



A WEEKLY COMMENTARY

ON TARGET

- NEWS HIGHLIGHTS
- BACKGROUND INFORMATION
- COMMONWEALTH AFFAIRS



The price of Freedom is eternal vigilance –

Print Post Publication Number 381667 00258

Vol.42, No.42

October 27th, 2006

THOUGHT FOR THE WEEK: An American Armada: "As I write, the U.S. Navy's Second Fleet has dispatched the aircraft carrier *Eisenhower*, attended by a strike group of subordinate ships, from its Norfolk home to the Persian Gulf, where it is due to arrive on Oct. 21. The strike group will link up with other pre-positioned military assets, and could easily start a war with Iran, making it part of the ultimate October Surprise.

Officers from the *Eisenhower* have reached out to the government, military and media ever since the orders came, protesting that they don't want to be used to initiate a war with Iran. They assert that this is against their service oath to the Constitution, which clearly states that only the Congress – not the president – can start a war. Their distress signal has reached official circles, thanks to a September article by *The Nation* magazine. It's a confirmation of a *New Yorker* story in the spring, by Seymour Hersh, alleging that the Pentagon was then putting the brakes on a Bush administration itching for a war with Iran."

Source: Captain Eric H. May, "Ghost Troop – the Art of Info-War" in the *Lone Star Iconoclast* <http://www.lonestaricon.com/absolutenm/anmviewer.asp?a=402&z=52>

HITLERISM, HOWARDISM AND TERROR LAWS by **Ian Wilson LL.B.:** The Victorian Secretary of the Maritime Union of Australia, Kevin Bracken, has said that the U.S. and Australian anti-terror laws, introduced in the wake of 9/11, were similar to Adolf Hitler's "civil controls" imposed in 1933. Hitler, he said, burned the Reichstag then brought in the civil controls. Likewise the Bush administration and the U.S. military were involved in 9/11, presumably setting it up.

"Today, people can be arrested without trial. You can disappear and the authorities don't have to tell your relatives you have been arrested." He also said, "If our own security people were objective, they would have known that there were no weapons of mass destruction in Iraq. All they do is just follow what's led out to them, instead of doing the job they are supposed to do." (*The Australian*, 13/9/06, p.4)

Academics have been warned that their research into terrorism could contravene the anti-terrorist laws. For example, Flinders University Sociologist Professor Riaz Hassan received \$829,000 from the Australian Research Council for interviewing the leadership of various terrorist organisations. Leaving aside why such research should be funded to the tune of that amount and how there could be an objective scholarly test and verification of the research results, the issue of concern here is that Attorney-

In this issue: • *Thought For The Week* • *Hitlerism, Howardism And Terror Laws* • *Section 457 And Other Government Sell-outs* • *Return To Sanity* • *Senator Fielding Believes ...* • *Worse Than Watergate* • *Aide Says White House Mocked Evangelicals*

"ON TARGET"

October 27th, 2006

Page 1 (165)

General Phillip Ruddock warned Hassan that his research could violate the anti-terrorist laws which preclude association with terrorist organisations. Hassan is quoted as saying that he questioned the link between Islamic fundamentalism and suicide bombing and terrorism.

George Williams and Edwina MacDonald ("Fear of the Law on Terror", *The Australian*, 20/9/06, p.30) express concern about the sedition laws which make it an offence for a person to urge "another person to overthrow by force or violence" the Constitution, a state, territory or commonwealth government or the authority of the commonwealth government. A very limited defence is permitted, allowing someone to lawfully advocate changing a law (hence allowing a republic debate) but the defence does not cover general academic research. The government can also ban books on security grounds even if they are not caught by the sedition laws by refusing classification.

Academics, even if they have not committed an offence can be taken into custody by ASIO if there are reasonable grounds for believing their information will "substantially assist the collection of intelligence in relation to a terrorism offence". If the academic is believed to be likely to destroy information he/she may be detained for up to a week. Williams and MacDonald rightly note that all of this will have a "chilling effect" on the scholarly study of terrorism.

Constitutional challenge: Can there be a successful Constitutional challenge to this body of law? There is, after all, no specific head of Constitutional power permitting the federal government to deal with national security or even crime. But there are a number of powers which in combination clearly yield such power, such as the power with respect to the naval and military defence of the Commonwealth, and the control of these forces to execute and maintain the laws of the Australian Commonwealth as well as the vesting of the executive power of the Commonwealth in the Queen which permits the execution and maintenance of the Constitution and the laws of the Commonwealth of Australia. The "implied nationhood power", plus external affairs, plus the trade and commerce and postal power would seem to cover most situations. Just to be sure the States transferred their own power on this matter to the Commonwealth.

The only way then a Constitutional challenge could be mounted is if the anti-terrorist laws, or part of them, infringed the Constitution in some other way, such as being inconsistent with the separation of powers or against Chapter III of the Constitution, which vests the judicial power of the Commonwealth in the High Court of Australia or in such federal courts that the Parliament vests with federal jurisdiction. There is also the issue that the restrictions on academic research may be in conflict with the implied freedom of communication on political and governmental matters.

In Chu Kheng Lim v Minister for Immigration (1992) 176 CLR1, the High Court held that there existed "a constitutional immunity from being imprisoned... except pursuant to an order by a court". (at pp.28-29) Thus: "the involuntary detention of a citizen in custody by the State is penal or punitive in character and, under our system of government, exists only as an incident to the exclusively judicial function of adjudging and punishing criminal guilt." (p.27) On this basis it can be argued that the federal legislation allowing detention in the cases mentioned above would violate this freedom from (non-judicially sanctioned) detention.

Nevertheless, in later High Court cases testing the detention of illegal immigrants, such as Al-Khatib v Goodwin (2004) 219 CLR S62, it was held that the Migration Act 1958 as amended, did not contravene Chapter III of the Constitution because the purpose of the detention was not punitive but protective. It could be argued in reply that the purpose of the anti-terrorist laws are purely protective and not punitive.

In reply to this argument it could be said that recent High Court decisions only restrict the application of the principle in Lim: detention by the Executive is not always penal or punitive in character. The matter

has to be decided in the context of the full circumstances of the case. It will be a hard case to win, but there is a window of opportunity to challenge the anti-terrorist laws on this ground.

One would have thought that the very point of the implementation of anti-terrorist laws would be to protect traditional God-given freedoms. That these laws directly undermine them and put us on the road to a multiracial version of Germany in 1933, is a matter of key concern.

SECTION 457 AND OTHER GOVERNMENT SELL-OUTS by James Reed: As writers for this movement predicted Section 457 visas, which have allowed Asian guest workers to take jobs in Australia, is leading to the situation where there is "No Check' on Migrant Workers' Pay" (*The Australian*, 25/9/06, p.6). Opposition Immigration Spokesman Tony Burke has said that visa holders were being paid below minimum wages. Workers were also denied payment for public holidays.

Migrant workers are particularly vulnerable to exploitation because bosses can not only dismiss them, but arrange for their deportation as well. In 2005-2006 a total of 39,530 such visas were granted. The professional group getting the highest number of Section 457 visas at present is doctors and nurses. Don't get sick!

RETURN TO SANITY by Ian Wilson LL.B.: Here is an example of the mainstream media doing some good: exposure of the high rates of convictions in the Northern Territory for lesser charges than murder, by *The Australian* newspaper, looks like it will lead to law reform. "Reverse racism" had permitted drunkenness and reference to Aboriginality to be partial defences for Aborigines, but not Whites, to murder in the Northern Territory. Consequently only 12 Aborigines in the Territory have been convicted of murder over the last 10 years but 62 have been convicted of manslaughter, largely because of "reverse racism" rather than lack of evidence. (*The Australian*, 3/10/06 p.1)

The Northern Territory has Australia's highest murder rate per capita according to A. Wilson in *The Australian* "with the majority of homicides involving Aboriginal people, alcohol and domestic violence". Amendments to the N.T. Criminal Code may lead to more murderers being convicted.

The move was criticised by an Aboriginal legal advocate who said that the law was removing the need to prove intent from murder. Excuse me: as I see the matter, the issue was not about intent, but permitting drunkenness and ethnicity/race to be partial defences to murder.

This is not so for Whites, and it shouldn't be so, under the principle that "all are equal under the law" (the rule of law), for Aborigines – or Chinese, Muslims, Eskimos or any other group in our society.

SENATOR FIELDING BELIEVES... by Betty Luks: David Flint's 'Opinion Column' quoted Family First's Senator Steve Fielding as stating during the Senate debate on media ownership, October 11th, 2006, the "real concern ought not be so much the concentration of ownership but the concentration of ideology: the concentration of ideas. Where is the evidence that the key factor that determines ideas is ownership? In other words, that owners dictate ideas? Out there in the real world it's nothing like that". He continued: "Consider the republic debate in 1999. With very few exceptions, every paper and journalist across the country actively campaigned for a yes vote. What effect did they have? Overwhelmingly Australians voted no."

Do I understand the Senator correctly? He dismisses the very idea that owners dictate ideas and yet admits – "*With very few exceptions, every paper and journalist across the country actively campaigned for a yes vote!*" If the newspapers' owners (and their employees) were as disinterested in ideas/policies as the good Senator would have us believe, surely there would have been a more balanced presentation of both sides of the monarchical/republic debate in those newspapers?

No Senator, control of the media and control of the news (ideology and propaganda) in this day

and age are most certainly concentric. And the Howard government has just passed legislation allowing the already 'elite few' further centralisation and control.

As for the defeat of the republican agenda at the Referendum, the good Senator doesn't give credit where it is due. There were probably a number of reasons: first, Australians have a healthy distrust of professional politicians 'who only wanted more power to do us more good' and their 'gut instinct' warned them against the move to a republic; second, there were many, many Australians who gave up their own time and used their own money, to actively campaign for our traditional monarchical system. Door knocking, leaflet letter boxing, Dr. David Mitchell's audio tape and printed address went out in the thousands.

Sadly, Family First Senator Fielding voted for the government's bill. Does his Christian faith not have anything to say to him about the dangers of the concentration of powers, the essential need for checks and balances and the division and separation of powers?

WORSE THAN WATERGATE by James Reed: John Dean a one-time political adviser to Richard Nixon has recently published a book entitled "Worse Than Watergate". Bush lied to Congress about issues of Iraq having weapons of mass destruction and Saddam Hussein's alleged al-Qaeda connections. Dean has said, according to *Impact* magazine (June/July 2006, p.15): "When you lie about the need to go to war and commit the nation's blood and treasure to victory, you are committing the highest crime against the nation. By rights Bush should be impeached and disgraced."

Neo-con Francis Fukuyama is about to release a book entitled "America at the Crossroads: Democracy, Power and the Neoconservative Legacy". Fukuyama is but one of a number of leading "neocon" intellectuals who are seeing the neoconservative "legacy" as fatally flawed. What kept them so long!

AIDE SAYS WHITE HOUSE MOCKED EVANGELICALS by Betty Luks: Why is the following news not so surprising? When did politicians not use the gullible for their own grubby ends? In this case, it is the evangelicals' belief that they can 'fast forward' the return of Christ by supporting Israel's territorial ambitions – no matter how barbaric, ruthless or destructive are the means used to achieve the objective.

The actions of the disciple Judas come to mind. Judas' problem was he thought Jesus' way of introducing the new world order – through changing man and his values from within, by insisting that the individual person was more important than all the systems put together, etc. – was the wrong way to go about it. Why Jesus' way could take an eternity!

Hence, over two thousand years ago, Judas also plotted to 'fast forward' his conception of a new world order.

***The Guardian* (U.K.) disclosed:** "A former senior presidential aide has accused the Bush administration of using evangelical Christians to win votes but then privately ridiculing them once in office.

The allegations by David Kuo, the former deputy director of the White House office of faith-based initiatives, come at a devastating time, when the administration is counting on 'born-again' Christians to vote in sufficient numbers to save the Republicans' hold on Congress in the November elections. In a book entitled "Tempting Faith: an Inside Story of Political Seduction", Mr. Kuo portrays the Bush White House's commitment to evangelical causes as little more than a cynical façade designed to win votes."