

## **Treasonous Conduct: Assessing the Wartime Activities, Post-War Trials and Tribulations of Australian Collaborators in the Second World War\***

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There has been very little written about the activities of Australian citizens collaborating with the Germans during the Second World War. There are, however, a few instances where Australian citizens were involved in activities in Germany which could be considered treasonous. A number of these were individuals involved in an ill-conceived military unit created by the Germans from British prisoners of war while there is at least one example of an Australian who allegedly carried out propaganda broadcasts for the Germans. The activities of these individuals and the way the authorities dealt with these cases after the war will be the focus of this article.

Treason is considered one of the most outrageous crimes that an individual could commit against his or her country. Many examples exist after the Second World War where individuals were tried and severely punished for the activities they took part in against their country during the war. The Russian Lieutenant-General Andrei Vlasov or the British traitors John Amery and William Joyce (Lord Haw Haw) were all tried after the war for their collaboration with the Nazis and paid for it with their lives. William Joyce, who was actually an American citizen by birth, was tried and executed on the basis of his fraudulently obtained British passport — thereby entitling him to the protection of the English Crown in return for his loyalty — which expired in the early months of 1940. During the Second World War, Australian citizens were considered as British subjects and hence were liable to be treated as British subjects. This was the case up until the Australian Nationality and Citizenship Act of 1948 began the process to establish Australian citizenship. This paper will focus on the role Australians played in treasonous activities in the European theatre of war. These activities mainly occurred around the formation of the British Free Corps (BFC), a Nazi-organised military unit created using Allied prisoners of war. At least four Australians, three soldiers and a member of the merchant marine, joined this organisation. After the war, two of these individuals were tried in England for the lesser charge of “aiding the enemy”. There is also evidence that at least one Australian took part in broadcasting on German wartime radio. This case is particularly interesting, as despite the authorities being made aware of the activities of this person, no trial ever took place.

Instances of Australians involved in overseas cases of treason can be traced to Federation.<sup>1</sup> The creation of the *Crimes Act* (1914) gave the Australian government the

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power to prosecute individuals for the crimes of treason and treachery. For the former crime, Section 24 stated that an individual shall be guilty of an indictable offence if they “assisted by any means whatever, with intent to assist, an enemy at war with the Commonwealth, whether or not the existence of a state of war has been declared”.<sup>2</sup> No cases of treason were proceeded with in Australia involving overseas activities during the First World War.<sup>3</sup> With the commencement of the Second World War, the Australian government adopted the *National Security Act* (1939). The powers that this legislation gave the government included the right to detain any person including its own citizens indefinitely, without trial, in the interests of national security.

As argued recently by Ilma Martinuzzi O’Brien, the Australian government used these powers forcefully against residents it perceived as threatening.<sup>4</sup> In all, Australia interned approximately 8,100 people who had been residents before the war began, including Germans, Italians, some communists, a number of Jehovah’s Witnesses as well as members of the Australia First Party; of these 460 were Australian citizens by birth and the total figure included 209 children.<sup>5</sup> While internment was being used liberally in Australia for those who had questionable nationalities or political affiliations, it was also used for those accused of treasonous activities. One example is the imprisonment and investigation into the Charlesville citizens, Neville Tait, John Usher, Neville Klinger and Hans Rudolph. These men who owned and operated a wireless repair business were accused of sending messages to Tokyo and were subsequently arrested for being in the possession of wireless sets. They were investigated and acquitted of any wrongdoing but only after being held in prison for four and a half months.<sup>6</sup> Certainly, in times of war and in the interests of national security, the authorities were not remiss to exercise their powers. However, once the war was over it was the responsibility of the authorities to prosecute those who had acted against the country during the war.

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<sup>1</sup> The first example of treason involving an Australian citizen was the case of “Colonel” Arthur Lynch, a journalist of Irish descent born in Victoria in 1861. He was sent to South Africa to report on the war, on arrival he was asked by Louis Botha to form an “Irish” Brigade to fight the English. After leaving Africa he was arrested upon arriving at Dover on 11 June 1902, and charged with treason. The following year Lynch was tried, found guilty of treason and sentenced to be hanged, although immediately after this was commuted to life imprisonment. However, he was released from prison after a year and in 1907 he received a full pardon. Geoffrey Serle, “Lynch, Arthur Alfred (1861-1934)”, *Australian Dictionary of Biography*, Vol. 10 (Melbourne, 1986), pp.176-177.

<sup>2</sup> Commonwealth of Australia Gazette, no. 71, 12 Sept. 1914, Crimes Act (1914), Sec. 24.

<sup>3</sup> There was the “Sydney Twelve” case involving members of the Industrial Workers of the World who were arrested on 23 September 1916 and charged with treason under the *Treason Felony Act* (1848) for arson, sedition and forgery. These individuals were given sentences ranging from two to fifteen years. All were released in 1920. See Workers’ Defence and Release Committee Pamphlet, *Speeches from the dock of New South Wales and West Australian I.W.W. members convicted of treason* (Sydney, 1917?).

<sup>4</sup> Ilma Martinuzzi O’Brien, “Citizenship, Rights and Emergency Powers in Second World War Australia”, *Australian Journal of Politics and History*, Vol. 53, 2 (2007), p.208.

<sup>5</sup> *Ibid.*. Internment peaked in mid-1942 at more than 12,000 people. Klaus Neumann, *In the Interests of National Security: Civilian Internment in Australia during World War Two* (Canberra, 2006), p. 7. However, there are conflicting accounts as to the exact number of internees, see Margaret Bevege, *Behind Barbed Wire: Internment in Australia during World War Two* (St Lucia, 1993), pp. 238-41.

<sup>6</sup> National Archives of Australia (NAA), Wireless Equipment [Tait, Robin Neville; Usher, John Joseph; Locos, Peter; and Rudolph, Paul] BP242/1/0.

Australia has a largely positive historical image of the involvement of its men and women in the Second World War. Yet, there were a small number of Australian citizens who chose to carry out acts considered as treachery. As in Britain, the individuals who chose to act against their country have received very little historical attention.<sup>7</sup> Therefore, the historical record of Australians involved in treason in Europe in the Second World War has so far been quite brief. The only work that mentions the role of Australians in Nazi Germany, Adrian Weale's *Renegades: Hitler's Englishmen*, is primarily concerned with the four Australian members of the BFC. Yet, in his summary of their post-war fate, he claims that "the Australian soldiers who joined the BFC — Stokes, Chipchase and Williams [*sic*] — do not appear to have been proceeded against".<sup>8</sup> Consequently, there is no acknowledgment of the trials that took place for some of these Australians, nor anything about the propaganda broadcaster. While Weale does make a valid point in his book — that there was a great amount of variation with the punishment that was meted out to Nazi collaborators post-war by the British and her allies — in light of the information contained in this article, his assertion is in need of some reassessment.

In addition, this article also makes a contribution to a further understanding of official attitudes to returned Australian prisoners-of-war who were accused of acts against their country. Christina Twomey in her recent book *Australia's Forgotten Prisoners: Civilians Interned by the Japanese in World War Two* argues that in the cases of alleged treason committed by Australian internees in Japanese captivity — while the Australian Security Services were keen to prosecute these cases — it was the legal officers of the Australian government who were reluctant to take these to court.<sup>9</sup> Ivan Chapman — who wrote about the government's attempt to try Major Charles Cousens for allegedly broadcasting propaganda on Japanese radio — observed that before the Second World War Australia had never previously had to cope with a situation where large groups of its fighting men had been taken prisoner. Subsequently, the army's handling of prisoners of war and their alleged transgressions by the Australian authorities were not always satisfactory. In addition, unlike the horrors associated with the prisoners of the Japanese, for Australian prisoners of war in Germany, there also developed a sense that they had not suffered as greatly.<sup>10</sup> In 1943 there had been public outcry after it was publicly revealed that the Australian army intended to deny service chevrons to servicemen who were currently prisoners-of-war.<sup>11</sup> While the government eventually reversed this decision, as argued by Chapman, this indicates some level of vindictiveness by the army and government in the way they handled their prisoners of war. This Chapman sees as apparent in their attempt to try Major Cousens with treason.

The Cousens case is probably the best known involving an Australian citizen accused of acting against their country, until, of course recent historical events

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<sup>7</sup> Adrian Weale, *Renegades: Hitler's Englishmen* (London, 2002), p. xiv. For cases of Australian collaboration in the Pacific Theatre see Christina Twomey, *Australia's Forgotten Prisoners: Civilians Interned by the Japanese in World War Two* (New York, 2007), pp. 78-94.

<sup>8</sup> Weale, *Renegades*, p. 181. He wrongly identifies Woods as Williams as well as failing to mention the fourth Australian involved in the BFC in this summary of post-war trials.

<sup>9</sup> Twomey, *Australia's Forgotten Prisoners*, p. 91.

<sup>10</sup> Peter Monteath, "Australian POWs in German Captivity in World War II", Australian Association for European History Conference, University of Sydney, 1-4 July 2007.

<sup>11</sup> Ivan Chapman, *Tokyo Calling: The Charles Cousens Case* (Sydney, 1990), p. 351.

involving “terror supporter” David Hicks.<sup>12</sup> Firstly, it was difficult to try Australian citizens in Australia under Australian law as no Commonwealth legislation covered treasonable acts committed overseas and therefore reveals the inexperience of the authorities to properly deal with such cases. Cousens had been accused of broadcasting propaganda on Japanese radio as well as editing and writing scripts for other announcers. He was eventually sent for trial before the New South Wales Supreme Court under the English Statute, 25 Edward III, dating back to 1351. A magistrate’s inquiry commenced in Sydney on 20 August 1946, however, public opinion started to support Cousens especially once it was discovered that the Crown was relying on the evidence of two of his Japanese co-workers. Despite the case being committed to trial, the state’s Attorney-General eventually dropped the charges on 6 November 1946.<sup>13</sup> As argued by Chapman (reflecting the vindictive attitude of the army and government) on 22 January 1947 the army still decided to revoke his commission despite the case being dismissed before the court. The significance of the Cousens case was the inability of the authorities to prosecute him as well as Australian society’s aversion for the trial. His case was far from clear cut, as there was an obvious suggestion that he had been coerced into broadcasting for the Japanese, while the prosecutions’ reliance on Japanese witnesses for their case was extremely unpopular in post-war Australia. For these reasons his prosecution did not generate a great deal of general public sympathy or support amongst former members of the AIF, who showed their support for him by inviting Cousens to lead his old division in the 1947 Anzac Day march.

Contrary to the Cousens case, the instances investigated in this paper indicate that the army and government instead had somewhat more lenient attitudes. Of the three soldiers who joined the BFC, only one was tried before a military court, for which he received a reasonably mild sentence. This also compares favourably to the sentence handed down to the Australian merchant sailor who had also joined the BFC and instead fronted an English civil court. The case involving the Australian who allegedly broadcasted for the German propaganda network shows that no action was taken on the part of the Australian authorities, despite the calls for this to happen. Nevertheless, in an apparent similarity to the Cousens case, there was the enforcement of some kind of unofficial punishment — in the form of denying citizenship — in lieu of a successful prosecution.

## I

At least four Australians took part in the BFC, the unit created by the Nazis from Allied prisoners of war. The BFC was by all measures an abject failure. It was the ill-conceived idea of John Amery, one of the more misguided and ineffective British traitors. In 1943 Amery, the son of Leo Amery, a British cabinet Minister in Churchill’s wartime government, presented the idea to the Germans of a British unit

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<sup>12</sup> There is also the case of John Holland. Holland, a civilian, was accused of broadcasting on Japanese radio early on in the war. However, in April 1943, after a falling out with the Japanese, he was sent to prison for the rest of the war. After his return to Australia he left again before the authorities could act, eventually being caught in Britain. Put on trial there, despite the court finding him guilty of aiding the enemy in March 1947 he was only given a five year good behaviour bond due to the time he had served in the Japanese prison. Twomey, *Australia’s Forgotten Prisoners*, pp. 92-93.

<sup>13</sup> Ivan Chapman, “Cousens, Charles Hughes (1903-1964)”, *Australian Dictionary of Biography*, Vol. 13 (Melbourne, 1993), pp. 514-515.

formed using British prisoners of war to fight for the Germans on the Eastern Front. Amery's original idea was to give the unit the rather romantic name of the "Legion of St George". Initially John Amery carried out "recruiting drives" in prisoner of war camps but these proved to be utter failures. As a result, the Germans tried a different method and in mid-1943 constructed both officer and other ranks "holiday" camps to try and entice selected prisoners who they believed might have been susceptible to the Nazi cause.<sup>14</sup> The Germans created a uniform of field grey with an embroidered Union Jack in the shape of a shield on the left forearm, a black collar patch bearing three lions, and the words "British Free Corps" in Germanic lettering on the arm. Rather optimistically they ordered 800 of these insignia to be made. Those who joined were considered as part of the Waffen-SS and received the normal pay of a German soldier, one Reichsmark a day. However, the maximum strength of the BFC never exceeded the thirty men required to form a fighting detachment, it never saw combat, never served any value as a propaganda unit and was corrupted by saboteurs, both intentional and inadvertent from its inception. The membership of the BFC has been portrayed as consisting of individuals of poor character and dubious motivation.<sup>15</sup> Besides a very small number who were genuinely politically inspired, most seem have to been more interested in the access to alcohol and female companionship which membership of the BFC could provide.

The Australian soldiers who joined this unit were Private Robert Chipchase,<sup>16</sup> Acting Corporal Albert James Stokes,<sup>17</sup> and Private Lionel Herbert Battinson Wood.<sup>18</sup> These three soldiers had all been members of the AIF Ninth Division. Eventually they were joined by an Australian merchant seaman named Ronald David Barker. Barker, who also went by the surname Voysey, had been born in Goulburn and had been adopted by a Mrs Voysey and grew up in Sydney. The remarkable part of the recruitment of Barker was that it had been carried out by a New Zealander who had been converted to the Nazi cause, one Corporal Roy Courlander.<sup>19</sup> After the war, it was Stokes and Voysey who were tried for various offences and sentenced to custodial time. The recruitment of the Australian soldiers all came about after their transfer to German prisoner of war camps in the autumn of 1943. They had all originally been held in Italy; however, after the collapse of the fascist regime in September 1943, they were moved to Stalag XVIII in Austria. It was here that they first learnt of the activities

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<sup>14</sup> Weale, *Renegades*, p. 92. This "holiday" camp setup was similar to an earlier German attempt from 1941/42 to create a sort of "Irish Brigade" from prisoners of war selected for their Irish descent. These prisoners were sent to Berlin and addressed by an Irish priest, but to no avail. At least one Australian soldier, Terry Fairbairn, was subjected to this experience. See Terry Fairbairn, "The Irish Brigade Camp, Plus Other Matters" in E.C. Givney, ed., *The First at War: The Story of the 2/1<sup>st</sup> Australian Infantry Battalion 1939-1945, the City of Sydney Regiment* (Sydney, 1987), p. 524.

<sup>15</sup> Weale, *Renegades*, p.150.

<sup>16</sup> Australian War Memorial (AWM), Nominal Roll, Service no. WX1755, 2/32nd Battalion, Ninth Division.

<sup>17</sup> AWM, Nominal Roll, Service no. WX1839, 2/32nd Battalion, Ninth Division.

<sup>18</sup> AWM, Nominal Roll, Service no. VX13097, 2/32nd, Battalion. Ninth Division.

<sup>19</sup> Roy Courlander was born in 1915 in Riga, Latvia, but moved to New Zealand as a child. He enlisted into the New Zealand Army in October 1939, becoming a non-commissioned officer in the Intelligence Section of the 18th Battalion 2NZEF. In April 1941 he was captured at Kalamata, in Greece, becoming German prisoner 7222 in Stalag XVIII D in Maribor (Marburg), where he acted as interpreter. In mid 1943 he was removed for his sympathies with the Nazi cause against Russia and was one of the first to join the BFC.

of the BFC. According to Wood's post-war testimony, a conversation was held between himself, Stokes and the camp senior officer, Warrant Officer Mantle. Also present was a prisoner known as "Sergeant Tom Mitchell". This was actually Private Thomas Freeman, a soldier from Seven Commando of Layforce. Wood and Freeman put forward the idea of joining the BFC as a means of escaping from Germany. Mantle felt that such a plan was not only unlikely to succeed and could put them in a difficult situation. As a result of Mantle's objections, both Wood and Freeman signed a piece of paper stating that their intention of joining the BFC was purely for escape. Albert Stokes, who happened to be listening, was asked to sign as a witness.<sup>20</sup>

It is unclear exactly who was first amongst the Australians but it seems that sometime in early January 1944 Wood along with the Englishman Freeman were taken to the "holiday" camp at Genshagen in Berlin, where according to Wood's post-war testimony, he was allowed to wear civilian clothes and move around the city freely. After about five weeks in Berlin he was taken by train, again in civilian clothes, to the headquarters of the BFC in Hildesheim. Here he signed enlistment papers, was issued with a German service uniform and was able to move around the city without restraint. He remained in Hildesheim for another five weeks until, as he claimed in his post-war interrogation, he realised that escape was impossible. This assumption was made because an unlimited travel pass promised by the Germans did not materialise. In early March 1944, Wood later claimed, during a lecture on economics he took exception to something the lecturer said and he asked to be removed from the camp. Freeman, the man he had arrived with, on the other hand decided to stay on at Hildesheim where he was eventually issued with a BFC uniform. Chipchase, the other Australian, had also shown interest in joining the BFC and was taken to Genshagen in the same month as Wood. He claimed he stayed there for about two months before he was taken to Hildesheim. For Chipchase, his arrival at Hildesheim alone convinced him that he had made a mistake. He refused to sign the recruiting papers and he asked to be returned to his prison camp. Rather than this, he was sent to a punishment camp at Droenerwitz, where he remained until the end of the war.<sup>21</sup>

However, another Australian also arrived at Hildesheim along with Chipchase in early March 1944. Acting Corporal Albert Stokes had also been an inmate at Stalag XVII camp in Austria. He claimed after the war that he had been working on an escape bid with a Belgian civilian Theo Menz, who was passing himself off as "Sergeant Ellsmore". Their plan involved the two getting hold of passports and civilian clothes and making their way down to Tito's troops in Yugoslavia. By Stokes's account, it was at this stage that he and Menz were removed to Berlin for reasons unknown, but they feared that their planned escape had been uncovered. Instead, they were introduced to Courlander and told that the BFC was being formed. In early March 1944 they were transferred with other recruits to Hildesheim. Stokes was present when Chipchase was asked to sign the recruiting papers and witnessed his refusal, but he himself decided to go ahead with his own signing, as Chipchase remembers, "to give it a go for a month and see what the possibilities were and see if he could do any good as far as escape went".<sup>22</sup> Stokes was to remain with the BFC until the end of the war. Around 18 May 1944 Stokes was eventually joined by the Australian merchant seaman, Ronald

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<sup>20</sup> NAA, Court Martial of Private Albert James Stokes, 17 August 1945, A 471/1.

<sup>21</sup> *Ibid.*

<sup>22</sup> Statement by Private Robert Chipchase, NAA, court martial of Private Albert James Stokes, A 471/1.

David Barker, also known by the surname Voysey. Voysey had been captured in February 1941 when the German pocket battleship *Admiral von Scheer* sank the MV *British Advocate* in the Indian Ocean. He had been recruited from the Marlag and Milag Nord Camp for captured sailors, north of Bremen. Both Stokes and Voysey were issued with a German uniform, including the three lions collar patch and the Union Jack sleeve badge, and were paid the same as an ordinary German soldier. As for the individuals the Australians had arrived at the camp with, in early-June 1944, Freeman along with Menz (alias “Sergeant Ellsmore”), managed to incite a mutiny within the unit by getting nearly half the corps — sixteen men including themselves — to demand their return to POWcamps. On 20 June 1944 he and Menz were charged with mutiny and sent to Stutthoff Concentration Camp. Freeman remained here until November 1944 when he managed to escape to the Russian lines.<sup>23</sup> Menz, it is claimed, was executed shortly after his arrival at Stutthof.<sup>24</sup>

The BFC remained in Hildesheim, where they generally seemed to have made a nuisance of themselves, getting drunk, returning back to barracks beyond curfew and so on, until either the middle of September 1944, or as claimed by Voysey, 1 October 1944, when they were moved to Dresden. Here they began to undertake training as a pioneer battalion and were attached to the SS *Pionier Ersatz- und Ausbildungs* Battalion No. 1 barracks and undertook military training including rifle and machine gun practice.<sup>25</sup> The BFC stayed in Dresden long enough to see the tragic air raid that the city suffered on 14 February 1945, with some of the BFC men taking part in the clean-up effort. After Dresden the unit was moved to Stettin. It was from here that the attempt was made to finally put the BFC into action and it was moved into position on the northern-eastern outskirts of Berlin, temporarily joining the 11<sup>th</sup> SS “Nordland” Division. The units in this area were part of the III SS Panzer Corps under the overall leadership of SS General Felix Steiner who, once he found out he had Allied prisoners of war under his command, had no interest in allowing these troops to see combat. This suited the men of the BFC very well, as the early taste of Eastern Front combat, including coming under a Russian artillery barrage, certainly ended any enthusiasm for combat. For Ronald Voysey such a lack of enthusiasm had gripped him before reaching the Nordland Division’s positions. Since arriving at Stettin he had been collecting and smoking aspirins as a means of getting himself sick and removed from the unit, a task in which he eventually succeeded.

## II

At the end of the war the British authorities were reasonably proficient in rounding up suspected traitors. Information had been collected on all the members of the BFC and had been collated into a “British renegades warning list”, which had been first drawn up in the summer of 1944.<sup>26</sup> By 27 March 1945 a definitive list had been created outlining the names and details of those involved in the BFC well as some of those

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<sup>23</sup> National Archives (NA, formerly PRO), Renegades and persons suspected or convicted of assisting the enemy, Barker, Ronald David, HO 45 / 25822.

<sup>24</sup> Weale, *Renegades*, p.126.

<sup>25</sup> NA, Renegades, Barker, Ronald David, HO 45 / 25822.

<sup>26</sup> Weale, *Renegades*, p.175.

involved in radio propaganda broadcasts.<sup>27</sup> Amongst the individuals named in this document were the Australian members of the BFC. Both the remaining Australian members of the BFC, Stokes and Voysey, were captured at the end of the war. Dressed in English battledress, Albert Stokes surrendered himself to American troops, while Ronald Voysey — who had deserted the BFC at the last minute and was probably lucky not to be executed by the SS for cowardice — surrendered to the British army.

According to Voysey's interrogation, after being discharged from a Berlin hospital, with the help of another BFC man, Voysey stole a load of Red Cross parcels and distributed them to a few civilians who had helped him. He then wrote himself out a travel pass to travel to Westertimke, in order to see a girlfriend. He then intended to continue on to Hildesheim, which British troops had already occupied.<sup>28</sup> He arrived at Westertimke on 6 April 1945 and reported to the German commander there and drew his rations. At this time, he was already wearing civilian clothes, having destroyed his BFC uniform in Berlin. On 10 April he travelled to Bremen and met up with another BFC man, where seven days later he was eventually picked up by the German police who handed him over to the military police who in turn passed him on to the SS. They took him to Hamburg under military escort and then to Langenhorn to the barracks of a Panzer Grenadier unit. "From then on", according to Voysey, "I was sent to various places under escort in order to find someone in Amtsgruppe D who knew something about me."<sup>29</sup> Eventually, someone was found who gave him discharge papers from the BFC and permission to return to Westertimke, which was now under British control. After his capture Voysey was taken to Hamburg where a Major Todd of the Manchester Regiment took him on as an interpreter. He continued in this capacity with a reconnaissance unit, eventually being stationed in Solingen between June and September 1945. He was then moved to Munchen Gladbach as a displaced person. It was here on 5 October, having heard that Courlander was to be court-martialled that Voysey told an officer that he wanted to appear in Courlander's defence and that he himself had also been in the BFC.<sup>30</sup>

Chipchase, Stokes and Wood were all detected by MI5 interrogations as they were processed through the AIF reception camp at Eastbourne in Sussex. Eventually, only one, Albert Stokes, was court-martialled. After his arrival at the No 1 Reception Camp at Eastbourne, Stokes — who initially did not volunteer any information about his time in the BFC — was interrogated by a Lieutenant Savin who claimed that Stokes said: "I want to get it off my chest. I did not volunteer, but I was tricked into it by Courlander. I was a fool." At Eastbourne on 17 August 1945, before an Australian military tribunal, he was charged with "voluntarily aiding the enemy" while being a POW by joining and working for the BFC and the armed forces of the enemy. He pleaded not guilty on the grounds that he had joined the unit with the aim of escape and sabotage. The case against Stokes was trying to prove that he willingly took part in the BFC, while his defence centred on him trying to prove that he had been active in sabotaging the unit and trying to escape.

Both Chipchase and Woods gave evidence against Albert Stokes. What played against him was the fact that he had little evidence to prove that he had actually tried to

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<sup>27</sup> NA British renegades and persons suspected of assisting the enemy, MI5 Liaison Section SHAEF (subsequently MI5 Liaison Section BAOR) 1944-1946: HO 45/25512 and also KV 4/184.

<sup>28</sup> NA, Renegades, Barker, Ronald David, HO 45 / 25822.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*



escape or sabotage the unit. In Woods' post-war statements — no doubt as a means to implicate Stokes — after five weeks he had concluded that escape (from Hildesheim) was impossible. The court made a great deal out of this as a means of proving Stokes' guilt. What he and his counsel failed to argue was that perhaps Stokes was waiting for a better opportunity in their removal from Hildesheim. What he could also have argued, but perhaps was unaware of, was that Theo Menz (the Belgian citizen posing as "Sergeant Ellsmore") with whom Stokes had joined the unit, had been executed at Stutthof Concentration Camp. Instead he relied on the notion that he had asked to be removed from the BFC but his pleas had fallen on deaf ears. The court found him guilty of aiding the enemy and sentenced him to one year's imprisonment. He returned to Australia under guard on the troopship *Aquitania* and served out the remainder of his sentence in Fremantle prison. He was discharged from the army on 22 November 1945. In March 1946 he mounted a petition for an appeal of his case. He argued that he had been dissuaded by his legal counsel, a Captain Gilbert, from calling any witnesses. In the margin of the dismissal of his appeal was scribbled, "not entitled to pay while serving with the Germans".<sup>31</sup> He nevertheless was eventually granted a pension in recognition of his war service.

Ronald Voysey was arraigned at Bow Street Court in London on 24 December 1945 on charges of conspiring with John Amery — who had been executed only days before on 19 December 1945 — and was tried alongside the British members of the BFC, including Thomas Heller Cooper, Eric Pleasants, Alfred Vivian Minchin, Herbert George Rowlands, Kenneth Edward Berry. They were also charged with encouraging others to join the BFC and thereby assisting the enemy in contrivance of the United Kingdom Defence (General) regulations.<sup>32</sup> Upon his arrival in England at Croydon Airport and being told that the charge was conspiring with John Amery, *The Times* newspaper reported that Voysey said: "I [have] never heard of Amery until after I joined the British Free Corps."<sup>33</sup> Committed to trial on 2 January 1946, in his post-war statement Voysey accounted for the reason he joined the BFC as blackmail. He claimed that whilst at Marlag and Milag Nord Camp he had worked on a local farm where he had formed a relationship with a German girl, one Annaliese Muller. This relationship had been discovered by the Germans and a guard had told him that things could go badly for him if he did not volunteer for the BFC. A way of validating Voysey's claim for joining the BFC — that he was prone to getting involved with German women — is seen in some of the items that were found in his possessions at the time he was taken into custody:

Two photographs of Annaliese Muller; Eleven photographs of eight girls with whom I associated in Hildesheim; Eight photographs of five girls with whom I associated in Dresden.<sup>34</sup>

However, three statements, two from former inmates at Marlag and Milag Nord Camp, contradicted his explanation and were no doubt presented to the court. The first was by Private Thomas Freeman, the man known as "Sergeant Mitchell". Freeman remembered Voysey but said he had little to do with him because he seemed an "odd fellow"; however, accounting for his involvement in the BFC he also claimed that

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<sup>31</sup> Chipchase statement, NAA, court martial of Private Albert James Stokes, A 471/1.

<sup>32</sup> *The Times*, 24 December 1945, p.2.

<sup>33</sup> *Ibid.*

<sup>34</sup> NA, Renegades, Barker, Ronald David, HO 45 / 25822.

Voysey had told him he had “fascist leanings”.<sup>35</sup> There were also statements by two officers who had been present at Marlag and Milag Nord Camp. The first, by the senior confidence officer of the camp, Captain Robert Finlay-Nottman claimed that it came to his attention that Voysey was planning to join the BFC in mid-May 1944. Captain Finlay-Nottman sent for him and in the attendance of another officer, James Hill, an Australian ship’s engineer, interviewed him at length, trying to dissuade him from carrying this out. According to Finlay-Nottman, Voysey claimed that he “did not agree with Russia and communism, and he was going to fight against it”.<sup>36</sup> This disagreed slightly with what James Hill had to say about the meeting. He remembered that Voysey argued that “he was firmly convinced that Britain was beaten and that Germany would go on to final victory”.<sup>37</sup> Court transcripts of Voysey’s trial remain restricted unlike in the case of Albert Stokes. Nevertheless, we know that on 19 and 20 February 1946 before Justice Croom-Johnson, Voysey was convicted of “conspiring with other persons to do and doing an act with intent to assist the enemy” and sentenced to two years’ imprisonment with hard labour.<sup>38</sup>

Why Voysey’s crime was considered worse than that of Stokes is a little uncertain, but it also can be seen as indicative of the changing nature of the application of the law in cases of “disloyalty” over time. While Voysey was being tried so was an Englishman who had been involved in the British Free Corps, one Thomas Cooper. Cooper, who had mitigating family circumstances to account for his wartime allegiances — his father was English but his mother was German — was found guilty of the more serious crime of high treason against the crown and was sentenced to death.<sup>39</sup> On 11 February 1946, his appeal of the sentence was rejected, although eventually his sentence was commuted to life imprisonment. He was released in January 1953. The other death sentence handed out for association with the BFC was to Walter Purdy. Purdy, whose trial started on 18 December 1945, earlier than Cooper’s, was given the death sentence by Justice Humphreys at the Old Bailey on 21 December 1945. However, his sentence was also eventually commuted to life imprisonment.<sup>40</sup>

However, these sentences should also be considered in relation to how other Commonwealth prisoners of war accused of conspiring with the BFC fared as they certainly indicate how servicemen were treated as well as how serious the various Commonwealth countries regarded the crime of treason against the British Crown. In South Africa, of three former members of the British Free Corps, two were acquitted completely while the third, twenty-seven-year-old Douglas Mardon, was convicted of the more serious crime of “high treason” and was sentenced to serve nine months in prison and pay a fine of £75.<sup>41</sup> The court said it took into consideration his age and the fact that he had been a prisoner for two years and subject to “insidious” propaganda. However, in Canada the courts were not so sympathetic. Three individuals, John Gordon Galaher, George Hale and Edward Barnard Martin — the only one amongst

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<sup>35</sup> NA, Renegades, Barker, Ronald David, HO 45 / 25822.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> NA, Calendar of Prisons, CRIM 9/89. Also *The Times*, 21 February 1946, p. 2.

<sup>39</sup> *The Times*, 12 January 1946, p. 2.

<sup>40</sup> C.E. Bechhofer Roberts, *The Trial of William Joyce: with some notes on other recent trials for treason, etc.* (London, 1946), p. 189.

<sup>41</sup> *The New York Times*, 18 April 1947, p. 12.

them who actually joined the BFC, the other two were charged with being informers in POW camps, were sentenced to life, twenty-five years and fifteen years imprisonment, respectively.<sup>42</sup> The New Zealander Courlander had been one of the first B.F.C. members to fall into Allied hands. In late August 1944 — realising that the war for Germany was lost — he and another BFC soldier Francis Maton decided to volunteer for the German propaganda unit “Kurt Eggers”. Their reason was to get as close to the front as possible and defect. This they achieved on 3 September 1944 in Brussels, Belgium. Despite the fact that he had actually escaped, a great deal of evidence implicated him collaborating with the Germans. His court martial before a New Zealand military court was held on 3 October 1945. Despite a vigorous defence he was found guilty and sentenced to fifteen years imprisonment. In February 1946 he was repatriated to New Zealand and continued to serve his sentence at Mount Eden prison. Not dissimilar to Major Cousens in Australia, former members of Courlander’s division, the 2<sup>nd</sup> NZEF, campaigned for his release. This they managed to achieve in October 1951, after he had served only five years of his sentence.<sup>43</sup>

In addition to the involvement of these Australian soldiers and the merchant seaman, another case exists involving an Australian citizen allegedly aiding the enemy. Mrs Kathleen de Haas was an Australian woman who married a German and lived in Germany during the Second World War. She was accused by the British of working for the German propaganda radio network, transcribing news bulletins and also broadcasting herself. This case is particularly interesting for a number of reasons. Firstly, it has a strong resemblance to the case of Major Charles Cousens; secondly, while she seems to have had a case to answer and despite an initial tough stance by the Australian authorities, no legal action was ever taken against her.

Kathleen, or Kay, Hewlett was born on 29 September 1914 in Dorrigo, New South Wales. In 1936 she travelled to India and met a German car salesman by the name of Heinrich Edward de Haas. After returning to Australia to obtain information affirming her “Aryan” decent, Kathleen Hewlett returned to India and married Heinrich de Haas on 7 February 1938 and the following year they returned to Germany. However, the marriage was not a happy one and by 1941 they had agreed to separate, with their divorce being finalised in December 1942.<sup>44</sup> Early the following year de Haas became acquainted with individuals connected to the Irish section of the German broadcasting service, amongst whom was the well-known Irish broadcaster Liam Mullaly. They soon began a relationship and on 16 September 1943 de Haas gave birth to his child. In the meantime she attempted to be repatriated to Australia; however, nothing came of her efforts.<sup>45</sup> De Haas began to work on the Irish section of the German broadcasting service, mainly as a translator, but it was also alleged by British authorities that she had — on at least two occasions — broadcast material herself over German radio. Eventually she left Berlin and moved to Vienna. She escaped the city shortly before the arrival of the Red Army and was captured by American forces, telling them she intended to “recommence her British citizenship”.

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<sup>42</sup> Weale, *Renegades*, p.181.

<sup>43</sup> Timothy Rowe, “Kiwi defectors? Lance Corporal Roy Courlander of the British Free Corps”, *New Zealand Army Journal*, No. 20 (December 1998), pp. 38-39.

<sup>44</sup> NAA, Immigration records for Kathleen de Haas, A435: 1946/4/1643.

<sup>45</sup> NAA, Protection of Nationals Abroad: Repatriation and payment of relief, Germany, Mrs de Haas, A1066: IC45/20/1/5/10.

De Haas was treated as an important case as soon as she fell into Allied hands. Declaring herself an Australian citizen, the Americans had her flown back to England in early May 1945 where the English authorities detained her at the London reception centre under the Aliens Order (1920), in the care of the Home Office. A report, dated 4 July 1945, reveals the evidence gathered by the British intelligence during her interrogation:

The applicant [de Haas] freely disclosed her activities in Germany and when asked how, as an Australian girl she had been able to allow herself to work for the R.R.G. [Reich's Rundfunk Gesellschaft], she said that she never had been able to see anything wrong in it nor, for that matter had her Australian friends who encouraged her to do what according to them everybody was doing, namely, earning money when they could. The applicant showed no contrition for having acted against the Allies and her attitude throughout was an attempt to excuse the Nazis for their actions and to put forward the Nazi point of view. She admitted that during her time in Germany she had been associated with people who were strongly anti-British and Pro-Nazis.<sup>46</sup>

The report then went on to give illustrations of her pro-Nazi attitude and alluded to her being aware of the trouble she found herself in. Examples were drawn from her diary entries during the last days of the war and her capture: "13 April 1945: decided to forsake belongings in Vienna and go west: 1 May 1945: Hitler died, 'es tut mir lied' [it hurts me greatly]: 14 May 1945: taken to London by Police. Put in quad [prison] with German women. I am in a tight hole if the translation is regarded seriously."<sup>47</sup> This last entry is particularly incriminating in relation to her own perception of her wartime activities. This information was forwarded to the Australian Department of External Affairs and the Director General of the Security Services in Canberra with the request for advice in this case. On 26 July 1945, an answer came from the Director General of Security which was less than positive towards de Haas and her request to be allowed to return to Australia. The Director General of Security, W.B. Simpson wrote that he "strongly objects to the entry into Australia of the abovenamed [Mrs de Haas] person".<sup>48</sup> While he acknowledged that there had been no security grounds to deny her request to return to Australia when it was first made in 1943, it was now apparent that not only did she freely admit to working for the German propaganda network but that, as per the interrogation report, she "accepted the Nazi regime and its propaganda and even after the cessation of hostilities attempted to excuse the Nazi's [*sic*] for their actions and point of view".<sup>49</sup> The report then went so far as to say:

As regards her broadcasts, it is not unreasonable to say that, although in a minor way, she is similar to Lord Haw Haw [William Joyce] and I am of the opinion that if possible the Home Office should give consideration to dealing with her broadcasting activities.<sup>50</sup>

He therefore recommended that her application be returned to Australia be denied. Two days later the Department of External Affairs was advised that unless the Australian government should object, the British authorities proposed to repatriate de Haas back to Germany. On 1 August 1945 the Department of Immigration, followed on 3 August by the Australian Security Service confirmed this plan of action. The Department of

<sup>46</sup> NAA, Protection of Nationals Abroad: Repatriation and payment of relief, Germany, Mrs de Haas, A1066: IC45/20/1/5/10.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

Immigration reasoned that since she had never made an attempt under Section 18A of the Nationality Act to retain her Australian citizenship she should be denied entry, while the Security Services chief reminded the Department of External Affairs that “had she been a British subject she undoubtedly would have been prosecuted”.<sup>51</sup> At this stage no further action was taken in the case of de Haas until, on 7 September 1945, a cablegram was sent from the Department of External Affairs to Australia House in London requesting that de Haas not be returned to Germany pending further information. It was at this time that de Haas’s brother, F.A. Hewlett, a Flying Officer in the RAAF and a Sydney lawyer, took up her case and promised to produce evidence to support the application for her return to Australia. The Security Services for one appeared to be less than impressed with the suspension of the repatriation order.<sup>52</sup>

It was now that the Australian authorities were confronted with a very real reason to advance the case of de Haas. On 20 September 1945, advice was received from the British security services that the reception centre where de Haas had been held since her arrival in England was being closed down. They asked who would bear the future cost of any further detention of de Haas.<sup>53</sup> Subsequently, on 4 October 1945 the Department of Immigration decided to allow de Haas to return to Australia on the first available transport. Whether the evidence supporting her application to return to Australia ever materialised from her brother (none can be found in her file), it is clear that the case to have her denied entry to Australia and sent to Germany was dropped simply because the authorities did not want to pay for her continued detention in England. de Haas and her daughter departed England on 21 December 1945, three days before the return of Ronald Voysey for trial in England.

For de Haas, her departure was timely. By December 1945, it was reported that there were eighty-seven people awaiting charges at the Old Bailey for various offences related to treason, including several women.<sup>54</sup> In that same month, an Englishwoman, Frances Dorothy Eckersley was tried along with her son for aiding the enemy by broadcasting on the radio. She pleaded guilty and was sentenced to one year’s imprisonment with hard labour.<sup>55</sup> Another Englishwoman, Pearl Joyce Vardon, a schoolteacher from Jersey was also put on trial for broadcasting activities with the German-controlled “Radio Luxembourg”. In February 1946 she pleaded guilty to six charges concerning her broadcasting activities and was sentenced to nine months imprisonment.<sup>56</sup> This was despite an initial MI5 report clearing her of any wrongdoing. On 18 June 1945 her first interrogation report stated that “so far as we know, her broadcasting activities were restricted to announcing musical material and taking part in non-political feature items”.<sup>57</sup> The report concluded by saying: “In my opinion that she did little more to assist the enemy’s war effort by travelling to Luxembourg than she would have done had she stayed in Jersey.”<sup>58</sup> In the months that followed a number of other Englishwomen were also tried for aiding the enemy. In March 1946, Margaret

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<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> *The Times* London, 4 December 1945, p. 2.

<sup>55</sup> Roberts, *The Trial of William Joyce*, p. 184.

<sup>56</sup> Jersey Archive, L/C/24/H/17. *Jersey Evening Post*, 12 October 1996.

<sup>57</sup> NA, File on Pearl Joyce Vardon, KV 2/256.

<sup>58</sup> *Ibid.*

Frances Bothamley was also tried at the Old Bailey for aiding the enemy. She pleaded guilty to entering the German radio service where she broadcasted and prepared propaganda scripts. Similar to the case of de Haas, Bothamley was born in England of English parents and claimed to have married a German a number of years previously — thereby potentially making her a German subject — but could not produce any evidence to prove this. In the end she was sentenced to one year's imprisonment.<sup>59</sup> In all of these cases, the defendants pleaded guilty, and consequently were dealt with very quickly.

Arriving back in Australia on 1 February 1946, Mrs de Haas wasted little time in applying for naturalisation. While her application was being processed, startling news was discovered concerning her current nationality. It had been found that her actual citizenship at the time of her alleged wartime activities was Australian. Having married a "German", it was readily accepted that she had automatically adopted German citizenship; however, it was revealed that Heinrich de Haas was in fact, of all things, an Australian by birth. Heinrich Edward de Haas had been born in Manly, New South Wales on 27 October 1896, his father had been the Commercial Attaché for the German Consulate in Sydney. Therefore, Kathleen de Haas had married an Australian and in effect, had retained her Australian citizenship. This detail was first recorded in her file by the Immigration Department on 26 July 1946. Despite the opportunity to take further legal action against de Haas in relation to her nationality and wartime activities none was taken. Instead, on 25 September 1946 she was officially informed that her application for naturalisation had been denied, it had also been deferred for a further five years (originally the advice called for a review after twelve months but this was amended to five years). Far from taking this information lying down, de Haas sought an interview with the Immigration Minister himself, Arthur Calwell. She demanded to know the reason for which her application had been deferred and persisted in trying to get the government to reverse its decision.

The last entry in her file, a Departmental of Immigration memorandum of 19 October 1948, acknowledged that Heinrich de Haas had never filed a declaration of alienage of his Australian citizenship. Therefore, in other words, de Haas had always technically remained of Australian nationality.<sup>60</sup> The ability of the Immigration Department to still try to punish de Haas is revealed in this correspondence, quoted again from the original British intelligence report: "it seems clear that if this woman had been a British subject and behaved in the way she has admitted she would undoubtedly have been prosecuted."<sup>61</sup> Indeed, the memorandum concludes by accusing de Haas of deceitfulness with regards to her wartime citizenship:

It may be that Mrs de Haas was not aware of the fact that her husband was Australian born and that she did not lose her British nationality on her marriage. It is, however, possible that Mrs de Haas knew that her husband was Australian born but concealed the fact in order to avoid being prosecuted for assisting the enemy.<sup>62</sup>

## Conclusion

Certainly it should be added to Australia's war record that some of its citizens participated in aiding the enemy in the European theatre of war and — as the

<sup>59</sup> Roberts, *The Trial of William Joyce*, p.181.

<sup>60</sup> NAA, Immigration records for Kathleen de Haas, A435: 1946/4/1643.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

information above details — these individuals largely escaped serious punishment after the war. As examples of disloyalty, these cases cannot be viewed as being too serious in nature. The BFC was a complete failure and probably hindered the Germans more than it helped them, while the activities of de Haas can be considered in the lesser category of aiding the enemy. These examples offer several indicators about the way justice was applied and the general attitude of the Australian authorities towards the prosecution of these individuals. There is also an inference that these prosecutions and non-prosecutions reveal more of the attitude of the Australian authorities towards cases of treason directed against the British Crown. It seems unusual that in an English civil court Ronald Voysey earned two years with hard labour for being in the BFC for approximately twelve months, between May 1944 and May 1945, while before an Australian military tribunal Albert Stokes, who served in the BFC for over sixteen months, from January 1944 until the end of the war — and was a soldier — was only sentenced to one year's imprisonment. More to the point, why was it that Private Wood, who spent five weeks in Berlin and another five weeks in Hildesheim, signed enlistment papers and wore a German uniform, did not receive any punishment at all? Primarily, it can be argued that political expediency was a consideration in these cases. To opt for "aiding the enemy" rather than the more serious charge of treason, enabled the army to proceed with their trial, offer a custodial sentence instead of the mandatory death sentence with treason and get them processed.

In contrast, in de Haas's case, the hard line taken by the authorities, threatening prosecution and deportation to Germany in July 1945, had been completely eroded by the news that the government would have to continue to pay for her detainment in London until the case was decided. Back in Australia, the efforts of the Immigration Department to somehow punish de Haas by denying her naturalisation are in stark contrast to the lack of interest in prosecuting her for her wartime activities. The differences between her and Major Cousens were only minor. Cousens was charged with broadcasting only a handful of times and the major part of the case against him was the editing and writing work he did for the Tokyo service, whereas de Haas mainly worked for the German overseas service transcribing scripts but was also accused of maintaining a pro-Nazi attitude. This essay proves that after the Second World War individuals who had collaborated with Germany did not suffer significant punishment as a result of their wartime activities and that to some extent the Australian authorities failed to properly deal with these cases.

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