

# WHO BOMBED THE HILTON?

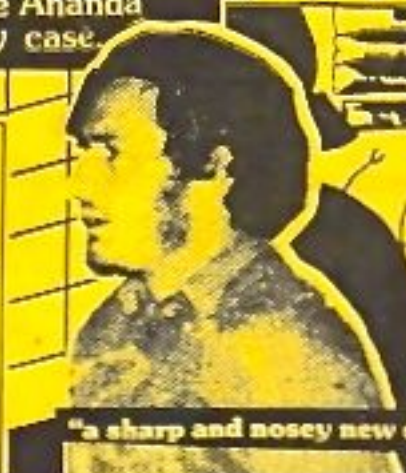
## FRAME-UP

A powerful examination of the mystery surrounding the Hilton Bombing and the Ananda Marga conspiracy case.

Produced and directed by  
IRINA DUNN  
NICK POWER  
GRAHAM DOBBIE

Produced with the assistance of  
METRO TELEVISION LIMITED

Distributed by  
THE SYDNEY FILMMAKERS  
CO-OPERATIVE LTD  
PO BOX 217 KINGS CROSS  
NSW 2011  
PHONE (02) 3310721



"a sharp and nosy new documentary . . ."

**FRAME-UP** looks at the Cameron case and the implications it has for civil liberties in Australia. It examines the adequacy of the judicial system in dealing with such an extraordinary case, and asks pertinent questions about the role of the security forces in both the Cameron conspiracy and the Hilton bombing.

Length 48 minutes, available on V.H.S., Beta and U-Matic, from Sydney Film Makers Co-op and C.A.A.D.A. (Campaign for the Acquittal of Allister, Dunn and Anderson), Address overleaf

# DOCUMENTS ON THE CAMERON CONSPIRACY CASE AND THE HILTON BOMBING

1. SUBMISSION FOR THE IMMEDIATE RELEASE OF TIM ANDERSON, PAUL ALISTER AND ROSS DUNN. [February 1984].
2. THE FALSE CASE AGAINST THREE MEMBERS OF ANANDA MARGA [October 1979].
3. LETTER FROM ERIC MOUNTIER TO N.S.W. ATTORNEY GENERAL FRANK WALKER. [1st February, 1982].
4. LETTER FROM TED INNES TO N.S.W. ATTORNEY GENERAL FRANK WALKER. [18th June 1982].
5. GEORGE PETERSON'S AUGUST 18, 1981 SPEECH IN THE N.S.W. LEGISLATIVE ASSEMBLY.
6. CHRONOLOGY OF MAJOR INCIDENCES OF HARASSMENT OF MEMBERS OF ANANDA MARGA FROM 1976 TO 1982.

Published by C.A.A.D.A. Queensland  
February 1985

The pages of this book were printed  
by either Small Offset with paper  
plate or Photo Copier.

**1. SUBMISSION FOR THE IMMEDIATE RELEASE OF  
TIM ANDERSON, PAUL ALISTER AND ROSS DUNN (February 1984)**

C O N T E N T S

	INTRODUCTION _____	
1.	BACKGROUND _____	1
2.	THE EVIDENCE - A REVIEW OF BOTH TRIALS _____	1
	(a) Police evidence _____	2
	(i) Police Inconsistencies _____	2
	(ii) Police Verbals _____	3
	(b) Richard Seary - Principal Crown Witness _____	3
	(i) Agent Provocateur _____	3
	(ii) Inconsistencies in Evidence _____	4
	(c) The Defence Case _____	5
3.	PREJUDICIAL CROSS EXAMINATION _____	6
4.	PREJUDICIAL ATMOSPHERE SURROUNDING BOTH TRIALS _____	8
	(a) Allegations Regarding the Hilton Bombing _____	8
	(b) Security at Both the Trials _____	9
	(c) Granting of Bravery Awards to Arresting Police Officers _____	10
5.	HILTON INQUEST - NEW EVIDENCE EMERGES _____	10
	(a) Special Branch Tapes on Richard Seary _____	10
	(b) Seary's Record of Interview _____	12
	(c) Additional New Evidence _____	12
6.	POLYGRAPH REPORT _____	14
7.	THE HIGH COURT DECISION _____	15
	(a) Gibbs, C. J. _____	16
	(b) Brennan, J. _____	17
	(c) Murphy, J. _____	18
8.	PUBLIC CONCERN ABOUT THE CASE _____	19
9.	GOVERNMENT OPTIONS - WHY THE THREE MEN SHOULD BE IMMEDIATELY RELEASED _____	20
10.	CONCLUSION _____	21
11.	APPENDIX	
	(a) Letters from NSW Attorney's General Frank Walker and Paul Landa.	
	(b) Letters from Federal Attorney General Gareth Evans.	
	(c) A list of submissions and documents already presented to the NSW Attorney General's department.	

INTRODUCTION

Since Tim Anderson, Ross Dunn and Paul Alister were arrested on June 16 1978, there has been a great deal of controversy surrounding both their imprisonment and the legal proceedings they initiated in an attempt to gain justice through the Australian judicial system.

On February 13 1984 the High Court of Australia dismissed an appeal by the three men against their convictions for conspiracy to murder Robert Cameron, and by Dunn and Alister against their convictions for attempted murder. With this decision, all legal avenues of appeal have been exhausted.

Failing to secure any justice through the legal system, CAADA (Campaign for the Acquittal of Alister, Dunn and Anderson) now calls on the NSW Premier, Mr. Wran, and the NSW Attorney General, Mr. Landa, to intervene in the case and make a political decision to free the three men.

The central argument of this submission is that Tim Anderson, Ross Dunn and Paul Alister should immediately be granted a full pardon and released from jail.

The main reasons why this is the only acceptable course of action and why a political decision is required to free the three men are as follows:

- (1) The three men have now appeared in a committal hearing, two trials, a Supreme Court appeal, the Hilton Inquest and a High Court appeal. In none of these legal proceedings has all the relevant material, including new evidence from the Hilton Inquest, been put together and examined in its entirety. In fact, given the nature of the case - the role of an agent provocateur, inconsistencies in police evidence, the prejudicial cross-examination, the prejudicial climate in which the trial was conducted, and unsubstantiated allegations about the Hilton bombing - and the limitations of the legal system, it is extremely doubtful whether any court could reach a just and impartial decision.
- (2) Transcripts from all the litigation, as well as over 1,000 pages of submissions and documentation prepared by defence lawyers and CAADA (see Appendix) - most of which has never been produced in court - are in the possession of the NSW Attorney General's department. This material, when examined thoroughly and systematically, establishes the innocence of the three men beyond any shadow of a doubt.
- (3) A Judicial Inquiry could not be expected to produce any further evidence or shed any new light on the case, especially when the above legal proceedings have failed to satisfactorily cover all the different aspects of the case or resolve many of the contradictions in evidence. Besides, the Attorney-General's department

INTRODUCTION (CONT..)

already has everything it needs to take decisive action in the case.

- (4) The new evidence which came out of the Hilton Inquest, proving that Richard Seary (the principal crown witness) had fabricated significant sections of his testimony, completely destroys his credibility and is a sufficient ground alone to overturn the conviction.
- (5) During the High Court appeal Justice Murphy was the only judge to address himself to the merits of the case, and he repeatedly called for the men's appeals against their convictions to be upheld.

Tim Anderson, Ross Dunn and Paul Alister have already been in jail for nearly six years, and any further delay in their release only compounds the injustice done to them.

Mr. Walker, the former Attorney General in a letter dated 14 April 1982, (see Appendix) indicated that a departmental review of the case had been instituted to assess whether an inquiry under Section 475 of the Crimes Act was justified. Subsequently, however, legal officers of the Attorney General's department advised CAADA that no judicial inquiry could be sought until the appellate process had been exhausted.

Two years later, after an unsuccessful High Court appeal, CAADA is of the opinion that a judicial inquiry is of no value in securing justice for Anderson, Dunn and Alister.

Mr. Landa, in a letter dated 13 December 1983, (see Appendix A), indicated that an application for a No Bill of Indictment for Ross Dunn and Paul Alister arising out of the Hilton Inquest would not be finalized until after the High Court appeal had been completed and a final judgement handed down. Now that the appellate process has been exhausted, CAADA submits that the NSW Attorney General should not only accept the No Bill application, but immediately act to secure the release of Anderson, Dunn and Alister.

Tim Anderson, Ross Dunn and Paul Alister are political prisoners, and only a political decision taken by the NSW Government can secure their immediate release.

1. BACKGROUND

On 1 August, 1979, Tim Anderson, Ross Dunn and Paul Alister, three Ananda Marga members, were convicted of conspiring to murder Robert Cameron, self-styled leader of the right-wing racist organisation, The National Front.

Believing they were going on a wall writing expedition to counteract Cameron's racist propaganda, Paul Alister and Ross Dunn were arrested near Cameron's old address at Yagoona in a car driven by police plant Richard Seary, while Tim Anderson was arrested at the Ananda Marga household at Newtown.

Paul Alister and Ross Dunn were also convicted of attempting to murder the arresting detectives.

All three were sentenced to 16 years jail, with no parole period, and have been in prison since they were arrested in June, 1978.

There were two trials, the first resulting in a hung jury, the second resulting in the conviction of the three men on the above charges.

In October, 1980, an appeal to the NSW Supreme Court was rejected.

In October, 1982, the three men appeared at the Inquest into the Hilton Hotel bombing to clear themselves of allegations made at their trials linking them to the bombing. However, a prima facie case of murder was found against Paul Alister and Ross Dunn and the Inquest abruptly terminated. The NSW Attorney General has yet to make a decision on whether or not to commit the two men for trial for the Hilton bombing.

On February 13, 1984, an appeal against their conviction to the High Court was dismissed in a four to one decision, exhausting the appellate process.

2. THE EVIDENCE - A REVIEW OF BOTH TRIALS

The prosecution evidence at the trials consisted of:

- a) Seary's evidence
- b) Police evidence
  - i) of what Seary told them
  - ii) of Carillion Ave. observations (near the Newtown headquarters of Ananda Marga).
  - iii) at Yagoona
  - iv) at Newtown
  - and v) at CIB headquarters
- c) Components of the potential explosive device
- d) Independent testimony of army officers, explosives experts and others, mainly on technical matters.
- e) Notes said to have been found in Anderson's possession.
- f) Other material designed to create a prejudicial view of the three men and their beliefs.

The defence case consisted of:

- a) Critical analysis of the prosecution evidence and case
- b) Testimony of the three accused men
- c) Certain meterail evidence
- d) Testimony of witnesses at Newtown arrest
- e) Testimony on other points of fact and on character

Two aspects of the prosecution evidence are particularly disturbing, namely: the nature of the police evidence, including numerous police inconsistencies and use of verbals; and the credibility of the principal crown witness, Richard Seary. In contrast, the version of events offered by the three men is internally consistent and more capable of belief than the evidence offered by the Crown. When considered objectively, the evidence leaves considerable doubt as to the guilt of the three men.

The police evidence, Seary's credibility and the defence case are briefly reviewed below.

#### (a) POLICE EVIDENCE

There were numerous glaring inconsistencies in the police evidence. Police often conflicted with the testimony of other independent witnesses, such as the army bomb disposal unit, and also made many mistakes in evidence. As Tom Molomby, legal journalist and authority on the case has commented, the police evidence only makes sense when one realizes that it was made up after the event in order to secure a conviction.

##### (i) Police Inconsistencies

Several police described Dunn as wearing white sandals when in fact photographs taken at Yagoona by the press proved him to be wearing dark coloured boots. Some police claimed to be able to describe a blue denim bag from 150 feet at night, yet described black corduroy trousers, from 10 feet, as blue denim jeans.

Several police also claim that Alister was wearing a grey safari jacket, which was not found in the car, and could not explain the presence of his blue parka, which was.

Special Branch Detective Krawczyk had details of typewritten notes to newspapers, which he says he found in Anderson's possession, recorded in his notebook four hours before he 'found' them. Both Krawczyk and Seary swear they had no way of knowing such details.

One detective said that Krawczyk identified the stolen car Seary was driving before Seary was visible. If this is correct, then Krawczyk was involved in a conspiracy with Seary to steal the car. In fact how would police mount such a large operation without knowing in advance which car they were to follow?

On the charge of attempted murder, the evidence of Burke and Hales, two of the arresting detectives, is that the bag containing the gelignite was found upright and intact in the

the middle of the back seat of the car when it stopped at Yagoona. But Detective Gilligan claims that he jerked Dunn from the car by the throat, as Dunn had his hands in the bag and the bag on his lap, trying to detonate the gelignite. As the foreman of the first jury said, the evidence of the first two makes that of the third, and therefore the charge, impossible.

Burke, who claims to have defused the gelignite, said nothing to the army men whose job it was to render safe a potential device. The army found no evidence that the gelignite had ever been wired up.

No fingerprints of any of the three men were ever discovered either on the gelignite, which Dunn was said to have been touching, or on the notes which Krawczyk claims to have found on Anderson.

(ii) Police Verbals

Police testimony in both trials was based largely on police 'verbals' in the form of notebook notes which were said to be records of full 'confessions' made by all three men. There was nothing to substantiate any of these 'confessions', and there was in fact evidence to suggest that they had not been made.

Ananda Marga had a firm policy, based on the Council for Civil Liberties guidelines, of not answering police questions except in the presence of a lawyer. Anderson had drafted the revised edition of this policy in late 1977, but the policy was not admitted as evidence in the second trial. Seary had also corroborated Alister's evidence that he had told both Seary and Dunn, on their arrest, not to talk to the police until they had a lawyer present. Despite this evidence, police claim all three made full and free and unsigned 'confessions'.

(b) RICHARD SEARY - PRINCIPAL CROWN WITNESS

Richard Seary, the key witness in both trials and the Hilton Inquest, infiltrated Ananda Marga as a paid police informer with the specific intention of linking members of Ananda Marga with the Hilton bombing.

(i) Agent Provocateur

Seary has a history of mental instability and has been described as a schizophrenic. Evidence relating to Seary's mental state, offered by Seary himself to a drug counsellor working for the Health Commission, was not admitted in evidence.

He was a heroin addict and had a conviction for self administration of narcotics, amongst other things. He admitted to having experience with explosives at Lightning Ridge and had previously spied on the Hare Krishna movement for the police. By contrast, none of the three accused had had any experience with explosives and only one, Paul Alister, had a minor conviction arising from a demonstration.

In the second trial Seary admitted receiving \$100 from police for expenses for infiltrating Ananda Marga.



At the Hilton Inquest Seary admitted to receiving at least \$6000 from Special Branch after having given evidence in the Cameron case. However Coroner Walsh did not allow further questioning on this point, and did little to dispel the belief of many people that Seary was trying to get the \$250,000 reward offered for the conviction of the Hilton bombers.

At the Inquest Seary reiterated his stance that he was a paid police informer employed by Special Branch to infiltrate Ananda Marga with a brief to find out if the movement had any connection with the Hilton bombing.

(ii) Inconsistencies in Evidence

Specific evidence given by Seary highlights his contradictory testimony. For example, Seary claims that Paul Alister admitted in the car on the way to Yagoona that he and Dunn had placed an explosive device in a rubbish bin outside the Hilton Hotel on the afternoon of February 12, 1978. However witnesses have made sworn statements that Alister was in Adelaide on that day. This evidence could not be admitted in court during the second trial because that trial did not deal with charges regarding the Hilton bombing. Seary's lies about Alister's alleged admission casts doubt on all his evidence. It is clear that Seary was prepared to commit perjury. His admission that he had previously lied about a fictional Hare Krishna 'bombing attempt' shows his unreliability as a witness.

The pattern of Seary's evidence was that it became more embellished with every telling. His first record of interview contains no mention of alleged Hilton bombing admissions whatsoever. The second record of interview contains an oblique reference to the Hilton bombing but does not identify the person responsible for placing the bomb. The third contains references supposedly made by Ananda Marga members to Seary about 'more Hiltons' and a vague attempt to implicate other Ananda Marga members in discussions about bombs. Only in the fourth record of interview on July 17, 1978, more than a month after the arrests at Yagoona, did Seary give specific details of Alister's alleged 'admission' to the Hilton bombing.

In a similar way, Seary's first account of a crucial conversation, in which the supposed conspiracy to kill Cameron was outlined, contained no actual reference to killing. This was in his records of interview and at the committal proceedings. At the first trial this crucial reference was introduced, as was some vague references to Cameron's family. At the second trial, Seary gave evidence of alleged conversation that specified the killing not only of Cameron, but of every member of his family.

Another incredibility arises around what Seary claims he told Special Branch of the alleged plan by Alister and Dunn to blow up themselves and the arresting police if they were apprehended on the way to Yagoona. Seary says (and the police confirm) that he told this to police before he actually claims to have heard the men formulate the plan - in the car on the way to Yagoona. It is unbelievable that Seary would choose, as he did, to drive the car, knowing that the police would stop the car and believing that the outcome of this would be his

own death.

During 1981, several newspapers carried stories regarding a far closer relationship between Seary and Special Branch than was ever revealed in court. In particular, it was claimed that Seary and certain police conspired to frame Ananda Marga members for the Cameron 'conspiracy' when attempts to implicate them in the Hilton bombing had failed. One way these claims could be checked is by the examination of Special Branch and ASIO files on Seary. Special Branch files on Seary were never subpoenaed, and the ASIO files that were subpoenaed were granted absolute privilege, on the grounds of 'National Security', by the trial judge.

ASIO produced 137 files containing 151 pages on Seary in answer to a subpoena during the High Court appeal, but none of these documents were made available to defence council.

The foreman of the first jury had this to say about Richard Seary:

There was a great deal of doubt in my mind about Seary's evidence; it seemed to grow and grow every time a subject was recalled; he would add more details or change what he said before. Large pieces of evidence he had given in the court before he could not recall having given.

And a juror in the second trial that convicted the three men commented:

The evidence of the main prosecution witness, Seary, was also difficult to believe. He never seemed to give the same version twice, and was also evasive. Also, would he continue driving the car to Yagoona if he thought the two men were really going to blow themselves up if they were stopped by police? He knew the police would be there. He did not strike me as being a person who would carelessly throw away his life.

(c) THE DEFENCE CASE

The defence case is primarily that there was never any intention to kill Cameron, or anyone else for that matter. Seary proposed an excursion to the address he had procured, which turned out to be Cameron's, ostensibly for the purpose of surveying the area for wall writing - an activity that they had all previously been involved in. Seary would provide a car and paint. Alister and Dunn agreed to go with him.

Anderson walked to Carillion Ave with Alister in pursuit of a conversation, but had no intention of going to Yagoona. Dunn entered the car from the opposite (to which the police had said) side of the road, and had no bag. When Seary had driven part of the way to Yagoona he indicated the explosives in the back seat of the car. (He told the men he had borrowed the car from a friend, the same story he claims to have previously told the police.) Seary went on to suggest the explosives be placed under Cameron's car to "give him a scare". An argument

ensued which continued almost up to the time when police pulled the car over.

At Newtown Anderson had no notes in his possession. One special branch detective (and Seary's confidante) had produced two envelopes immediately on arrival at the room Anderson was in. Members of the household witnessed the whole proceedings.

At CIB headquarters all three men claimed their right to silence, and no statements were made. Dunn and Anderson were bashed by detectives. In fact Dunn had been bashed by a detective Gilligan immediately after arrest.

The defence claims Seary fabricated evidence, lied and framed the three partly to satisfy his childish illusions and mental fantasies, and partly because he was acting out his role as a police spy. Psychiatric reports and personality profiles have documented Seary's mental instability, though none of this evidence was accepted by the court.

### 3. PREJUDICIAL CROSS EXAMINATION

In any trial the cross-examination is crucial. The cross-examination of an accused has a great impact upon the mind of the jury. The skill of the counsel for the prosecution, his or her ability to confuse an accused and the articulate and persuasive manner in which she or he might present an allegation fixes those allegations in the jurors' minds. A clumsy denial, defensively made by a witness is hardly heard by the jury in contrast to the colourfully exclaimed allegations of senior counsel.

For these reasons, it is imperative that the utmost care is taken to ensure that cross-examination's are conducted fairly in a manner which protects the position of the accused. This did not occur in the case of Tim Anderson, Ross Dunn and Paul Alister.

The cross-examination of these three men was in no way restricted to the facts of the case and was conducted in a highly prejudicial manner which profoundly influenced the views held by jurors. They were questioned extensively upon the beliefs and activities of Ananda Marga and certain damaging allegations were made regarding their alleged complicity in the bombing of the Hilton Hotel.

A table reproduced here provides an analysis of the subject-matter of questions asked of the three men in both trials and indicates the high proportion of questions on matters other than the facts of the case. Indeed, in the cross-examination of Tim Anderson in the second trial, as many questions were asked of him regarding the Hilton bombing and the activities of Ananda Marga as were asked about the case itself.

A BREAKDOWN OF SUBJECT-MATTER OF QUESTIONS ASKED  
OF ANDERSON, DUNN & ALISTER IN CROSS-EXAMINATION

	<u>First Trial</u>	<u>Second Trial</u>
<u>DUNN</u>		
Case	156	315
Prout	3	157
Ananda Marga	-	13
Other	-	58
<u>ALISTER</u>		
Case	131	305
Volunteers Social Service	33	151
Hilton Bombing	-	6
Ananda Marga	29	21
<u>ANDERSON</u>		
Case	456	260
Hilton Bombing	-	22
Ananda Marga	35	107
Prout	42	55
Volunteers Social Service	20	13
Allegations against third parties	28	56
Other	44	44

The very manner in which the references to the Hilton bombing came to be allowed by the Court is highly questionable. It was claimed in the Court of Criminal Appeal that the matter of the Hilton bombing "had been opened up by the accused", and therefore, they could not object to their cross-examination on this issue. However, it was introduced only as an example of the lack of credibility of Seary as a witness - (to show that he had not told the police of the alleged confessions of Alister & Dunn to the bombing of the Hilton at the first opportunity, even although his main purpose in working for the police had been to discover such information). Nevertheless, the Court then allowed the cross-examination of the accused on the whole incident or issue of the Hilton bombing, quite apart from its initial relevance on the point of credit of Seary as a witness.

The effect of the cross-examination was to substitute suspicion, indirect allegations and innuendo for evidence. It is not mere speculation that this approach had a prejudicial effect upon the jury. Jurors at both trials have spoken of the way in which the allegations raised by the Crown in the course of cross-examination influenced their opinions of the case. Eric Mountier, a juror in the first trial, said:

Although the judge told us to disregard the accusations about the Hilton bombing, there was always the thought at the back of my mind that the three Ananda Marga men were involved in some way. This was mainly because the prosecution cross-examination centred around the Hilton accusations. The jurors talked between themselves about the Hilton allegations and some said they were very frightened of terrorists. Even before all the evidence was given some of the jurors said that they thought that the three men were guilty of trying to murder Robert Cameron, and were probably guilty of the Hilton.

But there was really no evidence to support this except what the prosecution witness said, and the charges did not relate to the Hilton bombing anyway.

Despite the fact that the Crown was not prevented from making allegations regarding the alleged involvement of the three men in the Hilton bombing and casting aspersions on the credibility of Ananda Marga, the accused were not allowed to present evidence to the contrary because these matters were not the subject of their trial.

When allegations were made that Paul Alister was present at the Hilton Hotel on the day prior to the bombing, he was only able to deny it and assert that he was not in the State at the time; but was not able to present witnesses to prove that he was in Adelaide at the time of the bombing. And even when objection was made by the men to this prejudicial line of questioning, their objections were over-ruled. When questioned by counsel regarding the Hilton bombing, Tim Anderson replied, "What has that got to do with this case anyway?" The reply of the Judge to this objection was, "Just answer the question, please."

Commenting on the cross-examination of the accused at the second trial, Mr. Justice Murphy said in his High Court Judgement:

This was not a regular cross-examination. It was making suggestions of the most prejudicial kind in the guise of cross-examination. The trial judge should have stopped it without waiting for any objection. ...The questions were calculated to invite the jury to arrive at guilt by association. ...the unfairness (of the cross-examination) was so gross that the trial judge should have disallowed the questions and cautioned the prosecutor.

It cannot be doubted that the allowance of this method of cross-examination was to have a marked impact upon the outcome of the case, contributing to the jury's inability to reach a conclusion in the first trial and their decision to convict in the second.

#### 4. PREJUDICIAL ATMOSPHERE SURROUNDING BOTH TRIALS

It was not merely events within the Court room which served to create a prejudicial atmosphere which influenced the minds of the jurors, several external factors also contributed to their situation.

##### (a) Allegations Regarding the Hilton bombing

The Hilton bombing precipitated a wave of anti-terrorist hysteria in Australia and the issue had been widely publicized in the media. Even before the arrest of the three men on charges related to the Cameron Case, unsubstantiated allegations had been made in the media that members of Ananda Marga had been responsible for the bombing of the Hilton Hotel. As far back as 1977 Ananda Marga was being portrayed as having terrorist links, on the basis of no evidence. More specifically, the Sun-Herald of 28/3/1978, the Australian and Daily Telegraph

of 2/4/1978 and the Sun-Herald of 11/6/1978, all printed material supplied by the Commonwealth Police and ASIO, claiming, without any evidence whatsoever, that Ananda Marga was responsible for the Hilton bombing. The last mentioned article was printed just four days before the three men were arrested and claimed (contrary to Seary's story) that a man and a woman were known to have planted the Hilton bomb.

The media coverage of these allegations made both at the time of the Hilton bombing and during the trial itself was sensational and often lacked accuracy. For example, one heading which appeared during on of the trials read 'SECT LINK IN HILTON BOMBING'. Many people would not read further to see that this was merely the allegation of Richard Seary.

It would be naive to assume that the jurors were not affected by this press coverage. Eric Mountier, a juror at the second trial, commented in this way about the effect of media publicity on his judgement:

Even though I was very careful to avoid newspapers and radio reports of the trial, I could not help seeing some headlines or listening to some reports which referred to the Hilton accusations. The general atmosphere created by these reports made it difficult to really detach yourself and look at the case objectively. As well as printing stories about the Hilton, the papers also painted a picture of Ananda Marga as a dangerous terrorist group. Whether this is true or not I can't say, but certainly I feel that this image affected us in making a decision.

(b) Security at Both the trials

The security measures taken at each of the trials were extreme and served to create in the minds of the jurors some pre-conceptions about the type of people on trial.

Sharpshooters were stationed on the roof of the Court and TV monitors and metal detectors were placed at the entrance to the Court. Every person entering the Court was searched by armed police. Some members of the jury asked to be excused because they feared for their lives. A juror in the first trial expressed the effect of the security upon his attitude in the following way:

The police sharpshooters on top of the Court house the first couple of days of the trial and the general security made me feel quite uneasy. The effect was intimidating and created a hostile atmosphere.

However, these security arrangements were only maintained for the first two days of each trial and then dropped. By this time, an impression had been made upon the jurors about the three accused; but, it is reasonable to assume that the dropping of the security did not impress them in the same way. Many of them would have been so overwhelmed by these arrangements that they would have failed to question why the security

precautions were no longer required after the second day of their trial.

(c) Granting of Bravery Awards to Arresting Police Officers

The appeal hearing became trivialised when the Governor-General gave bravery awards to three of the arresting officers that related to events still being in dispute. This represented a violation of the subjudice principle.

5. HILTON INQUEST - HEW EVIDENCE EMERGES

As you are aware, a Coroner's Inquest into the Hilton bombing commenced in October 1982. Alister, Dunn and Anderson were represented by counsel at those proceedings. Richard Seary, the chief Prosecution witness in the two Cameron Conspiracy cases was again called to give evidence. Seary repeated his four year old claims that Alister and Dunn had 'confessed' to him that they did the Hilton bombing, repeating also his various excuses for not telling police of these 'confessions' until his fourth record of interview. During the course of the inquest Seary admitted to deceiving the police, deceiving members of Ananda Marga but claimed not to be deceiving the Court.

However, in our submission, the evidence adduced from Seary at the Inquest proves even more strongly than ever that Seary is a thoroughly dishonest person, that he perjured himself in the evidence that he gave in the Cameron Conspiracy trials, and that he is indeed "one of the most unreliable persons ever presented as the principal prosecution witness on a charge of a serious crime." (Murphy, J.)

We submit that the evidence obtained from Seary at the Inquest, and the logical and reasonable inferences that can be drawn from it, cast so serious a doubt on his credibility, that the convictions of Alister, Dunn and Anderson for 'Conspiring to Murder' and (excluding Anderson) 'Attempted Murder', based as they were almost entirely on the evidence of Seary, ought in the interests of justice, to be set aside, and the three prisoners granted a full pardon.

The fresh evidence that emerged from the Inquest was as follows:

(a) Special Branch Tapes on Richard Seary

During the course of the inquest counsel for Alister and Dunn managed to gain access to a number of secret tapes of N.S.W. Special Branch interviews with Richard Seary. An inspection of these tapes revealed that Seary perjured himself on at least three occasions and discussed the possibility of killing members of Ananda Marga. For a full detailed discussion of what emerged from an examination of the transcripts provided by Special Branch we direct your attention to the No Bill Application for the prima facie case against Dunn and Alister arising out of the Hilton Inquest (commencing at page 33), which has been filed with the Attorney-General. Inter alia, the tapes reveal:

- (i) That Seary specifically denied hearing any refernnce to the Hilton bombing during interviews of : 27 April, 7 May, 15 May, 7 June and 10 June (1978). However he told the Courts that Paul Alister had said in April 1978 that there would be "more trains and more Hiltons" if the leader of Ananda Marga was not released from jail in India.
- (ii) On 10/6/'78 Detective Krawczyk fed Seary a suggestion of "more trains?" (citing an incident alleged against Ananda Marga in India), when referring to an article on revolutionary theory, and then asked "Any more bombings - Hilton?" Seary obligingly responded (picking up the cue) "He (Alister) said 'They'll be more trains and more Hiltons' ...those were his exact words."

As pointed out in the No-Bill Application (pg. 47) Seary did not volunteer this information, nor, strangely enough, did he say that he asked Alister to explain what he meant by these words. Both these facts strongly suggest that this was a bogus tale latched onto by Seary as the questioning continued.

Detective Krawczyk clearly had his own doubts, and later in the same interview asks: "Nothing has been mentioned about the Hilton again?" and Seary replies "No, nothing about that."

It is submitted that these transcripts support the specific claim that Seary fabricated this indirect "admission" to alleged Ananda Marga complicity in the Hilton bombing, and that this fabrication grew directly out of suggestions fed to him by Krawczyk. It supports our general claim that Seary invented and fabricated all the material evidence which incriminated Anderson, Dunn and Alister in the "Cameron Conspiracy" case.

The fact that Krawczyk told the court that Seary had never informed him of any link between Ananda Marga and the Hilton bombing indicates the extent of his doubts about Seary's truthfulness.

- (iii) At the committal proceedings in the Conspiracy Case (at pg. 126) Seary said that the Hilton bombing was a matter of general discussion by all members of Ananda Marga. However the transcripts reveal that he was asked on 27 April, 7 May, 15 May, 7 June and 10 June specifically about any mention of the Hilton, on each occasion he replied in the negative. In this connection it should be noted that at the committal Seary said (at pg. 194) that every reference by any member was carefully noted and related to the police and tape recorded.

In view of the above, the inference that Seary invented these references is inescapable.

- (iv) Transcripts of an interview of 27 April 1978 show a similar alleged "admission", attributed to one Kapil



Arn, also a member of Ananda Marga, to have been a fabrication (see No-bill Application pp.35-45).

- (v) The tapes disprove Seary's evidence in court that his knowledge of explosives was limited to being able to "light and run" and that he had no knowledge or experience of electrical detonators. (see pg. 10 of No-bill Application). During an interview with Krawczyk on 15 May 1978 he talked about explosives and the effects of wounds by electrical and priming detonators. He said he had used both on many occasions.

In conclusion, the tape transcripts establish direct proof that Seary invented certain Hilton bombing admissions, provided false information to the police (which were far from trivial falsehoods) and perjured himself extensively in a court of law.

It is chiefly on the evidence of such a witness that Anderson, Dunn and Alister were convicted of Conspiracy to murder Robert Cameron and the latter two of attempted murder and sentenced to 16 years jail.

#### (b) Seary's Record of Interview

At the Inquest, counsel for Ross Dunn demonstrated that Seary's record of interview of 22 June 1978 was a word for word reconstruction of a 1,500 word account he had made in his private diary - the accounts were so identical that corrections and insertions in one correlated to the other. Seary said this was all a series of coincidences and denied memorizing the account. Is this plausible? The more acceptable conclusion is that Seary has been exposed as a liar. He committed the 1,500 words to memory because that was the only way of giving evidence involving extensive fabrication. Why would anyone who wanted to give an honest account of something which had occurred only six days previously need to learn it off by heart. Seary had no independent recollection of it.

Seary's denial, and statement that near perfect correspondence was "coincidence", provides a fresh basis on which to doubt the verdict in the 1979 trial. During the course of that trial the exact correspondence between the two accounts was not noticed.

As a number of jurors have confirmed, the 1979 trial was seriously prejudiced by allegations about the confessions to the Hilton bombing (see above). Now that those allegations have been so thoroughly discredited, and Seary's extraordinary skills so unmistakably demonstrated, the grounds for doubting the verdict in the 1979 trial have increased enormously.

#### (c) Additional New Evidence

Richard Seary, the central witness in both the conspiracy case and, as it turned out, the Hilton Inquest, was shown to have presented an extensive story to special branch police implicating the Hare Krsna group in the Hilton bombing. Previously it was known that Seary had told lied about an alleged Hare Krsna bombing attempt (he admits now that it never occurred) and that he had told them about a Hare Krsna member who had inquired about explosives (Seary had had experience with explosives). But police files

presented to the Inquest showed, and Seary admitted, that Seary had gone farther than this.

His original story was that he went to the Hilton hotel about ten days after the Hilton Bombing. It now emerges that he had two interviews with police; one 3 days after the bombing and another about 10 days after the bombing. In the course of these he had suggested that: the Hare Krsnas had a motive for the bombing, as they had members in jail in Singapore and Lee Kuan Yew therefore could have been a target; leaders of the Hare Krsnas had been in Sydney just before and had left just after the bombing; and he felt they had the capacity to do the bombing. He also told the inquest that his lie about the fictitious 'bombing' arose out of one Hare Krsna member's statement that he would 'like to' bomb an abbatoir. Counsel for Alister, Dunn and Anderson have also since been informed by persons in the Hare Krsna movement that Seary had in fact tried to incite certain persons to bomb an abbatoir.

This information goes well beyond what was available at the time of the trials, and demonstrates a complete parallel to the defence 'case' in the Cameron conspiracy case. That is; that Seary was telling lies about a conspiracy that did not exist (though it did have some, non-criminal, basis which he had built on); that he readily provided a story which linked up motive, persons involved, modus operandi and so on; that he had in fact tried to incite bombings in both the Hare Krsna and the Cameron conspiracy case. This latter point goes further in completing the picture of Seary as the complete agent provocateur. With this sort of complete picture available - evidence which went to both issues of fact in the case and to Seary's credit - the jury may well have come to a different conclusion in the second trial.

Seary admitted at the Inquest that he had been paid at least \$6,000 by Special Branch after having given evidence in the Cameron case. He had previously admitted only to receiving \$100 for expenses. However Coroner Walsh did not allow further questioning. Nevertheless, this admission opens up issues for cross-examination, for instance: had police in the Cameron case offered inducements to Seary to give improved evidence at the second trial? Seary would surely have discussed, while he was under Special Branch protection, his future and what value there was for him in repeatedly giving evidence. Police, as well as Seary, could be questioned on the basis of this admission, and a jury may gain a new insight into Seary's motives for telling lies (as the defence says) in the Cameron case.

Three statements made available to counsel for Alister, Dunn and Anderson for the first time, showed that the six detectives who had tried to interview the three on 30/6/1978 had all agreed that the three claimed their right to silence (as per Council for Civil Liberties advice) when questioned about the Hilton bombing. Detectives at the Cameron case had claimed that all three made independent, free and full confessions on 16/6/1978, just two weeks before. At the trial the defence (and even the prosecution, through Seary) brought out evidence that the three had a policy of claiming the right to silence: Anderson had written policy prepared

in December 1977; Alister had told Seary at the time of arrest on 16/6/1978 not to talk to police without a lawyer. This evidence of the six detectives corroborates the fact that the three were inclined to use their right to silence and in fact did so. The new evidence discredits police claims to have taken three unsigned, notebook confessions (police verbals). The new evidence offers a fresh basis for a jury to assess police evidence in this regard.

Seary told the Inquest he doesn't know whether to believe his own evidence regarding "admissions" he said he heard. He didn't say that at the Cameron conspiracy trials, where his oral accounts, and their accuracy and reliability, were crucial to the matter at hand. This piece of evidence could prove valuable to a jury trying to assess Seary's evidence as a whole (members of the Hilton Inquest jury have told two journalists that they did not believe Seary).

#### 6. POLYGRAPH REPORT

Ross Dunn has taken a Polygraph test on both the Hilton and the Cameron case allegations. The results add to the proof that all charges against the three are false and fabricated. The report of Polygraph Examiner Bill Glare reads as follows:

This office was informed that Ross Anthony Dunn, with others, had been convicted of conspiracy to murder Mr. Robert John Cameron and, further, of attempting to murder named members of the NSW Police Force on or about the 15th of June 1978. This office was also informed that Ross Anthony Dunn, with others, was alleged to have placed an explosive device in a garbage tin at the front of the Hilton hotel, Sydney, on or about the 12th February 1978.

On the 24th March 1983 Ross Anthony Dunn voluntarily submitted to a Polygraph Examination to investigate whether or not the above allegations were correct. He had previously signed a form releasing Security Intelligence Services and the Examiner, Bill Glare, from any liability which may result from this examination. He further consented to the public disclosure of the results of such an examination, irrespective of the results.

There were no emotional disturbances indicative of deception on this subject's Polygraph records on the following listed questions:

Q: Did you place an explosive device in that garbage tin at the front of the Hilton Hotel Sydney, on or about the 12th February, 1978?

A: No.

Q: Did you have anything whatsoever to do with the placing of an explosive device in that garbage tin outside the Hilton hotel?

A: No.

Q: Did you tell Richard Seary on the 15th June 1978 that you had any involvement in that Hilton hotel bombing?

A: No.

Q: Did you conspire with others to kill Robert John Cameron on the 15th June 1978?

A: No.

Q: Did you attempt to kill arresting police by detonating an explosive device at Yagoona on the 15th or 16th June 1978?

A: No.

It is the opinion of the Examiner, based on this subject's Polygraph records, that he was telling the truth to the above listed questions.

This Polygraph test is taken after controls have been made of the individual's emotional response to a number of questions including those in which the subject must lie. Research in the USA shows Polygraph reliability and accuracy to be around 90-95%, and Polygraph evidence is used in US courts. But it is not yet admitted into NSW courts.

#### 7. THE HIGH COURT DECISION

On the 2 December 1983, the full bench of the High Court of Australia granted Special leave to Alister, Dunn and Anderson to appeal against their respective convictions for conspiracy to murder and attempted murder. However, the leave to appeal was only allowed on the first of the three stated grounds; which was that the trial judge erred in setting aside a subpoena directed to the Director of ASIO requiring him to produce all files relating to any investigation by Seary into the alleged crimes of which the applicants were convicted, or into the activities of the applicants. ASIO was ordered to produce to the Court all documents which filled this description.

Special leave to appeal was not allowed on the remaining two grounds which related to:

- (1) The trial judge permitting irrelevant and prejudicial cross-examination of the applicants and
- (2) Alister's conviction for attempted murder.

Between the 2 December 1983 and the 13 February 1984, ASIO produced a number of documents to the High Court for its inspection. Counsel for the applicants were not permitted to inspect the documents, and therefore had no opportunity to cross-reference them in order to ascertain whether there were further documents of the relevant type which had not been produced by ASIO.

On 13 February 1984, the members of the High Court, after inspecting the documents, handed down its 4:1 decision against allowing the appeal.

In our submission, the High Court's consideration of this case, in the limited context in which its consideration was necessarily confined

by the stated grounds of appeal, has not put the "disquieting" aspects of this case finally to rest.

Only a proper departmental inquiry can adequately address itself to the important issues raised in this submission.

In reference to the High Court judgment on 2 December 1983, which granted special leave to appeal, we wish to raise the following points regarding the prejudicial cross-examination of the accused.

(a) Per Gibbs, C. J.

Gibbs, C. J. referred to various parts of the Crown's cross-examination which related to the aims and methods of Ananda Marga and other associated bodies, and which was designed to elicit admissions that Ananda Marga used and approved of violence to attain its ends.

He makes the point (on p.8) that certain questions should not have been put. He says other questions allowed were irrelevant (p.9). Importantly, at page 9, he makes the point that it did not appear to him that the applicants had 'opened up' this line of questioning themselves. This contradicts the conclusions of both the trial judge and Street, C. J. in the Court of Criminal Appeal, who remarked that the accused could not now complain of this line of questioning because they had acquiesced in it at the start of the trial.

At p.11 Gibbs, C. J. states "that the greatest of care must be exercised in controlling the admission of evidence of this kind, lest the accused be prejudiced by evidence of association or simply by innuendo. When evidence of this kind is sought to be adduced, whether by means of cross-examination or otherwise the trial judge should exclude it if its prejudicial effect appears to him to outweigh its probative value."

The Chief-Justice states (p.11) that the cross-examination on the alleged doctrines of Ananda Marga went too far in its attempt to show the applicants were fanatics and were willing to use violence and to die themselves to achieve their alleged aims. In particular, he states that it was wrong to suggest that other members of Ananda Marga had committed crimes of violence.

However, having made all these remarks, Gibbs, C. J. concludes that no miscarriage of justice occurred. He bases this conclusion on 2 main grounds:

- (1) Some of the statements allegedly made by the applicants could only be properly assessed and understood by the jury with some knowledge of the beliefs of the members of Ananda Marga;
- (2) Many of the objectionable questions were put without objection by counsel for the Defence.

It would therefore appear, that Gibbs, C. J., in applying the relevant test, concluded that the probative value of the above

sort of evidence outweighed it's prejudicial effect.

In our submission Gibbs, C. J.'s conclusion is one arrived at in a legal vacuum, and fails to realistically take into account the highly emotive and prejudicial atmosphere in which the trials took place. Only the judgement of Murphy, J. gives full recognition to this important factor.

The statements (see above) of several juror's who sat on the two trials are testimony of this fact. Their statements clearly indicated that the jurors were overwhelmed by their firm belief that the three accused were guilty of the Hilton bombing, and that this affected their determinations in arriving at a verdict.

The media releases had clearly linked "Ananda Marga" as a political & religious organization with the bombing, and it would be totally improbable that the members of the jury were not all acutely aware of this media publicity. One might therefore assume that they were all "primed" to draw adverse and prejudicial inferences solely from the nature of the improper questions put to the three accused, regardless of whatever responses were actually given.

That this highly prejudicial atmosphere existed at the time of the trials has already been well-documented in submissions already forwarded to the Attorney General's Department; and has been the subject of comment by both Frank Walker (when N.S.W. Attorney-General) and Senator Gareth Evans.

After one gives full and proper recognition to the above state of affairs, and when one bears in mind that the 'paramount principle' is that every accused person should receive a fair and just trial, the weight of such technical considerations as "no objection was taken to this line of questioning by the Defence Counsel" or "The trial judge gave the jury a proper direction as to the use to which such evidence might be put", pale into insignificance. Lee, J, gave 96 pages of directions to the jury in the second trial. However, it was stated by one of the juror's that their minds had been made up even before the judge commenced his summing up. They were convinced that they were the Hilton bombers and should therefore be put away.

(b) Per Brennan, J.

During the course of his judgement His Honour remarked: "It was not legitimate to cross-examine to show merely that some other members of Ananda Marga had committed violent acts." (p.62)

"Unfortunately, the cross-examination was not carefully framed, and some parts of it ought not to have been allowed." (p162)

"It is tolerably clear that the Crown was unable to prove the truth of the suggestions made by the cross-examiner against particular members of Ananda Marga..." (p.63)

"The questions above recited were unlikely to advance and did not advance the proof of the guilt of any of the accused, yet they tended improperly to create prejudice against them, they ought not to have been asked." (p.63)

Nevertheless, Brennan, J, concluded that no miscarriage of justice

had arisen from the improprieties in the cross-examination. He suggests it was a tactical move on the part of the defence lawyers to allow such questions without objection in order to show that the groundless suspicion of Ananda Marga was what induced Seary and the police to fabricate the charges against them. The unsubstantiated suggestions in the prosecutions cross-examination he said would lend support to the truthfulness of the Defence case.

Accepting that it was part of defence "tactics", Brennan, J. states that the applicants cannot now rely on it to show a miscarriage of justice. These conclusions are certainly open to criticism.

Firstly, Defence Counsel did object to these prejudicial questions in cross-examination. Such objections were firmly overruled by Lee, J. It was due to this ruling, and not to any tactical manoeuvre of defence Counsel, that such prejudicial cross-examination was permitted.

Secondly, given the prejudicial influences which were already operating on the minds of the jury even before the trial commenced (see above) is it not unreal to suggest that members of the jury were more likely to draw conclusions favourable rather than adverse to, Ananda Marga and the three accused as a result of the deliberate and calculated "unsubstantiated suggestions" made by the Crown in its cross-examination? The published statements of some of the jurors proves Brennan, J.'s conclusion to be utterly false.

(c) Murphy, J.

In our opinion, Justice Murphy's judgement correctly highlights the "special features" of this case which have caused much concern in the community that justice has not been done.

Whilst the other judges were content to recognize some of the "objectionable" points in the way the trial was conducted, they then devoted most of their energy to presenting nice (though debatable) legal arguments as to why "defects" did not result in any miscarriage of justice. In contrast, Murphy, J. puts his finger straight on the pulse and keeps it there. Within the limits of the stated grounds of appeal he makes the following important points:

- (i) The accused were subjected to heavy pre-trial prejudice due to widespread publicity given to alleged activities of the Ananda Marga, and evidence given by Seary at the committal proceedings that the accused had admitted responsibility for the Hilton bombing.

Murphy, J. is the only one of the High Court judges to acknowledge this extremely relevant point and to give it the weight it deserves.

- (ii) The case degenerated into a political trial as the trial judge permitted the Crown to introduce a great deal of material calculated to reflect adversely on the Ananda Marga and its aims and methods.

He recognises, in contrast to the other judges, that the aim of the Crown in pursuing this line of questioning, was not just to enlighten the jury on various aspects of Ananda Marga and related bodies so that they might better be able to understand Seary's evidence, but was deliberately used to implicate the accused in the Hilton bombing.

The juror's statements lend support to our concern that an ideological

trial took place rather than a legal trial.

- (iii) Seary's background - making him, in Murphy, J's view, a completely unreliable prosecution witness.
- (iv) The accused entitlement to make reference to the fact that Seary accused them of having admitted to the Hilton bombing whilst in the car on the way to Yagoona, but made no mention of it to the police until his third record of interview following the arrest of the accused.

This circumstance casts grave doubt on Seary's credibility as a truthful witness.

In our submission, Murphy, J. is correct in stating that the Crown at the trial should have conceded this point ( as did the Crown on the High Court appeal) and left the matter there. Instead, the trial judge treated this as "opening" the way for the Crown to introduce evidence suggesting that the accused were responsible for the Hilton bombing, which was not an issue at the trial.

- (v) The Crown's aim, in its catalogue of insinuation about matters not in evidence, was designed to impress the jury that there must be something wrong even though the accused fully denied the insinuations. The trial judge should have stopped it without waiting for any objection.

The questions were calculated to invite the jury to arrive at guilt by association, and to distract them from the true issues of the trial.

- (vi) Sufficient timely objection was taken to the prejudicial cross-examination.

Murphy, J. found that the above points had caused a substantial miscarriage of justice.

In his dissenting judgement delivered on the 13 February 1984, after ASIO had produced certain documents to the Court, Murphy, J. confirmed his previous view that a miscarriage of justice had occurred and he would have allowed the appeal. He commented that he found the case "a disturbing and strange one".

It is our submission that Murphy, J.'s views lend strong support to the case for a departmental inquiry into the convictions of Alister, Dunn and Anderson.

Finally, it should be noted that the High Court was only able to address itself to three specifically defined grounds of appeal, and only granted special leave to appeal on one of those grounds.

It remains the case therefore that many of the issues raised in this submission have not been the subject of judicial consideration. This is so even though the appeal process has now been exhausted.

#### 8. PUBLIC CONCERN ABOUT THE CASE

Many prominent Australian citizens and groups have written to the N.S.W. Attorney-General, expressing concern over the case and requesting the release of the three men or some sort of inquiry. These citizens and groups include:



- (1) The Federal Attorney-General, Senator Gareth Evans;
- (2) The N.S.W. Labor members of State Parliament, Rodney Cavalier, George Petersen, and former Deputy Premier Jack Ferguson;
- (3) Victorian Labor members of Parliament, Ted Innes (Federal) and Joan Coxsedg (State); and Western Australian Senator, Peter Walsh;
- (4) The Council for Civil Liberties in N.S.W. and Western Australia.
- (5) The Commission for the World Uniting Church in Australia;
- (6) Numerous Labor Party branches.
- (7) Will Hutchins and Michael Adams, two of the defence lawyers;
- (8) In addition, numerous daily newspapers as well as radio and television stations have featured the case, suggesting that the three men should be released.

**9. GOVERNMENT OPTIONS - WHY THE THREE MEN SHOULD BE IMMEDIATELY RELEASED**

On the basis of the foregoing documentation, it can be seen that there exist extremely persuasive grounds to support the contention that a miscarriage of justice has occurred.

For any Government which is of the view that such a miscarriage of justice has occurred, there exist a number of avenues to effect the redress of that injustice. Those avenues are:

- (1) A Full Pardon which is granted by the Governor upon the recommendation of his Ministers. The power for this course of action rests in the Crown's Prerogative powers which are vested in the Governor.
- (2) A Royal Commission ordered by the Governor, once more upon the advice of his Ministers.
- (3) A Judicial Inquiry instituted upon the Governor's instruction by virtue of the provisions of s. 475 of the Crimes Act, NSW.
- (4) Reference to the Court of Criminal Appeal by the Minister to petition the Governor for the exercise of the pardoning power either to determine whether or not the power to pardon should be exercised, or to assist in determining any issue point arising in the case. The authority for this course of action is derived from s.26 of the Criminal Appeal Act, NSW.

It is the submission of CAADA that the first option is the only acceptable course of action given the circumstances of this particular case. It is submitted that the office of the Attorney-General now has sufficient information in its possession to make an independent recommendation to the Governor to grant a full pardon to Tim Anderson, Ross Dunn and Paul Alister and order their immediate release. Under Cl. 9 of the Letters Patent of 1900, a Governor may exercise the Royal Prerogative of mercy upon the advice of the Executive Council or at least one Minister, to grant a full pardon and order the immediate release of a prisoner.

If the Attorney-General is not of the view that he is presently in possession of sufficient information about the case to make such a decision, it is submitted that a thorough Departmental Inquiry into

the case be conducted to establish an appropriate basis upon which the decision to grant a full pardon could be made. In the interim, it is submitted that the three men be immediately released on licence under the terms of s.463 of the Crimes Act.

The other three avenues for redress referred to above - Royal Commission, Judicial Inquiry under s.475 of the Crimes Act, and Reference to the Court of Criminal appeal under s.26 of the Criminal Appeal Act - are not appropriate in the circumstances.

There has been considerable public debate on this case and much research conducted into the circumstances of the three men's convictions. As a result of the public airing this case has received, the large amount of literature on the case already in the possession of the Attorney-General's Department it is submitted that a Royal Commission, Judicial Inquiry or Reference to the Court of Criminal Appeal, would only delay a decision and would not produce any information which is not already available. In view of the fact that the three men are now serving the sixth year of their sentence, it is submitted that to delay a decision any longer would only serve to compound the injustice of their case.

#### 10. CONCLUSION

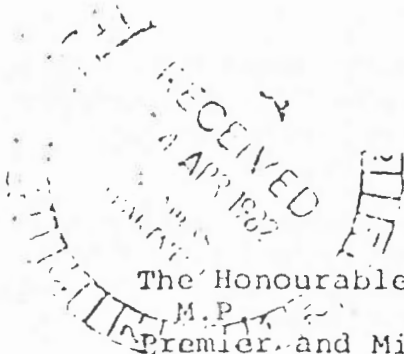
CAADA strongly urges the N.S.W Government to give the most careful consideration to the points raised in this submission.

CAADA asserts that:

- (1) A miscarriage of justice has occurred resulting in the wrongful imprisonment of Tim Anderson, Ross Dunn and Paul Alister.
- (2) As appeal remedies within the judicial system are now exhausted, any further judicial inquiry would be a waste of public money, is not likely to produce any new evidence, and would only serve to needlessly prolong the imprisonment of three innocent men.
- (3) The Premier Mr. Wran and the Attorney-General Mr. Landa should immediately act to exercise the Crown Prerogative to grant a full pardon to Tim Anderson, Ross Dunn and Paul Alister.
- (4) The three men should be released from prison without any further delay.



S Y D N E Y



The Honourable N. K. Wran, Q.C.,  
M.P.  
Premier and Minister for Mineral  
Resources,  
SYDNEY

Dear Mr. Wran,

I refer to your recent request for my advice in respect of the conviction of Timothy Anderson, Paul Alister and Ross Dunn.

Each of these persons was convicted on 1st August, 1979 of conspiracy to murder, after a jury in an earlier trial had failed to agree on a verdict. Their appeals against conviction and sentence were dismissed by the Court of Criminal Appeal on 21st October, 1980.

Subsequently I received representations from many and varied sources in relation to the proceedings. The most consistent request has been that I consider whether an inquiry should be sought under section 475 of the Crimes Act, 1900.

In response to the interest shown in the case I directed a full review be made of the proceedings. I wished to ensure that I be provided with the fullest information available so that I might be in the best possible position to assess firstly whether each of the accused was duly and properly convicted according to law at a trial fairly conducted, secondly whether their respective appeals were properly dismissed and finally, whether any of the material submitted subsequently justifies the direction of a Section 475 inquiry. To meet these ends the proceedings are being comprehensively examined by Senior Crown Law Officers.

As would be expected, with there having been two trials and an appeal, together with later submissions, the material to be reviewed is quite voluminous and the Crown Law Officers' investigations are still continuing at this time. You will appreciate that it will be only after I have had the opportunity to study such advice as these officers may give, in conjunction with the submissions made on behalf of the accused persons, that I will be in a position to decide whether any action on my part would be appropriate.

At this stage there is no further information I can provide but I shall certainly advise you as soon as I have taken a decision in the matter.

Yours faithfully,

(F. J. WALKER)  
Attorney General



PARLIAMENT OF AUSTRALIA • THE SENATE

OFFICE OF SENATOR GARETH EVANS

COMMONWEALTH PARLIAMENT OFFICES  
400 FLINDERS STREET  
MELBOURNE VICTORIA 3000  
TELEPHONE (03) 622 521

Hon. Frank Walker, MLA  
Attorney-General  
Goodsell Building  
Chifley Square  
Sydney, N.S.W. 2000.

7 December, 1979

Dear Frank,

At the risk of spoiling a beautiful friendship, I would like you to give your personal attention to a matter which I suspect so far has been dealt with wholly or largely as one of mere departmental routine.

I have been concerned for some time, along with a number of other lawyers and journalists, that a serious miscarriage of justice may have occurred in the trial and conviction of Messrs. Anderson, Alister and Dunn in relation to their alleged conspiracy to murder the National Front leader Robert Cameron.

Although I have had neither the time nor the opportunity to fully analyse the transcript, the evidence on which the convictions were ultimately obtained - Seary's testimony, the police verbals, the material claimed to have been found in Anderson's possession, and the reported observations of the police on the scene - all seems to me, on the material I have seen, to be remarkably flimsy. Furthermore, the atmosphere in which the trial was conducted - compounded as it was by the references to possible complicity of the three in the Hilton Hotel bombing - does lend force to the suggestion that the jury's decisions may not have been as reliable as one can normally assume.

I am well aware that the matter is being appealed, and that in correspondence with Ted Innes you have already indicated your confidence in that process and your disposition not to interfere with it. I would be grateful, however, if you could keep a close personal eye on the course of these proceedings, and give careful attention to exercising the Crown's prerogatives in the event that the appeal is unsuccessful but you are left, nonetheless with the lingering concern that justice may not have been done.

I know how extraordinarily difficult it is to even contemplate second-guessing the judicial process in these matters, but there have been a number of cases over the years - Patten in Victoria is one that springs readily to mind - where, even though there may be no sound technical basis on which the decision can be overturned, one can just not be confident that the jury got it right.

These difficulties are no doubt accentuated when one has no great sympathy with, and indeed some suspicion of, the particular persons or organization involved, but I think it has to be constantly remembered that many of the most important human rights battles over the years have been fought over such people.

With warm personal regards.

Yours sincerely,

GARETH EVANS

Senator for Victoria.

RETYPE COPY ONLY

107

PARLIAMENT OF AUSTRALIA - THE SENATE

22 December 1980

Hon. Frank Walker, MLA  
Attorney-General,  
Goodsell Building,  
Chifley Square,  
SYDNEY. N.S.W. 2000

Dear Frank,

RE: AMANDA MARGA - MESSRS. ANDERSON, ALISTER & DUNN

You may recall me writing to you on the above subject on 7 December 1979, a copy of which letter I enclose. I do not ever seem to have had a formal reply to it, although I think you may have indicated orally to me - as you certainly did in writing earlier to Ted Innes - that any further consideration by you of this matter would have to await the outcome of the Appeal then pending.

You are no doubt aware that the New South Wales Supreme Court rejected the Appeal of Messrs. Anderson, Alister and Dunn on 23 October. You are no doubt also aware, however, that the case continues to cause some lingering concern within the legal profession, on the basis that the totality of the hard evidence in issue certainly left some room for reasonable doubt, but that the atmosphere generated during the trial - with references to possible complicity of the three in the Hilton Hotel bombing - militated against their receiving the benefit of that doubt.

I can really do no more now than repeat my plea of a year ago, for you to now make a full review of the case with a view to a possible exercise of the Crown's perogatives in the event you are left with a lingering concern that justice may not have been done.

I look forward to hearing from you.

Yours sincerely,

GARETH EVANS  
Senator for Victoria  
Shadow Attorney-General

PARLIAMENT OF AUSTRALIA - THE SENATE

OFFICE OF SENATOR GARETH EVANS

COSMOWORTH PARLIAMENT HOUSE  
4-5 LEICESTER STREET  
MELBOURNE, VIC 3000  
TELEPHONE (03) 622 521

18 February, 1981

Hon. Frank Walker, MLA  
Attorney-General  
Goodsell Building  
Chifley Square  
SYDNEY, N.S.W. 2000

Dear Frank,

Re: Ananda Marga - Messrs. Anderson, Alister and Dunn

Further to my letter to you of 22 December 1980 (a copy of which I enclose) to which I do not yet appear to have received a reply, I now enclose a copy of a confidential letter written to me by Michael Adams of the Sydney Bar.

Mr. Adams has not wished his letter to be made public, but did specifically authorise me to forward it on to you if I thought fit. It does certainly reinforce all my own concerns about this case, and should in my submission give you very serious grounds for proceeding as a matter of some priority with an Executive-level reconsideration of this case.

I have no wish to mount, or engage in, a major public campaign on this issue to embarrass either yourself or the N.S.W. Government. I am concerned to ensure, though, that some detailed attention is paid by you to this case, and the very worrying issues it raises, and to that extent I have allowed my earlier letters to you to be made public - simply as a demonstration of my own concern, which I understand is shared by a number of others around the country. I do not propose at this stage to take the matter any further than that, but would very much appreciate an indication from you that you are prepared to take these pleas seriously.

With best personal regards,

Yours sincerely,

GARETH EVANS  
Senator for Victoria  
Shadow Attorney-General.  
President, Australian Society of Labor Lawyers. Enc.

EX-100 COPY ONLY

# CAADA

Box 160, Helme Bldg  
University of Sydney  
NSW 2006

## CAMPAIGN FOR THE ACQUITTAL OF ANDERSON, DUNN & ALISTER

-2-

4.12.83

Mr. Paul Landa,  
N.S.W. Attorney General,  
Godsell Building,  
Chiefly Square,  
SYDNEY 2000.

Dear Mr. Landa,

RE: NO BILL APPLICATION FOR ROSS DUNN AND PAUL ALISTER  
ARISING OUT OF THE INQUEST OF THE HILTON HOTEL  
BOMBING, OCTOBER 1982.

I am writing to you concerning the No Bill Application of Ross Dunn and Paul Alister arising out of the Inquest into the Hilton Hotel bombing in October, 1982.

At the termination of the Inquest Mr. Roger Court recommended to Coroner Norman Walsh that a prima facie case existed against Ross Dunn and Paul Alister for their alleged involvement in the Hilton bombing. Subsequently counsel for Dunn and Alister prepared a detailed submission to your department requesting a No Bill of Indictment, arguing that no grounds exist for the case to proceed and that Richard Seary, the only witness at the Inquest against them, is totally unreliable.

During this year I have had several conversations with members of your department, including Mr. Haines and Mr. Hutchinson, who indicated that a decision on the No Bill Application would only be made after the results of the High Court Appeal into the Cameron Case were known. Indeed, in reply to questions in the Legislative Council on 1st December 1983 by Elizabeth Kirby, you indicated that you considered it appropriate to wait for the High Court decision before finalizing the No Bill Application.

As you are no doubt aware, the High Court granted leave to appeal to Alister, Dunn and Anderson on 2nd December 1983 against their conviction in the Cameron Case. In that decision, Justice Murphy, one of the assenting judges, came out strongly in favour of the applicants and recommended that their convictions be quashed. He noted that:

"The accused were subjected to heavy pre-trial prejudice because of widespread publicity given to various alleged activities of Ananda Marga, and to the evidence at the committal proceedings, of the principal Crown witness Richard Seary that the accused had admitted responsibility for the Hilton Hotel bombing. This bombing was one of the most horrifying incidents in modern Australian history and occurred during the Commonwealth Heads of Government Meeting in February 1978. Because of this pre-trial prejudice the duty of the trial judge and the prosecution was to be scrupulous in avoiding further prejudice to the accused. However the case degenerated into a political trial."

.../2

**FREE ANDERSON, DUNN & ALISTER**

Seary:

"The record shows that Richard Seary, drug addict, informer and mentally disturbed fantasizer, must be one of the most unreliable persons ever presented as the principal prosecution witness on a charge of serious crime. The accused were entitled to refer to the fact that Seary had accused them of admitting the Hilton bombing. The accusation by Seary was made in circumstances which cast grave doubt upon his credibility. Seary claimed that Alister and Dunn made the admission to him in the car on the way to Cameron's house. However in Seary's record of interview following the arrest at Yagoona, in which he set out the events, he made no reference to the Hilton bombing. If the admission had been made, Seary's failure to refer to it was extraordinary. The Crown conceded on this appeal that the circumstance raised a valid criticism of Seary's credit. The Crown at the trial should similarly have conceded and left the matter there. Instead it pursued the improper course of attempting to introduce evidence suggesting that the accused were or might have been responsible for the Hilton bombing, which was not the issue for trial."

The Chief Justice, Sir Harry Gibbs, also noted that:

"The facts that he was an agent and an informer, and that the subjects of his inquiries were Ananda Marga and the bombing at the Hilton Hotel, are public knowledge."....."Looking at the matter from the point of view of the administration of justice, Seary was a most important witness for the Crown. The defence challenged the Crown case "as a fabrication and a frame-up", and if Seary had made a report which showed that he had fabricated his evidence at the trial it would be dangerous to allow the conviction to stand."

It is clear from the decision of the High Court that Seary's credibility has been totally destroyed, if indeed he ever had credibility. On the basis of the High Court's decision, CAADA asks that you immediately declare that there are no grounds for pursuing a case against Alister and Dunn in connection with the Hilton Hotel bombing.

It has already been 13 months since the Hilton Hotel Inquest and any further delay by your department in this matter is completely unacceptable.

Yours sincerely,

*G. Coyle*  
G. Coyle.

P.S. Would you please advise what immediate steps you will be taking to satisfy our request?

**COPY ONLY**



RNL 10787

Mr. G. Coyle,  
C.A.A.D.A.,  
620 Bourke Street,  
SURRY HILLS. N.S.W. 2010.

13 DEC 1983

Dear Mr. Coyle,

I refer to your letter of the 4th December, 1983, concerning the question of ex officio indictments for murder being presented against Paul Shaun Alister and Ross Anthony Dunn.

I am, of course, aware of the preliminary judgment of the High Court of Australia in relation to the application by Messrs. Anderson, Alister and Dunn for leave to appeal against the decision of the N.S.W. Court of Criminal Appeal dismissing their appeals against conviction and sentence. As you will be aware, the matter presently stands adjourned for further hearing on 13th December 1983.

As I indicated in the Legislative Council on the 1st December, 1983, in response to a Question Without Notice, it is not my intention to give a direction in relation to the filing of ex officio indictments before the High Court appeal proceedings have been completed and a final judgment has been handed down.

In the interim, the papers remain under the scrutiny of the Senior Law Officers of the Crown with whose advice it is customary for the Attorney General of the day to act in such matters.

Yours faithfully,

COPY ONLY

PAUL LANDA  
Attorney General and  
Minister of Justice

APPENDIX

Submissions and documentation in the possession of the NSW Attorney-General's department.

- (1) No Bill Application, arising out of the Hilton Inquest prepared by defence lawyers, including two detailed submissions on Richard Seary, his psychiatric background, inconsistencies in evidence and new evidence including his taped conversations with NSW Special Branch detectives.
- (2) A Affidavit on Richard Seary, prepared jointly by defence lawyers and NSW Crown Law offices for the High Court appeal, but never admitted in evidence.
- (3) Two Judgements and a Transcript from the High Court Appeal.
- (4) Five CAADA submissions including:
  - (a) "Submission on Richard John Seary and the Case of Tim Anderson, Ross Dunn and Paul Alister for the Inquest into the Hilton Hotel Bombing."
  - (b) "Submission to Amnesty International Documenting Incidents of Victimization and Harrassment of Members of Ananda Marga in Australia between 1976 and 1982, with particular reference to the Case of Tim Anderson, Ross Dunn and Paul Alister."
  - (c) "Submission containing principal documents in the Case of Tim Anderson, Ross Dunn and Paul Alister up untill July 1982."
  - (d) "Submission documenting Media Bias in reporting on Ananda Marga between 1978 and 1982, with particular emphasis on the committal and two trials of Tim Anderson, Ross Dunn and Paul Alister in 1978 and 1979."
  - (e) "Submission for legal aid for Ross Dunn, Paul Alister and Tim Anderson for the Coroner's Inquest into the Hilton Bombing 14 May 1982."

## **2. THE FALSE CASE AGAINST THREE MEMBERS OF ANANDA MARGA**

This article sets out the case and major points of evidence against three members of Ananda Marga arrested in Sydney in June 1978. It shows how and why a man called Richard Seary, with the help of certain NSW Police, set up the false case.

In February-March 1979, the first trial ended with the jury disagreeing. In July-August 1979, the second trial ended with the jury convicting. The case is now before the Supreme Court of Appeal.

THE CASE: The prosecution case is that a police informant - Richard John Seary - had been asked by Tim Anderson (a member of Ananda Marga) if he could obtain the phone numbers and addresses of the leaders of certain racist groups. Just prior to a discussion with Anderson, Paul Alister and Ross Dunn (all members of Ananda Marga) Seary handed Anderson an address which he said was that of Robert Cameron - the leader of the National Front organization in NSW. The discussion immediately after that according to Seary involved a plan to kill Cameron.

Seary then reported this story to Special Branch police, who arranged surveillance and a special weapons squad to arrest the men.

Subsequently Anderson, Alister and Dunn were seen by police meeting Seary at a car in Carillion Ave. Newtown. Police allege they saw Dunn carrying a bag to the car. Seary then drove off in the car with Alister and Dunn, while Anderson returned home. In the car Seary further alleges that there was a conversation in which Alister and Dunn told him of their alleged involvement in the Hilton hotel bombing.

When the car - which had incidentally been stolen by Seary - reached Yagoona, police pulled it up and arrested the men. In the back of the car was a bag containing components of a potential explosive device, including 10 sticks of gelignite. One detective alleges that Dunn was trying to detonate the explosives while he was being arrested. The army was called in to make sure the potential device was safe.

Soon after the Yagoona arrests, police went to Queen St. Newtown, where they also arrested Anderson. Although there was no search of the house, and other members of the household were present, police claim to have immediately found type written notes in Anderson's possession that connected him to an "attack on Cameron".

Later at the C.I.B. headquarters police claim that all three men independently and freely confessed to the charge that was to be laid against them - conspiracy to murder Cameron. Alister and Dunn were also charged with attempted murder of the arresting detectives. Seary made the first of a series of signed statements against the men.

The defence case is primarily that there was never any intention to kill Cameron, or anyone else for that matter. The conversation with Seary did not include any reference to this. Several methods of countering racist propaganda were discussed including Anderson's preparation of a magazine article and Alister's idea of a poster to counter racist posters. Seary proposed an excursion to the address he had procured (it turned out not to be Cameron's) ostensibly for the purpose of surveying the area for wall writing - an activity that they had all previously involved themselves in. Seary would provide a car and paint. Alister and Dunn agreed to go with him.

Anderson walked to Carillion Ave with Alister in pursuit of a conversation, but had no intention of going to Yagoona. Dunn entered the car from the opposite



(to which the police had said) side of the road, and had no bag. When Seary had driven part of the way to Yagoona he indicated the explosives in the back seat of the car. (He told the men he had borrowed the car from a friend, the same story he claims to have previously told the police.) Seary went on to suggest the explosives be placed under Cameron's car to "give him a scare". An argument ensued which continued almost up to the time when police pulled the car over.

At Newtown Anderson had no notes in his possession. One special branch detective (and Seary's confidante) had produced two envelopes immediately on arrival at the room Anderson was in. Members of the household witnessed the whole proceedings.

At CIB headquarters all three men claimed their right to silence, and no statements were made. Dunn and Anderson were bashed by detectives. In fact Dunn had been bashed by a detective Gilligan immediately after arrest.

THE EVIDENCE: The prosecution evidence consists of:

- 1) Seary's evidence
- 2) Police evidence
  - a) of what Seary told them
  - b) of Carillion Ave observations
  - c) at Yagoona
  - d) at Newtown
  - and e) at CIB headquarters
- 3)
  - a) Components of the potential explosive device
  - b) Notes said to have been found in Anderson's possession
  - c) Some other material of less importance
- 4) Independent testimony of army officers, explosives expert and others, mainly on technical matters.

The defense case consists of:

- 1) Critical analysis of the prosecution evidence and case
- 2) Testimony of the three accused men
- 3) Certain material evidence
- 4) Testimony of witnesses of Newtown arrest
- 5) Testimony on other points of fact and on character

The quantity of police evidence is not at all matched by it's quality. Every component of evidence crucial to the charges can be shown to be, at best, unreliable, and several sections of the evidence give strong support to the defence case. The following fundamental issues emerge from the case:-

- 1) Who brought the gelignite to the car?
- 2) Was there any intention to kill Cameron, and is there any reliable evidence to this?
- 3) Is the attempted murder charge supported by the prosecution evidence?

SEARY: Seary is a very sick man, and claims to have little time left to live. He is an ex-drug addict, and first came into contact with the police when a friend died of an overdose. He writes science fiction (he told the court that although he enjoyed the movie "Star Wars", he would have written it better) has taught dramatic speech, and has undergone psychiatric treatment. He claims to work for police only out of a sense of public service, and says special branch have not even paid all his expenses. Although he says he joined Ananda Marga to investigate any possible connection they may have had with the Hilton hotel bombing, he claims not to be interested in the \$100,000 reward offered for the solution of that crime.

This brings us to the most sensational part of Seary's evidence, which is not directly connected to the charges at all - the alleged confessions by Alister

and Dunn to the Hilton bombing. This was the feature of the case that attracted most media attention.

Seary made no mention whatsoever of this matter, to police, immediately after the arrests. One week after the arrests he returned for a second record of interview, where he made his allegation about the Hilton "confessions" for the first time. A few days after this he made his third record of interview, but it was not until more than a month after the arrests - in a fourth record of interview - that he told police that these "confessions" were not so vague as he had at first suggested, but that he was told precisely who committed the crime, and precisely how and why it was committed, in detail. The magistrate at the lower court hearing commented that Seary's evidence regarding the Hilton bombing was of no probative value whatsoever. He called Seary a "cross-examiners dream".

Interestingly enough, on one day between Seary's third and fourth records of interview, police tried to interview the three men in relation to the Hilton bombing - where they were at the time, and so on. The men maintained their policy of not having interviews with police without the presence of a lawyer, and Dunn and Anderson were told that they would be verbally (have false confessions produced against them for that crime). Police were particularly interested to know where Paul Alister was at that time, but he would not say. Later at the trial he revealed that he had material and personal proof that he was in Adelaide at that time. It was after this unsuccessful interrogation that Seary's full story, specifying Alister as being at the site of the Hilton bombing, came into existence. No charges in relation to this matter were ever laid.

Seary has several years experience with gelignite - at Lightning Ridge opal fields - and admits to using, on several occasions, the typewriter that typed the notes presented to the court. He also admits to taking samples of that typewriter's type copy and ribbons prior to the arrests. But the most revealing thing about his evidence is the way in which it is changed, augmented and improved with time - just like the story about the Hilton bombing. One of the more significant examples of this, that illustrates how his evidence is boldly adjusted to fill in the gaps in his story, is that his first version of the conspiratorial conversation contains no actual reference to killing Cameron, and no reference to Cameron's family. The first version was given in his second record of interview and in his evidence in chief at the lower court hearing. There is no other part of his evidence that indicates a specific intent to kill. At the first trial (where the jury disagreed) this version had expanded to include direct conversation about the killing of Cameron, and a vague reference to his family. At the second trial (where the jury convicted) it had further expanded to include four explicit references to killing not only Cameron, but every member of his family as well. When the version given at the lower court is compared to the version at the second trial the difference is dramatic. The same sentences have been transformed. Prior to the lower court hearing Seary had recorded in his diary a plan to "frighten" Cameron. When first asked to produce his diary to the court, Seary said he would "destroy it" before revealing it to the court. Subsequently only limited pieces of it appeared, and certain significant sections of it had gone missing.

At the second day of evidence at the lower court, and after completing the relevant evidence on the day before, the police prosecutor drew Seary's attention back to the question of the car breaking tools that he had used when stealing the car. Seary then told the court that he had forgotten to mention that Anderson had given him the tools at the meeting. He later added that he had also been told what model car the ignition barrel, that he had used, would fit. The prosecution could offer no explanation as to why: 1) Seary had not told the police that same day (according to the whole police case) anything about his possession of car breaking tools, or of Anderson allegedly giving them to him (this would have been, after all, incriminating evidence against Anderson) or, 2) Why Seary had stolen the car, in the middle of a police operation, without

telling the police. The defence points out that 1) Seary owned the tools himself, and 2) He stole the car so that he could pick up the gelignite.

Seary made several attempts to create evidence in line with his story of a one o'clock deadline for the alleged bombing. At the second trial, for the very time, he claimed that Anderson and Alister had "synchronised watches" at Carillion Ave. The evidence of Anderson and Alister that they were not wearing watches (and did not in fact even possess watches) that night, was supported by police records of all their possessions at the time of arrest. This type of obvious lie came up again and again in Seary's evidence, but he refused to acknowledge any of it, and gave long rambling excuses for any discrepancies. He at one stage accused defense lawyers of being partially responsible for his bad health and his resultant "bad memory" on previous occasions. When it was pointed out to him that the one o'clock deadline for the alleged press releases (to two morning newspapers) was inconsistent with the print times of the newspapers, he added that the releases were to go to other media and the radio. However only two notes were presented to the court. He denied any knowledge of the alarm clock that had been set for one o'clock and left in Anderson's office.

Another invention by Seary related to an additional piece of manufactured evidence - red biro marks on a street directory. Police claim that this directory had been found at Queen St., Newtown with a red circle around the address Seary had supplied to Anderson, and to which Seary had been driving on the night of the arrests. After the first trial, where defence counsel had pointed out the ludicrous connotations of marking an address of a person who was to be murdered, and then leaving it behind - ie. marking it for no apparent reason other than for police to find it, Seary came to the second trial and said for the first time that, just as with the non-existent watches, Anderson had brought the directory to the car to compare with the directory that was already in the car, and had then taken that directory back to Queen St. Seven police who say they were all watching all proceedings say that Anderson carried nothing to or from the car. Similarly Seary says Alister brought an iron bar (that was later found in the car by police) to the car, but police say that Alister carried nothing to the car. Seary subsequently used this pipe/bar to remove the locked petrol cap of the car.

While the observing police were all swearing that Dunn carried a bag to the car "in the crook of his left arm", Seary at first said that Dunn had told him that he had a bag up his jumper. Later he said he saw a bulge up Dunn's jumper as he entered the car, and later still at the second trial - so as not to contradict the police evidence on this point - reverted to saying that he saw nothing as Dunn entered the car. The defence points out that Dunn carried nothing either under his jumper or "in the crook of his left arm".

Seary admitted to spreading lies about alleged Hare Krsna group in the attempted bombing of a meatworks. He told a number of people that he was involved in such an attempt, and described it in great detail - just like the Hilton and Cameron stories. He now admits that this story was a complete fiction, and quite defamatory of the Hare Krsna group.

The list of inconsistencies, additions and other sorts of serious flaws and discrepancies in Seary's evidence goes on and on, but the point most significant to the charges could be summarised as follows:

a) He did not at his first five opportunities (4 records of interview and evidence in chief at the lower court) give the crucial evidence of an intent to kill Cameron. His later evidence about this is therefore inconsistent and completely unreliable. He also contradicts the substance of the charge by writing of a plan to "frighten" Cameron.

b) There was no explanation as to why Seary stole the car and deceived police on this issue. At the very least this indicates a personal motive which would tend to show that his evidence was not trustworthy.

- c) His inconsistent statements about the alleged confessions to the Hilton Bombing are obviously fabricated, and indicate his capacity for gross perjury. His admittedly false story about the Hare Krsna "attempted bombing", is also in exactly the same vein as the Cameron story.
- d) The other numerous flaws in his evidence show him to be a clever liar, certainly not a person whose evidence should be relied on in a case with such serious charges - a case where no substantive crime has even been committed.

His motive for the set up has been thought of as including: previous ties to the police that include some "favours each way", arrangement; the reward money for evidence regarding the Hilton bombing; personal aggrandisement and material for the book he says he is writing, in which it seems that he figures as the hero

CARILLION AVENUE: Watching the car in Carillion Ave were five observation squad detectives and two special branch detectives, one of whom was Seary's police contact and confidante. The only really important aspect of this episode is the police allegation that Ross Dunn walked across the road from Little Queen St., carrying a bag - ie. carrying the gelignite to the car. The defense case is that while Anderson and Alister came from Little Queen St., to Carillion Ave., and crossed the road, Dunn came from his home in Lewisham by bus down Parramatta Rd., had walked through Sydney University and entered Seary's car from the footpath side. Police allege that he had come from Little Queen St., a little after the other two. There is all round agreement that they had planned to meet Seary at Carillion Ave at eleven o'clock

Only one policeman made notes of what was seen in Carillion Ave, and that was Seary's contact - Special Branch detective Krawczyk. Krawczyk's notebook was one of the most revealing pieces of evidence in the whole case, for several reasons. Despite the fact that he had recorded all details of the clothing of the men in Carillion Ave., there was no mention of the blue bag supposedly carried by Dunn. His notebook also confirmed several demonstrable mistakes of observation, which may not have been so significant had not a number of detectives made the same mistake. They indicated collective fabrication of evidence. Firstly Krawczyk supported the testimony of three other detectives closest to the car, that Ross Dunn was wearing white sandals. Photographs taken later at Yagoona prove that he was wearing dark brown boots. Previously that afternoon, when he may well have been under observation, he was wearing white sandals. Secondly, no detective saw anything even vaguely resembling the blue parka that Paul Alister carried to the car, and which was tendered in evidence by the prosecution. Thirdly the closest four detectives give identical descriptions of something that was not there - a "grey safari jacket", with buttons and belt, allegedly worn by Alister. It was proved by photographs and the item in question, that Alister was wearing a grey and black scivvy with no buttons or belt. Four detectives describe the bag as being blue denim material, and one positively identifies the bag as distinct from any other bag, from 150 ft at night, albeit with binoculars. The same detectives described Anderson's corduroy pants as denim jeans at a distance of 10 ft. The defense say it is impossible to determine the type of material, and is even difficult to determine the colour of the material in such circumstances. When one detective at a greater distance from the car described the object that he saw in Dunn's arm, he said it was "about the size of a blue denim bag". He later agreed that he may have been a bit anxious to get the blue denim bag bit into evidence. Every detective made the same mistake of saying that Alister and Anderson had walked "straight across" to the car, in contradiction to the evidence of Seary, Alister and Anderson, who say that the car was parked some distance down the hill from Little Queen St. The juxtaposition of driveways and Little Queen st., proves that Seary could not have been parked directly opposite Little Queen st., given that he was below the college entrance. Several detectives describe the khaki shirt that Anderson was wearing, but say nothing about the bright red windcheater that was covering this shirt. And two detectives made the same slip in their evidence, of supporting Ross Dunn's evidence that he entered the

the car from the footpath side door. They both "corrected" this slip when it was pointed out to them by the prosecutor.

The point of all these observations is that they prove that the evidence has been decided upon at a later date. It has nothing to do with the detail of recollection; that number of common mistakes could not possibly occur if each detective was giving (as they claim to be) their own independent recollection of the events. When Krawczyk was asked how his notebook came to include the colour of Alister's socks, and the clothing he was wearing underneath the scivvy, he changed his story to say that he had written the notes later in the evening at CIB headquarters - that is, he had taken the details of Alister's clothing at the CIB so that he could say that was what he saw at Carillion Ave. In exactly the same way the blue bag was seen at CIB headquarters and incorporated into evidence. The defense says that they had to explain how a blue bag containing gelignite had reached the car, and so the observation squad were told that they would be required to say that they saw Dunn carry it in the "crook of his left arm". They had probably seen Alister and Anderson walk to the car, but had not observed any detail. They probably did not see Dunn at all because of the obscure angle he had come from. Because they either believed Seary, or did not want to compromise him, they had to create the evidence of Dunn a) coming from a clearly observable direction, and b) carrying the bag.

YAGOONA: At Yagoona Seary drove the car off the road after being frightened by gun-toting police. The car stalled over a low rock wall, and all three men were immediately arrested. The attempted murder charge amounts to this: Seary said (though his evidence at the lower court is again inconsistent with that at the trial) that there was a plan to blow up the police if they were arrested. The evidence of both Seary and a Special Branch inspector is that Seary had told police of this plan before it was formulated - ie. Seary told police that he knew the men would try to blow up the police, and then later in the car, for the first time, Seary says that they made such a plan. Seary is either clairvoyant or he is lying. At Yagoona a detective Gilligan says he saw Dunn sitting on the edge of the back seat with the blue bag on his lap and his hands in the bag. Gilligan says that he grabbed Dunn by the throat and pulled him out of the car. He says that Dunn later "confessed" that he was trying to murder the police. The strongest contradiction to this story of Gilligan's is the evidence of detective Burke and detective Hales, who say they reached the car seconds after the arrests. Both swear that the blue denim bag was then sitting upright, undisturbed, with top closed, in the middle of the seat. At the first trial the foreman of the jury asked the court a question in which he commented that, if the evidence of Burke and Hales was true, then the evidence of Gilligan, and therefore the charge, was impossible. If Gilligan's story was true, the bag would certainly have tumbled out of the car with Dunn, or at the very least have fallen on the floor of the car. It could not possibly have ended up as the two detectives describe if Gilligan's story were true. The defense says that Burke and Hales are telling the truth as regards this aspect of their evidence. Why would Gilligan tell such a malicious and harmful lie? Because when the car was pulled up, Seary told him something that scared him (Seary wanting to immediately off-load responsibility for the gelignite) and Gilligan may have believed it. Gilligan's anger was shown by the way in which he had viciously attacked the already handcuffed Dunn. A few malicious sentences in court and a person faces life imprisonment for a crime he had never contemplated.

Burke meanwhile said that he had (heroically) defused the device (and his was the only evidence to say that the detonator was anywhere near the gelignite) but when the army arrived and were anxiously asking questions about the device, Burke said nothing about having already done their job for them. Ross Dunn says that Burke in fact picked up the bag, heard it contained explosives, dropped it and ran. The area was then evacuated.

The evidence of the independent explosives expert was that the detonator that was later found tumbled onto the ground (after the army's "render safe"

operation) was wrapped up and in it's "pristine" condition, as if it had come from the factory, and had not been connected to anything - Burke had said it had been twisted onto another wire.

Detectives say that they started to hear "confessions" from the beginning at Yagoona, despite the fact that Seary corroborated the evidence of Alister that, immediately after the arrests, he had told Dunn and Seary (whom he thought to have made a foolish mistake in bringing the gelignite, but did not yet know that he was working for Special Branch) not to say a word until there was a lawyer present. In fact there were no confessions to these uncommitted "crimes" either here or later. The two army officers, at Yagoona, and directly contradicted the detectives evidence in doing so.

NEWTOWN: When detectives arrested Tim Anderson, Krawczyk was again there. He claims to have immediately found (the first thing he touched, within a few seconds of entering the room) two "press releases claiming responsibility for an attack on Cameron". There was no real search of the house or rooms, except in a few selected areas, but Krawczyk claims to have found another similar typed note and the original of the first two. It was claimed that a detective who is now dead had found one of these notes, but Krawczyk was the only person to say in court that he had actually found notes. The detectives with him corroborated his evidence.

The evidence of both Krawczyk and Seary was that Seary had told Special Branch of "press releases" that could be found in Anderson's possession. There was no more detail than this. Seary says that he did not know to whom these "releases" would be addressed to. However, recorded in Krawczyk's notebook at 9 pm. - four hours before the raid at Newtown - were the details of how many press releases there were and who they were addressed to. There is simply no other explanation for this evidence other than the fact that Krawczyk knew a lot more about the releases than the case allows. He either had them in his possession at that stage, or he knew where to find them. The evidence of his notebook in this regard poses an obstacle that cannot be overcome by the prosecution, because there is no possible explanation consistent with the prosecution case.

It was said that Anderson was waiting for a phone call at one o'clock, and it was agreed on all sides that an alarm clock had sounded somewhere around one o'clock. The defense points out that Seary must have set this clock for police to find in the raid, in the same way that the street directory was quickly found. Seary's capacity cannot be under-estimated, as he demonstrated so many times during the case.

Armed hold up detectives allege that Anderson started to "confess" to the uncommitted crime as soon as he was arrested. The other members of the household that were present, support Anderson's evidence that he made no statements other than to continually ask why he was being arrested.

CIB HEADQUARTERS: The import of the evidence at C.I.B. Headquarters is that all three ~~men~~ independently confessed to the alleged conspiracy, but claimed their right to silence when a record of interview was proposed. At the second trial a detective Parsons described a detective Howard as carrying a typewriter to an interview room - supposedly preparation for a record of interview. At the first trial Parsons said that Howard was only carrying a notebook. Ross Dunn gives evidence that he was further bashed by Gilligan at the CIB and Tim Anderson says that he was assaulted by a detective Hogerson and then subjected to a strip search. Anderson's evidence of a split and swollen lip was supported by the police photograph taken that day, as well as by the evidence of his father and a family friend. The police denied it. Ross Dunn's parents both gave evidence of seeing their son with two black eyes and a swollen face, but Gilligan produced a photograph taken two weeks after the arrest (Dunn was not photographed the day of the arrest as were Alister and Anderson), which had been back dated to the day of the arrest. The black eyes had disappeared by the time this photo was taken, and police therefore claimed that Mr. and Mrs. Dunn were lying.

It was proven in court that all men were following a policy of not talking to the police if questioned, and in fact Anderson had produced such a policy. This policy was not allowed as evidence before the jury. Seary had corroborated Alister's statement immediately after arrest that nothing should be said without a lawyer. All the evidence suggested that all three were inclined to use their right to silence, and had in fact done so. All three gave evidence totally contradictory to the police, and said that there had been nothing like any "confessional statements" made to police. There was no proof at all that any of the three had adopted in any way what was written in the detectives notebooks. The defense says that these "verbals" were concocted just to strengthen a weak case.

GENERAL: The evidence of all non police witnesses, where that evidence touched on matters of contention, supported the defense case rather than the police. Even Seary's evidence supported the defense rather than the police in some aspects. No fingerprints were found on any of the notes, gelignite or associated material items.

Following an article in an independent Sydney newspaper, which reported an agent of the Australian Security Intelligence Organisation (ASIO) saying that he had seen the files on Ananda Marga, and he knew they were being framed for the Hilton bombing, defense counsel subpoenaed the ASIO file on Richard Seary. The judge ordered that it be brought to court, but the next day changed his mind and upheld ASIO counsel's application for absolute privilege for the documents.

The "security" around the court house at both trials was extreme and ostentatious, and helped create an unnerving environment for potential jurors. This combined with sensational reporting of police allegations up to the trial; and of some articles during the trial, helped create a very prejudicial environment for the trial.

SUMMARY: Seary was a man with a mission, of sorts and goaded on by Special Branch he wanted somehow to implicate Ananda Marga in the Hilton bombing and thereby "solve" the crime. After three months he had no evidence that there was any real connection, but on hearing that members were planning to campaign against racist groups, he seized on an opportunity. He had been out with others who had put up posters and had written on walls before, and with his access to gelignite he decided to turn a propaganda campaign into a death plot, tipping off the police on the way.

It is not clear exactly how much police help he had ( before the arrests), except for the evidence that Krawczyk may have known about Seary's stolen car before Seary arrived at Carillion Ave - Krawczyk says that he identified the car to the other detectives over the radio after it had done the U-turn, stopped, and he could identify Seary. One or two of the other detectives say that Krawczyk identified the car well before it did the U-turn, strange that such a large police operation would be launched without definite knowledge that Seary would have a car , and knowledge of what specific car that was, before he reached Carillion Ave.

After the arrests members of the observation squad, who had been assigned to follow the car, were simply told that they would be required to give evidence that Ross Dunn had brought the bag to the car. The evidence clearly shows that their testimony was put together in an artificial way after the event. No amount of pontification about so many policemen not being capable of perjury should hide the facts that a proper analysis of the evidence reveals.

In a similar way the armed hold up squad (known to many as the "verbal squad") detectives, after the arrests, did their job of arranging the "confessional" evidence after the three men had refused to make any statements.

In relation to the crucial issues of the case, the following can be safely stated: 1) The evidence as to who brought the gelignite to the car is not at all clarified by the police evidence, as this evidence is demonstrably unreliable. In as much as Seary deceived police in relation to the stolen car, there is no reason to not believe that he did not also deceive them in relation to this. He was the only man in the car with a proven record of experience in explosives.

2) The evidence as to any intention to kill Cameron rests on two things only. All other aspects of police evidence including the notes, either shed no light on intent, or are ambiguous. The two pieces of evidence are: a) Seary's evidence, which initially made no reference to such an intent, and which included his specifying "frighten" in his diary, is inconsistent and therefore unreliable. b) Police evidence of "confessions" is totally unsubstantiated and unproven. These types of allegation are characteristically unreliable, and the more so when the evidence supporting the fact that the three men claimed their right to silence is added. This evidence is also unreliable.

3) The weight of the evidence is against the attempted murder charge. Burke and Hales contradict Gilligan.

In regard to the above it should be noted that unreliable evidence coupled with other unreliable evidence only equals more unreliable evidence. This fact tends to be obscured by the prosecution case relying on strength of number of police. The conspiracy charge falls on point two (above) alone. The attempt charge (which it seems the trial judge did not himself believe when passing sentence, however prejudiced he was) falls on point three. If the Appeal Court can view the facts of the case and evidence fairly and without prejudice, the charges will either be quashed, or a retrial ordered.

(October 1979).



3. LETTER FROM ERIC MOUNTIER TO N.S.W. ATTORNEY-GENERAL FRANK WALKER. [1st February, 1982].

4/17 Prince Street,  
CRONULLA NSW 2230

1st February, 1982

Mr. F. Walker,  
Attorney-General,  
Goodsell Building,  
Chifley Square,  
SYDNEY NSW 2000

COPY ONLY

Dear Mr. Walker,

I was a juror in the second trial of the Ananda Marga three, which resulted in a conviction.

Since the trial, and particularly in the last year, I have had the opportunity of reviewing the case in my own mind, particularly as a result of reading various newspaper items and hearing some radio programs. The more I read and hear about this case, the more concerned I am about it.

I would like to offer you my comments on the trial, since I now believe it was not a fair trial, and wish to support the call for a re-trial. I would be most concerned to think that I may have been responsible for sending innocent people to jail.

Yours sincerely,

*Eric Mountier*

- 2 -

My name is Eric Mountier of 4/17 Prince St, Cronulla. I was a juror in the second trial of the three Ananda Marga men who were convicted of conspiracy to murder Robert Cameron in August 1979.

Some aspects of this trial are disturbing to me. However, before I go into these, I wish to say that I believe it would have been very difficult for any jury at that time to reach a different decision, given the way the evidence was presented in court. I have thought a lot about the trial in the two and a half years since it ended and have reached the conclusion that it was not a fair hearing.

.../2

RE-TYPED COPY ONLY

Firstly, although the judge told us to disregard the accusations about the Hilton bombing, there was always the thought at the back of my mind that the three Ananda Marga men were involved in some way. This was mainly because the prosecution cross-examination centred around the Hilton accusations. Some of the jurors said that they thought the three men were probably guilty of the Hilton bombing. But there was no evidence at all to support this, and the charges did not relate to the Hilton bombing anyway.

Even though I was very careful to avoid newspapers and radio reports of the trial, I could not help seeing some headlines or listening to some reports which referred to the Hilton accusations. The general atmosphere created by these reports made it difficult to really detach yourself and look at the case objectively.

As well as printing stories about the Hilton, the papers also painted a picture of Ananda Marga as a dangerous terrorist group. Whether this is

.../3

true or not I can't say, but certainly I feel that this image affected us in making a decision.

Also, the prosecution barristers questioned the three men for a long time about Ananda Marga. None of us knew anything about Ananda Marga or what it did, and what we did find out sounded very strange and foreign, and was prejudicial against Ananda Marga. In retrospect, this seems not really relevant to the charges. This certainly affected my attitude to the three men.

The police sharpshooters on top of the courthouse the first couple of days of the trial and the general security made me feel quite uneasy. The effect was intimidating and created a hostile atmosphere.

I did feel that if the men had been arrested and charged by the police then they must have been guilty. Anyhow, it was difficult to believe that all those senior police who gave evidence at the trial would have any reason for not telling the truth. But their evidence was inconsistent on some points. For example, if they were wrong in the colour of Dunn's shoes in Carillon Avenue, how could they be so sure that he carried the bag containing the explosives to the car.

.../4

The evidence of the main prosecution witness, Seary, was also difficult to believe. He never seemed to give the same version twice, and was also evasive. Also, would he continue driving the car to Yagoona if he thought the two men were really going to blow themselves up if they were stopped by the police. He knew the police would be there. He did not strike me as being a person who would carelessly throw away his life. This charge of attempted murder against two of the men now seems to be less strong to me than it was then. In addition, no fingerprints were ever found on the gelignite, even though one of the men was supposed to have been trying to put the bomb together.

Another thing makes me have second thoughts about this charge. One policeman swore on oath that he found the bag sitting upright on the back seat of the car and neatly folded over, but another policeman said that he pulled the man who had the bag on his lap out of the car. If he had done this, then surely the bag would have been tipped over or at least in disarray. Both policemen could not have been telling the truth, yet both were on oath.

..../5

With regard to the confessions made by the three men, I could not understand how they would make these confessions, and then come to court and deny them. Why would they make the confessions, and then deny them if they made them freely. This does not seem to me to be a very strong point of evidence.

Another reason why we convicted the men was because we felt that the defence lawyers did not do a good job of presenting the case, while the prosecution lawyers were much more convincing. In fact, even before the judge did his summing up we had already made up our minds, so the judge's directions had little effect on us. We believed the men must have been guilty. This is why we were able to reach a decision so quickly.

So much evidence and so many witnesses were presented during the trial that it was sometimes hard to understand it all. Most of us did not take many notes, and we were not given a transcript to read, so we had to hold all the information in our heads for three weeks. We had questions we wanted to ask the judge, but we were a little timid in doing so, and we let them pass.

..../6

I understand there is some move to get some sort of inquiry into the conviction. I cannot say that I believe that the three men were definitely innocent, but on looking back after two and a half years, I think that it was not a fair hearing. I am not trying to excuse myself, but I do not want to think that I may have been responsible for putting innocent people in jail. I think that these three men should at least have the chance of another trial. There seems to me to be a strong possibility that we were wrong.

*yours sincerely,  
Eric Mountier.*

# 4. LETTER FROM TED INNES TO N.S.W. ATTORNEY GENERAL FRANK WALKER. [18th June 1982]

( 2 )

PARLIAMENT OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

resulting decision of himself and other jurors to convict them; in fact it seems that some of the other jurors had already decided that these men were probably guilty of the Hilton bombing.

Mr Moutier's statement has confirmed the suspicion that Anderson, Alister and Dunn were convicted, if not tried, by association; that is, on the belief that the Ananda Marga, of which they were members, was a dangerous terrorist group and that this organisation was responsible for the Hilton bombing. (I might add at this point that even many well informed people in Melbourne still believe that the trial of "the Ananda Marga people" in Sydney was a result of them being charged with the Hilton hotel bombing and that their imprisonment is a result of a conviction for this incident.)

Other important factors Mr Moutier raised in his statement were: "so much evidence and so many witnesses were presented during the trial that it was sometimes hard to understand it all" and that as the jury were not given a transcript of the proceedings they had to hold all the information in their heads for three weeks; and Mr Moutier's view at the time "that if the men had been arrested and charged by the police then they must have been guilty" - a view which it seems over-rode holes and inconsistencies in police evidence and his observation that the main prosecution witness, Seary "never seemed to give the same version twice, and was also evasive".

As I stated in my previous letter, I believe there are more than enough doubts and suspicions about the fairness of this trial to justify a full review of the way the interception, interrogation, investigation and trial were conducted. This has been strengthened even further by the statement of Eric Moutier who has concluded that the trial of Anderson, Alister and Dunn was not a fair trial, that "there seems to be a strong possibility that we (ie. the jury) were wrong", and has joined with many other people in calling for a re-trial.

I believe a great miscarriage of justice has occurred in the conviction and sentencing of Anderson, Alister and Dunn to imprisonment on the basis of what is becoming more and more obvious was an unfair trial. However, I believe it would be an even greater injustice if, in view of the information now before you, these young men are forced to continue their 16 year prison sentence without immediate action to instigate an inquiry and re-trial.

.../3

Dear Frank,

I am once again writing to you concerning the matter of the Anderson, Alister and Dunn convictions in the alleged conspiracy to murder National Front Leader, Robert Cameron.

Please excuse me in writing to you at home. Where possible I do not like to intrude on the very little time of privacy we tend to have as public figures. However, I believe this case has now become a matter of urgency which requires your personal attention and the tone of replies I have received from your office in the past would indicate that it is being dealt with merely as any other departmental matter.

At this stage I do not intend to go over the factors of the case which I and many other people have raised on previous occasions (a copy of my last letter to you is enclosed). However, what I do wish to raise with you is an even further strengthening of the call for a re-trial; that is the information contained in a letter sent to you on 1 February 1982 by Eric Moutier, a juror in the second trial which resulted in the conviction of the above three. (I believe, as was reported in the Melbourne "Age" newspaper, other jurors have also written to you - although the nature of their letters was not disclosed.)

I have only recently received a copy of the letter and statement Eric Moutier sent to you concerning the conduct of the trial and factors which influenced him as a juror.

In his statement, among other important things, Eric Moutier has said that the existence of police sharpshooters on top of the courthouse in the first few days and the general security created a hostile atmosphere, that the prosecution cross-examination centred around the unsubstantiated Hilton bombing accusation, and that even with careful attention to avoid media reports he could not totally avoid and detach himself from these and the pictures painted of the Ananda Marga being a dangerous terrorist group. He has indicated that in retrospect these factors do not seem relevant to the charges against these men but that at the time they certainly affected his attitude to the three men on trial and the

.../2

( 3 )

It also seems appropriate at this stage that I should raise the application by Anderson, Alister and Dunn to appear before the inquest into the Hilton hotel bombing. In view of the widely held view that these men are responsible for the bombing and the deaths which occurred, and the unsubstantiated allegations in the media and at their trial which connected them to it, it would seem imperative that they be given the opportunity to clear their names. I therefore request that they be allowed to appear before the inquest and be entitled to government financial assistance for legal representation as required.

I thank you for taking the time to read this letter and look forward to your answer to it.

Yours sincerely,

*Ted Innes*  
pe.

TED INNES, MP  
Member for Melbourne

Enc

COPY ONLY

And while we are about it, let us examine the activities of the Police Special Branch. Four years ago I moved in a parliamentary Labor Party caucus for the abolition of the Special Branch. I am more than ever convinced that I was right in doing so. As the White report in South Australia amply demonstrated, secret political police consider themselves to be totally above being responsible to any democratically elected authorities. A police officer has told me that Ananda Marga, the Church of God, and Scientology are prime targets for the Australian Security Intelligence Organization and the Special Branch. Why? Why this essentially harmless, law-abiding body, the Ananda Marga, whose political ideology owes more to John Stuart Mill than to Karl Marx? Let me say, parenthetically, I would be proud to claim any of the three convicted men as my son, they are such fine men. The Ananda Marga is an isolated group of do-gooders who can be well accommodated in Australian capitalist society, and whose major political obsession at the time of the Hilton bombing was a deep concern for the welfare of a religious leader who had been imprisoned in India. Why pick on this isolated group, ignored by the political left as irrelevant?

It is precisely because the Ananda Marga are a small isolated sect, that these men were such suitable subjects for a frame-up. I would suggest that the scenario went something like this: somebody in the Australian Security Intelligence Organization was determined to get legislation extending the Australian Security Intelligence Organization's powers. There was the precedent of the three bomb blasts in Dublin in 1975—which Irish Republicans allege were planted by the British Special Air Service—which induced the Eire Parliament to pass Draconian legislation against the Irish Republican Army. The Hilton bomb was meant to be found after a telephone call to police headquarters, with nobody hurt. Somebody goofed, and the garbage men collected the bomb. However, the Australian Security Intelligence Organization was successful three weeks later in having legislation introduced giving them far greater powers. Obviously, the full details of the planting of the bomb would be known to very few people. Somebody had to be blamed, and the Australian Security Intelligence Organization released press statements blaming the Ananda Marga. When Seary came along with his cock-and-bull story, the Police Special Branch were well disposed to believe him, and the rest followed, with the police giving doctored evidence to make sure the three Margis were convicted.

If my scenario is true, then it is high time that the Labor movement increased its demands for the disbandment of the Australian Security Intelligence Organization and the Police Special Branch, as a direct threat to the lives and liberty of any persons seen to be challenging the establishment. In recent times I have noted an increasing presence of Police Special Branch officers at legitimate political meetings dealing with national and international issues. For example, they were at the Gaelic Club in Devonshire Street questioning people about completely legal political activities. They are presumably extremely busy keeping files on radical and working-class political activists. Why are they at these meetings instead of being engaged in crime prevention or traffic control?

In all their existence they have managed to secure convictions in a court of law against three Ananda Marga members, who are innocent, and against six Croatians convicted on 9th February, 1981, of conspiracy to use explosives, who may or may not be guilty of the crimes charged against them, but whose convictions were obtained by the same doubtful methods of using a psychopathic agent provocateur and then producing unsigned confessions which five of the accused denied making. If the Ananda Marga are innocent, and I have not the slightest doubt that they are, then we should have a look at the trial of the Croatians and examine closely whether the police witnesses told the truth. What the Ananda Marga case brings out clearly is that the Australian Security Intelligence Organization and the Police Special Branch are

228 ASSEMBLY—Governor's Speech: Address in Reply

at best grossly incompetent and certainly a grave danger to democratic freedom. It is high time that the Police Special Branch was wiped out, and we should demand of an incoming Commonwealth Labor Government the disbandment of its twin, the Australian Security Intelligence Organization.

Mr ARBLASTER (Mosman) [5.20]: I should like to congratulate His Excel-

## 5

### GEORGE PETERSON'S SPEECH IN THE NSW LEGISLATIVE ASSEMBLY

Mr PETERSEN (Illawarra) [4.50]: I am pleased to have the opportunity of speaking today in the Address-in-Reply debate to express my confidence that the Wran Labor Government of New South Wales will be returned at the polls to be held in the near future. As a member of the Parliamentary Select Committee upon Aborigines I welcome the Government's intention to legislate for land rights for Aborigines. As a civil libertarian I am particularly proud of the fact that in the field of civil liberties the Wran Government has instituted a great number of reforms, notably a reformation of the New South Wales prison system, the repeal of the Summary Offences Act, and the introduction of anti-discrimination legislation, which are high points of achievement of which we can be proud. It is my intention in speaking today to suggest that there are other areas in which reforms are necessary, and I refer particularly to improvements in the administration of justice in this State.

If there is one single case which illustrates the necessity for reform and change it is that of an obscure religio-political sect, the Ananda Marga, and their treatment under the laws of this State. This sect was founded in India in the 1950's. Their members describe it as a spiritual social service organization or a social service spiritual body—which claims as its objective liberation of self and service to humanity. In the conditions that exist in India today, with a small, immensely rich ruling class and a mass of hundreds of millions of people living in the direst poverty, its ideology has an enormous appeal for the millions of middle-class and professional people who are repelled by the materialist doctrines of communism, and, at the same time, want to do something more than just dish out charity. Its membership in India runs into millions and is seen as a threat by both the right-wing parties and the three mass communist parties—but particularly by the pro-Russian Communist Party of India—whose goon squads were the first to attack it. In Australia it appeals mostly to young spiritually minded people, and it recruits mostly from tertiary-educated drop-outs. They do not use drugs of any sort, not even tea or coffee. They are vegetarians and they fit in very well with the counter-culture generally, in that they are interested in such issues as prison reform, aborigines, conservation, women's liberation, anti-nuclear technology and anti-racism. They mix up this small "I" liberal political ideology with advocating special diets, the practice of meditation, and doing good works generally through their own social service groups. In this latter respect they are something like the Salvation Army.

What has brought them into conflict with the establishment in this country is that they have actively campaigned in Australia against the arrest and charging with murder in 1971 of their leader in India, Mr P. R. Sarkar, otherwise known as Baba. He was finally released in 1978, but not before his followers all round the world made themselves rather unpopular with the Establishment by staging various demonstrations

outside the India Embassy and Air-India offices. Generally, their actions were peaceful, in accordance with their stated aims of ahimsa or non-violence—to do the least amount of harm possible to all forms of life. In August 1977 a Margi named Paul Alister did throw pig's blood around Sydney Air-India office. On 15th September, 1977, the military attaché of the Indian High Commission was assaulted and allegedly kidnapped. As a result, John Duff, a member of Ananda Marga, was convicted in late 1978 on two counts of depriving the diplomat of his liberty. In my view he was properly convicted. All Margis with whom I have discussed the matter completely dissociate themselves from his action. It was specifically condemned by Tim Anderson, editor of *Dharma*, the Ananda Marga magazine, in its October 1977 issue, in which he equated the attack on the military attaché with that by Simon Peter on the servant of the high priest when Jesus was arrested.

On the other hand, the Ananda Marga have some cause to be less than satisfied with the treatment they have received at the hands of various police forces. On 29th November, 1976, Tim Anderson was arrested by Commonwealth police in Canberra for obstructing the High Commissioner for India. The evidence of the arresting police was shown to be perjury when a videotape of the demonstration was produced showing that Anderson was nowhere near the High Commissioner. On 30th November, 1977, a Margi named George Jekic was arrested in Perth on a charge of possessing cannabis, allegedly found in his shirt pocket—a quite ridiculous charge to anybody who knows these people, and their total antipathy to drugs. He was acquitted on 6th March, 1978, when he produced the shirt he had been wearing, showing that it had decorative flaps, and no pockets. Even in the case of John Duff, the Canberra police were shown to be not content with letting the facts speak for themselves. To cover up the situation that an hour had been spent threatening Duff, no fewer than nine police officers wrongly stated the time of his arrest by an hour. Unfortunately for them on its way back from the farm where Duff was taken into custody one of the police cars involved hit a kangaroo. The police accident report showed that they had falsified, not only their evidence, but also their log books, to make a consistent story. In addition to the cases of Jekic and Anderson, their magazine *Dharma* for September 1978 gives details of 33 more cases of harassment of the Ananda Marga between September 1976 and August 1978 by Commonwealth, West Australian, Victorian, New South Wales and Queensland police, and by the Commonwealth Department of Immigration.

The incidents that particularly concern me are that the *Sun-Herald* of 28th March, 1978, and the *Australian* and *Daily Telegraph* of 2nd April, 1978, and the *Sun-Herald* of 11th June, 1978, all printed material issued by Commonwealth police and Australian Security Intelligence Organization, claiming, without any evidence whatsoever, that Ananda Marga was responsible for the Hilton bombing on 13th February, 1978. In the early hours of 16th June, 1978, three Ananda Marga members were arrested and charged with conspiracy to murder Robert Cameron, leader of the tiny fascist organization, the National Front. Two of them, Paul Alister and Ross Dunn, were found with a bomb made of gelignite in a car near Cameron's former residence at Yagoona, about 11.30 p.m. The third, Tim Anderson, was found in bed asleep at the sect's Newtown headquarters at 1 a.m., with press releases in his coat pocket addressed to the *Australian* and the *Sydney Morning Herald*. These read:

All racist elements should take warning from the attack on Nazi racist leader Cameron to-night. This is not an isolated attack, but a systematic campaign to smash the artificial boundaries that divide one human being from another. We will never allow racists scope to spread their pernicious views in this society.

Signed—One World Revolutionary Army of Australia.

Carillon Avenue carrying a bag. In fact, Dunn did not cross Carillon Avenue, and was not carrying anything, but entered the car from the footpath after coming through the university grounds. Detectives Middleton and Hamilton said he was wearing white sandshoes. Pictures taken of Dunn at the time of his arrest show that he was wearing dark coloured shoes. Surely, that was a peculiar mistake for experienced police officers to have made. Giving evidence regarding the apprehension of Dunn at Yagoona, Detectives Burke, Gibson and Gilligan all said that Dunn said nothing to the army bomb disposal squad officers. But, the two army officers, Captain Stevenson and Warrant Officer Tuena, confirmed Dunn's evidence that he told them the bomb was safe. Against the serried ranks of the police officers, giving evidence that bore little relation to fact, Anderson, Alister and Dunn had no chance. I do not blame the second jury for convicting them; the police were most convincing.

Before Mr Justice Lee on 31st July, 1979, barrister Michael Adams argued not for a conspiracy between the police and Seary but that the police believed Seary, and accordingly, they were going to ensure that the guilty did not escape. In reply, Mr Justice Lee accused Mr Adams of splitting hairs, and of suggesting that the police were committing perjury. I can appreciate that as a barrister Mr Adams was reluctant to accuse the police of perjury—a serious offence for which a gaol sentence is provided—unless he had admissible evidence which proved it beyond reasonable doubt. But as a parliamentarian protected by parliamentary privilege, I have no such inhibitions, and what I want to suggest to the Government is that the twin practices of police verbals and of distorting the truth in police evidence are indefensible.

What we have done in Australia is to reverse the traditional process of British law where an accused is innocent until he is proved guilty. What happens here today is that evidence is manufactured to prove a person guilty, and only by proving himself innocent can he avoid punishment. Most of the time the prosecution gets away with this because if the accused are not guilty of the crime of which they are charged, they are usually guilty of some other offence. But, as Tim Anderson showed in Canberra in 1976 when he produced the videotape showing himself to be innocent of obstructing the Indian diplomat, and as George Jekic demonstrated in Perth in 1977 with a shirt that had no pockets to contain marihuana, if one is innocent it is all a matter of luck whether one can prove one's innocence. We cannot all be as fortunate as Arthur Allan Thomas in New Zealand, where the New Zealand police were so careless as to plant a cartridge case fired by Thomas' gun which could not possibly have been manufactured at the same time as the bullets which killed the murder victims. It is worth noting that even in the New Zealand Royal commission, four New Zealand police went into the witness box and lied in their evidence about the area concerned not having been searched before the planted cartridge case was found.

I suggest to the Government that we need to have a completely new look at this whole question of police evidence, beginning immediately with the abolition of police verbals, and instituting tape recordings. When Detective Inspector Krawczyk was interviewing Seary on the afternoon of 15th June, 1978, for his own purposes, he used a tape recorder. I can suggest only that the police are opposed to tape recorders because their use would make it more difficult to obtain convictions. But there is an even more important question than this. I hesitate to ask for a Royal commission into this gross miscarriage of justice, on the simple question of whether the three men are innocent or guilty. I suggest instead that there should be, first, an inquest into the deaths arising from the Hilton bombing. Let it be free and open with all documents produced, including police and Australian Security Intelligence Organization files. Let the three Ananda Marga be released from gaol immediately, and a Royal commission held into how these innocent young men came to be convicted, and to determine the amount of compensation to be paid to them.

and based on my limited knowledge of explosives, gained in the army during World War II, I take the view that either they are the most consummate liars I have ever met, or they know absolutely nothing about explosives. By contrast, Seary, the informer, has been an opal miner at Lightning Ridge, and he knows about explosives, including where to obtain them. He gave evidence that in the car going out to Yagoona, Dunn told him that he had planted twelve sticks of gelignite outside the Hilton. Strangely Seary did not tell the police about this until six days after the Yagoona arrest. If the Hilton bomb had been gelignite it would have blown in all directions. The Hilton bomb was an anti-personnel mine which blew outwards. After the bomb went off, the truck was driven away. Obviously Seary was not telling the truth.

The only evidence of the charge of attempted murder against Dunn and Alister is Seary's report that Dunn and Alister had decided to set off the bomb if they were stopped, blowing up themselves and whoever was stopping them. This is another obvious lie, because when they were apprehended the car doors were not locked on the inside. Also, if Seary knew that they were going to blow up the car, and he knew that the police were going to stop them, why did he keep driving? Nevertheless, not only was Seary's evidence believed, but while an appeal was pending against their convictions, the Governor-General, Sir Zelman Cowan, presented four of the arresting officers with awards for bravery—the most disgraceful use of the Governor-General's office since the 11th November, 1975, and a clear pointer to the fact that powerful forces within the Australian establishment are determined that the frame-up will stick.

Seary is, and was, a psychopathic liar. His evidence is full of inconsistencies and variations which have been spelt out in some detail on a recent ABC radio programme. The three men could not possibly have been convicted on Seary's evidence. They were convicted because the police officers concerned in the case all gave stories which were consistent with the guilt of the three men at the expense of truth. And the major reason that they were convicted was that peculiar custom of the New South Wales Police Force, the police verbal, described by Tim Anderson in *Dharma* of April 1979, as institutionalized perjury. A typical example of this was the evidence of Detective Senior Constable Burke of the arrest of Dunn, where Dunn is said to have admitted his intention to blow up Cameron's house in such words as these:

He's a racist pig and doesn't deserve to live in this world. We are humanitarians doing a service to humanity.

We will never be stopped. Ananda Marga will cleanse the earth.

We are committed. You people deserve to die for stopping us.

Anybody who has met Dunn, or has read any Ananda Marga material, knows that such a conversation has less relation to reality than a Hans Andersen fairy-tale. More conversations were invented at Criminal Investigation Branch headquarters for all three accused along the same lines. The most incredible was that invented by Detective Sergeant Rogerson concerning Tim Anderson, who only six months before had produced a pamphlet for Ananda Marga telling them not to make statements to the police. In this farrago of lies Anderson is said to have admitted responsibility for the One World Revolutionary Army, and the projected bombing of Cameron's house. An incredible reversal of everything Anderson had written—and totally inconceivable to anyone with even the faintest acquaintance with Ananda Marga ideology.

Similarly, the evidence of what police witnesses saw, and heard, coincides incredibly well. But in two areas the police were proved to have lied. Because Seary put the bag containing the gelignite in the car, it was necessary, in order to secure a conviction, to state that one of the Margis had done so. Seven police witnesses, who had been in three cars in the street, and Seary, gave evidence that Dunn crossed

The police also found in the room the original of an unsigned statement which had been sent to the *Australian*, dated 7th June, 1978, in which the One World Revolutionary Army declared it would soon act to physically suppress the racists. Both sets of documents were typed on the Ananda Marga typewriter. There are three things to be said about these press releases. The first is that an agent-provocateur named Richard Seary did have access to the typewriter, and he had given the New South Wales police special branch samples of the type faces and a typewriter ribbon. The second is that Anderson is an experienced journalist who knows all about deadlines. There was no way in which he would not have known that the press statements to the *Sydney Morning Herald* and *Australian* could not be published that day. The third notable feature is that the wording of the press releases, and the earlier letter, bear absolutely no relationship to any Ananda Marga publication that I have ever seen. In the last month I have read 23 copies of their magazine *Dharma*, and four issues of their magazine *Horizons*. I have read also three of their theory pamphlets, *Seven Stages*, *The Way of Peace*, and *Recipe for Revolution*—although it must be said that the local Australian leadership of Ananda Marga disowns *The Way of Peace* because it has too great an emphasis on politics, and not enough on spirituality. Not one of those publications contains phraseology anything like the statement sent to the *Australian*, or the press release discovered by Detective Inspector Krawczyk in Tim Anderson's coat.

The magazine *Dharma* contains several articles written by Anderson which reveal him as a deeply compassionate humanitarian. He would be as capable of writing the garbage contained in the press releases, and the letter to the *Australian*, as would Mother Theresa. The only possible conclusion is that the press statements were planted, as was the original of the earlier letter to the *Australian*. The Ananda Marga are not pacifists. In India they have formed self-defence squads against the Communist Party of India and Congress goons. Politically what they stand for they make clear in their publications. Essentially they are elitists. Describing themselves as universalists they seek to lead society, which they say is always composed of four psychologically determined classes—workers, warriors, intellectuals and capitalists. They speak of seven stages of revolution. The first stage consists of holding study classes of intellectuals, the second stage is organizing them, the next four stages consist of fighting corruption at all levels of society, and the seventh stage supporting a government that has abolished corruption. Their ideology is an eclectic mixture of Hindu theology, Hegelian philosophy and Machiavellian politics, with bits taken from Mao Tse-tung, Che Guevara and Subhas Chandra Bose. They are not anarchists of the deed. Their whole concept of political activity is based on action among the masses and taking power only when they have mass support.

In *Dharma* of March 1978 Anderson wrote: "When all other avenues are cut off, violence is the inevitable result", and he gave as examples Rhodesia and South Africa, but said that, "Ananda Marga does not support revolutionary violence in Australia, and we have not printed or supported the printing of literature that advocates same." There is no doubt of the intense love and veneration they feel for their leader, Sarkar. I can understand how Duff could have assaulted the Indian military attaché, who was generally believed to be the agent of C.B.I., the Indian Intelligence Unit. I can understand how Dunn would have thrown pig's blood around Air-India office. These actions are explicable in terms of their beliefs—even if they were against their principles of non-violence. But why blow up Bobby Cameron—a nazi, a ratbag who represents only himself and the Skull—a quite inexplicable action? Richard Seary, who had joined Ananda Marga after the Hilton bombing, interviewed Detective Inspector Krawczyk of police special branch about 6 p.m., on 15th June, 1978, and told him that Ananda Marga planned to blow up Bobby Cameron's house that night.

Seary is a drifter, a drug addict. In November 1971 he was convicted of self-administering heroin. On 29th September, 1972, he told a social worker that for the previous three years he had been using heroin, cocaine and amphetamines. His personality was diagnosed as that of a bland schizoid with no wish to change. A week later he admitted to the same social worker that he had been using amphetamines in the previous week. In the period between March and June 1978, when he was a member of Ananda Marga, he sought psychiatric assistance through the Queen Elizabeth Centre at Camperdown, as he feared he had schizophrenia. Before telling the police the story of the proposed bombing, he had also told the police a completely false story that the Ananda Marga proposed to demonstrate outside Cameron's house. At the first trial of the Ananda Marga, in February 1979, he was cross-examined by barrister Ken Shadbolt about amphetamine addiction, which he denied. However, he did say that he took amphetamines on prescription using an inhaler—a clear and obvious lie. It might be noted also that use of amphetamines leads to the development of paranoid schizoid traits. It is reasonable to assume that a man with this record is totally unreliable. Nevertheless the police special branch took him seriously.

What had actually happened was that on the afternoon of 15th June, Seary had gone to the Ananda Marga headquarters and arranged with Alister and Dunn to meet them at 11 p.m., in Carillon Avenue, Newtown, and to go out to Cameron's house at Yagoona, look over the place, and if possible, paint slogans directed against Cameron near his house. Seary undertook to borrow a car. This all sounded reasonable, because Seary had previously gone out with Alister on what they called the soup patrol, feeding derelicts, and he had gone out with other Margis pasting over Nazi posters. On a previous occasion he had borrowed a car from the Wayside Chapel, where he worked as a part-time counsellor. After interviewing the police, Seary stole a car, and parked in Carillon Avenue. Anderson, who had been talking to Alister at the Ananda Marga headquarters, walked with Alister to the car discussing the soup patrol, and crossing Carillon Avenue towards where Seary was parked near the university gates. A few minutes later Dunn walked through the university grounds to the car. Seary gave Anderson a lift to the end of Carillon Avenue, where he got out, and walked back to Ananda Marga headquarters. The three went to Yagoona with Seary driving, Alister in the front passenger seat, and Dunn in the rear seat. Near Yagoona Seary told Dunn that the bag alongside him contained explosives, assured him that they were safe, and suggested to Dunn and Alister that they blow up Cameron's car. Dunn and Alister refused, the car overshot Cameron's street, and turned down the next street to turn round. As they did so, a police car pulled up alongside them, apprehended the three of them, and eventually took them back to Criminal Investigation Branch headquarters.

At the Ananda Marga headquarters in Newtown the police forced their way in, went straight upstairs to a room where Anderson was sleeping, found the two press statements in Anderson's coat, and also the original of the letter to the *Australian* in the room, and took him to Sydney Criminal Investigation Branch headquarters. A peculiar incident was that a travelling clock by Anderson's bed went off at 1.8 a.m. Anderson told me he brought the clock upstairs from the office. He is completely mystified as to who set the alarm, which he never used—using the clock only to tell the time. At Criminal Investigation Branch headquarters, Anderson, Alister and Dunn refused to answer any questions except their names and addresses, and details of their membership of Ananda Marga. In doing so, they were carrying out a policy based on a pamphlet compiled six months previously by Anderson, on the basis of information supplied by the Council for Civil Liberties. Dunn was assaulted by Detective John Burke and Anderson was assaulted by Detective Sergeant Roger Rogerson. However, they did not sign any confessions, or make any statements to the police.

These are the bare bones of the case, on the basis of which a committal hearing and two trials were held. At the first trial, before Mr Justice Nagle, which concluded in March 1979, the jury disagreed. At the second trial before Mr Justice Lee, which concluded on 31st July, 1979, the jury found Anderson, Alister and Dunn guilty of conspiracy to murder, and Alister and Dunn guilty of attempted murder. They were each sentenced to 16 years' gaol, with no non-parole period. I say one thing as clearly and unequivocally as I can. These three men are completely innocent victims of the greatest miscarriage of justice in Australian history. When I first began examining this case, I half believed that it might be like the case of the Industrial Workers of the World, in World War I, in which only some of the twelve convicted could be declared completely innocent, and some of the twelve probably guilty, although not of the crimes of which they had been charged. Having read the transcripts of the three trials, and an enormous amount of written material, interviewed a great number of people, I say that these men are not only not guilty, but that they are as much frame-up victims as Arthur Allan Thomas who was convicted of murder in New Zealand in 1971.

The circumstances in which the trial took place are worth considering. Remember the hysteria of the Hilton bombing, following the explosion in a garbage can outside the Hilton in George Street, at 12.40 a.m., on Monday, 13th February, 1978, in which two council workers and a policeman died, and three police officers were injured. A number of questions must be asked about that incident. Is it true that police security began at the Hilton Hotel on Friday, 10th February at 11.0 p.m.? Why did police officers wave away the garbage trucks coming to collect the rubbish in George Street at 2 p.m. on Saturday, 11th February; at 7.40 a.m., on Sunday morning; and at 2 p.m., on Sunday afternoon? Under what instructions were these directions given? Is it true that the bomb which exploded was a jumping-jack bomb of a type used in Vietnam and explodes when inverted and consequently exploded when the rubbish tin was lifted into the truck? Is it true that the police thoroughly searched the hotel, including the kitchen, on Saturday? Is any police officer really as incompetent as Superintendent Reg Douglas, who said it was all his fault that the bin was not examined?

Is it not true that Sergeant Cecil Streetfield of Police Headquarters received a call at 12.30 a.m., advising that there was a bomb in the rubbish bin outside the Hilton? If so, why did he not telephone the Hilton in accordance with Permanent Police Circular 135? Why did the *Daily Mirror* of Monday, 13th February, 1978, publish a press statement saying that the call was received at 12.40 a.m.—the time the bomb exploded? Who gave the *Daily Mirror* this false information? Was it intended that the bomb should be found in order to justify special powers for ASIO, and the New South Wales Special Branch? Above all, why has no inquest ever been held? I do not think we can understand the Ananda Marga case unless we take up this case in the context of the hysteria of the Hilton bombing. There is no doubt about the attitude of Ananda Marga. In *Dharma* of March 1978, Anderson wrote:

The bombing at the Hilton on the evening of the conference was taken as a godsend by Malcolm Fraser. Along with Lee Kuan Yew, Hussein Onn and Moraji Desai, Fraser was able to use the incident to propagate his police state politics in the name of national security . . .

It will not be the conference so much as its casualties—the loss of innocent lives, the gains of extreme right-wing elements and the loss of civil liberties—that remain to provoke some analysis of our sick society.

Clearly their approach was not an hysterical one. The fact that the three defendants had no objection to evidence regarding the Hilton bombing being introduced at the committal hearing, points to their innocence. And, having interviewed the three men,

The following chronology of instances of police harassment experienced by Australian members of Ananda Marga is by no means exhaustive. It is merely indicative of the type of attack that is being waged by the police against Ananda Marga. Below are listed, in chronological order, the major incidents which have occurred since 1976.

- Sept '76 C. Morgan & M. Chapman, while distributing soup at an Ananda Marga soup kitchen for Aborigines were stopped by CIB police who questioned them in detail about A.M. and why they were in Perth. The police then called a traffic policeman to book their car for mechanical irregularities. Upon complaining to the Police Commissioner, they were told that they fitted the description of some robbers.
- 29.11.76 An an A.M. demonstration in Canberra, protesting the unjust imprisonment of P.R. Sarkar, M. Dimelow while presenting a petition to the Indian High Commission, with police approval, was arrested for trespassing; T. Anderson was arrested for obstructing the High Commissioner, even though he was nowhere near him; and K. Arn, a photographer, was physically assaulted by a Commonwealth policeman - who also removed the film from his camera and destroyed it. The Commonwealth police (Compol) involved fabricated stories to make their charges stick. But unbeknown to them a video film of the demonstration had been taken and was shown in court to reveal the truth of the matter. Subsequently the two demonstrators were acquitted.
- Nov '76 Z. Bowen, 13 year old was stopped by the police (unidentified plain-clothed) while on her way to the Ananda Marga school in Perth. They chased her through a park with flashing light and siren on, then picked her up and aggressively questioned her and threatened to hit her. They later dropped her at the school. Naturally by this time she was quite hysterical.
- 17.01.77 M. Meighan, Melbourne leader of A.M. was questioned by Compol. When he refused to answer the questions regarding personal details of members they threatened to continually harass members to obtain information by staking out their houses and stopping them at every opportunity.
- 17.01.77 J. Ludvigsen was persuaded to go to the Canberra police station for a ten minute chat. In the several hours that followed he was threatened with physical violence, with charges of murder and possession of drugs. He was insulted and lied to. He was later released after making two statements in relation to a bicycle that he had once owned.
- 27.09.77 Compol visited M. Towsey, president of A.M. in Perth, to question him about A.M., but he refused to talk to them. The same Compol then went to A. Kirkpatrick, headmaster of the A.M. school in Perth, and asked him questions regarding A.M. and the school. He also refused to talk with them. They became very angry and stated that they could get the information they were after from the Schools Commission. One week later two school inspectors spent three days at the school and later the Assistant Director of Schools spent seven days there. They obtained all the information that the police had wanted. Although the Assistant Inspector tried to put forward a negative report, A.M. legal representative managed to have an unbiased report drawn up showing that the school was efficient, but even with this report the State Government grant was withheld for some time. During this same period most of the students homes were visited by Compol.
- Sept '77 Compol went to A.M. office in Sydney to talk with the public relations secretary, T. Anderson. M. Dimelow conveyed a message to the policeman that Mr Anderson did not want to talk to him and that he should leave. He became abusive and threatened Mr Dimelow with arrest on an undisclosed charge if he would not answer questions. He repeatedly refused to leave. Only after another person came to see what was going on, did he finally leave.



- 03.10.77 Acarya Bodhiishvara while in a public telephone in Melbourne, was stopped by a Victorian policeman who questioned him and asked for personal identification and also demanded his signature. His reason for doing this was that the Acarya looked like the suspect in a house-breaking offence, despite the fact that the Acarya was dressed in the orange and white robes and turban of a monk of A.M.
- 21.10.77 Victorian Special Branch police, with warrants, simultaneously searched homes of three members of A.M. and the Melbourne centre. They were abusive and left the places in a shambles. They refused to show the warrant at the Melbourne centre. Large quantities of literature were taken for investigation.
- 22.10.77 P. O'Callaghan whilst visiting the Canberra centre was approached by A.C.T. police. When told he did not want to see them, one drove away, apparently to obtain a warrant while the others waited outside the house. When he later returned without a warrant, they went to neighbours' houses to question them as to who was at the A.M. centre. During that same afternoon Mr O'Callaghan and J. Towsey were stopped by Compol who proceeded to question them, especially Mr O'Callaghan, and when he refused to talk to them they threatened to stop him at every occasion until he did so.
- Nov '77 A relative (not a member) of G. Double (a member) was telephoned by Compol as to his whereabouts. The police were abusive and threatening during the conversation.
- 30.11.77 W.A. State Police and Compol went to the Perth centre with a warrant to search for stolen camera equipment. After a casual stroll through the house, they asked G. Jekic to come to the front of the house for questioning. Meanwhile they tried to keep other members occupied in the house. Police shut the front door when members tried to see what was happening. The police then produced a bag of marijuana and said to Jekic that he was under arrest. They took him to a police station where Compol questioned him for a few hours as to a stabbing incident in Melbourne. In the subsequent court case for possession of cannabis, Jekic was acquitted. The police alleged they obtained the drug from a pocket of the shirt he was wearing that morning. It was shown in the defence that the pocket was only a decorative flap.
- 12.12.77 J. Ilbery and P. Minolas, while driving in Perth city, were stopped by CIB detectives and thoroughly questioned. They were told it was in connection with a serious complaint. A short time later another police car pulled them over for questioning claiming that "Minolas fitted the description of a guy who had pulled a big job".
- 16.12.77 Compol entered the Brisbane centre without a warrant and wanted to question Ac. Abhiik regarding an immigration matter, although he is a naturalized Australian citizen. They were asked to leave several times and eventually an attempt was made to physically remove them. During this time they continually questioned Ac. Abhiik and when he would not give them any answers they threatened to arrest him. Eventually they left.
- Dec '77 M. Barnao, Principal of A.M. Sydney school, received a phone call from Compol regarding a former student who was supposedly abducted. He later made his own enquiries and established that this was a complete fabrication. Another Compol rang him to cover up contradictions in the first conversation and tried to establish that there was a mix-up with another child, but he still continued to question Mr. Barnao about the first child and wanted to come out to the school to talk to him and look through the school files. Mr Barnao eventually hung up when the Compol became abusive.
- 08.01.78 M. Chapman's mother was visited by Compol who questioned her about her son's whereabouts and also the A.M. School in Perth, where he was a teacher. Mrs Chapman was greatly upset by their line of questioning.
- Jan '78 Australian airport authorities deported three New Zealanders upon arrival, without any prior notification because they were members of A.M. One was a 65 year old grandmother. Immigration Department later announced that it had a policy to refuse entry to any foreign marquis if they had had

connections with violent acts. The three New Zealanders deported had never been involved in any violent activities.

- Jan '78 Compol visited the Hobart A.M. school during school holidays. No one was present except for tenants of a self-contained flat at the back (not members of A.M.). Compol 'fed' the tenants with alarming and completely unsubstantiated information concerning illegal activities of A.M.
- 25.01.78 NSW State police entered the grounds of the A.M. Australasian conference, allegedly to look for stolen cars. When told that they must leave as it was a private function they became extremely abusive and said they would come back with a warrant to search. They did not return.
- 01.03.78 Two Australians and an American, members of A.M., were arrested in Bangkok for allegedly planning to blow up the Indian Embassy. Compol visited the Australians and tried to entice them to implicate Australian A.M. members in the Hilton bombing in exchange for having their own charges dropped. If they did not co-operate, they were told they would face stiffer charges as well as conspiring to blow-up the Australian Embassy. The three have maintained their innocence and claim that they were framed by Thai officials paid by the Indian CBI.
- 28.03.78 "Sun-Herald", 2.4.78, "Australian", and "Daily Telegraph" newspapers all printed articles from material issued by Compol and ASIO that is unsubstantiated and defamatory, claiming that A.M. was responsible for the Hilton bombing.
- 16.06.78 Ac. Bodhiishvara, a teacher of A.M., was deported from Australia after Immigration officials reneged on a promise regarding his visa, which they had advised him not to renew.
- 20.06.78 Ac. Rohinii deported from Australia as her visa had expired, after being detained in jail for two weeks.
- 20.06.78 Melbourne TV channel '0' was visited by Compol wanting to know details of a camera crew who had been at the A.M. centre filming a news program.
- 21.06.78 D. Quinlan-Stafford and M. Chapman were arrested in Brisbane by Compol for allegedly stealing a mail bag. Next morning the charges were dropped.
- 29.06.78 Compol questioned the driver of a private bus firm about one of his passengers, Ac. Malinii, a teacher of A.M., who travelled on a bus from Sydney to Perth.
- 29.06.78 Victorian police stopped G. Double in Melbourne city and searched him, saying that they were looking for drugs. They threatened to take him to a police station if he didn't answer their questions and later threatened to arrest him for illegal possession of ID documents if he did not co-operate, even though the documents were his. Later that day, two men were caught in a van outside the A.M. Melbourne centre, using a telescopic camera to film the centre.
- 30.06.78 M. Brown and S. Broom, whilst visiting the Brisbane centre were approached by the Queensland Special Branch who wanted to question them and search their van. As they had no warrant, they were asked to leave.
- 04.07.78 Mr Brown and Mr Broom were stopped in Brisbane city by eight State police officers, saying they were searching the van under a health act. They were arrested for suspicion of possession of a prohibited plant. Next morning the charges were dropped as the plant was not marijuana, but peppermint tea.
- July '78 Mr Bjelke-Petersen, Premier of Queensland, claimed that a direct threat had been made against his life by A.M. and that he was on an A.M. 'death list' found by Sydney police in their June raid of A.M. Sydney HQ. The Sydney and Queensland police denied that they knew of or ever had the list.

- 07.07.78 Perth police came to the house of Mr & Mrs Hook with a search warrant and confronted them with the information that a person had seen them changing a racist wall sign from "Asians Out" to "Asians Welcome". They were charged with defacing the wall, but they maintain they were improving it. Police also questioned them regarding extensive wall-writing in the city which stated that A.M. is being framed by police and ASIO.
- 20.07.78 M. Dimelow was arrested for wall-writing in Sydney. At the police station when it was found that he belonged to A.M. he was viciously beaten by a policeman and was forced to undergo a strip search in spite of the fact that he had already been bodily searched.
- 29.07.78 At a peaceful demonstration, in a Perth city mall, G. Firmstone and P. Mundell were arrested for an 'unlawful meeting' as they sat meditating in protest against the police frame-up of A.M. The charges were dismissed.
- 30.07.78 A person living in the Adelaide Hills who had attended A.M. classes approximately two years previously was visited by Compol. He refused to talk with them. They said they obtained his name from a list they had.
- 03.08.78 Perth State Police simultaneously raided the A.M. centre and the A.M. school and then raided three family homes with a warrant to search for spray cans, documents, and soiled clothing in connection with wilful damage. No incriminating material was found.
- People attending classes of A.M. who are not members have also been approached and questioned by police in Melbourne.
- 09.08.78 Michael Brandon, arriving back in Australia after a 2½ month stay in India, was met at the airport by Commonwealth Police who took him into custody. He was told that he would not be released until he surrendered his passport. He was informed that the Acting Minister of State and Foreign Affairs had ordered the confiscation and cancellation of his passport. Mr Brandon has no criminal record whatsoever.
- 17.08.78 Tim Jones and Caroline Spark, having been released from a Thai prison after serving a six month term for allegedly possessing explosives (which they claimed were planted on them by Thai police), had their passports confiscated by Australian immigration officials in Bangkok. Having been ordered to leave the country by Thai authorities, they were escorted to the plane by Australian immigration officials and given only temporary travelling papers to Australia.
- 21.08.78 Michael Brandon, attending a court hearing in Sydney, was hauled from the court-room by NSW police and ordered to undergo a strip search in the public corridor of the court-house. When Mr Brandon refused to remove his clothing in public, his shirt was torn open. He was then taken outside the court-house where he was abused and told to remove more of his clothing. Again refusing to undress, he was forceably taken to the Central Police Station, adjacent to the courts, and held in the charge-room. At no stage was he arrested. He was released after being detained for an hour.
- 10.09.78 The teacher at the A.M. school in Sydney prepared a statement stating that 3 latest model holdens were stationed outside the school and the occupants, presumed to be police officers, were taking notes.
- 11.12.78 There were several members of the state police force NSW who visited Gordon and Gotch - distributors of Dharma magazine, who spoke directly to the manager enquiring about whether they could pick up some back issues of Dharma and were given copies without paying for them. The manager said if he receives any complaints about the publication his company would not be able to carry it - he regarded it as too risky.

- 26.06.79 Letter from Mark Randall (previously known as Michael Brandon) complained of telegrams being sent overseas by the Foreign Affairs Dept. Commonwealth Police or ASIO regarding his movement. He spent 3 days detained in Nepal due to data given by Australian authorities to the Nepalese Government. He was also detained by police in Germany (Frankfurt), who made jokes of the data given to them by Australian authorities, and released him within minutes. Randall claimed that his photo was displayed at Sydney airport in detention rooms at the rear.
- 14.11.79 A statement prepared by John Peterson (formerly Constantine Pakiovfakis) states that Compol sent details of his passport name and number to police in Malaysia and India in an attempt to hamper his movement through Asia. His statement is a comprehensive account of the incident, and includes a copy of a letter from the Commonwealth Ombudsman.
- 24.09.81 At 5.00 a.m., N.S.W. and Victorian plain clothed police conducted co-ordinated raids on 7 residences of Ananda Marga members in Sydney and 2 in Melbourne. These raids were politically motivated and designed to publically discredit Ananda Marga and intimidate its members. They were planned in an attempt to justify to the public the huge security budget spent on the Commonwealth Heads of Government Meeting which followed shortly after, and to create in the public mind an image of A.M. as a terrorist movement. Many of the documents confiscated by the police during these raids were outside the scope of their warrants, and the police persistently frustrated any attempts to secure the return of the documents. George Petersen, a N.S.W. State M.P. made a statement on the raids and deplored the use of the N.S.W. police force in raids initiated by ASIO (the Australian Security Intelligence Organization) against A.M.
- 10.07.82 Statement by John Brinnard regarding the suspected police theft of diaries and papers from his parked car.
- 16.07.82 Statement by Ac. Krsnasevananda, A.M. teacher in Brisbane, regarding several incidents of victimization and harrassment of members of A.M. by the police. It is suspected that the Brisbane police might try to frame members of A.M. with trumped up charges in the lead up to the Commonwealth Games scheduled for October in Brisbane.

FOR FURTHER INFORMATION C.A.A.D.A. (CAMPAIGN FOR THE  
ACQUITTAL OF ALISTER, DUNN AND ANDERSON) CAN BE CONTACTED  
AT THE FOLLOWING ADDRESSES

**Sydney**  
Mark Dimelow  
620 Bourke Street  
Surry Hills NSW 2010  
(02) 698 7627

Irina Dunn  
Box 160 Holme Building  
University of Sydney  
NSW 2006  
(02) 660 1457

**Hobart**  
Robert Blakus  
85 Jubilee Road  
South Hobart 7000  
(002) 23 2537

**Melbourne**  
Dennis Morrison  
32/25 Robe Street  
St Kilda VIC 3182  
(03) 534 5713

**Adelaide**  
Craig Walter  
PO Box 361  
Magill SA 5072

**Perth**  
Shane Schinke  
PO Box 228  
Subiaco WA 6008  
(09) 336 1639

**Queensland**  
Elizabeth Dowsett  
34 Hampstead Road  
Highgate Hill  
Brisbane (07) 44 5397

Sue & John Brinnard  
10 Myrtle Street  
Maleny 4552  
(071) 94 2783