

Sep/Oct 08

FREELANCE

Newsletter of
London Freelance
Branch, NUJ

LFB meetings
Oct 13
**Somalia –
journalists
under fire**

Nov 10
**Publish it
yourself**
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And the moral is...

WHAT DO the US Department of Defense, Republican presidential candidate John McCain and the producers of the creationist movie *Expelled: No Intelligence Allowed* have in common? They have all attracted complaints that they've abused creators' work for their own ends.

First, there is the case of UK musician David Gray. A whole slew of musos were contacted for comment about the US military using their works at ear-splitting volume in cells where it detains "terror suspects" – a practice that many (though not the US Department of Defense) would regard as torture.

David told noted civil rights lawyer Clive Stafford-Smith, writing in the *Guardian* in June, that "It's shocking that there isn't more of an outcry. I'd gladly sign up to a petition that says don't use my music, but it seems to be missing the point a bit." Other musicians – or perhaps their agents – had declined to make a comment.

And David was rewarded, perhaps predictably, by *Times* columnist Caitlin Moran missing the point in a foolishly and lazily bitchy fashion.

But there may be more to be done than a petition. Sean Michaels asked – again nearly missing the point – whether musicians like David could get royalties for such "performances" of their work as torture. Answer: probably. Sean did mention what to the *Freelance* is the heart of the issue: the so-called "moral right" of any creator to object to any use of their work that is "contrary to their honour or reputation".

Clearly, it seems to us, the Pentagon's use of the work is that. The *Freelance*'s people are talking to lawyers' people and David Gray's people about the possibility of taking it further. Money is not the main point here: a creator's integrity is.

But there are no "moral rights" in US law (except for works of visual art produced in signed and numbered editions of 250 or fewer on a

Tuesday). The prospect of a copyright-holder seeking extradition of the Secretary of State for Defense to the UK looms...

That glaring lack in US law was illustrated by the Federal District Court in New York, which in June ruled against Yoko Ono and Sean and Julian Lennon, who had tried to stop the makers of the pro-creationist propaganda reel *Expelled* using John Lennon's song *Imagine*. The court ruled that this was "fair use" – something that could surely be appealed, at a price.

The cudgels have been taken up again by singer Jackson Browne, who is suing the people behind an advert for presidential candidate John McCain that (ab)uses his song *Running on Empty*.

And what does this all have to do with, say, freelance writers and photographers? It could set precedents that will decide when you can object to abuse of *your* work, is what.

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Exploited in Palestine

WE CAN as a union branch work against the terrible exploitation of Palestinian journalists by Western news agencies, even if there's not much we can do about the conflict in Palestine as a whole. That was the conclusion of July's London Freelance Branch meeting, following a showing by Pennie Quinton of video of her interviews with journalists there. She did these as part of her work with Warwick University's Business School to research how journalists local to conflict zones around the world – as against parachuted-in correspondents – stay resilient and keep on and working.

Members heard about the case of Mohammad Omer, who was detained and beaten as he returned from accepting the Martha Gelhorn Award for his reporting on www.rafahtoday.org of life in Gaza – and we will be following up this case. We saw moving footage of Palestinian journalists covering an Israeli armed forces incursion into the West Bank city of Ramallah, during which a young videographer who had declined a flak jacket was shot



Pennie Quinton (in silhouette) shows the Branch her interview with Palestinian journalist Osama Silwadi, who now runs a photo agency from a wheelchair, having been paralysed, apparently accidentally, when he went to close his office window during a demonstration where militia were firing in the air. He described emotionally how his European clients abandoned him.

Photo © Daniele Bora: <http://danibora.blogspot.com>

and seriously wounded. The Branch meeting resolved to offer journalists working in Palestine support when they have trade disputes with UK and European publishers and broadcasters or suffer harm while working for these and to gather information from journalists working in Palestine on what further practical support would be of most help to them, within the capabilities of the Branch and the Union, reporting to the September meeting.

Learn Photoshop!

LONDON Freelance Branch has an "introduction to Photoshop" course for photographers, with "quick and dirty" ways of correcting and enhancing images and other things that photographers need to do. Provisional details of the course – in late September or early October, subject to confirmation – are at www.londonfreelance.org/fl/0809phot.html