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FREE SPEECH UNION

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Ben Chacko
Editor
Peoples Press Printing Society Limited
T/A Morning Star
William Rust House
52 Beachy Road
London E3 2NS

3rd June 2020

By email to: benchacko@peoples-press.com, editor@peoples-press.com

Dear Mr Chacko,

Stella Perrett: Your breach of contract and copyright – apology required

I am writing to you in my capacity as General Secretary of the Free Speech Union because you censored a cartoon (“the Cartoon”) created by one of our members, Stella Perrett (“Mrs Perrett”). In censoring her, terminating your contract with her without notice, and then publishing an insulting and untrue article about her (“Mea Culpa”), you have given her cause to take legal action against you.

A copy of the Cartoon and the Mea Culpa are attached as Appendices 1 and 2 to this letter.

Mrs Perrett is a long-standing contributor to the *Morning Star*. For over five years she has supplied you with humorous and sometimes pointed cartoons which you have published. In 2016, as shown in Appendix 3, you described her as your “star cartoonist”. In 2018, you included her work in an article by you portraying the “Best of 2018: Cartoons” where you commented:

We also owe a debt of gratitude to the “old hands” who have been with the Star for some time, with a level of generosity and solidarity only surpassed by the venom that they put into their cartooning.

and:

The wealth of talent expressed in the rich variety of individual styles on display are a taster for the sharp-edged satire we can look forward to in the next 12 months.

It is clear from this article that you sought work from your cartoonists that required them to put “venom” into their work, which you applauded for being “sharp-edged satire”.

Consistent with this, Mrs Perrett delivered to you the Cartoon on 16th February 2020 and you decided to publish it in the weekend edition of the *Morning Star* dated 22nd–23rd February 2020.

Given your praise for the “sharp-edged satire” of your cartoonists, it is inevitable that some of their work will attract controversy. If you had taken the view that a particular cartoon expressed views that were incompatible

with the editorial position of the *Morning Star*, you could have chosen not to publish it. However, in deciding to publish the Cartoon you were effectively approving its content and taking responsibility for whatever consequences followed from its publication.

Despite that, on 27th February you wrote an apology for publishing the Cartoon – a Mea Culpa – in which you disclaimed responsibility for publishing it and blamed Mrs Perrett for the hostile reaction it provoked among some of your readers, traducing her reputation in the process.

Mrs Perrett accepts that you did not name her directly in the Mea Culpa, but the clear reference to her work meant it was easy for people to search for her name and identify her as a PCS union representative and then start agitating for her to be cast out of that institution too. As you know, there have been a number of articles published in reference to your Mea Culpa, both online and offline, which identify Mrs Perrett by name.

Your Mea Culpa includes a large number of insulting and unfair statements, such as the following:

“We failed in our duty to equality and liberation” (para. 1)

“...we let our readers down when we published a cartoon last week that did not uphold this commitment [to diversity] and this principle.” (para. 3)

“We understand that trans people experience discrimination, harassment and threats to their safety and even lives on a daily basis and we are very sorry that the cartoon added to that.” (para. 4)

“The Morning Star recognises that it has a responsibility to oppose discrimination against the trans community and to tackle transphobic hate crime...” (para. 9)

“...to portray trans women as a violent threat to women is a wholly unacceptable misrepresentation.” (para. 15)

“...we oppose all hate crime, bullying and harassment.” (para. 18)

“We... will ensure that this paper defends our communities against any homophobic, transphobic or sexist hate language or abuse.” (para. 19)

“...does not mean a right to discriminate.” (para. 20)

Together, these phrases constitute a damaging, untrue and wrongful attack on Mrs Perrett’s character and reputation; saying, by way of innuendo, that she is transphobic and homophobic. Mrs Perrett, as you know, is a lifelong socialist dedicated to equality and diversity. She is not a transphobe or a homophobe and has never committed a hate crime. Nor has she ever been guilty of bullying or harassment.

As a consequence of your unfair and insulting attack on her, Mrs Perrett suffered extreme stress. She became unable to continue to work and has lost her salary as well as her position with the PCS union. It is now difficult for her to obtain suitable employment as an artist or to make a living from selling her work.

We note that the *Morning Star* is not a member of either of the bodies responsible for the regulation of the press, IMPRESS or IPSO. This means that, in the absence of the relief set out below, Mrs Perrett will have no alternative but to seek a remedy through the courts.

Your decision to smear Mrs Perrett and to stop using her as a cartoonist has wrongfully infringed her right to free speech, ended the basis on which you were entitled to make use of her copyrighted works – the good faith understanding between the two of you – and has caused her considerable harm.

The content of the Cartoon does not come anywhere near the threshold that would justify this kind of treatment. It does not threaten violence and cannot reasonably be said to affect any person’s safety. While some may view the

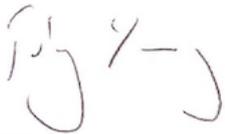
content as offensive, that in itself is not a sufficient reason for the statements made in your Mea Culpa and for terminating your relationship with Mrs Perrett. "Sharp-edged" material will inevitably offend some people; if it didn't, it wouldn't be "sharp-edged".

Consequently, and for the avoidance of doubt, she gives you 14 days' notice from the date of this letter that you must cease all use of her copyrighted works.

In addition, Mrs Perrett seeks a letter of apology from you that recognises her considerable contribution to the *Morning Star* over the years and accepts that your implied characterisation of her as a transphobe and a homophobe, and your depiction of her cartoon as a form of bullying and harassment likely to endanger transwomen was unjustified. Alternatively, she seeks a right of reply, to be published in the *Morning Star*.

Should a written apology in these terms be received by us within 14 days of the date of this letter, or right of reply granted, Mrs Perrett has advised us she will consider allowing you to continue to make use of her copyrighted works.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Toby Young'.

Toby Young
General Secretary
The Free Speech Union
toby@freespeechunion.org

Appendix I: The censored Cartoon



Published in the Morning Star in the weekend edition of 22-23 February 2020.

Appendix 2: Ben Chacko's Mea Culpa published in the Morning Star Thursday, February 27, 2020

- [1.] We failed in our duty to equality and liberation
- [2.] THE Morning Star is firmly committed to equality for all. Tackling oppression and discrimination that exists in our economy and society is a priority and founding principle of our paper.
- [3.] Our diverse readership are a strong representation of the diversity within our communities and we let our readers down when we published a cartoon last week that did not uphold this commitment and this principle.
- [4.] We understand that trans people experience discrimination, harassment and threats to their safety and even lives on a daily basis and we are very sorry that the cartoon added to that.
- [5.] We apologise to our readers and the trans community unreservedly for the hurt and anger caused by the cartoon and we are taking immediate steps to ensure that this lapse of editorial control will not happen again.
- [6.] In our apology we confirmed that this cartoon was not authorised for publication, but we know that raises even bigger questions as to how it came to be published, and the management committee has commissioned an independent inquiry which will report on this and advise on action to prevent it ever happening again.
- [7.] We will also be reviewing our past coverage of this issue which has sometimes failed to reflect the priorities of our trans readers.
- [8.] The Morning Star will renew our policy of reaching out to the trans community and become more inclusive. By working together to tackle the discrimination we all face, this paper believes that we will create a more tolerant, fairer society for all.
- [9.] The Morning Star recognises that it has a responsibility to oppose discrimination against the trans community and to tackle transphobic hate crime, as well as to promote positive action and reform of the Gender Recognition Act to ensure trans people are able to participate equally in our workplaces, our communities, and our movement.
- [10.] The Morning Star also recognises that sex discrimination at work arises from deeply ingrained patriarchal and systemic oppression of women and that we will continue to campaign against gender stereotyping, gender occupational segregation, violence, harassment and pay discrimination.
- [11.] The Morning Star believes in the principle of self-determination and empowerment through collective action as the route to tackling the discrimination that working-class people face.
- [12.] We believe that by working together and tackling discrimination and oppression faced by our readers we improve the working conditions of all workers.
- [13.] We recognise that many of the issues we face are intersectional and at the same time we reject the notion of hierarchy of oppression.
- [14.] We do not accept that reform of the Gender Recognition Act should or would lead to an attack on women-only spaces and will ensure that we campaign against any attacks on the Equality Act.

- [15.] We understand that trans women are often welcomed into all-women spaces in our communities, and to portray trans women as a violent threat to women is a wholly unacceptable misrepresentation.
- [16.] The Morning Star supports women-only spaces in addition to gender neutral spaces and is particularly concerned that our trans readers should be protected the from harassment and violence they face from the lack of gender neutral space.
- [17.] We will work to oppose division between the women's movement and the LGBT+ movement and heal the divisions that have emerged through the framing of this debate.
- [18.] Respect and tolerance are crucial, and we oppose all hate crime, bullying and harassment.
- [19.] We therefore oppose any construct of a debate which seeks to divide and set one group of workers against another and will ensure that this paper defends our communities against any homophobic, transphobic or sexist hate language or abuse.
- [20.] The Morning Star also believes that our readers have the right to freedom of speech and also have the right to disagree, but that does not mean a right to discriminate and cause hurt and distress to others.

Appendix 3: Stella Perrett and Ben Chacko photographed together outside William Rust House



HONOURED: Staff at your paper were deeply honoured when our star cartoonist Stella Perrett presented us with the originals of her Jeremy Corbyn victory cartoons.

Ms Perrett came all the way from Bristol to our cramped corner of London to hand over the original artworks, which appeared for the first time in each of the Morning Star's only two Sunday editions to date, those of September 13 2015 and September 25 2016.

The cartoons, like the Sunday editions themselves, were created to mark Jeremy's triumph — and will have pride of place in the newsroom for many years to come.