

Trade unionist takes on RTE censorship

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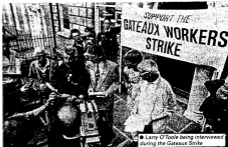
During August 1990 the workers at the Gateaux Bakery in Finglas, North Dublin, were in dispute with their employer - the Allied Lyons Group of Britain. The workers in Gateaux elected a Strike Committee to defend their interests. They also elected Gateaux worker and Bakers Union National Executive member, Larry O'Toole, as the Strike Committee Chairperson - in other words as the Gateaux workers' chief spokesperson.

The dispute gained a great deal of media attention in the newspapers and in broadcasting organisations such as RTE. After first broadcasting an interview with Larry O'Toole on the FM2 12 noon News, RTE thereafter banned Larry O'Toole from the airwaves. He was not allowed to represent the workers' point of view on RTE, even though he was the person the workers thought most qualified for the task.

The reason RTE's Head of News, Joe Mulholland, gave for censoring Larry O'Toole as the Gateaux workers' spokesperson is that "any person who is a MEMBER [our emphasis] of Sinn Féin... will not be permitted to broadcast on any RTE programme" under any circumstances. In other words the completely irrelevant fact that Larry O'Toole happened to be an ordinary member of the Sinn Féin political party was used to ban the Gateaux workers' spokesperson from the airwaves.

In one of many letters to Larry O'Toole, Joe Mulholland, writing on RTE's behalf said that the government censorship Order under SECTION 31 OF THE BROADCASTING ACT prevents RTE from interviewing any person who happens to be a member of Sinn Féin, on any topic, under any circumstances. RTE's is an incorrect interpretation of its legal obligations under Section 31. Section 31 DOES NOT BAN SINN FEIN MEMBERS FROM RTE. The mistaken impression that it does stems solely from RTE's illegal extension of the Section 31 Order.

In fact the Section 31 Order from the government censors any person who is acting in the capacity of SPOKESPERSON or REPRESENTATIVE of Sinn Féin. It does not apply to people such as Larry O'Toole who was solely representing and speaking on behalf of his co-workers in the Gateaux bakery. The fact of his Sinn Féin membership was completely irrelevant to his remarks on behalf of the Gateaux strikers. Even Conor Cruise O'Brien, the parliamentary architect of Section 31, agrees with Larry



O'Toole on this point (Irish News, 6 Oct. 1990; Sunday Tribune, 20 May, 1991).

Larry O'Toole has taken the decision to ask the High Court for a judicial review of RTE's illegal extension of Section 31.

This case is very important for those who believe that workers, community groups or other organisations should have the right to have their point of view expressed through their spokesperson, without interference from RTE or the State. A very important issue of civil liberties and democratic rights is at stake. The costs of undertaking such an action are in the region of £3 to £4,000 - and that is just Larry O'Toole's legal costs! The Free Speech Legal Fund, set up solely to publicise and pay for this case, is asking all those who can afford it to help pay for the establishment of an important legal and democratic principle.

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