

The Queen v. Albert Langer

:the address from the dock

Following a lower court hearing—in which he was committed for trial, on a charge of inciting a (May Day) crowd to assault Special Branch First Constable Robert James Larkins—the case of The Queen v. Albert Langer began in the County Court, Melbourne on 17 September last year.

In the transcript that follows Langer addresses the court prior to sentence by Judge Grey.

(Following this address Judge Grey sentenced Langer to eighteen months imprisonment, a sentence that on 15 November was overturned by the Full Bench of the State Supreme Court following an appeal by Langer.)

Prisoner: I have been found guilty of attempting to incite people to assault Larkins on May Day, but I have got no doubt whatsoever that the people who are carrying out various forms of struggle in this country will drive people like Larkins out of demonstrations and meetings whether I speak to them or not. On the occasion with regard to which I have been convicted they certainly drove Larkins out without any assistance or encouragement from me. I have no doubt they will continue to do so in the future. I will certainly continue to support them doing so. If I have the opportunity of taking part in it personally, I will certainly continue to take part in it personally; if I have an opportunity to make speeches about it approving of it, I will certainly continue to do so. I will continue to hold the view that there is no future for a secret police force in this country. There is no place for a fascist apparatus of spying and intimidation in this country. I have no doubt that there will be hundreds and thousands of other Australians who will continue to hold this view and continue to take action against people like Larkins. As I have already said, they have already shown they are prepared to take action by the action they took on May Day without any assistance from me.

The fact is that wherever there is suppression there is resistance. It is a simple truth. If people like Larkins do not want to be assaulted, they can avoid it very simply. They can stop trying to spy on, bash and belt us, and intimidating us. If they do not want to be assaulted, they should not come along and try to push us around at our meetings and demonstrations. If they do come along and do that, then they will be driven out, no matter what penalties are imposed by any court. You can sentence me to whatever sentence you think proper; it won't affect things one little bit in that regard. While Larkins was only insulted and spat on, I have no doubt after this trumped up trial that if he came back to another demonstration or meeting, if I was in gaol or out of it, he would have a lot more happen to him. I have doubts whether Larkins would have the guts to show his face in a crowd like that again unless he is surrounded by dozens of his cohorts.

Marxism consists of thousands of truths, but they can all be boiled down to one sentence: "it is right to rebel". For thousands of years it has been said it is right to oppress, it is right to exploit, but it is wrong to rebel. Only with the appearance of Marxism was this historical untruth reversed, and from this truth there follows resistance, struggle, the fight for socialism. That is a view which Marxism does have as an expression about the essential nature of imperialism. I think it is a view that this court is just going to have to recognise. I think you do recognise it, but the whole tradition of the British law, the whole tradition of these courts, is based upon the assumption that it is right to suppress, it is right to exploit, it is right to step on people, to intimidate them, it is right to have a whole apparatus and machinery of suppression; but it is wrong to rebel against it. It is right for Inspector Darley to be able to get up here and say, "Oh, yes, I did not need to warn these people to disperse, but I did feel it was necessary to disperse them with the maximum force and violence in my power"; but it is wrong for people to fight back with rocks and stones against these police thugs. It is right for Larkins to go along and push people around in the crowd, but wrong for people to drive him out of their meetings. This is the basic assumption; this court rests on it and has to rest on it, because without that assumption you have no power.

If you do not back up the police and do not base yourself on the proposition that the police, including the secret police, need the full protection of the law, that their activities are lawful, whatever they do is right; if you do not rest on that assumption, if you do not back

them up, you have no power at all, because the powers of the courts in this country rest simply and solely on the powers of the armed forces, the power of the Regular Army and the Police Force. If you did not have people who could back you up with their force and violence, you would not have any power at all, and no-one would listen to your verdicts and judgments. You would have no goals and no people to man those goals. You would have no police force. So essentially you would have none of your precious law and order, and the people would establish their own law and order, with their own armies, and man their own goals, and there would be an entirely different set of people who would be in them.

At this stage in the trial I suppose most defendants would be feeling somewhat nervous and afraid and trying to convince the judge they are really not such bad characters and appealing to the mercy of the court. I have no intention of taking any such stand. I am not in the least bit afraid of you. I think and believe that you are a paper tiger. Chairman Mao has said all reactionaries are paper tigers and we must never be cowed by the bluster of reactionaries. It has really struck me all through the trial the way that the British legal system has to surround itself with a great deal of pomp and dignity, plush panelled seating, and men with nice wigs and flowing gowns and pompous phraseology, and a legal system that separates off the jury from the defendant and keeps them in separate groups. The reason is not because the law possesses inherent dignity, but rather because you need this in your courts as an attribute to force everyone to respect you.

The basic philosophy behind law in these courts is the same philosophy applied by, and behind, all those who call out for law and order, and the philosophy is summed up very well in this statement: "*The streets of our country are in turmoil: the universities are filled with students rioting and rebelling: communists are seeking to destroy our country . . . we need law and order . . . Yes, without law and order the republic will fall. Elect us and we shall restore law and order*".¹ That was a speech given in Hamburg in 1932 by Adolf Hitler. Hitler tried his law and order, and in the end he was overthrown by armed struggle, and I think the Government of this country is trying that same law and order and this trial is part of that, and it too will fail, but you can send me to gaol, or you can give me any other sentence you like for expressing the views I have about Larkins, and you might be able at the present time to convince a jury of twelve men and women that that is right and proper. I notice the jury must have had some reservation about it or they would not have brought down the very peculiar verdict they did, but you might still be able at this stage to convince a jury of twelve men of that. The fact is it will not be for a very long time you will be able to convince people in this way, and it will not be for very much longer you will be able to hold jury trials that way—that to rebel is a crime. The fact is more and more people are rebelling.

A few years ago it would have been quite absurd to try and put forward any sort of defence to a charge like this. In a few years time it will be quite absurd to hold jury trials over it. There is a growing movement of rebellion in this country. It is bound to continue and bound to spread. No amount of persecution, intimidation, or gaolings or sentences is going to stop it; in fact, it will only intensify it. I think Chairman Mao spoke very truly when he said: "*No matter how much reactionaries try to persecute the revolutionary movement they only lift a rock to drop it on their own feet*". He said that lifting a rock only to drop it on one's own feet is behaviour characteristic of certain fools and that the reactionaries of all countries are fools of this kind. There could not be a bigger rock that you could drop on your own toes than this criminal trial. Here is this man Larkins trying to protect himself from being exposed to ridicule and humiliation at public meetings where he tries to carry out his bullying and intimidation. Here he is trying to pin it on me when I, in fact, made a speech *after* it had already happened. By convicting me of that, Larkins simply picks up a rock to drop on his feet. He will not be spat at the next time he comes along. Next time it will be rocks and not spit that he gets belted with.

Lifting a rock only to drop it on one's own feet is characteristic of reactionaries and fools. The use of secret police, their own use of tape recordings and fabricated tape recordings, their open admissions about dossiers and so on is a deliberate tactic on their part. It is one which must give rise to some upset, not only among the working people and students it is directed against, but even the bourgeoisie must feel a certain upset, and the fact that they had to come out openly at this particular time, the fact that they attempt to practise their activities less secretly is not an expression of their strength; it is an expression of their weakness. The fact that the Government has to collect a quarter of a million dossiers on Victorian citizens, the fact that they had to send these people out to May Day meetings, the fact that they have to have juries and judges, is an expression of that weakness.

1. Although as shown, Albert quoted Hitler's speech *directly* here, the official court transcript had been altered (by the judge?) to read: "*(Here the accused purported to quote from a speech said to have been given by Hitler, touching on turmoil in the streets, students and communists seeking to destroy Germany, and the need for law and order if the government were not to fall.)*"

It may seem to you a natural and reasonable thing that in view of the political views at this meeting the Government would want to keep a close watch on it. The fact that they have to openly spy on these things is an expression of their weakness and their fear. Your statement that it is natural that a May Day meeting should be spied on struck me as being very symbolic of the time we live in. The May Day meeting which I spoke to was a meeting which stood for the defeat of U.S. imperialism and fighting for socialism. It was a meeting that stood up for the struggle against American domination of this country, the struggle against Japanese domination of this country, the struggle on behalf of pensioners, aboriginals, the Trade Union movement, and so on. Central to it, the difference between this May Day and any previous May Day, was that more and more clearly the struggle was being focused more closely, and the issue of state power was being raised as to which class would have the power—whether the working class would overthrow the capitalist class and establish its rule and its institutions, or the capitalist class would continue to suppress and exploit the working class and maintain its rule. Nothing you do in this court is going to change the fact that in future May Day meetings, in future demonstrations, the issue will be raised more and more consistently.

At this May Day meeting I made a speech in which I approved very strongly of what happened to Bob Larkins. I made a second speech in which I went further and I said whenever the police attacked, they should be resisted in a disciplined and organised way, and they should be dealt with sharply. You are not going to change my view of that or anyone else's view by gaoling me. It is inevitable if the police resort to violence against demonstrators; this will in turn cause the demonstrators to be violent. In my view it is not the police as individuals who should be blamed for this, although as individuals I do find some of them to be unpleasant, but it is the Government who sends them to carry on in this way. As long as the Government sends them to bash up and interfere with us, we will fight back. As long as the police intimidate us, we are

going to fight back, and if your violence gets tougher then it is going to get tougher on our side, and once again all the gaolings in the world will not solve that. In fact, there is a great potential for political work to be done within the gaols. That is only extending the fields in which revolutionary work will be done. There is another quote I would like to give you from Mao Tse-tung and I think, once again, like everything else he says, it is very relevant: *"It is a good thing if we are attacked by the enemy, since it proves that we have drawn a clear line of demarcation between the enemy and ourselves. It is still better if the enemy attacks us wildly and paints us entirely black and without a single virtue: it demonstrates that we have not only drawn a clear line of demarcation between the enemy and ourselves, but achieved a great deal in our work"*.

The enemy is attacking me because we have drawn a very clear line of demarcation and it is attacking very, very widely, and a great deal has been accomplished by this; this trial has been a great step towards this accomplishment. The fact is the Special Branch police are getting frantic, and the police force generally is getting frantic, precisely because the revolutionary movement is achieving a great deal in its work. There will be no need to worry about the wood panelling, the plush seats, the wigs and the flowing gowns, there will be no need to stage criminal trials. There will be no need for people to get into the witness box and perjure themselves. There will be no need to fool around with tape recordings and take tape recordings and all the rest of it, unless there was something they were worried about. . . . If that was all the trouble was—that there was a "tiny handful of people" making inflammatory speeches—if that is all the problem was, no-one would be very worried about them. You could send that "tiny handful" to the mental homes. The fact is you *are* worried about it; the fact is that the "tiny minority" represents the future.

At the time the May Day took place I don't think the Americans had actually admitted their defeat in Vietnam. The Australian Government had not admitted it was being forced to pull out. Today it has gone further than that; today it has to admit the handful of ratbags—all those standing up in opposition to Australia being a puppet, a satellite, following on with U.S. aggression in Vietnam—were right; their struggles were right. There is one side, and that is the people's side and not the reactionaries' side. The same thing will happen on every other May Day.

As far as A.S.I.O., and as far as all the apparatus of the Fascism in the country is concerned, no matter how many dossiers you collect on Australian citizens involving themselves with the activity, it won't help you one little bit. What is the use of knowing that there are a quarter of a million people in Victoria who hate the Government's guts? What is the use of knowing within the next few years it will rise to half a million, one million, two million. You see, there is nothing you can do to stop it. You can protect Larkins



First Constable Robert James Larkins

and you can find ways for him to travel around unimpeded making dossiers. I think the only way with this particular man, is to replace him and put someone else in, but there are ways and means by which you can allow police agents to circulate secretly at demonstrations; even if they had to go in disguise. So what, you collect the dossiers and find more and more people are joining in, and you will find that next May Day it will be larger still, and the next one will be larger again, and you get a file with the report which says the China-line Communists are winning more support and that there is going to be a campaign, to use Maskiell's phrase, "a campaign of violence directed against the Government"; in reality, a campaign of resistance to police violence which will eventually overthrow the State. What use is that information going to be eventually to you when you know the trend is against you?

All the intelligence-gathering in the world, all the dossiers and information reveals one picture—that "revolution is the main trend in the world today", and there is nothing that will reverse that into a counter trend; no amount of persecution has ever changed that.

In old Russia, before the Russian revolution there was just as efficient a police force as the Victoria police force. Yet the Russian *Okhrana* never managed to save Tsarism.

His Honour: I have to interrupt you. I would like you to help me, but if you want to go and tell me about events in Russia in 1917, that does not help me at all.

Prisoner: You will probably discover that for yourselves in the foreseeable future.

His Honour: If you do not wish to help me . . . I do not think you have used the opportunity for the purpose for which I have given it to you. You will be remanded until quarter to ten on Monday for sentence. Adjourn the court.

MONDAY 4TH OCTOBER, 1971

SENTENCE

His Honour: Albert Langer, you have been found guilty of an attempt to incite persons to assault members of the Police Force. The jury's verdict amounts to a finding that you addressed a large gathering in terms which amounted to an incitement to assault the police. The verdict also involves a finding that you hoped or expected that your words would have the intended effect. A deliberate attempt to incite a large and excitable crowd to engage in acts of violence is a crime of considerable gravity. Furthermore I am satisfied that the crime was committed not upon any impulse but in the intended furtherance of a political campaign which you have waged for some years, and intend to wage in the future. Your stated aim is nothing less than civic destruction. You asserted that you shall continue to employ the same methods in the future, including, where necessary, the use of force against authority. Although there is room in this community for every shade of political opinion, the use of violence will not be tolerated. This being the case, I consider that the community interest requires that you should be sequestered for a substantial period. However, I take into account the fact that you are still young and have no prior convictions which have been either admitted or proved. In my opinion the appropriate sentence is that you be imprisoned for a term of eighteen months. I direct that you serve a minimum term of twelve months before being eligible for parole.

Lady in Court: **Fascist.**

Prisoner: (to Judge) I hope you don't think that will result in any decrease in opposition to the authorities in this country.

His Honor: First of all, constable, will you take this lady in the glasses into custody and take her out.

Prisoner: The fact is wherever there is oppression there will be resistance.

His Honor: And will you also remove the prisoner.

Prisoner: It doesn't matter whether you attack me or my wife or anyone else, people will continue to fight against this sort of social system.

(Prisoner removed.)

His Honor: When the authorities are ready you can ask them to bring out the lady who called out "fascist".

(Lady brought into court.)

His Honor: What is your full name?—(No answer.)

You do not intend to answer that question?—(Shook head.) Is anybody here able to give any evidence as to the identity; can any policeman assist me as to the identity of this lady?

Policeman in Court: Yes, Your Honor, Mrs. Langer.

His Honor: Do you know her full name?

Policeman in Court: Kerry Craig Langer.

His Honor: (To lady in court): Do you dispute that your full name is Kerry Craig Langer?—(No answer.) I propose to charge you with contempt of court based on the fact that I heard you call out "fascist" when I pronounced sentence upon the prisoner. Is there any-

thing you want to say as to why you should not be dealt with for that contempt?

Kerry Langer: This court is a fascist court, so why is it contempt?

His Honor: Anything else you want to say?

Kerry Langer: It is quite justified for people to call the court "fascist" when they sentence a person to eighteen months for making any political statement.

His Honor: The authority of this court has to be maintained and in respect of the contempt constituted by your calling out "fascist" I direct you will be fined \$200 in default two months' imprisonment and I will direct that the fine be payable on or before the 4th November, this year.

