

## Section 6: police detection of aliens, 'espionage' and sedition

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### The 'alien' threat

Before the outbreak of war the popular meaning of 'alien' was a non-white person usually of either Chinese or Indian birth or parentage. An unabashed vocal prejudice against them was taken-for-granted. Even in the weeks immediately prior to outbreak of war, newspaper correspondents were more antagonistic to these non-European 'aliens' than any other national group. A Mr Galitzenstein for instance fulminated against the government because the 'Asiatic pest' was 'growing every day more serious, more threatening to the white peoples of the Pacific' and politicians were not 'dealing with it in a broadminded, thorough-going fashion' but persisted in holding the 'utterly untenable ... legal view that aliens born on British .... soil are British ... subjects...entitled to all the rights and privileges of citizenship' (G Galitzenstein, **Auckland Star** 16 February 1914, p 9). Sympathetic readers joined him to form an Asiatic Exclusion League (Fred Wilson, **Auckland Star** 16 February 1914 p 9). Even the virtues of 'aliens' were turned against them. Because they did not like 'Britishers' play sport, the 'Chinese and mongrel half-breads are going straight for all the great prizes and best-paid professions, doctors, lawyers, engineers etc' (J Collier, **Evening Post**, 18 February 1914, p. 8). With the declaration of war, this changed very rapidly. Within days of the declaration of war, it was agreed in Parliament that non-British Europeans were now the aliens of concern. If such men wanted to join the defence forces their 'services as a volunteer had been refused' (Auckland Star 13 August 1914). All processes of naturalisation had been stopped because the Government needed to be 'very careful' (The Press 12 August 1914). Even Europeans who had long been naturalised were now 'looked on with continual suspicion' as one man said; 'he was spied on and treated as a spy' (Auckland Star 24 February 1916).

After New Zealand seized German Samoa, there were calls for harsh treatment of German prisoners (Marlborough Express 30 October 1914) and a few weeks later, the public service was instructed to remove all 'Germans not naturalised' and all naturalised Germans and Austrians were to be suspended rather than 'have the benefit of doubt' (Marlborough Express 5 December 1914), All Germans, Austrians and Turks were dismissed from ships in New Zealand waters (The Press 1 December 1914). By the end of 1914, 87 'aliens of hostile nationality' had been sent to Matiu Somes Island and others were on a police parole as in their cases it 'had not been deemed necessary' to 'do more than keep them under surveillance' (Feilding Star 8 January 1915) . Anti-German Leagues were set up - usually by women's groups – and they lobbied the Government, held public meetings and reported individuals to the police (The Courier 20 June 1918).

The popular enthusiasm, laced as it was with a heady shot of ethnic prejudice, spilled over into public disorder. The police were then involved. In Gisborne in New Year's Eve revels at the end of 1914, a 'crowd of youths wrecked the shop of a naturalised German' and police had to restore order (Auckland Star 2 January 1915). In Gore a lone constable managed to pre-empt an attack by locals on a long resident 'alien' when by running from the station at the sound of breaking glass to single-handedly arrest three men, one of whom was heavily armed (NZ Truth 1 July 1916)

By early 1915, the persecution of so-called aliens was becoming vicious. There was a popular conviction that British citizens were losing out to the 'unprecedented influx of the so-called Austrian' (Northern Advocate 9 Jan 1914 p4). When a Dalmatian gum digger won a contract for work over local 'Britishers', he was chased and threatened, such was the 'semi-disguised feeling of enmity on the part of the Britishers here'. The man shot himself a few days later. The police were instructed by a magistrate 'to enquire further' into the matter (Grey River Argus 1 December 1914, p7) but there remained a 'simmering discontent owing to some foreigners being employed'.

There began to be calls for the government to exercise 'a more stringent and effective supervision of persons of German or Austrian birth or parentage' (Taranaki Herald 22 January 1915) and a petition was circulated although it 'was ridiculous' since such people were quite harmless 'and the police have insufficient evidence to warrant apprehension' (Evening Post 23 February 1915). Nevertheless, calls continued to be made for extreme measures against Germans and Austrians for at least the first year of the war (e.g. Thames Star 14 May 1915) and prosecutions were made successfully against long-term residents of German ancestry (e.g. Bay of Plenty Times 23 February 1916).

The Police had a difficult role in the face of this. They had to prevent community tensions while at the same time hunt out potential spies and heighten community anxiety. The police were the public front of spy-hunting that they did not themselves necessarily see any need for. Although ultimate responsibility for spy-hunts was often left vague and press reports tended to speak generally only of 'the authorities' (Bay of Plenty Times 24 February 1916), the initiative was often a military rather than a police one.

Occasionally it was made apparent. For instance in March 1917 two detectives arrested three 'well-known' Auckland citizens as suspicious 'aliens' but on this occasion the police declared that they did not do so for their own reasons since 'there has been no development that they are aware of' and they 'were simply acting on instructions from the military authorities'. The two police detectives made it clear that they treated the matter as utterly without danger and had simply paid calls on the men, told them they were to be interned and left them to obediently ready themselves (Evening Post 16 March 1916). Elsewhere also, detectives acted on orders. In Auckland, the 'well-known' land and real estate agent and ex-Danish vice-consul was interned 'on an order from Wellington' (The Colonist 20 April 1916). An Austrian national who had been obediently reporting to police was without warning arrested 'and handed over to military authorities' (Auckland Star 13 May 1916). By 1916 the police were hard pressed to respond to all occasions of being 'communicated with' by military authorities and having to dedicate police staff to work in the field, tracing, tracking, discovering, arresting and searching suspicious persons (Ashburton Guardian 11 May 1916). In some cases, the outlying districts had to be searched for suspects; in May 1916 it took two sergeants 'a whole day' to arrest three farmers who were living on scattered outlying farms. A fourth man was being sought, and rifles and rounds of ammunition (Auckland Star 27 November 1917). It is evident that many police did think that the level of public anxiety and suspicion was unwarranted. The senior police officer in a far north said of local 'Austrians' that:

Their behaviour was of the best, and they were law abiding. All reported to the police. There was no necessity for internment from a police point of view. It was untrue they were armed. He had received no complaints...there had been no riots in Dargaville at any time. And all aliens reported once a week and they obeyed all the police requirements. All rumours as to enemy behaviour were groundless (Auckland Star 13 July 1916)

Other policemen elsewhere also staunchly supported some purportedly 'Austrian' communities. One sergeant declared that 'he had not the least fear' of both naturalised and unnaturalised aliens in his district. They were a 'most law-abiding people, who dressed respectably, behaved themselves well and were profitable settlers ...he did not think their internment was necessary'. Indeed, the trouble was more likely to be 'some jealousy' among the locals (Northern Advocate 26 July 1916).

By the middle of 1916, the war had created many tasks more important than the unnecessary pursuit of possible aliens. They were responsible not only for registering and supervising all aliens in New Zealand, but they received reports from those not interned, made enquiries respecting allegations of enemy trading, enquired into the enlistment of any aliens and men of alien birth in the Expeditionary Forces; located and arrested deserters, assisted the Discharged Soldiers Department, investigated permits and passengers, and ownership of small arms and ammunition. These duties were additional to their 'primary duty' of protecting the public and dealing with crime (Ashburton Guardian, 9 June 1916, Page 6).

In 1917 the Registration of Aliens Act imposed further duties on police and involved them in imposing more red tape on communities. Police encountered 'some curious problems' (Wanganui Chronicle 27 November 1917). Every person over 15 years who was not a British subject had to personally make application in writing to register as an alien with the local police and to receive a certificate (Ellesmere Guardian 24 November 1917). Wives took their husband's nationality; therefore an alien woman married to a British subject did not have to register as an alien. It followed then that a woman born a British subject married to an un-naturalised alien, did have to register (Horowhenua Chronicle 1 December 1917). Many men and women innocently thought only 'enemy' aliens had to register. Disgruntled Americans were told 'if President Wilson came to this country' he would have to register and they were fined if they failed to do so (Poverty Bay Herald 16 July 1918). Police themselves got confused; in 1918 of two women born British citizens but who had not registered as aliens as required under the 1917 Act appeared in court and police admitted they had themselves advised the women there had been no need to register. The magistrate accepted there had been a 'genuine misunderstanding' and convicted but gave no penalty (Feilding Star 2 July 1918).

The numbers of 'aliens' who came forward to register was said initially to be something of a surprise. In Wellington, the press reported that 'neither the police nor anybody else thought that there were so many aliens but 'Russians, Italians, Scandinavians, Spaniards, Dutch, Chinese, Assyrians, Greeks and other nationalities too numerous to mention' but including a large number of Americans registered (Evening Post 24 November 1917). In Dunedin the registrations of 'about 500' was supposedly unexpected (Auckland Star 8 January 1918). But numbers were never very large and although there was at first a perhaps alarmist report of just under 20,000 who registered (The Colonist 22 November 1917), later just over 7000 were counted nationally (Hawera & Normanby Star 22 February 1918).

However the Act brought considerable satisfaction to John Cullen, until late 1916 the Commissioner of Police. Under war legislation, a National Alien Employment Commission was established to enquire into the behaviour of registered aliens and Cullen was installed as a Commissioner (Northern Advocate 7 August 1918). The position 'gave him free rein to implement the worst aspects of his character' a recent commentator has said. (Derby 2007) and he zealously pursued individuals from communities that rank-and-file police had publicly supported. For instance he publicly hounded the 'Jugoslav' **IVOR VODANOVICH** through the courts over comparatively trivial matters which had been

an issue where only moderately small fines were eventually imposed (Northern Advocate 7 August 1918).

## **Sedition**

Even before the war, the charge of sedition had been prosecuted and was used for instance in the wake of the 1913 strike against Harry Holland, then editor of the labour paper the Maoriland Worker. But war brought a new dimension to the nature and the seriousness of charges of sedition. In 1916 regulations were issued that provided for the crime of 'seditious utterance'. A seditious utterance was any utterance published with 'seditious intention' and sedition was defined to cover a number of different issues. These included exciting disaffection, disorder, and prejudging social order, interfering with the recruitment, training and supply of troops and the prosecution of the war or the production and distribution of goods, and straightforward out-and-out disloyalty (Auckland Star 6 December 1916).

A charge of sedition could therefore relate to one of a number of different issues and be of differing gravity. The Police however, were most involved in charges of sedition against those who publicly agitated against wartime measures like conscription, or restrictions on free speech. There was a determined but relatively small group of men willing to make this stand. Some of these men are well known now due to their post-war political careers: Bob Semple, Peter Fraser, Paddy Webb for instance. But there were other men less well remembered now, or not remembered at all, but who at the time were prominent in agitations against wartime legislation.

Henry Huguenot Fournier, for instance, was charged after he urged an audience to refuse 'to obey the military service law'. Fournier knew he was being provocative. He told the crowd 'we are all here unlawful assemblers. I want to give you fair warning of the fact that if you listen to me you are doing what the law forbids' (Maoriland Worker, Volume 8, Issue 309, 24 January 1917). Fournier was arrested, his house searched and 'a quantity of cartridges, a blank membership card for the IWW, anti-conscription manifestos and a number of anarchist pamphlets' were found (Hawera & Normanby Star, Volume LXXII, 16 January 1917, Page 7). Fournier was promptly gaoled for a year (Maoriland Worker, Volume 8, Issue 309, 24 January 1917). John Lawless was arrested for seditious utterance after arguing with a pro-war crowd and being attacked by a returned soldier. The police said they believed that 'if there had been people in sympathy ...there would have been a serious riot' and so they arrested Lawless who resisted violently (Evening Post 11 July 1917). Police admitted in court they treated Lawless roughly in the cells (NZ Truth 23 June 1917). John Loughnan was arrested after he was warned by a policeman not to make a speech and his subsequent appearance in court was theatre: he mocked police evidence producing laughter and applause from the gallery; the magistrate threatened to clear the court and when Loughnan could not pay his fine, he went to gaol (Maoriland Worker 17 November 1917)

But if men like these were a practical problem for police, they acted alone and were not part of any wider organised campaign. They were easy to removed from the scene. Neither Fournier, Lawless nor Loughnan featured subsequently or emerged to be public figures in the longer term; their war-time public appearances arose more from very strong personal convictions and perhaps from impetuous dispositions which led them to act against the odds of success.

The situation was different with the more sophisticated and experienced group of labour leaders who opposed wartime moves like conscription and other wartime legislation. But because they

remained a small, yet important and politically recognised group, labour politicians were still able to be corralled up by police and removed from the public sphere. With careful collection of evidence, the police were able to support charges under various aspects of wartime legislation on sedition, and get most labour leaders outside Parliament imprisoned.

Police recognised they needed careful plans to collect good evidence for the cases laid against such men. In early 1917, after the extension of wartime legislation on sedition, but also relying on pre-existing sedition, police made moves against Peter Fraser, Robert Semple – both of whom were ministers in later Labour Party governments – James Thorn and Thomas Brindle who were union organisers.

The strategies against Robert Semple demonstrated the care with which police planned.

Police had the advantage of knowing the time and place when these men were likely to be airing ideas and arguments that could be the basis of charges of sedition. Unlike the spontaneous agitators, these labour figures notified their intention to take the stage. They used the traditional labour organisers' tool of the lecture tour with what were really political speeches ending with resolutions for action against proposed or actual wartime legislation. Meetings were advertised well in advance to attract an audience; police could attend like anyone else. Police were able to make their plans and have plain clothed detectives attend meetings, observe and take notes themselves and to hire expert shorthand writers to take notes and prepare verbatim transcripts. The cases needed to be tight because labour organisers and politicians had by now considerable experience with the law, knew how to test it thoroughly and knew how to make a courtroom appearance into a piece of political theatre.

### **The cases of Fraser and Semple illustrates this.**

When Fraser was billed as a key speaker at an anti-conscription public meeting on 10 December 1916, the police were ready. At least three detectives attended to observe and take notes and an expert shorthand writer was hired to take notes and compile a verbatim transcript. The detail and completeness of the records they compiled were evident in court since they were reproduced in detail in the papers; the result was like achieving a syndicated news release since the same bulletins were reprinted across the country's newspapers. In court Fraser ably defended himself. He made the shorthand writer defend his professional competence and acknowledge that he was not a Hansard staff member<sup>1</sup>. He elicited from the police not only a reiteration of his speech but sympathetic report on how he had been favourably received by the large audience:

Detective-Sergeant Rawle said that he attended the meeting on the night of 10<sup>th</sup> December. On the platform were four men and the hall was occupied by between 400 and 500 people. The addresses were listened to with great attention and frequently the audience applauded by way of showing appreciation. Defendant was well received (Evening Post 22 December 1916).

Fraser was then able to contest details of police evidence. He queried wording of resolutions as reported in police evidence and jocularly undermined police authority:

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<sup>1</sup> On another occasion they did hire a Hansard reporter (Maoriland Worker 3 January 1917)

Defendant: Were the speeches delivered in support of that resolution? – They were wider than that. You ridiculed the King and said that Lloyd George had more brains than he did. Is that ridiculing the King? If I said Lloyd George had more brains than you, would I be ridiculing you? (ibid)

Politically experienced men like this were able to seize the opportunity to turn the tables on authorities and even contend with the presiding magistrate:

Mr Semple said...Conscription was a Prussian method; a policy borrowed from Germany.

His Worship: it is a policy that is considered necessary to win the war....

Mr Semple: I want to say that the people of this country have never been given a chance to accept or reject it.

His worship: I cannot allow you to enter into political discussion (Maoriland Worker 3 January 1917).

The police evidence was tested in unexpected ways: labour leaders ensured the court became a forum for their views by insisting on hearing the notes read out that had been recorded as evidence. When union organiser Tim Armstrong appeared in court, he 'asked that the whole of his speech be read, and when this was done he said it was a very fair report of what he had said. (NZ Truth 27 January 1917). Semple took his case to appeal and it raised issues that reached the level of Cabinet consideration.

### **With men like this police had to be on their mettle**

The willingness of the labour leaders to publicly oppose conscription and other wartime legislation was recognised as risking the charge of sedition. It rendered them vulnerable as a political force since as their numbers were relatively small, all it needed was the judicious focus by authorities on some of the most outspoken and popular speakers to successfully have them imprisoned and silenced. Why the labour leadership saw the strategy as viable was perhaps due to the example of Australia, where the government had been forced to hold a referendum on conscription which had been rejected. New Zealand labour leaders took part in the 'no' campaigns and others had strong Australian connections. The success of erstwhile political allies may have formed their judgement. But whatever its rationale, it was a political failure. Arguably the suppression of dissent under the sedition legislation provided the New Zealand Police, and particularly its detective branch, with the challenge and the opportunity to develop their skills in political surveillance.