

Facts that Jeremy Dear and NUJ Lawyers do not want NUJ Members to know.

Distribution Proviso

The author and publisher has restricted access to this series of articles to National Union of Journalists (NUJ) and International Federation of Journalists (IFJ) members (also named parties) pending investigation of alleged criminal activity and legal action under: Trade Union and Labour Relations (Consolidation) Act 1992; Solicitors' Code of Conduct 2007; Solicitors Act 1974; Administration of Justice Act 1985; Courts and Legal Services Act 1990; Fraud Act 2006; Employment Equality (Age) Regulations 2006; Vienna Convention on Consular Relations; and, Universal Declaration of Human Rights.

This proviso in no way restricts NUJ and IFJ members from releasing excerpts (with accreditation) to interested third parties including news media. Separate exposés cover unethical and illegal activities by London Freelance Branch officials in a consort with National Executive Council officers.

Independent investigation by law enforcement agencies involves an alleged pattern or practice of joint and several illegal or criminal activities by: National Union of Journalists (NUJ) executives, lawyers, and staff; National Executive Council (NEC) officers; and, London Freelance Branch (LFB) officials.

The author has little personal knowledge of other branches and chapels which do not form part of intended civil and criminal complaints; therefore, he has no opinion on their activities. Adverse comments, all verified and validated to insure accurate reporting, meet legal requirements.

Macaulay (1800-59)¹ may have exaggerated reporters' power when he referred to the House of Commons reporters' gallery as a "fourth estate of the realm"; however, his comment provides some idea of the press role as watchdog. That trust requires reporters to follow strict ethical principles that apply to content but does not control genre. In the public interest, political correctness (self-censorship) or prior restraint (third party restriction without a valid and narrowly defined court order) must not affect editorial decisions whether to publish or not.²

In 1215, King John authorized Magna Carta under duress. He affixed his seal to parchment copies then had them publicly read throughout the realm. By that, he bound not only himself but his "heirs, for ever" to grant "to all freemen of our kingdom" the rights and liberties the great charter described. King John placed himself and England's future sovereigns and magistrates within the rule of law. Magna Carta mandated: "Justice be to none denied or delayed". That document now forms the core of international jurisprudence.

In 1644, during a former era of political correctness, the poet John Milton published *Areopagitica* which won him public recognition and notoriety as a spokesman against totalitarianism. Later, a similar treatise cost him a fine and a term in prison. He found out, to his detriment, that freedom of expression does not universally mean freedom to criticize and to oppose when facing corrupt judges. Milton pled for unlicensed printing and became famous as a spokesman for

liberty by claiming that the state must act as umpire not as a player. Milton also made an eloquent defense of freedom of the press and opposed the restrictions of the Press Licensing Order of 1643. That edict required all journalists to gain approval from the government before publication of their work. It sought to bring publishing under government control by creating a body of censors to whom journalists had to submit their work for approval. Milton argued that the order attempted to control thought by coercion.

In 1774, Thomas Paine, Anglo-American political philosopher dismissed from his job for publishing a document calling for an increase in wages as a means of reducing corruption in government service immigrated to Philadelphia and became a magazine editor. His most famous work, the pamphlet *Common Sense*, influenced both the American and French Revolutions and encouraged the issuance of the Declaration of Independence six months later. Paine returned to Great Britain in 1787 and published *The Rights of Man* in two parts, in 1791 and 1792. A million and a half copies sold in England before the book was suppressed. The British government indicted Paine for treason, but he escaped to France where he went to prison for favoring exile instead of execution for King Louis XVI. In 1802, Paine returned to the United States. His book *The Age of Reason* was published in parts in 1794, 1795, and 1807.

In 1976, in keeping with the precepts of Magna Carta, US Supreme Court enjoined: Prior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights . . . damage can be particularly great when the prior restraint falls upon the communication of news and commentary on current events.

In 2000, Seattle judges tried to coerce the author to remove web sites by jailing him. In collusion with a British consul, they then moved him to solitary confinement. As a direct result of that *ex parte* communication, the member languished in solitary confinement or jail for a total of 111 days without legal counsel in direct violation of the Vienna Convention. Judge Doerty ordered Draconian measures because the author followed his moral and ethical principles to expose unethical administration and malfeasance. Doerty redefined news gathering as "surveillance" and news as "harassment" then retroactively ordered censoring or deletion of published articles. He placed a prior restraint on future articles by demanding signed news source waivers and ordering an unconstitutional surveillance prohibition. By that, Doerty arbitrarily censored several web sites, held the author in contempt of court and fined him \$100.00/day, then sent him to jail and solitary confinement all without due process of law. Historically illiterate, National Union of Journalists officers, fully aware of the proceedings, did virtually nothing to support their member. Instead, NUJ imposed a seven year media blackout on its magazine which has left that member vulnerable to international abuse ever since.

In 2009, HM Foreign and Commonwealth Office (and by association National Union of Journalists officers and officials) consider themselves above the law by not following international mandates. By their dereliction, they both support cyber-terrorism, a modern type of prior restraint, to

achieve illegal objectives despite an internationally acclaimed Washington Supreme Court finding (30 Mar 06) by nine judges that unanimously reversed an electronic prior restraint upon the same content. [*Washington State Cyber-Terrorists*]

*Plus ça change, plus c'est la même chose.*³

The term "prior restraint" describes regulation of content before publication which chills free speech. An unprincipled action, it denies rights guaranteed to everyone by laws in all developed countries. It particularly applies to the denial of a journalist's constitutional right to gather and publish information or opinions without institutional control or fear of reprisal. That freedom applies to both the electronic and print media. It denies censorship or prior restraint to either institutions or individuals.

Prior restraint impinges upon journalism rights and can lawfully only result from a judicial decision to restrain publication. International laws prohibit any restraint upon journalistic expression without a court order which 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 constitutional validity.

Government (and in particular media trade unions) have an obligation to protect the free exchange of ideas and afford equal rights and privileges to all despite heterodox opinion. Both prior restraint and censorship place exclusive conditions on freedom of expression and provide channels by which to violate or abrogate rules and laws.

The Fourth Estate usually comes into play when either management or government officers and officials fail to meet their responsibilities in handling public money or ignore conflict of interest. In those cases, the public must suffer the sometimes altruistic and annoying inquisitiveness of investigative reporters and not try to abrogate their rights. They try to report the news after verifying and validating facts - they do not normally make news; however, when attacked either by illegal restrictions or vengeance they become duty bound to use whatever means at their disposal to protect themselves from attack and their writing from outside control.

Usually, reporters only publish names and addresses of people who have allegedly committed crimes. This applies particularly when the alleged perpetrator has misappropriated government funds. The practice insures that the public will have no doubt to whom a report applies. Ethical reporters try to hold as many people harmless as possible. They follow a principle that gives alleged wrongdoers an opportunity to mitigate or to explain themselves before they publish anything in addition to the normal verification and validation process.

Political silence denies knowledge of malpractice extant among government officials and excises public memory of past injustice. Without unrestricted press freedom and assembly, without a

struggle of opinion, accumulation of knowledge ceases. The bureaucracy, with its propaganda machine then remains as the only active element.

Prior restraint and censorship insure that a few despots, with boundless Machiavellian experience, rule in secret under the guise of democracy. Real commonwealth disintegrates and nothing remains safe while government and trade unions do not bear public scrutiny. Eternal vigilance has become the only mainstay.

Despite published customs and precedents in case law, Judge James A. Doerty, Washington Superior Court, continues to redefine investigative reporting. He calls it harassment and illegal surveillance. He also reclassified freelance reporters as not *bona fide*. Moreover, he ignores a recent New York Supreme Court decision. That ruling for the first time extended the same speech protections to online journalists that their print, radio, and TV colleagues, have enjoyed since 1964.

Ironically, despite support by International Federation of Journalists (IFJ) and National Writers Union (NLU) in exposing Doerty's ruling (later overturned by nine judges in Washington Supreme Court), Jeremy Dear, General Secretary, National Union of Journalists and his Cabal have enforced a seven year media blackout on the experiences of this writer and Dear's own recalcitrant behavior in a conflict of interest affiliation with Gareth Thomas MP.

Macaulay did not expect the Fourth Estate to arrive at the sorry state of having to investigate itself after finding its own officers corrupt, or more corrupt, than the government he meant it to expose. If he lived today, he would probably conceive a "Fifth Estate" so that media can rid itself of corrupt officers and officials. Ironically, *Club JournoScam* and new media, not controlled by corrupt union "politicos and bosses" or publishing cartels, could show the way.

Nmesis.

1. Macaulay, Thomas Babington, 1st Baron Macaulay (1800-1859), British historian, essayist, and statesman, best remembered for his five-volume *History of England*. At the University of Cambridge he became known as a debater, a conversationalist, and a classical scholar. Macaulay was one of the best-known and most popular contributors to the *Edinburgh Review*, one of the most notable literary magazines of the period. In 1830 Macaulay entered the House of Commons, where he became a leading figure, noted especially for his oratory, in the Whig Party, and later in the Liberal Party.

2. Macaulay, Thomas Babington, *On Hallam's Constitutional History, Essay*, 1828.

3. Karr, Alphonse, *Les Gyépes* (6th series, 1859) p.305. [The more things change, the more they are the same.]

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Feedback: Webspinner@ContraCabal.eu