

**What the
COMMUNIST
DISSOLUTION
BILL
Means to
YOU!**

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*K. Rivett
Collection*

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CPA

OUR Liberties have been fought for The miners at Eureka in 1854 fought for and extended democracy . . .

The Australian People in 1914-1918 defeated the proposals to restrict liberty when they threw conscription out on two occasions.

In the depression years the New Guard suffered the fate of all destroyers of liberty in our country.

The successful 2nd World War to defeat fascism was another milestone in our struggle to extend democratic freedom.

But today

The Australian people face the sternest fight in their history—the fight to defeat the Communist Party Dissolution Bill

On all past occasions when liberty was endangered Australian democrats have united their forces to defend their rights and liberties.

The Australian People's Assembly for Human Rights—held in Melbourne, September 14-17th—attended by 417 delegates representing 467,000 Australian citizens—has called for the complete defeat of this Bill to destroy democracy . . . has drawn attention to the fact that the Bill is aimed at the destruction of all those organisations and individuals who defend peace—support better wages and working conditions and stand on the side of progress.

This pamphlet by Mr. M. Julius, Brisbane Barrister, explains why you, too, should endorse the decisions of the People's Assembly and take your place in the struggle for freedom.

Menzies' Bill and Amendments Explained

Great mass pressure from Australian democrats held up the passage of the anti-Communist Bill in June. To prevent Australia from being dragged to the very brink of fascism, an even stronger campaign is needed now to defeat the Bill, which the Menzies-Fadden Government intends to present to Parliament very shortly.

No one can afford to be complacent. Elements in the Labor Party are intriguing and campaigning to obtain Labor's surrender to the Government on the issue.

The danger of a compromise or a surrender has become more acute as the plans for atom-bomb warfare are pushed ahead, and as the danger of depression looms larger. For the Bill is an essential link in the chain of preparations for still higher profits from aggressive war and worsened economic standards for the people.

The Bill is called the Australian Communist Party Dissolution bill. It should be called the Australian Democracy Dissolution Bill.

In the name of peace—war is being prepared.

In the name of putting value back into the pound, workers' wages and conditions are reduced.

In the name of freedom—every cherished freedom is threatened with destruction. This is being done by politicians who loudly proclaim how "democratic" they are.

By calling this Bill the Australian Democracy Dissolution Bill, we strip the smoke-screen of lies which conceals its true nature and content.

With the amendments proposed or accepted by the Government, the Bill is now in some respects worse than in its original form.

With the amendments proposed by the Labor Party, it would not be much better.

The difference between the Government Bill and the amended Bill is the difference between black fascism and brown fascism. Only the complete defeat of the Bill will secure the cause of democracy. A powerful campaign is essential to ensure this.

About 30 amendments to the Bill were dealt with by the Federal Parliament before it adjourned.

The Bill, both in its original and amended form, sets out to do the following:—

- To declare the Australian Communist Party an unlawful association and to dissolve it, to seize its property without compensation and to impose heavy penalties for certain activities.
- To declare certain other organisations unlawful, dissolve them, seize their property without compensation and impose heavy penalties.
- To prevent "Communists" (as defined in the Bill) from holding any office in a union, or from being employed by any Commonwealth authority.
- To provide a streamlined method of "proving" the Government's suspicions and charges.
- To provide power to make regulations imposing penalties of six months gaol or £500 fine.

Founded On Lies

The Bill commences with a series of recitals—charges of a political nature.

The inclusion of these recitals is itself a highly unusual procedure. They are aimed at throwing the burden of proving

that they are untrue upon anyone who challenges the validity of this outrageous Bill.

If they were true, the Government had and has ample power under the Crimes Act and other laws to obtain conviction of the guilty individuals.

The fact that no action has been taken is incontrovertible proof that there is no truth in the charges.

There has been only one thorough judicial investigation into the Australian Communist Party—the Royal Commission—Victoria, presided over by Sir Charles Lowe, a Supreme Court Judge.

Not one of the charges against the Party in the Preamble to the Bill is supported by the findings of the Royal Commissioner.

The mere fact that one political party sets out to declare another political party unlawful is in itself an extraordinary invasion of political liberties.

No wonder Menzies described the Bill (Hansard p. 1998) as "no ordinary act"; and as "an extraordinary Bill" (p. 2748).

No Appeal Allowed

The clause declaring the Australian Communist Party unlawful provides for no appeal of any kind. As Menzies said (Hansard p. 2005): "Under this measure the (Communist) Party is being disposed of with no right of appeal and no humbug."

Other organisations can be declared unlawful if they are of a certain description and if the Governor-General is of the opinion that their continued existence "would be" (not "is") prejudicial to the security and defence of the country or to the execution or to the maintenance of the Constitution or of the laws of the Commonwealth.

Thus an organisation can be declared unlawful and dissolved if the Governor-General is of the opinion that at some unspecified time in the future and under circumstances which might never come to pass it would be prejudicial to the maintenance of the laws of the Commonwealth.

The organisations which can be declared unlawful by executive action are:—

- Organisations which are affiliated to the Australian Communist Party;
- an organisation, which, at any time since May, 1948, had on its committee of management a majority of members of the Party; or
- an organisation which at any time after May, 1948, had supported or advocated the objectives or policies or principles or teachings or practices of Communism;
- or the policy of which was at any time after May, 1948, shaped or influenced, wholly or substantially, by members of the Party, and which was used as a means of advocating the policies of Communism.

This probably includes an organisation to which YOU belong.

The net of this clause encircles shop or job committees, school committees, progress associations, Trades and Labor Councils, the ACTU, Housewives' associations, Peace groups, the Council for Civil Liberties, Democratic Rights organisations, branches of ex-servicemen's organisations, youth, apprenticeship and sporting organisations—in fact, almost any kind of people's organisation.

Unions Threatened Too

It does not include a union which is registered in the Court—but as soon as a union is de-registered it comes within the definition. De-registration is becoming a popular weapon used by the Arbitration Courts against the working class.

Hence Menzies' Bill aims to give power to smash, by executive action and without any adequate appeal, most of the popular organisations that exist or that might come into existence in the future.

The only "appeal" allowed by the Menzies Government was not as to whether the organisation would be prejudicial to the defence of the country, etc., but only as to whether it came within the description of organisations which could be banned.

Labor Opposition Half-hearted

The Labor Party, which accepted the clause banning the Communist Party with "no rights of appeal and no humbug" decided that other organisations should have the right of appeal and trial by jury.

Like the Government, the Labor Party refuses to the Communist Party any right of trial or of appeal.

It accepted Menzies' plan to remove Communists and militants from their union positions or from employment by a Commonwealth authority. It merely wants the Government to "prove" its charges against them.

The main outlines of the Bill were acceptable to the Opposition. The amendments moved by it, which surrounded the essentially fascist structure of the legislation with a democratic aura, were not acceptable to the Government.

All Progressives Threatened

The Government's refusal to accept the amendments clearly showed that its aim is not merely to smash the Party and jail "Communists" but to destroy ALL movements for peace, genuine democracy and social progress.

What individuals can be "declared"?

The amended bill provides that any person who was since May, 1948, a member of the Australian Communist Party or a "Communist" (as defined in the Bill), who is now or who at any time in the future becomes an official of a trade union or an employee of a Commonwealth authority can be removed from his office or dismissed from his employment by the order of the Governor-General.

In the case of officials of unions or union branches, the declaration, to be effective, must be preceded by a declaration that the particular union is, in the opinion of the Governor-General, vital to the security of the Commonwealth. Contrary to popular opinion it is not only unionists in the coal, steel, transport, power and building industries whose unions are affected. The Bill refers to those industries and to "any other industry."

In law the Governor-General is bound to have the "opinions" and to carry out the wishes of the Executive Council.

The effect of being "declared" is not imprisonment. It is worse than that. It is starvation for the person "declared" and for the members of his family. Who would employ a man whose name has been published on a Government blacklist in the Gazette?

Menzies, after reading an incomplete and inaccurate list of union officials he proposed to declare, calmly announced his

Government's intention to "fight him wherever we find him, leaving him no immunity and no sanctuary at all." (Hansard, p. 1998.)

It Makes You a "Communist"

The term "Communist" is defined as a person who supports or advocates the objectives, policies, teaching principles, or practices of Communism as expounded by Marx and Lenin.

Senator McKenna, who led the debate for the Labor Party in the Senate, commented (Hansard, p. 3942): "The net cast by this definition is exceedingly wide." The Attorney-General (Senator Spicer) replied (p. 3943): "The Government has to have a definition that is wide enough to catch the people whom it is after."

Caught in the net, then, is a person who supports the objectives (e.g., the socialisation of the means of production, distribution and exchange) although he may not support the practices of Communism.

Caught in the net, too, is the person who advocates the policies of Communism (e.g., a £10 basic wage, lower prices, equal pay for women, banning the atom bomb), although he may not support the objectives or the teachings of Communism.

Caught in the net, then, are hundreds of thousands of progressive people, including members of the Labor Party who support that party's socialist objective.

They are caught because the Government cast the net wide enough, intending to catch them.

The Labor Party, despite Senator McKenna's complaint about the wide character of the definition of "Communist," did not move any amendment to the definition.

Three different amendments were moved by the Government to the "onus of proof" clause. There is no substantial difference between any of them. All reverse the ordinary rules of procedure, said to be the basis of the British legal system.

A Government amendment provided that an organisation should not be declared unlawful, and an individual should not be removed from his office or employment, until the question has been considered by a committee of five.

But the Government is not bound by the advice of this Committee, which is merely authorised to "consider" the matter.

Up To Five Years Jail

The penalty section of the Bill provides a jail term of up to five years for certain offences. That is a maximum penalty.

This section provides that a person shall not knowingly carry on, in the direct or indirect interests of an unlawful association, any activity in which the unlawful association was engaged or could have engaged...

The cornerstone of Marxism-Leninism is the theory of value. This theory teaches, among other things, that labour is the source of all wealth; that the worker is paid less than the value of the goods he produces; that profit is the difference between the wages paid to the working class and the value of the goods produced (that is, profit is unpaid labour).

To convict a person who taught that theory (for the teaching of it is an activity in which the Communist Party is engaged), the Crown would have to prove that what was done was in the direct or indirect interests of an unlawful association.

£10 Wage Fight Illegal

But this safeguarding feature—and it is a very slim safeguard—has been overcome in the amended Bill. An amendment provides that a person shall not, after the dissolution of an organisation, knowingly continue, or assume or pretend to continue, any of the activities of that organisation or body. Penalty—five years' jail.

The advocacy of the £10 basic wage, or equal pay for the sexes, or the circulation of the atom bomb petition, are made illegal.

It is not only members of organisations declared unlawful who are threatened with jail for carrying on any of the activities in which the organisation was engaged. The drag-net is out to catch "any person", whether a member of the organisation or not, who at any time in the future does anything which the organisation, through its members, did in the past when it was lawful to do it.

The Section also implies that it will be an offence to campaign for the repeal of the legislation should it be passed! For this is clearly an activity in the direct interest of an unlawful organisation.

Secret Police Raids

The amended Bill gives power to persons authorised by the Attorney-General to obtain a search warrant and to enter any place, turn it upside down, strip and search the occupants, using force if necessary, and allowing them to carry away any property they think belongs to an unlawful association.

The Act provides no remedy to an individual whose property is wrongfully seized by these secret police.

In addition to the clauses previously existing in the Bill dealing with "proving" that a person belonged to an unlawful association, a new clause has been added.

It provides that, in any proceedings under the Bill, proof that any printed or recorded document contains the name of a person as the author of it, is prima facie evidence that the person named was the author of it.

That is giving the stamp of legal approval to forgery and frame-ups with a vengeance! A person's name is put on a document—he then has to bring evidence to prove that he didn't write it!

The Act authorises the Governor-General to make regulations creating offences for which the penalty is £500 fine or six months' jail.

The Bill, either in the form demanded by the Government or in the form envisaged by the Opposition amendments, is a vile attack upon democratic liberties.

All who love freedom—freedom to think, to organise, to act for peace and social progress—must oppose the Bill lock, stock and barrel.

The Australian People's Assembly for Human Rights attended by 457 delegates from people's organisations throughout the Commonwealth representing 467,150 Australian citizens which met in Melbourne from September 14 to 17, carried unanimously this resolution:—

"This gathering of delegates from people's organisations throughout Australia condemns the Communist Party Dissolution Bill as a measure which, if effect can be given to it, would convert our country into a vast concentration camp.

"The Menzies-Fadden Government, through this Bill, aims to crush all opposition to its plans for aggressive atom-bomb war and worsened living and working conditions.

"The Bill menaces not only the members of one political party, but all who contribute in any way to peace, democracy, economic welfare, national independence and cultural advancement.

"The fascist structure of this Bill cannot be altered by amendments. Nothing less than the defeat of the entire measure and of its sponsors will serve the needs of peace and freedom.

"This Conference calls on all patriotic Australian democrats to make the Canberra politicians hear and obey the voice of the people.

"For the sake of peace—fight and win the battle for freedom.

"For the sake of freedom—fight and win the battle for peace."

The Resolution was affirmed at a Rally of 8,000 Melbourne citizens on the Yarra Bank on the final afternoon of the Assembly.

The wide opposition, among all sections of the people to this Bill, is best illustrated by the platform of speakers at this Rally. They were:

Mr. J. McPhillips, National Secretary, Ironworkers' Association.

Rev. Frank Hartley, Methodist Minister.

Mr. Brian Fitzpatrick, General Secretary, Australian Council Civil Liberties.

Mr. J. Coull, Secretary Liquor Trades Union.

Mr. S. Goldbloom, Jewish Council.

Mr. F. Hardy, Fellowship Australian Writers.

Mr. R. Lockwood, World Peace Committee.

Mr. R. Dixon, Australian Communist Party.

Mrs. Meany, Darwin Trades and Labor Council.

Mrs. Doris Blackburn, ex-Independent Labor MHR.

Mr. Wilfred Burchett, author and newspaper correspondent.

Mr. Poon, Chinese Seamen's Union.

Rev. Alfred Dickie, Presbyterian Minister.

This Bill can and must be defeated.

Organise a meeting at your place of work—in your locality—in your own home. Speakers are available from the Democratic Rights Council.

Send protest resolutions to the Federal Parliamentarians.

Organise a deputation to your local member.

Subscribe to "Liberty" and sell it to your friends.

Now is the time to fight!

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