

A IN THE CROWN COURT

Before:

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

C Held at:
The Law Courts,
Victoria Square,
MIDDLESBROUGH.

D On 11th. March, 1981

E R E G I N A

-v-

F JOHN ALEXANDER SYMONDS

(Evidence of: Mr. Ford (cont'd)
Mr. Killick
Mr. Taylor
Miss Millard)

G MR. G. RIVLIN, QC and Mr. F. RADCLIFFE appeared as counsel for
the Crown

MR. JOHN ALEXANDER SYMONDS conducted his own defence.

Transcript of the shorthand notes of Miss A. Dixon of Messrs.
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(Trial within trial cont'd in absence of jury)

MR. FORD (continued)

A HIS HON. JUDGE STROYAN: Are you ready to start Mr. Symonds or do you want to unpack your papers?

DEFENDANT, SYMONDS: I'm ready now Your Honour.

B HIS HON. JUDGE STROYAN: One matter I would like to raise with you Mr. Ford before you cross-examine him. Mr. Ford, in relation to exhibit 3 tape number 5. A. Yes, Your Honour.

HIS HON. JUDGE STROYAN: You said that was one on which there were two recordings. My note of the conclusion of your evidence is it might appear to be continuous? A. On one side two recordings which run into each other, they're both radio micro recordings. On the other side ...

C HIS HON. JUDGE STROYAN: Yes, just a minute. And you said there was something like a third of a second between the end of the conversation which appeared to be, or was alleged to be, a conversation between the defendant and Perry A. That ...

HIS HON. JUDGE STROYAN: Just a moment. And the next part of the conversation, do you remember? A. That was on tape five Your Honour.

D HIS HON. JUDGE STROYAN: Tape five, yes. Now does it follow that the recording on tape five was switched off at the end of the alleged Perry/Symonds conversation and therefore it went on into the second conversation, or what? A. The second conversation to be recorded on tape five is the one which starts at the beginning of tape five and is the Perry/Symonds conversation. At the end of that conversation the recorder was switched off. There is then a gap and then you enter the previous recording.

E HIS HON. JUDGE STROYAN: And the gap you say was about a third of a second? A. It is a little bit longer than that in fact, Your Honour.

HIS HON. JUDGE STROYAN: I see. So listening to the tape one hears first of all the Perry/Symonds conversation, then there's a short gap of about a second, is that right? A. It's under a second Your Honour. If you wish I can tell you exactly how long.

F HIS HON. JUDGE STROYAN: No, that will do. Less than a second after the Perry/Symonds conversation. You say the tape recorder was switched off? A. That is correct.

HIS HON. JUDGE STROYAN: And therefore the recording continues with the earlier conversation, the second half of the earlier conversation - the latter part? A. The latter part thereof, yes.

G HIS HON. JUDGE STROYAN: And that is all you said? A. That is what I've said about that tape.

HIS HON. JUDGE STROYAN: Nothing more than that? A. Not from the break, no.

H HIS HON. JUDGE STROYAN: Thank you. I'm sorry to trouble you.

MR. RIVLIN: Not at all.

MR. FORD

CROSS-EXAMINED BY MR. RIVLIN

A

Q. Just one or two further general questions Mr. Ford, then I would like to deal briefly with the individual tapes. A. Yes Sir.

Q. And I promise you I shall deal briefly with them. First one or two general points. You first examined the tapes in I think 1970, is that not right? A. In 1971 I believe it was.

B

Q. In 1971. It was. A. I believe so.

Q. And you then next examined them in 1980? A. That is correct.

Q. And it was perfectly clear to you wasn't it, that between 1971 and 1980 no one had tampered with these tapes? A. I have never suggested, and there is no evidence of it, no.

C

Q. Then your answer is you agree with me? A. Yes.

Q. Thank you. I am sorry to ask you questions that you may think to be obvious but I would like to do that nevertheless. And indeed in 1971 when you examined the tapes you had police officers present, didn't you? A. Throughout the examination I had two.

D

Q. And it was perfectly clear was it not that the police at that time certainly were taking these tapes very seriously indeed? A. Oh yes, very much so.

Q. And their custody and care very seriously indeed? A. I would assume so, yes.

E

Q. That was the impression you got? A. The impression I had was they were very important recordings and being carefully looked after.

F

Q. I am obliged to you Mr. Ford. Now having dealt with those two general questions I would like to come now to the individual tapes, but before I do that I wonder if you would agree with these propositions because I think one has to look at the matter logically. Would you not agree Mr. Ford that there are really three possible sources of information which might assist the Court in this case about the originality of these tapes - and let me tell you what they are: First the evidence of those who were actually present in the motor car when the recordings were made; second the evidence of those who set up the recordings and who controlled the recordings and who took the tapes off the recorder and kept them; and third the evidence of the experts who examined the tapes and who can give assistance to the Court based upon their conclusions?

G

A. Those are all very important factors, yes, and also the evidence of those involved in between.

Q. What do you mean by the evidence of those involved in between? A. Those handling the tapes.

H

Q. Oh yes, I'm not going to trouble you with continuity. We are going right back to square one here on the question of originality and authenticity of recordings. And I think you would agree with me that those are the three main sources of information which could assist the Court? A. Yes, well I think I agree with that.

Q. I am obliged to you. Now of course you weren't there so you don't know what happened? A. No.

A Q. And you are doing your best no doubt to assist the Court from your expert experience in handling tapes? A. That is correct.

Q. Right. Let us deal with tape 1, exhibit 1, the telephone conversation. A. Yes.

B Q. And I'm not going to spend very much time on this one Mr. Ford. There was no ... You found no significant damage or abnormality when you examined the tape, that's right? A. Physically not.

Q. Physically not. You told His Honour last evening and perhaps you will confirm this now, that you found when you examined the tape no evidence that you could detect of doctoring conversation, that's right, isn't it? A. I don't actually recollect saying that, but this tape consists of a number of telephone calls with breaks in between, sometimes the machine was paused and sometimes switched off.

C Q. Yes, certainly. I am going to concentrate your attention, if I may please, to that particular telephone call with which we are concerned in this case and no doubt you've read a transcript of it, haven't you? A. Yes I have.

D Q. You found no evidence of doctoring of that conversation did you? A. No I did not, no.

Q. I suppose in a sense this is a matter of comment Mr. Ford and if it is I apologise, but nevertheless a lot has been said about this first tape. You appreciate do you not that its content is relatively innocuous? A. Yes as it stands I do.

E Q. And the situation is that you have found certain features relating to this tape that you have quite rightly thought it right to bring to His Honour's attention - features relating to tone bursts and hum? A. That is correct.

Q. Having said that Mr. Ford, if it were the case (and we don't know whether it is) but if it were the case, do you understand, that the two people involved in this telephone call were both to say it was genuine, do you understand Mr. Ford? A. I do.

F Q. You would not be able to argue otherwise would you? A. I have no reason to say the telephone conversation has been tampered with, the only thing I am saying about this tape is it has abnormalities which you would not expect to find on a tape made in the way which has been described in the evidence.

G Q. I fully appreciate what you are saying Mr. Ford and we take your point no doubt.

HIS HON. JUDGE STROYAN: When you mentioned two people who had you in mind?

H Q. Mr. Symonds and Mr. Perry, it's a hypothetical question but it gets straight to the heart of the matter in relation to what it is His Honour has to decide. You've pointed out these abnormalities and you've

pointed out the possible significance of them.
that.

A. I have done

A Q. But if it were suggested by both people, if it were, that this conversation was original and authentic (at least the recording was) of the conversation, you've made no scientific finding to counter that?

A. The situation is very simple ...

Q. I'm sorry, I'm sorry, I'm not cutting you short, but you said I have not ...

A. I was going to continue to say the situation is very simple. I said yesterday in Court that if someone makes a good job of editing a tape there will be no evidence there.

B Q. Thank you for that answer, but I would like an answer to my former question: If it were the case that both people involved in this conversation claimed that it was genuine and authentic you have found nothing and you could provide no scientific evidence to this court to counter that?

A. I have no reason whatsoever to challenge that statement.

C Q. I am obliged. What you do say about this tape is this, isn't it, and please don't think I'm trying to put words into your mouth, I know you'll correct me if I'm wrong. You say you find it difficult to believe that this tape was factory fresh?

A. What I say, so far as the section of tape after the audible recording is concerned that is not a factory fresh section of tape.

D Q. Yes, very well I don't think there may be very much between us on that Mr. Ford.

A. Good, I'm glad to hear it.

Q. And the tone bursts that you found were after the recorded section, weren't they?

A. After the audible recording, yes.

E Q. After the audible recording. And given that the tone bursts were whole width tone bursts as opposed to half track tone bursts, it would be quite possible would it not if this had not been a factory fresh tape if somebody at Location Sound Facilities had done their best to erase whatever had been on the tape and to make it as clean and as quiet a tape as possible by putting it through a NARGRA recording at record without actually recording anything on it?

A. No, that is not possible, not using tape in the conventional manner.

F Q. No. I understand what you told His Honour about turning it upside down and the like.

A. That would do it, yes.

Q. And I think finally this is what I am going to put to you. You said this to His Honour, didn't you - that so far as this tape is concerned that you found it difficult to say with certainty that for example there may not have been something else recorded that's been erased?

A. That is a possibility, we do not know.

G Q. It's a possibility.

A. If as you've just suggested that tape was put over a nargra recorder with the tape turned inside out by Location Sound it would have erased anything that previously existed.

H Q. Yes, anything that previously existed, yes. But the point is this, and let's go to the heart of the matter. The conversation that is in question in this case, as you know, begins with somebody saying "Can I

speak to Mr. Symonds please"?

A. Yes.

A

Q. Continues with the conversation and ends with them saying "See ya, alright, cheers".

A. Yes.

Q. In other words a natural ending of a conversation?

A. Yes.

Q. Right now I am going to turn now to tape number two, exhibit number two. A poor recording?

A. Yes, largely unintelligible.

B

Q. Largely unintelligible. You are satisfied however, are you not that it is a continuous recording throughout the length of the tape?

A. In a sense yes, in a sense no. It's full of radio-micro mutes, anyone could have edited anything there, there's no evidence, there's no evidence it didn't happen.

C

Q. You have said, have you not on a previous occasion, that certainly recorded in a report that this is a continuous recording throughout the length of the tape?

A. It does appear to be so, yes.

Q. There we are. No tone bursts?

A. If they had existed they would not have been detectable, so I can't say no. All I can say is I haven't detected them. If they had been there I would not have been able to detect them anyhow.

D

Q. No detected tone bursts?

A. Correct.

Q. No detected hum?

A. No.

Q. The poor recording is consisted is it not with the explanation advanced that the equipment was not working satisfactorily?

A. Well ...

Q. Is that correct?

A. It is basically. I would say that the transmitter and receiver were out of range a lot of the time, this is the cause of the many breaks in that recording.

E

Q. Just pause there because a note is being taken of that. And that is you heard it when you were sitting in Court with the explanation given?

A. Yes, that is so.

HIS HON. JUDGE STROYAN: Microphone and recorder out of range?

A. Microphone and receiver, Your Honour.

F

Q. Microphone and receiver.

A. This was a radio-microphone transmitter.

HIS HON. JUDGE STROYAN: Well, the receiver was that connected to the recorder?

A. We understand it was adjacent to the recorder Your Honour.

G

Q. And I am sure Mr. Ford that we appreciate by now that you are generally sceptical of tape recordings - and we'll bear that in mind. But having born that in mind as no doubt we do, there is no evidence that you can point to to suggest this was not an original authentic recording?

A. I have no particular criticism of tape two, exhibit number two.

H

Q. Can I have a direct answer please to a direct question? Given you have a general reservation about tape recordings, there is no evidence to suggest this was not a genuine and original recording?

A. No, I haven't found any.

Q. And now I turn to tapes numbers 3.b and 5 which are exhibits numbers four and three respectively. A. Yes Sir.

A Q. If these tapes have been tampered with they must be copies, mustn't they?

HIS HON. JUDGE STROYAN: 3.b and 5?

Q. 3.b and 5. If they have been tampered with they must be copies, mustn't they? A. Yes I think that is fair comment.

B Q. And indeed you have given evidence to that effect on a previous occasion? A. Yes.

Q. So you are saying nothing new now that hasn't been said by you before? A. No.

Q. Exhibits 3 and 4. Exhibit 3 is tape 5 and exhibit 4 is 3.b? A. Correct.

C Q. Neither tape is factory fresh, is a virgin tape, that's right isn't it? A. This would appear to be the case, yes.

Q. And it is fair to say, is it not, Mr. Ford, that it is obvious in each case that the tape is not factory fresh? A. Well clearly in the case of recordings 3.b we already have recorded 3.a on it, it's not factory fresh.

D Q. Absolutely. And on tape 5? A. We have two separate recordings.

Q. Two separate recordings. So that in each case it can be said that the tape is quite obviously not factory fresh? A. At the time of recordings 3.b and at the time of recording 5 that is so. Obviously at some stage it has been factory fresh.

E Q. Of course. But at the time of those recordings ... A. Yes, I agree.

Q. And what is more, it is perfectly clear to you as an expert that no one has tempted to tamper with the tapes to make them both appear to be factory fresh. That's right, isn't it - because they've both got other recordings on? A. Yes, that is true.

F Q. Either they are original and authentic or they are copies. Now let us proceed from there. In both cases there are marks on the tapes? A. Yes.

Q. Let us take first 3.b. There is a mark at the junction of 3.a and 3.b? A. That is correct.

G Q. It is at an obvious place, is it not. That is a place obvious to an expert, right? A. It is a place where there is a very obvious junction of two programmes.

Q. Yes. Thank you very much. It's at an obvious point and easy to find, isn't it? A. Yes, it is easy to find that point.

H

Q. And if one looks (and you need not) at 5, tape 5, exhibit number 3 ...
A. Yes.

A Q. Again there's a mark? A. Yes.

Q. At an obvious point? A. I wouldn't accept it's such an obvious point.

Q. It's slightly less obvious? A. There has in the past been some dispute of which is first and which is second. To an untrained listener it would not be an obvious point.

B Q. That brings me just to the question I was posing last night. To an untrained listener it would not be an obvious point. Right?
A. I have to be a little careful about this.

Q. Well Mr. Ford you were expressing an opinion and we appreciate that and we don't expect you to have omniscience about these things.
C A. It's quite important, the nature of this. If someone who is not used to handling tapes was given that tape and told "Here you are, here's a recording" they would then play it and think it was one recording. Indeed it was presented as such originally.

Q. Absolutely right. That is the point I am trying to make. The person who has put that mark on in your judgment would be somebody who is used to listening to recordings or very likely to be used to listening to recordings?
D A. Yes.

Q. And therefore more likely to be an expert? A. Yes I would agree that mark was put there carefully by someone who knew what they were doing.

Q. By someone who was more likely to be an expert rather than an amateur?
A. Yes.

E Q. You remember me asking you about this last night? A. Yes.

Q. Alright. Let's have a look at that not on the top but in the transcript. Would you look at exhibit 35.a and go to page 17.
A. Which page numbers are you working on Sir.

F Q. The bottom ones Mr. Ford, at the foot of the pages.
A. Yes, I have page 17.

Q. Can you see halfway down the page, number 10 "Okay, see you later Micky, how do I get out of this thing, garbled door, that's it, cheerio, see you later".
A. Yes.

Q. Then car radio music, then a two minute pause, engine noise, somebody talking about going round the corner a bit more.

G HIS HON. JUDGE STROYAN: Just a moment please. Where it says 3 minutes ... 2 minutes pause that means that the recording is actually going on being played but there is nothing on it? A. That is correct.

Q. And this is after the alleged conversation. I say 'alleged' because that is what the defendant would wish me to say. A. Okay.

H

Q. It's after the alleged conversation between the defendant and Mr. Perry? A. Yes.

Q. After the defendants conversation? A. Yes.

Q. Then there's these pauses and radio being played and somebody talking about going round the corner a bit? A. Yes.

Q. Then over the page at the top of the page. Sorry ... Yes, there's a conversation introduced here, do you see? A. "What, in here".

Q. "What in here". He said "The car ain't bugged, is it". Right. Then there's a little more and laughter and an engine noise. And it's at that point there. A. It's just before "Let's put it in this car shall we".

Q. Just before, is it? A. That's my recollection, I'll check my note.

Q. I've got people sitting behind me Mr. Ford who both say it was just after. A. May I check that?

Q. Please do. A. Yes, they are quite correct, it's just after "put it in this car shall we" break.

HIS HON. JUDGE STROYAN: Let me get this straight. The alleged conversation between Perry and Symonds ends after the words "See you later" then we have the car music on and snippets of conversation ending with "Let's put it in this car shall we" which is the cut off point? A. Yes. After the word "we".

HIS HON. JUDGE STROYAN: The cut off point is "Let's put it in this car shall we" and up till then it's a continuous recording of the alleged conversation, is that right? A. It would appear to be so.

HIS HON. JUDGE STROYAN: Yes.

Q. And not merely that, you have found no evidence, no evidence to put before the Court to suggest that that continuous conversation has been doctored in any way? A. I have found no evidence.

Q. Then we have got the break or the cut out point after this "Let's put it in this car shall we". A. Yes.

Q. And you have been able to detect that that which follows thereafter had nothing to do with that particular conversation? A. It appears to be a completely separate conversation.

Q. And that's the point where we find the mark? A. That is correct.

Q. And indeed Mr. Ford marks are sometimes called editing marks? A. That type of mark I would describe as an editing mark, it's the type of mark that's used for editing.

Q. That type of mark you would describe as an editing mark? A. Yes I would.

Q. But so there may be no doubt about this, the expression doesn't necessarily connote that something sinister has happened? A. The expression suggests a change of programme, let me put it that way.

A Q. Yes, certainly. But it doesn't necessarily mean that something sinister has happened? A. Having regard to the evidence I have heard about those tapes I do regard them as most peculiar as marks somebody has put there, but denies putting there.

Q. Oh, look Mr. Ford don't you worry about the other evidence. We've heard a number of people handled these tapes, do you understand?
A. Yes.

B Q. And I appreciate that it's the defendants case that no one will admit to having marked the tapes. Right. A. Yes.

C Q. But forget about that for a moment, do you understand, and just concentrate on your scientific evidence. The mere fact that a so called 'editing mark' appears on a tape in a situation such as this to denote the change from one programme to another as it's called isn't necessarily sinister, is it. It might just mean that somebody has been through the tape and has with his trained ear noticed that that is the point where the two conversations separate, right? A. That could be the case. Having been presented with evidence of this sort and having been presented with an alleged history I am afraid a finding of such marks at the time I regarded as highly sinister.

D Q. Yes, may be you did. And may be you still do. But I am asking you whether the expression 'editing mark' necessarily denotes something sinister has happened. The fact is this isn't it Mr. Ford, that if somebody had been listening to this tape very carefully indeed with a trained ear and had spotted that that's where the difference in the conversation appeared and made a little mark signifying that was so that's not necessarily evidence that the tape has been tampered with, is it? A. No, it's not necessarily so, but the mark is very very accurately placed ...

E Q. Certainly ... A. As one would place a mark for locating edit. There would be no point in identifying that break at all, to anyone with a trained ear it is abundantly clear it's an editing mark and a mark which has no useful purpose.

Q. I know, and I'm going to come on to that point too, that's my next point. Given that these tapes here have been marked and that they are either originals or copies. A. Yes.

F Q. And given that they have been presented to the Court for consideration as originals. A. Yes.

Q. You can find no logical explanation, can you, for the fact if they are copies that somebody has marked them. A. There could well be some reason.

G Q. You have said on a previous occasion Mr. Ford, have you not, that if they were copies you could find no logical explanation - and I use either your words or words which you assented to "no logical explanation for the fact that copies put in as purported originals bear marks".
A. I believe I said that in relation to tape 5. I stand to be corrected, you no doubt have a note of what I did say.

H Q. Do you maintain that in relation to tape five? A. No, I've had further thoughts on the subject.

Q. You've had further thoughts. Very well, you just think about it Mr. Ford - and I'm sure that you have ...

A. There is a logical possibility.

A Q. Think about it Mr. Ford.

HIS HON. JUDGE STROYAN: On a previous occasion you said "there was no logical explanation for inserting marks if the tapes were copies".

A. From my recollection Your Honour that was said in relation to tape five and not the other mark.

B Q. You are absolutely right. You said that ... In fact what you said was this, and I don't think it was just tape five. You said, "If THEY are copies there's no logical explanation for marking".

A. I had as I say had further thoughts in relation to tape five and my recollection was I said it in relation to tape five.

Q. I'm not going to quibble with you Mr. Ford.

A. But I have a logical explanation for marking tape five.

C Q. Please give it to us?

A. It is very simple in fact. If for some reason there was an intention of erasing the second conversation on tape five ...

HIS HON. JUDGE STROYAN: Just a moment. Be quiet Mr. Symonds, I want to get this answer. I missed that. You said you had a logical explanation.

D A. Yes. If Your Honour there was an intention of erasing the second conversation on tape five, that is the second one along the tape ...

HIS HON. JUDGE STROYAN: I am sorry. If there was what?

A. An intention to erase.

HIS HON. JUDGE STROYAN: To erase what?

A. The second conversation along tape five.

E HIS HON. JUDGE STROYAN: Yes.

A. Then it would serve a useful purpose to place a mark with some precision at the junction of the two recordings.

HIS HON. JUDGE STROYAN: That means that somebody must have sometime, in your view, have intended to erase the second part, that's the latter part of the earlier conversation ...

A. Yes .

F HIS HON. JUDGE STROYAN: But not put that intention into effect?

A. That's what I'm saying, that's a logical possibility for that mark, I have no other logical possibility.

G Q. There it is. You've given us your logical possibility, you can think of no other. But the whole object, I think you would agree would you not Mr. Ford, the whole object, it's a matter of commonsense, the whole object of making copies to put in, fabricating and making up copies to put in as evidence is to kid people into believing they are originals?

A. That's what one would assume, yes.

Q. And yet on the originals we have in Court there are marks and there are other conversations recorded.

A. Yes.

H Q. Right. I am going on to another matter about tapes three and five and that's the timing.

HIS HON. JUDGE STROYAN: Just a moment. Does it come to this that anyone with any knowledge of the subject would come to the conclusion on hearing the tapes 3.b and 5 that they were not originals?

A. In the case of recordings 3.a and b it is obvious, in the case of tape five it is certainly not so obvious and only someone investigating tapes would find that break.

HIS HON. JUDGE STROYAN: That's what I was contemplating, yes.

Q. The second point is this, timing. I am going on to the question of timing. Whoever has done this, and let us assume tampering and deal with the implications of tampering. Whoever has done this decided not merely to put in one recording but to put in two recordings. A. Yes.

Q. Which would of course immeasurably increase their chances of being found out, wouldn't it? A. It would make life more difficult, definitely.

Q. Yes it would, wouldn't it. And let's consider the situation. Have you timed the length of the audible conversation between Symonds and Perry on 3.b and five? A. This I think I did ten years ago, but I haven't ...

Q. They are identical ar they not, absolutely identical?
A. Within reason identical, within tolerances I think identical.

Q. Did you use a spectrograph to do that? A. No, a stop watch.

Q. Well you have no complaint to make so far as timing is concerned, have you? A. No I haven't.

Q. But there's another matter here and that's this - you can listen to these two tapes, and you have listened to them many times, have you not Mr. Ford? A. Yes.

Q. And we've listened to them in Court. Tape five is a very clear tape? A. That's a good recording, yes.

Q. Tape 3.b - and we heard it I think yesterday or the day before.
A. Yes.

Q. Is a poorer quality recording, is it not? A. The note I've made is that it is grossly over-modulated. That is it is recorded a lot of distortion but it was reasonably intelligible.

Q. So it isn't here a case of somebody putting in as it were two fraudulent tapes both of whom are good recordings, 3.b tape is quite significantly less clear than tape five? A. It is reasonably intelligible.

Q. Let's consider that. There is a special feature about these two tapes you've no doubt been very concerned to investigate. It is alleged, isn't it, that these microphones were placed in different positions. Tape 5 microphone under the dash-board, tape 3.b. radio mike under clothing on Perry. A. Yes.

Q. Now when you get microphones positioned in different places it is to be expected is it not that there may be differences in voice levels on the recordings? A. There obviously must be.

Q. Because the microphones are positioned in different places?

A. Yes.

A

Q. Yes. And in this case have you examined these two tapes to ascertain whether there are differences in voice levels? A. There are very considerable differences in levels. One is grossly over-modulated. I don't read anything in differences of levels whatsoever. It's a question of whether you (inaudible) something on the recorder.

B

Q. You harken to this Mr. Ford. In 3.b. the tape where it's alleged that the microphone was placed around Perry, it is possible is it not merely by listening to that to appreciate the recording is consistent with that having taken place? A. It could be.

Q. Yes. That is with if I am speaking now the microphone being within inches of my mouth? A. The quality is such at times, it's not very easy to tell.

C

Q. Maybe it's not at times. But at other times it's not all that difficult, is it Mr. Ford, to appreciate that this recording is consistent with the microphone having been placed round Perry's neck? A. It could be.

Q. And certainly it could be the case, could it not, that the two recordings are consistent with their history namely that in one, microphone under dash-board - the other radio-microphone round Perry's neck? A. It could be, if we ignore the features I have remarked upon.

D

Q. It ...

HIS HON. JUDGE STROYAN: I'm not sure what you mean.

Q. Well when you talk about the features you've remarked upon are you talking about the hum? A. Yes, that's the hum.

E

Q. Yes. I shall deal with that in a moment. I am not going to ignore it I assure you Mr. Ford. A. Good.

Q. But subject to that reservation you have expressed about the hum these two recordings are consistent in their playing, are they not, with the history that they were taken at the same time but from different positions in the car? A. If we consider the recorded voices alone, yes.

F

Q. And the timings. A. The timings could be identical for a number of reasons.

Q. Yes. You see it's always possible isn't it to think up sinister reasons, but I am asking you whether these factors are consistent with genuineness and authenticity and you agree it is. A. It is consistent, the timing, yes.

G

Q. And indeed in terms of falsifying and fabricating evidence, do you understand? A. Yes.

Q. You would have to be ... Well I think you would agree it would be ... never mind you would have to be a clever fellow to do it, it would be impossible to fabricate two recordings ... A. No.

H

Q. Listen to me, please Mr. Ford. A. Yes.

A

Q. It would be impossible to fabricate two recordings, two copy recordings from one master so that the speech levels appeared to be different on each one. A. It's certainly not impossible.

Q. I'm not even going to argue with you about that, save to say this - if it is possible it could only be done by an expert, couldn't it?
A. I would agree it's not easy, but it's not impossible.

B

Q. It could only be done by an expert, couldn't it?
A. This sort of work is regularly done in broadcasting and such fields. If you call a broadcasting producer an expert in the field, yes, it would need someone used to dealing with sound recordings.

C

Q. What, to cause in one recording the voice levels not both of them to be raised at the same time but the voice levels to be raised differently, so that Perry appears to be talking louder on 3.b than he does on 5?
A. This technique is regularly used in film production, if someone turns away for a different shot you get a different sound.

Q. But then you have a number of microphones around the studio, don't you?
A. You frequently tailor it (inaudible)

D

Q. You say it is something that's difficult to do, would it take a long time to do?
A. It depends what you do. As I say it would not be easy, I entirely agree. But I do not agree it's impossible.

Q. Right, only possible by somebody who you would class as a professional in the field?
A. Yes, I agree with you.

Q. Very well. And it's something that would be difficult for him to do?
A. For who?

E

Q. A professional, right?
A. I'm just thinking about the question. I want to give my best answer. It would be not an easy task yes.

Q. Some people might say that meant difficult?
A. These things are relative, it would not be easy for a professional.

F

Q. And it would take him some considerable time, wouldn't it?
A. It could do.

Q. We appreciate it is not the case, but if Mr. Perry and the defendant both claimed that this tape recording was an original and authentic one, untampered with and undoctored ... do you understand?
A. Yes.

G

Q. There is no scientific evidence that you could point to to counter that, is there?
A. A matter of the hum which you've yet to come to.

Q. Yes, I'll come to the hum. A. And ...

Q. There is no scientific evidence that you could point to to counter the proposition that this was an original recording?
A. If it is now accepted the tapes were not virgin.

H

Q. Yes. Certainly, well it's been accepted for days, hasn't it?
A. I've never been clear about this, I must admit.

Q. Perhaps you weren't in Court when on a number of occasions I made it perfectly clear that it was accepted that that was the case.

A. I hadn't appreciated that about all the recordings.

A

Q. I am talking about 3.b and 5? A. Yes.

Q. Let us go on to the hum now. Fifty htz. hum, that is on 3.a isn't it, and 3.b? A. Yes.

B

Q. It's noticeable, is this fifty htz. hum on this tape 3. it's noticeable to the ear, isn't it. A. It's pretty obvious, yes, in parts.

Q. It's a pretty obvious hum. And any self-respecting expert who was trying to fabricate a tape would be in this position, wouldn't he Mr. Ford, that he was putting out as his fabrication a tape with a noticeable fifty htz. hum? A. Yes.

C

Q. But the situation is this, isn't it, you've heard 3.a, haven't you? A. Yes I have.

Q. And in that tape the fifty htz. hum disappears at the point where the radio signal breaks up, doesn't it? A. It changes in level.

Q. It disappears doesn't it? A. From my recollection it still exists but at a very much lower level.

D

Q. Alright let me accept that. But that wouldn't happen would it if this tape had been created as a result of a copying process?

A. It depends how the copying process was done.

E

Q. You would not expect that to happen, would you Mr. Ford, if this phenomena occurred as a result of a copying process? A. If the case was that it was a fabricated radio-microphone recording I would expect that to happen. If the case was it was a copy of another radio microphone recording, no.

Q. The explanation for this fifty htz. hum is this, isn't it, that it is born by the radio,.. A. Sorry?

Q. Because when the radio is switched off the fifty htz. hum stops, isn't that right? A. You mean when the radio receiver is switched off?

F

Q. Yes, A. Yes.

Q. You agree with that? A. Yes, I agree with that.

Q. And you know, do you not, that it sometimes happens that that phenomena occurs? A. Not with battery operated equipment, no.

G

Q. The only point of criticism that you have of this tape is that fifty htz hum is present (and you've told us of the marking)? A. Yes.

Q. And you've told His Honour that you consider that this tape is most unreliable because it has a fifty htz. hum present. A. The fifty htz. hum should not be there and I have no reasonable explanation for its existence.

H

Q. Whether it should be there or whether it should not be there, whether you have an explanation for it or not, you have found nothing to indicate that this tape has been fabricated?
A. I have only that feature.

A

Q. I now come to tapes 13, 14 and 15. Given fabrication, of course it goes without saying that on this occasion whoever was putting in the false evidence was subjecting himself to the risk of three tape recordings being examined.
A. Yes, that is true.

B

Q. Not just one. And I have no doubt, not the slightest doubt that you've ever been in this position Mr. Ford, but if as an expert you were asked to advise how you could best fool a Court by putting in fabricated evidence you would say, would you not, straight away, well there's just one recording - you wouldn't want to go on to two and three?
A. If you had the option of doing that, yes.

C

Q. Well we do here you see because tape 14 is a good recording.
A. Yes, it's reasonable.

Q. And that is exhibit number 5?
A. Yes.

Q. Now you have subjected that tape to rigorous examination?
A. As much as the others, yes.

D

Q. You are satisfied it is a continuous recording?
A. I have found no evidence otherwise.

Q. And you would agree with me, would you not, that it appears to be a continuous original recording?
A. I have no particular criticism of that tape, no.

Q. I want an answer, I'm sorry.
A. It appears to be a continuous recording.

E

Q. No, I want the other word too.
A. Well ...

Q. It appears to be a continuous original recording, doesn't it?
A. It does appear to be a continuous original recording. I have found no evidence otherwise.

F

Q. You appreciate that the content of that tape is very incriminating or might be said to be very incriminating?
A. I would imagine so.

Q. And so far as that tape is concerned do you have any reason to believe that that tape was not factory fresh when it was recorded upon in order to make this recording?
A. I have got no evidence that shows it was not factory fresh, but there's no real way of telling anyhow because it's recorded throughout its length.

G

Q. Well Mr. Ford I appreciate that you always add a rider.
A. It may or may not have been. I have no evidence to show that it was not.

Q. That is exhibit number 5, tape 14?
A. That is so.

Q. Now let's go on to exhibit number 7, tape 15.
A. Yes.

H

Q. Absolutely appalling quality you say?
tape 15.

A. It's a horror, yes

A HIS HON. JUDGE STROYAN: Exhibit 7. A. Yes Your Honour, tape 15.

Q. So the position is this, that given fabrication and considering the implication of that someone has gone solemnly to the trouble of putting in an absolutely appalling quality recording that is difficult to listen to, right?
A. Yes.

B Q. And having it subjected to expert examination and criticism?
A. You can't do anything with it, it's so bad.

HIS HON. JUDGE STROYAN: If the suggestion is that it is fabricated that means that somebody has put something in which is almost unintelligible effectively?
A. Yes, effectively so.

HIS HON. JUDGE STROYAN: Yes.

C Q. But of course putting a tape in in a situation such as this means, having that tape subjected to expert examination and criticism, doesn't it?
A. Well it has transpired that was the case, yes.

Q. Let us go to tape 13 which is the last one. A. Yes.

D Q. Exhibit 6. Fifty htz. hum you say should not be present?
A. Yes.

Q. Now there is a fifty htz. hum present on this tape, isn't there?
A. Yes there is.

E Q. But I wonder if you told His Honour the whole story about this fifty htz. hum. The fifty htz. hum is not present, is it, during the meeting at The Grove between Symonds and Perry?
A. May I just refer to my notes.

Q. Please do. A. I am sorry for the delay, if you would be kind enough to bear with me for a moment.

Q. Of course Mr. Ford, of course.

HIS HON. JUDGE STROYAN: I am looking at page 38, is that right?

F Q. It is indeed Your Honour. A. Yes, my note is the fifty htz. hum is apparent in the final section of the recording.

Q. Absolutely.

HIS HON. JUDGE STROYAN: Starting where? A. That is after the conversation Your Honour.

G Q. Not at the very end of the recording. Before the very end of the recording ... A. Before the very end, yes.

Q. But after the alleged conversation? A. Yes, that is what my note says.

H

Q. Now you have no doubt considered the situation there have you not Mr. Ford that after the alleged conversation Perry drove off?
A. Yes.

A Q. In his motor car? A. Yes.

Q. And the fifty htz. hum that appears appears at a time, does it not, when he is driving along in his motor car? A. Yes.

Q. And do you know that he's got to pass very nearby to the Crystal Palace television transmitter as he's driving along in his motor car?
A. Yes I'm aware of that.

B Q. That's been brought to your attention, hasn't it? A. Yes.

Q. And that fact, the proximity of the motor car to the Crystal Palace television transmitter is a matter which accounts or could account for the fifty htz. hum? A. I regard that suggestion as absolutely absurd.

C Q. I see.

HIS HON. JUDGE STROYAN: So is the position this, that the fifty htz. hum has nothing to do with the conversation with which we are concerned?
A. It's further along the tape Your Honour, it's the same ... in the same recording.

D Q. At a time when he is driving along? A. Yes.

HIS HON. JUDGE STROYAN: Just a minute. I haven't anything about that yesterday. A. About the hum Your Honour?

HIS HON. JUDGE STROYAN: About the hum not being present during the material part of the conversation. A. I said Your Honour that the hum was present within the recording and should not be there.

E HIS HON. JUDGE STROYAN: Certainly the impression I got from what you said was ... And this is what you said "Fifty htz. hum on tape 13 should be not present with a battery recorder? A. That is correct, Your Honour.

Q. Yes.

F HIS HON. JUDGE STROYAN: In the context I took that to mean throughout the material conversation. You now tell me it does not effect the material conversation? A. Well it is not within the conversation itself, Your Honour, I never intended to suggest that.

HIS HON. JUDGE STROYAN: I'm afraid I was misled by your evidence.
A. I apologise.

G Q. Mr. Ford do you know what the frame frequency is, that is the number of pictures per second? A. Yes I do.

Q. Given off by the t.v. transmitter at Crystal Palace? A. Yes.

Q. What is it? A. fifty htz.

H

Q. Yes.

A HIS HON. JUDGE STROYAN: If one past Crystal Palace with a recorder switched on, supposing you past straight in front of it, would that result in a fifty htz. hum on the tape? A. In my opinion most certainly not.

Q. Have you experimented? A. Yes I have.

Q. Have you done that? Have you driven along there with a tape recorder playing in the manner alleged in this case in order to experiment? A. I have not done that, no.

B Q. No. A. But I would suggest radio-microphones are designed for working in t.v. studios adjacent to transmitters.

C Q. May be you would Mr. Ford. But you are not in a position, are you, given the coincidence of circumstance - and may I just repeat them please, that the fifty htz. hum comes whilst he is driving along, that he's got to go near to Crystal Palace, that Crystal Palace transmitter gives off a fifty htz. hum. A. It doesn't.

D Q. I'm sorry, so sorry. The frame frequency emitted by Crystal Palace is fifty htz. You would not rule out, would you, the possibility that the fifty htz. hum that you have heard and we acknowledge exists towards the latter end of tape number 13, exhibit 6, that that could not have come from Crystal Palace? A. I maintain my position. I regard the suggestion as absurd.

Q. Would you allow me just one moment please?

HIS HON. JUDGE STROYAN: Yes.

E Q. Well you appreciate Mr. Ford, do you not, there may be more than one view about that? A. If someone is prepared to produce evidence that they have experienced this phenomena I would be prepared to accept it.

Q. You would? A. If I had evidence that it occurred with the type of equipment used, but I do not accept it otherwise because as I've already said this radio-microphone equipment made by Audio Limited is specifically designed for working in such studios and such a hum would be utterly intolerable.

F Q. Well I think we appreciate how strongly you feel about that suggestion. A. Good.

Q. You've made your position clear but I would like to ask you one final question if I may about exhibit number 6, tape 13 and about exhibit number 5, tape 14.

G HIS HON. JUDGE STROYAN: Sorry?

Q. Exhibit 6/tape 13. Exhibit 5/tape 14. I shan't ask you about 7 because it's such a poor quality recording. A. Yes Sir.

H Q. Alright. YOU've found no evidence have you in either case you could put before the court to suggest those conversations have been doctored? A. I have found no evidence to that effect.

Q. And of course you do appreciate and no doubt you have examined these, that conversations on all three tapes, that includes the Grundig are all of exactly the same duration? A. Giving allowance for the various breaks and unintelligible parts, yes.

A

Q. Yes. Thank you. I do not think there is anything else.

HIS HON. JUDGE STROYAN: Mr. Symonds do you want to ask any questions to clear up?

DEFENDANT, SYMONDS: Yes My Lord, I would like to take advice before I ask questions.

B

HIS HON. JUDGE STROYAN: Very well.

DEFENDANT, SYMONDS: This might take five minutes My Lord.

HIS HON. JUDGE STROYAN: Yes, I will rise for a short time.

C

(COURT ADJOURNED FOR FIVE MINUTES)

MR. FORD

RE-EXAMINED BY MR. SYMONDS (defendant)

Q. Mr. Ford in evidence in cross-examination you were asked about having looked at the tapes in 1971 and again in 1980, and you found ... You were asked if you had found any signs of tampering. Now did you notice any difference in the marks on the tapes from the time you saw them in 1971 and 1980? A. Yes, very much so. The marks are almost extinct now.

D

Q. They had become much feinter? A. That is correct.

Q. Could the marks have become feinter through playing or handling of the tapes or could it be the passage of time upon the ink or pencil used? A. I would imagine it was as a result of handling.

E

Q. Of handling. The Prosecuting Counsel then put three propositions to you. That the originality depended upon those present, the evidence of those present at the time the recordings were made? A. Yes.

Q. And (2) those who set up the recordings and kept the recordings? A. Yes.

F

Q. And (3) the evidence of the experts. A. Yes.

Q. And I think you made the point there that what should also be considered, that the lapse of time between the time that the recordings had been kept by the reporters and kept by other parties? A. I suggested other people had had charge of the tapes, yes.

G

Q. By this of course you referring to the police over a period of a number of years? A. The police or people who carted the tapes around to be copied and so on.

H

Q. Thank you. When you were being cross-examined about Tape 1 I think you were ... I think the point came out if someone made a good job of editing you would not be able to find marks or signs of editing?

A. I would not, no.

A

Q. Of the tape recording?

A. No.

Q. So following on from that is the fact that you didn't find signs of editing on certain tape recordings anything to go by ... I'm sorry. Does the fact that you didn't find marks or signs of editing on any of the tape recordings, does this mean they were not edited?

A. No it does not.

B

Q. You were then asked questions about exhibit 2 and I think you said that you found no evidence of editing on this?

A. That is correct.

Q. I think you also said that the condition of the tape is so dreadful that it would be impossible to find marks of editing anyway?

A. I said the tape was mainly unintelligible and there are many apparent radio-microphone mutes in it.

C

Q. Did you say on a previous occasion that such a tape in such a condition - very bad with many microphone mutes would be a very good tape to edit?

A. It could be very easy to edit.

Q. It could be very easy to edit. Now going on to exhibit 4 and exhibit 3.

A. Yes.

D

Q. I think that you were advised there to forget about the evidence you had heard in connection with how they were made and how they were handled and you were urged to concentrate on the scientific evidence.

A. Yes.

Q. Now would you consider that you could carry out a full and satisfactory examination of tape recordings without being aware of their alleged history, as to how they came into existence?

A. I consider the history of how they came into existence very much part and parcel of the deal so to speak, it is very important.

E

Q. Therefore it is important to remember the evidence in fact as to their handling and how they came before the Court?

A. It is important.

F

Q. I think there was a question arose that tapes 3.b and 5 are now more or less accepted to be copies, am I correct there?

A. I understand ...

Q. I'm sorry. To be accepted as not virgin tapes. now appear to be the case.

A. This would

G

Q. Is it to your knowledge that for many many years tape five was for example put forward as a tape, a virgin tape?

A. Yes, this is complete news to me that any of the tapes were in fact not virgin tapes.

Q. Now another point ...

HIS HON. JUDGE STRYONA: Just a moment. Was this dealt with on the last occasion?

H

MR. RIVLIN: I'm sorry?

HIS HON. JUDGE STROYAN: Was this dealt with on the last occasion?

A MR. RIVLIN: The position is as I understand it, it was dealt with on the last occasion and it was not challenged that these were not virgin tapes on the last occasion. Perhaps Mr. Ford can confirm that. But may I say this Your Honour in that the proposition is put forward that "for many many years" the Prosecution have contended something - for many many years unhappily this case has lain dormant with no one contending anything about anybody.

B HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Yes.

MR. SYMONDS: Shall I re-word that question?

C HIS HON. JUDGE STROYAN: All I was wondering was whether on the last occasion this matter came to Court it was accepted by the Crown that these were not virgin tapes. Is that right?

MR. SYMONDS: I don't think so My Lord.

D MR. RIVLIN: It was accepted that they were not virgin tapes I'm told, Your Honour. And may I say I have got notes of the cross-examination of witnesses (not a transcript) but it was never put it was never put I think to Mr. Ford or Mr. Killoch (they will correct me if I'm wrong) but it was never put to them that these tapes were virgin tapes and they must be wrong in their evidence. A. It certainly has been put by witnesses that these were new and unused tapes and so on. But as far as the Crown is concerned, if my memory serves me right - and I am a bit hazy about this, I believe that it was accepted that Tape 1 exhibit 1 was not a virgin. And it's my recollection at this particular hearing it's the first time it's been accepted other tapes were not virgin. But I couldn't swear to that, it's purely my recollection and it's a little bit hazy.

E MR. RIVLIN: I'm not wasting time.

HIS HON. JUDGE STROYAN: Yes.

(Re-examination continued)

F Q. So I leave that question standing. Several times you were asked if the timing of two tapes was consistent? A. Yes.

HIS HON. JUDGE STROYAN: Asked whether the timing was identical.

G Q. Yes, but then I think Mr. Ford explained that you can have slip and twisting and such things as I understood it, whereby there might be fractions of seconds out, but he didn't consider this to be of great importance, so I use the word consistent.

HIS HON. JUDGE STROYAN: I don't recall him saying that. You ask the questions.

H Q. You were asked ... Were you asked several times whether the timing of conversations upon certain tapes matched? A. Yes I was.

Q. Now if a tape was edited and then copied onto another tape would you expect the timings to match? A. Yes I would.

Q. Thank you. On to tape 3.a, 3.b now Mr. Ford, the fifty htz.
A. Yes.

Q. I think I misunderstood a little bit there. Were you asked if the fifty htz. hum had been born by a radio? A. Yes.

Q. And did you reply that that was not possible - a radio or a radio receiver, I'm not quite sure. A. I don't think we are quite clear about the question.

Q. Yes. Perhaps we can clarify that. A. Could you put the question to me again Mr. Symonds, I don't quite understand.

Q. Yes. Regarding the question whether the fifty htz hum could have been carried on to tape 3, tape 3.a or 3.b by a radio or a radio receiver is that at all possible? A. It is possible the hum could come in via a radio receiver, yes. But we must bear in mind battery operated equipment was used for this exercise.

Q. That was the second question, but as it was alleged the equipment was battery operated on this occasion is that at all possible under those circumstances? A. I cannot understand how you can obtain fifty htz. hum using battery operated equipment in these circumstances.

Q. Now to clear up the matter of hum being found during a recording. Now am I correct in thinking that a recording is in fact the time between a recording device being switched on and it's being switched off? Is that the length of a recording? A. So far as I am concerned yes. Provided there are no breaks within the length of the recording, when a recorder is switched on till it is switched off.

Q. And on some of these recordings did you find a period of music, someone reading from a newspaper, a conversation followed by a further conversation and the noise of the cars being driven? A. Yes, there are all sorts of occurrences.

Q. And did you consider that recording to run from the point where the recording device was switched on until the finish when the recording device was apparently switched off? A. So far as I am concerned when examining any recording for authenticity I am concerned with the section, the complete section from where the recorder is switched on or even before that if it is a virgin tape or other tape, to the point where the recorder is switched off. That is the important section. As I think has been apparent from my evidence I also frequently give cause to examine the allegedly unused sections which may be significant.

Q. You were also asked questions about finding phenomena during conversations. A. Yes.

Q. I think in most cases the phenomena you found was during the so called 'quiet' periods of the tape? A. If we are talking about the tone bursts these are obviously in silence parts. If we are talking about fifty htz. hum it's far easier to detect it in the quieter parts.

Q. So the hum that was detected in the quieter parts was more easily detected because it wasn't behind or under a conversation or the sound of music playing? A. That is correct.

A Q. So in that way the hum came immediately to your notice during the parts of the tape which were not covered? A. That is where it is more obvious and easier to find.

Q. Thank you. A. Thank you.

HIS HON. JUDGE STROYAN: Yes? Yes? Yes?

B MR. SYMONDS: That's the questions, unless there are further questions.

HIS HON. JUDGE STROYAN: Your next witness?

MR. SYMONDS: Mr. Killick.

WITNESS, MR. FORD: May I stand down Your Lordship?

C HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: May Mr. Ford be released for the moment?

HIS HON. JUDGE STROYAN: Yes. You don't want him again?

D MR. RIVLIN: Not at all, although I imagine he may want to stay a little while, I don't know.

HIS HON. JUDGE STROYAN: Yes.

MR. DENYS GILBERT KILLICK (sworn)

E EXAMINED IN CHIEF BY MR. SYMONDS (defendant)

Q. What is your full name? A. Denys Gilbert Killick.

Q. What is your address? A. Kings Acre, Crown Hill, Llantwit-Fardre, Pontypridd, Mid Glamorgan.

F Q. What is your occupation? A. I am a Consultant Publisher and Writer specialising in magnetic tape.

Q. Since what date approximately has tape recording been a common professional and amateur activity in this country?

HIS HON. JUDGE STROYAN: Just a moment please. A. Well the first ...

G HIS HON. JUDGE STROYAN: Just a minute. You are a Consultant Publisher and Writer on magnetic tape? A. Yes.

HIS HON. JUDGE STROYAN: What are in fact your qualifications? A. I have no professional qualifications.

HIS HON. JUDGE STROYAN: Yes. Well I better know how long you've been engaged ... A. Yes, that will come.

H

Q. I will bring out these points Your Honour, this is a man of enormous experience and this will become apparent. If I can just repeat that question. Since what date approximately has tape recording been a common professional and amateur activity in this country?

A. I regard the beginning of interest in the subject as approximating the date of the first British tape-recorder the model one ferrograph and that originated in about 1948.

Q. From what date approximately have you yourself been intimately involved in tape-recordings? A. Since about the mid 1950's.

Q. Is it a fact that in the late 1950's you were asked by the L.C.C. as it then was to establish the first Adult Education Courses/Classes in this subject in London and did you subsequently teach for a number of years? A. That is correct.

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

A. I was and that is correct.

Q. Were you from 1966 to 1970 Editor of a publication called "Tape Recording Magazine"? A. I was.

Q. Have you since 1970 and currently to date been editor of and publisher of a publication called "Hi-Fi Trade Journal"?

A. That is correct.

Q. Were you for the whole of its life time, that's from 1973 to 1976 approximately technical Editor of a publication called "Cassettes and Cartridges" which was the sister publication to the "Gramophone Magazine"? A. That is correct.

Q. Have you been a regular contributor to technical articles to publications such as "Gramophone and Hi-Fi News in this country and an occasional contributor to other publications both at home and abroad? A. I have.

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

Q. Did you in 1977 read to the Medical Legal Society a paper under the title "Tape Recordings as Evidence"? A. I did.

Q. Is it a fact that you have in the past, or are now currently working in a private capacity as a Technical Consultant for many major firms in the Audio industry including in the field of magnetic tape names such as TDK, EMI, Audio Magnetics and 3.M and with regard to recording equipment for firms such as Toshiba, Orlex, Trio, Tandberg etc. etc.? A. That is correct.

Q. Within the context turning now to the phenomena. Within the context of what we all know as the Times investigation, when did you first become involved in the matter? A. This was in mid summer of 1971 when I was instructed by solicitors for Harris. I was instructed a month or two later by a solicitor for Robson and in November of that year I was instructed by solicitors for yourself.

H

A Q. Is it common knowledge that these investigations resulted in charges made against three police officers and were any of these persons previously known to you or have you had any contact with them personally apart from when performing your duties as an expert in these matters?
A. No, I'd never met them, heard of them, spoken to them, I had no knowledge of them whatsoever.

B Q. Can you explain to the Court how you were given access to the original tape recordings?
A. Yes. The first examination took place in mid September, 1971 at the premises and Laboratory of Mr. Hugh Ford. The tapes were in the care of two police officers, Sergeant Vernol and Detective Chief Inspector ^EEmitt. And the tapes were in their custody the whole time. I do recall that because we were under pressure we were sometimes working seven days a week and very occasionally I believe Mr. Emitt was replaced by a relief police officer. I believe I am right in saying Mr. Vernol was constant, he was always there.

C Q. Thank you. You have just said you were working with Mr. Ford at his laboratory, had Mr. Ford been previously known to you?
A. Yes he had for many years.

D Q. Can you try to define the different responsibilities undertaken by Mr. Ford and yourself during the course of your joint investigation?
A. Yes, because we were using Mr. Ford's laboratory and Mr. Ford's instrumentation he was primarily responsible for all the technical measurements etc. I myself was involved more with the practical side of things.

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

E Q. Do you think it would be a proper or an improper thing for an authorised investigator to do during the course of the investigation/examination of these tapes?
A. I would not dream of doing such a thing.

Q. I would like ...
A. I would think that it would be improper.

F Q. I would like you to identify the boxes, spools and tapes which are exhibited in this case as alleged original recordings and to confirm whether or not these are the actual boxes, spools and tapes you handled and examined during the course of your examination. Would you please look at the exhibits.
A. May I refer to my notes.

HIS HON. JUDGE STROYAN: When did you make them?

G MR. RIVLIN: Your Honour unless any point is going to be taken against the Crown on this I am happy to agree that he has seen all these originals ... exhibits, to save time.

HISHON. JUDGE STROYAN: Certainly.

H Q. Thank you. Mr. Killick you have been in Court while Mr. Ford gave his evidence so I would like to ask you if you fully understand what he was talking about when he referred to 30 htz. tone bursts, 50 htz. hum and editing marks?
A. Yes I do.

Q. Well I don't propose to waste time asking you to define these phenomena all over again in detail, unless you have any reason to add or subtract to what Mr. Ford has already said in his description of them?
A. No I think his description was very fair and balanced and I have nothing to add or subtract.

Q. Now if you could turn your mind to tape one, exhibit one, that's the telephone conversation.
A. Yes.

Q. During the course of your examination did you find 30 htz. tone bursts to be present in what should be the unused or virgin part of the tape?
A. Yes. I wasn't clear Your Honour if you gave me permission to refer to my notes.

HIS HON. JUDGE STROYAN: Yes. A. Thank you. Yes.

HIS HON. JUDGE STROYAN: What did you say?

Q. Thirty htz. found during the unused or virgin part of exhibit one.

HIS HON. JUDGE STROYAN: You mean that is after the conversation or before?
A. That is after the conversation, after the recording finished.

HIS HON. JUDGE STROYAN: And did you ... Yes.

Q. Did you find fifty htz. hum to be present in the recorded part of the tape?
A. Yes, I did.

HIS HON. JUDGE STROYAN: Whereabouts? A. During the conversation, during the actual recording.

HIS HON. JUDGE STROYAN: Yes.

Q. As you know it has already been said that this recording was taken by the use of some kind of adapter attached to an ordinary telephone and then attached to a UHA recorder within a domestic living environment. Under such conditions does the presence of hum surprise you?
A. No. The telephone adaptor is an inductive devise and if there were to be something like an electric fire switched on or near electric cables it is quite possible it would pick up hum. The difference is that this would then be a straightforward hum at a fixed level, whereas the hum we have heard here is cyclic in its pattern.

Q. You said that the hum you found is cyclic?
A. Yes.

Q. Can you please explain what this means and offer explanations as to how it might have come about?
A. Yes. It has come about by the combination of two hum sources in one way or another. One of them as I've just said would be by induction through the telephone adaptor. It is the second one that is rather puzzling. There is a possibility that it might ... a tone might have been generated within the telephone system that modulated a hum picked up by the adaptor but we have made enquiries about this and we have not been able to resolve it.

Q. Did you find any editing marks on this tape?
A. No.

Q. Now we will go on to tape 2, exhibit 2. A. Yes.

Q. Did you find any so called edit marks on this tape? A. No.

A Q. Thirty htz. tone bursts or 50 htz. hum on this recording?
A. No.

Q. We will go on to tape 3.b exhibit 4. Did you find the mark on the base film flight to this tape? A. Yes I did.

B HIS HON. JUDGE STROYAN: Just a minute. Yes. What are you saying about that?

Q. Did you find a mark on the base film flight to this tape?
A. Yes.

Q. I will come back to that later. I want to ask you if you detected any 30 htz. tone bursts? A. No.

C Q. Was 50 htz. hum present in this recording? A. Yes it is.
It is present at a very low level at the end. It is of such a low level that were it to be present during the conversation it probably couldn't be resolved.

HIS HON. JUDGE STROYAN: That is after the conversation with which this Court is concerned? A. Yes.

D Q. At a very low level? A. Yes.

Q. Which means probably almost impossible to find it during the speech or music? A. Yes.

Q. If it exists? A. Yes.

E Q. Following on to tape 5 exhibit 3. Did you find any editing marks on this tape? A. Yes I did.

Q. I will return to that one later as well. For the moment we will continue to ask you if you found 30 htz tone bursts in what should be the virgin or unused section of the tape? A. Yes I did, that is outside the conversation and the recording.

F HIS HON. JUDGE STROYAN: 50 htz. or 30 htz. bursts your Honour. A. 30 htz. tone

HIS HON. JUDGE STROYAN: After the conversation. A. Yes Your Honour.

Q. In what should have been virgin tape? A. Yes.

Q. And did you find 50 htz. hum to be present? A. No.

G Q. Going on, I am staying with phenomena at the moment. We will go on to tape 13, exhibit 6. Did you find any marks or 30 htz. tone bursts on this tape? A. No. There were no editing marks, there were no 30 htz. tone bursts.

Q. Did you detect any 50 htz. hum within this recording tape 13?
A. Yes, 50 htz. hum yes. That is in the final section outside the speech Your Honour.

H

Q. Thank you. On this particular tape was it found possible to accurately measure the frequency of the hum and if so what was it?
A. Yes, it was measured in the laboratory at 49.97 htz. It was measured. That was a measurement taken in October, 1981.

A

Q. During October?
A. Sorry, we haven't got there yet - 1980, I am so sorry.

Q. Turning to tape 14 exhibit 5, did you find any mark, tone bursts or hum to be present on tape 14 exhibit 5?
A. No I did not.

B

Q. Tape 15 exhibit 7, is a small Grundig cassette. Did you find any of the three phenomena we have been discussing, for example marks, tone bursts and/or hum on this recording?
A. No.

Q. Do you have a general opinion about the recording quality of this tape in relation to the requirements for proper technical evaluation?
A. Yes I think its quality is so bad ...

C

HIS HON. JUDGE STROYAN: Which one?

Q. Tape 15, exhibit 7.
A. Its quality is so bad that it defys any attempt to conduct a proper technical examination. I don't think it is very helpful to us from a technical point of view.

D

Q. Going back to the marks which we have mentioned.
A. Yes.

Q. Is it a fact that the discovery of the first mark within the series of the Times recordings, the discovery was made by Mr. Ford in your presence and also of course in the presence of two senior police officers and that as a result you yourself instituted a long programme of visual examinations of the alleged originals again under the supervision of the Police?
A. That is correct.

E

Q. Am I right in saying that the marks that were subsequently found were positioned at what might be called technically interesting points?
A. That is correct.

F

Q. During the course of the visual examinations did you go directly to points you considered to be of technical interest to see if a mark existed or did you begin your examination at the start of every tape and work your way along entirely?
A. The method was the latter, the visual examination began at the beginning of the tape and the tape was played at a very slow speed in silence and when a mark was observed the tape was stopped and that tape played back on each occasion and it was found this was at a point of technical interest.

G

Q. Have you yourself ever marked any tape at all for editing purposes and if so what kind of writing instrument have you used?
A. Yes, I have marked probably many thousands and the conventional instrument I have always used is what is known as a chinagraph pencil.

H

Q. Do you believe that the marks we are now discussing were made with that kind of instrument, a chinagraph pencil, or if not what sort of instrument do you think was used?
A. I do not believe it was a chinagraph, I believe it was more likely to have been something like a felt-pen type of instrument using some form of

spirit based ink. But of course the marks were of different intensities and although they had superficially the same appearance, I might be wrong on that, but the more clearly defined marks appeared to be made from a spirit based ink.

A

Q. A spirit based ink? A. Yes.

Q. So if it was a spirit based ink were you surprised that the marks made on the tapes presumably in 1969 were still visible a year or more later? A. I would not expect conventional editing marks to remain visible for such a long period of time, I believe that they were visible after such a period of time because the more permanent spirit based ink material was used rather than the china-graph pencil. But what surprised me was that type of instrument should have been used anyway because so far as I am aware people in Audio so far as I am aware always use a chinagraph pencil. I have never used anything else.

B

Q. So from your previous answers I believe you are saying that the marks were present on two of the alleged originals in here now before the Court, that is tape 3.b exhibit 4 and tape 5 exhibit 3. Is that correct? A. That is right.

C

HIS HON. JUDGE STROYAN: And what is it which leads you to say these marks were made with a felt-pen rather than a chinagraph pencil. Have you any chemical qualifications? A. No my Lord. I said they appear to be. I am used to the appearance of chinagraph marks. I examined these under magnification, I say it's that type of thing. It could of course be something different. I do not believe it was the kind of crayon which is the base of a chinagraph.

D

HIS HON. JUDGE STROYAN: I see.

Q. I will ask my last question again. From the previous questions am I right in saying that the marks were present on two of the alleged originals now before the Court, that is tape 3.b exhibit 4 and tape 5 exhibit 3? A. That is correct.

E

Q. You have already said that the marks occur at points of technical interest? A. Yes.

Q. So can you please now tell the Court what that interest is in each case? A. In both cases we have a change of programme related specifically to the marks on the base film. In the case of 3.b exhibit 4 it relates to the beginning of the Symonds recording because that of course follows a Robson and Harris interview. In the case of tape 5 exhibit ...

F

HIS HON. JUDGE STROYAN: Just a moment. Yes, 5 you were going to say? A. In the case of tape 5 exhibit 3 it defines the end of the Symonds recording and the beginning of what I will call the remnants of the earlier Robson and Harris event.

G

Q. In your opinion is there even the slightest possibility of these marks having been applied by for example a typist for use as a reference point during the course of an authorised transcription? A. No, I think not.

H

HIS HON. JUDGE STROYAN: That is really speculation, isn't it?

A Q. Yes My Lord. Are you saying these marks could only have been applied by some person or persons with some degree of technical knowledge? A. Yes, I am.

Q. If the marks had been the first stage of an editing process, following cutting and splicing, followed by copying, would you expect them to be present on copy tapes offered as originals? A. No.

B Q. What kind of editing process might be involved when editing marks do remain visible on the final edited tape? A. The process there would be when it is desired to alter an existing recording by turning it into a composite recording, in other words by adding something else on to that tape which might or might not erase part of the original recording. Because then if we take a recording on the tape we define its end by a mark and we use that mark as a reference point to start the machine and put the second recording on the tape. Then of course it is quite possible that that editing mark would remain.

C HIS HON. JUDGE STROYAN: After putting the second conversation on the tape the editing mark would remain, is that what you are saying? A. Yes Your Honour.

HIS HON. JUDGE STROYAN: Yes.

D Q. Now does that conform with what we now find on tape 3.b? A. Yes it does.

E Q. And does the same hypothesis apply to the mark found on tape 5? A. At first sight no, because an editing mark like that is always used to start the second recording and never to stop the first. That is illogical, it won't work like that. If the same hypothesis is to be applied to tape 5 we have to assume an intention to put another recording on or to erase the tail end of the Robson and Harris extract at the end. But that intention was obviously not carried out because that recording still exists. But if we consider the possibility of an intention it then makes ... it provides some logic for that mark. If that proposition is ruled out the mark is completely illogical.

F HIS HON. JUDGE STROYAN: Just a moment that was a very long answer. "Editing mark on tape 5 could be defined by intention to erase the last part of the tape which wasn't carried into effect" is that right? A. I'm sorry, I couldn't quite get that.

HIS HON. JUDGE STROYAN: What I am writing down is this: "The editing mark on Tape 5 could be explained by the attempt to erase the last part of the tape which was not carried into effect". A. That is right.

G HIS HON. JUDGE STROYAN: No logical reason for it? A. Unless of course.

HIS HON. JUDGE STROYAN: Just a moment. If the tape was a copy. Is that right? A. Yes, unless it had been applied subsequently by an expert which is always a possibility.

H HIS HON. JUDGE STROYAN: What logical explanation or reason would there be for that? A. From a recording point of view it would not be logical.

HIS HON. JUDGE STROYAN: Yes.

A Q. I now turn back to the subject of 30 htz. tone bursts. Mr. Killick you have already said this phenomena was detected and in this case was found to be present on tape one exhibit one and tape 5 exhibit 3. Does this mean you are confident that the same phenomena is not present or has not been present in the other open reel tapes exhibited before this Court?

A. No. It means that the phenomena was detected on the two tapes you have just named. It might or might not be present on the others because it would have been very very difficult to detect, impossible in fact.

B HIS HON. JUDGE STROYAN: It was detected on tape one?

A. Yes, present on tape one Your Honour and present on tape 5.

HIS HON. JUDGE STROYAN: Yes but not on the others? A. No, I have not found it on the others but it is quite possible that if it were to be there it would be impossible to detect.

C HIS HON. JUDGE STROYAN: Yes.

Q. Within your experience is the presence of this phenomena a common occurrence, a rare occurrence or a unique occurrence?

A. It is unique. And it is unique exclusively to what I will call the general series of Times recordings.

D HIS HON. JUDGE STROYAN: I am afraid I do not follow. What is unique?

A. The presence of those 30 tone bursts.

HIS HON. JUDGE STROYAN: But not 50 tone bursts? A. No, I am speaking of 30 htz. I have never encountered it under any other circumstances.

E HIS HON. JUDGE STROYAN: 30 htz. tone bursts are unique in this case in my experience? A. Yes they occur in the Robson Harris recordings and these recordings but I've never found them outside any other recordings.

F Q. Unique to the Times tapes in effect. During the course of your many years of experience is it likely or unlikely that you would have detected such a thing had it been recorded on the many tapes that must have passed through your hands? A. I would have thought it most likely because although the tone bursts are inaudible when the tape is played at normal speed they become quite clearly audible when the tape is fast wound and if the play back part of the recorder is in operation. As Mr. Ford said yesterday they are audible in the form of bleeps and I must have wound many thousands of tapes and I have not heard it.

G Q. I know this is a highly complex and technical matter so I would rather leave it to you to explain in your own words how you think these tone bursts were recorded on to these tapes.

A. Yes. It is known that the motor system of the Nagra 3 tape recorder which was used in these recordings is capable of producing paracetic signals and one of these is the equivalent of 30 htz. at three and three-quarter inches per second. Now it is possible that when the machine is in the record mode and whilst recording

H

A that this signal can be fed to the record head and thus be recorded on the tape. I believe that is the principle method under which this actually happened. There is however an anomaly and it is that had that occurred normally I would then have expected the section of tape on which these tones are recorded to exhibit what is known as bias erase noise levels, in other words it would have a slightly higher noise level than a factory fresh virgin tape. What we have in fact is an apparent contradiction because in the sections where the tone appears we have what seems to be factory fresh virgin tape noise and yet we have these 30 htz. tone bursts recordings. It would seem initially to be an impossibility. But I believe it happened, it is certainly possible for it to happen by introducing a spacer between the heads of the machine and the tape itself. Or alternatively the same effect can be produced by merely twisting the leader tape so the tape is turned the wrong way round with the base sides towards the heads.

HIS HON. JUDGE STROYAN: That is what Mr. Ford told me yesterday.

C A. That is right. It therefore seems that at sometime the tapes where we have found this phenomena have been run through a nagra machine in the record mode in that way.

Q. Let us deal with how you think they were not recorded on the tapes. By this I mean to the best of your knowledge and experience could they have been introduced as a result of any manufacturing or packaging procedure? A. I do not believe so.

D Q. Could they have been recorded whilst in transit or in store during the time the sealed new box left the tape factory and finally found it's way into the hands of its first actual user? A. No. A wound spool of tape can be effected by strong external fields but when that happens it would exhibit a completely different pattern to that which is now found on the tape. Because of course if the tape is wound round the central hob, if you effect like a beam of light through the turns of tape there will be a relation, a cyclic relation as the tape unwinds. The phenomena would become closer and closer but we don't find that.

E Q. Could the tones have been recorded on the tapes as an intricate part of the process involved in the recording of the interviews that have been discussed in this tape? A. I do not believe so because had they been we would have had bias erase noise in the sections of tape after the recorded interview. In most cases we have a clear indication of the recording machine used for the interview being switched off. Then we have apparently factory fresh bulk erase noise. Therefore I do not believe it to be possible that these tones could have been produced in the way you suggested.

F Q. Could the tones have been recorded on the tapes either deliberately or accidentally after the original recordings were taken?

G A. I cannot imagine that these tones were recorded deliberately by anyone at any time. I am quite sure they were accidental. I think the important question is when were they recorded, before or after the recordings in which we are primarily interested. It could have been either, but my own opinion is that I believe probably they were recorded on the tapes before the interviews were recorded. In other words I believe it is probable that those tones were on the tapes when they were put on the recording machine, although it is just possible it might have been the other way round.

Q. Bearing in mind the answers you have just given, in terms of originality and authenticity what are the implications of what you are saying?

A. Well in considering originality I have to bear in mind the alleged histories of the tapes. And although I believe it is said that tape one might not have been factory fresh and although it is known that 3.b and 5 have both been previously used if it is maintained that those were factory fresh tapes when the first recordings were taken on them, I cannot see that these 30 htz. tone bursts could have been put on as an intricate part of those recordings. I therefore believe that these tapes have undergone some process or processes that are not accounted for in their histories.

Q. Such as copying? A. It might be.

Q. Turn now to 30 htz. hum. On which tapes ... 50 htz. hum, sorry. On which tapes did you find 50 htz. hum? A. Tape 1, tape 3.b and tape 13.

Q. Is the intrusion of hum from a mains power supply common or uncommon occurrences as far as tape recording equipment is concerned?

A. It is very common indeed when working with mains powered equipment.

Q. Would you expect it to be present within recordings taken out-of-doors using battery powered equipment? A. No I would not. I would not expect it to be present under those conditions using battery powered equipment indoors.

Q. Have you had much experience of recording out-of-doors in this way? A. Yes I have a great deal.

Q. Have you ever been troubled by 50 htz. when undertaking such work? A. No I have not.

Q. Have you ever copied tapes from machine to machine in the kind of way that has already been described as Location Sound Facilities for the purpose of producing the Times copy tapes? A. Yes I have, many times.

Q. Have you ever encountered mains hum when working in this way? A. Yes it is very easy to be effected by mains hum when working in that way.

Q. When you hear or detect hum of a frequency of approximately 50 htz. how do you know for certain that it originates from the mains power supply? A. Of course in absolute terms it is difficult to be certain apart from one way and that is that is if one takes appropriate steps by altering positions of equipment, altering powers of connection etc. deliberately intending to get rid of it and if it is got rid of you most certainly know it is a mains hum.

Q. If a recording carrying a 50 htz mains hum should be copied under conditions where yet more mains hum is likely to be introduced what would be the characteristic of the sum total of hum on the resultant copy tape?

A. The one tone would beat with another as they moved in and out of phase and the net result would be that where they are in phase you would get an increase in amplitude, where they are out of phase they will tend to cancel each other out and you will get a reduction in amplitude. You therefore get a cyclic pattern.

Q. Does what you have just said conform with the pattern that now exists with the recorded section of tape one exhibit one?

A. Yes.

A Q. I believe you also found 50 htz. hum present on tape 3 exhibit 4?

A. Yes;

Q. And tape 13 exhibit 6. Does the hum on tape 3.b have any particular significance?

A. I found the presence of hum on these battery operated recordings strange but in this case 3.b is preceded by 3.a which is not relevant in this case but 3.a recorded in a different location and at a different time also has a hum pattern.

B Q. And what about the hum on tape 13 exhibit 6. A. Yes, I find it very difficult to explain, very difficult indeed, you see there are so many recordings on which 50 htz. hum are appearing.

Q. Now Mr. Killick would you please now explain to the Court in your own words what you believe to be the significance of the hum patterns that you have found to be present within the exhibits before the Court?

C A. The presence of 50 htz. mains hum can indicate one of a number of things. It could indicate that the recording was not taken under the described conditions. It could indicate that at the time the recording was made the equipment was under the influence of very powerful 50 htz. field of some kind. It could indicate that some kind of copying process has been involved.

D Q. Following on from the sum total of the evidence you've given. What was your overall opinion regarding the authenticity and originality of these alleged original tapes?

A. I am deeply concerned that they contain phenomena that I would not expect to find had they been recorded as their alleged histories are defined. I therefore have to regard them as suspect.

Q. Thank you Mr. Killick. Will you stay there please.

E HIS HON. JUDGE STROYAN: We will break now.

(LUNCHEON ADJOURNMENT)

MR. KILLICK

F CROSS-EXAMINED BY MR. RIVLIN

Q. Now Mr. Killick the concern that you've had, and the major concern that you've had is this, is it not, that you can't square your scientific findings with the prospect that all of these tapes were virgin tapes, factory fresh tapes when they were used?

A. No, I believe the findings don't agree with what I was told were their histories of origin.

G Q. That is fine. We understand where we stand, may I tell you I think there's likely to be little problem about that. A. Thank you.

Q. But apart from that matter that is the history that was given to you about the tapes being factory fresh ...

H A. Yes.

Q. But apart from that matter this is right, isn't it, there's no positive indication which leads you to the opinion that any of these tapes have been edited? A. No, I have found no positive evidence one way or another.

A

Q. That is right then is it not. There is no positive indication which leads you to the opinion that any of these tapes has been edited? A. That is correct.

Q. Now a great deal has been said about the history that's been given about these tapes. A. Yes.

B

Q. May I say we appreciate and I accept that it is possible that different people have said different things at different times, alright? A. Yes.

Q. Mr. Lloyd actually gave evidence about this matter before His Honour and told His Honour "I think that the first tape we used was not new, the other tapes were new as far as I can recall". It is your opinion that the first tape was not new? A. Yes.

C

Q. Mr. Hawkey gave evidence to the effect so far as he was concerned all of the tapes were factory fresh. A. Yes.

Q. And Mr. Mounter gave evidence before the Court and told the Court this, "and this was his evidence and I wonder if you would be so kind as to listen: "The first couple of tapes were not brand new and later ... and he didn't specify when 'later' was - "Later we had a system where they were covered in selophane etc." Do you understand? A. Yes.

D

Q. And the tenor of his evidence, and I am talking about his evidence, was that in the early stages the tapes were not new but later a system was devised which ensured that they were. Do you have that in mind? A. Yes.

E

Q. Now I'm not going to argue at all with you about your findings that tapes number 1, 3.b. and 5 were not new. So far as 3.b and 5 are concerned not only were they not new tapes but I think you would agree with Mr. Ford wouldn't you that to anyone who knew anything about tapes it would almost immediately become apparent and obvious that they were not new? A. It is transparently obvious that each contains two recordings.

F

Q. Now you have expressed the view, haven't you Mr. Killick that if anybody did tamper with these tapes and fabricated them in your view and judgment they must have been an expert with a high degree of skill? A. I would say yes it would require a degree of skill.

Q. Yes. A. This of course depends, you use the word tampering in a general term, it rather depends to the extent of manipulation.

G

Q. Yes but one thing we do know, if an expert was involved in some dishonesty here that expert has allowed tapes to go forward to be put in evidence which are transparently not new tapes and which contain other conversations? A. Oh yes.

H

- A Q. Now there's very little that I think I need ask you about Mr. Killick now, although there are just one or two points if I may which you may be able to assist us upon. I'm not going to spend any length of time at all on tape number one - that's the telephone tape recorded conversation isn't it? A. That's right.
- Q. Yes. But you have noticed there a phenomena which you've described as cyclic hum? A. That's right.
- B Q. And you know do you not there should be a number of different explanations as to how something like that arises? A. Yes, I have said so.
- Q. Yes you've said so and you accept there may be perfectly innocent explanations for that sort of thing. A. That is possible.
- Q. Yes. And I'm not going to waste time on it because there may be a number of perfectly innocent explanations for it. A. Yes.
- C Q. Which indeed you can imagine happening in a situation such as that? A. As I told the Court this morning we made enquiries of the Post Office authorities.
- Q. Yes, there it is. I'm not going to trouble you with asking you to prove something which is as it were already self-evident to you. Not merely is your evidence that you have found no positive indication of tampering or editing, but it is your evidence, is it not, Mr. Killick that the conversations purporting to have taken place certainly and obviously did take place? A. Yes, I'm not qualified to say of course by the person to whom they purport to represent.
- D Q. No of course you're not. But the conversation did take place ... A. Yes.
- Q. And indeed if one looks at the tapes or listens to the tapes at the conversations themselves ... A. Yes.
- E Q. As opposed to any other part of the tape ... A. Yes.
- Q. There is nothing that you have found to suggest doctoring of any kind is there? A. Not positively, no, no.
- Q. Now Mr. Killick just one or two matters. A. Yes.
- F Q. Tape 2, bad tape, in the sense it is a poor recording broken up, no other comment. A. I don't think it is helpful to the Court from a technical point of view.
- Q. It might be if you had something to say against it, but you haven't, have you? A. No, that is why I said that, that is my opinion about it.
- G Q. Tapes 3 and 5. Can I just ask you a question about tape 5? A. Yes.
- Q. The noise between the two recordings? A. Yes.
- Q. The noise level between the two recordings. A. Yes.
- H

Q. That noise is clearly consistent, is it not, with it being a machine erased noise? A. Bias erased noise.

A Q. Bias erased noise. Tape 5. The little gap between the two recordings consistent with it being machine erased noise.

A. Yes.

Q. Now have you listened to the rest of the noise at the end of the tape? A. Yes.

B Q. I am going to put it to you Mr. Killick that it is a scientific fact that the noise on the rest of that tape is of the same level as the noise in the gap, that is machine erased noise?

A. I do not have a note on that.

Q. So you have no finding one way or the other? A. No.

HIS HON. JUDGE STROYAN: That's tape 5 between the end of the alleged relevant conversation and the beginning ...

C Q. Of the new one. And he agrees that that's machine erased noise which would be caused by switching off the machine, is that right?

A. Yes.

Q. And we know Your Honour there is said to be a further period at the end of the rest of the recorded conversation not the Symonds tape.

D HIS HON. JUDGE STROYAN: Yes.

Q. And I am putting it to this witness that noise is of precisely the same character.

HIS HON. JUDGE STROYAN: After the conversation.

E Q. And the witness can't say one way or the other. Well I've dealt with that, I've put my case on that. As an expert and given it is your opinion that if anyone tampered with the tapes an expert would be the likely culprit ... A. Would be likely to be.

Q. Yes. You find it, do you not, to be to put it mildly that this person whoever he may have been has allowed these tapes to go forward with marks on. You are nodding? A. Yes, yes.

F Q. That he has permitted the creation of more than one tape so as it were there is extra evidence whereby he can be caught out or found out if he's done something wrong? A. However I've never suggested the persons who created the tapes could have been or were responsible for any tampering if it took place.

Q. Yes.

HIS HON. JUDGE STROYAN: Just a moment please. Have I got this right? "I have never suggested that the person who took the recordings could have been responsible for any tampering if it took place".

A. That is correct.

H

Q. And indeed you are not suggesting any tampering has taken place, are you? A. No.

A Q. And you, goodness knows, have had long enough to examine these tapes and have every opportunity that you've wanted, haven't you Mr. Killick? A. A very long time.

Q. Every assistance and facility has been afforded to you, hasn't it? A. Yes.

B Q. Timing. You agree that the timing of the conversation on 3.b and 5 is identical? A. Yes, I've carried out timing checks on all these tapes where there is more than one recording and I find no anomaly in timing at all within the limits of normal tolerances.

C Q. And what is more, and I hope to express myself in such a way that you as a scientist would understand what I am putting to you. You appreciate, do you not, that it is said that these two tapes, 3.b and 5 were taken from microphones positioned in different places. A microphone placed under the dash-board - exhibit ... tape 5 A. Yes.

Q. Exhibit 3 a microphone around Perry's neck under his clothes? A. Yes.

Q. Tape 3.b.exhibit 4. A. That's right.

D Q. And you as an expert will appreciate the implications of that history? A. Yes.

Q. Because with a history such as that you are as it were announcing to the world are you not, that given that the microphones were positioned in different places there may be different levels of speech as between the two conversationalists on each tape?

E Q. Yes, you get what I would call differences in internal sound perspective.

Q. Well we are talking about the same thing I am sure. That is to put it crudely - Perry's voice might sound louder on the recording where the microphone is round his neck. A. Yes.

Q. In relation to the voice of the other man? A. Yes.

F Q. You have found nothing in your investigations to suggest that these two tapes are not consistent with that history, that is right, isn't it. A. Yes, in fact I have investigated the other tapes as well and as with the timing checks no anomaly was found that warranted raising the point.

Q. Now it may be, it may be fairly easy to forge certain things on tape recordings. A. You mean by editing?

G Q. By editing out of putting in insertions? A. That is right.

Q. But would you not agree with this proposition in relation to fabricating tapes, and by that I mean dishonest editing. A. Yes

H

A

Q. That in these two situations, and I'm going to pose them to you, it would be an extremely difficult thing to do successfully. First, where you have got what is known as a face to face conversation where you and I may be chatting together and we haven't got our minds as it were on the editor who is going to edit out this tape, but we are just chatting together and sometimes speaking at the same time.

A. This of course makes the task more difficult, but within my experience I have been surprised at how successful people can be at editing what is not basically an interview situation but a conversation situation.

B

Q. Real experts? Experts? A. Yes. And Amateurs, I've taught amateurs on the subject for years.

Q. You've taught. Do they need any training to do it? A. An hour.

Q. I see. And the other matter is this. Those speech levels to which you were referring a moment or two ago. A. Yes.

C

Q. To be able to fabricate tape recordings in such a way as to show the different speech levels on different tapes to coincide with the alleged history of taking, again would you not agree, would be a very difficult if not an impossible thing to do?

A. Yes. I doubt the impossibility. I agree on the difficulty.

D

Q. Certainly a very ... by any standards a highly expert and time consuming job? A. That is not a task an amateur would be likely to undertake successfully.

Q. I am obliged. And a time consuming job? A. Yes, obviously it is bound to.

Q. Yes. You agree, don't you, so far as tape 14 is concerned, November the 21st, the Grove public house, a fairly lengthy tape?

A. Yes.

E

Q. Reasonably clear. So far as that's concerned it is apparently a genuine and authentic original recording? A. Yes, there are no technical anomalies in that recording.

Q. So do you agree with me? A. Yes, it has an intelligible speech quality.

F

Q. No. I'm not just talking about intelligible speech quality.

A. I was adding that.

Q. It is apparently a genuine original recording? A. Yes it is.

Q. Yes. And you've conducted exhaustive testing ... A. Yes.

G

Q. I won't ask you about exhibit 7 but let me ask you about exhibit 6 with the 50 htz. hum. A. Yes.

H

Q. You have not been asked, and I don't by any means criticise the defendant about this, who has put his questions to you in a very skillful way. You haven't been asked any questions about Crystal Palace, have you? A. In this Court no. At the Central Criminal Court yes.

Q. But one of the matters which you mentioned to His Honour when you were dealing with this question was this, wasn't it, that a condition in which you might find this is when the recording is juxtaposed, or under the influence of very forceful 50 htz. field? A. Yes.

A

Q. Of some kind? A. Yes.

Q. And if the motor car containing this equipment which was recording past within the influence of a very forceful 50 htz. field ...

A. Yes.

B

Q. And I think you would agree that Crystal Palace would come under that definition, would you not? A. No Sir I don't think I would. May I explain why?

Q. Please do. A. I am not a television expert ...

C

Q. No. A. But for many many years I have been dealing with ordinary consumer problems relating to radio interference with recording equipment. Now this normally takes the form of what we call radio frequency breakthrough, where the connecting wires of the tape recarder act as an aerial and you in fact pick up the actual programme. Now I have never ever known of anyone to complain of 50 htz. hum pick up from television aerials.

D

Q. Yes, may be you haven't but I am putting this situation to you Mr. Killick. As the matter was put to you as you say on a previous occasion have you conducted any experiments? A. Since, no.

E

Q. Do you feel conscientiously able to rule out the possibility that the 50 htz. hum which is referred to on this tape was caused when the vehicle past within the influence of Crystal Palace?

A. Again I am working purely from experience. The aerial there is situated in a densely populated area, if it were to radiating 50 htz. I would have thought there would be a stream of complaints because it would be interfering with reception and equipment in the immediate locality effecting many hundreds, indeed thousands of homes. I have from my somewhat privileged position had no complaint, that is all I can say.

F

Q. Yes. Subject to that which leads you away from the conclusion that that is what happened, subject to that you can't rule it out as a possibility, can you. A. If it can be shown the aerial is indeed radiating 50 htz. at a very powerful level of course it would change the situation, but ...

Q. Thank you. I'm not going to cut you short, you said "but ...". What was the rest you were going to say? A. I'm sure it's not important, it's gone out of my mind.

G

Q. Finally tone bursts and may I say there may be very little between us here, because you said in relation to the tones bursts to which reference has been made, you said it could have been recorded before or after the recordings, but you believe they were probably on the tapes before? A. That is my opinion.

H

Q. So in other words before the recordings with which His Honour is concerned these tone bursts in your opinion were probably already there? A. That is my opinion.

A Q. Yes. Well that leaving aside any tortuous or fanciful arguments is the obvious situation which strikes one? A. I think it tends, that theory tends to be greatly strengthened by tape on where we have a half track recording of a telephone conversation and when it ends it goes immediately into full track tone bursts and therefore it will be reasonable to assume that the telephone conversation was recorded on the tape where the tone bursts already exist and that's what gave me that theory.

B Q. Coming down to earth as it were that is much more the likely theory, isn't it? A. That's why I quoted it as my opinion but I didn't rule out the possibility of it having been the other way around.

C Q. Yes. And of course if that were so it would not in any way effect the originality or the authenticity of the conversation that was subsequently recorded on to the tape, that's right, isn't it? A. If it were to be shown that the tape when it was put on the machine in the first place to record the conversation, if it were to be shown it was a brand new factory fresh tape then the tape I examined with these tone bursts on could not have been that tape.

Q. We are not at odds here, we agree that it wasn't? A. With that proviso.

D Q. Given that it wasn't a factory fresh tape and given the tone bursts were there before the recording that doesn't in any way lead to the conclusion that that which was recorded was anything other than authentic? A. No, it bears no relation to editing.

Q. Absolutely none whatsoever? A. No.

Q. Thank you very much indeed Mr. Killick.

E MR. KILLICK

RE-EXAMINED BY MR. SYMONDS, (defendant)

F Q. Mr. Symonds you have had a number of propositions and hypothetical questions put to you and in respect of the Crystal Palace affair to para-phrase the words of the Prosecution Counsel - "a tortuous and fanciful argument". I would suggest ... But has anything that the Prosecution Counsel put to you this afternoon shaken in any way one word of the evidence you gave in relation respecting your opinion, your professional scientific opinion of these tape recordings?

A. No.

G Q. Thank you Mr. Killick. Now I notice the Prosecution put to you the question of the 50 htz. hum on tape one. A. Yes.

Q. Of course there has never been any argument about this because it was a phone call recording? A. Yes.

Q. But the Prosecution forgot to ask you about the 30 htz. hum on tape one. Now can you think of an innocent explanation for 30 htz. hum on tape one if it is true that this was a new tape?

H A. If it is true that they were ... If it is true that that were a factory fresh tape ...

A MR. RIVLIN: Your Honour I am sorry but there is absolutely no point in anyone pretending that it is our case that this was a factory fresh tape. I have said over and over again in the last few days that we accept that which is being put forward that these first tapes were not factory fresh.

HIS HON. JUDGE STROYAN: Yes.

B MR. SYMONDS: My Lord I would like to refer you to ... I haven't got my notes here, but if you recall when Mr. Hawkey was being cross-examined I specifically asked him about the authenticity ... the virginity of tape one and I believe I asked one of the reporters as well and I referred him to his statement made to the Police My Lord. And the fact is this has always been the case that these were brand new virgin tapes. I think the Prosecution experts have now had to back down in view of the evidence supplied to them by our experts by agreement when reports were exchanged. I think the Prosecution have had to back down and say well perhaps these weren't, we can no longer say these were brand new virgin tapes, so now we are saying they were just old tapes someone picked up and put on, therefore all this phenomena must have been on before. I am going on the evidence which has been put to the Court My Lord. - By the people who actually handled the tapes when I wasn't there and neither was Mr. Rivlin. We can only go on what the people at the scene say they did.

C HIS HON. JUDGE STROYAN: The present position is, and it has been pointed out more than once by Mr. Rivlin is that it is not the Crown's case that these earlier tapes were fresh virgin tapes and in this Court they never have been.

D MR. SYMONDS: Is it the Crown case that tape 13 was a virgin tape?

HIS HON. JUDGE STROYAN: I'm not going to argue ...

MR. SYMONDS: Well My Lord I will continue.

E HIS HON. JUDGE STROYAN: Take your time Mr. Symonds.

(re-examination of Mr. Killick cont'd)

Q. Thank you. Yes, Mr. Killick you were asked about the 50 htz. on tape one? A. Yes.

F Q. And I think I put to you there's never been any argument about 50 htz. on tape one because it is alleged the tape recording was made with a machine attached to a telephone. A. That's right.

G Q. This is the post office htz. hum. A. No. You are confusing it. What I said in Court is the adaptor fixed to the telephone is a conductive devise used in a domestic environment and it is not surprising it picks up a 50 htz. hum because it is designed to pick up these external fields.

H Q. Yes. What about the 50 htz. hum you found on the other tape-recordings which were not attached to ... A. Well I find it very difficult to explain. It is contrary to my practical experience, and I have carried out experiments at The Grove, I have not been able to induce 50 htz. hum in these recordings and I feel that it needs to be explained.

HIS HON. JUDGE STROYAN: That hum comes after the conversations which are material in the case? A. Yes My Lord, in some cases it is so low in level it couldn't be resolved were it to be present in the recordings.

A

Q. Going back to Crystal Palace theory. The 50 htz. hum found is a sound wave? A. Yes.

HIS HON. JUDGE STROYAN: This is number 13.

B

Q. Yes, tape 13 Your Honour. Do you know if a t.v. signal is a sound wave and what else does it contain that would be recorded according to the Prosecution theory? A. I'm not a t.v. expert, I would prefer not to answer that question.

Q. Now I think you said several times in response to questions that you saw no signs of tapes being edited, by this I understand you saw no surgical cuttings? A. No.

C

Q. And you found no places where there was an obvious edit? A. No.

Q. But I think you mentioned to the Court you could teach an amateur to edit tapes in one hour? A. Yes.

D

Q. Now such a person having been taught in one hour if he edited tapes according to your classes and lessons, could you tell afterwards whether that tape presented to you had been edited or not? A. Sometimes yes, sometimes no.

Q. Sometimes no. You were asked about tape 14 and I think you were lead to say, agreeing, according to your examination this was a genuine original recording because you couldn't find any phenomena on it. A. There is nothing visual or aural that is apparent.

E

Q. But Mr. Killick isn't tape 14, I believe, the only tape in this series where the recording is full length? A. Yes, I believe that is so.

Q. And did you not find your hums and what not in the main on the unrecorded section of tape? A. 30 htz. yes, 50 htz. no.

F

Q. Right. So if there had been a 30 htz. hum on tape 14 the fact that it had been recorded full length would give you no opportunity to establish that? A. That is correct.

Q. Now Mr. Killick going back to the marks. When the original marks were found what was the reaction of the police officers present. A. I would say they were scared.

G

MR. RIVLIN: I don't think that is relevant.

HIS HON. JUDGE STROYAN: I don't think any cross-examination went to the marks.

Q. Thank you My Lord. I'll leave that one. Now you were asked some questions about machine noise at the junction of what I will call 5.a and 5.b? A. Yes.

H

Q. Yes. A. Yes.

A

Q. And can I ask you at this point would you expect the tape to have remained in contact with the head?
A. At the point of conjunction?

Q. At the point between 5.a and 5.b, the machine noise?
A. It would remain in contact with the head up until the point that the machine was switched off.

Q. At the end of 5.a? A. Yes.

B

Q. And it would have been in contact with the heads at the beginning of 5.b?
A. Yes.

Q. What about this gap between 5.a and 5.b. A. Yes.

C

Q. Would you expect the tap~~e~~ to have been in contact with the heads during that gap?
A. Yes, if the one runs directly through to the other. In fact there's a fractional pause between them, less than a second I believe. Of course it's very difficult to say what that pause is, it contains the off click switch pattern when the machine recorded ...

HIS HON. JUDGE STROYAN: What? A. The switch off click pattern when the recorder went off after recording 5.a.

D

Q. And following on from that would you therefore expect constant noise in that gap?
A. Yes.

Q. And following on from that would noise vary between bias erase and bulk erase?
A. It might do under certain circumstances, it might do.

HIS HON. JUDGE STROYAN: We are talking about a gap less than a second?
A. Yes, we are talking about something very tiny.

E

Q. When the tapes were presented to you in 1971 were they accompanied by copies of statements?
A. I had some copies of some statements, yes.

Q. And did those statements suggest to you that these tape recordings were made from virgin tapes?
A. I cannot now recall. But I was working on instructions from solicitors and counsel and that was my instruction from them.

F

Q. Mr. Killick when in your examination you ... What you in your main examination you stated as what I would describe as solid scientific facts...
A. Yes.

G

Q. Now you have been offered propositions and hypothesis. Would you agree as a scientist that a scientific fact can only be answered by another scientific fact?
A. Oh yes.

Q. Thank you Mr. Killick. May this witness be released?

HIS HON. JUDGE STROYAN: Certainly.

H

MR. SYMONDS: I call Mr. Taylor please.

GEORGE HENRY ROY TAYLOR (sworn)

EXAMINED IN CHIEF BY MR. SYMONDS (defendant)

A Q. What is your full name? A. George Henry Roy Taylor.
Q. And what is your address? A. My address is 58.a High Street
West Whickam in Buckinghamshire.

B Q. What is your occupation please? A. I am Deputy Technical
Manager at EMI Limited. That is Deputy Technical Manager of the
Magnetic Tape division.

C Q. How long have you been employed in that capacity?
A. I have been employed in the capacity of Deputy Development Manager
since 1975. Prior to that I was employed as Head of an electronics
applications and measuring laboratory which concerns itself with the
approval and evaluation of magnetic recording tape.

Q. What is the Audio Engineering Society and are you a member?
A. I am a member and it is a learned technical body of audio experts.

D Q. Can you please explain to the Court the meaning of the letters
I.E.C. and explain the function of its working group 12 and your own
responsibilities within that group. A. Yes, the I.E.C. stands
for International Electro Technical Commission. It is an international
body which is affiliated to the International Standards Organisation.
I myself have responsibility within that organisation. I am the United
Kingdom principls magnetic tape expert who attends on behalf of this
country with one aim to produce an international standard regarding
the measuring methods of magnetic recording tape.

E Q. I don't wish to embarrass you Sir, but I suggest from your answers
that your status and reputation is not merely national but truly
international and at the very highest level. Can I ask you some
questions about editing.

HIS HON. JUDGE STROYAN: About what?

F Q. Editing. I would now like to ask you a very general question.
Do you think it is easy or difficult to judge whether or not any
given tape is an original recording or a copy of an original recording?
A. I would say it is extremely difficult for any expert no matter how
experienced or qualified to be able to tell whether a tape is an original
or an edited copy recording.

G Q. Following on from that Sir, if you were handed a tape that had
been edited and copied, could you be confident that through the use
of the technical means at your disposal you could detect edits?
A. No. I would be unable to detect an edit myself which had been,
shall we say, carried out by a competent recording engineer.

H Q. Sir. When editing tapes what is the normal method of identifying
editing points? A. The practice that is used in my own
company would be to first of all identify the point on the one on which
you wish to make the edit on the tape with a chinagraph pencil which

would be the first stage in a process towards cutting that tape and then either inserting some other material, this would be done by inserting another section of tape and joining it together with sticky tape.

A Q. So to your knowledge is editing a common practice in the music, film and broadcasting industry? A. It is extremely common. If I may be permitted to give you an idea, I think one of my own Company's grammophone records could contain as many as 200 edits.

B Q. This would be a grammophone record of how many minutes duration? A. Twenty minutes.

Q. Twenty minutes, two-hundred edits? A. Yes, that would be quite the usual thing.

C Q. To finish off this particular aspect I would like you to say again whether or not you believe that such edits would normally be detectable either aurally or by a technical means? A. No. Such edits in my opinion would not be detected by aural means or by scientific methods. I would qualify that remark perhaps by saying the original tape of course would in the example I have given contain a section of splicing tape which would be observable by the eye. However, should a copy recording be made from that it would be almost impossible to tell which was the edited section.

D Q. Sir. Did you examine some of the tape recordings which are now generally known as the "Times" recordings and which related to legal proceedings against Robson, Harris and subsequently myself? A. I did.

E Q. Did you work on the originals or the copies or both? A. I worked on the tapes which were alleged to be the original tapes. I remember that I think it would be in early 1970 my Company was first approached by I think it was Detective Superintendent Lambert to examine some tapes and firstly we were offered the tapes which were stated to be copies and the answer, my answer through my commercial division (because this task was taken by my commercial division of my company) - and ultimately past down to me in the laboratory ...

HIS HON. JUDGE STROYAN: Mr. Taylor what part in conversation between you and Mr. Lambert is not admissible evidence because it is hearsay. A. I am sorry.

F HIS HON. JUDGE STROYAN: What I am anxious to hear is what you found by reason of your own investigations.

Q. Well, continue on from that Sir. Were the original tapes ... Did you eventually receive the original tapes? A. I did.

G Q. And were the original tapes ever in your sole custody? A. No never. I was always accompanied by two police officers and they were always in the custody of two officers, who, when they were examined by myself, sat at either side of me. And immediately I finished my examination they put the tapes away and placed them in locked brief cases.

H Q. Are you aware that certain marks have been found on the base film side on some of these tapes? A. Yes I am aware of that from a previous trial which was in 1972.

Q. I must ask you this. I must ask you whether or not you yourself using any kind of writing instrument did at any time inscribe any mark on the base film side of any original tape to which you had access?

A. The answer to that is no Sir. I would regard that action as improper and indeed it would be contrary to the instructions that I was given by the police officers. In other words I was instructed not to interfere with the evidence in any way and I can only regard that as interference of evidence.

Q. Can I take it you would regard it as quite improper for any authorised investigator to put such marks on such tapes?

A. I would indeed.

Q. Thank you. I would like you to examine the box, spool and tape known as tape 3.a and 3.b exhibit JDM4 and to tell me whether or not you can confirm that this is the actual tape you examined in 1970. That is the box and spool?

A. May I open the box because I do recall it should have my signature somewhere ...

HIS HON. JUDGE STROYAN: Do you have any notes which you made at the time?

A. I have my technical report which I submitted to The Yard, My Lord.

Q. Yes.

MR. RIVLIN: That's right, this man prepared a report and he submitted his report to the police, and we have submitted the report a long time ago to the Defence and we have both got copies of the report. I have no objection at all to the witness referring to his report if he wishes to do so.

MR. SYMONDS: May the witness refer to it?

HIS HON. JUDGE STROYAN: What?

MR. SYMONDS: May he refer to his report?

HIS HON. JUDGE STROYAN: Yes, it's almost impossible to remember things that happened twelve years ago. A. In answer to your question, yes this is this tape Sir.

HIS HON. JUDGE STROYAN: This is tape 3.a and b, is it?

A. Yes My Lord, I've been asked to identify it. Yes, the label on the tape does contain my signature, I can assure the Court that is the tape I examined.

Q. Would you now please do the same for tape 5, exhibit 3?

A. May I please examine the leader with the Courts permission?

HIS HON. JUDGE STROYAN: Yes.

Q. Is that tape 5, Sir? A. Yes, it corresponds with the information I have in my report for tape 5 and it also contains my signature.

HIS HON. JUDGE STROYAN: Where is your signature? A. On the label My Lord.

Q. So to clarify a point there, was the leader marked in any way when you checked it? A. No it wasn't. This is the significant point I was in fact looking for. This tape is unusual, in fact it does not contain a leader number.

HIS HON. JUDGE STROYAN: Just a moment. When you say it wasn't marked, do you mean it had no editing marks on it or do you mean something else?
A. I ...

A Q. Writing on the leader or a number on the leader. A. May I explain My Lord.

HIS HON. JUDGE STROYAN: Yes. You've told me so far the label on the tape bears your signature. A. Yes.

B HIS HON. JUDGE STROYAN: Now you are going to tell me something about the leader? A. In the practice in my company is we identify the batch number of the tape as you see the batch number on the label on the box and we also identify the leader that is the non-magnetic part of the tape which I am holding up here in front of the Court, that should also contain the leader number and match the one that is stated on the box. In this case it does not.

C HIS HON. JUDGE STROYAN: You mean you mark the leader yourself or you merely note the number on the top? A. No. My Company is part of the manufacturing process, for my Company to actually stamp the number on the leader of the tape.

HIS HON. JUDGE STROYAN: Just a moment please. The Leader has batch number stamped on it. Yes. A. I therefore identify that tape.

D Q. Would you consider it unusual Mr. Taylor for a tape with an unmarked leader to be in a marked numbered box? A. Yes I would consider it unusual.

HIS HON. JUDGE STROYAN: Just a moment. Are you saying there is not a batch number on the leader or there is a batch number and it differs from the one on the box? A. I am saying there is no number on the leader My Lord.

E HIS HON. JUDGE STROYAN: Yes, thank you.

Q. I believe following on from that you said you regarded that as unusual? A. Yes.

HIS HON. JUDGE STROYAN: Well is that tape produced by EMI?
A. It is.

F HIS HON. JUDGE STROYAN: And somehow or another it has not got a batch number? A. Yes. So the conclusions are either it has been removed, the leader has been changed or my Company failed in their task to produce - to produce some bad workmanship. That's what I would see would be the possibilities.

G Q. Mr. Taylor if I can establish one point here. You have identified particularly tape 3 as the tape you identified. Now is it correct to say that you can only identify the spool and the writing upon the spool, and the box and the writing upon the box, ...

HIS HON. JUDGE STROYAN: Just a moment please. We are talking about exhibit 4 tape 3 are we?

H Q. Yes My Lord. When Mr. Taylor said that that was the same tape. I would like to confirm from Mr. Taylor that in actual fact other than the presence of EMI batch numbers or not there are no other

markings upon the leader to identify the tape itself?

A. I think I understand the question. If I understand it correctly and you are asking me that just because my signature appears on the label can I swear here under oath that is actually the tape, the answer to that would be obviously no. It does depend on a trust throughout the whole legal system, which of course I obviously have implicit faith in that that was the tape that has been presented here in the Court to me. I have no way of telling it is the actual tape unless I spent many hours with it.

Q. Mr. Taylor is it a practice in your profession to mark the leaders in some way to identify the tape, to write upon the leader?
A. Not write upon the leader, it is stamped upon it.

HIS HON. JUDGE STROYAN: The batch number? A. The batch number.

Q. No. On the white leader ...

HIS HON. JUDGE STROYAN: Yes, I follow that. You say the batch number is normally stamped on the leader? A. Yes.

HIS HON. JUDGE STROYAN: Is anything else stamped on the leader?
A. No.

Q. Could the leader be used, non-magnetic material of the leader, could the leader be used to write upon to identify the tape itself?
A. Yes indeed it could, this is common practice.

Q. Now I think you have identified the box and spools of tape 3 and tape 5. Would you now please identify the box and spool of tape 13, exhibit 6? A. Yes, the box is correctly marked and the leader is correctly identified.

HIS HON. JUDGE STROYAN: I'm sorry I didn't hear. A. The box itself is correctly marked.

HIS HON. JUDGE STROYAN: By whom? A. By my Company. The number on the leader is in accordance with the number on the box and it is my signature that is on the spool.

Q. Would you now look at tape 14, exhibit 5. A. Yes, I am satisfied that is the correct tape and in accordance with all the information I was given when I originally examined it.

Q. Yes. That tape you can tell by the batch number was in the correct box? A. Yes, that is correct.

Q. During the series of tapes when you first examined them did you find one tape to be patently obviously to be in the wrong box, tape seven? A. Yes. I cannot recall at this moment in time but certainly if I regarded all the tapes as a package which was indeed the case, because I examined them all not knowing which particular case they may relate to, this was in early 1970. Yes, at that time there was one, certainly one tape in there which was incorrectly numbered and indeed placed in the wrong box.

Q. Thank you Sir. Do you have your notes. At the time of the examination may I ask you your general opinion, general opinion, regarding tapes 3.a, 3.b., 5 and 13? A. Perhaps I may deal with them in order.

A HIS HON. JUDGE STROYAN: Start with 3.a. A. Could I have a moment to refer to my notes. Yes. Tape 3.a and 3.b were not, certainly, in accordance with the original information I was given by the police. Tape 3.a and 3.b.

HIS HON. JUDGE STROYAN: Just a moment, just a moment. What do you say? They were not in accordance with the original information?
A. Yes, the original information I was given My Lord was that a new ...

B HIS HON. JUDGE STROYAN: Can you just tell me in what way they were not in accordance ... A. They contained two recordings and one recording had in fact interfered with the other recording. To clarify that, one recording, the second recording known as tape 3.b had in fact erased part of tape 3.a.

HIS HON. JUDGE STROYAN: Yes, yes.

Q. And ...

C HIS HON. JUDGE STROYAN: Now five is the next one I think you want to find out about.

Q. Yes, tape 5 Sir?

HIS HON. JUDGE STROYAN: What do you say about that?

D Q. Sir, can you please tell the Court your general opinion at the time of your examination, what was your general opinion regarding tape 5? A. Yes, this originally gave me some concern because I think it was approximately half way through the recording I found a break in continuity. I then made a study, I reported my concern of this to the investigating police officer who ...

E HIS HON. JUDGE STROYAN: Well can you confine yourself to what you yourself found and not what you said to other people or what other people said to you? A. Indeed, I am sorry My Lord. Yes. I found that there was a break. In other words the complete tape was not continuous and I formed the opinion in fact that it did contain two recordings.

F Q. Thank you. And your general opinion at that time Sir about tape 13? A. Yes. My opinion at that time was it consisted of a recording containing music and some speech. I observed several breaks of continuity during the music recording.

Q. Thank you Sir. And again in 1970 ...

G HIS HON. JUDGE STROYAN: A moment please. Is that after the conversation? A. No, it was before the conversation My Lord according to my notes. Breaks in continuity were before the conversation. I beg your pardon My Lord, I have given you some incorrect information. According to my notes the recording commenced with music, followed by speech, and then further music afterwards.

HIS HON. JUDGE STROYAN: Yes, where were the breaks in continuity?
A. During the music recordings in both cases.

H HIS HON. JUDGE STROYAN: Both the beginning and the end, is that right?
A. Might I just have a moment.

HIS HON. JUDGE STROYAN: Yes, take your time.
the second music recording.

A. They came during

A HIS HON. JUDGE STROYAN: Yes.

Q. And again in 1970 May I ask what your general opinion was regarding tape 14?
A. Yes. I was unable to detect any technical faults on this recording at all, which I would attribute to editing. I did observe that there was some overload distortion but I didn't ... I put that down to perhaps incompetence rather than, you know, any sign of interference with the tape.

B Q. And was this tape recorded throughout its length?

HIS HON. JUDGE STROYAN: Just a moment. You were unable to detect any technical faults in tape 14. I cannot quite follow why you attribute the absence to editing.
A. We have a misunderstanding. I am saying I could find no technical faults I would attribute to editing. Yes. According to my laboratory report the recording finished with microphone background noise, so the tape I would understand from that it was in fact recorded throughout its length.

C Q. Throughout it's length. As the tape was recorded throughout its length would this make your investigation somewhat more difficult?
A. Very much so because marginally my investigation was based upon the correct noise levels found at the end or on the unused portion of the tape.

D HIS HON. JUDGE STROYAN: Unused portion of the tape? A. Yes My Lord.

Q. Mr. Taylor Sir I would like now to turn to the subject of 30 htz. tone bursts and if I were to refer to 30 htz. tone bursts within the context of this case do you understand what I am referring to?
A. I do Sir.

E Q. Did you yourself establish the presence of this phenomena within the series of the so called "Times" recordings? A. I did.

Q. At this point Sir I would like you to please describe to the Court as briefly and as non-technically as possible the characteristics of the phenomena you observed and is it a fact that you took special steps to establish the presence of these tone bursts after having been advised by the Defence experts who were present?

F A. Yes, that is correct. 30 htz. tone bursts which occurred on the unused (if I may put that in inverted commas) - the alleged unused section of tape, were first of all pointed out to me by Mr. Ford and by order of a Magistrates Court I was asked to re-examine certain of these tapes for other reasons and I took that opportunity to examine this phenomena so that the Court may understand there should have been no signals whatsoever on what is technically known as the virgin section of the tape. The portion of the tape which has not been used for recording, it should contain no signals whatsoever. The tapes that I examined for Mr. Ford certainly contained signals which should not have been there.

G HIS HON. JUDGE STROYAN: Which tape is this? A. There were a number of tapes My Lord. I don't think I can honestly remember all the numbers of them. To me it was a package, as I say, at the time.

H

A If I may continue. Yes, I examined an EMI tape which was number 35553 and this was a virgin tape. I was fortunate that in my company store I found some reels of tape which were sealed, still virgin and had not seen a tape recorder of any sort and these were opened in the presence of Mr. Ford and some other people including police officers and I re-examined one of these ...

B HIS HON. JUDGE STROYAN: These are new ones? A. Brand new ones but they were from the same batch My Lord as we used for the "Times" enquiry. I am speaking now ... I cannot say whether they relate to this case, but I can speak of a package of tapes I had. This was one tape used in the enquiry, one from that batch.

HIS HON. JUDGE STROYAN: Yes. A. I found this was to be free from the signals, in other words everything was in order.

HIS HON. JUDGE STROYAN: Is this the new one? A. This is the new one, there were several.

C HIS HON. JUDGE STROYAN: 35553? A. Yes, I found this to be free from any of the 30 htz. signals. I then asked myself the question that whether my factory could have been responsible for putting these 30 htz. signals on being well aware of the seriousness of the matter relating to the other case. I found this to be impossible. One popular theory might well be that the tape had become magnetised with some D.C. field. In order to prove this and satisfy myself I deliberately magnetised the tape which would simulate the situation that would occur had the tape through faulty quality control missed our factory bulk eraser. If I have made it clear I artificially recreated the magnetised tape which would normally happen and normally would have appeared on the market had it not gone through our bulk erasing machine. I then compared the spectrum from the signals resulting from the word is inhomogenety - I'm trying to think of another word - it means variations in the structure.

D
E HIS HON. JUDGE STROYAN: Yes, I know what it means. A. I am sorry. And I found that the structure noise on the tape was not consistent with a 30htz. tone at all. So I can only conclude from that and because we do not use any frequencies like that in our manufacturing process that this cannot be caused by our tape manufacturing process.

F HIS HON. JUDGE STROYAN: So what all that comes to is you say EMI tapes have not got 30 htz. tone noises on them? A. That is correct.

HIS HON. JUDGE STROYAN: That's the short way of putting it. Yes.

Q. And a small point to carry on from there. Did you notice in the tone bursts you examined were they associated with the bulk erased noise or bias erase noise? A. With the bulk erased noise. In other words the unused portion of the tape.

G HIS HON. JUDGE STROYAN: EMI tapes did not have tone bursts on them, tone bursts I heard had what on them? Were bulk erased noises did you say? A. No, the question that was asked My Lord was did I find the tone bursts to be in the bulk erased noise and I answered yes. So the answer is yes I did find them there.

H HIS HON. JUDGE STROYAN: Yes, yes.

Q. So there is no misunderstanding My Lord, to make the point quite clear - is it a fact that you did not establish the presence of this phenomena in any of the tapes relating directly to this case?

A. That is correct.

A

HIS HON. JUDGE STROYAN: You didn't find any tone bursts?

Q. He is talking about tape 7 My Lord, when I asked him about looking for 30 htz. tone bursts Mr. Taylor recalled ... referred to his notes and mentioned the number of a tape I looked up, the number he mentioned was 35553.

A. Yes.

B

HIS HON. JUDGE STROYAN: 35553

Q. And that is in actual fact tape 7, JDM9.

HIS HON. JUDGE STROYAN: Yes.

Q. Just to clear the point My Lord.

C

HIS HON. JUDGE STROYAN: It is not one of the ones before me?

Q. Exactly My Lord. To make it clear did you look specifically for the presence of such tones within these tapes, the exhibits in this case?

A. Not the ones that exist in this case, no. I am subsequently aware of course that there were two cases and all my activities on these tones related to the Robson and Harris.

D

Q. Yes. Now in view of your answers you have just given I must ask you now questions based upon your knowledge and experience in respect of these tone bursts. I would ask you whether or not you regard the presence of this phenomena, 30 htz. to be a common occurrence, a rare occurrence or a unique occurrence.

A. I would answer it I think by saying a unique occurrence.

E

Q. Now in view of your answers Sir, it is of great importance that the true origin of those tones we should try to establish and to do this I would like to explore the history of all tapes manufactured in the EMI factory. For simplicity I will break this down into three stages. Stage 1, the actual manufacture of the product from its components up to the point where it becomes a finished product in a sealed box located in your warehouse and awaiting despatch.

F

HIS HON. JUDGE STROYAN: You may save yourself some time on these questions because the note I've got from the witness is short - EMI tapes don't have tone bursts on them. Do you need any more than that?

Q. Yes My Lord but before the Court we have EMI tapes with tone bursts on them and this is the man with the greatest experience, in fact the man who makes these tapes.

G

HIS HON. JUDGE STROYAN: Yes.

Q. And I thought well while we've got him here, who better to ask, from his vast knowledge, to attempt to establish a possible cause of these tone bursts. You see My Lord I was going to suggest there are three stages - that is the stage of the manufacture, then it's lifetime through the wholesalers and the recording stage.

H

A HIS HON. JUDGE STROYAN: We've already got the evidence EMI tapes don't have tone bursts on them and I take it that means until somebody opens them up and starts to use them. Is that right? A. Yes My Lord, I would say that the presence of the tone bursts could well mean that the tape is not a new tape, it could be a second-hand tape.

HIS HON. JUDGE STROYAN: Yes, very well. I think that's what you want Mr. Symonds?

Q. Yes My Lord, thank you.

B HIS HON. JUDGE STROYAN: The presence of tone bursts ...

Q. Well ...

HIS HON. JUDGE STROYAN: Just a moment. The presence of tone bursts means that the tapes had been used, is that right? A. Yes.

C HIS HON. JUDGE STROYAN: Yes.

Q. That is referring specifically to EMI tapes.

HIS HON. JUDGE STROYAN: Isn't that what we are concerned with?

Q. Yes My Lord. I would ask Mr. Taylor whether to his knowledge such a phenomena could occur in any tape manufactured by any manufacturer in the world.

D HIS HON. JUDGE STROYAN: I don't see how he can answer that. How can he possibly tell what happens when tapes are manufactured in say Japan or New Zealand. You've got what you want Mr. Symonds. You are concerned with EMI tapes, he tells us they have not got tone bursts on and if there are tone bursts it means the tapes are not new.

E Q. Have you any idea Sir how these 30 htz. tone bursts could have come upon these tapes? A. Yes, I think I do. Originally I gave evidence in the trial in 1972 at the Old Bailey that I felt they could have been produced by a copying process. However, this is because at that time my terms of reference were of course that all the tapes were new. Having looked at the transcripts of the trial (of the reporters) where it has been stated that some third of these tapes could be second-hand. I now believe they have been put on in an attempt to produce something as close as possible to a manufacturers bulk erased tape and in so doing ...

F HIS HON. JUDGE STROYAN: Just a moment. You believe they have been put on by what? A. By an erasing process which is different from that used by my company. In other words if I can make this even more simple, I believe that it may be they were second hand, it would suggest to me that they were second-hand and there has been some simulation to attain the correct value of bulk erased noise for those tapes by a means ... well I have no way of knowing.

G HIS HON. JUDGE STROYAN: You believe they are second-hand and there has been simulation of what? A. The correct value of bulk erased noise which would be expected for this tape type.

H Q. To put it in a nutshell ... A. Yes.

A Q. To put it in a nutshell Sir has someone tried to make these tapes appear as new and virgin by this process? A. The evidence would suggest to me that this is the case, because the bulk erase noise one would expect to find on a virgin tape obviously it would be exactly the same as that supplied by my factory. It does in fact measure correctly when you use a metre, in other words the correct level of noise is being achieved. So it's not just a simple case here of running these tapes over on a recorder and erasing them or whatever was on there, the job in my opinion would have been done in a rather more sophisticated way than that in order to produce the correct level of bulk erased noise on the tape.

B Q. Could I continue further on from that Sir. Could we hypothesise, if someone tried to make these tapes look to be new and virgin and the method they used has left on this clue, this 30 htz., so we have the bulk erased noise, but we have a 30 htz. which shows in fact it's not a virgin tape? A. Yes, that would be my opinion.

C Q. Thank you.

HIS HON. JUDGE STROYAN: Have you finished Mr. Symonds?

Q. No Sir.

HIS HON. JUDGE STROYAN: Sorry. I thought you had sat down.

D Q. Am I right Sir in assuming the normal recording would produce a noise level which would produce more noise which I believe is called bias erase? A. That is correct. In technical terms if a tape has been subjected to a bias erase field, that is the magnetic fields from the erase head and the recording head, yes the level of noise could be higher by some two/three db. depending on the quality of the recorder used.

E Q. Sir, if I was to suggest to you that these tone bursts were the result of the motor noise from a nagra 3 leaking into the record process could you accept this as an explanation? A. I would accept as a technical explanation that had somebody erased the tape on a faulty nagra recorder and indeed this is where the sophistication comes in, the tape having spaced in some way from the erase head, it would require to be spaced. - Some sophistication. This indeed could produce this effect. Perhaps if I may be permitted to explain that the difference between bias noise and bulk erase noise is the bulk erase noise is of a lower value because there is some self-demagnetisation of the tape, no tape is perfect and it will demagnetise itself, but if the tape is magnetised in contact with and iron circuit the level of demagnetisation is much less. And therefore it is for the theory you have put to me it would suggest that yes it could have been erased on a nagra but in order to get the correct value of bulk erase noise it would need some spacing of the coating from the heads.

G HIS HON. JUDGE STROYAN: Yes?

H Q. You said a leak ... Could such a leak occur whilst a nagra was in a playback mode and so leave bulk erase noise levels in what should be virgin section of the tape? A. In theory in a correctly operated nagra no this would not be the case if a tape is just replayed on a nagra machine it should not produce this effect on the tape at all.

A Q. Thank you. So Mr. Taylor if you were told a factory fresh virgin EMI tape had been used for recording which did not extend throughout its length but which you then found contained the tone bursts in what should be a virgin section, i.e. that part of the tape after the recorder had been switched off and which had not been recorded upon, would you have serious doubts as to the originality of the recording?
A. No not necessarily. I would ... The fact the tape may be second-hand or a second hand tape is used is not in itself a reason to suppose the recording on it is not authentic. It can only be construed as such, I think, if one is going to ...

B HIS HON. JUDGE STROYAN: Just a moment please. If a second hand tape was not used to what?

C MR. RIVLIN: It is not enough to suppose the recording on it is not authentic. A. I am saying that okay the recording may well be authentic in itself even though these tones may exist and grounds I feel for suspicion by an expert to say look further was only if he is told before he starts his examination that these were done on virgin tapes is it then grounds for suspicion.

HIS HON. JUDGE STROYAN: Thank you. Just a moment. "That the recording may well be authentic even though the tones exist, only if one is told that the tapes were virgin tapes would arouse suspicion". Is that right?
A. That is right My Lord.

D Q. And had you been told that these tapes were factory fresh virgin tapes?
A. That is so, at the beginning of the investigation in early 1970 that was the information I was given by the police.

Q. And therefore that caused you to have serious doubts as to the originality of the recordings?
A. It certainly did at that time, yes.

E Q. Sir, have you been asked to examine the tapes in this case since your original investigation ten years ago?
A. No.

Q. Sir, when you first examined these tapes at that time, ten years ago, can I ask you whether or not you looked for this phenomena on these tapes?
A. By 'the phenomena' you would mean the 30 htz. tones.

F Q. Yes. A. No I was not, as I think I explained earlier, it was Mr. Ford who discovered these originally and pointed out them to me and it so happened at that time I was re-examining tapes by order of the Magistrates Court, I believe Mr. John Matthew ...

HIS HON. JUDGE STROYAN: You've told us this once already?
A. Yes indeed.

G Q. And had you found it what would you have thought about it at that time?
A. I would have been obviously extremely suspicious and indeed when I did find it I did voice these opinions at the trial of Robson and Harris.

H Q. Thank you. Now turning to 50 htz. hum. I would like to deal with the presence of 50 htz. hum in magnetic recordings in general terms and to ask only your general opinion. Are you familiar with the problem of hum being introduced into recordings?
A. Yes I am.

Q. Would this hum be generated from the A.C. mains electricity supply in this country and be of approximately 50 htz.? A. It would.

A Q. Would you expect to find hum of this approximate frequency when using battery operated recorders out-of-doors? A. No I would not and unless they were in close proximity with some grid parlence on the national grid or transformers, or underground electrical cables of course.

B Q. If in view of your answer about being close to transformers and such, if the recorder were to be used immediately beneath very high voltage electric power transmission cables, grid lines, yes, or within the environment of a large power station would such an effect occur? A. It would.

C Q. It has been suggested that 50 htz. (inaudible) hum has been picked up from the Crystal Palace T.V. transmitter. Could this in your opinion happen? A. I think it extremely unlikely but it's a very difficult question you've asked me there. I have known of demodulation effects in certain equipment which have recorded signals on tape and of course there is a large 50 htz. component in a television signal, but I can only say I think it would be unlikely.

Q. If the transmitter was picked up would it be the t.v. wave form that was picked up? A. Yes, that's the wave form that contains the 50 htz. component.

D Q. And that wave form is a sound wage of 50 htz. A. No, it is not a sound wave of 50 htz. In fact it is a square wave but I have no experience where this is, - pure on my part theoretical supposition.

HIS HON. JUDGE STROYAN: Well let's try to stick to what you know about. Yes. That deals with 50 htz. hum.

E Q. Well. Have you ever known such a thing to happen under ... Well may I say so Sir we've talked about Crystal Palace transmitters and grid lines and power stations, in view of your answers would you expect 50 htz. hum mains to be recorded when using battery operated equipment?

HIS HON. JUDGE STROYAN: No he would not, he's said so.

F Q. In a suburban residential environment? A. No I would not. I did qualify unless there were underground cables, transformers ...

HIS HON. JUDGE STROYAN: Yes, I've got the picture.

Q. And have you ever known such a thing to happen under such conditions? A. No I have no experience of it at all.

G Q. Now changing the circumstances have you ever known mains hum to be introduced within a copying process undertaken within a studio, laboratory or other indoor environment? A. Yes this is very common.

Q. Can I further take it that unless specific precautions are observed there is at least a strong probability that such hum might appear within the resulting copy recording? A. Yes, that would be correct.

H HIS HON. JUDGE STROYAN: You mean where there has been copying in a studio? A. Yes, one would have to take extreme precaution to avoid having hum present on the copy recording.

HIS HON. JUDGE STROYAN: Yes.

A Q. Sir, I will leave him at that I think. And if I may I would just like to ask you one last question in view of everything that has gone before. In your opinion how reliable do you believe magnetic recording to be as evidence within a Court of law?

HIS HON. JUDGE STROYAN: (Inaudible)

Q. From the other side, from the man who knows most about it.
A. Do you wish me to answer the question My Lord?

B HIS HON. JUDGE STROYAN: You can certainly answer it but I will have to make my mind up about it. A. My view is of course, magnetic tape because of how easy it is to edit even by amateurs let alone professionals that it is an extremely dangerous item to be used in a Court of Law. And I think unless ... Well perhaps I can put it more clearly like this: I find I have been called and called as an expert before and my views are sufficiently strong that I don't think any one person can under oath in a Court of Law say this is an authentic tape recording unless he has done it himself. If that person who made the recording has had it locked up in his pocket and he comes to Court and he says yes, then okay that is authentic if he says that under oath.

C Q. But apart from that? A. But apart from that ... I am now in this particular case, I've always avoided saying as an expert that in my opinion this tape recording is authentic. I don't think any expert has a right in a Court of Law to say that. All he can say is I can find no defects in this recording which would lead me to believe this tape is, you know, not authentic. In other words he can only base it on technical defects he can find on the tape, he cannot get up and swear under oath it is an authentic recording.

D Q. Thank you very much. Would you stay there for the moment?

E MR. TAYLOR

CROSS-EXAMINED BY MR. RIVLIN

F Q. And that is precisely your position in this case, isn't it Mr. Taylor, given it is accepted that the tapes that you are worried about were not factory fresh, do you understand? A. Yes.

G Q. In other words that they were not virgin tapes. You are in this position, are you not, you have been able to find no defects in any of these tapes which leads you to the conclusion that they have been fabricated? A. Indeed that is the question, if you mean fabrication and juxtaposition of words and this sort of thing, no I have found no such thing.

Q. You have found no such thing. And certainly you have never expressed the view have you that these tapes are crooked? A. No.

H Q. If anybody has suggested to His Honour during the course of this case you had every used any such expression they would be telling a lie? A. Yes.

A MR. SYMONDS: May I ask who is supposed to have used that expression and show me on the transcript, if that's supposed to be referring to me or anybody else. I resent these sort of wild and infound allegations keep coming up. Please show me on the transcript where I said that Mr. Taylor said the tape recordings were crooked. It's nonsense. Please try and stick to the points raised during the examination in chief and if you can't shake any of those don't ask any questions at all.

HIS HON. JUDGE STROYAN: Continue.

B Q. Yes thank you. I am going to continue to ask you a few more questions Mr. Taylor if I may. Given that that is your view about these tapes that you have found nothing to lead you to suppose they have been tampered with, but not excluding the possibility that they have, because you expressed that reservation, and you do in every case.

A. I think Sir, my view in the tapes which related to this particular case, I will exclude the other case from my mind, and just talk about these tapes. To me I find certain technical defects most I think have been explained in my mind ...

C Q. Yes? A. The thing hinges round as far as I am concerned the fact is whether they were done on virgin or on second-hand tapes.

D Q. Yes I am sure we understand that. And May I say Mr. Taylor that if it is your conclusion, and it is, that some of the tapes may not have been virgin at the time or were not virgin at the time that is accepted. Do you follow? A. I would certainly accept that, yes.

Q. Now just let me ask you about one or two features. First generalities. When you were approached by the police about this it's clear is it not that your impression was that they were taking the greatest care with the tapes that they brought along to you? A. Indeed.

E Q. And they were only permitting you to examine them under conditions of maximum security? A. Absolutely correct. In fact there were two police officers present and they varied I think as time went on. I believe I've said this before that the tapes were sort of never ever in my custody they were always in the police officers.

F Q. The impression you got were the police officers were taking their job and looking after the tapes extremely seriously? A. Yes indeed.

Q. And you examined the tapes and you were given every possible facility to do that weren't you Mr. Taylor. A. Yes ... well perhaps may be if you put the question a different way. I of course provided the facilities. Do you mean in terms of obstruction to what I wanted to do?

G Q. Yes. A. They were all very reasonable. I remember one difficulty when I couldn't look at one tape, the leader was too short or something.

H Q. Well don't worry about it. A. They were meticulous enough to make sure I put that in my report. There was a conference as it were, I said I can't test the tape unless you let me join a bit to the end. You will find that in my report.

Q. Well I'm not going to waste time Mr. Taylor, you've given us a clear answer as to how careful they were all being. Now you are right when you say you gave evidence in the Robson and Harris trial.
A. Yes.

Q. And you've told His Honour that you've revised your opinion since that trial about a certain matter?
A. Yes.

Q. You know also that Mr. Ford and Mr. Killick gave evidence in that trial?
A. Yes.

Q. Now there is very little indeed I wish to ask you in terms of detail about your evidence. Can I just ask you this in relation to tape number one. You came to this conclusion about tape number one, didn't you, that the noise measurement results were those that would be expected if the recorder was loaded with virgin tape and then switched off after the completion of the recording?
A. That is correct.

Q. May I make it clear that we on behalf of the Crown accept that tape may not have been virgin, but when you prepared your report that was your honest conclusion as a result of what you had seen and heard?
A. Yes, that was true at that time.

Q. Yes. Certainly. I am only asking you about what you found at the time of your report.
A. Yes. I failed to observe these 30 htz. tones.

Q. Yes, certainly.
A. As I said before, it was Mr. Ford who pointed these out to me.

Q. And it was then that you ...
A. I re-examined them.

Q. That caused you to think and revise your opinion?
A. No this is not correct. I changed my ... at the trial of Robson and Harris I felt that the 30 htz. tones were the result of tape copying and in fact I said so at the time. I said it was symptomatic of a copy...

Q. But you ...
A. ... which of course it is, but now I have read since that trial the evidence of the two reporters that a number of the tapes were second-hand, I now look at it differently - that those could have been authentic recordings done on second-hand tapes.

Q. Yes. Certainly in each and every case of course the words allegedly used were used on the recording, weren't they, you can hear the words?
A. Yes.

Q. And you personally have found no evidence in the case of any recorded conversation, no positive evidence that leads you to the conclusion that there's been doctoring of any kind?
A. That is correct.

Q. I would like to ask you almost finally I think about one matter and that is this. When you went through the tapes so long ago in 1970 was it?
A. 1970 this particular group.

Q. You listened with an expert and trained ear and you came to the conclusion in relation to tapes 3 and 5 that there was more than one

recording on each tape and we accept that, do you follow?

A. Yes.

A

Q. And it was more difficult to detect in the case of tape 5, but with your trained ear you detected it. Do you remember where there is a conversation and recorded over that is the conversation of Symonds and Perry (or the purported conversation of Symonds and Perry) leaving with the original conversation part of it left on the tape?

A. I can't remember Sir the details of the conversation. I'm sorry. I do remember my conclusions that it was satisfactorily explained to me by the police officers that ...

B

Q. Don't worry about it.
which explains ...

A. That there was two recordings

Q. Mr. Taylor don't go on to try and give inadmissible evidence if I try and stop you.

A. I see.

C

Q. Because that evidence favoured the Crown and it was inadmissible, so would you please not go on if I try and stop you.

A. I will do.

Q. Never mind what the police officers explained to you, you came across that phenomena didn't you?

A. I did.

Q. And you actually were able to identify on the tape where it happened?

A. Yes.

D

Q. Now when you did identify it on the tape where it happened did you see any mark on the tape?

A. No, none whatsoever.

HIS HON. JUDGE STROYAN: Tape?

Q. Tape 5 in 1970.

A. That is correct.

E

Q. And when you examined tape number 3 in 1970 did you see any mark on the tape?

A. No.

Q. If there had been any mark on the tape in 1970 at either of those points you would have seen it wouldn't you?
the tapes were running.

A. Not necessarily

F

Q. Just let me ask you a question about that, let's deal with tape 5. Where you managed to identify the spot in the tape where there's a break.

A. Yes.

Q. And other people you see thought it was a continuous recording, but someone with your trained ear was able to tell there was a break.

A. Yes.

G

Q. Now at that point where you identified the brak no doubt you stopped the tape didn't you Mr. Taylor?

A. No.

Q. You didn't stop the tape? You must hage played it over and over again.
I used was the point at the break was registered on a measuring metre and I had to repeat it several times.

A. I played it over and over again. The system

H

Q. But no doubt in view of the fact you found a break you must have thought I'll look at the tape to see if there has been any tampering?
A. No.

A
Q. You didn't visually inspect the tape? A. There is no need to visually inspect the tape, the measuring instruments indicate this and had it been through tampering, through an edit with sticky tape I would have observed it as the tape was in motion.

Q. Yes. Well was it in motion going past fairly slowly?
A. Yes, fairly slowly.

B
Q. You see your natural curiosity Mr. Taylor, given you had discovered this phenomena, your natural curiosity would have caused you to have a look at the tape at that place, would it not. A. No, indeed it would not.

Q. At all events you say no marks as it was going past.
A. I saw no marks no.

C
Q. And it was going past slowly wasn't it? A. I can't remember this now I'll have a look at my note. Nearly two inches per second.

Q. Well that's slow enough isn't it. Now Mr. Taylor I want you to be very careful here and it is terribly important that you should understand that I am alleging no impropriety against you whatsoever, do you understand? A. I do.

D
Q. In fact I make no allegations against you of whatever nature, I am just asking questions in the spirit of a genuine enquiry. We have heard evidence in this Court that marks were seen on the tape in 1971.
A. Yes.

Q. Marks which you missed in 1970? A. Yes.

E
Q. And the marks that were found in 1971 appeared to be and it can't be taken any further than this, appeared to be those of a felt-tip pen.
A. Yes.

Q. Now I would like you to look at the labels on these two tapes, tape 5 and tape number 3. Now you have written, haven't you, on those labels?
A. Yes indeed, yes.

F
Q. You have written on those labels and this was at a time when you were handling the tapes or handing them back to the police?
A. Yes that would be correct.

Q. And it is clear that the writing implement that you used to write those labels was a felt tip pen? A. Indeed. I may say of course that I would never ever mark tape with a felt tip pen, I would use a chinagraph pencil, it s standard practice in the profession.

G
Q. Yes.

MR. SYMONDS: I would like to know if you are making some sort of serious allegation against him.

HIS HON. JUDGE STROYAN: Mr. Symonds you'll have your chance in a moment.

H
A. It is standard practice. I mean a felt tip pen is the most ridiculous

thing to mark tapes with. I am a professional engineer and if I mark tapes it is with a chinagraph pencil.

Q. It certainly shouldn't be done? A. No.

HIS HON. JUDGE STROYAN: What was it you used the felt pen for, writing on the box? A. For to sign the label. Quite frankly I can't remember if it was my pen or not.

HIS HON. JUDGE STROYAN: It doesn't matter. A. Certainly, the point I wish to make is I use yellow or white chinagraph pencils or crayons issued to me for marking tapes.

Q. You would strongly deny that you did any such thing yourself? A. I did not mark the tapes, no.

Q. Very well Mr. Taylor. Given that to be the case your evidence is also that when you did examine the tapes in 1970 you saw no marks on them at all. A. I saw no marks on the tapes at all.

Q. No. A. But I never examined the tapes for that point, I must make that clear. They could have been there and I missed them.

Q. Yes, they could have been there and they could have gone past in front of you and you never seen them? A. No I never saw them because moving tape, even 2" - difficult to see these things and I was busy watching instruments.

Q. And this is the situation, it's your evidence isn't it that when you did discover these phenomena by virtue of the instruments you were using you did not then have a look at the tapes? A. No, no. I'm sure this could be substantiated by the police officers.

Q. By the police officers. A. Police officer.

Q. I make no suggestion or allegation against you, I ask you these questions as I say in a spirit of genuine enquiry to try and clear up a mystery, do you understand? A. Okay, yes I understand.

HIS HON. JUDGE STROYAN: Do you want to conclude this witnesses evidence?

Q. I have almost finished.

HIS HON. JUDGE STROYAN: And also, may I say now I have had a message that Miss Millard says she can't be here tomorrow.

Q. In that case I ask no more questions.

HIS HON. JUDGE STROYAN: Thank you. Any re-examination?

MR. TAYLOR

RE-EXAMINED BY MR. SYMONDS (defendant)

Q. Mr. Taylor it's been suggested that 50 htz. hum could be heard by an untrained ear I believe, would you agree with that? A. No,

I would not. It needs a fairly trained ear to hear a 50 htz. hum and indeed ideal listening conditions.

Q. Thank you. May this witness be released?

HIS HON. JUDGE STROYAN: Yes, very well you can be released and go home. Is that right Mr. Symonds, you want to call Miss Millard tonight?

MR. SYMONDS: Just to deal basically with a narrow field.

HIS HON. JUDGE STROYAN: Yes, very well.

MR. SYMONDS: About copying process.

HIS HON. JUDGE STROYAN: Yes, we don't want to bring her here two days if we can do it in one.

MISS JOAN MILLARD (sworn)

EXAMINED IN CHIEF BY MR. SYMONDS (defendant)

Q. Miss Millard did you take part in some...

HIS HON. JUDGE STROYAN: Just a moment. Can I have your name and address?
A. Miss Joan Millard of 14.a The Vale, London West 3.

HIS HON. JUDGE STROYAN: Yes, I'm sorry.

Q. Miss Millard did you take part in a number of recording sessions together with two Times reporters and a colleague from your Company at that time?
A. Yes.

Q. Was that Location Sound Facilities?
A. Location Sound Facilities, yes.

Q. And after the recording sessions were finished did you later make a statement to a police officer about what had happened during that?
A. Yes.

HIS HON. JUDGE STROYAN: When was this?

Q. Was this statement made on 13th of January, 1970?

HIS HON. JUDGE STROYAN: When were the recording sessions, can you remember?
A. I cannot remember Sir, quite honestly.

Q. I am trying to get to Miss Millard seeing her statement My Lord, she has no notes.
A. Yes, I have them here but I can't remember the exact dates to be honest.

Q. Could this have been towards the end of 1969, October and November?
A. Yes.

Q. During this period did you make private notes for your own self?
A. No I did not.

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

A. My statement,

Q. I was going to ask ...

MR. RIVLIN: No objection.

Q. It would have been the next question My Lord.

HIS HON. JUDGE STROYAN: Very well.

Q. But did you some weeks after the last recording event make a statement to the police in respect of this matter? A. Yes.

Q. Was this on 13th of January, 1970? A. Unless I look at my statement I can't really remember the date.

Q. Would you please look at the statement in front of you?
A. Which one?

Q. The 13th of January, 1970. A. Yes I have that.

Q. You recognise that statement. May this witness please refer to this statement to freshen her memory.

MR. RIVLIN: No objection.

HIS HON. JUDGE STROYAN: Yes.

Q. Referring to your statement which you may now do at page one, do you see there that you describe meeting Mr. Lloyd and Mr. Mounter from the Times and becoming involved in an enquiry. On the first page?
A. Yes.

Q. And do you see there you you record there you went to a pre-arranged meeting point? A. Yes.

Q. And you were also involved in ferrying equipment to the Times Newspaper office? A. Yes.

Q. Now would this equipment have been recording equipment?
A. Possibly it would have been, it would have been tapes or recording equipment, yes.

Q. Tapes. Now going on from there you say you were present when tapes were copied at your company's premises. On the bottom of page one?
A. Yes.

Q. And you list some dates there Miss Millard. Thursday 30th of October, Friday the 31st, Monday the 3rd, Wednesday the 5th, Thursday the 20th and Friday the 21st. Were those the dates when you were present when tapes were copied at your Company's premises? A. To be truthful I can't remember that, you know, I can't remember each individual date.

Q. Was it ... Would it be right to say that a procedure used at this time was after making tape recordings on location was it a procedure to take the tape recordings straight back to Location Sound Facilities that might and make a copy? A. I believe so, yes.

Q. And was it part of your duties to convey the original and the copy to the Times Offices that evening ...

A

HIS HON. JUDGE STROYAN: Just a moment. You believe they took the tapes straight to L.S.F. and the copies. A. Yes.

Q. And I believe also on some occasions you took the tape and the copy back to the Times offices later that evening? A. No I wouldn't have taken the master tape, I would probably have taken the copy, but I think I only ever did that once to my recollection.

B

HIS HON. JUDGE STROYAN: Just a moment. I wouldn't have taken the master tapes to the Times, but I may have taken copies? A. Yes.

Q. I think you were going to say you may have done it once?
A. No. I think I only ever went to the Times offices once after one of these sessions.

C

Q. Miss Millard you did not give evidence during the trial, the previous trial of Mr. Robson and Mr. Harris. A. No.

Q. But after the trial was finished did you find it necessary to make a complaint about a matter that had arisen during that trial?
A. No.

Q. A statement to the police? A. No, I can't remember that.

D

Q. Do you recall making statements to the police? A. Yes.

Q. About the matter of who carried the tape recorder on a certain day at the Army and Navy stores? A. Yes.

Q. You do recall? A. Yes, I had ... I don't know how many interviews with the police on that matter.

E

Q. And would it be true to say the interviews were in connection with that matter because your memory of what actually happened differed to what had been said to have happened? A. Yes, I was very confused at that time.

Q. No more questions on this particular subject My Lord.

F

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: No questions thank you.

MR. SYMONDS: Thank you Miss Millard. May this witness be released.

HIS HON. JUDGE STROYAN: I'm sorry you had to come here. Yes.

A. Thank you very much

G

HIS HON. JUDGE STROYAN: Now is there any other witness we can get away tonight?

MR. SYMONDS: There is none to my knowledge.

MR. RIVLIN: Would you allow me a moment?

H

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour I am sorry I misheard something that witness had said. I think I better have her back.

HIS HON. JUDGE STROYAN: Yes.

Miss Millard called back

CROSS-EXAMINED BY MR. RIVLIN

Q. I am sorry to trouble you Miss Millard but may I just ask you about one thing that you said in particular and that was the time the copies were taken of these tapes. Your memory now is very confused about this?

A. Yes, very.

Q. It's very difficult indeed for you to put precise dates on any of this? A. Yes.

Q. This is the situation isn't it, that you can't say just when the copies were made? A. No.

Q. They could have been made on another day or they could have been made on the same day for all you know. A. Yes for all I know. I just cannot remember the exact times and things.

Q. No. Yes, thank you that is all I would like to ask you for the moment.

MISS MILLARD

RE-EXAMINED BY MR. SYMONDS (defendant)

Q. Miss Millard could I follow on from that. You can't remember now of course, but could you remember fairly clearly at the time you made these statements to the police - just a week or so after the event. At that time you could remember? A. I should think so.

Q. Yes, thank you very much. May this witness be released again.

HIS HON. JUDGE STROYAN: Yes. Yes, very well. Now for the purposes of getting the jury back, they will have to come back in any event, how long is this particular part of the trial likely to take?

MR. SYMONDS: My Lord, I did hope to call a number of defence witnesses. I believe another 13 or 14. But I think some agreement has now been reached My Lord with the Prosecution about reading out a number of statements in respect of these witnesses because at this late stage it is very difficult to contact them and ...

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: So apart then from that My Lord I believe there are one or two witnesses the Prosecution are not happy about agreeing to the statements of and therefore we would like to try and bring them here. Apart from that there are two witnesses, Mr. Lambert and Mr. Moody and I would ask the Prosecution to bring Mr. Lambert first to give evidence.

HIS HON. JUDGE STROYAN: They are your witnesses?

MR. SYMONDS: Pardon. Yes, if the Prosecution agree My Lord.

A HIS HON. JUDGE STROYAN: They are your witnesses, I'm only concerned about the jury, they have had a long wait. I am only concerned about when to bring them here.

B MR. SYMONDS: I think most of tomorrow could well be occupied and that leaves Friday. And My Lord I thought I was going to have about a dozen witnesses here so I felt it would be fairly sure that we would be going over this next week end so I have not prepared my submission. My Lord I would like to prepare that this week end. I would like to ask that if the defence case finishes now much earlier because of this agreement, if it finishes on Thursday night or Friday morning, I would ask for an adjournment so I can write my submission and read it to you on Monday morning.

C HIS HON. JUDGE STROYAN: Yes, we'll see how we go. I would have thought the best way of dealing with it is if Mr. Rivlin addressed me first so you can know what it was you have to answer.

MR. SYMONDS: Thank you.

MR. RIVLIN: Your Honour I don't think I shall be very long.

MIS HON. JUDGE STROYAN: No, but I think if you set out your propositions it might help the defendant to know what he had to deal with.

D MR. RIVLIN: Certainly... Yes, the position is this - we have these witnesses to read and I am prepared to have their evidence read in a trial within a trial.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: I reserve my position as to what may happen later in the trial.

E HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: We can agree these statements should be read and I think that won't take a very great deal of time. We also agree that the transcript of the evidence of Commander Duffy can be read as agreed evidence. We would then have the evidence of Mr. Moody and ... I've forgotten the name of the other gentleman ...

HIS HON. JUDGE STROYAN: Mr. Lambert.

MR. RIVLIN: Mr. Lambert, tomorrow, I would have thought we could comfortably finish those tomorrow. I could make my submissions to you no doubt tomorrow afternoon and I would imagine my submissions will take about quarter of an hour, twenty minutes.

G HIS HON. JUDGE STROYAN: Yes, I would not have thought they would take very long.

H MR. RIVLIN: Your Honour I don't think it proper for me to say anything about the defendant's application to adjourn till Monday.

A HIS HON. JUDGE STROYAN: No, I think that's right. I'll see how we go. I'm not going to hurry you ^{Mr.} Symonds but if we finish in reasonable time tomorrow no doubt you will be able to work out your submissions overnight?

B MR. SYMONDS: The difficulty is My Lord, on leaving here I very often don't get back to my room as it were till after nine o'clock in the evening and up again at six. I have no opportunity whatsoever My Lord to work.

B MR. RIVLIN: Your Honour may I make a suggestion there that I hope might meet with Your Honour's approval and the defendants. If it be the case that we finish his evidence tomorrow and that I can get my submission in tomorrow, it may be possible for Your Honour to sit a little later on Friday morning which would give the defendant from nine o'clock onwards if he was brought early on Friday morning to consult with his solicitor and prepare his submissions. And perhaps if he had a couple of hours, or two and a half hours ...

C HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: It's not for me to say that would give him plenty of time but then it's just a suggestion that he would then be given reasonable good time and have the assistance of his solicitor.

D HIS HON. JUDGE STROYAN: I am just wondering if we reached that position tomorrow, whether or not it would be possible for him to spend the night here in police custody.

MR. RIVLIN: I wouldn't know about that Your Honour.

HIS HON. JUDGE STROYAN: Would that be of any help ^{Mr.} Symonds?

E MR. SYMONDS: It would be a great help My Lord, but I haven't read the transcripts yet of 6 or 7 days of the hearing. I think it would take me two or three hours to read ...

HIS HON. JUDGE STROYAN: There aren't any transcripts and there won't be any.

MR. SYMONDS: My solicitors record of the hearing.

F HIS HON. JUDGE STROYAN: Perhaps you can make a start with that tonight and in the meantime find out if it would be possible to discover if arrangements might be made to enable the defendant to stay here overnight in police custody. If that can be done and he can have facilities for reading and writing then ... (inaudible)

MR. RIVLIN: Yes.

HIS HON. JUDGE STROYAN: Any how I'll leave it with you.

G MR. RIVLIN: May I say I think we would much prefer it to be left to a matter between you, the defendant and the Court staff rather than us play any part.

H

HIS HON. JUDGE STROYAN: Yes. I might be able to arrange something within the prison as an alternative. Any how, I'll decide to morrow.

A

COURT ADJOURNED.

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I certify that I took the shorthand notes in the case of R. .v. Symonds on 11th March, 1981 and the pages numbered 1 - 70 is a true, complete and accurate transcript of the said shorthand notes according to the best of my skill and ability.

A. Dixon
.....
A. Dixon