

HAMSTERS WITH PLASMAS

It is a great pleasure for me to be here this evening to speak to Liberty Victoria members and friends, and in honour of Alan Missen.

I am going to talk tonight about my grandfather, about forelock-tugging British politicians, about dead things and hamsters and the Dark Ages, but, first, about Alan Missen.

From what I have learnt of him, Alan Missen was a terrific supporter of civil liberties, and a tireless floor-crosser. Behind two independents (whose job, after all, is to cross the floor) he still holds the commonwealth record in floor-crossing: 41 times. Like whistle-blowing and other forms of exercising one's conscience, floor-crossing is not something that makes you popular: Missen was never on the front bench. It can make you a hero, but it does not make for an easy life. It is therefore all the more to be admired.

Over 20 years ago, in 1985 Alan Missen wrote an Occasional Paper called, 'The Relevance of Liberalism Today'. He wrote:

... in this present era, there is a new battle over the direction of modern liberalism. The compassion and concern for disadvantaged sections of the community, particularly those living in poverty,.. is challenged on a two- sided attack. The indiscriminate application of money to problems by liberals and others in government has imposed too heavy a burden on the wage and salary earners and the producers of wealth. Thus there has been a savage reaction,.. a polarisation of the community into "haves and have-nots" and a rising conservatism based largely on fear and insecurity. *It has been described as "the conservative onslaught" by John Kenneth Galbraith.* I have .. described it as "the politics of fear" and fear is a powerful emotion in politics.

At about the same time, Missen addressed the British House of Commons on ‘Freedom of Information – The Australian Experience’. It seems the Brits were way behind, and he had gone, gently and kindly, to tell them a thing or two about the Australian campaign for and the enacting, in 1982, of the Freedom of Information Act . Sadly, some of the things Missen said are probably *more* relevant now, than when he said them. He spoke of the threat of what he called ‘elected dictatorships’ in this way:

We have many examples where Prime Ministers are seen to have had too much power. I think Cabinets also have too much power. The office of Prime Minister is developing into a type of presidential system and their control over information is a power in itself. Parliament must restore the balance of power and FOI will assist it.

I understand that Liberty Victoria’s campaign theme for this year is ‘Australian Values.’ In his speech to the British politicians, Missen pointed out to them one of the core Australian values he thought might be missing in their country, and which had been instrumental in the success of the Australian campaign for freedom of information. He put it this way, a way that made me like him a lot:

I am told,’ he said to them, ... ‘that "nanny knows best" is one of the philosophies of people here, I suppose with [the] experience of being brought up by nannies. I think in our rough crude way we Australians do not have that worry or that undue deference for authority.

I quote these speeches of Missen’s because, read together, they identify something crucial. What we used to think of as a fundamentally Australian value, as he puts it, diplomatically, ‘[no] undue deference for authority’ (I believe there is also a hand gesture for this), is precisely what is undone by a politics of fear.

Australians have been made frightened by our politicians – of terrorists cunningly disguised as would-be child-murders arriving in leaky boats to seek asylum and infiltrate Australian society, or masked as mild-mannered Gold-coast doctors - and have thus sat back as politicians have given themselves and their agencies sweeping and unchecked powers, powers that by-pass the courts and diminish our civil rights, in order to ‘protect’ us.

The Australian people’s healthy skepticism towards authority seems to have been replaced, generally speaking, by the desire to be protected from an amorphous, omnipresent, hideous foe. We want security over freedom of expression and personal liberty; we want to protect our families and our mortgages from assault. It seems to me we are like hamsters with plasmas, asking the government to make the bars on our cages ever fatter, to protect us from a Tiger— a fierce one from overseas, or an indigenous Tasmanian one— that may or may not exist.

There is no evidence that the more draconian measures that are incursions into our liberty are helpful in combating terrorism.

We might describe these measures as the bars on our cage. They would include executive prescribing of banned organizations and criminalizing of their members without judicial oversight, sedition laws, preventive detention, reversing the presumption of innocence, limiting habeas corpus, bans on media reporting that someone is held or has been held in custody, extension of FOI exemptions. I say nothing of the effect of the ‘mistaken’ imprisonment of some 147 people in detention centres without cause or trial, the raiding of a

Melbourne publisher and confiscation of its hard disks, or the abandonment of Australian citizens overseas in Guantanamo Bay.

There is no evidence that the system as it was before would not have been able to deal with the threat of terrorism. What is beyond doubt however, is that the measures taken are designed to stifle legitimate public knowledge and debate of government action.

It seems to me too that this government, in going to war with the USA, has effectively laid Tiger bait right at the door of our cage. 'We're with you!' Australia has said to the USA; 'Me too, me too' Australia has said to becoming a terrorist target. And, stripped by fear of our quintessential Australianness, our self-reliance and self-respect, we look now to our government, and to theirs, to protect us.

Fortunately, President Bush has taken the lead on combating terrorism. He has said, as is well-known:

'Our enemies are innovative and resourceful, and so are we. They never stop thinking about new ways to harm our country and our people, and neither do we.' (Washington DC 08.05.04)

It is too easy to quote George Bush's malapropisms. Which is not to say it isn't also fun, or worth doing. So, this, in April 2005 on, one assumes, legislation to do with freedom of information:

'We look forward to analyzing and working with legislation that will make— it would hope— put a free press's mind at ease that you're not being denied information you shouldn't see.'

Something is trying to be said here. Or have I spent too long studying a dictatorship – the East German one - where the only information people got was what they read *between* the lines?

It is perhaps unfair to single out the president. I am a great admirer of many things American, but not G W Bush. He represents a stream of the American tradition that Lewis Lapham, the esteemed former editor of Harper's Magazine, has chronicled with dismay and delight by collecting quotes from high school and university students' essays. I thought I'd share a little of our friends and protectors' Zeitgeist with you:

The Greeks invented three kinds of columns: Corinthian, Doric and Ironic. They also had myths. A myth is a female moth.

Plato invented reality. Pythagasaurus fathered the triangle.

Ivan the Terrible started life as a child, a fact that troubled his later personality.

The government of England was a limited mockery. When Queen Elizabeth exposed herself before her troops, they all shouted, Hurrah! Then her Navy went out and defeated the Spanish Armadillo.

The USSR and the USA became global in power, but Europe remained incontinent.

We in all humility are the people of current times. This concept grinds our critical seething minds to a halt.

During the Dark Ages it was mostly dark.

I thought these were very funny. But when I looked at them more closely, I started to see meaning in these perversions of reason:

— the idea of someone inventing a reality (of WMD, say, or children overboard);

— the limited mockery that can be government (as it jettisons the game rules of democracy);

— global power;

not to mention the trouble our childhoods might give us, all seemed to – ‘grind my critical seething mind to a halt’.

But, of all of this it was ‘During the Dark Ages it was mostly dark’ that resonated especially deeply with me.

In the dark ages, it *was* mostly dark, because people moved away from reason, debate and democracy. They reverted to superstition and spin, water-divining, witchcraft, icon worship, leeches, and early forms of what we now know as Hillsong, reiki and intelligent design. Governments were theocratic and totalitarian.

People were required to TRUST in God, and TRUST in their rulers. Blind trust, or unquestioning belief requires the silencing of the questioners. It requires punishment for heresy. And nice, firm sedition laws; laws by which a government can criminalize its critics.

I'm sorry that I don't have a personal tale of heresy to share with you today. As for sedition, well, I'm working on it as we speak.

This kind of TRUST is exactly the opposite of the healthy skepticism about authority that leads to checks against what Alan Missen called the 'elected dictatorship'.

Civil liberties give us the ability to ask the questions; to keep the Dark Ages at bay. We must NOT trust, where trust is not appropriate.

When introducing some of his innovative, pre-Magna Carta laws, Mr Ruddock said, 'The criminal law system that waits until an offence has occurred and deals with the consequences is not seen to be appropriate in the new environment.' And with that, and the terror laws now passed, he has abandoned the rule of law, and sanctioned secret executive punishment of Australians.

John Howard has asked for us to trust him – after his many, many lies. He and Mr Ruddock both chuckled as they told the media that cartoonists and satirists would be able to continue to work despite the new sedition laws. 'Trust us,' they might have said, 'we have no present intention of locking you up.'

Trust has no place in science: trust me, my results are superb! We have peer review.

Trust has no place in the law: trust me – I'll just hear this case in camera and not publish my reasons. We have, mostly, open justice and independent judges.

And trust has no place in democracy. Government is not something to be taken on trust. This is why we have had democratic checks and balances: the separation of powers, judicial review of government action, free speech.

The Dark Ages, times of faith, trust and totalitarianism are not over. They need at every moment to be resisted. The thicker we let those 'protective' bars on our cage become, the darker it gets in here.

My grandfather was a pathologist; he spent his working life studying dead tissue to find the cause of illness. My father is a medical researcher whose work involved sometimes making animals sick, or studying dead ones, in order to see – by examining these deviations from health – how diseases came about, and discover then how to cure them. When I think about my interest in civil liberties, constitutional and human rights law, about my book *Stasiland*, and also about the one I'm working on at the moment, it is clear to me that the family tradition continues. I have been looking at diseased or dead or stillborn democracies, because I am interested in what makes a society just, or, to continue my analogy, 'healthy.' I am interested in what happens when basic democratic safeguards are abandoned in a country – as a way, perhaps, of seeing the beautiful, invisible, and utterly necessary filaments of civil liberties – without which a society will fail – fail to be just, fail to progress ideas, fail to do the best for the most of its people.

It might seem morbid to speak of a ‘dead democracy’, but that is exactly what I was looking at when I wrote about the German Democratic Republic.

By way of background, *Stasiland* is a book about four main people – so-called ‘ordinary’ but deeply extraordinary people - who had the courage and spine to respond to their consciences despite the prevailing orthodoxy, wisdom and political necessity of their times, and at their own considerable cost. One is Miriam Weber, who as a sixteen year old very nearly succeeded in scaling the Berlin Wall; another Frau Paul, who was offered a truly mephistophelian bargain: to betray a friend or abandon her seriously ill baby; another is the rock star Klaus Renft, who was declared, to his face, to ‘no longer exist’ and then, in an example of the word made manifest, ‘disappeared’ from East Germany.

On the other side, *Stasiland* is a book about some former Stasi men; men who accepted the politics of their day as a reality that could not, or should not be changed. They spied on their families and friends, they opened boots of cars in transit to West Berlin and sent would-be escapees off to prison, or they spread ‘disinformation’ in West Germany in order to bring down politicians there. It’s about how these men deal with their loss of power, the hand history has dealt them, and the kinds of contortions of conscience they now undertake in order to remain upright. *Stasiland* is about the extremes of what it is to be human, and what humans, unchecked, will do to one another.

What I'd like to do in the time that remains to us tonight, is to examine the lack of vital signs that existed in that dictatorship, as a way of highlighting what we must safeguard here.

I would ask you then, to don your metaphorical white surgical gloves and put a peg on your nose.

This autopsy is a slightly unusual procedure. We have two victims on the slab before us, one of whom, the German Democratic Republic was buried in 1990. I dug it up in *Stasiland*, and it is a bit on the nose. The other, however, the Australian democracy, is not dead, just a bit—peaky. It is exhibiting some disturbing symptoms, which we will examine.

The first of these, is the huge expansion of the powers of ASIO. These new powers abandon three fundamental principles of the rule of law: they remove the right to silence, habeas corpus and reverse the onus of proof—procedural protections, as we know, designed to avoid forced confessions and unfair convictions. ASIO's budget has grown five-fold since 9/ 11: and staff numbers have increased from 584 in mid- 2001 to 1070 in mid 2006, and are forecast to grow to 1860 by 2010-11. This, it must be said, is nothing, compared to what killed the GDR (p 56). But let's have a look at where this symptom might lead.

The GDR was a front-line state in the Cold War; it saw itself as besieged by enemies on the outside: the Federal Republic of Germany, NATO, the US, and, increasingly, enemies within. Spying on its own population became, in fact, the regime's *raison d'être*, its lifeblood, its information source on what was

going on in the country, and its back-up full-employment scheme. Laid out end-to-end, the GDR amassed more written records – largely the stolen biographies of its own people – in its 40 year history than in all the rest of German history since the middle ages.

I'll read you an extract from my encounter with the former Stasi agent, Herr Bock of Golm as I called him. This took place in his gloomy house on the outskirts of Potsdam.

'Most often,' he says, 'people we approached would inform for us. It was very rare that they would not. However, sometimes we felt that we might need to know where their weak points were, just in case. For instance, if we wanted a pastor, we'd find out if he'd had an affair, or had a drinking problem—things that we could use as leverage. Mostly though, people just said yes.'

It is dark now, but Herr Bock seems to be brightening right up. 'The third method was "Operational Control of Persons".'

'What does that mean?' I ask.

'Well,' he said, 'they were controlled using means and methods, all the means and methods allowable could be used to control them.' He puts his palms together, then closes them up between his legs. 'It got pretty tough for some people, you'd have to say,' he says.

These were the allowable means and methods:

Telephone tapping

Mobilisation of Informers

Shadow surveillance by Observational Forces

Use of Investigative Forces

Use of Technical Forces (including the installation of technology—bugs—in living quarters of the subject)

Post and parcel interception

That leaves only one thing I can think of.

'Did you use smell sampling?'

‘Oh no no no,’ he says, ‘that was for criminals.’

‘Well who were the people you were doing the ‘Operational Control’ on?’

‘They were enemies.’

‘Oh. How did you know they were enemies?’

‘Well,’ he says in his soft voice. ‘Once an investigation was started into someone, that meant there was suspicion of enemy activity.’ This was perfect dictator-logic: we investigate you, therefore you are an enemy. ‘We searched for enemies in all the areas I mentioned: in the factories, in the state apparatus, the church, the schools and so on. In fact,’ he says, ‘as time went on there was more and more work to do because the definition of ‘enemy’ became wider and wider.’

I put my pen in the crease of my notebook and peer into the gloom in his direction. Herr Bock says other professors at the Academy spent their careers expanding the reach of the paragraphs of the law so as to be able to encompass more enemies in them. ‘In fact, their promotions depended on it,’ he says. ‘We talked about it among ourselves up on the 6th floor over there,’ an arm gestures toward the building opposite. ‘And I don’t mind telling you that some of us actually thought the paragraphs became a little too wide.’ I nod. If, by the mere fact of investigating someone you turn them into an enemy of the State, you could potentially busy yourself with the entire population.

‘Too wide,’ he continues, ‘to be properly carried out. Within available resources I mean.’

The second symptom is the proscription on ‘seditious’ or ‘radical’ speech.

These sorts of provisions can turn a true patriot, someone who wants their country to be the best it can be, into a traitor. There are several instances of this in the book. The first, is of the main character, Miriam who, as a 16 year old, put leaflets up around Leipzig protesting about the lack of consultation by the government when it pulled down the beautiful University Church in 1968.

What happened to Miriam then is textbook tyranny, and it illustrates too, the third major symptom. This is the abandonment of the separation of powers and bypassing of judicial review. The government of Australia, as we have

seen, can now proscribe an organization without court oversight, and a suspected member (membership alone is a crime) carries the burden of proof to prove their innocence if charged.

Miriam Weber was suspected of belonging to an illegal underground organization which helped her try to escape over the Berlin Wall; she was tortured; and she provided a spectacularly unreliable confession.

Miriam was held in a cell in Dimitroffstrasse, which has been recreated in the nearby Stasi Museum. The cell is two metres by three, and at one end it has a tiny window of dull frosted glass recessed very high up. It has a bench with a mattress, a toilet and a sink. The door is thick, with metal bolts across it, and a spy hole for the guard to watch you. It is hung in a wall so deep I felt I was going into an airlock.

... Miriam was allowed no telephone calls, no lawyer, no contact with the outside world. She was sixteen and back in solitary. 'When they came to take me to interrogation,' she says, smiling, 'at least it was something to do. But that,' she pauses, 'that is when the whole miserable story really took off.' Back in Leipzig, the Stasi let her have it.

...

The interrogation of Miriam Weber, aged sixteen, took place every night for ten nights for the six hours between 10 pm and 4 am. Lights went out in the cell at 8 pm, and she slept for two hours before being taken to the interrogation room. She was returned to her cell two hours before the lights went on again at 6 am. She was not permitted to sleep during the day. A guard watched through the peephole, and banged on the door if she nodded off.

'Once in a while I'd look at the eye in the peephole when he was hitting the door and I'd think, "Why don't you just piss off for a change?" and keep dozing. Then he'd come in, shake me, and take the mattress off the bench so there'd be nothing left to sit on. They really made sure that I didn't sleep. I cannot explain how kaput it makes you.'

Afterwards, I looked it up. Sleep deprivation can mimic the symptoms of starvation, particularly in children—victims become disoriented and cold. They lose their sense of time, becoming locked in an interminable present. Sleep deprivation also causes a number of neurological dysfunctions, which become more extreme the longer it continues. In the end, your waking hours take on

the logic of a dream, where odd things are connected, and you are just angry, angry, angry with the world that will not let you rest.

...

...[The main point of the questioning, night after night, was to extract the name of the underground escape organisation that had helped her. They wanted the names of members, physical descriptions. Whose scheme was it to go on New Year's Eve, when the night was full of noise? How did she know to go to the Bornholmer garden plots if she had never been to Berlin before? Who had taught her to climb barbed wire? And, most insistently, who told her how to get past the dogs?

'They just could not fathom how I'd got past that dog,' she says. 'Poor dog.'

They were not above spite. Miriam was told that even if she had made it over she would have been sent back because she was underage. She protested. 'There's no way the westerners would have sent me back here,' she told the interrogating officers. 'Because I am a refugee from political persecution by you people which all started when I put up leaflets.' Miriam puts her chin out, imitating a cheeky kid who still thinks there is a safety net to catch her.

There was one main interrogator, Major Fleischer, but sometimes there were two of them. They both had moustaches and bristly short haircuts, grey uniforms done up tight. The younger one was so stiff he could have had a baking tray stuffed down his coat. Major Fleischer had hair in his ears. Sometimes he pretended to be her friend, 'like a good uncle'. Other times he was threatening. 'There *are* other ways we could do this, you know.' Her answers remained the same. 'I got a train from Leipzig, I bought a map at the station, I climbed over with a ladder, I went under on my belly, and then I made a run for it.'

Ten times twenty-four hours in which you hardly sleep. Ten times twenty-four hours in which you are hardly awake. Ten days is time enough to die, to be born, to fall in love and to go mad. Ten days is a very long time.

Q: What does the human spirit do after ten days without sleep, and ten days of isolation tempered only by nocturnal threat sessions?

A: It dreams up a solution.

Pp 24-6 from 'Bornholmer Bridge'

When I wrote that book, I felt that the issues were universal, but also that they were foreign to me, as an Australian. I felt that the German quality of respect,

even subservience to authority was the very opposite of Australianness. Now that we imprison innocent children in camps in our suburbs – and, despite great protest, the mass of Australians seem to support this measure, I think more humbly about fear and obedience and their universal consequences.

In the end, the people I find most inspiring, in life and in my work, are those who have the courage to do what their conscience tells them: the wall-jumpers, the floor-crossers. In my experience, whether these people know it or not, the tenets of conscience are universally consistent with civil liberties.

Today, in our ailing democracy, those people are in this room. Those people are you. More power to you; more power to us all. We're not scared. We're Australian.

It's not so dark in here yet, is it?

Thank you.