

# Australia Journalist Loses Case

By Christopher Sweeney  
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SYDNEY, Nov. 1—Controversial Australian journalist Wilfred Burchett lost a supreme court libel suit here today in which Burchett challenged allegations that he had been an espionage agent for the Soviet Union.

The 12-member jury said that allegations published in a right-wing political journal about Burchett's activities were clearly defamatory but said that the article was a fair report of a 1971 Australian Senate debate, which is exempt from libel action.

Burchett was ordered to pay the cost of the trial, estimated in legal circles to be more than \$100,000.

The 10-day trial also brought out dramatic charges by former prisoners of war that Burchett was a Communist agent who participated in the brainwashing of Americans captured in North Korea.

During the trial, witnesses were flown from United States, Japan, South Vietnam and Singapore. They included former British and American prisoners-of-war in North Korea, a defector from Hanoi and a former top Vietcong officer from South Vietnam.

The judge ordered jury members not to discuss whether they believed that Burchett was actually a Soviet spy, because of the technical ground on which the libel case was decided.

Burchett, 63, repeatedly denied in the witness box that he had ever been paid by the Soviet Chinese or North Vietnamese governments to act as an agent while posing as a Western correspondent. He also denied claims by former prisoners that he had ever participated in the brainwashing or torture of allied prisoners. Talks he had given to 1,400 prisoners at camps in 1952,

Burchett said, had been to pass on information about the course of the war. He denied that he called the men lackeys of capitalist governments.

"It is not my style to kick a man when he is down," Burchett told the court. Earlier, a former British POW said that starving prisoners had shouted, "you will hang, you will hang" when Burchett addressed them.

Burchett's lawyers produced only one outside witness, a former Australian diplomat in Moscow in the early 1960s. Gregory Clark, now the Tokyo correspondent for an Australian newspaper, said that Burchett lived in a fairly run-down apartment in Moscow and drove a second-hand Chevrolet. A Soviet intelligence agent who defected in London in 1963, had testified in a statement read to the court earlier that Burchett had been provided with a luxurious apartment by the Russians in a unit reserved for high-ranking secret police officers and important foreign Communists.

Burchett said that while he had sympathized with the Communist side in both the Korean and Vietnam wars, he had never been a Communist.

The libel suit was over an article printed in November 1971, in a 4,500-circulation magazine published by a former right-wing Australian senator, John Kane. Burchett told the court that he began libel proceedings only after a translation of the article was secretly circulated among French newspaper editors in 1972, at a time when he was regularly contributing to the Paris newspaper, *Le Monde*.

During his long and controversial career as a foreign correspondent in Europe and Asia, Burchett was known as a confidant of Ho Chi Minh and Chinese Premier Chou En-lai. He wrote for a wide range of newspapers and news agencies in Europe, the United States and in the Communist world.

The jury returned its verdict today after deliberating for three hours. The court was crowded with supporters of Burchett, members of Australian veterans organizations, right-wing groups and observers from the Australian intelligence organization.

Today's decision almost certainly means that a whole string of libel actions against Australian newspapers will now be dropped. The verdict may also embarrass Australian Deputy Prime Minister Jim Cairns, who was a vocal supporter of Burchett in his fight in the 1960's to have his Australian passport returned. It was confiscated after the Korean war.