

SEP candidate for Fowler speaks on the assault on democratic rights

Mike Head
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The following is the edited text of a speech delivered by Socialist Equality Party candidate Mike Head to a public meeting held last Sunday in his electorate of Fowler in Sydney's southwestern working class suburbs. Head, a law lecturer at the University of Western Sydney, and a World Socialist Web Site correspondent, focussed his remarks on the deepening erosion of fundamental legal and democratic rights.

The reports to the meeting in Green Valley delivered by Head and the SEP's national organiser and candidate for Grayndler, James Cogan, provoked considerable discussion, with members of the audience asking questions about the mass media's refusal to give any coverage to the SEP, the reasons behind Australia's participation in the war in Afghanistan, the nuclear technology deal being finalised between the US and Vietnam, and the prospects of winning the support of the American working class for revolutionary socialism. The meeting was part of a series being organised by the SEP prior to the August 21 election. Details, as well as extensive election coverage, can be found [here](#).

The Socialist Equality Party has intervened in this election as part of our fight to win the support of the Australian working class for the program of international socialism.

Unlike every other party in this election—not just Labor and Liberal, but also the Greens and a number of pseudo-left organisations—our aim is to unify and mobilise the working class on the basis of this program for the conquest of political power and the establishment of a workers' government.

The election was called as quickly as possible after the coup inside the Labor Party that saw Julia Gillard installed in the place of Kevin Rudd as prime minister. We have explained that the leadership coup, carried out by the Labor and trade union factional bosses at the direct behest of the mining giants, the media proprietors, the financial markets, and, doubtless, Washington, exposed the real character of the capitalist state. Behind the facade of elections and parliament, the state is an instrument of class rule.

We have quoted the classic Marxist definition of the state, first outlined by Karl Marx's lifelong co-thinker Frederick Engels in his seminal work, *The Origin of the Family, Private Property, and the State*, as consisting "not merely of armed men but also of material adjuncts, prisons, and institutions of coercion of all kinds".

In so-called normal times, when the ruling elite can afford to make limited concessions to the working class, and contain the class struggle through the services of the Labor Party and the unions, this dictatorship is camouflaged. In times of economic crisis and political breakdown, however, this fig leaf is swept aside, as last happened in Australia in the 1975 Constitutional Coup, when the elected Whitlam Labor government was ousted by the Queen's representative, the governor-general.

One of the many issues being suppressed in this election is the sharp erosion of fundamental democratic and legal rights over the past decade.

This has happened across the board, including the Labor government's continued banning of nearly all industrial action—that is, the basic right to strike and picket—in its Fair Work Australia laws.

Today, I plan to focus on the so-called "war on terror". As in the US, the UK and elsewhere, it has been utilised to undermine basic legal and democratic rights—including habeas corpus and freedom of speech. The ever-expanding "anti-terror" laws have already created the framework for a police state. Historic rights won in centuries of struggle, such as the right of political association and the right to remain silent, have been cast aside.

Although the official justification for these measures has been to combat the threat of terrorism in the wake of the 9/11 attacks on the US, the process began well before 2001.

In fact, one of the most far-reaching changes in Australia came a year earlier. Under the cover of protecting the 2000 Sydney Olympics from violent threats—none of which materialised—legislation was introduced to allow the federal government, the governor-general or the Australian Defence Force chief to call out the military domestically, on such vague grounds as "domestic violence" and protecting "Commonwealth interests." Once called out, military authorities have wide powers, including the use of lethal force.

These laws openly flouted the democratic principle, which was actually fought out in both the English revolution to overthrow the absolute monarchy in the 1640s and the American Revolution of 1776, against the mobilisation of the military forces to put down domestic civil unrest.

As with every piece of police state legislation passed since 2000, the laws had the backing of the Labor Party, federal and state.

This shift toward militarisation has not been confined to Australia. Over the past decade, similar reversals of long-standing constitutional norms regarding the internal use of the military have been pushed through in the US, UK, Canada, Germany, Italy and Japan.

Many unanswered questions remain about the 9/11 attacks, not the least about how the massive American intelligence apparatus allowed them to proceed. Internally, the "war on terror" provided a vehicle for preparing draconian executive, police and intelligence powers that could be used to intimidate and suppress political dissent and civil unrest under conditions of worsening social conditions and opposition to war.

Time does not permit me to review these measures in detail today, but they have remarkably similar features in the US, the UK, Australia and other countries.

Sweeping legislation was enacted, defining "terrorism" so broadly that it can be used against many forms of protest and political dissent. The historic principle of habeas corpus—no imprisonment without trial—a principle also established through the English and American revolutions—was overturned to provide for detention without trial or even charge.

Executive powers were created for the government of the day to proscribe designated groups, marking the first time that such powers had been proposed in Australia since the defeat of the 1950-51 attempt of the

Menzies government to ban the Communist Party. Semi-secret trials are now possible, where not only the public is excluded but even the accused can be prevented from seeing vital evidence or witnesses.

Further changes introduced in 2005, under the pretext of a fabricated “terror alert” and supported by all the parliamentary parties, including the Greens, allow prosecutions for “terrorism” offences without any evidence of a concrete terrorist plan. The definition of sedition was widened to cover advocating resistance to Australian military interventions.

In Australia, there are now four forms of detention without trial under the terror laws—for investigation by the Australian Federal Police, for interrogation by the Australian Security Intelligence Organisation (ASIO), for preventative detention and control orders, a form of house arrest.

One of the most notorious uses of these powers occurred with the arrest and detention of Gold Coast doctor Mohamed Haneef, who was held for nearly two weeks and then, after he was finally granted bail, faced being detained indefinitely in immigration detention. Once the lack of any evidence against Haneef became publicly known, partly because of the courageous actions of his lawyers in leaking police documents to the media, the Howard government was forced to drop the charges.

The Haneef debacle became a key ingredient in the Howard government’s defeat in the 2007 election. There was already mounting opposition and unease over the backing of the Howard government, and the then Labor opposition, for the indefinite detention of Mamdouh Habib and David Hicks in the US military camp at Guantánamo Bay in defiance of the Geneva Conventions and international law.

Yet, three years on from the defeat of the Howard government, all these laws remain on the books. In an attempt, as the Rudd government said, to “restore public confidence” in the laws, Labor proposed some cosmetic changes, while actually strengthening and widening the laws. New provisions have been brought forward, covering terrorist “hoaxes” and “psychological threats”.

Once the global financial crisis erupted, the security agencies in the US and here designated the economic crisis, rather than terrorism, the greatest threat to “national security”.

In December 2008, echoing US President-elect Barack Obama, Prime Minister Rudd stated that “the first priority of government is the nation’s security”. In March 2009, speaking at a national security conference in Sydney, Australian Federal Police commissioner Mick Keelty told delegates: “As the global financial crisis bites, it will increase feelings of marginalisation and isolation.” He cited studies showing an increased risk of “demonstrations, strikes and riots” in developed countries.

Issues of so-called national security provide a decisive test of the character of all political parties. I previously mentioned that in 2005 the Greens supported a crucial strengthening of the anti-terror laws. This is a critical experience that must be studied by all those who are considering supporting the Greens as a supposed alternative to Labor and Liberal.

The actual amendment that the Green Senators voted for was to change the word “the” to “a” in every terrorist-related offence introduced since 2002. The Greens claimed that this was a minor change, with little discernable impact. In fact, the effect of the change was to allow the police and security agencies to arrest and charge someone without having to show involvement in any specific terrorist act. No evidence has to be produced of any time, place, date, target, method or equipment used—simply that “a” terrorist act was being plotted, even a hypothetical one.

The Greens lined up, with the Labor Party, behind the Howard government under conditions of a supposed emergency. The previous day, Prime Minister John Howard had announced that he had received “specific intelligence” about a “potential terrorist threat”. The terrorist alert was timed to silence the widespread opposition that had developed to the police-state measures contained in the government’s Anti-Terrorism Bill 2005, which introduced a vast array of extraordinary new police

powers and offences, including “advocating” terrorism.

On occasions, the Greens have criticised aspects of the terror laws. But in every case, their role has been to move minor amendments, designed to refine aspects of the measures. By lining up with the crucial amendment, the Greens were anxious to display their loyalty and reliability to the Australian capitalist state. Their role has been to lend legitimacy to the fraudulent “war on terror”—whose real purpose has been to provide a pretext for the eruption of US militarism in the Middle East and central Asia, and for the ripping up of basic democratic rights and civil liberties at home.

Certain conclusions must be drawn from these experiences. First, it is increasingly impossible for the ruling class to implement aggressive militarism and the ongoing assault on social programs by democratic means. In the final analysis, the staggering growth of social inequality over the past several decades is fundamentally incompatible with democracy.

Second, democratic rights can be defended and expanded only by a party dedicated to the struggle to overturn the profit system itself and reorganise economic and social life completely along genuinely democratic and socialist lines. The future of democratic rights is inseparably bound up with the struggle for socialism, which requires the independent political mobilisation of the working class to conquer state power.

Ordinary workers and young people, including students, must prepare consciously for a period of immense struggles ahead, as soon as this election is over. There will be a new assault on living conditions and that will bring even deeper attacks on democratic rights.

The reason these issues are not being discussed is to disarm working people. There is a conspiracy of silence on the part of the unions, Labor and the Greens—that is, all the old organisations. None of them represent the interests of the working class. The most important political task is for workers and young people to make a conscious political break from them and to turn to building the party that fights to provide the necessary education and leadership for the huge political tasks that lie ahead.

The SEP is that party. Our founding program—*The Historical and International Foundations of the Socialist Equality Party (Australia)*—provides the basis for this essential development of political consciousness.

In that document, we explain that while the working class must make use of all the democratic and legal rights available to it in the struggle for power, vast historical experience has demonstrated that it cannot carry out the socialist reorganisation of society within the framework of the existing institutions of bourgeois democracy and the capitalist state. There is no parliamentary road to socialism.

That means bringing forward the active, informed and articulate intervention and mobilisation of the working class, the vast majority of society, to take political and economic power out of the hands of the wealthy elite.

Click here for full coverage of the SEP 2010 election campaign
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