

The logo for Manning Clark House features a stylized, light-colored monogram of the letters 'M', 'C', and 'H' intertwined. The 'M' is on the left, the 'C' is in the middle, and the 'H' is on the right. The letters are rendered in a thin, elegant script style.

MANNING CLARK HOUSE

HONEST HISTORY SERIES

**IS DAVID HORNER'S OFFICIAL HISTORY OF ASIO
'HONEST HISTORY'?
WAS COLONEL SPRY A TRAITOR?**

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DAVID HORNER: THE SPY CATCHERS, THE OFFICIAL HISTORY OF ASIO

Introduction

Yes this really is an official history. As the author writes in his preface, the whole idea seems counterintuitive. ASIO is the SECRET intelligence agency. Yet an official history of a Western intelligence agency is not unique. In 2010 an official history of the United Kingdom's M16 was published. And In 2011 the UK released thousands of M15 papers. I'll come back later to a particularly interesting disclosure in those papers.

So how did this official history of ASIO come about? ASIO invited tenders. The Australian National University won the tender and Professor David Horner was the principal author. This book, the first of three volumes, covers the period from ASIO's establishment in 1949 up to 1963. Horner had full and unfettered access to ASIO's records. Apparently ASIO had a right to censor but that right was little exercised.

I am not one known for having made complimentary remarks about ASIO. I have been publicly critical of some of Australia's ant-terrorism laws and the extraordinary powers conferred on ASIO in recent years. But I have no hesitation in commending ASIO for commissioning this project. As you will see, I am less complimentary about the result.

Since this talk is part of the Manning Clark House Honest History series, it is appropriate to ask, at the outset, is this book 'honest history'? I have to answer that question yes. Now let me ask the same question again. Is this book 'honest history'? This time I answer the question with an unqualified no.

Have I created confusion?

Let me explain. I think it is honest history in the very limited sense that, so far as I am aware, the facts the author presents are presented accurately. I do not doubt that it will be recognised as the definitive account of ASIO's establishment and of the Organisation's early years.

I answered my question no, not because facts are presented inaccurately but because so many basic facts and so many surrounding circumstances are simply ignored.

This book is the first of 3 volumes. It covers 1949-1963, arguably ASIO at its worst, the period when ASIO undertook secret surveillance of thousands of ordinary Australian men and women. I am not an historian but I would have expected any

official, publicly funded, history of ASIO to examine not only what ASIO did but why it did it and in particular why ASIO conducted such extraordinarily extensive surveillance of ordinary members of the community professing progressive views. Remember, this book deals with ASIO's worst period and with its worst Director. Yet Horner says little about what use, if any, ASIO made of the massive dossiers it compiled or the detrimental impact of ASIO's extraordinary surveillance on Australian society. He explains that it is a history of the Organisation, not about ASIO's effects on particular groups in the community. A different author less sympathetic to some of ASIO's extraordinary activities may have found a more aggressive title, something like ASIO's Intimidation of Australians. I would also have expected analysis of what ASIO should have been doing but failed to do, including ASIO's apparent failure to keep watch over extremists of the right. These are large questions. I will return to them in my conclusions.

The book is titled *The Spy Catchers*. If the title is borrowed from Peter Wright's *Spycatcher* (1987), it does not match Wright's sensationalism and is unlikely to match Wright's sales. Still, some of the stories of ASIO surveillance of Russian diplomats read very much like spy fiction, secret meeting places, document drops, a female ASIO agent wired with a microphone in her bra, ASIO agent Bialoguski plying Petrov with alcohol so that he could pick Petrov's pockets as he slept. It seems the spy fiction writers were not far from the truth. But if you are expecting a James Bond thriller you will be disappointed. There is very little sex (other than Petrov's encounters with prostitutes). And there are no assassinations. Unlike President Putin and the CIA, Spry did not physically assassinate his opponents (he just set out to destroy their careers). Nor did Spry rise to high political office.

Some may see the title as a misnomer. True, it includes extensive treatment of ASIO's role in detecting Soviet spying activities. But nothing is said about 'catching' spies from other countries. And, as we shall see, enormous resources were clearly devoted to surveillance (spying), not of spies, but of ordinary Australians with progressive views. As I have said, less sympathetic author might have found a different title.

Establishment of ASIO

The early part of the book deals with the background to ASIO's establishment, including the Venona intercepts of cables between the Russian Embassy in Canberra and Moscow indicating leaks of classified information from Australia to the USSR, investigations into possible sources of the leaks, United States suspicion of the adequacy of Australian security and US hostility to the leftist leanings of the Chifley Government. The UK and especially the US withheld sensitive intelligence from

Australia. Initially Chifley and Evatt were not in favour of a separate security organisation, Evatt in particular being concerned about civil liberties implications. Some may be surprised to learn that it was John Burton, the brilliant young head of External Affairs, well known for his progressive views, who in 1949 persuaded Chifley that a security organisation was necessary (Horner, 76, 78. I have been informed that according to Burton family archives, Horner's account is incorrect).

It is important to remember that ASIO was established administratively. Not until 1956 was ASIO given a legislative base. Its charter consisted of a one page memorandum from the Government. ASIO's key task related to espionage. But its role extended to actions 'of persons and organisations which may be judged to be subversive of the security of the Commonwealth'. ASIO was not given any executive or police powers. The surveillance activities, and ASIO's perception of what was subversive, were to become a major, perhaps the major, part of ASIO's operations. Significantly, the charter provided that the security service 'be kept absolutely free of any political bias or influence'.

Surveillance of Soviet Spies, the Petrov defection - was there a conspiracy?

Horner details ASIO's surveillance of Soviet and to a small extent Czech spies. Curiously, there is no indication of any ASIO investigation of possible spying by other countries with known intelligence networks, e.g. the United States. Can it be that our intelligence agencies did not monitor the activities of 'friendly' countries? Is this still the case? Do we have to rely on people like Snowden, Manning and Assange to learn how countries like the United States cultivate high placed informers?

Many will remember the political controversies surrounding the Petrov defection and the subsequent Royal Commission. When Prime Minister Menzies announced the defection in the Parliament, the Leader of the Opposition, Dr Evatt, was in Sydney and was caught unawares. He became convinced there was a political conspiracy. The Labor Party became and remained hostile to ASIO for many years. One consequence was that for the next 20 years, perhaps more, ASIO did not enjoy bi-partisan support, a difficult situation for a public body charged with being 'free of any political bias or influence'.

Was there a conspiracy? Horner discounts conspiracy claims. Do the facts support his conclusion?

The detailed story of events leading up to Petrov's defection makes fascinating reading. Horner omits crucial details. Although Horner doesn't actually say so, it is apparent that ASIO failed to brief the Leader of the Opposition, Dr Evatt, about the

defection, contrary to practice under the Chifley Government, and to the requirement that ASIO be 'absolutely free of any political bias'. ASIO did not even warn Evatt that 3 members of his staff were named in documents Petrov brought with him. It is interesting to look at the chronology of events leading up to announcement of the defection, reported more fully by other writers, especially Robert Manne.

-10 February 1954: Spry briefed Menzies about the probable defection (Manne, 63). (some believe that Menzies knew of the impending defection well before 10 February and planned the May election accordingly)(Cain, 154-156)

- 3 April : Petrov defected

-13 April defection announced in the evening (announcement of the defection was delayed till the last practical day before the election).

The evening timing of the announcement is critical to subsequent perceptions.

According to Manne, the announcement was planned for 2.30pm that day. Neither Spry nor Menzies forewarned Evatt. Alan Reid has written that before Evatt flew to Sydney (to attend a function at his old school, Fort Street) Evatt had checked personally with Menzies whether any matters of importance would come before Parliament that night (Whitlam and Stubbs, 80-81). The answer was No. It was only when Menzies became aware of Evatt's impending absence that Menzies deferred the announcement till the evening, catching Evatt unawares. Is it any wonder that conspiracy claims were aired? Is it any wonder that the Labor Party was to distrust ASIO for many years?

Countering Subversion: ASIO surveillance of Australians.

Horner refers to ASIOs 'active monitoring of a segment of Australian society broadly defined as "the left" ' (560). In fact, that seems to have been ASIO's major activity.

Some of the people Horner identifies are well known. The consequences for their careers are tragic. Horner recounts how, following an adverse security report, David Morris, an engineer, who had served in the army, and had been an open member of the Communist Party since 1931, was recalled from an Army posting in London, was denied appointment as an Examiner of Patents, and was dismissed from the Hydro-Electric Commission of Tasmania. Later he lost a job at Melbourne University. Jim Staples, who had been expelled from the Communist Party because of his disagreement with the party over Stalin and Hungary, was dismissed from the Attorney-General's Department, again as a result of an adverse security report. .

Staples later became a controversial Deputy President of the Australian Conciliation and Arbitration Commission. Some of you may know him.

Horner deals extensively with Ric Throssell, son of Katherine Susannah Pritchard. Throssell was denied a security clearance and adversely affected in his career in Foreign Affairs. On the basis of apparent mention of Throssell in Venona intercepts (intercepted cables between Moscow and Canberra), ASIO claimed that in the late 1940's he had passed material to the Soviets, a claim Throssell denied. Two redoubtable Permanent Heads, Tange and Renouf, had strong reservations about the ASIO advice. I obviously have no knowledge. I mention two conversations. A more recent Secretary of Foreign Affairs has told me he was convinced Throssell was innocent. Des Ball on the other hand claims the Venona tapes clearly incriminate Throssell. Some of you may have listened to Pam Burton's spirited attack on Ball here at Manning Clark House or read my article in the Canberra Times questioning Ball's claims that John Burton was a Soviet Spy. You can make your own judgments about Ball's credibility.

Chapter 10 deals with a number of people adversely affected in their employment as a result of ASIO reports based on rather flimsy evidence. One may be left with the impression that these may have been isolated cases, although later in this chapter Horner quotes a 1952 memorandum in which Spry explains that in the previous 12 months 37 Commonwealth employees had been removed from positions where they had access to secret material, 9 had been dismissed and 36 applications for employment had been unsuccessful on the grounds of security (241). In a 1957 paper Spry wrote that between 1 July 1951 and 30 June 1957, a total of 358 people in the Public Service, the armed services and government statutory authorities had been affected by adverse security notices. Simply being a member of the Communist Party meant that a person could not get or remain in a job that required a security clearance

The major consequence of the Cold War,' writes Horner, 'was that ASIO pursued its campaign against the communists with an almost religious fervour.' The resources devoted to penetration of the Communist party itself and affiliated organisations seem to have been massive, for example, in 1953 an internal report referred to about two hundred penetrations (210). A lot of the material ASIO collected was passive, including huge files of newspaper cuttings. Chapter 7 (162-166) provides detailed accounts of the use of agents to penetrate the Communist party and numerous telephone intercepts. Horner reproduces many extracts of reports by Spry to the Prime Minister and the Attorney General. If you expected these reports might identify plots to overthrow the state or physical violence or some other subversive activity, or activities of foreign spies, you would be disappointed. Invariably they are couched in terms of the fight against communism. For Spry this

was an ideological fight, a fight against an ideology that was perfectly legal in Australia. Remember, Menzies' legislation to outlaw the Communist Party was declared unconstitutional by the High Court and the subsequent referendum to outlaw the Communist party was defeated. Given that being a communist was not illegal, was the keeping of these extensive files illegal and were they illegally used? Curiously Horner says nothing about aspiring writers denied grants as a result to ASIO assessments. Horner makes the point that ASIO's activities increased as the influence of the Communist Party waned.

ASIO even monitored activities of members of Parliament (54) and Spry informed Menzies when 3 Labor MPs dined with a Soviet diplomat (540). Some of us will remember the left wing ALP members Haylen, Uren and Johnson. The idea that someone like Uren, a former prisoner of war and later a highly respected Minister in the Whitlam Government, might have been a Soviet agent strikes me as absurd. Why would Spry report to Menzies on their activities? Was it because of Spry's irrational obsession with the left?

More surveillance stories

Now for some snippets of ASIO activities not dealt with in the book. A number of very prominent Australians have written about what they discovered in their ASIO files. What follows is drawn from a fascinating book, *Dirty Secrets Our ASIO files* (Meredith Burgmann, ed, New South Publishing, 2014). Horner includes this book in his biography. He does not deal with any of the revelations

Former High Court Justice and Patron of Manning Clark House Michael Kirby writes amusingly about ASIO recording his visit to Taronga Park Zoo as a twelve year old with his brothers. Kirby's ASIO file included the text of speeches and his role in the NSW Council for Civil Liberties and NUAUS. What purpose was served by compiling these materials? Were they considered 'subversive of the security of the Commonwealth'? Was Spry concerned that Kirby might blow up Parliament House or stage a coup? If Kirby was not thought to be subversive, why were these materials being compiled?

Journalist Anne Summers' ASIO file records her activity in the Vietnam Protest Movement and ASIO's report on her application for a public service job : clearance was not withheld 'but it would be wise to ensure placement in a "safe" department'-she was placed in the Post-Master General's Department as a pay clerk. After recounting details of her extensive file Summers concludes that a huge amount of effort and public money went into keeping tabs on people who were just trying to exercise their democratic rights to express opinions.

Journalist Frank Hardy's file consisted of some 1500 pages covering 1943 to 1972. When Frank Hardy was found not guilty in the notorious Power Without Glory criminal libel case, in July 1951, the Director-General of ASIO gave an extraordinary directive, asking for a list of the jurors who acquitted Hardy (217). There is no indication of any follow up action.

A file on Clive Evatt QC, a Minister in the NSW Labor Government, records his attempt, when Chief Secretary of NSW, to overcome the laws restricting Sunday entertainment, to give permission to hold a dance in Newcastle on a Sunday (32), (22 November 1951). Perhaps someone can explain to me how this record is relevant to national security. Was an attempt to overcome laws restrictive of Sunday entertainment thought by ASIO to be 'subversive of the security of the Commonwealth'. If not, why were these papers compiled?

ASIO kept files on Manning Clark for 20 years. Manning Clark's son, Sebastian Clark, recently informed me that when the family lived at 4 Todd St O'Connor ACT, 1950-1953, ASIO, approached a neighbour to record the number plates of cars visiting the Clark family. The neighbour, Pat, refused. Around that time Manning Clark lost his post teaching Australian history to cadets at the Department of External Affairs on the basis of an ASIO assessment. Does anyone think Manning Clark was 'subversive of the security of the Commonwealth'?

These are just some random examples of ASIO surveillance of ordinary Australians not dealt with in the book.

The Magnitude of the Surveillance

Frank Moorhouse, in a recently published book (*Australia Under Surveillance*, Vintage Books, 2014) writes that from 1952 all writers who applied for grants from the Commonwealth Literary Fund together with all their referees came under ASIO surveillance. Writers thought to be connected in some way to the Communist Party (sometimes mistakenly) who were recommended for grants were either denied those grants or had them deliberately delayed sometimes for years. Moorhouse contends this was a serious injustice to an unidentified number of Australians. Horner seems not to grasp the enormity of that injustice.

The number of people regarded by ASIO as subversive and the files kept on them were massive.

Mark Aarons noted that his father's ASIO records 'account for eighty-five volumes of over 14,000pages' (413).

In 1960 Spry in a memo to Attorney-General Barwick advised that each of some 60,000 people (the number who had supported the Communist party in elections) was 'a potential, if not an active agent of subversion' (396). In something of an understatement, Horner observes that Spry and his officers were taking a very broad view of the subversive potential of many people (397). During the 1961 Federal election ASIO obtained photographs of people assisting Communist candidates.

The number of 'agents' illustrates the magnitude of ASIO's operations. In 1962 ASIO had 301 active agents in the CPA, with coverage of 96 branches. It would seem a significant proportion of the Party's membership were actually ASIO agents! Having regard to the apparently high cost of Party membership, it is interesting to speculate on the amount of public funds injected into the Communist Party through ASIO agents who joined the party.

One of the frightening things about the operation of security agencies such as ASIO is that they seem to be able to decide what organisations and what people are potentially subversive. And under Spry that seemed to extend to a vast array of progressive organisations, a vast number of progressive people. Horner's conclusion is chilling: ASIO came to believe that any political movement or societal group that challenged a conservative view of society was potentially subversive (an activity aimed at overthrowing the elected government). Rather surprisingly, he doesn't tell us how many people were the subject of ASIO files. It would have been informative to learn, how many academics, how many journalists, how many trade unionists, how many writers, how many applicants for grants were under ASIO surveillance. Clearly such surveillance had a stifling effect on free speech, on dissent, clearly it undermined the very fabric of a free society. Was an official history the occasion for public exposure of ASIO's impact? I found it disappointing that these kinds of questions were not more fully pursued. Does Horner fail to appreciate the gravity of the injustice?

So why was ASIO expending enormous resources on these people? Why were they compiling massive files on ordinary people? Did ASIO ever assess the value of its massive dossiers, and their cost? Horner concludes that a lot of this work was a massive waste of money. Did ASIO understand this. Did ASIO understand the impact of its activities on Australian society? Were they subject to audit by the Commonwealth Auditor-General? One view is that ASIO were the true subversives, ASIO were the ones seeking to undermine the fabric of a free society.

Horner is not unaware of public concerns about ASIO. He writes 'The challenge for a security service charged with countering subversion is to differentiate between attempts to undermine the Government and the democratic system, and the legitimate expression of free speech in a democracy (178). He notes criticism, including suppression of political dissent, huge surveillance operations, the massive archive of dossiers on unsuspecting citizens, trade unionists, public servants, writers, artists, and Labor politicians. He notes claims that many Australians were persecuted and lost their jobs because ASIO had secretly asserted they were a risk to national security. He continues that ASIO's officers allegedly acted illegally in tapping phones, conducting electronic bugging operations, opening private mail and breaking into premises. According to Horner 'An element of truth can be found in many of these claims, but a balanced understanding has been hampered by the partisan nature of the existing accounts...' (179). 'ASIO's approach may have been determined by the anti-communist fervour of Colonel Spry and his subordinates' (180).

So who were the subject of ASIO surveillance? Horner writes 'ASIO...officers came to believe that leftist dissent-and the advocacy of what would become relatively mainstream views about feminism, social welfare and indigenous Australians-indicated potential disloyalty'.

These are incredibly serious claims. Horner had full and unrestricted access. It beggars belief that he did not methodically investigate such claims and the impact of ASIO activities. Some may conclude his failure to do so is evidence of his own partisanship. He does conclude that 'ASIO's surveillance of academics, intellectuals, writers and artists, and the gathering of information into voluminous files, was a massive waste of time and resources (203).

ASIO, war criminals and right wing extremists

Horner touches only briefly on ASIO's engagement with Nazi war criminals (cf, Aarons, *Sanctuary:Nazi Criminals in Australia*, 1989, and *War Criminals Welcome* (2001) 1010. We now know from Mark Aaron's research, the Andrew Menzies inquiry and the Special investigations Unit that many hundreds of war criminals, Nazis and collaborators from Latvia and Yugoslavia, including SS guards and mass murderers, entered Australia shortly after the war, with the connivance of Western intelligence and the Vatican. Of course these people entered Australia before ASIO was established. ASIO was not responsible for their entry. But once in Australia, should these people have been actively monitored by ASIO? Horner recognises the problem, indeed he names some of the people (254, 275), and cites some of Aaron's assertions that 'Western intelligence officers perpetuated massive fraud' and

'us(ed) war criminals in anti-communist operations' and 'kept giving clean bills of health to men they knew were probably mass killers' (255) and that Australia had provided a sanctuary for war criminals (272). An indication of ASIO's attitude to these people can be found in Horner's account of how allegations against one notorious war criminal, personally implicated in the torture of Jews, were discounted by ASIO. Why? Because the allegations were made by the Jewish community and the man was 'violently anti-communist' (273-7). Frank Cain writes that ASIO was markedly anti-Semitic (107). ASIO used other Latvian war criminals as agents (277, 278) and turned a blind eye to war criminals in Australia as long as they were strongly anti-communist (279-280). We know from other accounts that ASIO used former Yugoslav fascists to spy against other Yugoslav immigrants.

Was this a major issue? Horner concludes that the numbers of 'undesirables' were remarkably low. I suggest that conclusion is itself remarkable, especially if you consider the many hundreds of war criminals specifically identified first by the Andrew Menzies inquiry and then by the subsequent Special Investigations Unit (over 500). The number of war criminals as a percentage of the total number of Displaced Persons seems significantly higher than the number of members of the Communist Party as a percentage of the Australian population.

Another right wing extremist organisation which curiously escaped ASIO's interest was The Association, a home grown secret right wing para-military organisation, well armed, organised on military lines, initially under the command of General Blamey, with an estimated membership in excess of 100,000 (Horner, 52) (See also Horner, *David Blamey: The Commander in Chief*, Allen & Unwin, Sydney, 1988, 576-8). They were prepared to seize power in the face of a communist or unionist threat. Before ASIO was established, the CIS tracked and infiltrated The Association. Spry, in contrast, discounted their significance, apparently on the basis that establishment figures were involved (310) and there is no indication that they were being observed by ASIO.

Perhaps the most public example of ASIO's lack of surveillance of right wing extremists came to light in March 1973 (shortly outside volume 1). The Prime Minister of Yugoslavia, Dzemal Bijedic, was to visit Australia (at the invitation of the former Coalition Government). The NSW Police passed to the Commonwealth Police evidence that a Ustasha group planned to assassinate the Yugoslav Prime Minister. Ustasha groups had previously bombed Yugoslav consulates in Melbourne and Sydney and Serbian social clubs in Australia, so this kind of evidence was not to be taken lightly. Yet ASIO claimed they had no knowledge of these threats. Attorney-General Murphy believed that ASIO was withholding information and visited (or, as the press put it, 'raided') ASIO headquarters. Apparently nothing relevant was found.

That ASIO was not conducting any effective surveillance of right wing extremists who were prepared to seize power from the elected Government or posed a threat to the life of a visiting guest of Government is an indictment of their narrow focus on alleged communists and progressive thinkers to the exclusion of those others who constituted the real threats.

Disruption activities

Chapter 16 deals with disruption activities. Some of the revelations are fascinating. ASIO briefed the RSL although it had no authority to do so. At the time of the split between the Soviet Union and China, ASIO sought to cause dissension within the Communist Party by instructing some of its agents to take a pro Soviet stance and others to take a pro China stance. One may reasonably ask how this came within ASIO's charter.

ASIO's illegal activities

Scattered through the book are numerous stories of opening private mail, illegally tapping telephones, breaking into premises looking for documents, breaking into safes to obtain lists of party members, hidden microphones and drilling through walls to install listening devices in homes and offices, all apparently illegal activities for which ASIO has never been called to account. On a number of occasions ASIO even rented rooms or offices adjacent to homes or offices of their targets to facilitate penetration. On one occasion, in 1959, when a hidden microphone was discovered in the office of Ted Hill, a lawyer who had appeared as counsel for 12 witnesses in the Petrov Royal Commission, Spry wrote to Prime Minister Menzies advising that the microphone had been installed because 'ASIO had every reason to believe that Edward Fowler Hill, in whose room it was discovered, was engaged in work for the illegal apparatus of the Communist Party'(418), this many years after the failed attempt to outlaw the Communist Party. In relation to some of these extraordinary activities, Horner concludes ASIO conducted 'covert entry with dubious legal cover' (422). Another author may have been more scathing of apparently illegal practices, looked for official approval or disapproval of illegal activities and whether anyone was ever called to account. Would we expect a publicly funded official history to delve more critically into apparent illegality?

Interestingly, installation of a listening device in the Soviet Embassy proved ineffective (533) but a radio transmitter and microphone in a lady's handbag and another in the lady's bra were apparently more successful (545-6).

At least Horner was able to report on illegality. Under the notorious s 35P of the *ASIO Act* (introduced by the *National Security Legislation Amendment Act 2014*), disclosure of information relating to a special intelligence operation is an offence carrying a penalty of 5 years imprisonment, even if the information discloses a clear illegality!

Was Spry a traitor?

I turn to the second part of my title, Was Colonel Spry a traitor? If you were expecting some dramatic new revelations I will disappoint you. What I am about to say is based on material that has been in the public domain for some time. Perhaps my analysis of that material is novel.

In April 2011, when the UK archives released thousands of M15 papers it became known that in 1954, when it became clear that Labor had a strong chance of winning a forthcoming election (Labor obtained a majority of votes but not a majority of seats) Spry secretly warned Britain's M15 that Britain should seriously consider withholding intelligence information from the Australian Government if Labor won the election (Horner, 343).

What does one make of advice like that from an Australian official to a foreign government? As it turned out, Labor won 50.3% of the votes but did not win a majority of seats. If Labor had won Government, Spry's constitutional duty would have been to serve that Government. But Spry clearly saw himself as somehow above government, apparently a not uncommon perception among intelligence agencies. There is no evidence that he would have supported a military coup. But a serious question remains: Is the obvious inference that Spry had greater loyalty to a foreign government than to a prospective Australian Government? If he did have greater loyalty to a foreign government than to a prospective Australian Government, does it follow that Spry was a traitor? Horner defines subversion as an activity aimed at overthrowing or undermining the elected government. Was Spry's advice to M15 aimed at undermining an elected Labor Government? You be the judge.

Assessment, Some questions and conclusions

It is important not to assess ASIO's role through contemporary eyes. We live in an age of terrorism where we expect the security authorities to protect us from any terrorist threat. Many are prepared to countenance some security agency activities

that would once have been thought unacceptable. This book deals with the era of the Cold War, a time of political ferment. International tension was high. But the Australian Communist Party was a legal party which participated, legitimately, in the Australian electoral system. The High Court had invalidated a law to outlaw the Communist party and the Australian people had rejected a subsequent referendum that if carried would have enabled the party to be outlawed. And ASIO conducted surveillance of vast numbers of people who clearly did not constitute any threat to Australia's security.

There can be no doubt that a security agency is essential to Australia's national security. But any security agency poses problems for a democracy, the more so when it operates without scrutiny, as ASIO did in its early years. ASIO undoubtedly abused its powers. It harmed the careers of countless Australians. It intimidated and stifled discussion and debate. In the minds of many on the left, that suspicion and distrust remains.

Horner rightly identifies important successes, such as uncovering Soviet spies and identifying Australians, a very small number of Australians, spying for the Soviet Union.

These are important achievements.

What more would we have expected in an official history. As I have said, I am not an historian. But I would have expected, at least, detailed consideration of the following 5 matters

- -analysis of ASIO's budget and how that budget was allocated.
- analysis of ASIO's policies, policy development and priorities.
- -description of how ASIO recruited staff and agents
- -the lack of surveillance of right wing extremists
- -analysis of the impact of ASIO's surveillance activities on the Australian community

ASIO's Budget

One looks in vain in the index for references to the budget, the growth of the budget, expenditure and so on.

I would have expected proper analysis of ASIO's funding, the size of their budget, negotiations with Government over their budget, how funds were spent and how priorities were determined. It seems ASIO was not short of funds. For example in

1949 ASIO paid Bialoguski, one of more than 50 agents in NSW, 4 POUNDS a week (321), an amount in excess of an ordinary wage. By 1953 he was apparently being paid 10 pounds a week plus expenses (381). Petrov was promised 5000 pounds to defect (338), an amount roughly equivalent to the cost of building Manning Clark House! What was the cost of the huge number of agents and informers reporting on the vast number of progressive people under surveillance? What payments were made to these agents and informers? Was there any public oversight of ASIO's expenditure? Was the expenditure approved by the Attorney-General and the Cabinet? Was ASIO subject to audit by the Auditor-General? I find it strange, indeed extraordinary, that the author did not find these sorts of questions worthy of consideration.

It is obvious that a major part of ASIO's activities related to surveillance of ordinary Australians, precisely how much Horner does not tell us. I find it most curious that Horner provides no details, there is no breakdown of the proportions of ASIO's resources devoted to catching Soviet spies and the proportion devoted to surveillance of Australians. Having regard to the vast number of Australians under surveillance and the massive size of some of the dossiers, it seems reasonable to infer that ASIO was much more interested in spying on Australians than in catching foreign spies.

Policies and Policy Development

ASIO's charter extended to actions which may be judged to be subversive of the security of the Commonwealth. What is subversive? Horner writes that (in 1949) the Joint Intelligence Committee defined 'subversive activity' as 'conduct or speech directed against the authority of the state with the ultimate intention of overthrowing the system of government' (117). Horner goes on to say these views about subversive activity became the guiding principles for ASIO. Apart from repeated references to communism, I could find no mention of any in depth policy analysis of the nature of subversive activities or threats, for example, whether Australian Communists or progressive writers and thinkers were seeking to overthrow the system of government or why the vast number of ordinary Australians on whom dossiers were compiled were thought to be subversive.

Horner (and others) also identifies spying on an apparently vast numbers of Australians, not only communists (who were not illegal) but also a vast number of Australians holding progressive views, anti nuclear war activists, anti apartheid activists, academics, Australians seeking better rights for indigenous people, writers, journalists, trade unionists. Is this the sort of society in which we wish to live, where a public organisation creates a climate of fear and intimidation, a society

where people are frightened of voicing their opinions, where political views can prejudice careers and employment?

There is no in depth analysis of the reasons for ASIO's surveillance of so many ordinary members of the community with progressive views, of writers, academics, union leaders and others, of the enormous resources devoted to spying on ordinary members of the community opposed to policies of a conservative government but in no sense a threat to Australia. What was ASIO trying to achieve? What was the benefit to Australia's security of recording Michael Kirby's speeches or Clive Evatt's attempts to approve a dance on a Sunday? The idea that ordinary members of the community with left of centre views, people like Michael Kirby, Ann Summers, Frank Moorhead and Manning Clark and thousands of others were some kind of threat to Australian society is I suggest patently absurd. We do not learn from Horner whether ASIO ever evaluated the benefit to Australia's security of its surveillance of ordinary Australians? What happened to these massive dossiers? Were they ever analysed? Did ASIO consider the results justified the surveillance that was undertaken?

Recruitment

I would have expected analysis of the recruitment of staff and the recruitment and payment of agents. These days ASIO advertises in daily newspapers for staff. There is nothing in this book to dispel long held suspicion that recruitment to ASIO was based on personal connections and political affiliation.

The lack of surveillance of right wing extremists

I would also have expected more on those to whom ASIO devoted little attention such as Nazi, Latvian and Yugoslav war criminals, the right wing paramilitary organisation known as The Association and spying by foreign governments other than the USSR. I would also have expected serious analysis of compliance, or failure to comply, with the Charter injunction to be 'absolutely free of any political bias'. As I have said, I am not an historian. But to my mind a history of ASIO that fails adequately to address these issues is not a truly honest history of the Organisation.

The Impact of ASIO's Surveillance on the Australian Community

I leave others to judge whether a truly honest history, one that was publicly funded, should have dealt more fully with the extraordinary extent of ASIO surveillance of

activities with no obvious relevance to national security. What concepts of community and citizenship underlie this sort of surveillance? What were the costs of building up huge files on such seemingly irrelevant material? What impact did surveillance and reports have on the lives of so many ordinary Australians? Should the authors of the official history have taken the opportunity publicly to expose the extent and the gravity of the injustice? What was the impact on Australian political life of constant fear of ASIO surveillance? How great was the deterrence to legitimate dissent? How many Australians were frightened to express non conformist views for fear of adverse career or employment prospects? What was the corrosive effect on Australian society, for example, how many Australians were frightened about visiting the Clark family for fear of ASIO surveillance?

How dangerous was secret surveillance to the fabric of Australian society, which was the greater threat, a few Communists or a secret organisation keeping dossiers on academics, writers, journalists, trade union leaders and others and creating a climate of fear and intimidation? Does Horner's work confirm what so many of us have always suspected, that our secret agency ASIO, was undermining the fabric of a free and democratic society, that ASIO was in truth subversive rather than protective?

The future

I ask, first, whether it is time that ASIO as an organisation recognised the wrongs of the past, recognised that it illegally and improperly spied on so many ordinary Australians who were by no stretch of the imagination subversive, that it ruined careers, intimidated people, intimidated free speech and damaged the fabric of a free society. Is it time that ASIO recognized and apologized for past wrongs? That may be a brave act. Arguably, it would do much to allay public suspicion and to enhance public confidence in the Organisation.

Is ASIO different to-day? Can we have confidence in ASIO to-day? The threats to-day are obviously entirely different from those considered in the period covered by this volume. So are the powers now conferred on ASIO. Given its greatly enhanced powers, there is an obvious need for greater public confidence in the Organisation and for greater scrutiny.

Since the dismissal of Peter Barbour in 1975, ASIO has been led by respected senior public officials appointed from outside the Organisation for fixed terms. No longer do we have a security organisation led for an extraordinarily long period by a political zealot. This is most important.

We also have external scrutiny. First, an Inspector-General of Intelligence although her office is notoriously understaffed. In addition we have a Joint Parliamentary Committee on Intelligence and Security. We also have an Independent National Security Legislation Monitor but when Brett Walker's appointment expired he was not replaced for some time and then only on an acting basis. And we still see ASIS bugging the cabinet office of a friendly neighbour, Timor-Leste apparently to advance the interests of a large corporation, Woodside. When Timor-Leste challenged Australia's actions in the International Court of Justice we see ASIO raiding the offices of the Canberra Solicitor (Bernard Collaery) acting for Timor-Leste. In the face of such extraordinary conduct, one wonders.

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