

# The Seditious Activities

## of Wilfred Burchett

Phil Greville

Wilfred Burchett is long dead, but his influence remains: first through his thirty-eight books, second, because Left-wing academics still thrive in Australian universities, third, as a journalist, the media generally support his memory unthinkingly and, finally, his offspring still fight to clear his name. I respect the last of these but not the others.

None of this would have been significant, if the Menzies' Government had handled Burchett's activities in Korea with more courage and less expediency. Throughout the 1950s and 1960s Burchett mainly resided in communist countries, without his original British passport (he had left Australia before separate Australian passports were issued), and seemingly with no intention to return to Australia as he served one communist regime after another. But in 1970, Burchett did return and made it clear that his long-term goal was to gain an Australian passport.

Up until then, I too believed little could be gained by pursuing Burchett over his activities behind enemy lines in Korea and Vietnam. Moreover, as an army officer and even though I was an ex-Prisoner-of-War (PW) in Korea, few were interested in my views anyway. When Burchett returned he made a number of outrageous statements, including the assertion that no Australian PW had criticised him. I immediately wrote a letter to *The Sydney Morning Herald*, making clear my opinion of Burchett's activities during the Korean War, which I considered both distasteful and traitorous.

The Editor at the time (John Pringle) asked me to visit him, which I did. He explained that Burchett had issued a writ against the noted Australian war correspondent Denis Warner and certain British and Australian newspapers. The *SMH* was not prepared to face the same risk, however Pringle promised to write an editorial piece condemning some of Burchett's activities; which he did.

When Burchett landed in Brisbane after flying in on a chartered light aircraft from New Caledonia, the *Brisbane Telegraph* sent Eric Donnelly, their Chief Photographer, to cover the occasion. At his airport press conference Burchett said that while he had not got on too well with certain

Australian PWs, he had had a friendly relationship with those Australian PWs who were repatriated during Operation *Little Switch* in late April 1953. He claimed that he visited them every day, giving them fruit and beer. Donnelly, who had been severely wounded in Korea and was one of the six PW being returned at that time, called out, 'you liar'! He was confronted immediately by Frank Galbally, QC, who issued Donnelly with a warning to be quiet or he would be in trouble.

While Galbally's threat did not worry Donnelly, the subsequent actions of the Australian Journalists' Association (AJA) annoyed him greatly, especially as Donnelly had paid his dues to the AJA for twenty years, whereas Burchett was not even a member. The Secretary of the Queensland branch of the AJA warned Donnelly against such displays and in the process praised Burchett and his activities. As Donnelly stated in his rejoinder, Burchett was a man to whom the words objectivity, impartiality and accuracy were strangers.

One of the first acts of the Whitlam Government was to give Burchett an Australian passport. I did not disagree with this decision but drew no joy from its triumphal announcement. I became very angry when I heard that our Ambassador to France, Mr Alan Renouf (later the Secretary of the Department of Foreign Affairs), delivered the passport to Burchett in his official car with our flag flying. After retiring he wrote a book published in 1979 about Australia, called *The Frightened Country*.

In 1974, Burchett again returned to Australia in the pursuit of money from a legal action he had taken against Senator Jack Kane. He was persuaded to do so by Clive Evatt, QC, who was going to represent him in the case against Kane. Evatt, a graduate from Duntroon pulled out, apparently on learning of Burchett's activities in the PW compounds of North Korea.

Before the trial opened the ABC decided to give Burchett a forum. He was to discuss the issue with a politician (Bill Wentworth), a lawyer (Kenneth Gee) and an ex-PW (me). The ABC flew me to Sydney but just before the show was to go to air, the convenor informed me that Burchett would not take part unless the ex-PW was withdrawn from the panel.

The show went on without me. It appeared impossible for ex-PWs, who knew much about Burchett's activities, to be read, seen or heard on the matter.

Burchett never did bring his case against Denis Warner to court; instead he sued Jack Kane over an article in the Democratic Labor Party magazine *Focus*. In the case *Burchett v Kane*, the legal system was bound by rules of evidence pertaining to the laws of libel and therefore the scope of Burchett's activities that could be examined was severely limited. The jury considered that the *Focus* article was defamatory but the article was a fair representation of the proceedings of the Senate. The verdict was therefore to be left to the presiding Judge, Mr Justice Taylor, who gave his verdict to Kane with Burchett to pay the defendant's costs.

Burchett tried to raise the money for an appeal, but his Communist friends, the Left-wing QCs who had encouraged him and the AJA all deserted him and he left the country for good. In one sense this was fitting, but in others very unsatisfactory. The truth about his activities behind enemy lines in Korea was neither disclosed nor judged.

As recently as 10 January 2006, George Burchett could truthfully claim that the jury had found his father had been defamed by the *Focus* article, but wrongfully conclude that all other claims about his father's aberrant behaviour were ill-founded. The trial has also enabled Left-wing academics such as Ben Kiernan, Gavan McCormack, Ross Fitzgerald and Mathew Ricketson, to extol Burchett as somehow a fearless, honest and accurate reporter of 'the other side'. One can only wonder about their judgement when one reads McCormack's book on the Korean War, *Hot War Cold War* published in 1983, in which he asserts that it was South Korea that had invaded North Korea on 25 June 1950.

In 1974, I thought that I should find out what our parliamentarians had said about Burchett over the years. I went across the lake to the Parliamentary Library and asked for references in Hansard to Burchett. I was informed that he appeared in 1950-53 under 'Traitor' and in 1970-74 under 'Illegal Immigrant'.

Having read the appropriate Hansards I was persuaded that there was no suitable legislation under which Burchett could have been charged in 1952-3, or indeed in 1970-74. But I believe that a Royal Commission or Parliamentary Committee should have examined Burchett's behaviour in Korea (and perhaps Vietnam) and drawn up legislation, to make it clear what Australian Citizens could not do in situations where Australian Servicemen were committed to military operations by the Australian Government. Such legislation may also have solved the current dilemma over the status of David Hicks.

To clearly outline Burchett's behaviour let us examine briefly what he did (and did not do) in Korea.

With the implicit approval of Stalin, North Korea invaded South Korea on 25 June 1950 and quickly drove the poorly equipped and badly trained Republic of Korea (ROK) Army back to Taegu/Pusan where hastily deployed US and British forces were committed, under a UN Security Council Resolution, to stabilise the situation. On 15 September 1950 UN Commander, General Douglas MacArthur, launched an amphibious force into Inchon, well behind North Korean lines, which caused the North Korean Army to quickly retreat losing thousands dead and captured.

On 01 October, ROK forces crossed the 38<sup>th</sup> Parallel into North Korea. UN Command forces followed and early successes resulted in the insertion of large Chinese forces into North Korea to assist the North Koreans. A retreat by the heavily outnumbered UN and ROK forces followed, with large number of UN PWs being captured by advancing North Korean and Chinese forces. Eventually UN Command forces counter-attacked and drove the Chinese and North Koreans back to the general vicinity of the Parallel. A relative stalemate ensued until a Truce was suggested by the Soviet Union on 23 June 1951, and quickly agreed to by China and the USA. Talks began at Kaesong on 10 July 1951 but were not finalised until 17 July 1953 at Panmunjom.

The initial UN PWs were captured by the North Koreans who had no policy regarding the treatment of PW. A few were released at the front, many were summarily executed and the majority simply herded into compounds. These PW were poorly housed, poorly fed and physically abused with the result that many died. When the Chinese entered the war, they captured many UN and ROK soldiers and simply handed them over to the North Koreans. However, once the Truce talks began, the Chinese quickly realised that PWs were to be an important aspect of the negotiations and they took over all the PW compounds. PWs became part of the propaganda war, a bargaining chip on one hand and a potential source of embarrassment on the other.

Burchett and Alan Winnington, both competent English language journalists with links to Left-wing papers in Britain and France, were imported into Korea under Chinese Army control as part of the Chinese propaganda machine. The two men first made their mark at the armistice talks, sending biased reports around the world. They also influenced Western journalists at the talks, because they provided an alternative view to US Army-controlled information, which was the only other significant source at the time.

As the armistice talks proceeded slowly, Burchett expanded his activities to include the promotion of germ warfare allegations, the General Dean affair and to influencing UN PWs. It was these operations that took him beyond the accepted norms of journalism, even when reporting 'the

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Burchett was the only Western journalist to claim that he saw the germs and their means of delivery. He actively pursued the story and was involved in editing the forced confessions of US aircrew regarding their supposed participation in germ warfare. Burchett also acted as compere to the filmed proceedings of the so-called International Scientific Commission convened by the Communist powers to supposedly investigate the allegations. The whole fabric of these allegations was proven to be false and dropped quickly by China after the Truce. Further confirmation that the allegations were false came when the Soviet archives were examined after the collapse of the Soviet Union.

In the military stalemate along the frontline in 1952-53, and in the stalemated negotiations at Kaesong and then Panmunjom over the same two years, the length of imprisonment stretched out interminably, especially for those PW captured early in the war. They yearned for information about what was happening.

Burchett was fed, clothed and paid by the Chinese Army for whom he worked while in Korea. His duties were primarily concerned with reporting to the English Language press the Chinese Army view of the proceedings of the Truce talks. These were published in *Ce Soir* and *La Humanite* in France, the *London Daily Worker* in England, and the *Daily New Release* an official Chinese News Agency propaganda publication in English that was issued daily to PW compounds.

Burchett's articles emphasised the Chinese case at the truce talks and painted the USA as unreasonable, perverse and doing its best to end the talks – thereby continuing the fighting. These articles still survive, available for all to examine and weigh for their lack of objective motivation and merit.

Not content with this, Burchett sought permission to visit PW compounds to explain to the prisoners the progress of the war. Naturally, permission was given by the Chinese, but his attempts to persuade US and other UN PWs that they were dupes of Wall Street generally failed, but may have influenced some PWs in certain camps. Many other PWs accused Burchett of being a Communist and a traitor, who would be hanged eventually. In one famous case the PWs were paraded to hear a propaganda lecture by Burchett but brandished nooses to demonstrate their belief that he was a traitor and the noose would be his lot. Burchett replied by threatening to have them punished – and they subsequently were.

Now for some time just after World War II, I lived in the Officers' Mess at Victoria Barracks while studying engineering at Sydney University. During this period charges were laid before Major Charles Cousens, who as a PW had broadcast for the Japanese. One of the main witnesses was a Colonel John Prentice who had sat out the war in the headquarters and in the PMC's chair in the officers' mess.

These two men had co-managed Sydney radio station 2GB before the war. This event impressed itself on my memory and demonstrated the narrow but firm line of conduct required of Australians captured in war. I deemed Burchett's behaviour treacherous because he was trying to persuade Australian PWs to betray their country.

It matters not that he failed in this mission. One soldier (Madden) was posthumously awarded the George Cross for his selfless bravery during brutal treatment in captivity. Four others (Buck, Hollis, Parker and Gwyther) were mentioned in despatches, as was Captain Yacopetti. The subsequent official British Commonwealth Occupation Force report about the Australians in captivity stated that 'Great credit must be given to all Australian PW for their conduct and their very sensible attitude to their imprisonment.'

If Burchett had assisted the Germans or Japanese during World War II in the same way he assisted the Chinese and North Koreans in the Korean War he would have been guilty of treachery and liable for punishment up to execution. But of the hundreds of armed conflicts that have occurred since World War II, few have been declared wars in the traditional legal sense. Therefore, Australian legislation was (and is) needed to cover all situations where the defence force is committed to hostilities, 'declared' or not.

On Saturday, 03 November 1923, my father along with the remainder of the garrison at Fort Queenscliff in Victoria was



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deployed to Melbourne when a Police strike left the city open to looters and other thugs. They had centuries of common law precedent but no well-defined statute to protect them in their task. Nor did Brigadier David Butler and the soldiers of the 1<sup>st</sup> Brigade in 1978 when ordered to ensure members of Commonwealth Heads of Government Regional Meeting were safely conveyed to Bowral following the terrorist bombing of the Hilton Hotel in Sydney. It took the 2000 Sydney Olympics to force the Government to specifically legislate for situations where the defence force might need to be used to assist the police within Australia. It was not until February this year that Australia effectively codified in detail how such military support to the police can be applied generally during serious civil disorders or terrorist attacks.

Parliamentarians can act quickly to protect their own bums (witness the Beattie Government removing civil proceedings from Ministers who lie to Parliamentary Committees) but do not have the same sense of urgency to pass legislation that would protect servicemen and women deployed by the Parliament in the national interest within or outside Australia.

A properly constituted Commission or Committee could and should have examined, and exposed to the public, all of Burchett's known activities and judged their appropriateness. The failure to do this in 1950-54 has led inevitably to our current inability to deal with David Hicks in an Australian Court. As a result David Hicks is fast becoming a martyr despite any wrongdoing he may have committed. This closely

parallels the case of Burchett and his activities in North Korea and elsewhere.

I am not familiar enough with the new sedition legislation to judge whether it finally prohibits crimes such as Burchett's activities in Korea and Vietnam, or covers future activities such as Hicks undertook in Afghanistan. I hope it does so, and without prejudicing the right of Australian citizens to peacefully express their views on the rights and wrongs of Australians being involved in such military activities.

Such legislation must be carefully drafted and only enacted after careful examination by the Parliament. The ultimate protection for the citizen, including those serving in the Australian defence force, lies in the principle that the Courts must judge the actions of any citizen in the light of existing laws. It is the Parliament's task to ensure that existing laws are adequate and in keeping with local tradition, our international obligations and, of at least equal importance, our responsibility to those defence force members we deploy overseas on our behalf. ♦

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