

CONSCIENTIOUS OBJECTOR NOW IN MILITARY PRISON

Dennis O'Donnell was inducted into the army on 1/2/67. He passed his matriculation at night school while working during the day, and obtained a secondary studentship. He applied for a deferment to do his teacher training, but at the same time he said he would be quite prepared to do his two years' service. He was not given a deferment and became an army cook after his ten weeks preliminary training at Puckapunyal.

HIS STAND AS A CONSCIENTIOUS OBJECTOR

After joining the army, Dennis gradually became more aware and concerned about the Vietnam war and when he read the "Ramparts" publication, "Children of Vietnam", he felt he could no longer be a part of Australia's war effort. He applied to be registered as a Conscientious Objector, but his application was rejected by Mr R.K. Hudspeth SM, at Melbourne on 7/9/67. Dennis then appealed to the County Court. On 22/11/67, Judge Norris dismissed his appeal. However, it was not an ordinary dismissal. Judge Norris ruled that "...the appellant does hold conscientious beliefs that the committal to the war in Vietnam of Australian forces was and is morally wrong, and that he could not conscientiously take any part in that war". However, Judge Norris felt that such a non-pacifist stand was not included as grounds for Conscientious Objection under the National Service Act and therefore the case was dismissed. His solicitors immediately appealed to the Supreme Court. On 26/2/68 the Supreme Court of Victoria ruled that it could not intervene because the matter was outside its jurisdiction.

A.W.O.L. BECAUSE OF CONSCIENCE

After the dismissal of his appeal before Judge Norris, Dennis felt that he could not in all conscience return to the army. If he did, he would be inconsistent with his now legally acknowledged conscientious objection. This meant he was A.W.O.L. (absent without official leave), and therefore liable to arrest by M.P.s at any time. With the help of friends, he eluded the army all summer, but just after the rejection of his appeal by the Supreme Court, he was arrested while driving his girl-friend to work. He was kept under close arrest at Watsonia, where on 4/4/68 he was court-martialled and sentenced to 48 days imprisonment at Holdsworthy Military Corrective Establishment.

HOLDSWORTHY MILITARY PRISON

His transfer to Holdsworthy was carried out in complete secrecy. When it was discovered that he had been rushed to Holdsworthy, there was an immediate attempt to contact him. This proved difficult, however, because Dennis had been put almost immediately into solitary confinement. This punishment consists of being locked in an 8'x 10' concrete room and being fed on bread and water only. Dennis is apparently being treated as if he were a dangerous criminal. Water is brought to him by guards with fixed bayonets, and food is handed to him through a slot in the door.

SHOULD WE HELP O'DONNELL?

Whenever a person decides to apply for registration as a conscientious objector, members of the peace movement stand behind him and encourage him. This happened particularly with Dennis O'Donnell because of the fact that he was already in the army. He was fully encouraged to apply for exemption and supported in his decision to refrain from returning to the army after his first appeal. However, when he was imprisoned, there were no large demonstrations; nor was there any mention in the press of his actual removal to Holdsworthy. We supported him, but only to the extent that was necessary to keep him out of gaol. Then we left him on his own. Most people would feel bitterly disappointed if they were in Dennis' place and received this sort of support.

Another point to be considered is the fact that there are at least ten more cases of conscientious objection coming up in the near future. If we show that there not going to be any demonstrations or public outcries over the kind of treatment O'Donnell receives, then the army will feel free to do what they like with conscientious objectors

- and they will be free to do as they like!

Thirdly, because of the way the act is phrased ("...any form of military service"), there is an ambiguity in the word "any". It can either be interpreted as meaning that a Conscientious Objector must be a person against any war at any time and at any place, or that he must be a person who must be against some particular war. On the first interpretation, only people with pacifist beliefs (eg Bill White) can get out of National Service; but on the second, a person can be exempt just by conscientiously being against the Vietnam war- this is how David Monaghan obtained exemption last year, and this is what O'Donnell based his claim on. It is up to the magistrate to interpret the Act, and if we show that we are interested and involved in this interpretation there is every reason to hope that a magistrate will give greater consideration to the more liberal and humanist interpretation of the word "any".

But there is more to it than just the personal importance. There is the underlying, or perhaps overshadowing, denial of human rights. The Nuremberg Trials established that it is the individual who is responsible for his own actions and that he cannot cite government "coercion" as an excuse. When we imprison O'Donnell for his refusal to become an accomplice to what he (and distinguished people the world over) see as a criminal war, then we put ourselves in the same category as Hitler.

"I am left with the clear conviction that the appellant (ie Dennis O'Donnell) does hold conscientious beliefs...he could not conscientiously take part in that war" (Judge Morris 22/11/67). Dennis refused to return to the army because this would have compromised his beliefs. He decided to await the result of his appeal. If the appeal had succeeded, he would have been considered justified in what he did. Yet, because his appeal was rejected as being out of Supreme Court jurisdiction, he was court-martialled and sentenced to 48 days imprisonment in what must be considered one of Australia's worst prisons.

ACTION

- (1) There will be a seven day, round-the-clock, vigil to protest at O'Donnell's imprisonment. This will be held at the Commonwealth Parliamentary Offices, Post Office Place on Wednesday 17th April at midday. The vigil will be conducted by two people at a time, in shifts of two hours. It is anticipated that there will be a mobile headquarters which will provide coffee etc, especially during the night-shifts. The vigil will continue until at least O'Donnell's appeal to the Privy Council on Wednesday 24th April, and may be maintained after that if the verdict is adverse.
- (2) There will be lunchtime speakers in Post Office Place to explain to the public the issue involved in O'Donnell's case.
- (3) To show the army that we ARE interested in what they do to Dennis O'Donnell we hope to get as many people as possible to send letters and/or telegrams to Dennis as soon as possible. Send to:
Mr Dennis O'Donnell,
3790911,
Holdsworth Military Corrective Establishment,
New South Wales.
- (4) Letters to M.P.s and the press are a much neglected part of demonstrations. Action in this direction could quicken public awareness of O'Donnell's position.
- (5) O'Donnell's appeal to the Privy Council in London on Wed 24th April requires a lot of money. Donations of money are urgently needed.

Anyone willing to help with any of the above, or with the organization of the campaign, please contact:

Michael Hamel-Green 734 Lygon St, Carlton.

Peter D'Abbs

Harry van Moorst, 21 Fitzgibbon St., Parkville

or leave a note in the M.U. Labour or Pacifist Club letter boxes.

The campaign for O'Donnell's release is at present sponsored by the Melbourne University Labour Club, Melbourne Student Christian Movement (S.C.M.), Melbourne & Monash Pacifist Societies, Draft Resistance Movement (D.R.M.), M.U. Campaign Against Conscription, Conscientious Objectors (Non-Pacifist). Sponsorship and coordination from other groups and organizations is welcomed (if you have not been contacted already).