

Chief Inspector Martin Mackay
Professional Standards Department
Grampian Police
Bucksburn Police Station
Inverurie Road
Aberdeen
AB21 9AS

13 December 2011

Dear Chief Inspector Mackay

Thank you your letter of 6 December 2011 providing me with results of your internal “enquiry” into events surrounding the arrest of myself and Richard Phinney by Grampian Police some 16 months earlier, on 30 July 2010.

Given the “significance of the allegations” (your term) about the improper use of police power, I find your investigation makes a mockery of the Professional Standards you are apparently in some position to monitor and uphold.

Rather than exercising any independent judgement, your efforts appear, as we feared from the start, to be another example of what seems to be an ongoing cover-up of an extraordinary misuse of police, and perhaps, state power.

Let me put into plain English what we supposed you might be investigating – the unprecedented, forcible arrest of two journalists, who were enquiring into a story of significant public interest: the cutting off of water to local residents, including an 85-year-old woman, by the Trump Organisation.

Let me make these points.

* This detention of journalists in the normal course of carrying out their job is unprecedented in recent decades in Britain, and has quite rightly received condemnation from the National Union of Journalists, members of the Scottish Parliament, Scottish NGOs and, most importantly, the thousands of Scottish residents who have seen *You've Been Trumped*. The NUJ's Paul Holleran, who viewed the uncut footage of the arrest in its entirety, said it was "a blatant example of police interference aimed at stopping bona fide journalists from doing their job. Their footage shows they were asking very pertinent questions in a mannerly fashion as befits professional journalists. I believe this is a breach of human rights, and we are taking legal advice. I think this must be one of the first cases in this country of journalists being arrested for just carrying out interviews to establish the truth and hold people to account."

* Our arrest was followed by a blatant cover-up by Grampian Police. As you yourself admit, the police issued an obvious falsehood in May 2011 – after the charges had been dropped by the Procurator Fiscal. At that time the Grampian Police press office told the media that "the allegations [against Richard Phinney and myself] were corroborated by independent witnesses." Given the publicity surrounding the case, and the fact that the language was written down in background notes, it simply beggars belief that these words were not chosen carefully. If this was an inadvertent mistake, as you imply, then why on earth did the Grampian Force not retract the statement when I pointed out the error and asked for a retraction? There were three people present in the Trump Organisation's office that day – 30 July 2010. Myself, my colleague Richard Phinney and a person working for Donald Trump. By referring to 'independent witnesses' The Grampian Police press office claimed not only was this Trump employee independent, but also, implied that another witness was present, which is simply false. For you to conclude now, 8 months later, that there was "no intent to mislead" is simply not credible.

* You make absolutely no attempt to question why we were arrested, let alone charged. If these were normal “Force procedures” as the officers maintained, then journalists would be jailed in their hundreds every month in Scotland. The question of vital public importance, which you make no attempt to answer, is why did an arrest occur in this case. One reasonable answer – which is supported by a wealth of corroborating evidence from local residents – is that Grampian Police felt itself under immense pressure to protect the Trump Organisation from unwanted scrutiny.

* You begrudgingly admit that the police officers who arrested us could have behaved “more effectively” but seem to attempt to justify their astonishing actions on the grounds that they were in a “difficult, unusual and challenging situation”. Really? All that had happened was that the police had received an unfounded complaint from a person working for Donald Trump, who was apparently nervous that the journalists, acting in an entirely professional manner (according to the NUJ) had uncovered evidence that the Trump Organisation had cut off water supplies to local residents and was making little effort to reinstate it. That may create a tight spot for the Trump Organisation. But why is it a difficult or challenging situation for Grampian Police?

* Your letter leaves us completely uninformed about why the police decided to escalate the situation by handcuffing and detaining working journalists during the course of recording an interview, and impounding their equipment and footage for nearly a week leaving us unable to film events on the Menie Estate during that time. We note also that your letter makes no reference to the fact that the officers involved seemed to call for advice from a senior officer on how to proceed before making the arrest. It goes without saying that the police themselves were under no threat whatsoever.

* We also note that in Freedom of Information requests by the Herald newspaper, information relating to our arrest has been blacked out.

* The reluctance of the police to admit they have done anything wrong – and to continue to insist that there were grounds for our arrest - has encouraged the Trump Organisation to continue to wage an ugly public relations campaign. They have accused us of hiding in bushes, lying in front of bulldozers, of filming secret documents, and of being criminals. If you were really impartial, and concerned about the impact of police actions on individuals, and on the free expression of ideas in Scotland, you would be setting the record straight, rather than looking for ways of justifying police actions that are blatantly indefensible.

* Finally, you have the audacity to complain that we should have included a statement from Grampian Police about their “police strategy” in *You’ve Been Trumped*. As you will have known, or should have known before making such a statement, we made a detailed request in writing for Grampian Police to answer charges made in the film, and received a one line response from your former head of communications Raymond Hainey, that “we’ll be unable to oblige.” Another case of police “transparency”?

* The one-sidedness of your own investigation utterly undermines your incredible assertion that the Grampian Police have “responded to all calls, protests or incidents in an impartial and transparent manner.” On what basis do you make such a statement? Have you yourself investigated all the incidents? If not, I think you should leave such statements to the public relations department.

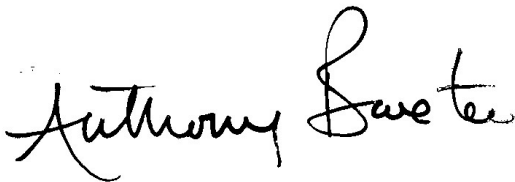
I am pleased that you have finally seen *You’ve Been Trumped* at a “recent public showing” but find it amazing you didn't take the opportunity to do so during its first theatrical run in Aberdeen some five months ago. The film screened no fewer than 10 times in Aberdeen in June and July, at a well known theatre just a few hundred yards from Grampian Police headquarters, and you were made aware of at least some of these screenings in writing. This lackadaisical attitude to your so-called investigation is apparent in your letter, which is little more than a drawn out exercise in public

relations.

As you know, we feared from the start that you were more interested in “managing” complaints (as you described part of your role it in earlier correspondence) than finding the truth. Which is why we did not cooperate with your “enquiry.”

I'm afraid your letter only lends credence to the growing public perception that Grampian Police, the Scottish Government, and the Trump Organisation did indeed work closely together to the detriment of local residents, our natural environment, and the public's right to know. And are now doing their best to hide or obscure or ignore the truth.

Yours sincerely

A handwritten signature in black ink that reads "Anthony Baxter". The signature is written in a cursive, flowing style.

Anthony Baxter

Director

You've Been Trumped

cc Richard Phinney, Producer, *You've Been Trumped*