

footage. Inquiry officer Barnwell was again assigned to investigate this complaint, and he produced a report in which a degree of pro-German sympathy is evident. Barnwell observed that newsreels were a new way of presenting news and opinion and that film was a very powerful medium for shaping public opinion; this one was 'a combination of fact, possibly fiction and opinion, presented in such a manner likely to mould public opinion along desired channels'. He agreed with Asmis that the scenes of brutality towards Jews had been faked and considered that the newsreel would be sure to make an impression on audiences which would be 'designedly unfavourable to Germany and sympathetic to Jews', and he went on to argue forcefully that the Commonwealth should take action. First, he asserted that the non-authentic parts of the film would be offensive to Germans. Secondly, he sought to appeal to the presumed prejudices of his superiors in the CIB by noting that the film as a whole expressed 'anti-war, anti-German and anti-Japanese sentiments'. Thirdly, he tried to enlist their Empire-loyalism by describing the film as presenting an American viewpoint:

'The March of Time' is the latest in [a] technique of world propaganda by American interests and as such should be subject to the closest scrutiny and rigid censorship to conform with Australia's policy in world affairs upon which the film attempts to mould opinions.

Accordingly, Barnwell concluded by recommending that 'an approach be made to the Importer to withdraw that portion of the film objected to by the German consulate' and that the Commonwealth Film Censor be engaged to assist with negotiations.⁴⁶

Jones may have been anti-communist, but he was neither as pro-German nor as totalitarian as his subordinate, and he was not convinced. He sent Barnwell's report to Hodgson, but in the covering memo he did not endorse the advice that the importer of the newsreel be leant on. Even so, Jones does not emerge as anti-Nazi. He appears to accept the consul's claim that persecution of the Jews was purely an internal German question and showed some admiration for 'Nazi methods of reconstructing Germany and rehabilitating her national prestige'. In the end his preference for taking no action was based on the need to be even-handed and the problems of precedent-setting. The German consulate itself was distributing propaganda films in Australia, so if you started censoring anti-German material you would soon have to censor the pro-German stuff as well.⁴⁷ Jones had little doubt that the newsreel was insulting to a friendly foreign power, but he showed no interest in restricting its circulation, and no action was taken. Pearce signed a letter to Asmis in which he explained the government's decision not to intervene. He largely followed the points in Jones' memo to Hodgson, but he went slightly further in asserting that the government had received protests from Australian citizens against the screening of Nazi propaganda films distributed by the consulate, and he suggested that the consul's objections would more usefully be directed to the makers of the film in the United States.⁴⁸ It was a polite way of telling him to get lost. This response is also significant because it shows how little pro-German feeling (as opposed to admiration for Nazi methods) there really was among senior personnel of both the CIB and the Department of External Affairs, certainly not enough to induce them to ban a film or play merely because it offended German

susceptibilities. The sequence of storm troopers abusing Jews in the newsreel, faked or not, were very similar to the scenes of Nazi interrogators torturing communists in *Till the Day I Die*, as Barnwell would point out a few months later,⁴⁹ yet no action was taken against the film. It would seem that, while Jones was willing to have Nazi treatment of Jews exposed, he was concerned that scenes of the same brutality directed against communists would only win them unwanted sympathy. Despite the consul's efforts, Australian audiences continued to view anti-Nazi films without obstruction.

The same cannot be said of plays produced by New Theatre, surveillance of which continued as war approached and intensified after it had broken out. As a 'communist auxiliary' the organisation was affected by the war in much the same way as its parent; although it was not in the end declared illegal it came very close, and its escape was not for want of effort on the part of the security agencies.⁵⁰ The Nazi-Soviet Pact of August 1939 caught the party and its sympathisers by surprise. When the treaty was announced NTL was staging a revival of *Till the Day I Die*, but this was cancelled abruptly when war was declared on 3 September, replaced by *Angels of War*, a pacifist-leaning play about women ambulance drivers in World War I; as Oriel Gray recalled, suddenly 'we all became ardent pacifists'.⁵¹ There was something of a stand-off during the phoney war period, but when the Communist Party was declared illegal on 15 June 1940, under the provisions of the National Security Act, it was only by the narrowest squeak that the NTL was not outlawed as well. Its name was among a list of organisations connected with the party prepared for the Solicitor-General by Jones in preparation for the declaration of the party as unlawful; in this document, against the name of each body are pencilled ticks or the word 'no', indicating a decision as to whether it will be included in the declaration. New Theatre is ticked, but the tick is scribbled out and the word 'no' written beside it, suggesting a last-minute change of heart at a senior level. In the resumé of NTL's subversive activities, *Till the Day I Die* is the only play mentioned.⁵²

In the months that followed, however, security attention returned to the issue of whether New Theatre ought to be proscribed along with its sponsor. W.H. Barnwell certainly thought it should be. In a long report dated 13 June 1940 he referred to the history of the NTL and emphasised its status as a communist subsidiary controlled by a party faction. He pointed out that the importance of the stage as a platform for propaganda would increase in conditions of strict censorship and that the party could thus be expected to place more emphasis on theatrical productions in present circumstances. He named numerous members of the organisation in Sydney and Newcastle and listed a number of recently-performed plays to show their anti-war and pro-communist tendencies.⁵³ Barnwell's superior, D.R.B. Mitchell, forwarded the report to the Director in Canberra with a strong recommendation that NTL be declared unlawful: 'the form of propaganda ... is insidious and ... some of the plays they have produced are of an anti-war variety'.⁵⁴ There is no record of Jones' response, and on 5 July Mitchell wrote directly to the Attorney-General, reporting that the raid on New Theatre's premises on 15 June had netted a huge haul of communist literature and incriminating correspondence, and repeating his recommendation that the League be declared unlawful. He also mentioned a meeting held at the Trades Hall to protest against the raid, attended by up to 600 people described by Barnwell, who wrote a detailed report, as 'good types, being the

intellectual class'.⁵⁵ Mitchell suggested that both the proceeds from it and the tenor of the protest meeting provided ample justification for the raid:

The fact that the NTL has not been declared unlawful is apt to create in the minds of the public generally the idea that this body is an innocuous cultural body, true to its name ... instead of what it really is—a subsidiary of the Communist Party of Australia and a means of presenting in an attractive form Communist propaganda, anti-war plays and ... productions aimed at implementing ... 'class consciousness'.⁵⁶

On 5 August the new inspector in charge of the CIB's Sydney office endorsed his predecessor's recommendation that the NTL be suppressed,⁵⁷ and on 16 October Barnwell submitted a further memo in which he reported that the League had become 'most active in propaganda work and continues to stage leftist plays' at its premises in Pitt Street.⁵⁸ There was no response from Jones to these urgings, suggesting that he could have received orders that NTL was to be left alone for the present. It manifestly had strong support from both the trade unions and the liberal middle class, and the government might well have been wary of antagonising such a broad constituency.

Meanwhile the NSW Police were mounting their own operation. In a report on 19 June 1940 Detective Sergeant Swasbrick ran through the history of New Theatre; defined its aims as producing 'plays of a revolutionary and socialistic nature' and 'promulgating the Communist doctrines in a subtle way'; pointed out that some of the plays it staged had been banned (a reference to *Till the Day I Die*); and concluded that it was a communist 'fraternal' that ought to be declared unlawful.⁵⁹ Swasbrick's report bears a strong resemblance to Barnwell's of 13 June, so it is likely that there was cooperation between the Sydney CIB and the NSW Police, as in Victoria,⁶⁰ and indeed that information sharing between them was an established practice. It is also possible that the Sydney CIB was disappointed at the lack of action at head office and were using the NSW Police to bring additional pressure on Canberra. Keefe forwarded the report to the Chief Commissioner, W.J. MacKay, who in turn passed it on to the Chief Secretary with the recommendation that the NTL be made illegal,⁶¹ and on 17 July the Acting Premier of New South Wales, Alex Mair, put this request to the Prime Minister.⁶² Miraculously, New Theatre hung on; more than that, it was trying to get the ban on public performances of *Till the Day I Die* lifted.

This campaign was launched by the theatrical union, Actors' Equity, the actions of whose secretary, Hal Alexander, were being closely watched. A censorship commentary of 9 July 1940 reported:

Communists have never relaxed their efforts to secure authority to produce Odet's [sic] play 'Till the Day I Die'. They assert that it is anti-Nazi, but do not add that it is nevertheless thinly-veiled communist propaganda. Actors Equity has declared its intention of staging the play whether it is banned or not.⁶³

The censor was certainly on the ball. On 12 July Alexander wrote to the NSW Opposition leader, William McKell, advising him that the council of his union had resolved that more should be done to oppose Nazism through the medium of theatre and that, to further this objective, the ban on *Till the Day I Die* should be lifted, thus

allowing his members to put on public performances. Alexander drew attention to the anomaly of an anti-Nazi play being banned at a time when the nation was at war with Germany:

Considering also that the play was originally banned at the instigation of the then German Nazi Consul-General, Dr Asmis, and that the reason given for this banning was that the play was 'offensive to good taste and public decorum', we believe that the matters of good taste and decorum in such a time of crisis should be relaxed. Should the original ban be still in operation, we ask ... for your assistance in having this ban removed at once in the interests of the fight for freedom and democracy and the Empire.⁶⁴

Alexander told *Smith's Weekly* that he was determined to have the ban on *Till the Day I Die* lifted so that Sydney actors could assist the war effort through its exposure of Nazi methods. As reported by *Smith's*, he said that 'now we are fighting Germany there could be no valid reason for banning *Till the Day I Die*'.⁶⁵ And indeed there would not be if the real reason for prohibiting the play had been the desire not to offend a friendly foreign power. At least one journalist around this time realised that the ban could not be simply a response to the play's criticism of Germany: 'It is understood, that the main official objection to the play is that it is more pro-Communist than anti-Fascist'.⁶⁶

The real authors of the ban were not impressed by Alexander's arguments. Forwarding the clipping from *Smith's Weekly* to Canberra, the ever-vigilant Barnwell knew exactly what was going on:

In this play Nazi brutality is displayed by the Gestapo in their efforts to eradicate the Communists. Communists, in their underground activities, are shown as the heroes of the play, therefore, the play being produced at this stage when the Communist Party has been declared illegal, will be a subtle form of propaganda suggesting that present underground activities of Communists are akin to those of Communists who struggled against the Nazi regime and will serve as an encouragement for them to continue a struggle which will be detrimental to our War effort.⁶⁷

Such a perceptive assessment deserved at least a pat on the back from Jones. Although there is no record of his response, this was indeed the view of the matter that prevailed in official circles. McKell forwarded Alexander's letter to the NSW Premier who on 19 July sent it on to the Prime Minister, whose department sought advice from the departments of Information (responsible for censorship), Defence Co-ordination, and Attorney-General's (A-G's). The response was not warm. Alexander had also sent a copy of his letter to the Minister for the Army, G.A. Street, whose department reacted very suspiciously. In a memo to A-G's, the secretary, having heard that its tendency was 'communistic', sought a copy of the script of *Till the Day I Die* so that he could determine whether its production would be prejudicial to national security; for good measure he also proposed that the production of plays (not currently subject to censorship) should be brought under the control of the Department of Information. As a juicy piece of dirt he also imparted the sublimely improbable intelligence that Alexander was 'reported to have supplied information to the Communist Party regarding naval activities'—evidently a man of many parts.⁶⁸

In due course an officer of A-G's read *Till the Day I Die* and prepared a brief summary in which he reported a number of disturbing features: the hero of the play was a communist; the author depicts the communists as 'sincere workers for humanity'; and, most seriously, 'The play is strongly anti-Nazi, but ... its main object appears to be to promote Communism'. A-G's thus sent an unequivocal reply to the Department of the Army in which it pointed out that the Communist Party had faced great difficulty 'in spreading their subversive propaganda' since the ban was imposed and that it was likely to want to use the theatre for this purpose – 'which, if permitted, would be most effective'. A-G's agreed with Alexander that *Till the Day I Die* was anti-Nazi but stressed that it was also 'decidedly pro-Communist' and that its production would be 'prejudicial to the defence of the Commonwealth or the efficient prosecution of the war and should not be permitted'. There were two possible ways of securing this outcome: amending Regulation 16 of the National Security (General) Regulations to make stage plays subject to censorship and then issuing a censorship order; or amending Regulation 7 of the National Security (Subversive Associations) Regulations to include stage plays among prohibited means of communication.⁶⁹ A-G's eventually decided that the first of these options was the better course and prepared a recommendation to this effect for consideration by the government,⁷⁰ but it was not until the middle of the following year that any action appears to have been taken.

Alexander's campaign thus met with little success.⁷¹ His efforts to get *Till the Day I Die* released had succeeded only in persuading the Attorney-General's Department to recommend the censorship of plays generally, and he was lucky that this proposal seems to have foundered among the usual difficulties of bureaucratic coordination. Actors' Equity continued to put pressure on other Commonwealth and state agencies, with equally disappointing results. It approached the Commonwealth censor for New South Wales to have the play passed, but he replied that he was not willing to express an opinion until the NSW ban was lifted. He reported to Canberra:

The Secretary [Alexander] was very wrathful at my reply and set out that the League was determined to produce the play. ... When this play was originally banned it was considered insulting to the Nazis. As well as containing this feature, it was also very pro-Communistic.⁷²

Alexander also sought to lead a deputation to the NSW Chief Secretary, who refused to meet it, and to invite state politicians to a private performance of the play, all of whom declined.⁷³ You could say it was a stalemate. Public performances of *Till the Day I Die* were still banned, but the NTL was still legal and stage plays generally remained free from the tentacles of the wartime censorship.

What transformed this stand-off was the victory of the Labor Party in the New South Wales elections of 16 May 1941 and the changing course of the war, crucially the German invasion of Russia that June. The security agencies maintained their watch, and probably their rage,⁷⁴ but there were no new developments until July 1941, when the army began to press for a ban on New Theatre. In a memo dated 1 July to the Director of the newly established Security Service Lt Col. R. Powell, from the Intelligence Section, Eastern Command, advised that 'the position of the New Theatre league is being considered for the preparation of a further application for

its declaration' (that is, as an unlawful association under National Security Regulations). He also attached intercepted correspondence and playscripts.⁷⁵ The following day (though it is not clear if there is any connection) Jones re-entered the fray. Inspector Mitchell had prepared a report which claimed that New Theatre was spreading 'defeatist propaganda' and fomenting industrial unrest by performing playlets and skits at union meetings, street corners and factory lunch-breaks. Mitchell was losing hope that the government would ever heed his advice, suggesting rather pathetically that 'if as a matter of policy this organization is not to be banned' it should be opposed by some sort of counter-propaganda. He was convinced it was a serious matter

that may lead to a grave post-war problem that Communistic, leftist or socialistic propaganda ... should sow their insidious seeds freely and without any attempt at portraying the other side. The affect [sic] on young minds of such continuous infiltration of ideas opposed to present and proved system must be harmful to the stability of democracy.

Jones apparently agreed, forwarding the report to the A-G's Department with a request for instructions on the suggestion that 'some attempt be made to curtail the activities of this organisation which, under the cloak of literary art, produces ... veiled propaganda'.⁷⁶ But even under that old warhorse, W.M. Hughes, A-G's was slow to act. All Hughes did was to write to the Minister for Information, Senator Foll, with his department's year-old proposal to bring stage plays within the ambit of the wartime censorship. He did not consider it practical to curtail NTL activities by declaring it an unlawful body under the National Security (Subversive Associations) Regulations because it would most likely just change its name and carry on; such a step might also be used by agitators to provoke industrial unrest.⁷⁷ Well might such powerless institutions envy the Nazis. But even the small step recommended was not taken. No reply had been received from Foll by the time the two independent MPs crossed the floor during the budget session on 7 October and John Curtin formed a new government. By then it was too late.

It would be hard to imagine two white Australians with more different backgrounds than Captain Chaffey and John Marcus Baddeley. The new NSW Chief Secretary, the member for Cessnock, was a coal miner turned union official in the Communist-led Miners' Federation; in his youth he had joined the radical Industrial Socialist Labor Party, and he had moved a resolution in favour of the One Big Union in 1921.⁷⁸ He was at the moderate end of the very tradition that Jones and Co had spent all their working lives combating. Yet there was nothing in his announcement of 7 August 1941, that he was lifting the ban on public performances of *Till the Day I Die*, at least as reported, to suggest he was pushing a left agenda, no remarks about his predecessor having been soft on fascism or an enemy of free speech, not a word about the relevance of such a play at this time. It was so low key that it got just a small paragraph in the Sydney press.⁷⁹ What internal deliberations of the NSW government there had been and whether there were arguments between Baddeley and the police will not be known unless the relevant NSW government records become accessible; so far as files in the Australian Archives reveal, there were no discussions with Canberra. There is reference in the *Sydney Morning Herald*⁸⁰ a few days before to a fresh campaign by New Theatre to have the ban lifted, but perhaps

the new government did not need much persuading. For public consumption at least, Baddeley accepted the old cover story that the play had been banned as a result of the consul's protest; although Germany was then a friendly power, there were tensions that the government did not wish to aggravate. Circumstances were now very different, and there could be no objection to the depiction of 'the brutality and callousness to human suffering which is part of the Nazi character'—even if it did come with a load of communist propaganda. Even without knowing the inside story it is possible to place the NSW government's decision among the many concessions that imperial ruling circles felt obliged to make to the friends of their new ally against the Germans. History had at last caught up with one small detachment of premature anti-fascists.

Endnotes

1. Ralph Gibson, *The People Stand Up*, Red Rooster, Ascot Vale [Vic], 1983, pp. 320 and 341. The Melbourne press in 1936 and the *Australian Quarterly*, no. 32, December 1936, p. 120, which stated that the play had been banned 'at the behest of a foreign consul' and made no mention of the possibility of any domestic motive, were also influential.
2. Philip Parsons (ed.), *Companion to Theatre in Australia*, Currency Press/CUP, Sydney, 1995, p. 400.
3. *Ibid.*, p. 132.
4. Anne Delaney, 'Red Aesthetics: The establishment and development of the Workers Art Clubs and New Theatre in Sydney, 1932–1945', *Past Imperfect: The Sydney University Historical Journal*, no. 1, 1987, pp. 46–7.
5. Paul Herlinger, *New Theatre, the Pre-War Years, 1932–1939*, MA (Pass) thesis, English Department, University of Sydney, 1981, p. 45.
6. Fiona Capp, *Writers Defiled*, McPhee Gribble, Ringwood, Vic, 1993, pp. 155–75.
7. Eric Andrews, *Isolationism and Appeasement in Australia: Reactions to the European Crisis 1935–1939*, Australian National University Press, Canberra, 1970, pp. 107–8.
8. Mona Brand, 'A writer's thirty-six years in radical theatre: New Theatre's formative years 1932–1955 and their influence on Australian drama', in *Australian Drama 1920–1955* (Papers presented to a conference at the University of New England, Armidale, September 1–4, 1984), Armidale 1986, p. 3.
9. Asmis to Pearce, 15 July 1936, Department of External Affairs files, Australian Archives, Canberra (AA), CRS A981/4, file Cons 340.
10. *Australian Dictionary of Biography (ADB)*, vol. 9, p. 321; Alan Watt, *Australian Diplomat: The Memoirs of Sir Alan Watt*, Angus & Robertson, Sydney 1972, p. 19.
11. *ADB*, vol. 9, p. 512; Frank Cain, *The Origins of Political Surveillance in Australia*, Angus & Robertson, Sydney 1983, generally, but esp. chapters 1, 2, 6 and 7.
12. *ADB*, vol. 11, pp. 177–82.
13. Chief of the General Staff to Pearce, 6 October 1932, Attorney-General's Department files, AA, CRS A467, Bundle 89, Special file 42, no. 2.
14. In addition to archival references cited, my sources for the following paragraphs are Geoffrey Sawyer, *Australian Federal Politics and Law 1929–1949*, Melbourne University Press, Parkville, 1963, chs. 1–3; S. Ricketson, 'Liberal law in a repressive age: Communism and the law 1920–1950', *Monash University Law Review*, vol. 3, no. 2, Nov. 1976, pp. 101–33; L.J. Louis, 'The Victorian Council Against War and Fascism: A rejoinder', *Labour History* no. 44, May 1983, pp. 39–54; Cain, *Origins of Political Surveillance*, ch. 7; Stuart Macintyre, *The Reds: the Communist Party of Australia from Origins to Illegality*, Allen & Unwin, St Leonards, NSW, 1998, chs. 8–10. Laurence Maher, 'The use and abuse of sedition', *Sydney Law Review*, vol. 14, no. 3, September 1992, pp. 287–316, is a thoughtful and illuminating discussion of the crime of sedition as a specific form of censorship.
15. Bruche to Parkhill, 19 November 1934, AA, CRS A467/1, Bundle 21, Special file 7, no. 2.
16. Jones to Secretary, A-G's Dept., 8 February 1935, AA, CRS A467/1, Bundle 21, Special file 7, no. 2.
17. Sawyer, *Australian Federal Politics and Law*, p. 50; Ricketson, 'Liberal law in a repressive age', p. 106; Cain, *Origins of Political Surveillance*, ch. 7 generally; Louis, 'The Victorian Council Against War and Fascism: A rejoinder', pp. 43–6. The two cases were withdrawn in May 1937 after a deal between the defendants and the Attorney-General.
18. Macintyre, *The Reds*, p. 215.
19. *Ibid.*, p. 207.
20. Mitchell to Jones, 17 July 1936, ASIO dossiers, AA, CRS A6122/XR1, file 413.
21. Jones to Hodgson, 20 July 1936, AA, CRS A6122/XR1, file 413.
22. AA, CRS A981/4, Cons 340, initialled by Pearce.
23. Hodgson to Asmis, 21 July 1936, AA, CRS A981/4, Cons 340.

24. Prime Minister to Acting Premier of NSW, 21 July 1936, AA, CRS A981/4, Cons 340.
25. Frank Augustus Chaffey (1888–1940), UAP member for Tamworth, grazier, rode with Light Horse in World War I, supported New States Movement; information from Heather Radi, Peter Spearritt and Elizabeth Hinton (eds), *Biographical Register of the New South Wales Parliament 1901–1970*, ANU Press, Canberra 1979, p. 45.
26. Bruxner to Lyons, 24 July 1936, AA, CRS A981/4, Cons 340.
27. The occasion and its legal sequel was well covered in the press: see *Daily Telegraph* 23, 24, 25 and 26 July 1936; *Sydney Morning Herald* 23, 24, 27 & 28 July and 1 & 15 September. There are also vivid eyewitness accounts of the interrupted performance on 22 July given by Simon Bracegirdle in Wendy Lowenstein, *Weevils in the Flour: An Oral Record of the 1930s Depression in Australia*, Hyland House, South Yarra, Vic, 1978, pp. 198–200; and by Peter Harding, letter to mother, 23 July 1936, Peter Harding papers, Mitchell Library, ML MSS5867. Fiona Capp notes the cross-over between life and art in the arrival of real police on stage: *Writers Defiled*, pp. 162 and 177.
28. Bruxner to Lyons, 4 September 1936, AA, CRS A981/4, Cons 340.
29. *Sydney Morning Herald*, 31 July 1936.
30. Harding to mother, 23 July 1936, Harding papers.
31. Prime Minister to all state premiers except New South Wales, 31 July 1936, AA, CRS A981/4, Cons 340.
32. Premier of SA to Lyons, 7 August 1936, AA, CRS A981/4 Cons 340.
33. Premier of WA to Lyons, 20 August 1936, AA, CRS A981/4, Cons 340.
34. Premier of Tasmania to Lyons, 12 August; Queensland, 16 October, AA, CRS A981/4 Cons 340.
35. Dunstan to Lyons, 18 August, AA, CRS A981/4 Cons 340.
36. W.H. Barnwell, Inquiry Officer, to Inspector-in-Charge, CIB, Sydney, 23 July 1936, AA, CRS A6122/XR1, file 413.
37. Memo from von Skerst to German consul, n.d., document among records of German consulate seized on outbreak of war, copy on AA, CRS A1533/34, file 53/777.
38. Report on examination of German Consulate-General records, addendum, n.d., AA, CRS A1533/34, file 53/777.
39. Cain, *Origins of Political Surveillance*, p. 262.
40. Extract from Vic. I. Notes No. 110 of 28.8.36, AA, CRS A6122/XR1, file 417.
41. Senior Inquiry Officer A.E. Officer to Inspector-in-Charge, CIB, Victoria, 17 February 1937, AA, CRS A6122/XR1, file 417.
42. Extracts from Sane Democracy League Notes, March 1939, AA, CRS A6122/XR1, file 417.
43. Lavarack to A-G, 12 April 1939, AA, CRS A6122/XR1, file 417. The MI memoranda bear their own file numbers—29/401/52 and 14/1/3—but I have not been able to locate these.
44. Jones to Secretary, A-G's Dept., 12 April 1939, AA, CRS A6122/40, file 411.
45. The complaints are 12 February 1935 on a play, *Nice Goings On*; 10 February 1936 and 17 February 1939 on *March of Time* newsreels; and 17 June 1939 on a US movie, *Confessions of a Nazi Spy*. The details are in AA, CRS A981/4, Cons 340.
46. Barnwell to Inspector-in-Charge, CIB, Sydney, 18 February 1936, AA, CRS A981/4 Cons 340.
47. Jones to Hodgson, 24 February 1936, AA, CRS A981/4 Cons 340.
48. Pearce to Asmis, 27 February 1936, AA, CRS A981/4 Cons 340.
49. Barnwell, report on *Till the Day I Die*, 23 July 1936, AA, CRS A6122/XR1, file 413.
50. Cain, *Origins of Political Surveillance*, ch. 8; Macintyre, *The Reds*, ch. 14; David Carment, 'Australian Communism and National Security, September 1939–June 1941', *Journal of the Royal Australian Historical Society*, vol. 65, March 1980, pp. 246–56.
51. Oriel Gray, *Exit Left: Memoirs of a Scarlet Woman*, Penguin, Ringwood, Vic, 1985, pp. 48–50.
52. Jones to Solicitor-General, 13 June 1940, AA, CRS A467, Bundle 21, Special file 7, No. 2. If the NTL was not finally declared an unlawful association, one wonders about the legality of the raid on its premises and the confiscation of property on 15 June.
53. W.H.B., Report on NTL, 13 June 1940, AA, CRS A467, Bundle 89, Part 2, Special file 42, No. 81 (hereafter 89/Part2/SF42/81).
54. Mitchell to Director, CIB, 19 June 1940, AA, CRS A467, 89/Part 2/SF42/81.
55. W.H.B., report of 4 July, AA, CRS A6122, file 411.
56. Mitchell to A-G's Dept., 5 July 1940, AA, CRS A467, 89/Part2/SF42/81. Capp erroneously has Mitchell writing to the NSW State A-G rather than the Commonwealth: *Writers Defiled*, p. 219.
57. Acting Inspector Galleghan to Director, CIB, 5 August 1940, AA, CRS A6122/XR1, file 413.
58. Barnwell to Inspector, Sydney CIB, 15 October 1940, forwarded to Director, CIB, *ibid*.
59. Detective Sergeant Swasbrick, MPI Section, NSW Police HQ, to Inspector 1st class Keefe, 5 July 1940, AA, CRS A467, 89/Part 2/SF42/81.
60. Roland Browne, Inspector-in-Charge, CIB, Victoria, to Jones, 28 August 1936, re Lyons' letter to the premiers which he had been shown by Victoria Police Special Branch; Jones' reply, 31 August; on AA, CRS A6122/40, file 411.
61. Mackay to Chief Secretary, 27 June 1940, AA, CRS A467, 89/Part 2/SF42/81.
62. Mair to PM, 17 July 1940, AA, CRS A 467, 89/Part 2/SF42/81.
63. NSW censorship commentary, 9 July 1940, Department of Information files, AA, SP106/1, file PC76.

64. Alexander to McKell, 12 July 1940, copy in Attorney-General's Department files, AA, CRS A472/1, file W1427.
65. *Smith's Weekly*, 13 July 1940.
66. Unidentified and undated press clipping, New Theatre papers, Mitchell Library, ML MSS6244, Box 59, scrapbook. Herlinger refers to the ban on performances of *Till the Day I Die* following the outbreak of war with Germany as 'foolish' and 'ludicrous', without seeming to appreciate that the task is to explain why it persisted after Germany had become the enemy: A history of the New Theatre 1939–1953, MA thesis, University of Sydney, 1990, vol. I, pp. 15–16.
67. Barnwell to Inspector, CIB, Sydney, 15 July 1940, forwarded to Canberra, AA, CRS A6122/40, file 411.
68. Secretary, Department of the Army to A-G's, 31 August 1940, AA, CRS A472/1, file W1427.
69. A-G's to Department of the Army, 20 September 1940, AA, CRS A472/1, file W1427.
70. Memo of 13 November 1940, AA, CRS A472/1, file W1427.
71. NTL had an unexpected ally in the magazine *Pix*, which ran a double-page spread of photos showing scenes from the play. There was no commentary, but the publicity alone was strong support for the lifting of the ban. See *Pix*, 7 September 1940, pp. 26–7. There is a copy in New Theatre papers, Mitchell Library.
72. Report from State Publicity Censor, NSW, for fortnight ending 29 July 1940, AA, SP106/1, PC76.
73. Report from State Publicity Censor, NSW, for fortnight ending 10 August, *ibid*.
74. For example, report of D.A. Alexander, CIB, Sydney, 18 February 1941, AA, CRS A6122/40, file 411.
75. Powell to Director, Security Service, 1 July 1941, AA, CRS A6122/XR1, file 413.
76. Report by D.R.B. Mitchell to Director, CIB, 2 July 1941; Jones to Secretary, A-G's Dept., 4 July 1941, AA, CRS A467, Bundle 92, Special file 42, no. 15.
77. Hughes to Foll, 23 July 1941, AA, CRS A467, Bundle 92, Special file 42, no. 15.
78. Radi, Spearritt and Hinton (eds), *Biographical Register of the New South Wales Parliament*, p. 10.
79. *Sydney Morning Herald*, 8 August 1941, p.4, *Daily Telegraph* p. 5.
80. *Sydney Morning Herald*, 5 August 1941, p. 6. The Miners' Federation newspaper, which might have had better contacts in this matter than the *Herald*, reported that the ban had been lifted as a result of representations by the New Theatre League: *Common Cause*, 23 August 1941, p. 2.