



McLIBEL SUPPORT CAMPAIGN

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SUMMER 1993 MAILOUT

dear friends,

We're enclosing up to date information about the McDonalds libel case and campaign. Amazing things are happening!

On the legal side:

* Helen and Dave have had half a dozen High Court hearings already this year alone, some involving a day and a half of legal argument between themselves and McDonalds barristers, and observed grimly by the company's UK Vice President. McDonalds, with court collusion, is trying to maintain a huge Cover Up by refusing to hand over relevant documents and answer questions about its practices. Meanwhile, the defendants have served 65 witness statements, 30 of them from experts on the relevant issues - nutrition, health, environment, workplace conditions, animal welfare etc.

* At the last hearing on the 29th July, the provisional October trial date (for a 5-week trial) was scrapped and left open-ended, the judge complaining that the case was 'getting out of hand'!

On the Campaigning side:

* Local anti-McDonalds protests continue to grow, and in a few towns there are now weekly protests outside their stores.

* This year, October 15-17th is Anti-McDonalds Weekend, with a National Demonstration on Saturday 16th (London, Euston BR, 1pm - see leaflet). Please organise local protests, and also come in your thousands to the march. (Please publicise and book transport in advance, and let us know how many may be expected from your town).

* Publicity about the case is gradually creeping into the alternative and left-wing media, and into various organisations' internal mailouts, although this could happen more often....

* We thank supporters for the dozens of letters sent each week, and for the messages of support and donations from a wide range of groups and individuals, including from abroad. We're sorry if replies are delayed - we get swamped with the amount of work to be done.

* The 'Free Speech Pledge' (see Summary/Tear Off Slip) is now catching on. This is an essential part of the campaign in solidarity with Helen and Dave, but more importantly to show McDonalds and the legal establishment that attempts to suppress free speech will backfire by being met with co-ordinated opposition and mass defiance. If your group hasn't yet signed the Pledge, please do so now! (The best way to defend free speech is to exercise it).

The McLibel Support Campaign:

All over the country (and in other countries) people are helping by publicising the case in all manner of papers etc, within various organisations and movements, and at events. Please copy the leaflets or write to us for more of the McLibel Summary. For street leafletting against McDonalds, you can buy leaflets in bulk from Veggies (0602 585666) who've printed up to a million leaflets in the last 6 years!

In London of course there are scores of local McDonalds stores just waiting for protests. But we also urgently need more people getting involved in the Campaign itself, coming to the Monday meetings, answering post, helping with practical tasks and in producing a regular Newsletter, and co-ordinating publicity and support. People can do as little or as much as they feel able. So please get in touch.

Together we can beat McDonalds, and the oppressive libel laws. See you at the demo!

**WORLDWIDE ANTI-McDONALD'S DAY (WEEKEND) PROTESTS ON SATURDAY 16th OCTOBER
NATIONAL DEMONSTRATION ON THE 16th - LONDON, EUSTON 1pm (March through Central London)**

(also: Fri Oct 15th 4.30-6.30pm Picket McDonalds Euro-HQ, E.Finchley Tube, London)

National Meeting of the Campaign, Oct 30th, 4pm, at the London Greenpeace Fayre, Conway Hall WC1

PS. Can anyone donate a fax or a photocopier, megaphone or laptop computer? (!)

THE CASE EXPLAINED (A BIT!)

- Q. What is the background of events surrounding the service of writs on you?
- A. London Greenpeace launched its campaign against McDonald's in 1985, to try to co-ordinate and strengthen world-wide opposition to McDonald's and the 6 page factsheet was produced a year or so later. By 1990 when the writs were served, the group was less involved with the worldwide campaign, and it is ironic that we got the writs at that time.
- Q. How did McDonald's obtain information about London Greenpeace campaigners?
- A. In 1989/90 they sent spies to the groups' meetings, and followed people home afterwards. London Greenpeace is an open group, and anybody can attend meetings and participate, so the spies were able to abuse the group's trust in order to do their dirty work. We have received 4 witness statements from McDonald's, made by their infiltrators.
- Q. What is McDonald's case against you?
- A. Their case is that we distributed, or allowed others to distribute the 6 page factsheet, to members of the public. They claim that virtually all of the factsheet is libellous, and they want damages and an injunction to stop us from distributing the factsheet or any other leaflet.
- Q. What is your defence?
- A. McDonald's have to prove that we distributed the factsheets. We have to prove that the facts in the factsheet are true (justification) and that the comments are a fair opinion, based on the facts (fair comment).
- Q. Were any other London Greenpeace campaigners involved?
- A. McDonald's served writs on 5 people, we were only allowed 2 hours worth of legal aid and none of us knew anything about libel proceedings so the whole thing was very confusing. We were advised that because legal aid is not available to fight libel cases, and the law is very complex, the odds were stacked against us and the risks were great. The other 3 felt intimidated and overwhelmed by the thought of trying to fight it and so apologised. McDonald's tried to put this over as though London Greenpeace itself had apologised, and this was printed in a couple of newspapers, one of which later printed a correction after the group complained.
- Q. Why did you decide to fight on?
- A. We feel this is a matter of free speech, people should have the right to put alternative views across and criticise multinationals, especially those who spend a fortune pushing their own propaganda. We have nothing to apologise for, it is McDonald's who should be giving out apologies. They have sued many groups and individuals in this country in order to censor and intimidate their critics, and we felt it important that they didn't continue to get away with this unchallenged.
- Q. What happened in the legal proceedings after you served your defence?
- A. For the next couple of years there were requests on both

sides for more details of each sides' case (further and better particulars). McDonald's dragged this stage out asking for more and more details, hoping that we would be exhausted and lose interest in fighting on. They then realised that we were not going to give in, and since the beginning of this year they have deliberately had the proceedings speeded up in the hope that we won't be able to keep the pace. They are also deliberately withholding information in their possession in order to make it harder for us to prepare our case.

- Q. What is the position on Discovery?
- A. Discovery is the legal obligation of each side to disclose to the other side all the documents in their possession which are relevant to the issues in the case. McDonald's have deliberately withheld relevant documents and instead have substituted a lot of documents which are not really relevant to the case. We have tried at 6 hearings to get proper Discovery but each time the Judge has adjourned our application without making a decision, and has let them off the hook. A similar situation has now arisen with the Interrogatories (a series of questions about the issues in the case) which we have asked them. They have refused to answer them, and the court has adjourned making a decision on whether they should be ordered to answer them. We gave full discovery, and answers to McDonald's Interrogatories in March.
- Q. What about the exchange of witness statements?
- A. The timetable originally set down by the Judge was that exchange of witness statements should occur two months after Discovery. This is the normal procedure because if a document is disclosed which shows that something pleaded is true, then there is no need to call a witness about that matter, so time and money are saved. Discovery also comes first so that witnesses are able to comment on the documents disclosed, to say whether they agree with the contents or dispute them. While we were still trying to get proper discovery from McDonald's, long past the time when they should have given it, the original deadline for exchange of witness statements passed and McDonald's then persuaded the court that despite them not having given proper discovery, we should have to stick to the deadline set for witness statements. The Judge ordered that we had to serve all our witness statements within three weeks. We had to obtain our witness statements from around the world in those three weeks on the small amount of money that we have. We did manage to obtain 65 signed statements, including 30 or so by experts on the various issues, but there were many more that we just could not get in time. McDonald's have served 40 witness statements mainly from their own corporate officers and employees. This includes 4 experts reports.
- Q. I understand that libel cases are normally heard by a jury, but that McDonald's have applied for a non-jury trial.
- A. McDonald's have argued that the issues in the case are too complicated for a jury. We believe that the opposite is true and that the public have in recent years become more aware of these issues, which is why McDonald's want to avoid a jury. The decision on this won't be made until everything else is sorted out.

- Q. Have you received any legal help?
- A. We have been given informal legal advice, which is very helpful, but which is only available in the lawyers very limited free time. We've done all the preparations and research ourselves, and the drafting of legal documents, and we represent ourselves in court. Meanwhile McDonald's have a full legal team, with a QC (Queens Counsel), at least two solicitors, and several clerks.
- Q. Are you intimidated by the opposition and the Courts?
- A. We were at first, partly because everything is so complex, and nobody ever explains all the procedures. At one hearing we asked the Judge to explain something, and he said that if we didn't understand then we should be represented by solicitors. He didn't tell us how we could pay for them! The Court deliberately mystifies all the procedures so that ordinary people don't stand a chance on their own. We were criticised for not being aware that when we exchanged witness statements they should include ones written by ourselves about our involvement, nobody had ever told us that we had to do this, we were just expected to know. The longer the case goes on the more determined we are not to give in even though it is extremely frustrating to be fighting McDonald's on their own terms in the courts, which are obviously there to protect the interests of the rich and powerful.
- Q. When is the case likely to be heard?
- A. It had been listed for October, but because so much remains to be sorted out, it has been postponed and there is no new date at present.
- Q. What if you lose at court?
- A. We will get a bill for any damages set by the Jury, and a bill for McDonald's costs, which are likely to be at least a quarter of a million pounds. Obviously as we're both unwaged there's no way we could pay that, so we would probably get made bankrupt. In any event it's unlikely that McDonald's will get any money from us. McDonald's are also asking for an injunction if we lose, to stop us from handing out leaflets about them. If we then continued to hand out leaflets we could be jailed.
- Q. Do you think you will be successful at the trial?
- A. Although the trial itself will be a difficult battle, because of our legal inexperience and the vast difference in resources available to each side, we feel that the case has already been a success on our side, because McDonald's have failed to get us to apologise, or to stop the distribution of information about their practices, which obviously was the sole intention of their starting these proceedings. They have also failed to prevent us from getting to trial, where the details of their practices will be aired in public, and whether they win the trial or not, their image is going to take a battering. They're obviously becoming more worried about this, which is why their Vice-President has attended the recent court hearings. McDonald's, and other multinationals, will be looking at this case to see if they can get away with using the libel laws to censor any criticism of their practices. It is important that the campaign against McDonald's is stepped up to show them that people will not be intimidated. It is vital that whatever the outcome of the case, people continue to distribute leaflets and put out information to counter the line put across by multinationals.
- Free speech must be defended.**