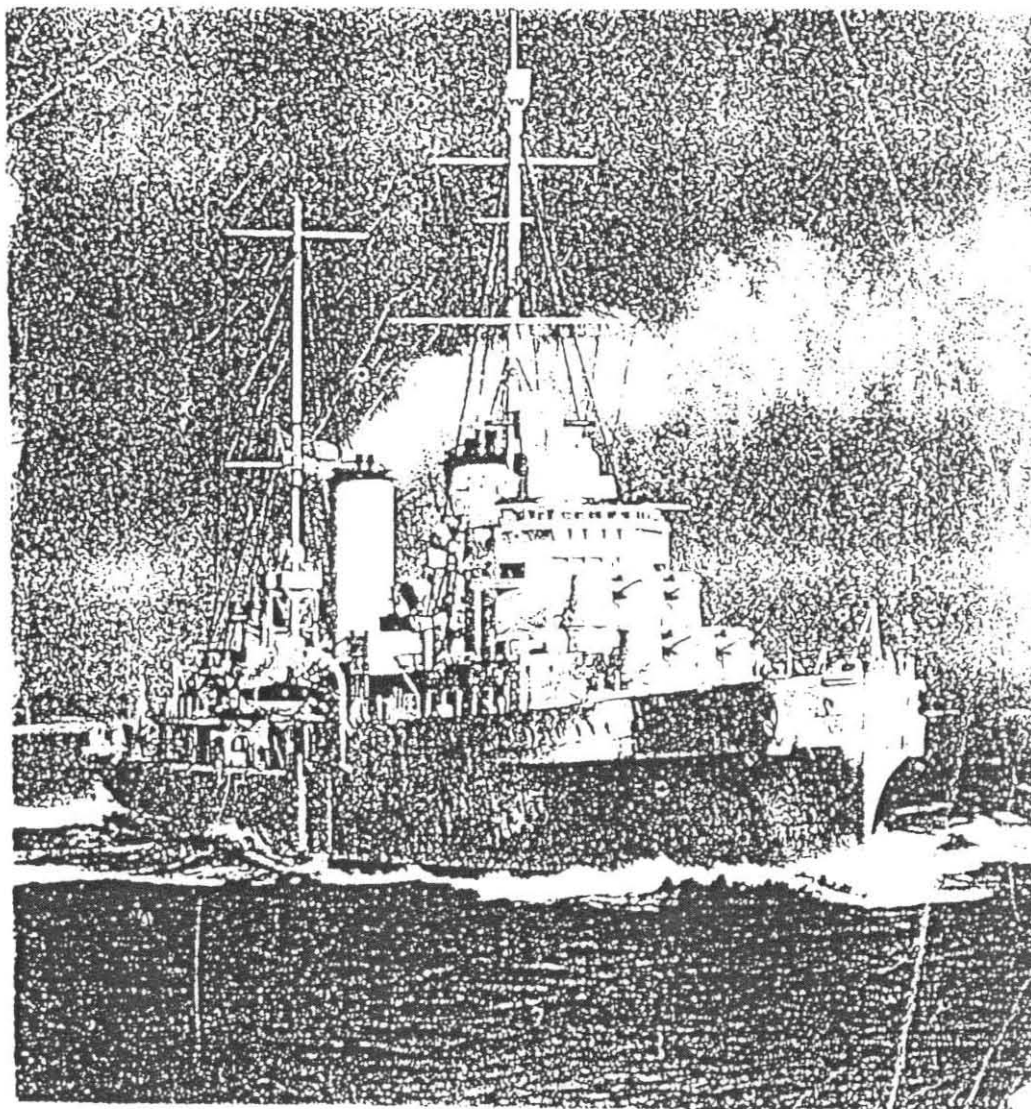


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HMAS SYDNEY/HSK KORMORAN
an archaeologist's view of the situation

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Maritime Archaeology is the scientific study of the material remains of humans and their activities on the sea. As such the discipline in its best known sense depends almost entirely on examining the material evidence lying underwater in order to draw the relevant conclusions.¹

Maritime Archaeology as currently practiced in Australia has dealt almost exclusively with the historical period i.e. that for which written records exist. This utilizes not only the wreck and its associated relics as the accepted primary sources, but also the written and sometimes oral records pertaining to a particular vessel and its operators. In the historical period these two sources are used to complement and balance each other in order to pursue our research aims.

For a variety of reasons Australian maritime archaeologists have recently extended their interest further forward from their areas of traditional interest i.e. the wooden hulls of pre and early settlement times. Thus we find research and fieldwork being conducted into late nineteenth and early twentieth century engine driven wrecks and even into iron and steel vessels.

In this more modern context maritime archaeology has an increasing 'interdisciplinary usefulness.'² This is particularly so in its contribution to the study of maritime history, an area where inquiry into the general and specific circumstances of relatively recent wrecks, such as the HMAS *Sydney* and the HSK *Kormoran* would normally reside.

History is often what you make of it however, and a truly objective historian is difficult to find. Written documents, the primary sources of the historian, are often in themselves suspect. Too often are the written accounts of incidents and accidents at sea tinged with an understandable desire for professional or bodily self-preservation. The controversial loss of HM warships *Mary Rose*,³ *Royal George*,⁴ and *Captain*⁵ in 1545, 1782 and 1870 respectively, are but three of a legion of sinkings common in many respects to all maritime nations and to all times with respect to truth and its application to incidents and accidents at sea.

We know from an examination of the reports on scores of wrecks that memories are notoriously unreliable in times of discomfort, fear, sickness

¹ Muckleroy, K., 1977, *Maritime Archaeology*, Cambridge University Press, Cambridge, pp3-9.

² Henderson, G., 1986, *Maritime Archaeology in Australia*, UWA Press, p 8.

³ Rule, M., 1982, *The Mary Rose, The Excavation and Raising of Henry VIII's Flagship*. Conway, London.

⁴ 'G. S.', 1848, *A Narrative of the Loss of the Royal George &c.* 9th ed., Horsey, Camden Alley.

⁵ Ballard, Adm G.A., 1980, *The Black Battlefleet*, Nautical Publishing Co., Greenwich, Cha 8.

or stress, especially on and in the water where the senses can be cruelly tried. More so is the effect noticed in wartime and when under fire.

We know from experience that the sea forces mistakes upon us and is mercilessly unforgiving when they are made. Official inquiries into loss or accident at sea are even more so. The evidence for this is overwhelming. There are seamen, officers, superiors, insurers, politicians, builders and many others all wishing to absolve themselves and to seek a common scapegoat in order to escape the consequences of the human capacity for error and misjudgement. Too often does an inquiry 'fix' on one convenient (and often deceased), head, allowing others and entire institutions to escape unwelcome scrutiny. This is, as I have pointed out, perfectly normal and consistent behaviour in the case of disasters at sea. The effect is made the more dramatic when it is borne in mind that much of the 'hard' evidence of what occurs at sea is lost in the very incidents and accidents under scrutiny. When this occurs what was seen, or thought to have happened, is forced to suffice as evidence of what occurred. We know however from an historical perspective, at a distance and in matters of considerable controversy that oral history is remarkably unreliable.

With some things I cannot remember whether I experienced them, whether someone told me, whether I read the information or whether it was a dream ⁶

History then is often fallible in its sources and in the way that it is analysed and presented. Thus maritime archaeology properly conducted and objectively reported has a role to play in some aspects of maritime history. It is especially useful where controversy and dissension is rife such as the HMAS *Sydney*/HSK *Kormoran* incident.

The passage of time is a key element in it all. The loss of the Dutch East India Company (VOC) ship *Zuytdorp* in 1712 with all hands, and in mysterious circumstances, is a 275 year old parallel to the current investigations into the HMAS *Sydney*. In this case the present Dutch Government asserts its claim of ownership, as the heirs of the VOC, and attention focuses on the bullion, the ancient relics, and on the mystery surrounding the loss of the ship. Who in Europe today really cares much for the fact that this wreck too is a grave for nearly 300 souls?

From this it can be seen that the passage of time smooths many paths for the inquiring mind, and clears many legal and philosophical hurdles

⁶Konteradmiral a.D. Eberhard Godt, Ex Head of U boat command, in Showell, J.M., 1989, *U Boat Command and the Battle of the Atlantic*, Conway, London., p. 7.

for the archaeologist or salvor. There is more to it than that. The enmities of war also disappear in the passage of time. The allies of this century are enemies in that following and those with whom battle was waged in one decade are trading partners in the next. The most recent example of this, the Gulf War, shows that only months are required before enemies are trading in foodstuffs, wheat, sheep and other commodities. Archaeologists dealing in terms of centuries or millenia, in examining the physical remains, are by their training and experience well aware of this. As a result they must be completely objective in their examination of sites that are 1000, 200, 100 or 50 years old regardless of their affiliations, personal opinions or nationality. Such must be the case in the examination of the HMAS *Sydney* and HSK *Kormoran*.

Maritime archaeological endeavour, as an aid to telling the story of recent events and people still living or recently deceased, cannot be conducted in a vacuum however. Wrecks are pieces of property. The relics in and around them are still privately or collectively owned. In the case of wrecks lost after 1900, key figures are often still alive or have close relatives vitally interested in the outcome of any archaeology, salvage, or disturbance on site. The ships themselves are often graves for people still well remembered. Emotions run high in such instances and, as indicated, controversy still flares. Thus where work in or around such sites is mooted, there are niceties to be observed, owners and operators to be consulted, permission requested and unless gladly given, action postponed. There are also legal issues to be examined.

It is accepted, for example, that all wrecks have a legal status, but not necessarily one that is agreed to by the interested parties. Some are protected by virtue of the various pieces of historic wreck legislation currently in force, others through existing laws of ownership, e.g the 1912 Navigation Act, or through other legal processes. The matter is far from simple, and like most legislation, open to interpretation. In the HMAS *Sydney*/HSK *Kormoran* case the situation is doubly interesting, in that the original owners of each vessel are generally accepted as having not relinquished their rights of ownership, despite having effectively 'lost' their ships. This general notion was examined at length in the case of the Japanese submarine *I 124* which was sunk off Darwin in early 1942. Here the Japanese government clearly stated its claim to ownership when, in 1972, a group of Australian salvors found the wreck and proceeded to press their claim as 'salvors in possession'. Despite strong representations by the Japanese, our Government advised that the wreck lay outside our (then) 12 mile Territorial Limit and the Commonwealth

had no jurisdiction in the case. Our Government, quite clearly stated however, that

The Australian Government shares the view of the Japanese Government that the submarine and the remains of its crew should be regarded as a war grave and that it should be left in peace. The Australian Government also agrees with the view of the Japanese Government that the Submarine remains the property of the Japanese state, and that no other parties have any right to it.⁷

This situation applies directly to the HSK *Kormoran*. German rights of ownership over their lost warships were actually enforced in 1976 when they dispossessed an Australian salvage consortium working as salvors in possession of the wreck of the German WWII submarine *U 859* sunk off Penang.⁸

In that same year Australia claimed jurisdiction over wrecks lying on its Continental Shelf under the 1976 Historic Shipwrecks Act. This piece of legislation allowed for the protection of sites lying on our 'Continental Shelf' or in our 'Territorial Sea', irrespective of their age. A set of criteria was established and naval wrecks, other than those deliberately scuttled, can be declared under one of the stated criteria ('g') as historic wrecks under this Act. Around the same time some of the Australian salvors involved with the *I 124*, in refusing to accept Japanese claims, blew open the conning tower. They then claimed to have interfered with human remains in direct contravention to Japanese wishes and religious practices. This greatly concerned the Australian government and the wreck was immediately protected as an historic wreck, though it was accepted as still belonging to a foreign country. A restricted zone was declared around the site and the offending salvors removed from the scene.

Thus, should the remains of HMAS *Sydney* and HSK *Kormoran*, lie 'in Australian Waters or in waters above the Continental Shelf of Australia', they would be protected under the terms of the 1976 Commonwealth Historic Shipwrecks Act. A restricted zone preventing any unauthorised activities on these sites would be automatically declared around them and unauthorised entry and activity strictly prohibited.

Even then the issue is not a simple one as the terms 'Territorial Sea' and 'Continental Shelf', in themselves, are open to wide and changing

⁷ McCarthy, M., 1991, *The Flamingo Bay Voyage*, Report, Dept. of Maritime Archaeology, WA Maritime Museum, No 45, pp10-52.

⁸ *ibid.*, p. 41.

interpretation. The view of what constitutes a 'Continental Shelf', for example, varies greatly in interpretation. The question where the 'shelf' finishes and the 'deep seabed' begins is also a moot point in itself. The 'Continental Shelf' then is vaguely defined, and can be interpreted as existing in the 'expansive sense' and tied in its expanse to the technological capacity to mine for minerals, i.e the deeper a nation can work the 'deeper' their continental shelf.⁹ The issue is even more cloudy in that Australia is acknowledged as 'one of the first if not the first, State to assert jurisdiction over historic shipwrecks on the continental shelf'.¹⁰ As a result, its assertions of control have yet to be exhaustively tested.

That the wrecks of the HMAS *Sydney* and the HSK *Kormoran* would automatically be afforded protection has already been informally agreed to by the Department for the Arts, Sport, the Environment and the Territories (DASETT), the department responsible to its Minister for the administration of the 1976 Historic Shipwrecks Act. Such a situation already exists with the SMS *Emden*, the Japanese Submarine *I 124*, the HMS *Pandora* and with Australian naval wrecks in our waters.

If the two wrecks under consideration today are not in our area of jurisdiction, the 'war graves' issue, an emotional factor of international relevance, would be used, as it has been used before, in attempts to dissuade would be salvors from pursuing purely economic or personal ends. By international convention, the wrecks of HMAS *Perth*, HMS *Prince of Wales* and HMS *Repulse* are protected by governments other than those holding ownership rights, for example.

Thus, if found, HMAS *Sydney* and HSK *Kormoran* would be protected by whatever means available. As naval wrecks owned by their respective navies, the question remains who would manage them if found? The answer lies in an alliance of the functionaries of the Minister responsible for DASETT and the Navies owning the ships, or their delegates. Such a precedent has already been established in the case of the VOC wrecks lost on this coast between 1629-1727.

The Minister has appointed the Director of the WA Museum as his/her 'delegate' responsible for the operation of the Act in Commonwealth waters adjacent to the shores of Western Australia. The Department of Maritime Archaeology at the WA Maritime Museum is responsible to the Director for the assessment and management of the relevant historic wrecks and is provided with a budget in order to do so. This process

⁹ O'Keefe, P.J. & Prott, L.V., 1984, *Law and the Cultural Heritage, Vol. 1 Discovery and Excavation*, Professional Books, Oxford, pp. 92-107.

¹⁰ O'Keefe, P.J. & Prott, L.V., 1978, *Australian Protection of Historic Shipwrecks*, in *Australian Yearbook of International Law*, p 133.

includes monitoring the situation with wrecks that have not yet been found and the formulation of a recognised process of assessment, reporting and management should they ever be found.

Management is a key issue here and there are many management strategies open to the 'delegate' of the Minister and his/her officers in relation to potentially historic wrecks. One strategy would be not to find them, or to make little effort to that end. Obviously wrecks are at risk from human factors only when they are found and if they are not found the sites will be better preserved for the future. Another strategy would be to studiously avoid looking, or to provide scant assistance to those with that intent.

Though not agreeing with such philosophies, one can sympathise with those who espouse them. I would, and have argued, that if people want to find a particular wreck then we, as the delegate's functionaries, should not hinder them. We should, to my mind, openly and actively assist. By building on faith and goodwill we then keep abreast of developments, open good lines of communication and help ensure that the sites are reported, if found. In this way a minimum of damage occurs in the interim before they are protected. Same aims, totally different methods.

Further, as the 'delegate' to the Minister responsible for the preservation of historic wrecks off these shores is also the Director of the WA Museum, his functionaries have broader duties to the public such as education, display, the dissemination of information, research, and collection. To turn a blind eye to prospective finders, to not assist the genuine researcher, to not provide information in our situation is not a reasonable stance. This notion is just as valid for the *Trial* (1622), the *Zuytdorp* (1711), the (as yet not found) Portuguese despatch vessel *Correo de Azia* (1816), the *SS Xantho* (1872), as it is for the *HMAS Sydney* and the *HSK Kormoran* (1941).

In relation to the *HMAS Sydney/HSK Kormoran* case where the actual sites are not known and, previously there appeared little desire to locate or study the circumstances of their demise, the WA Museum's position was purely to keep informed. Thus this museum kept open the channels of communication with interested parties, disseminated information, exchanged ideas, preserved confidentialities. Apart from the collection of some of the effects of the crew from *HSK Kormoran*, there was little required of the WA Museum in the period 1941-1981. Little mention of the wrecks appeared in the press, apart from the odd reference to one Jonathan Roebotham, the subject of another paper at this forum, and there was little interest in all but a few circles. Until the 1980's interest in underwater archaeological sites in Australia was dominated by the

examination of the remains of East India and pre-colonial ships. Few 'colonial period' wrecks and even fewer 20th Century sites were considered worthy of study by all but a handful of far sighted people.

The situation changed in 1978 with enquires for two proposed books on the *Sydney/Kormoran* episode, one 'Who Sank the Sydney' by Michael Montgomery, son of CAC Montgomery, RN Navigator on board the ill-fated HMAS *Sydney*, and the other 'HMAS Sydney, Fact Fantasy and Fraud' by a former Western Australian language teacher Barbara Ponwierski, nee Winter.

Winter and Montgomery's well known books have proved to be a remarkable catalyst in respect to public interest in the HMAS *Sydney*/HSK *Kormoran* incident. Their widely divergent findings served to fuel any nagging doubts held by less informed or more distant people. This broadly based dissension has aided in the spread of doubt and confusion and has assisted the emergence, from dusty archives and private meeting rooms, of diverse researchers such as the small, loosely bound but very controversial, 'Sydney Research Group'. There are many others, with individuals such as Dr Wilson Evans, finder of the celebrated 'Evans Box', and the former journalist Jim Davies, the best known in recent years. These groups and individuals espouse radically different positions on the HMAS *Sydney*/HSK *Kormoran* encounter to those previously accepted. Headlines were, and are, not hard, for these people to find. The claims made by them are often startling and disturbing, referring directly to possible war crimes and to the capacities and intelligence of former officers of the RAN and to the 'Services' in general. The evidence for their claims of wrong doing is scant, though their doubts about 'official' accounts are shared by more than a few. Despite this officials say nothing, adding further fuel to the fire.

None of this is new. All this is actually common behaviour whenever, or wherever, there is doubt or where interesting and 'mysterious' wrecks are concerned. This is one of the lessons of maritime archaeology and maritime history. I turn your attention, for example, again to the case of the I 124. Though declared historic and with a 'protected zone' set in place around the site, things did not stop there. In fact it actually added to the speculation. Rumours that the submarine carried mercury, gold, 'treasure maps' or vital documents led to an attempt, in 1984, to recommence salvage. The submarine was linked, without foundation, to the HMAS *Sydney*. There were calls to examine its safe.¹¹

This wreck has relevance to the HMAS *Sydney/Kormoran* incident in the way in that it clearly illustrates that such 'mysterious' wrecks

¹¹ See McCarthy, M., (1991), op. cit.

engender persistent speculation especially where it is not answered by the relevant authorities and a statement of ownership, or interest, clearly made. To an extent there has been progress in this regard re HMAS *Sydney*. In reply to my advice of the proposed search for HMAS *Sydney*, the RAN replied that they have,

a keen interest in seeing the wreck located as it would help put an end to the many inaccurate and sometimes malicious rumours concerning the loss of the ship.¹²

To the maritime archaeologists, whose bread and butter is wrecks, speculation and wild claims are part and parcel of the shipwreck scene. It is all fascinating, interesting and worrying, but nevertheless it is a consistent feature of it all. Wrecks of their nature engender such things. The *Batavia* (1629), *Vergulde Draeck* (1656), *Zuytdorp* (1712) and *Loch Ard* (1878) are but a few examples of this here. The *Sydney/Kormoran* hiatus, was and is, totally predictable when seen in a broader perspective, in the continued absence of 'official' comment and without the 'hard' evidence in the form of the wrecks themselves. The controversy is bound to escalate in any period of heightened public awareness such as this, the fiftieth year of the engagement in which these vessels were lost.

In the light of generally held concerns about the incident and the failure of the respective authors and historians to completely satisfy the inquisitive mind, there is a general desire and appreciation of the need to clear the air. One well-credentialled example of this school of thought is the call by W.O.C. Roberts, then General Secretary of the Royal Historical Society, for the finding of the sites by the RAN. Roberts felt that this would serve to remove the doubts that he felt as a result of the publication of Michael Montgomery's book. These requests were made in 1981 and 1984.

Most of those who have studied the action would agree and would join in her [Winter's] contempt of the more esoteric rumours which have circulated from time to time. Nevertheless, be that as it may, I must confess to having trouble divorcing from my mind a small recurring seed of doubt.¹³

¹² CDR J.P.D. Hodgeman, Director Public Information Navy to McCarthy, to McCarthy, 12/2/1991. HMAS *Sydney* File.630/81/5. The comments of Cmdr Burnett, son of Captain Burnett, appearing in the weekend press of 17 November, 1991, advising of his objections to the proposed search are significant in this context.

¹³ W.O.C. Roberts, General Sec, the Royal Australian Historical society to the Hydrographer RAN, 23/7/1981, HMAS *Sydney/Kormoran* File. WA Museum 630/81/1

The finding of the sites will not remove the speculation however. If anything it may increase as a result of the interest generated by it all. Despite this, we owe a debt to those lost in service to this country. To ignore the opportunity to search for those lost, when one is presented is an indefensible stance.

It was not possible, until recently, to conduct large scale deep water searches for HMAS *Sydney*. Work on this project was not conducted unless, as in the case of the 1981/87/1990¹⁴ RAN searches, a specific well defined area of shallow water (under 500 m) was fixed upon for good reasons. Some of these are examined in Cmdr Gee's paper. Suffice it to say that when this museum joined with the RAN on board HMAS *Moresby* in an examination of a very promising anomaly, 20 Nautical miles west of the *Zuytdorp* cliffs, days were spent searching for the anomaly even though its position was known and the water so shallow as to be almost dive-able. Thus to mount a general search for the protagonists of the November 1941 battle in water over 3000 metres deep was never a possibility until recently. The situation changed in 1985 when a team from the Woods Hole Oceanographic Institute (WHOI) found and archaeologically assessed the wreck of the SS *Titanic*. Four years later they found and assessed the German Battleship *Bismarck*, proving beyond doubt that the capacities are there. Today, I understand, Dr Roberts Ballard the leader of these searches, is in the Solomon Islands and soon will report on a cluster of vessels including the HMAS *Canberra*.

The lesson in all of this was that the HSK *Kormoran*, and possibly the HMAS *Sydney*, could be found and assessed. When Dr David Gallo, Director of Industrial and International Programs from WHOI, was here on a lecture tour in July 1990 he expressed an interest in working in the Indo-Pacific region. For the first time a real opportunity to find the HMAS *Sydney* appeared. I invited him to join with the WA Maritime Museum in assessing the chances of a proposed search on the basis of my belief that to do nothing was indefensible, despite the future management problems. He accepted the challenge with a will, and went home to assess the situation. He then formally indicated his interest, accepted us the 'lead institution', and began work on assessing the feasibility of the entire scheme. Costs were a key concern with WHOI looking to us for funding and us looking to them.

See also review of HMAS *Sydney*, Fact Fantasy and Fraud, in *Australian Sea Heritage*, Nov. 1984.

¹⁴ Mr Geen and CMDR L. Gee of HMAS *Moresby* will have examined these at length. The Navy has made the data from these searches available to this museum. The include shipbourne and airborne P3C MAD searches.

The publicity that was generated by just a single expression of interest by Dr Gallo and WHOI was, and still is, immense. It also led Australian remote sensing specialists, such as Associated Survey International and Aerodata Holdings to indicate their desire and capacity to become involved.

An Australian led team utilizing Australian and RAN resources with technological and other assistance from WHOI is clearly the best mix for this project. Dr Gallo agrees and has indicated his full support.

It became clear in assessing the available evidence however, that the proposed search is much more of a risk than either of the *Titanic* or the *Bismarck* cases. Though the depths are of the same order, the 'fixes' for each wreck are not, especially in the case of the Australian ship. Because of the uncertainties of the matter it was not deemed feasible at this stage to set in motion a specific purpose search as was done by WHOI previously. There are also new technologies that have led to this realisation. One, not available (full-time) on the *Titanic* or *Bismarck* searches is the Global Positioning System (GPS). This system allows us to search on an ad hoc basis whenever remote sensing equipment and their platforms are in transit through a particular area. It allows us to accurately position the towing or aerial platform to within 50 metres on any day, month or year. With this in mind, I suggested to Dr Gallo that Australian remote sensing specialists initiate the proposed search and that the Woods Hole Group, join with us when, and if, targets are found. Given our position on the other side of the world and given the fact that we have only one source for the position of the battle, i.e. 26° 32-34'S 111° E. (in comparison with the wealth of positions used to locate the *Bismarck* and *Titanic*) then this will be seen to be a prudent and logical step.

We are committed to Dr Gallo and his team at WHOI, for he was the catalyst in his support and encouragement for the position in which we find ourselves today. That he is examining means of utilizing a Russian research vessel in 1992/3 to join with us is welcome news indeed.

We welcome our Australian partners, Associated Survey International and Aerodata Holdings to this exciting project and await their comments with interest. As none of the Australian and Western Australian government agencies are in a position to provide funds (apart from my time as coordinator), the proposed search will be very much an Australian private enterprise. Though we are the 'lead institution' we are very in their hands in the search and location phases.

The RAN is a willing partner in the proposed search and we are fully supported in our endeavours by the HSK *Kormoran* survivors and the

German government. What we propose to do if the wrecks are found is, to photograph them with both still and moving film, to fix their positions and to analyse and disseminate the results without physical interference with the wrecks themselves. In order to examine the effects of long term corrosion we will measure a number of variables on the sea-floor and look closely at the corrosion that is occurring due to our long standing interest in underwater corrosion that began on a large scale on the SS *Xantho*(1872). What is planned in the HMAS *Sydney*/HSK *Kormoran* case his is a standard pre-disturbance survey; the difference being that no future disturbance of the site(s) is mooted.

Finally, any search requires at its fingertips all the evidence relevant to the location of the wrecks under consideration. Thus all that has been previously written has been examined for clues relevant to the search or is still being obtained. Good strong bridges have been made with all interested parties regardless of their stance or attitudes towards each other. This is a very important position to uphold and will be maintained throughout.

We are still then very much in the data gathering phase of this project. Given that the historians of the past have come to disagree so strongly with each other it also behoves us to attempt to answer why, and to ascertain whether, there were avenues open to obtain more information relevant to the disappearance of the Australian vessel.

To that end, and mindful of the prevalent disbelief about the incident, an independent military analysis of the capacities of the *Kormoran* at very close range was obtained. Reply was received to the effect that with the advantage of surprise, with a battle hardened and expectant crew, and in its particular configuration, HSK *Kormoran* was a match for the ostensibly better armed HMAS *Sydney*. It was advised that one should not be surprised at all that the Australian ship was overwhelmed by the sheer force of the projectiles and torpedoes that it received. A 'hypothetical Japanese submarine', it was bluntly stated, is not needed to explain the loss of this ship¹⁵.

In examining the incident from a purely historical perspective, the operation of the British 'Q' Ships of WWI were also examined. Here the initial use of false flags, delaying tactics, hidden guns, lies, subterfuge, even pretending to abandon ship and rowing towards a more powerful enemy in feigned panic or distress, were the tactics used. These ploys devised, as a response to the German submarine threat, are outlined at length in a 1930's publication entitled 'Shipping Wonders of the

¹⁵T.O. Paine, The Submarine Warfare Library, Santa Monica, Calif., to McCarthy, 3/4/1990. WAM File, HMAS *Sydney*/*Kormoran*, 630/81/4.

World'.¹⁶ Excerpts have been circulated. In relation to the 'Q'ships and their strategies, the errors of judgement made on board HMAS *Sydney* appear little different from those of the 'U' Boat commanders who came in too close to these, seemingly innocuous, vessels and then paid the ultimate price.

With reference to claims made that the *Kormoran* men mercilessly fired on the crew of merchant ships and possibly even the survivors from HMAS *Sydney*, attached is a recently acquired extract from a book originally written in Yugoslav about the attack on *Velebit* by the *Kormoran*.¹⁷ In this account such a propensity by Detmers and his crew is not seen to exist. This supports similar disclaimers made by the crews of English ships supposedly fired upon by the *Kormoran*. There is no evidence that such things were generally part of the *Kormoran's* activities.

With regard to the disappearance of the entire crew of HMAS *Sydney*, it needs to be noted that people today do not understand the sheer logistics of search and rescue 120 nautical miles west of Shark Bay in 1941. Nor do they understand, in this day of the fast transport, satellite communications and sophisticated navigation systems, the difficulties of accurate navigation in piston driven aircraft or ships that were poorly equipped, small, or too old, for any but patrol duty on this isolated and strategically insignificant coast. People generally are also not aware of the effects of 4-5 days immersion in the sea, a situation many of the men from HMAS *Sydney* and HSK *Kormoran* would have experienced. Even fewer people are aware that, for good reasons at the time, there was little attention paid by the searchers in the areas to the northwest of the scene of the battle. Because wreckage and boats were found due north and east of the area of the engagement, that was where the searches were concentrated, leaving a gaping hole on one side of the search area. This is patently clear in the contemporary track plot sheets.¹⁸ This, and the extraordinary delay in mounting the search, could be used in any objective analysis of the loss of all the men, and most of the evidence, from the HMAS *Sydney*. In having said this, the observation is made that an examination of the archives resulted in the most surprising and anomalous report of a lifebelt from HMAS *Sydney* appearing in March of

¹⁶ Winchester, C., C. 1930, *Shipping Wonders of the World*, Amalgamated Press, London. See index, 'Decoy Ships'.

¹⁷Magazinovic, O., (ND), *The Velebit in Flames*, 2nd Ed. Unfortunately as the Yugoslav civil war rages, details of this book are not available. Excerpt from the Magazinovic Family.

¹⁸From Australian Archives, Melbourne, ACC, No. MP 1049/5, File No, 2026/3/457.

1943 of Comboyuro Point in NSW¹⁹. Currents are fickle, and hoaxes abound.

From all of this there was clearly a need for informed analysis by a variety of specialists in the field acting independently of each other and reporting independently on the projected movement of water-bourne material. Comment was also required on the weather at the scene of the battle. In order to ensure total objectivity in this exercise all they were supplied with was a battle site i.e. 26° 30' S, 111° E, as given by Captain Detmers, coordinates for wreckage and Von Malapert's diary,²⁰ giving contemporary sea conditions. Their job was to assess it all and to conclude whether it was possible or not. You now have had the benefit of their reports and their various conclusions.

The question whether the archives had been subjected to a thorough scrutiny was also addressed. This has obvious ramifications for the execution of any search, let alone for past and future attempts to reconstruct the scene. Recently when examining the extraordinary 'mercury scare' with the *I 124*, recourse was made to the archives in Melbourne and Canberra to see what was available on this and the HMAS *Sydney*, and to examine persistent and widespread claims that things were being withheld.

It became clear that there was a wealth of information freely available for copying with plenty of assistance available to the visitor at all the archives visited especially the Australian Archives in Melbourne where most of the available material is held. What is clear, is that to get a full picture of the events of those days, the entire range of material on HMAS *Sydney* and HSK *Kormoran* needs to be read before any judgements are made.

There are a number of anomalies that leads one to look more closely at claims that everything on the engagement or the loss of the *Sydney* has been released for public access however.

An exhaustive analysis of the engagement was conducted by Mr F.B Eldridge, MA and was sent on 31 January 1942 by the Director of Naval Intelligence to the Chief of Naval staff and then disseminated elsewhere by the Naval Board as a report 'deserving of commendation.'²¹ It shows that there were very good reasons to believe the account given by the *Kormoran* survivors. Despite this an entry in the same archive entitled 'The Voyage of the Auxiliary Cruiser 'SHIP 41' (KORMORAN) states that

¹⁹NOIC Brisbane to AC Naval Board, 23/3/1943. Australian Archives Melbourne, MP

²⁰From Australian Archives. 1587/1/0, file 165K.

²¹ *ibid.*, MP 1185/8, file 2026/19/6

Kormoran's outstanding success was not believed in Australia. In the opinion of Australian specialists the *Kormoran* was co-operating with a U boat and it was the U boat which was responsible for sinking the cruiser. ²²

Further in a letter from the Asst Secretary, of the Department of Defence Co-ordination to the Private Secretary to the PM dated 1 December 1941 it was stated, *inter alia*, that 'the naval board have continuously under review the possibility of two raiders'.²³ Though not available in the archives, there exists Admiral Crace's diary in which he expressed the belief that the Australian ship was sunk by a 'Vichy' submarine. Then there are the papers of Captain John Hehir at the War Memorial which were made over so recently (c. 1988) as to have not been consulted by either of the two best known researchers into the mystery, Barbara Winter and Michael Montgomery.²⁴ In these it appears that Hehir, a Mrs Kevin or a Sergeant Caminer identified the shorthand script in List's well known cryptogram's as Deutsche Einheitskurschrift, a common and readable form of shorthand. This analysis has been supported by Hehir's daughter in a recent communication. See Attached paper 'Dr List's Sketches'. Their analyses are what led to the claims of a Japanese involvement when it was shown that Vichy submarine, (as thought by Crace), was not a possibility. The visit of Captain. Collins to Japan and his being asked to investigate HMAS *Sydney* related matters is also relevant. There is little surprise then that Montgomery was led to conclude that a submarine was involved. Winter and others reject these assertions for equally good reasons but often their case is not clearly stated. What is more important on a general level and with the proposed search in mind is that if such views and doubts, however spurious, were held by high ranking Australian servicemen then where are the records, what changed their minds, and is it of any relevance to the proposed search? Michael Montgomery's analysis is now being treated as fact by some authors especially those with 'new' ideas on how the Pacific War began for example. Surely this is one area where silence on the part of

²²*Kormoran (Raider No 41) 'G' -German AMC. Translation of vLog.Voyage Dec 1940-Nov 1941. from operations and Tactics, evaluation of the important events in the naval war, Book 10. The Voyage of the Auxiliary Cruiser 'Ship 41'(Kormoran). Berlin 1943, Naval Publication no 601. Australian Archives, Melb.*

²³Australian Archives, ACT, A 5954/1, Box 2400.

²⁴Australian War Memorial, Papers of Captain J L Hehir, PR 88/178, 1988.

the Navy is counter-productive, especially as a 'key' source for it was a Navy man? 16

In following up the apparent anomalies and in requesting verbally whether the RAN held any records not yet released relating to the loss of HMAS *Sydney*, reply was received in July 1991 from the senior naval historical officer to the effect that

The directorate of Naval Intelligence have advised that one series of records that may be of interest to you are contained in MP1049, a wartime classified file series, which contains information on merchant ship movements and recognition procedures. I don't believe that this series has been fully declassified²⁵

In response to requests, a copy of the series; a list fully two inches thick, was obtained from the Navy. Advice was also received that this was not the only accession list,

which could contain files relevant to the loss of the *Sydney*. Other department lists from the Department of Defence, Prime Minister, War Cabinet and Governor General may also contain files relating to the loss of *Sydney*.²⁶

Clearly for the purposes of the proposed search it is pertinent to facilitate an examination of these files, while acknowledging that they may contain nothing of relevance at all. The sheer size of the undertaking is daunting however.

Receiving every possible assistance from the RAN in this matter, advice was received that under section 40 of the relevant Act one could call any of the files above. After they were examined and cleared they would then be freely made available. The problem was to identify the files required. It was compounded in that discussions with researchers, officials and archivists, indicated that in the immediate post-war period files and documents were often transferred to the various archives with little attention paid to correctly labelling them or to noting their contents. Thus they could be incorrectly labelled or headed, or their contents misunderstood, by the clerks of yesteryear. This further compounded the problem with MP 1049.

In these set of circumstances to try and identify any one file from MP 1049 and to submit a section 40 request for each entry is clearly not a

²⁵ J.H. Straczek, Senior Naval Historical Archives Officer, Dept of Defence, Navy, to McCarthy, 13/6/1991. HMAS ee 630/81/7

²⁶ Straczek, to McCarthy, 22/8/1991.

viable or effective exercise. As a result, and under advice from Australian Archives, a request for special access under section 56 of the act was submitted, in order to test the water.²⁷

Though it was accepted that the HMAS *Sydney* project was a worthwhile one, the request was denied by the Chief Executive Officer Archives and Historical Studies, Department of Defence. The denial was made on advice from the Navy Office Archives Staff and on the understandable basis that the request was too general and that individual researchers have all the freedom required under section 40 to select, nominate and examine the required files in MP 1049. The problem is nominating what is required, if the observations made above, hold true however.

Further to concerns expressed above, there are two items relating to the HSK *Kormoran* actually known to be unavailable to the ordinary person. These are two manuscript copies of translations into English of the de-crypted version of encrypted 'logs' in German purporting to be the deck and the engine logs of the *Kormoran* for the period of the sinking of the *Sydney*. Attempts to obtain these in the light of the experience with MP 1049 are interesting.

It was advised by the Senior Naval and Archives Officer Archives, that the logs requested had been forwarded to the Chief Executive Officer Archives and Historical Studies, (Department of Defence) to arrange transfer to Australian Archives under registration number B5554.²⁸

In making a verbal request of Australian Archives that they be made available in time for tabling at this forum, advice was received that they were still being held by the Department of Defence and were not yet available, though every effort was being made to secure their release.

The reason for the delay was not stated but it appears that the experiences of former Lt Cmdr R. Hardstaff, a private researcher into the HMAS *Sydney*, are relevant. Mr Hardstaff earlier requested the material filed under B5554 from Australian Archives.²⁹ He was advised that it 'had been examined with a view to its release for public consultation. It has however been decided to restrict access to it'. The reasons given were extensive and clearly stated, referring to the fact that they related to a classified 'Sigint' organisation still 'given protection in Australia' and that disclosure of the documents,

²⁷McCarthy to A.W. Skimin, Chief Executive Officer, Archives and Historical Section, Defence Dept Canberra, 17/10/1991

²⁸ ibid, July 1991.

²⁹Hardstaff to McCarthy 5/10/1991. HMAS *Sydney* file 630/81/9.

could reasonably be expected to cause damage to the security and international relations of the Commonwealth....the record includes information which was made available to Australian authorities on a confidential basis qualified by the understanding that the information received would be afforded the same security protection as afforded by the originating country [and that] public release of such details would constitute a breach of confidence in respect to a foreign government'.³⁰

The relevance of these wider and quite understandable concerns to the material requested is of interest, especially as copies of the two logs have apparently been made previously available to both Barbara Winter and Michael Montgomery from English sources. All that is being withheld, then, are those copies of the documents held by the Department of Defence.

More enquiry is obviously required, though it is acknowledged that archives staff throughout Australia and especially in the forces are hard pressed and that there is some considerable confusion and lack of continuity as a result. The allocation of resources and funds to the project would help solve this problem.

One solution in the light of the acknowledged sensitivity of it all and the sheer volume of the work is for the RAN to nominate an author from its own ranks, to allocate sufficient time, and to facilitate the required research by way of a 'modern' official reply to the speculation and doubts that have existed these fifty years.

It is understood that that Lt Tom Frame, author and lecturer at the Australian Defence Force Academy, has been requested to do so and is more than willing to comply. This is a most welcome development and he will receive our every support in a most worthwhile and long-awaited endeavour of direct relevance to the proposed search. That Lt Frame is doing his PhD. on the HMAS *Voyager* incident with the blessing of his senior officers bodes well for the intellectual freedom he will require to adequately complete the task.

³⁰F.T. Bryant for the Regional Director Australian Archives victoria to R.J. Hardstaff, 21/10/1991

Addendum
to
'an archaeologist's view'
20/11/1991

In relation to the HSK *Kormoran* 'logs' referred to above, I advise that I received today a letter, dated 12 November 1991, from the Chief Executive Officer, Archives and Historical studies, Department of Defence. As requested, copies of the logs were made available for the purposes of this forum. I also received a copy of the same material from Australian Archives today.

The comment was made by the Department of Defence that,

The material was identified during a review of records that form part of Commonwealth Record Series B 5554 known as the FRUMEL records. (Fleet Radio Unit Melbourne). The FRUMEL records were created during and shortly after WWII and relate to the activities of the joint Royal Australian Navy signal/United States Navy signal Intelligence facility.... The log which is an 'open period' record, will be available for public access in the Melbourne Regional Office of Australian Archives. However I am forwarding a copy to you in advance in case there is any material in it that may be of interest for your seminar.

I was advised that the log could already be held in MP 1587/1 '*Kormoran* Translation of diaries' at the Melbourne Archives, but that this possibility had not been examined.

Comment. We are indebted the Department of Defence in this matter and acknowledge their funding and manpower shortages in all archive and historical sections.

I refer readers to Rusbridger and Nave's book¹ and to Mr Hardstaff's experiences so that they may obtain a glimpse of the philosophical problems facing those charged with the responsibility to 'clear' material that may in the opinion of the 'intelligence community' damage relations or compromise agreements with other countries. Defence have indirectly confirmed in their letter that the log was deciphered by an intelligence group linked to another country, hence (by inference) the delays.

¹ Rusbridger, J., and Nave, E., 1991, *Betrayal at Pearl Harbour*, Summit, NY.



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November 19, 1991

Mr. Mike McCarthy
Western Australian Maritime Museum
Cliff Street
Fremantle, Western Australia 6160

Dear Mike,

You received a letter from our Director, Craig Dorman one year ago on this important date, expressing the interest of the Woods Hole Oceanographic Institution in helping you find HMAS Sydney. He is presently in Japan at an international meeting on oceanography. I am writing to tell you that the Australian response to your efforts over the past year has caused our interest to grow rather than wane.

You are aware that I remain personally committed to help solve the HMAS Sydney mystery in any way that I can. As Director of International Programs, and as the former Assistant Director of the Deep Submergence Laboratory, I can tell you that WHOI has the technical and operational expertise necessary to bring your efforts to a successful conclusion. I also can assure you that your spirit, and that of your colleagues is equally as important as imaging technology. Furthermore I am convinced that all of the necessary technological bits and pieces exist already in Australia. Nevertheless WHOI and I stand ready to join in the efforts at the appropriate time.

I am of course very sad that I could not attend the Sydney Forum. It would have been very exciting to meet with others who share the dream of finding HMAS Sydney. Unfortunately dollar signs have a way of squashing dreams. I appreciate very much that you have continued a dialog with my assistant Gretchen McManamin while I was overrun with health problems. I am glad to say that I have recovered completely and can now continue to play a more direct role.

I have mentioned before that we are planning a global cruise utilizing a Soviet vessel called Akademik Keldysh. Keldysh carries two of the most impressive submarines in the world (the Mirs). Keldysh could play a role in the Sydney search sometime in the late 1992 or early 1993 calendar year. Besides the Mir submersibles, the Keldysh is well equipped with wide area (6 kilohertz) and detailed area (70 kilohertz) side-looking sonars. Once again funds need to be raised but, if all goes according to plan, the visibility of the global program will be tremendous and fundraising should be somewhat easier. As in our previous discussions, if the Keldysh takes part in the program it would be a joint Australian, U.S., Soviet, and Canadian venture with Australia taking the lead. I'll know more about this joint program by the middle of December.