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# EDITORIAL

"The rule-makers are also the greatest rulebreakers"

At the close of last issue's editorial I quoted Jock Young in support of the general theme of the editorial which was the inability of the powerful, and more particularly the social control agencies, to adhere to their own rules.

Since then a number of incidents and revelations have further unmasked the essential and fundamental lawlessness of the protagonists of "law and order".

## 'Eminent Leaders

In Western Australia, for example, it has been revealed that in 1974 the Court Government paid \$92,000 for land owned by the Kimberley Finance Corporation. This Corporation consists of other companies owned by W.A. Premier Sir Charles Court's sons, their families and former Court business associates. This is only one of the companies named in allegations by Mr. M.J. Bryce MLA against insider profiteering and conflicts of interest by the Court Government. Their response is to threaten to prosecute Mr Bryce for refusing to supply information to a government select committee!

In a similar vein in Queensland a recent publication, Under Investigation: the Business Empire of Joh Bjelke-Petersen (2), details the long and sordid history of insider profiteering and conflicts of interest, many of them in the areas of copper, uranium and coal mining, oil building and public works. As the report notes "The conflict of interests involved in the Premier's position is so great that it is difficult to distinguish from his actions where private gain ends and public interest begins". (3)

In the Senate, Labor Senator Malcolm Colston called on the Premier to resign following new revelations about Mr. Bjelke-Petersen's shareholdings. Mr Bjelke-Petersen has it seems, a substantial indirect interest in Nema Holdings, which received 20 State government contracts worth \$5 million in recent years. Senator Colston said the Premier's record of financial interests in areas subject to decision by his own government was unequaled in Australia.

And in NSW, Labor Attorney-General Frank Walker has attacked the previous Liberal administration for sitting on a number of Corporate Affairs Commission reports investigating the activities of people he describes as "corporate crooks." (4) Clearly the suggestion is that the Liberals were sitting on these reports because they revealed some rather dubious activities carried out by some of their best friends. One of those summoned to appear in court by the Attorney-General is Sir Paul Strasser, pictured in "The Australian", "in the living room of his \$250,000 home".

A recent expose in the academic realm is enlightening, if tragic, evidence, of the fraud carried out by eminent leaders' in the realm of academe. It was revealed that Sir Cyril Burt had committed academic fraud for 40 years, completely falsifying and concocting his data to fit his repugnant but influential theory that criminality is the product of intellectual dullness and mental subnormality.

Conventional educational and criminological theories are largely based on this and similar theories. Generations of working class youth have paid dearly for such frauds. When asked how Burt was able to get away with his fraud for so long, one of his uncoverers remarked - "No one expected to find such a gentleman a crook." (5)

Perhaps some of the most prevalent and continuing frauds are propagated by the media. In this issue Keith Windshuttle outlines the mechanics of one of the many media frauds, this one of the spurious 'hooligan menace' campaign carried out by the Fairfax press in 1967. Here again, Windshuttle notes clearly who were the victims of such frauds.

An interesting sidelight was thrown on establishment control of the media with the release of a letter of March 1972 from Liberal Party President, Sir Robert Southey to the then Prime Minister, McMahon. Annoyed that some sections of the media should dare to criticise the Liberals, Southey's letter discusses how the ruling class old boy network can be brought into play to stifle and silence such criticism. Thus:

"What influence has Warwick Fairfax? .... all I am really sure of is that *whoever the real enemy is* in the Age, and I think it is probably Perkin, *he must be brought into line* ... the (Melbourne) Herald, is reasonably trustworthy .... Henry Bolte has very strong links with the Herald, and I wonder whether you have spoken to Henry about this, or whether I ought to ... *In straightening out the press*, it is more important that it be done thoroughly, than ... in a hurry." (6)

So much for 'freedom of the press' another great myth. The power and control exercised not in Parliament but in old boy establishment clubs revealed yet again.

Of course most ruling class entrepreneurial activity is not actually illegal. Consider for example the tit bit revealed at the Prices Justification Tribunal hearings in October 1976 into the Waterfront industry, that Sir Reginald Reed, Managing Director of James Patrick Company Ltd. had been paid \$1.4 million in the last three years, over and above his director's salary. This is a legal entitlement, under an agreement signed 23 years ago which entitled him to a share in the company profits. At the same time workers, whose labour makes these profits, are being thrown out of employment, attacked as 'dole bludgers', and eventually imprisoned if they attempt to expropriate to themselves the means of existence.

Interestingly it was also revealed at the PJT hearings that in 1970/71, and 1974/75 the operating profit for Australian industry as a whole was 12.1%, for Patricks it was 82.8% and 88.3%. And they were appealing for a price increase!

Consider also, the wholly legal operations of the currency speculators and the controllers of capital. As the Australian reported "More than \$200 million in private capital flowed out of Australia in September, prompted by continuing speculation that the dollar will be devalued." (8) The owners

of those millions, by buying stable currencies, would have made a cool \$35 million. And that is just one month's work with a fountain pen.

It all makes the old break and enter and car theft look a bit petty doesn't it. And yet of course it is still the burglars and car thieves that go to prison. Pearce notes that in the USA:

"The \$284 million worth of goods stolen (burglary) in 1965 represents only 3% of the estimated annual profits of 'organised crime'. (conventionally defined), and only 3% of the money gained by the tax frauds of the wealthiest 1% in 1957." (9)

Pearce quotes Senator Warren Magnuson naming deceptive selling as today's 'most serious form of theft, accounting for more dollars lost each year than robbery, larceny, auto thefts, embezzlement, and forgery combined.' In one famous case in 1961, General Electric alone made at least \$50 million excess profits in one market! In the UK a subsequent enquiry revealed that Ferranti had overcharged the British government by some five million pounds! Ofcourse being all nice people, when caught they agreed to pay back four and a half million pounds, still leaving them a profit rate of 21% on the contract, and no prosecution was ever brought. I don't seem to remember the great train robbers getting in on a similar deal. Just 30 years in the can. As Pearce notes "The corporations provide the most efficient and largest examples of organised crime in America." (10)

### The Police

Since the last issue the real activities as opposed to the mythical public relations front, of the police have been increasingly revealed.

In the United Kingdom, home of the 'best force in the world', the 'friendly smiling bobby' and all that, the entire London porn squad for the last 20 years is now being prosecuted from the commander down, in the Old Bailey. (see note by Tom Fawthrop in this issue) Since Fawthrop wrote that note even more police have been charged. The prosecution alleges bribery on

a massive scale. And whenever there was a raid, there was forewarning, so that some front man could be caught. The porn which would be seized in the raid would then be sold back to the dealers. Sounds very like the activities of drug squads in Australia. The Director of Public Prosecutions is even alleging that unco-operative dealers were killed.

And in Queensland we have had the Cedar Bay raid, and the Hodges and Whitrod affairs. All brought to your courtesy of the Premier. First to go was Police Minister Hodges. During the July 29th TEAS demonstration a student, Rose Marie Severin was hit with a baton by police inspector Mark Beattie when the demonstrators were ordered off the road. The students were marching under a bridge without footpaths at the time.

Whitrod agreed to an inquiry. Bjelke-Petersen said there would be no inquiry. Hodges backed Whitrod and so a week later was rolled by Petersen, and moved to Tourism. A Bjelke yes-man, Newbery was appointed Minister of Police. The decision gave police further freedom to harass and beat up whoever they wish with impunity. (11)

And then Cedar Bay. A vicious police 'search and destroy' mission reminiscent of Vietnam operations, aimed at an isolated and peaceful comm-

une. People tied to trees, threatened with being shot, dwellings burnt down, food supplies destroyed, fruit trees cut down, the whole bag from the friendly boys in blue.

Whitrod initiated an internal investigation into the raid, again opposed by Bjelke-Petersen. Four police officers including Inspector Robert Gray of Cairns who led the raid, were summoned on charges relating to the raid, including arson. Bjelke moved to seize and stifle the report of the investigation, two witnesses were suddenly extradited to Western Australia at Newbery's request, and Whitrod was squeezed out, much to the relief of brutal and corrupt cops and their National Party bosses. (12)

Whitrod immediately attacked, stating that he resigned because he could no longer tolerate political interference by the Premier and Newbery. The position of police commissioner had become one of a "political puppet" Whitrod stated (See note by Bob Jewson in this issue). He acknowledged that his resignation was a victory for the forces of corruption. Corruption in the Queensland force had begun in the licensing branch and it was a phenomenon in all police forces that corruption was more evident among plain clothes officers, he said. He spoke of political control of the police and

noted that it was an essential step towards the establishment of the Nazi state. (13)

Strong words for a Liberal voting ex-political spy. In 1949 Whitrod was co-founder of ASIO. His careers shows him to be a willing front man for the ruling class. He did however attempt to curb police corruption, graft and brutality. But didn't get far faced with the opposition from cabinet and the police 'union'. In the first three years of Whitrod's administration 6,478 public complaints were made about the conduct of the police, but only 258 were investigated.

Norman Gulbrandsen former assistant commissioner, Queensland Police, also weighed in. "A major victory for the forces of corruption" he said. Gulbrandsen envisaged the return of SP bookmakers from the south of the border to become a \$1,000 million industry, all aided by corrupt police. (14)

That such men should blow the whistle on the police shows the essential and deep seated lawlessness and brutality of the police. Whitrod's departure gives the go-ahead to unabated corruption and police attacks on public protest in a time of rising structural unemployment and increased activity against the minority Bjelke-Petersen regime, and the repressive Fraser government.

And then of course we have had the Beach Inquiry Report. The Victoria police chose to work to regulations, in an attempt to quash the report. And the Hamer Government refuses to make the report public. They are obviously embarrassed that conservative Liberal lawyer Beach found so much wrong with the police. Beach made adverse findings against more than 50 serving police for such activities as assault occasioning grievous bodily harm, conspiracy, perjury, and faking of evidence and various denials of the liberty of the citizen.

The National Times called it "a massive and mesmeric indictment of the morality, practical ethics and, indeed, state of mind of some policemen." (15) Beach examined on 22 matters. "Had the board not adopted that course, the proceedings would have been never-ending" he said. He noted that complaints were still being made after the inquiry closed and when the



report was being written. No findings were made based on hearsay evidence, no findings were made based on the evidence of the complainant alone but only in the event there was adequate corroboration of testimony. But no doubt we can all look forward to the acquittal of most of the police actually charged. At the time of writing all those charged have so far been acquitted.

We print below a section of the report contained in the National Times (16):

“Disturbing features of the inquiry were:—

\*Behaviour of some members of the armed robbery and consorting squads 1972-75;

\*Police actions in investigating police; and,

\*With two exceptions, the behaviour of police from inner suburban stations.

“In so far as those complaints made against members of the Armed Robbery and Consorting Squads were concerned, having carefully considered the evidence called in relation to them, I was satisfied that certain officers:

“(a) had in a particular case conspired with a known criminal with a view to having a person charged and convicted of a serious criminal offence;

“(b) had concocted evidence against particular individuals and committed perjury at their trials;

“(c) had assaulted a criminal by kicking him whilst he was lying on the floor of an interview room at Russell Street, thereby fracturing two of his ribs;

“(d) having accidentally caused serious injury to a criminal in the course of seeking to apprehend him, conspired together to suppress and distort the

circumstances in which he sustained such injury;

“(e) had committed perjury at the trial of various criminals; and,

“(f) had deliberately concealed and suppressed evidence favourable to accused persons.

Beach QC found that the “bulk of those allegations” regarding “the failure of senior police officers to investigate complaints are substantiated.”

“The complaints made against individual members of the force stationed at suburban police stations established instances of assault upon innocent members of the public, the unlawful apprehension and detention of members of the public, conspiracy and perjury designed to conceal such malpractices, the harassment and intimidation of members of the public, and behaviour which can only be described as acts of arrogance and rudeness...

“I was obliged to find as a fact that substantial number of those police against whom allegations were made, and who gave evidence before the board, conspired together to give false evidence to the board, and did so.

#### The “Y” matter:

This involved a man who fell or was accidentally pushed by police out of a window, suffered certain treatment (after breaking 10 bones) and then went to hospital. Beach commented:

“From the evidence called before the board I am unable to say one way or another whether “Y” was photographed whilst lying helpless on the concrete.

“I am able to state quite positively however, that all his other ancillary complaints were established to my satisfaction – indeed in most cases by the evidence of the various police officers themselves. duty

“A gun was pointed at his face whilst he was lying helpless on the ground; his fractured right wrist was handcuffed then tugged causing him such pain that he spat blood over the officer responsible; efforts were made to move him whilst he was lying in agony on the concrete; and a remark was made concerning the state of his nose although on the evidence called before the board one was unable to say whether it was made in a jeering fashion.

“During the course of his evidence “Y” complained that whilst in the Alfred Hospital following his fall, one of the police charged with the duty of guarding him, pointed his empty pistol at his head and from time to time pulled the trigger. “Y” was immediately branded a liar by Counsel appearing for the Police Association during the course of this cross-examination.

“With the effluxion of time however “Y” produced a tape recording he had secretly made of the policeman concerned doing that very thing. As it was not possible to call that police officer to give evidence, I do not feel it appropriate to name him in this summary. I merely point to the matter as being illustrative of the mental attitude of so many of the police officers called before the board, – “The whole thing is a conspiracy – all allegations are false.”

#### The “D1” matter:

Beach lists appalling consequences of this case which “was such as should cause this community the greatest revulsion and concern” because it involved innocent people harassed and intimidated “in a despicable and disgraceful

ful fashion."

The case involved "foul abuse" and "cowardly assaults."

"To describe the behaviour of —, — and — as that of unbridled sadism scarcely overstates the situation," he says.

Police took "a thoroughly decent and respectable" couple to the station without justification and bashed one so badly that "in due course it was necessary for "D1" to have an operation, at which operation a blood clot the size of a golf ball was removed from the left testicle."

"The matter was one of the most disgraceful matters to be investigated by the board," he commented.

Beach's general comment on evidence was:

"That evidence related to incidents or allegations ranging in gravity from mere loutishness, through to intimidation and violence and culminating in what might properly be described as sophisticated misconduct concerning corruption, conspiracy, and concoction of false evidence and like matters."

Much as politicians may try, the 'few bad apples' ploy patently is entirely inappropriate as a whitewash mechanism, hence the attempt to quash the report entirely. Remember Beach investigated only 22 complaints. And what

what was revealed was systematic abuse, assaults, manufacture of evidence, lying, all condoned and covered up by the police themselves. Complete lawlessness. And there is little evidence to suggest that a similar inquiry carried out in NSW would not reach the same conclusions.

### Prisons

In this issue we remedy our recent lack of comment on the NSW Royal Commission into Prisons with three articles, two by PAG member Bob Jewson who is following the Commission daily, and one from Prisoners Legal Cooperative executive member Brett Collins, giving an inside view.

Here again the brutality, the lies, the deceit, the coverups of the Department of Corrective Services are finally being laid out on record, albeit in sanitized courtroom fashion. After years and years of gutless denials the screws, under mounting pressure from the huge body of evidence being presented, finally admitted the 1970 and 1974 Bathurst bashings. Their admission over 1970 stated:

"That in October, 1970, following a sit in at Bathurst gaol, some prison officers participated in a systematic flogging of a large number, if not all, of the prisoners in the gaol. Such flogging was carried out under the leadership and control of the superintendent, Mr Pallot, and was regarded by officers as representing official policy."

The shit has finally hit the fan, and blasted right to the top. McGeechan has been totally discredited, and is probably for the chop. And Maddison's head too is on the block. During cross examination of whether McGeechan suppressed the Quin report, (a hasty superficial investigation which even then held that a "prima facie case existed against prison officers") McGeechan claimed that Maddison was aware of the Quin report. But, asked Mr Hunt, Counsel assisting the Commission, "it seems fairly obvious, from what Mr Maddison said in the House, that he did not have Mr Quin's report

of 10th February ..."? – I don't know"

The Commissioner then intervened: "But what do you think about it? There are two alternatives, aren't there: he had it and deliberately lied to the House; or he did not have it."

Once again those few people who for years have refused to keep silent about the bashings and the coverups, who have been slandered and attacked as demented troublemakers, terrorists etc. have been vindicated.

### Conclusion

All these exposés give dramatic support to the contention that the powerful and the social control agencies are incapable of abiding by their own rules. There is a major contradiction between the way things are supposed to happen and what actually occurs.

It is of considerable importance in Australia where radical criminology is relatively under-developed, to build up a catalogue of literature and struggle which highlights the real facts, that the rule-makers are indeed the greatest and most consistent rule breakers, that working class crime, which fills the prisons, is miniscule by comparison, both in its financial and social effects. Such exposes can lead to a powerful process of demystification, "the feeling that at long last one has discovered eyes with which to see" (18).

A mere catalogue of exposés however, is not enough. We must tie such exposes to an overall theory lest the force of the exposes be diminished by spurious 'few bad apples', 'eradicating corruption', 'attacking corporate crooks', 'reestablishing justice' ploys. We must, as Taylor Walton and Young note:

"demonstrate analytically that such rule breaking is institutionalised, regular and widespread amongst the powerful, that it is a given result of the structural position occupied by powerful men – whether they be cabinet ministers, judges, captains of industry or policemen..... The focus should not be on the exceptional transgression but the regularised infractions which can only be removed by more fundamental, and radical change." (19)

For the weakness of simple exposé criminology is indeed that it is predominantly a moral rather than an analytic appeal. Unfortunately in Australia even expose criminology is a major advance, particularly if it does lead to substantial demystification of the real social order.

But such demystification must be tied to an overall analysis of the state, to developments in the economic sphere both nationally and internationally, and to an analysis of social relations generally in the capitalist system. (20). Indeed one of the foremost tasks of a truly radical criminology is to attack the separation of criminology as a separate discipline, divorced from political theory and political economy, to attack the foundations, genesis and practice of traditional criminology itself, and the fundamentally deficient nature of the social order it evolved to protect.

David Brown.

- (1) Jock Young. Working Class Criminology in Taylor Walton and Young Eds. Critical Criminology. Routledge and Kegan Paul. 1975. p89.
- (2) Under Investigation. The Business Empire of Joh Bjelke Petersen. Printed and



published by Queensland State Committee C.P.A. Nov. 1 1976.

(3) *ibid.* p. 16

(4) See e.g. "30 face charges in NSW company blitz". "The Australian 13.8.76. "NSW out to land big fish" "Australian Financial Review" 219.76 "Walker on Law Reform" "Australian Financial Review" 23.8.76

(5) See reports in "Sydney Morning Herald" 13.11.76 "The Australian" 25.10.76. See Donald West "The Young Offender" p.110 and H.J. Eysenk "Crime and Rationality" p.196 for very favourable comment by two mainstream writers on Burt's fraudulent work.

(6) See Alan Reid "The Whitlam Venture", 1976.

(7) See "The Australian" 20.10.76

(8) See "The Australian" 13.10.76

(9) Frank Pearce "Crimes of the Powerful Pluto" 2976 p.79

(10) *ibid.* p.78

(11) See "How an Honest Police Team was Broken Up", "National Times" Oct. 4-9 1976.

(12) See "Why Whitrod gave up \$130,000" "National Times" Nov. 22-27, 1976.

(13) "The Australian" Tuesday, Nov. 30, front page.

(14) See "National Times" Nov. 22-27, 1976.

(15) *ibid.* "What's in the Beach Report" Nov. 22-27, 1976.

(16) *ibid.*

(17) Transcript, 6th Dec, 1976, p.2144

(18) Andrew Fraser. "Legal Theory and Legal Practice". Arena 44-45 p. 127. A sophisticated if somewhat difficult warning of the danger presented by a "wholesale rejection of theory in favour of a militant practice dedicated to the overthrow of an oppressive system". The danger Fraser sees is that the end result may be little more "than a moralistic inversion of the categories already found in bourgeois legal theory". There is also of course a danger in the other pole, in an abstract jargon bound academic theorizing, incomprehensible to all but a few inside devotees, and divorced from everyday struggles.

(19) Taylor Walton and Young "Critical Criminology in Britain: Review and Prospects" in Critical Criminology *ibid.* p. 30.

(20) For an excellent analysis of current legal policies in Australia, including Walker's 'corporate crooks' campaign, see Gil Boehringer "The Dialectics of Capitalist Legal Policy" Australian Left Review Nos. 55-56 p51.

