

The 1951 Communist Party Dissolution

Referendum Debate at the

Universty of Melbourne

Fay Woodhouse

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VICTORIA UNIVERSITY OF TECHNOLOGY



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THE 1951 COMMUNIST PARTY DISSOLUTION
REFERENDUM DEBATE AT THE UNIVERSITY OF
MELBOURNE



Fay Woodhouse

Fourth Year Honours Thesis
Faculty of Arts, Victoria University of Technology

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DISCLAIMER

This thesis is the product of my own original research and has not been previously submitted for academic accreditation.

Fay Woodhouse
25 October 1996

To the best of my knowledge and belief,
the above statements are true.

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SYNOPSIS

This thesis outlines the debate on the 1951 Communist Party Dissolution Referendum at the University of Melbourne and considers how this casts light on Australia's social, political and higher education institutions at the time.

Firstly, it provides a background to the fight against communism in Australia which was accelerated by the onset of the Cold War. The series of events which finally led to the calling of the referendum, and the referendum campaign itself are outlined as a backdrop to the particular debate under consideration.

Secondly, it looks at the University's place in society at the time, and particularly how the community viewed political activity by prominent figures from the relatively secluded world of the University.

Finally, it attempts to analyse the impact of the University's contribution to the public debate, in light of the referendum's failure. In a Cold War context, it assesses the University's susceptibility to Government criticism, and the very real pressures felt by the leadership of the University to ensure its integrity. In the final analysis, the study reveals a rich tapestry of events woven into the history of the University of Melbourne.

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CHAPTER 1: INTRODUCTION

The University of Melbourne was opened in 1855, and for over one hundred years, was the only university in Victoria. Its role as an institution of superior academic achievement, vital research and intellectual elitism remained unchallenged until the late 1950s. The 1957 Committee of Inquiry into the Future of Australian Universities, led by Sir Keith Murray, rewrote the framework of university education in Australia.¹ However, it is the period prior to the Murray Committee, the late 1940s and early 1950s, that this thesis investigates. The post-war years provide a rich tapestry of episodes and reactions which, within the University of Melbourne can give valuable insight into Australian life during a phase which is, as yet a relatively neglected aspect of Australian history.

In July 1951, the Menzies-Fadden Liberal-Country Party Coalition initiated a referendum to proscribe the Communist Party of Australia. The inclusion in the Constitution of a new Section 51A would have enabled the Parliament to declare the Communist Party of Australia illegal and to take action against members of the Party.² The proponents of the referendum perceived the Communist Party as a subversive 'fifth column', whose activities would be treasonable in times of war. The opponents of the referendum saw the perceived restrictions on civil liberties as onerous and unacceptable. The referendum was widely debated in the press, political parties, churches, universities and elsewhere. The University of Melbourne became heavily involved in the debate. The aim of this thesis is to investigate the very rich referendum debate at the University of Melbourne in order to illuminate Australian political and academic debate at that time. It gives particular attention to the effects of a meeting

¹ John Poynter & Carolyn Rasmussen (1996), A Place Apart. The University of Melbourne: Decades of Challenge, MUP, Parkville, p. 1. Despite inconsistencies in details appearing on them, all Melbourne University Press publications will, hereinafter be cited as MUP, Melbourne.

² See Appendix.

held nine days prior to the referendum, at which three professors advocated a 'No' vote.

Chapter Two explains how the referendum came to be called, and introduces the debate outside the University, especially opposition to it within political parties and churches. Chapter Three portrays the University in these early Cold War years. The University, under financial pressure, was highly sensitive and susceptible to accusations of communist influence, though these had been present since at least the early 1930s. Problems within the Labor and Liberal Parties, not least in respect of communism, were reflected in their University counterparts. Chapter Four explores the contours of the actual referendum debate amongst staff and students, and highlights the complexity and depth of student activism at that time. What may have appeared to be a period of intellectual and student quiescence is revealed to be quite the contrary. Chapter Five considers the effects of the University debate on the wider debate and vote, and investigates its aftermath in the University.

To date much of the published literature on the 1951 referendum has concentrated on either the national political perspective³ or that of individual states.⁴ Some papers analyse the roles of political figures, namely the Prime Minister⁵ and the Leader of the Opposition.⁶ While there is extensive published material on the referendum debate, no detailed study of the role of the universities exists. The published histories of the University of Melbourne⁷ are limited in the extent of their coverage of the debate. Personal memoirs and biographical studies of university staff provide an overview of

³ Leicester Webb (1954), Communism and Democracy in Australia. A Survey of the 1951 Referendum, F W Cheshire, Melbourne. Kelvin Thomson (1976) 'To Be or Not to Be: The Communist Party Dissolution Bill (1950) and the Referendum to Outlaw Communism (1951)', Honours Thesis, Department of History & Politics, University of Melbourne.

⁴ See e.g., Richard Nankivell (1970), 'The Anti-Communist Referendum of 1951. A South Australian Example', Honours Thesis, Flinders University.

⁵ A W Martin (1996), 'Mr Menzies' Anticommunism', *Quadrant*, Vol. XL, No.5, pp. 47-56.

⁶ Michael Kirby (1991), 'H V Evatt, The Anti-Communist Referendum and Liberty in Australia', *Australian Bar Review*, Vol. 7, No.2, pp. 93-120.

⁷ See e.g. Poynter & Rasmussen op. cit., pp. 116-18. Geoffrey Blainey (1957), A Centenary History of The University of Melbourne, MUP, Melbourne, p. 183, 198-199. Ruth Campbell (1977), A History of the Melbourne Law School 1857 to 1973, Faculty of Law, University of Melbourne, p. 146.

the period, rather than detailing the particular events.⁸ A biographical memoir of Sir Charles Lowe, the then University Chancellor, primarily defends his role and actions at the time⁹, while a memoir of Sir John Medley, Vice-Chancellor from 1938 to 1951, discusses the incident as illustrative of Medley's consistent defence of academic freedom.¹⁰ An examination of the Melbourne intellectual 'vanguard' of the 1950s touches on the referendum debate within the context of University politics.¹¹ On a much more specialised note, a study of the covert activities of ASIO within the University of Melbourne focuses on the material compiled against 'adversely recorded' University professors.¹² This thesis, therefore, appears to be the first detailed and wide-ranging study of the role of that institution in the referendum debate.

⁸ Hume Dow (ed.) (1983), Memories of Melbourne University. Undergraduate Life in the Years Since 1917, Hutchinson of Australia, pp. 119-136, and (1985), More Memories of Melbourne University Life. Undergraduate Life in the Years Since 1919, Hutchinson of Australia, pp. 89-117. Vincent Buckley (1983), Cutting Green Hay, Penguin, Ringwood, pp. 76-78. John Hetherington (1965), Uncommon Men, F W Cheshire, Melbourne, pp. 193-200. Peter Ryan (1990), William Macmahon Ball. A Memoir, MUP, Melbourne, pp. 1-18.

⁹ Newman Rosenthal (1968), Sir Charles Lowe. A Biographical Memoir, Robertson and Mullens, Melbourne, pp. 161-169.

¹⁰ Geoffrey Serle (1993), Sir John Medley: A Memoir, MUP, Melbourne, p. 55.

¹¹ Lynne Strahan (1984), Just City and the Mirrors. Meanjin Quarterly and the Intellectual Front, 1940-1965, OUP, Melbourne, pp. 135-38.

¹² Fiona Capp (1993), Writers Defiled. Security Surveillance of Australian Authors and Intellectuals 1920-1960, McPhee Gribble, Ringwood, p. 92. On Manning Clark, see pp. 95-99, and on Nina Christesen, see pp. 101-10.

CHAPTER 2: POLITICAL BACKGROUND TO THE REFERENDUM CAMPAIGN

The development after the Second World War of a 'Cold War' between Soviet and United States-led blocs generated and exacerbated a widespread fear in Australia of a threat from Communism. Incidents such as the Czech coup in February 1948, the Berlin Blockade of 1948-1949, the Soviet Union's explosion of an atomic bomb in 1949, the success of the Communist revolution in China, also in 1949, conflicts in Indochina and Malaya, and finally the outbreak of war in Korea in June 1950 heightened the fear that worldwide Communist forces were threatening Australia. In such fears Australia was not alone. Leaders of major Western powers believed domestic action must be taken to halt the spread of Communism.

Events abroad, and frequent contact with British and American leaders, influenced Prime Minister Robert Menzies's thinking and attitude toward Communism, giving him 'a lively and ominous sense of the threats believed in some quarters to be posed by international communism.'¹³ As Prime Minister, he was privy to information other Australians did not have. Menzies's biographer, Alan Martin, believes he felt this responsibility very heavily, especially after his visits to Europe between 1948 and 1951: 'I have come back from abroad', he said in 1949, 'with no doubts whatever on this subject ... I say within 48 hours of war we would have an active fifth column of Communists in this country.'¹⁴ Legal action against communists and communism was, Menzies claimed, the essential weapon required to wipe out any subversive activity in Australia.

¹³ Martin, *op. cit.*, p. 48.

¹⁴ *Ibid*, p. 52.

In the United States and the Union of South Africa, measures were introduced to stifle the activities of the Communist Party.¹⁵ The *Smith Act 1946* in the United States and the *Suppression of Communism Act 1950* in South Africa are two examples of legislative measures. The *Smith Act* made it a crime for any person knowingly or wilfully to advocate the overthrow or destruction of the Government of the United States by force or violence. In July 1951 in the *Dennis Case*, the U.S. Supreme Court upheld the conviction of America's eleven top-ranking Communists under the *Smith Act*. Although the Act and the Court's decision did not outlaw the Communist Party, the similarities between the 1950 Australian statute and the *Smith Act* suggest that the drafters of the former had the *Smith Act* before them.

The Communist Party Dissolution Act, 1950

After action to contain the rising Communist Party in the inter-war years, and some talk of constitutional reform to 'purge' Australia 'of communistic infection', the Communist Party was banned, under wartime regulations, from 1940 to 1942.¹⁶ In 1950, aware that there might be constitutional difficulties in banning a political party in peacetime, Menzies consulted 'the best brains' of the Melbourne and Sydney bars for help. Drafting the bill to ban the Communist Party began in early 1950 and the bill was first considered at a Cabinet meeting on 3 March 1950.¹⁷ The *Communist Party Dissolution Act* was Menzies's first post-war attempt to ban the Communist Party, and the High Court's subsequent striking down of the Act resulted in the Government seeking to change the Constitution through the referendum, which is the focus of this thesis.

¹⁵ See Frank Cain & Frank Farrell, 'Menzies' war on the Communist Party, 1949-1951', in A Curthoys & J Merritt (eds.) (1984), *Australia's First Cold War, Vol. 1, Society, Communism and Culture*, Allen & Unwin, Sydney, p. 118; and Kirby, op. cit., pp. 98-99.

¹⁶ Geoffrey Sawer (1963), *Australian Federal Politics and Law 1929-1949*, MUP, Melbourne, p. 118-19.

¹⁷ Cain & Farrell op. cit., pp. 116-117.

On 27 April 1950, Menzies introduced the Communist Party Dissolution Bill into the House of Representatives. Its main features were:¹⁸

1. The Communist Party was declared to be seeking the violent overthrow of the established government of Australia and to be a part of the world communist revolutionary movement.
2. The Australian Communist Party was declared illegal and dissolved.
3. The Governor-General was empowered to declare unlawful any organisation which was affiliated to or controlled by Communists and which could be regarded as a menace to defence, or the Constitution, or to the laws of the Commonwealth.
4. The Governor-General might 'declare' specific individuals who had been after 10th May 1948, that is, two years beforehand, and before the dissolution of an association, a member of it. Persons so declared might not hold a position in the Government service or in important trade unions.
5. A person so declared had the onus of proving that he was not a Communist, except that if he elected to go into the witness box and state on oath that he was not a Communist, the onus of proof would rest on the Crown.

The infringement of civil rights posed by the onus of proof clause and the retrospectivity of the Act became the major focus of debate about the Act. The onus of proof clause reversed the traditional legal dictum of "guilty until proved innocent", while the retrospective clause of the Bill meant that a person could be convicted for joining a party, even though the act of joining had been quite lawful at the time of joining.

The potential for misidentification of 'Communists' was obvious, and was inadvertently demonstrated by Menzies himself. While introducing the Bill to Parliament, the Prime Minister read the names of 53 people who, he said, were Communist trade union leaders.¹⁹ Menzies's information was proved to be incorrect: five of those named were not even members of unions. Though Menzies later

¹⁸ Webb, *op. cit.*, p. 24.

corrected the errors in a statement to Parliament,²⁰ his credibility on this issue was damaged. This error added fuel to the lively and fiery debate taking place.

The Opposition was split on the issue of banning the Communist Party. The left wing of the Labor Party feared that the influence of the Catholic Action anti-communists in the trade unions would lead the Labor Party to support the banning of the Communist Party. This fear was partly justified; the right wing of the Federal Parliamentary Labor Party openly supported the Bill, and the Labor Party Federal Executive and caucus decided to support the Bill in principle 'to lessen its infringement of civil liberties.'²¹ Chifley, the then Leader of the Opposition, and his Deputy Leader, H V Evatt, both set out to defeat the Bill, but in separate ways. Chifley recommended amending it clause by clause in the Senate (where the Labor Party had a majority) so as to ameliorate its effects. When the Bill went back to the lower house, the Government accepted some amendments but refused to accept any amendment on the onus of proof clause. The Labor Federal Executive, fearing a division within the party, agreed to the progression of the Bill with the contentious section intact. Evatt urged its easy passage, confident that it would be challenged and declared unconstitutional by the High Court.²² The Bill therefore passed through the House of Representatives a second time but because some amendments requested by the Senate could not be agreed, the Bill was 'laid aside' on 23 June.²³

A completely unexpected external event then occurred which assisted Menzies's plans: the Korean War broke out on 25 June 1950. Anti-communist feeling ran high in the community.²⁴ The Bill was reintroduced into Parliament on 28 September 1950. Internal dissension and Menzies's threat of a double dissolution, coupled with accusations of the Labor Party being 'soft on communism', worried the Labor movement. The Labor Federal Executive resolved that: 'to test the sincerity of the

¹⁹ CPD, 27 April 1950, p. 1995.

²⁰ CPD, 9 May 1950, pp. 2241-42.

²¹ Winterton, op.cit, p. 645.

²² Kirby, op. cit., p. 98.

²³ Winterton, op. cit., p. 645.

²⁴ Martin, op. cit., p. 53.

Menzies Government before the people and to give the lie to its false and slanderous allegations against the Labor Party, the Bill should be passed in the form which it is now before the Senate.²⁵ The Senate finally passed the Bill on 19 October and it became law the next day, after receiving Royal Assent.

The High Court Challenge, Double Dissolution and Referendum

Immediately the Bill became law, the Australian Communist Party and ten unions gave notice that they would challenge its validity. The plaintiffs applied to the High Court for an injunction to 'restrain the government from enforcing any of the Act's provisions'.²⁶ On 25 October, Dr Evatt appeared before Justice Owen Dixon to represent the plaintiffs which 'rocked the divided and shaken Labor Party'.²⁷ The case opened on 14 November and ran for 24 days to 19 December.²⁸

On 9 March 1951, the High Court declared the Act invalid by a majority of six to one, with Chief Justice Latham, relying on the Defence powers, dissenting. In his dissenting judgement, the Chief Justice argued that 'the court must allow the Parliament and the Executive the sole responsibility for judging both the nature and extent of external and internal dangers to the maintenance of government and the Constitution'.²⁹

This phase of the legislative battle against communism thus ended with a victory for the opponents of the legislation. The High Court decision also established a precedent for what was, and was not, legislatively possible.

Menzies might have left the issue of communism there. Instead he set out to obtain a dissolution of both Houses of Parliament. To trigger the necessary rejection of lower house legislation, the Government moved in the Senate to switch debate from the

²⁵ Kirby, op. cit., p. 98.

²⁶ Winterton, op.cit, p. 647.

²⁷ Robert Murray (1970), *The Split. Australian Labor in the Fifties*, Cheshire, Melbourne, p. 84.

²⁸ Winterton, op.cit, p. 649. See also George Williams, 'Reading the Judicial Mind: Appellate Argument in the Communist Party Case', *The Sydney Law Review*, Vol. 15, No. 1, March 1993, p. 6.

²⁹ Ibid, p. 1.

National Service Bill, which Labor had agreed to pass, to the Commonwealth Bank Bill, which Labor was publicly committed to oppose.³⁰ Menzies accused the Labor Party of frustrating the Government by rejecting the Commonwealth Bank Bill. Aware of the possibility of a double dissolution, Labor parliamentarians referred the Commonwealth Bank Bill to a select committee for a report within a month. To Labor's surprise, Menzies convinced the Governor-General to grant a double dissolution under Section 57 of the Constitution. Australians went to the polls on 28 April 1951, a day after the anniversary of the first introduction of the Communist Party Dissolution Bill into Parliament. The election was largely fought on the issue of the communist menace, and the gravity of the 'international crisis'.³¹ The Government was returned to power, this time with a majority in the Senate. So it was that on 5 July 1951, Menzies introduced into Parliament a bill - the Constitution Alteration (Powers to deal with Communists and Communism) Bill - to enable it to hold a referendum that, if successful, would have given it power to enact and amend the Communist Party Dissolution Act of 1950. With this Bill passing both Houses, the referendum was scheduled for 22 September 1951. During his second reading speech on the referendum Bill, Menzies quoted extensively from Justice Felix Frankfurter's judgement in the *Dennis Case*.³² Though the High Court of Australia had judged the *Communist Party Dissolution Act 1950* invalid, Menzies wrote to Justice Frankfurter that he saw the circumstances in Australia as extra-ordinary, justifying the measures sought.³³ Menzies appears to have felt a strong conviction that the electorate would support him.

The arguments for and against the proposed alteration to the Constitution were set out in a Commonwealth Electoral Office pamphlet.³⁴ The 'Yes' case asserted that

³⁰ CPD, 13 March 1951, pp. 367-8.

³¹ Cain & Farrell, *op.cit.*, p. 127.

³² Menzies received a transcript of the judgements in the *Dennis Case* from Justice Felix Frankfurter. Menzies thanked Frankfurter for the transcript and advised he had used it in a recent speech in Parliament. Menzies to Frankfurter, 20 July 1951, MS4936, Series 1, Folder 104, Box 12, NLA. Transcript of the Second Reading Speech, CPD, 5 July, 1951, Vol. 213, pp.1076-1081.

³³ MS4936, Series 1, Folder 104, Box 12, NLA.

³⁴ Commonwealth of Australia, 'The Case For and Against' The Referendum (Constitution Alteration) Act, Canberra, 10 August 1951 (hereinafter *The Case For and Against*).

Australian Communists were a 'grave menace to our industrial peace', quoted U.S. Supreme Court Justice Jackson's judgement in the *Dennis Case* and urged a 'Yes' vote for 'the sake of the security, peace and decent prosperity of our country'.³⁵ The theme of the 'No' case was to 'play safe' and 'take no risk by preserving the existing constitution'.³⁶ The Australian Labor Party, adapting Truman's words, refused to 'turn Australia into a Right Wing Totalitarian country in order to deal with a Left Wing Totalitarian Threat'.³⁷ The declaration by Chifley, who had died in June, that the Bill 'opens the door for the liar, the perjurer and the pimp to make charges and damn a man's reputation' was quoted in a boxed highlight as a conclusion to the argument. Voting was expected to divide along party lines.

Liberal and Labor Party Responses, and the View from the Pulpit

The perceived dangers of the abuse of the powers sought in the referendum polarised members of the major political parties. The referendum campaign challenged the loyalty and conscience of members of both the Labor and Liberal parties. The official 'Yes' case prepared by the Liberal Party stated 'The problem you are asked to vote about is NOT a party political one' but, rather, people were invited to answer 'not as a Labour supporter or a Liberal or Country Party supporter, but as an Australian'.³⁸

Perhaps taking this exhortation to non-partisanship seriously, in August 1951 the Vice-President of the Young Liberal and Country Movement, Alan Missen, wrote to the *Argus* opposing the referendum. Missen enunciated the fears of many people. His views, he stated, had the support of the Young Liberal and Country Movement, the University Liberal Club and other Liberal organisations. Missen called on 'persons of liberal mind' to 'restate the problem in an atmosphere free from political partisanship' and vote 'No'.³⁹ His main argument was that the powers sought might be safe in the hands of a Liberal government, but may not be safe with any other. His letter

³⁵ Ibid, pp. 2-4.

³⁶ Ibid, p.6.

³⁷ Ibid, p.2.

³⁸ The Case For and Against, op. cit, p.2.

concluded: 'Remember that this is, in essence, a totalitarian power to be given for all time'.

Missen was dismissed by the Liberal State Executive from his position of Vice-President for writing to the *Argus*. His actions were defended by others of like mind within the Young Liberal Movement. Vernon Hauser, President of the Young Liberals, argued in his defence that 'when he wrote this article - and I saw the letter - he did not have his position [as Vice-President] underneath his name but, it was inserted in effect by the newspaper'.⁴⁰ Ivor Greenwood defended Missen's action: 'this referendum ... is completely contrary to all that liberalism stands for'.⁴¹ Other members of the Young Liberal and Country Movement acted quickly by writing a further letter to the press.⁴²

This action, in defending Missen's stance, highlighted the extent of dissent on the referendum within the Liberal movement. Menzies made reference to these letters on 1 September, when he 'voiced his uneasiness over the attitude of certain Liberals towards the referendum campaign'. Furthermore, he was 'disturbed by the attitude to the Referendum of some who regard themselves as Liberals'.⁴³ These disputes between members of the Liberal Party in their attitude toward communists and communism occurred in Victoria, which was seen as pivotal to carrying a 'No' vote.

At both State and Federal level, the Labor Party was also wracked with conflict over the referendum. The Victorian Executive was dominated by members of the Movement, the then-secret Catholic organisation fighting Communism via Labor's Industrial Groups. The Movement, and its newspaper *Catholic Action* supported the original Dissolution Bill and the referendum. Some Labor men openly opposed the referendum. For example, when the campaign commenced, Stan Keon and John Mullens were absent from Evatt's opening meeting. These M.P.s had not been active

³⁹ *The Argus*, 22 August 1951.

⁴⁰ Hermann, op. cit., p. 17.

⁴¹ John Ritchie (ed.) (1996), *Australian Dictionary of Biography*, Vol. 14, MUP, p. 324.

⁴² *Age*, 1 September 1951.

in supporting the ban on the Communist Party, and both they and the strong right wing Catholic, the former Minister for the Army, Cyril Chambers, were absent from the Chamber when the vote was taken on the Bill to amend the Constitution, and make way for the referendum.⁴⁴ On 7 September a meeting of the North Richmond branch told Stan Keon and Frank Scully to 'join the Liberal Party, whose policy they so ably support'.⁴⁵ Although Keon's branch, North Richmond, was 'a right-wing stronghold' in Richmond and Yarra electorates, the meeting also censured Richmond State Electoral Council for failure to support a 'No' vote in the referendum. Keon and Mullens effectively boycotted the campaign against the referendum, thus signalling to the Labor movement and the community at large that the Labor Party, too, was split on the referendum.

Division in the community was widespread and occurred in other places of major social significance such as the churches. Opposition to the referendum from unexpected quarters appears to have prompted lightning responses from Prime Minister Menzies, such as we have seen with the Young Liberal Movement. In one instance, a visiting English Methodist minister, Dr Donald Soper, was bitterly attacked for stating at a meeting in the Domain in Sydney that he advocated a 'No' vote. Menzies described Dr Soper as 'a rather conceited gentleman who seems to have learned more about our country [in his one day in it] than I have been able to learn in 20 years'.⁴⁶ This extraordinary statement from the Prime Minister toward a visitor may indicate his nervousness about the forthcoming referendum. Soper, like many other clergymen who spoke out either in favour of or against the referendum, said his was a personal statement.

Four Anglican clergymen created a controversy within their church and the community by publicly declaring their personal positions on the referendum. In early September, the Anglican Archbishop of Canberra/Goulburn, Dr Burgmann, in a diocesan letter,

⁴³ *Argus*, 2 September 1951.

⁴⁴ Murray, *op. cit.*, p. 87.

⁴⁵ *Argus*, 8 September 1951.

⁴⁶ *Argus*, 19 September 1951.

stated his intention to vote 'No' in the forthcoming referendum. He also declared his belief that Roman Catholics supporting the 'Yes' vote would use a victory in the referendum to strengthen the Church's political power. Canon Davidson of St James's, Sydney, supported Burgmann's argument against the referendum.⁴⁷ Burgmann did not advise his Anglican parishioners to vote 'No', but he hoped the majority of citizens would.⁴⁸ The Dean of Sydney, Dr S Barton Babbage, at a Sunday morning service, criticised the proposed amendment to the Constitution as 'loose and vague'.⁴⁹ He cautioned that an admitted danger did not justify a permanent and radical alteration of constitutional powers. Rather, he saw inflation as the gravest threat to Australia, which could lead to depression and provide the breeding ground for communism. This view was shared by Bishop Moyes of Armidale, who believed that communism was a trade union problem and that it should be solved in that sphere. Moyes did not say how he intended to vote, nor advise Anglicans how to vote.⁵⁰ Dr Babbage restated his views on the constitutional issue at a lecture at the University of Melbourne on 17 September where he insisted that it was 'improper' for him to tell Anglicans how to vote.⁵¹ All four clergymen were subjected to letters from five Liberal-Country Party politicians who published strongly worded replies to their statements.⁵²

The Catholic church was much more circumspect. The Catholic Archbishop of Melbourne, Daniel Mannix, had 'more faith in securing clean union elections than in banning the communists'.⁵³ He did not reply directly to Burgmann's statement. However, in a speech in Bentleigh on 9 September, he referred to 'sectarians' who had asserted that Catholics intended to vote 'Yes' in the referendum. Mannix emphatically denied that Catholics had been directed by the hierarchy how to vote. Indeed, his statement was unambiguous: 'Roman Catholics are perfectly free to vote one way or

⁴⁷ Webb, op. cit., p. 92.

⁴⁸ *Sydney Morning Herald*, 13 September 1951.

⁴⁹ *Sydney Morning Herald*, 10 September 1951.

⁵⁰ Webb, op. cit., p. 92.

⁵¹ *Sydney Morning Herald*, op. cit.

⁵² *Argus*, 18 September 1951.

⁵³ B A Santamaria (1981), *Against the Tide*, OUP, Melbourne, p. 122.

the other in the forthcoming Federal referendum.⁵⁴ Like Mannix, Cardinal Gilroy of Sydney insisted Catholics must vote according to conscience. It was not his role to tell people how to vote, however it was not out of place to remind citizens of their obligations (to the church and the state). In preparation for the voting, the *Catholic Worker*, provided a summary of the referendum proposals and their implications.⁵⁵

At almost the eleventh hour, the Catholic Archbishop of Brisbane, Dr Duhig, commented publicly on the referendum, having previously decided not to. A statement by ten clergymen issued on 14 September advocating a 'No' convinced him to speak out, he claimed.⁵⁶ He believed that a 'No' vote would be against the best interest of Australia. However, he said of his comments, as many of the Anglican clergy said of theirs, that they were his own personal views and were not to be considered those of the Catholic Church. The extent of debate within the Australian churches appears to have been significant.

⁵⁴ *Age*, 10 September 1951.

⁵⁵ *Catholic Worker*, September 1951.

⁵⁶ *Sydney Morning Herald*, 15 September 1951.

CHAPTER 3: THE UNIVERSITY OF MELBOURNE IN A COLD WAR CONTEXT

The decade 1945-55 witnessed radical changes in the University of Melbourne. The University prior to the War had always seen itself, as an elite intellectual institution. Its primary function was the pursuit and dissemination of knowledge. Two major developments in the mid-1940s led to the University becoming more integrated into the Australian society. The first was its prominent supportive role in the war.⁵⁷ Major breakthroughs were achieved at the University in fields such as microbiology and optical munitions⁵⁸ and some University staff became advisors to Government.⁵⁹ In a society in which only a small proportion of people had tertiary education, professors whose 'expert' opinions became widely publicised became household names.

The second development integrating the University into society was that the Commonwealth Government began to take some responsibility for university funding. In 1945 the Commonwealth Reconstruction Training Scheme was introduced to provide assistance for up to five years for discharged servicemen and women to commence university or other studies. As a result, total student enrolment at the University doubled between 1945 and 1947 from 4,224 to 9,127, and peaked at 9,506 in 1948.⁶⁰ However, the financial difficulties experienced by the University following the War were far from alleviated by Commonwealth funding. George Paton, the Vice-Chancellor from July 1951 later stated that the University 'was financially naked in 1951'.⁶¹ The University Council, which had avoided fee increases for many years,

⁵⁷ On the University's contribution to the war effort, see The University of Melbourne Annual Reports 1939-46, Melbourne, 1946.

⁵⁸ Blainey, op. cit. pp. 182-3.

⁵⁹ Professor W Macmahon Ball led the short-wave section of the Department of Information during the wartime period, Professor Crawford was the first secretary to the Australian legation in Moscow, and Professor Bailey was consultant to the Attorney-General. Blainey, op. cit., pp. 180

⁶⁰ *Calendar* 1952, p. 494.

⁶¹ Poynter & Rasmussen, op. cit., p. 115.

introduced them in 1951.⁶² The University at that time depended on funding from the State and the Commonwealth Governments, in roughly equal proportions. It lacked sufficient endowments and other private support to maintain its activities. The University sought to manage its expanding student population and to develop research to maintain its academic leadership at a time when the Commonwealth was not specifically funding research.

The University Council was the governing body established to administer the University. It consisted of Government and public appointees, largely dominated by the medical and legal fraternity, as well as the University appointees. Of its thirty-two members, roughly half were elected by graduates and the remainder were either nominees of various bodies or members *ex-officio*. Sir Charles Lowe, was elected to the then Board in 1927 and became Chancellor in 1941⁶³ when Sir John Latham resigned.⁶⁴ Rosenthal believes that, under his guidance and ‘persuasive direction’, the Council was a committee ‘representing all kinds of community interests, yet at the same time, safeguarding those which were of specific University concern.’⁶⁵ Lowe, it appears, enjoyed productive working relationships with the two Vice-Chancellors, Medley and Paton, during his term as Chancellor.

The University, overflowing with students, was a lively social and intellectual environment.⁶⁶ The Student Representative Council (SRC) became the training ground for many students who later progressed into academia and politics. Many students gained experience as contributors and/or editors of the SRC’s two publications. *Melbourne University Magazine* attracted the talents of Ken Gott and

⁶² *Calendar* 1952, MUP, Melbourne, op. cit. p. 494.

⁶³ In 1926 the Victorian Bar was asked if it was interested in having one of its members nominated for election to the Council of the University of Melbourne. Lowe was invited to stand and was elected. He joined the University’s governing body on 10 February 1927, only a few days after he had been appointed to the Bench of the Supreme Court. Rosenthal, op. cit., p. 136.

⁶⁴ Latham was Chancellor from 6 March 1939 to 3 March 1941. *Calendar*, 1951, p. 20.

⁶⁵ Rosenthal, op. cit., pp. 144-45.

⁶⁶ A Mildura branch of the university was opened in 1947 to cater for the increased student population. The experiment proved very successful, though it closed in 1949 because numbers of ex-service people dropped rapidly after 1948. Indeed, Blainey argues that ‘the students captured more of the spirit and ideals of a university than their fellows who did their whole course in ... Melbourne’.⁶⁶

Ken Inglis, while *Farrago* became the training ground for others, such as Claude ('Scoop') Forell, who later became a well-known writer for the *Melbourne Age*. Undergraduates who combined the experience of working on *Farrago* with the financial rewards of working as 'stringers' for the daily newspapers included Tony Harold and John McLaren. University clubs and societies offered students the opportunity to become involved in film, drama, sport, and a variety of social, religious, cultural, and political activities, including the experience of practical political debate. Careers in student politics did not necessarily end with graduation. Many, such as Ian Turner, Alan Hunt, Alan Missen and Ivor Greenwood, took for granted that their careers were to be in politics.⁶⁷ The most active political clubs appear to have been the Labour Club, ALP Club and Liberal Club, all of which regularly conducted lunch-hour meetings in the Public Lecture Theatre. The residential Colleges offered a further range of activities for students such as inter-collegiate debating and sporting competitions. The richness and complexity of the University's intellectual milieu, together with its abundant cultural and social environment, contributed to the stimulating and exciting experience gained by many of the students of the University of Melbourne during the late 1940s and early 1950s.

'A hot-bed of Communism'

Accusations of communist influence had plagued the University as far back as the 1930s, if not earlier. For example, a novel published in *The Catholic Young Man* in 1937 depicted the growth of communism in an economically depressed Australian community, culminating in a sweeping 'Red' victory at the polls. Communist organisation is centred around the University 'cell', which includes various Professors and a Party Organiser.⁶⁸ The novel, serialised weekly, depicted the University as a place of seditious activity. The post-war influx of ex-servicemen and women meant many of these students had experienced more of the world than their younger counterparts, and been exposed to communist philosophies. Two prominent students,

⁶⁷ Ken Gott, 'Student Life: the Forties', *Melbourne University Magazine*, Spring 1961, p. 27.

⁶⁸ *The Catholic Young Man*, 8 November 1937, p. 11.

Stephen Murray-Smith and Ian Turner, returned from the war as communists and became active communists within the University. In 1944, Tom Hollway, Liberal Party leader and later Premier, accused the University of being 'a hot-bed of communism'.⁶⁹ This followed a meeting where the Public Lecture Theatre was crowded with 700 students to condemn the Teachers' College authorities for refusing to allow communist speakers on the premises to speak in a College debate.⁷⁰

Charges of communist influence and indoctrination of students at the University increased with the onset of the Cold War. On 18 March 1948, at 'the rowdiest meeting at the University since the war', F L Edmunds, MLA, told the University Liberal Club that the University was 'dominated by intellectual perverts' and that Manning Clark, then a senior history lecturer at Melbourne University, was 'either woefully ignorant of his subject or a Communist'. Edmunds' told the meeting that 'If I had my way I would suspend this man from his duties immediately'. Edmunds' remarks focused unwelcome attention on the University at a time when fear of communism was on the rise.

The University was led at the time by Vice-Chancellor John Medley who became known for his defence of academic freedom and defence of his staff against accusations of communism. Medley was quick to defend Manning Clark and others 'smeared by witch-hunting politicians' like Edmunds.⁷¹ That allegations of communist propagandising could not be proved was shown by the Royal Commission into Communism in 1949-50 which Justice Sir Charles Lowe, then Chancellor of the University, presided over. His report concluded 'there is no evidence of any member of the party who is or was an officer either of the Education Department or of any School or of the University using his position for purposes of indoctrination in Communism'.⁷²

⁶⁹ Gott, op. cit., p.26.

⁷⁰ Ibid., p. 26; Poynter & Rasmussen, op. cit., p. 94.

⁷¹ Serle, op. cit., p. 55.

⁷² Hon. Sir Charles Lowe, Report of Royal Commission, Inquiring into the origins, aims, objects and funds of the Communist Party in Victoria and other related matters, Victoria, 1950, (hereinafter the Lowe Report), p. 107.

Nonetheless, the same deep suspicion of ‘pink professors’ was also maintained by, for example, an influential Labor Party figure and staunch anti-communist Catholic, Stan Keon. In his maiden speech in Federal Parliament in March 1950, Keon reminded the Government that communism was ‘a disease which is not peculiar only to the industrial workers and trade unions. It has a much more extensive range’. He then turned his attention to the universities:

Does the Government also propose to go to the Chancellors of our universities and say “in charge of the minds of those in your care are pink professors, Communists, near Communists, and those who preach Communist policy. You shall no longer employ them?” Indeed, if I were asked who among the subversive elements in our midst I should consider the most dangerous I should say that it is the intellectuals and the university professors who subscribe to the doctrine of communism. They are far more dangerous than any trade union official could ever hope to be.⁷³

Keon’s speech resonated with the sentiments of Senator Joseph McCarthy’s speech at Wheeling, West Virginia, in February 1950 where he publicly claimed to have a list of names of communists working in the State Department.⁷⁴ Keon would almost certainly have been aware of the presence of communists at the University and of the ructions in the Communist-dominated Labour Club before it split and an ALP Club formed in 1949.

Political Parties and their Progeny

On 6 May 1949, Robert Menzies, then Opposition Leader, addressed a ‘record crowd of over 2,000 students who filled two lecture halls to capacity’ at Melbourne University, advocating the banning of the Communist Party and exposing the communist penetration of the University Labour Club. During his speech, he told his audience that when he had arrived, ‘I was handed a Communist pamphlet sponsored by the University Labour Club. This is the first time the Labour Party has openly admitted that it was Communist’.⁷⁵ Menzies’s speech sparked off debate at the University on the merits of banning the Communist Party. His speech, entitled ‘The

⁷³ CPD, Vol. 206, 14 March 1950, p. 689.

⁷⁴ William Buckley, Jr., & L. Brent Bozell (1954), McCarthy and His Enemies: The Record and Its Meaning, Chicago (page unknown).

Truth About Communism', claimed that 'a new warfare had developed ... in which the Soviet Union has appeared as the obvious aggressor'. This meant that 'the time has passed when the Communist Party may be considered as "just another" political group. Their purpose in Australia is to foment disorder. They owe allegiance to the only power which could conceivably become Australia's enemy'. Menzies was introduced by Liberal Club President, Alan Hunt, and 'students continually interjected during the address. Cheers, laughter and boos punctuated his remarks'.⁷⁶

It is possible Menzies was aware that a split was taking place between the communists and the ALP members of the Labour Club. Only one week later, a petition was circulated by ALP supporters claiming loss of confidence in the communist-dominated Labour Club. They pledged their support to a New Labour Club which would be the University Branch of the Australian Labor Party. *Farrago's* report highlighted the fact that the four 'leading lights' were Protestants, rather than, as might have been expected, anti-communist Catholics.⁷⁷

On 15 June, the launching of the new ALP Club made headlines on the front page of *Farrago*. The Club's first meeting was addressed by the State Parliamentary Labor Leader, John Cain. The State Secretary of the ALP, P J Kennelly, had, during negotiations, assured the organisers that the ALP Club would have the support of the Labor Party. Membership of the party was open to students of the University not already members of another political club. Commenting on the formation of the new Club, Senator Dorothy Tangey (Labor, Western Australia) said: 'It makes me hot under the collar to see these Communists and fellow-travellers posing under the name of 'Labour Club'', and wished the ALP Club every success.⁷⁸ The ALP Club came to dominate socialist politics at the University, although the Labour Club continued to operate.

⁷⁵ *Farrago*, 11 May 1949.

⁷⁶ *Ibid.*

⁷⁷ *Farrago*, 18 May 1949.

⁷⁸ *Farrago*, 15 June 1949.

Prime Minister Menzies's first attempt to ban the Communist Party in 1950 was thoroughly debated at the University and in some ways the 1951 debate on the referendum mirrors this preceding debate. On 28 April 1950, the day after the *Communist Party Dissolution Bill* was introduced into Parliament, the Professor of Public Law, Wolfgang Friedmann, gave a 'thoughtful and deliberate speech' to a large meeting of the ALP Club. He warned that 'legislative suppression of the Communists will yield superficially quick results but at the same time a deep split may develop and gradually undermine the faith in democracy'.⁷⁹ Sean Keogh's editorial in *Farrago* praised Friedmann's 'careful, well-reasoned, and courageous assessment of the bill, to a hushed and attentive audience of 400 undergraduates'.

The Dean of the Law Faculty, Professor George Paton, became involved in the debate. Three prominent Melbourne 'legal men' were asked their views on the dangers of the communist Bill. Paton in his capacity as Dean, commented to the *Argus*: the '“onus of proof” resting on the “declared” person was a very dangerous procedure unless used with care and discretion in extraordinary circumstances'.⁸⁰ On 3 May, a further article on the 'Onus of Proof?' written by Paton, in his official position as Dean of the Faculty of Law, and as an expert in his field, was published.

The Freethought Society sponsored a meeting of political clubs to discuss the Bill on 4 May. Liberal Club identity Ivor Greenwood (who was also to oppose the referendum the following year), defended the ban, while Murray Groves, the ALP Club President, was unequivocal in declaring his opposition: 'I want to oppose this Bill in every way I can ... the Bill is a part of the present Reign of Terror'.⁸¹ The headline 'Club Leaders Flay Ban' accurately expressed the sentiments of the meeting. At the Liberal Club's General Meeting on 9 May a motion opposing the 'undemocratic provisions' of the Anti-Communist Bill was carried 22-6.⁸²

⁷⁹ *Farrago*, 3 May 1950.

⁸⁰ *Argus*, 29 April 1950.

⁸¹ *Farrago*, 10 May 1950.

⁸² *Farrago*, 17 May 1950.

On 11 May at a meeting chaired by Macmahon Ball, four speakers - Professor Maclean, (an Ormond College theologian) and Professors Ian Maxwell (English), Oscar Oeser (Psychology), and 'Pansy' Wright (Physiology) - addressed the Political Science Society, warning of the dangers to individual rights if the Bill became law. Under the headline 'Professors Say "No"', *Farrago* detailed the arguments made by the speakers. The momentum was maintained by a general meeting of students held on 18 May. Speakers from the Newman Society, Liberal Club and Labour Club addressed the meeting. Vin Buckley, Vice-President of the ALP Club argued that the bill opened the way for discrimination against the teaching staffs of Australian universities.⁸³ The 600 students then supported Buckley's motion opposing the Bill by a margin of 'about 6 to 1'.⁸⁴

Thus, the attitude of Melbourne University students and staff towards Menzies's wish to ban the Communist Party had been made very clear throughout 1950. It was in this context that the referendum on dissolving the Communist Party came to be debated at the University of Melbourne in August - September 1951. The crucial meeting of 13 September 1951 was a reaffirmation of views already well formed and firmly held.

⁸³ *Argus*, 19 May, 1950.

⁸⁴ *Argus*, 19 May 1950; *Farrago* 14 June 1950, *Farrago*, 17 May anticipates this meeting.

CHAPTER 4: THE 1951 DEBATE AT THE UNIVERSITY OF MELBOURNE

Professors say 'No' - Again

On Thursday, 13 September 1951, the Political Science Society of the University of Melbourne held another meeting chaired by W. Macmahon Ball, Professor of Politics. The referendum had been headlines in the Melbourne press, as well as in *Farrago*, for many months but this meeting was pivotal to the development of the academic debate on the referendum at the University. Three professors - Ian Maxwell, Professor of English, Faculty of Arts; Roy Douglas ('Pansy') Wright, Dean of the Faculty of Medicine; and Zelman Cowen, Dean of the Faculty of Law - advocated a 'No' vote in the forthcoming referendum. The professors entered the debate from differing perspectives but with equal vigour. Their decision to speak publicly drew large numbers of students to the meeting. It was reported in the Melbourne press as well attended, though estimated numbers varied.⁸⁵ According to the University student newspaper, *Farrago*⁸⁶, and to a member of the Political Science Society present⁸⁷, the Public Lecture Theatre was filled to capacity. Students listened attentively and applauded enthusiastically when the Professors put forward their case.⁸⁸

For Ian Maxwell, the first speaker, this meeting was the second occasion on which he had spoken against the referendum, the first being at a meeting at the Women's College.⁸⁹ This was not his only contribution to the referendum debate. He became a signatory to a joint statement by prominent citizens which included ministers and KC's,

⁸⁵ '1000 students hear Professors', *Argus*, 14 September 1951. 'A rowdy meeting of 400 students', *Age*, 14 September 1951.

⁸⁶ *Farrago*, 19 September 1951.

⁸⁷ Ray Dahlitz, letter to author, 30 June 1996.

⁸⁸ *Farrago*, 19 September 1951.

⁸⁹ Date of meeting unknown, however confirmed in interview with Lloyd Churchward, 11 September 1996. Transcript of interview with Professor Emeritus Ian Maxwell, 3 May 1976, as appendix VII to Thomson, op. cit.

and was published in the *Age*.⁹⁰ Though he was reluctant to speak at the 13 September meeting and claimed not to be politically-minded, Maxwell agreed that if the Political Science Society were 'stuck for a speaker' he would speak at the Public Lecture Theatre.⁹¹ (He had in fact been foundation President of the Liberal Club in 1925).⁹² At the meeting he told the students that, given the nature of communists and communism, the Bill would be ineffective because communists are good underground workers. 'They have had time to prepare. Repression creates sympathisers, and this measure would be an invigorating purge for their party'.⁹³ Banning the Communist Party would not achieve the aims of the Government. He believed the opinion at the University was strongly against the Bill, and was also aware that it was difficult for those organising meetings to find anyone to speak for the Bill.⁹⁴ This view was supported in a statement by the Chairman of the Political Science Society.⁹⁵ To Maxwell, the most significant feature of the campaign was that if people were given time to hear reason, they would act on it.

'Pansy' Wright, was the second speaker at the Public Lecture Theatre. Wright had many objections to the referendum. The onus of proof being placed on the accused troubled him. He believed that Communism was 'a proper political philosophy ... and therefore should be available for full and frank discussion'.⁹⁶ *Farrago* quoted Wright:

I believe the referendum asks for power for political repression, and political repression is essentially bad. We are being asked to grant powers proper to a despotic State, but not proper for a democracy. The powers the Government is seeking would be a negation of our belief in free speech, freedom of association, and political freedom.⁹⁷

When approached in August 1951 by the Federal and State Public and Essential Services Council for a statement on the referendum, Wright had happily agreed. His

⁹⁰ *Age*, 15 September 1951.

⁹¹ Transcript of interview with Ian Maxwell, Thomson, op. cit., n.p.

⁹² Don Watson (1979), *Brian Fitzpatrick. A Radical Life*, Hale & Ironmonger, Sydney, p. 19.

⁹³ *Argus*, 14 September 1951.

⁹⁴ This view is confirmed by the then President of the Labour Club, Mr John Clendinnen, who recalls that someone from the opposing side had been sought, but the Political Science Society had been unable to find any one willing to speak for the referendum. Letter to author, 28 August 1996.

⁹⁵ *Age*, 6 October 1951, letter from I Grosart, Chairman Political Science Society.

⁹⁶ Transcript of interview with 'Pansy' Wright, Thomson, op. cit., n.p..

statement, published in the pamphlet in September, argued that the anti-communist bill sought to introduce political repression, 'on the basis of the assertion that all Communists are traitors'.⁹⁸ Wright's statement was one of two statements by academics in the pamphlet, the other being by Professor Oscar Oeser, Professor of Psychology.⁹⁹ The text of his contribution to this pamphlet was essentially the basis of Wright's speech at the student meeting. Following the University meeting, he offered himself as a speaker against the referendum 'anywhere between Hobart and New South Wales',¹⁰⁰ and spoke passionately from this perspective for the remainder of the campaign.

The third and final speaker was Zelman Cowen, the 31-year-old Professor of Public Law at the University, who had recently returned from Oxford University. At the outset of the debate he declared himself to be opposed to Communism and argued that the international situation was highly inflammable and that powers were needed to deal with Communists within Australia.¹⁰¹ He went on to say that he was satisfied that it was necessary to do this on a national basis, and that the Commonwealth should have power for this purpose. However he continued that, in this case, it was the manner in which the Government aimed to acquire extra powers to deal with Communists that concerned him. *Farrago* quoted Cowen:

The Communist Party Dissolution Act gave wide powers, and, what is so very important, it provided safeguards against the misuse of those powers.

What worries me so much is that the Commonwealth has asked for much wider powers than those in the Communist Party Dissolution Act. Although I loathe the Communists and their minions, I believe that we must remember always what it is that we are fighting to preserve.

And it is because the Commonwealth's proposals ask for too much that I believe that the Referendum proposals are unsound.¹⁰²

⁹⁷ *Farrago*, 19 September 1951.

⁹⁸ Pamphlet: 'Unite to Defend Democracy', September 1951, CPA Vic. State Committee Collection, First Accession, Box 8, MUA.

⁹⁹ Sharing the same page of this publication were Rev. Alan Walker, Dame Mary Gilmore, Canon E J Davidson and Professor Walter Murdoch.

¹⁰⁰ Transcript of Interview with Professor Wright, undated as Appendix VII of Thomson, op. cit.

¹⁰¹ *Farrago*, 19 September 1951.

¹⁰² *Farrago*, 19 September 1951.

The *Argus*¹⁰³ report of the 13 September meeting records Cowen conceding that 'if he had been asked to vote on the Communist Party Dissolution Act he would have voted "yes"'. But it was the inclusion of extra powers that troubled him. Cowen elaborated on this in a special article published in the *Argus* on 14 September, titled 'These Referendum Proposals are Unsound'. In that article he asked why it was necessary to do anything more than ask for power to write into the Constitution the Act which the High Court held not to be permissible in the existing state of the Constitution.

The referendum meeting was reported in the Melbourne *Herald* that evening and by the *Argus* the following day. The headline '1,000 students hear Professors - say No' was accompanied by photographs of Wright and Maxwell together with photographs of young students gazing in awe toward the podium.¹⁰⁴ It was also reported in the press that a meeting of the 'vote No' Committee planned to make pamphlets of the Professors' speeches to 'deluge' blue-ribbon Liberal electorates was also reported in the press.¹⁰⁵ The Chairman of the Political Science Society, Ian Grossart, in response to the publicity given to the 13 September meeting, wrote to the *Age* to put forward his society's position. His letter stated that the Political Science Society was not politically partisan. The aims of the Society were 'to promote intelligent discussion and informed criticism on political problems.'¹⁰⁶

It recognises, nonetheless, that when honest and able men disagree on a political problem it is generally desirable to present the different points of view. In this instance, the Committee ... heard of and sought the involvement of a professor who proposed to vote 'Yes' but he declined.

Grossart declared that the Political Science Society had the highest ideals of intellectual debate in mind when organising the meeting on 13 September. The purpose of the meeting was to expose different points of view and allow the audience to make their own decisions.

¹⁰³ *Argus*, 14 September 1951.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Argus*, 15 September 1951.

¹⁰⁶ *Age*, 6 October 1951.

Both the 'Vote No' Committee and the Communist branches at the University used the text of the three speeches for pamphlets which were distributed widely.¹⁰⁷ The *Argus*, with a circulation of 153,000, maintained currency with coverage of the meeting of 13 September and its aftermath until December 1951.¹⁰⁸ The *Argus* also circulated in Tasmania, and readers in both states would have been cognisant of the debate and its consequences.

The Staff Association and other Staff Responses

Participants at a meeting of the Melbourne University Staff Association prior to the referendum and attended by about 100 people (date unknown) heard two staff members speak vehemently in favour of the referendum.¹⁰⁹ The first such speaker was Boyce Gibson, Professor of Philosophy, whose brother was Ralph Gibson Secretary of the Communist Party. The second was Sydney Sparkes Orr.¹¹⁰ Gibson's vitriol surprised and alarmed many in his audience.¹¹¹ The meeting ended in uproar.

Other prominent staff members opposed the referendum. A statement signed by distinguished citizens, including ministers of religion, King's Counsellors and academics was published in the press on 15 September. University of Melbourne academics opposing the referendum were Kathleen Fitzpatrick, Geoffrey Leeper, Oscar Oeser, Sidney Rubbo and R D Wright. The statement claimed that the referendum struck at certain fundamental civil liberties. 'The Act places every one at the mercy of vindictive people, and of malicious secret informers'.¹¹² It concluded with a wish that Australians would not allow themselves to be responsible for the destruction of their own civil liberties. The letter invoked a range of responses by the Melbourne press. The *Age* referred to it as a 'hostile statement' while the *Argus* gave it more prominence, signalling the *Argus* believed in the importance of this statement by

¹⁰⁷ Interview Lloyd Churchward, 11 September, 1996, *Argus*, 15 September 1951.

¹⁰⁸ Webb, op. cit., p. 108.

¹⁰⁹ This meeting was recalled vividly by two separate interviewees, the first Sid Ingham, 24 September, 1996 and the second Ken Inglis, 26 September 1996. A search through M.U.S.A. files at Melbourne University Archives failed to locate the minutes of this meeting. It may have taken place on 19 September 1951.

¹¹⁰ Ibid.

¹¹¹ Interview, Sid Ingham, 24 September 1996.

¹¹² *Age*, 15 September 1951; *Argus*, 15 September 1951.

leading citizens. Clem Christesen, editor of the Melbourne University literary journal *Meanjin*, joined with a group of 23 prominent poets and writers (including Judah Waten, Katherine Susannah Prichard, John Morrison and Elanor Dark) in a declaration urging a 'No' vote. It read in part: 'We have reluctantly and with alarm reached the conclusion that an Australian Government is conspiring against the people, is trying to trick the people into giving a direction to establish what is none other than Fascism'.¹¹³

Christian Social Action, a group of Catholic and Protestant academic staff (and some students) at the University wrote to *Farrago* opposing the referendum: 'We believe it seriously compromises certain basic rights of men and women. We oppose it for the same reason that we oppose Communism itself.'¹¹⁴ The group argued that though supporters of the referendum saw communists as potential enemies and saboteurs, this was not a valid reason for banning the Party. The letter restated the point made by Professor Cowen at the meeting on 13 September: 'the powers asked for are immeasurably wider than the power simply to pass the 1950 bill.' It concluded:

As Christians, we are unswervingly opposed to Communism. But, as Christians committed to social action, we are concerned to see that measures are taken to achieve a more equitable, a more Christian society; we are concerned to see that no measures are taken which would impede the progress towards such a society; we insist, therefore, that the only effective action against Communism is action which will destroy the causes of Communism.

The most prominent signatory of this group was Vin Buckley, a tutor in English, Newman Society member and Vice-President of the ALP Club. Many of the signatories were well-known University personalities and included History lecturers Arthur Burns and Sid Ingham; Tony Harold, a final year law student and former editor of *Farrago*; Ken Inglis, tutor at Queen's College; Jim Webb, SRC member; and Colin Thornton-Smith, lecturer in French.

¹¹³ *Age*, 18 September 1951.

¹¹⁴ *Farrago*, 19 September 1951.

Student Response to the referendum

The Student Representative Council (SRC) took an active role in the referendum debate, and frequent articles appearing in *Farrago*, the University student newspaper. At the SRC meeting held on 4 September 1951, it was resolved to hold a general meeting of students to discuss the referendum proposal. Thus, the SRC held a meeting in the Public Lecture Theatre on 14 September, the day following the meeting at which the Professors spoke. It was attended by approximately 500 students.¹¹⁵ Speakers for and against the Referendum addressed the meeting. Three motions were read to a rowdy audience.¹¹⁶

The principal motion moved by Peter Tenni and seconded by John Bayley, was:

that this General Meeting of students at the Melbourne University opposes a "Yes" vote in the forthcoming Referendum, even though it abhors Communism, because it feels that the passing of this Referendum would endanger the democratic rights of the Australian people.¹¹⁷

This motion, as amended, was carried by an 8:1 majority and the other motions lapsed.¹¹⁸ The *Age* reported Vin Buckley, supporting the motion, as saying that a 'Yes' vote would create industrial chaos and intellectual confusion greater than at present.¹¹⁹ It also reported Tony Gaskin, for the 'Yes' case, saying the danger of Communism was more serious than the danger of giving the Commonwealth more power. He asked the meeting: 'Do you think these powers will be abused?' This was answered by loud shouts of 'Yes!' Gaskin, as reported by the *Argus*, declared that he did not believe the powers would be abused, and would sooner risk 'the danger of Menzies than I would the danger of Communism'.¹²⁰ At this meeting, however, speakers for the 'Yes' case were reported as being hissed, 'but there were few

¹¹⁵ *Age* 15 September 1951, *Argus*, 15 September 1951. In *A Place Apart*, p.117, John Poynter and Carolyn Rasmussen appear to have conflated this meeting and the meeting at the Public Lecture Theatre on 13 September. The first SRC General Meeting of 1951, held on 14 September at the Public Lecture Theatre, was held in order to attract new membership and to discuss the Referendum.

¹¹⁶ *Age*, 15 September 1951.

¹¹⁷ *Argus*, 15 September 1951.

¹¹⁸ SRC Minutes, op. cit.

¹¹⁹ *Age*, 15 September 1951.

¹²⁰ *Argus*, 15 September 1951.

interjections'.¹²¹ This was a lively meeting, typical of other meetings at the University, where feeling against the referendum was high.

On 21 September, ALP Club was addressed in the Public Lecture Theatre, by Arthur Calwell, the new Deputy Leader of the Opposition and the local Member of Federal Parliament. In its early September edition of the ALP Club's newspaper, the *Socialist*, the inconsistencies within the Labor Party in respect to the referendum were discussed. The *Socialist* challenged the Labor Party's position on the referendum given its agreement to passing the Communist Party Dissolution Bill through the Senate in 1950. It proposed the argument being used by Evatt and other politicians - that the powers being sought would enable the government to pass a more far-reaching measure than the final form of the 1950 bill. Then, it suggested, a view that many thousands of Labor supporters believed: that in allowing the Communist Party Dissolution Bill to pass, the Party was guilty of unworthy surrender of principle to expediency. Therefore, in opposing the referendum, it would be returning to its traditional role, that of advocate and defender of Australian democracy.¹²²

The Communist Party at the University was naturally unequivocal in its attitude to the referendum. There were two (possibly three) branches operating as separate units at the University.¹²³ Membership was derived from all faculties, but broadly divided into Arts and Medicine.¹²⁴ In 1951 approximately 15 members of University staff were members, some of them using aliases, and a very active membership was estimated at 100.¹²⁵ Membership of the Communist Party was not generally known, though Labour Club members were fairly confident they knew who was and who was not a Party member. The Communist Party was closely aligned with the University Labour Club¹²⁶

¹²¹ *Argus*, 15 September 1951.

¹²² *Socialist*, September 1951, ALP Club Archives, Special Collection, Baillieu Library, University of Melbourne, p. 1.

¹²³ Lowe Report, op. cit., p. 43.

¹²⁴ Interview, Lloyd Churchward, 11 September 1996. Churchward was a Reader in Politics and an active member of the Communist Party.

¹²⁵ Ibid.

¹²⁶ Note difference in spelling: The Australian Labor Party and the University Labour Club differ. Source: Reports in *Farrago*, *Argus*, *Age*.

and many recruits for the Labour Club were believed to have come from the Communist Party.¹²⁷ During the referendum campaign, the University branches of the Communist Party were directed by the State Central Committee to 'plug holes' that had been left in the propaganda activities. This meant, for example, letter-boxing in areas not covered by the local Party branches.

The University Labour Club saw the referendum as an 'issue of overwhelming importance'.¹²⁸ The Club at this time numbered over one hundred active members. Meetings to discuss the referendum were held, though formal debates are not recorded. Campaign activities within the Club included composing and placing newspaper advertisements opposing the referendum, and handing out how-to-vote cards on polling day. For example, John Clendinnen, President of the University Labour Club during 1951, was a member of a Labour student working group working with left-wing Labor trade unionists, in particular working with Don McSween of the Clothing Trades Union.¹²⁹ This group's task was to make sure that all polling booths in Richmond, part of Stan Keon's electorate, were manned because the Richmond Labor Party branch was strongly anti-communist and would not hand out 'No' cards. McSween supplied official Labor Party how-to-vote cards to the Labour Club and on the day of the referendum, Club members travelled from booth to booth in the Richmond electorate handing them out.¹³⁰ Their aim was to make their presence felt at polling booths and prevent the media from printing stories that proved the Labor Party, especially in Richmond, was not opposing the referendum.

The University Liberal Club was divided on the referendum.. Opposition to the Bill was on the grounds that 'you should not seek to proscribe an organisation or prevent opinions being held.'¹³¹ However, within the Liberal Club a major debate between

¹²⁷ Ken Gott, 'Student Life: The Forties', *Melbourne University Magazine*, Spring 1961, p. 25.

¹²⁸ John Clendinnen, letter to author, 24 August 1996.

¹²⁹ McSween was a well-known ALP left-winger backed by communists-led left unions on a 'reform' platform for the job of Assistant Secretary of the Victorian Branch against P J Kennelly in 1940. McSween came within a few votes of winning. Robert Murray, *The Split*, Cheshire, Melbourne, pp. 14, 28, 132.

¹³⁰ Clendinnen, 24 August 1996, op. cit.

¹³¹ Interview with Alan Hunt, 1 October 1996.

Vernon Hauser, President of the Young Liberal Movement of Victoria and Alan Hunt, immediate past president of the University Liberal Club took place on 12 September. Hauser argued for the 'Yes' vote. 'The Commonwealth is asking for less power than the States already have', he said. Alan Hunt advocated the 'No' case. 'This referendum is a fraud' he argued. 'The Government is using it to rally support for a smear campaign', he said. Hauser and Hunt each believe they won the debate.¹³²

While records, either newspaper or archival, remain of the political activities of many clubs within the University, little information is available from the Colleges. The lack of records concerning College activities and debate on the referendum appears to indicate that formal discussion was not recorded within the Colleges in 1951. Debates in a number of Colleges were recorded for 1950, but not for 1951. Perhaps the reason for the contrast is that, although the initial Bill was debated in University circles in 1950, the 1951 University debate on the referendum was ever more engrossing and polarising, and people who might otherwise have debated the issue in Colleges were instead drawn to the University debate.

At Queen's College the minutes of the debating society, the William Quick Club, record the first meeting of 1950 held on March 21, in Ken Inglis's study.¹³³ At that meeting members discussed the College's need to have a strong inter-collegiate debating team. A debate the following week was agreed and Murray Groves was asked to adjudicate. The issue suggested was the proposed Communist Ban. Trinity's debating society, the 'Dialectic', met quarterly. On 25 April 1950, just two days before the *Communist Party Dissolution Bill* was tabled in Parliament, the subject for debate was 'That the Communist Party should be Banned'. After speeches, the motion was lost 9 votes to 7.¹³⁴ That these discussion within Trinity and Queen's occurred prior to Menzies's introducing the Communist Party Dissolution Bill into Parliament in

¹³² *Argus*, 12 September 1951, and interview with Vernon Hauser, 9 October 1996.

¹³³ Ken Inglis was tutor at Queens College, 1951-52. Interview with Ken Inglis, 26 September 1996. Queens College, Minute for 21 March 1950, William Quick Club, 1943-60.

¹³⁴ Minutes of the second general meeting of the Trinity College Dialectic Society 25th April 1950. Trinity College Archives.

1950 surely indicates that political discussion was indeed alive and well in the Colleges. Material could only be located from these two colleges on the 1950 debate, and searches through the archives of Ormond, Newman and Women's College (though it is known Maxwell spoke at a pre-referendum talk in 1951) have proved fruitless. It was also found that the Student Christian Movement proposed a debate on the banning of the Communist Party in April 1950. Professor Boyce Gibson was invited to address their meeting, however he declined the invitation, as he 'felt that any action on this subject would split the Movement'. The Minutes record he was apparently under the impression that the SCM were planning to protest against the Bill.¹³⁵ The subject was deferred, and further records of discussion or debate on the ban in 1950 or on the 1951 referendum can not be found.

Referendum debate occurred across the University, in its many clubs, associations, societies and faculties. As already mentioned, debates on the referendum in 1951 are not recorded in College records. Various members of staff gained public prominence for opposing the proposed alteration to the Constitution. The ALP, University branch of the Communist Party and Labour Clubs supported the 'No' vote, while the Liberal Club was split on the issue. The breadth and depth of discussion is illustrative of the high level of intellectual debate carried on within the University in 1951. By 22 September, the referendum issued had been thoroughly canvassed within the University. University figures - staff and students - had been active, some quite prominently in the wider community debate.

¹³⁵ Minutes of the Melbourne University Branch of the Australian Christian Movement, MUA.

CHAPTER 5: THE IMPACT AND AFTERMATH OF THE DEBATE

In a broadcast speech on 17 September, four days after the 13 September meeting at the University, Evatt expressed appreciation of the work of Australian opinion leaders openly advocating a 'No' vote. 'This applies to prominent churchmen, ... and to distinguished university teachers and scholars', he said.¹³⁶

The same night as Evatt's broadcast, Menzies read to a meeting in Hurtsville, an opinion by two leading constitutional lawyers, Garfield Barwick, KC, and Alan Taylor, KC. In answer to the question whether the proposed amendment to the Constitution would preclude any attack in the High Court on the validity of any law made thereunder, or whether the terms of that clause would authorise the making of a law dealing with persons other than Communists, they answered both questions negatively.¹³⁷ This was hailed by Menzies as the complete answer to 'recent propaganda' distorting what could be done with the proposed powers. 'This should blow into smithereens every crazy crooked argument advanced in the past 10 days about this referendum', Menzies said to a cheering audience.¹³⁸ It has not proven possible to ascertain whether Menzies had been influenced in seeking this opinion by what had been said and written by Melbourne University figures. However, it is known that a copy of Cowen's *Argus* article had been sent to Menzies,¹³⁹ and the Barwick-Taylor opinion was partly concerned with the issues raised by Melbourne academics.

As polling day approached, both the Prime Minister and the Leader of the Opposition began to assess the referendum campaign. Menzies proclaimed that a 'No' vote would protect communists while a 'Yes' vote would destroy them. He repeated the opinion

¹³⁶ *Sydney Morning Herald*, 18 September 1951.

¹³⁷ *Sydney Morning Herald*, 18 September 1951.

¹³⁸ *Age*, 18 September 1951.

of the KC's and added that 'no constitutional lawyer of any standing would disagree with it'.¹⁴⁰ Could he have had Professor Cowen, Dean of the Law School at the University of Melbourne in mind? In his final appeal, Menzies's urged voters to 'Put this dishonest and stupid nonsense aside' because 'the communists are the greatest and subtlest of our enemies'.¹⁴¹ In summing up the campaign, an *Age* Parliamentary reporter believed Menzies was clearly disturbed that the campaign had not gone as well as the Government would have liked, and with the degree of dissension within his own party, particularly in Sydney and Melbourne. The campaign had suffered considerably, the report said, 'at the hands of some of the clergy'.¹⁴² Whereas Evatt frequently referred to clergy and university professors, no public mention of them was made by Menzies. On the eve of the referendum, a 'hardening of public opinion against any prediction of an easy victory for the Government' was seen by the *Age* writer as the most remarkable aspect of the last weeks of the campaign. His prediction was that Queensland, Western Australia and Tasmania would almost certainly vote 'Yes', while New South Wales and South Australia were likely to reject the proposals. Victoria was 'very much a doubtful quantity'.¹⁴³

The referendum failed. Queensland, Western Australia and Tasmania did vote 'Yes', and New South Wales, South Australia and Victoria voted 'No'. Victoria, which had been predicted as the pivotal state, rejected the referendum by a narrow margin. For the Commonwealth as a whole, the 'No' vote was 50.48%.¹⁴⁴ The academics were not, of course, the only factor working against a 'Yes' vote in Victoria. But, given the extraordinary closeness of the vote, if they (or perhaps any single factor working for a 'No' vote) had been different, it is possible that Menzies would have won. This hypothesis is strengthened by the fact that, in the final week of campaigning, opinion polls showed an unexpected swing away from supporting the referendum. Morgan

¹³⁹ Spry to Menzies, 19 September 1951, ASIO Files, A6122/2, Item 363, pp. 111-13, AA.

¹⁴⁰ *Argus*, 20 September 1951.

¹⁴¹ *Age*, 21 September 1951.

¹⁴² *Age*, 21 September 1951.

¹⁴³ *Ibid.*

¹⁴⁴ Webb, *op. cit.*, (from tabulated results) p. 145.

Gallup Poll announced 'In the past six weeks, a million electors have switched from 'Yes' to 'No'.'¹⁴⁵

It is difficult to argue that the debate at the University had a significant result in the University's electorate, Melbourne. The vote for the Labor and Communist parties in the electorate at the 1951 Federal election was marginally higher, at 68.2%, than the 'No' vote of 67.2%. In Victoria overall, the 'No' vote at the referendum showed an opposing trend, being 0.8% higher than the overall ALP/Communist voting at the 1951 election. However, as only a minority of students were entitled to vote (the voting age at the time was 21 years), and the University staff were few in number and more likely to live outside the electorate (which was not the gentrified area it is today), it is not surprising that there is no discernible effect of the debate on the local electorate.

The Prime Minister and the Leader of the Opposition issued statements on the results. While emphasising his view that the referendum failed because of 'a wicked and unscrupulous 'No' campaign, Menzies concluded that 'no amendment of the Commonwealth Constitution can be carried if the Parliamentary Opposition is against it'.¹⁴⁶ Menzies also expressed this view privately in a letter to Felix Frankfurter.¹⁴⁷ It was perhaps for this reason no further referendum was held while Menzies remained in office. Although Menzies's view of the need for bipartisan support for a referendum to succeed has become the conventional wisdom, analysis of the 1951 campaign suggests it may be wrong. It may well be that, had academics and other non-partisan opinion leaders not opposed the referendum, Menzies would have won despite Labor's opposition. In his post-referendum comments, Evatt again cited the influence in the community of respected leaders as significant on the campaign and once again addressed his thanks to the distinguished clergymen, writers and academics he believed had helped achieve the narrow 'No' victory. To them, he said, 'the future generations of Australians owe a deep debt of gratitude'.¹⁴⁸ In an analysis of the referendum result,

¹⁴⁵ Webb, op. cit., pp. 133-34.

¹⁴⁶ *Sydney Morning Herald*, 24 September 1951.

¹⁴⁷ Menzies to Frankfurter, 8 October 1951, MS4936, Series 1, Folder 104, Box 12, NLA.

¹⁴⁸ *Sydney Morning Herald*, 24 September 1951.

the political correspondent of the *Sydney Morning Herald* gave seven reasons for the 'No' verdict. They included the vigour of Evatt's campaign and the declaration of a number of Protestant clerics, coupled with similar declarations by 'certain university men' against the referendum.¹⁴⁹ These, of course, were not the only reasons listed for the defeat of the referendum.

Some time later, two journals, each with small circulation but informed writers and readership, commented on the failure of the referendum. Before publishing, Clem Christesen, the editor of *Meanjin*, the University's literary magazine, wrote to a colleague. He sought Macmahon Ball's advice on the draft of his forthcoming editorial. Ball cautioned him that it would 'certainly anger the sort of people who were angry about the Political Science Society meeting.'¹⁵⁰ Ball's comments did not deter Christesen. The Uneasy Chair (the *Meanjin* editorial) complimented the role of a number of writers, teachers, journalists, clerics and others in the referendum who did not 'keep their mouths shut', but played a useful part in discussion.

The significant fact is, not that the vote was NO, but that the public mind was actually changed after the proposals had been thoroughly aired, and that the usually reticent intelligentsia played a significant part in the airing.¹⁵¹

Though not the only decisive factor, the role of prominent citizens, respected in their professional capacity, appeared to be significant.

The author of an article in the *Round Table*, a quarterly magazine of British Commonwealth Affairs, proposed a similar view. In the article 'Australia: Postmortem on the Referendum', the anonymous author (in fact, Geoffrey Sawer)¹⁵² cited the traditional reluctance of Australian voters to support constitutional amendments as one reason for the failure of the referendum. Coupled with that was a

¹⁴⁹ *Sydney Morning Herald*, 24 September 1951.

¹⁵⁰ Ball to Christesen, 12 October 1951, Macmahon Ball correspondence, Meanjin Archive, Baillieu Library.

¹⁵¹ *Meanjin*, No. 47, Vol. X, Number 4, November 1951, p. 319.

¹⁵² *Round Table* contributions were the work of local state committees. The Melbourne group was responsible for the Australian contribution from June 1946 to September 1953. Articles were written by a member(s) of the local group then debated and circulated to the other states. The commentary cited was written by Geoffrey Sawer. Interview, Leonie Foster, 9 September 1996. See also Leonie Foster, (1986) *High Hopes*, MUP, Melbourne.

genuine and widespread dislike for the principles of the proposed legislation. Sawyer pointed to the energy and conviction of Evatt's campaign and the role of public figures such as professors and clergymen. This had some effect not only on wavering Labor forces but also on Liberal supporters from the professional middle class. In the final analysis, there was no corresponding support for the 'Yes' case.¹⁵³

Given the extreme closeness of the vote in Victoria and nationally and the evidence of a late swing during the campaign, and given that independent analysts and participants at the time¹⁵⁴ described the academic contributions to the debate as influential, it is not unreasonable to conclude that the meeting at the University of Melbourne had an important, perhaps decisive effect, on the result of the referendum.

The Impact of these events on the University

Aspects of the referendum debate were not seen favourably by the Chancellor, Sir Charles Lowe. At its meeting on 1 October, Lowe read a prepared statement to Council regarding the 13 September meeting. Two issues concerned him, the first was the unauthorised use of University property, and the second concerned the limits to the conduct of professors towards students within the University. Lowe stressed to Council that these matters required careful consideration, and that they would be discussed at its next meeting on 12 November.¹⁵⁵ At this time, Council meetings were open to the press, and the following day, 2 October, the *Argus* made the private University matter public. Photographs of Lowe, Cowen, Maxwell and Wright stared out from the page opposite one section of Lowe's statement: 'Whether there are any (and, if so, what) limits to the conduct of professors towards students within the University'.¹⁵⁶ The following day the *Argus* focused on the SRC's response to Lowe's statement the previous evening. The SRC executive was quoted: 'We consider that freedom of expression by both University staff and students is essential for full

¹⁵³ *Round Table*, No. 166, March 1952, pp. 182-83.

¹⁵⁴ As well as Christesen, participants taking this view include Dr Jim Cairns and Ray Dahlitz. Cairns interview 1 September 1996, Dahlitz letter to author 30 June 1996.

¹⁵⁵ *Argus*, 2 October 1951.

development of the University's traditional role as a centre of free and unfettered inquiry.'¹⁵⁷

On 3 October the *Argus* editorial was exclusively devoted to the University. Under the heading 'Tolerance and the University' it argued that tolerance should be practiced by the Council at their 12 November meeting, 'The University of Melbourne has bred very few fanatics. It has, on the other hand, bred many of Australia's most balanced, illustrious citizens, of every party and creed.'¹⁵⁸ Further articles appeared in both the *Argus* and the *Age*¹⁵⁹ during the week and reported SRC opinions on the possible consequences of Lowe's statement. The prominence of articles in the *Argus* signalled that newspaper's stance in the issue, while the *Age* continued to present more low-key stories.

Naturally, *Farrago* addressed the issue and printed the entire text of Lowe's 1 October statement. Its editorial on 10 October, written by the newly-elected editor, Claude Forell, showed a maturity and depth of understanding. It commended the SRC for taking a firm stand by stating its belief in the principles of academic freedom. However, it warned that emotional outbursts and invective against the Chancellor and Council were quite unjustified and would only help to bring about a result that students wished to avoid. Readers were shrewdly reminded that 'An eminent jurist like Sir Charles Lowe would hardly be so indiscreet as to prejudice the issue before full investigation and discussion by Council.'¹⁶⁰ Both the Chancellor and the SRC had challenged Council to define its attitude to the issues raised, and it was hoped Council would have the 'nobility and courage' to declare that it would never muzzle free speech. The editorial concluded, 'If Council chooses to restrict free speech, students will not hesitate to fight back, and rightly so. If it does not, then students can be proud that they are members of what is a true university.'

¹⁵⁶ Ibid.

¹⁵⁷ *Argus*, 3 October 1951.

¹⁵⁸ Ibid.

¹⁵⁹ *Argus*, 6 October 1951; *Age*, 6 October 1951.

¹⁶⁰ *Farrago*, 10 October 1951.

The Committee of the Melbourne University Staff Association met in late October to discuss the forthcoming Council meeting. As a result, a letter from the Association was forwarded to the Vice-Chancellor and Staff representatives on the Council on 1 November. The case the Association presented in the letter, which was stated to be for use at the Council's discretion, affirmed that staff felt a high level of responsibility in their role as teachers.¹⁶¹ The Staff Association stated its regret that the opinions expressed at the public meeting had been inadvertently construed as being the official opinion of the University. Though unaware of any instances where members of staff had attempted to 'pass off their opinions as those of the University', the Association recommended all staff be again advised of the conditions under which they were allowed to use the name of the University in making public statements. Finally, they affirmed the right of staff to address a student meeting, irrespective of whether an opposing view was presented by another person at that meeting.¹⁶²

On 10 November, two days prior to Council's meeting, the *Age* published an article quoting from the *Manchester Guardian* of 9 November, announcing the withdrawal of Professor Cragg of Durham University (England) from his recent appointment to a chair at Adelaide University.¹⁶³ The full report in the *Manchester Guardian* itself drew attention to the 'reprehensible provision in the statutes of Australian universities' prohibiting Australian professors from sitting in Parliament; being members of a 'political association'; or from giving lectures outside the University without the sanction of the University Council.¹⁶⁴ 'These are certainly limitations on academic freedom as it is understood in this country', it continued. Referring to the three Melbourne professors who spoke at the Political Science Society meeting advocating a 'No' vote, the *Guardian* reported that the Chancellor, Sir Charles Lowe, would ask the University Council to discuss the issue at its meeting on 12 November. This had been 'widely interpreted in Australia as foreshadowing the restriction of political activity', the *Guardian* concluded.

¹⁶¹ M.U.S.A. Folder, Attack on Teachers, MUA.

¹⁶² Ibid.

¹⁶³ *Age*, 10 November 1951.

¹⁶⁴ *Manchester Guardian*, 9 November 1951.

This article in the *Age* may have prompted a letter from Dr James Darling, Headmaster of Geelong Grammar, to Sir Charles Lowe on 10 November. Darling notified his inability to attend the forthcoming Council meeting and advised Lowe that he concurred with the reintroduction of rules on political meetings at the University. Of the press and recent publicity - 'the less said the better'. On the subject of the Professors' roles and relationships, Darling saw a danger if teachers were precluded from stating their opinions fully, either on politics or religion. 'They are supposedly men of intelligence and judgement and it is part of their responsibility to give a lead to public opinion'.¹⁶⁵ That the vocal ones were always on the more sensational side was a pity, he continued, but 'better on the whole that they should speak than that there should be any feeling of restraint'.

In a paper tabled at the Council meeting on 12 November, Lowe did not expand greatly on the two questions raised at its previous meeting, but gave veiled suggestions for the reasons for his support of controls on the use of premises. This argument was put forward in a separate paper tabled by the Vice-Chancellor. Lowe's reason for taking action was that the referendum was a party political matter, from which the University must stand clear and not take a partisan attitude. It was, he said, undesirable that only one side had been put, and that the meeting had led to 'misunderstandings of the University's position'.¹⁶⁶ The University's role was to provide opportunities for understanding of all political and social views, and all points of view needed to be put. Perhaps his most significant comments came at the end of his paper: 'The University cannot allow itself to appear to enter the arena of controversy', and while 'ministries come and ministries go', he had no wish to antagonise any political party, for 'prudential' reasons. Victoria then had a Country Party government, supported by the Labor Party and 1952 would see three changes of Government and Premier - from McDonald to Hollway to McDonald to Cain.¹⁶⁷

¹⁶⁵ Darling to Lowe, 10 November 1951, Edmund Herring Papers, MS11355, Australian Manuscripts Collection, La Trobe Library.

¹⁶⁶ Council & Its Committees, 1951, MUA.

¹⁶⁷ Ian McAllister et al (1990), Australian Political Facts, Longman Cheshire, n.p.

The Chancellor's comments need to be seen in the light of two aspects that were perhaps self-evident at the time, yet were not set out in detail. Firstly, university students were widely held to be (and perhaps were) highly susceptible to influence by teaching staff, and the University consequently had what can be described as a duty of care to ensure teaching was not biased. Secondly, the University was under considerable financial stress;¹⁶⁸ and with a highly unstable political situation in Victoria, it is not surprising that the Chancellor was wary of the danger of alienating his primary sources of funds.¹⁶⁹ The second factor was, it is argued, pivotal to the manner in which Lowe and Paton structured their responses to the 13 September meeting.

Lowe and Paton were legal men and understood the skill of signalling a number of messages in one communication to discreet audiences. In this case, one audience was the staff and student population; the second was 'the men at the top of Bourke Street'.¹⁷⁰ The two documents tabled on 12 November apparently aimed to satisfy a number of criteria. They were largely obscure statements of a legal nature, almost impossible to interpret in plain English. However, they conveyed a number of messages. They indicated, to the Government, that action was being taken to prevent another incident such as the Political Science Society meeting. This was achieved by announcing that rules would be reinstated governing the use of premises and the balance required in any meeting (not just political meetings). The precarious financial position of the University was brought into stark relief when Lowe carefully referred to ministries and political parties who 'come and go' and, apart from any prudential reason, 'the University would not wish to antagonise any political party'. A further subtlety of the Lowe and Paton argument was directed at the Professors. The impact of Government cutbacks would eventually mean expenditure cuts in their departments.

It may well be that Lowe and Paton were influenced in acting as they did by pressures on them by associates - for example, at city clubs, or within the legal profession, or

¹⁶⁸ Poynter & Rasmussen, op. cit., pp. 90 - 109.

¹⁶⁹ Council and Its Minutes, 1951, Book 38, MUA.

¹⁷⁰ *Argus*, 13 November 1951.

privately from colleagues - to restrain 'pink professors' at a time of communist threat.¹⁷¹ The attitude of many conservative city figures was perhaps reflected in General F P Derham 'berating' Zelman Cowen in the Supreme Court Library for speaking as he had.¹⁷² (In 1950, Derham, as president of the Victorian Law Institute had threatened Melbourne legal men with disciplinary action if they commented on the 'Anti-Red' Bill).¹⁷³ Another sign of the social pressure on Lowe and perhaps Paton was that on 11 November, the day before the Council meeting, the famous 'Call to Australia' to fight communism was published. It had been orchestrated by Sir Edmund Herring, Chief Justice of Victoria - leader, that is, of the Supreme Court on which Lowe had sat since 1927.¹⁷⁴

An article in the *Argus* on 13 November announced that the University Council had cleared professors and no action was needed over 'No'-vote talk.¹⁷⁵ It attempted to interpret and summarise Lowe and Paton's statements. A less difficult task was to highlight Professor Wright's statement defending the 13 September meeting.¹⁷⁶ The *Age* on the same day more persuasively interpreted Lowe's statement as the University's strategy to avoid further grounds for accusations of taking a partisan attitude.¹⁷⁷ Council's decisions to reinstate rules governing meetings prompted an angry editorial from the *Argus*. Titled 'Need for Clear Thinking', it challenged Lowe's opinion that the referendum was a party-political issue, and declared his view astonishing. It also saw Paton's statement that the University 'must be kept free of party politics' as ludicrous.¹⁷⁸ Referring to Adelaide University's loss of Professor Cragg, the *Argus* revealed that Melbourne University rules restricted political activity by professors. The editorial then directed its wrath toward 'the gentlemen at the top of Bourke Street'. It reminded them that the University was the intellectual 'power house' of the nation, but that 'a power house ... will work only when greased by the

¹⁷¹ Interview, Sir Zelman Cowen 9 October 1996.

¹⁷² Ibid.

¹⁷³ *Argus*, 29 April 1950.

¹⁷⁴ Sir Edmund Herring Papers, op. cit.

¹⁷⁵ *Argus*, 13 November 1951.

¹⁷⁶ Ibid.

¹⁷⁷ *Age*, 13 November 1951.

¹⁷⁸ *Argus*, 14 November 1951.

oil of freedom'. The delicate financial position of the University and its dependence upon the Government for funds suddenly moved into more direct focus. A correlation between precarious funding and academic freedom was made. The editors had surely 'read' the Lowe and Paton statements correctly.

The publicity surrounding the Council meeting and its decisions prompted a letter from the Victorian Branch of the Clothing and Allied Trades Union to the Vice-Chancellor. A general meeting of the Union had considered the matter 'to be one of considerable importance to the community as a whole'. The letter concluded: 'we trust there will be no curtailment of relevant existing rights'.¹⁷⁹ Paton replied stating, not for the last time in this episode, that the matter had been misunderstood. He assured the Union that one-sided censorship was never contemplated. The University had traditionally encouraged freedom of expression, and this would continue.¹⁸⁰

The SRC maintained its rage at the University Council (though not forever). At its meeting on 26 November, the SRC reaffirmed its opposition 'to any form of restriction being placed on the traditional freedom of opportunity for expression of every point of view in the University'.¹⁸¹ At the same time student lobbying also concentrated on the forthcoming Council elections which were due to take place in early December. Rumours circulated that a strong left-wing pressure group of students sought to depose Lowe. The press reported that a 'graduate group' was attempting to unseat the Chancellor and some of the members retiring in November.¹⁸² Professor Wright wrote to Lowe on 27 November to inform him of a rumour. As only Lowe's reply survives, it is not known what this rumour was. Lowe acknowledged he had heard the rumour, but had ignored it. He observed, however: 'What you write shows how difficult it is ever to get in this community - an unbiased presentation of our attitude'.¹⁸³ The issue was closely related to the 13 September meeting. In conclusion

¹⁷⁹ Letter from Smith to Paton, 16 November 1951, Council & Its Committees, 1951, Meetings on University Premises, MUA.

¹⁸⁰ Letter from Paton to Smith 18 November 1951, *ibid.*

¹⁸¹ SRC Minutes, No. 192, MUA.

¹⁸² Poynter & Rasmussen, *op. cit.*, p.118.

¹⁸³ R D Wright Collection, Personal Correspondence, 8/3/1-8, 9 January - 24 December 1951, MUA.

he assured Wright that he had 'never had any reason to doubt the competency and integrity of your administration of the Faculty of Medicine or of your regard for me personally, nor have I now'.

The issue of free speech in the University was raised in Parliament on 5 December 1951. Lowe was attacked by John Cain, Leader of the Labor Party who insisted the State Government impress on the Chancellor 'that it would not tolerate stifling of free speech'.¹⁸⁴ Lowe, in a published response, denied that he had criticised the Professors.¹⁸⁵ He reiterated this point in his final statement on the matter in the December *University Gazette*. He also pointed to the contrasting responsibilities of a professor:

Outside the University and as a citizen he may put forth his views subject to the law of the land... But inside the University and to University students he cannot rid himself of the prestige and authority which he derives from being a professor.¹⁸⁶

Lowe's belief that the University of Melbourne provide a forum in which all views could be discussed embodied his views on the issue. On Christmas Eve, the *Age*¹⁸⁷ reported the themes expressed in the *Gazette*, and the issue of the Communist Party Dissolution Referendum debate apparently came to an end.

¹⁸⁴ VPD, 1951-52, Vols. 238-40, pp. 568-71; *Argus*, 6 December 1951.

¹⁸⁵ *Herald*, Melbourne, 6 December 1951.

¹⁸⁶ *University Gazette*, 18 December 1951, p. 92.

¹⁸⁷ *Age*, 24 December 1951.

CHAPTER 6: CONCLUSION

For much of 1951, the great concern of the Menzies Government and much of the country was the need to deal with the domestic as well as international threat from communism. Local communism was widely seen as a 'fifth column' in times of great international strife. The upswing of anti-communist sentiment in the country was manifest in the re-election of the Menzies Government in April 1951. Concern about domestic communists was evident over some years in allegations of communist influence at the University of Melbourne. That there were a number of communists or 'fellow-travellers' active in the University is evident from the events described in this thesis. However, an attempt by the Menzies Government to deal with the domestic threat of communism by seeking, through referendum, to ban the Communist Party provoked a strong reaction there, as in some other sections of the community.

Many academics and others felt deep concern about the impact of the proposal on civil liberties. Concern about civil liberties - either as a total opposition to the banning of the Communist Party, or concern about particular provisions of the proposed constitutional amendment - was evident in the debate about the referendum among members of the University academic staff and students, and in their contributions to wider community debate. The major academic figures prominently opposing the referendum came from the left, the centre, and some even from the right. Some, like Cowen, were genuinely non-partisan, and some like Wright were prominent advocates of civil liberties, but many staff and students were aligned to political parties.

The attempts by the Chancellor and Vice-Chancellor to reinstate rules on the role of professors and the appropriate use of University premises were designed to protect the prestige and financial position of the University. This was in the context of a strong anti-communist sentiment in the community, a widespread perception of the University as a centre of radicalism, precarious funding, the need to work with a recently re-

elected Liberal Government in Canberra, and very unstable politics in Victoria. But the 'prudential' efforts of Lowe and Paton in turn provoked a reaction which itself seemed at risk of damaging the University: this reaction was evident in the Melbourne press, in the State Parliament, and amongst overseas academics. Melbourne University's action cost Adelaide a professor.

The events at Melbourne University, as well as reflecting the role of communists and 'fellow-travellers' in the Labour Club, reflected the divisions within the major parties. The division within the Liberal Party which had, for example, resulted in the dismissal from his post of Alan Missen was reflected at the University in the debate between Hauser and Hunt. Missen was not to become a Liberal Senator for another 23 years. The divisions and tensions within the Labor Party which were, within a few years, to result in the historic split that would keep Labor from federal office until 1972, were to some extent foreshadowed by the tensions and divisions amongst Labor academics and students at the University in the years immediately preceding the referendum campaign. They were certainly evident in the actions (and inaction) of Keon and Mullens, strong critics of the University.

As well as debating issues within the University precincts, academics and students contributed to wider debate and to wider public campaigning on the issue. The debate at the University received extensive press coverage. With only one University in Victoria, and the university an elite institution, the professors were given considerable respect by the media. Yet many conservative figures in the community found their action deeply irritating, and did not want professors to take a public stance on controversial issues. As well as their speeches at the University being reported, some professors and other academics made deliberate entry into the public arena - by writing newspaper articles, or signing public statements. Students also took part in the wider public debate. For example, Labour Club activists sought to help make up for the refusal of some strongly anti-communist Labor Party branches, such as in Stan Keon's seat, to distribute 'Vote No' how-to-vote cards on polling day.

The 1940s and 1950s are sometimes depicted as a period of anti-intellectualism, with Australia as an intellectual wilderness. However, these events of 1951 show a lively political debate in Australia in which Australian intellectuals played an important, prominent and decisive role. This is also a period which, coming as it did before the storm of student protests and activism of the 1960s and early 1970s, is often seen as a period of student conformism and quiescence. Yet these events display a high degree of student involvement in the debates and activities about the great issue convulsing Australia. This student activism was evident in University clubs such as the Political Science Society, the SRC, and the non-party-political clubs, rather than in groups such as the Student Christian Movement and Colleges in which there had been vigorous debate of the initial Bill in 1950.

In different guises and changing context, student activism had existed at the University for many decades, evident in vibrancy in political and debating and other activities. Menzies, himself an undergraduate at Melbourne during the First World War, had been a prominent student leader in 1916, President of the SRC, editor of *Melbourne University Magazine* and president of the Student Christian Union.¹⁸⁸ He had served on the University Council until 'inadvertently' forfeiting his seat 'through inattendance' in 1934.¹⁸⁹ He was to be the first former student of the University of Melbourne to become Prime Minister since Deakin last left office in 1910. Yet it may well be that in 1951 Menzies was defeated on the Communist Party Dissolution referendum by the academic staff and students of his *alma mater*.¹⁹⁰ The issue of communism, and its capacity to divide the Labor Party, was to enable Menzies to recover from this referendum defeat, and to go on to a record term as Prime Minister. Although he apparently did not generally like 'university people', regarding them as 'perpetual gadflies',¹⁹¹ he was nonetheless, to preside over a major expansion and enhancement of Australia's universities in the aftermath of the Murray Report - an achievement of which he was proud.

¹⁸⁸ A W Martin (1993), *Robert Menzies. A Life, Volume 1 1894-1943*, MUP, Melbourne, pp. 20-22.

¹⁸⁹ Poynter & Rasmussen, op. cit., p. 10.

¹⁹⁰ Martin, op. cit., pp. 19-20, 30.

¹⁹¹ Interview with Sir Zelman Cowen, 9 October 1996.

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Liberal Club; ALP Club; Newman Society.

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CORRESPONDENCE:

John Clendinnen; Ray Dahlitz.

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4 April 1997

Professor John McLaren
359 Pigdon Street
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Dear John

Last year you very kindly examined my Honours Thesis. I would like you to have a copy, which I now enclose, as a token of my admiration for your own work, especially your most recent work on Australian intellectuals in the pre- and post- Second World War era.

As you know, I have just started work on a PhD in the History Department at Melbourne University, and am writing (under the supervision of Professors Macintyre, McPhee and Markwell) on William Macmahon Ball. I wonder if you knew him, and if so, may I come - when my research is more advanced - to talk with you about him.

You may also be interested to know that I am sharing the 1997 Western Mining Corporation Prize for Archival Research for my 1996 Honours Thesis.

In the meantime, thank you again for all your encouragement during my undergraduate years at Victoria University. I certainly look back on this period as a milestone in my life.

With kind regards

FAY WOODHOUSE

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APPENDIX: PROPOSED SECTION 51(A) OF THE CONSTITUTION

- 51A. (1) The Parliament shall have power to make such laws for the peace, order and good government of the Commonwealth with respect to communists or communism as the Parliament considers to be necessary or expedient for the defence or security of the Commonwealth or for the execution or maintenance of this Constitution or of the laws of the Commonwealth.
- (2) In addition to all other powers conferred on the Parliament by this Constitution and without limiting any such power, the Parliament shall have power -
- (a) to make a law in the terms of the *Communist Party Dissolution Act 1950* -
 - (i) without alteration; or
 - (ii) with alterations, being alterations with respect to a matter dealt with by that Act or with respect to some other matter with respect to which the Parliament has power to make laws;
 - (b) to make laws amending the law made under the last preceding paragraph, but so that any such amendment is with respect to a matter dealt with by that law or with respect to which the Parliament has power to make laws; and
 - (c) to repeal a law made under either of the last two preceding paragraphs
- (3) In this section the '*Communist Party Dissolution Act, 1950*' means, the proposed law passed by the Senate and the House of Representatives, and assented to by the Governor-General on the twentieth day of October, One thousand nine hundred and fifty, being the proposed law entitled 'An Act to provide for the Dissolution of the Australian Communist Party and of other Communist Organisations, to disqualify Communists from holding certain Offices, and for purposes connected therewith'.

Source: Webb, (1954) Communism and Democracy in Australia, F W Cheshire, Melbourne, p. 178.