

*You are not a bona fide journalist because you do not work full-time for a recognized publisher. Therefore, you have no protection under the First Amendment to the Constitution.*

Judge James A. Doerty, Washington State Superior Court, ruled (20 March 01 and 19 April 01) that freelance journalists do not rank as bona fide journalists if they do not hold regular employment with established publications. Loss of an appeal could make that decision part of Washington case law. This could adversely affect thousands of freelance journalists everywhere.

Doerty considered that although I have held a union press card for at least forty-five years, I lack journalistic legitimacy. He claimed that my current freelance status provides me no protection under the First Amendment then effectively locked me out of my apartment and office instantly and permanently. I left the court with nowhere to go.

The order has denied me access to my computer and research library (the tools of my trade) for almost five months – reminiscent of employer lockouts in my past. I have continued to stand my ground with journalists and friends generously contributing toward motel lodging and subsistence pending appeal.

Winning or losing the appellate action will not affect my professional career in any way. At sixty-eight years of age, with a half-century as a successful writer and graphic designer behind me, I have nothing to lose or gain. This gives me the impetus to pursue a course of action that ensures constitutional rights for other freelance writers and to leave a professional legacy by so doing.

I have lived through an era of picket lines and lockouts and have experienced changes from handset type to electronic media. Yet, the problems of rights and pay for freelance writers have not improved very much over time. In fact, unions protect members less today than they did fifty years ago economically and now provide fewer educational benefits and less legal protection.

I have experienced exclusively white male, union shops in the journalism, printing, and graphic arts fields. Coming from a disadvantaged background, I learned the absolute waste of creative talent caused by bigotry.

I take pride in having owned (London 1957) the first full-service technical communication agency in London. I broke the unwritten rules by employing women and minority writers and graphic artists at rates with benefits the unions reserved for men. For forty-five years, I have followed an evenhanded policy despite censure by other employers and clients for following moral imperatives before changes in law came about.

I consider winning this appellate action as important as NWU members found winning the recent action against publishers. If the lower court decision stands, then freelance writers of all stripes

will become vulnerable to more control by censors and economic predators. This court decision opens another door to economic blackmail by those who have against those who have not.

I have become more aggressive in trying to change the status quo. I hope that you will aggressively support the legal trust fund by donating whatever amount that you can afford - not to help me but to help yourself. By so doing, you may help writers and designers that experience prejudice and prior restraint avoid similar draconian court decisions.

The law firm of Merkle, Siegel, and Friedrichsen, Seattle, has worked *pro bono* for almost five months and Robert J. Siegel has filed motions for reconsideration and an appeal. Doerty refused to reconsider his decision. However, he recently made a finding of indigence that should cover all my personal court fees and costs. Several news and journalism organizations will consider filing *amici curiae* to support the appeal.

In the same way that writers expect to receive proper payment for their work so should the lawyers now receive their due. I need to raise \$20,000 to fund the appeal. The bank has already received several donations and I have applied for financial help from four unions and professional associations to which I belong.

The appellate action affects your future career, not mine, therefore, please donate generously. All trust fund receipts will go toward attorney fees and accounts will remain open to an independent audit.

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*National Writers Union, New York (UAW Local 1981/AFL-CIO)*

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