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The Price of Freedom is Eternal Vigilance

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Morning Double Shot from *The Spectator* Australia Friday, 2 June 2023

The Ben Roberts-Smith (BR-S -ed) defamation verdict has been handed down, and it's not good news for Roberts-Smith. A court of civil law, not a criminal court or court martial, has found truth in some of the allegations made by the former Fairfax papers against him. Whatever the real truth, Roberts-Smith has been judged by civilians, on the civil balance of probabilities, in a civil society. The judge and his journalist accusers, like most of us, have never gone to war, been in battle, nor understand the stresses in battlefield situations....

BOTH SIDES AGAINST THE MIDDLE By Arnis Luks

This week's *Spectator*, the only printed news service I still receive thanks to a generous supporter, considers the instability of the Voice proposal into an area steeped in constitutional pre-thought; the separation of powers.

"...Justice Ian Harrison of the New South Wales Supreme Court sent an email in May to Pat Conaghan MP in which he described the latter's comments in Parliament regarding the Voice as 'disgusting', paternalistic, and racist....The separation of powers is a thread connecting history's most successful liberal democracies.

The American Founding Fathers were profoundly influenced by the analysis conducted by Montesquieu in "The Spirit of Laws" (1749), who was in turn greatly inspired by what he saw in Great Britain at that time.

The clear and deliberate delineation of powers was a feature of these constitutional systems of government..."

This Australian judge has entered a political debate rather than maintain the required judiciary position-of-impairity before the Law. This required position of impartiality is considered within the *Foundations of the Australian Legal System* by Augusto Zimmermann and Gabriel Moens, specifically mentioning activist judges of Australia's highest court, who handed down the Franklin Dam, Mabo and Wik decisions, are not only named, but their educational influencers are taken into account when considering their activist positions.

Referencing the *Foundations of the Australian Legal System*

"Precedent in Constitutional Law" 11.31 Judicial activism describes a tendency of some judges to consider preferred outcomes...(Those-ed) who adhere to the philosophy of political activism are less inclined to apply precedent. Lionel Murphy, an Australian Attorney-General who served in the High Court from 1975 until his death in 1986, described precedent as 'a doctrine eminently suitable for a nation overwhelmingly populated by sheep'. Activist judges like him will treat judicial work as an act of uncontrolled personal will. This sort of activism is considered undesirable, because, as stated by John Marshall, who served as the fourth US Chief Justice from 1801 until his death in 1835, 'Judicial power is never exercised for the purpose of giving effect to the will of the judge; [but] always for the purpose of giving effect to the will of the legislature; or in other words, to the will of the law'.

"Not-So-Distant Origins of Case-Law Method" 11.32 - 11.46 analyses this activist-judge-made-law...end ref.

The examples of activist judges can appear within any level of the judiciary. I remember SA Justice Robin Millhouse, immediately after the Franklin Dam decision, declared that federal law now overrides state law.... This is a very important consideration in that the judges have changed their impartial relationship to Law. Not the people. Not the government. The judges. Comments coming from the USA repeatedly highlight the bias - Democrat or Republican - when referring to their judges. The appointment of judges by the 'government of that day' requires greater scrutiny to-day, as a consequence of USA legal influencers within our own Universities.

Liberal Attorney-General Philip Ruddock today announced the appointment of Justice Anthony Besanko as a judge of the Federal Court of Australia. Justice Besanko has been a judge of the Supreme Court of South Australia since 2001. From 1984 to 2001, he practised at the South Australian Bar in commercial and company law, administrative law, trusts and estates and native title. He also undertook appellate work and was appointed as a Queen's Counsel in 1994. Justice Besanko was a member of the South Australian Legal Practitioners' Disciplinary Tribunal from 1989 to 1998 and Presiding Member of the Tribunal from 1998 until 2001. He was President of the South Australian Bar Association from 2000 to 2001...

OT Vol 45 No 22 ... *Dr. Fredrick Toben's application for permission to appeal to both the finding of the 'contempt of court' charge and the sentence (three months imprisonment) came before the Federal Court in Adelaide. Justice Anthony Besanko suspended the arrest warrant until the date of that hearing - August 13, 2009 - and deferred the gaol term to allow Dr. Toben to file appeal papers. The chairman of the CSC gave Dr. Fredrick Toben an opportunity to share some of his experiences over the last fifteen years as a 'historical revisionist'. This included the time he spent in a German prison, because he dared to think otherwise than the official version of the 'Holocaust', according to the laws of Germany.*

We also need to consider the recent changing of the 'Defamation Law' and possible correlation to the result of the BR-S case in particular.

<https://hwlebsworth.com.au/introducing-the-new-public-interest-defence/>
Defamation law in Australia has undergone significant change over the last couple of years, in particular since June 2018, when the Council of Attorneys General convened the Defamation Working Party (DWP) to undertake a national review of the model defamation provisions across Australia. Two years later, the Council of Attorneys General agreed that the defamation laws across Australia would be amended in an effort to address a number of the key issues identified as part of its review. This led to the introduction of the Model Defamation Amendment Provisions 2020 (Stage 1 Reforms), which commenced in a number of jurisdictions including South Australia on 1 July 2021.

The new 'public interest defence' has been in operation in most Australian states since mid-2021, after the Ben Roberts-Smith BR-S matter had been filed, but before the Morrison led Liberal Government lost the 2022 Federal election. The legal goal posts shifted just in time for the BR-S case to be heard.

ANZAC The Legend

The spirit of ANZAC presents the values of courage, initiative, egalitarianism, mateship, loyalty and sacrifice. The Australian people embraced these as the core of the national identity of their new country. However, it has been under attack since the 1920s by left-wing activists determined to destroy it. The assault was begun by Communists in the post-WWI era and intensified during the 'cultural revolution' of the Sixties. Today, the anti-ANZACs include former PM Paul Keating, academics at the Australian National University and the Australian Defence Force Academy, and many within the arts and the ABC. They argue the ANZACs died in vain in an imperialist war and the legend is a reactionary fable that justifies militarism, sexism and ethnic oppression. They label it a myth invoked to justify current military actions in the Middle East and Afghanistan.

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(paraphrased by ed) *For the last 10 years, the looming presence of Ben Roberts-Smith VC MG has dominated an entire wall at The Australian War Memorial. Laura Tingle, as the chief political correspondent for the ABC's 7.30 program and the author of the Quarterly Essays Great Expectations, Political Amnesia, and Follow the Leader, questions the suitability of the Australian War Memorial display that invests a mythic and heroic warrior quality to someone now found in one court to have been a murderer and war criminal as the starkest example of the many clashing fractures in our national myths the case has wrenched open, along with troubling questions about the way our military history and politics interact...*

Justice Anthony Besanko, appointed by Liberal Attorney General Philip Ruddock in 2006, in considering the merit of the BR-S case, found defences of substantial or contextual truth had been established over alleged unlawful killings and bullying, ...was satisfied, to the civil standard of proof, that the majority of imputations — including those linked to four of the alleged killings — were substantially true. ...There was shock when, in late 2020, former judge Paul Brereton issued his 'Brereton Report' on war crimes by Australian troops in Afghanistan. His report did not name any soldiers but found evidence of 39 murders of civilians and prisoners by 25 members of the Australian special forces from 2009, with most occurring in 2012 and 2013. He described the killings he reported on as a "disgraceful and a profound betrayal" of the Australian military, which could not be attributed to the "fog of war".

The findings of his report still have not made their way into successful criminal prosecutions.

The Ben Roberts-Smith defamation battle boiled down to a simple question: Who was lying?

<https://www.abc.net.au/news/2023-06-03/ben-roberts-smith-trial-came-down-to-question-who-was-lying/102428026>

(paraphrased by ed) *Australia's most decorated living soldier was this week delivered a devastating loss in the Federal Court, five years after he initiated the civil case against three newspapers and three journalists. ...The stories at the centre of the case were published in 2018 by The Sydney Morning Herald, The Age and The Canberra Times newspapers, and contained allegations of unlawful killings in Afghanistan, bullying within the SAS and domestic violence. The war veteran denied all wrongdoing, and asserted 14 defamatory imputations, or meanings, were contained in the stories.*

...The court found that the (bar of reputation-ed) has now been so lowered that two unproved allegations of battlefield murder were insufficient to defame him.

...Brendan Clift, a lecturer at the University of Melbourne Law School said for a long-time

defamation law in Australia had "tilted" towards the protection of reputation, with no kind of public interest defence until recently....

<https://www.abc.net.au/news/2023-06-02/ben-roberts-smith-fall-from-grace-explained/102425484>

A new Public Interest Defence has been in operation in most Australian states since mid-2021, after the Ben Roberts-Smith accusations had been published in 2018 and the defamation case had been filed.

The spirit of ANZAC presents the values of courage, initiative, egalitarianism, mateship, loyalty and sacrifice.

The Soldier As Raw Material To Achieve Policy Objectives

Any realistic assessment in regards of the support coming from the US and the UK in the Ukraine, is that Ukraine as a nation has little chance of ousting the superior Russian forces from the Donbass region. The military aid provided from the West is inferior and only extends the degree of destruction and loss of predominantly Ukrainian life. The Russian field artillery can and does fire more artillery bombs across further distances. Simply put Ukraine is outgunned and always has been. The weaponry provided from the West is insufficient to make a difference to the end outcome. The massive loss of Ukrainian life must be considered in the light of Policy Objective. The Ukrainian soldier is little more than cannon fodder to this policy. Both sides are collaborating together against the middle.

Since 2014, 100 years after the beginnings of the 1914 Great War WWI, the West controlled administration of Ukraine initiated the radical militarisation of the Azov Battalions promoting indiscriminate killing of the predominantly Russian speaking 'civilians' of the Donbass Region. The Western backed Ukraine administration has deliberately been poking the Bear in the eye. The Bear retaliated more than 500 days ago and perhaps as many as half a million Ukrainian soldiers have thus far perished. 10 million Ukrainians have been displaced. Both sides, the Ukrainian administration controlled by the West and the Russian forces, are actively working against the best interests of the Ukrainian people. The limited Western support for Ukraine is insufficient to make a difference to the end outcome - a failed state available for exploitation.

Both Sides Against The Middle

This *modus operandi* of both sides against the middle, while also providing 'limited resources to ensure failure' is not easily recognised nor understood. It is this *modus operandi* that has been conspiring for the past 100 years to destroy the ANZAC legend. The soldier, even the bravest of soldiers, and the entire population of the nation, are all but cannon fodder for the political objectives set by the elites, of destroying the nation state of Australia.

I am saying the Left, in this instance spearheaded
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from the ABC, and the Liberal Party work together to achieve common political objectives. The SAS, similar to USA Seal Team 6, is simply fodder for their combined political objective of destroying the ANZAC Legend. In 'ANZAC and Its Enemies' (2015), author Mervyn Bendle explores the origins of the ANZAC Legend, substantiates and dissects the 100 year campaign against it by leftist politicians, intellectuals, and sections of the media, and argues why their case is seriously flawed.

Dialectical Materialism as a Philosophy

Marxist-Leninist philosophy is firmly rooted within dialectical materialism. But, what is not readily understood is that '*managed dissent*' is often one side of this dialectical-expression from within this philosophy.

The Calvinistic Puritan perspective, rooted in the Old Testament, is that if man shall not work he also shall not eat. If that happens to be a woman raising children at home, that family shall not eat. Yet, if that woman 'is' raising children in a child-minding centre, that family shall eat. It is the philosophy that places children into the child-minding centre rather than in the home. We must examine that philosophy of 'work just for work's sake'.

In the conservative camp Ludwig von Mises, an Austrian School economist, historian, logician, and sociologist is eulogised within the economic sphere. Classic liberalism holds great intellectual sway, and yet if the philosophy and economic policy are carefully scrutinised, its Darwinian roots become self-evident. These great minds of Mervyn Bendle and Augusto Zimmerman, both eulogise students from this intellectual camp - man as economic unit.

Mervyn Bendle goes so far as to identify the selfish, self-centred national culture within USA, while identifying a more balanced perspective including egalitarianism from within the Australian culture, yet he completely misses this selfish perspective inherent within the von Mises Classic Liberalism or Libertarianism.

Intelligent-industrialism has eliminated the need for 'all' men to work. And yet we find the requirement for achieving any sort of dole payment still demands the recipient to continually seek work, and other needless actions achieving no material gain. During the 1929 depression unemployed Australians were compelled to walk a certain distance to receive the dole. Why?

Likewise, Augusto Zimmermann similarly misses the same mark in his pulpit presentation of the scriptures, while failing to identify the New dispensation of Grace, (undeserved favour) through Christ alone.

Seek ye first the kingdom of God and all these things will be added unto you.

'Added unto you' are the operative words. The Calvinistic Puritan Old Testament perspective surfaces within the national culture of the USA. Both these great minds are unaware or oblivious to this New revelation, this truth coming from the words of Christ and the Intelligent-Industrialism of this modern machine age.

Author of Social Credit CH Douglas, humbly stated:
"The rules of the Universe transcend human thinking, and that if man desires the greatest satisfaction in human affairs, he should painstakingly attempt to discover what those truths are, and then obey them".

Jesus the Christ fed the 5,000 – without the need for further work. At a wedding feast, Jesus the Christ turned water into wine – again without the need for work. My mother often emphasized the startling consideration here was that the volume of water turned into wine, in modern parlance, provided sufficient for each at the wedding to literally swim in wine.

The Calvinistic-Puritan perspective rooted in the Old Testament, even if there is literally sufficient to swim in, man must still work or he shall not eat (drink-ed). This denounces the sanctity of the individual, as someone who must be controlled, rather than, one who freely needs to find his own relationship with an abundant God.

The Sabbath was made for man and not man for the Sabbath, reinforces this perspective of service towards every individual. The Calvinistic-Puritan Old Testament perspective does not answer the question of this age-of-plenty and intelligent-material-security for all.

The second point against classic liberalism is the 'subduing nature' perspective (red in tooth and claw), rather than being the steward, or husband of nature.

Genesis 1:28 uses the phrase 'subdue all the earth'.

Whereas in Matthew 6:25-33 The Lord says:

Therefore I say to you, be not solicitous for your life, what you shall eat, nor for your body, what you shall put on. Is not the life more than the meat: and the body more than the raiment? Behold the birds of the air, for they neither sow, nor do they reap, nor gather into barns: and your heavenly Father feedeth them. Are not you of much more value than they? And which of you by taking thought, can add to his stature by one cubit? And for raiment why are you solicitous? Consider the lilies of the field, how they grow: they labour not, neither do they spin. But I say to you, that not even Solomon in all his glory was arrayed as one of these. And if the grass of the field, which is to day, and to morrow is cast into the oven, God doth so clothe: how much more you, O ye of little faith? Be not solicitous therefore, saying, What shall we eat: or what shall we drink, or wherewith shall we be clothed? For after all these things do the heathens seek. For your Father knoweth that you have need of all these things. Seek ye therefore first the kingdom of God, and his justice, and all these things shall be added unto you.

Why is this Bible discussion so important? Because in the modern age, intelligent industrial arts have become a social function. Energy, machines and technology are so advanced that literally whole nations can live a life of leisure providing they are able to purchase what the energy, machines and technology of another nation make. The von Mises Calvinistic-Puritan perspective provides

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no solution to this age of material plenty, but repeatedly places man on the ant heap of the productive processes – as economic unit.

The spirit of ANZAC presents the values of courage, initiative, egalitarianism, mateship, loyalty and sacrifice. This Australian civic-religion existed before Gallipoli. Its roots came from the pioneering outback, and the bush, from those who opened up this vast island continent. Aboriginal and white, along with all sorts of other races of mankind, collaborated together to build this nation. This civic-religion holds no class consciousness, and unites all Australians under our limited Constitution within this island continent of the Great Southland of the Holy Spirit. The blood sacrifices of Gallipoli strengthened our already existing cultural and spiritual roots, permeating deeper-still into this land we call Australia. It is this combination, of a resilient, self-reliant people working together, the rugged land, and the blood-sacrifice of Gallipoli that manifested further into our cultural consciousness binding us all into this nation we call Australia.

A marriage made in heaven, in the outback, in the bush, and on the beaches and cliffs of Gallipoli, that those who wish to destroy would tear asunder. ***

BEQUESTS

The League appreciates being remembered by way of a legacy in the Will of supporters. This is a way of assisting the work of the League to continue after your life. Legal complexities arise in some cases, so we have been advised to create a Company to receive the funds on behalf of the League. Please designate the bequest to TALOR Pty Ltd.

We thank you in advance for the kind thought. ND

BASIC FUND

The Basic Fund target is again set for \$60,000. Last year we fell a bit short of the target but hope this year it will fill. We receive large and small donations and I stress how much appreciated they are, irrespective of the amount. The running costs continually rise and the money is used sparingly. Donations are welcome at any time but you might consider adding it to your book order or journal subscription. Keep the League going!

Arnis Luks, National Director

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