



Opinion Environmental activism

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Drax protest: They found us guilty but could not contest climate change facts

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The coal train protest judge said "climate change is of no relevance to this court" - but that was why we were there

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I am on the wrong side of the dock, with two years in jail hanging over me, and no curly grey wig of my own. I have watched the prosecuting barrister spend a whole day setting out his case in surreal and painstaking detail; 29 ways to prove what we have already admitted.

There are enormous files of photographs of the orange boilersuits we used to impersonate railway workers and flag down the train; of the tents, food and locks we brought, to stay for as long as possible; of our coal-blackened faces on arrest. It's hard not to look like a convict after 16 hours on a coal hopper. Witnesses dutifully traipse in one by one to confirm that we safely stopped a train, and blocked coal deliveries to [Drax](#) for a day and a half.

When it's our turn, the first one of us to act as a witness is Paul Chatterton - an embarrassingly over-qualified senior geography lecturer from Leeds university. He has barely finished his first sentence when Judge Spencer interrupts: "I'm afraid, Mr Chatterton, that climate change is of no relevance to this court."

Uh oh, we're going down. If the jury are told climate change isn't relevant, how are they going to reach a verdict that considers the urgent necessity of stopping carbon emissions from coal? Would it have been "irrelevant" if there had been a child on the tracks to [Drax](#) on that day? Because that's how I feel about it.

I realise the only hope of way of salvaging the situation is to disregard the judge's instructions.

But as I try to explain my motivations to the jury - of imminent tipping points, of much of my home county of Lincolnshire being lost to the sea - a lump rises in my throat. The ushers look flustered, waving some tissues my way. Smiling like a kindly grandad, Judge Spencer warns me, "That is what happens when you stray from the issues at hand." I reply, "Your honour, this is what happens when you reflect on the facts of climate change."

Those facts are why we are here, and the prosecution could not contest a single one. [A recent report by a thinktank run by Kofi Annan estimates that climate change kills 300,000 people a year.](#) So, by ratio, that would make Drax responsible for 180 deaths. [Sir Nicholas Stern](#), the government's chief economic advisor, estimates that the social cost of carbon is £50 a tonne. So Drax's emissions cost more than £3m every day.

In a recess, I step outside into the baking heat. I am reminded of the artificial divide between reality inside the court and reality outside - just as the air conditioning keeps the heat out of the court, the judge is determined to keep climate change out of our case. Was this because [the last time people](#)

were allowed to demonstrate the harm caused by coal, at Kingsnorth, they were acquitted, effectively putting the government's energy policy on trial? Or was it because the judge doesn't think climate change is real?

In his pretrial ruling he asserted that we "were in no immediate danger and nor was anyone else" from the coal in the train hoppers. That's not what the experts reckon: a Nasa director, a frontbench MP, a UN expert, the head of RSPB, were all ready to testify to the millions of people in immediate danger. But according to Judge Spencer their views were "make-weight and fanciful".

Why then did we press ahead on this kamikaze mission, with no witnesses, no lawyers, no legal defence and no realistic hope of acquittal?

For me it was because to give in would allow this sort of legal blindness to prevail over common sense, to undermine our common interest in a habitable planet. Because complete strangers were opening their homes, offering us food, and counting on us. And, in the words of George Eliot, because "any coward can fight a battle when he's sure of winning, but give me the man who has the pluck to fight when he's sure of losing. That's my way, sir, and there are many victories worse than a defeat."

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