

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield

21st May, 1985.

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY

and Others

APPEARANCES:

For the Prosecution: MR. B. WALSH, Q.C. and
MR. K.R. KEEN

For the Defence: See Attached Sheet

From the Shorthand Notes of J.L. Harpham Ltd.,
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Tuesday, 21st May, 1985.

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Defendants and Representation:

DEFENDANT

WILLIAM ALBERT GREENAWAY
DAVID MOORE
BERNARD JACKSON
GEORGE KERR McLELLAND FOULDS
BRIAN IRVINE MORELAND
ERNEST BARBER
DAVID RONALD COSTON
KEVIN MARSHALL
ARTHUR HOWARD CRICLOW
GEORGE WARWICK FORSTER
JAMES O'BRIEN
CRAIG WADDINGTON
ERIC SCOTT NEWBIGGING
STEFAN WYSOCKI
DAVID BELL

REPRESENTED BY:

MR. G. TAYLOR
MR. M. MANSFIELD
MR. M. MANSFIELD
MR. P. O'CONNOR
MRS. V. BAIRD
MISS M. RUSSELL
MRS. V. BAIRD
MR. E.P. REES
MR. P. O'CONNOR
MRS. V. BAIRD
MR. P. GRIFFITHS
MR. M. MANSFIELD
MR. E.P. REES
MISS M. RUSSELL
MISS M. RUSSELL

ASSISTANT CHIEF CONSTABLE CLEMENTS Recalled

Cross-examined by MR. REES:

JUDGE COLES: Before we begin, I have been supplied, very kindly, with some handwritten notes of evidence, I think probably by the Defence, beginning at Page 197. I don't know what is intended. Am I intended to have 1 - 196, or not?

MR. MANSFIELD: We are, in fact, happy to provide them, not only to the Crown, but also to your Honour, as there is one present keeping notes. It is just to assist anyone. I'm sorry there is a gap.

JUDGE COLES: Not at all. I have the index, you see.

MR. MANSFIELD: Yes. I think it starts with the opening, right the way through. I will get the rest.

JUDGE COLES: Yes. Thank you very much indeed.

MR. REES: My name, members of the Jury, is Edward Rees. My two clients - would you stand up? Eric Newbigging, from Scotland, and Kevin Marshall, from Yorkshire:

- Q. Now, Mr. Clements, we will only have a couple of days together. I am a little confused by some of your evidence. Perhaps you can help me with it? Now, as I understand it, you are able to make a distinction between what you have termed the true miner and the violent miner. I think, for example, you have been quoted in the Press as saying that the true miner is not the one that caused trouble? - A. That is our experience in South Yorkshire.
- Q. And I think you and your evidence, in the early part of it - I am not going to take you through it from start to finish, but at the early part of it, about 6.30, 6.45, you painted a picture of the true miner arriving, talking about the Police directing miners as they arrived, and you said, "As always, the miners were affable and moved when requested and everyone did as requested"? - A. At the start of the day, yes.
- Q. I am sure you were interested that on that day - and it was a beautiful day, a glorious morning, birds singing, and there were many men there, perhaps the majority of men - this was the 100th day of the strike - who were there in a sense as part of a garish gathering, a show of numbers, because it was the 100th day of the strike? - A. I think many were there because they had been told to go there, yes.
- Q. The symbolic show of numbers, a beautiful day, a good atmosphere, the men coming along to take part in that? - A. As I say, I think they came because they had been told to come.

Q. You don't accept what I put? - A. No. We're talking about people from 200 miles away, aren't we?

Q. Yes. - A. Who came just because it was a nice day?

Q. No. I think you understand what I am saying, who came because it was the 100th day of the strike, who came to show their solidarity, their numbers and their support for the strike? - A. Well, as they came from Scotland, we have them in Scotland on the 100th day of the strike, they might have had a celebration there, in Durham, they might have had a celebration there, in South Yorkshire, South Wales, they might have had a celebration there, but they came to Orgreave.

Q. You think the only reason they came to Orgreave was because they were told to come? Mindless individuals who simply egg on others there - A. I don't know about that. They came

JUDGE COLES: You will have to speak separately, otherwise the shorthand writer is going to have difficulty writing both things. Do allow the witness to answer and, Mr. Clement, wait for counsel to finish.

Q. MR. REES: Are you saying that they are mindless automatons who simply take orders? - A. No, I am not.

Q. Do you think that it is possible that the people who you have termed as true miners came, initially, that day with no violent intention whatsoever and became missile throwers as the day went on, became missile throwers because of the events? - A. Possibly one or two of them did. I don't know.

Q. One or two? - A. Yes. I don't know.

Q. So there is no confusion between the two of us, your opinion is that of the true miner, as you identify him, only one or two might have actually become physically involved in the events of that day? - A. I don't know. It's a figure of speech. I don't know.

Q. Why do you think that they might have done this, these true miners? - A. Well, some of them might have been caught up in the atmosphere, and the other reasons, well, you will have to ask them.

Q. Do you think in any way that the Police behaviour caused the men to act in the way that they did? - A. No.

Q. Not at all? - A. No.

Q. Not in the slightest? - A. No. I think it would have caused men to go home.

Q. Do you accept that some of the missile throwers, in ordinary circumstances, are ordinary, decent men? - A. I would accept that, in some cases, yes.

Q. Did your sentiments change, and your regard for the true miner, once they had become the missile thrower, when the position is that if they have committed criminal offences, if they didn't get out of the way of your men, to quote you, you wouldn't be worried in the slightest if they were trampled by horses? - A. I didn't say that. Early on there was a situation with a man who stood his ground in the road when the horses were coming towards him and he did not turn and run and was trampled. In answer to the question, what were my feelings, I said if a man is silly enough to stand in the road when horses are coming towards him and all his friends are fleeing, well, that's

Q. You went a little further than that. You said, "I wouldn't be worried in the slightest if he was trampled by horses". Do you stick by that? - A. I'm sorry, but what I will stick by is that in that sort of situation, if a man stands his ground, the consequences are his.

Q. And you wouldn't be worried in the slightest?

JUDGE COLES: Well, he's said that already, Mr. Rees. Let's get on.

Q. MR. REES: Well, let's move on. Are you seriously suggesting, are you of the opinion that the miners really thought they could break through the Police lines unarmed? - A. Indeed. That was the intention.

Q. This is what we have seen in that video and those photographs? - A. Yes, because it was my intention that they should not.

Q. I appreciate that, and you suggest that was a serious attempt, and that was the mass idea, as it were, to break through those lines? - A. I can't see any other reason why they charged the Police lines.

Q. You have said that they came hundreds of miles to attack the community of South Yorkshire? - A. Right, yes.

Q. Do you believe that? - A. I do, yes. These miners came to attack the community. I am selected by the community to be a Chief Police Officer. It is my job to prevent that sort of thing happening in South Yorkshire.

Q. You aren't elected. - A. No. I said I was selected by the community of South Yorkshire.

Q. Which community specifically? What is the community that these men have come from Wales and Scotland and, indeed, your own county, to attack? - A. Well, there was the community of Orgreave where there were men working, going about their lawful business, doing their job in a British Steel Corporation factory, not connected with the N.U.M., they were British Steel Corporation employees, they worked there for, presumably, many, many years, and there were other men who were coming in lorries to take away the products of their labour.

MR. REES: I am grateful, your Honour:

- Q. Mr. Clements, what the shorthandwriter noted was this: You were asked by Mr. Mansfield, "The Police took a film of the events that we have been going through, didn't they?", and you said, "Yes". - A. Yes.
- Q. He said, "They were stationed just behind where you were" and you said, "I can point out where they were stationed, if you wish". - A. Yes.
- Q. Mr. Mansfield said, "Just tell us where they were", and you said, "On the roof of what is known as the medical centre, which is just past the main entrance to Orgreave and just behind the small road". - A. Yes.

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were never a side-line. The whole intention of the 18th June, on our part, was to see that the lorries went about their lawful business, and it seemed to me that the whole intention on the other side was to stop those lorries going about their lawful business. That was simply it.

- Q. Let's look at some of the things they did. We haven't seen photographs of the sticks in the road, of the burning of the barricade. - A. Yes. They're not very pleasant to look at, quite frightening.
- Q. Yes. These sticks, they hadn't been sharpened on that day. They were pointed sticks, but not clean, newly cut wood? - A. No. I have always believed that they came from the trees, small trees at the side of the road. The trees were broken down, the sticks were taken. That is what I believe.
- Q. And the sticks, the barricades, were there basically to keep the horses back? - A. I would think that was the intention.
- Q. It was a defensive structure? - A. Yes, I would think so.
- Q. So far as the flames are concerned, burning the barricade works both ways, does it not? The wall of fire keeps back the Police, but also stops the pickets going over? - A. But, it doesn't stop them throwing over it.
- Q. But, it stops the Police coming forward? - A. Yes, it stops the Police coming forward.
- Q. Now, on your own version, everything that you did - and we have heard your justification for it, but everything you did after putting out the long shields in the cordon, made the miners' response worse - and I now also ask you the rights and wrongs, but that was the fact of the matter? - A. I think it was, yes.
- Q. And you have accepted that the bringing out of long shields - and we have heard your justification - is of itself provocative. Now, before, I think, you agreed

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that provocation is a very emotive term? - A. Yes.

Q. It is? - A. The reality is that whereas somebody might not throw a stone at a man's face, a big plastic shield like that is a more identifiable target. There is a clear difference between throwing a stone at a man and at a shield. You are throwing stones towards a line of Policemen. If they miss the shield and hit the Policeman, that's it.

Q. They present a target which a man is faced with? -
A. As far as I'm concerned, they present a shield against an officer being hit.

Q. You do accept, I think, don't you, the dangers of bringing out shields and that creating something? -
A. Yes.

Q. You do accept that? - A. Yes, of course. There are dangers to all sorts of Police manoeuvres, tactics, decisions, deployments. There has got to be. To some people, the mere presence of a Police Officer is provocative.

Q. And, for reasons you explained, there may come a time when you put the horses out and respond to that, or when the horses came back (inaudible)
- A. Yes.

Q. And so on, throughout the day, and as the day went on things got worse? - A. Yes.

Q. Now, one of the things I'm not sure about, and I'm sure it's my fault entirely, and it is in relation to that video. Now, I want to just put to you what you said and then perhaps you can help me with that. I don't know whether your Honour has had this. We have been provided with a transcript of the cross-examination by Mr. Mansfield on the 15th, dealing with the videos?

JUDGE COLES: Yes, I have. I am grateful.

MR. REES: I am grateful, your Honour:

Q. Mr. Clements, what the shorthandwriter noted was this: You were asked by Mr. Mansfield, "The Police took a film of the events that we have been going through, didn't they?", and you said, "Yes". - A. Yes.

Q. He said, "They were stationed just behind where you were" and you said, "I can point out where they were stationed, if you wish". - A. Yes.

Q. Mr. Mansfield said, "Just tell us where they were", and you said, "On the roof of what is known as the medical centre, which is just past the main entrance to Orgreave and just behind the small road". - A. Yes.

- Q. JUDGE COLES: Looking back on it now, Mr. Clements, do you recall seeing specific Police films which you would remember, presumably in a specific Police room on a specific Police video recorder? - A. Yes. I can't specifically say that I've seen that. I have seen another film which is a compendium of parts from that and from ITN and BBC films which have been shown as a training programme at Bramshill (?).
- Q. So, you saw a film, and was it a compendium of the Police videos which we have seen with BBC and ITN film edited into it, used as training? - A. Yes. It lasted about 40 minutes, if I remember.
- Q. MR. REES: If I put it to you that you make it up as you go along, that would be a monstrous allegation? - A. It certainly would, yes, yes.
- Q. Just one final matter on that. You see, you are able to tell Mr. Mansfield the film didn't show the area at 9.25? Right? We need an answer for the shorthand note. - A. Yes.
- Q. You had watched the events up to 9.25 on this film. - A. When were these questions put? I'm sorry.
- Q. These questions were put on the 15th May. Do you want more help than this? - A. The films were shown on the ...?
- Q. You were asked before you saw the films. - A. Which is what I am saying. The films were shown on the 15th.
- Q. The questions were asked on the 15th, the film the following day. The questions were asked before the film was shown. Do you want me to give you any more assistance? - A. No.
- Q. I am asking you how you were able to say to Mr. Mansfield that the film didn't show the events in the area at 9.25. Had you seen it up to then? - A. No. I have seen the compendium of films.
- Q. But, the compendium of films - I think you have already said this, in fact - show the shoves against the Police line which led to the Police horses going out. I think they were, according to the film, just before 8.15, and the second one at 8.25? - A. Yes, I believe that they did.
- Q. And the position there is we have shoves shown on the film, the start of the shoves up to that point where Police horses go through on the road? - A. Yes.
- Q. And do you remember Mr. Mansfield putting to you that the 8.15 shove by the miners, from start to finish - and so there is no confusion about this, from the start of the miners moving down the line, making contact and the horses going through. Do you remember Mr. Mansfield saying, putting to you that that shove, that period lasted 58 seconds, and you said that was ridiculous? - A. Mmm, yes.
- Q. And you said you thought the first shove lasted ten minutes? - A. Yes.

- Q. Well, you have now seen the film, that shove on the film? - A. Yes.
- Q. If that shove is correctly timed, the period I am talking about, which is 58 seconds, which you say is wrong - A. It isn't a question of wrong. You will see the preparation for the shove and the movement at the back, which comes down towards the front and then there is the contact. Now, the actual bodily contact right at the front could well have only lasted a minute or a little longer
- Q. 58 seconds. - A. But, the movement down towards the front lasted considerably longer than that.
- Q. So, it is a nine-minute period? - A. No.
- Q. What then? The end of the period is the horses going in. - A. Yes, that's right.
- Q. So, we come back from that, if it is ten minutes, which you said? - A. Yes, about.
- Q. Then, we have the nine-minute build-up period and a 58 second shove? - A. Whether it is 58 seconds or not, I don't know, but a 58 second bodily contact at the front before the horses come in.
- Q. No, I am putting to you 58 seconds from the movement towards the line, physical contact, and the horses going in. - A. That, I think, is wrong.
- Q. You think it is wrong? - A. Yes, I do.
- Q. Preceded by nine minutes preparation? - A. There was usually a build-up.
- Q. Preceded by nine minutes preparation? - A. Yes, a build-up.
- Q. I am sorry to repeat it, but I don't get the answers. - A. It is a build-up which precedes the event.
- Q. The second one, at 8.25, timed - you may not accept this, but it may turn out to be 28 seconds. - A. I wouldn't accept that.
- Q. You wouldn't accept that? - A. No.
- Q. That is ridiculous as well? - A. You are going from the film, are you?
- Q. Yes

JUDGE COLES: How many seconds?

MR. REES: 28.

- Q. MR. REES: You accepted with Mr. Mansfield that you once told a reporter, talking in the first person, that you were publicly delighted to be in charge of Orgreave because it was the sort of situation that had to be dealt with firmly? - A. Yes.

Q. You seemed to, in your remark, be associating yourself with firmness, because you say it was the sort of situation that had to be dealt with firmly? You seemed to be linking yourself with firmness. -
A. Yes, it had to be a firm operation.

Q. But, you link yourself as a personality, as a strategist with firmness. You accept that? - A. Yes.

Q. And in other parts of your evidence, humanity and compassion? - A. Yes.

Q. Humanity, compassion and firmness? - A. Yes.

Q. Which I think you say vitiates that firmness

JUDGE COLES: Now, Mr. Rees, please confine yourself to questions and not the sort of questions which have not only build-in comment, but built-in prejudiced comment. Now, let us examine the facts of this case and remain calm.

Q. MR. REES: I am sorry. Your history is of being a (inaudible) - A. Not the parachute regiment. I was signal squadron and later on (inaudible)

Q. We have certain details of injuries recorded that day, provided to us by the Crown. I would just like to ask you the position as at 9.40, for example, in the morning. I just want to take you through the injuries as recorded by the Police that day. 9.40 a.m., details we have been given here: Police Officers being treated in hospital, one from South Yorkshire, two from West Yorkshire, one from Thames Valley, one Police Officer treated at the scene, from South Yorkshire. That is five policemen. Nine pickets being treated in hospital - three of those are prisoners. Two being treated at the scene - both prisoners.

JUDGE COLES: How many were prisoners?

MR. REES: Your Honour, three of the nine being treated at hospital were prisoners, two being treated at the scene were prisoners, at 9.40 a.m..

MR. WALSH: Your Honour, if my learned friend is quoting from details supplied, there are earlier times.

MR. REES: I was not wishing to talk a lot about it.

MR. WALSH: If it is relevant, if my learned friend wishes to quote figures, he might start at the beginning.

JUDGE COLES: If you find the figures relevant what Mr. Walsh says is that they ought to be put in context and we ought to have them all.

Q. MR. REES: The basic point I want to put is this: That throughout the day ...

JUDGE COLES: Are we going to have the figures or not?

MR. REES: Yes, your Honour, I will go through them all if needs be. If my learned friend can refer me to the earlier part he has in mind.

MR. WALSH: My learned friend is referring to some details supplied to him. He has them all. What I am talking about is if he wants to put them in insofar as he considers them to be relevant, then he cannot be selective. He must put them all in.

JUDGE COLES: That must be right. I must ask that you consider that matter.

MR. REES: I have considered that matter. I am putting information that has been supplied in a particular form. I am confining it slightly to one aspect of that information.

JUDGE COLES: I don't think you can pick and choose information. I haven't seen it. I am not in a particularly good position to judge what the position is, but in principle it seems to me Mr. Walsh must have a legitimate complaint, if you are collecting certain figures.

MR. REES: Certainly, if I was putting partial information about injuries and had thought I had started at the beginning - that's why I am asking him to refer me to the page

JUDGE COLES: Let's not waste time. It is not a matter of negative solution. Let's get on with it in comfort.

MR. REES: Your Honour, as my learned friend is suggesting that there is an earlier reference to injuries, if there is then I shall put it.

JUDGE COLES: Mr. Rees, I fail to see how I am in a position to sit

MR. REES: I am asking him

JUDGE COLES: I do not have the figures in front of me.

MR. WALSH: Your Honour, I have, and my learned friend should know, but I cannot say any more unless I address your Honour on a matter of Law.

JUDGE COLES: Mr. Rees, would you like some time to think about this? Would you like the Jury to retire and me to consider the matter?

MR. REES: There must be some misunderstanding between my learned friend and myself. It may be the matter should be resolved in the absence of the Jury.

JUDGE COLES: Very well. Members of the Jury, would you go to your room for a few minutes while we sort this out?

(In the absence of the Jury)

MR. WALSH: Your Honour, one of the reasons I have stopped my learned friend, Mr. Rees, is because it is going to affect his other colleagues in another way. My learned friend is referring to a log kept at Police Headquarters

MISS BAIRD: May Mr. Clement be asked to withdraw whilst we discuss this matter? Forgive me for interrupting.

JUDGE COLES: If you wish.

(The Witness withdrew)

JUDGE COLES: Thank you, Miss Baird.

MR. WALSH: Your Honour, my learned friend is referring to a log kept at Police Headquarters in Sheffield.

JUDGE COLES: Is this additional evidence?

MR. WALSH: Yes, your Honour, which Mr. Clement referred to during the course of his cross-examination, my learned friends having known about this for a long time, because we have prepared extracts of it for them, first of all, my learned friend, Mr. Keen, in handwriting, handed it round, and then what he had put in in handwriting was typed up and handed to my learned friends. Now, my learned friends are anxious at the moment that this document does not go in. I shall wish to address your Honour about the admissibility at some stage. So, therefore, because it was not my learned friend, Mr. Rees, who asked me about its admissibility, it was other of my learned friends, so I didn't want to mention this in the presence of the Jury. But, if my learned friend will look at the first reference on the log to actual persons being injured and receiving treatment, it is not at 9.40, but at 8.50, and it seems to me

JUDGE COLES: What page? I have just been handed this, I am bound to say.

MR. WALSH: Page 10, your Honour. 08.50, there are four officers and six pickets in Rotherham Hospital, being treated at this time, which obviously, from what one's knowledge is of times, getting to hospital and so forth, means the incidents must have happened earlier, and so on. I was seeking to suggest to my learned friend that if he is asking a question designed to show at what time, or which might make the Jury conclude at what time any injuries were sustained

JUDGE COLES: Well, very well, as it has been put in cross-examination before that 9.35 was a fairly important time

MR. WALSH: Yes. It seems to be that it would be misleading - and I don't suggest intentionally so - that the Jury, and, as it were, hearing the cross-examination start at the point my learned friend chose to start it - indeed, that is the point I am making.

MR. REES: I apologise, your Honour. I did not intend to be misleading. I am quite happy to put that. It is my fault. I didn't simply start

JUDGE COLES: People can make mistakes without intending to.

MR. REES: Indeed. I am concerned whether my learned friend should seek to argue that by virtue of my cross-examination, with reference to this log, the whole log goes in. That, I would seek to resist.

JUDGE COLES: Not having read the log, I am hardly in a position to give a ruling about it, but I am clear that starting your cross-examination where you did, you certainly put in the 8.50 figures.

MR. REES: Yes, your Honour. My understanding of the confidential status, if not of this document, is that it is a compilation of information received from various sources. Now, it may be that there are certain matters on this log which could be agreed. I am putting this reference to this log because it would appear that there is contention, and the Defence attitude to the log as a whole is that there are reports of events, for example

JUDGE COLES: My first reaction to that, failing agreement, is that you cannot just pick out material you don't mind having without putting in material which the Prosecution want. Either it is reliable information or it is not.

MR. REES: No, with respect.

JUDGE COLES: Either it comes from various sources and, therefore, is unreliable without specific evidence, or it is. You cannot choose.

MR. REES: It is not a deposition, with respect, or a statement.

JUDGE COLES: Then what use is it to anybody?

MR. REES: It is merely for guidance in this case, as I understand it. If there can be agreement and matters can be put before the Jury, so be it, with respect.

JUDGE COLES: Forgive me, Mr. Rees, but one thing that appears to have been lacking in the last twenty minutes is agreement.

MR. REES: My learned friend doesn't object to me putting them in. I understand he is saying I should have started earlier. I accept that entirely, but, if he goes beyond that I am concerned and I do resist the suggestion that by taking aspects of the log which are not objected to by the Crown

JUDGE COLES: Forgive me, but you know they are not agreed to because Mr. Walsh is clearly making his agreement on the 9.40 figures conditional upon agreement on the 8.50 figures.

MR. REES: So be it, your Honour. There are two aspects

JUDGE COLES: I think the sensible thing is for this matter to be considered by counsel to see what is agreed and what is not.

MR. WALSH: I had no idea my learned friend was going to cross-examine about this document, your Honour. He does so at his peril. The Crown will seek to adduce this document and put it in evidence.

JUDGE COLES: That must be right. You say, at the moment, so far as you are concerned there is no agreement, Mr. Walsh?

MR. WALSH: Precisely, yes, your Honour.

MR. GRIFFITHS: May I, your Honour? This could affect my client and, indeed, my learned friends' clients, and this I should have made clear to my learned friend, Mr. Walsh, that I was objecting to this very wide-ranging log which your Honour, when your Honour has had the opportunity of looking at it, will see covers a whole multitude of things, either directly or indirectly, or sometimes very notionally connected with matters in this case. So, it has been supplied to the Defence at the Defence's request by way of a general supplying of information to the Defence so that there may be matters which, for instance, I had come to a provisional agreement with my learned friend for the Crown that if there was a matter which was thrown up which was important to my client's case, he would agree to do his best to find out the source of the information so we could go directly to the source. So, may I suggest if my learned friend, Mr. Rees, does need these figures in the course of his cross-examination then I am sure casualty figures are capable of clear agreement and a simple schedule wouldn't take more than ten minutes or so to be extracted which then my learned friend, in agreement with Mr. Walsh, could use in his cross-examination and the rest of us are not prejudiced with regard to the log.

MR. REES: I was about to suggest that. Does your Honour, then, think that at this stage it would be sensible to see if we can agree what references to injuries should be made?

JUDGE COLES: At this stage, all I am prepared to do is to rule on the propriety or otherwise of your cross-examination. What results in that may or may not be is a matter I shall have to consider later. If you are asking for a short adjournment so that you can seek to reach an agreement on certain matters, you shall have it.

MR. REES: I do make that application.

JUDGE COLES: We were going to adjourn at quarter-to-twelve for the Jury. Perhaps we can bring that forward until now and I will adjourn until twenty-to-twelve, but, of course, take as long as necessary to reach agreement, if you can.

MR. WALSH: Could I say one thing. It will assist my learned friend, Mr. Griffiths, who I had in mind, of course, when I rose - as he indicated to your Honour, I have discussed with him certain matters, questions that I shall in any event ask Mr. Clement in re-examination concerning the log without necessarily putting it in at that stage and, so far, we are in agreement and he and I have discussed the matter when no-one else has raised any problems.

MISS RUSSELL: I think a number of us take issue with the log and all of us, I think, would like an indication from the Crown during this adjournment as to what matters on this log, even if

the log then is not adduced, are going to be put in re-examination of Mr. Clement, because obviously there are matters, the admissibility of which a number of us might question; and if questions are to be asked based on other matters in the log, contentious matters, then obviously we would like to be put on notice so we can argue questions of admissibility, should they arise.

JUDGE COLES: Your remarks are addressed to Mr. Walsh and he has heard them. At this stage, is there anything I can help with?

MR. WALSH: No, your Honour.

(Short Adjournment)

(In the Absence of the Jury)

MR. WALSH: Your Honour, may I say I have been able to discuss these matters with my learned friend, Mr. Rees, and we have been able to reach agreement about what he can put in, prefacing it with this: That it is not contended by either side that the figures or numbers of persons injured as set out in the log, which is the source of this information, is necessarily one hundred per cent correct, because there were some people who received minor treatment that may not have been recorded for the purposes of the log, but my learned friend, I think, knows that as well. But, there is another matter

MR. REES: Before my learned friend moves on, so there is no confusion, I do intend to make that clear. What I have agreed to do is to draft a schedule today and agree the contents of it. I would head that schedule as an agreed schedule of injuries reported to the Police that day with the proviso, as my learned friend has mentioned, that it may not be a complete list because of the reasons he has mentioned as a basis on which I will put it.

JUDGE COLES: Yes.

MR. REES: I am having difficulty hearing you, as your Honour is at hearing me, I'm afraid.

JUDGE COLES: I shall speak up.

MR. REES: So shall I.

MR. WALSH: The other matter surrounds the log itself and it seems that, although it doesn't actually, specifically arise at this juncture, rather than wait until I am re-examining Mr. Clement and send the Jury out again

JUDGE COLES: You would like to deal with it now?

MR. WALSH: Yes, your Honour.

JUDGE COLES: Sounds very sensible.

MR. WALSH: Your Honour, what I shall say today, and I say it in the context that Mr. Clement has been asked questions about logs

and their existence and what he thinks of them by one or more of my learned friends, and he has said that, I think, putting it very simply, there was no running log kept at the command post but sent to Headquarters by himself, but I think he said radio messages and he did say that he himself had a radio out in the field, or radio telephone by which he communicated with the command post. Your Honour, the particular matters, or some of them with which I wish to deal, can be found at Page 9 and, your Honour, in the context that Mr. Clement is being accused of lying about missiles being thrown in the vicinity of 8.10 to 8.30, and that was put to him in the clearest possible terms by Mr. Mansfield and I have a note of it, and if your Honour wishes to find the place in your note

JUDGE COLES: It might help, yes.

MR. WALSH: It was after the mid-morning break and nearer to lunchtime a week ago, Tuesday, 14th May. In my notes it is about a page or so before the lunch break. It is immediately followed by Mr. Clements saying, "I gave no warning about the use of horses at that time".

JUDGE COLES: Yes. "I didn't intend the horses to enter the crowd". "You are lying"

MR. WALSH: That is right, your Honour. So, it is a clear question raised about Mr. Clements lying.

JUDGE COLES: Yes.

MR. WALSH: Now, obviously, your Honour, no-one on behalf of the Crown has sought to interview Mr. Clements since that time, because it would be wrong, but there is an entry in the log at 8.28: "We are taking a hell of a pasting now. I need all the PSUs you can get". Your Honour has seen a statement from Superintendent Meadows? It accompanies the log and was pinned to it when it was handed to your Honour.

JUDGE COLES: Yes.

MR. WALSH: That describes how this log was compiled, and I have the original, if necessary, present, so it is clear from that evidence that that entry was actually typed on to the log at that time. I wish to enquire as to whether that was a message passed by Mr. Clement, he being the commander on the ground, because it seems to me that in view of the fact that he is being accused specifically of lying, if there is a contemporaneous record of the request that he passed, either to his command post or via them to Sheffield, that it is relevant.

JUDGE COLES: If you say it isn't relevant as showing the truth of the contents, then it is relevant to the issue as to whether or not that particular incident at that particular time he is lying or not?

MR. WALSH: Yes, and his credibility has been put firmly in issue.

JUDGE COLES: Yes.

MR. WALSH: And it seems to me that, first of all, if I am right, there are several possible ways of doing it. One is asking Mr. Clement, because he has already talked in general terms about the log, whether he passed messages and requests via a radio link that he had.

JUDGE COLES: And that must be, presumably, simply clarifying matters raised in cross-examination?

MR. WALSH: Yes, in general terms.

JUDGE COLES: Yes.

MR. WALSH: I would then go on and develop it in this way, by asking him that; he having been accused of lying about missiles being thrown at this time, ask him if he passed any messages at that time, or I could show him the log

JUDGE COLES: Yes. All you are seeking to put in, as I understand your submission, at least for the time being, is the entry at 8.28?

MR. WALSH: For the moment, yes. Your Honour, could I say, in parenthesis, I was intending to put in 7.56 and 8.30, because it seemed to me, and indeed both I and my learned friend, Mr. Keen, have a note that Mr. Mansfield was suggesting that Mr. Scargill did not arrive until 9.25, and indeed that is the note that I have.

JUDGE COLES: I don't know that it was a question of arriving.

MR. WALSH: That is why my further question is that Mr. Mansfield has been good enough to say that if he put it that way that was not what he intended, and that it is conceded that Mr. Scargill was at Orgreave from, I think my learned friend puts it at the latest at about 7.30.

MR. MANSFIELD: Yes.

MR. WALSH: Your Honour, I don't know, perhaps I should ask him and he can say it if he does want to say it?

JUDGE COLES: At the earliest or latest?

MR. WALSH: At the latest by 7.30. Your Honour, my learned friend may agree with the 8.30 entry, Arthur Scargill at topside, though he doesn't dispute that either, but that might be a relevant matter, for example, as to, again, whether Mr. Clement is lying and so, too, if it might be relevant, on the same footing, is the 8.28 matter.

JUDGE COLES: Well, I thought it was put that he was lying that he was at a particular point at a particular time. It may be that Mr. Meadows concedes that Mr. Scargill was present at Orgreave somewhere at 8.28, from 7.30 at the latest, but I think the issue of lying is as to where he was.

MR. WALSH: Well, that may be so.

JUDGE COLES: If that is so, I suppose that - does that not make the 8.30 entry relevant?

MR. WALSH: Well, only if it is being said that Mr. Clements is lying about Mr. Scargill being topside at 8.30, and if that is being said

JUDGE COLES: I think it is being put that it didn't happen until 9.30, so it follows it was certainly being put that Mr. Clement was wrong in saying Mr. Scargill was there any earlier than 9.30.

MR. MANSFIELD: If I can assist. I should say from the outset I was aware that Mr. Scargill was at Orgreave somewhere on topside from about 7.30 in the morning onwards. The point I made in cross-examination was could he be mistaken, Mr. Clement, that Mr. Scargill was parading up and down the line at 9.27. Mr. Clement said he was not mistaken. I suggested he was lying, that the only occasion Mr. Scargill paraded up and down the front line was after the convoy had left, and that is down on the video recorder. I am certainly not suggesting that if Mr. Clement were to say that he had seen Mr. Scargill somewhere on the topside before 9.27, even at 8 o'clock, I wouldn't dispute that, but that wasn't the point being made.

JUDGE COLES: The point was the review of the troops.

MR. MANSFIELD: Yes. I apologise if there was any misunderstanding. All my learned friends recall it in the way I put it, but I don't think it is worth having a dispute about that at the moment. I can make it clear to your Honour that my point is, solely, that Mr. Scargill didn't review the troops, or however else you put it, at eight o'clock in the morning, but he was there.

JUDGE COLES: I don't know whether that is what Mr. Walsh wishes to say on the log.

MR. WALSH: I think, that having been said and recorded, I don't think there is any need for me to ask this witness about the log in relation to that incident.

JUDGE COLES: So, 7.56 and 8.30 entries, you don't abandon but you don't press for them any more, in view of what has been said?

MR. WALSH: In view of the fact that it is not disputed he was there.

JUDGE COLES: Thank you. So, I had better hear what counsel has to say about the 8.28 entry.

MR. MANSFIELD: I think, in fact, Mr. Walsh is wanting to put that part in as arising out of my cross-examination and, therefore, what was being put to Mr. Clement, as your Honour has a note, was that he was lying about the barage of missiles at around that time and, obviously, one had in mind in that regard the video that he later saw. Now, as far as this entry is concerned, of course my first point is that we are a long, long way from knowing how this log, in fact, has not exactly been compiled, because we know from Mr. Meadows that the entry was typed up, but we haven't the

slightest idea where this message has come from, only what it refers to. Now, as far as I recollect, I didn't ask Mr. Clement a single question about the log and certainly there is no question I asked about the log over this issue in question. What Mr. Clement was saying, and of course it doesn't really go much beyond his statement, so all the Crown seek to do is to say that there is another prior, consistent statement in which, if Mr. Clement did even make this entry in the sense of sending it over the air, because of course his statement, his original notes, were indicating that there was missile throwing, effectively, the notes that he made at 2.30, 5.30, not the ones on the field itself. So, all this is is another consistent statement indicating what his point is, that there was a lot of missile throwing coming over, or it may be that is what it is indicating, and I would submit the Crown would be no more entitled to put in yet a further statement of the same thing merely because I have challenged his credibility. It is just another note of what he has already noted down himself. That is what it comes to. I have suggested that, in fact, at some stage, had I appreciated what Mr. Walsh says, that this is actually being recorded at 8.28, that at some later stage he records that information, that there is some issue over exactly when he does it, in view of the communications and so on, but certainly some time that day. Probably he has made a note to that effect, but the real problem at the moment is that Mr. Walsh, in my submission, certainly isn't entitled to, as it were, lead him to the log. What should have happened here is Mr. Meadows should, first of all - if I may just look up his statement - should have been asked if he could help. Probably he has been asked and he cannot help about that entry. I have got Mr. Meadows' statement. He has not. All he has done is - has your Honour got that one general statement?

JUDGE COLES: Yes, I have. I assume it is the same as yours.

MR. MANSFIELD: He says, "On that day, 18th June, I received many calls and was advised by other staff present of calls received, both by telephone and by VHF radio, of incidents which occurred at Orgreave Coking Plant". So, it is, first of all, not clear whether these are messages that he has typed up as a result of a message he has received or a message someone else has received, and he certainly doesn't go as far as identifying the person who has called in with this information, and I would submit that before Mr. Walsh can get anywhere near Mr. Clement with this log, we must know whether this is a message that Mr. Meadows himself typed up as a result of something he has received and from whom. Now, my suspicion is that it is a message that has come through to the centre from, possibly, the command post, that has certainly not come direct from Mr. Clement, and there are other people involved in the transference of the message.

JUDGE COLES: That is that matter.

MR. MANSFIELD: Well I remember the games one plays - Chinese Whispers - it isn't always the message it started at the end.

JUDGE COLES: Isn't the key to this evidence by Mr. Clement, when he passed a message, if he didn't pass a message, end of story?

MR. MANSFIELD: I accept that, but the problem is that - how are we going to get it now without leading him, because if he is asked a question about sending messages, he will say, "Yes". If you then say, "What messages did you send?" - it would be different if I had asked, if I got this log, waved it around and said, "You only said you were getting a hell of a pasting", and he said, "I used different words". Nobody asked him about this entry. I didn't ask him a single question about this log. How is it going to be done? He will be asked, firstly, "Did you send messages?", answer, "Yes". Secondly, "What messages did you send?" He is bound to say, "I can't remember. I can't remember now what messages I sent". Now, he could look at the log, if it was a log he had kept.

JUDGE COLES: But, as it is, his credibility, which is in question, going about it that way won't help very much.

MR. MANSFIELD: No, and that is the problem that I say Mr. Walsh has got. I am obviously not objecting, if it is done in the proper way, but it seems to me it is rather late in the day and it is rather difficult to do it now, so I would object on those grounds to this particular entry being done in this way. I cannot, and do not, object if Mr. Walsh was then to come to Mr. Meadows and seek information about that entry and seek to prove it through Mr. Mados, but not through Mr. Clement. At this stage, that is what I submit, your Honour.

JUDGE COLES: Any other submissions?

MR. O'CONNOR: May I suggest, it would seem to me that there could be no objection whatsoever to my learned friend re-examining on the basis of a request for reinforcements at some stage having been made, and when and why. Indeed, we could not object to that, and that surely is the nub of the point that my learned friend wishes to get across. The problems arise if one is trying to go beyond that and look at the territory of prior, consistent statements, the wording and the message for reinforcements and the status of this document. Is it suggested - I don't think it is - that the document itself could be directly admissible, as it were, can be exhibited and shown to the Jury, or parts of it? I don't think that is suggested. Now, the only other possible function for the document and the entry on the log is for it to refresh Mr. Clement's memory as to what

happened and when. Now, in my submission, that cannot possibly be done. It seems to me that the document may be causing difficulties which are unnecessary. The point, a valid one and the nub of my learned friend's re-examination - would be then by exploring the area of consistent actions (?), which is highly relevant to credibility as well, rather than concentrating on the wording of a message and the document which is there, it is to say how it can be done, legitimately used in the witness box. That is what I say, your Honour. If you wish me to refer you to the passage in Archbold

JUDGE COLES: I am not going into that, because it seems to me this is not really the question of prior, consistent statement, except that then it goes to credibility and the question of saying that this is admissible evidence of proof and what was said.

MR. O'CONNOR: Your Honour, yes. I am happy with that. I don't - where credibility is in issue and there has been an allegation of recent fabrication, that is where, frequently, in re-examination, prior, consistent statement is admissible, and the circumstances where these are summarised in the relevant paragraph, 4/311, well, I don't suggest it provides an easy answer to this either

JUDGE COLES: It rarely does. What is the paragraph?

MR. O'CONNOR: 4/311 and 312. I shan't read any out, your Honour, but it is there for you.

JUDGE COLES: Anybody else wish to make any submissions?

MISS RUSSELL: Your Honour, the only comment I would make is that in a sense my learned friend, who is, as it were, trying to restore credibility by the 8.28 entry, has really to only look at the 8.10 entry which runs, as it were, counter to other evidence of the same witness, to see the sort of difficulties that one gets into if one starts relying on, as it were, documents so far away from the witness as this one.

JUDGE COLES: And a few/^{minor}problems ensue?

MISS RUSSELL: Absolutely, your Honour. In my submission, it would be a bad point, on either side, to take points on this particular document unless they could be specified. The real difficulty as well is that it is not clear, unfortunately, as to where in the logs this 8.28 message comes from.

JUDGE COLES: Yes. I suppose - it said, "8.24, I require further PSUs at Orgreave. 8.28, we're taking a hell of a pasting".

MISS RUSSELL: Yes. 8.22 is a reference to Poplar Way and 8.18 is Poplar Way, so, in fact, all

the previous entries are, as it were, around that time and around that area.

JUDGE COLES: Yes. 8.29, stoning, Poplar Way.

MISS RUSSELL: Yes. So, in effect, it is a very, very, in my submission, unhappy exercise when all the surrounding entries concern bottomsides, to, as it were, look out one in particular, bearing in mind this is in re-examination. I don't think there is anything further I can assist you with.

JUDGE COLES: Anybody else?

MR. GRIFFITHS: Following what has been said by my learned friend, Mr. Mansfield, and, indeed, all my learned friends, I do take the point, so far as it may be necessary to take the point, that this could be, although we don't even know who made it, but even if it was Mr. Clement, I would submit it is a previous, consistent statement which does not become admissible because of the general rule against that which my learned friend, Mr. O'Connor referred your Honour to. But, quite apart from that, the fact, the point my learned friend made, which is - indeed, I have been told, unofficially, this enquiry Mr. Clement did not make, this message, or did not send this message, according to my learned friend. So, the position is this: That we have been given that copy of the log that your Honour has and it is not a complete copy. There is a section missing, namely the source of these messages.

MISS RUSSELL: I think if there is in the possession of the Crown a section with details, with sources, and we are arguing this point and, obviously, we have a limited document, it might help if there is something on the document regarding sources.

JUDGE COLES: No doubt about that.

MISS RUSSELL: It is the root of the argument, your Honour.

MR. WALSH: I have been handed a document, your Honour. Yes, your Honour. It comes from Orgreave, from Superintendent Pratt, which is who it comes from to Mr. Meadows. In fact, that doesn't make any difference, in my submission, to the point. That is, if Mr. Pratt is really the intermediary who passed Mr. Clement's message, then it is exactly the same thing.

JUDGE COLES: Well, that is right, but one is getting into dangerous territory here because unless Mr. Pratt is shown to be the intermediary used, one is getting into the kind of situation where one is seeking to use somebody else's hearsay evidence to support the fact that something has happened in the way which Mr. Clement has described. In other words, one

is starting to use this as evidence of the truth of the contents rather than simply to rebut the allegation that he is telling a lie.

MR. WALSH: Can we just, as it were, pause there for the moment, because obviously I can cause enquiries to be made to establish that Mr. Pratt was purely the intermediary between Mr. Clement and Mr. Meadows.

JUDGE COLES: May I say, then, Mr. Walsh - it may help you and others - I find, without difficulty, that Mr. Clement was accused of lying. I find, without difficulty, that if he made a report which somebody else reduced to writing at about the time in question in the form of the remarks in this log, then that, it seems to me, would be relevant on the issue of his credibility and, therefore, admissible in re-examination. But, the difficulty I have here is, on the very limited information that I have got, whether, in fact, what I have read in the log at 8.28 does come from Mr. Clement, and it appears to me that unless you can establish that then you are whistling into the wind.

MR. WALSH: I appreciate that, your Honour, and that is why I have to enquire of Mr. Clement if it did come from him.

JUDGE COLES: How do you seek to do that? Because it seems to me Mr. Mansfield has some force in the argument that it will be difficult to ask him about that without leading him.

MR. WALSH: There is another way I can deal with it. I suspect that is that I can cause Mr. Pratt to be interviewed, to say whom he got the message from.

JUDGE COLES: Yes, all manner of ways, but you are still left with the problem of how you approach it with Mr. Clement in re-examination.

MR. WALSH: Yes, your Honour. It will require great care, your Honour, it will, and it may be - I am thinking aloud at the moment - the proper course would be to have Mr. Pratt interviewed upon this point so that my learned friends know what he has to say. It may even be, I know not, that I should call Mr. Pratt in these circumstances.

JUDGE COLES: Well, those are all matters for you, but you will obviously not, so far as Mr. Clement is concerned, wish to go upon a fishing expedition.

MR. WALSH: No.

JUDGE COLES: I am ruling, in fact, that this is only permissible and proper if, in fact, there is some (inaudible) for this record being as a consequence of Mr. Clement's personal information.

MR. WALSH: Yes. I am conscious of that point, your Honour, obviously, and I think what perhaps I can try and do - obviously, I won't be re-examining Mr. Clement before the break, or perhaps if we reach the end of my learned friend's cross-examination, I wonder if it might be a point for taking an earlier break at this stage so I can just see if Mr. Pratt can be of assistance and then we will see where we are?

JUDGE COLES: Very well.

MR. WALSH: But, what I may do, if my learned friends don't object and I think your Honour indicates that you would overrule any objection, that if I ask Mr. Clement if he did pass any messages, because that won't lead him to this one, because I won't show him this, and at least we can see what he says?

JUDGE COLES: I can see no objection to that. Now, what were you wishing to say, Miss Russell?

MISS RUSSELL: I think my learned friend normally covers the point before one gets there, but I would be most anxious that if Mr. Pratt is to be interviewed that he should not be led to any specific entry, but only to the log and any entries as recorded given by him, and if he then can indicate the source of any such entries, because if he has the source of a number of entries that day it may be a matter that is relevant later, if he is to be called as a witness, to know exactly what is the position on entries he has made and the sources of information from which those entries come.

JUDGE COLES: Well, you have given notice, Miss Russell, that unless great care is taken you will cross-examine on this and if such cross-examination is successful then that evidence won't be of very much value. Very well.

MR. WALSH: I think that is probably all for the moment, your Honour.

JUDGE COLES: Let us have the Jury back.

MISS BAIRD: A nicety about this afternoon, your Honour.

JUDGE COLES: Yes. Do you wish us to adjourn ten minutes earlier or do you wish to leave ten minutes earlier?

MISS BAIRD: I would be content if I were allowed to leave ten minutes earlier.

JUDGE COLES: By all means. I take it, of course, your client doesn't mind?

MISS BAIRD: I will make sure, your Honour.

JUDGE COLES: Very well.

(The Jury returned into Court)

(The Witness returned into Court)

- Q. MR. REES: I'm sorry to have messed you about for that break. It is my fault. I should have cleared certain matters with my learned friend. In your absence we have managed, the Crown and I, to agree to deal with any injuries reported to the Police that day. Do you follow? - A. Yes.
- Q. With the obvious qualification that because they were reported that day from a variety of sources, it may not be complete. - A. I accept that.
- Q. And, obviously, the position is that some injuries may never have gone to hospital, some may not have been reported. I am sure you accept that the miners, some of them were treated by their own men? - A. I think that is more likely, yes.
- Q. Before I put the injuries to you, I am sure the injuries to Police Officers most certainly would be recorded, wouldn't they? - A. Yes.
- Q. I am asked, I'm afraid, to put it all to you for the sake of completeness. I will do it as quickly as I can. I want to ask you certain questions about how you see the implications of this information, subject to the qualification I have made. Now, the first information on that day with which we are, at the moment, concerned, was 8.50 in the morning. There are four Police Officers and six pickets in Rotherham Hospital being treated at this time. Full details of their injuries are not known. The next is at 9.40: Four Police Officers being treated in hospital, one from South Yorkshire, two from West Yorkshire, one from Thames Valley, one Police Officer treated at the scene, from South Yorkshire - that is, four at hospital, one at the scene. Nine pickets being treated in hospital. Three of those are prisoners. Two pickets treated at the scene, both being prisoners. So, that is eleven. Then, at 10.15, up-date of injuries, Police total is seven, breaking that down as follows: Two from South Yorkshire, one treated at the scene for an old wrist injury, one treated at Rotherham District Hospital for a cut forehead. Two from West Yorkshire - one treated for a head injury at R.D.H., one treated for a groin injury at R.D.H.. One from Thames Valley, treated for a foot injury at R.D.H.. One from Lincolnshire, treated for a right arm injury at R.D.H.. One from West Midlands, treated for a leg injury at R.D.H. Then, information dealing with the pickets. Pickets total is fifteen. Thirteen treated at R.D.H.. Twelve still down there, nine of those are prisoners. Two treated at the scene. So, there we have 7.15.

The next we have, and I am asked to put this to you, is 11.20. Information received that there is a miner being

treated at the Hallamshire Hospital for a suspected spleen injury and he is undergoing tests at the moment. Next one: 12.05, casualties at Orgreave now number 35, nine Police and 26 pickets. Royal (inaudible) ... hospital also being used for treatment of casualties. Next one at one o'clock in the afternoon, update of the casualties: Police 13, pickets 38, and I am asked to put this to you: The picket total includes one sixteen year old boy, slightly wounded, a prisoner, and one suffering from angina who discharged himself against medical advice. Next one, sixteen minutes past two, simply mentioning injuries of 25 Police, 56 pickets. Then, half past two, injury update: One miner with broken leg and one confused and rambling, but conscious. Then, at twenty past three, Police injuries 28, six still being processed. Pickets injuries, 51. That appears to have gone down five. Then, Mr. A. Scargill with head injuries. One more, not identical, with head injuries. One with broken leg, one with head injury. Then, the last information that I have, fourteen minutes past five, injuries to Police, a total of 29 Police Officers were injured, including six with head injuries, one broken toe and one suspected broken ribs. Other known 52 persons suffered a variety of injuries including Mr. A. Scargill, with head injuries, detained in Rotherham District Hospital - one suspected fractured skull, one broken leg and 29 with facial and head injuries. In all, six persons are being detained in hospital at this time, none of them Police Officers. That is the information I have.

JUDGE COLES: Before you go on, I beg your pardon, but I took a little time finding the document I had when you started that. Am I right in thinking that all you read out exactly reproduces the contents of that document, starting at 8.50?

MR. REES: For the purposes of my questions.

JUDGE COLES: Yes.

MR. REES: And I have been through it with my learned friend.

JUDGE COLES: Yes. Thank you very much.

- Q. MR. REES: Now, one thing that strikes one from those figures - and I ask you - there appears to be an injury imbalance between pickets and Policemen, and one has to talk again of what I put to you earlier, that many of the pickets may have been treated elsewhere, or not treated at all for injuries. - A. Yes.
- Q. But, particularly asking about the last figures that I put to you, the update of injuries at the end, and the

position there is that it is 52. I cannot say they are all pickets. It says, "Other persons". Presumably, it means that known out of the 52, 29 had facial or head injuries, getting on for 60%. Now, as I understand your evidence, blows to the head from Policemen would be an exception rather than the rule in this situation? -
A. Yes.

Q. Clearly, one cannot explain, or you can't and I can't, in every single one of those head injuries there might be a variety of causes, but let me ask you this: Frankly, does that statistic, which may not be totally accurate, suggest to you that perhaps there was more hitting of heads than you acknowledge? 60% facial or head injuries?
- A. It's very difficult to say. The fact that there were 80 people injured, according to your account, 29 Police Officers, 52 others. That is very sad that that should have happened in an industrial dispute.

Q. I agree. - A. Now, you are talking of a man with a broken leg. I don't know what happened. You talk about other injuries. I don't know how that happened. But, you are asking about head injuries, and all I can say is that the Officers were given their instructions. They know, generally, what they should do. We don't know quite what situations they found themselves in. We don't know how the prisoners resisted arrest. There are many things we don't know. A lot of officers were injured with stones being thrown. I suspect that some of the others may be injured by stone-throwing. I don't know.

Q. Pickets? - A. Yes.

Q. JUDGE COLES: You say some of the facial injuries could have been caused by stones? - A. There was a lot of stones coming over and I'm not sure they were all striking Police Officers.

Q. MR. REES: You made that point to Mr. Mansfield as well. - A. Yes. It is the only point one can make in a situation of that sort.

Q. Is this fair comment, that it's the only point you can make when confronted with these sort of injuries? -
A. It's not that at all.

Q. You cannot, in the position in which you stand, which you have adopted throughout your evidence, accept that there was a considerable number of head injuries caused, unlawfully, by Policemen? - A. I don't know it was unlawful. I just don't know.

Q. You aren't in a position to accept it because of who you have been on that day

JUDGE COLES: Do you expect him to? He wasn't there. That evidence is clear, that he didn't see these injuries inflicted. I don't want to stop you putting the general accusation, but in fairness it has been put, by now, many times and he has answered many times.

MR. REES: Yes, your Honour:

- Q. To be specific, you told my learned friend, Mr. Griffiths, one of the last matters you gave to him - he put a photograph of his client in. - A. Yes. I think it was the young man there.
- Q. Mr. O'Brien? - A. Yes.
- Q. You told Mr. Griffiths if you had seen something like that you would have asked, "How did that happen?", if you had the opportunity. - A. Yes, if I did.
- Q. I would like you to look at this photograph, if you would. (Handed) While you are looking at it, can you see yourself in that photograph? Do you see - standing, hand on hip? - A. Yes, I can, some distance back.
- Q. Mr. Newbigging, would you stand up, please? I put it to you that that is Mr. Newbigging. I will prove this photograph in due course. It is taken by the same photographer who took the photograph of Mr. O'Brien, covered in blood. Do you accept that that is Mr. Newbigging? - A. I would think it is, yes.

MR. REES: Could your Honour and the Jury see that?

JUDGE COLES: Just the one copy, is there?

MR. REES: At the moment, yes, your Honour. (Handed to Judge)

- Q. JUDGE COLES: Do you see yourself there? - A. Standing at the back, your Honour, that's me.
- Q. It is impossible to see your face clearly. - A. I accept that is me.
- Q. Because you have a helmet on - I think I can spot your moustache, in fact. - A. Yes, that is me. Yes.

JUDGE COLES: And that is, gentlemen of the Jury, just above, for the sake of the shorthand note, Mr. Newbigging's left shoulder, which is the right shoulder as we look at it.

THE WITNESS: If I might just point out the man on the left of the injured man, that is, of course, an ambulanceman.

MR. REES: I accept that.

JUDGE COLES: Yes. Thank you. (Handed to the Jury)

MR. REES: Could the photograph be given back to Mr. Clements, please? (Handed):

- Q. Now, Mr. Clements, it may be that photograph is misleading, but you appear to be looking in the direction of Mr. Newbigging, or certainly that group. - A. Well, I'm
- Q. Looking towards him? - A. I thought I was looking in the general direction across here, but if I am looking in the general direction,

yes, I would think I am about 60 yards away there.

Q. I am not prepared to estimate that

Q. JUDGE COLES: You may have been looking, you say? - A. I may have been. I don't know.

Q. MR. REES: I have been asked to be specific and I hope I am now. Do you remember seeing that? - A. No, I don't.

Q. But, that is the sort of thing that you told Mr. Griffiths that if you saw it you would make enquiries about? - A. Exactly.

Q. Do you remember making enquiries about that? - A. I said I didn't see it, that I remember.

Q. I thought you said you didn't remember. - A. Well, I don't remember seeing it. He was just one more man with blood on him.

Q. Just one more man with blood on him? - A. Yes. There were Police Officers with blood on them. We had ambulance teams there to deal with them.

Q. Both sides, young Policemen, pickets, and you are delighted to be in charge that day. - A. As you know, I have said consistently

JUDGE COLES: Mr. Rees, if you are suggesting that he was delighted to see young men with blood upon them, suggest it.

MR. REES: I am not.

JUDGE COLES: Do not infer things, please. Well then, what was the relevance of your question?

MR. REES: I will come to the point now:

Q. What I put to you, basically, is this: That you were prepared to tolerate, and could foresee, injuries of that sort at the beginning of that day. The plan you put into operation, regardless of human cost. That is the central point I put to you. - A. Not at all.

Q. This may sound emotive, but it is sincere - equally, the risk must have been run that men would have died. - A. Yes.

Q. The justification for your strategy throughout would be the same justification, even if someone had died? - A. It would have been awful if somebody had died, but I accept that it was a possibility and it was on many other occasions.

Q. Yes, and the justification for your actions would be precisely the same. You had to do what you had to do? - A. Yes.

Q. Now, let us put aside the rights and wrongs of the coking lorries, but you will agree with this, bearing in mind what I have just put to you, that if that second convoy had been stopped just for the day, the kind of things we have seen in these photographs and the kind of things we have agreed about would not have happened? That must be right. - A. No. There is no positive answer to that, because

I do not know what was in the minds of those people. It may be, if there hadn't been a second run there would still have been an attempt to get into the coking works and destroy the loading equipment. It may also have been that if there hadn't been a second run that day there would have been more violence the following day instead of a handful of pickets on the 19th.

JUDGE COLES: Well, that answer merely illustrates how pointless it is to speculate about what is in people's minds.

MR. REES: Indeed, I am inviting the witness to speculate on what is in the pickets' minds:

Q. I put to you, as I understand you don't accept it, that if just a second convoy had been stopped the violence would have stopped, but you don't accept that?

JUDGE COLES: It is entirely a matter of opinion. Please let us stick to facts. Everybody else, so far, in this case appears to have done so. Now, put your case.

MR. REES: I am attempting to:

- Q. It would be a fact that if that convoy was stopped, the actual physical effect on the drivers would be that they would have to go back. - A. If I had, at some stage, said, "Don't send those lorries"?
- Q. Yes. The lorries would have gone back. That is what would have physically happened. - A. To where?
- Q. From whence they came. That is what would have physically happened to the lorry drivers. - A. I'm sorry. I'm not with you.
- Q. Well, I - A. There has been one run and the lorries are now at Scunthorpe. They are coming back to Sheffield.
- Q. Yes. - A. Now, you are suggesting if I got in touch with Scunthorpe and said, "Don't send that convoy", what would the lorry drivers have done, gone home to tea?
- Q. Yes. Probably. - A. Yes. Probably.
- Q. And it was the coming of that second convoy which you yourself say was the most likely fact to create further violence, the most likely event? - A. I would think so, yes
- Q. Your paramount duty was to protect the Queen's peace. That has been put to you already and you have agreed with it? - A. Yes.
- Q. But you, at one stage, did attempt to say to Mr. Mansfield that you didn't think you had the legal power even to stop lorries. - A. I think that is a moot point. If lorries were coming on lawful business and were all in good order and the drivers were licensed and there was no danger to the public prior to them getting to the gates of the coking plant, apart from the fact that even though they are acting lawfully, as was put to me, I

believe, their presence might have caused a breach of the peace. It is a very difficult legal argument, and I would think, I am not sure I am qualified to talk about that.

- Q. I suggest it is quite straightforward. You accept that you have power where there already is a serious incident involving a disturbance and you have told us how serious this one was.
- A. Yes.
- Q. The worst this century, apparently. You have a clear power to control and direct traffic? - A. Yes. Right.
- Q. That is all I put to you. Including coking lorries? - A. Yes. The only thing I must put to you, sir, is, for how long do I say that those lorries no longer run from Scunthorpe to Sheffield?
- Q. We are looking at the events of that afternoon. - A. Well, yes, it might have put off violence, certainly.
- Q. Can we just establish one thing. I accept everything you say about the evil of intimidation, but the position here is that those drivers there hadn't been - you may not know this - prior to the strike, the lorry drivers hadn't been used to take coke from this plant. It had all been British Rail. - A. Yes. Oh, I know that, yes.
- Q. So, it isn't a time-honoured practice? - A. No.
- Q. Bringing these lorries in? - A. No. The lorries were brought in to shift coke.
- Q. Yes, that British Rail shifts, or the N.U.M. - A. Yes, I accept that. A matter of expediency.
- Q. A matter of expedience? - A. Yes. Presumably, on the part of the British Steel Corporation. I can't say what was in their minds, but that is what it seemed to me.
- Q. And to ensure that, I put it to you, you permitted the events of that day to continue rather than simply saying, "This is totally out of control here, men are going to get injured, somebody might die, stop the lorries?" You are nodding your head? - A. No, I'm shaking my head in amazement. If mass violence can be allowed to stop people going about their lawful business - well, we might as well all pack up.
- Q. You justify your actions by indication to the rule of Law, don't you? - A. Yes. That's my job.
- Q. Yes. The justification for all positive policing on this day was to uphold the rule of Law? - A. Yes.

JUDGE COLES: I'm terribly sorry, Mr. Rees. I don't want to interrupt you in cross-examination, but we are really indulging in polemics here, not cross-examination.

MR. REES: I am anxious to get at this officer's actual decision. I put it to him fairly and squarely because it is a matter I propose to comment upon, that he invalidated the

rule of Law by having a contradictory situation - he was prepared to deal with the events resulting in injuries. I put to him the factual matter, I hope, that it was possible to prevent all that by stopping the lorries. His position is that he doesn't agree.

Q. JUDGE COLES: It is being suggested you have invalidated the rule of Law. What do you say to that, Mr. Clement? - A. I can't possibly say that, your Honour. Everything I did that day was designed to stop violence, preventing other people from working.

MR. REES: I will leave it there.

THE WITNESS: Thank you.

Re-examined by MR. WALSH:

Q. Mr. Clement, what Mr. Rees has said to you in the last few minutes and what others have put to you over the last week comes to this, on one topic: Because thousands of demonstrators turned up, determined to stop the lorries, you should have let them do so. That is the impact of the questions put to you, because

MR. REES: If my learned friend is going to paraphrase what I have put then he should do so accurately and that, with respect, is not an accurate representation of what I have said. All I have put to this officer is that, faced with the situation, regardless of the rights and wrongs, faced with the situation with which he was faced, the sensible decision would be to stop the violence and to do that by stopping the lorries.

MR. WALSH: That is what I put, surely.

JUDGE COLES: The Jury will determine whether what Mr. Walsh says is a fair paraphrase or not. Ask your question, Mr. Walsh.

MR. WALSH: I am obliged, your Honour:

Q. The point being put is that because so many people turned up in order to stop the lorries, you should have let them do so, because their efforts to stop the lorries were going to be violent and might result in some injuries. That is the point being put.
- A. That is what I thought.

Q. What do you say about that proposition and your duty as a policeman?
- A. Well, I think the proposition is rather silly and my duty as a police officer is to stop mass violence preventing other people from working and, in any circumstances, as a police officer I must act to prevent that sort of violence where it is directed against men lawfully working, or where it is directed against a football referee, or anyone else. I must act to stop violence.

Q. JUDGE COLES: Well, I don't know whether it will help, but it seems to me that the real issue in this case is this: Whether there was violence, and if there was violence, whether that was the result of a previously reached common purpose or whether it arose because of errors you made. Now, if that is the point, what do you say about that? - A. Well, I say, your Honour, that this violence

was as a result of people being told to go to that small place at Orgreave in very large numbers on that specific day, and many of those who came were prepared to use violence.

- Q. MR. WALSH: Can I just ask one further question before the break? It is tied in with that last question. One of the suggestions put to you on behalf of every one of these Defendants is that you, an Assistant Chief Constable, decided either before that day or very early in that day, that you were going to declare war on these pickets and inflict violence upon them. Do you follow that point? - A. I follow that point.
- Q. Right. The Jury will have seen the film and they will no'doubt see it again. If you had wanted to drive forward with a large force of men and inflict violence upon the demonstrators, would you have been able to do that before the first convoy arrived? - A. Yes.
- Q. If you had wanted to do it, how early in the morning could you have done it, if that had been your wish? - A. I could have started turning people away as they arrived, at six o'clock.
- Q. And at what stage could you have started charging at people with horses and men with shields, as it is alleged that you did, if you had wanted to? - A. Well, at one time I estimated that there were about 700 there at some time around about 7.15, or something like that, and I would have been well justified, if I had been of that type and wanting violence, to move them back with horses and short shield men, if necessary.
- Q. Did you make any attempt to do so? - A. None at all. It was perfectly passive, static policing, a cordon.
- Q. And just, finally, I think, before adjourning, you have said - and nobody challenges it - that the stages of moving up that field to drive, or push, the demonstrators back, started after the first lorry load - convoy, I beg your pardon - had not only come in, but had also gone out? - A. Correct, sir.
- Q. If you had wanted to do that operation before the first lorry load arrived, were you in a position to do so? - A. Yes, sir.
- Q. Did you make any effort to do so? - A. No, sir.

MR. WALSH: Your Honour, would that be a convenient moment?

JUDGE COLES: Yes. 2.15.

(Mid-day Adjournment)

2.15 p.m.

MR. MANSFIELD: Your Honour, I think your Honour knows that Mr. Waddington would like to leave at five-to-four to make an urgent telephone call?

JUDGE COLES: By all means, as long as he is content.

MR. MANSFIELD: Yes.

MR. WALSH: I wonder if we can ask your Honour's assistance?

JUDGE COLES: Yes.

MR. WALSH: Yesterday afternoon, my learned friend, Mr. Griffiths, put in two very large photographs.

JUDGE COLES: Yes.

MR. WALSH: The combined recollection of all of us is that they ended up either with the Clerk of the Court or with your Honour, but not with us.

JUDGE COLES: Yes, I see.

MR. WALSH: It is merely that, if your Honour happens to have them, we would rather appreciate them.

JUDGE COLES: I was asked and I didn't have them before. I will have a look for them.

MR. GRIFFITHS: Your Honour, the extraordinary thing is that it isn't only these two photographs, it is the last photograph I introduced, showing Mr. O'Brien injured. All three seem to have gone.

JUDGE COLES: I know they passed through my hands, certainly, but they didn't stick to them. You have not seen them, members of the Jury?

MEMBERS OF THE JURY: No.

JUDGE COLES: Well, I hope you have seen them.

MEMBERS OF THE JURY: Yes.

MR. WALSH: Your Honour, it is purely a question, I suppose, of what happened at the end of the day yesterday.

CLERK OF THE COURT: I have never physically had them and kept them. They have been passed on to his Honour.

JUDGE COLES: Well, they are not on the bench. Well, that's a mystery. We will have to proceed as best we can at the moment.

THE WITNESS: This, Exhibit 4, should this be somewhere safe?

JUDGE COLES: Yes, that should be with the Clerk of the Court. That is a document you have marked and it is Exhibit 10. Well, we must take care with these exhibits.

MR. WALSH: Perhaps I can proceed for the moment?

JUDGE COLES: They can't have left Court freely. Well, I fear that we cannot find them.

MR. WALSH: We will make enquiries, your Honour:

- Q. I was asking you, Mr. Clement, to deal with certain accusations that have been made by these fifteen Defendants, namely, in particular, that this was a plan by you, physically to attack them, and you have dealt with that aspect of it. In the course of questioning, one of my learned friends asked you, in reminding you that you had been in charge of policing the Steel Strike in Rotherham - I don't think a precise date was given ... - A. I know the precise date.
- Q. Do you? - A. It started on the 2nd January, 1980, and finished on 6th April. It was about a thirteen-week steel strike.
- Q. And you said, in answer to counsel, that you were in charge at Rotherham? - A. Yes.
- Q. Or, in charge of policing the strike at Rotherham. - A. Yes.
- Q. And that, indeed, you had a very large number of steel workers there to consider? - A. It was reckoned to be more than anyone else in the country.
- Q. Yes. You ended your observations upon that series of questions by saying it was a "perfect strike"? - A. Yes.
- Q. Would you just like to elaborate a little bit about that? - A. It was a perfect strike in that it was picketed properly, within the Law. By that, I mean that eight - six to eight pickets were permitted to stand on every gate at every steel premises and, in my division, they were allowed to have
- Q. Just stop there. His Honour is writing this down. - A. Yes. They were allowed to have a hut, they had a fire and now and again a policeman would go and talk to them. During the whole of that strike I can't remember one incident of some violence against any of my officers in Rotherham, although I appreciate that, just over the border, in Sheffield, at Hadfields, there was one incident of violence, one particular one, in which I believe one policeman was pushed against a lamp-post and hurt his shoulder. Going back to Rotherham, there was one private steel works where the steel union wanted to picket and I spoke to the union representatives and they actually came to my office at Moorgate, about twelve of them, they sat down in the office, they spoke to me and we came to an arrangement, and I can tell you how it resolved itself, if you wish.
- Q. What the Jury may be interested in, in the light of this cross-examination, is that of your attitudes towards your duties of policing strikes. Do you follow? - A. My attitude towards policing strikes is no different to my attitude in regard to any other aspect of my duty, that is, to maintain the Law. If somebody is breaking the Law, whether he is breaking the Law by holding up a bank or robbing a shop, or trying, by force, the use of violence, to stop other people working, and committing violence, I have got to stop it. That is my duty, to stop it.
- Q. And you were reminded by my learned friend, I think it was Mr. O'Connor, of the phrase which began, "the most valuable lesson one learns from policing a strike"- I didn't - he read it out very quickly, so I didn't take it all down, but do you remember the phrase? You agreed with it, I think. What I have got written

is, "The most valuable lesson you learn is to maintain traditions, fairness, minimal force, duty" and that was a quotation. - A. Yes, exactly.

Q. I think it was suggested that was a quotation from the gentleman who was your Chief Constable? - A. Yes.

Q. And I think you assented to that? - A. Yes. He was the Chief Constable at the time of the steel strike, but not at the time of the N.U.M. dispute.

Q. Yes. He had moved on by then? - A. Yes.

Q. You agreed, I think, that that was the most valuable lesson? - A. Absolutely.

Q. And when you came to police the Orgreave Strike, was that lesson encapsulated in more.....

MR. O'CONNOR: Would my learned friend and your Honour perhaps appreciate hearing exactly what was put? I have it here.

MR. WALSH: I am always grateful for assistance.

MR. O'CONNOR: These were the words I put, that there were many lessons to be learned from the steel strike. The most valuable lesson was that to be derived from maintaining traditional Police methods of being firm but fair and resorting to minimum force by way of bodily contact and avoiding the use of weapons.

MR. WALSH: I am grateful to my learned friend:

Q. Now, do you agree with that? - A. Absolutely.

Q. Was that a lesson that you had learned at the Rotherham steel strike, or was it one you already knew? - A. Well, it has been a philosophy of mine all the way through my Police career. I have not used force when it has not been necessary. I have used force on occasions, in fact, a number of occasions, but I do not do so for the sake of using force - it has been to arrest people who have committed, or have been suspected of committing criminal offences, and that is a philosophy that I applied to not only the steel strike in Rotherham, but also to the miners' strike, which is shown by drawing up the one cordon, no attacks on people. They were allowed to come, they were allowed to stand in front of the cordon, which just stood there and looked at them.

Q. Had there been no stone throwing, charging into the Police lines, and so forth, would you have sent any horses forward? - A. Not at all, no.

Q. Would you have sent any short shield units forward? - A. No.

- Q. Would you have sent any long shield units forward? _
- A. If there was no stone throwing, no.
- Q. This may sound an obvious question, but I ask it. What was it that caused you to send those various units forward from time to time? - A. Unfortunately, the use of violence from the demonstrators.
- Q. You have been a Policeman for many years? - A. 32 years and ten months.
- Q. Has that always been in the South Yorkshire Police Force?
- A. Yes. I started off in Sheffield City as a Constable. In 1967 it became Sheffield and Rotherham, then in 1974 it became South Yorkshire, and I have always been here.
- Q. So, have you always been aware that within the area that you have been policing are mining communities and so forth?
- A. Yes. I lived in a mining village at the start of my career.
- Q. Where was that? - A. At Beighton, which is very near to Brookhouse Colliery. My nextdoor neighbour but one was a miner. My son was born there.
- Q. And were you, when you first started out in Beighton, a local bobby, or what? - A. No, I wasn't a local bobby. In actual fact, Beighton, at that time, was just outside the Sheffield boundary and in Derbyshire.
- Q. Did you live in the village? - A. Yes.
- Q. And you were known to be a Policeman? - A. Yes. In fact, my wife's foster father was a miner. She lived with him for fifteen years, something of that sort - not foster father, adoptive father.
- Q. Yes. What is your belief about the relationship between the Police and mining communities in the small, little areas in which they live? - A. I have always thought the relationship was extremely good, bearing in mind that as a divisional commander at Rotherham I had in my division Maltby pit, Silverwood pit, Kiveton Park pit and some others, and many of the people living in my division are, of course, miners, and the relationship has been very good.
- Q. I ask you this question against the background of the allegation that it was your planned intention to inflict violence upon miners. Do you follow? That is a clear allegation by these Defendants. - A. Yes, I do.
- Q. Let us just consider that for a moment. What result, in your judgment, would it have upon those relationships that you have talked about if the Police were deliberately to attack and inflict violence upon miners? - A. Well, two things. First of all, it would have destroyed our relationship with the miners. But, I think, from the television coverage that was given to that incident, it would have destroyed our relationship with everybody if we had deliberately attacked the miners.

- Q. And if either of those results had occurred, what would have been the outcome? - A. Well, generally, of course, the relationships within South Yorkshire, between the communities and the Police, would have been appalling and, secondly, if I could have been seen to have been acting in that way there is the possibility that the Police Committee who selected me to be the Chief Officer could have taken some action against me, and I was merely going to add that some of the Police Committee are, in fact, working miners. I say, "some", - one certainly is at Bodsworth.
- Q. Now, let us ignore your own personal position. - A. Yes.
- Q. Did you want to cause such an effect as you have described about relations between the Police and the mining community? - A. No. We had put in an enormous amount of work trying to build them up after the Scarman Report.
- Q. You have said - and it is a long time ago since you said it - that when you commenced your duties, being in charge of the Police presence at Orgreave, to begin with very few people turned up. - A. Relatively speaking, yes.
- Q. If it had stayed that way would you have built up your force in the way that you did on this day? - A. No. If they had stayed that way I personally wouldn't have gone in the place. It would have been the Chief Inspector's job at the very most, if it had stayed that way.
- Q. You have told us - and I need not go into the facts again - of how as days or weeks went by the numbers of pickets or demonstrators, call them what you will, increased to 7,000 and beyond? - A. Yes.
- Q. If they had not increased to that extent, what would you have done about the amount of Police present at Orgreave? - A. There would have only been sufficient Police there to control the sort of situation which could develop with that sort of number.
- Q. The way matters have been put to you is that you were creating a situation rather than reacting to it. Do you follow? - A. Yes.
- Q. What do you say about that? - A. That is quite wrong. The situation merely was that as they arrived in numbers a cordon was put across the road to stop them getting near to the coking plant gates, and that was it. If they had stayed on that side of the cordon, if there had been no violence, that would have been it.
- Q. The Court has seen on the video one of the instances, I think, on which there was a charge at the Police lines, people coming down the hill and impacting into the Police lines. - A. Yes.
- Q. Had that situation occurred on any of the previous days? - A. Yes, it had, yes.

Q. I am not asking you for precise instances. - A. No.

Q. But, had it occurred on more than one previous occasion?
- A. Yes, it had, yes.

JUDGE COLES: Is that pressure on the line at all?

MR. WALSH: Your Honour, yes. In fact, I think what we saw on the film was on the road side, on the right-hand side as we look at the film, a brace of men coming down and colliding against the Police lines.

JUDGE COLES: Yes.

Q. MR. WALSH: I have forgotten whether you answered the question there. - A. Yes.

Q. My question was, had that happened on several previous occasions? - A. Yes, it had.

Q. And on the 18th June, did you have in mind what had happened on previous occasions? - A. Yes, I did.

Q. And you have told us, in answer to my learned friends, I think, that on those previous occasions the charge certainly always coincided with the first lorry run?
- A. Yes.

Q. Now, perhaps you can help me with this? Was that when the lorries arrived or departed, or both? - A. No. Both. Coming in and going out.

Q. And so, what were you expecting on the 18th? - A. I was expecting as the lorries went in and as the lorries came out there would be that similar surging and pushing and shouting and, from the previous experiences, of course, I expected some stone throwing.

Q. And, expecting that, what precautions did you take? -
A. I had to have a sufficient number of Police Officers available to go into the cordon to stop the demonstrators breaking through. I had to have a sufficient number of long shields available to stop Police Officers being injured, and I had to have other specialised units available to clear the area if the situation got to that stage. I think, if anyone has been reading the Manual, about CS Gas and smoke and plastic bullets and rubber bullets, I didn't have them.

Q. No. Had you, on any of those previous occasions, had horses? - A. Yes.

Q. Short shield units? - A. Yes.

Q. Long shield units? - A. Yes.

Q. Was that on one of these previous occasions, or several?
- A. No, there were two occasions. I had them there for all occasions. Two occasions, they were used.

- Q. On the occasions when you had them there, even though you didn't use them, were they visible to the miners ahead, up the hill? - A. They were squatting against the wall of the command post, generally, and they would be visible, yes. Some would be visible.
- Q. Was there any type of unit there on the 18th that had not been on these previous occasions? - A. None at all.
- Q. You have been reminded that so far as the topside area is concerned, the place where the demonstrators were congregating, which you call the top holding area ...
A. Yes.
- Q. I would like to know how, progressively, over the days or weeks, it came about that miners congregated there. Was it something they had just chosen to do, something you communicated to them? Just tell us how it happened?
- A. When I first went to Orgreave - if you look at the plan.
- Q. Which plan? - A. I should think possibly the aerial photograph might be best.
- Q. Very well. - A. Which has been taken away, of course.
- Q. Yes. We do have it back now. (Handed) - A. Very well. If you identify the command post, which is that building, the square building which is to the left of that row of trees.
- Q. Is that where I have my finger? - A. Yes. Now, initially when they first came to Orgreave, I instructed to get them into the sort of situation which they always demanded, which is near to the entrance where the coke lorries were going in or coming out, that should be in that field to the left of the command post
- Q. Yes. May I just stop you there? - A. Yes.
- Q. You said to put them in the position which they always demanded? - A. Yes.
- Q. Could you expand upon that last "they"? Who is "they"? How were the demands made? - A. Initially, the people who turned up caused very little trouble and all they seemed to want to do as the lorries went in was to have a good shout and when the lorries came out to have another good shout.
- Q. Right. Yes. I'm sorry. I interrupted you, and I apologise. - A. And they were in that field there. Now, that only lasted for about a day because, strangely enough, we had a representative from them who said they didn't like standing in the field
- Q. So, there was actual conversation between Police Officers and leaders of the miners? - A. Yes. I could understand

that to some extent, because although it isn't shown very clearly, round that field there is a stone wall.

- Q. Very well - A. And they're virtually coralled inside the stone wall.
- Q. So, how did it come about that there came into existence what we have been calling the topside holding area? -
A. Well, after this initial coralling, as it were, and the representations were made, we decided, collectively, as senior officers, that we would move our line up to above the main entrance which we have all heard about, and merely hold the cordon there. Now, we knew that coming down to us was a hill. It wasn't an ideal situation for a Police cordon, but at least if they kept there they could see the lorries coming up Highfield Lane and they could see them turning into the gate, and that worked for a time.
- Q. You say that was after about the first day? - A. Something like that, yes.
- Q. And what was the response and the reaction of the miners at the suggestion? - A. Certainly, they thought - there was no great violence at all.
- Q. And had they wished to continue discussing and negotiating matters with you, what would your reaction have been? -
A. Marvellous. In fact, I went across and spoke to the pickets on the gate on a number of occasions. I remember once, if you wish me to
- Q. I don't know what you are going to say, so I don't know if it is relevant or admissible. - A. Merely shows the relationship between the Police and what I call the official picket.
- Q. I don't think there is any objection to that. - A. Well, there was a miner somewhere injured, I believe, died, and the official picket came to me and said, "Would you mind if I went amongst your officers and collected some money?", and they had a bucket, and I said, "As far as I'm concerned you can go and speak to them, as you wish, but bear in mind that there are other people who will object".
- Q. So, was this one occasion when there was violence, or not? - A. No, it's an official picket standing at the gate and a few miners at the topside.
- Q. Yes. When the actual pushing and shoving and so forth began on previous occasions, was it accompanied by any form of noise? - A. Yes.
- Q. What was that? - A. Well, usually it was, "Here we go, here we go", a chant.
- Q. The Jury may remember hearing something like that on this video. - A. Yes. It became - well, yes, it was there on that occasion.

- Q. What used to happen immediately after you heard that chant? - A. Well, that was usually the signal for a surge and a push, and violence of that sort.
- Q. Yes, I see. Was there ever any objection or complaint once you had selected between you the top holding area? - A. Yes.
- Q. From the miners, that they wanted to be in some other area, different position? - A. No, no.
- Q. One of the allegations made against you is that, there being other places in which they could have been held, you chose the topside holding area because it was perfect ground, so it is alleged by the Defence, for a cavalry charge by your horses. That was one of the things specifically put to you. What do you say about that? - A. Well, I am not a cavalry man, but it would seem a pretty ridiculous place, actually, because, firstly, the horses have got to go uphill on the road and, secondly, at the point they are starting off from, for some yards, some considerable distance, there is a very treacherous bank on the right-hand side, a drop of about 14 or 15 feet, as I remember. Now, if the horsemen had gone over that they would have been killed.
- Q. Now, turning to another aspect of the matter, you have been accused of not only that general policy that I put to you, of lying deliberately and persistently about certain details in this case, not only now, but the inference behind some of the suggestions is that you were doing it at the time you wrote your notebook and the little white book that you had. Do you follow? - A. Yes.
- Q. Because it has been suggested that you didn't compile those at that time. Now, would you, first of all, get your notebook, please? - A. Yes.
- Q. I would like you to have available to you your notebook, the statement that you have been asked to look at and your little white book. - A. Right.
- Q. Just to remind the Jury what you have told us, you have said that, first of all, that little white pad, those things were written on it out in the field, if we use that general expression, that morning? - A. Yes.
- Q. And was it written up all at one time, or as each event that you have recorded took place? - A. As each event took place here.
- Q. Very well. Now, the suggestion is made against you that you did no such thing, that you wrote it up at some later hour or day or week. Do you follow? - A. Yes.

MR. WALSH: Your Honour, may this be made an exhibit, please?

JUDGE COLES: Yes.

MR. WALSH: Your Honour, I would like the Jury to look at it.

JUDGE COLES: Perhaps there is an issue here? I hear murmurs of dissent. If it is to be made an exhibit it has to be made an exhibit because the Jury should be entitled to see whether it is the kind of document which has been made standing in the field or the sort of document which has been made sitting comfortably at a desk:

You aren't to look at it, members of the Jury, as a document which, as it were, contains some Holy Writ. Of course not. You are to look at it for that purpose, that it is only to help you make up your minds about the circumstances in which it was written.

MR. O'CONNOR: I think there is a murmur of dissent because we are racking our brains. There was so much cross-examination I cannot recollect anybody suggesting - certainly, I didn't suggest it - that those were not written at that time. But, that said, I don't object. I don't think anybody objects to them being exhibited. If I am wrong, I hope I have left room

JUDGE COLES: We ought to know whether that allegation was made.

MR. WALSH: It was put by my learned friend, Mr. Mansfield.

MISS RUSSELL: I wonder if those of us who haven't had the opportunity of seeing that so far, apart from the Jury, might at some point have the opportunity to have sight of it.

JUDGE COLES: Of course. You are entitled to see every exhibit in the case.

MR. WALSH: I thought most of my learned friends had.

JUDGE COLES: Would you like to just pass it to counsel first and if there is any point they wish to make on it they can make it before we go any further? Mr. Mansfield was taken by surprise, as indeed we all were.

MR. MANSFIELD: I didn't query what my learned friend was doing because the whole of the content has been read out and everybody has written down what it said. What I questioned Mr. Clements about was whether anybody was shown this notebook at the time. He said, "No"; whether Mr. Povey would have seen this notebook, and he said, "No", but that Mr. Povey might have seen him writing. That is, essentially, what I was investigating, as I had not come across this notebook before and I was certainly suggesting what he had written in it was not true, because of course there is a particular incident with regard to that certain person which is written in there. That was all.

JUDGE COLES: My recollection was that you took issue with whether the tidiness of the writing reflected

MR. WALSH: Not only that, with respect.

MR. MANSFIELD: May I just finish? I certainly didn't question the tidiness of the writing. It is a pencilled document that clearly could have been written standing up or sitting down. I questioned the truth of the contents and whether or not anybody else had been shown it and Mr. Clement was very clear about that.

JUDGE COLES: Well, there it is. Perhaps it is all academic.

MR. MANSFIELD: I am not objecting to the Jury seeing it. In fact, my note, just for the record, is that you put Page 9 of his statement and the remark, "I abandoned any attempt to remember times", and then you said one must infer from that that he meant he hadn't kept any written record, and his reply was, "Well, I saw no point in mentioning it in my statement".

MR. WALSH: Yes. That arose because in chief he said to your Honour, in relation to note taking between 2.30 and 5.30, that it was possible but he was hazy, or words to that effect, about time. That is how it arose.

JUDGE COLES: Patience, members of the Jury, we will have it in a moment. (Handed to Jury)

Mr. Walsh, the Jury have had a chance of seeing that now.

- Q. MR. WALSH: Just before this little discussion began, Mr. Clement, you said that those entries were made as you stood out in the field, as each incident you there recorded, happened?
- A. Yes.
- Q. Because in relation to certainly one of them, about eight o'clock Mr. Scargill walked along the Police lines? - A. Yes .
- Q. Do you follow? - A. Yes.
- Q. It is said that that never happened and that, therefore, when you wrote it you were inventing it? - A. Yes. I understand that.
- Q. As to whether Mr. Scargill was walking along the Police lines at about eight o'clock or not, can I ask you this: This trial is, and I hope I don't over- simplify matters, on two principal questions - was there a riot and were these Defendants, or any of them, involved in the sense that they were participating in the riot? - A. Yes.
- Q. As to whether Mr. Scargill was there or not, in your mind, does that affect the answer to either of those questions?

MR. MANSFIELD: Well, your Honour, I am not sure on what basis that question is being put. I don't mind the witness being asked, "Was Mr. Scargill there at all?" and this witness can say what he saw Mr. Scargill doing, whether it was walking up and down or not. I cannot have any objection to that, but that particular question, it seems to me, poses all sorts of things, and this is one which I

didn't envisage. What other questions might arise - whatever may have been in the mind of Mr. Clement or Mr. Scargill, for that matter? I cannot object to factual questions, but his opinion of how Mr. Scargill relates to either of the questions the Jury has to decide - it has already been established at the beginning of the cross-examination that certain instructions, or shall I say, suggestions, were made as to what names would be left in and out, and if my learned friend, if these questions are directed to that, well, that is a matter that should be developed in another arena and not with Mr. Clement.

JUDGE COLES: I don't think I follow that.

MR. MANSFIELD: Mr. Clement is saying whilst he was giving evidence someone said, Mr. Kent (?), that the name of Mr. Scargill wasn't going to be mentioned.

JUDGE COLES: I see.

MR. MANSFIELD: If these questions are geared to that.

JUDGE COLES: I don't think they are.

MR. MANSFIELD: If they aren't geared to that, I don't quite see what they are geared to.

JUDGE COLES: I think what Mr. Walsh is trying to say is that not only did I not (inaudible) incident with Mr. Scargill walking along, he then will investigate what this witness I must be careful how I put it in case I put thoughts into the witness's head:

Would you mind leaving Court for a moment, Mr. Clement?
I'm sorry. I know you have done it before.

I don't think there is any need for the Jury to leave.

You are inviting Mr. Walsh, not me, to express how he sees this question as being relevant. Perhaps you ought to hear him.

MR. MANSFIELD: Yes. I am obliged.

MR. WALSH: I established this witness has been accused of lying and fabricating an entry in his book on the field at the time. I am seeking to explore what possible reason he could have for doing that.

JUDGE COLES: Whether he thought it was important or not?

MR. WALSH: Yes.

JUDGE COLES: Is that, would you say, relevant, Mr. Mansfield?

MR. MANSFIELD: Well, yes, I accept - I don't dispute that, because I put to Mr. Clement that he sees Mr. Scargill as a provocative figure and that is why he put Mr. Scargill walking along at eight o'clock. I have examined that, so I don't object to that.

In fact, the question was prefaced by other material about what the issues facing the Jury are.

JUDGE COLES: Yes.

MR. MANSFIELD: I don't quite see how they fit in, that's all.

MR. WALSH: Then perhaps I could merely ask Mr. Clement if he had any reason for wanting to record Mr. Scargill being there if he wasn't, if my learned friend doesn't mind that.

MR. MANSFIELD: No.

MR. WALSH: Then, I will ask that question.

JUDGE COLES: Very well. Let Mr. Clement come back, please.

- Q. MR. WALSH: Mr. Clement, we are still on the little white book. Do you still have that before you? - A. Yes, I have.
- Q. The accusation has been made that you fabricated that book out in the field. Did you have any reason for wanting to record the presence and actions of Mr. Scargill if he was not there? - A. Not at all, if he was not there.
- Q. Yes. You see, the suggestion by the Defence is that when you are out in the field writing, at eight o'clock Mr. Scargill walked along the Police line, and so forth, that you are writing down something knowing it isn't happening. You are fabricating your notebook. - A. That he is not there at all?
- Q. That's right. - A. No. I'm sorry.
- Q. Have you any reason for wanting to put that in there? - A. None at all.

MR. MANSFIELD: Can we make it clear?

- Q. JUDGE COLES: It isn't a question of not being there or reviewing the troops. I think the Jury have seen the white book, but they haven't got it in front of them. It reads "Scargill walked along the Police lines". - A. Yes, your Honour.
- Q. So, what you are being asked is, can you think of any way in which it would help you to write that down when it was not true? - A. None at all.
- Q. MR. WALSH: Perhaps I can take it a stage further, Mr. Clement? You did comment, in answer to one of my learned friends in cross-examination, that you in fact, when watching the video in Court, saw Mr. Scargill caught on the video film - "caught" is probably the wrong word - shown on the video film. - A. Yes. On which occasion?
- Q. Well, did you make a note as you were watching the video film? - A. Yes.

Q. Because there is a portion of video film which I would like you to look at. - A. Yes.

MR. WALSH: Your Honour, if the operator has accorded with my instructions he will have set the film at a place where I have asked him to set it and that will be in Reel 1 where there is a watch showing 7.58 a.m. (Video On). I don't know whether you looked closely at this particular piece of film or not.

JUDGE COLES: Before we start it, do we have the button which allows you to freeze the frame?

THE OPERATOR: Not on this set. We can put this particular tape on to another tape and we will be able to do that.

JUDGE COLES: Well, I just asked the question.

MR. WALSH: Your Honour, I can see the wisdom of what your Honour says. Would it be possible?

THE OPERATOR: Fifteen, twenty minutes.

MR. WALSH: Well, perhaps I could suspend this part of my re-examination and it might be helpful in that way.

JUDGE COLES: Of course, but do watch it now.

MR. WALSH: Yes. If it is possible to start where the watch says 7.58?

Q. Mr. Clement, are you in the best position to look at that screen?
- A. No.

Q. JUDGE COLES: Would you like to place yourself where you are?
- A. Yes. thank you.

MR. WALSH: It seems there is a fault.

JUDGE COLES: Machines always seem to break down. One should never rely on machines.

MR. WALSH: It may be the best thing if I reserve this little piece of my re-examination, probably to the very end. Whether it means I will have to finish it tomorrow morning, I don't know, but I don't want to inconvenience anybody.

JUDGE COLES: In fairness, a courtroom does cause problems.

MR. WALSH: Well, we will do the best we can. We have to suspend that for a moment, Mr. Clement.

MISS RUSSELL: May I just quickly say, is the idea that that will be taken away and re-taped, because I have just seen the Operator leaving with a couple of tapes?

JUDGE COLES: You have not. Your eyes, as often happens, deceive you.

MISS RUSSELL: I didn't see him come back. I'm sorry.

MR. WALSH: Can I make some enquiries and find out what he is going to do?

JUDGE COLES: Yes. Whatever is done, great care must be seen not to alter or erase the contents.

MR. WALSH: Yes, precisely. Your Honour, as I understand it, there are two machines in Court. One is, I think, a VHS, the other is not. The tape that has been played is not VHS.

JUDGE COLES: It doesn't have the pause.

MR. WALSH: No, and it doesn't have the freeze frame pause. The VHS machine does have a freeze frame and it would be necessary - and may I take instructions as I am going on?

JUDGE COLES: Well, it is a matter of all kinds of different factors. It may be cheaper, quicker and more effective to run the film twice or three times.

MR. WALSH: I am told that^{if} this is merely transcribed on to the VHS tape it will be back before four o'clock.

JUDGE COLES: Very well, as long as no harm is done.

MR. WALSH: No, your Honour. I don't think it will do any harm. If one of the Defence solicitors would like to go with the Operator?

JUDGE COLES: Yes. Let that be done. Would someone from the Defence instructing solicitors like to witness this scientific operation and make sure it is properly done? I think a member of the Jury is volunteering - I fear not.

- Q. MR. WALSH: Well, Mr. Clement, we will have to suspend that question. We can deal with something else now. Now, that is the white book. You were then asked a series of questions about the genuineness of your notebook? - A. Yes.
- Q. And I would like you to look at that, please. You were asked about whether you really made it up that afternoon or whether you made it all up that afternoon. Do you follow? - A. Yes, sir.
- Q. And questions were put to you, the fact that ink changed in mid-sentence, and I think - you correct me if I am wrong - I have looked at it and is there, during the course of this note, I think two changes of ink? It starts out in one colour, goes to another and then back to the original? - A. Yes.
- Q. First of all, have you got rubber bands around it so that it isolates it? - A. Yes.
- Q. Would you like to produce it, to show, first of all, where it starts, secondly, where the first ink change is? Would you like a piece of paper just to flag the first ink change? - A. Yes, sir, and the second one.

MR. WALSH: Your Honour, I ask that this might be exhibited so the Jury can see it.

JUDGE COLES: Yes. Exhibit number?

MR. WALSH: I think it will be 13, your Honour. The little white book is 12 and this will be 13. Just before the Jury sees it, so that they know what to look for:

- Q. Mr. Clement, would you explain where the first change of ink is because I think it has been pointed out to you that it is, in fact, in mid-sentence? - A. Yes, it is. Where it says, "Orgreave Road and Poplar Way", and then there is a hyphen and the change is there at the hyphen stage.
- Q. Again, looking back on it, as you recall, what do you think is the explanation for that having happened, the change of ink? -
A. I believe I was writing there and I had got to that point and there was some interruption, which was probably a telephone call, and I went away, I dealt with the telephone call, came back, picked up the pen, started writing again.
- Q. Is there any likelihood of you, as it were, terminating your day's work at that point in your notebook, going away and then writing it again on the next day? - A. No, because I didn't go home until 9.20 or something that evening.
- Q. Would there be any sense in terminating it at that point, going home and writing it on some other occasion? - A. I really couldn't see any point in doing that.
- Q. Would you deal with the second place, please, where you changed back to the first ink you were using? - A. Yes. Again it is in mid-page, as it were, "this enabled me to withdraw my men", and again, I can only assume that it was a telephone call, an interruption.
- Q. Is the break at the end of a sentence, in the middle of a sentence, just at the start? - A. The start.
- Q. What do you mean. Between one sentence and another, or? -
A. No. The sentence, full stop, first word, change.
- Q. So, the ink change comes after the first word of the sentence? -
A. Yes, the first word.

MR. WALSH: Perhaps those could be handed to the Jury?
(Handed) Your Honour, it is my intention to conclude my re-examination today because I understand that the witness has commitments tomorrow.

JUDGE COLES: Yes. Who will be our witness tomorrow?

MR. WALSH: Mr. Povey. I am reminded, your Honour, that your Honour may not have seen the exhibit.

JUDGE COLES: I saw it some time ago, but I would quite welcome another look, please. Thank you. (Handed)

Q. MR. WALSH: Just take it back for one final question on that book, Mr. Clement. The suggestion having been made that you didn't write it that day, or all of it, or whatever, when the day is finished do you record in that book the time at which you went off work, or the time at which you concluded writing a note? - A. Yes, it is written.

Q. Which one, the time you finished or the time you went off? -
A. Both. The time I finished the notes was 5.30 p.m..

Q. Recorded in the book? - A. Yes, and 9.25 p.m., off duty.

Q. And what is the next entry that follows?

Q. JUDGE COLES: I'm sorry. 5.20? - A. 5.30, finish the notes and 9.25 off duty.

Q. MR. WALSH: What is the next entry: "Tuesday 19th June, 4.00 a.m., Orgreave, 34 lorries, 33 lorries"? Is that the next day's work?
A. Yes.

Q. Thank you. Will you hand them into the Court, those exhibits?
A. Yes, sir.

Q. The third matter about which accusations have been made against you relates to the typed statement. - A. Yes.

Q. Which you have in front of you, many paragraphs of which have been read out to you in evidence? - A. Yes.

MR. WALSH: Your Honour, I ask that this be exhibited.

JUDGE COLES: Certainly. Any objection to that? No.
Once again, members of the Jury, you can see the purpose of this.
Very well.

Q. MR. WALSH: You have that there, Mr. Clement? - A. Yes, I have.

Q. First of all, because a suggestion has been made as to whether you wrote it or signed it that day, does it appear to have a date on it?
- A. Yes, it does.

Q. What is that date? - A. 18th June.

Q. 18th June. Does it bear your signature? - A. In several places, yes.

Q. Yes. I think the Jury will see that, and also that of Derek Smith, Detective Inspector, who is witnessing it? - A. Yes.

Q. Now, in connection with that, what you have told the Jury is that as you were writing out your notebook you were dictating likewise to Inspector Smith? - A. Yes.

Q. Who was - I can't remember whether it was him himself or whether he was instructing a typist? - A. No. He was typing.

Q. And did he complete his typing that day? - A. Yes, he did. He completed the statement that day.

- Q. And did you sign it? - A. Yes, I did.
- Q. Was the whole of it, therefore, completed that day? - A. That day.
- Q. A matter I would like you to deal with concerns a point raised by my learned friend, Mr. O'Connor, about three other statements. Do you follow? - A. Yes.
- Q. He asked you about and showed you, and spent some time looking at statements in identical terms, and you explained something of it? - A. Yes.
- Q. There was, I think Mr. O'Connor pointed out, four statements in all - that, and three others? - A. Yes.

MR. WALSH: I think I shall be forgiven, your Honour, for leading on this point. It is a matter of common ground between the parties:

- Q. As a result of the arrests that took place at Orgreave that day, were four sets of different criminal proceedings commenced against four different groups of people? - A. Groups, yes.
- Q. When one commences criminal proceedings, do you have to serve upon every Defendant witness statements of those who are to give evidence for the Crown? - A. Yes.
- Q. And so, did four separate files have to be prepared? - A. Yes. In fact, I think there were more, for another reason, yes.
- Q. We need not go into that. - A. But, certainly at least four, yes.
- Q. And were you to be a witness in each of those proceedings? - A. Yes.
- Q. And for each file, did you have to sign your witness statement? - A. Yes.
- Q. Was it necessary - Mr. O'Connor has pointed out this matter, so I can read this, that word for word the statements are the same? - A. Yes.
- Q. Was it necessary, in those circumstances, for you to dictate your same statement four different times to four different people? - A. No.
- Q. You have explained that Inspector Smith took charge of the arrangements for other girls, or typists, I think to copy the statements he himself had typed? - A. Right.
- Q. And that at some stage later you signed the copies that they had typed? - A. Yes.
- Q. And I think you have agreed that it may be that by the time one of those statements had been typed it was no longer the 18th, but might have been the 19th or the 20th? - A. Yes.
- Q. In those circumstances, if it be only because the typist had taken longer to type one statement than Mr. Smith had done, would you have crossed out the date and put the 20th, or would you have kept by the day when you prepared the statement? - A. I made my statement

on the 18th and that is what I would sign.

- Q. If you had crossed out the date and put another one on, might that have caused problems? - A. I can imagine somebody saying to me, "When did you make this statement?"
- Q. Yes. And the day you made it was the 18th? - A. Yes.
- Q. On the 18th? - A. Yes.
- Q. Thank you. One or two questions now, please, about the short shield units. - A. Yes, sir.
- Q. And the officers that comprised them. - A. Yes, sir.
- Q. What is the normal role of the every day officer who was, on the 18th June comprising part of a short shield unit? - A. Their role in a situation of that sort?
- Q. No. - A. I'm sorry.
- Q. When they are not on a situation of this sort? - A. Oh, they work their beat, they are beat officers. They may drive a car, ride a bicycle, they may walk, but they are beat officers. There are no C.I.D. officers, no plain clothes officers. They are all uniformed beat officers.
- Q. And let's assume Orgreave had never happened. How many hours or days, weeks or months would they spend on training or involvement in P.S.U. methods or short shield methods, to give it the shorthand name? - A. I believe it is not more than one day a month.

MISS RUSSELL: I wonder if my learned friend could clarify whether the officer is answering for South Yorkshire at this point or for all the short shield officers who were available on that day?

MR. WALSH: I will:

- Q. Can you help us? As to your knowledge, first of all, in South Yorkshire what is the practice? - A. One day a month.
- Q. As an Assistant Chief Constable, are you aware whether the practice in South Yorkshire differs from elsewhere? - A. No, I am not.
- Q. You aren't? - A. No. I believe it is a fairly standard sort of training. I am not aware it differs anywhere else.
- Q. Yes. You were asked a lot of questions about what short shield officers may or may not do in certain circumstances and perhaps you would like to look again at the document about which Mr. Griffiths asked you some questions? (Handed) Now, I think you told us that this manual, I think, to use your expression to one of my learned friends, was not a book of rules but a discussion of various options and tactics that might be used in certain circumstances? - A. It made certain recommendations.
- Q. Yes, and does it form any part of the Standing Orders of your Police Force? - A. No.

Q. My learned friend, Mr. Griffiths, read out a number of manoeuvres.
- A. Yes.

Q. I wonder if you would like to look, please, at, I suspect, the first page of that document? Your Honour has a copy, I think?

JUDGE COLES: Are you looking at the one headed, "Short Shields"?

MR. WALSH: Yes:

Q. What are the possible objectives - Paragraph 2 - for which the short shield units might be used, according to the Manual about which you have been questioned? - A. In a missile throwing situation.

Firstly, to protect officers in charge who are not shield units and allow them to operate with those units without losing operational control. Secondly, to provide protection for fast-moving arrest squads. Thirdly, to provide protection for fast-moving dispersal squads.

Q. Yes. In answer to my learned friends, you said on more than one occasion, and I am concentrating at the moment on the move forward to over the bridge, but you said at a couple of various different stages that your instructions for the short shield men were to go forward to effect dispersal and, where necessary, to arrest? -
A. Yes, arrest, yes.

Q. Mr. Griffiths has questioned you, to some extent, about manoeuvres described for arrest in the Manual. - A. There are recommendations for arresting, yes.

Q. Mr. Griffiths read out Manoeuvre 5 and he referred to, to some extent, Manoeuvre 6 and 7. Are there specific manoeuvres referred to there that relate to arresting procedures? - A. Yes.

JUDGE COLES: Do we have those?

MR. WALSH: I'm sorry.

JUDGE COLES: We don't have those.

MR. WALSH: I think your Honour is thinking you should have.

JUDGE COLES: Tactical Manoeuvres I have. I have Manoeuvre 1.

MR. WALSH: Does your Honour have a page headed, "Group 2"?

JUDGE COLES: Yes. Manoeuvre 2, Manoeuvre 3, Manoeuvre 4. Yes, I follow.

Q. MR. WALSH: You have been cross-examined about manoeuvres relating to dispersal, but there are also manoeuvres there that relate to arrests? - A. Yes, sir.

Q. And just to see what, as it were, authority, or limits there are ...

MISS RUSSELL: I hesitate to interrupt, your Honour, but as your Honour is aware the Defence have not been allowed an actual copy of this document. We had to do it in long-hand after Court

last night, with the assistance of my learned friend. Now, the Crown, in re-examination, has put in Paragraph 2, "Objectives" without any reference to Paragraph 1, which is the introduction, which, unless you read the introduction to the objectives, gives a somewhat biased appraisal of how these units came firstly into existence and, secondly, their objectives of deployment. Secondly, in selecting out Manoeuvre 2, as it were, really referring to it as an arrest manoeuvre without indicating the details of that manoeuvre to the Jury

MR. WALSH: I haven't even asked the questions yet, your Honour.

JUDGE COLES: No.

MISS RUSSELL: The only point is I would ask for this document to be exhibited to the Jury so they can have the opportunity of reading the exact wording of this document, so that they themselves can understand it rather than have it done in this piecemeal way. It is most unfortunate. It is very difficult too. It seems to me that if this document will be referred to in re-examination it should become an exhibit like everything else in this case.

MR. GRIFFITHS: I raised this matter, your Honour, and dealt with it as best I could without a copy of my own long-hand note.

JUDGE COLES: You did it beautifully.

MR. GRIFFITHS: Thank you, your Honour. With great respect, I have not said anything about the exhibiting of the documents, not one that I referred to, this white book or the statements, but I do ask, obviously, that we would have to look after it more carefully than we have done with my three photographs, with some care and with some good sense. I feel at least one copy should be exhibited so that the Jury can see the precise words and the whole of the document. There is just as much argument for the exhibiting of this document - in fact, probably more so, in my submission - than some of the documents my learned friend has already asked to be exhibited. So, with respect, my learned friend brought this up before me, and I was intending to do so, and I support her.

JUDGE COLES: I take it all Defence counsel take the same view?

MR. GRIFFITHS: Yes.

JUDGE COLES: There was a reason given why this document was not copied.

MR. WALSH: Yes, and your Honour gave a ruling.

JUDGE COLES: Yes, I did.

MR. WALSH: And, knowing of that ruling, my learned friend chose to ask certain questions.

MR. GRIFFITHS: I don't prevent my learned friend re-examining. My point is that that document has been referred to in cross-examination and re-examination. It becomes an exhibit, will have to be looked at

very carefully. It should be available for the Jury to see.

MR. WALSH: My learned friend knows the situation in which your Honour gave the ruling.

JUDGE COLES: Yes, that's right. Sometimes one must have the courage to change one's mind, Mr. Walsh.

MR. WALSH: Yes. Could I deal with it in a different way?

JUDGE COLES: Yes. I think the grounds of your objection were, in the first place, well-founded. My hesitation is simply whether that can be met in some way, with care.

MR. WALSH: I think what I can do for the moment, because it is a matter Mr. Clement in fact did mention in answer to one of my learned friends; is to ask him - I will ask him a question and I won't ask him to answer. If anybody objects to the question, then they should say so and then, when he has answered it I can probably leave it at that.

MR. GRIFFITHS: That won't satisfy me, with great respect.

JUDGE COLES: I didn't think it would. If I think the Crown are going to rely on what is set out here and the Defence have dealt with the matter, that may or may not lead to certain consequences. But, if you think it right to re-examine, it may lead to others.

MR. WALSH: Can I just say what the question is before my learned friends object to it?

MR. GRIFFITHS: I am not objecting to the question. I merely indicate I would, respectfully, want all documents to be looked after with care, but, if exhibited in this case I don't mind if your Honour keeps it in your Honour's custody, but at least as an exhibit.

JUDGE COLES: Are you asking for one hand-written copy of this document?

MISS RUSSELL: I certainly wouldn't want my one handwritten copy to be handed in. I think what we ask for is one copy such as my learned friend for the Crown has and your Honour has, to be available to the Jury in exactly the same terms that we have got, so that they can see. My point is that my learned friend began with the objectives point although there is the introduction to the short shield matters before that. As he has quoted the exact words of that in open Court to the Jury - certain manoeuvres were put yesterday, which were quoted word for word, and it really becomes a totality if one of the Jurors had shorthand and could have got all this word for word in any event. It really becomes fatuous in a sense that if it is now a document they should not

be trusted to have one copy available and, obviously, to be kept in the presence of the Court and to be made available if they are in the courtroom or retiring.

MR. WALSH: The logic of that is that when my learned friends made the application to your Honour originally for your Honour's ruling, they must have known and anticipated that they weren't going to keep it within the limited confines of your Honour's ruling.

MR. GRIFFITHS: I don't think I ever asked for a ruling, with great respect.

JUDGE COLES: I think Mr. Walsh should be given the chance to deal with this matter unfettered and uninterrupted.

MR. GRIFFITHS: Certainly.

MR. WALSH: My learned friends made an application to your Honour to deal with it and your Honour appraised the circumstances and that even, as your Honour knows, is not a full document relevant to all the possible matters.

JUDGE COLES: That is one of the dangers of it really.

MR. WALSH: Yes, that is right, your Honour, and my learned friends ask for it to be exhibited on that basis. Now, for them then to say, "Well, we have cross-examined about it. Now, it must go in as an exhibit", is something they should have foreseen when making that application originally. Your Honour might have formed a different view about it.

JUDGE COLES: Let us see what your questions are going to be.

MR. WALSH: Yes:

Q. My question is something you have already said,

Mr. Clement, in evidence, so I don't think it will trouble people. When this document lists certain manoeuvres, are those manoeuvres, as it were, exclusive of all other possible manoeuvres without the discretion of the man on the ground, or what? - A. Quite the reverse. They are there as recommendations and as guidance, but as I understand this Manual, it was produced after the inner city riots of 1981 and I don't think at the time, certainly as a Chief Officer, I didn't envisage the things in this Manual being used in an industrial situation and in an industrial dispute. I do not believe that, and having read the Manual one can see that it could not really be applied very often in industrial situations, and therefore it is open to the officer in command to adapt them to the situation.

Q. And the other question I ask is, does the Manual make that clear? - A. Yes, I think it does.

Q. That it is open to the officer to adapt them? - A. Yes, it does.

MR. MANSFIELD: Could my learned friend be helpful and produce the bit of the Manual that makes that clear?

JUDGE COLES: That seems not unfair.

MR. WALSH: Certainly I can do that, your Honour. Perhaps your Honour would like to look at letter 'C' under '3' on the first page?

JUDGE COLES: Yes. Has that been read to the Jury?

MR. WALSH: No, your Honour. Might it be, if my learned friend, Mr. Mansfield, wants?

JUDGE COLES: I do think we are getting into a fairly unreal situation.

MR. WALSH: I absolutely agree, your Honour.

JUDGE COLES: I think the simplest and most satisfactory thing to do now, given time, is that the Jury should see that and have a copy of this. It is clearly in a document which has to be dismantled, but if there is one copy of it which can go to the Jury when they retire, it seems to be that that basis gives some realism.

MR. WALSH: Yes. I will arrange for that to be done, with the explanation, as your Honour says, that this is an extract obtained by me at the request of my learned friends, dealing with such matters as they indicate they want to have dealt with.

JUDGE COLES: Yes. Perhaps you will forgive me if I speak to the Jury?

Members of the Jury, what is going to be obtained for you is an extract from the Police Manual. You obviously don't want to start reading through it, it ranges far and wide, as if it was the Holy Writ, look at it and interpret it as though it was a statute, but counsel have referred to it and it is placing too much of a burden on you to expect you to remember it, so you will see it, but please would you, when you do have it, remember it isn't any more than what you would have been told - it is an extract from the Manual, making certain suggestions that will help you to give such weight as you think right to the various points and arguments counsel for the Defence and Prosecution make about it, but you won't have to worry about remembering what is read out from it.

MR. WALSH: So the Jury know what we have been talking about, can I deal with the first sentence in Paragraph 'C'?

JUDGE COLES: Certainly.

Q. MR. WALSH: Mr. Clement, first page. Now, this is "Tactical Manoeuvres", letter 'C'. Would you just deal with the first sentence? - A. "The manoeuvres stated are not exhaustive. They form the basis upon which others could be developed to satisfy local needs".

JUDGE COLES: The extract which I have on short shields will be Exhibit 14 - I am now told it is 15 and the statement was 14.

Q. MR. WALSH: Yes. Would you hand that in, Mr. Clement, please? - A. Yes. (Handed)

MR. GRIFFITHS: Could my client's photograph be given an exhibit number now, when you find it, because it was put in? I don't mind them all being 11 (a) (b) and (c).

JUDGE COLES: Yes, let us have that.

MISS RUSSELL: I think that leaves the witness statement to be Exhibit 15.

JUDGE COLES: No. Exhibit 10 is the aerial photograph which Mr. Clement has marked. Exhibit 11 - (a) (b) and (c) are the photographs from your clients. Exhibit 12 is the little white book. The notebook was 13. The statement is 14. Fifteen is the short shields. We had better have an exhibit number for the other photograph. Mr. Rees, that was your client?

MR. REES: Yes. I certainly had intended to have it exhibited in due course.

JUDGE COLES: Let us give that number Exhibit 16. I'm sorry. Mr. Walsh?

Q. MR. WALSH: The question about horses and places and warnings. The Jury may remember from watching the film that there appeared to be quite a lot of shouting and orderings and so forth and people were seen walking about with loud hailers. Now, were you the only person who used a megaphone, if that is the right expression, to give warnings or instructions? - A. I was the only person to use it to give warnings, but not to give instructions.

Q. What other people - senior officers - were using loud hailers that morning? - A. Certainly, Superintendent Povey and, I believe, the Chief Inspector Simpson (?), but I'm not sure about that.

Q. Can you tell us, if you can remember, the name of the

officer who was in overall charge of the horses that day?
- A. Yes.

Q. Who was that? - A. Inspector Tusker.

Q. Did he have a senior officer, do you know? - A. He is an Inspector and usually, when the horses and the short shield men are used together there is a Chief Inspector in charge which, on this occasion, was Chief Inspector Hale.

Q. Can you recall whether, of Superintendent rank, there was anybody in the field? - A. Yes, there was Superintendent Vallance.

Q. He is lower down? - A. Yes.

Q. I should have made it clearer. At topside? -
A. Superintendent Povey, a number of Chief Inspectors, but I can't think of another one.

Q. May there have been one and you can't remember? Or, are you saying there definitely wasn't one, or what? -

A. Perhaps Superintendent Pratt came out of the control room now and again. I don't know.

Q. Yes, I see. You have told us that as a proposed build-up you strengthened your cordon from reserves that you had somewhere or other? - A. At the back of the control room. They were out of sight.

Q. Did you have present at Orgreave all the policemen that you ultimately required that day? - A. I think the fair answer to that is, "Yes".

Q. So, from what time were they all there? Do you know? Approximately? - A. I couldn't tell you that. Perhaps the log will explain that.

Q. Now, one of the matters about which it is said you are lying is that there were missiles being thrown at twenty-past to half-past-eight, round about that time. That was specifically put to you. What do you say about that? - A. They were. This was shortly after the lorries went in.

Q. What was the effect or result upon you and your plans of that missile attack? - A. Well, having seen the missile attack as the lorries went in, it was realistic to assume that there would be a missile attack when they came out and that officers needed protection and therefore the short shield officers were increased and that situation developed from there.

Q. And the short shield officers were increased on whose request, or order? - A. Well, I would order that. I would either tell Superintendent Povey or Chief Inspector Hale, "We need some more shields", and they would arrange it.

Q. Would there be anybody else with whom you would communicate about this? - A. I don't think I would, personally, but

one of the officers I have referred to would almost certainly communicate with the control room.

Q. The control room? - A. Yes.

Q. Why? - A. Because the control room were operating - I've got to explain this. There is a VHF system, radio system and a UHF system. The VHF is able to pass messages from Orgreave to Sheffield. The UHF, which is the system one sees officers carrying about, their small radios, and there were two UHF transmitters in the control room. Therefore, when Superintendent Povey, or somebody else, got in touch with the control room and said, "I require such and such", the control room would then call up the PSUs as necessary.

Q. So, the VHF was on the ground and the UHF was from the control room to Sheffield? - A. The other way round.

Q. I'm sorry. That is merely "Very High Frequency" and "Ultra High Frequency"? - A. Yes.

Q. You would instruct Povey and Hale to ask for more PSUs and they would get on the line to the Headquarters, the local headquarters? - A. Yes, the control room.

Q. The command post? - A. Yes, the command post.

Q. JUDGE COLES: As we are talking about that now, would you do that or use warnings? - A. No. They would be near to me. I wouldn't use warnings. I would say, "We need some more".

Q. MR. WALSH: And they would get them. When they came from the control room, it would be up to them to deploy them to the locations? - A. Yes. I would leave it to them and that was it. The answer I would expect would be to see more shields appear at the front.

Q. What prompted you to make a request for more shields? - A. Because there were officers being injured.

Q. From? - A. Stone throwing.

MR. REES: It is not clear to me whether short shields refers specifically to actual shields or units.

THE WITNESS: I am talking about long shields.

Q. MR. WALSH: I am talking about people. - A. Yes. They actually came from the control room, the policemen carrying shields.

Q. Are you talking about long or short shields? - A. As far as the stone throwing is concerned, the long shields.

Q. I think you said a moment ago that you asked for either Hale or Povey to request some more short shield units. - A. If I said short shields, I am wrong. In this context we are talking about long shields.

- Q. JUDGE COLES: You did, in fact, say, "short shields were therefore increased". Did you mean to say long shields? - A. Yes, for the protection against stone throwing.
- Q. MR. WALSH: And do you refer in your command to your colleagues for PSUs, to men, short shields or long shields? - A. No, I would specify. I would say, "I require long shield PSUs, or short shield PSUs".
- Q. They come with long or short, or no shields at all? - Completely unprotected.
- Q. JUDGE COLES: PSUs refers to all manner of them. Is that right? - A. Yes, and they are always the same in number, from whichever force they come.
- Q. MR. WALSH: A couple of other matters, if you will. The suggestion made by Mrs. Baird and others was that you should alter the time of the second convoy, tell the miners present at Orgreave that it wasn't coming, hope that they would drift away, and then set the wagons rolling. That was the suggestion that was put to you. - A. Yes.
- Q. And you said, in answer to Mrs. Baird, "Well, the miners had people out on the motorway". - A. Yes.
- Q. You were about to develop that and then she asked you something else. Would you like to develop that, please? - A. Well, to be very kind, that would just inflame the situation.
- Q. Yes. And if you did that on the Monday, what would you be facing on the Tuesday? - A. Probably 24-hour coverage.
- Q. And in any event, bearing in mind, as you say, that the miners did have people out on the motorway, would this even have worked on the Monday? - A. I can't see that it could.

MRS. BAIRD: I hope it has been made clear in my cross-examination what I was suggesting wasn't that the convoy should be allowed to get part of the way so anyone on the motorway could see it, but that it should be stopped at Scunthorpe.

JUDGE COLES: Yes, I think it was clear.

- Q. MR. WALSH: I want to come now to the bridge and over. Do you follow? - A. Yes.
- Q. Can you tell me this, Mr. Clement? Was the 18th the only day that policemen went over the bridge and up towards the village? - A. No.
- Q. How many days did the Police go over the bridge and up the hill? - A. Certainly, to my knowledge, once, and there may have been more.

- Q. And what Police went over on that other day? - A. Some horses, officers, some mounted officers, yes.
- Q. Would you be able to remember, out of your own mind, or would you need to look at records to establish which day it was that horses went over the bridge and up the hill towards the village? - A. I believe I can remember it by referring to a certain incident that happened that day.
- Q. Well, I don't mind how you do it, if you could tell us which day it was. - A. Yes. My notebook has gone.
- Q. Yes. Can that be handed? (Handed) - A. Yes.

JUDGE COLES: Exhibit 13.

- Q. MR. WALSH: Which day was it? - A. Wednesday, 30th May.
- Q. JUDGE COLES: 30th? - A. 30th May.
- Q. MR. WALSH: Can you give us an idea of how many pickets, or miners, were there that day? - A. I've got, "Maximum 3,000".
- Q. Where did they come from? I am not asking you what part of the country, but were they at topside? - A. Yes. There was always an element at the bottom side, but there was always, I would say, a much smaller unit at bottom side. There was always some - I am talking about the topside, here.
- Q. Is it possible to say, from your diary, what time the Police went forward and over the bridge on the 30th May? - A. No, it isn't.

MR. GRIFFITHS: I hesitate to interrupt, but I wonder how far my learned friend is intending to go into matters of the 30th May, what relevance they have and how they arise out of any cross-examination?

MR. WALSH: Very well, I must explain.

MR. GRIFFITHS: If it can be done without giving evidence.

MR. WALSH: My learned friend put in a coloured photograph of horses coming back down this road and I want to establish whether the 18th June is the only day when horses went up that road. My learned friend has cross-examined about the matter. I am entitled to re-examine about it.

MR. GRIFFITHS: I wonder why my learned friend needs to go any further, why he needs to know the time?

MR. WALSH: My learned friend might like to wait until I ask another question or so.

JUDGE COLES: Yes. I won't stop you, Mr. Walsh.

MR. WALSH: Thank you:

Q. Would you like to look at this album of photographs? - A. Yes, sir. Can I just say, I was flicking back through my book and I came to the 30th, and I have written here what I have told you.

Q. Yes. - A. I looked at the next page and I saw something else.

Q. Well, does that mean there is another day? - A. According to what I have written here, yes.

Q. Which day is that? - A. 29th.

Q. Of May? - A. Yes.

Q. Are you saying that that is another day when policemen, including horses, went over the bridge and up towards Orgreave? - A. Certainly, I have got the recording of the use of mounted officers and that I used them on that particular day and that they advanced at a trot, and that sort of thing.

JUDGE COLES: But, the point is whether they went up to the village.

Q. MR. WALSH: You told us they did on the 30th? - A. Yes. I can't say about the 29th, except they were used.

Q. Very well. You have been shown photographs. Would you look at them, please? It is the brown envelope ...

JUDGE COLES: I don't think we have given that an exhibit number.

MR. WALSH: No, your Honour. I don't think so:

Q. There are people shown in various photographs there, going over the railway embankment. Do you follow? - A. Yes.

Q. Are you able to say whether the 18th June was the only day on which people went down the railway embankment and on to the line? - A. No. I am not able to say that.

Q. Perhaps I should say, did it happen on another occasion in addition to the 18th June? - A. I can't say.

Q. Thank you. Now, you have been specifically asked - let's look, please, at the photograph labelled '3', which is in fact the fourth photograph. The first one is labelled '0'. - A. Yes.

Q. You have told the Jury that the horses went over the bridge, up the road? - A. Yes.

Q. Followed by men on foot? - A. Yes.

Q. Followed by yourself? - A. Yes.

- Q. Did the horses come back before the men on foot went over, or not? You see, the reason I ask you is, if you look at that photograph there is no sign up at the top of the hill of any men on foot. Do you follow? - A. No. I expect the officers nearest to the brow of that hill are the mounted officers.
- Q. Yes, but they are going down the hill. - A. Yes, they are going down the hill.
- Q. I wonder, Mr. Clement, if you would look at the photograph I am going to show you? - A. Yes.
- Q. Can I just establish that this is the 18th June? - A. Yes. Oh, I'm afraid that will have to be asked of somebody else, because I don't know if it is.
- Q. No. Why don't you? - A. Well, the 18th June was a blazing hot day, a lot of sunshine, and there are no shadows.
- Q. Will you look at the last photograph in that album, the one with Mr. Scargill in it? - A. Yes.
- Q. What do you say about the weather on that occasion? - A. It seems to be fairly hot.
- Q. I would like you to look at a black and white photograph I am going to show you. - A. Yes.
- Q. Do you recognise that scene and the person in it? - A. Well, it looks like me.
- Q. Yes. - A. With my visor down.
- Q. Yes. Where were you? - A. I would say I am about 25 yards above the bridge.
- Q. Yes, and you are walking back towards the bridge? - A. Towards the bridge, yes.

MR. WALSH: Your Honour, I shall be proving this in due course. I shall be calling the person who took the photograph and the negatives are all in his possession.

MISS RUSSELL: It is somewhat unusual to have a photograph produced in this way, by the Crown in re-examination, when there has been no statement served on the Defence in relation to this particular photo. We have no idea of the witness.

MR. WALSH: Your Honour need not worry. That will be done. This photograph only came into my possession yesterday.

JUDGE COLES: As I understand it, it has been done twice.

MR. WALSH: Yes, arising out of cross-examination.

MISS RUSSELL: I understand the somewhat unusual circumstances, but, obviously, one would be very anxious to see any contact sheet and any series, if it is going to be produced.

MR. WALSH: They will all be produced. My learned friend need have no worries.

JUDGE COLES: That is something which is true of all who have photographs.

MR. WALSH: Yes:

- Q. Mr. Clement, just have that back for a moment. It shows you walking back down towards the bridge, and would you look towards the top of the brow of the hill? - A. Yes.
- Q. What do you see at the brow of the hill? - A. That looks to me like a line of Police Officers.
- Q. Yes. What else do you see on the road, between you and them? - A. What looks to be the wreck of a car.
- Q. Is that partly obstructing the road? - A. Yes.
- Q. And on the verge, on the left-hand side as one looks up the hill from the bridge, what do you see? - A. I see what appears to be bulks of timber (?) and there is an oil drum and there are trees which are not damaged.
- Q. Beyond the trees, do you see something protruding? It may be that you will need the glass on. It doesn't matter. - A. Well, there is something there, but what it is, I don't know, it is by a man who is walking up the hill.
- Q. Yes. - A. There is something there.
- Q. I would like now to show you - I am trying to make sure the Jury have them and see the same photographs - the next photograph is the next one on the same roll of film. Do you understand? - A. Yes.
- Q. Now, just before I show it to you, you have told us that you walked up that hill from the bridge and you saw Mr. Scargill on the left? - A. Yes.
- Q. And that an incident happened and you walked over to him? - A. I did.
- Q. And he was with two men? - A. Yes, he was.
- Q. Whom you described? - A. Yes.
- Q. And I think you will remember that one had a black jacket with some badges on it? - A. Yes.
- Q. And there was another person? - A. A big man, yes.
- Q. And I think it has been put to you on behalf of the Defence that the man with the black jacket was Mr. Wakefield (?), who is said to have taken this album of photographs, and that the other person was called Mr. Stones (?)? - A. Yes.

- Q. Now, you say, of course, you don't know the names of those people?
- A. No, I don't.
- Q. Would you look at this next photograph and see if you recognise it or any of the people upon it? - A. Certainly that is Mr. Scargill, as I saw him.
- Q. Yes. - A. And the next man is the man with the badges.
- Q. You can't see the face of the other man. - A. No, but I can see his stomach and it's the size of the other man that was with Mr. Scargill, but, of course, I couldn't say that it was him.
- Q. No, of course. And so far as you can tell, is that the position where you saw them? - A. As far as I can tell, yes. In fact, there is a concrete post just to the right of Mr. Scargill, there, and some chain link fencing.

MR. WALSH: My learned friends might like to look at both these photographs.

JUDGE COLES: Yes. May I just see those first? (Handed)

MISS RUSSELL: I have just tried to ask my learned friend, for the sake of clarification, so I can know exactly what the position is, whether the reason for asking questions in re-examination about other days when the horses went into the village were for the purposes of, as it were, suggesting or being able to comment that, in effect, or at least asking for an inference that the colour set of photos may have been taken on one of those days. The witness has indicated the only other day the horses went up as far as the village was the 30th May. That is how I understand it. He said they went as far as the bridge on the 29th, but only into the village on the 30th. That is the only note he has. Can I understand, therefore, whether my learned friend is, at least at this stage, raising the inference that these colour photographs may have been taken on the 30th May? I just want to understand clearly what the position is. He has said a lot about the weather, a number of details about the colour photos, and I want to understand clearly whether he is trying to, as it were, suggest whether they were taken on the 30th, which is the only other date that this officer says that horses went into the village as far up as the village.

JUDGE COLES: No. I think there are other points. I understand Mr. Scargill appears in one of these photographs. We shall have to wait. I am as interested as you are. So far I don't think I can ask Mr. Walsh to assure you of every piece of ground he proposes to tread as solid ground and not mud.

MR. WALSH: I shall ask the same questions of the person who took the colour photographs.

JUDGE COLES: I'm sure you will. May I ask what has happened to the two black and white ones in the meantime? I hope they haven't gone the way of the others.

MR. WALSH: No. They are here. Your Honour, I would like to conclude this aspect and then, because the film is here, it is back, and I would like to have an opportunity to look at this particular section to see if he can be of any assistance.

JUDGE COLES: Can you finish the photos fairly quickly, in the anticipation that Mr. Clement won't be here in the morning?

MR. WALSH: Yes, I will try to finish, if we can.

JUDGE COLES: I am grateful. May these just be handed to the Jury so they see them and they have numbers on to indicate the order in which they were taken? (Handed to the Jury)

MR. O'CONNOR: Since Mr. Clement may be disappearing, might I just look at the part of his notebook he referred to regarding the 30th May?

JUDGE COLES: No. I don't think his notebook will be disappearing.

MR. O'CONNOR: Yes, but it will be sealed and it might prevent any questions about that.

JUDGE COLES: Yes. Do help yourself:

- Q. You will not need that particular notebook, where you are going, will you, Mr. Clement? - A. No, your Honour, certainly not.
- Q. MR. WALSH: Just one question about these photographs, Mr. Clement. I think you said that "that looks like me", and you said you were the only officer wearing a white shirt out in the street that day? - A. That is me.
- Q. So, that is you? - A. Yes.
- Q. Accepting, if you will, for the moment - and I shall call evidence about it later - that those photographs were taken in the order in which I handed them to you, namely, yourself first and then that incident, second? - A. Yes.
- Q. Does that help you to say anything about the state of the road at the time you first went over the bridge when the Scargill incident that you say occurred, occurred? - A. Yes, there's a lot of debris on the road here - stones - and there's what looks to be a car and possibly a bulk of timber (?) on the road, and I think, looking above my shoulder ...

JUDGE COLES: Are you describing a photograph?

MR. MANSFIELD: Your Honour, if it is going to be done this way, my learned friend is getting too close to cross-examining. This witness has already described, in the clearest possible terms, what the position was in the road when he went over.

JUDGE COLES: Yes. I don't think that is quite the point Mr. Walsh

MR. MANSFIELD: Well, the point Mr. Walsh makes is in relation to the condition of the road and he asks the witness to describe something in relation to the car. Now, he has seen the photograph

JUDGE COLES: What I think he is trying to do is to identify the time of an incident.

MR. MANSFIELD: Well, if it is the Mr. Scargill incident, I have already asked Mr. Clement and he has given us very clear answers about the road, neither of which include the car.

JUDGE COLES: The purpose of re-examination is sometimes to examine answers that have been given.

MR. MANSFIELD: I appreciate that. But, it has been effectively put to him in photographs I haven't objected to, but it is really being led: "Look at the photographs. Now, tell us about the state of the road", not the appropriate way to do it, in my submission.

JUDGE COLES: No leading question has been asked yet, in my judgment.

- Q. MR. WALSH: Can you remember the question, Mr. Clement?
- A. I certainly can't remember the car.
- Q. No? - A. No.
- Q. You can't remember it? - A. No.
- Q. That is all I wish to establish at the moment. You have been asked about what you either said or did not say to Mr. Scargill or the people with him. - A. Yes.
- Q. When you went up to them? - A. Yes.
- Q. I would like to ask you about that, please, briefly. - A. Yes.
- Q. You may, if necessary, have your notebook back, or the witness statement, because they are both in the same terms, to refresh your memory. - A. Not really. I can remember, unless you want it word for word.
- Q. I don't, but you might as well have it. (Handed) - A. I certainly went to Mr. Scargill and the two men were there.
- Q. And in what condition did Mr. Scargill appear to be? - A. Well, I described him as, to me he seemed to be concussed.
- Q. What did you say when you arrived? - A. I went to him and saw what he was like, and I said, in effect, that he needed some treatment, some assistance, and that I would get some ambulancemen for him.

- Q. Did someone respond to that request of yours? - A. Yes, one of the men, but I'm not sure which one it was, said, "There's two lads here who can look after him".
- Q. Does your notebook record which person it was who said that, if you look at your statement? - A. It says the man in the suit. Now, I'm taking it the man in the suit is the one with the
- Q. Yes, I follow. The man in the suit said what? - A. "There's two lads here who can look after him".
- Q. What did you do? - A. I said, in effect, "Don't be stupid. I can get him some professional assistance", and I turned round and went into the road, looked down to the bridge, and at that time there was a cordon across the bridge with other officers behind and I shouted down towards the bridge that I wanted some ambulancemen and after however many minutes elapsed two ambulance-men came.
- Q. Two? Two on foot, or with vehicles? - A. No, on foot.
- Q. Did you remain while they were there? - A. Yes, I did.
- Q. Did one of them summon up the ambulance? - A. No, he asked me to.
- Q. Did you then do that? - A. Yes, I did.
- Q. Did it come? - A. Yes.
- Q. And I think you have already told us it came from the bottom side of the bridge? - A. Yes.
- Q. And Mr. Scargill was taken away? - A. Yes.
- Q. And did you remain there the whole time that was happening? - A. Absolutely the whole time.
- Q. Did you? - A. Yes.
- Q. You can put that down. Finally, now that the tape has arrived, you had better get yourself into a position where you can see. Now, if this gentleman has done what we have asked him to do, the film should start with the watch showing 7.58...

JUDGE COLES: Would you give me a moment to find my note on this?

MR. WALSH: Yes, certainly, your Honour:

- Q. You may need to watch this section once or twice, or more. Now, I think we can all see that watch says 7.58. I would like you to look at this section, please. - A. Yes.
- Q. Now, I don't know if you need to see that again or not, at that point, just before and during, when I asked the Operator to slow it down

MR. MANSFIELD: I would ask for care, no questions to be put.

JUDGE COLES: Yes. Certainly no leading questions.

Q. MR. WALSH: Did you look at that section of the film? - A. Yes, I did.

Q. What did you see? - A. Well, I thought I saw Mr. Scargill.

Q. Doing what? - A. Moving from this side up to the far side.

Q. And wearing what? - A. A baseball cap.

Q. Colour? - A. Blue.

Q. Light or dark? - A. Darkish.

MR. MANSFIELD: As there has been a lot of controversy, I would like it cleared up as to whether it is suggested Mr. Clement has seen him parading up and down the line of officers with no shields.

MR. WALSH: I can't ask leading questions, just what the witness saw. My learned friend did ask me not to ask leading questions and I don't.

Q. JUDGE COLES: I'm sorry. What colour was the hat? - A. Dark blue.

Q. Well now, would you like to see that again and point out the man you say was Mr. Scargill? - A. If you wish, your Honour.

Q. MR. WALSH: Mr. Clement, when you see the gentleman you say is Mr. Scargill, could you just shout, "Stop" to the Operator? - A. Yes.

MR. WALSH: Your Honour, I wonder if the best course might be if the Operator runs the film and Mr. Clement can stop it, because my recollection is that there is what the Operator called a cut, or a break, between this section and the particular section that was stopped at last time?

JUDGE COLES: Is there a freeze frame that will stop the film and the picture, Operator?

THE OPERATOR: Yes, sir.

JUDGE COLES: Very well:

Q. Having frozen that there, would you be so kind as to indicate on your set the man you say it is? - A. Yes.

Q. Would you just say, Mr. Clement, when you want it to stop? - A. Yes, your Honour. I believe there.

Q. Now, would you point out the man on my set? - A. Yes, your Honour, there.

MR. WALSH: Can Mr. Clement come to this screen and point again so that we have all got it?

JUDGE COLES: The Jury have a more blurred picture. Perhaps the Operator could run it back in slow motion until that person disappears and then perhaps you can run it at normal speed?

MR. WALSH: If Mr. Clements could point his finger again?

JUDGE COLES: Let me see that. Yes. You are pointing to the man with a lightly coloured shirt and a dark blue cap.

MISS RUSSELL: Could Mr. Clement point on this screen as well so that we can all see?

JUDGE COLES: Yes. Please do.

MR. WALSH: Your Honour, I think if the Operator could now continue in slow motion for a moment or two and then we can continue at normal speed?

Q. JUDGE COLES: Do you say he appears again, Mr. Clement? - A. No, but I have not seen the film.

MR. MANSFIELD: I am very concerned about what has happened. I hope I am not alone. The person Mr. Clement has pointed out on that screen, the only person he has pointed out on that screen, he has pointed to different people at different points in time. I made a note of who he pointed out the first time on that screen

JUDGE COLES: This is one of the dangers of this sort of exercise. I tried to keep my eye on Mr. Clements pointing at the screen:

Q. Perhaps you could indicate which person you saw? - A. Yes, the man with a blue jacket and a blue hat on that screen, up by the bushes.

JUDGE COLES: Operator, if you would like to run it back and then forward?

MR. MANSFIELD: Yes, this man here.

MR. WALSH: With respect, Mr. Clement ought to be asked this question.

THE WITNESS: The man I identified is the one who raises his hand, like that.

Q. JUDGE COLES: With the blue hat? All you can see in that photograph is what? - A. That is a blue hat and a face underneath it.

JUDGE COLES: That is what I thought you were pointing at.

MR. MANSFIELD: I wrote down he was pointing to someone else. On the very first occasion, he did not point at that figure. He pointed up towards the bush near the wall and then later Mr. Clements said there wasn't another occasion when he saw Mr. Scargill.

JUDGE COLES: Run the film again.

THE WITNESS: The man I have identified raises his fist. Stop there. That is the man I have identified. He has his fist raised, like that.

JUDGE COLES: Just run it through, slowly, please.

THE WITNESS: Just there. He shows a fist at that stage.

JUDGE COLES: Yes.

THE WITNESS: And he continues that over there, and that is the end.

MR. WALSH: Is he out of the camera now?

THE WITNESS: Yes.

JUDGE COLES: Yes. You had better clear that up, what has been said, because Mr. Mansfield appears to feel that Mr. Clements identified someone else. You may think it wise to clear it up.

— MR. WALSH: Yes:

- Q. You pointed there to a man in a blue hat, a white shirt and with fair hair. You described him raising his arm, like that and you pointed to him walking across the camera from left to right towards and past that little bush? - A. Yes.
- Q. On the right? - A. Yes.
- Q. Just to remind the Jury of the geography, when one moves to the right of the bush, what do you see? - A. The road.
- Q. And what policemen were drawn up on the road at that point? - A. A cordon of police officers with long shields.

MR. WALSH: Thank you. Your Honour, that concludes my re-examination.

JUDGE COLES: Now, Operator, is it possible to have that reel marked in that particular position for future use, if necessary?

THE OPERATOR: The time it shows where Mr. Scargill is allegedly on the screen is 4.03, but the marking, "2-4.04", that is the sequence, the section on the tape.

JUDGE COLES: If one puts the tape at the beginning and puts it to zero, one gets to 4.02 and one is in the

area of the sequence which we have just seen?

THE OPERATOR: Yes.

MR. WALSH: Is that four minutes from the commencement of the whole of that tape?

THE OPERATOR: In this particular tape that we have got now.

MR. WALSH: Does that start at the 7.58 point?

THE OPERATOR: Yes, that starts at 7.58.

MR. WALSH: So, your Honour, that is not four minutes into the tape, Number 1, but it is four minutes into the section that this gentleman has had copied for us.

JUDGE COLES: It starts with the one showing 7.58?

MR. WALSH: Yes.

JUDGE COLES: Thank you very much.

MR. WALSH: May Mr. Clements be released?

JUDGE COLES: Yes.

(The Court adjourned until
10.30 a.m. the following day)
