

'THE POLITICS OF BIOGRAPHY: GOUGH WHITLAM, THE DISMISSAL AND HIDDEN HISTORY'

Hazel Rowley Memorial Lecture 2018

The Wheeler Centre. Melbourne. 8 March 2018

It is a very great honour to present the 2018 Hazel Rowley Memorial Lecture tonight. Hazel Rowley was an acclaimed biographer, essayist and public intellectual, whose many works, biographical and otherwise, explored the lives of exceptional men and women – often in partnership, and always illuminating - their lives, relationships, and also their history. She was an exemplar of the *possibility* of biography.

In Janet Malcolm's searing contemplation on 'the transgressive nature of biography', a form at which she herself excelled by the way, she famously characterized the biographer as akin to a professional burglar – prying, snooping, trespassing, disinterring and worse, making money from the lives of those who can no longer speak for themselves.

While Malcolm's disdain for her own kind relates primarily to the more salacious, publicity-driven, field of journalism as biography, her moral critiques are no less compelling for the consideration of the historian as biographer. If the biographical endeavour is inherently transgressive, in Malcolm's ruthless take-down, then so too are the ethics of those practicing this dark art.¹

Like Malcolm, I deplore the tendency to take a life as it was lived and reconstitute it as a sort of cheapened version of a biographical meme,

¹ Janet Malcolm *The Silent Woman* 1993]

based more on speculation than investigation, and willfully constructing a scandalized life from a political one.

But, is this really all that biography can ever be? The narrativisation of scandal; 'listening to backstairs gossip and reading other people's mail', as Malcolm describes it.

Is this really *all* there is for the biographer, to aspire to?

I want to make a larger, empiricist – a positively noble - claim for biography tonight, and in particular for political biography – that it can, and should, unsettle historical certainties. It should rattle the cage of a contested history, not through speculation but through *investigation*. In that case, biography will be an exercise in writing history while, at the same time, transforming it.

This transformative potential of biography lies in its very nature, or more precisely, in the nature of the research that underpins it.

Biography is a forensic exercise through a heavily personalized research space – days, months, years, spent trawling over and sifting through the minutiae of a life, the details of which are so often over-looked in broader histories. The primacy of the source is the stock in trade of biography – archives, contemporaneous records, original letters, private papers and personal interviews, all of which will give up new meanings at different times.

‘Every biography’, writes Richard Brophy in the *New Yorker*, ‘can be two books: one about its subject; the other about the adventures arising from the research’. If that is the case, then tonight will be about the other book, the one that only the biographer knows, about ‘the adventures arising from the research’.

I will be looking at some critical archival encounters – revelations, obstructions, and even destructions - about Gough Whitlam and about the dismissal of his government – which have recast our knowledge and understanding of him and the history of his time.

As a political scientist, with an interest in the intersections of law and politics, working in the form of biography, I am *particularly* interested in subjects whose own history, and the history of their political interventions, are contested, evolving and incomplete. Because it is in that incomplete space that the potential for biography to challenge historical knowledge, to shed new light on an old political controversy and, in the process, transfigure the history of it, will be found.

Biography then, will be transgressive in a very different sense from that used by Janet Malcolm, being politically and historically transgressive of an apparently settled history, rather than merely of the subject. What all these contested narratives point to, is the complexity and essential fragility of history and the ease with which it can be confected.

Nowhere is this more apparent than in the transformation of the history of the dismissal of the Whitlam government in recent years.

Gough Whitlam was uniquely committed to history - to knowing it, documenting it, and learning from it. And he was also acutely, and extremely confidently, aware of his place in history. The marvelous Graham Freudenberg, Whitlam's long-term speech-writer, advisor and friend, refers to Whitlam's, *'life-long sense of taking part in history; [and] the idea of history itself as progress by evolutionary steps'*.

Whitlam was often asked how history would judge him. He was fond of adapting Churchill's homily in reply; 'I am confident of the verdict of history, the more so because I intend to continue to write it myself'. Which was, for me, a rather daunting introduction to my biographical subject - and his undoubted sense of self.

Nevertheless, in many ways, this remark was typical Whitlam – the bravado leavened by a hint of self-mocking, the acknowledgement of the significance of writing history as well as making it, together with more than just a kernel of truth – because Whitlam did write the verdict of history about him and his government, several times over, in several of his own works.

The best known of these is his weighty tome *The Whitlam Government* – prepared with the great assistance of his research assistant, a youthful Mark Latham – Whitlam would always say that this was Latham's best work.

Whitlam was also deeply committed to the preservation of history, we can see this in his government's initiatives on open government. In particular, the establishment of the forerunner to the National Archives, the Australian Archives, and moves towards the introduction of Freedom of Information laws - both of which have been critical to unpacking the real story of the dismissal of the Whitlam government.

With the release of his government's 1975 Cabinet papers by the National Archives in 2005, Whitlam said; 'the publication of these records confirms my belief in the contemporary document as the primary source for writing and understanding history. ... Whatever our virtues or failings, [he said] there is no secret history of the Whitlam government'.

Well, there may have been 'no secret history of the Whitlam government', but there has *most certainly* been a secret history of its dismissal.

Gough Whitlam and his entire ministry were dismissed by the Queen's representative in Australia, the Governor-General, Sir John Kerr, on 11 November 1975. In its place, Kerr appointed a government led by the leader of the Liberal-National party Opposition, which had lost the previous two elections, which did not have a majority in the House of Representatives, and which then lost a motion of no confidence in the House, by 10 votes, later that afternoon.

Whitlam had arrived at Yarralumla on 11 November to finalise the half-Senate election, which he was set to announce in parliament that afternoon. For nearly four weeks, the Opposition Senators had refused to

vote on the government's Supply bills. In the new political vernacular, Supply was 'blocked' – not rejected, not even voted on, just blocked. Calling the half-Senate election had been Whitlam's resolution to this unprecedented situation from the outset.

There was never any secret about this, and Kerr himself was also well aware that the half-Senate election was to be the end-point of the stalemate over Supply. Whitlam had told Kerr on 6 November, that he had decided to call the half-Senate election and would announce it in the House of Representatives on 11 November. The necessary paperwork was then exchanged with Government House, and the wording of the announcement was confirmed with Kerr on the very *morning* of 11 November.

When Whitlam arrived at Yarralumla - he thought to finalise these agreed arrangements for the half-Senate election - he was instead dismissed, without warning.

The dismissal was the culmination of months of political subterfuge, planned in secrecy and executed in deception. It created a deeply polarised history, marked as much by myth as fact, and rent by the same divisions as the dismissal itself. In the 43 years since, even its most basic facts that were once considered settled, have proved to be false.

A dominant 'dismissal narrative' soon took shape which, we now know, was marked by errors, omissions and, too often, outright distortions. Central to it was the view that the Governor-General acted alone, that he

had no prior contact with the leader of the Opposition, Malcolm Fraser, that the Queen did not know, that Fraser did not know, that this was a solo act - a lonely and isolated decision taken in solitude. As Kerr himself put it, 'I made up my mind on my own part'.

It was simple, straightforward - and untrue.

In recent years, this long-standing dismissal narrative has comprehensively unraveled as newly released archival records, interviews, and the confessional reminiscences of aging participants, have gradually told a different story.

We owe it to the disgruntled former minister in the Fraser government, the ruthless Senate leader, Reg - 'Toe-cutter' - Withers, for finally revealing what had long been suspected – that Fraser and Kerr *had* been in secret communication in the weeks before the dismissal, and they had agreed to the terms by which Kerr would dismiss Whitlam and appoint Fraser as Prime Minister.

These secret discussions had been repeatedly and emphatically denied by Kerr and Fraser for decades.

And, the records finally reveal that, far from the dismissal being a solo act by a lonely, burdened, Governor-General, Kerr had for months confided in members of the High Court, legal academics, the Opposition, the Queen's private secretary and even Prince Charles – everyone it seemed except the

Prime Minister, Gough Whitlam - about his role and in particular, whether he had the power to dismiss a government.

Kerr's papers also confirm what history now forgets – and that is, Whitlam's intention to call the half-Senate election on the afternoon of 11 November. Whitlam's signed letter to the Governor-General advising the half-Senate election, their correspondence finalizing the election date of 13 December, and a copy of the announcement that Whitlam was to make in the House of Representatives, have all now been revealed.

It's quite remarkable that, although it was always clear that Whitlam would call the half-Senate election if the Senate did not vote on the Supply bills, how quickly it disappeared from historical view. Many of the more recent works on the dismissal simply ignore the half-Senate election all together. It re-emerges now as a critical factor in the revised history of the dismissal – which I discuss at length in *The Dismissal Dossier*.

In this fundamental recasting of the history of the dismissal, no single holding has been more definitive than the papers of Sir John Kerr, in the National Archives of Australia. It was there that I found Kerr's spine-tingling twelve-page account of his secret meetings, discussions and planning with the then High Court justice Sir Anthony Mason, in the months leading up to the dismissal.

Mason's role was profound, far more significant than Chief Justice Sir Garfield Barwick's, and it was clearly advisory - despite Kerr's formal legal advisors being the Attorney-General and the solicitor-general. For the next

37 years, Mason's role was kept secret from the Prime Minister, from his fellow High Court justices, and from the Australian public. His role was not merely one of guidance, nor of fortification, it was an active involvement in the dismissal itself.

Mason himself has since acknowledged that he had drafted a letter of dismissal for Kerr, some days before the dismissal; 'the only tenable conclusion is that [Mason] was implicated in Kerr's dismissal of Whitlam'.

Nor should it be forgotten, that in remaining silent, Mason was also protecting himself. Whitlam's attorney-general, Kep Enderby, described Mason's discussions with Kerr as 'scandalous' and 'extraordinary'; 'I am horrified that a High Court judge was interfering in political matters like this'. Former Ministers from the Hawke and Keating governments made it clear that Mason would never have been appointed chief justice of the High Court in 1987, 'had they been aware he had secretly and extensively counselled Kerr in the lead-up to the dismissal'.

For nearly four decades Mason had maintained his silence, refusing to comment publicly, despite Kerr's pleas that he do so – and despite my pleas to him that he do so - ensuring the continuing public ignorance of his role in the dismissal.

When I put it to Mason that he should speak publicly about this, that he should put his side of this story, and that he should do so in the interests of history, he made the memorable, and since much quoted, response; 'I owe history nothing'.

Well, I think he does owe history something.

This was an extraordinary moment for our history. These revelations confirmed the worst possible aspects of the dismissal - the subterfuge, collusion and the deception that had long been suspected, and always denied, by the key protagonists, and the extent other people's knowledge of Kerr's planning and intentions. And they showed Mason not only as Kerr's right-hand man in the dismissal, but also as having failed to reveal that role, and allowing a false historical narrative to take hold.

The final point I want to make about this file revealing Mason's involvement, is that *it was never meant to be released to me*. Kerr had intended it to remain closed until *after* the death of all four protagonists in the dismissal, who were mentioned in it. However, you had to read through the document to see this proviso. And you had to recognize its significance.

Perhaps I was the unwitting beneficiary of years of cost cutting by the Howard government, which cast out so much institutional memory and left overstretched Archive staff dealing with assessments for public release. I like to think so.

There's no doubt the inadvertent release of this critical file revealing Mason's role caused a great deal of consternation within the Archives. So much so, the Director-General later told me, that they had actually considered withdrawing the file from public access, and with it my

authority to publish from it, even though that it had already been released to me. Had they done so, then Mason's role would still remain secret today.

The discovery of that single file changed the history of the dismissal forever. *The Australian* described it as 'a discovery of historical importance'. The dismissal narrative, which had for decades hinged on Kerr's insistence that this had been a solo act, that he had neither consulted with nor revealed his intentions to others, had shifted to one of collusion, deception and duplicity, with vastly different implications.

It is the quintessential example of the capacity of political biography to transform our understanding of a particular historical juncture and to challenge long-standing interpretations of it. Kerr's papers opened the door to a hidden history, long suspected yet still unknown; they constitute a belated corrective to the historical chimera that he had himself contrived.

There have also been some intriguing examples of missing archives. And, at the risk of sounding like Donald Rumsfeld, let's call them archival 'known unknowns' - archives that we *know* once existed, and for all we know they might still exist, and which cannot now be found.

I have two examples, both of which remarkably enough involve an incinerator. One is a cache of letters to Sir John Kerr, from the Queen's favourite second cousin, Lord Louis Mountbatten, and other prominent people, supporting his action in dismissing Whitlam. In a remarkably partisan royal intercession, Mountbatten wrote to Kerr just days after the

dismissal, congratulating him on his 'courageous and correct action' in removing the Whitlam government.

Kerr considered Mountbatten's letter 'of outstanding value' and the official secretary, David Smith, was tasked with sending it, and the entire collection of congratulatory letters from unknown prominent individuals, to Kerr in the south of France, where he had decamped after his resignation as Governor-General.

What a fascinating historical trove this would have made. Sadly, this can never be, because these letters never made it to the south of France. In fact, they never made it out of the Yarralumla corridor.

All these letters, including Mountbatten's had, according to David Smith, been accidentally burnt in the Yarralumla incinerator by an over-zealous cleaner. Which really was remarkably careless of the protectors of such significant – and highly controversial – official historical documents held by Government House, and which should have been placed in the National Archives.

We only know of the non-existence of these letters because of the contents of another file in the National Archives, containing Kerr's correspondence with the official secretary about the fate of these letters.

This encounter not only instances the creation of a missing archive, it also exemplifies the mosaic nature of archival research. That several files when pieced together can reveal a picture that no single file alone could

explain. Were it not for having located the second file of correspondence, the existence and apparent inflammatory end to Kerr's correspondence with his minor aristocratic supporters, would never have come to light.

My second example is of an unexpected ASIO file on Whitlam, which I found in an obscure reference, and again this was in a *secondary* file, to a National Archives security file dating from the 1960s. So, of course, I requested access to it. You can imagine my surprise, given that the file related to a former Prime Minister, was of obvious significance, and had been in the National Archives for more than four decades, when I was informed that, just weeks before I had requested access to it, this file had been destroyed, burnt as part of a 'regular review' of its holdings.

Clearly, incinerators play a big role in the creation of a missing archive.

Kerr's papers have proved to be a spectacular addition to the historical record. And they also provided the first glimpse of the role of the Palace in the dismissal. Although there are some who continue to claim that the Palace was not involved – mostly a few recalcitrant NewsLtd journalists and David Smith - this is increasingly more a matter of faith than fact. Revelations from Kerr's papers, the Palace letters, and the files of the Foreign and Commonwealth Office that I discuss in *The Dismissal Dossier* update – *the Palace Connection* - have rendered that position untenable.

So, what do we already know about this still emerging Palace connection?

Among Kerr's papers is a journal, written in 1980, and there he describes his secret communications with Prince Charles, and the Queen's private secretary, Sir Martin Charteris, in the months before the dismissal. Kerr had confided to Charles as early as September 1975, one month before Supply was even blocked in the Senate, that he was considering dismissing Gough Whitlam.

In raising this with Charles, Kerr's chief concern was, as ever, for his own position – Kerr writes that he told Charles that he feared Whitlam might recall him should he become aware that the Governor-General was secretly considering dismissing him as Prime Minister – which would not have been an entirely unreasonable response.

Kerr writes that Charles expressed dismay at the prospect – not of Whitlam's dismissal, but of Kerr's possible recall – telling him: 'But surely Sir John, the Queen should not have to accept advice that you should be recalled ... *should this happen when you were considering having to dismiss the government*'. This is, remember, in *September 1975*.

Charles then relayed this extraordinary conversation to the Queen's private secretary, Charteris, who wrote to Kerr in October, reassuring him that if 'the contingency to which you refer should arise' the Palace would 'try to delay things'. A hand-written note among Kerr's papers, setting out key points in the dismissal, has at point 4; 'Charteris' advice to me on dismissal'.

This communication between Charles, the Queen's private secretary and the Governor-General, is politically and constitutionally shocking. It reveals the Palace to be in deep intrigue with Kerr, agreeing to protect his tenure as Governor-General by trying 'to delay things' should Whitlam move to recall him, in the months before the dismissal - unknown of course to the Prime Minister, Gough Whitlam.

It has since been confirmed by the former official secretary David Smith, that Kerr and Charteris were in secret communication over the Governor-General's position before the dismissal, in a breathtaking rupture of the vice-regal relationship. At the heart of which, in a constitutional monarchy, is that the appointment of the Governor-General is made by the Queen *on the advice of the Australian Prime Minister alone*.

For the Queen's private secretary to intervene with Kerr himself on the question of the Governor-General's tenure was a staggering breach of that relationship. From this point on, knowing that Kerr was considering dismissing Whitlam and having agreed to a course of action in order to protect his position should Whitlam do so, the Palace was *already* involved in the dismissal.

These letters between Charteris and Kerr are part of the so-called 'Palace letters', between the Governor-General and the Queen, her private secretary and Prince Charles, in the months before the dismissal. They are held by our own National Archives in Canberra – not for access *by* us, but for protection *from* us. The Palace letters are embargoed until 2027, 'at her Majesty the Queen's instructions', with her private secretary retaining an

indefinite veto over their release even after that date. It is quite possible then, that these letters will *never* be released.

Kerr's letters were frequent, even obsessive, at times he wrote to the Palace several times in a single day. And there are dozens of letters written over just a few weeks. At the heart of this still secret royal correspondence was the prospect of the dismissal of the Whitlam government, which Kerr had already raised with Prince Charles and Charteris in September. This context is essential.

The Palace letters are extraordinarily significant historical documents. They are contemporaneous 'real time' communications between the Queen and her representative in Australia, written at a time of great political drama, and are a vital part of our national historical record.

So, how has this situation come about? How is it possible that, for Kerr's correspondence with the Palace, held by the National Archives, the clear provisions of the Archives Act – to make Commonwealth records available for public access after 30 years - do not apply?

The answer is very simple, in fact, it's just one word - 'personal'. With that simple designation, as 'personal', the Palace letters have been removed from the reach of the Archives Act which relates only to 'Commonwealth' records and which would have required their release in 2005.

And so, in a rather neat Catch-22, the decision by the Archives to deny me access to the Palace letters, also cannot be appealed to the Administrative Appeals Tribunal.

There is only one way to challenge this decision, and that is through a Federal Court action, which is a complex, expensive and onerous proposition. Nevertheless, thanks to a crowd-funding campaign and a remarkable legal team working on a *pro bono* basis, I was able to launch an action against the National Archives in the Federal Court in December 2016, seeking the release of the Palace letters.

And I want to thank all of the people who have supported this campaign to release the Palace letters, through the Chuffed 'Release the Palace letters' campaign site – it's still open. And I acknowledge and thank the legal team working on this case at the Federal Court – senior barrister Antony Whitlam QC – Gough Whitlam's eldest son - and with him Tom Brennan, instructed by the Sydney law firm Corrs, Chambers, Westgarth.

Without them the case could simply never have taken place.

This land-mark case against the National Archives concluded in the Federal Court in September last year, and we are now awaiting the decision – *eagerly* awaiting the decision.

At the heart of it is this central question of just what constitutes 'personal' as opposed to 'Commonwealth' records. Antony Whitlam QC, argued to the Court that, 'personal records' would be records covering matters

‘unrelated to the performance of Sir John's official duties’, and that this could *not* extend to correspondence between the Queen and her representative in Australia prior to the dismissal. He said, ‘It cannot seriously be suggested that there was a personal relationship between the Queen and Sir John Kerr’.

From a common-sense perspective alone, it is difficult to see that the correspondence between the Queen and her vice-regal representative, could in any way be seen as ‘personal’. The precise legal points on which the question of the status of the Palace letters - as personal or Commonwealth records - will turn, will be a different matter.

However, one thing that can be said, is that from the moment this case came before the Court, the question of the release of the Palace letters changed irrevocably. Their status and their release will now be determined by an Australian court, according to Australian law - and not as a quasi-imperial grant of release by the Queen. This alone is an historic result.

We actually *do* know something about the nature of these letters, since Kerr left a copy of extracts from some of them, among his papers in the Archives. These were in an unidentified file simply titled ‘Extracts of letters’ – which were placed in open access in the National Archives, since no-one realized that they were in fact extracts from the Palace letters, and which is where I then found them.

There are six of these extracts which I identified as extracts of Palace letters, each one of which describes contemporary political developments

as they unfolded. There is quite simply no part of them, whether in style or content, that could be described as personal. What is most significant is that these extracts from Kerr's letters to the Queen show that the Palace was well aware at the very least of the possibility of dismissal and certainly of the Governor-General's deception of the Prime Minister about that possibility – indeed the letters themselves were part of that deception.

One of the more remarkable outcomes of these proceedings is that it has secured the release by Buckingham Palace of two 'personal' letters between Kerr and the Queen's private secretary, Sir Martin Charteris, written the following year, in a rather counter-intuitive effort to support its claim that the 'Palace letters' are validly designated personal and should remain closed.

Yet of course, the selective release of some apparently 'personal' Royal letters draws into serious question its use of the label 'personal' in general for all correspondence between the Monarch and the Governor-General, regardless of content. Such a ready breach of the label 'personal' only highlights its inappropriate use if it can be so readily overturned when deemed to suit its purposes.

In summing up our case that the Palace letters are Commonwealth records, Antony Whitlam, pointed to the extraordinary corollary of the Archives' claim that the Palace letters are personal and are not owned by the Commonwealth. If they are not owned by the Commonwealth, Whitlam asked, then who does own them? The Archives contention is quite remarkable – the Palace letters are owned by Bashford. And who,

you might ask, is Bashford? She is the daughter of Sir John Kerr's second wife, who inherited her mother's estate and with that, apparently, Kerr's residual estate.

So, while Australians are denied access to the Palace letters according to the Queen's embargo, Bashford alone has access to them and ultimate control over them. She could withdraw them from the Archives – and indeed has already revised the conditions on them – she could destroy them, sell them to a foreign government or even release them to Julian Assange and WikiLeaks – Antony Whitlam contended. Such is the strange predicament of the Palace letters as 'personal' records and not owned by the Commonwealth.

The case has also shone a rare light on the inner workings of the office of Governor-General and the colonial presumptions underpinning it, much of which would shock those who believe that even as a Constitutional monarchy we have long since been freed of the residual colonial ties. While I can't say much about material that has come to light during the case since it is on-going, I can assure you that quasi-colonial servility is alive and well in Yarralumla.

The mere fact that the Queen can still prevent us from seeing her correspondence with the Governor-General, highlights the vice-regal relationship as one of the few remaining 'colonial relics', as Whitlam termed those residual ties, with lasting impact on Australian governance and history.

What all these archival encounters have shown is that the insistent circulation of a flawed 'dismissal narrative' was much more than just a collation of errors, misinterpretations, historical amnesia or even conscious bias. Although it was all of those things. It was also a carefully crafted historical construction, an intervention in the process of history formation itself, through the deliberate withholding of information that would tell us otherwise and the repeated circulation of a version of events *that was known to be false*.

The depredations of history have been profound, but not impervious. And in recent years they have steadily crumbled, finally collapsed and are now being recast, in a dynamic process of historical correction. It is an unusually dynamic history and it continues to evolve.

One thing is clear, the full story of the dismissal of the Whitlam government can never be known while the Palace letters remain hidden from us. The Queen's embargo of these historic documents simply continues the secrecy and the subterfuge that has marked the history of the dismissal for decades. It stands as an insistent, yet dissonant, vestige of colonialism that continues to deny us access to our own history.