

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.

Bernard Roche, NUJ Finance Manager did not respond in accordance with Trade Union and Labour Relations (Consolidated) Act 1992 (the Act) to requests for access to documents and did not follow generally accepted accounting practices. He has followed a pattern or practice of inappropriate or unlawful evasive action and time-warp stratagems to support obstruction of justice by Jeremy Dear, General Secretary; Claire S. Kirby and Roy M Mincoff, successive Legal Officers; and National Executive Council (NEC) officers. That constituted multiple fraud and evasion of rules and procedures to withhold records in a cover-up of a *quid pro quo* by Gareth R Thomas MP (Harrow West), Minister of State, Department for International Development.

Roche unlawfully obstructed access to NUJ records and continues to withhold documents relating to NUJ executive salaries and other expenditures by withholding balance sheets and operating statements. Those documents relate to issues now before several law enforcement agencies charged with investigating NUJ finances. Evasive statements by NUJ officers construe as intent to subvert the course of justice by providing inadequate or false and misleading answers to legitimate interrogatories.

The response documents did not meet the necessary standard for legal and accounting use. They bear no reference, date, letterhead, signature, and lack specificity or validity as evidentiary

documents; moreover, they contain no inventory of records available for access. They follow illegal procedures adopted by Roche and other NUJ officials for more than a year: a pattern or practice of obstruction and evasion without any progress toward resolution of outstanding issues.

NUJ officers or employees may not intentionally conceal records if they have a legal obligation to release them. They have stonewalled legitimate requests for documents and have failed to signify with particularity those documents that they claim not to have in their possession or cite legitimate reasons for withholding them. The burden of proof rests with Jeremy Dear, NUJ General Secretary to show that refusal to permit member access and copying of union records complies with NUJ rules and the Act. He must also cite with particularity those rules that permit him to withhold or redact documents.

Generally, the requests related to access to financial documents for the years 2005 through 2008 including income and expenditure accounts. They included accounts relating to remunerated employment of NUJ members in specified instances including, but not limited to, fees, out-of-pocket expenses, and subsistence payments whether in cash or in kind.

NUJ officers have repeatedly used a series of confidence tricks to evade their responsibilities to either provide information or address issues now subject to investigation by law enforcement agencies. As it stands, the proposed offer to provide access to documents amounts to “buying a pig in a poke”: a scheme to require purchase of services without a full description beforehand. Moreover, requests for advance payments do not comply with the Act in that they do not state the method for calculation of charges.

Any response to a request for documents must list the documents available for access and inspection with particularity. That means that NUJ must inventory the documents under four specified categories:

1. *UK Government “Strategic Grant Agreement”*

Government “strategic grant agreement” (£262,000.00) “to promote greater awareness of global poverty”.

2. *British Embassy, Kiev, Ukraine.*

The Independent Media Trade Union of Ukraine (IMTUU) NUJ funds and/or British Embassy In Ukraine sources. UK Embassy in Kiev claimed that it funded NUJ/IMTUU training programmes and employed NUJ members, officers, and officials.

3. *NUJ Education and Training Programme.*

All accounts relating to educational or training services or programmes provided to members and non-members (whether NUJ charged fees or not) and names of administrators and instructors of courses.

4. *Sally Murrer, Milton Keynes Citizen.*

All accounts relating to, but not limited to, NUJ Crown Court legal action and other support in behalf of Sally Murrer 2007 through 2009. The request includes all payments to third parties and

should detail all legal fees, NUJ staff time, cost of articles in *Journalist* magazine including estimated costs attributable to *pro bono* or other legal services.

The financial status of Milton Keynes NUJ Branch had no bearing on the request which asked for access to financial records relating to legal and other support rendered to Murrer.

PT. All financial and operating statements in progress for the years 2005 through 2009, including detailed income and expenditure accounts (which name all recipients and/or beneficiaries of fees and/or other emoluments including out-of-pocket expenses and subsistence in cash or in kind) relating but not limited to an NUJ Crown Court legal action and other support in behalf of Sally Murrer 2007 through 2009. The request includes all accounts relating to payments to third parties and details of all legal fees, NUJ staff time, and estimated costs attributable to *pro bono* or other legal services. Both Dear and Roche misleadingly answered questions not asked. Roche volunteered irrelevant and immaterial information which misquoted Dear in his response to a request for access to financial records.

JD. There are currently no officers of Milton Keynes branch which has been dormant for some time.

PT. Dear provided that false or misleading information then Roche expanded it.

BR. I would remind you that you have already been informed by [Jeremy Dear] the General Secretary that Milton Keynes Branch of the NUJ has been dormant for several years. It has not functioned at all during the period you mention and thus no accounting records are available for that period for the Milton Keynes Branch.

PT. A request (27 May 09) to Steve Lerner, Deputy Editor, *Milton Keynes Citizen* for verification of the Dear and Roche statements yielded this response from Sally Murrer.

SM. The NUJ chapel in MK was indeed defunct for many years but it was revived a couple of years ago and is now thriving. I have been employed by the *Milton Keynes Citizen* continuously for the past 11 years. I am part-time and work between 12 and 15 hours a week. I have not worked as a freelance since the late 1980's.

Dear spoke at Trades Union Congress (TUC) (09 Sep 08)¹. A transcript shows that he referred to Murrer as "a freelance reporter"; however, *Milton Keynes Citizen*, classified her as a "part-time journalist" (28 Nov 08).² Freelance journalists classify as contractors whereas part-time journalists classify as employees which has a direct bearing on their legal relationship with a publisher and the amount of financial and legal support afforded a member by a trade union.

Statements by Dear and Roche stand as another attempt to stonewall access to financial records by deliberately disseminating false and misleading information. NUJ provided massive legal assistance and publicity to Sally Murrer 2007 through 2009 in several court actions. Roche has access to records supporting those transactions and his statement can only construe as a red herring that allows him to withhold those records. The need for an inventory figures significantly when Roche uses a disclaimer.

BR. We would inform you at this stage that all such records as you require may not be retained in such a way as to be available for inspection . . .

By that proviso, Roche has opened the door to inquiry about his employment as Financial Manager and Servicing Officer to NEC Finance Committee. The rules allow any accountant

eligible for appointment as a company auditor under Section 25, Companies Act, 1989 to accompany a member while inspecting records. That act does not require confirmation of accountant's qualifications and certification in advance as Roche has specified.

The accountant can establish his credentials and sign a non-disclosure agreement when he sees that NUJ has made available inventories of documents for inspection. Furthermore, a *bona fide* union financial officer should have no problem in submitting his credentials to overcome a public apprehension of auditors and accountants who strive for anonymity.

Roche holds positions as Finance Manager and Servicing Officer, NUJ Finance Committee without any published qualifications or record of academic or professional achievement that entitles him to perform those functions. NUJ web sites do not list him among other NUJ officers which raises more questions.

Roche must explain his participation in a Finance Committee meeting that turned into a kangaroo court (18 Jun 08). His machination has since raised serious questions about his integrity, certification, and qualifications. NUJ has provided no evidence that he has credentials which allow him to act in a fiscal capacity.

A routine background check revealed a single reference.

Bernard Roche has been appointed as the union's new finance manager".³

Susan Levitt, Membership Information Advisor, Institute of Chartered Accountants in England and Wales (ICAEW) responded to an inquiry about Roche.

Mr Roche is not a member of the ICAEW. We have no-one with that name as a member on our database. This is all we can comment on.

Roche must now show good faith by providing: a document inventory; information on the calculation of fees; details of his accounting certification; and, a copy of his curriculum vitae; otherwise, he has no credibility whatsoever and must eventually explain himself to a judge.

Instead of endeavoring to resolve multiple problems concerning rule violation, the latest responses exacerbate the situation and comprise another attempt to stonewall access to financial records. Silent withholding of documents classifies as an ethical violation which constitutes a crime when it involves fraud, denial of due process, or discrimination in provision of member services.

The reliability of any union's compliance with its rules rests upon the ethical and moral responsibility of the weakest link in the information chain. If any union employee along the line fails to comply with rules and law, then the principal officer must accept responsibility for any damage caused.

Nmesis.

1. Rowlands, Max. Media freedoms in the UK curtailed by police *Statewatch Analysis*. (09 Sep 08). TUC has since removed the recording from its web site at <http://www.tuc.org.uk/congress/tuc-15471-f0.cfm>
2. Charges dropped as judge criticises police. *Milton Keynes Citizen* (28 Nov 08)
3. NUJ Book Branch News, April 2007.

Related Web Pages

Silent Withholding

[Contra Cabal 880-43-00](#)

Jeremy Dear, General Secretary, NUJ - Open Letter #1

[Contra Cabal 880-43-01](#)

John Toner, UK Freelance Organiser, NUJ - Open Letter #2

[Contra Cabal 880-43-02](#)

Trade Union and Labour Relations Complaint - David Cockburn

[Contra Cabal 880-43-03](#)

Public Inquiry

[Contra Cabal 880-46-00](#)

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Feedback: Webspinner@ContraCabal.eu