In April 1944 John attended the International Labour Organization Conference in Philadelphia. His role was to brief Australia’s chief delegate, Jack Beasley, minister for supply and shipping, who was to deliver a speech on Australia’s foreign economic policy. John had asked Evatt if he could accompany Beasley because, as John told us, he believed the minister was ‘hopeless’. On arriving in Philadelphia, John arranged for an American official to show Beasley around to get him away from the conference. In Beasley’s absence, John attempted to push through a resolution obliging countries to pursue full employment policies. The US secretary of labor went along with it, but the State Department did not. The Australian Embassy argued that John had overstepped the mark. John sent a telegram to Evatt explaining the ‘messy situation’ and sought instructions. Evatt’s telegraphic reply was not the reprimand John expected: ‘You have to break eggs before you scramble them. Regards’. At the conclusion of the conference, John flew home to report on outcomes and Beasley returned sedately by ship.

For a time John served in the Post-Hostilities Division of External Affairs headed by Paul Hasluck where he worked closely with Coombs on postwar reconstruction. However, he lost enthusiasm for the work, believing that policy implementation had to be carried out across departments rather

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than from a separate one and he severed his connection with the division at the end of 1944. Approval was given for the establishment of an Economic Relations Division, which John headed and which took over some of the work done by the Post-Hostilities Division.

The following year, John travelled with Evatt to San Francisco to attend the United Nations Conference on International Organization (the Charter conference) on 25 April 1945, where Australia played a significant role. David Horner, in his *Official History of ASIO*, credited Evatt for putting Australia on the world stage at this time. He concluded that Evatt gained international prominence at the Charter conference and was seen as ‘the hero of the small nations’. At the time, John placed faith in the newly formed United Nations organisation, but he became disillusioned about its work decades later. He said:

> We thought we'd made a great achievement. Twenty years later when I started teaching international relations, I realised that the whole philosophical base was false. The UN was modelled on the nation with its central authority, but this whole idea of a central world government in control is false.

The Australians put forward an amendment to include the Domestic Jurisdiction Clause, which became Article 2(7) of the United Nations Charter – that is, a clause to limit the authority of the organisation in respect of disputes that are essentially within the domestic jurisdiction of the member state – which John later regretted. In 1985 he said that, at the time, ‘Australia wanted it put in because we had our own domestic problems with migration,’ but that, ‘I am ashamed of that now’. The Domestic Jurisdiction Clause meant that the United Nations cannot act in regard to conflict within a country and, he noted, that ‘this is where

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3 The team included Bailey, Forsyth, Hasluck and Watt. John, in an interview for *Resolution* magazine (November 1985), said that the Dumbarton Oaks draft leading to the creation of the United Nations was immature and needed many amendments, which were made in establishing the United Nations Charter in San Francisco.


5 In a speech to parliament on 30 August 1945 in support of a bill to approve the Charter of the United Nations, Evatt paid special tribute to the work of his team, see *Current Notes on International Affairs* 16, no. 6 (August–September 1945), 26. He made no mention there, however, of Jessie Street who was the only woman in the Australian contingent, and who played an important role in ensuring equal rights of men and women were recognised in the Charter’s Preamble.

6 Burton, interview for *Resolution* magazine (November 1985), 1.

7 Burton, interview for *Resolution* magazine (November 1985), 4. There were eight committees of the United Nations and the small delegation of Australians meant that each was given a committee responsibility; John’s was the Economic and Social Council.
most of the conflict in the world right now is located'. In his view, the provision for the Great Powers to have a veto on issues that affected them also contributed to the ineffectiveness of the United Nations. More fundamental in John’s view, developed from the insight he later gained working in the international arena of conflict resolution, was that when the United Nations did get the chance to act constructively, it adopted traditional mediating processes with little chance of effecting a sustainable peace settlement; a problem-solving framework was required.

Source: Family collection.

In the meantime, John’s father, Jack Burton, was also politically active. On 20 April 1945, in his capacity as general secretary to the Methodist Overseas Mission, he wrote to Curtin about his concern for 40 to 60 natives in Australia’s New Guinea Territories under sentence of death by the military for treason. He commenced his letter with ‘I scarcely know to whom I should write on this very important matter, but I address myself to you as the Head of the Commonwealth Government’. Twenty-eight natives had previously been executed at Buna for ‘treason and murder’ and, despite recommendations for mercy by a Judge ‘who had considerable knowledge of native life’, the Army hanged the men. He urged that a competent anthropologist investigate before any sentence of death was passed. He argued that the death sentences of the large number of natives who were not directly responsible for the murders should be commuted to imprisonment. John Vincent Barry KC wrote to the Minister for Territories Eddie Ward informing Ward that the military were about to execute around 50 natives in Aitape. Ward had appointed Barry to head several official inquiries relating to postwar affairs in Papua and New Guinea. Whether Jack Burton acted independently or sought his son’s or Barry’s advice as to how and to whom to address the issue is not clear. Curtin replied to Jack on 23 April 1945 informing him that he was making enquiries into the matter. Chifley, as acting prime minister, followed up with a letter to Jack on 15 June 1945, confirming the government’s condemnation of the use of the death penalty as punishment of natives in Papua and New Guinea. Ward wrote to Jack on 3 July 1945 stating: ‘As promised, I took this matter up with my colleagues in the Government, and it was decided by the Cabinet that the death sentences would be commuted to terms of imprisonment.’ Some of

9 This and other quoted extracts from Jack’s letter where not otherwise indicated were sourced by John Myrtle whose research uncovered Jack Burton’s letter to Curtin. I am grateful to Myrtle for sharing his research and information with me.
10 Jack Burton, letter 20 April 1945.
11 20 April 1945 and 23 April 1945: Mark Finnane, J V Barry: A Life (Sydney: University of New South Wales Press, 2007), 129. At p. 130, mention is made of Barry’s recall that Lieutenant-General Herring (commander of Kokoda forces) had authorised, in 1942, the execution of ‘about 28 natives’.
12 Curtin died in office on 5 July 1945, only weeks before Japan surrendered. Evatt and John were in London at the Empire Conference when Frank Forde became prime minister temporarily, his eight days in office beating the shortness of Fadden (39 days). Chifley defeated him in the leadership ballot and became prime minister.
13 Letter 3 July 1945, Burton Snr family file.
the executions proceeded, however, before Ward intervened. Despite its commission of those executions, Australia would play a major role in the war crimes trials.

Evatt urged that Japan’s Emperor Hirohito should be included in the list of those Australia recommended to the United Nations War Crimes Commission (UNWCC) to be tried. On 26 May 1945, while at the San Francisco conference, Evatt had cabled the acting minister in Canberra warning that ‘nothing should be said in Australia to indicate any weakening of our policy of bringing Japanese criminals to justice irrespective of their office or eminence of their position’. Accordingly, in September 1945, External Affairs compiled a list of 64 names, including that of the Emperor, for further investigation for potential prosecution. In October 1945, John, then acting head of the department, sent the list for the endorsement of Justice William Webb who had been appointed to investigate Japanese war crimes and report to the UNWCC. Webb resisted including the Emperor on the list. John was insistent and the list was dispatched on 26 October with the Emperor’s name on it for the UNWCC for its consideration. Cables between the two tell the story. However, in December 1945, Webb was appointed Australia’s representative on the International Military Tribunal for the Far East and declined to approve the Emperor being included on the list. In any event, General Douglas MacArthur had decided that the Emperor himself was not to be prosecuted.

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14 Finnane, J V Barry: A Life, 130. The War Crimes Act 1945 ended capital and corporate punishment for Australian citizens or residents. It was permitted again, however, on Australia becoming a participant in the war crimes trials.
15 Australia conducted some 300 trials, of mostly Japanese, in Darwin and off-shore countries and islands in the Asia-Pacific.
17 By cable 22 October 1945 Webb replied: ‘Out of deference to the British viewpoint, as indicated to me, but by no means pressed … I respectfully suggest that we omit the Emperor from this tentative list.’ He nevertheless indicated by cable 24 October 1945, that the case of Hirohito should be pursued, by having it decided ‘at the highest political and diplomatic levels’: Sissons, ‘The Australian War Crimes Trials and Investigations (1942–51)’, 71; Papers of David Sissons, NLA, MS 3092, MS Acc09.106, subseries 1–3, Australian War Crimes Trials, file 24. John rejected this in his cabled reply of 25 October 1945, distinguishing between having Hirohito’s name listed for investigation and having a decision taken at the highest level before taking action to bring a person on the list to trial.
Source: Family collection.
Towards the end of 1945, Cecily, still struggling with and adjusting to what was akin to single motherhood with John absent so much, became pregnant again. It is difficult to understand why she considered having me, a third child, when she was having so much difficulty coping with two. However, the joy of another baby is often felt to be a remedy for domestic discontent and, further, she hoped to produce the son that John wanted. In 1946, Cecily was left at home alone for many months, heavily pregnant, and then with a newborn as well as my two older sisters to care for, while John was abroad.

In April and May 1946, John was part of the Australian contingent attending the second Commonwealth Prime Ministers’ Conference in London. He and Coombs later told stories about their adventurous trip with Prime Minister Chifley, Sir Frederick Shedden, Murray Tyrrell, Chifley’s private secretary, Sam Landau from the Department of Defence, and defence advisers L. D. Tilbury and D. K. Rogers. The journey was made in a special British Sunderland flying boat patrol bomber that the British manufacturers were urging on the government for Australian postwar international aviation. It offered space enough for them to confer and to sleep comfortably – or so it was thought. Tyrrell’s photo collection includes pictures of the group alighting from the plane, a G-AGJL Short S25 Sunderland that, based in Poole, joined the BOAC fleet on New Year’s Eve of 1945. ‘It was not an auspicious demonstration,’ Coombs said. Caught in unpleasant pre-monsoonal weather between Calcutta and Karachi it lacked the speed and power to get around or above the unpleasantness. He described its progression as a series of ‘prolonged upward sweeps followed by a sickening drop for which one waited in agonising suspense’. The plane landed in Rangoon (Burma), Colombo (Ceylon) and Calcuta (India) in order to refuel, and its passengers were forced to alight each time.

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18 Coombs, *Trial Balance*, 77.
20 Coombs, *Trial Balance*, 77 and see 77–84 for his story.
British Sunderland flying boat, en route to the UK, 1946.
Source: Murray Tyrrell family collection, courtesy George Martin.

British Sunderland flying boat (John second from right), UK, 1946.
Source: Murray Tyrrell family collection; courtesy George Martin.
Once in London for the Prime Ministers’ Conference, the party was presented to the King and Queen and Princesses Elizabeth and Margaret. According to Coombs, Tyrrell was greatly impressed with Princess Elizabeth: ‘She is the only girl I have seen in England that I would like to take to Bondi Beach.’ Coombs speculated that this accounts for why Tyrrell accepted his subsequent position of Governor-General’s private secretary – to give him more opportunities to meet the young Princess. The group had afternoon tea with the Royal Family, John told Meredith when he came home.

They travelled on to the USA for various trade and defence meetings. The flight across the Atlantic is one that John retold to us as children. In his memoir, Coombs recalled its detail vividly. When the plane approached Newfoundland, the island was fogbound and they had to continue to the mainland. As they approached the coast it appeared that they were unlikely to be able to land even in New York. The passengers became anxious. They had all gone through the ‘ditching drill’ in ‘perfunctory style’ when they boarded and now the crew made them go through it all again with meticulous attention to detail – not an encouraging sign. The plane had a narrow fuselage and the emergency exit was through a kind of porthole in the roof of the cabin. While going through the ditching drill, Chifley, large in stature in contrast to Coombs, began to laugh. ‘Doc,’ he said to Coombs, ‘I’m just imagining you and me struggling to see who would get first through that porthole.’ They landed safely at Washington after a 23.5-hour flight. Chifley was calm ‘without the solace of his pipe’.

In Washington they stayed in Blair House, an official guest house of the White House. The main objectives of the Washington visit were to discuss Australia’s concerns about political and military issues in the Pacific, the extent of the American presence, the future of American bases there and regional security arrangements. Coombs and John were also to open discussions to find a resolution to Australia’s obligations under the Lend

21 Coombs, Trial Balance, 81.
22 Coombs, Trial Balance, 84.
23 Coombs, Trial Balance, 84.
Lease agreement it had made with the USA. The issue was resolved simply by Chifley, as it transpired. In a hurry to leave for Japan, Chifley impressively negotiated a purely financial settlement over the telephone with the secretary of state.

John returned home just as I was ready to come into the world. Cecily had been to a concert or a play at the Albert Hall and returned home around 11 pm on 29 June, only to be admitted to the Canberra Community Hospital. I was born about two hours later on 30 June 1946 – not the boy they had hoped for. John had lived in a household of females as a child, and he would adjust to living in another. Less than a month later, John left to join Evatt as a delegate to the Paris Peace Conference, which ran from the end of July to the end of August.

Before he left, however, a house and acreage for sale, ‘Melrose Valley’, had turned up that caught John’s eye. The property was around 240 hectares with a large double-storey house well situated to benefit from landscape views from every window. It was 9 miles out of Canberra on a school bus route, near Tuggeranong railway siding off the Monaro Highway. Despite its pegged wartime deflated price, it was unaffordable in Cecily’s view. John’s rationale for pursing the opportunity was that the house Cecily chose in Reid depressed him. He sought bank finance on the strength of his public servant income and commenced negotiations for its purchase amid his overseas travels in July 1946. The timing explains how I came by my middle name ‘Melrose’, five months before we purchased the property and moved into it in December 1946. At Melrose Valley, John indulged in weekend farming, which was the beginning of what he described as his ‘second and accidental’ career as a farmer. For John, it was perfect: ‘A school bus. An accommodating wife. What more could one want.’

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24 The American Lend Lease program involved the distribution of military and other aid to the allies during the war to help the war effort against Germany, Japan and Italy. In return, the Allied nations were to provide goods or services and, on the cessation of the war, all weaponry and military materials were to be destroyed or returned. Australia had received quantities of military supplies from the USA during the early stages of the Pacific War. Its reciprocation of provisions for US forces of food, clothing and other military resources left a credit balance in favour of the USA. An issue arose over the value of the substantial amount of goods delivered and not consumed. Chifley was concerned as he wanted to avoid Australia entering into any longer-term arrangements that would tie it to the USA at a time it was trying to break free of imperial ties with the UK.

Evatt and Burton at the Paris Peace Conference, July 1946.
Source: Family collection.
Cecily nursing Pamela with Meredith and Clare, Canberra, 1946.
Source: Family collection.