

VINDICATED!

Waihopai Domebusters Acquitted Of All Charges

Peace Researcher 40 – July 2010

- Murray Horton

In the early hours of April 30th, 2008, Adrian Leason, Peter Murnane and Sam Land, calling themselves Waihopai Anzac Ploughshares, gained entry to the supposedly high security and top secret Waihopai spybase and proceeded to deflate one of the two giant domes covering the satellite dishes that the NZ Government Communications Security Bureau (GCSB) uses to intercept international civilian telecommunications on behalf of the US National Security Agency (NSA). These domes' only function is to conceal which direction the dishes are pointing i.e. to stop people from working out which satellite/s they are spying on at any given time (one of the consequences of the deflation was that the dish was uncovered for the best part of a year and therefore what it was spying on could be calculated. See Nicky Hager's article elsewhere in this issue for the answers – at least on the one day in July 2009 in which it was intensively observed). For a while the GCSB tried peddling the arrant nonsense that the domes are only there to protect the dishes from the weather but even the most gullible of the media didn't fall for that for long.

Adi, Peter and Sam slashed the dome with nothing more sophisticated than good old cheap sickles, and that did the trick admirably. Ploughshares (which takes its name from the Biblical injunction that "they shall beat their swords into ploughshares") stresses that its activists, of whom there have been plenty in various overseas countries, bear witness to their action and make no attempt at escape. Thus it was with these three (whom we rechristened the Domebusters) – despite spending a goodly number of undetected minutes next to the deflating dome, they made no attempt to damage anything else at the base, or to leave the scene. They waited to be arrested, which they duly were, spending five days in custody in the Blenheim Police Station before being released on bail. Not surprisingly, their unprecedented action (a first for NZ and the first such action anywhere in the world to target a spybase, as opposed to a military base) attracted considerable public and media attention. A lot of the latter was both hysterical and laughably uninformed, a pattern which has persisted up until the present (for a very detailed account of their action and its immediate aftermath, see my article "Pop Goes The Spybase! Waihopai Domebusters Severely Embarrass The Covert State" in *Peace Researcher* 36, August 2008, <http://www.converge.org.nz/abc/pr36-165.html>).

Sickles And Boltcutters

A more up to date insider's account was written by Peter Murnane in a May 2010 pamphlet entitled "Waihopai Spy Base: Ploughshares Action". Here is an extract: "In January 2008 we joined the (Anti-Bases Campaign) protest and were able to observe its security systems: an electric outer fence topped with razor wire; an infra-red beam to detect motion along the inner fence; another tall fence surrounding each of the 30-metre inflatable domes that conceal the large antennae, and numerous video cameras. As we prepared over many months, we thought that the base's security was too strong to go *through*, so we planned to go *over*, and bought an old truck with a hiab hoist. Although we could have shut down the base – e.g. by destroying its computer room – we listened to others and refined our non-violent protest. We limited our action to deflating just one dome, using sickles in keeping with the prophecy: 'They shall turn their swords into ploughshares and their spears into sickles' (Isaiah 2:4). We bought two \$10 sickles, boltcutters and small headlamps, and prepared materials to set up a shrine: red silk cloth, a candle and icons of Jesus and of Archbishop Oscar Romero who was murdered in 1981 by the US-supported government of El Salvador for preaching against military violence. Into our backpacks also went large peace banners to hang on the fences, and a copy of the New Testament.

"We timed our Ploughshares action to follow the Catholic Worker *hui* (assembly) near Christchurch. Without knowing details of our protest, about 20 people from the *hui* made the long road trip to support us with an all-night vigil of community prayer outside the base. After a dawn Mass they dispersed, while we stayed in the neighbourhood for two days before putting our plan into action. Because there had been several days of rain we considered postponing the action, but knew we would not get another chance. Our fears were justified when, as we approached the base through vineyards at 4.30 a.m., the truck slid off the track down a steep bank, beyond recovery.

"But it is a curious truth, a paradox, that in our moments of worst failure we can discover unexpected success. The Gospels call this losing one's life in order to find it; the Buddhists call it finding one's true nature through self-surrender. When we realised that the truck was hopelessly bogged, we saw that we had nothing. But that empty moment proved to be the turning point. Looking at each other, on the muddy track in the rain we decided to continue with the little we had, despite the base's heavy security which had seemed impenetrable.

“We prayed; then applied wet bolt cutters, held in wet hands, to the electrified outer fence. The presumed 40,000 volts had no effect although we saw sparks on a nearby post. Nor did the infra-red beam on the inner fence set off an alarm as we passed through it. No guards came out to intercept us. Once inside the base, we ran quickly to the circular fence around the dome, cut through those bars too and then with sickles slashed the dome that loomed over us like a white cliff. The great rush of wind almost blew us off our feet as six tonnes of plastic sheeting began slowly to collapse. We then spread out the banners and prayed at the shrine we had set up. More than ten minutes passed before the two guards found us, and the Police arrived to arrest us about an hour after we had first entered the base. We felt a deep joy, knowing we had struck a blow against an important instrument of US militarism. Looking back from the Police van as we were driven away we saw a rainbow above the still-deflating dome. We took this as an affirmation of what we had just done.

“But the wheels of the law had to grind slowly into action. At Blenheim Police Station we were fingerprinted, photographed, processed and interviewed and appeared in court that same afternoon. But the Police and the judge were confused, if not in panic, as they tried to grasp the implications of our unexpected attack. We were refused bail and had to wait five days in the cells for the next visit by a judge who might release us. While in prison, we fasted. They took all our clothing and gave us only dark blue paper overalls, in the style of Guantanamo Bay. The weather in early May was frosty and the cells had no heating. Faulty ventilation continuously pumped in the chilly air from outside, but after a few days, friends brought us warmer clothing from the op shop. Even two years later, the media kept using photographs showing us in these clothes on the day of our release. One none too intelligent columnist presumed to analyse our characters by the clothes we were wearing out of necessity. We were granted bail on the second try, on condition that we not associate with each other; report to the Police twice a week; not visit Marlborough except on legal business nor go within 100 metres of any military installation; nor contact any witnesses in our coming trial. After about six weeks our lawyers persuaded the Court to withdraw the first two conditions, making life somewhat easier...”

The depositions hearing (where the prosecution presents its case before a judge, who then rules if it should proceed to trial) was held in the Blenheim District Court in September 2008 (see *PR* 37, November 2008, “Waihopai Domebusters: The Police Present Their Case” by Bob Leonard, court reporter for *Peace Researcher*, <http://www.converge.org.nz/abc/pr37-168.htm> and “ABC In Blenheim In Solidarity With Domebusters”, by Murray Horton, <http://www.converge.org.nz/abc/pr37-168a.htm>). After a hearing that only took a morning they were committed for trial. That was the last time *PR* covered the Domebusters. We wanted to wait until the trial was all over before writing any more.

ABC Played Key Role In Trial Venue Change

There was actually one more Blenheim District Court hearing before the Wellington trial, but nearly everything about it was suppressed until after the trial was over. This was the July 2009 application by the defence for a change of venue from Blenheim to Wellington, on the grounds that they wouldn't get an unbiased jury in Marlborough. It was heard before Judge SM Harrop, the same judge who was to preside over the Wellington trial. Mike Knowles, the lead defence lawyer, relied heavily on an affidavit sworn by me on behalf of the Anti-Bases Campaign (I swore the affidavit in Christchurch in 2008; I didn't have to appear at the Blenheim hearing). I simply itemised a long history of official and community Marlborough prejudice against the ABC and others protesting the base, and included evidence of such prejudice (the various instances of which have been reported in *PR* over the years). Judge Harrop duly delivered a 13 page reserved decision in which he wrote: “The evidence of Mr Horton is therefore unchallenged by affidavit evidence from the Crown as to the facts and opinions expressed in it... In the end I have decided that there remains a real risk that, even with appropriate procedures, the risks to a fair trial that I have identified could still remain...I am therefore satisfied that the ends of justice make it expedient that the trial be held at a Court other than Blenheim. I direct that the trial take place in Wellington...”. He suppressed everything about the hearing, except for its outcome (but it can all be made public now that the trial is over).

That was my only personal involvement in the whole two year long legal process but I'm proud that it played a pivotal part in the case. As soon as the acquittal was announced, the Marlborough Establishment exploded with rage. District Councillor Gerald Hope (a former Mayor) was quoted as saying: “If I was a juror I would have wanted a conviction” (*Press*, 19/3/10, “Spy-base verdict irks locals”). This illustrates perfectly why the defence applied for the venue change for the trial. The *Marlborough Express* editorial (19/3/10; “Verdict puzzles many in Marlborough”) ventured into conspiracy theories: “Palpably it was a very, very smart decision to move this trial to Wellington. The jury would have been middle class, possibly with many civil servants and at a guess, with enough women to bring in such a verdict. Wellington is a liberal city. If it had been moved to Auckland, for argument's sake, it is doubtful the decision would have been the same...Would people here have listened to the same evidence and argument and come to the same conclusion? The men's lawyers thought otherwise. There is more than just Cook Strait that

separates Marlborough from Wellington”.

Attacks On Jury

This is one of the milder attacks on the much maligned Wellington jury. I observed them for the five days that I was a spectator at the trial. I have no idea who they were, what they did for a living; how many, if any, were “civil servants”; whether they were “middle class liberals”; certainly there were a number of women (including one who became ill and was excused from the case, leaving a jury of 11). To me they looked like a cross-section of the community: men and women, a range of ages, not all were white, and, judging from their dress, not all of them were middle class. That is the whole point of a jury – that it be an anonymous representative of society, enabling defendants to be judged by their peers. The Domebusters were, and they were acquitted of all charges after the jury had deliberated for only two hours. That is a pretty convincing vindication.

By the way, two days after the March 2010 acquittal and when the media-led outrage was just starting to work up a real head of steam, I put out an ABC press release titled “Why The Waihopai Domebusters’ Trial Was Moved From Blenheim To Wellington”, inviting the media to read Judge Harrop’s July 2009 decision granting the change of venue. Not one journalist took up our invitation. The facts musn’t be allowed to get in the way of ignorant outraged bellowing. ABC played a small but crucial role in assisting the defence and we’re proud to say so. Actually ABC was supposed to play a role in the actual trial, namely Bob Leonard was supposed to be the defence’s final expert witness (and he patiently waited in the Wellington District Court for all eight days), but his evidence about Waihopai, what it does and where it fits into the US global warfighting machine, was objected to by the Crown and ruled out by the Judge, so he never got to take the stand or have his affidavit admitted into the trial record (you can read Bob’s affidavit elsewhere in this issue).

Media Wilfully Ignored Trial

The trial was fascinating, a landmark case. What a pity that the media didn’t report it. They turned up in large numbers on Day One and came back on Day Eight, for the closing addresses and the jury’s verdict. Hence they heard none of the defence evidence, as Day One was taken up by the prosecution case, basically a repeat of the September 2008 depositions hearing in the Blenheim District Court (see *PR 37*, November 2008, “Waihopai Domebusters: The Police Present Their Case” by Bob Leonard, court reporter for *Peace Researcher*, <http://www.converge.org.nz/abc/pr37-168.htm>). So the bewildered outrage that followed the stunningly fast acquittal really was based on ignorance – the media weren’t there for the bulk of the trial, which was the defence case. If it had been a gory murder case, they would have been there in numbers for every lurid second. There was one honourable exception and he was one of us – Bryan Law, from Australia, was given media accreditation to report the case for the Scoop Website and thus Scoop was the only outlet to report the whole trial (not before Bryan was threatened with being charged with contempt of court for commenting on the case on a blog site; Scoop came to the rescue and accredited him as one of their reporters. The media bench was so conspicuously empty most of the time that Judge Harrop invited people, including kids, from the overflowing public gallery to sit at it).

Bryan Law is a veteran Australian peace and anti-bases activist who has featured in *Peace Researcher* before (see *PR 36*, August 2008, “Pine Gap Spybase ‘Invaders’ Acquitted: Huge Defeat For The Covert State”, by Murray Horton, <http://www.converge.org.nz/abc/pr36-167.html>). Bryan was a stand out speaker at the public meeting that ABC organised in Wellington during the trial. He was only one of several Aussie activists to make a special trip to Wellington to show practical solidarity, including Jim Dowling, one of Bryan’s three fellow Pine Gap spybase “invaders” to have been acquitted in that landmark 2008 decision by the Northern Territory Supreme Court (the Australian government has now changed the law to prevent a recurrence of the defence that worked in their case). Jim has also been a regular in *Peace Researcher* in recent years (see *PR 39*, January 2010, “Resisting Talisman Sabre”, by Jessica Morrison, <http://www.converge.org.nz/abc/pr39-185.htm>). It was the first time that ABC had been able to meet these guys, although we’d had dealings with them for years, and it was great to have them this side of the Tasman for an actionpacked week, both inside the court and on the streets of Wellington. Ciaran O’Reilly is another Aussie activist whom we have known for many years (for a few months in the mid 90s he lived in Christchurch, was an ABC committee member, and was arrested at an action at the US military base at Christchurch Airport). Ciaran was a defence witness who gave evidence about other Ploughshares actions in Dublin, England and Scotland which had resulted in acquittals.

I watched the impact on the jury as Adrian Leason gave his electrifying testimony as to what had motivated him to “disarm” Waihopai on April 30th, 2008. He told them that as he entered the base he was thinking about his three year old daughter (he has seven kids) and he was focused on shutting down the base “to save one little Iraqi girl”. Peter Murnane, who represented himself, spent the best part of two days spelling out his 20+ years of activism against the US military empire in various parts of the Third World; his campaigning against the use of depleted

uranium; and for racial justice in his native Australia. Adrian, Peter and Sam had the jury spellbound as they reiterated that they had no doubt that they had acted in accordance, not only with a higher moral law, but very much in accordance with both international and New Zealand law. It was a defence that the jury took very little time to accept. The Crown lawyers knew that they were dealing with unusual defendants and treated them with the greatest respect. A lot of the time the cross-examination sounded like a seminar on political science or international law, with intricate discussions about the internal affairs of Iraq and Afghanistan. I have also never heard a prosecution lawyer ask a defendant why he didn't do more damage (to the base) when he had the opportunity to do so. This line of questioning only gave the Domebusters the chance to spell out why they had chosen the particular target (they disputed that theirs was a symbolic action, saying that deflating the dome had caused real damage to the base and stopped its operations, however temporarily). Adi put it most succinctly, when asked why they hadn't also popped the other dome: "I can't deflate every dome at every spybase in the world". Although I have to say that Bob Leonard and I inwardly winced as all three testified as to how they had been struck by the apparent "ineffectiveness" of ABC's 20+ years of Waihopai protests, and how this had convinced them that they had gone further than protest, they had to take non-violent direct action.

There was laugh out loud humour during the trial and none more so than during the moments that showed the (relative) unworldliness of the Domebusters, all of whom have chosen voluntary poverty and turned their backs on consumer society. "In the predawn darkness on the morning of the action, Adi, the subsistence farmer, waited for a crucial cellphone call as to where to go next. When it didn't come, in frustration he rang to be told by Peter 'I sent you a text an hour ago'. Adi asked 'What is a text?'" (*The Common Good*, Pentecost 2010, "Waihopai Wrap-up: A Victory For Peacemaking", by Jim Consedine). Even the judge joined the laughter at that one.

Because of the highly unusual nature of the case a lot of it was argued behind closed doors. Not because top secret matters of national security were being disclosed - the GCSB was conspicuously absent from the whole trial, being represented by nobody more senior than the security guard who was a prosecution witness - but because hotly contested legal points were being argued. It was one of those closed sessions that sealed the fate of Bob Leonard's proposed evidence as a defence expert witness. These sessions caused delays, as did the juror's sickness, which saw the jury reduced to 11. One delay was like something out of *Monty Python* - the defence and prosecution were arguing over the admissibility of a "neither confirm nor deny" letter from the GCSB to Adrian Leason's lawyer, Mike Knowles, about a particular line of defence inquiry. The judge asked to see the letter, it was handed up to the bench, he read it, pronounced that it could be admitted into evidence, and - all the lights in the court immediately went out. The whole public gallery erupted in laughter. Not only was the District Court building without power (leaving a security guard stuck in a lift between floors) but so was most of the Wellington central business district. The trial had to be adjourned until the next day. I mentioned a security guard. For the first couple of days there was a heavy security check procedure for everybody to get into the building, it was like the hooaha at airports. That was unprecedented at the Wellington District Court (although it's routine in Auckland and Christchurch - maybe Wellington has a better class of criminal, more "middle class liberals", perhaps) and led to vehement protests from lawyers who had to line up to be searched in order to enter their place of work. It worked - suddenly the security check was gone. The absurdity of searching a whole bunch of Christians and peace activists (complete with numerous kids) must have finally dawned on the powers that be.

Judge's Summing Up

I won't devote any more space to the actual defence evidence. Elsewhere in this issue you can read the closing address by Mike Knowles, Adrian Leason's lawyer (I have also incorporated a bit of Peter Murnane's closing address with it). Only one of the three grounds of defence - the claim of right - was allowed to be presented; two were ruled inadmissible - as was the evidence to be presented by Bob Leonard (you can also read his affidavit elsewhere in this issue). Judge Harrop's 26 page summing up to the jury is worth quoting.

"This case has obviously drawn attention to some very large controversial and emotive issues on the international stage. I want to emphasise that, although you're entitled to take all of the evidence into account that you've heard, you must only do so in a way that's relevant to issues you have to decide... Some examples of questions you are *not* being asked to determine or answer, either in the course of your deliberations or delivering of verdicts, and by which you mustn't be distracted, are: Is it a good thing or a bad thing that the Waihopai Communication Base exists in New Zealand? Is the level of Government oversight on behalf of the New Zealand public effective and appropriate? Is, or was, the war in Iraq lawful or a good thing or a bad thing? Is torture, rendition and the use of depleted uranium justified in the War on Terror? How many points out of ten should we give the United States government for its conduct in relation to the war in Iraq? Now, I could go on, but I trust those examples emphasise my point.

"...You need to bear in mind however, in considering your decision, whether the belief was actually held that it need not be based on reasonable grounds as I have mentioned. However, if you find, having considered all the evidence

that there were reasonable grounds for the particular accused you're considering to believe the actions were lawful, or would be excused as justified on some legal basis, then you should take those into account in determining whether or not the belief in lawfulness was actually held by that accused. Now the definition of claim of right in our Crimes Act requires that the accused believes that the act *is* lawful. It is not, therefore, enough for an accused to believe that the action *may* be held lawful, that it *ought* to be held lawful, or that he *hopes* or *expects* it will be held lawful. There must be a belief that, if prosecuted, the accused *would* be acquitted..."

"...Some of you may be thinking to yourselves, well, if we don't find these accused guilty then it's going to provide some sort of licence for anarchy and others may think they can go out and damage property, then turn around and say, well, we thought it was lawful, we've got a good excuse and we shouldn't be convicted. You must not think in that kind of way. Your sole concern is with this case, nothing beyond it. You mustn't be influenced by anything beyond the evidence you've heard and you must concern yourself only with the questions that I've directed you to consider. So, in short, if you're not satisfied beyond reasonable doubt that the Crown has excluded claim of right, then you must acquit. It's your duty to do so in that event and you mustn't shy away from that duty for some extraneous reason such as the one I've mentioned...". That was the crux of the case – the Domebusters believed that they had a claim of right, as defined by the Crimes Act; they believed that their actions were lawful and that they should therefore be acquitted. All three of them made that point repeatedly in their evidence. The jury only took two hours to accept the defence case and acquit all three of them of all charges. It was a triumph of common sense. In fact, the only thing that the Domebusters are guilty of is taking Christianity seriously and living their faith, rather than just going to Mass once a week (or at Easter and Christmas).

Laughably Uninformed Outrage

That's when the screaming really started, led by the corporate media, who were "puzzled" and "outraged" by this "unexpected" verdict. Deliberately uninformed because they had chosen not to cover the trial, they were astonished that things hadn't gone according to plan. They had assumed that a guilty verdict was a formality, so why bother to report the maunderings of some religious crackpots who looked like hillbillies? If the Domebusters had been found guilty, the same media would have run sympathetic but patronising features about them being good, misguided and naïve men who were on a quixotic quest to bring about world peace and other such pipe dreams. But, no, the bastards "had got away with it", presumably on some legal technicality. Editorials from one end of the country to the other bewailed the verdict and called for an appeal and/or a change of the law under which they had been acquitted. At the extreme end of the spectrum columnists such as Paul Holmes and Michael Laws called the jury names such as "morons" and asserted that the defendants could be plainly seen to be guilty because they dressed in an "anti-American" fashion (obviously they support the jury system, the sole democratic element in the trial process, only if it delivers the "right" verdicts. The same hypocritical media and political lip service is paid to democracy itself, only as long as it delivers the "right" election results. Ask the people of Gaza). In the general flailing about of looking for targets to hit, I was included (in a factually inaccurate *New Zealand Herald* column by John Roughan, titled "I spy something beginning with lunacy", 20/3/10).

In all the laughably ill-informed comment in the media there were one or two shards of legal accuracy. For example, the Queen's Counsel who regularly dispenses legal advice on National Radio's *Nine To Noon* pointed out that, every day in the courts, the Police invoke the claim of right to justify actions that they had believed to be lawful, and that the courts invariably upheld those claims. Indeed, he said that the Police are the biggest beneficiaries of that law. Furthermore, that the defence of "the greater good" had been unapologetically cited by none other than former British Prime Minister, Tony Blair, in his January 2010 testimony to the Chilcot Public Inquiry into Britain's role in the 2003 invasion of Iraq. Blair said that he acknowledged that the US/UK invasion did not have United Nations' approval and that it had killed a lot of innocent civilians – but that he considered it justified by the greater good of overthrowing Saddam Hussein, and that he would do it again if the circumstances warranted. As the NZ QC told the radio audience, if it's good enough for Tony Blair to claim that defence, surely it's good enough for the Domebusters?

No Crown Appeal; But Threat To Review Law & Sue Domebusters

Only a couple of weeks later, in early April, the Solicitor-General was forced to publicly state the obvious and declare that the Crown would not, indeed could not, appeal the verdict, as there was nothing legally wrong with the defence case, the judge's summing up or the jury's verdict. But he said that the Government would look into whether the claim of right law needed to be reviewed and would also consider making a civil damages claim against Adrian, Peter and Sam for the damage they had inflicted on the dome. ABC responded with a press release ("Cost Of Damage To Waihopai Dome Is Peanuts Compared To Hundreds Of Millions Of Taxpayers' Dollars Wasted On Spybase", 8/4/10).

“Sanity has briefly broken out with the Government’s announcement that the Crown will not, indeed cannot, appeal the acquittal of the Waihopai Domebusters. This simply recognises the reality that the jury, judge and defence got it right and that the verdict was the only one possible. But the Government has to save face, not only with those in New Zealand baying for the Domebusters’ blood, but also with the shadowy big brothers of the American-led spybase network who will be both angry and humiliated by both the hilarious dome deflation at this ‘high security’ base, and by the total acquittal of the three guys who did it. So the Government is looking at changing the law to rule out that particular defence in similar circumstances (the typical reaction of the schoolyard bully – if you lose the game, change the rules). And it is considering suing the Domebusters for the damage they inflicted on the dome (\$1,278,000, according to the GCSB). Quite apart from the fact that this vindictive and desperate action will be akin to getting blood out of a stone, it is a financial sideshow.

“The real question to be considered here is why have hundreds of millions of taxpayers’ dollars been wasted on this spybase in the 23 years since it was announced? The GCSB budget for the year ending June 09 (the latest available) was **\$49.368 million**. The Government always refuses to say what is the cost of actually running Waihopai, but it obviously consumes a great chunk of the GCSB’s annual budget. Indeed the Director, Sir Bruce Ferguson, says: ‘Significant investment occurred in particular at the Bureau’s satellite facility at Waihopai’ in the GCSB’s 2008/09 *Annual Report* (grandiosely subtitled “Mastery of Cyberspace for the Security of New Zealand”; rather ironic coming from the same outfit that couldn’t ensure its own security from three guys with sickles and bolt cutters).

“And the figures get worse. By examining the annual budgets for the GCSB during the 23 years of the base’s life (and budgets were not published for years on end in some periods), we arrive at an educated guess that well over **\$500 million** has been spent on the GCSB during that time, with a great chunk of that obviously going to the Waihopai spy base. What a bloody waste of money. Half a billion dollars would do some serious good in terms of health, education and social services, instead of being wasted on an outfit running what is, in all but name, an outpost of US intelligence being paid for by NZ taxpayers. This is the real financial damage inflicted by Waihopai. Hey Uncle Sam, when are you going to reimburse us the half a billion we’ve given you? If the Government is so keen to recover the costs of the Domebusters’ damage, send the bill to the Yanks – it’s their base, and they have plenty of money for wars and spying.

“There is one innocent victim in all of this – the neighbouring farmer whose fence was cut by the Domebusters to gain access to the spybase. He has invoiced them for the \$200 and they have said they will pay it. Good on them for acknowledging that he shouldn’t be left out of pocket simply because he is saddled with a spy base for a neighbour. But as for the rest of it, the Government is digging itself into a bigger hole and should simply cut its losses and walk away from what has become a total debacle for itself, our spies and their foreign big brothers. And if the Government really wants to save face with the people who actually pay the bills for Waihopai, it should shut the place down immediately”.

The announcement that there would be no appeal, but a possible law review and a civil damages suit, set off another media frenzy accompanied by “revelations” of how much money and assets the three Domebusters have (answer: not much. My favourite was a TVNZ News reporter asking Adi to empty his wallet and turn out his pockets to show how much he had on him, when interviewed whilst working on his farm. I would have told her to piss off but he obliged, proving that he had bugged all wealth upon his person). Throughout the whole firestorm of outrage by the media, politicians and sections of the public, the Domebusters remained staunch. They said that they would welcome being sued as another court case would keep the public spotlight firmly fixed on the Waihopai spybase. And the fact is that this case has generated the greatest amount of media coverage, political comment and public awareness ever about the issue. At the time of writing, no law review or civil damages suit have been announced.

Spy Bosses Stung Into Publicly Defending Waihopai

As previously mentioned, the GCSB was conspicuously absent from the whole trial – a fact so glaring that even some media reports highlighted it. But the case obviously got under their skin and hurt them. They were clearly stung by Peter Murnane’s testimony that he was motivated to attack Waihopai because it was engaged in “acts of unspeakable evil”. In April the GCSB Director, Air Marshal Sir Bruce Ferguson, and his predecessor Warren Tucker (the current head of the Security Intelligence Service) made an unprecedented joint statement. “The Waihopai station is not a US-run spy base. It is totally operated and controlled by New Zealand, through the GCSB as an arm of the New Zealand government...The Waihopai Station was not - and is not - being used to contribute to ‘torture, war, and the use of weapons of mass destruction such as depleted uranium’, as claimed. It was not – and is not – contributing to ‘unspeakable evil’. Quite the reverse” (*New Zealand Herald*, 9/4/10, “It’s ours and it’s not evil, say spy-base masters”). These sorts of statements have occasionally been made before, particularly when Tucker was the GCSB Director, and they all have one thing in common – they say absolutely nothing about what Waihopai

actually does, but just ask the New Zealand people (who finance the whole thing and in whose name it is operated) to trust them, to take their word for it that the base is a force for good. Bullshit is the most succinct response to that.

Put The Real Criminals In The Dock

I'll conclude with the ABC press release I'll put out as soon as the verdict was out ("Anti-Bases Campaign Congratulates Waihopai Domebusters. And Calls For The Real Criminals To Be Prosecuted", 17/3/10). "The Anti-Bases Campaign congratulates the Waihopai spy base Domebusters – Adrian Leason, Peter Murnane and Sam Land (and we're proud to have all three of them as ABC members) - on their entirely deserved acquittal on all charges arising from their April 2008 deflation of one of the top secret base's satellite dish domes. And we congratulate the jury of ordinary New Zealand women and men who listened to the evidence for eight days and then, after deliberating for only a few hours, found them innocent. It is a triumph of common sense.

"This was no whodunnit case. The Domebusters admitted everything, said that they had the firm belief that they had the law on their side and were proud of what they did; the prosecution case was uncontested and over in an afternoon. The rest of the trial consisted of the defendants and their lawyers explaining to the jury why they did it. They did it because Waihopai operates, in all but name, as an outpost of US intelligence on NZ soil; it makes NZ a partner in crime with the US in each and every war that it is fighting; it means that New Zealanders, involuntarily and unknowingly, have blood on our hands. The Domebusters said that their motivation was to do enough damage to the spy base to stop its normal functions in order to prevent a crime and to save the lives of people in countries such as Iraq and Afghanistan endangered by its sinister work. In electrifying testimony Adrian Leason said that he did it thinking of his own three year old daughter and that because of what he did, a three old girl in Iraq is still alive.

"If Adrian, Peter and Sam are innocent, then who should be in the dock? The answer is obvious – the shadowy spy bosses and their political masters should face a jury, either domestically or internationally, for active participation in waging wars and crimes against humanity. And the implications of this verdict are obvious – those who attacked and damaged it have been ruled to have acted lawfully; the spy base is the one which has been found to be acting unlawfully. The historic verdict in this unprecedented case reinforces the call of the Anti-Bases Campaign and a growing groundswell of other organisations and individuals for the Waihopai spy base to be closed immediately. Ordinary New Zealanders, in the form of this Wellington jury, have spoken".

A WEEK OF SOLIDARITY IN THE STREETS OF WELLINGTON

- Murray Horton

Adi, Peter and Sam may be "poor" in the conventional sense of the word but they are billionaires when it comes to having the support of their fellow human beings. In the words of the old song, they definitely never walked alone. From the auspicious day in April 2008 when they popped that Waihopai dome they have had very active and public support from all manner of people. ABC was proud to publicly endorse them and their action from the outset. We donated money to their appeal. At the Blenheim court hearing at which they were granted bail, after five days locked up in the Police Station, they were supported by a crowd of up to 50 people (the papers said 20) organised by ABC committee member Lynda Boyd. The crowd included family members of the Domebusters and those who had come especially from Christchurch, Nelson, Motueka and as far north as Auckland, as well as from Blenheim itself. Despite the freezing cold weather, the people rallied with placards, banners and chants on the steps of the court, marched through Blenheim and went out to the base. It was the first time since 1997 that ABC had rallied support for Waihopai protesters appearing in the Blenheim District Court. In Christchurch, there was a support action, organised by women, at the US Air Force base at the airport. Both actions got media coverage (which they otherwise wouldn't have). In September 2008 Bob Leonard and I went to Blenheim for the depositions hearing, to represent ABC and to join the Ploughshares group who had come down from the North Island with the Domebusters, plus other supporters from Christchurch and elsewhere around the country (see *PR 37*, November 2008, "ABC In Blenheim In Solidarity With Domebusters", by Murray Horton, <http://www.converge.org.nz/abc/pr37-168a.htm>).

All of that was just a warm up. As I've already outlined, ABC played a pivotal role in getting the trial venue shifted from Blenheim to Wellington. That decision was made in July 2009; as soon as we knew that the trial was set to take place in March 2010 we swung into action to make the most of this unique opportunity to have the attention of the capital city, and that of the rest of the country, focused on the Waihopai spybase. This whole trial saga took up a fair amount of my time as ABC Organiser throughout 2008 and 09, taking up more and more (and more) as the trial loomed larger. I won't bore you with the details, which at times involved much tearing of hair and grinding of teeth. My job was to ensure that ABC played a full role in the solidarity activities that were to accompany the Wellington

trial. It's not the first time that ABC has organised, from long distance, activities in Wellington. We had most recently done so during Easter 2005 (you can read the details of that in my 2005 Organiser's Report in *PR 32*, March 2006, <http://www.converge.org.nz/abc/pr32-122a.html>. Poignantly, that was to be our last ever activity with the late Rod Donald). That was a lot of fun but actual Wellingtonians were conspicuous by their absence from all our activities, for whatever reason. I'm pleased to report that was certainly not the case in March 2010, quite the opposite in fact.

Waihopai Display In Wellington City Library

ABC worked in coalition with the Wellington Ploughshares Support Group (which operated with the active backing of Peace Movement Aotearoa [PMA] and its veteran coordinator, Edwina Hughes). ABC itself organised a number of activities. Courtesy of Wellingtonian Mark Roach, an ABC activist since our very founding in the 80s, we got our excellent Waihopai display into the Wellington City Library for two separate stints, totalling three weeks, before and during the trial. It should be noted that this is the only venue we've ever had to pay for (by contrast, several other public libraries, including three in Christchurch, have hosted it free of charge). However we considered it money well spent. And the display never fails to get a bite. Just days before the trial started Mark contacted me to say that Library management had told him that maybe it should be removed as being too controversial during the trial (although they hadn't received any actual complaints about it). Mark used his diplomatic skills to persuade them otherwise and it stayed there, in a prominent location in the main foyer, for its whole booked time. It would have been ironic if Wellington City Library had joined its counterpart in Blenheim in banishing our Waihopai display. My evidence about the Marlborough District Library refusing to have the display in 2005 (because it is "one sided and the base has no right of reply") formed part of my affidavit to the Blenheim District Court hearing in July 2009 which led to the trial venue being moved to Wellington. I am reliably told that one example alone of Marlborough institutional prejudice against any opposition to the spybase made quite an impression on Judge Harrop, who granted the defence application for the change of venue (the same Judge Harrop who presided over the Wellington trial). Not only did Mark Roach arrange the booking, he also personally transported the display from Christchurch to Wellington, stored it for several months, and then personally delivered it to its next booking, at the National Peace Workshops in Whanganui. You're a champion, Mark.

Public Meeting

ABC also organised a public meeting and several daytime pickets during the first week of the trial. Of these, the public meeting was definitely the highlight. Held on the Wednesday night, it attracted a crowd of well over 100 people, which is by far the biggest public meeting we've ever had in Wellington, and probably the biggest Wellington public meeting ever on the issue of Waihopai. It was great to see the hall decorated with ABC banners. Edwina Hughes of PMA facilitated. There were four speakers – myself, on behalf of ABC (you can read an extract from my speech elsewhere in this issue); Green MP Keith Locke, who spoke about the frustrations of trying to find out anything about Waihopai, and spying generally, via the Parliamentary process; Moana Cole from Christchurch, about the Ploughshares movement (Moana, now a lawyer and mother of three, spent a year in a US prison and was deported to NZ after her involvement in a Ploughshares action at a US Air Force base during the buildup to the first Gulf War, 20 years ago; she was also an ABC committee member in the 90s); and Bryan Law, from Australia, who spoke on behalf of Christians Against All Terrorism. He had the full house alternatively aghast and in stitches with his PowerPoint presentation illustrating the US bases in Australia, such as the monstrous Pine Gap spybase, near Alice Springs, and the courageous and inventive tactics of Bryan and his fellow Christian peace activists in penetrating that base and, in 2009, infiltrating an ANZUS military exercise in Queensland (yes, the US and Australia still hold ANZUS exercises, even though there hasn't been any "NZ" in ANZUS for a quarter of a century). Due to demand from the floor both Adrian Leason and Peter Murnane came to the front and each made an ad lib speech (Sam Land was also there that night but confined his public speaking to the courtroom).

It was a wonderful night and, what's more, Wellingtonians are very generous – they gave so much to the collection that it went a long way towards covering ABC's costs, not only for that night but for the week of activities. Special thanks are due to Kane O'Connell, ABC's Wellington organiser (and a former committee member from his Christchurch years). He did all the vital work in ensuring that the public meeting was the resounding success that it was. What's more he did it all again the next night when he was responsible for organising the event (different venue, different crowd and different vibe) to announce the winner of the 2009 Roger Award for the Worst Transnational Corporation Operating in Aotearoa/New Zealand. I spoke at that in my Campaign Against Foreign Control of Aotearoa capacity. It was quite a week.

A Picket A Day & One Big March

The lunchtime pickets targeted the GCSB Building (Freyberg House) and the Embassies or High Commissions of the four other countries that comprise the top secret UKUSA Agreement which, since the late 1940s, has governed

the collecting and sharing of signals intelligence (SIGINT) and electronic intelligence (ELINT) between the relevant spy agencies of the US, UK, Canada, Australia and New Zealand. It is the most important intelligence agreement that NZ is party to and is the reason why Waihopai exists. So we held one picket per day for five consecutive days – they are all within easy walking distance of the District Court and the central business district. Of the five, the one at the GCSB Building on the first day attracted the biggest crowd (around 50) and was the only to get any media coverage. That was because it was on the first day of the trial, which the media attended in force, and it followed just a few hours after the wonderful big march and rally at the District Court Building which marked the start of the trial, with a lot of the Ploughshares supporters keen to make a day of it. Both TV networks included both of those events in their news coverage of the trial that night and highlighted the conspicuous absence of the GCSB from the whole case. The rest of the daily pickets were much smaller (but still very worthwhile) affairs, with usually just a dozen or so participants. At all five of them I spoke on behalf of ABC, sometimes with other speakers, and we held banners and placards and distributed leaflets.

Not only did Mark Roach take charge of ABC's Waihopai display in Wellington, he made us a special big banner on suitably enormous poles, and he transported and stored several of our own banners and poles (which he later personally delivered back to us in Christchurch). ABC committee member Lynda Boyd (who had organised the May 2008 solidarity activities at the Blenheim District Court when the Domebusters appeared at their bail hearing) drove down from Auckland for the week and she and her car played a crucial role in transporting the banners and placards to and from the Wellington District Court every day. Special thanks are due to Valerie Morse, who got all the placards done, and laid out and printed our leaflets and posters (she also arranged distribution of the latter, and provided us with a megaphone); veteran ABC activist Dick Keller, who handed out the leaflets at every picket; Kane O'Connell who let us use his central city flat to store all ABC's gear during that week; and John Darroch who came down from Auckland to spend the week photographing the activities. Lynda and I were the key ABC committee activists, responsible for a multitude of different tasks every day and night. Last, but definitely not least, heartfelt thanks to my old friend and colleague, Russell Campbell, who very generously gave me the guest "penthouse" in his Aro Valley home for the week I spent in Wellington. Not only that, he came to one of the lunchtime pickets and to a session of the trial (it wasn't all work and no play for Russell and I – at night we went to pubs; to a movie; and to the wonderful Ravi Shankar concert, which was part of the International Arts Festival. I had previously seen Shankar play, in London, 26 years ago and was delighted to get the opportunity to do so again. He's just as good now).

I've already mentioned the big march on the Monday morning that kicked off the whole week. This was one activity where ABC only played a supporting role (although I was one of the speakers and all our banners and placards were there). The great majority of the 100+ people on it were Ploughshares supporters who came with Adrian, Peter and Sam (not to mention family members - Sam told me that more than 20 of his family had come with him from Hokianga). The march assembled at the Cenotaph and marched the short distance to the District Court. It was a wonderful occasion of music, song, colour and a tangible feeling of both aroha and power (maybe the power of aroha is the best way to describe it). The purpose was to escort the Domebusters to court and to make it plain for all to see that they had a lot of support. Those supporters maintained a presence on the street outside the court throughout and packed the public gallery of the court room – I bet the court officials had never seen so many kids attend a trial before.

Ploughshares Comes To Wellington

Ploughshares had a whole week of its own activities which, not surprisingly, were infused with religious significance. They set up a shrine (the Wellington City Council wouldn't let them actually camp there) in a park directly outside the fortress-like US Embassy in Thorndon and that was the hub of their activities for ten days. Meetings and rallies were held there; I was one of the speakers at the biggest one, held the Saturday night before the trial and attended by more than 100 people (Wellington's notoriously inclement weather was uncharacteristically benign for several consecutive days and nights), communal meals were served there. They held events like a Stations of the Cross tour of Wellington sites with significance for both war and peace; there were special women-only events to mark International Women's Day, which coincided with the first day of the trial; they held a big party in the central city one night.

To quote from Catholic Worker's *The Common Good* (Pentecost 2010; "Waihopai Wrap-up: A Victory for Peacemaking", Jim Considine): "To have up to 100 peacemakers, most of them actively Christian, to witness to a trial involving a confrontation between the non-violent power of Christ and the violence and power of the State lock-stepping in tune with the war plans of the US military and its allies, is a pretty special thing to do. Two days prior to the trial, a shrine featuring icons of saints like Mohandas Gandhi, St Francis, Oscar Romero, Phillip Berrigan, Franz Jägerstätter, Dorothy Day, Dietrich Bonhoeffer and others was established in Katharine Mansfield Park opposite the US Embassy. It remained for ten days. Candles were lit and regular prayer was held morning and evening there, concluding with a Taize vigil each evening at dusk. People prayed for the victims of war and the

success of the trial.

“One feature made a defining difference to this trial. The presence of the Holy Spirit was palpable. A spirit of family, peaceful cooperation, sharing, feeding of hungry mouths at appointed times, prayer at frequent intervals, the creation of community. Everyone noticed it – and many remarked on it. The presence was reflected in the huge help the Marist priests gave in providing marae-style accommodation to about 40 travellers at Emmaus House near the US Embassy. Many social justice folk from Wellington dropped by to offer support. The wonderful Urban Vision young people of Wellington were everywhere supporting the trial and providing help to the community of the willing. These evangelical Christians certainly have some energy and great generosity of spirit. Catholic Workers and their friends and families came to support three of their number on trial. Collectively they all formed a community of the willing, peacemaking People of God, witnessing in the central city, a stone’s throw from Parliament, the centre of State power. This court verdict was backed by prayer from religious communities, parishes and individuals across the country. In the courtroom, Catholic Worker kuia Aunty Raina Paniora faithfully prayed her rosary, as a spirit of community, peaceful cooperation, sharing, song, humour, prayer and family was formed around the trial. The jury had to be affected by the power of the Spirit present”.

In case you’re wondering – ABC is very definitely a secular organisation, but we have a long history of working with Ploughshares, going back to the 80s, indeed going back to before there was an ABC. We don’t share their religious beliefs and I’m sure we could find plenty of things of things to argue about if we were so inclined but why would we want to when we have such a strong and active partnership with these wonderful radical Christian peace activists, sharing the common goal of closing the Waihopai spybase and cutting the ties that continue to bind NZ to the US war machine. That week in Wellington was a personal highlight of the year for me, and was the most exhilarating and productive burst of activity by ABC in many a long year. ABC is eternally indebted to the Domebusters for risking their liberty (indeed they risked more than that when they cut the electric fence at the base) for the cause of shutting down this abomination, this stain on the collective conscience of all New Zealanders. They took a huge gamble – and they won (at least insofar as they were fully vindicated by the jury; the spybase, of course, is still very much there and functional).

The Struggle Continues, Wherever There Are Bases To Be Closed

Ploughshares is a global movement and it doesn’t rest on its laurels. On March 31st, less than a fortnight after the Domebusters’ acquittal, four Australian Christian peace activists calling themselves the Bonhoeffer Peace Collective entered and blockaded the top secret Swan Island military facility in Victoria, which is used by both of the equally secretive Special Air Service and Australian Secret Intelligence Service (there is no NZ equivalent to ASIS). According to their press release: “Once there they pushed the emergency stop button for the main satellite communications dish and closed the base for the day. It is believed they were directly interfering with the SAS role in warfighting in Afghanistan” (there is no emergency stop button at Waihopai, not one accessible to visiting peace activists anyway). All four were arrested and charged with trespass (they didn’t damage anything at the base). The case was heard in the Geelong Court in June 2010 and all four actually pleaded guilty (a completely opposite legal approach to that of the Domebusters) “not because we were feeling emotional guilt – but that we wanted to take full responsibility for our actions”. Despite their guilty pleas the Magistrate exercised his discretionary powers and dismissed the charges, because of the trivial nature of the charges and “the character of those of us charged. We were flabbergasted - not even a slap on the wrist but an acknowledgement that, even though the facts are proven, that he wouldn’t find us ‘guilty’. Our supporters spontaneously clapped the Magistrate” (“Reflections From Trial And Action”, 16/6/10, Jessica Morrison). 40 people promptly went back to Swan Island, which was swarming with cops and nine were arrested. The struggle continues, wherever the war machine has its bases! In our case that means Waihopai and ABC is going back there in January 2011. Please join us.

“COME HELP US, STOP WAR, STOP MORE KILLING”

Domebusters’ Defence Lawyer’s Closing Address

Peace Researcher 40 – July 2010

- Mike Knowles

The March 2010 acquittal, on all charges, by a Wellington jury of the three Waihopai Domebusters – Adrian Leason, Peter Murnane and Sam Land – sparked off a media frenzy and a good old moral panic among various commentators and politicians. Much of what they said would be hilarious if it wasn’t so sad. Much of the reaction was based on complete ignorance and, ironically, the prime culprit was the very same media that led the righteous indignation about the verdict. Reporters attended the first and last day of the trial – it lasted eight days, which meant that the great majority of the case went unreported.

To those of us who actually did attend the case, listened to the evidence under cross-examination and saw the impact it was having on the jury, the total acquittal (after just two hours of deliberation) was no surprise. To help people better understand what happened in the trial, and why it was no surprise that the Domebusters were completely vindicated, the Anti-Bases Campaign bought the transcripts of the three defence closing addresses from the Wellington District Court. They make for illuminating reading. We are publishing one of them in its entirety, by Mike Knowles who was the lawyer for Adrian Leason. It has been slightly edited and tidied up to convert it from a transcript of a speech into an article. The title and subheadings have all been added by me. Ed.

Mr Foreman, members of the jury. In nearly 35 years of doing this job I can’t think of a case where I have felt so redundant as counsel. What I mean by that is the lawyer is supposed to articulate the client’s case, present what he says in a submission, and address to the Court like I am doing now. But having heard these three accused I can’t even begin to approach the compelling eloquent way that they have shared their stories with you, their lives with you and anything that I say now about them in terms of the evidence that they have given about themselves, about their beliefs and about their journey to this point on the 30th April 2008, anything I say would only be a pale imitation. If we have too many people like this I’m going to get done out of a job but in terms of my formal role I represent Mr Leason, so if you’ll just bear with me a moment I’ll endeavour to summarise his life.

From teenage years he has opened his life to the poor, the homeless, kids running round in the bush in Thames, people living on the margins in rental accommodation in this town, slum dwellers overseas, refugees from war overseas. He has come back, his commitment has grown, his knowledge has grown, his deep concern has grown about the state of the world and the people he sees and meets day after day and the sufferings and difficulties that they have in their lives. That’s simply, may I suggest, an inadequate summary of effectively where he is coming from. Father Murnane, I know will be constrained by his priestly humility and probably wouldn’t want to say too much about himself so I’ll just trespass briefly, if I may, on his territory. Since 1965 he has given his life to the priesthood. In other words, the gospel message, caring compassion for others, love for the neighbour, which of course as he explained is everyone, has simply been a part of his life. He has come across, as he told you, in the course of his ministry all sorts of communities, all sorts of people. From university students that some of you might have been or might be, to migrant communities, and he has obviously developed a deep and enduring concern and commitment about all persons, wherever they live, wherever in the world and it’s clearly obvious I submit, it’s up to you, but it’s clearly obvious that he lives his life in a way that that concern is never ever away from the forefront of his mind, of his thoughts and of his actions. Sam Land is the same...

“Three Good Men”

So there it is. We’ve got three men and I can’t dispute the prosecutor’s words: “Three good men”. Now you don’t have to agree with them. You don’t have to hold their same political views. You don’t have to hold their religious views. You don’t have to imagine living their same lifestyles. I can’t imagine any of us, perhaps embracing what is clearly the fundamental simplicity and indeed perhaps poverty of lifestyle that each of these three accused have committed themselves to. You don’t have to do all that but what you might perhaps accept is that what makes up these three gives them a clarity of vision about the sufferings of others that we’re all capable of having and we will see it when someone close to us, someone in our circle, one of our brethren as it were is suffering, a family member, a friend. We have that intensity of compassion and I’m sure every single one of you is capable of feeling the compassion and love for others that these three have talked about. But perhaps it’s because they’ve stripped away the things of life, the possessions, the stuff. Perhaps they see this more enduringly, at least more ever present than we do, so it’s always with them, it seems always to be there in the mind. So that when my learned friend (*the*

Crown prosecutor. Ed.) talks about “they don’t really have a belief as such, just a hope”, he, I suggest, is asking you to ignore the extremely exceptional commitment that each of these three have made. Not only in their words, not only in their beliefs, but in their lives where day by day they live out what they say. In short, they practice what they preach. So if you’re going to dismiss something as, say, a vain hope rather than a belief, a genuine honest belief, be very careful. Think long and hard when you get to that point when you remember what their lives are, what their lives have been. Now what you do have to do, however, is of course consider this important issue of belief, genuine belief. And, I think, as His Honour may tell you it’s got to be a belief, it can’t be a con job, it can’t be a ruse, it can’t be something that’s done to pull the wool over your eyes about perhaps embarking on a cheap publicity stunt, it’s got to be a belief. The other thing that I think you’ll be told by the Judge is that their belief doesn’t actually have to be correct. And of course here we’ve already had some mention of the fact that as it turned out their belief in the legal principles as defence of another and necessity, I think it was, that was mentioned, that belief, as it turns out, may be wrong, they may have made a mistake about the legal position in relation to that. Now I think His Honour might tell you it, too. But they are allowed to make that mistake, they are allowed to be wrong, and it’s absolutely fundamental to you when considering the ingredients of this charge that you understand that being mistaken, being wrong about the law, is actually permitted in this particular area. If you feel they’ve tried to con you, if you feel in any way they have misled you, if you feel in any way that they have lied to you, then you would be entitled to say “well it wasn’t really a mistake of law, it was just some clever trick where they’d set out to fool us all along”. Can you say that?

Waihopai: Emotional Cauldron

I suggest that there are several important particular features from the evidence that help you decide this crucial issue of belief as opposed to something else and perhaps we’d start with this notion of the knowledge about the base, which they seemed to have acquired over a lengthy period and which they spoke again in much detail about before you. This is the Waihopai base. They didn’t wake up one morning saying “oh, what can we do today? Let’s go and punch a hole in that base down in Blenheim”. This was, I suggest, an emotional cauldron for each of these three that started to bubble away. Mr Leason for example said that for a number of years he’d known people in this ABC, the Anti Bases Campaign, he mentioned a Mr Leonard and a Mr Horton. He’d read their literature, he’d learnt about the base through his own study and research and this was no small feat because a lot of this time he was out of the country, but nonetheless he obviously had an abiding interest in this area because it affected people. So he gathers this knowledge, he gathers this information and he told you, of course, about some of the things that he was absolutely certain were occurring with this base. The United Nations was spied on for example, the information was virtually direct fed through to this American outfit called the NSA (National Security Agency), and that, as a result of the way that warfare is conducted these days, you’ve got these electronic bullets as it were, where information gets fed and somehow that results in air strike, military action, use of horrible weaponry that destroys life after life, thousands of lives. So this was his developing belief. In short, I think he was saying that this was a base that was by America, from America, for America, if I can paraphrase the words of an old erstwhile US President. So this was his developing feeling. He didn’t come along saying “well I think that the base is wrong, we shouldn’t have it”. He provided you, didn’t he, with an accumulation of knowledge about this.

Now there was one instance, you might remember this, there was one instance where he tried to prove it, and it’s in relation to the Katharine Gun* matter. Now he said, I believe, that the GCSB (*NZ Government Communications Security Bureau, which operates Waihopai. Ed.*) would be responsible through the Echelon system, which is the other four countries: “I believed that they would be spying on the UN” (*Echelon is the code name for the programme of electronic intercepts of international civilian telecommunications satellites, operated by the spy agencies of the five countries comprising the top secret UKUSA Agreement: US, UK, Canada, Australia, NZ. Ed.*). So he got me, after he was arrested, to try and get information about this, and of course you’ve heard that through me he wrote to Mr Wolfensohn of the GCSB to find out indeed whether the Echelon system in this particular place, the GCSB here in Wellington, had been involved in spying on the UN and had such document which would indicate that. And so what was the reply? “We neither confirm nor deny the existence or non-existence of any document”. Well you’ve heard the evidence. It actually happened. This brave young woman, Katharine Gun, gave evidence in written form through the registrar just yesterday. She got the email, she’s told you about it. Now that evidence doesn’t say that it came to the Waihopai base, but what’s wrong with this? If it didn’t come from the Waihopai base, what’s wrong with that man Wolfensohn, getting up and saying “no we didn’t get it, we wouldn’t have any part of this”? What’s wrong with him saying “no, we would never do such a thing”? What’s wrong with him saying, “yes, well it’s all out in the open now, we made a bad mistake, we shouldn’t have done it”? You’ve got nothing. You’ve got nothing. You’ve got neither confirmed nor deny the existence or non-existence.

Now where does that leave us? Not just the accused, where does it leave any of us? If we are never ever going to be allowed some participation in a major institution of this country by these fob-off non-answers, what’s left for people such as the accused who have this deep concern about it? They can spy if they want to. We don’t want to ask them their little detailed secrets, but when it comes to something which is wrong, unlawful, contra to the

principles and values of this country, what is wrong with them telling us about it?

** Katharine Gun worked, at a junior level, for the Government Communications Headquarters (GCHQ), the British spy agency. To quote from the closing address of Peter Murnane, who represented himself: "The fact - the connection, the real connection as we believed between the base and the Iraq war Mr Knowles has made mention of it, is the link with the young woman called Katharine Gun. She, I quote directly from her words and I've had email contact with her and Mr Knowles has spoken with her on the telephone. She says 'On January the 31st 2003, just before the war was to be planned, invasion to begin, I received an e-mail circulated to me as an employee of GCHQ from Frank Koza, an officer of the National Security Agency. The e-mail requested that I and others collect information on United Nations Security Council members for inside information as to how the membership is reacting to the ongoing debate re Iraq. On reading that email on the 31st of January 2003 I believed that I was being asked to obtain intelligence by listening illegally to communications by members of the UN Security Council in relation to the forthcoming vote as to whether war should be commenced against Iraq'. Katharine Gun, a young woman of 23, believed so strongly that it was wrong to spy on the UN, but she faced ten years jail by blowing the whistle on that, giving it to a reporter after some two days of deliberation. That's the connection between the network she worked for and the National Security Agency, which operates, guides and governs the activities of the base near Blenheim, which we attacked, which we objected to. We think we had a strong reason for believing that it had a hand in the war because there was no denial by Mr Wolfensohn (of the GCSB) who manages that base, and we strongly believe that was a real link. And so, the war was going on at the time, too late to prevent it, but the link, we believe, was there". For further information, read Bob Leonard's review of "The Spy Who Tried To Stop A War: Katharine Gun And The Secret Plot To Sanction The Iraq Invasion", by Marcia and Thomas Mitchell, in Peace Researcher 39, January 2010, <http://www.converge.org.nz/abc/pr39-183b.htm>. Ed.*

GCSB Conspicuous By Its Absence From Court

And the other thing I want to mention about this, members of the jury, have you noticed an absence in this case? I have, and I'm sure you have now when you think of it. We've heard from just about everyone that's necessary. We've heard from the base security guard, she works for the base. We've heard again in written form, not in evidence, from the farmer Mahar Derry who owned the fence. We've heard from the three accused. Who's stayed away? It's the GCSB. Now you might get directed by His Honour, well technically it's not necessary for the GCSB to prove that they own the property; all that has to be proved is that the accused didn't, and that's true enough. But again, in nearly 35 years of this, I've never done a case where the prosecution knows who the property is, knows exactly who the owner is; and that owner is offended against, they say, yet the prosecution never calls the owner to Court to give evidence of their ownership. And you can see, can't you, just in this case a very good example of how they do that. They call Mr Mahar Derry. If we hadn't agreed that his evidence went in, he would have been dragged across the Strait from Blenheim, Waihopai, wherever he lives, stand up in that box and give evidence of his ownership. So there's a bit of class justice going on here. If you're you and me, and you get your house burgled, you'll be asked to go along to Court, you'll be asked to prove your property; Mr Mahar Derry was asked to prove his property. But if you're the GCSB it seems, with the assistance of the Police and the Crown, you can just sit up there up the road, you can sit sly, watch it all unfold: "It's beneath us, we're not going to get involved, we work for the Americans, we're too important for this," and that's the way it's gone.

We can't have these distinctions. Either we're all subject to the law or we're not. And it's this desperation I suggest that the accused have told you about. That they believed the GCSB was not subject to a law, not accountable, despite the 20 years of effort of ABC. That, in part, has driven them to what they did. Can't you understand that, can't we all understand that? Next thing is of course, they acquired knowledge of the law. You've heard about that. Where some cases are won and some cases are lost. And you've heard evidence from Ciaran O'Reilly about the other Ploughshare actions (*Ciaran O'Reilly is an Australian veteran peace activist who has been involved in Ploughshares actions around the world; highlights have included being imprisoned in the US and acquitted in Ireland. He gave evidence about several overseas Ploughshares actions which resulted in acquittals by juries. Ed.*)

The Power Of Belief

Now, again, aren't they allowed to rely on the ones that they believe are relevant and which result in acquittals. And again, is this not something far more than a hope that's actually clear direct knowledge about acquittals. Doesn't that add up to a belief? Mistaken though it may be, but nonetheless a belief. The other thing of course, which I've already mentioned but is very important in this belief, is this clarity of vision, for want of a better word, that they seem to have about the sufferings day in, day out, of people across the seas in foreign lands. The massive number of casualties which they believe, in some way, has been contributed to by the Echelon system and therefore, in part, maybe only a small part, and ultimately if we all knew about it from a fair open system, ultimately they might even be wrong about it. But from what we are permitted to know, particularly, more relevantly, from what we are not permitted

to know, didn't they have this belief which they match with this clarity of vision about the sufferings of others, and didn't that come into play? And as I've said to you, members of the jury, you're all capable of those same deep beliefs, but for these three perhaps the picture in the mind of the mother in Fallujah (Iraq) at night going to bed in tears because she knows the next day she's going to have to wake up and care for a child who's brain damaged, deformed, who's lost his or her brothers and sisters or a father. Don't these images, in the case of these three, seem to be ever present in a way perhaps that the rest of us, myself included, don't seem to be able to conjure to mind so often and so regularly in the mind. That's what you're here for. You're here to judge them, and when you do that I'd ask you, please, to understand their beliefs, their feelings, right or wrong, and how these have grown with them in their lives that they've told you about. So these genuinely are beliefs and I with, respect to you, members of the jury, cannot see how you could come to any other view. They haven't tried to con you. They have laid out before you on oath their full lives. Their deficiencies, their weaknesses, and surely on the basis of that you cannot condemn them as being untruthful, dishonest, or in any way deceptive of you.

Now the other thing that you will be worried about is "well, what if everyone was allowed to do that, what if everyone who has got a political view that doesn't accord with the Government is allowed to go and smash up property? Where's it going to end?" Well again, and His Honour may tell you this, cases like this are cases on their own facts. With the people involved, with the facts involved, and they are no authority for anything wider and I suppose the first and best illustration of that is in this area of mistake of law. They can only make one mistake of law, as His Honour will direct you. It seems they were mistaken about the availability of the defences of necessity and defence of another, so that's a mistake. It's a mistake I made incidentally as well. So if a lawyer who's supposed to know everything makes the same mistake you can hardly judge the accused too harshly, but it's a mistake they can only make once. They know what the law is in this particular area now. It has been corrected with the assistance of His Honour, so that's the end of it for them in this sort of situation. You can't have the same mistake again. But more importantly you can't have the same facts again in any case. Each case is different and this is really an exceptional case. The law's exception on it is not used very often. The area we are talking about is exceptional. Foreign intelligence where no-one knows, that doesn't match up with any other area of life we have in our sort of society, that's exceptional. What they did was exceptional in the sense that I've never heard a prosecutor complain that the people involved in a crime didn't do enough damage which is effectively what he was saying, and most offenders I deal with they do really go for it. Here this was a deliberately restricted action, it was moderate, it was not mayhem. There seems to be complete absences in all of them of malice or hatred of anyone. They laid their tools out for the security guard; they even got the keys so they could let the Police in (*the Domebusters had locked the main gate. Ed.*). They knew they were going to be arrested and they knew there would be a contest, as there has been, in Court between the law against private property which they respected, they told you, and which they knew on the face of it had been broken. But they had a belief in a higher law: the law for protection of people. People before property I think is the way they would see it.

To Save Lives

That doesn't mean it was simply a hope. Now hope was part of it. You can have a belief and you can have hope, they had both. They had the hope that by doing this in a restrained, gallant way that they would save lives, a life, maybe. That was the most important thing. But they had a realisation that they can't do this on their own. They're not going to stop the wars on their own. They haven't stopped the war by this action. The way things are headed wars are still going to go on. But they don't see that that's the way it should be. What they do see is they can't do it on their own and what they do see is that this action, in part done in public and in part done with symbolism is a call to the rest of us to help out to do what we can, just in a little way, not in a way necessarily that accords with what they did. Not with lifestyles that necessarily accord with the lifestyles they live. But they want help. It was hoped that help would come and will come and who knows how history will judge these three and what they did. Maybe they will be judged kindly but they have the hope that what they did will help others in the future, the victims of the countless wars that we seem never to be able to avoid. Most importantly they had the belief that this particular action and the way it was done may also have saved a life.

Now their belief, members of the jury, that they would be acquitted I do not want you to take as an attitude on their part that they are taking you for granted. They know that they sit under you now in judgement and they respect the process that you must go through. They have a belief that they will be acquitted. They had that belief, but of course that's your decision and it's a process that you will now undergo in judging them. I'm conscious that you've listened to a great deal of evidence and I'm conscious that there's been a disruption of coming and going. On behalf of Mr Leason can I simply say that I'm grateful for the care and attention that you've paid to this case, the commitment you've given it and indeed the intensity which I apprehend that you've followed some very difficult evidence with and so, on behalf of Mr Leason, I express my gratitude to you for that.

"We Are Not Part Of The US"

If you have followed this evidence, if you have assessed these men, not just on what they say and their demeanour, maybe even the demeanour of the wider Court, I cannot see how you can come to any verdict other than one of not guilty, on each count, for each of these accused. In doing that you are doing two things. First it's a straightforward application of our law, not US law, our law produces a just, lawful result. But the second thing is a bigger thing. That verdict of not guilty will sound that this is still a sovereign nation. We are not part of the US, we don't run their foreign policy for them. We do not tolerate being excluded from all aspects of a free, fair society that we would claim this nation to be, but most of all, that verdict will sound as an answer to the call that these three accused made: "Come help us, stop war, stop more killing".



DOMBUSTERS' TRIAL SUPPRESSED EVIDENCE

Bob Leonard's "Inadmissible" Defence Affidavit

Peace Researcher 40 – July 2010

- **Bob Leonard**

It is ironic to note that the Waihopai Domebusters – Adrian Leason, Peter Murnane and Sam Land – were acquitted of all charges by a Wellington jury in March 2010 (see the articles on their trial elsewhere in this issue), despite two of the three grounds of their defence being ruled out by the judge. They were not allowed to proceed with their grounds of necessity or defence of another. They won the case on claim of right, which was only one third of their defence. One of the casualties of great chunks of the defence case being ruled out was the Anti-Bases Campaign's Bob Leonard, who was scheduled to be called as an expert witness. Bob spent all eight days of the trial patiently waiting to be called, only for his evidence to be ruled inadmissible by the judge at a hearing closed to the media and public.

As the trial is now over and the Crown has announced that it will not, indeed cannot, appeal the acquittal, all those previously suppressed parts of it can now be made public. Judge Harrop ruled on Bob's affidavit (Ruling 10, 16/3/10): "... none of that bears directly on whether the accused believed they were acting lawfully. It can help in a modest, supporting background sort of way to explain why they saw a link between the base and the Iraq War but I do not accept that it is substantially helpful in that way, particularly because again, it seems to me, that this is not in issue....They (the Domebusters. Ed.) have all said that their thinking about the whole situation was based on the kind of understanding that Mr Leonard refers to and they have not been challenged on it. Nor has the Crown called any evidence which would in any way be contrary to anything the accused have said on the topic or that Mr Leonard will say on the topic....I think this is another case of adding more evidence on an undisputed topic and for that reason it is not substantially helpful...In summary, I do not see that in any way that the accused case is prejudiced by not being able to call Mr Leonard, nor do I see that it, or the fact finder (jury) is substantially helped by being able to call him. For these reasons I also rule his evidence inadmissible". Bob put a lot of work into this affidavit and it seems a shame for it to never see the light of day. So here it is, having been slightly edited to convert it into an article. Ed.

Qualifications

I am a New Zealand citizen currently residing in Christchurch. I am a retired academic (lecturer and researcher in environmental science) and peace researcher.

Academic

BSc, University of California at Berkeley (1960)

Master of Forestry, Yale University (1961)

PhD, University of California Berkeley (1969)

I believe my academic qualifications are relevant because they prepared me for my career in scientific research, publication and teaching in a university environment. I have endeavoured to apply that academic discipline to my research on the intelligence issues surrounding the Waihopai satellite intelligence base.

Peace Research

Co-founder (with Owen Wilkes) of the Anti-Bases Campaign in 1987.

Researcher and writer for *Peace Researcher* since its first publication in 1983 (editor/co-editor 1985-2003).

I have been studying the Waihopai base and its functions since it was first announced, prior to construction, in 1987. Earliest information was from writings of and discussions with the late Owen Wilkes, an internationally recognised researcher on signals intelligence (SIGINT). I have read widely on the subject of SIGINT and other forms of intelligence gathering. My sources include European Parliament reports on the US Echelon system, ^[1] *Annual Reports* of the Government Communications Security Bureau (GCSB), writings of investigative journalist Nicky Hager, including his book "Secret Power"* (1996), and numerous personal discussions with Nicky, the books "Body of Secrets" (2001) and "The Shadow Factory" (2008) by James Bamford (authoritative sources on the National Security Agency), the book "Axis of Deceit" (2004) by Andrew Wilkie, the book "Spyworld" (1994) by Mike Frost and Michel Gratton (and many other books on intelligence), correspondence with the then director of the GCSB (Ray Parker, Director 1988-1999), and personal research into the operation of the base. In addition, the Anti-Bases Campaign has an extensive library of media materials and our own published reports (mostly in *Peace Researcher*) covering the entire 20+ years of base history and protest.

**Secret Power*” was reviewed by Murray Horton in Peace Researcher 10, September 1996; *“Body Of Secrets”* was reviewed by Nicky Hager in PR 24, December 2001, <http://www.converge.org.nz/abc/hagrview.htm>; *“The Shadow Factory”* was reviewed by Bob Leonard in PR 38, July 2009, <http://www.converge.org.nz/abc/pr38-175a.htm>; *“Axis Of Deceit”* was reviewed by Bob Leonard in PR 32, March 2006, <http://www.converge.org.nz/abc/pr32-120a.html>; and *“Spyworld”* was reviewed by Bob Leonard in PR 23, June 2001, <http://www.converge.org.nz/abc/frostspy.htm>. Ed.

Operations And Functions Of The Base

The first official name of the base was Defence Satellite Communications Unit; the current name is Government Communications Security Bureau, Waihopai. The names are deceptive and do not reveal the true function of the facility: interception of satellite communications. This is a form of signals intelligence, or SIGINT. The inflated rubber radomes that cover the satellite dishes conceal the positions of the dishes and thus make it impossible to determine which satellites are being targeted. Detailed published materials provide compelling evidence as to the true function of the satellite dishes and computer systems that are the heart of the Waihopai base and its sister stations in the US, the UK, Canada, and Australia. The intelligence agencies of these five countries operate under the top-secret UKUSA agreement of 1948 (so called “Five Eyes”) with the US National Security Agency (NSA) being the lead agency and the British Government Communications Headquarters (GCHQ) also a primary partner. New Zealand is a second party to the agreement as are Canada and Australia. The rules of operation and intelligence sharing among the agencies are secret and controlled solely by that agreement which is administered by the US National Security Agency. The US provided hardware, including powerful computers, and specialised software for the stations.

The Waihopai base now has two main rotatable dishes. In his 1996 book Nicky Hager revealed the satellites then targeted by the single dish.^[2] The targets were Intelsat commercial communications satellites. Signals transmitted from those satellites can be intercepted at Waihopai and the communications recorded by computers at the station. The raw intelligence is obtained from telex, fax, e-mail and telephone messages, and radio and television broadcasts. The capacity to intercept telephone messages resulted from expansion of station capabilities in 1998-99 (including addition of a second dish); it also required a special legislative amendment which exempted interception of “foreign” private oral communications from the Crimes Act.^[3] This new ability to listen to and record telephone conversations was confirmed by then Prime Minister Bolger in a press release which was published in major newspapers.^[4]

Official pronouncements from the GCSB and the government claim that only “foreign communications” are intercepted and recorded. The term “foreign communications” is defined in the GCSB Act 2003 as “communications that contain, or may reasonably be expected to contain, foreign intelligence”.^[5] Although the GCSB is directed in law not to target New Zealand citizens or permanent residents,^[6] I believe it is reasonable to conclude that New Zealanders on one end of an international communication are vulnerable to such intercepts. There is no effective independent oversight that can ensure that such intercepts are not improperly used within the closed intelligence community. Based on careful reading of the enabling legislation^[7], I conclude that neither the Inspector-General of Intelligence and Security nor the Committee on Intelligence and Security (chaired by the Prime Minister) has access to the inner workings of the station, and both lack the power to provide any effective oversight of the activities of the GCSB.^[8] Illegal interception of American domestic communications was carried out by the NSA for several years under orders from the Bush Administration.^[9]

Intelligence gathered at the station, both raw and in the form of reports, is sent to other UKUSA partners based on their formal requests for interceptions. Raw intercepts are automatically passed to the US NSA and relevant foreign partners with no screening or analysis by the GCSB. Therefore, in the provision of raw intelligence the Waihopai station operates in the same manner as if it were a US facility on US soil.^[10]

Intelligence And Foreign Policy

Both raw and processed intelligence contribute to the formulation of foreign and economic policies in all countries capable of collecting such intelligence. History has shown us that a state may formulate foreign policy that is unlawful or malevolent. I believe that in the case of current wars in Afghanistan and Iraq the US has used SIGINT for malevolent purposes in planning, launching, executing and continuing those wars. Such uses are major

elements of the so-called War on Terror, rapidly escalated by the Bush Administration following the attacks of September 11, 2001 in New York City and Washington DC. Intelligence is central to the conduct of those wars: “The wars we are in today are intelligence wars. And so if you believe that SIGINT is number one, then the syllogism says NSA becomes the most important part of the war”.^[11]

The use of intelligence in planning and justifying the invasion of Iraq has been well documented in articles, books and media. But the use by US politicians and Administration officials involved corruption of the intelligence in a manner that supported the invasion. The corruption was done in two ways: i) True or accurate information was amended, restricted or modified, and ii) Unreliable or incomplete information was enhanced or embellished.^[12]

The Secretary of State Colin Powell, gave an address before the UN Security Council (UNSC) on February 5, 2003 designed to convince the Council and the world that Iraq’s weapons of mass destruction were real and a dire threat to world peace. He used intelligence that was anything but “solid” and was even termed “ambiguous” by then NSA Director Hayden. For example, an intercepted radio communication on January 30, 2003 alleged to be between an Iraqi Republican Guard officer and a field officer was reported by Powell to be evidence of systematic Iraqi deception regarding UN weapons inspections. That interpretation was implausible and the far more likely one was that the isolated bit of conversation, in the absence of any verifying context, showed an attempt to comply with the inspections.^[13]

The United Nations was not immune to eavesdropping by the SIGINT alliance. “The February 2004 revelation by former British Cabinet Minister Clare Short that sensitive United Nations communications were intercepted during the lead-up to the Iraq war provided a dramatic insight into the world of SIGINT.”^[14] The US Administration was desperate to gain some semblance of legitimacy for its Iraq invasion in the form of a favourable resolution in the UN Security Council (UNSC). The intent of the eavesdropping on member nations was to gain influence over the voting process in the Council. The Government leaders of the US, UK and Australia (Bush, Blair and Howard) were all complicit in the deceptions driving the “case” for the invasion of Iraq.^[15]

Intercepting UNSC communications during deliberations on a second resolution concerning the legality of an invasion of Iraq was initiated by the Bush Administration. The interception used the Echelon system with the NSA as the lead agency. An NSA Deputy Chief, Frank Koza, sent an e-mail to the other four Echelon agencies^[16] asking them to take part in “a surge particularly directed at the UN Security Council members...for insight as to how membership is reacting to the ongoing debate RE: Iraq”. GCHQ Intelligence officer Katharine Gun blew the whistle on this NSA directive by releasing a copy of the Koza e-mail to a newspaper. Stating that “I’ve only ever followed my conscience” Gun deliberately violated the Official Secrets Act by leaking the e-mail; she honestly felt that by revealing NSA intentions to eavesdrop illegally on the UNSC that she might prevent fraudulent and illegal use of signals intelligence to support the impending invasion of Iraq. In her view her own illegal act was justified in order to try to prevent a much greater violation of the rule of law by the UK and US governments in their leaders’ determined push to legitimise their long-agreed invasion for the purpose of regime change.^[17] At great personal risk of conviction and long term imprisonment under the Official Secrets Act, Katharine Gun acted with great courage. Her trial was abandoned by the Crown Prosecution Office at the opening of her trial “for lack of evidence” and she was found “not guilty”.^[18]

Because of the integral role of the Waihopai station in the UKUSA-SIGINT alliance I believe it is entirely plausible, indeed likely, that intelligence gathered at that station and forwarded to the NSA contributed to the attempts to subvert the deliberations and voting of the UN Security Council in the matter of the second resolution on the invasion of Iraq. New Zealand, through the activities of the Waihopai station, is thus likely to have contributed to pressure on the UN to adopt the resolution for war.

Use Of Intelligence In War Fighting

The wars in Afghanistan and Iraq have continued for years with both countries sliding deeper into chaos. As indicated above, intelligence is vital to the continued conduct of the US-led wars in both countries. A tragic consequence of the continued attempts to fight insurgencies in both countries is “collateral damage”, the killing of innocent civilians. A particularly sad and compelling example was reported in *Time* magazine in 2003.^[19] A child in Afghanistan picked up an abandoned satellite telephone and naively turned it on. The phone had belonged to a Taliban leader and its signal was intercepted by the US-led SIGINT alliance, a key source of targeting data for guidance of so-called “smart weapons”. Several children were killed; the intended target was long gone.

The risk-averse American military is relying increasingly on air strikes, including the use of Predator drone aircraft (remotely controlled from Nevada in the US), to fight the counterterrorism (CT) war in the Middle East. Targeting is dependent on the use of human and signals intelligence, with heaviest reliance on SIGINT because of the lack of effective human intelligence (HUMINT). "While an over-the-horizon CT approach is feasible using long-range, precision-guided munitions, this approach relies entirely on SIGINT and Central Intelligence Agency networks to locate targets".^[20] Human intelligence in the Middle East is weak and ineffective. A recent criticism of US plans to increase the use of drones in the Afghan/Pakistan border area to combat the Taliban stated: "...drone strikes kill 10-15 times as many civilians as they do suspected militants".^[21]

It is reasonable to suggest that the events and scenarios described above, which have led to the deaths of thousands of civilians, are an indictment of the Waihopai station as an integral part of the intelligence and targeting system. This involvement by New Zealand in continuing conflicts of questionable moral and ethical foundation and the devastating consequences for the civilian victims amounts to wilful blindness by our Government.

New Zealand And The War On Terror

The evidence is compelling that the Waihopai station is an integral part of the US War on Terror. Nicky Hager's research reveals that the focus of Waihopai and the GCSB changed dramatically after the events of September 11, 2001. The GCSB itself was requested by the Ombudsman to release documents which show the immediate operational changes that took place inside the GCSB after 9/11. Intercepting satellite communications took on a new urgency and required increased funding and staff increases. The papers said: "...the events of 11 September led to a major shift in focus for the Bureau and defined its operations for most of the year". Those operations included the satellite communications interception carried out at the Waihopai station.^[22] Further evidence of the increased emphasis on Middle Eastern intelligence was revealed by the presence in 2004 of a British intelligence officer (from GCHQ) working in the GCSB in Wellington. He was a Middle Eastern language specialist whose "job during 2004 was to reorient the New Zealand analysis sections towards Middle Eastern language intelligence".^[23]

However, despite the information from the Ombudsman's efforts and the inside sources, the New Zealand public still knows no more than the basic generality that the GCSB was heavily involved in US war on terror activities. Beyond that, we know nothing. While the legality and morality of intelligence operations is debated vigorously overseas, New Zealanders have no knowledge about what countries or groups were being spied upon, what information was passed to whom, whether New Zealand was part of operations like eavesdropping on UN Security Council members before the Iraq vote and whether our intelligence contributed to assassinations, extraordinary renditions, detentions or torture. Debate, review and political and legal accountability as seen in other countries have been impossible in New Zealand.^[24]

It is known from inside sources that the GCSB has trained NZ military personnel for special missions gathering intelligence overseas to aid the US War on Terror using covert electronic eavesdropping.^[25] However, it has recently been revealed that non-military intelligence operatives have been directly involved in Afghanistan for several years. Four of six NZ government agencies were named as having personnel in Afghanistan (Foreign Affairs, Defence Force, police and NZAid). "The other two agencies with personnel there are kept secret for...security reasons, making it likely they are the intelligence agencies [GCSB and Security Intelligence Service]."^[26]

Iraq was invaded in March 2003. Extensive and compelling evidence has revealed the invasion to have been unlawful and the New Zealand government chose not to join the "Coalition of the Willing" in that US adventure. But I am not aware of any shift in intelligence policy in the GCSB during this period. In my opinion the GCSB carried on assisting US foreign policy up to, throughout and after the invasion and sustained aggression in Iraq that was not and still is not supported by the New Zealand government.

UKUSA Agreement

Annual Reports published by the GCSB became publicly available beginning in 2003 and reveal the links to our intelligence partners: "Throughout the year, the Bureau has continued to play its full part in the international partnership. Collaboration and cooperation, particularly on counter-terrorism, is extremely strong, as demonstrated by the record number of visitors to GCSB (including several major conferences)."^[27] In 2002 the Prime Minister, Helen Clark, came close to admitting the existence of the UKUSA Agreement in stating that New Zealand belonged

to “the best intelligence club” and was a “founder member, along with the US, Britain, Australia and Canada”.^[28] In 1999 the Director of the Australian DSD, Martin Brady stated that his agency “does cooperate with counterpart signals intelligence organisations overseas under the UKUSA relationship”.^[29] This was the first open admission of the existence of the UKUSA electronic surveillance system.

A recent Internet news story further strongly supports assertions that the US and NZ are closely linked in intelligence and war-fighting matters. The leaked materials were sourced from a Rand Corporation 318 study into intelligence operations in Iraq and Afghanistan.^[30] Here are key excerpts: “A leaked American study into military actions in Afghanistan reveals New Zealand is quietly plugged into the world’s most secret internet allowing access to the Pentagon’s battle plans at strategic and tactical level. It is known as the ‘Secret Internet Protocol Router Network’ or SIPRNET, a sophisticated alternative to the Internet which allows even New Zealand frigates and armoured vehicles access to material seen on generals’ desks in Washington, London and Canberra. Each page of the leaked Rand paper is headed and footed with the reference: ‘UNCLASSIFIED//FOR OFFICIAL USE ONLY//REL TO USA/AUS/NZL/ISR/NATO’. (Note: *ISR is Israel*). Last year Colonel Mike Convertino of the US Air Force Cyber Command told computer media that SIPRNET was completely separated from the public internet. ‘*We conduct wars on SIPRNET,*’ he said. ‘*So it’s very important that there is little-to-no chance that it can be interfered with*’” (my emphasis. BL).

The Accountability Of The Waihopai Base

Members of the ABC and other informed groups and individuals have attempted for over 20 years to expose the activities of the GCSB and the Waihopai station. Action and protest have involved research, writing, publication (research journal, opinion pieces in newspapers), public and Parliamentary education (public meetings and leafleting, meeting with MPs, testifying before Select Committees, petitions to Parliament), media interactions (countless media statements, and interviews on radio and TV), and protests at the Waihopai station, which in some earlier protests involved non-violent direct action (civil disobedience leading to many arrests, several court trials, and much personal expense and sacrifice).

In short, we’ve tried about everything we can think of to expose the GCSB and its activities to public scrutiny. It hardly needs saying that the cult of secrecy (embedded in legislation) that surrounds the GCSB and its operatives is their greatest asset. They refuse to engage in discussion or debate, they issue annual reports to Parliament that are devoid of substance, the rules under which they operate are dictated by foreign intelligence bodies, and the five nation agreement among the US, UK, Canada, Australia and New Zealand (so-called UKUSA agreement of 1948) is top secret, its content known only within the intelligence establishment.

The Intelligence and Security Committee (ISC) was established in 1996 and has a membership of five senior MPs chaired by the Prime Minister. It is a Committee of Government and not a Parliamentary Select Committee. Repeated claims are made that this Committee provides oversight of the New Zealand intelligence agencies. But its powers are very limited by the ISC Act. It cannot inquire into “any matter that is operationally sensitive, including any matter that relates to intelligence collection and production methods or sources of information”.^[31] Not even the Prime Minister has access to such information. She or he may on occasion be shown some top secret reports by GCSB officials, but that is not oversight of the Bureau and its activities. It is not accountability. The other intelligence agency oversight provision is the Inspector-General of Intelligence and Security. His ability to oversee the operations of the GCSB is just as constrained in law as that of the ISC: “...the Inspector-General shall not inquire into any matter that is operationally sensitive....” (as for the ISC).^[32] At time of this writing the Office of the I-G had little or no support staff.

Neither the ISC nor the I-G is subject to the provisions of the Official Information Act (1982). So these very constrained oversight bodies are not even open to Parliamentary or public questioning. The ISC recently declined an ABC request even to reveal when it meets, for how long, and who attended the meetings.^[33] What little has been revealed about the meetings (in agency *Annual Reports*) shows that they are short and infrequent, and deal with routine matters such as budgets. They function in almost complete secrecy; they are effectively a part of the intelligence establishment itself but are tightly constrained in law from having any knowledge of or control over the business of that establishment. These two bodies are often cited by politicians and Government officials as providing intelligence oversight and protecting the people of New Zealand from unlawful activities by intelligence operatives. In my opinion no meaningful oversight is exerted by either the Inspector-General or the Intelligence and Security Committee.

It is difficult to imagine just how the public and our elected representatives could be more effectively excluded from

any knowledge of what the intelligence agencies do in their name and with their tax dollars. The GCSB operates entirely within its own establishment, unencumbered by any effective oversight by either the ISC or the Inspector-General of Intelligence and Security.

Individual Responses To The War In Iraq

Information as to exactly how SIGINT was misused in the lead-up to the Iraq war has only been revealed to the world because a few courageous “insiders” working for the intelligence agencies of some of the SIGINT alliance countries blew the whistle on what they were being asked to do. Adrienne Kinne* in the US, Katharine Gun in the UK and Andrew Wilkie* in Australia made conscience-based decisions at great personal cost to expose this misuse of intelligence. In Gun’s case this involved prosecution by the Crown Prosecution Office which dropped the charges on the day before her trial rather than disclose documents relating to advice by the Attorney General to the Prime Minister on the legality of the impending Iraq invasion.^[34]

**Adrienne Kinne was a US Army Reserve Arab linguist who was assigned to an NSA eavesdropping operation between 2001 and 03. In 2008 she made public that completely harmless calls home from Americans in the Middle East had been intercepted. For details on Andrew Wilkie, see Bob Leonard’s review of Wilkie’s book “Axis Of Deceit” in PR 32, March 2006, <http://www.converge.org.nz/abc/pr32-120a.html>. Ed.*

In my opinion, prevailing codes of secrecy by the governments of the SIGINT alliance, including New Zealand’s government, mean that acts of “disobedience” are, at present, the only realistic means of informing the public about the true nature of the intelligence gathering activities of the SIGINT alliance and, in particular, when those activities become unlawful and/or repugnant to the moral values proclaimed by democracies like ours.

^[1] Echelon is the name of the system developed and operated by the United States National Security Agency that uses a range of signals intelligence gathering devices to select, collect, analyse, process and report that intelligence to the US government and four associate member governments (see also footnote 16).

^[2] “Secret Power” by Nicky Hager, Craig Potton Publishing, 1996.

^[3] The legal basis for intercepting foreign communications is contained in the Crimes Act Section 216B(2)(b)(iia)

^[4] “Spy power boost to secret station” by John Armstrong, *New Zealand Herald*, 21/7/97.

^[5] Government Communications Security Bureau Act (2003) Section 4(b)

^[6] Ibid. Section 14

^[7] Intelligence and Security Committee Act (1996); Inspector-General of Intelligence and Security Act (1996)

^[8] See also parts 21-23 of this affidavit

^[9] *New York Times*, 16/12/06; “The Shadow Factory” by James Bamford, Doubleday, 2008. pp287-288

^[10] Op.cit. Hager, 1996; “Axis of Deceit” by Andrew Wilkie, Black Inc. Agenda, 2004.

^[11] Eric Haseltine, NSA assistant director for research; quoted in Bamford, op.cit. p52

^[12] Op.cit. Wilkie 2004

^[13] Op.cit. Wilkie pp156-157

- [14] Op.cit. Wilkie p53
- [15] Op.cit. Wilkie pp 62-63
- [16] UK Government Communications Headquarters – GCHQ, Canadian Communications Security Establishment – CSE, New Zealand GCSB, and Australian Defence Signals Directorate – DSD; see also footnote 1.
- [17] “The Spy Who Tried to Stop a War” by Marcia and Thomas Mitchell, PoliPoint Press, 2008. Chapter 17
- [18] Ibid. p134
- [19] Time, 22/12/03
- [20] Institute for the Study of War (American Enterprise Institute), “Key facts on Afghanistan”, 28/10/09, www.understandingwar.org/print/859
- [21] “UN report confirms troop increases fail to reduce civilian casualties in Afghanistan”, Derrick Crowe, 31/7/09, *FDL The Seminal*, <http://seminal.firedoglake.com/diary/6854>
- [22] “Waihopai: our role in international spying” by Nicky Hager, 11/5/08, Stuff.co.nz
- [23] Ibid.
- [24] For example, recent high profile debates in the US have focused on such issues as extraordinary rendition, illegal NSA eavesdropping on US citizens, prisoner treatment at Guantanamo Bay, and torture of prisoners at Abu Ghraib, Iraq. The US Congress has permanent House and Senate Select Committees on Intelligence with powers to question high level intelligence officials on detailed matters of procedure and use of intelligence. The current Chilcot Inquiry is investigating UK government advice and decisions at the highest levels, including then Prime Minister Blair, surrounding the 2003 invasion of Iraq.
- [25] Op. cit. Hager 2008
- [26] “NZ agents join secret war in Afghanistan” by Patrick Gower, *New Zealand Herald*, 9/9/09
- [27] GCSB *Annual Report* for 2004
- [28] “PM backs CIA over warnings”, *New Zealand Herald*, 17/10/02; interview on TVNZ programme *Holmes*
- [29] *The Age*, 23/4/99
- [30] “NZ plugged into secret internet” by Michael Field, 6/3/09, Stuff.co.nz
- [31] Op.cit. footnote 8. Section 6(2) of the ISC Act
- [32] Op.cit. footnote 8. Section 11(4) of the I-G Act
- [33] Letter from the Office of the Prime Minister to Murray Horton, ABC, 14/5/09
- [34] Op.cit. footnote 17. pp146-147

WAIHOPAI PROTEST 2010

Peace Researcher 40 – July 2010

- Murray Horton

The Anti-Bases Campaign held our regular protest in Blenheim and at the Waihopai spybase in January 2010. It was the first time we'd been there since the spectacular April 08 deflation of one of the base's giant domes; we had decided not to hold a protest at the base in 09 but to concentrate on solidarity activities with the Waihopai Anzac Ploughshares trio – Adrian Leason, Peter Murnane and Sam Land (whom we renamed the Domebusters). We had made that decision because we believed that their trial would be in 2009, but due to the twists and turns in the legal system, it did not, in fact, take place until March 2010 (see several articles about it elsewhere in this issue). When we decided to hold our spybase protest in the usual month of January we did not know that the trial would take place, in Wellington, just six weeks later. We had already committed to a range of solidarity activities throughout the duration of the trial. For a very small Christchurch-based group such as ABC it was a tall order to organise two such major activities, in different parts of the country, so close together – but, I'm delighted to report, we succeeded.

The deflation and impending trial did have one noticeable effect on the composition of our ranks in January 2010, namely that none of the three Domebusters nor their numerous family members and Catholic Worker supporters attended, in marked contrast to the 08 protest, when their group had made up a sizeable chunk of the participants, and two of them (Peter and Sam) had been among the speakers at the inner gate. The reason for their non-attendance in 2010 was simple – their bail conditions included a prohibition on entering the entire province of Marlborough, except to attend court or meet lawyers. As they had succeeded in getting the trial venue moved to Wellington, they had no legal reason to enter Marlborough. Nor did the spies want them anywhere near the base again – in their trial testimony they happily volunteered the information that they had used their participation in ABC's 08 protest to get as close as possible to it and case the joint for their spectacular deflation three months later (as they were acquitted of all charges, there is nothing to stop them joining us in any future Waihopai protests and we would be delighted to welcome them).

Even so, we managed to muster somewhere between 20 and 30 hardy souls (we consider 50 to be a really good turnout) and what was noticeable was the number of Waihopai protest veterans, some coming back into the fray after years away (the likes of Don Murray, who was on the ABC committee in the 1980s and 90s; and Doug Craig, another stalwart of those early protests, who has gone on to join the ABC committee in 2010). Other ABC veterans, like Dick Keller and Maire Leadbeater, keep turning up year after year. And there were some first timers and young people this year as well. That number was particularly heartening because, for one of the few times in the 22 years that ABC has been holding these protests in Marlborough, the weather was not good. Usually the problem is blazing dry heat. In January it rained on each of the three days that we camped at beautiful Whites Bay and it wasn't warm – I can't remember the last time I had to wear a raincoat and/or a jersey throughout a Waihopai protest weekend. Even though it wasn't heavy rain, it was persistent and any kind of rain and camping are not a good mix. Special heartfelt thanks are owed to ABC committee member Lynda Boyd who, as a last minute thought before we left Christchurch for Marlborough, picked up a gazebo from the office of the union she works for. That provided just enough shelter for the cooking and eating to take place and as a communal meeting place (it's a Department of Conservation camp with no electricity, kitchen, or anything more than very basic facilities). It was barely sufficient to keep us and our cooking facilities dry – if one person turned around inside the gazebo his or her neighbour had to do likewise. We used to hire a big marquee tent for the weekend until the last few years; maybe we need to do so again if we can no longer trust Marlborough's summer weather. Naturally the blazing sun came out as soon as we had packed up to leave for home.

Our activities are pretty much the same from one year to the next (it's not really what we do that matters but the fact that we do it at all and keep the Waihopai issue in the public eye). On the Saturday morning we marched through Blenheim, starting and finishing at Seymour Square. There was some debate about whether we should march on the road (it certainly can get awkward manoeuvring our big banners, placards and other props, such as coffins, past pedestrians and shop awnings on the footpaths) but ABC felt that if we did, that could provoke a confrontation with the cops, or risk injury from enraged Blenheim motorists, and take the focus away from the issue. We stopped at the Rotunda in the Forum in the centre of town where there the same three speakers as in January 08 – Green MP Keith Locke; John Minto from Global Peace and Justice Auckland and myself, on behalf of ABC (see below for an extract from my speech about Waihopai at ABC's Wellington public meeting during the Domebusters' trial, in March. It is basically the same as what I said in Blenheim, in January).

John Minto Praises The Real Heroes

John Minto was the speaker that the media were keen to report. Earlier in January he had been the most high profile person arrested at an Auckland protest against an Israeli player taking part in the NZ Tennis Open. The heavy handed cops overreacted, arresting a number of people and confiscating several megaphones. It was the first time that John had been arrested for many years (it is nearly 30 years ago that he was “New Zealand’s most hated man”, as the leader of protests against the racist 1981 Springbok rugby tour, but he has lost none of his ability to get right up the noses of the redneck rump of this country. And he is completely fearless in doing so). So, media coverage before the Waihopai protest highlighted that John was going to be taking part and I had reporters ring me with questions like “will Mr Minto be bringing his megaphone?” (no, ABC supplied our own). The *Marlborough Express* specially sent a reporter to our camp on the day we arrived, to interview John – not only about his participation in the weekend’s protest but also for some sort of lifestyle feature.

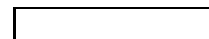
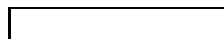
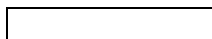
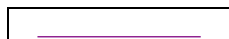
John knows what buttons to push when he speaks. Just days earlier NZ papers had splashed huge front page photos of Willie Apiata, the Special Air Service soldier who won the Victoria Cross during the Afghanistan War, back in guntoting action on the streets of Kabul. The timing was excellent, because Waihopai is NZ’s biggest contribution to that US-led war, much more so than any token SAS deployment. John said that Apiata was “no hero compared to Sam, Adrian and Peter. The real heroes of Afghanistan are the three Kiwis who popped the dome two years ago. They are real heroes because what they did goes against the mainstream of New Zealand public opinion and it was a truly brave, inspiring and courageous action. Unfortunately Apiata is involved in a very dirty war on behalf of America and the people of Afghanistan don’t want him there. I don’t see him as a hero because people have to take personal responsibility for their actions and I am not sure he realises the real reason why he is there in Afghanistan” (*Press*, 25/1/10; “Apiata no hero, says activist”). That got them going!

We had coffins and crosses and white face masks to represent those killed by the wars in Iraq and Afghanistan which Waihopai helps the Americans and their mates to wage. Thanks to an idea by Joe Hendren, we also had a number of white balloons (to represent the big white domes which cover and conceal the satellite interception dishes) to spell out “Close Waihopai”, and in solidarity with the Domebusters, those mini-domes were popped one by one – Phil Hunnisett wielded his pocketknife very enthusiastically. And, of course, we had that perennial gatecrasher, Uncle Sam (although this time Bob Leonard was taking a break and the Stars and Stripes suit was worn by Alice Leney. I should explain that Alice is a man – it’s a long story, literally, as those who heard him tell it can attest).

On the Saturday afternoon we travelled out to the spybase. Ever since the 2008 dome deflation access to the inner gate or any other part of the base’s property has been denied to everyone. The spies got such a bad fright that they’ve been in lockdown ever since. We expected that, it was like a flashback to the late 1990s when that was the status quo. So we gathered at the public, outer, gate, had an open mike with a number of speakers and popped another batch of mini-domes. John Minto spoke again: “New Zealand should be running independent foreign policy. It should be a small country with a big voice but, right now, we’re really speaking through America’s megaphone. It (the base) doesn’t have any real place in New Zealand. It’s not protecting New Zealand or defending democracy or promoting development” (*Marlborough Express*, 25/1/10, “Waihopai protest challenged. Satellite station ‘keeping Kiwis safe’”, Rachel Young). That headline is referring to the solitary pro-spybase picketer who turned up at the gate with a placard reading “Waihopai Keeping Decent Kiwis Safe” (I guess that means that us indecent ones are bugged). Naturally the media, particularly TV news crews, homed in on him and headlined his presence. A number of our people talked to him and he didn’t really have anything terribly coherent to say about why he reckoned the spybase is a good thing.

We’ll Be Back In 2011

It was a small protest, as it always is, but that is not a disincentive to us. Waihopai protests nearly always get national and local media coverage way out of proportion to their actual size and this one was no exception, with reports in newspapers, radio and TV. What is important is that the protests continue to take place; indeed, in 2010, the whole issue received a huge boost in media coverage and public awareness with the Domebusters’ trial, and acquittal, in Wellington just six weeks later (see articles elsewhere in this issue). ABC intends to go back to Blenheim and Waihopai in 2011, and as long as we are able, we will shine a spotlight on this particular blot on the national landscape, this crime on the national conscience, and we will demand its closure.



WAIHOPAI MUST BE CLOSED NOW

Peace Researcher 40 – July 2010

- Murray Horton

This is an extract from a speech delivered at ABC's Wellington public meeting during the Domebusters' trial in March. It is basically the same as the speech I gave in Blenheim during the Waihopai protest in January. MH.

There is a bipartisan consensus, both in NZ and the US, about the importance of Waihopai and the vital role of intelligence in the wars that New Zealand is helping the US to fight. It doesn't matter if the Government is Labour, National, Republican or Democrat, they all support seemingly endless war as a vital tool in maintaining the global dominance of the US Empire and spybases such as Waihopai as a vital weapon. The only thing that has changed since Obama came to power is the change of emphasis from Iraq (Bush's obsession) back to the "forgotten little war" in Afghanistan which Obama has decided to make "his" war (all US Presidents have to "own" a war). Obama has copied Bush's surge in Iraq with his own surge in Afghanistan, so right now we're told that the Taliban are being routed and victory is in sight. Wait a minute, weren't we told this nine years ago when the US and its satellites, such as NZ, first invaded? Haven't we been through all this before? This must be the sequel in the neverending series of action movies that are fed to the US public in lieu of an actual foreign policy.

Afghanistan Is The New Vietnam

There are striking similarities between the Afghan war and America's disastrous Vietnam War of a generation ago (New Zealand also followed the US into that particular swamp). Afghanistan is a losing war, which is being expanded; it has spread into its much more volatile neighbour (Pakistan), just as the Vietnam War spread into Laos and Cambodia (and the US lost in all three); it has an incompetent puppet government riddled with corruption and whose President was elected in 2009 in one of the most spectacularly fraudulent elections ever; it is dominated by warlords and drug barons; it is a war that is deeply unpopular in the US and many of the other countries which have troops there. Even the Domebusters' action had Vietnam War significance – they did it, purely coincidentally, on April 30th (2008), the anniversary of the final liberation of Saigon (now Ho Chi Minh City).

New Zealand has changed its military emphasis in Afghanistan, from "hearts and minds" Provincial Reconstruction Teams to redeploying our crack killers, the Special Air Service in Kabul, the capital (personified by that wonderful propaganda photo of Willy Apiata VC that appeared in all the papers in January 2010). What hasn't changed is the craven desire of NZ governments, National or Labour, to suck up to the Yanks in the hope of getting some tangible benefit as a result. In the Vietnam War years the Holyoake government followed what was called the "guns for butter" policy – we fought US wars in the hope that the US would let us sell our agricultural products there. Nothing has changed. Negotiations start this month (March 2010) in Australia on expanding the Trans-Pacific Partnership (originally better known as the P4) to include the US, and several other countries. This is intended to bring into effect a free trade agreement with the US. Both Labour and National have a childlike belief in "free trade" as the solution to all problems. Both proclaim that a free trade agreement with the US that would, wait for it, let us sell more of our agricultural products there must be the best possible outcome. NZ's biggest company is Fonterra, so that must mean that our present policy is guns for milk.

Also on in Wellington this week is the event to announce the winner of the 2009 Roger Award for the Worst Transnational Corporation Operating in Aotearoa/NZ (*won by ANZ. You can read the Judges' Report at <http://canterbury.cyberplace.co.nz/community/CAFCA/publications/Roger/Roger2009.pdf>. MH*). I also work for the Campaign Against Foreign Control of Aotearoa and will be speaking at the Roger event in my CAFCA capacity (*and you can read that speech at <http://canterbury.cyberplace.co.nz/community/CAFCA/publications/Roger/2009Horton.pdf>. MH*). It is not coincidental that it is also taking place in Wellington this week. Waihopai is a small but vital cog in a global system of exploitation, intimidation, war and mass destruction that exists to make the world safe and profitable for the transnational corporations, many of whom are an integral part of that global war machine. By their symbolic non-violent direct action the Waihopai Domebusters poked a finger into one of the eyes of the spying and enforcement mechanism of that system. We all owe those guys a vote of thanks.

Intelligence is critical in the Afghan war. Human intelligence (HUMINT) has been a spectacular failure. As recently as December 09 a significant number of the US Central Intelligence Agency's leadership in Afghanistan was blown up inside one of their own supposedly secure secret bases by a suicide bomber who had fooled them by pretending to be a double agent. So what they rely on is signals intelligence (SIGINT) or electronic intelligence (ELINT) and that is where the likes of Waihopai come into the picture. It is a remote control war, one involving death from afar via unmanned drones and missiles – and leads to what is sanitised as "collateral damage", meaning dead innocent

civilians, including a lot of kids. Faulty electronic intelligence has been the cause of a large number of these deaths e.g. kids playing with a satellite phone abandoned by a Taliban commander, a US plane locking onto that phone's signal and ordering a missile strike which killed the kids. More than anything else the endless stream of civilian deaths has enraged Afghan public opinion and led to large protests against the foreign occupation troops. Waihopai's role in this network of spybases dedicated to serving the US war machine means that New Zealand has the blood on our hands of innocent civilians, including kids. And our spies don't just operate in Afghanistan from long distance – in 2009 there was the revelation that operatives from the Government Communications Security Bureau (GCSB, and the better known Security Intelligence Service) had been working in Afghanistan itself. What they were doing is not known.

The Next Wars

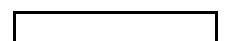
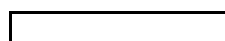
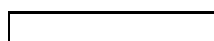
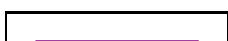
Beyond Afghanistan we look for the next war. There is always a next war when you're dealing with empires. Bush would have loved to have had a go at Iran but even he realised that he'd bitten off more than he could chew with Iraq (in a delicious irony, the American overthrow of Saddam Hussein has been to the great advantage of Iran). It is still a real possibility, as the Western propaganda machine is cranked up to demonise its theocratic regime and flaky President. That will probably be subcontracted to the Israeli warmongers, so that the US has plausible deniability if it all goes wrong. Yemen is the enemy of the month at present; Somalia is another one, although the US got burnt there in the 90s. I think Pakistan could very easily become an official enemy in the not too distant future; it is not inconceivable that Saudi Arabia could be also, if a regime comes to power there that threatens Western oil supplies. The US has gone very quiet about that old favourite, North Korea, ever since it got nuclear weapons. China is the really big global rival but it's too big to fight. This is the lesson that the US continues to have to learn, the hard way – that if you fight imperialist expansionist wars all around the world, you will make new enemies as you go. Osama bin Laden turned from being an American ally in Afghanistan to being a sworn enemy because he was offended by the US military presence in Saudi Arabia (arising from the first Gulf War). The Waihopai spybase deals NZ into all these potential next wars.

Waihopai Does Nothing To Protect NZ

The "ultimate" argument for those who defend Waihopai is that it "protects" us. There is no evidence of any Islamic terrorist activity inside NZ, or directed against NZ from outside, so that is a purely hypothetical claim. But NZ has been the target of State terrorists. The *Rainbow Warrior* bombing occurred before Waihopai existed (although the GCSB did exist then, and was operating its other spybase, at Tangimoana, which is specifically tasked to intercept signals from shipping. It did nothing to prevent the French State terrorists arriving or getting away by boat). So we can't blame Waihopai for the *Rainbow Warrior* atrocity. However there has been a much more recent example of foreign State intelligence agents mounting a covert operation on NZ soil. Just six years ago Mossad agents, from Israeli intelligence, were caught here trying to fraudulently obtain fake NZ passports (in case you're wondering why they wanted them, I refer you to the current international scandal arising from a Mossad death squad having used fake passports to get into Dubai to murder a Hamas leader. See my article "*Mossad Murderers Strike Again*", elsewhere in this issue. MH). Two of the team in NZ were caught, imprisoned and deported; and there was a major diplomatic breach that was only ended with an Israeli apology and the payment of reparation to the Kiwi whose identity was stolen. But who caught those foreign intelligence operatives up to no good in our country? Not our spies, that's for sure. They were caught by a good old suspicious Internal Affairs officer who tipped off the cops. Waihopai, which intercepts international electronic communications, was conspicuously absent from any role in protecting NZ from these foreign criminals committing serious crimes on NZ soil. Oh, I forgot, Israel is a "friendly" intelligence service (as were the French agents who bombed the *Rainbow Warrior*). We musn't spy on them or protect our country from a real threat. No, "our" spybase must operate at the disposal of the US according to its intelligence priorities.

Waihopai dates back to the final years of the Cold War and its priorities have changed according to the dictates of its Big Brother. In the 90s it was spying on both our smaller Pacific neighbours and on major Asian friends such as Japan. Since 9/11 it has been put at the service of the Americans' obsessive, global, "War on Terror" (now blandly renamed "Overseas Contingency Operations"). But what hasn't changed is its role as a tool of US intelligence, specifically the National Security Agency, and of the US global warfighting machine. The Anti-Bases Campaign's position has not changed in the 20 plus years we have been campaigning about Waihopai.

Waihopai does not operate in the national interests of New Zealand or our neighbours. Basically it is a foreign spybase on NZ soil and directly involves us in America's wars. Waihopai must be closed now.



OWEN WILKES' SIS FILE

Spies Play Hard To Get

Peace Researcher 40 – July 2010

- Murray Horton

The legendary Owen Wilkes was a world-renowned peace researcher and activist for decades, from the 1960s onwards. He was a founder of both the Campaign Against Foreign Control of Aotearoa (CAFCA) and, later, the Anti-Bases Campaign (ABC). Owen committed suicide in 2005, aged 65. Following his death *Peace Researcher* devoted a special issue to him, Number 31, October 2005, online at <http://www.converge.org.nz/abc/prcont31.html>. It is, of course, no surprise that Owen was subjected to the attentions of the NZ Security Intelligence Service (SIS). In 2008 CAFCA received (the censored version of) its SIS file - I wrote about this in a very long article in *Foreign Control Watchdog* 120, May 2009 ("SIS Spied On CAFCA For A Quarter Of A Century", online at <http://www.converge.org.nz/watchdog/20/06.htm>. And also see my article "SIS Spied On Peace Movement For Decades" in *PR* 38, July 2009, <http://www.converge.org.nz/abc/pr38-178a.htm> and Maire Leadbeater's article "Activist Annals", in that same issue, <http://www.converge.org.nz/abc/pr38-178b.htm>).

Portrayed As A Mastermind

Owen Wilkes appears right throughout the SIS file on CAFCA and he is recorded as being the subject of a Personal File. He is portrayed as being some sort of mastermind. For example, the first of the ten SIS memos to the US Central Intelligence Agency (CIA) at the US Embassy in Wellington about what was then called CAFKINZ (1975) says: "Owen R. WILKES is the main organiser and activist in both CAFMANZ (Campaign Against Foreign Military Activities In NZ and CAFKINZ (Campaign Against Foreign Control In NZ)". When I went overseas in 1978 the SIS attached great significance to the fact that I (and my then partner) was going to visit Owen in Sweden (he spent six years working for Scandinavian peace research institutes).

The most fascinating report on Owen is a December 1985 one entitled "PROTEST ACTIVITY AGAINST THE SERVICE: ASSESSMENT OF CURRENT CAMPAIGNS". In it they recognised Owen as a formidable foe. Some extracts: "CAFKINZ and its leading personalities have had a longstanding involvement in protest against this Service. Under the direction of Murray Donald HORTON (Personal File), CAFKINZ was responsible for coordinating protest and harassment activity against Service premises in Christchurch in the mid-to-late 1970s...The Service regained prominence in CAFKINZ's interests in late 1983 with the acknowledgement by New Zealand Customs of its referral of WILKES' incoming overseas mail to the NZSIS. CAFKINZ took up the cause of one of its founding members with gusto and apparently cooperated with WILKES in the formation of the Christchurch Peace Research Institute (PRI)... For a variety of reasons, the temperature appears to be rising in anti-SIS feeling over recent months. CAFKINZ appears to be taking the lead and this may be because of WILKES' personal vendetta as much as CAFKINZ's need to find a new issue on which to focus, now that the nuclear free and anti-ANZUS issues have become more widely popular and self-sustaining. WILKES brings a sophistication to anti-SIS activity that has not been much in evidence in the past. His Scandinavian experience has already been evident in CAFKINZ and PRI activity and there is, as yet, no reason to disbelieve that the type of information gathering techniques WILKES claimed were being used against Government Communications Security Bureau (GCSB) and Defence (irrespective of their success) were not in fact undertaken and could not be used against this Service. The failure, by CAFKINZ and others, to achieve any measure of success against the Service via the Official Information Act does not appear to have dampened their enthusiasm...A campaign to expose the activities of the NZSIS is being initiated. It is possible that a degree of sophistication and perseverance not previously seen may be employed by individuals involved. There is an apparent climate of support from the radical Left for such a campaign".

SIS Released Only 20 Page Sample

Jack Wilkes, Owen's younger brother and the sole surviving member of Owen's immediate family, decided to apply to the SIS for Owen's Personal file. For starters he had to prove who he was and his relationship to Owen (which he did by supplying the SIS with the birth certificates of Owen and himself) in order to prove his right to be able to apply for his late brother's file. In March 2009 Jack duly applied for the file under the Official Information Act and received a reply from SIS Director Warren Tucker in November 09. Tucker confirmed that the SIS had a Personal File on Owen: "This file, opened in December 1966 and inactive since his death in May 2005, holds a substantial volume of information...Unlike most PFs, your late brother's file holds preponderance of open source reporting (mainly newspaper cuttings) rather than classified papers...I have decided to send you copies of a series of file summaries prepared between 1968 and 1989. These contain the key items of information held....I hope these summaries will suffice for your family archives..." (letter from Tucker to Jack Wilkes, 11/11/09).

Tucker sent Jack a grand total of 20 pages from Owen's file (interestingly, not including the 1985 report on him cited above from CAFCA's SIS file released to it in 2008). Although they contain nothing not already publicly known and consist mostly of a factual account of Owen's work (but not life, as there is nothing personal in them) the snippets of his file released to Jack still make for interesting reading. "Wilkes first came to notice in August 1965 as a member of the Bertrand Russell Peace Foundation". A page of one 1974 report is censored of everything except the last few lines but they shed light on SIS wishful thinking: "As he keeps abreast of new US military installations around the Pacific and in New Zealand, it is reasonable to assume that he has probably built up a 'file' of references and cuttings on these subjects. If Police action were undertaken at any time and a search initiated this would probably be confirmed".

Obsession With Communists

The SIS' obsession with the former Communist Party was the filter through which they viewed the subjects of their Personal Files in those days and Owen was no exception. Also in 1974 the SIS wrote: "When arranging protest activities he apparently developed links with the Progressive Youth Movement (PYM) which helped to print pamphlets at Wilkes' behest. Through these PYM links it is possible Wilkes developed contacts with the Communist Party of New Zealand which is understood to hold him in high regard and is believed to have considered recruiting him at one stage".

A six page long 1983 report says: "In September 1971 Wilkes was spokesman for a liaison group attempting to coordinate the protest activities of a wide range of Christchurch activist groups, including the Socialist Action League and the Communist Party of New Zealand (CPNZ). Though nothing appeared to come of these attempts, Wilkes continued having occasional contact with the CPNZ, speaking to at least one Christchurch Branch meeting on protest activity... This link was further developed early in 1973 when Wilkes liaised closely with the PYM and the Christchurch Branch CPNZ prior to demonstrations against the Operation Deep Freeze facilities at Harewood Airport, Christchurch. Though this contact was not sustained, a leading member of the Branch is reported as having been interested in recruiting Wilkes for the Party. There is no evidence that Wilkes ever joined the CPNZ or any other subversive organisation".

A 1979 SIS report, which describes Owen as a "seasoned Leftwing protester", says: "In his extensive writings here and abroad, Wilkes has been variously described as an entomologist, NZ physicist, military strategist and scientist. His views were thus given an authority they did not merit, for in actual fact he 'dropped out' from Canterbury University after passing only five units of a Science degree. He does, however, have a well-developed flair for ferreting out, from obscure though unclassified sources, what would appear to constitute technical information". Owen lived in Norway and Sweden from 1976-82, working for those countries' respective peace research institutes, research which led to him being charged and convicted in high profile cases in both countries – all of this was faithfully recorded by the SIS, along with any other media reports on what he was doing during those years overseas.

"Wilkes Has The Potential To Pose A Threat To NZ's Security"

The Official Information Act became law in 1982 and Owen was one of a number of people who promptly (but unsuccessfully) applied for their SIS files. The October 1983 Assessment Of Information Relating To Owen Ronald Wilkes Held By The New Zealand Security Intelligence Service was written in response to his request and is worth quoting nearly in full. "Part 1. Purpose Of NZSIS Holdings: Information relating to Wilkes has been obtained as a result of his association with organisations either subversive in their own right (Communist Party of New Zealand and Progressive Youth Movement), organisations that attracted some subversive interest and involvement (Bertrand Russell Peace Foundation, Campaign for Nuclear Disarmament) or organisations involved in radical protest (Committee Against Foreign Military Activity in NZ, Campaign Against Foreign Control in NZ). Information is held on Wilkes relating to his activities in Norway and Sweden and his subsequent convictions in both countries for improper dealings with classified information. Wilkes' activities of security interest in New Zealand and abroad justify the retention of this information and the continued monitoring of his association with organisations of similar security interest.

"Part 2. Conclusion From NZSIS Holdings: There is no evidence to suggest that Wilkes has threatened the security of New Zealand. His activities in New Zealand, though in association with organisations of security interest, have not in themselves been of a subversive nature or led to any suspicion of espionage. There is no evidence that he has ever been a member of a subversive organisation. Though he has played a leading role in demonstrations which have resulted in violent confrontation and was later convicted of inciting disorder at one such demonstration, there is no evidence to suggest that Wilkes has personally advocated or encouraged violent protest.

“Though Wilkes’ convictions in Norway and Sweden do not relate directly to the Security of New Zealand they serve as indication of the seriousness with which his activities have been viewed in those countries and justify the continued monitoring of any similar activity in New Zealand. In view of this Wilkes must be seen as having the potential to pose a threat to the security of this country and hence it is pertinent and proper to retain these holdings. Part 3. Form Of NZSIS Holdings: Wilkes’ file contains both sensitive security reports and non-sensitive material, primarily newspaper reports which have added administrative instructions. The making available of either would be likely to prejudice the security of New Zealand”.

A 1986 report concludes by saying that “... Wilkes has become a vocal critic of the New Zealand intelligence community”. The most recent report is from 1989 and its conclusion is: “...Privately and in two or three published articles Wilkes has expressed some criticism of Soviet policies (for example the USSR’s test firing of ICBMs [intercontinental ballistic missiles] into the Pacific Ocean) but the majority of his pronouncements are anti-American. Wilkes does not have close contact with the Soviet Mission in New Zealand and, as far as is known, he has made only one trip to the Soviet bloc...There is no evidence that Wilkes is or has been a Soviet agent involved in illegal intelligence activity. There is no evidence either that he is or has been an agent of influence under Soviet direction”. Speaking as someone who knew Owen as a friend and colleague for several decades, the fact of the SIS even raising the suggestion of him being a Soviet agent or a member of the Communist Party is ludicrous. He was allergic to ideology and was resolutely uninterested in the politics of the Left, it was just not his thing.

SIS Asks For Money & Says It’s Too Busy

The significance of the 20 pages that the SIS sent Jack Wilkes is that, under the Official Information Act, applicants are entitled to the first 20 pages and the first hour of photocopying free of charge. That is all that the SIS has provided Jack. Warren Tucker’s letter to him (11/11/09) said that if he wanted any more it would cost him the going rate under the Act, which is \$76 per hour and 20 cents a page for copying. Jack Wilkes is the first applicant that I’ve heard of to be asked to pay (it’s worth noting that Elsie Locke’s biographer was given Elsie’s Personal File free of charge, and other people have been given the Personal Files of their late family members free of charge e.g. Bill Rosenberg was given the files of his father and mother, Wolfgang and Ann Rosenberg. In the case of both the Locke and Rosenberg files the subject of cost was raised by the SIS but not followed through).

Jack Wilkes is not a rich man (he’s a Karamea beekeeper) but he wasn’t prepared to back off from this none too subtle threat. He replied to the SIS asking for a quote and offering to talk money. This called Tucker’s bluff. In February 2010 he wrote to Jack: “I regret to inform you that the amount of research and collation that would be required to prepare this substantial (six volume) file for release to you is such that I am obliged to decline your request, as provided for in Section 18(f) of the Official Information Act. To do otherwise would unreasonably interfere with the operations of the NZSIS. I might also add that I have limited staff qualified and available for declassification work and they are committed for some months ahead” (Tucker letter to Jack Wilkes, 9/2/10). Jack wrote again offering to pay, leading to a further letter from Tucker (12/3/10): “As I have stated, I have limited staff qualified and available for declassification work and they are heavily committed. Accordingly, while I acknowledge your willingness to meet the costs that would be associated with any further release of information, this does not change the resourcing we have available for this declassification work”. So it’s not about money at all.

Owen’s File Is Of High Public Interest

Jack has appealed to the Ombudsman, asking for the whole file. That the SIS doesn’t have enough declassification staff and that the ones it has got are busy is not actually grounds for refusing requests under the Official Information Act. Imagine if Government departments had the legal right to say “we’re busy” to applicants. That would be the perfect catchall way of avoiding all OIA requests. Memo to Warren Tucker: get more declassification staff and tell the ones you’ve got to pull their fingers out. It would be one tangible way for taxpayers to see some return for the tens of millions poured into the SIS every year.

Owen Wilkes is an important national and international figure (as witnessed by the extensive mainstream media coverage about him after his death, despite the fact that he had retired from the peace movement many years earlier) and there is high public interest in his SIS Personal File. His sole surviving blood relative is entitled to receive this material in order to understand Owen’s life, which was undoubtedly affected by the activities of local and foreign intelligence agencies (for reasons that are rooted in the ridiculous Cold War obsessions of those years). Accessing such material is also important because we don’t know what we don’t know (if you know what I mean).

Owen Wilkes was an inspirational figure to very many people (including me, who counted myself lucky to have been his friend and colleague for decades) and a crucial leading figure in both ABC and CAFCA, among other groups. So

the fact that the SIS is not prepared to divulge more than a tiny fraction of the six volume file it kept on him from the 60s is not something that should be accepted without a fight. Jack Wilkes is performing a service for all New Zealanders by doggedly pursuing the file of his late brother, a man who played a key role in shaping New Zealand's history in the last several decades of the 20th Century; a man who did more than his share to make this a better country. We'll keep you posted.



HILLARY CLINTON: IMPERIAL WARRIOR

Peace Researcher 40 – July 2010

- Doug Craig

Hillary Clinton is arguably the most powerful woman in the Western world, by virtue of her position as Secretary of State of a global nuclear and world superpower, the United States. She is in a position to exercise unprecedented power for global peace and justice, or for global unrest and projection of America's military and economic power. Under George W Bush and his Secretary of State, Condoleezza Rice, the focus was very much on the latter with the United States prepared to fight two and a half wars against what they termed "global terrorism and weapons of mass destruction". Has the focus changed much since Senator Clinton was appointed by President Barack Obama in 2008? And is Hillary Clinton's posture on the projection of American power, consistent with what she espoused in her former political roles - as a member of the Clinton Presidential team from 1992-2000; as a high profile Senator from 2001-08; and as a Presidential candidate during 2007/08?

It is worth looking at the many faces of Hillary Rodham Clinton as she transitioned through a number of high profile political roles in the past 20 years. What have been the issues that she is prepared to speak out on, and has the rhetoric been consistent with her subsequent actions? But first, it would be useful to look at the understanding of American foreign policy as spoken by Hillary Clinton at her confirmation hearing, and how it may actually reflect certain vested interests.

Smart Power

She said: "The best way to advance America's interests in reducing global threats and seizing global opportunities is to design and implement global solutions. ...We must use what has been called "[smart power](#)," the full range of tools at our disposal -- diplomatic, economic, military, political, legal and cultural -- picking the right tool or combination of tools for each situation. With smart power, diplomacy will be the vanguard of our foreign policy". A Bureau of Public Affairs document "further defines the context of American foreign policy agenda as powered by partnership, principles and pragmatism"; and by "cooperating and collaborating with other nations and organisations", (such as the United Nations) "the State Department will work to design and implement global and regional solutions to the world's most pressing problems" (State Department Bureau of Public Affairs, 5/1/09). This understanding of the multi-dimensional aspect of global issues and their range of possible solutions certainly argues a sea change from the Bush "global cowboy" era.

However, American foreign policy is decided by a mixture of interests – both domestic and foreign. And because of the requirement to pass departmental budgets through the Senate Appropriations Committee process, the domestic angle can often be highly influential. American interests in the stability of investments overseas can be an issue, as can the need to maintain continued American military presences in strategic areas of the globe. Such strategic interests often coincide with access to resources such as oil and gas, strategic minerals, and food. For example, the Middle East has been a focus of strong American strategic interest since 1948 and the consequent formation of the State of Israel. Israel has a very strong American domestic Jewish organisational lobby, particularly in New York – Secretary Clinton's former Senate seat.

America also maintains a strategic interest in the supply of minerals such as rutile and platinum (vital to the electronic industry) in poor African countries such as Sierra Leone and Gambia. Nigeria, another sub-Saharan country, is the 5th largest exporter of oil to the United States (11% of US oil imports) and US firms such as Exxon-Mobil and Chevron are major foreign investors there. This is not to undervalue US interests in strengthening democratic institutions in Africa; and in humanitarian issues such as combating AIDS/HIV, access to adequate health services, and to food. Africa has certainly become a renewed focus for US attention given President Obama's African heritage and Hillary Clinton, early on in office, was sent on an 11 day seven country trip to Africa in August 2009. This too would be useful to her in attracting African-American domestic approval, as she lacked vital support from this group of voters during her earlier Democratic Presidential campaign.

This brings up an interesting point in charting her rise to power. Domestically, national level politicians have to appeal to a range of voters, both the party faithful and the non-committed to achieve high political office. Politicians can lose votes on their handling of international issues, particularly in the waging of "adventurous wars overseas" but they primarily win votes through appeal to domestic issues such as jobs, protection of financial savings and healthcare. By appealing to sectional interests such as the defence industry, an important recipient of Government contracts and supplier of jobs, and the large military forces located throughout the mainland USA in some 440 bases, politicians with interests in foreign affairs shore up their domestic support base. Lobbyists from large

American transnationals also support likely political candidates through campaign funding, and by engineering high profile speaking engagements for their favoured candidates. This mutual grooming of politicians pays off when they (the politicians) achieve high political office. Former politicians also are headhunted for corporate jobs. A notable former White House Administration person who headed a major transnational corporation was Dick Cheney, former Secretary of Defense under President George Bush senior. After a spell at the ultra-conservative American Enterprise Institute, in October 1996 he became the President and Chief Executive of Halliburton – a defence industry contractor based in Dallas. When Cheney was chosen by George W Bush as Vice-President in 2000, his former company's defence contracts with the Pentagon leapt from \$US500 million in 2001 (just before the Twin Towers incident) to \$US3.9 billion dollars (World Policy Institute report, "The Ties That Bind: Arms Industry Influence In The Bush Administration And Beyond", William D Hartung and Michelle Ciarocco, October 2004; and Right Web ["tracking the militarists' efforts to influence American's foreign policy" at www.rightweb.irc-online.org]). Other defence contractors did even better under Bush. Donald Rumsfeld, Secretary of Defense from 2000-2006, and the champion of the abortive Iraq invasion, now holds a position as a Senior Fellow at the Hoover Institute – a Rightwing think tank in Washington.

Part Of The "Clinton Team"

Carl Bernstein claims that the rivalry between Vice President Al Gore and Hillary Clinton was such that he felt he was the one on the outside "(A Woman In Charge", Carl Bernstein, 2007, p220/21). Hillary Clinton was acknowledged as a vital part of the Clinton Presidential team, having her own set of advisors in the woman-centred "Hillaryland" and an office in the White House's West Wing. Early on in the "joint Presidency" she was charged by Bill Clinton with pushing for the establishment of a system of universal healthcare – a goal that President Barack Obama has now (partially) achieved in 2010 over considerable opposition.

However, as Suzanne Goldenberg claims ("Madam President: Is America Ready To Send Hillary Clinton To The White House?", 2008, p78), her tactics doomed the President's plans to failure (p78). She failed to consider alternative models of State-funded healthcare provision such as British and Canadian models, and displayed a "righteous certainty, and insistence on secrecy" that alienated the Washington insiders. Within two years this failure to consult and convince saw the end of the universal healthcare insurance proposal and was followed by the loss of Democratic control of the House and Senate in the midterm Senate and Congress elections of 1994.

Her role in foreign policy during this period is unclear. There was a failure to intervene in the Rwandan genocide crisis of 1994; an inadequate Administration response to the World Trade Center bombing of February 1993; and to the killing of five Americans at a Saudi National Guard training facility in Riyadh in November 1995. An earlier commitment by former President Bush to humanitarian intervention by US forces in Somalia from 1992 onwards ended in wholesale anarchy in that failed state and abortive action against the warlord Mohamed Farrah Aidid culminated in the embarrassment of the "Black Hawk Down" incident of November 1993 in Mogadishu, in which a number of American troops were killed and the corpses of some were dragged through the streets.

The further bombings of the American Embassies in Tanzania and Kenya by al Qaeda on August 7th, 1998 that left 224 people killed and over 5,000 injured showed that the United States had entered a new phase of global threat – one that conventional military forces were unable to contain. As the Presidential National Security Advisor, Sandy Berger, admitted in testimony before the House-Senate Joint Inquiry into the 9/11 bombing (the 9/11 Commission Report) Osama bin Laden, the mastermind of al Qaeda, was on the Federal Bureau of Investigation's radar screens in 1993 but primarily as a financier of terrorist groups. But by 1998 "he was the radar screen". Within a few days of this attack, Clinton authorised Operation Infinite Reach, including attacks by Cruise missiles on training camps in Afghanistan and on a so-called VX nerve gas factory in Sudan that turned out to be a pharmaceutical company. Although both Berger and George Tenet, the Central Intelligence Agency Director, defended their intelligence sources, the failure to kill bin Laden or severely disrupt al Qaeda plans for a world wide *fatwa* against US military or civilian targets had an influence on the reluctance of Clinton and his advisors to authorise any further high profile military actions.

Hillary's role in this was somewhat low key, but she did add to the Clinton agenda by undertaking a wide range of official tours to some 80 countries. One of the international issues that she took up was the issue of oppression of women and children, speaking out first at a UN conference on the Status of Women in Beijing in September 1995 and delivering a strong rebuke to the Chinese government on the issues of forced abortion and sterilisation, female infanticide and rape as an instrument of war. She also acquainted herself with the situation of Afghan women under the Taliban. This showed her focus was very much on the human rights dimension of foreign policy – an area she would later return to with the plight of the Kosovo refugees, in the former Yugoslavia.

Kosovo; Iraq

The Kosovo crisis of 1998 revealed more of Hillary Clinton's understanding of foreign policy issues, and the range of options used by the White House to meet domestic and international objectives. Although Bill Clinton had tried negotiation with the Serb dictator, Slobodan Milosevic, through Special UN Envoy Richard Holbrooke, the determination of the Serb leader to pursue a war agenda coupled with a renewal of "ethnic cleansing" argued for a potential military response being needed. The upcoming midterm 1998 reversals, coupled with fallout from the revelations of the President's affair with White House intern, Monica Lewinsky, and subsequently Bill Clinton's lack of admission of guilt, argued that a strong response on international issues was needed to gain some points (*the Lewinsky affair was one of the things that led to Clinton being impeached by the House of Representatives. The trial took place in the Senate, where Clinton was acquitted, in 1999. Ed.*). Clinton admitted that his peacemaking (between Israeli leader Netanyahu and Palestinian leader Arafat over Israeli settlements) and over Kosovo was his "personal journey of atonement" for other transgressions ("The Clinton Tapes", Taylor Branch, 2009). Hillary was somewhat estranged from Bill at this juncture but still gave advice from the sidelines.

George Soros, the billionaire currency speculator, had lobbied Hillary arguing for an aggressive response to overcome Bill Clinton's inertia on Kosovo. He wanted him to be more muscular. Elie Wiesel, the writer, academic, political activist, [Nobel Laureate](#) and [Holocaust](#) survivor who is a personal friend of the Clintons, also pressured Bill Clinton for a response earlier in the Bosnian conflict of 1994/95 and Hillary and Holbrooke were both advocates for force in that earlier campaign. She said: "I was convinced that the only way to stop the genocide in Bosnia was through selective air strikes against Serbian targets" (Goldenberg, p153). Their position during a confused tactical situation in Bosnia/Herzegovina was rewarded with limited North Atlantic Treaty Organisation (NATO) air strikes in August and September 1995.

She continued to champion the use of NATO planes despite comments that it would be difficult to stop human rights atrocities from 15,000 feet. Although the United Nations Security Council would not countenance the use of force in what was left of Yugoslavia, bombing of Belgrade, the Serbian capital, by the NATO coalition of 19 nations, commenced on March 21 and ended 78 days later on June 10th, 1999. Milosevic went ahead with his military aggression anyway against an inadequate volunteer force of Kosovo Liberation Army (KLA) fighters hampered by a NATO-imposed arms embargo. Some 800,000 ethnic Kosovo Albanians were displaced and about 10,000 killed by Serbian forces. NATO's so-called precision strikes* killed a further 1,500 to 2,000 civilians with just on 1,000 as victims of KLA forces. Senator Bob Dole (who had been the unsuccessful Republican Presidential candidate opposing Clinton in the 1996 election) said that the delay and inadequate response over Kosovo (in not sending NATO ground troops as peacekeepers) and relying on air bombardment with subsequent collateral damage to civilian populations was "one of the casualties of the Clinton impeachment preparations". Both Vice President Al Gore and Secretary of State Madeleine Albright were for the use of troops but Hillary's attitude was "to persevere (with bombing) until Milosevic has embraced peace". The use of depleted uranium munitions during this war also had long term effects on populations and former military personnel (see UN International Criminal Tribunal on Former Yugoslavia, "Final Report On NATO Bombing In The Former Yugoslavia", www.icty.org/x/file/About/OTP/otp_report_nato_bombing_en.pdf

* These precision strikes included a mistaken bombing of the Chinese Embassy in Belgrade on May 7th and the targeting of Serbian Television on April 23rd with 16 civilians killed and 16 wounded. Sian Jones of Amnesty International stated: "The bombing of the headquarters of Serbian State radio and television was a deliberate attack on a civilian object and as such constitutes a war crime" (Sian Jones quoted in Associated Press report, February 1999 and on www.seetv-exchanges.com/code/navigate.php?id=407. Also see <http://news.bbc.co.uk/2/hi/340966.stm> for details of mistaken NATO bombing targets during 1998-99.

Clinton also relied on short but intensive periods of aerial bombing of Baghdad and other places in Iraq over Saddam Hussein's intransigence towards the UN weapons inspectors. For example, the four day long Operation Desert Fox in December 1998 involved major bombing and the use of Cruise missiles. As it took place during Clinton's impeachment trial, critics dubbed it "Monica's War", because it was seen as a deliberate distraction from the President's domestic problems. Throughout his whole Presidency Clinton used US warplanes to enforce no fly zones over great chunks of Iraqi airspace, meaning that any Iraqi military planes entering them were shot down.

By July 1999 Hillary had been sounding out her next career move and had decided to run for New York Senator to replace the long serving Democrat Daniel Patrick Moynihan. Liz Moynihan, his wife, noted that "there was a lack of straight talking and dealing" in Hillary's campaign. With the former Deputy Chief of White House Staff, Harold Ickes, as her campaign manager, and Bill as counsel, consultant and strategist, she campaigned hard first against former New York Mayor Rudy Giuliani and then, when he withdrew due to illness, against his replacement, Congressman Rick Lazio. She won convincingly by 53% to 43%. and on January 3rd, 2001 was sworn in as the junior Senator from New York.

New York Senator

Being a first time Senator in New York was a fateful move for Hillary Clinton. The Twin Towers attacks of September 11th, 2001 gave a renewed impetus to her career and saw her become a champion of a hard hitting muscular response to terrorism. One of her first public speeches after 9/11 warned local and international critics that “you are either with America in its hour of need or not”. With Senator Robert Byrd of West Virginia she secured some \$US20 billion in recovery funds for New York, and gave vocal support for New York police and firefighters involved in the 9/11 tragedy. Bernstein claims that 9/11 radically altered Hillary’s agenda but this is to ignore the continuity of attitude from her earlier role in the Clinton Presidency. However, she resolved to burnish her defence credentials after 9/11 and by 2003 had swapped from the Senate’s Budget Committee to the powerful Armed Forces Committee. During this time she relied upon her old friends in the former Clinton Administration, Sandy Berger and Madeleine Albright. Richard Holbrooke also later joined her national security advisory team that assisted her with speeches and positions on the Iraq War.

Arguably the testing point for Clinton was her support for the Bush position on weapons of mass destruction, and the authorisation by the Senate to use force against Iraq and Saddam Hussein. In her well reported and watched speech (<http://www.youtube.com/watch?v=4wyCBF5CsCA>) she said that: “this is probably the hardest decision I have had to make, any vote that would lead to war should be hard – but I cast it with conviction”. She outlined three reasons for support: firstly, support for the President to lead the US in the United Nations or in war. Secondly, to emphasise national unity, and for “our support for the President’s efforts to wage America’s war against terrorists and weapons of mass destruction”. Thirdly, to back the women and men in the armed forces should they be called upon to act against Iraq. While she later claimed that Condoleezza Rice had told her that an affirmative vote merely gave room for President Bush to manoeuvre in the United Nations Security Council, her words indicate that war against Iraq was very much on the agenda. The counter claims of Rice and Clinton on the justification for the Iraq vote were summed up by a disinterested former and unnamed aide to President Clinton as “you are not dealing with two people with great reputations for candour” (“A Woman In Charge”, Carl Bernstein, 2007, p513).

By the end of 2006 and beginning of 2007 the gloss was wearing off support for the Iraq War amongst US voters and Hillary was beginning to distance herself from her earlier enthusiastic support. Although she refused to completely resile from her earlier vote, she claimed she would have allowed the UN weapons inspectors more time to do their job. She began to criticise Bush’s conduct of the war, especially the troop surge of that year, and by 2007 had sponsored the Iraq Troop Protection and Reduction Act of 2007. This Act would compel President Bush to begin withdrawing troops from Iraq within 90 days of passage, or according to Clinton, Congress would have to dismantle its authorisation for the war. The Act would also end the blank cheque to the Iraqi government and submit it to harsh consequences if boundaries are violated. Lastly, the Act would require the Secretary of Defense to verify the condition, in terms of both supplies and of their training, of all troops before they are sent to Iraq. President Bush vetoed the Act.

On support for Israel, an area of foreign policy critical for her New York support base, she continued to back Israeli actions regarding Palestine. “I believe it is our obligation as friends and supporters and allies of Israel to support Israel’s efforts for peace, stability and security. Now, this means doing more than providing Israel with economic aid so that it can remain strong in the face of ongoing threats. We must also demand that (Palestinian) President Abbas dismantle the structure of terror that the Palestinian leadership has employed for so long” (speech to American Israel Public Affairs Committee Policy Conference, 24/5/05). This contrasted with her support for a two States solution to the Palestinian Question as far back as 1998.

Democratic Party Presidential Candidate

With the looming end of the catastrophic Bush Presidency, the Democrats were positioning themselves for another run at the domination of Congress and of the Oval Office. A number of contenders emerged, including John Edwards, Barack Obama and Hillary Clinton. Hillary was by far the most high profile candidate but with mixed public approval ratings according to a CBS poll of January 21, 2007. She gained some 43% approval – higher amongst women voters (47%) but another 38% saw her as polarising and divisive.

She made the following claim on a 2007 radio interview regarding her advisory role in the Clinton Presidency. “I certainly did. I not only advised; I often met with him (Bill) and his advisers, both in preparation for, during and after. I travelled with representatives from the Security Council, the State Department, occasionally the Defense Department, and even the CIA. So I was deeply involved in being part of the Clinton team in the first Clinton Administration. And I am someone who wants the best possible advice from as many different sources as possible, and that would certainly include my husband” ([Democratic debate on National Public Radio, 4/12/07](#)).

On the hustings she continued to claim that she had extensive policy and international experience arising out of her role in the Clinton Presidency and subsequently as a Senator, but some of her claims were proven to be unfounded or inflated. For example, she claimed she landed at an airstrip under fire in Tuvla, Bosnia, during the war there in 1994 but CNN TV footage disproved this, and the hostilities in Bosnia had officially finished some three months earlier. She also claimed that she had prompted Bill to use US troops to halt the Rwandan massacres in 1994 but again there was no public record of this and US official policy at the time was not to intervene.

Her record on Iraq also continued to haunt her and proved to be a significant point of difference between her and Senator Barack Obama. Liberal activists such as film star Susan Sarandon saw her as being one of the Washington old guard. She (Sarandon) remarked to Jonathan Dimbleby in 2006 that "everybody is so cautious and just trying to get elected, just trying to stay in office, and I think she suffers from that. I think she is a politician like everybody else". Elizabeth Edwards, wife of Democratic Presidential hopeful, Senator John Edwards, said that she would not trust Clinton, that "she would do or say anything to get and keep power" ("Madam President: Is America Ready To Send Hillary Clinton To The White House?", Suzanne Goldenberg, 2008).

One method of her seeking and attempting to position herself for office against the Republican threat from former highly decorated soldier, Senator John McCain, as the potential Commander-in-Chief, was to recruit a specialist military support group, Generals for Hillary. By 2007 she had secured the allegiance of some 20 generals and senior military personnel, including General Wesley Clark, the former NATO Supreme Commander; Major-General Taguba; Brigadier-General Watkins; and retired Admiral Owens, the former Vice-Chairman of the Joint Chiefs of Staff. The 27 flag-rank officers endorsing Hillary by January 2008 were joined by more than 2,000 veterans and military retirees who were listed as members of Senator Clinton's national and state veterans' steering committees. She became a student of the military and as Goldenberg claims, this re-education effort did not go unnoticed: "...and soon senior Pentagon officials were praising Clinton's steady judgement on military matters" (Goldenberg, p145), and considered her one of the most receptive ears on military issues (*US News and World Report*, 1/12/08). Despite running a strong campaign, the lack of popular support from delegates saw her announce her withdrawal from the Democratic race on June 7th, 2008 and endorse Senator Barack Obama the next day.

Secretary of State: Haiti

In December 2008, after his crushing defeat of John McCain in the Presidential election, Barack Obama nominated Hillary for his Secretary of State, citing her broad general international experience, reputation for toughness and carefully cultivated links to senior military officers as a member of the Senate Armed Forces Committee. Her stance on Iraq had differed from Obama, but she was relatively hawkish on measures to combat terrorism, particularly the war against the Taliban in Afghanistan. Her appointment was reinforced with the reappointment as Defense Secretary of Robert Gates, who had been President Bush's Defense Secretary; and the appointment of former General Jim Jones, a career Marine Corps officer, and former Allied military commander in Europe, as National Security Advisor. Clinton also maintains her links with former Clinton Administration advisors in her new job, especially with former Secretary of State, Madeleine Albright, who has coached her on foreign policy matters since 2003. Albright, who had a reputation for abrasiveness, is highly regarded by Hillary as her foreign policy mentor.

It is those associations that possibly show her as being somewhat one track and dogmatic. Although she has emphasised the use of smart power there is a tendency to believe in mobilising a show of military power in certain cases. Four Latin American Heads of State (Venezuela, Bolivia, Colombia and Cuba) criticised her mobilisation of US troops in the aftermath of the January 2010 Haitian earthquake rather than facilitate the use of available civilian organisations and facilities. The desire to flex American sea and air power seemed to detract from the humanitarian crisis, they claimed, and smacked of a military invasion. This response, of course, was extremely sensitive to Latin American states given the history of the United States in Haitian affairs. From 1920 to 1934 the US Marines had ruled Haiti, and in 1994 Bill Clinton had ordered a US invasion of Haiti to oust a military junta and restore former President Aristide. The current President Rene Preval had succeeded Aristide in the subsequent elections but was being kept in power by some 7,000 UN peacekeepers.

The reasons given by Hillary in rebuking her critics of the Haitian invasion was the need to restore law and order, protect private property and foreign nationals, as well as deliver humanitarian aid. To this end, she sent 15,600 troops and tied up the only functioning airport for US aircraft. Some French and Brazilian aircraft were turned away. French, Brazilian and other officials complained about the airport's refusal to let their aid planes land, forcing many flights to end up in the neighbouring Dominican Republic, a day's drive away. This situation also provoked an outburst by Italy's civil protection chief, Guido Bertolaso. He blasted the US military intervention as inefficient and out of touch with reality on the ground. In an interview with State-run RAI television in Italy, he said the overall relief effort was a "pathetic" failure, and called for the appointment of an international civilian humanitarian coordinator

(*Otago Daily Times*, 27/1/10). The Italian Prime Minister, Silvio Berlusconi, later said that Bertolaso's comments had caused misunderstandings and were to be regretted.

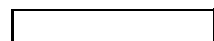
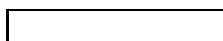
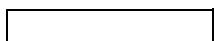
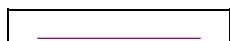
The former US military invasion in the 1990s, said to have been reluctantly ordered by Bill Clinton ("The Clinton Tapes", Taylor Branch, 2009), had been followed by International Monetary Fund-ordered agricultural reforms that had destroyed Haiti's rural economy, switched it from an exporter of sugar to a net importer of sugar from the US, and provoked the subsequent movement of the rural poor to the slums of the capital, Port-au-Prince. It was their ill-constructed shacks that suffered the greatest damage in the earthquake. In the meantime, the US Coastguard continued to send back Haitian boat refugees, even in the aftermath of the 2010 earthquake. Bill Clinton and former President Bush, of course, coordinated the US financial aid response to the Haitian situation.

A recent visitor to NZ, Costa Rican MP and member of Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND), Dr Edine von Herold, also voiced a healthy scepticism about whether Hillary Clinton would be good for US and Latin American relationships. On the touchy issues of the Guantanamo detainees and the practice of rendition of terrorism suspects she has taken a non-committal stance. A letter signed by her, Robert Gates and Janet Napolitano, Head of Homeland Security, to Pat Quinn, the Governor of Illinois, in December 2009, announced the intention of the Government to purchase the Thomson Correctional Facility in Illinois to house a limited number of Guantanamo detainees and allow the closure of Guantanamo Bay detention camp as per Obama's Executive Order 13492 (22/1/09). The issue of prosecution of the detainees was not addressed, nor the question of removal of some detainees to third countries.

Hillary The Hawk

While for the moment she seems to be content as Barack Obama's foreign policy spokesperson, she was notably in the background during the 2010 nuclear disarmament talks. And she has expressed no views on the reduction of nuclear weaponry, preferring to concentrate on North Korea and Iran as possible rogue nuclear states. She also rattled sabres over the potential of al Qaeda obtaining nuclear material, presumably from other Islamic states, while neglecting the issue of Israel's nuclear weaponry.

To sum up she seems to have maintained a moderately hawkish stance in terms of projection of American power, often justifying action on grounds of humanitarian response. Her husband Bill was said to have wrestled with the difficulties of directing US military power in Bosnia and Haiti, gaining a reputation from the more hawkish members of the military as "dithering". He often sought the use of diplomatic channels before considering military options, but Hillary seems to have no such qualms. She is said to be pragmatic rather than principled, and to be quick to react to her detractors. The potential for a poorly considered response to an international crisis is high. Michael Ignatieff, quoted in the *New York Times*, sums up the US government acting like the governors of an Imperium, "a global hegemony whose grace notes are free markets, human rights, and democracy, enforced by the most awesome military power the world has ever known" (5/1/03, and "Empire-Lite", Penguin Books, 2003).



MOSSAD MURDERERS STRIKE AGAIN

Forged Passport Modus Operandi Familiar To Kiwis

Peace Researcher 40 – July 2010

- Murray Horton

Hamas is the Islamist movement which governs Gaza. It does so because it won an election internationally judged to be free and fair. However, democracy is a flexible concept when it comes to Israel and its Western allies. They wanted the much more malleable and corrupt Palestinian Authority, which runs the West Bank, to also run Gaza. So, democratic elections are an annoying inconvenience when they deliver results which are not the desired ones. Hamas is implacably opposed to Israel and its rule of Gaza has included regular rocket attacks into the territory of its enemy which, in turn, led to Israel's grossly disproportionate 2008/09 military response (during the Bush/Obama interregnum in the US). That aerial and artillery bombardment and invasion by tanks and infantry led to the destruction of most of anything left standing in what is already one of the most desperately poor and overcrowded places in the world. Israel, with the cooperation of Egypt, has enforced a land and sea blockade of Gaza ever since Hamas came to power, as a not very subtle hint that the long suffering Gazans should get themselves a government which is more acceptable to Israel. Of course, most recently, that blockade has had to ease (at least cosmetically) because of the international furore arising from Israel's killing of nine foreign activists in May 2010 in the course of its seizure of a humanitarian aid ship full of foreigners, which was attempting to non-violently break the blockade. That particular military operation by elite commandos was an international public relations disaster for Israel.

There has never been anything subtle about Israel in its dealings with the Palestinians under its occupation or the Palestinians and other Arabs in its neighbouring countries. Murder has been an unapologetically used instrument of State policy throughout its existence as a nation (usually sanitised as "targeted assassinations"). Hamas leaders have been prime targets of this policy and a number in Gaza have been murdered by the brutally effective methods of bombs or rockets from warplanes (which usually also wipe out family members and unfortunate bystanders). That is why the top leadership of Hamas lives in exile in Syria. Slightly more subtle methods need to be employed to murder them.

Murder In Dubai

One such Damascus-based senior Hamas official was Mahmoud al-Mabhouh who, for publicly unknown reasons, visited Dubai in January 2010 and was found dead in his hotel room. That's where the story would usually end in the murky, murderous world of Middle Eastern covert operations. But the Dubai Police did something very unusual – they made a huge song and dance about it and released copious amounts of damning evidence, including lots of closed circuit TV (CCTV) footage from the victim's hotel, showing him being stalked by a very large group of nondescript looking people of both sexes (some of them actually using the most elementary tools of spycraft, such as beards, sunglasses and big hats). It was obvious that this was a professional hit team and Mossad, the Israeli external security agency, was the obvious suspect. Al-Mabhouh's death was no accident, nor was it a chance event. For unknown reasons he was there without his usual bodyguards (a standard feature of Hamas leaders, for good reasons), so he must have been lured to Dubai by a sting operation. Dubai is very close to Iran, Hamas' main backer and arms supplier, so it's possible he'd been set up to think he'd be meeting Iranians. Whatever, he was alone in his hotel room when he was murdered. The method was a giveaway that this no gang of robbers – he was injected in the thigh with a hard to trace and very powerful muscle relaxant (which is part of the chemical cocktail used in lethal injections in US executions) and then, defenceless, was suffocated with a pillow. The killers fled, separately leaving the country for various different international destinations.

That is where it gets really interesting. Not only did the Dubai Police release the CCTV footage of the death squad, they also released a wealth of other details about them, including a whole money trail of credit card payments. Most interestingly, the cops gave the international media all the passport details of the suspected killers (their passport photos were published in papers around the world, including New Zealand). Obviously, not one of them was using an Israeli passport (which makes the bearer persona non grata throughout the Arab world); they were all using passports from countries such as Britain, Germany, Ireland and Australia. And it soon became obvious that they were all forged passports – but ostensibly belonging to real people. Many of the people named as being the "owners" of these passports turned out to be citizens of these various countries who were living in Israel and who have dual citizenship. Others had visited Israel, where their passports had, presumably, been scanned when they had to hand them over for inspection, in order for Mossad to later adapt them for their new "owners". A number of the real owners of these fake passports were absolutely horrified when informed by their governments, or the media, that their names and "passports" had been used in this Israeli operation. It meant that their names were on Interpol arrest warrants for murder and other serious charges (27 such warrants have been issued). This is at the

very extreme end of the undesirable consequences of identity theft – except that, in this case, the thief was a State agency. Mossad's motive was simple – people using passports from countries such as Britain, Germany, Ireland and Australia have no problems travelling throughout the Middle East (or to anywhere else where Mossad may wish to conduct a covert operation). Note that Mossad never uses US passports.

Western governments, led by the US, have been Israel's staunchest backers for decades and routinely wink at the numerous atrocities it commits as a matter of State policy. But every now and again Israel oversteps the mark and does something that is directly harmful to the interests of one or more of its Western allies. The Dubai murder, in itself, was of no concern to them – who's going to cry over a "terrorist" who got what he deserved? But the forging of passports of First World nations' passports, that's a very different matter which can't go unpunished. That's a crime against a country's "good name", which is obviously more important than a man's life. Usually there is much tut tutting, for public consumption, while things go on as usual behind closed doors. And the various countries did summon their respective Israeli ambassadors for a please explain and ritual telling off. But this time it went further than that, as Israel's arrogant behaviour had seriously annoyed its allies, pissed them off, in fact.

Britain Expels Israeli "Diplomat"

Britain was reported to be considering severing its intelligence-sharing agreement with Israel. There is a precedent – in 1988, Prime Minister Margaret Thatcher closed down Mossad's British operation in response to a series of incidents (one of them involving fake passports; another being the kidnapping of Mordechai Vanunu, the Israeli nuclear whistleblower). Mossad was only allowed to reopen in the UK after it promised not to abuse British passports again. Obviously Israel doesn't take these sorts of promises very seriously. In March 2010 Britain expelled an Israeli "diplomat" (the Mossad chief at the London Embassy) followed, in May, by refusing to allow his replacement to take up the post. David Miliband, the Foreign Secretary (in the former Labour government) said: "Given that this was a very sophisticated operation in which high quality forgeries were made, the Government judges it is highly likely the forgeries were made by a State intelligence service" (www.stuff.co.nz, 24/3/10, "Britain to expel diplomat over Dubai passports"). It was reported that Israel resisted a demand that it promise in writing not to use British passports in similar such covert operations – because to do so would be seen as an admission of guilt for al-Mabhouh's murder.

So Does Australia

In May 2010 Australia followed suit and expelled an Israeli diplomat, after its investigators concluded that Mossad had forged the four Australian passports used in the murder. Foreign Minister Stephen Smith told Parliament that it "was not the first time Israel had forged Australian travel documents. He did not elaborate on previous incidents. But he said the latest transgression breached 'confidential undertakings' between the two countries. 'These are not the actions of a friend'... He said Australia's investigation by Police and intelligence services 'left the Government in no doubt that Israel was responsible for the abuse and counterfeiting of these passports'" (www.time.com 23/5/10, "Australia Moves To Expel Israeli Diplomat"). This led to a political row in Australia, with revelations about Australian intelligence operations. Deputy Opposition Leader Julie Bishop said that there was no proof that the Israeli government forged the passports. "It would be naïve to think that Israel is the only country in the world that has used forged passports...for security operations'. When asked if Australian intelligence agencies forge passports, Bishop – a former Cabinet minister in the Howard government – replied 'Yes'...In Parliament, Smith said Bishop 'has shown she is not fit to occupy a position of trust in the national security environment'" (*Press*, 27/5/10, "Flap over passports claim"). In June Ireland expelled an Israeli diplomat.

This is not the first time that Western governments have taken such action against Israel. For example, in 1997 Canada briefly withdrew its Ambassador after a bungled attempt in Jordan by Mossad agents, using false Canadian passports, to assassinate Hamas political leader Khaled Meshaal (they succeeded in poisoning but not killing him; the would-be killers were arrested and Jordan effectively held them hostage until Israel provided the antidote that saved the Hamas leader's life. He remains as Hamas' political leader, based in Damascus). Israel had to promise to Canada not to use its passports again.

NZ Has Seen It All Before

This scenario is very familiar to New Zealanders. In March 2004, police arrested two Israelis, Eli Cara and Uriel Kelman, in the act of them collecting a fraudulently obtained New Zealand passport (it was in the name of an NZ cerebral palsy sufferer who had certainly not applied for a passport and was no position to ever travel). The passport was sought, not for either of them, but for their ringleader, Zev Barkan, who had been an Israeli diplomat in Europe for a number of years. Barkan fled the country and has not been brought to justice. There was a fourth man also involved (all classic spy rings always have a mysterious Fourth Man), whom media inquiries identified as New

Zealand citizen and religious Jew, Tony Reznik. He is a New Zealand citizen who had lived for many years in Israel and who is believed to have been the one responsible for selecting the disabled man for the identity theft (Reznik worked as a St Johns Ambulance paramedic and would have come into contact with the unknowing victim. Barkan also lived in a street near the disabled man). Reznik and his family also hurriedly fled the country and he has never been brought to justice.

Cara and Kelman each faced three charges, including one under a new law of participating in an organised crime group to secure a false passport. They were remanded on bail and very obviously kept under surveillance by both the Police and Security Intelligence Service (SIS) agents. It was reliably reported that their communications were bugged, most likely by the Government Communications Security Bureau (GCSB), which is responsible for spying on international communications. This apparently provided the proof that they were Israeli agents. There were ramifications across the Tasman as well. Cara claimed to run a travel agency in Australia, which he said was the reason he had made numerous visits to NZ in preceding years. The only problem was that nobody in Australia could find a trace of any such agency. Shortly before he was arrested in Auckland, Australian Police raided a Sydney house that he had used, but turned up nothing, except evidence that it had been hurriedly vacated. The pretty unconvincing cover stories by both men were further undermined by the extraordinary lengths that Kelman (the younger of the two) went to hide his identity during their several court appearances. He did a wonderful impersonation of the Invisible Man, complete with balaclava and dark glasses.

By July 2004, they had obviously been instructed by their controlling officers to take the rap and avoid the prospect of an Israeli intelligence operation being examined in open court. They both pleaded guilty to the same single charge, the most serious one of trying to obtain an NZ passport by fraud. They were remanded in custody and duly sentenced to six months in prison (they could have got five years), plus the judge ordered them to each make a \$50,000 donation to the Cerebral Palsy Association for their callous and cynical attempt to steal the identity of the handicapped man. True to form, Kelman stood with his hand covering his face throughout the entire sentencing hearing. They offered no explanation (although, interestingly, they both appealed) and duly served the requisite three months. In September 2004, when the time came for their deportation, they were released from prison several hours earlier than the usual time, were taken by Police to a back entrance of Auckland Airport and kept out of public view until they were put on a plane, under Police escort.

Once they were sentenced, Prime Minister Helen Clark broke the official silence on the case that had been deliberately kept in place until then, and well and truly put the boot into Israel. "You do not expect your friends to do this to you...We look forward at some point to the Israeli government swallowing its pride and offering the explanation and apology we've asked for" (*Press*, 16/7/04; "Clark lambasts Israel; Diplomatic sanctions imposed after spies are sent to prison", Colin Espiner). New Zealand basically took every step short of breaking diplomatic relations. Clark suspended high-level visits to and from Israel; declined permission for Israel's President, the Head of State, to visit New Zealand; implemented visa restrictions on all Israeli government officials visiting NZ; suspended Ministry of Foreign Affairs consultations with Israel; and delayed indefinitely the appointment of a new Israeli Ambassador (the Wellington Embassy had been closed, in 2002, as a cost-cutting measure; it didn't reopen until 2010, right in the middle of the fallout from the Dubai murder).

It was revealed, in February 2005, that Australia had asked Israel to withdraw a diplomat from its Canberra Embassy. This had not been publicly announced and when the Australian media exposed it, several weeks after the event, the Australian government refused to comment. But the seriousness of this unusual move is underscored by the fact that Australia and Israel are good friends. The unnamed diplomat had visited Cara and Kelman when they were in prison in Auckland.

Green MP Keith Locke was the only one to ask the obvious question. "'We need to know whether last year's attempt by a Mossad agent to fraudulently obtain New Zealand passports was run out of Israel's Embassy in Canberra. The expelled diplomat was cross-accredited to New Zealand and visited the two Mossad spies jailed here. It is bad enough that Mossad was infringing on New Zealand's sovereignty and laws. It is even worse if the Israeli diplomatic post responsible for New Zealand was involved'. Keith said there was prima facie evidence the Mossad operation against New Zealand was run out of Australia. 'One of the jailed spies, Eli Cara, was based near Sydney, running a dummy tourism agency. He crossed the Tasman 24 times. In addition, the third Mossad agent, Zev Barkan, who managed to escape New Zealand, had been an Israeli diplomat in Austria and Belgium'. Keith said the New Zealand government must not be caught up in an Australian government cover-up of the affair. 'As long as Israel's diplomats to New Zealand are based in Australia, it is our business whether Mossad is operating out of the Canberra Embassy. Phil Goff's talk about fighting terrorism will be hollow if he doesn't try to get to the bottom of this, the only terrorist-linked activity in New Zealand since the *Rainbow Warrior* bombing'" (press release, quoted in *JustPeace* 73, 10/2/05).

Israel Apologised To NZ

The pressure from the New Zealand government paid off. Firstly, Cara and Kelman withdrew their appeals and then, in June 2005, Israel apologised and the sanctions were lifted. This followed months of diplomatic wrangling about the wording of the apology and in the end Israel did not confirm that the two men were agents, merely referring to them as citizens. Helen Clark correctly said: "It is clear that the Israeli government will not apologise for criminal activity by just any citizens. There was a reason to apologise for the actions of these two citizens" (*Press*, 27/6/05; "Sanctions lifted after Israel apologises for passport incident"). Israel provided no explanation as to what the NZ passports were going to be used for. Clark said that an international arrest warrant had been issued for the New Zealander, Tony Reznik (now safely in Israel) and she also revealed that other NZ passports had previously been obtained by Israeli agents. The Government had decided not to pursue them, as they had now all been detected and all relevant passports had been cancelled.

The Government had the support of the public and media throughout this whole squalid affair. To quote from a *Press* editorial (28/6/05; "Humiliating apology"): "However humiliating it might be, for a beleaguered nation which requires international goodwill, it was an apology that had to be made...The New Zealand government was correct to take a hardline stance over the passport fraud...While it is positive that the relationship with Israel has been patched up, the apology does not quite mark the end of this passport affair. Two other participants are still at large and there are unanswered questions over the intended use of other New Zealand passports which were obtained by Israeli Intelligence agents and have now been cancelled...(It is) a successful, if protracted, foreign policy success for the Government". The editorial also drew the obvious parallel with the 1985 fatal bombing of the *Rainbow Warrior* by France, the only other "friendly nation" intelligence operation on NZ soil to end in criminal charges and imprisonment for the couple of agents who were caught. The French and Israeli spy bosses both exhibited the same arrogance and contempt towards New Zealand - and the governments of both paid the price for their complacent stupidity.

In fact, stupidity seems to be a hallmark of Mossad. A February 2005 article by Nicky Hager in the *Sunday Star Times* (cited in Israel's *Haaretz*, 27/2/05; "Israeli jailed in New Zealand headed Cyprus spy ring") revealed that Cara, one of the two agents imprisoned in NZ, had sent two Mossad agents to Cyprus in a 1998 operation which resulted in them being arrested and serving nine months of a three year prison term. Kara's friendship with a senior Mossad official got him posted to Australia, from where he worked on the ill-fated NZ passports operation. Apparently, after his return to Israel from a New Zealand prison, he decided to leave the world of intelligence and took a job with the credit card transnational, Visa. Probably a good career move, I'd say.

For the benefit of the politicians and media pundits who say that "we must have the Waihopai spy base (and/or the SIS) in order to defend New Zealand from terrorists" I must stress that the arrest of the two Mossad agents in Auckland was not a brilliant coup by our ever vigilant intelligence services (no more than was the 1985 capture of two of the French intelligence agents who fatally bombed the *Rainbow Warrior*). It wasn't even sharp eyed cops who busted this spy ring. An Internal Affairs officer became suspicious about the passport application when he got a phone call from a man saying that he was the applicant, seeking to hurry up the process. The fact that this "New Zealander" had a North American accent struck the Internal Affairs officer as curious. Suspicions were confirmed when a call to the "applicant's" father revealed that his son had cerebral palsy, and had never applied for a passport. From that moment, the Police were informed and an elaborate trap was laid to catch the ring. The applicant set up a complex collection process straight out of a spy movie, which involved couriers, taxis, cellphones and several changes of delivery address. The cops still managed to catch Cara and Kelman in the act of collecting the passport. For full details of this aborted Mossad operation in New Zealand, read my articles "Mossad Spies Imprisoned In New Zealand: Our Passports Valued For Use By Israeli Covert Killers" in *Peace Researcher* 30, March 2005, <http://www.converge.org.nz/abc/pr30-111.html> and "Israel Apologises To NZ For Bungled Mossad Passports Operation" in *PR* 32, March 2006, <http://www.converge.org.nz/abc/pr32-123b.html>.

One Dubai Mossad Suspect Arrested

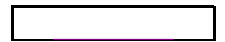
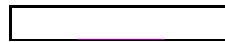
It was probably the memory of that fiasco half a decade ago that led Israel not to include New Zealand among the countries whose passports it forged for the use of its 2010 Dubai death squad. But it turns out that there is a direct link between the two Mossad operations. In May 2010 it was reported that Zev Barkan, the Mossad agent who fled NZ in 04, was among five new suspects being investigated in connection with the Dubai murder. New Zealand Police still have a warrant out for his arrest. Barkan remains at large, never having had to answer for his crimes in either NZ and/or Dubai.

But one Mossad agent has actually been arrested in connection with the Dubai case. In June 2010 an Israeli man was arrested in Poland on a European warrant issued by Germany on charges of fraudulently obtaining a German passport for the Dubai operation and involvement in foreign intelligence operations in Germany. Germany requested

his extradition, a move opposed by Israel, which requested his return home. Dubai, which has played a very creditable role in this whole shabby saga of foreigners murdering a foreigner on its soil, said that it may also request his extradition if he has direct involvement in the murder. At the time of writing he remains in Polish custody, with the question of extradition (to anywhere) unresolved. In the immediate aftermath of the murder Dubai police arrested a couple of Palestinians. It is not surprising that Palestinians work for Israeli intelligence and its death squads – Hamas has plenty of enemies among its own people, and every occupation regime always attracts a certain number of collaborators and traitors.

Israel Is A Terrorist State

Israel operates State death squads that literally get away with murder (it is prepared to accept the occasional jailing of a couple of its agents in annoying little countries like New Zealand as the price of covertly fighting what it sees as an undeclared unconventional war anywhere in the world where it chooses to do so). In order to be able to murder the people it wants to get at it is prepared to tread all over its so-called “allies”, without too much concern about what their governments or people think. There is an irony in all of this, of course – in all the Western rhetoric about “rogue States” the elephant in the room is our very own rogue elephant. The West has created, and continues to prop up, a monster and its harmful reach spans the world, even to New Zealand. Israel is a terrorist State. That inescapable fact should determine its relationship with the rest of the world.



REVIEW: "BALIBO"

A Film By Robert Connolly

Peace Researcher 40 – July 2010

- Jeremy Agar

On Mount Victoria, in the heart of Wellington, a native tree was planted and a park bench was officially opened, in May 2010. The plaque indicates that the simple memorial honours the memory of Gary Cunningham, a TV journalist working for an Australian network in East Timor who was murdered by Indonesian soldiers in 1975. The memorial was organised by the Indonesia Human Rights Committee with support from the Media Freedom Committee and Wellington City Council. It's a suitable site. Cunningham once lived nearby and he won an award for his coverage of the 1968 *Wahine* disaster when the inter-island ferry sank in the harbour below. There's another link. The view from Mount Victoria has something in common with the view from Balibo, the place Cunningham died.

Balibo is high on a hill in East Timor, near the border with Indonesian West Timor. The Balibo Five, as they've come to be called, were journalists covering an anticipated invasion from Indonesia. As we see in the film, the five had stationed themselves in an old Portuguese fort overlooking the sea, where Indonesian warships were arrayed. Armed men in civilian clothes emerge from the bush, photographed by the Australian team. The crew sense they're in danger and flee. Hiding in the fort, they're shot in cold blood. These scenes are chillingly effective.

They're also historically accurate, as was established by a sixth journo. Connolly tells the story via Roger East's search for the missing quintet some days after they had failed to return from their Balibo assignment. The film opens with East in Darwin. He's a frizzled, cynical veteran at first unmoved by the plea from an East Timorese democrat (the young Jose Ramos Horta, now his country's President) to pay attention to the imminent plight of his homeland. It's a movie cliché perhaps, but in this instance the cliché happened. East thrashes through the jungle, finds evidence of the butchery, and reports back. East stayed on in Dili, determined to honour his colleagues by reporting on the invasion, so he, too, was murdered by the Indonesian military. Roger East, subtly played by Anthony LaPaglia, is the centre of the story.

Indonesia didn't want the world to know that it was crossing an international border with no provocation except that the East Timorese wanted an independent country in the same way that a generation earlier Indonesia had successfully fought for its own independence from the Dutch. If you look at a map, which depicts East Timor as part of an Indonesian island within an Indonesian archipelago, it might seem that Jakarta at least had a case for wanting East Timor to become part of the country. But the map is misleading. We have to look at history. Indonesians followed the normal logic of post-colonial nationalists by fighting for a country that would take over the areas that had been Dutch possessions. That's why New Guinea has a line running down the middle, separating Papua (formerly Dutch and now Indonesian) from Papua New Guinea (formerly Australian). So, by its own rules, independent Indonesia should not have expected to annex East Timor, a former Portuguese colony.

In the context of unprovoked brutality this background might seem academic, but it could be part of the reason for Indonesia's behaviour. Under international law it knew it couldn't justify its claim for East Timor. So did all the governments that connived at the aggression. This is the significance of Balibo. It's why Gary Cunningham's name is largely unknown in Wellington and New Zealand. The governments of NZ and Australia collaborated with Indonesia in covering up the massacres. They actively went along with the Indonesian lie that the journalists had been caught in crossfire. The version of events that the film depicts, of a sustained and deliberate mass murder of unarmed civilians, is accurate, as even the Indonesian Army now admits.

It's not as if the incident can be explained away as the emotions of the moment, like the killing of Japanese prisoners of wars during World War 2 (as happened in both New Zealand and Australia). This happened in 1975, when the most passionate public event in NZ was the replacement of the Rowling Labour government by the Tories led by Muldoon. Neither Indonesia nor East Timor has a history of bad relations with NZ or Australia. We're not talking Gaza or the Balkans. Yet the events at Balibo were officially being denied for the next generation.

US, Australia, NZ Accomplices

Why did successive governments of NZ and Australia - along with the UK and US - behave so deplorably? The first pointer is to look towards America. Indonesia would not have been brazen without at least a hint from the US. The Secretary of State, Henry Kissinger, saw the world as a playpen for American adventures. When it came to the "South", the part of the globe that was neither the North Atlantic Treaty Organisation (NATO) nor the former Warsaw Pact, he was contemptuous. Places like Indonesia and, even more so, tiny East Timor, were pawns in his global

game. Immediately before the invasion Kissinger and President Gerald Ford were in Jakarta for talks with Suharto, the Indonesian dictator. As soon as Air Force One left Indonesian air space, the Indonesian military invaded East Timor and started killing people. That's as close to a smoking gun as it gets (*similarly, in 1975, Gough Whitlam, the Labor Prime Minister of Australia, gave Suharto the go ahead. The film shows their meeting in a photo in a newspaper used to wrap Roger East's fish and chips in Darwin. There has always been a bipartisan consensus in Australia that is obsessed with "instability" in their huge Asian neighbour. Ironically, Whitlam gave that go ahead whilst he himself was, fruitlessly, fighting for his political life against being unseated by a bloodless coup waged by the Australian Right and its American backers. After a carefully manufactured political and economic crisis his Government was dismissed by the Governor General and heavily defeated in the ensuing election. Ed.*)

Kissinger was obsessed with fighting Communism, and it was announced that the East Timorese freedom fighters (Fretilin) were Communists, an analysis about as useful as saying that they were bogeymen. The complicit governments wanted to keep on side with Indonesia, regionally a big player which could be relied on to be brutal in suppressing freedom. Suharto himself had come to power by killing anywhere from half a million to more than a million opponents, people he called Communists and thus deserving of death (see *Peace Researcher 25, March 2002, Special Issue, "Ghosts Of A Genocide: The CIA, Suharto And Terrorist Culture", by Dennis Small, <http://www.converge.org.nz/abc/pr25intr.htm>. Ed.*). All concerned had been there, done that. It's possible that by allowing speculation that Balibo followed a US nod and wink, Kissinger and Suharto were signalling to the region that they were in charge and weren't to be messed with (remember that 1975 marked the humiliating defeat of the US and its puppet governments in the wars in Vietnam, Cambodia and Laos).

US allies, governed by elites who had to put down their own domestic bogeymen, had traditionally taken Commie panic at face value. It was a default setting. But this time, didn't they take it too far? Measured purely as an act of naked aggression, the invasion could be seen as cruder than other more documented events such as Hitler's attacks on Czechoslovakia in 1938 and Poland in 1939. The East Timorese were subjected to 24 years of brutal occupation, throughout which our governments continued to deny all. The film is based on Jill Jolliffe's book "Cover Up". It tells the story by cutting between the Balibo Five and East's covering of the same ground. It's a particularly effective solution to the tricky narrative problem of dealing with interlocking periods. It's gripping stuff.

183,000 Deaths Before Independence Won

Thanks to the work of groups like the Indonesia Human Rights Committee the events that followed the Balibo massacre became well known and after 183,000 deaths East Timor won independence in 1999 (Jose Ramos Horta, East's guide, started off as Prime Minister and is now President). Yet the NZ government was still doing all it could to see no evil, speak no evil, and hear no evil. For a detailed account of New Zealand's shameful quarter of a century of appeasement of Indonesia vis a vis East Timor, see my review of Maire Leadbeater's book "Negligent Neighbour" in *Peace Researcher 34, July 2007, <http://www.converge.org.nz/abc/pr34-141b.html>*). The East Timorese were still to be punished for being a small and non-strategic society, and for having suffered too long under Portuguese military dictatorship (in that, had Portugal been a democracy in 1949, when, after prolonged struggle, Indonesia was let go by the Netherlands, East Timor would have been allowed independence).

Early in their relationship, when a frustrated Horta is imploring East's support, the young East Timorese accuses the older Australian of being interested only in a few deaths of white people rather than the rape of a culture. Given Horta's experiences, this is a sentiment that's easy to identify with, but in the immediacy of common struggle the difference is soon forgotten. Beyond the Balibo Five and Roger East, there's a third framing of the narrative. The first shots are of a young East Timorese girl who witnesses East's execution. She reappears as a mature woman at the end, an indication that Connolly sees his story in terms of a human solidarity which transcends race, time and gender. Cultural tension is not his theme. Balibo is an expose of complicit governments and a statement about freedom of the press.

No representative of the NZ government was present at the Mt Victoria ceremony. The Minister of Foreign Affairs, Murray McCully, said he had raised the matter of war crimes with the Indonesian government on a visit in 2009 but had not sought an apology and an admission. The present Government is not the sort to wear its heart on its sleeve, but apologies are in fashion. Lots of institutions have been saying they're sorry, with varying degrees of sincerity. The apologists tend to share a confidence that the thing they're apologising for is buried in the past with no present implications (*by contrast, in 2009, the Australian Federal Police, a mere 34 years after the event, launched a war crimes investigation into the murders, following a 2007 coroner's inquest. This investigation, specifically the suggestion of prosecuting the Indonesian senior officer in charge at the Balibo massacre, who went on to become a politician and minister, has led to diplomatic tensions with Indonesia, which has banned this film. The inquest also forced evidence into the open that the Australian Defence Signals Directorate, the spy agency equivalent to the NZ Government Communications Security Bureau, had, via its Darwin spybase, been fully aware of the Indonesians'*

invasion preparations and of their murder of the Balibo Five. Ed.).

REVIEW: “POLICING AMERICA’S EMPIRE: The United States, The Philippines And the Rise Of The Surveillance State”

by Alfred W McCoy, University Of Wisconsin Press, Madison, 2009

Peace Researcher 40 – July 2010

- Jeremy Agar

Alfred McCoy has written the most thorough account of American relations with the Philippines that the general reader is likely to come across. It's a history with meticulous detail, the product of an academic career that's concentrated on the tortuous story of the connections between the US and Southeast Asia. McCoy, who previously exposed a Central Intelligence Agency role in the Asian drug trade (“The Politics Of Heroin In Southeast Asia”, 1972), is specifically interested in the workings of the Police and the Army, American creations in large part.

“Policing America’s Empire” is a history of US-Philippine relations, stretching back to 1898, when America invaded the archipelago, expelled a tiring Spain, and announced that the upcoming century was to belong to America. Unlike European colonists, who acquired their empires in earlier days of sail power and muskets, the US typically did not feel it needed to exert explicit political rule. It would control through local proxies, a method which President McKinley called “benevolent assimilation”. He couldn’t then go the whole way and allow formal independence, but, rather than being a judgement about the needs of power, this seems to have been the result of racism and cultural bias. Manila self rule, McKinley cautioned, would be “vastly more unwise and even more disastrous than it had been in DC” (which was full of black people). Neither Washington DC nor Manila got a vote.

Just as, a century later, Bush the Younger used 9/11 to “justify” his attack on Iraq, McKinley’s pretext for invading the Philippines was the sinking of a US warship in Havana, the main port of a then-Spanish Cuba. When no convenient target presents itself, governments have to lie. Before the Bush-Blair “discovery” of weapons of mass destruction in Iraq, the 1965 Gulf of Tonkin “incident”, an invention by President Johnson of Vietnamese aggression, triggered the US assault on North Vietnam. McCoy hints at the parallels and patterns within 20th Century history.

The trick in the Philippines was to deploy enough US personnel to keep a watch on events while relying on locals for the brunt of the dirty work. In the early years one third of the Manila City budget went to the Police, while one of the three Police Commissioners was a Filipino. The money tap necessitated a 500% tax increase and guaranteed corruption. From the start of their occupation the US fostered the power of local elites, who came to depend on American sponsorship. In a tactic since followed by cities hosting Olympic Games or World Trade Organisation conferences, low-life Americans were shipped home in an attempt to create an aura of expat cultural and racial superiority.

The US established a Division of Military Information to set up files on all influential Filipinos. This could have been the world’s first attempt at bureaucratic mass surveillance, useful for dangling carrots (patronage and cooption) and spreading divisive misinformation and playing dirty tricks. When necessary the stick could whack sense into troublemakers. US policy was to “kill off the leaders and enlighten the masses”.

Marcos Was The Americans’ Boy

Necessarily, the Philippines being scattered and heterogeneous, local warlords are generally left alone to dispense local injustice. A dictator like Ferdinand Marcos, who campaigned, inevitably, on a law and order platform, centralised the Police and Army, but even in periods of centralised power, the local fiefdoms are granted a free rein. As the elites have a common interest in suppressing democracy, the system usually works well enough for them all. There’s enough plunder to go round. According to McCoy, Marcos spent \$US50 million on bribes just for his 1969 re-election campaign.

The Americans want to project their power regionally and, as long as no Viet Cong-type movement surfaced, they wouldn’t have worried about what went on in the provinces. Their problem is that the Philippines have never been pacified*, and the US military has never been far from direct engagement. The President in Manila, any President, works within the space left between the US and local powerbrokers. It’s a recipe for systematic abuse. All that’s certain is that the interests of the Philippine people won’t be the motive for policy.

**The New People’s Army of the Communist Party of the Philippines has been continuously waging a classic peasant-based guerrilla war across the great majority of the Philippines’ provinces for more than 40 years. Prior to that there was the unsuccessful 1950s’ Huk guerrilla war waged by the former Communist Party. Separately, there*

has been a Muslim separatist guerrilla war continuously in the southernmost provinces since the 1970s. Ed.

In 1978, Marcos agreed to extend the lease for US bases in exchange for \$US500 million in what both parties agreed to call "aid". A State Department honcho, Richard Holbrooke, explained the dilemma: 'We had to choose between using our bilateral relationship for human rights objectives and using it first for putting our military facilities on a stable basis'. Human rights or a stable military? They must have agonised over that for all of two seconds. Holbrooke is now President Obama's Special Envoy to Afghanistan, one of several hints that policy hasn't changed.

McCoy divides Philippine history since 1945, when the Japanese were pushed out, into three periods. The rule of thumb is that in the post-war period, there were the 3 G's: guns, goons and gold. Then, from 1965-1986, there was Marcos. "People Power" toppled the dictator, but as McCoy mournfully records, post-Marcos it's all about the 3 C's: celebrity, criminality and Chinese - as in ethnic Chinese moneymen.

Warlords, Death Squads & Kleptocrats

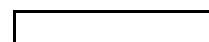
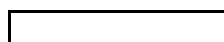
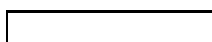
Resistance has been persistent but, reflecting its often disparate origins it, too, tends to be inconsistent. Whenever human development looks to be in the offing, the killers get busy, so that sentences like this are frequent: "A liquidation campaign raged across central Luzon for a full year, hunting down environmentalists, community organisers, journalists, pastors, and land reform advocates".

All sorts of agendas are in play. McCoy talks about the interplay, during Cory Aquino's 1986-92 Presidency, between "criminal gangs, fanatical cults, and ex-Communist guerrillas". One crazed Christian zealot couldn't find the guerrillas he was supposed to hunt so he attacked human rights groups instead. When McCoy notes that the Philippines is said to have the world's highest murder rate - though it's highly variable between regions - the information is almost incidental. An outfit pleased to call itself the Legal Action Group saw its role to be "targeting so-called Communist front organisations engaged in development, media, and religious work". The threat of justice has a way of uniting oppressors into making their country safe for injustice.

Joseph "Erap" Estrada, an actor, was a celebrity President (1998-2001), an example of the post-Marcos C's, evicted in 2001 by People Power 2 amid accusations of pocketing kickbacks. McCoy says he alienated provincial rivals by trying to privatise gambling profits for himself. In a brazen comeback bid, Estrada, who used to keep the Presidential mistress in a 23,000 square-foot house, one of 18 Presidential mansions, ran second in the May 2010 Presidential election. The winner, Benigno "Noy" Aquino, son of the late President Cory Aquino, is from a rival - and more respected - political dynasty. Such is politics Philippine-style.

Aided and abetted by the US, the State has resorted to terror on a mass scale four times in recent history: "Thus coercive capacity was fashioned under colonial rule, legitimated by the country's later Constitutions, and reinforced by popular demands for public order in the face of rising criminality. But in the half century since independence in 1946, the Philippine Executive's reliance on coercion rather than negotiation has been encouraged by periodic infusions of US aid and advisers, contributing ever more efficient means of armed suppression, from the CIA's counterinsurgency operations in the 1950s through US counterterrorism training since 2002".

McCoy concludes with the observation that after 9/11 an enhanced technical sophistication has allowed the watchers to keep a clamp on freedom unobtrusively and atrocities are generally limited to outlying islands. Traditional methods, he suggests, the crudities of a McCarthy or a Nixon, or a Marcos, perhaps, would have been resisted. In the Philippines, where indirect methods have always been tyranny's default option, cooption and bribery might have some way yet to go. McCoy makes another pertinent, if unwelcome point: at least eight million educated middle class Filipinos have recently emigrated, potentially restoring the social gap between the oligarchs and the masses, and, with it, the oligarchs' freedom to oppress.



REVIEW: “FORGING A NATIONALIST FOREIGN POLICY”

by Roland G Simbulan, Ibon Books, Quezon City, 2009

Peace Researcher 40 – July 2010

- Jeremy Agar

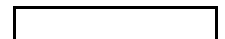
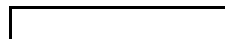
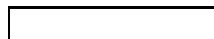
Roland Simbulan is a Filipino academic, active in the movements to free the Philippines from nuclear weapons and American troops. Nationalism, he insists, is not about “advancing your country’s interests at the expense of those of other peoples”. On the contrary, it can be an aspect of what the Americans might call a good neighbours policy. To Simbulan, nationalism and internationalism are linked.

The Philippines’ struggles have been partially successful. Simbulan sees a 1991 Senate vote to close the country’s US bases as a highlight of his country’s history. The Philippine archipelago, handily off the East Asia mainland, had served as an anchor on an American chain of foreign bases. For a century the US saw the Philippines as vital for the projection of its military power to key places like China, Vietnam and Japan. The host elites, Simbulan writes, had been traditionally servile and opportunist. So why did they surprise everyone and give Uncle Sam his marching orders? Simbulan suggests that it had a lot to do with the late, unlamented President Ferdinand Marcos. Marcos, who grabbed dictatorial power in 1972 as his American sponsors squatted in the Philippines, began to lose his grip, forcing the Yanks to increase their aid, and Marcos his terror, so that he could hold on. This showed just how much the two countries’ interests were incompatible and some Senators were emboldened.

US Military Back

Since the door was locked, the US has been rattling the windows, trying to get back in. The resulting tensions are Simbulan’s theme. In Manila Presidents come and go, sometimes promising democracy but never delivering. Local elites, who often need soldiers to prop them up, have to keep out a complex number of opponents. Violence lurks below, emerging in crisis into the open. Basilan, a small island with a mixed Christian and Muslim population, is known variously as “the kidnapping capital of the Philippines” and as “the second front in the war against terrorism”. There, as Simbulan sees it, US troops support the Philippine Army against a “rag-tag bandit group” whose average age is 18 (McCoy – see my above review - says they were originally a Muslim group but degenerated into a kidnapping gang. It’s a typical regression). The Governor, a former member of the rebels - and believed by some to be secretly loyal still - conducts a “balance of terror” policy, exploiting the situation to settle personal accounts.

That’s just one island. Others have quite separate dynamics. Given the Philippines’ difficult and exploitative history, it’s not surprising that Uncle Sam is still around. The Visiting Forces Agreement allows the US military to enter the country to carry out “activities” that don’t have to be specified and to stay for as long as they like, immune from local law. There might not still be a Clark Air Force base or a Subic Bay Naval base, but they’re back. With all the conflicting agendas being enacted, Simbulan muses, the countryside is a “free-fire zone”. This book, a collection of essays and speeches, is an authoritative account. The author has a long and consistent record in speaking up for the Philippines. Those wanting to look closely will find the appendices useful. They contain photocopied texts of the key agreements.



OBITUARY: Hugh Price

Peace Researcher 40 – July 2010

- Murray Horton

I am indebted to Hugh's widow, Beverley Randell, who edited this, deleting mistakes and writing substantive additional material which I have incorporated into it. This was first published in Foreign Control Watchdog 123, May 2010, <http://www.converge.org.nz/watchdog/23/index23.htm>.

Hugh Price, who died in December 2009, aged 80, was a longstanding, extremely supportive and very, very generous member of the Campaign Against Foreign Control of Aotearoa (CAFCA). He was a member of the Anti-Bases Campaign for a much shorter time, but ditto for the level of support and generosity. And he was a founder pledger (i.e. since 1991) to the CAFCA/ABC Organiser Account, which provides my income, pledging \$50 a month for all those years, as well as being a very generous donor when appeals went out that the Organiser Account needed a boost.

Of course, Hugh was much, much more than that. In contrast to his small stature, he was a giant in the world of publishing with Price Milburn, the company he co-founded in 1957, specialising in learn to read and educational books, with a general list of New Zealand non-fiction books, poetry and plays. He was the subject of a major obituary in the *Dominion Post* (16/1/10; "Energetic bookworm took words to millions"; Peter Kitchin), which was reprinted in edited form in the *Christchurch Press* (23/1/10; "A life built amid books"). "Price Milburn's learn to read and storybook list ran to more than 400 titles, all edited or written by Price's wife, Beverley Randell". Sales of those Price Milburn books ran into the millions, and continue to do so 40 years later. The series is now published by Cengage Learning of Australia.

It was as a publisher that Hugh was primarily known by the public. We, and I, had no dealings with him in that capacity (although we, and I, certainly benefited from his generosity that flowed from the great success of his business. And I was keenly aware that I was in the presence of a bookman, indeed a book family, when I observed the booklined walls of the room in which he met me on the couple of occasions that I visited him at home). The word to describe that is compartmentalisation – we had dealings with Hugh in one compartment of his life. It was a very important one for him (and us) but nonetheless only one of the many compartments of his life. I will confine myself to writing about the aspects of Hugh's life with which we had direct involvement and will not attempt to write a proper obituary. I had no contact with those other aspects of his life and didn't know him at all personally (the number of times we actually met could be counted on the fingers of one hand).

Keynote Speaker At Seminar On SIS

Hugh joined the Campaign Against Foreign Control In New Zealand (CAFCINZ, now CAFCA) in 1985 and remained a member continuously right up until his death. To the best of my knowledge, the only time he was ever mentioned in *Foreign Control Watchdog* was right back when he first joined. Number 51, December 1985 carried a two page report (anonymously, as all *Watchdog* articles were in those days) about the two WB Sutch memorial seminars which CAFCINZ held on one weekend in September 1985, to mark the 10th anniversary of Bill Sutch's death (I refer you to my article "Speaking Ill Of the Dead: The Vicious Smear Campaign Against Bill Sutch And Jack Lewin", in *Watchdog* 113, December 2006, <http://www.converge.org.nz/watchdog/13/12.htm>, to refresh your memory about Bill Sutch, his persecution by the Security Intelligence Service [SIS], and his 1975 acquittal on espionage charges under the former Official Secrets Act. He died a few months later). CAFCINZ organised two seminars appropriate to Sutch's memory – one was on economics and the other was on the SIS. You can read the full report online at <http://historicalwatchdog.blogspot.com/2009/12/foreign-control-watchdog-december-1985.html>. Because the subject of CAFCA and the SIS is still very timely and relevant (see my article "SIS Spied On CAFCA For Quarter Of A Century", in *Watchdog* 120, May 2009, <http://www.converge.org.nz/watchdog/20/06.htm>) it's worth quoting nearly all of that 1985 report on the SIS seminar.

"We had invited all of the 'radicals and subversives' from Muldoon's famous 81 Tour list, plus others personally affected by SIS action, e.g. Rob Campbell, Trevor Richards, etc, etc. Not surprisingly most didn't even reply when we explained that they would have to come at their own expense. But three did come from Wellington. Richard Suggate gave a very detailed account of his fruitless attempt to secure his SIS file. Owen Wilkes talked about his mail being tampered with by Customs on behalf of the SIS (plus a hilarious off the record yarn). Don Carson detailed his court action against the Crown as a result of appearing in that 81 list. He appealed to the Commissioner of Security Appeals and won, then sued the Crown and gained an out of court settlement (plus a substantial chunk of his SIS file). It provides a fascinating insight into the minds of our very own spies (*all three of those guys*

appeared in the SIS file on CAFCA; see the May 09 Watchdog article cited above. Ed). “The keynote speaker was also a Wellingtonian, Hugh Price, of the NZ Council for Civil Liberties. He provided a graphic 40 year history of the SIS, under its various previous names, and proved one thing. Consistency. They've been consistently paranoid and stupid throughout. And vindictive, viz their hounding Sutch into the grave...

“...The favourable publicity didn't finish with the seminars. The *Press* ran another excellent feature, under the startling heading ‘Is the SIS Subversive?’ quoting extensively from Professor Bill Willmott, of the Canterbury Council for Civil Liberties (which co-sponsored the seminar). Because our resulting press statement gave the impression we were about to publish lists of SIS agents, the *Sunday News* rang to see if we were prepared to go to prison and if so, could they have the scoop! It ran a quirky little story, quoting former *Cock* editor, Chris Wheeler, as saying that the SIS is regarded as a joke overseas. Wheeler, who improbably described himself as ‘a motor mower repair man’ (well, who'd want to admit to being a journalist?) fully supported CAFGINZ' call for a commission of inquiry into the SIS. We find ourselves in company with the (Opposition) National Party, which wants to investigate the SIS part in the *Rainbow Warrior* bombing. We also want the current Government review into external intelligence extended to include the SIS...”.

Sadly the *Watchdog* article didn't include anything of what Hugh had to say, although it did offer keynote papers for sale for \$5 (so his paper, entitled “Why the SIS Should Be Abolished” might be buried in the ancient files held by either me or Bill Rosenberg). Fortunately the good old SIS recorded as much as they could about the seminars, including newspaper articles, and even a report from their spy inside the Christchurch branch of the former Communist Party, who reported that: “(named individual) said that the CPNZ was not happy with the idea of more information being made available from the files, as they felt that was treating the symptoms rather than the disease. The Party point of view was that the whole system needed to be changed, with the total abolition of the NZSIS.... (named individual) said that CAFGINZ had not researched the topic of the NZSIS at all well and relied on uncorroborated statements from individuals who expressed grievances at their treatment at the hands of the SIS” (CPNZ Christchurch Branch, 8/10/85, NZSIS, declassified 10/11/08). So there! The SIS file also includes a transcript of a Radio New Zealand news item after the seminars, featuring interviews with both myself and Hugh. He was asked if he was satisfied with the “form and performance of the present SIS?” To which he replied: “Well, no, I am not really. I think that the present SIS has always put far too much emphasis on what they see as Cold War conflicts. They've seen the world in a particular way. It's a picture of the world that they've built up, I think, because of their close contact with overseas intelligence agencies, particularly of course the CIA in the United States. And I think this has given them a rather extreme view of the world and one that doesn't really have much relevance to the interests of New Zealanders” (2ZB, 30/9/85, “Inquiry called for into SIS”, NZSIS, declassified 10/11/08).

The SIS Was A Lifelong Campaign For Hugh

To quote from his *Dominion Post* obituary: “He returned to Wellington (from Britain) in late 1956 to be manager of Modern Books, a co-op retailer at 48a Manners Street with 3,000 members. Modern Books was an important source of books for New Zealanders. It was Price's pledge that the shop would locate, order, and import any book from any publisher anywhere for any New Zealander. It not only catered for readers in English, but imported books for migrants to read in their own language.

“The shop attracted the attention of the Police Special Branch. There was an assumption that it was a Communist Party front, notably because it sold books in foreign languages from Iron Curtain countries along with books from obscure publishers in the West”, and even from India and South America. The Special Branch already had Hugh on its files because, with two other students, he had compiled a shortlived cyclostyled sheet called *Newsquote*, which consisted of commentaries they had clipped from foreign newspapers but which had not seen the light of day in the local press.

“Penned by reputable journalists or commentators from illustrious newspapers, among them the *Wall Street Journal*, *The Times* and *The New York Times*, they were somehow viewed as potentially deleterious to the conduct of good order in Cold War New Zealand. Price sought to have more than 50 years of official covert attention ended for what he described as an official fantasy. The matter was resolved last year (2009) when he received a letter from the SIS, successor to the Special Branch, telling him that ‘hindsight shows *Newsquote* to have been misjudged’, but there was no apology” (interestingly, there was no mention at all of the SIS – or the Police Special Branch - in the edited version of this obituary as it appeared in the *Press*).

50 Year Battle To Find Out Why He Was Spied On

This whole saga is a fascinating story and one which is worth examining at length. Ironically, in light of its omission of the whole subject of the SIS from its 2010 obituary of Hugh, the *Press* had earlier run a half page feature article

about his battle with the SIS (19/2/05; "A matter of record: A Wellington man is battling to have the SIS open 50 year old files on an incident that blighted several careers"; Sarah Boyd; reprinted from *Dominion Post*). "Hugh Price is a bit of a Leftie. Always has been; he was a member of the socialist club at university and a Labour Party member. But in the 1950s he was portrayed as a subversive Communist unfit to be employed in the public service. He was refused jobs and later denied a visa to the United States. Even today, he can't get to the bottom of what it was all about – the SIS have told him much of the information still needs to be kept under wraps for security reasons...."

"Price's saga begins in the early 1950s, when he was studying for an MA in History at Victoria University. He and his friends began reading United States newspapers as background for an American history paper that ranged up to contemporary times. They encountered stimulating articles and hit on the idea of circulating the clippings more widely. So they bought a typewriter, hired a typist and set about compiling a fortnightly periodical which they called *Newsquote*. The first issue rolled off the Gestetner printer in September 1952 – eight pages of verbatim articles from newspapers including the *Washington Post* and *The New York Times*, mostly about American foreign policy and the American economy. People were invited to sign up for 22 issues for £1, and before long they had 60 subscribers.

"Hugh Price had the job of printing *Newsquote*. 'It was a heck of a lot of work, actually. I'm amazed we did it. But we got very enthusiastic feedback'. Looking at the faded copies now, it's difficult to see why they caused the fuss that was to ensue. The articles are often critical of American policy but they are from mainstream newspapers and there's no accompanying editorial comment. They were eagerly read and no-one seemed to be offended by the content.

"Then suddenly the world blew up', recalls Doug Foy, now 77 and one of the instigators of *Newsquote*. It came in a phone call from the boss of their typist. She worked in the Department of Industries and Commerce and was doing the *Newsquote* work for a bit of spare cash. (Her boss said) 'I'm afraid you're going to have to find a new typist. The powers that be have found out that she is working on *Newsquote* and unless she stops doing it, she'll be sacked'. Foy already knew about the powers that be. Unlike Price, he was a Communist at this stage and was well aware that he was considered an undesirable. He had been moved from his job at Treasury to the Valuation Department – he reckons State service bosses thought he'd be less trouble there. He didn't stay long and was working in a TAB agency by the time *Newsquote* was set up. So there were no job consequences for him of his involvement – the repercussions of his political leanings had already occurred. He knew he would never get another job in the public service, so he trained as an accountant. He says people forget what the political climate was like in those days, with an extremely conservative Government under Sid Holland and little tolerance of dissent. 'There were quite a number of people who were removed from their positions in the civil service'.

"Another man who was involved in *Newsquote* worked for a large firm of accountants. They were visited by the Special Branch – the forerunner of the Security Intelligence Service – and told that *Newsquote* was an undercover front for Communists. The young man was sacked. The papers released to Price acknowledge that someone from Special Branch approached a member of the accountancy firm, but they add: 'The member of the firm then, on his own initiative, informed the heads of the firm, who then dismissed (him)'. The crackdown didn't have an immediate impact on Price, as he was still a student. *Newsquote* found a new typist and kept on publishing until looming final examinations put paid to the enterprise. At the end of 1953, Price decided to get a temporary public service job until he could get a passage on a ship to Britain. He was told he couldn't be employed because he was a security risk. Price went to see the head of the public service, who said he would look into the matter. (When Price went back to see him, he said) 'you're going overseas and when you come back, you'll find there's no problem'.

"So Price worked for Whitcombe and Tombs instead. When he returned from overseas he managed a bookshop for a while but eventually decided that he wanted to work in school publications. As it was then part of the Department of Education, he realised that he needed the question mark over his security status resolved. Through a connection with Labour Prime Minister Walter Nash, he managed to get a meeting with a Security Service (now SIS) representative and was assured it has all been sorted out" (*note that, unlike in his Dominion Post obituary, there is no mention of his being manager of Modern Books also bringing him to the attention of Special Branch. Ed.*).

Shouting Match At US Embassy

"Then, years later in 1972 he and his family needed a United States visa to transit through the US, but despite applying weeks before, it still hadn't arrived the day before they were due to go. Price went to the US Embassy in person. 'There was a lot of shouting. They said they would have given me a visa if I'd been honest in my visa application and said I'd been a Communist. But I wasn't going to say that because I never was one'. The Embassy official at first refused to even return their New Zealand passports; then finally he did with a stamp saying TWV (Travel Without Visa), which would cause great unpleasantness upon arrival in the States. Price thinks the situation was exacerbated by encountering a particularly zealous official at the Embassy. In the heat of the argument the

official referred to anti-Communist Senator Joe McCarthy as 'a great patriot'. When they returned from overseas, Price got all sorts of people to vouch for him and won an apology from the Americans. His passport was stamped with a permanent right of entry to the US.

"Looking back, the thing Price is most angry about is the upset the whole saga caused his mother back in Masterton. 'Her view was that her only child had gone to Wellington and got in with the wrong crowd and this was the result. It really affected her greatly'. That's partly what has spurred him on to try to get to the bottom of it. He wants to know why Special Branch was so interested in a group of young people circulating copies of mainstream newspaper articles. He spent all of last year (2004) in correspondence with, first the SIS (which took over from Special Branch in 1957) and then the Ombudsman's Office, trying to get information released under the Official Information Act. SIS Director Richard Woods replied in a letter that a search of its records had unearthed only seven documents related to *Newsquote*, and much of that couldn't be released. 'Text has been deleted that would reveal sources of information or methods that, despite the passage of the years, are still sensitive'.

"One of the documents notes *Newsquote* was following 'the CP (Communist Party) line – but whether the purpose of its publication is to supply *Left* reading or whether its object is to be a guide or background to persons preparing current Communist propaganda is not at present clear'. A few more lines were released as a result of the Ombudsman's intervention, including a letter Price wrote to the *Listener* in 1977. It's hard to see why this was withheld in the first place. About half the material Price has received after a year of haggling has been blacked out and sheds almost no light on the affair. The SIS has said the deletions are to protect privacy or because the release would be prejudicial to security or the supply of information. It has refused an interview to elaborate, saying only that Price's request was dealt with in accordance with the Official Information Act and with the views of the Ombudsman.

"The Ombudsman who dealt with the case, John Belgrave, told Price last month (January 2005) that he felt his investigation was concluded and all the appropriate information had been released. He says he can understand the serious impact the incident had at the time but for the Special Branch 'it appears to have been no more than a routine investigation involving a relatively sparse amount of paperwork'. Belgrave said he found nothing to indicate why Special Branch took the actions it did. 'I suspect that the only answer one can give is that, as with many other historical events, people did what they thought was right at the time'.

"It's left Price frustrated. He's told the SIS he doesn't mind if all names are deleted and he cannot think of what the security implications could possibly be of releasing the rest of the information now. He wants some understanding of why it happened – and an apology. 'I really just want an admission that the SIS - or the Police Special Branch as it was - acted wrongly, or illegally. It's not that hard'. Foy, who has followed Price's quest with great interest, reckons the security people thought *Newsquote* was much bigger than what it was. 'They misjudged us completely. We were not about to lead a revolution in New Zealand, or send aid to Guatemala or the other countries the US subsequently invaded'...".

When the Cold War was at its most intense, Western politicians and media used to lavish praise on the brave souls in the former Soviet Union and its Eastern European satellites who used to write, publish and distribute *samizdat* (underground) publications that carried news and views that were otherwise banned by Government censors. How ironic then that a very mild version of exactly that same sort of police State spying and repression was carried out right here, directed at a group of young Wellingtonians whose "crime" was to republish material from major *American* papers.

No Apology

As his *Dominion Post* obituary made clear: "The matter was resolved last year (2009) when he received a letter from the SIS, successor to the Special Branch, telling him that 'hindsight shows *Newsquote* to have been misjudged', but there was no apology". Hugh died just a couple of days before New Year, so it took until the last year of his life to resolve this matter, and then not particularly satisfactorily. I last met Hugh in June 09, when a mutual friend took me to visit him at his home. I knew that Hugh had terminal cancer (he had told me that in a phone conversation a couple of years previously). During our visit nothing was said about that, beyond Hugh mentioning in passing that he'd had chemotherapy the previous week. All three of us knew that he didn't have long to go, but he was determined to keep plugging away at the SIS. So that's what we talked about in our last ever conversation. He was very keen to find someone to write up into a book all these SIS files that have been released within the past couple of years (finding such an author, let alone the funding required, remains wishful thinking at this stage).

He told me that his "relationship" with the SIS had changed once the present Director, Warren Tucker, had assumed command. Whereas all previous communications had been letters basically telling him "go away", Tucker invited Hugh to come to SIS HQ in Wellington to meet with him and discuss what he wanted. Hugh took his wife, Beverley,

for moral support. Tucker was accompanied by a couple of other agents. Hugh surmised that they were probably the fellows who had been writing him the “piss off” letters signed by the previous Directors. Tucker agreed to release a sanitised version of what Hugh had been seeking for all these decades and, in return, said that he wanted to pick Hugh’s brain for SIS historical purposes, so that “we can try to understand what the Left was thinking in the 1940s and 50s”. Hugh was, understandably, taken aback to be considered some sort of spokesman for the Left of long ago. But Tucker pressed on, asking him why people would have wanted to have supported the former Soviet Union, which Tucker described as “repugnant”. Hugh told me that he answered thus: “I’m older than you and I remember the war, when the Soviet Union earned our gratitude for defeating the Nazis”. But Hugh was never a Communist, indeed he never belonged to any party further Left than Labour and then the Alliance for a while.

My June 09 weekend in Wellington turned out to have a strong SIS theme, actually. Not only did I have that final meeting with Hugh, which was dominated by discussion about the SIS. I had gone up there for a party, which was also attended by SIS Director, Warren Tucker, who was there along with his wife and their youngest son (I got to speak to all three). At the same party were two people – both with very long connections to CAFCA – who had that very day received letters from Tucker saying that the SIS would neither confirm nor deny that it held files on them. New Zealand really is a very small country.

Writer About Spies & Their Cockups

Hugh never appeared in *Watchdog* again after 1985. But he featured twice in *Peace Researcher* 35 in December 2007, both appearances being in connection with the SIS or one of its predecessors. He wrote an article entitled “The Case Of Professor Fred Hollows: Hounded Out Of NZ By SIS”: (“In Australia and throughout the world, Hollows is respected to a degree that is roughly equivalent in New Zealand to our respect of Sir Edmund Hillary – so why is he *Australian* Man of the year and not *New Zealand* Man of the Year? After all, he was born in New Zealand and spent a good deal of his life here. The fact is that Fred Hollows left New Zealand because he was so irritated at being probed and chivvied by officers of the New Zealand Security Intelligence Service, who wrote to his overseas colleagues to ask about his political opinions. In his autobiography he wrote in his usual down to earth style: ‘...it really pissed me off... to think that these [SIS] numbskulls were keeping tabs on me in New Zealand...’). You can read Hugh’s full article online at <http://www.converge.org.nz/abc/pr35-152.html>.

And Jeremy Agar reviewed Hugh’s 2006 book “The Plot To Subvert Wartime New Zealand”, the stranger than fiction account of how a criminal called Syd Ross tried to con the Prime Minister, Peter Fraser, into believing that he had been invited, as an explosives expert, to join a subversive Nazi plot to commit sabotage and assassinate politicians. Fraser, very properly, asked the newly formed Security Intelligence Bureau, headed by the English Army officer, Major Kenneth Folkes, to investigate this plausible story of a wartime Nazi plot. Folkes’ so-called investigation lasted for four months, during which time the SIB provided Ross with an alias, a car and a generous expense account. Jeremy wrote: “It is a fascinating story and monumentally embarrassing for our wartime spies and politicians. Price had to be persistent to gain access to the archives, which he attributes to a lack of staff resources. It’s a charitable view and, undoubtedly, to an extent, true. Yet the suggestion remains that the final word on the whole caper is yet to be written. Price was denied almost all material directly to do with Folkes”.

In spite of this denial, Hugh found that there were enough documents to show that Folkes did little to investigate Ross. Clearly he did not want Ross to be proved a liar. Within a few days of meeting Ross, Folkes wrote to the Prime Minister saying that the story “had substance. The matter is developing slowly and is leading to a clique already under notice”. Folkes knew this was untrue – the SIB had no clique under notice. But Folkes very much wanted Fraser to believe that the plot was real, because then he, Folkes, could demand extraordinary powers to arrest people on suspicion, and become a formidable force in the land. Ross was given a uniform, and as Captain Calder, lived the high life at taxpayers’ expense, making up false evidence that Folkes insisted he provide. Worse, before the reports were sent to the Prime Minister, Folkes and his staff added their own embellishments to “improve” the evidence Ross invented. The reports that reached Fraser were finally so unlikely that he asked the Commissioner of Police to intervene. Ross was arrested and confessed. In the dark days of 1942, Fraser could not court-martial his Head of Security for dishonesty. He exposed him as a gullible idiot instead, forcing his resignation. Later, in Parliament, Fraser called Folkes a “grave misfit”, hinting that he knew just how unacceptable his actions were.

Jeremy’s review concluded: “Officialdom might still feel able to pass him off as an aberration. Fraser called the Ross caper ‘one of the most extraordinary instances of human credulity I have heard of in my life...I hope the story will be written’. Price, whose career in publishing in Wellington was long and successful, has done so as a sort of retirement project. It’s an entertaining read. But did Fraser pick the right word? Was it a tale of credulity or cynical manipulation?” You can read the full review online at <http://www.converge.org.nz/abc/pr35-151b.html>. In 2009 Hugh’s book was adapted for a TV drama (yet to be screened) called “Spies And Lies”, featuring Anthony Starr of

Outrageous Fortune fame. In “Spies And Lies” Folkes’ dishonesty is made clear.

Hugh was actively interested in the whole subject of intelligence agencies, not just the SIS or New Zealand. When ABC was fundraising to bring Mike Frost, a Canadian former signals intelligence spy turned author, on a 2001 speaking tour of NZ, Hugh invited me to his home in Wellington when I was up there, to discuss how he could help. His generosity was extensive – not only a \$1,000 donation but he also provided a flat (from among his rental properties) for Mike and his wife Carole to stay in during the Wellington leg of the tour (Bob Leonard’s report on the Frost tour can be read in *Peace Researcher* 24, December 2001, <http://www.converge.org.nz/abc/frost.htm>). Hugh joined ABC in 2002 and remained a member until his death.

Active Opponent Of New Right

Nor was his active support for CAFCA confined to the SIS or intelligence. For example, Bill Rosenberg wrote a paper entitled “Sovereignty Versus The Transnationals” (published in *Watchdog* 70, August 1992, page 22, <http://historicalwatchdog.blogspot.com/2009/12/foreign-control-watchdog-august-1992.html>). It still exists as a generic CAFCA leaflet, hard copy only, having been updated in 1998). CAFCA circulated this to other groups for publication. Hugh, on his own initiative and at his own expense, published it as a proper little booklet and distributed it throughout the country. He was a vocal critic of the whole agenda of “making the NZ economy attractive to foreign investors”. He wrote and published four editions of his 24 page booklet, “Know The New Right: A Short Paper On The Ideology That Is Changing New Zealanders’ Lives”, starting in 1993 and most recently revised in 2006. In 2000 he wrote and published “FA Hayek’s New Right Manifesto: A Reaction By Hugh Price To Hayek’s Book ‘The Fatal Conceit’” (Friedrich von Hayek, 1899-1992, was one of the ideological fathers of laissez faire economics and the politics of the New Right).

The last time I heard from Hugh was a handwritten letter he sent after receiving *Watchdog* 121 (August 2009): “I must write to congratulate you on issue 121 of *Watchdog*. Magnificent!! Absolutely full of interest to me, a mine of information...” (letter, 15/8/09; the emphasis is Hugh’s). And he was regularly extremely generous – his last cheque to CAFCA, in August 2009, was for \$2,000! He also paid for the membership of friends of his whom he thought should be getting *Watchdog*. I have already mentioned that Hugh was a foundation pledger (i.e. from 1991) to the CAFCA/ABC Organiser Account, which provides my income. Not only did he pledge \$50 a month, but on two separate occasions, a decade apart, he also donated \$1,000 a pop.

Hugh was both a gentle man and a gentleman. I well remember the reaction of my former partner (who was then CAFGINZ Chairperson, and who went on to become an ABC founder) when she met him at our 1985 seminar on the SIS: “What a dapper little man”. He was a radical liberal in the very best sense of both words. Nor was the admiration confined to “our side” of the argument. When I Googled his name after his death I was surprised to find a *Herald on Sunday* column (10/1/10) by former Act MP, Deborah Coddington, in which she described him as a “noted Wellington publisher and lovely man... I still have his email with an invitation to visit and discuss a book I’m researching: ‘I have a few suggestions - do you ever come to Wellington with time to call on us? A conversation could be more comical than an exchange of letters! Cheers!! HUGH PRICE’” (capitals in the original). Hugh definitely was a lovely man, a man of letters, of culture, of strong personal and political principles (I haven’t even mentioned his numerous other political activities, from the Council of Civil Liberties to the anti-apartheid movement), an extremely generous man, and a pleasure to be with. He will be very deeply missed, but will never be forgotten.



WHAT DOES WAIHOPAI SPY ON?

Asian Civilian Telecommunications Satellites, For Starters

Peace Researcher 40 – July 2010

- Nicky Hager

There was an unintended side effect when, in April 2008, three Ploughshares protesters slashed the radome covering the second dish at the Waihopai signals intelligence base. For 20 years the base's antennae had been hidden from sight making it impossible to guess their targets. The Government Communications Security Bureau (GCSB) argued not very convincingly that the covers were not for secrecy but merely to protect the large satellite dishes from the weather (why then do no other satellite dish operators around the country and world put on million-dollar weather shields?). But after the protest the torn cover was taken away and the second dish was in the open for anyone to see. As the months passed, it occurred to Waihopai watchers that this opportunity shouldn't be missed.

Locals began visiting the base to photograph and measure the orientation of the uncovered dish. It was easier said than done to get accurate measurements, but eventually there was enough information gathered to provide new insight into the operation of the base. The first dish had always targeted on an international satellite above the Pacific, as revealed by GCSB sources in Nicky Hager's 1996 book, "Secret Power". He had assumed that the second dish also targeted a Pacific satellite, but the measurements told another story. During many months of observations the second satellite was targeting Asian satellites. To the best of our knowledge, this is the only time that such "people's research" has been done or, indeed has been able to be done, at any comparable spy base in the world. Nicky Hager followed up the locals' findings and wrote the below article for the Sunday Star-Times (24/1/10; "Spies On The Ground Beat Ears In The Sky"). Ed.

Inquisitive Marlborough locals have outsmarted Government attempts to keep the targets of the Waihopai spy station secret – and have discovered that it is eavesdropping on Asian satellites carrying the communications of New Zealand's friends and trading partners in that region. The Government Communications Security Bureau (GCSB) refuses to disclose its targets. However, one of the station's large spherical covers (or radomes) was damaged in a 2008 anti-war protest. This left the listening antenna uncovered for 15 months, during which time people living near the base collected photographs and measurements of the uncovered satellite dish.

Their findings, along with measurements by a registered surveyor, were analysed by a former navy and police telecommunications engineer for the *Sunday Star-Times*, revealing the satellite dish's targets (see below). The Kiwi spy base was pointed at various times at regions occupied by Japanese, Chinese and Russian satellites. On one day in 2009 the target was one of two Asian telecommunications satellites, one Japanese and one Vietnamese, according to the surveyor's measurements. Both satellites provide regional phone, data, Internet and television links to private companies, individuals and government agencies in Japan, South East Asia and down to Australia and New Zealand.

Spying On Asia As Part Of An Anglo Alliance

Former diplomat Terence O'Brien was not surprised by the spying on Asian targets but said New Zealand needed to sort out whether our future was in Asia or still "being shaped by influences from the North Atlantic". "We're supposed to be getting closer to Asia... which has a considerable influence on our future prosperity and wellbeing," whereas spying on Asia as part of an Anglo alliance was "back in an old, comfortable North Atlantic view of the world".

Spying on East Asian countries, and especially Japan, would be consistent with the GCSB's long-term operations. In 2006, the *Star-Times* reported on a misplaced 1986 GCSB *Annual Report* found among former Prime Minister David Lange's papers deposited in the National Archives. The report, stamped "Top Secret Umbra", described the GCSB's operations, including interception of Japanese government communications, with "most of the raw data" supplied by the allied US National Security Agency (NSA) and British government communications headquarters. The GCSB has also monitored communications by the governments of the Philippines, Laos, and South Pacific countries (see the subsections "*Historic Lange Papers Reveal Who GCSB Was Spying On 20 Years Ago*" and "*Spying On the UN*" in Murray Horton's article "*Illegal NSA Spying On Americans Exposed*" in Peace Researcher 32, March 2006, <http://www.converge.org.nz/abc/pr32-127.htm> Ed.)

The GCSB's Waihopai station has two main listening dishes. The first, established in 1989, targets South Pacific nation communications carried by the Intelsat 701 satellite. The targets of the second dish, built in 1998, have been

unknown until now. The station is part of a secret network of listening stations around the world run by the GCSB's US, British, Canadian and Australian intelligence allies. GCSB spokesman Hugh Wolfensohn said he could not comment on the calculations about the direction of the satellite dish, but "people are free to draw whatever conclusions they wish".

What Our Spies Were Listening To (On One Day In July 2009)

The satellite dish was not fixed on one satellite, but shifted between satellites for periods of weeks or months. Measurements by local people, which were only approximate, pointed to areas of sky occupied only by Japanese, Chinese and Russian satellites. The more accurate surveyor's measurements revealed that on July 10, 2009, the dish was aimed at a satellite positioned above the Equator, far above Indonesia. Two Asian telecommunications satellites are "parked" there: one owned by Japan's JSAT corporation and another by Vietnam's State-owned Post and Telecommunications Group. A former Navy and Police telecommunications engineer, Lionel Hussey, of Christchurch, said that based on the surveyor's measurements, "I would give these two satellites very high but equal probability of being under surveillance".



HISTORICAL *PEACE RESEARCHERS* NOW ONLINE

Peace Researcher 40 – July 2010

- Murray Horton

Heartfelt thanks are owed to ABC committee member Lynda Boyd, who has laboured long and hard to upload a complete set of historical issues of *Peace Researchers*, covering the years 1983-2000 inclusive (*PR* went online in 2001 and issues from that year onwards can be read at <http://www.converge.org.nz/abc/prfront.html>, which is part of the Anti-Bases Campaign Website www.converge.org.nz/abc). To access these oldies but goodies, go to: www.historicalpeacere searcher.blogspot.com. The introduction includes instructions on how to use the site. One thing to bear in mind is that each old issue is a big document (even though we had the scans reduced in size), so be patient when waiting for the individual issues to download. One bonus is that, unlike the issues online at the actual *PR* site, these old ones come complete with illustrations. Readability quality varies, affected both by the scans having to be reduced to make the individual issues a manageable size, and their sheer age (the very first three issues were A4 sheets folded in half, to make an A5 newsletter, which causes those online versions to look a bit odd). A total of 54 historic issues are online at this new site.

This is actually the second series of *PR*, the first one of 34 issues spanned 1983-93 inclusive; this one started in 1994. Now that the whole set has been uploaded, it can be seen as a testament to the wonderful work of Bob Leonard, who was Co-Editor from 1983-2002 inclusive. Throughout those 20 years there were a number of other Co-Editors – Keith Burgess, Dennis Small, Warren Thomson and myself – working with Bob. I have been the Editor since 2003 (Bob is still very much involved, as a writer). A perusal of the full set shows just what a wealth of information and analysis has been published in *PR* for nearly 30 years.

And if you want to go further back, into the predecessors of both ABC and *PR*, then I refer you to <http://www.historicalwatchdog.blogspot.com/>, the site set up for historic issues of *Foreign Control Watchdog*. This was also set up by Lynda Boyd, who is on the committee of the Campaign Against Foreign Control of Aotearoa (CAFCA). That site contains more than 100 issues of *Watchdog*, spanning 1974-99 inclusive – issues since 1999 are available at www.converge.org.nz/watchdog - and is full of material about the early anti-bases campaign (many years before there was an actual Anti-Bases Campaign). Taken together, these sites of historic *PRs* and *Watchdogs* are a treasure trove. Enjoy!

