

New attack on freedom of expression

Australian police seize artwork from gallery

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In an unprecedented attack on democratic rights and freedom of artistic expression, police in the Australian state of Victoria illegally, and without any prior warning, removed an artwork displaying a burnt and tattered Australian flag from a Melbourne gallery last month.

Created by Azlan McLennan and titled *Proudly unAustralian*, the flag was on a billboard on the first floor outside the Trocadero Art Space gallery. It is the fourth time in the past two years that McLennan's work, which expresses political opposition to the "war on terror", the oppression of Palestinians and the growing racial attacks on Muslims and Middle Eastern immigrants, has been censored by authorities.

Police did not inform either McLennan or Trocadero's owners that they planned to seize *Proudly unAustralian*. Instead, they waited until the gallery was unattended and then entered a neighboring Internet café and climbed through a window to remove the artwork. A police business card was left behind to inform the artist.

The National Association for the Visual Arts (NAVA) and the Australian Lawyers for Human Rights immediately condemned the police actions. NAVA executive director Tamara Winikoff said that the censorship of McLennan work was a serious violation of artistic freedom.

A NAVA media release declared: "In this case we are asking urgent questions about the artist's rights: did the police have a warrant to remove the artwork, and if so on what grounds; is burning or defacing an Australian flag illegal under state or federal laws; are artists protected from these laws by satirical or fair comment provisions; would such an act be considered seditious under the new legislation; what must be the nature and form of public complaints in order to justify such

actions?"

While police have since claimed that they acted in response to public complaints, gallery director Michael Brenner said he had received no objections to the billboard. The gallery, he said, still had not been informed whether police had an official warrant to remove the flag or any indication of when or if the artwork would be returned.

So far no charges have been laid against McLennan or the gallery owners, but police have told the media that they are "still investigating". They have suggested that McLennan's display could be treated as an offensive behavior or offensive language incident.

The seizure of McLennan's artwork occurs against a background of ongoing nationalist hysteria whipped up by the state and federal government and the mass media, which is primarily being directed against Muslims and Middle Eastern immigrants.

A week before the police raid, a Western Sydney youth, Hadi Khawaja, was jailed after he took an Australian flag from an ex-serviceman's club in Brighton-le-Sands and threw it to his friends, who burnt it in protest over racist mob attacks on Middle Eastern youth in the Sydney beach suburb of Cronulla last December. While it is not an offense to burn the Australian flag, Khawaja was found guilty of malicious damage and entering enclosed lands and sentenced to a harsh three-month prison term.

Right-wing radio announcers, along with certain parliamentarians, have seized on McLennan's *Proudly unAustralian* to demand new legislation.

A day after the police raid, Bronwyn Bishop, a Liberal MP and former government minister, told a Young Liberal convention that she planned to introduce a private members' bill to make it a criminal offence to "violate" the Australian flag. She declared that such

incidents “denigrated our Australian culture and way of life”.

The censorship of *Proudly unAustralian* follows a series of attacks on freedom of artistic expression across Australia in the last decade, and particularly on the visual arts in Melbourne.

In 1996, the Kennett Liberal government banned artwork produced for a Melbourne freeway tunnel by Karen Lindner because it was critical of corporate sponsorship. In 1997, the National Gallery of Victoria withdrew Andrés Serrano’s photograph *Piss Christ* from the gallery after protests by right-wing Christian fundamentalists. In 2002, a giant painting by antiwar artist George Gittoes for a city apartment building was suddenly rejected by the property developers who had commissioned it, just as it was about to be unveiled.

McLennan has been a particular target. In 2004 his artwork *Fifty Six*, which consisted of an Israeli flag overlaid with statistics outlining the plight of the Palestinian people since 1948, was prevented from being displayed in a shop-front art space funded by Melbourne City Council. Zionist and other right-wing elements claimed it was anti-Semitic.

A year later, another McLennan work, *Canberra 18*, also partly funded by the Melbourne City Council, was prevented from being displayed. The artwork was critical of the “war on terrorism”, and referred to 18 groups on the federal government’s list of “terrorist organisations”. It consisted of pictures of various terrorists, including Osama bin Laden—with brief excerpts from statements made by the US State Department and the Australian government—and indicated that some of the organisations had previously received American backing.

Early this year, just before *Proudly unAustralian*, McLennan produced posters highlighting the British police murder of Jean Charles de Menezes on the London Underground in July 2005, and opposing the frame-up trial of alleged Australian terrorist Jack Thomas. McLennan’s posters were removed from city streets after the state Labor government declared them to be “offensive” and “obscene”.

On January 16, McLennan told the *Arts Hub Australia* web site that *Proudly unAustralian* was a symbol of the “locally and internationally deplored treatment by the Australian government of its indigenous peoples, asylum seekers, its industrial

relations and education reforms, US collaboration in the attacks in Iraq and Afghanistan and the incitement against Muslim and Arab populations at home and abroad.”

Last week he told the ABC-TV’s “7.30 Report” that he was considering legal action against the police unless the flag was returned and with an apology. “I mean we’re talking about police intervening in an art exhibition here. Does this mean that this is going to start happening on a regular basis if there’s a complaint?”

In fact, the seizure of *Proudly unAustralian* demonstrates that the government assault on freedom of expression is escalating. It follows the recent introduction by the Howard government of its new Anti-Terrorism Bill. Under the sedition provisions of the legislation, any form of political dissent, including criticism of the Australian government’s so-called “war on terror” and its military operations in Iraq or Afghanistan, can be punished with a jail term of seven years.



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