

Peaceful Protest against the Joint US-Australia Pine Gap “Spy Hub”: The Fate of the “Pine Gap Pilgrims” Activists

By [Dr. Binoy Kampmark](#)

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It barely registered a murmur across the Australian press, though it caused the traditional ripples over the protester fraternity. Christian activists, collectively known as the Pine Gap Pilgrims, had received sentences pursuant to the Defence (Special Undertakings) Act 1952 (Cth), a cold war relic used by the Australian government to conceal the nature of Canberra’s association with the joint US-Australian signals facility.

The prosecution of Margaret Pistorius, Paul Christie, Jim Dowling, Franz Dowling, Andy Paine and Tim Webb centred on their entering of the clandestine base in September 2016 had been obstinate and typical.

The grounds advanced by Michael McHugh SC for the government made weak reference to the history of peaceful protest that had marked the practice of Australian democracy. He even drew a curious precedent from the archives of history about how the Suffragettes had, in their day, shown the way on civil disobedience. They, it should be noted, were deemed to have acted illegally, though ultimately successfully, in their cause.

The Crown certainly got what it wanted in terms of verdicts, but Justice John Reeves was not proving totally cooperative to the holy shrine of US power in Australia. The judge had initially given an inkling that the charade around Pine Gap and its secrecy might continue. For one, he found little to accept the defence made under the Commonwealth Criminal Code that the conduct of the six in trespassing had been in response to a [sudden or extraordinary emergency](#).

The nature of that emergency was drawn from the targeting information for drone strikes supplied by the facility, disruption of which would purportedly save lives. The ruling effectively took a good deal of the carpet from under the protestors, given that the jury was disallowed from considering that evidence in reaching their verdict.

On December 4, the court refused to impose prison sentences, despite the guilty jury verdict.

“I do not accept the Crown’s submission,” said the judge dismissively, “that your offences potentially struck at the heart of [national security](#).”

All six were fined for unlawful entry to the tune of \$1,250 to \$5,000, and Paine was found guilty of the additional charge of carrying a photographic defence on the base.

The judge felt that the actions of the younger Pilgrims did not warrant custodial sentences. Jim Dowling was considered a more complex matter, him of the serial non-violent direct action type with a mischief making record dating back to 1986.

Justice Reeves' [preference](#) was not to flatter Dowling's notoriety (he had been committed for 27 similar trespass offences), but to make him pay the highest fine of the six.

"If I imprison you, I think that would likely to make you a martyr to your cause, rather than to underscore the law breaking to which you were involved in."

The role of these committed protestors can, in a broader sense, be seen as a fact-finding one. Tipped with the express purpose of making sure Australia desists in its folly of being the unwitting janissaries of US-led war efforts, they seek to puncture the veil of secrecy that has made more than a mild mockery of Australian democracy and parliamentary credibility.

During the course of trial, testimony was elicited by various figures which formed the public record. Former Greens Senator Scott Ludlam spoke with conviction from the stand.

"There are moral and ethical questions," he charged; "there are also deep legal questions about the authorities relied upon by the United States Government to undertake drone assassinations in at least six countries that I am aware."

Ludlam's point has been made before: complicity expands rather than contracts, and Australian funding and hosting of the base invariably places risks to Australian citizens from the perspective of drone strikes, and, in another sense, the vantage point of future prosecutions for crimes against humanity.

With each provocation, with each daring exposure of the ludicrousness of secrecy, crumbs are filling the gaps, data filling the files.

"Since our action," claims Paine, "more evidence has emerged detailing the role of Pine Gap in extrajudicial assassinations, in nuclear weapons targeting and in illegal mass surveillance."

During the course of the trial, Paine insisted that the prosecution's purpose was always going to be founded in the realms of dull and constipated procedure.

"While the prosecution has been concerned with facts about land titles and fences, we hope to ask deeper questions in the court about what is the moral and ethical responsibility of a person who is aware of extreme and unjustifiable violence happening within their own country."

One of the most moving displays of the proceedings came from Pestorious herself, whose faith in moving minds remained powerful through the case. In the final hearings, she appeared in her wedding dress, a tribute to her late husband who had been one of the Pine Gap Four found guilty for entering the prohibited surrounds, then acquitted on appeal in 2005.

She urged the jury to consider the silence and denial behind the making of war, its sowing of grief, its sheer relentlessness. In everything, even the most depressing, and the most clandestine, was a crack, and that crack would, in time, let light in.

These prosecutions have only yielded some success for bureaucrats in Canberra. The applecart on Australian-US relations has certainly not been upset, but the public is being supplied bigger, and juicier morsels about the risks posed by running the base. To hide behind the petticoats of power – but at what cost?

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