



UNITED NATIONAL CONGRESS

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11 January 2021

Mr. Peter Clark
Chairman
Guardian Media Limited
22-24 St Vincent Street
Port of Spain
Trinidad and Tobago

Dear Mr. Chairman

Re: Request for formal Apology from Ms. Natalee Legore, CNC3 and Guardian Media Limited for baseless and offensive statements made against the United National Congress on CNC3's 'The Morning Brew'

Greetings of the New Year to you.

I am Dr. Kirk Meighoo, Public Relations Officer of the United National Congress ("UNC"), the Official Opposition in Trinidad and Tobago, and a member of its National Executive.

Reference is made to the matter at caption in respect of statements made on 7 January 2021 by Ms. Natalee Legore, co-host of CNC 3's 'The Morning Brew'.

The said statements are offensive, have no basis in fact and, we believe, are in breach of the **Draft Broadcasting Code for the Republic of Trinidad and Tobago** issued by the Telecommunications Authority of Trinidad and Tobago ("TATT" or "the Authority") on 11 March 2014 ("the Code")¹. As a free to air television service, CNC 3 is subject to and *"shall comply with the provisions of the*

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https://tatt.org.tt/DesktopModules/Bring2mind/DMX/API/Entries/Download?Command=Core_Download&EntryId=302&PortalId=0&TabId=222

Code” pursuant to **section 1.1 of the ‘Scope and Applicability’** set out in the Code.

During the said Morning Brew show, Ms. Legore in an exchange with her co-host Mr. Akash Samaroo, irresponsibly drew parallels between the United National Congress (UNC)’s 2020 General Election recount request and the events/attacks perpetuated on Wednesday 6 January 2021 at Capitol Hill, Washington DC, by supporters of United States President Donald Trump (“the Capitol Hill attacks”).

The impugned remarks are hereunder set out:

Akash Samaroo (AS): "I am wondering this morning who is going to blame Kamla for this."

Natalee Legore (NL): "Well, here I am. Well, here I am. What President Trump is doing is casting doubt and creating a false narrative about election fraud. You're saying that didn't happen here?"

AS: "The UNC didn't ask people to storm the Parliament."

NL: "Donald Trump didn't ask people to storm...What I am saying is, there is a narrative and what you have to say will inform people as to how they should act. The difference is that the people of TT reacted differently to the people of the US."

AS: "The UNC is not the only party to have ever cast doubt. I am not going to make any link between the two. What I can say is that this is the desperation of a man facing political eviction and I will say that it got so bad that his yes-men had to denounce it."

It is important that the above excerpt be placed in **context**² of the full dialogue on the said Morning Brew show – the recording is here at <https://azpnews.com/unc-cnc3s-natalee-legore-must-apologise/>

² **“Context” is defined in the Code under ‘Interpretation of Terms’ as:**

“the circumstances within which a particular programme is broadcast having regard to the following factors:

- editorial content of the programme, programmes or series;
- service on which the material is broadcast;
- time of broadcast;
- programmes which are scheduled before and after the programme or programmes concerned;
- degree of harm likely to be caused by the inclusion of any particular sort of material in programmes generally or programmes of a particular description;
- likely size and composition of the potential audience and likely expectation of the audience;

It is to be noted that Ms. Legore as a co-host of the Morning Brew has done nothing that may indicate either her exemption from the requirement to be impartial and balanced or that she falls to be considered as excepted by virtue of appropriate labelling pursuant to the **Guideline to Rule 7.2**, which states *inter alia*:

"Provided that the producer and host(s) of talk shows and call-in programmes clarify to the audience, by appropriate means, that they are partial to a particular viewpoint, ideology, or have a particular political allegiance, such talk shows and call-in programmes shall be exempted from the requirement to be impartial and balanced. The exceptions to the requirement of objectivity and balance are hence political or special interest opinion or programmes geared towards a narrow audience, provided they are labelled accordingly."

Further, there is nothing to suggest that CNC 3 and/or The Morning Brew have clarified that they may be "*partial to a particular viewpoint, ideology or have a particular political allegiance*" or that the Morning Brew is a political or special interest programme geared towards a narrow audience, having so labelled itself. In fact, the contrary is true. The Morning Brew purports to be "*a fast-paced infotainment programme which entertains, educates, informs and inspires the citizenry of this country.*"³

However, Ms. Legore's aggressive utterances merely repeated and reinforced a baseless, offensive and slanderous claim against the UNC by Dr. Keith Rowley⁴ instead of critically reviewing same – as a responsible, impartial journalist or commentator would.

Furthermore, we note that the **People's National Movement** undertook the highly unusual exercise of issuing **three (3) separate Press Releases** in defense of Ms. Legore's repeating of their Leader's baseless and offensive assertions.⁵

While due cognizance is accorded to the exception relative to talk-shows, in the **Guideline to Clause 3** - Harm, Abuse and Discrimination – in the Code, the point

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- extent to which the nature of the content can be brought to the attention of the potential audience, for example, by giving information; and,
 - effect of the material on viewers or listeners who may inadvertently encounter the programme. "

³ <https://ftp.cnc3.co.tt/morning-brew?page=82>

⁴ https://www.tv6tnt.com/news/local/pm-rowley-us-capitol-a-day-we-would-never-forget/article_5559d2e8-50f3-11eb-8bf7-03d57ee7bccf.html (at the 1:26 mark)

⁵ <http://www.looptt.com/content/pnm-defends-legore-no-need-apology>
<https://www.facebook.com/apnmstorybylaurel/posts/1259744961088068>
<https://www.facebook.com/apnmstorybylaurel/posts/1259114714484426>

is re-emphasised that neither CNC 3 nor The Morning Brew markets itself as partisan or indeed as "reasonably expected to take partisan positions".

The **Guidelines to Clause 3** state inter alia:

"The Broadcasting Service Providers have a responsibility to take steps to ensure that in providing their services, the audience is provided with adequate protection from material that has the potential to be harmful, abusive or unduly discriminatory.

*In their station programming, Broadcasting Service Providers should apply policies that oppose and attempt to fetter prejudice on the basis of ethnicity, race, gender, sexual preference, religion, age, physical or mental ability, occupation, **cultural belief or political affiliation. The last two criteria shall not apply to talk shows or specific (non-series) features where the presenters may reasonably be expected to take partisan positions.**"*

Section 3 (g) of the Telecommunications Act of Trinidad and Tobago Chap. 47:31 ("the Act") states among the objects of the Act, "to regulate broadcasting services consistently with the existing constitutional rights and freedoms contained in sections 4 and 5 of the Constitution."

The UNC recognises that freedom of expression and freedom of the press are enshrined fundamental rights in our Constitution – **sections 4(i) and (k) respectively**. Indeed, we accept that "the guarantee of freedom of expression applies with particular force to the media, including the broadcast media" [para. 151] and that given "their fundamental role in informing the public, the media as a whole merits special protection." [para. 152] – **Satnarayan Maharaj & Central Broadcasting Services Limited v. The Attorney General of Trinidad and Tobago** – CV 2019-02271.

However, it must be underscored that no right in a democracy is absolute; that there are justified limits on rights and freedoms. "It is also long accepted that, because of the competing interests of a democracy, the rights conferred under sections 4 and 5 of the Constitution are not absolute and, to the extent that they existed prior to the Independence Constitution of 1962, never were. They must, for the most part, yield to the public interest." – **Francis v. The Attorney General of Trinidad and Tobago** – Crim. App. Nos. 5 & 6 of 2010 at para. 49.

The Code itself states in its **Introduction**:

*"The Act requires that the Authority regulates the provision of broadcasting services in a manner **that is consistent with Sections 4 and 5 of the Constitution** of the Republic of Trinidad and Tobago and **guides the development of the broadcasting sector in a manner that is likely to safeguard, enrich and strengthen the national, social, cultural and economic well-being of the society.**" [emphasis added]*

This begs the question, whether Ms. Legore's impugned remarks may be deemed as safeguarding, enriching and strengthening the national, social and cultural well-being of our Trinidad and Tobago society.

The Code admits to construction in a manner that *prescribes and enforces "a basic, clear set of rules or standards for the broadcasting industry" and partners "with the industry to uphold standards which uplift and improve the society and which promote respect for the individual and for our institutions."* **The Code** further prescribes that its Objectives are geared towards ensuring that inter alia, *"Standards are applied to provide adequate protection for listeners and viewers against **harmful, abusive or discriminatory material.**"*

It is submitted that Ms. Legore's impugned statements do nothing to uplift and improve the society and/or to promote respect for our institutions, of which the UNC is a part. Further, apart from being baseless, Ms. Legore's remarks border on harmful, abusive and discriminatory material within the meaning of the Code.

In the Code, 'discriminatory material' *"means any material, either by speech or visual representations, which target an identifiable group in a manner that endorses or incites hostility, violence or anti-social divisions against such group."*

It is to be noted that despite calls for an apology from Ms. Legore⁶, not only has she maintained that she *"would not be apologising"*,⁷ but *ex post facto* declares, *"Even if you disagreed with my comparison that **both political leaders** [viz. US President Donald Trump and Opposition Leader Kamla Persad Bissessar] cast doubt on electoral processes and or institutions without evidence, **it doesn't mean my comparison wasn't based on facts.**"*⁸

It is submitted that this type of reckless and unsubstantiated justification by Ms. Legore for her already baseless impugned remarks serve only to highlight her thorough misunderstanding of the true state of these affairs and her blatant disregard for her obligations under the Code.

⁶ <https://unctt.org/unc-calls-for-apology-from-cnc3s-natalee-legore/>

⁷ <https://www.looptt.com/content/natalee-legore-i-am-not-apologising>

⁸ *ibid*

There are marked differences between the Capitol Hill attacks and the UNC's 2020 post-election response. Some features of the Capitol Hill attacks that have absolutely no bearing on and/or resemblance to the UNC's position and/or Trinidad and Tobago are as follows:

- References to the pro-Trump mob by US President-Elect Joe Biden as "a riotous mob. Insurrectionists. Domestic terrorists,"⁹
- References to the attack as "*an assault on democracy by violent rioters, incited by the current president and other politicians*" - [Canadian Prime Minister Justin Trudeau]; "*a real disgrace to democracy*" and "*an attack on the freedoms of the American people*" - [Luigi Di Maio, Italy's Minister of Foreign Affairs]; "*violent attempts to frustrate the lawful and proper transition of power.*" - [U.K.'s foreign secretary, Dominic Raab]; "*direct attack on democracy and legislators carrying out the will of the American people.*" - [Keir Starmer, the leader of the U.K.'s opposition Labour Party].¹⁰
- The riots resulted in deaths, numerous casualties and injuries and graphic destruction and vandalism of State and personal property;
- Military response to the attack/ siege;
- Thus far, 13 persons have been charged in Federal Court and approximately 40 in Superior Court with the United States Department of Justice stating, "*The lawless destruction of the U.S. Capitol Building was an attack against one of our greatest institutions*";¹¹
- Possible impeachment of a sitting President;
- Possible additional charges for seditious conspiracy; Rebellion/ Insurrection; advocating the overthrow of government; riot; treason.¹²

By clear contrast, following the announcement of the 2020 Election results on 10 August 2020, all the UNC did, in accordance with due election procedure, was to request recounts in certain marginal seats.

For Ms. Legore to therefore associate, impute and equate the UNC's **lawful conduct** post-election with the unlawful and egregious events of the US Capitol Hill attack is irresponsible, erroneous, reckless and demonstrates a grave betrayal of

⁹ <https://www.vox.com/policy-and-politics/22219233/us-capitol-attack-domestic-terrorism-definition>

¹⁰ <https://time.com/5927060/world-reactions-capitol-breached-trump-supporters/>

¹¹ <https://www.justice.gov/opa/pr/thirteen-charged-federal-court-following-riot-united-states-capitol>

¹² <https://www.wivb.com/news/what-are-the-possible-charges-for-people-involved-in-u-s-capitol-riot/>

her duty as a member of the media to act in compliance with the Broadcaster's Code.

We note that this behaviour has not been assuaged by the Guardian Media Limited's recent statement on the matter on 8 January 2021.¹³ **Indeed, Guardian Media Limited's statement suggests that Ms. Legore's offensive and provocative assertions are validly based in fact, when as clearly explicated above, her statements are materially at odds with a full, fair and unbiased assessment of the evidence.**

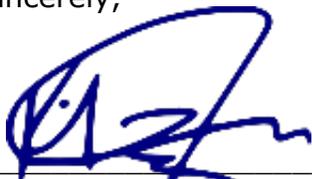
The United National Congress records its strong condemnation of the impugned statements.

Given the above, we hereby call on Guardian Media Limited, CNC 3, and Ms. Natalee Legore to make a formal apology to the United National Congress for Ms. Legore's baseless and offensive statements uttered in the public domain, which have been widely disseminated on social and traditional media.

Further and/or in the alternative (if Ms. Legore, CNC 3 and GML are not persuaded to apologise), we request an early opportunity to appear on The Morning Brew and treat with the issue in the spirit of the *audi alteram partem* rule. In this way, both sides will be given an equal opportunity to be heard on the issue and to clarify and offer mature viewpoints in a manner commensurate with responsible journalism and fair hearing principles.

We look forward to a timely response.

Sincerely,



Dr. Kirk Meighoo
Public Relations Officer
757-3489

cc: Irving Ward, Editor, CNC 3

¹³ <https://www.cnc3.co.tt/natalee-legore-remains-morning-brew-host/>