

ASIO dragged back to its past by Duncan Lewis

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The Australian Security Intelligence Organisation was born in chaos and panic, with a foreign parent, and grew to maturity in strife and conflict, constantly fighting off attacks and struggling to fulfil its destiny. Its loyalty was at times in doubt and for several decades a good half of Australian politics regarded it with suspicion if not outright hatred.

Despite all that, and notwithstanding some occasional bad misjudgments, it has done overall a magnificent job in defending Australia's security interests.

One of its greatest achievements in recent years was its depoliticisation, its achievement of broad bipartisan and community acceptance as an apolitical security organisation which never crosses the line beyond security into politics.

This week it has fallen back into partisan controversy because of a series of misjudgments by its Director-General, Duncan Lewis.

Let's be clear. Lewis is an outstanding individual who has given great and dedicated service to Australian security as a soldier, a national security adviser, the head of the Defence Department, ambassador in Brussels and now ASIO chief.

No one doubts his patriotism or service. But everyone makes mistakes. And every senior official is accountable for his actions and his words.

It is the consensus judgment of a wide range of senior former national security figures that Lewis has made a series of misjudgments, whether at the instigation of Prime Minister, Malcolm Turnbull or not, which wrongly involved ASIO in partisan politics.

The week before last when Tony Abbott and a number of other senior Liberals were speaking about the connection between Islam and terrorism, and the equivocal initial comments of the Grand Mufti in response to the Paris terror attacks, ASIO and its Director-General did three things which, taken together, crossed the line from security into politics.

First, ASIO gave a series of background briefings which quickly found their way into the press that the security agencies thought the language that the various Liberal politicians were using was unhelpful or even dangerous.

Second, Lewis gave a rare newspaper interview on Thursday of last week to the News Corp Sunday papers in which he condemned "Muslim baiting" rhetoric from unnamed sources, said this was in danger of producing an anti-Muslim backlash. He did this the day after Abbott had written an opinion piece drawing attention to "the problem within Islam". Lewis's interview was widely interpreted as a slap down to Abbott.

And third, Lewis rang a number of Coalition politicians to tell them to tone down their language when discussing Islam, and suggesting to them that if they didn't, they themselves would become threats to national security.

Taken altogether, these are an unprecedented intrusion by the Director-General of ASIO into politics and political management. Lazy Fairfax press gallery journalists claim I was leaked the story by Abbott. This is completely false. The genesis of my story was simple. I was shocked at the political misjudgment of Lewis but wanted to check that my own reaction was soundly based. I consulted everyone I could in the national security establishment, especially people who held senior positions in the past and are now able to speak a little more freely. I then consulted the Prime Minister's Office, the Attorney-general's Office and ASIO itself and through ASIO Mr Lewis. At the end of the process I rang a lot of politicians. Many Coalition politicians were unhappy with Lewis and this unhappiness bore no relation to whether they had voted for or against Abbott in the leadership ballot. The narrow

provincialism of the Fairfax journalists rendered them apparently incapable of the idea that a journalist might make a judgment independent of his sources, and that the role of the Director-General of ASIO is a serious matter of public policy.

The head of ASIO is perfectly entitled to tell the Prime Minister and the Attorney-General about any concerns he might have about the effect of language that politicians might be using.

The PM and his senior ministers have the responsibility of managing the politics of their own party. They should not manage their party politics by deploying the ASIO chief to quash dissent. Turnbull on many occasions in the past has been extremely sceptical about the expertise of intelligence agencies.

In the famous Spycatcher case he fought a magnificent legal battle to get a book published which the British government believed was highly damaging to its national security. And when he was Communications Minister, Turnbull was known to be less than overwhelmed by the advice of ASIO, and other intelligence agencies with the highest levels of technical expertise, that allowing the Chinese telco Huawei to participate in the NBN would be too big a security risk. The pre-prime minister Turnbull was the most sceptical cabinet minister about aspects of the counterterrorist legislation which the security services typically supported.

John Howard, Turnbull's model in government, was never ruled by ASIO in how he spoke to the Australian people and never asked ASIO to make a political case on his behalf. In terms of how he spoke about terrorism and other security issues, he took ASIO's advice into consideration but made his own decisions as prime minister about how he spoke to the nation. He never justified those decisions by saying that ASIO told him to say something.

Governments have normally been extremely cautious about the public profile of ASIO and its leaders. Typically, ASIO directors-general have preferred to make their statements through formal speeches, where they can be precise, or with not for attribution conversations with media figures they believe are trustworthy. Also, and always with the knowledge and approval of government, it briefs politicians on selected security issues. It never lobbies politicians on the policy or rhetorical positions they should take. This is as it should be for an organisation which after all deals with secret information, and which is given, rightly, a good deal of special powers.

One reason governments are so cautious is because of ASIO's controversial history. ASIO was established in 1949 because the Americans and the British were aghast at the secret information being passed to the Soviet Union by spy rings especially in the Australian Department of External Affairs.

One of the key British MI5 figures involved in establishing ASIO was Roger Hollis. Many security experts believe Hollis was a Soviet agent. The official history of MI5 purports to clear Hollis. The official history of ASIO is neutral on the allegation. It was a book establishing that Hollis was a Soviet agent which Turnbull fought so valiantly to have published. In any event, ASIO was almost certainly penetrated from very early on by KGB and related Soviet intelligence agencies.

ASIO's greatest triumph, and its greatest controversy, came when it convinced Vladimir Petrov to defect. Petrov was an agent for what later became the KGB. He was scared that if he went home he would be imprisoned or executed, as happened to many Soviet intelligence officers who had served overseas under Stalin. He was an immensely important defector and revealed that secrets had continued to be passed from External Affairs in Australia to the KGB. He also gave Western intelligence a great deal of other information about the KGB. The KGB sent two burly officials to bundle his wife, Evdokia, back to Russia but she was asked on the flight from Sydney to Darwin whether she would really prefer to stay.

The Soviet goons were disarmed by splendid Australian wallopers in Darwin and Mrs Petrov joined her husband. At the time the Communist Party of Australia was slavishly loyal to the Soviet Union,

supported espionage in Australia, controlled many large unions and as a result had significant influence within the Labor Party.

Petrov finally defected shortly before the 1954 election and although the prime minister, Robert Menzies, behaved correctly on the matter, the Labor leader, H.V. Evatt, concluded that ASIO and the Menzies government had been involved in a conspiracy against Labor. This led to a full fledged Labor conspiracy theory and a hatred of ASIO.

The official history of ASIO, and numerous academic studies, conclude that ASIO behaved correctly and there was no anti-Labor conspiracy. The issue of communism was central to the great Labor split of the mid-1950s and from that time until the early 80s Labor harboured a vicious hostility to ASIO.

In the 60s ASIO contributed to this hostility through some poor judgment. As John Blaxland argues in the second volume of the official history of ASIO, during the time of Australia's commitment in the Vietnam War, ASIO had the greatest difficulty in distinguishing between legitimate opposition to the war, and dangerous subversion. Australian troops were fighting and dying in war. ASIO passionately believed, as was government policy at the time, that Australia's national security was on the line. It also cared profoundly for the welfare of our troops. All this was understandable, but it was still wrong for ASIO to move beyond genuine security matters to surveilling and negatively reporting on people who quite lawfully opposed the war.

It was not up to ASIO to have political opinions and it was certainly not up to ASIO to act on those political opinions.

Labor's hostility to ASIO led to shocking mistakes by the Whitlam government elected in 1972. The eccentric Lionel Murphy was Whitlam's attorney-general. Whitlam came to have such a low opinion of Murphy that he directed that certain intelligence information not be shared with Murphy. Then in 1973 Murphy, without telling Whitlam, ordered the Commonwealth Police to raid ASIO headquarters in Melbourne.

This is the most extraordinary episode in the history of Australian intelligence. ASIO staff were kept under a form of house arrest for a couple of hours as their files were searched. Murphy believed ASIO had a big file on him and secret information about Yugoslav terrorism in Australia that it was keeping from him. He was disappointed on both counts. Whitlam came to bitterly regret the ASIO raid and regarded it as one of his government's worst mistakes.

The Whitlam government did one good thing, however, and that was to establish the royal commission into security and intelligence under Justice Robert Hope. This led to the modernisation and reform of ASIO. In 1976, the Fraser government appointed a judge, Edward Woodward, as the head of ASIO.

He restored morale and helped convince Labor that ASIO was not an anti-Labor political conspiracy. Later, Fraser appointed Harvey Barnett as head of ASIO. Bob Hawke kept him on and was impressed with Barnett. However, ASIO again found itself the centre of controversy when it found that the KGB man, Valery Ivanov, was cultivating the former ALP national secretary, David Combe. ASIO made some serious mistakes in this investigation and at one point embarrassed Hawke with some mistaken information. But the later royal commission into the incident cleared Hawke and ASIO by finding that the Combe/Ivanov relationship did raise serious national security concerns.

More than anyone else, Hawke rehabilitated the relationship between ASIO and the Labor Party. Over the last 30 years all of the distinguished and effective professionals who have run ASIO have laboured mightily to keep it clear of partisan politics.

Lewis is a fine man but he made very bad political misjudgments over the last couple of weeks which threatened that nonpartisan inheritance.