

## New Theatre and the State: the Ban on *Till the Day I Die*, 1936–41

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*It is generally believed that the Commonwealth Government's efforts to ban public performances of Clifford Odet's play Till the Day I Die in 1936 were a response to objections by the German consul and that its policy was an aspect of appeasement. In this paper it is suggested that the government's response was not determined by the consul's protest but by its own desire to curb the activities of the Communist Party. The paper aims to show that the main objections to the play were its communist propaganda content and its presentation by New Theatre, a party front; that several other complaints of anti-German sentiment in films and plays made by the consul were not acted upon; and that the movers in the affair were not politicians but key figures in the Commonwealth Investigation Branch and their allies in other Commonwealth and state security agencies.*

The banning of Clifford Odets' play *Till the Day I Die* in 1936 is one of the emblematic events of the 1930s. It ranks with the censorship of imported books, the Kisch affair, Mr Menzies' favourable references to Nazi Germany and the Dalfram incident as a milestone on Australia's road to fascism (as the Left saw it) or as reassuring evidence of the authorities' vigilance against a liberal-communist conspiracy to undermine the British way of life (as the Right believed). Although the controversy has come down to us as damning proof of the pro-appeasement line of the Lyons' government and of its determination to persecute what have been described as premature anti-fascists, recollections of the drama are neither consistent nor accurate, and modern accounts of it are confused about the identity of the main players and many other details. There is no complete narrative of the affair and few attempts to place it in the context of the politics of the 1930s. Here I will attempt to tell the story in detail, from the imposition of the ban by the New South Wales Chief Secretary in July 1936 until its removal by his Labor successor in August 1941; and to show, contrary to popular memory, that the leading actors in this drama were neither Lyons (who had only a cameo role) nor Menzies (who played no part in it at all), but two unsung heroes of inter-war conservatism: Colonels W.R. Hodgson, Secretary of the Department of External Affairs, and H.E. Jones, Director of the Commonwealth Investigation Branch. I will also suggest that the ban they organised on *Till the Day I Die* was not the result of the desire to stifle criticism of Nazi Germany but was primarily intended to curb the activities of the New Theatre League and more generally to advance the Australian government's domestic anti-communist agenda.

Although it is one of the better-known incidents of the 1930s, confusion and uncertainty mark both popular recollection and scholarly accounts of the banning of *Till the Day I Die*. There is a Left myth, exemplified by Ralph Gibson, that it was banned by the Commonwealth at the insistence of the Prime Minister, J.A. Lyons.<sup>1</sup> But while Lyons no doubt approved of what was done, he did not play an active role; nor did the Commonwealth have power to regulate stage plays, and the work was carried out largely by state governments. There is also the erroneous assumption by several modern writers that the deed was done by R.G. Menzies, then Attorney-

General. In her entry on New Theatre for the *Companion to Theatre in Australia*, Angela O'Brien states that *Till the Day I Die* was banned 'on the advice of the Australian Attorney-General, Robert Menzies',<sup>2</sup> while Melinda Jones, in the entry on censorship, repeats this assertion and suggests that the New South Wales (NSW) Chief Secretary moved against the play 'because it was "unjust to a friendly power"', adding that his action was legally justified because 'Hitler's Germany, no matter how abhorrent, was then a friendly power'.<sup>3</sup> There is no source given for the quotation 'unjust to a friendly power', but the words certainly do not appear in the consul's letter of complaint, which cites only the insult to the German government. In her otherwise very useful account of the early years of New Theatre, Anne Delaney proposes that 'the Menzies Government [sic] was determined its policy of appeasement towards the German Government should not be jeopardised by "subversive" forces in Australia'.<sup>4</sup> But, even if *Till the Day I Die* could be seen as primarily an attack on the policy of appeasement, the actions of the Lyons government were prompted by more than just the desire to silence critics of its foreign policy. In his unpublished history of New Theatre Paul Herlinger informs us that Asmis first complained to Menzies, only to be told that the Commonwealth lacked authority to intervene and that he should approach the New South Wales Chief Secretary; this he did, and the NSW government hastened to oblige. There is no source given for such a scenario, but its most likely origins are old New Theatre activists whom Herlinger interviewed in the course of his research.<sup>5</sup> Fiona Capp provides a stimulating survey of security interest in the New Theatre League and correctly relates it to the group's association with the Communist Party and its left-wing repertoire. She makes several references to the banning of *Till the Day I Die* but is not concerned to provide a detailed narrative, nor to offer a comprehensive explanation of the ban.<sup>6</sup> Inaccessibility of evidence has compounded the problem. When Eric Andrews wrote *Isolation and Appeasement in Australia* it was not clear whether Lyons had anything to do with the actions of the NSW and Victorian Chief Secretaries,<sup>7</sup> and in the mid-1980s Mona Brand described the restrictions on the performance of *Till the Day I Die* as 'said to have been imposed at the request of the Nazi Consul'.<sup>8</sup> After half a century these events were apparently becoming so encrusted with legend that she had begun to doubt even what had always been accepted as fact. By examining the surviving files on these transactions I hope to disperse some of the fog.

The story begins on 15 July 1936 when the German Consul-General in Sydney, Dr R. Asmis, sent a 'most urgent' letter to the Minister for External Affairs, Sir George Foster Pearce. It concerned a play by Clifford Odets, *Till the Day I Die*, performed by the New Theatre League at the Savoy Theatre, and which was 'an insult and a caricature of the German nation and its government'. As evidence of this, Asmis reported that the play showed persons 'insulted, tortured, struck down and killed by officials ... of the German Government', and he described it as 'one of the crudest and most demoralising plays ever staged in Sydney'. He protested against the production of the play as 'insulting to the Government of a friendly foreign power' and requested the minister to prevent it from being staged again.<sup>9</sup> The Secretary of the Department of External Affairs, W.R. Hodgson, acted quickly: two days later he sent the letter to the Commonwealth Investigation Branch (CIB) with the request for 'an immediate report' and a copy of the play; at once the Director of the CIB, H.E. Jones, telephoned his Sydney office with instructions for an urgent response.



TILL THE DAY I DIE?

By MAHONY

**Govt. Should Ban Anti-Nazi Film**

The Government should ban the anti-Nazi film, "The Moral Storm," he secretary of the New Theatre League (Miss Freda Lewis) declared last night.

"Four years ago the State Government banned the anti-Nazi play, "Till the Day I Die," by Clifford Odets," Miss Lewis said.

"The ban has never been lifted, even though we are at war with Nazism.

"To be consistent, the Government should ban "The Moral Storm," a damning indictment of Nazism, now showing in Sydney."

"Till the Day I Die" was banned in 1936 by the then Chief Secretary (the late Mr. Chaffey) at the instigation of the German Consul-General (Dr. Amsh).

Mr. Chaffey refused requests to reconsider his decision.

Defying the ban, the New Theatre League publicly performed the play, and the producer, Victor Arnold, was prosecuted.

A manuscript of the play was seized when police raided the New Theatre League premises recently. Plays by John Galsworthy were also taken.

**BAN ON ANTI-NAZI PLAY.**

**Minister Refuses to Meet Deputation.**

The Chief Secretary, Mr. Tonking, has refused to meet a deputation from the New Theatre League, which is pressing for the removal of the ban on Clifford Odets's anti-Nazi play, "Till the Day I Die."

The secretary of the League, Miss Freda Lewis, said yesterday that she could not understand Mr. Tonking's refusal to hear the League's case, especially as its protest had been endorsed by large public meetings.

"In order to give him an idea of our work, we have invited him to our performance next Sunday," she said. "We have also invited the Premier, Mr. Menzies, the Commissioner of Police, Mr. Mackay, and the Lord Mayor, Alderman Clark. After next Sunday, we hope that the authorities will take a more reasonable and reasonable attitude."

**Nazi Books Not On Banned List**

No action will be taken to ban "Mein Kampf" or other Fascist literature, unless there is evidence it is being used subversively.

The Federal Attorney-General's Department has announced this.

Under new regulations issued this week, possession of literature belonging to a banned organisation is an offence.

A person charged with such possession must prove that he came by the literature innocently.

All Communist publications have been banned. The Communist Party has been declared illegal.

Books by such authors as Shakespeare, Galsworthy, and G. B. Shaw, taken from the New Theatre League by police in a raid on June 16 will be returned. It was officially stated last night.

The only matter which, at the direction of the Attorney-General (Mr. Hughes), could, and probably would, be destroyed, was matter directly connected with organisations declared illegal. It was added.

**Tonking Declines Theatre Invitation**

The Chief Secretary (Mr. Tonking) will not be able to accept the Theatre League's invitation to its performance next Sunday.

The purpose of the invitation cordoned to the secretary (Miss Lewis) was to give Mr. Tonking an idea of the League's work.

Others invited included the Lord Mayor (Alderman who also was invited, said he was out of town.

It is understood that the objection to the play is that it is anti-Communist.

Cartoon by Mahony and associated news items in unidentified newspapers, undated, but probably at the time of the attempt by Actors Equity to have the ban on public performances of *Till the Day I Die* lifted, July 1940.

Source: New Theatre League papers, Mitchell Library, MSS6244, Box 59, scrapbook, p. 13. Reproduced by kind permission of the State Library of New South Wales.

Hodgson, Jones and Pearce had remarkably similar backgrounds in right wing politics and military intelligence. William Roy Hodgson (1892–1958) had been a career army officer and headed Australian Military Intelligence from 1925 until he joined the External Affairs Branch of the Prime Minister's Department. According to Alan Watt, he 'remained an Army man at heart' and continued his involvement with Military Intelligence until at least 1936.<sup>10</sup> Harold Edward Jones (1878–1965) was Director of the CIB from 1919 to 1944. He had worked for Military Intelligence (MI) during the First World War as the deputy head of George Steward's Counter-Espionage Bureau and had been actively involved in the government's efforts to crack down on the Wobblies and other anti-war activists, particularly during the conscription referendums of 1916 and 1917.<sup>11</sup> George Foster Pearce (1870–1952) had been Minister for Defence during the First World War and a Labor senator until he followed W.M. Hughes out of the room at that fateful party meeting in November 1916. He had been strongly pro-war, a supporter of conscription and had extended the operations of military intelligence into domestic politics; he had been a fierce censor of dissenting opinion and became increasingly right-wing during the 1920s.<sup>12</sup> As Minister for Defence in the Lyons government, Pearce received regular reports on internal security from the army.<sup>13</sup> It can thus be seen that the three key Commonwealth players in the Odets affair were conservative Empire-loyalists with a long history of suppressing dissent. The New Theatre League was already being watched by the CIB, which regarded it as a communist auxiliary, to be treated no differently from its parent. At that very moment the Commonwealth was engaged in a protracted legal battle to have the Communist Party declared an unlawful association under the Crimes Act, and any official complaint about a play put on by New Theatre was grist to the mill.

The United Australia Party under Lyons won the elections of December 1931 on a platform of restoring financial probity and suppressing disorder.<sup>14</sup> With the fanatically anti-communist J.G. Latham as Attorney-General it was clear that this would soon mean action to curb communist agitation, and Jones was keen to have the party declared an unlawful association under the provisions of the Crimes Act, thus making it possible for the government to block the transmission of its publications, prevent it from seeking funds and arrest people associating with it. Amendments to the Crimes Act in 1932 increased the range of seditious activities, and Latham prevailed on a reluctant Post Master General to ban a growing list of communist publications. In August the editor of the *Workers Weekly*, Francis Devanny, was convicted of soliciting funds for an unlawful association and sentenced to six-months hard labour; but on appeal to the High Court the judgement was quashed for lack of proof that the money was sought for the Communist Party. Harassment of left-wing stirrers did not abate while this case wound its way through the courts, but the inconclusive outcome must have been frustrating for the ruling elite, and some of them began to cast envious eyes in the direction of the European dictators. On 19 November 1934 the Chief of the General Staff, Major General Bruce, sent a report to the Minister for Defence, now Archdale Parkhill, in which he recommended forcefully that the Communist Party and its auxiliaries be declared illegal. Among other observations, he pointed to the success of the new Nazi government in stamping out communism in Germany:

A number of countries have made the Communist Party and its auxiliaries illegal with good results ... The Communists admit that the action against them in Germany lost them a big proportion of their membership.

In a covering note, Bruche remarked that 'the time has arrived when we should deal with these gentry'.<sup>15</sup> Parkhill sent the report to the Attorney-General (now Menzies), and in February 1935 Jones advised that it was 'accurate' except for underestimating the CPA's numerical strength, which was greatly enhanced by supporters in other organisations and sympathisers in the anti-war movement. He reiterated his earlier advice that the party be declared an unlawful association.<sup>16</sup>

Meanwhile another major case was brewing. In May 1935 the Friends of the Soviet Union took out a High Court writ to compel the Post Office to transmit their magazine. Since this was a law-abiding body not obviously engaged in attempts to overthrow the constitution by force, the Commonwealth was concerned that the action would succeed. It decided to counter-attack. The 1932 amendments to the Crimes Act had empowered the Attorney-General to apply to the High Court or a state supreme court for 'an order calling upon any body of persons ... to show cause why it should not be declared an unlawful association'. On 16 August 1935 the Commonwealth made such an application in relation to the CPA and the FOSU, and this case was being argued when the complaint about *Till the Day I Die* arrived.<sup>17</sup> In contrast with the feeble weapons of the Commonwealth, the states had unlimited powers to pass new acts against communists, as Latham kept reminding them,<sup>18</sup> but they preferred to rely on the already wide net of their summary offences and similar legislation.<sup>19</sup> Despite the urgings of Jones and the army, the Commonwealth had neither the resources nor the will to liquidate the Communist Party in the ruthless manner of the fascist regimes in Germany or Italy. Its strategy was thus to contain the spread of communism by restricting the circulation of left-wing propaganda, and this is why New Theatre was such an irritation. Seditious literature from overseas could be seized by Customs, distribution of party publications by post could be stopped (until 1937), state police could be relied on to arrest street spruikers and newspaper sellers, but how could the curtain be brought down on subversive plays?

In response to his telephone call, Inspector Mitchell of the Sydney office of the CIB informed Jones that the plays *Till the Day I Die* and *Waiting for Lefty* were already the subject of a report (apparently not extant), and he despatched a copy of the program and a book containing the works in question.<sup>20</sup> On 20 July Jones forwarded these to Hodgson with a covering note that made little reference to the consul's protest but had a lot to say about communist propaganda:

This League was formerly the Workers' Art Club, the Dramatic and Artistic Section of the Communist Party of Australia. Its object is the production of revolutionary plays as well as the publication of a magazine devoted to revolutionary art. The aim of the C.P. of A. is to utilise the stage as a medium of propaganda ... As the audience witnessing the production of plays ... was found to be very limited, it was decided to produce plays at public halls to which the general public might be attracted. The first effort was the play to which objection has been raised by the German Consul-General.<sup>21</sup>

On receipt of this material Hodgson prepared a report for Pearce which included information on Odets, a summary of the play and an assessment of it as 'throughout sordid and even brutal' and 'frankly propagandist':

there is scarcely a hint of objectivity, except for a few exclamations of pity for the boy prisoner ... The Jewish question is an undercurrent throughout the piece. The whole play is, as a Sydney programme describes it, 'brutal in its calculated portrayal of the present regime of Nazi terror'.<sup>22</sup>

There does not seem much that calls for action in this, but Pearce was probably alarmed by the plot summary, which described communists struggling nobly against an unjust tyranny. Action followed: a telegram to the Premier of New South Wales (in the name of the Prime Minister) and a letter to Dr Asmis (signed by Hodgson, but approved by Pearce). The latter is remarkable both for the sympathy it shows for the German government's anti-communist stance and for the degree to which it confided details of Australia's secret intelligence and policy in this area. Hodgson informed Asmis that Odets is a member of the League of American Writers, a body affiliated with the International Union of Revolutionary Writers, and that the New Theatre League (NTL) is 'regarded as a Communist auxiliary'. There was no attempt to address the nub of the consul's complaint that the play was an insult to Germany; instead, Hodgson denounced it as communist propaganda, only incidentally set in Germany, and deplored its staging in Australia: it was

designed for propaganda for revolutionary ideas, using a German background and Nazi activities by way of illustration ... It is apparently being used by subversive organisations in several countries, and the Commonwealth Government regrets that it should have been produced in Australia.

This goes beyond appeasement. It suggests a common commitment to counter-subversion, even to the extent of sharing data from secret files. Although Asmis had never mentioned the subject, Hodgson assured him that the Commonwealth was doing all in its power to suppress communism and almost apologised for its slow progress:

it will be appreciated that action against Communist organisations is now before the High Court of Australia, and until a decision has been given that they are unlawful, the Commonwealth Government is not in a position to take action against them.

The 'until' is revealing: Hodgson was referring to the application to have the Communist Party declared an unlawful association and seems confident that it would succeed. Turning to the more practical matter of preventing further performances of *Till the Day I Die*, Hodgson explained that the Commonwealth had no power to censor plays but that it had submitted the consul's request, along with 'the facts relating to this play' to the Premier of New South Wales, whose government would consider the matter. Hodgson concluded his response with a disingenuous sop, probably designed to cover any failure on the part of NSW to act effectively. The NTL was an 'insignificant body with a very small following', drastic action

against which would only provide publicity and increase interest in the play, 'a highly undesirable and deplorable' development.<sup>23</sup> It is thus apparent that the concern of the security agencies stemmed from two considerations. First, the play was full of sympathy for and implied advocacy of communism; as Hodgson saw it, that was the essential part, the German setting only incidental. Secondly, *Till the Day I Die* happened to be the very first play that the NTL was taking out of its own club rooms and into a mainstream theatre; as Jones made clear, the danger was that a wider public would thus be exposed to communist propaganda. These were the issues which convinced them that the play ought to be suppressed; the consul's protest was a serendipitous way of achieving this objective in a manner which would obscure the real reasons and conceal their own role.

On the same day that Hodgson sent such a frank letter to Asmis he despatched a telegram to the Acting Premier of NSW over the name of the Prime Minister:

Consul-General Germany has formally protested to Commonwealth Government against recent performance of play entitled *Till the Day I Die*. ... Consul protests on ground play is throughout insulting to government of a friendly power a caricature of German government and nation and generally demoralising and asks for steps to be taken to prevent reproduction. Commonwealth Government has received report indicating that the league referred to was originally a communist auxiliary and perusal of play indicates it is certainly derogatory of Nazi government and methods ... As theatre is licensed under state act and most aspects of case come within powers of state would appreciate it if you would give matter your consideration.<sup>24</sup>

The NSW government was not slow to respond. The Acting Premier, M.F. Bruxner, took the matter up with the Chief Secretary, Captain Chaffey,<sup>25</sup> who on 22 July issued a notice prohibiting production of the play under the Theatres and Public Halls Act 1908. Section 27 of the act empowered the minister to 'prohibit or regulate the holding of any public entertainment' if he believed such action was 'fitting for the preservation of good manners or decorum'.<sup>26</sup> The fact that the NSW government had to act under an outdated piece of Edwardian social engineering, originally intended to keep naughtiness off the stage, illustrates the difficulty faced by the authorities in suppressing left-wing opinion at this time. The Commonwealth Crimes Act prohibited the expression of 'seditious' sentiments, particularly any advocacy of the overthrow of a 'civilized government' by force, but it was notoriously difficult to secure convictions on this point. Resort to the Theatres and Public Halls Act tended to depoliticise the issue by obscuring the antagonism between communism and fascism and presenting it as a matter of public order. In one way this suited the conservatives, who liked to view their own politics as common sense and good manners, but it meant there was relatively little they could do to harm offenders: the maximum punishment for a breach of an order under Section 27 of this act was a fine of £20. Even New Theatre could afford that.

As is well known, it did defy the ban in what became one of the most celebrated incidents of its history. Real police were prominent at the performance of *Till the Day I Die* at the Savoy Theatre on 22 July, and their intervention must have added a note of chilling relevance to the world of repression evoked in the drama on stage.<sup>27</sup>

Still, New South Wales was not Nazi Germany. The Secretary of NTL, Victor Arnold, was issued with a summons, and on 31 August was convicted and fined £3 with 10 shillings costs.<sup>28</sup> Nor was *Till the Day I Die* effectively suppressed. The Theatre and Public Halls Act covered only public entertainment, not private performances in clubs and the like. On 30 July the NTL staged another performance of the play at their own small playhouse in Pitt Street, after having cheekily issued an invitation to Mr Chaffey. At least four state police were present, one of whom took shorthand notes, but there was no attempt to interfere with the performance. After the play the audience agreed to a resolution expressing 'indignation over the Chief Secretary's action' and calling for the ban to be lifted.<sup>29</sup> There was quite a public campaign, and the affair brought New Theatre into the headlines; as one young member of the cast told his mother, 'What a business! We are at last putting left theatre on the map'.<sup>30</sup> Jones' fears were thus not unfounded.

The Commonwealth, meanwhile, was bringing *Till the Day I Die* to the attention of the other state premiers. In a letter of 31 July prepared by Hodgson and Pearce, the Prime Minister observed that the production of the play in Sydney had 'caused a certain amount of dissension in the community'. Hodgson, the most likely author of this document, was meticulous in avoiding the impression he was giving the states instructions and spoke in terms of providing them with 'the facts relating to the play' so that they could make their own decisions, but he was careful to ensure that he supplied the facts that would push them towards the appropriate response. He provided the same sinister information about Odet's communist affiliations that he had supplied to Asmis and attached the same summary of *Till the Day I Die* he had prepared for Pearce, with its assessment of the play as 'frankly propagandist' and 'sordid and even brutal throughout'. The letter went on to explain that the German Consul had formally protested to the Commonwealth against the play, but that the latter had no legislative authority under which it could act. It had thus referred the protest and 'the facts relating to the play' to the New South Wales government, which had decided to prohibit it, and which was taking legal proceedings against the NTL for defying the ban. Finally, Hodgson warned the premiers that the League had announced its intention of producing *Till the Day I Die* in every state and suggested that the information supplied might assist them if the matter came up.<sup>31</sup>

Hodgson had been careful not to propose the line the Commonwealth felt the states should take, but there could be little uncertainty about his meaning, and the Premier of South Australia, for one, had no doubt as to what was intended: 'this government concurs in the condemnatory statements contained in your letter and will prohibit the production of the play in licensed halls in South Australia'.<sup>32</sup> Other premiers were not so responsive. The West Australian (Labor) premier explained that state legislation empowered his government to take action against plays only on the basis of obscenity; since *Till the Day I Die* was not obscene, there was nothing he could do.<sup>33</sup> The Premier of Tasmania doubted that any attempt would be made to perform the play in his state, while Queensland, another Labor government, reported that control of theatres was the responsibility of local government, each of which had been sent a copy of the PM's letter.<sup>34</sup> Victoria, then with an anomalous Country Party ministry supported by the Labor Party, reacted more positively. The Premier, Albert Dunstan, assured Lyons that if production of the play were



contemplated he would consider invoking the Theatres Act 1928 (obviously modelled on the NSW legislation), which empowered the Chief Secretary to prohibit any stage entertainment if he thought 'it is fitting for the preservation of good manners, decorum or the public peace to do so'.<sup>35</sup> Two months later public performances of the play were indeed prohibited.

The German consul had been appeased, the premiers had been warned, and *Till the Day I Die* had been banned in Victoria, South Australia and New South Wales, but the interest of the Commonwealth security agencies in the NTL did not abate; on the contrary, it was just warming up. An officer of the Sydney branch of the CIB had attended the performance on 22 July and submitted his own report to Canberra. This was fairly low-key, merely offering a brief narrative of proceedings and a summary of the plot, but it acknowledged that 'the Nazi scenes may be offensive to supporters of the Hitler Government' and commented that a number of other episodes 'showed communist underground activities displaying the solidarity and the heroism of its members'. The report concluded that the play would not normally have attracted much attention beyond NTL circles but that the communists were planning to exploit the publicity by producing it all over Australia.<sup>36</sup> The author of this document was W.H. Barnwell, an inquiry officer with the CIB's Sydney office, who might have had particular reason to be sensitive to slights against Nazi Germany: in 1939 an official of the German consulate described him as an officer of the CIB 'whom I know very well and with whom I stand on a very friendly footing'. The official went on to say that on 22 April 1939 Barnwell told him of the Australian government's intention to close down the local Nazi newspaper, *Die Brucke*, and warned him 'as a friend that some more anti-German measures were planned. Finally he said that my name was one of the first in a list of those to be deported.'<sup>37</sup> This revelation caused some concern among those who translated and collated the consular papers taken on the outbreak of war, one of whom predicted that Barnwell's name was 'almost certain to arise, at some future date, as being friendly disposed towards a member of the NSDAP [the consular official, von Skerst], who was also chief propaganda leader for Australia.'<sup>38</sup> That moment arrived in 1983, when Dr Frank Cain named Barnwell as a friend of the German consulate,<sup>39</sup> and I will reveal more details of his activities. Barnwell played an important role in the surveillance of New Theatre between 1936 and 1941 and was also the action officer in a number of other complaints from the German consul against films and plays during the 1930s, and I will suggest that at least one of his reports shows a distinct pro-German partiality. Before dealing with that, however, we must return to the CIB's operation against the NTL generally.

Communist theatrical activity in Victoria was already being watched by the CIB, the Victorian Special Branch and probably MI. On 28 August 1936 one of these reported a meeting of the 'Theatre Workers' Group' held on 16 August and a performance of *Waiting for Lefty* and Ramon Sender's *The Secret* at the Central Hall, Collins Street.<sup>40</sup> The following February a CIB officer attended a performance of *Waiting for Lefty* and *Till the Day I Die* at the Brunswick Town Hall. In his report he noted that '60% of the audience of 1200 comprised foreigners or persons of alien extraction, Jews predominating' and described *Till the Day I Die* as 'designed for the purpose of propaganda and ... directed against the terrorist activities of German Nazis in their attempts to wipe out Communism'. He also observed that the



newspapers *Soviets Today*, *Moscow News* and *The Worker* were on sale outside the hall and attached a leaflet on 'Spanish Week' that was distributed inside.<sup>41</sup>

Official surveillance was supplemented by the voluntary efforts of right-wing vigilantes like the Sane Democracy League. In March 1939 it reported that NTL and the League for Peace and Democracy (successor to the Council Against War and Fascism) had staged two short plays at the New Theatre premises in La Trobe Street—*Bring Me My Bow*, a satire on rearmament, and *Rehearsal*, 'largely an excuse for an anti-British tirade'. The sane democrat reported further that

blasphemy and vulgarisms, as well as highly immoral references, were freely used by those taking part. Derogatory and calumnious references were gibingly made to Britain and Chamberlain at every opportunity. At the conclusion of the performance the clenched-fist salute of the Communist party was given by all present.<sup>42</sup>

A major in MI at Victoria Barracks to whom these details were confided was sufficiently shocked to send them on to the Attorney-General over the signature of the Chief of the General Staff, J.D. Lavarack.<sup>43</sup> It is unlikely that the new Attorney-General (none other than W.M. Hughes) even saw the report, but his department must have asked Jones to explain what it was about, for a memo to the secretary reminded him that the NTL was part of the Communist Party of Australia, the object of which was to 'assist in Communist propaganda by the production of revolutionary plays and to provide cheap ... amusement for the workers'. Jones warned that 'propaganda of this nature is more lasting upon the minds of the public and far easier absorbed than the written word'. He ran through the history of the controversy surrounding *Till the Day I Die* and mentioned the consul's protest, but his main concern was the use New Theatre made of the stage for left-wing propaganda. With a war looming, the government should be aware that dramatic productions made more effective propaganda than the printed word and be prepared to act accordingly.<sup>44</sup>

Back in Sydney the consul continued to be bothered by the expression of derogatory sentiment towards the new Germany, and from 1935 to 1939 he delivered at least four other protests against plays and films which showed the Nazi regime in a bad light. On none of these did the Commonwealth take any action,<sup>45</sup> but one is of particular interest because it occurred just before the furore over *Till the Day I Die* and because it shows Barnwell at work. On 10 February 1936 Asmis complained to the Department of External Affairs about a feature in a US newsreel, *The March of Time*, then screening at the Liberty Theatre. The offending segment showed

several scenes of pretended persecution of Jews in Germany [in which] ... storm troops force the entrance of Jewish shops and officers ill-treating Jewish merchants and employees, entering private homes and dragging elderly Jewish women out of them.

Asmis objected that these scenes distorted the truth, that they dealt with a question 'exclusively a matter of the internal policy of my country' and that they were obviously faked in a modern film studio. He was concerned that such images would 'interfere with the friendly relations existing between the British Empire and the German Reich', and he sought Pearce's assistance in eliminating the offending