that. Do you understand that, Mr. Symonds? Things that have not been challenged in Mr. Ford's evidence are accepted.

MR. SYMONDS: There are many things that Mr. Ford said that Mr. Hyde had previously agreed with.

C HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: And that Mr. Penner and Mr. Ealey agreed with many things.

D HIS HONOUR JUDGE STROYAN: Well Mr. Symonds you are not going to go over the same ground all over again. I am going to rise now until 2 o'clock and I shall be sitting until 4.15 only today I am afraid. In the interval I suggest that you sort out your notes and make sure you are not trying to ask the same questions which have already been asked. If you have a fresh point you may ask it. We are not going to go back over the same ground all over again.

(COURT ADJOURNS FOR LUNCH)

2.00 pm

HIS HONOUR JUDGE STROYAN: Yes.

E MR. SYMONDS:

Q. Mr. Killick, one or two brief questions on 50 hertz hum. Have you had any experience of recording out of doors on a battery operated machine such as was described the method used in this case? - A. A great deal, yes.

Q. And have you ever picked up 50 hertz hum when recording under such conditions? - A. No.

F Q. Would you describe 50 hertz hum as a problem to professional sound recorders? - A. In indoor conditions yes, always a great problem.

Q. And if originals had been made on a battery operated machine working in outdoor conditions, then the proposition that these originals had been later copied indoors, for example in Location Sound Facilities, could this be competently done, have brought about the 50 hertz hum we found on some of these exhibits? - A. It could indeed.

G Q. If a recording carrying 50 hertz mains hum should be copied under conditions where yet more hum is likely to be introduced, what would be the characteristic of the sum total of the hums on the copy tape? - A. They would tend to beat the one with the other as they moved in and out of phase with each other. If I may explain, when they are ...

H HIS HONOUR JUDGE STROYAN: I think you have explained once already.

MR. KILLICK: Have I? Yes.

MR. SYMONDS:

Q. I believe you said that that conforms with the hum pattern that now exists on tape 1 exhibit 1? - A. That is correct.

A

Q. And the 50 hertz hum, does the hum on tape 3(b) have any particular significance? - A. Only as it is on a spool where we have another recording, 3(a), recorded in a different location, I believe on a different day, and they both have 50 hertz hum upon them.

Q. And the hum found on tape 13, does this fit the theory or proposition offered by the prosecution for its coming into existence? - A. You mean the television?

B

Q. Yes. - A. Well as I said before I am not a television expert, but within the limitations of my knowledge and experience and my researches I do not believe it does.

C

Q. And in your own words would you say what you believe to be the significance of the hum patterns you have found to be present within the exhibits before us? - A. The presence of mains hum in recordings of this kind should always be regarded with the greatest suspicion, unless it can be satisfactorily accounted for.

Q. And have you heard anything through the course of this trial, satisfactory accounts for this hum being present? - A. In my opinion no, if one excludes tape 1 with the possibility of a second tone rejecting from the telephone.

D

Q. Following on from the sum total of the evidence you have given so far, what in your overall opinion is the authenticity and originality of these alleged original tapes? - A. I think a number of questions have been raised that have not been satisfactorily answered and therefore I have to regard the tapes with great caution.

E

Q. If I was to put a series of questions to you regarding the interview part or the spoken part of each tape and if my questions were to be along the lines of "You didn't find any fault in this part did you?" what would your answer be? - A. I would agree with you.

Q. But if the question was along the lines of "Is it possible to find any fault in a spoken recording if that recording is competently edited?" what would your reply be then? - A. It might well not be.

F

Q. And is it to your knowledge whether the recording equipment used was to a professional standard? - A. Oh yes, both the radio microphone and the Nagra recorder. The Uher recorder is on a slightly lower level than Nagra, if I can put it that way.

Q. And in view of this would you expect the hum and other defects which exist in these recordings? - A. Under their alleged histories of origin, no.

G

Q. Would such defects be acceptable in a commercial recording, for example? - A. No.

Q. Now respecting the paper ... - A. May I interrupt, with apologies?

H

Q. Yes. - A. You have put all the defects together there. The 50 hertz hum would not be accepted in a commercial recording. In the commercial recording it does not matter whether there are marks on the tapes or not, and the 50 hertz tone bursts are at such a low level that I do not think they would affect the commercial recording.

Q. The 30 hertz tones. - A. The 30 hertz tones.

Q. And regarding the paper you wrote to the Medico Legal Society. - A. Yes.

Q. In 1977 headed "Tape recordings as evidence". - A. Yes.

Q. Would you say that the heart of this paper ...

HIS HONOUR JUDGE STROYAN: No, you cannot ask him about his paper.

MR. SYMONDS:

Q. What would you say is the heart of this paper, the proposition at the heart of this paper? - A. The message was, I hope, clear. I was not speaking to technical people, I was speaking to a legal association and I was advocating two things, firstly, caution in the handling of tape as evidence and secondly, making a plea for the musician of the tightest possible controls in terms of the way tapes are recorded, their continuity of handling, etc., etc.

Q. And did you say that in your belief it is possible to edit and or copy a tape?

HIS HONOUR JUDGE STROYAN: No Mr. Symonds, no Mr. Symonds. No, you can ask him his own view, I have told you a dozen times.

MR. SYMONDS:

Q. And what was your view on the editing and copying of tapes as to whether or not they could be detected by any expert? - A. As expressed in that paper or generally?

Q. Yes, as expressed in the paper. - A. I do not have a copy of the paper. Without it, I am quite sure I again advocated caution and said it was possible to copy tapes and to edit tapes in such a way that the alterations would defy technical detection, or words to that effect.

MR. SYMONDS: Well maybe the witness should be allowed to refer to it.

HIS HONOUR JUDGE STROYAN: No.

MR. SYMONDS: Thank you very much. No more questions in that case.

CROSS-EXAMINED BY MR. RIVLIN

MR. RIVLIN:

Q. Mr. Killick I am sure the message has come over loud and clear by now. - A. Very.

Q. And I wonder if I could just concentrate on one or two fundamental questions. - A. Please.

Q. You have had ample opportunity to examine these tapes, have you not? - A. I have indeed.

Q. And you did examine them under conditions of great security. - A. Oh, very great security.

Q. And it was apparent to you that the police were taking the custody and care of these tapes very seriously. - A. I recollect very well, they were even taken to lunch with us. We used to all lunch together and they were carried in a briefcase. They were not left in the laboratory. We did not lock the room and leave them there. They were in the custody of the police the whole time personally.

A Q. Given that you have had the opportunity, and ample opportunity, to examine these tapes, am I not right in saying this, that you have never suggested that any of these tapes has been fabricated or tampered with in any way. That is right isn't it Mr. Killick? - A. At one stage, I am going back a long time now, I was of the opinion that the presence of the 30 hertz tone bursts was prima facie evidence of a copying process having been undertaken. I have since modified that opinion and it might or might not contribute to that, but I am sure that I would agree with you sir.

HIS HONOUR JUDGE STROYAN:

B Q. At one stage I thought 30 hertz tone burst, that copying had taken place or might have taken place? - A. No, I said I believed it to be prima facie, I had conclusive proof at one time but I have since modified that opinion my Lord.

Q. Yes, and subject to that it is right to say, is it, I have never suggested any of these tapes have been fabricated in any way? - A. That is right.

MR. RIVLIN:

C Q. And indeed you remember giving evidence in that part of this trial before the jury were brought into the court. - A. Yes indeed.

Q. And you told his Honour in so many words, did you not, "I have never suggested that the people who created these tapes - that is the ones under question in this case - are responsible for any tampering." - A. I recall it well.

D Q. And that is still your evidence. - A. Oh yes, I have no reason to suppose it is not. Who did it, if it was done, was not within my province.

HIS HONOUR JUDGE STROYAN: Just a moment. Never suggested that these tapes were responsible for what?

MR. RIVLIN: Any tampering.

E Q. These tapes are the ones that have been put in evidence, you understand that? - A. Oh indeed, yes, that is what I was speaking of.

Q. Yes. I think we can bring it all down to this, can't we, that as a result of your original findings and your investigations you were satisfied in your own mind that tapes numbers 1, 3 and 5 certainly could not have been factory fresh when they were recorded upon? - A. I believed when this recording was taking place.

F Q. Yes. If it be the case, do you understand, that they were not factory fresh when recorded upon, then that removes, doesn't it, most if not all of the problems? - A. With respect I think there is a slight oversimplification in as ...

G Q. Go on. - A. In as much as if it were to be said, for example, that tape 5 had been a factory fresh tape when the first recording, i.e. Robson/Harris recording was made, and then it was used after an interval of time, be it hours or days, and if one accepts the hypothesis that the 30 hertz tone bursts were on the tape beforehand, then we come back to the same problem, how did they get there.

H Q. Yes, well I do not think that it is going to be necessary to do that Mr. Killick. The position is this, that if it be the case that when these recordings, do you understand, those between Perry and the defendant were made, if it be the case that those tapes were then not factory fresh that removes most if not all of the problems. -

A. I would be totally satisfied if we could explain how they got there. That is, I have said it is a unique phenomenon.

Q. Let me help you with that, Mr. Hawkey gave a little evidence, we have heard that there were facilities in Location Sound Facilities for, as it were, bulk erasing noise and that they had facilities for doing that. -

A. With respect that would be for bulk erasing programmes on tape, yes.

Q. That is right, and if such a tape was then used to record the sort of conversations that we have been listening to, that would remove the problems. - A. No sir.

Q. You say not? - A. No sir, because I use such an instrument myself, bulk eraser, and I am very familiar with its method of operation and the kind of phenomena it leaves on the tapes and it is nothing like the 30 hertz tone bursts we have had. Completely different.

Q. What, a Nagra 3 tape recorder to bulk erase? - A. No, I am sorry, you said, I understood you to say they had a bulk eraser.

Q. No, they had machinery which ... - A. Ah, that is not bulk erasing, that is a different thing, sorry.

Q. Very well. They were machine erasing, that is the evidence if you like, machine erasing, but bringing the noise level down as low as possible to near factory fresh bulk erase noise. Do you understand? - A. Yes I understand. May I now answer the question?

Q. Yes, answer the question please. - A. No, if these tapes had been erased by running them through a Nagra 3 recorder conventionally in the record mode it would indeed have erased the existing programme, it might well have put the 30 hertz tone bursts on the tape.

Q. Yes. - A. But I believe it would have left a higher noise level, measured noise level, in what is now the so called unrecorded sections.

Q. Very well. Well that is your evidence Mr. Killick. Let us deal with individual tape shall we? - A. Yes.

Q. Tape number 1, perfectly feasible innocent explanation for the condition of that tape. - A. That is one way of looking at it which I accept as a possibility.

Q. Very well. You have listened to that tape many times, have you not? - A. Oh yes.

Q. You found nothing to suggest that that tape has been doctored or tampered with, right? - A. I have found of course the 30 hertz tone bursts, tape 1 exhibit 1.

HIS HONOUR JUDGE STROYAN:

Q. That is what you are saying is a feasible innocent explanation? -

A. No my Lord, the 50 hertz, I did say that this, the cyclic 50 hertz hum obviously could have originated in a perfectly innocent manner.

Q. Well yes, I know. - A. But you are doing it, the 30 hertz I still do not understand on this tape.

MR. RIVLIN:

Q. Yes, alright, maybe you do not. You found positively, you found no positive evidence of any doctoring or tampering, is that right? -

A. No, that is correct.

Q. Right. You haven't a word to say against tape number 2, have you? -
A. Tape number 2.

Q. That is the badly broken up tape. - A. Yes.

A Q. Right? - A. No, that is correct.

Q. That is correct, is it? - A. That is correct.

B Q. Yes, right. Tapes numbers 3 and 5, well you have given a great deal of evidence about those tapes but you are not suggesting, are you, that you found any positive evidence of tampering in any way? - A. No, I, in terms of discovering truncated syllables, decays in the speech, things like that, no. I reserve only the things that we have all been through with the tone bursts and the 30 hertz.

Q. I am sorry to be taking up time Mr. Killick, but you know you have already said on oath at an earlier stage in this trial, have you not, that "I am not suggesting any tampering with these tapes." - A. Yes.

C Q. That is why I am trying to cut the matter short. - A. I am sorry but I understood there that you meant tampering by means cutting, editing, splicing.

Q. Well what is it all about if it isn't that? - A. In those terms I have not.

D Q. Tapes 13, 14 and 15, in relation to those tapes, tape 14, no criticism whatsoever. Tape 15, no criticism whatsoever. - A. Tape 14, yes I agree, no criticism. Only criticism - I am sorry, you said 15 did you?

Q. Yes. - A. Yes, only criticism there is as I have said the technical quality is very bad.

E Q. But no evidence that you found of any tampering or doctoring in any way. - A. No, the noise levels there are so high in that recording it would be difficult to comment on it.

Q. And as regards tape 13, we have been into that so many times now, -
A. We know our positions.

Q. I think that we know our positions and the scientists will just have to agree to differ there, wont they Mr. Killick? - A. I think so.

F Q. But there are certain rather important questions I would like to ask you that you may be able to help us with. You have come to a firm conclusion, have you not Mr. Killick, that if anyone has fixed, rigged, tampered with or fabricated these tapes, that person is likely to be an expert? -
A. Difficult to, that person is likely to have had a certain degree of skill and experience. How much skill and experience would depend upon precisely what he was doing by way of alteration.

G Q. Well Mr. Killick it is not necessary to go into all the features. -
A. I am being a little careful sir.

Q. Pardon? - A. I am being a little careful about it.

H Q. Yes, maybe, but the position is this, that whoever has fabricated these tapes, if anyone has, is likely to be somebody with a deal of skill and experience in handling tapes and tape recorders, right? - A. I must come back to the, perhaps if I could try and help you. Mr. Hyde gave an

opinion that he believed it to be extremely difficult to fabricate big sections of speech, and on that general opinion I would agree with him. I think that it might well have been a great deal easier simply to remove a few words of sentence or something of that order. Without, if it has been done, without knowing what was done it is difficult to comment on it, but it is always easier to remove a small piece and throw it away than it is to rearrange words in order to deliberately change the sense of the spoken word. I find that very difficult to believe.

Q. Pausing there for a moment, you say you find it very difficult to believe, for example that in the context of this case anyone could so rearrange words as to alter the sense of what was being said. - A. I hesitate to apply the word impossible, but I would not wish to understress the amount of time and skill that would be needed for that.

Q. So that if anybody connected with this case had tampered with the tapes in such a way as to alter the sense of what was being said. - A. Yes.

Q. You would regard that person, in the first place you would say it would be very difficult to do. Yes?. - A. If extensive alteration has taken place then yes I agree totally.

Q. Very difficult to do. Would have to be done by an expert. - A. Yes.

Q. Yes, and would take a very considerable amount of time. - A. Yes, to actually manufacture paragraph out of odd words would be a very great difficult task. I find it hard to believe it has been done but I must not rule out the possibility under extreme circumstances.

Q. No, well I am not asking you to rule it out Mr. Killick if you don't want to, but you find it very hard to believe it has been done. - A. I do.

Q. Having listened very hard to these tapes over a very long period of time. - A. Yes, that has been my opinion. I have studied them against the transcript with this thought in mind.

Q. Yes, and let us go beyond that and consider what else has been done. You know that there are a number of tapes in this case and that on the last two occasions, the 31st and the 21st, those two days more than one tape is in existence. - A. Yes indeed.

Q. For that day. - A. Yes.

Q. And you know that the noise levels on those tapes are different, don't you? When I say the noise levels, - A. The internal balance.

Q. The internal balance. - A. Oh yes, yes.

Q. Consistent with the microphones being placed in the motor car or around Perry's neck in the manner described. - A. Yes, on all these recordings some time was spent experimenting and investigating this aspect. They could not be criticised. There was nothing, no anomalies that were discovered. The subjective impression on listening is as has been described.

Q. Now I suppose you would say it is always possible for someone to fix even that? - A. Again I would not rule out the word impossible, but I would couple with it, in all fairness, time, skill, in this case resources. Equipment, this is a different question now. The resources required for the editing are minimal, cutting and joining. The resources required to alter internal balances are quite different, they are much more extensive.

Q. Much more sophisticated and extensive. - A. Oh yes.

Q. And you would expect if anybody was determined to do something like that that he would have to be an expert. - A. Yes I would.

A Q. With many, many hours at his disposal. - A. Yes. Time is ?(inaudible) guess work, but it would be a skilled job occupying a significant period of time.

B Q. And although you are not prepared to rule out the possibility that such a thing has happened, in fairness you do not believe that it has happened do you Mr. Killick? - A. I have said in the report that I do not believe it likely that these tapes originated from a single master.

HIS HONOUR JUDGE STROYAN: What?

MR. RIVLIN:

Q. In other words, what you mean by that is ...

HIS HONOUR JUDGE STROYAN: I am sorry.

C MR. RIVLIN:

Q. You do not believe that it is likely that the tapes originated from a single master. - A. Well two masters.

Q. You believe it likely that they were simultaneously recorded from different positions. - A. They appear to be different kinds of recordings of the same event.

D Q. And not just that, but in the case of the 21st there are three recordings not just two, aren't there? - A. Oh I am not forgetting that.

Q. So that let's face it, whoever, if anyone has, whoever has fabricated these tapes has gone to the trouble of not merely creating one tape, which would take long enough, but he has gone to the trouble of creating in each case more than one tape and in the third case three tapes, yes? -

E A. If you accept the statement that you reminded me of that the persons concerned probably have nothing to do with it, if it were done at all then we assume that a third outside party carried out this work and they would have no option because if it is known to individual people that two tapes or three tapes in event exist, it is not a case of him going to the trouble, he has no option, he must do it.

F Q. Mr. Killick there is a simple answer to the question. Whoever has fabricated these tapes, if anyone has, has gone to the trouble of producing three different tapes on the last occasion, two on the second occasion, right? - A. If he were in control of the production of the tapes, yes.

G Q. And of course the more tapes there are in existence, the more tapes there are for experts to examine and to criticise. - A. The more difficult it becomes.

Q. The more difficult it becomes, and in terms of sheer time, do you understand? - A. Yes.

H Q. To set about that sort of job, fabricating conversations, it could take months and months to do it and that is literally the case isn't it? - A. I did say that it would take a significant period of time. I would not like to say. Although I have a lot of experience of editing, if I may use the vernacular, the proof of the pudding is in the eating, and I think only someone who has done it would know, but I must say that if

simple editing in terms of, say, cutting out a sentence were involved, this could be done quite quickly. That is a different matter.

A Q. Not talking of simple editing. - A. No, you are talking about the complex build up of change of paragraphs. You ask me an impossible question sir, I would love to answer how long it would take. I don't know.

Q. I did not ask how long it would take. I said it could take months and months. - A. It could take an indeterminate time.

B Q. Mr. Killick, in order to do it you have got to have the raw material in the first place haven't you. In order to create a sentence spoken by Mr. Symonds you have got to have the words in the first place, haven't you? - A. Oh yes, yes.

C Q. And you are satisfied, are you not, that all the words that we can hear on these tapes were in fact spoken? - A. Yes, but the way that, this is pure conjecture of course, but it will be a simple matter to take the tape, to copy it and then double your supply of words and then chop up the copy tape and insert it. Without being more clear about what it is proposed might have been done is difficult to say, but I do not feel the shortage of words would be the problem. I feel that the problem lies ...

HIS HONOUR JUDGE STROYAN: Shortage of words has never been any problem in this case.

MR. KILLICK: The problem lies in the areas that Mr. Hyde defined where he spoke of expression in the voice.

D MR. RIVLIN:

Q. Of course you are not a speech expert are you? - A. No but I have a lot of experience of editing and as I say that I am agreeing with Mr. Hyde and I am not a speech expert, but from my knowledge of producing continuity within recordings and particularly in view of the characters of the speaking voices.

E Q. Yes, you just cannot believe in your own mind that it is possible to have fixed these conversations. - A. I refuse to say it is impossible. I stand on that.

F Q. Come on Mr. Killick, let's have it. You cannot believe in your own mind, can you. There is always a possibility pigs may fly, right, but you cannot believe in your own mind, can you, that any of these tapes have been fixed can you? - A. In the way you describe, that is with major editing. I think it quite possible I say the minor editing of knocking out a sentence could have happened.

HIS HONOUR JUDGE STROYAN: Mr. Killick could we please have a straight answer to a simple question. Try again Mr. Rivlin.

MR. KILLICK: Yes, I was trying to define the question a little more precisely.

G MR. RIVLIN:

Q. Alright, let us leave aside the question of chopping out a couple of words or a sentence, right? But the fact is that we are left with enough, many many minutes of recorded speech between two people. - A. Right.

H Q. You cannot believe in your own mind that any of that has been fabricated. - A. I have told you I find it hard to believe.

MR. RIVLIN: Alright. Yes, thank you.

RE-EXAMINED BY MR. SYMONDS

MR. SYMONDS:

A Q. Mr. Killick if I could borrow prosecuting counsel's words, pigs may fly, and add one of my own, pie in the sky. You have just been subjected to half an hour or so of fancy, pure conjecture were the words. You have been asked whether you can believe in your own mind that all these conversations are a total fabrication. And is it not difficult, Mr. Killick, to get actors to impersonate Mr. Symonds and to make up this whole thing and would not have taken months and would not you have needed all sorts of resources ...

B HIS HONOUR JUDGE STROYAN: Come along Mr. Symonds.

MR. SYMONDS: But you did try to say ...

HIS HONOUR JUDGE STROYAN: Mr. Symonds you know perfectly well how to ask a sensible question without making a speech. If you want to ask a sensible question ...

C MR. SYMONDS:

Q. Minor editing could have happened. - A. Yes.

D Q. But no, no, exact words were "leave that aside." Minor editing could have happened. Now can you believe in your own mind that actors and what not and all this nonsense. Now have you heard during the course of the trial any allegation of anybody that these tape recordings are a total fabrication and were made by actors using complicated resources which required months of rehearsals and matinee performances and what not? - A. No I have not.

E Q. Have the allegations been throughout the course of this trial that a few words have been taken out here and there on some of the tapes answers to change the meaning and have a few words been put in here and there. Would you describe this as minor editing? - A. I would describe that as minor editing. I am not clear that such allegations have been made. I do not think they have been made while I have been in court.

Q. Now when you were giving your evidence in chief Mr. Killick, you mentioned that you have been connected with tape recordings since it more or less started and when you were setting up courses at the L.C.C. you taught editing. - A. That is right.

F Q. And would you say that editing is a simple process or a difficult process? - A. Yes, the what I might call the physical side of editing, i.e. the finding of the place, the cutting of the tape, the joining it together is basically very very simple.

Q. And is there not a machine, a simple machine you can purchase? - A. It is not a machine.

G HIS HONOUR JUDGE STROYAN: We have had all this evidence and it was not challenged in cross-examination so we will go onto something else.

MR. SYMONDS:

Q. It was put to you that you have, I have suggested that these tapes were fabricated in any way. - A. Yes.

H Q. And I think you then said you brought up the subject of 30 hertz. - A. Yes.

Q. And I believe there was a hypothesis about the 30 hertz burst on tape, and I believe you said you recall that Mr. Hawkey had mentioned a cleaning machine in his evidence. - A. Yes.

A Q. And by cleaning machine did you imagine that Mr. Hawkey was referring to a bulk eraser? - A. Well my memory may be in error but I was under the impression that he had referred specifically to a bulk eraser.

B Q. Bulk eraser. And would a bulk eraser be a machine in which you take the tape fully wound onto the spool and you put the fully wound tape into the machine and the whole lot is cleaned off at once? - A. Not quite as simple as that. You do not put it onto the machine. There is a spindle on top. You put it onto the machine. One of the reasons why a bulk eraser always leaves its definitive marks on the tape is because it has to be used with the greatest care. It is necessary to switch the machine on before approaching it with the tape. The tape must then be put on this spindle and rotated by hand for a number of times as smoothly as possible and then the tape must be removed from the machine whilst it is still rotating, which is physically impossible, and the machine switched off whilst the tape is some distance away from it. Now any failing in that will leave all kinds of noise on the tape.

C Q. Despite the difficulties you have mentioned, would a bulk eraser or a cleaning machine be a more convenient way for a commercial enterprise such as Location Sound Facilities to clean their tapes? - A. Yes, the effect of course is that in a matter of one or two minutes all the programme material on a long tape is completely removed.

D Q. And - yes? - A. Sorry, I was going to say these are commonly used in recording studios for that purpose.

Q. Yes, and would it be conceivable to imagine the company, a recording company such as Location Sound Facilities not using such a machine or cleaning their tapes on Nagra's and Uher's using machine erasing instead? - A. I find it very difficult to understand why they should be doing that.

E Q. Because I think a point, a false point was put to you when you were told that Mr. Hawkey had talked about machine erasing because machine erasing would surely mean that Location Sound Facilities instead of making use of their bulk erasing machine where a tape is put inside or on a spool and cleaned out for a couple of minutes, would involve the use of a number of people watching, a number of tapes, maybe a large number of tapes slowly churning away on occupying the Nagra's and Uher's. -

F A. I doubt that it would occupy a number of people, but the situation would be that the tape to be erased would be put on the machine, laced up, the machine would be put into the record mode. Whoever was responsible for doing the job would then get on and do something else and when he heard the tape flapping at the end of its run he would take it off, but of course the time involved is exactly the same time as recording a programme. I can see no reason for doing it.

G Q. Exactly, and if a bulk eraser was on the premises would it not in all common sense be more likely that they would use a bulk eraser? - A. It would be the rational thing to do and it is what I would expect a commercial establishment to do.

HIS HONOUR JUDGE STROYAN: I think a bulk eraser in that case might be used in respect of some of the evidence in this case.

H MR. SYMONDS: Yes, the prosecution evidence I would suggest.

HIS HONOUR JUDGE STROYAN: Yes, on we go, yes I am sure that is your view. Yes.

MR. SYMONDS:

A Q. Then you were asked the same old routine as applied to Mr. Ford, whether you have got a word to say against this tape or that tape or another tape. - A. Yes.

B Q. And whether there was any evidence of tampering. Now by evidence of tampering does that mean did you see any tapes which had been hacked up with razor blades and stuck together with sellotape? - A. I did not, there is no tape in this collection that shows any physical evidence of editing, unless you are referring to the marks.

C Q. Precisely, and is it not right that anyone above moron, imbecile status having had the benefit of being shown how to use a pair of scissors and a bit of sellotape could edit a tape in such a way as to defy detection by an expert? - A. I would qualify that and say it could be a competent edit and I would not expect them to use sellotape and scissors, but given very simple tools that cost a couple of pounds or something it can be done with a little practise, no trouble.

Q. Therefore it would have been astonishing if in answer to the prosecuting counsel's question "Did you discover any evidence of tampering" ...

HIS HONOUR JUDGE STROYAN: Mr. Symonds.

D MR. SYMONDS: If you had said yes.

HIS HONOUR JUDGE STROYAN: That does sound a little bit like a leading question and I do not think we need an answer. What is more, it is the sort of question which we have had more than once. Is there any other point?

MR. SYMONDS:

E Q. If you are presented with an edited tape is it possible to judge how difficult the edits were without access to the originals? - A. No.

F Q. Many of the tapes have recordings of music. Would that music contain edits? - A. Yes, I believe these are recordings of commercial grammophone records being broadcast by the B.B.C. and by the nature of such material it is probable that they contained a great many edits, as I believe we have already heard from Mr. Taylor of EMI.

Q. And are those edits detectable? - A. No.

Q. So am I right in imagining, the point of this is if these tape recordings had programmes of music before the speech recording and programmes of music afterwards, those music programmes probably contain a large number of edits? - A. That is a very reasonable assumption.

G Q. And if the bulk erasing machine was used, would that leave 30 hertz tone burst? - A. No, it would leave something completely different. It could not possibly be mistaken.

Q. And I think you have agreed that a studio would normally use a bulk eraser. - A. I have.

H Q. And if the tapes were erased on a recorder, what type noise would you find? - A. If the tapes had been recorded normally on a recorder I would find a level of noise produced by the bias erase system within the recording.

Q. And if the tapes had been machine erased, as claimed by the prosecuting counsel like Mr. Hawkey said, which I dispute ...

A MR. RIVLIN: Yes, I think the defendant is absolutely right. I was wrong in my recollection. I have had a look at the matter. I think Mr. Hawkey did say that they had a bulk eraser. I am sorry that I misled the witness about that, the defendant is absolutely right about it.

HIS HONOUR JUDGE STROYAN: Yes thank you.

B MR. SYMONDS:

Q. In that case I wont ask those questions. If the tapes were erased on a recorder, what type noise would you find?

HIS HONOUR JUDGE STROYAN: Mr. Hawkey did say he would find those if there was a bulk eraser. I think that is what you put to the witness.

C MR. RIVLIN: Yes I did, but I got an answer Your Honour and then I went on to say that he said that it was a machine eraser and I was wrong to do that and I am sorry.

HIS HONOUR JUDGE STROYAN: Yes. Yes.

MR. KILLICK: I am sorry, could you repeat the question.

D MR. SYMONDS:

Q. Yes. If the tapes had been erased on a recorder, what type noise would you find? - A. Bias erase noise, if they had been recorded normally.

Q. And does that correspond with the 30 hertz tone burst? - A. No, the 30 hertz tone burst are found on tape that has a noise level that is equivalent to factory bulk erase.

E Q. Could the 30 hertz tone burst have been created by any normal recording process? - A. In the way in which they are found, I believe not.

Q. And they could not have been created by the bulk eraser. - A. No.

Q. Now I must ask you if any of the questions put to you in cross-examination have shaken to the slightest degree in any way any of the scientific opinions that you have put before the court during your evidence in chief?

F HIS HONOUR JUDGE STROYAN: Mr. Symonds the reason that is a leading question is you would be very surprised indeed if the witness answered yes. Do you see what I mean? It is quite valueless putting that.

G MR. SYMONDS:

Q. Has anything been said to you during your cross-examination which has changed your opinion about anything you said during your examination in chief? - A. No.

MR. SYMONDS: Thank you very much. Thank you. This witness can be released now.

HIS HONOUR JUDGE STROYAN: Yes certainly.

MR. KILLICK: Thank you.

H MR. SYMONDS: Your Honour I wonder if I could bring up a couple of matters in the absence of the jury?

HIS HONOUR JUDGE STROYAN: Yes certainly, would you mind leaving us members of the jury. Dare say you would be glad of a break.

(JURY LEAVE COURT)

A MR. SYMONDS: Your Honour I would like to read some statements and some of them before certain witnesses are called. I wondered whether it would be alright for me to read them myself. For example, I would like to read the statements from some Nuneaton officers before calling a Nuneaton officer who is present. And furthermore, Your Honour, a question of the two police witnesses from Metropolitan Police who are present, I would like my Solicitor to be able to interview them in privacy. I believe the prosecution say that a senior officer should be present, and be suggested that perhaps a senior officer from another force, and that may be some undertaking could be given that whatever was said in the senior officer's presence should not necessarily be communicated to the prosecution because otherwise, Your Honour, I am placed in a very difficult position of trying to interview defence witnesses in the presence of the prosecution, which may have two effects. One, it may inhibit in some way a frank interview, and secondly I lose the advantages that I should have which is privacy for one.

C MR. RIVLIN: Your Honour can I deal with those two questions in turn?

HIS HONOUR JUDGE STROYAN: Yes.

D MR. RIVLIN: The first point whether the defendant can call his evidence in the order that he likes, of course he can. I would not suggest otherwise. The second matter is this, Your Honour. He has asked to have police witnesses interviewed perhaps by an officer of another police force.

HIS HONOUR JUDGE STROYAN: I think he wants them interviewed by his Solicitor.

MR. RIVLIN: Yes, by his Solicitor.

HIS HONOUR JUDGE STROYAN: Yes.

E MR. RIVLIN: Perhaps in the presence of a police officer from another police force and he does not want us to know what that person is saying. Your Honour the defendant himself has been a member of the police force and there is a Service Regulation which I propose to read to Your Honour, which reads as follows.

F MR. SYMONDS: Could I see a copy of that Your Honour?

MR. RIVLIN: I do not know if I have a spare copy of it but I am going to read it out so the defendant can hear it. It is 109(a).

G "Defence request for police officers to give evidence in criminal cases. If any request is received from a defence solicitor or his representative to interview an officer in connection with criminal proceedings with or without service of a subpoena, similar conditions will apply as for interviews in civil cases. It is emphasised that officers will not allow themselves to be interviewed with or without service of a subpoena before seeking prior authority of the appropriate Chief Superintendent. When consent to a defence request for an interview has been given, the interview must always be in the presence of an independent senior officer who, at the conclusion, must report in detail what took place and what was said by both parties."

H Now we do have officers in court, senior officers who were not involved in this original investigation and who I would submit come into the

category, clear category of independent senior officer.

HIS HONOUR JUDGE STROYAN: Yes.

A MR. RIVLIN: And then I do not think that the rest of the paragraph is relevant. The position is this, that there are ordinary standing orders which so far as the police are concerned they must obey, they must follow. I have drawn this to your attention and my own view is that there is no reason why this case should differ from any other case.

HIS HONOUR JUDGE STROYAN: I am not sure that I have got any authority to depart from those in any event, have I?

B MR. RIVLIN: Well Your Honour I wonder whether you could make an order that the police, the effect of which would be that the police must disobey their standing orders.

HIS HONOUR JUDGE STROYAN: I do not think I have got any power to do that.

C MR. RIVLIN: Your Honour will appreciate that this is done for the protection of the police officer in question.

HIS HONOUR JUDGE STROYAN: Yes.

D MR. RIVLIN: So that if anything arises in court concerning what he said on another occasion, there would be little or no worthwhile dispute about it because there would be a senior independent officer who had witnessed the conversation and who would be in a position to deal with any problem that arose.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: And this is just the sort of case in which such a problem might arise.

E HIS HONOUR JUDGE STROYAN: Well exactly, yes. Well I do not think I have got any power to dispense with police regulations.

MR. RIVLIN: Well nor do I, Your Honour. At this point I propose to hand to Mr. Green the order from which I have been reading so that he may show it to the defendant.

HIS HONOUR JUDGE STROYAN: Yes, can I have a look at it first please?

F MR. RIVLIN: Yes.

HIS HONOUR JUDGE STROYAN: Who makes these regulations?

MR. RIVLIN: Well your Honour it is the Police Authority. Your Honour I understand that they are made under the direction of the Commissioner of Police under Police Regulations.

G HIS HONOUR JUDGE STROYAN: Where does his power come from?

MR. RIVLIN: Your Honour, well Your Honour I shall have to obviously go into the question.

HIS HONOUR JUDGE STROYAN: If it is a statutory, if the Regulations are derived in Statute, then I have certainly got no power to deal with them at all.

H MR. RIVLIN: Would you forgive me Your Honour?

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour I would have to have a little time to investigate the legal foundation of these regulations.

A HIS HONOUR JUDGE STROYAN: If I were to make an order, if I have got power to do so, which I very much doubt, I would in fact be making an order which would require the officer concerned to incriminate himself for a breach of the police regulations.

MR. RIVLIN: Well Your Honour you would be requiring him to disobey a police regulation.

B HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Whether that would subsequently incriminate him I cannot say, but the position is this. In the first place it puts the officer under enormous difficulty and in the second place, as the defendant must know, the officer in those circumstances could just clam up and say "I am not going to say anything to you in the absence of a senior officer."

C HIS HONOUR JUDGE STROYAN: Yes. Well are the regulations made pursuant to an Act of Parliament?

MR. RIVLIN: Your Honour I haven't got all the regulations here, otherwise I think I would be able to answer the question. So far I have found nothing which helps me.

D HIS HONOUR JUDGE STROYAN: I suspect that there is a section in the Police Act which directs the Commissioner or Chief Constable to make standing orders.

MR. RIVLIN: Well Your Honour so do I, but I think we would have to get hold of the Police Act, and we have got a law library here.

E HIS HONOUR JUDGE STROYAN: There is certainly a Police Act after 1964 and I suspect it was 1971.

MR. RIVLIN: Yes Your Honour, I am sure Your Honour is right.

HIS HONOUR JUDGE STROYAN: Mr. Symonds as at present it does not seem to me it would be right for me to try to make an order even if I had the power to do so which would be contrary to the Service Regulations.

F MR. SYMONDS: Your Honour if I could reply to some of the points that have been made.

HIS HONOUR JUDGE STROYAN: Let us leave that one for the moment and deal with the other points which we can deal with more simply. First of all the reading of the agreed statements. I am not sure which statements are now agreed because I handed my bundle back.

G MR. SYMONDS: I understand that Your Honour has not yet had a bundle of the agreed statements.

HIS HONOUR JUDGE STROYAN: I haven't. There is no reason why agreed statements should not be read. They can either be read by you or by the Clerk of the Court.

H MR. SYMONDS: I would prefer to read them, Your Honour.

MR. RIVLIN: Certainly I have no objection, providing the defendant is very careful indeed not to read any of those parts that have been edited out, if I can use that expression, for good reason.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS: In some cases, Your Honour, the prosecution have deleted parts they wish to have excluded and I am asking that I should be able to bring it out in another way, for example the complicated, or some part about an argument is deleted because it is hearsay because somebody is hearing what somebody said. I would like to put in there, for example, words to the effect that an argument then took place, for example.

HIS HONOUR JUDGE STROYAN: The only evidence that can be read as agreed evidence is evidence which is agreed. If it is not agreed by the prosecution that is an end of the matter.

MR. SYMONDS: I was wondering if the prosecution might agree, which I understand there is a possibility of, I am not sure, that in some cases where evidence has been deleted it may be possible to cover the gap in some way with a few words agreed between ...

HIS HONOUR JUDGE STROYAN: Well that I cannot say.

MR. RIVLIN: Well Your Honour I will help in any way that I can but ...

HIS HONOUR JUDGE STROYAN: Well I think in case there are any mistakes I should order that the Clerk of the Court read those agreed statements and then there can be no mistake about it.

MR. RIVLIN: Your Honour there are quite a few of them, but certainly Your Honour I will help the defendant in any way I can to agree to fill in a gap by some appropriate phrase which would do neither party any harm and no injustice to the case that he wishes to present.

HIS HONOUR JUDGE STROYAN: Yes. Well there is nothing I can do about that. I think probably if I rise for a short time in order for you to sort that out.

MR. RIVLIN: If the defendant wishes to read some statements now, if I am told which ones they are, and I have already been through the whole lot with Mr. Green.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Very carefully, if I am told which ones he proposes to have read just now, if there are any problems about any of those, those problems can be drawn to my attention.

HIS HONOUR JUDGE STROYAN: Yes, well I think it would be more convenient if I rise for a short time while that is done then I should like to have copies of the statements which are going to be read.

MR. RIVLIN: No doubt that will be done.

HIS HONOUR JUDGE STROYAN: Yes, now that leaves the question of the officer who is here from Nuneaton. The defendant can of course call him when he wishes. Obviously it would be a good idea if he could give evidence today and get away.

MR. RIVLIN: Your Honour any witness who has been brought here by the defendant today is a witness who no doubt would like to get away.

HIS HONOUR JUDGE STROYAN: Yes, well I think we ought to. It is up to you Mr. Symonds.

MR. SYMONDS: That was the point, I wanted to read some of the Nuneaton statements before I called the Nuneaton officer because then I may say truly that it has been heard in evidence that..., which I cannot do.

MR. RIVLIN: Well he cannot do it anyway really.

MR. SYMONDS: Can't anyway?

HIS HONOUR JUDGE STROYAN: No.

MR. RIVLIN: The jury will have heard the evidence and they will have to consider the evidence, but it is not a recognised form of dealing with evidence in chief to say the court has heard something or other and what do you say about this or that.

HIS HONOUR JUDGE STROYAN: No.

MR. SYMONDS: In that case I am under a big disadvantage Your Honour by not having the man here.

HIS HONOUR JUDGE STROYAN: You are not under any more or less disadvantage than any other defendant in any other case. You are in exactly the same position.

Well I think it would be convenient if I rise for a few moments and this matter can then be ironed out. I am only going to rise for a very short time because I very much hope any witnesses who have come here today from Nuneaton or anywhere else can give their evidence today, bearing in mind that I shall rise at 4.15.

(COURT ADJOURNS FOR A SHORT TIME, THEN RETURNS WITH THE JURY)

HIS HONOUR JUDGE STROYAN: Now then Mr. Symonds.

MR. SYMONDS: I would like now to read statements, Your Honour, if I may please.

HIS HONOUR JUDGE STROYAN: I think that the Clerk of the Court is going to read some and you are going to read others, is that right?

MR. SYMONDS: Well maybe the Clerk of the Court can read these ones.

HIS HONOUR JUDGE STROYAN: Yes, very well. Members of the jury the Clerk of the Court is now going to read a number of statements which have been agreed between the prosecution and the defence. Amongst other things, doing it that way will save time.

CLERK OF THE COURT: Firstly the deposition of RONALD GREY, a Detective Sergeant stationed at Rochester Row Police Station on oath says:

My name is Ronald Grey. On the 14th October 1968 on promotion to Detective Sergeant first class I was posted to Camberwell Police Station. On the 30th December 1968, Detective Sergeant Symonds was posted to Camberwell Police Station and he served under me until I was transferred on the 8th September 1969 to Southwark. My successor at Camberwell was Detective Sergeant Holland.

CROSS EXAMINATION BY MR. CAPSTICK FOR DET. SGT. SYMONDS

A During the time that I was associated with Detective Sergeant Symonds, from my knowledge of him then, he was a good officer. He was hard working, he did put in long hours on the job. During the time I knew him he acquired a lot of information about crime in the Camberwell section, I do not know so much about whether he received information about crimes from outside the Camberwell Section. He would have obtained knowledge about that. All aspects of his work were completely satisfactory. Quite a lot of enquiries were directed to Sergeant Symonds because of the help he could give as a result of his knowledge of the area, and the criminals who lived in that area. Personally, as far as I was concerned there was no breath of suspicion against him, none whatsoever. I did not know that Ronald Williams was an informant of his, I did not have many informants myself in my position, I was the senior Sergeant there and I was more concerned with running the police station. There were a large number of men there, as you will appreciate.

RE EXAMINATION BY MR. DOWLING FOR THE PROSECUTION

C During the period that Sergeant Symonds was working under me, I can't give you off hand how many arrests he made but he must have made some. It is part of a detective officer's duty to keep a pocket book.

D Now the statement made by WALTER COX, a Detective Constable, Warrant Number 150372, Carter Street Police Station. This statement was made on the 10th December 1970.

E I joined the Metropolitan Police in July, 1961, and for the past four years I have served as a Detective Constable on 'M' Division. Since May, 1969, until August, 1970, I served at Camberwell Police Station. Detective Chief Superintendent Huddart has shown me the C.I.D. Message Book relating to Camberwell Police Station and has drawn my attention to a message at the top of page 78 of this book. This particular entry which is dated 25th September, 1969, this date having been placed at the top of this page by me, refers to my having taken a telephone message for D.S. SYMONDS. This message reads as follows: "TOM from Club called - do not try to contact him at Club. He will phone you later." I have initialled this entry and inserted the time of receipt as 3.20 pm. Nothing of significance comes to my mind with regard to receiving this message and to me was merely one of many such messages which we record for each other in the course of normal duties. I have been asked if the caller indicated why Sergeant SYMONDS should not contact him at the club. If any specific reason had been given I would have recorded it in the message.

F Now the deposition of WALTER COX, Detective Constable 'M' Division attached to Carter Street Police Station.

On oath says:

G I have heard my statement read which is admitted under Section 2 of the Criminal Justice Act, 1967, and I agree it is correct. I now tender myself for cross-examination.

CROSS EXAMINATION BY MR. CAPSTICK FOR DET. SGT. SYMONDS

H During my time at Camberwell I came across Detective Sergeant Symonds a great deal and I knew him before at Southwark. He seemed always hard working and conscientious.

I was always given the impression he had a number of informants as far as I know he came by a great deal of information through those informants.

I found him helpful on several occasions and other officers sought advice from him.

I can't remember specific cases but it is normal procedure for a Detective Sergeant second class to allow other officers to show arrests for which he was responsible.

Symonds was collecting information on a gang known as the Likely Lads.

He obtained a photograph of a man named Perry. He had photostat copies made of it. He circulated at Camberwell I believe a summary about Perry, his associates and their activities. He certainly circulated the photostat photographs. I received such a photograph, I can't remember receiving written information about Perry and his associates, but Symonds did give verbal information about them.

I still have a copy of this photograph and I produce it. It is a photostat copy of a photograph of Michael Perry.

The information Symonds gave about Perry and his associates was with the object of collecting sufficient information for an arrest to be made.

I did not carry out any investigation into the gang's resentment about Symonds' enquiries into their activities, but from making enquiries into other matters it came to my knowledge that this gang did resent the enquiries made into their activities.

I myself had informers in the Camberwell area. It never came to my knowledge that there was a corrupt officer in the locality.

RE EXAMINATION

When I refer to the gang I'm referring to the Likely Lads. Of this gang I knew Perry. I can't remember the names of the others, but I knew by sight at this time several members of this gang.

When I say it came to my knowledge it may well have come to my knowledge before, and/or after this enquiry began. It came to my knowledge from talk amongst informers that is from informers or potential informers to me. It came from I think several informers. I can't at this late stage say from who though. I may be able to if I think about it.

Now the deposition of TERENCE NORTH.

HIS HONOUR JUDGE STROYAN: Page?

CLERK OF THE COURT: 238 sir, of 401 Albany Road, London S.E.5.

On oath says:

I am the licensee of the Prince Alfred at this address. In August, 1969 I was a serving Police Officer with the Metropolitan Police Force serving at Camberwell and performing the duties of Detective Constable.

I look at exhibit 34 at page 52, there is a message shown here it appears to be in my handwriting timed at 12.15 pm. This message was destined for Detective Sergeant Symonds. There is no date for this entry. The first

date comes to relating to entries proceeding that one is 14th August. The next date in the book after the entry on page 52 (which appears to be in my handwriting) is 18/8/69. On 16th and 17th I cannot say whether I was at work or on leave.

A

CROSS EXAMINATION

I was serving at Camberwell Police Station when Detective Sergeant Symonds went there in December, 1968 and I worked closely with him until I left the Force in September 1969.

B

As far as my knowledge took me he seemed to be conscientious, hard working and very much willing to assist junior members of the station.

From his arrival at the station to my knowledge he was able to build up a fairly large number of reliable informants.

He started to build up a dossier on a gang called the "Likely Lads". This was general knowledge in the station. I believe other members of the station contributed to this dossier. I contributed to it too.

C

There was a connection I believe between this gang and some windows blown out of a lorry by a shotgun. I gave Symonds this information following this I had a conversation with Symonds and he said he could not find enough information to pin it on any member of this gang.

D

This gang I believed was active in crime and composed of persons with criminal records. I reported the shotgun incident to Symonds. I thought there was a connection between this and the Likely Lads this is why I passed this information to him. He may have said he'd spoken to an informant about it.

He was responsible for a number of arrests at this time, he passed these on to the aids of the C.I.D. so they could show them as being their responsibility.

E

The collector at the station was given the file by Detective Sergeant Symonds at the station of collecting information on this gang.

I did have a number of informants myself. If a member of C.I.D. in my area was generally known as corrupt I'm pretty sure this information would come back to me. No such information came back to me.

F

C.I.D. officers don't usually discuss their informants, but I assumed other C.I.D. officers at Camberwell did have their own informants.

I am now licensee in the area and I do from time to time hear about what is going on. I have been present at conversation in my public house about the allegation concerning Symonds. I knew the names of Perry and Williams who were members of the gang, the others have slipped my mind for the time being. I have heard conversations involving the names of Perry and Williams.

G

RE EXAMINATION

I could not tell you the definition of a dossier. My idea of dossier is a folder with bits of information put together in it.

H

HIS HONOUR JUDGE STROYAN: Thank you. Yes.

MR. SYMONDS: May I call Miss Millard please.

HIS HONOUR JUDGE STROYAN: Yes, have I got a copy of her statement?

JOAN MILLARD (SWORN)

EXAMINED IN CHIEF BY MR. SYMONDS

MR. SYMONDS:

Q. And what is your full name please? - A. My name is Joan Millard.

Q. And your address please? - A. Number 14a The Vale, London, West 3.

Q. Miss Millard in 1969 were you employed by Location Sound Facilities? -
A. Yes.

Q. And was that in the position of Transport Manageress? - A. Yes.

Q. Did part of your duties consist of taking equipment out to people on location? - A. Yes.

Q. Do you recall an occasion when you were asked to take equipment out to Mr. Hawkey? - A. Yes.

Q. Can you recall the place where you met Mr. Hawkey that day? -
A. I cannot remember the address but I believe it was in the Peckham area.

Q. And was this a public house? - A. Yes.

Q. And was it in the evening when you went to the public house? -
A. Yes.

Q. Do you recall the equipment that you took to Mr. Hawkey on that day? -
A. Not in detail, no.

Q. Did you subsequently take to Mr. Hawkey a number of new tape recordings and batteries?

HIS HONOUR JUDGE STROYAN: Well now.

MR. SYMONDS:

Q. Yes? - A. New tapes.

HIS HONOUR JUDGE STROYAN: Just a moment. Right way of putting the question is to ask her whether she took any equipment to Hawkey and if so what was it.

MR. SYMONDS:

Q. Can you recall the type of equipment that you took ^{out} to Mr. Hawkey? -
A. Recording equipment and tapes and batteries.

Q. And would these tapes - and where would you have drawn these tapes from? - A. From the stores or the allocator at the company.

Q. And would these tapes have been brand new or would they have been used as second hand ones? - A. They would have been brand new.

Q. And when taking equipment were you in the habit of taking a specific number of, for example, tapes and of batteries for example? - A. Yes, whatever the job required, whichever particular job requires.

Q. Did you find yourself becoming part of the group of people, two newspaper reporters, Mr. Hawkey and a Mr. Perry, did you find yourself becoming part of the group of people who were carrying out observation on a number of police officers? - A. Yes, I subsequently learned that.

A HIS HONOUR JUDGE STROYAN: I think the witness did not understand the question. Stated she subsequently learned that.

MR. SYMONDS: Subsequently learned that.

B HIS HONOUR JUDGE STROYAN: I think what she meant was she subsequently learned these were enquiries in relation to police officers. Is that what you meant?

MISS MILLARD: Yes.

HIS HONOUR JUDGE STROYAN: Yes.

MR. SYMONDS:

C Q. And during these observations were tape recordings being made of conversations? - A. Yes.

Q. And at the end of the day was anything done with these tape recordings? - A. They were taken by the reporters back to Location Sound Facilities where I can remember they were transferred or rather a copy was made of them and then they would take the master tapes with them when they left the building.

D Q. And would this procedure have been operated during each day that you were involved in this inquiry? - A. Yes, to my knowledge, yes it would.

Q. And when the reporters returned to Location Sound Facilities with the tapes to make copies, did Mr. Perry ever return with them? - A. No, I did not see him, no.

E Q. When copies were being made each day, did the reporters at all times stay in the premises or did they sometimes return to the Times newspaper office? - A. I think one or the other were there. I wasn't there on every one of them.

Q. Did it ever fall upon you, for example, to take the original tape recordings back to the Times after they had been copied? - A. No, I think once I did take some copies.

F HIS HONOUR JUDGE STROYAN: Just a moment.

MISS MILLARD: But certainly not the master tapes.

MR. SYMONDS:

G Q. Miss Millard, at the very beginning of the inquiry can you recall whether the reporters took the original tapes for example home or back to the Times offices after making their copies? - A. Well I wouldn't know sir. I should imagine they went straight to the Times building.

HIS HONOUR JUDGE STROYAN:

Q. Well did you see them after they left Location Sound? - A. No, certainly not.

HIS HONOUR JUDGE STROYAN: No.

MR. SYMONDS:

Q. Now Miss Millard would it be right to say that towards the end of this series of observations you began to have some sort of doubts about your continued part in this? - A. Yes.

Q. And was there a conversation between yourself and Mr. Hawkey on the one side?

HIS HONOUR JUDGE STROYAN: Now careful.

MR. SYMONDS:

Q. Yourself and another person with the reporters to the effect that ...

HIS HONOUR JUDGE STROYAN: No.

MR. RIVLIN: I have no objection.

HIS HONOUR JUDGE STROYAN: Very well. Inadmissible, but Mr. Rivlin does not mind. Yes.

MR. SYMONDS:

Q. To the effect that you wished to have no more to do with this series of observations? - A. Yes. I cannot remember in detail, but something similar to that, yes.

Q. Following on from that did you seek the advice of some person as to your course of action? - A. Yes, my boss at that time, Mr. Hales.

Q. Following on from his advice did you consult a solicitor, for example? - A. Yes, I think I did, via Mr. Hales.

Q. And at a later date were you interviewed by police officers? - A. Yes.

Q. And would it be right to say that the police decided not to call you as a witness? - A. I wasn't called.

HIS HONOUR JUDGE STROYAN: It wouldn't be right to say. She has not been called.

MR. SYMONDS:

Q. And at an even later date to that, did it come to your knowledge that certain evidence had been given in respect of this had been given by the reporters with which you ...

HIS HONOUR JUDGE STROYAN: No, no, no, no, unless Mr. Rivlin is prepared to have this in.

MR. RIVLIN: Your Honour this matters a great deal to the defendant obviously.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: And let it come out, I have no objection.

HIS HONOUR JUDGE STROYAN: Yes, very well. You have heard what Mr. Rivlin has very kindly said. It is not admissible but you ask the question.

MR. SYMONDS:

Q. As a result of the evidence given by the reporters in the court of law, did you find cause to disagree with part of that evidence? -

A. No, I don't think so.

Q. At that time or at one time was your memory of events, did your memory of events differ to that given by the reporters? - A. Yes, at one time I got the query very confused and very frightened.

A Q. And when you were confused and frightened, was this during the observations or was it some time later? - A. Well when I first learned that policemen were involved, that was the start of the thing, and I think it rather played on my mind later.

Q. And did you in fact make a statement to police at a later date in which you thought that the evidence, some of the evidence given by the reporters ...

B HIS HONOUR JUDGE STROYAN: Mr. Symonds.

MR. SYMONDS: Was incorrect.

C HIS HONOUR JUDGE STROYAN: Mr. Symonds I have told you this once, I have told you a dozen times. She is in the witness box. You must not ask her about what she has said in previous statements. Here she is, you ask her questions.

MR. SYMONDS: I was leading a bit Your Honour but it is 12 years ago and rather a strain on this lady to ask her to cast her mind back.

HIS HONOUR JUDGE STROYAN: Well she seems to be doing quite well so far. You ask the questions of the witness and do not let us have references to statements made on other occasions.

D MR. SYMONDS:

Q. And do you remember Miss Millard one occasion when you and Mr. Hawkey were sitting in your car, I believe, and my car was parked close by and Mr. Hawkey was listening to a conversation through headphones? - A. Yes.

HIS HONOUR JUDGE STROYAN: Just a moment.

E Q. In your car or his car? - A. I cannot quite remember which car it was sir on that day.

MR. SYMONDS:

Q. Cortina estate was it? - A. Yes, a Cortina estate was used.

F Q. And can you remember whether Mr. Hawkey was using the headphones all to himself or was he sharing them with you? - A. I cannot remember if he was wearing headphones.

Q. And can you remember whether on your way back to Beckenham after that meeting you played over that tape recording? - A. I cannot remember exactly where it was replayed back.

G Q. And can you remember whether much was recorded on the recording, whether it had made a good recording or whether it was broken up or whether it was ?(inaudible). - A. That I cannot remember, what the quality of the recording was.

Q. So to clarify just one matter Miss Millard, sorry, yes, well another point has come up. During the observations that you took part in, can you remember whether the tapes used were in fact virgin tapes? - A. I believed them to be so.

H Q. And would that be on every occasion in which you were involved? -

A. Yes, that was standard practice to take new tapes out, so I should think it was.

Q. And new tapes would be, could be described as virgin tapes. - A. Yes.

Q. Factory fresh tapes drawn from your stocks? - A. Yes.

Q. Now would it be right to say the time you first came into this, or can you remember the date? - A. I cannot remember the ...

Q. The first time was a meeting at a public house in the evening, is that right? - A. Yes.

Q. And during that evening, if you can cast your mind back, do you remember a photographer arriving in a hired car? - A. No.

Q. And do you remember whether on the following day there were two meetings in fact, or your first active day shall we say? - A. There was one day when there were two meetings. I cannot be exactly sure of the date.

Q. And on that day would it be right to say that you were using virgin tapes?

HIS HONOUR JUDGE STROYAN: No.

MR. SYMONDS:

Q. Can you remember the sort of tapes that were used on the first day in which you took part? - A. No, but I should have thought so. No, I cannot remember.

Q. Can you remember any occasion when non virgin tapes were used? - A. No.

Q. So far as the copying process is concerned Miss Millard, am I right in thinking this was every day in which an observation took place, procedure was to return to Location Sound Facilities and make a copy. Is that right? - A. Yes.

Q. Miss Millard you did say that you were frightened and nervous, but did you ever in fact receive any threats against you or was this more of your imagination? - A. No, I must qualify this, I got very frightened and nervous because I found it an enormous thing, a thing I did not quite believe in.

Q. I see. But no-one ever came up to you and threatened you? - A. No-one in any way, no, never.

Q. And when these tapes were being copied, would any other engineers have been present apart from Mr. Hawkey, for example, Mr. Watson or Mr. Clark? - A. No, I don't think so.

MR. SYMONDS: Thank you Miss Millard. Will you stay there.

CROSS-EXAMINED BY MR. RIVLIN

MR. RIVLIN:

Q. Miss Millard it is quite right that you have not been called as a prosecution witness, have you? - A. No.

Q. You have found the whole of this case a very great ordeal, didn't you? - A. I certainly did.

Q. And you have been very nervous and upset by the whole thing. That is right isn't it? - A. Yes it was.

A

Q. But now you are giving evidence Miss Millard, and you have been called to give evidence, I can ask you some questions. - A. By all means, yes.

Q. You became involved in all this quite innocently didn't you? - A. Yes.

B

Q. You didn't appreciate the extent of what was going on when you first became involved. - A. No.

Q. But you came to be concerned even in a peripheral way in this investigation, didn't you? - A. Yes.

Q. And Mr. Hawkey was concerned too? - A. That is right, yes.

C

Q. Can I please confine my questions of you to the occasions that Mr. Symonds, the defendant in this case, was meeting Perry, because it wouldn't be right for me to ask you any questions about the other police officers, do you understand? - A. Yes, I quite understand.

Q. You were certainly present on two occasions when Symonds was investigated, weren't you? - A. Yes, I can remember one, yes.

Q. No, two in fact, Miss Millard? - A. Yes.

D

Q. You did not realise what you were letting yourself in for, did you? - A. No.

Q. And nor, it was apparent, did Mr. Hawkey? - A. No.

Q. And after the meetings you listened to the tapes didn't you? - A. After about the third time yes, yes.

E

Q. Well, when you say after about the third time, after each of the meetings with Mr. Symonds it is right that you listened to the tapes. - A. Yes, I have heard the tapes, yes.

Q. Not that you have heard them, but you did hear them on the day. - A. Yes.

F

HIS HONOUR JUDGE STROYAN: Those were two days you say.

MR. RIVLIN:

Q. Those are at least two days I am putting, the 31st October and the 21st November. The dates are not going to mean very much to you after all this time, are they? - A. No.

Q. But you did listen to the tapes on the days. - A. Yes.

G

Q. That is the point. In fact can I put it this way and perhaps you would say whether you would agree with me or not Miss Millard, and if you disagree please say so. The whole thing was, your emotions must have been a mixture of excitement and horror. - A. Yes.

Q. Is that fair? - A. Yes, that is a fair description.

H

Q. Because what you heard when you listened to the tapes horrified you didn't it? - A. Yes it did, yes.

MR. SYMONDS: Your Honour you should remember that this witness heard tapes from other witnesses as well.

HIS HONOUR JUDGE STROYAN: Quiet Mr. Symonds, be quiet and sit down.

A

MR. RIVLIN:

Q. What you heard when you heard the Symonds tapes horrified you didn't it? - A. Yes it did.

Q. Because what you heard, Miss Millard, was police corruption. -

A. Yes.

B

Q. Yes, and you didn't believe that any such thing existed, did you? -

A. No I did not.

Q. And if anybody had told you that it existed before you had heard those tapes you would have laughed at them, wouldn't you? - A. Yes, I think I would have done.

C

Q. But when you heard those tapes it was a different business altogether wasn't it? - A. That is right, it shocked me.

Q. You were not merely shocked and horrified, but you were scared out of your wits weren't you? - A. Yes I was.

Q. And so was Mr. Hawkey. - A. Yes I believe he was.

D

Q. And you were scared, and I accept that you have never been threatened by anybody. - A. No.

Q. But you were scared to this extent, that having regard to what you had heard, you were frightened for your own life weren't you? -

A. It did go through my mind, yes, because there was, yes, there were a lot of stories around.

E

Q. You wondered if the police - and I am talking about Symonds - if the police could behave in this outrageous way, what might happen to you if the police found out that you had been involved in the investigation. -

A. That is right.

Q. That is if the corrupt police found out that you were involved in the investigation. - A. Yes.

F

Q. And in ^{all} your ~~life~~ you never imagined that you were going to hear anything like those tapes. That is right isn't it Miss Millard? -

A. That is correct, I just didn't imagine this sort of thing happened.

Q. Was going on. - A. No

G

Q. No, and your reaction in relation to the defendant in this case, and I mean the defendant, talking about Mr. Symonds, was this, isn't it, that if this is part of the law that is guarding our country, God help us. -

A. Yes, yes.

Q. And the position is this, isn't it, that that was your reaction when you listened to the first tape? - A. Yes.

H

Q. On the 31st, that is the first long recording between Mr. Symonds and Mr. Perry, and when you heard the second one on the 21st, so far as you were concerned it was just as bad if not worse. - A. Oh yes.

Q. That is right isn't it Miss Millard. Yes. And you did not take any of the conversation lightly in your own mind, did you? - A. No, certainly not.

A Q. And you knew, didn't you, that so far as those Times reporters were concerned, they were there to investigate alleged corruption? -

A. Yes, I realised that when I found out what it was about and yes I realised what they were doing.

Q. And the position is this, that that allegation was fully confirmed in your mind, wasn't it? - A. Yes it was.

B Q. Yes, and you did become increasingly frightened and distressed and worried as time went on, didn't you? - A. Yes, even when it was sort of over, yes.

Q. Even when it was over you were worried about the fact that you had been concerned. - A. Yes, and also the whole thing, I really couldn't put it into context.

C Q. You couldn't put it? - A. I didn't believe it in some way.

Q. You couldn't put it into the context of your life as you knew it, is that right? - A. That is right, yes.

Q. And Mr. Hawkey - and I am asking you not what he said to you but your impression of the man. He became increasingly frightened didn't he? - A. Oh yes, yes, definitely.

D Q. Now you say that tapes were copied on the same nights that they were taken. Are you sure of that? - A. To the best of my ability I am sure they were.

Q. Are you quite sure that you have got the dates right, or may it have been that the copies were made on other days? - A. I can only think of that happening if it was a very late night or something. That is the only explanation I can give. I can't remember.

E Q. At all events Miss Millard the position was this, wasn't it, that those who were involved in this investigation were acting honourably? - A. Yes they were.

Q. And there was no question of any of these tapes being fabricated or tampered with or doctored. - A. Well no, there would be no point in the whole thing. They were acting honourably and those tapes were very important.

F Q. And if they had been doing anything dishonest in relation to those tapes, trying to tamper with them or fiddle with them in some way, you would as likely as not know about it wouldn't you, because you were involved? - A. I wouldn't know about it.

G Q. Well no such thing happened did it? - A. No, not to my knowledge, no.

Q. And the copies of the tapes that were taken were genuine copies weren't they? - A. Yes, just ^{from} whatever was taken to another tape.

Q. Honest copies. - A. Yes, to my knowledge, yes.

H Q. You have obviously found it difficult to remember fine detail after all this time, don't you? - A. Yes I do, yes.

Q. But the experience will live with you, has lived with you over all these years, hasn't it? - A. Yes, well one has tried to push it out of one's mind, but yes, it has come up again.

A Q. You did not in fact - please correct me if I am wrong - but I don't think you went along to the first Symonds meeting did you, the one on the 28th, you came along on the 31st, three days after the first one? - A. I don't remember.

B Q. You don't remember. Very well. Do you know and can you recall that in those very early days, late October, that different police officers were being seen on different times, or being investigated at different times? - A. Well I knew they were different people, I did not know at that time that they were police.

Q. And did you keep a careful check on the condition of the tape as it was put onto the spool on each occasion? - A. No because that was Mr. Hawkey's job.

C Q. That was Mr. Hawkey's job. - A. Certainly.

Q. So what you are saying is as to the best of your recollection after all this time that you cannot be sure about the condition of the tapes one way or the other, is that fair? - A. No, I delivered the tapes to Mr. Hawkey and Mr. Hawkey dealt with the tapes.

D Q. And if Mr. Hawkey, if, if Mr. Hawkey used a tape in the morning, for example, and it did not tape very well and then he used it again in the afternoon, that is something that may have happened? - A. Yes.

Q. That could well have happened? - A. Yes.

Q. And I suppose, Miss Millard, that all you would like to do now is to try and forget about the whole thing? - A. Yes.

E MR. RIVLIN: Well let's hope that you may.

MISS MILLARD: Thank you.

RE-EXAMINED BY MR. SYMONDS

MR. SYMONDS:

F Q. Miss Millard, now the prosecuting counsel has done all the talking, shall I say, and I am going to suggest that he has put words into your mouth, because would it be right to say that as far as the other officers were concerned there was talk of guns and gelignite? - A. Gelignite, I have heard talk of gelignite.

Q. And other such frightening things? - A. Frightening things.

G Q. Apart from gelignite and such, and you say that this was corruption but was a lot of what you thought, did a lot of that come from what the reporters and Mr. Perry were saying, for example, between themselves? - A. I did not hear an awful lot of conversation between then in the beginning but what I actually heard on those tapes had really shocked me. I wanted to know what it was about and I was told they were policemen.

H Q. See, if I can remind you that on the other tapes, the Robson and Harris tapes, there is direct talk about money and such.

HIS HONOUR JUDGE STROYAN: There has been no cross-examination about those tapes.

MR. SYMONDS: Well I would submit that there has been Your Honour, that all the words put into this lady's mouth are taken from the Robson and Harris tapes.

A

HIS HONOUR JUDGE STROYAN: No. Robson and Harris tapes have not been mentioned.

MR. SYMONDS:

Q. For example, between the conversations between Mr. Perry and the reporters, was Mr. Perry telling the reporters that this sort of thing was widespread in London? - A. I didn't hear him say that. No, I can't recall him saying that.

B

Q. And for example did you hear that the reporters had been promised jobs abroad or something at the end of this? -

HIS HONOUR JUDGE STROYAN: No, no, no, that was a leading question and an improper one and it does not deserve an answer.

MR. SYMONDS:

C

Q. Well did you know that Mr. Perry had been guaranteed a certain sum of money at the end of this inquiry?

HIS HONOUR JUDGE STROYAN: No, no, that is also a leading question and it is not to be answered. Not going to have these wild allegations put. That wasn't put to Perry.

MR. SYMONDS:

D

Q. When you made your record after the event did you also in that record make any reference to any person receiving sums of money at a later date? - A. No, I don't think so. No, I can't recall that at all.

Q. And so would it be right to say that a lot of your fears and such were generated by things that Mr. Perry and the reporters said to each other outside the tape recording sessions? -

E

HIS HONOUR JUDGE STROYAN: That is a leading question and is not to be answered.

MR. SYMONDS:

Q. You see on the 31st when the tape recording was played back, afterwards, I am now talking about the tape recording in my case, was it right that it was thought at that time there was no reference to money on it, or did you hear the words "I have got some more dough." - A. I can't remember that actually.

F

Q. Can't remember? - A. No.

Q. Miss Millard did you feel at all at some stage that the reporters were taking a sort of a back seat and that you and Mr. Hawkey were being pushed into the front line as it were; you were being asked to take the mobile Nagra. - A. Yes, I think there was ...

G

Q. For example. - A. There was a little bit of that at one time.

Q. You felt that, and did you ever feel at some stage that enough was enough but that for example one of the reporters wanted to press on? - A. Yes.

H

Q. Can you remember who was the dominant reporter as it were? - A. Dominant in what way?

Q. In character. Who wanted to press on, rather more interested than the other perhaps in setting up these recordings? - A. I felt the quieter one was Mr. Mounter. The more sensible one. And the other one, Mr. Lloyd, was the one who wanted to press on with things more. More keen, let me put it that way.

Q. More keen, yes. And when you say that you heard the tape recordings and you realised it was corruption, and I believe you asked specifically in my case, were you referring to the talk about or the imagined conversation where maybe the criminal was receiving some sort of advice about investing money in a sweet shop and such? Did that seem strange to you? -

A. We didn't come across anything like that. You bring that sort of term up. No, it certainly didn't come across.

Q. What were the sort of words that really frightened you? -

A. I can't quote word for word... guns, I think.

Q. Remembering my case, you have been asked specifically about my case. -

A. Yes. I haven't got it word for word but about putting some money away, "you are earning well" and I can remember a term like "if the wheel falls off" which I didn't understand, and the sweet shop, "you have always got thirty pounds of sweets coming" or something, in what context I don't know.

Q. And of course this struck you as corruption because to you a police officer shouldn't be speaking to a criminal.

HIS HONOUR JUDGE STROYAN: That is a leading question and will not be answered.

MR. SYMONDS:

Q. Miss Millard had you ever ever been involved in police work or anything like this? - A. No.

Q. Do you know about policemen, for example, having people called informants who give them information? - A. Yes, you hear about it or see it on the television but no, I don't know anything about it, no.

Q. And if, for example, this had been the case of a policeman talking to an informant or cultivating an informant, maybe if you had been looking at it from the police point of view or the policeman's side, maybe you would have taken a different view of this conversation, because would it be right to say you were looking at this conversation from the side of Mr. Perry? - A. No, I was looking at it from my own side. I couldn't believe it.

HIS HONOUR JUDGE STROYAN: Just a moment. Yes.

MR. SYMONDS:

Q. And for example you mentioned "wheel will fall off" and you didn't understand what it meant. Was Mr. Perry kind enough to elaborate to you, to tell you what "wheel falls off" means? - A. I can't remember actually.

Q. Did he help you with expressions? - A. Yes I think he did.

Q. He did, yes. Yes, so would the situation have been that you were playing back these tape recordings then Mr. Perry was elaborating on "wheel falls off", that means this? - A. No, I don't think it was done that way. I can't remember that now.

MR. SYMONDS: Miss Millard thank you very much. No more questions.

HIS HONOUR JUDGE STROYAN: Thank you Miss Millard, you are released.

MISS MILLARD: Thank you.

A HIS HONOUR JUDGE STROYAN: Members of the jury that is all for today. Would you be back at the usual time tomorrow morning please.

(JURY LEAVE)

HIS HONOUR JUDGE STROYAN: Now is there anything further that I can deal with by way of the evidence?

B MR. SYMONDS: Your Honour about this business of interviewing police officers, could we come back to that now?

C MR. RIVLIN: Your Honour we are in the process at the moment of arriving at what I hope is the law on this matter. Mr. Orr behind me has telephoned the office of the Director of Public Prosecutions and he has been told that there are two authorities on the point and photocopies of those are being sent up this evening, and it may be that if we got that tomorrow morning we will have our answer. In any event, Your Honour, there are certain statutes that I can draw to Your Honour's attention but I think it is rather important for us to ascertain how the police regulation is taken because we have only got an extract.

HIS HONOUR JUDGE STROYAN: Yes I know. I do not think we can take it any further at the moment.

D MR. RIVLIN: No Your Honour.

HIS HONOUR JUDGE STROYAN: Well I will deal with it at half past 10 tomorrow morning before the jury come into court.

MR. RIVLIN: Your Honour yes.

E HIS HONOUR JUDGE STROYAN: I shall have to see what the law is, Mr. Symonds, but at present my impression of the matter is that it wouldn't be right for me to make that order which contravenes the police regulations.

MR. SYMONDS: Very good Your Honour, but I would like to address you after the prosecution.

F HIS HONOUR JUDGE STROYAN: Yes, you can do that. I do not know whether you would like to have interviewed in the presence of a senior police officer from another force.

MR. RIVLIN: Your Honour the position is this, that those sitting behind me are very senior police officers attached to a particular department of the Metropolitan Police Force which deals with police complaints and the like, so that to that extent they are as it were separate and apart from the main officers who have been giving evidence in this case.

G HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour I find the proposition that they were not to be trusted to be a very difficult one.

HIS HONOUR JUDGE STROYAN: Well I agree. Well I do not think there is anything more I can say about it now.

H (COURT ADJOURNS)

A

B

C

I certify that I took shorthand notes in the case of
R -v- J A Symonds and I certify that the pages numbered
1 - 66 are a true and complete transcript of the said
shorthand notes (for April 7th 1981) to the best of my
skill and ability.

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L. M. Heane.....

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