

IN THE SHEFFIELD CROWN COURT

The Court House,
Castle Street,
Sheffield.

16th May, 1985.

Before

HIS HONOUR JUDGE G. COLES Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY
& OTHERS

APPEARANCES:

For the Prosecution:	MR. B. WALSH Q.C. & MR. K.R. KEEN
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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16th May, 1985.

REGINA -v- WILLIAM ALBERT GREENAWAY and OTHERS

MR. WALSH: I am sorry for the delay since half past ten. Your Honour can probably see what has been happening. We have tried to position the various sets in places where everybody can see. The power of the equipment is such we can only run three screens and so obviously we have been setting them in the positions. Everybody has been giving their opinion as to whether they can see or not. I think we have now reached a satisfactory position.

May I explain - I have told my learned friends about this - what is going to happen. These films were all taken by Sergeant Foster who is present in court. The films themselves do not, I think at the beginning or the end of each of them, indicate the precise times when that particular film started or finished, though from time to time within the films there will be a photograph of a watch or something like that; that will indicate what time it is at that particular juncture. They were all taken from the same place as I understand it, which is the top or the roof of that low medical centre building which therefore is behind the Police lines as one knows them to be. What Sergeant Foster is going to do is not to give evidence at the moment, he has not I think watched these films for some time, and when the film is over, at some convenient moment he will, because of notes that he makes whilst he is watching them, be in a position better to be able to say this film began at about such and such a time, and ended at such and such a time. He will be able to explain the length and time that elapsed between the next film, one film ending and the other starting. The reason I explain that is this. There are five, and all counsel think it appropriate that instead of showing just one the Jury see all of them whilst the equipment is here, rather than have to re-assemble.

JUDGE COLES: How long is that going to take?

MR. WALSH: I believe an hour and forty minutes. They start at a very early period in the morning. Each film I think lasts about 20 minutes or thereabouts. At the end of each film, between each one there will be I think a sort of colour band which the Jury have seen whilst we have been testing the machinery to make sure it works. When it is all over, Sergeant Foster will be able to recall how long approximately it took to take a reel of film, and to put another one in and so forth, and on approximately how many occasions for that relevant period. Unfortunately they only had one camera.

JUDGE COLES: Presumably the camera was set up and a tripod was used, was it?

MR. WALSH: It was hand held. It was static, not a moveable position. He will be able to explain the 200m facility or otherwise he had at his disposal. I had better say nothing more at the moment. The gentleman who is going

to operate will now just run the films through starting with the first one which begins very early in the morning.

(Films shown)

MR. WALSH: That is it. I was wondering the best way to proceed. It maybe of assistance generally to the court and to the Jury to hear Sergeant Foster next as to approximate times and that sort of thing. It will obviously - the Sergeant has been here making some notes - require him to put his notes into some order so that the defence can see them before I call him.

JUDGE COLES: We will adjourn now and resume at two o'clock.

MR. WALSH: I just wonder if that will give him enough time.

JUDGE COLES: Will you feel pressed doing it in that time?

SERGEANT FOSTER: Quarter past I think would be

JUDGE COLES: Quarter past two, members of the Jury. Remember the warning, do not discuss things.

(Mid-day adjournment)

MR. WALSH: I am sorry, the Jury is in at the moment. There is a matter counsel would like to discuss with your Honour very briefly if we may.

JUDGE COLES: I am sorry, members of the Jury, you are getting used to this, no offence. Would you kindly go to your room please.

(The Jury retired)

MR. WALSH: Your Honour it deals with Sergeant Foster. I am afraid I think to a certain extent he may have misunderstood what we wanted him to do. What he has done in fact and one sympathises, he has taken a range of times about which he has been writing out the notes he made whilst the film was on, which is in effect his own running commentary upon what is going on. That maybe his view and his opinion, but clearly it is not something that can be put before the Jury in any way. What he is capable of doing - I have told my learned friends in the few brief moments we were waiting- he is able to say, for example, when the first tape actually started. It is not a continuous running tape. He cannot say at what time that tape ends.

JUDGE COLES: It lasts 25 minutes. Obviously it starts at 6.02.

MR. WALSH: That is right. He cannot say, for example,

tape one ended at such and such a time and the camera started working on tape two at such and such a time.

JUDGE COLES: But he has been alerted. He has applied his mind to those particular matters.

MR. WALSH: He has applied his mind to those matters.

JUDGE COLES: That is all we wanted from him.

MR. WALSH: That is all I would have thought he can do in relation to tapes two and three, because I think there is a watch shown in each of them.

JUDGE COLES: I have a few times I have written down.

MR. WALSH: He can say tape two ends at 8.31 and tape three begins at 8.32, that he can say, again he cannot say what time tape three ends except by way of saying not long before the end. There is a clock showing 9.26 I think.

JUDGE COLES: I get the drift of what you are saying. Where is the problem?

MR. WALSH: The problem is this. The one matter that I have been asked that he be asked about is the question of his position and what the camera would be able to pick up from where he was, in particular the question of stones and that sort of thing. I have told my learned friends what Sergeant Foster says about that. He has not made a Criminal Justice Act statement about it, and I think their present view is they wish to object to him giving evidence about ^{what} the camera could pick up or not. My view is he would be entitled to give evidence about that. If they say "We must see it in the form of a Criminal Justice Act statement", I will have one taken from him.

JUDGE COLES: I do not know what his expertise is, Mr. Walsh. I suppose if he is going to give that sort of evidence that is going to be expert evidence, and since he is going to be talking about in his experience - I am not sure. Some of those pictures, for example, demonstrate graphically (inaudible) because they have a telescopic lens and things of that kind. I would have thought his comment on that, provided he is experienced

MR. WALSH: Your Honour, the simple way of dealing with it at the moment maybe, and I am thinking of the passage of time, is if I were to call him briefly to give the factual matters that I have outlined to your Honour, then we could proceed.

JUDGE COLES: That would enable Mr. Mansfield to cross-examine him as to

MR. WALSH: And then if nobody objects we could take a further detailed statement about that last matter and see where his expertise lies, so that can be done, for example, either tomorrow or this evening, and then I could recall him if

if were thought proper at that point.

JUDGE COLES: Do counsel wish to address me about that or would you prefer to wait?

MR. MANSFIELD: The only thing I would wish to say, it looks to me as if this witness maybe called later anyway. If Mr. Walsh is going to make this enquiry, if that is the case, the only evidence he is going to give now is on the basis of the tapes anyway. He is not going to say anything

JUDGE COLES: It is useful. It means any times that have to be clarified and so on can be given, and if the defence have any challenge about it it can be challenged.

MR. MANSFIELD: If it is relating to the question of time I do not wish to say anything else.

JUDGE COLES: But you reserve your position obviously. Whilst the Jury is not in I am bound to say my impression of the pictures as far as the stone throwing is concerned, except for occasions when you saw people actually throwing in one or two incidents, it seems to me the sound track was rather more useful than the film.

MR. WALSH: Assuming what one hears on the sound track actually is from the noise.

JUDGE COLES: I mention it for that precise reason. Whenever one sees films of that sort it seems to me there are bound to be equivocal facts. I was merely taking this opportunity whilst the Jury were not here to say that.

MR. WALSH: It maybe, and again this is a matter I shall deal with in a supplementary statement taken from Sergeant Foster, he can deal with those matters. The other matter with which I think it is right to say he can deal with, ^{apart} from his position, is the extent to which it was physically possible for him either to move so that that tree did not get in the way or something like that. He would be able to help on that, and he will be able to say, I shall ask him if nobody objects, whether he was at liberty to take any shot he wanted, and what caused him to put his camera in any particular direction.

JUDGE COLES: Another matter which occurs to me, and I say it for what it is worth if anything, and it is that the tape appears to have the camera pointing in a different direction. I looked at the Jury, some of which were a little puzzled, and were trying to orientate themselves. Maybe in everybody's interest that can be cleared up.

MR. WALSH: It is quite obvious for some moments in the first tape it is pointing downhill rather than up.

JUDGE COLES: Again the effect of the lenses might have suggested it was uphill.

MR. WALSH: I can clear that up with him. I think we can

deal with those matters now if your Honour approves.

JUDGE COLES: Are there any other matters of that sort that counsel for the defence would like to mention whilst the Jury are not in?

MR. MANSFIELD: No thank you.

MR. WALSH: Then I think we are ready. I am just discussing with my learned friends, I think they agree I can lead quite a bit of Sergeant Foster's evidence.

(The Jury returned)

POLICE SERGEANT DAVID MICHAEL FOSTER Sworn

Examined by MR. WALSH

- Q. Are you David Michael Foster? - A. I am, sir.
- Q. A Police Sergeant in the South Yorkshire Police Force? - A. That is correct.
- Q. Are you attached to what is called the Audio Visual Aids Section? - A. Yes.
- Q. Were you the cameraman who took the video pictures that the Jury have seen this morning? - A. That is correct, sir.
- Q. On Monday, 18th June last? - A. Correct.
- Q. Now Sergeant, I am only going to ask you for the moment some short factual questions just trying to establish certain things that you did. It is important that we only deal with those and that you should not, as it were, give any commentary on what we saw on the film. Do you understand? - A. I understand sir, yes.
- Q. Now the Jury will have noticed that the films they saw consisted of five separate tapes? - A. That is correct, sir.
- Q. If I may deal with the first four, were those first four all shot from the same fixed position? - A. That is correct.
- Q. And is that a position on top of a single storey building which I think is a medical centre on the left hand side of the main gate as you go out of the Orgreave Coking Plant? - A. That is correct, sir.
- Q. Just up the hill. So the camera is in the same fixed position throughout the whole of the time you shot those first four films? - A. Yes, sir.
- Q. So as the Jury will have noticed they ^{are} /at an angle to the road itself? - A. Yes.
- Q. And there appears to be as you look towards the road there

at various times, some sort of trees in the way that block your view to some extent? - A. That is correct, sir, yes.

- Q. Was there any way of positioning yourself on the roof of that medical centre without having one or other trees blocking your view to some extent? - A. No, sir.
- Q. The first tape began, that is to say you have commenced actually filming, at two minutes past six in the morning? - A. Yes, sir.
- Q. As the Jury will probably have noticed from actually seeing the film, although the tape itself lasts for about 20 minutes or thereabouts, is tape one not a continuous running tape? - A. That is correct, sir.
- Q. And there are breaks from time to time? - A. Yes, sir.
- Q. One matter that may have confused some of the Jury. On tape one are there a number of periods of film in which your camera is not pointing uphill but in fact looking downhill towards the lower part of the road? - A. Yes.
- Q. JUDGE COLES: I am right in thinking although your camera was fixed to some kind of tripod or some device, when you were told to track 180 degrees round? - A. That is correct, your Honour.
- Q. You would have been panning? - A. It is called a panhead tripod.
- MR. WALSH: sequences
- Q. /I think there are some / in which your camera is facing the building on the opposite side of the road where the Police operation room was established? - A. That is correct, sir.
- Q. But those apart, is your camera for the most part pointing in the uphill direction? - A. That is correct.
- Q. And where your camera was placed you could pan left, right, could you, move up and down in the vertical plain? - A. That is correct, sir. It is possible. That practice is known as tilt.
- Q. Did you during the course of that tape use that facility? - A. I did, sir, yes.
- Q. We know from the odd period of time that a watch was introduced in front of the camera at various stages. Was that your own watch? - A. It was, sir, yes.
- Q. Was that your own effort to try and record a form of times at which the sequence was being shot? - A. That is correct, sir.
- Q. I think the latest camera shot of your watch on tape one is 7.58 a.m., and that appears sometime before the film actually ends. Is this right that you are not able to say precisely at what time the film ran out on the first tape? - A. That is correct, sir.

Q. JUDGE COLES: I saw a couple of other times in the course of that film, is that right? - A. Yes.

MR. WALSH: I think they were earlier than 7.58:

Q. Were you just on your own? - A. No. I had a sound recordist with me.

Q. JUDGE COLES: Forgive me interrupting, was the sound being recorded directly into the camera or was it a straight soundtrack? - A. No, sir. it was directly on to the - via the recorder which is attached to the camera by a cable.

Q. The sound went through on to the film? - A. That is correct. The recorder records the sound and vision simultaneously.

Q. MR. WALSH: What we have heard is a contemporaneous recording of both sight and sound? - A. Correct, sir.

Q. Were you under any instructions which limited what you filmed or did you have carte blanche to film whatever you wanted? - A. It was left to my own discretion what I filmed.

Q. You are dropping your voice? - A. It was left to my own discretion what I in fact filmed.

Q. JUDGE COLES: Was it a video camera you had? - A. It was a video camera your Honour.

Q. MR. WALSH: I suppose by the nature of that fact the actual length of each cassette that you had is pre-determined, is that right? - A. That is correct, sir.

Q. Now you have told us you cannot say exactly when tape one ended. Are you able to say whether tape two begins in no more time than it takes to take one tape out and put another in, or are you unable to say that? - A. I am unable to say that sir,

Q. Does it follow that you cannot say how many minutes elapsed between the last scene that we see on tape one and the first we see on tape two? - A. That is correct.

Q. Likewise, and perhaps I can ask this, on tapes two, three and four, are they also not continuously running tapes, but are there breaks from time to time? - A. That is correct. That occurred on all the tapes, sir.

Q. I think however, you are able to say that tape two ended at 8.31 because a watch appears I think at the very end or within seconds at the end of that tape? - A. That is correct.

Q. And that tape three started at 8.32 because again a watch appears showing that? - A. Correct, sir.

Q. I think you have both a watch and what appears to be a clock positioned on the floor near to what we would call a

clapperboard? - A. That is correct.

Q. Did you focus on the clock? - A. I did, sir, yes.

Q. The last time you focused on the clock on tape three was I think 9.26? - A. Yes, sir.

Q. But again that was not I think at the very end of the film. There was more film after that? - A. It was not at the end, sir.

Q. So except for saying that tape three was still in action at 9.26, are you unable to say how long it went on after 9.26? - A. That is correct, sir.

Q. As to the gap between tapes three and four, are you again unable to say how long that was? - A. That is correct, sir, yes.

Q. Because the only time I think shown on that tape is shown towards the end, and that is 12.31? - A. That is on tape four, sir.

Q. Yes? - A. Yes, sir.

Q. So you have not a time when it began or a time when the previous tape ends? - A. No, sir.

Q. JUDGE COLES: 12.31 at the end of the tape? - A. It was towards the end of the tape, sir, but not immediately at the end.

MR. WALSH: I think, your Honour, it is almost at the end:

Q. Is 12.31 on tape four? - A. That is correct, sir, yes.

Q. However you were able to help us in this way as to the gap for example between tape three and tape four; if anyone were to ask you would it be seconds, minutes, or half an hour, would you be able to be of any assistance to us in that direction? - A. No, I cannot be of assistance in that.

Q. Tape four, again not a continuous running tape, ends either at 12.31 or very shortly afterwards? - A. Correct, sir.

Q. Now following the end of that tape, did you move down and go up the road so that you could take the film shown on tape five? - A. That is correct, sir.

Q. Was that with the same camera hand-held now? - A. With the same camera hand-held, and with the same recorder.

Q. This film I think as we saw it lasts for rather a shorter length than the others, and again it was not a continuous sequence, and there were various breaks? - A. That is correct, sir.

- Q. From time to time. Are you able to give us some idea of when you commenced filming first of all on tape five? - A. No. I cannot give an indication of the time that I started filming on that tape.
- Q. One thing may assist I think, either in the opening shot or very close to it we see a fire engine? - A. Correct, sir, yes.
- Q. So at any rate I think there is no film on reel five prior to the arrival of the fire engine? - A. No. That was already in position on my arrival at that part of the road.
- Q. It may help if we establish that. Do you know how long you were involved actually filming what appears on tape five? - A. I am unable to say that with any certainty sir, unless you were able to time the individual sequences on tape. I moved from one position to the next and started filming almost as a continuation.
- Q. That may help us. Was there a time-lag between what I might call the first shot and the second shot and so forth? - A. Only the time taken to stop the camera, walk across the road to the next position and start again, and that went for each shot on that tape.
- Q. I think you have counted there are 12 (?) separate shots? - A. That is right, sir.
- Q. On tape five? - A. Correct, sir.
- Q. JUDGE COLES: -I take it none of those tapes have been edited, Sergeant? - A. No, sir, only by stop and start of the camera.
- Q. Edited within the camera but not edited afterwards? - A. Not edited afterwards.
- Q. MR. WALSH: What we have, and what the Jury have seen is the sum total of everything you filmed? - A. That is correct, sir, yes.

Cross-examined by MR. MANSFIELD

- Q. Mr. Foster, I have only one or two questions at the moment, and that is the position that you adopted on top of the medical centre. Was that one you selected or did someone else suggest it? - A. By that do you mean the physical position on the roof or the roof itself?
- Q. Who selected you to go up on to that roof to film from that position? - A. It was an option given to me by the Superintendent in charge of the command block as a possible position to use the camera, and I accepted that option.
- Q. Who was that? - A. Superintendent Pratt.
- Q. It follows he was there that day. Was that the position taken on a previous day? - A. We had occupied that same roof

on other occasions prior to the 18th.

Q. So the option presented by Mr. Pratt, was that option presented on a previous day which you chose the opportunity of using?
- A. Correct, sir.

Q. JUDGE COLES: You say he was there that day? - A. I believe he was, sir, yes.

JUDGE COLES: Anybody else have any questions?

Cross-examined by MR. O'CONNOR

Q. Could I ask about the films. You effectively had stacks of blank tapes, and started filming at six o'clock? - A. That is correct, sir.

Q. Was it a different sort of film which you used when you went up the road with the portable camera or the same? - A. It is the video tape as opposed to film, but it was the same type.

Q. But it was a portable camera rather than the one that had been on the tripod? - A. It was the same camera.

Q. You just detached it and carried it up? - A. Correct.

Q. And the film that you used sometime after 12.30, that was from the stack of blank tapes that you had conveniently beside you on the roof? - A. Yes.

Q. May we take it that you had spare blank tapes when you set off with your camera detached from the tripod? - A. I believe I had some left at that time, sir.

Q. JUDGE COLES: You had spares when you went off to follow the action as it were up the road? - A. It was a brand new tape that was put into the recorder prior to leaving the roof and going up the road. I cannot remember with any certainty whether I had any spare tapes with me at that time although I probably would have had.

Q. You had other spare? - A. We had other spare tapes.

Q. You could have filmed more if you had wanted to? - A. Correct, yes.

JUDGE COLES: Any other questions?

Cross-examined by MR. REES

Q. Can you just help me a little with some times. I think it is right that the last time that is shown on your watch is 12.31, remember that? - A. That is towards the end of tape four if I remember.

Q. Yes? - A. Yes.

Q. So far as the time when you were on the roof with the first

four tapes, you presumably were trying to show the area in front of the Police Officers generally throughout that period?
- A. That is correct, sir, yes.

- Q. And it would be ridiculous to say your film would not show the area? - A. I am sorry, I do not understand.
- Q. You were working to the best of your ability to show the area in front of the Police? - A. Correct, within the limits of the camera.

MR. REES: Thank you, Officer.

JUDGE COLES: Anymore takers?

MR. WALSH: Perhaps I could just ask a question on that.

Re-examined by MR. WALSH

- Q. You say within the limits^{on} of the camera. Could you see everything that was going/at that time? - A. No.
- Q. The other thing is this. You told us that the position on the roof of the medical centre was an option you had been given some days previously? - A. That is correct, sir, yes.
- Q. You used the words "an option". Does that mean you had been given other options as well or what? How did it come about? - A. Yes. I was given the option to film wherever I thought was the best position, and in view of my involvement on other days it seemed that that position was the best option available for the equipment that we had.
- Q. It was your choice? - A. Correct.
- Q. When you went there on the 18th, did you have to report to anyone and ask where you should go, or just go wherever you wanted? - A. No, sir. As on previous days I arrived at the plant, and took my camera to whichever position I thought necessary on that day.
- Q. You were a free agent? - A. Yes, that is correct, sir.

JUDGE COLES: For the time being thank you very much indeed.

THE WITNESS: Could I be released to continue my video duties?

JUDGE COLES: For the time being.

MR. WALSH: You may be required at a later stage, Sergeant, and if so you will be notified.

THE WITNESS: Thank you.

MR. WALSH: We are back to Mr. Clement now.

ASST. CHIEF CON. ANTHONY RAYMOND CLEMENT

Cross-examined by MR. MANSFIELD Contd.

- Q. Mr. Clement, you will recall that yesterday afternoon we had arrived, that is in the narrative, at about 11.20 at the bridgehead or just before the bridge on your estimation you had made, because you indicated on your account that the three stages of moving up the field had taken about an hour from 10.20 to 11.20. Now I want to continue from there to the end, and hopefully I can complete that this afternoon so we know where we are. I am particularly anxious to ask you about your movements and your position. You made it clear the Police had got to the bridgehead but not yourself? - A. Yes.
- Q. So you are some 30 to 40 minutes behind when the Police first arrived at the bridge. Is that right? - A. On this side of the bridge, yes.
- Q. This side meaning the coking plant side? - A. Yes.
- Q. Also yesterday I think you were indicating that you could not say which form of Police, that is mounted or foot, had first arrived at the bridge. Now can you help us or not about which Police Officers, I do not mean individuals, which groups got there first? - A. No.
- Q. You cannot? - A. No.
- Q. Just going on. Did there come a point when you yourself came to the bridge? - A. Yes.
- Q. How long after the Police first arrived at the bridge themselves did you get there? - A. Difficult to say because I was behind a number of Police Officers, those who got there first would probably be out of sight of me. If I said something like ten minutes, 15 minutes, that might be right.
- Q. Again I am not going to pin you to seconds and minutes, but roughly ten to 15 minutes after the Police first arrived? - A. Yes.
- Q. Now, again carefully, did you cross over the bridge yourself at that point having arrived at it? - A. No. I crossed over the bridge after the Officers started to go across the bridge, and I followed them.
- Q. I just want to take it in stages. The Police get to the bridge, ten to 15 minutes later you get to the bridge? - A. About.
- Q. At which time the Police who had got there earlier had moved on? - A. No, they were holding.
- Q. They were holding? - A. Holding there. Actually they were on to the bridge, not exactly at the coking plant side.
- Q. Police on to the bridge? - A. Not all the way across.

- Q. On to the bridge part way across? - A. Yes.
- Q. You catch up, that is what it comes to, is it? - A. Basically, yes.
- Q. Now when you catch up, are you on the coking plant side of the bridge or are you on to the bridge itself? - A. I am on the coking plant side of the bridge, because there is a fair plug of Officers on to the bridge and spread back.
- Q. Would this be at about 11.30, somewhere around there, 11.35, you are on the coking plant side of the bridge with this plug of Officers on the bridge part way over? - A. I am guessing that is around about the time.
- Q. What happened after that? - A. After that the Officers go over the bridge and there are some mounted Officers, but the main body of Officers as I remember who went over the bridge first were the short shield carrying Officers at that stage. I did not allow any unprotected Officers to go over the bridge.
- Q. So short shields plus some horses go up the road towards the village do they? - A. Yes, and my recollection is the horsemen were in front.
- Q. JUDGE COLES: I am not understanding that. The short shield men go across first? - A. No, my Lord. There is a mounted Officer across the bridge. We are held on the bridge. At the time the Officers move over the bridge there are mounted Officers I believe in front with short shield carrying Officers behind, and there are no unprotected Officers at all.
- Q. There were horses in front of the short shield unit? - A. Yes, a big line, did not go over the bridge.
- Q. MR. MANSFIELD: So the Jury understand. I won't take time over this because of the evidence they hear later; that is why this maybe important; unprotected, do you mean Officers with no shields? - A. Officers with no shields and no protective helmets.
- Q. JUDGE COLES: Wearing ordinary? - A. Wearing ordinary Police helmets which constituted the vast majority of those in the line.
- Q. MR. MANSFIELD: Just pausing for a moment before you get to that position, it is right to say, is it not, that there had been no signs of any fire or smoke before that moment? - A. No. I first noticed smoke as I remember when I got near to the bridge.
- Q. JUDGE COLES: I do not know what that means. Areyou agreeing with Counsel that at the time that the horses and the short shield Officers went across the bridge, you were there then of course? - A. Yes, but it was before then that I had seen the smoke, because we held on the bridge for a time. As I came up to the bridge I could see what I thought was oily sort of smoke from somewhere up to the left.

- Q. MR. MANSFIELD: I am going to ask you about that. Could you be wrong about that, because we have all seen a video this morning anyway. There is no question that there was smoke at a certain stage, what I am putting to you is smoke coming from whatever it was later, and you are mistaken. Could you be wrong about that, that it was later, because you are at the bridge for quite a time, are not you? - A. I very much doubt it. I concede that there is a possibility, but my recollection is that as I came up to the bridge, and as we held on to the bridge, there was a column of black oily smoke. I thought from the way I knew the road curved just after the bridge it was likely to be in a scrap yard.
- Q. That is where you thought it was coming from then? - A. Yes.
- Q. Can I just put that in parenthesis for the moment? - A. Right.
- Q. Short shield unit plus some mounted go further up to the bridge? - A. Yes.
- Q. And then they come back? - A. I followed them up.
- Q. You followed them up? - A. Yes, I did.
- Q. You follow leaving a cordon or some plug of Officers across the bridge? - A. But had now moved up to the top side.
- Q. Can I call them the plug. The plug moved up? - A. Yes.
- Q. To top side? - A. Yes.
- Q. Of the bridge? - A. Yes.
- Q. Short shield units are moved up the road with mounted Officers, and you are behind them? - A. I am behind them on my own.
- Q. How far up the road do you personally go at this stage? - A. Not more than 25 yards.
- Q. 25 yards, right? - A. Yes.
- Q. You are quite clear you cleared the bridge and you are going up towards the village? - A. Yes.
- Q. Where was the fire then Mr. Clement? - A. This is what I am saying. I believe there was a column of smoke in the scrap yard to my left.
- Q. I want to get it clear; you have now cleared the bridge before you? - A. Yes.
- Q. In the scrap yard. By the time you have cleared the bridge you can tell whether or not that is where it is coming from, is that right? Was there a column of smoke coming from the scrap yard once you had cleared the bridge? - A. I cannot say, I do not know.
- Q. I am suggesting you cannot say because it had not happened at

that time, and the smoke is not coming from the scrapyard you see? - A. May not have been coming from the scrap yard. I do not know.

- Q. I am just giving you the opportunity to correct a mistake. You may have been mistaken you see. Do you think you may well be wrong that when you first went over the bridge there was not any smoke, and that comes later? - A. No. I have said I thought as I came up to the bridge there was a column of smoke. I could see no flames. I believe there was a column of smoke to the left of the road where we now know the scrap yard is. I believe that to be the case.
- Q. But then you have been wrong before you see? - A. Yes.
- Q. You have been to look at the scrap yard as we have all seen from the road? - A. Yes.
- Q. And you are saying you cannot say whether there was smoke coming from the scrap yard or not? - A. At the time I got over the bridge and up to that point I cannot.
- Q. I want to go on. Having gone up 25 yards, did you ever go back again? - A. After a time.
- Q. How long roughly, five minutes, ten minutes? - A. I would think possibly ten or 15 minutes, something of that sort.

JUDGE COLES: We are back to the line.

MR. MANSFIELD: Back to the plug on the bridge which has gone up to the top side of the bridge.

THE WITNESS: Right. Other Officers came back as well.

- Q. MR. MANSFIELD: Let us start again. From whatever stage of whatever fire, I am suggesting the smoke was later, certainly at that stage when you all went up, no barricades in the road, no car in the road, no stones out, would that be fair? - A. Very fair, some stones in the road, but nothing what transpired later of course.
- Q. Not what the Jury have got in the photographs? - A. Nothing like that at all, just stones that were on the road, having presumably been thrown, but no barricades at all.
- Q. Do you know when pretty well all these defendants were arrested? Do you know the time when they were? - A. I am sorry, I do not.
- Q. You do not? - A. No.
- Q. I am not going to ask you since you say you do not know. Now you go back to the plug as it were? - A. After this, perhaps ten, perhaps 15 minutes.
- Q. And then you halt there do you? - A. No.
- Q. Then what? - A. The Officers moved back from the village, those

I have referred to, the mounted and the short shield Officers, and to enable that to be done in safety I had called up some other horses. There was a mass of demonstrators up towards the village, and I wanted to bring those other horses and the short shield men back with as much safety as I could, and I brought up other horses.

- Q. Is this the point when you say you sent all 42 in? - A. Yes, that is the full compliment of horses arrived up towards the village.
- Q. Can I ask you in relation to the 42 being sent in, what were their instructions, the 42? - A. The 42 Officers; their instructions were contact through other Officers not myself, to hold the line where the short shield Officers were to enable the short shield Officers to come back, and then to return themselves, and to return over the bridge, because I intended moving that plug of Officers back on to the coking plant side.
- Q. Now 42 go in? - A. Well not all the 42, because some are already up there, but the residue go up there.
- Q. Did you know at the time just how far up the 42 went or some of them? - A. No, I did not. I saw them go up towards the village. Obviously I cannot say how far some of them went.
- Q. If you do not know I cannot take it further. How long have the residue, ^{gone} as it were, up the road and beyond, are we talking about another ten or fifteen minutes of the horsemen going up? - A. I would think it probably was something of that order. I remember I had gone back to the bridge. I had given instructions for the bridge to be cleared. We cleared the bridge and moved to the bottom side of the bridge, and then the short shield men came back followed fairly quickly as I remember by the horsemen. Whether they came back in one large body or whether there were two or three stragglers I do not know. I was preparing something on the far side of the bridge at that time, on the coking plant side of the bridge.
- Q. A winged vehicle? - A. Not necessarily. At that time I was deploying men to take up a defensive and passive position along the railway embankment.
- Q. I suggest that adds up to ten or 15 minutes so far, and we are very close to midday at the time the 42 or so make their way back to the bridge? - A. Near to midday?
- Q. Yes? - A. I would have thought it was slightly after that.
- Q. I am not going to quibble about five or ten minutes, slightly after noon, after midday, 12 o'clock? - A. Maybe ten or 15 minutes after.
- Q. Very well. You are back on the bottom side of the bridge, namely the plant side of the bridge holding it? - A. Right.
- Q. Just pausing again. When the Officers had come back on their horses it is still clear, is it, there is still no vehicle in the road, no barricades of the kind shown in the photographs? - A. Absolutely right.

Q. I am going to put to you something that a moment ago you did not realise, that all these defendants save one had been arrested at 20 past 11. Did you know that? - A. No. I have just told you I did not know when they were arrested.

JUDGE COLES: 25 past 11.

MR. MANSFIELD: Something in that region, within five or ten minutes in that period of time, save one:

Q. We have got to the position roughly 12.15 with no barricades in the road other than you said a few stones perhaps? - A. Right.

JUDGE COLES: And all but one of these men in custody.

MR. MANSFIELD: All but one of these in custody. Mr. Moore, would you kindly stand up:

Q. He was one of the ones arrested around 11.20, and I want to ask you whether you saw him in the road the other side of the bridge? - A. The man who has just stood up?

Q. Yes? - A. No. I am sorry. I could not identify any of those chaps there.

Q. I thought you might say that, but I particularly represent Mr. Moore, and there is a reason for asking the question. Was there any particular incident that you saw on the other side of the bridge? - A. Yes.

Q. This is Mr. Scargill, is not it? - A. Right.

Q. I want to take it carefully. This is not, I make it clear to you, Mr. Clement, an investigation into what happened to Mr. Scargill as such, but there is a reason for asking you these questions, and it is on behalf of Mr. Moore that I do so. First of all when was it that you saw Mr. Scargill on the other side of the bridge? - A. I would think it was about 12.10, something of that order, perhaps a little earlier.

Q. 12.10? - A. I am really guessing on time here.

Q. JUDGE COLES: Where do you say you were when you saw him? - A. I was following up the horsemen and the short shield men who were about 20 yards in front of me. I had got to the point

Q. MR. MANSFIELD: Just pause. This is the first occasion, is it when the short shields had gone up with the mounted? - A. Yes.

Q. That is not ten? - A. I am sorry. It is wrong on the time. It is wrong, the time is wrong. It was at the time when I followed the horsemen and the short shield Officers up as they were going up towards the village.

JUDGE COLES: I am sorry, I was interrupted, and I did

not hear the last question or answer.

MR. MANSFIELD: The Officer has said he is quite wrong about the time:

- Q. In fact it must have been - I think you are going to say earlier? - A. Right.
- Q. Because it was at the time you followed up the short shields and the mounted Police the first time they went up? - A. That is right, and there were absolutely no barricades in the road at all. I think I am talking something about 11.30.
- Q. Now you are following up behind the short shields and they have gone up, and I think you said, whilst His Honour was talking to the Clerk, you were 20 yards ahead? - A. I was about 20 yards behind them when I got to the point about 25 yards above the bridge.
- Q. At the point was 25 yards above the bridge? - A. Yes.
- Q. The shields are 20 yards further on? - A. At least that, yes.
- Q. What did you see? - A. You know the whole incident. We are now talking about this gentleman.
- Q. We are talking about Mr. Scargill? - A. I thought we were at the time.
- Q. There is a reason, and I will make it clear, the reason is it is closely related to Mr. Moore, but you say you did not see or if you saw him you did not recognise? - A. No. I did not recognise him.
- Q. What did you see 25 yards above the bridge at about 11.30? - A. As I went up to that point, on the left is a grassverge. Now at the far end of that grassverge, that is away from the road, there is a bank, not a very high bank, and there is a scrap yard or something similar continuing on. At the top of that bank there is what had been a post and chain link fence. At that point the chain link fencing had been taken down although the posts were still there. As I was looking at the bank, from the top of the post down to the ground it's as though it had been broken down but was still up at an angle to the top of the concrete post. Now standing at the top of that bank near to that chain link fencing was Mr. Scargill and two other men.
- Q. That you noted in some detail? - A. Yes, I did, because I spoke to them.
- Q. Just tell us who the other two were, the descriptions that you have? - A. One was a very big man, by big I mean he had a vast stomach. He was not just a fat man. He had a vast stomach, and he had no shirt on.
- Q. So it can be tied up later his name is Mr. Stones (?), did you know that? - A. No, I did not. I did speak to him so I would probably recognise him.

- Q. No shirt, a vast stomach? - A. The second man was much smaller, possibly average height. He had black hair. He was wearing glasses. Despite the heat he had a dark suit on and the lapels of his suit were absolutely covered in little round badges.
- Q. His name is Mr. Wakefield (?). Did you know that? - A. I did not know that.
- Q. Those are the descriptions of the two you say were with Mr. Scargill. What happened in your presence to Mr. Scargill, do you say? - A. They were certainly near to Mr. Scargill when I saw he was turned towards the horsemen who had gone on passed, and then he turned again, and I thought he was looking at me, because you will appreciate
- Q. You know each other? - A. We have seen each other, but at that time I was the only Officer between the horsemen and the short shields who were 20 yards ahead and the bridge.
- Q. Just pause there. So Mr. Povey was not with you at that point? - A. No, he was not. They were both on the bridge. I had left them at the bridge, that is Mr. Povey and Mr. Hale, I am sorry.
- Q. Mr. Povey and Mr. Hale had been left behind on the bridge? - A. Mr. Povey had been left behind on the bridge certainly. Mr. Hale who had been on the bridge may have gone forward with the short shield men, I do not know.
- Q. Question mark Hale, but Povey certainly on the bridge? - A. He is back on the bridge.
- Q. You are the only one there? - A. Yes.
- Q. It looks as though Mr. Scargill is looking towards the horsemen, and then turned again and looked towards you? - A. Yes.
- Q. Then what happened? - A. The next thing I saw was Mr. Scargill sliding on his back, as it were, down the bank there, not a very high bank, two to three feet at the most. As he came down he certainly jerked as though he had been injured. I thought he hit his head on something, and I was almost going to continue walking on.
- Q. What was the something that he hit his head on? - A. I was coming to that, because I saw that when I went over to him
- Q. You saw it did you? - A. Yes.
- Q. No doubt about that? - A. No. I saw what I think he hit his head on, and I also saw what I think he hit his head on later on, top of a barricade.
- Q. Then you can tell us in some detail what it was? - A. Right. You want the?
- Q. Just what was it you saw on the ground? - A. He was on the ground, but it was at the top of the bank virtually covered

- by grass, and it was I thought a railway sleeper of some sort.
- Q. Virtually covered by grass? - A. Lying on the ground and grass had grown up around it.
- Q. Had it? - A. Yes.
- Q. So very difficult to see, is that what you are saying? - A. I saw it.
- Q. You saw it? - A. Yes.
- Q. JUDGE COLES: A sleeper of some kind? - A. Yes, just a normal sleeper, perhaps 9 or 12 inches wide, perhaps about 3 inches thick, and maybe 7' in length, probably a little less, probably 6' to 7' in length.
- Q. MR. MANSFIELD: Just pausing. Do you have any doubt at all that you saw Mr. Scargill slip down, and slip and hit himself or bang his head on what you thought to be a railway sleeper? - A. I have no doubt that I saw him slip down the bank. I cannot be absolutely sure that he hit his head on that railway sleeper. I thought he did.
- Q. Did you go over and speak to the various people themselves? - A. Yes. I just went to Mr. Scargill.
- Q. Did you say, "I saw you slip and hit your head on a railway sleeper"? - A. I said, "Are you all right"? or something of that sort.
- Q. You were told then, were you not, what it was alleged had happened to Mr. Scargill and the others as it happened, but certainly Mr. Scargill, were not you? - A. No, I was not. The only conversation I had was with those two people I have described.
- Q. So you did not know then that the suggestion was that the short shield unit who had gone through there had, in fact, been using their shields as weapons? - A. No, but somebody told me of this allegation very shortly afterwards.
- Q. While Mr. Scargill was still there? - A. I believe so, yes.
- Q. So you went to Mr. Scargill and said, "This is an outrageous suggestion", did you? - A. No. I was still talking to Mr. Scargill.
- Q. Did you go to Mr. Scargill and say, "This is an outrageous suggestion that the short shield unit hit you. I saw you slip down the bank"? - A. No. Mr. Scargill was conscious, but he could not talk.
- Q. Mr. Clement, are you saying he could not talk? - A. He certainly could not talk coherently.
- Q. Just be careful Mr. Clement? - A. I certainly will.
- Q. I will take it in stages. He was certainly dazed, but he

ing quite coherently, was not he? - A. No, he was something.

to the press before he was removed in an ambulance; point, didnot he? - A. Mr. Mansfield, I am talking when I went to Mr. Scargill. When he talked to the wassome time later. I had already arranged to have

at any time before he was removed in the ambulance to him and say, "This allegation I have heard about ing struck on the head by a short shield is a load of ? - A. I did not.

? - A. Because I believe the allegation was mentioned y the Press Officer who came up later. At that time argill was refusing treatment which I had summoned , and he was then taken away in an ambulance.

s a different answer to the one you gave a moment ago, it? - A. No.

our memory is a little short. What you said a moment ago ou did not go up to Mr. Scargill and tell him about act it was an outrageous allegation because? - A. is right.

u remember saying it's because he was being treated in the ance? - A. Not treated in the ambulance. He was being ed at the bottom of the bank. There is a photograph of being treated with me sat beside him with the ambulance

there was an interview with him speaking about what had ened to him, was not there? - A. I did not see that.

ore he was removed from the scene by ambulance? - A. I did see that, I am sorry.

may not have seen it on television, but if you were there ide him - did you see the crew there? - A. No, I didnot. aw people taking still photographs.

annot remember whether it was the BBC or YTV, but one or er of the crew were there with a microphone? - A. I ember photographers.

reason I have gone through this with you I suggest ightway is that you are wrong about this as you were ng about Arthur Scargill walking along the line at ht o'clock in the morning? - A. No, I am sorry.

m going to give you this opportunity. Is there any sibility that if he had been hit on the head by a shield ight have missed it, and he slipped down the bank well? Is that what you are trying to say? - A. He could not sibly have been hit by a shield carrying Officer while was on that bank.

- Q. Because? - A. There is a wide gap between the road and the bank which is a grass verge, and the Officers stayed on the road.
- Q. That answer is carefully noted. The Officers stayed on the road. Your evidence today is that there is no question of a shield bearing Officer being on the grass verge, yes? - A. If he went on the grass verge

(The shorthand writer requested the witness to talk slower)

THE WITNESS: Obviously if they went up the road, and an Officer's foot went off the road, he is on the verge, but they did not deviate from their route up the road to the village. If you are suggesting one of them turned and went across the verge to the bank you are wrong.

- Q. MR. MANSFIELD: Many more than one, and many more feet over the edge of the pavement? - A. No.
- Q. Several Officers? - A. No.
- Q. I am going to suggest what happened, and you were not there. First of all, Mr. Moore, the gentleman who stood up, was standing in the road about a yard away from Mr. Scargill? - A. In the road?
- Q. Yes? - A. So Mr. Scargill was on the bank.
- Q. That is right, when he was hit. He was a yard away from Mr. Moore. Mr. Moore was in the road. I am not going to suggest that you were there on the road near the kerb or verge, but Mr. Scargill was either just on the verge or just in the road, just right on the edge, not up the bank or up the incline whatever it is called. You did not see that? - A. Certainly not.
- Q. He, Mr. Scargill, had his back to the Officers coming up behind, and Officers or a Officer hit Mr. Scargill on the back of the head with a shield, and Mr. Moore himself was eventually surrounded by four or five shield bearing Officers.

JUDGE COLES: One Officer hit Mr. Scargill on the head with his shield and went on.

MR. MANSFIELD: Mr. Moore who was a yard away was surrounded himself by shield bearing Officers. Mr. Scargill went to the ground at that point, not on the bank, but near the verge as it were, and you were not there? - A. That is not correct. Can I just make this clear. The shield carrying Officer as he went passed Mr. Scargill he would be carrying a truncheon, because all the short shield Officers were carrying truncheons, but he chose to hit Mr. Scargill with the shield rather than the truncheon. Is this the point that is being made?

- Q. I am not going to investigate the mentality of the Officer to use a shield rather than a truncheon, Mr. Clement. What

happened then is that the two people whom you have described, one of them Mr. Wakefield, the larger of the two, he was not wearing glasses, it was the other one you described, the second man with the suit wearing glasses? - A. I thought he was.

- Q. I am not going to quibble about that? - A. I would not
- Q. The man with the suit, he had glasses and badges on, that man. He had been standing at the edge of the road, and he crossed over to Mr. Scargill, and so did another man called Stones who himself had been - I will put it neutrally - jostled by riot shield carrying Officers. Those two helped Mr. Scargill up the bank, and that is the point at which you came on the scene after all the action. Do I make myself clear? - A. Yes, but that is not correct.
- Q. It is true to say that your notebook and your statement for that matter, have a considerable amount of detail about this incident, do not they? - A. Yes.
- Q. And you went on television and elsewhere explaining very carefully that Mr. Scargill was utterly wrong; he had not been hit by a shield? - A. He had not been hit by a shield in my view or anything else carried by a Police Officer.
- Q. There was no railway sleeper on the ground where Mr. Scargill was hidden by grass or otherwise, was there? - A. There certainly was, and I think I can show it to you on one of the photographs.
- Q. Now I am going to be careful. You are going to use the bundle of photographs that were shot after 13.25? - A. No, it will be before that. I could show it to you on the film, of the barricade.
- Q. If it will help you by all means have the bundle of photographs the Jury have got. We all know that was taken after 1.25, but you can have it if it will help you. I do not think it has got a number as such, but it is this blue bundle with the

JUDGE COLES: Whilst those photographs are being looked at I had better have a word with the clerk.

- Q. MR. MANSFIELD: You were going to show me something in a photograph? - A. The first photograph in the album, that is this one.

JUDGE COLES: Have you got that ladies and gentlemen? You have two, one with a view of the road, and this one with the steaming barricade.

MR. WALSH: Might I assist, if the Jury would like to number this six. I have been keeping a list of exhibit numbers.

JUDGE COLES: Which are you saying is six?

MR. WALSH: The one with the barricade. At a convenient

time I will give your Honour and the Jury the exhibit numbers that I have made. If they would like to number this six now.

JUDGE COLES: We put an A on, did not we? Put a six on this one.

MR. WALSH: That is five.

JUDGE COLES: Shall we cross out A and put a five.

MRS. BAIRD: Your Honour, I have had a message. If we may have a short adjournment.

JUDGE COLES: Now?

MRS. BAIRD: Yes.

JUDGE COLES: Very well, let me know when you are ready.

Later

- Q. MR. MANSFIELD: Mr. Clement, you were about to assist us all by the bundle of photographs showing the damage, you said the first photograph? - A. Yes.
- Q. What about the first photograph? - A. You see the first barricade, the one that was on fire, there are two men walking across to the right, one has a white shirt. Directly below him there is what I believe to be a railway sleeper.
- Q. Is it that? - A. No. Also to the left is another balk of timber which is very much like a railway sleeper. It is going in at an angle, and I believe that is what I saw at the top of the bank which is immediately to the left of the burning barricade. Mr. Scargill was stood at exactly that point to the immediate left of that burning barricade.
- Q. He is to the immediate left of the burning barricade is he? - A. Yes.
- Q. On the incline just off the photographs and where the barricade is? - A. That is the sort of distance I am talking about. If you look immediately to the left by that telephone pole there is a man who has obviously walked across the grass verge and is going up a slight incline.
- Q. JUDGE COLES: The man with the white shirt again? - A. This man here.
- Q. You are pointing to a man in a white shirt with his sleeves rolled up? - A. Yes. He has walked across the road and across that verge, and he was going up a slight incline. If you bring the man back towards the barricade, that is the point I am referring to.
- Q. MR. MANSFIELD: Beyond the barricade up on the left? - A. That is right.

- Q. JUDGE COLES: Just beyond the barricade? -A. Only just. That is the sort of timber I am referring to which is on the top of that bank.
- Q. MR. MANSFIELD: The sort of timber you are talking about is, and I have not isolated - there is a large bit below the man with the white? - A. Yes
- Q. To the left as you look at it, is it the bit at the point of - could you put your finger on it and then? - A. It is at the back here somewhere. If that is the balk of timber there
- Q. That is the same bit again.
- JUDGE COLES: I do not believe any of us have seen that.
- MR. MANSFIELD: None of us have seen that.
- Q. JUDGE COLES: Did you refer to a piece which was at a 45 degree angle? - A. That is the piece that is going down towards the road.
- Q. Where is the other piece, the piece which you think? - A. Immediately to the right. Directly below the man with the white shirt and the cap on.
- Q. MR. MANSFIELD: It is pointing up facing towards him? - A. I think that is the piece. It is similar to that, about that size.
- Q. JUDGE COLES: I have put a ring round mine. Have I ringed it correctly? - A. Your Honour, yes. It is pointing away from the barricade.
- JUDGE COLES: Members of the Jury, have you got it? There it is:
- Q. You say either is the sleeper or one just like that? - A. It is very similar to it, yes.
- Q. MR. MANSFIELD: Did you ever say at any stage not today but before today about the whole of this incident, that Mr. Scargill caught his foot in the wire fencing before he slipped? - A. I said it was a possibility.
- Q. JUDGE COLES: That is possible? - A. I said that was a possibility because the chain link fencing was cut down.
- Q. MR. MANSFIELD: Did you see any such thing, Mr. Scargill catching his feet? - A. No.
- Q. But you were quite happy to go on television and say what you had seen? - A. That I had seen him
- Q. Catch his foot? - A. I said that was a possibility, because the chain link fencing was broken at that point.

- Q. Just one other thing on this. When you went over to Mr. Scargill with the other two men who you identify? - A. I did not go with them. They were already at the top.
- Q. There is no question of a short shield Officer going with you? - A. None at all.
- Q. Or a short shield Officer/^{being}there helping Mr. Scargill to stand up? - A. Not at all.
- Q. I said before you are lying, and I suggest you are about the whole of this. Did you know that Mr. Wakefield was a photographer, Mr. Clement? - A. No idea.
- Q. You had no idea? - A. I had no idea that Mr. Wakefield takes photographs, no.
- Q. I am going to put some photographs to you as it is only fair. I make it clear to you that Mr. Wakefield will be called, and he will prove these photographs as the ones he took of this incident. I want you to look at them and first say whether you recognise Mr. Scargill on the bank and the Police Officers on the bank with short shields. They are photographs eight and nine, and they are in sequence? - A. Right.
- Q. If you do not accept them I will leave it for the moment, eight and nine? - A. I cannot identify the first one.
- Q. That is photograph eight? - A. Eight.
- Q. Leave that one, what about nine? - A. There are certainly two Police Officers there with a man who could be Arthur Scargill.
- Q. Come on Mr. Clement, look at the photograph again. You are now pausing longer over photograph number nine? - A. Yes.
- Q. Are you saying you do not recognise Mr. Scargill in that photograph? - A. I am not 100 per cent certain that is Mr. Scargill, but it looks like him.
- Q. Who is standing over Mr. Scargill in photograph nine? - A. A civilian and two Police Officers.
- Q. A civilian. We will deal with him first. The civilian I suggest is Mr. Stones? - A. Possibly, I do not know.
- Q. That is the one you described without a shirt because by that time he had removed it? - A. Yes. He is the big man.
- Q. That is the big man? - A. Yes.
- Q. And there are two Police Officers carrying what? - A. Shields.
- Q. What kind of shields? - A. They are short shields.
- Q. Are they in the road Mr. Clement? - A. No.

MR. MANSFIELD: I have no other questions, thank you.

JUDGE COLES: Do we get a look at this photograph?

MR. MANSFIELD: Certainly. There are copies for the Jury and the Crown, and a copy for your Honour.

JUDGE COLES: Any comment about this, Mr. Walsh? I suppose we ought to limit ourselves

MR. WALSH: The problem is only one of them has been identified.

JUDGE COLES: I think the best thing to do is to have photograph nine, fold the thing back and the Jury can have a look at that one. Pass the bundle back. Until we get access to the rest we shall have to contain our curiosity until later.

MR. MANSFIELD: There is a single one. It can be passed round.

JUDGE COLES: Any other questions?

MR. MANSFIELD: I have none, thank you.

MR. TAYLOR: I may not finish tonight, but I won't be quite as long as Mr. Mansfield. With your Honour's leave might I introduce myself to the Jury, and tell them who I represent?

JUDGE COLES: Yes, of course.

(Mr. Taylor addressed the Jury)

Cross-examined by MR. TAYLOR

- Q. Mr. Clement, you gave evidence earlier on that you were pleased to be in charge of Orgreave because it was potentially a very serious situation that needed firm handling? - A. And a unique situation I thought.
- Q. A challenge to you? - A. A challenge to all the Officers there.
- Q. Do you think all the other Officers perhaps were as pleased to be in it as you? - A. I doubt it.
- Q. Do you take credit for the way that it was handled? - A. With the other senior Officers there, yes.
- Q. Of course the personnel in control of something can make an awful difference, cannot they? - A. Of course.
- Q. You were asked earlier on if you had any regrets about the way it was handled, would you have changed anything? - A. Yes.
- Q. Can you recall your answer? - A. Yes.
- Q. What was that? - A. I have said on one occasion I would have brought some shields out earlier to protect the Officers

who were being stoned.

- Q. When was that one occasion? - A. It was one occasion when the Officers were being stoned and there were no shields out in front of them.
- Q. That was not at the beginning of the day, was it? - A. No. It was certainly later.
- Q. It was when the cordon had moved up in the three stage movement? - A. Yes.
- Q. How did it come about that you moved your Officers up in a three stage movement without those shields at the front? - A. They had stopped. There was one stage when they had stopped.
- Q. What did they do then? - A. Some of the Officers were taken away to be given refreshments which left the front line somewhat exposed.
- Q. Do you say that was a riot at that point then? - A. I think it was a continuing riot from early in the morning until 11.25 (?).
- Q. Did you leave your Officers exposed then? - A. They certainly had to be fetched and given something to drink. It was a very hot day. One has to take risks of that sort.
- Q. But we are talking about a riot? - A. Quite.
- Q. Would you be good enough please to look at the Ordnance Survey Map. It is a big one. I cannot point to you I do not think and at the Jury at the same time, therefore if I point to you first of all and then show the Jury what I have shown you on this map. The road that goes from the main gate up the hill and across the bridge. I have put in the road. Do you see that? - A. Yes.

MR. TAYLOR: Members of the Jury you will know I think what I am talking about. I have only coloured it so you can see it from that distance. There it is. The railway line that goes under that bridge I have put in blue, and again you can see the way I have done that in blue:

- Q. It is the branch line. I think you have referred to that as a private line? - A. No. I have not referred to that as a private line. The private line is not - you are referring to the whole part of it as the private line.
- Q. It is the railway line? - A. It is a railway line, yes.

MR. TAYLOR: The members of the Jury can see what I have done there:

- Q. Now you have I believe agreed that you chose this particular field, what we now I think call the top side holding area, as a place where the majority were going to be held? - A. Yes.
- Q. On this map it is pointed out six top side holding area? - A. Right.

- Q. Does that imply that people were to be in fact held there, that is to say contained there? - A. No. What that meant was that the cordon was going to be put across the bottom of that holding area of the road passed which point the demonstrators would not be allowed.
- Q. What if the demonstrators in their thousands just go round it, around that cordon, could they have done? - A. They could have done that, yes.
- Q. To go left around that cordon would have meant them going down a steep bank 20' or so into this big field? - A. Yes.
- Q. Where Highfield Lane is written? - A. Yes.
- Q. Where your command post and reserves were kept? - A. It is beyond that big field where the command post is and the reserves are.
- Q. At the top where the railway line crosses under the bridge you have said you had some dogs positioned there? - A. Sorry.
- Q. At the top where Highfield Lane is written, just along the Parkway there - perhaps if I could point on this top area just to the left of the bridge, there were some dogs at the top.

JUDGE COLES: By the electrical sub station.

MR. TAYLOR: That is right, your Honour.

JUDGE COLES: Or one of them.

THE WITNESS: I do not know, I am not following.

- Q. MR. TAYLOR: There is a footpath/^{which} cuts across that way from the Parkway, is not there? - A. Yes.
- Q. And there were dogs there? - A. Yes, and there is a spoil heap at the back as well.
- Q. I think we perhaps would have noticed that on the walk. There were dogs around the private line and the woods which we can see on the aerial photograph? - A. Circulating around the coking plant and back towards Highfield Lane.
- Q. What I want to do very briefly is to examine that battlefield with you in a little bit more detail. At the front of the miners gathering there were people who could be called the infantry, and they are people who would run at you and storm you on foot? - A. Yes.
- Q. Had they done that on previous days? - A. Yes.
- Q. And their contents? - A. Yes.
- Q. Not breaking through? - A. Yes.
- Q. Behind the infantry would have been the artillery? - A. The

throwers.

- Q. People you say throwing missiles? - A. Yes, quite a clear demarkation line of course.
- Q. Mainly concentrating on the road area? - A. On this particular day or previous days?
- Q. On this particular day? - A. On this particular day apart from certain occasions, most violence came from the road.
- Q. Setting your line up in that way, your cordon in that way, by any stage of the confrontation you had come to expect a big push when the lorries came in? - A. Yes.
- Q. And when the lorries, the convoy were seen on the horizon, you knew that you would have a big firm line ready for the push, and your Officers knew that as well? - A. Yes.
- Q. When the push came it was held off, the first push? - A. Yes.
- Q. On this occasion. We have just seen it on video. You told the Jury earlier on that when the second push came, that is when the convoy left at 9.20, there was no possibility whatsoever of the cordon being broken? - A. I would think not.
- Q. Because you had your garrison, if I can put it that way, strengthened, and there were no problems at all? - A. Right.
- Q. Do you agree that looking at that video there was a short-lived push, 9.31, easily contained? - A. It was not as violent as others.
- Q. It was something that you could easily do, was not it, to hold that push? - A. It took a fair amount of effort, and a lot of Police Officers, certainly.
- Q. Now if the day had ended at that point, in your considered opinion would there have been a riot? - A. At that point?
- Q. Would you have called it a riot? - A. Yes, I would have done. with that number of people.
- Q. That had happened on a number of previous days? - A. Yes. There certainly were not so many people there on previous days.
- Q. The push that you have mentioned on both occasions you have said that 2,000 people came at the Policeline? - A. About, yes.
- Q. Down the road? - A. Yes.
- Q. Well now, the road is an average road, is not it, about 30' wide? - A. Yes.
- Q. I suppose we have got 15 people in the dock, if that is the best way to look at it. They would not cover the whole roadway if you put them all in one row? - A. Yes.

- Q. They might? - A. Yes.
- Q. And there is only 15 of them, so if they were standing, say 20 of them in the roadway? - A. And on the footpath, yes.
- Q. You can just imagine looking at that mass of people, this big mass of people we have got in court, if there were 20 in the roadway, to make 2,000 coming at you they would have to be about 100 deep? - A. Yes, stretching way back up the road.
- Q. And that is what you say happened? - A. You could see it on there, coming down the road.
- Q. I am not going to comment on the video because the Jury will have seen that for themselves, but you say a 100 deep line of people came down the road? - A. A mass of people coming down the road blocking the road completely.
- Q. That 2,000 you have mentioned were the violent ones, not just people being carried along? - A. Yes.
- Q. How many people do you say were being carried along? - A. I do not know.
- Q. The same number or half the number? - A. I do not know. It is impossible to say.
- Q. But 100 deep coming pushing violently at that line? - A. Yes.
- Q. That is your evidence? - A. Yes.
- Q. The second push at 9.30 needed no mounted Police to repel it, did it? - A. Not on the road certainly.
- Q. Or on the field. There were no mounted Police used at 9.25 on the cordon when the convoy left? - A. Really the mounted Police were not used to repel pushers. The pushers were held by the cordon Officers, and the mounted Officers were used to disperse them. Basically they were held by uniformed personnel in the cordon unprotected.
- Q. At 9.25? - A. Yes.
- Q. If that is the case what was it that prompted you to clear the area? - A. I have already given evidence on that fact, that is that there was stoning of the Officers, there was surging, and there was another run of the coking lorry later that day.
- Q. The pushing you would come to expect, and you have said quite fairly that you could hold the pushers easily? - A. Yes. When you say pushers we had come to expect there were some pushers far more violent than others. We have tolerated the pushing, the shouting, as long as there has been no violence.
- Q. There have been pushing of people like a huge rugby scrum coming together with no rest? - A. On other occasions, yes.

- Q. And you are placed or set up in that way so you can concentrate the greatest number of pickets with the greatest number of Police in one place? - A. Yes.
- Q. Because you do not want them straggling all over the place coming round the back of you and so on? - A. Right.
- Q. So the push is something you have learnt to cope with, repel, and there is not much to do, is there? - A. It depends what the push is. Sometimes you can get a good-natured push particularly at the pit where there are local men, but other places like the City Hall and Duke Street where they have come from other places other than South Yorkshire, violence has been extreme.
- Q. You may have heard Police Officers on various occasions on the line saying to the pickets, "Come on boys, aren't you going to give us a push"? - A. You see that at smaller pits, yes. In fact there was friendliness between the local Police Officers and the local miners.
- Q. You had cleared the area of the pushers. I want to know what other reasons there were? - A. We could possibly have contained the pushers if they had come later on that day with the second run. We might not have been able to do it without taking fairly serious injury, but inbetween that time there was stone throwing.
- Q. I will refer to the film on these points, but when you went with your mounted Police Officers and short shields through those lines at 8.35, that is the first time that the short shields were used? - A. Yes.
- Q. On the roadway and on the field just before that, what do you say was happening to justify sending them in at that point? - A. Just before that?
- Q. Yes? - A. It all depends what you mean by just before that. If you mean five to ten minutes or 15 minutes before that, there was stoning of the Officers, and you could hear the Officers shouting on the video, "Heads up".
- Q. If you could hear them shouting, "Heads up", that means there was light throwing where they can still see and shout, "Heads up"? - A. It all depends how many times they shout, "Heads up".
- Q. When the video was on did you make a note of the number of times "Heads up" was mentioned? - A. No. I did make a note a number of times, I wrote down "Stoning continuing, stoning continuing".
- Q. Did you see heavy stoning in that film? - A. Yes, I did.
- Q. I thought that earlier on you had told the Jury if Officers said, "Heads up" there was light stoning coming, and everybody could get out of the way? - A. Hopefully they could, yes.
- Q. Or block it or something. At 8.35 they were singing, "Here we go", were not they, that song that they always sing? - A.

Yes.

- Q. That Everton have now made famous? - A. Yes.
- Q. And clapping as well? - A. Yes.
- Q. They were not pushing, were they? - A. No, but experience is when the shouting of, "Here we go", goes up, it is followed very very quickly by pushing.
- Q. It did not happen did it on this occasion? - A. Yes, maybe not on that occasion.
- Q. Were there pickets at the front clapping, because you cannot throw stones and push Police Officers while you are clapping? - A. Are you suggesting every demonstrator was clapping?
- Q. There was loud clapping, and the lead pickets were singing at that time.

JUDGE COLES: Your case is all the Welshmen were singing, is it?

MR. TAYLOR: If part of the evidence against the rioters is that they were singing, I would submit the Welshmen could not be singing, because they would not be singing that song which is a football song. They would probably be singing a hymn. I wonder if that seems a convenient moment.

JUDGE COLES: 10.30 tomorrow morning.
