

E. F. HILL SUMS UP



FREE

The Petrov Conspiracy

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Barrister E. F. HILL'S Brilliant Address to the Petrov Commission Price 3d

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IN necessarily abridged form and with some re-arrangement for purposes of continuity, this pamphlet presents the main outlines of the historic address to the Petrov Royal Commission by brilliant Victorian barrister, Mr. E. F. Hill.

Mr. Hill appeared for well-known Sydney journalist Mr. R. Lockwood who was accused by the Petrovs of being author and typist of Document J, one of the documents the Petrovs handed to Mr. Menzies' secret police.

In a clear, logical, reasoned presentation of his case which won wide compliments, including those of the Commissioners themselves, Mr. Hill vigorously challenged the assumption that the Soviet Union was an enemy of Australia.

"There is no threat to Australia by the Soviet Union and nobody from the Federal Government has come here and said there is. Even Mrs. Petrov has said the policy of her country is a policy of peace," said Mr. Hill.

Mr. Hill joined Dr. Evatt, Leader of the Federal Opposition, in denouncing the Document J produced before the Commission as a forgery concocted to improperly influence the 1954 Federal elections.

Onus of Proof

ASSUMPTIONS, if any, Mr. Hill told Commissioners Owen, Ligertwood and Philp, should be against the genuineness of the Petrov documents and the genuineness of the information.

The onus is further upon those producing these documents to prove—and I emphasise the word “prove”—prejudice or possible prejudice to the security and defence of Australia.

Merely because Your Honors are conducting what is a Commission in the form of an inquisition that does not mean that Your Honors are going to accept assumptions without any evidence.

There has been an assumption that the Petrovs are witnesses of truth and honor. There has been an anti-Soviet assumption, and there has been an anti-Communist assumption.

I want to deal with the assumption that the Soviet Union is the enemy of Australia, because I say that is the assumption that has been made here.

Soviet Peace Treaty

If the Government claims that this is the position, then it is its duty to come here and say so; and not to leave Your Honors in a position where there is no evidence.

In 1942 there was an Anglo-Soviet Treaty of friendship and mutual assistance signed, to be operative for 20 years. That Treaty is still in operation.

There are many men in public places, including the Prime Minister of Great Britain, who have spoken of the need for friendship and understanding with the Soviet Union.

This country is not at war with the Soviet Union.

That Treaty is expressive of the real defence and security of this country. It is a Treaty with which our country is associated, because it was signed by Great Britain.

So I say, there is a state of peace.

I say there are relations of friendship between these two countries. There is no threat to Australia by the Soviet Union, and, above all, there has been nobody here on the part of the Federal Government who has come here and said there is.

Even Mrs. Petrov has said that the policy of her country was a policy of peace.

The security and defence of the Commonwealth depends upon the maintenance of those friendly relations, and that the exact reverse of the assumption that has been made here is correct.

It is well known that in the Press of this country and from Government circles there has been a great deal of anti-Soviet propaganda, and I face the task of appearing for a client who is affected by that sort of thing.

Mrs. Petrov's flight

In this country, it reached an unprecedented height, if one looks at it free from emotion (as Your Honors will) at the time of Mrs. Petrov's journey to Darwin and the surrounding circumstances.

In that situation there is a grave danger—a grave danger of people loosely accepting that propaganda and approaching the whole problem of discussing such a matter as this with preconceived ideas.

Justice dictates that there must be a calm consideration of those matters, free from the emotion given to them by people who are interested in fomenting trouble.

I submit the evidence of the Petrovs, even of Mr. Birse (official translator) of Mr. Richards (Deputy Security Police head) is tinged with prejudice and this sort of assumption.

It is a notorious fact that this Commission has conducted its sittings in an atmosphere of violent anti-Sovietism and anti-Communism.

The term "satellite States" has been used here. But, Your Honors, there is not a skerrick of evidence to support the suggestion of "satellite States".

Judge Owen: Sometimes they have been called "The People's Democracy".

Judge Philp: That is the correct term.

M.V.D. story false

Mr. Hill: The more important assumption from my point of view is this proposition of the so-called spying activities of the M.V.D.

That proposition I reject entirely.

There is not a tittle of evidence to support the story that Petrov tells. It has been said that the M.V.D. has an international espionage function, and I submit that the M.V.D. means the Ministry of Internal Affairs. That is the long and short of it, subject to the fact that the M.V.D. does exercise a supervisory control over the conduct of Soviet citizens in Soviet Embassies abroad.

If there is an international Soviet intelligence system then it is not the M.V.D. and has nothing to do with the M.V.D. and I submit that Petrov, in telling that story, has concocted that story for sale to the Commonwealth Security Service.

During Mr. Hill's later submissions on Petrov's M.V.D. story, Judge Ligertwood said: "What you are saying, Mr. Hill, is that he pretended to be an M.V.D. man, and because he put that pretence across the Security he got £5000".

Mr. Hill: "Yes, he incorrectly pretended to be an M.V.D. man".

Judge Owen: "There was a lot of talk about bargaining for documents".

Mr. Hill: "I include that".

Mr. Hill (continuing): "I want, Your Honors, to refer to official descriptions of the M.V.D. This is a quotation from Vishinsky's 'The Law of the Soviet State'. Page 411:

"The U.S.S.R. People's Commissariat for Internal Affairs is charged with assuring revolutionary order and State security guarding Socialist property, guarding the borders, and recording acts of civil status, has jurisdiction over houses of incarceration, solitary detention, paved and unpaved roads, fire administration, State survey and cartography . . . immigration".

I submit that is a correct description of the functions of the M.V.D. and that it shows that this body that Petrov claims has this international espionage function has nothing of the sort.

Communists honest

The next thing I want to refer to briefly is the anti-Communist assumption upon which a great deal of the evidence here has proceeded. It has been said, and said by Mr. Windeyer, that Communist propaganda is dishonest and that therefore Lockwood is dishonest, because that is the implication of it so far as it affects Lockwood.

Let me say that that comes not from any evidence at all but from the same sources as the anti-Soviet propaganda of which I spoke before.

What is really violent emotion and violent propaganda from the political opponents of Communism, does not assist a tribunal in arriving at truth.

The exact opposite is the truth—that the whole teachings of Communism insist upon the truth, and Your Honors have only got to have an elementary consideration of the works of Marx, Engels and Lenin to see that there is this insistence upon the truth.

Even Mr. Windeyer, in his opening, spoke about the Communist belief in objective truth.

The allegation made on behalf of Lockwood is that there was a conspiracy in May, 1953, and the period following to fabricate a false document to harm Lockwood, to fasten on him the charge of espionage, make him the vehicle whereby damage to the Labor movement would be done, to defame him, to suggest that he skulked behind the Embassy doors to do this job and did so for reasons of cowardice, and to attribute to him traitorous motives quite contrary to his real motives, to suggest that he supplied espionage information to the so-called M.V.D., that he was a spy. So far as the Petrovs were concerned the incident was to secure political asylum and monetary gain, and the participants were Petrov, Mrs. Petrov, Bialoguski and persons unknown.

Secret police accused

The negligence of Richards consisted in that knowing that Petrov was paid he should have been on his guard in dealing with him, whereas on Richards' own admission

he paid Petrov £5000 before he had ascertained his bona fides. For all he knew, Petrov may have been at that stage a worthless individual, an adventurer, as we in fact say that he is. He accepted without question Petrov's statement that he obtained Document J and other documents in the course of Petrov's so-called M.V.D. duties.

That involves Richards accepting the uncorroborated word of an informer and if in fact there was wrongdoing, as Richards believed, then the uncorroborated word of an accomplice.

We say that Mr. Richards' duty at that stage was to take the necessary precautions to check material from such a source.

On Richards' own statement he would have treated Petrov differently if he had known that the documents were forged, but that by taking the action he did he put it beyond his power, particularly when he had paid the £5000.

We say that Richards' whole conduct, particularly in the period 27th February-3rd April, facilitated the conspiracy.

Then we say that if the documents, including Document J, were genuine, Richards accepted them and published them knowing that they were stolen from a friendly power and to damage Lockwood.

And if, on the other hand, they were not genuine, he accepted and published forgeries.

We say that in the process of the negotiations, Richards dangled £5000 before Petrov and a promise of eternal comfort.

We say Richards was prepared to justify any methods, including picking of pockets and betrayal of professional confidence, to justify his action.

We say that he received the documents, including Document J, purporting to be espionage documents—particularly Document J—and allowed them to be published and discussed as espionage documents when he knew, on his own admission, that Document J at least had no relation to espionage, and he said that in the witness box.

Influence elections!

We say that knowing a Federal election was pending, Richards received Petrov and his documents without testing them, knowing that the publication of the documents and the facts about them would influence the course of the election and, finally, we say that he revealed to Petrov and Bialoguski his anxiety to obtain documents, including particularly the type of document that Document J is.

First we say that Document J, and the other documents, are fabrications and the result of a conspiracy.

Secondly, I say that, irrespective of that, this particular Document J is not the document of Lockwood.

Thirdly, the allegation that it was obtained for spying purposes and for the M.V.D. is entirely false.

The Petrovs have given evidence designed to establish that Lockwood typed Document J, that he typed this precise document in its entirety, that he was given cheap rewards in the form of money and liquor, and that the document in its present form was solicited for espionage purposes, and the suggestion is that it was solicited for espionage purposes with the knowledge of Lockwood, which we entirely deny. Lockwood has sworn positively that he did not type this document as it is before this Commission. He stated quite frankly—and I do not concede for a moment that it is an admission—that he did supply material to Antonov, to a fellow journalist, for his personal guidance and assistance.

Journalists' exchange

I submit that in supplying basic material to Antonov (Soviet journalist) what Lockwood was doing was something which was absolutely normal journalistic practice.

Let me again take the example of America. If this had happened to a journalist attached to the American Embassy, there would not have been the slightest question of impropriety raised. If it had happened in relation to the French Embassy there would not have been the slightest question of impropriety raised.

Judge Owen: I would not agree with that altogether, Mr. Hill, because I would have thought that any Australian who gave any member of any foreign Embassy the names of persons whom he believed to be in the Security Service—I would think it morally wrong myself. Whether it is legally wrong is another matter.

Mr. Hill: I submit there is nothing whatever improper morally; on the contrary, I submit that it is entirely proper that there should be an exchange of such information. Nor is there the slightest thing illegal about it.

If one approaches it from the point of friendly relations and the utmost exchange of material, one gets an entirely different result. Your Honor is taking one view. But it is a fact in the community at large there are other views, diverse views, not only Communist views but the views of Quakers and the views of certain other people.

It is a perfectly legitimate view that there should be the utmost exchange of information of this general kind as between the various Powers precisely from the point of view of fostering international co-operation.

Insofar as this is an expression of Lockwood's particular attitude to this particular country, then there is nothing that one can really criticise and I am certain that if this had arisen in relation to the American Embassy, not the slightest question would have been raised.

It is said against Lockwood: "Well, he did say in the witness box that he had provided the names of persons who he believed to be Security agents". In that regard I want to face that squarely. What is wrong with that? What is it that is said to be legally wrong with that? I submit there is no legal wrong-doing.

Secret police opposed

There is a very big body of opinion opposed to the very idea of a secret police force. But if it is justified upon some view of the Government, then that view should be explicitly and categorically stated here at this Commission if we are to assess whether it is unlawful to communicate the names of persons who are believed to be attached to it, who are believed to assist it.

I know of no law which limits the revelation of the identity of members of a police force or, putting it even lower, of people who play the role of police informers.

Lockwood said that a large part of Document J was based on this material, the most notable exception being Page 35.

(The material referred to is the 170 pages Lockwood testified that he left for information of fellow journalist Antonov. Page 35 of the Document J presented to the Commission referred to Dr. Evatt and members of his staff. Lockwood denied writing it and Dr. Evatt charged that it was a "ring in".)

Mr. Hill (continuing): The evidence of Dalziel, of Grundeman and of O'Sullivan to the effect that they did not supply Lockwood with any of the material attributed to him lends, I submit, positive support to Lockwood's evidence.

The composition of Document J is, in my submission, in stark contrast with the other creative work of Lockwood which is in evidence before the Commission.

It is submitted that Lockwood's evidence must be accepted against that of the Petrovs.

In relation to the typing of this particular document his evidence is infinitely preferable to that of the Petrovs.

The evidence of the Petrovs is indecisive. Much of their evidence is based undoubtedly upon hearsay.

In the second place, it is the evidence, and the uncorroborated evidence, of people who occupy the positions of paid informers, and of people, who, on their own story (if we accept it), were accomplices. The only skerrick of corroboration of Mrs. Petrov's story about the precise document is the evidence of Inspector Rogers. We submit that Inspector Rogers' (police typing expert) evidence should not be relied upon.

(Mr. Hill here drew attention to the fact that evidence by Inspector Rogers that Mr. Lockwood had typed What Is In Document J had been flatly contradicted by sworn testimony from Mrs. C. Rook that she was the typist. Mr. Hill also charged lack of impartiality against Inspector Rogers. The Commissioners refused a request from Dr. Evatt and another from Mr. Evatt for a second expert, Dr. Monticone, to give an opinion on Document J.)

Lockwood told truth

Mr. Hill (continuing): I submit that Lockwood showed himself to be a witness whose credit was unimpeached.

He was a witness who showed, in contrast to the Petrovs, an extreme care for truth and accuracy.

Some one or more persons have brought this document into existence, and deliberately conspired to attribute it to Lockwood, when in fact it was a cunning and malicious forgery.

We submit that the elements of this conspiracy are clear; that the obvious centre of it is Petrov himself, who had an overwhelming motive, the desire for monetary gain, the desire for fame—or notoriety.

He was impelled by his hatred of the people with whom he had formerly worked. He had ample opportunity, in view of his Embassy position, to gain access to the material which Lockwood stated he left in the Embassy.

I submit that Petrov has shown himself as a witness prepared to make any statement, irrespective of its truth, that he believes will assist in maintaining his own sordid position. And I propose to demonstrate throughout the evidence the irresponsible accession of Petrov, agreement with what is being put to him in the form of leading questions, and in addition he had sufficient experience to know the value of documents and so-called M.V.D. information, sufficient experience to know their value in purchasing a comfortable position in this country.

It cannot be doubted that Mrs. Petrov is also involved. In my submission she has given what is transparently false and malicious evidence concerning the receipt by Lockwood of material rewards for his alleged work.

She has attempted to stretch her own evidence by suggesting—by identifying the precise document as the material—as the material that Lockwood typed, and that, I submit, on the evidence is an impossibility. And she is now the bulwark of this story and in fact the main supporter of it, because Petrov, apparently, was found to have some faults in his knowledge of the matter.

Mrs. Petrov had an even greater opportunity than did

period my recollection is that . . . as a result of this fortunate discovery of an aged aunt in Curacao he was allowed to leave Russia to go to Japan.

Mr. Hill: I say that that supports my theory, because there was a deceit typical of this man.

Judge Owen: You mean he first of all deceived the Soviet?

Mr. Hill: Yes, Your Honor.

Judge Owen: Then he deceived the Japanese?

Mr. Hill: My submission is that he left there deliberately. And, Your Honors, let me also direct attention to the fact that he kept himself by selling a diamond, which capped the whole story off.

Judge Owen: Well, a good many refugees have done that.

Mr. Hill: Yes, Your Honor, maybe, but they are not nearly as skilful ones as this one. (Laughter.)

In short, my submission is that these two men, Bialoguski and Petrov, were in the closest possible relationship for a very long period, and that they were, in my submission, burning the candle at both ends. There is the evidence about the cafe, the truth of which, in my submission, has not been told. My submission is that they got money from the Soviet Union and that they got money from the Australian Security Service, and that, I submit, is a fair inference from the evidence.

Petrovs challenged

I turn to make a few general remarks about the evidence of the Petrovs.

The primary evidence here, both against my client and in support of the documents, is that of the Petrovs, and it is primarily their evidence that must be scrutinised with the utmost care.

Broadly speaking, the Petrovs say that Lockwood typed this precise Document (J) in its precise form.

The Petrovs are in fact both paid informers. History shows that people in that position are utterly unworthy of belief.

There have been many historic cases which show just how unworthy of belief they are.

They come forward at a time usually when there is great public excitement, great public agitation; and in this particular case it is of outstanding importance that they came forward at a time of violent anti-Soviet incitement and, above all, on the eve of a Federal election.

Petrov would know what rewards and adulation would be bestowed upon people in the position that he occupied, people such as Couzenko in Canada.

It is not at all without significance that the negotiations for his defection occurred over a very long period, but the defection did not finally take place until about eight weeks before that Federal election.

Whatever the explanation of the delay is, whatever occurred in the intervening period, it is submitted that the correct inference is that Petrov at least, and, in my submission, Bialoguski, had in mind that this information, whether it was documentary or personal, would reach its maximum price at precisely this period (Federal election period).

Petrov claims that his revelations came because he preferred the Australian way of life, and that he had ceased to believe in Communism. In other words, he claims that from his point of view his motives were motives of pure idealism, and no more.

Here Judge Owen added the factor of "fear" and Mr. Hill accepted this added reason.

But Your Honors, you find that the first thing that happens is that he sets out to bargain, or negotiate with Bialoguski through Bialoguski and Beckett and Richards, in the period towards the end of last year and the beginning of this year.

Overnight from being the Third Secretary of the Soviet Embassy, a relatively obscure position, he changed into the "Darling of the Press."

For Australia's best interests

In his outstanding address to the Petrov Royal Commission, Mr. E. F. Hill did a great service to Australia.

But much more remains to be done to undo the great disservice done by the Menzies-Fadden Government and their disgraceful handling of the Petrov Affair.

As Mr. Hill pointed out, if the Petrovs had been deserters from the American Embassy, Menzies would quickly have reported to American Embassy officials that two thieves and traitors had made sordid approaches to betray their country.

But Menzies supports American policy of hostility and preparation for war against the Soviet Union. From this starting point he deliberately used the two Petrovs, not only for a pre-election stunt but to incite public feeling against the Soviet Union. As a result, diplomatic relations with the Soviet Union were broken off and £27 million worth of peaceful trade was disrupted.

Australia's best interests demand immediate healing of this disruption and immediate removal of those responsible for the whole shocking provocation.