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The Right Hon. Humza Yousaf
First Minister of Scotland
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OPEN LETTER

RE; Honouring Kenneth (Ken) McGinley

Dear First Minister,

Tom Devine, in his book, "The Scottish Nation" at 280, states that the Scottish radical tradition, established since the 1790s, upholds the "*values of justice, fairness, morality, self- help and the conviction that all men should work together for the common good.*"

Such an adherent to this great Scottish tradition by his own selfless deeds and actions in the cause of justice is Ken McGinley of Johnstone; one of Scotland's outstanding sons who has relentlessly fought for the plight of thousands of victims of a post- World War 11 criminal atrocity committed by the Westminster government on its own unsuspecting troops to enable Tory Prime Minister Anthony Ed en to rub shoulders at the "top table" with the two most powerful emergent nations of that war.

Ken, an intensely patriotic teenager proudly served in an army-cadet honour guard in 1953 for the late Queen when she arrived in Paisley, and enlisted at 18 in the Royal Corps of Engineers, eventually becoming one of the twenty two thousand British and Commonwealth troops Eden utilized for his reckless nuclear weapon programme with the full knowledge of its serious long-term health consequences for the young enlisted men and conscripts and their unborn children; an outcome he privately acknowledged as being "*a pity*", but "*we cannot help it*"....so, too bad!

Ken's iconic campaign for justice and accountability started in November 1982 with the realization that many of his local fellow- veterans at the

experimental nuclear tests suffered from the same or similar health conditions as himself. This realization ignited an ongoing 41 year accountability movement after he penned a simple letter to the readers' page of the Daily Record in Glasgow, asking if any of its readers suffered similar health problems after such tests.

The overwhelming response prompted Ken and a few fellow veterans to establish the British Nuclear Tests Veterans Association, (BNTVA), in May 1983 with branches throughout the UK and with Ken as its founding chairman.

In that role he worked ceaselessly for justice for the veterans, organizing a mass filing of thousands of veterans' disability claims and fighting for their rights of access to their medical records.

In 1985 he organized and produced evidence for the Australian Royal Commission in London which was investigating the scandalous conduct of the UK's experimental nuclear tests. The Royal Commission subsequently produced a damning report on the UK's lies, incompetency and utter disregard for human life and safety.

In the same year he supported the "*Section 10 Abolition Group*", (STAG), to repeal the 1947 Crown Proceedings Act and allow civil actions by injured tests veterans against the Crown. While Sec. 10 was eventually repealed to allow civil actions by military personnel, the Ministry of Defence, (MOD) protected itself against nuclear test veterans' claims by excluding them from the amendment.

Never - the- less, Ken was instrumental in obtaining a House of Lords ruling that the MOD cannot hide behind the Crown Proceedings Act when fulfilling its statutory duty to defend the defunct UK Atomic Energy Authority, (AEA), against civil claims by test veterans for the serious health consequences of the AEA's past activities at the tests.

In November 1996 he obtained a unanimous decision of all 26 Commissioners of the European Commission of Human Rights at Strasbourg who found the UK had violated the test veterans' human rights under the European Convention of Human Rights, by denying them access to their medical records and other documents necessary to establish disability pension claims.

The Commission noted that during its lengthy investigation of their cases, the MOD's responses, "*lacked candour*" and the MOD was "*reluctant*" in answering the Commissioners' questions. Labour Prime Minister Tony Blair refused to accept this decision and subsequently moved to have the Commission abolished.

Similarly in 2012, Blair's new UK Supreme Court, with the help of the late Lord Simon Brown, narrowly reversed a decision in which Ken provided evidence, of Foskett J. of the Queens Bench Division, allowing the first batch of 1,011 test veterans' claims to proceed against the MOD in its representative capacity. The probity and impartiality of Lord Brown's participation in this UK Supreme Court appeal affecting the veterans' rights is highly questionable.

He was instrumental in supporting the Supreme Court's narrow 4/3 split decision, but had previously ruled against the veterans when he presided over the UK's Surveillance Tribunal, dismissing their complaints of regular MOD interception and opening of BNTVA mail.

Brown also previously ruled against the test veterans in subsequent proceedings in Strasbourg brought by the European Human Rights Commission against the UK in the Human Rights Court. Blair reacted by prohibiting the UK's designated Judge on the Court from participating in the Commission's proceedings and substituted Brown instead.

This was despite a Petition to the Human Rights Court, organized by Ken and signed by thousands of test veterans objecting to Brown's involvement in the proceedings.

In addition to his domestic efforts on behalf of the veterans, Ken also sought and obtained international support for their cause. In 1984 he received an invitation from the International Alliance of Atomic Veterans, (IAAV) to promote the plight of nuclear tests survivors in America, during which the BNTVA received the personal support and encouragement in Washington of US Senator Edward Kennedy and Mrs Corretta King.

While in America, Ken also noted the positive effects of BNTVA's accountability campaign on attempts by 40 US Senators to obtain a complete Congressional ban on testing nuclear weapons.

Due to his BNTVA campaigning, a Japanese Peace Organization asked him to attend a memorial gathering in 1985 in remembrance of the victims of the Hiroshima and Nagasaki nuclear bombings, which he similarly attended in 1989.

In 1986, he traveled to Chernobyl with a message and plaque from the Scottish People in support of the Kiev firemen who tackled the worse nuclear disaster since the burning of the MOD's nuclear reactor at Windscale, (Sellafield), which released a toxic plume of radiation across England and adjacent parts of Continental Europe.

During all of this he had to endure the MOD's 'phone tapping intrusions into the personal home life of his family and the nagging suspicion that an MOD spy or spies had infiltrated the BNTVA. This suspicion was recently confirmed in obtained MOD documents which expressed the need to "*spike McGinley's guns*" by infiltrating the BNTVA, and by MOD evaluations of received spy information.

As a result, the mantle of Ken McGinley's relentless campaign to account for the criminal atrocity, knowingly perpetrated on the then young troops and their subsequent impaired children, has now fallen on the shoulders of other organizations such as Alan Owen's LabRats and individual tests veterans such as the indefatigable writer and author, Dennis Hayden.

Serious illnesses may now have depleted Ken McGinley's physical resources, but the spirit of his quest for justice and fairness for the common good will continue to grow and inspire current and future generations of Scottish people in shaping a stronger and enlightened Scottish Nation.

As such, his contribution to the moral and social fabric of this country requires to be honoured and cherished by the Scottish People and by their Scottish Parliament.

Respectfully yours,



Ian Anderson

Paisley.