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Title:

Broadcast script (handwritten) re H.V. Evatt

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Good evening. The elevation of Dr. Evatt to the bench as Chief Justice of the N.S.W. Supreme Court has brought to a close a brilliant political career, and leaves the Dr. to ~~resume~~ resume the judicial career in which he was as a young man eminent as one of the most able and brilliant jurists in this country's history.

But Dr. Evatt's career was remarkable for something else. There has been no man in the history of Australian politics so unjustly traduced, brought so regularly and so unfairly into public obloquy for doing what was right. Australian politics have always been rough - a man in politics cannot expect to be dealt with gently. But in their campaign against Dr. Evatt his opponents & the press of this country fell to an all time low in lying vituperation and the shame to the Australian public is that in a certain measure their campaign succeeded.

Let us review his story. ^{Griffin's assistant} ~~It~~ After a ^{refined} successful early career at the Bar in N.S.W., and some years in the State Parliaments, Dr. Evatt was appointed to the High Court bench as Australia's youngest judge. Thereafter, his judgments often made legal history, & after when his colleagues on the bench disagreed with him it was his view of the law which was accepted by the Privy Council on appeal.

But he did not only establish a fine record as a judge. His work in Australian historical research, & his fine biography of Holman ~~displayed~~ ^{displayed} with a great contribution to Australian history & letters.

In 1940, he resigned from the Bench

enter politics again as Labor member for Barton. He took office in the Curtin govt. which came to power upon Mr. Menzies' resignation & Arthur Fadden's subsequent defeat in the House, and as Attorney-General & Minister for External Affairs played a vital part in obtaining the aid of United States assistance which saved this country from Japanese invasion.

In the immediate post-war period he reached his greatest fame. No man in Australia's history was ~~so~~ ^{ever approached} the international pre-eminence or influence of Dr. Evatt.

He was one of the architects of the United Nations Organisation & its first president. He bitterly opposed Russia's demand for the veto power over Security Council decisions & rapidly became known as a man who made his decisions in international affairs not because his countries allies or foes took a particular line - but by referring the question to United Nations Charter & by seeing where consistency with that Charter lay. He did what he believed right. It was something new in the sphere of international power politics - it was an inspiring and stirring performance for those who believed that morality still counted.

~~Upon the defeat of the Labor Govt. in 1949 Dr. Evatt & his close friend & leader Ben Chifley were faced with legislation which the Menzies~~

As Attorney-General during this time he was insistent as ever on the maintenance of the civil rights & bureaucratic freedom, but if the criminal law was broken he did not hesitate. The Press later conveniently forgot that it was in his time of office that officials

of the Communist party were prosecuted for sedition - ~~and~~ ~~gashed~~ & punished.

After the defeat of the Labor Govt. in 1949 Dr. Evatt & his close friend & leader Ben Chifley were faced with the legislation brought in by the Menzies Govt. - the so-called Communist Party Dissolution Act. This was one of the most iniquitous pieces of legislation Australia has ever seen. It contained power for the Govt. to declare anyone who voiced any political opinion a Communist. Anyone so declared was precluded from office in the public service or a trade union & precluded from political activity. The Govt. in order to make such a declaration did not have to prove anything. If any person declared by the Govt. wanted to appeal against the declaration he could do so, but the onus was on him - in other words he could go to a court & would have to say - "I don't know what it is but the Govt. says I've done that which makes me a Communist - but I'll now prove to you I haven't done it!"

Chifley & Evatt bitterly fought against a measure so cynically designed to give a Government most power to crush all political opposition to itself, & to end all civil liberties in Australia. The measure passed Parliament, & then Dr. Evatt appeared on the instructions of a Labor Trade Union, before the High Court to argue that the Act was unconstitutional. The High Court agreed with his contention.

The Menzies Govt. then introduced a referendum asking the people of Australia to give them power to pass the Act.

Ben Chifley died & Dr. Evatt became leader of the Labor Party & his first campaign

was to oppose the referendum. At the beginning of the referendum campaign the Gallup polls showed 70% of people in favour of a "yes" vote. They had not had the measure explained to them. Dr. Evatt set out to stumps the country to tell people the truth - and the result was that the majority agreed with him, the referendum was decisively defeated.

Shortly before the next election the Government announced the defection from the U.S.S.R. of an official of the Soviet legation Vladimir Petrov, later joined by his wife. Petrov brought with him a no. of documents which purported of little value ~~to~~ to show any widespread or successful Soviet espionage. A Royal Commission was set up to investigate, they ~~were~~ did some very strange things. We've seen some strange Royal Commissions in Australia, but this was one of the strangest.

Early in its being a document was produced (later found by the Commission to be worthless) alleging ^{source} ~~source~~ for some gossip, members of Dr. Evatt's personal staff. The Commission (the Commission), without ^{hearing those men} ~~hearing them~~ (was denied the information on oath & was believed later) made some remarks about how alarming this was. That the remarks should have been made at that stage at all was bad enough - quite contrary to judicial practice, but that they should have been calculatedly prejudicial politically was both obvious and disturbing. Dr. Evatt promptly appeared before the Commission for three members of his staff (who were, as I said earlier, in due course found without blame), but was not allowed to cross-examine ^{fairly} ~~fairly~~ ^{STRAW} ~~STRAW~~ the ~~final~~ ^{final} ~~stage~~ ^{stage}. An accusation had

been made by Paton in secret session to the
 Commission concerning M. Ollier, of the French
 Legation, as a source of information. M. Ollier
 was sent to ~~the~~ New Caledonia & arrested, &
 the Commission both on board the vessel
 against him & an official statement by the
 French Minister, without having a word from
 M. Ollier in his defence. Dr. Evatt, as
 leader of the Labor Party, bitterly & ^{rightly} vigorously
 condemned what had taken place, &
 the Commission then refused to allow him
 to appear before it as Counsel.

In the whole of this matter it was Dr.
 Evatt, not the Commission, who acted ^{vigilantly}
 & according to the great tradition of British
 Justice.

It was the fact that Dr. Evatt
 stood up for the rights in these matters
 which gave rise to the later lies so sedulously
 spread by his opponents, that Dr. Evatt
 "defused Communism". How sure you've
 all found that statement was.

The facts show that totalitarianism
 of any kind including Communism, has
 always met a dogged opponent in Dr.
 Evatt. His zeal for what he believed
 to be right - for the protection of democracy
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 democrats in this country & the world as
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¹ [Evatt was actually the President of the Third General Assembly, not the First.]

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been made by Petrov in secret sessions to the commission covering M. Ollier, of the French legation, as a source of information. M. Ollier was sent to New Caledonia & arrested, & the Commission both released the accusations against her & an official statement by the French Minister, without hearing a word from M. Ollier in her defence. Dr. Evatt, as leader of the Labor Party bitterly & rightly condemned what had taken place, & the Commission then refused to allow him to appear before it as counsel.

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It was the fact that Dr. Evatt stood up for the right in these matters which gave rise to the later lie so sedulously spread by his opponent, that Dr. Evatt “defended Communists”. I’m sure you’ve all heard that statement made.

The facts show that totalitarianism of any kind including Communism, has always had a doughty opponent in Bert Evatt. His zeal for what he believed to be right – for the protection of democracy & liberty, is an inspiring portent to democrats in this country & the world at large.