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Title: **The Munich Olympics massacre and the development of counter-terrorism in Australia**

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Abstract:

Counter-terrorism is a product of government, identifying as its target a kind of violence defined as terrorism. This article explores a particular moment in this process, as an intersection of international, national and bureaucratic responses to the Munich Olympics massacre of 1972. Australian understandings of the development of counter-terrorism have been dominated by a number of themes – principally by the Hilton Bombing of 1978 and the subsequent acceleration of security re-structuring during the Fraser years, by the collapse of the Cold War focus of the security and intelligence agencies at the end of the 1980s and then by the ‘war on terror’ following 9/11 and the Bali bombing. Counter-terrorist planning was however an emerging business of government in the 1970s, in Australia as in its alliance partner the United States. While the Hope Royal Commission into intelligence agencies (1974-7) has dominated attention in accounts of the development of counter-terrorism, a 1972 Interdepartmental Committee on Terrorism and Violence in Australia anticipated many of its concerns. This paper contextualises the Munich massacre as one of the factors shaping a re-thinking of security and policing strategies in the early 1970s, a moment in the emergence of a modern government of terrorism.

Introduction

On 5 September 1972, at the Munich Olympic village, eight Black September commandos of the Palestine Liberation Organisation took hostage 11 Israeli athletes, trainers and officials. During the initial hostage-taking two of the Israelis were shot and killed. In protracted negotiations over the course of the day the German governments eventually approved a proposal for the hostages and their captors to be taken to Fuerstenfeldbruck airfield near Munich to be flown out of the country. At the airfield, a catastrophic series of events resulted in all the hostages and five of the captors being killed. The surviving Palestinians were later released by the German government during succeeding terrorist hostage taking. In retaliation the Israeli government struck at Palestinian locations in Lebanon and Syria; later the Meir government authorised the secret assassination of all those associated with the organisation of the operation at Munich. The inept handling of the crisis by the Federal German and Bavarian governments exposed to world view the vulnerability of states and peoples to well organised and determined terrorist attacks.¹

These events remain well known, in part through subsequent writing, a major film by Steven Spielberg, and the constant awareness of the disaster in the preparation for every subsequent Olympics. In a decade of spectacular terrorist violence across a wide range of countries, the Munich massacre remains a key event, most of all for its escalation of the Palestinian cause into international politics². In that impact it also elevated terrorism into an international law issue in the fractious politics of the United Nations. Horrific as the events appeared to western observers, the response of decolonised countries, the Soviet bloc and the communist Third World demonstrated that international co-operation on the prevention of terrorism was itself hostage to the politics of

¹ Simon Reeve, *One Day in September: The Full Story of the 1972 Munich Olympics Massacre and the Israeli Revenge Operation "Wrath of God,"* Reprint (New York: Arcade Publishing, 2011).

² Bruce Hoffman, *Inside Terrorism* (NY: Columbia University Press, 2006), 66; Louise Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat*, 1st ed. (New York: Random House, 2006), 94–5.

national self-determination and liberation³. In countries like Britain, which in 1972 was dealing with its own home-grown terrorism crisis in Northern Ireland, the Munich events catalysed urgent review of counter-terrorism security, within MI5 and beyond.⁴ The reaction of the United States has been considered decisive in the development of counter-terrorism, though it has been understudied.⁵ The Australian response is best read in the context of the actions of its major ally, the United States.

Australian reactions to the Munich events were of a kind with those of other western nations. Media response was more extreme than that of governments. An intemperate editorial in the country's only national broadsheet, *The Australian*, attacked the 'mad animals' who could do such things, recommending only their 'extirpation'⁶ (*The Australian*, 7 Sep 1972, p 8). The Australian government, kept informed during the course of the events by cable from the Australian embassy in Bonn, issued a condemnation and prepared for a parliamentary statement on the matter. The government was soon pressed to look more closely at its response. Within days of the massacre the United States Secretary of State wrote to the Australian Foreign Minister requesting Australian support for international measures against terrorism. By itself this was likely to prompt some attention to policy and co-ordination of actions against terrorism, at least within the Department of Foreign Affairs. But this communication and its reception in Australia had a context, international *and* local, as this article will explore.

The rather thin Australian historiography dealing with the history of security and counter-terrorism still falls in shadow of the Cold War, moderated by the impact of 9/11.⁷ Accounts of the

³ Ben Saul, *Defining Terrorism in International Law*, Oxford Monographs in International Law (Oxford: Oxford University Press, 2006), 198–9; Grant Wardlaw, *Political Terrorism: Theory, Tactics, and Counter-Measures* (Cambridge: Cambridge University Press, 1982), 105–8.

⁴ C. M Andrew, *The Defence of the Realm: The Authorized History of MI5* (Lane, Allen, 2009), 612–4.

⁵ Eppie Briggs, "The Munich Massacre: a New History" (Honours, University of Sydney Department of History, 2011), <http://hdl.handle.net/2123/7980>; Tim Naftali, *Blind Spot: The Secret History of American Counterterrorism* (NY: Basic Books, 2006), 54–77.

⁶ *The Australian*, 7 September 1972 p. 8.

⁷ Jenny Hocking, *Beyond Terrorism: The Development of the Australian Security State* (St Leonards, N.S.W: Allen & Unwin, 1993); Jenny Hocking, *Terror Laws: ASIO, Counter-terrorism and the Threat to Democracy* (Sydney: UNSW Press, 2004).

governance of security as an aspect of public policy and administration are rarer still.⁸ Published histories of ‘the Australian security state’ and of the Australian Security Intelligence Organisation (ASIO) draw largely on research conducted during the years in which ASIO was the devil incarnate of Australian security politics. The legacy of Cold War politics explains their preoccupation with the malformation of security in the service of political interests.⁹ In spite of the constraints on access to an often closed archive, there has been no shortage of material to construct an image of a security state dominated by pursuit of communist subversives and their allies in Australia.¹⁰ The gradual opening of the archives of intelligence and security has however also encouraged a more recent revisionist literature, contesting the picture of ASIO pursuing a phantom enemy, and taking more seriously the scale of Soviet threats to Australian national interests during the Cold War.¹¹

This article approaches its subject matter a little differently, seeking not so much to displace or take sides in this historiographical contest, but to approach the development of security policy as a concern of government more broadly. In examining the previously undocumented history of terrorism as a concern of government in the period preceding the Whitlam Labor government (1972–5) I conclude that the later mechanisms of counter-terrorism policy were already being shaped in the bureaucratic deliberations of 1972 in the wake of the Munich massacre. As in the United States, an important effect of Munich was to prompt government to think about terrorism as an enduring

⁸ Andrew O’Neil, “Degrading and Managing Risk: Assessing Australia’s Counter-terrorist Strategy,” *Australian Journal of Political Science* 42, no. 3 (2007): 471–487.

⁹ Mark Aarons, *War Criminals Welcome: Australia, a Sanctuary for Fugitive War Criminals Since 1945* (Melbourne: Black Inc., 2001); Frank Cain, *The Origins of Political Surveillance in Australia* (Sydney: Angus & Robertson, 1983); Frank Cain, *Terrorism & Intelligence in Australia: A History of ASIO & National Surveillance* (North Melbourne, Vic: Australian Scholarly Publishing, 2008); David McKnight, *Australia’s Spies and Their Secrets* (St Leonards, NSW: Allen & Unwin, 1994).

¹⁰ Phillip Deery, “‘Dear Mr. Brown’: Migrants, Security and the Cold War,” *History Australia* 2, no. 2 (2005): 40–1:40–12; Phillip Deery, “A Double Agent down Under: Australian Security and the Infiltration of the Left,” *Intelligence and National Security* 22, no. 3 (2007): 346–366.

¹¹ Desmond Ball and D. M Horner, *Breaking the Codes: Australia’s KGB Network 1944–1950* (Sydney: Allen & Unwin, 1998); David McKnight, “Partisan Improprieties: Ministerial Control and Australia’s Security Agencies, 1962–72,” *Intelligence and National Security* 23, no. 5 (2008): 707, doi:10.1080/02684520802449518; David McKnight, “Rethinking Cold War History,” *Labour History* no. 95 (2008): 185–196. The weakening of the bonds of Cold War historiography is likely to be accelerated by the production of the ‘official’ ASIO history, although only for the years to 1978 (in progress under the direction of Professor David Horner, ANU).

challenge to security, international and domestic, and to respond to it with a wide range of government resources. The co-ordination of government agencies, especially in a federation, became a leading concern, informing the later institutional framework for governing counter-terrorism that flowed from the Hope Royal Commission (1974-7).¹²

I deal first with the Australian dimension of terrorism, especially the impact of the Sydney bombings of Yugoslav Travel agencies a fortnight after Munich, events that quickly overshadowed the Munich massacre, and inflected Australian responses to the United States approach. Second, I consider the deliberations of this first governmental policy exercise in responding to terrorism, the 1972 Interdepartmental Committee on Terrorism and Violence in Australia. Finally I consider briefly the implications of these events and proceedings for the development of terrorism as an object of governmental attention. I suggest that one reading of this history is that counter-terrorism policy and law developed largely outside of ASIO's interest, and interests. This is in part because the complexity of this security threat was early seen as one that involved a large number of government agencies and responsibilities, international as well as domestic, public as well as private. From the beginning therefore the question for government was one of planning and co-ordination, not of concentration of the task in the hands of one particular agency.

International and domestic contexts

In 1972 terrorism was an ambiguous object of international attention. Although hi-jacking of aircraft had become a common experience in American domestic airspace during the 1960s it was more commonly associated with Cuban agitators and exiles than with anything like a widespread terrorist threat. It was not until the Palestinian hijacking of an Israeli El Al aircraft in July 1968 that international airline pilots took seriously the possibility of this threat to their future security.

¹² The Royal Commission on Intelligence and National Security (Commissioner Justice Robert Marsden Hope) was appointed by the Whitlam Labor government in August 1974 to report on the history, governance, practices and future of the intelligence and security agencies. Its reports (1974-7) were published only in part at the time, but were released in large part in 2008: for a detailed overview and guide to the reports and associated records see National Archives of Australia, "Royal Commission on Intelligence and Security – Fact Sheet 262," accessed March 13, 2012, <http://www.naa.gov.au/collection/fact-sheets/fs262.aspx>.

Naftali's account of the bureaucratic politics of emergent counterterrorism confirms time and again how slow American (and other) administrations were in detaching 'terrorism' from other forms of political violence, especially nationalist and revolutionary insurgency.¹³ International conventions attempted to limit the hijacking and criminalise perpetrators but it seemed that massive surveillance of goods and passenger movements were beyond contemplation and commercial possibility. If the events at Munich made a difference to this understanding it did so by shaking open the assumptions about the kinds of threat that might arise in a world characterised by mass transit in the air and mass media informing populations in real time about events a world away from their domestic environments. The way in which terrorism emerged as an object of government attention is best traced however not through macro-level interpretation of global change but through close scrutiny of government decision-making and communication. To appreciate the response of one (in this case the Australian) government to these events we need to appreciate the international as well as domestic contexts in which government was driven to any kind of response.

In Australian domestic politics, the Munich massacre became a catalyst for a ministerial intervention in a simmering Australian dispute about what to do with its own domestic challenges in managing terrorism, a word still eluding definition in 1972. To a country unused to experiencing extreme political violence, the actions during the late 1960s and early 1970s of Croatian immigrants in Australia agitating against the communist government of Yugoslavia were confounding. Although the actions seemed primarily oriented towards preparations for armed insurgency inside Yugoslavia, bombing and assassination against enemies of Croatian ideals had taken their toll, and were the principal manifestation of fatal political violence in Australia at this time. The Australian government, a Liberal-Country Party coalition in power since 1949, was ideologically anti-communist, its rule virtually coincident with the duration of the Cold War. Parts of its supporting political party machine, especially the New South Wales Liberal Party, were compromised by their association with immigrant interests of dubious political leaning. During 1972 the government was under repeated

¹³ Naftali, *Blind Spot*, 23–40 and passim.

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attack for its failure to respond to evidence of some Australian Croats training for and eventually participating in cross-border attacks in Yugoslavia. Only shortly before the events at Munich a number of Australians were killed in one such attack; the Australian government was heavily criticised by the Yugoslav government for its failure to deal with the Croatian extremists in Australia. The Labor Party in opposition saw a government, and especially its chief law-maker, Attorney-General Ivor Greenwood, compromised by its political leanings, failing to address its international obligations to respect the integrity of other states and to guard properly the interests of foreign governments and representatives in Australia.¹⁴

It was not until after the events at Munich that such criticism appeared to hit home. Against the background of much criticised indifference to the political violence associated with Croatian nationalist campaigns against the Yugoslav government, on 20 September Foreign Minister Nigel Bowen wrote to Attorney-General Greenwood asking him to review 'existing legislation and practice in Australia in the field of detecting and countering terrorist activities'. Bowen's letter followed his receipt of a letter from US Secretary of State William Rogers following the Munich massacre. Rogers had requested advice on 'possible international measures of co-operation to combat the activities of terrorist groups'.¹⁵

The United States had responded with apparent urgency to the Munich events, which ensured that 'the terms counterterrorism and international terrorism formally entered the Washington political lexicon'.¹⁶ On 6 September, the day after the massacre, President Nixon met with Secretary of State Rogers and the national security adviser Henry Kissinger. Following the meeting Nixon asked Rogers to 'undertake an urgent review of existing international and domestic measures to control and prevent terrorism'. In turn, Rogers established two committees, one

¹⁴ Aarons, *War Criminals Welcome: Australia, a Sanctuary for Fugitive War Criminals Since 1945*, 423–434; McKnight, *Australia's Spies and Their Secrets*, 171–81, 250–57. For the Labor opposition's criticism see Jenny Hocking, *Lionel Murphy: a Political Biography* (Melbourne: Cambridge University Press, 1997), 145–6.

¹⁵ Bowen (Foreign Affairs) to Greenwood (Attorney-General), 20 September 1972, 'Interdepartmental Committee on terrorism, violence in Australia', National Archives of Australia (NAA), A432 (A432/21), 1972/7013.

¹⁶ Naftali, *Blind Spot*, 55.

(headed by Joseph Sisco, the Assistant Secretary of State for Near Eastern and South Asian Affairs) to deal with international aspects, the other (the Donelan Committee, chaired by Joseph Donelan, Assistant Secretary of State for Administration) to look at domestic impacts including 'the use of United States territory as a base for terrorist operations elsewhere'. By the end of September the President had appointed a Cabinet Committee to Combat Terrorism (CCT), chaired by the Secretary of State, with nine other members.¹⁷ The Committee was a high level but constrained response – it would meet only once. A recent review of this history, drawing on the archives of the White Office and the State Department, has contextualised this response against the Nixon-Kissinger desire to manage the Middle East conflict, especially at a time when the foreign policy priority was détente with the Soviet Union.¹⁸

Australian officials in Washington were briefed some weeks later on the scope of the United States response.¹⁹ The response included decisions by the US Administration to require travel visas even for passengers in transit; and to set in place various safeguards and warnings regarding Arab visitors and students, including the deportation from the United States of 'all aliens who expressed sympathy for Palestinian terrorist organisations'. By mid-October the Sisco Committee had also initiated the US proposed draft convention at the UN, endorsed through the Cabinet Committee to Combat Terrorism at its sole meeting in late September. Sisco was examining links between international terrorist organisation and also looking at boosting international research on terrorism. The sensitivity of the Administration to the broader international context was also seen in reported

¹⁷ The other members included the Secretaries of Defence, Transportation, Treasury, the Attorney-General, the Director of Central Intelligence, the US Ambassador to the UN, the Director of the FBI and the Assistants to the President for National Security (Kissinger) and Domestic Affairs (Erichman): see Nixon to Rogers, 25 Sep 1972, *Foreign Relations of the United States, 1969-1976, vol. 1 (FRUS)*: Doc 110 (<http://history.state.gov/historicaldocuments/frus1969-76ve01/d110>).

¹⁸ See Briggs, "The Munich Massacre: a New History". For the extraordinary machinations of the White House working covertly against the State Department's promotion of a Middle East settlement see Salim Yaqub, "The Politics of Stalemate: The Nixon Administration and the Arab-Israeli Conflict, 1969-73," in *The Cold War in the Middle East: Regional Conflict and the Superpowers 1967-73*, ed. Nigel J. Ashton (London: Routledge, 2007), 35–58.

¹⁹ Savingram from the Australian Embassy, Washington to the Department of Foreign Affairs, 16 October 1972: United States: the campaign against terrorism, 'Interdepartmental Committee on terrorism, violence in Australia', NAA A432 (A432/21), 1972/7013.

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concerns ‘that over-eagerness amongst members of Congress could lead to ill-considered anti-terrorist legislation’. The Administration was concerned about how to handle a Congress resolution passed the day after the massacre calling for ‘suspension of aid to any country supporting terrorism’. While Jewish lobby groups were important in US politics, Arab business interests were also significant, and the politics of oil security was slowly beginning to make its presence felt in US thinking. The White House tapes record Nixon’s and Kissinger’s shared reservations about demonstrating too overt an official support for Israel. Briefing Kissinger before the meeting with Nixon and Secretary of State Rogers, a State Department advisor counselled caution in American reaction: ‘We will want to identify with Israeli sorrow and bitterness, but it would not be in our interest to do this in a way that closes off our options to work with both Arabs and Israelis to produce a peace settlement.’²⁰ The task was to convey sympathy to the Israelis without committing the US to an official position that might run the risk of supporting Israeli retaliation. Hence Kissinger’s ingratiating support for Nixon’s proposal that the President might demonstrate his personal compassion for the victims of Munich by attending a small church near the White House rather than appearing officially at a memorial service.²¹

As much as the US government appeared very active it was also evident that there were problems of strategy choice – was it better to concentrate on contingency planning, or to take a more aggressive approach to stamp out the sponsors of terrorism? By the time the Australian officials received their briefing from the State Department (Intelligence and Research) officers who also sat on these Committees, it was evident that there was a division over priorities in anti-terrorist policy and planning. Against the idea of better contingency planning, Israel had already indicated its preference for attacking the terrorist organisations themselves. The State Department officers tended to agree. They gave as an example the alarming news that the US had received information

²⁰ Hoskinson to Kissinger, 6 Sep 1972, FRUS, Doc 92: <http://history.state.gov/historicaldocuments/frus1969-76ve01/d92>.

²¹ Conversation of Nixon, Kissinger and Haldeman (White House Tapes), 6 Sep 1972, FRUS, Doc 95: <http://history.state.gov/historicaldocuments/frus1969-76ve01/d95>.

‘two weeks before the Munich outrage that a member of the Black September organisation – after a visit to Europe - had expressed himself satisfied and said within two weeks a certain event would “rock the world”. The problem had been to determine the nature of the projected event and where it was likely to take place’.²² Nevertheless the events of Munich had prompted immediate action to increase protective security at the UN and other international meetings in New York.

An almost immediate priority following Munich was to canvass international support for action on terrorism. On the day after Munich the Australian Ambassador in Washington, James Plimsoll, was called in by Sisco’s Far Eastern Affairs counterpart in the State Department, Marshall Green (appointed the following year as US Ambassador in Canberra). Green told Plimsoll the President wanted to ascertain ‘from other governments whether they had any ideas on what action could be taken to prevent further endangering of lives of innocent persons such as travellers and diplomats.’ The ambassador asked what measures the United States had in mind. Green advised that the US hoped for agreement to its proposals on hijacking; there was already some indication that a previously resistant Britain was now changing its mind. The US was also considering action at the UN General Assembly but did not want the whole Middle East question brought up at present and there were risks in getting only a ‘watered-down resolution’. Plimsoll agreed, adding that it was necessary to ‘avoid being left with a resolution which a substantial number of countries had voted against and which might result ... in the Africans and Arabs being lined up together’. These speculations anticipated the difficulties faced subsequently by the United States as it pursued a Draft Convention on Terrorism through the UN General Assembly.²³

Plimsoll’s caution was replicated in the official Australia reactions to Munich. Prime Minister William McMahon was prompt enough in conveying the government’s sympathy to the Israeli Prime Minister. But like Washington, the Australia government was cautious in committing itself to a

²² Savingram, NAA A432 (A432/21), 1972/7013 (n. 18 above).

²³ Cablegram (Plimsoll) to Foreign Affairs, 6 Sep 1972, ‘Terrorist attack on Israeli athletes competing at the Olympic Games, Munich 1972,’ NAA A1209, 1972/6887.

particular position. For many governments indeed the question was whether the Munich events demanded more than was already in play in the slowly grinding wheels of international diplomacy. So it was only when pushed by the Australian Jewish lobby, and especially after Labor member of parliament Barry Cohen signalled his intention to move a parliamentary motion condemning the attacks, that the government developed a position to ensure that the resulting statement would be one that it could own. The Australian response, like those of other nations, was complicated by the Israeli strikes against Palestinian positions in Syria, Lebanon and Jordan over the weekend following the Munich killings. These were reported to have resulted in up to 200 casualties, with many deaths. Following these raids, Sir Keith Waller, Secretary at Foreign Affairs, advised the Prime Minister's office on 11 September, that a 'resolution by the House condoling the death of eleven Israelis would be badly received in the Arab world in the light of the casualties suffered by the Arabs' in the reprisal raids. The mood in government was to leave the matter as far as possible in the hands of Foreign Affairs.²⁴

This then was the Munich background to the Australian Foreign Minister's letter to Attorney-General Greenwood on 20 September. But by the time that letter was sent a simmering domestic crisis over Croatian terrorism in Australia had been brought to a head. The deaths of a number of Australian Croatians during an armed incursion into Yugoslavia had prompted a renewed protest by the Yugoslav government on August 19 over the need for Australian action against Croatian extremists who had a long and violent record of attacks on Yugoslav interests and people. Less than two weeks after the Munich massacre, on Saturday 16 September, bomb attacks on two Yugoslav travel agencies in central Sydney destroyed one of them and injured a large number of civilians, two of them critically. Although the jurisdictional responsibility for such an attack was the business of the New South Wales police, the incident could not be separated from the wider question of Australia's approach to terrorism, within as well as outside its borders. Divisions within the government were

²⁴ See especially Bunting (Prime Minister & Cabinet), 9 September and Waller (Foreign Affairs) 11 September: 'Terrorist attack on Israeli athletes competing at the Olympic Games, Munich 1972,' NAA A1209, 1972/6887.

immediately evident, and widely publicised.²⁵ In the immediate aftermath of the Sydney bombing McMahon was interested in the possibility of a Royal Commission. This may have been a gesture by a politically desperate Prime Minister, although there are signs that McMahon was one of those who disagreed with Greenwood's seeming disinterest in forceful action over Croatian violence.²⁶ Indeed it might be that McMahon, like Bowen, took advantage of the international pressure created by the Munich events to ensure that his government would finally be seen to be doing something about Croatian terrorism. Yet there was significant opposition within the bureaucracy to the idea of a Royal Commission. On the Monday after the Sydney bombing, before Cabinet met, the head of Prime Minister and Cabinet (Sir John Bunting) discussed with the Secretary of Attorney-General's Department (Clarrie Harders) the constitutional as well as legal problems constraining a possible Royal Commission – as Bunting noted after this discussion, the Commonwealth might have power to investigate violence among migrants but 'violence generally' was another matter.²⁷ The point was a constitutional one – the federal government had responsibility for migration (and hence migrants), but the States of the federation retained power to respond to 'domestic' violence through their police and criminal law powers. In Cabinet itself there was however agreement that something needed to be done and the Attorney-General was tasked with bringing forward a submission on possible courses of action in response to the increasing violence.

Bowen's letter to Greenwood on 20 September thus addressed international *and* domestic issues that had coalesced through dramatic escalations of political violence in the previous fortnight. The Foreign Minister started with the US request for collaboration and advice on Australian actions

²⁵ E.g., *The Australian*, 19 September, 20 September 1972 for cartoons ridiculing the Attorney-General and reports of divisions between ministers over response to political violence.

²⁶ Aarons, *War Criminals Welcome: Australia, a Sanctuary for Fugitive War Criminals Since 1945*, 428.

McMahon's annotations (29 September) on a draft Cabinet submission from Attorney-General's Department show that he emphatically disagreed with the arguments against appointing a Royal Commission, but agreed that the submission itself be listed for Cabinet discussion: 'Notes on submission', 'Terrorism and violence in Australia', (p. 35) NAA, A5882, CO1528.

²⁷ Bunting file note, 18 Sept 1972, 'Terrorism and violence in Australia' (Cabinet file re decision 1406, 10 Oct 1972, including Submission 896) NAA A5882 (A5882/2), CO1528. Although there was a Commonwealth Police Force its jurisdiction was limited to federal territories and to matters affected by Commonwealth criminal and other laws.

as part of an international response, but his preoccupation was the more immediate domestic challenge faced by Australia in dealing with a foreign government, Yugoslavia, which was under attack from Croatian nationalists resident in Australia. Bowen advised Greenwood that the US was pursuing ratification 'by as many governments as possible of The Hague and Montreal Conventions against hijacking and sabotage in civil aviation'. The government was already committed to ratifying the convention on hijacking.²⁸ Bowen also referred to another proposal that was being considered, a reference of the problem of anti-terrorist measures to the International Law Commission. This would have as its aim the development of an international convention 'aimed at outlawing acts of violence directed at one country's government or nationals in the territory of another'. Such a proposal of course also addressed the particular circumstances of the need to confront violence against Yugoslav diplomats and nationals in Australia.

Bowen then flagged the need for Australia to attend more to threats within its own jurisdiction. In doing so he was treading carefully. As we have noted earlier, the Attorney-General was increasingly criticised, even ridiculed, for his denial of the scale of political violence in Australia associated with the activities of Croatian nationalists against the Yugoslav government's diplomatic mission. The Foreign Affairs Minister was on solid ground in questioning whether Australia was doing enough to observe its obligations to protect foreign diplomatic and consular staff in Australia, obligations which, he said, 'have become more difficult to discharge'. He floated the possibility that the government might examine the feasibility of registering 'foreign ethnic organisations', with a view to limiting their use in political agitation. While acknowledging the political sensitivity around official interference or infringement of civil liberties, he drew attention to 'recent incidents of bomb-throwing, flag-burning and intimidatory behaviour coupled with insults directed against foreign missions and their governments with whom Australia enjoys friendly diplomatic relations'. In pressing the urgency of a review of 'legislation and practice' bearing on the protection of diplomatic

²⁸ The Convention was ratified by the Commonwealth Parliament in one of the last legislative acts of the McMahon government, the *Crimes (Hijacking of Aircraft) Act 1972*, which entered into force in Australia on 9 December, a week after the election of the Whitlam Labor government.

missions Bowen concluded by reminding Greenwood that the Secretary-General of the United Nations had by now requested that the General Assembly address measures to prevent terrorism in its imminent meeting, which Bowen was planning to attend.²⁹

In sum, an Australian government response to the escalation of terrorist violence expressed at Munich had both international and domestic contexts. Like other nations within the US circle, Australia felt drawn to express sympathy with Israel, without abandoning its need to avoid further antagonising Arab states. Without the escalation of domestic political violence Australia's response to Munich seems likely to have been limited to support for further international agreement on anti-terrorist measures, through the United Nations and its allied international bodies such as the International Civil Aviation Organization.³⁰ The domestic political fallout from a Sydney bombing that involved significant civilian casualties made it impossible for the government to limit its response to terrorism to the remit of Foreign Affairs. From this conjunction of international and domestic events and pressures developed a larger agenda, one that had the elements of making 'terrorism' an object of government policy.

Recognising political violence

The Interdepartmental Committee on Terrorism and Political Violence in Australia was the origin of an enduring interest of the federal government in the significance of domestic safety and security. It was the first policy-focussed attention to the problem at a Commonwealth level. It represented a significant departure from existing approaches that had since the 1940s relied on the Australian Security Intelligence Organisation (ASIO), with its focus on domestic political subversion more than violence, and on police. Indeed with criminal law and policing in Australia substantially the responsibility of the States, it was arguable how far ASIO might be concerned with the activities

²⁹ All material quoted in these two paragraphs: Bowen to Greenwood, 20 September 1972, 'Interdepartmental Committee on terrorism, violence in Australia', National Archives of Australia (NAA), A432 (A432/21), 1972/7013.

³⁰ David Mackenzie, *ICAO: A History of the International Civil Aviation Organization*, 1st ed. (University of Toronto Press, Scholarly Publishing Division, 2010).

of people (like the Croatian nationalists) whose fundamental concern was not the subversion of the Australian but of another state. Yet when the violent activities of such groups had collateral damage in Australian daily life, the questions asked of government became more demanding. The Interdepartmental Committee on Terrorism and Political Violence was a compromise, a concession by a government initially reluctant to concede that there were threats to national security other than those coming from the left of the political spectrum. It was an alternative to the appointment of a Royal Commission, an inquiry that had been widely demanded as the number of bombings increased and which the Prime Minister supported.

Following its direction to the Attorney-General on 19 September, Cabinet considered the problem of political violence at its meeting on 10 October 1972, a day on which the Prime Minister also announced the federal election date of 2 December. Greenwood's submission to Cabinet outlined the evidence for increasing political violence over the previous three years. An appendix to the submission identified (on the basis of information prepared by ASIO and the Commonwealth Police) more than 100 incidents of political violence over the previous decade. The great majority of these were arson or petrol bomb attacks against the premises of various political targets, including embassies, political and ethnic organisations, and multi-national companies involved in the supply of materials for the US military in Vietnam. A great many incidents involved Croatian nationalist attacks on interests or personnel associated with the Yugoslav government, although the attempted murder of the Leader of the Opposition Arthur Calwell by the mentally disturbed Peter Kocan in 1966 also made it onto the list. So too did the militancy of the NSW Builders Labourers Federation, a militant union under the leadership of 'Green Bans' campaigner Jack Mundey which had invaded the Sussex St Headquarters of the NSW Labor Party in 1970.³¹

³¹ Cabinet submission (Greenwood), 10 October 1972, 'Terrorism and violence in Australia - Decision 1406' NAA A5908 (A5908/1), 896. The Green Bans were instituted to stop destruction of urban heritage and housing in inner-city Sydney, an early and popular campaign supporting environmental amenity of the city.

In summarising the evidence of violence, Greenwood's submission identified a number of key areas for attention. First among these was 'Yugoslav migrant groups', followed by 'Conflict between Arab states and Israel', ahead of 'Politically motivated violence in Australian organisations'. The last covered a wide array of groups including the self-styled 'People's Liberation Army', National Socialists, Aboriginal activists, the Communist Party and others. Greenwood's reluctance to address the scale of Croatian nationalist violence was evident in his comments, which gave much space to the allegation (sourced from German and Canadian intelligence) that Yugoslav government agent provocateurs and secret police were active in Australia and a source of the problems.³² All the same the submission acknowledged that the violence associated with Yugoslav communities in Australia was the most serious problem to be addressed. The Attorney-General noted that in the weeks since the earlier Cabinet decision of 19 September there had been a number of letter bombs mailed to the Israeli embassy in Australia. He also reported that there was no evidence that the 'Black September Movement, which was responsible for the atrocities at Munich', was active in Australia. But the mobility of members of extremist movements was noted.³³

In recommending a response, the Attorney-General argued at some length against the appointment of a Royal Commission, on constitutional and political grounds. McMahon disagreed strongly, but his view did not prevail in Cabinet. Greenwood identified Commonwealth-State co-ordination as a key objective in 'preventing terrorism and violence in Australia', and floated the idea of a 'special joint Commonwealth-State task force'. This proposal anticipated an important mechanism that developed as the foundation of Australian governmental strategies during the Whitlam (1972-5) and Fraser (1975-1983) governments. Greenwood also reported the creation within Attorney-General's Department of a special unit 'consisting of senior officers of my Department, ASIO and the Commonwealth Police to establish full co-ordination of effort of these

³² The foreign intelligence was the reason for the classification of the submission as 'Secret', a decision taken by the head of Attorney-General's: see Harders to Bunting, 29 Sep 1971 (p. 48) 'Terrorism and violence in Australia', NAA A5882 (A5882/2), CO1528.

³³ Cabinet submission (Greenwood), 10 October 1972, 'Terrorism and violence in Australia - Decision 1406' NAA A5908 (A5908/1), 896.

Commonwealth agencies in the field of political violence and terrorist activities and to provide information expeditiously to Departments and Government'.³⁴ The scope of 'political violence' in the imagination of government is evident in McMahon's annotated copy of the submission at this point. The Prime Minister highlighted Greenwood's mention of the 'special unit' and added 'Labour & National Service' to the list of agencies that should be involved. McMahon's suggestion highlights the contemporary perception of the scale of problems associated with industrial relations and union militancy, as well as the aggravated sore of conscription of 20 year old males for national military service.³⁵

Cabinet agreed to suspend a decision on a Royal Commission, opting instead for an Interdepartmental Committee, with the Prime Minister left to determine its membership. As the Committee subsequently discovered, there were no specific terms of reference. Rather the Committee was to report on two items – first, the steps necessary to establish a Royal Commission; second, Cabinet decided that 'it also wanted to be in a position, at short notice, to take an initiative with the States for greater co-ordination between State and Commonwealth law enforcement agencies in relation to political and industrial violence and terrorism in Australia, including as to hijacking'. Cabinet had considered a possible meeting of Commonwealth and State ministers. But the Prime Minister had been warned before the meeting that 'we should not expect it will result in speedy action'.³⁶

The Interdepartmental Committee on Terrorism and Political Violence

Implementing the Cabinet decision, the Department of Prime Minister and Cabinet took the lead role in determining the membership of the Committee, with the Prime Minister approving the final membership. Attorney-General's was charged with chairing and co-ordinating the Committee,

³⁴ Ibid.

³⁵ MacMahon notes on submission, 29 Sep 1972, 'Terrorism and violence in Australia', NAA A5882 (A5882/2), CO1528.

³⁶ 'Notes on Cabinet Submission no 896', PM & C, 10 Oct 1972 'Terrorism and violence in Australia', NAA A5882 (A5882/2), CO1528.

the other core members being Foreign Affairs, Immigration, Labour and National Service and Prime Minister and Cabinet. These departments were usually represented at committee meetings by two officials, as were co-opted departments including Civil Aviation, Customs and Excise, Interior, and the Commonwealth Police Force. An officer from the domestic intelligence agency, ASIO attended only the second meeting, making only two contributions in which he appeared to disavow the relevance of the matters being considered; ASIO's role was concerned, he said, with the internal security of Australia.³⁷ Yet it is evident from the list of departments represented on the committee that 'terrorism and violence' was conceived as something covering a wide range of external *and* internal threats. The committee was attended also by Defence Force representatives, from Navy and Air Force, though not from Army. In retrospect, in view of the call-out of the land forces after the Hilton bombing in 1978, this may appear a striking omission.³⁸ The absence of the Army from these 1972 discussions is best explained by the very specific constructions of terrorism and political violence at the time – internal political violence was seen very much as the business of the (State) police forces, with ASIO providing local intelligence. The key department of Labour and National Service was early identified by Prime Minister and Cabinet as having an interest 'because of their responsibilities in the industrial field as well as national service as a potential cause of violent demonstrations'. Its relevance was regarded by some in Prime Minister and Cabinet as more marginal; but when the list went to McMahon he excised Treasury (originally nominated by his Department) and inserted Labour and National Service. The reasons for the presence of other departments are more transparent but not always predictably described. Foreign Affairs might be thought central, especially because of the questions of international policy, including responsiveness

³⁷ Minutes of 2nd Meeting,, 30 October 1972, 'Interdepartmental Committee on terrorism, violence in Australia,' NAA A432 (A432/21), 1972/7013.

³⁸ Hilton bombing: on 13 February 1978 a bomb exploded in a rubbish bin outside the Hilton Hotel in Sydney, where the first Commonwealth Heads of Government Regional Meeting (CHOGRM) was about to begin. Two civilians and a police officer were killed; in subsequent controversial action the government declared a state of emergency and invoked the defence power to call out the army to patrol the region around Bowral, near Sydney, where delegates attending CHOGRM were to visit for two days: Hocking, *Terror Laws: ASIO, Counter-terrorism and the Threat to Democracy*, 82–100; Michael Head, "Thirty Years Since Sydney's Hilton Hotel Bombing: Unanswered Questions," *Legal History* 12 (2008): 241; H. P Lee, *Emergency Powers* (Sydney: Law Book Co., 1984), 195–99.

to US concerns, and to the United Nations agenda – but Prime Minister and Cabinet described its stake as owing to ‘relations with other countries, eg Yugoslavia, and their responsibilities towards Embassies and Consulate premises in Australia’. The Department of Immigration was nominated because of its ‘knowledge and responsibilities for the migrant communities’, to which was added ‘also passport control’. The ‘domestic’ character of this focus on terrorism informed such rationales. This proved not to match the emphasis of the committee in its later considerations, when it came to focus on the security of air transport against the terrorist weapon of choice, hijacking – which was indeed the only clearly identified form of violence in the Cabinet decision of 10 October.

The Interdepartmental Committee (IDC) met first on 26 October and refined its report to the government in four subsequent meetings over the following three weeks. The *scope* of terrorism was at heart of the issue of what might be done about it. In one respect the issue was inchoate – at its first meeting not only was the Committee unsure about the extent of its brief, since it had been given no terms of reference, other than a requirement to advise on the feasibility of a Royal Commission. It was also unclear what boundaries might be put around the subjects of terrorism and violence. The Attorney-General’s Department had prepared a definition of the committee’s subject matter, as ‘political and industrial violence and terrorism in Australia, including hijacking’. This phrasing was said to embrace two categories of violence:

1. ‘Isolated acts of violence intended to further a political or industrial aim, or a short series of such acts (eg demonstrations or riots lasting a few hours);’ and
2. ‘a series of acts of violence, connected in some way, done for any purpose, whether political, industrial, religious or racial, and amounting to a campaign intended to inculcate fear in the community at large’.

The Commonwealth Police Commissioner (Jack Davis) immediately wondered whether hijacking could be fitted into this definition. And a senior public servant in the Department of Prime Minister

and Cabinet, the Deputy Secretary Peter Bailey, who attended only the first meeting of the Committee, spoke strongly in favour of *limiting* the scope of reference in respect of terrorism. 'The main aim of the Committee should be to look to what contingency planning should be done by the Government', Bailey said, '[n]ot just "Law and Order" was involved'. The definition 'should cover only, for example, bombing incidents plus some other matters, rather than the whole field of terrorism less some matters'.³⁹

The interventions by Davis and Bailey were of an order with the subsequent focus of the committee on aviation security. Hijacking dominated the committee's imagination for a number of reasons – it was the pre-eminent policy issue in international anti-terrorist agendas at this time, the subject of three separate conventions since 1963⁴⁰; it was associated directly with the disastrous management of the Munich Olympics action of Black September; and internal evidence from Australia (gathered by the committee) suggested the vulnerability of local security arrangements at civilian airports. The committee considered data provided by the Department of Civil Aviation on bomb threats made against aircraft in Australia since 1964. These had peaked in 1971, with no sign of abating in 1972. Late in the committee's deliberations aviation and airport security intruded with immediate effect in two new items of advice. First, the committee was advised through the Australian Embassy in Bonn that the German government had placed Sydney airport on its 'danger list'. The German airline Lufthansa consequently reviewed its security at Sydney and employed a private security firm to assist the airline's operations there. Second, on 15 November an Ansett Airlines (Australian domestic) aircraft was hijacked near Alice Springs; subsequently the hijacker killed himself during police containment of the hijacking scene.⁴¹ Such items, included in the final draft report, amplified the local impact of the Munich events and the continuing international threat of hijacking. Their connection to the hitherto muted relevance of Arab militancy was highlighted in

³⁹ All quotes from Report on First Meeting, 26 Oct 1972, 'Interdepartmental Committee on terrorism and violence in Australia', (fol 146-8), NAA A432 (A432/21), 1972/7013. Bailey attended only the first meeting of the committee.

⁴⁰ Mackenzie, *ICAO*, 246–75; Naftali, *Blind Spot*, 19–25, 32–41, 60–8.

⁴¹ Third Draft report (fol 163), 'Terrorism and violence in Australia', NAA, A6980, S250688.

the Department of Civil Aviation's warning that 'public statements by political identities which can be construed to be pro-Israeli will almost certainly increase the risk of violence (including hijacking) against Qantas'.⁴² The Qantas Security Organisation was consequently one of the key agencies identified by the Interdepartmental Committee as having a stake in their considerations. This interest was not solely one of security – during discussion of the draft report it became clear that there was some concern at Qantas about the potential impact of Australian political responses on the Middle East situation, which might affect Australian use of these routes by Qantas.⁴³

In spite of events that followed in early 1973 (when Attorney-General in the newly-elected Labor Government, Lionel Murphy determined to assert his authority over ASIO in a disastrous public 'raid' on the organization's headquarters following allegations of attempts to cover-up the previous government's record on terrorism⁴⁴), there is little evidence in the draft final report of the 1972 committee that suggests an inclination to diminish the seriousness of Croatian terrorism in Australia. What the Interdepartmental Committee provided was an occasion for a broad sharing of information and questions about security across a large number of departments. The contemporary urgency of dealing with aircraft hijacking, an international matter of the first order that had been addressed by the United Nations and ICAO, was reflected in the large degree of attention paid to Australian management of security emergencies including hijacking and bombing. In spite of the early attention of the committee to 'industrial violence' and political violence associated with demonstrations, the lessons from Australian experience did not suggest a need for anything other than local police attention – with the Commonwealth Police stressing the importance of information sharing and liaison with the other jurisdictions. Other than aviation security, the focus of the final draft report was on assessment of likely threats arising from ethnic or political groups. Assessment

⁴² Third Draft report (fol 156), 'Terrorism and violence in Australia', NAA, A6980, S250688.

⁴³ Draft Report, 7 November 1972, fol. 121, 'Terrorism and political violence in Australia', NAA, A6980, S250688. The collateral damage to commercial interests through unilateral government action was evident elsewhere, for example in the concern by United States national security officials in 1970 that boycotts of unsafe airports not result in disadvantage to American airlines: Naftali, *Blind Spot*, 50.

⁴⁴ Cain, *Terrorism & Intelligence in Australia*; Richard Hall, *The Secret State: Australia's Spy Industry* (Stanmore, N.S.W.: Cassell Australia, 1978); Hocking, *Lionel Murphy: a Political Biography*.

of threats was provided by the Commonwealth police, and by Immigration, which had a long record of assessing security risks of migrants.⁴⁵ Prompted by the events at Munich and other threats to aviation security, the Department of Customs and Excise (responsible for managing passenger entry at Australian international airports) accelerated its review of entry arrangements in consultation with the Immigration Department. Yet Immigration was also conscious of the need for sensitivity in any security policies affecting particular ethnic groups. Australia, it stressed, had accepted more than 3 million migrants since the war; it was important to avoid encouraging hostility to any particular group. Finally, we should also note that the Interdepartmental Committee registered, though it did not provide policy guidance for, the need for contemporary evaluation of legal frameworks for maintaining effective security – in this case, with respect to *definition* of violent offences as well as the need to review the regulation of firearms and explosives. Notably at this time there was no contemplation of special legislation covering ‘terrorism’.

A fortnight after the fourth meeting of the Interdepartmental Committee, the election of a new government brought an end to the committee and its deliberations. Sensitivity about the Interdepartmental Committee as part of the previous government’s policy record was evident in the events precipitating and following the Murphy ‘raid’ on ASIO in March 1973.⁴⁶ The ‘draft’ final report remained just that. Its agenda of concerns overlapped with those that would emerge more starkly in the years that followed, first with the Hope Royal Commission (appointed in 1974 to inquire into Australia’s intelligence agencies) and subsequently with the more permanent inter-governmental collaborative mechanisms that emerged after the Hilton bombing in 1978.

⁴⁵ Deery, “‘Dear Mr. Brown’: Migrants, Security and the Cold War”; Mark Finnane, “Controlling the ‘alien’ in Mid-twentieth Century Australia: The Origins and Fate of a Policing Role,” *Policing and Society* 19, no. 4 (2009): 442–467; Klaus Neumann, *In the Interest of National Security: Civilian Internment in Australia During World War II* (Canberra: National Archives of Australia, 2006).

⁴⁶ The controversy developed out of the Labor government’s attempts to indict politically the previous government’s evident inaction on Croatian violence. Attempts by Labor staffers to access the committee files were resisted by the permanent officers of the public service: see especially ‘[Sir John Bunting: Copies of Outward Correspondence] Secretary’s Pinks, March 1973’, NAA, M319, 43 Part 2; and [Sir John Bunting: Copies of outward correspondence] Secretary’s ‘pinks’, April 1973, NAA M319, 44.

Conclusion

The hostage-taking and massacre at the Munich Olympics by the Black September wing of the Palestine Liberation Organisation was the most significant single event escalating attention to the threat of international terrorism in the 1970s. It precipitated United States intervention through sponsorship of the Draft Convention on Terrorism at the United Nations General Assembly a few weeks after the massacre. In preparing for that intervention the United States sought support from its allies. By the time the Australian Foreign Minister travelled to New York to speak at the General Assembly on measures to prevent terrorism, events in Australia had accentuated the need for *domestic* as well as international action.

The Australian government's response to these events has been overshadowed by the crisis in domestic security governance precipitated by the Murphy 'raid' on ASIO in 1973. In the hysteria surrounding that event any chance of a sober look at bureaucratic proceedings of the kind undertaken by the Interdepartmental Committee was lost and the Committee's work forgotten. This intervention by the new Labor Attorney-General expressed the antagonistic Cold War politics of domestic security that had developed in the two decades since the Petrov Royal Commission in 1954 following the defection of Soviet embassy officials Vladimir and Evdokia Petrov.⁴⁷ Its precipitating event was Murphy's suspicion that the domestic intelligence agency (consistent with the previous government's political leanings) had gone soft on Croatian terrorists who were targeting the communist Yugoslav government. Domestic security has thus been seen in retrospect as something focussed above all on ASIO's mischievous and unaccountable political policing role, even though Murphy himself relied on ASIO evidence about Croatian actions to throw scorn on the record of the previous government's Attorney-General regarding Croatian terrorism.⁴⁸ The later events of the Hope Royal Commission have also contributed to the focus on intelligence agencies as the core of

⁴⁷ Robert Manne, *The Petrov Affair: Politics and Espionage* (Sydney: Pergamon, 1987).

⁴⁸ See especially Murphy's speech to the Senate, Commonwealth of Australia Parliamentary Debates, *Senate Official Hansard*, 27 March 1973.

Australian security governance, only slowly displaced by the inter-governmental arrangements that developed during the Whitlam and Fraser years as a context for a more wide-ranging governance of security. Recent research on the history of critical infrastructure policy has highlighted the importance of a security history and politics that is not focussed alone on intelligence agencies, but instead looks at a wide range of government actions that are constantly engaged in the security business.⁴⁹

Three decades before 9/11 and the Bali bombing, the Interdepartmental Committee on Terrorism and Violence in Australia brought together a wide range of government agencies and responsibilities focussed broadly on responding to political violence and terrorism. The Committee was appointed in the wake of two sensational events, first the Munich massacre, second the bombings of the Yugoslav travel agencies in Sydney. The Australian government was divided in its response to these events, with the Prime Minister leaning towards a Royal Commission, the Foreign Minister wanting to demonstrate Australian commitment to international measures against terrorism, and the Attorney-General suspected of being soft on the activities of right-wing extremists in Australia. When the government determined to establish an Interdepartmental Committee it also signalled the complexity of issues likely to be addressed in any response to political violence and terrorism. A review of the proceedings of the 1972 Interdepartmental Committee suggests that terrorism was emerging as a multi-dimensional focus of security governance in the 1970s, in international as well as domestic context. The conduct of the committee gives a sense of 'terrorism' being moulded in the thinking of government, not yet fixed to particular meanings or even size of threat. In this respect the experience of government in a country seemingly remote from international terrorism was notably similar to that of the United States. There too government struggled to recognise the nature of an emergent international terrorist threat, distinct from the kinds of challenges represented by either domestic extremism or insurgency and guerrilla warfare in

⁴⁹ Kathleen O'Donnell, "From Guns, Gates and Guards: The Development of Australia's Federal Critical Infrastructure Policy, 1978-2010" (Master of Criminology and Criminal Justice (Honours), Griffith University, 2011).

fragile or divided states.⁵⁰ Within bureaucratic domains however, in Australia as in the United States, the post-Munich environment was an opportunity to consider across a range of governmental agencies the capacity to respond to a diffuse range of threats to national and domestic security. The 1972 discussions in the Australian Cabinet room, and at departmental and interdepartmental level, brought into view the inter-agency and inter-governmental mechanisms that would be shaped by subsequent Australian governments into a national approach to terrorism and political violence.

⁵⁰ Naftali, *Blind Spot*.