KEEPING THE PEACE OR KEEPING PEOPLE DOWN? POLICING IN VICTORIA

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Introduction

The project of this paper, which I acknowledge from the outset is ambitious, is to track the history of policing in Victoria from 1836 - when police were first sent to what was then Port Phillip to the present. I argue that major shifts in policing style can be linked with major structural shifts in the economy, and speculate that a contemporary shift to more paramilitary forms of policing are linked to globalisation.

What follows is an 'alternative' history, one from the point of view of the policed rather than from that of the police. In writing this history there were a couple of hurdles to overcome. Firstly, researchers have overwhelmingly focused on the law's words rather than its deeds, with the result that people's experience of the law's frequently violent reality remains largely hidden (Sarat & Kearns 1991; see also Hillyard 1993: xii; Watts 1995). Secondly, there is a dearth of Australia-specific histories of policing (Finnane 1994: 1–2).

There are two books devoted specifically to the history of policing in Victoria; but predictably both present history from the point of view of the police. The first, published in 1980, is an official Victoria Police publication; the second, though not formally an official history, was written by a serving police officer and dedicated '[t]o those Police who created history without knowing it' — a clear acknowledgment of the book's perspective (Victoria Police 1980; Haldane 1986). There is however enough recorded in the history of labour and protest movements, the Eureka Stockade, the Kelly Outbreak, and perhaps most tellingly of Aboriginal dispossession and resistance, to provide a counterpoint to these official histories. In excavating these histories and presenting them here an attempt is made to make up for some past omissions, and lay the groundwork for a historically well informed examination of contemporary developments.

Writing History

What follows does not pretend to be a 'total history' of the Victoria Police: total history happens only once and is not repeated. My history of the Victoria Police acknowledges that people experience and remember history differently: a history of policing from the point of view of indigenous Australians will necessarily be different than one from the point of view of white Australians. What you see when you look at the past depends very much on the angle you look at it from: '[s]tudying history is like looking through a window what you see depends on which window you look through' (Burgmann & Lee 1988: ix). Just as Haldane's history of the Victoria Police, *The People's Force* (1986), could not help but be influenced by his service in the Victoria Police, so too my experience, both as an activist, and as a lawyer in community legal centres — where I have spent literally hundreds of hours listening to people describe their interactions with police — colours my view of history. Just as the past beats a path to the present, the present necessarily constructs the past: remembering is an action, something in progress (Dening 1996: 36).

Policing the Frontier

From the beginning, the nature of policing in the Port Phillip District - Victoria after 1851 - was profoundly influenced by the need to overcome Aboriginal resistance to dispossession (Connell & Irving 1992: 35; Sturma 1987: 23). Aboriginal resistance expressed itself in a type of guerilla warfare involving sporadic attacks on settlers, who were generally well armed and often shot Aboriginal people indiscriminately (Bridges 1971: 127; Davies 1987: 320–21;

Reynolds 1987: 7–22; Broome 1988: 102–03; Elder 1988). It is estimated that at least 20, 000 Aboriginal people, and approximately 3, 000 settlers were killed Australia-wide in one hundred and fifty years of prolonged conflict (Reynolds 1987: 7–9; 29–30; 53; Broome 1988: 116–19). The intensity of this conflict and Australia's convict origins, accounts for the paramilitary nature of the settlement's first police who, unlike their British counterparts, were heavily armed and military in appearance and operation (Hope 1979: 329; Haldane 1986: 5–39; Sturma 1987; Connell & Irving 1992: 35; Palmer 1994: 86–90). Australia was the original police state (Davidson 1988: 3; Buckley & Wheelright 1988: 49). Because Port Phillip was a free colony, not a penal settlement like New South Wales or Tasmania, Aboriginal people, rather than convicts, tended to be the major preoccupation of the colony's early police.

When police were first deployed around Port Phillip in 1836 their main task was to create a space in which settlement could grow, by keeping Aboriginal people off their own land once it was deemed fit for pastoral use (Victoria Police 1980: 2; Moore 1991: 112). Alienation from the land deprived Aboriginal people of the material and spiritual basis for existence and all but destroyed their society (Rowley 1970).

Although the official mandate of Port Phillip's first police included protecting Aboriginal people and minimising conflict (Victoria Police: 1980: 2; Haldane: 1986: 12), it is clear that police sided with settlers, not only failing to protect Aboriginal people but joining in the killing (HREOC 1991: 39; Elder 1988). This is hardly surprising given that police at the time were under the supervision of local magistrates, who were dominated by pastoralists (Connell & Irving 1992: 93; Palmer 1994: 93).

By the late 1830s Aboriginal resistance in Port Phillip was met by a combination of Mounted, Border and Native Police. It was the latter force, however, established in 1837 and recruited from local tribes, who were at the cutting edge of overcoming Aboriginal resistance (Sturma 1987: 27; Palmer 1994: 86–89). Port Phillip's Native Police are said to have been relatively benign compared to their counterparts in other parts of the colony (Finnane 1994: 114; Moore 1991: 111). 'Relatively', used in this context, must be kept in perspective. During the first years of European settlement, massacres, rapes, and casual killings of Aboriginal people were so common they barely rated discussion (Elder 1988: 97). It is not possible to precisely quantify the extent of the carnage inflicted upon Aboriginal people by the Native Police of Port Phillip, because, as Bridges puts it, '[n]aturally enough the more colourful, but illicit, exploits of the Corps were not enshrined for history in its official records' (1971: 126). Nevertheless, the historical record is intact enough to indicate that the killing of defenceless Aboriginal men, women, and children by Port Phillip's Native Police was of a scale that would be deemed unthinkable if it involved non-Aboriginals as victims (Bridges 1971: 124–29; Broome 1988: 114; Elder 1988: 83–110). Summing up the role of the Native Police Corps in Port Phillip, Bridges maintained that:

> What it did do was to make the rule of force more effective through summary punishment, while operating to all appearances within the law, and by inhibiting depredation through fear. The Corps's true task was a more basic one than that of white police for whites. If the Aborigines' status as British *subjects* was ever to have any meaning, and if they were to live in peace with the destroyers of the native economy, they had in fact to be *subjected* to the will and code of the invader. The Corps was an instrument for forcing them to face this unwelcome fact (1971: 130; emphasis in original).

Occasionally the Governor of Port Phillip encouraged prosecutions over the murder of Aboriginal people. Frontier society, however, was so dominated by those whose interests directly opposed those of its native inhabitants that prosecutions inevitably failed. For the most part, crimes against Aboriginal people by police and settlers were ignored; the charging of three Border police over the killing of two Aboriginals marking the exception rather than the rule (Davies 1987).

Police were not neutral in the conflict between settlers and Aboriginal people; instead they provided military reinforcement for the forced expansion of white settlement, thereby presiding over the wholesale destruction of Aboriginal society. The thoroughness of the destruction of Aboriginal life effected with the help of Port Phillip's police is attested to by the fate of its Native Police Corps. By the early 1850s, less than twenty years after the first police were sent to the district specifically to deal with the 'Aboriginal problem', there were so few Aboriginal people left that not only did the corps no longer have a reason to exist it was no longer even a possibility, there were so few Aboriginal people left (Bridges 1971: 130).

Police today continue to aid the destruction of Aboriginal society: Aboriginal people are overpoliced as potential offenders, underserviced as victims of crime, and subject to police brutality (Cunneen 1990a, 1990b, 1990c; HREOC 1991: 79–104; 210–13; Amnesty International 1993). In 1992 the Aboriginal adviser to the Victoria Police resigned, claiming he was subject to racist jibes and heard constant accounts of physical and verbal abuse of Aboriginal people by police (*Age* 6 November 1992: 3). Police, with their powerful position in the criminal justice system, are at the forefront of enforcing the racial prejudice of sections of the white community, and most obviously express race relations in practice.

The Goldfields

The overcoming of Aboriginal resistance did not see police in Victoria lay down their arms and adopt a less military mode of policing; the discovery of gold in 1851 transformed the colony and provided new enemies for the authorities to overcome with the assistance of paramilitary police and the military. In 1853 the government removed control of police from local magistrates and established the centrally controlled Victoria Police (Victoria Police 1980: 7; Haldane 1986: 29–30). The reorganisation allowed the government to effectively enforce its goldfield policies and provided a means to check the movements for reform that were emerging amongst the small independent miners on the goldfields. The reduction in the power of pastoralist magistrates over police also marked a move away from a plantation-style economy based on the export of primary products to England, towards a more development-style economy associated with mining (Moore 1991: 122; 116; Connell & Irving 1992: 85; 93).

Although the Police Regulation Act of 1853 was modelled on the London Metropolitan Police Act, thereby avoiding the paramilitary model of the Irish Police, policing in rural areas and on the goldfields continued to be militaristic (Haldane 1986: 30; McQuilton 1987). Large numbers of heavily armed police along with soldiers were dispatched to the goldfields. Although police were supposedly sent to the goldfields as a protective force to deal with crime (Victoria Police 1980: 6–7), it is clear that the goldfields were relatively crime free, and that police there were almost exclusively involved in collecting unpopular mining licence fees (Haldane 1986: 43).

The purpose of the show of force on the goldfields was to overcome miner resistance to the economically oppressive and discriminatory licence fee. The licence fee was oppressive basically because it was linked to policies which favoured large mining companies over the small independent miners, generally known as diggers (Connell & Irving 1992: 85–86; Grassby & Hill 1988: 216). Although diggers were heavily taxed they were not entitled to vote. It was not only the heavy financial burden and lack of representation that was odious to the diggers; the way the tax was enforced was also resented. Police and soldiers undertook licence hunts regularly, sometimes interrupting work, and demanding to see licences several times a day, and forcing even those not working to pay. Brutality amongst police and soldier was not uncommon and corruption was rife (Molony 1984). Despite the obvious injustice of the situation the Governor of the day nevertheless maintained that digger unrest was due to 'foreign anarchists and armed ruffians' (see Grassby & Hill 1988: 219).

Following on from riots on the Ovens goldfields in 1853, in late 1854 Ballarat diggers built the Eureka Stockade to resist the efforts of the authorities to collect the gold licence and protect themselves against the predations of police and soldiers. After a police agent provocateur at the Stockade was unable to persuade the diggers to attack, two hundred and seventy-six police and soldiers mounted an attack on the Stockade: about thirty miners and four soldiers were killed in the battle that ensued, and many more were injured. Mounted police, in particular, were credited with gratuitous violence during the storming of the stockade, killing bystanders and stockaders alike well after all resistance had ceased (Molony 1984; Haldane 1986: 42–47; McQuilton 1987: 38; 43).

By 1854 the demands of radical diggers had broadened to include not only reform of the licence system but also changes to the democratic process and the unlocking of lands held under protected tenure by squatters (Molony 1984; Connell & Irving: 92; 96). In the aftermath of the Eureka Stockade diggers were granted the vote and the right to elect their own regulatory bodies (Buckley & Wheelwright 1988: 114; Connell & Irving 1992: 86). Furthermore, soldiers were not again used for law enforcement in Victoria (Hope 1979: 330; Molony 1984: 211). However, policing in rural areas remained militaristic and access to land continued to be an important issue.

Selectors, Squatters, and the Kelly Outbreak

By the 1840s squatters in Victoria had a firm hold of the land, occupying most of the useable land, and all of the best land. Squatters simply took possession of unoccupied crown land beyond the boundaries of location. Initially they paid nothing for the land. Later they were required to obtain a government licence, but as the cost was nominal they paid virtually nothing for use of the land. Most of the squatters seem to have come from the British gentry or tenant-farmer class. There were no openings for the poor because grazing required substantial sums of capital (Buckley & Wheelwright 1988: 80–81). Land Acts were passed after the gold rush in the 1860s, partly to compensate diggers for their loss of economic independence as mining became the almost exclusive preserve of companies. These acts allowed would-be farmers access to small parcels of land called selections. However, the same acts also protected the tenure of squatters and, in substance and administration, discriminated against selectors (Connell & Irving 1992: 86–87; 92). Squatters managed to evade the provisions of the Land Acts, especially the Acts prior to 1865, and keep their stock runs intact by virtue of various manipulations, like 'dummying' and 'peacocking'. The former involved people selecting blocks, ostensibly for themselves but really for squatters, and the latter involved squatters selecting areas for themselves - creeks frontages, fertile river flats, and the like - which made the rest of the run useless for farming (Morrissey 1983: 37–39; Buckley & Wheelwright 1988: 119–20).

By the end of the 1860s selection was a major social and geographical phenomenon. For complex reasons, including inadequate legislation and manipulation by the squatters, selection was not an economic success. The poverty of the selectors alongside the wealth of the squatters, and the squatter's highly visible attempts to frustrate selection, resulted inevitably in a divided rural community. The selectors resented the squatters and from time to time expressed their resentment by burning fences, obstructing railway lines, and illegally releasing impounded stock. Squatters, for their part, viewed the selectors as socially inferior and lawless, and made no distinction between theft and the selector customs of slaughtering stock for 'personal use' and horse 'borrowing' (McQuilton 1987: 43–45).

Police in rural areas, like those previously deployed on the goldfields, were paramilitary in style, and drew heavily on the Royal Irish Constabulary (RIC) as a model. This was partly because Irish-born police dominated the force, with approximately half the force during this period former members of the RIC. In addition, Chief Commissioners up until the beginning of the 1880s were either military men or proponents of the Irish model. The geography of the rural communities also favoured the mounted patrols used by the Irish Police over the foot patrols used by England's civil police (Haldane 1986: 87–88; McQuilton 1987: 37–42; Moore 1991: 115).

The RIC — formed in 1814 to protect Irish landlords — lived in barracks, were heavily armed, and used coercion, spies, and surveillance as their basic methods. Police in Victoria's rural areas were likewise heavily armed and alienated from the selector communities they policed. They generally came from outside the area, knew nothing of local habits, and made little effort to find out. Selectors suffered police corruption, incompetence, brutality, and intimidation; Victoria police, like the RIC, were held in low esteem by the majority of the rural community. On the other hand, squatters found a natural ally in the police. The higher ranks of the force moved in the same social circles as the squatters; the lower ranks, often posted to rural areas at the squatters' request, like the squatters, made no distinction between killing stock for 'personal use', 'borrowing' horses, and theft. A strong alliance formed between the squatters and police, and by the 1870s selectors, not unjustly, viewed the police as 'squatter's men' (Molony 198O; Haldane 1986: 88–94; McQuilton 1987: 36–51; Jones 1995).

Tensions in the rural community came to a head with the Kelly Outbreak, and many aspects of policing were brought to public light. Because the Kelly saga was subject to so much contemporary commentary, and subsequently documented by a Royal Commission and a host of 'Kelly scholars', it can be seen as a microcosm of the role and reputation of police in rural Victoria during the 1870s (Haldane 1986: 90; McQuilton 1987: 36; 51).

The police station at Greta, the setting for the Kelly outbreak, was established in 1869 at the request of local squatters, who wanted selector-duffers/stock thieves dealt with. Hall, the police officer placed in charge of the station, set up a system of spies, and used threats and intimidation to control the district's 'criminal classes'. An incentive to corruption was supplied by the local Stock Protection Association — comprised of squatters — which supplied rewards for the arrest of suspected stock thieves. Hall vigorously pursued the rewards and arrests were often indiscriminate. Selectors could complain about police but the complaints were never heard or dismissed (McQuilton 1987: 49–51).

In 1871 Hall arrested the then sixteen year old Ned Kelly — a member of a selector family — over use of a horse. In the process he tried, more than once, to shoot Kelly, who was unarmed, and administered a severe pistol whipping when his gun failed. The arrest triggered resentment throughout the selector community in the district. Kelly was subsequently sentenced to three years hard labour on perjured police evidence. Hall's successor, Flood, later threatened to give Kelly 'worse than Hall did' (Molony 1980: 62–64; McQuilton 1987: 49–51; Jones 1995: 65–68). The whole Kelly family, including women and children, were harassed by local police (Molony 1980: 85–6; 113; 119–20; 202; Jones 1995: 81; 93; 121; 331).

These incidents provided the background for the events at Stringybark Creek in 1878, where three police officers were shot and killed by Kelly and his gang (Brown, Presland & Stavely 1994: 45–64). Four police set out on Kelly's trail after an altercation at the Kelly family home in which a police officer was slightly injured. Although Kelly was later found guilty of murder by a Supreme Court jury there is evidence supporting Kelly's claim that the police were shot in self defence (Jones 1995: 125–40). The police hunt for the gang over the following twenty months, and its climax at the 'siege of Glenrowan', demonstrate both the militaristic style of policing in the area and the extent of police alienation from the community.

Local people, generally thought Kelly was 'a man made outlaw by persecution and injustice', and refused to cooperate with police in the hunt (McQuilton 1987: 51–52). One local newspaper reported that three out of every four of the male population in the area were on Kelly's side (*Pastoral Times* 10 July 1880 quoted in Dunstan 1980: 7). Chief Commissioner Standish shared this view, lamenting that:

> The Gang were secure of the good will of a great proportion of the inhabitants of these regions … Indeed, the outlaws are considered heroes by a large proportion of the population of the North Eastern district who … look upon the police as their natural enemies (quoted in Jones 1995: 207).

Unable to count on local people's help, police resorted to spies and arresting 'Kelly sympathisers' during the hunt. In addition, search parties were heavily armed (McQuilton 1987: 52). Police finally caught up with Kelly and his gang at Glenrowan. During a siege lasting several hours police blazed away at an inn containing the gang and dozens of unarmed civilians. Police bullets fatally wounded three civilians, including an old man and a child, and injured others — one a teenage boy shot in the back after he tried to escape the potential death trap. One police officer, fully aware of who he was shooting at, repeatedly shot at a woman carrying a baby as she ran out of the building seeking safety, a bullet lightly grazing the baby's head. While the police showed little regard for the civilian's safety, the gang tried unsuccessfully to negotiate safe passage for those trapped inside (Molony 1980: 227–30; Jones 1995: 249–56).

After the siege one journalist wrote that:

> The want of judgement displayed by them [the police] was criminal. The indiscriminate firing into a house filled with women and children was a most disgraceful act (quoted in Jones 1995: 284).

Nevertheless the government paid the police involved in Kelly's capture substantial rewards (Jones 1995: 330).

The seminal place Ned Kelly and other bushrangers have in Australian history suggest that they symbolised more than individual criminality. The Kelly Outbreak was linked to a broader struggle over land and challenges to squatter privilege. Indeed, writing half a century ago Hancock maintained that, after the gold rushes and reforms to the democratic process, 'Australian nationalism took definite form in the class struggle between the landless majority and the land monopolising squatters' (1930: 60; see also Buckley & Wheelwright 1988: 119). Because police were at the forefront of repressing selector agitation they were inevitably part of that struggle. As one police officer at the time described it, the Kelly Outbreak was a form of 'guerilla warfare', and the police of the region were 'an army of occupation' (McQuilton 1987: 53). The unpopularity of the police in rural areas assured the hero status of bushrangers in Australian history (see Dunstan 1980: 7–8 for a range of opinions on Kelly). It is true, as the blurb to Ian Jones' book (1995), *Ned Kelly: A Short Life* maintains, that Kelly's 'enemies — even more than his allies — helped make him a legend'.

As at Eureka twenty-five years previously, economic oppression combined with repressive policing to provide the backdrop for escalating conflict and loss of life during the Kelly Outbreak in the late 1870s. The Kelly saga also has some continuities with earlier struggles over land. One Aboriginal tribe includes Ned Kelly in their Dreaming. According to Jones, these Dream stories depict Kelly as 'concerned with freedom, dignity and true justice' because he opposed the police, who Aboriginal people associate with theft of land and destruction of life (1995: 339–40). Chief Commissioner Standish refused to address a police parade after Kelly's capture until the Queensland Native Police, who had assisted in the hunt, were removed (1995: 279). The descendants of those trackers are *still* trying to collect their share of the Kelly reward money from the Victorian and Queensland governments (1995: 330).

In the early 1880s policing in Victoria's rural areas became less militaristic. These changes are usually credited to the pressure for reform brought by the Royal Commission into policing and the far sightedness of individual police (Haldane 1986: 100–01; McQuilton 1987: 52–55; Jones 1995: 326–34). It is also true, however, that the changes to policing coincided with a shift in the significance of land as a basis for social division. Land was *the* major means of production in the first century of Australia's history (Buckley & Wheelwright 1988: 3). By 188O, however, Victoria had moved out of plantation and development-style economies, typified by the ascendancy of the squatters and the gold rushes, and into an economy where industrial capital dominated (Buckley & Wheelwright 1988: 98). From this time on major class divisions revolved, not around land, but around the divisions between wage labour and the capitalists that employed them. For most Victorians survival after the gold rushes and the failures of selection meant waged labour. Those selectors who survived into the 1880s generally only did so by working part-time, fencing, shearing, and the like (Connell & Irving 1992: 87). In the 1880s the focus of police repression also shifted away from rural areas towards cities and regional towns where worker movements and militancy were on the rise.

Worker and Protest Movements

1870–1890

Prior to the 1880s radical movements tended to be short lived and focus on specific issues. From this decade on, however, as waged labour became the only means for the majority of people to make a living, industrial unions expanded and socialist ideas began to play a part in the labour movement (Love 1988: 152; 154). The part police would take in the ongoing conflicts between employers and workers was foreshadowed in the 1870s as workers began to

organise themselves into industrial unions. In 1873 armed police openly intervened in a miners' strike at Clunes. After consulting with the directors of the mine, the Chief Commissioner, in an attempt to defeat the fourteen week strike, provided an armed police escort for a convoy of strike-breakers brought into the town. The formerly peaceful dispute erupted into a riot when strikers and police clashed. Nevertheless, the Chief Commissioner defended his action claiming that his object 'was … simply to preserve the peace' (Haldane 1986: 76–77). In the same decade police in rural areas used the provisions of the Masters and Servants Act to break industrial action taken by shearers against squatters; in one case police arrested fifteen striking shearers (McQuilton 1987: 49).

Some commentators argue that there is little evidence of consistently repressive policing of worker movements in Australia (Moore 1991: 117; Finnane 1994: 55). This conclusion fails to take adequate account of the way worker organisations and socialist and radical ideas have been policed. Because of the inequality of bargaining power between capitalists and workers, workers need to join together to take effective action to challenge the system under which power is distributed. Worker or socialist organisations are also necessary to build working class consciousness.

Changes in working class consciousness are necessary if any substantial and effective challenges are to be mounted against the ruling class (Connell & Iriving 1992: 188). If one looks at the policing of worker action in the context of the policing of worker organisations and radical opinion, history provides ample evidence of consistently repressive policing.

Police harassment of socialists and militant workers became widespread in the 1880s as class organisation, action, and militancy increased amongst workers. Victoria's first socialist organisation, the Australian Socialist League (ASL), was established in early 1889. Police forbade property owners to allow the group to use their premises to hold public meetings; arrested or threatened to arrest members selling the group's newspaper; constantly interrupted and threatened to arrest socialist speakers addressing gatherings; and hired thugs to beat them up (Burgmann 1985: 108–09). A leading ASL spokesperson maintained that:

> Socialism aims at the abolition of the present system of state and society by which a small class, the Bourgeoisie, rules a large class, the workers, the proletariat; rules it, and exploits it, keeps it deliberately in ignorance, and oppresses it mercilessly. They are backed up by canon, bayonet, and the policeman's baton, and are determined to keep up this system of theirs (quoted in Burgmann 1985: 44).

The 1890s depression

The 1890s saw the onset of mass unemployment in Australia, leaving many families and communities in a state of near-starvation. Melbourne was worst hit by the depression; by 1893 nearly one third of all workers were unemployed (Buckley & Wheelwright 1988: 196). The extent of unemployment, combined with the involvement of radicals as organisers, meant that protests against unemployment were more politicised than earlier demonstrations. Demonstrations often attracted thousands of people and speeches were made about socialism, anarchy and other 'social reforms' (Fox & Scates 1988: 133–35).

The police played an integral part in containing protest and undermining the political organisations of the unemployed. Police used their batons liberally at demonstrations: 'defenceless men were beaten in a "brutal fashion" and women and children were pushed and

abused'. Police also used a range of laws to persecute the politically active unemployed. One of Melbourne's best known unemployed activists was arrested and gaoled as a vagrant; others were arrested for 'seditious language', disturbing the peace, and holding processions without the permission of the Mayor. The fear of imprisonment was enough to make other activists flee the state (Scates 1990: 60; Davies 1994: 156). The criminalisation of dissent thus effectively deprived the unemployed movement of its leadership.

The use of Vagrancy laws during the depression to gaol the unemployed, ill, injured, infirm, and women struggling to support children, reinforced the idea that poverty was the result of personal failure, rather than structural inequality (Davies 1994: 146–56), and provides an early example of how policing feeds into the production of ideas favourable to the maintenance of capitalism.

The First World War

The outbreak of war in 1914 provided the federal government with a basis for harassing radical and socialist organisations. Unions and left organisations, including the International Workers of the World (IWW), campaigned vigorously and successfully against conscription, arguing that the working class should form an international alliance to fight the ruling class instead of fighting against each other in an imperialist war. Under the War Precautions Act the Commonwealth government banned socialist literature, engaged in widespread surveillance, and persecuted those involved in the anti-war struggle, particularly IWW. State police forces, through their links with military intelligence, became heavily involved in the surveillance of left organisations as part of the administration of the Act (Cain 1983: 142–43).

The International Workers of the World promoted a syndicalist strategy, arguing that the working class should organise itself into bigger and more powerful unions and eventually into One Big Union. The organisation enjoyed considerable grass roots support between 1916 and 1918 as the war created profound social tensions: living standards dropped sharply; there were massive casualties on the western front; Irish Catholics were angered by the British government's brutal repression of the Easter rebellion in Dublin; and the prospect of conscription divided the community (Love 1988: 156–57; Connell & Irving 1992: 186). The International Workers of the World were banned under the War Precautions Act, and between 1916–18 Victoria police, along with their counterparts in other States, raided IWW homes, offices, and club rooms, and infiltrated their meetings; Left bookshops and journalists were also raided, as were supporters of the Irish Republican Brotherhood. Many IWW members were arrested and imprisoned. Police harassment of radicals and their involvement in the prosecution process effectively attached the stigma of criminality to radicalism (Cain 1983: 13–15; 27; 143). Furthermore, because radical groups were seen as responsible for 'stirring up trouble in the unions', political surveillance led naturally to industrial surveillance (Cain 1983: 155; 179). Indeed, in 1919 the Army's Chief of General Staff had a meeting in Melbourne with top police in New South Wales and Victoria to discuss a co-operative response to any 'Bolshevik revolutionary action' launched under cover of an industrial dispute:

> The Army was to provide military equipment, groups of picked men with machine guns and aeroplanes with bombs. The police were to supplement their numbers with special mounted constables recruited by police officers in country districts (Cain 1983: 237).

The harassment of left wing organisations, along with the banning of socialist literature and the imprisonment of organisers during the war, fragmented the labour movement and assisted in offsetting a rapid shift to the left which had been taking place within it (Connell & Irving 1992: 158). By the end of the war all State police forces were firmly experience in the political surveillance of the left which they continued into the 1920s, when one of their main tasks was spying on, and infiltrating the then newly established Communist Party of Australia (Cain 1983: 178; 254; Finnane 1994: 59–61).

It is true, as Cain points out, that State police forces, particularly prior to the establishment of Special Branches in the 1930s, did not make the policies which led to the harassment of left organisations. The federal government and the military made policy, and to a large extent police were just cogs in the wheel (Cain 1983: 185). However, the Victoria Police like other State police forces, as pointed out previously, were engaged in the harassment of worker organisations *prior* to the First World War. Moreover, it is clear that senior police shared or adopted the outlook of the policy makers: in 1915 Victoria's Chief Commissioner urged the federal government to declare IWW an unlawful organisation (Cain 1983: 154–55); between 1925 and 1937 Victoria's Chief Commissioner, Thomas Blamey, was simultaneously the commander in chief of a secret proto fascist army (Hall 1978: 21; Cathcart 1988: 56; Coulthard-Clark 1996: 169); in 1940 Victoria's Chief Commissioner, Alexander Duncan, successfully urged the banning of a moderate organisation with liberal leanings under the Commonwealth's Second World War Subversive Association regulations, and when appointed to undertake an inquiry into military intelligence, two years later, argued for a greater State police role in political surveillance (Cain 1983: 273; 285). Police were not responsible for policy, but surveillance of the left was a task they took up enthusiastically.

Special Branch

During the 1930s police forces throughout Australia (except for New South Wales which had set up a Branch in 1916) established Special Branches to police 'subversives'. Victoria's Special Branch was established in 1931 and operated until 1979 without any publicly available guidelines; it was supposedly disbanded in 1983 when its functions were taken over by other sections of the force (VPAR 1979: 15; Geschke 1990: 1). Despite the secrecy surrounding the operations of Special Branch, it is now firmly established that it was individuals and organisations on the left who were overwhelmingly the target of Special Branch surveillance, infiltration, and provocation (Hall 1978: Cain 1983: 142–87; 228–57). Commenting on the South Australian Special Branch's definition of 'subversive', in his 1977 report, Justice White wrote that:

> Organisations and persons were conceived to be 'left-wing', and suspected by Special Branch of holding or supporting 'subversive' views by reason only of the fact that such organisations or persons adopted policies or opinions which were 'radical' or 'to the left' of an arbitrary centre point fixed by someone in Special Branch. I have no doubt that the arbitrary centre point was established by Special Branch with the assistance of A.S.I.O. (quoted in Hocking 1993: 83).

Because Special Branches were coordinated through the Commonwealth Australian Security Intelligence Organization (ASIO) it can safely be assumed that other Branches used a similar definition. Victoria's Special Branch was credited with being 'one of the toughest and most ruthless' in Australia (see Coxsedge, Coldicutt & Harant 1982: 170–72 for a discussion of Victoria's Special Branch).

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The left has continuously been the target of political surveillance, even though forces on the right have posed graver threats to elected governments. In the 1930s while Victoria Police and federal security forces concentrated on the surveillance of communists and unemployed activists, conservative forces organised a well funded, well equipped secret army, comprising tens of thousands of volunteers. Cathcart's book, *Defending the National Tuckshop: Australia's Secret Army Intrigue of 1931* (1988), makes it clear that Victoria's secret right-wing army, known as the White Army, had well organised plans for taking over the State, and that its members were prepared to use armed force to overthrow elected Labor governments. As it was, conservative governments were elected in the early 1930s, and the White Army and its plans for a military coup became redundant (Cathcart 1988: 187–90). Police, far from checking this subversive force, actively assisted it. Indeed, Chief Commissioner Thomas Blamey was almost certainly the secret army's Commander in Chief. Other police also offered their support and assistance; one of the White Army's district commanders maintained that the police in his district provided 'tremendous help', and elsewhere police protected the organisation (Cathcart 1988: 28; 70; see also Mack 1981: 222–23 on threats to government from the right).

Right-wing groups have been responsible for at least as much politically motivated violence as groups on the left. During the 1960 and 1970s the Yugoslav anti-communist Ustasha was responsible for, or the prime suspect in, a series of bombings and terrorist incidents in Australia. As Mack's analysis of recorded terrorist incidents points out, Ustasha violence accounted for fully one quarter of the incidents, and represented the only category which persisted for the review period between 1963 and 1978 (1981: 221). Although Ustasha violence was serious and persistent, ASIO and Special Branches were slow to treat it as a subversive or terrorist organisation because they empathised with its anti-communist outlook. The Ustasha groups were allowed to flourish within the Yugoslav community while bombings and other incidents were automatically attributed to communist provocateurs (Hall 1978: 81–82; Mack 1981: 220–21; McKnight 1994: 171–81; 246).

While even the most extreme and violent right-wing organisations were generally left alone by Special Branch, moderate and non-violent organisations and individuals associated with what might be thought of as left-wing causes were subject to surveillance (Hall 1978: 53). It is difficult to quantify the extent to which fear of surveillance and being branded a 'subversive' in Branch files has deterred people from involvement in left organisations and expressing left opinions, or the extent to which organisations themselves have been undermined by the covert actions of Special Branch. The late High Court justice, Lionel Murphy, argued that the danger to civil liberties of widespread political surveillance were obvious. Quoting from a Canadian inquiry, he wrote:

> They include the possibilities of the intimidation of persons simply by the citizen's awareness of surveillance, the inhibition of freedom of expression, the potential for abuse and misuse of information on individuals and organisations; infiltration of and consequent influencing of organisations; the use of discretionary police powers to inhibit individuals from political activities and so on … (*The Church of Scientology v Woodward* ALJ 1983: 53).

In Australia, coming to the attention of Special Branch, and by implication ASIO, has at times meant being denied public service or academic jobs or promotion, citizenship or a reentry visa if a migrant, grants if a writer, and even employment in private industry (McKnight 1994: 126–44).

Covert policing by Special Branch and the harassment and arrest of leading activists has undermined the cohesiveness of worker organisations and inhibited the expression of ideas likely to raise class consciousness or promote opposition to government policy. In this way police have contributed to undermining the prerequisites for effective political and industrial action and thus reduced the need for widespread *overt* police action against worker and radical movements. This has assisted in creating the *pretext* of a politically neutral police force. Nevertheless in Victoria, as in other States throughout Australia, there are, apart from the nineteenth century instances already cited, examples of forceful police repression of industrial action and protests.

The Great Depression

The onset of economic depression in the late 1920s swelled the ranks of the unemployed. From the end of 1930 to the beginning of 1934 more than a quarter of all wage earners were out of work. Throughout the depression the unemployed led a hand-to-mouth existence and endured hunger and degradation (Macintyre 1985: 66–67). In addition, workers with jobs were placed under pressure to accept reductions to their wages and conditions. As in the earlier depression of the 1890s, the unemployed were heavily policed; activists, many of whom were communists, were arrested, and batons and bullets were used against strikers and demonstrators.

In 1928 waterside workers in Victoria struck over attempts by owners to reduce wages, lengthen hours, and erode conditions. Strike breakers were employed and a police line established to separate the strike breakers from the strikers. When strikers charged the police line, police opened fire with their revolvers, shooting four men, one of whom subsequently died (Lowenstein 1978: 64–70; Haldane 1986: 207–08). The striking workers maintained, in sworn statements tabled in parliament, that the push against police lines was provoked by the police assault and abuse of one of the strike organisers. Despite the controversy the government refused to hold an inquiry (*Argus* 3 November 1928: 19; House of Assembly, 12 December 1928: 3370–80).

During the depression vagrancy laws were again used to arrest militants. In addition, police used a range of laws to harass sustenance strikers, marchers, and picketers involved in dole boycotts and eviction struggles. Police, led by Thomas Blamey, had a reputation for violence, and were hated and feared by many of the unemployed for their aggressive raids on people's homes, bashings, and violent tactics at demonstrations (Lowenstein 1978: 393; Cathcart 1988: 58; Coulthard-Clark 1996: 169). Interestingly, police records regarding complaints of police violence and harassment during the depression have been destroyed (Haldane 1986: 210). An end to police harassment was amongst the demands made by the unemployed movement (Fox & Scates 1988: 143), which tends to indicate that police behaviour was a major issue.

In a particularly notorious incident in 1932 police attacked a group of unemployed demonstrators with batons; one man's skull was fractured and another hospitalised (*Argus* 6 April 1932: 9; *Argus* 7 April 1932: 12). Under pressure the government set up an inquiry into the incident and appointed a former police magistrate, Kelly, to investigate. Kelly accepted the police version of events over that of the demonstrators, and said, amongst other things, that police had tried to stop the marchers after they noticed 'some undesirable persons, whom they had seen previously at unemployed demonstrations, mixing with the men who were marching' (*Argus* 15 & 20 April 1932: 8;7). The 'undesirables' were communist activists. Although the Central Unemployed Committee denounced the inquiry as a 'white-washing' (Haldane 1986: 209), the Premier, Sir Stanley Argyle, pleased that police had been exonerated, issued a statement which read in part:

The genuine unemployed should be careful in future when they demonstrate to ensure that dangerous communists do not gain admittance into their ranks. In any event street demonstrations are not likely to help the unemployed, as they afford an opportunity for lawlessness to get out of hand. Unemployed citizens would be wise to avoid such demonstrations lest they alienate public sympathy owing to the actions of those whose only motive was to weaken or destroy the forces of law and order (*Argus* 20 April 1932: 7).

The Premier's comment demonstrates the way police violence can be used as a tool to dissuade protest through intimidation, and how police action against political activists can be used to undermine solidarity and class consciousness by attaching the stigma of criminality to dissent. It also underlines Pearson's observation that in a class structured society, irrational action and disorder are attributed to resistance or challenges to the status quo (1981). Despite the Premier's warning the unemployed continued to demonstrate, and through large-scale agitation forced significant concessions from the government (Fox & Scates 1988: 145).

There were tensions between rank and file and the police hierarchy during the 1920s and 1930s (Moore 1991: 117). In 1923 some police refused to work under a new roster which put them under the constant supervision of inspectors. Those refusing to work were suspended which led to a wide spread strike as other police went out in solidarity. The striking police were derided as communists and the government refused to negotiate. None of the suspended police was reinstated (McKinlay 1990: 112–14). In 1930 Chief Commissioner Blamey had the secretary of the Police Association arrested, and charged with being the secretary of an illegal organisation (Cathcart 1988: 66; 112–14). There is no evidence, however, that police struggles over their own pay and conditions led to an identification amongst the rank and file with other worker's struggles. As the *Labor Call* observed in 1931:

> All governments alike use batons freely on the heads of the poor and hungry, when they announce their poverty too offensively. The police baton is never for the head of the Pawnbroker or the Profiteer. It is only and inevitably for the worker (quoted in Cathcart 1988: 67).

The Vietnam war and political protests

The policing of political protests again attracted controversy during the Vietnam war years. When the federal government sent troops to Vietnam in 1965 a radical mobilisation opposed to conscription and Australia's participation in the war broke out. A coalition was formed encompassing radical unionists, young professionals and students, who took their protests to the streets. Victoria's Chief Commissioner, Rupert Arnold, warned that police had 'the right to take instant action by way of arrest', and promised to stamp out demonstrations 'using all the force required' (quoted in Haldane 1986: 255). Protesters maintain that police at demonstrations were anti-protester, abusive, provocative, and violent, attacking peaceful protesters with batons, and riding their horses into crowds (see for example Langley 1992: 78–79). According to York:

> During the peak years of the movement, Australia witnessed police behaviour expected only in societies with one-party dictatorial systems: houses and offices of dissidents were raided, activists harassed and bashed, journalists assaulted at demonstrations, provocateurs employed by police to disrupt protest meetings, and so on … some police seemed to relish restoring law and order with their boots and fists (1988: 238).

Twice in one week in 1970 police used batons to assault and disperse La Trobe University students involved in peaceful protest marches (York 1987: 178–84). After one of these incidents the Inspector in charge was reported to have said '[t]hey got some baton today, and they'll get a lot more in the future' (quoted in York 1987: 178) — a statement obviously calculated to intimidate protesters and keep people away from marches.

Since the Vietnam war, protesters have taken to the streets over a range of issues including the environment, Land Rights, nuclear disarmament, uranium mining, and gay rights, to name just a few. There are no studies devoted to the policing of these protests, and it is evident that police have not always been repressive, particularly when demonstrations have been middle class in composition, like the peace movement's Palm Sunday rallies of the 1980s (Carins 1988: 244). Nevertheless, the following comment by Joan Coxsedge probably sums up the sentiments of many seasoned protesters. Responding to a Police Association appeal for riot equipment in the early 1980's, Ms Coxsedge, then a member of parliament, maintained that:

> My own experience, as one who has taken part in many political demonstrations, shows that violence is rarely offered by the demonstrators, and that the police, with their batons and horses, have been able to do quite enough damage, without calling for more weapons. As for helmets and shields, I think it would be better if these were supplied to the demonstrators (1981).

Back to the future — paramilitary policing

The end of the Vietnam war coincided with the reemergence of a more militaristic style of policing in Victoria. In the mid 1970s paramilitary squads were established in State police forces throughout Australia (Hocking 1993). Although these squads were originally set up as counter terrorist squads they have instead been used in an increasingly wide range of traditional police roles. Although not formally part of the military, the squads are nevertheless significant paramilitary forces virtually indistinguishable in terms of the weapons and levels of force at their disposal from the military proper.

My research demonstrates that Victoria's paramilitary squad, the Special Operations Group [SOG] has been the harbinger of more military styles of policing involving high levels of confrontation, more lethal weapons and a greater range of weapons, and more frequent recourse to deadly force. The establishment of groups like the SOG has also undermined Australia's democratic traditions by blurring the boundaries between the police and military and weakening the safeguards which have in the past prevented military force being used against citizens.

The SOG has acted as a vanguard group within Victoria police, anticipating and leading progress towards a range of new military-style tactics and weapons. The SOG, although relatively small in number, has had a marked influence on the tactics and operations of police throughout the force. Because the SOG is considered elite, and because the SOG are frequently temporarily seconded to other areas of policing, SOG members provide a role model for other police and have the opportunity to introduce paramilitary tactics into an extended range of police duties. The paramilitary skills developed by the SOG have been passed on to ordinary police through training programs headed by former SOG officers. In addition, the group has effectively been used as a testing ground for new weapons. The way that public demonstrations and industrial disputes are viewed in police and security circles ensures that paramilitary counter terrorist tactics will be used to stifle dissent and protest. The

move towards paramilitary policing, placing emphasis on the soldier's task of killing enemies, is necessarily a move away from the police mandate to protect life, keep the peace and use only minimum force (McCulloch 1999).

The move towards paramilitary policing has coincided with the end of the cold-war and the waning of the nationally defined capatalist class, in a process broadly defined as globalisation. National capatalists are being replaced by an international class with global interests.

> The idea of national considerations is increasingly becoming an anachronism, as capital has by and large lost its national character and seeks worldwide for advantages for itself in the conditions of accumulation (Teeple 1995: 69).

Wars against inner enemies are now taking top priority. Wars of the future will be fought within not between states (Martin & Schumann 1997: 25; Christie 1993: 13–14).

Conflict within rather than between states is taking centre stage for two reasons. Firstly, racial, ethnic and religious tensions are being fuelled as the pressures of declining wages and conditions, unemployment, decreased social welfare, job insecurity, rapid change, and environmental degradation provide ideal conditions for the development of scapegoats. This process involves an irrational singling out of certain identifiable groups, almost inevitably low on the social hierarchy, as the cause of all social ills. This process is frequently aided and abetted by politicians who share the scapegoat mentality and seek to exploit divisions for political profit. Secondly, conflict will arise between the State and those participating in organised resistance against the decline in living standards and increasing inequality.

Conclusion

This history (albeit brief and selective) suggests that policing in Victoria has always reflected class biases. From the outset police were not predominantly a protective or peacekeeping force but instead a repressive force, used first to overcome Aboriginal resistance to dispossession, and later to put down agitation by independent miners, small farmers, workers, and others opposing government policy. Keeping the peace has frequently been used as a euphemism for keeping people down. Police were integral to the establishment and maintenance of hierarchical social and economic divisions in Victoria. In Victoria, at least, the 'ideal' of a police service operating with the consent and cooperation of the community has not been well achieved.

Far from being a politically neutral force at one with the community, police have consistently reacted to sections of the community as the enemy, and sided with the most powerful to repress challenges to privilege. Police have at times used excessive force, escalated conflict and disorder, and failed to protect those in need of protection.

Jude McCulloch Dec 1999

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