

Wednesday 4 November 2009

Dear Madeleine Foundation Member

NEWSLETTER - NOVEMBER 2009

This is to bring you up-to-date with developments in The Madeleine Foundation and in particular to let you know what has been happening since the end of August when our Chairman Debbie Butler and Secretary Tony Bennett received letters from libel firm of Solicitors, Carter-Ruck threatening High Court proceedings for harassment and libel.

Let us first of all assure you that contrary to some reports, The Madeleine Foundation is very much still in business.

A Brief History of The Madeline Foundation

Jan 2008 - Founded at a public meeting in Harlow when Debbie Butler was elected Chairman and myself Secretary.

Feb 2008 - Tony Bennett's petition accepted on the Prime Minister's website, calling for the law to be changed to make it a criminal offence to leave children under 12 on their own without reasonable excuse. It attracted 740 signatures, well past the target of 500 at which point the Prime Minister will formally respond to a petition. Sadly, his response denied there was any need to change the law, despite what is said to have happened to Madeleine and in spite of many appalling cases over the past few years of young children being left on their own.

20 Oct 2008 - Our website went live on www.madeleinefoundation.org.uk, a domain name registered in our name. Later we acquired a new domain name at www.madeleinefoundation.org, which was registered in the name of Steve Marsden, a British resident currently living in the eastern U.S. Steve designed the website for us and we paid Steve for domain name registration, the hosting fees etc. It was always understood that we were in control of that site. The main article on the site, written by Tony, was '30 Key Reasons which suggest that Madeleine was not abducted'

26 Oct 2008 - Our website was publicly attacked by Clarence Mitchell, the McCanns' spokesman, as 'libellous'.

27 Oct 2008 - Debbie Butler wrote to the McCanns, Clarence Mitchell, Carter-Ruck, (the McCanns' libel lawyers), Edward Smethurst (the McCanns' 'co-ordinating lawyer') and to Michael Caplan Q.C. (the McCanns' extradition lawyer) explaining that if there was any sentence in the '30 Reasons' article or in our forthcoming book which they could prove was inaccurate, we would be happy to withdraw it or amend it. ***No reply nor acknowledgement was ever received to any of those five letters.***

7 Dec 2008 - Our book: "What Really Happened to Madeleine McCann? - 60 Reasons Which Suggest she was not Abducted" published.

10 Jan 2009 - Tony Bennett wrote a 20-page submission to the Parliamentary Select Committee on Press Standards, Press Freedom and Libel, being held by the Department for Culture, Media and Sport

Feb & Mar 2009 - Thousands of leaflets handed out in Oxford informing students and residents about Clarence Mitchell, who was due to speak at the Oxford Union on 6 March 2009. The 6-page leaflets were titled: 'Clarence Mitchell - A Master Media Manipulator'. Several Madeleine Foundation members then attended Clarence Mitchell's talk and challenged his statements about the Madeleine McCann case.

5 Mar 2009 - members of The Madeleine Foundation attended a Cambridge Union debate on the press, where Robert Murat spoke. Murat urged the audience to 'look for Madeleine'.

10 Mar 2009 - members of The Madeleine Foundation attended the Select Committee Hearing in Parliament when Dr Gerald McCann, Clarence Mitchell and Carter-Ruck libel lawyer Adam Tudor gave evidence.

March 2009 - the '60 Reasons' booklet was sent to every one of Britain's 646 MPs, and to more than 100 other politicians, media editors, journalists and opinion-formers. Several dozen replies were received from MPs. This operation was financed by the generosity of Madeleine Foundation members and supporters and members of the '3 Arguidos' forum

April 2009 - The Madeleine Foundation actively supported Elizabeth Woolnough's petition calling for the government to review the actions of the British police in the Madeleine McCann case. Partly with our active backing, this petition also reached the target of 500 signatures. After the target was reached, we wrote a 30-page letter to Prime Minister Gordon Brown outlining precisely why there needed to be a review of the Police's actions. The letter was posted prominently on our website and attracted much interest. We highlighted the appalling failure of Leicestershire Police to forward the significant statement of the husband-and-wife Gaspar Doctors to the Portuguese Police for six whole months - by reproducing both their statements in full within the letter to Gordon Brown. They had heard Dr David Payne, on more than one occasion, make what they believed to be erotic remarks about children, and were concerned enough to both make statements to Leicestershire Police within days of Madeleine being reported missing. Regrettably, the eventual response, from a middle-ranking Home Office civil servant, was regarded by many as wholly inadequate.

1 May 2009 - After extensive consultation with members of the '3 Arguidos' forum, we published our new leaflet: 'What Really Happened to Madeleine McCann? - 10 Key Reasons Which Suggest she was not Abducted'. During spring and summer 2009, tens of thousands of '10 Reasons' leaflets were distributed across the country by members of The Madeleine Foundation and many others, including a distribution in towns and villages in Leicestershire on 12 August 2009, which included the distribution of about 150 leaflets in Rothley.

1 Aug 2009 - New edition of the '10 Reasons' leaflet published.

1 Aug 2009 - Successful meeting held at an hotel in Harlow for 25 members and supporters of The Madeleine Foundation. The venue was kept secret until the last possible moment as there were threats of disruption from supporters of the McCanns.

Translations: Without doubt our guest of honour at our 1 August meeting was Vera Steinke, from Dusseldorf, Germany, who flew in specially for our meeting. She brought with her the first printed version of the German translation of '60 Reasons': "Was ist wirklich mit Madeleine McCann passiert? 60 Gründe, die dafür sprechen, dass sie nicht entführt worden ist". They are now being sold in Germany.

The complete '60 Reasons' booklet has also been translated into Spanish and Dutch, plus we have a French translation of some of the most important sections of the booklet. We thank Susan Gonzales for supplying the Spanish translation and Michael Robinson for arranging and paying for the Dutch translation. Karine Goormans did the actual Dutch translation and we also thank her very much for that. Any of these translations are available from Tony by e-mail.

Spring and Summer 2009 - tens of thousands of '10 Reasons' leaflets distributed across the country by members of The Madeleine Foundation and many others, including a distribution in towns and villages in Leicestershire on 12 August 2009, which included the distribution of about 150 leaflets in Rothley.

14 Aug 2009 - Debbie Butler is interviewed on BBC East Midlands TV about the 'leaflet drop' in Rothley.

15 August 2009 - Several press reports criticising the action of the Madeleine Foundation, but tens of thousands of new visitors to The Madeleine Foundation website and many copies of '60 Reasons' sold and copies of '10 Reasons' ordered. Grenville and Helene are interviewed by Central TV and are shown distributing copies of '10 Reasons' around Nottingham. The broadcast features a Rothley resident pinning up the '10 Reasons' leaflet on a tree near the war memorial in Rothley. Our leaflets were simply posted through letter boxes; we engaged in no fly-posting.

16 August 2009 - 'Sunday Express' leads with a front-page picture of Debbie Butler and a large headline: 'The McCanns' Stalker'. This generates hundreds of thousands of hits on our website and many more orders for '60 Reasons and '10 Reasons'.

18 Aug 2009 – Dr Gerald McCann reacts on his blog by saying: "We will not dignify the so-called Madeleine Foundation with a response; Clarence Mitchell says the same in the media.

27 & 28 Aug 2009 - Libel lawyers Carter-Ruck, acting for the McCanns, Brian Kennedy and his son Patrick Kennedy, write to Debbie Butler and Tony Bennett accusing them of libel and harassment and making nine key demands:

- 1) Stop selling and distributing the '60 Reasons' booklet
- 2) Return all unsold copies of '60 Reasons' to Carter-Ruck
- 3) Destroy any electronic copies of '60 Reasons'
- 4) Stop selling and distributing the '10 Reasons' leaflet

- 5) Return all undistributed copies of '10 Reasons' to Carter-Ruck
- 6) Destroy any electronic copies of '10 Reasons'
- 7) 'Permanently suspend' our website at www.madeleinefoundation.org
- 8) Desist from ever saying that the McCanns know what happened to their daughter Madeleine and are covering it up
- 9) Use our 'best endeavours' to remove any libellous postings we have made on any forums or blogs.

Items of conduct said by Carter-Ruck to constitute 'harassment' included giving radio interviews about the case and even attending the Select Committee in Parliament when Dr McCann, Clarence Mitchell and Adam Tudor of Carter-Ruck gave evidence. The Carter-Ruck letter pointed out that the police had been informed of this alleged 'campaign of harassment' of the McCanns, which they claimed was a breach of the Protection from Harassment Act 1997. We can confirm that neither Debbie nor Tony nor anyone else from The Madeleine Foundation has even been contacted by any police force over any allegation of 'harassment'.

Our response to the Carter-Ruck Letters

The letter regarding Brian Kennedy and his son Patrick Kennedy related to one article in particular written by Tony on the former '3 Arguidos' Forum, which referred in detail to Brian Kennedy's role in directing and paying for the private investigation agencies who claimed to be looking for Madeleine. By the time that the Carter-Ruck letter was received on 1 September, the '3 Arguidos' site had closed permanently and Tony's posting was no longer visible. Tony made certain undertakings regarding the Kennedys to Carter-Ruck by letter on 17 September and nothing more has been heard since. If any member would like to see the exchange of correspondence, Tony will be happy to send it to you by e-mail.

How to react to the threats by the McCanns caused us more serious problems in view of the demands made by Carter-Ruck, which were severe. Libel specialists Kirwans contacted us by e-mail on 21 September offering to help, possibly on a 'pro bono' basis (free of charge). Holding letters were sent to Carter-Ruck but eventually Carter-Ruck said that unless their demands were met in full by the close of business on Friday 2 October, they would issue a libel writ forthwith against both Debbie and Tony.

Debbie and Tony travelled to Liverpool that day and spent four hours in conference with four of the senior Partners of the firm - Nick Mason (their media adviser), Michael Sandys (libel specialist), David Kirwan and his wife Julie. The thrust of the advice was that around six to twelve sentences in the book might be regarded as too strongly worded and would therefore run the risk of being regarded as libellous. This was especially so given the seriousness of the allegation, namely that the McCanns both knew that Madeleine had died in their apartment and had knowingly covered up her death.

Two examples were these statements on pages 26 and 27 of Tony's book

(Example 1) "The parents' conduct suggests that they knew Madeleine was already dead".

(Example 2) “Less than a month later, on 28th June 2007, Dr Gerry McCann said: “*I have no doubt we will be able to sustain a high profile for Madeleine’s disappearance in the long-term*”. How on earth, we might ask, could any father talk about organising concerts to generate publicity, and plan to sustain a ‘long-term high profile’ for Madeleine’s disappearance, months into the future, when there was still the possibility that the police might, any day, bring them news that Madeleine had been found - either alive, or dead? Furthermore, well in advance of 11th August - which would be ‘Day 100’ after Madeleine ‘disappeared’ - Dr Gerry McCann and his PR advisers were already planning how to mark the 100th day since her abduction. Put simply, Dr Gerry McCann’s words are not those of someone who genuinely believes that his daughter has been abducted, and that there still remains a reasonable prospect of finding her. They are much more likely to be the words of someone who knows perfectly well that their daughter will not be found”.

In both cases, the lawyers suggested that the statements would have been better phrased as questions, in order to minimise the risk of libel action. So in Example 1 above, the issue could have been put as follows: “This begs the question of whether the parents’ conduct suggests that they really believed that Madeleine was alive, or that, perhaps, they knew that Madeleine was already dead”.

Example 2 could have been rephrased as follows: “Are these words of Dr Gerald McCann more likely to be those of someone who genuinely believes that his daughter has been abducted, or of someone who knows that their daughter will not be found?”

In addition to these points, founder of the firm David Kirwan strongly advised that libel law was both very complex and uncertain, and that the fees of someone like Adam Tudor at Carter-Ruck at several hundred pounds per hour would mean that to defend a possible libel writ could be ‘financially ruinous’ for both Debbie and Tony.

In the light of that very robust advice, Debbie and Tony faxed Carter-Ruck that afternoon saying they would accede to all of Carter-Ruck’s demands. Tony followed that up with a letter on 3 October explaining how he would comply with their demands. At the time of sending out this newsletter there is further correspondence between Carter-Ruck and Tony about the details, notably our former website, on which we shall update you below.

Our meeting at Cardiff on Saturday 3 October

We held another successful regional meeting at Cardiff, with some new faces present. Unfortunately Debbie was unable to attend as she was unwell. At that meeting we elected Sharon Lawrence, Grenville Green and Helene Davies-Green on to the Committee to help with the running of The Madeleine Foundation.

The loss of our website

Part of the undertaking to Carter-Ruck was to shut down our website, which had been maintained for us by Steve. However, Steve did not agree to shut down the website, claiming he had ‘always owned it’, and instead he restyled it: ‘The website formerly

known as the Madeleine Foundation. He has made a number of changes since, some at our insistence. If you visit what was our site, you'll see this disclaimer flashed in a yellow bar across the screen: "Please make it very clear to everyone who visits this site from henceforth that this is NOT the Madeleine Foundation website - Tony Bennett, 18 October 2009".

However, Steve, encouraged it seems by Debbie, has renamed the site 'The Madeleine Foundation', causing great confusion in the minds of our members and supporters and other visitors to the site, and Steve and Debbie have amended the 'contact' page to again give the impression that that site is our website.

It is not our website and in this and other ways, Debbie is now acting wholly contrary to the interests of The Madeleine Foundation. As your Committee, we are endeavouring to resolve these difficult issues so that we can move forwards together.

Your Committee is currently looking at setting up a new website, completely under our control, which would remain interested in three of our key stated aims in our Constitution, namely:

- a) to pursue - in conjunction with others - the truth about Madeleine McCann's disappearance on 3 May 2007
- b) to investigate the facts behind the extent of British government involvement in this case and the reasons for it, and
- c) to ensure that the media, in particular the British media, report this case accurately and give due weight to all viewpoints on Madeleine's disappearance.

None of these activities are affected by the Carter-Ruck demands, though in the light of their letters we will need to exercise caution about how we explore these issues.

Debbie Butler

There has in the past 10 days been an unrelenting and very public campaign against Tony by Debbie which has taken many forms. During this period she has made a number of allegations against Tony which we all know to be untrue. This was so serious that we have had absolutely no alternative, in the interests of The Madeleine Foundation, but to agree unanimously to expel her from membership, under Paragraph 6 of our Constitution. She has been informed that she has the right of appeal. A document setting out full particulars of the way she has brought The Madeleine Foundation into disrepute is available from any of us. In our letter to her we have recognised the huge contribution she has made in the past to the cause of truth and justice for Madeleine.

Future Plans

The action by Carter-Ruck does not seek to limit the *existence* of The Madeleine Foundation but does of course seek to limit our *activities*. We will be discussing these issues at our next regional meeting in the Manchester area on Saturday 14 November. All our members are of course welcome to that meeting which will start at around

12noon at a venue we will announce only to those who are intending to come. If you wish to attend, please e-mail Tony at ajsbenett@btinternet.com

Any of us would be pleased to receive your ideas for how we may continue our work. Our e-mail addresses and contact telephone numbers are at the end of our newsletter.

Annual General Meeting

Our first Annual Meeting is long overdue. We propose to hold it on Saturday, 18 or 25 January in Nottingham. Please tell us whether you plan to attend and if so which day would be better for you.

Madeleine Foundation Accounts

Unlike the secrecy which has surrounded the McCanns' fund-raising efforts with their 'No Stone Unturned' fund, we are happy to be fully open about our income and expenditure. A provisional statement is attached. We intend to have it checked by an auditor before the AGM. Please ask any questions about the accounts, and our books and records are available for independent inspection if anyone should have any doubts.

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