

Date: Sun, 24 Aug 2008 13:13:24 +0100
To: Jeremy Dear <jeremyd@nuj.org.uk>
From: Paul Trummel <trummel@alum.rpi.edu>
Subject: SECOND NOTICE - Without Let or Hindrance - Sequel - 830-08-00
Cc: Adam Christie <adam_christie@journalist.com>,
Andy Smith <andy@nujbook.org>,
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Forwarded to NUJ NEC for action.

Date: Sun, 24 Aug 2008 08:50:54 +0100
To: Jeremy Dear <jeremyd@nuj.org.uk>
From: Paul Trummel <trummel@alum.rpi.edu>
Subject: SECOND NOTICE - Without Let or Hindrance - Sequel - 830-08-00
Cc: John Toner <johnt@nuj.org.uk>,
Roy Martin Mincoff <roym@nuj.org.uk>,
Andrew Bibby <andrew@andrewbibby.com>,
Ann Coltart <anncoltart@hotmail.com>,
Bill Bowder <bill@churchtimes.co.uk>,
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Updated content since first notice annotated in red.

Date: Wed, 20 Aug 2008 10:34:31 +0100
To: Jeremy Dear <jeremyd@nuj.org.uk>
From: Paul Trummel <trummel@alum.rpi.edu>
Subject: Prepublication Notice - Without Let or Hindrance - Sequel - 830-08-00
Cc: John Toner <johnt@nuj.org.uk>. Roy Martin Mincoff <roym@nuj.org.uk>

Personal information about you will appear in an upcoming issue of *Contra Cabal* as a sequel to:

Without Let or Hindrance

<http://contracabal.org/830-03-00.html>

A letter from Jeremy Dear, General Secretary, NUJ (11 Aug 08) reiterated false and misleading information disseminated by Roy Martin Mincoff, NUJ Legal Officer. It made no attempt to address alleged professional misconduct by Mincoff and other outstanding issues. Previously, disingenuousness applied only to Mincoff; however, Dear has now effectively confirmed his participation with Mincoff in machination.

NUJ Ethics Council 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. Dear has a few days left to respond with a reasoned proposal and an offer that addresses the issues, otherwise he leaves no alternative but for a filing of complaints under rules promulgated by Solicitors Regulation Authority (SRA) and Trades Union Congress (TUC).

Therefore, the author gives you notice following the international codes of ethics agreed among journalists. Several of those codes, tested in international courts, have legal precedent. This prepublication notice gives featured individuals a chance to respond to charges affecting their ethics or moral character. People named incidentally receive a copy as a courtesy. For public accountability, the author encourages you to respond in open exchange within ten days. He does not solicit personal opinions, therefore, any response should address matters of fact only.

Non-exclusive excerpts from the article

Trades Union Congress (TUC) mandates that general conduct and procedures at meetings predicate upon principles first published in 1939 (frequently revised) which govern UK trade union conduct at national, regional and local branch level meetings. Those rules do not allow member unions to convene kangaroo courts for political expedience.

Kangaroo courts deny due process of law and cover up crimes that legitimate hearings would expose. The whole procedure characterizes dishonesty by violating established legal procedures and emulates Star Chamber proceedings used with increasing arbitrariness to enforce royal prerogative in the seventeenth century. Truly democratic organizations have outlawed them since.

NUJ officials have used a rogue lawyer and elaborate procedures for political expedience while simultaneously denying due process of law to their members. Dubbed "risk management protocols" to hide the "kangaroo court" stigma, those protocols allow conduct of business without regard for constitutional and human rights.

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. Decisions published by Roy Martin Mincoff, NUJ Legal Officer as "legal briefs" and ratified by Jeremy Dear, NUJ General Secretary have no substance in law neither do they follow SRA or TUC precedents.

Solicitors Regulation Authority (SRA) will probably find grounds for disbarment proceedings against Mincoff (and by association censure of Dear as his supervisor) based upon content of those briefs. Trades Union Congress (TUC) will likely find a contravention of affiliation 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 . . . "

Jointly and severally, Dear and Mincoff have allegedly committed serious offenses by violating international law and disregarding the rights of union members by making decisions that result from foregone conclusions made in secret and based upon political expedience or bias.

Although NUJ published procedures along lines generally accepted in law, a closer look at recent application of those protocols showed that Mincoff absolutely controlled them by effectively assuming the roles of prosecution, defense, judge, and jury. It particularly disturbs right-minded people when a lawyer rewrites grievances to reflect ineligibility for assistance without supporting his contentions.

NUJ General Secretary Jeremy 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.

Dear has allowed Mincoff to operate a system of self-regulation that amounts to virtually no regulation at all. Dear has also allowed Mincoff to investigate complaints about his own professional misconduct then to find himself not guilty after perverting established TUC protocols. They have both used procrastination to frustrate appellate action and kill-the-messenger techniques to delay justice which has effectively denied justice.

NUJ response to a public record inquiry classified as a general denial contrary to law. NUJ neither presented a legal argument to support withholding public information nor cited a legal precedent that permits it to do so. NUJ has arbitrarily adopted a narrow construction of law when responses of this type generally require liberal construction, at least until a judge finds otherwise.

NUJ must either furnish the information requested or provide a legal argument citing precedents with particularity that permit the withholding. That argument must initially cite the section of the Data Protection Act, 1998 under which it has withheld the information then explain how that section specifically applies to the request. NUJ must also provide a copy of the position statement allegedly received from the Information Commissioner's service which NUJ claims confirmed its decision to withhold Mincoff's employment history.

Similarly, Graham Norman Clayton, Senior Solicitor, National Teachers Union (NUT), Mincoff's employer prior to 03 Aug 05, has refused to substantiate or clarify anomalous information relating to Mincoff's NUT employment history by stating that: "I cannot however disclose further details relating to Mr. Mincoff".

That refusal could interpret as a cover up of Mincoff's convoluted activity while employed by NUT and provide a reason for the documented employment gap (01 Jan 90 through 5 Nov 90), also overlapping dates, in Mincoff's NUT work history. Clayton claimed: "There were no overlaps." without substantiating his statement - another general denial.

The pseudonym *Nmesis* used in *Contra Cabal*, and in other printed and electronic communications, applies to the author's persona. He openly declares personal or conflicting interests that relate to topics or to opinion especially when the content draws upon advocacy, experience, conclusion, or interpretation.

Journalists have a responsibility to gather information and to develop public awareness about wrongdoing by people who break their respective codes of conduct. The author believes that he has a responsibility to bring abuse and wrongdoing to the notice of professional associations and other responsible authorities also to inform law enforcement about malfeasance and misuse of public or union funds.

Ethical rules dictate that journalists must report the truth no matter whom they offend and with disregard for the consequences of publication. Accurate reporting predicates a higher purpose and the common good.

Targeted individuals initially attacked the author and maliciously damaged him and/or his reputation by libel, slander, or allegedly committed other unlawful or negligent acts. Prior to publication, all targeted subjects have an opportunity

to mitigate damage and to refute statements that could negatively affect their reputations or cause investigation or prosecution of them for alleged illegal acts.

No person receives immunity from investigation and the author does not report issues arbitrarily. Individuals whom the author may personally respect receive no favors. In fact, anything published results from investigation, verification, and validation taking into account violations of law or breach of established rules and ethical practices.

Contra Cabal provides a forum in which powerless people may express themselves powerfully without fear of reprisal. They need a means to expose the injustices meted to them by a privileged elite that increasingly usurps authority. *Contra Cabal* also gives them the opportunity to warn others of the frauds perpetrated upon members by corrupt or negligent trade union officials with impunity they obtained from an increasingly anarchic and uncaring electorate.

Paul Trummel

Associate Professor, Communication and Rhetoric (Retired)

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

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

Society of Authors, London - #00039806.

<http://contracabal.org>

Contra Cabal electronic magazine contains exposé and satire. Probably one of the first to appear on the web it has published since 1992. 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.