

Australia: Rudd government attacks right to protest at Pine Gap spy base

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Without any publicity or public debate, the Rudd government has pushed through parliament a law to step up the protection of the joint US-Australian military spy base at Pine Gap in central Australia, ensuring that protesters will face up to seven years' jail if they go near or even photograph the facility.

Under the seemingly innocuous title of the Defence Legislation (Miscellaneous Amendments) Bill 2009, the legislation passed by the Senate on March 11 also seeks to prevent protesters from arguing in court that the base plays a critical role in the aggression and war crimes committed by the US and its allies in Afghanistan, Iraq and elsewhere.

Previously, the legislation required the defence minister to declare Pine Gap, or any other area, a "prohibited area" if "necessary for the purposes of the defence of the Commonwealth". Now the Act itself defines Pine Gap as a "special defence undertaking" and a "prohibited area" necessary for the defence of Australia, stopping anyone charged under the Act from challenging the "purposes" of the base in court.

Anyone entering or flying over the base (or any other area that the defence minister proclaims a prohibited area) faces up to seven years' imprisonment. The same penalty applies to someone who makes or obtains "a photograph, sketch, plan, model, article, note or other document of, or relating to" the base, or anything within its perimeter.

The immediate purpose of the legislation is to negate a ruling by the Northern Territory Court of Criminal Appeal last year throwing out the main charges against four Christian pacifists who protested at Pine Gap in 2005. The four had entered the perimeter of the base with the avowed purpose of conducting a "citizen's inspection" to highlight the facility's role in enabling missile attacks on the people of Iraq.

For the first time in history, the Howard government, through its Attorney-General Philip Ruddock, invoked the obscure Defence (Special Undertakings) Act 1952 to prosecute the antiwar demonstrators for entering a prohibited area. Jim Dowling, Adele Goldie, Donna Mulhearn and Bryan Law were originally tried and convicted in the Northern Territory Supreme Court in June 2007. Even though the judge had barred the defendants from arguing that the base was used for aggressive war-making, not "defence", a jury took five hours to convict them, reflecting public opposition to the Iraq war.

The four faced jail for up to seven years for entering Pine Gap and another seven years for taking photographs in the area without authority. The Howard government, through the prosecution, called for their imprisonment for endangering national security. Instead, the judge fined them between \$450 and \$1,350 each, a total of some \$3,500. The protesters refused to pay the fines and served time in custody for nonpayment.

When the Director of Public Prosecutions appealed against the leniency of the sentences, the government's legal operation backfired. The four were acquitted because the higher court found that they had been wrongly denied their right, under the 1952 Act, to challenge at their trial whether or not the declaration of a prohibited area was "necessary for the purposes of the defence of the Commonwealth".

The four had intended to produce evidence and expert witnesses to prove that the base was not defensive and that the Australian government was involved in "crimes against humanity" because data from Pine Gap was being used for lethal purposes against civilians, right down to the Apache helicopter gunships that attacked homes in Baghdad and other Iraqi cities.

The wider purpose of the federal Labor government's

newly passed Bill, which has amended the 1952 Act, is to intimidate and stifle protests against the controversial 40-year-old base and the Australia-US military alliance in general. Pine Gap's role has been significantly enhanced in recent years, firstly through its capacity to guide US missile attacks in the Middle East and Central Asia, and secondly through its part in the so-called missile defence shield being developed by Washington to ensure that it has first-strike capacity against its nuclear rivals, notably Russia and China.

With its 14 giant white domes and 12 other antennae, and more than 800 US and Australian staff, including from the US Central Intelligence Agency (CIA), Pine Gap is one of the most important intelligence facilities in the world. In addition to monitoring and directing missiles, it receives signals from spy satellites and conducts eavesdropping of telephone calls and other telecommunications.

Because of Australia's geographic location, Pine Gap provides unique coverage of a part of the planet that is necessary for a global satellite monitoring system and also includes some of the most hotly contested strategic locations in Asia, the Indian Ocean and the Pacific region. The base is one of three similar facilities around the world, with the other two at Buckley Air Force Base, Colorado and Menwith Hill in Britain.

When Defence Minister Joel Fitzgibbon first introduced the amending Bill last December, he emphasised the facility's "collection of intelligence" and "provision of ballistic missile early warning information". He echoed the Howard government's last defence minister, Brendan Nelson, who told parliament in September 2007, on the fortieth anniversary of the base, that it was part of the US ballistic missile early warning program and could supply information to Washington's anti-missile shield project, which is proceeding despite opposition from Russia and China

Fitzgibbon added that those exercising their democratic right to protest against the base were "mischief makers" or had "more sinister intent". Fitzgibbon declared that Pine Gap was of "such sensitivity and importance to Australia's defence and external relations" that it was essential to "deter" such people.

During the brief debates in parliament, government MPs insisted that the Bill was not about infringing on the right to peaceful protest. In fact, that is its sole purpose. Anyone trying to break into the base or disrupt its operations could be charged with a range of other serious offences. They

include trespass and damaging property under the Commonwealth Crimes Act (the Christian pacifists were also convicted on those charges), and sabotage, espionage and terrorism—charges that carry punishments of up to life imprisonment.

By launching the unprecedented prosecution of the four pacifists under the 55-year-old Defence (Special Undertakings) Act, the Howard government underlined its devotion to the US military alliance, and willingness to trample over free speech and other basic democratic rights. By closing the legal loophole revealed last year, the Rudd government has demonstrated it is no less committed to the same agenda.

In parliament, the Australian Greens opposed the amendment, and cast the only votes against it in the Senate. Their spokesman Senator Scott Ludlam said it represented "an erosion of the democratic rights of which Australians are proud". However, Ludlam suggested that if the base was truly necessary to "protect Australians," then its role could be legitimate. He specifically objected to the fact that Australian MPs were denied information about the base that was freely available to members of the US Congress.

Whether the base is effectively controlled by the US, or is, as successive governments have claimed, a joint facility, Pine Gap directly serves the military and strategic interests of the Australian capitalist elite, which depends heavily on the US alliance in order to dominate its own sphere of interest in the Asia-Pacific area. Together with the deployment of Australian troops to Afghanistan, Iraq and the Persian Gulf, Pine Gap is a critical part of the bargain with Washington that enables Canberra to throw its weight around the region. This is no less the case now that Rudd has replaced Howard, and Obama has replaced Bush.

Australian court quashes convictions of protesters for entering US spy base
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