

Machination by NUJ National Executive Council and LFB Officers, Lawyers, and Staff.

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.

John Toner, NUJ National Freelance Organiser, who attends most LFB branch meetings, gave implicit approval on three different occasions for London Freelance Branch filibustering by not intervening when officials repeatedly prevented a member from stating his case. The term "filibuster" defines crafty tactics used at meetings to delay or obstruct a motion. Unable to challenge words with more words, LFB officers orchestrated a pointless and childish role-play. After the meeting, Toner humiliated the author by accusing him of libel and slander without an iota of justification.

Toner has strictly followed a "don't see, don't hear, don't speak" (which effectively means "don't do") policy. He has rigidly followed *laissez faire* practices implemented by Dear and former in-house solicitor Claire S Kirby and receives a member-funded salary. They literally translated "*laissez faire*" as "leave things alone" and let the member suffer several near-death experiences. Approaching 70 years of age, he languished in jail for almost four months (27 Feb 02) of an indefinite sentence under arguably the worst conditions in the State of Washington.

[*Metamorphosis*]

To support a National Executive Council (NEC) kangaroo court held several months before, Dave Rotchelle, Phillip Sutcliffe, and Humphrey Evans (LFB officers) *et al* blocked an LFB motion for solidarity by neglecting to place it on the agenda then filibustering it to prevent a vote.

They used a presentation to promote a course taught in the education and training program by Sutcliffe and Evans to filibuster and derogate the author. That continued a pattern or practice of public humiliation at meetings used over an extended period by another officer, Gary Herman. By that, LFB officers opened the door to investigation by law enforcement authorities of the NUJ

education and training program which allegedly has misappropriated government grant funds obtained as a *quid pro quo* negotiated with Gareth Thomas MP. [*Quid Pro Quo*]

Dear derogated the author with an outrageous response to reasoned inquiry about the filibustering and the quality of the presentation instead of investigating the complaint. Dear received (13 Jan 09) a comprehensive request from the author (a person academically qualified to make comments on educational programs) for information about the moronic role-play session used to promote taxpayer-funded educational and training. [*Age Discrimination*]

The message noted the lack of academic and adult education qualifications of several lecturers granted teaching commissions. It stated that several of them had refused to furnish copies of their resumes and that advertisements had not offered teaching positions to all members as required by equal opportunity laws.

Dear evaded the issues (03 Feb 09) with a comment probably written by a lawyer and parroted:

I have responded to your complaint about the role play session at London Freelance Branch. I do not believe your email is in accordance with the facts, is erroneous on points of law and the complaint is frivolous, vexatious and entirely unreasonable.

Arguably, that comment made Dear an accessory after the fact to harassment associated with the filibuster. [*Derogation - Case Studies*]

Victor G Lilley, a new LFJ member (present at that meeting) sent an unsolicited appraisal (09 Sep 08) of the proceedings. Lilley¹ wrote:

I listened to your motion with interest but I am afraid I didn't understand it. It was too much to take in, especially that late, after all the other stuff. It should have been sent out previous to the meeting.

I wasn't happy that some people found it funny, and I wasn't alone, as I discovered walking to the Pub with a couple of other members.

I understand your concern about getting the motion heard, but it appeared your claim of conspiracy by the Chairman of London Freelance was a wild lashing out. That contributed to the laughter, it seems.

We should all be concerned about dodgy goings on within the Union concerning supposed help to members, especially by the Legal Department who have been criticized before.

There was talk that you had not used the proper procedures for bringing this up.

I hope you will reflect on this to avoid making the wrong decision and perhaps try discussing it directly with the Freelance Branch Committee.

Hope this is some comfort to what must have been a big disappointment regarding the reaction to your motion.

An investigation of email messages that contain similar statements to those made by Lilley prompted inclusion of them in a complaint presently under investigation by Solicitor's Regulation Authority (SRA). The messages drew attention to several instances of unprofessional behavior by Mincoff. [*Mincoffs Flying Circus - Position Paper*]

Readers must form their own conclusion about the content of the latest email message (16 Jun 09) from Lilley which refers to actions taken by NUJ officials since publication of his (09 Sep 08) email on (18 Feb 09) about the LFB meeting (08 Sep 08). Lilley has reported:

Sorry to hear you have still not got this resolved. Had a similar sort of problem but less serious. They refused to make me a full member from a temporary one, against the rules it seems to me. This was the General Secretary and John Toner. So I have left the NUJ as they seem to be blocking me in getting the NUJ doing more on copyright infringement. Roy Mincoff just ignored my requests for 6 months so I gave up.

The author has spent a lifetime paying meticulous attention to issues of order. In this case, LFB/NUJ arbitrarily withheld documents which triggered a review of TUC mandates. They indicated repeated and deliberate violations by officers attempting to sabotage motions.

Lilley wrote: "I hope you will reflect on this to avoid making the wrong decision and perhaps try discussing it directly with the Freelance Branch Committee"; however, the author has already exhausted all avenues over the seven years that has LFB stonewalled.

LFB officials deliberately frustrated presentation of a motion by interfering with the process. They used frivolous challenges to the motion during the weeks preceding the meeting and then filibustered the meeting.

In view of similar occurrences, that behavior now classifies as fraud subject to criminal investigation. The author must now take the issues to law enforcement agencies for investigation and action parallel with the already filed SRA investigation. This meets a responsibility to report professional misconduct by lawyers.

A few LFB officers and their simpering sycophants have grabbed absolute power and formed an unhealthy oligarchy. When challenged, they become abusive. The meeting (08 Sep 08) exemplified ongoing behavior, but did not reach the humiliating extremes experienced by the author at previous meetings.

Dave Rotchelle (LFB Chair) and Philip Sutcliffe (LFB NEC Member) received copies of the motion two weeks before the meeting as required by TUC protocols; however, they did everything within their power to thwart inclusion in the agenda. When challenged, they sabotaged the oral presentation at the meeting and humiliated the author. This continues a pattern or practice of denial of rights by LFB officers that has continued for several years.

Rotchelle neglected to properly include the motion in the agenda and to admonish humiliating behavior by Angus Batey and Gary Herman. With others, he organized a presentation "Dealing with Commissioning Editors - Phil Sutcliffe and Humphrey Evans". The "players" clumsily filibustered by staging an infantile role-play to prevent timely presentation of the motion.

Announced as a short presentation, the role-play, predominantly shtick, lasted for more than an hour out of the two hours allowed for the meeting. When Rotchelle received a call for extra time to move the motion, he exclaimed that the ten minutes requested was "a very long time".

Over the years, most people at LFB meetings have shown that they rank as caring, industrious people. The author receives email from people who care about NUJ and want it to take an ethical

stance by ridding itself of oligarchs; however, it will not happen if they remain lethargic at election time.

The author presented his motion as a calculated attempt to inform members about covert activity. Part of the overall problem relates to officers who treat LFB as a source of freelance income. In all his years, the author never received payment for sitting on boards of directors or union committees except for travel and subsistence. NUJ expenses constitute blatant conflict of interest similar to the recent expenses scandal in parliament albeit on a smaller scale.

LFB officers deny access to branch minutes and accounts to evade investigation of dubious or preferential payments made from NUJ funds to branch officers and officials of other unions. Some officers, through incompetence or for other reasons, find themselves unable to obtain freelance work. They rely upon NUJ programs to supplement their income which makes them desperate for re-appointment which creates a direct conflict of interest. LFB officers may not receive a salary as such, but they certainly double-dip as a result of their control over programs which employ members using government funds.

Those transactions do not appear in LFB accounts and LFB treasurer Jenny Vaughan has withheld accounts which effectively covers up manipulation of funds to the advantage of officers. She ignored three requests for access to LFB accounting records requested in accordance with Trade Union and Labour Relations (Consolidation) Act 1992.

29.—(1) A trade union shall keep available for inspection from their creation until the end of the period of six years beginning with the 1st January following the end of the period to which they relate such of the records of the union, or of any branch or section of the union, as are, or purport to be, records required to be kept by the union under section 28.

30.—(1) A member of a trade union has a right to request access to any accounting records of the union which are available for inspection and relate to periods including a time when he was a member of the union. In the case of records relating to a branch or section of the union, it is immaterial whether he was a member of that branch or section.

Member apathy allows officers to orchestrate a shuffle each year so that they get re-appointed to different offices. The whole process smacks of sycophancy quite evident to some members at the meeting (08 Sep 08). The number of times the chairman played “nicie-nicie” to his proteges during the meeting sickened ethical members.

One should understand that a freelance branch ranks differently to normal trade union chapels in that it allows manipulation due to very large membership with minimal attendance at branch meetings. Members of union chapels, that consist of wage-earning members, cannot manipulate procedures and emoluments in the same way as freelance members.

LFB has established a pattern or practice of violation of election rules in order to set up a self-perpetuating, self-interested oligarchy without giving all LFB members an opportunity to participate or to vote by inclusive balloting. To that end, they have slanted web site information to facilitate election, reelection, or self-succession by preferred officers.

LFB officials use silent withholding of agendas and minutes to facilitate election and reelection unopposed or for self-succession. A show of hands without tellers frequently declares spot-

nominated candidates elected unopposed, sometimes in their absence. The secretary then restricts access to minutes, an act that supports manipulation of procedures.

A reasonable person must assume that an annual general meeting attended by between 30 and 50 members of whom about 50% can vote (out of a total branch membership of 3731 eligible to vote) does not allow fair and unbiased nomination or election. That has become abundantly clear during the past seven years with officers effectively succeeding themselves or taking part in swap meets: informal barter of available positions to avoid self-succession.

In some cases, self-succeeding candidates evade reelection prohibitions by joint election, purportedly to mentor a newcomer for one year, then restart the unopposed reelection cycle for their own benefit a year later. This extends to NEC because it affects the election of the two LFB NEC officers (apart from remuneration under Rule 8(q)).

A new rule requires NEC officers to be elected for two years; however, refusal of access to minutes and accounts encourages gerrymandering and filibustering which evades discussion of election issues. Some LFB NEC officers run unopposed by design.

The deliberate withholding of minutes and financial reports has prevented strict verification and validation of statements which would form part of normal investigative or forensic reporting and legal discovery processes. Silent withholding by officers of records and slanted web site information to facilitate election, reelection, or self-succession covers up electoral manipulation. Consequently, the papers related to the issues described will now go to law enforcement agencies for fraud investigation.

Many problems stem from member ignorance of rules and procedures to the advantage of officials who either do not publish them or restrict access to them. In essence, the manipulation begins with physically limiting the size of AGM accommodation and neglecting to advertise the importance of attending that meeting. That insures that candidates with oligarchical preference have virtually no contenders.

Effectively, anyone can join LFB by turning up fifteen minutes before a branch meeting for a pep talk and paying dues. A cursory analysis shows that several new members have no qualifications whatsoever. Moreover, once new members gain acceptance they very seldom attend a branch meeting again. In a majority of cases, the main purpose of applying for membership relates to easy access to a press card, and from the NUJ perspective, an increase in dues revenue.

LFB officers have fudged both NEC and local elections to insure that predominantly the people politically inclined toward, or intimidated by, Dear have retained office during the whole of his seven-year tenure. That insures that they gain election or reelection unopposed and evade mandated procedures. Dear's own unopposed reelection reflects that condition.

Convenient for LFB officers, Dear claims that he has no responsibility for what branches do. By that, he has allowed LFB to change a prescribed democracy into an oligarchy. Officials have fudged the proceedings to insure that predominantly the people politically inclined toward Dear have retained office during the whole of his seven-year tenure.

Repeatedly requested to instruct LFB to cooperate, Dear implies that he has no authority to require branch officers (to whom he refers as "laymen") to provide member access to information (minutes of meetings and branch financial accounts). Personal requests to officers at meetings and Dear have met with either dumb insolence or abuse.

He claims that he has no control over lay members which defies any logical definition of the term "lay" as "not belonging to a particular profession". The term certainly applies to several LFB elected officers (freelance "employees") but it seems Dear did not have that in mind. Perhaps he wished to stipulate a special meaning to support his argument.

Despite his ultimate responsibility for everything that occurs within NUJ and with *Journalist* (NUJ magazine), Dear wrote: "In respect of *The Freelance* [LFB newsletter] and LFB I am not in a constitutional (*sic*) position to instruct lay members to provide information". A reasonable person must ask how Dear can claim not to have executive authority over the editor of NUJ magazine when NUJ funds its publication and its editor. Reginald [Tim] Gopsill, Editor, *Journalist* magazine receives a substantial salary as an official; however, Dear claims he has no control over him despite NUJ Rules 2008:

10(f) Officials of the Union. . . . The editor shall edit the union's journal and shall perform such other duties as directed by the General Secretary. Union website pages holding content taken from the union's journal shall be under the editorial control of the editor of the union's journal.

Dear, and by extension Mincoff, have denied any responsibility for "lay" people which they use as a collective term for elected officers. Effectively, that means that LFB officers must individually assume legal responsibility for their actions. This could involve police inquiries into use of government funding for discriminatory employment of instructors for educational and training programs.

Dear has allowed staff to remove member access to the restricted section of the NUJ web page without giving a reason to the author. He has since replaced that access under duress; however, information previously on that web site has been redacted or censored. Access to other sites receives censorship by blocking "politically incorrect" members.

These comments result from personal observation of practices at NUJ/LFB annual meetings that deny the majority of LFB members an opportunity to participate. A pattern or practice of violation of election rules exists in order to set up a self-perpetuating, self-interested oligarchy without giving all LFB members an opportunity to vote by postal ballot or other means of inclusive balloting.

Nmesis.

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