GREENHAM

Non-Violent Women - v - The Crown Prerogative

by Sarah Hipperson

GREENHAM

Non-Violent Women
-v-
The Crown Prerogative

Sarah Hipperson

An invasion of armies can be resisted, but not an idea whose time has come.
Victor Hugo (1802–1885), *Histoire d'un crime*, 1852

Edited by Beth Junor

First published 2005
by Greenham Publications
15 Sydney Road
London E11 2JW
UK

A catalogue record for this book is available from the British Library

ISBN 0-9550122-0-1

Typeset by Regent Typesetting, 22 Mare Street, London E8

Printed and bound by
Antony Rowe Ltd., Chippenham SN14 6LH, England.

All monies generated from the sales of this book will go towards the maintenance of the Greenham Commemorative and Historic Site.

This book is dedicated to all the women who took part in the protest on Greenham Common between the years 1981–2000.

I wish to thank the women who were part of the community at Yellow Gate Women's Peace Camp whose presence, shared optimism, courage, confidence and activism produced a story worth repeating. We were a family of disparate individuals who came together to assert the right to resist non-violently preparations for nuclear war that were planned from Greenham Common; among them, Abigail Chard, Allison Lovell, Aniko Jones, Beth Junor, Frances Vigay, Georgina Smith, Janet Tavner, Jean Hutchinson, Judith Henjes, Katrina Howse, Peggy Walford, Rosy Bremer, Lisa Medici, as well as many others.

Sarah Hipperson
February 2005

Contents

Acknowledgements

Back cover photo: 1 January 1983, women dance at dawn on a Cruise Missile silo in the USAF base Greenham Common. Every effort has been made to trace the copyright holder of the photograph by Raisa Page. The publisher will be pleased to make the necessary arrangements at the first opportunity.

Thanks are due to Martin Hipperson for guiding me through the mysteries of my computer, and for his help and encouragement.

All the documents referred to here have been deposited in the National Library of Women (the new Fawcett Library) London Guildhall University, Calcutta House, Old Castle Street, London E1 7NT. Tel. 020 7320 2222. www.thewomenslibrary.ac.uk

INTRODUCTION
Aspects of the journey, 1981 to 2000

There have been several books written about the Women's Peace Camp. Only two I know of relate to the day-to-day lives of women who lived at the peace camp as part of the continuous witness against the siting of 96 nuclear ground-launched Cruise Missiles on Greenham Common. These two books record the development of the women's peace movement on Greenham Common into an integral component within the politics of the Cold War.

Greenham Common: Women at the Wire,[1] published in 1984, records that the group 'Women for Life on Earth', having marched from Cardiff on 27 August 1981, arrived on Greenham Common on 5 September 1981 and set up the original Peace Camp. It includes a chronology of events from their arrival until March 1984. This includes the arrival of the Ground Launched Cruise Missiles.

The second book, *Greenham Common Women's Peace Camp: A History of Non-violent Resistance 1984–1995*[2] was written and edited by Beth Junor and illustrated by Katrina Howse – both these women lived at Yellow Gate Camp, the original Women's Peace Camp situated just outside the Main Gate of the Royal Air Force (RAF) base Greenham Common. This book covers an 11-year period of the camp's history: the resistance to the Cruise Missile convoys, the arrests, court cases and prison sentences served for that resistance. It also records the removal of the Cruise Missiles and the United States Air Force from Greenham Common in 1991–2 under the Intermediate Nuclear Forces (INF) Treaty. It goes on to cover the period following, when women turned their attention to the nearby Atomic Weapons Establishments (AWEs) at Aldermaston and Burghfield, where the warheads for Trident, Britain's own nuclear weapons system, are manufactured and assembled. Women continued their resistance at the AWEs while maintaining the camp on Greenham Common.

In my opinion, each of these books gives a true and lasting historical record, as well as representing the imagery and political perceptions of events

that took place on that ancient 12th-century common during these years of resistance to nuclear weapons. The manner in which the narrative of each book relies on the words of the women who lived at the camp and were fully involved in the events they record creates a reliable account which provides the reader, researcher or historian with a record they can trust to be authentic. When Beth Junor's book was published, she commented, 'After years of being observed from an almost anthropological viewpoint, of being examined by academia and misrepresented by the media, at last we've been able to tell our own story and project our own image of ourselves.'

It is my hope that this book, by leading the reader on to the work carried out at the camp in its latter years, from 1995 until 5 September 2000 when the original Women's Peace Camp finally closed down, will complete a trilogy which forms an historical record of the original Women's Peace Camp outside the Main Gate of RAF Greenham Common from foundation to closure and beyond (the land is now a Commemorative and Historic Site).

When the Women's Peace Camp finally did close down, amidst the clamour of the national and international media it became clear that in spite of their attempts over the years to downplay and trivialise the effect and achievements of the women on Greenham Common, they were at last recognising that something of political importance had been enacted there. *The Guardian* newspaper acknowledged, 'Their departure brings to an end 19 years of continuous protest at the airbase.'

Six weeks after the closure of the camp, I revisited. The land that had been the Women's Peace Camp had been stripped like a shorn sheep to make way for a huge roundabout. It was frightening the way the place had changed in such a short time. The familiar pleasing landscape suddenly looked like an area of blight.

As I stood on the land that had been the focal point for the continuous – symbolic and actual – resistance to Cruise Missiles during the Cold War years, my memory took me back to the awful 'convoy nights' that had featured so strongly in that resistance. At least once a month, sometimes twice, and at all times of international tension, the Ground Launched Cruise Missile convoy would leave by the Main Gate through the ranks of hundreds of Thames Valley police officers. The noise was deafening, like something out of hell, as it thundered past the protesting women at the Peace Camp. Now the silence was palpable – all signs of resistance had been eradicated. To help me walk away on that day, I conjured up in my mind and clung to

a vision of the Commemorative and Historic Site we had planned for this land.

It was at this time that I knew there was more to be written about Greenham Common. Sorting it out in my mind would require some distance, but not too much. Greenham has had a profound effect on me; it has brought spiritual and political insights that are alive, clear and organic. While I am still in awe of the discovery that I was allowed to spend a part of my life there, with women who also had respect for the time they spent there, I want to record aspects of that experience. If I leave it too long I might yawn it all away and forget there was such a time when women didn't give a second thought to taking on the powerful in their own lair.

This book deals with some of the many issues that impacted on the community known as Yellow Gate, Greenham Common Women's Peace Camp, located just outside the Main Gate of the RAF/USAF Base on Greenham Common in Berkshire, England between 1981 and 2000: the protest, non-violence and the law. The last chapter will, fittingly, record the history of the Commemorative and Historic Site which has now replaced the original Women's Peace Camp – the inspired vision that transformed what could have been a negative and sad closure of the camp into a positive, lasting reminder of how those who are perceived as powerless can bring about a change in strategy if not in heart of two military superpowers. It is intended that this site will mark the historical and political significance of Greenham Common. The strength and tenacity of the women's struggle that took place there against unjust law, militarism and, in particular, nuclear weapons is reflected in the imagery and choice of materials: stone and mild steel represent the solidity of the struggle, drawing a clear line between the reality of this work and all the folklore that surrounded it.

Although the facts contained here are accurate and verifiable in documentation in the public domain, I don't expect total agreement with my perspective. I do feel confident I have given thought and reflection to what I write. I'm prepared for any reproof. Where perspective is concerned, being 'right' about something, in my opinion, isn't dependent on proving others 'wrong' about the same thing.

The poet Seamus Heaney wrote,

> Soul has its scruples. Things not to be said.
> Things for keeping, that can keep the small-hours gaze

Open and steady. Things for the aye of God
And for poetry. Which is, as Miłosz says,
'A dividend from ourselves,' a tribute paid
By what we have been true to. A thing allowed.[3]

Every woman who has used a part of her life to dwell, to take root, on Greenham Common at the Women's Peace Camp and has appreciated that unique experience can draw inspiration from the words of this poem and is eligible to claim 'a dividend from ourselves, a tribute paid by what we have been true to – a thing allowed.' Accordingly, I'm inspired to allow myself to claim 'a dividend,' to chronicle in the following essays my thoughts, observations, opinions and analyses on aspects of my experiences at Yellow Gate Women's Peace Camp.

THE PROTEST
Non-Violence in Practice

There cannot be one definitive account of the protest that took place on Greenham Common between the years 1981–2000 – perceptions by individual women relating to certain events and happenings are numerous and varied.

So much recall and media interest has been centred on social issues and hype, ignoring the political content of the protest. This account sets out to reveal the political, confrontational dimension of the protest in an attempt to reverse this imagery. The ability to see the full implication of what was a most astonishing 'happening' in the midst of a perilous confrontation between the two superpowers, the United States of America (USA) and the Union of Soviet Socialist Republics (USSR), in their determination to achieve nuclear weapons superiority is hampered by a prejudice that cannot conceive of any effective political power existing beyond the narrow confines of party political thinking, and the rules that determine that game.

The power of non-violence was placed at the disposal of women who intervened – rejecting personal comfort in favour of commitment – to bring about enlightenment which in turn brought about a change of mind, if not heart. Non-violence was placed at our disposal by a history of people in resistance: those people in Gandhi's resistance, the non-violent women who struggled for suffrage, the Civil Rights movement in the United States and the women's struggle in Northern Ireland re-emerged at this time on Greenham Common, supported by the spirituality of that land. We count it as our achievement that the preamble to the Intermediate Nuclear Forces (INF) Treaty signed by the USA and the USSR, which removed the Cruise Missiles from Greenham Common, uses the language with which women defended ourselves in court. Amongst the first words of the INF Treaty is the statement, 'Conscious that nuclear war would have devastating consequences for all mankind . . .'[1]

I have no way of assessing military strategy, or the military mind.

However, I'm absolutely certain that the changes wrought on Greenham Common, which transformed it from silos, bunkers, barbed wire and nuclear weapons to grazing land, came about as the result of the influence of a different strategy, a strategy rooted in the history and politics of non-violence that surprised those in authority who were hampered by their dependence on power alone, and on their arrogant abuse of that power.

The failure of the authorities to stop the protest, in spite of the elaborate, unlawful schemes and plans they devised, was due to the conduct of the protest – it was innovative and had the ability to change direction. For instance, while holding a commitment to the principle of non-violence we were willing to explore, debate and agree to the removal of the fence with bolt cutters. Also, by taking responsibility for our own actions, a confidence grew and developed into an effective ability to hold to account by legal challenges the unlawfulness of the Ministry of Defence (MoD) and the Local Authority. Holding ourselves responsible for our own actions and thereby being better able to hold the MoD to account for their actions proved to be an important and effective political strategy throughout the lengthy protest. In spite of arming themselves with expensive lawyers, they were brought into court and held to account for their unlawfulness. The courts were drawn into the conflict arising from the clearly different positions held by the women and Her Majesty's Government on the legality of nuclear weapons.

To some observers, women were just taking up space. There was little understanding of the politics of Greenham. I was often asked, 'Don't you get bored just sitting there all day?' My answer was, 'Oh no, I'm afraid to blink in case I miss something.' On another occasion towards the end of the protest, a freelance reporter asked me, and repeatedly asked, 'Aren't you disappointed that so many women left?' Undeterred by my answer that numbers were not as important as the work and achievements of the camp, she persisted – she was a woman with a mission – so I said, 'Since you insist that I should be disappointed you could write that I'm disappointed that not enough women recognised or understood the full political weight of Greenham.' Fortunately, enough women did, and created a political space for women that found its place in history, by creating a movement whose name 'Greenham Common Women's Peace Camp' would forever be synonymous with a commitment to non-violent direct action protest against injustice. I believe that, in time, the willingness of women to intervene and confront the political posturing of the superpowers in their quest for nuclear

superiority during the 1980s and 1990s will be recognised for its uniqueness, innovativeness, and its effectiveness as a strategy in the history of the Cold War.

The achievements I had hoped to interest her in were: the initiative of the march from Cardiff to Greenham; the imaginative way the protest was conducted; how it engaged women nationally and internationally in resistance to nuclear weapons and gave leadership to a women-centred peace movement; how we made it difficult for the military to meet their programme requirements for their Ground Launched Cruise Missiles preparations; how the protest influenced the decision to remove Cruise Missiles under the INF Treaty and forced the North Atlantic Treaty Organisation (NATO) and the Warsaw Pact to reconsider the doctrine of Mutual Assured Destruction (MAD);[2] how we mounted legal challenges to the MoD, exposing their unlawful approach to their stewardship of Greenham Common; how we were instrumental in bringing to an end the occupation of Greenham Common by the MoD and the military and having the land returned to the people; how we set down a pattern for future protests with emphasis on creative non-violence; how we assisted students from local schools and Higher Education to prepare their texts for examinations in relation to their chosen project of the Women's Peace Camp and its purpose; how we achieved planning permission from West Berkshire Council to erect a Commemorative and Historic Site on the very land on Greenham Common we had occupied for 19 years. Instead, the next day, the newspaper carried an article on how some women who had entered the realms of 'information service /exchange' in the corridors of power no longer needed a peace camp.

On 12 December 1979, at a secret meeting held at NATO Headquarters, a decision was made to site 96 of the USA's nuclear Ground Launched Cruise Missiles on Greenham Common, situated in Berkshire, England. Each of the missiles would carry a nuclear warhead with the explosive power of 16 Hiroshima bombs. These weapons would form a central role in the event of a nuclear confrontation between the USA and the then USSR. They both subscribed to the Cold War doctrine of MAD, in which both sides are capable of inflicting massive damage even after absorbing a first strike,[3] and to the military theory that nuclear war could be limited to Europe – thus preserving their own territories.[4]

The horror of these weapons, coupled with the fact that the British public and their democratic representatives had not been allowed to know about, let

alone influence, a series of decisions that vitally affected our future, had to be challenged. It was a time of great anxiety. Different elements of the peace movement, political and religious, developed their own responses to the crisis, consisting of vigils and marches and campaigning.

What led me to Greenham Common was a lack of sufficient progress in the methods I was involved in, like organising in my neighbourhood, with a friend, to show Helen Caldicott's film, *Critical Mass.*

Looking further back, this need to focus on injustice began for me in a cinema in Glasgow's East End.

I was born in Glasgow in 1927 into a working class family, during the Depression. When war was declared in September 1939 I was on holiday on the Clyde coast. On return to Glasgow, the sky was full of barrage balloons and I thought the world was coming to an end. I remember the sound of the air raid sirens as a moaning, eerie confirmation of my thoughts. It was also a signal to hide in the Anderson shelter in the garden. It was constructed of corrugated iron and covered with sandbags.

My most precious possession was a peach satin dress. It had a frill around the collar and around the hem. My instinct when I heard the sirens was to put on this dress, in case the bombs hit the shelter and I was killed. At least I would be wearing my best dress. I lived with my Granny, who was a short little round woman who wore a floral wraparound pinafore – an ordinary woman who became transformed at the sound of the sirens. She put on her ARP (Air Raid Precaution) helmet and immediately became a figure of authority.

As I emerged from the house wearing my dress, she barked out an order. 'Get back inside and change into something dark! The moon is shining on your satin dress and you will act as a target for the German bombers.'

Her behaviour was sometimes quite contradictory about the war. Nearby where we lived prisoners of war were working in the fields under guards. She would take them small packets of food and cigarettes. I remember asking her why she did it. She explained, 'They're some mothers' sons.'

During the war years much of my leisure time was spent at the pictures (the cinema). Pathé News was always an important short film before the feature film. When the troops began to liberate the concentration camps, we began to see images from the concentration camps for the first time – we hadn't seen any of this throughout the war. I was shocked and haunted by these images. Then as I watched people enjoying street parties and bonfires when the war ended I had difficulty understanding what we had to celebrate.

It was the loss of my innocence and, I can see now, the beginning of my political awareness – which would be a long, drawn-out process. I began looking at the world and its people through different eyes. I knew what we were capable of doing to each other – how our humanity could be manipulated and become so distorted. It was a shock and an alarm signal that penetrated my spirit. Now when inhuman treatment or injustice is being perpetrated I have an overwhelming need to act against it.

In 1946 I began my training to be a State Registered Nurse and a midwife. I became a Queen's Nurse, caring for people in their own homes. Later I emigrated to Canada with a nurse friend – we were hoping to find good jobs. I met my husband in Canada and raised five children, one girl and four boys. During the years of child rearing in Canada I was very much a bystander as I viewed the happenings of the world through the images of television: the Vietnam War, the Civil Rights movement, the assassinations of John and Bobby Kennedy and Martin Luther King Jnr. And I was aware of being a bystander.

We returned to the UK to settle in London in the late 1960s just as CND (the Campaign for Nuclear Disarmament) was being reactivated. I marched in the early 1970s when there were only a few thousand participants. Towards the end of that decade and in the early 1980s I began acting locally with a friend and neighbour to raise awareness about the threat of nuclear weapons. In the neighbourhood, we showed Helen Caldicott's film, *Critical Mass.* Those who watched the film were so devastated – we would feel sorry for them and go out to make everyone coffee. By the time we returned with the coffee, however, a kind of denial had set in and the conversation had turned away from the matter of the film to the usual social chatter.

In 1982 I became a founding member of Catholic Peace Action,[5] a group based on resistance to the UK Government's policy of nuclear deterrence through faith and acts of civil disobedience. My first non-violent action was taken with this group. Four members of the group poured our own blood over the pillars at the entrance of the Ministry of Defence in London and spread ashes over its steps, to symbolise the consequences of nuclear war. I served my first prison sentence for this action. I had crossed over an invisible line, which marked out a commitment to no longer being a 'bystander'.

The Welsh group 'Women for Life on Earth' decided on a women-led march from Cardiff to Greenham Common. They arrived on 5 September 1981, intent on challenging, by debate, the decision to site Cruise Missiles

there. The group was made up of 36 women, four men, and a few children. This unique initiative threw a spotlight on 'Cruise' and made it a national political issue. They took the authorities by surprise, and set the tone for a most audacious and lengthy protest that was maintained continuously outside the Main Gate of the USAF/RAF Base for 19 years.

The signboard just inside the Main Gate let the world know that the fenced off land was the 'HOME OF THE 501st TACTICAL MISSILE WING, UNITED STATES AIRFORCE'. Although the British Ministry of Defence was the owner of the land and the British RAF Commander was the acting landlord, the tenant was the United States Air Force. The 96 nuclear Ground Launched Cruise Missiles would be housed in six hardened silos and were at all times under the command and control of the USAF.

On arrival on Greenham Common, the women delivered a letter to the Base Commander which, among other things, stated, 'We fear for the future of all our children and for the future of the living world which is the basis of all life. We have undertaken this action because we believe that the nuclear arms race constitutes the greatest threat ever faced by the human race and our living planet.' The American Base Commander dismissed their request for debate with the disdainful remark 'As far as I'm concerned you can stay here as long as you like.'[6] They did just that and set up a 'peace camp' outside the Main Gate.

Within six months of the setting up of the Peace Camp a decision was reached to make the camp 'women only'. Details of the process that took place are recorded in the book *Greenham Common: Women at the Wire.* Although it appeared to have caused a split within the camp, it turned out to have been, strategically, the right decision. The camp would now be known as the Women's Peace Camp. Other camps were set up at strategic locations around the perimeter fence of the base. They were each named after colours of the rainbow. The original camp outside the Main Gate became known as Yellow Gate, and was the one permanent camp.

Some sections of the media depreciated the 'women only' stand. Their intention was to portray the women who chose to live at the camp as something 'other than', 'different from' and therefore less worthy of respect and support. This was an ongoing tactic repeated throughout the history of the camp – it was part of the armoury used to isolate and undermine the protest. Also, it allowed the authorities and others to treat women disrespectfully, in a manner that in other circumstances would have caused them deep embar-

rassment. In recording this, I make no plea of hardship or expectation that we should have been be treated differently, or better than others in society who also have been regarded as not worthy of respect. It is merely a reflection on the behaviour adopted, deliberately, for some spurious advantage.

In spite of this, women were drawn to the peace camp, to the sense of freedom and new thinking that was developing there. When a call went out from Greenham for support, women arrived enthusiastically. It was as if they had been waiting and anticipating that such a call would come. It was a good time to be a woman. Greenham was the one place where being a woman was important. When nuclear weapons and related subjects were being discussed on television, women had always been absent from the screen. Greenham was the answer for women who wanted to record their dissent. We were able to present our arguments and opinions about nuclear weapons and the Cold War. Women's perspective was different and had not been heard; women insisted on expressing that difference and found ways of breaking through the male monopoly. The activities and gatherings on Greenham, and the reporting of them, would ensure that the issue of nuclear weapons in general, and Cruise Missiles in particular, would remain at the heart of UK and international politics throughout the 1980s.

When women set up the peace camp on Greenham Common I immediately recognised that was where I wanted to be. I was on the mailing list and received notice of events. It was an opportunity to work full time for peace and to challenge the military and the system that protected it – to make it unworkable.

My first visit to Greenham was in March 1982 for the 'Festival of Life'. I visited again later that same year on 12 December, the anniversary of the decision made in 1979 to site Cruise Missiles on Greenham Common, for the mass demonstration 'Embrace the Base'. The experience was overwhelming. As the coaches disgorged 30,000 women on to the Common the atmosphere created by so called 'ordinary women' was amazing and exciting. The power generated by individual women, harvested in such a collective manner to register our opposition to nuclear weapons, came as a shock to everyone. It was all quite unexpected and again caught the authorities by surprise.

The protest manifested a lightness of touch and innocence which carried a belief that everything was possible, that we could turn things around in spite of the political power of the Government and the establishment. This bold, imaginative and creative initiative had let loose a surge of female power and

women were enjoying being part of it. On the 12 December anniversary the following year, the count rose to 50,000. These events were relayed throughout the world by press and television. These images were instrumental in the development of the women's peace movement throughout the world, which in turn would influence and bring about change in the policies of the USA and USSR superpower leaders.

In 1982 there were several attempts to evict the camp. In February 1983, a notice of injunction was served on 21 named women and an eviction order was placed on the camp. The state can accommodate one-day mass protests – in fact they become a tool for a government in their wish to portray their society as completely democratic. What the State can't tolerate is 'events' becoming a movement; the authorities were coming to terms with the fact that women were not going away. Recently I've found affirmation in Gandhi's writings on Satyagraha of what we've always said at the camp about 'numbers': 'In Satyagraha it is never the numbers that count; it is always the quality, more so when the forces of violence are uppermost.'[7]

It was a time of crisis for the protest. Letters were sent out from the camp asking women to give support to the women in the High Court in London on 22 February 1983 for the hearing. The hearing was adjourned when 400 women arrived at court clutching sworn affidavits. I was one of these 400, with my affidavit declaring I regarded the Women's Peace Camp as both my temporal and spiritual home. Large numbers of women, singing and chanting, took over the Strand. The huge entrance hall to the High Court was packed with women sitting on the floor, sometimes singing and at other times silent. Inside the court there was an atmosphere of defiance. Although the named women were represented by lawyers, other women presenting affidavits were able to speak for themselves.

On 9 March the hearing went ahead. Judgment was delivered by Mr Justice Croome-Johnson. He issued an order in favour of Newbury District Council and against the women. It was clear that Her Majesty's Government intended using the courts as a blunt instrument in an attempt to stop the protest, which had taken on greater proportions and strength than they had first assessed.

Immediately following the court hearing, women gathered on Lincoln's Inn Fields for an impromptu meeting. Anger and anxiety were expressed about the effect of the judgment on the continuance of the camp. Women were just beginning to break out from the constraints imposed by the authorities, and from the belief that dictates from the powerful had always to

be obeyed. I can still recall the anger I felt at the system using its power against this non-violent protest. I had been a magistrate in the late 1970s for about two years and had witnessed the manner in which power was wielded, especially against members of society with very little power. This was yet another manifestation of that abuse.

I went straight from the High Court on the evening of 9 March to Yellow Gate Women's Peace Camp on Greenham Common. The first few nights were spent under a hastily erected shelter of black plastic slung over a rope attached to two poplar trees. The new volunteers lay head to toe like sardines on ground that was hard with frost, and there were too few blankets to go around. When morning came, the reality of the primitive way women were living was further emphasized by the difficulty of making that first morning cup of tea. The fire had to be lit and the water had to be carried from a standpipe across the busy A339 Basingstoke road. My immediate reaction was the feeling that I had been a bit rash in volunteering and that I might have to reverse my decision. I was 55 years old and I had never camped in my life. However, by spending a few days there, then retreating to London for a short visit and buying some waterproofs and a small tent, I managed to make the leap from the comfort of my home to Yellow Gate Women's Peace Camp. Later I would look back on my decision to go straight to the camp from the court on that day as a seminal point in my life. It opened up a new approach to life, one which was physically and politically challenging – and at the same time spiritually rewarding.

On 12 May 1983 the threatened eviction following the High Court injunction took place. The court's action hadn't discouraged women from living on the Common. On the contrary, the numbers had increased. Bailiffs, under the direction of the Sheriff's Office from West Berkshire County Council, swooped on the camp, removing tents and benders and impounding vehicles. Women responded by blockading the approach road to the base. The bailiffs had been sent in to remove the women and they were extremely violent. One young pregnant woman was punched in the abdomen. The police stood back and made no effort to restrain the bailiffs. When questioned about this attitude they claimed they were present to prevent women from 'breaching the peace'. Later, the vehicles owned by women that the bailiffs had taken had to be returned – their removal proved to have been illegal.

The authorities' willingness to act unlawfully was astounding, principally because it lacked any attempt at subtlety – it was open and brazen. It

appeared, even at this early stage of the protest, that the authorities were willing to place themselves outside the law. There seemed to be an understanding that the rules that normally governed good behaviour need not apply when dealing with the 'peace women'. This became very clear years later when our 'community policeman' told us, 'There isn't anything anyone can do to you lot that I would consider criminal.'

The violent treatment inflicted on women on that day caused some to end their involvement with the camp. Images of women being dragged around by bailiffs appeared on television. Two students from the National Film and Television School who had been living at the camp captured the violence in their film *Carry Greenham Home.*[8]

After the eviction in 1983 I read an article entitled 'Barbed Wire and Beyond'. This coincided with a debate developing at the camp about the use of bolt cutters. The following excerpt helped me to come down on the side of their use: 'The power of barbed wire is not so much in the physical barrier, but in the authority it defines and projects. The wire is revered as sacrosanct. It is a petty idol set up to mark and guard the threshold of profanely "sacred" space. Rituals of security and clearance attend it. We bow to its power by turning our heads. No looking or thinking or questioning beyond this point. The barrier is really to consciousness itself.' In this same article the author refers to a Russian who told him, 'If you want to deal with the nuclear arms race, the first thing you have to come to grips with is barbed wire.'[9] Some women had also reached this conclusion. The debate within the camp about the use of bolt cutters centred on the question of whether their use would bring into question the integrity of non-violence. Others felt that as long as consequences arising from their use were accepted it would not. After great soul searching a decision was made to acquire bolt cutters.

The perimeter fence adjacent to the Main Gate was chosen for their first use. The cutting took place during a week of action that coincided with American Independence Day, 4–9 July 1983. Fifty feet of fence was cut down. Soldiers were trapped behind the rolls of barbed and razor wire behind the fence and were unable to halt the action. The media were there to record this first use of bolt cutters. A number of women were arrested and would stand trial in 1984.

On 29 October 1983, 2,000 women using bolt cutters cut down five miles of the 9-mile perimeter fence surrounding the Base. The action had been carefully planned. Women from the camp had travelled to different parts of the

UK, visiting women's groups to explain the plan, which was referred to as 'Black Cardigan,' our code name for bolt cutters. Women arrived for a Halloween party complete with their 'black cardigans'. The sudden increase in the numbers of women caused great confusion inside the base. For weeks before, women had been going out at night to cut the top holding wire so that, when women approached the fence around 4 pm on the day and began cutting, the fence came down with little difficulty. The MoD Police were powerless to stop it. The number of women arrested was so great that there was no place big enough to accommodate us except Newbury race track. It took most of the night to process us all. Three days later on 1 November, Michael Heseltine, Secretary of State for Defence, told Parliament 'intruders near missile silos run the risk of being shot at.'

This action took place just two weeks before the first Cruise Missiles arrived. The purpose of this undertaking had been to send a message to the military and the MoD that the fence could not be relied upon to provide them with security – it would not prevent women from entering to disrupt the preparations for nuclear war. As a consequence, there were hundreds of court appearances, and prison sentences served – this was accepted in the spirit of the camp's adherence to non-violent direct action.

An account of that action was given to us by an American serviceman who visited the peace camp in 1998. He had been stationed at Greenham at the time, and told us that there had been a state of near panic inside the base. He recalled that the men were ordered to the bunkers as the fence came tumbling down. They expected an invasion by 2,000 women who had each come equipped with bolt cutters (women hadn't entered the Base).

Certain sections of the 'Peace Movement' were embarrassed by the use of bolt cutters – they thought it too 'pro-active'. In May 2000, at a meeting held at the Women's Library in London at which Joan Ruddock (ex-CND Chairwoman) and I were participants, the subject of bolt cutters being used at Greenham featured. She revealed that CND had withdrawn their support from the camp over the use of bolt cutters.

The issue of the bolt cutters brought about a profound change in the thinking and perception about the nature of the protest. Those who saw the protest in terms of embarrassing the military and of the adoption of an alternative life style as an end in itself were faced with the reshaping of the protest, and the question of whether they could continue at the camp. It was quite clear to the authorities that this type of action was tantamount to a

declaration of intent. The fence that the military had thought to be secure – protected by barbed and razor wire – could now be breached with bolt cutters. Women were now being charged under the Criminal Damage Act 1971.

In March 1983, Michael Heseltine, Secretary of State for Defence, acknowledged that Newbury was a prime target in the event of war.

On May 31, the Ground-launched Cruise Missiles' technicians arrived on Greenham Common. Women dressed in black entered the base to scatter ashes. On 14 November 1983 the Cruise Missiles began arriving.

On 11 December 1983, 50,000 women encircled the base, reflecting it back on itself with the use of mirrors. As women rocked the fence backwards and forwards to loosen the uprights holding the wire mesh, soldiers with sticks started beating women on the hands – a few women were arrested.

At the end of the month, an item appeared in several newspapers that the Little Chef restaurant had banned Peace Camp women – to take effect from 1 January 1984. The ban was enforced by Thames Valley Police, who mounted a police guard at the entrance to the restaurant. Two women from the camp and a child of 6 months were arrested for attempting to enter; they were held in a police cell for a number of hours. This was the start of a deliberate, coordinated, wearing down process directed at the Women's Peace Camp. It was clearly brought on by the failure of the High Court injunction action in March 1983.

The scene was now set for a lengthy struggle between the military, with all their power, and women prepared to face them with non-violent direct action. The protest was extremely effective. The work of the military inside the base was disrupted daily. Women were cutting the fence to enter and confront the nuclear war exercises, indicating their unwillingness to remain as bystanders while these preparations were being carried out.

When the sirens sounded at around 4am to bring in the military families who lived outside the base into the bunkers inside the base, women would come out of their tents and sit on the approach road at the Main Gate to prevent the cars from entering the base. By the time the police arrived to drag women off the road, the exercise had failed. The USAF Commander was the only one who knew whether the alert was real or an exercise. Mothers with their children would arrive in cars in their nightclothes and were clearly shocked to find their way blocked by women sitting on the road. Meanwhile inside the base the exercise included the raising of a yellow flag to signify a warning of a nuclear attack, at which time the personnel and their families

were supposed to go into the bunkers. Then a red flag was flown to indicate extreme danger and finally a black flag was flown to indicate a nuclear attack had happened.

These exercises took place regularly until the Commander abandoned them as unworkable. Women had adopted this disruptive tactic of blockading the incoming families to emphasize the futility of the military concept that nuclear war could be survived by some.

As the Ground Launched Cruise Missile convoy programme was about to get underway, a test run was carried out on 9 March 1984 – a small Cruise convoy left Blue Gate on the north side of the Base. One hundred police had surrounded 12 women to get it out of the base. Preparations were now underway for the commencement of the real purpose of the presence of the USAF on Greenham Common – to be prepared to fight a nuclear war in Europe.

On 22 March 1984 at Reading County Court the Department of Transport was granted possession of the land where Yellow Gate Camp was located. The hearing was held in chambers, meaning the public and the press were excluded. This was alarming. Women started to plan for the survival of the camp, without quite realising the full extent of the intentions of the authorities. Men in grey suits were seen wandering around the Common, meeting up with other men in grey suits and being joined by high ranking police officers. It was obvious that they were working to a plan. Later we heard from a leaked source that the plan involved Newbury District Council, Berkshire County Council, Ministry of Transport, Ministry of Defence and Thames Valley Police. A whole range of forces was involved in this plan, including some unofficial ones.

Some Newbury citizens were willing to play their part. A vigilante group, organised under the banner of 'Ratepayers Against Greenham Encampment' (RAGE), was formed to make life uncomfortable for us – local pubs openly canvassed for volunteers. The camp was physically attacked, tents were slashed and maggots were thrown into the kitchen area. Attempts were made to intimidate women when we were shopping in Newbury. Notices were put on shop doors and pubs announcing 'No Peace Campers'. A telephone kiosk on the A339, opposite the camp, was removed – life was to be made as difficult as they could make it. A call for help went out from the camp to the support groups. Hundreds of women arrived to help hold up a major eviction intended for 1 April until 4 April 1984.

At this time the *Daily Express* newspaper planted a 'journalist' posing as a

protester in the camp. She acted as an *agent provocateur*, trying to incite women to respond with violence to the coming eviction. She failed. Her part in the scheme had been to act as 'a quotable source from inside the camp'. The *Daily Express* mounted an attack against named women, published around the time of the eviction.

This was yet another part of the plan – using the media to turn the public against women as a means of discrediting the protest. A complaint to the Press Council that the accounts published were inaccurate and prejudicial was upheld, but the damage had been done. There was no redress. A court case, ready to be heard at Reading Crown Court early in April against 15 women, arising from the fence cutting action in July 1983, was adjourned due to the *Daily Express* article. While waiting for a new trial date, women who had been on 'unconditional bail' since their arrest in 1983 suddenly were instructed by the judge to sign on every day at Newbury Police Station. This was no coincidence; it was designed to absent these women from the camp at a crucial time, to reduce the numbers during the eviction and the days that followed. The 'system' believed they were in full control.

On 4 April 1984 at 6am, the eviction of Yellow Gate Women's Peace Camp began. Six hundred police officers arrived and surrounded the tents and benders, stamping their feet and issuing threatening comments such as 'maybe we should just throw in gas canisters'. It was carried out in front of television cameras whose pictures were seen throughout the televised world. Different elements had played their part in the 'plan' – it was all too clear that it had been carried out with the precision of those with the power to command with such cold efficiency. Women were driven off the Common by the police. We gathered what few possessions we could and dragged them along the road.

The establishment had pulled out all the stops in an effort to finish off the women's protest.

Earth moving equipment tore up the land where the camp had been, under the cover of a 'road widening' scheme. A Member of Parliament who visited immediately after the eviction said he had seen a document that proposed a road widening scheme as an answer to the question, 'What are we to do about these protesters?' By fencing off the approach road, which serviced both the Base and the Peace Camp, and by strategically placing piles of rock and earth, they were successful in blocking off the area where the camp had been, both physically and visually. However, before the day was

over, eight of us managed to return to set up the camp again, just outside the fence of the base, opposite to where they had been evicted from earlier in the day, but nevertheless still at the Main Gate/Yellow Gate on Greenham Common.

We were left without any form of shelter. Setting up a tent was an arrestable offence, as was the lighting of a fire for cooking or warmth. Each time we tried to light a fire to boil a kettle a policeman would appear with a fire extinguisher, courtesy of United States Air Force. Officers from different police authorities, who had participated in the eviction, remained on the Common and patrolled day and night through the camp to maintain a situation that deprived women of basic comforts. This was an added pressure they applied when it became clear that they had failed to rid the Common of all of the women.

On 7 May 1984, while the police were preventing women from lighting a fire to make a cup of tea, a vigilante threw a petrol bomb on the Common near where we were camped. The gorse caught fire and quickly spread, placing the whole Common in danger, causing great fear and distress to women and children who were gathered at the camp for the day.

The core of women, always essential to the continuity of the camp, was not prepared to leave. It was important symbolically, as well as in actual terms, that we remain on the very land that had given us the spiritual and emotional strength to mount the protest. Had we not, the struggle could have ended then. Other women set up camp off the main common on the other side of the A339 main road.

The effect of the eviction being played out before television cameras, with the subsequent silence of the media, was to create the illusion that the women had gone from Greenham Common. To counteract the situation, women practised non-violence again, by taking part in a 'Visibility Action'. The fact that women were still living on Greenham Common could not be denied when 30 women were arrested and gave the camp's address when they appeared in court and when they were sent to Holloway Prison.

The constant police vigilance had an undermining effect on the supporters who made it through to the camp – car numbers were noted and the drivers were issued with a warning from the police about their cars being seen on common land – with the threat that they would be reported to their local constabulary. This heavy police presence lasted for 10 weeks.

This was also a Home Office exercise and a rehearsal for police officers

from different authorities to work together in order to 'take on' the National Union of Mineworkers, whose strike was happening at the same time. Miners had made visits to the camp on a number of occasions. We talked together about how non-violence could be used as a tactic in the strike. Women travelled from the camp to the collieries to join the pickets, and to give our support to the newly formed movement of 'Women Against Pit Closures'.

On 15 June 1984, an advertisement appeared in a local newspaper, the *Newbury Advertiser*, announcing, 'RAGE aims, lawfully and peacefully, to permanently have removed from their illegal encampment, a small group of selfish and lawless women. RAGE intends systematically to monitor the performance of national and local authorities – including councils, the DHSS*, Thames Water, the Post Office, and the Police in the fulfilment of their duties. Where these duties are being neglected WE WILL ACT.'

As the Ministry of Transport land was released following the widening of the A339 at the end of June 1984, women moved back on to the land we had vacated in April. This prompted yet another eviction by Newbury District Council, this time of less interest to the media. This was an attempt to deprive us of water. The standpipes were taken by the bailiffs and Thames Water, who had previously received payment for a quarterly bill. As a result of pressure from RAGE, they were now refusing to accept payment from the camp.

The water problem was alleviated by lorry drivers bringing water in containers. The A339 ran along the edge of the Common, and the camp was visible to passing traffic. Some passing motorists would hurl abuse at the women but this was outweighed by those who were willing to give support and help when needed. The manager of a pub (the one pub in Newbury that did not ban the women from their premises) supplied the camp with a new set of standpipes.

From 20–30 September 1984, 50,000 women camped all around the nine mile perimeter fence. This was a demonstration inspired by the belief that at least 10 million women throughout the world shared the same concern over the threat of nuclear weapons. The theme was 'TEN MILLION WOMEN FOR TEN DAYS'. It was intended as a show of strength and sent a message that in spite of all the attempts to dislodge the Women's Peace Camp from Greenham Common, the camp was still there, protesting against nuclear

* Department of Health & Social Security

weapons. At the same time, women gathered in different countries to speak in support of the camp.

After the huge gatherings, when the crowds had gone, the business of keeping the camp and the protest going had to be maintained at a less dramatic level. Each day had to generate an energy of commitment to permanence that the authorities would recognize. The camp and the protest were under constant threat. The camp was an entity in its own right: autonomous, run by and for the occupants, whoever they were at any given time. The group was organic in content, replenished and nurtured by women who were prepared to set aside careers and earning ability to give a portion of their lives to the collective, daily, struggle against the military and nuclear weapons. It could change from month to month and year to year, sometimes from week to week, while retaining at its heart a remnant – a core group firm in the belief that non-violent direct action was the most effective way of conducting the protest against nuclear weapons. The underlying strength of Yellow Gate Camp was this group, which gave it its continuity.

The value of the group was that it enabled other women to take part in the protest at whatever level they could, for as long as they chose: weekends, holiday time or night watch. There were also support groups throughout the country organized by a system of phone trees which could be activated very quickly when women were needed at the camp – they kept the protest alive and relevant in their own communities.

The camp attracted women from every part of the UK as well as internationally. The outdoor location, the manner in which you could just walk in and join, and the lack of pretence added up to a quick sense of inclusion that helped women to feel comfortable and confident about being there. Being open and upfront as a way of life, along with an acceptance of the consequences of our actions, meant that the camp had little fear about the effect of being infiltrated by undercover agents.

Women at all stages and ages of life from different backgrounds of class, ethnicity, and nationality brought to Greenham their own perceptions and determination to effect change. The changes they hoped for were diverse in nature; views on women's issues of spirituality, sexuality, marriage, fertility and separatism were aired with an uninhibited clarity that sometimes could offend and cause personal difficulty, yet were part of the 'sorting out' process. Women called into question the kind of lives they had been living that left them outside the decision making process. The robust approach to the issues

– not just as a theoretical exercise but as a practical way of conducting their lives – signalled a willingness to act boldly and to threaten the status quo. Greenham provided an ongoing forum that could stretch the intellect and expose the prejudices that we all carry within us yet somehow manage to conceal in the day-to-day living in society. It also placed the women who lived at the camp under scrutiny both within the camp, and beyond. The nature of the site, at the side of a main road, and of the 'accommodation'– not houses but tents and benders – meant that lives were lived as if within a fish bowl.

The camps were financially maintained by donations from many committed people who shared the women's horror of nuclear weapons and supported the protest. A weekly money meeting would give financial support to women who were ineligible for Social Security payments. Those who took a political stand against the camp and thought that women who lived there should not be allowed to 'sign on' refused to understand that we regarded living at the camp as a defined job of work. Not everyone wants to be part of the money-making military industrial machine and its connected workforce. There is a perspective that rightly identifies unwaged work – the work at Greenham Common came into that category.[10]

The airbase occupied by the USAF was surrounded by a number of peace camps, which created a unique situation whereby the military and the protestors shared the same location, although separated by a mesh perimeter fence. This provided an opportunity to observe and monitor the activities of the military twenty-four hours a day, and made it easier to disrupt the building programme, the preparations for the arrival of Cruise and later to obstruct the convoy's journeys out of the base. The nine mile fence was difficult to police and it was therefore impossible to prevent incursions into the base. Women applied pressure on the base with a series of well-documented high-profile actions. On 1 January 1983, 44 women climbed the fence to dance on the Cruise Missile silos. The action was televised and was watched in sitting rooms in many homes all over the country. Then three months later on 27 April all the gates were padlocked with citadel locks, locking the military inside the base.

The media coverage that the protest was receiving, nationally and internationally, provided women with a platform to spread their message of resistance to Cruise Missiles. Keeping the focus firmly on the overriding ethos of the commitment to rid the Common of nuclear weapons, by non-

violent direct action, gave the Women's Peace Camp its continuity and unifying purpose throughout the duration of the protest. Women were now speaking with ease at meetings, conferences and on television. Their authority, arising from their involvement in the protest, was now receiving recognition from the public and the media.

There was no lack of people willing to give an opinion on the protest and the conduct of it. Depending on who was doing the assessment, we were characterized either as heroines or harridans. It was not a surprise to hear the insulting language used by the military, the police, some politicians and sections of the press, or to feel the hostility from the business and residential communities of Newbury. What was puzzling and difficult to understand was the hostility directed towards the camp by some women's groups.

On 10 April 1983, a workshop was held in London with the title 'The Women's Liberation Movement -v- The Women's Peace Movement', with the sub-title, 'How Dare You Presume I went to Greenham'.[11] A statement arising from their deliberations read, 'We see the women's peace movement as a symptom of the loss of feminist principles and process – radical analysis, criticism and consciousness raising.' These feminists appeared to regard the awareness raised by the Women for Life on Earth group, and the message of 'concern for the future of children, and the world' as a distraction from the focus of their own concern – the issue of equality of opportunity between men and women. As Greenham developed and received support from thousands of women, nationally and internationally, it became difficult for them to defend this position. Greenham, far from being a distraction, brought an extraordinary power to the women's movement. The independently minded women living there had, with a leap of imagination, opened up a political space that had been the preserve of the few and was now available to all women, thereby giving much needed leadership to the women's movement.

Greenham's quarrel was not with the man next door and his 'privileged' life within the hierarchy/patriarchy. Greenham challenged the State at its highest level. It struck at the heart of Her Majesty's Government, at the politicians, the military, bureaucrats, the law, courts and prison system. Women were prepared to take these on wherever we encountered them, in defence of life itself. We were not interested in fighting for personal power wrenched from the patriarchy – we wanted much more than that – we wanted to live in a world that is governed by justice for all without the threat or use of nuclear

weapons. It was this bold approach and the publicity gained from it that fast-forwarded the whole process of women finding space and advancement within the world of work. Women politicians, lawyers and journalists positively benefited from the work, the publicity, and the power generated by the peace camp. This power came from a collective belief that we had taken charge of our own lives. We acted out our beliefs in practical terms – living outside appeared to put us at risk socially and physically, yet we did it with commitment and confidence. This is the power of the powerless. Many women travelled in the slipstream of that power without understanding its worth or value. They had an entry into what had become a growing media interest in women, an interest created by a profile developed at Greenham, a potential new subject for analysis and discussion, as a marketable product in the wider world.

Furthermore, the willingness of women from the camp to speak out on issues that concerned us, and to be quoted regularly in the media, developed a confidence in women beyond Greenham to do likewise. Some of the camp women's preference for women to represent them in court or in the press gave an advantage to women in these careers. Some would like to deny this advantage, especially the professional and political women who found their connection with the protest opportunistically useful at the time, and easy to jettison when the publicity advantage disappeared.

In truth, many careerists have never given credit or paid their dues to the opportunities that Greenham opened up for them. Instead, they have distanced themselves by referring to their 'experience' of the Greenham protest, as some piece of naughtiness that they succumbed to in their earlier life, and a bit of a giggle. Recently, viewing a BBC programme that revisited the Greenham protest, I felt this impression was given by Fiona Bruce and Fay Weldon. I wrote to them both and asked them to make a donation to the cost of erecting the Greenham Common Commemorative and Historic Site. They didn't answer.

Some others who reject and disdain the effect of the protest on Greenham Common, referring to it as 'muddy idealism,' fail to recognise or understand that outside the corridors of power there is a creative space within the margins where work is done that brings good results. The work in the margins is measurable – it is where most work for justice begins. It instructs by raising awareness, which in turn can bring about changes in the thinking of those who walk the 'corridors of power', and benefits everyone. By con-

trast, I have not found the same all-embracing egalitarianism built into the feminist movement.

Visitors came from almost every corner of the world to gain first hand knowledge of the now famous Women's Peace Camp, and to witness the resistance to nuclear weapons being conducted from such primitive surroundings. The camp became almost a place of pilgrimage. Women were living in structures erected by placing plastic over bendable tree branches (benders) and in tents. The camp, because of frequent evictions, was without modern sanitation, flowing water, electricity or telephone. Food was held in a pram and water in plastic containers. The renowned American television presenter Walter Cronkite,[12] visiting the camp for a televised broadcast, commented, 'Looking around here one could be forgiven for thinking that we were in a Third World country.' Women were huddled around the fire dressed in layers of clothing to keep out the cold and damp. In spite of the appearance of the camp, actions and pronouncements were received and treated with seriousness by visitors and foreign journalists.

Women at the camp were seen as the authentic voice and ambassadors for peace – an edifying force. Flattering though the attention could be, it also placed an added burden on women. No matter what the time of the day or the weather, women were expected to accommodate the needs of visitors for information. Women were criticised sometimes for not always being receptive to visitors (women at Green Gate insisted on not receiving visitors). This criticism was mostly from women who had no intention of living at the camp themselves but who, nevertheless, felt they had the right to criticise those who did. The critics could have shown greater understanding had they themselves considered the conditions that women had to endure. Lack of shelter meant women sitting out in the pouring rain, going into their tents at night with no means of drying their clothes, and having to put on the same wet clothing next morning. There were times when the camp was just a sea of mud and it became so difficult that it was an exercise in sainthood to remain. At such times being 'nice' to visitors was not the problem – being nice to each other was the challenge to be coped with.

Most observers of Greenham recall and enjoy images created by the many actions that grabbed the attention of the media and the public: as mentioned before, the famous image of women dancing on the silos is one example. Other creative actions included: the Teddy Bears picnic, the Rainbow Dragon Festival, the Citadel Lock action, the Blackbird plane action, the

rescuing of geese from their guard duty at the military vehicle pool and many others. However, when the Ground Launched Cruise Missile convoy programme was establishing its regular monthly, sometimes twice monthly, exercises, the need for reassessment was being forced on the protest – an awareness of the magnitude of the task of stopping the military plans for nuclear war had to be examined.

When disrupting the convoy and the nuclear strike exercises became the centrepiece of the camp's work, the character of the actions and the responses to them changed. Political attitudes were hardening on both sides, even more than before. Arrests and prison sentences were handed out with regularity – for some women, their involvement with the camp came to an end at this stage of the protest. For others, there was a determination to make the Cruise programme unworkable.

When the arrival of the USAF Cruise Missile technicians on 31 May 1983 was met with women dressed in black who entered the base to spread ash in a symbolic act, the Chief Training Instructor, Major Williams, made the following statement: 'The battle plans are already on tapes in the computer. We don't know what the targets are. We just shoot in the dark. Soon it will be possible for computers to launch nuclear war in three minutes.' These words were an ominous reminder of what we were protesting about, and would be recalled each time the convoy left to carry out its programme as it passed Yellow Gate Camp. Women were aware that every outing had to be regarded as a preparation for nuclear war.

The Ground Launched Cruise Missile system was composed of a number of vehicles, which collectively was referred to as the convoy. It was comprised of 16 missiles in four transporter erector launchers, two control centres, a recovery vehicle, security trucks, a 'Human Requirements Vehicle' and 69 US airmen. The regular routine convoy programme began in June 1984. On each occasion, it would leave the base after midnight. The plan had been that the convoy would leave secretly and melt into the countryside. The constant presence of women, however, ensured that absolutely nothing could enter or leave the base without being noticed and challenged. It was this vigilant response to the traffic in and out of the base, especially during the 'convoy days,' which the authorities wanted to stop and which continued to occupy their thinking, over the years, on how to close down the camp.

Convoy day would begin early in the morning. Support vehicles, carrying supplies for the technicians' stay on Salisbury Plain, would suddenly emerge

from the base and attempt to rush past Yellow Gate Camp. They seldom succeeded without a struggle. Women blockaded the vehicles and had to be removed by MoD Police. The rest of the day was taken up in this manner, and in preparing to take on the main Cruise Missile convoy at night.

After midnight the whole atmosphere took on a surrealistic feel. Huge arc lights would be set up to light the whole area. The police would arrive in vehicles that looked like something out of a science fiction movie. Next the heavy running feet of the police would be heard, adding to an already sinister and threatening atmosphere. The Police Chief would call out to his men, 'This is just another traffic job,' instructing them to keep their backs turned and not to look at the convoy as it passed through their ranks. In the early days, the convoy was sent on its way through the main gates of the base by cheering USAF personnel and their families, as if it were some sort of theatrical performance.

Meanwhile, women who had earlier held up the convoy by lighting a fire on the approach road, and by stopping it both inside and outside the base, were corralled behind police lines. Our voices could be heard above the sound of the heavy vehicles, chanting, singing and calling out, 'Blood on your hands'. It reminded me of the biblical text 'A voice was heard in Ramah, sobbing and loudly lamenting: it was Rachel weeping for her children'.

When it was over, a sense of shame hung over the area; the police shuffled off in embarrassment. The look on most of their faces, the silence that followed, and the manner in which the gates of the base were closed was evidence that something evil had just happened. Everyone who was present knew this.

The entire process would be repeated on each outing – each time retaining the full horror. There were rumours that some wives of the USAF suffered violence from their partners on their return from the convoy outings. I recall seeing the words 'born to be bad' on a skull and crossbones flag inside the cab of a Cruise vehicle as it passed.

As soon as the convoy left, we would follow it in an attempt to discover its location. Sometimes, when the camp vehicle was broken down and there was no one to offer a lift, women would travel by public transport to Salisbury Plain in order to find it. During the 5 to 7 days of the convoy's stay on Salisbury Plain, women would disrupt its programme. Avoiding detection, they would begin a series of non-violent actions, by entering the exercise area, encircling the site, holding hands, and singing. We knew that this was

sufficient to stop the exercise, and that it could not start again until the MoD Police arrived and removed the women to a holding area to be charged. It was an extremely exhausting time, whether women went to Salisbury Plain or kept the camp going with fewer women. The arrests, court cases, and imprisonment were endless – the whole process of resisting the convoy took its toll on the camp but was extremely successful in terms of disrupting the Cruise Missile programme. The effectiveness of the work brought forth further attempts to finish off the protest.

On 7 January 1985, a hearing was held in Newbury Council chambers – a complaint had been made to the Electoral Registration Officer, Mr W. J. Turner, by Anthony Meyer, a member of the group RAGE, against the inclusion of the names of 13 women from Yellow Gate Women's Peace Camp being entered on the Electoral Register. (See chapter on 'The Law: Voting case'.) This was an element of the action promised by RAGE in June 1984. Running in tandem with this attempt to deny us the right to vote was yet another plan to stop the protest, this one devised by Michael Heseltine, Secretary of State for Defence. In 1985 he brought into law a new set of byelaws for Greenham Common. In essence, they made anyone found inside the base without authorised permission guilty of the offence of Criminal Trespass. On 1 April 1985, at the stroke of midnight, when the RAF Greenham Common Byelaws 1985 became law, more than a hundred women entered the base to challenge them – all were arrested and charged with this new offence. We were resolute in our determination to make these new byelaws unworkable. Jean Hutchinson and Georgina Smith from Yellow Gate took on the huge task of challenging the legality of the byelaws through the courts. The case lasted 4 years – it began in Newbury Magistrates' Court and ended with success for the two women and for the stand made by the camp when the House of Lords declared the Byelaws invalid on 12th July 1990. (See chapter on 'The Law: Byelaws case'.)

In addition to dealing with the authorities' attempts to stop the protest, women had the ongoing concern about the survival of the camp, especially during the harsh winter months. Each new plan hatched by the authorities brought pressure on the camp. The more women resisted, the more they were liable to be arrested and sent to prison. By 1986 it was impossible to live at Yellow Gate without acquiring a criminal record. Logically this was understandable – there was only one reason for living on Greenham: to take non-violent direct action in order to disrupt the plans for nuclear war.

Campaigning and lobbying Parliament, marching and holding vigils against nuclear weapons could be done from the comfort of a house.

Getting rid of the women from the Common occupied a large amount of the thinking and time of the Government and the entire system governing the area: the USAF, the MoD, Newbury District Council, Berkshire County Council and Thames Valley Police, in one way or another, all had a role in the effort to finish off the peace camp.

Eviction was the favoured response to this remarkable political phenomenon when other attempts failed. Sometimes eviction would assume a highly visible media event designed to frighten off women from joining the protest, as I've described. However, when this failed, the tactic changed to vindictive, daily, spiteful evictions designed to make life on the Common uncomfortable for the women who remained. It became part of the daily routine that had to be endured. I recall on one occasion when the bailiffs evicted us five times in a day in the driving rain and wind. It was a pointless exercise. When the bailiffs left we relit the fire, put the camp back together and continued until the next eviction. Money was spent by Newbury District Council without any possibility of the policy being effective. It had more to do with satisfying the prejudices of some Newbury residents and the failed efforts of the MoD to stop the protest.

Living at Greenham in the spring and summer could be wonderfully simple and pleasant, in spite of the absence of 'home comforts'. The purpose of being there was compensation for any loss of comfort felt. In the winter it was a different matter. Evictions were so much harder to cope with, trying to hammer in tent spikes on frozen ground was impossible. Before you could have a cup of tea in the morning you had to break the ice on the water butt. Moving around the fire when it was dark after 4pm was difficult. Carrying water across the busy A339 was hazardous.

Each year, as winter approached, an attempt would be made by the women from the different camps to find out the numbers of women who were prepared to stay through the winter. Maintaining the camp and continuing to resist the convoy had become a responsibility that fell to fewer women. Also the support-network women were visiting less often. After the eviction of 1984, Greenham was less in the media and therefore it was less attractive to those who follow trends. There was a sense of some being exhausted from supporting a protest that was perceived to go on too long. One woman visitor said after the 1984 big eviction, 'You've made your point, it's time to go.'

I recall evictions on the coldest and wettest days when the council's bailiffs kicked out the fire with great enthusiasm under the protection of Thames Valley police officers. Newbury District Council persisted with evictions until the women from Yellow Gate challenged them in the High Court in 1993 over an eviction order placed on a caravan.

During the hearing, women raised the prospect of challenging Newbury District Council eviction policy by claiming Adverse Possession.[13] This caused concern for the authorities, especially as we had already been successful in the courts over the voting and the byelaws cases. They finally stopped harassing women in 1993 after twelve years of evictions.

In February 1987, the Soviet Premier Mikhail Gorbachev called a gathering of the famous from the arts and entertainment world to gain support for his position towards nuclear disarmament. Yoko Ono attended the gathering in Moscow and followed it up with a visit to Greenham. On 18 February 1987 to celebrate her 54th birthday I escorted her around the different camps. Her visit coincided with the return of some Cruise convoy vehicles. During her visit she let us know that there was to be to a conference held in June that year, in Moscow: the World Congress of Women's 'Towards the year 2000 – Without Nuclear Weapons – For Peace, Equality, Development'. She urged women from the camp to attend.

However, the UK organizers, the National Assembly of Women, who had control of the tickets, by-passed the camp and gave 4 tickets to the Camden Greenham Women Support Group. An appeal from the camp made directly to Raisa Gorbachev made it possible for three women from Yellow Gate, myself included, and one woman from another gate to attend the conference. This was taken by the three women from Yellow Gate as an opportunity to challenge the Soviet Union's nuclear weapons, as well as the treatment of their dissidents. The UK organizers of the conference were displeased with this stand. They somehow saw the USSR's nuclear weapons as justified for defence – a distinction we were not prepared to make.

In Moscow, we held a workshop which was well attended by women from different countries interested in the history and workings of the Women's Peace Camp on Greenham. As the meeting progressed, Wilmette Brown, co-founder of Black Women for Wages For Housework and author of *Black Women and the Peace Movement,* addressed the meeting.[14] As I recall, among other things, she spoke about the policing of the Black communities in London and she made the connecting point that similar policing tactics were

employed on Greenham Common. Suddenly, there was an obvious 'walk-out' by women from Camden Greenham Women Support group. One of two women who were supporters of the camp, and to whom the camp had given financial aid to attend the Conference, made a verbal, racial attack on Wilmette Brown. A Native American woman attending the workshop commented on what had happened and spoke out about the racism she too had faced in the peace movement in the USA.

This incident caused serious divisions within the Greenham contingent during the conference, and continued after it was over back at Greenham. The rift that had already been developing between the camp and the support-network women now became a split, starkly highlighting differences that had always existed between ourselves at Yellow Gate and the other gates. The full details of the political differences revealed at the Moscow Conference and later are well documented in the second book in this trilogy, *Greenham Common Women's Peace Camp: A History of Non-Violent Resistance 1984–1995*.

Our experience of this contributed to a re-evaluation of the dynamic operating between the camp and the support network. Our lives were lived differently, and this had made our understandings of the nature and conduct of the protest also different. At the Yellow Gate Camp we publicly declared a set of principles, namely that we were non-violent, non-aligned, anti-racist autonomous women. By September 1987, this principled political stand made by the women of Yellow Gate cost us much of the support of the network, and subjected ourselves, including Wilmette Brown, to a series of attacks by newspapers and left-wing publications. An article appeared in the *Morning Star* newspaper on 29 September 1987: 'Greenham women issued a statement yesterday dissociating themselves from Yellow Gate Camp' signed by women from Orange, Blue, Green and Woad gates.

The Greenham support network had been difficult to place in absolute terms. For the most part it was benign and complementary to the different camps and their needs. However the ease with which certain left-wing publications and liberal posturing thinkers could be called upon to line up with the State forces ranged against us and attack the Yellow Gate Camp was revealing. It turned out that we had not only offended agencies of the State but also other agencies involved in the 'peace movement' and politically left publications.

Things were becoming clearer. Some members of the 'peace movement' saw the nuclear weapons held by the Soviet Union as justifiable. The non-

aligned stand expressed in public in Moscow in 1987 by the three of us from Yellow Gate 'offended' this thinking; as did the rendition in the Kremlin of the song 'Stand up, women make a choice, create a world without nuclear war! All together we are strong,' as did the speaking out at Conference meetings about women prisoners in the Soviet Union. We saw it as part of our work to support dissidents in the Soviet Union in these ways. Now we can hope that perhaps our voices in Moscow gave some support to those who at that time were wanting to change in the direction of what the world would later become familiar with as 'Glasnost'.

Also, there was the unstinting practical support and the forum for stimulating political discussion given to us by the Wages for Housework Campaign, the campaign whose very name offended 'feminist' careerists within the women's peace movement, including as it does the word 'housework'.

There were those who struggled with the political direction Yellow Gate Camp had established by insisting on a commitment to non-violent direct action rather than lifestyle politics. There was also the notion that the network had a right to question the stands taken by the camp, the kind that is implied when the 'well off' sees their giving of support as an entitlement to direct the less well off. A sort of neo-colonialism. This was revealed at the time of the Moscow Conference when women from a London support group, who had never lived at the camp, were chosen to represent Greenham at the conference rather than the women who lived at the camp, by the organisers of the event.

Whatever help or support given to the camp from whatever agency that may have had, or had not, a hidden agenda, the help was always received and welcomed as humanitarian aid. The women of Yellow Gate Camp were far too focused on our work against the Cruise Missile programme to be swayed by anything that did not have its roots deeply connected with that work.

The events of 1987 that were attributed to the 'split' in some ways were a convenient hook for some women to hang their personal 'time to move on' decisions. The decision to leave Greenham was always difficult, at different levels. There was a genuine sadness when women did leave – both on the part of the leaver and with those who remained.

There is a need within groups that come together to work for a 'cause' to guard against the tendency to confuse social networking with the political aims of the group. Greenham was no less vulnerable to this confusion.

The women who remained at Yellow Gate fully accepted the situation that we were to be cut adrift and we saw it as a positive separation. Focusing on the work involved in resisting the preparations for nuclear war, and the work of maintaining a presence on Greenham Common in order to continue that resistance, was all the motivation needed. This was more important than any comfort gained from being part of a support network, especially if that network refused to recognise the autonomy of the camp. This was understood by a substantial number of individuals, women and men, who remained willing to give their support to keep the work of the camp going – support given right up to the camp's closure on 5 September 2000. They were always willing to help us finance newsletters, leaflets, travel costs to court etc. Their generosity was truly remarkable, not least because our public profile disappeared when we were censored by the press.

This arrangement was much more satisfying, and the autonomy we enjoyed enabled us to make important legal challenges.

Living at the Women's Peace Camp on Greenham Common was a passport to the sense of well being that comes as a surprise and a delight when you are asked to do more than you thought you could, and discover you can. This enabled us to respond to circumstances and events that required more than voicing a sense of outrage – those that cried out for action.

There were times when we needed to travel to other places to occupy sites temporarily, for the purpose of drawing attention to what was going on there: for instance, on two occasions we occupied the small church of St Giles in the deserted village of Imber, in Wiltshire, now a British Army training ground and then also one of the Cruise Missile convoy locations. By being arrested in the church and appearing in court, we were able to highlight the circumstances that had kept the villagers out of their homes since 1943 by the MoD.

On other occasions women occupied a mock German village built for the Army on Salisbury Plain called FIBUA (Fighting In Built Up Areas), constructed at a cost of £8 million at a time when people in Britain were homeless and some were sleeping on the streets.

At the time of the bombing of Libya in April 1986, we travelled to Upper Heyford Airbase, from where the planes that had carried out the bombing came. Actions were taken over a period of a week. Women climbed into an F111, preventing the planes from taking off.

Another time we entered Headquarters at Northwood in London, where Trident submarines and their missiles are charted and monitored, to inter-

rupt these operations. These are a few examples of what we felt called upon to tackle. Whereas it is very unlikely that I will do anything of this nature again, there is a benefit that comes from this experience. It lies in the belief that there is always a positive response to issues that cause outrage – it is a matter of remembering that we can do more than we think we can!

On 5 August 1989, I was in Japan representing the camp, preparing to take part in commemorative ceremonies for the nuclear bombing of Hiroshima held annually on 6 August. At Yellow Gate, as women were arriving to take part in the camp's own actions to mark this date, as we always did, tragedy struck. Helen Thomas, a young woman of 22 years, was knocked down and killed by a West Midlands Police horsebox vehicle that was travelling along the A339 just outside the camp.

She had been standing on the safe zone, waiting to cross the A339 to post a letter. The police horsebox was driven too close to her and the wing mirror struck her on the head, killing her instantly.

Helen had joined the camp just 3 months earlier at the beginning of May. She paid a visit to the camp at the start of the New Year in January 1989. She had hitchhiked from Wales to find out why the women of Yellow Gate were censured by the 'peace movement'. She spent a week at the camp and vowed to return after she had completed her contract at Cardiff Women's Aid, and she did.

We were devastated by the death of Helen, and shocked by the treatment afforded to her after her death by the Thames Valley Police, the Ministry of Defence Police, the Coroner and the Press. Again, women from the camp were to be regarded as 'other than,' without worth, respect, or concern. Women who had grown to expect this treatment in our daily lives were horrified when it was meted out at the time of Helen's death. The inquest was conducted in an atmosphere of hostility directed at us; one policeman involved in the inquest process said 'We don't want any trouble from you lot.'

Essential witnesses were absent from the proceedings: the examining pathologist, and the police officer who was present as a front seat passenger in the horsebox at the time of the incident. At the end of the hearing a verdict of 'Accidental Death' was given.

Helen's mother, Janet Thomas, lodged an Appeal to the High Court. This was heard in 1991 before Lord Justice Bingham and Mr Justice Hodgson who, in their judgement, declared that the Newbury inquest had contained irregu-

larities in the procedure. It was acknowledged by Lord Justice Bingham that the original inquest should have been adjourned because key witnesses were absent. The Coroner was criticised for his instruction to the jury and for his inadequate summing up. Nevertheless, the Newbury jury's verdict of 'Accidental Death' was upheld and a fresh appeal was denied.

There had been a determination from the beginning to cover up the truth about Helen's death – the truth was never going to be revealed. Helen's death was a political embarrassment for the system – it would have placed a spotlight on the history of the protest and all the effort by the authorities to stop it, sometimes by methods that were unlawful. The combined power of Thames Valley Police, the MoD and the judiciary guaranteed that there would be a cover up of the circumstances surrounding Helen's death. While her body was tested for drugs (and none, of course, found), a decision was made not to breathalyse the police sergeant driver in spite of the fact that this is automatically done after fatal accidents. Throughout the hearing Helen was mostly referred to as a 'peace woman,' stripping her of her individual identity. As the term 'peace woman' was used in a derogatory way in Newbury, it was heartbreaking for women to hear her referred to in this way.

Helen Thomas was a young woman of immense energy, courage and sound political insight. She had a strong sense of justice, evident from her writings as early as 12 years of age. She was also an artist. In the few months that Helen spent at the camp she achieved so much. At the time of her death she was working on a court case that would need an interpreter, as she intended to conduct the whole proceedings in her beloved Welsh language. She had been arrested on Salisbury Plain on 19 July 1989, 18 days before her death, attempting to stop the Cruise convoy from carrying out its preparations. On arrest she made a statement in Welsh. Its translation reads:

'This evening I am witness to the genocide that is being prepared on Salisbury Plain. These hated weapons are being paid for with the blood of the poor the world over. The people who produce the weapons have no strength – they have to hide themselves behind them. To help them are your laws and your police. You have robbed many countries, oppressed many countries, ruled them with an iron fist, and now the fear under which you keep your people has come to Salisbury Plain once again. We will always be witnesses to your cowardly conspiracies.'

Helen gave her occupation as a freedom worker. Shortly after Helen's death a small garden was created in her memory at the camp.[15]

Cruise Missiles were signed away under the Intermediate Nuclear Forces (INF) Treaty on 8 December 1987. The treaty, signed by Ronald Reagan and Mikhail Gorbachev, eliminated a specific class of weapons, including Cruise and Pershing Missiles, SS20s and their successors. Although these weapons represented only 4% of the total nuclear armoury, nevertheless it was a step in the right direction and a great sense of achievement for the work of the camp. Action against the Cruise convoy had finally come to an end when the last exercise was completed on 12 July 1990. This coincided with the judgment by the House of Lords in favour of the women against the MoD in the Byelaws case.

After the Cruise Missiles and the US Air Force left Greenham Common in 1991–92, for some women there was a sense that the work had been completed. For others this was not so and the camp continued – this turned out to be the right decision. Britain's own nuclear weapons system, the Trident programme, was developing. The nuclear warheads for the Trident Missiles were being manufactured at the nearby Atomic Weapons Establishment (AWE) at Aldermaston and assembled at AWE Burghfield, just 8 miles from Greenham. The first Trident submarine would be fitted with its missiles in 1994. Each submarine could carry 16 missiles, each of which could carry 8 warheads that are independently targetable, and each warhead would have the destructive capability of 10 Hiroshima bombs. The missiles were brought down from Faslane Naval Base (Her Majesty's Naval Base Clyde) for refurbishment.

By 1992/93 Yellow Gate had turned its attention to the work going on at Aldermaston and Burghfield. Regular trips were made from the camp to Burghfield AWE as part of the routine work of the camp, to monitor the comings and goings of that establishment. The convoy was tracked to RAF Wittering and bases in East Anglia on its return journey to Faslane.

Cutting the fence and entering Aldermaston and Burghfield AWEs to disrupt their preparations was important, as was the calling for demonstrations at Aldermaston at specific times to raise awareness of its presence, and the work going on there. It has to be said that the burden of keeping these establishments under pressure was carried by the women from Yellow Gate. There appeared to be less interest within the peace movement about the production of British Trident Missiles than there had been in the presence of American Cruise Missiles. It wasn't until 1998 that resistance to Trident at Aldermaston became a focus for the peace movement in an organised way. Had it not been

for the work done from Greenham, Aldermaston would have escaped years of scrutiny and legal challenge.

Heavier sentences were being handed out by the courts to deter women from taking action against the Trident convoy, creating problems for the dwindling number of women at the camp. As was stated earlier, the purpose of living at the camp was to protest against nuclear weapons and to take non-violent direct action against them. As with the struggle against Cruise missiles, a record of the work of the activists who were involved in the non-violent direct action protest at Aldermaston can be found in the Criminal Records Office and in the courts.

In 1996, *The Observer* newspaper released information from a classified document that there had been a fire on Greenham Common involving a US nuclear bomber in 1957–58. This caused great alarm in Newbury. CND had seen the documents and raised the alarm. A public meeting was held at Newbury District Council offices. Women from the camp applied for an injunction in the County Court in an attempt to stop the disturbance of the soil, runway, and concrete until the area had been independently tested for radioactive material. We were concerned because the vehicles that transported the material from the runway came past the Women's Peace Camp. A hearing was held in Reading County Court. Our application for an injunction was dismissed. The court refused to have the work stopped and we were ordered to pay 50% of the court costs.

Later, an investigation by Southampton University failed to find evidence of nuclear contamination. The presence of a leukaemia cluster in Berkshire left some people unconvinced.

In May 1997 we finally acquired a telephone. This turned out to be quite a spectacular event that attracted much attention from workers inside the base and traffic was held up on the A339. The operation required transporting two telegraph poles, one for outside the caravan and one on the opposite side of the A339. Ironically, the Thames Valley Police had to assist the operation. When they arrived, the onlookers were expecting something more exciting than the delivery of a telephone for the camp – on the other hand, we were delighted to have a telephone at last!

As early as 1988 when the Byelaws case was being processed through the courts we were conscious of the connection between the development of the Common, 'commoners' rights' and the plans of the MoD to extinguish them. We could see that if Greenham Common were to be put beyond the use of

the military we would have to become proactive. We challenged the MoD at a public meeting and in the court. Although the challenge was stalled at this stage, we were determined to find a way of making it difficult for the MoD to hold on to the land. Although the land had once been subject to a deed giving the public a right of access for 'air and exercise' they had been denied that right, by the MoD, for more than fifty years.

Between 1995–98 the camp was engaged in a legal challenge to the MoD plans, on the basis that they claimed to have extinguished commoners' rights, to develop Greenham Common. (See 'The Law: Land case'.)

In March 1997, after abandoning their plans to develop Greenham Common, the MoD sold the land to Greenham Common Community Trust Limited for £7 million. The open area of the airfield was sold to Newbury District Council (now West Berkshire Council) for one pound sterling, and the area already developed is now used by small businesses. The publicity brochure, in its description of the area, refers to New Greenham Park as a place 'where commerce, art and concern for the environment come together'.

The atmosphere between 'us and them' improved after the MoD left Greenham Common. Our dealings with the Greenham Common Community Trust Limited (referred to as The Trust), while retaining a degree of questioning of their motives regarding the development of the Common, nevertheless eased us into a less confrontational relationship. This I believe was greatly helped by the conservation team – entrusted with the restoration of the airfield into open heathland – their attitude was of a more gentle, caring and healing nature.

This ancient 12th-century common is now a Site of Special Scientific Interest (SSSI). During the years when it housed 96 Ground Launched Cruise Missiles, each with the capacity of 16 Hiroshima bombs, it had been the 'epicentre of mass destruction'. Cows now graze on the land once trundled over by nuclear weapons. The six hardened silos that housed the Cruise Missiles are the only reminder of the time when nuclear war was 'only three minutes' away.

The silos are protected under the terms of the Ancient Monuments and Archaeological Areas Act 1979. English Heritage assessed the silos as 'one of the key monuments of the Cold War, a site of national importance and of obvious global significance in terms of later twentieth century history'.

The years 1997–98 and 1999 would bring about the last non-violent direct action challenges from the Women's Peace Camp on Greenham Common.

They were actions directed at Aldermaston and Burghfield AWEs to test the legality of the manufacturing of nuclear weapons at both these establishments, using, for the first time in the UK, legal evidence from the International Court of Justice Advisory Opinion, which had been delivered on 8 July 1996. (See chapter on 'The Law: ICJ case'.)

The Women's Peace Camp finally came to an end on 5 September 2000, to make way for the Commemorative and Historic Site, which would be erected on the same land where the Women's Peace Camp had been from 1981 to 2000. It would mark the historical significance of the women's non-violent direct action protest against the 96 Ground Launched Cruise Missiles housed in the six silos during the years of Cold War politics.

By the nineteenth anniversary of the arrival of the first marchers from Wales in 1981, the Common had been open to the public for five months. On the historic opening day for the Common, 8 April 2000, as I mingled with the celebrating crowd, I was approached by an elderly woman who said, 'We all know that it was you women who got this Common back for us.'

Some time later when I looked back on that day I was reminded of the statement by Martin Luther King Jr.

> . . . we must remember as we boycott that a boycott is not an end within itself; it is merely a means to awaken a sense of shame within the oppressor and challenge his false sense of superiority. But the end is reconciliation; the end is redemption; the end is the creation of the beloved community.[16]

This could equally be applied to the protest on Greenham Common. The protest also was not an end in itself. It served to bring the two superpowers, in the words of the INF Treaty, to the realisation, 'Conscious that nuclear war would have devastating consequences for all mankind . . .'

While still in power, Mikhail Gorbachev, one of the signatories to the INF Treaty, stated in a speech to the United Nations, 'It had been the Greenham Women who had made [him] think about the arms race, they had prompted [him] to question its rationality.'

As to the community that so resented the women who mounted the protest, it is the hope that the Commemorative and Historic Site, a permanent gift to the community, will eventually bring the healing needed in order to find reconciliation.

Women encircle the base 12 December 1982. *Photo by Astra Blaugh.*

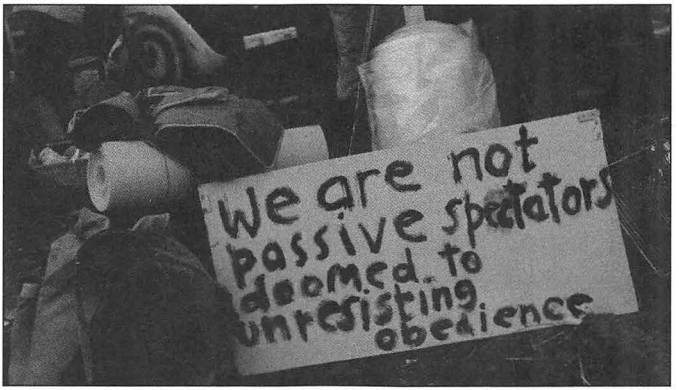
Statement placed on the gate leading to the silos.

Festival of Life gathering, March 1982.

Emergency housing. *Photo by Margaret Gadian.*

Blockade of main entrance to RAF Greenham Common Base.
Photo by Astra Blaugh.

European sisters visit Yellow Gate Camp, 1995. *Camp photo.*



Statement of intent.

A visit to Yellow Gate Camp after their A Level results. Perhaps still looking for the right answers! *Camp photo.*

Meeting on Hiroshima Day in preparation for non-violent direct action at Aldermaston that day. *Camp photo.*

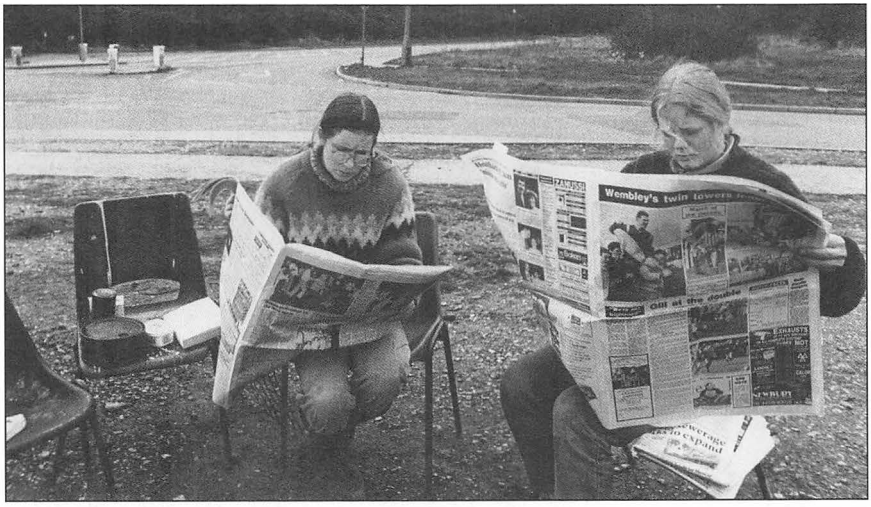
Preparing banners for the Rainbow Dragon Festival, June 1983. Bender in the background.

Daily chore of cutting and collecting dead tree branches for warmth and cooking. *Camp photo.*

Sorting out the camp after another eviction. *Camp photo.*

Coaxing water from the frozen mains on the A339 road opposite Yellow Gate Camp. *Photo by Frances Vigay.*

The fire. Heart, comfort and sustainer of the protest. *Camp photo.*



Keeping informed. *Camp photo.*

The camp larder. Prams were useful during evictions. We received a variety of them. On the first Cruise convoy outing from Yellow Gate the prams filled with rocks formed part of the blockade.
Camp photo.

Sign provided by CND Publications.

NON-VIOLENCE

This essay is dedicated to the memory of Helen Thomas, whose life was taken from her, at 22 years old, when she was struck while waiting to cross the A339, standing on the road's safe zone, just outside Yellow Gate Women's Peace Camp, by a West Midlands Police horsebox, killing her outright. The essay first appeared in the pamphlet 'RESIST THE MILITARY',[1] produced at the camp in 1989. Helen had hitch-hiked to her native Wales to retrieve her typewriter to type this, and other items in the handbook which she translated into Welsh shortly before her death.

We can best help you prevent war not by repeating your words and following your methods, but by finding new words and creating new methods.

Virginia Woolf, 1931[2]

Following a long tradition embraced by others who struggled to free themselves from oppression and denial of human rights by non-violent means, the Women's Peace Camp chose to conduct our protest against the Ground Launched Cruise Missile programme on Greenham Common by non-violent direct action resistance, with the intention of making it unworkable.

Each of us recognises the anger and helplessness that rises in us when confronted with denial of rights, oppression, loss of liberty. The horrendous occurrences of the concentration camps, the dropping of nuclear bombs on Hiroshima and Nagasaki, the inhuman apartheid laws of South Africa, the segregation of Black people in the United States, the Vietnam war, the war in Northern Ireland (the list is endless) fill us with a sense of urgency, a need to find some power to counteract the evil that lies at the very root of the thinking which makes these crimes against humanity possible.

As we reach for some effective way to channel our abhorrence and anger, in an attempt to stop crimes against humanity happening, we often just thrash around in self-destructive behaviour, and become powerless in the face of the 'steam road roller' of the State. Feeling helpless and disillusioned, we end up apathetic and indifferent to suffering. In this condition we easily become encompassed in the corruption of the State.

Some believe the solution can be found in political theories and practice – but on their own, without a conversion to non-violence and justice, they end up creating the same injustices and crimes against humanity they genuinely set out to correct. Unless there is true respect for humanity and the life force, all the energy put into overcoming evil will be squandered. We will fail in our defence of those who are immediately in the path of the particular evil we hope to overcome.

The women of Yellow Gate chose the power of non-violence to counteract the power of evil generated from inside the base by genocidal nuclear weapons. There were 96 Ground Launched Cruise Missiles – each with the explosive power of 16 Hiroshima bombs – held in six silos on Greenham Common in Berkshire in the lush green countryside of rural England. The base could best be described as a nuclear concentration camp, where preparations for mass murder were carried out daily. This was accepted as normal behaviour by most people in Britain, but not by the small group of women who protested vociferously all attempts to normalise, and make acceptable, this nuclear concentration camp. Each month when the Cruise Missile convoy left the base to go to Salisbury Plain we resisted strongly but non-violently this practice for mass murder. The consequence of taking this action was that we served prison sentences.

Non-violence is neither an easy nor soft option. It is a clearly chosen path of confrontation with the State and the military. It is not a posture to be struck in an attempt to avoid human responsibilities or the risk of losing privileges. Not taking a stand in order to appear non-judgemental is not non-violent; it is a clear dereliction of responsibility, as is rhetoric without practical commitment. Direct action becomes non-violent with the acceptance of the full consequences – the willingness to choose to go to prison even when given by the court the corrupting choice to pay fines. The non-violent action remains non-violent only by the refusal to make deals, financial or otherwise (e.g. a promise of 'good' behaviour).

We work non-violently in faith because we know it works. We believe it is realistic and practicable; also, its results are measurable. It is the least tested solution to violence and it is the solution the State most fears. It is misunderstood because it is misrepresented by people who do not understand it, or believe in it, themselves –confining it to workshops and academic discussion rather than using it in their daily lives. There are those who use non-violent direct action as a strategy, and this can be quite effective, but its real power

lies in incorporating it into real life situations, i.e. the way we lived at Yellow Gate Women's Peace Camp. Living outside the Main Gate we had to be ready to respond instantly to challenges from inside and outside the base, yet whatever action we took always had to be safe so that our lives and the lives of our adversaries were protected.

Non-violence is an energy that gives you the power to overcome powerlessness. Whatever the occurrence, you know that there is some action you can take to interrupt, disrupt, or stop deliberately, so that the 'occurrence' does not work as it was intended to do. Evil depends on being thorough and efficient; non-violent direct action makes it unworkable at the time. It also gives a chance to change the thinking behind the ideas that promote these crimes against humanity.

The Women's Peace Camp on Greenham Common provided the perfect place for women to develop non-violent skills as a living experience twenty-four hours a day. Learning to dwell on the land amidst nature, your senses become heightened. You become like a receiver, ready to pick up signals in the constantly changing daily patterns and ready to take non-violent direct action when it is called for. The camp was the platform from which we took action and therefore required to be more than just a place we live and survived in. The daily work of gathering wood, collecting water, tending to the garden, preparing food etc. was shared. Keeping the camp vital, focused and effective required commitment, responsibility and accountability – elements essential in non-violence.

I believe that non-violence is a spiritual energy – a primitive response of resistance to events and circumstances we find intolerable. It is a precious resource and has an infinite life, if treated with respect. Women are especially suited to act as conduits through which this energy can flow. Most women live without the expectations the State imposes on its male citizens – we are not directly compelled to do our duty in defence of monarch and country. The role mapped out for us is one of service to keep the system going – a role that has no status or power in the calculations of the State, as it is unwilling to recognize the energy of non-violent power. Therefore, without an expected role of 'duty' we can develop and organise our lives to resist this power and its excesses, by allowing the energy of non-violence to direct our actions against the State and the military.

I said that the power of non-violence is infinite if treated with respect – it has to be properly valued for its spiritual quality and not used to prop up

stunts. Deep at the root of non-violence is an uncompromising resistance to corruption in all its forms. From it grows the strength to endure the consequences that will follow from challenging the State by non-violent direct action means. Throughout history the spirit of resistance has been kept alive by quite ordinary people refusing to succumb to the imposed corruption of the State. We must keep this resistance alive if we are not to become the walking dead, slaves and functionaries called upon to endorse any evil the State may impose on us.

The non-violent direct action work at Yellow Gate was work that could have been shared by all women who wanted to see an end to this continuous threat to all humanity posed by those genocidal weapons of mass destruction. Cruise missiles on Greenham Common had the capacity to kill 64 million.

Also, we need an end to the diverting of resources to the military – resources crucial to the work against poverty and injustice. If women are serious about demands for a better world for ourselves and others our demands must be backed up by action. This work of building a non-violent, direct action movement of resistance against the military went on for nineteen years. It depended on a small group of women being prepared to keep up a commitment to the continuance of this work no matter what the circumstances, consequences or the weather. We worked flat out, stretched to our limits yet able to retain our focus of resistance over the years – this is amazing. It is a cause for celebration but not for self-satisfaction, for we know that the pressure on the military must be maintained, and that is a huge responsibility.

We have seen changes in attitudes to our work on Greenham Common by the State, local government, police, military and the courts over these years. They all sat up to take notice when 30,000 women surrounded the base, and when the world press came to record this phenomenal women's initiative. The state, though, can always absorb the grand gestures – what they were not able to understand or contain was the group of women who continued to remain in struggle against the State and the military and who remained deeply committed to this work on Greenham Common which only ended when the base was closed and rendered redundant for use by NATO, or any other military force.

By 1992 all the Cruise Missiles had been removed from Greenham Common and returned to the USA to be dismantled. On 8 April 2000 the fences started to come down and the land was open to the public for the first time in fifty years.

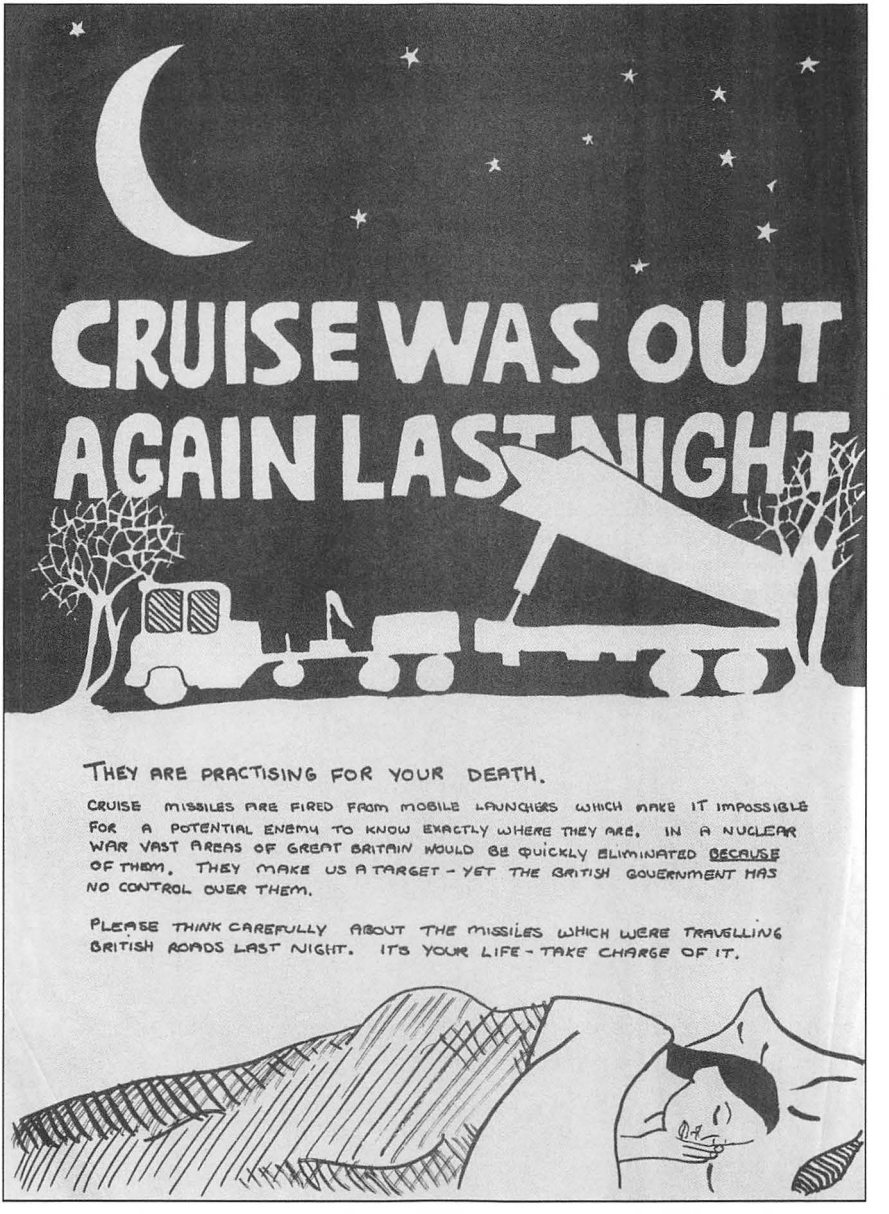
Excerpts from this essay have previously appeared in two publications.[3] I wanted to publish it in full in order to direct interest and discussion on how to deal with the crisis situations that occur in our world and require a response other than the despair, apathy or indifference which usually follows on from well-attended protest marches such as those during the recent Afghan and Iraq wars. I believe that huge marches should be the starting point of an ongoing undertaking, a method of gathering strength and connecting up – not an end in themselves. Where to go on from here needs urgent attention if we are not merely to lurch from crisis to crisis – purposeful discussion is required to move us forward. We need to challenge the immunity the State allots to itself when it undemocratically declares war without the consent of its people. We need to know what we are for – not just what we are against.

The denial of due process of law to the prisoners at Guantanamo Bay, Belmarsh (UK) and Woodhill (UK) Prisons required a response equal to that which brought people onto the streets in most UK cities against the Iraq War. We have to be prepared to participate on a daily basis in dealing with injustice, and not just wait for the next crisis to arrive.

When the Government initiated the removal of nine men from their homes across the country by dozens of police and took them to Belmarsh and Woodhill high security prisons on 19 December 2001, a new and sinister regime was introduced into this country. Under the Anti-Terrorism, Crime and Security Act 2001 (ATCSA), the Home Secretary requires only 'reasonable belief' that those detained are a threat to national security. The detainees, who were without name and were identified by an alphabetical letter only, were held without charge or trial until their just as sudden release in early 2005.

On Thursday 16 December 2004, Lord Hoffmann, one of the Law Lords who delivered an 8–1 majority verdict that Britain's anti-terror laws are unlawful, declared, 'It calls into question the very existence of an ancient liberty of which this country has until now been very proud: freedom from arbitrary arrest and detention.'

The United Nations Committee Against Torture has called for terror suspects being held without charge in British prisons to be brought to trial.

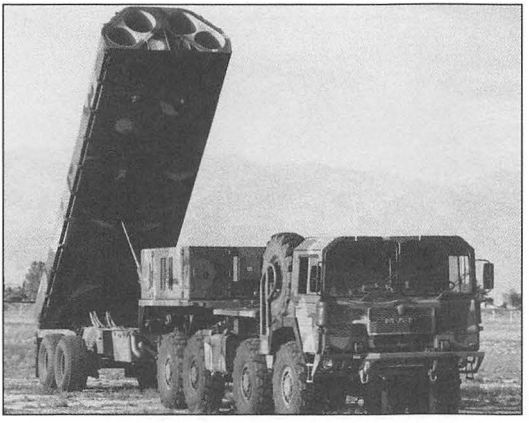


Leaflet sent out from the camp.

Blockade at Main Gate on Hiroshima Day 1986. As police bring in the horses the women lie down in silent protest – the horses refuse to trample over women . . .
Photo by King's Cross Women's Centre.

. . . the police have to do the job themselves. *Photo by King's Cross Women's Centre.*

Police arriving too late to prevent action by women. *Photo by Doreen Wilder.*



Cruise Missile launcher capable of carrying four nuclear missiles.

A cordon of police officers to ensure the safe passage, into the base, of the US Ground Launched Cruise Missile technicians when they arrived on Greenham Common in 1983. *Camp photo.*

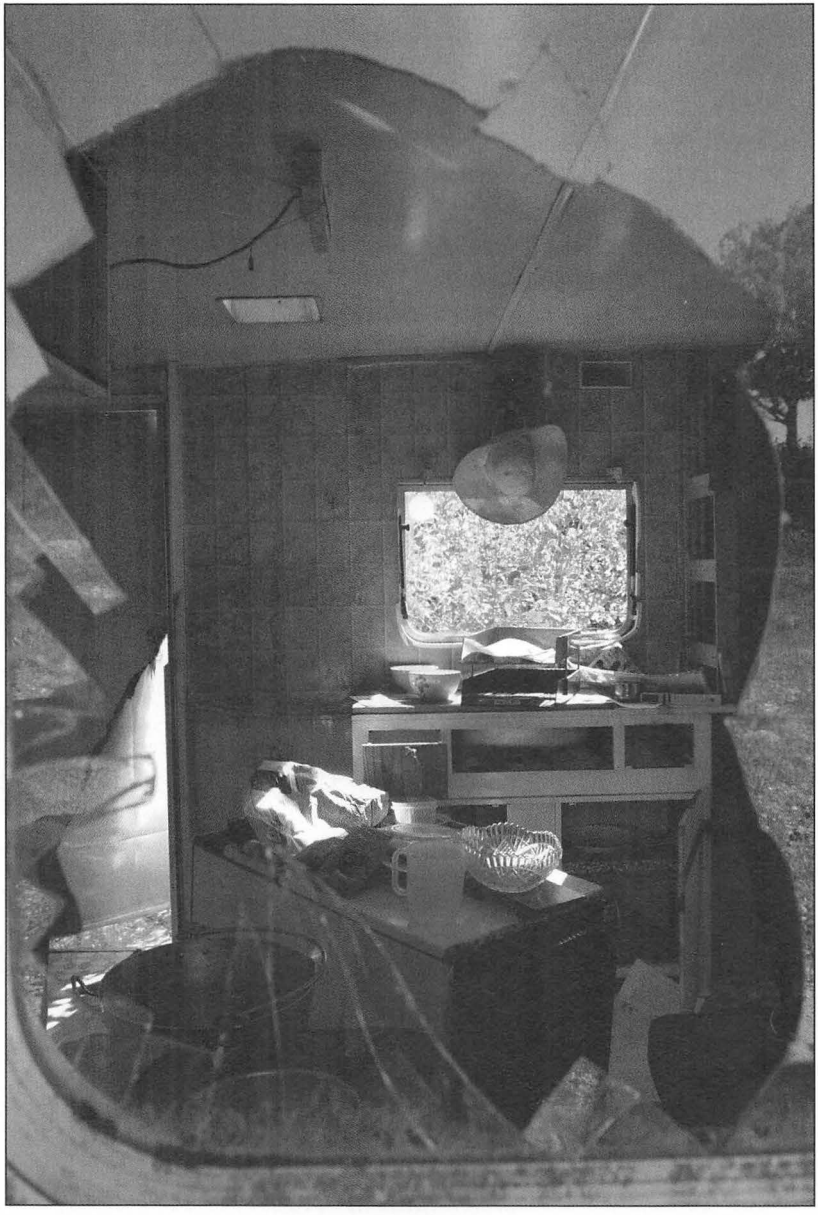
Preparing to obstruct the main Cruise convoy with heavy chains between the lamp posts and burning the household furniture. *Photo by King's Cross Women's Centre.*

Stopping Cruise Missiles convoy support vehicles. *Camp photo.*

The police arriving to protect the convoy on its journey to Salisbury Plain for nuclear war exercises. *Camp photo.*

Women removing the fence with bolt cutters to undermine the security of the military. *Camp photo.*

Police and the bailiffs carrying out yet another eviction. *Camp photo.*



The caravan after being trashed by vigilantes sometime in 2004. When the camp closed in September 2000 it was placed for safety within the Greenham Trust Land.
Photo copyright Andrew Fleming.

THE LAW
Introduction

Straining Out Gnats and Swallowing Camels

> Alas for you, scribes and Pharisees, you hypocrites!
> You who pay your tithe of mint and dill and cummin
> and have neglected the weightier matters of the Law —
> justice, mercy, good faith!
>
> These you should have practised, without neglecting the others.
> You blind guides, straining out gnats and swallowing camels!
>
> Matthew 23.23–24[1]

The above biblical text expresses my response to those who administer the English Legal System. In this essay I comment on the subject of the 'Law' and deal with it as an anachronism which suggests an authority where 'justice, mercy, good faith' are still on offer to those who 'offend', but where in practice the opposite is true.

In every court in the land, behind the examining magistrate or judge hangs the motto '*Dieu et mon Droit*' (God and my Right). From the time of my first visit to court as an 'offender' (as mentioned above, I had served as a magistrate for two years in the late seventies) I became fixated by this motto and tried to place its integrity within my understanding of the law as it applies to nuclear weapons. I sought help from someone whose belief I shared that nuclear weapons constitute a crime against God and humanity and as such, their use or threat to use cannot be condoned within the law. On trial himself, he had submitted this 'plea in mitigation' to the court: 'The law of England, quite explicitly, claims a theological justification for its exercise. I find on the cover of every Act of Parliament published by Her Majesty's Stationery Office, and on the wall of every court of law in the land, the motto

of the Crown in whose name our laws are passed and enforced: *Dieu et mon Droit* – that is, 'God and my Right'. The Crown, then, claims quite explicitly to rule by divine authority. The head of state of this country is described, even today, as the Defender of the Faith, and it is in her name that the courts of law carry on their business.'[2]

Inspired by this clarity, I have made similar statements before the court in defence of my actions and introduced into evidence the Crown's duty towards her subjects as expressed in the terms of the Coronation Oath 1688. Among the duties imposed by the Coronation Oath are these two:

1. To cause law and justice in mercy to be executed in all judgments, to the monarch's power
2. To maintain the laws of God, the true profession of the Gospel, and the protestant reformed religion established by law, to the utmost of the sovereign's power.[3]

The Queen personifies the State and the nation, their history and continuity. The Government is Her Majesty's Government; government is carried out in the Queen's name; sovereignty is attributed to the Queen in Parliament; the courts are the Queen's Courts.[4]

This submission has always been received with the kind of embarrassment and self consciousness that usually prevails when a recognised truth has knowingly been abandoned and consigned to the bin reserved for meaningless gestures.

It is claimed that the Crown enjoys a prerogative in relation to the defence of the realm; that the Crown alone is entitled to decide the disposition and order of the armed forces; that the propriety of the decisions on such matters could not be questioned in a court of law.[5]

This gives what amounts to 'legal immunity' to Her Majesty's Government regarding the policy of nuclear deterrence. The Crown Prosecution Service and the courts have consistently failed to seriously consider the evidence on the characteristics of nuclear weapons and their known effects when detonated, nor have they examined the international laws and treaties that prohibit them.[6] They consider the prerogative conferred on the Crown gives the UK an immunity from the rule of law and that that immunity supersedes all law that was ever handed down. The granting of this immunity leaves the legal system open to contempt. The law is not undermined by those who exercise their right of conscience and dissent through non-violent

acts of resistance, but by agents of the Crown who are responsible for the government policy on nuclear weapons and by those who uphold that policy within the judicial system.

Since the Crown presumes to act in the name of all of the people, I saw it as a duty to refuse to be encompassed by Her Majesty's Government's policy on nuclear deterrence – a policy whose effectiveness is dependent on the threat to use nuclear weapons.

The late Lord Denning wrote, 'The severance [between law and religion] has gone a great way. Many people think that law and religion have nothing in common. The law, they say, governs our dealings with our fellows; whereas religion concerns our dealings with God. Likewise they hold that law has nothing to do with morality. It lays down rigid rules which must be obeyed without questioning whether they are right or wrong. *Its function is to keep order, not to do justice.*'[7] (Emphasis mine)

For those of us who refuse to obey without questioning the Crown's policy on nuclear weapons, and who have a need to do more than just express a view on the hypocrisy of a system that protects the policy, the weapons and the servants of the Crown, the remedy lies in the observance and practice of non-violent direct action resistance, which inevitably brings about arrest and a case to answer in court.

The legal process

After arrest, when charged, there is the court appearance. West Berkshire Magistrates' Court, located in Newbury, was our first encounter within the legal system for women involved in the protest on Greenham Common. It is no exaggeration to claim that Newbury was a place of collective hostility towards the women from the Women's Peace Camp. The magistrates who 'sat on the Bench' in Newbury were selected from that area.

In 1983 a published booklet described the Newbury magistrates as 'the most repressive bunch of magistrates in the country, with almost the highest proportion of offenders sent to prison'.[8] In cases involving the women from Greenham, the proportion was 100%. During the years 1982–1992, Newbury Magistrates' Court was inundated with cases against women from the camps. The question asked frequently at the camp was 'Who's in court to-day?' Women were fined or sent straight to prison depending on whether the

magistrates accepted the camp address or not. Some magistrates would refuse to acknowledge our address even when it was pointed out that the summons from the court to appear had been sent to the address they were rejecting. The courts became yet another area of confrontation. Any notion that they represented a forum where truth could be discovered was quickly dispelled. Although some of the court clerks tried to adopt an attitude of fairness, the atmosphere was poisoned by the prejudice of the magistrates. Deference defined the atmosphere that governed the process. I often thought that some of the police officers who were being patronised by the magistrates took some comfort from the refusal of women to be treated in such a manner. The court ushers also appeared to respect the attitude struck by the women.

Such was the clearly projected prejudiced position taken up against the women by the magistrates and others in the area that the United States Air Force (USAF), in October 1986, felt it was appropriate to say 'thank you' to some local worthies. A local newspaper, the *Newbury Advertiser*, printed a small article revealing that four 'distinguished citizens' of Newbury had been invited by the USAF to join an all-expenses paid trip to the USA, which would include a tour of the White House and lunch at the Pentagon. (See 'The Law: Fence case'.)

The rigidity of the courts had to be dealt with in the light of the prejudicial circumstances that women had to face. The atmosphere within the court changed as women built up a steady flow of court appearances. They became less reverential places. Instead, the court was transformed into a forum where we articulated our understanding of the laws we were being charged under and placing an emphasis on justice.

We had refused to be bystanders when the Crown and its agents planned nuclear war from Greenham Common, and we brought that same principle into our dealings with the courts. We defended ourselves forcefully, quoting the Genocide Act, the Laws of God and Nature and the right to live in a world free from fear of nuclear devastation, pointing out that nuclear weapons would have devastating consequences for all humanity. It was made clear that those who found non-violent direct action a greater crime than the preparation for nuclear war could not command respect. Women did not stand up when magistrates entered or left the court – we ignored the ushers command, 'all rise'. On occasion this meant women being sent to the cells on a charge of Contempt of Court – a charge that could send you from the police cells to prison. An acceptance of women's refusal to stand was reached when

it became obvious that the threat of a visit to the cells had no effect on us, and served only to lengthen the day for the magistrates and the court staff. Women transformed each court into a forum for challenge and equity by insisting on conducting our defence according to our own understanding of justice rather than the dictates of the Bench. One of the many things that Greenham was about was not getting bogged down in rituals simply because they had been going on unchallenged for years.

It became evident to us that women were ourselves better placed to take on the courts and the legal system – lawyers were hemmed in by professional career constraints. While it became customary for women to act on their own behalf, in certain cases, and this was the exception rather than the rule, some women would be represented. This worked very well when it did happen. In effect there were two cases in court – the women's case and the lawyer's case – conducted in parallel fashion. Evidence or documents that lawyers wouldn't submit could be introduced by the 'litigant in person' (one who defends herself) and this could lend weight to the defence, or at least broaden the evidence.

In by far the majority of cases, though, women presented their own defence not just in the magistrates' court but also in the Crown Court and higher courts all the way up to the House of Lords. It was not a situation that judges relished – they would go out of their way to point out their willingness to recommend 'Legal Aid'. Women coped much better than some lawyers did in the higher courts; we were less inclined to be intimidated by the bullying of some judges. There were no careers to be blighted and no sense of failure if the case was lost. It was a forum where arguments and statements of a different weight were presented as a counterbalance to the system that accepts 'agreed facts', without testing, between the Prosecution and the Defence.

The immunity granted to the Crown over 'the disposition of the armed forces' was swept aside by women. We presented our own defence against the charge – even when the outcome seemed a foregone conclusion. We had to be listened to. On almost every occasion the prosecutor and the judges would agree that nuclear weapons were either an abomination, or an evil, yet women were found guilty for taking action against them. Being found guilty was never a surprise or shock. Having prepared and presented a defence against the threat to use nuclear weapons meant there was always a sense of achievement, no matter what the outcome.

The amount of legal work undertaken by the Yellow Gate Camp was extensive and remarkable – especially when the conditions under which the work was carried out are considered. The front of a Ford transit van (known as Gladys) served as an office and a nearly, but not quite, dry place to conduct legal business. Papers for court were carefully gone over by the light of a candle stub in the evening. It was often more difficult to work during the day, due to the interruptions of evictions.

Criminal Damage and Trespass made up most of the routine charges women had to answer in court. Both these charges were essential to the integrity of the protest that had to test and challenge effectively the system whose purpose was to protect preparations for nuclear war. Women living in deprived conditions as 'noble victims' as an end in itself was never the point. Our protest against the threat and use of nuclear weapons had to do more than keep vigil. It had to expose the abuse of power tolerated within the 'institutions' that needed to be addressed. The protest was highly political and confrontational, and led us to extend our challenge to the courts. When women were convinced that certain situations and events needed to be tested in court, there was no hesitancy. Information was gathered, papers were prepared, and 'bundles' were lodged in the court.

The cases selected for inclusion in this section were chosen in order to provide the reader with an understanding of the legal challenges women were confident to undertake. They represent a 'flavour' of the diverse actions and challenges that ended up in court. It is not intended to provide a complete word-by-word account of each case. However, it is intended to record the fact that the nature of our protest placed us in direct confrontation with all of the elements of the law. The legal work carried out from Yellow Gate Camp is of historic importance both for its content and its volume – which was extensive.

Each case cited is marked for the reader as either criminal or civil. The cases do not appear in chronological order but are grouped according to theme, i.e. the Genocide case is followed by the International Court of Justice case because both cases specifically challenge the legality of nuclear weapons.

The names of women who took part in the court cases are recorded only where agreement has been given.

Genocide case (criminal)

The Genocide Act 1969 is derived from the Convention on the Prevention and Punishment of the Crime of Genocide, which came into being in 1948, after six million Jewish people and others had been murdered by the Nazis in concentration camps.[9]

The term 'genocide' was first used by the Polish scholar Raphael Lemkin in his book *Axis Rule in Occupied Europe* in which he defined it as the destruction of a nation or of an ethnic group.

Genocide Act 1969

Article 1

The contracting Parties confirm that genocide, whether committed in time of peace or in time of war is a crime under international law which they undertake to prevent or punish.

Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy in whole or in part, a national, ethnical, racial or religious group, as such:

a) Killing members of the group;
b) Causing serious bodily or mental harm to members of the group;
c) Deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part;
d) Imposing measures intended to prevent births within the group;
e) Forcibly transferring children of the group to another group.

Article 3

The following acts shall be punishable:

a) Genocide;
b) Conspiracy to commit genocide;
c) Direct and public incitement to commit genocide;
d) Attempt to commit genocide;
e) Complicity in genocide.

Article 4

Persons committing genocide or any of the other acts enumerated in article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Women from the peace camp who were charged under the Criminal Damage Act 1971 presented a defence of 'lawful excuse'. The Criminal Law Act 1967 attests that a crime may be committed in order to prevent another crime; it was our assertion that our actions were specifically directed to prevent the crime of genocide and we backed this up by relying on the Genocide Act 1969. This defence has not been accepted by any of the courts.

In 1987, when the Intermediate Nuclear Forces (INF) Treaty was signed by the USA and the USSR both parties agreed to eliminate a specific class of weapons – Cruise and Pershing Missiles in the US and SS20s in the USSR. The first words in the treaty by the two parties are 'Conscious that nuclear war would have devastating consequences for all mankind.'

The Women's Peace Camp pursued the 'Genocide case' at every level through the courts because, from the beginning of the protest, we were always conscious of the effects of nuclear weapons and that, if used, they would have 'devastating consequences'; therefore, they cannot possibly be lawful. The scientific evidence we presented to the courts – that nuclear weapons are, by their inherent characteristics, potentially genocidal – has never been refuted with scientific or legal evidence that proves otherwise by the Prosecution. We based our court cases on this informed knowledge. We believed that the threat to use nuclear weapons, as well as their use, contravened the Genocide Act 1969. We accepted responsibility for seeing this was placed before the courts. Lawyers, on the other hand, told us they were waiting for the 'right case' – we reached an understanding that the lawyers' 'right case' would be the one after a nuclear attack had caused 'devastating consequences for all mankind' – even then, we suspected, they would still be arguing over the words *as such* (see article 2 of the Genocide Act 1969).

No witness for the Crown appeared to dispute the expert testimony given that nuclear weapons are genocidal. Rather, the Prosecution depended on the immunity arising from the claim that the Crown Prerogative excused them from being questioned in court about the policy of nuclear deterrence.

We took seriously the need to act to prevent genocide – a stated aim of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Genocide Act 1969 is derived from the 1948 Convention. The introduction to the convention, among other things, states:

> HAVING CONSIDERED the declaration made by the General Assembly of the United Nations in its resolution 96(1) dated 11th December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;
> RECOGNIZING that at all periods of history genocide has inflicted great losses on humanity; and
> BEING CONVINCED that, in order to liberate mankind from such an odious scourge, international co-operation is required

It is worth quoting again article 3 of the 1948 Convention, listing as it does the following acts which are punishable: *a) Genocide; b) Conspiracy to commit genocide; c) Direct and public incitement to commit genocide; d) Attempt to commit genocide; e) Complicity in genocide.*

It has always been understood that in order for the theory of nuclear deterrence to work it has to be backed by an intention to use nuclear weapons. We believed it should not be by default that the Genocide Act 1969 was not applied to the threat to use, as well as to the use of, nuclear weapons. We believed the scientific evidence confirmed that nuclear weapons are potentially genocidal and therefore unlawful in their use or threat to use. Sheer common sense alone tells us that nuclear weapons that have the potential, when used, to create genocide and therefore can never be deemed to be lawful; but it was not common sense that we relied upon in the courts – we prepared and presented legal evidence. The 96 Ground Launched Cruise Missiles that were regularly deployed from Greenham Common, in preparation for nuclear war, had the potential to kill 64 million people and were in violation of international humanitarian law.

In August 1993 women gathered at Yellow Gate Greenham Common. After a day of reflection, we decided to take action at Aldermaston Atomic

Weapons Establishment on the anniversaries of Hiroshima and Nagasaki Days, 6 and 9 August.[10] Both the outer fence and the inner 'intruder resistant fence' were cut and women entered Aldermaston AWE on both days. Eight women, from Yellow Gate: Rosy Bremer, Katrina Howse, Aniko Jones, Jean Hutchinson, Mary Millington, Frances Vigay, Elizabeth (Peggy) Walford and me, as well as one visiting woman, took part in the action. We were arrested and charged under section 1(1) of the Criminal Damage Act 1971.

Magistrates' Court, 16 February 1994

At Newbury Magistrates' Court before a stipendiary magistrate, nine women entered pleas of 'not guilty'. The proceedings were tape-recorded and we obtained a copy. The tape provided a record of the conduct and management of the case. The Crown Prosecution Service decided to bring to trial all the women from the two separate actions, taken on two different days, to be heard together. Arising from the magistrate's failure to explain this decision was an atmosphere of confusion. Also the choice of placing a stipendiary magistrate rather than lay magistrates in the court was quite clearly taken in order to dispose of the case as quickly as possible. He constantly interrupted us when we were questioning the police, to such an extent that it amounted to interference. When I was questioning my arresting officer he interrupted me continuously and began questioning me outside the witness box. When I explained I would deal with the question later he shouted '... this is my court – will you please answer my question.' I responded by reminding him, 'it is my court case and my right to defend myself.' His behaviour was such that the courtroom was in a constant state of confusion. He interrupted one woman giving her evidence in chief who spoke of her treatment in custody – of the coldness of the cell in which she was held, and that the light was left on all night. The stipendiary said, 'If you had the courage of your convictions you would not be making that complaint would you?' He imposed his own views about war and peace on the court, constantly arguing with us. One witness we had called to present evidence as a particle physicist presented her qualifications, in which she described herself as a Professor at Christ's College, Cambridge University. The stipendiary questioned her connection with the defendants and asked, 'Are you committed to this cause as well?' and, 'Well you get on very well when they are here, have you demonstrated

outside the centre as well?' We objected to his questions and to his hectoring approach, saying, 'That's irrelevant – out of order, absolutely out of order' to which he replied, 'Be quiet would you, clear the court, you are not going to address me in that way.' As he left the Bench, the police dragged all of us from the court. When he returned he had the witness complete her evidence before he allowed the court to be opened to the public. Her evidence related to emissions from Aldermaston Atomic Weapons Establishment. She quoted from three authorities that according to radiologists there was no safe limit for exposure to plutonium; that in 1978 an employee working in Aldermaston expressed concern after outdated monitors were replaced and readings from the new monitors showed that emissions were 50 times higher than that shown by the old monitors; she quoted from the *Pochin Report 1978* about leaks in terms of minor and unexpected releases, with moderate frequency – the report warned of more serious incidents which could occur. Evidence was given about the dangerous conditions within Aldermaston and about the unsafe transport of Trident Missiles. She was not questioned by the Prosecution, nor was any of her evidence refuted. We were found guilty and given a two-year Conditional Discharge. We decided to take the case on appeal to Reading Crown Court. There was a concern about keeping the camp going if we were all sent to prison. Aniko Jones and Katrina Howse reluctantly decided not to go further with their case. Six of us appealed our conviction.

Reading Crown Court, 11 July 1995

The Appeal began and lasted over a period of 10 days. His Honour Judge Spence presided over the proceedings.

The case agreed by the six of us, essentially, was this:

1. That AWE Aldermaston was preparing for an act of genocide.
2. That AWE Aldermaston produced radioactive discharges.

One woman, Peggy Walford, was represented by a barrister; the rest of us presented our own defence. We each presented a defence under section 3 of the Criminal Law Act 1967 which allows for the defence of 'acting in order to prevent a crime' – in this case, the crime being that of genocide or conspiracy to commit genocide under article 3 of the Genocide Act 1969.

At the start of the hearing the judge ruled out the evidence of witnesses we intended calling. This included the expert evidence of Dr Douglas Holdstock of International Physicians for the Prevention of Nuclear War. We had expected his evidence on the health effects of nuclear war and on leukaemia cluster in the Reading area to back up our claim regarding radioactive emissions from Aldermaston. The judge also refused the publication *Inside the Citadel – Britain's Nuclear Bomb Factory,* compiled by Greenpeace. He also ruled against the inclusion of witnesses – employees of Aldermaston – who had been summoned to the court. This made one of the elements of the defence regarding radioactive discharges short of good evidence.

The judge did allow the expert evidence of John Henry Large, consulting engineer, called to give support to our defence that Aldermaston was preparing for an act of genocide.

Mr Large's expertise and qualifications arose from his work which involved him in matters related to nuclear power, nuclear fuel and other nuclear activities in the UK and internationally. He had submitted to the court, prior to his appearance, a sworn 35-page statement in which he summarised his oral evidence, stating, 'I have advised a number of overseas governments and bodies on nuclear matters, including the Italian, Japanese and Bulgarian Governments, various Commissions and Boards of Inquiry of Australia, New Zealand, and the Russian Federation.' He gave evidence related to technical aspects of our claim. He stated:

> Although Government will neither 'confirm or deny' it is tacitly acknowledged that the United Kingdom maintains a number of warheads primed for detonation and at a state of readiness for immediate firing on board the Trident submarines at least one of which is at sea and positioned at its firing station at any time – AWE Aldermaston, and its subsidiary factory at Burghfield, manufacture, maintain and refurbish these warheads, supplying these to the Royal Navy in a serviceable (ready for detonation) condition . . . that the United Kingdom maintains and continues to deploy nuclear weapons of mass destruction which, by virtue of their destructive power, and intended mode of engagement, cannot discriminate between military targets and civilian population – AWE Aldermaston designs, develops, manufactures, maintains and supplies the nuclear warheads that are an integral part of these weapons.

In summary, John Large stated: 'If I put aside the rights or wrongs of the Appellants' actions, if it is the Appellants' opinion that the design, research and development, and manufacture of nuclear weapons in the United Kingdom is wrongful or, indeed, criminal, then their choice to protest (or whatever) at the site of Atomic Weapons Establishment Aldermaston could be considered appropriate. This is because AWE Aldermaston should be properly considered the centre of all military-nuclear complex activities in the United Kingdom.'

Referring to Britain's nuclear arsenal *re* nuclear deterrence, he stated: '. . . if used it would be with the intent of mass destruction, not necessarily discriminating between civilian and military targets'. Also, '. . . the stockpile of nuclear warheads maintained in the United Kingdom extends beyond this limited "deterrent" role.'

Under questioning from the Crown Prosecutor, Mr Large said, 'In 1993 [i.e., at the time of our originating non-violent direct action] AWE Aldermaston nuclear weapons had the capability for genocide.' Also, 'if any weapon can kill a sizeable proportion of a population that (to me) would be genocide.' The Prosecution did not present any rebuttal evidence to the evidence given by John Large.

The defence adopted by all the women was that we claimed 'lawful excuse' – that we held an 'honest belief' that AWE Aldermaston on the day of our action was involved in the design, research, development and production of nuclear weapons which amounted to preparation for an act of genocide, or at least conspiracy to commit genocide.

Each woman gave extensive evidence from the witness box. Among the many statements and responses to questions here are some which indicate the strength of commitment to the non-violent action that brought them into court:

Rosy Bremer: 'The vision of a nuclear holocaust appals me. My action was designed to do something about it – no one can persuade me otherwise. It is a conviction that has shaped my life and as a result of it I have no salaried career – it is my vocation to deliver the world from AWE and all its works.'

Francis Vigay: '. . . scientists' ability to "turn off" in order to cope allows the existence of establishments such as AWE Aldermaston – I cannot turn off and live with it. Therefore I have a responsibility to act and to face the unthinkable. It is harder to live with these weapons than to oppose them.'

Mary Millington: 'On the day of the action I was aware that there were

leukaemia clusters near AWE and considerable dangers to workers therein.' Mary spoke of the evidence of accidents and deaths contained in the publication *Inside the Citadel.* She drew attention to a report about a plutonium fire in December 1992 and the continuing danger of pollution which affects both life and health.

Jean Hutchinson spoke of her horror at AWE, drawing attention to *Inside the Citadel* and to the incident of 'contaminated ponds' as being relevant to show the need for protection and as matters which inspired her honest belief that protection was necessary; those matters were in her mind at the time of the action. 'Because of the pollution in and near AWE Aldermaston, there is an immediate and continuing need to protect the land and the property until it is decommissioned.'

Peggy Walford spoke of being in Coventry during the bombing in the Second World War and the conditions that the people had to endure. She was concerned for the health and safety of the people living near AWE and wanted to stop the work going on in Aldermaston related to Trident warheads. She believed that the work done on Greenham Common had been a significant factor resulting in the decommissioning of RAF Greenham Common Cruise Missile Base.

Indeed all of the women adopted this belief as a motivation for our action. It was seen as a continuation of the work carried out on Greenham, in the hope of similar results.

Sarah Hipperson: I quoted Robert Oppenheimer – in respect of the first detonation of the atomic bomb – 'I am become death – a shatterer of worlds,'[11] and James Douglas, 'We live in an end time – i.e. a time in which the political and technological structures of the world make it probable that the human race will cease to exist.'[12] These statements had influenced my thinking and made me determined to prevent the use of nuclear weapons.

In response to our defence of acting to prevent the crime of genocide, the Prosecution submitted that 'the words "*as such*", contained in article 2 of the Genocide Act are all-important, and in fact define the offence. They import into the definition of genocide the meaning that it is an offence to kill or harm in whole or in part a national, ethnical, etc group if the reason for doing so, and the *sole reason* for doing so, is because they are members of such a group, and for no other reason. It followed that no crime was being committed at AWE by the production etc of Trident components.'

The Prosecution's interpretation of the words *as such* placed a qualifica-

tion on article 2 that we could not accept. We believed that this qualification was not intended when the Act was drafted. Also, the addition of the words '*sole reason*' and '*for no other reason*', applied by Judge Spence in his judgment at the end of the case, was wrong. The evidence given by John Large that '... if any weapon can kill a sizeable proportion of a population that (to me) would be genocide' was ignored.

The court rejected all of our evidence including that submitted by me relating to the Coronation Oath. The court accepted the Prosecution's assertion that the production of weapons of mass destruction at AWE Aldermaston is not a crime, despite the expert witness of John Large who acknowledged that the warheads produced at Aldermaston are primed for detonation, are in readiness on Trident submarines and positioned in the firing station; also despite his evidence that in 1993 Aldermaston had the capability of committing genocide.

It was again asserted by the Prosecution that 'The Crown alone was entitled to decide the disposition and order of the armed forces, and the propriety of the decision on such matters could not be questioned in a court of law.' The Appeal was dismissed, and the 'guilty' verdict at Newbury Magistrates' Court was upheld.

At the end of the case we received information that Judge Spence had military connections. We were told that he had in the past acted as a Court Martial judge for the Royal Navy. At the start of the last court day I asked him, 'Is it true that in your other life you were a Court Martial judge?' He refused to confirm or deny the information. Instead, he left the Bench then came back and demanded an apology from me. When I refused and the other women applauded, he sent all the defendants to the police cells. Our refusal to give an apology and the applauding by supporters was sufficient for him to consider placing a charge of Contempt of Court on almost everyone in the court and some of the supporters were also ordered to the police cells. Each was brought up separately to apologise. None did – all were released without being charged with Contempt of Court.

We believed that the judge should have offered the information about his connection with the Royal Navy at the beginning of the trial and ruled himself out of the proceedings. His connection with the Royal Navy was later confirmed.

Queen's Bench Division, High Court, London, 3 July 1996

After a weekend of brainstorming sessions, five of us decided to take the case to the High Court, under a process called 'Case Stated'. This required Judge Spence to write an account of the court's findings. In addition, each of us wrote an account of our individual case.

This hearing took place before Lord Justice McCowan and Mr Justice Hidden [*sic*]. It lasted for two and a half hours. Essentially it was a shortened account of the hearing at Reading Crown Court. We made much of the evidence of Mr Large at Reading Crown Court relating to the UK Government's involvement in the production of nuclear weapons and their deployment, especially the evidence that 'Although the Government will neither confirm or deny it is tacitly acknowledged that the UK Government maintains a number of warheads primed for detonation and at a state of readiness for immediate firing on board the Trident submarines, at least one of which is at sea, and positioned at its firing station at any time'.

We also highlighted the emphasis placed by Judge Spence on the words *as such.* The Case Stated by Judge Spence included the statement by the Crown Prosecution that the words *as such* in article 2 of the Genocide Act 1969 meant '... it is only an offence to kill or harm or deliberately inflict destructive conditions of life upon a national, ethnical, racial or religious group in whole or in part *if the reason for doing so, and the sole reason for doing so* is because they are members of such a group.'

The ruling of Judge Spence that 'the words *as such* are all important in determining the meaning of the Genocide Act' was challenged by Frances Vigay as one of the five appellants. She stated, 'It cannot be indisputably claimed that those two words have the linguistic capability to contain the proposed meaning of 'the sole reason' being that they are of that group. To do so is to add something which is not in the language, and hence, is not written in the law.'

Lord Justice McCowan's response to Judge Spence's ruling was, 'I would not myself say that it need be the sole reason. For example, in Germany in the 1930s, the Nazis were clearly guilty of genocide in that they sought to destroy a racial group, the Jews, and they were not any the less guilty if they had at the same time the incidental and subsidiary reason to seize the property of the Jews.'

After an adjournment the two judges returned and delivered their judg-

ment. They upheld the judgment of the Crown Court. They agreed with Judge Spence the Crown Court that the production of nuclear weapons is as a deterrent and thus is not unlawful, that their production does not amount to the crime of genocide, or conspiracy to commit genocide. The court agreed with Judge Spence that the activities taking place inside Aldermaston are in pursuance of Crown defence policy. The threat to use nuclear weapons as the important factor in the effectiveness of deterrence was not addressed.

One woman addressed the court, 'We believe now, as then, that we are upholding the law, that the nuclear weapons being manufactured at Aldermaston are being designed for the purpose of exterminating, on a massive scale, the life force of the human race and for the destruction of the planet.'

The Coronation Oath statute evidence was yet again ignored. Permission to take the case to the House of Lords was refused on the grounds that the subject matter was not of general public importance. An opinion poll taken about the same time as the hearing in the High Court revealed that 87% of the British people wanted a negotiated agreement to finally rid the world of nuclear weapons.

The restriction that no one can question the Crown in a court of law over the disposition of the armed forces made it impossible to adduce the evidence to determine which country was being targeted by Trident at the time of our non-violent action which would have identified a specific group 'as such'.

The MoD recently stated in an article in *The Guardian* newspaper that 'Russia is no longer being targeted by Trident', thus indicating that at one time this had been the case. Had we been able to bring a witness from the MoD for questioning and established this we would have been able to prove article 3(b) of the Genocide Act 1969, 'Conspiracy to commit genocide'. The main element of our defence under section 3 of the Criminal Law Act 1967 – acting in order to prevent a crime – was that the crime being prevented was genocide or conspiracy to commit genocide. We believed that at the time of our actions Trident was specifically targeting Russia and that the statement by John Large 'that the UK maintains a number of warheads primed for detonation and at a state of readiness for immediate firing on board the Trident submarines at least one of which is at sea and positioned at its firing station at any time' would have supported our defence.

We made a fresh application to the Divisional Court in London (names of

applicants: Rosy Bremer, Frances Vigay, Peggy Walford, Jean Hutchinson and Sarah Hipperson) to certify a point of law of general public importance – seeking leave to appeal to the House of Lords on the basis that: 'this was the first testing of the Genocide Act – which had been on the UK Statute books since 1969 – we claimed that insufficient consideration was given to the importantly worded parts of article 2 of that act.' Our application was refused.

European Commission of Human Rights

On 16 February 1997, exactly 3 years after this case began in Newbury Magistrates' Court, a formal application was lodged with the European Commission of Human Rights. This decision was in keeping with our commitment to place before each and every level of examining legal authority with the power to adjudicate the fact that nuclear weapons of mass destruction, their threat to use and their use are/would be in violation of the Genocide Act 1969 and the Convention on the Prevention and Punishment of the Crime of Genocide 1948.

We asked the Commission to examine our complaint about certain violations of our rights arising from the above court proceedings. With reference to the European Convention for the Protection of Human Rights and Fundamental Freedoms, we invoked articles 2, 9, 14.

Article 2 relates to *the right to life* – threatened by the unavoidably hazardous character of nuclear weapons. The production of nuclear weapons, specifically the Trident system, designed and manufactured at AWE Aldermaston, in Berkshire, England, is incompatible with the protection, by law, of the 'right to life'.

The mass destruction of a group, or groups, of people is specifically outlawed in the Genocide Act 1969, a law which we used in conjunction with the Criminal Law Act 1967 in our defence and this relates to protection of the right to life. Our evidence had been set aside in order to uphold the UK Government policy of nuclear deterrence, a policy for which there is no specified legislation.

Article 9 states 'Everyone has the right to freedom of thought, conscience and religion.' The first applicant only (Sarah Hipperson) affirmed that 'as a practising Christian I believe that to be encompassed into the UK Defence

policy – i.e. 'Nuclear Deterrence' – is incompatible with the tenets of my faith.' I submitted that the principle that governs the rule of law in Her Majesty's courts, as confirmed in the Coronation Oath of 1688, had not been addressed by the courts – in spite of the document being entered into evidence.

In relation to article 14 we submitted 'we believe that our right and freedom to exercise our dissent from the UK defence policy of "Nuclear Deterrence" is not given sufficient weight in relation to the laws which we depend on for our defence i.e. Criminal Law Act 1967.'

A list of legal documents used in the court cases accompanied our application.

On 10 June 1997 we were notified that our application was inadmissible. The Secretary of the European Commission said our application was an *action popularis* – translated we thought this might mean 'action seeking popularity'. Also, 'it is likely that the conviction would be regarded as in the interest of public safety, for the protection of public order . . . or for the protection of the rights and freedoms of others.' The fact that our convictions were for Criminal Damage was regarded as an obstacle to the application. It was stated, 'anybody who behaved in the way you did would probably also have been prosecuted.'

International Court of Justice cases (criminal)

In 1994, the International Court of Justice (ICJ) in the Hague undertook a request from the United Nations General Assembly (UNGA) to answer the question, 'Is the threat or use of nuclear weapons in any circumstances permitted under international law?' The ICJ appointed fourteen eminent judges to examine the question.[13]

On 8 July 1996 the ICJ delivered its answer in the form of an Advisory Opinion, *Legality of the Threat or use of Nuclear Weapons.* The court unanimously declared, 'There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons . . . A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons'.

One of the sitting judges, Judge Weermantry, said, '. . . this endorsement takes the principle of illegality of use of nuclear weapons a long way forward from the stage when there was no prior judicial consideration of legality of nuclear weapons by an international tribunal.'

The Advisory Opinion (AO) was greeted with great enthusiasm by international lawyers in Britain, Europe and the USA. They went over every word in an attempt to find the absolute statement that 'nuclear weapons are illegal'. It didn't come in these exact words. Nevertheless, the judges had unanimously accepted, in para 105, 2c, of the AO, 'A threat or use of force by means of nuclear weapons that is contrary to Article 2, para 4, of the UN Charter and that fails to meet all the requirements of Article 51, is unlawful.'

Paragraph 47 of the AO deals with the issue of nuclear deterrence and clearly states, 'If the envisaged use of force is itself unlawful, the stated readiness to use it would be a threat prohibited under Article 2, paragraph 4'.

It has been said that the Advisory Opinion is the first decision of any

international tribunal that applies limitations on nuclear weapons in terms of the United Nations Charter. It points out the contradictions between nuclear weapons and the laws of armed conflict and international humanitarian law.[14]

On reading the Advisory Opinion, Yellow Gate Women's Peace Camp decided to apply its findings to the Atomic Weapons Establishments of Aldermaston and Burghfield. In March 1997 Katrina Howse, Jean Hutchinson, Erica Wilson and one visiting woman took action at AWE Aldermaston – they cut the fence extensively. The damage was assessed to be in the region of £27,000. They elected to be tried by jury at Reading Crown Court.

Aldermaston ICJ Case at Reading Crown Court, 2 September 1997

The case had been prepared meticulously. Scientific, medical, and legal expert witnesses from Europe, the United States and the UK had been lined up to give evidence. At a pre-hearing when Aldermaston personnel were summoned to give reason why they could not give evidence, the full weight of the women's case was revealed – this was to be the first airing of the ICJ Advisory Opinion evidence in a court of law in the UK – it clearly was a surprise, and possibly a shock, to the MoD and the Crown Prosecutor.

Before the case began, the Crown Prosecutor unexpectedly announced to the court that charges against the four women were being withdrawn. His Honour Judge Lait swore in the jury and explained to them that the Prosecution would not be offering evidence against the women. The women were cleared of the charges by the jury and awarded costs.

The women wrote the following statement: 'The Ministry of Defence, represented by the Crown Prosecution Service, retreated in disarray from this case. For the first time in this country the legality of nuclear weapons would have been challenged by international law, including the International Court of Justice Advisory Opinion. The mass of evidence on radio-active contamination, and on the presence of depleted uranium in Aldermaston AWE – which we believe has been used in the uranium-tipped weapons used in Iraq – would have been presented to the court and jury had the case gone ahead. In our opinion it was this that brought the Prosecution to decide not to offer evidence against us.'

A second test arose from a non-violent action taken on 5 August 1996 when four women, myself included, cut the fence at AWE Burghfield. We had been charged under section 1(1) of the Criminal Damage Act 1971: this section makes it an offence to destroy or damage property belonging to another without lawful excuse. The damage was assessed to be in the region of £10,000, which allowed us to elect for a jury trial.

An attempt had been made by the Prosecution and the sitting magistrates to deny us a jury trial in the Crown Court by insisting we must accept that the case be tried in a magistrates' court. This became a courtroom struggle between, on the one side the Prosecution and the magistrates, and on the other the women who insisted that the circumstances of the case allowed for it to be heard by a jury. It was only after we lodged a complaint with the Lord Chancellor about the mismanagement of the due process by the Prosecution, the magistrates and the Clerk to the Court, that agreement was reached to put the case before a jury. We refused to succumb to the intimidating pressure to accept less than our legal entitlement. The court case was held up for 19 months. Having avoided the first test of the ICJ Advisory Opinion by withdrawing the charge in September 1997, the Crown Prosecution Service attempted to manipulate the court process in the second challenge. They could not withdraw the charges.

Burghfield ICJ Case at Reading Crown Court, 16 March 1998

Whilst I was preparing for this case I was detained, yet again, in Holloway Prison. On Hiroshima Day 1997 I had been sentenced to two weeks. Knowing that I would be 'sent down' I took in the material I would need in my preparation for this trial. I gave special attention to the policy/concept of nuclear deterrence. The main reference I had was contained in a publication entitled *The Criminality of Nuclear Deterrence.*[15] It states: 'As currently practiced by today's nuclear weapons states, nuclear deterrence is purposefully based upon the calculated risk of escalation into all-out strategic nuclear warfare. For this reason, therefore, nuclear deterrence is illegal and, I might add, criminal.' Referring to the UN Charter, article (2) para 4, the author asserts 'the notion of "threat" and "use" stand together in the sense that if the use of force itself in a given case is illegal – for whatever reason – the threat to use

such force will likewise be illegal' . . . 'Since the commission of mass extermination is clearly illegal and criminal, therefore, the threat to commit mass extermination is likewise clearly illegal and criminal.'

Two of the women involved in the action, due to personal considerations and length of delay in coming to trial, dealt with their cases separately.

Of the other two, each defence was different and separate. Peggy Walford was represented by a barrister who did not submit a defence based on international law. Her defence was based on 'self defence' and was supported by the testimonies of Dr Chris Busby, physical chemist and Dr Alice Stuart, epidemiologist.

I represented myself. In this record of this case I concentrate on the evidence that deals with the International Court of Justice.

My defence was related to the ICJ Advisory Opinion. Applying the findings of the AO to my defence, I asserted that I had lawful excuse for my action under section 5 of the Criminal Damage Act 1971, also that section 3 of the Criminal Law Act 1967 allowed for a defence, where force was used, of prevention of a crime – I was referring to breaches of the laws of armed conflict and of humanitarian law.

My defence was supported by the testimonies of a defence analyst and writer on military technology, Professor Frank Barnaby, physicist at Aldermaston AWE (1951–57), Dr Douglas Holdstock of Medical Action for Global Security (MEDAC) and Professor Roger S. Clark, Distinguished Professor of Law, Rutgers School of Law, New Jersey, USA.

Professor Clark had been a member of the team representing the Marshall Islands, Samoa and the Solomon Islands in the International Court of Justice when they were formulating the Advisory Opinion on the legality of nuclear weapons, and was co-editor of a book recording that experience.[16]

Before the trial began, the Crown Prosecutor raised an objection to the proposed use of the ICJ AO evidence and to any reference to international law. Judge Mowat agreed and upheld the objection of the prosecutor. This was the strategy to keep this evidence from being presented in a UK court and away from the jury. They particularly wanted to prevent the witness of Professor Clark being heard and were intent on keeping him out of the witness box – almost to the point of rudeness. However, this ruling was not entirely a surprise. Our awareness at the camp of the attempts by the MoD to manipulate the courts in response to this new challenge, both in the earlier ICJ case and in their attempts to prevent this case being heard by a jury, made

us cautious about their next legalistic move. Our experiences of the various authorities ranged against every aspect of the protest had prepared us to expect manipulation whenever they felt they were losing control of a situation. I had voiced my concerns to Professor Clark and after our discussion I was prepared for the Prosecution objection to the use of international law. I had to establish that international law was incorporated into English law. I did this by citing a High Court ruling in favour of a case that had been conducted by Lord Denning, Master of the Rolls – the Trendtex case – which had established, 'the rules of international law are incorporated into English law automatically and considered to be part of English law unless they are in conflict with an Act of Parliament'.[17]

I also had to establish that the AO was essential to my defence. Having studied its contents, I had come to the conclusion that Her Majesty's Government was acting illegally and criminally in exercising a policy of nuclear deterrence. The contents of the AO document had been my motivation to take action.. I submitted that the AO, with its sources of international law, was sufficiently complex to require the help of an expert. Reluctantly, the judge agreed to hear the evidence of Professor Clark and allowed for the Advisory Opinion to be used in evidence.

As mentioned above, under section 1(1) of the Criminal Damage Act 1971, it is an offence to destroy or damage property belonging to another 'without lawful excuse'. Information contained in a Law Commission report was used in evidence with the intention of having the court examine my defence in the light of a statement within the report that '"Lawful excuse" like "lawful authority" or "reasonable excuse" may have a built in elasticity which enables courts to stretch it to cover new situations, so that it is never possible to close the categories that might constitute "lawful excuse."' It was for the jury to determine whether or not the action taken had been justified. At the very least, I hoped to raise a reasonable doubt that the use of force amounted to 'lawful excuse', that I had had an honestly held belief that Her Majesty's Government's policy of nuclear deterrence, with its commitment to the use of nuclear weapons, was illegal and criminal. Also that the UK Government as a member of the United Nations, under article 93 of the Charter, was bound to agreement with the UN Charter. In terms of the evidence contained in AO, the important articles of the Charter are articles 2 (4) and article 51. AO para 105, (2c) states it was unanimously accepted by the 14 ICJ judges that 'A threat or use of force by means of nuclear weapons that is contrary to Article 2, para-

graph 4, of the United Nations Charter and that fails to meet all the requirements of article 51 is unlawful'.[18]

Professor Frank Barnaby, a highly regarded nuclear specialist, gave scientific evidence regarding the characteristics of nuclear weapons. He had worked as a physicist at Aldermaston and was, at the time of the hearing, working as a defence analyst and writer on military technology. He established that each warhead assembled at Burghfield for Trident had an explosive yield of 100 Kilotons and in military terms was regarded as a First Strike weapon. He referred to para 35 of the AO, which states '. . . The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet.' He also acknowledged the contents of para 78 of the AO, 'States must never make civilians the object of attack and, consequently, must never use weapons that are incapable of distinguishing between civilian and military targets.'

The prosecutor did not question the witness.

Dr Holdstock's evidence was based on the effects of radiation. The emissions of radiation from the Atomic Weapons Establishments could be seen as being responsible for the increasing incidence of leukaemia cases in the Berkshire area where Aldermaston AWE was located. He also referred to para 35 of the AO, which states that '*the use of nuclear weapons would be a serious danger to future generations,*' and to para 36 which states '. . . it is imperative for the court to take account of the unique characteristics of nuclear weapons, and in particular their destructive capacity, their capacity to cause untold human suffering, and their ability to cause damage to generations to come.'

The prosecutor did not question the witness.

Professor Clark began with an explanation of the basic nature of international law – traditionally it applied to relations between States. After giving the examples of trials in Nuremberg and Tokyo following Second World War, he asserted that there was a right, sometimes a duty, when a State was engaged in international crime, to act, and that under international law a defence of 'justification' could be offered in such a case.[19] I asked, 'Is a crime under international law a crime within the meaning of the Criminal Law Act 1967 – for the intention of preventing a crime?' This was answered by referring to 'lawful excuse' as a defence. The fact that I believed that the AO provided me with evidence of illegal and criminal behaviour by HMG furnished me with a defence of justification. Professor Clark explored the

differences between English law and international law and explained how treaties and customary law sometimes overlapped. He spoke of the contribution UN resolutions made to the creation and development of international law, citing para 38 of the AO with reference to the UN Charter article 2 para 4, which reads, 'All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations'.

Evidence was given that para 22 of the AO states, 'The court notes that the nuclear weapons States appearing before it either accepted, or did not dispute, that their independence to act was indeed restricted by the principles and rules of international law, more particularly humanitarian law.' The 14 ICJ judges had unanimously agreed that 'A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons'. Para 47 states '... if the use of force itself in a given case is illegal for whatever reason the threat to use such force will likewise be illegal.' Various treaties, such as St Petersburg 1868, Hague Conventions 1899 and 1907, Additional Protocol 1977, were examined. Professor Clark's expert legal testimony lasted 90 minutes and included customary and international law.

The prosecutor did not question the witness.

I had given each member of the jury a complete copy of the International Court of Justice Advisory Opinion, *Legality of the Threat or Use of Nuclear Weapons*, to help them follow and understand the evidence.

After my evidence was completed Judge Mowat surprised everyone, including the jury, by suddenly ruling out all the international law evidence.

The prosecution barrister did not call any witnesses to make the case for the Crown. Essentially his response was that the use of nuclear weapons for the purposes of warfare is not unlawful and that the production, preparation, disposition and targeting of nuclear weapons as part of the defence policy of the United Kingdom is no offence under either United Kingdom or international law.

In summing up my case, I reminded the jury that the judge did not allow me to refer to the substantial evidence that had been given in my defence – the Advisory Opinion and international law. However, I also pointed out that the

Prosecution had failed to prove their case, that in failing to question my witnesses, and in the absence of witnesses to rebut the evidence, they had not established proof that I did not have 'lawful excuse'. I read to the jury from the The Law Commission Report No. 29, 1970, which states, 'We consider that the absence of lawful excuse should be an element of the offence and thus . . . the burden of proving its absence should be upon the Prosecution in each case.'

The judge instructed the jury to ignore international law and the Advisory Opinion, and said, 'In this court, I am the law.'

After hours of deliberation the jury brought forth a 'Hung Jury' verdict. Judge Mowat appeared stunned; the foreman assured her that there was no way they would agree and indeed they looked as if they had been involved in a huge argument.

I believe some members of that jury understood and agreed with the evidence – each had a copy of the evidence contained in the Advisory Opinion document to refer to in their deliberation. Perhaps they noted the arrogant dismissal, by the judge and the prosecutor, of the international law evidence? I felt it had been a great achievement to have convinced ordinary members of the public to undertake the responsibility of facing up to the consequences of this country's defence policy – a policy based on the threat and use of nuclear weapons, also that they had given the evidence of the Advisory Opinion from the International Court of Justice, sought by the United Nations General Assembly, the attention and respect that should have been accorded to it by the prosecutor and the judge.

This was the first time a United Kingdom court had heard the international law defence of the International Court of Justice Advisory Opinion applied to the legality of the use and threat to use nuclear weapons. Furthermore, the court did accept that international law is incorporated into English Law, even if after doing so, the court tried to put it back into Pandora's box. The case had taken seven days of court time.

There was great excitement at the verdict, with e-mails with congratulations coming from peace groups and international lawyers in Europe and America. One wrote, 'you folks are the first to break the international defence blockade.'

Judge Mowat gave the Crown Prosecutor a week to decide whether or not to have a retrial of the case. The prosecuting barrister said he was not going to recommend one. However, the MoD insisted on a retrial – they were not prepared to have their policy of nuclear deterrence disputed in a court of law.

Retrial at Reading Crown Court, 20 July 1998

The retrial began on 20 July 1998. Before the jury was sworn in, Judge Mowat ruled that there was not an entitlement to a defence based on international law. She said, 'I came to the conclusion that what the British Government is doing is not a crime.' The evidence of Professor Clark and the International Court of Justice Advisory Opinion were ruled out. Before the jury was called in I attempted to change her ruling by submitting an argument based on the ICJ Advisory Opinion, para 48. Essentially this states, 'An argument is put forward that possession of nuclear weapons is itself an unlawful threat to use force . . . and may indeed justify an inference of preparedness to use them. In order to be effective, the policy of deterrence, by which those States possessing or under the umbrella of nuclear weapons seek to discourage military aggression by demonstrating that it will serve no purpose, necessitates that the intention to use nuclear weapons be credible.' I said that the argument I was making about the legality of nuclear weapons went beyond the possession or the manufacture of warheads for Trident – which she had ruled as not being illegal. I pointed out that they were not lying benignly on shelves in some underground warehouse. I was saying that they are already deployed on submarines, at sea, in a state of readiness to be launched at any time, and that this state of readiness underpins HMG policy of nuclear deterrence. This makes Trident a purely offensive weapon – it is deployed entirely in a threatening and not defensive posture. The judge did not accept that this was a 'new' argument and reiterated her refusal to listen to a defence based on the International Court of Justice Advisory Opinion evidence. A decision had been made, no doubt at a higher level, not to let this jury have access to the International Court of Justice Advisory Opinion.

The jury was sworn in and the scientific and medical evidence presented; however, without the backing of international law and the Advisory Opinion of the ICJ it was difficult to develop the central tenet of my defence: 'lawful excuse'. The prosecutor, set free from the advantage to our case of the evidence of the ICJ AO, questioned the defence witnesses this time, objecting to any reference by them to the legality, or otherwise, of nuclear weapons. He reminded them that they were scientists, not lawyers. We were prevented from asking a question of Professor Barnaby about the Treaty on the Non-Proliferation of Nuclear Weapons – in spite of the fact that, as well as being a physicist, he was also a well established military analyst. The AO had

unanimously declared, 'There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all aspects under strict and effective international control.'

I invoked the Coronation Oath as part of my case.

The summing up by the prosecutor seemed to be designed to discredit the character of both Peggy and me. He referred to us as the benign face of what may be a sinister action – '. . . today boltcutters, tomorrow someone with a bomb.'

He presented the jury with the dilemma: 'a prospect of a nuclear holocaust eventually or the prospect of a society without the rule of law.' He then quoted J. S. Mill, 'War is an ugly thing but not the ugliest thing. . . .' as if to imply non-violent direct action was a thing uglier than nuclear war.

Amidst her directions to the jury, Judge Mowat waxed theological and said, 'Criminal law does not include upholding of the law of God, despite the Coronation Oath. There is no objective test of who God is. Whose God and according to whose interpretation?'

She also referred to terrorists who firmly believed they had the right to 'do', as if there was no difference between taking non-violent direct action and terrorism.

Having had the international law in the ICJ AO removed by Judge Mowat, the case lost the important element of 'lawful excuse'. The jury were unanimous in their verdict of 'guilty'.

In this legal challenge, both the judge and the prosecutor described nuclear weapons as something the world needed to be rid of. The prosecutor described them as 'an abomination and the sooner we, humanity, can get rid of them the better. Not a sane person anywhere in the world is in favour of their retention.'

One month before the re-trial I wrote a letter to the Foreign Secretary asking for a response to the International Court of Justice Advisory Opinion. Two days after the trial began, on 22 July 1998, this reply was received: 'We are confident that the Advisory Opinion does not require a change in the United Kingdom's purely defensive policy of nuclear deterrence.'[20] (Again, it was stated in the AO para 48: 'in order to be effective, the policy of deterrence, by which those States possessing nuclear weapons seek to discourage military aggression by demonstrating that it will serve no purpose, necessitates that the intention to use nuclear weapons be credible'.)

On 15 August 1996, BBC1 television screened 'Defence of the Realm'. The

programme followed HMS Victorious, carrying Trident Missiles, under the command of Captain Jonty Powis. The presenter asked the Captain, 'If the order came through from Downing Street to launch a nuclear attack would you not think this is lunacy?' to which he replied 'As Captain I have to do it, there is no point in having nuclear weapons if I'm not prepared to do it.' The presenter then said, 'But if they were used on the word from you, you would trigger Armageddon and there would be no Realm to defend' to which the Captain replied 'Perhaps – but by being so terrible [i.e. the weapons] we persuade people not to attack us.' The film then switched to Rear Admiral Lane-Knott who was witnessing the firing of a missile test off the coast of Florida. On seeing a successful firing the Admiral said, amid the cheers from the crew, *'Fantastic – that's what it's all about.'*

On 14 July 1996, *The Guardian* newspaper, commenting on the publication of the International Court of Justice Advisory Opinion, reported, 'the commanders of Britain's Trident nuclear missile force would have ignored the court's ruling whatever its findings.' *The Guardian* had seen a private legal opinion by Captain David Humphrey, in which the chief naval judge advocate had advised earlier that year, 'If the court were to deliver an adverse opinion it would be ignored by the nuclear powers.' He also said it was 'inconceivable that the nuclear powers would be presently prepared to relinquish possession of nuclear weapons.'[21]

When the full text of the Advisory Opinion is read it is absolutely clear that nuclear weapons can never be deemed to be lawful. Nevertheless, in spite of the ICJ Advisory Opinion, prepared by 14 eminent international judges, we remain prohibited from holding a proper testing of the legality of nuclear weapons in the UK courts. Her Majesty's Government insists on legal immunity for her weapons of mass destruction – 'The Crown alone is entitled to decide the disposition and order of the armed forces. The propriety of the decision on such matters can not be questioned in a court of law.' In effect they are saying to the whole international body of treaties and laws that are supposed to protect the people of this world from inhuman treatment that the UK Government has no case to answer. The Crown Prerogative has bequeathed to the United Kingdom Government, in the matter of nuclear weapons of mass destruction, immunity from prosecution. The judges who have been called upon to examine cases involving nuclear weapons have bowed the knee to the Crown Prerogative, rather than accept their responsibility to justice, mercy, good faith and the weightier matters of the law.

Voting case (civil)

Anthony Meyer
- v -
The Electoral Registration Officer, Hipperson and others

Council Offices, Newbury District Council, 7 January 1985

The case, brought by Anthony Meyer, chairman of the group known as RAGE (Ratepayers against Greenham Encampments), was essentially that living on Greenham Common disqualified women from inclusion on the Electoral Register.

Meyer was represented by Mr G. Mitchell of the firm, Memery Crystal & Co. A second objector, Miss Bowes, was not present in court but was represented by her mother, Mrs Hutcheon, who only took part in the proceedings within the hearing conducted by the Electoral Officer at Newbury. She took no part in further proceedings as the case progressed. The Electoral Officer, Mr W. J. Turner, convened the hearing at the Electoral Registration Court, held at the Council Offices at Newbury District Council, on 7 January 1985.

At the start of the hearing, Mr Mitchell stated, 'nuclear weapons obviously raise difficult and sometimes frightening political and ethical issues. However, this court is not concerned with those issues at all. This case is not about the rights or wrongs of nuclear weapons in general or Cruise Missiles in particular. Nor is this case concerned either with approval or with disapproval of the political protests mounted by demonstrators at Greenham Common.'

The submission was that 13 named women on the Electoral Register, including Katrina Howse and me, were not entitled under the Representation of the People Act 1983 to be registered; that:

1. The nature and character of the occupation on Greenham Common by the applicants does not constitute residence within the ordinary and natural meaning of that word.
2. Under the Representation of the People Act 1983, section 5(1)(b) . . . in particular, regard shall be had to the purpose and other circumstances, as well as to the fact, of his presence at or absence from the address in question. It is submitted that the purpose of the occupation is the staging of a political protest and is not for the purpose of residence.
3. In all the circumstances of these 13 cases it cannot be said that the applicants have an address on Greenham Common within the ordinary and natural meaning of the word 'address'.
4. The occupation is unlawful in a number of respects. Firstly, the applicants have no rights to be there and are trespassers. Secondly, they defy and intend to defy court orders relating to that occupation. Thirdly, the occupation and protest is carried on in such a way as to create criminal offences, such as Criminal Damage. As a matter of public policy, persons who are unlawfully in occupation in these circumstances cannot be said to be resident and take the benefit of the franchise conferred by the Representation of the People Act 1983.

Mr Mitchell's attempt to distance his client from a political motivation in his opening statement did not ring true when he called his first witness, Mark Loveday, a researcher for the Coalition for Peace Through Security – a right-wing organisation connected with dubious activities in different parts of the world. His evidence essentially was about the standard of the accommodation and its lack of permanence. Photographs by Mark Loveday, commissioned by Anthony Meyer, showing tents, women sitting around the fire, a mobile structure containing food, women collecting water from a stand pipe, and an area used for toilet facilities, were supposed to prove that the residence was not *bona fide.*

A second witness, called to confirm that evidence, was also a researcher for the same organisation. Both had been instructed to do this work by Anthony Meyer. Also called to give evidence was an official from Newbury District Council and another from the Department of Transport. These two witnesses were to testify to the legal position of the land occupied by the Women's Peace Camp.

Women represented ourselves at the hearing and questioned the witnesses.

Mark Loveday was asked if he had heard of Emily Davison – he had not. He was told that she was the suffragette who had died to get the vote for women.

It was also pointed out that two of the named women had been political candidates, one for the General Election in 1983 and the other for the District Council election also in 1983, both having done so from the address that was now to be regarded as unlawful.

On questioning by the court and the lawyer for Mr Meyer, all of the women agreed that we were living on the land and were involved in the protest.

Mrs Hutcheon made a statement on behalf of her daughter Miss Bowes. She stated, 'It is just that she does think that if these women are allowed to be registered, it could set up a precedent, whereby many people could be brought into an area and put on the register and therefore sway the whole electoral process, where you could get Communists or whoever; it does not matter what party they belong to; they could just appoint their own choice of representative in Parliament; and then the true, the proper residents of Newbury, the lawful residents, not the illegal people, would not be able to appoint their own representative to Parliament.' (verbatim record)

In my statement to the hearing I pointed out that attaching the vote to the ownership of property had been used in Northern Ireland to deny Catholics the right to vote in certain areas, and that this manipulation was referred to as 'gerrymandering'. This was considered to be unjust and politically unsound and was condemned by the Cameron Commission of 1969. I asserted that there was some attempt to turn the clock back, at this hearing, to create that situation.

The Electoral Officer delivered his judgment on 25 January 1985. It read, 'I consider it is my duty to register all persons who are not disqualified who fulfil the other relevant criteria. Similarly it seems to me that I should not lightly take any step which would have the effect of disenfranchising any person and that I should resolve any doubts in favour of the person objected to. Whilst I found as a matter of fact that each of the persons objected to was living and in ordinary language resident outside the Main Gate at RAF Greenham Common on the qualifying date I had no alternative but to find that each is not entitled to be registered because such residence was unlawful. A right to be registered cannot be derived from a presence which is necessarily in breach of the criminal law be that Common Byelaws or the Highways Act.'

We were disenfranchised and our names removed from the Electoral Register.

Newbury County Court, 13 March 1985

We lodged an Appeal in the County Court, heard before His Honour Judge Peck. One woman was represented by a barrister and the others represented ourselves. The same arguments were raised by the objectors regarding standards of accommodation, the unlawfulness of the occupation of the land and regarding the lack of an address in spite of the fact that all communications regarding the case had been delivered to the Women's Peace Camp by the Royal Mail postal service.

His Honour Judge Peck took a different view from the Electoral Officer on the residence issue. Although both Mr Turner and Judge Peck agreed that we were resident within the Parliamentary Constituency of Newbury, the difference between them lay in the fact that Mr Turner decided that the unlawfulness of our residence disqualified us from inclusion on the electoral register. Judge Peck did not agree that unlawfulness excluded people from registration and overturned the judgment from the Electoral Court. Anthony Meyer appealed against the ruling of Judge Peck in the Court of Appeal in London.

Court of Appeal, London, 1 May 1985* before Sir John Donaldson, Master of the Rolls, Stephen Brown LJ and Glidewell J

The hearing lasted 3 days. Barrister George Newman QC represented Mr Meyer and one woman was represented by barrister Ms Woodcrofth. The rest defended themselves. On behalf of Mr Meyer, Mr Newman repeated the same objections as had been presented in the lower courts regarding residence including quoting the Representation of the People Act 1983 section 5(2) which in the context of 'constructive residence' referred only to dwelling houses. He submitted that the living conditions of the 'Greenham Ladies' were such that they could not in any objective sense be said to constitute a home. With regard to the issue of residence, he cited a case in support of his client's assertion that for a person to reside in any place they required

* This case is recorded in the Law Reports as: *Hipperson - v - Newbury District Electoral Registration Officer* (1985) QB 1060.

to have a home there.[22] With reference to the unlawfulness he referred to the injunction granted to Newbury District Council in the High Court on 9 March 1983.[23] He also referred to the fact that on 12 September 1984, Judge Macpherson had granted the Department of Transport an order for the possession of their land. Both orders instructed that the land had to be vacated. Women had ignored the orders.

Our case essentially was the same as before. Each woman made a statement personal to herself. In every sense the objector had to prove his case within the terms of the Representation of the People Act. The onus was on him and he failed to do so.

Excerpts from the judgment of the Master of the Rolls, Sir John Donaldson, read: 'Voting rights lie at the root of Parliamentary democracy. Indeed some regard them as a basic human right. Nevertheless they are not like the air we breathe. They have to be conferred, or at least defined and the categories of citizens who enjoy them also have to be defined. . . . It should be noticed that there is no property owning qualification and no requirement for residence over a specified period. . . . Residence is not defined in the Act, but guidance is given in Section 5.'

To save naming each woman separately, he referred to us collectively as 'the Greenham Ladies'.

'As to the need for a qualifying address, there can be no doubt that the Greenham Ladies have it. Their mail is regularly delivered when addressed to them at the camp and it is accepted by the court and the County Court as an address for service. This leaves only the permanence of their residence and its purpose. Permanence like most aspects of residence, is a question of fact and degree. There are concurrent findings that the tenure of each of the Greenham Ladies had sufficient permanence on the qualifying date to constitute residence and, on the facts, we are not surprised. All human affairs have a degree of impermanence, the precise degree being best forecast in the light of experience. The experience of the Greenham Ladies, thus far, seems to be that, however precarious their occupation of the camp may be in theory, in practice it seems to have a marked degree of continuity.'

He referred to the opinion of Judge Peck in the County Court, who had drawn attention to the express disenfranchisement of convicted persons only whilst detained, and concluded that Parliament could not have intended to disenfranchise those whose residence involved the commission of a criminal offence which might be of a technical character. Sir John Donaldson added,

'If the scope of the disqualification is to be extended from the illegal to the unlawful, all those who remain in occupation of residential premises when a possession order has been made would be disqualified.'

'On the facts of this appeal, we could not, in any event, have accepted the assumption that the residence of each of the Greenham Ladies was necessarily illegal. The offence under section 137 of the Highways Act 1980 consists of obstructing free passage along a highway and not of living on the land. Accordingly, we consider that the facts found all the Greenham Ladies have established a residence qualifying them to have their names included in the electoral lists and no facts have been found to prevent their relying upon that residence.'

Mr Meyer's Appeal was dismissed by Sir John Donaldson and the two other judges and costs were awarded to us. These costs were very modest as we all, but one woman, represented ourselves.

Although throughout this case there had been an intention to make the case look free from the taint of prejudice and politics, it clearly failed to do so. From the beginning of the process it was seen by us as yet another attempt to stop the protest. There was also a sense that there were shadowy figures in the background encouraging this legal action. The connection of Anthony Meyer's witnesses with the Coalition for Peace Through Security and in turn its connection with the US pressure group, the Committee for the Survival of a Free Congress, was disturbing. The evidence extracted from Mark Loveday that he had been granted permission from some source with the authority to grant such permission to fly over Greenham Common, a nuclear base, carrying a banner which read 'Go home girls,' in April 1984, confirmed our suspicions that the massive eviction of the camp at that time had been orchestrated by a diverse number of agencies – some with their own authority and some with the help of authorities.

It is worth recording here that the 1983 General Election results left the Conservative Party still in power in Parliament and in Newbury. The local newspaper, *Newbury Weekly News*, ran a headline: 'Tories sweep aside Liberals on anti-Peace Camp vote'. According to the Newbury Conservatives the major issue had been 'Greenham women being a nuisance'.

Byelaws case (criminal)

Director of Public Prosecutions (Respondent)
- v -
(1) Jean Hutchinson (Appellant)
- and -
(2) Georgina Smith (Appellant)

On 2 March 1985, the Secretary of State for Defence, Michael Heseltine, made and introduced on 1 April 1985 a new set of byelaws for Greenham Common.[24]

As a result of these byelaws, women entering the base were arrested, charged, called to court for trial and sent to prison. There was no defence to the charge as it was expressed within the terms of the Statutory Instrument 'RAF GREENHAM COMMON BYELAWS 1985 – Made by the Secretary of Defence, under the provisions of the Military Lands Act 1892, for regulating the use of the above-mentioned site.' The particular charge read: '. . . did contrary to 2(b) enter, pass through or over or remain in or over the Protected Area without authority or permission given by or on behalf of one of the persons mentioned in byelaw 5(1).'

Two women from Yellow Gate Camp, Georgina Smith and Jean Hutchinson, after trespassing on 17 April 1986, were charged under these byelaws. They appeared at West Berkshire Magistrates' Court on 23 July 1986 and were tried and convicted. They appealed their conviction and set about challenging the validity of the byelaws.

They consulted lawyers who 'found no legal merit in the case' so they decided to do it on their own. They were convinced that the byelaws, made by the Secretary of State for Defence under the Military Lands Act 1892, were invalid. They placed their claim on the understanding that the enabling Military Lands Act 1892, which gives power to the Secretary of State to make byelaws on land held for military purposes and securing safety of the public, contained a proviso within section 14(1) that was incompatible with the

making of these byelaws on Greenham Common. This section 14(1) reads: 'Where any land belonging to the Secretary of State or to a volunteer corps is for the time being appropriated by or with the consent of a Secretary of State for any military purpose, a Secretary of State may make byelaws for regulating the use of the land for the purposes to which it is appropriated, and for securing the public against dangers arising from that use, with power to prohibit all intrusions on the land and all obstruction of the use thereof. Provided that no byelaws promulgated under this section shall authorise the Secretary of State to take away or prejudicially affect any right of common.'

Greenham Common is an ancient 12th-century common. It is a registered Common under the Commons Registration Act 1965. Under the 'rights of common', around 60 commoners had the right to graze cattle, dig up gravel and take firewood from the area covered by these byelaws. These new byelaws, made under the Military Lands Act 1892, quite clearly affected the rights of common on Greenham Common.

Reading Crown Court, 2 and 3 April 1987 before His Honour Judge Lait

Jean Hutchinson and Georgina Smith, presented their case – seeking to overturn their conviction at the magistrates' court in Newbury on the grounds that the Secretary of State for Defence went beyond his powers – that the proviso contained in the Military Lands Act 1892 section 14(1) limited his powers to make new byelaws for Greenham Common. Therefore, the byelaws that they were convicted under were invalid.

The Crown Prosecutor had no answer to the women's case. Nevertheless, he asked for and was granted a 3-month adjournment in order for him to go away and prepare a response to the rights of common argument as presented by the women.

Reading Crown Court, 17 and 18 June 1987 before His Honour Judge Lait

The case resumed. By this time a lawyer agreed to assist the women in court, acting as a 'McKenzie friend'.[25] At this hearing the Secretary of State for

Defence, Michael Heseltine, was summoned to the court as a witness to give an account of the form of the Greenham Common Byelaws 1985. He found a way of avoiding the summons through the Treasury Solicitor and instead sent a lawyer to explain to the court that he was not responsible for the process but for the decision to make them. After two days of argument Judge Lait ruled that the case presented by Jean Hutchinson and Georgina Smith – that the byelaws under the Military Lands Act 1892 section 1(14) were prejudicial to those with commoners' rights – 'was of substance and *bona fide*'. However, he decided to send the case to the Divisional Court on the question of jurisdiction – i.e. whether the Crown Court had the power to rule the byelaws invalid.

When it was first realised that the judge might not be prepared to rule, the camp women decided to take action as a way of protecting the case. We were suspicious of the judge's failure to declare the byelaws invalid, afraid that the case would be left to languish on some dusty shelf in some vault. On the afternoon of 18 June, after Judge Lait made his decision to send the case for review, 11 women took action by removing 16 sections of the fence on the north side of Greenham Common. We knew that we would be arrested – each of us painted our names on our boltcutters thereby laying claim to our participation in the action. We took the action in order to guarantee that there would be another court case that would retain the important element of the original claim, i.e. *that the byelaws were invalid.* The women were all arrested and charged with Criminal Damage.

One month later Jean and Georgina took their case to the High Court in London seeking a Judicial Review on the jurisdiction point. By this time barrister Beverly Lang and solicitor Barbara Cohen had joined the case and represented Jean Hutchinson while Georgina Smith spoke on her own behalf. The High Court heard arguments about the nature of byelaws and whether the lower courts could strike them out. On 24 July, by way of a 'Writ of Mandamus',[26] Judge Lait was ordered by the High Court to rule on the case.

The Director of Public Prosecutions (DPP) responded by applying to the House of Lords to have the order from the High Court to Judge Lait rescinded but the Application was refused. This was yet another time wasting tactic by the DPP causing a delay of seven months.

Reading Crown Court, 25 February 1988 before His Honour Judge Lait

Judge Lait, acting on the order from the High Court to rule, ruled that the Secretary of State for Defence had exceeded his powers and that the Greenham Common Byelaws were *ultra vires* (beyond his powers). The judgment reads: 'It follows as an inevitable inference from our findings that the Secretary of State in making those byelaws which we have found to be *ultra vires* failed to take proper account of rights of common. Accordingly for that reason also we find these byelaws are *ultra vires* and invalid. Accordingly we quash the convictions of these two Appellants.'

The DPP responded by seeking an opinion from the High Court within the legal process of 'Case Stated'.

Divisional Court, Queen's Bench Division, London, 19–26 July 1988 before Lord Justice Mann and Lord Justice Schiemann

Mr J. Laws appeared for the Director of Public Prosecutions (DPP) and Mr D. Pannick appeared on behalf of the Secretary of State for Defence (Appellants).

The women's team made a tactical change. Georgina Smith was now represented by barristers Ms Beverly Lang and Ms Heather Williams, from Doughty Street chambers, with instructing solicitor Barbara Cohen, from Hodge Jones & Allen. Jean Hutchinson represented herself.

The DPP and the Secretary of State for Defence were seeking an opinion from the High Court as to whether His Honour Judge Lait had been correct at law in his findings that the Secretary of State had acted beyond his powers in making the RAF Greenham Common Byelaws 1985 and that therefore they were invalid, and in so finding, was he correct in quashing the convictions of Georgina Smith and Jean Hutchinson. They contended that the byelaws were not invalid on any of the grounds relied on by the Respondents and that the convictions of both women should stand.

Referring to the proviso of section 14(1) in the Military Lands Act 1892, the court after considering different constructs, concluded that Parliament's intention was to secure that the Secretary of State should not by the use of the

byelaw-making power given to him take away or prejudicially affect rights of common. Nevertheless, the court concerned itself as to whether the invalid part of the byelaws could be severed from the valid, leaving the byelaws effective – whether they could be modified. This in effect would be the court performing an exercise which is essentially the alteration of a decision. To this end it was stated by Mr Justice Schiemann:

> I accept that when the court is performing an exercise which is essentially the alteration of a decision made by another under statuatory powers given to that other and not to the court, the court should only do so when sure that the altered decision represents that which the decision-maker would have enacted had he appreciated the limitation on his powers. For the court to go further would be to assume the function of the decision-maker. If, however the court thus restricts itself in performing the modification exercise then it also overcomes the difficulty that the decision maker failed to take into account the fact that he did not have such wide powers as he thought he had or was labouring under some mistake of fact. If the court is in any doubt then in my judgement it should quash the decision and leave the decision-maker to decide afresh . . . I accept that there are several techniques whether of byelaw drafting or of buying out which the Secretary of State might have adopted for dealing with any commoners, but this uncertainty does not matter in the present case for we are not dealing with commoners. What we must be certain of is not what would have happened to the commoners but what would have happened to the rest of the world.

Judgment given, 21 October 1988

The court decided that the invalid part of the byelaws could be severed from the valid so as to be upheld in part. The Appeal of the DPP and the Secretary of State for Defence was upheld by the Divisional Court. The court ordered that the Order of Reading Crown Court, by Judge Lait, on 25 February 1988, be set aside. It further ordered that the convictions of Georgina Smith and Jean Hutchinson be restored.

During the discussion about the apportioning of costs, Ms Lang submitted to the court that '. . . it is reasonable to suppose that this appeal was brought

primarily because the case of Hutchinson and Smith had become a test case and that unless the Reading Crown Court judgment was challenged thousands of convictions under the byelaws could be open to challenge and pending charges.' In support of her submission, she produced a letter from the List Officer at Reading Crown Court to the Chief Clerk at the High Court which read, 'This court has a large number of appeals outstanding and a lesser number of public trials which the result of this opinion will affect, in addition to its significant interest. It would, therefore, be appreciated if it could be dealt with as soon as is practicable.'

On a point of law, of general public importance in this case, the barrister for Georgina Smith made an application for leave to appeal to the House of Lords, under section 1(2) of the Administration of Justice Act 1960. Jean Hutchinson also made an application. The right to appeal was granted.

When the judgment was given by Lord Justice Mann, supporting women in the court stood up and sang a South African freedom song: 'It does not matter if you should jail us, for we are free and kept alive by hope.' Lord Justice Mann picked up the phone behind his chair, spoke to someone, then ran out of the court.

House of Lords Appeal, 13, 14 and 15 November 1989 before Lord Bridge, Lord Griffiths, Lord Oliver, Lord Goff and Lord Lowry

The same legal teams appeared for both sides – submissions were made and the same arguments as before were aired.

Jean Hutchinson entered into evidence a copy of the document *House of Commons (2nd Report) Defence Committee, The physical security of Military installations in the United Kingdom.* This document records that a hearing had taken place in May 1984 – approximately one year before the RAF Greenham Common Byelaws 1985 became law – and that amongst those attending the meeting was the Ministry of Defence's Chief of Police. When the meeting moved into 'private session,' discussion turned specifically to the issue of Byelaws. It is recorded that the Chief of Police was present when the following statement was made: '. . . one problem with the application of byelaws under the Military Lands Act is that the process of public consultation that is required can give rise to greater knowledge about little known

commoner's rights and rights of way across Ministry of Defence establishments.... The process of consultation about byelaws runs the risk of spreading the knowledge about their existence.'

Judgment delivered, House of Lords, 12 July 1990

The Law Lords were not as kind to the Secretary of State for Defence, Michael Heseltine, as Lord Justice Schiemann and Lord Justice Mann had been when they judged that the Secretary of State might have been 'labouring under some mistake of fact'.

Mr John Laws had presented in evidence a letter written by an official of the MoD in answer to a complaint about commoners' rights and the byelaws, which stated, 'Finally I can confirm that in accordance with the enabling Act, the Military Lands Act 1892, the byelaws will not affect rights of common.' This was to support the submission that the Secretary of State for Defence believed that the law would imply necessary exceptions.

The judgment of the five Law Lords, which was unanimous, stated: 'Mr Laws has invited us to infer from this that the Secretary of State for Defence made the byelaws in the belief that the law would imply the necessary exceptions to prevent the byelaws from prejudicially affecting rights of common. I do not think we are entitled to take account of the letter [above] in considering whether the byelaws may be upheld as valid in part. But in any event it is a matter of speculation as to what the writer of the letter had in mind. The draftsman of the byelaws cannot possibly have been in ignorance of the terms and effect of the proviso to section 14(1) of the Act of 1892 and the theory of an inadvertent omission appears the less plausible since five sets of byelaws in relation to common lands used for military purposes which were made by the Secretary of State for Defence under section 14 of the Act of 1892 in the years 1976 to 1980 all contain careful express provisions to safeguard rights of common... I conclude that the invalidity of byelaws 2(b) cannot be cured by severance. It follows that the appellants were wrongly convicted and I would allow their appeals, set aside the order of the Divisional Court and restore the order of the Crown Court in Reading.'

Lord Lowry added a further statement which read: 'It is up to the lawmaker to keep within his powers and it is in the public interest that he should take care, in order that the public may be able to rely on the written word as

representing the law. Further enlargement of the court's power to validate what is partially invalid will encourage the lawmaker to enact what he pleases, or at least to enact what may or not be invalid, without having to fear any worse result than merely being brought back within bounds.'

The legal challenge to the Greenham Common byelaws by Jean Hutchinson and Georgina Smith, which lasted four years, finally came to a conclusion on this day and brought forth a judgment by the House of Lords which revealed that the Secretary of State for Defence, a Minister in Her Majesty's Government, had pushed aside a legal constraint in his quest to end the protest on Greenham Common. Women insisted that they had the right to protest, and that those with authority that go beyond the powers given to them by Parliamentary Legislation, must be held to account. The RAF Greenham Common Byelaws 1985 had been declared invalid by the highest court in the United Kingdom.

I believe that the decision to bring in the new byelaws in 1985 had a lot to do with the effectiveness of the protest. Incursions into the base by women increased after the Cruise Missiles were installed in the silos, and preparations for the full convoy programme were being stepped up inside the base. Two women who spearheaded the incursions were Katrina Howse and Hiro Sumpter. Also, the eviction of 1984 had not had the desired effect of emptying the Common of women.

As a response to the pressure created by the women, the RAF Greenham Byelaws 1985 were introduced to criminalise women, with the intention of undermining the protest. In the course of the legal challenge by Jean Hutchinson and Georgina Smith, the unlawfulness of the Ministry of Defence was revealed at Reading Crown Court on 2 and 3 April 1987. Although the case had gone through the whole judicial system over a period of four years, essentially, the legal point that determined the invalidity of the byelaws, and overturned their convictions, remained unchanged from that date. The MoD, caught up in their own power and arrogance, attempted to flout the law for their own ends – to stop the protest. As the case was dragged out by the Director of Public Prosecutions (DPP) under the instruction of the MoD, there had to be more than their lack of understanding about the effect the proviso had on the ability to prosecute trespassers under these byelaws. On 14 April 1988, *Hansard* recorded that between 1 January 1987 and 7 April 1988, 812 cases of Trespass were recorded. This does not take account of the cases between 1 April 1985 and 1 January 1987.

Jean Hutchinson and Georgina Smith had persisted in their assertion that the Proviso 14(1) of the Military Lands Act 1892 affected the rights of common on Greenham Common and was incompatible with the RAF Greenham Common Byelaws 1985. This point remained at the centre of the legal argument throughout the legal process – it travelled from court to court: from Newbury Magistrates' Court to Reading Crown Court to the Divisional Court; back to Reading Crown Court, again to the Divisional Court and finally to the House of Lords.

On the stroke of midnight on 1 April (All Fools Day) when the byelaws came into effect, more than one hundred women had been arrested as trespassers. It has to be restated here that there was no defence that could be offered in court against conviction, therefore each woman who was arrested and charged under these byelaws was, according to the House of Lords judgment, 'wrongly convicted'. The number of women who were convicted must have totalled more than one thousand.

Another feature of the delaying tactics during the case by the MoD was to give more time to develop their plans to extinguish the rights of common. On 8 August 1988 the MoD began the legal process to extinguish the Rights of Common on Greenham Common. This was about the same time that the Divisional Court was considering the DPP's Appeal to have the judgment of Judge Lait, which quashed the women's convictions, set aside. One could surmise that they knew they were wrong – in fact this is clearly stated in the House of Lords judgment – and that they were simply buying some time in order to alter the legal impediment that commoners' rights represented to their future plans for the development of Greenham Common.

The judgment of the House of Lords signalled the beginning of the end of the MoD stay on Greenham Common. The revelations uncovered in the course of Georgina and Jean's four-year journey through the courts were used by women to advance other legal challenges by Yellow Gate Camp, challenges that involved the legality of the fence, the buildings on the Common, and later, the stewardship of the land by the MoD.

The failure of those with commoners' rights to protect their rights from the unlawfulness of the MoD created a vacuum that women occupied. Women had to trespass in order to expose that unlawfulness, even if it meant being sent to prison.

* This case is recorded in the Law Reports as: *DPP - v - Hutchinson* (1990) AC 783 in the House of Lords.

The judgment of the House of Lords* was a great achievement for Jean Hutchinson and Georgina Smith and for all the women who took up the challenge against the byelaws, determined to make them unworkable. They refused to be deterred by the threat from the Secretary of State for Defence of serving time in prison.

In 1992 Lord Taylor, Lord Chief Justice, delivering the Richard Dimbleby Lecture for the BBC, 'The Judiciary in the Nineties,' referring to the Byelaws case, said '... it would be difficult to suggest a group whose cause and lifestyle were less likely to excite the sympathies and approval of five elderly judges. Yet it was five Law Lords who allowed the Appeal and held that the Minister had exceeded his powers in framing the byelaws so as to prevent access to common land.'

Fence case (criminal)

When Judge Lait adjourned the Byelaws case on 18 June 1987 (as stated in the above case) women were very suspicious of this delay. The Byelaws case had revealed that the legality of the perimeter fence surrounding the base was doubtful. Women decided that they would make the fence an additional legal challenge to give support to the 'Byelaws case'. On the afternoon after the adjournment, 11 women, including Beth Junor, Jean Hutchinson, Mary Millington, Georgina Smith, Janet Tavner and I, removed 16 sections of fence on the north side of the base, in broad daylight at peak traffic time around 4.30pm.

We had learned that police were sitting in vans waiting for us near the intended location, so we had made a change to our plans and had gone to the north side of the fence near the Blue Gate Camp. The police did not arrive for some time while we were cutting the fence at the new location. They only became aware of our changed location when they were alerted from inside the base. By the time they arrived we had removed 16 sections of fence. There happened to be a baseball game in progress inside which was being filmed. The camera was turned towards the fence cutting action and the film became part of the advanced disclosure evidence to be shown in court by the Public Prosecutor.[27]

West Berkshire Magistrates' Court, Newbury, 5, 6 and 7 October 1987

We were charged under the Criminal Damage Act 1971. A stipendiary magistrate was brought in to hear the case. During questioning, we discovered that some of the arresting officers had been in the area for 24 hours, and the fact that they had been in parked vans near the fence where we had originally intended taking action made us suspicious that we had an informer in our midst. When we questioned a police witness as to why they were there, he asked for and was granted permission to write down his answer. The magis-

trate refused to divulge the information to the defendants, and throughout our questioning of the prosecution witnesses he ran interference on behalf of them. The film, which was an important part of the police evidence, was suddenly withdrawn by the prosecutor when we began to question the origin of the film. When we were refused the right to offer it in evidence for our own defence we asked for a short adjournment to consider how to proceed. We returned to the court and refused to cooperate with the court. We felt that we were not being allowed to conduct our defence as we wanted and were entitled to do.

Without having heard our defence the magistrate found us all guilty. He sentenced Georgina Smith to two months in prison and me to three months. Both of us were taken immediately to Holloway Prison.

We remained there for five days while waiting for a lawyer to apply for bail. Bail was granted and set at £1,000 with conditions that banned us from Greenham Common. In an attempt to have the conditions varied we appeared at Reading Crown Court on 11 November before a very irate Judge Murchie. After hearing the plea he said, 'You use the courts to make political statements.' As we attempted to advance arguments to have the conditions varied, particularly the banning order from Greenham Common, he threatened us with 'Contempt of Court'. Later, on appeal to the High Court, on 9 December 1987, the day after the INF Treaty was signed, I suggested to the High Court judge that since the INF Treaty was an instrument to disarm Cruise Missiles, therefore, there should now be no need to take further action. Both of us were allowed to return to Greenham.

Other women were dealt with in different ways. Some received Conditional Discharges, others suspended sentences. Beth Junor received a month's custodial sentence and served this in Bullwood Hall Prison. Janet Tavner was targeted by the Home Office Department and in 1991 was deported to Sweden.

On 8 October 1987, the day after this case finished in the magistrates' court, an article appeared in the Diary column of *The Guardian* newspaper which revealed that certain worthies from the Newbury area had been invited to participate in a trip to the USA, courtesy of the USAF Military Airlift Command. It was described as a way of saying thank you to local people. The list of 46 included a number of officials from areas in Britain where United States Airforce bases were located – employees of District and County Councils, including Newbury District Council's Chief Executive, members of the Chamber of Commerce, other Newbury worthies, high-ranking police

officers and similar figures of authority. Also on this list was the Crown Prosecutor for Newbury. The women who had just been prosecuted in this case called into question the integrity and suitability of his acceptance of this trip. A few weeks later on another matter at a hearing in Newbury Magistrates' Court on 5 November, I handed into the court a copy of a letter I had sent to the Lord Chancellor, regarding this trip to the USA courtesy of the US Military Airlift Command, questioning the integrity of the court. The Clerk of the Court revealed that the invitation had also been extended to the Clerk of Newbury Magistrates' Court. The clerk stated in open court that she found the invitation 'totally inappropriate' and explaining the need for the court to remain impartial, she added, 'The court clerks treated it with the contempt it deserved.' It was revealed that the Chairman of West Berkshire magistrates had also received the same invitation. We never found out if he had accepted it.

Whilst serving her sentence in Bullwood Hall, Beth Junor studied the laws relating to Corruption. On release, she lodged an information with Newbury Magistrates' Court and wrote to the Attorney-General as a prerequisite to prosecuting a Corruption case against the Crown Prosecutor; to this day she awaits a reply.

The Fence case Appeal, Reading Crown Court, 18 May 1992 Judgment delivered by His Honour Judge Lait

Three of us who had cut the fence on 18 June 1987 appealed our conviction on 7 October 1987: Georgina Smith, Jean Hutchinson and myself. The Appeal had been held up while the Byelaws case was in progress through the courts – the results of which would have an effect on this case.

In this appeal I was represented by barrister Heather Williams. She had been junior council in the legal team that challenged the byelaws. She was chosen for her knowledge and understanding of the arguments that had been well rehearsed in the Byelaws case. Anne McCarthy was the instructing solicitor from the legal firm of Hodge Jones & Allen, who had been involved from the beginning in the Byelaws case. Georgina Smith and Jean Hutchinson represented themselves.

Barrister Mr Timms represented the MoD.

The charge of Criminal Damage under the 1971 Act does allow for a

defence of 'lawful excuse' and the three of us embraced that defence. It was for the prosecutor to prove that the action taken was without lawful excuse. The arguments we advanced in defence of our action were that we had intended:

1. to remove the fence that prevented those with commoners' rights from exercising their rights over the land
2. to remove the fence that obstructed any right of way to the Sanctuary – a small piece of land on the Common that had been acquired by the camp, in 1987 and
3. to prevent the commission or the continued commission of offences under The Genocide Act 1969.

Our case was that we were removing an unlawful obstruction to the rights of common over the land known as RAF Greenham Common. The fence that had been removed was seen as an obstruction as it marked out the boundary of the area which excluded all members of the public, including those with commoners' rights. Also, it had been erected without the consent of the Secretary of State for the Environment being obtained, as is required by section 194(1) of the Law of Property Act 1925. At the start of the case the film that had not been allowed by the stipendiary magistrate in Newbury Magistrates' Court on 7 October 1987 was viewed. It quite clearly established that we were testing the legality of the fence.

Judge Lait ruled that only those with commoners' rights had the right to remove the obstruction; however, he allowed my appeal against my conviction from Newbury Magistrates' Court on the grounds that I believed the Sanctuary had rights. This afforded me a defence of 'lawful excuse' even if this was a 'mistake of civil law,' because my belief was honestly held. He found that Georgina Smith and Jean Hutchinson did not share that belief and dismissed their Appeal – having been involved in the Byelaws case where evidence was given about registered commoners, he presumed they would/ should have known that the Sanctuary rights were not registered.

The judgment of Judge Lait revealed that had the rights attached to the Sanctuary land been registered under the 1965 Act (which they were not), we would have been entitled to remove the fence on common land. A letter from the Ministry of Defence presented to the court by the women's team admitted that 'No consents under the Law of Property Act 1925 have been

sought by the MoD for construction at RAF Greenham Common since the lapse of the Wartime Defence Regulations at the end of 1958.'[28] Judge Lait accepted that the erection of the fence around Greenham Common had required Ministerial consent and declared that, 'the perimeter fence at RAF Greenham Common was unlawful at all relevant times.'

In response to my submission that since nuclear weapons require a secure base, the removal of the perimeter fence would mean that weapons such as Cruise could not remain at RAF Greenham Common, the Crown Prosecutor said the court could not deal with this as it was a matter related to the disposition of the armed forces. He referred to the case of *Chandler and others -v- DPP* (1964), in which it was held that the Crown alone was entitled to decide the disposition and order of the armed forces, and the propriety of the decision on such matters could not be questioned in a court of law.

In his judgment Judge Lait stated, 'We are of course bound by the decision in the *Chandler* case that the safety and interests of the State are matters for the Crown as is the disposition of the armed forces for the safety and interests of the State. However, we are of the opinion that does not prevent a court from considering whether or not some part of the armed forces, be it a single member, a group of members, or an identifiable unit, or even units, in fact are committing a criminal offence: for it can be assumed that if that is occurring, that is outside and contrary to the disposition of the armed forces as made by the Crown.'

Had this case come *after* the International Court of Justice Advisory Opinion of 1996, with its unanimous finding by fourteen eminent justices that 'A threat or use of force by means of nuclear weapons that is contrary to Article 2, para 4 of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful,' this perhaps would have provided the opportunity and the evidence to test Judge Lait's opinion in its application to Her Majesty's Government's policy on nuclear deterrence. (See comment at end of ICJ case).

Judge Lait declared that no evidence has been placed before him to indicate the commission of any offence against the Genocide Act. The evidence given indicated that the matters complained of were solely matters determined by the Crown as part of the policy of nuclear deterrence, and were wholly matters within the Crown's disposition.

This case, by highlighting the illegality of the fence, was yet another step towards the end of the occupation of the MoD and restoration of Greenham

Common. The stalling tactics of the MoD during the Byelaws case held up the hearing. It finally punctured the MoD's hope that they could depend on the 'system' to cover up their unlawfulness. Judge Lait from Reading Crown Court sat on both cases. He declared the Byelaws invalid on 25 February 1988 and the perimeter fence on Greenham Common illegal on 3 June 1992.

At the start of the case the Prosecution brought to the attention of Judge Lait a statement I had made at the time of my arrest on 18 June 1987, and invited the judge to step down. The statement I had made was to the effect that 'Judge Lait had not lived up to his responsibility when he had failed to rule on the byelaws case' on 18 June. The prosecutor seemed to want Judge Lait off the case. Judge Lait ignored the Prosecution's invitation and I did not object to his hearing the case. However, when the ICJ case was ready for trial I was specifically told that Judge Lait would not be sitting on it. No reason was given, but a slight raise of the eyebrows by the person who passed on this information to me, indicated that the decision had been taken purposely. His Honour Judge Lait had been an independent, fair minded, courteous human being, who had always listened to our evidence even if he didn't agree with us.

When the House of Lords judgment on 12 July 1990 rescinded the order of the Divisional Court of 21 October 1988 and restored the order of Reading Crown Court on 25 February 1988, 'justice was done' for Judge Lait as well as being done for Jean Hutchinson and Georgina Smith.

Compensation case (civil)

After the House of Lords declared the Greenham Common Byelaws invalid, I immediately recognised that there was an issue of significant public interest that should be exposed. I recalled the observation made by the barrister, Beverly Lang, representing Georgina Smith in the Divisional Court in July 1988. At this Appeal brought by the Prosecution against Judge Lait's judgment of 25 February 1988, declaring the byelaws invalid and quashing the convictions of Jean Hutchinson and Georgina Smith, Beverly Lang observed to the presiding judge, 'the case had become a test case, that unless the Reading Crown Court judgment by Judge Lait on 25 February 1988 was challenged, thousands of previous convictions under the byelaws could be open to challenge.' This assessment identified a substantial number of women who were, like Jean Hutchinson and Georgina Smith, wrongly convicted under the RAF Greenham Common Byelaws 1985, which eventually were declared invalid by the House of Lords on 12 July 1990. I was one such person as were all of the women I had lived and worked with at the Women's Peace Camp.

When the House of Lords pronounced that the Secretary of State 'cannot possibly have been in ignorance of the terms and effect of the proviso to section 14(1) of the Military Lands Act 1892,' the full implication of what lay behind these words made me think: if not in ignorance, then what? I had come to the conclusion that the Greenham Common Byelaws 1985 were knowingly, wilfully and unlawfully constructed for the negative effect they would have on the protest against Cruise Missiles on Greenham Common. Michael Heseltine as Secretary of State for Defence, the holder of high ministerial office in Her Majesty's Government, had deliberately chosen to introduce invalid byelaws knowing that the effect would be to send women to prison. There was no defence to the charge of Trespass under the byelaws – it was fast-track justice: arrest, court, conviction and prison.

Also, Lord Lowry's addition to the House of Lords judgment with the warning 'It is up to the law-maker to keep within his powers and it is in the public interest that he should take care, in order that the public may be able to rely on the written word as representing the law. Further enlargement of

the court's power to validate what is partially invalid, will encourage the law-maker to enact what he pleases, or at least to enact what may or not be invalid, without having to fear any worse result than merely being brought back within bounds' suggested to me that there was a need, indeed an obligation, to attempt to do more than just leave it to the 'establishment' to bring the Secretary of State 'back within bounds'. The integrity of and the democratic right to non-violent protest had been placed under threat by the MoD. Seeking justice through compensation for wrongful conviction and imprisonment under the Greenham Common Byelaws 1985 seemed to be the way to proceed.

Although the findings by the House of Lords against the MoD were reported in some newspapers, there wasn't any real condemnation of the deliberate, political, connivance that had taken place within the 'corridors of power' by Michael Heseltine and others. Nor was there much support expressed for the women who had been deliberately targeted and imprisoned as a result of the making of these invalid byelaws. The attempt by Jean Hutchinson and Georgina Smith to bring Michael Heseltine into court during the Byelaws case in June 1987 and the manner in which he had managed to avoid being held to account, required some further action.

At the close of the Fence case in May 1992, I approached my barrister, Heather Williams, and the instructing solicitor, Anne McCarthy, with a view to bringing a claim for compensation against the MoD for the nine occasions on which I had been arrested under the byelaws. I had served time in prison for six of the arrests, and been held in custody for a number of hours for the other three. Both lawyers were encouraging and an arrangement was made for me to visit Anne McCarthy at the offices of the firm of Hodge Jones and Allen, where she was employed.

I engaged the services of the firm of Hodge Jones & Allen on 2 June 1992, who in turn engaged the services of Heather Williams of Doughty Street chambers, both in London. I had confidence that the claim was to be under the care of both these 'firms' because they had already built a foundation of legal knowledge about the RAF Greenham Common Byelaws 1985 while representing Jean Hutchinson and Georgina Smith during the four years of the legal challenge in the Byelaws Case.

After the initial interview with Anne McCarthy in May 1992, we began to put some shape to the claim. She wrote to me on 12 June 1992 sending me the Legal Aid forms, which I filled in and sent back to her. She asked me to write

a statement of the potential claim. I supplied her with all the facts relating to the dates and circumstances of arrests, names of the arresting police officers, and detailed incidents when I had been assaulted and abused during my arrest.

I placed particular emphasis on the first arrest related to the introduction of the byelaws, on 1 April 1985. Because the MoD Police had been caught unaware of the mass trespass which began on 1 April at 1 minute after midnight, they were in a state of confusion. I was held in a bus with 30 or more women for 6 hours. After a lengthy delay, I was escorted by a female plain-clothes police officer to the toilet but she denied me any privacy. On returning to the bus I complained that she was hurting my arm as she escorted me; she then proceeded to drag me along the road. I was left with massive bruising to my upper right arm. I described her treatment as cruel and inhuman.

I also supplied the number and length of time of prison sentences served. Having provided all the relevant information, my instruction to Anne McCarthy was to make the claim against whoever was liable at law. She instructed barrister Heather Williams for 'Advice and Opinion'. Heather Williams decided that the Chief Constable of the Ministry of Defence Police was the person to name on the claim. Having entrusted the claim to those with professional legal expertise, I returned to Greenham to continue with the protest.

I discovered later that Anne McCarthy had delayed sending off the application forms for Legal Aid for 6 months and that when she finally sent them they had been returned because they had been incorrectly filled in. Legal Aid was granted on 19 January 1993, eight months after I had engaged her services. At the time I was not really conscious that this represented more than human error. However, I was to discover later, to my financial and political cost, that it was a mere snapshot of a much bigger picture of negligence.

Anne McCarthy left the firm of Hodge Jones & Allen and commenced working as a solicitor at the firm T. V. Edwards, London, on 7 September 1992. The claim was transferred to that firm and she continued to represent me.

Heather Williams, on 12 March 1993, in her Advice stated: 'In my view there is a good basis for arguing that the effect of their Lordships' ruling in July 1990 was to render all criminal proceedings that were taken under those provisions of the byelaws that were found to be *ultra vires* a nullity, thereby giving rise to potential claims for damages in respect of any trespasses to the

person that were occasioned in the purported enforcement of these provisions.' In the same document she advised that: 'However, the legal position is affected by an apparent limitation problem. Section 2 of the Limitation Act 1980 requires a claim for imprisonment or assault to be brought within six years of the date when the cause of action accrued.' She went on to point out: 'Mrs Hipperson would have had cause of action with reasonable prospects of success in respect of a claim for false imprisonment and/or assault concerning her prosecution under the byelaws. However the delay in bringing proceedings has rendered the bulk if not all of her claim potentially statute barred.' This was the first time I was made aware of the limitation point. I questioned why it had taken 10 months to discover this important information. The responsibility for ensuring that the proceedings were issued lay with the solicitor, Anne McCarthy.

On 17 May 1993, a conference with Heather Williams, Anne McCarthy and myself was held to reassess the claim. At this meeting it was decided to add to the claim the three arrests under the byelaws that had been dealt with in court but had been adjourned *sine die* (without date) between August 1987–88. These cases involved the same cause of action as those that might be deemed to be 'statute barred', if the limitation point was raised by the MoD. The legality of arresting women under byelaws that were proven to be invalid could be tested in a court of law. She advised the Legal Aid Board that Legal Aid should be extended.

On 13 October 1993 I wrote to Anne Mc McCarthy expressing my concern at the delay in the progress of my claim. I had discovered, when I spoke on the telephone to her secretary, that the Legal Aid Board had not received the application for the extension she had advised me she had sent to them on 25 May 1993. I said I was 'concerned at the way that this was allowed to drift on without any sense of urgency.'

Legal Aid was extended on 11 January 1994 to cover the whole claim based on the nine arrests in the event that the liability began when the House of Lords declared the Byelaws invalid in 1990. Also, Heather Williams decided to include in the claim, along with the Chief of Police, the names of the seven Newbury magistrates in respect of each of the times that I was imprisoned, pursuant to conviction under the byelaws.

In March 1994, Anne McCarthy relinquished the case to another solicitor, Susan Ridge, her colleague at T. V. Edwards. In doing so she wrote, 'I regret I have not engaged in civil work for some time and it would be in Miss

Hipperson's interest to have someone who is more experienced in civil work than I am currently.' This admission was made almost two years after agreeing to represent me.

It was at this time that Susan Ridge divulged to me that Anne McCarthy had failed to ensure proceedings for arrest/false imprisonment before 15 July 1992 and 22 July 1992 respectively. These two dates were allowed to slip out of time – proceedings should have begun shortly after Anne McCarthy had agreed in writing, on 12 June 1992, to take on the case. She failed to issue protective proceedings or to advise me regarding the need to do so.

I was advised by Susan Ridge 'the MoD Police would be extremely anxious to settle in order to avoid the publicity.' I indicated during the meeting that I was keen to see the claim go to a jury trial. She also informed me that I had a claim for negligence against both firms of solicitors that had employed Anne McCarthy – Hodge Jones & Allen, London and T. V. Edwards, London.

Meanwhile, the process of the claim continued towards a hearing to deal with the argument related to the Limitation Act 1980 to establish whether the time ran from the date of the first arrest or from the date when the House of Lords declared the Greenham Common Byelaws invalid.

Bow County Court, 16 January 1995

A short Directions Hearing took place to determine the issues involved in the case i.e. the limitation period and how the court should deal with it. My barrister Heather Williams had advised the solicitor Susan Ridge, who presented the argument that it shouldn't be dealt with as a separate issue but should be part of the whole evidence put before a jury. That argument was lost.

Bow County Court, 25 April 1995 before His Honour Judge Goldstein

Barrister Heather Williams appeared on my behalf and barrister Mr Tam appeared on behalf of the Chief Constable of the Ministry of Defence Police. The magistrates were represented by barrister Ms Bowron. The first named magistrate on the claim was Mr J. Connor. At the start of the hearing, Judge

Goldstein announced that he knew Mr Connor, that he had had a conversation with him and that he had expressed surprise that his name was not struck out of the claim.

I had appeared before Stipendiary Magistrate Connor on 16 May 1985 for being in breach of the Byelaws, arising from my arrest with more than one hundred women on 1 April 1985 as the Byelaws came into effect. He had found me guilty and ordered me to pay an on the spot fine of £25.00 plus £10.00 costs. When I told him I didn't have the money, he ordered my removal from the court to be searched by a policewoman. When no money was found on me, he sent me immediately to Holloway Prison, for seven days.

I had a sense of unease at the information of the connection between the judge and Mr Connor; however, Heather Williams assured me that Judge Goldstein was a fair judge. Also, I was conscious that the case had been delayed due to the negligence of the solicitors and I didn't want further delays, so I agreed to go ahead with the hearing before Judge Goldstein.

Heather Williams, in her instruction to the solicitor, Susan Ridge, was anxious that the limitation point should be dealt with as part of the effect of the House of Lords ruling upon the status of the byelaws and on the case of liability – not separately. She said, 'there would probably be an appeal from any such preliminary determination. There would be a strong likelihood of a second appeal in due course with the unsuccessful party appealing the substantive decision on liability.' She lost this argument. The question of the limitation point was dealt with as a preliminary issue.

No details, either about the byelaws, my arrest or prison sentences featured at the hearing.

After hearing submissions from both sides, Judge Goldstein stated: 'Miss Williams argues quite simply this. Until the House of Lords gave its judgment on 12 July 1990, the claimant had no cause of action. That the declaration made by the House of Lords as to the invalidity of those byelaws was a necessary preliminary step for the commencement of those proceedings, and that the cause of action accrued at the date upon which the House of Lords gave that ruling, and therefore clearly, if that be right then none of the allegations are statute barred.'

However, he also upheld the submissions of Mr Tam and Ms Bowron that this action was brought on 14 October 1994, after the expiration of 6 years from the date on the respective causes of action and that the actions were by

then statute barred. Judge Goldstein did not accept the submission that the cause of action dated from the House of Lords judgment dated 12 July 1990.

Judge Goldstein commented, 'it seems to me that there has been some loose-thinking in the way the plaintiff's case has been pleaded.'

Six of the nine claims against the Chief Constable of the MoD were 'struck out' on the grounds that they were 'statute barred'. Although not tested, his defence was that he was not liable under section 48(1) of the Police Act 1964. The claim against the magistrates was also struck out. Both claims having exceeded the six-year limitation period due to the failure to institute proceedings before the expiry date of 6 August 1993. The proceedings were not instituted until 14 October 1994 – two years and four months after I had instructed Anne McCarthy to make the claim against whoever was liable at law.

The three claims left were to be dealt with separately. Heather Williams asked Judge Goldstein for leave to appeal his decision to strike out the claim to which Judge Goldstein replied, 'This is purely a matter of law, is it not? Do you need my leave?'

Miss Williams answered, 'I have not looked at the point in detail but it struck me that this might be regarded as an interlocutory matter and therefore one would need leave to appeal.'

Judge Goldstein: 'I never know the answer to this. I can short-circuit this by saying that if leave to appeal is required, it is refused.'

Susan Ridge wrote to me on 2 May 1995, a week after the case had been dismissed by the County Court, pointing out the details regarding the failure to get the claim into court before most of it had become statute barred. She admitted that the time for issuing the proceedings had expired while the case was in the care of Hodge Jones & Allen and T. V. Edwards. She instructed me that if I were to issue proceedings for negligence, then, 'you will be under a duty to mitigate your loss. What that means is you must do everything possible to keep the loss you have suffered as low as possible. Because of this, you should take every step possible to continue with the three remaining claims which are not statute barred'. (These were the cases where I had been arrested and charged, but the court had adjourned the proceedings *sine die* while waiting for the House of Lords decision on the validity of the Byelaws – they were still within time.)

I was shocked at the manner in which the barrister Heather Williams and the solicitors Anne McCarthy and Susan Ridge walked away without a

backward glance at the legal mess they had left me with. They had a duty to me as their client, but they had clearly failed to perform that duty.

I received a letter from the Legal Aid Board informing me that they were considering cancelling my legal aid certificate. The reason for doing so stated: 'having regard to the fact that your Solicitors (T. V. Edwards) have reported to this office that you are unlikely to benefit from continuing with these proceedings having regard to the amount of damages now likely to be recovered and the costs which you have been ordered to pay from any damages recovered,' Legal Aid was cancelled.

This was at odds with the 'Advice on Quantum' from Heather Williams dated 18 October 1993 which stated: 'Even if Ms Hipperson only succeeded in establishing liability in respect of the arrest and detention that do not raise limitation issues, damages are likely to be substantial.' (This was in reference to the three remaining cases.)

I had come to an understanding that I had to hold to account the legal firms of Hodge Jones & Allen and T.V. Edwards for their negligence. This meant, as Susan Ridge had advised me by letter, if I decided to proceed with a claim for negligence, I would have to continue with the three remaining cases that were not time barred by the hearing at Bow County Court on 25 April 1995, and that this would be without the benefit of legal representation. I lodged an Appeal in the High Court at the beginning of May 1995 seeking to test Judge Goldstein's ruling on which of my claims had been statute barred – the limitation point. I was hoping to have a reasonably quick hearing and, if successful, have Legal Aid reinstated. I would then continue at Bow County Court with the three remaining cases that were not statute barred.

Bow County Court, 21 March 1996, before Judge Goldstein

At a Directions Hearing to determine how to proceed with the three remaining claims, it was agreed that the case would be heard before a jury. Judge Goldstein wanted to know what stage my Appeal in the High Court was at, against his order of 25 April 1995 statute barring the claim against the six cases when I was arrested and imprisoned. At this time I did not have a date and said so. He suggested delaying the hearing on these three remaining cases – we should wait for the outcome of the Appeal. I argued that the point to be examined in the Appeal relating to the limitation point did not apply here.

Judge Goldstein agreed that the case could be heard and that it be heard before a jury.

A Treasury Solicitor, standing in for Mr Tam, applied for a preliminary hearing prior to the proposed trial, claiming that the wrong defendant was named. The solicitor outlined her submission, claiming that under the Ministry of Defence Act 1987 the Secretary of State for Defence was the correct defendant. Judge Goldstein allowed the application saying that the Defence must be allowed any defence, although it was not originally submitted by Mr Tam. They were given 28 days to produce their application.

Court of Appeal (Civil Division), London, 26 June 1996 before Lord Justice Simon Brown, Lord Justice Saville and Lord Justice Aldous

At the close of the hearing on 25 April the previous year, Heather Williams had asked Judge Goldstein for leave to appeal the judgment on a point of law concerning the Limitation Act 1980. I presumed that her asking for leave to appeal was based on some belief that a different outcome may have been possible – that the High Court may have ruled that the date when the House of Lords declared the Byelaws invalid was the relevant date from which the action accrued. I attempted to argue on this point of law in the High Court against the decision of Judge Goldstein at Bow County Court. Still without Legal Aid I represented myself. All the papers relating to my Appeal had been lodged by me in the High Court on 21 June 1995. The barrister Mr Tam, again defending the MoD Chief of Police, held up lodging his response in the High Court until 3 June 1996, more than a year after having been notified of my appeal. Each time when I had telephoned the High Court to enquire as to what was causing the delay, I was told, 'We are still waiting for the respondent (Mr Tam) to deposit his Response.' I would discover on the eve of the hearing in the High Court the likely reason for Mr Tam's delay.

On 25 June 1996, the eve of the High Court hearing on the 26th, an attendant of Lord Justice Simon Brown delivered to my home a forty-page draft judgment he had delivered on a case he had sat on in the Court of Appeal (Civil Division). Knowing as he did that I was representing myself, I found the lateness of the delivery of this 'advance disclosure' most inconsiderate. It placed me at a disadvantage.

It is sufficient to say that this judgment was about a case regarding byelaws at a different location, one without the restriction of commoners' rights, but where arrests had been made under these byelaws. A claim had been made against a civilian Police Chief and 66 of his officers involved in the arrests. They were being sued under section 48 of Police Act 1964. The police were being defended on the defence of 'lawful justification,' which had been upheld by the High Court on 10 May 1996. I then understood why there had been a year's delay in Mr Tam lodging his papers – he had been waiting for this judgment of 10 May in favour of the police.

The purpose in sending me the draft judgment of this other case was to inform me that even if byelaws are declared invalid, police officers can defend themselves on 'lawful justification'.

Judge Simon Brown rejected my argument in this way: 'In *O' Connor -v- Isaacs* Diplock quotes Best CJ in *Douglass -v- Forrest*: 'Cause of action is the right to prosecute an action with effect; no one has a right of cause of action until there is someone who can be sued.'

I submitted, with reference to the Byelaws case's House of Lords judgment on 12 July 1990, that 'it was only then that it was established as to who had committed the wrong, and who could be sued.' My argument was rejected and the Appeal was dismissed. (Aniko Jones of Yellow Gate assisted me by taking notes)

Lord Justice Simon Brown, in his judgment of 10 May 1996 had stated: 'On the face of it any right of redress on the part of those arrested under what ultimately are found to be defective byelaws should be against the Secretary of State as the maker of the invalid instrument.'

The time factor caused by Mr Tam, representing the Chief of Police, delaying proceedings one year, as I have described above, would be crucial to the outcome of pursuing the three remaining cases.

Bow County Court, 11 July 1996 before His Honour Judge Goldstein

Barrister Mr Tam appeared again for the Chief Constable of the MoD Police. Mr Tam submitted that the three remaining claims should be struck out on the grounds that under the Ministry of Defence Police Act 1987, the Chief of

Police cannot be held 'vicariously liable' for his police officers in the same manner as a civilian police Chief Officer can be sued under the Police Act 1964.

The information that the Ministry of Defence Police Force operated under different legislation from the civilian police was introduced at this hearing for the first time although it had been mentioned briefly during the directions hearing on 21 March 1996. It was not mentioned by my barrister Heather Williams in pursuing the claim against the MoD Chief of Police at the original hearing, at Bow County Court on 25 April 1995, nor was it argued as a defence of the Chief of Police by Mr Tam.

Judge Goldstein in his judgment issued a mild rebuke to the barristers Heather Williams and Mr Tam regarding this MoD Police Act 1987 submission, saying 'It is a pity this was not argued before me in April 1995. I could have ruled upon it and my decision could have been reviewed in the Court of Appeal in June 1996. The Plaintiff's hopes have been raised only possibly to have been dashed again.' He also pointed out that if it had been argued then I would have had the benefit of Legal Aid.

I had prepared my case on the basis that the Chief of Police was personally liable, not solely on the legal basis that the police officers were acting under his direction. I claimed that he knew that the law that his officers were being asked to uphold was unlawful. As evidence of this, I produced the document that had been part of Jean Hutchinson's evidence submitted to the House of Lords in the Byelaws case, *House of Commons 2nd Report from the Defence Committee 1983–1984*.

This report of a meeting held on 16 May 1984, almost a year before the Greenham Common Byelaws came into effect, was attended by high ranking military figures and civil servants including Mr Bailey, the Chief Constable of the MoD. Among other things discussed, and recorded, was the issue of 'the desirability of increasing the penalties for Trespass on to Crown property specifically where there are nuclear weapons stored.' It is worth repeating that the Chief of Police was asked if he had anything to say. He is recorded as saying, 'I think there has been a recent increase in the size of the penalties under the byelaws made through the Military Lands Act.' The document also records this statement by Mr Ward, an attendant at the same meeting, 'I had promised to say a little more about byelaws, in closed session. There is not a lot to say, but one problem with the application of byelaws under the Military Lands Act is that the process of public consultation that is required can give

rise to greater knowledge about little known commoners' rights of way across Ministry of Defence establishments.' Mr Ward added, 'There is very little known about them. The process of consultation about byelaws runs the risk of spreading the knowledge about their existence. This is a fact that has to be taken into account sometimes.'

This House of Commons Report backed up my claim that the Chief of MoD Police had participated in the consultation prior to the making of the invalid byelaws.

Judge Goldstein examined the report and asked Mr Tam if he would allow the claim to be amended to allow this evidence. Mr Tam refused. He asserted that introducing personal liability by the Chief of Police constituted a new action, and he would not agree to that. He insisted that my claim be against the Chief of Police solely in relation to his officer. The word solely did not appear in the original claim. It only appeared when it was revealed that – unlike the 1964 Act that governs civilian police and can hold the Police Chief vicariously liable for actions of his men – there is no reference within the 1987 Act that holds the Chief of Police of the MoD vicariously liable for his officers. Whereas Judge Goldstein at the hearing on 21 March declared that Mr Tam must be allowed any defence, he was not as considerate to me and upheld Mr Tam's objection.

In his judgment delivered a month later Judge Goldstein stated, 'She did have an argument that the Chief Officer of Police was personally liable in that he was present at a session of the Defence Committee on Wednesday 16 May 1984 when the controversial regulations (which were held by the House of Lords in *DPP - v - Hutchinson* (1990) to be invalid) were discussed by that committee and during which the illegality or invalidity of the regulations was raised and ignored.'

Judge Goldstein agreed with Mr Tam on the issue of 'vicarious liability'. A rather muddled exchange took place between the judge and Mr Tam. Judge Goldstein asked the question, 'Who then would have been the correct defendant, if x is found liable, will he be indemnified by the Secretary of State?'

In reply Mr Tam said, and I quote verbatim, 'In theory, if the Secretary of State accepts responsibility. Really, there is no legal liability of anyone.'

On hearing this the judge responded by saying, 'Am I right that you could have the crazy situation where there are thugs acting as police constables, who are answerable to no one?'

Mr Tam said, 'Well if they were sued, they would be indemnified by the Secretary of State.'

On the question of where responsibility for the employment of police officers lay, it then became obvious that neither Mr Tam, nor the judge, were clear about who had the authority or who was responsible for them.

The final paragraph in Judge Goldstein's judgment dated 13 August 1996 states 'Although it might be thought somewhat anomalous, and this thought is increased when I am told that any individual constable found liable will be indemnified by the Crown, I think the first Defendant's argument is correct (Ministry of Defence Chief of Police). I think by analogy with section 48 of the Police Act 1964 there would have to be a similar section in the Ministry of Defence Police Act 1987 creating the concept of vicarious liability. I do not think that it is an oversight that it is not there. I think that the legislators intended that there should be no similar vicarious liability imposed upon the Chief of Police for the Ministry of Defence. That being so, there is no Cause of Action against him and the action is struck out.'

(Rosy Bremer of Yellow Gate assisted me by taking notes.)

The Ministry of Defence Police Act 1987 was never referred to by the solicitors Anne McCarthy or Susan Ridge or by the barrister Heather Williams and played no part throughout the whole process in the preparation of the claim against the Chief of Police. Neither Heather Williams nor Mr Tam as opposing barristers mentioned it during the hearing on 25 April 1995 at Bow County Court, when the Ministry of Defence Chief Constable of Police was cited as the First Defendant on the claim. The issue of vicarious liability or indeed the Ministry of Defence Police Act 1987 itself was not argued. As Judge Goldstein stated in his judgment: 'It is a pity this was not argued before me in April 1995. I could have ruled upon it and my decision could have been reviewed in the Court of Appeal in June 1996. The Plaintiff's hopes have been raised only possibly to be dashed again.'

It was this particular revelation about the Ministry of Defence Police Act 1987 that exemplified the extent of the negligence of these lawyers who were trusted with the conduct and care of the claim. The failure of Heather Williams, Anne McCarthy and Susan Ridge to exercise the basic preliminary examination of the Ministry of Defence Police Act 1987 when they had made the decision to name the Ministry of Defence Chief of Police as the one to sue, was inexcusable. Not only had the lawyers been negligent about failing to issue proceedings within the 6-year limitation period, they had chosen the

wrong person to sue and had failed to apprise themselves of the fact that the Ministry of Defence Chief of Police could not be held 'vicariously liable' for his officers, as is set out in the legislation.

The lack of care in managing my claim allowed the Secretary of State for Defence to avoid being called to account beyond 'being brought within bounds,' as Lord Lowrie had put it in the House of Lords judgment. The fact that the Chief of Police could not be held 'vicariously liable' under the Ministry of Defence Act 1987 was difficult for me to deal with. Also, the part of Judge Goldstein's judgment which states, 'any individual constable found liable will be indemnified by the Crown' was particularly disturbing. This amounted to yet another 'immunity' conferred on the State by the State.

It was now being said that the right person to have sued would have been the Secretary of State for Defence, as the person responsible for the making of the byelaws, and who, on 12 July in the House of Lords, was deemed to have been aware that there was a *'carefully expressed provision to safeguard rights of common'* written into byelaws in relation to common land – the fact which should have prevented him from making these byelaws under the Military Lands Act 1892 and the fact which he had ignored. As a consequence of his unlawful action more than a thousand women were imprisoned. It is unknown how many women who were willing to enter the Base as part of their non-violent action against Cruise Missiles were prevented from doing so by the illegal Byelaws. I regret the lost opportunity to bring to court the Secretary of State for Defence. This was the second time that circumstances had prevented him from being called to account. (He had previously avoided answering a summons in Reading Crown Court during the Byelaws case.)

Negligence case (civil)

In the High Court of Justice
Queen's Bench Division
Between
Sarah Hipperson
and
(1) Hodge Jones & Allen (a firm)
(2) T. V. Edwards (a firm)

In May 1995 I sought legal advice from Bindman & Partners about the admitted negligence in Susan Ridge's letter of 2 May 1995. Solicitor Clive Romain employed by Bindman & Partners took on my case. He informed the firms of Hodge Jones & Allen and T. V. Edwards about the proposed negligence claim against them. Legal Aid was granted on 28 June 1995 to pursue the claim of negligence.

In a letter from Clive Romain, dated 27 November 1995, referring to my ongoing court action regarding the three remaining claims from Bow County Court on 25 April 1995, for which there had been no Legal Aid, he wrote, 'I suggest that you continue to pursue your remaining claim as a litigant in person. It may be best to settle your remaining claim on the best terms available in your negligence action. It would help you to show that you have mitigated your loss as best you can.' This was the same advice that was given by Susan Ridge in her letter to me on 2 May 1995.

An Opinion was sought from the barrister John Cooper from Lincoln's Inn and was delivered and dated 7 November 1995. Commenting on the fact that I was having to deal with the three remaining cases without Legal Aid, he found the basis of that decision by the Legal Aid Board to be due to the comments by Susan Ridge, solicitor from T. V. Edwards, to the Legal Aid Board indicating I was unlikely to benefit from continuing proceedings. John Cooper concluded his Opinion by stating: 'Ms Hipperson stands a very good prospect of success in recovering damages in the region of £30,000 for

the negligence of both solicitors in allowing her original claims for false imprisonment to become statute barred and that [I] should recover the costs of the hearing on 25 April 1995. Further, Ms Hipperson would benefit substantially from pursuing her three original claims for false imprisonment against the Ministry of Defence Police as she stands a very good prospect of success and likely to recover damages between £7,000 and £8,000: the claim allows the validity of the Byelaws to be tested before the civil courts.'

After the High Court hearing on 26 June 1996 and the County Court hearing on 11 July 1996, when it was ruled that the Ministry of Defence Police Act 1987 did not allow for the charge of 'vicarious liability' to be placed against the Chief of Police for the behaviour of his police officers, the barrister John Cooper produced a further Opinion on 13 November 1996 as to the future conduct of the case.

In the light of the revelation about the MoD Police Act 1987, John Cooper concluded, 'no case of action subsists against the Ministry of Defence Police Chief.' He went on to state, 'Both Hodge Jones & Allen and T. V. Edwards were negligent in that they failed to act within the statutory time limits, they failed to identify the correct Defendants and they failed to recognise that Ms Hipperson may have made a claim against the Secretary of State for Defence via the tort of misfeasance.' (Misfeasance = the improper performance of something which a person should have done properly.)

His Opinion continued, 'It is my belief that the present cause of action is one of the common law tort of negligence against both the First and Second Defendants – Anne McCarthy and Susan Ridge. As is decided in the case of *Midland Bank Trust Company Ltd -v- Hett, Stubbs and Kemp* (1977) Ch 384: "a Solicitor owes a duty of care to their client both in contract and in tort to exercise reasonable care and skill to the standard of a reasonable Solicitor." In my opinion, the agents of the two Defendants' firms breached that duty of care by their inadequate advices and actions. As a result of this negligence it was reasonable that the Plaintiff would receive loss and damage and as a result Ms Hipperson can claim compensation to award her for her loss.'

On 13 August 1997, Merricks, the firm of solicitors acting for Susan Ridge, requested from the Legal Aid Board an investigation as to the value of my claim with the intention of having the claim undermined and the Legal Aid withdrawn.

Barrister Mr Nicholas Brown, Defence Council for the Solicitors charged with negligence, sent a copy of his Advice. My barrister, John Cooper, on 10

March 1998 issued a further Advice. He stated: 'I have read with interest the advice of Mr Brown of counsel. Plainly his assessment of Ms Hipperson's claim differs from mine as to her causes of action and prospects of success.'

He then addressed the elements of my claim:

Newbury Justices

Once the byelaws were declared void *ab initio*, they ceased to be valid *ab initio* and under the Justice of the Peace Act 1979 the justices were liable for acting in excess of jurisdiction.

Misfeasance

The byelaw in question was deliberately intended to be used against the Greenham Common protesters of which Ms Hipperson is one. There cannot be a clearer or stronger argument for reasonable foreseeability.

Time barred by statute

It was being argued by Anne McCarthy and Susan Ridge that they were entitled to rely on Heather Williams' Advice. In response, John Cooper said, 'Whilst this is true, it is not only for counsel to consider possible causes of action. Plainly Ms Hipperson had been wronged by the enforcement of this byelaw which was later found to be void. If counsel's Advice did not address other possible causes of action satisfactorily, then it was up to those instructing counsel at the time to press counsel to consider other courses and causes of action.'

John Cooper concluded his Advice: 'I remain of the view Ms Hipperson had a good claim with, in my view, a 60% chance of success, subject to the usual variables of litigation. She has a claim against the Newbury Justices, and she certainly has a claim against the Secretary of State for Defence for misfeasance for the wrongs she suffered, and by not pursuing these claims or even issuing protective proceedings on these claims before the expiry of the limitation period, the defendant solicitors were negligent. Legal Aid should therefore not only be continued in this case, but extended up to trial.' Also, 'It is my opinion, taking account of all the uncertainties of litigation, Ms Hipperson has a chance of pursuing a successful claim against Hodge Jones & Allen and T. V. Edwards for negligence.'

Also, John Cooper assessed the claim at £33, 210 of which I should receive 70%, this being £23,247.

On 18 October 1998 I was advised by Bindman's solicitor, Clive Romain, that Mr Cooper was held up in another case and would therefore not be available to argue the claim. Barrister Daniel Gatty of New Court chambers, Grays Inn, London was instructed and agreed to represent me. I met with Mr Gatty for one hour on the day before the High Court hearing.

High Court, 21–23 October 1998 before Mr Justice Smedley

At the start of the case the judge announced that he had been a Court Martial judge – he had a military connection. I could have objected, I should have objected, but I didn't. I had the feeling that if I objected this may somehow go against me, besides, I should trust him to be impartial. It became evident from his barely civil attitude to me while I was giving evidence, and later on reading his written judgment, that my expectations had been misplaced. I have come to believe that any judge who has an interest or experience that puts into question his ability to remain impartial should disqualify him/her self – it should not be left to the litigant to reject the judge. Throughout the hearing the hostility directed towards me from the judge was palpable.

In my evidence from the witness box I summed up the essence of the protest: that there were 96 Ground Launched Cruise Missiles, each with the explosive power of 14 Hiroshima bombs, housed in silos on Greenham Common, and that the nuclear missile convoys that left Greenham Common monthly between 1984–1990 were designed for, and were crucial to, the policy of Mutual Assured Destruction. I stated that the intention of the policy to threaten to use these weapons constituted crimes against God and humanity and broke international law; that I had both a duty and a right to dissent from the placing of Cruise Missiles on Greenham Common and that that belief was shared by all the women who defied the RAF Greenham Common Byelaws in order to protest against these weapons of mass destruction.

It had been my intention, in making this statement, to convey to the court the mitigating circumstances that prompted women to risk conviction and imprisonment by trespassing on Greenham Common.

The barrister Nicholas Brown, representing the solicitors Anne McCarthy and Susan Ridge of the firms Hodge Jones & Allen and T. V. Edwards, admitted that his clients were 'negligent in failing to ensure that proceedings for false imprisonment were issued against the arresting police officers and the Chief Constable.' It was also admitted by both these firms that they were 'negligent in failing to ensure that proceedings were issued against the relevant Newbury Magistrates – in the claim for damages, for false imprisonment.'

The judgment of Mr Justice Smedley records: 'It is now admitted that the first Defendant firm (Hodge Jones & Allen) were negligent in failing to ensure that proceedings for false imprisonment were issued before 15 July 1992 and 22 July 1992 in relation to the arrest which occurred on 15 July and 22 July 1986. It is similarly admitted that the second Defendant firm (T. V. Edwards) was negligent in failing to ensure that proceedings for false imprisonment were issued before 4 November 1992 and 6 August 1993 in respect of the arrests which took place on 4 November 1986 and 6 August 1987 against the Chief Constable of the MoD and/or the arresting officer. It is admitted by the second Defendant that it was negligent in failing to ensure that proceedings for false imprisonment were issued against relevant Newbury Magistrates before 6 years after the imprisonment occurred which followed the conviction on 7 October 1986.

'It is also conceded that the second Defendant was negligent in failing to ensure that proceedings for false imprisonment were issued against relevant Newbury Magistrates before 28 January 1993 in respect of the imprisonment which was imposed on 28 January 1987. It is also conceded that the second Defendant was negligent in not making proper inquiries to discover whether or not the Chief Constable would be vicariously liable before issuing proceedings against him or, alternatively, that the firm was negligent in issuing proceedings so late that when the Chief Constable in his defence took the point that he was not vicariously liable it was too late then for the individual constables to be joined in action.'

Regarding the submission made on my behalf by the barrister Daniel Gatty that I should have been advised that I had a potential claim for misfeasance in a public office against the Secretary of State for Defence, Mr Justice Smedley responded in his judgment, 'It seems to me that in the light of Lord Bridge's comment reported in July 1990, by the time the Plaintiff was instructing the first Defendants through Miss McCarthy to consider whether

there was any action she might bring against anyone in respect of the arrests and convictions which were the consequences of Byelaws now said to be invalid there was a case which at least merited investigation. To the extent therefore, that they failed to consider that possibility, in my judgment, the first Defendants were negligent.' Also, 'In view of my findings, the first and second Defendant firms were negligent in failing to identify the Secretary of State for Defence as a possible Defendant to a claim for misfeasance in public office.'

However, in spite of these admissions, Anne McCarthy and Susan Ridge were now arguing in court that I had not suffered any loss or damage as a result of any negligence on their part: 'Ms Hipperson's potential claims against the original defendants were valueless. They were bound to fail.'

In his written judgment delivered in court on 6 November 1998, Mr Justice Smedley, referring to my mitigating statement on the stand, wrote: 'Having seen the Plaintiff in the witness box it seems to me that the jury might well, on a full analysis of her behaviour, take the view that she was deliberately provoking a situation where arrest was likely. In those circumstances it is highly probable that they would have reduced the amount to compensate her for arrest and false imprisonment.'

Earlier, the barrister John Cooper had stated in the Opinion he provided: 'In my view these actions raise and involve important areas of law and it is in the public interest that they are fully pursued.'

It is my belief that if a jury had been allowed to hear the claim in full, hearing all the evidence, they would have come to a different conclusion from Mr Justice Smedley. However, it became quite clear to me that the last thing that the Ministry of Defence Chief of Police and the Secretary of State for Defence wanted was the issue of their unlawfulness being exposed to a wider audience, as would have happened if the case had gone to a jury. Of course, by conceding negligence, it had been kept from a jury.

For my arrest and false imprisonment, I was awarded nominal damages against each defendant of £50.00.

For the claim against the magistrates, I received no award.

As for the lost opportunity of a claim for misfeasance against the Secretary of State for Defence, I received no award.

Mr Justice Smedley said, 'Assuming that the Secretary of State was guilty of misfeasance there is, in my view, no evidence that the passing of Byelaws which proved to be defective caused any loss or damage to this Plaintiff.' This

assertion is at odds with the House of Lords judgment in which Lord Bridge quite clearly states, 'the appellants were wrongly convicted.' This, being the judgment in favour of Jean Hutchinson and Georgina Smith, therefore also applies to the more than one thousand women who were convicted under the byelaws and served prison sentences following their conviction – they too were 'wrongly convicted', as was I.

Included in my claim had been the costs incurred in pursuing the case on the instruction of Susan Ridge. After she had advised me that I had a claim against Hodge Jones & Allen and T. V. Edwards, she went on to write, 'If you do decide to issue proceedings for negligence, you will be under a duty to mitigate your loss. What that means is you must do everything possible to keep the loss you have suffered as low as possible. Because of this you should take every step possible to continue with the remaining three claims which are not time barred.'

When I was in the witness box being cross-examined, I was asked by the barrister for Susan Ridge if I had sought Advice about continuing with the three remaining claims from my solicitor Clive Romain of the firm Bindman & Partners. As I was about to answer, my barrister Daniel Gatty instructed me not to answer the question. I said 'I don't mind answering,' but Mr Justice Smedley refused to let me speak. A short adjournment was granted, at which time I explained to Daniel Gatty that I did not mind answering the question – I knew that Clive Romain had advised me 'to pursue [my] remaining claim as a litigant in person.... In your negligence action it would help you to show that you have mitigated your loss as best you can.' I was instructed by Daniel Gatty and Clive Romain not to answer the question as this was privileged information between client and solicitor and to divulge it in court would set some kind of precedent. On returning to the stand, I was asked the question again. I gave the answer I was instructed to give – that this was privileged information and I would not waive that privilege.

When the judgment was delivered I was stunned to read the following from Mr Justice Smedley, 'The Plaintiff did not seemingly seek her solicitor's advice as to the wisdom of pursuing that claim. The Defendants maintain that her liability for costs both in relation to the application for leave to appeal to the Court of Appeal and also for the subsequent hearing before the Bow County Court are the result of her own decision and not anything for which they, the second Defendants, should be found liable. By the time those two matters were heard the Plaintiff was already being advised by her present

solicitors and it is unreasonable for her to rely on the advice of her earlier solicitors when she had new solicitors acting who would, say the Defendants, certainly have advised her against proceeding with the three claims.'

The judge directed that I pay both Anne McCarthy and Susan Ridge each the sum of £50.00 in respect of their costs.

On 25 January 1999 I wrote to Clive Romain, solicitor from Bindman's, advising him that I considered his and the barrister Daniel Gatty's instruction not to answer the question on the stand was damaging to my claim for costs. I enclosed a copy of the letter, dated 27 /11/ 1995, in which he wrote, 'I suggest that you continue to pursue your remaining claim as a litigant in person.' He wrote back saying 'I really do not see that, with that Judge, it would have made any difference if you had revealed the advice from this firm to you.'

Later I received a letter from Geoffrey Bindman, senior partner in the Bindman firm, responding to a letter from me in which I had commented about the instruction in court not to answer the question as to whether I had sought Advice regarding the continuation of the claim. He wrote that the 'advice was sensible. It could have been risky to have waived privilege and it was not necessary for the purpose of your case.' He did not elaborate in what way it could have been risky, nor in what way it was 'not necessary' for my case. I answered, '. . . Since the Defendants were on such sure ground by this reasoning, the risk that you refer to would have been to the legal team representing me. The advice I was given was at odds with the reasoning of the Defendants' counsel. Had it been revealed in court that I had been advised to pursue my claim by my present solicitor, the judgment would have recorded that yet another firm of solicitors had given me the wrong advice.'

The decision to sue the Ministry of Defence Chief of Police had been made by the barrister Heather Williams of Doughty Street chambers. She must have assumed that he was 'vicariously liable' for the acts of his police officers of the MoD; neither Anne McCarthy nor Susan Ridge questioned that decision. I had no reason at the time to doubt that decision and certainly no reason to ask if they had checked the Act that gave them the authority and powers of arrest and liability if any.

The Advice given to me by the solicitors Susan Ridge and Clive Romaine and the barrister John Cooper was that I should continue with my claim. The money that had been claimed from Legal Aid from both solicitors firms on behalf of themselves and barristers chambers, on the understanding that the

claim had merit, should have guaranteed that they would proceed to carry out the necessary work with diligence and integrity, but that was not the standard aimed at in this case. The careless attitude that was revealed at every stage was appalling. *There doesn't appear to be any performance link policy when Legal Aid is paid to solicitors and barristers!*

When Legal Aid has been granted to a firm of solicitors on behalf of a client, it is based on Advice, Opinion and Merit of the claim from a barrister. This was carried out and funds were awarded to conduct my claim, up to and including the court hearing. It wasn't until the Negligence claim was argued in the High Court in October 1998, that the solicitor firms of Hodge Jones & Allen and T. V. Edwards declared, 'None of Ms Hipperson's potential causes of action in the original proceedings had any value.' If that was their true assessment of the claim at the time they applied for Legal Aid, then they were not being honest when they filled out and signed the Legal Aid forms.

I made a complaint to the Office for the Supervision of Solicitors in April 1999 naming the firms of solicitors and the named solicitors involved in the claim for negligence. I received an answer in August that year advising me that due to the 'volume of complaints' against solicitors there would be some delay before they could deal with it. When I never heard from them again I was not surprised.

I was left with costs of £6,669.00. Before the ink was dry on the Court Order, I received on 26 October 1998 from Her Majesty's Land Registry a 'Notification of Registration of a caution' on my home in favour of the Chief Constable of the Ministry of Defence Police. The order had been made while the Court hearing was still in progress. My home was under threat for months from the Treasury Solicitors acting for the Chief Constable who seemingly 'had an interest in the land on which my home rests.' This 'interest' will continue until all the costs are paid. The MoD have placed a Lien against my home.

After several harrowing visits to the County Court, when I was put under pressure by the Treasury Solicitors acting for the MoD, they agreed to allow me to pay the sum of £10.00 weekly.

(Carmel and Dan Martin of Catholic Peace Action accompanied me and took notes.)

Searching for an understanding of the legal gymnastics recorded in the judgment of Mr Justice Smedley, whose judgment was based on his 'discretionary powers' and in exercise of which he found the firms of Hodge

Jones & Allen and T. V. Edwards negligent on all counts, yet awarded the nominal sum of £50 against each negligent firm, and the costs to be paid by me, I found the following extract from *When Citizens Complain* by Lewis and Birkenshaw: 'It must be said that the basic test applied by courts in English law to review the exercise of a discretionary power – the Wednesbury test – is seriously deficient in providing guidance to administrators on how they should exercise their power within the law or in acting as a barometer anticipating judicial decision and reaction in a multiplicity of subject areas.... it is a crude instrument for the task of honing administrative justice and too frequently acts as a convenient shroud for judicial prejudice.'

In recording the details of this case, my purpose has been to reveal how the Secretary of State for Defence escaped being brought into court in an action for misfeasance, the improper performance of something which a person should have done properly. It was said in the High Court that for me to bring a claim against the Secretary of State for Defence I would have to prove that he had acted maliciously, in the sense that he had deliberately intended to injure me – referred to in law as 'targeted malice'.

When I read Lord Bridge's judgment from the House of Lords that the Secretary of State for Defence, as Draftsman of the byelaws, 'cannot possibly have been in ignorance of the terms and effect of the proviso to section 14 of the Military Lands Act 1892' I recognised the act of deception that was revealed by this statement. After years of seeking to bring to account those involved in the deception, I have not the slightest hesitation in saying that the Secretary of State for Defence should have been brought to court to answer to a claim for the 'tort of misfeasance', in that he made the RAF Greenham Common Byelaws 1985 knowing that they were invalid and that they would effectively 'target' the women who were involved in the protest at Greenham Common. It was a policy introduced by him as a Minister in Her Majesty's Government. The consequence of his doing so effectively determined that women would be convicted and sent to prison. There was no defence that could be offered in court against the Greenham Common Byelaws, until the House of Lords declared them invalid. This became clear to me at my first trial under these byelaws, on 16 May 1985, when I was sent straight to prison by Mr Connor, Stipendiary Magistrate. The manner in which he administered his power gave emphasis to the phrase 'summary justice'.

Land case (civil)

Brief history of the land known as Greenham Common

This ancient 12th-century common came into public ownership in 1938. It was bought by the Newbury Corporation (later known as Newbury District Council and now known as West Berkshire Council). At the time of the acquisition a councillor is quoted as saying 'This will secure for the inhabitants of Newbury their full privilege. The appearance of the Common will be preserved, but it will be under public control instead of under the control of a private individual.'

In 1941 the Common was requisitioned as the site for an airfield. By 1943 three concrete runways were constructed by the Air Ministry and the commoners' rights over the airfield were suppressed but not extinguished. It was used by the US Army Air Service for DC3 Dakota and towed gliders in the 1944 WWII final offensive. It was from Greenham Common that General Eisenhower (later to become United States President) made his famous speech which included this statement: 'The eyes of the world are upon you. The hopes and prayers of liberty-living people everywhere march with you.'

In 1947 the airfield on Greenham Common was de-requisitioned by the Air Ministry, but they refused to restore the Common to its former state and offered compensation instead. Money was given for loss of open space but the runways remained.

On 1 March 1951 it was suddenly announced that Greenham Common was to be requisitioned by the Air Ministry for the use of the US Airforce's B29, nuclear-capable bombers. A petition of 10,300 names was gathered and presented to Parliament. The petition stated '. . . the Air Ministry seek to construct a permanent airfield on Greenham and Crookham Commons at a distance of 1.5 miles from Newbury; that this proposal would entail for the local people the loss forever of ancient common land and liberties which are essential parts of that peaceful way of life which the defence programme is designed to protect . . .' The decision went into the hands of the full Government Cabinet Committee.

The decision was made to requisition Greenham Common, although it wasn't until 13 December 1960 that Newbury Corporation conveyed 630 acres of Greenham Common to the Secretary of State for Air. Until 1960 the whole of Greenham Common was subject to a deed under section 193 of the Law of Property Act 1925 giving the public a right of access for 'air and exercise'. After the conveyance of 1960 the public right of access still applied to the remaining 226 acres outside the perimeter fence that enclosed the 630 acres owned by the Air Ministry.

In 1964 when the USAF flew their planes back to the USA, the MoD (previously the Air Ministry) announced, 'There is no foreseeable Government use for the airfield land and normally this would mean that the Department could go ahead with disposal of the land but it has been decided that the airfield should be retained.'

In 1978 there was a plan to reopen Greenham Common as a base for KC135 heavy tanker aircraft designed to carry 26,000 gallons of highly flammable fuel. Again there was local opposition to these aircraft; it was noted, 'If such a plane should crash at or near take-off or landing the resultant holocaust could incinerate hundreds of people, including many children.' The KC135s went to Fairford.

The Americans' 'operative request' for Greenham Common was granted in 1981 when it was announced that it had been chosen as the site to house the first-strike 96 nuclear Ground Launched Cruise Missiles.[29]

Early in 1983 at a secret five-man sub-committee Newbury Council decided to revoke the Deed giving public access to the Common under section 193 of the Law of Property Act 1925. It was an action against public rights of access to commons unheard of in the long history of responsible Local Authority ownership of commons. It caused a storm of indignation from members of the Open Space Society and the general public alike many of whom wrote to the press to express their anger.

The Guardian reported: 'Deeds allowing the public common land rights over Greenham and Crookham Commons have been revoked by the Department of the Environment at the request of the Conservative-controlled Newbury Council in an attempt to get rid of the women's peace camp at Greenham Common Cruise Missile base. Previous attempts to evict have failed, but council officials now believe that they have found a way of silencing the politically embarrassing campers by making anyone who walks on the land a trespasser.'[30]

During the course of the Byelaws case, the legal standing of RAF Greenham Common was questioned. The shortcomings of the Ministry of Defence as landlords of this ancient common were revealed. On 29 April 1988 it was recorded in Hansard that the Secretary of State for Defence, in answer to the question, 'Under what powers was RAF Greenham Common acquired and has been developed by his Department?' stated, 'Under the provisions of the Defence Regulations conferred by the Emergency Powers Act 1939, Greenham Common was developed as a wartime airbase in 1941.' The Secretary of State for Defence went on to state, 'The then Secretary of State for Air acquired the freehold of Greenham Common in 1960. The wartime Defence Regulations remained in force until 31 December 1958. Subsequent building work at RAF Greenham Common was then subject to the provisions of the Law of Property Act 1925 which lay down that consents are required from the Secretary of State for the Environment.' He then admitted to Parliament, 'No consent under the Law of Property Act had been sought by the Ministry of Defence since the lapse of the Defence Regulations. Consequently, doubts about the legal position have been raised.... Steps therefore need to be taken to remove a legal obstacle to further construction which could impede this and other work. It has therefore been decided that the appropriate course would be to negotiate fair compensation for the legal extinction of commoners' rights which we propose to pursue under the provisions of the Defence Act 1854.' The rights referred to were the same rights that rendered the Greenham Common Byelaws 1985 invalid. The main benefit to commoners (i.e. those entitled rights of common) is that the existence of the rights has the effect of preserving the Common as an open space and free from development.

On 8 August 1988 three women from Yellow Gate Camp attended a meeting that was held in Greenham Parish Church – also in attendance were those with commoners' rights and various officials from the MoD. The purpose of the meeting was to begin the process of the extinguishment of commoners' rights. We attended the meeting as owners of a small piece of land within the boundary of Greenham Common known as the Sanctuary, to lodge an objection. Prior to the meeting, we had tried to have it stopped through legal action at Newbury County Court, but had failed. The women involved in the court action were Beth Junor, Katrina Howse, Jean Hutchinson and myself.

On the weekend of 10 February 1990 The *Guardian Weekend* newspaper published an article about Greenham Common and the 'legal manoeuvres'

of the MoD to extinguish all remaining commoner's rights, saying 'It felt it had to after its red-faced discovery that, because of something its lawyers had forgotten to do long ago, all military buildings put up there since wartime defence regulations expired in 1958 are technically illegal.' Adding, 'If housing is ever allowed on it, the MoD, which bought it secretly in the late 1950s, will make one of the biggest bonanzas in the annals of privatisation.' The article went on to express the concerns of the people living in the area about the development of the Common. Also, a discussion took place between Lord Denning, Richard Adams and Sir David Napley about the possibility of a legal test case.

In May 1991 the MoD declared that all 'commoners' rights' on Greenham Common had been extinguished.

It was reported in the *Newbury Weekly News* on 6 August 1992 that the Under-Secretary of State for Defence, Lord Cranbourne, on a visit to the airbase said 'the Ministry of Defence was considering a number of options for Greenham Common .... The Government might sell part of the base for housing ... the MoD has an obligation to get maximum value for money.'

In 1993 a 'Planning Brief for Greenham Common' was prepared for the MoD with the purpose of 'achieving the disposal of the land on the basis of suitable planning permissions and arrangements or agreements.'

In March 1995 a delineating fence was placed around an area of land inside the base planned for development. We believed that our ownership of the Sanctuary land on Greenham Common gave us the legal basis to object to the MoD plans for the development of the Common – we raised an objection to the planning application of the MoD. We followed this up by lodging a claim in the County Court. In a sense, this was a continuation of the 1988 legal challenge.

Because the planning application clearly stated that permission was dependent on commoners' rights having been extinguished, we based our case on our belief that there were still commoners' rights on Greenham Common. Therefore, development of the Common without the permission of the Secretary of State for the Environment, as is required under the Law of Property Act 1925, would be unlawful. We had established, in writing, from the MoD that they had not applied for permission. It was our intention in the course of the case, to test the process by which the MoD claimed to have extinguished the commoners' rights.

Six women from the camp worked very hard on the case. At the beginning

it was difficult to bring all the important elements together. We used a roll of wallpaper and wrote every known fact we could think of in terms of the law as it related to Common Land. By the time we had brainstormed our way through we had covered about 20 yards of the paper. It was then transferred to A4 paper and our case was ready for court. The Originating Application was lodged against the MoD. The case began in Newbury County Court and the MoD convinced the judge that we had no status to bring the case and it was struck out. We then appealed to Reading County Court and the case was reinstated. The judge accepted that we were 'interested parties' to the case by the ownership of the Sanctuary land. The women who prepared the papers for the court hearing: Rosy Bremer, Aniko Jones, Sarah Hipperson, Katrina Howse and Jean Hutchinson.

Reading County Court, 12 December 1996 before His Honour Judge Hague

Katrina Howse and others
-v-
Secretary of State for Defence

Our claim read as follows:

> An order to the Secretary of State for Defence that he authorises the taking down of the new fence, erected on his instructions sometime between February and 6 March 1995.
>
> The route and position of this 'new fence' is outlined on Maps (1) and (2). The fence has been illegally erected as no permission was given by the Secretary of State for the Environment which is required under Section 194(2) of the Law of Property Act 1925, to fence off land on which Rights of Common are present.

The barrister Mr Martin QC represented the Secretary of State for Defence.

Katrina Howse represented herself and the other women.

Judge Hague stated that 'the Secretary of State for Defence was proposing to argue that, as a result of certain events in 1988–90, all rights of common over this part of Greenham Common had been compulsorily acquired by him

and so extinguished,' adding, 'However the Secretary of State (I suspect acting on the astute advice of Mr Martin) has not pursued the counterclaim . . . has conceded before me, for the purpose of this litigation only, that rights of common do still subsist. This was a course Mr Martin was perfectly entitled to take, but it was, I think, something of a disappointment to the Plaintiffs. They were quite keen to have the point determined and called evidence and advanced arguments which really were solely directed to that issue.'

I gave evidence authenticating a tape recording I had made of the meeting held on 8 August 1988 at which the MoD claimed to have begun the process of extinguishing commoners' rights. The tape was played to the court. At an earlier date a copy of the tape had been requested by the Treasury Solicitors. We also presented a witness who had refused to sign away his commoners' rights. It could have been the 'advance disclosure' that made the MoD change their response.

In abandoning the earlier counterclaim, 'that as a result of certain events in 1988–1990 all the rights of common over this part of Greenham Common had been compulsorily acquired by the MoD, therefore, the women could not invoke section 194(2) of the Law of Property Act,' doubts about the validity of the compulsory acquisition no longer had to be determined by this court.

The barrister Mr Martin QC, representing the Secretary of State for Defence, submitted that there was a need for this new fence for the protection of the public while demolition and restoration work was being carried out. It was accepted by the court that the new fence did not impede any of the rights attached to the Sanctuary land, rights that were not registered. Therefore, the court found that we did not have the legal right to challenge the erection of the new fence.

Mr Martin had urged the judge to refrain from commenting on the state of commoners' rights; he said, 'The issue should be left to be determined in the future if and when it arises directly for decision, and that might never happen, depending perhaps on the future use of Greenham Common.'

Katrina Howse, who presented our case, reminded Judge Hague that at an earlier hearing in 1989 when she and other women had appeared before him in Court in an Application to strike out the action of the MoD from using Compulsory Powers to extinguish Rights of Common, he had expressed his opinion on the two acts that were used in the 'extinguishment' process, the Defence Act 1854 and the Land Clauses Consolidation Act 1845: he had disagreed with the effect of these two Acts and stated 'the election of a

committee at the meeting might be of no legal effect for the purposes of the acquisition of the commoners' rights and any agreement of compensation or consequential vesting deed might not be binding, at least on any commoner who did not wish to be bound by it.'

He had further distanced his own opinion from that of the MoD at this hearing when he stated in his judgment, 'Whether my view as expressed in the Newbury County Court proceedings or the MoD view is the correct one is clearly a very difficult point, capable of refined argument.' The last words in his judgment are 'The lawyers would be the main beneficiaries of the expensive proceedings which would be required to resolve them by litigation.'

Our Application to have the fence removed was dismissed.

We had prepared our case with the intention of challenging the legal process of the extinguishment of rights and we did that. The MoD gave every indication in their 'Defence and Counterclaim' prior to the hearing that this was the issue they would defend in argument. They would rely on the certificate of the Secretary of State for Defence, the Vesting Deed, signed on 30 May 1991, to claim that the commoners' rights were extinguished. However, just before the court hearing began, they changed their defence to one where the issue of the new fence was one of safety and not to do with its legality under the Law of Property Act 1925. It became quite clear to us that the difficulty that the MoD faced if the extinguishment process was ever tested in a court of law would be the examination of the two acts used to extinguish commoners' rights, the Defence Act 1854 and the Land Clauses Consolidation Act 1845.[31] Judge Hague was not the only one to question the effect of these acts on the extinguishment process. Lord Denning, in a *Guardian* article of February 1990, said 'the MoD lawyers have got it wrong: that in claiming that Defence statutes passed in the 19th Century permit them to over ride Common Law and extinguish commoners' rights. They have misconstrued a passage in *Halsbury's Laws of England.*'

Judge Hague's judgment was appealed in the High Court in London in early 1998 by Katrina Howse – this also failed. Not having registered rights for the Sanctuary was our difficulty in this challenge. However, all was not lost. It was a pyrrhic victory for the MoD. Having avoided the testing of the Extinguishment of Rights process, they could never hope to do any development on Greenham Common without the same issue being raised again. The legal challenge would always be waiting in the wings for the MoD.

The people who should have taken on this action were those with commoners' rights. The *Guardian Weekend* newspaper article in 1990 reported a conversation between Lord Denning and Sir David Napley, solicitor advocate, about a test case they estimated would cost between £20,000 – £30,000. Lord Denning stated, 'I knew Greenham as a typical old common, good for recreation, air and sport, which was left outside the ancient enclosure maps. It was an ancient common right the way through, and therefore protected by the common law of England.'

In his judgment, Judge Hague said: 'the Plaintiffs are members of the group commonly known as the Greenham Common women, who have over the years been much in the public eye as a result of their presence and activities, in particular in protest against nuclear weapons and as peace campaigners. Those activities have led them into a number of brushes with the law, and they are no strangers to litigation, both criminal and civil. In the courts they have sometimes had a considerable measure of success, and indeed they are immortalised in the Law Reports in connection with two of their successes in the higher courts, *Hipperson -v- Newbury District Electoral Registration Officer* (1985) QB 1060 in the Court of Appeal and *Director of Public Prosecutions -v- Hutchinson* (1990) AC 783 in the House of Lords.'

Costs were awarded to the MoD and against the women who had taken the case to court: Katrina Howse, Jean Hutchinson, Rosy Bremer and myself. The costs claimed by the MoD were £62,688.04, of which we were liable for 60%. The Treasury Solicitors act for all departments of government. It was the same senior solicitor who, having acted for the MoD Chief of Police in the Compensation Case, in the demand for costs from me of £6,669.54 at Bow County Court, who demanded these costs be paid.

Taxation Hearing, Newbury County Court, 5 January 1999

This hearing, at which we would challenge these costs, was conducted by District Judge John Sparrow. Judge Sparrow reduced the costs related to the 'Land Case' substantially. He also took the unusual step of issuing a judgment after he completed his calculations. He said, 'I refer to work done in connection with proposals to sell off part of Greenham Common and Leading counsel's opinions in relation to these contractual matters and the drafting of contract clauses. That work was purely for the purposes of

the MoD, it has no direct connection with this litigation and it would be outrageous to suggest the Plaintiffs (the women) should pay for this work . . . this was the most appalling drafted bill I had ever seen. Little attempt has been made to consider what was relevant to the litigation, still less what was chargeable properly against the Plaintiffs.' He concluded by stating, 'Finally upon further reflection, I consider these bills should be referred to the Office for Supervision of Solicitors in view of the exceptionally high proportion of the costs and disbursements taxed off and I have made arrangements accordingly. It will be for them to decide whether further action is required.'

Judge Sparrow reduced the costs relating to the Land Case from £62,688.04 to £23, 518.82.

In June 1999 I received a letter from the Treasury Solicitors advising me of the costs to be paid to their client the MoD, the sums of £23,510.82 and £5,290.92 (this second amount refers to the court costs awarded against the camp in 1996). He asked me to write a proposal on behalf of the Claimants (myself and the other women) for payment of the costs. I wrote back informing him that each woman was autonomous and therefore must be dealt with as such.

It is my opinion that these costs and the lien on my home were part of the Ministry of Defence's attempt to exact punishment for the embarrassment we caused them by exposing their unlawfulness, by making it impossible to develop Greenham Common and in so doing prevent, as *The Guardian* newspaper reported in February 1990 'one of the biggest bonanzas in the annals of privatization.'[32]

To date, the Treasury Solicitor has contacted none of the women and these costs have not been paid.

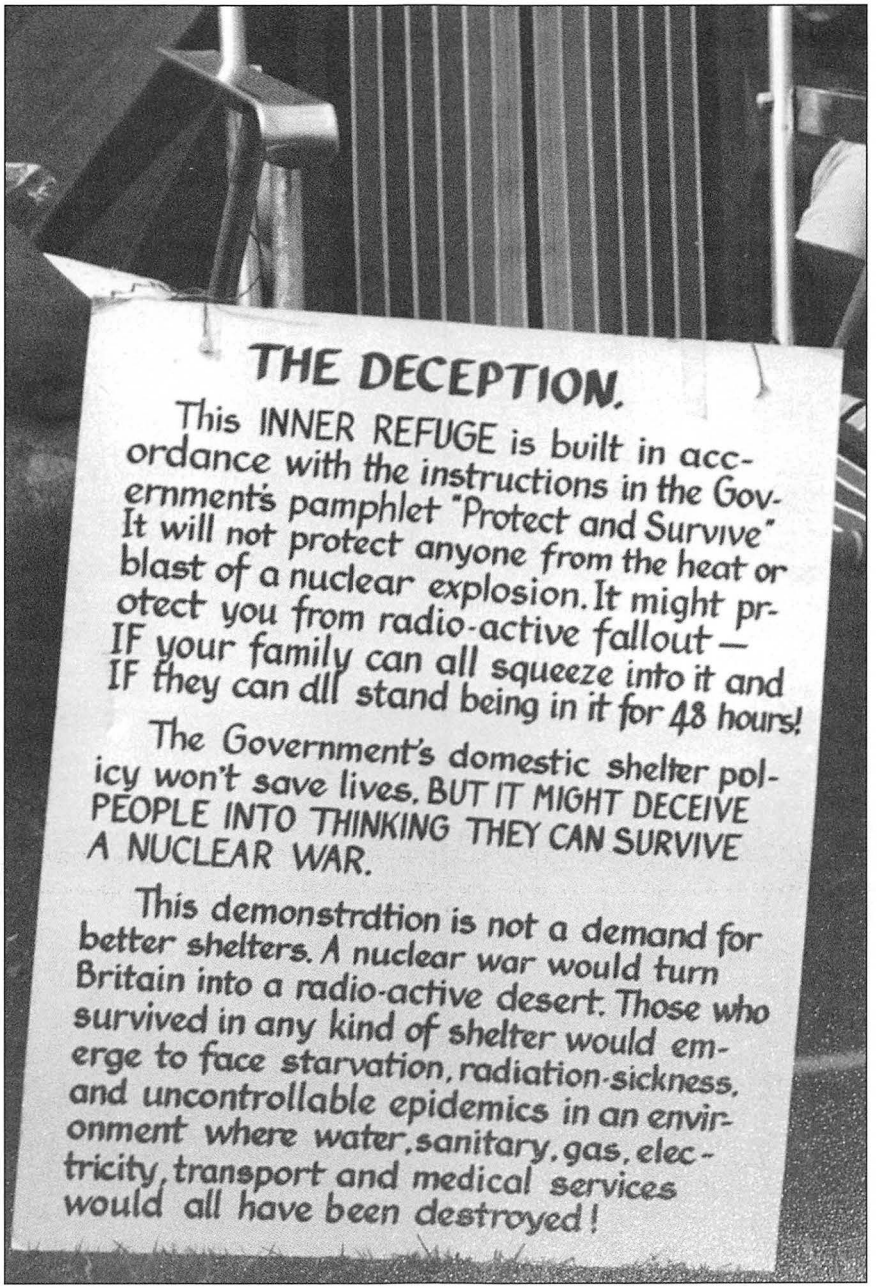
When it became clear to the Ministry of Defence, as a result of the Byelaws Case and the uncertainty surrounding the extinguishment of commoners' rights as addressed in the Land Case, that their plans to develop Greenham Common could not be realised, they sold the land to Greenham Common Community Trust Limited for £7 million, who held on to the already developed part and sold the rest to West Berkshire Council for £1.00.

Tony Benn wrote in *The Guardian* on 5 January 1990, in an article entitled 'Land and the people': '. . . apart from the ancient case for community ownership, based on pressing human need, there are now powerful new environmental arguments that are founded upon the realisation that each generation only holds the earth in trust for those who come after and its

exploitation for profit, or war, is a sin against creation. The Peace Women at Greenham Common have powerfully asserted this very principle by their long and lonely vigil outside the Cruise Missile base, and have suffered great personal harassment as a result.'

In the book *Cold War Pastoral*, Ed Cooper wrote, 'A local Act promoted by West Berkshire Council, the Greenham Bill, is currently on its tortuous way through Parliament. This will reinstate commoners' rights across the entire Common, enshrine its conservation in statute and protect the land from development in perpetuity.'[33]

The Greenham Bill came into effect in 2002.


THE DECEPTION.
This INNER REFUGE is built in accordance with the instructions in the Government's pamphlet "Protect and Survive" It will not protect anyone from the heat or blast of a nuclear explosion. It might protect you from radio-active fallout — IF your family can all squeeze into it and IF they can dll stand being in it for 48 hours!
The Government's domestic shelter policy won't save lives. BUT IT MIGHT DECEIVE PEOPLE INTO THINKING THEY CAN SURVIVE A NUCLEAR WAR.
This demonstrdtion is not a demand for better shelters. A nuclear war would turn Britain into a radio-active desert. Those who survived in any kind of shelter would emerge to face starvation, radiation-sickness, and uncontrollable epidemics in an environment where water, sanitary, gas, electricity, transport and medical services would all have been destroyed!

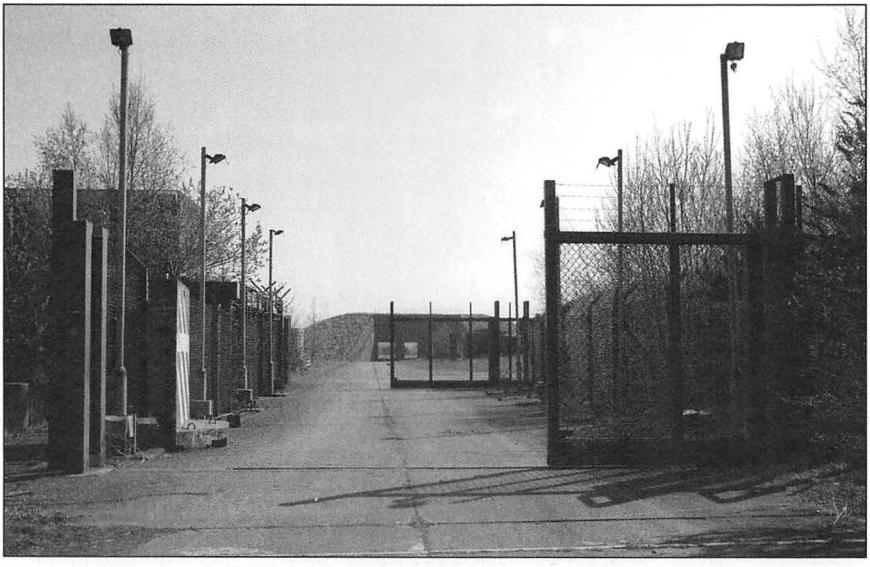
St Giles Church occupation on the 45th anniverary of the forced eviction of Imber villagers 1988. Women were arrested and charged. Cruise convoy exercises in preparation for nuclear war were carried out in Imber village. *Camp photo.*

Post arrives summoning women to court. *Camp photo.*

'Lengthy' preparation of Land court case. *Camp photo.*

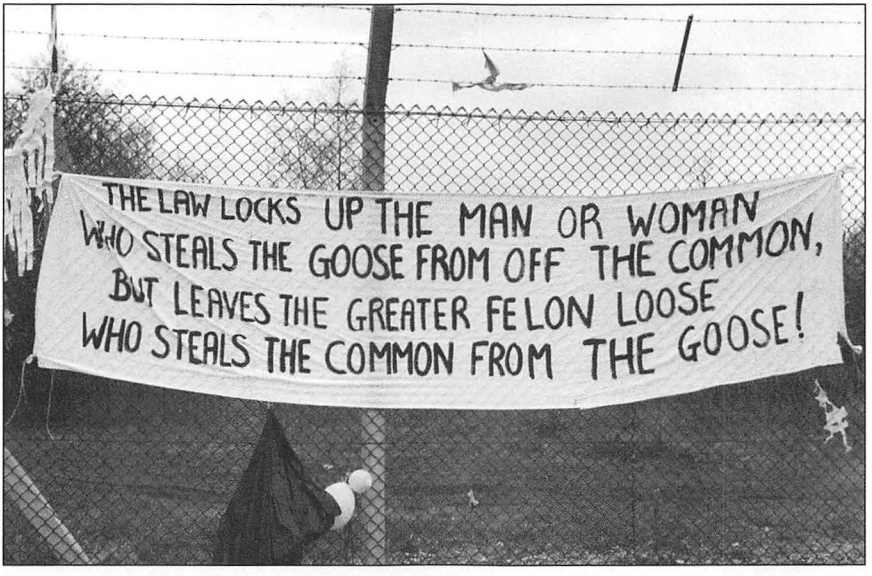
Successful outcome of the International Court of Justice court case at Reading Crown Court 1997. *Camp photo.*

Silos still intact on Greenham Common in 2004. Once the 'epicentre of mass destruction' now protected by English Heritage as 'one of the key monuments of the Cold War'.
Photo copyright Andrew Fleming.



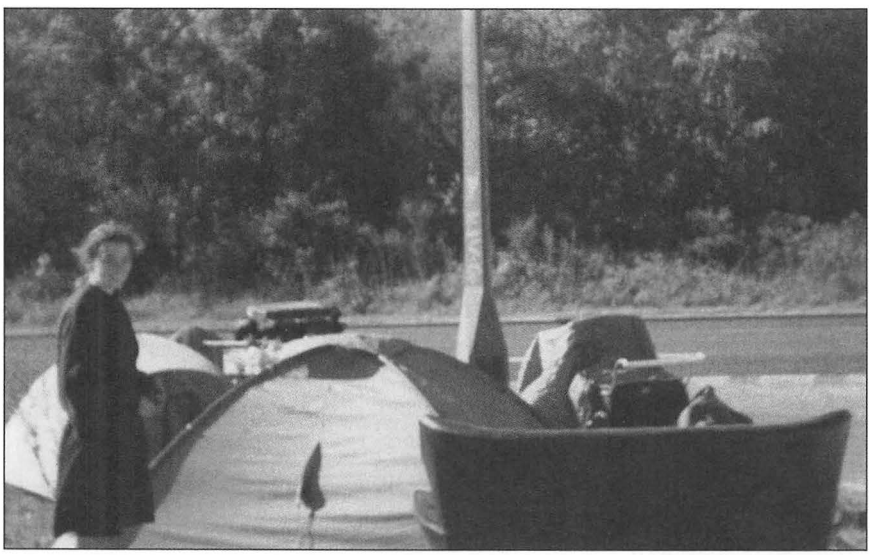
Silos empty and unguarded once held 96 Ground Launched Cruise Missiles each with the explosive power of 16 Hiroshima bombs. *Photo copyright Andrew Fleming.*

Hanger 303 menacing building kept under constant observation by women. When the convoy was due to carry out nuclear war exercises they tried to conceal their activities within this building. Now being disarmed. *Photo copyright Andrew Fleming.*



Anon, eighteenth century.

Finally the camp acquires a telephone and B.T. connects us to the national grid. *Camp photo.*



Yet another eviction. *Camp photo.*

COMMEMORATIVE AND HISTORIC SITE

> Artistic beauty is not a beautiful thing, but a beautiful representation of the thing.
>
> I. Kant

In 1997 the camp embarked on a series of important legal challenges. We wanted to know what the legal effect of the International Court of Justice Advisory Opinion, requested by the United Nations, would have on the Trident Missiles being produced and assembled at Aldermaston and Burghfield Atomic Weapons Establishments. We set out to test this by taking action at both Establishments that would guarantee a trial in Reading Crown Court (see 'The Law: ICJ case'). Also, we were concerned about the stewardship of the MoD on Greenham Common, and were engaged in a case in the County Court from 1995 to stop the development of the Common (see 'The Law: Land case').

We saw these challenges as the fulfilment of the work we had undertaken. At the same time, we were considering how we would bring about the closure of the Women's Peace Camp when the work was completed. Instead of the closure being seen as an end to an acclaimed part in the history of the Cold War, we sought to extend the value of that history by a new and lasting initiative.

When the photographer John Kippen documented the changing landscape of Greenham Common in *Cold War Pastoral – Greenham Common*, he stated in his introduction, 'The women at Greenham Common represented a new kind of alliance, one that the authorities found difficult to deal with because the usual direct and forceful physical tactics used in dealing with protestors could not be readily deployed against women. Largely because of this new kind of gender specific and peaceful protest, those politicians and the policies that propagated the Cold War were effectively discredited, and held up to a kind of scrutiny which suggested that a new generation was

unwilling to accept the old confrontational approach to world affairs based on threat and counter threat'.[1]

This overview of the conduct and reaction to the protest at Greenham sits very well with the thinking and understanding that brought us to a determination that a Commemorative and Historic Site must be built on Greenham Common, and to an insistence that it be on that part of the land where the protest had been mounted and held for 19 years. We had established a need to have a location that could be identified as the place where this unique protest had happened, where it could be physically visited and spiritually enjoyed. After much discussion amongst the women still connected with the camp, it was agreed to erect a Commemorative and Historic Site on the land where the original Women's Peace Camp had been located continuously since 1981 – at Yellow Gate, Greenham Common.

Beth Junor initiated a competition at the School of Landscape Architecture in Edinburgh's College of Art, offering a prize of £100 for making drawings of the proposed Site – working to an agreed design that had arisen from discussions at the camp. We wished a circle of seven Standing Stones surrounding a sculpture, yet to be designed; prayer flags; information boards to include a brief written history of the Women's Peace Camp. The four elements of earth, air, fire and water were to influence the overall design. Rowena West, a fourth year student, was the winner of the competition. Her work was most impressive.

A meeting was held in the Peace Camp caravan on 26 June 1998, at which time the plan was presented to West Berkshire District Council and Greenham Common Community Trust Ltd., now the owners of the land where the site would be built should planning permission be granted. Swami Ambikananda Saraswati, Wilmette Brown, Jean Hutchinson, Beth Junor and I represented the camp.

Attending the meeting were two executives from the Corporate Policy Department of West Berkshire Council and the Chief Executive of the Trust, Stuart Tagg. Five women took part in the meeting. The plans were greeted with surprise and interest by the officials of the council and the Trust, although a degree of caution was expressed. It was suggested that the political opponents of the Peace Camp would have to be eased into accepting the project – this we understood. The opposition to the Women's Peace Camp by the establishment of Newbury had been clearly indicated to us and to the world at large throughout the history of the protest. However, we knew that

there were people who, while keeping their heads down, were not opposed to the site being built. At the end of the meeting it was agreed we wouldn't publicize our plans until a later date.

In August, less than two months later, a councillor from West Berkshire District Council arrived at the camp with news of a commotion at the council meeting when the proposal was revealed to the full council. On hearing this, we decided to go public and gave an exclusive interview to the local newspaper, the *Newbury Weekly News*. The interview featured on 6 August 1998 under the heading 'Women unveil their memorial'. It created quite a stir locally.

In the interview, we had shown the plan and described the proposed design. We made it clear we would raise the money ourselves – we estimated this to be between £80,000 and £100,000. We were quoted as stating 'we would be leaving the peace camp in the year 2000 if our work was completed by then. . . . We would be leaving the site to the community and we believe that what we would put there would be an enhancement to the local area.'

In the same article, Stuart Tagg, Chief Executive of the Trust, said he did not have any hostile feelings towards the proposal. In contrast, Newbury's Conservative Party spokesman, Mr Richard Benyon, said, 'This so-called peace garden needs to be killed stone dead because it distorts history.'

The letters that followed in the Letters page of the *Newbury Weekly News* were evenly split between those for and against, with some adding a qualification that we should pay for it ourselves. Neil Salmon, a Newbury resident, wrote, 'As I have argued in the *Newbury Weekly News* letters page before, many people locally, nationally and internationally believe that Greenham Common will forever be linked to the resistance of ordinary people to the imposition of nuclear weapons. Getting Cruise out of Greenham was a tremendous success story.' A letter of support from Elizabeth Capewell, also a Newbury resident, made this observation, 'Whatever one's opinion about the Greenham peace camps and their effects on world peace, as an example of protest, it is of major historical and sociological importance which had many spin-offs in other arenas.'

When it came to preparing the plans to be presented to West Berkshire District Council Planning and Transport Strategy Department, we had guidance, help and support from local professional experts in Town and Country Planning. Some modification to the plans had to be made. The

prayer flags and the information boards were not accepted by the planning committee.

Along with the plans, we submitted a written outline relating to the history of the land, the history of the Women's Peace Camp and our concept of the site, in which we stated, 'We envisage the site as presenting the community of Newbury with an opportunity to heal the breach that developed over the siting of Cruise Missiles, and the divisions that were created not only between the protestors and the Newbury residents, but also by the polarization within the community over the issue. We believe that despite the years of conflict between the military occupation of Greenham Common and the Women's Peace Camp, history will record that the resistance by the women was governed by a commitment in practice to non-violence, producing a spiritual energy which eventually brings benefits to the area. We believe that this commitment should be commemorated. The vision of a circle of standing stones, we believe, will endow the area with a healing influence and be seen to embrace the historical facts of the situation. The *Newbury Weekly News* on 27 August 1998 printed a letter from Elizabeth Capewell, a Newbury resident, in which she refers to the "long and noble record of protest in the history of Newbury"'.

On 5 August 1999 a meeting about the proposed site was held at the camp. About 12–15 women attended. The sculptor Michael Marriott FRBS was invited, to offer suggestions based on what we wanted the site to represent. He listened carefully and agreed to take on the commission. On 13 August he sent detailed drawings of 1) a 'Flame' sculpture which would be surrounded by seven large, natural, stones; 2) a 'Spiral' water sculpture, hewn out of stone.

The designs were impressive and accepted without hesitation by the women. The drawings were sent to West Berkshire District Council Planning Department.

West Berkshire District Council's Planning Sub-Committee met on 3 November 1999; five women attended. We received a polite hearing on delivery of our presentation. This was followed up by a letter advising us to enter into an agreement containing planning obligations relating to parking space for visitors to the site. An agreement was entered into between Greenham Community Trust Limited (owners of the land) and the Greenham Common Women's Peace Camp Collective, in which parking facilities would be made available for visitors to the proposed site. Having met the condition of parking agreement, planning permission to build the

Greenham Common Commemorative and Historic Site was granted on 9 October 2000.

We chose to leave Greenham Common on the 19th birthday of the Women's Peace Camp, 5 September 2000. It had always been within our remit to decide when we would go. The year 2000 was important for several reasons. Mikhail Gorbachev had issued the challenge, 'Towards the year 2000 without nuclear weapons' at the 1987 Moscow Conference which three women from Yellow Gate had attended. The conference had been encouraged by this statement by the head of one of the world's superpowers and a signatory to the INF Treaty. We had adopted this aspiration at the camp by displaying it outside the caravan and by engaging in a campaign which involved gathering signed pledge cards in support of the statement, which were lodged with the United Nations in 2001.

Another encouraging factor confirming our decision to leave came in May 2000, when the United Nations' Non-Proliferation Treaty Conference proclaimed the five permanent members of the Security Council had agreed 'an unequivocal understanding by the nuclear weapons States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.' We thought this statement by the nuclear states was a positive sign that progress was being made. However, to date there has been no progress beyond their agreed statement.

It required a huge leap of the imagination from the time when we first began to look at the closure of the camp to the actual building of the site. We were women who had no access to the kind of funding required for such a project – careers had been suspended while keeping the camp going over the 19 years of resistance. Our individual earning capacity was zero. In one sense the granting of planning permission presented us with a huge dilemma. We thought our difficulty lay in convincing West Berkshire District Planning Department to grant permission for the erection of the site – having cleared that hurdle, finding the money to build it proved to be more problematic.

It was rumoured that the reason we were given planning permission was that we were not expected to raise the sum needed and therefore the project would fail. My personal feeling was that if every woman who claimed to have been to Greenham and stated that Greenham had changed her life were to donate a minimum of £5.00, we would clear the next hurdle. Unfortunately, as happens in so many instances, there was a gap here between fine words and what it takes for real commitment.

The Greenham Commemorative Fund Appeal was set up early in year 2000. A group of women came together to raise the money and promote the site – it was agreed that we would form a Collective and that I would act as the Coordinator.

Over the years of living at the Women's Peace Camp I gained a sense that if the decisions we made were right in principle, our work would be rewarded. Having faith in the practice of non-violence, we would bring about the change we were working for. This was not some naïve wishful thinking – it lay at the very heart of the challenges we made to those who sought to encompass the people of the UK in their preparations and practice for nuclear war. It developed from a pattern of thought into a very effective strategy in practice.

Throughout the protest, our work had been supported by thousands of individuals, nationally and internationally, who themselves could not take part in the practical side of the protest but who, nevertheless, became deeply involved by supplying food, warm clothing, financial support, and by always offering encouragement. It was this support that made it impossible for the authorities to stop the protest. It wasn't too long before it became evident that the Greenham Commemorative Fund Appeal would be rewarded for having faith in our vision to build the site – the same good will and support from the same people was beginning to emerge.

On hearing about our plans for the proposed Commemorative and Historic Site, the Sisters of Saint Joseph of Peace, located in Leicestershire, who had visited the camp over the years and who had throughout the protest assured us of their prayers, promptly sent a cheque for £1,000. Mary and Alistair Hipperson, members of my own family, also donated £1,000 to get the fund started. These two donations formed the 'yeast' from which confidence, and the fund, would grow, and provided some needed capital to float the Greenham Commemorative Fund Appeal.

The Trades Union Movement responded with generous donations and sent encouraging messages of support for the achievements arising from the years of protest and for the building of the site. The National Union of Mineworkers' National Executive Committee sent a donation of £5,000 with the message, 'We would like to take this opportunity of wishing you every success with the Appeal and look forward to the day when the building of a Commemorative and Historic Site has been completed in order to provide a lasting testament to the courageous women of Greenham Common.' Arthur

Scargill, Honorary President of the NUM, attended the ground breaking ceremony on 8 September 2001.

Knowing that in the 1997 election there had been an intake of 100 women to the Parliamentary Labour Party, I sent Appeal letters to them all. Only 7 responded. Of the male MPs who received the Appeal, 10 responded.

As coordinator I had direct contact with contributors through the handling of the mail. The theme that appeared constantly in the letters was that of gratitude, firstly, for the stand made by women on Greenham Common against nuclear weapons, and secondly that the Commemorative and Historical site would permanently be there to remind everyone of that stand.

The contributors were varied. Women who had taken part in the demonstrations and support groups would send their donation with a message recalling their time spent at Greenham and its lasting effect on their life. To learn of the number of individual pensioners who contributed more than once to the Fund was a most rewarding experience; it is my belief that those who experienced the fighting and bombing of the Second World War know about the effects of war, and have within them a deep commitment to peace – this was manifestly displayed by their generosity to the fund and their encouragement for the site. This is one of the reasons I thought it important to record the names of all the contributors in the Roll of Honour at the end of this book.

The fund began to grow enough to give us the needed confidence to have a ground breaking ceremony on 8 September 2001. The Twin Tower disaster in New York happened 3 days later, on 11 September, with the effect of leaving everyone in a state of despair. Donations dried up and our applications for grants were unsuccessful. The Greenham Commemorative Fund Appeal has not received a single penny from any grant/charitable trust organisation. We were advised by some that this was due to 'the current state of the stock market.'

It became evident at this time that the site would depend on the same generous grassroots support that had prevailed during the 19 years of the protest. More appeals were sent out and the response was wonderful. This has made the site a collaboration – the good will and encouragement that came with each donation developed a kind of mutual responsibility for the well being and hope for the site and its future. It has been a privilege for me to be in contact with so many people so committed to the cause of peace. I

came to the realisation that not receiving money from grant making organizations was a good thing for the heath and future of the site. This gave the site a strength and autonomy that the protest too had enjoyed. The site owes its very existence to ordinary, grassroots, committed people.

At the end of October 2001 visits were made to several Welsh quarries by Jean Hutchinson, the sculptor Michael Marriott, and myself, to select the seven standing stones to encircle the 'Fire' sculpture – most were donated; the Fund paid for their transportation to the site.[2]

As stated, the land where the Commemorative and Historic Site was to be built was owned by the Greenham Common Community Trust Limited and we received cooperation, consideration and respect from the Chief Executive of the Trust and all of his staff. When the land was cleared for development in May 2002, there were a number of complaints by local people, so we agreed not to begin work on the project until 1 September 2002, when the land would be transformed from common land to privately owned land by the Parliamentary Greenham Bill. We had hoped to have the site completed in time for the 21st Anniversary of the camp on 5 September, but agreed to delay it for a month until the Greenham Bill had been passed by Parliament and was in force.

In keeping with our intention to reach out to the local community, contracts for the work were given to local consultants and contractors.[3] They were at all times respectful and understanding in their approach to the construction of the Commemorative and Historic Site and extremely helpful in their accommodating attitude to both the work and the payment of their costs.

Work began on 1 September 2002. The land consultant took charge of the site; the sculptor brought his sculptures on site and settled them into the space allocated in the plan; the contractor and his team eased the huge stones from Wales into place; a sapling oak tree rescued from the Newbury By-pass road scheme was planted. Seventy-six native British plant species, amounting to 1422 plants complimented the overall design. All of those involved in building the site worked flat out to complete it in a month. We are grateful to them for building such a wonderful site which is much applauded by all who visit.

The Commemorative and Historic Site was inaugurated on 5 October 2002. Invitations to the inaugural gathering were sent to contributors to the Fund and to those involved in building the site only – it was to be their day.

Those who had taken this leap with us and, in doing so, shared our faith in the building of the Commemorative and Historic Site, came together to celebrate. We announced that an Open Day would be held later.

At the start of the gathering, I announced that the Fund had received an enormous boost of £10,000.00 from Yoko Ono just the day before. Her donation came with this message, 'To the sisters on Greenham Common – Congratulations – I am with you in spirit – Love, Yoko Ono.' A great cheer greeted the news. As said above, Yoko Ono had visited and supported both with financial help and with her stated respect for the work done by the women on Greenham Common.

About 100 contributors attended the gathering. Messages of good will and encouragement were read out from those unable to attend. Donations were made in memory of loved ones and these were acknowledged by name, and lives were remembered in thanksgiving.[4]

Arthur Scargill paid tribute to all the women involved in the protest and their achievements. Music, singing, poetry reading and circle dancing were enjoyed by everyone. The site was toasted with wine, and cake from the Empire Café was served.[5] Candles were lit and everyone joined in the singing of 'Only love will bring peace'.[6] It was truly a wonderful day.

The day was blessed with warm sunshine, which presented the stones and sculptures in the best possible light. The gathering had begun at 2pm. Around 5pm people who travelled from some distance began to leave. Others remained and were joined by some who lived close by for a spectacular fire ritual ceremony at dusk.[7] The overall reaction from those who had attended was that 'the day was memorable.' Looking back as we left, I was struck by the stones, which appeared to be standing on guard as if to protect the land and its history.

We called for a vigil to be held at the Commemorative Site on 3 March 2003, as the war in Iraq was impending. Our intention had been to hold the vigil overnight from dusk until dawn; however, a small group of contributors to the site extended the vigil throughout the day and it became a 24-hour watch. Although attended by only a small number, nevertheless, it felt like the right thing to do, especially when we thought of the hours, days, weeks, months and years of holding a presence on Greenham Common through crisis after crisis. During the night Katrina Howse and I kept a fire lit and candles burning. We meditated on the idea of seeing the Government publicly disarming a Trident Missile as a contribution towards encouraging

Iraq to do the same. We examined the UN resolution 1441[8] and the history leading up to the crisis. It was a wonderful experience, not least for the view of the sculptures and stones as dawn broke.

As promised at the Inauguration on 5 October 2002, we held our Open Day on 21 June 2003. We had sent an invitation to the people of Newbury through the local newspaper – some did come, but not as many as we had hoped for.

The theme for the day was 'Remembrance, Contribution and Celebration'. A plaque[9] was unveiled to the memory of Helen Wynn Thomas, the young Welsh woman whose life had been taken from her when she was knocked down by a West Midlands Police horsebox just outside the camp on the A339 in 1989. A number of Helen's family and friends made the trip from Wales. An address to the gathering, recalling Helen's contribution to the Greenham Protest and the circumstances of her death, was recorded and translated into Welsh. Also, a tribute to Helen's life was made in Welsh on behalf of her family and friends from the community that had raised and cherished her. Women who had worked with Helen on the Common took the microphone to recall time shared with her.

We then moved on to celebration and hospitality, with circle dancing through the stones followed by the cake and wine.[10] Again we were blessed with glorious sunshine.

On 26 June 2004 we held an art exhibition at the site.

At this early stage of the existence of the Commemorative Site, we were aware we had entered into unknown territory and we were feeling our way to a future for the site. When we first thought of building the site, we were conscious of the value of the history of the Protest. We recognized that this would form the foundation for the site, from which a lasting initiative would emerge.

The non-violent resistance paradigm practised on Greenham Common could now open up new paths of connection with others seeking a better world for all people of this earth. Greenham need no longer be confined to a 'women only' agenda, but could seek to take the work and the history into a wider arena. The support given to the building of the Greenham Commemorative Site by both women and men has already determined that change. It was in this spirit that we wished to pay tribute to the life of Philip Berrigan, inviting his daughter Frida Berrigan to join us for a 'Remembrance and Thanksgiving' ceremony at the site on 2 October 2004. Representatives

of Catholic Peace Action, Pax Christi, Fellowship of Reconciliation and Christian CND joined women from the Greenham Collective and others, to pay honour to the life and work of Philip Berrigan, of the Jonah House community, Baltimore, USA, peace activist and community organiser (5 October 1923–6 December 2002). His daughter Frida Berrigan of the World Policy Institute, New York, was the main speaker, and contributions were made by Dan Martin, Pat Gaffney and Chris Cole.

Frida spoke lovingly of her father, of his commitment to peace activism and to his advice – 'don't get tired'. He refused to be distracted. He recommended, 'Focus. Discipline. Vision. The long haul.'

Frida shared with us an article written by Philip:

> I recall how a 1964 witness in South Vietnam gave me hope and clarity and strengthened me for perseverance. Two young Frenchmen, appalled by how the US followed the French downward spiral of violence and cruelty, resolved to do an action against the war. (They were in Saigon teaching, an alternative to military service.) They climbed a war memorial statue in downtown Saigon, scattered hundreds of leaflets – eagerly read by cabbies and bystanders – and waited for security. Police pulled them down, beat and jailed them. At a court appearance a journalist confronted them, visibly shaken: 'Who paid you?' he shouted. 'You couldn't have done anything so stupid without being paid.' One of the Frenchmen retorted, 'People don't always act for money.' The journalist answered back, 'Either you sell yourself, or they come and buy you!

The article continued for another two paragraphs – it was a polemic on corporate capitalism when hitched to imperialism. Then: 'The story from Saigon forced me to think, practically as well as Biblically. Slowly, I developed a horror of life reduced to economics, to business, commercialism, selling and buying of lives. Especially my own. And I drew a line in the sand – never allow my compromises – we all compromise – to destroy essentials, like my life is not mine to exploit as I please.'

Philip Berrigan displayed his uncompromising outlook right up to the end of his life: 'I die with the conviction, held since 1968 and Catonsville[11], that nuclear weapons are the scourge of the earth; to mine for them, manufacture them, deploy them, use them is a curse against God, the human family, and the earth itself.'

Although we at Greenham Women's Peace Camp never met Philip Berrigan, we had been in touch with him. We shared a deep abhorrence for nuclear weapons and a commitment to non-violent direct action that took us into prison. He gave leadership, direction and continuity to the peace movement in America and inspiration to the peace movement in this country.

Frida told us that her Dad 'loved the women of Greenham Common, they meant a great deal to him – their long unflinching and uncomplaining uncomfortable witness, their radical responsibility, their exuberant and irreverent creativity and community. He drew hope and strength from them. They drew hope and strength from him.' The day was marked by planting on the site a rosemary plant in his honour.

We hope the Greenham Commemorative and Historic Site will become a venue for other occasions when remembrance and thanksgiving are called for, on this site of transformation, where 'Cruise Missiles have become birds, butterflies and flowers.'[12]

As the programme for the site developed, it became clear the site is of enormous interest to various groups and individuals, and that this interest manifests itself by a commitment to providing the financial certainty and good will needed to undertake such an important project. There is a growing sense that collective responsibility for the continuity of the work carried out on Greenham Common during the years of protest could influence future initiatives for peace and justice.

Roll of Honour

The Greenham Commemorative and Historic Site was financed entirely by contributions from those who shared our vision for the site and generously gave their support, goodwill and financial encouragement. To all of them we offer our sincere thanks.

Abel, Sylvia
Adams, Betty
Adams, Caroline
Adams, Grace
Akam, Jacky
Angel, Tracy
Archard, James
Archdeacon, Jeanette
Arden, John
Argent, Susan
Alexander, M
Alkemade, Ms
Allchurch, Elspeth
Allott, A.E.
Appleton, Ruth
Arnold, Cyril
Banks, Rosemary
Bailey, Mr & Mrs
Bailey, Gwen
Baker, Eileen
Balchin, Michael
Ball, Neville
Barber, C.E.
Barker, Sheila
Barlow, Jeani
Barrier, Elaine
Barringer, Debbie
Beirne, Molly
Bell, Mary
Bennett, Elinor
Bishop, Bernardine
Blakey, Maggie
Blaug, Astra
Blower, Barbara
Boag, Isabel
Boshell, Brenda
Bower, Cecelia
Bower, Jean
Bowman, Edith
Bremer, Rosy
Brockley, H.
Brodie, Hilary
Brown, Barbara
Browne, Tom
Brownlie, Aileen
Bruce, Maxwell
Brumwell, George
Bryant, Jean
Buckfield, S.M.
Bunting, Ann
Buck, Mrs
Burns, S
Burt, Peter
Caddy, Jenny
Caddle, Annabel
Callen, B.
Canavan, Rita
Cannon, S.
Capewell, Elizabeth
Carnal, A.J.
Carr, Sheila
Carrison, J.
Carter, Esta
Casey, Hester
Cavewall, Elizabeth
Cawthorn, Ivy
Chard, Abigail
Charters, Mrs J.
Chatterton, Anne
Clare, Joan
Clark, Hilary
Clarke, Lavender
Clements, Sue
Close, R.J.
Cohen, Joppa Felice
Cohen, Joppa Jack
Collette, C.F.
Connoly, Cressida
Colyer, Mary
Corker, Dianne
Crokett, Kate
Coughlan, Philipa
Couldry, Nick
Cuthbert, Nan

Cuthbert, Tom
Cwper, Sian
Daniels, Jane
Daniels, Liz
Darcy, Margaretta
Davidson, Beryl
Davies, Janet
Davies, W.H.
Day, Barbara
Dimmick, Mrs J.
Deegan, Peter
Donovan, Paul
Douglas, Beryl
Douglas, Michael
Drongin, Nina
Dunmock, Jill
Durban, Jean
Durman, Dr.L.
Ebbett, Mrs K.
Eckford, Barry
Edwards, Louise
Egan, Pauline
Eldridge, Peter
Elliot, Mary
Elmvang, Coral
Epstein, Paddy
Evans, A.M.
Evans, E.
Evans, Hilary
Fardoonji, M.S.
Farebrother, Mrs J.A.
Fay, Janet
Feltham, Mary
Fenton, Helen
French, Ulla
Frow, Ruth
Ford, Heather
Fordham, Mrs D.
Fowler, Mr S.J.
Francis, Frances
Francis, Steve
Fraser, Pauline
Frazer, Sue
Fosseprez, Renee
Gadian, Margaret
Gadsby, Marjory
Gaffney, Pat
Galpin, Michael
Gangwar, Mahendra
Gangwar, R.A.
Gartside, J.
Gathercole, Doreen
Gibbon, J.
Gibson, Philippa
Giles, Irene
Gillett, Bevis
Gillett, David
Gillett, Jean
Gillett, Jonathan
Gillett, M.B.
Glass, Marie
Grant, Ms.H.
Graves, Mrs. A.E.
Gray, Peter
Griffin, Susan
Grigg Hutchinson, Jill
Grimsdell, Ms. M.
Gretasdotter, Lena
Grubb, Dr. Jane
Gruffydd, Elis Dyfed
Hale, Mary
Hales, Bryany
Hall, Marion
Hallam, Joyce
Hammond, Joan
Handy, Deborah
Handy, D.J.R.
Hardwick, Sidney
Harland, Audrey
Harrison, Mrs. M.
Harrison, Sue
Hartnet, Oonagh
Harvey, Joan
Hawes, C.M.
Hawkins, Philippa
Hayball, Dorothy
Hazell, Peter
Heaton, Kay
Heaphy, D.M.
Hebard, Wendy
Hebert, Jane
Henjes, Judith
Hellier, Margaret
Hewitt, George
Hipperson, Alistair
Hipperson, Ann Casey
Hipperson, Jane
Hipperson, Martin
Hipperson, Mary
Hipperson, Matthew
Hoadley, D.
Hodson, Kath
Holdstock, Dr.
Honeysett, Jon
Honeyset, Sarah
Hope, Kim
Hope-Gold, Mary
Hopper, Mrs W. M.
Horsman, Ms. J.
Howse, Katrina
Hudson, Geoffrey
Hughes, Herbert
Hughes, Katherine
Hunt, Jenny
Hunt, Ros
Hutchison, Margaret
Hutchinson, Jean
Hutchinson, Mary
Inch, Julie
I'Fan, Sion Gwyn

Jackson, H.
Janson, Loes
Jarrett, Mrs. P.
Jeffcock, Edie
Johansen–Berg, Revd
Johnson, Cathy
Jones, Aniko
Jones, Audrey
Jones, Mrs C.
Jones, J.M.
Jones, Lorna
Jones, Rhoda
Jones, Rosalyn
Jones, Sue
Jolly, Margaretta
Jordan, John
Junor, Beth
Kee, Cynthia
Kellas, Lorna
Kelly, June
Kelley, Marjorie
King, Andrew
Kingshill, Peter
Kiss, Charlie
Koons, Charlotte P.
Ladbrook, M.M.
Lawrence, J.
Lawson, Hazel
Layton, Audrey
Layton, Brian
Le Gris, Liz
Lester, Anne
Lewis, Eileen
Lewis, Margaretha
Lewis, Marjorie
Livingstone, Alistair
Llewellyn, Mr K.
Llewllyn, Penny
Lloyd, B.M.
Llwyd, Enfys Cen
Loshak, Ann
Luckin, Clare
Luker, Monica
Luker, Trish
Macleod-Gilford, Wendy
Mahew, J.W.
Mahiew, Nezia
Mahon, A.
Markham, Sonia
Marsden, Dr & Mrs J.P.
Marshall, Barbara
Marston, Mrs L.B.
Martin, Carmel
Martin, Dan
Mason, Ms. G.E.
Mason, Norma
Mathews, P.
Maxwell, Jenny
McCarthy, Ann
McGee, J.
Meaking, Rosemary
Middle, Rowena
Middleditch, Marcus
Milgate, J.
Millar, John
Millington, Mary
Mills, Stuart
Milton, C.W.
Milton, Joan
Mitchell, Ruth
Mitchell, Tricia
Mockler, V.M.
Moore, Christine
Moore, M. W.
Moore, W.
Morgan, David
Morgan, Owen
Morris, John
Morris, May
Mort, Chris
Morton, Dorothy
Moss, Miriam
Mullis, Linda
Myers, Nell
Neal, A.J.
Nelki, Dr. Julie
Nelson, Jayne
Newton, Bernard
Noble, F.H.
Nolan, M.
Norman, Lucy
Norvell, Marlyn
Noys, A.
O'Brien, Owen D.
Oldham, Mrs
Olive, Sybil
Ono, Yoko
Orrell, Nancy
Osborne, Ruth
Owen, Margaret
Palmer, David
Parkhouse, W.G.
Peart, Rev. Ann
Pelling, Margaret
Perkins, N.
Perry, Pete
Phillips, Margaret
Pierson, John H.
Pinnons, Martha
Pescott, Priscilla
Preddle, Joyce
Prescott, M. K.
Price, A.
Prior, A.W.
Pritchard, Judith
Pritchard, Justine
Quinn, Nina
Rast, Claske
Ray, Mrs. P.

Redfern, Fred
Reddie, Sandra
Reeves, Emma Joy
Reid, Pearl
Rhosier, Nia
Richards, M.
Richardson, Amanda
Richmond, Ms.
Rigg, James
Riley, Mary
Ritchards, R.R.
Roberts family
Rock, Patricia
Rookledge, Eldaly Diane
Rose, Amanda
Rowlands, R.K.
Rolinson, D. J.
Roper, Zoe
Russell, Enid
Rutter, Jenny
Ryan, Mr. & Mrs D.
Sabine, Jenny
Sanchez, Eli
Sansome, Marguerite
Saunders, Kenneth
Seabrook, Ronnie
Sen, Nazan
Sharp, Sally
Sheldon, Joan
Sherlock, M.G.
Shrimpton, Julie
Sing, A Kim
Sinton, M.
Smith, Dawn
Smith, E.E.
Smith, Georgina
Smith, Hilda
Smith, V.A.
Smoes, Henny
Snitton, Ann Barr
Softly, Raymond
Spitzer, Elke
Stallard, Eunice
Stallard, Jill
Standley, Rev. David
Strang, Isabel
Stoneham, Geoffrey
Sturge, Joe
Taylor, Hilda
Terry, J.M.
Timson, Martin
Thomas, Janet
Thomas, Rowena
Thomas, R.E.
Thomson, Joan
Thomson,Sue
Thornton, Penny
Thornton, S.
Timing, Mary
Titchmarsh, George
Tomos, Angharad Wyn
Townsend, J.
Truman, Jill
Tsurami, Paddy
Tullett, Maureen
Tunley, Shirley
Tyson, Darrell
Vann, J.L.
Vanneck-Surplice,Theresa
Vanston, Marjorie
Vassie, Pam
Vaughen, Mr & Mrs G.
Vigay, Frances
Vowles, Joy
Waddell, Sonia
Wall, Barbara
Wall, Eileen
Wall, Frank
Walsh, Sarah
Walker, Marguerite
Wangermann, Jean
Ward, Jean
Ward, Phil
Warman, L.
Waters, Avis
Watson, Babs & Ted
Watson, Judith
Watson, Maureen
Watson, Nina
Watson, R.E.
Whatley, John
Webb, Lawrence & Eileen
Whellams, D.
White, P.M.
Whiteman, M.E.
Wilde, Francesca
Wilkie, Alan
Wilkie, Maire-Colette
Williams, Isla
Williams, Maggie
Wilson, Erica
Winters, Joy
Withers, B.
Wrentmore, Mrs M.E.
Wright, W.
Wood, Anne
Wood, Lea
Woodward, Joan
Wynne, Joan
Yason, Win
Yerbury, C.C.
York, Susannah

Labour Members of Parliament

Benn, Tony
Best, Harold
Chator, David
Cryer, Ann
Etherington, Bill
Flynn, Paul
Godman, Dr. N.
Heal, Sylvia (Deputy Speaker)
Jackson, Helen
Jones, Jenny
Jones, Lynne
Lepper, David
Mahon, Alice
Moffatt, Laura
Michie, Bill
Prentice, Gordon
Ruddock, Joan
Skinner, Dennis
Walley, Joan
Wood, Mike

Organizations

Abingdon Peace Group
Barking & Dagenham Women for Peace
Catholic Peace Action
CND Ayrshire North
CND Brentwood
CND Bristol
CND Chesterfield
CND Christian
CND Cymru/Wales
CND Harrow& District
CND Lancaster & District
CND Maidenhead & Cookham
CND Manchester North
CND Prestwich & Whitefield
CND Rugby
CND Southampton
CND Wandsworth
CND Walthamstow
CND West Midlands
Humanist Peace Forum
Inverclyde Local Association EIS
Kingsbridge Peace Group
Kingston Peace Council
Older Feminist Network
Parti Feministe & Humaniste
Pax Christi
Peace Shop Temple of Peace Cardiff
Ramblers Ass. Epping
Reading Peace Group
Redditch Women for Peace
Saint Anne's Church Centre
Sisters of Saint Joseph of Peace
Stroud Peace Group
Todmorden Women's Disco
Unitarian Church Dover
Welsh Language Society
W.I.L.P.F. (UK Section)
World Disarmament Campaign

TUC-affiliated Trade Unions

BECTU
FBU National
FBU East Anglia Region 10
FBU Scottish Region 1
GMB
NATFHE
NUM
NUJ Head Office
NUJ Branch Offices, Bradford, Bristol, Edinburgh & District and The Netherlands.
T&G Central Office
T&G Manchester EPIU – Branch 6/1400/1
T&G Midlands Branch 5/908
UCATT
UNISON

Constituency Labour Party Wards

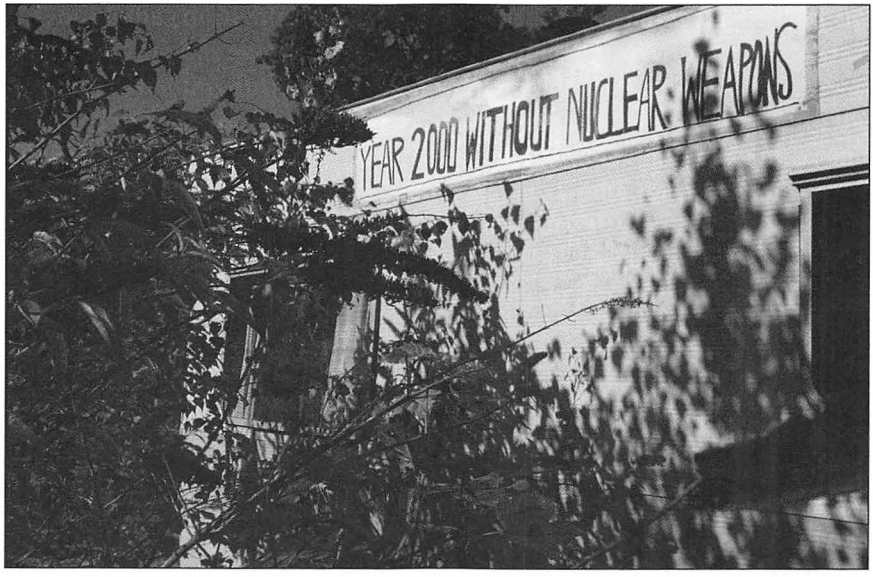
Battersea
Bexhill On Sea (Women's Section)
Graiseley
South West Wolverhampton

Socialist Labour Party Members

Myers, Nell
Rose, Amanda
Scargill, Arthur
Street, Liz
SLP Membership

Member of European Parliament

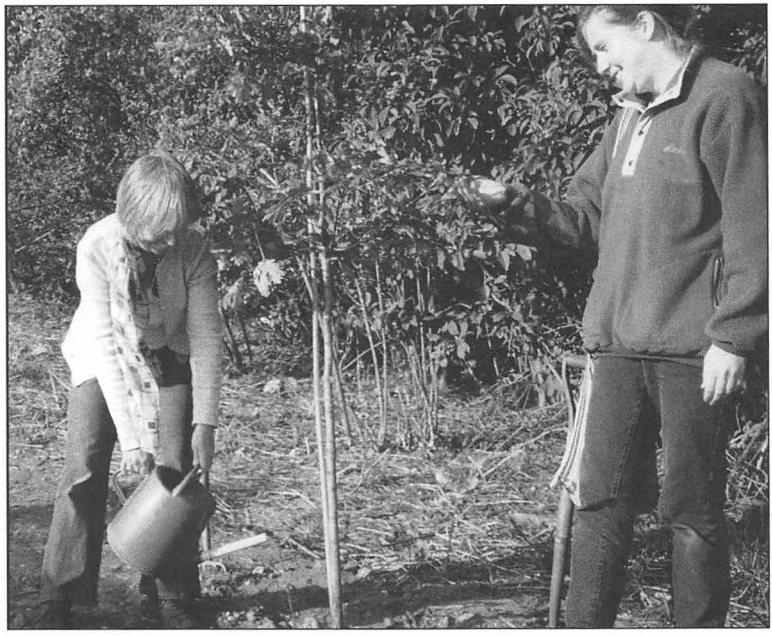
Evans J.



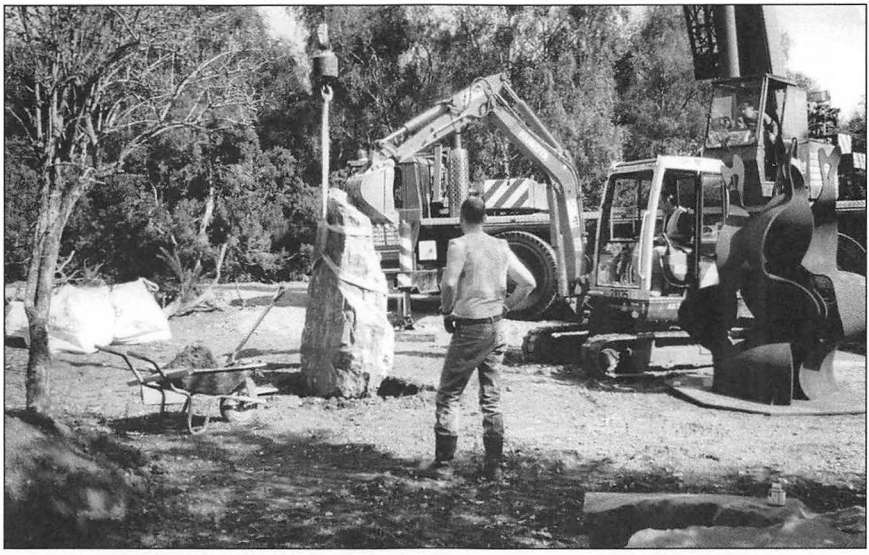
Caravan re-located in New Greenham Park after closure of the camp.
Photo copyright Andrew Fleming.

Caravan being removed at closure of the Women's Peace Camp on Greenham Common 5 September 2000. *Photo by Teresa Vanneck-Surplice.*

Camp in an earlier time. *Camp photo.*



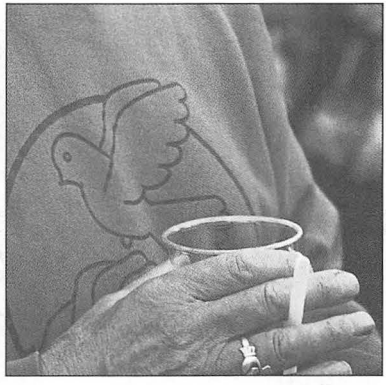
Planting oak tree sapling from Newbury by-pass during the ground breaking ceremony on 8 September 2001. *Photo by Wendy Hebard.*



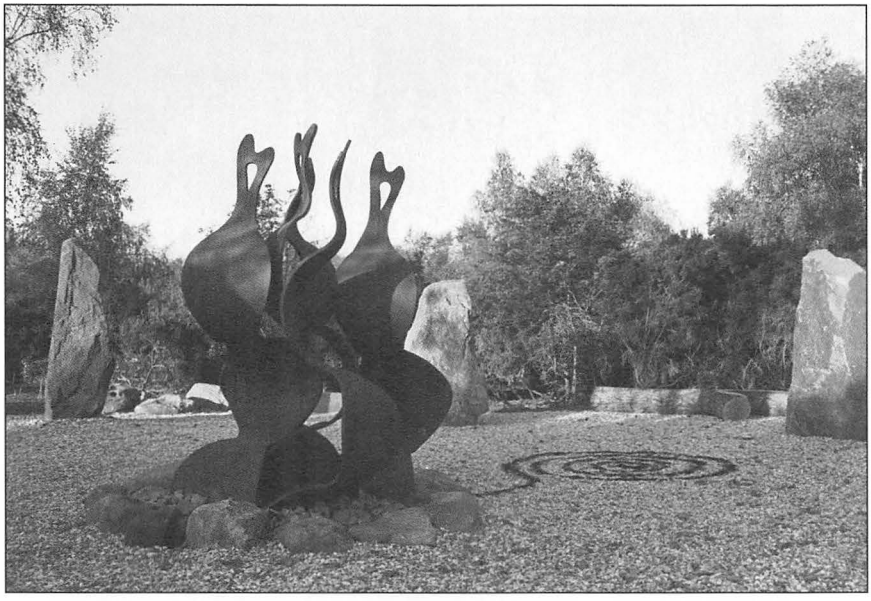
The contractor overseeing the Standing Stones and the Fire Sculpture safely in place on the Commemorative and Historic Site. *Photo by Roderick Griffin.*

Inauguration Day 5 October 2002. Circle dancing around the stones and sculptures. *Photo by Alistair Hipperson.*

The Commemorative and Historic Site. *Photo Roderick Griffin.*



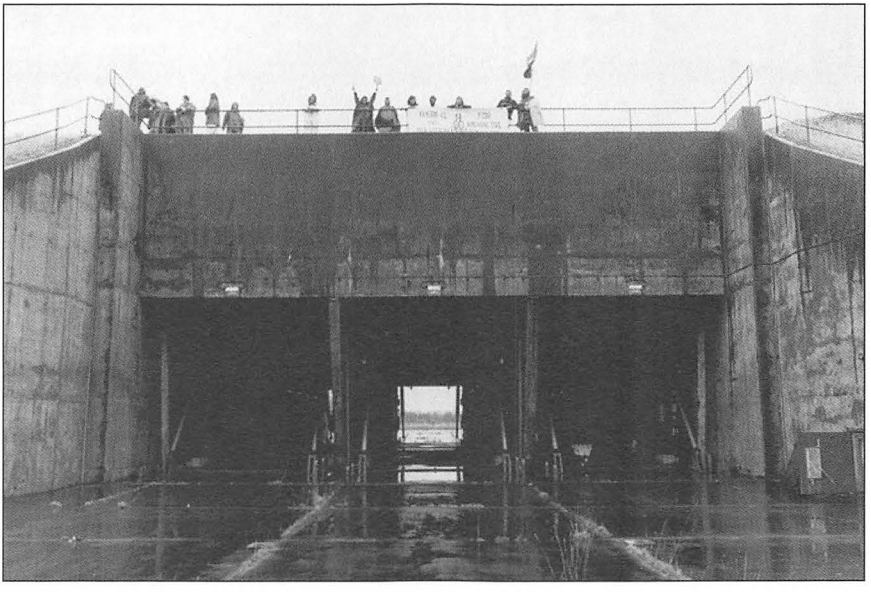
Inauguration Day.
Photo copyright Andrew Fleming.



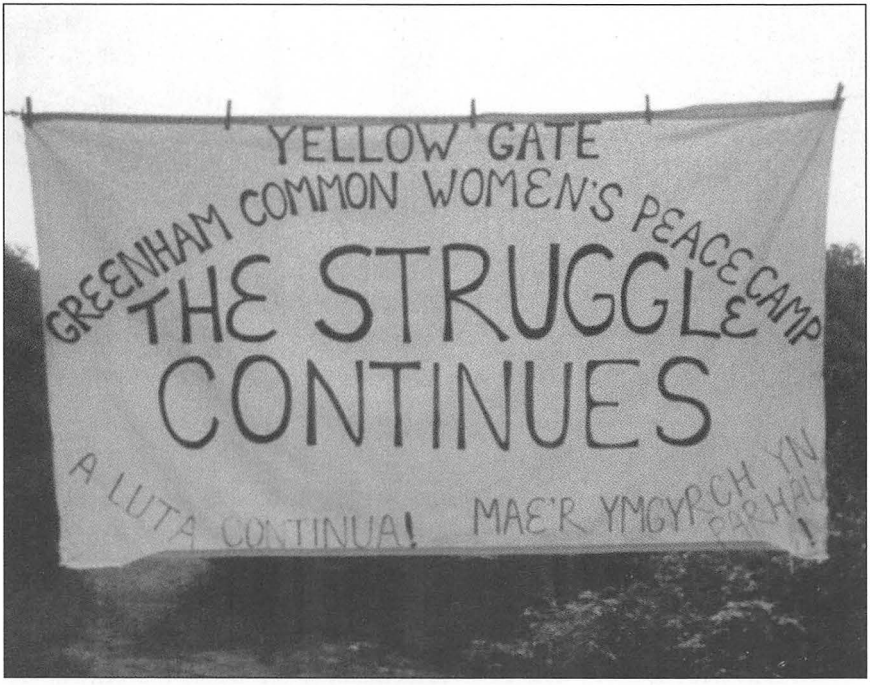
Fire Sculpture by Michael Marriott FRBS. *Photo copyright Andrew Fleming.*

Spiral Sculpture by Michael Mariott FRBS. *Photo copyright Andrew Fleming.*

Symbol of peace survives after the caravan was trashed. *Photo copyright Andrew Fleming.*



A celebration on top of an empty silo at the end of the 'Walk for Mother Earth' from Europe. *Camp photo.*


YELLOW GATE
GREENHAM COMMON WOMEN'S PEACE CAMP
THE STRUGGLE
CONTINUES
A LUTA CONTINUA!
MAE'R YMGYRCH YN

Notes

Introduction

1. *Greenham Common: Women at the Wire*, Barbara Harford & Sarah Hopkins (London: The Women's Press, 1984)
2. *Greenham Common Women's Peace Camp: A History of Non-violent Resistance 1984 – 1995* written & edited by Beth Junor, illustrations by Katrina Howse (London: Working Press, 1995); anthologised in *The Penguin Book of Twentieth-Century Protest*, edited by Brian MacArthur (London: Viking, 1998)
3. from 'On His Work in the English Tongue' in *Electric Light*, by Seamus Heaney (London: Faber and Faber, 2001), p. 63. Reproduced with the kind permission of Seamus Heaney.

Protest: Non-Violence in practice

1. Intermediate Nuclear Forces (INF) Treaty between the USA and the USSR, signed on 8 December 1987 by Ronald Reagan and Mikhail Gorbachev, removed the US Cruise Missiles from Greenham Common and the USSR's SS20s from East Germany.
2. Mutual Assured Destruction (MAD): the situation in which both sides are capable of inflicting massive damage even after absorbing a first strike.
3. First Strike: a pre-emptive attack on an adversary's military facilities.
4. Ground Launched Cruise Missiles are only suitable for a nuclear war initially limited to Europe in the hope of preserving the territories of the two super-powers. From *EUROPE'S FOLLY – The Facts and Arguments about Cruise*, by Owen Greene (London: CND Publications Ltd., September 1983).
5. Catholic Peace Action demonstrates and takes action at the Ministry of Defence on Ash Wednesday and on other occasions.
6. *Greenham Common: Women at the Wire, ibid.* See 'Women's Action for Disarmament, Women for Life on Earth,' page 16.
7. From *A Pilgrimage for Peace*, by Pyarelal (Ahmedabad: Navajivan Publishing House, 1950). The author has listed in an Appendix cullings from Gandhiji's writings which give, he hopes, 'in a connected form a complete outline of the Science of Satyagraha in theory and practice.' (pages 197–206)

8. *Carry Greenham Home* (video: Contemporary Films), a film by Amanda Richardson and Beeban Kidron, then two students from the National Film and Television School, who lived at Greenham for several months.
9. *Barbed Wire and Beyond* by Bill Kellerman (Washington, D.C.: Sojourners, May 1983), a monthly American publication.
10. We worked together for many years with the Wages for Housework Campaign and my perspective on unwaged work, expressed here, is influenced by them. They remain active, with offices at: Crossroads Women's Centre, 230A Kentish Town Rd, London NW5 2AB.
11. *Breaching the Peace* (London: Onlywomen Press, 1983).
12. Walter Cronkite (b. 1916), longstanding anchorman of American CBS-TV evening news
13. "Adverse Possession' entitles the possessor to be protected in his possession against anyone who cannot show a better title. After 12 years, the true owner's title is excluded and the possessor becomes owner.' – *The Oxford Companion to Law,* by David M. Walker (Oxford: Clarendon Press, 1980)
14. Wilmette Brown, author of *Black Women and the Peace Movement* (Bristol: Falling Wall Press Ltd., 1984), brought her vast experience and insight from her activities in the civil rights and anti-war movements in America in the 1960s to share with women on Greenham Common. Wilmette left Black Women for Wages for Housework and the Wages for Housework Campaign in 1995.
15. When Helen was killed, women covered a table with a cloth and placed candles, flowers and a book for visitors to sign. The bailiffs smashed it up and removed it. A small circular garden was created. It later became part of the Greenham Commemorative and Historic Site.
16. *I Have a Dream: Writings and Speeches that changed the World,* by Martin Luther King, Jr.; foreword by Coretta Scott King; edited by James Melvin Washington. (San Francisco, Calif.; London: HarperSanFrancisco, c1992)

Non-Violence

1. *Resist the Military* booklet was produced by the women of Yellow Gate Peace Camp on 'The 10th Anniversary of the Decision to Site Ground-launched Cruise Missiles in Europe.'
2. *Three Guineas,* by Virginia Woolf (Penguin Books 1977, first published by Hogarth Press, 1938). Virginia Woolf was asked the question 'How in your opinion are we to prevent war?' The Women's Peace Camp on Greenham Common was the right time and the right place to put her 'new words and new methods' into practice.

3. *Greenham Common Women's Peace Camp: A History of Non-violent Resistance 1984 – 1995* (London: Working Press, 1995) and *The Penguin Book of Twentieth-Century Protest* (London: Viking, 1998)

Law

1. *The Jerusalem Bible*, Popular Edition (Darton, Longman & Longman)
2. Statement in Court by Gilbert Markus
3. *Constitutional Law and Human Rights*, Volume 8 (2) (para 28)
4. *Administration Law*, S.A. De Smith (p. 97)
5. *Chandler and Others -v- DPP* (1964) A.C. 763 House of Lords
6. *International Law Against War (INLAP)* – International laws whose combined effect is to prohibit all forms of Mass Destruction and its threat: Hague Convention, 1899, 1907; Geneva Gas Protocol, 1925; Nuremberg Trial and Principle, 1946/50; United Nations Charter, 1945; Genocide Convention, 1948; Geneva Convention, 1949; Additional Protocol 1, 1977; British Manual of Military Law.
7. *The Changing Law*, by Alfred Denning (Sweet & Maxwell, 1986)
8. *AT LEAST CRUISE IS CLEAN* (Lynchcombe: Niccolo Press, 1983)
9. *Laws of War*, edited by Adam Roberts and Richard Guelff, Second Edition: 17. 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. Prefatory Note 10).
10. At the end of the Second World War two Atomic bombs were dropped on Japan. The first on Hiroshima on 6 August 1945 which killed 140,000 and the second on Nagasaki on 9 August 1945 which killed 70,000. Both of these days were commemorated each year at Yellow Gate Women's Peace Camp on Greenham Common. We regarded these days as an appropriate time to take non-violent direct action against the Atomic Weapons Establishments in Berkshire
11. Robert Oppenheimer was quoting from the *Bhagavad-Gita*. From *The Glory and the Dream A Narrative History of America 1932–1972*, by William Manchester (London: Michael Joseph Ltd 1975)
12. *Lightening East to West* by James W. Douglas (Sunburst Press)
13. A decision taken by the United Nations General Assembly under Resolution 49/75 K, read as follows: *Conscious that the continuing existence and development of nuclear weapons pose serious risks to humanity, Mindful that the States have an obligation under the Charter of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any State.*
Requests the International Court of Justice urgently to render its advisory opinion

on the following question 'Is the threat or use of nuclear weapons in any circumstance permitted under international law?'
International Court of Justice, 8 July 1996: *Legality of the Threat or use of NuclearWeapons, Advisory Opinion*
Full report by Roger Smith of the NGO Committee on Disarmament.

14. International Humanitarian Law: avoidance and, in any event, minimising incidental loss of civilian life, *Declaration of St Petersburg 1868*; not causing unnecessary suffering. Inviolability of neutral nations. Application of the provisions to new technologies (Martens clause), *Hague Convention 1907*; personal culpability of individuals (even heads of state) for crimes against humanity, *Nuremberg Principles 1946*; prohibition of genocide, *Genocide Convention 1948*; right to life and health, *Universal Declaration of Human Rights 1948*; protection of the wounded, the sick, the infirm, expectant mothers, civilian hospitals and health workers, *Geneva Convention 1949*; immunity of non-nuclear nations from nuclear attack, *Non-proliferation Treaty 1968*; prohibitions of widespread long term and severe damage to the environment, attacks on installations containing dangerous forces, compliance of armed forces with international law, *Protocols additional to the Geneva Conventions 1977*.
From *An inventory of Nuclear Illegality by Pax Legalis and The Bulletin of the Atomic Scientists*
15. The *Criminality of Nuclear Deterrence*, Francis Boyle, Professor of International Law, 1996
16. *The Case against the Bomb*, edited by Roger S. Clark and Madeleine Sann. ISBN 0-9655578-0-4.
17. *Trendtext Trading Corp -v- Central Bank of Nigeria*, 1977 2 W.L.R. 356 C.A.
18. The United Nations Charter Article 2 para 4 states 'All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations Article 51. Nothing in the present Charter shall impair the inherent right of the individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.
19. Charter of the International Military Tribunal at Nuremberg 8 August 1945
20. Letter from the Foreign & Commonwealth Office 22 July 1998.

21. '*International Court fudges nuclear arms ruling*' by David Fairhall and Richard Norton – Taylor, *The Guardian*, 14 July 1996
22. *Widgery L.J. in Fox -v- Stirk* (1970) 2 Q.B. 463 under the 1949 Act which , so far as material, was the same as the 1983 Act. p 477.
23. 9 March 1983: in the High Court in London Judge Croome Johnson granted Newbury District Council injunctions requiring women to vacate the common land.
24. *RAF Greenham Common Byelaws 1985* – Statutory Instrument No. 485. Made by the Secretary of State for Defence, under the provisions of the *Military Lands Act 1892*, for regulating the use of RAF Greenham Common. Women were charged under 2 (b) of the byelaws which states: *No person shall enter, pass through or over or remain in or over the Protected Area without authority or permission given by or on behalf of one of the persons mentioned in byelaw 5(1)* (Named authorities: Secretary of State, Air Officer Commanding-in-Chief RAF Support Command, or the RAF Commander RAF Greenham Common.)
25. A McKenzie friend is someone who is allowed by the court to sit next to the defendant throughout the proceedings, to give help and advice, but is not allowed to address the court. They do not require to be legally trained.
26. A writ from a superior court commanding a lower court to carry out a public duty.
27. Advanced Disclosure is all the information that the Crown Prosecution intends to present to the court.
28. RAF Greenham Common was first developed as a wartime airbase in 1941 under the provisions of the Defence Regulations conferred by the *Emergency Powers Act 1939*. These regulations remained in force until 31 December 1958. Subsequent building work at RAF Greenham Common was subject to the provisions of the *Law of Property Act 1925* which states that: 'before building on land that has rights of common, consent is required from the Secretary of State for the Environment, over and above normal planning consultation.' There is recorded in Hansard (the House of Commons record of proceedings including written answers) on 29 April 1988 this statement from the Secretary of State for Defence: '. . . no consents under the *Law of Property Act 1925* from the Secretary of State for the Environment have been sought by the Ministry of Defence since the lapse of the wartime Defence Regulations.'
29. *COMMON CAUSE Greenham Common 1938–1984*, by Duncan Mackay (Henley-on-Thames: Open Space, Spring 1984) All references to the earlier history of the land come from this item. A copy was brought to the camp by the author in 1984.
30. Paul Brown, correspondent with *The Guardian* newspaper

31. *The Defence Act 1854* and the *Lands Clauses Consolidation Act 1845* only empower the Secretary of State to acquire compulsorily the rights of common at the same time as the acquisition of the land. The Ministry of Defence failed to do this when they purchased 630 acres of Greenham Common, by conveyancing, from Newbury Corporation on 13 December 1960.
32. *Greenham Common: Women at the Wire*, Barbara Harford & Sarah Hopkins (London: The Women's Press, 1984), 'Punishment is Political' page 104.
33. From 'Swords and Ploughshares – The Transformation of Greenham Common' by Ed Cooper in *Cold War Pastoral – Greenham Common*, John Kippen with essays by Ed Cooper, Sarah Hipperson, Mark Durden and Liz Wells (London, Black Dog Publishing Limited, 2001).

Commemorative and Historic Site

1. *Cold War Pastoral – Greenham Common*, by John Kippen (London: Black Dog Publishing, 2001).
2. Five Standing Stones were donated by the firm Bardon Aggregates, Cribarth Quarry, Llanafan Fawr, Builth Wells, Powys, Wales. One Standing Stone was donated by Tarmac Western, Llandybie Quarry, Ammanford, Wales. White quartz stone for Helen's Garden donated by Melfydd Jones, Cwmhyfryd, Capel Iwan, Newcastle Emlyn, Carmarthenshire, Wales.
3. Roderick Griffin, Landscape Consultant, of Sutton Griffin & Morgan, Newbury, Berkshire. Ian Pearce, Landscape Contractors, Newbury, Berkshire.
4. Inauguration Day: in memory of Mrs Gillet, Greenham supporter and visitor to the camp, by her family; also in memory of Mr Prescott, by his wife Kath Prescott, Greenham supporter and visitor to the camp.
5. Empire Café, Newbury, Berkshire. At a time when almost all other cafés in Newbury refused to serve women from the camp, the owner of the Empire Café always made us welcome.
6. 'Friends, only love will bring Peace' sung in times of crisis during the protest and now sung at gatherings on the Greenham Commemorative Site.
7. Liz Daniels – fire ritual demonstrator
8. UN Resolution 1441 recalled earlier resolutions that imposed obligations on Iraq as a necessary step for achievement of its stated objective of restoring international peace and security in the area; deploring the fact that Iraq has not provided an accurate, full, final and complete disclosure, as required by resolution 687 (1991) of all aspects of its programmes to develop weapons of mass destruction. The position of the UK and USA Governments was that the failure of Iraq to comply with the UN resolutions gave them the right to declare war under Article 51 of the UN Charter.

9. Plaque on Helen's garden donated by Dyfed Elis Gruffydd, in memory of his wife, Robina Elis Gruffydd.
10. Hester Casey – Circle Dance teacher.
11. Catonsville, where Draft Registration Cards were burnt during the Vietnam conflict.
12. Extract from Frida Berrigan's speech on 2 October 2004.

Photo by Raisa Page

When ordinary people set aside our ordinary lives to occupy public spaces to register our opposition to injustices, the state always takes notice.

It was heartening to see non-violent people power in action in Kiev at the time of the Ukraine election. When tents were again set up in Martyrs Square, Beirut, to protest the assassination of the former prime minister, this non-violent action effectively brought down the Lebanese government. Wherever and whenever events of this kind take place, the same spirit that empowered the protest on Greenham Common is active again.

- Sarah Hipperson

The Crown Prerogative is an exclusive privilege conferred on Her Majesty the Queen and administered on her behalf by her Ministers in Parliament. It is held that the Crown alone is entitled to decide the disposition of the armed forces. The propriety of such decisions cannot be questioned in a court of law.

ISBN 0-9550122-0-1

9 780955 012204

Front cover drawing: Michael Marriott
Cover design by Andrew Fleming