

Australian newspaper chain launches unprecedented smear against Aboriginal official

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The Melbourne *Age* and its sister newspaper, the *Sydney Morning Herald*, last week published an extraordinary personal attack on the elected head of the Australian government's official indigenous body, Aboriginal and Torres Strait Islander Commission (ATSIC) chairman Geoff Clark.

Without any prior warning, the newspapers devoted their lead stories on June 14 and two full pages inside to presenting, as established fact, the allegations of four women that Clark had raped them in the early 1970s and 1980s.

The articles depicted Clark as a serial rapist and bully who had somehow managed to claw his way to the top of Aboriginal politics. "Geoff Clark: power and rape," was the *Age's* headline. "I just laid back and let him rape me so that he would not bash me," was blazoned across pages 9 and 10 of the *Herald*.

The Fairfax-owned press proceeded despite the fact that Clark was last year acquitted of rape and sexual assault charges instigated by one of the women—a magistrate decided there was not even enough evidence to put to a jury. Moreover, the Victorian state police, having investigated two of the other cases, had decided not to prosecute, and have since stated that they do not intend to pursue any of the allegations.

The articles also have a distinct anti-working class flavour. Without offering any evidence, his father is labelled "a Scottish-born criminal" and an "active thief" who raised Clark in an "inner-suburban gangland" while helping to run "the notorious Painters and Dockers Union". His mother is by innuendo branded a prostitute, having been "well-known on the streets" of the Melbourne working class suburb of Fitzroy.

Fairfax, one of the two major newspaper chains in Australia, devoted considerable resources to the investigation. A senior reporter, Andrew Rule, worked full-time on the case for at least three months. Rule scoured the country for potential witnesses, whereupon the *Age* flew them to Melbourne, paid for their hotel accommodation and hired a barrister to help prepare their statements.

The *Age* editor Michael Gawenda threw his full weight behind the story and publicly dared Clark to sue for defamation. Two days after publishing the articles, the *Age* declared in an

editorial that Clark should stand down and called on Prime Minister John Howard and Labor Party leader Kim Beazley to intervene.

Clark immediately denied the claims and charged the newspapers with participating in a continuing campaign against him by his unnamed political opponents "both within and outside the Aboriginal community".

In a later statement, he pointed out that the Fairfax organisation had "gone much further than simply reporting unsubstantiated allegations. It has baldly presented them as established fact. In previous matters, journalists have sought to present allegations as just that—allegations in need of investigation. On this occasion they do not call for investigation. Rather, they say they believe the allegations to be true."

As there are no charges against him, Clark has been left no form of legal redress except an expensive and lengthy defamation action against Fairfax. Such a law suit would itself become a highly-publicised forum for Clark's accusers and require his full-time attention for months, if not years, making it virtually impossible for him to continue in his post.

While it is not possible for the WSWs to check the veracity of the allegations, they appear to have serious flaws. Each incident reportedly had witnesses but none are named and only one, a man called "Salty," is quoted. According to the *Age*, "Salty" cannot testify in court because he suffered head injuries in a motorcycle accident within days of seeing Clark at the scene of one alleged rape.

The *Australian* reported that the daughter of one of Clark's political rivals—his cousin Len Clarke—encouraged the women to make their statements to the *Age*. The two men have conducted a long-running struggle for control over the local Aboriginal corporation at Framlingham in rural western Victoria. Geoff Clark first won election to the ATSIC board in 1996 by defeating his bitter rival.

The sexual assault claims were first used to demand Clark's removal last July, when Victoria police laid rape and assault charges against him, involving one of the women's allegations from 1981. As soon as the charges were announced, ATSIC

deputy chairman Ray Robinson called on Clark to stand down, but the rest of the ATSIC board refused to move against him, forcing Robinson to back off.

Last November, after a much-publicised three-day committal hearing, a magistrate dismissed the charges, commenting that the prosecution had not called four alleged eye-witnesses and that the woman's testimony included several inconsistencies. In the course of the hearing, Len Clarke admitted that he had encouraged the woman to press charges.

Neither the agenda nor the forces behind the Clark affair are entirely clear as yet. In-fighting, intrigue and self-interest have always marked relations within ATSIC. It is the peak body in an elaborate hierarchy established by the Labor government in 1989 for the purpose of cultivating a privileged middle class buffer against the rising discontent among Aboriginal people. ATSIC commissioners oversee an annual budget of \$1.2 billion, giving them considerable power of patronage.

Throughout the extensive media coverage of the allegations against Clark, scant attention has been paid to what is a far broader outrage—the squalid conditions at places like Framlingham that lie at the root of the social problems facing Aborigines. Whatever the immediate purpose of the *Age* investigation, it was not to expose the vast gulf that exists between ATSIC as a whole and the conditions of poverty and unemployment confronting the majority of Aboriginal people.

If the Fairfax campaign is aimed simply at securing Clark's removal, it appears to have backfired, at least in the short-term. On June 19, the ATSIC board passed a unanimous resolution of support for Clark and deputy chairman Robinson, initially at least, publicly backed his rival.

Yesterday Robinson changed his tune somewhat. Along with businessman and former ATSIC head Gatjil Djerrkura and board member Jenny Pryor, Robinson called for Clark to stand aside while the matter was cleared up. But Clark retains support in the ATSIC board and continues to insist that, as he faces no charges, he should not have to step down.

Other Aboriginal figures have criticised the Fairfax campaign, most notably Australian Democrats Senator Aden Ridgeway and magistrate Pat O'Shane, who suggested that the women's claims may have been fabricated. Her remarks have been seized upon by some commentators to call for her removal as a magistrate and to accuse Aboriginal leaders of covering up sexual abuse and domestic violence in their communities.

While the political knives may be out for Clark behind the scenes, Prime Minister Howard and Labor leader Beazley have felt compelled to declare their preparedness to keep working with Clark, stating that he had a right to be seen as innocent until proven guilty.

A few right-wing media commentators, such as Derryn Hinch and Miranda Devine, backed the *Age* and cautiously suggested that Clark should stand aside.

Similarly, an editorial in the *Australian* on June 18 advised the ATSIC leadership to move against Clark commenting:

“Rightly or wrongly, the political reality now is that, unless he can somehow respond satisfactorily to the serious allegations laid against him, he is unlikely to retain effectiveness as the most senior Aboriginal leader in the land.”

Far more attention has been paid in the media to defending the *Age*'s decision to publish the allegations. Its muckraking investigation marks something of a shift for a newspaper that previously prided itself on being part of the more “liberal” wing of the mass media.

Significantly, the *Australian* editor Michael Stutchbury declared that he too would have published. “Definitely, I would have published,” he stated in an interview with his own newspaper. “One, it's a matter of public interest. The media has a right and a duty to investigate and report on matters such as this. Two, it's a cracking good story.”

This unapologetic defence of Fairfax's actions has nothing to do with upholding the freedom of the press to investigate and publish information, including substantiated allegations, adverse to those in positions of political and financial power. It is a defence of character assassination, conducted with blatant disregard for Clark's democratic and legal rights.

Lawyers and civil libertarians have condemned the Fairfax witchhunt. Liberty Victoria president Chris Maxwell declared the articles “inexcusable” and said they were part of a “disturbing pattern” in the Fairfax newspaper to overturn the presumption of innocence. Maxwell commented: “By what right does a newspaper assume the role of investigator, prosecutor, judge and jury?”

The Criminal Bar Association of Victoria asked: “If the *Age* had access to compelling information not previously available to the Sexual Offences Squad or the Office of Public Prosecutions, what possible objection could there be to providing this information to the authorities? What would be lost—beyond the headlines—by taking this course?”

Whatever the precise motives behind the actions of the Fairfax empire, they have set a dangerous precedent that can and will be used in the future, not just against Aboriginal leaders but anyone that the media proprietors think they can smear with impunity. The entire episode provides a glimpse not only of the resources that can be brought to bear, in this case against an individual, but also of the growing contempt in ruling circles for the basic democratic norms of the past.



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