

London Freelance Branch/National Union of Journalists

Notice of Motion presented with Detail for Debate and Definitions for Stipulation for consideration by London Freelance Branch/National Union of Journalists at the LFB/NUJ Branch Meeting 08 Sep 08.

WHEREAS Roy Martin Mincoff, NUJ Legal Officer:

1. Issued two general denials as legal briefs thus depriving an NUJ member of his right to due process of law and right of appeal to NEC.
2. Ignored the basic precepts of trade unionism afforded to members arguably for ulterior or personal motives as substantiated in supporting documentation.
3. Committed gross professional misconduct for which his immediate supervisor Jeremy Dear, NUJ General Secretary could hold ultimate responsibility under *Solicitors' Code of Conduct 2007* and Trades Union Congress regulations.
4. Convened a politically expedient "kangaroo court".

BE IT RESOLVED that Jeremy Dear, NUJ General Secretary:

1. Remove Roy Martin Mincoff, NUJ Legal Officer and NUJ staff (except John Toner, NUJ Freelance Organizer and his assistant Pamela Morton) from any involvement, legal or otherwise, with issues described in the appended position statement.
2. Instruct Professor Patrick Brown, Distinguished Scholar-in-Residence, Seattle University School of Law, who successfully argued before Washington Supreme Court as NUJ and IFJ *amicus curiae*, to implement legal work as outlined in the appended proposal.

Curriculum vitae: BA *summa cum laude* Boston College 1981; Phi Beta Kappa. MA Boston College 1988; JD University of Washington School of Law 1993; PhD Boston College 2000; Clerk to the Chief Justice of the Washington State Supreme Court; Member of the Washington State Bar Association; Admitted to practice in US District Courts for the Western and Eastern Districts of Washington and the US Court of Appeals for the Ninth Circuit; practiced law for four years with two Seattle firms and taught legal writing full-time in Seattle University philosophy department; and, joined the law faculty in 2002.

Proposed: Paul Trummel

Seconded:

NUJ/LFB members may email questions and comments to:

Paul Trummel <trummel@contracabal.eu>

Paul Trummel <trummel@alum.rpi.edu>

Please read the web article and the position paper first:

Without Let or Hindrance - <http://contracabal.org/830-03-00.html>

LFB Members can request a copy of the position paper and the resolution submitted to NUJ/FC which appealed an arbitrary decision by Mincoff which he turned into a kangaroo court. The content of that resolution had tacit approval of both John Toner and Jeremy Dear; however, Mincoff arbitrarily frustrated the initiative. NEC and Ethics Council have since ignored requests for intervention.

Paul Trummel PhD (RPI ABD), PhD (UW ABD), MS (RPI), MSc (UK), BSc (UK)

UK equivalencies in graphic communication recognized by Boston University, Northeastern University, Rochester Institute of Technology, Fitchburg State College, San Jose State University, Rensselaer Polytechnic Institute, and University of Washington with comparability twice certified by International Education Research Foundation (IERF), a credential evaluation service accredited by US Department of Education

Associate Professor, Communication and Rhetoric (Retired)

International Federation of Journalists, Brussels, International Press Card #GB 8953.

National Union of Journalists, London, Press Card #025057.

Fellow, International Society of Typographic Designers (FISTD)

Fellow, Institute of Paper Printing and Publishing (FIOP)

Member, Society of Authors, London - #00039806.

<http://contracabal.org> <http://contracabal.net>

Contra Cabal electronic magazine contains exposé and satire. The hits/month now range between 100,000 and 150,000 with more than 1.5 million hits by about 60,000 unique visitors during the past twelve months.

The web sites contain articles and descriptions of unlawful prior restraints and abrogation of journalism rights also details of imprisonment and ongoing Internet harassment using denial-of-service attacks. Articles cover ongoing criminal activity by bureaucrats and elder abuse. They describe the actions of corrupt judges and gross misconduct by lawyers who file frivolous law suits against tenants in government financially-assisted housing. They also outline how managers use unlawful retaliatory measures and propaganda to destroy the reputations of people who report illegal activity and racism.

Position Paper

LFB/NUJ Member Paul Trummel has written hundreds of articles on corporate, union, and academic hierarchic abuse. He founded *Contra Cabal*, one of the first electronic magazines to appear on the web, for which he develops the site, writes articles, designs pages, and produces graphics.

Published in print since 1944 and on the web, without a single challenge to the authenticity of his investigative reporting, he has spent sixty years as a trade union member and elected official, twenty years as a new media industry CEO and systems designer/consultant, and thirty years as a post-graduate professor teaching computer industry executives and students of journalism, law, and graphic design while they worked toward their masters or doctoral degrees. He has attended or chaired hundreds of faculty and trade union committee meetings including national conventions.

Judges and lawyers upon whom the public should be able to rely, tried to stop him publishing information about politically sensitive issues on the web. That prior restraint, and restrictions on personal mobility, became a matter of international concern during 2002 which LFB/NUJ properly addressed. Washington Supreme Court handed down a favorable decision (30 Mar 06). That moral and ethical support by LFB cost NUJ nothing. The member arranged for *pro bono* lawyers to handle the five *amici curiae* filings and both NUJ and IFJ received many plaudits as a result. More important, the supreme court reversed the legal precedents that restricted freelance journalists publishing their work using new media through censorship and prior restraint.

Nine supreme court judges unanimously reversed the decision by a corrupt judge who imposed prior restraint and jailed the member in King County Jail, Seattle for an indeterminate sentence without legal counsel or due process of law. The member had challenged court decisions that violated constitutional and freelance journalism rights. He languished in jail for 111 days - all because he stood up for the freelance right to publish sensitive content. Former Seattle British Consul colluded with that judge when he "ratcheted up coercion" by moving the member (then approaching 70 years of age) to 25 days incommunicado solitary confinement among murderers and rapists where guards tortured him.

A powerful, criminal element in Seattle (that mafia having lost the supreme court case) now harasses the member whenever he enters the US despite the supreme court finding. Instead of challenging the supreme court decision, they have now tried to destroy the publication and its supporting systems and databases. Currently they commit international criminal offenses by vandalizing Internet web sites, computer systems, and databases.

See web page also linked and indexed pages found at:

Without Let or Hindrance - <http://contracabal.org/830-03-00.html>

The supreme court finding effectively concluded the criminal phase (30 Mar 06) except for intentional tort action for reparations before the three year statute of limitations expires. The

NUJ legal officer repeatedly and falsely claims that the member requested NUJ to provide legal services; instead, he requested solidarity - a continuance of the union of interests, purposes, and sympathies experienced from LFB members during the past six years. The legal officer has repeatedly frustrated that support through bias and prejudice based upon his own ulterior personal predilection and not as a matter of law.

The supreme court action predicated in part upon a statement by Aidan White, General Secretary, IFJ who said about the circumstances surrounding the case:

“The judge has advanced the dangerous argument that this freelance has no professional status because he edits and publishes his own work. If this argument is upheld it is a threat to reporters everywhere, particularly those who live in the real world of journalism which is dominated by self-starters and independent professionals. Journalists' unions in the US and elsewhere are right to deplore any judgment that denies writers the status of journalists simply because they publish their own work. Freelance reporters must have the same professional rights as those employed by media outlets.” Referring to this journalist's solitary confinement while denied access to a prison telephone or a lawyer, White said: "This victimization has gone on for long enough".

The Internet denial-of-service attacks, a new type of unlawful retaliation for freelance web publishing, which the same mafia commenced after the supreme court finding, caused losses of more than £500,000.00 during the first half of 2008. Roy Martin Mincoff, NUJ Legal Officer has allegedly committed gross professional misconduct. On his advice, NUJ executive staff and NEC have refused to process the matters requiring urgent attention although it would incur no expense to NUJ due to eligibility for contingent fee privileges. More seriously, his stonewalling has denied union member rights to an unbiased hearing. A background check on Mincoff finds that he has a checkered employment history and has made biased decisions predicated upon his connections outside NUJ.

As a result of two of Mincoff's prejudiced, biased, false, and misleading “legal briefs”, Jeremy Dear, NUJ General Secretary now bears joint and several responsibility with him for criminal negligence. Two issues now require immediate attention - the civil intentional tort and criminal Internet investigation contingent upon it. Metropolitan Police have a specialist inquiring into the Internet crimes who has already established that EU jurisdiction applies to the case. According to police, criminal investigation of Internet crime requires concurrent civil action. That action costs NUJ nothing due to the favorable supreme court decision which permits contingency fees - lawyer fees paid only upon a satisfactory intentional tort settlement. Dear has a few days left to reply with a reasoned proposal and an offer that addresses the issues, otherwise he leaves no alternative but for complaints under rules promulgated by Solicitors Regulation Authority (SRA) and Trades Union Congress (TUC) mandates.

Trades Union Congress (TUC) mandates that general conduct and procedures at meetings predicate upon principles first published in 1939 (revised 1982) which govern UK trade union conduct at national, regional and local branch level meetings. Those rules do not allow legal officers to convene kangaroo courts for political expedience or elected or appointed union officials to chill free speech by gagging committee members.

Kangaroo courts delay justice then deny it by effectively silencing dissenters to favor politically-motivated decision making. NUJ recently used a kangaroo court to extend and condone unlawful activities. Misleading statements published by Mincoff as "legal briefs" and ratified by Dear have no standing in law neither do they follow SRA or TUC precedents. SRA will probably find grounds for censure or disbarment proceedings against Mincoff (and by association censure of Dear as his supervisor) based upon content of the briefs that they published which, upon a finding by a tribunal, will incur considerable fines.

Mincoff employed by NUJ since 03 Aug 05 has a checkered employment history. Dear refused to verify the date of employment by disingenuously misquoting UK Data Protection Act. National Teachers Union (NUT), Mincoff's previous employer, also refused to substantiate or clarify anomalous information filed by Mincoff. That refusal covers up Mincoff's convoluted activity while employed by NUT and emphasizes employment gaps and overlapping dates in his *curriculum vitae*. NUJ NEC members have commented about Mincoff's aberrant behavior.

A member wrote recently that the appointment of Mincoff raised more than one set of eyebrows at NEC. The member particularly disliked the way that Mincoff dealt with issues that concerned the Drogheda issue when union leadership allegedly used Mincoff to threaten a member more than once. The member claimed that Mincoff had: "little or no knowledge of what he was doing so it was quite amusing to see a lone freelance photographer run rings around him". He claimed that more than one member has accused Mincoff of protecting Thompsons interests rather than that of NUJ members. This reveals a pattern or practice of unprofessional behavior among NUJ officials.

Any tribunal must establish a pattern or practice: two or more organized acts or instances of professional misconduct which indicate ensuant activity within a ten-year period. The facts show lawyer malpractice by condoning termination of the livelihood of an LFB/NUJ member through Internet denial-of-service attacks by filing false and misleading legal briefs. That professional misconduct more than qualifies for legal action under the statutes and justifies a complaint to SRA about Mincoff's stonewalling which has prevented due process of law.

TUC will likely find a contravention of commitments that require affiliated trade unions to grant: "equality for all and to eliminate all forms of harassment, prejudice and unfair discrimination, both within its own structures and through all its activities. . . ." TUC General Council has: ". . . full power at any time to terminate the affiliation of any organization which in the opinion of the General Council does not fully satisfy the requirements of affiliation . . ."

To quote activist lawyer Robert J Siegel, Seattle responsible for the supreme court action that vindicated the member of any wrongdoing: "The only way [white-collar] criminals get punished in America and stop their criminality is to take their money away". It seems he spoke wisely in view of the new Internet attacks.

Any monetary damages will accrue to Contra Cabal Foundation, London which owns the web sites publication rights. The Foundation will publish *Contra Cabal* in perpetuity in the way that Sonia Orwell posthumously published the collected works of George Orwell. Foundation trustees and directors (professional people, lawyers, and academicians in

UK and US connected directly and indirectly with the International Federation of Journalists) will supervise editorial and design functions using young investigative reporters and graphic designers who wish to further their education in journalism. They will receive trade union freelance rates of payment for their work.

Neglect to act by NUJ officials has resulted in destruction of computer equipment and applications also vandalism of operating systems and networks. Prevention of newsletter publication for twelve months and web site update for six months (despite a specific court order which guarantees free expression by those publications and the content associated with them) has resulted in inestimable collateral damage through loss of subscriptions and readership.

Effectively, Mincoff, NUJ executives and committee members have supported Internet vandals in the destruction of publications and prevented an NUJ/LFB member from writing and publishing reports and articles through deliberate stonewalling. They have neglected to follow published TUC rules and procedures. By that, they have allowed vandals to effect an unlawful prior restraint upon free expression through *laissez faire* policies despite repeated requests for urgent action.

Despite a report of alleged serious professional misconduct by Mincoff, Dear reiterated the false and misleading information disseminated by Mincoff. He made no attempt to address the allegations and other outstanding issues. The previous disingenuousness applied only to Mincoff; however, Dear has now effectively joined him in his machination.

Mincoff used a time-warp stratagem to move irrelevant and immaterial events from eleven years ago, without any bearing on the issues at hand, into the recent three year time-frame under discussion - a deliberate distortion of facts frequently used by rogue lawyers to create evidence when none exists, knowledge gained from dealing with hundreds of lawyers internationally during fifty years in both business and the academe.

Following the LFB/NUJ branch meeting (08 Jul 08), John Toner, NUJ Freelance Organizer, asked about filing an NEC appeal of the finance committee decision. Using a suitable epithet, the member explained that Mincoff had withheld the agenda and minutes of that meeting long enough to prevent an appeal. Toner persisted by asking whether *any* NEC filing would take place in future to which the member answered "Yes"; however, James Doherty, NUJ President has since ordered a gag on all discussion of the issues by NEC members. By that, Doherty effectively closed the door to open NEC discussion of the issues and any future NEC involvement in resolution of them.

Both NUJ Ethics Council and National Executive Committee received a notice which gave its members an opportunity to consider the issues and to endeavor to find a remedy satisfactory to the parties and transmit it to Dear. Several members responded but wished to remain anonymous for fear of reprisals.

The member asked Doherty to convene an extraordinary meeting of NEC to specifically address the issues (as he had previously indicated to Toner). Doherty responded with abuse and made false and misleading accusations then published them. He wrongfully attributed to the member *ad hominem* written by an NEC committee member - a matter still under advisement. Doherty's

outrageous behavior and accusations could influence a decision in that parallel situation which would probably have resolved itself. He has made it integral to future deliberation by arbitrary and irresponsible intervention.

Jointly and severally, Dear and Mincoff allegedly committed serious offenses by violating international law and disregarding the rights of NUJ members by making decisions that result from foregone conclusions made in secret and based upon political expedience or bias. Dear has delegated his executive authority to an allegedly incompetent or corrupt lawyer imbued with a Luddite new media attitude. They both show an inability to encompass the emergence of digital, computerized, or networked information and communication technologies in journalism or to comprehend the legal issues connected with them which adversely affects all freelance journalists.

Dear has allowed Mincoff to operate a system of self-regulation that amounts to virtually no regulation at all. Mincoff has investigated complaints about his own professional misconduct himself then found himself innocent of wrongdoing after perverting established TUC protocols. Both Mincoff and Dear have frustrated appellate action and used kill-the-messenger techniques to delay process which has effectively denied a hearing. Moreover, Dear has written an opinion replete with false and misleading statements and accusations which match Mincoff's irrelevant and misleading submissions that they have both used to confuse the issues.

Journalists have a responsibility to gather information and to develop public awareness about wrongdoing by people who break their respective codes of conduct. Members have a right to demand protection by their trade unions (in this case supported for sixty years) without "let or hindrance". NUJ officials and lawyers with personal agendas must not hinder or prevent due process of law through unlawful procedures that support political expedience.

Public exposure of these issues can do NUJ members no good whatsoever and could exacerbate some of the problems already experienced by journalists and photographers. MPs connected with NUJ will find that public exposure gives ammunition to their political adversaries. However, law must prevail over political expedience, which does not bode well for NUJ if these issues go public.

If Dear does not use his executive prerogative to negotiate directly to resolve the issues in a dignified and rational manner, then reasonable people can only conclude that he supports the despotic structure that presently exists in NUJ administration and the outrageous behavior of its legal officer. That will leave no alternative but to force him to act in democratic accord with trade union rules and principles by involving SRA and TUC who hold the authority to force him to change his mind.

JD-08-0529-1239. When Jeremy Dear received this document he confirmed: "Paul, I will pass it on to the committee on your behalf". Jeremy.

Legal Officer, National Union of Journalists has refused legal assistance. I wish to appeal that decision on grounds that it is not based upon a legal opinion. I wish to make it clear that I am an NUJ member (circa 1960) and a UK citizen domiciled in London with a permanent resident visa in US. I have worked as a journalist in UK since 1957, in both UK and US since 1966, and in continental EU since 2001. The international issues brought to NUJ attention took place in UK, EU and US and come under the auspices of NUJ/IFJ and international law.

My request for legal action predicates in part upon a statement by Aidan White, General Secretary, IFJ who said about the circumstances surrounding this request:

"The judge has advanced the dangerous argument that this freelance has no professional status because he edits and publishes his own work. If this argument is upheld it is a threat to reporters everywhere, particularly those who live in the real world of journalism which is dominated by self-starters and independent professionals."

"Journalists' unions in the US and elsewhere are right to deplore any judgment that denies writers the status of journalists simply because they publish their own work. Freelance reporters must have the same professional rights as those employed by media outlets."

Referring to this journalist's solitary confinement while denied access to a prison telephone or a lawyer, White said: "This victimization has gone on for long enough".

Ongoing Internet denial-of-service attacks add another dimension to White's statement. Coercion not to report the truth increases daily through attempts to destroy the journalist and his medium.

NUJ/IFJ is requested to provide relief from ongoing and precedent-making prior restraint and to protect journalism rights for future generations:

1. Petition for international cease and desist orders (Interpol and FBI) to stop Internet denial-of-service attacks and negotiate or bring an intentional tort suit for damages to replace and/or repair equipment and databases subjected to malicious damage. Enforce the WA Supreme Court findings (NUJ/IFJ *amicus curiae*) by the issue of a court order to cease repeated attempts to deny publication of news stories through harassment and death threats. Instead of responding to words with more words, University of Washington tried to destroy the medium to counter exposure of their malfeasance in articles. Unwilling to use rational discourse, they used power and money to suppress publication by vandalizing computer systems and destroying intellectual property. The articles contained pure speech and qualified as a public forum fully protected by the First Amendment to the US Constitution. Complaints about content have no legal merit in light of constitutional protections yet UW and Council House (CH) "flooded" the sites on the Internet and downloaded "bots" thereby preventing legitimate traffic to flow. Those attacks disabled a web site and by extension an electronic magazine. Denial-of-service attacks aim to prevent readers from accessing specific web sites contrary to international law.

2. Bring an intentional tort action against Council House for arbitrary eviction and imprisonment based upon publication of an article on Islamic terrorist activity (pre-911)

and denial of legal counsel which ranks as an offense under international human rights charters. The member discovered that Islamic terrorist sympathizers used computers located at Council House (a Jewish building in Seattle) at night to access terrorist information and informed CH directors. When the administrator failed to act, he reported the danger of a terrorist threat to FBI and received an acknowledgment. FBI later arrested members of an Islamic terrorist cell based upon that information. In retaliation for publishing an article about the incident, Stephen A Mitchell and his directors conspired to effect eviction, death of the member's dog, and loss of all his possessions because the essay reflected badly upon them. They ordered removal of a web site containing the story. The member did not comply with this abrogation of his First Amendment rights to publish as a freelance journalist and ended up in jail for 111 days. The judge opined that freelance journalists not regularly employed by publishers do not rank as *bona fide* and, therefore, do not qualify for protection under US First Amendment.

3. Bring the UK Foreign and Commonwealth Office to account for dereliction with an action for malicious damage by conspiracy to commit solitary confinement and torture without legal counsel or probable cause contrary to Vienna conventions for consuls. David C. Broom (formerly HM Consul, Seattle) now living in retirement in Seattle, colluded with the judge to move the member to solitary confinement when he did not take down the web site. The judge locked down the member incommunicado, then guards made him lie on a cold concrete slab 23 hours a day for 25 days (without his gout and prostate medication) to coerce him. The reason: someone had distributed a draft article that the member had written about elder abuse without his knowledge while he languished in jail which evidently provoked the torture. Later, UK Foreign and Commonwealth Office (FCO) officials learned of Broom's conspiracy. Instead of addressing the issues and convening an inquiry into his involvement, they retroactively destroyed all documents and proof to cover up the dereliction.

Addendum - Alternative to #3:

If item #3 is of concern to the committee and/or NUJ from a political perspective, then the same legal criteria apply to a law suit against King County. It is just a matter of changing the target and making FCO a witness instead of a defendant. In effect, this alternative gives the committee political wiggle room; however, I do not want to hear a switch from FCO to King County used to dump the issues as all being US and of no concern in the UK to NUJ/IFJ. NUJ Legal Officer falsely claimed: "I do not consider it appropriate to grant Legal Assistance for these matters in the UK, and am unable to do so for actions in the USA". That assumption stands as a principle criterion for my appeal to the committee. I have not asked for legal assistance; instead, I asked for solidarity under NUJ rules. I stress the international rights of journalists. Politics are of little concern to me and national boundaries do not affect the issues. Item 3b is an alternative . . . possibly an accommodation. Broom is allegedly guilty of conspiracy while King County is allegedly guilty of wrongful imprisonment, jailing without due process (legal counsel), solitary confinement with torture, and abrogation of human and civil rights with utter disregard for the rights of journalists - the same issues that Broom condoned. The perjured declarations were set aside long before the supreme court hearing as being inadmissible. Mincoff falsely claimed that: "I understand from you [Toner] that all bar one of the charges he [PT] faced were successfully appealed". In fact, there were no "charges" because all court actions predicated upon judicial misconduct without due process of law which was addressed by unanimous decision of WA Supreme Court which reversed all trial court decisions. If Mincoff had read the transcripts and held a discovery process (the required procedure for a solicitor before rendering a legal opinion and submission of a legal brief), then he would have known that.

Multiple grounds and sufficient evidence exist for a UK or EU law firm with US connections to file suit on a contingent fee basis. The Law Society (UK) lists more than 800 law firms experienced in these areas. Participation will cost NUJ virtually nothing and damages will probably cover any incidental costs. It is suggested that three international law firms be given an opportunity to make proposals with a view to obtaining the right to act for NUJ/IFJ on these particular issues. The member will cooperate with those law firms by answering specific interrogatories and providing evidence and documentation.

The member recommends Professor Patrick Brown <brownp@seattleu.edu>, Seattle University School of Law (the lawyer who successfully represented NUJ/IFJ in the supreme court action as *amicus curiae*) to act as NUJ/IFJ coordinator and legal advisor due to his international experience and expertise. He occupies a law research position within a Seattle university which keeps him outside the commercial and law firm establishment. He also has an impartial though intimate knowledge of Seattle law and politics particular to this case.

Any damages will accrue to the newly formed Contra Cabal Foundation, London which will own all publication rights. The Foundation will publish Contra Cabal in perpetuity in the way that Sonia Orwell posthumously published the collected works of George Orwell. Foundation trustees and directors (professional people, lawyers, and academicians in UK and US connected directly and indirectly with the International Federation of Journalists) will supervise editorial and design functions using young investigative reporters and graphic designers who wish to further their education in journalism. They will receive trade union freelance rates of payment for their work.

Legal Briefs submitted by

Roy Martin Mincoff, Legal Officer, National Union of Journalists (NUJ)

Knowing of the urgency caused by ongoing Internet denial-of-service attacks, Jeremy Dear, General Secretary, NUJ requested a legal brief on future NUJ support (not legal or financial) following a successful Washington Supreme Court decision (30 Mar 06). Roy Martin Mincoff, Legal Officer, NUJ (employed by NUJ 03 Aug 05) caused a delay of two months then recklessly submitted the following "legal brief". It arbitrarily denied further involvement in ongoing issues and the delay caused an estimated £500,000.00 losses during the first six months of 2008. The brief, submitted by a proxy, did not address material elements of evidence. NUJ, having been made aware of the outrageous content, refused to provide a signed and dated copy on an NUJ letter heading.

After receiving a 9,355-word all-embracing position statement Mincoff requested a comprehensive chronology. He then used a time-warp stratagem to extrapolate irrelevant and immaterial statements that referred to a completely different issue eleven years previously. By that, he neglected to consider the nature and purpose of known circumstances, a gross deviation from the standard of conduct that a law-abiding person (especially an ethical lawyer) would observe in a similar situation; instead, he completely ignored the supreme court finding and wrote false and misleading statements. The only matters he should have considered occurred after the date of the supreme court decision (30 Mar 08).

Mincoff wrote an unsigned "internal memorandum". It had no NUJ heading, an illegible signature p.p. (per procuracionem or by proxy), and onward transmission lacked fax nomenclature required by international law. NUJ refused a signed copy printed on a heading. By that, NUJ has denied an opportunity to appeal because one cannot refute a general denial (non-opinion). NUJ/LO extrapolated information out of context and misrepresented fact then committed it to writing which could construe as defamatory.

Written in response to a request for legal advice by NUJ Freelance Organizer, the memorandum contained bias, innuendo, and assumption. NUJ/LO extrapolated information out of context and misrepresented fact then committed it to writing which could construe as a violation of Solicitors' Code of Conduct.

Legal Brief #1. Submitted by Roy Martin Mincoff, NUJ Legal Officer. (Comments in red italic).

Fax 08-0416-1253.

To: John Toner. 11 April 2008.

Re: Paul Trummel.

Thank you for your note of 1 April and your subsequent email of 7 April.

It appears that this case relates to matters arising when Mr Trummel worked in the USA many years ago, as early as 1995.

A false and misleading assumption containing irrelevant and immaterial information. The issues under review concern only matters since 30 Mar 06.

He appears to have been involved in considerable litigation then and since in the USA, with representation by, amongst others, the American Civil Liberties Union.

A false and misleading assumption containing irrelevant and immaterial information about non-existent previous litigation. American Civil Liberties Union (ACLU) participated in Washington Supreme Court as amicus curiae in a consort with NUJ and effected a favorable unanimous decision by nine judges.

He then complained that the ACLU colluded with the University of Washington, (the primary alleged malfeasant) and that the American Association of University Professors improperly declined to assist him, as did the US Department of Education, Office of Civil Rights.

A false and misleading assumption. It uses a time-warp stratagem to extrapolate and insinuate into the present issues irrelevant and immaterial information that referred to a completely different issue eleven years previously. It refers to a non-existent complaint and contains a Biased, incomplete, and untrue statement.

He complains of collusion by Microsoft and by the Governor of Washington State, and the President of the University of Washington, and of many unlawful acts by them and others and of violations of USA Federal Law.

A fiction which does not contain an iota of fact relative to the issues resulting from the Supreme Court Decision (30 Mar 06).

He complains of actions by various lawyers and judges in a cover up of homicide, abuse, racism, unlawful imprisonment, corruption, denial of service cyber wars, amongst various other matters.

Use of another time-warp extrapolates information from published articles about elder abuse and homicide by abuse several years ago then implies that information classifies as a complaint. Investigative reporters write and publish articles about crime, they do not file complaints - a prerogative that rightly belongs to a prosecutor.

It appears that he himself was jailed, a sentence which was he says, subsequently overturned on appeal, seemingly after he had been released.

Considering the supreme court decision, this statement ranks as either naive or deliberately obtuse. The indeterminate jailing did not result from any charges or a sentence and release from custody resulted from an action similar to habeas corpus.

I understand from you that all but one of the charges he faced were successfully appealed.

A misleading statement. There were no legitimate charges and an appeal of a railroading was denied on appeal. Washington supreme court reversed both trial and appellate decisions.

He states that he has thousands of pages of documentation, and wishes to take action against the numerous individuals and organizations who have wronged him.

The fact that thousands of pages of documentation exist remains irrelevant and immaterial if they do not apply to the ongoing issues with particularity. No litigation has been filed against "numerous" individuals or organizations and the only proposals form part of this position paper and relate to proposed intentional tort and cease and desist orders.

It appears that most, if not all, of these matters relate to alleged breaches of USA law.

Another unsubstantiated assumption. The matters breach international law and can be litigated in either EU or US depending upon forensic efficacy and legal precedents.

It would not appear appropriate to now attempt to take action in the UK when there has already been litigation, some of which may be ongoing, in the USA.

Another outrageous assumption and misstatement of fact. The matters under review have not been litigated in US.

He has also attempted to have criminal proceedings taken against various parties.

Untrue.

It appears that he has previously had some assistance, of what nature I am unsure, through IFJ.

A lawyer writing a legal brief claims that he is unsure of the nature of assistance provided by IFJ when he acts as the lawyer for an IFJ affiliate? He does not know about actions taken by the parent organization when the same US lawyer handled both amicus curiae filings. This indicates that he has neither read the briefs to the supreme court action nor the finding before writing and opining in this "legal brief".

I do not consider it appropriate to grant Legal Assistance for these matters in the UK, and am unable to do so for actions in the USA.

NUJ has neither been requested to provide legal assistance nor are the issues limited to the US.

If Mr. Trummel wishes, a letter could be sent to the IFJ on his behalf.

Andrew Dixon
p.p. Roy Mincoff
Legal Officer

Andrew Dixon is employed as an administrative assistant working in the legal department.

Jeremy Dear, NUJ General Secretary.

On the recommendation of John Toner, NUJ Freelance Organizer and Philip Sutcliffe LFB Vice Chairman and Member NUJ National Executive Council, the member appealed the decision of Roy Martin Mincoff, NUJ Legal Officer on grounds that it is not a legal opinion; instead, it is a general denial containing arbitrary and biased statements, innuendo, and assumption that bear no relation to the facts. He made it clear that he is a UK citizen who has worked both in UK and US since 1966. The matters brought to NUJ attention are neither UK nor US, they classify as international as recognized by IFJ. The member declared a readiness to verify his allegations under an oath.

International law permits a general denial only when the denying officer intends in good faith to controvert all the formal assertions of fact. NUJ/LO has not controverted all the declarations and assertions (averments) in the rejected complaint as common law requires; he has used a narrow construction when responses of this type generally require liberal construction, at least until a judge says otherwise.

Simply put, Mincoff has neither presented an argument nor an opinion based upon fact and has presented it to the NUJ General Secretary and the NUJ Finance Committee as a legal

opinion or grounds to deny support on outstanding legal issues that vitally affect journalists internationally.

Most courts will not accept a general denial and neither by extension will any properly convened committee. The member requested the General Secretary not to allow the Legal Officer to place a patently false, biased, and misleading document on file and asked him to reject it outright.

In view of alleged negative and unprofessional behavior by the NUJ legal officer, the member asked that Mincoff recuse himself and that the General Secretary order him not to participate in any of these negotiations either at the NUJ/FC level or in negotiations. Instead, NUJ General Secretary did not quash the document as prejudicial and allowed its placement on the NUJ/FC agenda which resulted in Mincoff holding a kangaroo court to address the accusations against him. He found himself not guilty of any wrongdoing, did not address the content of the proposal, and arbitrarily wrote another opinion which he withheld long enough to prevent an appeal to the National Executive Council. The second Mincoff legal brief and a ratification of his actions by Jeremy Dear have been withheld pending legal advice about their release. The comments apply to all three documents.

Definitions for Stipulation

Age Discrimination. Stereotyping and prejudice against individuals or groups based upon their age legally defines as ageism. The term describes discrimination against seniors patterned after, and equal to, sexism and racism. It predicates upon a combination of prejudicial attitudes towards older people and the ageing process that governs institutional practices and policies which perpetuate stereotypes about older people. In a survey for the University of Kent, England, 29% of respondents stated that they had suffered from age discrimination - a higher proportion than for gender or race discrimination. The study found that ageism ranks as the most pervasive form of prejudice currently experienced within the UK. *Solicitors' Code of Conduct, Rule 6, pp 92-102, generally.*

Amicus Curiae. An adviser to the court on some matter of law who is not a party to the case; usually someone who wants to influence the outcome of a lawsuit involving matters of wide public interest.

Anarchy. Anarchy results from a failure of an organization to control lawlessness and disorder. It manifests in an absence of political authority and cohesive principles that predicate upon a common standard or purpose.

Conflict of Interest. A conflict of interest arises when a trade union employee's personal or financial interest conflicts or appears to conflict with his official responsibility. It also applies to lawyers and fiduciaries in relationship to member interests also gain to themselves and connected ethical problems covered by law in most jurisdictions. Codes of professional responsibility and model rules of professional conduct set forth standards for actual or potential conflicts of interest between union lawyers and members which suggest disqualifying a lawyer for not performing his sworn duty in a clash between trade union interest and pecuniary interest of members jointly and severally. *Solicitors' Code of Conduct, generally.*

Discovery Process. Procedure for examination of documentary and physical evidence, and questioning of witnesses and parties to uncover evidence reasonably calculated to lead to the discovery of admissible evidence. Discovery may be obtained by the parties through interrogatories, requests for production of documents, depositions, and defense medical examination. Information in discovery has a broader scope than other evidence deemed admissible at trial.

General Denial. A denial containing arbitrary and biased statements, innuendo, and assumption that bear no relation to the facts. The denier must controvert all the declarations and assertions (averments) in the rejected complaint as common law requires and not use a narrow construction when responses of this type generally require liberal construction, at least until a judge says otherwise. It must present a legal argument based upon fact. Most courts will not accept a general denial and by extension neither will any properly convened investigating committee.

In pari materia. Statutes construed together upon the same issues or subject. Designation applied to statutes or general laws enacted at different times which pertain to the same subject or object and interpret in light of each other since they have a common purpose.

Kangaroo Court. A courts or committees characterized by dishonesty or incompetence set up in violation of established legal procedure. Sham proceedings *in absentia* that render decisions or opinions before hearing evidence or argument. They frequently delay justice and by that process deny it by convening biased court hearings or committee meetings that hand down foregone conclusions which totally disregard individual and human rights, have no legal basis, violate established legal processes, and deny due process of law for political expedience - taking advantage of opportunities by conducting business without regard to the rights of one or both parties. Decisions result from foregone conclusions made in secret and based upon political or personal bias. Trade union officials and their lawyers frequently use kangaroo courts to deny due process and to cover up their own crimes or incompetence that legitimate hearings would expose. Participants essentially determine an outcome in advance either by going through the motions of a manipulated procedure based upon an elaborately scripted event intended to appear fair while having the outcome predetermined from the start. These proceedings deny due process by denying rights: to cross-examine witnesses; to exclude secret testimony; to challenge hearsay and irrelevant or inherently inadmissible evidence; and, to file an appeal. Journalists, whose only transgression probably relates to exercise of freedom of expression, do not have access to minutes or other records that would enable them to appeal findings held in *absentia*.

Legal Brief. A summary of the facts of a legal case drawn up by a lawyer. A written legal document stating the facts and points of law in a case used in various legal adversarial systems and presented to a court arguing why the party to the case should prevail. In England and Wales, the phrase refers to the papers given to a barrister upon instruction. When they presented at trial to resolve a disputed point of evidence they become trial briefs. The brief or memorandum establishes the legal argument for the party, explains why the reviewing court should affirm or reverse a lower court's judgment based on legal precedent and citations to the controlling cases or statutory law. Legal briefs support legal argument when the purpose of the law in a particular application in dispute requires clarification. Liberal Construction.

Liberal Construction. A construction that allows a broad meaning of statutory language not necessarily included in its narrow or literal interpretation. This results from combining and correlating supplementary laws that address similar issues to form a definitive whole. The process helps accomplish both the intent and the spirit of the law supplemented when the law remains silent on a particular issue.

Pattern or Practice. A pattern or practice defines as, and manifests in, two or more organized acts or instances which indicate ensuant activity. Those acts include conspiracy to coerce through wrongful use of language that evades a responsibility exhaustively to investigate both current and previous circumstances without bias. To establish a pattern, laws generally require at least two acts within a ten year period which indicate ensuant activity.

Position Paper. An essay or report which expresses a position, conclusion, or recommendation and arguable opinion concerning a contested issue or undecided question which reasons in support of the position. An in-depth analysis to support policy briefs and policy statements

written by a member before a meeting which explains justifies, organizes, or recommends a particular policy with a view to convince an audience of a point of view.

Prior Restraint. An unlawful scheme used to deny use of a medium before actual publication in an attempt to limit or chill free speech. It ranks as the most serious and least tolerable infringement of journalism rights and can lawfully only result from a judicial decision to restrain publication. That decision must find that the material does not qualify for protection in law. To obtain such a finding, censors must justify proposed action by proving a heavy presumption against parliamentary validity. International laws prohibit any restraints upon journalistic expression without a court order.

Professional Misconduct. Solicitor's Regulation Authority (SRA) requires lawyers practicing in-house to use their best endeavors to adopt and implement an appropriate policy that prevents discrimination and promotes equality and diversity among their staff and union members. They must also insure that employees within their department act in compliance with promulgated provisions. They must have regard to their professional duties, to the court, to members, and to third parties. They must insure against prejudice of any member for whom they act by missing time limits and deliberately withholding documents to frustrate appellate action. Additionally, they must insure compliance with their professional undertakings; and promptly arrange to notify persons affected by their proposed action.

Recklessness. Concerns material elements of evidence and conscious disregard of a substantial and unjustifiable risk that the element exists or will result from a cover-up. The risk must consider the nature and purpose of the conduct and the circumstances known, its disregard implies a gross deviation from the standard of conduct that a law-abiding person (especially an ethical lawyer) would observe in a similar situation.

Solidarity. A continuance of trade union interests, purposes, and sympathies which require strict observance by trade union officials of the regulations that govern them without bias and prejudice based upon ulterior personal predilection not acceptable in law.

Time-Warp Stratagem. A discontinuity or distortion of the flow of time that moves events from one time period to another or suspends the passage of time to support a hypothesis.

Willful Blindness In law, the term means contrived ignorance. Trade union officials and their lawyers seek to evade civil or criminal liability by feigning ignorance of facts that involve personal liability. The official tries to avoid knowing something that will incriminate him or his client; however, courts usually assume that they "know" anyway when a high probability of a cover-up exists.

London Freelance Branch/National Union of Journalists

Presented with Detail for Debate and Definitions for consideration by London Freelance Branch/National Union of Journalists at the LFB/NUJ Branch Meeting 08 Sep 08.

You will find a motion on your chair that should concern all members of London Freelance Branch, and ultimately all freelance journalists. Motion item #2 now reads after the words *amicus curiae*: "to act as a catalyst and organize legal work as outlined in the position statement". Please amend your printed sheet.

I will confine myself to the issues presented in the motion and answer questions when I finish. As I have been repeatedly misquoted, I will read from my notes then give them to the scribe to minute.

For transparency, I will start by saying that the Chair and Vice Chair have tried to intimidate or manipulate me to prevent me moving this motion. I hope members will take that into consideration when they vote. If anyone wants to read that correspondence, then they can email me for a copy.

The issues involve complex civil and criminal matters that I will not discuss here; however, I have outlined them in the position paper which is circulating. Terms that I use may be new to some members so I have appended definitions.

I have been a member of printing, publishing, journalism, and teaching trade unions for 60 years and NUJ since late 1950s. I have held an international press card for 40 years. For 64 years, I have published without a single valid challenge to the authenticity of content. Print media licence my web articles on trade union terms.

I investigate and report abuse and homicide of elderly people and publish the results on a large web site. Another web site deals with university corruption. The combined sites have an asset value of several million pounds.

I will give a little history so that new members will understand the context in which the motion is framed.

During 2000, I wrote a web article entitled Tall Structure Terror [801-05-00] which I uploaded from London to a server in Holland. The article alleged criminal activity by a self-styled terrorist sympathizer in a thirteen-storey block of flats in Seattle, Washington. Two years before 911, he owners employed a budding Moslem terrorist as a security guard in a building which housed primarily Jewish tenants and several holocaust survivors. An Irish-American, who wore Moslem garb and claimed that he wanted to fight for the mujahadeen, immediately attracted my attention.

He had master keys to the building and all the flats and allowed members of a local shop-front mosque to enter the building at night where they downloaded seditious and hate articles onto the building's computers. I informed the management and their lawyer; however, they ignored

me. I then published the article and simultaneously advised Federal Bureau of Investigation of a possible threat.

That action offended the president of the board of directors administering the flats who was married to a superior court judge. They arranged for me to be sent to jail because it was “not nice” to offend wealthy landlords of flats even though the block could have been blown up.

During 2002, the directors used a straw judge who refused me due process of law and jailed me without trial or legal counsel. They railroaded me for an indeterminate period, with 25 days among murderers and rapists and 23-hour lockdown, where I was consistently tortured. I languished there for 111 days before release under a writ similar to habeas corpus. Seattle British consul colluded with the straw judge and UK Foreign and Commonwealth Office has since destroyed all the evidence to cover up that collusion.

The judge ruled that freelance journalists had no protection unless employed by a publication. He also declared that NUJ and IFJ press cards were worthless and claimed international jurisdiction. He then stonewalled an appeal of his finding for two years.

Two years after I published the article, both *Seattle Times* and *Seattle Post-Intelligencer* scooped me by publishing a follow up which verified my facts. They reported that FBI had arrested suspected terrorists from the mosque that I named at a terrorist training camp in Oregon.

In 2004, London Freelance Branch, International Federation of Journalists, and American Civil Liberties Union with two other organizations brought separate but parallel actions to claim that the trial judge had created a legal precedent which prejudiced all journalists. Three more straw judges denied the appeal.

In 2006, nine supreme court judges ruled unanimously for journalists by reversing all the previous findings. That left three years to file intentional tort actions for illegal imprisonment and unlawful prior restraint. The supreme court effectively found that the trial judge committed judicial misconduct by forcing a journalist to take down web sites on European servers which contained protected speech.

Determined to prevent publication, the landlords and their lawyers started to launch denial-of-service attacks which eventually destroyed the web sites. During the first half of 2008 they have caused £500,000.00 damage to web sites, computers, programs, mailing applications, and databases - assets that would eventually have become available to LFB members and other journalists, photographers, and graphic designers.

Solicitor Roy Martin Mincoff, whom NUJ appointed as its legal officer during August 2005, deliberately subverted procedures by manufacturing false and misleading documents that prevent the case from proceeding under LFB auspices. Moreover, he neglected to file criminal cease and desist orders with both Metropolitan Police (Interpol) and Federal Bureau of Investigation. That neglect to report crime has encouraged the vandals to increase their activity with impunity. London Metropolitan Police has since launched an investigation into the Internet vandalism at my instigation.

The supreme court action cost LFB and NUJ nothing except the cost of a first edition of the collected works of George Orwell given to Professor Brown in appreciation. No legal services have been requested from NUJ and this motion effectively requests nothing but continuing solidarity. The proposed intentional tort actions serve to dissuade the vandals from causing more damage. Lawyers are paid on a contingent fee basis at no cost to LFB or NUJ.

I was advised by LFB Freelance Organizer and the Vice Chair, despite damage to systems occurring at more than £2,000.00/day, to wait two months then appeal the Mincoff brief to NUJ Finance Committee. However, Mincoff insinuated himself into an agenda item tacitly approved by both John Toner and Jeremy Dear then turned the committee meeting into a kangaroo court.

Mincoff should have recused himself; instead, he published another false and misleading legal brief. He implied that the criticism of his first legal brief had no foundation. He then effectively found himself not guilty. Mincoff has turned a simple call for solidarity and ratification of procedures that follow up the supreme court finding into a circus. He has since stonewalled an appeal to National Executive Council.

As a solicitor employed by NUJ, Mincoff must behave in accord with Solicitors Regulation Authority (SRA) mandates and Jeremy Dear, who has confirmed all Mincoff's findings, could become liable under Trades Union Congress rules. By indifference, stonewalling, and disingenuous behavior, they have allowed the vandals to continue their Internet denial-of-service attacks which prevent publication of newsletters and new web pages - a direct violation of the right to write and to publish.

During 35 years (on and off) employed by National Union of Teachers, Mincoff has had a checkered employment history. His three-year employment with NUJ has allegedly included confrontations with members whom he has threatened. This alone provides probable cause for indictment or at least complaints to SRA.

There have been death threats and five physical attacks upon me. Three days before the last LFB meeting, two men driving a white van who knew my name and address tried to abduct me about two miles from my home. Only three people knew my whereabouts at that time, my landlady, LFB Freelance Organizer, and LFB Vice Chair. I am not suggesting for a moment that they set me up for abduction; however, they may have leaked information to third parties. Scotland Yard is presently investigating. I temporarily relocated to another part of the UK for my own safety.

Mincoff and Dear have published the month that I leave UK to meet with US lawyers. This has given notice to Seattle mafia when I will be in town. I ask LFB members to be discrete about my attendance at this meeting and with other information on my whereabouts. In the US, a pattern of abduction and assault upon freelance journalists exists evidenced by the mace and tear gas attacks also arbitrary jailing last week in Minneapolis. Most investigative reporters believe that violence comes with the territory; however, there is no need to acquiesce to it.

If the motion passes as presented, or with amendments with which I agree, then I will meet with the Freelance Organizer in an attempt to mitigate damage. I will spell out the options the General Secretary has to resolve the problems by executive action; otherwise, NUJ could be liable for considerable fines and compensation.

Any monetary damages from intentional tort actions will accrue to Contra Cabal Foundation, London which owns the web site publication rights. The Foundation will publish Contra Cabal in perpetuity and Foundation trustees and directors (professional people, lawyers, and academicians in UK and US connected directly and indirectly with the International Federation of Journalists) will supervise editorial and design functions using investigative reporters and graphic designers who wish to further their education in journalism. They will receive trade union freelance rates of payment for their work.

I reserve my rights to respond to any amendments to the motion and, in view of previous intimidation by officers, to ask for a paper ballot if I consider it necessary.

Any Questions?