



DE MINIMIS

Official newspaper of the students of Melbourne Law School. Established 1948. Revived 2012.

Volume 6, Issue 2

Monday, 9 March 2015

Law so hard (Motherf**ers wanna fine me)

Mitchell Holman

Let's be honest with ourselves: life is a party. Even when you're studying law. It's even better when we fuse these two things together – and have pre's before the study! That's exactly what law camp is, over a longer period. Two nights of solid pre-drinking? Sounds like an Eastern European Wedding to me. But hey, I'm not complaining. I went, and it was totally hectic cuz. The perfect way to start off the year.

The long and short of it is this: 130 freshers crammed into three buses two Fridays ago now, to head down the coast for a bit of the ol' slap and tickle (interpret that how you will). After three and a half hours of making as much distance between ourselves and those who might take discrediting photographs of us taking part in this exercise of excess, we piled into Camp Kangarooobie—attended for over 30 years by Camberwell Grammar School, for those who are interested.

We were introduced to the executive committee of the Law Student Society, and then directed inside for TRIVIA. I GODDAMN LOVE TRIVIA. A chance to demonstrate the virtue of all the useless knowledge that helped me in absolutely no way while I studied for the LSAT, but certainly made me feel better at the Queensbury on a Thursday night. Antinomy? Yes! But it doesn't matter – got in anyway. YOLO! Or Carpe Diem for those with the highest of brows.

Naturally this led to a good degree of lubrication across the cohort who

made it down, and before long costumes were put on – Heroes and villains for the first night. We had X-Men, Musketeers, Teenage Mutant Ninja Turtles, Heisenberg, Tin Men, Fairies, Hermione Grangers, Footy legends, Sailor Scouts (All 10, minus The Tuxedo, as far as I'm aware), Goku, Supermen and Superwomen; you get the idea. Everyone loves a good costume party, especially when you're out to make new mates. It levels the playing field somewhat, everyone is a bit silly and everyone is entitled to a good giggle at the expense of

IN THIS ISSUE

Page 1: Law Camp 2015 goes off.

Page 2: Recognition of Aboriginal Australians in the Constitution: a step forward, or a distraction?

Page 3: Does anyone else think that *American Sniper* is like the movie-within-a-movie in *Inglorious Basterds*?

Page 4: Articles continued...

anyone else, and so what! Laughter is one of the key ingredients of bonding. From the window to the wall – from Trivia to the D-Floor: 'Gus' as he is known on Facebook laid down some wicked beats and before you knew it, it was 4am and Henry Dow was the last man standing. For those who know Henry, I bet that's no surprise.

At this point, I must praise the Law Student Society. No less than an hour after we arrived, a drink was in everyone's hand and many people were

reaching for a second. They supplied – and they supplied a lot. Huxtaburgers for tea with special sauce and delicious whole egg mayo (I'm also a mayo connoisseur for those interested, a consequence of being Dutch), then lamb casserole on the second night.

AND, GET THIS: At 1am on both Saturday and Sunday morning, they prepared late night spaghetti. This is the single best thing that's ever happened to me (and the other 129 of us, I'm sure) in the history of organized boogies. A little bit of protein, a few carbs, get the belly settled before bed, or give you the energy to keep going for hours more. God bless these kitchen saints for their hospitality.

Other than the sippin' and the wigglin', we went down to Port Campbell on the Saturday and spent a few hours at the beach. It's a lovely little town Port Campbell, and as I'd never been further than the Twelve Apostles down the Great Ocean Road, it was good to extend my range of adventures, and have a solid nap on the beach while nursing my hangover with Gatorade and sunlight.

On the second night, probably the best event of the whole camp went down: the Dance-Off. Eight teams, eight themes. One minute excerpt of classic songs, and thirty minutes to choreograph an accompanying dance. Gangstas engaged in turf warfare against creatures from Under The Sea, Jungle Animals roared at Bollywood dancers, Cheerleaders and Jocks waved their Pom-Poms.

Continued on the back page...

LAW CAMP 2015

Continued from page 1

In the end, it was the Jungle Animals who won with their choreography to 'I Just Can't Wait to Be King' from the Lion King; but a special mention must go to those who did 'Under the Sea' from The Little Mermaid; we finally found out what happened to Harold Holt! Everyone gets points for creativity.

Overall, Law Camp 2015 was an excellent event to be at; well-organized and a lot of fun. Friendship were both made and strengthened, many a bevie was drunk, and many an embarrassing pose was struck. Special thanks as always to the LSS for organizing the event, and thanks to everyone who went and made the experience the memorable episode it was.

Mitchell Holman is a first year JD student. His spirit hasn't yet been broken by this place (Ed.)

DON'T LIKE THE CONTENT? WRITE YOUR OWN!

De Minimis is written by, and for, the students of Melbourne Law School. Please send articles, ideas, or obscene drawings via email, Facebook message or carrier pigeon.

 deminimis.com.au

 deminimis@gmail.com

 facebook.com/MLSdeminimis

 twitter.com/mlsDeMinimis

REVIEW: AMERICAN SNIPER

Continued from page 3

throughout his four harrowing tours in Iraq, his uncomfortable home life in between, and the broader plight of post-war veterans and their plight to re-enter society.

It provides a thought provoking portrayal of PTSD and insight as to the enormous pressures placed on the families and friends of armed forces. Cooper's performance as Kyle is outstanding, and my inner film critic was awed by the ability of Eastwood to mesh gritty action sequences with the raw emotional trauma experienced by its participants. If this were fiction I'd be screaming "Oscar" louder than any one.

But Iraq, and Kyle were not fictitious. This was a real war. And he was a real person. We have a problem.

The tale that Kyle tells in his book and which Eastwood translated to the big screen, is very different to that surmised above. It provides a simplistic – dare I say binary – account of good (USA) battling evil (Iraq), where the only victims are US soldiers, and all but three of the hundreds of Iraqi characters are labelled "savages".

In the film, footage of 9/11 immediately precedes Kyle's first tour in Iraq, implying to viewers that the culprits of this terrorism were Iraqis and completely omitting the whole Osama-Bin-Laden-explicitly-taking-

responsibility thing. To the politically astute, this exclusion is disturbing. But to the politically unengaged, chances are it didn't raise an eyebrow, feeding droves of moviegoers an insidiously misleading narrative where America's military aggression was a warranted and necessary response to an unprovoked attack.



A U.S. Marine Corps sniper ejects a cartridge.
Photo credit: User:Vio, Wikimedia Commons/ US Marine Corps

Add a hate inspiring (and factually inaccurate) subplot with parents training their children to become enemy insurgents, and omit the whole the whole "Iraq didn't have any weapons of mass destruction" thing and *voila!* You'd forget that pesky 'ongoing humanitarian crisis' thing ever happened.

Now let's be clear about a few things. *American Sniper* tells the personal story of one American soldier who fought in Iraq. It does not seek to tell the story of all American combatants, and one might rightly assert that the political context surrounding the conflict is comparatively less important that it would be in say a documentary or a history book.

These qualifications however do not justify the revisionist history that Eastwood engages in. Nor do they mitigate the potentially devastating consequences this story will have on the public consciousness.

The fact is that in Australia (and the United States) political apathy is on the rise, with up to 3 million eligible voters opting out of our last Federal election. This indicates that voters – especially young voters – are less and less informed (or interested) about what our politicians are getting up to.

For a generation defined by our short attention spans, a serious problem then emerges if many of us rely on pop-culture flicks like *American Sniper* to fill in the gaps – which not only gloss over a lot of the inconvenient truths elaborated above, but immortalise the role of soldiers who "kill the most Arabs".

The Iraq war was a shameful episode in America's history. The Bush government sent its soldiers to fight and die in an unprovoked war with a non-existent objective, and in so doing brought death and destruction to millions of innocent people. The violence, and US occupation of Iraq, exists to this day, and many who fled this destruction now languish in off-shore detention camps on the instruction of our own Prime Minister.

There is no narrative where we are the good guys. But I dare say that few members of the audience will remember that fact as they walk out of the cinema.

Opinion

THE HYPOCRISY OF RECOGNITION

Duncan Wallace discusses how the proposal for a symbolic constitutional change distracts from the ongoing oppression of indigenous Australians

Should Aboriginal people be recognised in the Australian Constitution? The government thinks so: it has allocated \$10 million in funding for a “Yes” campaign, versus zero funding for any “No” campaign.

Many are opposed, however. One of them is Andrew Bolt, who sees the proposal as just another symptom of “The New Racism”.

More importantly, however, there is also a large and growing opposition amongst Aboriginal people. Arrernte woman Celeste Liddle, who blogs at *Rantings of an Aboriginal Feminist*, has called the Recognise campaign “a government-sponsored ad campaign removed from grassroots indigenous opinion”. Northern Territory elder Rosalie Kunoth-Monks has said that constitutional recognition is worthless without a treaty. One of the founders of the Aboriginal Tent Embassy, Gumbaynggirr historian Dr Gary Foley, believes that constitutional recognition would only serve “to divert our attention from the real issues”.

So what are the “real issues”? Without mincing words, the real issue is that Aboriginal people continue to face the colonisation of their lands and their culture by an invading force. This is not something that ended a number of decades ago – it is ongoing.

Colonising forces continue to deny Aboriginal people the opportunity for self-determination and autonomy. Instead, they impose “vast social engineering efforts”, to quote Nicolas Rothwell, the Northern Australia correspondent for *The Australian*.

The largest such effort in recent years has been the Northern Territory



Aboriginal flags flying in the Tent Embassy in front of Old Parliament House, Canberra.
Photo credit: User:Roke, Wikimedia Commons.

intervention. To quote Rothwell again, “[t]he idea [behind the intervention] was simple: disempower to empower; limit economic freedom to set free people’s minds.”

The most in-depth evaluation of the intervention, released by the Department of Social Services in late 2014, found that this had not worked, however. Patterns of spending on food, tobacco or alcohol did not change. Rather, the intervention had “increased a sense of dependency on welfare and removed the burden of personal management from community people.”

Critics have pointed out that this may have been deliberate. The intervention was launched following allegations of serious sexual abuse of children in Aboriginal communities (allegations since found to be largely unfounded). However, the Act which authorised the intervention—the NT Emergency Response Act—does not contain the word “child” or “children” once. Words which do appear with high frequency, however, are “land” and “area”.

This is consistent with Rothwell’s assertion that the intervention is just

one part of the effort “to break the political power of the large Aboriginal land councils and gain easy access to indigenous land”.

This follows the pattern of ‘conquer and control’ which has characterised the colonising forces’ relationship with Aboriginal people since 1788. The following examples are from Victoria, but they more or less apply to the rest of Australia.

From very early on, writes historian Michael Christie, officials and missionaries sought “to eradicate Aboriginal culture and replace it with British forms”. What land Aboriginal people had managed to retain for themselves in Victoria was mostly taken away

DE MINIMIS IS...

Chief Editor
Hamish Williamson

Managing Editor
Duncan Wallace

Co-Editor & Secretary
Jacob Debets

Equity Uncle
Tim Matthews Staindl

after the Second World War, with former residents being pushed into urban slums.

At the same time, children were removed from families, supposedly because of neglect, but Aboriginal relatives were rarely asked to care for children. Historian Richard Broome found that this was because the government “wished to blend [Aboriginal] children into the general population”.

Government policy has scarcely changed. It is still attempting to eradicate Aboriginal culture in order to assimilate; it is still taking away the land of Aboriginal people, forcing them into the regions that the colonisers dominate; it is still taking children away. And, as stated by Rothwell, the intervention is just one part of this effort.

The Western Australian government, for example, having already bulldozed a remote township named Oombulgurri last year, has said that it will also close a further 150 “unviable” remote Aboriginal communities in the near future. It is unclear what will happen to those who live in those communities. The Oombulgurri example does not bode well: many former residents were left homeless, and most of the children formerly from Oombulgurri now do not go to school.

Ultimately former residents of remote communities will be forced into urban

areas, where the incarceration rates of Aboriginal people are at record levels and growing. Currently, Aboriginal people are the most incarcerated race on earth.

And children are now being taken away at higher rates than ever too. In the landmark “Sorry” speech, Kevin Rudd estimated 50,000 children were taken between 1910 and 1970. There are now more than 15,000 Aboriginal children in “out-of-home care”, and approximately 1,000 new children are coming into the system every year. A recent case—typical according to UTS senior researcher Padraic Gibson—was that of a grandmother who was accused of neglecting the children under her care. The children were removed from the local school without her knowledge or consent, and only after the accusations were found not to stand up in court was she able to get them back. That was a year later.

The Saturday Paper recently quoted a grandmother named Aunty Hazel saying that it’s like the Stolen Generations didn’t end at all. “The stories are the same, just the voices and the faces are different,” she said.

What is required is self-determination for Aboriginal people. Rothwell observes that “it is hard to point to a single top-down social reform or employment or home ownership project in any part of the centre or the north that has taken off”. On the other

hand, in its 2011 homelands report, Amnesty International found that there are “huge benefits for Aboriginal people living on their traditional lands: connection to land and culture, self-determination, employment, improvements to physical and mental health, and a reduction in substance abuse and violence.”

Constitutional recognition will not help with the need for self-determination, however. It merely continues the command and control paternalism which has been so catastrophic for Aboriginal people. As stated by Michael Mansell, an Aboriginal lawyer,

“Recognition is supposed to deliver benefits to Aborigines yet the beneficiaries are denied the chance to have a say. Public meetings on recognition have been held around Australia without a single meeting to hear Aboriginal opinion.”

This suggests that Dr Foley is right. The “Recognise” campaign, so far as it distracts, is designed to subvert the fight for justice for Aboriginal people.

If you want to find out more, on Wednesday evening (11/03) members of the group “Warriors of Aboriginal Resistance” (WAR) will give their perspective on the “Recognise” campaign (disclosure: I helped organise the event). This will be at 6:30pm, Babel Lower Theatre (G-03).

AMERICAN SNIPER AND THE RE-WRITING OF AMERICAN HISTORY

Jacob Debets gives us a movie review, and a history lesson

The Iraq War was a protracted military conflict that began in 2003 when the Bush administration declared—unilaterally and without evidence—that Iraq possessed weapons of mass destruction and was connected (somehow) to the September 11 terrorist attacks.

For months, they pushed for war. They quite reasonably declared Saddam Hussein to be a vicious dictator. However, they glossed over

the United States’ support for him in the Iran-Iraq War, earlier administrations’ obfuscation over his use of chemical weapons against Iranians and Kurds, and the failure of Bush Snr. to depose Hussein in 1991, when it was already clear that he was guilty of genocide.

The administration decided that their best course of action was to invade Iraq and ignite a protracted military conflict. In the process, a few hundred thousand innocent Iraqis were killed. A couple of million more became refugees (see ‘boat people’). The United States, which heralded itself as a bringer of democracy, has been accused of complicity in the institutionalised torture of countless Iraqi detainees. A power vacuum was

created, which has facilitated the rise of ISIS and Al-Qaeda in Iraq.

It was a very violent, very expensive, very avoidable chapter in America’s history and Australia’s unquestioning and unreserved diplomatic and military support has long been regarded as a source of national shame.

Enter “American Sniper”, the Hollywood action/drama film adaptation of Iraq war veteran Chris Kyle’s best selling memoir.

Directed by Clint Eastwood and starring Bradley Cooper, the film follows “America’s deadliest sniper” ...

Continued on the back page...