

QCCL Newsletter

JANUARY

2012

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President's Address

January 2012



Michael Cope

Before moving onto the serious ruminations of this new year report, I draw to your attention some housekeeping matters:-

1. Members who have not renewed their subscription for the 2011/2012 are urged to do so as soon as possible.
2. Members are also urged to join our new internet forum which has been created by Daemon Singer. The details of how to do it are contained in the last newsletter.

At lunch recently with a very intelligent highly regarded solicitor friend, we were discussing the problems in Europe. I expressed concerns about the imposition of unelected governments in Italy and Greece. I also expressed sympathy for those concerned about so-called democratic deficit in the institutions of the European Union as a result of proposals to increase European fiscal integration which would take decisions out of the hands of elected representatives and put them into the hands of European bureaucrats.

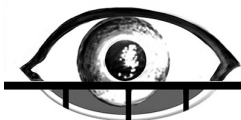
My friend's response was to say that democracy was part of the problem and they could have it back in 50 years time when their problems were fixed.

The notion of authoritarian regimes as more effective and often more efficient than democratic government is not new. It takes on new hue in a context where books are being published touting Chinese authoritarianism as the new model for the world.

China has of course repeatedly set its face against international human rights instruments, and there must be a concern that China may seek to use its new influence in international forums to weaken those institutions and instruments.

On the other hand of course it is to be noted that the rise of China is being paralleled by the world's largest democracy, namely India.

The point about democracy is that, to a substantially greater degree than any alternative, it provides an orderly and peaceful process by which a majority of citizens



can induce the government, or have an opportunity to induce the government, to do what they want it to do and to avoid doing what they most want it not to do.

Democracy has traditionally been opposed because it challenges the privileges of the rich and the powerful. Additionally, it is equally easy for those in a position of privilege to feel rightly or wrongly that any change in the system to a more authoritarian one will not alter their current position in any significant fashion.

The point of raising these rather lofty themes in this rather humble newsletter is simply to say that the open and pluralistic society in which we live must never be taken for granted.

Politics of all sorts is a never ending struggle. The struggle to keep our liberties particularly so.

On that note, the executive and I thank all of you for your contributions to the work of the Council this year, and wish you a happy 2012. We look forward to working with you again next year. □



The Council has taken up the following issues over the last three months of 2011.

Double Jeopardy and Appeals

Andrew Sinclair made a submission on behalf of the Council opposing amendments to Section 669A of the Criminal Code which would allow the Crown in a criminal appeal to take a position different from that which it took at first instance. The Council opposed the amendment as it violates the concepts of fairness which underlies the principle of double jeopardy. The second aspect of the amendment was that it was open to the interpretation that it extends the grounds of appeal beyond the proposition that the initial sentence was manifestly inadequate. The Council opposed that proposal as well.

Criminal Organisations Amendments Bill

The Council stated its opposition to the amendments to this legislation which would have prevented the Criminal Organisations Public Interests Monitor and the Court from being provided with full details of the criminal history of any informant. The Council repeated its continued opposition to this legislation especially so far as it is based upon secret evidence. In a submission on behalf of the Council, Terry O'Gorman detailed the case against secret evidence. We pointed

to the fact that the COPIIM had been put in place specifically as an alleged safe guard but, by, restricting the access of the COPIIM to the criminal history of any informant, the legislation severely restricted his capacity to represent the public interest. To restrict the Judge's access to such information, presumably on the basis of some risk of it being leaked, showed a complete disregard of the judiciary.

Right to Information Act

The Council in its submission to the Premier and the relevant parliamentary committee supported an opposition amendment to overturn a decision of the Queensland Supreme Court which held the *Right to Information Act* did not apply to government companies incorporated under the *Corporations Act*.

The Partnerships Bill

The Council supported the state government's Civil Partnerships Bill whilst calling on the Federal Government to amend the *Marriage Act* to extend the right of marriage to gay and lesbian couples.

Privacy Cause of Action

The Council made a submission to the Federal government supporting the cause of action for privacy along the lines proposed by the Australian Law Reform Commission. The Council expressed the view that that model represented an appropriate balance between freedom of speech and the right to privacy.

Minimum non-parole periods

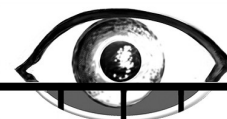
The Council made a submission to the Attorney-General calling upon him to act on the majority view of the Sentencing Advisory Council that minimum non-parole periods were ineffective and an inappropriate restriction of the discretion of the judiciary. The Council pointed out that it seemed perverse for the Attorney-General to set up a committee to advise him on a particular topic and then reject its view.

History Prize

The Council agreed to sponsor a prize to be offered by the Queensland History Teachers' Association to year 7 – 12 students for the best essay on the topic of Human Rights and Civil Liberties.

Bicycle Helmets

Following a request for clarification by a member at the AGM, the executive considered whether the QCCL's opposition to compulsory bicycle helmets extended to the application of those laws to children. Taking the view that it was not going to be appropriate to fine or gaoil children for failing to wear a helmet, the executive decided that the law should not apply to children, with ultimate responsibility on this issue falling to parents. □



A model of legalized drugs

Dr A. Wodak



Dr A. Wodak

Dr A. Wodak gave a successful presentation at a QCCL seminar on 11 August 2011. The following article appeared in an E-Letter, August 2011 from the Australian Parliamentary Group for Drug Law Reform and Australian Drug Law Reform Foundation. The article presents a practical program to implement a program which is also consistent with QCCL policy..

First

- cannabis must be taxed and regulated,
- health warning labels on packets,
- information on the label for people seeking help stopping or cutting down,
- cannabis advertising and donations to political parties banned,
- proof of age greater than 18 years required before sales,
- consumer information provided - including the concentration of THC.

When cannabis is provided by criminals, as happens now with cannabis prohibited but strong demand persisting - cannabis consumers don't pay any tax, don't get health warnings, don't get help seeking information, don't get consumer information, don't have a clue how strong the cannabis is, and there are no restrictions on sales to young people or pregnant women.

Second

People dependent on currently illicit drugs should be treated like people dependent on alcohol and nicotine - as patients not as criminals. When simple



and inexpensive treatments have been provided to someone with a severe drug problem and none have helped, treatment with a suitable substitution drug should be considered: just as methadone treatment is offered to people with heroin dependence or nicotine replacements are provided to smokers trying to quit.

Treatments provided should have good evidence of effectiveness, safety and cost effectiveness. A small proportion of severely dependent consumers accounts for a substantial proportion of the drugs used in a community. Attracting and retaining this group in treatment benefits these individuals, their families and community. Treatment also reduces the number of new users.

Third

There is a case for considering the commercial sale of small quantities of low concentration preparations of carefully selected drugs. We see demand for this category of drugs shrinking substantially once the other elements of our package have been implemented. It was legal to buy or sell taxed and regulated edible opium in Australia until 1906. Coca Cola contained cocaine in the USA until 1903. So we shouldn't be talking about **legalising** drugs but rather about **re-legalising** drugs.

Heroin assisted treatment is now available in 5 countries. For that small minority with very severe problems for whom nothing else works, heroin assisted treatment has proven to be very effective, safe and cost effective. Street heroin causes major problems for every body. Yet legalized heroin in the form of heroin assisted treatment provides huge benefits for users, their families and communities. Doesn't this demonstrate exactly why we should be legalizing drugs?

Finally, the Affirmative argues that we will never make progress with this difficult problem while we keep ignoring a simple law: the law of supply and demand. □



Ten years ago Portugal legalised all drugs -- what happened next?

Tony O'Neil

The following article appeared in the Information Clearing House, July 16, 2011. This is what happened in a country where drugs were legalized. It strengthens the case put forward in Australia by such advocates as Dr A. Wodak who in the earlier article sets out a concrete program for reform in Australia.

Although the Netherlands is the European country most associated with liberal drug laws, it has already been ten years since Portugal became the first European nation to take the brave step of decriminalizing possession of all drugs within its borders—from marijuana to heroin, and everything in between. This controversial move went into effect in June of 2001, in response to the country's spiraling HIV/AIDS statistics.

While many critics in the poor and largely conservative country attacked the sea change in drug policy, fearing it would lead to drug tourism while simultaneously worsening the country's already shockingly high rate of hard drug use, a report published in 2009 by the Cato Institute tells a different story.

Glenn Greenwald, the attorney and author who conducted the research, told *Time*: "Judging by every metric, drug decriminalization in Portugal has been a resounding success. It has enabled the Portuguese government to manage and control the drug problem far better than virtually every other Western country."

Back in 2001, Portugal had the highest rate of HIV among injecting drug users in the European Union—an incredible 2,000 new cases a year, in a country with a population of just 10 million. Despite the predictable controversy the move stirred up at home and abroad, the Portuguese government felt there was no other way they could effectively quell this ballooning problem. While here in the U.S. calls for full drug decriminalization are still dismissed as something of a fringe concern, the Portuguese decided to do it, and have been quietly getting on with it now for a decade. Surprisingly, most credible reports appear to show that decriminalization has been a staggering success.

Judging by every metric, drug decriminalization in Portugal has been a resounding success.

The United States Drug Enforcement Agency (DEA) sees it a bit differently. Portugal, they say, was a disaster, with heroin and HIV rates out of control.

"Portugal's addict population and the problems that go along with addiction continue to increase," the DEA maintains. "In an effort to reduce the number of addicts in the prison system, the Portuguese government has enacted some radical policies in the last few years with the eventual decriminalization of all illicit drugs in July of 2001."

However, as Glenn Greenwald, the author of the Cato study, concludes: "By freeing its citizens from the fear of prosecution and imprisonment for drug usage, Portugal has dramatically improved its ability to encourage drug addicts to avail themselves of treatment. The resources that were previously devoted to prosecuting and imprisoning drug addicts are now available to provide treatment programs to addicts."

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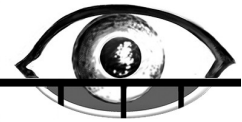
Under the perfect system, treatment would also be voluntary, but as an alternative to jail, mandatory treatment saves money. But for now, "the majority of EU states have rates that are double and triple the rate for post-decriminalization Portugal," Greenwald says.

For those looking for clues about how the U.S. government can tackle its domestic drug problem, the figures are enticing. Following decriminalization, Portugal eventually found itself with the lowest rates of marijuana usage in people over 15 in the EU: about 10%.

Compare this to the 40% of people over 12 who regularly smoke pot in the U.S., a country with some of the most punitive drugs laws in the developed world. Drug use of all kinds has declined in Portugal: lifetime use among seventh to ninth graders fell from 14.01% to 10.6%; lifetime heroin use among 16-18 year olds fell from 2.5% to 1.8%.

And what about those horrific HIV infection rates that prompted the move in the first place? HIV infection rates among drug users fell by an incredible 17%, while drug related deaths were reduced by more than half.

"There is no doubt that the phenomenon of addiction is in decline in Portugal," said **Joao Goulao**, President of the Institute of Drugs and Drugs Addiction, at a press conference to mark the 10th anniversary of the law. □



Access to Abortion: Human rights issue for Australian women

Kate Marsh
June 2011



Kate Marsh

Kate Marsh is the Public Liaison Officer for Children by Choice,¹ a pro-choice counseling, information and advocacy service for women facing unplanned pregnancy. Kate's work involves policy and political advocacy around unplanned pregnancy issues at both a state and a federal level, and she has been very active in the campaign to decriminalise abortion in Queensland. Kate is the founder and coordinator of Pro Choice Qld,² a coalition of organisations and individuals who campaign collectively to reform abortion law.

Sexual and reproductive health rights encompass many areas of basic human rights. The right to health and healthcare, the right to information, the right to life, the right to live free from discrimination and the right to privacy are all inherent in comprehensive access to sexual and reproductive health rights.

Of course there are many aspects to this broad area of health rights, including access to good maternity care, sexual health services, contraception and sexuality education. It also includes access to safe and legal abortion - arguably the most contested of sexual and reproductive health rights.

Suffice to say, wildly differing laws from state to state create confusion for doctors and problems for women.

In Australia women's right to lawful abortion is determined by which state or territory she lives in. Abortion is covered by state-based criminal law or health regu-

lations, and ranges between full lawful access and archaic-sounding legal restrictions accompanied by labyrinthine pathways to negotiate in order to have an abortion performed. It's a situation too complex to summarise for this blog, but more information is available here.³ Suffice to say, wildly differing laws from state to state create confusion for doctors and problems for women.

In some states, women may request and be granted an abortion in a public hospital without having to satisfy any grounds other than to give their informed consent for the procedure. In other states a woman who is pregnant following a sexual assault, or who has been diagnosed with a fatal or severe fetal anomaly and wishes to terminate that pregnancy, has only two options: pay hundreds (sometimes thousands) of dollars for a procedure in a private facility or tell her story to upwards of four medical professionals that advise the state hospital's ethics board. The board will then decide whether or not she qualifies for a public procedure.

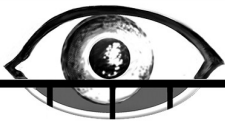
In recent months, I have heard from doctors, social workers and women themselves about cases where women have been denied abortion in horrific circumstances.

I have heard from doctors, social workers and women themselves about cases where women have been denied abortion in horrific circumstances.

One woman diagnosed at 20 weeks gestation with a fatal fetal anomaly – that is, her pregnancy had no chance in resulting in a live birth – was not only refused abortion at her public hospital, but also refused referral to a private specialist and then sent to ante-natal care. She carried the pregnancy for a further 17 weeks before labour followed by stillbirth.

In another case, a woman with a severe medical condition, pregnant after being raped by a carer, was refused an abortion in a public hospital, despite her sight being at risk if the pregnancy continued. She had to find hundreds of dollars herself to have an abortion in a private clinic.

Another woman receiving ante-natal care at a Catholic hospital presented for a scan at 16 weeks only to be told there was no amniotic fluid present, nor a heart-beat. Her fetus had died in utero. Instead of providing her with medical care, the hospital sent her home to wait for certain miscarriage, not wanting to speed the



process as they believed it to be tantamount to abortion.

Such stories are scarily not as uncommon as we would like to think. For some women, the denial of their basic rights to health care results in having to continue with an unwanted or unviable pregnancy. It's a post-code lottery. The inequity is staggering. In a first world country with what is generally considered a first class health system, this is unconscionable and a clear breach of human rights.

Around the world, human rights acts, charters and instruments have done much to advance people's enjoyment of optimal sexual health and reproductive health and rights, including the right to abortion.

South Africa's Bill of Rights⁴ has enshrined the 'right to bodily and psychological integrity, which includes the right... to make decisions concerning reproduction', which has protected abortion access from anti-choice attacks.

Human rights groups around the world continue to advocate for the removal of laws criminalizing abortion.

In the United States, the decision in 1973's Roe v Wade Supreme Court case⁵ overrode state laws to legalise abortion up until viability to protect women's constitutionally-protected right to privacy.

Human rights groups around the world continue to advocate for the removal of laws criminalizing abortion. Amnesty International has urged all countries still holding these laws to repeal them;⁶ Human Rights Watch continues to document the result of criminalised abortion⁷ and lack of abortion access.

The Parliamentary Assembly of the Council of Europe has also called upon member states which have not already done so to decriminalise abortion⁸ to 'guarantee women's effective exercise of their right to abortion and lift restrictions which hinder, /de jure / or /de facto/, access to safe abortion'.

The introduction of a National Human Rights Action Plan provides a unique opportunity to level the playing field in Australia. Naturally this debate cannot take place solely in a rights-based framework, but it is a great place to start.

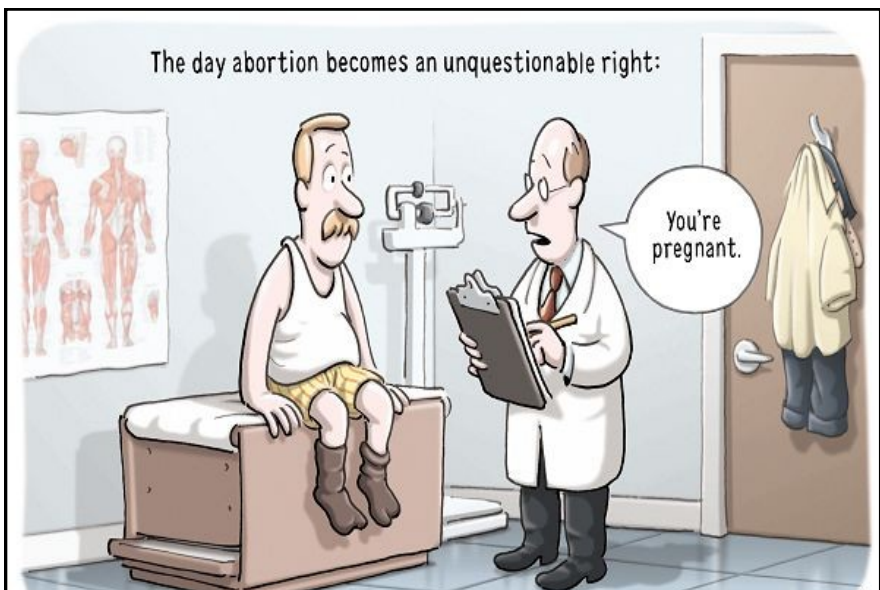
Essential components and areas to

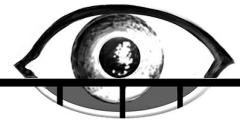
target include access to quality, safe, legal and affordable abortion services; national standards for quality sexuality education; and honest discussions about the rights of faith-based or anti-abortion health workers or facilities to withhold abortion care or information versus the rights of pregnant women. Conversations on these and other related issues are already taking place in different jurisdictions around Australia.

However, to expand those discussions as part of a national approach to consistent rights for all would be infinitely preferable if we are to avoid a repeat of the current confusion caused by different rules for different states. A national action plan should underpin the provision of these services and increase the accountability and transparency of provision, as well as providing national consistency and clarity.

If, as many hope, the National Human Rights Action Plan is a stepping stone on the way to a national charter of rights, it is vital that we include sexual and reproductive health rights, particularly in relation to abortion, from the beginning. □

1. www.childrenbychoice.org.au
2. www.prochoiceqld.org.au
3. <http://www.childrenbychoice.org.au/nwww/auslawprac.htm>
4. <http://www.info.gov.za/documents/constitution/1996/96cons2.htm>
5. http://en.wikipedia.org/wiki/Roe_v._Wade
6. <http://www.amnesty.org.au/svaw/comments/2420/>
7. <http://www.hrw.org/en/topic/health/sexual-and-reproductive-health>
8. <http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc08/edoc11537.htm>





HISTORY CORNER

By what right do we protest?

Humphrey McQueen



Humphrey McQueen

Speech by Humphrey McQueen, an Australian author, historian, and cultural commentator, on 16 December 2010 at a WikiLeaks/Julian Assange support rally, Canberra. In this speech, he deals with how Australians won important civil liberties. This transcript of the speech was sourced from Civil Liberties Australia, the civil liberties organization in the Australian Capital Territory.

By what right are we here today? Why are we confident that we can protest and not be shot at by the political police on the fringes of this crowd? We take it for granted that we won't be arrested as we leave. We do not expect to lose our jobs by speaking out for WikiLeaks. The Constitution of the Commonwealth gives us no right to peaceful assembly. The only two rights in that document are fair compensation for confiscated property and freedom from religious discrimination in the public service.

Nor is our right to be here today in Magna Carta. That document gave power to the barons against the monarch. The serfs had to revolt against both kings and lords to gain a breathing space.

Our right to assemble was won by continuing struggles.

Under pressure from the ultra-reactionary Citizens Electoral Lobby, the Coalition spokespeople on education want Magna Carta in the National Curriculum. Julie Bishop and Christopher Pyne contend that our rights arrived from England in a box. The truth is that such rights as we possess were won against the likes of Bishop and Pyne. Their political and ideological forebears opposed the rights that they now pretend to endorse. When those rights were being won, their kind denounced the struggle for freedom as terrorism.

For instance, who gave us a free press? Was it some Murdoch from 200 years back? No. A free press was won by London radical printers. One hero was the Republican and atheist Richard Carlile. He was backed by 150 tradesmen and others who, between them, went to prison for a total of 200 years. The tally would have been greater had London juries often refused to convict, despite the bias of presiding judges.

At the same time in the penal colonies of New South Wales and Van Diemen's Land, the governors imprisoned newspaper editors. The editor of the *Sydney Monitor*, Edward Hall, continued to edit his paper from his prison cell. These ex-convicts brought an end to the licensing of newspapers here before that freedom came to Britain.

Who is the rightful inheritor of Carlile and Hall? Mass Murdoch or Julian Assange? Hall and Carlile won our right to know what is in WikiLeaks against the Murdochs and the Gillards of the 19th century. Of course, the media will never be truly free until they cease to be businesses.

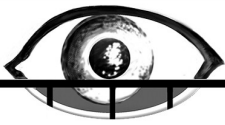
So again I ask: by what right do we assemble here today? Our right to assemble was won by continuing struggles. Free-speech fights have raged across Australia for nearly 200 years. Take one case. The NSW government banned the British union leader Tom Mann from speaking in Broken Hill during the 1909 strike. When Mann stood just inside the South Australian border, hundreds took special trains to hear him.

Where is a politician today who could get anyone to cross the street to endure their spindoctoring?

The right to speak without a police permit became a burning issue during the fight against conscription in 1916 and 1917. At the time, so-called British liberties had been wiped out by the War Precautions Act. The solicitor-general later explained the scope of its powers:

... the result soon was that John Citizen was hardly able to lift a finger without coming under the penumbra of some technical offence

The legal right to speak, publish and assemble had been abolished. The practical rights to do so were kept alive by the hundreds who broke the law.



Speaking in the Hobart Domain in 1916, union organiser Samuel Champ answered our question:

Our liberties were not won by mining magnates or stock-exchange jobbers, but by genuine men of the working-class movement who had died on the gallows and rotted in dungeons and were buried in nameless graves. These were the men to whom we owed the liberties we enjoyed today. Eight hours and other privileges in Australia had been won by men who suffered goal and persecution.

The War Precautions Act was still being used against union officials 10 years after the Peace Treaty. By then, the government had set up a political police force and passed a Crimes Act aimed at any kind of dissent.

Take a case from the 1930s depression. On Friday night, 19 May 1933, the Communist painter Noel Counihan locked himself in a metal cage on Sydney Road, Brunswick, to keep speaking while the police cut the bars and locks. Meanwhile, the police had shot a decoy speaker in the thigh – he carried that bullet for the rest of his life as a testament to British liberties. Counihan joined 17 others in prison for speaking in public. They held Marxist study classes and taught the other inmates to sing the *International*. The conviction was overturned on an appeal through a technicality. Far more importantly, the campaign for free speech had become so intense that the government had to rewrite the *Street Meetings Act*. Permits were no longer necessary. Brunswick now boasts a monument to the free-speech fighters.

The contest takes ever new forms. Throughout 2010, the Melbourne City Council has been harassing the defenders of the Fertility Control Clinic in Wellington Parade. Radical Women turn out once a month in defiance.

By what right? Our right to be here today was upheld by street marches in Brisbane throughout the 1970s against the corrupt and reactionary regime of Bjelke-Petersen. Thousands were arrested, many of them bashed more than once. In their front ranks was Labor Senator George Georges. Where is the ALP Senator today who would spend nights in a prison cell? They are too busy attending \$10,000-dinners for the big end of town.

By what right? Our rights have been earned by breaking oppressive laws. The Eureka rebels stood trial in Melbourne in 1855 for treason. They had taken up arms against the Crown. In terms of the law, they were as guilty as sin. But what happened? Juries of their peers set them free. The jurors did not sentence them to hang but treated them as the heroes they were.

Across the centuries, oppressive laws have been changed by the good sense of jurors. Only in 2010, the prosecutor in the Cairns trial of the young couple

charged over the chemical termination of a pregnancy told the jury that they were to apply the law, not to rewrite it. The jurors knew better and threw the case out, thereby making it highly unlikely that anyone else will be charged with this offence.

By what right do we gather here today? Our right was secured by three votes by the Australian people to reject government policies. The first two of these victories came during the First World War when the people voted against attempts to introduce conscription for overseas service. Had the state got that power, the balance of forces would have been tipped against liberty. For a start, greater military powers would have opened the door to industrial conscription. The mood of the country would have changed. The defeat of the plebiscites allowed progressives to claim moral authority in their resistance to mass slaughter.

The next mighty victory came in September 1951 when a majority rejected an attempt to alter the Constitution to outlaw the Communist Party. The Menzies regime had come to power late in 1949 on a promise to ban the Reds. So confident was the state that it ordered the barbed wire for a concentration camp to contain 1,000 communists and their families.

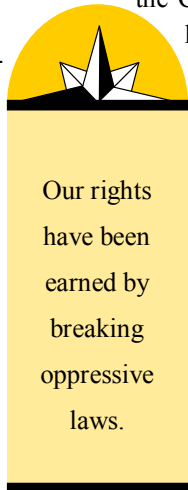
Unions challenged the law in the High Court. Six of the seven judges said the ban was unconstitutional. Their reasoning had nothing to do with the protection of liberties. They feared that the Act limited the powers of their court.

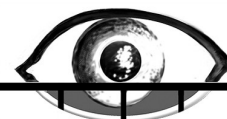
What happened next is unbelievable in terms of parliamentary performance today. The leader of the Labor Party, 'Doc' Evatt, led the campaign against banning the Communists. He took up this cause with the support of only 12% of the population. Where were the focus groups? Evatt won the popular vote after tens of thousands of supporters turned that 12% into a slender majority. Where is an ALP leader today with the guts to follow Evatt's example? Moreover, the taking up an unpopular cause did not harm Labor's popular support. At a half Senate election in May 1953, the Labor vote increased by more than 5% on the poll in April 1951.

Defeating conscription and the anti-Red Act are the pillars of our liberties. They are our Magna Carta. They are our Bill of Rights. It is no surprise that Pyne and Bishop do not insist on these three victories being in the National Curriculum.

Without all the struggles sketched above, we might not be able to protest here today. Without them, would we be allowed to read the WikiLeaks on the front pages of the capitalist press?

.....Section deleted here deals with leaking of state secrets.....





My end is in my beginning. Again I ask you to ponder by what right we are here today. The answer is in our acting as we are doing, that is, by stepping forward to remind governments and corporations that we will not be silent, that we see through their lying as much as we distrust their promises. Our assembling here this afternoon is just one more example of how Australians have carried forward the oath sworn at Eureka in December 1854:

We swear by the Southern Cross to stand truly by each other, and fight to defend our rights and liberties.



The Southern Cross

By living up to those sentiments as we are today, we need never hesitate when asked by what right we protest and struggle. Our rights to do so were won as they are now being upheld...by protests and in struggle. □

Democracy in the USA under attack

Eddie Clarke

Key civil liberties removed

Following on the heels of previous attacks on civil liberties by the 2001 Patriot Act and the Military Commissions Act 2006, President Obama on 31 December 2011 signed the National Defense Authorization Act (NDAA) into law after it had earlier been passed by Congress and the Senate. Sections 1031 and 1032 authorise the U.S. military to pick up and imprison without charge or trial civilians, including American citizens, anywhere in the world. The US military can take custody of citizens even inside the United States, cases that previously have been handled by federal, state and local law enforcement authorities. Thus, the NDAA allows American citizens to be snatched off the street and held in detention camps without trial.

The US government justified these provisions as a means to combating terrorism, but in substance any American opposed to the policies of the US government can, under the provisions of the NDAA, be labeled a "suspected

Thus, the NDAA allows American citizens to be snatched off the street and held in detention camps without trial.

terrorist" and arrested under military detention. Already in 2004, Homeland Security defined several categories of potential conspirators or suspected terrorists including domestic radical groups, [antiwar and civil rights groups], and disgruntled employees [labor and union activists].

The American Civil Liberties Union (ACLU), in addition to other human rights organizations, were quick to condemn this action. On the same day, 31 December, the ACLU issued a press release which included the following statements:

"President Obama's action today is a blight on his legacy because he will forever be known as the president who signed indefinite detention without charge or trial into law," said Anthony D. Romero, ACLU executive director. "The statute is particularly dangerous because it has no temporal or geographic limitations, and can be used by this and future presidents to militarily detain people captured far from any battlefield. The ACLU will fight worldwide detention authority wherever we can, be it in court, in Congress, or internationally." ...The ACLU believes that any military detention of American citizens or others within the United States is unconstitutional and illegal, including under the NDAA. In addition, the breadth of the NDAA's detention authority violates international law because it is not limited to people captured in the context of an actual armed conflict as required by the laws of war...

Thankfully, we have three branches of government, and the final word belongs to the Supreme Court, which has yet to rule on the scope of detention authority. But Congress and the president also have a role to play in cleaning up the mess they have created because no American citizen or anyone else should live in fear of this or any future president misusing the NDAA's detention authority.

Troops are being prepared to carry out detention associated with civil unrest

On 1 December 2008, the *Washington Post* reported on plans to station 20,000 U.S. troops from Iraq inside America for purposes of "domestic security" from September 2011 onwards, an expansion of Northcom's militarization of the country in preparation for potential civil unrest following a total economic collapse or a mass terror attack.

A report produced that same year by the U.S. Army War College's Strategic Institute stated, "Widespread civil violence inside the United



States would force the defense establishment to reorient priorities in extremis to defend basic domestic order and human security," adding that the military may be needed to quell "purposeful domestic resistance".

The *Business Insider* 7 December 2011 reported that every soldier that enlists in the Army chooses a Military Occupational Specialty (MOS). Designated by a number and a letter, the 31E MOS now includes advanced responsibilities including command and control of prisoner of war and civilian internee camps.



Existing concentration camps soon to go into full operation

In 2006, the company KBR was contracted by Homeland Security to build detention centers designed to deal with "an emergency influx of immigrants into the U.S," or the rapid development of unspecified "new programs" that would require large numbers of people to be interned.

Just days after the passage of the NDAA on 31 December 2011, reports surfaced that the Federal Emergency Management Agency (FEMA), under the auspices of the Department of Homeland Security, began requisitioning private contractors to provide services for government, defense & infrastructure pertaining specifically to FEMA activities with respect to emergency services.

A document originating from Halliburton subsidiary KBR provides details on a push to outfit FEMA and US Army camps around the United States. Entitled "Project Overview and Anticipated Project Requirements," the document describes services KBR is look-

ing to farm out to subcontractors. Services up for bid include catering, temporary fencing and barricades, laundry and medical services, power generation, refuse collection, and other services required for temporary "emergency environment" camps located in each State in five regions established .

The document required subcontractors to:

Establish services listed below within 72 hours for initial set-up and respond within 24 hours for incremental services. This is a contingency project and it should be stressed that lead times will be short with critical requirements due to the nature of emergency responses. Subcontractors must be flexible and able to handle multiple, shifting priorities in an emergency environment. Supply lines needed must be short but not necessarily pre-positioned.

The personnel on site to be covered by these services will depend on the size and scope of the recovery effort, but for estimating purposes the camp will range in size from 301 to 2,000 persons for up to 30 days in length."

Estimates of the number of these FEMA camps already in existence vary from 300 to 600.

Will the Occupy Wall Street Movement (OWS) be the first victim?

The US Department of Defense has declared OWS as a low level terrorist organization. The OWS has spread across the USA into a strong grass roots movement which, while it maintains a policy of non-violence, questions the legitimacy of key political and economic institutions:

We want to see a general assembly in every backyard, on every street corner because we don't need Wall Street and we don't need politicians to build a better society. The only solution is World Revolution.

It is highly probable that a FBI false flag operation will place the OWS at the top of the list of high level terrorist organisations and consign a number of its members to the concentration camps. □





Letters to the Editor



In response to a request from one of our readers, the editor proposes dedicating space to a section, **Letters to the Editor**.

Readers are encouraged to make comments on, criticisms of and additions to any of the articles in preceding newsletters. The only restriction on the length is that it does not exceed 1,500 words.

It is expected that the next newsletter will appear in April, so any contributions should reach the author before the end of March.

Contributions may be sent by email or ordinary mail.

Contact details:

Email: isedclar@bigpond.net.au

Mail: Eddie Clarke
15 Diosma St
Bellbowrie
Brisbane Q 4070

The internet forum

Readers are also encouraged to using the QCCL website for information and the Internet Forum just recently set up to enable a free flow of conversation between members.

Our internet forum can be found by ctr. + click <http://qccl.proboards.com/> and to get active all you need to do is click on the button at the top right which says "Register". The system will take you through a number of processes to get registered, but basically within a few hours you can be online in the forum making your views public.

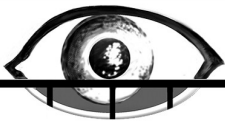
For more detailed information, refer to the article, 'Internet Forum Details', in the October 2011 Newsletter.

BEQUEST FORM

One of the ways by which members can assist the Council is by considering leaving a bequest in their will. Set out below is an appropriate form of words:

"I give..... to the members of the Queensland Council for Civil Liberties (an incorporated body) at my death for the benefit of the Council and I direct that the receipt of the secretary for the time being of the Council shall be sufficient discharge to my executors.

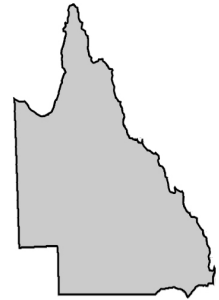
If, at my death, the Council has incorporated or amalgamated with another body, the gift shall be construed as a gift to the incorporated body or to the members of the body with which the Council is amalgamated and the receipt of the secretary or the treasurer for the time being of the incorporated body or amalgamated body shall be a sufficient discharge to my executors."



About QCCL

The Queensland Council for Civil Liberties is a voluntary organisation concerned with the protection Of individual rights and civil liberties. Our aims are to:

- Be vigilant in matters affecting civil liberties and to safeguard and develop respect for human rights and freedoms.
- Expose abuses of civil liberties; publicly opposing laws and actions that undermine civil liberties.
- Educate citizens and inform them about threats to their rights and liberties; encourage public discussion on civil liberties issues.
- Seek solutions to problems relating to civil liberties, including prison reform, anti-terrorism, sedition, rights of minority groups, abuse of police powers and women's rights.



Queensland Council for Civil Liberties
GPO Box 2281 Brisbane Qld 4001

Affix
Stamp
here

Affix mailing label here

QCCL MEMBERSHIP FORM

I agree with the aims of the QCCL and wish to become a member.
I enclose (please tick)

- \$25 (single) \$10 (student/low income) \$50 (Non-Profit Organisations)
 \$40 (family) \$..... (donation) \$100 (Corporate Organisations)

Please send this form and accompanying membership fee to:

Queensland Council for
Civil Liberties
GPO Box 2281
Brisbane Qld 4001

Dr/Mr/Mrs/Miss/Ms

Street AddressSuburb

State Postcode Telephone Mobile

Fax Email

- Please send me information about making a bequest Please remove me from your mailing list