

24 Responsible Citizens

Dear Judge Edmunds

17 July 2023

Today we unite to uphold the ancient right of jurors to make decisions according to their conscience

We write to explain why we are outside the court today to uphold the centuries old principle that [juries are entitled](#) to make decisions according to their conscience. The principle is so foundational it is [taught to our children](#) at school.

It was first established in 1670 when the Recorder of London tried to compel a jury to convict two Quaker preachers, William Penn and William Mead, for holding an unlawful assembly. Chief Justice Vaughan, of the Court of Common Pleas, held the Recorder's approach to be unlawful. He ruled that juries have the right to "give their verdict according to their convictions".

This principle safeguards not only religious minorities. It provides for a jury to reject any prosecution which they perceive to be politically motivated, an abuse of power or contrary to basic morality. It is why we prize the right to trial by jury so highly. It puts the moral sense of ordinary people at the heart of the criminal justice system. If the Government were to pass new laws tomorrow, which criminalised people for their racial origins, union membership, sexual orientation or political beliefs, trial by jury would stand in the way of their effective implementation. When sheep stealing was punished at the gallows, our juries refused to convict in defiance of such manifest injustice, compelling a change in the law. When [Clive Ponting](#) blew the whistle on Government lies about the sinking of the *General Belgrano* and the loss of 323 lives, a jury acquitted him of breach of the Official Secrets Act - despite the judge's direction that he had no defence.

But before jurors can apply their moral conscience to a situation, they need to understand the relevant context. Had the jury not been aware in the Ponting case of the Government's misinformation, they would have had no basis for concluding that his disclosure of classified information was justified. If a woman charged with assaulting her husband has been subjected to violent domestic abuse at his hands, the jury cannot do justice to the case if that history is concealed. If those charged with criminal damage (an offence punishable with 10 years imprisonment) have taken action only because they are in fear for their own lives and the lives of their children and loved ones, the jury should be able to take that into account. They should be able to hear, for example, that the Government's own statutory adviser, [Lord Deben](#), the Chair of the Climate Change Committee, has only recently said, "***These people are doing what they are doing ... because they know their future is being imperilled because we're not doing enough.***" When jurors have been permitted to hear such evidence, they have typically found defendants to be not guilty (despite the basic facts of a case being agreed). But when jurors are denied the opportunity to hear why defendants have taken their actions, they

are also denied the opportunity to exercise their moral common sense, contrary to natural justice, the right to a fair trial and the ancient principle established by *Penn* and *Mead*.

It is wrong that those taking nonviolent direct action against the Government's ongoing support for new fossil fuel projects are banned from explaining their motivation to the jury or adducing evidence of the Government's failure to take the practical and effective measures necessary to safeguard the public according to science. We are shocked that people have been [sent to prison just for using the words "climate change" and "fuel poverty"](#). And it is astonishing that in 2023, but a short distance from the mother of parliaments, people have been arrested just for [holding up a sign](#) which sets out the same principle of the criminal justice system, which is displayed in marble in the Central Criminal Court (also known as "the Old Bailey").

We are health professionals, Quakers and people from all walks of life. Today we are all holding up the same message - setting out the same fundamental principle of law - for which others have been arrested and [referred to the Attorney General](#). We are ready to face the consequences, even if we are arrested and imprisoned.

In doing so, it is not our intention to influence the jury or the outcome of any criminal proceedings. It would be paradoxical and Orwellian if literally upholding the law were considered an interference with the course of justice. To the contrary, our purpose in taking this action is to defend the right to trial by jury and to uphold the rule of law.

We recall the words of Lord Devlin, the late British judge and legal scholar:

'The first object of any tyrant in Whitehall would be to make Parliament utterly subservient to his will: and the next to overthrow or diminish trial by jury, for no tyrant could afford to leave a subject's freedom in the hands of twelve of his countrymen. Trial by jury is more than one wheel of the constitution: it is the lamp that shows that freedom lives.'

Preventing juries from hearing relevant evidence and denying them information concerning their right to reach verdicts of conscience is to undermine the right to trial by jury by stealth.

We take this action in solidarity with our fellow citizens who have been arrested and all those who face repression in this country and around the world for standing up to the fossil fuel companies and their political allies. We take it in solidarity with all those on the frontline of the climate and ecological crises, including all those who have already lost their homes and their lives to wildfire, flooding and famine in the UK and beyond. We take it in solidarity with the young and economically marginalised people of this country. And we remember Xavi Gonzales-Trimmer, a 22 year-old young man, who [took his own life](#) earlier this year. Xavi had been imprisoned for peaceful acts of conscience. Following his release from prison he was tagged and banned from contacting those who provided him with vital emotional support.

In May it was revealed that leading City law firms have supported nearly [£1.5 TRILLION](#) in fossil fuel transactions since 2018. Inevitably the profits being generated by the country's most prestigious law firms influence the legal system as a whole. You may recall that after Judge Robert Altham sent the "Frack Free 3" to prison in 2018, his family links to the fracking business were [exposed](#). Quashing the sentences of imprisonment in that case, the Court of Appeal said, "*it is well established that committing crimes, at least non-violent crimes, in the course of peaceful protest does not generally impute high levels of culpability*". It's indicative of the pace at which 'well established' principles have been eroded, that in April, Morgan Trowland and Marcus Decker, were imprisoned for 3 years and 2 years, 7 months respectively, for climbing a road bridge and hanging a banner calling for an end to new oil and gas projects. Other members of the legal profession are more far-sighted. Last September, more than 250 lawyers published an [open letter](#), warning that our current trajectory "*risks mass loss of life and threatens the conditions for a stable civilisation, including the rule of law*". In March, more than [170](#) publicly declared they will refuse to act in support of new fossil fuel projects or to prosecute those engaged in non-violent direct action.

Meanwhile our country's health professionals warn of an unprecedented crisis in public health:

"The science is unequivocal; a global increase of 1.5°C above the pre-industrial average and the continued loss of biodiversity risk catastrophic harm to health that will be impossible to reverse." [The Lancet, 2021](#)

We leave you with three more relevant quotations:

"It's appropriate to be scared."

Sir David King, for Chief Scientific Adviser to the Government ([Evening Standard, September 2019](#))

"Climate activists are sometimes depicted as dangerous radicals. But, the truly dangerous radicals are the countries that are increasing the production of fossil fuels. Investing in new fossil fuels infrastructure is moral and economic madness."

[António Guterres, UN Secretary-General, April 2022](#)

"Young people demand change. They wonder how anyone can claim to be building a better future without thinking of the environmental crisis and the sufferings of the excluded."

[Pope Francis, Laudato Si, 2015](#)

Yours sincerely,

24 Responsible Citizens, namely

Anne Richards, Emeritus Professor
Dr Katharine Fallon, retired GP
Dr Juliette Brown, Consultant Psychiatrist
Elizabeth Cambray, retired NHS Psychologist
David Lambert, historian
Dr Stuart Drysdale, retired GP
Susan Reid, grandma and retired Community Care Worker
El Litten, web developer
Graham Cox, retired domestic appliance engineer
Val Saunders, retired art tutor
Richard Painter, father and retired bank official
Tim Crosland, father and former Government lawyer
Dave Hampton, father, grandfather, radio presenter, former GB rower & civil servant
Mary Light, retired nurse
Susan Hampton, ex teacher, author
Laura Clarke, retired social worker
Ms Yvonne Hall, retired BBC News Reporter
Christine Welch, retired teacher and SENCo (special educational needs coordinator)
Brian John Barker, retired charity worker, NHS GSA Cardiothoracic theatre, teacher
Martin Strivens, Chartered Accountant
Dr Neil Stevenson, retired GP
Maddy Hamey-Thomas, copyeditor
Simon Bramwell, gravedigger
Jon Fuller, retired civil servant