



## **Abstract**

This thesis examines the multi-faceted phenomenon of black market crime in World War II Sydney. Using previously classified archives, coupled with oral sources and newspaper articles I provide a complete survey of this phenomenon. As a concept the black market was a social construct with a level of stigma attached to offenders that would not exist in peace time. This was moral policing. I begin by discussing the relationship between the geography and morals of the city. Both women and men in Sydney related to the black market differently. I outline and evaluate the official response to the problem. I also examine broader community attitudes in relation to this issue. The research provided here should form the basis for a more comprehensive understanding of white-collar crime and the moral regulation of behaviour.

Key words: Sydney, WW II, White-Collar, black market, moral regulation, economy.

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*All decent people live beyond their incomes these nowadays, and those who aren't respectable live beyond other people's. A few gifted individuals manage to do both.*

Hector Hugh Munro, *Saki: The Complete Short Stories*, (London: Penguin Books, 2000, p 107. (Written circa 1911.)

## Introduction

There have always been a small number of individuals who have sought to profit out of others' misfortune. It could be a situation where a natural disaster has hit a given town with the survivors, to their horror discovering that enterprising merchants have overnight raised the prices of bare necessities; or an instance where an oil company which artificially reduces supply, thereby raising all prices. The people struggling to come to terms with what has happened may view such conduct as profoundly immoral, but the merchant sees this behaviour as good business sense; simply reflecting the laws of supply and demand.<sup>1</sup> This was certainly the case with the wartime black market in Sydney. The introduction of coupon rationing in 1942 saw wide scale stockpiling of supplies as people sought to take advantage of scarcity by selling on whatever they had. Prices had already been fixed at the start of the war under the National Security (Prices) Regulations and there had been isolated cases of overcharging, but it was not until full scale rationing that the government thought it may have a black market problem. Throughout the war authorities policed the illegal trade with varying degrees of success, and at every turn it seemed that something thwarted them in their efforts: manpower shortages, allegations of corruption, vague legislation and what seemed to be the disinclination of the judiciary to impose harsh penalties.

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<sup>1</sup> Stuart P Green, *Lying, Cheating, Stealing: A Moral Theory of White Collar Crime*, (New York: Oxford University Press, 2006), pp 96-7.



What is the black market? How might the black market be defined? There have been many names for the black market each with its own emphasis, such as the informal or unofficial economy, while the Australian situation saw its own definitions. The Army journal *Salt* referred to those involved as Blacketeers, a combination of black market and racketeer but with stronger criminal emphasis.<sup>2</sup> Therefore we can already see that the black market was likely to change in definition, a point noted by S.J Butlin and C.B. Schedvin, official chroniclers of the wartime economy who argue that the definition used very much depended on the level of condemnation the media and government wanted to convey. I feel however that the government's own definition gives me licence to use the term rather liberally. Thus the 1942 Black Marketing Act, (which provided stronger penalties than existing legislation), defined such activity according to Butlin and Schedvin as: 'virtually any transaction in contravention of price control, rationing (including petrol rationing), the various controls over production or, indeed, any economic control by regulations under the National Security Act.'<sup>3</sup> In short the black market was as much a social construction as it was an economic system. Thus when trading a neighbour's eggs for clothing material or giving coupons to a friend was technically illegal, it was no wonder that most, including the legal community, took a far more restrictive view.

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<sup>2</sup> *Salt*, 6/12/1943

<sup>3</sup> S.J. Butlin, & C.B. Schedvin, *The War Economy, 1942-1945*, (Canberra: Australian War Memorial, 1977), pp 329-30.

The wartime black market has received scattered coverage from historians, with Britain being the best served.<sup>4</sup> Ina Zweiniger-Bargielowska offers a useful survey of price enforcement but makes no discussion of buyers.<sup>5</sup> Kassondra Hutchings attempts to analyse the entire black market but is short on specific details.<sup>6</sup> A number of works also appear to confuse the wartime and post-war black market.<sup>7</sup> While they may appear the same, each was informed by a different moral context.<sup>8</sup> Thus, authorities were unlikely to view a black marketeer in 1943 Sydney the same way as they would in 1947. It is true that Australia like Britain had rationing until the end of the 40s, but I feel to include the post-war black market in detail is beyond the scope of a 20,000 word thesis. There has also been a general failure to integrate non-material concerns.<sup>9</sup> The most comprehensive accounts are not historical but sociological. Marshall Clinard's excellent 1952 study of the US black market remains unsurpassed for detail and complexity. Drawing on insights he gained as a wartime

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<sup>4</sup> Popular histories include: Donald Thomas, *The Other Enemy: Hucksters, Racketeers, Deserters & Civilians During the Second World War*, (New York: University of New York Press, 2003); M.J. Trow, *War Crimes: Underworld Britain in the Second World War*, (Barnsley: Pen & Sword, 2008).

<sup>5</sup> Ina Zweiniger-Bargielowska, *Austerity in Britain: Rationing, Controls and Consumption, 1939-1955*, (Oxford: Oxford University Press, 2000), chapter 4.

<sup>6</sup> Kassondra Lea Hutchings, *A Moratorium on Morality: Rationing and the Black Market in Great Britain during and after World War II*, (MA thesis, University of Arkansas, 2010).

<sup>7</sup> For example see: Zweiniger-Bargielowska, *Austerity in Britain*, chapter 4; Hutchings, *A Moratorium on Morality*; Owen Griffiths, *Need, Greed, and Protest In Japan's Black Market, 1938-1949*, *Journal of Social History*, 35: 4, (2002), pp 825-58.

<sup>8</sup> I have found it useful to borrow from Philip Smith's argument of war as a ritual. Drawing on the ideas of Durkheim, he argues that the ritual of war is based on the distinction between the *sacred* and *profane*, which informs moral behaviour. Thus on the home front we would have: patriot/traitor, volunteer/black marketeer, virtuous/greedy, moral/immoral, to name a few. Philip Smith *Towards a Theory of War as Ritual*, *Theory and Society*, 20:1 (February 1991), pp 103-38.; Anthony Giddens, *Sociology*, 5<sup>th</sup> ed, (Polity: Cambridge 2006), p 796.

<sup>9</sup> Hugh Rockoff, *Drastic Measures: A History of Wage & Price Controls in the United States*, (New York: Cambridge University Press, 1984), pp 173-4. For examples of this see: Butlin & Schedvin, *The War Economy 1942-45*, pp 565-70; Zweiniger-Bargielowska, *Austerity in Britain*, chapter 4.

investigator at the Office of Pricing Administration and Civilian Supply (OPACS), he shows that most offenders were not large companies or organised criminals, as some have argued, but individual merchants with inside knowledge of the trade, and no previous conviction.<sup>10</sup>

Australian coverage of the home front has always been patchy compared to the military accounts, and to date Sydney, (to name one example), still awaits a published account.<sup>11</sup> Melbourne, Queensland and Western Australia have all received detailed coverage.<sup>12</sup> There are also a number of general accounts of home front life, the most famous of which is Michael McKernan's *All In!*, however like the more specific works, treatment of the black market is almost non-existent and almost all Australian histories have been guilty of lumping it together with other moral

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<sup>10</sup> For an example of a study which views wartime price gouging and ration breaches as merely a corporate offence see: Edwin H Sutherland, *White Collar Crime*, (New York: The Dryden Press, 1951), chapter 10. On organised crime see: Alfred W. McCoy, *Drug Traffic: Narcotics and Organised Crime in Australia*, (Sydney: Harper Row, 1980), pp 161-7.

<sup>11</sup> Joan Beaumont, 'World War II', in Graham Davidson, John Hirst and Stuart Macintyre (ed.), *The Oxford Companion to Australian History*, 2<sup>nd</sup> ed, (Melbourne: Oxford University Press, 2001), pp 699-701; Kate Darian-Smith 'War and Australian Society', in Joan Beaumont (ed.), *Australia's War, 1939-45*, (St Leonards: Allen & Unwin, 1996), pp 55. Sydney does however have an Honours thesis written by Rebecca Mann, 'Thrills, Spills and Romance: Sydney's Luna Park in World War Two', (BA (Hons) thesis, University of Sydney, 2010).

<sup>12</sup> On Victoria: Kate Darian-Smith, *On the Home Front: Melbourne in Wartime, 1939-1945*, (Melbourne: Oxford University Press, 1990). On Queensland: Frank McBride & Helen Taylor, *Brisbane Remembers: The Home Front 1939-1945*, (Brisbane: Brisbane City Council, 1995); Libby Connors, Lynnette Finch, Kay Saunders & Helen Taylor, *Australia's Frontline: Remembering the 1939-45 war*, (St Lucia: University of Queensland Press, 1992); Kay Saundes, *War on the Homefront: State intervention in Queensland 1938-1948*, (St Lucia: University of Queensland Press, 1993); Michael Sturma, 'Loving the Alien: The Underside of Relations Between American Servicemen and Australian Women in Queensland, 1942-1945', *Journal of Australian Studies*, 24, (1989), pp 3-17. Western Australia: Jenny Gregory (ed.) *On the Homefront: Western Australia and World War II*, (Nedlands: University of Western Australia Press, 1996).

concerns, with little attempt at analysis.<sup>13</sup> Kate Darian-Smith's otherwise excellent account of the Melbourne home front devotes merely two pages in the entire book on the subject.<sup>14</sup> In embarking on my research I also came across the considerable roadblock, being that with a couple of exceptions; mentions of Sydney during the war were almost non-existent from most local histories.<sup>15</sup> Certainly there is more work to be done on twentieth century urban history.

Few (if any), of the Australian histories which did mention the black market made use of the sheer volume of material sitting in the National Archives, and most of the documents which are presented here were declassified and opened for the first time to me for this thesis. In embarking on my research I consulted the following Federal Departments: Prime Minister's, Trade and Customs, Attorney General's, and the Special Intelligence Bureau. I also consulted the *NSW Police Gazette* at State Records NSW, where access was far more restrictive. What began with one or two reports quickly became a never ending tower of paperwork: various communiqués between departments, allegations of corruption, and briefing papers filled the files. At times it certainly felt as though the departments concerned were, fulfilling some Kafkaesque nightmare, filing off reports to each other without any idea of what was

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<sup>13</sup> For example see: Michael McKernan, *All In!: Australia During the Second World War*, (Melbourne: Nelson, 1983), chapter 9.

<sup>14</sup> Darian-Smith, *On the Home Front*, pp 48-50.

<sup>15</sup> Most references were less than two pages, for example see: Shirley Fitzgerald & Hilary Golder, *Pymont and Ultimo: under siege*, (Sydney: Hale & Iremonger, 1994), pp 108-9; Shirley Fitzgerald & Christopher Keating, *Millers Point: the urban village*, (Sydney: Hale & Iremonger, 1992), p 97-8, Chrys Meader, Richard Cashman & Anne Carolan, *Marrickville: people and places*, (Sydney: Hale & Iremonger, 1994). An exception can be found in Memories: *Kings Cross 1936-1946*, (Kings Cross: Kings Cross Community Aid and Information Service, 1981); Peter Spearritt, *An Urban History of Sydney, 1920-1950*, (PhD thesis, Australian National University, 1977), pp 113-132.

going on. Of course many departments in this area had to be built from the ground up, and a level of chaos in wartime is certainly to be expected. Thus my many hours spent at the National Archives and Australian War Memorial in Canberra enabled me to see far beyond the newspaper reports, and into the perspectives of the authorities and those citizens who wrote to Customs reporting such behaviour. I aim to give a face to the black market.

In this area, my research has only scratched the surface of what compared to other areas like foreign policy might seem small but can provide greater insight into not only social and economic relations, but the moral and regulatory framework which governed the Australian home front. However a substantial part of my research is also based on newspaper reports, from the sensational *Sun*, to the satirical *Smith's Weekly*, while, for contextual information the oral histories in the Australian War Memorial cannot be surpassed.<sup>16</sup> This is because this thesis is not simply about the authorities, but how regulations affected the lives of everyday people.

In forming my argument I have found it useful to refer to what legal theorist Stuart Green calls *Sticky Norms*. These occur when:

A gap exists between what the law regards as morally wrongful and what a significant segment of society views as such. Here we say that the prevailing norms have not yet caught up to legislation. In other cases,

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<sup>16</sup> Some of the problems with using wartime oral history have been covered in: Kate Darian-Smith, *War Stories: Remembering the Australian Home Front During the Second World War*, in Kate Darian-Smith & Paula Hamilton (ed.), *Memory and History in Twentieth Century Australia*, (Melbourne: Oxford University Press, 1994), pp 137-58.

conduct is viewed as wrong but not so wrong as to justify criminal penalties.<sup>17</sup>

The point is that the offence may not justify the penalty, which is certainly how most of the judiciary and defendants saw it. Of course the penalty very much depended on a number of factors. Both men and women had different views of such conduct; the former maintained a fixation with the illegal sector, while the latter felt that it was simply getting hold of the necessary items. In the eyes of the public a soldier buying bottled beer and petrol coupons in Kings Cross was participating in the black market, but a local shopkeeper who stockpiled dress material or biscuits for a frequent buyer, was looking after the customers. Perhaps *Salt* put it best when it stated at the end of the war: 'There are no scruples in the black marketing business, so long as you play ball with the blacketeer and don't mind being fleeced.'<sup>18</sup> Most probably everyone used black markets at one time or another, even if only for a special occasion, but those who got caught or ripped off often cried the loudest.<sup>19</sup>

The following argument is divided into a number of sections. Chapter One deals with the geographic distribution of black market behaviour in Sydney and argues that coupled with a deeply anti-urban ethic the prevailing view was that this was most problematic in the city's centre. Those living close to the wharves at Millers Point or Woolloomooloo also had access to Allied supplies and a ready market, and with troops in New Guinea prepared to pay up to £30 for Scotch whisky, (the fixed price

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<sup>17</sup> Green, *Lying, Cheating, Stealing*, p 24.

<sup>18</sup> *Salt*, 10/9/1945, p 15.

<sup>19</sup> Joanna Penglase & David Horner, *When the War Came to Australia: memories of the Second World War*, (St Leonards: Allen & Unwin, 1992), p 199.

was £1/1/6) there were strong incentives.<sup>20</sup> Those in the suburbs however participated in under the counter transactions. Chapter Two discusses the response of authorities in combating the problem, and argues that the populace seemed to tolerate most instances, and the issue was regarded by most as concerning but certainly not to the scale of that in Britain. Consequently, the cumbersome legislation proved difficult to enforce. Chapter Three is a specific case study of a Lebanese born merchant, Simon Coorey who was charged on 15 February 1943 with purchasing goods without supplying the required number of coupons. Mr Coorey's ordeal is interesting because it would have been impossible to conceive of such a case in peace time, and it shows in detail how the regulations worked. Chapter Four specifically analyses the moral position of the media and authorities in regards to such behaviour, and it argues that the conception of black marketing was in no way fixed.

This thesis argues that the black market was more than an economic system but a social system in its own right.<sup>21</sup> In reality the law is never black and white, but wartime brought the added dimension of prescriptive moral behaviour, with those who crossed those boundaries labelled as deviants or even traitors. What a study of black market crime in wartime tells us is that despite the perceived impartiality of officials and certain historians, there was a double standard which applied to such conduct.<sup>22</sup> Some people themselves were far from sure if their own behaviour was

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<sup>20</sup> *Salt*, 10/9/1945, p 17.

<sup>21</sup> Griffiths, *Need, Greed, and Protest In Japan's Black Market*, pp 825-58.

<sup>22</sup> McKernan *All In!*; John Pomeroy, *Morale on the Homefront in Australia During the Second World War*, (PhD thesis, University of Sydney, 1995), p 336.

even illegal and various excuses and definitions were made to suggest that the black market in its various forms was an acceptable part of everyday life. The people who are mentioned in this thesis, (with a few exceptions), are not professional criminals but seemingly honest citizens. Thus this study aims to prove two things: one present an historical analysis of white-collar crimes, which is certainly lacking; and two, discuss the relationship between the law and the regulation of moral behaviour.



## Chapter One

### Mapping the Black Market: a moral geography of Sydney

*I did say [I'd ask Mrs Molesworth about coupons] and I was shocked to find that she now wants two pounds a page. Thirty shillings was bad enough before...But two pounds! It's positively black market.<sup>1</sup>*

Geography was one of the main factors in the Sydney black market, as the shape of the city directly influenced the form that the sector took on. Thus it was the centre of the city, the established working suburbs of Surry Hills, Pyrmont, Glebe, and of course, Kings Cross which seemed to feature most in reports of black market behaviour. Of course the centre with its poverty and vice had long been regarded as morally suspect, and many enlightened planners, especially since the end of the Great War encouraged residents to move away from what they saw as the cramped and dirty Central Business District to the modern and essentially egalitarian garden suburb, which sprang up everywhere offering a clean and safe space.<sup>2</sup> Some historians have even gone as far as to argue that the urban sprawl of interwar Sydney left a vacuum in the city centre, which was only filled by organised criminals and their associates.<sup>3</sup> While this is impossible to quantify, it was certainly true that by the 1930s an ideological pattern had emerged, permeating popular culture with a distinctly anti-urban ethic in favour of suburban uniformity.<sup>4</sup> We might think of it as a

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<sup>1</sup> Two members of Sydney's elite debate the ethics of buying coupons on the black market in Dymphna Cusack & Florence James's wartime novel *Come In Spinner*, (Sydney: Pacific Books, 1951), p 88.

<sup>2</sup> *Salt: Authorised Education Journal of Australian Army*, (hereafter Salt), 28/9/1942; Robert Freestone, 'The Great Lever of Social Reform: The Garden Suburb 1900-30', in Max Kelly, (ed.), *Sydney: City of Suburbs*, (Kensington: New South Wales University Press, 1987), pp 77-95.

<sup>3</sup> Alfred W. McCoy, *Drug Traffic: Narcotics and Organised Crime in Australia*, (Sydney: Harper Row, 1980), p 115.

<sup>4</sup> W.K. Hancock, *Australia*, 2<sup>nd</sup> ed., (Brisbane: Jacaranda Press, 1961, p 246.

distinctly doughnut shape: respectable in leafy Castlecraig and immoral in dirty Darlinghurst.

From the outset we need to distinguish between two different kinds of black markets: one concerned trade in luxury goods, namely alcohol, petrol and cigarettes and was mostly the domain of men, and thus transactions took place in very male orientated spaces such as Kings Cross.<sup>5</sup> Those involved were also more likely to be working in a syndicate, where profits as well as breaches of the law were much more substantive. In contrast the second contained a higher involvement of women and consisted mostly of individuals hoping to purchase or sell small quantities of clothing material or fruit and vegetables; though there were occasions when the two categories converged. The black market of alcohol, petrol and coupons was thus more likely to be associated with areas not only deemed poorer, but which were likely to experience an influx of Allied servicemen and foreign cargo.

Life was certainly tougher in the inner city than it was in the suburbs, but we need to be careful not to brand all black marketeers as organised criminals, though some no doubt did exist.<sup>6</sup> Marshall Clinard's sociological research on the US black market, for example notes that the majority of offenders had *no prior convictions* and the

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<sup>5</sup>Geoffrey Bolton, *The Middle Way, 1942-1995*, 2<sup>nd</sup> ed., (South Melbourne: Oxford University Press, 1996), p 12.

<sup>6</sup> Marshal Clinard's research on the US black market found a concentration of convicted criminals working in the alcohol sector, and the Australian case is similar, with Tilly Devine and Kate Leigh all providing outlets for sly-grog. See: *The Black Market: a study of White Collar Crime*, (New Jersey: Patterson Smity, 1969), p 296; (on Sydney), McCoy, *Drug Traffic*, pp 161-67; David Hickie, *Chow Hayes: gunman*, (North Ryde: Angus & Robertson, 1990); Penglase & Horner, *When the War Came to Australia*, p 200; *Truth* 7/2/1943.

Sydney case is much the same; those merchants closest to the demand sought to supplement their incomes, doing business on the side, and for them the war was a blessing.<sup>7</sup> In this chapter I argue that the introduction of wide-scale rationing in 1942 provided the impetus for illegal activity, through the regulation of personal consumption. However individual responses to the black market were divided not simply by geography, but gender as well. The heaviest concentration of illegal activity was situated closest to the goods concerned, (i.e. the wharves around the harbour, and the small scale factories in South Sydney). Therefore, we can already see that the informal sector was far more fluid than might have been imagined.

There was also a strong difference in how men and women seemed to view the wartime black market. Men seemed much more willing to talk openly about possible criminal behaviour they noticed, regardless of whether they were directly involved or not, which explains why much of the oral testimony on the black market comes from men.<sup>8</sup> Women in contrast seemed less inclined to discuss such matters, perhaps because they were less likely to be involved in a serious racket, but also because such conduct seemed to be regarded as immoral. The exception it seems, for women discussing the black market today is if they were children during the war. My research so far has contradicted Sara Buttsworth's assertion that female involvement

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<sup>7</sup> I base this assumption on the fact that the Federal archives I examined contained a noticeable absence of the usual suspects (i.e. Tilly Devine and Kate Leigh), and the majority of the convicted appeared to have no prior convictions. Clinard, *The Black Market* pp 296-7.

<sup>8</sup> For examples of men discussing the black market see: Interview with Ray Blisset, (VHS), (Australian War Memorial, 1992): F04055/1/3, F04055/2/3, F04055/3/3, (3 volumes).q *Memories, Kings Cross*, pp 108-10; Penglase & Horner, *When the War Came to Australia*, pp 199-201; Daniel Connell, *The War at Home: Australia 1939-1949*, (Crows Nest: Australian Broadcasting Corporation, 1988), pp 122-28.

consisted of exercises in bartering, especially in relation to the garment trade.<sup>9</sup> Those located further away from the city often had the luxury of exchanging home grown produce, though this was technically regarded as black marketing. Also, as Joy Finch has argued, the arrival of American servicemen introduced the new concept of the more consumer driven dating and femininity, rather than Victorian era courtship. Thus lipstick, expensive gowns and shoes all became *essential* items when it came to securing a partner.<sup>10</sup> In short the term 'black market' for most people meant criminality, and luxury goods, (such as perfumes, cosmetics, stockings, confectionary, alcohol, cigarettes and petrol), for which tax had not been paid.

Men and women thus enacted with the city based on their own spatial conceptions, though these were by no means completely fixed.<sup>11</sup> The sites of most 'black' transactions, in the dingy pubs of Glebe, or dark alleyways of Kings Cross were off limits to respectable women. Men however had the fortune of having moral boundaries which extended beyond the suburban periphery and were thus able to indulge in the bohemian delights of urban Sydney; indeed such behaviour was

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<sup>9</sup> Sara Buttsworth, 'Women Colouring the Wartime Landscape', in Jenny Gregory (ed.), *On the Homefront: Western Australia and World War II*, (Nedlands: University of Western Australia Press, 1996), (endnote 24), p 313. For examples of female involvement, see: Letter from 'Fairs Fair' to the Hon. R.V. Keane, Minister for Trade and Customs, October 1943. NAA: A1539, 1945/W/2671; Cusack & James *Come In Spinner*, pp 46, 244, 269; *Australian Woman's Weekly*, 23/5/1942, 15/6/1944; 10/4/1945; *Sun*, 10/9/1942; *Truth*, 3/1/1943; *Sydney Morning Herald*, 11/11/1943; *Daily Mirror*, 29/10/1943.

<sup>10</sup> Lyn Finch, 'Consuming passions: Romance and consumerism during World War II', in Joy Damousi & Marilyn Lake (ed.), *Gender and War: Australians at war in the twentieth century*, (Cambridge: Cambridge University Press, 1995), pp 105-17.

<sup>11</sup> Tim Cresswell, *Place: a Short Introduction*, (Madden, Massachusetts: Blackwell, 2004), pp 27, 29-30.

encouraged as a masculine virtue. In one sense the black market was as much a social construction as it was an illegal system. It is true there were also reports of organised rackets in female dominated field of cosmetics; however like the rest of the black market both buyer and seller simply viewed their activities as making the best of a bad situation.<sup>12</sup>

Until 1942 most Australians regarded the war as something *over there*, and the general attitude of the population was summed up by the then Prime Minister Robert Menzies as *business as usual*. However the increasing advance of the Japanese, especially after the bombing of Pearl Harbour in December 1941, brought a new reality home, that Australia would no longer be immune from the effects of war. Thus in order to cope with the mammoth war effort required, the incoming Curtin Labor government brought in wide scale rationing, which saw the introduction of the coupon system in 14 June 1942. Prices had already been fixed as early as 1939 under the National Security (Prices) Regulations, which attempted to maintain them as they were on the 31 August 1939. Price control did not however entirely reduce the risk of rises, and throughout the war the government spent a great deal of time and money maintaining the system, and fighting inflation.<sup>13</sup>

Upon presenting their Civilian Identity Card at any local electoral office, citizens were handed a ration book, a separate clothing card, and replacement, (due each year),

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<sup>12</sup> *West Australian*, 5/9/1944; Cusack & James, *Come In Spinner*, pp 48, 50, 352.

<sup>13</sup> Marnie Haig-Muir & Roy Hay, *The Economy at War*, in Joan Beaumont (ed.), *Australia's War: 1939-45*, (St Leonards: Allen & Unwin, 1996), pp 115-6. On inflation see, *Smith's Weekly*, 22/8/1942.

which was dependent upon presenting the old one. Once presented with their book people were free to spend their allotted points, (112 clothing), as they liked, although they would not be renewed until the following year. Food coupons, depending on the item were renewed every two to three weeks, or longer on occasion. For example coupons for sugar, categorised as a Bqitem were made available every two weeks in lots of two.<sup>14</sup> Naturally, there were exceptions for invalids, expectant mothers, or certain industries. Thus people soon learned to queue patiently every time new coupons became made available. Stores which had new deliveries of supplies became a closely guarded secret, and it soon became apparent as the war continued that the list of restricted items would grow longer still. As the *Daily Telegraph* suggested, striking a satirical note, ~~we~~ we can display the list prominently but how about the goods?<sup>15</sup> Tea and clothing were rationed from the beginning, in May 1942, while butter was added to the coupon system in 1943 and meat in early 1944. Most items not already rationed were restricted simply by scarcity as shoppers watched in horror as the shelves became more and more empty, and with so many wartime restrictions in place, consumption became simply another dirty word.

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<sup>14</sup> For tea, 2 coupons were made available every four weeks, butter, 2 ~~E~~coupons, (after 1944, 3), every four weeks, and meat, 4 ~~G~~coupons every two weeks. Items such as petrol often required an individual application to the Liquid Fuel Board before being made available. Rationing Commission, *Departmental History: 1942-1950*, (Canberra: Australian Government Publishing Service, 1951), pp 18-20.

<sup>15</sup> See *Daily Telegraph* (cartoon, 1945), in Peter Coleman & Les Tanner, *Cartoons of Australian History*, (Melbourne: Nelson, 1967), p 130.



[Figure 2]. The little book which caused so many problems: a ration book and clothing card from 1944. The lettered sections in the bottom right indicate specific categories of rationed items.

The new rationing regulations were felt elsewhere in the community, as advertisers struggled to adapt to the laws in place. The Sydney branch of J. Walter Thompson advertising firm had already felt the pinch when young staff rushed off to enlist, and by 1942 they were dissuaded against advertising rationed products; though such firms could get around this by creating goodwill or patriotic advertisements which seemed to have more in common with public relations than advertising.<sup>16</sup> Matters came to a head in December 1942 when the Minister for War Organisation of Industry, John Deadman was accused of banning Christmas, by censoring all references to the festive season because it was believed that it encouraged wasteful consumption and had become commercialised. Thus Father Christmas in an Anthony Hordens advertisement became an *Old Friend*, while the reindeer went a

<sup>16</sup> Rhiannon Davies, *Through Thompson Eyes: A Global analysis of Advertising in the J. Walter Thompson Agency, 1920-1945*, (PhD thesis: University of Sydney, 2008), p 230.

similar way to be replaced by a fairy coach.<sup>17</sup> In reply a number of irate citizens wrote into the *Sydney Morning Herald* accusing Deadman of stealing Christmas.<sup>18</sup> In the end most people were caught somewhere in the middle, determined to have their Christmas, but without using all their coupons, and it was in these situations that many turned to the black market. In this sense they were simply following the behaviour of some of the established department stores which had for some time crossed the line into illegality.

The behaviour of some of the department stores was in a completely different category to the individual buyer and seller.<sup>19</sup> Indeed while the buyer may have been looking for that extra item for dinner, and used a friend's coupons, companies were out to profit.<sup>20</sup> In October 1943, the Customs Department (which had joint responsibility for enforcing rationing), received a letter from a Friend of the Government informing the minister of a black market in children's furniture operating between a Rozelle carpenter and Anthony Hordens department store. He noted:

I know for a fact that a Mr Cyril Robertson... is abusing his Army exemption by being employed almost full time on his black market work, and using hundreds of feet of plywood in turning out 50 children's sets a

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<sup>17</sup> McKernan, *All In!*, pp 180-1; Davis, *Through Thompson Eyes*, p 253.

<sup>18</sup> *Sydney Morning Herald*, 7/12/1942.

<sup>19</sup> For a theoretical study of corporate crime, see: David O. Friedrichs, *Trusted Criminals: White Collar Crime in Contemporary Society*, 3<sup>rd</sup> ed., (Belmont California: Thompson Higher Education, 2007), pp 54-77. For a specific focus on such behaviour in wartime, see: Edwin H. Sutherland, *White-Collar Crime*, (New York: The Dryden Press, 1951), chapter 10.

<sup>20</sup> White Paper on Black Marketing, 1945, p 2. NAA: A670, Bundle 1.



week. These sets are being finished in coloured lacquers (more black marketing work).<sup>21</sup>

In a more cynical tone he added the following remark, ~~it~~ would be very interesting to know just how much this firm owes the Taxation Department.<sup>22</sup> Clearly Anthony Hordensqfelt that the demand was there or they would not have gone to all the trouble to purchase them, and we do not know whether such items were sold under the counter or as legitimate items; plywood along with other building materials being frozen, the company risked a heavy penalty if they were found out. Unfortunately the letter becomes rather vague on the exact quantities that went to Anthony Hordensq listing the figure in the vicinity of hundreds, although it is likely given that they had already turned out more than 800, that Mr Robertson had more than one buyer.

Anthony Hordensqwas far from the only company to attract suspicion for its trading practices, indeed Grace Brothers of Broadway also found itself subject to a report by an investigation committee. A report tabled for the Interdepartmental Committee on Black Marketing in 1945 alleged that the company had attempted to conceal its illicit profits by undervaluing its shares since 1940, which by 1943 had grown to a total of £388,328. Furthermore, Grace Brothers had failed to keep its records in order, and appeared to have misled investigators when they were accused of overcharging for items such as the menq half hose, and, in a nod to the behaviour of Mr Robertson, the Tax department was very interested to find out exactly how much tax the 19

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<sup>21</sup> Letter from ~~A~~ Friend of the Govt.to the Hon R.V. Keane, Customs Minister, 19/10/1943. NAA: A1539, 1945/W/2671.

<sup>22</sup> ~~L~~etter from ~~A~~ Friend of the Govt.-q NAA: A1539, 1945/W/2671.

shareholders had paid.<sup>23</sup> Certainly in a period when profits were restricted to 4 percent, excess profits would have stood out. Relatively early into the rationing period the ~~Digger~~ friend, *Smith's Weekly* published an article questioning the large profits of certain companies:

There are inflated items for out-of-pocket expenses for directors, depreciation and advertising. There are significant entries for transfers to general or special reserve accounts, and transfers from these accounts to the loan accounts of individual directors.<sup>24</sup>

Always leftist in outlook, but not anti-capitalist, the paper informed its readers, who consisted mostly of Australian service personnel that all was not well no the home front, and in this sense the idea that some people found themselves in a privileged position would not have gone down well with those defending democracy. The war was for the people not for a privileged few.

The unethical behaviour of a few businesses also attracted the attention of others. Dymphna Cusack and Florence James novel *Come In Spinner* contains a conversation between two wealthy businessmen who joke about how much money they have hidden from the Tax Department.<sup>25</sup> However, despite the grandiose claims of a few, corporate involvement was never as large scale as it may have been in somewhere like Britain, where a larger population and a severe food shortage meant higher profits. It should not be forgotten that the small size of the private sector in Australia was enough of a hindrance to prevent corporate profiteering

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<sup>23</sup> Report to the Attorney General, February 1945, Interdepartmental Committee on Black Marketing, NAA: 11171844, 1958/22284.

<sup>24</sup> *Smiths Weekly*, 9/11/1942.

<sup>25</sup> Cusack & James, *Come In Spinner*, pp 316-17; Sutherland, *White-Collar Crime*, pp 170-2.

further spreading. In Britain one form of this was when demolition crews (vital for clearing the damage from the Blitz) overcharged for work which was never completed, though there were many other schemes running as well.<sup>26</sup> Early research in this area, such as Edwin Sutherland's path-breaking sociological study *White Collar Crime* have tended to over emphasise corporate behaviour, which ignores the fact that the vast majority of offences were of an individual nature, rather than being company policy.<sup>27</sup> Thus while companies in Britain, the United States, and of course Australia may have made the decision to put profits before patriotism, many others willingly turned their factories over to war production as a source of pride. For the majority of Sydneysiders however, black market transactions were less likely to be made in expensive department stores, but in more mundane places for items like food or clothing material; in built up areas, often in close vicinity to the docks.

Since the start of the war the government had grown increasingly concerned at the number of reported thefts occurring on the docks, and often in broad daylight. The *Sunday Sun*, always up for a sensational story, quoted a local wharf watchman as saying the following:

Bashings of men who would not be a party to the thieving are increasing.  
But the police are facing a tremendous task. No underworld wall of

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<sup>26</sup> M.J. Trow, *War Crimes: Underworld Britain in the Second World War*, (Barnsley: Pen & Sword, 2008), p 83.

<sup>27</sup> Sutherland, *White Collar Crime*, Chapter 10. For a more comprehensive approach see Clinard, *The Black Market*.

silence was ever as thick as that on the waterfront: no grape-vine system of warning so efficient.<sup>28</sup>

For dramatic effect the editors also included the following: I have been threatened with cargo hooks . other men have actually been hooked.<sup>29</sup> Things were certainly bad at the docks, as Detective Constable Ray Blisset remembered of his days attempting to police the illegal trade around the harbour foreshore; the human conveyor belt became all too familiar as stevedores walked onto the ships, only to reappear with their CSR suitcases (a sugar bag) filled with beer and other restricted goods.<sup>30</sup> When ships from numerous countries docked in Sydney Harbour such as the British, Dutch, and French navies, they were all targeted to some degree; a favourite were ships from the US. On one occasion a US servicemen attached to the Army Transport Service discovered a marine locker had been prised open and two propellers stolen, only to spot the missing items fitted onto a large yacht moored in Elizabeth Bay that same afternoon.<sup>31</sup>

Other people found equally ingenious ways to make their fortune on the docks. For example the Army Journal *Salt* reported a case involving a merchant seaman on shore leave (although it failed to mention exactly where or when), who was caught with a large quantity of jewellery strapped to his legs. He was fined £300 and surrendered the goods, but a search of his cabin at the next port of call found another stash of jewellery, for which he was fined an additional £40 and ordered to

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<sup>28</sup> *Sunday Sun*, 2/8/1943.

<sup>29</sup> *Sunday Sun*, 2/8/1943.

<sup>30</sup> Interview with Ray Blisset, qAWM: F04028/1/3.

<sup>31</sup> Eli Daniel Potts & Annette Potts, *Yanks Down Under 1941-45: The American Impact on Australia*, (Melbourne: Oxford University Press, 1985), p 231.

surrender these goods as well.<sup>32</sup> The problem as Blisset saw it was that no one knew what cargo each ship was carrying, because the first thing to be stolen on each vessel was the shipping manifest with details of everything on board. Unsurprisingly he blamed the stevedores for the thefts, and argued that their union, the Waterside Workers Federation, (which encouraged industrial activity during the war) was nothing more than a front for organised criminality.<sup>33</sup> Their industrial action alone would have made them unpopular with the broader community, and it was hardly uncommon for police at this time to be staunchly anti-unionist. However, going back as far as the First Fleet, the Sydney wharves were regarded as morally suspect. In his extensive history of organised crime in Sydney, Alfred McCoy likened its criminal structure to other port cities like Marseilles.<sup>34</sup> However the stevedores had their own explanation for their constant pilfering.<sup>35</sup>

The war provided a once in a lifetime opportunity for many of the working-class labourers on the wharves. As Alan McMillan remembered: ~~You~~ get on a ship and... you say to the Chief Steward... ~~We~~ haven't tasted a tin of salmon for a long while... [~~He~~ say] get a couple in your bag... and take them home.+ And that went on . *wasn't what you'd say stolen, it was given to you* [my italics].<sup>36</sup> The people in the suburbs of Millers Point and Pyrmont were some of the poorest in Sydney,

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<sup>32</sup> *Salt*, 10/9/1945. See also: White Paper on Black Marketing, 1945, p 24. NAA: A670 Bundle 1.

<sup>33</sup> Interview with Ray Blisset, qAWM: F04055/1/3.

<sup>34</sup> McCoy, *Drug Traffic*, pp 26, 98.

<sup>35</sup> Interview with Ray Blisset, qAWM: F04055/1/3.

<sup>36</sup> Joanna Penglase & David Horner, *When the War Came to Australia: Memories of the Second World War*, (St Leonards: Allen & Unwin, 1992), p 200. See also: Interview with Alan McMillan, Australian War Memorial: F04057.

surrounded on all sides by concrete, industrial waste from the factories and the stench of rotting fish from the nearby markets; it was hardly an ideal place to raise a family. Workers may have been slightly better paid, because their occupation was viewed as vital to the war effort, and thus a protected industry, but wages were still leagues behind most other jobs.<sup>37</sup> With the war on everyone's doorstep people made do as best they could; Wentworth Park, and much of the surrounding area in Pyrmont was commandeered by the US military for barracks and storage purposes, (apparently guarded), but it must have been a constant temptation not to steal from them.<sup>38</sup>

There was a ready market too. Not far away from where Alan McMillan was helping himself to some tinned salmon, courtesy of the US military, Peter Theodore of Glebe was selling it on, making a tidy profit.<sup>39</sup> Det. Const. Blisset was prone to over exaggeration, but it seems unlikely that all pilfering which took place on the wharves was for personal consumption. It certainly did not help matters that the wharves, (because they were a protected industry) seemed to attract an unsavoury criminal element which had little interest in being sent to Darwin or New Guinea by Manpower.<sup>40</sup> We do not know the extent to which organised crime had penetrated the wharves during the war except for the fact that it was undoubtedly more concentrated there than anywhere else in Sydney. However the organised networks

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<sup>37</sup> Shirley Fitzgerald & Christopher Keating, *Millers Point: the urban village*, (Sydney: Hale & Iremonger, 1992), p 98.

<sup>38</sup> Shirley Fitzgerald & Hilary Golder, *Pyrmont and Ultimo: under siege*, (Sydney: Hale & Iremonger, 1994), pp 108-9.

<sup>39</sup> Interview with Ray Blisset, qAWM: F04055/1/3.

<sup>40</sup> Interview with Ray Blisset, qAWM: F04055/1/3; Interview with Allan McMillan, qAWM: F04057.

on the wharves were not the only ones involved in the wartime black market, and police had particular difficulty locating sly-grog shops.

The most sophisticated syndicates (with the possible exception of Grace Brothers) related to the illegal sale or supply of alcohol. Consider the following report made by the Customs Special Investigation Section, a taskforce formed to look into large scale black marketing of alcohol which involved Messrs Kempley, Blank and Casey. Blank was arrested on 9 December 1943 on suspicion of black marketing activity between 1 May and 8 December 1943, and was finally convicted 3 March 1944.<sup>41</sup> Casey managed the Sussex Hotel, (owned by Blank), while Blank himself was proprietor of the Macquarie Hotel. Mr Kempley, of Kempley, Wilde & Co., Public Accountants, did the accounts for both establishments. After a long investigation involving more than 33 personnel from branches as diverse as the Commonwealth Security Service all three were arrested without warrant under the National Security Act, and a search discovered more than 450 bottles and 45 gallons of rum hidden on the premises. Further investigations revealed that Cooper Nathan & Co., Spirit Merchants of Sydney had been illegally supplying alcohol above the price limit to the Darlington Hotel run by Kempley. An examination of that company discovered a number of illegal transactions, (presumably in sugar) between the manager of Cooper & Nathan, William Christie, and a senior director of Colonial Sugar Refinery, E.G Claxton. The illicit profits from the venture finally went into the coffers of The

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<sup>41</sup> Telegram from J.B. Maher, Senior Exercise Officer, Department of Trade and Customs to Solicitor General, Department, 9/12/1943; Memorandum for the Crown Solicitor, Attorney General, Department, National Security Act, Section 13. Arrest, 9/12/1943; Particulars Respecting Prisoner David Blank Now Confined in State Penitentiary, Secretary, Department of Prisons, 3/7/1944. NAA: A472, W18006.

Union Trustee Co., which in acting as joint trustee of the distillery seemed to display a remarkable turn in its finances.<sup>42</sup> Thus we have a clear case of corporate sponsored black marketing. However the vast bulk of cases which took up police time were of a far less extensive nature and, unsurprisingly many were clustered together in the inner city.

The black market transactions which took place in The Cross and surrounding areas seemed to fit a general pattern of catering to the vices of a large number of military personnel on leave.<sup>43</sup> While at one end was the sophisticated syndicate of David Blank and his associates, at the other end of scale were the street cons of professional criminal, Chow Hayes. What later became known as the Cabbage Leaves Rort consisted selling American cigarettes around the seedy end of town, which despite their authentic labelling consisted of nothing more than collected cabbage leaves from Chinatown. Hayes later alleged, (although there is no proof), that his team of grafters were pocketing roughly £8,000 a week from the scam.<sup>44</sup> As Tanja Luckins has remarked that six o'clock closing laws introduced after World War I had the result of reducing *public* drunkenness. This occurred when people sought refuge in buying bottled beer and the sly-grog shops that frequented the poorer parts of the city were hidden from public view. Thus long before the introduction of rationing the pub had long ceased to offer any endearing qualities for most women,

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<sup>42</sup> Memorandum Senator the Hon. R.V Keane, Minister for Trade and Customs, Agendum No.600-Black Marketing Investigations, 30/1/1944, NAA: A270, 600. See also David Blank . Prosecution under the National Security (Prices) Regulations . Black Marketing Act,qNAA: A472, W18006.

<sup>43</sup> Alan Birch & David S. Macmillan, *The Sydney Scene: 1788-1960*, (Melbourne: Melbourne University Press, 1962), pp 346-7; Cusack & James, *Come In Spinner*, pp 67-8, 199-204.

<sup>44</sup> Hickie, *Chow Hayes*, pp 171-81.



becoming purely a male space, while the introduction of bottled beer increased the risk of domestic violence.<sup>45</sup>

Throughout the war Customs and police had numerous reports of premises that seemed unable to supply alcohol during normal trading hours, though appeared to do a roaring trade well outside of these times.<sup>46</sup> The difference between the sly-groggers of the 20s and 30s and those during wartime was that many of the suspect establishments under investigation during the war were legitimate businesses as opposed to being derelict hovels consisting of nothing more than a few chairs and bottles of beer; though the latter certainly existed. The influx of so many foreign troops also appeared to change drinking tastes, and apart from the staple of beer, (wine was regarded as suspect), whisky became enormously popular and prices quickly rose from the normal 25s to sometimes more than £3. The vast bulk of supplies however were of dubious quality; the better at least used proper labels, while the worst consisted of wine, spirit or whatever was at hand.<sup>47</sup> As Michael McKernan has pointed out anyone who was silly enough to believe that he, (it was almost always *he*), could purchase authentic Scotch during a war deserved what they got.<sup>48</sup>

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<sup>45</sup> Tanja Luckins, *Satan finds some mischief: ?+drinkers response to the six o'clock closing of pubs in Australia, 1910s-1930s*, *Journal of Australian Studies*, 32, (September 2008), pp 66-8.

<sup>46</sup> Penglase & Horner, *When the War Came to Australia*, p 200; *interview with Ray Blisset*, *AWM: F04055/1/3*.

<sup>47</sup> McKernan, *All In!*, pp 248-9.

<sup>48</sup> McKernan, *All In!* p 249.

The black market in alcohol got the most press coverage because it was viewed as the most immoral, especially in the context of six o'clock closing.<sup>49</sup> However bootleg alcohol was not the only thing going on in the inner city, nor was such behaviour always confined to pubs. Indeed, there are many reports of suspicious activity occurring in more diverse quarters like the late night cafes and street corners, where it was not uncommon for unscrupulous salesmen to offer anything from petrol coupons to bags of soap, much of which was sold onto unsuspecting American servicemen.<sup>50</sup> Such areas certainly had a different idea of community as one person remembered, 'You could buy anything you wanted to up at The Cross without coupons.'<sup>51</sup> The wartime blackout although not as extensive as in Britain created a level of fear as whole suburbs became clothed in darkness, and drunken assaults were common, perhaps even more so as the restrictions on transport meant that many were stranded in the city. Of course most people did not live in the Cross, choosing instead to visit it for own reasons. With the restrictions on public transport (to conserve fuel), many found that somewhere during the course of the war they would have to deal with taxis, which made a unique contribution to black market culture.

The war had a profound effect on the taxis of Sydney, and overnight it seemed that many had managed to transform themselves from being mere carriers of people to four wheeled grocery stores, offering everything from bottled beer to building

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<sup>49</sup> See: *Truth*, 24/1/1943, 31/1/1943, 7/2/1943, *Daily Mirror* 1/11/1943, *Sun* 9/10/1943, 1/11/1943, 16/11/1943.

<sup>50</sup> *Memories of Kings Cross: 1936-1946*, Kings Cross Community Aid and Information Service, (Kings Cross: Kings Cross Community Aid and Information Service, 1981), pp 109-10.

<sup>51</sup> *Memories of Kings Cross*, p 112.

materials. Thus it soon became common for taxi drivers to be seen in the odd hours of the morning loading and unloading suspicious packages from the boot of their vehicles, to be sold on to a needy customer. But why taxis? Dhasq wrote into the *Bulletin* and described the following conversation between himself and the driver of a taxi which seemed to be full of blue metal, a rationed building material:

Do you know what I have to pay for petrol on the black market [said the driver]? Seven bob a gallon! ...new tyres cost me sixty quid on the black market. Why don't [sic] the Government let us have some tyres and give us 150 gallons of petrol instead of that ridiculous 75 that forces us onto the black market?<sup>52</sup>

If taxis were forced onto the black market by restrictive rationing it certainly did not help matters that there were large numbers of US servicemen willing to pay large sums of money for whatever they could get.<sup>53</sup> Nor should it be surprising that taxi drivers seemed well represented in syndicates dealing in petrol, especially when it is factored in that the returns were high, and public transport restrictions forced most people to pay for whatever transport they could get.<sup>54</sup>

The wartime black market in alcohol, petrol and cigarettes may have been an exclusively male domain, but it was a different story with goods like dress material or fruit and vegetables, where women appeared to dominate most sales, with most of the men away fighting. Many Sydneysiders found it difficult to maintain adequate supplies of fruit and vegetables, which the war had so drastically cut, and unlike

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<sup>52</sup> *Bulletin*, 10/2/1943.

<sup>53</sup> Cusack & James, *Come In Spinner*, pp 138, 152-3. To combat the problem a special detachment of police and Transport Officers were assigned to regulate licensing and fare scales. *SMH*, 30/11/1943, 9/12/1943.

<sup>54</sup> *Smith's Weekly*, 11/6/1942.

those in the outer areas or less established cities like Brisbane, there was little space for personal cultivation; perhaps another reason why the black market seemed more confined to the urban populace. Instead most people had to rely on the local grower's markets and barrow sellers who lined George Street where it was difficult to enforce price regulations.<sup>55</sup> Here the spatial divide between genders was less noticeable because it was the women who did most of the shopping, and thus, it is in this area where most breaches involving women occurred. As early as August, 1942 the *Sun* ran a large story on the presence of a black market in potatoes existing in Sydney markets. Potatoes had not yet been rationed, but it seems that demand had outstripped supply and some traders were taking advantage of the situation by raising their prices.<sup>56</sup>



[Figure 3] The potato reads Black marketing, Food Supply  
*Sunday Sun & Guardian* 2/8/1942.

<sup>55</sup> Lydia Gill, *My Town: Sydney in the 1930s*, (Sydney: State Library of New South Wales Press, 1993), p 64.

<sup>56</sup> *Sun*, 2/8/1942. See also: *Cairns Post*, 3/8/1942.

The complicity of vegetable traders in black market caused a stir in the media and the government. Matters were hardly helped when the *Sydney Morning Herald* quoted the president of the NSW Fruit Shopkeepers Association one October in 1943, as saying that if fruit and vegetable shopkeepers did not trade on the black market most would starve.<sup>57</sup> Despite obviously reading the article, the government appeared to have ignored Mr Cook's argument that the scarcity of goods meant that products were more expensive, meaning that the cost would have to be passed onto the consumer. Indeed, the day after the publication of the article the Commonwealth Investigation Branch prepared a dossier on Mr Cook and the association and while they seemed to have decided not to proceed against him personally, it did not stop them infiltrating a meeting by the organisation held two weeks later.<sup>58</sup> In fairness to the Commonwealth Police, the black market in fruit and vegetables was widespread and detection was difficult because a lack of investigators and few were willing to risk reprisals. In the same period the *Daily Mirror* reported incredulously that greengrocers were charging up to a shilling a pound for peas.<sup>59</sup> Similar investigations were also taking place in the clothing industry where it was widely reported that large quantities of illegal material were being sold.

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<sup>57</sup> *SMH*, 13/10/1943.

<sup>58</sup> C.I.B transcript of NSW Fruit Shopkeepers Association meeting held 3pm Sunday 31/10/1943. NAA: A367, C53299. See also: NAA: Attorney General's Department, Central Office; Correspondence Files; 1/9/1939-31/12/1949; Black marketing in fruit and vegetables; 1943; A472, W16722.

<sup>59</sup> *Daily Mirror*, 29/10/1943. See also: *Sun* 1/11/1943.

Most ration breaches involving material were of the petty kind, but that did not stop investigators casting their eye over the entire industry.<sup>60</sup> Many of the sellers here were hawkers of dress material which was sold onto small scale manufacturers mostly concentrated around South Sydney, while the buyers were those women who could afford the price, and were not content to have their sense of fashion dictated to by accountants. Unfortunately a number of reports of this nature seem only to concentrate on the seller, and we have no way of knowing whether it was actually the buyer who reported the illegal transaction to the authorities and wished to remain anonymous.<sup>61</sup> The following is a typical case, Louis Max Patmoy a pawnbroker of Castlereagh Street was charged with selling a leather jacket to a woman without coupons, unfortunately in full view of a police detective.<sup>62</sup> While many buyers were urban women, and more than a few men unwilling to wear the Victory Suit, there were more than a few customers and tailors willing to take the risk.<sup>63</sup>

As men and women behaved differently in the formal economy, so they did in the informal one. The moral geography of Sydney would not allow women to participate in cultural pursuits in the inner city; instead respectable women were largely confined to the safety of the suburbs where there were far fewer reports of such activity. This did not mean that they were not involved, far from it; women bought and sold

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<sup>60</sup> McKernan, *All In!*, p 157.

<sup>61</sup> For example see: Memorandum from Rationing Commission to Minister for Trade and Customs, R. V Keane, list of all detected infringements over an 18 month period, 9/6/1945. In NAA: A670, Bundle 1.

<sup>62</sup> *Daily Mirror*, 29/10/1943.

<sup>63</sup> *Bulletin*, 27/1/1943. See also: McKernan, *All In!* pp 155-7; *Sun*, 27/7/1942; *Truth* 25/2/1945; Kate Darian-Smith, *On the Homefront: Melbourne in Wartime, 1939-1945*, (Melbourne: Oxford University Press, 1990), pp 35-37.

numerous items on the black market, but such behaviour was not viewed as *black market*, but buying the bare necessities. Men as we have seen were much freer in interacting with the city, and thus a fixation with danger and vice encouraged forages into Kings Cross after brown-out looking for adventure. For them knowing the black market meant knowing the city.

Excessive consumption after the coupon system was introduced became frowned upon, although clearly felt there was a market for the illegal products they were buying, though this was kept quiet, for stockpiling was seen as going against the egalitarian spirit of making-do. More items than anybody knew what do with, flooded the docks, and the areas around the harbour quickly became the site for numerous transactions in various black items. In short, many of the assumptions governing black market behaviour were the product of an anti-urban ethic which had taken hold in the 1920s. Occasionally the link between poverty and crime was proven, but often the offenders had no prior conviction and were generally inner city merchants rather than professional criminals. This was a crime that permeated all aspects of society but appeared most glaringly in the inner city. Thus as the war continued, the authorities found themselves again and again going back to the drawing board.

## Chapter Two

### Policing the Problem

*There was a fellow called Peter Theadore, he had an extensive black market... in tinned fish and butter... he made a fortune. He knew someone in the War Organisation of Industry...no doubt he spent a quid or two and he seemed to be able to get anything you wanted.*

Detective Constable Ray Blisset.<sup>1</sup>

It was a constant source of concern to the mandarins in Canberra that large numbers of the population seemed to be completely disregarding the National Security Regulations. By late 1942 the government had lost patience with education campaigns and began drafting harsher penalties, spearheaded by the indefatigable Attorney General Herbert Vere Evatt. The new Black Marketing Act, which was introduced in September 1942, was meant to act as a deterrent to possible perpetrators and as Evatt himself noted largely covered the same ground as the existing National Security (Prices) legislation.<sup>2</sup> Before this the Prices Commission (a division of the Rationing Commission which was charged with enforcing government policy), had to content itself with prosecuting only the worst cases of overcharging, which led to a high rate of convictions, (304 out of 314 prosecutions up to July 1942); but there was still a feeling that bigger fish were escaping the net.<sup>3</sup> The introduction of coupon rationing earlier in the year had no doubt made matters worse, for now those who disliked the idea of saving their points for certain, (and most likely bland)

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<sup>1</sup>

<sup>2</sup> Evatt told Cabinet that the legislation was essentially the same but provided for harsher penalties for offenders. Minutes of Full Cabinet Meeting 22/9/1942,qNAA: A2703, 32.

<sup>3</sup> S.J. Butlin, *The War Economy, 1939-41*, 2<sup>nd</sup> ed, (Australian War Memorial: Canberra, 1965), pp 40-1.



items would simply shop somewhere else, regardless of the price. Thus, the more enterprising citizens soon began stockpiling supplies in earnest.<sup>4</sup>

The following is a discussion of local crime patterns during the war as well as an analysis of regulation procedures. While S.J. Butlin and C.B. Schedvin were no doubt correct in arguing that the Act was more of a propaganda document than an effective restraint, policing the black market was a task done by more than the Attorney General's Department and the Prices Branch, (a subsidiary of the Rationing Commission).<sup>5</sup> There is no mention of the role played by the Sydney based Customs Taskforce, or the Commonwealth Investigation Branch, or other institutions; for regulating behaviour is more than simply making laws, it involves a complex negotiation of morals between the police and the policed regarding acceptable norms of behaviour.<sup>6</sup>

There were many reasons for the lack of success in controlling the wartime black market. For a start there were the severe manpower shortages leaving underpaid and overworked public servants to deal with what many argued were petty offences,

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<sup>4</sup> Paul Hasluck, *The Government and the People, 1942-1945*, (Australian War Memorial: Canberra, 1970), pp 273-5). On the coupon scale for various items such as clothing and food items see: Rationing Commission, *Departmental History: 1942-1950*, (Canberra: Australian Government Publishing Service, 1951), pp 37-8, 83. See also: *Get the Right Angle on Rationing: Answers for your coupon queries*, Commonwealth Rationing Commission, (Canberra: Australian Government Printer, 1943).

<<http://www.nla.gov.au/apps/doview/nla.aus-vn5056727-p.pdf>> (accessed 31/8/2011).

<sup>5</sup> S.J. Butlin & C.B. Schedvin, *The War Economy, 1942-1945*, (Australian War Memorial: Canberra, 1970), pp 329-31, 564-9.

<sup>6</sup> On the moral dimension to white-collar crime see: Stuart P Green, *Lying, Cheating, Stealing: A Moral Theory of White Collar Crime*, (New York: Oxford University Press, 2006).

and hardly worth the effort. Also, the speed at which wartime legislation was drafted meant that it was often unclear which government body was in charge, leading to a departmental double up, and often a level of bureaucratic rivalry. It was always going to be an impossible task to regulate every wartime transaction and secure convictions against suspects, because despite what some critics said, the Curtin government was not a totalitarian regime where legal trials were for show only.<sup>7</sup> Even the Rationing Commission's own history noted, *it stands to reason that it was not possible to police even a small portion of transactions in rationed goods which occurred every day.*<sup>8</sup> The rather liberal interpretation of black market behaviour after 1942, as *any transaction in contravention of price control, rationing (including petrol rationing), the various controls over production, or indeed any economic control by regulations under the National Security Act, created a bureaucratic nightmare, as well as resentment within the judiciary and public service.*<sup>9</sup> As a result of this, corruption was a constant problem which added to an already growing number of woes. However, Australia's small population relative to food production and geographic isolation meant that it never experienced the large syndicates of Britain, and in the end authorities assigned a secondary status to the matter.

The authorities seemed to believe that the black market was part of a broader increase in vice during the war and many blamed the number of people under arms, however by most standards crime actually decreased. New South Wales for

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<sup>7</sup> Commonwealth Parliamentary Debates, 172, pp 975-1001, 145-82, *Age* 2/10/1942. Cited in, Kate Darian-Smith, *On the Home Front: Melbourne in Wartime, 1939-1945*, (Melbourne: Oxford University Press, 1990), p 239.

<sup>8</sup> Rationing Commission, *Departmental History*, p 215.

<sup>9</sup> Butlin, *The War Economy, 1939-42*, p 330.

example saw an increase of assaults from 132.55, (per 100,000) in 1940, to 200.25 in 1945, an increase of 67.7<sup>10</sup> Homicide, sexual assault, robbery, burglary, and drunkenness also experienced small increases relative to the start of the war.<sup>11</sup> The exceptions to the rule are traffic offences, which is odd given the potential for road accidents during black outs. However this is possible as many involved military vehicles and would therefore be out of civilian jurisdiction, and not be included in the official statistics.<sup>12</sup> The other is larceny, which appeared to decline during the war years but the higher number of convictions secured suggests that authorities wanted to appear tough on crime regardless of numbers.<sup>13</sup> The exception is drunkenness, which is rather surprising given the number of soldiers stationed in and around Sydney, but then many would have been dealt with by Court Martial, not local police.

General figures however do not tell the whole story. Absent (with the exception of drunkenness) are the perceived moral offences such as abortion, prostitution, and most importantly for our purposes, breaches of the National Security Regulations, many of which appear in the *New South Wales Police Gazette*. A study of the entries for 1943 is revealing, for it records an abnormally high number of arrests for moral offences like: rape, (including minors), desertion, bigamy, homosexual behaviour, and vagrancy.<sup>14</sup> Unfortunately black marketing was regarded as a federal

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<sup>10</sup> Satyanshu Kumar Mukherjee, *Crime Trends in Twentieth Century Australia*, (North Sydney: George Allen & Unwin, 1981). pp 69-70. There is no specific data for Sydney.

<sup>11</sup> Mukherjee, *Crime Trends in Twentieth Century Sydney*, pp 65-7, 70-7, 80-4.

<sup>12</sup> Mukherjee, *Crime Trends in Twentieth Century Sydney*, pp 85-7.

<sup>13</sup> Mukherjee, *Crime Trends in Twentieth Century Sydney*, pp 77-80.

<sup>14</sup> *New South Wales Police Gazette*, (Sydney: New South Wales Government Printer, 1943), pp 395-7

crime, and state police did not as a rule enjoy enforcing such regulations, therefore offences in this category are not recorded. Although there were a number of petty thefts especially around army bases and factories, in areas which would not normally see crime, it is possible that these were black marketing cases.<sup>15</sup> Thus while there was a perceived increase in crime it provided the impetus for the Vice Squad and others to crack down on underground activity because the entire sector was thought to be a breeding ground for immorality but as we have seen time and time again the black market avoided any single definition of criminality.

Local magistrates were far from pleased at having their courts invaded by individuals convicted on the growing list of national security regulations. According to one estimate, out of the 135 cases deemed serious enough to be submitted to the Attorney General, 70 proceeded under the Black Marketing Act, while the remaining 65 proceeded under the old Prices Regulations; although even then the conviction rate was in the vicinity of 60 percent.<sup>16</sup> Statistical data in many cases is incomplete, most likely due to the failure of departments to cooperate. The official statistics furnished in the 1945 White Paper on Black Marketing show much higher numbers of successful prosecutions. From the introduction of the Act to November 1943 it recorded a total of 584, of which 266 concerned fruit and vegetables, 38 drapery, 78 groceries, 6 metals, 28 liquor, 2 motor cars, 20 meat, and 166 miscellaneous.<sup>17</sup>

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<sup>15</sup> *NSW Police Gazette*, pp 35, 209, 307, 350, 415.

<sup>16</sup> Butlin & Schedvin, *The War Economy, 1942-45*, p 568.

<sup>17</sup> Items regarded as miscellaneous included: bread, firewood, oils tobacco, matches, bags, furniture, and stoves. Data which is incomplete from November 1943 to April 1945 brings the total to 2112 cases, making it an increase of 72%. This may have included arrests as well. 1945 White Paper on Black Marketing, p 8. NAA: A670, Bundle 1.

However it is quite possible that the majority of cases were never referred to the Attorney General, or were not recorded as such. It should also be noted that such figures are national which is unsurprising given that the black market was mostly referred to only in the broadest possible terms; nor did it make much sense for federal departments to create state or city based data, because that was regarded as a matter for the states. In any case there was a general reluctance on behalf of the judiciary to impose harsh penalties on the populace, perhaps because in most cases the penalties far outweighed the crimes, and the situation at home was not regarded as serious enough for strong sentencing.<sup>18</sup>

The judiciary however were not economists, and their own objections were based on the political nature of the laws which seemed to violate the Constitutional agreement of separation between the Executive and Judiciary branches of government. In short, the idea that the government could influence legal judgements by imposing mandatory minimum sentences seemed wrong, and not even the wartime emergency could threaten the challenge to civil liberties, which we will see in Chapter Three.<sup>19</sup> Therefore it was not surprising that many accused argued that the laws were a breach of judicial power and that ~~traps~~ were morally suspect.<sup>20</sup>

The Rationing Commission shared a different view on the matter, as the *Departmental History* noted ~~with~~ with one or two exceptions... magistrates did not

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<sup>18</sup> Rationing Commission, *Departmental History*, p 216; Hasluck, *The Government and the People, 1942-45*, pp 325-6.

<sup>19</sup> SMH, 14/12/1944; *Advertiser*, 14/12/1944; *Argus*, 14/12/1944, *West Australian*, 14/12/1944. Copy of letter from J.B. Jackson to the Under-Secretary, Department of Attorney General & of Justice, 9/10/1944. NAA: A472, W16731

<sup>20</sup> David Blank, Notice of Appeal, 12/3/1944, p 3. NAA: A472, W18006.

appreciate the real necessity for rationing, and the fundamental position which rationing controls occupied in the war effort.<sup>21</sup> Such comment seems to imply the rather odious charge of hindering the war effort. As we can see the sticky norm of black marketing met with varied responses between those who viewed such conduct as illegal and immoral, (the Rationing Commission) and those in the judiciary of a more liberal persuasion, who viewed the problem as one of regulation.<sup>22</sup>

Consider the case of Bondi butcher Adrian Jessup, whose ingenious plan to defraud the Commission out of 2,646 coupons consisted of submitting his old coupons to a bank, a requirement before the next year's instalment could be issued. However a closer inspection revealed the envelopes submitted contained mostly pieces of white paper cut out to represent coupons. He was convicted on 12 October 1944 and fined £3, which the Rationing Commission was less than pleased about.<sup>23</sup> Other cases seemed even pettier; Reuben Levitas of Pit Street was fined £3 for supplying articles of women's underclothing at less than the required number of coupons.<sup>24</sup> In this way the courts became tied up securing even the smallest case, meaning that much larger breaches could slip through undetected. The establishment of a separate Special Court in Sydney which was (in theory) subordinate to the New

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<sup>21</sup> Rationing Commission, *Departmental History*, p 216.

<sup>22</sup> Stuart Henry (ed.), *Can I have it in Cash?: A study of Informal institutions and Unorthodox Ways of Doing Things*, (London: Astragal, 1981), p 16. Cited in Ina Zweiniger-Bargielowska, *Austerity in Britain: Rationing, Controls, and Consumption, 1939-1955*, (Oxford: Oxford University Press, 2000), p 156. See also Green, *Lying, Cheating, and Stealing*, p 1 and more generally.

<sup>23</sup> Briefing paper from Rationing Commission to Customs Minister, 9/6/1945, p 3: NAA: A670, Bundle 1. On ration book regulations see: Rationing Commission, *Department History*, pp 14-15, 30, 32; 'Get the Right Angle on Rationing.'

<sup>24</sup> Briefing paper from Rationing Commission to Customs Minister, 9/6/1945, p 2. NAA: A670, Bundle 1.

South Wales legal system, was supposed to reduce the backlog of cases however it led to more confusion regarding the role of the States in the process.

As Kay Saunders has remarked on state intervention in Queensland during this period, the Australian War Book, which outlined the national security regulations:

gave...due regard, (*but did not define*) the internal process of cooperation between the States and the Commonwealth...The expansion of the functions of existing civil departments was envisaged, though the *specific features of this process were not described* [my italics]<sup>25</sup>

Perhaps it is unsurprising given that much of the bureaucratic infrastructure was created from scratch in a matter of weeks. Paul Hasluck, in his capacity as official chronicler of the government during World War II also described the process of state involvement, but unfortunately his account suffers from a level of bland impartiality, and he restricts himself to noting that among other functions there would be cooperation between state and federal police forces and the Customs Department on issues of law enforcement. He does however, note that more consultation should have taken place with the states, but does not say how this could have been achieved.<sup>26</sup> Essentially the problem was that by copying a British system of national security regulations, which was not designed for a federal (state based) system, it caused more confusion in everyday lives, and made criminal detection and prosecution even more problematic.

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<sup>25</sup> Kay Saunders, *War on the Homefront: State intervention in Queensland 1938-1948*, (St Lucia: Queensland University Press, 1993), pp 25-6.

<sup>26</sup> Saunders, *War on the Homefront*, p 4; Hasluck, *The Government and the People, 1939-1945*, (Canberra: Australian War Memorial, 1965), pp 125-37.

The nature of black marketing laws meant that absolute proof was required to secure a conviction, which meant actually purchasing the products, through undercover ~~traps~~ sales, though such methods were frowned upon.<sup>27</sup> In one example, a joint operation was launched between the US Provosts and the local police to arrest a woman charged with illegally supplying alcohol from her home in Bondi. After being shown the house in question, US Privates Brown and Collidge, who appeared to know some of the soldiers billeted there, made a purchase of a number of bottles of alcohol, after which Collidge returned to the car while the police and provosts made their way into the premises. After the woman was identified by Brown, the arrest was made by Constables Tomkis and Doerner of the Vice Squad. When questioned the woman, (a Mrs Tarrant), denied any knowledge of black marketing liquor, though a search of the house turned up a large stock of alcohol. When asked about this, she explained that the 234 bottles of alcohol, and small quantity of tobacco uncovered were the property of the soldiers who were conveniently away at the time and were due to leave Sydney the next day. Private Brown confirmed this version of events and Mrs Tarrant was charged with ~~illegally~~ ~~grogging~~ on 7 August 1944.<sup>28</sup> Certainly the presence of so many cashed up US soldiers on leave increased the black market problem in urban centres like Sydney, although as this case shows, there were instances when various departments could work together in stamping out the trade.<sup>29</sup>

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<sup>27</sup> Butlin & Schedvin, *The War Economy, 1942-45*, p 565.

<sup>28</sup> Arrest reports by Constable Thomas G. Tomkis, and US Provost Private Brown 15/9/1944, 19/9/1944. Itinerary of seized goods resulting from the arrest of Nell Tarrant. NAA: A1539, 1944/W/2689.

<sup>29</sup> For other examples of American involvement in the local black market see: Sue Rosen, *We Never Had Such a Hotbed of Crime!: Life in Twentieth Century South Sydney*, (Alexandria: Hale & Iremonger, 2000), p 98; *Dymphna Cusack and Florence James, Come In Spinner*, (Sydney: Angus &



By October 1943 the Rationing Commission had finished its first review of black market enforcement procedures. However, the fact that one was completed only a year into the legislation suggests that there was a feeling amongst policymakers that it was not working. Among other things the report called for the scrapping of the Special Court, in favour of a Commonwealth Court which would remove the problem of state jurisdiction, and deal only with National Security breaches, an increase in staff to the Crown Solicitors Department in each state, and the revoking of bail for convicted offenders.<sup>30</sup> Senator Keane, Minister for Customs and Trade who was responsible with the Attorney General for enforcing the regulations, noted the difficulty in catching offenders and called for the training of more investigators. The editor of the *Sydney Morning Herald* agreed, arguing that ~~u~~rained investigators... would not be long in picking up trails that are apparently so familiar to members of the public, ~~h~~owever such a plan failed to mention where ~~u~~rained investigators ~~q~~would come from.<sup>31</sup>

Indeed, with such a severe shortage of labour, Manpower largely resorted to moving the largely female dominated workforce to the most urgent industry as it was needed, and rarely did a day go by when a Manpower investigator would not be on the lookout for war shirkers, which reduced the number of trained investigators even

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Robertson, 1966), pp 138, 152-3, 322. E. Daniel Potts & Annette Potts, *Yanks Down Under 1941-45: The American Impact on Australia*, (Melbourne: Oxford University Press, 1985), pp 230-2; *Memories: Kings Cross 1936-1946*, (Kings Cross Community Aid and Information Service, 1981), pp 109,136.

<sup>30</sup> *Sydney Morning Herald*, 7/10/1943.

<sup>31</sup> *SMH*, 7/10/1943.

further.<sup>32</sup> Doubtless to say, many of recommendations were never implemented, although as new information from London came to light it was added to the growing list of recommendations.

From early on in the war, the Curtin government was keen to research the British response to the black market, and as a result the High Commissioner in London was given instructions to find out as much as he could and report on the matter.<sup>33</sup> Most papers appear not to have taken much interest in the British situation until early 1942, after which regular reports were filed by the *Herald's* own correspondent who noted that food shortages had led to the creation of a wartime black market.<sup>34</sup> Certainly before this time the majority of the coverage was focused on the German situation, which was a direct result of Britain's naval blockade.<sup>35</sup> The correspondent argued that Australia had a unique opportunity of learning from Britain's experience in dealing with the problem, and also, in a fit of national pride, noted that London newspapers display prominently the news of Australia's sweeping reforms although he was rather illusive in saying exactly where.<sup>36</sup>

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<sup>32</sup> *Truth*, 25/2/1945, Peter Coleman & Les Tanner, *Cartoons of Australian History*, (Melbourne: Nelson, 1967), p 130.

<sup>33</sup> Cables from High Commissioner's Office, London to Prime Minister's Department and Prices Commission, 13-15/1/1943, 8/1/1943 9/1/1943, 4/1/1943, 3/1/1943, 2/1/1943 3/12/142. NAA: A9816, 1945/170.

<sup>34</sup> *SMH*, 27/2/1942.

<sup>35</sup> On the German black market see: *SMH*, 19/1/1940.

<sup>36</sup> *SMH*, 13/2/1942.

Official news took even longer, so much so that the Rationing Commission became increasingly concerned by the lack of replies from London. Personal inquiries by the High Commission staff had already revealed that enforcement was even less centralised than in Australia. Indeed, each department, (the Ministries of Food, Liquid Fuel, and Trade, which dealt with clothing) all ran their own investigations, sometimes at the same time.<sup>37</sup> To make matters even more confusing each department seemed to have its own idea of what constituted black marketing, though the more serious breaches did include joint operations between police and the departments involved.<sup>38</sup> With this in mind *retributivist* punishments, meaning enforcement through deterrence seemed the only possibility.<sup>39</sup> Unfortunately the government was not to know the extent of the British black market for some time because an Australian request for black market data would have been unlikely to have been on the list of priorities to a nation that was experiencing aerial bombing on a daily basis. It certainly did not help matters that in a fit of departmental stubbornness, the Board of Trade refused to furnish statistics to the Australian government, arguing that they would be leaked to the media, and when it finally did manage to submit its report, it was only a page and a half of the vaguest nature.<sup>40</sup>

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<sup>37</sup> Cable from High Commissioner London to Prime Minister's Department, 2/1/1943. NAA: A9816, 1945/170.

<sup>38</sup> High Commissioner's Office, minute paper: black marketing offences and penalties in the United Kingdom, pp 2-15, 3/3/1944. NAA: A1539, 1543/W/3525; Kassondra Lea Hutchings *A Moratorium on Morality: Rationing and the Black Market in Great Britain during and after World War II*, q(MA thesis, University of Arkansas, 2010), p 25; Zweiniger-Bargielowska, *Austerity in Britain*, pp 160.

<sup>39</sup> Green, *Lying, Cheating, and Stealing*, p 20. For a general study of British authorities' response to the black market see: Zweiniger-Bargielowska, *Austerity in Britain*, chapter 4.

<sup>40</sup> High Commissioner's Office, minute paper: black marketing offences and penalties in the United Kingdom, pp 15-16, 3/3/1944. NAA: A1539, 1543/W/3525.

If we compare British statistics with Australian ones, it looks as though they were far more successful at stamping out the black market; however looks can be deceiving. For a start the much higher conviction rate, (in the vicinity of 90 percent) reflected the view of black marketeers as traitors to the nation.<sup>41</sup> Also, the report failed to mention the number of reported crimes, and a high conviction rate looks much better than a list of potential breaches, which the Rationing Commission used. Finally, the authors of the report were quick to remind the Australians that the British were on the whole very law abiding, which fitted with the general tone of attempting to make the situation look better than it actually was, for even in wartime the metropole was still viewed through rose coloured glasses.<sup>42</sup> The British model provided a framework that was mostly unsuited to Australia's system of government which made it all the more confusing. It then became the job of the local enforcement agencies to make use of the report to tackle the growing problem.

There was a definite hierarchy in policing the black market. At the very top was the Security Service, followed by the Commonwealth Investigation Service, followed by Customs, the Prices Commission, (including affiliate organisations including those under the Rationing Commission), and finally competing for last place were the militia Provost Corps and the local constabulary. The Security Service requisitioned staff repeatedly, but was more concerned with counter intelligence matters and

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<sup>41</sup> High Commissioner's Office, minute paper: black marketing offences and penalties in the United Kingdom, pp 2, 4-14, 3/3/1944. NAA: A1539, 1543/W/3525.

<sup>42</sup> High Commissioner's Office, minute paper: black marketing offences and penalties in the United Kingdom, p 1, 3/3/1944. NAA: A1539, 1543/W/3525.

immigration clearance to have any effect.<sup>43</sup> The Commonwealth Police, never sympathetic to the left, spent a great deal of time monitoring subversive associations like the NSW Fruit Shopkeepers Association, which it suspected of being complicit in black marketing.<sup>44</sup> Customs however had made some inroads to the beer market, where Sydney was believed to be suffering the worst from the blight, and as a result a special investigation taskforce had been formed by J.B. Maher to prevent the trade from further spreading.<sup>45</sup> As I argued in Chapter One Sydney's moral map on black market behaviour generally followed a scale of being acceptable in the suburbs to being downright immoral in the inner city; and certainly there was a reluctance on the part of higher ranking police and intelligence officers to partake in any behaviour which would have meant associating with criminal elements. Thus what was acceptable for the working-class mob was certainly not for the educated officer. Matters eventually came to a head when the Rationing Commission proposed the use of undercover operations and traps to catch offenders.<sup>46</sup>

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<sup>43</sup> Letter to Secretary Attorney General Department regarding profiteering and black marketing, 20/11/1943. NAA: A472, W17131.

<sup>44</sup> Transcript by C.I.B officer of NSW Shopkeepers Association meeting, Sydney, 3pm 8/4/1943. NAA: A367, C53299. Cable from C.I.B. Director to Sydney Inspector, regarding black marketing in fruit and vegetables, 14/10/1943. NAA: A472, W16722.

<sup>45</sup> White Paper on Black Marketing 1945, p 9. NAA: A670, Bundle 1; Report relating to the arrest of John Colin Delaney, J.B. Maher, Special Investigation Section, Customs and Exercise, NSW, 20/6/1943. NAA: A1539, 1945/W/1760; David Day, *Contraband & Controversy: the Customs history of Australia from 1901*, (Canberra, Australian Government Publishing Service, 1996), pp 221-49.

<sup>46</sup> The acting Attorney General John Beasley claimed that 'Such a method of detecting breaches of the law of the savours *too much of the Gestapo* [my italics]. Memorandum Customs Minister, 26/6/1945. NAA: A1539, 1945/W/1955; Butlin & Schedvin, *The War Economy 1942-45*, p 565.



[Figure 4] All in a day's work: grim faced Customs officers in Sydney inspect an illegal cache of alcohol, circa 1943.

Civilian investigators meanwhile were mostly overworked, underpaid clerks, who no doubt harboured some resentment at being consigned to the home front, where the lack of military uniform meant that their efforts were unlikely to be recognised. Petty and often officious, it was to these public servants that the task of compiling reports and carrying out investigations on suspects fell, and it was little wonder that corruption was a constant concern. However it was often the chronically understaffed local police which had to make most of the arrests.

The local police had been hardest hit by the war, because despite being a protected industry many officers rushed to enlist in the AIF, while those who were left were often requisitioned by other departments such as the Security Service, who were often unwilling to return them. The pay was low, the shifts were long, there was a never ending number of cases to investigate, and little recognition from the general

public. In a rather self serving statement, Ray Blisset, a Detective Constable based in Glebe during the war, claimed that ~~we~~ we were treated worse than the Arnhem Land blacks.<sup>47</sup> While Blisset was unlikely to have ever visited an Arnhem Land reservation, the fact was that the many suspects selling rationed goods out of the boot of their taxi, (as we saw in Chapter One), made policing the home front even more difficult. However while the NSW police had numerous failings in dealing with the black market the most serious of those, (which often involved corruption) affected the militia Provosts.

Unlike the AIF many recruits in the militia Provost Corps were not of high quality; having been picked for their size rather than intellect, often having been former boxers and wrestlers.<sup>48</sup> After the bombing of Darwin, Militia police directed large scale pillaging operations and Sydney was certainly not immune with a number of MPs convicted for theft in 1944.<sup>49</sup> As early as 1940 they were widely despised for both their excessive violence and for having the unenviable task of breaking up the numerous sly-grog shops where many troops on leave were a popular sight.<sup>50</sup> One recruit based in Sydney during the war remembered that police were spread so thin, that in theory the Provosts were supposed to assist with duties, but often they spent

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<sup>47</sup> *Interview with Ray Blisset*, (VHS, Canberra: Australian War Memorial, 1991): F04055/3/3. See also: F04055/1/3, F04055/2/3, (3 volumes).

<sup>48</sup> Glen Wahlert, *The Other Enemy: Australian Solders and the Military Police*, (South Melbourne: Oxford University Press), p 117.

<sup>49</sup> Wahlert, *The Other Enemy*, p 119. On military crime more generally see: Anthony Buckingham, *Military Crime During WWII*, *Australian Police Journal*, 63 (1), (March 2009), pp 39-45. American Provosts were also involved in the black market, see: AWM, *Interview with Ray Blisset*, qF04055/2/3. See also: *Daily Mirror* 1/11/1942.

<sup>50</sup> Wahlert, *The Other Enemy*, p 132.

much of their time patrolling Central Station and attempting to break up fights.<sup>51</sup> Therefore little help could be expected from an incompetent force that on many occasions seemed to blur the line between law enforcement and criminality, but they were far from being alone it seems, in helping themselves to the proceeds of crime if the opportunity arose.



[Figure 5] A soldier explains to his colleague that his apparent purchase of black market beer is really kerosene, by proceeding to light a lamp with the contents of the drum. The caption reads: "Perhaps that'll make you fellers a little more careful." *Salt* 27/9/1943.

Allegations of corruption were to reach as high as the Commonwealth Investigation Service.<sup>52</sup> The C.I.S. had for some time been investigating a garment syndicate operating between Victoria and Sydney, where middle men would purchase large quantities of woollen fabric direct from the mills and then sell the material on to manufactures and retailers in the major cities. Harry Carr, (real name Laib

<sup>51</sup> John Jeffcote, *Confessions of a Provost*, (unpublished memoir, Australian War Memorial, Canberra), MSS1046.

<sup>52</sup> Confusingly the CIS also referred to itself as the Commonwealth Investigation Branch, Bureau, or simply Investigation Branch. It should not be confused with the NSW Criminal Investigation Branch, of the NSW Police Force.



Kuczskynski) was singled out for investigation by G.M.B Longmore of the C.I.S, Prices Commission (which enforced rationing regulations), and Taxation Department in connection with the wool trading syndicate. However midway through the investigation, after the arrest of Mr Carr the Taxation Department cabled the C.I.S with some troubling news, alleging that an investigating officer from the Commonwealth Police:

Commented on the activities of a senior taxation official... was on familiar terms with the alien... that... [the] officer told Carr not to worry about the inquiry... That as a senior Taxation Investigator, Mr White, failed to get evidence, he did not see how he could be expected to be successful.<sup>53</sup>

In a number of furious replies to the director of the C.I.S Mr Longmore denied all the accusations levelled against him. He pointed out that the delay between examining the Carr file and acting on it was the result of a full caseload, and pointed out that the only major inquiries he undertook involved a Mr Frumar of Pitt Street. He categorically denied meeting with Mr Carr and stating that the case file was floating backwards and forwards between Canberra and Sydney and instead argued that the accusations were cooked up by Mr Frumar's solicitor.<sup>54</sup> However an internal investigation found that inquires regarding Frumar, would also mean meeting Mr Carr.<sup>55</sup>

The final outcome of the investigation is unknown, however the secretary of the C.I.S argued for details of the accusation, including the name of the informant to be

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<sup>53</sup> Memorandum for Acting Inspector, Commonwealth Investigation Branch from Acting Deputy Inspector, Tax Office, 25/1/1944. NAA: A367, C53299.

<sup>54</sup> Letter to Inspector C.I.B. Sydney: alleged black marketing in woollen goods by Polish refugees and others, 26/1/1944; Letter to Inspector C.I.B. Sydney, 28/1/1944. NAA: A367, C53299.

<sup>55</sup> Memorandum for Inspector, C.I.B. Sydney, regarding Harry Carr, 8/2/1944. NAA: A367, C53299.

furnished, in accordance with the rules of British justice, and it seems most likely that whatever decision was reached regarding Mr Longmore's conduct was done so internally. This case also demonstrates that the undercover methods were regarded on all sides as suspect. The failure to arrest the sellers on this occasion, (the mill owners), coincided with the general difficulty in prosecuting parties, (the buyer and the seller) and meant that some escaped. The end result of the Carr investigation was that the nature of the information supplied would not be suitable for prosecution.<sup>56</sup> Of course it should be noted that even the biggest black market scandal paled in comparison with the problems in Britain, where even the higher echelons of government seemed to be involved. The Ministry of Food had already been in hot water in October 1941 when it was revealed that food supplies destined for hospitals and military canteens had been sold on to racketeers, when through a clerical error they had been marked as surplus. Things were worse in December when it was revealed that Ministry of Food officials had been deliberately diverting meat supplies and pocketing the profits.<sup>57</sup> Thus while Australia had its enterprising crooks, no one was trading in assets to the value of £21,000 as one seller of tinned salmon was in Britain.<sup>58</sup>

Policing is not just the domain of the officials; it is also a role of the broader public in maintaining the correct moral standards which are especially important in wartime,

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<sup>56</sup> NSW Prices Branch, Black Marketing Act: woollen piece goods, (undated), p 1. NAA: A367, C53299. For other examples of corrupt conduct involving the black market see: Day, *Contraband and Controversy*, p 244; *SMH*, 8/10/1942, 23/7/1943, 12/7/1944.

<sup>57</sup> Thomas, *The Enemy Within*, pp 133-4.

<sup>58</sup> Minute Paper: Black Market Offences and Penalties in United Kingdom, 3/3/1944, p 2. NAA: A1539, 1543/W/3525.

and from the media we can learn a great deal about community attitudes in this period. Thus the media and the public also offered suggestions on enforcing the problem.<sup>59</sup> Indeed, many of the archives contain large numbers of letters written by members of the general public, as well as specific interest groups on possible breaches of the laws. For example Mr Power of Cremorne informed Senator Keane that the branch manager of Motor Funerals, going by the rather appropriate pseudonym of Dead Bodiesqwas illegally selling butter.<sup>60</sup> Mr A Denner, of Bexley complained that the practice of charging firms £50 for reporting the illegal transactions of rival businesses was a disincentive, and left them open to reprisals.

From a more unlikely corner came the idea of a public awareness campaign in the media; the brainchild of the Womenq Committee of the Communist Party, and there were also those who had an interest in the process such as the ALP and the United Licensed Victuallers Association, (which was an umbrella lobby group for brewers).<sup>61</sup> Contrary to popular wisdom, the ULVA argued that the unpatriotic problem of sly-grog would be solved by increasing the supply of liquor to affected areas.<sup>62</sup> However with so many drunken servicemen in and around the city, it was unlikely to be accepted even if locals could not get access to beer themselves.<sup>63</sup> The moralistic

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<sup>59</sup> For example reacting to the black market in fruit and vegetables, the Housewives Association instituted a boycott of one vegetable each fortnight if high prices continueq *SMH*, 17/6/1943.

<sup>60</sup> Letter from M. Power to Customs Minister, (undated). NAA: A1539, 1945/W/2671.

<sup>61</sup> Letter to Customs Minister from Womenq Committee, Communist Party of Australia, 18/10/1943. NAA: A1539, 1945/W/2671.

<sup>62</sup> *Sun*, 1/11/1943; Spirit MerchantsqAssociation of Australia, report to Customs Minister on Control of Liquor Order, 25/12/1943. NAA: A1539, 1945/W/2671.

<sup>63</sup> On lack of beer for civilians see: Letter from H. Ferry to Customs Minister, 21/6/1943. NAA: A472, W16722.

*Sun* applauded the efforts to stamp out the growing evil, while the *Daily Mirror*, in a more satirical fashion suggested that the ULVA can't see for looking.<sup>64</sup> Thus as we have already seen in chapter one, the inner city was already seen to be suffering a lack of morality.

For regulatory authorities, the Sydney black market was very much a many headed Hydra; the prosecution of one group meant that many would take their place. However by and large, the local market was not completely dominated by organised crime and the majority of offences appear to be opportunistic more than anything else. Many of the suggestions levelled at the government were to regulate sales during wartime, such as a compulsory statutory declaration for all second hand vehicles sold, which is perhaps a reason why conviction rates here were the lowest.<sup>65</sup> The judiciary and police found themselves swamped with a never ending number of cases, and the lack of cooperation between departments as well as the cynicism of judges meant that many penalties were low.

There was also strong demand for illicit goods from the better paid US troops, while low morale among law enforcers coupled with the difficult task of catching criminals in the act meant that many investigators were open to corruption. The public did inform on known black marketeers, but the lack of manpower made it difficult to follow up cases adequately. While the problem was never at any stage as bad as it

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<sup>64</sup> *Sun*, 9/11/1943, *Daily Mirror*, (cartoon), 4/11/1943.

<sup>65</sup> Agendum for Customs Department: Black Marketing-Motor Vehicles, 31/4/1945. NAA: A1539, 1945/W/1955.

was in Britain, cases of black marketing continued until the end of rationing in 1950. In short, while it was a moral concern it was never bad enough to cause demand for a full inquiry and for most people it became a general annoyance of home front life.

## Chapter Three

### Mr Coorey's Court Case: a story of moral crisis and women's undergarments

*Well, it was all black market, we knew that; but you asked no questions got told no lies sort of thing; everybody knew it was going on.*

Alan Macmillan, Sydney dock worker.<sup>1</sup>

I begin here with what at first might seem a mundane court case during wartime Sydney. However a closer reading provides a great deal of insight into the Sydney black market, as well as providing an absurd story which takes us from the Court of Petty Sessions in Martin Place, to the corridors of power in Canberra and back. The facts of the case are these: Mr Simon Coorey of 157 Elizabeth Street, Redfern was charged with on 15 February 1943 with purchasing goods, (textiles) without the required number of coupons being supplied. More specifically Mr Coorey made a number of cash purchases and took delivery of a large quantity of damaged women's undergarments for which he argued a certificate of business registration was sufficient in place of ration coupons. Despite repeated requests by General Textiles Pty Ltd for the remaining balance of coupons to be paid, the final instalment did not arrive until the authorities, being the Rationing Commission had been notified.<sup>2</sup> Mr Coorey's wife Martha, the registered owner of the ~~M~~Maker-up establishment, as well as Nackley Succar, a local hawker were also arrested but were later released. It was also alleged that such goods were being sold on to the

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<sup>1</sup> Joanna Penglase & David Horner, *When the War Came to Australia: Memories of the Second World War*, (St Leonards: Allen & Unwin, 1992), p 199. See also chapter 1.

<sup>2</sup> *Sydney Morning Herald*, 27/6/1944, *Canberra Times*, 27/6/1944; *SMH*, 12/7/1944; Transcript of His Honour Judge Markell, Quarter Sessions Appeals Court, regarding Simon Coorey 27/6/1945, pp 3-4. NAA: A472, W16731.

hawker, Mr Succar without the required number of coupons being surrendered.<sup>3</sup> All defendants were of ethnic Syrian heritage.

The argument which follows is that Mr Coorey's behaviour was very much typical of the ambivalent attitude which surrounded the wartime black market.<sup>4</sup> A level of black marketing was generally accepted by the Sydney populace, for such people were after all, providing a service, but if too much attention was drawn, the result would be open condemnation.<sup>5</sup> Certainly compared to some of the large scale syndicates operating during the period, Mr Coorey's case was a trivial one, but it also shows how authorities failed to discern between serious and minor breaches of the rationing regulations. In the end the stress of the court battles, the extensive legal fees, and guilty verdict proved almost too much, and in mid 1945, halfway into his three month sentence he fell gravely ill, (at 67 years of age) only to recover some weeks later after his release, on medical grounds.<sup>6</sup> Thus the accusation of black marketing in wartime Sydney was more than enough to bring down an individual. The textiles and garment industry in Sydney was largely dominated by migrants, and it is therefore unsurprising that we should see certain groups, (Jews are another example), overrepresented in black marketing reports in this sector. However the authorities

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<sup>3</sup> Memorandum from Deputy Crown Solicitor to Deputy Director of Rationing, Rationing Commission regarding the prosecution of Nackey Succour, Simon and Martha Ivy Coorey, 12/10/1943 pp 1-3. NAA: A472, W16731.

<sup>4</sup> Michael McKernan, *All In!: Australia During the Second World War*, (Melbourne: Nelson, 1983), p 250.

<sup>5</sup> S.J. Butlin & Boris Schedvin, *The War Economy, 1942-1945*, (Canberra: Australian War Memorial, 1977), p 569.

<sup>6</sup> Cable from Attorney General authorising the remittance of Simon Coorey on medical grounds, 19/9/1945. NAA: 472, W16731; Hazel Croal, *Understanding White Collar Crime*, (Buckingham: Open University Press, 2001), p 96.

were more interested in *occupational criminality*; that is crimes related to certain sectors, than perusing any one group.<sup>7</sup> Thus the role race played in the outcome of this case and others like it seems minimal at best. Finally it is important to add that in no way was this case different to any of the other black marketing actions launched by the government during the war. Rather it is a typical example of the *sticky norms* that operate between the regulation of behaviour and criminality.

Despite being referred to as Syrian<sup>q</sup> court documents, Mr Coorey and his associates were actually of Lebanese origin. As Paul Convy and Helen Mansour have pointed out, Syrian was essentially a blanket term for the area around Lebanon which had been under Ottoman rule for more than three hundred years, and most minorities hardly welcomed such a name which ignored their individual culture and traditions.<sup>8</sup> Most had come to Australia from the 1870s by mistake thinking they were in America, and hoped to escape increasing economic hardship at home.<sup>9</sup> A typical migrant like Mr Coorey, (though we cannot be certain), was a small scale Maronite mountain farmer and cultivator of silk, which was then sold onto the demanding European market and by the late nineteenth century much of Lebanon was a rather cosmopolitan affair, with many merchants doing increasingly well out of

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<sup>7</sup> Croal, *Understanding White Collar Crime*, p 162.

<sup>8</sup> Helen Mansour and Paul Convy, *Lebanese, qDictionary of Sydney*, (2008), <[http://www.dictionaryofsydney.org/entry/lebanese?zoom\\_highlightsub=lebanese](http://www.dictionaryofsydney.org/entry/lebanese?zoom_highlightsub=lebanese)> (accessed 13/6/2011). See also Ghassam Hage, *Lebanese, qin James Jupp (ed.), The Australian People: An Encyclopaedia of its People and their Origins*, (2<sup>nd</sup> ed.), (Oakleigh: Cambridge University Press, 2001), pp 554-61; Paul Convy, *The Lebanese Quarter Redfern: time, place and extent*, (Coogee: Australian Lebanese Historical Society, 2008).

<sup>9</sup> Hitti, *Lebanon in History*, pp 475; Hage, *Lebanese, qp 555*.



the trade.<sup>10</sup> However a number of combined factors hit the mountain farmers hardest such as overpopulation, overgrazing and the introduction of cheap European manufactured goods forced many to migrate.<sup>11</sup> Those who arrived in the new world, never completely severed contact with their homeland, as many attempted to make enough money to send home for their families, and considerable sums flowed homeward to provide for new housing and such.<sup>12</sup> Others, when they were well established, would send for their families to accompany them in the new land.<sup>13</sup>

With few skills and no firm grasp of English, many found it difficult to gain employment, and as a result, clung together to form ethnic enclaves which would offer some sort of support.<sup>14</sup> At the dawn of Federation specific communities began to form, the largest, (and most important for our purposes) was in Redfern where migrants soon found employment as shopkeepers and hawkers; and would no doubt have traded with the Chinese and Jewish who occupied similar parts of the city. Another key feature of this community was the reciprocal business arrangement between the hawkers and the dealers; who provided the latter with goods,

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<sup>10</sup> Fatma Müge Göcek *Rise of the Bourgeoisie, Demise of the East: Ottoman Westernization and Social Change*, (New York: Oxford University Press, 1996), p 97; Kamal S. Salibi, 'The Two Worlds of Assaad Y. Kayat', in Benjamin Braude & Bernard Lewis (ed.), *Christians and Jews in the Ottoman Empire, volume II: The Arabic Speaking Lands*, (New York: Holmes & Meier, 1982), pp 135-59.

<sup>11</sup> Hitti, *Lebanon in History*, pp 471-3.

<sup>12</sup> *SMH*, 24/10/1936.

<sup>13</sup> Hage, *Lebanese*, p 555.

<sup>14</sup> I.H. Burley, 'The Geography of Ethnic Communities', in Shirley Fitzgerald and Gary Wotherspoon (ed.), *Minorities: cultural diversity in Sydney*, (Sydney: State Library of New South Wales Press, 1995), p 187.

(particularly drapery), which would be sold on, dividing the profits.<sup>15</sup> Such businesses were concentrated along Elizabeth Street, which by this time was referred to as Little Syria though the population of Redfern was still overwhelmingly Anglo-Australian. However it should also be noted that despite this name, the Lebanese community was rather fractured along religious lines, which prevented the establishment of a cohesive identity; and central to this was the tension between Orthodox and Catholic Christians. While this was not the open sectarian violence which would engulf Lebanon in later years, it did mean that business practices and family ties were likely to be separated along religious lines.<sup>16</sup>

Little Syria was already well past its prime when war hit Sydney as the successful business owners had already vacated the area in the 1920s and 30s for the more affluent Eastern Suburbs, when the Depression provided a second shock.<sup>17</sup> Thus, as has been argued in chapter one, the anti-urban ethic of the city meant that inner areas like Redfern were regarded as morally suspect and linked with vice and criminality. Simon Coorey seems typical of this migration pattern, rewarded by the Redfern Municipal Council, along with six others in 1909 for contributions to the area; by 1936 he had already relocated to suburban Randwick, maintaining the Elizabeth Street premises as a business only.<sup>18</sup> Thus in regards to demographic shifts the

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<sup>15</sup> Hage, *Lebanese*, pp 555-6, Convy 'The Lebanese Quarter', pp 7-8. On community solidarity generally see Shirley Fitzgerald, *Community, Politics and Work*, in Shirley Fitzgerald and Gary Wotherspoon (ed.), *Minorities: cultural diversity in Sydney*, (Sydney: State Library of New South Wales Press, 1995), pp 71-2.

<sup>16</sup> Hage, *Lebanese*, p 556.

<sup>17</sup> Hage, *Lebanese*, p 557.

<sup>18</sup> Mansour and Convy, *Lebanese*, q *SMH*, 24/10/1936.

more affluent were not out of step with the broader Anglo-Australian abandonment of the urban in favour of the suburban. As Philip Hitti has remarked on the identity of Lebanese migrants:

With no strong nationalistic feeling of the modern variety, emigrants had no insurmountable difficulty in acquiring the feeling of at homenessq wherever they went. Their versatility and adaptability helped them to become all things to all men.q In Egypt they became Egyptians, in France Frenchmen... all before they had ever become Lebanese. While at home they thought of themselves as Beirutis... or as Maronites, Druzes, [or] Greek Orthodox.<sup>19</sup>

Certainly this was a community which strove to assimilate into Australian culture and were at great pains to stress their Caucasian heritage and one particular form this took was for the community to identify itself, stressing their European lineage.<sup>20</sup> In the background of restricted immigration it paid not to draw attention to one's race.

Despite his pleas as an honourable man, this was far from Simon Coorey's first time in court. Indeed the pages of the *Sydney Morning Herald* are littered with references to legal matters involving Mr Coorey, which suggest dubious business practices. Most involved fellow Lebanese traders, but some even included business disputes between his immediate family, while the sums being argued over could hardly be called trivial.<sup>21</sup> However, whatever money Mr Coorey did have at his disposal was soon gone by 1936, when he and his wife filed for bankruptcy.<sup>22</sup> Of course this is to

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<sup>19</sup> Hitti, *Lebanon in History*, p 476.

<sup>20</sup> Hage, *Lebanese*, p 555; Convy, *The Lebanese Quarter*, p 22.

<sup>21</sup> In reply to an alleged breach of an ownership settlement, his brother Anthony Coorey sought an injunction excluding him from a 50 mile radius of Redfern, see: *SMH*, 28/11/1919, 14/12/1918. For other legal disputes, see: *SMH*, 22/11/1928; 28/3/1931; 22/3/1933.

<sup>22</sup> *SMH*, 31/1/1936.

some degree understandable given the severity of the Great Depression in Australia which was responsible for numerous business closures. His own bankruptcy did not stop him being the star witness and translator in another bankruptcy case, which certainly suggests that he commanded much respect within the court and indeed the local community, no doubt helped by his brother's position as head of the Lebanese Maronite Society.<sup>23</sup> Coorey, given his constant legal actions certainly viewed himself as an important person. Certainly he was important enough to be included on the guest list for the French Consul's Bastille party in 1927.<sup>24</sup> Already, we get the picture of someone who was no stranger to having his name in the paper.

In his study of white collar crime, sociologist David Friedrichs points out that many offenders avoid presenting themselves as criminals, and such behaviour was certainly true of Mr Coorey who went out of his way to present himself as an honest businessman.<sup>25</sup> The *sticky norm* of black marketing was more problematic in wartime because the accused had the added stigma of being accused as a traitor to the war effort.<sup>26</sup> Thus when Mr Coorey was found guilty by in early 1944, he immediately launched an appeal. It did not matter that the apparent breach was a minor one, of failing to deliver the correct number of coupons for rationed goods, because in the eyes of the media and authorities he was a criminal.

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<sup>23</sup> *SMH*, 24/10/1936, 15/3/1929.

<sup>24</sup> *SMH*, 15/6/1927.

<sup>25</sup> David O Friedrichs, *Trusted Criminals: White Collar Crime in Contemporary Society*, 3<sup>rd</sup> ed, (Belmont: Thompson Higher Education, 2007), p 4.

<sup>26</sup> *Smith's Weekly*, 13/3/1943.

To risk open condemnation by his peers, Coorey must have thought that the promise of financial gain far outweighed the possibility of getting caught. However it is equally possible that he did not set out to break the law, but rather felt that the rules regarding rationing *did not apply to him*, and was more concerned with maintaining a profitable business. As I have already argued in the preceding chapters, he was *far from alone in behaving in this manner*, he simply happened to get caught. Judge Markell who heard Coorey's appeal to the Federal Court in early 1945 described him in the following terms: *Mr Coorey is an experienced trader and a shrewd man*, and I should not be surprised if in February he had not a fair idea of the position in the trade in regard to the acquisition of rationed goods [my italics].<sup>27</sup> Thus in purchasing the textiles and later selling them on without coupons, no doubt with a significant mark-up, Coorey was in one sense being an efficient businessman, (hence the *sticky norm*), but how ethical it was to take advantage of the scarcity of supplies during wartime was a matter on which few could agree.<sup>28</sup> Thus it was the accusation itself of criminality for treachery during wartime carried the heaviest penalty, that of personal reputation.<sup>29</sup>

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<sup>27</sup> Transcript of His Honour Judge Markell's final judgement on the appeal of Simon Coorey, Sydney Quarter Sessions, p 5 27/6/1945. NAA: A472, W16731.

<sup>28</sup> Memorandum from Deputy Crown Solicitor to Deputy Director of Rationing, Rationing Commission regarding the prosecution of Nackey Succar, Simon and Martha Ivy Coorey, 12/10/1943, p 1. NAA: A472, W16731.

<sup>29</sup> Stuart, P. Green, *Lying, Cheating, and Stealing: A Moral Theory of White-Collar Crime*, (New York: Oxford University Press, 2006), p 58; Anthony Giddens, *Sociology*, 5<sup>th</sup> ed., (Cambridge: Polity, 2006), p 796; Phillip Smith, 'Towards a Theory of War as Ritual', *Theory and Society*, 20:1 (February 1991), pp 103-38.

Among earlier charges against his good name, the more serious accused him of theft (of a woman's fur coat no less), and perjury, though this was later withdrawn.<sup>30</sup> Then there was the accusation of adultery.<sup>31</sup> Despite a life that can only be described as colourful, the Crown in laying the charge of black marketing chose to focus only on his former bankruptcy, as if this alone provided an adequate explanation for black marketing.<sup>32</sup> Perhaps Mr Coorey would have been wise to heed the advice in a 1943 edition of *Smith's Weekly* which helpfully provided its readers with a check list of black marketing behaviour, 'Do you make use of business associates to get things the wartime restrictions have denied to you? Do you think you are clever? In fact, do you talk about the swift tricks you pull to everybody?'<sup>33</sup> Thus while the successful Lebanese traders were organising charity drives for the war effort, such as the ugliest Lebanese Man Competition, Simon Coorey had managed to get himself arrested for black marketing women's undergarments.<sup>34</sup> This was hardly the behaviour of a respectable merchant and

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<sup>30</sup> *SMH*, 11/6/1928, 20/6/1928, 6/12/1932. He would later sue the Commissioner for Railways for false imprisonment. 4/12/1934.

<sup>31</sup> On 5 May 1920 Max Robin filed for divorce from Millie Robin, (formerly Westwood) on the grounds of adultery with Simon Coorey, who also appeared as co-respondent. The matter was resolved in the affirmative with £100 damages being awarded. Unhappy at the prospect of paying such a fine Mr Coorey launched an appeal in August that year on the grounds that he did not know Mrs Robin was a married woman. The appeal was dismissed with costs. *SMH*, 5/4/1920, 25/8/1920.

<sup>32</sup> Memorandum from Deputy Crown Solicitor to Deputy Director of Rationing, Rationing Commission regarding the prosecution of Nackey Succar, Simon and Martha Ivy Coorey, 12/10/1943 p 3. NAA: A472, W16731.

<sup>33</sup> *Smith's Weekly*, 1943, cited in Nancy Keesing, *The Home Front Family Album: Remembering Australia, 1939-1945*, (Sydney: Weldon Publishing, 1991), p 146.

<sup>34</sup> Convy, *The Lebanese Quarter*, p 22.

perhaps explains why Paul Convy's book devotes little attention to him, in favour of his brother, Anthony.<sup>35</sup>

Getting arrested for illegally obtaining large quantities of women's undergarments was hardly conducive to respectable merchant behaviour.<sup>36</sup> With most men on military duty and thus already provided for with a standard kit and ration, women would have made the bulk of general purchases. Civilian men were required to wear the unpopular and thus short lived Victory Suit with its reduced buttons and pockets.<sup>37</sup> However, contrary to Michael McKernan's assumption women were far more likely than men to feel the pinch from clothing rationing, given the number of men on military duties.<sup>38</sup> Indeed as Dymphna Cusack and Florence James's wartime novel *Come In Spinner* points out there was a ready market for clothing, regardless of the price.<sup>39</sup> As was argued in Chapter One, the consumerist romance which swept Australia, courtesy of the US servicemen stationed in the region meant that many women felt that they had to get that desired dress regardless of the

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<sup>35</sup> Convy, *The Lebanese Quarter*, p 20.

<sup>36</sup> Simon Coorey was not the only respectable member of the Lebanese community prosecuted for black marketing. Stanton Mellick, also of Elizabeth Street was charged with illegally selling blankets. *Truth*, 9/11/1943, Convy, *The Lebanese Quarter*, p 19.

<sup>37</sup> McKernan, *All In!*, pp 155-6.

<sup>38</sup> Civilian workers were also required to pay for their own uniforms out of their ration coupons, and only rarely were exceptions made. McKernan, *All In!*, p 155.

<sup>39</sup> Dymphna Cusack and Florence James, *Come In Spinner*, (Sydney: Angus & Robertson, 1966), pp 44-6, 244, 269.

consequences and they provided a ready illegal market for clothing material and coupons.<sup>40</sup>

The clothing problem was one which was exacerbated by lack of supply but also by the meagre ration afforded for clothing, (112 coupons), which was supposed to last a year.<sup>41</sup> Thus for many people the idea of having their choice of clothing dictated to by an accountant would not do at all. Although one's personal circumstances often dictated their response to the black market, as Michael McKernan has noted, "People measured sacrifice against their neighbour's situation and only %uggs+missed out."<sup>42</sup> In this sense, Mr Coorey and similar provided a service, meeting a demand which the war had created.

Coorey's shady business behaviour went further and another clue to his behaviour can be found in the fact that his business was registered in his wife's name. It was hardly uncommon in the Lebanese community for women to play a strong role in the family business, but the number of actions brought against *both* Simon and his wife suggest a level of complicity in this specific case.<sup>43</sup> It is also likely that Mr Coorey had the idea of illegally selling the products when his wife first purchased a large

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<sup>40</sup> Lyn Finch, "Consuming passions: Romance and consumerism during World War II," in Joy Damousi & Marilyn Lake (ed.), *Gender and War: Australians at war in the twentieth century*, (Cambridge: Cambridge University Press, 1995), pp 105-17.

<sup>41</sup> *Newcastle Chronicle*, 13/6/1942, cited in Nancy Keesing, "The Home Front Family Album," p 103.

<sup>42</sup> McKernan, *All In!*, p 145.

<sup>43</sup> Convy, *The Lebanese Quarter*, p 9; Letter to Attorney General, the Hon H.V Evatt, p 1, 1/4/1946. NAA: A472, W16731. *SMH*, 22/11/1928 28/3/1931.



quantity of damaged women's underwear, and the offending transactions, (by Mr Coorey) took place only months apart. From September 1942 to the 15 February 1943, (when he was arrested), he traded using his wife's name to circumvent the ration laws, and it was during the latter half of 1942 that the illegal transactions took place. Thus by using his wife's registration he could purchase merchandise, apparently for the business and then sell the stock on to a hawker or trader, and in this case Mr Succar. In his interrogation Coorey argued that the merchandise was not worth the published cost, because it was damaged, therefore entitling him to a discount, which would hardly have endeared him to the authorities.<sup>44</sup> He was far from being alone in finding loopholes in corporate law, but he was one of the few that happened to get caught and his trial would be an example to potential offenders.

The Crown dropped its case against Mrs Coorey, and also it seems the hawker Nackley Succar. Hauled before the Court of Petty Sessions on 29 May 1944, Simon Coorey alone was charged with: ~~Knowingly~~ knowingly concerned in the commission of an offence against the Black Marketing Act 1942 namely the acquisition of coupons from a trader who was prohibited from supply [sic] the said goods.<sup>45</sup> Thus, even though it was highly likely that Mrs Coorey was also heavily involved she was released because the authorities could not believe that a woman could be seriously involved in the wartime black market. Women may have occasionally bought or sold something extra for something extra, but they did not run organised criminal

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<sup>44</sup> Interrogation of Simon Coorey, 16/4/1943, (exhibit No. 12 Rex v. Coorey, p 62), Court of Petty Sessions, Court of the Registrar of Bankruptcy, Sydney, 26/6/1944. NAA: A472, W16731.

<sup>45</sup> Transcript of Rex v. Coorey, Sydney Quarter Sessions, 29/5/1944, p 1. NAA: A472, W16731.

operations.<sup>46</sup> It is also likely that a very public prosecution of a woman would have been seen as bad for morale. In his extensive study of the American wartime black market, sociologist Marshall Clinard noted that offenders were almost entirely male, and divided into two categories: the minor rationing offenders, who seemed to follow the pattern of ordinary criminals, young, single and generally poor; while ration violators were usually businessmen.<sup>47</sup> As we have seen the pattern in Australia was more complex, rationing was more severe than in America, but less so than in Britain and the more desperate the situation the more likely people were to be involved, which meant women crossing the boundary into the illegality of the informal economy (though the US was slightly different). If Australian women were to be seen heading criminal operations, it would have represented in the eyes of the general public, (and certainly the tabloid press) the moral degradation of society, which they were fighting against.

As was the case with most black marketing ordeals media interest was rather patchy and began to drop off after the beginning of the trial.<sup>48</sup> The exception to this was the *Sydney Morning Herald* which continued to publish a number of detailed articles on the case, which suggests that once the initial excitement had died down black marketing cases were regarded as essentially local matters.<sup>49</sup> The *Herald* was the main reporter on the case and it seems that most of the other publications must have

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<sup>46</sup> *Australian Women's Weekly*, 15/8/1944; Croal, *Explaining White Collar Crime*, pp 54-6.

<sup>47</sup> Marshall B. Clinard, *The Black Market: A Study in White-Collar Crime*, 2<sup>nd</sup> ed, (Montclair New Jersey: Patterson Smith, 1969), p 287.

<sup>48</sup> *Canberra Times*, 27/6/1944, *Barrier Miner*, 30/11/1944, *Advertiser*, 14/12/1944, *Argus*, 14/12/1944.

<sup>49</sup> *SMH*, 27/6/1944, 12/6/1944, 13/7/1944, 14/12/1944.

used a similar source. The most established of Australian newspapers, it preferred dry facts in contrast to the sensational reports of the *Sun*, *Truth* and the *Daily Mirror*, which were unlikely to have devoted much space to a rather confusing and arduous case, and certainly this was to be the situation in almost all black market cases.<sup>50</sup> The coverage of the case which did exist was generally confined to the home front news section in the middle of the paper, thus, no matter how big a racket was, black marketing was never really going to overtake the physical war over Europe and in the Pacific, while shortages at home were never severe enough to force open revolt, as they were in Britain, nor was it almost completely ignored, as it was in the U.S.<sup>51</sup> Not this would have mattered much for Mr Coorey, because even the suggestion of black market conduct on the part of a trader was potentially catastrophic. However the *Herald* did note that the case seemed to bring up some rather ugly problems regarding corrupt officials.

We have already seen in Chapter Two how easy it was in a black market investigation to make allegations of corruption, given the methods used to make arrests, and Mr Coorey's case proved no exception. His main defence rested on allegations of corrupt conduct on behalf of Prices Commission officers. Messers Beaman and Taylor of the Commission were accused of obtaining a false witness statement from an illiterate person, (a Mrs Joseph of Orange), by writing one out for her and using her cross as proof. In response to this Mr Beaman argued that the statement was interpreted for her, though he failed to mention by whom and how

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<sup>50</sup> Clinard, *The Black Market* pp 79-80; Freidrichs, *Trusted Criminals*, pp 17-18.

<sup>51</sup> Clinard, *The Black Market*, pp 79-81.

this was done.<sup>52</sup> Then there was the formal complaint from Mrs Joseph's solicitor of which neither Taylor nor Beaman had any knowledge of. Perhaps it was lost in the sheer volume of wartime communication? However Mr Hardwick was far from finished with the matter, alleging corrupt conduct on behalf of Taylor. It was alleged that Taylor informed Coorey that he could be spared all this trouble at very little cost.<sup>53</sup> It seemed that he also demanded a number of shirts from Coorey's warehouse.<sup>54</sup>

As well as pettiness, there must have been a level of bitterness in those low level public servants required to stay behind rather than going to the front; an us and them mentality.<sup>55</sup> Their pay was low, and, unlike those in uniform they did not command much respect. Certainly this would have left some open to corruption especially when such large sums of money were being made on the black market. Given the specificity of the statements, there seems no reason to believe that they were without foundation, especially given the number of similar cases.<sup>56</sup> However it would appear that such a tactic ultimately failed, given the lack of further references to it; suggesting that the matter was well and truly buried. Finally, after much debate, on 4 October 1944, Stipendiary Magistrate Atkinson found Coorey guilty and

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<sup>52</sup> *SMH*, 12/7/1944.

<sup>53</sup> *SMH*, 13/7/1944.

<sup>54</sup> *SMH*, 13/7/1944.

<sup>55</sup> M.J Trow, *War Crimes: Underworld Britain during the Second World War*, (Barnsley: Pen & Sword, 2008), p 72. For a general study of morale on the Australian Home Front see John Pomeroy *Morale on the Homefront in Australia During the Second World War*, (PhD thesis, University of Sydney, 1995).

<sup>56</sup> For another example of corruption see David Day, *Contraband & Controversial: the Customs history of Australia from 1901*, (Canberra: Australian Government Publishing Service, 1996), p 244.

sentenced him to three months imprisonment. It could have been far worse, given that the maximum penalty called for 12 months incarceration and a fine of up to £1,500; although with Mr Coorey's extensive legal experience, he would not go down without a fight.<sup>57</sup>

Another problem which the case seemed to highlight was the poor drafting of the legislation, especially in regards to jurisdiction, and we have already seen in Chapter Two how local magistrates found their courts overflowing with minor offenders.<sup>58</sup> As Kay Saunders has noted on the wartime period, in Australia state intervention was direct, public and lacking even a pretence of subtlety.<sup>59</sup> But most people provided they were not caught on the other side of the law, were willing to accept such legislation as necessary for the war effort. Accordingly Coorey's legal team based their appeal to the Supreme Court of NSW on the confusing nature of the laws:

that there was no evidence of him being guilty of the offence charged; that the Black Marketing Act was *ultra vires* [in breach of] the Constitution; and that the Special Court was not lawfully invested with Federal jurisdiction.<sup>60</sup>

Claiming a breach of the Constitution was hardly new, though it certainly highlighted the confusion regarding wartime legislation.<sup>61</sup> The appeal was also directed against

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<sup>57</sup> *Manual of national security legislation as in force on 2nd September, 1945, with annotations setting out amendments to 31st December, 1945*, 6<sup>th</sup> ed., (Canberra: L.F. Johnson, Government Printer, 1945), pp 12-19.

<sup>58</sup> Butlin & Schedvin, *The War Economy 1942-45*, p 565.

<sup>59</sup> Kay Saunders, *War on the Homefront: State intervention in Queensland 1938-1948*, (St Lucia: Queensland University Press, 1993), p 20.

<sup>60</sup> *SMH*, 14/12/1944; *Advertiser*, 14/12/1944; *Argus*, 14/12/1944; *West Australian*, 14/12/1944.

<sup>61</sup> NAA: Attorney General's Department, Central Office; Correspondence Files; 1/9/1939-31/12/1949; David Blank - Prosecution under National Security (Prices) Regulations - Black Marketing Act; 1943-1945, A472, W18006.

James Comans, senior investigating officer of the Rationing Commission.<sup>62</sup> Perhaps the vague nature of the laws is not surprising given the speed at which they were drafted. Thus it was often the case that policymakers had to make repeated amendments in the hope of clarifying the laws; though in reality this was shutting the gate after the horse had bolted, leaving many inconvenienced.<sup>63</sup> Beaman and Taylor would have likely been under pressure to secure a conviction, and undercover trap sales were regarded by many including the government as immoral. Clutching at straws, the Coorey's defence began looking for dirt by demanding access to all files on Magistrate Atkinson, hoping to prove political bias, but they found nothing.<sup>64</sup>

The judiciary itself was far from united over Simon Coorey's conviction. Even though the Supreme Court of NSW upheld the original conviction on 30 November 1944, Justice Jordan abstained, arguing that the Black Marketing Act 1942, which allowed the Attorney General with the power to provide fixed penalties was an interference with judicial powers and the original fine of £484 was removed.<sup>65</sup> Justice Davidson also of the Supreme Court argued that the penalty was grossly unjust, but that Coorey's conduct fitted the definition of black marketing provided by the 1942 Act.<sup>66</sup> Judge Markell, of the Federal Court which heard Coorey's final appeal also found the

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<sup>62</sup> *Barrier*, 30/12/1944.

<sup>63</sup> Saunders, *War on the Homefront*.

<sup>64</sup> Copy of letter from J.B. Jackson to the Under Secretary, Department of the Attorney General & of Justice, Sydney, 5/10/1944. NAA: A472, W16731. On the separation of powers in the Constitution, see: Commonwealth of Australia Constitution Act: Chapter III: the Judicature, Parliament of Australia, Senate

<<http://www.aph.gov.au/senate/general/constitution/chapter3.htm>> (accessed 19/7/2011).

<sup>65</sup> *SMH*, 14/12/1944, *Advertiser*, 14/12/1944, *Argus*, 14/12/1944; *West Australian*, 14/12/1944;

<sup>66</sup> Letter from Grant & Henderson to T. Sheehan, 29/6/1945. NAA: A472, W16731.

issue to be a grey area. He noted that the introduction of rationing had caused considerable distress among traders. However Mr Coorey had a period of more than five months between their enactment in 1942 and his arrest in 1943 with which to familiarise himself with the new laws.<sup>67</sup> Mr Coorey, he argued, knew exactly what he was doing as early as November 1942 when he had paid a visit to the Rationing Commission asking to be supplied with coupons, citing as a reason the new law, (effective of that month), forbidding traders to make purchases based only on their registration certificates. The application was denied but a clerk instructed him to make a formal application in writing, and someone would be assigned to assess his books.<sup>68</sup> He also drew attention to the overestimation of the Cooreys' annual turnover, (listed at £700), although it is equally plausible, with poor record keeping and with many account books missing the figures were simply made up. Rather suspiciously the books for the period in question could not be found.<sup>69</sup> However, the judge also said that up until September 1942 Cooreys' behaviour had been without reproach and he had no objection to releasing him on bail, but the conviction would still stand.

Having being sent to Long Bay prison Mr Cooreys' legal team tried moral appeals. The afternoon of Judge Markells' decision Mrs Coorey sent a letter to Mr Beasley, acting Attorney General, pleading for release on parole arguing that her husband

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<sup>67</sup> Transcript of His Honour Judge Markells' final judgement on the appeal of Simon Coorey, Sydney Quarter Sessions, p 5 27/6/1945. NAA: A472, W16731.

<sup>68</sup> Transcript of His Honour Judge Markells' final judgement on the appeal of Simon Coorey, Sydney Quarter Sessions, p 5 27/6/1945. NAA: A472, W16731.

<sup>69</sup> Transcript of His Honour Judge Markells' final judgement on the appeal of Simon Coorey, Sydney Quarter Sessions, p 8 27/6/1945. NAA: A472, W16731.

was elderly, (67 at this time), and in a frail condition. The legal team also wrote to the Federal member for Cook, Thomas Sheenan and stated among other things: During the whole of his residence in Redfern Mr Coorey has been an enthusiastic supporter of the Labor Party.<sup>70</sup> It was hoped that this connection and his Catholic background, (a church to which Mr Coorey also belonged), would offer some leverage. However the bipartisan nature of wartime politics meant that this would have had doubtful influence, and by this time the legal team were essentially clutching at straws, looking for sympathy. Take the following example from the same letter:

For the last nine months Mr Coorey has suffered the mental anguish of having this threat [of three months imprisonment] hanging over his head. The business... is entirely dependent on his being present. We are informed, and we believe that if Mr Coorey is to be absent for a period of 3 months then the business would be practically worthless on his return.<sup>71</sup>

It is interesting to note that the period of three months would be enough to destroy the business, especially given that it was registered in his wife's name. It seems most likely that what was at stake was more than going to prison, but rather his sense of reputation.

Perhaps one of most important aspects of this case is the fact that Mr Coorey was never *proven* guilty, and it would have been impossible for him to be found guilty in peace time. True, an investigation was launched by the Rationing Commission which charged him with breaching the Black Marketing Act but he was not caught in the act as it were. It should also be noted that not only did he pay for the products,

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<sup>70</sup> Letter from Grant & Henderson to T. Sheehan M.H.A Esq, p 1, 29/6/1945. NAA: A472, W16731.

<sup>71</sup> Letter from Grant & Henderson to T. Sheehan M.H.A Esq, p 2, 29/6/1945. NAA: A472, W16731.



in cash, but the required number of coupons *was* eventually supplied; though this was more than four months after the original purchase. The staggered payment of balance owed, (10,704 coupons), suggests that Mr Coorey did not have the sum when he made the original purchases, and thus called in favours from family and friends.<sup>72</sup> Thus as the investigation into the Cooreys' business continued, coupons were eventually surrendered in the hope of maintaining some form of dignity.

It is perhaps fitting for such a character that as soon as he was released, by which time the war had been over for more than a year; was to petition the Attorney General asking to be excused from paying the 50 guineas in costs.<sup>73</sup> Most people after having gone through such an ordeal would be simply pleased to be released, but not Simon Coorey who took it as a personal affront to his sense of honour that he should still have to pay the fine. A more mundane reason for his petition would be to meet the extensive legal costs which he had endured. We do not know the outcome of this appeal, but it is likely given his character, that even sending the letter was a source of pride for him. There are no further references to Mr Coorey in the papers and it seems that his wartime ordeal must have cured him of his litigious behaviour. Clearly he had recovered enough from his long ordeal to live for another eight years, dying at the ripe old age of 75, surrounded by his family in their Strathfield home.<sup>74</sup>

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<sup>72</sup> The figures for the total number of coupons seem to vary widely. The *Canberra Times* quoted the figure at 10,704 (the same figure as was in the first trial. While Federal Court transcript records that, 11,300 coupons were paid to General Textiles. The *Herald* however estimated the total coupon value of purchases at 109,719, which may have included all purchases since the introduction of the Black Marketing Act. See: Transcript of His Honour Judge Markell's final judgement on the appeal of Simon Coorey, Sydney Quarter Sessions, p 4 27/6/1945. NAA: A472, W16731; *Canberra Times*, 27/6/1944, *SMH*, 12/7/1944.

<sup>73</sup> Letter to the Hon. H.V. Evatt, Attorney General, 1/4/1946. NAA: A472, W16731.

<sup>74</sup> *SMH*, 5/7/1954.

Thus ends the bizarre story of the honourable Simon Coorey and his battle with the Ration Commission.

In many respects the Coorey case was typical of wartime behaviour towards the black market. As was argued in Chapter One, the area where the transactions took place had a bearing on the attitude of the authorities to the offence. We have also seen in Chapter Two how authorities were hampered on all sides in their attempts to stamp out the problem. In short, most people agreed that such behaviour *was* criminal but did not deserve the penalties imposed. Certainly reputation is always important in white-collar cases, but the normative structure of home front behaviour (or ritual of war), which enforced the ~~all~~ inqmentality, did so by labelling certain individual patterns as devious, or even immoral.<sup>75</sup> It was this label of ~~black~~ marketing with its connotations of traitorous behaviour which Mr Coorey tried so hard to get removed. Thus we can already see how socially constructed the term black marketing is; something which will be discussed in the next chapter.

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<sup>75</sup> Giddens, *Sociology*, p 796; Smith ~~T~~owards a Theory of War as Ritual, qpp 103-38.

## Chapter Four

### Naming and Shaming: morals and public opinion

*And all the racketeers who've been stocking away a wad of money out of this war. It'd give me a lot of pleasure to put a bullet through them. A lot fellows think my way too.*

Dymphna Cusack & Florence James *Come in Spinner* 1951.<sup>1</sup>

The idea of a wartime black market was in essence a social construction. Moral concerns were certainly important as Sydney Butlin states: "The popular belief was that [black marketing]... was numerous and widespread, but such a belief would certainly have been sincerely held even if there had not been a single breach."<sup>2</sup> So powerful was the idea that some could live like royalty while others survived in bomb shelters on a paupers diet of government rations. But it never came to this; Australia was never invaded, Sydney never experienced a Blitz or a chronic food shortage as Londoners had since 1940. Not that the local black marketeers knew this, and many took advantage of food shortages to raise prices. Thus while Butlin and Shedvin argue that it is difficult to know the effect that the illegal sector had on morale, it can be argued that with the exception of organised syndicates, of which there were few, the issue was unlikely to have had a lasting effect on morale as events like the Japanese attack on Sydney Harbour, or the bombing of Darwin which showed the nation at its most vulnerable.<sup>3</sup> However, while the meaning of the black market was by not fixed it tended to oscillate between the vice-ridden *black market* with its

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<sup>1</sup> Dymphna Cusack & Florence James, *Come In Spinner*, (Sydney: Pacific Books, 1966), p 168.

<sup>2</sup> Sydney Butlin, *The War Economy, 1939-1942*, 2<sup>nd</sup> ed, (Canberra: Australian War Memorial, 1961), p 41.

<sup>3</sup> Butlin & Schedvin, *The War Economy, 1942-45*, p 569.

connotations of organised criminality, and the *informal economy* of, as one publication put it ~~getting something extra for something extra.~~<sup>4</sup>

The analysis which follows in this chapter has been divided among a number of lines. It will be argued that official propaganda was mostly half-hearted and the government felt that money was better spent in other areas. Instead it attempted to shame offenders with specific legislation. The media's response to the problem was divided along gender lines, reinforcing certain behaviour norms. Thus while it was generally condoned for men to congregate in the seedy end of the city at all hours of the night and marvel at the efficiency of the taxi-grocers of Darlinghurst and elsewhere, for women it was not. It was seen as a zone filled with immorality in vice that could threaten the wellbeing of the nation. As the *Australian Women's Weekly* noted ~~it's~~ true that we're not the criminal operatives of rackets which reap huge profits and create shortages where there need be none.<sup>5</sup>

Of course the roles could change because the spatial context was just as important as gender; for example, a suburban grocer stockpiling tins of biscuits was not seen as a black marketeer, he was looking after his customers, which was vital when there were so many shortages. Thus already we can see that the black market was one of those areas of crime with many degrees of criminality. The government had the power to direct coverage of cases if it felt the need to do so, which was seldom

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<sup>4</sup> *Australian Women's Weekly*, 15/8/1944.

<sup>5</sup> Gracia Clark, ~~introduction,~~ in Gracia Clark (ed.), *Traders Versus the State: Anthropological Approaches to Unofficial Economies*, (Boulder: Westview Press, 1988), p 5. *Women's Weekly*, 15/8/1944.

and official propaganda was half-hearted at best; so instead the job was left to the tabloids to provide the moral compass of the Sydney economy. As we have already seen in Mr Coorey's ordeal, while there were racial patterns to the local black market, the authorities were far more interested in the extent of criminality rather than perusing any one minority. Perhaps it was true that the 1942 Black Marketing Act ~~was~~ more a propaganda document than an effective restraint~~q~~ but it was one designed to combat a moral danger.<sup>6</sup>

As was argued in chapter two, policing was far from simply being the domain of the authorities. Thus the most vocal criticism of the black markets came not from the government, which was often unusually silent on the matter, but from numerous newspapers which day after day ran stories on the perceived moral decline on the home front.<sup>7</sup> As Robin Walker has noted the Sydney press from the 1920s onwards witnessed a consolidation of ownership into a small *oligopoly* of businessmen which was generally less sympathetic to Labor politics than the non-Labor alternative.<sup>8</sup> A brief survey of wartime coverage might be useful: at the top of the list was the *Sydney Morning Herald*, controlled at this time by Warwick Fairfax, and the most established of the Sydney newspapers, being in print since the early nineteenth century. A close second was the new broadsheet, Frank Packer's *Daily Telegraph*, which offered itself as a more modern alternative to the *Herald*. There was the *Sydney Sun*, which was essentially a bridge between broadsheet and tabloid forms;

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<sup>6</sup> Butlin & Schedvin, *The War Economy, 1942-45*, p 330.

<sup>7</sup> Butlin & Schedvin, *The War Economy, 1942-45*, p 567.

<sup>8</sup> R.B Walker, *Yesterday's News: A History of Newspaper Press in New South Wales, 1920-1945*, (Sydney: Sydney University Press, 1980), p 230.

and then there were the true tabloid forms, the *Daily Mirror* and *Truth*, both owned by newspaper baron Ezra Norton, whom had been known to back Labor on occasion.<sup>9</sup>

Finally there was also the profoundly nationalistic and almost always satirical *Smith's Weekly*, which proclaimed itself as the voice of Australian troops, and the well established *Bulletin*. *Smith's* strictly speaking was closer in format to the *Bulletin* than it was any of the other dailies, and while it was generally left leaning it never proclaimed itself a supporter of the Labor Party, though it did not dispute such an idea. In short, wartime papers had been profoundly influenced by the Lord Northcliffe model, appealing to the masses, anti-communist, occasionally racist, but nevertheless highly popular.

Much of the newspaper coverage of the black market seems to be centred around a specific timeframe, the latter half of 1942 before dropping off almost completely in 1944. This is explained by the fact that with the exception of petrol, (which used the coupon system from 1940), wide-scale rationing was not introduced until the middle of 1942, and thus a black market was hardly likely to have existed when most items were readily available. Also, for most editors, until the bombing of Pearl Harbour in December 1941 the threat of invasion seemed far away, in Europe as it was in the previous war. However when fortunes began to change the home front was quickly militarised from the half-hearted attempt of the early period, to a total affair, and thus Australia quickly found itself as a staging ground for US servicemen. In short, the

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<sup>9</sup> Walker, *Yesterday's News*, p 230.

Second World War *did* come to Australia; the north was repeatedly bombed and Sydney was attacked by midget submarines, making 1942 a year when the enemy seemed within close reach. The *Daily Telegraph* for example was particularly concerned at the opportunity for intimacy between young women and Allied servicemen during the brown-out.<sup>10</sup> Note the link between the immorality here and the moral map presented in Chapter One. Thus it was in this climate that those who sought to profit out of the war restrictions were viewed as not only reducing morale, but possibly helping the enemy. However by the end of 1943 the Japanese advance in New Guinea had been halted, and while the danger seemed to have passed the people at home seemed more carefree and sought relief from austerity.

Black market activity and sophistication may have increased into 1944, but it was no longer regarded by the press as representing a moral threat, and thus with the exceptions of large rackets, mentions became less frequent.<sup>11</sup> Finally, it is important to note that while the media may have taken interest in the black market for a while it was never as large a story as the actual conflict itself, and even though almost everyone had some first-hand knowledge of the illegal sector, based on the Government's definition it was usually relegated to the home news section in the middle of the paper. It may have been an annoyance and a concern that the nation was becoming more lawless, as the Prime Minister remarked on one occasion, but it was never going to overtake the blow-by-blow accounts of war correspondents.<sup>12</sup>

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<sup>10</sup> *Daily Telegraph*, 11/6/1942.

<sup>11</sup> Butlin & Schedvin, *The War Economy 1942-45*, p 566.

<sup>12</sup> *SMH*, 9/10/1943.

Unsurprisingly, the black market was a topic which seemed ripe for popular discussion in the many papers of the city and coverage was to range from the sensational and satirical, to the pious; though rarely in between. The *Herald*, usually a mainstay of dry factual reporting declared ~~Black-Marketing and Vice Rampart in Sydney~~ one November in 1943 and went on to argue the following:

[Police] believe that agents for... [black market] liquor are concentrating on young Servicemen, particularly in the Allied forces. As a result large quantities of liquor are being taken to the eight cabarets and night clubs in Sydney. From 9 p.m. taxis may be seen stopping outside the cabarets with girls and Servicemen carrying bottles of liquor. The liquor not consumed in the clubs is later taken into the streets, and drinking is continued in doorways and parks... girls of more than 18 [years have often defied the Sydney Vice Squad], while under the influence of liquor and in the company of soldiers and sailors equally intoxicated.<sup>13</sup>

While relations between US Servicemen and Australian women have already been covered in some detail by historians (occasionally to the detriment of other issues on the home front), the conservative *Herald* was quick to tap into fears of Temperance supporters that alcohol consumption would corrupt the nation's youth.<sup>14</sup> Supplying alcohol would thus be seen not only as immoral but possibly even traitorous,

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<sup>13</sup> *SMH*, 3/11/1943, in Frank Crowley (ed), *Modern Australia in Documents, volume 2, 1939-1970*, (Wren: Melbourne, 1973), pp 90-1.

<sup>14</sup> On Australian women and US servicemen see: Cusack & James, *Come In Spinner*; Michael McKernan, *All In!: Australia During the Second World War*, (Nelson: Melbourne, 1983), pp 253-9; E Daniel Potts & Annette Potts, *Yanks Down Under, 1941-45: The American Impact in Australia*, (Melbourne: Oxford University Press, 1985), part VI; Michael Sturma, *Loving the Alien: The Underside of Relations Between American Servicemen and Australian Women in Queensland, 1942-1945*, *Journal of Australian Studies*, 24, (1989), pp 3-17; Marilyn Lake, *Female desires: The meaning of World War II*, in Penny Russell & Richard White (ed.) *Memories and Dreams: reflections on twentieth century Australia, Pastiche II*, (St Leonards: Allen & Unwin, 1997), pp 117-34; Lyn Finch, *Consuming passions: Romance and consumerism during World War II*, in Joy Damousi & Marilyn Lake (ed.), *Gender and War: Australians at war in the twentieth century*, (Melbourne: Cambridge University Press, 1995), pp 105-17.



because it was blamed, (and not without some foundation) for many moral outrages of the war period, from vicious assaults to unwanted pregnancies.

Complaints regarding black market alcohol earned the strongest condemnation, but they were also the most reported, because they were the most visible, but it was far from the only aspect of the underground economy to which the press drew attention. The *Sun*, apparently quoting a Judge's ruling on a case of theft involving a number of stevedores in October 1943 likened the receivers of these stolen goods to rats.<sup>15</sup> Cases where the judiciary took a firm stance were rare compared to Britain, where food shortages were far more severe, but when they did occur the tabloids were quick to make use of them.

Other complaints followed a similar pattern. *Smith's Weekly* declared in one fiery editorial in March 1943, that a black market existed in labour practices, whereby people were openly flouting the Manpower regulations on useless activities instead of aiding the war effort.<sup>16</sup> Essentially *Smith's* was attacking the industrial action taken by many of the wharf unions in favour of better conditions, and being a protected industry, the government had little opportunity but to eventually bow down to the demands, just as a shopper had to face higher prices brought on by rationing if they wanted certain goods. As, however, there are in trade unscrupulous dealers in the black market it argued so also there is in labor and unworthy percentage scabbing on the country at this difficult time. A cleansing of the morally foul is

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<sup>15</sup> *Sun*, 8/10/1943. See also: *Truth* 7/3/1943.

<sup>16</sup> *Smith's Weekly*, 13/3/1943.

necessary for the health of the body politic.<sup>17</sup> Such publications argued that the war was for the improvement of all not for the defence of a few.

The press did occasionally find time for a more satirical angle on the black market.

*Smith's Weekly* for example felt it was doing a civic duty in warning its readers about the dangers of cheap red wine, fortified with metho+, which it referred to as the New Red Menace.<sup>18</sup> It went on to argue that plonk in all its forms carried high health risks:

Australians as a whole have not developed discriminating palates for wine. Wine, for the most part, is what they drink when they run out of beer. Only way the inexperienced Australian wine-drinker can tell plonk is by the hangover. There is a headache in every six penny glass. Smith's somewhat gingerly and fearful of the consequences checked up, and found that... plonk was easy to get... It's about time the Federal Government did something to control the trade.<sup>19</sup>

Unlike most alcohol, wine was not rationed, because few ever drank it, which quickly left the door open for licensees and sly-grog shops to make a fortune. Much of *Smith's* dry humour was aimed at Australian servicemen, who made up the bulk of its readership, and in a sense, the paper viewed itself as providing for Diggers as the *Bulletin* had done for their forbearers in the previous war. As we have seen already in Chapter One, the black market was viewed with a level of tolerance by some men,

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<sup>17</sup> *Smith's Weekly*, 13/3/1943

<sup>18</sup> *Smith's Weekly* 19/9/1942. See also: 10/4/1943 [figure 6].

<sup>19</sup> In a reference to outlaws and immorality Plonk was also referred to as Pinkie or Red Ned. *Smith's Weekly*, 19/9/1942. See also: 10/4/1943. For histories of the black market which employ a similar attitude to *Smith's* and the *Bulletin* see: M.J Trow, *War Crimes: Underworld Britain during the Second World War*, (Barnsley: Pen & Sword, 2008); Donald Thomas, *The Enemy Within: Hucksters, Racketeers, Deserters & Civilians during the Second World War*, (New York: New York University Press, 2003). On some of the health problems with black market products see Trow, pp 77-8.

who in a bohemian fixation with vice felt it made them more worldly citizens. The *Bulletin*, by this time had grown more respectable, and, unlike its younger relative devoted equal attention to literature and sport, and also found time to mock the informal sector. <sup>19</sup> The Rqcomposed a short poem on clothing rationing and the subsequent prosecution of tailors:

Woe to the tailor who on suits shall tack/  
But one above the statutory  
whack!/ His careless disregard for what<sup>20</sup> forbid is like enough to cost  
twenty quid/ And leave him to regret his workmanship/ At once a sadder  
and wiser snip.<sup>20</sup>

In this way an association with the ~~black~~market of cigarettes, spirits, petrol and silk, was acceptable to the voyeur, providing he was not caught.

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<sup>20</sup> *Bulletin*, 27/1/1943.

# UNOFFICIAL WAR EFFORTS

THIRD LIBERTY LOAN  
\$100,000,000  
LEND TO DEFEND



SOME people have their own ideas about war efforts. These are quite unofficial and differ altogether from the ideas of Jack Curtin. And do they help to win the war? We ask you ...



I'VE KEPT ALL THIS FOR AN EMERGENCY CANTEN FOR THE NEIGHBORS  
OH YEAH!

\* THE hoarder has been working strenuously.



-NOW THE AMERICANS ARE OVER BY THE MILK JUG, AND THE PEPPER POT IS THE DIGGERS  
YES! AND THE JAPS ARE OVER HERE-IN THE SOUP!!

\* THE bloke who worked out main strategy as a "Back Seat Driver."



HOW'S Y LORRY GOIN' JOE?  
GREAT! I'M MAKIN' A FORTUNE WITH 'ER ON THE C.C.C.

\* SWINGIN' along the road to victory.



SHE NEVER MAKES A MISTAKE - AND IT'S ALWAYS WITH NOTHING LESS THAN A LIBUTE HANNY COLONEL!

\* SOME girls are very unselfish in their war effort—entertaining weary soldiers.



YOUR SEATS, SIR!  
SHE'S DOING GREAT WORK!

\* THE usherette is in a reserved occupation.



FIVE BOB YADALLA  
YOU'RE ON, BOY

\* THE two-job man—an SP boobie on the waterfront.



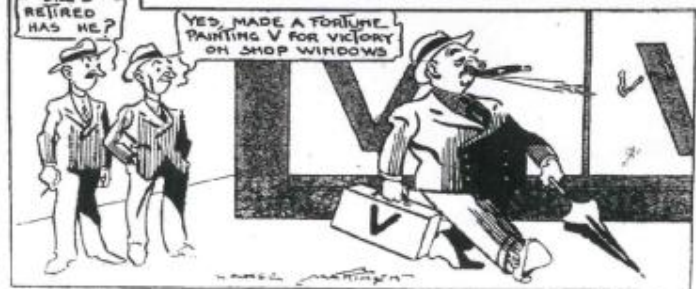
WAS HE ENHANCED BY HIS SALES OF PETROL COUPONS ON THE BLACK MARKET, BOSS? HOW DO YOU FEEL?  
SURE Y'VE ALONG, AND I BELIEVE I'VE DONE A GREAT JOB FOR THE COUNTRY! DIDN'T MR. BEASLEY SAY HE WANTED CARS KEPT ON THE ROAD?

\* THE man who kept the wheels turning.



I'M DOIN' YOU A REAL GOOD TURN, BUDDY. LETTIN' YOU HAVE IT FOR FOUR QUID!

\* TAXI driver eager to make good on offer.



BILL'S RETIRED HAS HE?  
YES, MADE A FORTUNE PAINTING V FOR VICTORY ON SHOP WINDOWS

\* THAT's a "victory" for Bill.

[Figure 6] Above: *Smith's Weekly* with a more satirical look at home front life 10/4/1943.

Of course such publications were just as likely to be scathing in their assessment the next week, though it is doubtful whether the editors saw any contradiction. Certainly this would be the case if any reader found themselves exploited from an illicit transaction, and thus such behaviour was acceptable so long as they were not caught or ripped off. Fears such as these certainly found their way into Norman Lindsay's rather emotive drawing of the black market, which depicts a young woman, (the wife of a serviceman, we are informed) with two tired, barefooted children attempting to haggle for produce from an unsympathetic grocer.<sup>21</sup> In a fit of male chauvinism, very characteristic of the *Bulletin*, Lindsay wanted readers to ask the question, *what if it were my wife?* Exploitation, legal theorist Stuart Green notes, is one of the most morally ambiguous of white collar offences, because while some may argue it is immoral to stockpile and price gouge, both are good business sense; and a consumer always has the opportunity not to participate in the deal and in that case, will be no better off than before the transaction. Black market propaganda often relied on depicting such transactions as exhortative, (which involves threats) and was far more emotive, as opposed to taking advantage of someone; though the lines between both categories are somewhat blurred.<sup>22</sup>

Women's publications depicted the black market somewhat differently to the chauvinism of *Smith's* and the *Bulletin*. The *Australian Women's Weekly* in May

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<sup>21</sup> *Bulletin* 10/11/1943.[see cover image] See also: 17/11/1943, by the same artist, which appeared a week later.

<sup>22</sup> Stuart Green, *Lying, Cheating, Stealing: A Moral Theory of White Collar Crime*, (New York, Oxford University Press, 2006), pp 96-7.

1942, for example lamented the urgency of shopping which took place as people rushed to secure items before rationing was officially introduced two months later:

Men and women with rolls of notes grabbed clothing of any size and color [sic] and took the lot. The ugly spectre of black markets looked up as it became apparent that some people were buying not just for themselves but with an eye to profitable resale for them. Is this the best we have to offer our country in its hour of most desperate need?<sup>23</sup>

The generally conservative *Women's Weekly* thus maintained the traditional stereotype of women as the most likely wasteful consumers, because few other publications were as vocal in their condemnation of shopping. Throughout the war the *Woman's Weekly* saw its job as reaffirming what it saw as traditional values.<sup>24</sup> *Smith's* or other male publications, may have talked about the greed of tax avoidance, and alike but shopping was still viewed as a predominantly female occupation.<sup>25</sup>

Of course it was also easier to discuss greed and stockpiling than it was to mention the black market, and there was no mention of such conduct for another two years. When it did, in July 1944, its tone was more informative than accusative, and told its readers that while they may not know it, women were also involved in the black market. It went on to describe the various schemes operating before telling women that it was their responsibility to check where their products had come from.<sup>26</sup>

Therefore, as we can see the black market for women carried an entirely different set

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<sup>23</sup> *Women's Weekly*, 23/4/1942.

<sup>24</sup> Finch, *Consuming passions*, pp 106-7, 110.

<sup>25</sup> *Smith's Weekly*, 9/11/1943.

<sup>26</sup> *Women's Weekly*, 15/7/1944.

of connotations than it did for men and in the same way as pre-marital pregnancy and abortion, was unlikely to have been discussed openly unless absolutely necessary. Thus, apart from the scattered references in women's publications, most would, (openly at least) rely on official propaganda to be informed.

It had often been suggested by critics of the wartime black market that the government should embark on a publicity campaign to highlight the dangers of the illegal economy. Indeed, in October 1943, Phyllis Johnson, Secretary of the Women's Committee of the Communist Party of Australia wrote to Customs Minister Keane arguing that: ~~It~~ In our opinion a campaign to inform unthinking people of the unpatriotic character of black market buying is necessary and we urge rigorous measures against all agents and racketeers who benefit by taking advantages of the war for its own ends.<sup>27</sup> Four days later the minister replied stating that he intended to follow up on the suggestion, which also included increasing convictions and punishments of persons whom he claimed, ~~to~~ wage such a war against society.<sup>28</sup> To work with the CPA showed a realisation that the real enemy was Japanese militarism or European fascism, a fact which dawned on ministers after the German invasion of the USSR in 1941. However for all the talk of publicity campaigns a wide-scale government plan never really occurred, but that did not mean it was silent on the matter.

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<sup>27</sup> Letter to the Hon. R.V. Keane, Customs Minister, 18/10/1943. NAA: A367, C53299.

<sup>28</sup> Reply to Secretary, Women's Committee, Communist Party of Australia 22/10/1943. NAA: A367, C53299.

The few scattered posters on the black market which appear to have been catalogued seem rather shabby in comparison to the brightly coloured recruitment campaigns.<sup>29</sup> Indeed many appear to have been put together, perhaps by the Ministry of Information, with an aim of doing it as quickly and cheaply as possible. However, the Second World War was different in the fact that government propaganda were generally less reliant on imperial sentiment so beloved by Australian artists during the Great War, and was instead directed to controlling behaviour. Of course as Peter Stanley has noted, there were benefits in simplicity: ~~A~~ successful poster was capable of only one interpretation. Most of the posters... did not seek a dialogue: they imposed, imparted, and impelled, but did not enquire.<sup>30</sup> In this sense simplicity was often best in getting the message across. Often they were strategically placed, such as in wartime factories against the temptations of pilfering vital supplies and selling them on at a profit.<sup>31</sup>



[Figure 7] Just letting you know: an example of the Ration Commission's publicity campaign in a Sydney factory (back wall). Sam Hood, ~~W~~orkshop Sceneq(undated) State Library of NSW: 10657.

<sup>29</sup> For examples of more extravagant Australian WWII posters see Peter Stanley, (ed.), *What did You do in the War Daddy?: A visual History of Propaganda Posters*, (Melbourne: Oxford University Press, 1983), pp 110-13. For a recent survey of WWII war posters see: James Aulich, *War Posters: Weapons of Mass Communication*, (London: Thames & Hudson, 2011), chapter 4.

<sup>30</sup> Stanley, ~~W~~hat did you do in the War Daddy?, qpp 14-15.

<sup>31</sup> Sam Hood, (photograph), ~~W~~orkshop Sceneq(undated). State Library of New South Wales: 10657.

<<http://acms.sl.nsw.gov.au/item/itemLarge.aspx?itemID=13043>> (accessed 31/8/2011).



In contrast to some of the more famous home front campaigns, the black market received comparatively little attention in visual form, both in Australia and overseas; instead governments preferred to focus on austerity drives, encouraging citizens not to be complacent with their rations. It is possible that the government was wary of a direct campaign, fearing that it may have incited such behaviour and reduced morale; although it is equally plausible that the black market was simply not regarded as important enough to warrant a high profile campaign. The few references to this activity such as the *The Squander Bug* campaign often depicted a criminal looking figure, (often supplemented with a demonic insect which encouraged the purchase), with an unspecified package in the foreground and implored people to invest their money in war savings stamps.<sup>32</sup> Thus while the government may not have used a high profile propaganda campaign to defeat the black markets it was able to call upon the far more complex task of naming and shaming offenders as was codified in the legislation and for this it also had the backing of the media.

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<sup>32</sup> *The Squander Bug Helps the Black Market* (date and author unknown. (leaflet collection), Australian War Memorial, Canberra: RC02345 7/8/5; *Don't Touch Black Market Goods* (poster), author and year unknown, Australian Government. Held: Imperial War Museum, London.

<<http://www.vads.ac.uk/large.php?uid=51964>> (accessed 29/8/2011);

*Don't Touch Black Market Goods* (poster), author and year unknown, Australian Government. Held: Imperial War Museum, London.

<<http://www.vads.ac.uk/large.php?uid=51891&sos=0>> (accessed 29/8/2011);

*Black Marketing is Sabotage* (poster), Australian Government, artist and year unknown, Held at Imperial War Museum, London

<<http://www.vads.ac.uk/large.php?uid=51890&sos=0>> (accessed 29/8/2011)



[Figures 8 & 9]: The famous Squander Bug campaign targeted both male and female buyers its efforts to promote austerity.

The government made little attempt to hide the fact that the new Black Marketing Act of 1942 would make an example of offenders. The government wished to appeal to the individual's sense of honour; that the shame of being branded a black marketeer would be enough to deter potential violations of the law. The 1942 legislation required guilty persons to place a notice of conviction on their business premises. If that was not deemed serious enough the government could also order the particulars of the case to appear on business letterheads, and direct media coverage on the case.<sup>33</sup> Such approaches have many benefits, especially for a cash strapped system during wartime, as they were, (and are), cheap and easy to initiate, however as David Freidrichs points out Social policies based principally on moral outrage can

<sup>33</sup> *Manual of national security legislation as in force on 2nd September, 1945, with annotations setting out amendments to 31st December, 1945*, 6<sup>th</sup> ed., (Canberra: L.F. Johnson, Government Printer, 1945); *Argus*, 25/2/1942.

have unintended harmful consequences for innocent parties.<sup>34</sup> The idea was that black marketeers, few of whom had prior convictions, valued their social standing within the community, and therefore would object to being labelled as deviants; nor would they want to be seen associating with those who openly condoned such underclass behaviour, such as professional criminals.<sup>35</sup> Thus a wrongful conviction would have the potential to destroy someone's reputation, and more than a few convicted black marketeers recoiled when they were found guilty, not that this would have mattered much to the government, with the entire nation at war.<sup>36</sup>



[Figures 10 & 11] Two versions of the few official anti-black marketing posters produced. Note the criminal stereotype lingering in the background. Author and year unknown.

<sup>34</sup> David O Friedrichs, *Trusted Criminals: White Collar Crime in Contemporary Society*, 3<sup>rd</sup> ed, (Belmont: Thompson Higher Education, 2007), pp 308-9; Green, *Living, Cheating, Stealing*, pp 28-9.

<sup>35</sup> Friedrichs, *Trusted Criminals*, p 4.

<sup>36</sup> See letter from Mrs Coorey to Attorney General, 27/6/1945; minute paper submitted to the Governor General recommending remission of sentence, 17/9/1945. NAA: A472, W16731.

The United States also used a similar system, but it was more half-hearted than the Australian version. There was a general concern about unfairly targeting certain firms and so it ended up with press stories which were either relegated to the back pages of newspapers and trade journals, with few details, or sensational and ill informed reports of organised criminal involvement.<sup>37</sup> The British system was necessarily more rigid. It had to be with regular bombing since 1940 and the increasing losses of merchant shipping in the North Atlantic (on which Britain relied for most of its food), which meant that officials were hardly likely to take a sympathetic view of the illegal sale of rationed supplies. Unlike Australia and the US, however, British policy was decentralised, and seemed to have been dealt with on a case by case basis by the departments concerned. There may not have been an overarching name and shame policy, but it did not need one, instead information was simply passed onto the media and public opinion did the rest.<sup>38</sup> When it came to enforcement Australia occupied the middle ground between Britain and the US; the clause was generally accepted, but the judiciary was unwilling to exercise the new powers.

There were few cases of the name and shame powers being used in an official capacity. The entire war period saw only one example in Sydney in 1945, a few weeks before the capitulation of Japan, which involved the sentencing of Jack Mandel, a car dealer of Cleveland Street, Moore Park, who also received six months

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<sup>37</sup> Marshal Clinard, *The Black Market: A Study of White Collar Crime*, 2<sup>nd</sup> ed, (Montclair, New Jersey: Patterson Smith, 1969), pp 79-81. On the American name and shame system more generally see: pp 79-88.

<sup>38</sup> On British public opinion see: Thomas, *The Enemy Within*, pp 133, 135.

imprisonment for selling a used car above the fixed price.<sup>39</sup> The use of the powers so late in the war suggests that the magistrate was under pressure to make an example of Mr Mandel, especially given the lack of success in policing the illegal used car market. Thus with media coverage on the wane the government could remind people that stern penalties still applied for those who broke the rules. A handful of other cases also displayed the powers but mostly it was left to the media which needed little encouragement, to shame the offenders.<sup>40</sup> It is also possible that many people required to display the notice simply complied with the court order and thus further penalties were not needed.

The Sydney tabloids had always welcomed the opportunity to report on court cases and the wartime black market was hardly different. A common tactic was to promote a feeling that the general law-abiding public had been swindled. In August 1942 the *Sun* sensationally described the illegal trade in petrol coupons as an unfair deal for motorists.<sup>41</sup> To be accused of cheating during wartime carried with it certain accusations of breaking the unspoken codes of behaviour. These as we have already seen in the previous chapters, (particularly in relation to Mr Coorey) were based on the premise everyone suffers together for the greater good. Such codes, Green argues can be referred to as *prescriptive rules* which: are used to guide or control behaviour. They typically include an explicit or implicit *must*, *may*, or *may not*... [For example] *Patrons must wear shoes and a shirt... No smoking*

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<sup>39</sup> *SMH*, 26/7/1945.

<sup>40</sup> *Argus* 30/3/1943; *Cairns Post*, 16/7/1945; *Canberra Times*, 26/2/1946

<sup>41</sup> *Sun*, 27/8/1942. See also: *Truth*, 3/1/1943.

allowed...<sup>42</sup> As we can see the press made a point of highlighting the breaches of these rules when they could, as was noted in Chapter Three with Mr Coorey, the wartime situation carried its own normative standards. The pious tone was to appear in almost all black market reports. Note the following example from a similar case also published in the *Sun* a month later: ¶These people have defrauded the community...¶it quoted the prosecution, though the public could rest easy because one of the accused, taxi proprietor: ¶[Phil] Maria has been confined to a cold, black and nasty cell for nine days without any facilities for washing.<sup>43</sup> Covering the story of a small scale petrol racket, which was charged with attempting to defraud the Liquid Fuel Regulations out of more than 2,500 coupons, it helpfully provided pictures of the accused so the public could identify them. This supplemented the usual information on the age and occupation of the defendants, and quite often as well the name and address of the premises where the offence was committed.<sup>44</sup>

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<sup>42</sup> Green, *Lying, Cheating, Stealing*, p 58; Anthony Giddens, *Sociology*, 5<sup>th</sup> ed, (Cambridge: Polity, 2006), p 796; Phillip Smith, ¶Towards a Theory of War as Ritual,¶*Theory and Society*, 20:1 (February 1991), pp 103-38.

<sup>43</sup> *Sun*, 10/9/1942.

<sup>44</sup> *Sun*, 10/9/1942.

Below [Figure 12] the iconic children's cartoon character *Ginger Meggs* doing his bit for the war effort in thwarting black marketeers. Date unknown.



The tabloid press were not simply reliant on press statements from the Rationing Commission, and a favourite method of filling in the blanks on a story was investigative reporting, for not only did this provide the paper with an exclusive story but it also gave the editors an opportunity to criticise the poor record of officials in stamping out the illegal trade.<sup>45</sup> However the stern methods of the press, at the encouragement of the government were not to everyone's liking. F.V.R wrote into the *Herald* (which generally did not favour investigative reporting), in August 1942 concerned that a codified name and shame clause was morally wrong even though the conduct of black marketeers was utterly reprehensible:

To compel anyone so convicted to display in his shop window a placard telling everyone that he is a black market man is just the Nazi law of making every Jew place in his window a placard stating I am a Jew. Such a law is not British, and I am sure no Britisher would stand for it.<sup>46</sup>

Of course, as we have already seen that the codified law was simply one aspect of the name and shame policy, for it had already been operating in unofficial form for some time in the less respectable press. Doubtless to say, F.V.R as a *Herald* reader would have been unlikely to have been familiar with the muck-raking journalism of the Lord Northcliffe model.

The black market was the manifestation of a number of wartime concerns though it was never as big as it could have been. For a start, official propaganda was a rather low key affair, and the government preferred high profile legislation which targeted offenders; they wanted to give the public a face to the racket. On the legislation itself

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<sup>45</sup> *Daily Mirror*, 29/10/1943.

<sup>46</sup> *SMH*, 29/9/1942.



the government wanted to be seen as combating the illegal sector with penalties that would act as a deterrent to potential offenders but magistrates were reluctant to use the name and shame powers on petty offenders and the job was generally left to the tabloid media to do the job. They covered the stories when they felt the need to outrage the public, but the problem almost always took a back seat to the war itself. The masculine *Bulletin* and *Smith's* did find time to satirise the issue, but were just as likely to declare moral degradation in the next issue depending on whether its own readers had been fleeced. In contrast female publications were unlikely to discuss the workings of a black market, but informed their readers of its presence in the city. Finally racial concerns hardly played into local coverage at all. The black market was certainly a social construction, and its meaning was highly varied. The term itself was loaded with criminal connotations but these were not always exercised or apparent; for criminals used the black market while respectable people simply got something extra for something extra.<sup>47</sup>

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<sup>47</sup> *Woman's Weekly*, 15/6/1944.

## Conclusion

The black market was many things. To some it was not only immoral but positively traitorous to attempt to circumvent the rationing laws in the hope of getting that something extra. Certainly few in this category would have disagreed with *Salt's* powerful assertion that <sup>1</sup>in the truest sense of the word the culprit is an agent of the enemy. Stockpiling and price gouging were a breach of the implicit norms of home front life, namely that the nation should suffer together. As a crime black marketing was more difficult because every demographic of the city was represented; from the working-man's pubs in the C.B.D which never appeared to run out of beer, and whose busiest hours appeared to be well after six o'clock closing, to the cheerful suburban grocer who kept something extra under the counter for his best customers. Some sectors were certainly harder hit by the illegal trade than others, and it seemed to many moral reformers that the illegal trade in alcohol had exploded during wartime leading to a general increase in vice and criminality. It was easy to single out the alcohol trade because it was the most visible, organised, and, courtesy of the high proportion of men in uniform, this was where the largest profits were made. However this was simply one aspect of the informal economy.

The black market was different to other perceived crime waves. Thus even though some historians for reasons of simplicity have attempted to lump it together as a natural flow on from the ~~razor wars~~ of the interwar period, it was something entirely different. Not only were all demographics represented but the majority of offenders were simply people in the trade like Mr Coorey with no prior convictions. This was

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<sup>1</sup> *Salt*, 6/12/1943, p 34.

white-collar crime, not organised crime, for rarely was violence perpetrated, and the accused certainly did not market themselves as belonging to a criminal milieu. Thus the question must be asked, what encouraged seemingly honest people to start breaking the laws with impunity? The answer can be found in the fact that most cases of black marketing were small scale, with isolated individuals taking the opportunity to make extra money on the side. There certainly was organised criminal involvement in the illegal trade, but that which involved professional criminals with prior convictions (as opposed to an organised syndicate like Mr Blankens), was mostly confined to the trade in alcohol and other luxury goods and generally a minority.

The nature of the wartime situation with its chronic manpower shortages made enforcing the regulations a nightmare. The introduction of rationing in mid 1942 had led to increased breaches of the National Security (Prices) Legislation, and by September the government had drafted specific legislation to deal with offenders, though in reality it was the same as the rationing laws, but with stronger penalties added. The Black Marketing Act was meant to function as a deterrent to potential offenders, but magistrates did not like their courts invaded by petty offenders and as a general rule, did not use the full powers ascribed to them. Enforcement was further complicated by departmental infighting and in the process the volumes of reports produced often went missing. Nor did it help matters that those called on to investigate the problem were poorly paid and received little thanks for their effort and as a result, the officious mentality of the Kafkaesque bureaucracy was often punctuated by instances of petty corruption. Other problems were that the incredibly vague definition of black marketing, left it open to interpretation, meaning that often

the most serious breaches were missed while petty cases were met with the full force of the law. Meanwhile government propaganda sought to make an example of offenders, not through posters and slogans, but through a name and shame policy. However with the exception of a few isolated cases the official laws were not used, and while the tabloids certainly passed moral judgement, the issue was never considered bad enough to warrant front page news.

The problem was that not everybody in the community viewed black marketing as a severe problem. As we have seen, men and women behaved differently towards the market, but both at some point engaged with it. Men were certainly more comfortable in black market of second hand vehicles and cigarettes, and most of these transactions took place in the masculine and bohemian dimensions of the city. Women in contrast were more likely to illegally purchase clothing material or foodstuffs, but such behaviour was not viewed as black market but as getting something extra. However it was also geographically divided, and thus the closer to the vice districts, the more likely a purchase was to be viewed as black market. Certainly, the regulations hit some sectors harder, though many came up with ingenious ways to not only beat the authorities but profit out of the war at the same time; the taxi-grocers provide a good example. Finally, as the case of Mr Coorey demonstrates, race *per se* was not a primary concern of authorities. In short the black market represented a moral grey area in which the participants constantly fluctuated between acceptable and unacceptable forms of conduct.

The black market provides a unique opportunity to not only examine socio-economic relations on the home front, but provides a greater understanding of white-collar crime within an historical framework. In my argument I have attempted to move beyond the material explanations provided by so many economic historians to examine the role of the people themselves and how they viewed their conduct. Of course the vague definition of black marketing coupled with wartime shortages meant that many turned to the black markets, but each had their own excuses and reasons for doing so. In short the black market presented society with one of those grey areas where the line between acceptable and illegal conduct was often sticky. However when so many ordinary citizens (and indeed the press) felt duty-bound to inform on their neighbours, this became something else; moral policing for the good of the nation. The regulation of certain behaviours always provides certain ethical dilemmas and my case study provides an excellent example of this. Hopefully this thesis will provide the basis for more comprehensive research to be carried out on this fascinating topic.

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