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Background to complaint.

I wish to create an online petition and feel I am being thwarted by the Clerk to the PPC Anne Peat and/or her staff.

The format for creating such petitions entails a petitioner entering details on the website Page One of A/ The Petitioner; B/ The Short Title of the petition; C/ The Petition Summary, I.E. what action I want Parliament to take.

Page Two of the website requires the petitioner to enter details of D/ What action have I taken previously to resolve this issue.

Page Three of the website requires the petitioner to enter details of E/ The relevant, factual background information and the reasons why I would consider the action requested in the petition to be necessary.

Page Four of the website requires the petitioner: F/ If I would like to collect signatures online and if so what end date would this process have. G/ What comments they would have on the PPC interactive signature collection site to stimulate online discussion. H/ There is provision to enter text to make a unique URL to promote my petition. I/ There is provision to enter a link to provide additional information relevant to my petition, which will be monitored by the clerking team.

At each of the nine stages, A/-I/ over the four pages there is a censorship/control function, signified

by a large red exclamation mark and comment thus: **!Action required**, which allows the PPC Clerks to call for action to be taken, by way of comments in a comment box, and if such action as they suggest is not taken to their satisfaction the submission by the petitioner is incomplete and the petition cannot be lodged. It is to all intents and purposes blocked.

In my case the red exclamation mark indicated action required is present in every section except G/ the one for a closing date for the collection of signatures.

It is my submission of complaint to you that the Clerks to the PPC are engaged in interference, obfuscation and delay to prevent me petitioning the parliament in a reasonable way on a serious subject that is of importance to me in exercising my democratic right.

I will set out the terms of my petition as originally entered online, followed by the comments of the Clerks and my response to these comments in the following pages 1-4.

Page 1, A/ I enter online the terms from a dropdown choice menu to explain who I am creating this petition on behalf of: **Myself, and my title as Mr.** I then give my name as **Tom Minogue.**

Page displays: **!** Action required

Clerk's online comments: **None.**

Page 1, B/ I set out the Short Title of my petition online as: **Secret society membership declaration by decision makers.**

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Clerk's online comments: ***"I would suggest that you shorten the title to secret society membership. That title will still explain what the petition is about without being overly wordy and the petition summary will set out the detail of what you seek."***

My response to clerk's online comments: "I do not agree that by shortening the title in this way it would adequately explain the purpose of the petition. Rather it would be misleading and may lose potential support for the aims of the petition.

For the avoidance of doubt I am not against secret society membership *per se*, as the clerk's proposed new title would infer. I am content that butchers, bakers, and candlestick makers can legitimately, and without declaration belong to secret societies such as the freemasons. My petition is aimed at bringing in a requirement for decision makers in the justice system to register such membership.

I do not wish to appear ungrateful for the advice offered, and note the PPC clerk's statement that this proposed, abbreviated new title would not be "overly wordy". That much is self-evident, but it would be misleading, and would probably lose potential support for the petition by those who get no further than the short title. Such browsers may simply see the wording and erroneously deduce that I am aiming to persuade the parliament to legislate against secret society membership, which is not my intention."

Page 1, C/ I set out my Petition Summary online as follows: **"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, tribunal panel members (income-tax, social security, employment, industrial etc) 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."

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Clerk's online comments: ***"In relation to your petition summary I would suggest removing the references to particular types of tribunal as a number of the ones you specify are UK-wide tribunals and powers in relation to these are reserved to Westminster."***

My response to clerk's online comments: "I do not agree that this is appropriate to remove the references to particular types of tribunals as I have good reason for including those that I have identified.

I do agree however that I should amend the wording of my Petition Summary to make it clear that I would only require declarations by decision makers in tribunals *"that are convened and held in Scotland and as such are governed by devolved legislation, custom and practice"*, which the Scottish Parliament has power to amend, or regulate by the introduction of new legislation.

In the event that my petition is successful such matters would be dealt with as a matter of course by the Subordinate Legislation Committee."

Page 2, D/ I set out the action I have taken previously to resolve this issue online as follows: "In 2000 I petitioned the Scottish Parliament with PE 306 which was in a similar vein to this petition. Then, after having been under consideration for over three years with the parliament the petition was dismissed and the last two meetings at which my submissions were heard in regard to PE 306 of 4th and 18 March 2004 have been removed from the public record for that public petition. These meetings were not insignificant and in fact at the meeting of the 4th March the Justice Minister Jim Wallace was questioned by the committee on my submissions regarding membership of the Speculative Society of Edinburgh and the Masons among the judiciary.

Furthermore despite the fact that the committee had asked me to provide examples of cases where there was a perception that freemasonry had influenced a court or tribunal the committee did not publish the submissions I made in this regard.

I believe that this censorship was draconian given that details of own case, *Stott v Minogue* 2000 SLT (Sh Ct) 25, & GWD 36-1386, - which spawned the petition – and the decision by the Social Security Commissioner, Ref: CS1/136/02. are in part matters of public record, or have been reported widely in the press and legal journals and are the two most important Scottish cases that deal with the influence of freemasonry in the justice system.

Having sought to determine my rights to challenge the existing law which allows non-disclosure of (secret) membership of fraternal organisations by decision makers by the courts, my elected representatives, and the previous government (which subverted the public petitions process), I am now attempting to resolve this anomaly with a new government, which claims to be open and accountable to the people of Scotland."

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Clerk's online comments: "I do not understand the reference to "meetings being removed from the public record". I am aware that you wrote to the Herald recently making the same claim. I am not aware of anything connected to your petition being removed from the record and I would be grateful if you would state clearly what it is you think has been removed. Are you sure you have been looking in the correct place?"

My response to clerk's online comments: "I expect the summary of the events of the parliamentary life of PE 306 to be contained in the summary of that petition on the PPC website. That is where I looked.

I attended every one of the ten meetings at which my petition PE 306 was considered between 19th December 2000 and 18th March 2004[should read 2003] and kept copies of the relevant parts of the official reports of these meetings. The online PPC record of my petition PE 306 shows that my petition was considered at only eight meetings between 19th December 2000 and 29th January 2003.

The record is incomplete and is a necessary part of the story of why I am petitioning the parliament. My blog deals with this in detail complete with links in connection with another matter in a chapter headed: "The Scottish Parliament Airbrushes etc, etc, at: <http://www.tomminogue.com/index.php/first-page-edit-this-title?blog=8>

P.S. There then followed a series of e-mails over a period of months with the result that the meeting of 18th March 2003 was added to the PPC record of PE 306 by Anne Peat in December 2012. However Ms Peat she refuses to enter the Justice 2 Committee meeting of 4th March 2003 on the PPC summary of PE 306. The correspondence details are appended as part of my complaint.

Page 3, E/ I set out the relevant, factual background information and the reasons why I consider the action requested in the petition is necessary as follows: "This public petition is similar to my Petition 306 but it's terms have been broadened to encompass more of the decision makers whose roles may affect our lives. These now include jurors as since my original petition there have been some very high profile cases where there has been a perception among many, including high profile members of the legal profession, that the interests of justice have not been served and there is a need to know more about the background of those called for jury duty.

However the general terms are similar to PE 306, which had its genesis in a court case held at Dunfermline Sheriff Court between 1999 and 2000. The case is now known as Stott v Minogue. At a preliminary hearing before Sheriff Stuart Forbes I addressed him with my concerns that the charges of housebreaking and theft that were brought against me were motivated out of malice by a competitor who had used Masonic influence to have me charged in what was nothing more than a commercial dispute.

The sheriff after initially refusing to hear my submission that I wished a declaration of Masonic membership/status from the judge who would hear my case relented and after hearing me allocated this issue to another sheriff at a later date.

In another preliminary hearing convened to settle the question of my objection to a Mason hearing my case the Sheriff, Isobella McColl, at her discretion gave me the assurances I had sought, but said that the principle of the question of whether or not such assurances should be given on demand from a litigant was one for the Scottish Parliament.

This satisfied my immediate concerns as to my rights, but left the principle involved undetermined. With this in mind and so that others may not have to go through what I had to I decided to take the sheriff's advice and before the outcome of my trial – which resulted in me being found not guilty of any offence – I petitioned the Parliament with my public petition PE 306.

As my trial was still ongoing I did not give details of the case but dealt instead with the principles involved.

The Public Petitions Committee website shows a brief synopsis of the main events in the life of PE 306 between 19 Dec 2000 and 28 Jan 2003.

My own website LINK has copies of the official transcript of all the meetings at which PE 306 was considered between 19 Dec 2000 and 18 Mar 2004 (that is including the last two censored meetings).

In a nutshell the petition is aimed at a court or tribunal user having the right to know if the person deciding their rights - or innocence or guilt – is a member of an organisation that has a sworn obligation to prefer their brethren over non-brethren, if such membership might be seen by a reasonable observer as possibly having an impact on the result of the court or tribunal."

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Clerk's online comments: "A petition is not an appropriate vehicle to air specifics of an individual court case. You have previously rehearsed the position and for the purposes of this petition it is sufficient merely to include the first and then the final three of the paragraphs below."

My response to clerk's online comments: "I do not accept the suggestion by the Scottish Parliament that I delete details of two of the five cases that I had previously submitted to the Justice 2 Committee in 2003 following their invitation to give examples of cases where freemasonry was thought to have been a factor or had an influence.

My own case was the genesis of PE 306 and though obviously relevant, could not be cited in the early life of the petition as it was still before the courts, but from 2001 on this was public information and together with the Social Security case, which was provided with the permission of the applicant, are entirely relevant as background.

I would be obliged if the clerks could direct me to where, within the parliament's Standing Orders, rules, codes of conduct, or guidelines, does it preclude a petition from citing case examples as background?

The petitions process and parliamentary business is full of case examples and it is only where a petition seeks to overturn or review a decision of a court or tribunal that reference is not allowed. Parliament's records are full of examples where the decision of a court is viewed with reference to a suggested new course of action. I believe that PE 1370, of which I am a supporter, calling on the Scottish Parliament to urge the Scottish Government to open an independent inquiry into the 2001 Kamp van Zeist conviction of Abdelbaset Ali Mohmed al-Megrahi for the bombing of Pan Am flight 103 in December 1988, is such a petition.

The matters I refer to as matters of fact in the life of my previous petition are entirely relevant, in the public domain, and perfectly admissible as background. They are not matters that should be censored before the PPC or the public have a chance to decide for themselves as to their relevance or merit.

To simply provide the first and then the final three paragraphs of the Petition Background Information as suggested by the Scottish Parliament's clerks, would be simply wrong and would deprive the PPC and my past and prospective supporters of material for assessing the whole of the background to the events that led me to petition the Scottish Parliament.

Page 4, F/ Asks the question “Would you like to collect signatures online?”

My response to this was to click the necessary box to signify yes and insert a date as required.

Clerk’s response: **None**

Page 4, G/ I set out comments to stimulate online discussion as follows: “If anyone has experienced what they believe to be Masonic or similar fraternal bias acting against the public interest could they please briefly describe them?”

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Clerk’s online comments: “The comments you seek must relate to the petition directly not just alleged masonic or fraternal bias in general. I would suggest that it would be clearer and more straight-forward if you simply asked for people's views on your petition.”

My response to clerk’s online comments: “I disagreed with this suggestion and would ask the clerks if this demand for brevity, which does not contain any stimulating comments, has been suggested to any other petitioners?”

I would again use PE 1730 as an example of where it was found necessary to use a 117-word statement to stimulate discussion. I am not looking for anything quite so wordy, but would suggest the following amendment (shown in bloc caps) to the proposed comment to stimulate discussion. At a mere 42 words it avoids comments on fraternal bias in general and reads: “If anyone has experienced what they believe to be Masonic or similar fraternal bias acting against the public interest IN COURTS OR TRIBUNALS WHICH MAY HAVE BEEN AVOIDED IF THE TERMS OF THIS PETITION BECOME LAW could they please briefly describe them?”

Page 4, H/ Asks if I want to create my own unique URL to promote my petition, which I do and set out as follows: “judgesmasonregister”

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Clerk’s response: **None**

Page 4, I Asks me to enter a link to provide additional information relevant to my petition, which will be monitored by the clerking team, which I enter as follows: “My own website LINK which gives access to the official minutes of all meetings at which PE 306 which was referred to in Background Information is:

<http://www.saveourglen.com/wp-content/uploads/2012/10/Transcripts-of-Meetings-re-PE-3061.pdf>”

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Clerk’s response: **None**

Terms of my complaints against the actions of the clerks for a/ their actions in response to my complaint and b/ their lack of response to correspondence.

Submission:

a/ I would submit that the duty of the clerks is to help a petitioner present their petition to the parliament. I would submit that it is outwith the clerk's remit to attempt to change the terms of the petition as presented by a petitioner and in my case this is certainly what is happening.

Where the clerk's suggestions were reasonable I complied and in two instances amended my entry, but no response to my amendments was forthcoming from the clerks and the effect of my acceptance of their suggestions was not known. The exclamation mark stating that action was still required remained and prevented me from completing my online submission.

Similarly when I disagreed with the clerk's suggestions there was (with one exception which I deal with in my lack of response to correspondence complaint) no response and the exclamation mark stating that action was still required remained preventing me from completing my online submission.

When I present my petition to the parliament in a reasoned and reasonable manner I expect that it will be available for scrutiny by the public and the parliament and this process is being thwarted by the clerks by their online responses and failure to accept my terms of petition.

Anne Peat is attempting to rewrite the factual history of my previous petition to the parliament (PE 306) to comply with her view of it. In this revisionism she even invokes correspondence I had with the Herald newspaper. If Ms Peat wished to respond to my letters to the press then she should respond with a letter to the editor herself and not try to use the parliament as the platform for her personal views.

If I have broken any of the parliamentary rules with regards to my submission then I would accept that I have to amend my petition submission to suit, and similarly if my submission contains matters that are illegal then I would expect the legal advisers of the parliament to advise me in detail of this via the clerks. No such clear and unequivocal breaches of codes of conduct or laws have been claimed but rather we have the clerk's opinions being aired as binding authority.

It is for the public and the PPC to judge the merit or otherwise of the petition in the terms that a petitioner expresses and not as the clerks would have the petition. The clerks have exceeded their remit and are preventing a reasoned and reasonable petition being presented to the public and parliament.

b/ I would submit that it is incumbent on the clerks of the PPC to communicate timeously with petitioners, and answer reasonable questions and not procrastinate and delay as is the case with my petition which can be seen by the following timeline:

My E-mail to Anne Peat of 23 January, 2013. Response 07 March, 2013, with no apology.

My E-mail to Anne Peat of 08 March, 2013. Response 14 March with apology but failing to answer the substantive question. E-mails to follow as forwarded mail items.

The main cause of dispute between the clerks and myself to date has been the fact that I described the absence of links for two meetings, on 4th and 18th September 2003 when a former PPC considered my PE 306 as being highly relevant to my current petition. These links had been on the petition 306 summary page at the time they were held but had been removed.

The two petitions, PE 306 and my proposed current petition are not identical but it would have been helpful for me to have been able to refer the PPC to PE 306 and this was not possible because the full record of the parliament's consideration of that matter was not contained on the PPC summary page for the petition. The two missing meetings were subject of correspondence and eventually Anne Peat reinstated one of the meetings, the 18th Sept one, on the summary. Ms Peat did not advise me she had did this but eventually conceded that she had done so in December 2012. However she would not reinstate the meeting of 4th September –which she accepted had contained discussions on my PE 306 with the Justice Minister- because the petition terms were not allocated an agenda item number.

The failure of Ms Peat to deal with points raised by me as questions, and the failure by Ms Peat to deal timeously with correspondence and inform me of actions she has taken with regard to the record mean that there is no prospect of me having my petition heard in a reasonable time.

I have separately asked my local MSP to take this matter up directly with the PPC but believe that my complaint regarding the clerks should be investigated and corrective/disciplinary action taken if necessary.

Thanking you in assistance of your prompt consideration.

Yours sincerely,

Tom Minogue.