

Australian Press Council

Adjudication No. 890 (November 1996) [1996] APC 64

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The Press Council has upheld a complaint arising from a series of articles in The Courier-Mail setting out damning allegations against the late Professor Manning Clark, one of Australia's most influential historians.

The series of articles commenced with coverage over eight pages in the newspaper's 24 August 1996 edition.

The 15 signatories to the complaint say that nothing published by the newspaper justifies the claim that Prof Clark was a Communist, that he received the Order of Lenin, that he was an agent of the Soviet Union, or that he was disloyal to his country.

"The assertion that Manning Clark was awarded the Order of Lenin rests on the flimsiest evidence," they wrote. "While highly damaging to Manning, it is without adequate support.

"Manning Clark has been dead for some years and cannot respond to the allegations which have caused severe distress to his family and friends."

The complainants asked the Courier-Mail for a retraction which was denied.

Their complaint falls generally within the scope of Press Council principles 1 and 2:

1. Newspapers and magazines ("publications") should not publish what they know or could reasonably be expected to know is false, or fail to take reasonable steps to check the accuracy of what they report.
2. A publication should make amends for publishing information that is found to be harmfully inaccurate by printing, promptly and with appropriate prominence, such retraction, correction, explanation or apology as will neutralise the damage so far as possible.

Spokesman for the group of complainants was writer/journalist/academic Professor Bruce Grant of the Monash Graduate School of Government. Prof Grant was at one time Australia's High Commissioner to India.

The complainants included Sir Zelman Cowen, former Governor-General and former chairman of the Fairfax newspapers; Vic Carroll, former editor-in-chief of The Sydney Morning Herald; historians Professor Ken Inglis, Professor Geoffrey Bolton, Professor Hugh Stretton, Anthony Low, Davis McCaughey, Marjorie Tipping and Geoffrey Serle; Richard Woolcott, former head of the Department of Foreign Affairs and Trade; and Sir Raymond Ferrall, Angela Mercer, Brian Sweeney, and Anne Fairbairn, whose late husband's account of the supposed Manning Clark Order of Lenin figured prominently in The Courier-Mail's articles.

The Courier-Mail articles made statements of fact about Prof Clark which it said resulted from "an intensive Courier-Mail investigation over a year".

Key assertions, the first three from the lead, page one, article, were:

* "Professor Manning Clark was awarded the Soviet Union's highest honour, the Order of Lenin."

* "The Order of Lenin was given to him at the height of the Cold War when the USSR was regarded as an enemy nation. It is the Communist world's most prestigious decoration."

* "It begs the question: What service did Professor Clark render the Soviet Union to merit receiving its most prestigious award?"

* "Clark was indeed a Communist. No, more than that, he was, until today, an undiscovered member of the Communist world's elite, a man who would come to be covertly honoured with the highest award the Soviet Union had to bestow, the Order of Lenin."

* "The stock-in-trade of spies - microfilm, purloined documents and secret codes - appear ludicrous when placed in Clark's hands. That is not to say he did not use them. No-one knows. What level of service is required, after all, to merit the Order of Lenin?"

The allegation that Prof Clark received the Order of Lenin rested on the eye-witness account of two reputable Australians who considered they had seen Prof Clark wearing the medal.

* Noted poet Les Murray told The Courier-Mail that he saw Prof Clark wearing a medal which he (Murray) identified as the Order of Lenin. This was at a private dinner party in 1970. Clark said to him: "It's real, you know ... it's a real gong".

* Journalist Peter Kelly related how, some time in the 1970s, he called at the Canberra home of his best friend, the late Geoffrey Fairbairn, who was a friend and admirer of Prof Clark.

Fairbairn told Kelly that Prof Clark had invited him to join private drinks with the Soviet Ambassador at the Soviet Embassy - and, please, to wear his decorations.

At the Embassy Fairbairn found that Prof Clark was wearing "a striking looking gong, it was the Order of Lenin".

This greatly upset Fairbairn, who made an excuse to leave early, but not before giving a promise to Prof Clark not to mention the matter of the Soviet medal to anybody else. Fairbairn swore Kelly to secrecy - and Kelly kept his word until The Courier-Mail articles.

At the core of the newspaper's assertions about Prof Clark was the total acceptance that he had been awarded the Order of Lenin.

The newspaper had too little evidence to assert that Prof Clark was awarded the Order of Lenin - rather there is much evidence to the contrary.

That being so, the Press Council finds that The Courier-Mail was not justified in publishing its key assertion and the conclusions which so strongly flowed from it. The newspaper should have taken further steps to check the accuracy of its reports.

While the Courier-Mail devoted much space to people challenging its assertions, the Press Council believes it should have retracted the allegations about which Prof Clark's supporters complained.

NOTE: This adjudication was the subject of an appeal by The Courier-Mail. The Council heard the appeal at its January 1997 meeting and, subsequently, issued General Press Release No. 210, which follows:

GENERAL PRESS RELEASE No. 210 (January 1997)

Appeal re Adjudication No. 890

The Press Council has dismissed an appeal by the Brisbane Courier-Mail against the Press Council's upholding of a complaint against the paper for its treatment of allegations that Professor Manning Clark was a Communist and had been awarded the Order of Lenin by the old Soviet Union.

The appeal was on two grounds. First, that there was a basic error of fact in the adjudication; and, secondly, that the character and standing of the complainants had been too much regarded by the Council.

The Council rejects flatly the second of the two grounds. The Council considered the listing in its adjudication of the complainants and their affiliations to be a matter of public interest. Their standing, however, did not influence the adjudication.

On the first ground, the paper claims that it was incorrect for the Council to say that the newspaper had too little evidence to assert that Professor Clark had been awarded the Order of Lenin, and that rather there was much evidence to the contrary. The Council points out that there are still only two claims that such an award was made. One source has, in fact, stated his position as being less firm than presented in the original Courier-Mail articles. Further, the original complainants say that several expressions of informed opinion available on the unlikelihood of a secret Order of Lenin award to Manning Clark constitute support for the case against the paper.

However, the Council agrees with the newspaper that it should have drawn attention to a difference between the first edition coverage of the story in the paper, and that which was used in three-quarters of the print run. In the first edition, the first paragraph of the page 1 story read: "Professor Manning Clark was awarded the Soviet Union's highest award, the Order of Lenin". The later copies of the paper added the words: "... according to evidence investigated by the Courier-Mail".

The Council observes that the change, indeed, softens the direct firmness of the original assertion, but the overall treatment of the story indicated no such reservation, however slight.

Clearly, it is a matter of historical importance whether Manning Clark was, or was not, a communist; and whether he was an "agent of influence" (a description that may be interpreted in many ways from innocence to blackest guilt); and whether he performed some services deemed worthy of the Lenin Order.

The paper has told the Council that it is continuing its investigations into these matters, and that it will eventually report on those investigations. The Council anticipates that when the paper's investigations are complete, it will report fully on its findings.

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