

Chapter 7: Revelations of Lawlessness

At a meeting on 1 February 1996 in the Department of Peace Studies, Lindis Percy spoke of her attempts through nonviolent direct action to call the British and US governments to account over the US military bases in Britain. Present at the meeting were John Brierley, Howard Clark, Bob Overy, Lindis Percy, Michael Randle, Carol Rank, Andrew Rigby, Joanne Sheehan (from the War Resisters League, USA), Walter Stein.

An article by Lindis was distributed in advance of the meeting and is reproduced below:

Text - Lindis Percy

I write very generally about what has happened over the last five years concerning my involvement in opposing nuclear weapons at American bases, where the National Security Agency of America is operating. What is revealed is that these bases are secretive, unaccountable, undemocratic and illegal and as a result serious levels of abuse follow.

I will try to show my concerns and document my experience in this account of events I and others have been involved with, when opposing American nuclear weapons in this country.

The nature of these weapons inevitability means that systems and structures have to be put in place protected by the utmost secrecy. This leads to all manner of abuses in order to maintain that secrecy. My experiences over the last five years has revealed lamentable and woeful abuse by:

- 1) The United States Government, the United States Department of Defense and the NSA
- 2) The Ministry of Defence (MOD) and the Ministry of Defence Police (MDP)
- 3) Systems of local, national and international democracy
- 4) The legal system
- 5) Civil police
- 6) Harrogate Planning Department

My work in trying to expose this lawlessness has been through:

- 1) Nonviolent direct action.
- 2) Working with Max Madden MP for Bradford West and through Parliament e.g. Early Day Motions and questions in the House to Ministers, a presentation in the House of Commons to Labour MPs about MHS and the NSA.
- 3) Action in the courts - for instance to challenge the Military Land Byelaws, the jurisdiction of the MDP, the charges of aggravated trespass, and so forth
- 4) Regular monitoring of the Planning Office, putting in objections to developments, and

attending public meetings.

5) Using the media, speaking to groups, letter writing to raise concerns and challenge any abuse, articles.

Beginnings: The focus of my protest has always been weapons of mass destruction in general and nuclear weapons in particular. My involvement started at Greenham Common.

Moving on : In 1989 I moved to Bradford to do a degree in Peace Studies. Before this my working life had been and continues to be in the Health Service as a trained nurse, midwife and health visitor.

Yorkshire Dales: I turned my attention to the super secret National Security Agency of America (NSA) base at Menwith Hill Station (MHS) Harrogate, Yorkshire - a base controlled and occupied by the Americans which gathers military, diplomatic and economic intelligence in the interests of the United States. The base can and does tap into anyone's phone and has the capacity to intercept any technological form of communication. It would be crucial in any nuclear conflict.

Protest at NSA MHS: I went to MHS to register my protest on International Womens Day for Disarmament (May 24th, 1990). I was alone and was arrested under the HMS Forest Moor and Menwith Hill Station Byelaws.

Military Land Byelaws: The superb work of three women at Greenham Common and John Bugg (died 1993) first drew my attention to the legal arguments concerning invalid byelaws brought in by Michael Heseltine in the 1980s. I have also unsuccessfully challenged byelaws in 1987.

Gulf War: The Gulf War had started and protest was focussed on MHS. The crucial part played by MHS in this war was acknowledged by MHS winning an award at the end of the conflict. I registered my protest at the role and function of MHS by walking in and trying to find out what went on there.

Arrests: I and others were arrested many times in the process of trying to reveal and unearth the secrets of MHS. However, despite being arrested something like 160 times and eventually being prosecuted 25 times under the byelaws, I have no conviction for offences under them.

Court Action: A long struggle in the High Court involving Rachel Greaves, John Bugg and myself in 1993 resulted in the HMS Forest Moor and Menwith Hill Station byelaws being declared 'defective on their face'. John and Rachel joined in challenging Alconbury byelaws and John was co-defendant with me concerning the MHS byelaws.

The Ministry of Defence Police (MDP) could no longer prosecute under unsafe law. Over the years, despite knowing that the byelaws were defective the MDP continue to abuse the law. It is a story of maladministration and malprocess of the law by the MDP which has resulted in a vast and disgraceful waste of public money.

Civil Action: I continued to walk in the base and was able to get into some of the most secret areas. As it was almost impossible to find out what was going on at MHS it was important to go in and see for myself. Trespass on this land reverted to a civil matter after the byelaws fell.

In August 1991 the then Secretary of State for Defence (Tom King) issued a writ applying for a temporary injunction against me and a claim for damages of £11,600 for ‘wasting police time’. The interlocutory injunction was finally granted, after the first application failed in the High Court in October 1991.

Injunction This injunction has applied to me ever since. It was only meant to be temporary and, in the words of the judge who heard the application, ‘it was to be followed by an expedited trial’. Despite many other people walking into MHS, I am the only one to have been served with an injunction. Getting rid of the byelaws enabled the protests to continue without fear of arrest.

This is the situation today. However, notices of ‘proposed byelaws’ went up in July, 1995. The proposed new byelaws have taken two years to draft and cover MHS only.

In Pursuit of Unsafe Law In an attempt to finally bring all the byelaws to a legal challenge and so show how the MDP have abused the law, I was eventually arrested at Lakenheath and Mildenhall. I had intended to ‘stack’ up changes under many different byelaws so that they could all be listed in one case. Bail conditions prevented me from doing this. However even though the trial was fixed and everyone was ready, the case was discontinued by the MOD a week before it was due to be heard in December 1993. We were denied a chance to bring the issue of invalid byelaws round the country to a challenge and the situation today is that while the byelaws at many bases remain ‘operational and extant’, the law is not being applied by the MDP.

Contempt of Court: I have breached the injunction at MHS four times. The last time was this year, to bring to the attention of the court the expansion of the base. A notice of proposed development came to our attention, due to regular monitoring in Harrogate Planning Department, for the largest satellite dish ever to be constructed, plus a smaller one and support buildings, roads and security fencing.

We had used all the channels available to us to try and stop this but to no avail because the NSA can and does do what it likes, without any control or democratic process applying. After much thought I walked in and went straight to the heart of the place designated for the construction of the largest satellite dish. I was again in contempt of court, fined, and given a suspended prison sentence of one year. The base continues to expand.

Secretary of State for Defence v Lindis Percy: The case finally came to court in March this year. The MOD had used many devious ways of trying to prevent any disclosure of documents for our case. We had to go back again and again to the courts for crucial documents. Some were ordered to be released by the court, others remain undisclosed on the pretext of ‘national security’.

Defence: Our case was strong as it stood. We said that the Secretary of State for Defence was the wrong person to sue in trespass; the occupier had to sue and the occupier was the United States.

The night before the trial in July 1993 in York County Court, we were told by the lawyer acting for the MOD that he would be applying to the court to have the case transferred to the Chancery division of the High Court. This was deliberate delaying tactics by the MOD to ensure the temporary injunction remained.

The application was granted. The Judge referred to the trial as a ‘State trial’ and commented that if we were right in our defence, the arrangements and agreements between the USA and the UK governments concerning American bases in this country would have to be renegotiated as sovereignty, comity and constitutional questions were being raised.

March 1995 - Chancery Division of the High Court: Two days before the trial in March this year, the Secretary of State for Defence (Malcolm Rifkind) issued a Public Interest Immunity Certificate which prevented us from bringing our case. The MOD (acting on behalf of the Americans) instructed two QCs, and legally we were in trouble. We had to concede the case after nearly three and a half years of struggle and the temporary injunction remains.

Many people continue to walk into MHS but no one else is prevented by an injunction. A date for trial for a permanent injunction is yet to be fixed.

Far and Wide: We were able to obtain some extremely interesting documents from within MHS (because of no fear of arrest under the byelaws) which revealed the extent of the NSA’s operations throughout the world - and also that there were, for example, other bases in this country where the NSA operates: Chicksands, Croughton, Feltwell, Alconbury, Lakenheath, Mildenhall, Edzell (Scotland), and Bude, to name but a few.

NSA Molesworth: I went to Molesworth in 1992 to reflect and bear witness at the Peace Garden. I had thought, probably like many others, that the base was redundant, after the effective campaign to stop the second deployment of Cruise missiles in the mid-80s. But to my great surprise this was not the case. Far from it! It was humming, and clearly something very important was happening there. Documents from MHS made it clear that MHS and Molesworth were connected.

What I discovered by going in was that it was the Joint Analysis Centre operated by the NSA. The Americans were in firm control. The base - as is the case with all bases controlled and occupied by the Americans - is misleadingly known and named as ‘RAF Molesworth’. The documents gave an insight into the workings and ‘mission’ of the NSA which is for global access and domination of the world; gathering military, diplomatic and economic intelligence for American interests only.

False Pretences I was arrested many times on false pretences by the MDP - for example under the Official Secrets Act (my home was searched), for ‘breach of the peace’ on suspicion of criminal damage, for obstructing the police/highway, under the Prevention of Terrorism Act, and for burglary, theft and assault. These were all attempts to discredit and intimidate me. At all these bases, byelaws apparently were ‘in force and extant’ but because they were not used by the MDP I was prevented from making a legal challenge to their validity.

RAF Lakenheath: I had been aware of the large American nuclear weapons store at Lakenheath for many years. I turned my attention and protest here because the documents also revealed that it was importantly tied into MHS, as are Mildenhall, Alconbury and the little known ‘RAF Feltwell’ just up the road from these bases. There are no MDP there but it is controlled by the Americans and the home of the ‘Deep Space Tracking’ operations. Once again the NSA are secretly operating.

I have been witnessing and registering my protest at Lakenheath for about three years. I have

gone into the nuclear weapons store and, until about eighteen months ago, have usually been escorted out by the MDP as a civil trespasser; again the byelaws have not been used. I did this by peacefully and non-violently protesting, following a long tradition of protest in this country.

No Legal Controls: The Americans became increasingly frustrated by my continued attention to Molesworth, Mildenhall, Feltwell, Alconbury and Lakenheath (all bases where the NSA operates) and by the fact the MDP took no action.

'Breach of the Peace' was often used by the MDP against me but after we took a case, arising out of a peaceful protest at Alconbury, to the High Court (before judges Balcombe and Collins - son of Canon Collins) in November 1994, this was no longer a credible arrest. The ruling gave a clear definition as to what constituted a 'breach of the peace' and the civil police and MDP can no longer use it as a catch-all remedy.

New Tactics: The arrival of a new base commander, Colonel Larry Carter, was the start of a very different policy directed at me and later others who peacefully and nonviolently protested there. The American Security Police and soldiers, under the direction of Colonel Carter and Lieutenant Dave Byrd (head of the Security Police at Lakenheath) started to ignore the MDP and use their own methods of restraint. I was thrown to the ground, violently handcuffed, forced into their waiting 'police' cars and unlawfully detained for anything up to an hour in their Law Enforcement Center until the MDP came. On one occasion I was blindfolded and forced into a van with a guard dog and told - 'If you move, Ms Percy, the dog will attack you.' A friend, learning of the increasing violence and lawlessness of the Americans came to support me and was given the same treatment. I have been subjected to about 20 such incidents.

No Redress: Meetings took place at the highest level between the MOD and high-ranking representatives from the British and American Governments. I was sent confidential minutes of one of these meetings dated September 22nd, 1994. At this meeting the MOD told the Americans they were acting unlawfully and this must stop. However, the violence continued not only at Lakenheath but at Mildenhall and Feltwell - resulting on one occasion in my admission to hospital. Maybe too many questions were being asked and something of what the Americans are up to was being revealed.

We have now issued a writ of action claiming damages for assault, unlawful detention and trespass to the person and property against the United States Department of Defense, Colonel Carter and Lt. Col. Byrd. They are claiming immunity under the Visiting Forces Act.

Lawlessness: Over the last five years there have been many incidents of violence by the Americans, spurious arrests by the MDP, sabotage to my car, attempts at intimidation by the MDP and the Americans by following and surveillance. I have had stringent varieties of bail conditions applied which have required applications to the High Court again and again to get them changed. I am now restrained by a permanent injunction at USAF Lakenheath and temporary injunctions at NSA Menwith Hill Station and USAF Mildenhall. It is quite clear that the USA is behind all this.

A parliamentary question in 1991 revealed that the MDP are paid for by the Americans and recently we learnt in a sworn affidavit by the Staff Judge Advocate at Mildenhall that the Americans pay for the services of the MDP and 'control their functions'.

This précis of events cannot possibly include all of the incidents and many arrests that I have been subjected to. There are far too many of them. I retain a personal catalogue of all this.

However I shall finish with an account of the latest incident of lawlessness by the Americans which occurred on August 21st 1995 at the USAF base at Mildenhall.

On a public road Anni Rainbow and I were walking on a public road which runs through the base at Mildenhall. We had gone there to make a personal witness in opposition to the occupation and control of this base by the Americans.

I am forbidden from stepping over a line defined on the injunction map, and stringent bail conditions were imposed recently when I tested out the new draconian law of aggravated trespass. The bail conditions prevent my going within, or interfering with, any MOD property (including walking any footpaths through the property) in England, Scotland and Wales.

On this occasion Anni and I were immediately followed, having been recognized by a US soldier on a mountain bike. He was in army uniform, wore a cycle helmet and a yellow reflector jacket with POLICE on the back and front. He had a pistol on his hip and he was on a public road. He and other American security ‘police’ continued to follow and scrutinize us which we both found intimidating and threatening, particularly because of the gun.

We asked him to stop following us several times. I warned him that he was committing an offence under the Public Order Act and that if he continued I would arrest him. He did; and I did.

It was very gently done and we waited for the arrival of the civil police. It was nothing to do the MDP as we were outside the base and out of their jurisdiction. Anni was sitting in her wheelchair on the other side of the road with a clear view of the events.

The man on the bike tried to get back on to the base. I took hold of the bike and said that not only was he in my custody but so was the bike; no....I was not stealing it as I had no intention to permanently deprive him of his property. We would wait for the civil police to arrive.

He called for help over his radio and soon a white American security ‘police’ car arrived. A man in army uniform got out, and tried to take the bike. But I explained what was happening and he gave up and went into the base, leaving Senior Airman Burnside (he later gave his name to the police), the bike and me waiting to hand them both over to the civil police.

The American plan changed after that. The white car moved off. An American security ‘policeman’ came and deliberately stood in front of Anni, blocking her view. The burly American from the white car, who had gone into the base, returned, shouted something and grabbed the bike. I had to leave go as he used force to pressure points on my thumb. I was thrown to the ground by the two soldiers who pinned me down by sitting on me. My arms were force behind my back and I was violently handcuffed - all on a public highway.

I was dragged inside the base and forced into the white car which had been parked just inside. Anni had tried to come to my rescue and had attempted to manoeuvre the wheelchair off the pavement and onto the road. In doing so the wheelchair tipped up and in dreadful slow motion I watched her fall out and onto the road. Amazingly she was not seriously hurt. She shouted for help, but no-one stopped or helped. The Americans direct the traffic and moved people on.

The incident was selectively videoed (as has been their practice over the last two years) and a camera was recording inside the car. All windows were kept shut so I could not alert anyone.

Every time I tried to move in the back of the car I was restrained. I could not think of anything to do but to arrest the two Americans who had assaulted me and who were unlawfully detaining me against my will for ‘breach of the peace’.

The civil police took half an hour to come and said the Americans had sent them to the wrong gate. This was a deliberate ploy by the Americans to manipulate the incident to their unlawful advantage. When the civil police finally arrived, I appealed to them to arrest the two Americans. However, I was arrested for ‘theft’ of the bike after the constable only listened to the American version of events, despite my pleadings. I am bailed to return on September 15th, 1995, to Mildenhall Police Station pending further enquiries.

There was a similar incident involving Colonel Carter and myself outside the base, and again the civil police deliberately colluded with the Americans. The case against me is yet to be heard.

Peaceful Protest: The incident at Mildenhall is one of about twenty such incidents involving the unlawful actions of the Americans against myself. I have appealed to the MDP and the civil police to act. I have made numerous complaints for the Police Complaints Authority (PCA), all to no avail. The MDP are now claiming dispensation from the PCA to investigate any incident.

The Legal System: Redress through the courts is increasingly inaccessible to the citizen: persistence, time, resources and boundless energy are required. Even then, if the law is not on the side of the undefended litigant or represented person (as is the case concerning the Visiting Forces Act and the Status of Forces Agreement which gives *carte blanche* to the Americans) the action will fail. Action through the courts is long, tedious and expensive. In my experience of involvement at all levels with the judiciary (except the House of Lords) in criminal and civil matters, some judges and magistrates have displayed outrageous and unacceptable bias and prejudice.

A friend who came to support me when she heard about the increasing levels of violence to me by the Americans and was also subjected to the same treatment, tried to bring two private prosecutions against the Americans for assault and unlawful imprisonment. She has received no help from the MDP or civil police. The applications to Mildenhall Magistrates were refused on the grounds that she was using the court as a political forum. The applications were therefore ‘frivolous and vexatious’ and were denied.

Democracy? Max Madden, MP for Bradford West, has asked numerous questions in the House over the years, including questions relating to the increasing violence to peaceful protesters by the Americans. Questions have been blocked by the Tabling Office. The answers are deliberately evasive, or incomplete, or not answered on the grounds of ‘national security’. Alice Mahon, the late Bob Cryer and Max Madden have been denied access to MHS when they asked to visit.

Conclusions: In my experience it is clear that the Americans can and do what they like and there is absolutely no redress for the citizen in the face of such unlawful behaviour. They are bound by British statute, but this is contradicted by the Visiting Forces Act 1952 which says that if they are on duty and taking orders at the time of any alleged offence they can claim jurisdiction to investigate the incident. This has been done time and time again by the Americans who have assaulted and unlawfully imprisoned me and others over the past

eighteen months. Complaints about the MDP or the Americans to the Police Complaints Authority come to nothing. The only time a complaint of assault on me by a sergeant in the MDP was substantiated, the outcome was that the sergeant was promoted to inspector.

The MDP will not/cannot act as they are in the pay and control of the Americans and they have given away any authority they might have had to the occupying force. The civil police are involved in serious collusion with the Americans and fail to uphold the law and protect British citizens.

We have allowed the Americans to bring their nuclear weapons and to occupy and control bases in this country. And we have allowed the NSA to operate unchecked and out of control. The rule of law does not apply to them; democracy does not apply to them, and there are no checks and balances to make the most powerful country in the world accountable. Serious questions arise concerning our constitution, sovereignty and comity.

No wonder they like it here. I am told it is ‘the special relationship’, but what is revealed is, in my experience, deeply troubling.

Lindis Percy, August 28th 1995.

Discussion

Introduction by Lindis Percy

Lindis said her article was a brief account of some of the things she and other had been involved with over the last five years and was produced at short notice the previous year. There was a ‘temporary’ injunction against her concerning Menwith Hill which was imposed in 1991. The case against the Secretary of State for Defence arose out of that, but her case had failed, mainly because Malcolm Rifkind had invoked Public Interest Immunity to prevent vital documents and information being revealed and also because of certain legal difficulties regarding the case. The authorities were then able to impose permanent - i.e. life-long - injunctions against her in relation to Lakenheath and Mildenhall. In each case she had been given a map with a line marking an area around the base beyond which she was forbidden to go.

Lindis read a paragraph she had written to bring the account of the injunctions up to date:

I am now restrained by a perpetual injunction at USAF Lakenheath. Just before Christmas the MOD on behalf of the Americans were successful in getting a perpetual injunction at USAF Mildenhall, as defined by the line on the map. However, there are immediate difficulties as to where I can and cannot step as the red line is not marked on the ground. I brought this to the attention of the judge who said I must be given clear instructions ‘freely and openly’ as to the extent of the injunction. My request is causing problems for the Treasury Solicitors as I have asked them to walk round the base, which is approximately nine miles, giving me precise instructions. They have instructed Sergeant Ansley of the MOD police to do this. Letting him know that I would be bringing along a film crew has caused the Treasury Solicitors to respond by saying in a letter, dated December 28th 1995: ‘My client - that is the MOD - will not, however, agree to a visit accompanied by a film crew as there is no reason for that. If you insist on bringing a film crew, or any other

person, the offer of a visit is withdrawn. Also it is not the intention of the visit to allow you to question the extent of the order. You will be shown on the ground what the plan already shows. If you attempt to engage the police constable in any discussions about the extent of the order, then my client's instructions are for that visit to be immediately terminated.'

While there was a humorous side to this, the serious point was that they had banned someone for life from a place occupied and controlled by the Americans. She welcomed the opportunity to get feedback from the group regarding the methods she and others had been using to draw attention to the abuses going on. The campaigning had become more and more complicated. The starting point was opposing nuclear weapons, but this has led to taking on the military, the legal system, the government.

The authorities had been quite clever in bringing in an assault charge against her. She had always said that if there was ever a hint of violence on her part, she might as well give up. After the incident at Mildenhall where she had made a citizen's arrest of two Americans, she had been charged with stealing a bike, but this charge was nonsense and had been dropped. But the authorities then brought in a charge of causing actual bodily harm on the civil policeman and two charges of common law assault on the Ministry of Defence policeman and a woman police officer. As the charge of causing actual bodily harm is triable either way in a court, she elected to have the trial in the Crown Court in front of a jury.

The authorities then, as the lawyers predicted, dropped the charge and substituted the lesser charge of assault against Mr Burnside, the American on the bike. She had arrested him simply by placing her finger and thumb on his jacket; but technically that was an assault. She was also charged with using threatening behaviour within the hearing of a person likely to be caused harassment, alarm and distress - though she had no idea who that person was. The charges of assault against a civil policewoman, and against an MOD policeman, had been dropped and charges of resisting arrest substituted. She was still charged with common law assault against a police officer - but none of the charges were triable either way which meant the trial would take place in the magistrate's court where there is no jury. Lindis would be represented on this occasion, and her lawyers said there were all sorts of things they could do, particularly in cross-examining the prosecution witnesses, some of whose statements were straightforward lies. Fortunately there was a witness and they had photographs. The authorities had used intimidation and manipulated the law in their efforts to stop the protests.

In relation to the methods she used, Lindis said she thought it was important to witness and protest, and also go into the bases to find out what was going on. But she also worked through Parliament, and Max Madden had asked a lot of questions there over Menwith. Questions were starting to be raised in the European Parliament, particularly over economic spying. The local planning office was also involved.

Invalidity of the byelaws at some military bases

Lindis explained that byelaws were enacted by lawmakers under powers defined by an enabling act - in the case of military bases, the Military Land Act of 1892. An Enabling Act, however, obliged the lawmaker to follow certain procedures and when Mr Heseltine in the 1980s introduced extensive new byelaws making trespass a criminal offence, he failed to follow the. After many years of campaigning and litigation, in which a former policeman, John Bugg, had played a leading part, a court found against Heseltine and ruled that the byelaws were defective. Subsequently the authorities had refrained from charging people under the

byelaws to avoid their being tested in court. Nevertheless the byelaws are still extant, and this was an abuse of the law. Lindis herself had broken an injunction at Lakenheath specifically to challenge the bye-laws in court just before Christmas. But Mr Justice Tucker, who heard the case, said he could not rule on their validity since she was in court for breaking an injunction and being in contempt of court. Now the authorities had new powers under the Criminal Justice and Public Order Act which created a criminal offence of aggravated trespass.

Witness and efficacy

Howard asked about the ‘we’ involved in the protests. Lindis replied that unfortunately there had been a split within the original group campaigning at Menwith Hill. The ‘we’ referred to a loose network of people. She included in it the lawyers who were committed to civil liberties and human rights, people in the planning office and other local people. One person in this network, Juliet McBride, had brought two private prosecutions against American personnel who had assaulted her; but she was prevented from pursuing them. In the last fortnight, Lindis herself had issued a summons for a private prosecution for assault against Mr Burnside and another man. That too would fail, but in due course she hoped to take the issue to Europe since apparently there was no redress if a foreign force committed a crime in this country.

A lot of the actions she had taken were measures of last resort, as she believed in working first through systems and structures. Prior to attending a public meeting about Greenham, and then joining the protest at Greenham, she had never been involved with the law. Only very gradually did she become involved in direct action, and it was perhaps one of her strengths that she did not rush into it. She was in a strong position in not owning a house which could be taken away from her. She owed an enormous amount in costs for all the cases - but she regarded it as monopoly money. She didn't have the money so the authorities could do what they liked.

Bob asked Lindis about her aims in engaging in individual civil disobedience. Her actions brought to mind other individual protests which had had an enormous impact - Rosa Parks, for instance, refusing to go to the back of the bus in Montgomery, Alabama. We remembered these cases because they triggered wider campaigns. However, his sense was that Lindis would do what she did even if no-one even knew she was doing it. This was strength and attraction of her protest - but wasn't it also a weakness? The fact that it was not necessarily linked up to all sorts of other individual actions made it difficult for him to grasp its meaning.

Lindis agreed that acting individually was both a strength and a weakness. The weakness was that the individual could be targeted and made an example of. Still there were ways round that problem - as with the injunctions against her where she had insisted the authorities show her exactly, to the last blade of grass, where she was forbidden to go. She liked doing actions with other people, but they involved problems of group dynamics - making sure people were ok, and so forth. These didn't arise with individual actions.

Regarding her aims, she said that from the outset her concern was weapons of mass destruction, and in particular nuclear weapons. That was still the focus, but gradually she had become aware of the abuses of power by the authorities that stemmed directly from their reliance on nuclear weapons - the byelaws, the misuse of the law, the role of the MOD. She had become more involved in challenging those abuses. The success in challenging the bye-laws at the bases facilitated people going into Menwith, getting the documents, and finding out and publicising what was going there and at other bases linked to it.

Bob asked if it would not be possible for the British government, acting in concert with the Americans, to regularise the situation. If this could be done would it make any difference to her? Lindis said that the issue of accountability was crucial. If the legal situation was regularised, that could possibly affect a lot of other things. It would be a start.

Walter said, he felt a staggering respect for the personal qualities which were required for the things Lindis had done. But if direct action was aiming at achieving some political or social goal, efficacy became one of the measures of success. With the Alternative Defence Commission, the whole purpose had been to try to politicise a commitment against nuclear weapons, and make it just viable as a political option for the country as a whole. Increasingly, he thought, direct action aimed at efficacy in this sense. But there was another pole, as it were, which had to do with personal commitment, bearing witness. Lindis, he sensed, was the classic representative of this other pole; presumably she saw her action primarily in terms of how fully she was managing to bear witness to her own commitments.

Most people, he continued, tried to steer somewhere between these two poles, or somehow to combine them. And at times the attempt to combine them - which he believed was necessary - could lead people to claim efficacy for things which on closer examination turned out not to be efficacious at all but a rationalisation of the need to bear witness. A lot of bad argument, bad logic, associated with pacifism was simply a product of that. Pacifists felt an intellectual compulsion to justify their witness in terms of social utility. But the utilitarian arguments weren't so easily come by in this context. Lindis, if he understood her approach correctly, saw what she was doing as an act of witness, and she didn't have to worry about utilitarian considerations.

Lindis said she wasn't sure about Walter's suggestion that she didn't have to worry about these considerations. She had been brought gently into Greenham by other women who sat down in front of a lorry returning from Salisbury Plain carrying cruise missiles. Others too at particular moments had held her hand and given her confidence, and she hoped she too had been able to do this for other people - for instance at Menwith. It was an important aspect of the protests to bring along new people. There was also the campaigning work at other levels she had previously mentioned, including the questions and Early Day Motions by Max Madden in Parliament

Direct Action and the resort to law

Andrew asked about combining direct action with action through the courts. He had just returned from India where people in the particular campaign he was studying did that, and were taking their case to the Supreme Court. However, in India there was a Basic Law which defined fundamental rights including the right to life and the Supreme Court had enormous power, monitoring legislation to ensure that it complied with the Basic Law. In this country, there was no equivalent to that.

Walter commented that the focus of Lindis' work seemed to have shifted somewhat from the missiles to the intricacies of the prohibitions that the government and the Americans were using to prevent protesters going onto the bases. There was a possible contradiction between focussing on the state breaking the law, and being oneself prepared in some situations to do so, for instance in defying injunctions. He did not disagree at all that there were situations when breaking the law might be right for someone taking roughly our viewpoint, but it was most

important to circumscribe the situations in which one was prepared to do so. If you lost clarity about this, the whole rationale of your position was endangered. Were you in a position morally to challenge the state through the courts where it acted outside the law if you yourself were prepared to break the law in certain circumstances?

Howard quoted the Bob Dylan line ‘To live outside the law, you've got to be honest’. The illegality of the authorities which protesters were challenging was secret and twisting and represented an abuse of power. It was being met with something more straightforward which might or might not be illegal but had a different moral character. Walter said that shifted the argument from law to something else; what you were objecting to in that case was the abuse of power, not to the state breaking the law as such. Lindis' objections were that the nuclear state was a lawless state. If the stand was on that point, then the question of whether abuse of power occurred couldn't be invoked as a justification for breaking the law.

Lindis said she trod a fine line between holding on to her own integrity and almost playing their game. She had on one occasion to stand up in the High Court and say that she had broken the word she had given publicly in court to obey an injunction. It was a salutary and humbling lesson. But if she and others had not broken the law in relation to the bye-laws they would not have exposed the fact that these were unsafe in law. The state wanted to hide the fact that it was acting outside the law and hoping no-one would notice so they could carry on doing so.

Walter said that that again was a moral point about the state's dishonesty. There was a considerable overlap between law and morality, and indeed, law was ultimately a projection of morality. Yet there was also a sharp distinction between the two in the criteria one used is assessing various acts. The state claimed that it deployed nuclear weapons to protect through deterrence not only the country but the world from, amongst other things, nuclear war. In its own terms the state had a case. Its terms were purely utilitarian, but utilitarianism was a form of moral judgement. Thus the state itself had a moral case for breaking the law and it might say that for certain purposes it was entitled to do so - perhaps calling it ‘covert activity’ or some such thing.

Walter continued that he was not sure that all the instances Lindis cited of the state acting illegally really were that. In the Conclusions section), Lindis had written:

They [the American forces] are bound by British statute but this is contradicted by the Visiting Forces Act 1951 which says if they are on duty and taking orders at the time of any alleged offence they can claim jurisdiction to investigate the incident.

It would need a lawyer to be clear about this, but his guess would be that whatever was wrong with the Visiting Forces Act, it represented the exercise of something you got all the time in law - and even within moral thinking - where a proviso had to be entered to a general principle. One principle is overridden, in particular circumstances, by another principle which has to be given precedence. In this sense there existed a hierarchy of principles which could allow you to claim that an apparent contradiction was not in fact a contradiction at all because in that situation a different logic applied. Arguably that was the case in the treaty with the US, even if the lawyers messed up in the way they formulated the treaty. Lindis said that the abuses she was challenging were tied up with the existence of the nuclear state, and she had bumped into them in the course of her protests. Assaulting people represented a breach of order and was not permissible whether one was in uniform or not. If you trespassed on a farmer's field, for instance, that did not give him the right to beat you up.

Clarifying his question further, Walter said that if one accepted that there were certain circumstances in which it was right to break the law as a way of registering a protest, it then became difficult to locate one's dissatisfaction with the state in its lawlessness as such; there must be some other ground on which one objected to its actions since one was oneself prepared to breach the law. John Brierley said accountability and openness were important here. Walter responded that accountability was something we regarded as a good thing, but did not in itself have a legal character, except where there was a law making someone or other accountable.

Michael said that morality as well as the law had to be taken into account. In the US, the civil rights movement had been prepared to break States law while at the same time appealing to the Supreme Court and arguing that the laws being transgressed were themselves contrary to the federal constitution as well as being morally wrong. The civil rights campaigners were fighting on both fronts and were in a much stronger position to do so than protesters in this country because of the different constitutional position here. Walter said there was no problem in that case because a hierarchy was built into the structure of the United States.

Michael said that even in situations where the States law was not in conflict with the federal law, the civil rights leaders were still prepared at times to defy the law on moral rather than legal grounds. Walter said that this underlined the point he was making. Lindis' tendency, in response to the state's reaction to her anti-nuclear protests, had been to shift the emphasis of her campaigning away from the weapons and towards challenging what she regarded as breaches of law by the state. This had become almost an end in itself. Most of her paper dealt with the specifics of various campaigns related to breaches of the law by the state. In the US civil rights movement, the law was appealed to when it was convenient to do so; it was used by the protesters wherever it could be used as an ally to their basic moral and political demands. A possible weakness, not of Lindis' actual campaign but of some of the theoretical assumptions behind it, was that it involved a shift from objecting to the state primarily because of certain policies, in particular its preparations to wage nuclear war, to objections of a much more parochial nature concerned with various breaches of the law in response to protest.

Carol thought this was the nature of the fight. It had to take that course because of the reaction of the state to the stand Lindis took on the major issues. Lindis said that a major difference between Britain and the US was that we did not have a Bill of Rights or a Written Constitution. She had tried to work through the systems and structures available to her. At a local level, it was about the expansion of Menwith Hill station, where the Americans could do what they liked and put up what they liked. When they decided to build a huge new golfball, she and the other protesters, working through the planning office, had put in an objection, and mobilised local people. They had managed to stop the abuse of the process that was going on. The court side had loomed rather large in the discussion. She worked also through structures, though she found this came up against a brick wall.

Bob said what Lindis was on about to a large extent was accountability - challenging the state over its unaccountability in respect to this abomination, and looking for ways to make it accountable. One of the things Leeds had been doing as a City Council, to respond as a public body and a legal authority, was to take up the issue of accountability. In 1986 they had organised a major day-school, bringing together protesters, politicians, journalists and various people to look at the issues. Last year, again, essentially in solidarity with the kind of work Lindis and others had been doing, they held another day-school focussed specifically on the issue of accountability.

Accountability, he said, was the issue, and lawbreaking was only one aspect of that. The City Council were now making moves aimed at creating a forum of citizens in the Menwith Hill area - the area of North Yorkshire, North Leeds. The forum would comprise local notables, as well as people of no status, to keep an eye on the base and to raise the issues in every way they could. It was difficult for Leeds because Menwith Hill was not in its jurisdiction but in that of North Yorkshire. However, they were trying to stimulate neighbouring councils to join with them in establishing a forum of this kind. It was just beginning to happen, and was certainly triggered by the sort of things Lindis had been doing. Ultimately, the issue had to get back into the formal political process.