

IN THE SHEFFIELD CROWN COURT

The Court House,
Castle Street,
Sheffield.

14th May, 1985.

Before

HIS HONOUR JUDGE G. COLES Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY
and others

APPEARANCES:

For the Prosecution:	MR. B. WALSH Q.C. and MR. R. KEI
For Greenaway:	MR. G. TAYLOR
For Moore:	MR. M. MANSFIELD
For Jackson:	MR. M. MANSFIELD
For Foulds:	MR. P. O'CONNOR
For Moreland:	MRS. C. BAIRD
For Barber:	MISS M. RUSSELL
For Coston:	MRS. C. BAIRD
For Marshall:	MR. E.P. REES
For Crichlow:	MR. P. O'CONNOR
For Forster:	MRS. C. BAIRD
For O'Brien:	MR. P. GRIFFITHS
For Waddington:	MR. M. MANSFIELD
For Newbigging	MR. E.P. REES
For Wysocki:	MISS M. RUSSELL
For Bell:	MISS M. RUSSELL

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CLEMENT

Cross-examined by MR. MANSFIELD

1.

14th May, 1985.

REGINA -v- WILLIAM ALBERT GREENAWAY and OTHERS

ASST. CHIEF CON. ANTHONY RAYMOND CLEMENT

Cross-examined by MR. MANSFIELD Contd.

- Q. Mr. Clement, we were dealing last night, just before we all went away, with something that happened you say at eight o'clock in the morning, and you produced a little white notebook. Do you have that here again today? - A. Yes.
- Q. Can I just ask you one thing. Before yesterday, and the cross-examination, had you indicated to anyone else at all that you had made some notes in a little white book? - A. No.
- Q. So there is no other senior Police Officer who saw you making these little notes in the white book at the scene? - A. Oh yes.
- Q. Who? - A. There would be Superintendent Povey, and Chief Inspector Hale.
- Q. So they would have seen you doing it? - A. Yes.
- Q. Did they later have a look at what you had written? - A. No.
- Q. Did they ever have a look at what you had written? - A. No.
- Q. Did they ever ask to see what you had written? - A. No.
- Q. Were they standing next to you when you wrote them? - A. No.
- Q. How do you know they saw you writing them? - A. I did not say they saw me writing them all. They would have seen me writing from time to time.
- Q. But you were asked in chief, that is by Mr. Walsh, on Friday, about notetaking and notes, and you did not mention them. Then, in fact, you went on to say that, subject to times which were a bit hazy, you made your notes up between 2.30 (?) and 5.20 (?). Do you remember saying words to that effect? - A. Yes.
- Q. Why did you not then say, "In fact, of course, I have a little white notebook with times which were not precise up until". Why did not you say that? - A. Quite frankly I expected to be asked that.
- Q. Did you. But if nobody knew about them how could you be asked? - A. Because it would be most unusual for anyone to remember six times with such accuracy.
- Q. Absolutely. Why didn't you say in the evidence you gave

on Friday - you actually said that you were hazy on the times. Do you remember? - A. Yes, but that was at a different time.

- Q. But you had not even started dealing with, as it were, the course of the day, these were preliminary matters you were being asked about at that stage? - A. No, that is quite wrong. The times which I said were hazy after we started to move up the field, and I said because of all the violence going on around me, and the fact I was protecting myself, I had no recollection.
- Q. That is all in your statement which is very convenient. I am looking at my note because I could be wrong of course. I am going to read you my note, and I am doing it as you are speaking. This was not dealing with anything to do with going up the field and being a bit hazy about the times. You had gone to see Mr. Vallance at the bottom. You mentioned you had been on topside? - A. Yes.
- Q. You would like to refer to your pocketbook. You were asked when you started to make them, and you talked about the control room, and you started making them at 2.35? - A. Quite right.
- Q. You actually said the times were a bit hazy, and it was at that stage, it had nothing to do with going up field. You had not even begun to deal with 6.50, Mr. Clement, had you? - A. I am sorry, I just don't follow you.
- Q. Listen to me more carefully please? - A. Right.
- Q. On Friday you started talking about notetaking, and describing where and how much time it had taken before you had even started describing to this Jury what happened at 6.50, did not you? - A. We are talking about 6.50 a.m. that morning?
- Q. Yes? - A. Right.
- Q. Are you following the question Mr. Clement? - A. I told you I had made up my pocketbook between those times at that place.
- Q. And whilst you were telling not me, you were telling the learned Judge in fact, because he was asking you about this as well, you were saying and giving the impression that the notes were taken - we will have to go into whether you did make your notes within those times, Mr. Clement. Is there anything in the pocketbook that says you made your notes between 2.35 and 5.30? - A. You have seen my pocketbook. There is a time it started at 2.25. There is the time it finished at 5.30.
- Q. JUDGE COLES: I noted you mentioned 2.35, and you say 2.25 is in the book? - A. I am sorry, your Honour, 2.25.
- Q. MR. MANSFIELD: I noted 2.35 from your evidence, but I

may have misheard you. I am not going to quibble over a matter of ten minutes if the book has got a time for beginning the notes at roughly 2.30 to 5.30. Just going back to the question I was putting to you. You were describing your notetaking for that day, the 18th, and you were describing that before you began telling the Jury about any of the incidents from 6.50 onwards, were not you? - A. Right.

- Q. And when you did that, you at that stage, when you were dealing with your evidence about the notebook, indicated in the clearest possible terms you accepted the times, and said you were hazy about times. I will be corrected if I am wrong, but that is what you said? - A. Yes.
- Q. Nothing to do with going up field. You did not mention anything about that. That is all in your statement about the later time. I will come to that. Why didn't you say on Friday, "I am all right on times actually because I kept a little white pocketbook"? - A. There was absolutely no need for me to say I was all right on times. My evidence and statement which you have had for many months clearly shows specific times. When I began the movement up field I could not do anything about recording anything. It is in my pocketbook. It is in my statement. It is on my little notepad.
- Q. But that is not what you said on Friday. Do you appreciate what I am putting to you? - A. If I said I was hazy about times I would refer to the movement upfield, but my statement clearly shows that I abandoned any attempt to record times.

JUDGE COLES: May I help you with my notes. My note reads under heading pocketbook, "I started to make notes after incident finished. I started writing at 2.30 continuously save for a phone call about 5.30". Later in his evidence it says, "Particular times are not necessarily accurate". I don't know whether that refers to the times at which he made his note or the times of the various events later. For what it is worth that is my note.

MR. MANSFIELD: I am grateful. It was a question that your Honour asked in fact. I know your Honour had asked a question, I had not written down the question, of "Were matters fresh in your mind?", to the witness. He then said they were except specific times.

JUDGE COLES: Your note is far more likely to be right than mine.

- Q. MR. MANSFIELD: You see, you were being asked, in fact, by the learned Judge about whether they were fresh in your mind. You did not say a word, "Oh yes, in fact I was writing down on the field of battle", however you look at it, did you? - A. No, it was never asked.
- Q. How can anybody ask if they do not know what you have tucked away in your pocketbook? - A. I would not think

they needed very much to see. In a statement, if I say that at 6.50 a.m. that morning there were 700 demonstrators there, if at 7.30 a.m. something happened, if at 8 a.m. something happened, 8.30 a.m. something happened. 9.30 a.m. something happened. There maybe some indication somewhere of those times.

- Q. I will deal with it now, the full note and the statement which we have been provided with, you agree there is nothing in the notebook, full notebook or in your statement to indicate you were making little jottings on topside was there? - A. Right.
- Q. And the way you have regurgitated this, the passage in your statement, I will read it so the Jury can follow what you are talking about.

MR. MANSFIELD: Your Honour, it comes on page nine of my copy.

JUDGE COLES: Thank you.

- Q. MR. MANSFIELD: I will read the whole paragraph. "As I moved up with my officers I saw running battles and hand to hand fighting was taking place along Highfield Lane and in the adjoining field. Missiles were continuing to fall and concentrating as I was on not being hit or outflanked by a crowd of demonstrators, I abandoned any attempt to remember times or specific instances". Now, what it does not say is, "I abandoned any attempt to record times". If you were recording times and incidents at Orgreave at the time why did not you put it in that way in the statement? - A. Does it need it?
- Q. Yes? - A. Because I said I abandoned any attempt to remember anything thereafter. How does one remember anything? How does one attempt to remember anything without making some sort of note? What is the effect of remembering? Is it merely stored in the head or is there some note made which assists you at some later date to remember an incident. That is what I was referring to. After that time I abandoned it.
- Q. I am going to question you very closely about your description of the day's events because I have already suggested you are just not telling the truth. Now, that is what I want to know in your notebook of what you now say happened on that day? - A. This is the whole day I am not telling the truth, is this it?
- Q. In general terms I am going to suggest that, yes, in very general terms, and I will be quite detailed about it. I don't want to put it globally lest it be suggested it is some kind of mud slinging exercise, it is not. I am going to concentrate of a particular aspect of what you claimed happened on that day? - A. Right.
- Q. And what actions you took as a result. I am starting with

keeping a record of the day. Why did not you just state in your statement somewhere, "I kept a record at the time?" - A. I saw no point.

Q. You saw no point? - A. No, my statement is complete. It is full. It gives specific times.

Q. When you read out the notebook, the full one, 2.30 to 5.30 roughly, you had a little white book alongside you, did not you? - A. Yes, I did.

Q. Who else was with you when you made up that full note? - A. Inspector Smith, Derek Smith.

Q. Derek Smith? - A. Yes.

Q. I want you to be very careful about this. Before you sat down to write up the notes, did you discuss it with anyone else? - A. We are talking about my pocketbook?

Q. Yes? - A. No.

Q. JUDGE COLES: Was it when you were making up that, that Inspector Derek Smith was there? - A. He was present.

Q. Not typing the statement from your notebook? - A. Hetyped the statement.

Q. Because as I understand it, those two were done together? - A. Yes, this is the point. Inspector Smith was with the typewriter and I was making up my pocketbook.

Q. He was doing the typing? - A. Yes, he was.

JUDGE COLES: I am sorry to interrupt, Mr. Mansfield.

MR. MANSFIELD: It is quite all right:

Q. In the command post or wherever it happened. It was in the command post? - A. Yes.

Q. That disused building the Jury saw on the road? - A. Yes.

Q. Before you sat down to do that, had you discussed what was going to go into your notebook with anyone else? - A. No.

Q. Now when you sat down to write it up, besides Inspector Smith was there anyone else present? - A. No one of any relevance.

Q. I do not want there to be any mistakes. Who was there? - A. I do not know. There were people passing along the corridor coming into the room, going out of the room, nobody connected with this pocketbook.

Q. So for three hours with the exception of the odd phone call or you may have had to leave the room or whatever, you sat there writing out your note about the day, and you dictated it to Mr. Smith who typed it up? - A. Yes.

- Q. This is how it worked. You would write out, would you the first bit? It does not really matter. Take the first sentence, "I am the Assistant Chief Constable (Operations) of the South Yorkshire Police", full stop, and he would type that up? - A. No. It would go further than that. I would probably go down two or three paragraphs, finish, and read it back to him, and then continue.
- Q. JUDGE COLES: You would fill in three paragraphs from your notebook and then dictate it? - A. Yes. It would not be line by line as you have just suggested.
- Q. MR. MANSFIELD: I was not meaning to suggest line by line, but you do a block of writing and a block of typing up? - A. Right.
- Q. I want to be clear that this operation of you dictating the note and it being typed up, only happened as it were on the 18th. You did not ^{have to} do it again on the 26th July or September, or any other time in relation to the 18th? - A. No.
- Q. Quite sure? - A. You mean make my pocketbook up?
- Q. Either make your pocketbook up at different times or make further statements about the 18th at later dates? - A. No.
- Q. So it is just the one operation on the 18th? - A. Yes.
- Q. What pen were you using. I am sorry, it is a very detailed question I appreciate. Do you have the same pen which you carry around? -A. Yes.
- Q. And sometimes people have a particular pen? - A. Three pens.
- Q. Can you remember last year, you remember you had your little white book, and you had a pencil, and you were writing in the Is that right? - A. Yes.
- Q. That you must have had in your white shirt? - A. Not necessarily.
- Q. How could you write on the field as it were. You must have had it in your trousers? - A. Right.
- Q. Did you have any other writing implements with you? A. On that day?
- Q. Yes? -A. Yes.
- Q. Did you carry the normal pens you have there? - A. I probably did not have that one. I would certainly have those two and possibly another which would be in my jacket which was in the control room.
- Q. There is a reason for asking you these questions, you see. Did you write the notes out with either of the two pens

you have there? - A. I would think part of it would be written with them.

Q. Why only part of that? Is there suddenly a pen out or something? - A. No. I sat writing on several occasions. I had at least two pens maybe three in all. I would come back, pick up a pen and commence writing.

Q. Really? - A. Yes.

Q. You know what I am on about, do not you, Mr. Clement? - A. Are you suggesting that I would be stupid enough to use different pens on different days.

Q. If you were not thinking about it? - A. No.

Q. Since the written pencil note appeared only at this moment, no one before yesterday realised you had even got it. I am only asking you whether you still say you wrote it all up on the same day? - A. Of course I did.

Q. In fact I need not go through it in detail. You recognise your notebook has got in fact, is it two or three different inks in it, has not it? - A. I am not a forensic expert, but there might be two, three or four, I don't know.

Q. You tell me. You look through it and tell me if you can recall? - A. I would think it is this pen.

Q. JUDGE COLES: That is a gold coloured biro? - A. I would think it is this pen and an ordinary biro.

Q. MR. MANSFIELD: And you say you came back in and picked up an ordinary biro instead of your pen to continue? - A. Right.

Q. JUDGE COLES: May I just have a look? - A. I think it was started with the gold pen or similar.

Q. You change to black.

Q. MR. MANSFIELD: May I just have it back one moment please - A. Yes. I think the second elastic band has gone.

JUDGE COLES: I have not asked the Jury to look at the book yet.

MR. MANSFIELD: I know the Officer does not want the other pages to be seen, so I am going to put the elastic band back again.

Q. JUDGE COLES: The book contains, does it, a note of other matters than this one? - A. Others which will come to trial.

JUDGE COLES: No mystery about it, members of the Jury, none of us have any right to look at notes relevant to other cases for obvious reasons.

- Q. MR. MANSFIELD: The first change of pen is in the middle of a sentence, is that so? We can follow it. It describes Orgreave Road and Poplar Way in blue, and then changes to black "which is approximately half a mile from the main entrance"? - A. I think it is, yes. If you are suggesting I did those on two separate - I would normally finish after a word and then start with another word in the same sentence. It is just a telephone call or something of that sort interposed.
- Q. You may have written that up. I cannot say when you wrote it up. You are saying it is between 2.30 and 5.30, unless you see you did discuss what you were going to write with other people, and did not have it typed up at that stage, but typed up later. Do you follow? - A. Yes, but this is all supposition. I am telling you I did not discuss it with anyone.
- Q. Not entirely supposition, Mr. Clement, and I will come to it later, certainly not. I would not ask you a question based on supposition. There is a reason for asking these questions about your notebook and the statement, and who you discussed it with. Now, can I just go through to the end then. Once you have had the statement typed up, as it were, by Mr. Smith, you then sign it do you on the spot? - A. Yes.
- Q. And after that does anyone else discuss what you have put in your statement with you? - A. Not with me, no.
- Q. Not with you? - A. No.
- Q. Does anyone else sign your statement at the same time as you? - A. Here I cannot give direct evidence because I never saw anyone sign the statement, but I understand my statement has been signed by other people. I have not seen my statement since that day.
- Q. So when you last left your statement the only signatures on it to your recollection would be Mr. Smith's who had typed it up, and yours? - A. The only signature on it to my recollection is mine.
- Q. The only signature on which you can recall is yours? - A. Yes.
- Q. You did not discuss the contents of what you had put in your statement with anyone else after having made it up. Is that right? - A. That is correct.
- Q. At any time after you have written it? - A. The actual contents of the statement?
- Q. That is right. The actual content and phraseology? A. No. I obviously discussed what was in the statement with many Police Officers afterwards.
- Q. I appreciate you might have to do that certainly. What I am concerned about is not only the content but the

actual phraseology of your statement? - A. Right.

- Q. You say you did not discuss the phraseology with anyone else? - A. With anyone.
- Q. Have you looked at the statements of the two gentlemen you have mentioned, who must have seen you writing your notes at Orgreave, Mr. Povey and Mr. Hall? Have you seen their statements? - A. No, I have not.
- Q. Can I put to you and I won't take up time with going through it line by line, though I might have to ask them about it, that their statements have a verbatim account of this day, not all of it, but large chunks of their statements are absolutely identical to yours. Can you explain that? - A. I am not even going to attempt to.
- Q. You are not going to attempt it? - A. I left my statement. I signed it. I have not seen my statement. I have had nothing to do with the preparation of evidence. I have left the Police Service. I don't know.
- Q. Does it were? - I am sure you can ask them
- Q. I certainly will be. I want to go back, as it were, to Orgreave please. We were talking about eight o'clock, and I am going to use that, because it is a little more convenient to follow, as a break point, because you have got it in your white note, eight o'clock? - A. Only two things happened at eight o'clock.
- Q. I am going to use that as a break point. I am only going to concentrate on pre eight o'clock for the moment that day and what decisions you took. First of all is there any possibility that the decision to bring out those long riot shields on the front line was taken before eight o'clock, before what you call the silly incident with Mr. Scargill? Is there any possibility that you could have ordered the long shields out before that? - A. No. I see no reason why they should have been deployed prior to that unless there was one unit which was on the road as a precaution against the start of any stone throwing maybe.
- Q. I am going to show the Jury, and so the court understands I am not wasting time, what I suggest to you is you made a number of what I am going to call provocative decisions that day, and all what happened has to be laid at your door. Do you understand? - A. Yes. I expected this, of course.
- Q. Of course you did. So you have thought very carefully about your answer before you came into the witness box if you were expecting this? - A. I have thought about that day and there is only one thing that matters, and that is that 10,000 people turned up to stop other people working and were prepared to use violence to do so.
- Q. Having expected this question to come, because, of course, other people outside this court have asked you this

question, it is not a question of those in the dock, other people, the public have been interested in asking you that question, have not they? - A. Yes.

- Q. You are not saying it is an unfair question are you? - A. No.
- Q. Having thought about it very carefully, Mr. Clement, I am now going to give you the opportunity to see whether there is anything about that day, the 18th June, looking back on it that you would change of your tactics or your approach, or do you think you have got it just right? - A. No, I got it a little bit wrong at one stage.
- Q. Where did you get it a little bit wrong? - A. I got it a little bit wrong in being too late in bringing out the protective shields.
- Q. Too late? - A. Too late, because before I brought them out some of my Officers were injured, and I blame myself for that. I should have brought them out earlier. I got it a bit wrong in that respect.
- Q. We have hit it on the head the business of the shields straightway? - A. Right.
- Q. That is it, nothing else, just that you did not bring the long shields out soon enough? - A. I think so.
- Q. JUDGE COLES: By protective shields you mean? - A. I meant long shields, certainly not the round shields, nothing to do with them at all.
- Q. MR. MANSFIELD: And this is the considered answer because you have been expecting, if not in court elsewhere, a question about provocative policing. It is a considered answer on reflection? - A. Yes. I am not sure anyone suggested to me there was provocative policing. I have had it suggested there was very firm policing, very positive policing, but I have not heard the word provocative used.
- Q. You appeared on a programme, did not you? - A. Yes.
- Q. Mr. Clement, it was concerned about this very topic, was not it? - A. You will have to identify the programme.
- Q. I am not going to put it to you because I don't now remember what you appeared on. You appeared on a programme which was dealing with this very topic, was not it? - A. One of five probably.
- Q. Sorry? - A. One of five.
- Q. Which one am I talking about? - A. I have no idea. If you will tell me I will probably remember.
- Q. You have appeared on so many you just cannot remember which one you have been on? - A. Right.

- Q. Remember any of the ones you have been on lately? - A. I will try.
- Q. Yes, just try. Which ones have you appeared on? I do not wish News items, you have been on the News; I mean programmes devoted to policing? - A. Devoted to policing?
- Q. Yes? - A. You will really have to tell me, I just do not know. I have been on radio programmes, and television programmes.
- Q. Television programmes since the 18th June last year, talking about policing. Have you been on so many since the 18th June, television programmes? - A. Yes.
- Q. That you cannot remember which ones? - A. I have been on sufficient to not be able to identify what you are talking about.
- Q. You cannot now remember any of them, is that the truth? - A. I can remember going on television programmes and talking about policing in general terms, yes, of course, I can.
- Q. But you cannot remember one particular one, or can you, that set out to compare the tactics employed in South Yorkshire as opposed to the tactics employed in West Yorkshire? - A. Oh yes, I do remember this programme.
- Q. Because of course that programme was dealing with the merits and de-merits of two different approaches of dealing with the very kind of incident this Jury are now considering, did not it? - A. Yes. It has caused West Yorkshire Police a great deal of embarrassment.
- Q. Has it? - A. Yes.
- Q. I want to go into details, but that is the programme I am talking about, and you spoke in that programme? - A. Again you would have to remind me.
- Q. Don't you remember being interviewed about it? - A. No. We are there in an interview, if you tell me
- Q. You also had a camera with you in a vehicle going along? - A. Right, thank you very much.
- Q. Is your memory so weak, Mr. Clement? - A. Mr. Mansfield, really we are talking about things that happened months and months ago, of things that happened. People came along with cameras and said, "What has happened here today?", and I told them, because it was right that the public should know, but now you have mentioned that incident in a vehicle, a landrover. It was taken in the pit yard at Thurcroft Colliery I believe at 3 a.m. in the morning, or about that time.
- Q. Remember what you were talking about, remember all the detail? - A. Yes, as soon as you prompted me, of course.

I do not know what all the edging was about.

- Q. I am testing your memory. You are talking about June, 18th this July? - A. This is not June 18th.
- Q. Quite. It is much more recent this programme went out, roughly last November, did not it? - A. Right.
- Q. Much more recent interview, probably shortly before. Can you say? - A. I don't know. I cannot remember.
- Q. Do you remember what you said on that programme about dealing with the mining dispute and policing and approach, and do you remember anything you said? - A. No, I don't, but if I was asked questions about
- Q. I am not going to ask you other questions? - A. By the interviewer?
- Q. You will have the opportunity to expand? - A. Right.
- Q. But just so it is a little bit clearer, could you answer the question first of all. Do you remember anything that you said on that programme relevant to handling a situation of the kind that occurred in this case? - A. No, I cannot remember, but I would probably have given the same answer that I have given on numerous other interviews about policing the strike, and I would say in effect - if you want me to go on.
- Q. No, I do not want you to go on unless you can remember what you did say? - A. Obviously I cannot, and I think it is unfair of you to ask me.
- Q. Do you? - A. Yes. I cannot remember one specific interview at 3 a.m. in a pit yard possibly last November when there have been so many.
- Q. As you seem to think it is unfair I won't ask you any further questions on that at the moment.

JUDGE COLES: If you have anything to put this might be a convenient moment.

MR. MANSFIELD: I will certainly do what you say:

- Q. On that programme - may I just deal with what you are going to say. You have made the point about the 18th, and we will compare it with what you said on the programme. Now the question of the long shields, are you saying, the only error you made was them coming out too late? - A. I would think so on one occasion.
- Q. I want to be precise, I am suggesting, you do appreciate, I am putting it to you it was one of the points in the programme putting out long shields, and these can be a provocation, cannot they? - A. It can.
- Q. You did recognise that? - A. Yes, of course.

- Q. And can be very intimidating, cannot it? - A. I would think so in certain circumstances, yes.
- Q. You did not really want to, as it were, resort to long shields in a (inaudible) ^{unless} the situation is extremely difficult and hostile. Would you agree? - A. I would use long shields to protect Police Officers from stone throwing.
- Q. That assumes, does it not, that it has already started? In other words if you have a crowd that are not throwing stones, do you normally get riot shields out? - A. No, not normally.
- Q. When did you do it then? - A. Generally when the stone throwing started or when you see them gathering ammunition.
- Q. Did you see anybody gathering ammunition on the 18th before eight o'clock? - A. No, but there was stone throwing at eight o'clock.
- Q. I know that is what your note says. We may hear evidence from other quarters about when shields went out on that day. I am suggesting shields went out before eight o'clock. We have already dealt with that and you said no? - A. No, I did not. I said there may have been a unit with shields carrying on the road before eight o'clock.
- Q. When did they go out on the road? - A. I do not know, but it might have been at seven o'clock.
- Q. Might have been at seven? - A. Merely stationed on the road alongside that hedge which you have probably seen, but they would not be deployed in front of the line of Police Officers.
- Q. That is what I am dealing with. When were the long shields deployed in front? - A. At eight o'clock.
- Q. And not before? - A. No.
- Q. JUDGE COLES: Until then you say they would have been on the field? - A. No, they probably would have been in a unit, because this is normal policy, to have some near to the front although not directly in front of the Police Officers on the road near to the hedge.
- Q. MR. MANSFIELD: I am not quite following this. They are here, standing here, to the side, or standing on the right? - A. On that occasion they would be standing on the footpath near to the hedge to the rear of the Police line, but, of course, able very quickly to get in front of the Police line.
- Q. So although they were on the road at seven o'clock on the footpath behind a cordon - you are sure there was a cordon at seven o'clock are you? - A. Yes. There were some Officer there at seven.

can be very intimidating, cannot it? - A. I would think in certain circumstances, yes.

Would you not really want to, as it were, resort to long shields in a (inaudible) ^{unless} the situation is extremely difficult and hostile. Would you agree? - A. I would use long shields to protect Police Officers from stone throwing.

Does it not assume, does it not, that it has already started? In other words if you have a crowd that are not throwing stones, do you normally get riot shields out? - A. No, not usually.

When did you do it then? - A. Generally when the stone throwing started or when you see them gathering ammunition.

When did you see anybody gathering ammunition on the 18th before eight o'clock? - A. No, but there was stone throwing at eight o'clock.

Does that now that is what your note says. We may hear evidence from other quarters about when shields went out on that day. I am suggesting shields went out before eight o'clock. Have you already dealt with that and you said no? - A. No, I did not. I said there may have been a unit with shields carrying on the road before eight o'clock.

When did they go out on the road? - A. I do not know, but they might have been at seven o'clock.

Could they have been at seven? - A. Merely stationed on the road alongside that hedge which you have probably seen, but they could not be deployed in front of the line of Police Officers.

What is what I am dealing with. When were the long shields deployed in front? - A. At eight o'clock.

And not before? - A. No.

JUDGE COLES: Until then you say they would have been on the field? - A. No, they probably would have been in a unit, because this is normal policy, to have some near to the front although not directly in front of the Police Officers on the road near to the hedge.

MR. MANSFIELD: I am not quite following this. They are here, standing here, to the side, or standing on the right? - A. On that occasion they would be standing on the footpath near to the hedge to the rear of the Police line, but, of course, able very quickly to get in front of the Police line.

So although they were on the road at seven o'clock on the footpath behind a cordon - you are sure there was a cordon at seven o'clock are you? - A. Yes. There were some Officers there at seven.

- Q. Was there a cordon across at seven or not? - A. Yes. There was a loose thin cordon.
- Q. You were indicating to the Judge on Friday that there was a cordon even before that? - A. Yes, but there was not a cordon of the sort that came later when the charging began etc. It was merely a line of Police Officers across the road, across the field looking at the miners, the miners looking at the Police Officers.
- Q. So you had decided, it was your decision, was it, that there should be a form of cordon there from 6.30? - A. Yes, from early on.
- Q. And that is at a stage when on anybody's view the whole situation is quite containable? A. Yes.
- Q. No trouble? - A. None at all.
- Q. Lorries nowhere in sight?- A. Right.
- Q. When did you expect the first convoy to arrive empty? - A. I would have thought some time after eight o'clock.
- Q. Now, that is all you had, that is the only information you had? - A. I would get information as it was coming along the road, of course.
- Q. So the Jury understand, this was a highly organised event, was not it, by the Police? - A. By both sides.
- Q. By the Police? - A. Yes.
- Q. So much so that you had radio contact with the convoy? - A. Yes.
- Q. There was a lead vehicle, a landrover, was there, that travelled in communication with a command post just round the corner from this court? - A. That is right.
- Q. The convoy itself had outriders all the way or some of the way? - A. I would think all the way.
- Q. And a landrover bringing up the rear? - A. Right.
- Q. You would know when the lorries were leaving to come to Orgreave, would not you? - A. Of course I would.
- Q. And you would know roughly how long it takes for them to get to Orgreave, would not you? - A. Yes.
- Q. Because you had been there on previous days? - A. Yes.
- Q. How long did it take for them to come - Where did they come from? - A. They were coming from Scunthorpe, from the British Steel Works at Scunthorpe.
- Q. How long did it take? - A. 20 minutes, but they had been delayed on occasions by striking miners driving slowly

- Q. It would not be ordinary driving by striking miners? - A. I have yet to see ordinary driving on the M18, driving three abreast at 15 miles an hour.
- Q. Was that this day then? - A. No, I don't think it was. I think it came from (inaudible) into Orgreave that day.
- Q. What time did it leave? -A. I would think about half past six, quarter to seven.
- Q. You knew at about half past six that the convoy was on its way? - A. That is right.
- Q. And that is why you put a cordon across the road, isn't it? It had nothing to do with stones? - A. Of course it was, exactly right.
- Q. The cordon went across because the lorries had set off? - A. No. I knew that the lorries would be arriving in about an hour or so time, and I simply could not afford for any of the demonstrators to get into the works or round about the main entrance. They had to be kept at least 100 yards away.
- Q. JUDGE COLES: You are agreeing with counsel? - A. Absolutely.
- Q. It was the lorries from Scunthorpe which triggered off your decision to put a sort of cordon across the road? - A. It may even have been that I put the Officers out slightly before that. The intention is to keep the demonstrators away from the main area.
- Q. MR. MANSFIELD: You can do that without a cordon, cannot you? The early hours of this day were perfectly amicable, and when miners were asked to move in a particular direction they did so, did not they? - A. Not always.
- Q. You did not put the cordon across the road at 6.30 or even before because everybody was doing exactly what you asked, were not they? - A. Yes, but information was coming in about the arrival of the coaches. The coaches were going to park. It would take ten to 15 minutes at the most to get off a coach, to go down the road of Highfield Lane, and if ten coaches arrive at roughly the same time, that means with ten or 15 minutes the number of demonstrators would escalate from 50 to 550. I could not take the risk of the demonstrators getting into the coking plant. That is why there was a cordon.
- Q. As on previous days, and let us get this perfectly plain, you had worked out from previous days I think, had not you, where you were going to put anybody who wanted to go and demonstrate? - A. Absolutely.
- Q. This is nothing to do with some kind of pincer movement. You had worked out where they should all park their vehicles and where they should stand? - A. Quite wrong.

- Q. On this day did you not direct people to park up in the village, the coaches, which you have just been talking about?
- A. I did not.
- Q. Other Police? - A. No. They parked as far as I know on the Asda car park by prior arrangement with the manager. As far as the Police are concerned we did not direct the coaches on to the Asda car park.
- Q. You did not direct them there? - A. No.
- Q. There were Police Officers in the village, were not there? - Yes, but not for long.
- Q. Let us deal with that. How long were Police Officers up in the village? - A. I certainly gave instructions round about seven o'clock that there were to be no individual Police Officers above the bridge.
- Q. Why is that? - A. For obvious reasons.
- Q. Why is that? - A. Because on previous occasions Police Officers had been badly injured by demonstrators. I could not risk leaving individual Officers on their own up in the village when there were coaches arriving from Scotland and Wales and other places.
- Q. Is an individual Officer on point duty at Orgreave junction when a coach arrives? - A. What do you mean by Orgreave junction?
- Q. The junction of Orgreave Lane. We took the Jury a walk up there, just before you get to Asda on the left. There was a Police Officer on that junction on the 18th? - A. Very early on, yes.
- Q. And you say you removed them because of the risk of injury? - A. I only thought of removing individual Officers from all the junctions roundabout who might have been isolated.
- Q. Because you had planned in some way or another that the event was going to end up in the village, that is why you wanted individual Police Officers out. I will make it quite plain. You wanted to push people up into the village, did not you? - A. Absolutely not.

MR. MANSFIELD: We will come to what happened.

JUDGE COLES: You are saying that was part of the plan from the beginning?

MR. MANSFIELD: That Mr. Clement had it in mind, if it was necessary, that particular purpose.

THE WITNESS: Different.

Q. MR. MANSFIELD: And that is why you removed the Police .

JUDGE COLES: I am sorry, Mr. Mansfield, but I want

to make a precise note of what you are saying.

MR. MANSFIELD: If it were necessary

JUDGE COLES: Plan to empty the village of Police.

MR. MANSFIELD: He has taken the Police

JUDGE COLES: With a view to what?

MR. MANSFIELD: Because he realised full well that day that he was going, at some stage or another on his own criteria, to push the miners back up into the village, and that he was going to use horses to do it, and there was going to be violence, and he did not want men on foot injured who had no protection. That is it globally:

- Q. Do you understand what I am putting? - A. I understand it, but it is so ridiculous it is almost laughable.
- Q. We will go through it. So just going back. What happened before eight o'clock? How many Officers were up in the village? - A. Several, but I would not know.
- Q. How many roughly? - A. I donot know.
- Q. Half a dozen? - A. Probably, not more.
- Q. Leaving aside parking, it was certainly your idea where pickets should stand or demonstrators, since you might prefer that ward, you were deciding where they should stand if not where they should park? - A. Absolutely.
- Q. And in fact at some point before eight o'clock, demonstrators were actually being ushered from the Parkway by Police Officers across fields to a particular holding area, were not they? - A. You would have to ask those other Officers. I did not see that. You are talking about the front of the Parkway, across fields. Which fields are you talking about?
- Q. It is the fiāds on the other side of Highfield Lane. I do not know whether the aerial photograph will show it? - A. This is the field where there is a steep bank, yes?
- Q. I am using the aerial photograph which the Jury have. I have coloured in the top holding area in yellow on mine? - A I know what you are talking about now. I can answer the question. They certainly were, because 700 had come from out of town, out of Sheffield, had left their coaches in Sheffield. They then marched along the carriageway about 700 strong, and were directed from the Parkway across fields to the location just above the control room. That is what you are talking about I think.
- Q. Yes, it is? - A. But people were marching along the Parkway.
- Q. But what happened there, they were escorted by the Police all the way across the fields, and I cannot say whether

they were individually placed in the top or bottom holding areas, but they were ushered into one of the holding areas? - A. Of course they were. The Parkway is a major road into Sheffield, and there are 700 men walking along it.

Q. JUDGE COLES: The point maybe they were - they went there into the holding area without trouble? - A. There was no trouble. They were taken off the Parkway, and I said, "Go there", and they went.

MR. MANSFIELD: I am obliged. Your tactics for the day:

Q. Before eight o'clock there was no need for a cordon of any kind because when they arrived they did exactly what they were told. It was amicable and peaceful? - A. They were doing as they were told. They were amicable and peaceful, and doing as they were told because they were being directed to the top side of the cordon.

Q. You did not need a cordon? - A. Yes, I did. I had experience from before.

Q. I dare say? - A. Yes.

Q. Now the shields were out but not out front. They were behind the line perhaps? - A. It is my recollection, yes.

Q. Now I want to know when the long shields were first deployed in front, either on the road or on the field or both? - A. 8 a.m.

Q. So we go back to eight o'clock. There is no possibility of any operating on the scene in front before that? - A. I would not think so. If the unit that I am referring to was on the footpath, if they had got into that position by working along the front of the Police cordon they were in front, but they were not there for operating purposes. They were merely moving their location.

Q. Why was it that you deployed them as you say, after the silly incident with Mr. Scargill, you remember after that time you deployed long shields then? - A. To protect Officers from stone throwing.

Q. So you say that after eight o'clock the stone throwing was very heavy? - A. Not particularly heavy but sufficient to bring the shields out. It was more light, more spasmodic.

Q. But not quite up to the bit that you were asked to describe of 20 to 30 in the air; Officers being unable to pick them up, or was it? - A. Certainly after that incident the stone throwing increased to the extent it needed the long shield Officers in the front.

Q. I know it is difficult, but I need from you if you would be so kind, a description of just how heavy it was to require long shields out in front? - A. That is impossible. It was heavy enough to cause me to decide that it was in fact necessary to put long shield Officers in front of the

unprotected cordon to give them some protection from the stone throwing.

- Q. A little earlier today you indicated that in fact on this day the shields came out before the stone throwing began of any kind. Is that right? - A. No, I did not. I said there was probably a shield carrying unit on the road.

JUDGE COLES: I think what he said about that was in reply to your question in what circumstances were the use of long shields?

MR. MANSFIELD: Right:

- Q. So you say they are deployed after stone throwing as such, that the Officers need protection, that means that there is a fairly continuous flow of missiles hitting Officers? - A. No, it does not.
- Q. What does it mean? - A. It means some Officers were being struck by stones.
- Q. It is not as spasmodic as it had been earlier than eight o'clock? - A. No. Earlier there had been one or two stones coming over, and as you will hear throughout this trial I suspect, the Officers would watch them coming and shout, "Heads (?) up", and as it came they would move aside. But it got beyond that stage when it was impossible for the Officers to start avoiding the stones as they came. That was when the shields were required.
- Q. This description you gave of the stones. There came a point you actually said 20 or 30 in the air at any one time. There weren't any gaps. It was almost continuous. The Officers could not pick the missiles out? - A. I was differentiating between a lot of spasmodic stoning where I said that my men along the whole length of the cordon, there were perhaps five or six stones in the air at any one time. I did differentiate between that and the heavy stoning. I said heavy stoning would be where there was 20 or 30 stones in the air.
- Q. What we are talking about now is a major situation? - A. It got to that stage of heavy stoning with 30 in the air at any one time, and Officers were being injured.
- Q. Were they? - A. Yes.
- Q. We will deal with injury as well. Do you say that Officers were being injured what, just before eight o'clock? - A. At eight o'clock Officers were being struck by missiles.
- Q. Were Officers being injured? - A. If you want to define an injury. If an Officer is hit by a stone which has been thrown from about 30 yards, and it flies through the air and it hits him on the arm, it probably causes a bruise or something of that sort. That Officer is injured.
- Q. Were any Officers treated for stone or brick injuries

before eight o'clock? - A. Before eight o'clock?

Q. Yes? - A. I doubt it, I do not know.

Q. The reason I am asking these questions is I am suggesting the shields came out rather like the cordon, it had nothing to do with missiles but everything to do with the fact that the convoy was just around the corner. Is that right? - A. No, it is not right.

Q. You were expecting the convoy within the next, roughly 30 minutes? - A. No, I was expecting the convoy sooner than that.

Q. When did you expect the convoy to arrive then? - A. I expected it to arrive perhaps quarter past or 20 past eight something of that sort.

Q. That is what I am suggesting. On your own account the shields came out after eight? - A. Yes.

Q. And you were expecting the convoy at 20 pastish? - A. Yes. But you are missing one very important point, Mr. Mansfield.

Q. Which is? - A. That the convoy can be seen coming on to the Parkway 15 minutes before it gets to Orgreave.

Q. Therefore the reason was that the convoy was going to be in fact on the horizon within a very few minutes of the order you say to put out long shields, and that is why you did it? - A. No. If you look at the timing the coking lorries went in. At ten minutes past eight-those coking lorries would have been visible on the horizon before 8 a.m. From previous experience we know that when those lorries come into view on the highway, stones start to be thrown, and that is what happened on the 18th June.

Q. I am suggesting that in fact the shields were brought out before eight o'clock which is why I was asking you, because in fact the lorries were either just about on the horizon or were on the horizon, and that is why the shields came out, not the stones. Is not that right? - A. The two things work together. The lorries were seen, the stoning began, the shields went out.

Q. The lorries in fact arrived at ten past eight, did they? - A. That is right.

Q. They would have been on the horizon before eight o'clock? - A. Probably two or three minutes before depending on their speed.

Q. And that is when you put the shields out? - A. Of course it was.

Q. Before eight o'clock? - A. Just about. Before eight o'clock, just before.

Q. Before eight o'clock, before Mr. Scargill or anything

of that sort, the shields went out, did not they? - A. No, you are wrong.

- Q. JUDGE COLES: You are saying Mr. Scargill appeared before or after the lorries on the horizon? - A. It was at about the same time at eight o'clock, the lorries, or shortly before eight o'clock, perhaps a minute or two before. It usually took about 12 minutes for the lorries to come from the horizon and actually get into the coking plant gates. On previous occasions, as soon as those lorries have appeared, whether it is on the first run in the morning or the second run in the afternoon, as soon as that happened everything started. It has been quite violent. The lorries were coming and going.
- Q. MR. MANSFIELD: This day you were just doing it on the basis of every other day? - A. No, not at all. It followed a pattern because the demonstrators followed a pattern.
- Q. I am suggesting you are creating a pattern by putting the shields out before there is any real stone throwing of any kind. That is right, is not it? - A. No, it is not.
- Q. JUDGE COLES: You say you were acting on the basis of previous experience, what actually happened that morning? - A. That morning there was stone throwing. As soon as Mr. Scargill went back there was stone throwing, and it increased to such an extent that I put the shields out, and it was at that time that the lorries would be on the horizon coming on to the Parkway.
- Q. MR. MANSFIELD: I have suggested to you in the clearest possible terms, and that is why I have taken this silly incident as you call it, you have made it up, that whole incident with Mr. Scargill, to make it look as if he has caused the stone throwing, he has caused the shields to come out when the truth is that the shields went out before? - A. No. You make yourself very plain, but I have never suggested that the shields came out because Mr. Scargill walked along the front line. I have I think suggested the shields came out because the stoning increased.
- Q. I am not going over that again. Just continuing with long shields for a moment. On that day, the 18th, your Officers at the very lowest level, I do not mean rank, level of activity, were conducting themselves with their long shields in a most disreputable way, were not they? - A. No, they were not.
- Q. You know what I mean? - A. Yes, I do.
- Q. If you know what I mean you are saying it is not disreputable for the Jury and for the note, what are we talking about? - A. You are talking about banging shields. In no way can it be disreputable because that tactic was contained in a manual. It is used as far as the manual is concerned to deter people from coming any closer. But we later decided that probably the manual was wrong and we stopped it. But at the time you are speaking about, the Officers were

acting not disreputable, but acting in accordance with instructions given to them.

- Q. Nothing to do with deterring people, but everything to do with intimidation, was not it? - A. No.
- Q. Come along, Mr. Clement, a whole line of long shields with Officers standing behind banging them, it is so it (inaudible)? - A. Right.
- Q. You agree on that? -A. Yes.
- Q. And you agree it was happening on the 18th? - A. Yes.
- Q. And it was intended to intimidate, was not it? - A. It was intended to stop people coming down towards the Police line.
- Q. It tended to happen when the horses went out or back, did not it? - A. If you are telling me that.
- Q. Did it? - A. No, I don't think it did.
- Q. When do you think it happened? - A. I think it happened several times when the cordon was in place.
- Q. I am not suggesting the cordon was in place, you mean no gaps for horses? - A. Yes.
- Q. Let us deal on those occasions. Several times when the cordon - it is more or less across, and what is happening?
- A. When the cordon is more or less across what is happening?
- Q. Yes. You are saying there are no breaks in the cordon, that is when I suggest this crescendo of shield banging is going on? - A. There may well have been some movement of the main demonstrators towards the Police line, and in those circumstances the Officers at that time were quite correct and in no way disreputable in banging their shields.
- Q. JUDGE COLES: That is what the manual told you to do?
- A. The manual told them to do that. In fact, the manual told the senior Officers that was an option, and that was passed on to the Officers.
- Q. MR. MANSFIELD: I am going to come back to the programme you appeared on. You and Mr. Wright (?) were on that programme? - A. Yes.
- Q. Mr. Wright is it? - A. Mr. Wright is Chief Constable.
- Q. Of? - A. South Yorkshire.
- Q. And the question of banging shields was brought up on the programme, was not it? - A. Yes. Are you talking about
- Q. It is the World in Action programme defining the tactics of West Yorkshire and South Yorkshire in their approach to the mining dispute and incidents outside collieries?

- A. So in November.

Q. That is right? - A. Right.

Q. On that programme you both agreed that this banging on the shields approach had been used in South Yorkshire? - A. Yes.

Q. And you used the word to the interviewer that it was a ploy. Do you remember? - A. Yes.

Q. And you then said as you have today in a sense, that you did not regret that totally, but you later thought it was not necessary? - A. I never used the word regret. What I have said is

Q. Can I take it in stages. I will be fair to you, you have not today used the word regret, but on the programme did you say this, you did not regret it but later you did not think it was justified? - A. Right.

Q. That is right? - A. Absolutely.

Q. On the programme I suggest not a single word was said about it being authorised by any manuel. Do you agree that neither you nor - you cannot speak for Mr. Wright perhaps but certainly you never said to the interviewer, "We were quite justified in the first place because it is in the Police manuel"? - A. Right.

Q. Did you? - A. No. Why should I tell the interviewer that.

Q. Just pause, Mr. Clement. We now hear it comes out of a manuel? - A. Right. It is a restricted manuel. I have never referred to it in this court because the question has been asked - I would never consider discussing restricted material with a newspaper reporter or a television interviewer.

MR. MANSFIELD: I would like a few more details about this manuel, because I want to know if it is permissible

THE WITNESS: Your Honour, if you wish I could get one here very quickly.

MR. WALSH: If my learned friend would like a couple of moments I can discuss the matter with him and see whether the matter can be

JUDGE COLES: I am beginning to be a little - I certainly do not wish to stop anybody asking any questions, but I am a little concerned about the relevance. I am also concerned with what has been said on a previous occasion. The more precise the question the better. If we are talking about the manuel it seems to be probably desirable it should be seen.

MR. WALSH: I would have thought the best course was for me to make enquiries.

JUDGE COLES: I will adjourn until 12 o'clock.

MR. WALSH: Obviously I shall make enquiries, no doubt if it is necessary to find and produce ^{the}manuel it will probably take longer than until 12 o'clock. No doubt we can resume, my learned friend can continue, and then we can come back to this matter at some convenient point.

Later

MR. MANSFIELD: Your Honour, the manuel has not arrived so if I might leave that for the moment.

JUDGE COLES: Very well.

- Q. MR. MANSFIELD: Just going on with the question of the long shields. Do you say you did not see Officers banging on shields when the horses returned as though to approve of what they had done? - A. There was banging on the shields when they returned, but it was not exclusive to that.
- Q. Let us deal with that. What was that intended to do other than approval of the mounted section riding into the crowd? - A. You will have to ask the Officers, I do not know.
- Q. I am asking you as the Officer in charge on that day. You saw it happening on the 18th? - A. I heard it happening on the 18th.
- Q. When the Officers on horseback returned through the lines? - A. Yes, with demonstrators following them as well.
- Q. So it was meant, you thought, to deter the demonstrators following the horses? - A. Bearing in mind when the horses come back through the Police lines, the Police lines have to open, if there is a chance of getting through the Police lines then
- Q. You did not acknowledge it as approval by the Officers behind the shields? - A. I heard some clapping.
- Q. Officers were clapping as well, were not they? - A. Yes, they were.
- Q. Did you have a word with any of the Officers/^{who}apparently are not taking sides in this whole matter, about clapping? - A. Officers not taking sides?
- Q. The Officers in this case are apparently not taking sides, is that right? They are merely there providing a buffer between some miners who want to go to work and a number of others. That is the object of this policing. That is what you saw yourself has, is not it? - A. Basically we are there to protect the lorry drivers from the violence.
- Q. So when you see Police Officers clapping - you saw them clapping, did you? - A. Yes. I heard them clapping.

- Q. Did you go over and say, "I don't think this is really a proper way to be conducting yourselves", did you? - A. No, I did not.
- Q. Why not, why did not you? - A. Because the horses had been used on other occasions. It was because the horses were available at Orgreave that very many Police Officers were not injured. It was because the horses were at Orgreave that many more Police Officers were not required to contain the situation, and the actions of the Police Officers in going away from the Police line on their own up into a hostile crowd where they were targeted by stones, and throwing people, I could not blame the Officers when they came back. I was certainly not going to stop them.
- Q. I am just concentrating on shields for the moment? - A. Right
- Q. You gave a description on Friday of what happened between 7.30 and possibly 8 o'clock. You had gone to see and speak to Mr. Vallance, and when you came back the situation had changed. Do you remember? - A. Yes, I do.
- Q. On that evidence that you were giving on Friday, what were you saying about it? - A. I was saying about 7.30 I got a radio message. It was from Superintendent Vallance.
- Q. Tell us when you come back having spoken to Mr. Vallance, what is the situation then? - A. The situation then is very light stoning.
- Q. How? - A. How what?
- Q. Do you remember you gave a whole description of what was happening when you came back from speaking to Mr. Vallance. This is pre eight o'clock again? - A. I am not quite with you, I am sorry. I came back and there was light stoning.
- Q. From where? - A. From where?
- Q. I am sorry to be particular. You have given some evidence, you have given a very particular description of events after you had spoken to Mr. Vallance? - A. You are asking me to say who is throwing stones.
- Q. I am asking you to describe again. I hope I am making it plain. I have suggested this morning that the shields were not going up because of stoning, and even if your intimation that stoning before eight o'clock, as you put it on the Friday, is altogether erroneous, you did put it on the Friday that after you got back from seeing Mr. Vallance, you described what was going on, stoning particularly? - A. Yes. There was light stoning from the demonstrators in front of the Police lines.
- Q. That is what it was, was it? - A. Yes.
- Q. It was prefaced by, and I am reading from my notes, having talked about no missiles and hostility before you went down to see Mr. Vallance at 7.30, you came back and you

prefaced all that by indicating, 70% of miners were at that time offering no violence whatsoever, but 30% were. That is how you prefaced it? - A. I said that during this operation 70% of the miners were not violent. I did not say at any specific time. If there was a crowd of 100 they might all have been violent, but as a group of people who were all adults, over 18 years, about 30% were violent, and 70% were not violent.

- Q. That is how you prefaced it, whether you claim it to mean all over these days or that particular day, I did not take you up on that, but then you went on to describe the events you saw after 7.30? - A. Yes.
- Q. In relation to stoning and something else? - A. Yes.
- Q. Just this again, what was it that you saw when you came back up? - A. I said when I came back up at this time, the demonstrators above the main works entrance had begun throwing missiles.
- Q. You went a great deal further than that. There is a reason, Mr. Clement. I am suggesting Friday was an embellishment and exaggeration. You cannot remember now what you said because it is not in your notebook, and it is not in your statement what you said on Friday, and I am suggesting you cannot remember what it was you said? - A. In relation to what?
- Q. Coming back there would be some violence and stoning. You put it in a particular context. You describe what you saw. - A. Are you talking about this gentleman again?
- Q. I am not giving evidence you are? - A. If you wish me to refer to that I certainly will.
- Q. I am not talking about Mr. Scargill, before that. You were very particular about it? - A. Yes.
- Q. JUDGE COLES: I think you are being asked about the time you had been down to see Mr. Vallance at bottom side. You stopped at top side for a bit having given Mr. Vallance orders, you returned to top side? - A. Yes.
- Q. And you are now being asked what the situation was at top side on your return before eight o'clock. It is between your return from bottom side? - A. Yes.
- Q. You got back to top side, what was the position? - A. There was light stoning.
- Q. MR. MANSFIELD: You gave us, and I have it written down quite a long description, how that came about. You won't find it in your notebook because it is not there? - A. I am not looking for it.
- Q. JUDGE COLES: You are not just being asked about what was happening so much as the whole general picture? - A. Are you talking about the number of people coming into

the area?

- Q. MR. MANSFIELD: I am talking? - A. Coming down Highfield Lane.
- Q. You just tell us what was happening? - A. At that time as I got back there was light stoning, and of course an incident happened with this gentleman.
- Q. Leave him out of it, before then? - A. Also continuously coming down Highfield Lane, there were large groups of people who were obviously coming from/top side of the railway bridge, and they were getting into position.
- Q. That is what I want to develop with you. What you said on Friday was about this period of time there was a very (inaudible) group? - A. Yes.
- Q. Ascertainable group, large numbers, groups coming down as groups, using violence as groups? - A. That is right.
- Q. And it was those groups who were stoning, and the other word you used - were they doing anything else? - A. Shouting abuse and later on rushing the line.
- Q. Later on that is in fact what you were indicating was happening at this early stage, stoning and rushing? - A. This happened when the lorries became visible.
- Q. Let us leave that out. Is that ^{an} accurate description? There were ascertainable groups coming down doing light stoning before eight o'clock? - A. They were coming down as groups, and there looked to be a coach load at the time coming down. I had people with them who were directing them into certain places.
- Q. If you look in your notebook it does not appear that you have given that description, ascertainable groups coming down being responsible for the violence. You can look at your notebook if you wish? - A. I did not make a contemporaneous note. I saw people coming down in groups.
- Q. You agree you did not make a note of that, but, of course, ascertainable groups responsible for violence is actually quite an important feature, is not it? - A. Yes.
- Q. Why did not you write that in your notebook? - A. Because they were coming down in groups. There were large numbers of them. Groups were building up, and that is when the stones started, and shortly after the rushes started, and that was something we had to deal with.
- Q. I am asking you why when you wrote up your full note about everything at 2.30 to 5.30, the build up to which you say you are merely reacting? - A. Yes.
- Q. The build up which is ascertainable smaller numbers of people, this is prefaced with 30%, 70%, that you did not write up in your notebook, subsequently stoning, you are making the responsibility of smaller ascertainable groups? - A. Because it was not entirely their responsibility.

There were other people there throwing stones.

- Q. You are writing a description of the day's events in your notebook, are not you? - A. Yes.
- Q. Why did not you write that down? - A. Really, Mr. Mansfield, after seven hours out in that sort of situation it is impossible to remember every little incident that happened.
- Q. You think that is a little incident, the build up to this? - A. It is something that can be - remember on reflection I saw them coming down Highfield Lane in groups without them being directed.
- Q. Let us deal with that if it happened at all. Mr. Clement, you knew this was going to be a day in which a lot of people were coming. Is that what you thought? - A. Yes.
- Q. You thought it was a day which might end with some violence. Is that what you thought? - A. Yes, I thought it probably would.
- Q. One thing you would want to avoid, if it was happening, a large build up of any violence by ascertainable groups? - A. Yes.
- Q. Was any attempt made at that early stage, as it were, to disperse the groups who were responsible for the first violence on the day? - A. No.
- Q. Why not? - A. Because they were being added to minute by minute. At times there were 200 to 300 in Highfield Lane coming down. It would have been quite wrong to have started any sort of action.
- Q. But it might just have taken the steam out of things if one or two senior Officers whilst the stoning was so light, it was not threatening, had just gone out and said to the ascertainable groups, "Cool it down. This is a hot day. It is going to be a long one. We don't want a build up". Did you think of doing that? - A. No.
- Q. Why not? - A. Because, Mr. Mansfield, prior to the 18th June I had probably been to something like 20 demonstrations involving striking miners where violence had been used, and I saw absolutely no point in anyone going out and talking to these people who came down Highfield Lane. Those who caused no violence Officers were talking to them, no problem at all, but these groups were coming down throwing stones.
- Q. You would not want the total mining population to be found to be coloured by a small minority. Why did not you do something about it, even at the lowest level, like a word of warning? - A. What happened when I gave a word of warning later on, ignored?
- Q. We will come to that as well. I suggest to you at this very early stage this is not what was happening, and you

have put that in from Friday, another feature to make it look as though violence was building up and you were?
- A. How do I?

- Q. I am putting to you what you are saying about this and - you take no action then in relation to these ascertainable groups. I take it then that nobody, none of the people supposedly directing their actions was even arrested at that time? - A. Right.
- Q. Just moving on but still within this period of time, this is pre eight o'clock, besides the use of long shields which you say is after eight o'clock, what about the horses? Were they each on the field before eight o'clock? - A. Yes.
- Q. Horses? - A. When I say on the field, they were behind Police lines.
- Q. JUDGE COLES: On the field? - A. Just at the back of the small path that you can see on there your Honour. In actual fact that is the main field, that is the Police line along the front of that path, and they were just in that little area there.
- Q. The area you are pointing to is the area between the medical centre, at least building 10 so marked? - A. Yes.
- Q. And what counsel has called the little road? - A. Exactly.
- Q. MR. MANSFIELD: That is where they are. How many horses do you have out there? - A. I think on that field initially was one line of seven horses.
- Q. One line of seven? - A. I think, and there was probably one line of seven horses on the road.
- Q. When were those horses deployed in that formation, at what time of day? - A. Well, shortly after 8 a.m. when the lorries were seen, and the violence began to build up.
- Q. That is when you say? - A. No.
- Q. I just want to know when it was? - A. I am just going on. The lorries went in at 8.10. There was a terrific increase in violence at that time, and there was the violent charging of the Police line and throwing of the missiles, and injury to both sides. Seeing that happening I decided I would use the Police horses, so talking about 20 minutes past eight.
- Q. Now would you kindly listen to the question, Mr. Clement. I know it is a long day. The question was, when did you deploy - do you understand what I mean first, putting the horses out ready for use? - A. To use them
- Q. It is my mistake. When did you put them out ready to use? - A. Shortly before the lorries arrived.
- Q. Very much earlier on than even? - A. No, I would not think so.

- Q. Would not you? - A. No. There was really no need.
- Q. I am going next to what I have called provocative policing. You do appreciate the presence of mounted Police is something which maybe provocative? - A. Yes.
- Q. You have noted in your little white book, it does not appear you have a time, when it was you did give the order presumably when they should run up? - A. Not necessarily. The authority to use them is mine, to deploy them could well be the Section Commander.
- Q. In this case Mr. Povey? - A. Could well be him, yes.
- Q. JUDGE COLES: We are talking now about getting them out ready for use? - A. In actual fact they were kept in a field normally at the rear of the command post, and if a build up started and Superintendent Povey had said, "I want some horses out in readiness", that would be up to him.
- Q. He had authority to do that? - A. Yes, to deploy them but not use them.
- Q. MR. MANSFIELD: What I want to know is are the horses out-you think sometime before 20 past 8, clearly you cannot say when? - A. No. I would think some time before ten past eight.
- Q. In fact before eight o'clock horses were out, were not they? - A. I would think they were coming out at about eight o'clock, because that is when the lorries would be seen on the sky line.
- Q. Is there a question then that the horses as well as the shields were coming out and being put out because the lorrie either by radio or because somebody had seen them were not far away, and you were relating to the coming of the lorries and not what was happening on the ground? Is there any possibility? - A. So far as the horses are concerned I would think that is probably right because of previous experience of what happened when the lorries came in.
- Q. You had the pattern obviously besides previous experience to weigh up what was happening that day, did not you? - A. Of course.
- Q. You would not want to provoke the situation in case previous experience proved to be wrong? - A. Quite.
- Q. You thought it right that the horses would be out in response to the knowledge that the lorries were not very far away? - A. Right.
- Q. In addition to probably two lines of seven behind the cordon, you took - is this the cordon at eight o'clock? - A. They will be seven or eight deep with other reserves behind.
- Q. Behind them and in front of the horses? - A. Yes.

- Q. Seven or eight deep cordon with horses behind, and then another line of Police somewhere else? - A. Yes. They might not necessarily be behind the horses. They could be alongside them.
- Q. We are just dealing with horses now. In addition to that line of horse, did you have horses positioned elsewhere? - A. Yes.
- Q. Where else did you have

JUDGE COLES: We have arrived at eight o'clock now.

MR. MANSFIELD: If I might - the Officer is dealing with exact times:

- Q. It is around the eight o'clock period that horses - you would agree perhaps - were out by then? - A. Yes.
- Q. Again in this period before the arrival of the lorries, all the other horses were out? - A. There would be horses in the entrance to the command post, and it is probably likely that Superintendent Vallance had by that time asked for horses to move people who were blocking Highfield Lane, because I had given him that authority to do it.
- Q. It is not disputed that horses had been used at the bottom side to shepherd people into holding areas? - A. Yes.
- Q. In addition to that were there any other horses out ready for use, that is in addition to the ones behind the cordon in front of the command post, and shepherding people down the bottom? - A. I would say almost certainly not. There would be horses at the entrance to the command post. It maybe they had come on to the road at the entrance to the command post, but to the best of my recollection there were two lines, seven horses behind the Police line, one on the field and one on the road, with the proviso that there may have been some out at the middle holding area where Superintendent Vallance was.
- Q. Using the aerial photograph, I am going to point to the area so everyone can see. As you look at the photograph it is to the right of the holding area, there is a little copse. It is above it actually. There is a copse in a much larger field? - A. Yes.
- Q. At eight o'clock or thereabouts were there horses already deployed in that field or in the copse? - A. This field here?
- Q. Yes. I do not mean in the middle of the field, towards the edge of the field overlooking topside or further back into the trees? - A. There were no horses deployed in relation to the control of pickets in that field, but there may have been horses exercising.
- Q. Mr. Clement? - A. You are talking about the big field?

- Q. You know that there were horses. I cannot put the time to you, but it was exactly eight o'clock when there were horses lined up. In this particular series of horses is a white horse, so it stands out a little bit more, because most do not seem to have white horses? - A. In this field?
- Q. I will try and point it out. Towards the edge of the top side just into the bottom field. I do not mean in the middle of the big field, towards the middle of the big field, overlooking topside, they were there at an early stage, I cannot give you the time, between seven and nine, men on horseback, and one had a white horse? - A. I know exactly what you are talking about now. That field there, the big one, does not come into it at all. The field that is marked in yellow is the field that we are talking about. Now the horses that you are talking about at a later time, eight o'clock, there were seven horses, yes. Sergeant Sowerby (?) was riding the white or grey horse, went up into the top field, and they were positioned in the top field about there.
- Q. They were based in the top field? - A. And they were facing towards the road.
- Q. That is right? - A. Yes. I know exactly what you mean, thank you. You are talking about the big field. I could not for the life of me think why Police horses were in the big field other than for some sort of exercise.
- Q. At some stage they were in the big field hidden in between the trees? - A. No.
- Q. I cannot give you the precise time.
- Q. JUDGE COLES: When do you say it was; you say it was later? - A. Are we talking about two different things now? I agree at some stage, and it was later than eight o'clock, there were a line of Police horses in the field that is marked yellow facing in towards Highfield Lane. Now Mr. Mansfield I think is saying that there were some horses in this big field. If that is what you are saying I know nothing about horses in the big field.
- Q. Are not you saying they were in the big field? - A. No, your Honour, this field.
- Q. You are pointing to the holding field? - A. That is right. This is the field I have always referred to.
- Q. Although you pointed to the big field.
- MR. MANSFIELD: I do not want to take up time. This big field was a corn field, was not it? - A. Yes.
- Q. And the horses, and I will have to deal with it in stages, were, in fact, lined up facing topside? - A. No, they were not. They were in this field, one that is marked in yellow.

believe that was much later than 8 a.m. I think it was before the big push began up on the field. Anything in relation to that other field I know not.

- Q. Now just as Officers in charge have statements taken, to your knowledge was any of the Police Officers riding horses that day spoken to about what they saw? - A. I do not know. I was in operational command, and I left it to other people.
- Q. Can I just ask you this also. / ^{Was} Mr. Sowerby in charge of his series of horses or someone else? - A. He would be acting under an Inspector.
- Q. Who was the Inspector in charge of the horses? - A. Inspector Tuska.
- Q. Was he one on horseback? - A. Yes, he was.
- Q. Where was he positioned most of the time? - A. It is difficult to say because he moved about quite a lot.
- Q. At the eight o'clock period we are talking about when the other horses were behind the cordon? - A. He would almost certainly be on the road, but I don't know
- Q. You would want somebody in close contact with the Officer in charge of the horses? - A. By close contact you would mean within what distance?
- Q. You are not in radio contact? - A. He is in radio contact.
- Q. With you? - A. With the control room, and I am in contact with the control room.
- Q. There is a radio link through the control room with the Inspector and with anyone else on horseback? - A. Yes. Sergeant Sowerby would have a radio, and possibly one or two of the other Officers.
- Q. The reason I ask is, and I am going to put it straightforward did any of the Officers on horseback get a little out of control that day at any stage beyond eight o'clock, at any stage in the day? - A. If they did it was not
- Q. But did you learn afterwards that in fact some Officers did use force? - A. I am not sure that is the right way. I have heard about an incident involving someone who came out the hedge, and there is a photograph of a mounted Officer riding towards her with his baton raised. Is that the incident you are referring to?
- Q. That is one of them. You are not saying that is isolated, are you? - A. As far as I am concerned it is.

JUDGE COLES: Is this what I may have called the familiar photograph. It is a photograph of a woman protecting herself I think in some way like this with her arm up.

THE WITNESS: I do not know about protecting herself. She was holding something. From memory she was a woman wearing trousers with very short hair who had

Q. MR. MANSFIELD: You are trying to say it might have been a miner? - A. I am not trying to say what the Officer thought. I am merely describing the photograph.

Q. I am suggesting to you that is not isolated. There were other incidents with mounted Police Officers with truncheons drawn riding towards people who were fleeing? - A. Like you I have seen a television film of an Officer riding

Q. JUDGE COLES: Let us not go into that. You are being asked as I understand it your own knowledge? - A. No, I cannot say that.

Q. Otherwise we are going to run into realms of? - A. I cannot say that.

Q. MR. MANSFIELD: I dare say you did not witness everything that happened on this particular day, but as the Officer in charge of the case, do you say that after the event, as far as you are concerned, and your responsibility for the events on that day, the photograph incident is just isolated? - A. As far as I know I think it is fair to say that so far as I am aware there was a complaint made about that, but I am not aware that complaints have been made about other incidents. If they have I don't know about them. That is some idea I suppose of the amount of action or whatever that took place that day, and the number of complaints that were received.

Q. And, of course, recently, even last week complaints were made? - A. That is not within my knowledge, I am sorry.

JUDGE COLES: Complaints made to whom?

MR. MANSFIELD: To the Police.

JUDGE COLES: Formal complaints, and you are putting it to the Officer

MR. MANSFIELD: According to the report that has been made available in the press, it maybe wrong

JUDGE COLES: Unless we are going to have some direct evidence about this - I want to give you as much leeway as I can, but there must be some

MR. MANSFIELD: I am going back to the Police horses:

Q. We are about eight o'clock. I am going to deal with the question of horses. Their mere presence maybe provocative? - A. But necessary.

Q. Is there a manual which deals with the use of horses as well? - A. Yes.

- Q. Is it the same? - A. It is one manuel.
- Q. It is the same manuel that deals with the banging? - A. It is the same manuel that deals with all Police tactics in relation to the control of large and hostile crowds.
- Q. Would that manuel also be available to West Yorkshire? - A. Yes.
- Q. Are there any particular regulations in West Yorkshire about the use of Police horses? - A. I have no idea.
- Q. JUDGE COLES: You mean Police regulations, local regulations? - A. I have no idea what West Yorkshire regulations are.
- Q. MR. MANSFIELD: You have not? - A. No.
- Q. Going on with your decision, and the reason I am asking you is, you are responsible for all the Officers mounted or otherwise on that day? - A. Absolutely.
- Q. And particularly their use? - A. Yes.
- Q. Using horses as opposed to merely having them there can be a very dangerous exercise for everyone, cannot it? - A. Of course it can.
- Q. Can I put to you what is apparently a West Yorkshire regulation, and again it relates to that very same programme you were on. Did you ever see the programme?

MR. WALSH: With great respect, if the witness does not know what the West Yorkshire regulations are I do not see how my learned friend can put what they apparently are. There are other ways to put the question.

MR. MANSFIELD: I will put it another way:

- Q. Did you in South Yorkshire have Police regulations about the use of horses? - A. No.
- Q. So you were only guided by what, the manuel? - A. Absolutely.
- Q. First of all, does the manuel say anything about giving a warning to people that horses are about to be used? - A. Yes.
- Q. It does. What does the manuel say you should do before you use - you know what I mean, by sending them into a crowd? - A. Yes.
- Q. What does the manuel say? - A. In relation to sending them directly into a crowd, it says it would be desirable for a warning to be given before the horses are used; that is sending them into a crowd.
- Q. That is the next thing I am going to deal with. We are

now passed eight o'clock. I do not particularly want to quibble about minutes, but you sent the horses in for the first time at about what time do you say? - A. After the lorries went in at ten minutes past eight. Also the missile throwing was very very heavy, and I decided I would send the horses in.

- Q. Did you send the horses in on the road and the field or just the road? - A. Initially on the road but later on the field.
- Q. The first one we are talking about is up the road? - A. Yes.
- Q. Now that is after 8.10 (?) and the lorries have gone in, and there are quite a lot of people? - A. Yes, about 40 yards distance from the Police line.
- Q. At 8.10 there^{is}/according to you, a great crush in front of the line of shields? - A. Yes, at 8.10.
- Q. It lasts for how long? I think yesterday you were talking about ten minutes, but that maybe wrong? - A. Something like that, difficult to say.
- Q. Some minutes, there is a crush on the front line? - A. Yes.
- Q. And missiles are coming thick and fast are they? - A. Yes.
- Q. We have now reached the time where we have heavy missile throwing by now? - A. Yes.
- Q. Is that fair? - A. That is it.
- Q. So we have some time after 8.10, maybe around 8.20, heavy missile throwing, and a lot of people on the road pressing against the front line? - A. For about ten minutes.
- Q. And then they back off? - A. Yes. 30 or 40 continued to throw missiles.
- Q. Then at that point you decided you are going to send the horses in? - A. That is the time I decided to use the horses.
- Q. Horses on the road? - A. Yes.
- Q. I want to be careful. It is not on the field, but in fact these horses end up on the field, do not they? - A. Yes, I believe they did. At that particular time they turned and came on to the field.
- Q. Did they all end up on the field? - A. I do not know.
- Q. Before they went off up the road and then turned into the field, did you give Inspector Tuska or any of the horsemen particular instructions about how they should operate? - A. Yes.
- Q. What were they? - A. I told them to go through the Police lines and to go up the road at a walk or a trot. There

were no instructions given about the drawing of truncheons at that time, and to move demonstrators back out of throwing range, and then come back to the Police line.

- Q. Now the manuel indicates that you should warn before horses are used? - A. No Police manuel warns that before going into a crowd. It is desirable to give a warning. These were not going into a crowd. They were moving through a space of 30 or 40 yards.
- Q. But once they had got near the missile throwing they were going to go? - A. If they were silly enough to stay there. The job of the horses was to move them back to stop them throwing.
- Q. So they are going into a crowd, are not they? - A. They are going into a space of 30 or 40 yards, towards people who are committing criminal offences, who are throwing missiles at Police Officers.
- Q. The missiles are so thick you had to send horses in. I suggest, and I am going to make it plain, you are lying even about the barrage of missiles? - A. No. Officers were injured and bruised.
- Q. We will come to that. Officers were injured by missiles at 20 paces? - A. I do not know the number, but Officers were injured.
- Q. Now, of course, you know you did not give any warning about the use of the horses, did you? - A. No.
- Q. And you are going to say because they were not actually going into the crowd, they were going into a gap of 30 yards up to the missile throwing, and then if he was stupid enough to stay there, he might get run over by a horse is what you are saying? - A. Yes, but not
- Q. You did not give any warning, did you? - A. Of course not.
- Q. What does the manuel say about the actual pace of horses being used? - A. Have you got the manuel here?
- Q. It is not? - A. Well, I have got a problem, because I am no longer a Police Officer. The manuel is restricted. If the Chief Constable gives authority to me to discuss it I can go on, but I think I have gone about as far as I can in relation to the manuel at the moment.
- Q. Leaving aside the manuel, I am going to talk about commonsense, Mr. Clement. You would agree as an Officer that whatever the manuel says, commonsense is the thing that should dominate a Police Officer's thinking? - A. Yes, right.
- Q. The question of commonsense would occur I suggest for the first time that to use horses they should not at any stage trot or canter into people? - A. They did not trot or canter into people.

commonsense dictates you should not trot or canter? - A. Trot or canter I can foresee the situation where they would need to trot or canter into people.

- Q. MR. MANSFIELD: Do you agree that commonsense dictates that the first time you decide to send horses into a crowd of people even if they are 30' away or 30 yards away, that the horses should be told to walk up and not go beyond walking? - A. No, that would be silly.
- Q. Why would it? - A. First of all there was a gap of 30 or 40 yards which they had to go through. There were stones being thrown. The job of the horsemen was to move back those stone throwers. To walk 30 or 40 yards on a horse - a horse walks at not much faster pace than a humanbeing. It would be ridiculous. Those stone throwers if they had any fear of horses should have gone away and left the area. They were committing a criminal offence, and it was my job to move them back.
- Q. Everything that you have said in your evidence today is linked to massive stone throwing the whole time? - A. No, not only that, push against the Police line, injury to Police Officer, injury to the demonstrators.
- Q. Are you saying you saw people crushed to the ground in the first push at 8.10? - A. Yes.
- Q. You saw it? - A. Yes.
- Q. People ...? - A. There were people falling.
- Q. Are you saying you saw Police Officers and pickets trampled? - A. Right.
- Q. You are saying that? - A. They fell on the floor.
- Q. Are you saying they were trampled? -A. I do not know about that.
- Q. How many people suffered crush injuries do you say; this is not brick injuries, you cannot give a figure for that? How many suffered crush injuries? - A. No idea.
- Q. Any at all? - A. Yes.
- Q. This is the first push? -A. Yes. I saw some taken away to the back of the demonstrators, because it was mainly demonstrators, of course, who received crush injuries. They were forced up against the Police Officers. We have no idea how many demonstrators were injured, because very few of them I think came to seek medical attention.
- Q. I am not disputing there was a push at 8.10, but the kind of push you have described resulting in Police Officers being injured either by missiles or crushing is quite wrong? - A. No. Many Police Officers had injuries to their shins where they were kicked.

- Q. Has all this been documented, or have they also not told anybody? - A. I was hit three times.
- Q. You were hit? - A. Yes.
- Q. When were you hit, Mr. Clement? - A. Twice at Orgreave on the 18th, once on the side of the foot, left foot.
- Q. By? - A. A stone.
- Q. Side of the foot? - A Yes.
- Q. JUDGE COLES: Are we dealing twice at Orgreave? - A. Orgreave on the 18th.
- Q. MR. MANSFIELD: Side of the foot. Where were you standing when that happened? - A. I can show you it on the photographs. There is a wall dividing the road from the field, and up that wall you will see two road signs.
- JUDGE COLES: Which photographs are we talking about? It could be the smaller bundle will be useful for that. It is bundle A you are looking at. Let Mr. Clement have a copy.
- THE WITNESS: I think this might be it. No, this does not show what I want to point out.
- Q. MR. MANSFIELD: The next photograph, any photograph? - A. No.
- Q. Does the aerial photograph help you to tell us where it is? - A. Yes. You see the field coloured in yellow.
- Q. Yes? - A. This is Highfield Lane coming up here towards the bridge, and there is a wall which divides Highfield Lane and that field here. Now I am not sure whether it can be seen there, but there are two street signs on the left hand side of the road. One of them I think says road narrows and the other one showing a bend. There are some photographs which show it quite clearly. It was at that point there, because I was following up a Police line, and I was climbing over that wall at the time. That was the first time, painful. The second time
- Q. So there is no mistake, you are saying somebody threw a stone near you or at you, and it caught you on the foot? - A. No, I do not think that is true. They threw the stone, might not have been at me. They were quite near me possibly, but a stone hit me.
- Q. What is the next time? - A. The next time was on the bridge, and again that was on the left foot, on the instep, but I was wearing protective boots of course.
- Q. Everybody was? - A. That is right.
- Q. Steel capped, werethey? - A. You are talking about Police or demonstrators?

- Q. The Police, Mr. Clement. Were they issued with such footwear for this day? - A. Of course they were, that is part of the protective gear.
- Q. The supposition of what you are saying is that your left foot came into contact with two missiles leaving no injury? - A. I did not say that.
- Q. Did it? - A. There was a bruise but nothing to complain about.
- Q. Is this the first time you have ever mentioned it? - A. Yes.
- Q. Is it? - A. I have mentioned it to my wife. I have mentioned it to other people, but I certainly have not gone to the press and said "I have been hit by two stones!"
- Q. But if you are giving an account of the day, and the reasons why you took certain decisions, and here you are the Officer in charge, and you are actually hit by stoning, why is not there a single reference in the notebook to the fact you yourself got hit, even if you did not need to go into detail? - A. Because it was completely irrelevant.
- Q. Irrelevant? - A. Absolutely.
- Q. Let me go back to 8.10 a.m. and the use of the horses. You agree no warning. What did the horses on the road do the first time? - A. They went through the Police line.
- Q. At what pace? - A. A walk.
- Q. And then? - A. A trot.
- Q. Did they go through the Police line at a trot? - A. They went through at a walk.
- Q. But very soon after they left the lane they were trotting? - A. Yes.
- Q. Very near to cantering up that road, were not they, and they kept going? - A. There is a difference between a trot and a canter.
- Q. If you did not move, no? - A. They were moving faster than a walk.
- Q. Seven of them? - A. Yes.
- Q. Pretty frightening you would agree? - A. I certainly would not like to have stood in front of them.
- Q. Did they suddenly put the brake on in front of people standing in front at all? - A. As I remember nobody stood in front of them. They dispersed which is what they were intended to do.
- Q. They tried to canter in amongst people at that pace, did not they? - A. Not on the road they did not.

- Q. They turned left into the field and did the same on there?
- A. They turned into the field I believe to come back.
- Q. But at the same pace into the field? - A. Yes, but that is as they were coming back, they broke into a gallop.
- Q. Through people? - A. No.
- Q. No people on the field? - A. There were people on the field, but they moved away of course, as soon as they saw the horses come on to the field.
- Q. You thought that was very safe, did you, the first time you used them, no warning, trot up the road, into the field, and gallop back? - A. Right. Safer than dispersing demonstrators in any other way.
- Q. But according to you, and I will finish with this just before lunch, presumably the hail of missiles went on unabated, and got even worse, did it? - A. Yes.
- Q. So now the sky is black with all these things that you described yesterday? - A. No, the sky is not black.
- Q. You now exaggerate a bit? - A. If I exaggerate you will probably pull me up.
- Q. If at this time it has got worse than it was before, we are talking about missiles coming over like bottles, fences, heavy machinery, this sort of barrage, you could not possibly miss them if you were watching from behind the Police line? - A. Right.
- Q. You accept that? - A. Yes.
- Q. And it is so bad you decide to send the horses in again? - A. Yes.
- Q. Is that right? - A. Yes.
- Q. Within about 15 minutes? - A. Yes.
- Q. Again no worse? - A. Right.
- Q. Because there is a gap is there? - A. Yes, as most of the photographs show.
- Q. There is a gap of 30 odd yards on this occasion, up the road only? - A. No. I believe they went on the field as well. I cannot see any reason why I would have said the road only.
- Q. Because as far as you were concerned, the missile throwers were in the field and on the road, were not they? - A. Yes.
- Q. Two lines of mounted Police went up the field, and one went up the road at the same time? - A. Yes within seconds I suppose.

- Q. Just taking up your point about the 30 yards gap for a moment there were people dotted all over that field, and on the road. There was not 30 yards where there was just a gap with no pickets inbetween? - A. No. The vast majority of them were 30 yards away, some people inbetween.
- Q. There were quite a lot inbetween at the side of the field, at the hedgerow, and over by the walkway? - A. Yes, but there was not on the road.
- Q. Some were on the road as well, were not they? - A. Yes. They were the people I would like to have arrested, because they were the more violent ones coming down towards the Police line and throwing stones, and got very close to the Police line. If they had been trampled by the horses
- Q. You would not have worried? - A. That was their fault.
- Q. You would not have worried? - A. Not the slightest.

MR. MANSFIELD: I wonder if that might be

JUDGE COLES: Yes. Remember what I said, members of the Jury about the adjournments.

(Mid-day adjournment)

Absence of the Jury

MR. WALSH: Your Honour the reason the Jury is out is so we can see how best we might deal with the problem that your Honour may have anticipated was going to arise. My learned friend, Mr. Mansfield, has raised certain questions of what may or may not be in some document or manuel, and the position of the Chief Constable, and there are problems about dealing with that document.

What I am able to say at the moment is, that the manuel referred to is obviously a substantial document. It deals with various stratagem and tactics, and how certain situations maybe dealt with in certain circumstances, and for very obvious reasons the document is a sensitive one, and as the witness rightly said, restricted. It is a document which the Chief Constable is unwilling to produce in court, even to me, and my view is upon what information I have that he is perfectly correct in his view.

What I have offered to do on behalf of my learned friends is if they could be particular and specific about precisely what they want to know, I have offered to consult the Chief Constable to see if it is possible either by photocopy a page or part of a page here and there to provide my learned friends with the answers. I do not know whether that is going to be possible. It is going to mean really myself speaking to the Chief Constable so that there is not any sort of mistake or message being passed through third hands, so I can understand precisely what it is that he feels he cannot formally produce in court. My learned friends have

given me some indication I regret of a rather general nature.

Your Honour, an immediate problem apart from that is this; that the Chief Constable, not of course knowing that any of this was going to arise, leaves for London at about 3.15 I think at the latest. If I were to do anything useful it would have to be done now or whenever it is he may return, and I am not entirely sure when that is, and it might be inconvenient for my learned friends. I was wondering in the circumstances therefore, whether the best course would be for me to try and do this now before we resume any further cross-examination. It maybe that nothing can be done, but your Honour will see the problem.

JUDGE COLES: I can indeed. I had it at the back of my mind this morning. What do you say, Mr. Mansfield?

MR. MANSFIELD: I am grateful for the effort that Mr. Walsh is making. I have tried to indicate the areas already covered and a few which are to be covered that relate to tactics and regulations that might apply to them, so that at least there is some idea of where we are going. If it is to be done in the way that Mr. Walsh has indicated, I would be happy for that to happen now. I think if it were left, this Officer - it maybe difficult, he would have to come back anyway and deal with it. I have a little more cross-examination. I intended not to finish today, but finish tomorrow.

JUDGE COLES: That is an helpful indication. I take it nobody else on behalf of the defence has any observations to make about it. So be it.

MR. WALSH: One thing your Honour will appreciate and my learned friends will, is one thing I cannot do is, as it were, to supply the sort of information about Police procedures that maybe of use if known to people planning some other action on another day, and it would be wholly improper of me to do so.

JUDGE COLES: You will have to use both your best endeavours and your discretion and when we resume, if your best endeavours and your discretion are found wanting, we shall have to deal with that as and when we come to it.

MR. WALSH: If we can rise for the moment, and then before we proceed further again assemble in court in the absence of the Jury, so that I can acquaint your Honour with what stage we have reached in case any other considerations need to be ...

JUDGE COLES: Certainly. What do we say to the Jury in the meantime if anything?

MR. WALSH: Can they be released until half past three?

JUDGE COLES: Yes. The Jury can be told there are other matters which require discussion, and they are free to go until half past three. Perhaps they might be reminded not to discuss matters.

MR. O'CONNOR: Your Honour, it is always possible although

perhaps a remote possibility, that my learned friend and myself, and my learned friends will not be able to reach agreement on this, and we might seek your Honour's ruling. If we were to do that regrettably, and if that were to be after say three o'clock or after 3.15, obviously the person who is most immediately affected is the Chief Constable himself, and I am just thinking that there being that danger that questions of law maybe discussed affecting this document, and out of fairness to him he may want to change his plans, I do not know.

MR. WALSH: I do not know if he can do that.

JUDGE COLES: He can be told that. I would have thought the most urgent thing at the moment is to get to him. I shall adjourn now and I shall sit again at half past three, and the Jury can be asked to retire, and we shall sit without the Jury at 3.30.

Later

MR. WALSH: We have gathered in chambers in court. It seems more convenient at the moment to do that. May I state what the position is at present. I have the Assistant, the present Assistant Chief Constable Mr. Jackson, and as a result of conversations with him, it seemed to me appropriate I should speak with the Chief Constable and I have done, because he, the Chief Constable upon whom the ultimate responsibility falls is obviously concerned at whether he should produce a restricted document, and he is clearly unhappy about that, and for reasons into which I need not go, I think he is right, and I do not think my learned friends dissent from that. However, what he says he will do is that if the court takes the view that it should make an order that the manual be produced with certain as it were safeguards to it, he will, of course, comply with that order. Therefore, what he would do, if your Honour thought it appropriate to make such an order, he will empower Mr. Jackson who has the custody of the document, show it to me, because up to the present moment he is not even authorised to show it to me, I can look at the various matters that my friends have asked me to look at, and it if seems appropriate to cause extracts, probably by way of photocopies to be made of - I do not know how the thing is arranged, but it maybe a paragraph dealing with a particular topic, or a page, or something like that.

Your Honour, thus far the matters that have been raised in cross-examination by either my learned friend or Mr. Clement concern any directive about the use of banging on the long shields, where and in what circumstances a warning should be given desirable to the use of horses, and I think at the very close of the morning, my learned friend was canvassing the difference between a trot and a canter. As to whether the manual says anything about that I have not the faintest idea. Those are matters that have been canvassed so far, and it seems to me appropriate to look at those and extract anything there

JUDGE COLES: What are my powers, Mr. Walsh?

MR. WALSH: That is something that has caused me some anxiety. I think your Honour has the power to order production of the document unless - and the Chief Constable does not wish to put himself in this position - the person who is in possession of that document takes the view that for security or other reasons it would be injurious to the public interest so to do.

JUDGE COLES: What is the reference?

MR. WALSH: My learned junior is just looking that up.

JUDGE COLES: I want to know what my powers to produce it are.

MR. WALSH: Clearly matters of exclusion, but if the Chief Constable were to oppose

JUDGE COLES: That is a matter which would have to be raised. What I am anxious to know is what my powers to secure production are.

MR. WALSH: I think your Honour has power where a document is referred to by a witness.

JUDGE COLES: My other instinct tells me I have, provided I am satisfied.

MR. WALSH: My learned junior very rightly says - perhaps we should all look at it first - that it is coupled with the witness summons order. I think that a witness could be summoned to court to produce a document.

JUDGE COLES: To produce a document which is in his possession and of his making.

MR. WALSH: Does it have to be of his making; not necessarily? Paragraph 4-23a.

JUDGE COLES: I was looking at 1066, notice to produce. You were looking at paragraph

MR. WALSH: 4-23a. I think your Honour has the power to call a witness yourself.

JUDGE COLES: That I know, yes.

MR. WALSH: And therefore, if your Honour has the power to call a witness yourself, then you must have the power to order the witness to bring with him certain documents which he has in his possession.

MR. GRIFFITHS: May I respectfully agree with what Mr. Walsh has put to you.

JUDGE COLES: Probably what I am thinking of, the Court

has no power to require a defendant to produce a document.

MR. GRIFFITHS: As your Honour will see in sub-paragraph 2 section 22, it falls upon the person in this case, the gentleman named who has custody of the document, to satisfy your Honour that it is material, summarising.

JUDGE COLES: Which paragraph are you looking at?

MR. GRIFFITHS: If your Honour turns to paragraph 4-23a and it is section 2 of the Criminal Procedure Attendance of Witnesses Act 1965. The relevant section which comes into play is sub-section 2 which tells a person who objects to produce, has to bring himself under that sub-section.

JUDGE COLES: Yes, or of course to persuade the court that public interest - but that is a matter for him to raise.

MR. WALSH: I say immediately as I said beforehand that the Chief Constable does not wish to take the public policy point. He is merely loathed to produce this document save

JUDGE COLES: To allow unlimited access.

MR. WALSH: That is right. He is not in any way wishing to be obstructive, but he is concerned that the matter be done - if I may say - properly. So if your Honour would make an order I think in the terms that this document be produced, I think it must be to me or to the court, but only into the custody at the present time of counsel for the Crown.

JUDGE COLES: Yes.

MR. WALSH: Or if the order needs to be in more general terms, your Honour could direct that for the moment the only person to have sight of it should be myself and my learned junior so that we can comply with the request made by counsel for the defence.

JUDGE COLES: I will hear what Mr. Mansfield has to say. What do you say, Mr. Mansfield?

MR. MANSFIELD: Your Honour, I have no particular objection to that course, provided, obviously as a result of Mr. Walsh having sight of it, we in turn, later at his convenience, can see what it is.

JUDGE COLES: If you take issue with Mr. Walsh over what he decides is proper to disclose, if a matter arises over that, no doubt I shall be seeing you in chambers again for further leave, and perhaps in those circumstances I might be saved sight of the document.

MR. WALSH: What I am anxious to avoid, and what the Chief Constable seems anxious to avoid, is that matters that are not relevant to this enquiry are viewed by no more than the absolute minimum number of people.

JUDGE COLES: Whilst we are in chambers, Mr. Mansfield,

with this document that it is relevant to the case in hand, and I would welcome, and it would be of guidance to me and of assistance to me if I knew in precisely what way and exactly how you put your case of relevance.

MR. MANSFIELD: Certainly. May I say I had no idea this manual existed before today, and it arose if your Honour may remember because I asked on the authorization about the banging on the shields.

JUDGE COLES: You asked about some regulation and he mentioned the manual.

MR. MANSFIELD: And he came out with the manual as justifying his Officers actions with regard to the shields. This was the question as Mr. Walsh has rightly said, I asked him about the use of horses not just their deployment but their use and a warning, and what is clear is the regulations say something about a warning but we do not know in what context or how it arises, but he says there is something in that at the point of which I was suggesting in the end as commonsense. But there must be something in the regulations about it, that horses in the first place may only walk and not trot or canter or even gallop. He then said he could not discuss it any further either. I was not sure whether he could not remember what was in the regulations or because it was sensitive, or a combination of both. That is the context in which it arose.

The relevance in the case and I have told Mr. Walsh other areas that are concerned, and I can indicate them to your Honour as well, particularly this, is the use of the short shield units with particular regard to the use of truncheons on this day. In addition to that the use of Officers who are and cannot be identified because they are wearing clothing upon which there is no form of identification other than the word Police, so you cannot tell which Police Officers are doing what. Your Honour may recall there has been some discussion about that and it has now changed, but certainly on this day there were these Officers being used. That is the over all picture. There is one other area I have not touched on yet, and that is the use of dogs. Dogs were used this day.

Now, your Honour may say that is interesting/ ^{but} what is the relevance of all of that? We say, and I say it on behalf of the three I represent, other counsel may wish to associate themselves with it, it is concerned with the total picture of the day, because the case on behalf of the three I represent is that whatever violence may have ^{been} occasioned on that day it was principally as a result of either planned or unplanned, obviously they do not know, actions by the Police, and those in charge of the Police, and therefore, if the violence that has ensued has erupted because Police Officers individually or in a group or collective form have either taken decisions which are regulations in any event, never mind anything else that is commonsense (inaudible) either the Officer, Mr. Clement took the decision when it got out of control and he was not in control at all otherwise he would have abided by the regulations, or, and this is when it began. when he was taking ^{the} decision even at seven o'clock when

he was removing Officers from the village in the course of events for that day, and obviously I will put it clearly by the time I have finished cross-examination; depends how he answers these questions. I do not know how he is intending to. That is the general thrust of the defence case.

JUDGE COLES: The difficulty I have is this. It is only too easy in a case like this to slip into what is really an enquiry into the conduct of the Police, and that is not what this Jury is concerned with so much. I appreciate that you have challenged the credibility of Mr. Clement, and of course anything which is relevant to that issue must be affected. To reduce the matter to absurdly simple items, and perhaps misleading simple terms, but for the purpose of the present argument it maybe helpful; the main issues are, one, whether there was a riot, and secondly, whether any and if so which of these accused were involved. How does the evidence assist that?

MR. MANSFIELD: I would say it is relevant to both of those issues. The first one, if one takes the practice direction in this case, Mr. Walsh was (inaudible), the reason he was giving then, and I do not think there was no disagreement by any of us, it would be impossible to present this day in any other way than as a whole.

JUDGE COLES: In fairness to you the Crown has chosen to call Mr. Clement to give general evidence that there was a riot, and that may be challenged; whether you challenge there was a riot or not I do not know.

MR. MANSFIELD: Yes. May I make that plain now so there is no mistake about it. We do challenge that there was a riot in the context in which the Crown has opened it. We are not disputing, and I hope no one will be disputing that there were acts of violence on both sides as a result, we say, of some of the decisions either taken before the day or on the day or during the day by Mr. Clement. He has made it perfectly clear in his statement before giving evidence, and in giving evidence, that he and he alone took the critical decisions on that day, and those critical decisions taken for example like the long shields, is a fairly critical decision the use of horses is critical, the use of short shield units, all those are critical decisions, and they go to the general issue as to whether there was a riot produced by pickets and demonstrators to which he and the Police were merely reacting, or whether it was the other way round.

JUDGE COLES: That is the problem I have. Does it matter who caused a riot if there was one?

MR. MANSFIELD: Yes, because we are saying, or I am saying anyway on behalf of those I represent that in fact if the situation is that people in the field or people in the road if I can be precise which does not apply to the three I particularly represent, but perhaps some others, they witness nevertheless what is going on in the field and further down. If, in fact, what is happening is that people are reacting by for example some of them throwing stones and there is no

doubt that at some stage some missiles were thrown, there is no doubt about that, if, in fact, that is a reaction to a policy of policing which has been set out really in a sense from the beginning or at least during the early part of the day, Mr. Clement as either formalised an earlier intention or in fact begun his plan of action for that day that produces that reaction, and the reaction cannot be a riot because those people are merely reacting to a form of violence which is being placed upon them anymore than of course one could accuse the Police of riot in these circumstances. So that is why I would say the source of the violence and how it built up, the pattern of the day, is extremely important. Undoubtedly the Crown are saying and have said it is all down to the miners. They came with that intention or some of them, they carried that intention out by even being there. That is what Mr. Walsh ended up by saying, by even remaining there by the time that certainly those arrested in this case took place, which is roughly 11.20 when these defendants were arrested. There were earlier arrests of course.

So we are saying I hope in clear terms or will be saying there was not a riot on that day. There was an altercation between Police and miners which led to violence by both sides, It was not a riot. All those features that Mr. Walsh opened about the elements of riot, assembling together and so on, and the common purpose which we asked for in writing, it all goes to that, because if in fact what has happened is a violent reaction by some, then I would say it does not comply with the elements of riot. So it is very important to investigate the pattern of events of that day, just as much as Mr. Clement would suggest the pattern shows an intended riot start to finish, because that is the end of his statement. He says, I have no doubt - he has not said it yet - but the events of that day were a riot.

JUDGE COLES: At any event I hear what you say and it is extremely helpful.

MR. MANSFIELD: As far as the individuals are concerned, can I say on behalf of Mr. Moore, to some extent Mr. Jackson, and to a lesser extent Mr. Waddington, that the action of the Police directly upon them bears upon one of the headings I have asked for the regulations, namely, the use of truncheons.

JUDGE COLES: Very well. In any event it all has^a direct relevance on the issue of credibility.

MR. WALSH: May I say something about the question of relevance?

JUDGE COLES: Of course.

MR. WALSH: I have not said anything about it earlier. I merely said what steps I had so far taken. I am somewhat concerned as to the question of relevance having heard my learned friend speak about it, because if the issue is that which these defendants did was because they were provoked into it by the behaviour of the Police, and that therefore that is not riot, then surely that is a question of fact for the Jury

to decide; what did the Police do?

JUDGE COLES: Of course. I do not think anybody is saying that provocation - if the elements of riot were satisfied provocation would not be a defence. I think what is being said is that the elements required for riot, namely participation in a common purpose, to take but one, would not be satisfied if what happened was that a man was there for the purpose of peaceful picketing, and something happened which caused him to act in a certain way which was not in pursuance of the common purpose.

MR. WALSH: I understand that, but I am a little troubled as to how the production or consideration of whatever this manual may say necessarily assists the Jury, because the Jury will have to act, will it not, upon what they find actually happened, and what happened is the fact that they will have to decide whether it happened because the Officers were acting according to the letter of the manual or not? It seems potentially irrelevant if the Jury decides that what the Police Officers did in fact do was such as my learned ^{friend} just canvassed a moment ago, and your Honour said could then constitute a defence to the defence of riot. So that is why I am marginally troubled about whether what my learned friend has said actually does make this a relevant issue.

JUDGE COLES: Well I really invited Mr. Mansfield to go rather further to assist me than was necessary for this application. I think the basis of which he says it is relevant is on the issue of credibility. I took the opportunity while the Jury was not here, to ask him about the wider ambit of relevance.

MR. WALSH: Your Honour will appreciate from the actions that I have taken that it is not my wish nor indeed those of any behind me to be obstructive in the matter. I have been anxious to try and assist as much as I can, but I have to bear in mind questions of relevance as well in so far as it appears to the Crown.

JUDGE COLES: I do not for a moment think that you should do otherwise, because the order I am proposing to make unless you wish to argue against it, is that the manual will be produced into your custody, that you use your discretion initially as to what should properly be disclosed, and if there is any challenge about that matter, then it will have to be brought before me when I direct now that I shall be considering that issue, if such a view be brought, both on the basis of relevance and public policy. So initially you have full discretion in the matter subject to challenge by counsel.

MR. WALSH: I do not seek to say anything against the terms your Honour has suggested. Your Honour, it is clearly not going to be possible to resume evidence before the Jury today. I was wondering whether your Honour might say even 11 o'clock tomorrow morning just because - obviously I shall have to spend some time now, and I will immediately, looking at these things, and there maybe matters we need to discuss

tomorrow morning before we actually come into court before
the Jury.

JUDGE COLES: Very well. I hope matters will move.
