

Comment by Michael C H Jones

History is a funny thing. You can be there on the spot and then 20/40 years later you read about it in history books - and its a completely different event.

I first heard this from my father who was on a machine gun at the third airstrip, Milne Bay Papua New Guinea, in mid 1942 - they were killing elite Japanese marines, who had never been defeated, and they stopped them half way across - and when they reached the other side there were no alive Japanese. As he said you were not killing for your country, or your mates, you were killing for yourself. And you killed them, and kept killing them and then killed all of them.

My paternal uncle was a stretcher bearer during the First World War on the battle fields of France - his stories of falling asleep exhausted on up to six layers of bodies - and the smell - were horrific - parents and relatives in the early '50s told their children the truth. My mother during the Second World War worked for the head of the hygiene section in Victoria Barracks, Sydney - battles are won and lost on the state of the latrines even if only holes in the ground.

And so to the Vietnam War and the Draft. One of my great joys is to know that by Commonwealth legislation in the early 1990s, and my Federal Court decision in January 1971, conscription at least for a "party-political" Particular War can never again be introduced - despite the biggest demonstration in Sydney's history - bigger than the Sorry Walk across the Sydney Harbour Bridge - the Howard Government went to war in Iraq based on lies, but could not re-introduce conscription - that was the legal advice. Thus the heroes of the Vietnam Decade 1962-72 were those who refused to go - who lowered their university expectations and jeopardised their legal, teaching and other careers, and angered and lost family and friends taking a stand of conscience on the great moral issues of those times. But 40/50 years on you would not know it from Australian history books.

As an aside I and Michael Symons, later an accomplished journalist and I know not where today - probably dead, were the only two protesters to break through the police lines at Central Railway Station, Sydney, in about mid 1965 when the first troops including conscripts were departing - we walked up and down the line speaking to the troops through the windows asking their opinions about the Vietnam War and why they were going. At the time their views were suspect, in hindsight obnoxious. They wanted to go for the adventure and they wanted to kill gooks. It was the last great racist war and we in Australia only turned against it - the napalm bombing and all the other outrages and crimes against humanity - when we started losing - the Vietcong and North Vietnamese had something to fight for - their country, their mates and themselves.

And so to another era and the great moral issues of present times - as we approach the Age of Abbott. The Gillard government has shown itself to be so vile that its principal conspirators Gillard, Swan and Shorten plus others will probably like John Kerr of Whitlam "sacking" infamy have to leave the country post September 2013 - perhaps Bob Carr will spend his exile on his estates in New Zealand. The political system of governance in Australia is morally bankrupt, at least at the Federal and New South Wales levels. Which is why maverick political parties are springing up - the Clive Palmer United Australia Party from the business Right and the Julian Assange WikiLeaks Party on the libertarian Left. It makes for interesting times. Is the iron grip of the traditional parties ended, is the

genie of information control out of the box forever?

Chamber has placed a great amount of material concerning Julian Assange and WikiLeaks on the ACCCI Website, indeed in recent years he has had his own 'box' which is quite an honour for an individual. I have written that I thought it would end 'poorly' for him - although I have to admit that he has given the 'establishments' of many countries a far better run than any would have expected. One wonders whether even he understands the dimensions of his challenge to Power through ending information control and subsequent manipulation for political, economic, social and cultural purposes. Did he understand that a challenge to the USA, and to Western Governments, was also a challenge to Developing Countries and their emerging Great Powers China, India, Brazil, South Africa, Indonesia let alone the bastion of authoritarian values Russia. Whatever, he is still 'alive and kicking' and running for the Senate of Australia in September.

Gradually Assange is releasing details about his candidature and plans - the campaign team of 10 is known and the policies will be announced - a "transparency platform". Immediately the key question concerns his Victorian running-mate.

"Polls have shown considerable support for Assange and if he wins a Senate quota - possible, although a long shot according to most observers - and if there is no successful constitutional challenge to his election, he is unlikely to be free to take up his seat next year. The party has said it would then nominate his Victorian running mate - as yet unnamed - as his replacement".

This is a fascinating situation constitutionally - a real game breaker in all sorts of ways. Think of the campaigning throughout June, July, August and September - from the man holed up in an Embassy in London? Think of the issues and policies - and the Leaks - that can be raised and promoted over nearly four months - and the so-called illegalities. Think of the eminent persons who could support him in disgust at the traditional Labor and Liberal parties. Think of the options for a running-mate?

On the one hand it could be the famous or notorious Geoffrey Robertson QC - Google him. Actually I was the Talks Director for the Sydney University Representative Council in late 1960s, following Alan Moss of Macquarie Bank fame and pre- ABC Chairman Jim Spigelman's reign as SRC President, hence at the tail-end of the leadership of former High Court Judge Michael Kirby and future eminent Human Rights lawyer Geoffrey Robertson. What a candidate. What an impact Robertson could make in Canberra - at the very least he would talk them all to death by bombardments of issues and hypotheticals !!

On the other hand what about David Hicks as a running-mate? Wow, wow and more wow - just think long and hard whilst you take a deep breath. It is not impossible. The Australian people overwhelmingly think he was very hard-done-by. Convicted for an offence that did not exist when he did the alleged act, and has since been declared by the US Supreme Court as unconstitutional. He was forced - torture of various forms is alleged - to plead guilty to and convicted of something that does not exist, and thankfully is taking the appropriate legal action to redress the situation/regain his rights in Australia. What a way to publicise his cause - a campaign and possible election to the Australian Senate if Assange is barred from taking his seat. Cop that John Howard, Alexander Downer and Phillip Ruddock. Julian Assange and David Hicks as Australian Senators - the political

legacy of Julia Gillard, Wayne Swan and Bill Shorten. Poetic Justice.

All mirth aside there are some very serious questions about Assange and his actions. For example in the article:

"In the UK in particular, Assange has become a figure of scorn in parts of the media. His avoiding a return to Sweden to answer questions about allegations he sexually assaulted two women was a sign that he's an "insufferable narcissist", according to Marina Hyde in *The Guardian*. Professor George Williams of the University of NSW acknowledges that WikiLeaks has brought to light significant issues of public importance, but he wrote recently that to seek asylum to avoid extradition was a "serious error of judgment". "No one should be above the law, even Assange." "

An "insufferable narcissist" - sounds like a very up-tight lady. If I faced the full weight of the US Government I would be in that Embassy in London too. "A serious error of judgement" - I love academics and some of them are my best friends, but they have no idea about reality or who pays for their chairs and carpets, phones and computers and so on. As for political judgement ??? However the question he poses "No one should be above the law" is dare I say not irrefutable as it depends on the circumstances - and history re Gandhi, Martin Luther King, Nelson Mandela are just a few names that come to mind. Is Assange in their class - potentially if you consider carefully the "significant issues of public importance" that he has championed.

The circumstances or context is Globalism or Global Governance or the Institutions of Global Governance and the People responsible for performing the duties of those Institutions. Can they function, perform their duties, under the weight of older concepts of State Sovereignty. Is the US such an "exceptional" country that International Law does not apply - is the US "above the law" in ignoring all UN Resolutions - perhaps up to 60 - on the question of Israel and Palestine since 1967? Was the US "above the law" on the Iraq Intervention and at Guantanamo Bay Prison, Cuba. In my era concerning the Vietnam Intervention following the Tonkin Gulf Incident lies. Does the world, the peoples of the world collectively, have a right to know, a right to information that enables them to make decisions on international events? If there is a Right to Know - if Zhao Ziyang, in his memoirs Prisoner of the State, is correct than Julian Assange and WikiLeaks have done a great service for mankind and he deserves the Nobel Peace Prize, or at least the Sydney Peace Prize, similar to all those other "law breakers". For example it is arguable that Assange was an influence, no more and no less, on US President Obama in his recent speech dealing with new US drones policy - on the ACCI Website in Announcements.

I said once before in a Comment - "watch this space". Thanks Julian you have and will no doubt continue to prove me right, in a Left thinking libertarian sort of way.

Michael C H Jones
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