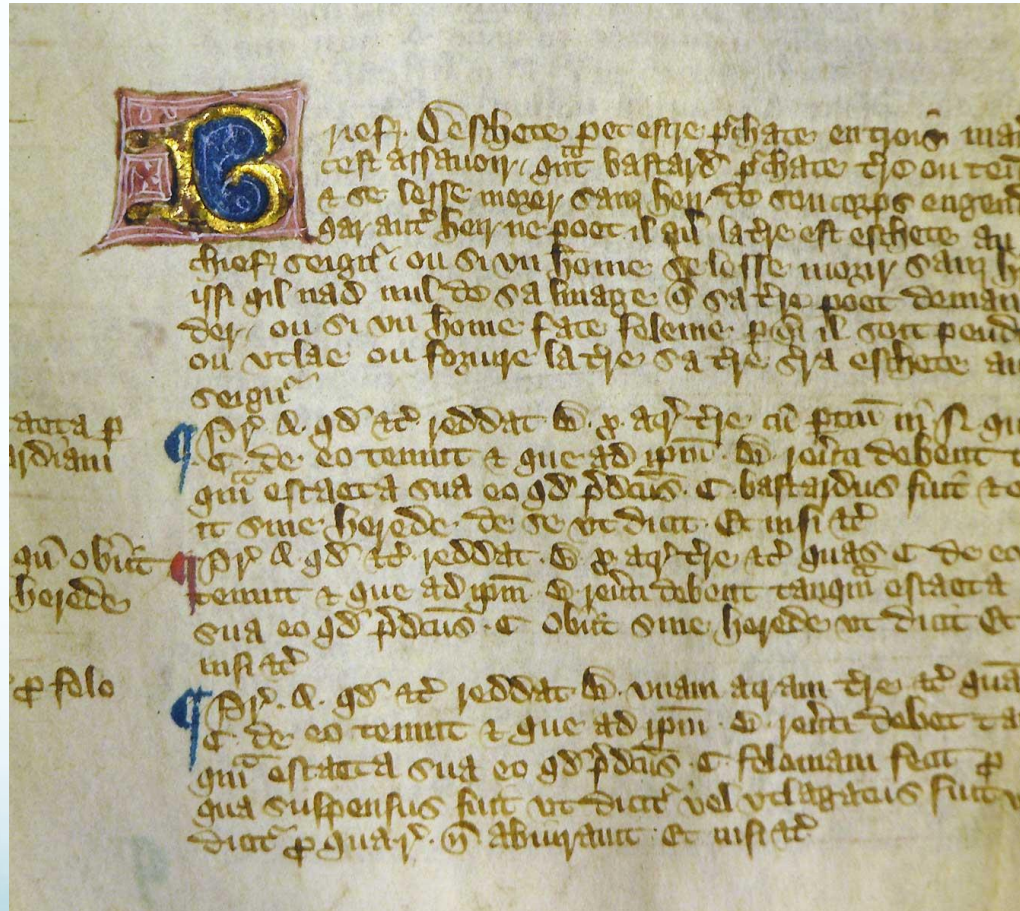


The Great War – Domestic Context in Australia



'Magna Carta' 1215

Habeas Corpus Act 1679

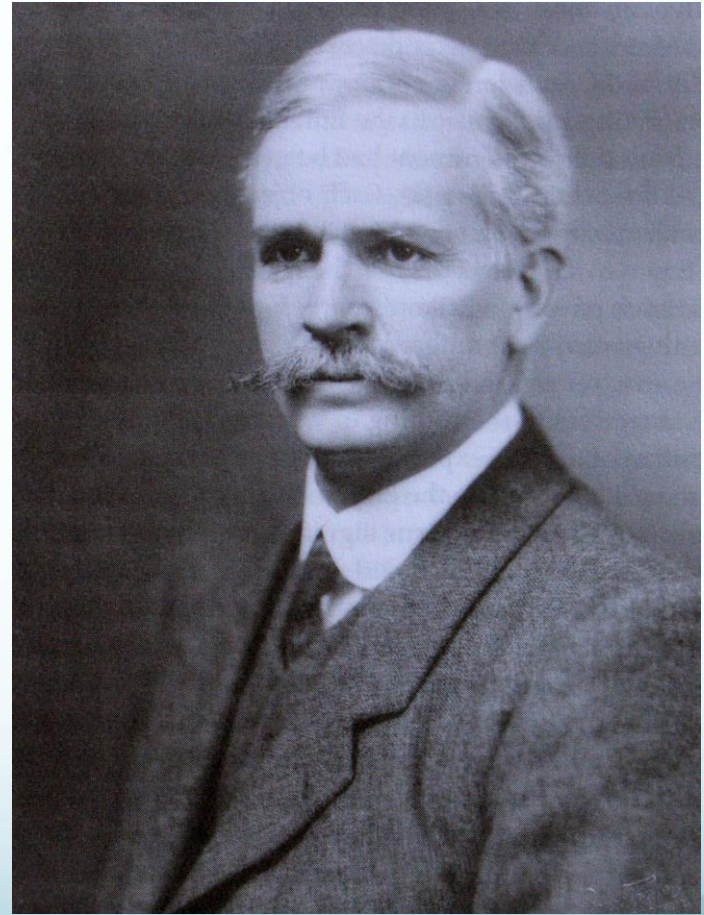
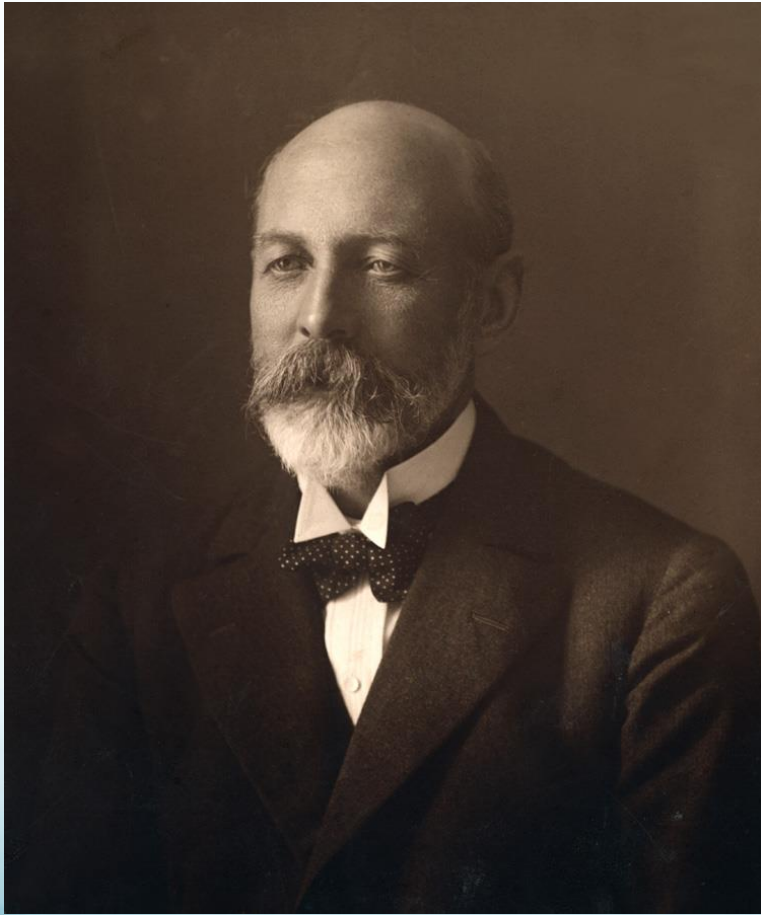


Civil liberties and 'the rule of law' – not persons



Federal Election

5 September 1914



'Home Rule' debate



Pope Benedict XV



ENCYCLICAL *AD BEATISSIMI APOSTOLORUM*, 1 NOV. 1914

1914: Enthusiasm and conditional support



War Precautions Act, 29 Oct. 1914 – Dec. 1920

Forbidden.

War False Reports.

Amended Regulations.

War Precautions Act, 1915.

The particular attention of the public is drawn to the following amended regulations under the War Precautions Act, 1915 :—

28. No person shall, by word of mouth, or in writing, or in any newspaper, periodical, book, circular, or other printed publication—

- (a) Spread false reports or make false statements or reports likely to cause disaffection to his Majesty, or public alarm, or to interfere with the success of his Majesty's forces by land or sea, or to prejudice his Majesty's relations with foreign Powers ; or
- (b) Spread reports or make statements likely to prejudice the recruiting, training, discipline, or administration of any of his Majesty's forces ;

and if any person contravenes this provision, he shall be guilty of an offence against the Act.

Reg. 28 (a) ; against 'statements likely to prejudice recruiting'



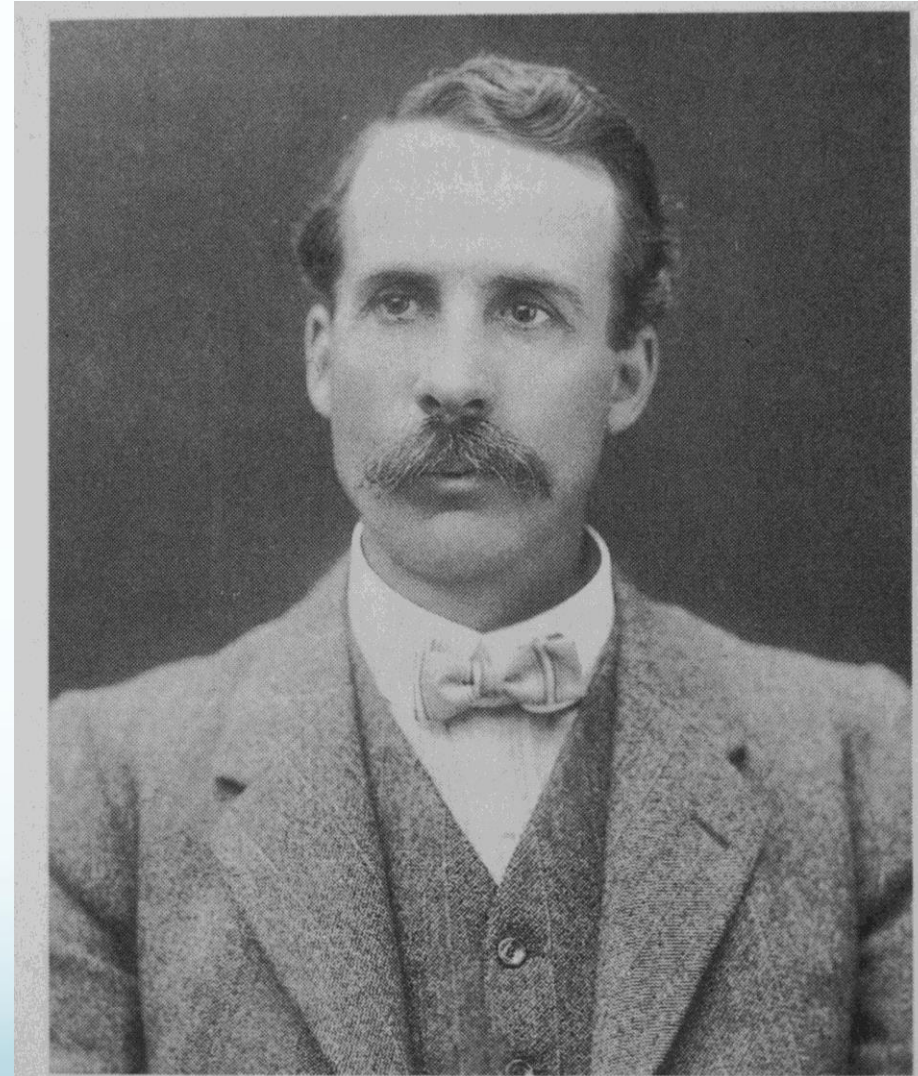
Labor Call, 5
Nov. 1914

THE BURDEN BEARER.

George Pearce: Internment Powers

1914: Minister's power to intern including naturalized subjects 'disaffected or disloyal'

1915: 'disloyal natural born subjects of enemy descent, and of persons of hostile origin or association.'



Gallipoli, 25 April 1915

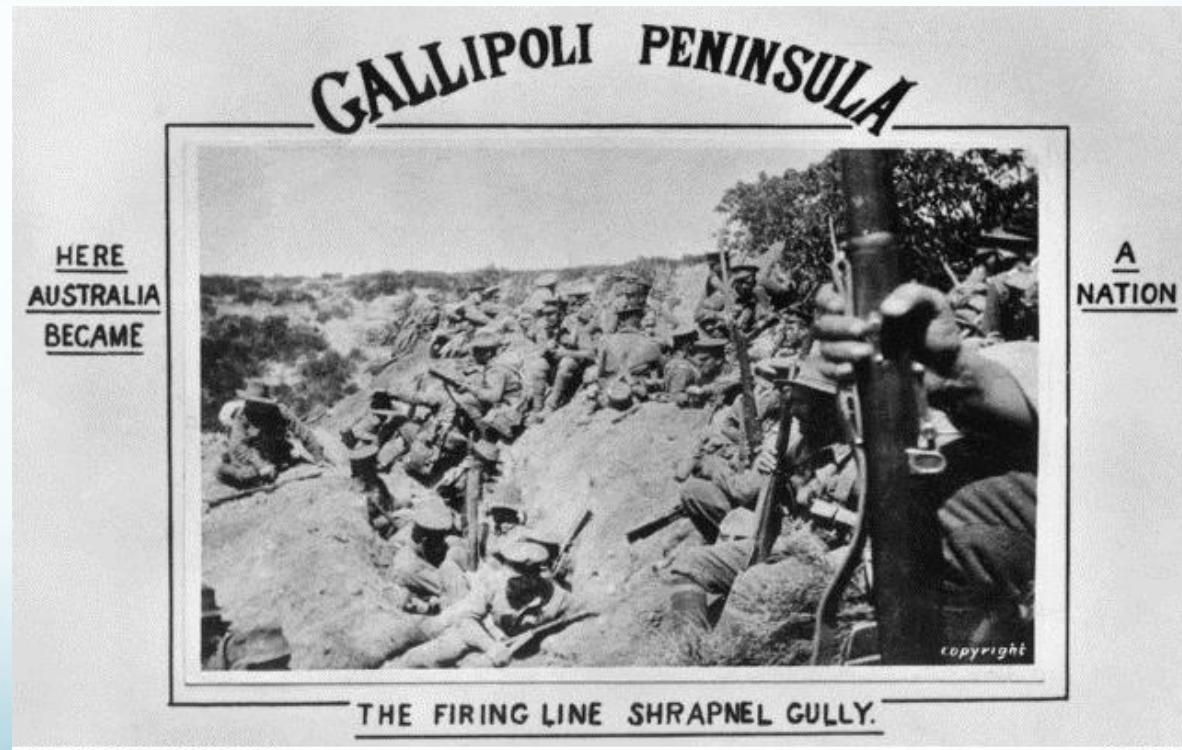


1915: Enthusiasm and Fragmenting of opinion

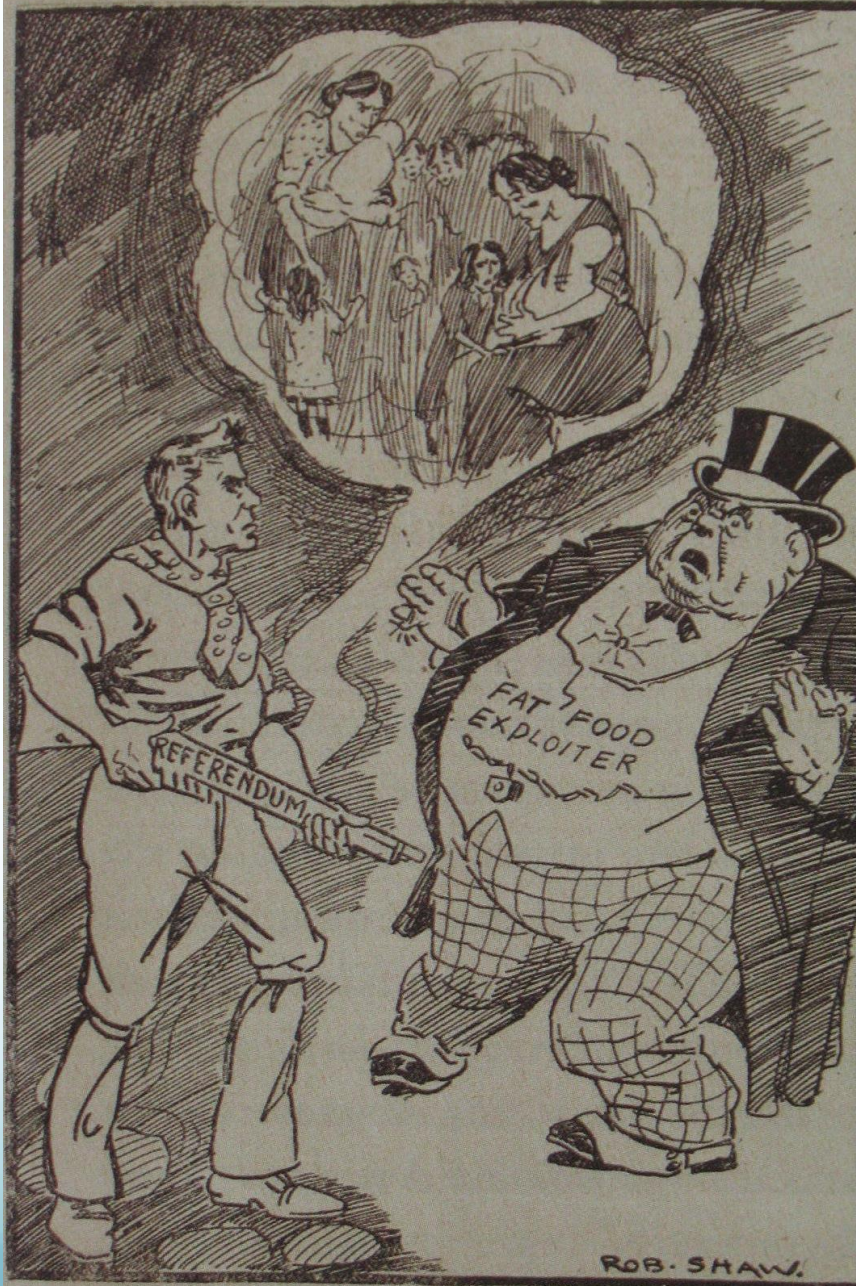
Controversy

- Economic Powers Referendum Bill, June
- Manpower Census Bill, July
- Census, September

National awakening



THE REFERENDUMS WILL THEY NEVER COME ?



Yes, Get Ready for Them in December Next.

Labor Call,
19 August
1915

From Fisher to Hughes

Fisher and Hughes



PM Hughes 29 Oct. 1915

. Mr. HUGHES.—I am sorry that the question has been asked. This Government have not the responsibility of directing the campaign. Our business is to carry out the instructions of the Imperial Government, and to give that Government our hearty and enthusiastic support. And it is our clear duty to refrain from criticising the actions of men who are placed in a situation of frightful responsibility, already subjected daily to criticisms from persons without authority or responsibility or right to be considered seriously. I do not pretend to understand the situation in the Dardanelles, but I know what the duty of this Government is; and that is—to mind its own business, to provide that quota of men which the Imperial Government think necessary in the circumstances, and to see that those men are efficiently led, fed, and equipped. That we shall do.



COMMONWEALTH OF AUSTRALIA.

THE CALL TO ARMS.

PRIME MINISTER.

15TH DECEMBER, 1915.

Dear Sir,—

The present state of war imperatively demands that the exercise of the full strength of the Empire and its Allies should be put forth. In this way only can speedy victory be achieved and lasting peace secured.

If those rights and privileges for which Australian democracy has struggled so long and values dearer than life itself are to be preserved, Prussian military despotism must be crushed once and for all.

The resources of the Allies are more than adequate for this task, but they must be marshalled. To wage this war with less than our full strength is to commit national suicide by slowly bleeding to death.

Our soldiers have done great things in this war. They have carved for Australia a niche in the Temple of the Immortals. Those who have died fell gloriously, but had the number of our forces been doubled, many brave lives would have been spared, the Australian armies would long ago have been camping in Constantinople, and the world war would have been practically over.

We must put forth all our strength. The more men Australia sends to the front the less the danger will be to each man. Not only victory but safety belongs to the big battalions.

Australia turns to you for help. We want more men. Fifty thousand (50,000) additional troops are to be raised to form new units of the Expeditionary Forces. Sixteen thousand (16,000) men are required each month for reinforcements at the front.

This Australia of ours, the freest and best country on God's earth, calls to her sons for aid. Destiny has given to you a great opportunity. Now is the hour when you can strike a blow on her behalf. If you love your country, if you love freedom, then take your place alongside your fellow-Australians at the front and help them to achieve a speedy and glorious victory.

On behalf of the Commonwealth Government and in the name of the people of Australia, I ask you to answer "Yes" to this appeal, and to do your part in this greatest war of all time

Yours truly,

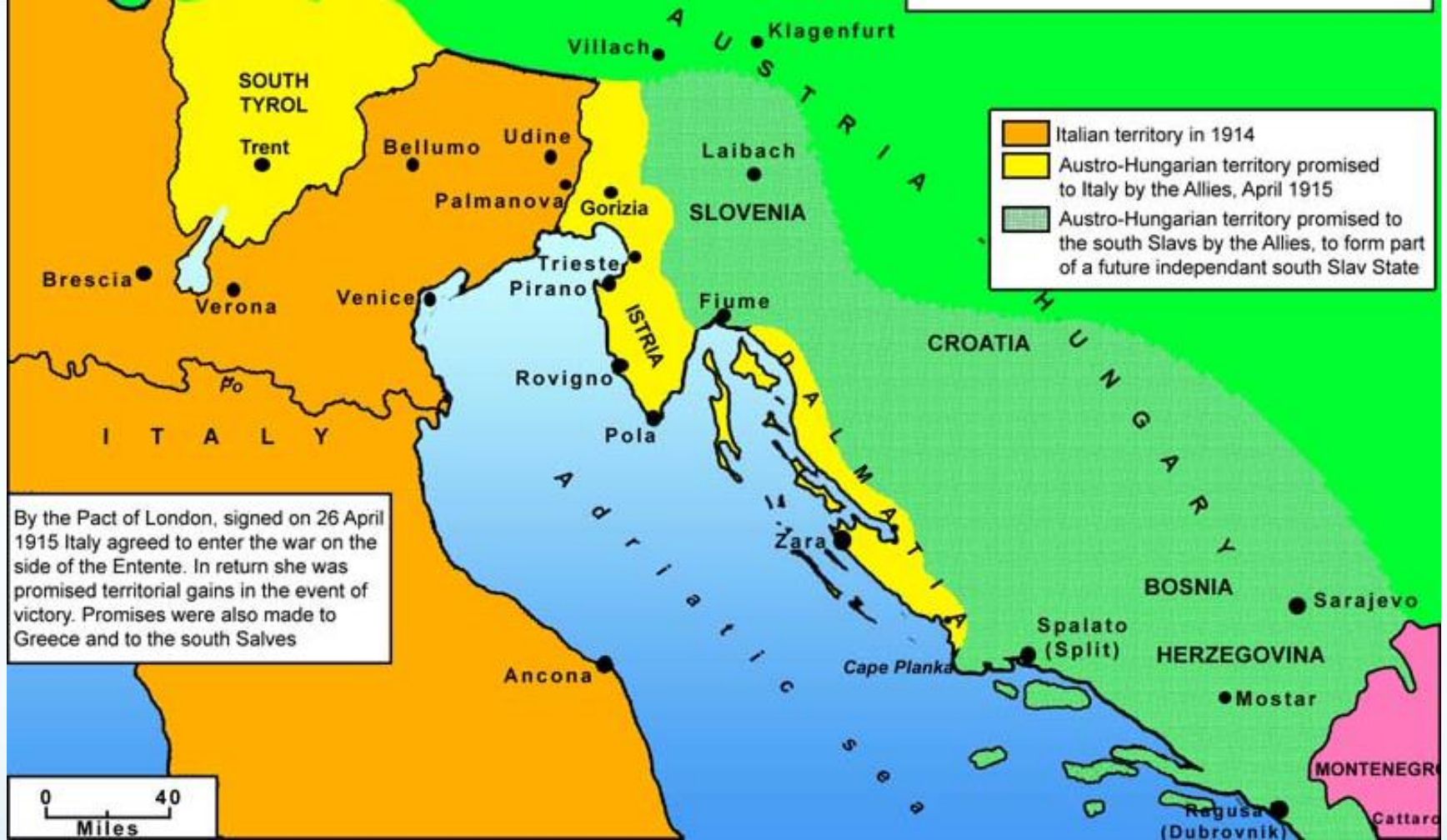
W.M. Hughes

PRIME MINISTER OF AUSTRALIA.

Hughes' 'Call to Arms' December 1915



The Straits Agreement, 8-12 March 1915:
Britain and France make promise to Russia
of Constantinople & the Straits



The Secret Treaty of London, 26 April 1915: Britain & France promise Italy gains in Europe & Ottoman Turkey

Secret Treaty of London, 26 April 1915 – Article 15



Pope Benedict XV

1916: The dividing of Australia



Hughes in the UK, January to June 1916



- January: UK legislates conscription for unmarried men
- April: UK legislates conscription for married men
- June: Hughes attends Paris Economic Conference – promotes ‘Paris Resolutions’
- June: New Zealand legislates conscription

Authoritarian turn: 'Farey v Burvett' June 1916

High Court, 5 Judges to 2 endorse WPA regulations over food prices and over states' rights

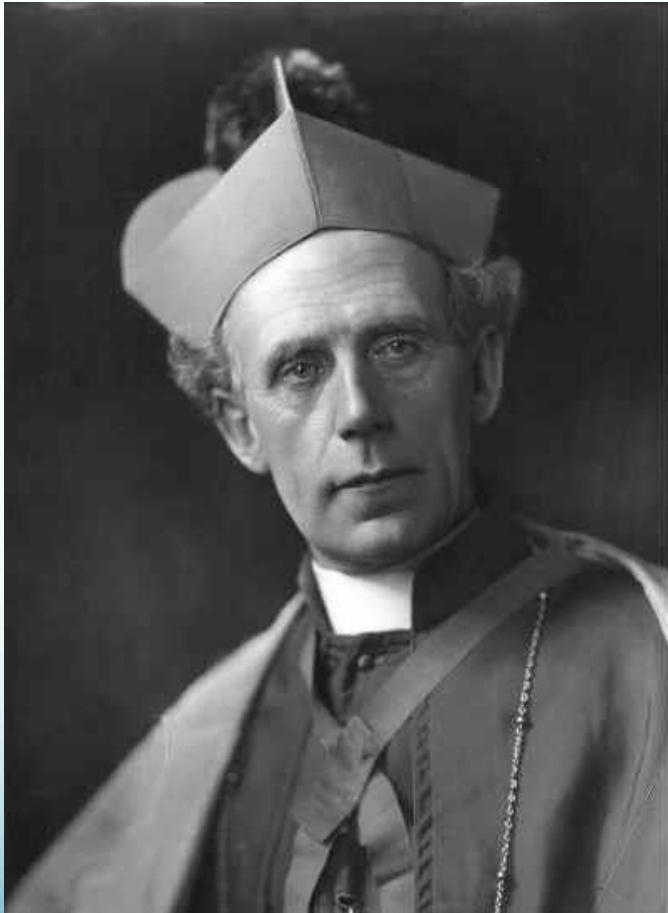
Justice Isaacs quotes approvingly Lord Parker:

- 'Those who are responsible for the national security must be **the sole judges of what the national security requires**. It would obviously be undesirable that such matters should be made the subject of evidence in a court of Law or otherwise discussed in public.'

Scaremongering

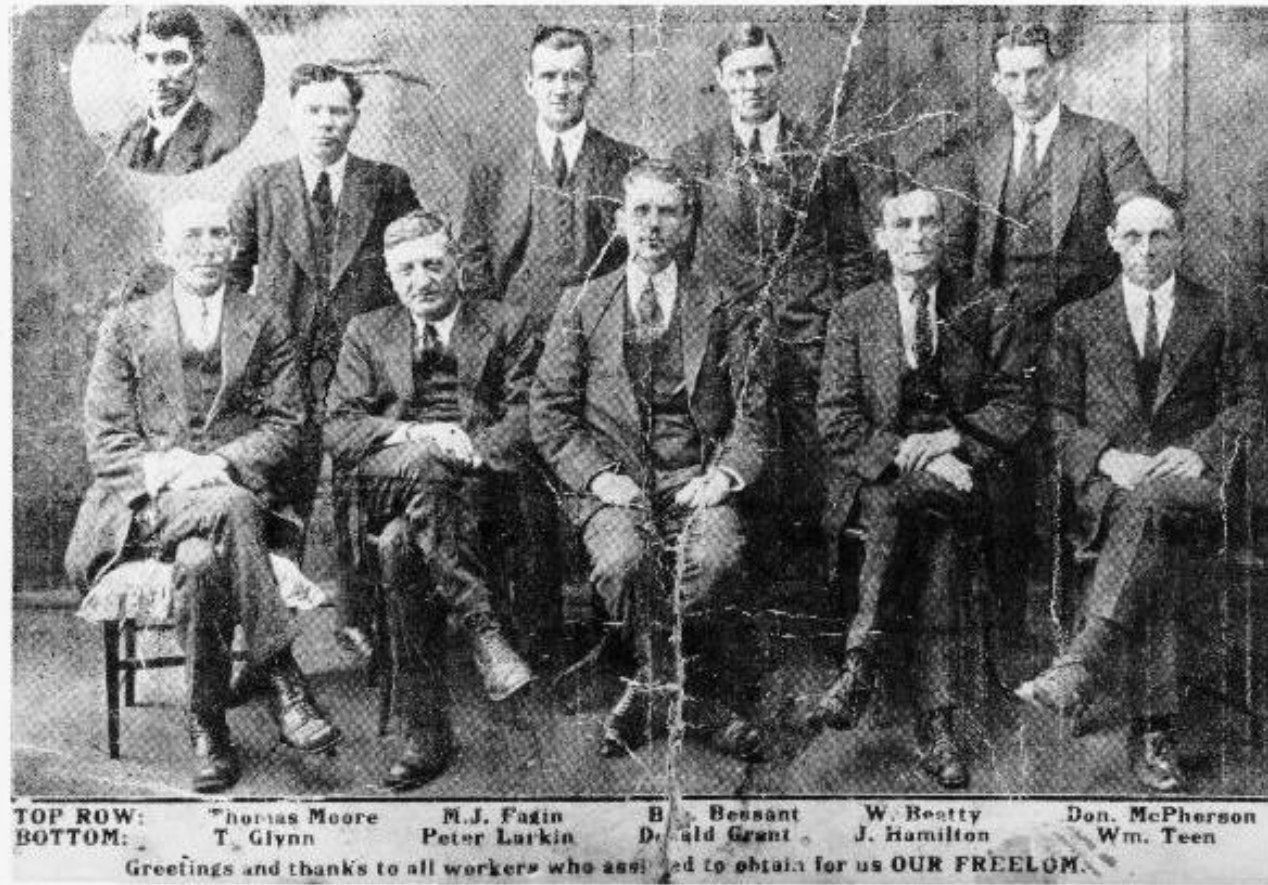
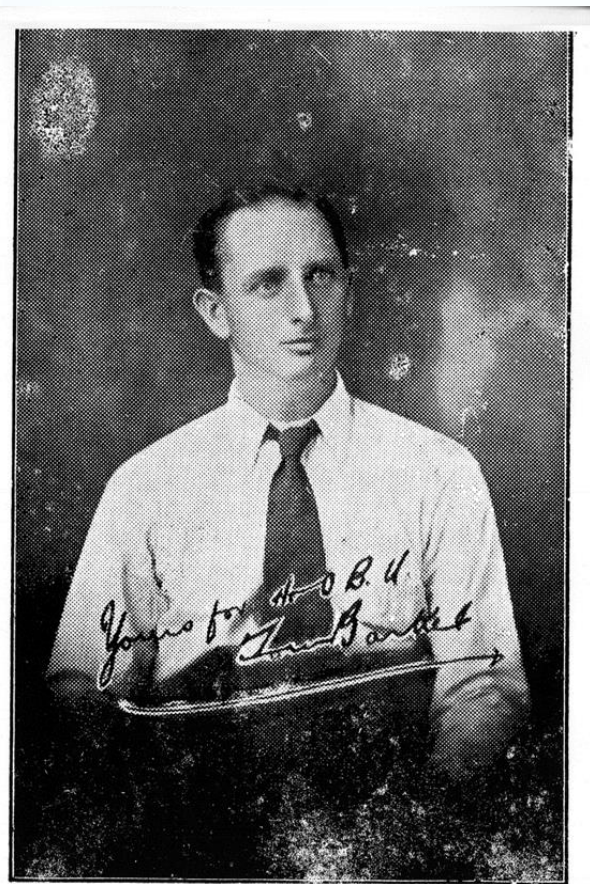


Mannix Clifton Hill, 16 September 1916



- ‘I still retain the conviction that Australia has done her fair share...’
- ‘If conscription were adopted, I should expect to find later that many of those who are now its loudest advocates would be the first to rise up against the taxation necessary to redeem our obligations to the returned soldiers.’

Suppression of 'Sydney Twelve' on eve of Referendum



IWW men arrested Sept-Oct 1916 – Charged with Treason – tried December:
7 sentenced 15 years jail; 4 got 10 years jail; 1 got 5 years jail (all released 1920).

Suppression of dissent

IWW poster, 1915

Conscription debates

To Arms!

**Capitalists, Parsons, Politicians,
Landlords, Newspaper Editors and
Other Stay-At-Home Patriots.**

**your country needs
YOU
in the trenches!!**

WORKERS

Follow your Masters



IN THE DOMAIN.

Anti-conscription rally



Have Ye Answered O my People

Special Appeal by Women to Women

MANIFESTO

Australian Women's Peace Army.

CONSCRIPTION.

VOTE **NO.**

Labor Call, 23 Nov. 1916



Mrs. Toorak: "What a blessing it's a boy! He can work and fight for us."

First Conscription Referendum, 28 October 1916

Result: NO –
51.6%



The Crime of those who Vote "NO!"

"Shall I, by my vote, plunge a dagger into the heart of . . . my children at the Front, my brother or my husband?"—THE PRIME MINISTER.

By Permission of Melbourne Press
October 28th, 1916.

Published by ROBERT S. GARRETT, Town Clerk
For Print, South Australia.

William Morris Hughes

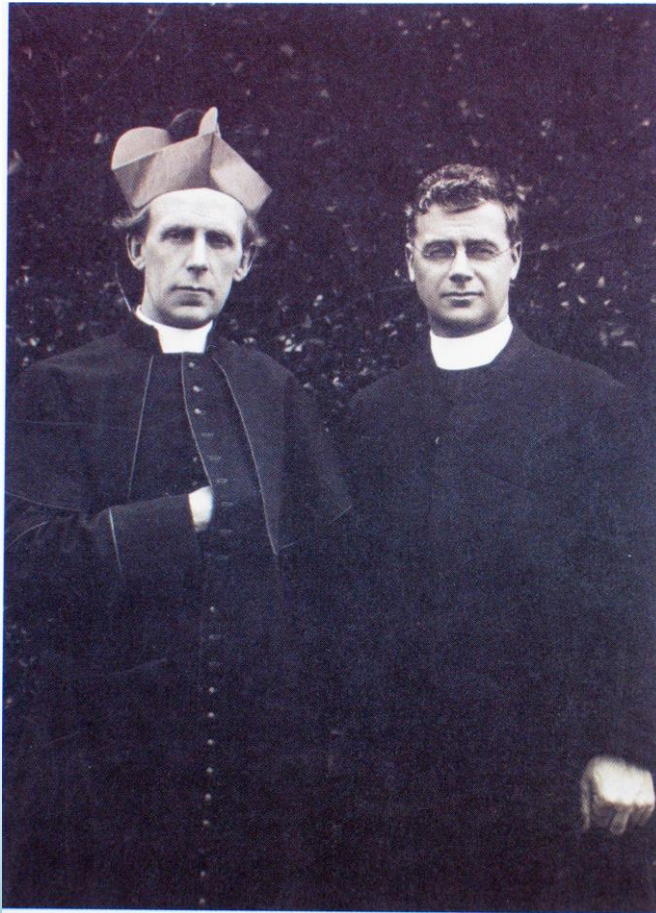


Labor splits
November 1916

Forms 'Nationalist
Party' government,
February 1917

Wins Federal
Election, May 1917

Mannix, January-February 1917: 'trade war'



- 'an ordinary sordid trade war.'
- '... the war was like most wars – just an ordinary trade war.... Trade jealousy was long leading to a trade war and the war came.'

1917: 'to the bitter end' versus 'negotiated peace'



**Trades Hall Secretary, E. J. Holloway, addresses anti-conscription rally,
Yarra Bank, 1917**

Strikes 1917



CESSNOCK 1917
Strike meeting of Engine Drivers. The strike lasted six weeks.
Deciding whether to return to work with Loyalists and Scabs in the mines.
Enlarged using sponsorship of Masonic Lodge, Tomajita, Kariw'Wanna.



Menzies, 'The Rule of Law During the War', 1917

“THE RULE OF LAW DURING THE WAR”

(BOWEN PRIZE ESSAY, UNIVERSITY OF
MELBOURNE, 1917)

BY

ROBERT GORDON MENZIES, LL.B.,

(FINAL HONOUR SCHOLAR, SUPREME COURT PRIZEMAN, SCHOOL OF LAWS,
UNIVERSITY OF MELBOURNE).

- ‘... however much we may cherish the Rule of Law as one of our most cherished possessions, we must recognise that permanent liberty is often best achieved only by **a temporary sacrifice of individual freedom.**’
- ‘Should the almost arbitrary power of the Executive prove to be anything else but **temporary**, a very great disaster would have befallen the English Constitution.’

Benedict XV, Peace Note August 1917



HERE COME THE
MARRIED MEN!



VOTE NO

AUSTRALIA



WAKE UP
TO YOUR DANGER



CONSCRIPTION

VOTE NO

Mannix, Exhibition Building, 28 November 1917



The Archbishop at the Exhibition Building

The Conscription Issue

On Wednesday night, 28th November, a grand concert was given in the Exhibition Building in aid of the St. Joseph's parish, Northcote. There was an enormous attendance, numbering over 20,000 people.

Mr. D. G. Carter (president of the Young Ireland Society) was in the chair. On the platform were a large number of the very rev. and rev. clergy, parochial and regular, and religious Brothers. An enjoyable Irish national concert was contributed to by the following artists, each and every one of whom received a hearty reception, and had to respond to encores which would not be denied—Mr. B. Hobby, Miss Lilian Graham, "Lal Logie," Miss Rita Butler, Mr. Pat Ryan, Mr. Pat Coleman, and Miss May Lule.

THE ARCHBISHOP ARRIVES.

TREMENDOUS ENTHUSIASM AROUSED.

At 9.30 his Grace the Archbishop of Melbourne (the Most Rev. Dr. Mannix), who was accompanied by the Very Rev. C. J. Hunt, C.S.S.R., and the Rev. J. Murphy, arrived amidst a scene of remarkable enthusiasm. The great gathering rose en masse, and the great building resounded with tumultuous cheers, accompanied with the waving of hats and handkerchiefs. His Grace stood for some time bowing his acknowledgments. It was a reception of which any potentate might well feel proud, and was worthy of the great leader of Australian democracy to-day.

FR. MURPHY THANKS THE ARCHBISHOP.

Fr. Murphy, who was cordially received, said he wished to thank his Grace in his own name and that of the parishioners of Northcote for attending that evening at personal in-

A Powerful and Convincing Speech

mail into his political coffin. (Applause.) Feeling that he is being beaten, Mr. Hughes is making a desperate effort to retrieve his fallen fortunes. (Applause.) On this, as on many other occasions, I think he has made a very great blunder. (Cheers.) No doubt his admirers think that he stands head and shoulders above the average Australian politician in point of intellectual ability and political astuteness, but those of us who are detached, who have not come under his spell, can see that he has within the last two or three years committed more blunders than any other man in Australia. (Cheers.)

There is one great difference between him and me. Indeed, it is a difference which divides me from many of those who are opposed to me on the question of conscription—anything else would be folly—I am prepared to allow them to hold their views and to express them, but they wish to deprive me of liberty of thought or of speech. (Applause.) I am quite content, moreover, to believe that they are sincere and honest in their views. I have no wish to deprive them of the opportunity to put their views before the people. But I claim, and those who are with me claim, that we should have equal freedom and like opportunities. (Cheers.)

THE UNFAIR DAILY PRESS.

Nobody can deny that the question of conscription is a most important question, and that there are two sides to it. If the question has but

against the people, whose money built them, if these people, in the undoubted exercise of their right, dare to whisper that they are opposed to conscription. (Cheers.) I do not wish to use hard words, but I say that such conduct is unworthy of a free people and a disgrace to Australia. (Applause.) Such gross partiality is a disgrace to our civic and municipal life, and it shows how low Australia has already fallen, though military domination has not yet been fully secured. (Applause.) If these things happen in the green wood, I wonder what would happen in the dry? (Applause.) I feel sure that Mr. Hughes and the "Win-the-War" Party will never secure the military domination which they are looking for in this fair land if the people get a fair chance of realising the aims and the methods of Mr. Hughes, and a fair chance of recording their votes. (Loud applause.)

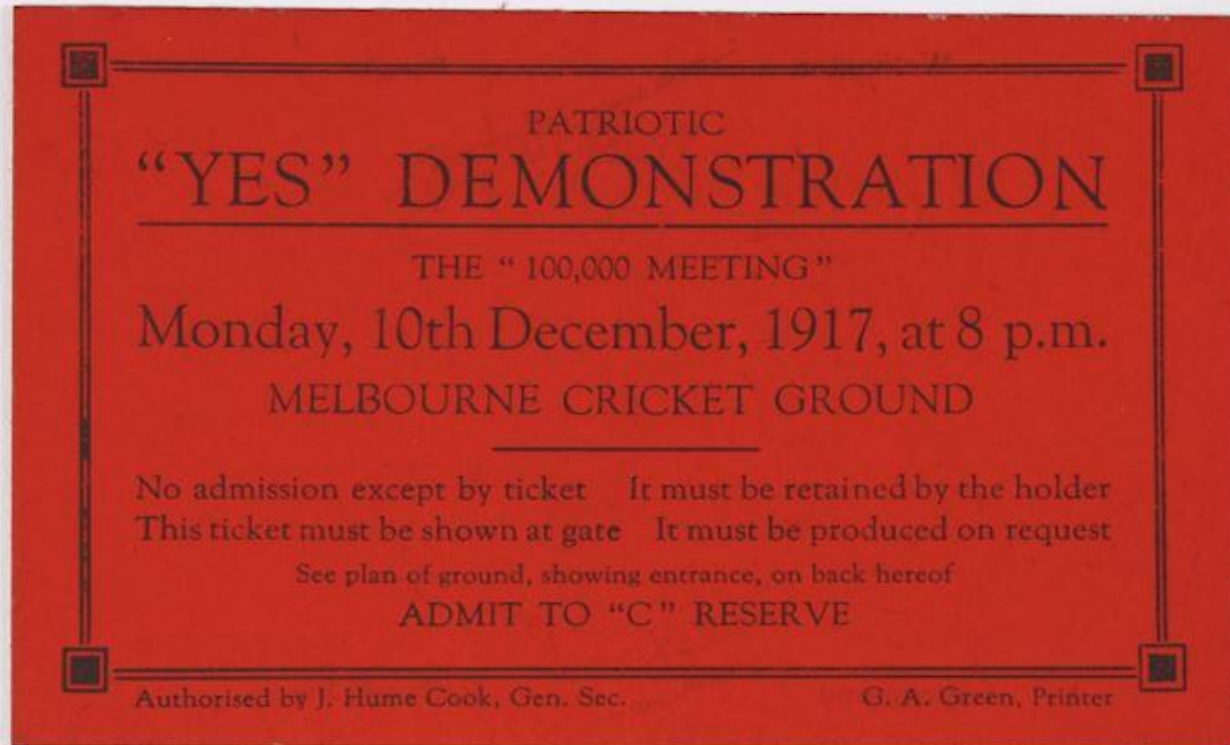
THE CONSCRIPTION QUESTION.

Mr. Hughes and his Ministry have not had the ordinary honesty, or even decency, to put a fair, straight question. A straight question on conscription would get a straight answer. (Applause.) But Mr. Hughes and his party have framed a question from which the word conscription is wholly eliminated. I hope that here and at the front the voters will see through this petty juggling and trickery, and that they will give the jugglers and the tricksters the answer which they deserve. (Applause.) Nor does the unfairness stop at the form of the question. As

AUSTRALIANS AND THE EMPIRE.

Many Australians are prepared, apparently, to place Australia below the Empire in their ambitions. These Imperialists, in the abundance of their alleged loyalty to the Empire, are ready to sacrifice Australia politically and economically. They are not ashamed to put the Empire first and Australia second. Now, whether it comes from the pulpit, from the bench, or from the bar, it is a very silly thing, as well as an unpatriotic thing, to say that the Australians should put the Empire before their country. (Applause.) We tax British products coming into Australia; that may be good economics or bad. But whatever else it is, it means that Australia puts Australia first and the Empire second. (Applause.) Just now our shop windows display the legend, "Made in Australia," and it is supposed to be a passport to a decided preference for things Australian. It will make no appeal to the patriots who put the Empire first and Australia second. (Applause.) The sun never sets upon the Empire, with its many-coloured races. But we, a handful of whites in a huge continent, insist on a White Australia policy. (Applause.) Our coloured fellow-citizens of the Empire ask for an entry. But no, not even for the Empire's sake do we lift the embargo. (Applause.) Australia is first, and the Empire, with its coloured people and its Allies, have to fall into a second place. (Applause.) Certain people say I am a disloyal and a seditious person, and that I ought to be deported or interned for putting Australia first. (Laughter.) They know nothing about the Constitution under which they are living, or, if they do, they want to hide its nature from the Australian people. When the Australian Constitution was being drawn up, and when the relations

YES rally MCG Dec. 10



Second Conscription Referendum, December 1917



Result: NO – 53.8%

What Australia escaped?



Conscription in France:

- **CLASS – YEAR CALLED – AV. AGE AT CALL UP**
- 1914 – 1914 – 20 years, 2 months
- 1915 – 1915 – 19 years, 8 months
- 1916 – 1915 – 19 years, 4 months
- 1917 – 1916 – 18 years, 8 months
- 1918 – 1916 – 18 years, 5 months
- 1919 – 1917 – 18 years, 0 months

Jerger interned, Feb. 1918



With a cigarette hanging from his lips, Paul Dubotzki poses with a group of fellow internees at Somerset Island, South Australia.



Rev. Fr. Jerger, C.P.

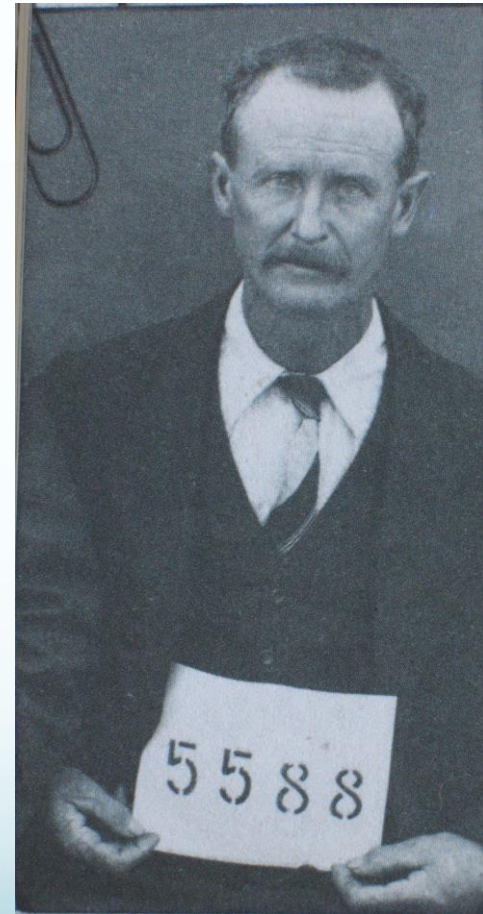
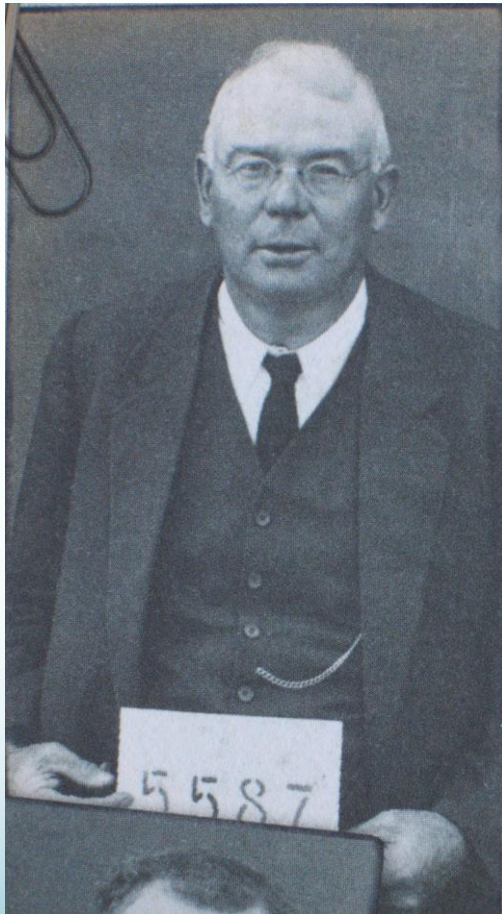
Scaremongering, and authoritarianism, 1918



Hugh Mahon MP, expelled from parliament, Nov. 1920



Herman Paech Johan Wenke



Deportations, 1919-1920

*State was tense in camp, announced deportures
S. Keers went early morning nothing else but heard
about Keers. Kill midnight while in sheets. See
and was also excitement to talk about release.*

THE SUN, TUESDAY, APRIL 15, 1919.

HUNS TO GO

4000 Aliens to be Packed Off

COMMONWEALTH TAKES ACTION

SHIPS NOW ON THE WAY

MELBOURNE, Tuesday.

It is understood that vessels for the deportation of 4000 Germans, Bulgarians, and Turks from Australia and 300 enemy aliens from New Zealand have been arranged for by the Commonwealth Government.

Two of the vessels to be employed will leave Italy shortly, and several are now on their way from Great Britain, carrying troops on board. Among these is the Wyreema.

The departure of the aliens from Australia should take place in about eight weeks time.



Nuremburg 1945

**Justice Robert H. Jackson,
Chief of Counsel, USA at
Nuremburg, 21 Nov 1945:**

“That four great nations,
flushed with victory and
stung with injury, **stay the
hand of vengeance and
voluntarily submit their
captive enemies to the
judgment of the law** is one
of the most significant
tributes that power has ever
paid to reason.”



Nuremburg 1945

**Hartley Shawcross, Chief British Prosecutor, at Nuremburg,
4 Dec. 1945**

- “...it is precisely because we realize that victory is not enough, that might is not necessarily right, that lasting peace and the rule of international law is not to be secured by the strong arm alone... There are those who would perhaps say that these wretched men should have been dealt with summarily without trial by "executive action"... **Not so would the rule of law be raised and strengthened on the international as well as upon the municipal plane**; not so would future generations realize that right is not always on the side of the big battalions....”

John Adams, Dec. 1770, at the trial of British soldiers after the Boston massacre



‘Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence.’