

IN THE CROWN COURT

AT TEESSIDE

DAY 3

Before:

HIS HON. JUDGE R. A. R. STROYAN, Q.C.

Held at: Teesside Law Courts,
Victoria Square,
Middlesbrough,
Cleveland.

Wednesday, 4th March, 1981

R E G I N A

v

JOHN ALEXANDER SYMONDS

Evidence of: Mr. E. Hawkey
Gareth Lloyd (continued)

(Transcript of the Shorthand Notes of HUMPHREYS BARNETT AND CO., Official
Shorthandwriters, 19 Queen Victoria Street, LEEDS, LS1 6BD Tel. 455082)

MR. G. RIVLIN, Q.C. assisted by MR. RATCLIFFE appeared as Counsel on behalf
of the Crown.

MR. J. A. SYMONDS (THE DEFENDANT) appeared In Person.

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THE CLERK: Regina v John Alexander Symonds, part heard.

A MR. RIVLIN: Your Honour, I think I am in a position to call Mr. Hawkey now, he is just being asked one question. Would you just allow me one moment please?

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: May I direct you to his evidence?

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: Your Honour, it appears in the notice of additional evidence Volume 2, at page 2 and there is also a further piece of additional evidence in the last ... in Volume 5. It is 5 with a ring round it I think.

HIS HON. JUDGE STROYAN: I have one dated the 1st of September, 1971.

C MR. RIVLIN: Yes, and I hope one dated the 25th of November, 1980?

HIS HON. JUDGE STROYAN: 25th of November, 1980, yes. What page is that?

MR. RIVLIN: 5.

HIS HON. JUDGE STROYAN: 5 just a second.

D MR. RIVLIN: Well I call Mr. Hawkey now.

MR. HAWKEY (Sworn)

EXAMINED BY MR. RIVLIN

E Q: Is your name Ernest Hawkey? - A: Yes sir.

Q: Where do you live Mr. Hawkey? - A: At 5 Dig Dag Hill, Cheshunt, Hertfordshire.

Q: And what is your occupation please? - A: Self-employed engineer, sound engineer.

F Q: In 1969 were you contacted to a firm called Location Sound Facilities of St. Peters Square, London W6? - A: Yes sir.

HIS HON. JUDGE STROYAN: Location Sound what?

MR. RIVLIN: Facilities. What was the nature of your work? - A: Em ... to look after sound equipment their and maintenance actually.

G Q: And in October of 1969 were you contacted in relation to the enquiry which we all know to be called "The Times Enquiry"? - A: Yes sir.

Q: Yes, and did you become involved in those investigations Mr. Hawkey? - A: I did sir.

H Q: And what part did you play in them? - A: I fitted the equipment in the cars and made various recordings. Em ... that was it mainly; noting the equipment.

Q: Yes. Now, Mr. Hawkey, had you done anything quite like this before? -
A: No sir.

A

Q: You have been in Court this morning, haven't you, and you have listened to a number of tape recordings? - A: Yes sir.

Q: And the first one that you listened to was one which purports to be a telephone conversation, does it not, do you remember, where someone alleged to be Mr. Perry is telephoning a Police Station? - A: Yes sir.

Q: And speaking to someone alleged to be Mr. Symonds? - A: That is correct.

B

Q: I use the word "alleged" advisedly at the present time. Now you heard that didn't you? - A: Yes sir.

HIS HON. JUDGE STROYAN: That is exhibit 1?

MR. RIVLIN: That is exhibit number 1. Were you involved in recording that tape? - A: Yes sir.

C

Q: You were. Did you make notes of your involvement in this case Mr. Hawkey?
A: I made notes of the equipment that I used I believe, not actual notes.

Q: Not full notes of involvement, but notes of equipment that you used. Now I would like you to have a look please at these notes here that are being handed to you, and just answer this question 'yes' or 'no', are those notes in your handwriting? - A: Yes sir.

D

Q: When did you make the notes? - A: Em ... during ... while I was actually taking some of the equipment from the stores.

Q: Were the notes ... were the matters then fresh in your mind? - A: Yes they were sir.

Q: When you made the notes, and do the notes bear details of dates and equipment? - A: Yes sir they do.

E

Q: Yes. Now do you have a note there or not for the 28th of October of 1969?
A: There is a note appertaining from the 27th of October to the 24th of November.

Q: Yes. Well do you have any note there relating to the 28th of October, 1969 and of any equipment that you used on that day? In fact you haven't been really given the chance of going through these notes in detail have you?
A: No sir. There is ...

F

HIS HON. JUDGE STROYAN: Take your time. - A: Yes sir. There is a point here on the 28th of October - which was a Tuesday - there was one Uher tape recorder with the serial number, a telephone adaptor.

HIS HON. JUDGE STROYAN: Just a moment. 28th of October.

G

MR. RIVLIN: A Uher tape recorder, a telephone adaptor. - A: A telephone adaptor.

Q: Now I am not going to go into great detail. If I can avoid it I will. The telephone conversation that you listened to this morning, exhibit number 1, tape number 1, did you make that recording? - A: Yes sir.

H

Q: Using what equipment? - A: I would have used the telephone adaptor and a Uher tape recorder.

Q: You listened to that tape this morning didn't you? - A: Yes sir.

Q: What do you say about the recording that you listened to this morning? -
A: I would have said that that was the recording being made at the time.

A Q: Was it tampered with in any way by you? - A: No sir.

Q: Or anyone else to your knowledge? - A: Not in any way.

Q: And would you please look at your note because on Tuesday the 28th of October I think that another recording was made that is relevant in this case and you heard it this morning didn't you? - A: Yes sir.

B Q: Do you remember listening to - this morning - tape 2, exhibit 2? - A: Yes sir.

Q: The one which is very broken up and really not terribly helpful to anyone? A: Yes sir.

C Q: Yes. Were you responsible for making that recording? - A: Yes sir I was.

Q: And where was it made, can you remember? - A: I believe it was made actually in a car.

Q: In a car? - A: In a car.

D Q: Now we have heard evidence about the circumstances of that afternoon (Tuesday afternoon) but can you remember what device or devices were used and whether the recording equipment was kept on that afternoon? - A: On that afternoon. Em ... this is relating to a recording in a car which would have been a radio transmitter that was on Perry.

Q: A radio transmitter on Perry, yes. - A: And there would have been a Nagra recorder which Mr. Mounter had.

E Q: And where was that placed? - A: I believe at first it was in the car; this is trying to go back from memory.

Q: Yes, at first in whose car? - A: Em ... it was the reporters car; which car it was I don't remember.

Q: Yes. - A: I would have to refer to a statement for that.

F Q: Well ...? - A: I believe ...

Q: This is the problem isn't it, Mr. Hawkey, that you really haven't had the opportunity of going through your statements in great detail, have you? - A: No sir.

G Q: Before coming into Court because we want to get you away. Well we have had evidence as to where that transmitter and the recorder were on that day, but you heard the tape in Court didn't you? - A: Yes sir.

Q: What do you say about that? - A: It is the original tape recording that we made at that time.

H Q: I am going to ask you to look at boxes and spools in a short while - that will come later - but was that tape ever tampered with? - A: No sir in no way.

Q: And in relation to the tape recordings that were made did you listen to them? - A: I did on every occasion.

A Q: Did you listen to them ... how long after they were taken did you listen to them? - A: When the meeting was finished we would drive to a road quite local, within minutes from after the meeting. I would then take out the recording equipment or tapes off the machines, various machines and we would go and sit in the reporters car and play the tapes straight away, that was in front of everybody.

B Q: Now Mr. Hawkey, that one was I think to put it mildly, not a very successful recording was it? - A: No sir it wasn't.

B Q: Did you appreciate the reason why it was not successful? - A: Yes sir.

C Q: What was the reason why that one was unsuccessful? - A: Em ... that was the one where we were in an area which was fairly built up with concrete buildings around. Mr. Perry was getting into the car which ...em wouldn't have helped because it would have been shielded by the car as well to a certain extent. I believe we were too far away and the buildings in between the receiver and the transmitter would have cut out quite a bit of the conversation.

Q: And when you say you were too far away, the distance between which two points was too far away? - A: That would be between the transmitter and the receiver.

D Q: Yes, and indeed following that recording was it decided to change the system to try and make the recordings better in future? - A: Yes sir, we tried ... we felt we would try to improve the system by having more than one machine, more than one transmitter and receiver so that if one recording did break up we would get the second recording, and one could also be checked with the other recordings for time ... er ... any noises possibly, any background noises etc.

E Q: You were trying to improve the system? - A: We were trying to improve the system.

Q: Would you look at your notes please and see if there is any reference there to the 31st of October, three days later? - A: Yes sir, I have got the 31st which was a Friday.

F Q: You have got the 31st, and on that day were you involved in tape recording another conversation? - A: Yes sir.

Q: Now can you help His Honour as to what you did on that day? - A: May I ask a question sir?

Q: By all means. - A: My Lord?

Q: With His Honour's leave yes. - A: May I ask a question?

G HIS HON. JUDGE STROYAN: Yes. - A: Are we referring now to where the tape actually run down because the batteries had run down?

MR. RIVLIN: No, you can come back to that because that is relevant, but we are talking now about the 31st of October and the tape recordings that you made or you tried to make, not in relation to Mr. Harris or Mr. Robson but in relation to Mr. Symonds. - A: Uh huh.

H Q: Alright? - A: Well there was a Nagra tape recorder; two Nagra tape recorders sir, one with a headset for monitoring. There was one radio

microphone which would have been placed upon Perry a radio transmitter. There was a Uher tape recorder and two headsets for monitoring purposes. I am trying to recollect now, I would say that one Nagra was placed in a car connected direct to a microphone.

A Q: Can you remember where the microphone was fitted in the car? - A: The microphone was fitted underneath the dashboard.

Q: Yes. - A: And there was a cable from the microphone

HIS HON. JUDGE STROYAN: Just one moment. One Nagra in the car. Whereabouts in the car? - A: It would have been in the boot of the car My Lord.

B HIS HON. JUDGE STROYAN: And you connected the microphone where? - A: Under the dashboard.

HIS HON. JUDGE STROYAN: Yes. - A: There would have been another Nagra with a receiver connected to it which would have received signals from the transmitter that was placed on Perry.

C HIS HON. JUDGE STROYAN: That is not wired up? - A: No sir that was transmitter receiver connection.

MR. RIVLIN: And what about the Uher?

D HIS HON. JUDGE STROYAN: May I just be clear about this. One Nagra in the boot connected to a microphone under the dashboard, another Nagra, where was that, with the receiver connected to it you said? - A: Sorry My Lord, I think I have made a mistake there. It would have been a Uher tape recorder not a Nagra. We are talking about the second one.

HIS HON. JUDGE STROYAN: Yes, I have got the first one, the Nagra in the boot? A: No, the one in the boot would have been a Uher tape recorder with a receiver attached not a Nagra.

HIS HON. JUDGE STROYAN: So a Nagra direct line? - A: A Nagra direct line.

E HIS HON. JUDGE STROYAN: I think I had better start again. The note I have got is a Nagra in the boot connected to a microphone under the dashboard.

MR. RIVLIN: That is number 1 and number 2 is? - A: The Uher would be connected to the receiver.

F HIS HON. JUDGE STROYAN: What is the Uher? - A: Another tape recorder, My Lord, of a different type, that would have had a receiver.

HIS HON. JUDGE STROYAN: Where was the Uher tape recorder? - A: Em .. to my knowledge in the boot of a car.

HIS HON. JUDGE STROYAN: Which car, the same car? - A: No my Lord, in a different car. Em ... I would have to refer to my statement to find out for you.

G MR. RIVLIN: Your Honour, I am not going to take up time by asking him to refer to his statement unless it becomes necessary for him to do so.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: He has talked about two recordings; one direct and the other the radio. - A: Transmitter on Perry.

H Q: To a mike, to a transmitter to a Uher? - A: That is correct.

Q: Now you

HIS HON. JUDGE STROYAN: Just a moment. Can I get this straight, the Nagra in the car, in the boot connected to a microphone under the dashboard but wired? - A: That is correct.

HIS HON. JUDGE STROYAN: A microphone on Perry which sent radio signals to a Uher? - A: Tape recorder.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Now did you listen to the recordings after they had ^{been} taken? - A: Yes sir I did.

Q: You heard in Court this morning, did you not, exhibit number 3, tape 5 played in relation to the meeting of the 31st of October? - A: Yes sir.

Q: What do you say about that? - A: That that was the original recording as far as I can tell.

Q: Was it as you recall hearing it at the time? - A: It was sir.

Q: Any tampering with it, Mr. Hawkey, at any time? - A: Not at all sir.

HIS HON. JUDGE STROYAN: Was that from the Nagra or from the Uher?

MR. RIVLIN: Well I think I can help there. The answer

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: The answer to that, Your Honour, comes from the boxes and the markings on the tapes.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: That in fact was from the Nagra.

HIS HON. JUDGE STROYAN: Yes I thought so. Yes.

MR. RIVLIN: And I think that this may be an appropriate moment for you to look at the first few tapes. Let us look first at the 28th of October tapes. Would you just have a look at exhibit number 1 first. Now I want you to be very careful here, Mr. Hawkey, you must not say that something is an original unless you recall that it is, but is there anything on the box or the tape that you noticed at the time about exhibit number 1 that helps you to say anything about this, that is exhibit number 1? - A: Well they are the tapes that we supplied from - firstly - from Location Sound Facilities. This can be told by the boxes and the various markings on them as such. There is another point ... em ... I don't know if this is the actual tape but one of the reporters did ask me how one could mark off to come to a certain part in a conversation, and I did mention that you could put a sticky label across on one side, mark off at a certain position where the tape was and then you could run the tape up to this particular mark ...

MR. RIVLIN: Yes. - A: But whether that is the one I wouldn't like to say.

Q: Well if you cannot say then you must not try to. Would you look at exhibit number 2 please, tape 2. Now I am only asking you to say from your own knowledge if you can express an opinion about any boxes or tapes? -

A: To my knowledge this is an original. It looks like a signature which the reporters actually signed.

Q: Were you present when the reporters signed that? - A: I was yes.

HIS HON. JUDGE STROYAN: Now where is the signature? - A: On the label My Lord.

A MR. RIVLIN: And you say that you actually witnessed that? - A: Yes sir.

Q: Very well.

HIS HON. JUDGE STROYAN: Whose signature is it? - A: The reporters My Lord.

MR. RIVLIN: I think Mr. Lloyd's. - A: Mr. Lloyd and Mr. Mounter.

B Q: Mr. Lloyd gave evidence that it was his Your Honour. And when were these signatures put on the originals? - A: As soon as the tapes were taken off the machine.

C Q: Right, put that back then would you please. Let us have a look now - we are coming to the 31st of October - have a look at exhibit number 3, tape 5 please. That is the one that you listened to this morning. Are you in a position to help there? - A: I would say that that was an original, My Lord, with the same signatures on the centre of the label.

Q: Did you witness that? - A: Yes sir.

Q: Yes, thank you. Exhibit number 4, tape 3, including 3B. Now, Your Honour, we have had evidence that there is a message on the reverse of the box here ...

D HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: In Mr. Lloyd's handwriting and he has spoken to that.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: On the schedule of markings.

E HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Again look at the box and the tape and see if you can help as to whether it is an original or not? - A: Yes. Yes sir the signatures are again on the centre label.

Q: The signatures are on it? - A: Yes.

F Q: Were you there and witnessed the signatures being put on it? - A: Yes sir.

Q: Is that the original or not? - A: I would say it is an original sir.

Q: And you can say that there is a note on the back of the box isn't there?
A: Yes sir.

G Q: About it being of little use because the batteries to the Uher ran down. That is the start of the tape of a meeting with Harris outside the Edinburgh Castle? - A: That is correct.

Q: Does that help you to remember this one? - A: It does sir, yes.

H Q: Would you help His Honour then, what do you say about this one? - A: Well, My Lord, the batteries in the tape recorder actually ran down.

HIS HON. JUDGE STROYAN: That is the Uher tape recorder? - A: On the Uher tape recorder. This would have the effect the tape would be running slower.

A HIS HON. JUDGE STROYAN: Yes. - A: So consequently when it was played back with the machine running at the correct speed it would sound like Mickey Mouse. It would be very much faster.

MR. RIVLIN: So that was a problem that was encountered on this occasion was it, on this occasion of the Symonds interview, or was it on the occasion of the Harris one or both? - A: I would have to refer to notes to be honest.

B Q: Well don't worry about that for the time being. Put that back now please, and now I am going to ask you to look at your original notes please Mr. Hawkey and come to the 21st of November of 1969. - A: Yes sir.

Q: Now we had two recordings last time on the 31st of October, how many recordings were made this time? - A: Three.

C Q: And what were they? - A: There was ... there was a Nagra in the boot of a car.

Q: Attached to? - A: A microphone under the dashboard.

Q: Yes, whose car was that? - A: Em

D Q: Do you remember? - A: That would have been the one that Mr. Perry was going to drive.

Q: Yes. Well that is the first one. What is the second one? - A: The second one would be a Nagra in a car.

HIS HON. JUDGE STROYAN: Another Nagra? - A: Another Nagra My Lord.

MR. RIVLIN: Attached to? - A: A receiver.

E Q: Which was placed? - A: Em ... with the Nagra but would receive signals from a transmitter from Perry.

Q: Do you mean that is a microphone on Perry? - A: A transmitter microphone.

Q: Round his neck? - A: Round his neck.

F Q: You indicate round his neck.

HIS HON. JUDGE STROYAN: Another Nagra in his car attached to a receiver? - A: A receiver receiving signals from the transmitter from Perry.

MR. RIVLIN: And as regards the use of that radio microphone - if I can call it such - do you have a note of anything else being used? - A: We doubled up, I believe on this occasion ...

G Q: Yes. - A: And used another Nagra in another car with a receiver.

HIS HON. JUDGE STROYAN: That is a third Nagra? - A: A third Nagra.

MR. RIVLIN: And finally what else did you use, employ, on this occasion? - A: May I say that would have received signals from Perry as well.

H

HIS HON. JUDGE STROYAN: From the same transmitter? - A: Yes My Lord,

HIS HON. JUDGE STROYAN: From the same transmitter? - A: From the same transmitter.

A HIS HON. JUDGE STROYAN: Yes. Yes.

MR. RIVLIN: And what else did you use? - A: Em ... oh plus one Uher tape recorder with a telephone adaptor.

Q: Well I see that is for a telephone conversation? - A: That is for a telephone conversation.

B Q: Yes, well we are not actually talking about a telephone conversation at the moment? - A: I have got ... I have got a note here of a Grundig, which I don't know if that would be a small portable.

Q: Well I am going to show you a tape in a moment or two. You have a note of a Grundig portable? - A: Mm.

C Q: Where would the microphone be attached for this actual recording? - A: It would be attached, actually, to the machine itself but I believe on this occasion we used a small external mike going to the recorder itself.

Q: So the recorder is on the person, is it? - A: On the person.

Q: And the lead is to the microphone that is attached to the person? - A: It is, yes sir.

D Q: And do you remember where it was attached to the person? - A: I believe it was attached - going by memory again - on the arm. On the arm.

HIS HON. JUDGE STROYAN: The microphone was on the arm? - A: The microphone.

MR. RIVLIN: Yes. Now you listened in Court this morning, didn't you, to the playing of tape number 14 which is our exhibit number 5? - A: Yes sir.

E Q: And you heard it through? - A: Yes sir.

Q: Did you listen to the tape recordings after the interview? - A: Yes sir.

Q: When I say the 'interview' after the conversation, within a short time of it? - A: Very short time, yes.

F Q: And what do you say about the conversation that you heard this morning in Court? - A: It was the same conversation that we heard after the original meeting at the time.

Q: Has there been any tampering? - A: No sir.

Q: With that or any of the other recordings? - A: No sir.

G Q: And would you please now have a look at the relevant tape recordings. Would you look first at exhibit number 5, tape 14. Have a good look at it please - box and spool - and you must only answer if you feel confident in doing so. Is there anything about the box or the spool which helps you to say whether they are original or not? - A: Yes sir, they have the same signatures again on the centre spools.

H Q: Were you present when they were ...? - A: Yes My Lord.

Q: Done? - A: Yes.

Q: When the signatures were put on? - A: When the signatures were put on.

Q: So what do you say about that? - A: That is the original tape.

A Q: Yes, thank you. Would you also look now at exhibit number 6 which is tape number 13.

HIS HON. JUDGE STROYAN: Exhibit 6, tape 13?

MR. RIVLIN: Yes.

B HIS HON. JUDGE STROYAN: Yes. - A: Yes there is the same writing again on the centre of the spool.

HIS HON. JUDGE STROYAN: Was that done when you were there? - A: When I was there, yes sir.

HIS HON. JUDGE STROYAN: And what do you say about that tape? - A: That that is an original tape.

C MR. RIVLIN: Finally I would like you to have a look at a cassette please, exhibit 7.

HIS HON. JUDGE STROYAN: Were you present when that signature was put on? - A: Yes sir.

HIS HON. JUDGE STROYAN: May I see it please?

D MR. RIVLIN: I think that in fact there is writing and initials not a signature as such.

THE CLERK: The last tape please.

HIS HON. JUDGE STROYAN: Yes, thank you.

E MR. RIVLIN: Thank you. Now exhibit 7 please. Now you have got a cassette there, haven't you? - A: Yes sir.

Q: I am holding in my hand a little Grundig machine here. Does that ring a bell with you? - A: Yes sir, that is the cassette that fits on that machine.

Q: It looks pretty old-fashioned doesn't it, now? - A: It does now.

F HIS HON. JUDGE STROYAN: You are holding the cassette? - A: I am holding the cassette, yes.

MR. RIVLIN: Exhibit number 7.

HIS HON. JUDGE STROYAN: Yes.

G MR. RIVLIN: Would you have a look at the cassette and the box and see if there is anything on it that you can recognise? - A: Well there is the price because I had to go and purchase this.

Q: You had to go and buy that one did you? - A: By memory, yes, because we couldn't obtain them from Location Sound Facilities.

H Q: Yes. - A: There is also (camel?) tape actually on the tape, which we supply at Location Sound.

Q: There is some tape on it? - A: Yes we use to - we call this (camel?) tape - and we used to put it on equipment, write on this tape, so it was easy to take off.

A Q: It is like actual sellotape isn't it? - A: It is, yes.

Q: Looking at the tape and the box, is there anything there which helps you to say if that's the original tape recording that you have mentioned? - A: Em ... there is a signature on there. I don't know whether it is Julian Mounter's or not to be honest, but I would say personally that that is definitely the original tape.

B Q: Do you really have any doubt about it Mr. Hawkey? - A: No none at all.

Q: Yes, well would you put that to one side please. Now, Mr. Hawkey, after these recordings had been obtained, what did you do with them (the tapes) who took them? - A: The two reporters took the tapes.

C Q: With what care? What degree of care were those concerned in the recording of these tapes taking to preserve the originals? - A: Well they were signing them, they played them back immediately in front of us who were present at the time which included Miss - I can't think of her name now, it was a young lady who went with him on some occasion. On some occasions there were other photographers or reporters there and those tapes were actually played back in front of them.

D Q: In front of them? - A: Yes. They were then placed in boxes and taken to the Times but I couldn't ... em ...

Q: The question is really how seriously was everyone taking this? - A: They were taking it very seriously at the time.

Q: Now were you involved, Mr. Hawkey, in making copies of any of these original tapes? - A: Yes sir I was.

E Q: You were? - A: Yes.

Q: And I know that you haven't had the opportunity of going through your original statements this morning, but bearing that in mind, can you remember whether there was one or more than one occasion when that was done? - A: At first I thought I had done that on one occasion, but on reflection there is possibly a second time when the reporters came to Location Sound and there was another copy made so it is possible on two occasions.

F Q: Well I think we may be able to help here. Do you remember who brought the tapes on any of these occasions? - A: It was one of the reporters together with a secretary, I believe, and one was an Australian lady.

Q: An Australian lady? - A: I believe she was Australian or New Zealand, yes.

G Q: Yes, well you see

HIS HON. JUDGE STROYAN: May I get this straight please? Now you think there may have been two occasions when you made copies of those tapes? - A: Yes My Lord.

H HIS HON. JUDGE STROYAN: Now on one occasion who came? - A: Er ... one of the reporters - I believe it was Julian Mounter but I couldn't be absolutely certain.

HIS HON. JUDGE STROYAN: Yes. - A: I would have to refer to a statement.

HIS HON. JUDGE STROYAN: Yes. - A: With, I believe, it was a secretary from the Times.

A HIS HON. JUDGE STROYAN: Yes. - A: And I believe she was Australian.

HIS HON. JUDGE STROYAN: Yes. - A: On the second occasion I believe there was a reporter and possibly another young lady, I'm not certain.

B MR. RIVLIN: On such occasions as original tapes came to you for copying with what degree of care did you handle the originals? - A: Well there was always somebody with me in the room, such as the reporters etc. and I looked after the tapes ... em ... ye know with normal concern really, just putting them

Q: Any tampering Mr. Hawkey? - A: None whatsoever.

C Q: Now we do have here a document which I would like you to look at please, and if you would just look at that and see if you can identify the signature on it? Does your signature appear on that? - A: Yes it does.

Q: And look over the page. Look over the page just for signatures? - A: Yes my signature is, in my hand.

Q: Yes. Now that is a statement made to the Times, isn't it? - A: Yes sir.

D Q: And does it begin: "I have today done something."? - A: Yes sir.

Q: Yes, and can you therefore help as to whether that statement was made contemporaneously? That is on the same day as the events that occurred?
A: I would say so, yes sir.

Q: And does it refer to copying some tapes? - A: It does.

E Q: And are they Grundig tapes? - A: They are Grundig tapes, yes, the cassettes.

Q: What is the date of that statement to the Times? - A: Em

Q: You will find it over the page I think? - A: 5th of December, 1969.

Q: Yes, which is the second day, Your Honour, when we know that tapes were handed over to the Police? -

F HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: The 5th of December - 3rd and 5th - and how many Grundig tapes did you copy on that day? - A: It looks like three.

Q: It looks like three? - A: Yes.

G Q: And is there reference to one of them being the Symonds tape? - A: Yes sir.

Q: And where were they copied? - A: Em ... at the Times building.

Q: At the Times building? - A: Uh huh.

H Q: So that on the 5th of December it would appear - is this right - that you copied the Grundig tape at the Times building? - A: Yes sir it is.

Q: Now, Your Honour, I cannot as yet ask this witness about the Times copy tapes because they haven't arrived.

HIS HON. JUDGE STROYAN: Yes.

A MR. RIVLIN: But subject to that, and to my reserving my position, that is all I have to ask this witness.

HIS HON. JUDGE STROYAN: Yes, thank you. Yes Mr. Symonds.

CROSS-EXAMINED BY MR. SYMONDS

B Q: Mr. Hawkey, did you make any notes at the time of this enquiry? - A: No sir, not relating to what was taking place, no.

C Q: Could I please have a look at the notes you have been referring to? Mr. Hawkey, referring to your notes, you said that on the 28th you supplied, or you obtained from your company, one Uher and one telephone adaptor? - A: Correct.

Q: Which you used to make tape 1? - A: Yes.

Q: Did you obtain any other equipment from Location Sound Facilities on that day? - A: Not without referring to my notes or statement I wouldn't be in a position

D Q: Well if I may read to you from your notes? - A: Uh huh.

Q: You have 4 items listed here in importance Mr. Hawkey; one Uher, one telephone adaptor, one Nagra and one radio microphone? - A: Yes sir.

Q: Would that be right? - A: Yes sir.

E Q: Is it correct that the radio microphone and Nagra were brought later on that day to you at Bingham Point, or did you take them with you to Bingham Point? - A: No I believe they were brought up by a car or by van from Location Sound.

Q: So would the Nagra and the microphone be required to be installed in the car? A radio microphone and a Nagra? - A: Were they installed in a car?

F Q: Were they, yes, on the 28th? - A: They were, yes.

Q: You installed them on the 28th. You remember that clearly. I see that the 28th is overwritten over 27, is that right? - A: I wouldn't know.

G HIS HON. JUDGE STROYAN: Just a moment Mr. Symonds. You said that the Nagra and mike were installed in a car, do you mean they were both installed in the same car? - A: In the same car with the microphone under the dashboard My Lord.

HIS HON. JUDGE STROYAN: That is on the 28th is it? - A: That is on the 28th.

MR. SYMONDS: The Nagra and the microphone were in fact installed in Perry's Wolseley car, a black Wolseley? - A: Yes to my knowledge, yes sir.

H Q: And the meeting between Perry and a police officer - alleged meeting - that afternoon in actual fact did not take place in Perry's car, is that

correct, it took place allegedly in a white Vauxhall? - A: That is correct, yes.

A Q: So there was no ... there would be no recording made on the tape, on the Nagra tape, fitted in Perry's car because there was no conversation in that car, is that correct? - A: That is correct. There may have been little snippets if they got close enough to speak to each other or when Perry's opened the door you may have got some mild noise or traffic noise, but no there wouldn't be any direct recording between the other car and the Vauxhall.

Q: Yes.

B HIS HON. JUDGE STROYAN: Just a moment please. We are on tape 1, are we, or tape 2 now?

MR. SYMONDS: We are talking about tape 2 now sir, tape 2.

HIS HON. JUDGE STROYAN: Tape 1 was the telephone conversation.

C MR. SYMONDS: In actual fact, My Lord, we are talking about a tape which is not in existence. We are talking about the tape which was fitted to the Nagra on the 28th. The Prosecution have produced a tape which I assume is alleged to come from the Uher, My Lord, because the evidence so far ...

HIS HON. JUDGE STROYAN: That is right.

D MR. SYMONDS: Has been in respect of tape 2, is that this was a radio microphone.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: This witness has described fitting a Nagra into the boot of the Wolseley car connected with a direct microphone.

E HIS HON. JUDGE STROYAN: Yes, but that in fact you say was of no use because the meeting didn't take place in that car? - A: That is correct sir, the tape would have been empty My Lord.

HIS HON. JUDGE STROYAN: Yes, and so the recording which you have got was made by means of a radio microphone which was transmitting to a Uher recorder?
A: Correct.

F HIS HON. JUDGE STROYAN: And produced a rather unsatisfactory tape, is that right? - A: Yes My Lord.

MR. SYMONDS: Mr. Hawkey, you have just looked at tape 2, exhibit 2, can you recall whether it is a 5 inch or a 7 inch tape? - A: It's a 5 inch tape.

Q: It is a 5 inch tape. Could you look at that please? - A: Yes certainly. Yes 5 inch.

G Q: 5 inch tape. Would one, therefore, assume that it was almost certainly a Uher that that was taken on? - A: It would be, yes.

Q: And the Nagra was almost certainly in the boot? - A: Correct, yes.

H Q: Where is the tape recording from the Nagra at this present moment, do you know? - A: I wouldn't know.

A Q: Well can you recall at the end of the meeting whether you or the reporters took it away? - A: Well ... em ... if there was nothing on the tape at all it would have been taken off by the reporters or I would have taken the tape off the machine, we would have played the tape back and there wouldn't have been anything on it; on the actual tape.

B Q: So would the writings put on the tape be put on immediately after taking it off the machine or after playing back? - A: After taking the tapes off the machine.

B Q: Off the machine? - A: I would think, yes. We played the tapes back first on some occasions and then put the signature ... they put their signatures on the tape.

B Q: Yes, but I believe you said before, Mr. Hawkey, in another Court that your recollection was that the reporters signed and dated the tapes, I believe, on each occasion before placing them on the machine? - A: This could have been the case.

C Q: It could have been the case? - A: It could be round the wrong way.

C MR. RIVLIN: I wonder where that information comes from?

MR. SYMONDS: Do you want me to look at the papers now, My Lord, or continue and come back to it later on?

HIS HON. JUDGE STROYAN: I think that that should be dealt with now.

D MR. SYMONDS: It should be dealt with now.

HIS HON. JUDGE STROYAN: Is there a passage which helps us about this?

MR. RIVLIN: The position is this, that he gave evidence, I understand, last year - in November of last year.

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: But he didn't give evidence before the Magistrates.

HIS HON. JUDGE STROYAN: He gave evidence at the Old Bailey?

MR. RIVLIN: He gave evidence at the Old Bailey.

F HIS HON. JUDGE STROYAN: Is that right Mr. Hawkey? - A: Yes that is correct My Lord.

HIS HON. JUDGE STROYAN: Mr. Symonds, there won't be a transcript of the evidence at the Old Bailey.

MR. SYMONDS: I beg your pardon?

G HIS HON. JUDGE STROYAN: There won't be a transcript of the evidence at the Old Bailey. I don't think you have heard what the witness has just said.

MR. SYMONDS: No I didn't My Lord.

H HIS HON. JUDGE STROYAN: He said that he didn't give evidence before the Magistrates, but he did give evidence at the Old Bailey. So there won't be a transcript of what he said at the Old Bailey.

A
B
MR. SYMONDS: My Lord but he has also given evidence in connection with this series of tape recordings in two other cases, My Lord, at Wells Street Court and at the Old Bailey in the case of Robson and Harris, when questions were put to him by Mr. C. Myn and Mr. Thomas and Mr. Feinstein regarding - I recall this point - the markings on the tapes, and I would submit that replies made by Mr. Hawkey in respect of tapes within this series - in fact I believe he was questioned about tapes within my series as well, tape 1 in fact - I believe that replies made by Mr. Hawkey either at the Old Bailey or at Wells Street in the Robson and Harris case could well be referred to My Lord. This series was recorded as a series by the reporters and by Mr. Hawkey. They went to several different meetings on days following each other, they made their notes and statements marked 1, 2, 3, 4, 5, 6. For instance my statements are 1 and 4.

C
HIS HON. JUDGE STROYAN: Let us see if we can get at it this way. Do you recall - I follow this is very difficult for you after the lapse of time - but do you recall saying anything about the moment when the signatures were put on to the spools when you gave evidence in either the Old Bailey or the Magistrates Court about these matters before? - A: My Lord, if I say that I know that the tapes were signed and placed on the machine, I don't know whether I actually said that the tapes were signed and then put on the machines or that the tapes were taken off and then signed. Whether I made a point about the actual time the actual signature was put on, I cannot remember.

HIS HON. JUDGE STROYAN: You cannot recall? - A: No.

D
HIS HON. JUDGE STROYAN: Just a moment then. "I cannot now remember if I said that the signature was put on before recording or afterwards" is that right? - A: That is correct My Lord.

HISHON. JUDGE STROYAN: Yes Mr. Symonds, did you hear that?

MR. SYMONDS: No, My Lord, I am still looking.

E
HIS HON. JUDGE STROYAN: I think I can save you searching. The witness - I asked him about the evidence on the previous occasions and what he said, and what I have got is this: "I cannot now remember if I said on a previous occasion that the signatures were put on the spools before the recording or afterwards."

MR. SYMONDS: He cannot recall My Lord?

F
HIS HON. JUDGE STROYAN: That is what he says, and indeed it would be a miracle if he could.

MR. SYMONDS: Well, My Lord, may be I can help him in that case because that is rather a vague answer My Lord.

HIS HON. JUDGE STROYAN: Well I don't see that he can give a much more precise one after the time that has elapsed.

G
MR. SYMONDS: My Lord, I think in the Section 2 statements served before, you see, Mr. Hawkey did not give evidence but I was served with a Section 2 statement of Mr. Hawkey's evidence before the committal as a Notice of Further Evidence and I have here an extract of several references to the tapes being new and they signed them My Lord. My Lord: "On each and every occasion tapes were used I saw the reporters write something on them."

H
HIS HON. JUDGE STROYAN: What are you looking at now?

MR. SYMONDS: A Section 2 statement My Lord. My Lord, perhaps I could look this up during the luncheon time and come back to this point rather than wait?

A MR. RIVLIN: I have got the passage, if it helps? It is the additional evidence on page 6 of Volume 2 of the additional evidence. It is the third paragraph.

HIS HON. JUDGE STROYAN: Thank you.

B MR. RIVLIN: "On each and every occasion tapes were used I saw the reporters write something on them, mostly the date, place, persons and signatures." All I have asked is where the defendant gets it from what this witness has said on a previous occasion that they wrote on these before they were used rather than after.

HIS HON. JUDGE STROYAN: Yes.

C MR. SYMONDS: Well in that case, My Lord, if you prefer I will now seek out this exact place and point out the words in black and white?

D HIS HON. JUDGE STROYAN: Well what he has said in this statement, in this Notice of Additional Evidence that I have got is that on each and every occasion tapes were used "I saw that the reporters wrote something on them, mostly the date, place, persons and signatures. All the tapes when first used were brand new and I saw the seals broken." He is there saying that he saw the reporters write something on them but he is not saying whether it was before or after the tapes were used, do you follow?

MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: So what are you putting to him?

MR. SYMONDS: Pardon My Lord?

HIS HON. JUDGE STROYAN: What do you want to put to him?

E MR. SYMONDS: I am putting to him, when he has said previously on some occasion which I cannot find at the moment which I will certainly find during the lunch break that you saw the reporters write, sign and date these tapes before they put them on to the tape recording machines, is that correct or not? - A: Are you asking me a question?

F Q: Yes. Whether ...? - A: Whether I actually saw

Q: The reporters, sign and date ...? - A: I would have to refer to my statement before answering.

Q: Would you please refer to your statement sir?

HIS HON. JUDGE STROYAN: Well we have just been doing that.

G MR. SYMONDS: Well, My Lord, perhaps to save a lot of time and trouble, perhaps Mr. Hawkey could refer to his statement made to the Police. This statement was in fact put to him at the last trial at the Central Criminal Court by the Prosecution, after a few moments, and I believe Mr. Hawkey referred to this statement at the Central Criminal Court two months ago?
A: That is possible.

H Q: In giving evidence. I would like to get through this today My Lord.

HIS HON. JUDGE STROYAN: We must get through it.

MR. SYMONDS: Perhaps I could quickly take Mr. Hawkey through certain points to be found in his statement he made to the Police. Mr. Hawkey does not have the original to refer to in detail, My Lord, but this statement was taken by the Police a couple of weeks after the alleged events, and I would say that it would be more fresh then and apparently contemporaneous.

HIS HON. JUDGE STROYAN: Which statement is this?

MR. SYMONDS: The statement to the Police dated the 13th of January, 1970 My Lord.

HIS HON. JUDGE STROYAN: Is it the one that is served as additional evidence?

MR. SYMONDS: I was served an extract of this, My Lord, as a Notice of Additional Evidence in 1970 at Wells Street Magistrates Court, My Lord, with parts referring only to my case because this statement refers to the Robson and Harris case as well.

MR. RIVLIN: Could I help Your Honour? The position is this, that Mr. Hawkey made a number of statements to the Police a long, long time ago and we have got typewritten copies of them.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: I haven't sought to ask him questions about any of these matters as it all happened so so long ago and I didn't think it fair.

HIS HON. JUDGE STROYAN: No.

MR. RIVLIN: But if the defendant wishes to refer Mr. Hawkey to these statements we have got them here and he can do that by all means.

MR. SYMONDS: I think it would be the best way, My Lord, to quickly go through these statements to get them finished with.

HIS HON. JUDGE STROYAN: Very well.

MR. RIVLIN: I am handing the witness now the first one. It is a very substantial statement dated the 13th of January, 1970.

MR. SYMONDS: My Lord, I wonder if there is a photo-copy in existence of Mr. Hawkey's notes?

HIS HON. JUDGE STROYAN: I shouldn't think so.

MR. SYMONDS: That I could have. I wonder if a photo-copy could be made My Lord?

MR. RIVLIN: Does the defendant mean Mr. Hawkey's original notes?

MR. SYMONDS: The notes he has referred to when being led through his evidence by the prosecutor.

MR. RIVLIN: Certainly we will get photo-copies made of them.

MR. SYMONDS: Thank you very much. Mr. Hawkey, looking at your statement made to the Police on the 13th of January, 1970; do you have that? -
A: The 13th of January?

Q: Yes. It is the thick one, 38 pages? - A: I have it, yes.

Q: Is that the first statement you made to the Police Mr. Hawkey? - A: I believe it was.

Q: Before you made the statement were you in fact interviewed by a police officer, a Mr. Duffy? - A: Yes.

Q: Over a period of one to two days? - A: That is correct.

A

Q: Asked questions? - A: That is correct.

Q: And he made notes?

HIS HON. JUDGE STROYAN: This is the 13th of January, 1970 is it?

B

MR. SYMONDS: Yes My Lord. And after the thing had been sorted out, as it were, this statement was made? - A: That is correct.

Q: If you refer to the first page you will see that this is dealing with the matter on the 28th of October? - A: Uh huh.

Q: And I think you say at 7.30 a.m. you set off for Bingham Point? - A: Correct, yes.

C

Q: With Mr. Lloyd. I see that elsewhere it is stated - I believe by Mr. Lloyd - that you arrived at about 10.15, is that right? - A: I cannot recall it but if it is in the statement I will find it.

Q: Do you recall that there was a delay of three hours or so between leaving Location Sound Facilities and arriving at Bingham Point? - A: I wouldn't remember to be honest.

D

Q: Were you taking with you telephone adaptor equipment? - A: I believe I was.

Q: And the recording equipment? - A: Yes.

Q: And can you recall whether a telephone call was expected? - A: It was.

Q: At a certain time? - A: Em ... I will have to read through my statement.

E

Q: Yes, well if you look at page 2. - A: Uh huh.

Q: You are describing how you met a Mrs. Perry and Mr. Mounter and Mr. Perry, and you connected the Uher tape recorder to the telephone in fact? - A: That is correct, yes.

F

Q: And then you say: "One of the reporters, I think Mr. Lloyd, then broke the seal of a brand new tape and fitted it onto the recorder."? - A: Uh huh.

Q: You recall that quite clearly? - A: Yes.

Q: And then you say that you tested the machine to ensure it was working? - A: Uh huh.

G

Q: And you dialled TIM? - A: That is correct.

Q: You see that? - A: Yes.

Q: Now did at any time, did you erase anything from any of these recordings? A: Erase?

H

Q: Yes. - A: On that tape if I dialled TIM - and this would have been right at the very beginning of the tape

Q: Yes. - A: Em ... well to ensure that the machine was actually working ..

Q: Yes. - A: I would have erased that part of the tape by returning the machine back to zero and then playing it, switching it to record.

A Q: Because you have heard these tapes many times? - A: Yes. Excuseme, may I ask a question?

Q: Yes certainly. - A: Is TIM or the dialling tone not on that tape?

Q: I was going to ask you, Mr. Hawkey, if you recall that there is a tiny fraction of TIM on tape 1? - A: There is.

B Q: Just a fraction and that is what led me to that question. - A: Mm.

Q: Obviously you had erased part of it, you had erased a recording you made. Now, Mr. Hawkey, do you recall erasing any other things on that tape, for example, I understand other telephone calls were received which were not the ones expected that morning? - A: I believe you are right, yes.

C Q: So you erased some telephone calls that morning. Do you recall that Mr. Perry was phoning a number of police officers that morning at different stations? - A: He was, yeah.

Q: He was phoning, if you recall, if you look in the statement, Scotland Yard? - A: I believe I don't remember who he actually phoned.

D Q: Peckham, does the name Peckham ring a bell? - A: Peckham rings a bell, yes.

Q: Does the name Sylvester ring a bell to you? - A: Where you are referring to whether I heard the names, neither at the time or previous, but I do have a recollection of their names being mentioned, yes.

Q: And you recall Symonds and Camberwell? - A: Yes.

E Q: Robson and Harris, Scotland Yard? - A: That is correct, yes.

Q: Do you recall Hughes, Peckham? Spike Hughes, Peckham nick? - A: I don't know.

Q: Anybodyelse? - A: I believe someone phoned up at some time, someone answered it and he was trying to get someone. He may have said "my name's Hughes" I don't know.

F Q: Thank you very much. Do you remember on this particular day the 28th, the two reporters, Mr. Perry and yourself were engaged in tape recording a number of calls to various Police Stations, obviously trying to contact a police officer? - A: That is correct.

Q: A number of calls, but in fact do you recall several calls were made to Camberwell and Sergeant Symonds was not available, do you recall that, and Mr. Perry made further calls? - A: Possibly, yeah.

G Q: Do you remember how many calls were made to Inspector Sylvester to try and encourage him to meet Mr. Perry? Were there a large number? - A: No sir, quite small I would say.

Q: Or a number of telephone calls made to Detective Hughes, Spike Hughes, trying to persuade him to come out and meet Perry somewhere? - A: No there wasn't a great deal of phoning. There were a few calls, but not a great deal, no.

H

Q: Yes, and jumping ahead; on other days, I believe, in other places as well, do you recall going to Perry's brothershouse? - A: Yes I do.

A

Q: And making a number of calls there attempting to persuade some detective somewhere to be foolish enough to come and sit in Perry's car, do you recall that time? - A: We made some calls from Perry's brothers house.

B

Q: And do you recall spending another day making numbers of telephone calls to various Police Stations trying to persuade a number of police officers to come and meet Perry from a lady's house in Beckenham? I think it was a Mrs. Knight, is that correct, Karen? - A: I believe that is correct, yes. When you say that you give the impression we were phoning all Scotland Yard.

Q: Yes, well ...? - A: In actual fact we were only phoning up certain officers.

Q: Yes, I am very sorry, I should have made that more clear, Mr. Hawkey, you were trying to contact Scotland Yard mainly Inspector Sylvester and Sergeant Hughes? - A: Yes that is correct.

C

Q: Myself at Camberwell and Detective officer Robson and Detective Sergeant Harris at Peckham. Do you recall the reporters persuading Mr. Perry to phone up any other police officers at all during this exercise? - A: No sir.

Q: Any other names? - A: There just seemed to be certain named officers that they were interested in.

D

Q: Interested in, yes, and if the officer wasn't in, or was busy, another call would be made later to try to contact him on several occasions, many occasions, for instance, I believe on this tape 1, there are I think 3 calls made to Camberwell before

HIS HON. JUDGE STROYAN: Mr. Symonds, I have got the general impression.

E

MR. SYMONDS: Very good My Lord, I will finish that now. Mr. Perry, he was quite happy to go along with this, he showed no reluctance, the reporters suggested it and he agreed? - A: Yes that is correct.

Q: Yes, thank you. Now when you rubbed off TIM, off the tape, of course a lot of these phone calls were fruitless, weren't they, because I believe you never did contact Mr. Inspector Sylvester or Hughes? - A: To my knowledge, no.

F

Q: You never were successful? - A: No.

Q: So of course you had tape recordings with actually all these calls trying to contact Inspector Sylvester and Sergeant Hughes which were no use because he wasn't in? - A: I wouldn't say a lot of calls because after the first few attempts, once the machine was working you could monitor through the tape recorder using the speaker and therefore you didn't have to have the tape running, you can have it held in the pause position.

G

Q: Yes I understand. What did you do with those tapes referring to all those telephone calls, what happened to them? - A: I believe some of those recordings are actually on one of those tapes.

H

Q: That is quite right, that is our tape 3, but the other calls I am referring to, for instance, the unsuccessful ones to Inspector Sylvester and Hughes? A: I don't know whether I mentioned it in the statement at all or in my statement but some of the tapes were ... the tapes were given to the

reporters, whether there was actually any parts or bits of conversation on them I don't know.

A

Q: So if there is anything on it at all you would give it to the reporters because obviously it is part of the series of events in this enquiry? -
A: Correct.

Q: You are quite experienced. You had been with Location Sound Facilities for some years, Mr. Hawkey, is that right? - A: That is correct.

Q: You had been at Location Sound before? - A: That is correct.

B

Q: I beg your pardon, you had been on location before? - A: That is correct

Q: And you state how you advised the reporters to write on the reels and such. Now going on from that Mr. Hawkey, I understand when you go on location it is normal to take a certain amount of equipment with you. I understand you take so many tapes of this size and so many tapes of this size normally? - A: That is normal practice, that is correct.

C

Q: With Location Sound Facilities, and so after the first day - the first day I understand you were then going to make a tape of a phone call and you had to send for more equipment - and after the first day if you went on location to a meeting you would be properly equipped. Now can you remember how many 7 inch tapes, for instance, you would take out on location normally? - A: I believe if you refer to my list it tells you how many tapes I took, I'm not sure whether I actually drew them from the stores.

D

Q: Before such a meeting? - A: Before going away. The actual number.

Q: Yes. - A: The actual number.

Q: Thank you, but you always went equipped to make recordings? - A: Yes that is correct.

E

Q: Because you were a Sound Engineer and you were going on a recording exercise. Well if you could look back to page 3. You had lunch at the flat, is that right, on the bottom of page 3, going through it very quickly? - A: That is correct.

Q: And then after you still had not been able to contact me at this time - I am sorry you had contacted me by this time - had you, by lunchtime? -
A: Em ... around lunchtime I would say.

F

Q: Around lunchtime? - A: If we had just had fish and chips, well it is hard to say what time of the day it was, we may not have eaten until the afternoon.

Q: I understand the call was expected from Mr. Robson at 10 o'clock, is that right? Do you recall? - A: (No answer.)

G

Q: Never mind. - A: I don't recall now.

Q: No. As a result of a conversation between you and Mr. Lloyd you then fitted the Nagra tape recorder and microphone into Mr. Perry's car? -
A: Correct.

Q: At the bottom of the page, yes? - A: Yes.

H

Q: You then at some later time you drove to the Plough public house, are you following quite easy? - A: The Plough public house, yes.

Q: And then you fitted Perry up with a radio microphone around his neck and a transmitter inside his inside pocket? - A: Yes.

A Q: Also I see you were asked to make a recording of a conversation from a public telephone booth, I see, but you refused to do it. I see that is right. You then drove to the Rose public house and were present that day when you saw the reporters break the seal of a brand new tape. Did you in fact see them break the seals of two brand new tapes, now that we have seen that there are in fact two? - A: Two tapes?

Q: Yes. - A: May I say the tapes when they went from Location Sound were sealed and you had to break them so therefore

B Q: You had to break them. They come in a polythene, a little plastic bag? - A: I believe they did.

Q: You have to rip the bag open? - A: I believe that is correct.

Q: And the tape is then sealed with sellotape, is that correct, to stop the tape coming loose from the spool? - A: I believe that is correct, yes.

C Q: And later on I think you said that on every occasion in fact you say brand new tapes were used? - A: Yesh.

D Q: And I think you also said as a professional sound recordist you would not dream of using used tapes once they had been used - professionally speaking - I think your words were "they are clean and virgin tapes". You returned used tapes and entered them on returned to stock invoices as it is wise to never use them again on a location, is that right? - A: They are generally returned so they can be used in the workshop.

Q: Or for laboratory use? - A: Yes.

E Q: So when you go out on a morning you sort your equipment out, which is I think listed somewhere, 2 dozen tapes and equipment for the day you went on location. You take care to see the reporters break the seals of brand new tapes. We have not quite established yet if the reporters either wrote on the spool either before putting them on the machine or if they wrote on them immediately after taking them off the machine, one or the other. Did you advise them at all on this as the Sound Engineer? - A: Possibly, yes.

Q: That is to write on first? - A: Yes.

F Q: Did you actually advise ...? - A: I don't know what I advised. I advised them on a lot of matters otherwise they wouldn't have been able to tell one tape from another.

Q: So it is probably right that you advised to write on them before they put them on to the machine? - A: Possibly.

G Q: The equipment was then tested and you then drove to the Rose public house. Now when the reporters were preparing for the meeting did you in actual fact see any money Mr. Hawkey? I believe you say in your statement - if you refer to your statement at the top of page 5 it might help your memory for that occasion - "I saw the two reporters search Perry but I did not hear their conversation." Did you see any money on that occasion? A: No sir.

H Q: No, thank you. You drove then to the Rose Inn via the Plough? - A: Yes correct.

Q: Now the tape recorders were of course switched on before you set off from the Plough, is that correct? - A: Em ... now wait a moment, we are at the Rose.

A Q: You are at the Plough, you set up your equipment and obtained a meeting for Mr. Perry to meet a police officer shortly and Mr. Perry's now setting off to meet the police officer in his car. Now would you switch on the equipment then, before leaving the Plough? - A: Em ... would you say that again just to clarify it, sorry.

B Q: Sorry, I know it is very difficult to take your memory back at this time Mr. Hawkey. You are setting up the equipment at the Plough and while you were testing the receiver did you find any fault breaking out? Was there any difficulty in transmitting from the microphone transmitter to the tape recorder receiver? - A: No because if there was we wouldn't have used it at the time, but this is the position, or this would have been because it was very close to the receiver at the time and no screening in between.

Q: You don't recall finding any faults? - A: I don't recall finding any faults otherwise I wouldn't have used the equipment.

C Q: Yes, and when you arrived at the Rose did you in fact see Mr. Perry in the vicinity of the Rose public house? - A: Em ... I will refer to the statement. Can you tell me what page?

Q: Well on page 5 you followed Perry's Wolseley which contained Perry and Mr. Lloyd? - A: Excuse me just a moment.

D Q: Yes.

HIS HON. JUDGE STROM: Mr. Symonds, it may help you to know that so far as the tape recordings are concerned I don't attach a great deal of importance to number 1 which just relates to the telephone conversations, and so far as number 2 is concerned I share the view which has been expressed by a number of people that it is not a particularly very good recording and it is not particularly helpful. That may enable you to

E MR. SYMONDS: Very good My Lord, that, well in that case we won't bother too much with that Mr. Hawkey and we will go on to the next occasion which is the 31st. But before then, Mr. Hawkey, you made telephone calls from Mr. Perry's flat on the 28th and you made telephone calls also on the 30th. Now when you looked at tape 3, exhibit 4 and you looked at some writing on the spool of that exhibit did you see "phone calls" written on one side of the spool? Would you like to look at it again? - A: No I would like to look at the box again if I may?

F Q: I think you read some writing on the box about the tape running down? - A: That is correct.

Q: Tape 3, exhibit 4? - A: Now what was the question? Actually this is very feint.

G Q: Do you recall "phone calls" being written on one side of that tape recording? - A: No it is so faded I cannot.

Q: You are looking at tape 3? - A: Tape 3.

Q: Yes. - A: And 3A.

H Q: And 3B? - A: And 3B, that is the one.

Q: Is it correct that 3A and 3B is on one side of the recording and "phone calls" are on the other side? - A: Possibly, I cannot actually read it, it is illegible at the moment.

A Q: I see. Can you recall when those phone calls were made? - A: Not without referring to my statement.

Q: If you look at your statement - page 7 Mr. Hawkey-on the 29th of October you received a phone call from Gary Lloyd and a conversation took place, so on the 30th of October you went once again to Bingham Point and you took your equipment with you. Is that correct? - A: Correct.

B Q: Yes, and you were instructed to fit the equipment to a telephone? - A: That is correct, yes.

Q: And Perry made several phone calls without success (at the top of page 8) we are still talking now of the 30th? - A: That is correct, yes.

C Q: You say you don't know who suggested these phone calls but you got the impression that he had arranged with the reporters to ring these persons in order to arrange a meeting. Are you looking at that? - A: Yes.

Q: "The reporters wanted the meetings arranged at specific times to enable the equipment to be set up at a suitable meeting place." Do you recall if those phone calls were recorded on that date, the 30th? - A: Well there is no mention of it in the statement so therefore I should say no.

D Q: No. Well if you were to listen now to tape 3, the phone calls, would that refresh your memory as to whether those were the calls made on that day because there is no date you see on where "phone calls" is written? - A: No sir, therefore, it wouldn't help me very much, would it?

Q: Well we will just leave it then that on the 30th you went to Bingham Point and you attached the telephone equipment up and phone calls were made and you have looked at a tape recording of "phone calls" written on the spool. I leave that for the moment. Now if you go on to the 31st. Oh one more point on that Mr. Hawkey. - A: Yes.

E Q: When you made these phone calls on the 30th you had already adopted this procedure of writing on the tapes, I imagine, this was a new tape with the plastic bag on it and the seals unbroken. After the tape recordings were made can you remember if the reporters took the recording away or you did? A: I didn't take any recordings away.

F Q: You never took a recording away ever. Thank you very much. So the reporters will have taken this recording away on the 30th? - A: Yes they will have done.

HIS HON. JUDGE STROYAN: Can you say whether there was a recording on the 30th A: If it is not in the statement, My Lord, I would have said no. I cannot remember in actual fact.

G HIS HON. JUDGE STROYAN: Is it in the statement? - A: Em ... well it record that I was monitoring the telephone calls at the time, but there is no mention actually of making a recording at that time.

MR. SYMONDS: No My Lord. I could ask Mr. Hawkey to accept there is no record of my voice on the phone calls but I understand the telephone conversation is not long, it is just I understand 2 or 3 minutes. Would it be convenient to play that tape My Lord?

H HIS HON. JUDGE STROYAN: Well I don't think

MR. SYMONDS: This is a tape, My Lord, which affects my case in two ways which is one side of my exhibit and also phone calls were made on this date in an attempt to contact me.

A HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: There is no record of my voice, or alleged voice, on tape 3 so, therefore, the only reason why this tape or this side of the tape is in existence is because tape 3B is an exhibit in my case.

HIS HON. JUDGE STROYAN: Well I understand that.

B MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: But I don't think it is going to help me to hear it now. You see I am trying to decide on the authenticity of them tapes.

MR. SYMONDS: Very good My Lord. I will try it another way later on My Lord.

HIS HON. JUDGE STROYAN: Yes, very well. Yes.

C MR. SYMONDS: My Lord, to save the time of playing tapes and what not, My Lord, mebbe I could refer you to the first official Police transcript of the recordings, of these tapes at

HIS HON. JUDGE STROYAN: You see I am concerned

D MR. SYMONDS: And in this way establish that in fact these phone calls were made and do refer to phone calls made on the 30th.

HIS HON. JUDGE STROYAN: Well I will assume that to be so for the moment.

E MR. SYMONDS: The point is, My Lord, that one side of the tape is phone calls made on the 30th and one would assume that this tape was then signed and put away in the locked steel safe in the Times buildings, but on the other side we have an alleged conversation with me on the 31st which is somewhat unusual, My Lord, because the fellow employee Sound Engineer is there with new tapes ready for use and we have heard evidence of how on each and every occasion tape recordings were made they were all whipped straight back to the Times and securely locked up, and I would like to know - and what I am aiming at - is how did this tape of phone calls made on the 30th and presumably taken back to the Times and locked up, why was it brought out again on the 31st and used again to make another recording. I could ask Mr. Hawkey about this, My Lord, but his evidence has been quite clear, there were brand new tapes used on every occasion. He is a trained man used to going on location and the procedure was followed that whenever a tape was used - obviously which has some relevance to the case - it was given to the reporters.

F HIS HON. JUDGE STROYAN: The position is this, is it, that on one side of this tape which is exhibit 3, 3A and 3B are some telephone calls which you say were made on the 30th?

G MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: And on the other side are recordings which it is alleged were made on the 31st?

MR. SYMONDS: Yes My Lord.

H HIS HON. JUDGE STROYAN: Well I have got that point and at first sight I think this witness's evidence was that each tape was a new one when it was used.

MR. SYMONDS: Exactly My Lord.

HIS HON. JUDGE STROYAN: I follow that.

A

MR. SYMONDS: And my next question following from that is can Mr. Hawkey offer some explanation as to how this tape came into existence? A tape recording which had been used on the previous day bearing in mind the system which is being said to be followed? - A: Might I point out that it is not a full width recording. When I say a "full width recording"

MR. SYMONDS: Yes. - A: I think I am correct in saying that the Uher in this particular machine is what is called 'half track'

B

Q: Yes. - A: And therefore you can make a recording on one side or on one track which we would have done on the 30th

Q: Yes. - A: And the reporters would obviously have brought the tapes or that particular tape back with them

C

Q: Yes. - A: And rather than record over on the 30th's recordings that we made, the tape was turned over and it was recorded on the other track.

Q: Yes. - A: And that is straight forward.

Q: Yes. Yes I see. - A: And therefore you're not interfering with the original recording.

D

Q: Yes I quite understand. Why didn't the reporters use a new tape? - A: I cannot recollect at the moment sir.

Q: I see. Do you recall the start of the tape on the other side? Do you recall the start of that tape contains a part of the meeting between Mr. Perry and Inspector Robson and Harris? I think you referred to it as a "mickey mouse" tape? - A: That is correct.

E

Q: And do you recall that part of that meeting is in fact erased by my meeting with Perry coming on? - A: That is correct sir, there was an overlap yes.

Q: So something has been rubbed out? - A: There was an overlap, yes.

Q: It goes straight on as if someone who didn't know them could listen to this conversation and apart from the speech being wrong it could be one continuous conversation because there is no gap. Do you recall that? - A: Well it wouldn't be part of the same conversation.

F

Q: No. - A: But it would ... the audio signal would follow through.

Q: Yes, and (inaudible) to the stop clocks and things, but an ordinary chap listening to this tape recording, switching it on, it starts off blar, blar, blar, blar and goes on to the end and somewhere in the middle of it in fact there is in fact two conversations, because the first part deals with Robson and Harris and the second part deals with Symonds in fact? - A: Yes that is correct.

G

HIS HON. JUDGE STROYAN: This is 3, 3A and 3B?

MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: Well I would find it helpful if you dealt with the tape which is the one which is exhibit 3 number 5.

H

MR. SYMONDS: Certainly My Lord. Now, Mr. Hawkey, I think you recall you identified this tape and I will try to find your page. Yes, starting on page 11, Mr. Hawkey, "the next day, Friday the 31st". Can you turn back to page 10 a little bit here I would just like to mention

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

MR. SYMONDS: Yes, My Lord.

HIS HON. JUDGE STROYAN: You have made this point.

B MR. SYMONDS: I think there is one point I should bring up again and that is that Mr. Hawkey has given evidence that the "Mickey Mouse" sound on tape 3A was because the batteries were run down ...

HIS HON. JUDGE STROYAN: Yes I have got that.

C MR. SYMONDS: And it is quite usual he said just now, it was normal on location to take spare batteries and I wanted to ask Mr. Hawkey if he could offer some sort of explanation as to why on an exercise such as this were different batteries not used when there are in fact ample batteries?

HIS HON. JUDGE STROYAN: I don't think that matters, you have made your point about why it should not happen that the batteries run out. It doesn't seem to matter. What does matter is what the tapes are like.

D MR. SYMONDS: Very well. Coming back to this phone call business
A: We are now on page 10 are we?

Q: Page 10, yes. You went on the 30th

HIS HON. JUDGE STROYAN: I thought we were on exhibit 3, tape 5 now?

E MR. SYMONDS: Yes, My Lord, there is a rather important point here. Rather than going back to pages I am trying to help Mr. Hawkey by whizzing through the statement and then there is just a few points I would like to clarify.

HIS HON. JUDGE STROYAN: Yes.

F MR. SYMONDS: Page 10. You are just finishing making a recording of a meeting you see. You have made telephone calls that morning in Mr. Perry's home at Bingham Point then you went off for a meeting, where in fact tape 3A was made with Mr. Robson and then you went off to Perry's brothers house a few minutes drive away. I think the address was 194 or 164 Cromwell Road? - A: I wouldn't know.

Q: But it was a different address to where you had made the telephone calls that morning? - A: Yes.

G Q: And you had another go at phoning up police officers there. You fitted recording equipment on to the telephone and made some more calls. Now were those calls recorded? Do you recall whether those calls would be recorded? Would they also be on tape 3? So having used tape 3 for phone calls on the morning would you just sort of set it up again in the evening or use a fresh tape? - A: Well the set would have been switched to 'monitor'

H Q: Yes. - A: And the tape - if there was a tape on the machine at that time - it would have been held at 'pause' because of the problem we had before.

Q: I understand it is said somewhere that you were particularly interested in getting hold of Inspector Sylvester at this time? - A: I believe they were, yes.

A Q: Yes, and I think you all went across to a pub for a drink, is that right, later on? Miss Millard remained in the public house, yes, so you went across to the pub for a drink and Perry stayed at his brother's house. Now in the pub whilst you were having a drink Gary said so on and so on. "I should mention Miss Millard joined us while we were there." Do you recall that Perry stayed in the house of his brother, did he, whilst you were in the pub having a drink? - A: I believe he did.

B Q: He did, yes, and was this tape recording attachment still hung on to the telephone at that time? I don't suppose you noticed that?

HIS HON. JUDGE STROYAN: Are you still on the 30th?

C MR. SYMONDS: Yes My Lord, on a second series of telephone calls made from a different address to clarify the phone calls. We haven't played the tape My Lord. This tape may concern calls made on two occasions. - A: Well if we hadn't received calls at that time, My Lord, we couldn't get through to the people that they wanted to so I would have taken ... disconnected the machine.

Q: So there was no opportunity then of Mr. Perry being alone in the house with all this equipment set up and what not? - A: I would say not.

D Q: While you and Mr. Lloyd and Mr. Mounter and Miss Millard were having a drink? Yes alright. Do you recall when you went for a drink, do you recall taking the Uher recorder with you? - A: I don't recall whether I put it in the car or the van outside. I wouldn't recollect.

E Q: But you may have left it connected because you said later on? - A: You say I would have left it connected. Now if we hadn't had any calls or if they hadn't got through to the people we were trying to contact I think I would have disconnected the equipment and put it to one side.

Q: Yes I see. When you were having a drink with Mr. Mounter and Mr. Lloyd I believe that is when Miss Millard first came on the scene, was it? She was a fellow employee of yours at Location Sound Facilities? - A: That is correct, yes.

F Q: And in actual fact she took some part in these enquiries, she assisted you in fact? - A: That is correct.

Q: And was that the first time she actually came to join your group on the 30th? On that night? - A: I believe it was.

Q: Did she come into the pub and you saw her there? - A: Yes.

G Q: When you were in the pub did someone else come in? Had some arrangement been made for a photographer or something? Do you recall the name Prigmore? - A: I don't recall the name.

Q: A little chap? - A: It is possible someone joined us. I believe someone did join us.

Q: Did he have a hire car? - A: I wouldn't know.

H Q: Do you recall two men coming in, one man in a blazer? - A: I'm going from memory now. I believe someone did actually come into the pub but whether it was one or two I couldn't say.

Q: Yes. Do you recall Mr. Grevett, did he speak to you at all? - A: I wouldn't remember if he did.

Q: Do you recall him coming in and giving some tape recordings to Mr. Lloyd in fact? I understand he had brought them from the Times for Mr. Lloyd?
A: No I don't recollect it at all.

Q: You don't recollect that. I see. And then the next day you were having another meeting with Mr. Lloyd, Mr. Mounter, Mr. Pridmore - at the bottom of page 11 - and do you recall that morning you went to a meeting between Perry and Mr. Robson and Mr. Harris on the morning of the 31st? - A: That is correct.

Q: Or was it Mr. Harris, at the Edinburgh Castle

HIS HON. JUDGE STROYAN: We have now got to the 31st have we?

MR. SYMONDS: Yes My Lord we are at the 31st at the Edinburgh Castle public house. - A: That is correct, yes.

Q: And were recording devices used for that meeting? - A: There was.

Q: Yes, and there were ... was it correct to say that you had a Nagra and a Uher? Looking at your statement, page 12: "I fitted Perry's car with a microphone under the dashboard linked to a Nagra in the boot" and the microphone on his chest to a Uher? - A: That is correct, yes.

Q: And the Uher was in fact in Miss Millard's car? - A: Correct.

Q: And was the usual procedure gone through there of tearing open the tapes and putting ... and signing them either before or after the recording? - A: Yes.

Q: It was one or the tother? - A: Yes.

Q: And you were very careful about no mistakes? They were signed either immediately before they went on or after, they didn't get mixed up after being taken off the machines? - A: That is correct, yes.

Q: So for the meeting at the Edinburgh Castle for Mr. Robson and Mr. Harris I see you say here: "We fitted two brand new tapes to the recording machines and I saw the reporters write on the reels of the tapes." Now this is about three quarters of the way down page 12 to help you. Do you see that? - A: No.

Q: Referring to the meeting with Mr. Robson? - A: "We fitted two brand new tapes to the recording machines."

Q: Yes. This was done, there is no doubt about that? I understand the meeting was unsuccessful because Mr. Robson drove off or something and the tapes hadn't recorded?

HIS HON. JUDGE STROYAN: Let us be clear; I thought you said you say they fitted two brand new tapes and you say a reporter wrote on the tape?

MR. SYMONDS: Yes that is the evidence My Lord.

HIS HON. JUDGE STROYAN: Was the writing done before or after the tape was used? - A: I cannot recollect My Lord.

MR. SYMONDS: My Lord, I think we have got to either immediately before or immediately after, anyway before they were listening to them, that is the point as I understand it.

HIS HON. JUDGE STROYAN: Can you remember whether it was before or after? -
A: We are only talking of a moment in time My Lord.

HIS HON. JUDGE STROYAN: Yes. - A: If I placed a tape on the machine and was it signed then before you have put it on ...

HIS HON. JUDGE STROYAN: Yes. - A: Or the question is did you pick it off the machine and sign it then. It is a matter of having a time, is that correct?

MR. SYMONDS: Yes, whether it was immediately before or immediately afterwards? It was one of those two.

HIS HON. JUDGE STROYAN: That is not the question I was anxious to find out. Was the signing done before or after the tape was used? - A: I couldn't be absolutely sure My Lord at this time.

Q: Can I clarify that Mr. Hawkey? If it was signed after the tape was used it was before it was listened too and before they were taken off and signed? - A: They were taken off and signed, that means when they were signed, well, they would have been signed before the tapes were listened to in any case surely.

Q: Thank you very much. - A: On both occasions.

Q: On both occasions. Quite right. So two tapes were fitted to a Uher and a Nagra in order to attempt to tape record a meeting between Mr. Perry and Detective Inspector Robson, but I think if you look at page 13 and on to page 14 - bottom of page 13 - you can see this at the bottom, not at the bottom but 6 lines up, the fact that they had driven too far from the Mustin Westminster would account for the tape on the Nagra being blank. - A: Yes, on page 13.

Q: Yes. The meeting failed in fact

HIS HON. JUDGE STROYAN: This is a Robson and Harris tape?

MR SYMONDS: Robson and Harris, My Lord yes.

HIS HON. JUDGE STROYAN: Well I don't think that is going to help me much.

MR..SYMONDS: It is very very important My Lord. So the meeting on the 31st was a failure, the tapes recorded nothing. Do you get that from reading page 13? - A: Yes.

Q: The two tapes were taken back "and I asked Mr. Mounter if he wanted to use them again and he said that he only wanted new tapes. The tapes were put through a cleaning machine and returned to stock." So that is the two tapes used that morning, right? - A: Right.

Q: What about the writing on the labels? I suppose that in the Location Sound Facilities for some time after those were being used for laboratory purposes and such like, and testing in the laboratory and non-professional assignments, I suppose there was a number of tapes with sort of Mr. Mounter's and Mr. Lloyd's signature on because these were the ones they would have signed and something like this would have happened where the car would have driven too far away and there was absolutely nothing on them, they were totally blank and you took them back to Location Sound Facilities, right? Now if you put them through the cleaning machine it would mean you had a clean tape but you would still have the writing on the labels, wouldn't you? - A: That is correct some would.

Q: So I suppose in your laboratories and workshops, for example, these tapes would be floating around which had been signed by Mr. Lloyd and Mr. Mounter?
A: Yes that is quite correct.

A Q: Thank you very much. Did you say you locked them away? - A: No I wouldn't lock them up because

B Q: You just supply from new stock? You supply them professionally and you say brand new ones had been fitted, signed then used, taken back to the laboratory, you cleaned them invoice-wise, I think you said, stock-wise. You had drawn 3, took 2 back, cleaned two and this is a professional organisation, and having been put through a recording machine there is no record of Mr. Perry and Mr. Robson speaking in actual fact but the chemical value is slightly changed? - A: That is correct, yes.

Q: Once they have been used they are not virgin tapes, it loses the quality. The noise level is increased by a sort of chemical or something? -
A: Yes.

C Q: They cannot be professionally used so they are given to the laboratory, right? O.K. Now that morning - page 14 - there was a meeting arranged between Sergeant Symonds and Mr. Perry for the afternoon. Now this is the supply of tape 5 exhibit 3 and tape 3B exhibit 4, yes? - A: Uh huh.

Q: This is the one on the Uher which already had phone calls and part of a meeting on. Something is wrong here. The recording 3A when was that exactly made Mr. Hawkey, was that made on the 30th or the 31st? - A: You will find that on the schedules of the tapes sir.

D Q: On the schedules? - A: Yes.

Q: Right. The back of your statement I see you made a schedule, page 35.

HIS HON. JUDGE STROYAN: I haven't got this. Is it going to help me?

MR. SYMONDS: Could his Lordship please be given the full copy of this?

E HIS HON. JUDGE STROYAN: No it only becomes relevant I am being careful not to look at it unless the witness speaks to it.

MR. SYMONDS: My Lord, if you could look at the end part of Mr. Hawkey's statement which is the schedule he made for the assistance of the Police about what happened with the tapes

F MR. RIVLIN: Your Honour, I am going to hand you a copy of the schedule to which the defendant refers.

HIS HON. JUDGE STROYAN: Yes, thank you.

MR. SYMONDS: Thank you very much. I am referring to that schedule now I know that you listed tape number, date, time, persons, remarks. The remarks refer to photographs? - A: No.

G Q: Well what are the 'photographs'? - A: No, this is references to the photographer who is present I should think.

Q: Photographs of the meeting? - A: Unless this is the Police.

H Q: It says: "See photograph" and "exhibit number" which is blank all the way down. Anyway, leave that. So looking at this we see that tape 3 was a telephone call to Uher - A.M. 30/10/69 Bingham Point - Perry/Harris. So we have established from this, Mr. Hawkey, that those calls were made in

the morning on tape 3, on the phone calls side, and apparently we don't have any of the phone calls made in existence. I see that ... well I am not sure I do. Tape 3A - Meeting, radio microphone to Uher but no date. Oh yes. -
A: Date - 30/10/69.

A Q: Then we come to 4. Yes you have 3 - a.m. 30/10/69 4 - p.m. 30/10/69 and 3A 30/10/69. Oh I see. So what happened here then is that not only were the phone calls made on the 30th but tape 3A was also made on the 30th, is that right? - A: Well one would assume so, yes.

B Q: Yes, because obviously you would have done this very carefully. So tape 3 that is the phone calls side and 3A which is the first part of the conversation shown on the other side - the meeting between Perry and Harris - all took place on the 30th. But I assume the tape was taken back to the Times but we have covered this tape so I now add to my query about it why was the telephone call tape brought out again? I now add to that, why was the telephone call and Mr. Robson's meeting brought out? Do you see, because both those events occurred on the 30th and tape 3B is the 30th, 3A the 30th. - A: I have got that.

C Q: If you look underneath - immediately under the items of 3A - you have two tapes there "Meeting direct to Nagra in boot of Perry's Wolseley" "Radio microphone to Uher in Miss Millard's Wolseley." Now those two tapes are missing aren't they? - A: I believe they are, yes.

D Q: Right at the bottom of the page - tape 5 - a.m. 31/10/69. Now was this a brand new tape do you recall? Was the procedure used here? We know two tapes were used on this occasion allegedly - 3A which is obviously not brand new, obviously it has been used the previous day twice.

HIS HON. JUDGE STROYAN: Five is the one I am interested in.

MR. SYMONDS: Five. Do you recall if that was a brand new tape? - A: To my knowledge and if it is in the statement.

E Q: Let us go back to your statement and see if we can help there. Tape 5.
A: Page 5?

Q: No tape 5, I am coming to it now. I have it, page 14, right at the bottom "I saw a new tape fitted to a Nagra in the boot of the Wolseley." Yes. -
A: Hang on just a moment please.

Q: Halfway down. Well three quarters of the way down the page. - A: "I saw a new tape fitted to a Nagra in the boot of the Wolseley."

F Q: Yes, and of course this statement was made, what, just weeks later? -
A: Yes.

HIS HON. JUDGE STROYAN: Yes.

G MR. SYMONDS: Yes. Now when you heard this tape being played this morning, is that right, do you recall this? Tape 5, exhibit 3? Do you recall that tape being played? - A: I recall the tape.

Q: Now I would like you now ... do you recall the tape? Indeed I would like to ask the technicians, My Lord, to reconnect that tape just where it finished this morning?

HIS HON. JUDGE STROYAN: Well we have all heard it.

H MR. SYMONDS: Yes, My Lord, you have heard the finish of the conversation but there is some rather interesting bits which follow almost immediately behind it which you didn't hear My Lord.

HISHON. JUDGE STROYAN: I did. I heard the same tape as everybodyelse.

A
B
MR. SYMONDS: Yes My Lord, but I am referring now, you see, this tape goes on for some time. For example, if the tape goes on for half an hour and, for example, the conversation lasts 10 minutes then there is a period of tape following on from the conversation which is also recorded, My Lord, not a recording of the alleged conversation but there are words spoken and they are words spoken, for instance, between Mr. Perry and the Sound Engineer and the reporters after the meeting when having carried out the meeting and driven say around the corner to meet the reporters, the reporters and Mr. Hawkey approach the car and express interest in what went on and such, and the microphones were still live at this stage. It was before they switched off the recorder.

HIS HON. JUDGE STROYAN: Is this in the transcript anywhere?

MR. SYMONDS: Yes My Lord, the transcript I put to you at 35A.

C
HIS HON. JUDGE STROYAN: It would be much quicker if I looked at it in the transcript.

MR. SYMONDS: A conversation takes place in which Mr. Hawkey's voice can probably be heard and no doubt he was present.

MR. RIVLIN: I think if you look at page 18 of exhibit 35A.

HIS HON. JUDGE STROYAN: Yes.

D
MR. RIVLIN: I hope that this may assist Mr. Symonds if he goes to page 18 of 35A.

HIS HON. JUDGE STROYAN: It starts: "What?"

MR. RIVLIN: It starts: "What?"

E
MR. SYMONDS: Yes.

MR. RIVLIN: The part of the conversation which I think Mr. Symonds wishes to point out is that if one plays the tape on after the alleged meeting between him and Mr. Perry, one hears some more words.

MR. SYMONDS: That's correct My Lord.

F
MR. RIVLIN: Yes. While I don't think that we need the tape to be played - unless Mr. Symonds insists - we have got a transcript of it here.

MR. SYMONDS: Very good, My Lord, I accept that. I wonder if this witness could be shown such a copy? Page 18 of exhibit 35A?

HIS HON. JUDGE STROYAN: Yes.

G
MR. SYMONDS: Will you briefly turn back to page 17 please Mr. Hawkey? In actual fact that is where it starts, where you should have a time there 29.13.

HIS HON. JUDGE STROYAN: The car radio music?

MR. SYMONDS: Yes, he will see you later. - A: Yes.

H
HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: And two minutes of car radio music, do you see that? - A: Yes.

A Q: And then it follows on: "Two minutes pause. (garbled) Engine noise - 3 minutes. (garbled) (garbled) Round the corner a bit more. Engine noise. (garbled) Yeah, he said, - this car ain't bugged, is it? (Laughter) Engine noise." Right. Then you turn over to page 18 then you see: "What? In here. He said - the car ain't bugged, is it? Did you think he suspected anything? No, he couldn't (garbled). (laughter) Let's - put it in this car shall we? (garbled) Engine noise. (garbled) Engine noise continued! Now on the tape ... on this transcript ... yes that is interesting. In between (garbled) Engine noise, have you got that? Six lines up. "Let's put it in this car shall we?" - A: Uh huh.

B Q: (Garbled) Engine noise. Right? Now that spot - exactly in between "engine noise and (garbled)" there was found a pencil mark on this tape recording. Now have you been shown this pencil mark or pen mark on the back of the recording at any time? - A: No I will take your word for it.

Q: Well there was one. Did you have any reason to mark the tape just there? A: No.

C Q: You never sort of thought that you had to take out a pencil and make a mark on the tape for any reason there whatsoever? - A: Nothing to gain from it.

Q: I see. Did you mark any tapes at any time? - A: No.

Q: On the back? - A: No. I think I did mention

D Q: You mentioned how to stick on sticky labels with gradations. I think I can ask you about this because I think Mr. Comyn asked you about this, and that is that the experts who examined this tape found something there which suggests that there is something because there is a change in the tape which they will go into great detail about later. Do you remember being asked about the change in the tape at that point where that conversation between Perry and 'male' finishes and asking if you could account for that? - A: And I would have said I couldn't account for it.

E Q: You would have said that. I would like to try and draw your attention to further on now: "Engine noise. (garbled?) (garbled) Nothing? I think I ought to get in his car, hadn't I?" Do you remember that? - A: No.

F Q: Alright I will continue then. "P" (garbled) "Who's that in the Wolsley?" he said. You see what is happening here, is that apparently after the meeting Mr. Perry is discussing what he says, what he alleges happened, with the reporters and yourself of course. Yes. Do you recall these discussions afterwards? - A: Well ...

Q: I expect you were anxious to hear? - A: What the recordings were like and to

G Q: Do you, Mr. Hawkey, recall Mr. Perry saying in your presence, "Who's that in the Wolseley?" - A: No I don't recall that at all.

HIS HON. JUDGE STROYAN: I'm not sure anyone could recall what was written down after 11 years. If they said they could I would pay no attention to it.

H MR. SYMONDS: Did Mr. Hawkey, when he listened to the tape recording this morning, recall any mention of a Wolseley or anybody saying "who's that in the Wolseley?" in that tape recording? Can you recall that when you were listening to it? - A: I didn't take particular notice, no. I

didn't take particular notice of it.

Q: Well there is nothing about that in the transcript at all. I won't go into that now I assure you; and then 'male' said: "Did he

A MR. RIVLIN: Your Honour, the words are: "Who's that in the Wolseley?" he said

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And, Your Honour, the last thing I want to do is to cut the defendant short in any way, but is it going to be of any assistance to him to know that we accept that these words were used

B HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And that the tape records these words.

HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: And that they come some time after the alleged conversation between him and Mr. Perry.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And I am prepared to accept much of what the defendant has been putting this morning, but it seems that with great respect to him, not to have a great deal of relevance to our present enquiry.

D HIS HON. JUDGE STROYAN: Well that is what I was thinking myself. It is accepted that all this was said you see Mr. Symonds?

MR. SYMONDS: Yes My Lord, it is on the tape recording now.

HIS HON. JUDGE STROYAN: Well there we are.

E MR. SYMONDS: But, My Lord, I submit that this has enormous, enormous relevance, My Lord, and I would like to continue asking questions about

HIS HON. JUDGE STROYAN: Just listen to me for a moment. That is something you can submit to me when you conclude your case on the trial within a trial.

F MR. SYMONDS: My Lord, I will find it difficult to find how I am going to word the submissions for you about something I was stopped asking questions about.

HIS HON. JUDGE STROYAN: Well you are not being stopped.

G MR. SYMONDS: Well, sorry, My Lord, I thought I was advised. I would like to ask a few more questions about these words spoken on the end of tape 5. My Lord, I assure you you will see without doubt they are important despite what has just been said about their relevance.

HIS HON. JUDGE STROYAN: I can see the words, I can read them.

H MR. SYMONDS: Yes, My Lord. Well I would like Mr. Hawkey to read these as well and I would like to hear him. I would like him to read through these words on page 18 and the top of page 19 carefully. Is there objection made to me taking him through them word by word?

HIS HON. JUDGE STROYAN: There are no objections taken. The point is it does not seem to be helpful.

MR. SYMONDS: My Lord, you are interrupting, the Prosecution is interrupting because it is said by them to be irrelevant, but My Lord I will get this point out, it is a valid point for the defence, My Lord.

HIS HON. JUDGE STROYAN: Well will you please tell me what it is?

MR. SYMONDS: I would like to bring it out through this witness, My Lord. Have you read that Mr. Hawkey? - A: I have read actually the conversation in between. I have got down to the bottom of the page.

Q: Having read that do you recall there is a conversation where Perry says someone asked him: "Who's that in the Wolseley?" - A: I don't recall it at all.

Q: No, no, but you recall reading this? You are accepting ... the Prosecution are accepting that these words are on the tape? - A: Yes I accept that.

Q: So you know there is no need to sort of but do you recall Mr. Perry saying I said: "Just a bloke and a bird who's pulled up." (garbled) "Who brought them round there?" "Two hundred quid he wants." "Fifty pounds." (garbled) "Fifty pounds from me now." - I give him the other one and a half in a week, made the arrangement in the Grove 12.30, Monday." Do you recall this conversation where after meeting me Perry was telling you and Mr. Lloyd and Mr. Mounter what had happened and he mentioned that I had asked him for £200? - A: Well I will take it as it is taken from the transcript. I am afraid that is the only way I can accept it.

Q: Well do you agree that according to this transcript it is accepted that after meeting me on the 31st in the afternoon - when Perry was being asked about what had been said and what had happened during the conversation in the car in the afternoon - Perry mentions that one would assume from reading the transcript and from any normal person reading this transcript that Perry said to me: "Who's that in the Wolseley?" Perry is alleging that I said to him: "Just the bloke and the bird who's pulled up round there."

HIS HON. JUDGE STROYAN: Mr. Symonds, this is all something which is capable of being cogent argument when you address me, it is here in black and white. It is no good you discussing it with this witness.

MR. SYMONDS: My Lord, I would like to ask this witness ...

HIS HON. JUDGE STROYAN: I think perhaps if you had a brief word with Mr. Birnberg it might help. Yes.

MR. SYMONDS: Having read that conversation, Mr. Hawkey, about the Wolseley and £200, and do you see on page 17 Perry says that gelignite was mentioned? - A: Yes I do.

Q: Etc. etc. etc. Did you hear anything like that on the tape played this morning which purports to be a tape recording of the conversation I had with Perry a few minutes before he had this conversation with you and Mr. Mounter and Mr. Lloyd? - A: I don't recollect it, no.

Q: You cannot recollect it? - A: No.

Q: Could this conversation have taken place at some other time? - A: Er .. no I don't think so.

Q: It must have taken place? - A: I think you would have to refer that to the experts for reference.

Q: Well I am trying to help you, Mr. Hawkey, by pointing out to you that the experts have found in fact a most suspicious mark on the tape just before this? - A: You say it was a pencil mark?

Q: Yes. - A: Not a chinagraph?

Q: A chinagraph, yes. - A: Just a pencil mark. Pencil or chinagraph?

Q: It was either chinagraph or

HIS HON. JUDGE STROYAN: Mr. Symonds, could you please tell me what the point is you are trying to make? I am anxious to help you and I am anxious to try and find out what point you are making. I can see what is there.

MR. SYMONDS: The point, My Lord, I am making is we have heard evidence from Mr. Hawkey and some from Mr. Lloyd about tape recordings being made with brand new tapes being used; sellophane was ripped off them, a bit of sticky tape taken off, the tape put on the machine - signed either before being put on the machine or immediately after being taken off - conditions of strict security. Perry drives them to a meeting with a police officer all being carefully timed and observing people noting times in pocket books and such and then after the meeting is over Mr. Perry drives his car round the corner where the reporters are waiting to pounce on these valuable tape recordings and sign them and date them - no they have already been signed and dated, that is right - but take possession of those signed and dated tape recordings and take them back to the safety of the Times. We have also heard evidence that this was a properly organised expedition by a professional Sound Engineer who went out on to this expedition properly equipped with modern equipment, spare tapes, spare batteries and such - whatever he thought might be needed on this sort of exercise he was going to undertake. Now, My Lord, this brand new tape taken out of a brand new package has a conversation on it which must throw enormous doubts upon the alleged tape recording which precedes it because Perry is saying there that he had been asked for £200, he had been asked who was that in the Wolseley, some talk about gelignite, "did you know they had patched ye up?" etc. etc. etc.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Now why is Perry saying these things to Mr. Lloyd and Mr. Hawkey which according to this tape recording are his accounts of the conversation

HIS HON. JUDGE STROYAN: Well that is something you can ask Mr. Perry.

MR. SYMONDS: I can also ask Mr. Hawkey.

HIS HON. JUDGE STROYAN: You cannot ask this witness why Mr. Perry said that.

MR. SYMONDS: I would say this witness is even more important.

HIS HON. JUDGE STROYAN: You cannot ask him why Mr. Perry said it. It is a question for Mr. Perry.

MR. SYMONDS: No, I am asking how this conversation occurred because I say it is impossible. If this is a continuous tape recording it is impossible. If this is a brand new tape that has been used to make the recording amid great ceremony and security, and that they have taken great care and gone to great lengths to meet me for a conversation and the tapes are brought back again some minutes later and other things go on to this tape My Lord.

HIS HON. JUDGE STROYAN: Well that is ...

MR. SYMONDS: Because if this conversation is true and if this tape has the history it is claimed to have, oh yes, several mystery points arise. One - Perry is telling the reporters a pack of lies because

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

MR. SYMONDS: It is proof of the ...

HIS HON. JUDGE STROYAN: I follow the points you are making.

MR. SYMONDS: Yes.

B HIS HON. JUDGE STROYAN: I think I understand them.

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: But they appear from the document.

MR. SYMONDS: Yes My Lord.

C HIS HON. JUDGE STROYAN: It is not necessary for you to ask this witness about it because I am anxious he should get away. I can quite follow those points and I will listen to them and I shall listen to them when I hear you on it, but it is really hard luck on Mr. ^{you} Hawkey perhaps spending time here when the points are making are apparent from the documents. He wants to get away.

D MR. SYMONDS: Yes My Lord, but they weren't apparent from the document when I brought them out rather forcefully I hope?

HIS HON. JUDGE STROYAN: Well we have got them now.

MR. SYMONDS: Thank you.

HIS HON. JUDGE STROYAN: Yes. That is tape 5. Now can we go on to the next page?

E MR. SYMONDS: Page 15 continuing on from this tape 5. You mentioned over the page that the boot of Perry's car was not locked. This is about exactly halfway down the page.

HIS HON. JUDGE STROYAN: Page what?

F MR. SYMONDS: Page 15 My Lord. Going over now to page 16. During - Once again - your conversations I believe, this is with the reporters, do you recall Perry ever suggesting paying a certain amount of money to a police officer? Looking halfway down page 16 and the reporters telling Perry he should try and stall him, meaning the Inspector. "He said that if he only gave the Inspector £50 on this occasion it would provide further opportunities for making recordings." Do you remember that little conversation? - A: That is correct, yes.

G Q: Yes. So by rather than paying £100 straight away the reporters are saying no, no, give him a little bit now and we can have all these extra opportunities to make these recordings. Thank you. So now we go over to the 21st.

HIS HON. JUDGE STROYAN: Yes.

H MR. SYMONDS: And just before that, on the 20th I think you all met up one day in Mrs. Knight's house in Beckenham or another and were telephoning generally on the 20th? - A: Yes I remember that.

Q: And I believe you sat around nearly the whole day telephoning people but there is no tape in existence? - A: No I don't think there was any recording made on that day.

A Q: You have been trying very hard to contact, for example, Inspector Sylvester yes, you made many calls to him you see so you have got the telephone connected, yes, if you are going to go through this procedure which you call 'identification' of ringing a Police Station you know and getting Perry preferably to say 1113 Police Station so and so in, and I was, this is somessort of identification. Then eventually the elusive Mr. Sylvester is going to pick up the phone and say "yes, Sylvester speaking, yes, yes" and the conversation is on. Now obviously, would you agree, that in such a position you would switch the tape recorder on because you wouldn't know in actual fact what was going to happen? - A: No, no.

B Q: You were going to miss all your idantification and you are going to switch on the machine when the words ... ? - A: You would have missed the identification but as I think I mentioned before, we had so much trouble previously that you would have switched the machine on to 'record', monitored it through the speaker of the machine listening to the conversation ...

C Q: Yes. - A: With the machine in the 'pause' position so you just had to flick a button and the tape would start to travel.

D Q: I see. So if Inspector Sylvester picked up the phone and said "Sylvester speaking" you would have pressed the 'pause' button and you would begin taping the conversation? - A: If you phoned up a local Police Station and asked for Mr. Sylvester and somebody didn't know straight away whether Mr. Sylvester was in or not; if he was in you could then start the machine and you would get the conversation.

Q: Yes, but you telephoned me and my ? - A: That was the first one we made.

Q: I see, yes.

E HIS HON. JUDGE STROYAN: I am not very interested in that. Can we get to the 21st as you said?

MR. SYMONDS: I beg your pardon My Lord?

F HIS HON. JUDGE STROYAN: I said I wasn't particularly interested as I have already told you about your first telephone conversation, what I am interested in is the one that you are now coming to, the 21st of November.

MR. SYMONDS: My Lord, there is no tape recording in existence for the 20th.

HIS HON. JUDGE STROYAN: I know.

MR. SYMONDS: I will later suggest to you various things about that.

G HIS HON. JUDGE STROYAN: Yes, but let us get on now to the 21st tapes.

MR. SYMONDS: Now before we get to the 21st Mr. Hawkey, on page 24 I see you say there: "On the 11th November, 1969 Mr. Lloyd telephoned me and asked if I could make copies of the tapes which we had used to that day. I agreed to do this and both Mr. Lloyd and Mr. Mounter came to my premises with the tapes." Page 24. - A: 23/24.

H Q: So were some copies of tape recordings made on that day? - A: On the?

- Q: On the 11th. Did Mr. Lloyd come to your - I see you say Mr. Lloyd and Mr. Mounter - came to my premises with tapes. Your statement page 24. -
A: That is right, with their secretary, and made copies of 7 or 8 tapes.
- A** Q: Do you recall how many copies were made? - A: It says in the statement 7 or 8 tapes.
- Q: So you would have.... but did you make a record anywhere? Did you write down how many? - A: No I didn't make any record whatsoever.
- Q: This was in answer to a question from Mr. Duffy, yes? - A: I believe it was.
- B** Q: The 7 or 8, because Mr. Duffy, had he in fact raised some questions with you as to how many copy tapes there were or should be in the questioning which produced the making of this statement? - A: Mr. Duffy questioned me.
- Q: Yes. - A: I will take your word for that.
- C** Q: And I see you say their secretary came with them as well. Was that Miss Woore or Miss Dippey? - A: I know one of them was an Australian lady, I believe she was Australian.
- Q: Was it the Australian lady that came on the second occasion by herself on the 25th? We will come to that. Did the Australian lady come twice? Was it the Australian lady? - A: No I believe she only came once.
- D** Q: I see, yes. Do you remember whether it was Miss Dippey who came? -
A: I don't know. I don't recall names.
- Q: Prudence Woore, do you recall that name? - A: No.
- Q: Have you seen her again? - A: I met one of them at the Court. I believe that was the young lady that they flew back from Australia.
- E** Q: Was it a young lady or an middle aged lady?
- HIS HON. JUDGE STROYAN: The age of the lady cannot possibly help me decide the authenticity of the tapes. Can we please get on with the tapes.
- MR. SYMONDS: As long as you are fairly sure, My Lord, that there was a lady there. Thank you. And there is a note of it made about all this.
- F** Q: So when the copies were being made do you recall the system how they were made? - A: I do, yes.
- Q: Did Mr. Lloyd bring a number of original copies with him to your offices?
A: He did.
- Q: You don't recall the number. Oh one point here, Mr. Hawkey, when you took tapes on location were they just in the plastic bags or were they in boxes something like this? - A: They were in boxes.
- G** Q: They were in boxes, and that was always they were always in boxes?
A: Always in boxes.
- Q: There was never an occasion when you took a tape not in a box? - A: Not just in a plastic bag, no.
- H** Q: Now when the reporters marked the tapes do you recall whether they marked the boxes as well? - A: Possibly.

Q: Possibly did, yes. - A: They possibly wrote things on them as I have seen on some of those that you have shown me today.

A

Q: Did you ever see the reporters mark the boxes as well at the time? Can you recall? Do you recall? - A: I couldn't recollect.

Q: Do you recall Mr. Lloyd marking the boxes at your copying studio? - A: Honestly, no I don't.

Q: Do you recall Miss Woore marking boxes at your copying studio? - A: No I don't, but I'm not saying they didn't, I'm saying I don't recollect them doing it.

B

Q: Was it your idea to advise the reporters to write on the word "master" or "original" on these tapes? - A: That I mentioned that to you?

Q: I don't know, I am just asking you having just looked at them and you did see the word "master" and "original" written on them? - A: I don't think it was my suggestion.

C

Q: Did you suggest it might be an idea to identify them? - A: No.

Q: You didn't? - A: No.

Q: In your profession when you are handling tapes as a professional Sound Engineer, how would you differentiate between a master and a copy if you have two boxes in front of you? - A: You could not really.

D

Q: You couldn't? - A: Unless there was a specific, ye know, ... I'm not technically, too technically minded enough to know if there was a way of telling, but possibly there might be a deterioration in quality in a second recording to the first.

Q: But you couldn't identify it from the labels or the spools? - A: No.

E

Q: You are not in the habit of writing 'master' or 'original' on? - A: No, the only way you would check that out was in in the quality I would say.

Q: For instance, if you have an original tape and you wanted to make a copy you would just make a copy? - A: Make a copy.

Q: That's it. It doesn't enter your head to write 'master' or 'original' on the tape or the box? - A: No.

F

Q: Thank you very much. Would it be possible when Mr. Lloyd brought Mr. Mounter and this young or middle aged lady, brought these tapes for copying, is it possible you could have supplied boxes at the time for them to put the tapes into after they had been copied? - A: Would you say that again?

Q: Would you supply the boxes then? - A: Well we would have supplied the tapes. We would have issued them on the spot.

G

Q: When they took the tape away they should have took it away in a box? - A: They should have done, yes.

Q: Could the boxes have become mixed up? - A: We would have made a copy and the original would have been put back in its box and the copy in its box.

H

HIS HON. JUDGE STROYAN: I see, yes, I follow, yes.

MR. SYMONDS: Are you aware that all tapes have numbers on them? - A: All tapes don't have numbers on them.

A Q: Well these tapes, these tapes that are in use at EMI? - A: Possibly, possibly.

Q: And are you aware that the boxes are numbered as well? - A: I know some of the boxes are numbered, yes.

Q: And is it within your professional knowledge and experience that the number on the box always matches the number on the tape? - A: Generally, yes. you mean, when you say that, it all depends what the number refers to.

B Q: Well the point I am trying to make is this could be a way of identifying the tape. If you don't write master or original on it but you know the number of the tape and you know it matches the boxes number you know which is which, is that right? - A: Yes. I suppose, yes, in a way you could be right.

C Q: Do you think there is any possibility of mebbe these tapes being mixed up when they have been copied? - A: When they were being copied?

Q: Yes, do you recall? - A: No.

Q: There was three people from the Times, yes? - A: There is always a possibility.

D Q: There is a possibility? - A: There is always a possibility but to my knowledge it didn't happen at the time.

Q: Present at the copying there were quite a few people I understand? - A: There was.

E Q: There was Mr. Llayd, Mr. Mounter, a lady from the Times, yourself and some other people? Mr. Watson was it? - A: I cannot recollect their names now but I believe there was another gentleman there from L.S.F. helping me at the time.

Q: Was it your assistant? - A: It was.

Q: And he was assisting you to set up the machine? - A: Yes, and they stood and actually watched so ...

F HIS HON. JUDGE STROYAN: It is possible, you say, there may have been a muddle? A: But as far as I am concerned there wasn't.

HIS HON. JUDGE STROYAN: There wasn't? - A: No.

G MR. SYMONDS: The point I am trying to make is that several people were involved in the copying, you had many machines going? - A: No there was only one person. I actually done the copying. I was assisted by another gentleman but nobodyelse handled the machines at all. We put the original on one machine

Q: Just you and your assistant? - A: That is correct. We put the original on one machine and it was copied on to a second machine which had a clean tape on it and then they were taken off the machines and placed back in the boxes.

H Q: Yes, but ...? - A: May I just say one point?

Q: Yes. - A: There possibly is a way you can tell the copies from the original ...

Q: Yes. - A: And I say deterioration in quality ...

A

Q: Yes. - A: When we made the copies they were run off at a different speed

Q: Oh yes. - A: And I am quite sure that technical people might be able to tell the copies, the quality of the copies was different from the original.

Q: Oh thank you very much. - A: It is something you could check out.

B

Q: For instance, if a tape is recorded at a speed of say $3\frac{1}{2}$ ips.? - A: Yes.

Q: You can then copy it at a different speed? - A: Oh yes, you can run this through at 15 inches per second.

Q: 15 ips. if you want to and then when you ... and then the copy tape plays at a different speed? - A: No. You can ... what I am saying is if we have recorded those particular tapes at $3\frac{3}{4}$...

C

Q: Yes. - A: The response would be different if you recorded that recording at $7\frac{1}{2}$.

Q: I see. - A: Are you with me?

Q: I think ...? - A: Now this is only a point which may be able to help.

D

Q: Yes, thank you very much. - A: We made the copies at 15 inches per second I believe.

Q: Yes. - A: So the quality ... I've never had to think about this - the quality of the original tapes - if they were recorded at $3\frac{3}{4}$ - ...

Q: Yes. - A: Would be slightly poorer than those; there would be a difference between the two.

E

Q: Yes. - A: But this you would have to check up with your technical experts.

Q: I will seek advice on that, thank you very much Mr. Hawkey. You see as I understand it there will be some sort of difference, I think that is right. When you make a copy tape from an original, yes, even if you are copying at 15 ips. there is a slight difference in the thicknesses of tape, is that correct? - A: What do you ...

F

HIS HON. JUDGE STROYAN: I think this is better dealt with by your experts.

MR. SYMONDS: For what Mr. Hawkey is advising?

MR. HAWKEY: I think this should be referred to the technicians. I agree there could be a difference with it.

G

MR. SYMONDS: Yes. So when the copies were made did you draw some tapes from the stores in order to make copies on to them? - A: We would have done, yes.

Q: And so you would have drawn some more brand new tapes? - A: Correct.

H

Q: And so you can say quite definitely of course that all the copy tapes were copied on to brand new virgin tapes? - A: Yes.

A Q: Tearing open the plastic bag etc. Yes thank you. Right, now I see, yes. There was one small point there and that is that when the experts examined the boxes of some of these tape recordings they found that in some cases some of the tapes had been put into the wrong boxes by some sort of mistake by someone? - A: Are you talking about the copies now?

Q: Yes. You see according to EMI and Mr. Taylor - who will be giving evidence about this later on - according to EMI and according to

HIS HON. JUDGE STROYAN: Mr. Symonds, this sounds like a matter of comment; all matters which can be dealt with by another witness.

B MR. SYMONDS: Yes. Well mebbe Mr. Hawkey as the Sound Engineer responsible for providing these tapes, supplying them, responsible for copying, perhaps he would be a very good man also to ask as to how these tapes came to get into the wrong boxes, My Lord, in view of other evidence we have heard prior to this.

C HIS HON. JUDGE STROYAN: As far as this witness is concerned, he doesn't know that they have. I don't see how. Just listen ...

MR. SYMONDS: My Lord, it is true I did have about three days cross-examination of this witness. I would really like to take him through all the copy tapes, the whole 19, and to play some, My Lord. I was just ...

HIS HON. JUDGE STROYAN: They may be relevant to a later part of the case but they are not relevant to this part of the case.

D MR. SYMONDS: May I ask the question in this way then? If it came to your knowledge that these tapes had been inadvertently put into the wrong boxes wrong numbered boxes ...? - A: Uh huh.

Q: Would you consider this unusual as a Sound Engineer? - A: Well if I take 4 or 5 tapes out of 4 or 5 boxes at the same time and place them on machines to make copies I wouldn't be in a position to say whether I put the tapes back in the original boxes or not.

E Q: Thank you very much Mr. Hawkey that is what I was looking for. Thank you, you have read my mind. On the bottom of page 24; I am trying to ... one small point now, Mr. Hawkey, we are nearly to the 21st. I see that there was a discussion between Mr. Mounter and Mr. Lloyd and yourself and that was about the phone calls to contact Mr. Sylvester on the 20th. On the next page (25) at the top of the page; having failed to contact Inspector Sylvester on the 20th you say that: "I think that whilst we were there, when it was realised that we could not contact Inspector Sylvester, one of the reporters suggested that Perry should ring Symonds." Is that right? Do you recall that? - A: Are we ...

Q: After failing ...? - A: We are on page 25?

G Q: Yes, 25 at the top. So on the 21st did you attend another meeting between Perry and a police officer from Camberwell and fixed up some machinery for this meeting? - A: That is correct.

Q: Yes. I think you have given evidence that you fitted up in fact 3 Grundig and 3 Nagra and a Grundig, is that right? - A: Three Nagra and a Grundig. Three Nagra and a Grundig, correct.

H Q: Two Nagra in the boot of Mr. Perry's car, one attached to the direct microphone? - A: Yes.

Q: And one attached to the radio microphone? - A: That is correct.

Q: And one in your car was it? - A: I believe that is correct. Yes it was, yes.

A Q: And if you look at the top of page 29 you say you switched on the 4 recorders at some stage just before the meeting, and when you switched on these recorders the reporters were present; both the reporters were they there that you recall? - A: Can I just mention on page 29 are we talking about ...

B Q: Can I help you? If you turn back to 27 there is a list of the equipment that you fitted which I was trying to go through quickly. Page 27 you describe fitting a Nagra in the boot, a Nagra radio one also in the boot? A: Yes I am with you now.

Q: You have got that? - A: Yes.

Q: You also mention that to help the power of the transmitter on Perry you put an additional battery in his pocket? - A: Uh huh, yes, correct.

C Q: Additional to the battery which is in the transmitter? - A: That's right.

Q: So what, you put some wires from this battery up to the other battery was it? A: I cannot remember. I think ... I'm not quite sure but I believe the company that supplied them suggested this, and also the battery actually was adapted for it.

D Q: Thank you. - A: I don't remember ever modifying it at all.

Q: And here you also mention (item 3) microphone to a Nagra in your blue Ford Cortina estate? - A: Correct.

Q: And following on from that you were present when brand new tapes were fitted to the 4 recording systems? - A: Yes.

E Q: And Perry was told again by the reporters to speak clearly. You then drove to a side turning near the Grove public house where you switched on the recorders. Now were both the reporters present when you switched on the recorders? Mr. Lloyd and Mr. Mounter? Can you recall on that day? I won't press you on that. - A: I am trying to look through the statement.

F Q: Right; and then you drove into a car park and then you are monitoring the tape recording which is going on on the recorder in your car? - A: That is correct.

Q: Were you listening through headsets or? - A: That is right, headsets.

Q: Headsets, and did Miss Millard have a headset as well? - A: I believe she did, but I believe we may have shared one.

G Q: You were sitting in this car and you had headsets and you say that - Oh Mr. Mounter was with you - and he got out and left you and then immediately coming through the headset you heard a noise. You could hear a radio playing, do you see that? - A: That is correct.

Q: So you were fairly confident then that that tape recording was working pretty well? - A: I was; in actual fact it was a pretty good recording.

H Q: It was a pretty good recording? - A: Yes, it must have been.

Q: Ah, yes, and so you listened to this very good recording listening through the headsets. Yes. And where is this recording now? Incidentally, do you know where it is? What has happened to it? - A: It was in his car.

A

Q: Because this recording has never been produced by the reporters you see? - A: Are we talking about the same time?

Q: Yes, oh yes, when you were sitting with Miss Millard sharing the headset. You see because there are 3 of these series of recordings in actual fact - from the 15 tape recordings - missing, are there not? - A: The tape I referred to, or the recording, is the one that you have actually.

B

Q: No that was the one from the boot of the Wolseley in actual fact. You see you had the radio microphone going to two recorders? - A: One in each car.

Q: One in your car and you see you and Miss Mounter were sitting there listening to this meeting going on as you have said to me and I ...? - A: And the number of that tape?

C

Q: Well we don't have a number you see because it is lost. - A: Well I have no recollection of that one.

Q: No, but you recall anyway listening through the headsets and hearing everything? - A: Yes and it was pretty good.

Q: And of course it would have been signed normally after being taken off the machine when they were all taken off? - A: Yes.

D

Q: Yes. Now you then had some more meetings with ... you attended some more meetings between Perry and other officers but that in actual fact was the last meeting you attended in connection with me I believe? - A: Correct.

Q: And one of the meetings between Perry and the other officers was between Inspector Robson and was in the Army and Navy Stores, do you recall that? A: I remember one, yes sir I did.

E

Q: Army and Navy Stores. That is when Miss Mounter followed them around with a recorder and took a recording and she got very nervous about this, is that right, because she thought Inspector Robson had been looking at her in the Army and Navy Stores? - A: I believe that is correct, yes.

Q: And when you returned to the Times offices ...

F

HIS HON. JUDGE STROYAN: This is Miss Millard you mean? You said Miss Mounter.

MR. SYMONDS: Miss Millard, yes. Sorry.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: When she returned to the Times offices Miss Millard said she lost her nerve about the whole enquiries? - A: I know she was upset.

G

Q: Frightened in fact? - A: We all were.

Q: Nervous in fact? - A: Yes.

Q: And as a result of that Miss Millard said she wasn't taking part in this any more, do you recall that? - A: I know she was very upset. I can't remember the conversation but she had reason to.

H

HIS HON. JUDGE STROYAN: This is later on is it?

MR. SYMONDS: Yes sir, the 23rd or 24th, two or three days after this meeting My Lord.

HIS HON. JUDGE STROYAN: Yes.

A MR. SYMONDS: And was there a conversation with the reporters about whether the enquiry should be continued or not because of Miss Millard's nervousness and because I think you were against it as well, continuing on at that stage? - A: Well it was a bit heavy for me and Miss Millard at the time but I cannot recall the conversation.

B Q: And do you recall that one of the reporters in fact wanted to press the story straight away but one of the other reporters wanted to carry on? - A: I cannot recollect that but I will take your word for it.

Q: But anyway as a result of this situation arising with Miss Millard and yourself you weren't at all happy. Did you actually take advice from a Solicitor about your involvement in this business as to sort of protect yourself, your own interests? - A: I believe I wanted to. I did go to a Solicitors at one time. I don't think I ...

C Q: Was this on the advice of your chief Mr. Hales who told you to go and see a Solicitor to check out your position having been involved in this whole business?

HIS HON. JUDGE STROYAN: Well I will assume that he did.

D MR. SYMONDS: Thank you My Lord. Following from that, did you or were you advised to ... did you make in actual fact a personal tape recording detailing exactly your part? - A: Did I?

Q: Yes, did you make a personal tape recording? - A: No.

Q: Did Miss Mounter make one to your knowledge? -

HIS HON. JUDGE STROYAN: Miss Millard. - A: Miss Millard.

E MR. SYMONDS: Miss Millard, I'm sorry My Lord. - A: If there is one I did not know at the time.

Q: You didn't know at the time. Did it come to your attention later that she had made a personal tape recording at about this time describing events as she had seen them? - A: It was mentioned, yes.

F Q: And she had put it in a ... she had put it in a? - A: Safe deposit box.

Q: In a safe deposit. But you didn't make one yourself? - A: No.

HIS HON. JUDGE STROYAN: Now can we get on?

G MR. SYMONDS: At some later stage - continuing on from that meeting in the Army and Navey stores

HIS HON. JUDGE STROYAN: Mr. Symonds, we have now passed the last of the tapes, we are dealing with matters which do not directly bear on the authenticity of the tapes and I was wondering if you could let the unfortunate witness go to his father's funeral? You said you were getting near the end of your cross-examination.

H MR. SYMONDS: I'm sorry I don't know what time the train is.

HIS HON. JUDGE STROYAN: Well I mean ...

A MR. SYMONDS: In actual fact there is some very important points. I understood that he wanted to leave this evening My Lord, not that he particularly wanted to leave this morning?

HIS HON. JUDGE STROYAN: You told me a moment ago you were getting towards the end of your cross-examination and I just wondered whether you could conclude it before the adjournment so the witness can get away? If he cannot he will have to remain until after the adjournment.

B MR. SYMONDS: My Lord, I would hate to not put everything. My Lord, I have not finished my cross-examination, there are some rather important points to put and I understood, you see, I understood

HIS HON. JUDGE STROYAN: Very well.

MR. SYMONDS: Mr. Hawkey wanted to be sure of going tonight and I guarantee that, My Lord, he will be on that train tonight. I will guarantee it.

C HIS HON. JUDGE STROYAN: I will rise now and I think it would be a good idea if you had a word with your Solicitors because while there are a number of points you have properly made, you are in danger of getting overloaded with things which are not relevant and that makes it no better for you because good points, when they become overloaded with irrelevancies, become lessened so if you had a word with Mr. Birnberg he will no doubt help you, and we will continue with your cross-examination after the adjournment. Now one other matter we have to tell the Jury now about when they are going to be required. It is not going to be tomorrow now or, I would have thought, this week?

D MR. RIVLIN: Your Honour no.

HIS HON. JUDGE STROYAN: I think probably the best thing is if we get in touch with them on Monday morning.

E MR. RIVLIN: I agree.

HIS HON. JUDGE STROYAN: Yes. Thank you.

(LUNCH)

F MR. RIVLIN: Your Honour, before Mr. Hawkey comes back to give evidence, may I mention two matters? The first I hope will save a great deal of time and trouble.

HIS HON. JUDGE STROYAN: Yes.

G MR. RIVLIN: The position is this, Your Honour, experts on both sides have examined these tapes

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And I am prepared, and indeed if I may say so, I have always been prepared to accept and admit the defence contention - if it is made - that tape number 5 was not a virgin tape when it was recorded upon ...

H HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And Your Honour if you would be so kind as to look at exhibit number 35A please - the tape transcripts

HIS HON. JUDGE STROYAN: Yes.

A MR. RIVLIN: And go to page 18 which is the pages that we were looking at this morning ...

HIS HON. JUDGE STROYAN: Yes.

M.R. RIVLIN: The situation is this, I am at liberty to tell Your Honour that experts on both sides are agreed that there is a cut out point here

B HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: And it follows number 6: "Let's ... let's put it in this car shall we?" and the situation, Your Honour is as follows, that the rest of that page and the following page (19) is I think by general consent, something that was recorded on an earlier occasion that has nothing to do with Mr. Symonds at all. So the situation is this, Your Honour, we get on this tape - we say - Mr. Perry and Mr. Symonds conversing, tape continuing, then some further chat between Mr. Perry and possibly a reporter then there is the cut out point ...

HIS HON. JUDGE STROYAN: Which comes after the '6'?

D MR. RIVLIN: After '6' and then there is the recording of something that happened on an earlier occasion that has nothing to do with this particular case. Now if you would be so kind as to go to look

HIS HON. JUDGE STROYAN: Just a moment please.

MR. RIVLIN: If you look at page 28.

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: This is tape 3B.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Which is the Uher recording on the same day, and if you look down the page on page 28 you can see at '24' (male) "Let's ... let's put it in this car shall we?" which is the same as ...

F HIS HON. JUDGE STROYAN: Er ... yes.

MR. RIVLIN: Which is the same as number '6' on page 18, the same line.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And then on page 28 we get "garbled" "engine noise" (male) "what is this in your pocket?"

G HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: There is a cut out point after '24'

HIS HON. JUDGE STROYAN: Cut out point after 24, yes.

H MR. RIVLIN: Yes, and the rest of it has nothing to do with this case. Now, Your Honour, experts on both sides agree that that is so and I hope that that will help everyone.

HIS HON. JUDGE STROYAN: Yes.

A MR. RIVLIN: And it will no doubt help the defendant to know that. I am prepared formally to admit that this is apparent on expert examination that tape number 5 was not a virgin tape ...

HIS HON. JUDGE STROYAN: Yes, thank you.

MR. RIVLIN: And so having said that I would like to think that that may help us all to save a little time.

HIS HON. JUDGE STROYAN: Yes I am sure it will.

B MR. RIVLIN: The other matter, Your Honour, is this, that the Times copy tapes have arrived

HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: And with Your Honour's leave I would just like to ask Mr. Hawkey one or two questions and hardly any more than that about the Times copy tapes. You remember I reserved my position this morning.

HIS HON. JUDGE STROYAN: Yes. Yes well we might as well do that before Mr. Symonds concludes his cross-examination.

MR. RIVLIN: Yes. Mr. Hawkey please.

D MR. HAWKEY (Recalled)

EXAMINED BY MR. RIVLIN

Q: Now, Mr. Hawkey, you are still giving evidence on oath, do you understand?
A: I understand.

E Q: Now what we have managed to obtain today are the number of copy tapes that have been in the custody of the Times for a number of years, do you understand? - A: I understand.

F Q: And we are all calling them the Times copy tapes, and I am not going to ask you about them in detail, but would you take it from me, Mr. Hawkey, that on the boxes - or a number of the boxes - of these Times copy tapes there is a date 2nd of December that is the date. Obviously or probably it is intended to be the 2nd of December, 1969, but it says 2nd of December. - A: Yes sir.

Q: Do you see? Right. Now if those tapes were copy tapes were done at Location Sound Facilities, would you have done that? - A: Yes sir.

Q: The copying? - A: Yes sir.

G Q: Yes. Can you remember the 2nd of December of 1969 and whether you were asked to copy a number of tapes so that the Times could keep copies for themselves? - A: I can't remember the actual date, but I know I made copies for the Times myself.

Q: And when you made copies for the Times did you or did you not make them under the same control of circumstances that you have been telling His Honour about in your evidence today? - A: That is correct.

H Q: What is your answer? - A: Yes sir.

Q: In the same controlled circumstances? - A: In the same controlled circumstances.

A HIS HON. JUDGE STROYAN: Were the tapes on that occasion (2nd of December) brought to you by the reporters? - A: The originals?

HIS HON. JUDGE STROYAN: Yes the originals. - A: Actually yes sir.

HIS HON. JUDGE STROYAN: Do you remember by whom? What I am wondering is, is this the date you have been talking about?

B MR. RIVLIN: We have been talking about the 25th of November when Miss Woore took some for copying.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: About the 5th of December when they copied the Grundigs.

HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: And this is the 2nd of December.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And we have not had any evidence as yet from Mr. Mounter about that although we may have.

D HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: But on such days as you did copy originals (tapes) Mr. Hawkey, who was it who brought them to you? - A: It was one of the reporters from the Times.

Q: It was certainly a representative of the Times? - A: It was.

E Q: And did they go away or did they wait or what? - A: No they stayed there whilst copies were made.

Q: And who took them away? - A: The reporters from the Times.

Q: They are here in Court but Your Honour unless it becomes material ...

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: I don't ask to ask the witness to identify them.

HIS HON. JUDGE STROYAN: No. Yes now Mr. Symonds, you were about to conclude your cross-examination I think.

CROSS-EXAMINATION BY MR. SYMONDS (continued)

G Q: My Lord, if I could continue on the point where Prosecution Counsel left off on the Times copies?

HIS HON. JUDGE STROYAN: You couldn't come back to that? I think it would be more helpful to me if you went straight on. You were at the 23rd of November. If you are going to get into a muddle do it this way.

H MR. SYMONDS: Yes, I thought I would clear up this point just following on, to clear up this point as it has been raised.

HIS HON. JUDGE STROYAN: Yes, very well.

A MR. SYMONDS: My Lord, I am in the middle of my cross-examination, I will deal with it now and finish with this. Going back to this occurrence on the 2nd of December, Mr. Hawkey, when the Times reporter brought the original tapes to you to copy. Do you remember if there was anyone with this reporter, any other person? - A: I think I stated previously that there was a young lady. She was an Australian.

Q: No, no, I'm not talking about Miss Woore, was it? - A: I didn't know her name.

B Q: On the 2nd? - A: I don't know her name.

Q: Was it the same lady then that came on the 25th? - A: I don't believe so.

Q: Oh another lady? - A: Possibly. I know on the first occasion - on one occasion - a lady had come with one of the reporters and actually stood by while the copies were being made.

C Q: Yes. - A: And another occasion I'm not sure whether it was another young lady or there was that one or another representative from the Times, but I know there was two people actually came from the Times.

Q: Another young lady or a representative?

D HIS HON. JUDGE STROYAN: Just ... are you now talking about the 25th or the 2nd of December? I know it is terribly hard to remember after over 10 years. - A: I can only say, My Lord, on one occasion an Australian lady young lady attended.

HIS HON. JUDGE STROYAN: Yes. - A: And on another occasion there was two people from the Times of which one was one of the reporters.

E Q: Yes, and was there an occasion when someone brought these tapes to be copied who was not one of the reporters? Did you say a representative from the Times and a young lady? - A: With a reporter.

Q: Pardon? - A: With a reporter.

Q: With a reporter. When you said a representative from the Times you meant a reporter? - A: No, let me get this straight. On one occasion a young lady attended with one of the reporters from the Times ...

F HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Yes. - A: And we made a copy on another occasion. I'm not sure whether it was a male or female who actually came but one of the reporters brought the tapes in with somebody else.

G Q: Yes. - A: I cannot remember exactly who that was. I think it was ... it could have been another secretary but I wouldn't be absolutely certain.

Q: Another secretary. Now when these Times copies were being made, did you adopt your normal copying procedure of 2 machines and just putting the original on one and the copy on another? - A: And transferring the tape from one to the other, yes.

H Q: So you would have two tapes on the machines and you would have the two empty boxes opened up and tape in front of you? - A: Yes, that is correct, yes.

Q: So you would be looking at the bottom of the box, the insides of the box, yes, to get the picture? - A: I don't know.

A

Q: If you opened the box you would? - A: I may have closed the box and put the box down by the side.

Q: You may have done, yes. - A: If you have two machines in front of you and I took the original ... I put the original on the machine and put the box on the side and I then took another tape from another box which was an empty tape and put it on the other machine ...

B

Q: Yes. - A: And that is the way we did it.

Q: And these were copied, once again, on to brand new tapes taken from the stores? - A: Correct, yes.

Q: In, of course, brand new boxes? - A: Correct.

C

Q: Absolutely free from recordings. I believe your company order quite a large number of tapes from EMI directly, is that correct? - A: That is correct.

Q: And so there would have been a batch of tapes from EMI wrapped up in polythene paper in a brand new box. You would have one of these on the desk in front of you, the original, you copy them and put them back in the boxes, is that correct? - A: That is correct.

D

Q: So, therefore, there was no way whatsoever that any of the copy tapes should ^{not} be on brand new tapes with the number on the box matching the number on the tape, yes? - A: If they were all the same batch and they had the same numbers on that would be correct, yes.

Q: And were some markings made on the boxes of the copy tapes in your presence A: I wouldn't remember to be honest.

E

Q: You wouldn't remember. Right. Can you remember how many tapes were brought for copying on that occasion to you? - A: I don't, no.

Q: You didn't make a note? - A: I didn't make a note.

Q: But I would imagine that on that occasion you would have gone to your stores and you would have seen Mr. Heaton? - A: They would have invoiced a number of tapes that they would have used.

F

Q: You would have gone to your stores knowing how many tapes you were going to get, taken that number of tapes from the stores and therefore it will be in the records of LSF? - A: That is correct.

Q: Yes. Do you recall that someone marking these boxes from 7 inch number 1, 7 inch number 2, 7 inch number 3 and you had 5 inch boxes and you had them marked 5 inch number 1 and 2 and so on. Do you remember them being numbered? - A: I don't remember the actual numbers.

G

Q: But you remember they were being numbered? - A: I don't remember them being numbered, no.

Q: I see. They may have been written on at that time but you are not sure? - A: We are talking about the copy boxes now?

H

Q: Yes. - A: Yes they may have been.

A Q: My Lord, I will try to be quick. If amongst the 15 tapes there are now, we have a number of 5 inches and a number of 7 inches marked I believe - to be quick - 7 inch number 1, 7 inch number 2, 5 inch number 2 and 5 inch number 3 and through - the 5 inches you see run from number 1 to 6 - so that is 6 tapes of course and they are very carefully marked 5 inch number 1, 5 inch number 2, 5 inch number 3, 5 inch number 4 and 5 inch number 6. We are rushing now but you can look at them if you like? - A: No it is alright.

Q: The 7 inch tapes are marked 7 inch number 2, 3, 4, 5, 6 all the way through to 7 inch number 9 you see but there is no 7 inch number 1 and I wondered if you might know where that is? - A: I'm afraid I wouldn't know, no.

B Q: Or any reason for starting the 7 inches at number 2?

HIS HON. JUDGE STROYAN: Are you talking about the Times copies?

MR. SYMONDS: The Times copies My Lord. I think we ought to have these boxes out.

C HIS HON. JUDGE STROYAN: I think I might have 7 inch copy 1, so there does appear to be one.

MR. SYMONDS: Well in that case we must have the tapes out My Lord or mebbe it is 5 inch number 1, mebbe I have made a mistake.

HIS HON. JUDGE STROYAN: I have also got a 5 inch number 1.

D MR. SYMONDS: Oh, well in that case I will have a look at a report prepared for me. Actually, My Lord, I have a copy of a report. My Lord, may I ask, is there any other writing? Can I see that box My Lord? 7 inch number 1?

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: My Lord, the writing on this box is Detective Sergeant Harris - October 30th - meeting with Perry, Edinburgh Castle, October 30th. 7 inch copy number 1. Copied December 2nd.

E HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: My Lord, regarding the last question I just asked this witness I think it would probably be better for me to continue along that line of enquiry with another witness.

F HIS HON. JUDGE STROYAN: Yes I think that is right.

MR. SYMONDS: Going back to the copying procedure Mr. Hawkey; when you were copying these tapes on behalf of the Times and you had taken new boxes and new tapes, you didn't write on these boxes yourself? - A: No.

G Q: And someone may have written on them but you are pretty sure that, are you pretty sure that there wasn't a mix up, that an original tape could have got into a copy box? - A: I would say I was positive.

Q: Well you see there is some words written on some of the boxes. There are words written on all the boxes to the effect of writing such as 5 inch number 3, 5 inch number 4 and so on but there are other words written on some boxes you see.

H HIS HON. JUDGE STROYAN: You didn't write on any of the boxes? - A: No sir.

HIS HON. JUDGE STROYAN: Well Mr. Symonds, someone did and you can pursue it with the person who did.

MR. SYMONDS: We don't know who did, My Lord, but as the man in charge of the copying - which he has described - he was so carefully making sure all tapes went into their new boxes ...

A HIS HON. JUDGE STROYAN: He has ... you have just heard him say he didn't write on any of the boxes ...

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: And if somebody else did well then you can investigate that with somebody else, but it is very bad luck ...

B MR. SYMONDS: Well there's no-one to investigate it with apart from the man who did the copying.

HIS HON. JUDGE STROYAN: Well he has said he didn't. It seems to me to be very bad luck asking questions when he cannot answer them.

C MR. SYMONDS: Well I will try and rephrase the questions so he can answer them. Well bearing in mind what you have just said, would it surprise you to know that, for example, box 7 inch number 4 has the word "master" written on it? - A: It doesn't mean anything to ...

Q: And crossed out.

MR. RIVLIN: "And crossed out" did the defendant say?

D HIS HON. JUDGE STROYAN: Yes. - A: It doesn't mean anything to me, no.

MR. SYMONDS: Could it simply be that there could have been a slight mix up and a copy tape was put into a "master" box and a "master" tape put into a "copy" box perhaps? - A: Well if I put the originals back in their boxes and handed the copies back to the reporters, what they wrote on the actual boxes I wouldn't know.

Q: My Lord, may the witness please look at this box 7 inch number 4?

E HIS HON. JUDGE STROYAN: Yes I suppose so.

MR. SYMONDS: The first question is do you recognise the handwriting on that box? - A: No I don't, no.

F Q: Having looked at the handwriting of Mr. Mounter and Mr. Lloyd quite carefully earlier this morning when you were identifying the tapes, does it appear to bear any resemblance - to your eye - of their writing?

HIS HON. JUDGE STROYAN: He is not a handwriting expert.

MR. SYMONDS: No. Carrying on from that, would you say what you saw written on that box please? - A: "Copy - 7 inch number 4."

G Q: Yes. - A: "November 3rd, Grove something, Robson" and on the back it's got it looks like "master" which has been crossed out "copy - 7 inch number 4 November 3rd, Grove Inn, Robson."

Q: "Master" crossed out, I see, yes. Would you please look at the number on that box? - A: Number 4.

Q: The box number. - A: The batch number are we talking about?

H Q: Yes, the batch number. Would you please read out the batch number on that box? - A: 32994 and it could be a 6 but it has been scratched.

Q: Now would you please look at the tape recording inside? - A: Yes.

Q: And will you look at the batch number on that tape? - A: First, I presume you are talking about the number on the actual tape?

Q: Yes, on the white label? - A: Which I don't know whether it is the batch number or not, but I will take your word for it, it is 35462.

Q: So would you agree that the batch number on the tape is different to the batch number on the box? - A: I do if that is the batch number, yes,

Q: And I think you said earlier in your evidence, Mr. Hawkey, that in your experience it is normal for the batch number of the tape to match the batch number of the box? - A: Correct.

Q: And I think you said that this is one of the ways in which there was no need to write "master" and "original" because you could see by checking the ...? - A: No I did not say that.

Q: No I'm sorry I will exclude that. Following on from that, what, would it appear to you that this tape - exhibit 7 inch number 4 - is (a) the wrong tape in the wrong box? - A: Correct.

Q: And (b) has "master" written on the box which has been crossed out? - A: That is correct.

Q: Would that indicate, Mr. Hawkey, - I am not challenging here you at all - would it indicate to you as a professional Sound Engineer, incompetence somewhere along the line? - A: No sir I wouldn't call it incompetence, I would say

Q: A mistake, an accident? - A: An accident.

Q: An accident? - A: I would say an accident.. Em ... alright an accident I suppose it is the only way you can put it.

Q: Would you say it would appear to you as a professional Sound Engineer that someone has not taken proper care - that is perhaps better than saying mistake or accident - of this recording? - A: ...

HIS HON. JUDGE STROYAN: Well that is really not a question for the witness, it could be a question for me later.

MR. SYMONDS: Thank you My Lord. My Lord, I won't go through the rest of the Times tapes. Now, Mr. Hawkey, accordingly ... where are we now? I'M sorry, where were we?

HIS HON. JUDGE STROYAN: We were finishing the 23rd of November.

MR. SYMONDS: The 23rd of November.

HIS HON. JUDGE STROYAN: We had just left the Army and Navy stores.

MR. SYMONDS: Thank you sir.

HIS HON. JUDGE STROYAN: I think or I hope we are not going back there?

MR. SYMONDS: Page?

HIS HON. JUDGE STROYAN: Page 24 - 25.

MR. SYMONDS: Page 24 - 25 of your statement. No perhaps not.

HIS HON. JUDGE STROYAN: I have got a note about the incident in the Army and Navy stores and I have got a note about the solicitor and a note ...

A MR. SYMONDS: I'm sorry My Lord I was looking at page 24 - 25 I think I should be looking at a later page My Lord.

HIS HON. JUDGE STROYAN: Well ...

B MR. SYMONDS: My Lord, I think I should make it clear to you, My Lord, that when I was talking about the mix up with the boxes and the crossed out writing on the box, My Lord, I was in no way intending to lead you to believe that I was trying to say that the Times copies could be originals, claiming they were the originals.

HIS HON. JUDGE STROYAN: Thank you.

MR. SYMONDS: The originals ...

C HIS HON. JUDGE STROYAN: I am not suggesting the Times copies are in fact the originals, is that right?

MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: Thank you. Yes.

D MR. SYMONDS: Yes, My Lord, I was just attempting to bring to your attention I was suggesting incompetence My Lord.

HIS HON. JUDGE STROYAN: Yes I have got that point.

E MR. SYMONDS: Thank you. Going back very briefly to the events of the 21st, Mr. Hawkey, when you overheard - in fact it was the only occasion during the series of tape recordings where in fact either the reporters or yourself or Miss Millard, apart from the telephone conversation, the only alleged conversation in the car - that was the only occasion in which I am alleged to have been overheard speaking to Perry, is that correct? -
A: I believe so, yes.

F Q: Yes, because on all other occasions, I believe, on the 28th only one recorder was in use and I was not ... there was no suggestion that I was overheard speaking to Perry. On the 31st there were two recorders in use but they were both in the boot of the Wolseley so there was no suggestion that anyone could overhear the conversation, but on the 21st in fact there were two radio recorder Nagra's all running with radio receivers - one in the boot of Perry's Wolseley and one in fact in your car?

HIS HON. JUDGE STROYAN: Mr. Symonds, the note I have got is "I was listening on a headset I shared with Miss Millard."

G MR. SYMONDS: The point I am making, My Lord, is that this is the only tape recording of the series of tape recordings, it was the only occasion when I was overheard directly me speaking to Perry.

HIS HON. JUDGE STROYAN: Yes I have got that.

MR. SYMONDS: And I believe that I expressed some disappointment on the fact that this tape is now lost.

H HIS HON. JUDGE STROYAN: I don't think it is.

MR. SYMONDS: Pardon?

HIS HON. JUDGE STROYAN: I don't think it is, is it?

A MR. SYMONDS: Well, My Lord, I want to make it quite clear, you see, that is why I have come back to it. So perhaps we could go back in your notes .. your police statement to the page which deals with the equipment that you set up on the 21st of November.

B MR. RIVLIN: Your Honour, would it help the defendant to short circuit matters with the witness, just to look at this schedule that he has put in? That is the witness's own schedule, Mr. Hawkey's schedule. It is the second page of it where he deals with the tape recordings that were made on this day the 21st.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: It is page here, Mr. Symonds, page 37.

C MR. SYMONDS: Thank you, yes. Well, no, because you see the schedule that we referred to before, Mr. Hawkey, refers to the tapes that were actually handed over to the Police, is that correct? Looking at page 36 and 37 you in fact list 19 tapes but that is wrong. You list 19 tapes here Mr. Hawkey but you do not - some of them are common - but you do not list the tape recording made on the 21st from a microphone on Perry to your Nagra in the car because the tape was not actually handed over to the Police, it was one of the missing tapes. You see the 15 alleged missing tapes are not listed here, is that correct? The tapes which were used and either were successful or not successful but in any event were not in any event handed over to the Police and that was one of them, so that schedule does not apply. So I would ask you once again to look at the page where you list the equipment you set up on the 21st of November. - A: May you tell me the page please?

D Q: Yes, I am looking for it now. Yes I think it is on page 27 where you say: "For the meeting between Perry and Symonds at the Grove public house timed for, I believe, at 12.30 p.m. I fitted the following: (1) Microphone under the dashboard to Nagra recorder in the boot of Perry's Wolseley." Now that tape is in existence, it is a Court exhibit, that is the one that you heard this morning. The second tape: "A radio microphone around Perry's neck transmitting to a fixed frequency receiver linked to a Nagra tape recorder in the boot of the Wolseley." Then you describe: "On this occasion the transmitter was not placed in Perry's inside pocket but was again strapped to the small of his back and an additional power supply, in the form of a battery, was placed in his trouser pocket." That tape is in existence, that is the so called back-up tape to the tape that you heard this morning. Will you please look at tape 13 J.D.M. 17 exhibit 6. Would you read out the writing you see on it? - A: On the actual spool itself?

E Q: On the box, yes, and the spool. - A: Crown Court at C.C.C. 7101513.

F Q: No, just the handwriting. - A: Sorry.

G Q: The handwriting I think that is on the back of the box, is it? - A: "Master. Radio micro in boot of BLU."

Q: Now BLU was Perry's motor car, do you recall? - A: That is correct.

H Q: Right. Will you look on the spool? - A: Symonds - Grove.

Q: Yes and the other side? - A: There's nothing on the other side. "Radio mike in boot of car" it looks like.

Humphreys, Barnett & Co.

- Q: Can you see any letters there which look something like ...? - A: It looks like a date. I don't know what it is.
- A** Q: Could it be "radio micro in boot of BLU" as the words? - A: Yes it could be.
- Q: It seems that there is no doubt that that is the tape that you described setting up, the second tape you described setting up. Now the third tape you described setting up is in your statement at page 27 is using a radio microphone in (2) above with the boosted power supply and installed a second same fixed frequency receiver in my blue Ford Cortina estate. This was linked to a Nagra tape recorder, do you see that? - A: Yes.
- B** Q: Now this is the one that we heard this morning, Mr. Hawkey, where you and Miss Millard in fact sat and overheard the conversation taking place? - A: That is correct.
- C** Q: You see this is the tape which I was referring to, the only occasion in which independent people, respectable people like yourself and Miss Millard who have, furthermore, nothing to do with the reporters or Mr. Perry (from an outside source) employed just to do a job to be a sound expert, overheard this conversation between Mr. Perry and myself. So this tape is rather important to me, do you see, because I am alleging that the words spoken on the other - on the so called duplicate tape - are not correct, are not (collated?) correctly? - A: That is on the other two?
- D** Q: On the other two, yes, and if this tape has not been lost you see you might have been able ... you might, you just might have said that there was a slightly different conversation, that is why I said I am sorry but there is a fact that this tape is not produced now.
- HIS HON. JUDGE STROYAN: I have ... I think he was just looking at it.
- MR. SYMONDS: My Lord, the tape you have been looking at is the tape from the radio microphone into the boot of Perry's car you see ...
- HIS HON. JUDGE STROYAN: Yes, he gives it number 6.
- E** MR. SYMONDS: Yes My Lord. The other tape - exhibit number 5 - is the direct, the other one is the direct tape recording, My Lord, which goes directly from the microphone into the boot of Perry's car, which is called the direct recording.
- HIS HON. JUDGE STROYAN: Well that is number 6 isn't it? Exhibit number 6 is the microphone under the dashboard?
- F** MR. SYMONDS: Yes.
- HIS HON. JUDGE STROYAN: To the Nagra in the boot.
- MR. SYMONDS: Yes.
- G** HIS HON. JUDGE STROYAN: Well we have got that.
- MR. SYMONDS: Yes.
- HIS HON. JUDGE STROYAN: That is the one the witness has been looking at.
- MR. SYMONDS: Yes.
- H** HIS HON. JUDGE STROYAN: Exhibit 5

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: Is another one that is direct to Nagra in the boot of BLU it says on here.

A

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: It is the second one then.

MR. SYMONDS: It is the second one, yes, so they are both in the boot of BLU My Lord.

B

HIS HON. JUDGE STROYAN: Yes I have got that.

MR. SYMONDS: See we have had evidence of another tape recording being made at that time in fact which would have been an extremely important one to the Prosecution, My Lord, because you see you have two independent people who are not professional criminals and who are not reporters in search of a scandal raking story.....

C

HIS HON. JUDGE STROYAN: Can we

MR. SYMONDS: You have two independent people who over heard this conversation My Lord.

HIS HON. JUDGE STROYAN: Yes I have got that point, but you see you say - just a moment Mr. Symonds - let me get this straight.

D

MR. SYMONDS: Yes.

HIS HON. JUDGE STROYAN: You are suggesting that there was a third tape which recorded this conversation which is not now available.

MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: Is that right? - A: That is correct.

E

HIS HON. JUDGE STROYAN: Very well, let me get that down.

MR. SYMONDS: In actual fact there was 4 tape recordings, My Lord, including a Grundig, so be sure to take down that this was the fourth tape recording which is missing.

F

HIS HON. JUDGE STROYAN: Mr. Symonds, I think I am quite capable of making my own note without your assistance thank you very much.

MR. SYMONDS: Very good My Lord.

HIS HON. JUDGE STROYAN: Yes, well I have got that point.

G

MR. SYMONDS: Now I am quite sure you are right about this, Mr. Hawkey, that there was in fact another recorder going in your car - you and Miss Mounter - and what convinces me is I would like you to look at the box of copy tape number 1. Now will you look at that box very, very carefully and tell me what you see written there? - A: "Copy - phone call, October 28th, 3³/₄, to Symonds

Q: Yes. - A: And then there is something scratched out in the left hand corner.

H

Q: Oh yes, now can you see what has been scratched out? - A: I'm afraid not.

- Q: If I put a word into your mind like "master" and you look through the scratchings can you make out the word "master" in the top right hand corner? - A: I will be honest and say I couldn't because I can't.
- A** Q: If you look at the other writing - you haven't got your glasses - there could be words there "November 21st, Grove, Symonds, Nagra mobile." Well I had better get the Nagra mobile ... - A: It is possible, yes.
- Q: You could pick those words out you say? - A: It is possible.
- Q: You and Miss Millard were the Nagra mobile weren't you? - A: I find it strange that a 5 inch reel be put on to a Nagra tape recorder, usually it's a 7 inch.
- B** Q: You see, Mr. Hawkey, I am not querying your evidence at all, you see I wasn't there. If you say they were brand new tapes taken from ... taken from plastic bags and such, who am I to say that they weren't brand new tapes. See the point I am saying is that the tapes which have been eventually supplied but it is with, I submit, many mix ups, are not those brand new tapes. But I would like you to look carefully at that box and to look carefully to see if you can see the words "master" crossed out, "November 21st, Symonds at the Grove, mobile to Nagra" and following on from that, can you agree that you were close by on that day as the mobile?
- C** A: That is correct.
- Q: That is the term. In the Robson and Harris case whenever the recording machine was put in another car - Miss Millard's Westminster or Mr. Mounter's sports car - that was the mobile, yes? So there is a box in existence you see which confirms your version of making a tape recording on this day in another motor car, and furthermore it would appear that this tape recording was at some time copied because the word "master" has been crossed out?
- D**
- HIS HON. JUDGE STROYAN: Yes. I have got that point.
- MR. SYMONDS: Now continuing on from that and moving on to the 23rd of November which was I believe where we left off at lunchtime. This was when you went to a meeting in fact with two other officers in this series, to attend a meeting where that one other police officer was allegedly meeting Mr. Perry in an Army and Navy store just near Scotland Yard. Do you recall this occasion? - A: I do.
- E** Q: Where Miss Mounter was
- HIS HON. JUDGE STROYAN: Miss Millard.
- F** MR. SYMONDS: Miss Millard, I'm sorry My Lord. Miss Millard was in fact carrying a tape recorder around in I believe ... I believe your wife's blue vanity case? - A: That is correct, yes.
- Q: And she, I understand, went ahead and was standing at a bus stop - this is in brief - and saw or claimed to have seen Detective Inspector Robson approach Perry and go into the stores and she followed them around - upstairs and downstairs - and I think you said because of the escalators it was a very poor recording anyway eventually? - A: Yes that is correct
- G** Q: Yes, and on that day you took the two reporters to the Army and Navy stores and they were carrying yet another recorder in another type of bag, a blue holdall? - A: Yes.
- H** Q: Yes, but you were held up and in the event you arrived late and you had heard the meeting had started and the reporters set off with another

recorder in a bag. Following on from that, so, when you went to the Times and Miss Millard said she had had enough. Now Miss Millard has not given evidence so far in any of these cases to your knowledge has she? - A: No she hasn't.

A Q: No. She didn't really want much to do with this business I think you said, she was frightened and nervous? - A: That's correct, yes.

Q: And wanted out and she told this to the reporters. In the event when - during the trial of Robson and Harris - the reporters gave evidence that, and produced two tape recordings in connection with this allegation - one from a mobile Nagra and one from a Grundig I believe - well I believe the Grundig was also a "mickey mouse" recording? - A: I can't remember but I will take your word for it.

B Q: Yes, and some time after the trial of Mr. Robson and Mr. Harris is it to your knowledge that Miss Millard went to the Police and complained to them that in fact the two reporters had committed perjury?

C MR. RIVLIN: Now, Your Honour, not merely will this not do but we are in fact in danger of the defendant misleading the Court. He has put to the witness that Miss Millard has not so far given evidence; in fact she gave evidence on his behalf at the Old Bailey in November of last year.

HIS HON. JUDGE STROYAN: Oh.

MR. RIVLIN: I am talking about the Robson and Harris case.

D MR. SYMONDS: My Lord, he said in any case I (inaudible) odd words here and there. I am very sorry.

HIS HON. JUDGE STROYAN: I don't think this is helping me to decide about the tapes.

MR. SYMONDS: My Lord, I think it is rather important. You see one of this team of, well, I describe as one of the honest pair, decided it was her duty to go to the Police after the reporters

E HIS HON. JUDGE STROYAN: Now you are making a speech to me, you can do that later.

MR. SYMONDS: You said it is not relevant My Lord ...

F HIS HON. JUDGE STROYAN: Look you can make a speech to me about these matters later but you cannot possibly ask this witness about something which Miss Millard later on may have said or done at another time.

MR. SYMONDS: You see, My Lord, this witness was also seen by the Police and confirmed Miss Millard's allegation. Now in the statement he made he told the truth and said he recalled now that mebbe there probably was her carrying it because he recalled the reporters forgetting to switch the machine on and when they got back the tape was blank and as Miss Millard

G HIS HON. JUDGE STROYAN: So?

MR. SYMONDS: So they decided well we'll pick this one and went and gave evidence on oath with net results and this gentleman and Miss Millard in fact made statements which are in existence, Miss Millard made the allegation

H HIS HON. JUDGE STROYAN: Mr. Symonds, you will be able to say this to me at the time it comes for you to make a speech, at the moment you are asking questions of this witness.

MR. SYMONDS: My Lord, I think it is important but I will drop it.

HIS HON. JUDGE STROYAN: I am not asking you to drop anything, but I am asking you to keep things in order and fair.

A MR. SYMONDS: Well that is referring to the 23rd. Now going forward to the 25th, this was the occasion when I think you said the Australian lady came to bring some tape recordings? - A: Possibly, yes, on one occasion.

Q: The second occasion? - A: An Australian lady came with the reporters, yes.

B Q: And did you adopt this same procedure on this occasion of doing the copying with the boxes? - A: Yes.

Q: One to one, as you did on the 11th? - A: Yes.

Q: And did you see Miss Millard writing on these boxes or on the tapes? - A: To my knowledge, no sir.

C Q: No. So if some of this writing is later discovered to be Miss Millard's it was not done at the time to your knowledge? - A: Well if one of the reporters asked her to do it specifically.

Q: Later, yes. Do you recall the number of tapes which were copied on this date the 25th? - A: I don't recollect, no, but as I say, if you check with the records of Location Sound I am sure you can find how many.

D HIS HON. JUDGE STROYAN: You have already asked him about this.

MR. SYMONDS: That was the number on the 11th I asked him about My Lord. I was working through in date order.

HIS HON. JUDGE STROYAN: Yes, we are now on the 25th.

E MR. SYMONDS: So he doesn't recall the numbers on the 11th and he doesn't recall the numbers on the 25th. He kept no record. Referring to your record that you referred to when giving evidence in chief, when did you make those notes Mr. Hawkey? - A: Which notes are we ...

Q: The notes you referred to first thing this morning. - A: Which are the ones in my handwriting?

F Q: Yes. Were these notes made at the time, Mr. Hawkey, or were they in fact copies from notes made at the time which are now lost I think? - A: I think they were possibly made from notes then copied on to this at the time.

Q: And so your original notes are in fact lost? - A: Yes, obviously, yes.

Q: Scrapped? - A: Yes.

G Q: Now we have dealt with two copyings so far, an unknown number of tapes on the 11th, an unknown number of tapes on the 25th. Now there was in fact a third copying occasion when I believe you copied some Grundigs and I believe that was the statement you have already looked at and shown to you by the prosecution counsel? - A: That was for Mr. Duffy at the time I believe.

H Q: The Grundigs, yes. No, no. There was on the original occasion 19 of this type of tapes on spools handed over on the first instance but there was 4 Grundigs tape recordings allegedly made during this series? - A: That is right.

- A** Q: Which were not handed over to the Police. The copies were not handed over to the Police in the first place on the 28th and is it right that on a date in December you went to the Times? Well if you look at page 34, page 34 of your statement. It is more or less the last paragraph but one of your whole statement. "On another day in December, I went to the Times offices where in the presence of Mr. Lloyd I made copies of each of the 4 Grundig tapes. In fact I made 3 copies of 3 of the tapes and in the case of the meeting at the Army and Navy stores I made 5 copies." - A: Yes.
- Q: Yes, right, now, this was done in the presence of a police officer I understand? - A: Mr. Duffy, yes.
- B** Q: Mr. Duffy. I believe the reporters were making statements at that time? A: That is correct, yes.
- Q: Now in other previous cases so far you made one copy of each tape, yes? - A: Yes.
- Q: So far to that date you had made one copy of each tape? Of 19 tapes? 15? A: I think that is correct.
- C** Q: But on this occasion you made 9 and 5, you made 14 copies of 4 tapes, is that right? If you look at your statement in fact: "I made 3 copies of 3 of the tapes." That is 9, and in the case of the meeting at the Army and Navy stores I made 5 copies? - A: That is possible, yes.
- Q: Yes. Now why did you make 3 copies of 3 of the tapes and 5 copies of one of the tapes when on all previous occasions you just made one? - A: Well
- D** Mr. Duffy asked me at the time, I believe - I can't remember his rank. There was quite a lot of interference on those particular tapes and Mr. Duffy asked if there was any way that some of the interference could be removed.
- Q: I see, yes. - A: And I said we might or somebody might be able to cut out some of the background noise by using certain filters and this was the reason why we made the extra copies.
- E** Q: Uh huh. So what you were doing in fact then you were ... you took the original tape recordings because they weren't very good and this is at the suggestion of the police officer, a senior police officer in the ...? - A: No he wasn't suggesting, he asked if it could be done.
- Q: He asked if it could be done? - A: Yes.
- F** Q: I see. Well in any event at some suggestion you then proceeded to make not true copies of the Grundigs - is this quite true - because you took the one copy of the Grundig, the master, and you passed it through a machine of some sort? - A: No that is ... I will stop you there. We made the copies from the original ...
- Q: Yes. - A: And then those copies, I believe, we tried one at Location Sound ...
- G** Q: Yes. - A: And we tried it on the machine there to see if we could actually cut out the background noise.
- Q: I see. - A: And we found it wasn't very successful.
- Q: What sort of a machine is this, is it called a 'filter' to get rid of background noise? - A: There are various filtering machines which you can bring in to cut out various interference noises.
- H**

Q: So with this filtering machine you can sort of ...

HIS HON. JUDGE STROYAN: I am not concerned with this at all. Let us go on to something which is relevant please.

A MR. SYMONDS: You are not concerned. May I have a few minutes to talk to my Counsel please?

HIS HON. JUDGE STROYAN: Yes, I will rise for a few moments but it really is getting important to let the unfortunate Mr. Hawkey away and you have asked him an awful lot of questions and you seem to me to have covered the ground thoroughly to me.

B MR. SYMONDS: My Lord, I am nearly finished.

HIS HON. JUDGE STROYAN: Well I will rise for a short time.

(Adjournment)

C MR. SYMONDS: Mr. Hawkey, referring you once again to your statement, the last paragraph but one when you made the copies of the Grundig tapes, and you made in fact 3 copies of 3 of the tapes and 5 copies of one of the tapes. The 5 copies were of the meeting at the Army and Navy Stores, can you

HIS HON. JUDGE STROYAN: Is that right? - A: Yes sir.

D MR. SYMONDS: I refer you to the page in his statement My Lord.

HIS HON. JUDGE STROYAN: Yes, I know, but it doesn't become evidence unless it gets an answer. - A: Yes My Lord.

MR. SYMONDS: Can you tell me why you made this number of copies of these Grundigs? - A: Not off hand no sir.

E Q: Were any of these copies put through another type of machine in an effort to make them clear? - A: I believe they were.

Q: And whose suggestion was this? - A: Possibly mine.

Q: Thank you, and is it to your knowledge that one of the Grundigs submitted in this case - in this series as an original exhibit - has no writing on it whatsoever? Is it to your knowledge? - A: No it is not.

F Q: So that was that. Now following on this job, yes, it was natural that eventually your company would invoice the Times for your services, Miss Millard's services, a number of tapes used, supplied to them, the hours spent in travelling and such, yes? - A: That is correct.

Q: And in fact more than one invoice was sent to the Times? - A: That I would not know.

G Q: Were you at a later date interviewed in connection with these invoices and shown certain documents? - A: Somebody did show me some various documents, I believe that is correct.

Q: Was it Mr. Griffin? - A: I wouldn't recollect the name.

H Q: And Mr. Duffy? - A: I wouldn't recollect.

A Q: Was it brought to your attention that in fact the invoices sent to the Times by Location Sound Facilities showed a rather larger number of tapes than have been accounted for on the evidence? I.e. in evidence we have 15 copies ... 15 originals plus 15 first copies made in two batches, plus 15 copies made for the Times, that is 45 tapes? - A: Correct.

B Q: On the evidence we have heard what have been used were used in the course of this investigation. Was it brought to your notice that the invoices in fact showed a considerably larger number of tapes had been used and the Times were being asked to pay for these tapes?

B HIS HON. JUDGE STROYAN: This has got nothing to do with the question that I have got to decide.

MR. SYMONDS: My Lord, I submit that if you make an original tape recording with a brand new tape taken from its box and there are certain things on that tape recording which are embarrassing to you which you would rather not have heard, there are several ways to remove it ...

C HIS HON. JUDGE STROYAN: Well I am sure ...

MR. SYMONDS: But one of the ways, My Lord, is to cut it with a pair of scissors or an ordinary razor blade, remove the offending passage and stick the tape together again. Now, My Lord, this editing is of course immediately obvious to any sort of examination

D HIS HON. JUDGE STROYAN: Please don't make a speech to me now, we are trying to get Mr. Hawkey away.

MR. SYMONDS: My Lord, the point is that there are an extra 15 tapes which have disappeared I consider of great importance My Lord, because I am going to submit to you eventually that those were in all probability the 15 originals.

E HIS HON. JUDGE STROYAN: I dare say you are, but let us please get on with Mr. Hawkey. Now are there any more questions that you want to ask him?

MR. SYMONDS: My Lord I have two or three more questions trying to follow up that point and labour on it, but I can ask another witness My Lord.

HIS HON. JUDGE STROYAN: Thank you very much.

MR. SYMONDS: Thank you.

F HIS HON. JUDGE STROYAN: Now?

RE-EXAMINED BY MR. RIVLIN

G Q: Mr. ~~Hawkey~~, your train is at half past 4 so can I just take up a couple of minutes of your time now and I think you will catch it. You told His Honour that Miss Millard was upset and indeed you said "we were all upset and frightened by what was happening"? - A: That is correct.

H Q: What was it that upset you and frightened you? - A: We thought - to be absolutely honest - we thought that we may be ... em ... the Police would in some way come back at us and that was what was upsetting Miss Millard and myself at the time. We thought that Mr. Robson and what have you would in some way get to us.

Q: You mean the Police who were speaking on these tapes? - A: That is correct, yes.

A

Q: Yes. Were you upset and frightened by anything that the reporters were doing? - A: Well I was upset to be involved in such a thing at the time, yes.

Q: Yes. Did the reporters do anything which caused you concern? - A: Do anything?

Q: Yes. - A: No sir.

B

Q: Did they behave improperly in any way? - A: No sir they didn't.

Q: Yes. Now you have been referred to page 34 of your statement and so I can ask you about it. Would you please have it in your hand and it deals with copies, and I am just going to take you through it, each of those 4 paragraphs, and I would like you to tell me - when I have been through them - whether you think it is true or not.

C

HIS HON. JUDGE STROYAN: Is there a copy for me?

MR. RIVLIN: Yes, can we please have a copy of page 34.

HIS HON. JUDGE STROYAN: Thank you.

D

MR. RIVLIN: "On the 25th November, 1969 Miss Prudence Woore came to Location Sound Facilities at approximately 1.30 p.m. and the copies of the remainder of the tapes were done. I can tell precisely the number of tapes I copied from my company records."

MR. SYMONDS: Can I have page 34 please?

MR. RIVLIN: "Miss Woore remained with me through the time the original tapes were in my possession. I then handed her the original and copies and she left." That deals with the 25th does it? - A: It does sir.

E

Q: And just to assist, on page 33 at the bottom, you say: "I made rough notes of the equipment I had and can produce them." And those are the rough notes that we have been talking about and produced in this case? - A: These?

F

Q: Yes. Then you go on to say this: "On another day in December Mr. Mounter and another young lady came to Location Sound Facilities with the original tapes and I made a further copy of them all. Mr. Mounter and his Secretary remained with me throughout the time I was copying the tapes. I then handed the originals and copies to Mr. Mounter and they left." Now do those two paragraphs help you to refresh your memory about the events? - A: They do, but I do believe that on the first paragraph it says Miss Woore.

G

Q: Yes. - A: I do believe that one of the ... em ... reporters was with her at the time.

Q: Yes. Well subject to that are these paragraphs true? - A: They are, correct.

H

Q: And then you go on to say this, don't you; "These tapes I've been referring to consist of 15 tapes on 5 inch and 7 inch spools, suitable for the Nagra and Uher recorders. On another day in December, I went to the Times offices, where, in the presence of Mr. Lloyd I made copies of each of the 4 Grundig tapes. In fact I made 3 copies of 3 of the tapes

and in the case of the meeting at the Army and Navy stores I made 5 copies." -
A: Yes that is correct.

A

Q: Right. Now let us see if we can tie those two days in December down. The fourth paragraph refers to you going to the Times offices doesn't it? -
A: That is correct.

Q: Now we have had a look, haven't we, here in the statement, of the 5th of December which you made: "I went to the Times offices and copied the Grundigs." - A: That is correct.

B

Q: So would that be the 5th? - A: That would be.

Q: And going back to the second paragraph: "On another day in December Mr. Mounter and another young lady came to Location Sound Facilities with the original tapes and I made a further copy of them all." We have seen the Times copy tapes boxes dated the 2nd of December in Court. - A: In Court, yes.

C

Q: Would that help you to say what that day was in December when Mr. Mounter and another young lady came to Location Sound Facilities? - A: It wouldn't help me on the actual date, no.

Q: Well what if the boxes are dated? - A: If the boxes are dated I should say that that would be the date of the actual copies.

D

Q: Well the boxes are, we find, are dated the 2nd of December and perhaps if you could have one or two of them just to confirm this. Could they be handed to him please. Yes, we find that it says "copied, 2nd of December" do you see, not on every single box but on most of them. Would that help you to say the date that they came to Location Sound Facilities? -
A: I would say that would be the date that they were actually copied, yes.

Q: So that in fact ties in with your recollection of what occurred? - A: Yes sir.

E

Q: Yes. Yes, now just another matter; you have been asked about this fourth tape that was taken on the 21st of November when you and Miss Millard were said to be listening in? - A: Yes sir.

Q: Yes. Now would you please have a look at your original notes. I think they are in front of you there. Your Honour, as the defendant has a copy perhaps you might have a copy too.

F

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And go, would you please, to the note which is headed "Thursday, 20th of November, '69" right? - A: Yes.

Q: And there you have set out all the equipment you used on that day, Thursday the 20th of November - 3 Nagra's plus 2 radio micros and so on and so forth. - A: That is correct.

G

Q: And in fact in relation to Friday the 21st of November which comes at the bottom of the page, do you have that? - A: I have, yes.

Q: All that you have put there in relation to that is "as above" plus something or other, plus one? - A: (No answer.)

H

Q: One Uher if I can help. - A: One Uher tape recorder, yes, and one telephone adaptor.

Q: Now in answer to the defendant when it was being suggested to you that a particular copy tape box number 1 had on it November the 21st "mobile to Nagra" "master" crossed out, you said "I find it strange that a 5 inch reel be put on to a Nagra tape recorder". - A: That is correct sir.

A Q: Would you explain to His Honour what you meant by that? - A: Well on a Nagra - although a 5 inch can be used on the Nagra tape recorder - it is out of character. If you've got 7 inch spools you would normally put a 7 inch spool actually on the Nagra tape recorder and the 5 inch would usually be used on the Uher because it cannot take a 7 inch spool.

B Q: So do you find it easy to accept the proposition that is put to you on behalf of the defendant, or by the defendant, that a? - A: Well ...

Q: You do or you don't? - A: Would you explain that please?

Q: Yes, the proposition is that a Nagra with a 5 inch reel was used on the Nagra and then put into that box? - A: No I don't agree with that at all

C Q: You don't agree with that at all. We do have in Court and you have heard one of them ...

HIS HON. JUDGE STROYAN: Which box is that?

MR. RIVLIN: This is a box that was put to the witness.

HIS HON. JUDGE STROYAN: Yes.

D MR. RIVLIN: Copy tape box number 1.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Now we do have in Court and you have heard one of 3 tapes that were taken on the 21st of November. - A: Yes sir.

E Q: You have heard one of them - that is exhibit 5 tape 14 - haven't you? - A: Yes sir.

Q: And you have been described more than once - one might be relieved to say - as independent and a respectable person. - A: Yes.

Q: Do you have any doubt that these ones that you have been pointing out to us today are the originals? - A: I have no doubt at all.

F Q: And having listened to them and recollecting what you heard all those years ago - which of course is a very difficult thing - but having listened to them is there anything, any content, that took you by surprise when you listened to them today? - A: No sir there wasn't.

Q: And finally, if there was a fourth tape on the 21st of November do you know what has happened to it? - A: No sir I don't. If ... if there was some failure of some kind it would have been returned and put into the workshop but I have no knowledge apart from that.

G Q: Yes. When you went through the originals with the Police and made your schedule of 19 originals, and I think your schedule appears on pages 35, 36 and 37 of your statement - made so many years ago - did it cross your mind 'goodness gracious me a tape seems to have disappeared and got lost'? A: It doesn't, no.

H Q: It didn't cross your mind that anything was missing? - A: It didn't sir, no.

Q: Yes, I have no further questions to ask of Mr. Hawkey Your Honour.

MR. SYMONDS: My Lord, could I ask two or three questions about those matters raised?

A HIS HON. JUDGE STROYAN: No you had ample opportunity to cross-examine, I am not going to let you ask any more questions.

MR. SYMONDS: Not to clarify points which have been brought out during re-examination?

HIS HON. JUDGE STROYAN: No.

B MR. RIVLIN: Thank you Mr. Hawkey.

(Witness withdrew)

MR. RIVLIN: Mr. Lloyd please.

C MR. LLOYD (continued)

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

D HIS HON. JUDGE STROYAN: The last note I have of this cross-examination, Mr. Symonds, was that you were asking about how this witness identified your voice on the tapes.

MR. SYMONDS: Mr. Lloyd, going to the actual setting up of the equipment at the actual meetings. On the 28th you have given evidence that you tape recorded a telephone call; tape 1 exhibit 1. - A: Yes sir.

Q: Did you see Mr. Hawkey taking this tape recording from a new plastic bag?
A: I can't remember sir.

E Q: You were expecting a call from another officer, is that right? - A: This was the occasion when we were at Bingham Point is it?

Q: Yes. I believe you said you were expecting a call from I think Mr. Robson?
A: Yes sir.

F Q: He was due to telephone? - A: That is right.

Q: And this call failed to arrive? - A: That is right sir.

Q: When you first set up the equipment did you test the equipment to see if it was working? - A: Well I didn't, I mean all that kind of thing was left to Mr. Hawkey.

G Q: Do you recall him testing - dialling TIM - for example such a test? - A: I don't recall sir.

Q: When Mr. Perry's expected telephone call did not arrive was any attempt made by Mr. Perry to contact Mr. Robson at Scotland Yard? - A: No sir not to my recollection. If I could just refer to my notes that might just ... em ... no sir, no reference to it.

H Q: You made no attempt? - A: No I don't think so.

- Q: Did you attempt to telephone any other police officer other than myself on that day? - A: No sir.
- A** Q: Whose idea was it to make the telephone call Mr. Eloyd? - A: Very probably ours sir.
- Q: To Camberwell? - A: Sorry.
- Q: To Camberwell? - A: Very probably sir, yes.
- B** Q: Did you make several abortive calls by which I mean trying to contact me?
A: Yes, we did make either one or a number of calls then we were told that you weren't expected till 1.30.
- Q: And these were recorded by you were they? - A: I believe they were sir, yes.
- Q: Quite naturally you would record the call because you hoped to establish from that call some form of identity of the speaker? - A: Yes.
- C** Q: For example the Police Station answering giving the number, this is Camberwell Police Station? - A: Yes sir.
- Q: So it would follow that whenever other officers were telephoned you would adopt a similar procedure, you would record the call even though it be abortive? - A: I don't recall phoning other officers.
- D** Q: Mr. Robson for example? - A: I can't recall having phoned Mr. Robson.
- HIS HON. JUDGE STROYAN: Mr. Symonds, I have already told you that I don't attach a great deal of importance to this first telephone call tape. I don't think you need waste time on that.
- MR. SYMONDS: Very good My Lord. Having succeeded in making a telephone call to Camberwell Police Station and recording a conversation, did it then come to you to make further arrangements to record a conversation which may take place in a car or elsewhere? - A: Yes sir.
- E** Q: And following on from that did you request your Sound Engineer to have extra equipment brought out to Bingham Point? - A: Yes I think we did sir.
- Q: And following on from that was this extra equipment duly installed in Mr. Perry's car? - A: Yes sir.
- F** Q: And did you see this being installed or ...? - A: I don't think I did sir. I think that ... er ... Mr. Hawkey went down and wired up the car on his own.
- Q: And following on from that was it decided to make further contact if possible with this police officer at Camberwell to change the time of the appointment? - A: Advance the time, yes sir.
- G** Q: Advance the time of the appointment; and were several telephone calls made to achieve this change of time? - A: Yes.
- Q: And were these calls recorded? - A: They were done from a telephone box near the Plough.
- H** Q: Were you told something by Mr. Perry which caused you to make arrangements to attend a meeting at ... to observe a meeting at 5.30 p.m.? - A: Yes sir.

Q: In anticipation of bringing the meeting forward had you arranged for a photographer to join you? - A: Yes sir.

Q: At the scene? - A: Yes sir. Yes we had.

A

Q: Was that photographer Mr. Sims? - A: Yes sir.

Q: Preparing for the meeting were new tapes fitted under your supervision to the Uher? A Uher machine in the Sound Engineer's car and a Nagra machine in Perry's car? - A: It certainly sounds right. I cannot recall the machines and I wasn't expressly concerned with them. I mean the technicalities of it I left to Mr. Hawkey.

B

Q: When this tape or these tapes were fitted to the machines did you sign and/or mark them in any way? Did you write on the tapes to identify them? - A: I don't ... I certainly don't recall writing on them before the meeting started, no.

Q: Is it possible that on any occasion - perhaps the end of your enquiry - you may have been writing on the tapes before the end? - A: I don't remember it sir, no.

C

Q: Did you take steps to write on these tapes immediately following the alleged meeting? - A: Yes I think later on. It is a long time ago now and I cannot remember these small details very well, but I think we did as soon as we ... as soon as we retrieved them.

D

Q: Is the situation that you would take the tapes and then immediately you would write on them to identify them? - A: It may have been done at the ... at the house that we took them to to listen to them. We listened to some of the tapes in cars to establish that there was a recording on them.

Q: Yes. - A: Em ... it is the kind of fine detail I really cannot remember.

E

Q: Now I believe it has been you - you have given evidence before - that it was your practice - but after a meeting - to interview Perry before listening to the tape recordings to establish from him his version of the meeting before you listened to the tape recording, in this way to test his truthfulness, or reliability, or his account of the meeting? - A: Yes, while they were retrieving the tapes or putting the machines down, I would take Perry aside and talk to him.

F

Q: So could we assume from that then that it is quite likely that the writing was put on the tapes at about this time in any event, before the tapes were played? - A: Oh no not necessarily before the tapes were played. No, the practice would be to see if we had a recording which we would leave to Ken Hawkey to establish. I mean the fact of the matter is that one couldn't really stand out on a street corner and listen to these things willy nilly, so we would drive to the house where ... which we would be using as a base and ... er ... and play them there, and I think we would have probably put the writing on the tapes after we had listened to them.

G

Q: So would the situation be then if you had two Nagras say in the boot of Perry's car, both recording on 7 inch tapes, and the plan is after the meeting to return to Beckenham. I believe on one occasion you sent Perry off to take the ...? - A: Yes that is right.

Q: The awkward route to throw off ...? - A: Yes that is true.

H

Q: Anyone trying to follow you? - A: Yes we did.

A Q: And when you eventually met up outside this house in Beckenham which you were using as your base, could it be then that the procedure would be that you would go to the boot of Perry's car and you would retrieve the two tape recordings from the two machines and then you would carry these two tape recordings into the house and then you would question Perry about his version of events and then play the tape recordings? - A: I think we just all left them on the machines - whichever one we were going to listen to - the actual handling of the tapes was really left to Ken Hawkey. I mean we didn't want to interfere with it.

B Q: So Mr. Hawkey was really - as the Sound expert - that was really his province? - A: Yes.

Q: Supplying the equipment, supplying the tapes ...? - A: Yes, and playing it back to us.

Q: Fitting them on, taking them off and playing them back? - A: Yes.

C Q: No tape has been produced to this Court which is said to come from the boot of Perry's car on the 28th of October. In other words there is no back-up tape to tape 2 exhibit 2. - A: That is the Rose at ... em ...

Q: Yes. - A: No, well he was in your car so there would be no back-up tape.

Q: So on such an occasion what would you do with that tape? It has passed through the machine, yes, it is no longer a virgin tape? - A: That is right and I don't remember what happened to it.

D Q: Would you take all the tapes that were used, perhaps, in the exercise naturally because it is a series, yes, everything you used in that as evidence, yes? - A: No.

Q: You perhaps kept the tape? - A: No we ... no we were concerned to hear what was passing between you and Perry ...

E Q: Yes. - A: To establish his allegations about you ...

Q: Yes. - A: And if there was nothing on the tape - as there was not in the boot of his car because he wasn't in it -

Q: Yes. - A: It would be ...er ... valueless.

F Q: But might there be some words on it which might help you to establish the case you were making? - A: No sir none at all. We would start ... on this occasion I remember we started that tape off ... em ... and I travelled with him in the car - but short of the rendezvous - and bailed out of the back before we got there. This was to try and keep an eye on him and keep account of him. He then pulled into a space in Benhill Road I think it was and sat in his car with the machine running, but ...er ... I think you asked him to come and sit in your car.

G Q: Yes, well following on from that. You see if the microphone in Perry's car is live and the machine is running ...? - A: Yes.

Q: And then

HIS HON. JUDGE STROYAN: Well whatever may ...

MR. SYMONDS: And I go to Perry's car and

H

HIS HON. JUDGE STROYAN: Mr. Symonds, whatever may have been happening on the tape in Perry's car with you and he were talking in your car isn't going to help me at all to decide whether the relevant tapes are original.

A MR. SYMONDS: My Lord, if I can make the point here and that is that the witness has just said that on my going to Perry who is sitting in his car hoping I would come to his car and ask me in to see him in his car; if there is a sensitive microphone in his car attached to a Nagra which is recording, this conversation would be recorded on the tape which is now missing. Now, My Lord, in the Robson and Harris ...

HIS HON. JUDGE STROYAN: I am not concerned with Robson and Harris.

B MR. SYMONDS: I will put this to the witness. Is it correct, Mr. Lloyd, that on one occasion during your observations dealing with the other officers, a meeting was alleged to have taken place in Detective Inspector Robson's car, a Viva? - A: That is right sir.

Q: And there was two tape recorders in fact working in Perry's car? - A: Yes sir.

C Q: Which were kept and produced at the proceedings for Robson and Harris? - A: Yes.

HIS HON. JUDGE STROYAN: I am not concerned with Robson and Harris.

D MR. SYMONDS: And on these two tape recordings there was two tiny snatches of conversation allegedly made by Robson and Harris in which they invited Perry to sit in their car and on that case you considered these tapes important and you kept them very carefully and they were produced and used in evidence.

HIS HON. JUDGE STROYAN: And I have told you time and again I am not concerned with Robson and Harris, and I am not going to let you go on asking questions about it. But I am concerned with this case and these tapes.

E MR. SYMONDS: My Lord, this was a series of tape recordings

HIS HON. JUDGE STROYAN: I dare say it was, but at this particular moment I am concerned with these tapes and not with the Robson and Harris tapes. I am not going to let you go on asking questions about them.

MR. SYMONDS: My Lord, some of these tapes are common to both cases.

F HIS HON. JUDGE STROYAN: You can only ask relevant questions about the tapes which are in issue here which are exhibits 1 to 7.

MR. SYMONDS: But My Lord exhibit 4 tape 3 is common to both cases My Lord.

HIS HON. JUDGE STROYAN: Exhibit 4 tape 3 has got a bit on the back with which I am not concerned.

G MR. SYMONDS: My Lord, it also has a large part on the front which is of some concern I submit My Lord. - A: We could well have used that tape that came off that, in fact there was some question raised about it. I cannot remember it in detail now ... em ... on another occasion. That there was some question of that.

H Q: I see, so? - A: In fact there was nothing of any relevance or significance on that tape whatsoever because ... em ... I mean to recreate the scene, there was Perry sitting in your car rather than in his car with you

which we had hoped to be able to get him to do, and ... em ... we would have had a direct recording without having had to worry about radio microphones. It didn't happen.

A Q: Yes, but do you agree that on another occasion in another enquiry you did in fact retain two tape recordings? - A: Yes. Well we got more experienced as time went on.

Q: I see. Thank you very much. Do you know for sure what happened to that tape recording? - A: Which tape recording?

B Q: The tape taken on the Nagra machine which was in Perry's car? - A: No I don't sir.

C Q: Would you have returned it to the Sound Engineer for cleaning or would you have taken it with you to the Times offices? - A: I don't ... I don't recollect sir. If there was nothing on it ... em ... I don't think it would have any particular relevance to us but I really cannot remember. The fact is that the tape that we have heard in this Court ... em ... contains what we considered were some significant snatches of your conversation with Perry ... er ... which bore out some of the things he was saying to us and which we felt merited further recording.

D Q: Were you in the habit of advising Mr. Perry to play his radio, his car radio whilst waiting for the police officers to arrive and instructed him to switch it off when the police officers arrived and switch it on again when the police officers left, having in mind a method of putting the time and date ... by being able to later establish the time and date of that exact radio programme? - A: I don't remember ... er ... giving him any instructions about that. We may have done. There is some radio recording, some recording of his car radio on the tapes and I think we certainly instructed him to turn off the radio if he had it on before a meeting took place, which he did, and you hear him turn it off on the tapes as you get into the car.

E Q: I believe you experienced some trouble with tape 2 exhibit 2? The first part of the conversation was lost - cut out - through distance I believe? The receiver was too far away? - A: This is the one ... this is the one ...

Q: At the Rose. - A: At the Rose, yes. There was precious little on the tape.

F Q: And did you discover this at some early opportunity and you realised straight away that it wasn't working and I believe you sent someone to try and get nearer? - A: Yes ... em... that is right. Ken Hawkey and I think Joan Millard or mebbe it was Julian Mounter in his car ... em ... said that they were having trouble as I think I walked by. I think I may have a note of that somewhere.

G Q: Well ... - A: But anyway that is what happened. There was ... we did realise that the radio receiver wasn't working properly and that we needed to be in closer proximity.

Q: And so when you played back that tape some short time later to see what in fact you had got you realised in fact that much of the first part of the conversation was in fact missing? - A: That is right.

H Q: Atmospheric noise and such for some minutes? - A: That is right, yes.

Q: Yes. Now if Perry's radio was playing on this occasion this sort of noise would in fact have been recorded on the back-up tape and any comments Perry might have made on arriving would have filled part of that copy in some way which we now have at the front of tape 2? - A: I don't follow you sir.

A HIS HON. JUDGE STROYAN: It doesn't matter, it's not relevant. Yes.

MR. SYMONDS: Turning to the next meeting, Mr. Lloyd, on that night, the 28th, did you take the two tape recordings - tape 1 exhibit 1 and tape 2 exhibit 2 - back with you to the Times offices? - A: Yes sir.

B Q: Did you play those tape recordings to your seniors? - A: Yes sir.

Q: At the Times? - A: Yes sir we did.

Q: And did you take steps to ensure their safety in some way? - A: Yes sir.

C Q: Did you place them where did you keep them? - A: Well I can't remember the date when we had the filing cabinet. If we had had the filing cabinet by then they would have gone into the filing cabinet. If we didn't they might well have remained in one or other of our personal custody.

Q: That would be in your desk or in your home? - A: Oh no, I think I probably would have taken them home.

D Q: Taken them home, I see, yes. Was that your practice in fact until in fact the filing cabinet was established you kept a very close eye on them? - A: Well the filing cabinet arrived, I mean, very early on the scene when we ... when we established that, we got we didn't want to be ferrying tapes around and we had been warned that ... er ... if the tapes, for instance, came into contact with a magnet or anything like that they could be ... they could be damaged and it didn't seem a good idea to be walking around with tapes like this anyway.

E Q: Yes, and did you take any steps to have these tape recordings transcribed in any way shortly after they had been recorded? - A: Well I don't think ... I can't remember when we started the transcription but that particular meeting was somewhat of a disappointment to us because it ... er ... there were only snatches of conversation and we couldn't ... er ... we couldn't say that it bore out precisely what Perry was saying about you. It did contain certain significant references as I recall which we felt demanded further enquiry.

F Q: When you did start to have these tapes transcribed were they transcribed by your secretaries? - A: Yes we had a whole team of secretaries working on them.

HIS HON. JUDGE STROYAN: Was that on the originals or on the copies? - A: Well we started with the originals sir and then we quickly worried that we might damage the originals and that is when the copying came about.

G HIS HON. JUDGE STROYAN: Yes I see, thank you.

MR. SYMONDS: Can you recall the names of these secretaries? - A: No sir, I think they are available in the documentation somewhere.

Q: Is Miss Dippey one? - A: Yes she is.

Q: Miss Linda (Hartford?)? - A: Yes that rings a bell.

H Q: Miss Prudence Woore? - A: Yes.

Q: You don't recall any other names? - A: No sir.

Q: And these ladies were in fact involved in making transcripts in the early days from the original tapes? - A: Yes sir.

A

Q: Until they were copied? - A: That is right.

Q: And after you copied the tapes did the secretaries make the transcripts from the originals or the copies? - A: Er ... from the copies.

Q: From the copies, and what happened to the originals? - A: The originals were locked in the filing cabinet.

B

Q: By this time they were in the filing cabinet?

HIS HON. JUDGE STROYAN: What?

MR. SYMONDS: By this time they were in the filing cabinet? - A: We certainly had the filing cabinet by then, by the time we made the copies.

C

Q: Turning back to the transcriptions. When these secretaries were transcribing the tapes were you and Mr. Mounter present? - A: Em ... we weren't present all the time, no.

Q: I see. What was the situation you were engaged on this enquiry or other duties? - A: No we ... we were trying to run this extremely complex enquiry. I mean as you say, you were a rather ancillary figure in it at that stage, we were much more interested in the affairs of Mr. Robson and Mr. Harris and we were trying to organise the tape recording of meetings with them at the same time as meetings with you, and ... er ... when it came to the transcriptions, I mean, we listened to the tapes and ... er ... satisfied ourselves that what was on them was of great importance and then started to get the secretaries to transcribe them and we started off with one or two secretaries and of course as we got more tapes we got more secretaries, more machines, more secretaries, and we took over an area of the news room and had some desks set up in the news room and they sat there with headphones on transcribing these tapes.

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Q: The news room is what, the main ...? - A: The main ...

Q: The main centre? - A: It was the ... yes it was an area of the main news room.

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Q: With many desks and many people and a hive of activity? - A: Well it is not actually, the Times news room is a rather civilised place and a quiet news room compared with other Fleet Street news rooms, but not this particular area of it.

Q: I see, and was this filing cabinet in which the tapes were being kept in your office in the news room? - A: Yes.

G

Q: This was in the news room? - A: Yes.

Q: Excuse me a minute.

HIS HON. JUDGE STROYAN: Mr. Symonds.

MR. SYMONDS: Yes.

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HIS HON. JUDGE STROYAN: Are you going to be able to finish this cross-examination in the next few minutes?

MR. SYMONDS: No My Lord.

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HIS HON. JUDGE STROYAN: Well then I think that perhaps this is enough for today. I think I must tell you, Mr. Symonds, that I have been giving you great latitude today in your questions. It is part of my duty - and this has been emphasised and that was in the Court of Appeal - to ensure that trials are conducted with expedition and without wasting time. A considerable amount of today has been consumed with you asking questions which are irrelevant and unnecessary as well as some which are necessary and relevant. The time may come if you go on wasting time like that, when I shall have to stop you. I would prefer not to have to do that. What I suggest you do during the adjournment is to consult with your solicitors and make sure that the questions that you ask tomorrow and indeed on future occasions are directed to the very narrow issue which I have to try, which is whether the tapes exhibits 1 to 7 are original and authentic. If you confine your questions to that issue which is the only thing I am trying of course, you will be allowed to ask them. The time may come - if you ask unnecessary and irrelevant questions which don't help me on that issue - then I shall have to stop you. So in the mean time I think it would be a good idea if you took some advice from your solicitors and confine yourself to asking questions which help me as I have explained on the very narrow point which I am deciding.

MR. SYMONDS: My Lord, I wonder if you could help me, advise me, by giving me some examples of the unnecessary and irrelevant questions I have been asking so I can avoid them?

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HIS HON. JUDGE STROYAN: When you make speeches to me - which you have been doing on a number of occasions - those are not questions, they are points you put to me, and when you ask witnesses about what other people have ... what views other people may have expressed on other occasions, those things are very often quite irrelevant. What is relevant is what happened to these tapes, what happened to other tapes is usually not relevant. I am interested in these particular tapes, what happened to them, and that is the only thing I have got to decide. If you start embarking on other enquiries about other things, then you may well be wasting your time.

MR. SYMONDS: Is Your Lordship suggesting that any questions I have asked Mr. Lloyd today are irrelevant?

HIS HON. JUDGE STROYAN: I am not going to conduct an argument with you now.

MR. SYMONDS: Thank you.

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HIS HON. JUDGE STROYAN: I am sure you will be given extremely good advice from your solicitors.

(Court adjourned for the day)

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"I certify that I took shorthand notes of the proceedings in the trial of Regina v John Alexander Symonds and that the pages numbered 1 - 79 are a correct and complete transcript of my said shorthand notes to the best of my skill and ability"

J. W. Wilkinson
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