



**CONSTITUTIONAL BARRIERS  
TO SERFDOM**

**by Eric D. Butler**

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# **CONSTITUTIONAL BARRIERS TO SERFDOM**

**by Eric D. Butler**

Political thinking is at such a low ebb in this and other British countries that constitutional safeguards of individuals' rights, evolved over hundreds of years, are being destroyed without most people realising what is taking place. The mere mention of the term "constitution" usually conjures up in the minds of many people a picture of lawyers arguing about dry technical legal matters of no importance to the ordinary individual - or beyond his understanding.

The tragedy of these critical times is that the individual does not understand that the question of individual rights and independence is directly connected with the idea of a Constitution of some description. An even greater tragedy is the fact that the small minority which has some understanding of the issue has little or no knowledge of the nature and the source of the attack against the Constitutional safeguards of the individual's rights and independence.

## **THE PURPOSE OF A CONSTITUTION**

What is a Constitution? Most human activities are governed by the idea of a Constitution; the idea that it is necessary to define in advance relationships which individuals can observe. It is also necessary to lay down the relationships between various groups and individuals.

No game can be played in the absence of some rules. And it is generally essential to have umpires to ensure that all players observe the rules. Business companies have their articles of association. It will be noted that the rules of our traditional British games, such as cricket, are very rarely changed. They have been evolved over a long period of time and embody the experiences of the past. They have been slowly modified in the light of experience, and have been in the nature of an organic growth. We are not forever attempting to change the rules.

The articles of association of most companies are made comparatively difficult to alter. Experience has proved the danger of "snap" decisions, which can result in a successful organisation

being irreparably damaged. Constitutional safeguards of all types of organisations have usually been designed to ensure that, before any changes are made, there can be an exhaustive examination of what is proposed. There can be no stability if a Constitution can be altered comparatively easily, perhaps by a small number of power-lusters temporarily stampeding electors.

**The necessity of stability in all forms of human associations is essential. The greatest genuine progress is made when there is the greatest stability.**

All political and economic crises, most of which are carefully manufactured, provide ideal conditions for attacks upon Constitutional safeguards. For years before the war the controllers of Soviet Russia openly preached that an “imperialist” struggle was essential for the furtherance of their policies. “Stability permits a continuous growth based upon Tradition”. The enemies of our way of life, and surely it is obvious that they are becoming more menacing every day, want to destroy all Constitutional safeguards of stability; they want chaos and confusion in order that they can impose their ideas upon the community.

One important aspect of the war being waged against us, an aspect overlooked by most people, is the clever attack upon the idea of a tradition. Such has been the corrupting influence of unscrupulous propaganda that a great number of people who like to be thought “progressive” consider any policy based upon tradition either “old fashioned,” or, worse still, “reactionary.”

**Tradition is simply the accumulated experiences of the past. A community which forgets its traditions has lost its bearings, and is at the mercy of the various types of power-lusters whose activities are wrecking Western Civilization.**

*See The Real Communist Menace, pages 13 and 14, on this point.*

Even in the most primitive communities the old men of the tribe pass on to the young men the various folk lore and tribal laws, which embody the past experiences of the tribe. This is the cultural heritage, without which no community could survive. Those who sneer at people basing their policies upon the experiences of the past are themselves dominated by an idea as old as Mankind: the

idea that some men should have complete control over the lives of all other men.

## INDIVIDUAL RIGHTS, CONSTITUTIONAL SAFEGUARDS

The central theme of the history of the English-speaking world can be written around the persistent attempts to evolve a Constitution which would prevent Governments, or any other groups from having too much power over individuals.

Because of their Christian philosophy and innate spirit of individualism, our forefathers worked and gave their lives to limit the powers of Governments and to guarantee the individual certain fundamental rights which were inviolate.

The growth of the British Constitution, the basis of all Constitutions throughout the English-speaking world, derives from the idea of individual rights. The basis is the individual. The fundamental idea of the British Constitution was the protection of the sovereignty of the individual.

That profound political document, *Magna Carta*, which we teach our children about in the schools, but never read, dealt in detail with this question of individual sovereignty. The evolving of a system of Common Law, which was superior to Kings, parliaments and all other institutions, was essential for the protection of the individual. The English-Speaking communities, alone of the civilised world, are based on the principle of Common Law, that **“all persons, officials, no less than private individuals, are equal before the law, are judged by the same tribunals, and are subject to the same rules.”**

However, the fact must be faced that the days when the individual knew what his rights were, and could enter the Courts to ensure that neither Governments, officials, nor any group or individual interfered with those rights, are rapidly passing. The fact that the same technique is being used to destroy the Common Law in every English-Speaking country is definite evidence that the attack is coming from a common source. As far back as 1929, Lord Hewart, one-time Lord Chief Justice of England, exposed the menace in his great book: **“*The New Despotism.*”**

Lord Hewart wrote:

**“A mass of evidence establishes the fact that there is in existence a persistent and well-contrived system, intending to produce, and in practice producing, a despotic power which at one and the same time places Government departments beyond the sovereignty of parliament and beyond the jurisdiction of the Courts.”**

The “persistent and well-contrived system” has been considerably advanced since Lord Hewart wrote his book, *“The New Despotism.”* The swollen bureaucratic departments in this country, with their never-ending stream of regulations and decrees, and the increasing assaults upon the Federal Constitution, provide such menacing evidence of the *“New Despotism”* in Australia that all liberty-loving citizens must immediately unite to resist it.

Our written Federal Constitution, like the American Constitution, was based upon principles established in the evolving of the British Constitution. Those people who talk about our “horse-and-buggy” Constitution are a menace to our way of life; they cast doubt upon fundamental principles of individual associations which have not been altered one iota by the fact that we now have motor cars to travel in instead of buggies.

**In fact, because of the vastly increased power which scientific developments permit a small number of individuals to have over entire communities, it is more essential than ever that the fundamental principles of human associations, learned so painfully by the trials and errors of our forefathers, be clearly re-stated, and their observance insisted upon.**

If we are going to allow power-lusters and their dupes to persuade us that we should forget and ignore the accumulated political experience of a thousand years, there is indeed no hope for our way of life. Salvation depends upon sufficient people grasping the real issues at stake. They are fundamentally the same as those faced by the Barons and Churchmen when they confronted King John with *Magna Carta* at Runnymede in 1215.

## THE MENACE OF CENTRALISED POWER

Writing last century, the great English historian, Lord Acton, made the profound observation that

**“All power tends to corrupt, and absolute power corrupts absolutely.”** The British Constitution was evolved in order to deal with this menace; the menace of any one man or group of men having too much power.

It was not only necessary to limit the powers of Governments; it was essential that political power be decentralised by local Governments. A great many people who want to destroy the Federal Constitution and local Government in Australia argue that, as there is only one Government in Great Britain, one central Government should be sufficient for Australia. These people completely ignore such local governing institutions in Great Britain as the County Councils, which, although now being destroyed by the same influences destroying local Government in Australia, have had powers as great as those of our State Governments. For example, they controlled their own police and education. Local Government is a part of the British tradition.

The famous Constitutional authority, Sir Edward Creasy, writing in his *“History of the English Constitution,”* states: **“The practice of our nation for centuries establishes the rule that, except for matters of direct general and imperial interest, centralisation is unconstitutional.”**

Not only does local Government mean decentralised political power, it ensures that the individual has a much more effective control of his political representatives than he has when Government is highly centralised. The more centralised Government becomes, and the more powers taken by the central Government, the greater the possibility of members of Parliament using the excuse of over-work to delegate power to bureaucrats, who, governing by regulations and decrees which have the force of law, can destroy the Constitutional safeguards of the individual's rights. In reply to a deputation which urged greater powers to the Federal Government at the expense of local Government, President Calvin Coolidge of the United States of America said in 1926:

**“No method of procedure has ever been devised by which liberty could be divorced from self-government. No plan of centralisation has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction and decline. . . Unless bureaucracy is constantly resisted it breaks down representative Government, and overwhelms democracy. It is the one element in our institutions that sets up the pretence of having authority over everybody and being responsible to nobody.”**

Every further centralisation of political power automatically creates conditions which provide the totalitarians with the excuse that it is “inevitable” that more of the Constitutional safeguards of the individual’s rights be destroyed. Note how artificial shortages created by high taxation and other controls are used to justify permanent Federal price control. If we are to have individual rights and genuine independence in this country, rights and independence protected by a Constitution which functions and is effective, all Governments in Australia, particularly the Central Government, have got to be compelled to disgorge the great powers they now possess. Not only must the present drive towards centralisation be stopped; a vigorous policy of decentralisation is essential.

**The more genuinely decentralised Government is, the greater degree of self-determination individuals have over matters essentially local and peculiar to themselves.**

### **THE PURPOSE OF GOVERNMENT**

A major part of the totalitarian policy is to further the idea that Government is an end in itself. This is a comparatively modern idea in British countries. “Social security” and other plausible schemes are simply devices to make more and more individuals dependent upon Governments, and were originated by the same groups striving to destroy all Constitutional barriers to complete control of the individual.

Another totalitarian idea is that which asserts that once a Government is elected, it is “anti-democratic” that it should be restrained in any way by Upper Houses, the Crown, or any other Constitutional limitations.



**“It is nowadays the common doctrine of the Constitutional lawyers and of the politicians, who like the sense of power and especially of absolute power (which corrupts absolutely), not only that the Legislature has the last word in law making, a doctrine which is as old as Augustine and even as old as the hills, but also that its power in law making is absolute and arbitrary. Parliament is not limited by the principle of the natural law, that is to say the ordinary moral law, nor is it limited by the law of God. In the realm of England, according to this doctrine, men now hold their lives on a lease not from God but from the State.”** (Richard O’Sullivan, K.C., May, 1947 in the English journal, *“Nineteenth Century,”*)

Those whose policies are still based upon a Christian philosophy must reject completely the idea that their lives are at the mercy of an omnipotent Government. If Governments are to be omnipotent, with no limits to their powers, they could “legally” have people put to death. This has already happened in many European countries, while in Great Britain the Attorney-General of the British Socialist Government, Sir Hartley Shawcross, epitomises the totalitarian conception of law and the Constitution by claiming that the powers granted to the Government by the Constitution “depended entirely on convenience and expediency.” (London “Times,” July 22, 1947.)

As a result of their 1945 election victory, the British Socialists claim that a majority in the House of Commons gives them the right to do as they like for five years, although anyone with even the most elementary knowledge of the British Constitution must know that it is Trinitarian, and was evolved for the purpose of limiting the power of the Commons. Our forefathers realised the menace of all power being in one set of hands; thus the House of Lords and the Crown maintaining a state of balance - and the Common Law over all. In his great classic, **“Law and Orders,”** Professor C. K. Allen writes **“that the position in the Middle Ages was the converse of that which exists to-day . . . all enacted law was subordinate in the last resort to a supreme, over-riding, Common Law”**

The steady destruction of the influence of the House of Lords and the Crown, together with the replacing of the Common Law

by bureaucratic lawlessness, has permitted the British Socialists to proceed to impose upon the British people the very National Socialism they went to war to destroy. This is merely following closely the program marked out by the famous pro-Communist, Professor Harold Laski, who, writing in his book, **“Democracy in Crisis,”** published in 1933, said that the first task of a newly elected Socialist Government would be to “take vast powers and legislate under them by ordinance and decree” and “suspend the classic formulae of normal opposition.”

Sir Stafford Cripps, who has been termed the Economic Dictator of Great Britain, wrote in his book, **“Can Socialism Come by Constitutional Means?”**, that **“The Government’s first step will be to call Parliament together and place before it an Emergency Powers Bill, to be passed through all its stages on the first day. This bill will be wide enough in its terms to allow all that will be immediately necessary to be done by Ministerial orders. These orders must be incapable of challenge in the courts or in any way except in the House of Commons.”**

In a moment of candor Dr. Goebbels once said that the Nazis merely used the democratic voting system to obtain office; having office they then “legally” proceeded to ensure that they had no effective opposition. It was this very menace that the British Constitution with the House of Lords and the Crown as a barrier to policies overriding the liberties of the people, was designed to meet. The British people have got to take steps to clear away the debris choking their Constitution in order that once again it will effectively protect the individual from the arbitrary acts of the Government and officials. The first essential is obviously a restatement and clarification of those great principles which our forefathers proved so essential to individual liberty and independence. Australians can learn a lot from the British Revolution now taking place. The most obvious lesson is the fact that the **written** Federal Constitution in this country has imposed greater effective limitations upon the Canberra totalitarians than an **unwritten** British Constitution has imposed upon Professor Laski and his associates. Sir Stafford Cripps would find that the Federal Constitution strictly limits the scope for Ministerial orders

“incapable of challenge in the Courts.” Thus the persistent attempts to whittle away the Federal Constitution as a preliminary to destroying it completely.

In considering the legitimate function of Government, it is essential that it be realised that British Constitutional developments have always conceived of the powers of Government as being a grant **from** individuals **to** the Government for the purpose of clearly defined tasks. The modern totalitarian idea of Governments actually **governing** the people and passing a never-ending stream of laws to restrict their activities and liberties is alien to genuine British tradition. It has been wisely said that the best governed communities are the least governed communities.

Government should be merely an instrument, with strictly limited and defined powers, through which individuals can lay down general rules, the clearer and simpler the better, which they deem necessary to govern their associations for their particular areas. The genuine British idea of Government is that it should be a coordinating factor, preserving the rules decided by electors and ensuring that no group upset the balance of the community by obtaining too much power over individuals. The function of Government is not to take over and direct activities in the community. Neither is it the function of Government to provide the individual with “security” from the cradle to the grave.

**Government should be used by electors to lay down rules under which the individual can provide his own security in free association with his fellows.**

Some form of Government is required for, say, a community to decide upon traffic laws for the purpose of governing transport activities. It will be noted that such laws are not an interference with freedom of action; they make for greater freedom of action with a minimum of danger. Once the community has decided through Government that all shall travel on the left-hand side of the road, etc., the function of Government is to make certain that this rule is observed. The rule applies equally to **all** road transport, including Government vehicles.

The totalitarian idea of Government is that not only should it

police the rules of the road, but should arbitrarily tell the users of the roads when they can travel, where they can travel or, worse still, create a Government Monopoly of all road transport and prevent any private transport whatever. The foregoing should briefly indicate what are the legitimate functions of Government and what are not.

## COMMON LAW AND CHRISTIANITY

It is interesting to note that John C. Miller, in his very able commentary on the **“Origins of the American Revolution,”** shows how the American Revolution was a revolt against the very idea of Government being imposed upon us today:

**“In rejecting natural law, Englishmen also denied the colonists’ contention that there were metes and bounds to the authority of Parliament.”** The authority of Parliament was, in their opinion, unlimited, and the supremacy of Parliament had come to mean to Englishmen an uncontrolled and uncontrollable authority. Indeed, the divine right of kings had been succeeded by the divine right of Parliament . . . It was the refusal of Americans to bow before the new divinity which precipitated the American Revolution.”

Natural or Common Law derived directly from the “climate of opinion” created by the Medieval Christian Church. The destruction of the Common Law and the fostering of the idea of omnipotent Governments are a deadly menace to the basic principles of Christianity. Cannot professing Christians realise that by rallying to cleanse and preserve our Constitution they are defending their Christian Faith?

Writing of the totalitarian idea of concentrating all power in the hands of an Omnipotent Government, Sir Henry Slessor has said: **“The offence to religion in all this is that the notion of man as an immortal and invaluable soul being lost, those in authority become increasingly tempted to treat the humble as mere mechanical parts of a ‘planned society’ . . . In such a condition, Law, whose purpose is the protection of the individual, may well be forgotten and regarded as superfluous.”** (Sword of the Spirit, England, November, 1944.)

(Sir Henry Slessor has also said: **“The future of the Common Law is plainly much more than a matter for lawyers.”**)

## **THE WRITTEN FEDERAL CONSTITUTION**

In considering the value of our written Federal Constitution, it is essential to grasp that it was a grant of special powers from the States to the Federal Government. Those who framed this Constitution attempted to embody in it what their forefathers had learned about Governments over centuries. They realized the menace of centralised Government, particularly in a vast country like Australia. The people of the States were only persuaded to vote for Federation on the understanding that State sovereignties would be protected.

Speaking at the Federal Convention in 1891, Sir Henry Parkes made the issue clear in the following words: **“I think it is in the highest degree desirable that we should satisfy the mind of each of the colonies that we have no intention to cripple their rights, to diminish their authority. It is therefore proposed by this first condition of mine to satisfy them that neither their territorial rights nor their powers of legislation for the well-being of their own country will be interfered with in any way that can impair the security of those rights, and the efficiency of their legislative powers.”**

Propaganda against the Federal Constitution has been so successful that large numbers of people say unthinkingly that Federation was designed to abolish the States. So far from this being the case, the “Fathers of Federation” actually made provision in the Federal Constitution (Chapter VI) for the creation of new States.

No sooner had the Federal Government been created than excuses were made for the purpose of strengthening it at the expense of the States, thus proving the truth of the great Lord Bryce’s statement that the tendency of Governments is to increase their powers. This is particularly true of Central Governments.

## **ALL FEDERAL PARTIES HAVE ATTACKED CONSTITUTION**

In order to understand the real nature of the growing assaults

upon the Federal Constitution, it is first essential that we recall that all Federal Governments, Labor and non-Labor, have been responsible for expanding the powers of the Central Government at the expense of local Government.

The destruction of the British Constitution had started long before the present Socialist regime obtained power. A study of all revolutions proves beyond dispute that it is the first stage of the revolution which is most difficult. Once the first steps have been taken and momentum established, it is comparatively easy to increase the momentum. In order to establish momentum, it is first essential to minimise the opposition of responsible members of the community by infiltrating and using professing anti-Socialist Governments. Having been used to initiate a policy of centralisation, the “moderates” are progressively forced to adopt more and more centralisation, or give way to those who are more ruthless and determined.

**No mere change in politicians will halt the growing destruction of Constitutional safeguards.**

The very fact that all Federal Governments have increased the powers of the ever-growing bureaucracy and attacked the Constitution, is definite proof that what is termed a “change of Government” is not really a change at all. With Government becoming more and more centralised and attempting to direct and control the activities of the community the elected politicians become more and more dependent upon the permanent officials and economic “advisers.”

As Mr. L. S. Amery remarks in his *“Thoughts on the Constitution”*: **“What we call a change of Government is in fact only a change in the small, if important, element which is required to direct the general policy, while recruiting for it Parliamentary and public support, or at least acquiescence.”**

A “change in Government” merely means a change in arguments to gain public support for a central policy which, while it may be advanced by different methods, does not change. It can be seen that the important issue confronting us goes far beyond Party Politics. This is not the place to discuss the pros and cons of Party Politics,

but it is beyond dispute that they are not a barrier between the people and totalitarianism. **Only a permanent effective Constitution can safeguard individual rights.**

What is required, therefore, is a **“Defend the Constitution” Campaign**, in which all sections of the community can take part. Party politicians who are genuinely in favour of individual rights free from interference by any Government, should readily take part in all moves to defend all aspects of our Constitution. Starting from this basis, electors can soon discover who are genuine opponents of totalitarianism - i.e., centralisation and government by an irresponsible bureaucracy - and those who are not.

### **THE NATURE OF TOTALITARIANISM**

The very essence of totalitarianism, irrespective of whether it is labelled Socialism or any other “ism,” is the creation of the Monopoly State - the centrally “planned economy.” A “planned economy” conceives of all political, economic, and financial power being in the hands of one central group, who decide all policy. To the extent that local governing bodies are maintained, it is merely to **administer** the central policy. Now, it is obvious that if a centrally “planned economy” is to be successful from the point of view of those imposing it, it is absolutely essential that there be no power of contracting out for individuals who don’t like the policy. Thus all resources and all Governments must be controlled by the central planners.

**As the British idea of a Constitution, whether written or unwritten, is a barrier to the Monopoly State, it must be destroyed.**

Bank nationalisation is merely one of a long series of attacks upon the Federal Constitution, which is a barrier to totalitarianism in Australia. Unfortunately this fact has been nearly obscured by the largely irrelevant welter of controversy concerning bank nationalisation as an end in itself rather than a means to an end. Remembering that all Federal Governments have supported centralisation, we can now pass to a brief examination of the source and nature of the totalitarian attack.

### **SOURCE OF ATTACK ON CONSTITUTIONAL SAFEGUARDS**

In 1946 Professor Harold Laski visited Stalin, after which he made the significant statement that the British and the Russians are merely following two distinct roads to the same objective. As a leading instructor at the Socialist-cum-Communist London School of Economics, established by the Fabian Socialists and financed liberally by the German-Jewish financier, Sir Ernest Cassel, and whose students are now entrenched as “economic advisers” to all types of Governments throughout the British Empire, or as lecturers in Universities, it is essential that we pay attention to what this pro-Communist says. When Lord Haldane, who said that his “spiritual home” was in Germany, was asked why his friend Cassel had financed the London School of Economics, he said that the school was established **“to raise and train the bureaucracy of the future Socialist State.”** (Professor Morgan, K.C., *“Quarterly Review,”* Jan., 1929.) All Federal Governments in recent years have been “advised” by products of the London School of Economics, or by those contaminated by its doctrines, while the Universities turn out more and more Socialists and Communists, who are only too keen to advance the idea of central planning.

Now, it is a matter of history that the Fabian Socialists in Great Britain took most of their ideas from Germany, where the policy of centralisation was considerably advanced by Bismarck and the Socialists. It will be recalled that Karl Marx, a German Jew, said that the British were too “stupid” to make their own revolution, and therefore foreigners must make it for them. Bearing in mind Laski’s statement made after seeing Stalin, it is obvious that a special technique had to be devised to destroy the British Constitutional safeguards. The fundamental objective was the same as that desired by the Communists; there was merely a difference of method. Whereas the Communists believe in seizing power, the Fabians believed in using electoral methods. In order to advance their ideas, they, like the Communists, developed the technique of infiltration.

This technique has been described by Mr. G. B. Shaw, a prominent member of the Fabian Society:

**“Our propaganda is chiefly one of permeating - we urged our members to join the Liberal and Radical Associations in their**



**district, or if they preferred it, the Conservative Associations - we permeated the party organisations and pulled all the wires we could lay our hands on with the utmost adroitness and energy, and we succeeded so well that in 1888 we gained the solid advantage of a progressive majority full of ideas that would never have come into their heads had not the Fabians put them there.”**

### **THE NEW DESPOTISM**

The Fabian Socialists were the forerunners of the present British Socialist Party, created the London School of Economics in 1921, and had it staffed largely with aliens.

Speaking at the Fabian International Bureau’s Conference on March 15 1942, the chief speaker said:

**“ . . . There is not much difference between the basic economic techniques of Socialism and Nazism.”**

This significant statement sheds considerable light upon the present plight of the British Empire. Mr. and Mrs. Webb, credited with being partly responsible for the present Russian Constitution, were two of the leading spirits amongst the Fabians. The historian, Elie Halery, writes: **“I can still hear Sidney Webb explaining to me that the future belonged to the great administrative nations, where the officials govern and the police keep order.”**

In order to reach the totalitarian future desired by the Fabians, responsible Government had to be destroyed. What was simpler than the technique of persuading Parliament to pass Enabling Acts giving officials the authority to make rules and regulations having the force of law?

Even after Lord Hewart had denounced the *“New Despotism”* in 1929, and stated that “What is needed is to re-assert in grim earnest, the Sovereignty of Parliament and the Rule of Law,”

Professor Laski wrote as follows under the heading “Labour and the Constitution” : **“The necessity and value of delegated legislation . . . and its extension is inevitable if the process of socialisation is not to be wrecked by the normal methods of obstruction which existing parliamentary procedure sanctions.”** (*“New Statesman,”* September 10, 1932.)

Laski is also author of the following statement: **“There is no reason to doubt that the prerogative of the King seems to men of eminence and experience in politics above all the means of delaying the coming of Socialism.”** This is an open attack upon one of the main pillars of the British Constitution. Laski and his associates stand for the Monopoly State, in spite of the fact that our forefathers insisted upon the great Bill of Rights, one of the landmarks of British Constitutional development, in order that they could directly petition the King in order to permit an undesired law to be altered or reconsidered.

Writing in the **“*Social Justice Review*”** (U.S.A.) of December, 1944, Laski lamented the defeat of the 1944 Referendum in Australia. He made the following interesting admission: **“Once there has been a division of powers under a Federal system, it takes something like a political or economic earthquake to change the categories of the division.”**

#### **THE TOTALITARIAN FRONT IN AUSTRALIA**

At this point it is of importance that we recall that in 1936 Dr. H. V. Evatt published a book entitled **“*The King and His Dominion Governors.*”** In the preface to this book, Dr. Evatt writes: **“I am also under obligation to Professor Laski of the London School of Economics . . . for much encouragement and advice.”**

Speaking at Canberra on October 1, 1942, in urging the necessity of greater powers for the Central Government, Dr. Evatt said

**“I desire to make it perfectly clear that the amendment [to the Constitution] I propose will give the decision to Parliament itself, and no person will be able to challenge the validity of Parliament’s decision.”** Here was a blatant attack upon the very foundations of our Constitutional safeguards. Dr. Evatt was, of course, merely echoing the Fabians.

He was certainly not ignorant of the totalitarian idea he was advancing, because he wrote in his book, **“*The King and His Dominion Governors,*”** that “Parliament is the Parliament for the time being only, and it does not necessarily reflect the will of the electorate for all purposes and at all times. . . By way of illustration it will be remembered that the Newfoundland Act, 1933 . . . took

away from the people of Newfoundland important rights of self-government, at the request not of the electors, but of the Parliament for the time being.”

It should be obvious to even the most politically illiterate, that if once a Government is elected to office it is free to do as it likes for three or more years, without electors having any right of redress, there is tyranny. Backed up by Socialist and Communist economic advisers, the principal one being Dr. H. C. Coombs, of the London School of Economics, Dr. Evatt launched the first offensive to establish complete tyranny in this country when he attempted to persuade the State Governments to transfer to the Federal Government enormous powers without the necessity of a Referendum.

Although some of the State Governments, particularly the Upper Houses, wanted a serious curtailment of the powers before agreeing to any transfer, it was the Upper House of Tasmania which proved beyond dispute the necessity of responsible Upper Houses, not for preventing all Government legislation from being passed, **but to ensure that it is carefully considered before being passed, and, if necessary, to force the House of Assembly to take any particular issue to the electors for their ratification.**

The Tasmania Upper House said that the Tasmanian House of Assembly, which was willing to grant the powers sought by Dr. Evatt, had no mandate from the people to pursue such a policy. The attitude of the Tasmanian Upper House forced the 1944 Referendum, at which the electors of Tasmania voted overwhelmingly against what their House of Assembly had proposed, thus providing a striking example of the value of the British Constitutional idea of an Upper House.

This does not necessarily mean that there is no case for a reform of Upper Houses in Australian States. But they are an integral part of the British idea of a Constitution, and have their proper role to play. Elected by the most responsible elements in the community, they make for stability and prevent “snap” decisions which could create irreparable damage in the community. The totalitarians hate stability. As Professor Laski admitted, an “economic earthquake” is essential.

## POLITICAL AND ECONOMIC PLANNING

It was the “economic earthquake” of the Great Depression which coincided with the creation in Great Britain of another Fabian Socialist offshoot, Political and Economic Planning (P.E.P.). This organisation was secretly launched in 1931, and was controlled by a curious combination of Big Business representatives, a Director of the Bank of England and well-known Socialists.

In April, 1933, it started issuing a series of broadsheets bearing the title “Planning.” The first few issues contained the following:

**“You may use, without acknowledgment, anything which appears in this broadsheet, on the understanding that the broadsheet and the group are not publicly mentioned, either in writing or otherwise.”**

Here was the infiltration technique again. The result was the apparent spontaneous appearance of articles from different quarters advocating a “planned economy.”

The British “Conservative” Party was so successfully infiltrated that it laid many of the foundations upon which the present Socialist regime is building. The British “Conservatives” advanced the P.E.P. idea of Planning Boards to control primary production, electricity, etc. Similar ideas were propagated in Australia, the Lyons’ Government, no doubt on the advice of its economic “experts,” attacking the Federal Constitution under the guise of the Orderly Marketing Referendum in 1937.

During this Referendum many members of the present Federal Labor Government exhorted the electors to resist any attacks upon the Constitution. They said that a weakening of the Constitution would lead to Fascism. And yet a few years later they were themselves attacking the Constitution, proving, as we have previously noted, that changing politicians does not necessarily mean a change of Government.

### THE “SOCIAL SERVICE” PLAN IN AUSTRALIA

Undoubtedly the first major success in getting a non-Labor Government in Australia to advance a Socialist policy was the attempt by the Lyons’ Government to introduce their National Insurance scheme. Long before the Fabian Socialists brought

the idea to Great Britain, the technique of gaining control of the individual by a **compulsory** national insurance scheme had been successfully applied in Germany.

Bismarck had once termed it putting a golden chain around the necks of the workers. Once the basic idea was introduced into the English-speaking world, it didn't matter very much to the sponsors how many arguments there were about the actual financing of various schemes. Such controversies had the effect of once again creating the impression that the demand for various "Social Security" schemes in all parts of the English-speaking world were spontaneous; they camouflaged the source of the idea; also the real nature, which, briefly is designed to take the individual's purchasing power off him by compulsion and only permit him to get some of it back if he submits to detailed control by officials. The economic insecurity of some of the people is used as an excuse to bring everyone under bureaucratic control.

In his book, "*The New Despotism*," Lord Hewart specifically refers to the British Health Insurance Act as an example of modern tyranny and the destruction of Common Law by the arbitrary acts of bureaucrats. In spite of this a non-Labor Government brought English "experts" to Australia to impose the same tyranny upon Australians. Although there was such a wave of public indignation, aided by Labor Members of Parliament - they merely objected to the method of financing, not the idea - that the Lyons' Government had to drop the scheme; the election of a Labor Government revived the idea under the Unemployment and Sickness Benefits Act of 1944, again proving that a change of politicians does not mean a change of Government.

Any person who has studied the Gestapo clauses in the Unemployment and Sickness Benefits Act, and the granting of enormous powers to officials, can be nothing but appalled that such an Act could be passed in our Federal Parliament. The compulsory national insurance idea was given great prominence with the publication of Sir William Beveridge's famous scheme during the war years. In lauding this scheme, the "capitalist" press in this and other British countries did not mention that Sir William had been a prominent member of the staff of the London

School of Economics, and was on record as saying that the British people must be prepared to go “half way to Moscow.” The most obnoxious control clauses in Sir William’s scheme were, of course, carefully kept away from the public. These clauses revealed that “social security” was the bait to persuade the individual to submit to control by officials.

The present non-Labor Parties are, of course, “sold” on the Socialist compulsory insurance idea, merely attempting to get support for it by better arguments than their “opponents.” Not only did the Liberal Party led by Mr. Menzies advocate compulsory insurance at the 1946 Federal Elections; Mr. Menzies supported Dr. Evatt’s Referendum, conducted with the elections, for permanent power over “Social Services” for the Commonwealth Government, thus making a “Yes” vote certain.

This opened the way for a further attack upon individual rights, the extension of bureaucratic dictatorship and the consequent destruction of the Common Law. If, of course, Government is to become more and more centralised, and is to control all activities in the community by the creation of a Monopoly of resources and “social service” schemes which place the individual at the mercy of officials, no Constitutional safeguards of any description are possible. The totalitarians know this.

## **DEFEND THE CONSTITUTION**

What then, is to be done to defeat the menace threatening us? It may be argued that we need greater written Constitutional safeguards to restrict the powers of the Central Government and to protect local Government. It can be taken for granted that no Federal Government will sponsor any changes to the Federal Constitution which would limit the Federal Government’s powers. Such constitutional changes will have to be forced upon the Federal Government by a non-party and non-sectional campaign by electors who have thoroughly imbibed the political wisdom accumulated by their forefathers. But no worth-while Constitutional Convention could take place while there is such an appalling lack of knowledge on Constitutional safeguards.

The first essential is for responsible members of the community to give a lead by first obtaining a thorough understanding of fundamental Constitutional principles, as a prelude to encouraging their fellows to discuss them. The fundamental issue is merely common sense. No game can be successfully played unless players thoroughly understand the rules of the game and obey them. Society also needs rules, rules which, if generally respected and obeyed, ensure that individuals in free association can make provision for their own independence, knowing in advance exactly what the “rules of the game” are and how they will affect them.

The rules must strictly limit and define the power of Government to the absolute minimum commensurate with the legitimate function of Government. The rules having been laid down, it is then essential to protect them by resisting any attempts to break them or by-pass them.

**The League of Rights** exists to foster a more widespread understanding of our traditional British Constitutional safeguards as a preliminary to making them effective. No Constitution can survive in the absence of an enlightened public opinion. Such opinion must be immediately fostered.

Undoubtedly the most urgent task of all is to rally the entire community to defend the existing Federal Constitution, which stands as a barrier to the policies of the totalitarians. The Identity and methods of the totalitarians attacking our Federal Constitution must be exposed. Persistent educational work is urgently required to make the community “Constitution conscious.” Every policy which helps the totalitarians in their attacks upon the Constitution must be exposed and opposed. Having successfully defended the present Constitution and engendered a more widespread understanding of Constitutional safeguards, positive steps can then be taken to frame a new Bill of Rights, which will guarantee that there shall be that British and Christian society in which:

***“they shall sit every man under his own vine and under his fig tree; and none shall make them afraid.”***

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