

***Machination by NUJ National Executive Council 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.

NEC officers, in a conflict of interest eligible to hear an NEC appeal of their own findings, conducted fraudulent proceedings that can only define as a "kangaroo court": a fraudulent proceeding under Fraud Act 2006 now under investigation by law enforcement agencies.

Bernard Roche, NUJ Finance Manager and Audrey Witter, Minutes Secretary withheld minutes for 7-1/2 months as part of a merry-go-round among cabal members although rules require immediate distribution of minutes. They repeatedly use a delaying tactic to conceal documents and obstruct due process of law. In this instance, they delayed appeal of an illegal NEC decision for twelve months.

A Nuremberg defense that they followed orders will not help Audrey Witter, Andrew Dixon (Mincoff's assistant), and other staff members or National Executive Council (NEC) officers when they face a discovery process. Witter must explain her alleged forgery of minutes and denial of access to them. The fact that staff act as proxies for NUJ officials and lawyers does not relieve staff members from their moral responsibility not to commit or have complicity in crimes. Moreover, supervisors frequently rank as accessories before or after the fact for either delegating unlawful duties to staff or knowingly covering up crimes committed by them.

John Toner, NUJ/UK National Freelance Organiser acts in behalf of NUJ General Secretary as the official responsible for all union activities, organisation, and financial affairs also as the first

point of contact with NUJ officials and NEC officers for freelance members. However, he takes part in the never-ending cycle which denies members access to information to which their membership entitles them.

For example, repeatedly asked: “Does Audrey Witter (NUJ Minutes Secretary) report to Bernard Roche (NUJ Finance Manager) as her immediate superior? If not, then please provide the name of her supervising officer”. Toner acknowledged receipt of the messages then stonewalled the answer.

The minutes in question contained a complete fabrication that had no bearing on the facts or the motion prepared for the meeting. Roy M Mincoff (in-house solicitor) buried the motion submitted by the member and replaced it with a forgery *in absentia*.

Mincoff and his predecessor Clair S Kirby (now with Thompsons Solicitors, Cardiff) presently await the outcome of investigations by Solicitors Regulation Authority. Those investigations address a string of professional misconduct complaints related to NUJ issues.

*Meeting of NUJ Finance Committee (18 Jun 08) and minutes withheld by: Jeremy Dear, General Secretary; Roy M Mincoff, Legal Officer; Bernard Roche, Finance Manager; and, Audrey Witter, Minutes Secretary. Dear released an unsigned copy under duress (03 Feb 09).*

*Present*

John Barsby (NEC) (Vice-Chair)  
Chris Frost (NEC) (Chair). Recused himself.  
Tim Dawson (NEC)  
Barry McCall (NEC)  
Peter Murray (Vice President)  
Phil Sutcliffe (NEC)  
Nick Serpell (NEC)  
Jeremy Dear (General Secretary)  
Roy Mincoff (Legal Officer)  
Bernard Roche (Finance Manager)  
Linda York (Personnel and Administration)  
Audrey Witter (Minutes Secretary)

Mincoff wrote a general denial in response to a request for a legal opinion by Toner. The member totally rejected that “legal opinion” as false and misleading several months before the Finance Committee meeting and provided language that reflected the true position. Toner, commented on the revision then submitted it to Dear for inclusion in a Finance Committee agenda. Dear confirmed receipt and tacitly approved the new language. Despite the revision, Mincoff knowingly resurrected his original false and misleading opinion then replaced the revision to pervert the proceedings.

Mincoff interpreted and substituted meaning to create a general denial. Civil rules do not allow arbitrary or general denials (denying all allegations in a complaint). Mincoff did not genuinely interpret the complaint or associated statutes; moreover, he refused to accept language for filing solely because it did not conform with NUJ political expedience.

Mincoff ignored the member's readiness to verify his allegations under an oath. Any denial must fairly meet the substance of the proof. If NEC intended in good faith to deny a part or a qualification of fact, then it should have identified the part that it considered true and material.

NEC did not fairly address the substance of the facts and it has not shown good faith. It has not specified the parts considered true and material by denying everything. It allowed Dear and Mincoff to manipulate the agenda so that NEC did not consider all the facts and used its own interpretation and construction of NUJ rules and law.

In effect, Mincoff refused to file a complaint that clearly meets all NUJ requirements to cover up his own dereliction, bias, and professional misconduct. He then filed a forgery upon which NEC acted.

Both Mincoff and Dear apparently take comfort in arbitrarily denying all allegations in any complaint. This shows a pattern or practice of acting contrary to civil rules which only permit general denial when it intends in good faith to controvert all assertions of fact. Rarely do general denials pass that test neither do reputable judges allow them.

Mincoff placed false and misleading documents on the Finance Committee agenda and record. No wonder he prevented the member, who has neither requested NUJ legal services nor received them, from attending the meeting. With Dear, he set in place an illegal railroading by effectively converting a scheduled Finance Committee meeting into a kangaroo court.

Railroading denies due process of law by forcing rapid litigation to prevent careful consideration and criticism. It usually employs dragooning, subjugation, persecution, coercion, or threats. The complaint now filed with Solicitors Regulation Authority requests disbarment for both Claire Susan Kirby (Mincoff's predecessor) and Mincoff also maximum fines for NUJ. Metropolitan Police presently has specialists investigating associated issues to obtain evidence to support criminal charges.

*Finance Committee Minute (18 Jun 08)*

RM. Correspondence was circulated from Paul Trummel, a freelance journalist, who was appealing against the decision taken with regard to legal support.

PT. Untrue. The member appealed false and misleading information published for political expedience by Mincoff and Dear, not a decision taken with regard to legal support.

RM. The Committee was briefed on the issues involved, which went back some 13 years with a dispute in the USA. Mr Trummel had been involved in litigation with various organisations

and individuals in the USA and requested legal assistance to pursue further litigation. It was noted that the union did not litigate outside the UK but had in the past provided some assistance to this journalist in referring the matter to the IFJ.

PT. A complete fabrication refuted several months before the Finance Committee meeting used by Mincoff to manipulate the proceedings.

RM. The Committee discussed the matters involved and concluded that the union was not in a financial or legal position to take up Mr Trummel's case, but was prepared to offer political support in making representations to organisations in the US, the IFJ and the British Government. It was agreed not to uphold the appeal for legal backing but in so doing, the union appreciated the fight Mr Trummel was taking on and offered any other possible support.

PT. A non-sequitur. No evidence exists that the issues were ever discussed and the member was precluded from attending contrary to NUJ rules. Mincoff's false statements ironically preceded another minute.

JB. Correspondence was circulated confirming the fees suggested of £250,000 plus VAT, which would apply to the new retainer agreement [with Thompsons Solicitors].

PT. The disingenuous NEC performance had nothing to do with legal representation; instead, it continued a seven-year cover-up of dereliction by Dear, Kirby, and Mincoff and a pay-off by a government minister. HM Foreign and Commonwealth Office (FCO) dereliction and complicity allowed illegal imprisonment and torture of the NUJ member, a Gareth Thomas MP (Harrow West) constituent and NUJ member.

Dear, Mincoff and Thomas had four years to address the issues. Instead of demanding due process of law for the member, Dear negotiated a £262,000.00 *quid pro quo* with Thomas then dropped ongoing adversarial representation. The illegal Finance Committee proceedings constituted fraud and NEC officers arguably became accessories after the fact when they knowingly endorsed illegal actions by Dear and Mincoff.

Mincoff orchestrated an illegal scenario, now under investigation by Solicitors Regulation Authority (SRA). Meanwhile, Dear held a witch-hunt of member credentials in an attempt to cover-up the *quid pro quo* with Gareth Thomas and the subsequent withholding of minutes. Dear continues the coercion with harassment and derogation which will soon become subject to investigation by yet another law enforcement agency.

[Derogation] [Derogation - Case Studies] [Without Let or Hindrance]

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