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Convener  
Public Petitions Committee  
Scottish Parliament  
EDINBURGH  
EH99 1SP

**Monday 27 January 2014**  
**By E-mail and First Class post.**

Dear Convener,

Public Petition PE01491

With reference to the above I regret to inform you that I wish to abandon my petition due to the following: a/ The committee's failure to consider my reasonably presented submissions regarding Freemason declarations in Norway, & b/ The Convener's failure to respond to my concerns regarding his deputy, Chic Brodie.

I take this decision with a heavy heart and only after long consideration, but following the publishing of your papers last Thursday for the meeting of Tuesday 28<sup>th</sup> and your failure to address the actions of your deputy, I feel it would be unfair to me and to my supporters to engage in what would inevitably be an unfair process. One that demeans the public petitions process.

To elaborate on the above points:

a/ As you are well aware my submissions with regard to the requirement in Norway for judges to register membership of the Freemasons was timeously presented to you, but due to the failure of the clerk, Anne Peat, was not part of the SPICe briefing papers for the meeting which considered my petition.

You apologised for what you called "the transmission problems" and Anne Peat also apologised for "inadvertently overlooking" my Norwegian submission, which she promised to publish, She did, but that is as far as it went. There is no further mention of any consideration of the Norwegian point in the briefing paper for tomorrow's meeting. [LINK](#)

A major plank of my argument is first overlooked and then ignored while at the same time the committee accept numerous submissions from the Grand Lodge of Scottish Freemasons

and act on their pleas, by considering consultation with the Scottish Human Rights Commission, as per Grand Lodges submission of 20 November, following the meeting at which my petition was considered.

It is not as if my submission was on some trivial matter. By extrapolation using the Domstol and Masonic statistics there are a probable 88 judges and sheriffs who are Freemasons in Scotland and that is without considering the number who are members of the Speculative Society of Edinburgh. [LINK](#)

By ignoring my evidence-based, reasonable submissions, on weighty matters, while at the same time acting on later, unsolicited, submissions by Grand Lodge, you are demeaning the petition process.

I can accept the fact that you may consider my reasoned arguments and find them to be without merit, but cannot accept your refusal to consider my submissions.

b/ You are aware of the terms of an e-mail sent to me by your deputy, Chic Brodie, in which he gives his opinion as to my state of mind, and you are aware of my response to Mr Brodie asking him questions on the source of his knowledge that formed this opinion.

Since then I have seen Mr Brodie's intervention to the committee on my petition in terms that I could only describe as mocking; he asks that the Saint Vincent de Paul Society be added to the bodies that are considered secret societies in my petition, and your silence on his unwarranted interference in my petition is troubling.

I have been in correspondence with Bill Walker regarding his friendship with Chic Brodie, and while he denies being the source of personal information regarding me/my health, he declines to specifically answer questions on his or Mr Brodie's links in Freemasonry.

In all the circumstances I feel it would be unwise of me to submit my petition to a committee on which Mr Brodie is a prominent member, since his actions are so obviously hostile to me and my petition.

It saddens me to conclude that the consideration of my petition has become a parody, but it is not a parody I am prepared to take part in.

I am of course disappointed to have to make this judgement, but my foremost consideration is to the 3,116 who have supported me, and it would do them a disservice to continue in an obviously flawed process.

Perhaps when a new committee is in place I can return to my petition and attract an even larger number of supporters, who will see by my actions that I demand justice be done to what is, a very serious matter of public concern, the undeclared membership of secret societies by decision makers.

Yours sincerely,

Tom Minogue.

**Public Petitions Committee****3rd Meeting, 2014 (Session 4), Tuesday 28 January 2014****PE1491 on secret society membership declaration by decision makers****Note by the Clerk****PE1491 – Lodged 30 October 2013**

Petition by Tom Minogue calling on the Scottish Parliament to urge the Scottish Government to amend the law or codes of practice to make it compulsory for decision makers such as sheriffs, judges, and juries at their courts, arbiters, and all panel members of tribunals that are convened and held in Scotland and governed by devolved legislation, custom and practice, to declare if they have ever been members of organisations, such as the Masons, that demand fraternal preference to their brethren over non-brethren, or organisations which have constitutions or aims that are biased against any particular sect, religion or race.

That a register of such membership is held by the various bodies that supervise such judicial and quasi-judicial tribunals and that access to these registers is given on demand to the defendant, litigant, or plaintiff wishing to exercise their rights to a fair hearing in accordance with Article 6 of the ECHR.

[Link to petition webpage](#)

**Purpose**

1. The Committee first considered this petition on [12 November 2013](#) and heard evidence from the petitioner. The Committee agreed to write to the Scottish Government, the Lord President, the Sheriffs' Association, the Scottish Justices Association, the Lord Advocate, the Crown Office and Procurator Fiscal Service and Police Scotland. Some responses have been received and the Committee is invited to agree what action it wishes to take.

**Background***The reason for the petition*

2. As a result of his own experience, the petitioner petitioned the Scottish Parliament to make it a requirement for certain public servants involved in the justice system to make a declaration about whether they were members of any secret societies (such as the Freemasons) which require loyalty to fellow members. The original petition (PE306) was lodged in 2000 and eventually closed by the Justice 2 Committee in March 2003.
3. The current petition is, according to Mr Minogue, in much the same terms, except that he is calling for the duty to disclose membership of secret societies to be extended to jury members as well as public servants involved in the justice system.

*Freemasonry*

4. Much about the practices of Freemasons is secret, although it is believed that members have to swear an oath of fidelity to one another. This has led some to come to the conclusion that Freemasons may act to benefit other members, sometimes to the detriment of non-members. Others argue that, whether or not Freemasons actually act to benefit each other, their membership of a secret, fraternal organisation raises doubts about their ability to act impartially.

*Speculative Society of Edinburgh*

5. The Speculative Society of Edinburgh came to public attention in the early 2000s when Robbie the Pict (a campaigner against tolls on the Skye Bridge) asked for his appeal to be dealt with by judges who were not members. The membership of the society at the time was thought to contain a number of senior judges as well as business men connected with the Skye Bridge<sup>1</sup>.

*Action in England and Wales*

6. The House of Commons Home Affairs Committee undertook two investigations into the influence of Freemasonry. Its report, "Freemasonry in the Police and in the Judiciary" was published in March 1997<sup>2</sup>. The Committee's evidence and recommendations were limited to England and Wales.
7. This resulted in a policy from 1998 to 2007 in England and Wales under which judges, police, members of the CPS and prison and probation staff were asked to declare whether they were Freemasons. However, no action was taken against individuals who made a "nil" return or did not respond. Registers for the police (and potentially some of the other bodies) were not fully developed due to concerns about public access, including data protection laws.

*Freedom of Association*

8. The policy was abandoned for the judiciary and magistracy in 2007 as a result of concerns that it breached the right to freedom of association guaranteed in the Human Rights Act 1998. In his Written Statement to the House of Commons regarding the change of policy, the Justice Secretary highlighted two cases heard by the European Court of Human Rights<sup>3</sup>.

**Scottish Government Action**

9. The Scottish Government has declined to ask the judiciary or other public servants to make a declaration regarding their membership of secret societies such as the Freemasons. In answer to a written parliamentary question (S1W-23539), the then Minister for Justice, Jim Wallace, noted that candidates for judicial office were asked to disclose any potential conflict of interest, covering their personal, professional and social life.

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<sup>1</sup> Seenan, G. (2003) "[Lifting the lid on judges' secret society](#)". *The Guardian*. 19 February 2003.

<sup>2</sup> House of Commons Home Affairs Committee. (1997) *Freemasonry in the Police and the Judiciary*. Third Report Session 1996-97 (HC 192-I). London: The Stationery Office.

<sup>3</sup> [Written Ministerial Statement from the Secretary of State for Justice](#). Hansard HC Deb 5 November 2009. Col 56WS.

## Scottish Parliament Action

10. The Scottish Parliament has dealt with several petitions which express concern about the influence of Freemasonry. These included [PE693](#) (December 2003), [PE652](#) (June 2003) and [PE306](#) (November 2000).

## Committee consideration

11. In advance of the Committee's initial consideration of this petition the Grand Lodge wrote a letter ([PE1491/A](#)) setting out its view on the petition and drawing the Committee's attention to a number of developments.
12. The Committee gave initial consideration to this petition on [12 November 2013](#) and heard evidence from the petitioner. The Committee agreed to write to the Scottish Government, the Lord President, the Sheriffs' Association, the Scottish Justices Association, the Lord Advocate, the Crown Office and Procurator Fiscal Service and Police Scotland for their views. The following submissions have been received since that meeting:
- PE1491/C: Grand Lodge of Antient Free and Accepted Masons of Scotland letter 20 November 2013
  - PE1491/D: Crown Office and Procurator Fiscal Service email 21 November 2013
  - PE1491/E: Sheriffs' Association letter 19 December 2013
  - PE1491/F: Police Scotland letter 18 December 2013
13. The Sheriffs' Association does not support the petition and advises that all judicial office holders take an oath that includes a promise of impartiality. Police Scotland does not hold a view on what the petition seeks, though declaration of membership may result in false declarations by those wishing to avoid jury duty. COPFS does not intend to respond to the issues raised in the petition and nor does the Lord President who has indicated that he has nothing to add to the Scottish Government's written response.
14. In a further submission from the Grand Lodge it suggests that the Committee may wish to seek the views of the Scottish Human Rights Commission. The Grand Secretary has also offered to give oral evidence.

## Action

15. The Committee is invited to agree what action it wishes to take on the petition. Options include:
- (1) to issue reminders to those that did not respond to the Committee's request for views and write to the Scottish Human Rights Commission;
  - (2) to take any other action that the Committee considers appropriate.