Submissions to the Justice 2 Committee of the Scottish Parliament by Thomas Minogue, Petitoner.

The matter under consideration by the Justice 2 Committee:
Petition PE 306 calls for the Scottish Parliament to oblige/request existing members of the Judiciary to declare and register membership of organisations such as the Freemasons, and for new members of the Judiciary to make a similar declaration.

The Petition also calls for a register to record such interests and that this register be available to litigants on request.

The Justice 2 Committees Terms of Reference:
The Committee invited the petitioner to provide further evidence of specific cases where difficulties have arisen over the question of Sheriff/Judicial membership of the Freemasons. The Committee sought the petitioner's response in writing in advance of their meeting of 4th March at which time the Committee would consider the issues raised by the petitioner with the Justice Minister.

The Petitioners Response:
Caveat.

The petitioner wrote to the Clerk of the Justice 2 Committee on 6th February 03 intimating that he would comply with the Committees invitation to make timeous written submissions. However the petitioner advised the Clerk that he had instructed solicitors to raise a complaint with the Standards Commissioner about the behaviour of the Deputy Convener to the Justice 2 Committee, Bill Aitken.

Clarification.
At the last meeting of the Justice2 Committee that dealt with this matter, the petitioner observed that some of the more recently appointed members of the Committee had misunderstood the terms of the petition in that they appeared to think that the petitioner was in some way calling for the membership of organisations such as the Freemasons to be forbidden to members of the Judiciary. Also there seemed to be a view that the petitioner considered that membership of such organisations by Judges was objectionable per se.

For the avoidance of any doubt, the petition deals with the **right** of **litigants** to know if the Judge/Sheriff hearing their case is a member of an organisation such as the Freemasons, in order that the **litigant** can exercise their **right** by law, to determine if the tribunal that is determining their **rights,** obligations, innocence or guilt is in fact compliant with the **law** of the land, with particular reference to ECHR.

Petitioners Submission on the points of law:
Under Article 6 (1) of the European Convention of Human Rights as incorporated into Scots law by the Human Rights Act of 1998, a litigant is entitled as of **right** to a fair trial which is defined as follows:

1. *"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."*

For the purposes of Article 6(1) the existence of impartiality is to be determined according to two tests, one **subjective** and one **objective** (Hauschildt v Denmark (1989) 12 EHRR 266)

The **subjective** impartiality of judges is widely recognised as being **presumed** in the absence of evidence to the contrary, and I make no submissions in this regard. The **objective** test of impartiality is **not presumed** and is subject to the **perspective** of the **informed observer** or the litigant. This objective test of impartiality is the subject of guidance by precedent in the case of: (Remli v France (1996) 22 EHRR 253 1996-II p559) where a court defined the responsibility it has to demonstrate its **duty** to define a **citizens rights** at paragraph 48. It states:

> *"Like the Commission, the Court considers that Article 6 para. 1 (art. 6-1) of the Convention imposes an obligation on every national court to check whether, as constituted, it is "an impartial tribunal" within the meaning of that provision (art. 6-1) where, as in the instant case, this is disputed on a ground that does not immediately appear to be manifestly devoid of merit."*

So unless the nature of an objection on grounds of **objective** impartiality is frivolous or immediately appears devoid of merit, the court must, as is it's obligation, **check** its **impartiality** so that the **litigant** or court user is **confident** that the **tribunal** is **impartial.**

The petitioner would argue that he is denied a hearing by an impartial tribunal if he is not given access to relevant facts, which in his opinion might, in certain circumstances, be seen by an informed observer to vest the tribunal with partiality. The petitioner would submit that a judge's membership of an organisation such as the Freemasons is a relevant fact.

In simple terms, it is the petitioner's view that as a non-Mason he is excluded from the benefits that are mutually accorded between Masons.
There is an inbuilt constitutional obligation that Masons adhere to, which is biased in that it demands an undefined preferment by Masons of their brethren.
At the first degree of Entered Apprentice, Masons don a hood, with hangman's noose draped round their neck, a dagger is pressed against their bared left breast, the left trouser leg rolled up and in this state an initiate has to swear on solemn oath to uphold the constitution, and keep the secrets of Freemasonry.
The penalties for failure to uphold the obligations and secrets are harrowing and are recited in detail to the initiate. Given the obligations, secrets, oaths and penalties of Masons, the petitioner thinks that it is not unreasonable for him to view Masons as being less than impartial.

In the petitioners own experience, which is set out at Example No 3, the Sheriff at Dunfermline certainly did not treat his concerns as being immediately and demonstrably without merit. In fact the Sheriff heard full legal argument over 2 days by the petitioner's senior counsel before issuing her written judgement. The Sheriff also gave a personal albeit tacit assurance that she was not a Mason, which she stated was **over and above** her obligation in the terms of her **judicial oath.**

The Sheriff (in common with the Lord Chancellor, Lord Irvine) recognised the petitioner's right to know with regard to a Judge's Freemasonry but felt that it was the Judge's duty to tell. The petitioner felt that since there was no record of a Judge ever voluntarily declaring Freemasonry as a potential conflict of interest he would Petition Parliament to remedy this matter.

The law regarding the extent to which a judge should address a concern regarding the Courts appearance of impartiality has moved on since the petitioner's court case, and Remli v France has defined a tribunal's role not only to be, and be seen to be impartial, but to reassure the subjects of their jurisdiction if this is necessary. This was stated as being:

> *"the confidence which the courts must inspire*
> *in those subjects in their jurisdiction"*

The petitioner is not aware of any confidence that membership of the Masons inspires in non-Masons. The Mason's answer to concerns from the profane is simple: Don't tell of your membership. The ruse of diverting the discourse that Masons use allows the McLetchiesque answer, which is obfuscation, or, have a third party give misleading answers. Also the inducements for non-declaration by Masons are not inconsiderable. A Mason who tells is liable to be made a perjured individual and have his "tongue torn out by the roots etc".

The simplistic argument that any judge can belong to any secret society as long as it is legal, is outdated, and is relevant only to the eighteenth century when the Scots people were in awe of, or fear of, the Craft. This argument carried to its most extreme examples would have Ku Klux Klan (not a proscribed organisation) Judges sitting in judgement of black litigants, or British Union of Fascist Judges sitting in judgement on Jewish litigants, and this the apologists argue, would be fine.

Another situation might see a Judge belonging to the Masonic Knights Templar (based on the Crusaders with the recapture of Jerusalem for Christianity as an aim) sitting in judgement of Islamic litigants, which in the apologists view would be fine **as long as the Judges kept their membership secret,** as is currently allowed.

The petitioner would argue that the interests of Judges who are paid by the public purse is of legitimate concern to the informed observer, and in our modern, enlightened and rights-conscious society will come increasingly under challenge.

Since in the twenty first century it is legitimate and becoming increasingly common for citizens to wish to define and insist on exercising their rights. Might it not be

better for Parliament to be proactive in such matters to avoid clogging up the courts with civil rights challenges?, given that the increasing frequency of this type of challenge being brought by citizens exercising their rights, is self-evident. The concerns that fuel challenges and the grounds for such challenges will be provided by judges wishing to cling on to anachronistic rituals and promises to keep secrets.

The Justice 2 Committee has the opportunity to change the rules for Judge's declaration of interest before another Dunblane scandal breaks bringing further damage to the already tarnished image of Scottish Justice and forcing a reactionary change. The changes to legislation that are rushed in as a result of some particular action or incident are seldom effective.

Given the fact that the Parliament has had 3 years to examine the merits or otherwise of PE 306, the petitioner urges the Committee to consider his petition further, expediting matters in view of recent events, and attaches 5 examples of cases where in the petitioners submission, the membership of Judges/Sheriffs in organisations such as the Freemasons has caused problems.

Case 1.

Victor Duncan, Appellant v The Secretary of State Respondent.
An appeal to the Commissioner of Social Security on a Point of Law arising from an Industrial Tribunal:
Decision by the Social Security Commissioner, Ref: CS1/136/02.
Appeal From The Appeal Tribunal on a Question of Law.

Synopsis.
Victor Duncan appealed an Industrial Diseases Tribunal's decision on three separate and distinct grounds:
1/ Findings of Fact; 2/ Bias (Subjective Impartiality); 3/ Bias (Objective Impartiality).

The Commissioner found as follows:
1/ The Tribunal had ignored medical evidence (Matters of fact) and had erred in law.
2/ The Appellant had failed to prove personal or subjective bias by the Tribunal against him.
3/ The Tribunal had not taken measures to check its impartiality (in the objective sense) with regard to Freemasonry and had erred in law.

The Commissioner ordered a new Tribunal to consider Victor Duncan's case afresh and ordered that as a preliminary issue the Tribunal must hear full legal argument on the question of the Tribunals links with Freemasonry.

Background.
Despite Mr Duncan's repeated written requests that he be informed if anyone deciding his case had links with Freemasonry he was simply ignored by a Tribunal and the Secretary of State. The Commissioner found that Mr Duncan had made reasonable requests on a matter of genuine concern to him and was entitled to have these genuine

concerns addressed by the various tribunals that had dealt with Mr Duncan over the years. The Commissioner stated in this regard:

> "In the present case, it was the claimants view that he would not receive justice if the person deciding the case was a freemason, this was because he was an avowed opponent of freemasonry. It did not matter, in my opinion whether or not the claimant's views had been widely reported in the press, or were widely known. He had made them known to the tribunal. He was therefore known to the tribunal to be opposed to freemasonry. In those circumstances, he sought the assurance which he did"
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> & concluded:
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> "Bearing in mind, as the court did in Remli v France supra, "the confidence which the courts must inspire in those subject to their jurisdiction", I find that the tribunal's failure to address the issue of impartiality constituted a breach of Article 6(1) of the Converntion. The tribunal's error in law was such that its decision must be set aside.

The Commissioner further found the Secretary of State's refusal to address the question of the Tribunal's links with Freemasonry "most unhelpful" and directed the Secretary of State to address the question of the Tribunal's links with Freemasonry at a new Tribunal by way of written submission followed by full legal argument.

The full Reasoned Judgement of the appeal decision in the case of Victor Duncan v The Secretary of State is appended to this document and I recommend that the Committee read it in full.

Case 2.
The Dunblane Inquiry:
A Tribunal in terms of Section 1 of the Tribunals of Inquiry (Evidence) Act 1921

Terms of Reference:
On 21 March 1996 Lord Cullen was charged by the Secretary of State for Scotland to inquire into the circumstances and events leading up to the shootings at Dunblane Primary School, which resulted in the deaths of 16 Children, 1 Teacher, and the perpetrator Thomas Hamilton.

A measure of the widespread public concern regarding the influence of Freemasonry in the above events is shared by the petitioner and is set out in synopsis below.

Synopsis of the petitioner's research into the Dunblane Inquiry.
The petitioner finds that the words **Freemasonry, lies** and **cover up** are synonymous with the **Dunblane Inquiry** carried out by Lord Cullen, and if the Internet is searched in these terms many conspiracy theory type stories are to be found. The petitioner

sought to establish what truth if any could be attributed to the links between freemasonry and the problem of a perception of a cover-up in the Dunblane Inquiry.

The petitioner sought first to establish the truth to the widespread assertion that Lord Cullen was a Mason. The petitioner wrote to the Grand Lodge of Scotland and to Lord Cullen asking them both to make statements to the Masonic membership of William Douglas Cullen. Grand Lodge declined to answer, as did Lord Cullen.

The Private Secretary of Lord Cullen did though make a statement as to his understanding that Lord Cullen was not a Mason. The petitioner has since written to Lord Cullen a further two times asking him if he has ever taken the oath of entered apprentice in Freemasonry. Lord Cullen has yet to answer.

The petitioner was struck by the secrecy surrounding the 100-year embargo of Documents from the Inquiry. The timing of the petitioner's enquiries with regard to the 100-year closure on documents coincided with a public outcry that the closure be lifted. A Crown Office Spokesperson initially stated that the reason for the 100-year closure was that it had been put in place to protect the identities of children who may have been abused by Thomas Hamilton and this type of order was normal and would not be lifted.

Soon after this, when William W Scott brought it to the public's attention that he had been in correspondence with the Crown Office since 1999 in terms that Lord Cullen had **no right** at law to impose such an order, the public outcry became unbearable and the Executive Instructed the Lord Advocate to look at ways of releasing parts of the embargoed documents. The aim appears to be to issue documents with the names of the children obscured, thus protecting the anonymity of the children named in police reports, which are under closure.

The petitioner was able to obtain a copy of the Index of Documents under closure from the National Archives and it is evident that the Crown Office and the Executive have misled the Scottish Public as out of the 106 listed Documents only a dozen or so appear to have the potential to contain police information regarding the identity of any of Hamilton's alleged abuse victims. Since, on the face of it the Crown Office and the Executive has **lied,** the petitioners attention was drawn to examine this, usual pattern for the **Dunblane Inquiry,** and noticed files referring to **Freemasonry**.

The files in question are at 105/1-2 and are described as follows:

> 1996 Apr-Jul Additional Productions
> Correspondence between Clerk to the Inquiry and William Burns, South Queensferry, West Lothian, regarding possible affiliations of Thomas Hamilton with Freemasonry, and relevant extracts from Inquiry transcript, and copy letters from Thomas Hamilton (R77)

The petitioner contacted William Burns who kindly provided the petitioner with copies of all of his submissions to the Dunblane Inquiry. It soon became evident that the first priority of William Burns had been to establish if the Inquiry Chairman, Lord

Cullen is or was a Freemason. To that end William Burns wrote to Lord Cullen requesting that at the very outset Lord Cullen declare his personal position regarding Freemasonry. William Burns has had less success than the petitioner, and did not even receive a written response from Lord Cullen's secretary, but instead received a telephone call, which he noted on a copy of his letter to the effect that: the secretary had been told by Lord Cullen that he (Cullen) *was not, and never has been a Freemason.*

The William Burns correspondence was, in general not so much centred on Thomas Hamilton's Masonic membership as the Productions Index infers, but on the membership of the Tribunal Chair and the police, and is seen to be motivated by a desire on William Burns' part to ensure that every witness to the Dunblane Inquiry was asked to declare their Masonic affiliations. William Burns also demanded that anyone who was a Mason be required to resign from the Inquiry in the public interest.

William Burns has related to the petitioner how he helplessly watched, horrified, as his worst fears became reality and the Inquiry studiously avoided the underlying problem behind Thomas Hamilton's power to act with impunity, this being Freemasonry. Despite writing to Lord Cullen on more than one occasion to protest about the apparent Masonic whitewash that was taking place. The only responses William Burns received were second-hand legal reasoning from Lord Cullen's clerk (sound familiar?) to the effect that a witness had spoke to the fact that he thought Thomas Hamilton was not a Mason.

The petitioner is appalled that to ask a known Mason, Deuchers (who drank with Hamilton's Mason father Jimmy in the Lodge at Stirling) whether "Young Tom" was a Mason could be classed as enquiring. Then to accept the negative answer of a Mason as sufficient proof of Hamilton's non-Masonic status. The comments in Hamilton's own letter are inconclusive. This aspect of the Dunblane **Inquiry** is a contradiction in terms.

The description of the embargoed document as being police files containing sensitive information on damaged and vulnerable young people is 'cant and lies' and the 100-year embargo can only be seen by the petitioner to be a means of suppressing the high level of Masonic concealment by the Police and Lord Cullen in the Dunblane Inquiry. This in the petitioners view is the only explanation for such Draconian measures being taken to bury evidence of reasonable requests in the public interest, which were then ignored, and are now being hidden by unlawful means.

Another disturbing matter was discovered by the petitioner in the course of his research into the apparent public perception of lies, and Masonic cover-up attached to the Dunblane Inquiry. This was the alleged abuse of boys at the Queen Victoria School Dunblane.

The Queen Victoria School is a short distance from the Dunblane Primary School were the shootings took place and is a boarding school for sons of servicemen and as such is under the supervision of a Board of Governors headed by The Duke of

Edinburgh. That there were allegations of abuse of the boys at this school is a matter of record, and one housemaster who made these allegations spent 3 years after being forced from the school complaining to all and sundry about this abuse but to no avail.

The housemaster who was working his notice after resigning had the door of his flat smashed down with a sledgehammer by the Police, who took him to the police station and he was not allowed to return to his door-less flat.

The petitioner has spoken at length to the housemaster and the story that unfolds is a very harrowing one of a lone voice trying to protect his charges and complain about the abusers only to be silenced by the authorities who the housemaster is convinced were protected by the bonds of Freemasonry.

The housemaster tells of prominent Military figures, Politicians and senior Scottish legal figures including Judges, Sheriffs and Fiscals being part of a group called the "Friends of Q V S" some of who took pupils out of school to their houses for the weekend and abused them.

One figure who was classed as a "Friend of QVS and had the run of the school (including the shooting range) and was implicated in this abuse was later identified by the housemaster as Thomas Hamilton.

The petitioner was to hear from the housemaster that he believed that among the visitors to the school was Lord Cullen who would later, as Lord Justice Clerk, go on to become one of HM's Commissioners to the school and Ian Laing who was chief Commissioner at the time.

The petitioner was also told of attempted suicides by boys, which were hushed up.
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The fact that allegations of abuse at Queen Victoria School had been made and investigated, is indisputable as Hansard records it, and it is inconceivable to the petitioner at least, that the events at QVS did not receive a single word of mention in the Dunblane Inquiry.

The housemaster related to the petitioner how he tried during the time he was at QVS (1990-91) to bring the abuses at the school to the attention of the School Commissioners, School Staff, Police, Fiscal, and Education authorities to no avail. The police eventually smashing his door down with a sledgehammer and **removing** some of his **complaint documents**, which were **never returned**. The petitioner believes that this cover-up at QVS allowed and encouraged Thomas Hamilton to go on to greater deeds of evil secure in a belief of immunity from justice.

There are in the petitioners view many disturbing aspects of the QVS incidents not least why there was no mention of them in relation to the later Inquiry into the other Dunblane school and one can only guess at the reasons for excluding Thomas Hamilton's activities at QVS. Membership of the Masons is a tempting theory to explain the inexplicable. The Masons say they can't find him as being a member but offer no conclusive proof and admit that they do not have a comprehensive membership register. However the petitioner has another possible reason for the

apparent reluctance of the Dunblane Inquiry to examine this issue of QVS, and the reason may be attributable to another secret society, The Speculative Society.

The Patron of QVS, the Duke of Edinburgh is a member of the 'Speculative Society', as was another of HM's Commissioners the Lord Justice Clerk, Lord Ross. Another 'Spec' member, D McLehose was also a commissioner of QVS, as was the Sheriff at Stirling at the time R. Younger. These facts coupled with the fact that the Lord Cullen, also a 'Spec' member would have been investigating his superior, Lord Ross and the Secretary of State, who as President of HM Commissioners is the person who granted him (Cullen) his Warrant and set the terms of his Remit. In the petitioners view these vested interests must have been instrumental in the Dunblane Inquiry's failure to examine events at QVS.

There is another aspect of the housemaster's story that caused the petitioner personal disquiet, and it concerns the complaint of abuse to the children at QVS made by the housemaster. The housemaster made complaints after leaving QVS and moving to Shetland where for a further 3 years between 1991 and 1994 he pursued his complaints with many agencies/individuals, up to and including his MP, Jim Wallace. The housemaster maintains that he was satisfied with Jim Wallace's handling of his complaint, (the causes of which he attributed to Freemasonry) **at the time**, but that later with hindsight he gained the impression that Jim Wallace was a Mason.

When the complaint was eventually dismissed by the MOD and Police the housemaster wrote a letter, which sought assurances from Jim Wallace that he was not a Mason. In the absence of a reply he phoned Jim Wallace's house twice and was advised by Jim Wallace's wife on the second occasion that her husband had told her that he was not a Mason.

The Justice Minister Jim Wallace has attempted to dismiss the petitioners PE 306 on at least three occasions via third party spokespersons, on the premise that the petitioner is the only person in Scotland who has concerns regarding Freemasonry. The Justice Minister is either suffering from amnesia or is lying, as he must have been well aware of the housemasters concerns in this regard.

The petitioner has sought at all times to verify claims made by the housemaster regarding events at QVS and in pursuit of the truth has wrote to The Patron and all of HM Commissioners who held office during the period 1990-1996 and the current President of the Commissioners. To say the least, the petitioner has not found any degree of cooperation and in fact has been obstructed and lied to by the office of the Secretary of State for Scotland, Helen Liddell MP.
The petitioner wrote to his MP to ask her to ask the Secretary of State for Scotland (copied by e-mail to Liddell) for information regarding the "Friends of QVS". The reply from both the petitioners MP and the office of the Secretary of State for Scotland was distinctly hostile, and they first queried the petitioner, then ruled that the matter was devolved to the Scottish Parliament.

The Secretary of State for Scotland eventually accepted limited responsibility, saying the enquiries the petitioner made were on matters that did not fall within the knowledge of the Secretary of State for Scotland, as her position as Commissioner

was “purely formal”. The Secretary of State for Scotland initially attempted to transfer the matter off to the petitioner’s MSP. This MSP, Scott Barrie, does not seem to be answering the petitioner’s e-mails, and the petitioners MP, Rachel Squire seems to have gone into purdah.

The petitioner found an interesting crossover link between the case of Victor Duncan v The Secretary of State and the Dunblane Inquiry and it concerns Thomas Hamilton being cremated in the Municipal Crematorium in Dundee. In researching the case of Victor Duncan, the petitioner talked to Mr Duncan about his personal experiences of Freemasonry which were very much of a negative nature and best summed up by a letter Mr Duncan wrote to the petitioner relating the story of how a Dundee pensioner and newly widowed wife of a staunch trade unionist, local politician and war hero had asked that his dying wish be granted. That he be sent to meet his maker to the strains of “The Red Flag”.

The newly bereaved old lady was distressed to find that the staff of the Dundee crematorium would not accede to her dearly-departed’s wishes, and refused to allow their organist to be used for this purpose but suggested that if the widow could provide her own organist she could have her late husbands wish granted.

Victor Duncan was sickened that the same men who acted in this way, had got out of bed in the dead of the night to secretly cremate their brother Thomas Hamilton. Such is the perception of Masonry.

Summary

The petitioner is of the opinion that the last story, which is verifiable, encapsulates the widespread negative feeling brought on by perceived malevolent Masonic influence which allowed the Dunblane cover-up. Hopefully those who know the true facts will be motivated by remorse and decide to make a clean breast of the affair. The new Inquiry (which will come) must be a substantive, impartial, & fully transparent investigation, and get to the bottom of the abuse of power, which is widely seen as being the result of Masonic bias, cover-up and secrecy in the police and justice system. The petitioner asks the Justice 2 Committee to carefully read the fine letters of William Burns and the pitiful replies to them. The fact that helpful correspondence was considered by Lord Cullen as meriting burial for 100 years is inexcusable and inexplicable but Lord Cullen should be brought before the Parliament to explain his actions. The inoffensive and well written letters of William Burns are appended **in full** to this submission.

The Lockerbie Trial & Appeal.
The Lockerbie Trial is unique in many aspects being the only trial by a Scots Court without a jury in Holland.
Synopsis
This unique Trial was first arranged by the Lord Advocate, **Lord Fraser of Carmyllie** who persuaded the Libyan Government to agree to a trial in a neutral country.
Peter Fraser was Lord Advocate between 1989 and 1992. and as Lord Fraser of Carmyllie had ultimate responsibility for the prosecution and trial arrangements between those dates.
A great deal of the credit for finalising the Libyan agreement to a trial in Holland before a panel of Scottish Judges has gone to **Professor Robert Black** of Edinburgh University dubbed the "father of the trial"

<u>The Lockerbie Trial was conducted by the following panel of Judges</u>:
Lord Sutherland, Chair
Lord Mclean
Lord Coulsfield
Substitute Judge **Lord Abernethy**

<u>The Lockerbie Appeal was conducted by the following panel of Judges:</u>
Lord **Cullen**
Lord **Osborne**
Lord **Nimmo-Smith**
Lord Kirkwood
Lord McFadyen

David Burns QC for the Defendant Abdelbaset Ali Al-Megrahi

Legend: Spec members are in **bold**.

Background
The Committee is aware that the petitioner carried out a survey by way of a one-page flyer of the 440 practicing members of the Faculty of Advocates to ascertain what support existed for the terms of PE 306. The respondents to the survey amounted to 10% of the letters sent and recorded a 2-1 ratio favouring the aims of the petition. Some of the Advocates contacted the petitioner and made various points and several of them were of the opinion that the Speculative Society of Edinburgh (the Spec) was a greater threat to the impartiality of the justice system than the Masons.

The Petitioner set about researching the 'Speculative Society' and was fortunate to find a "vanity" publication for the members that gave membership details up to 1968. It was immediately apparent to the petitioner that 'the Spec' was prominent in the higher echelons of the justice system and without too much difficulty it was possible to figure that certain prominent court cases had been decided by Judges who were in the main Speculators. The petitioner was concerned that so many of our leading Judges came from such a narrow and elitist society and compiled a critical letter concerning 'the Spec', which he sent to all of the practicing Advocates as well as the Convener of the Justice 2 Committee and others.

Further documentation was obtained by the petitioner which detailed 'the Spec' membership up to date. The petitioner wrote another critical article about 'the Spec' to the practicing Advocates and suggested a hypothesis similar to the Lockerbie case asking the Advocates if such a situation would pass the objective test of impartiality? The petitioner was of the opinion that so many members of a secret sodality would not inspire confidence in the informed observer.

The petitioner saw other newspaper articles which dealt with 'the Spec'. One article suggested that the fact that the Lockerbie trial had contained so many 'Spec members' had caused concern with the United Nations approved Independent Monitor at the Trial, Professor Hans Koechler, President of the International Progress Organisation. (IPO).

Professor Koechler issued an IPO press release criticizing the fact that so many 'Spec members' had been on the panels of the Lockerbie Trial and Appeal.

The petitioner was aware that the Prisoner, Megrahi's lawyer Edward McKechnie intended appealing his client's case to the ECHR and the petitioner wrote to inform Mr McKechnie of a possible basis of legal challenge regarding what the petitioner saw as a glaring example of the suspicion that can be aroused by undeclared membership of secret societies.

Mr McKechnie wrote back to the petitioner noting that the point made was a valid one but stating that he would not wish to upset one of his most vociferous supporters **Professor Robert Black** if he made this challenge as Professor Black was a **Speculator.**

Conclusion.
The nominee of Kofi Annan to act as an independent monitor to the Lockerbie Trial, Professor Koechler is on record as stating that if he had known of the existence of so many members of a group of friends similar in tradition to the Masonic orders he would have included it in his report to the United Nations. As President of the International Progress Organisation, Professor Hans Koechler gave the petitioner his permission to use the IPO press release as evidence for the Justice 2 Committee hearing into the petition PE 306. Furthermore the Professor wished the petitioner well with his petition, which he described as splendid and necessary for the Scottish Justice System.

The international legal community will judge Scots Law by examining the Lockerbie Trial and Appeal, and while the petitioner has no view on the innocence or guilt of Abdelbaset Ali Al-Megrahi the petitioner is convinced that he has not received a fair trial by an independent and impartial tribunal as the law demands. The petitioner has written to the prisoner to ask him whether or not he thought that the matter of Speculative Society membership among so many of the Trial and Appeal officials concerned him. The petitioner awaits a response. The petitioner urges the Justice 2 Committee to carefully read the IPO press release and e-mail correspondence appended to this document.

The Skye Bridge Cases.

Alexander Smith and Others v. Hingston. Unreported. 16 December 1999.

Lord Sutherland, Lord Marnoch (SPEC) and Lord Cowie (SPEC)

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The petitioner quotes the Synopsis of the Skye Bridge defendants Robbie the Pict :

Challenges to propriety of 3 items of subordinate legislation, legality of criminal prosecution on the basis of unpublished law, unlawful agency of statutory powers without entitlement, failure of Secretary of State to assign rights to the Concessionaire and failure of the Secretary of State to make an official statement identifying the concessionaire and his shareholders, as required by statute (no date, no name, no signature and not true). Discrepancy of some eighty million pounds (£80m) in 'official' paperwork challenged. £20 million simply missing.

Fifth challenge to the failure to comply with statutory requirements, the responsibility of the Minister of Transport **Lord James Douglas-Hamilton (SPEC).**
Lord Sutherland held that subordinate instruments were properly classified as 'local', despite relating to a national trunk road, being the responsibility of the Secretary of State and not issued by the local roads authority; that legislation contained no regulation of **any** kind of the road, and therefore did not need Parliamentary scrutiny; only the right to collect had been transferred and that the right to **charge** tolls had remained with the Concessionaire, so the collecting company did not need public paperwork for a private arrangement.

That perfectly defines the crime complained of by the appellants. It is an offence to attempt to collect without being in lawful authority of the assigned right to charge. **Lord Sutherland admits of the crime but denies it simultaneously.** His Lordship also admits that there is a statutory defence available to those objecting to being

prosecuted on the basis of unpublished law, but does not grant it. Lack of date, name, subscription or veracity of the Assignation Statement is left unanswered.

All Crown documentary evidence declared flawless on basis of 'Omnia rite et solemniter acta praesumuntur', **as SPEC member Lord Ross has said. Lord Marnoch (also SPEC member)** writes an individual Opinion mocking the public's attempts to ascertain legality and stating that **'the importance of the maxim 'omnia rite et solemniter acta praesumuntur' cannot be underestimated'!**

The strategy of defending oneself by arguing 'no case to answer', in that one has a reasonable excuse for not complying when it can be demonstrated that there is no lawful toll regime in place, takes a serious dent when the Court pre-decides that the Crown's evidence of competent legislation being in place is beyond challenge. The Crown can go home with their job done for them.

Background.
The Committee is aware of the facts surrounding the petitioner's research into the Speculative Society of Edinburgh, however the Committee may not be aware of the fact that when the petitioner sent his findings in relation to the Spec to the Committee he also sent the same information to a series of public figures in Scottish society. One of the people chosen by the petitioner to be what in effect was a witness was Robbie the Pict (the Pict) who was not known to the petitioner. The petitioner had never met the Pict, but admired his campaign against the Skye Bridge tolls, and had phoned the Pict to advise him of a case of corruption involving one of the Skye Bridge companies that was within the personal knowledge of the petitioner.

The reaction of the Pict to the Spec membership among officials and other in his trial belonging to 'the Spec' was, as the petitioner expected, outrage.

The petitioner would proposed a hypothetical scenario in which a non-Masonic Claimant finds after losing a court case that the Judge/Sheriff is a Mason, the Respondent is a Mason, the Advocate Depute/Procurator Fiscal are all Masons.

Would this have the appearance of impartiality?
The reaction of not just the Pict, but of 1200 outraged Skye residents who after learning of 'the Spec' presence signed a petition of protest gave a clear answer, **no.**

The quasi-Masonic and secret Speculative Society (whose aims are not known) being in disproportionate numbers in positions of influence in the justice system, would cause the petitioner the same disquiet that any other type of organisations, such as the Freemasons would cause in similar circumstances.

The above case is but one of the many Skye Bridge cases where at least one secret society has had a dominant role in that many of the judges, and other key figures in these cases have an undefined and undeclared interest.

I urge the Justice 2 Committee to carefully read the submissions of Robbie the Pict on behalf of the Skye Bridge Toll protest group to the Gill Judicial Inquiry which is examining the question of:

> "the impact, if any, of membership of a private society on the integrity of the judicial process. It involves contentious questions of fact, none of which are within judicial knowledge, and the making of a judgement on the significance of such facts as are established."

The petitioner will lodge a copy of his submissions to the Justice 2 Committee with the Lord Gill Inquiry. It is the petitioners hope that they will give it their consideration as they deal with the matters while at avizandum.

Stott v Minogue
A Criminal Trial at Dunfermline Sheriff Court.

Background.
The petitioner has never informed the Justice Committee of the actual details of his own court case, rather he has limited his arguments to the legal principles as he sees them. The reason that the petitioner did not expand on the events leading to his trial and acquittal of criminal charges is as follows:

Firstly the petitioner was conscious that at the time he petitioned Parliament he was awaiting trial, or on trial. It was felt by the petitioner that the support he sought for his petition was solely for the principle of objective impartiality. This had not been adequately dealt with by the Court, which heard it as a preliminary issue.

Secondly the petitioner did not seek to involve anyone by way of association with the trumped-up criminal charges brought against him, lest by chance the charges were proven.

Series of Events.

In September 1999 the petitioner received a phone call from the police asking him to attend his factory unit at 9 pm, and on doing so was asked to allow the police to search his premises. The petitioner acceded to this request and answered all questions that were asked of him up to a point where to have answered would have been to admit to theft. Eg: what have you done with the stolen property, which was taken during the break-in?

The petitioner knew of the matters (which were commercial and complex and known to the petitioner's lawyers) to which the police were mistakenly referring to as theft and break-in, and would only agree to make further statements after consulting with his legal representative.

The police took the petitioner into custody and confiscated his car without a warrant. Releasing the petitioner without charge and without access to his lawyer some three hours later.

The next day the petitioner's lawyers immediately wrote to the Chief Constable of Fife and the Superintendent at Dunfermline protesting and pointing out that there client would make a full statement in the presence of his solicitor.

These letters were faxed to the Chief Constable and Superintendent but to no avail and that evening less than 24 hours after the claimant had allowed the police unrestricted access to his premises the police arrived back in numbers. 10 plain-clothes officers descended on a busy heavy engineering works and office complex, and as one employee stated under caution "behaved like football hooligans".

The officer in charge of a search warrant (which was signed by a well known Masonic Sheriff) would not let the petitioner take a copy of its terms but did allow the petitioner to note the terms of the warrant which allowed the officers to search for large railway bridge parts made of heavy steel and a lorry.

At one point the officers called for a heavy lift crane to remove some large steel sections which action by unskilled policemen could have resulted in loss of life. The rowdy and inexplicable behaviour of the police intensified and when the officers began ransacking filing cabinets and accessing the office PC's the petitioner began to understand that a sinister or secret agenda was being followed.

There was nothing secret about the Masonic lapel badge that one officer wore or the Masonic belt symbol another sported. As suddenly as the ten plain-clothes officers arrived they left taking a lorry.

The following morning the claimant's solicitors had bailiffs hand-deliver letters of protest to the Chief Constable and the Superintendent at Dunfermline but to no avail.

Regardless of the intervention of lawyers the petitioner was arrested by four officers and his car was confiscated. For several hours the petitioner was held in custody and would make no statement as to the whereabouts of the disputed content of the bridge steelwork until he met with his solicitor.

After consulting with his solicitor the petitioner received an assurance from the police and the fiscal that agreement had been reached that the disputed material would be retained in the police compound pending resolution of the disputed elements within the steelwork.

Only then would the petitioner give a full statement including the assertion that it was his belief that there was a sinister force such as Freemasonry at work. Before the petitioner had left the police station, after making a full statement and being charged with theft and housebreaking the agreement had been broken by the police.

The police, using the lorry of the litigant's competitor, (who had taken steelwork belonging to the petitioner) gave the disputed steelwork to a company that the petitioner was in dispute with regarding unpaid bills. The unpaid amounts were subsequently recovered by arrestment order of the High Court with the petitioner being paid somewhere in the region of £30,000.00 including interest for late payment, and legal costs.

So the police had acted as a private army on behalf of the petitioner's main trade competitor (who stood to benefit most by discrediting the petitioner) and the petitioners (soon to be adjudged) criminally late debtor who was also a direct competitor for railway bridge engineering work.

As it is the petitioner's experience, that inexplicable events often coincide with the presence of Masons in number, and so, still charged with the crimes of house breaking and theft the petitioner felt less than enthusiastic at his prospects of appearing before a Masonic Magistrate. Perhaps the same one who had signed the flawed search warrant. The petitioner seriously examined a litigant's right to know if the Sheriff hearing their case is a Mason.

In the event the Sheriff who had signed the warrant used to search the petitioner's works died in the back of his car while having sex, underneath or on top of a prostitute in Tower Street Leith. At this stage the petitioner was not comfortable with the appearance of impartiality demonstrated by the justice system and felt sure that the inexplicable actions of the officials concerned were involved with Freemasonry.

At a pleading diet the petitioner intimated through his solicitor that he wished to address the bench. The Sheriff told the petitioners solicitor to take his client aside and dissuade him from this wish. The petitioner knew his mind and when all other cases had been disposed of and he appeared before the Sheriff, the solicitor acting on the petitioner's instructions again asked the Sheriff if his client might address the bench.

The Sheriff told the petitioner that if he wished to address the bench he (the petitioner) would have to discharge his solicitor and from then on conduct his own defence without a solicitor as he (the Sheriff) would hear the trial and this required continuity.

The petitioner agreed to the Sheriffs demand knowing it to be illegal bluster, and advised the Sheriff that at trial he (the petitioner) would seek assurances from the bench regarding Masonic membership. The Sheriff hearing this then decided that he would transfer the case to a lady Sheriff.

The lady Sheriff on hearing full legal argument neatly sidestepped the argument in principle but satisfied the petitioner's immediate concerns, when she made a declaration over and above her judicial oath obligations which she described as being the ethical duty of her profession. The Sheriff gave the petitioner an undertaking that:

> *"I have nothing to disclose which could give rise to concern regarding my objective impartiality in this case"*

The petitioner took the Sheriffs statement as an implicit assurance that she had no links with Freemasonry and thanked her for exercising her discretion in this way.

The petitioners trial then got under way in the manner that the petitioner has still difficulty believing. The fiscal lost the first Sheriffs warrant and produced a different warrant in different terms signed by a different Sheriff only to loose both warrants.

After the crowns prosecution witnesses had come and gone the fiscal was forced to introduce another three crown witnesses not cited to appear in the trial. The fiscal only saw fit to produce one of the ten plain-clothes officers, and then the most junior and only female officer from the 10 strong squad of senior police officers who had ransacked the petitioner's offices and works.

A total of seven days were taken up by the trial and the petitioner was pleased to hear the Sheriff in summing-up say that she did not consider there to have been any attempt by the police to investigate the petitioners claim.

Sheriff McColl further criticised the Crowns main witness (the litigant's competitor who acted as transport manager for the police) who she said gave a different version

of events every time he stepped into the witness box. Not surprisingly then the Sheriff found the petitioner not guilty of the charges brought against him.

But what if the petitioner had not challenged the Bench and the 9 senior police officers (posted missing for the trial) who acted so disgracefully had felt as confident to appear in court unchallenged as they had been when they intimidated the petitioner and his staff? The petitioner would not like any other person to experience what he experienced and which the petitioner believes is Masonic influence out of control.

The final check against such abuse of power is the Judge or Sheriff and it is the firm belief of the petitioner that the affiliations of these public officials should be known **as of a clear right** to court users, so that in circumstance such as those described or where there is a concern a litigant can feel safe that he will not be deprived of the right to have confidence in the tribunal judging him.

Secondly the petitioner spent many thousands of pounds and much time in persuading the court at Dunfermline, that which is his by right under law. The interests of judges should not only be open to challenge by the well-heeled.

Summary of the Five examples.

The petitioner has expressed his view to the Committee that he considers it unfair that he has in effect had to prove his contentions by giving a series of examples of cases where a judge/sheriffs membership of organisations such as the freemasons has caused a problem. The petitioner considers that his petition should have been considered on its merits alone.

The Justice 2 Committee did not have the petitioners preference as an option at its last meeting and without the benefit of speaking to the petitions merits, the petitioner urged the Committee to chose the best of a bad bunch of options. The other two options: Referral to the Judicial appointments board or do nothing amounted to the same thing as the J.A.B. loaded as it is with known Speculators and reputed Masons would have been unlikely to have welcomed moves for the declaration of membership of secret societies.

The petitioner would ask the Committee to accept that the level of proof of a widespread problem regarding a tribunals appearance of impartiality that the petitioner was invited to provide has been met.

The case of Victor Duncan, the housemaster, and the concerns of William Burns are of individuals who are concerned with the influence of Freemasonry, as is the petitioners own case but the concerns about the Dunblane Inquiry and its subsequent cover up are not confined to the house master and William Burns, but and widespread in Scotland among non-Masons and Masons for all I know, and are growing.

The question of concerns regarding another secret society, the Speculative Society and its influence in the justice system are also growing to such a degree that they are at present the subject of a Judicial Inquiry. The Committee is well aware of my

concerns and written submissions in this regard and I have apprised the Committee of evidence about the society as it becomes known to me.

The concerns of the Independent, U N appointed monitor to the Lockerbie Trial regarding the Spec cannot be dismissed lightly and his concerns together with the concerns of Robbie the Pict and the 1200 people of Skye who are signatories to a petition because of what they perceive is unjust treatment cannot be ignored.

The overwhelming evidence is that the undeclared membership of secret societies by Judges and Sheriffs is perceived as a problem in Scotland.

The defenders of secrecy will argue that the Judicial oath is sufficient guarantee against a judges membership of a secret society. Says who?
What aspect of the judicial oath was Lord Cullen adhering to when he buried the 106 documents for 100-years?
Can it be said it was without **fear?**
Or **favour**?

Which, of Masonic Judges oaths does he prefer?

Judicial v Masonic
The petitioner is not an expert on oaths, but there is little doubt which oath carries the stricter penalties. A slap on the wrists by the Lord Advocate pales into insignificance with the blood curdling torture and death that the Masonic miscreant might expect.

The petitioner believes that Judges are mere human beings and should be accorded respect where it is warranted but should not be treated with too much deference and should be governed by terms of employment as are all public officials.
It is in the gift of the Justice 2 to legislate change to the terms by which judges are employed and I believe that the introduction of measures to require a judge to register his membership of secret societies such as Freemasonry is not unreasonable given the public perception of such organisations.

The petitioner trusts that his submissions have made the case for declarations by judges which would increase the public confidence in the justice system, prevent unnecessary legal challenge and enhance the reputation of Parliament and the Judiciary.

Yours faithfully.

Thomas Minogue, Petitioner.

This document can be accessed at http://groups.msn.com/InjusticeScotland