

## Legal fury at 'war on free speech'

by Karen Kissane via stele - The Age Saturday, Dec 11 2010, 9:55am

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*The enduring memory of former Oz PM, John 'deputy sheriff' Howard, protruding from George W Bush's rectum has taught the Australian people a lesson they will not soon forget. While their servile governments kowtow to foreign powers the people will no longer abandon their own -- FUCK cringing politicians in Canberra and fuck mafia Washington; we DEMAND FREEDOM for Oz national, JULIAN ASSANGE or risk FULL SCALE GLOBAL INSURRECTION in the name of (REAL) Liberty, Democracy and FREE SPEECH. Arrest and hold ALL war criminals accountable, RESTORE Representative Government and the Rule of LAW -- free Assange Now!*



**Melbourne holds its own**

A MELBOURNE lawyer and former boss of Prime Minister Julia Gillard has criticised her government for its handling of WikiLeaks and its Australian founder, Julian Assange.

Peter Gordon, whose legal firm made Ms Gillard the first female partner of Slater and Gordon, said her comment that Mr Assange had broken the law was baseless.

He said the fact that people such as Ms Gillard and Attorney-General Robert McClelland - both of whom he knew to be good lawyers and decent people - could be driven to behave in this way was a sobering reminder of "the seductive and compulsive draw of power".

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Mr Gordon was speaking on Thursday night at a WikiLeaks forum attended by 250 lawyers and civil libertarians at the Law Institute of Victoria.

In today's Age opinion page, he writes: "If the Wikileaks disclosures tell us anything, it is that no government, whatever its political colours, is going to hesitate for a nanosecond to conflate the

notion of 'national security' with 'my own career security'."

He calls for a challenge to the "war on information ... call it what it is - a growing and insidious attack on free speech".

Mr Gordon's stance was backed by several top barristers, who said neither official secrets nor terror laws provided any offences under which Mr Assange could be charged in Australia.

Mr Assange also received support from more than 500 people who attended a rally outside the State Library in Melbourne. The rally was one of several held around the country, with backers calling for a ban on WikiLeaks censorship and for Mr Assange to be freed.

Julian Burnside, QC, said of the government: "I think they are trying to defend the indefensible."

He said the state had an obligation to protect citizens who got into trouble in a foreign country. "They ignored that obligation and instead sided with the Americans. They even went so far as to threaten to cancel his passport. That's exactly the opposite of what any self-respecting country ought to do."

Ms Gillard insists the actions of Mr Assange, an Australian citizen, are illegal. Attorney-General Robert McClelland has said Wikileaks' actions are likely to be illegal.

Yesterday Justice Minister Brendan O'Connor said it was entirely up to federal police to say whether Mr Assange had committed any crimes.

Several barristers agreed that it would be stretching credulity to try to mount a case based on terror laws, such as a claim that Mr Assange had recklessly helped al-Qaeda by publishing a list of the sites the US most feared would be terror targets.

Greg Barns, a barrister with experience of Australian terror trials, said: "Even under the outrageous curtailing of freedom of speech that the anti-terror laws represent in this country, you couldn't even at a stretch maintain that there was an intention or even recklessness on the part of Mr Assange."

Mr Barns and others pointed out that any charge laid against Mr Assange would also have to be laid against all the large media outlets that had republished his documents.

Even the United States had so far failed in its search for an offence, Mr Assange's Melbourne solicitor, Rob Stary, said. "This issue has also been examined by the Congressional Research Service in the US, and they made the same observation. He's the second person in the chain; he receives material, but he doesn't take it himself." Therefore, no offence could be identified, he said.

Mr Stary said lawyers at the forum expressed "enormous disquiet as to the role of government attempting to suppress this information" and had criticised Ms Gillard and Mr McClelland for undermining the presumption of innocence.

Mr Burnside said: "I think, standing back from it, what we have seen is what happens to a citizen who breaks the unwritten law about embarrassing the governments of powerful countries ... If they want to avoid embarrassment, they shouldn't shut down freedom of information. They should stop acting embarrassingly."

<http://www.smh.com.au/national/legal-fury-at-war-on-free-speech-20101210-18sv3.html>

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Cleaves Alternative News. <http://cleaves.lingama.net/news/story-2239.html>