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113

THE ABORIGINAL
EMBASSY, 1972.

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SYNOPSIS

The Aboriginal Embassy of 1972 is discussed in the thesis as a climax to changes in Aboriginal political consciousness and government policy over the decade which preceded its nine months of protest activity. The adoption of creative, non-violent methods of protest by the Embassy is detailed in contrast with other options considered during the period.

Although the question of the appropriate means of protest, and the efficacy of protest action in a democracy are the essential questions addressed by the thesis, an analysis of the ideology of land rights is a secondary area of investigation. The demand for land rights is viewed here as a relatively non-specific, yet powerful, set of ideas which assumed an antithetical position to the government's policy of assimilation.

Despite failure to achieve many of its aims, the Embassy is viewed as successful in having placed the land rights issue on the agenda of the major Australian political parties. The Embassy, it is concluded, is an example of the successful use of symbolic protest, and the relative accomplishment of an indigenous minority in attracting the attention of, and demanding redress from, the dominant culture.

This thesis is dedicated to Kim, Alfo, and Tina, Bunjalung friends from my schooldays.

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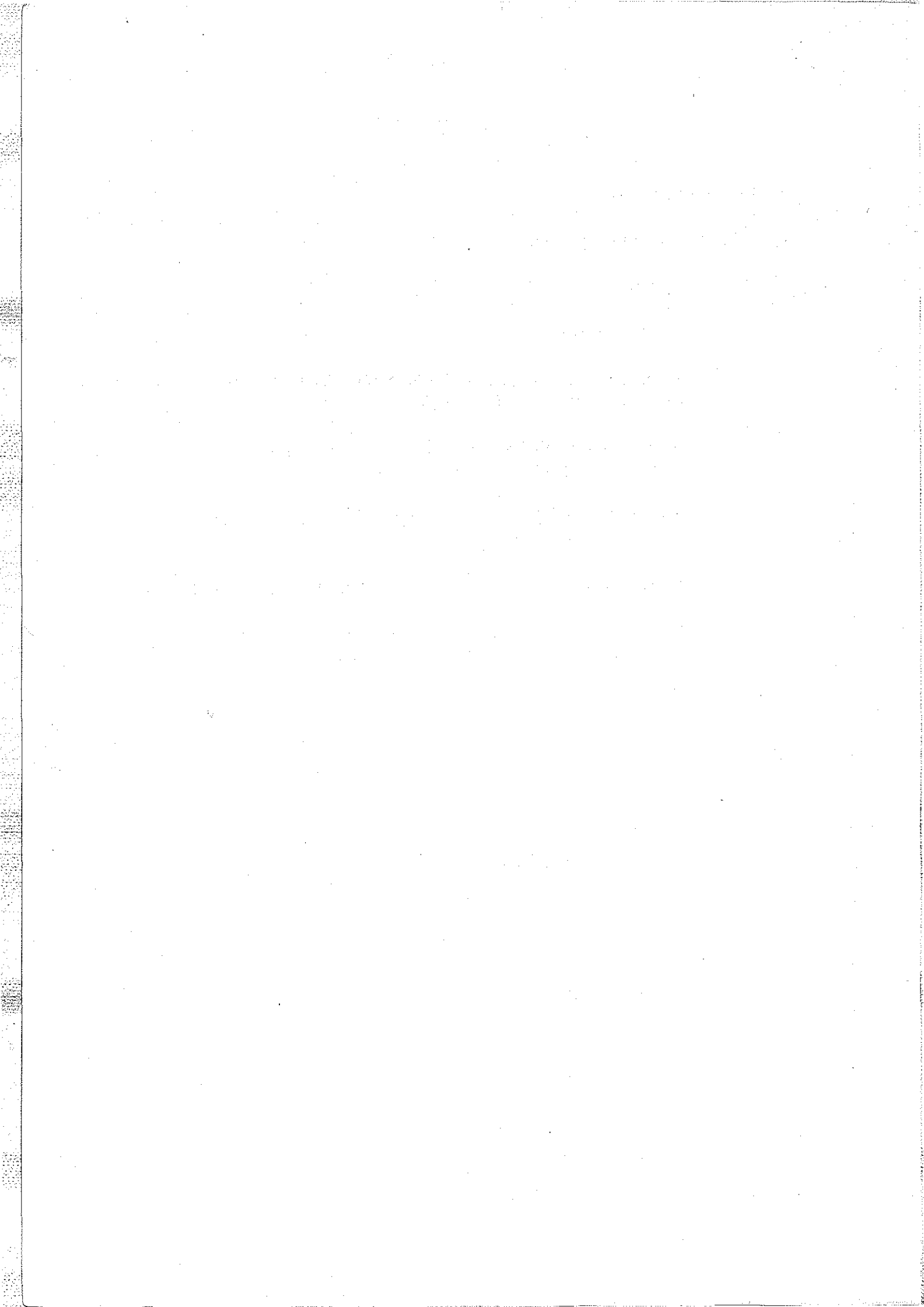
The thesis was researched and written between March 1991 and February 1993, and is my own original work.

(Scott Robinson)

Canberra, 1993.

TABLE OF CONTENTS

Page i	Synopsis
Page ii	Acknowledgements
Page iii	Contents
Page 1	Introduction
Page 9	Chapter One: The Evolution of Aboriginal Political Consciousness, c. 1960-1972.
Page 54	Chapter Two: White Australian Attitudes and Government Policy, c. 1960-1972.
Page 90	Chapter Three: The Embassy and Australian Politics, January to July, 1972.
Page 142	Chapter Four: The Embassy, July to September, 1972.
Page 187	Chapter Five: After the Embassy - The Effects of the Protest and its Place in Australian History.
Page 210	Bibliography



INTRODUCTION

Despite its significance to the development of the Aboriginal land rights movement, and as a model for protest action in the context of a democratic system, the Aboriginal Embassy has never been given its deserved place in modern Australian history. The story of the Embassy and its importance in the history of contemporary Aboriginal politics and the broader context of Australian history requires a much more detailed treatment than that afforded by the polemical literature of the time, and the few paragraphs which dispense with the Embassy in later accounts of the land rights movement. This thesis details and documents the events of 1972 to show the interplay of ideologies and competing methods of protest which occurred at the centre of these events.

The lack of an adequate account of the Aboriginal Embassy, autonomous or otherwise, necessitates a narrative of the major events of the protest. For this reason, the "what" and "how" of history which Lawrence Stone considered essential¹ have been employed alongside more analytical considerations. In introducing the evolution of Aboriginal political consciousness (chapter one) and the attitudes of the policy-makers and various socio-political groupings in White Australia (chapter two), and in the narration of the events of 1972, the need to bring to light the hitherto concealed and forgotten components

¹ Lawrence Stone - "The Revival of Narrative: Reflections on a New Old History" in Past and Present, No. 86, 1980. p. 5.

of the historical record has been of paramount concern in this study of the Embassy.

Theories of protest, as distinct from theories of revolution, remain a relatively neglected field of study in history. Marxist history and its derivatives have focussed on the macrocosm and revolutionary paradigm, while conservative historians are most often ready to relegate protest to a footnote or misrepresent it as some form of social disorder. George Rude, in his considerations of popular protest in Europe, noted that the role of historical survey of protest action was to uncover a common framework, or "general pattern".² He was forced to admit, however, that each upheaval was a "unique event" and that individual case-histories were necessary despite the demise of historical studies of different protests in isolation, in favour of structural analysis.³

Other disciplines have, in considering the phenomenon of protest within a democratic system, made a variety of attempts at theoretical explanation. Although establishing useful points of reference, these often appear platitudinous and contribute little to an understanding of the particular (rather than the general) characteristics of the Aboriginal Embassy.

² George Rude - "The study of revolutions" in The Face of the Crowd: Studies in Revolution, Ideologies and Popular Protest, Harvester Wheatsheaf, Hertfordshire, 1988, p. 79.

³ Ibid, p. 72.

The relevant theoretical considerations in the field of sociology and political science were inspired by the protest phenomenon of the nineteen-sixties and nineteen-seventies. Their interpretations of protest action concentrated on the causes, methods and chances of success of protest. Robert Ted Gurr's Why Men Rebel⁴ appeared in 1970 as an inter-disciplinary study of protest of various types. Gurr regarded the "peaceful demonstration" as an effective means of "communicating the substance of discontent to rulers and threatening them with replacement if they do not respond".⁵ Demonstrations were potentially able to strengthen the protest movement itself, to alter public opinion directly, and to influence politicians. Success, it was noted, depended to a large extent on the use of media, which moulds perceptions and acts as an index of change.⁶ The question of violence, meanwhile, was examined from psychological and sociological points of view, and Gurr concluded that violence is likely to bear a relationship to the "density of aggressive symbols in a communication context" and to "the extent to which a collectivity has increased its average value position in the past through political violence".⁷

Michael Lipsky drew similar conclusions on the importance of media in the relationship of a protest to the "reference publics" of the political system in which the protest

⁴ Robert Ted Gurr - Why Men Rebel, Princeton University Press, New Jersey, 1970.

⁵ Ibid., p. 309.

⁶ Ibid., p. 223.

⁷ Ibid., p. 231, p. 221.

occurs.⁸ In what is perhaps the only general theoretical examination of Australian Aboriginal protest, Leith Duncan's 1974 article draws attention to the use of "dialogue" within "the system of conflict resolution" available in a democracy.⁹

Although these generalisations are all pertinent to the history of the Embassy, they do not necessarily contribute to the understanding of this unique set of events. Gurr, for instance, outlines important features and limits of protest, but his theory of the importance of media attention adds little to the perception of the importance of public sentiment displayed at the Embassy itself. Gene Sharp's three-volume The Politics of Nonviolent Action describes some two hundred methods of non-violent protest, of which at least a dozen were adopted by the Aboriginal protestors of 1972.¹⁰ These models of protest, however, do not contribute to an understanding of the Embassy as they perhaps would to a comparative study. The thesis thus concentrates on the events in question, providing where possible an analysis which rests on the specificities of Aboriginal protest, and the socio-political condition of Australia in the nineteen-seventies, rather than incorporating generalist theories from other social sciences. Theoretical constructs are given only passing reference where they encapsulate some essential phenomenon of the protest, and even here their usefulness is mainly definitional.

⁸ Michael Lipsky - "Protest as a Political Resource" in Jack R. Van Der Slik Black Conflict with White America, Charles Merrill, Ohio, 1970.

⁹ Leith Duncan - "Protest and Aborigines: An Initial View" in Don Edgar(ed) Social Change in Australia, Cheshire, Melbourne, 1974, p. 599.

¹⁰ Gene Sharp - The Politics of Nonviolent Action, Extending Horizons Books, Boston, 1973.

The thesis describes the use of different means of protest by Aboriginal people over the decade prior to the Embassy, drawing comparisons with other protest movements in Australia as part of the survey of government policy and public sentiment in chapter two. The essential question posed by the thesis is that of the optimum means of protest, a question which frequently arose during July 1972 and was central to the events of that month. The violent rhetoric of Black Power is contrasted to the use of symbolic, creative and non-violent action by the protest, both before and after the outbreak of violence outside Parliament House on July twentieth and twenty-third, 1972. Rather than posing some moral choice, the question asked in chapters three and four is simply: what means of protest were effective in bringing about the (relative and limited) success of the Embassy's demand for Aboriginal land rights? Why did Aboriginal people adopt non-violent tactics on the July thirtieth 1972 when their movement had adopted and adapted elements of the Black Power programme for violent struggle, and after they had been confronted with the violent suppression of their protest outside Parliament House?

Chapter five includes a brief consideration of the position of the land rights movement in the elections of 1972, and the effects of the Embassy on subsequent legislation. The conclusions drawn relate to the place of the protest in Aboriginal history, and in the broader context of Australian history. The Embassy has become contemporary legend in Aboriginal Australia, and is treated here as an example of the effective use of creative, non-violent protest to extract considerable concessions

from the established order. The distinctive features of the election of the ALP in 1972, and the inadequacies of Labor's Aboriginal affairs policy as a whole are examined to gauge the degree of success of the Embassy. Finally, the legacy of a display of non-violent protest is placed in the historical context of protest in Aboriginal and non-Aboriginal Australia.

Although the means of protest is the central concern of the thesis, the understanding of what was actually meant by land rights in c.1972 is an important secondary avenue of investigation. How did Aboriginal people and their White supporters define this core demand of the Embassy? Was it a coherent political ideology, or a merely vague ideal which informed a powerful slogan? The lack of detail, and the often hidden dichotomy between more traditional areas and the South-Eastern States, is considered throughout with reference to statements on land rights by the ALP and the Embassy. I conclude that the vagaries of the demand for the return of land to the indigenous people were met by an equally imprecise set of promises from the Labor party. Despite this, land rights was an antithetical proposition, offering an alternative to the policies of the McMahon government, bringing a degree of unity amidst the diversity of contemporary Aboriginal Australia, and recognising no boundaries between those Aborigines who received title to their land in 1976 and those who did not.

Original documents, unpublished manuscripts and other primary sources are cited here alongside relevant secondary sources. Interviews with participants in the events of 1972, however, form an equally important group of sources.

Oral history, despite its ancient origin, has been given recognition only in the post-war years. No strict methodology or rules of research apply to the discipline, which perhaps cannot be defined any more accurately than in the words of Jules Michelet as "that which everybody says and repeats ... that which can be learned by an evening visit to any village tavern".¹¹ Nevertheless, several important methodological concerns have been taken into account in the gathering and use of oral evidence.

At all times the need to mesh information gathered in interviews with other sources has been noted.¹² The "problems" of oral history, such as the effects of the passage of time on the informants' memories and ability to recall events, are recognised. Every attempt has been made to corroborate oral with written evidence, and at the same time to keep in mind the view of Paul Thompson that even apocryphal information may reveal a meaning and an attitude, and stimulate the search for other evidence.¹³ The evidence gathered from interviews has been used illustratively, and does not claim the representativeness of a sociological survey.

For some Aboriginal people, as the activists of the nineteen-nineties are quick to point out, nothing has changed since 1972. The issue of land rights remains current in the

¹¹ Jules Michelet - History of the French Revolution, Phoenix Books, Chicago, 1967, p. x.

¹² David Henige - Oral Historiography, Longman, New York, 1972, p. 6.

¹³ Paul Thompson - The Voice of the Past: Oral History, Oxford UP, 1978, p.p. 108-110.

continuing protest for Aboriginal sovereignty, a treaty between the indigenous people and the government, and legal questioning of the basis of land ownership in the wake of the recent Mabo decision.¹⁴ The partial success of the Embassy, achieved through the ascendancy of non-violent protest and creative direct action which placed the issue on the political agenda, was arguably a product of the politics of the time, yet remains an example of change within the Australian polity effected without loss of life. Such was the crucial lesson of the July demonstrations, whose legacy continues to inform the political actions of the traditional owners of the continent despite their daily experience of discrimination, inequality and dispossession.

¹⁴ See, for instance, The Canberra Times, October 7th, 1992.

CHAPTER ONE: The Evolution of
Aboriginal Political Consciousness,
c. 1960-1972

The Australian Aborigines entered modern history as an indigenous people whose cultural and economic association with the continent stood threatened by European invaders and colonists. Aborigines entered the 1970's as an indigenous people whose claim to land ownership had survived, encapsulated in tradition, and which became the central demand of a movement which placed itself on the political agenda of the dominant culture largely through the use of protest action.

The modern land rights movement arose from the transmission of a tradition of original ownership. Aboriginal affinity with the natural environment, and with certain areas of land, carried with it the knowledge that the land had been usurped from its original occupants. Every tribal area has its stories of massacre and subsequent oppression, while in some rural areas there is a history of land grants being made to Aboriginal people under the protection laws, only to be later annulled as government policies changed.¹ There existed a wealth of tradition, and an awareness inculcated through group solidarity and threads of cultural continuity, upon which to base a vision of the return of the land to its original owners, and there was the land itself.

¹ See, for instance, Barry Morris - "Cultural domination and domestic dependence: the Dhan-Ghadi of New South Wales and the protection of the state" in Canberra Anthropology, Vol. 8, Nos 1 and 2, ANU Press, Canberra, 1985; Heather Goodall - "Land in our own country: the Aboriginal movement in South East Australia, 1860 to 1914" in Aboriginal History, Vol. 14, Nos. 1 and 2, 1992.

The material condition of Aboriginal people in the nineteen-sixties, despite diversity between various groups across the continent, exhibited the features of socio-economic oppression common to the vanquished and colonised throughout the modern world. Land rights, as it developed as a body of ideas over the late nineteen-sixties, appeared to offer a solution to the most pressing concerns of the Aboriginal people at the time. The position of the majority of Aborigines at the lowest echelon of the social structure provided an impetus for politicisation.

The major question for the developing movement was one of how best to achieve its goals. Various methods were considered, and many attempted, during the period prior to the Aboriginal Embassy. The Embassy was a climax to a decade of protest action, and became a stage upon which the interplay of different methods of protest was enacted. Its relatively successful campaign reflected a necessary choice between the various options available to a protest movement in selecting the appropriate means necessary to attain public exposure and a sympathetic response from the state.

The material conditions of the Aboriginal people in the 1960s were those of Australia's most disadvantaged social group. The process of invasion and later policies of protection and assimilation left most Aboriginal people as members of the proletariat, or as part of a large lumpen element whose class position was circumscribed by economic injustice. Some two-thirds of Aboriginal male workers occupied positions in primary

or secondary industry, as opposed to one-seventh of the European male workforce. These working-class Aborigines were doubly disadvantaged by discrimination which "largely isolated [them] from the opportunity structure of the Australian job market".² A disproportionately large percentage of Aboriginal people were unemployed, lacking any constructive participation in the capitalist economic system.

Lack of education, at least in part responsible for the trajectory of the worker in determining the nature of their employment, was a considerable obstacle for Aboriginal people. The Eurocentric orientation of the education system was unsuited to Aboriginal needs, often involved discriminatory practices, and although providing a chance for making headway against circumstance was often little more than a tool of assimilation. By 1975 only six Aborigines had gained university degrees.³ There were no Aboriginal studies courses available to Aboriginal students until 1971. In the same year, there were a mere twelve Aboriginal students in senior secondary school, from a total of 1,600 Aboriginal students undertaking secondary education.⁴

Significant changes in the demography of Aboriginal Australia were taking place at this time. An overall population of 106,000 grew to over 115,000 between 1961 and

² L. Broom - "Workforce and Occupational Status of Aborigines" in Paul Wilson (ed) Australian Social Issues of the 1970s, Butterworths, Sydney, 1972, p.p. 108-113; Lorna Lippmann - To Achieve Our Country, Cheshire, Melbourne, 1970.

³ Colin Tatz and Keith McConnochie(eds) - Black Viewpoints, ANZ, Sydney, 1975; See also Lorna Lippmann, op. cit., p.95.

⁴ Lorna Lippmann, op. cit., p. 95.

1971.⁵ Considerable urban drift occurred, and created Aboriginal enclaves in Sydney and Brisbane which were to become important in the politicisation of Aboriginal people during this period. Redfern for instance, had an Aboriginal population of some twelve thousand by 1965,⁶ and this figure increased over the following five years.

The rise in population was not accompanied by any amelioration of living conditions. Housing, especially on the fringes of the country towns, was generally of rubbish tip standard, lacking electricity, clean water and other essentials to which the majority of Australians had access. In 1967 some fifty percent of Aboriginal households in N.S.W. lacked laundry facilities or regular garbage disposal. The rate of infant mortality was the highest for any group in Australia, as was the incidence of a range of diseases including tuberculosis and glaucoma.⁷ On the whole, Aboriginal people lived at a material level shared by no other social group in Australia at this time.

Legal constraints operating on Aboriginal persons represented an institutionalised discrimination on the basis of race. Until 1963, Aborigines in NSW who did not hold "dog tags" (which gave special exemption for "good character") were forbidden entry to licensed premises. These licenses could be revoked for offences such as two displays of public drunkenness,

⁵ L. Broome, *op. cit.*, p.173. These figures indicate only those who, for official purposes, identified themselves as Aboriginal people.

⁶ *Ibid.*, p.174.

⁷ "The Black Australians", BBC Documentary in the series "Man Alive", 1971; Lorna Lippmann, *op. cit.*

disease, or virtually any behaviour which was not regarded as "good and industrious"⁸ or, in short, well-assimilated.

The most odious regulations of older government policies still applied into the late nineteen-sixties. As late as 1969,⁹ children were being removed from their parents and transported interstate. In Queensland, the Aboriginal and Torres Strait Island Affairs Act (1965) maintained a harsh regime of control over Queensland Aborigines, where "assisted" (reserve dwelling) Aborigines could be punished for offences such as "insolent behaviour", or for attempts to "escape" from the confines of the reserve. Reserve managers could refuse travel and visiting rights, control the manner in which Aborigines spent their money, and transfer people from one area of the state to another without their consent.¹⁰ A disproportionately large number of inmates in Australian prisons were Aboriginal, and experienced considerable "disability" before the law.¹¹

There were thus clear grounds for the Aboriginal people to protest against their position, as it was defined and reproduced by the dominant culture. Material inequality and daily reminders of oppression provided a basis for a political movement aimed at redressing the conditions apparent throughout Aboriginal Australia. The movement which gradually emerged over the decade prior to 1972 was a response to these circumstances, and an outgrowth of a long tradition of fluctuating

⁸ L. Broome, op. cit., p.170

⁹ In NSW.

¹⁰ Origin, November 20th, 1970.

¹¹ Elizabeth M. Eggleston- "Aborigines and the Administration of Criminal Law" in F. S. Stevens (ed.) Racism: The Australian Experience, Volume Two, ANZ, Sydney, 1972.

levels of protest action and awareness of previous land ownership. The politicisation of younger members of the community through education, and exposure to ideas of protest imported from the U.S.A. and various strands of socialism within Australia, combined with the broader socio-cultural environment in the nineteen-sixties, to provide the opportunity for the articulation of Aboriginal protest.

Political action by Aboriginal people in the earlier twentieth century had revolved around issues such as the demand for their enfranchisement (1938), and demands for wage equity which led to strike action at Victoria River Downs as early as 1947.¹² From c.1960, Aboriginal political activity featured new forms of organisation, and adopted self-determination and land rights as a central goal. Aboriginal control of the politics of redress became commonplace, whilst the vision of Aboriginal control of an economic base became increasingly prominent in the demands espoused by Aboriginal activists.

Among the major events of the decade were protest actions of various types, and the assertion by Aboriginal people of their control over organisations which represented their interests. In 1963, the Yirrkala people presented a bark petition to the Federal Parliament, requesting that the government prevent mining operations at Gove. In the same year, Pastor Doug Nicholls led a march in Melbourne, where Aboriginal people and their White supporters demanded the Aboriginal co-operative

¹² Ewan Morris - "Like the Bends in an Old Tree?", Hons Thesis, ANU, 1990.

farm at Lake Tyers remain in Aboriginal hands.¹³ These protests marked the first specific reference by Aboriginal activists to land ownership in the post-war years.

For a time this resurgence of the centrality of land in the Aboriginal political agenda was obscured by the activities of the civil rights movement. This, too, had its historical antecedents in the earlier part of the century, and precedents such as the enrolment of some Aboriginal people in Victoria to vote in elections in the nineteenth century; a small percentage of Aboriginal people were already enrolled under the Nationality and Citizenship Act (1948-1960).¹⁴ Despite some relaxation of discriminatory laws in NSW, discrimination remained, and some country areas were notorious for overt racism. The Freedom Rides sought to expose and contest this inequality through protest.

From the time of the 1967 referendum, Aboriginal activism expanded and intensified. Significant gains had been made, but the mere extension of the franchise was seen as only part of the remedy proposed by Aboriginal activists for their unequal share of power and status in Australian society. The Gurindji people began a long campaign of strike action and expropriation of land at Wave Hill in 1966. This protest brought attention from the media, and initiated consideration by the broader community of what, to many Australians, was a new issue. The Victorian Government handed over Lake Tyers as a

¹³ Anonymous - Victims or Victors: The Story of the VAAL, Hyland House, Melbourne, 1985, p. 81.

¹⁴ Aboriginal people were specifically disallowed from voting in some States.

permanent reserve while, on the other side of the Murray River, Cumeragunja was placed in the hands of an Aboriginal co-operative by the NSW Welfare Board.¹⁵ Although the latter did not concede freehold title, it established a general precedent of Aboriginal tenure, and contributed to the expectation of further returns of land.¹⁶

Meanwhile, within the organisations devoted to the amelioration of Aboriginal conditions, change occurred rapidly. The major "advancement" or reform organisations were FCAATSI (founded in 1958 as the Federal Council for the Advancement of Aborigines), and the Victorian Aboriginal Advancement League (established in 1957). The aims of these bodies were to bring about improvements in Aboriginal conditions of health and housing, and (prior to 1967) the extension of the franchise. These organisations featured a large white membership in their early years, when trade union and ALP influences far outweighed any representative Aboriginal membership.

Control of these bodies was wrested from the White membership in the late 1960s as those aspects of Black Power which advocated self-determination and separatism gained currency. The empowerment of the Aboriginal membership brought with it, by c.1968, the inclusion of a specific reference to land rights in the policies of FCAATSI and the Aboriginal Advancement League.

¹⁵ Anonymous, *op. cit.*, p.p. 64-72.

¹⁶ Discussed in more detail on page 37.

By 1972, Aboriginal activists had developed a new political consciousness, one which centred on the demand for land tenure. Increasingly, the ideological tenets of the movement became those of a modern indigenous people's movement. American Black Power acted as a point of reference throughout this period, and although it offered little contribution to the central political ideology of land rights, encouraged a general radicalisation of Aboriginal politics. Most importantly, Black Power provided the land rights movement with an important secondary demand for Aboriginal control of Aboriginal affairs.

At this time there was little literature or information available to Aborigines on the contemporary political responses of indigenous cultures to the various states which had usurped their land over preceding centuries. Aboriginal people had undoubtedly heard of Amerindians and their treaties, and of Third World liberation movements in de-colonising countries. The US Black Power phenomenon was, however, more accessible than these other movements, which addressed the role and rights of indigenous people rather than those of the descendants of enslaved African people. Nevertheless, the land rights movement featured the indigenous people's right to land ownership as its basic ideological tenet; aspects of Black Power were partially adopted as a means to this end.

The land rights movement as it stood in c.1972 was built on the demand for the return of land expropriated by Europeans, and derived much of its substance from a tradition of original ownership. Activists from the time recall that there was a

viewpoint amongst Aborigines which noted the European "usurpation" of the land.¹⁷ As Dennis Walker put it, "blackfellas knew that they owned the land ... and nothing had been done to redress that".¹⁸ Land rights was not a new set of ideas, but ideas which had found a new political expression.

The demand for land rights, in as much as it constituted a guiding body of ideas around which a political movement based itself, remained a vague ideology. The unifying slogan of land rights meant different things to different Aboriginal people. As Andrew Jackomos and Chicka Dixon both suggested, Aboriginal people, like everyone else, have differing ideas.¹⁹ For some people, land rights was a reference to their own "country", including an essentially spiritual tie to that area.²⁰ For this reason, the idea of land rights differed "from the West coast to the East coast."²¹ The local orientation of land rights was, however, often

¹⁷ Kevin Gilbert, interview, May 1st, 1991. (Gilbert, who identified with the Kamilaroi and Wiradjuri people, was on parole in 1972 and unable to leave NSW.)

¹⁸ Dennis Walker, interview, December 2nd, 1991. This appears to have been taken for granted within the movement, and there was no definitive statement to this effect. It would certainly be difficult to imagine that Aborigines accepted the contemporary silence of Australian history on the topic of invasion without question. The 1968 conference of FCAATSI, for instance, called for the "restoration" of land rights (Reports and Proceedings of the 11th Annual Conference of FCAATSI); Hardy noted that, among the Gurindji, a traditional awareness of land ownership was easily turned into a political demand for land rights (Frank Hardy - The Unlucky Australians, Thomas Nelson, Melbourne, 1968).

¹⁹ Andrew Jackomos, interview, June 11th, 1991; Chicka Dixon, interview, July 7th, 1991.

²⁰ Trevor Patten, interview, December 29th, 1991.

²¹ Chicka Dixon, op. cit. (Dixon, older than the new generation of activists, came from North Western NSW and had long experience on the Sydney waterfront.)

accompanied by a reference to the "national acknowledgement" of Aboriginal rights to land ownership.²²

Gary Foley considered the demand for the return of land as more of an "all embracing solution", involving the return of "inalienable freehold title of areas of land, title vested in communities of people".²³ This meant the creation of an "economic base" for Aboriginal Australia,²⁴ something that was to Foley and other activists a panacea for the prevailing conditions of oppression and material hardship. Analogous to the concept of the ownership of the means of production in Marxist thought, this appealed to many Australian Marxists, and attracted their support,²⁵ while some Aboriginal activists incorporated Marxist terminology in their public statements.

Unlike the White members of the CPA and other groups, however, Aboriginal people adopted a relatively vague conceptual basis for their demands. The Australian Black Panther Party adopted as one of its demands the establishment of Aboriginal freehold title to all existing reserves, missions, and settlements.²⁶ Billy Harrison recalled the land rights vision of this

²² Dr. Roberta Sykes, interview, October 18th, 1991. (Then known as Bobbi Sykes. From North Queensland, Sykes was involved in Aboriginal activism, and the international campaign to free Angela Davis.)

²³ Gary Foley, interview, June 7th, 1991. (Foley was born at Cangai, in Bunjalung country in Northern NSW, and arrived in Sydney in the mid-1960's.)

²⁴ These were the terms used by Billy Harrison and Gordon Briscoe (interviews, May 22nd 1991 and April 1992.) (Briscoe, from central Australia, was involved with the Sydney legal and medical services.)

²⁵ Hannah Middleton (anthropologist of the Gurindji campaign and member of the Australian socialist party), for instance, saw the entire land rights movement in this Marxist framework.

²⁶ Dennis Walker, quoted in The Australian, January 19th, 1972. (Walker, from Nunukal country in South Eastern Queensland, was the son of Aboriginal poet Oodgeroo Nunukal.)

time as something which included "the whole lot ... fringe camps, reserves, missions, the lot"²⁷. The Aboriginal Advancement League, in its petition to the United Nations in October 1970, endorsed return of all land currently occupied by Aborigines (ie, reserves), all Crown land not "in use", and compensation of six billion dollars.²⁸ Kath Walker of the National Tribal Affairs Association, who had been suggesting land rights and compensation since 1965,²⁹ reduced the idea to a demand which stated:

Where you cannot give us back our land
(you cannot give us back our past) give
us at least the means to the future.³⁰

Land rights as a political demand clearly meant an acceptance by White Australia of the principle of indigenous rights to land, and the return of areas of that land. The prevalent belief in a form of separatism among many Aboriginal activists added the demand for self-determination: "We wanted self-management and to control our own affairs".³¹ Furthermore, the demand for land rights directly contested government policy by posing an alternative to enforced acculturation. Beyond this adumbration of a programme, little detail was furnished to the

²⁷ Billy Harrison, interview, April 1992. (Harrison, another member of the younger generation of activists, came from Ceduna in South Australia, and was attracted to activism by the emergence of the Black Panthers. In 1972 he was working in the Office of Aboriginal Affairs.)

²⁸ Fay Gale and Alison Brookman (eds) - Race Relations in Australia - The Aborigines, McGraw Hill, Sydney, 1975, p.86.

²⁹ Scott Bennett - Aborigines and Political Power, Allen and Unwin, Sydney, 1989, p.8.

³⁰ Quoted by Christine Jennett - "Aboriginal Black Power and the Land Rights Movement of the 1970s", Address to the 22nd APSA Association, ANU, 1980, p.16.

³¹ Bob Randall, interview, August 27th, 1991. (Randall, from Northern Australia, was an Aboriginal activist and musician in the early nineteen-seventies.)

supporters of the movement and the rest of Australia by the spokespersons of the movement.

The lack of detail may be explained, as Dr Roberta Sykes suggested, by the relatively recent appearance of the movement. The expression of a political programme remained nascent:

At that time we were trying to get the principle of land rights acknowledged, rather than (making) a plan of two acres here and four acres there ...³²

Gordon Briscoe, in noting the importance of young, more educated Aboriginal people such as Paul Coe to the development of the demands of the movement, called the whole programme "vague and general ... a vulgar interpretation of what Marx was saying" and attributed the amorphous nature of this set of ideas to the fact that most Aboriginal people "did not have the articulation skills of White students" and non-Aboriginal activists.³³ To this may be added the uncomplicated appeal to Aboriginal people of a set of ideas which offered redress, reflected tradition and became rapidly accepted, especially by younger members of the community. The idea quickly established itself as a programme and a slogan, so that for many people elaboration was superfluous.

Land rights became a rallying cry for Aboriginal activists; it assumed this central position as a demand which was widely open to interpretation and lacked specific details for presentation to supporters and the government. Such a political statement could easily have degenerated into empty sloganism,

³² Dr Roberta Sykes, *op.cit.* See also Kevin Gilbert's comments on a detailed claim to the return of land (Because a White Man'll Never Do It, Angus and Robertson, Sydney, 1973, p.p. 56-62.)

³³ Gordon Briscoe, *op. cit.*

but the strength of Aboriginal commitment to the general concept of return of areas of the continent maintained the popularity of the demand. Never a coherent political ideology, but always something with a personal relevance (people's own "country") a background of tradition, and a vision of change for the better, the land rights demand was paramount by 1972. Despite its vagaries, it performed the essential functions of an ideology in its unifying effects. Discontent with material conditions was politicised, allowing its expression in protest.³⁴

It remained for Aboriginal activists to decide upon the appropriate means of realising its demands. Protest actions during the decade prior to the Aboriginal Embassy, over the issue of land rights and other issues, acted as experiments in a range of methods; a variety of other methods of protest were considered but not implemented.³⁵ Throughout this period, violent methods of achieving change competed for acceptance with less belligerent methods, ranging from symbolic protest and demonstration to petitions and appeal to international channels.

The Black American experience was the most profound exogenous influence on Aboriginal political activism in the nineteen-sixties. At this time, the long history of the search for equity and justice by American Blacks had reached a crucial point. A peaceful sit-in by Black college students at Greensboro in North Carolina in 1960 marked the beginning of the concerted use

³⁴ See, for instance, Ali Mazrui - "Toward a Theory of Protest" in Protest and Power in Black Africa, Oxford UP, 1970, p.1190 ; Robert Ted Gurr- Why Men Rebel, Princeton UP, New Jersey, 1970, p 12, on the preconditions for protest activity.

³⁵ These were, most notably, the insurrectionary agenda and revolutionary model of American Black Power.

of creative non-violent action by Black protestors, who had previously sought more legalistic and less public means of achieving their aims of desegregation, civil rights and the extension of the franchise in the South. Martin Luther King came to personify the ideals of the movement; his tactical preference for non-violence derived as much from Ghandi as from Thoreau, and was adopted at hundreds of demonstrations in the South.

In 1961, the American Freedom Rides protest encountered a violent response from white residents of Alabama and Mississippi, with hundreds of arrests being made; meanwhile, buses were burned by Black protestors.³⁶ Similar violence occurred in Birmingham the following year. Thus far, however, the sort of "creative, non-violent protest" espoused by King and his supporters (and also by the vast majority of members of the American protest movement against the war in Vietnam) had been the preferred means of action.

Decisions by the US Supreme Court in 1965 guaranteed civil rights and ended all discriminatory practices in the Southern electoral process. Fundamental economic inequality and ongoing racism, however, remained. Many Blacks felt that the civil rights campaigns had failed, and some blamed the very method of protest which had won such media attention and brought reforms which were essential, though inadequate.

From 1966, a new phenomenon dominated the American media and the political activities of Blacks. Black

³⁶ August Meier and Elliot Rudwick (eds) - Black Protest in the Sixties, Quadrangle, Chicago, 1970, p.4.

American Muslims, Black American Nationalists, and a left-wing Black movement began to assert programmes of direct action which left behind the sit-ins and symbolic protests as so much "unmerited suffering".³⁷ A violent response to racism, on a more organised though no less tempestuous scale than the summer race riots of the US ghettos, was advocated by growing numbers of American Blacks.

The Black Panthers were formed in Oakland, California, in 1966; in the same year King and his supporters were shouted down by Stokely Carmichael and a group displaying the new slogan of Black Power at a march in Mississippi. A proliferation of Black student unions with a vision of violent revolution and an ideology of separatism emerged, as did a number of leaders who produced a polemical literature for the Black Power movement.³⁸

The Black Power movement was not the only model for the upsurge of protest in America in the late nineteen-sixties. Although violence became more acceptable among Blacks from 1965/66, and among white protestors after the 1968 Democratic Convention, the use of symbolic protest continued among both groups. In 1969 Black protestors established "resurrection city", a shanty town of cardboard and canvas in Washington D.C. which acted as a symbolic representation of poverty in the ghetto.³⁹ The protest created a public spectacle

³⁷ August Meier and Elliot Rudwick, *op. cit.*, p.13.

³⁸ This movement sustained its momentum, despite internal divisions, until the early 1970s. (See C. Taylor - "Honkies for Huey?", Hons. Thesis, ANU, 1992.)

³⁹ Jose Eglesias- "Dr King's March on Washington, Part Two" in August Meier and Elliot Rudwick (eds), *op.cit.*, p.273.

outside the seat of government, drawing media attention to the movement through non-violent action. In the same year, a group of Amerindians occupied Alcatraz, reclaiming an area of land in San Francisco Bay and expressing their indigenous rights through a protest which featured actions of a direct, symbolic and non-violent nature.⁴⁰

Aboriginal perceptions of, and reactions to, the ascendancy of Black Power in America were moulded by both the media and by personal contact with its exponents. Its importance in the Australian context should not be underestimated - although Australia had its own tradition of protest and its own contemporary protest movement, Black Power had a definite impact. Exogenous influences were taken on by the Aboriginal protest movement, and Black Power was the most prominent of these,⁴¹ its relevance to an indigenous people being sought and questioned by Aboriginal activists.

The coverage given to the American Black Panthers in the media gave their programme its first exposure in Australia. In August 1969, US and Caribbean Black Power advocate Roosevelt Brown visited Australia. He was received with reserve by some older and more conservative Aboriginal people such as Doug Nicholls, but was able to meet activists like Bob Maza and Bruce McGuinness. Brown publicised his ideas of Black

⁴⁰ Vine Deloria, Jr.- " Why the Indians took over Alcatraz" in Robert Binstock and Katherine Ely (eds) The Politics of the Powerless, Winthrop, Massachusetts, 1971, p.p. 217-219.

⁴¹ cf Gordon Briscoe's view that other examples of protest, such as the student/working class insurrection in Paris of May 1968 provided an inspirational model for the movement (personal communication, July, 1992.)

separatism and radicalism as necessary to enable "Black people [to] establish a right and justice for themselves".⁴² The following year, a group of five Aboriginal people travelled to America. The effort at gaining an international voice was a "fizzer", and Sol Bellear was refused speaking rights at the United Nations.⁴³ The contribution of the visit to Aboriginal activism lay with the months which Bellear (who stayed on alone in America) spent with the Black Panthers. This, in Gary Foley's view, established a "direct connection" between the US and Australian movements which supplemented the dissemination of the literature of Black Power in the Aboriginal communities of the Eastern Australian capital cities.⁴⁴

The Australian Aboriginal version of Black Power was manifested at many levels of political activity. There was at all times a considerable disparity between the media's definition of the concept, and its meaning at the grassroots level of Aboriginal activism. In many cases the American model served as an inspirational rather than a guiding doctrine, and provided only a partial model for Aboriginal political activities. The land rights demand remained central; it was the question of means that drew attention to the separatist organisation and reference to armed struggle which this imported ideology offered.

The manifestation of the new Aboriginal activism gained its first adherents among the young, relatively well-educated Aboriginal people in the urban communities of

⁴² Anonymous, op. cit., p.13.

⁴³ Chicka Dixon, op. cit.

⁴⁴ Gary Foley, op. cit.

inner Sydney, Brisbane and Melbourne. Whereas the idea of land rights was in the process of being adopted by many older members of more traditional as well as urban dwellers and rural people in the Eastern States, Black Power found its audience with Aboriginal youth. Charles Perkins, Bruce McGuiness, Chicka Dixon and others were also responsible for the politicisation of the community, but it was the generation born after the Second World War who set the new trend in activism.

Gary Foley and Paul Coe came to Sydney under a government employment scheme for Aborigines, while others such as Michael Anderson and Billy Craigie joined the Redfern community in 1966-67.⁴⁵ The relaxation of discriminatory laws under the NSW Act of 1969 permitted greater freedom of movement for these young Aboriginal people to pursue an interest in politics. The rapid growth of the Redfern Aboriginal population in these years was accompanied by the development of a strong sense of community. According to Sam Wickman, newcomers from rural and more remote areas were welcomed and accepted.⁴⁶ Social contact occurred through the neighbourhood, sporting events (especially football and boxing), dances at the Foundation for Aboriginal Affairs, and games of pool over drinks at the Clifton Hill and Empress Hotels. There existed a "network of people that you knew" and "felt safe around", and there was politics in the air.⁴⁷

⁴⁵ Gordon Briscoe, op. cit.

⁴⁶ Sam Wickman, interview, July 28th, 1991. (Wickman came from Arrente country in central Australia, and was an apprentice in Sydney in 1972.)

⁴⁷ Sam Wickman, op. cit.

Gary Foley and Gordon Briscoe remembered that Black Power as an influence came to prominence in the community "as a political philosophy ... primarily through Paul Coe's driving force."⁴⁸ This imported ideology transformed the already radical attitudes of the younger activists into a political stance informed by the American experience.

Coe encouraged people to read what Foley called: the only available political work we had access to from outside Australia at that time which was basically American stuff ... not people like Martin Luther King ... we saw as far more pertinent and relevant in 1968-69 ... the teachings of Malcolm X ... "⁴⁹

Other literature which became available to Aboriginal activists included the writings of Hughie P. Newton, Eldridge Cleaver, Bobby Seale, Angela Davis, and other American activists. A body of political thought thus existed, around which considerable debate occurred. The theme of this discussion was often the violent chauvinism of the central message of much of the literature: "burn, baby, burn". Black separatism and armed struggle against the system was considered as a possible option in the emerging land rights movement. Gary Foley recalled that the aspirations and methods of the American Blacks "seemed to have a direct relevance to the situation that confronted us in Redfern at the time."⁵⁰

The effects of this influential phenomenon were seen in the attitudes of Aboriginal organisations to their White supporters, and in the establishment of Aboriginal community

⁴⁸ Gary Foley, *op. cit.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

organisations by, and for, Aboriginal people. The Australian Black Panther Party represented the closest Aboriginal people came to a wholesale adoption of the American movement's methods, but aspects of the ideology of Black Power permeated much of the political consciousness of the younger generation of Australian Aborigines.

Prior to 1967, White benefactors and supporters dominated the organisations concerned with Aboriginal affairs. The membership and executive of FCAATSI, the VAAL and Abschol reflected the white dominance characteristic of Aboriginal political activity in the early and mid-sixties. Of the thirty Australians who founded FCAATSI, only three were Aborigines.⁵¹ To be heard at FCAATSI meetings - as Charles Perkins, Gary Foley and some other Aboriginal people occasionally were - it was necessary to be a member of one of the sixty-five union, church, ALP and welfare organisations for which it acted as an umbrella. Similarly, although it included as members prominent Aboriginal people such as Alick Jackomos and Doug Nicholls, the first president of the VAAL was Gordon Bryant.⁵²

As well as failing to provide a voice for their Aboriginal members (despite the currency of Black Power), these organisations adopted an entirely reformist approach at a time when more profound and immediate change was becoming the goal of the many Aboriginal activists. There was a distinct gap

⁵¹ Peter Read - "Cheeky, Insolent and Anti-White: The split in the Federal Council for the Advancement of Aboriginal and Torres Strait Islanders, Easter 1970" in Australian Journal of Politics and History, vol. 36, no. 1, 1990.

⁵² Anonymous, op. cit., p. 53.

between the expectations of Aboriginal people and the nature and structure of the established organisations. The affirmation of equality in the referendum had been achieved through Gordon Bryant's "unity ticket" with the government; there had been an absence of any intense political activity, and many White members of these organisations felt that their goals had been substantially achieved with the extension of the franchise.⁵³

From 1967, the meetings of the VAAL and FCAATSI became the scene of open debate over the aims and methods of these bodies and the broader movement. Ideas of Black Power were voiced, and increasing emphasis placed on Aboriginal people's own control of their representative organisations. In 1967, Aboriginal members of the VAAL made the first moves to make the organisation more representative.⁵⁴ Despite the opposition of older, more conservative Aborigines like Doug Nicholls, the first all-Aboriginal meeting of the VAAL occurred in 1968. Meanwhile, the first rebuke to the established White control of FCAATSI was delivered by Perkins and other Aborigines who formed the National Tribal Affairs Association in protest at the lack of Aboriginal executive power in an organisation which purported to represent Aboriginal interests.⁵⁵ FCAATSI itself became a place of debate over the concept of land rights and Black Power throughout the years 1968-1969. The Easter conferences of the organisation became the scene for expressions of a view that Aboriginal people were not simply "equal" but, based on the imported ideas of Black Power and the

⁵³ Peter Read, *op. cit.*

⁵⁴ Anonymous, *op. cit.*, p 87.

⁵⁵ Peter Read, *op. cit.*, p. 76.

newly expressed idea of land rights, were "owed something special" by other Australians.⁵⁶ This included, from 1968, a "national campaign in support of land rights for Aborigines ... all over Australia".⁵⁷

The Aboriginal members of FCAATSI were no longer the token representatives of their people who passively accepted white dominance, but a more politicised group, many of whom wore headbands and displayed the clenched-fist salute of Black Power. White members such as Barrie Pittock, who agreed with the Aborigines' demand for their own empowerment, declined to stand for office. It was Pittock's view that "FCAATSI should be Aborigines and Islanders speaking for themselves".⁵⁸

In 1969-1970, Oodgeroo Noonuccal⁵⁹ and Doug Nicholls (seeking a different position on Black Power, but supporting a degree of separatism) organised the National Tribal Council in Brisbane as a rival and alternative to FCAATSI, which had voted against Black executive power and an exclusively Aboriginal vote at meetings.⁶⁰ Abschol, dominated by White students in the nineteen-sixties, was also criticised for a perceived paternalism; Brian Havehand was asked to resign from his position as executive officer in early 1972.⁶¹

⁵⁶ Peter Read - *op. cit.*, p. 76.

⁵⁷ Reports and Proceedings of the 11th Annual Conference of FCAATSI, 1968.

⁵⁸ Reports and Proceedings of the 13th Annual Conference of FCAATSI, Easter 1970.

⁵⁹ Then known as Kath Walker.

⁶⁰ Peter Read, *op. cit.*, p. 78.

⁶¹ Woroni, February 9th, 1972. Abschol was a white students' organisation which encouraged Aboriginal enrolment in educational institutions.

Perhaps even more important to subsequent events, and with a significant debt to the American influence, was the foundation of the "survival" programmes, community services operated by and for Aboriginal people. The Aboriginal children's breakfast programme, set up by Shirley Smith to meet a need for adequate nutrition among Aboriginal schoolchildren, was an early example of such community programmes.⁶² The Aboriginal Legal Service and Aboriginal Medical Service which followed were expressions of Aboriginal aspirations for self-determination. They assumed the role of organisation in areas which the state continued to neglect, and built a self-determined structure within the shell of mainstream Australian society.

The Aboriginal Legal Service originated, literally, on the streets of the inner suburbs of Sydney. In 1970, a curfew was enforced on the streets of Redfern and nearby areas. Police, using their powers under the Askin government's Summary Offences Act, targeted Aboriginal peoples on the streets and in hotels, arresting large numbers of people indiscriminately. Those thus victimised spent the night in the cells, and as Sam Wickman recalled they were told "if you argue, you get bashed."⁶³

Similar patterns of harassment in the US ghettos had led the Oakland Black Panthers to develop what was called the "Pig Patrol". Using a legal loophole which allowed citizens to carry an "unconcealed weapon" in Los Angeles, the Panthers patrolled the streets of their community with shotguns. In America, this caused the deaths of a number of police and

⁶² Shirley Smith, in Colin Tatz and Keith McConnochie (eds), *op. cit.*, p. 41.

⁶³ Sam Wickman, *op. cit.*

Panthers. Gary Foley remembered that in Sydney it was decided by local residents and activists to "adopt and adapt" this strategy.⁶⁴ The problem was one of organisation - "there wasn't too much we could do because at the time we didn't have a group to tackle it."⁶⁵ A network emerged amongst the community to act as an unarmed patrol which, as Sam Wickman put it, "would let you know what was happening sometimes".⁶⁶

This network developed its activities from counter-surveillance to an attempt to directly contest the legality of police tactics. Gary Foley, Paul Coe, Isabel Coe, Tony Coorey, Les Collins, James Wedge, Billy Craigie and Gary Williams formed a vigilance group which photographed incidents and passed the results to the media.⁶⁷ The attempt to generate government acknowledgement of the problem failed, but the vigilance group attracted the support of a number of White law students, among them Peter Tobin, who enlisted the support of Professor Hal Wootten of the University of NSW. Initially, an attempt was made to attend the scene of arbitrary arrests and victimisation to observe the situation,⁶⁸ but as some seventy lawyers offered their services to this Aboriginal legal rights movement, and as the Office of Aboriginal Affairs made funding available (through Wootten's submissions), a storefront legal service was established

⁶⁴ Gary Foley, op. cit.

⁶⁵ Ibid.

⁶⁶ Sam Wickman, op. cit.

⁶⁷ Paul Coe - "The Early History of the Aboriginal Legal Service Limited in NSW", unpublished ms., n.d.

⁶⁸ Ibid.

in Redfern as the Aboriginal Legal service. Similar services were set up on a voluntary basis in Victoria and Queensland in 1972.⁶⁹

During this time, a community assistance programme was established to deal with Aboriginal health problems and the relationship between Aborigines and the medical profession. Health problems which had beset the Aboriginal people for decades were made even less tolerable by the system of public health services, and discrimination by some of its practitioners. When an Aboriginal man spent an entire day waiting for treatment of a slipped disc at Royal Prince Alfred hospital, and was then refused service because of his inability to pay, Gordon Briscoe and Shirley Smith decided that an alternative was necessary.⁷⁰ A meeting was called to establish a storefront health service along the lines of the legal service. Attended by Professor Fred Hollows, Dr Harry Freeman, Dr F. Gunseit and others, the cooperation of Aboriginal activists and concerned professionals saw the establishment of the Regent street health service, using a volunteer doctor, in June 1971.⁷¹

Unlike the American example, where separatism was rigidly adhered to,⁷² the methods used in organising these institutions incorporated the use of the White professional supporters who offered their services, but only in so far as this assisted the development of community organisations controlled

⁶⁹ Elizabeth M. Eggleston - "Aboriginal Legal Services" in RM Berndt (ed) Aborigines and Change: Australia in the 1970s, AIAS, Canberra, 1977.

⁷⁰ Shirley Smith, in Colin Tatz and Keith McConnochie(eds), op. cit., p.40.

⁷¹ Gary Foley - " A Political History of the Aboriginal Medical service, Redfern", unpublished ms., n.d.

⁷² Even during overt alliance with White American Marxist groups. (cf. C. Taylor - "Honkies for Huey?", Hons thesis, ANU, 1992.

by the Aboriginal people themselves. Gary Foley remembered these organisations as central to the politicisation of Aboriginal people, while Dennis Walker considered the linking together of community organisations an essential role for the Australian Black Panther Party.⁷³ The "survival" programmes acted to unite the community, and fostered political activity by setting an example of relative autonomy and considerable initiative.

The empowerment of Aboriginal members of the peak organisations and the creation of the "survival" programmes provided only one of a number of answers to the question of means. It remained for Aboriginal activists to decide upon the optimum method of realising the broader aims of a movement which increasingly looked to land rights as a necessary prerequisite for the amelioration of living conditions. Other methods considered ranged from the Australian Black Panthers' call to arms, to direct participation by Aboriginal people in the bureaucracy and democratic process.

The Australian Black Panther Party announced its foundation in 1972 as "a vanguard of all oppressed people", of whom "Aboriginals are the most oppressed".⁷⁴ There was no attempt made to conceal the derivation of the party's name; indeed, it may be pondered just how much the Australian Panthers played upon the sensationalised portrayal of armed Aboriginal guerillas which dominated the media coverage of the organisation. There may be some value to be gained in creating

⁷³ Gary Foley, interview, June 7th, 1991; The Australian, January 19th, 1972.

⁷⁴ Dennis Walker, quoted in The Australian, January 19th, 1972.

public awareness of a cause through media attention of any kind, no matter how condemnatory, if such attention rescues essential issues from obscurity. The tactics of the Panthers were perhaps partially aimed at the attainment of a media profile, making use of the very sensationalism which accompanied such coverage.

When Dennis Walker assumed the title of minister of defence of the Australian Black Panther Party in 1972, he told the press that:

At present we are studying the Firearms Act, but in Queensland the Government has us pretty well tied up on reserves Maybe the first time we could justify the use of arms would be if we could get some Aboriginal community to defend itself from police"⁷⁵

Rule number sixteen in the Black Panther Party's code of conduct noted that "All Panthers must learn to operate and service weapons correctly".⁷⁶ Walker emphasised that "the Black Panther Party is a defence group ... everyone has the right to defend themselves" in a society where "the police have guns".⁷⁷

Armed struggle was not, however, the main thrust of the Party's programme, a set of demands and proposals which was much broader than a mere recipe for insurrection. The Party featured an ideology which concentrated on the "freedom to choose our own destiny ... the freedom to live without harrassment by pigs ... retribution for every dispossessed victim of white land-grabbing and rape".⁷⁸ Another demand of the

⁷⁵ The Australian, January 19th, 1972.

⁷⁶ Ibid.

⁷⁷ ABC Newsreel, 1972 (uncatalogued, ABC Sydney, n.d.)

⁷⁸ Ward McNally - Goodbye Dreamtime, Nelson, Melbourne, 1983, p.p. 7-18.

party's programme was an end to all conscription for service in Vietnam, a "racist" war.

The use of violence was not essential to these demands. Walker's use of Marxist terminology and concepts in some statements implied an analysis of "what's going on around us right now ... the revolution of thought"⁷⁹ rather than a specific revolutionary programme relying on guerilla warfare.

Although violent struggle was a worldwide phenomenon, the use of weapons was, for the Australian Black Panthers, a negligible part of the "whole package".⁸⁰ Above all, the party was an organisation which attempted to bring together and promote the "survival" programmes mentioned above, draw attention to basic community problems of housing and health, and make political statements to protest government policies. Specific demands included land rights (defined by the party as freehold title to all reserves, missions, and settlements), compensation for other land expropriated by whites over the preceding years, an end to all discriminatory legislation, education programmes for White Australia to better understand Aboriginal culture, and an Aboriginal committee to replace the existing welfare system.⁸¹ In these stated aims there was great similarity to the demands of other Aboriginal activists, while the centrality of the Aboriginal determination of Aboriginal affairs had already become commonplace in the broader movement.

⁷⁹ Ward McNally - op. cit.

⁸⁰ Dennis Walker, interview, December 2nd, 1991.

⁸¹ Christine Jennett- op. cit., p 14.

The media, however, "seized on" the threat of violence in statements by the Panthers, to the extent that some sections of the press accused the party of "running guns to Gurindjis" (when, in fact, this small group lacked anything near the necessary finance for such a strategy).⁸² The rhetoric of violence which dominated the media coverage of the party represented only a part of the Panthers' programme. "Guns and armed struggle" were, in Dennis Walker's view, "peripheral" to the other demands of the party,⁸³ but the media sought the newsworthy rather than the background of continuing infant mortality and low standards of living.

At the same time, it should be remembered that the young activists who made up the membership of the Panthers took the entire party programme seriously.⁸⁴ Others, within the party and the broader movement, spoke in terms of violent direct action against the state. Walker and Foley were known for their talking of "running down the street killing a lot of people, start killing pigs, start blowing this and that up...".⁸⁵ There were those who thought "them days, get a gun and blow one ... (it's) the only way they'll listen".⁸⁶ Yet the call of the Panthers, and of other groups who organised with Black Power as their slogan, was not generally heeded as a call to arms. As Paul Coe put it, those who advocated violence "weren't going to carry it out".⁸⁷ Much of the rhetoric of uprising was, rather than a plan for a genuine armed

⁸² Dennis Walker, interview, December 2nd, 1991.

⁸³ *Ibid.*

⁸⁴ William Brady, interview, April 1992.

⁸⁵ Paul Coe in Colin Tatz and Keith McConnochie(eds), *op cit*, p110.

⁸⁶ Trevor Patten, interview, December 29th, 1991. (Patten identified with the Bunjalung people of Northern NSW.)

⁸⁷ Paul Coe in Colin Tatz and Keith McConnochie (eds), *op cit*, p 110.

insurrection at an organisational level, "more of a statement of being fed up" with material conditions, and discrimination under the Queensland Act.⁸⁸ The Australian Panthers represented an extreme of strategy, mentioned at times in 1969-1972 by Aboriginal people but never adopted in such a way as to fulfill the bloody possibilities of the American example.

There is no evidence in the history of race relations in Australia to suggest Aboriginal people are inherently more prone to violence than any other social group; in fact, the early history of the invasion of various areas of the continent shows the opposite to be true. Nevertheless, those individuals who saw violence as an option may, to a certain extent, have looked back to a tradition of violent struggle. As Kevin Gilbert suggested: "for many years we'd been keeping the bounds on violence, stopping any violent confrontation",⁸⁹ and that the time had come to release some of the accumulated pressure. According to Gilbert, the tradition of dispossession and claim to ownership were linked to an historical awareness that "White Australians wiped out whole families"⁹⁰ in the wars of the nineteenth century frontier, under the policies of the Protection era, and via the legal and economic constraints which still remained. Part of the Aboriginal stock of tradition included violent retaliation, so that in the modern period "no people are willing to stand by and see their rights, human rights, usurped or eroded and not do anything".⁹¹ For some Aboriginal activists, violence seemed to offer a solution

⁸⁸ Dennis Walker, op. cit.

⁸⁹ Kevin Gilbert, interview, May 1st, 1991.

⁹⁰ Ibid.

⁹¹ Kevin Gilbert, op. cit.

to the question of an appropriate means of action. At the same time, some of the interest in armed rebellion was perhaps reflecting the "culture of protest" which characterised so much of the Aboriginal lifestyle, wherein anything from alcoholic excess to petty crime may be seen as a form of individualistic, spontaneous social outcry.⁹²

The view of the exponents of the new activism amongst the wider Aboriginal community and movement was mixed. Some older Aboriginal people took immediate and intense dislike to the idea of Black Power, so that the younger activists were virtually ostracised. The media representation of the phenomenon was in part responsible. As Chicka Dixon put it:

We were talking about the power to control our own destiny ... they stereotyped us(as) a lot of black racists, terrorists ... ⁹³

This brought a reaction in which "even our own people" branded the advocates of Black power as trouble makers.⁹⁴ Some older members of the Aboriginal community "didn't know which way to go" on the issue,⁹⁵ while others had a "fear of authority" built on memories of the toll taken on their people in the earlier part of the century. The view of this older generation was described as:

they didn't like aggressiveness...their way was sitting down and discussing it, around a group of elders, any problem that came up ... not get up and wave flags, and fronting the government, of all people ... ⁹⁶

⁹² Leith Duncan - "Protest and Aborigines: An Initial View" in Don Edgar(ed.) Social Change in Australia, Cheshire, Melbourne, 1974.

⁹³ Chicka Dixon, op. cit.

⁹⁴ Ibid.

⁹⁵ Trevor Patten, op. cit.

⁹⁶ Pauline Gordon, interview, December 29th, 1991. (Pauline Gordon, from Bunjalung country in Northern NSW, was not politically active at the time.)

Oodgeroo Noonuccal, who had spoken for self-determination at the 1969 conference of FCAATSI from a more moderate point of view,⁹⁷ became a vocal critic of her son's⁹⁸ public statements as a Black Panther.

Rather than producing a factionalised movement from an already diverse group of people, however, differing opinions over the question of violence meshed to present white Australian society with a range of views on the issue. Within Aboriginal Australia, political activists continued to seek the appropriate means of making themselves heard over the decade prior to 1972.

One available course of action was to make use of the opportunities which were offered to Aboriginal people after 1967. Certain Aboriginal people were able to achieve a degree of power and notoriety within the mainstream political system during this period, and in their endeavours appeared as the conservative face of Aboriginal politics.

Charles Perkins, from his birth among the Arrernte people of the Northern Territory, through his displaced childhood and eventually in sporting and academic success, chose a career path which allowed him to seek change through bureaucratic channels. His involvement in the Freedom Rides gave him a public profile, while his association with the Foundation for Aboriginal Affairs provided contact with those advocates of Black

⁹⁷ Christine Jennett, *op. cit.*, p. 7.

⁹⁸ Dennis Walker

Power who, ten years younger than himself, adopted a very different approach.

After his appointment as a research officer to the Office of Aboriginal Affairs by Wentworth in 1969, Perkins tended on the whole to espouse reformist, gradualist solutions, and his controversial statements became, for a time, fewer: he was "finished with Freedom Rides".⁹⁹ Always prepared to listen to Aboriginal people, and having strong connections to the supporters of change in the ALP, by 1972 Perkins had chosen a method of achieving change through his participation in the bureaucracy. His was a rare story of personal success and a commitment to sweeping change which was less confrontationalist than that of the younger activists of the time.

Neville Bonner, born in northern NSW, had personally witnessed the oppressive nature of conditions on Palm Island in the 1950s, as well as having his own experiences of racism.¹⁰⁰ He concluded that optimum gains for Aboriginal people could best be made through participation in the Australian political system, using the opportunities available under the status quo. After a long period of involvement with the One People of Australia League (whose name indicated its support for assimilation, and Bonner's conservative political stance) and FCAATSI, Bonner accepted a Senate candidacy for the Liberal Party in 1970.

⁹⁹ Peter Read - Charles Perkins: A Biography, Viking, Ringwood, 1990, p.125.

¹⁰⁰ A. Burgess - Neville Bonner: A Biography, MacMillan, Melbourne, 1979, p.30.

Bonner believed that Aboriginal people should "prove themselves rather than bitterly demand rights and threaten confrontation."¹⁰¹ His aim was to "promote the image of my race", and in direct contrast to calls for self-determination and land rights, he adopted a view that "a man's ... political beliefs are his own concern".¹⁰² At the 1970 Easter Conference of FCAATSI, Paul Coe called Bonner a "Black Judas", and with Bonner's successful candidature for a casual Senate vacancy in 1971 he began a phase of his career which saw him consistently labelled as an "Uncle Tom" by the younger advocates of the movement, who criticised his membership of the Liberal Party and the Government, and his support for the Springbok Football tour of 1971. Bonner's approach represented the most conservative of a diversity of means of political activity, through association with the government of the day.

Aboriginal politics, centred increasingly on the land rights issue, was internally divided at generational and geographical levels, as well as along the personal cleavages described by Kevin Gilbert as "the bitchy world of Koori politics".¹⁰³ Distinct factions, however, did not emerge, and the debates within the movement were more concerned with methods than goals, with few prominent Aboriginal people expressing support for the assimilation policy. The various avenues of participation in the mainstream, alternative community organisation, the peak organisations, and the call to insurrection

101 A. Burgess, *op. cit.*, p.62.

102 *Ibid.*, p.64

103 Kevin Gilbert - Because A White Man'll Never Do It, Angus and Robertson, Sydney, 1973, p.139.

each attracted different Aboriginal people. They also influenced the methods of protest used on the numerous occasions in 1963-1972 where various forms of direct action, symbolic political statement, or appeal to international arbiters were undertaken.

Of the many forms of protest action available to Aboriginal activists, most were considered and tested in the nineteen-sixties and the first years of the seventies. The range of methods of protest undertaken by Aborigines may be seen in a survey of the major protest actions of the decade.

In early 1961 it was announced that Nabalco Pty. Ltd, a Swiss-Australian mining company, intended to establish a bauxite project at Gove. The mine and accompanying White workers' township of 1,000 were opposed by the local community. Assisted by the Methodist church at Yirrkala, the Aboriginal people of the area presented a bark petition to Federal Parliament requesting that the government prevent "arrangements ... with any company which will destroy the livelihood and independence of the Yirrkala people".¹⁰⁴ Nine years of protest, debate and litigation followed, as use of more established channels was added to this initial statement (incorporating a symbolic medium) on the claim to land tenure by the indigenous people. Petition communicated the demands of the Yirrkala people to the state and the dominant culture.

In the same year, protest action was adopted in a demonstration in Melbourne, where forty Aboriginal people and

¹⁰⁴ Hannah Middleton - But Now We Want The Land Back, New Age, Sydney, 1977, p.p. 111-123.

their White supporters were led by Doug Nicholls in a march through the city streets demanding that the Aboriginal cooperative farm at Lake Tyers remain in Aboriginal hands.¹⁰⁵ This was one of the first instances in the period where direct action through non-violent protest was made use of by Aboriginal people and their supporters.

The Freedom Rides, concerned mainly with civil rights and the extension of the franchise, used the American Civil Rights movements' idea of a protest travelling through known hotbeds of racism. In 1965, Charles Perkins, Jim Spigelman and Ted Noffs organised an Australian Freedom Ride, with support from various academics, students from Sydney University and Abschol, and the Australian Labor Party.¹⁰⁶ A bus carrying thirty protestors left Sydney for Western and Northern NSW to publicise, and protest against, discrimination in the country towns, using non-violent direct action at key places in these communities to draw attention to the problems of racism encountered by the Aboriginal population.

The methods adopted were to protest outside segregated premises (the Walgett RSL and Moree swimming pool) with placards. With the occasional supporting presence of local Aborigines, use was made of of civil disobedience and the discriminatory rules openly broken. The rolling demonstration was a success in attracting considerable national news coverage.

¹⁰⁵ Anon., *op. cit.*, p.81.

¹⁰⁶ Richard Broome, *op. cit.*, p.176.

The response of the local White residents brought violence into the demonstrations. In Moree, the opponents of the demonstration hurled a barrage of gravel at the protestors, and shouted threats and abuse. At Walgett, two local Whites pursued the bus in an attempt to run it off the road.¹⁰⁷ Racial tension and anger at a protest by a group of outsiders saw the non-violent methods of the Freedom Rides countered by violence. This was to recur many times as the land rights movement supplanted the civil rights movement, so that the violent rhetoric of Black Power (in later years) was given another pretext at a political level by the reactions of White Australians. This campaign restricted itself to the issues of the franchise and overt racism prior to the referendum; its methods of creative and non-violent direct action however, survived into later protests.

The Gurindji land rights campaign is often viewed as the authentic beginning of the land rights movement.¹⁰⁸ It was the Gurindji campaign which, partly through its methods, set the land rights issue on the political agenda of Aboriginal activists, and continued to act as a model until resolution of the issue nine years later.

The methods used by the Gurindji and fostered by their supporters were strike action (with a precedent on Wave Hill as early as 1955),¹⁰⁹ and direct action via the walk-off and

¹⁰⁷ Peter Read - op. cit., p.p 101-103.

¹⁰⁸ See, for example, Christine Jennett-"Aborigines, Land Rights and Mining" in EL Wheelwright and K Buckley (eds) Essays in the Political Economy of Australian Capitalism, Angus and Robertson, Sydney, 1983 ; Hannah Middleton, op. cit., p.p 124-125.

¹⁰⁹ Ewan Morris, op. cit.

establishment of a dwelling place at Dagu Ragu. The latter was non-violent, incorporating the rather blunt symbolism of actually "squatting" on the land claim. Such reappropriation of the land in question attracted the attention of Australian Marxists (notably Hannah Middleton and Frank Hardy) to what they saw as a popular seizure of the means of production. This direct approach also generated lasting media attention, the support of the Council for Aboriginal affairs, and a modicum of awareness in government circles. Other methods of protest associated with the Gurindji campaign were the use of petition,¹¹⁰ and of Hardy's published commentaries.¹¹¹ Although some strikers on Victoria River Downs were threatened with rifles in the early phase of the campaign,¹¹² the protest remained a creative, non-violent action over the nine years to 1975.

The protests of the sixties, and the ninety-percent "yes" vote in the referendum, were profound contributions to the increased expectations of Aboriginal Australians. The use of direct action through demonstration by Aboriginal people and their supporters grew in size and numbers in the nineteen-seventies. The year 1970 marked the bicentennial of Cook's visit to the continent, and there was an historical analysis amongst Aboriginal people which termed the event a celebration of the original act of "dispossession" and incursion by the British Empire.¹¹³ A large group of Aborigines

¹¹⁰ To the Governor General. (See Lorna Lippmann, *op. cit.*, p. 49)

¹¹¹ Hardy wrote newspaper articles as well as his 1968 account of the protest. (Frank Hardy - The Unlucky Australians, Thomas Nelson, Melbourne, 1968)

¹¹² Ewan Morris, *op. cit.*, p. 23.

¹¹³ National Koorier, Volume One, No. 14.

held a demonstration at La Perouse in April 1970, commemorating the invasion by wearing red headbands to represent the bloodshed of the years that followed.¹¹⁴ Wreaths were thrown into the water of Botany Bay as a gesture of mourning, and placards carried the names of traditional tribal groups who had been dispossessed or exterminated since the eighteenth century. "Land Rights" was a common slogan among the hundreds of assembled demonstrators.¹¹⁵ This protest was a direct counter to the festivities of White Australia in the bi-centennial year, and made use of symbolic non-violent action.

The following year saw even larger demonstrations in the streets of Brisbane. The November protest against the Queensland Act ended with the occupation of the relevant government offices by Dennis Walker and others. Throughout the demonstration, the chant of "Black Power" was used as a rallying cry. The use of non-violent action in the form of a street march was, however, marred by the actions of White opponents of this assertion of Aboriginal rights - Pastor Don Brady later found his car burned-out and painted with the signs and slogans of National Socialism.¹¹⁶

In Sydney, protest also occurred at this time. The Captain Cook Memorial was daubed with Black Power slogans in November, leading to outraged comments in the press.¹¹⁷ In

¹¹⁴ James Miller- Koori: A Will to Win, Angus and Robertson, Sydney, 1985, p. 194.

¹¹⁵ "The Black Australians", BBC documentary in the series "Man Alive", 1971.

¹¹⁶ The Courier Mail, December 21st, 1971.

¹¹⁷ Christine Jennett - Address to the 22nd Annual APSA Association, August 1980, p.17

December, a large demonstration was held outside the Foundation for Aboriginal Affairs in Redfern. The protest was aimed at an expression of solidarity with the criticism of the Queensland Act, and continuing police harassment in Redfern, and to demand the dismissal of the (non-Aboriginal) director of the Foundation. "Land rights" was a common slogan used by the demonstrators, appearing amidst other demands as a wholesale alternative to the government policies which Aboriginal activists held responsible for their people's position in Australian society.

Demonstrations also took place in support of Lionel Brockman ("the desert Houdini"), whose individual campaign of petty theft in outback Western Australia was widely publicised.¹¹⁸ Brockman, who had been refused welfare assistance, was considered a cultural hero and his personal struggle represented yet another form of protest action.

With the exception of armed insurrection, virtually every conceivable form of protest was tested in these years. In 1970, petition was combined with a new approach in Aboriginal representations to the United Nations. The Advancement League petitioned the Secretary-General of the UN, demanding land rights and compensation.¹¹⁹ Appeal for redress in the international forum was used on many occasions in the years that followed, and use of this legitimate tool of creating embarrassment for the government among other nations, whose treatment of their indigenous peoples was in many cases

¹¹⁸ Dr. Roberta B. Sykes - Black Majority, Hudson, Hawthorn, 1989, p. 92.

¹¹⁹ Fay Gale and Alison Brookman (eds), op. cit., p. 88.

exemplary, became an aim of much of the activity of the Aboriginal Embassy in 1972.

1971 was the UN Year Against Racism, and many Australians joined protests against the endorsement of discrimination by Australia's government in its hosting of the Springbok tour. Aboriginal activists saw an opportunity to make a gesture of support for another oppressed people, as well as to draw attention to the situation in Australia. Non-violent direct action was employed at the protest in Sydney in July, and was met with a violent response from White supporters of the Springbok tour, who grappled with police.¹²⁰ Aboriginal protestors were threatened and abused.¹²¹

In November 1971, a group of Aboriginal people engaged in non-violent direct action at Larrakia, blocking the road by means of a sit-in. Their demands included title to Kulaluk, a reserve threatened by developers.¹²² This protest showed the extent to which the new political consciousness had spread across Australia, making use of non-violent action to demand the return of specific areas of land. The use of protest action was not confined to the Eastern States, and in 1971 was being employed in several more remote areas - the Gurindji campaign continued, while further walk-offs occurred at Victoria River Downs in 1971-72.

¹²⁰ The Tribune, October 6th, 1971. The protests occurred in all capital cities. In Melbourne, nine people were injured (The Age, July 5th, 1971).

¹²¹ Bob Randall, op. cit.

¹²² The Tribune, November 17th, 1971.

Meanwhile, land rights had become established as a legal possibility. A protest action at Weebo in Western Australia, based largely on the issue of sacred site protection, was successful in 1969: five square kilometres were granted to the traditional owners.¹²³ In 1970 the Victorian Government gave freehold title to the residents of Lake Tyers, adding further acreage to the small amount of land made available in South Australia under the Act of 1966.¹²⁴

At the close of 1971, the headlining issue in Aboriginal Affairs was the Gove case. The legal challenge to Nabalco by the Yirrkala people had resulted in a judgement by Justice Blackburn, which upheld a "spiritual" connection between the people and the land, but found there to be no economic relationship which could validate the land claim.¹²⁵ A second petition was sent to the government - eight years after the bark petition - on May 6th, and stated that "we cannot be satisfied with anything less than the ownership of the land."¹²⁶ Gordon Briscoe considered that the case came as a "terrible blow" at a time when land rights was expected by many Aboriginal people. Paul Coe and Chicka Dixon began to make statements about sacred sites, and expressed another component of the demand for land rights.¹²⁷

After almost a decade of political activity, the ideological constructs of the movement were increasingly

¹²³ RM Berndt- "The Concept of Protest in an Australian Aboriginal Context" in RM Berndt (ed.) A Question of Choice, UWA Press, 1971, p. 38.

¹²⁴ The SA Act did not, however, involve freehold title.

¹²⁵ Fay Gale and Alison Brookman (eds), op. cit., p. 80.

¹²⁶ Ibid., p 83.

¹²⁷ Gordon Briscoe, op. cit.

becoming variations on the central theme of land rights. Diversity among various groups and individuals in Aboriginal Australia ensured that the shared belief in this goal of the return of land did not become a static ideology, and remained vague in its vision. A number of demands was gathered together under the rubric of the call for the return of land. Yet as an antithetical proposition contesting government policy, expressing in a new form a long tradition of dispossession, and offering an alternative to oppressive conditions, the idea of land rights was a powerful guiding notion for the young Aboriginal activists and the broader movement.

Appropriate means for the realisation of the goals of the movement were, by 1972, seen more as the various forms of direct action than any use of established reformist channels. Petitions, the lobbying activities of the peak organisations, legal challenge to the status quo, reliance on the power of the ballot box under the post-referendum constitutional changes, and participation in established bureaucratic and political processes were eclipsed by the use of direct action and demonstration, in street marches and symbolic acts. The "culture of protest",¹²⁸ a general feature of contemporary Aboriginal society, contributed to the popularity of direct action as, for those Aborigines who confronted authority on a daily basis, protest action held an appeal which more legitimate methods lacked.

The exogenous influence of Black Power, with its reliance on armed struggle as the optimum means of success, had

¹²⁸ See Leith Duncan "Protest and Aborigines: An Initial View" in Don Edgar (ed.) Social Change In Australia, Melbourne, 1974.

brought sweeping changes to Aboriginal activism and contributed greatly to the politicisation of the younger generation of Black Australians. Other extra-parliamentary methods, however, had become well-established by 1972, and although some activists continued to espouse violence there existed a wealth of experience in the land rights movement of creative, symbolic and non-violent action.

With a vague yet powerful set of ideas behind it, and carrying with it the experience of ten years of protest, the land rights movement manifested a comparatively well developed political consciousness. The way was clear for the delivery of the demand for redress to the very doorstep of government.

CHAPTER TWO: White Australian Attitudes and Government Policy, c.1960-1972.

In the decade of the transformation of Aboriginal politics, change also took place in the rest of Australian society, in the policies of the various political parties and the government, and in the attitudes of the supporters of Aboriginal activism. An examination of the different attitudes and relationship of various socio-political groupings to Aboriginal issues shows the way in which Australian society was divided over the central demands of Aboriginal activism in the early nineteen-seventies. The views of White Australians on Aboriginal issues ranged from outright racism, through endorsement of the government's policy of assimilation, to support for the new Aboriginal demands for land rights and self-determination.

Australian society featured both entrenched conservatism and a clamouring for social change at this time. Prevailing economic conditions provided comparative affluence for many Australians until c.1973, while opposition to Australian involvement in the Vietnam war, libertarian views on various social issues, and the politicisation of youth were features of the casting-off of over two decades of conservative government.¹ The Aboriginal demand for land rights emerged in the late nineteen-sixties as an antithetical proposition which directly challenged the policies of the government.

¹ The Menzies government had gained a much reduced majority in the elections of 1961; the Gorton government won by a narrow margin in 1969. (Russel Ward - A Nation for a Continent, Heinemann, Richmond, 1977, p. 443)

Racial politics, or the political relationship between White Australia and its indigenous minority, appeared to reflect the increasing social conscience of the nation in the overwhelming affirmation of change by the electorate at the referendum of 1967. At the same time, however, Australia continued to exhibit the racial chauvinism which had shown itself in numerous incidents across two centuries, such as the original invasion of the continent, the "White Australia Policy" (Immigration Restriction Act of 1901) and essentially racist ideology of the major political parties for much of the twentieth century.

Racism, best defined as a relationship between social groups which creates or reinforces social stratification,² and one which denies the validity of cultural differences, existed at all levels of Australian society in the nineteen-sixties and nineteen-seventies. The referendum posed questions which addressed the extension of the franchise and the transfer of Aboriginal affairs to the Federal government, issues which created little debate in a democratic system which already possessed a degree of centralisation in most other areas of government. It came, however, at a time before the upsurge of Black Power and before the major campaigns for land rights had drawn the attention of the media. Whereas prevailing assumptions about the nature of democracy made the enfranchisement of Aborigines an acceptable proposition, further demands for more essential, socio-economic rights were met with less sympathy. The existing Australian

² Sami Zubaida - Race and Racism, Tavistock, London, 1970, p.p. 1-12.

penchant for racist thought, still potent in the later twentieth century, formed a basis for some degree of backlash against Aboriginal people in the early 1970's.

Australian racism in this period is documented by statistical evidence, as well as by the more violent, physical indications of the phenomenon. A survey of various country towns in 1970 showed that fifty percent of White Australians in those towns had "no contact" with the Aboriginal people of their area. Some sixty percent of these White Australians made clear that their attitude to local Aborigines was unfavourable.³ It was the same racist viewpoint which brought counter-demonstrations in support of the Springbok tour in 1971, and discrimination based on the concept of race remained a theme in Australian social attitudes.

A number of socio-political groups, however, supported the demands of Aboriginal activists. Trade union support for Aboriginal land rights stemmed from the 1963 congress of the ACTU, which unanimously adopted a policy endorsing "the natural right of the Aboriginal people to enjoy a social and legal equality with other Australians" and that they be "entitled to special facilities for self-improvement".⁴ The assimilationist components of the policy were later rejected in favour of support of the indigenous people's aspirations to govern their own affairs. The working-class element of the Gurindji strike

³ Lorna Lippmann - "Aboriginal - White Attitudes" in FS Stevens (ed) Racism: The Australian Experience (Volume Two) ANZ Book Co., Sydney, 1972.

⁴ Lorna Lippmann - Words or Blows Penguin, Harmondsworth, 1973.

attracted the interest of White Australian members of the proletariat, notably members of the Waterside Workers Federation and Builders' Labourers Federation. Unionists made up a large percentage of those involved with FCAATSI.

There were various perceptions of the role of Aboriginal unionists current in the union movement - Chicka Dixon's experience of union support on the Sydney docks contrasts with the White domination of the Northern Australian Workers Union described by Frank Hardy.⁵ In many cases, however, the voice of those Aboriginal workers who were part of the politicised Aboriginal community was heeded, and by 1972 the call for Aboriginal land rights had gained considerable recognition amongst unionists.

The parties of the socialist left had a long history of interest in Aboriginal issues, the CPA having adopted a relatively progressive policy as early as 1923.⁶ The various groupings of the left were divided over the issues of class struggle versus indigenous peoples' struggle, and developed different views of Black Power (the CPA opted for support; others decried the notion of separatism). The land rights issue was characterised as a revolutionary demand for ownership of the means of production, and its potential as a basis for reform within the existing democratic structure was overlooked in the name of an agenda of sweeping change. The party papers carried features on

⁵ Chicka Dixon, interview, July 2nd, 1991; Frank Hardy - The Unlucky Australians, Thomas Nelson, Melbourne, 1968, p. 36.

⁶ In as much as it predated the extension of the franchise and relaxation of discriminatory laws. (CD Rowley - The Destruction of Aboriginal Society, ANU Press, Canberra, 1971.)

the various campaigns for land rights, on the material conditions of urban Aborigines, and on the Lionel Brockman phenomenon,⁷ as well as disseminating a large part of the Australian knowledge of US Black Power with articles concerning Angela Davis.⁸ The left acted as a generally supportive group, although the voice of Black activism became lost at times in the rhetoric of competing interpretations of Marxism, and invited criticism of "manipulation" by its opponents.

On the extreme right wing of Australian politics, overtly racist groups such as the National Socialist Party and League of Rights maintained the most extreme opposition to land rights. The Brisbane demonstrations of 1971 featured open brawls between Aboriginal demonstrators and counter-demonstrators who chanted "White power" as their slogan.⁹ Australian Nazis stood for the Senate in several states in 1970,¹⁰ and a radical racist right publication was one of the first to publish a picture of the Harold Thomas Aboriginal flag (plus a condemnation of all things Aboriginal) in 1971.¹¹ There was a vocal element of extreme racism present in Australian society.

Religious groups were also involved in Aboriginal affairs. Pastor Don Brady¹² was ostracised by his own

⁷ See Chapter One.

⁸ The Tribune; Direct Action, 1971. Davis was charged by the FBI with inciting a shoot-out in a US court in 1970.

⁹ The Courier Mail, December 21st, 1971; William Brady, interview, April 23rd, 1992.

¹⁰ Lorna Lippmann - Words or Blows, Penguin, Harmondsworth, 1973, p. 59.

¹¹ Untitled publication, lacking the name of its publishers.

¹² Brady, from Queensland, was an older member of the Aboriginal community.

church for his activism, but other churches, such as the Quakers, stood behind the emerging demands of Aboriginal people, endorsing land rights and Aboriginal control of Aboriginal organisations. Barrie Pittock,¹³ for instance, devoted several years to the promotion of what he saw (as early as 1967) as an indigenous peoples' movement. The Quakers, with their avowed pacifism and commitment to social justice, added a religious component to the body of White supporters of the land rights movement.

Student radicalism in Australian universities, and by 1972 in some Australian high schools, was a characteristic feature of the Australian education system. There had been demonstrations by groups of tertiary students over political issues as early as 1947,¹⁴ while the nineteen-fifties witnessed the growth of the Marxist intelligentsia despite political repression. In the nineteen-sixties an expanding system of liberal education, the economic boom and the influence of American anti-war politics produced a plethora of student groups concerned with national and international issues.

For some groups of students, the main issue was the imposition of conscription (from 1964); while for some organisations such as Students for a Democratic Society, the Draft Resisters' Union, and the left of the Monash Labor Club, a Marxist analysis of Australia's perceived belligerence brought opposition

¹³ Pittock was a non-Aboriginal and a Quaker, and was active in the advancement organisations.

¹⁴ C.A. Rootes - "The Development of Radical Student Movements and Their Sequelae" in Australian Journal of Politics and History, V. 134, No. 2, 1988 p.p.173 - 186.

to the entire Australian involvement in Vietnam. Although Australian campus politics never reached the incendiary extremes of the American universities, there was a commitment to direct action by students which, in some cases, involved violent as well as non-violent demonstrations. A range of influences, including Marx, Lenin, Mao, the Cuban revolution, alternative media anti-heroes such as Jerry Rubin and Abbie Hoffmann, and ideas of passive resistance drawn from Thoreau, Ghandi, and the American protest movement in the early 1960s, made an impact amongst students.¹⁵ Australia's own radical authors, such as Germaine Greer and Richard Neville, also encouraged the growth of student radicalism. Whether linked by membership of revolutionary socialist groups, or simply in sympathy with the campaign against conscription and the conflict in South East Asia, Australian students were, to an extent not seen before or since, politicised and vocal.

Other social issues were included on the eclectic agenda of student activism, and the Australian Freedom Rides initiated support of the Aboriginal movement as one of these areas of protest in 1965. The overwhelming bulk of student activity was concerned with protest against the Vietnam war, yet for many this was a "racist" war, and for some an action in

¹⁵ For the US influences see, for instance, David Z. Mairowitz - The Radical Soap Opera, Wildwood House, 1974, and contemporary volumes such as Jerry Rubin's Do It and We Are Everywhere, and Abbie Hoffmann's Woodstock Nation, 1970 (various publishers). Their Australian exposure is evident in publications such as The Review and the student press from various institutions. Similar Australian publications included, for instance, Richard Neville's Play Power.

defence of a similar imperialism to that experienced by Aboriginal people in the European incursion.¹⁶

The connection between the war and the status of the indigenous people - a relationship seen in prevailing attitudes to power, race and the rule of what Marxists called bourgeois capitalist legality - was obvious to certain young Australians, and support for land rights emerged in student organisations. Steven Padgham remembered the demand for land rights for Aborigines expressed on banners at the Australian National University's Orientation Week of 1968,¹⁷ while the idea of Black Power was far from alien to the vision of some students in that it implied a profound change in the social order. There seemed to many student activists a shared experience of oppression in the treatment of Aboriginal people and the pursuit of draft resisters, something which no doubt helped motivate and maintain the support of one minority group for another.

The moratorium against conscription within Australia and the war in Vietnam in general was supported by massive demonstrations in 1970 and 1971.¹⁸ By mid-1971, however, protest against conscription and the war in general had declined. "De-escalation" of Australian involvement was already part of the government's policy and, with the impending election, less of an issue which required direct action.¹⁹ The highly

¹⁶ Lorna Lippmann - *op. cit.* It should be noted, however, that a considerable number of Aborigines served in Vietnam.

¹⁷ Steven Padgham, interview, May 2nd, 1991. Padgham was an ANU student and draft resister in 1972.

¹⁸ See The Courier Mail, Sydney Morning Herald, July 1st, 1971.

¹⁹ That is to say, other than the maintenance of the draft resistance campaign as described in Michael E. Hamel-Green "The Resisters" (in Peter

politicised student population swung directly toward race relations as a field of political protest with the Springbok campaign, where students joined a broad-based campaign against South African domestic policy under the slogan "give racists no rest".²⁰ This added numbers to the existing student presence in Abschol, and led many younger Australians toward a consideration of race relations in their own nation. The prevailing search among students for a more peaceful and egalitarian society provided fertile ground for Aboriginal Australia's search for economic empowerment.

The means employed by this highly significant group in expressing its political message was at times violent, but more often relied on strength of numbers and symbolic action. The army buildings on the campus of the University of New England were burned in 1971 under mysterious circumstances;²¹ similar violence against government property occurred in Adelaide, while on the streets there was violent confrontation at the second moratorium march (1970) and at the Springbok venues.²² At the same time, many demonstrators were committed to pacifism - there was a belief that creative, symbolic and non-violent action was more effective than violence.²³ Violent tactics were more the exception than the commonplace in the

King, ed., Australia's Vietnam, Sydney, 1983), and protests against US bombing which continued under the Whitlam government.

²⁰ Woroni, June 10th 1971.

²¹ Russel Ward - op. cit., p.381.

²² See, for instance, The Sydney Morning Herald, July 7th, 1971.

²³ Although discussed at meetings of student activists, no definitive statement on this issue emerged (Richard Refshauge, interview, April 18th, 1991. Refshauge was president of the ANU SRC in 1972.). The course of the major demonstrations of the era bears testimony to the broad acceptance of elements of this method of protest.

major demonstrations of the late 1960's and early 1970's, bearing a definite contrast to the rise of the Weather People and other guerilla cliques in the U.S.A.²⁴

The year 1972 was the year of the Little Red Schoolbook, a paeon to subversive and rebellious action which gained its greatest publicity from government censorship, but whose currency at the time illustrates the search by Australian youth for sweeping socio-political change.²⁵ Such dissatisfaction with the status quo of a nation at war, and alienation from the value system of Australian society, became translated into involvement with a range of issues. Active support for Aboriginal people in their struggle for land rights, a supportiveness based on a common perception of the oppressive nature of Australian society as much as on political ideologies of egalitarianism, was only one of these avenues of political expression.

The anti-conscription moratorium undoubtedly contributed to the politicisation of many White Australians. As Richard Refshauge put it, "many of us knew people who had been killed in Vietnam", and the universal threat of the draft for young Australians linked students to contemporary politics.²⁶ Although Aboriginal land rights was treated as a separate issue to the Vietnam war,²⁷ the moratorium produced a questioning of the

²⁴ See, for instance, David Zane Mairowitz, op. cit., p. 259.

²⁵ See The Review, April, 1972.

²⁶ Richard Refshauge, op. cit.

²⁷ Richard Refshauge, op. cit.; Steven Padgham, op. cit. (This was also the view of Aboriginal activists such as Gary Foley.)

social order, and thus made possible the support of White Australians for the demands of Aboriginal activists.²⁸

A number of Australian academics wrote prolifically on Aboriginal issues in the late nineteen-sixties, and elaborated upon a new topic for scholarly debate. The foundation of the Australian Institute for Aboriginal Studies in 1961 marked the start of a new era in the study of Aboriginal culture and society.

Anthropological work on Australian Aboriginal societies was as old as the discipline itself. In the 1960's, however, new interpretations of the relative value of different cultures and the rights of indigenous people began to gain credence in university Anthropology departments. The publication of works like Sahlins' Stone Age Economics²⁹ challenged many assumptions of the inferiority of tribal lifestyles, while the work of Marxist anthropologists brought into vogue considerations of the nature of imperialism and colonialism. Works on Australian Aborigines by R.M. and C. Berndt, W.E.H. Stanner and others increased knowledge of more traditional aspects of Aboriginal society,³⁰ while there was a new demand for relevance to the issue in university courses

²⁸ The beginning of the Australian alternative/rural communities movement in the early seventies was an outgrowth of such questioning (see, for instance, Margaret Smith and David Crossley (eds) - The Way Out: Radical Alternatives in Australia, Landsdowne, Melbourne, 1974.) Other, more cultural changes which took place at this time were, similarly, not the direct result of the war or the moratorium, but occurred in a milieu dominated by that conflict.

²⁹ Marshall Sahlins- Stone Age Economics, Aldine-Atherton, Chicago, 1972.

³⁰ WEH Stanner's After the Dreaming was the Boyer Lecture for 1968 (ABC, Sydney, 1969); CD Rowley's The Destruction of Aboriginal Society (ANU Press, Canberra) appeared in 1970, and the trilogy was completed the following year.

amongst students.³¹ The latter, including the demand for Aboriginal studies programmes, met with some resistance from academics who felt that "distance" should be maintained between academia and contemporary political issues,³² but by 1972 Aboriginal studies was established as a legitimate academic inquiry.

La Nauze called Aboriginal history a "melancholy anthropological footnote" in 1959.³³ By 1972 a "qualitative historical revolution" had occurred, to the extent where "publishers fell over each other in the rush for historians, sociologists and almost anyone who could deliver a marketable manuscript".³⁴ Many works which appeared in this period sought to make an immediate impact on their readership, describing with urgency and emotion the living conditions and political aspirations of Aboriginal people. Both the scholarly studies of the time and their more polemical counterparts acted to bring about increasing awareness of the issue of Aboriginal rights, in academic circles as well as amongst the broader Australian public.

Contemporary literature, responding in part to Aboriginal activism, included the discussion of the principle of land rights with reference to examples from overseas. Lippmann included in her work a consideration of the New Zealand treaty of Waitangi (1850) and US Indian Claims commission (1946). She

³¹ Dr Doug Miles, interview, June 24th, 1991.(Miles was a university lecturer in 1972.)

³² *Ibid.*

³³ Peter Biskup - "Aboriginal History" in G. Osborne and W. Mandle(eds) New History: Studying Australia Today. Allen and Unwin, Sydney, 1982, p. 11.

³⁴ Peter Biskup, op. cit., p. 2.

presented the Maori Land Corporations in contrast to the lack of any legally recognised body of traditional owners in Australia, while the Arizona Indians' development of tribal agriculture was noted as giving self-determination to this indigenous group.³⁵ Barrie Pittock's articles and pamphlets on Aboriginal land rights considered historical precedents from the sixteenth century,³⁶ and contemporary international developments. Pittock noted the Canadian recognition of indigenous freehold ownership of land not previously ceded to Europeans, and the US payment of 800 million dollars in compensation for Indian land by 1945.³⁷ He also drew to attention the substantial history of European ideas of Australian Aboriginal rights to land. Cook's instructions to take possession of the continent were noted as having stressed that this was to be with the "consent of the natives", and the origins of the legal concept of Terra Nullius were brought into question for the first time in recent history.

Pittock also traced the history of land rights legislation in South Australia, from the Select Committee and Letters Patent of the 1830s to the Land Trust Act of 1966 which provided the first small area of leasehold title to be returned to Aborigines.³⁸ Such writings provided a basis for research and debate on the emerging Aboriginal demand for land rights. Their

³⁵ Lorna Lippmann - op. cit., p.p.64-71.

³⁶ The "moral" views of de Las Casas on the treatment of the Peruvian Indians by the conquistadors was accepted by the Spanish ruler in a colonialism "without any prejudice to the Indians". Land usurped during the conquest was restored to the indigenous people. (A. Barrie Pittock - "Aboriginal Land Rights" in F. S. Stevens(ed), op. cit., p. 189.

³⁷ A. Barrie Pittock - "Aboriginal Land Rights" in F.S. Stevens (ed.), op. cit., p. 189.

³⁸ Ibid.

legalistic approach directly challenged the findings in the Gove case of 1971, and questioned the philosophical underpinnings of the Assimilation policy. The generalisations concerning the legal status of Aboriginal claims to land made no distinction between the more traditional groups and the Aborigines of the Eastern States, and implied the validity of the return of land on an Australia-wide scale. Although it is uncertain to what extent these publications generated support for Aboriginal activism, no major literary challenges to the pro-land rights position of the authors were published at the time.

The Australian media was in many ways forced to provide coverage of Aboriginal issues due to the use of direct action by Blacks, and the emergence of new ideas and demands.³⁹. This coverage brought Aboriginal affairs into the homes of White Australians as never before, so that no Australian with access to electronic media or the press could legitimately claim ignorance of the Aboriginal political resurgence of the period.

The nexus between those White Australians who were in active support of the Aboriginal rights movement and Aboriginal activism lay with the advancement organisations until the late nineteen-sixties; this later changed to an exclusively supportive role for Whites as self-determination and direct action became the focus of Aboriginal politics. The splits in FCAATSI and the VAAL and subsequent eclipse of White membership in these groups were the direct result of the adaption by Aboriginal people

³⁹ See Chapter One.

of Black Power and a self-determining political organisation. Certain White supporters, such as Barrie Pittock, were eager to comply with the demand for Black control, partly due to an appreciation of the empowering effect of such re-organisation, but also because the absence of Europeans tended to silence criticisms that "stirrers and manipulators" (usually "communists") conspired to run these organisations.⁴⁰

Other White Australians were alienated by the prospect of violence, or took umbrage at being told that they were irrelevant to the movement, but were unable to convince a clear majority of members of the organisations of their value as a White executive. The transition to Aboriginal control of Aboriginal activism meant that those who did become involved in a supportive role could no longer dominate the peak organisations, and their only avenue for accepted expression of solidarity with Aboriginal Australia was through participation in politics, both within and outside the democratic system, rather than through advancement organisations which had been categorised as paternalistic by Aboriginal activists.⁴¹

An issue of great importance to Aboriginal people was addressed by State governments in the 1960s and 1970s: protection of sacred sites and archaeological remains. The first legislation in the field was in the Northern Territory (Native and Historical Objects and Areas Preservation Act, 1955-1960). This applied only to reserves and crown land, and although

⁴⁰ Christine Jennett - "Aboriginal Black Power and the Land Rights Movement of the 1970s", Address to the 22nd Conference of the APSA, ANU, August 1980.

⁴¹ Reports and Proceedings of the 11th Annual Conference of FCAATSI, Easter 1970. (See also chapter one.)

section nine of the Act allowed rangers to protect "ceremonial, burial or initiation" sites in any area, very few sites had been set aside for preservation by 1972, while those that had been were administered by government agencies rather than by their traditional custodians.⁴² Other states, such as Queensland, legislated to protect only artefacts. Western Australia, under the Heritage Act of 1972, assumed ownership of all known and unrecorded Aboriginal sites, but once again the involvement of the Aboriginal people was minimal. From the time of the Gove judgement, Aboriginal people's interest in the preservation and return of their material culture and sacred sites was given public expression;⁴³ although the attitude of the State governments nevertheless lagged behind the new idea of Aboriginal management of Aboriginal affairs, such legislation began to provide another precedent for the extension of land rights.

On-going campaigns like the Gurindji and Gove disputes attracted support for Aboriginal land rights amongst unionists, academics, and sections of the media. The major issues of the period, meanwhile, heralded a different response to Aboriginal demands from the major political parties, the bureaucracy and the government.

The Australian Labor Party based its policy on the ILO convention of 1957. This document, to which Australia was a signatory, guaranteed "general rights of citizenship without

⁴² Graeme K. Ward - "Archaeology and Legislation in Australia" in Graham Connah (ed.) Australian Field Archaeology: A Guide to Techniques, AIAS, 1983, p. 21.

⁴³ By Paul Coe, Chicka Dixon and Harry Penrith (Burnum Burnum). (Gordon Briscoe, interview, May 22nd, 1991).

discrimination" to indigenous and tribal populations.⁴⁴ Constant criticism of government policy was made by the parliamentary party (notably by Whitlam and Enderby) over issues such as the implementation of the convention, the Gurindji land claim and the Aboriginal Advancement League's petition to the United Nations.⁴⁵ Many party members had, until 1970, involved themselves in support of the advancement organisations.

Within the party, there were a range of viewpoints on the land rights issue. This factionalism reflected the emergence of a new demand by Aboriginal activists; it took a number of years for a coherent policy on land rights to emerge. The personal commitment of figures such as Gordon Bryant and Manfred Cross ensured a place for Aboriginal issues on the agenda of the party. The participation of Jim Cairns in a fast for land rights and compensation at a Sydney church in December 1970⁴⁶ indicated the existence of a section of the ALP which held even more accommodating views of the demand for land rights, although a public expression of such broad policy did not occur until the events of 1972 had made their impression on the party and Australian politics.

The Liberal-Country Party coalition government continued to follow principles stemming from the original policy of assimilation adopted by the Federal Government in April

⁴⁴ International Labour Organisation Convention No. 107, quoted in E.G. Whitlam- The Whitlam Government, 1972-1975, Viking, Ringwood, 1985.

⁴⁵ See for instance Commonwealth Parliamentary Debates of the 27th Parliament, House of Representatives, April 27th, 1971, vol 72, p. 2122.

⁴⁶ Fay Gale and Alison Brookman (eds) op. cit., p.p. 88-89.

1937.⁴⁷ The stated aim of the policy was the absorption of the Aboriginal people into Australian society, where they would be thought of "not as another race but as fellow Australians".⁴⁸ In practice, this meant an attempt to enforce the Europeanisation of the Aboriginal people. Tradition, self-identity and Aboriginality, the complex and vital ties of kinship and land, and other cultural considerations which made the Aboriginal people a distinct group were regarded as obstacles to this process. The Assimilation policy was designed to quash the "separateness" of the indigenous people,⁴⁹ and bring an end to cultural continuities which were seen as impediments to the participation of Aborigines in Australian society.

Due to the requirements of section Fifty-One of the constitution, which placed Aboriginal affairs in the hands of State governments, legislation under the policy differed throughout Australia. Forced relocation of children, enforcement of the system of identity cards permitting entry to licensed premises in N.S.W., and a harsh regime of control under the managers of the remaining reserves, were examples of these policies. It was partly as a response to this that Aboriginal activists and their White supporters adopted demands for self-determination and land rights in the latter part of the nineteen-sixties,⁵⁰ so that what can only be described as a clash of opposing ideologies emerged by 1972. The assimilation policy, in its final years, was faced with antithetical propositions from the people it

⁴⁷ This policy replaced previous regimes of segregation and "protection" in the States (Sir Paul Hasluck - Shades of Darkness, Melbourne UP, 1988)

⁴⁸ Ibid., p. 22.

⁴⁹ Sir Paul Hasluck, op. cit., p. 22.

⁵⁰ See Chapter One.

tried to efface from the cultural map. The ideology implicit in assimilationism, however well intentioned it may have been with regard to the improvement of material conditions as the government saw them, was one which assumed the "backwardness" of the indigenous people and denied any regard for cultural relativism or the aspirations of the people concerned. The conflict between the emerging land rights movement and the policies of the state served to encourage, if not necessitate, protest by Aboriginal Australians.

The referendum of 1967 introduced a new phase in the administration of Aboriginal affairs. It involved the alteration of two sections of the constitution: section Fifty-One (xxvi) which allowed the Federal Parliament to make laws for "the people of any race, other than the Aboriginal people, in any state, for whom it is necessary to make special laws"; and section 127, which stated that "in reckoning the numbers of the people of the Commonwealth ... Aboriginal natives shall not be counted".⁵¹

The administrative changes which followed were an attempt to introduce Federal control. WC Wentworth, who had a long and genuine interest in Aboriginal issues,⁵² headed a Federal department whose responsibilities included tourism, Aborigines, the arts and the environment. In September 1967, Holt announced the creation of an advisory body, known as the Council for Aboriginal Affairs. Attached to the Prime Minister's Department, the Council was concerned with policy options and

⁵¹ E. G. Whitlam, *op. cit.*

⁵² Manfred Cross, interview, December 2nd, 1991. Cross, from Brisbane, had been an ALP member since 1961, and maintained an interest in Aboriginal affairs.

Federal/State relations in the new context of Federal powers over legislation relating to Aborigines. The administration of Aboriginal Affairs revolved around these institutions over the years to 1972, and was characterised by constant friction between the Council (with its administrative section, the Office of Aboriginal Affairs) and the minister for Environment, the Arts and Aborigines. Similar tension existed between the Council and the Department of the Interior, whose jurisdiction included (from 1970) several areas chosen for the return of Aboriginal land in the Northern Territory and whose successive ministers were Country Party members with a large rural land-owning constituency. The various views on the demand for land rights, and other issues, which emerged from these factions of the government and bureaucracy showed "profound philosophical differences",⁵³ and over the years prior to 1972 the government bodies involved in Aboriginal Affairs became entangled in constant internal dispute.

In 1972 the basis of the departmental policy remained a form of assimilation. Modifications were made to the original Assimilation policy, for instance the change from the statement that Aboriginal people "are expected" to adopt "the same" lifestyle as other Australians, to a policy stating that Aborigines "will choose" a "similar" lifestyle.⁵⁴ The easing of some restrictions, for example that of the forced removal of Aboriginal children from their parents in 1969,⁵⁵ nevertheless left the

⁵³ HC Coombs - Kulinma, ANU press, Canberra, 1978, p. 6.

⁵⁴ Native Welfare Conference of Commonwealth and State Ministers, 1961 and 1965, in Fay Gale and Alison Brookman(eds) Race Relations in Australia, McGraw-Hill, Sydney 1975, p.p. 71-72.

⁵⁵ In NSW. New legislation in other States brought similar improvements in the 1960s.

principles of the policy intact as an ideological justification for enforced and complete acculturation.

Meanwhile, the coalition parties' pre-occupation with the rights and powers of the State governments⁵⁶ ensured that, although the Assimilation policy was designed to eliminate discriminatory legislation in all areas,⁵⁷ the powers conceded to the Commonwealth by the referendum were never effectively used. Gough Whitlam, leader of the ALP from 1967, considered that "by 1971 or 1972 people were concerned that the Federal government hadn't asked the Federal Parliament to make any new laws ... which it couldn't have done before the referendum was carried."⁵⁸ This led to a "very deep sense of disappointment and exasperation that the referendum hadn't been allowed to make any difference",⁵⁹ while the government continued to endorse, by inaction, the various State laws such as the highly discriminatory Queensland Act.

Government policy was unable to encompass the new ideology of land rights. Despite its lack of detailed proposals, the land rights demand posed by Aboriginal activists was an alternative to the prevalent system in its entirety, and incompatible with notions of a cultural homogeneity imposed by White Australia. Wentworth was interested in ameliorating what he accepted as material hardship, and to talk of benefits in the

⁵⁶ The Labor Party had recommended greater centralism at Federation, and remained the advocate of diminished State powers and responsibilities (Russel Ward, *op. cit.*). Labor policy included the amendment of the constitution to place Aboriginal affairs under Federal control from 1959.

⁵⁷ Fay Gale and Alison Brookman, *op. cit.*, p. 59.

⁵⁸ E. G. Whitlam, interview, July 12th, 1991.

⁵⁹ *Ibid.*

area of self-determination, but refused to alter the goal of policy-making from assimilation.⁶⁰ Peter Howson, who succeeded him as minister in May 1971 continued to apply the diluted Assimilation policy, and wrote that "generally on education and health ... we are going fairly well".⁶¹ Howson attempted to curb the influence of the Council for Aboriginal Affairs on government policy, while successive Ministers for the Interior (Peter Nixon, followed by Ralph Hunt in 1971) held similar views on land rights and assimilation.⁶²

The Council for Aboriginal affairs was established by Holt as a "think tank" for government policy on Aborigines. It was composed of three advisors: Barrie Dexter, H.C. ("Nuggett") Coombs, and W.E.H. Stanner.⁶³ The charter of the Council was entirely advisory in nature, while the Office of Aboriginal Affairs enacted decisions made by the associated departments.

The attitude of the Council was, throughout the period from its inception to 1972, one which bore some similarity to the new demands of the land rights movement. There was general agreement among the three members that "the established doctrine of Assimilation" was an inappropriate policy, and that Aboriginal people should be permitted to "build on

⁶⁰ W.C. Wentworth, interviewed in "The Black Australians", BBC film in the series "Man Alive", 1971.

⁶¹ Peter Howson - The Life of Politics, Viking, Ringwood, 1984, p. 752.

⁶² Hunt's view was that "The Government of the day considered that recognising a legal right to land on the basis of Aboriginal affinity with the land could lead to uncertainty and possible challenge to land titles in Australia" (Ralph Hunt - "Reflections on the Aboriginal "Tent Embassies", unpublished ms., n.d.)

⁶³ For the background of these figures see H.C. Coombs, op. cit., p. 4.

remnants of their own culture ... to maintain a separate and distinct social and racial identity", just as many Aboriginal people themselves expressed their aspirations in the language of self-determination and land rights. Coombs, the chair of the Council, wrote several years later that:

urban as well as traditional contacts convinced Council that many Aborigines were far from eager to be assimilated into white society and firmly believed that the option of a distinctive Aboriginal society within a pluralist Australian society should be open to them.⁶⁴

The Council was not ignorant of the views of the younger generation of activists and, although reticent on demands such as compensation and land rights in urban areas, had responded to the land rights movement to the extent of envisioning an Australia-wide return of land to the indigenous people.

Considering that the Council was not in any way representative of Aboriginal people, that it gained its knowledge from observation and negotiation rather than any direct contact with the land rights movement, and was a part of the government bureaucracy under conservative control, it is surprising that such a similarity existed between its policy and the broad ideology of land rights current amongst Aboriginal activists. Its policies, with their accommodation of basic demands of the new movement, appeared to offer a possible resolution to growing confrontation through established means.

The Council for Aboriginal Affairs was, however, unable to facilitate a possible dialogue between the government and Aboriginal Australia, and although it tried consistently to

⁶⁴ HC Coombs, *op. cit.*, p. 8.

overturn the Assimilation policy and establish a form of land rights, these efforts were blocked by the government's disdain for multi-culturalism or any divergence from a single Australian society. The government experienced similar difficulties and dissatisfaction, and viewed the Council as undermining its policy.⁶⁵ Barrie Dexter remembered his attempt to work with the Gorton and McMahon governments as an experience in being "pushed off until we were advising nobody."⁶⁶ There was considerable frustration in the Office of Aboriginal Affairs, where as one employee put it "we could only do what we could do",⁶⁷ something which often amounted to nil.

Only a few months were allowed for the establishment of the Office and the Council, and a demanding workload followed. With the disappearance of Holt, prime ministerial sympathy lapsed as neither Gorton nor McMahon (in a position of direct contact with the Council) had any outstanding personal interest in Aboriginal issues. The ministers for the Interior were seen by Council as a direct threat to the success of their policies, and were remembered as "the enemy, as it were ... [p]olicy battles were fought between the Council and Office and Interior, and between our minister and Interior" over "some form of title" for Aborigines over their land. Because of the antithetical nature of the land rights proposition, and due to the government's

⁶⁵ Peter Howson, *op. cit.*

⁶⁶ Barrie Dexter, interview, August 18th, 1991.

⁶⁷ Kevin Martin, interview, August 12th, 1991. Martin worked for the Office of Aboriginal Affairs in 1972.

reliance on the idea of assimilation, "land rights was the principal problem".⁶⁸

In the opinion of the members of the Office, the call for land rights was concerned with the more traditional areas, as it was the Aboriginal people of the North and Centre with whom the bureaucracy had the most interaction.⁶⁹ The Council, however, advocated a much broader interpretation of the idea of land rights, and this included the Eastern States. Like the Aboriginal activists themselves, however, the members of Council failed to make clear the detail of a programme for the return of land to the indigenous people, leaving the questions of land rights in urban areas,⁷⁰ in rural areas other than on mission or reserve land, and compensation and implementation, in uncertainty. Nevertheless, the position of this part of the bureaucracy was clearly closer to that of Aboriginal activists than to the diametrically opposed ideology of assimilation.

The main opposition to the Council came from the two departments involved with Aborigines. Howson's diary entries on the Council portrayed the advisory body as little more than a nuisance - he saw Coombs as "good on ideas but rather short on administration",⁷¹ and ignored his advice. The ministers concerned viewed the Council as an impediment to their policy. Ralph Hunt remembered a "testy" relationship with the advisory body, arising because it "pushed the concept of granting land

⁶⁸ Jerry Long, interview, October 15th, 1991. Long worked for the Office of Aboriginal Affairs in 1972.

⁶⁹ Ibid.

⁷⁰ A demand of the Embassy (See Chapter Three).

⁷¹ Peter Howson, op. cit., p.p. 733-741.

rights" and opposed the Assimilation policy.⁷² Internal wrangling and philosophical differences thus characterised Aboriginal affairs at this time, and stood as an example of the general disunity of the McMahon administration.

The Council remained in a frustrating position - it had urged government consideration of the general principle of indigenous title since 1968 (focussed on the remote areas, but open to the inclusion of other areas), but with little success. By 1971, government policy-making was showing signs of internal strain, and the reports of the committees of enquiry of the time (the Gibb Commission of 1970,⁷³ and the inter-departmental committee of the following year) showed that land rights was an issue too important for the government to ignore, but one which brought firm opposition from within that government.

The Commonwealth Capital Fund, created in 1968 to encourage Aboriginal business ventures in the Northern Territory was largely an example of the administration's means of achieving assimilation. The fund backed employment creation schemes, with grants to contractors in the fishing, pastoral, building and retail industries, making available training and employment for Aborigines. Ralph Hunt remembered that this was a promising scheme, and considered that it was "a shocking mistake" for subsequent policy to abandon it. In fact, the scheme

⁷² Ralph Hunt, interview, October 16th, 1991.

⁷³ See "The Report of the Committee to Review the Situation of Aborigines on Pastoral Properties in the Northern Territory", December 1971.

had a thirty percent failure rate,⁷⁴ and despite a genuine aim of improving conditions the scheme took no account of the cultural identity of Aboriginal people, and criticised their "unwillingness or inability to accept guidance". The Capital Fund was an example of policy which, orientated towards involving Aboriginal people in the business activities of the rest of Australia, failed to appreciate the aspirations of many Aboriginal people, or to heed the advice of the Council. Meanwhile, despite the obvious deficiencies in health, housing and education, total government spending on Aboriginal affairs decreased in the years 1971-1972.⁷⁵

From 1970, the government struggled to find a coherent policy, and to make assimilation workable. As Minister for the Interior, Peter Nixon appointed a committee of inquiry into Northern Territory cattle stations. The Gibb committee was told to work within the parameters of existing policy. There was an inherent contradiction in the guidelines of the investigation, which considered the possibility of self-sufficient and traditional land use, but only through "sub-lease or excision":⁷⁶ elements of the general ideology of land rights remained tied to European concepts of rightful ownership and a distrust of the concept of cultural and economic pluralism.

For the government, this was perhaps necessary reasoning, as the idea of land rights threatened established legal principles. The plaintiff's representations in the Gove case posed

⁷⁴ "Fourth Annual Report of the Commonwealth Capital Fund for Aboriginal Enterprises", Commonwealth Parliamentary Papers (1972), Volume One.

⁷⁵ Stewart Harris - This is Our Land ANU Press, 1972.

⁷⁶ HC Coombs - op. cit., p.167.

an alternative to accepted Australian property relations, to the Assimilation policy, and to economic development. The idea of Land rights had, as Hunt put it "no resemblance to title laws in this country", and meant "one law of land title for Aboriginal people and another for the rest of the community".⁷⁷ At a level of political ideology, creation of special title for Aborigines was tantamount to the acceptance of the autonomy of that group within the nation. This raised the issue of indigenous people's enclaves within Australia, anathema to the ideals of Australian conservatism.

In 1971 a second major enquiry, this time an interdepartmental and ministerial committee, was established. Land rights, in the wake of the Blackburn decision on Gove, was part of the terms of reference of the committee.⁷⁸ McMahon had to a certain extent already affirmed the idea of traditional association as a validation for land rights; ⁷⁹ Howson, as the new minister, was quick to argue that there were "problems" with such a policy, which was not the "election winner" the Prime Minister thought it was.⁸⁰ Lennox Hewitt and the Department of Interior joined Howson in opposition to the Council's recommendations throughout the course of the enquiry. The report of the interdepartmental study (of which Coombs was a member) was, however, able to present findings which stressed support for the Yirrkala claim to royalties, leasehold ownership of reserves with

⁷⁷ Ralph Hunt, interview, October 16th 1991.

⁷⁸ HC Coombs, op. cit., p.171.

⁷⁹ In his statement in Cairns on sacred site preservation and endorsement of cultural differences (HC Coombs, op. cit.).

⁸⁰ Peter Howson - op. cit., p.92.

which Aboriginal people had established traditional ties, and (by far the most radical proposal, and one which answered the essential demand from the popular movement) "provision of funds to buy land outside the reserves in the States and the Northern Territory."⁸¹

When the submissions of the ministerial committee were made in 1971, these basic propositions were overturned by the government. Yirrkala people were to receive only ten percent of the bauxite royalties, and although some five million dollars was allocated to the purchase of land, traditional ownership was not to be regarded as reason for renewed tenure.⁸² The reference to the areas outside more traditional regions, noted by Dexter, was lost in the annulment of the principle of traditional association as grounds for title.

Dexter regarded the government's response to the ministerial committee as "disastrous", Coombs called the decisions "a reassertion of the status quo", and the Council considered resignation. Coombs protested vigorously against the decision until the end of the year. Council informed the government that its three members could not subscribe to the findings of the committee, and continued to stress that:

All Australian history demonstrates that to break the relationship between the Aboriginal and the land is to destroy him and his traditions and culture.⁸³

McMahon, to whom Coombs had some access, continued to hold a vague belief in the concept of traditional

⁸¹ Barrie Dexter, unpublished ms., n.d.; HC Coombs, op. cit., p.172.

⁸² HC Coombs, op. cit., p.172

⁸³ HC Coombs, op. cit., p.9.

association: his own statement in Cairns in late 1971 showed a degree of sympathy for the idea. The Prime Minister remained, however, unwilling to make more than superficial changes to the committee's decision, and recommended that a paragraph be added to the findings which would make possible leasehold on areas with which Aboriginal people had a "long association".⁸⁴ When the committee met again in December it agreed that leases would be granted in the Northern Territory if "the intention and ability to make reasonable use of the area for economic and social purposes" could be demonstrated to the NT Land Board.⁸⁵ The Council had failed in its first objective of securing land rights in the more traditional areas, and thus in its broader goal of restoring land to the rest of Aboriginal Australia.

McMahon, aware of the public interest in the issue, and confident that a satisfactory policy had been prepared, chose Australia Day 1972 as the time for its announcement. Council tried to prevent the public utterance of such "niggardly policies as those now adopted" on "the anniversary of the beginning of the dispossession of the Aboriginals",⁸⁶ but with no success.

The Government statement of January twenty-sixth, 1972, began by asserting that the government's enquiries had "been carried out with a keen awareness of the deep affinity between Aboriginal people and the land", and announced that:

⁸⁴ *Ibid.*, p. 173. Presumably this meant long association post-1788.

⁸⁵ Barrie Dexter, *op. cit.*, p. 16. The most important side-effect of this was that there were no further mineral exploration licenses granted on Aboriginal reserves for the remainder of the government's term.

⁸⁶ Barrie Dexter, *op. cit.*, p. 20.

As a result the Government has decided to make certain changes in the emphasis of its policies and to introduce new measures affecting land holdings on Aboriginal Reserves and elsewhere within its jurisdiction.⁸⁷

A five-point statement of objectives followed. Firstly, the statement promised assistance to groups and individuals:

to hold effective and respected places within one Australian society with equal access to the rights and resources it provides and acceptance of responsibilities towards it.⁸⁸

Added to this restatement of the essence of the Assimilation policy was the qualifying promise that Aborigines would be encouraged to maintain their culture and traditions, "within the diverse culture of Australian society."⁸⁹

The second point of McMahon's statement further stressed the policy of diluted assimilationism:

The Government recognises the rights of individual Aborigines to effective choice about the degree to which, and the pace at which, they come to identify themselves with that society"⁹⁰

McMahon emphasised, however, that "the concept of separate development as a long term aim is utterly alien to these objectives."⁹¹

⁸⁷ "Australian Aborigines: Commonwealth Policy and Achievements", Statement by the Prime Minister, the Right Honourable William McMahon, CH, MP, January 26th, 1972, p. 3.

⁸⁸ Ibid., p. 3.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid., p. 4.

The third component of the statement indicated that the government would encourage the voluntary involvement of Aboriginal people in the programmes it was to establish, "to enable them to achieve their goals through their own efforts". Point four outlined Federal and State programmes to improve health, housing and education, to "eliminate remaining provisions in law which discriminate against" Aboriginal people, and to "increase their capacity ... to manage their own affairs".⁹² The fifth major point of the Australia Day statement stated simply that "special measures will be necessary to overcome the disabilities now experienced by many persons of Aboriginal descent".

McMahon then outlined what he viewed as the achievements of the government in employment, education and other areas to date. "In health", he said, "good progress is being made".⁹³

The remainder of the statement was concerned with government policy on land rights. McMahon noted the resource value of lands in the Northern Territory which "hold every promise of providing the means for Aborigines to attain economic standards at least comparable with those of the general community", and further suggested that "the Government understands fully the desire of the Aboriginal people to have their affinity with the land recognised by law". What followed was the most significant part of the statement, wherein McMahon spelled

⁹² "Australian Aborigines: Commonwealth Policy and Achievements", Statement by the Right Honourable William McMahon, CH, MP, January 26th, 1972, p. 4

⁹³ Ibid. p. 7

out the constraints which would determine Aboriginal access to land:

Accordingly the Government has decided to create a new form of lease for land on Aboriginal reserves...rather than attempt simply to translate the Aboriginal affinity with the land into some form of legal right ...which could lead to uncertainty and possible challenge in relation to land titles in Australia which are presently unquestioned and secure."⁹⁴

These "general purpose leases" would be granted by the Land Board of the Northern Territory on the condition that applicants make "reasonable economic and social use of the land". Their duration was to be for fifty years, "in line with existing pastoral leases", and the leases would not be available on existing missions, reserves or crown land. Land outside existing reserves was to be purchased, as it became available, by the government (in all States).⁹⁵

Finally, McMahon addressed the issue of mineral rights, with specific reference to the Yirrkala people's opposition to the Nabalco development. Although promising consultation with local communities and preference for Aboriginal mining proposals, the statement made clear that:

The government has concluded that it was in the national interest as well as in the interest of Aborigines themselves, for mineral exploration and development on Aboriginal reserves to continue.⁹⁶

⁹⁴ "Australian Aborigines: Commonwealth Policy and Achievements", Statement by the Right Honourable William McMahon, CH, MP, January 26th, 1972, p. 9.

⁹⁵ *Ibid.*, p. 10. Five million dollars was promised for the purchase of further acreage of leasehold, with assurance of further funding in future budgets.

⁹⁶ "Australian Aborigines: Commonwealth Policy and Achievements", Statement by the Right Honourable William McMahon, CH, MP, January 26th, 1972, p. 12.

Ten percent of royalties paid by Nabalco were to be given to the Aboriginal Benefits Trust Fund for the Yirrkala community.

The statement, which fell far short of the aspirations of the land rights movement, was the first by the government on Aboriginal issues for some months. McMahon, and indeed some of his ministers, may have felt that this offer of leasehold did in fact satisfy the demand for land - Hunt maintained that it "wasn't denying ... rights to land",⁹⁷ and that this limited leasehold with its assimilationist provisions was a conciliatory move. As the events which followed made clear, many Australian Aboriginal people, and many other Australians, saw the statement somewhat differently.

The forces of change were thus set in firm opposition to the government. The Aboriginal movement was intent on a relatively new demand, which with its emotive traditional connotations was a powerful basis for protest. Australian society was deeply divided over a range of social issues, and despite the strong element of racism which brought the backlash of 1967-1971⁹⁸ and the determined chauvinism of some groups, support for Aboriginal land rights amongst white Australians was considerable.

A conflict was, in short, imminent. The best hope of peaceful resolution through established channels lay (assuming

⁹⁷ Ralph Hunt, interview, October 16th, 1991.

⁹⁸ Cf. the explanation of Aboriginal conflict with government policy as due to "rising expectations" post-1967 (Christine Jennett, *op. cit.*).

the support of the rest of Australia) with the policies of the Council and Office. The policies of Council offered the opportunity of an acceptable dialogue with the land rights movement. Public servants, however, are not public figures with a public audience or an immediate recourse to the electoral process. Their views were known only to the government and a handful of informed individuals. Aboriginal activists, who as young radicals intent on sweeping and immediate change were likely to question such a means of change, even had it been available, were certainly more likely to respond favourably to an offer of land rights as they understood it than to the government's leasehold proposition. The Council, isolated and powerless, was ignored, leaving the issue to be raised by voices of anger in places other than the usual forum of parliamentary democracy.

At this point, a protest movement could be expected to encounter opposition from the established order in the same way that the moratorium and other protests had met with a firm response from the state. Aboriginal protestors could at the same time be confident of broad-based support from a number of sections of the White community, and from a sympathetic bureaucracy and parliamentary opposition. The means of protest were necessarily extra-parliamentary at a time of the popularity of such action, and a time of belief in fundamental change among some of the component groups. The Australia Day statement was bound to bring a response of some kind from those committed to the ideology which it effectively denied; the unique approach adopted as the means of protest was,

however, the product of the collective action and ingenuity of Aboriginal Australia.

Chapter Three: The Aboriginal Embassy and Australian Politics, January to July, 1972.

The Australia Day statement by the Prime Minister was broadcast on radio and television on January 25th. Among those Australians who found it an affront to the principles of indigenous rights, and an obstacle to their struggle for land rights, were the central core of urban Aboriginal activists, gathered in Redfern. These Aboriginal people had close association with politics through the demonstrations of previous years, and through the social outlets of the Redfern community.

For some months Chicka Dixon had been hosting discussion nights at his home in Surrey Hills, bringing together activists such as Gary Foley, Michael Anderson, Paul Coe, John Newfong, Billy Craigie and Tony Coorey. At other times this same group, their origins in the rural areas and their meeting place in the city, would gather around the pool tables at various Redfern hotels. The belief among participants that the idea of a demonstration in Canberra was conceived "just killing time" at these venues remains strong in the legend which the resultant Aboriginal Embassy has accrued.¹

In fact, the story of the immediate origin of the Embassy is much more complex. A number of different versions, each with a different account of the identities of the originators of the protest and their contributions, compete for acceptance.

¹ Bob Randall, interview, August 27th, 1991.

The Canberra Times reported on January 27th, 1972, that Billy Craigie, Kevin Johnson and Michael Anderson had established a camp on the lawns of Parliament House.² Versions of the event in later works usually identify four Aboriginal protestors, namely Craigie, Anderson, Tony Coorey and Gary Williams.

To understand the immediate origins of the protest, three questions may be posed: where did the concept of a protest in this form come from, how did the participants first erect an ambassadorial structure, and who were those founding protestors? The concept of the protest was in many ways the product of the preceding decade of change and development in Aboriginal politics. The American precedent of Resurrection city, although not remembered as such, was an example of the creative, symbolic and radically theatrical actions which various groups had employed throughout the globe. Nevertheless, a specific idea of symbolically confronting the Australian government in its federal city was necessary.

Charles Perkins maintained that he was responsible for suggesting a tent Embassy to Michael Anderson and Kevin Gilbert.³ Both of the latter participants have a different recollection of the involvement of Perkins - in fact they asked him to endorse the idea of an Aboriginal encampment in Canberra. Anderson recalled that he hitch-hiked to Perkins' house to find him connected to his kidney machine. Perkins and his wife gave

² The Canberra Times, January 27th, 1972.

³ Peter Read - Charles Perkins: A Biography Viking, Ringwood, 1990, p.129.

Anderson dinner and a room, while a discussion of the idea of a protest over land rights began. Anderson found Perkins to hold a generally "contrary" view to his suggestion. He asked questions such as "how are you going to live?" and "who's going to feed you?"; Perkins put forward "sound arguments" against a "permanent vigil".⁴ Anderson returned to Sydney, and temporarily abandoned the idea.

Anderson, however, claimed to have been considering the idea for some months. At a demonstration over highway safety and discrimination on licensed premises at Purfleet (NSW) in late 1971, he had been at the centre of a small, but potentially violent demonstration at a local hotel. The publican had openly told him he had "no time" for Aborigines, and it was only the intervention of Burnum Burnum (Harry Penrith) that prevented a brawl. Later, in the park nearby, Burnum Burnum pointed out to Anderson that the referendum had made it possible for the Federal government to use its powers to end such discrimination and to legislate in favour of other demands made by Aboriginal people, and that "we should take our protest to Canberra". That day the newspaper carried a picture of an Indian on hunger-strike. Although remarking that "I like my tucker too much" to engage in that particular variety of non-violent direct action, Anderson came to see a protest under canvas as an attractive option for the movement. He continued to promote the idea when the Australia Day statement went to air in January.

⁴ Michael Anderson, interview, August 28th and November 10th, 1991. Anderson came from North-Western NSW (Kamilaroi country) and was a member of the younger generation of the Redfern community in 1972.

Billy Craigie recounted a slightly different version of the origins of the idea for a protest. According to Craigie, the notion of a hunger strike was mentioned at a meeting of the Aboriginal Medical Service in Sydney, and developed into an idea for a direct action.⁵

Kevin Gilbert also claimed to have originated the idea of the protest. Enraged by the Australia Day statement, he planned to create a demonstration "in direct confrontation to the Australia Day statement ... I called Michael Anderson, Billy Craigie, Tony Coorey, Gary Foley"⁶ Gilbert, who included this version of events in his 1973 publication Because a White Man'll Never Do It,⁷ remembered that "five of us met in the street and then went round to the various unions. Michael Anderson thought he had an in-run to the unions, which didn't quite pay off. The unions didn't want to know us ... we then approached other people, and Denis Freney was one of those people". Freney and Alex Robertson⁸ of the Communist Party of Australia's newspaper The Tribune gave Gilbert seventy dollars and lent a car to the protestors, driven by Tribune photographer Noel Hazard.

Michael Anderson's memories of that day add certain other details, for instance that in their first response to the government statement a group assembled in Erskineville. Bob and

⁵ Billy Craigie, interviewed in "True Stories", ABC television documentary, August 2nd, 1991. Craigie, from coastal NSW, arrived in Redfern in the late 'sixties.

⁶ Kevin Gilbert, interview, May 1st, 1991.

⁷ Kevin Gilbert - Because A White Man'll Never Do It, Angus and Robertson, Sydney, 1973, p. 28.

⁸ Alex Robertson died in 1974.

Sol Bellear, Gary Foley, Norma Ingram, Gary Williams, Bobbi Sykes and others hurriedly drew up some placards and set up a demonstration outside the NSW parliament. It was here that Anderson met Gilbert, and the two decided that "we're in the wrong place ... Billy McMahon don't work here, he works in Canberra".⁹

Whether Perkins, Penrith, Anderson or Gilbert actually conceived a protest, the decision to implement the plan and travel to Canberra was made in the heart of Sydney by a group of Aboriginal activists who were closely linked by their political involvement. It was a plan which inspired the younger Aboriginal activists, whose demands had been countered by government policy, and who saw in a direct protest a chance to express an alternative to the policies of the Australia Day statement through the demand for land rights.

The personnel involved in that first car ride to the ACT are named and counted differently by different participants in those early days of the Embassy. Chicka Dixon remembered only three Aboriginal demonstrators as the vanguard: Anderson, Gary Williams and Billy Craigie.¹⁰ Michael Anderson recounted how he left Sydney hurriedly in the car driven by Hazard, with Tony Coorey and Billy Craigie, dragging Bertie Williams¹¹ out of bed to join them on the way out of the city. Noel Hazard remembers a similar series of events,¹² but on

⁹ Michael Anderson, interview, November 10th 1991.

¹⁰ Chicka Dixon, interview, July 2nd, 1991.

¹¹ Bertie Williams died in 1974.

¹² Michael Anderson, *op. cit.*; Noel Hazard, interview, October 17th, 1991.

the basis of other accounts¹³ it is likely that Gary Williams was also present. As Dennis Walker put it, "its hard to mention names because you always leave someone out"¹⁴ of the group which established the Embassy, while the value of the Embassy as legend continues to encourage embellishment of the humble beginnings of the demonstration.

Despite the long background to the demonstration, the first presence of Aboriginal people on the lawns began with a high degree of spontaneity. Arriving in Canberra at eleven o'clock on the night of the twenty-fifth, the carload of protestors found themselves at a loss in the wind and cold of the capital. Noel Hazard drove them, for further planning, to the home of an ANU lecturer, who was also a member of the CPA and interested in the land rights issue.¹⁵ This local academic (whose name remains uncertain after the passage of years) provided a cup of tea and relief from the elements. He also found materials for a placard, and offered the protestors the beach umbrella which became the first structure on the lawns. Meanwhile, the assembled Aborigines decided to push on and "do it in the dark", setting up their umbrella with the element of surprise. It was at this point that Tony Coorey suggested that the encampment be called "the Aboriginal Embassy".¹⁶

The beach umbrella, and a sign which announced the protest as an embassy arrived on the lawns of Parliament

¹³ Foley, for example, numbered five founding protestors (interview, June 7th, 1991).

¹⁴ Dennis Walker, interview, December 2nd, 1991.

¹⁵ Noel Hazard, *ibid.*

¹⁶ Michael Anderson, *op. cit.*; see also Kevin Gilbert *op. cit.*.

House in the early hours of the morning. A police patrol car cruised past; the protestors waited, then put up the umbrella while Hazard took photos for The Tribune.¹⁷ The police returned, applying their brakes in surprise and asking the Aborigines what they thought they were doing there. "We're having a protest", was the reply. The police told them to go home - "we don't want to watch you blokes here all night" - and the protestors responded by stating their aim of staying on the lawns until land rights had been granted. "That could be forever" was one police officer's comment, but the umbrella and shivering group of Aborigines remained for the night.¹⁸

Canberra awoke the next day to news of the Embassy. Federal Parliament was in recess, and the imposing structure of the houses of parliament stood empty. Outside the building, across the road from the flags and lingering assembly of Commonwealth cars and tourist buses, the neatly-trimmed lawn stretched back toward the Australian war memorial, bordered by a monument to King George the Fifth and an array of trees, gardens and fountains. Parliament House dominated the setting, but on the morning of the twenty-sixth of January a new presence on the lawns was apparent.

Michael Anderson was the most prominent figure of the early days of the demonstration, his name in some ways being synonymous with the "first phase" of the protest, from its inception to May 1972. It was Anderson who (dressed in black

¹⁷ See The Tribune, February 1st, 1972.

¹⁸ Michael Anderson, op. cit.

and wearing a Black Power badge) dominated early media coverage of the Embassy. The Aboriginal Embassy was already growing in numbers, and in late February Bobbi Sykes and Bruce McGuinness set off for Canberra from Queensland; a tent was erected, while word of the protest travelled through Aboriginal organisations and communities, so that the activists present could speak with the knowledge of wider support.¹⁹ Anderson made his first public statement on the twenty-sixth of January, a demand for land rights which stressed the original dispossession of the Aboriginal people and the Embassy's opposition to the Gove woodchipping proposal:

As soon as they start tearing up Arnhem land we're going to start tearing up bits of Australia ... the land was taken from us by force...we shouldn't have to lease it ... our spiritual beliefs are connected with the land.²⁰

The focus of the protest in its first message to Australia and the world was to demand restitution, and to draw attention to an occupancy of the continent then acknowledged as 30,000 years old.

A second statement was issued from the lawns the following day, announcing that the Embassy was to remain until the policy statement made by the government was retracted, and land rights granted.²¹ Anderson also demanded compensation, monetary recompense for the invaders' expropriation to be calculated through a legal "valuation" of the "stolen land".

¹⁹ Billy Bundie and two others were the first arrivals on the twenty-seventh, Brian Marshall and Billy Harrison arriving about a week later (Michael Anderson, *op. cit.*).

²⁰ The Canberra Times, January 27th, 1972.

²¹ The Canberra Times, January 28th, 1972.

The ideology expressed at this stage was at its most vague, a slogan rather than a programme. It was some weeks before a more comprehensive set of demands was presented to the public, and the supporters of the Aboriginal cause were left to wonder (some, for the duration of the Embassy) exactly what was meant by "land rights". It was clear, however, that a form of tenure other than that permitted under the McMahon statement was called for by a group whose interest encompassed both the so-called tribal people of Yirrkala and the outback as well as their own "country" in the Eastern states of their birth. A broad prospect of the return of an economic base under freehold title, and compensation to make that base workable, underlay these early statements. Phrased in the most terse and provocative language, and lacking any detailed programme, Anderson's statements achieved the initial media attention necessary to the protest.

The expression of a long-term plan to remain on the lawns in protest at government policy established at the outset what became a constant theme in the events surrounding the Embassy, the issue of an encampment in a public place. The concept of symbolic demonstration was employed at a conscious level, but also with an Aboriginal twist on the larrikin sense of humour which throws rough-hewn insolence in the direction of established Australian authority. As Dr Roberta Sykes reflected, "it was only a wag's act to put it up anyway, in the beginning ..."²²

²² Dr Roberta Sykes (then known as Bobbi Sykes), interview, October 18th, 1991.

The Embassy was, at the same time, a display of symbolism at several levels, simultaneously a comment on living conditions in Aboriginal Australia, on the question of land ownership (the tents and placards were as much a re-appropriation of this particular piece of ground as their message was an appeal for the Australia-wide return of land), on the relative status of Aboriginal people in a city dotted with embassies, and on the avenues of protest open to the otherwise (often) silent minorities in Australian society.

Gary Foley considered that "they declared it the Aboriginal Embassy, the rationale being that Aborigines are treated like aliens in their own land", and that Aborigines should have an Embassy "to represent our own interests, the difference being that unlike embassies on Red Hill in really flash surroundings, our embassy was gonna be ... under the noses of the Australian fuckin' parliamentarians and Australian people so that they would see the reality of our situation".²³ The Embassy was set up in tents because, Sykes wrote later, "to occupy a building similar in structure to those used by the oppressive bureaucratic machine would have been to alienate the protest from the level of the people ...".²⁴

The tents were representative of a type of political institution which appealed to the Aboriginal protestors, as well as a reminder that living conditions in certain areas were little better than could be achieved by the use of canvas and a

²³ Gary Foley, interview, June 7th, 1991.

²⁴ Dr Roberta Sykes in A. Turner (ed.) Black Power in Australia, Heinemann, Melbourne, 1975, p.p. 23-24.

campfire. The Embassy was a direct, symbolic protest, full of meaning in political terms, and a statement in itself. Later in the year, John Newfong expressed a view that "there must be those who know how to articulate their problems and present a parliamentary lobby", as well as those who talked in terms of armed struggle.²⁵ The methods employed by the Embassy were extra-parliamentary, but were soon augmented by the inclusion of lobbying and dialogue with the ALP.

The National Council of Aboriginal and Torres Strait Island Women met at ANU on January twenty-eighth. It brought further publicity to Aboriginal issues, and to the Embassy when it voted to join the protest the following day. Meanwhile, the first gestures of support began to be offered by White Australians: the ACTU made a statement in support of the Yirrkala people's claim, and visitors began to arrive at the Embassy. Although the ANU was virtually empty of students at this time of year, a group of students resident in Canberra who had been active in the anti-Apartheid campaign made contact with the Embassy,²⁶ marking the beginning of the important contribution of student supporters.

A new placard appeared on the lawns in the last days of January. Reading "Which do you choose: land rights or bloodshed", it identified the struggle for Aboriginal land rights with the rhetoric of violence, just as the clenched-fist salute of

²⁵ John Newfong, quoted in Woroni, June 28th, 1972. Newfong, another member of the younger generation of Aboriginal activists, came from Queensland and was an experienced journalist.

²⁶ Jack Waterford, interview, July 30th, 1991. Waterford was a Canberra resident and associated with student activism in 1972.

Black Power was adopted by most, if not all, of the protestors as a unifying language. The extent to which violence was implied by such bellicose statements remains questionable. Armed struggle was only one tenet of the Black Panther's programme; people like Foley were provocative, sometimes aggressive orators who used violence as a threat to illustrate their commitment to profound change, and to create instant media coverage for the cause. The development of a guiding ethic of creative, non-violent action at the protest was not impaired by the use of certain symbols tinged with violence; both these tendencies occurred together in the context of a peaceful display of Aboriginal political demands at the Embassy, and it was only later that repression by the government brought to fulfillment the words emblazoned by a zealous hand on that isolated placard. There remained, however, a degree of unresolved tension between violent means and the essentially symbolic methods by which the protest established itself.

The actions of the Embassy, whereby the lawns of Parliament House had been virtually expropriated and unorthodox use made of the institution of diplomacy, were creative rather than wholly passive in their construction of a symbolic communication with the Australian public. The method of the protest clearly stopped short of physical violence, although various suggestions of violent tactics were made in the early phases of the Embassy.²⁷

²⁷ John Newfong, for instance, warned of terrorism in the inner suburbs of Sydney. (The Courier Mail, March 22nd, 1972)

On January 30th a twenty-four hour police surveillance of the encampment was established.²⁸ The physical presence of the power of the state intruded on the protest, but at this stage, and for some months to follow, the relationship between the protestors and the Federal police remained casual, cordial and almost convivial within the perimeters of the lawns. Police officers would spend time during their patrol of the Parliament House area in visits to the tent, where conversation over a cup of tea was common.

Chicka Dixon arrived at the Embassy at the end of the month, announcing that two (un-named) foreign Embassies had offered their support, as "land rights involves all Blacks".²⁹ An international orientation, which broadened the audience of the protest to include the nations represented in the more conventional diplomatic missions of Canberra, was initiated by such statements.

The lawns of Parliament House were, of course, never designed for use as a camping ground. Since the building opened, and an "inadequately clad" Aborigine was despatched from the ceremony in 1927,³⁰ the area had remained sacrosanct, the grounds and edifice a symbol of authority, democracy and the crown. Demonstrations had been conducted by a number of groups outside the Parliament, but had, without exception, soon dispersed.

²⁸ The Canberra Times, January 31st, 1972.

²⁹ The Canberra Times, January 31st, 1972.

³⁰ Manning Clark- A Short History of Australia, NEL, New York, 1980, p. 220.

The new presence presented immediate administrative problems. On February second, the Parks and Gardens attendants were instructed to mow and water the lawns for the visit of the Indonesian president. There was no question of legally forcing the Embassy to move, as the only applicable law was the Gaming and Betting Ordinance (Section 19a) which imposed a forty dollar maximum penalty for loitering in a public place. The protestors, moreover, refused to move, offering to mow the lawns themselves. Eventually the gardeners turned on the sprinklers, drenching the Aborigines.³¹ In the Canberra summer of 1972 the incident may have appeared almost humorous, but the tension between the rights of the campers, and the aesthetics and function of a public place, were already apparent.

A comprehensive statement of demands was issued by Michael Anderson on February sixth. This five-point plan involved: Aboriginal ownership of all existing reserves and settlements (including rights to mineral deposits), ownership of areas of land in the capital cities including mineral rights, preservation of all sacred sites in all parts of the continent, six million dollars in compensation, and full rights of statehood for the Northern Territory.³² At the same time, Anderson named a "ministry" of Aboriginal Ambassadors, with Anderson as High Commissioner, and a minister for the Arts, Environment and Caucasian Affairs.

These announcements typify the use of political symbolism by the Embassy. The adoption of titles carried the

³¹ The Canberra Times, February 3rd, 1972.

³² The Australian, February 7th, 1972.

concept of a diplomatic mission by indigenous people in their own land a step further, and the appointment of office-bearers at the demonstration was another example of the protestors' cutting sense of political humour. It made the entire ambassadorial stance a symbolic countering of established order, and in using the symbols of that system challenged the prevailing notions of legitimate authority.

The demands expressed in the five-point plan, most deriving from other protests over the past few years, called for sweeping change. The demands were, in themselves, the expression of a programme of land rights which included all Aboriginal people. The call for compensation, although potentially an extreme demand which could have alienated European supporters, had its own validity in the context of an ideology which envisaged an economic base for Aboriginal Australia and had precedent in legislation overseas; it was the logical extension of a viewpoint which recognised the original dispossession of the traditional owners of the continent. The demand for compensation was a component of the central idea of economic empowerment, through self-determination rather than reliance on a diminishing Federal Budget figure which was bestowed in what Aboriginal activists saw as a paternalistic manner.

Statehood for the Northern Territory was an obvious chance to empower the Territory's largest social group and allow the election of Aboriginal people to a State parliament in that region. Billy Harrison recalled that there was some questioning of this plan, as it was also the policy of right wing

racists who envisioned a form of apartheid,³³ but its endorsement (particularly by Paul Coe and Dr. Roberta Sykes) was a relatively specific comment on the aspirations of Aborigines from the more remote areas by activists from the Eastern States.

The preservation of sacred sites was seen as a factor in cultural continuity, and as a symbol of burgeoning pan-Aboriginality in that a spiritual relationship with the land was a common and unifying tradition and one recognised throughout contemporary Aboriginal Australia. This issue was addressed by Aboriginal activists at the time, and reflected in references by participants to their own "country".³⁴

The demand for mineral rights in areas of land occupied by Australian cities was at face value a demand of unlikely wisdom, but of calculated extremity. Rather than being in jest, or in reference to urban or industrial devolution, the demand was largely symbolic, pointing to the indigenous people's dispossession in all areas of the continent and reminding the rest of (non-Aboriginal) Australia that the Eastern States were part of the land rights movement. It was the translation into more exact terms of the Embassy's disputation of the social and political oppression of Aboriginal people, or put more simply in one of the placards displayed on the lawns: "Why Pay To Use Our Land?".³⁵ In addition, the statements made by the spokespersons of the Embassy made successful use of the media potential of

³³ Billy Harrison, interview, April 1992.

³⁴ Gordon Briscoe, interview, May 22nd, 1991; Trevor Patten, interview, December 29th, 1991.

³⁵ Sun Pictorial, January 28th, 1972.

uncompromising public relations, which made the Embassy's demands newsworthy through their extremity. The latter tactic certainly won the attention of most Australian daily papers on February seventh 1972, promoting both debate over and support for the protest.

The first major response³⁶ from the government was a statement by Hunt on the ninth, which criticised ALP policy on land rights and raised the spectre of an Aboriginal takeover of land, much of which belonged (under the Australian legal system) to his constituents: pastoral acreages in the Eastern states. With this, he endorsed government policy as stated in the Australia Day message,³⁷ and argued that "Mr. Whitlam did not say whether the Labor Party supported such claims as this in the Northern Territory or the Eastern States".

At this stage, before Parliament began sitting, Hunt was already considering taking action against the protest. An Interdepartmental Committee was established to investigate the problem of campers on the lawns. The committee (not to be confused with the IDC on land rights of the previous year) recommended on February fourteenth that the existing Gaming and Betting ordinance not be applied, but that a new provision be made instead under the Commonwealth Lands Ordinance to

³⁶ Howson's first response was to call into question the separatist "undertones" of the land rights movement, denouncing it as akin to Apartheid and contrary to government policy. (The Age, January 29th, 1972.)

³⁷ The Canberra Times, February 10th, 1972.

remove the tents.³⁸ The preparation of this new law began in mid-February.

Support, meanwhile, flowed from other quarters. On the eighth of February the dozen or so Aboriginal ambassadors/protestors received a visit from the leader of the opposition, Gough Whitlam, and a delegation from the ALP which included local member Kep Enderby.³⁹ Whitlam came to the Embassy to express his party's identification with attitudes to Aboriginal rights other than those represented by the Assimilation policy. In addition, Whitlam had come to the Embassy to deny the accusations of Paul Coe that ALP policy was "only promises".⁴⁰ Whitlam acquitted himself well, spending three quarters of an hour on the lawns talking with the protestors in their chancery tent. He emerged with a promise of land rights for the Aboriginal people. This affirmation of the goals of the protest, though perhaps a somewhat vague and non-specific response to a relatively non-specific demand, was accompanied by definite support from the opposition leader for other components of the five-point plan. The ALP would, if elected, legislate for a civil rights bill to end all racial discrimination remaining in the States' legal systems,⁴¹ provide free legal aid to Aborigines, and grant full State's rights to the Northern Territory.⁴²

Whitlam cited the 1957 International Labour Organisation Convention on indigenous peoples' rights (ILO

³⁸ Department of Interior Aide Memoire, June 27th, 1972.

³⁹ Now Mr. Justice Enderby, member for the ACT from 1972.

⁴⁰ The Australian, February 9th, 1972.

⁴¹ McMahon had given a similar, but less definite and specific, undertaking.

⁴² The Australian, February 9th, 1972.

Convention No. 107), and suggested that Canadian and American examples in recent years had set a precedent for legal resolution of the problem through the establishment of some form of land rights. The extent to which this statement encompassed the same broad vision of Aboriginal land rights as that held by the protestors remains unclear, not least because of the imprecise nature of the demand. The response of the Labor leader, however, indicated some degree of support for the goals of the protest.

Whitlam gave a firm promise that: "Labor will absolutely reverse government policy and allow ownership of land by tribal communities".⁴³ The visit thus left open to question the status of the Aboriginal people in the Eastern states, although to an extent the determination to remove the last vestiges of the Assimilation policy was in keeping with the Embassy's demands. Whitlam's continual reference to the ILO Convention, which did not distinguish between more traditional groups and the rest of the indigenous people in its statement of rights, perhaps suggested to the optimistic an Australia-wide policy on the return of land.⁴⁴

The visit by the ALP delegation established a link between the protestors and the parliamentary Labor party. The connection did not compromise the extra-parliamentary approach or Aboriginal control of the Embassy, nor include any direct collaboration, but allowed the protestors to focus on the implications of their stance in a democratic framework. An election was soon to be held, and one of the major parties had

⁴³ The Australian, February 9th, 1972.

⁴⁴ Whitlam's later comments confirmed that this was in fact his intention. (See chapter five).

offered considerable support. The protestors were aware of the value of this public endorsement of their cause: members of other parties, such as Hunt, Howson and Bonner were refused an invitation to the tents.⁴⁵

The relationship between the Embassy and the Labor party was characterised by convenience, but nevertheless influenced the public exposure, relative legitimacy and (later) the degree of success of the protest. The mainstream political party of the lower and middle classes gave, at various stages during the existence of the Embassy, undertakings which appeared to guarantee the fulfillment of a substantial part of the demands of the protest. This made the endorsement of the Labor party an obvious choice for the protestors. A number of ALP members were committed to the issue; according to Manfred Cross, "generally speaking, the Labor party kept in touch with" the protestors. Aboriginal people were invited into the parliamentary dining room by ALP members.⁴⁶ There remained, however, a certain distance between the protestors and the politicians. Cross remembered that the "young radicals were a bit of a pain",⁴⁷ and the protest remained outside the more institutionalised politics within Parliament House.

Other gestures of support from both Aboriginal people and other Australians followed. A group of representatives from Yirrkala, and Elcho, Melville and Bathurst islands had

⁴⁵ The only member of the government to be admitted to the Embassy was former minister WC Wentworth.

⁴⁶ Manfred Cross, interview, December 2nd, 1991.

⁴⁷ Manfred Cross, interview, December 2nd, 1991.

arrived in Canberra for talks with the government, and proceeded to identify themselves with the Embassy. The Yirrkala group included Roy Marika, Galarrwuy Yunupingu, and Wali Wunungmurra.⁴⁸ Their presence enriched the protest with their more traditional Aboriginal culture, and from this point, pan-Aboriginal support for the protest could not be denied by those who persisted in questioning the cultural integrity of Aboriginal people from the Eastern states.⁴⁹ As Yunupingu recalled: "Everyone heard" of the Embassy in remote areas.⁵⁰

Once the demands of the Embassy were known, support from the ALP and the acknowledgement of the similarities between its policy and the aims of the Embassy continued. The visit of South Australian Premier Don Dunstan to the tents in mid - February was also well-publicised.⁵¹

Michael Anderson announced plans for a rally at the opening of Parliament, while the first news of a proposed visit to the Peoples Republic of China was provided by Aboriginal

⁴⁸ Andrea Collins, letter dated September 1991 (ATSIC Nhulunbuy regional office).

⁴⁹ It was, however, contested. The traditional subject-matter of anthropology and the legal categories of "half-caste" Aboriginality (under the Protection policy), and the Assimilation Policy itself were responsible for this questionable dichotomy, while racism reproduced it. The Aboriginal playwright Jack Davis summed up the idea of Aboriginal identity with the words:

"With murder, with rape, you marred their skin
But you cannot whiten their mind
They will remain my children forever
The black and the beautiful kind"

(Jack Davis - "Urban Aboriginal" in Kevin Gilbert(ed) Inside Black Australia, Penguin, 1988, p. 57.)

⁵⁰ "True Stories", ABC Television documentary, August 2nd, 1992. (cf. Dr. Roberta Sykes, who recalled difficulty in explaining the idea of the Embassy to Aboriginal people in the Northern Territory - interview, October 18th, 1991.)

⁵¹ The Canberra Times, February 14th, 1972.

journalist John Newfong. "The solution to our problem", he told the press, "may lie outside Australian parliamentary channels".⁵² The Embassy had already made use of a range of tactics, and now included an international protest of a nature which directly contested Australian foreign policy.

It was at this time that the probity of Embassy's finances were first questioned. On this occasion, it was certain local residents who were at fault. Posing as White supporters, they had been collecting funds by knocking on suburban doors and claiming to represent the Embassy.⁵³

The Yirrkala people announced the conclusion of their negotiations on the woodchip issue on February nineteenth. The representatives stressed that they retained "reservations" about government policy.⁵⁴ Roy Marika said that "We will not be satisfied until we get our land rights";⁵⁵ the prevalent interpretation at the Embassy was "freehold title". Despite this, government ministers later mis-quoted the Yirrkala representatives as being in agreement with the principles of the Australia Day statement.⁵⁶

The official opening of Parliament on the twenty-second of February saw the usual ceremonies of monarchical tradition performed inside the House. Meanwhile, a demonstration had assembled outside composed of some sixty

⁵² The Canberra Times, February 14th, 1972.

⁵³ Ibid., February 16th 1972.

⁵⁴ Ibid., February 19th, 1972.

⁵⁵ Barrie Dexter, unpublished ms., n.d. (Marika died in 1993.)

⁵⁶ The Australian, February 24th, 1972.

Aboriginal people and their 300 White supporters, drawn from the contacts made by the Embassy with students and the socialist left, as well as supporters who had visited the Embassy out of curiosity during the previous month.

A core group of Aborigines used gentle persuasion to turn away non-Aboriginal supporters who ventured too close to the tents, where the separatist view of the ambassadors did not encourage their presence. Whitlam addressed the rally and reaffirmed his party's support for three of the five points in the Embassy's list of demands: full statehood for the Territory, the preservation of all sacred sites, and legal title and mineral rights on land returned to Aboriginal people. Once again, the meaning of Labor policy was unclear regarding the rights of Aboriginal people in areas other than the remote areas, and Whitlam seemed to stress the more traditional groups in his statement to the rally:

If there is a historical connection between a tribe or clan and land, then the ownership should be recognised.⁵⁷

The demand for compensation was omitted from Whitlam's outline of Labor policy.

Other ALP members addressed the crowd. In the afternoon, some sixty Aboriginal people packed the gallery for question time, including people from the Yirrkala, Walbiri, and Gurindji traditional areas. The physical presence of so many Aboriginal people from all parts of Australia, and the currency of the symbolic protest for land rights, made this opening of

⁵⁷ The Canberra Times, February 23rd, 1972.

parliament an occasion which introduced the land rights question as an issue of prominence through the action of the protesters.

While the protestors and the more concerned politicians were gathered in support around the Embassy, other opinions were voiced in less public places. Howson, bearing a large amount of responsibility for the whole affair, noted in his diary that "we have given too much attention to this problem [ie, land rights] over the last few months, and not enough to thinking of how to assimilate the fringe dwellers...".⁵⁸ The challenge to government policy over land rights and Aboriginal control of Aboriginal affairs left him with fears of a general radical, leftist, anti-government movement which wanted to "turn its attention to Aboriginal affairs and New Guinea", and made ASIO warnings about the Black Panthers more pertinent,⁵⁹ yet made no difference to his attitude on land rights. He felt that although "there is a good deal of emotional writing in the press on land rights ... I believe it would be very much against Australia's interests to go any further in this matter...".⁶⁰ Howson endorsed government policy to the extent that he proposed a debate on the issue at the opening of parliament, fearing that otherwise the ALP would "have an urgency motion at the time of their own choosing, when they had packed the galleries with Aborigines from the tents that are opposite parliament house".⁶¹

⁵⁸ Peter Howson - The Life Of Politics, Viking, Ringwood, 1984, p.813.

⁵⁹ The existence of a "hit list" of prominent members of the government was noted by ASIO, and Hunt and Howson's residences were placed under guard. (Barrie Dexter, interview, August 16th, 1991; Ralph Hunt, interview, October 16th, 1991.)

⁶⁰ Peter Howson, op. cit., p.824.

⁶¹ Peter Howson, op. cit., p.825.

The Council for Aboriginal Affairs was an isolated institution throughout the course of the Embassy. In this first phase, as the demands for land rights and its associated concessions and acknowledgements became known, the Council for Aboriginal Affairs concentrated on the criticism of the prevailing government policy. The three members of the Council considered that the policy espoused in January "in fact ... rejected" the principle of land rights, and were especially critical of the rejection of the Council's proposal to establish a permanent land fund to facilitate the purchase of land for return to Aboriginal people. Self-determination was another factor in the Council's thinking - "Our attempt to have the welfare of the local Aboriginal communities as the dominant consideration in decisions relating to prospecting and mining had failed."⁶² The Council nevertheless accepted that the provisions of the new policy "gave the coup de grace to the former policy of outright assimilation" with its offer of a paucity of leasehold, and that it "represented a small - a very small step - forward in relation to land".⁶³ Its written submission to the ministers concerned warned that "it will depend on the spirit in which the decisions are administered and reaction of Aborigines to them".

Stanner wrote a long letter to The Canberra Times in early February, venturing outside the usual bureaucratic channels to criticise the government. His letter accused the authors of the previous month's statement as writing in language which "must have passed over the heads of even English-speaking

⁶² Barrie Dexter, unpublished ms., n.d.

⁶³ Ibid.

Aborigines", and for denying the possibility of a consultative process as part of the policy.⁶⁴

The Council became aware of the protest on the lawns of the parliament at the same time as the rest of Australia. Its members, committed to the general principle of land rights, were powerless to influence the situation beyond lobbying through their advisory role. Their view of the ideological vistas of the land rights demand was, in some ways, as vague as that of other advocates: some members of the Office felt that, since they were concerned with more traditional groups of Aborigines, the "people who were active in the Embassy" were less relevant to a land rights policy, where the immediate struggle lay with the Department of Interior and the NT tribal people.⁶⁵

Other members of the bureaucracy saw themselves in tacit co-operation with the protest: "The Office tried to achieve many of the aims of the embassy".⁶⁶ Barrie Dexter, the executive member of Council during the period, reflected that:

From the outset in the Council and Office we felt sympathy and admiration for the "Embassy" members, who had demonstrated a perceptive understanding of the real meaning of the government's policy, and devised a most ingenious means of getting across to the government the message we had been trying to impart.⁶⁷

Dexter, at least, remembered that the vision of land rights entertained by the Office was "that it should be Australia-wide",

⁶⁴ The Canberra Times, February 8th, 1972.

⁶⁵ Jerry Long, interview, October 10th 1991.

⁶⁶ Kevin Martin, interview, August 8th, 1991.

⁶⁷ Barrie Dexter, op. cit.

and include the Eastern States.⁶⁸ When Coombs visited the Embassy on February seventeenth, Newfong commented in the press that he had expressed "complete sympathy".⁶⁹ This part of the bureaucracy supported the protest, while its interpretation of the demands grouped together under the rubric of land rights was even closer to Aboriginal perspective than that of the ALP. The Council, however, remained frustrated by the incumbent government at all turns.

February twenty-third, the first day of debate in the parliament, was the first day of debate on the Embassy and the issues surrounding it. The discussion of the Embassy in the House of Representatives was begun by former Prime Minister John G. Gorton, who, although admitting that the encampment posed no litter or health problems, asked when it would be removed, "so that the public as a whole may enjoy the environs of Parliament House and so that the lawns will not be damaged."⁷⁰ Hunt responded :

The people concerned are Aborigines who are demonstrating in a peaceful way for a case in which they believe. I must say that they have been extremely quiet and that they have behaved and cooperated with the police extremely well. There is no litter and there is no health problem.⁷¹

Hunt correctly portrayed the Embassy as a non-violent political statement. The symbolism was ignored, as was the issue at the heart of the protest, but in regard to the physical

⁶⁸ Barrie Dexter, interview, August 16th, 1991.

⁶⁹ The Canberra News, February 18th, 1972.

⁷⁰ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, February 23rd, 1972, Vol. 76, p. 108.

⁷¹ Ibid.

presence on the lawns and the question of the compatibility of a long term protest on the lawns with the continuing function of government across the road, this initial statement by the Minister for the Interior made it appear that there was in fact no cause for concern. The reason for action against the Embassy was, however, given by Hunt in the same speech:

We will have to look at an ordinance to ensure that Parliament House is reserved for its purpose - a place for peaceful and orderly demonstration, but not a place upon which people can camp indefinitely.⁷²

Debate in the house then turned to other matters, and only later in the first day of sitting were Aboriginal issues mentioned. Howson attempted to justify the Australia Day statement and made a ministerial statement on land rights. He emphasised the sincerity of the offer of fifty-year leaseholds, and offered further action on the protection of sacred sights, legislation to ensure hunting rights for the more traditional tribal groups, and government intervention to prevent mining activities from interfering with "the present Aboriginal way of life".⁷³ Howson continued that land rights were "alien to native thought",⁷⁴ and insisted that the Yirrkala delegation had, in fact, accepted the government's policy.⁷⁵

The minister's speech brought condemnation from the opposition. Gordon Bryant leapt to the defence of the Embassy as "one of the most original demonstrations we have had

⁷² Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, February 23rd, 1972, Vol. 76, p. 108.

⁷³ Ibid., p 134.

⁷⁴ Presumably a reference to the Blackburn findings on a spiritual, as opposed to an economic, relationship with the land. (See Chapter Two.)

⁷⁵ The Australian, February 24th, 1972.

for some time in any political field", and upheld the general concept of land rights in terms which could have come from the protestors themselves:

Let somebody try to dig for uranium or aluminium under the Melbourne Cricket Ground. Let somebody try to shift one of the great churches in Australia. Let somebody try to start knocking this place down. Most Australians would object. It is a spiritual concept ... ⁷⁶

Whitlam commented that little had been achieved since 1967, that the ILO convention remained unfulfilled in Australia, and that ALP policy involved land rights and mineral rights for the Aboriginal people. Further, he called for a commission to examine the land rights issue "for the whole of the Commonwealth ... not just the Northern Territory".⁷⁷ The latter was an even stronger statement than that made on the previous day, and indicated support within the Labor party for the return of land in the Eastern States.

Hunt's last word on the Embassy during this day of prolonged discussion of Aboriginal issues in the house was characterised by outbursts of ideological intransigence. He maintained opposition to land rights ("where does it end?") and in a display of anti-communism reminiscent of the Menzies years suggested that:

Unfortunately there are indications that the 144,000 Australian Aborigines will be used as a political football this year some of those with an interest in attacking our present order of society have declared that with the passing of the Vietnam crisis the next big crusade will come in relation to Aborigines.⁷⁸

⁷⁶ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, February 23rd, 1972, Vol. 76, p. 135.

⁷⁷ Ibid., p.135, p.128.

⁷⁸ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, February 23rd, 1972, Vol. 76, p.131. Nevertheless, it should be

In the debates of the following weeks, the Embassy became an important issue, which raised broader issues of Aboriginal rights and polarised the major parties over land rights, and over ideological questions of civil liberties and the involvement of the left in issues of indigenous peoples' rights. The Department of Interior's position made it clear that action against the protest was likely in the months to follow, despite government acknowledgement that the protest was a non-violent action conducted within the boundaries of acceptable means of expression in Australian democracy.

The immediate response of the Aboriginal ambassadors to the threat of a new law against camping on the lawns was to promise, in the words of Dennis Walker, a "bloody fight" if an attempt was made to move the tents.⁷⁹ Although a number of other protestors may well have disapproved of any use of violence, it should be remembered that the protestors had already vowed to remain in situ until their demands were met, or at least until the election. The Aboriginal protestors were from this point directly threatened by the state, and despite the non-violent theme of the protest those attracted to the street-fighting call of the Panthers, and others whose tempers ran hot, were ready to respond forcefully.

Meanwhile, the local ALP member, Kep Enderby, publicly opposed the removal of what he called "neat and tidy,

noted that ASIO had already warned Hunt and other ministers of what its personnel considered a potential threat to their personal safety from Aboriginal activists (Peter Howson, op. cit., p.819, p. 829.)

⁷⁹ The Canberra Times, March 7th, 1972.

even attractive and colourful" tents on the lawns, defending the demonstration as "orderly and legal".⁸⁰ A petition from the Embassy, whose signatories stated that they "didn't object" to the encampment, and opposed its removal, was presented to the House of Representatives on March seventh; further petitions followed, and Enderby asked on the ninth that a petition he had tabled that day be printed as a parliamentary paper to make the public aware of the threat to the right of assembly.⁸¹

Support for the Embassy's ongoing existence (and the demands for which it stood) was already established amongst the parliamentary opposition, the left, and university students. The latter group had lent support at the opening of parliament, but it was not until the start of the academic year that the student body rallied to the cause in large numbers. The Aboriginal protestors who arrived before this date found the student union virtually deserted, and the student supporters of the February demonstration were brought together largely through involvement in the Springbok protests and national Day of Rage of the previous year.⁸²

With the commencement of the first term of the university year, the largely student-controlled facilities of the Student Representative Council became available to the Aboriginal Embassy. The SRC began its meetings for the year with strong support for the land rights cause. Richard Refshauge (President)

⁸⁰ The Canberra Courier, March 9th, 1972.

⁸¹ The Canberra Courier, March 10th 1972.

⁸² Dr. Roberta Sykes, interview, October 18th, 1991; Jack Waterford, interview, July 30th, 1991.

and Di Riddell (secretary) both had strong links with the Embassy, while the first issue of the student newspaper Woroni for 1972 carried an interview with Michael Anderson.

The social aspect of the student/Aboriginal relationship during the Embassy assisted in the overall cooperation between these groups. The union bar served as a nexus for this interaction. Jack Waterford remembered that the Aborigines quickly became part of a "scene", which also included other venues such as the Old Canberra Hotel jazz nights.⁸³ Aboriginal people from the Embassy were welcomed by the students, but at the same time given considerable respect for their autonomy as a special group within the social setting. Aboriginal people "mixed and merged" with White students around the pool table, but at the same time remained a tightly knit group amidst the more numerous student clientele. The bar was not a usual meeting place for the radical right wing of student politics, but when this group did appear on campus violence often resulted. This was, however, no "more or less" than in any hotel.⁸⁴ In general, the licensed premises on the ANU campus provided an essential place for Aboriginal people to join with White supporters for organisational purposes, with students offering both deference and assistance in accord with the idea of Aboriginal self-determination which had established itself in radical left politics.

There were parties at student residences, while students visited the Embassy to play music around the campsite.

⁸³ Jack Waterford, op. cit.

⁸⁴ Liz O'Brien, interview, October 3rd, 1991. O'Brien was an ANU student in 1972.

Close friendships formed between individuals, while supporters of the Embassy allowed the Aboriginal protestors to use their lounge rooms as a place to sleep away from the lawns, providing showers, meals, and transport. White students and Aborigines, often encountering each other for the first time, shared their recreational activities, and their grievances with the dominant culture. They shared their radicalism and their visions of change, and discussed their ideas of how best to effect such change in the given political environment.

The understanding of the land rights demand entertained by students was, as with other groups, somewhat vague. Richard Refshauge remembered the Aboriginal demand for land rights as a new issue, and didn't think "any of us had a coherent ideology of land rights".⁸⁵ Injustice, however, was recognised by students - Aboriginal affairs "demanded" action.⁸⁶ Support for the Embassy from this quarter was proffered with Aboriginal self-determination as a guiding principle, and it was up to Aboriginal spokespeople to draw up the agenda. As Allan Gould put it, "the Aborigines were not going to allow their decision-making or the way they were perceived infiltrated",⁸⁷ and this applied to all aspects of the protest. Although there may be tendency to state the "politically correct" version of the student supporters' role amongst some participants, the generally harmonious nature of student/Aboriginal relations is remembered by those involved.⁸⁸

⁸⁵ Richard Refshauge, interview, April 18th, 1991.

⁸⁶ Ibid.

⁸⁷ Allan Gould, interview, May 2nd, 1991.

⁸⁸ Ibid. Jane Morrison, interview, May 2nd, 1991. Morrison was a Canberra resident in 1972.

On March ninth some seventy students protested outside the parliament against government policy and the threat of a new law against camping on the lawns. Inside, Enderby presented another petition and demanded that "the ready access of citizens of Australia to this Parliament House" be upheld.⁸⁹ On the twenty-fourth of the month, Hunt wrote to the Prime Minister "indicating intention to amend ordinance".⁹⁰ The activities of the Embassy continued to be radical: provocative plans for the Northern Territory as an Aboriginal Mecca were aired by Paul Coe on the Monday Conference television program, and a campaign to unseat Ralph Hunt in his own electorate of Gwydir was announced.⁹¹

The annual meeting of FCAATSI was held, as usual, at Easter. This year it was also billed as the first National Aboriginal Land Rights Conference. The meeting at Alice Springs was widely attended, including representatives from the Arrernte, Warlpiri, and Pitjijanjara tribal regions.⁹² Pat Eatock represented the Embassy, travelling north on a donation of sixty dollars.

The conference passed a number of resolutions, including a call for the resignation of the Director of Aboriginal Welfare in the Northern Territory. The Embassy and land rights campaign were acknowledged by support for a land rights working group. Of importance to later events was the location of

⁸⁹ Commonwealth of Australia Parliamentary Debates of the Twenty-Seventh Parliament, March 9th, 1972, Vol. 76, p 760.

⁹⁰ Department of Interior, Aide Memoire, June 27th 1972.

⁹¹ The Canberra Times, March 27th, 1972.

⁹² The Tribune, April 11th 1972.

the meeting. Eatock returned to Canberra with Arrernte words for the struggle:

I came back with this N'ingla- A- Na ... from the people in the riverbed...they said the land is our mother.⁹³

N'ingla- A- Na, literally meaning "hungry for our land", became a widely used slogan over following months.

Meanwhile, the Embassy used the facilities of the ANU union for its own meetings over Easter. The event was remembered by Di Riddell for its overtones of violence, and some Aboriginal delegates were seen carrying weapons. Refshauge, concerned at the trend, phoned George Warwick-Smith (Secretary the Department of Interior) to warn of the possibility of violence should an attempt be made to move the Embassy.⁹⁴ Among decisions made by the Aboriginal protestors was the abandonment of the official titles of commissioner and ministers, as these were "too much like White bureaucracy".

It was at this time that the first, and only, serious division appeared in the ranks of the Aboriginal protestors. Admittedly there was a long-standing break between the advocates of violence and those who stood firmly by the idea of symbolic action; this was apparent in the early responses to a threat of removal by the government. In addition, there was a certain amount of trepidation among older Aborigines over political activism, and a distance (geographical if not cultural) between the urban Aboriginal activists and the more traditional

⁹³ Pat Eatock, interview, July 13th, 1991. Eatock's family came from Bogantungan, Queensland, and had been part of the Sydney community for many years. In 1972 she was working in Canberra as a public servant.

⁹⁴ Richard Refshauge and Di Riddell, interview, September 17th, 1991.

tribal groups of the north. These differences, however, did not amount to factional splits, and although not always in agreement the movement behind the Embassy was, in general, united. The split in early May occurred over leadership and among the accepted spokespeople of the Embassy, its catalyst being the question of the protestors' finances.

Funding the Embassy was a problem from the outset. The meagre finances of the protest were gathered mostly by donation. At the same time, unsolicited gifts were unwelcome as they appeared paternalistic, and this was Anderson's message to the student supporters in March.⁹⁵ Living by donation was necessary for a group of people whose economic status was minimal, and at the same time it was the best way to avoid any trouble with the vagrancy laws. A bank account was established for the use of the protestors.

The signatory to the account was Michael Anderson. Even after the passage of twenty years he refers to a "coup" and "character assassination" carried out against him by Foley, Coe and others in a struggle for "leadership".⁹⁶ This began, according to Anderson, at the Clifton Hill hotel in Sydney one afternoon, and was a conspiracy to depose him as spokesperson. Anderson was "dismissed"; his use of the Embassy funds to start a "voter education" campaign against Hunt in Gwydir was given as the reason. One of the prominent figures of the Embassy, and other protestors, believed that Anderson was a pilferer, and that

⁹⁵ Woroni, March 30th, 1972.

⁹⁶ Michael Anderson, interview, November 10th 1991; interview, August 28th, 1991.

"everyone covered for him ... it would make you sick".⁹⁷ The press carried stories of the loss of \$700, reporting that police were "anxious to contact an Aboriginal who was prominent in the establishment of the Embassy".⁹⁸

The split occurred within the Embassy rather than within the movement, and did not affect the maintenance of the protest. Anderson joined Isabel Coe, Trevor and Chubby Hall, and Billy Bundie in the "voter education" campaign, concentrating on areas with large Aboriginal voting numbers.⁹⁹ He made a "casual" re-entry to the protest in Canberra in July, while Pat Eatock became secretary/treasurer of the Embassy.

The Department of Interior continued to seek an end to the protest, and McMahon responded to the requests of this ministry when he raised the question of appropriate action on the encampment in cabinet on May 2nd. The meeting endorsed the removal of the Embassy with the use of "legal backing". This was to be arranged through the cooperation of the departments of Interior, Environment, Aborigines and the Arts, and the Prime Minister. Removal was to be achieved, it was noted, "with reasonable notice and tactfully and with the least disturbance".¹⁰⁰

Some weeks before, Howson had written privately:

⁹⁷John Newfong, interviewed by Peter Read, July 4th 1988(TRC 2303/6)

⁹⁸ Canberra Sunday Post, May 21st, 1972.

⁹⁹ Michael Anderson, interview, November 10th 1991. This campaign later received funds from the BLF and TLC, and was based at Narrabri.

¹⁰⁰ Department of Interior Aide Memoire, June 27th, 1972.

The one thing we mustn't do is to attempt to move them, because this will have the effect of uniting the forces, both with them and the Labor Party.¹⁰¹

Despite this, the process which Hunt had instigated continued with "inter-departmental consultation" over the means of ridding the lawns of the house of the protest.¹⁰²

On May eleventh, Hunt made a ministerial statement in the House of Representatives that a "law regarding trespass on Commonwealth lands in Canberra" would make it "generally an offence for persons to camp on unleased land in the city area and will empower authorities to move their possessions away in the event they do not comply".¹⁰³ Notice was to be provided in advance of any action of this kind.

There was an immediate response in the House. Enderby again defended the Embassy; Jim Cairns collected twenty-six signatures from the Aboriginal Affairs Committee, whereby these Labor members promised to physically defend the tents from removal.¹⁰⁴ In the Senate, Jim Keeffe defiantly suggested that the Embassy move into King's Hall.

News of Hunt's intentions reached the Embassy in the afternoon press. Ambrose Brown, speaking from the tents, promised that the Embassy would remain:

If they move us we will just keep coming back. They will have to keep throwing us in jail.

¹⁰¹ Peter Howson - The Life of Politics, Viking, Ringwood, 1984, p 843.

¹⁰² Ralph Hunt - "Reflections on the Aboriginal Tent Embassies", unpublished ms., n.d.

¹⁰³ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, Vol. 78, p. 2407.

¹⁰⁴ The Canberra News, May 12th, 1972. The petition was given to Hunt on May, 21st.

Newfong told the Tribune:

They are not going to be able to move us without using force and that will be more harmful to them than to us. A few bangs on the head are nothing to what our people are getting in the outback.¹⁰⁵

The views of the Government and the protestors were now diametrically opposed not only on matters of Aboriginal affairs, but on the right to occupy a small patch of muddying turf in front of the parliament. The use of force had been indicated by the government; violent response had been promised by the protestors. Perhaps concerned at the diminishing prospect of fulfilling Cabinet's request for a quiet end to the affair, Hunt made an attempt at conciliation, offering some form of club in Canberra as an alternative site for the protest.¹⁰⁶ Newfong quickly responded in a public statement: "We didn't come here for a club, we came to get land rights".¹⁰⁷

The compromise suggested by the Department of the Interior was to coax the protestors away from the lawns and into a club, effectively removing the symbolic value of the protest, and dominated negotiations within the government, and between the government and the Embassy, for the following two months. Howson contacted the Council for Aboriginal Affairs to propose the option of a club, and was told by Dexter that the Kanangra society was an adequate and already existing organisation.¹⁰⁸

¹⁰⁵ The Tribune, May 30th, 1972.

¹⁰⁶ The credit for this idea in fact belongs to Jim Keefe (see Hansard, April 11th, 1972)

¹⁰⁷ The Canberra News, May 12th, 1972

¹⁰⁸ Barrie Dexter, unpublished ms., n.d. The Kanangra Society was a group of local white Australians concerned with Aboriginal issues, its main activities being social functions.

Dexter considered the idea of a club was an attempt to "bribe" the Embassy, and was opposed to Interior's intention to remove the tents :

If the Council's advice had been sought it would have advised against this decision since in its view the Embassy would probably fade away in due course, whereas its removal invites a stronger confrontation and risks making national martyrs.¹⁰⁹

The opinion of the government's appointed specialist advisors was again ignored. Unaware of the Council's position, due largely to its comparatively low profile and inability to influence the government, many of the protestors and their supporters considered the Council to be completely "irrelevant" to the negotiations.¹¹⁰

Discussions concerning a club took place in May 1972 between Hunt, Howson, Neville Bonner and John Newfong. The Prime Minister was also involved in conferring with Newfong, to offer the demonstrators "a more permanent and dignified presence" in Canberra, and to convince them to leave the lawns with the introduction of new legislation. Newfong made it clear that the tents would remain until the elections, and suggested (as a separate issue) that FCAATSI could take advantage of the offer of a club as their Canberra headquarters. Howson and Bonner both opposed the latter idea, claiming that FCAATSI was no longer representative of Aboriginal Australia.¹¹¹ As late as June, Chicka

¹⁰⁹ Barrie Dexter, op. cit.

¹¹⁰ Dennis Walker, interview, December 10th, 1991; Dr Roberta Sykes, op. cit., Refshauge, op. cit. The Council's attempt to straddle the conflicting ideological positions of the protest and government policy was at all times a virtually impossible task, undertaken with diminutive powers.

¹¹¹ Ralph Hunt, op. cit.

Dixon and Joe McGinness were still expressing interest in the idea, the main obstacle being Howson's opinion that:

I don't see why we should bow to their demands, which are to provide them with a building in Canberra from which they can have a permanent lobby ... I made it clear that unless one is negotiating with a body that represents all Aborigines we shall encounter an even greater problem.¹¹²

The negotiations had reached stalemate.

The ALP, meanwhile, remained committed to the defence of the Embassy. Although not all its members subscribed to the policies espoused by Whitlam, a large number of members had signed the petition pledging assistance to the protestors.¹¹³ Hunt recalled that before the start of the winter recess he was visited by Gordon Bryant and Manfred Cross, who asked him to reconsider the creation of a new law,¹¹⁴ and indicated their wish to eschew physical support for the tents in case of a removal.¹¹⁵ Such lobbying indicated the extent to which a confrontation was of concern to the Labor members, but also their belief that such potentially violent action would prove futile.

The question of timing the removal was an exigent problem for Hunt. He had already publicly guaranteed Bonner that the removal would not occur during the winter recess

¹¹² Peter Howson, *op. cit.*, p.871.

¹¹³ A list of signatories provided to the press listed over twenty ALP members, including Tom Uren, Cairns, Dr. Moss Cass, Gordon Bryant, Enderby, Gitzelt, Klugman, Everingham and Kennedy. Members such as Cavanagh and Whitlam were conspicuous by their absence. (Copy of petition given to press, n.d.)

¹¹⁴ Ralph Hunt, *op. cit.*

¹¹⁵ Department of Interior Aide Memoire, June 27th, 1972.

in parliamentary sittings.¹¹⁶ Hunt denied that the statement had ever made a promise about the timing of the removal; Bonner told the press that "next time I get an assurance from anyone in the government, I'll get it on a message stick".¹¹⁷

The Aboriginal protestors continued to refuse any offer of alternative accommodation as a trade-off, and in expectation of an attempt to remove the tents, set up a two-way radio link with the ANU students' union as an "early warning system".¹¹⁸ A march from ANU to the Embassy was addressed by Jim Keefe¹¹⁹ on the seventh of June; a letter was sent to the Queen asking for reservation of the impending ordinance.

Throughout these months, a constantly changing population of Aboriginal people from all states kept the Red, Black and Green flag of International Black Unity flying over the tents.¹²⁰ In mid-May there were nine resident protestors in six tents; this figure fluctuated constantly, and usually peaked on weekends when groups of Aborigines arrived from Sydney. Carloads of people from various areas travelled to Canberra. Chicka Dixon provided much of the organisation for transport, while Gary Foley, Bruce McGuinness, Paul Coe, and Sam Watson usually arrived at the end of the week.¹²¹ News was carried back to the cities, and to rural areas, by these individuals. Media

¹¹⁶ NT News, June 3rd, 1972.

¹¹⁷ The Canberra Times, June 6th, 1972.

¹¹⁸ Steven Padgham, interview May 2nd, 1991; The Canberra Times, June 6th, 1972.

¹¹⁹ Keefe was an ALP Senator from Queensland, and was appointed Parliamentary Representative to the Council of AIAS in 1967.

¹²⁰ The black, red and yellow flag, now the accepted Aboriginal emblem, arrived on the lawns in July.

¹²¹ Michael Anderson, op. cit.

exposure added to the spoken word and the support of the Embassy by the community organisations, so that the Embassy attracted visitors and adherents from throughout Australia as a result of its widespread notoriety.¹²²

The lifestyle at the encampment was criticised by opponents of the protest, and (with some qualifications) defended by participants. Hunt later commented that "the camp had degenerated into an untidy, insanitary spectacle".¹²³ Consumption of alcohol at the Embassy was noted by several participants and visitors,¹²⁴ and other aspects of the daily upkeep of the camp were sometimes neglected. Pat Eatock recalled that during the cold months there was "nobody taking care of the housekeeping" and "a bit of boozing".¹²⁵ It was the Aboriginal women who maintained morale and order at the tents. Eatock remembered the visit of Shirley Smith, Geraldine Briggs, Marge Tucker and other women who came to "lay down the law" and make it clear that the protest was "for everyone" rather than anyone's private party. The men "responded to the responsibility" pointed out by the (often older) women, and this "revitalised" the protest.¹²⁶

¹²² Cecil Patten, from northern NSW, remembered that "a lot of people from this way went down there." (interview, 1988). The same could be said for virtually every Aboriginal community.

¹²³ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, August 15th, Volume 80, p. 26. Such comments relected some of the most common features of racist condemnation of contemporary Aboriginal society. As mentioned above, the living conditions of the Embassy were in themselves symbolic of material conditions in much of Australia.

¹²⁴ Pat Eatock, interview, July 13th, 1991; Manfred Cross, interview, December 2nd, 1991; Chris Swindbank, interview, May 2nd, 1991 (Swindbank was an ANU student in 1972).

¹²⁵ Pat Eatock, op. cit.

¹²⁶ Pat Eatock, op. cit.

Coverage of the Embassy by the mass media and international exposure for the Aboriginal land rights campaign was of great importance during the first six months of the Embassy's existence. The Canberra Times carried a double spread by John Newfong, in which he described the Embassy in detail, explaining the flag, the traditional painting representing a meeting place, and the aims and activities of the protestors. Also mentioned were a visit from Mick Young (ALP general secretary), Carole Johnson (New York Dance Ambassador), and others. Support was at the time being offered by various church organisations as well as the Quakers, and a free concert for the Embassy had been suggested by Australian pop vocalist Johnny Farnham. Newfong stressed that the Embassy was a media event of some magnitude, and had generated more attention for Aboriginal issues than any previous news story. Articles had been published in the London Times (thanks to the interest of its correspondent in Canberra, Stewart Harris), The Guardian, The New York Times, Le Figaro, Time magazine, Israeli Post, Le Monde, and papers as far afield as Manila, Norway, Tokyo, Beijing, New Delhi, Jamaica, and Malaysia.¹²⁷ Television networks in Japan and Sweden had also featured the Embassy.

The location of the protest on the lawns of the house, in the inner circle of Canberra's array of embassies, memorials and government buildings, attracted large numbers of

¹²⁷ The Canberra Times, April 27th, 1972; The Tribune, May 30th 1972. The New York Times, for instance, carried a front-page story on the advent of Black Power in Australia, and later a feature on page two which described the Embassy in detail (The New York Times, January 24th and March 8th, 1972).

tourists. Many were international visitors, who carried home an awareness of the indigenous people which differed greatly from their representation in usual information given to tourists, or for that matter to diplomats. Most were at least curious about, and often supportive of, the Embassy:

Sometimes hundreds of tourists a day visit us and most of them sign the land rights petition and take away information.¹²⁸

Visitors to the Embassy included Soviet diplomats, Lloyd Barber (Canadian Indian Claims Commissioner), and representatives from the Irish Republican Army who donated a linen handkerchief to the cause.¹²⁹

International exposure had been experimented with by Aboriginal activists as early as 1970, and had a special relevance in this case, here extending the idea of diplomacy from symbolic representations within Australia to the (potentially effective) entry to international affairs. Some Western nations were already involved in opposing the minority governments of Rhodesia and the Republic of South Africa at this time, and the call for land rights in other nations was compatible with contemporary attitudes in the United Nations and international community in general. The visit to the Peoples Republic of China by an Aboriginal delegation was postponed for later in the year.

Publications written by and for Aboriginal people - Identity, the National Koorier and others - also maintained a coverage of the Embassy. Newfong wrote a long

¹²⁸ John Newfong, quoted in The Canberra Courier, June 22nd 1972.

¹²⁹ The Tribune, May 30th, 1972.

feature in Identity in July, which served as a valuable summation of the demands of the protest.

Firstly, the article made clear that self-determination, that essential feature of the movement which had grown from notions of Black Power and the rejection of paternalism, was the basis for the land rights demand:

There is one thing of which we are all sure and that is that nobody is going to look after us as well as we can ourselves - and our only problem is finding somewhere to do it.¹³⁰

The article then explained the original five point plan¹³¹ in detail. Compensation, for instance, was to account for land not returnable, and was to take the form of a downpayment of six billion dollars and an annual percentage of the gross national income. The latter was to be negotiated with the Federal government. Title to areas of land in the capital cities was again stressed, as was statehood (with a predominantly Aboriginal parliament) for the Northern Territory, and legal title and mineral rights to all other existing reserve lands and settlements throughout Australia.¹³²

The demands expressed by the Aboriginal spokespersons - notably Sykes, Coe, Anderson, and Newfong-were, even after six months of intense protest and some years of discussion, relatively vague. They represented a programme for social change, but presented to the public and power structure an agenda which was limited to generalisations. The strength of commitment to land rights indicated a vision of some clarity, yet even in July this was not translated into detailed terms easily understood by White Australia.

¹³⁰ Identity, Volume 1, No 5, July 1972.

¹³¹ See above.

¹³² Ibid.

Nevertheless, the land rights demand was a coherent ideology. Its reliance on self-determination and specific focus on the return of land to the indigenous people as a panacea for the socio-economic inequities experienced by Black Australia was clear, if not clearly stated. Those who were repelled by the more extreme demands such as urban land rights and compensation, even if these were a form of maximalist media-grabbing, had no claim to the contrary except an endorsement of the Assimilation policy and a denial of indigenous rights.

The ideology of the land rights movement stood in direct contradiction to the policies of the government. Assimilation was still the guiding theme of policy in 1972, despite its official dilution with options for "choice" and concessions in more traditional areas. Howson, although aware of the "frightful slum conditions" of Redfern, believed that land rights (the solution posed by Council and the Aboriginal activists) "would promote racist discrimination ... put the Aboriginals apart from the other Australians rather than to encourage them to become one people". Of the traditional groups, for which he generally had more sympathy, he remarked "we would need laws of discrimination" if they continued to move back into the bush in remote areas.¹³³ Given the Aboriginal people's belief in controlling their own affairs on their own land, Aboriginal affairs could not have been more polarised.

¹³³ Peter Howson, *op. cit.*, p. 861.

It was at this juncture that the only extension of existing legal provisions for land rights occurred.¹³⁴ In April, Lord Vestey, leaseholder of the disputed Gurindji territory, offered to hand over a part of Wave Hill. At first the issue was dealt with by the Prime Minister's Department, which passed it back to the ministry of Interior and Environment, Aborigines, Heritage and the Arts. The Council for Aboriginal Affairs, meanwhile, wanted to take advantage of the offer to provide the Gurindji with some 3,000 square kilometres of land ; Vestey himself was prepared to return 3,840 square kilometres of property, while Interior was prepared to cede only 1,280 square kilometres.¹³⁵ The ministers concerned also considered a grant of a mere sixty-four square kilometres.¹³⁶ Official statements suggested a vague leasehold arrangement. As Coombs notes, neither ministry referred to the Council, and the affair "drifted into the doldrums" until the end of the year.

Even more important were decisions made to acquire properties in inland Australia in July 1972: Panter Downs (WA), Everard Park (SA) and Willowra (NT) were to be purchased under the Capital Fund grant of 1971. Dexter was thus able to say that "we did get something through the McMahon government".¹³⁷ This "something" in some ways foreshadowed later land rights legislation. It was an acceptance by the government, despite the opposition of the ministries concerned, that in certain cases the

¹³⁴ The South Australian legislation (See Chapter One).

¹³⁵ Peter Howson, *op. cit.*, p.858. See also Stewart Harris - This Is Our Land, ANU press, 1972, p.44.

¹³⁶ HC Coombs, Kulinma, ANU Press, 1978, p 175. There are several conflicting accounts of the extent of acreage offered, and the relative parsimony of the two departments.

¹³⁷ Barrie Dexter, interview, August 16th 1972.

return of land to the Aboriginal people was an option for Aboriginal affairs policy. This willingness to make concessions, however, did not influence the McMahon government's policy as a whole.

The protest movement was burgeoning in these months: there was a "consulate" outside the WA parliament from June 17th, and a rent strike at Mulli Mulli village near Woodenbong in Northern NSW attracted media attention to living conditions of people in the Eastern states as well as to the broader protest movement.¹³⁸ The Embassy remained on the lawns outside the seat of power. It continued to make symbolic and provocative statements, challenging government policy in a creative, non-violent manner through gestures such as Brian Marshall's attempt to walk to Adelaide on foot to raise funds. The threat of removal was a constant concern, but in June it was apparent that no action would be taken by the government until after the potentially embarrassing SEATO conference scheduled for June twenty-seventh.¹³⁹

Taking advantage of the official National Aborigines Day, a nation-wide demonstration under the banner of Ningl'a-A -Na, or Moratorium for Black Rights, was conducted on July 14th. The demonstrations, first planned at the Easter conference of FCAATSI, demanded land rights (ownership of all reserves and traditional areas, including mineral and forestry rights), full compensation, endorsement of the principle of self-

¹³⁸ Direct Action, July 14th, 1972. The strike later spread to Brewarrina and Redlynch.

¹³⁹ The Canberra News, June 19th, 1972.

determination by the government, and support for the amelioration of Aboriginal standards of health, housing, employment, and equality before the law in all states.¹⁴⁰ Carrying banners proclaiming these demands - "Land Rights Now", "Free Black Australia", and "Stop Nabalco" - thousands of Aboriginal people and white supporters invaded the streets of the major capitals.¹⁴¹ Only in Darwin, where the city council banned the march, were telegrams of dissent substituted for direct action, while protests were also co-ordinated in Auckland and Port Moresby.¹⁴² Although Foley and other speakers at the Sydney Ningla- A- Na demonstration declared that "the time of White pacifism is gone", there was little violence in the progress of protestors through the city streets,¹⁴³ with the exception of the arrest of the leader of the Polynesian Panthers, Will Ilohia, in Sydney.

The march on July 14th was also a response to continuing government opposition to land rights and the assimilationist position that Aboriginal people should ask for no more than "free and unimpeded access to the rights and privileges of our society".¹⁴⁴ Government promises of ending discriminatory legislation in Queensland, improvements for health and housing, royalties for the Yirrkala people, and the leasehold provisions of the Australia Day statement,¹⁴⁵ were seen as empty rhetoric by the Aboriginal activists and their supporters.

¹⁴⁰ Direct Action, June 9th 1972.

¹⁴¹ Ningla-A-Na, produced by Alessandro Cavadini, 1972.

¹⁴² The Tribune, July 11th, 1972.

¹⁴³ Ibid.

¹⁴⁴ Statement by McMahon, July 12th, 1972. (Press release of that date.)

¹⁴⁵ Ibid.

By this stage, the ordinance had passed through departmental and interdepartmental channels, as well as discussions between the government and the Embassy. It had been submitted to the ACT Advisory Council, which had advised against the proposed alterations to the law.¹⁴⁶ The latter had no power to prevent Hunt's decision in the matter. The SEATO conference complete, there was nothing to stop Hunt going ahead with a new ordinance, despite the view of the Council for Aboriginal Affairs and ACT Administrative Council, and the determined resistance of the protestors.

The threatened action was taken in July. Inspector J. Johnson of the Federal police handed a draft of the ordinance to Ambrose Golden-Brown (spokesperson in the absence of John Newfong, who had left to edit a magazine in Sydney in early July) on the seventeenth. The draft made clear new penalties for camping in a public place such as the lawns of Parliament House. The immediate response of the protestors was to promise "no resistance", a tactical resort to compliance which may have appeared necessary at the time.¹⁴⁷

Once the draft ordinance had been issued, there were further gestures of support from various groups. Enderby demanded a stay on any action until parliamentary sittings had resumed, while ANU students promised to support the Embassy. The latter cooperative move was organised while Faith Bandler

¹⁴⁶ Department of Interior, aide memoire, June 27th 1972.

¹⁴⁷ The Canberra News, July 18th, 1972.

screened "The Black Australians" a BBC production banned in Australia for its graphic portrayal of Aboriginal living conditions. Richard Refshauge offered to assist the demonstration by means of a "passive stand", such as the SRC adopted on other political issues,¹⁴⁸ while the Embassy told the press that it was considering a "sandbag defence".¹⁴⁹

The Aboriginal Embassy had thus far been a non-violent, creative symbolic action whose demands directly contradicted the ideology of the status quo, its (thus far, legal) occupation of the lawns purporting to represent the living conditions of thousands of black Australians, its demands addressing the issues of land rights and compensation which Aboriginal people regarded as paramount. An Embassy of a people who perceived themselves to be treated as aliens in their own land, and whose rights to the ownership of that land were specifically denied by the policy of the government of the day, the encampment had expressed the frustration of Aboriginal Australia through a prolonged protest. Despite certain allusions to power which emanates from the barrel of a gun, the first six months of the Embassy exemplified a thoroughly non-violent display of political commitment. The events which followed were the culmination of almost ten years of government refusal to heed Aboriginal demands based around the (albeit vague) concept of land rights, and five months of debate within the government over the wisdom of using force against an encampment on the front lawn of their legislature.

¹⁴⁸ The Canberra News, July 18th, 1972.

¹⁴⁹ Ibid.

Chapter Four: The Embassy, July to September, 1972.

The use of force had been threatened by the government, and the protestors had for some months expected action by the authorities. Very little time, however, elapsed between the final gazettal of the ordinance and the intervention of the Commonwealth Police at the Embassy. Hunt's final promise on the eighteenth of July was that there would be two weeks grace before implementation of the new law.¹ The next day, fearing an overnight removal of the tents, ANU students donated seventy-five dollars to the Embassy's funds, and twenty students set up a vigil to support the defence of the encampment.²

The halcyon days of protest ended for the Embassy on July 20th. The protestors had been forewarned through numerous channels over the previous six months, although the timing of government action retained an element of "surprise".³ Pat Eatock played an important role in building numbers at the demonstration of that morning, having overheard police requesting a copy of the gazette ("get us the first one ... we're waiting to move on it") at the Government printers.⁴ A two-way radio link from the Embassy to the ANU union building was (allegedly) jammed,⁵ as was the university switchboard and the two-way radio link.⁶ Eatock left work and telephoned various

¹ The Canberra Times, July 19th 1972.

² The Canberra News, July 19th, 1972.

³ Gary Foley, interview, June 7th, 1991.

⁴ Pat Eatock, interview, July 17th, 1991.

⁵ Steven Padgham, interview, May 5th 1991.

⁶ Ibid.

students, whose commitment was in most cases already established, at their homes. Some thirty people had assembled at the tents by ten o'clock, significantly more than the usually small number of week-day residents.

More students were drawn from the university. Steven Padgham went into several lectures and called for support: Everybody left the lecture ... the priority was seen that this is the more important thing to do now.⁷

By mid-morning some seventy Aborigines and students were present at the Embassy. At half past ten, forty minutes after the ordinance had been published in the gazette, Inspector Osborne led 150 police toward the tents. The protesters faced a body of police which "marched as a paramilitary force"⁸ from behind Parliament House.

The ensuing fracas has been variously described as a "football match", a "battle", and a riot. The opposing sides were without any recourse to negotiation in this public confrontation. The police supposedly acted with the legitimate authority of the state; to the demonstrators that authority was bogus, representing an affront to the right of peaceful demonstration and echoing broader injustice which, as the slogan reminded all present, was to be redressed by "land rights ... now!"⁹

⁷ Steven Padgham, interview, May 5th 1991.

⁸ Di Riddell, interview, August 17th, 1991.(Riddell was secretary of the ANU SRC) See also Cavadini's Ningla-A -Na.

⁹ Ningla-A-Na, directed by Alessandro Cavadini, 1972.

Osborne made several announcements over the police megaphone. His command to the protestors was to move from their place around the tents, and he warned them that "if you fail to move you may be arrested for obstructing police in the course of their duty".¹⁰ The protestors linked arms in front of the tent, and sang "We shall overcome" as the police advanced towards them. "An all-out, all-in brawl" followed, and police made "violent, vicious" moves to push the protestors away from the chancery tent.¹¹ There was no doubt among participants in the demonstration that police initiated the violence. Some police officers were seen to remove their badges, and attack the protestors.¹²

Peter Burns, a local resident, remembered how he linked arms with a woman of fifty, who "copped a boot in the groin" from the police.¹³ Di Riddell saw women having their earrings torn out during the struggle. Fulfilling his pledge to physically defend the tents, Gordon Bryant tried to pull a policeman away from a protestor.¹⁴ As Aborigines and students grappled with police, a number were led away:

The paddy wagon ... was parked up on the gravel. The coppers opened up the back ... just threw them in.¹⁵

The tents were ripped from the lawns and taken away in a police vehicle.

¹⁰ The Canberra News, July 20th, 1972.

¹¹ Chris Swindbank, interview, May 2nd, 1991.

¹² The Review, July 29th, 1972.

¹³ Peter Burns, interview, August 23rd, 1991. Burns had become politically active through involvement in the Clutha Committee, an environmental protest, and became a White supporter of land rights.

¹⁴ The Western Australian, July 21st, 1972.

¹⁵ Peter Burns, op. cit.

At the end of the morning's fighting "almost every demonstrator ringing the tent was injured or bruised in some way."¹⁶ Eight people were arrested, including five Aborigines.¹⁷ Casualties included eight police, whose injuries were (according to Bobbi Sykes) mostly broken knuckles and teeth marks on their hands.¹⁸ Among the protestors injured was Paul Coe, who was admitted to hospital. Foley was also injured, and was one of those arrested.¹⁹

The clash appeared in the afternoon press and the evening television across Australia, and the headlines gave it precedence over the national petrol strike. The first removal of the Embassy raised issues of civil liberties and police brutality, and brought the land rights issue into even greater media prominence. Hunt appeared on television to defend the action of the police and the government's decision. He accused Enderby and Bryant of complicity in the events of that morning :

They were there ... they should have used their influence to make the protestors conform to the law.²⁰

Although expressing "deep sorrow" at the violence of the occasion,²¹ Hunt's press statement on the afternoon of the twentieth blamed "people who had come from outside to

¹⁶ The Tribune, July 25th, 1972.

¹⁷ The Canberra News, July 20th, 1972.

¹⁸ The Nation Review, July 29th, 1972

¹⁹ The Western Australian, July 21st, 1972.

²⁰ Hunt, quoted in Ward McNally - Goodbye Dreamtime, Thomas Nelson, Melbourne 1973, p. 87. McNally included the version of "witnesses" who saw the two ALP members using a megaphone to calm the crowd in the early phases of the confrontation.

²¹ Ibid., p. 87

stir up trouble" and said that "thousands of Aborigines had disassociated themselves" from what he described as "the stunt outside Parliament House".²²

Enderby blamed the scuffle on the inept handling of the affair by the government. Whitlam sarcastically congratulated the government:

on the despatch it showed against these Aborigines in contrast to its impotence in the face of travel swindlers, international gangsters and fascist bombers and tax racketeers.²³

Neville Bonner was aghast at the events. He thought that violence could no longer be avoided on a large scale. Although he did not subscribe to the demands of the protest, he was outraged at the manner of its removal. "There are people", he said, "who will seize on this opportunity to use Aborigines for their own political gains".²⁴

The Council for Aboriginal Affairs was shocked by the removal of the Embassy, and the manner in which it was carried out. Dexter remembered it as "a day of deep tragedy, since a courageous Aboriginal initiative had been stamped on".²⁵

Coombs, then in Perth, commented:

This is a government decision and it is a matter for them ... I regret the violence very much ... The closing of the "Embassy" has cut off one channel of protest about these matters and there remain other avenues for protest which I hope they will continue to use.²⁶

²² Department of Interior, press release, dated July 20th.

²³ McNally, op. cit., p. 86.

²⁴ The Courier Mail, July 21st, 1972.

²⁵ Barrie Dexter, unpublished ms, nd.

²⁶ Barrie Dexter, op. cit.

Those who had been directly involved in the demonstration had somewhat more acute views. Jack Waterford remembered the first removal as a "token fight" which left feelings "running very high".²⁷ Peter Burns found his commitment to the cause strengthened:

up until then my attitude was: this is their fight, Whites shouldn't be involved. After that Thursday I thought: I've got to be involved.²⁸

Aboriginal participants on July twentieth were especially aware of the public anger generated by the violence of the demonstration. Gordon Briscoe recalled that:

The violence as portrayed on the TV ... was so ugly and so ghastly ... it was on a par with the Vietnam images, on a par with the anti-apartheid images.²⁹

Pat Eatock considered that: "The whole of Australia was shocked to its very foundations by this violence that erupted."³⁰

The knowledge that most Australians had by now heard of the protest no doubt contributed to the determination of the Aboriginal activists, billeted in various student houses,³¹ to continue their campaign. Protest was planned against the removal of the Embassy, and over the land rights demand which it had come to represent.

On July twenty-first, a new form of action was adopted by the Embassy. With the assistance of their student

²⁷ Jack Waterford, interview, July 30th 1991.

²⁸ Peter Burns, *op. cit.*

²⁹ Gordon Briscoe, interview, May 22nd, 1991.

³⁰ Pat Eatock, *op. cit.*

³¹ And in University accomodation in Childers Street.

supporters, the Aborigines sought a legal challenge of the ordinance. Terry Higgins, an ALP party member and "the only" socially conscious lawyer in Canberra at that time,³² was enlisted to represent the Embassy. Ambrose Golden-Brown, Billy Harrison, Allan Sharpley and Pat Eatock sought a High Court injunction which would prevent any further removal of the tents under the ordinance.³³ On the same day an ALP resolution against the ordinance was announced by Senator Murphy.³⁴

Meanwhile a group of Melbourne lawyers, calling the first removal "legalistically technical" and "brutal" demanded that the Law Institute support the protestors. The Embassy, which had begun as an exclusively extra-parliamentary direct action, had by now attracted the active support of the ALP in the house, and made use of the legal channels of Australian democracy.

Continuing protest, however, remained a priority. Captain Cook cottage in Melbourne and Liberal Party headquarters in Sydney were daubed with Black Power graffiti.³⁵ A march through the centre of Canberra was organised on the twenty-second. Coombs was invited to take a more active role in the dispute and the ANU union was suggested as a venue for a meeting between Coombs and the protesters.³⁶ Later that day

³² Di Riddell, *op. cit.*

³³ Affidavits of the plaintiffs in Supreme Court records (SC 701/72).

³⁴ The Canberra Times, July 21st, 1972.

³⁵ The Age, July 22nd, 1972 ; The Sydney Morning Herald, July 22nd, 1972.

³⁶ Barrie Dexter, *op. cit.*

Dexter was invited to join the protesters in a meeting with the police to "watch their interests".

The meeting was attended by Dexter, Refshauge, Sykes, Eatock, Les Watson, Paul Coe, Gary Williams and Gordon Briscoe; Superintendent Rochford and W. Osbourne represented the police. During the discussion a number of complaints and criticisms were made against the authorities by the Aborigines. They reassured Rochford that the police were not scapegoats for government decisions, and that the ministers concerned were responsible for the situation. They reaffirmed their right to demonstrate, and accused the police of prejudicial treatment on the grounds of race in their arrest of five Aborigines and only two Whites on the previous Thursday. The Aborigines asked why police had acted as "mindless people" and why they did not "look beyond the letter of the law to the human aspects of the situation."³⁷

Rochford refused to discuss Thursday's confrontation, on the grounds that the charges of resisting arrest and assault were now sub judice. The Aborigines further criticised the police over the manner in which notification of the ordinance had been given: if Ambrose Golden-Brown alone had received it, were police assuming him to be the Embassy's only spokesperson or representative? There was, however, at least a modicum of recognition among the police hierarchy that the ordinance had been passed with "haste ... and a bit of criticism".³⁸

³⁷ Barrie Dexter, unpublished ms., nd.

³⁸ RA Wilson, interview, August 16th 1991

Rochford assured the meeting that the violence of the twentieth of July would not be repeated.³⁹ There remained, however, a considerable gap between the police and the protestors: Osbourne said at one point that "I am not without some understanding of your problems, I worked with black trackers in the Northern Territory ...".⁴⁰

The Aborigines asserted that they were "quite determined to make their protest in the strongest terms possible", and nothing would prevent them. Nevertheless they were "prepared to come to an understanding with police in the interest of avoiding violence".⁴¹ The police suggested that the protestors organise their own marshalls, which brought an immediate response from the Aborigines that, in their home states, Blacks would be "arrested" for "daring to approach police officers" while holding any authority delegated by their own people. The only result of this dialogue was to reveal the polarised views of both parties. The government, as the protestors argued, was basically responsible for the confrontation, yet was not represented at the meeting. Dexter remained unable to do other than lobby his minister.

Warnings of physical resistance were issued by the Embassy, now in exile, on July twenty-second. Newfong, Walker, Sykes and others were unwilling to retreat from a further occupation of the lawns. As Dennis Walker observed, further violence was "not only likely, but bloody well necessary. We're not

³⁹ Barrie Dexter, op. cit.

⁴⁰ The Nation Review, July 29th 1972.

⁴¹ Barrie Dexter, op. cit.

going to stand silently and watch our people beaten up."⁴² Some Aborigines who disapproved of violent confrontation were attracted to the idea of assuming a firm demonstrative stance in the name of land rights, to contest what they saw as the unjust removal of their symbolic encampment. Bobbi Sykes described their feelings as follows:

We couldn't allow ourselves to be placed in a position which would even appear we were compromising ourselves or our people ... reserve blacks saw it as the only ray of hope to appear on their darkened horizon for many years ... urban blacks regarded it as the first positive step towards equality so far.⁴³

July twenty-third, 1972, was another day of violent confrontation between police and protesters. Two hundred people participated in the re-erection of the tents. The protestors began by marching through the city and across Commonwealth Avenue bridge; the march was hampered throughout by police motorcycles.⁴⁴ The protesters assembled around the tent, which had been restored to the lawns. A large number of Aboriginal people, including older members of the community,⁴⁵ were joined there by students, unionists and other White supporters, some sitting on the roadway in front of the parliament.

After some fifteen minutes, those around the tent linked arms and sang "We shall overcome". Chants of "the whole world's watching" and the various land rights slogans ("Land Rights Now!", "Free Black Australia", "Stop Nabalco") began.

⁴² Ward McNally - *op. cit.*, p. 88.

⁴³ *Ibid.*, p.p. 88-89.

⁴⁴ Ward McNally, *op. cit.*, p. 89.

⁴⁵ Michael Anderson, interview, November 10th, 1991.

Paul Coe addressed the demonstration on the megaphone, reminding whites present that "what is happening to the Black man here today is surely going to happen tomorrow to the white man. What will they do to you tomorrow?"⁴⁶ Peter Burns remembered how one of the Aboriginal organisers suggested: "lets all form bigger circles around the tents ... We all formed a circle".⁴⁷

Police selected Bobbi Sykes from the crowd, and told her to ask the protesters to disband. She refused.⁴⁸ A figure appeared at a window in Parliament House, and word spread that it was Ralph Hunt taking a look at the proceedings. A chant started up, rhyming slang mocking the surname of the minister for the Interior. This "infuriated" the police in the vicinity.⁴⁹ Jack Waterford recalled that by this stage the protest in general had "loudly and cheerfully told the police to fuck off ..."⁵⁰ There was also a clear statement from the protestors' megaphone: "we don't want violence either".⁵¹

The sound of their boots crunching on the gravel preceding them, some 360 police emerged from behind the parliament. Burns remembered it as "just like your genuine police state you see in the movies."⁵² Another chant started, this time the "Sieg Heil!" of Nazism in parody of the manifestation of the

46 Ward McNally, op. cit., p.97.

47 Peter Burns, op. cit.

48 The Nation Review, July 29th 1972.

49 Peter Burns, op. cit.

50 Jack Waterford, op. cit.

51 Ningla-A-Na.. directed by Alessandro Cavadini, 1972.

52 Peter Burns, op. cit.

power of the state.⁵³ The approaching force included a number of reinforcements from NSW, adding the threatening presence of unfamiliar uniforms.⁵⁴ The protesters remained in their circle, while the police marched straight into their midst.

The violent encounter which followed was similar to that of the previous week, but the larger numbers on both sides made it more intense. Cavadini's film of the event showed the full extent of the tumultuous brawl which took place on the lawns, and detailed incidents such as the souveniring of a police badge by an Aboriginal demonstrator and the incitements over the megaphone as the violence escalated ("everyone in uniform should have their guts blown out")⁵⁵ Michael Anderson's memory of that day is that:

one big blond headed bloke pulled an old woman to the ground ... as soon as we saw that, we saw red ... We clobbered him.⁵⁶

By the time the Embassy had been evicted from the lawns by force for the second time, eight Aborigines⁵⁷ and ten Whites had been placed under arrest, and five police taken to hospital for bites, cuts and abrasions. Nine protesters were treated by Pat Sorby at the ANU Health Service for similar injuries.⁵⁸

⁵³ Ningla-A-Na; Peter Burns, *op. cit.*

⁵⁴ Various interviews and press, cf Ron Dillon's denial that interstate police officers were involved (interview, August 13th, 1991).

⁵⁵ Ningla-A-Na

⁵⁶ Michael Anderson, *op. cit.*

⁵⁷ Among them were Michael Anderson (interview, November 10th 1991), Isabel Coe and Gary Williams.

⁵⁸ The Canberra Times, July 24th, 1972.

Almost immediately, it was announced that another demonstration would be held on the following Sunday. One Aboriginal protester left the lawns with the comment: "next time we come with fuckin' guns".⁵⁹

In the aftermath of the confrontation, anger, shock and disbelief once again characterised the opinions of the protestors concerning the morning's action. Chicka Dixon remembered that day as "the worst one" of the demonstrations, "the most violent" event he had ever witnessed.⁶⁰ Once again, the blame for the violence was placed (by the protestors, and to some extent by the press) with the government and the police. Bobbi Sykes saw a definite value in the media exposure which accompanied the demonstration:

At least it flushed out the truth about police bashing blacks. The whole world saw it.⁶¹

Pat O'Shane remembered a "major public outcry" over the events of the twenty-third, and a general feeling of outrage amongst both Aborigines and White Australians that "an innocuous group of people should evince such a violent action against it."⁶² Gary Foley remembered its media value (for good or ill) as "one of the most violent confrontations in the history of Canberra."⁶³ The number of arrests bore no relationship to the intensity of the fight at the

⁵⁹ Peter Burns, *op. cit.*

⁶⁰ Chicka Dixon, interview, July 2nd, 1991.

⁶¹ Dr Roberta Sykes- Black Majority, Hudson, Hawthorn, 1989, p. 96.

⁶² Pat O'Shane, interview, October 22nd, 1991. O'Shane was a young Murri from North Queensland.

⁶³ Gary Foley, *op. cit.*

second removal, and it was through chance rather than the actions of anyone present that no-one was killed.⁶⁴

Two days of violent confrontation had already occurred. Neither side, however, was prepared to yield, while Aboriginal people and their supporters continued to stand behind the principle of land rights (including defence of the symbolic piece of land in front of the parliament which had been reclaimed by the Embassy), and while the government remained committed to preventing any further erection of the tents. Additional protest had been promised after the second removal, and the escalating tension left only the question: would there be a third, even larger and more violent incident in front of the seat of government?

The Aboriginal protestors met at the ANU bar on the afternoon of the twenty-third to discuss their next move. Those present included Dennis Walker, Bob Maza, Johnny Coe, Kevin Gilbert, Chicka Dixon and Gary Foley. As it was already agreed by a large number of the protestors to make yet another attempt to re-erect the tent, the discussion centred mainly on the tactics to be employed in further demonstration.

The meeting, as documented by Cavadini's film, showed the variety of attitudes towards further protest. There was suggestion of both violent retaliation, and of other avenues of protest. Gary Foley called for "a few molotov cocktails around town" as a payback for the brutality of that morning.⁶⁵ Dennis

⁶⁴ This was the view of many of the protestors, pertaining also to the following Sunday.

⁶⁵ Ningla-A-Na

Walker proposed a combination of the use of international diplomacy by the indigenous people (appeals to the African nations and the Peoples' Republic of China for assistance) and more confrontational activities:

If they take the Embassy we take something of theirs ... preferably property rather than people.⁶⁶

Chicka Dixon merely shook his head when asked for comment.⁶⁷ At the end of the meeting there appears to have been no decision other than to re-erect the Embassy, come what might, on the following Sunday.

Richard Refshauge was among the first representatives of the protestors to take steps toward avoiding even more serious violence, or loss of life, on the thirtieth of July. Accompanied by the Reverend Garnsey, ANU chaplain, he met J.O. Ballard, deputy secretary of the Department of Interior, to discuss the prospects of "whether anything could be done to defuse the situation."⁶⁸ They warned Ballard that there was a real danger of violence on the thirtieth, and asked that Hunt meet with the Aboriginal protestors. Garnsey proposed to Ballard that the Embassy be "re-established and then taken down again ... to avoid another confrontation." Ballard replied that "it was extremely difficult to allow a breach of the law to take place".⁶⁹ He agreed to arrange a meeting with Hunt, but refused any co-operation with the students in their attempt to stage a symbolic action.

⁶⁶ Ningla-A-Na.

⁶⁷ Ibid.

⁶⁸ JO Ballard to ministers office, Department of Interior document dated July 24th 1972.

⁶⁹ JO Ballard to minister's office, Department of Interior document dated July 24th, 1972.

Meanwhile, Paul Coe asked Hal Wootten (President of the Redfern Legal Service) to intercede and "do something to prevent the violence recurring".⁷⁰ Coe was particularly concerned about the danger to women and children at the planned rally, while Wootten was uncertain that he could influence the course of events.

On July 25th, the High Court delivered its pronouncement on the Embassy's challenge to the ordinance. Although Justice Fox rejected the application to re-erect the tent, he adjourned a writ, seeking a declaration that the ordinance was itself invalid, for further deliberation. He commented:

You would not take long to convince me that section twelve (of the seat of government act) is an unsatisfactory piece of legislation.⁷¹

This initiated the participation of the Embassy, as a political entity, in the court process. It also started a legal dispute of some significance over the Act, which provided for the notification of new ordinances in the Gazette and the availability ("notice ... of the places where copies can be purchased") of the Gazette.⁷² The latter had not been properly adhered to. Until a decision was reached by the court, the Embassy's protest took on a new meaning as a target for laws which were themselves legally inadequate.

⁷⁰ The Hon. Hal Wootten AC QC, personal recollections on the Aboriginal Embassy, November 23rd, 1992.

⁷¹ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, August 15th, Volume 79, p.14

⁷² Seat of Government (Administration) Act, 1910-1970, S.12.

On the same day, Aboriginal affairs was included in the activities of the Prime Minister. A photograph appeared in the press of McMahon with his arm around a young Aboriginal woman at Adelaide Town Hall, and he issued a statement which promised that:

As long as I remain Prime Minister the interests of my people, the Aboriginal people, will be my chief concern.⁷³

Whatever their inspiration, these sentiments were seen by Aboriginal activists and their supporters as irretrievably paternalistic, and a political blunder of some magnitude.

Privately, McMahon took action to offset the threat of further protest on the twenty-fifth. He advised Hunt and Howson to collaborate on the matter (for the first time), and to organise a meeting with the protesters. McMahon, who had played such a minor role thus far, sought at this point to bring an end to an embarrassing affair through negotiation.⁷⁴ The ministers prevaricated, and Howson noted in his diary only that ASIO had advised him that the threat of Black power militants was receding due to problems of "funding and popularity".⁷⁵

The three members of the Council for Aboriginal Affairs had, meanwhile, flown to Darwin for the annual meeting of Commonwealth and State Officers and Ministers. They believed that "there could be a major confrontation and violence" at the next demonstration; Refshauge had phoned Coombs to warn him that "while every effort was being made to prevent Aborigines

⁷³ Ward McNally, *op. cit.*, p.103.

⁷⁴ His reasons for such a last-minute involvement in the affair remain uncertain.

⁷⁵ Peter Howson - *The Life of Politics*, Viking, Ringwood, 1984, p.889.

arming themselves they feared some might do so secretly."⁷⁶ The Council's advice to Howson to negotiate was met by his determined opposition to any forum other than the meeting of a State and Territory Advisory Council, planned by Howson for early August.⁷⁷ He was opposed to Hunt's offer of a club or centre to replace the Embassy, considering even this to be too great a compromise.

The Council for Aboriginal Affairs sent a unilateral statement to cabinet, bypassing Howson and supporting the idea of a centre, and endorsing long term Aboriginal representation in Canberra.⁷⁸ Although removed from the demands of the protesters, the Council's compromise was an attempt to prevent a repetition of the violence of the previous week. Coombs was also invited to attend the meeting between the protesters and members of the government.

On the twenty-sixth, Pat Eatock publicly announced that the Embassy would be re-erected, and warned that there was a possibility of the following weekend turning into "Australia's Sharpeville".⁷⁹ The Embassy again attracted media attention with this announcement, and with the trial of Bob Bellear for assaulting a police officer on the preceding Sunday. Bellear refused to remove his black beret in the court room, and with his supporters disrupted the Court of Petty Sessions.⁸⁰

⁷⁶ HC Coombs-Kulinma, ANU Press, 1978, p.16.

⁷⁷ Barrie Dexter, op. cit.

⁷⁸ Ibid.

⁷⁹ The Canberra Times, July 27th 1972.

⁸⁰ The Age, July 27th, 1972.

Part of Eatock's statement was devoted to a new demand by the Embassy. Whereas Hunt had for some time been offering the Aboriginal protesters some form of club or centre, which had been opposed by Howson and rejected by the protesters, a number of Aboriginal activists now called upon Howson to arrange a meeting with them to discuss, among other things, an Aboriginal "people's place" in Canberra with "status equivalent to an Embassy".⁸¹ The letter was signed by Faith Bandler, Bob Bellear, Geraldine Briggs, Pat Eatock, Margaret Lawrie, Kevin Salmon, Eve Scott, Shirley Smith, Dennis Walker and Len Watson. This group, which drew members from a broad cross-section of the protest, expropriated Hunt's offer and turned it into a demand. The use of this tactic did not however, diminish the determination of the protesters to stage a demonstration on the following Sunday.

Howson, whose involvement thus far had been minimal, noted in his diary that he had received a telegram from the Embassy.⁸² He refused, however, to negotiate with "unrepresentative militants", and resolved to speak only with the conference planned for August.

On the twenty-seventh, a meeting took place in Parliament House between the Minister for the Interior, RA Wilson of the Commonwealth Police, and departmental deputy secretary Ballard. The Embassy was represented by Geraldine Briggs, Pat Eatock, Billy Craigie, Tiger Bayles, Michael Anderson, Kevin Salmon and Margaret Lawrie. Hunt told the delegation that

⁸¹ Letter to Howson from Aboriginal delegation, dated July 26th 1972.

⁸² Peter Howson - op. cit., p.890

the primary objective of those present was to avoid violence on the weekend. He again offered the "dignified presence" in Canberra of a centre in Beauchamp House, but stressed that this was to be given to FCAATSI or a "broad national body", and told the protestors he could not recognise them as "representatives of the Aboriginal community."⁸³ Despite his wish to avoid repetition of the public brawls of the previous week, and what he termed his "real sympathy for the Aboriginal people", Hunt informed the protesters that "the tent Embassy was not on and could not be re-erected".⁸⁴

That afternoon, Hunt and Howson left for Darwin. They left behind increasing tension in the expectation of a major incident on the thirtieth, while discord existed between them over the proposed means of averting further confrontation. Although aware of the possibility of violence disrupting his own ministerial area, Howson was "hostile" toward Hunt's attempts at negotiations. Insulted that there had been no closer collaboration with his department before July 20th, he rejected Hunt's proposed concessions to the protestors.⁸⁵ Howson rejected the advice of Council and the much more moderate approach of the Department of Interior, preferring to heed the encouragement of Joh Bjelke Peterson and Fred Chaney to "stand firm".⁸⁶

⁸³ Ballard to Hunt, Dept of Interior document dated July 27th.

⁸⁴ Ibid. This document also indicates that there had been mention of the possibility of "permitting" a symbolic tent to be erected, "the police waiting until the demonstrators disperse before taking it down." Discussion of this was to be deferred until the Saturday.

⁸⁵ Ibid.

⁸⁶ Peter Howson, op. cit. p. 891.

The last public word from the Embassy came on the Friday before the planned re-erection. Pat Eatock criticised Howson for failing to meet the protesters. She told the press that she had telegraphed McMahon, urging him to "prevent a national crisis including bloodshed and possible deaths".⁸⁷ Whitlam issued a statement calling for restraint and non-violence on the weekend.⁸⁸

The disarray of the policy-makers reached its peak in their departure from Darwin. Hunt telegraphed the organisers of a public meeting in Tennant Creek, which he was due to open, telling them that because of a "crisis situation" he needed to return to Canberra to "take steps to prevent radical elements from using Aboriginal movements for their own purposes."⁸⁹ Howson refused Coombs the spare seat on the RAAF aircraft back to Canberra; Coombs, a pivotal figure in any possible last-minute discussions, was left stranded until Dexter managed to find him a seat on an international flight.⁹⁰

Finally, it was Howson who compromised, in announcing that the Ministers concerned had "appealed to Aborigines and their supporters to avoid any form of demonstration in Canberra" and that they were "prepared to meet tomorrow". The joint statement also extended a degree of accommodation:

⁸⁷ The Canberra Times, July 28th.

⁸⁸ The Sydney Morning Herald, July 29th.

⁸⁹ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, August 15th, 1972, Vol 79, p. 19.

⁹⁰ HC Coombs, op. cit., p. 17; Barrie Dexter, op. cit.

The ministers said they recognised the rights of Aborigines to demonstrate, but asked them to do this within the law and to avoid any friction with police.⁹¹

To Howson's surprise, Coombs arrived in Canberra to join Hunt and Malcolm Fraser in a meeting with representatives of the protest. Howson had already spent two hours talking to a group of protestors - "mainly(as) a PR exercise"⁹² - and had met with "a torrent of abuse". At the meeting, Coombs recommended a partial list of the Embassy's demands to the ministers, including temporary representation in a centre in Canberra, the dropping of all charges stemming from the previous two major demonstrations, and permission to re-erect the tent and "subsequently remove it to the new temporary representation centre".⁹³

The ministers present had already been given notice of McMahon's decision⁹⁴ to veto any proposal for a centre. Hunt, who had made the original offer, found it taken up by the protestors in a different form. He was now told not to mention it.⁹⁵ The ministers instead offered the Howson option of a conference in August,⁹⁶ which in itself meant a denial of the legitimacy of the Embassy, and suggested that the Aborigines lobby their Advisory Councillors concerning a permanent centre. The meeting had failed to resolve the questions relating to the imminent demonstration.

⁹¹ Department of Interior, press release dated July 28th, 1972.

⁹² Peter Howson, *op. cit.*, p. 892.

⁹³ Barrie Dexter, *op. cit.*

⁹⁴ Minutes of cabinet meetings remain unavailable at the time of writing.

⁹⁵ The Canberra Times, July 31st, 1972.

⁹⁶ Ibid.

A final press release on Saturday night revealed Police Commissioner RA Wilson's to be "still hopeful that the Aboriginal demonstration ... would not be violent". He warned, however, that the law would be "upheld", and that people seeking the attention of "selective television cameras" would not be given the opportunity to blame any violence on the police.⁹⁷

Pat Eatock reflected that this was a time of desperation for the protestors. Over preceding days, Eatock, Sykes and Gary Foley had struggled with the idea of having "blood on our hands", and there appeared a definite possibility that "people were going to die".⁹⁸ Also involved in planning the third erection of the tent were Michael Anderson, Chicka Dixon, Paul Coe and the Belleair brothers.⁹⁹ At the end of the negotiations described above, Eatock concluded that:

Whatever was going to happen was going to be totally beyond any control ... of us, of the police, of the ministers ... people had reached the stage where they were prepared to die for the issue.¹⁰⁰

The Embassy, ten days after the first removal, was as widely and strongly supported as at any stage in its seven months of existence. Bus loads of Aborigines were already en-route to Canberra from Queensland and South Australia. Over the past week, many elders in more traditional areas (Queensland, WA, NT) had "said no" to further protest, and Kath Walker remembered an attitude among some of these older Aboriginal

⁹⁷ Department of Interior press release dated July 29th, 1972.

⁹⁸ Pat Eatock, op. cit.

⁹⁹ Michael Anderson, op. cit.

¹⁰⁰ Pat Eatock, op. cit.

people which said they would "rather lose the land than lose the children".¹⁰¹ These views were linked to the wider fears about July the thirtieth: Kath Walker "foresaw bloodshed". Despite the restraint urged by the voice of traditional authority, and the usual responsibilities of membership in Aboriginal communities, over two hundred Aboriginal people of all ages converged on Canberra from all states.

The violence of the previous removals had given a high media profile to the issue, attracting fresh support from many White Australians. For some of those planning to attend the demonstration next day, the land rights issue may have receded as civil liberties became a question. A small number of "stirrers" added the presence of those attracted to violence for its own sake; local members of the National Socialist Party and right wing unionists,¹⁰² who sought to defend the police from the other protesters made up a similarly menacing element in the composition of the protest. There was every indication that Australia was to see its capital city bloodied in a large scale clash between the police and the protesters; the only mitigating factors were the orientation toward pacifism among some protesters,¹⁰³ and a degree of disgust with the violence of the first and second removals amongst both protesters and police.

Sunday, July 30th, was an overcast winter's day in Canberra. In the morning, Hal Wootten made a final attempt to

¹⁰¹ Oodgeroo Noonuccal, interview, October 23rd, 1991.

¹⁰² Richard Refshauge, interview April 16th, 1991; Ron Dillon, interview, August 13th, 1991.

¹⁰³ Quakers and a section of the student supporters were the most imbued with such ideas.

ensure that violence did not occur.¹⁰⁴ He contacted R. A. Wilson and told him that he "believed that the Aboriginal leaders did not want violence and that with restraint on the part of Police it would be possible for the day to pass peacefully."¹⁰⁵ Wootten remembered telling Wilson that, if the removal was postponed until five o'clock in the afternoon, most of the Aborigines would return home on the buses which had brought them, and "the problem would simply go away". Wilson, however, gave no undertaking other than to arrange liaison between Wootten and the police.¹⁰⁶

The demonstration began in the morning at a rallying point at the ANU. Organisation for the demonstration was more sophisticated than at any previous time, and Aboriginal people formed groups according to their home state. A marshall was made known to each of these groups, and between them they walked the length of the rallying ground asking people to surrender their weapons - "you'll get it back after".¹⁰⁷ Pat Eatock, one of the marshalls, remembered walking "up and down the ranks and saying "give us your knives".¹⁰⁸ Jack Waterford saw "mattock heads and things like that" given up by the Aboriginal protestors that morning.¹⁰⁹

104 Wootten went to Canberra on the 29th with this aim. See ALS Annual Report, 1971-72, p. 9.

105 Hal Wootten, op. cit.

106 Ibid.

107 Billy Harrison, interview, April 23rd, 1992.

108 Pat Eatock, op. cit.

109 Jack Waterford, interview, July 30th, 1991.

Within this group of demonstrators, whose ire had been raised over the previous week, many were "prepared for a confrontation", or as Michael Anderson put it:
 a lot of things we could have done and would have done ... we were ready to burn things, to do what the Black Panthers had done in the United States.¹¹⁰

According to some participants, "people were willing to die to defend the Embassy".¹¹¹ The sheer weight of numbers impressed many participants, and Gary Foley recalled that on the morning of the thirtieth "it was such a huge crowd and it was quite obvious that people were going to get hurt" if violent tactics were adopted either by the protesters or the forces of overt social control.¹¹² Michael Anderson remembered the visual impact of the crowd of over two thousand people, a tenfold increase on the numbers present on the previous Sunday: "I never saw so many people in all my life".¹¹³

Added to the tension of the rally was a pronounced fear of the methods of crowd control available to the authorities. Bobbi Sykes noted a rumour that police had used "electric cattle prods" on the twenty-third; Pat Eatock remembered a moment of confusion outside the university on the Sunday morning when an unidentified cyclist burst out of the bushes and sped away, leaving some to wonder if the rider was a police or ASIO observer.¹¹⁴ All present were aware of the negotiations which had occurred in the last few days, but were

¹¹⁰ Michael Anderson, op. cit.

¹¹¹ Jack Waterford, op. cit.; Pat Eatock op. cit.

¹¹² Gary Foley, op. cit.

¹¹³ Michael Anderson, op. cit.

¹¹⁴ Dr. Roberta Sykes - Black Majority. Hudson, Hawthorn, 1989, p 96 ; Pat Eatock, op. cit.

also sure of their failure to establish agreement concerning the nature of this third major demonstration.

The demonstrators arrived at the lawns of Parliament House in the mid-morning. A police presence of some three hundred, supported by two NSW police vehicles, faced the protestors from across the road. With the additional one thousand or more tourists and spectators, there were now three thousand people assembled at this public event. The tent was re-erected in its place on the lawns, and the demonstrators formed three rings around it.

Between each of the circles, which moved in opposite directions, were twenty "guards", ready to counter any police violence by placing themselves between the police and the other protestors.¹¹⁵ This aspect of the organisation of the demonstration indicated the expectation of violence despite the protestors' commitment to the use of symbolic display and non-violent action.

To the surprise of the demonstrators, there was no immediate response. The police, it appeared, were biding their time. For the next four hours, the demonstration remained in front of Parliament House. Around the tent, groups of people sat and stood while Aboriginal people engaged in chants and dance.¹¹⁶ There was, as at the previous demonstrations, use of a megaphone to start the chanting, and to make comments such as Chicka Dixon's call to students to live up to their ability to be "white

¹¹⁵ Woroni, July 31st, 1972.

¹¹⁶ Ningla-A-Na

brothers": "If you are not to be part of the problem, then you must be part of the solution".¹¹⁷ A book was circulated among the participants, who signed it while police, in negotiation with Aboriginal spokespeople, "kept moving the deadline." For Bobbi Sykes, and others who watched the hours of this third occupation of the lawns move by:

every minute we had it up over the first deadline we thought was a real coup de grace.¹¹⁸

Enderby addressed the demonstration, telling demonstrators that police were not responsible for the law which they were enforcing. This was countered by a BLF spokesman, who criticised the authorities for obeying their commands. Aboriginal spokespeople "went to great lengths to explain to the demonstrators that no acts which could be interpreted as provocations should be committed."¹¹⁹

By three o'clock, no action had been taken by the police other than to issue a further deadline for the dispersal of the demonstration, and to tell the demonstrators that "you can march back in full honour."¹²⁰ After several hours of supporting the Embassy and land rights movement at this comparatively festive event, the bulk of the students marched back to the ANU campus.¹²¹

¹¹⁷ Stewart Harris- This Is Our Land, ANU Press, 1972, p. 10.

¹¹⁸ Dr Roberta Sykes, interview, October 18th, 1991.

¹¹⁹ Direct Action, August 24th, 1972.

¹²⁰ Jack Waterford, op. cit.

¹²¹ The Canberra Times, July 31st 1972.

Hal Wootten, who had remained on the edge of the crowd throughout the day, passed a message to the police from the Aboriginal protesters that they would allow "two unarmed police" to "come into the crowd and dismantle the tent".¹²² Gordon Briscoe accompanied Wootten and assured the police that the crowd would disperse peacefully. Wootten recalled that the police "were suspicious, but finally accepted the assurances".¹²³

At half past three, those who remained heeded the call by Chicka Dixon: "Everybody just sit there peacefully ... just allow them to come in" as the police approached. Seven police officers¹²⁴ led by Osborne walked through the crowd and removed the tent while the protestors looked on, some calling "boo", but none offering resistance to the removal of the tent.

A few moments later, the protestors had:
 congregated over the other side of the park ... we had a piece of canvas and held it up over our heads and they looked across and thought we'd put the tent up again ... they came running across to tear the tent down and found it was just a whole lot of people standing up holding a piece of canvas on their heads.¹²⁵

The police, after "exchanging murmurs and glances"¹²⁶ removed the canvas to reveal a circle of Aboriginal people sitting smiling at them, while making the raised V-sign of peace, and raising the original placard designating the site as the Aboriginal Embassy.¹²⁷

¹²² The Hon. Hal Wootten AC QC, personal recollections on the Aboriginal Embassy, November 23rd, 1992.

¹²³ Ibid.

¹²⁴ Woroni, July 31st, 1972. Cf. Wootten's account of only two police officers.

¹²⁵ Dr Roberta Sykes, op cit.

¹²⁶ Woroni, July 31st, 1972.

¹²⁷ Ningla -A -Na

Some of the protestors picked up the canvas again and followed the police back across the road, dropping it at their feet.

At the end of the demonstration, there had been no violence. Instead, there had been a day of symbolic, non-violent action. This had been made possible through the restraint shown by both sides, but most importantly by the primacy of non-violent action in the tactics adopted by the protest. Some participants remained under the impression that the police had been told to "stand off". In fact, as RA Wilson saw it, "the government and the minister left it entirely to my discretion".¹²⁸ The police were themselves less than interested in further violence (a large number of officers phoned in sick that morning),¹²⁹ and were aware of the disarming of the demonstration by the Aboriginal marshalls.¹³⁰ Accordingly, and in contrast to the previous removals, the police "used a lot of discretion".¹³¹ It was the idea of conducting symbolic action, through re-erecting the tent and allowing its removal, that prevented the recurrence of violence; the organisation of the demonstration, the calm orchestration of the actual point of contact between the demonstration and the police by Chicka Dixon,¹³² and the negotiations undertaken by Wootten and Briscoe were other contributing factors.

128 R. A. Wilson, op. cit.

129 Jack Waterford, op. cit.

130 RJ Dillon, op. cit.

131 RJ Dillon, op. cit.

132 Michael Anderson, op. cit.

There was also a distinct spontaneous element in the course of events. As Bobbi Sykes said: "it wasn't that we had an intention to have a symbolic tent".¹³³ The idea of entirely symbolic action and non-violence, a part of the Embassy since its inception and specifically suggested as a means of conducting a large demonstration at some time after the previous encounters, flourished in circumstances of jubilation in strength of numbers and the well-advised non-intervention of the police.

July thirtieth 1972 was the largest of the demonstrations associated with the Embassy. To what extent, it may be asked, did the symbolic activity of that day produce a meaning which was communicated to those involved, and to those who witnessed what was, once again, a most extensive media coverage? Firstly, the medium was clearly understood by all groups involved. According to RA Wilson, the "symbolic tent" allowed the demonstrators to "make their point".¹³⁴ Stewart Harris thought the demonstrators were able to "take this thing down with dignity".¹³⁵ Denis Freney remembered it as "a strategic thing ... Blacks wanted to get used to showing their strength in protest".¹³⁶ For Gary Foley it was "a spectacular moral victory ... an enormous psychological boost for the movement."¹³⁷ Chicka Dixon felt it was a triumph in that "when you're a small minority the best weapon you can use is embarrassment."¹³⁸ Even those advocates of other methods of protest like Dennis Walker, who

¹³³ Dr Roberta Sykes, op. cit.

¹³⁴ RA Wilson, op. cit.

¹³⁵ Stewart Harris, interview, August 22nd, 1991.

¹³⁶ Denis Freney, interview, October 15th, 1991.

¹³⁷ Gary Foley, op. cit.

¹³⁸ Chicka Dixon, interview, July 2nd, 1991.

thought the whole thing was merely a question of "logistics" ("we couldn't muster the force"),¹³⁹ shared in the euphoria of winning the centre stage without violence.

The government, perhaps somewhat in the background on that day, was once again made aware of an Aboriginal voice of dissent, this time through the use of non-violent action by Blacks and their supporters. Hunt, directly responsible for the ordinance, conceded that the demonstration achieved a "token thing", while "at the end of the day there was not so much loss of face" on either side.¹⁴⁰

The third removal did not bring an end to the activities of the Aboriginal people associated with the Embassy. The ordinance was still pending court action, and the same demands which had brought the Embassy into being remained unmet. It was to address some of the latter concerns that the government organised the long-awaited national conference of Aboriginal and Torres Strait Island Advisory Councillors.

The conference was opened by Howson on August tenth as a "representative" meeting of Aborigines who, according to the government, held authority to speak for their people. The delegates were drawn from State and Territory Advisory Councils, while the meeting was also attended by members of the Council for Aboriginal Affairs and the relevant ministers. Howson's opening speech called the conference an opportunity for "assessing present Government policy through

¹³⁹ Dennis Walker, interview, December 2nd, 1991.

¹⁴⁰ Ralph Hunt, interview, October 16th, 1991.

Aboriginal eyes" and stressed that it was "a truly representative expression of Aboriginal views".¹⁴¹ Whether or not this was the case, the meeting soon proved to be other than the conservative collection of apologists he expected.

The members of the exiled Embassy had booked into a shared room at the Parkroyal Motel. The fifteen occupants of that room made a considerable impact at the meeting, where speaking rights were conferred only on the official delegates, that is the government's representatives and the appointed councillors. A brief discussion in the hotel ended when Pat Eatock went out and bought a roll of adhesive tape. Led by Paul Coe, the activists disrupted the conference (during Howson's opening speech) by taping white paper gags over their mouths. The use of symbolic action once again attracted wide media attention: "the TV cameras were there and it made a really good impact."¹⁴²

The conference voted to allow the participation of the activists by a seven vote majority.¹⁴³ Later (gags removed) Dennis Walker and Jack Davis moved for the formation of a Black trade union to draw support from the ACTU, and to form a Black police force to protect Aboriginal women in mining towns.¹⁴⁴ These motions were passed, and the conference elected young, radical spokespersons despite lively debate between the latter and Charles Perkins.¹⁴⁵

¹⁴¹ New Dawn, October 1972.

¹⁴² Pat Eatock, op. cit.

¹⁴³ The Nation Review, August 12th, 1972.

¹⁴⁴ Ward McNally, op. cit. p.p. 135-6.

¹⁴⁵ Stewart Harris, op. cit., p. 100.

Other resolutions of the Conference included Commonwealth control of Aboriginal affairs, land rights and compensation, fully elected advisory councils, improvements in health, housing and education, Aboriginal liaison officers in social service departments, extension of the NSW legal service and provision for trained interpreters in all courts.¹⁴⁶ The Conference also proposed the establishment of a "body similar to the Indian Claims commission" to supervise the return of land and the assessment of compensation. Division occurred over the detail of the land rights resolution: delegates from the Northern Territory were prepared to accept leasehold as a valid form of title, while other Aboriginal speakers opposed this as a compromise. The demand for land rights, once again a loose set of ideas rather than a coherent programme, and open to interpretation, was nevertheless adopted by the Conference as a whole.¹⁴⁷

The conference voted to support the Embassy in a resolution which stated :

That this conference feels it is impossible to consider a centre of any sort in Canberra ... We urge the government to allow the Embassy to be re-established for the peace and goodwill of the entire Australian community.¹⁴⁸

Finally, the Conference passed a resolution demanding that "there be no Government appointees on Aboriginal Councils or at Aboriginal Conferences" and declared itself unrepresentative due to White presence at the meeting.¹⁴⁹

¹⁴⁶ New Dawn, October 1972.

¹⁴⁷ New Dawn, October 1972.

¹⁴⁸ New Dawn, October 1972.

¹⁴⁹ Ibid.

The conference did not amount to the acceptance of a diluted form of assimilation expected by the government. The most contentious issues in Aboriginal affairs- land rights, Aboriginal control of Aboriginal matters, and the Embassy- were all raised as points of objection to government policy. Hunt remarked to Coombs that it was "a sad commentary on 200 years of white occupation that it should have occasioned such hatred, bitterness and distrust."¹⁵⁰

At the same time, relations between Howson and Council became further strained: Howson accused Coombs of "improper behaviour" over his view that the Council was a body independent of the minister, "with a right to study, to analyse and to make its conclusions known to the government as a whole and in some circumstances to the public".¹⁵¹ The conference was, in short, a failure.

The remnants of the Embassy remained politically active over the following months. The election, due in three months, was already a dominant concern for the protesters, who channeled their energies into the on-going court case as well as maintaining the broader campaign for land rights. During the remainder of the year, the Embassy also took on an extended life as the subject of extensive parliamentary debate.

Hunt was questioned about the Embassy almost immediately that parliament resumed sitting. He answered a question concerning the removal of the Embassy, calling it a

¹⁵⁰ HC Coombs, *op. cit.*, p. 18

¹⁵¹ HC Coombs, *op. cit.*, p.p. 18-19.

"transitory group of people ... in the minority of Europeans who were involved". Later in the day, Beazley moved that a vote of no confidence be cast against Hunt "because of his handling of the affair of the Aboriginal Embassy".¹⁵² Beazley criticised the ordinance on legal grounds, raising once again the question of civil liberties. He accused Hunt of taking control of Howson's ministerial responsibilities, and entertaining a belief in a "colossal, lurid leftwing plot". Finally, Beazley called the Embassy "a protest of the heart, which was by no means ineffective in speaking to the conscience of Australia".¹⁵³

Hunt defended his actions by describing the encampment of the previous month as "an untidy, insanitary spectacle". He pointed to the socialist left and the "political objectives of certain sections of the Labor Party" as the instigators of the demonstrations. He declared that "the ordinance ... was publicly available at 10:30 am" on the twentieth of July, that adequate warning had been given, and that he was responsible (aided by "the majority of the Aboriginal leaders ... restraining the more radical elements") for the peaceful outcome of "the temporary erection of a tent on the lawns as a symbolic gesture".¹⁵⁴ Hunt's speech called the entire land rights demand "one of the most mischievous plots of our time".¹⁵⁵

Kep Enderby replied that :

¹⁵² Commonwealth Parliamentary Debates, House of Representatives, August 15th, 1972, vol 79, p. 19.

¹⁵³ Ibid., p. 22

¹⁵⁴ Commonwealth Parliamentary Debates, House of Representatives, August 15th, 1972, vol 79, p. 25

¹⁵⁵ Ibid.

The real thing that offended (the government) was the reminder out there by those two flags, the sign "Aboriginal Embassy" in a symbolic form and the tents, that these people claim land rights ... something that was taken from them many years ago.¹⁵⁶

Enderby continued that Hunt had obviously appreciated the symbolism conveyed by the protest. He went on to say that the ordinance had been "snuck in like a thief in the night", and since it had not mentioned "Tents" or "Aborigines" had failed to provide adequate notice to the public.¹⁵⁷ Enderby also mentioned a number of "responsible, recognised and well known" members of the local community who had been part of the earlier demonstrations, such as Dr. Bruce Kent, and the Reverends Garnsey and Udi. He gave full credit to the demonstrators for the absence of violence on the thirtieth, when police "found five or six men in the tent with their fingers raised in the Churchill V-for-victory sign".

Howson entered the debate in support of Hunt, reiterating the policies of the government (the idea of "one single society"), stressing that "a tremendous amount of development has occurred since the Commonwealth took over these responsibilities", and citing recent expenditure figures. The leasehold possibilities of the January statement, and sacred site legislation, were mentioned as examples of the appropriate nature of government policy. Manfred Cross added his opinion to the censure motion, while former Prime Minister John G. Gorton

¹⁵⁶ *Ibid.*, p. 27

¹⁵⁷ *Ibid.*, p.28. Enderby claimed that the research section of the parliamentary library was unable to find a copy on the morning of the twentieth of July.

supported Hunt. The motion against Hunt was finally defeated by eight votes.¹⁵⁸

On August sixteenth, Pat Eatock was joined by Sandra McGuinness, Cynthia Watson and Lyn Thompson¹⁵⁹ in yet another symbolic action. These Aboriginal women chained themselves to the rails of the front steps of the parliament, and were finally removed by police with bolt cutters.¹⁶⁰ Their message was that their struggle, though no longer represented by an encampment on the lawns, was not yet over. On the same day the Aboriginal consulate in Perth disbanded, having achieved none of its stated aims.

The legal action taken by the Embassy ended on September twelfth 1972. The decision was the cue for a fourth erection of the Embassy, and renewed debate in the parliament. Justice Blackburn found that the ordinance "was not notified in accordance with the provisions of the Act", and that due primarily to the lack of availability of the new law, "it was therefore not operative at the time police purported to act under it". He added that "I am satisfied that the plaintiffs have a locus standi for a declaration that the ordinance has not taken effect, and that such a declaration should be made".

The defendants (Hunt and RA Wilson) were ordered to pay half the costs incurred by the Aborigines and

¹⁵⁸ Commonwealth Parliamentary Debates, House of Representatives, August 15th, 1972, vol 79, p. 38

¹⁵⁹ Lyn Thompson has since died.

¹⁶⁰ The Canberra Times, August 16th, 1972.

students in the process of litigation.¹⁶¹ Terry Higgins reflected that the ordinance was "rightly found by the court to have no merit", that "the laws had never been properly made" and "that which was in force was not yet in effect" so that the police had in fact "lacked the force of law".¹⁶²

The Blackburn decision made inoperative, though not invalid, a whole series of other pieces of legislation dating back to 1927. Until regazetted, a total of ten trespassing ordinances, thirty-eight motor traffic ordinances, seventeen police ordinances, five ordinances relating to interpretation of the law, and the ordinances relating to the court of petty sessions were (technically) beyond the power of the police to enforce. Higgins called these "Canberra's lawless days";¹⁶³ that aspect of the Embassy's tactics which had involved camping on the lawns had wrought minor havoc in the legal system of the ACT.

Higgins considered that the case made a "spectacle" of law-making, and that the Embassy had achieved (another) symbolic victory.¹⁶⁴ The latter was accomplished through use of the legal system, creating further publicity for the protest and successfully challenging the government through established channels.

The decision was seen by the protestors as a reason for a fourth and final demonstration on the lawns of Parliament House. This was undertaken by a group of Aboriginal

¹⁶¹ Federal Law Reports, No. 19, 1972.

¹⁶² Mr Justice Higgins, interview August 8th, 1991.

¹⁶³ Mr Justice Higgins, op. cit.

¹⁶⁴ Ibid.

people who had returned to Canberra for the court hearings, and several student supporters. Whereas parliament had been in recess during the demonstrations of July, the fourth removal of the tent occurred while parliament was sitting, and Hansard became a running commentary on the demonstration outside. Gordon Bryant called the attention of the House to the return of the tent on the afternoon of the twelfth, and was told by Hunt that the ordinance was being re-gazetted, and that "as soon as the Ordinance becomes effective the campers will be asked to move their tents."¹⁶⁵ Whitlam and Bryant questioned, in turn, the government's treatment of the Embassy and its policy on land rights.

In the Senate, Murphy initiated debate over the "bungling" of the ordinance by the government. Greenwood (the Attorney General) gave assurances that the ordinance was being given the full attention of the government. Senator Cavanagh interrupted the proceedings by calling attention to the Embassy, and referring to an Aboriginal protestor as "His Excellency". The latter adoption of the terminology of the protestors earned Cavanagh the admonition of the President of the Senate, who did not "acknowledge these terms".¹⁶⁶

The re-gazettal took place at a few minutes after midnight. Police removed the tent for the fourth time at one o'clock on the morning of the thirteenth of September, once again

¹⁶⁵ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, September 13th, 1972, volume 80, p. 1218.

¹⁶⁶ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, the Senate, September 12th 1972, volume 80, p. 689

without violence.¹⁶⁷ The next day once again saw the Embassy as a topic of debate in the Parliament. Whitlam questioned the attempt to suspend standing orders for debate of a Bill to establish the new ordinance in Australian law, pointing out the haste with which the original ordinance of July 20th had been issued, and excoriating the activities of the government and police in the early hours of September thirteenth.¹⁶⁸ He criticised the re-gazettal and fourth removal, and described the final demonstration:

For a few hours yesterday on the lawns outside this house a few pieces of canvas flew as an assertion of the rights and dignity of the Australian Aborigines. Outside, a handful of Australians were ... celebrating the triumph of the processes of the law.¹⁶⁹

He called "assertion by the Australian Aborigines of their rights" an "historically inevitable event".

The tents had been removed illegally in July, and replaced on the lawns in an entirely legitimate context. They had now been legally removed under the new ordinance. Bryant called this last event "government by decree", while Beazley added his criticisms of the government.¹⁷⁰ He referred to the first tent erected on the lawns, as a police courtesy to a student protest on a rainy day in 1968, and asked if section eight of the new ordinance (which permitted a "festival, show, fair, circus or carnival" outside the House) meant that the Country Women's Association could

¹⁶⁷ The Canberra Times, September 13th 1972.

¹⁶⁸ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, September 13th 1972, volume 80, p.1283.

¹⁶⁹ Commonwealth Parliamentary Debates of the Twenty-Seventh Parliament, House of Representatives, September 13th, 1972, volume 80, p. 1218

¹⁷⁰ Ibid.

meet there. Finally, the ALP moved an ammendment which would prevent any retrospective charges under the new ordinance.

At this point Jim Killen, former minister for defence, entered the debate. Although personally unimpressed by the Embassy, and having no direct involvement with Aboriginal affairs at the time, he was infuriated that twenty-seven people had been charged during the first two removals and that the new law had been gazetted after midnight: "ignorance of the law is no excuse, but you must know what the law is, and that was the difficulty faced by these people last night".¹⁷¹ It was "a disgraceful performance" on the part of the Attorney General that people had been charged under a law "of which they had no knowledge".¹⁷²

Killen voted with the ALP and against the government; the vote in favour of the government's legislation was carried by a majority of only five. Such was the division in the government ranks over the affair, which over the preceding nine months had assumed an unprecedented status as a topic for parliamentary debate. Debate continued in the Senate until September twentieth, with Senators Cavanagh and Keeffe making further references to the Embassy, and the Gurindji land claim.

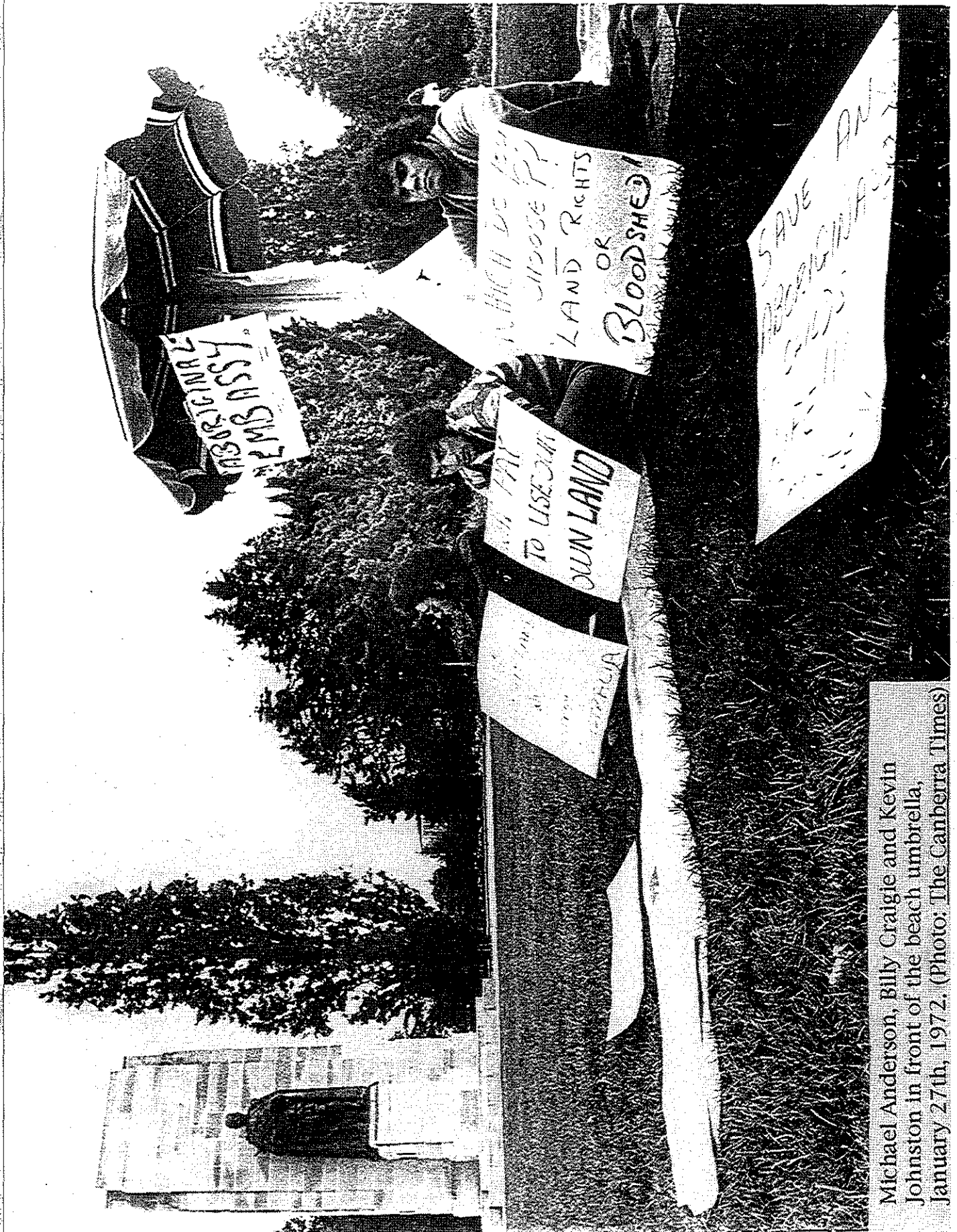
Following this last burst of publicity, the Embassy ceased its protest action. Pat Eatock's final promise was to bring six thousand black protestors to Canberra for the

¹⁷¹ Jim Killen- Killen: Inside Australian Politics, Methuen Hayes, Sydney 1985, p.p. 199-200.

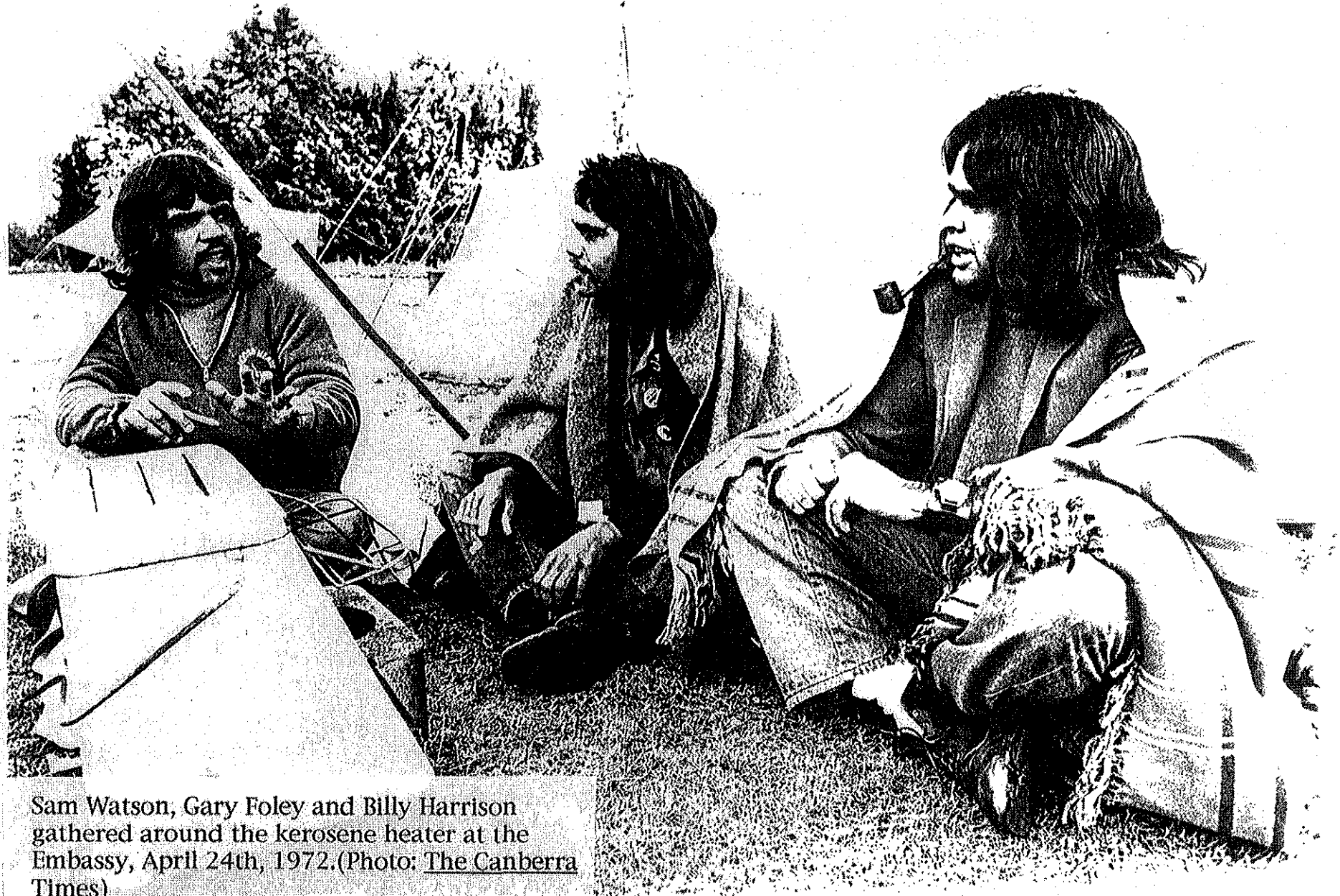
¹⁷² Jim Killen, interview, December 8th, 1991..

Premiers' Conference in February 1973.¹⁷³ There was, however, a federal election scheduled for November, and (along with other political activities) it was to the democratic process that Aboriginal activists turned for the remainder of 1972.

¹⁷³ Ward McNally, *op. cit.*, p. 90.



Michael Anderson, Billy Craigie and Kevin Johnston in front of the beach umbrella, January 27th, 1972. (Photo: The Canberra Times)



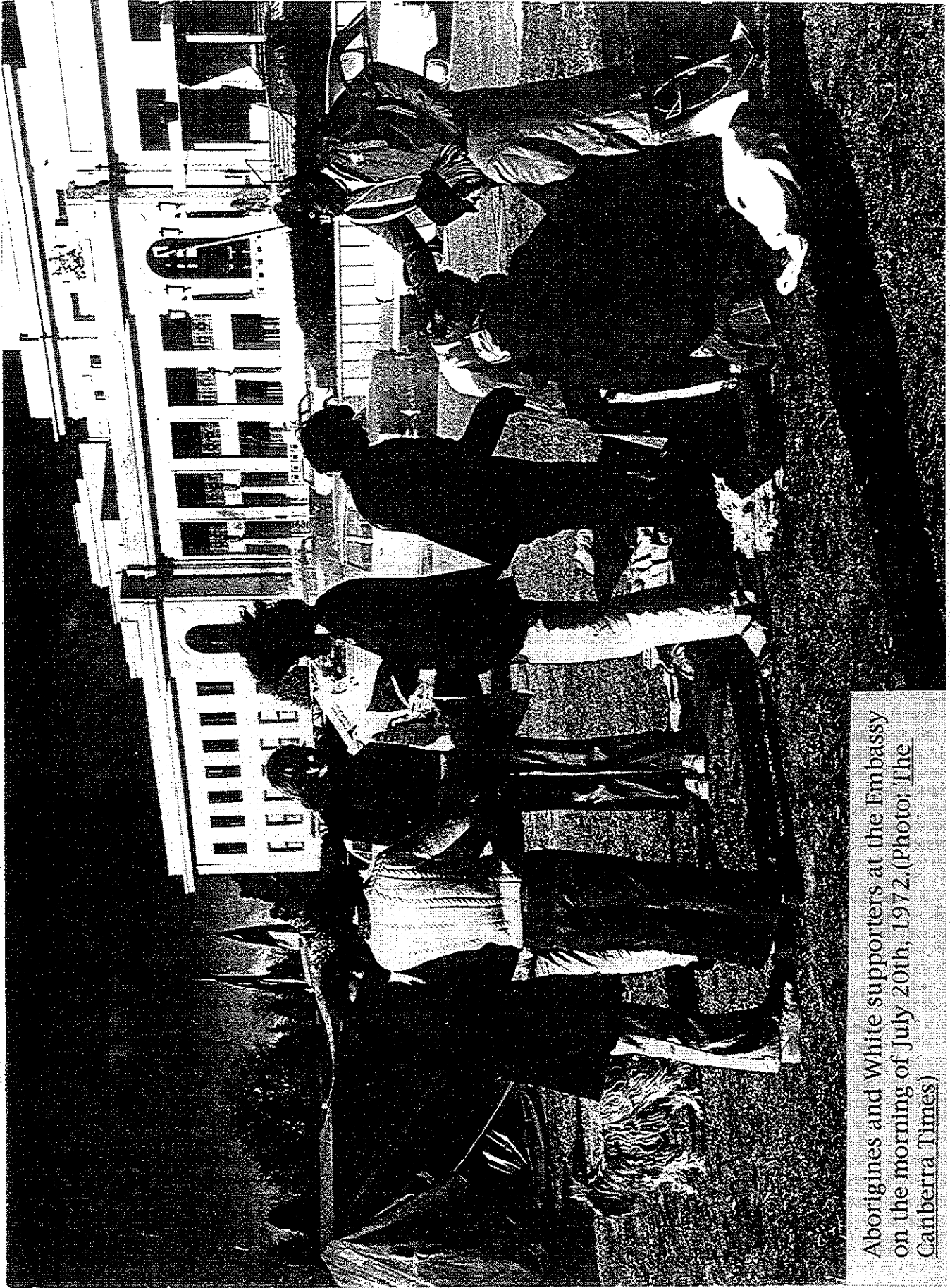
Sam Watson, Gary Foley and Billy Harrison gathered around the kerosene heater at the Embassy, April 24th, 1972. (Photo: The Canberra Times)



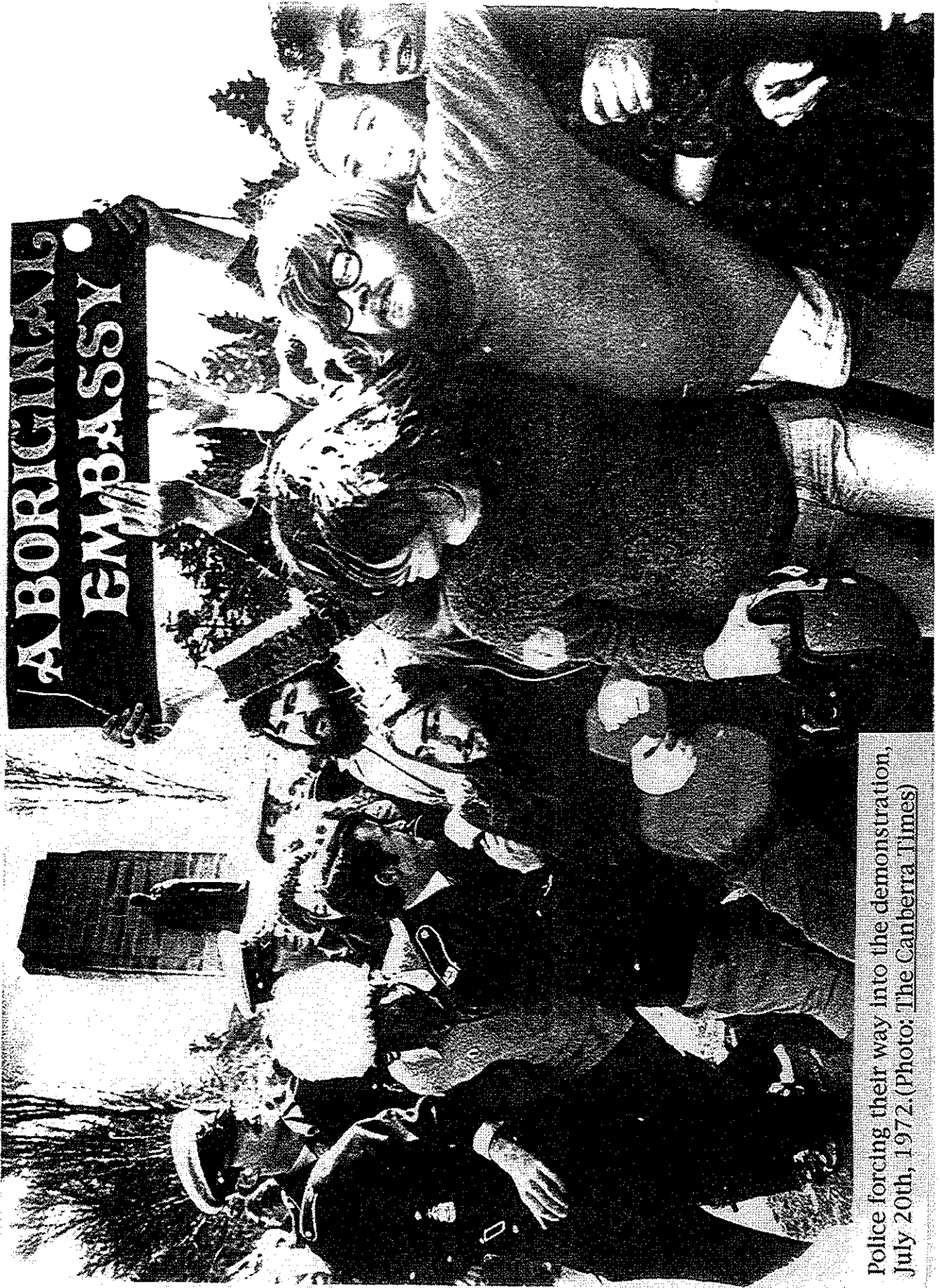
Ralph J. Hunt, Minister for the Interior,
(foreground) and the Prime Minister, the late Sir
William McMahon. (Photo: The Canberra Times)



H.C. "Nuggett" Coombs of the Council for
Aboriginal Affairs. (Photo: The Canberra Times)



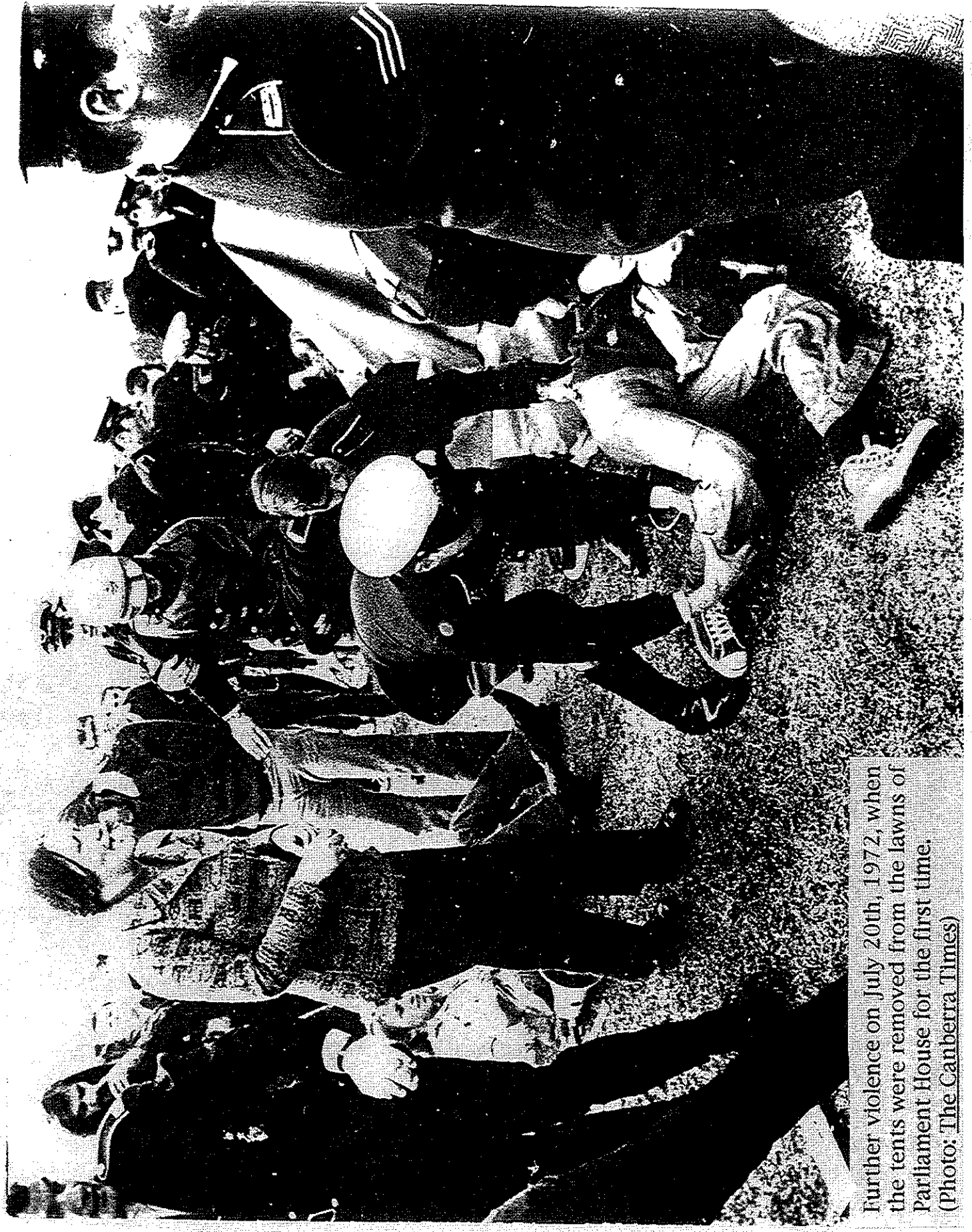
Aborigines and White supporters at the Embassy on the morning of July 20th, 1972. (Photo: The Canberra Times)



Police forcing their way into the demonstration, July 20th, 1972. (Photo: The Canberra Times)



Violent confrontation at the Embassy on July 20th, 1972. (Photo: The Canberra Times)



Further violence on July 20th, 1972, when the tents were removed from the lawns of Parliament House for the first time. (Photo: The Canberra Times)

**Chapter Five: After the
Embassy - the effects of the protest
and its place in Australian history**

The effects of the Aboriginal Embassy of 1972 were numerous and far-reaching. It assumed, at least amongst Aboriginal people, a mythology of historical significance, due largely to the success of certain of its demands, and due to the longevity of those demands which remained unfulfilled and the material conditions which gave rise to the land rights alternative. In a wider Australian context, it remains as an example of the efficacy of extra-parliamentary protest within a democracy.

The demonstrations of July, and the surrounding months of protest, succeeded in making land rights one of a number of issues which became stock promises delivered by the ALP during the election campaign. The antithetical proposition provided by the land rights movement effectively, though partially, changed the policies of the state regarding indigenous people over the following ten years. At the same time the Embassy had brought together Aboriginal activists from throughout Australia, and many of their activities in later years were based on the experience of that protest.

The Embassy later became an inspirational reference point for a number of demonstrations on the lawns of Parliament by various non-Aboriginal groups. In subsequent Aboriginal protest (and in the community in general) the Embassy remained a component of a new tradition, taking on a legendary

status in the story of the growth of Aboriginal political consciousness.

Activism by Aboriginal people continued, after the cessation of protest by the Embassy, in a variety of forms. With a group of ANU students,¹ Pat Eatock and others conducted a voter education campaign on the south coast of NSW, as well as protesting against the refusal of various publicans to serve Aboriginal clients. The group threatened to organise a union ban after the licensees of hotels in Nowra continued to refuse service to Aborigines.²

Eatock also took part in the election campaign, standing as an independant candidate for the ACT. Her campaign was aimed at "the white protest vote" on Aboriginal and women's issues.³ Two other Aboriginal candidates stood for the House of Representatives, in Victoria and the Northern Territory.

On November twenty-second, nine Aborigines left Australia for the People's Republic of China. The visit of the delegation was an extension of the international orientation of Aboriginal activism which had begun in the nineteen-sixties, and which reached new heights during the Embassy. Chicka Dixon was approached by the Chinese Association of Friendship With Foreign Countries, and accepted the invitation for an Aboriginal mission to visit China because the Chinese "knew what was going on" in Australia, and because a Whitlam victory was expected the

¹ Including Jane Morrison (interview, May 2nd 1991) and others.

² The Nation Review, October 7th 1972.

³ See Pat Eatock - "A small but stinging twig" in H. Mayer (ed.) Labor to Power, APSA special edition, Angus and Robertson, Sydney, 1973.

following month.⁴ Dixon, accompanied by Cheryl Buchanan, Gerry Bostock, Bob Maza, L. Hammond and Ruby Hammond took with them Cavadini's film of the July demonstrations for exhibition in a country which was at this time still refused recognition by Australia.⁵

The ALP's election campaign was one of the most co-ordinated, inventive and intense in Australian history. The party made use of the Hanson-Rubensohn McCann-Erickson advertising company to conduct a mini campaign in 1971. Under the banner "It's Time for a Change", the 1972 campaign made use of this experience, the relatively encouraging swing against Gorton in the election of 1969, and apparent disaffection with government policy and performance on a range of issues. The ALP promised reform of abortion laws, an end to conscription, recognition of the Peoples Republic of China and other changes to foreign policy, restriction on foreign ownership of the nation's resources, a combination of decentralisation and urban planning, increased funding for education, extension of social welfare and health services, and the lowering of the voting age to eighteen years.⁶ The campaign showed cohesion in close cooperation within the party machine, and a massive advertising campaign on the theme of social change.⁷

The government, meanwhile, exhibited a marked disunity before the electorate. Anthony threatened to withdraw

⁴ Chicka Dixon, interview, July 2nd, 1991.

⁵ Ibid.; Identity 1972. (An ALP delegation had visited the previous year.)

⁶ Laurie Oakes and David Solomon- The Making of an Australian Prime Minister, Cheshire, Melbourne, 1973, p. 179.

⁷ Graham Freudenberg - A Certain Grandeur, MacMillan, Melbourne, 1977, p. 224.

from the coalition on the eve of McMahon's policy speech, while McMahon was forced to adopt some of Labor's own proposals in his budgeting for another term.⁸ The government's campaign was lacklustre beside that of the ALP. The results of the December second election gave the ALP a majority in the House of Representatives, a gain of eight seats.⁹ Although not a landslide, it was sufficient to end twenty-three years of conservative government.

Aboriginal issues had been brought to a new prominence by the Embassy, the events of July and the ALP's adoption of the issue. The Aboriginal activists spent the months in the wake of the Embassy preparing, as did many other Australians, for a new government. At this crucial point in Aboriginal affairs, one which marked the end of assimilation as a guiding philosophy, the relationship between the ALP and Aboriginal activism has been described as both "manipulative" and "sincere". To the extent that a single issue (or set of issues) can be shown to win or lose votes for a party, the efficacy of this particular protest movement appears considerable. One of its most important accomplishments was the use of the democratic process to further the demand for land rights, while at the same time that demand became a part of Labor's winning platform.

Participation by Gordon Bryant and Kep Enderby in the demonstrations, the long debates in parliament, and Whitlam's policy statements gave open support to Aboriginal land

⁸ For instance, the lowering of the voting age to eighteen years, and promises for urban and regional development.(Laurie Oakes and David Solomon, op. cit., p.121, p.129).

⁹ Ibid.

rights. Although some members of the ALP were reticent on the matter, there was no overt dissent. The priority given to the issue indicated its importance to the platform and kept it in public view throughout the campaign.

Whitlam's policy speech at the Blacktown Town Hall on November thirteenth, 1972, offered a choice "between the habits and fears of the past and the demands and opportunities of the future". This was to include a change in the status of the indigenous people:

We will legislate to give Aborigines land rights- not just because their case is beyond argument, but because all of us as Australians are diminished while Aborigines are denied their rightful place in this nation.¹⁰

In a much-quoted section of his speech, Whitlam emphasised Labor's commitment to indigenous rights:

Let us never forget this: Australia's real test as far as the rest of the world, and particularly our region, is concerned is the role we create for our own Aborigines. In this sense, and it is a very real sense, the Aborigines are our true link with the region.¹¹

It was these aspects of ALP policy, together with Labor's commitment to end conscription and release those "draft dodgers" and resisters who had already been imprisoned for their stance, which (at least in the recollection of Jack Waterford) brought the "loudest cheers" at pre-election orations by Whitlam.¹² These were the specific policies which, by subsuming the core demands of groups whose methods were largely extra-parliamentary under McMahon, made Labor appear a "swinging, with-it party".¹³

¹⁰ Graham Freudenberg, *op. cit.*, p 234.

¹¹ *Ibid.*

¹² Jack Waterford, interview, July 30th, 1991.

¹³ Graham Freudenberg, *op. cit.*

A number of Australian movements for social change were thus attracted to Labor as a reformist party which offered an unusually expansive set of policies, making possible satisfaction of certain essential demands. Aboriginal land rights was one of these issues. The statements made by Whitlam, Bryant, Beazley and Cavanagh during the existence of the Embassy gave every indication that ALP policy had moved closer to that of Aboriginal activists. The endorsement of land rights where there was "a strong tribal structure" or "a potential for corporate action in regard to land"¹⁴ had been expanded to a more general proposal which embraced land in the Eastern states.¹⁵ There had been reference to Aboriginal people as the rightful owners of the continent by Labor spokespersons, while mineral rights were a part of the official land rights policy of the party.¹⁶ Although some of the more obviously controversial demands of the Embassy's five point plan were ignored (especially compensation and title to urban areas) there was a high degree of correlation between the Aboriginal activists' vision and the election promises of the ALP.

The vagueness of the ideology of the land rights movement was met by an equally non-specific election guarantee; despite this it seemed likely that, in the event of an ALP victory at the polls, the protestors of 1972 would receive tangible reward for their efforts and redress for the past. There was good reason for those with an interest in the issue to support a change in government in December, and to have confidence in the veracity

¹⁴ A. Barrie Pittock - Aborigines and Land Rights, pamphlet published by Abschol, the NTC and FCAATSI, 1971.

¹⁵ See statements by Whitlam, Dexter and others in the previous chapter.

¹⁶ A. Barrie Pittock, op cit.

of the Labor spokespersons. Stewart Harris, whose book on the Embassy and related events was published just prior to the election,¹⁷ perceived Whitlam to be "quite idealistic about it".¹⁸ Whitlam on the hustings was not as willing to make reference to Australia-wide land rights as he had been during the parliamentary debates over the Embassy, but his comments continued to provide hope for the realisation of this central demand of the Embassy.

The adoption of this single issue by Labor was a means of "capitalising" on a widely publicised debate (on land rights) and a significant event (the Embassy), and as with many issues mentioned during the election campaign this in turn took advantage of the somewhat iconoclastic socio-cultural environment and relatively prosperous economic circumstances of the time. Nevertheless this was neither an expropriation of the issue, nor a wholly cynical use of its currency - the coalition's deputy leader Doug Anthony credits the ALP with "some sincerity" over the land rights component of the campaign,¹⁹ as did the vast majority of Aborigines at the time.

To what extent, it may be asked, did the Embassy's media profile and generation of public awareness of the land rights demands of Aborigines contribute to the electoral victory of the party which went so far in adopting land rights as a policy? Did the land rights issue assist the Labor party in

¹⁷ Stewart Harris - This Is Our Land, ANU Press, 1972.

¹⁸ Stewart Harris, interview, August 8th, 1991.

¹⁹ Doug Anthony, interview, January 4th, 1992.

December 1972, other than by bringing national and international embarrassment to an already unpopular government?

Participants in the events surrounding the Embassy looked back on the December election with a range of views on the importance of the protest and the land rights movement to the result. Gary Foley called the Embassy a factor which "psychologically brought unstuck the McMahon government", and that the subsequent actions of the Whitlam government in establishing the Woodward commission and finalising the return of land to the Gurindji were "an acknowledgement of the role that Koories had played in bringing down the government".²⁰ Michael Anderson thought "it gave the ALP a lot of support ... a lot of sympathy", and "focussed the need for change".²¹ Chicka Dixon later told Whitlam that "I helped you get into power".²² "Without a doubt", according to Bob Randall, it contributed to the Whitlam victory by showing that "there was a great injustice".²³

Others were less convinced of the success of the protest in drawing a supportive vote for their issue via Labor. Pat O'Shane saw it as "a major concern" for the electorate, but only one of "a whole lot of factors, nationwide and worldwide" which featured in the fall of McMahon.²⁴ Billy Harrison reflected that it "pricked their conscience", although only one of many factors in the politics of the time.²⁵

²⁰ Gary Foley, interview, June 6th, 1991.

²¹ Michael Anderson, interview, November 10th, 1991.

²² Chicka Dixon, interview, July 2nd, 1991.

²³ Bob Randall, interview, August 28th, 1991.

²⁴ Pat O'Shane, interview, October 22nd, 1991.

²⁵ Billy Harrison, interview, April 23rd, 1992.

There was a similar range of views among the White supporters of the protest. Jack Waterford gave an "absolute" affirmation to Whitlam's gain from the Embassy.²⁶ Once again, the alternative view that the land rights issue was one of a canvas of issues stitched together in the 1971 ALP platform was expressed. Liz O'Brien saw the Embassy as a sign of the times, but not something that "gave Gough more votes", while Peter Burns considered that "change was in the air and this was all part of it".²⁷

An indisputable source of votes for the ALP in December was the staff of the Office of Aboriginal Affairs. Although more concerned with its own administrative areas (and dealing mostly with the more traditional groups), this section of the bureaucracy of the time had its own critical view of McMahon's policy.²⁸ The role of the Embassy was, however, regarded as "fairly neutral", and (perhaps embittered by the in-fighting and intransigence of the departments with which they dealt under McMahon) members of the office such as Kevin Martin saw no great significance of the Embassy to the change in government. Coombs, after five years of providing unheeded advice to the government, accepted a post as advisor to Whitlam.

Whitlam himself was especially aware of what he termed "far north racism", and in general regarded it as "very difficult to say" if the issues raised by the Embassy were an

²⁶ Jack Waterford, *op. cit.*

²⁷ Peter Burns, interview, September 23rd, 1991.

²⁸ Kevin Martin, interview, August 12th, 1991.

election winner for his party. He did, however, see it as something which meant that a "great number of people became active and outspoken" ALP supporters, who "transformed their activities" as part of the land rights movement, politicising new sectors within the electorate, "and that will bring votes".²⁹

Doug Anthony's opinion that the ALP made use of the Embassy as an issue has already been noted. Hunt reflected that "there is no doubt that the seven months presence on the lawns in front of Parliament House ... focussed attention on the land rights issue."³⁰ In Jim Killen's view, the "McMahon government was mortally wounded at the time", and the Embassy was one of the points of debate over which "Whitlam destroyed McMahon on the floor of the house".³¹ Ralph Hunt considered the Embassy (which he distinguished from the land rights issue as a whole) was "a factor, but not the factor" in the elections. The McMahon government "limped to its end" due to a weakness in Prime Ministerial leadership, and it was clearly "time for a change".³² Commentaries on the election have noted the broad sweep of ALP policy, a thoroughly progressive scheme for social change by a reformist party of the middle and working classes: "No one issue took fire to dominate the story".³³

Governments, says the adage, lose elections; opposition parties do not win them. Despite the difficulty of making any precise survey of the influence of a single issue in the

²⁹ EG Whitlam interview, July 12th, 1991.

³⁰ Ralph Hunt - unpublished ms., n.d.

³¹ Doug Anthony, op. cit.

³² Ralph Hunt, interview, October 16th, 1991.

³³ David Butler - "Thoughts on the 1972 election" in H. Mayer (ed.), op. cit., p.1.

election of 1972, one may note the results of a contemporary attempt which found that as few as ten percent of respondents were "satisfied" with "conditions for Aborigines".³⁴ Although the McMahon government had little chance of victory in December 1972, the Embassy certainly did nothing to enhance its popularity.

Among the rapid legislative changes under the "du-umvirate" of Whitlam and Lance Barnard over 1972/73 were several direct efforts to implement the promised changes in Aboriginal affairs. Charges were dropped against those arrested on the twentieth and twenty-third of July.³⁵ On December sixteenth the Woodward Commission's charter was announced, and it appeared that the new government was about to pursue the Aboriginal land rights issue as a major avenue for reform. Whitlam also completed the purchase of Willowra station, as recommended by the Council for Aboriginal Affairs some years previously.³⁶

The three years which followed featured significant achievements in Aboriginal affairs. The preliminary findings of the Woodward Commission were available in July 1973, and its final report appeared in May of the following year.

³⁴PROBE opinion poll, 1972, published as an appendix in H. Mayer(ed), op. cit., p.298. Less than ten percent of respondents under the age of 25 years were "satisfied", as opposed to twenty percent of those over forty-five years of age.

³⁵ Pat Eatock - "A Small but Stinging Twig" in H. Meyer (ed.), op. cit. This included Canberra unionist Rodney Robinson's three-month sentence, handed down in mid-September (Direct Action, September 23rd, 1972). Hal Wootten wrote to RA Wilson in September 1972 and asked that the charges be dropped "rather than to litigate a string of proceedings in which wounds will be re-opened and feelings exacerbated". Wilson replied that each case would be considered "on its merits". (Copies of original correspondence, dated September 2nd and September 4th, 1972.)

³⁶ HC Coombs - Kulinma, ANU Press, 1978, p.181.

Recommendations of the reports were: the transfer of Aboriginal reserves and missions to full Aboriginal ownership including mining royalties, the establishment of Land Councils in the northern and central areas of the Territory, establishment of land trusts, and the leasing of land for Aboriginal dwelling places on certain cattle stations. The Commission's report included drafting instructions for an Aboriginal Land (NT) Act.

Despite the dismissal of the government in 1975 only two months after the bill for an NT land rights Act was presented on October 16th, the legislation (vivified, perhaps, by the on-going activism of Aborigines and the public profile of the issue since 1972) was re-introduced by the Fraser government and became the Aboriginal Land Rights Act (NT) in 1976.³⁷ The latter removed the clauses containing references to dwellings on outstations and sacred sight protection from the 1975 bill, but was nevertheless Australia's first land rights legislation of any substance.³⁸ Fraser, although having "real concern ... for the rights of Aborigines" and successfully overcoming opposition to the legislation within the coalition,³⁹ was faced with a land rights movement which had sustained its momentum since the Embassy. The issue had become established in Australian politics, and the major parties were unable to ignore its importance for the rest of the decade.

³⁷ Ross Howie in Nicholas Peterson(ed) Aboriginal Land Rights: A Handbook, AIAS, 1981, p.p.29-30

³⁸ Ibid.

³⁹ Philip Ayres - Malcolm Fraser: A Biography, Heinemann, Richmond, 1987, p. 319, p. 324.

In another final act of its brief term in office, the Labor government brought the Gurindji campaign to a successful conclusion after over a decade of protest and negotiation. Whitlam, accompanied by Bryant, Cavanagh, Johnson and Wentworth, visited Wattie Creek in August 1975. He returned Dagu Ragu to Vincent Lingarri and his tribe "formally in Aboriginal and Australian law", pouring a sample of earth into the hands of Lingarri and emphasising that "your fight was not yours alone and we are determined that Aboriginal Australians everywhere will be helped by it".⁴⁰

Labor had moved, in 1973/75, far closer to the demands of the land rights movement than any of its conservative predecessors. It had partially fulfilled the demands of the Embassy through the above legislation, and addressed a number of other demands of the movement with a one hundred percent increase in funding for the Aboriginal health and medical services, education and housing schemes, and the Aboriginal Legal Service.⁴¹ The Racial Discrimination Act of 1975 overturned the discriminatory Queensland Act, after a decade of protest against its restrictions.⁴² The new Department of Aboriginal Affairs, though heavily criticised, was aimed at asserting Federal responsibility for the first time since 1967, while the National Aboriginal Consultative Council was (briefly) envisioned as a popular representative organisation.

⁴⁰ EG Whitlam - The Whitlam Government, 1972-1975, Viking, Ringwood, 1985, p.471; "True Stories", ABC Television documentary, August 1st, 1992.

⁴¹ This was a significant improvement on the first Federal funding given by WC Wentworth.

⁴² Ibid., p. 472; p. 477. This was, however, not immediately put into effect in Queensland.

The deficiencies of the Labor party's policies lay with what Aboriginal activists saw as more basic considerations. Land rights was fundamental to Aboriginal activists and their supporters, and as the Embassy at all times proclaimed in 1972, land rights was a necessity in the Eastern states and other areas, in all Aboriginal communities and not merely in the more traditional areas. Yet this was not taken up in the Whitlam government's legislation. The question of mineral rights, when raised at the ALP's Southport conference in 1973, brought a change in policy which made such rights subject to parliamentary approval.⁴³ Compensation and other more radical proposals aired in the days of the Embassy were simply not on the agenda.

According to Whitlam, the concentration on more remote areas in the ALP's land rights legislation may be attributed to a single political exigency: the constitutional powers of the States. It was for this reason that the Woodward Commission examined the Territory, where "there could be no challenge to our authority". The 1967 constitutional amendments provided for Federal powers, but the ALP "didn't want to be held up by a challenge".⁴⁴ It was the opposition of the states which prevented the ILO convention from being implemented after ratification in 1973.⁴⁵ This view was echoed by Galarrwuy Yunupingu, who thought that the extension of land rights to other

⁴³ Hannah Middleton - But Now We Want The Land Back, New Age, Sydney, 1977, p.181.

⁴⁴ EG Whitlam, interview, July 12th, 1991.

⁴⁵ EG Whitlam - The Whitlam Government, 1972-1975, Viking, Ringwood, 1985, p. 477. (See Chapter Two.)

areas would have occurred in later years, but the State governments "would not co-operate".⁴⁶

For many Aborigines, this was an inadequate response. The demands of the Embassy were sustained through further activism, including a second Embassy on the lawns of Parliament in 1974.

The NACC was elected from forty-one districts by resident Aboriginal voters over the age of eighteen. Some eighty percent of registered voters participated in the elections.⁴⁷ Although the Consultative Council was a more representative body than any previous part of the bureaucracy, it lacked any powers outside an exclusively advisory capacity.⁴⁸ Supported by Michael Anderson and others, it drew heavy criticism from Kevin Gilbert, Cheryl Buchanan and Sol Bellear,⁴⁹ finally breaking with the intended process of dialogue over the demand that the body be called the National Aboriginal Congress. It became apparent that Aboriginal control of Aboriginal affairs within the new structure would be much less extensive than the separatist ideal of some activists.⁵⁰

⁴⁶ Galarrwuy Yunupingu, interviewed in "True Stories", ABC television documentary, August 1st, 1991.

⁴⁷ Colin Tatz - "Aborigines: Political Options and strategies" in RM Berndt (ed.) Aborigines and Change: Australia in the 1970s, AIAS, 1977, p.394.

⁴⁸ Christine Jennett - "Aborigines, Land Rights and Mining" in EL Wheelwright and K. Buckley(eds) Essays in the Political Economy of Australian Capitalism, ANZ, Sydney, 1983,p.132; Ward McNally- The Angry Australians, Scope, Canterbury, 1974.

⁴⁹ Ward McNally - op. cit., p 94.

⁵⁰ Peter Read, Charles Perkins: A Biography, Viking, Ringwood, 1990, p 172.

Control of Aboriginal affairs by Aboriginal people was an integral part of the Aboriginal interpretation of Black Power, and the basis of the community organisations which had emerged in the years prior to the Embassy. This tenet of the movement, as it stood in the wake of the demise of the Assimilation policy, had never been a specific demand of the Embassy. The protesters had, however, adopted an autonomous ideal in the organisation of the Embassy, continuing the movement toward Aboriginal control which had begun in the nineteen-sixties. When they realised that the NACC had no real power,⁵¹ and that the new Department of Aboriginal Affairs was headed by Barrie Dexter,⁵² many Aboriginal activists became disillusioned with the new government. The Labor government, which made no further changes in Aboriginal affairs, omitted land rights from its 1974 election policies. This appeared to Aboriginal people as a "backlash",⁵³ as material conditions had not improved and those White Australians who supported Aboriginal rights seemed to have abandoned the cause as in 1967.

The Black Panthers disbanded amidst the rising expectations of 1973 to participate in community organisations, but by 1974 were again experiencing disillusion with the slow pace of change.⁵⁴ Kevin Gilbert's 1973 publication Because a White Man'll Never Do It, the first major political work by an Aboriginal activist, termed the whole association with the Labor Party

⁵¹ Colin Tatz, op. cit., p. 391.

⁵² Peter Read, op. cit., p. 150.

⁵³ Colin Tatz, op. cit., p.391; Ward McNally, op. cit.

⁵⁴ Ward McNally, op. cit., p 46.

"Labor's Santa Clause".⁵⁵ The Embassy's basic tenet of land rights survived through the Labor years and after in an Aboriginal protest movement which had achieved less than its stated aims. Land rights remains a central demand of the various groups who today seek a declaration of Aboriginal sovereignty or a form of treaty between the Aboriginal people and the Australian government.

The Aboriginal Embassy of 1972 was an expression of a long tradition which had survived contact, colonisation and cultural change. The representation of this tradition in the land rights movement was at once a new political phenomenon and a transformation of the vehicle of transmission of that tradition from a cultural to a political context. From the activities of the protest over the first seven months of 1972, and due in part to the effects of the Embassy in promoting new legislation, the Embassy itself became part of a modern tradition, acquiring semi-legendary status.

Few Australian Aborigines have not at least heard of the protest, and many are acquainted with a participant.⁵⁶ It is remembered among Aboriginal people as a time of unity and hope, and an event which brought Aborigines together. Sam Wickman found, at the Embassy, Aboriginal people from all over Australia: "they were together, and that was what I was looking for in life."⁵⁷ Gordon Briscoe reflected that it "took on

⁵⁵ Kevin Gilbert, *op. cit.*

⁵⁶ But cf. the complete ignorance of the Embassy shown by three young Aboriginal people interviewed in the ABC's "True Stories" documentary in August 1991.

⁵⁷ Sam Wickman, interview, July 28th, 1991.

a life of its own" and became a "fetish" for the movement, yet such views themselves indicate the notoriety of the protest. Even those Aboriginal people who, like Trevor Patten, thought that the effects were "very low key" and "could have been more"⁵⁸ retain a view of the events of 1972 as an integral part of the story of Aboriginal land rights in the contemporary period.

The Embassy became part of a tradition of protest by Aboriginal people which began with the many responses mounted against European invasion and colonisation. These ranged from guerilla warfare to the celestialisation of contact.⁵⁹ Organised protest in later years established a tradition beginning with the activities of Jack Patten and William Ferguson in the 1930's.⁶⁰ The fluctuations in this recurrence of protest did not prevent its continuation in the contemporary period, due to the existence of a culture of protest maintained by Aboriginal people in their daily interaction with authority,⁶¹ and other aspects of cultural continuity. The tradition of protest was linked with the equally longstanding tradition of original dispossession, subsequent entitlement and disentitlement to land, and the demands of the contemporary land rights movement.

Authors such as Gilbert, Hannah Middleton and Adam Shoemaker later dismissed the Embassy as having served,

⁵⁸ Trevor Patten, interview, December 29th, 1991.

⁵⁹ Henry Reynolds - The Other Side Of the Frontier, Pelican, Ringwood, 1982. Here Reynolds referred to the spiritual explanation given to the appearance of the invaders.

⁶⁰ Richard Broome - Aboriginal Australians, Allen and Unwin, Sydney, 1982.

⁶¹ Leith Duncan - "Protest and Aborigines: An Initial View" in Don Edgar(ed.) Social Change in Australia, Cheshire, Melbourne, 1974.

in electoral terms, the interests of the McMahon government. Middleton saw it as "contradictory and finally harmful in its results".⁶² According to Shoemaker, the government "left the demonstrators alone long enough for them to hang themselves on the noose of public opinion".⁶³ These pronouncements fail to diminish the repute of the protest. Other references to the Embassy in general accounts of the land rights movement, such as Lippmann's view that it was a "brilliant political ploy",⁶⁴ and Noel Loos and Jane Thompson's assessment of it as "a milestone" which used "effective tactics",⁶⁵ are a more accurate representation of its significance.

In the broader context of twentieth century Australian history, the Embassy represents a protest action which had few parallels with major extra-parliamentary activities by non-Aboriginal groups until the nineteen-sixties. The vast majority of protests before that time had relied on the strike, rather than symbolic action and the utilisation of the media and public opinion. The confrontation between the police, military and unionists at Barcaldine, during the general strike of 1917, and the coal miners' strike of 1949, indicated the propensity of the state to suppress direct action by force.⁶⁶ In all such instances, the relatively effective combination of sympathetic public opinion, the

⁶² Hannah Middleton - But Now We Want The Land Back, New Age, Sydney, 1977, p.134.

⁶³ Adam Shoemaker - Black Words, White Page, UQP, St. Lucia, 1989, p. 113.

⁶⁴ Lorna Lippmann - "The Aborigines" in Allan Patience and Brian Head(eds) From Whitlam to Fraser, Oxford UP, 1979, p. 174.

⁶⁵ Noel Loos and Jane Thompson in Erik Olbrei (ed.) Black Australians, The Prospects For Change, JCU Union, Townsville, 1982, p. 27.

⁶⁶ Ian Turner - Industrial Labour and Politics, ANU Press, 1965; Russel Ward - A Nation for a Continent, Heinemann, Sydney, 1977, p. 297.

support of a major political party, and the use of symbolic display was lacking.

The primacy of the strike in Australian protest history built a tradition of protest in which symbolic and creative direct action were, until the years just prior to the Embassy, an exception. William Lane's exit to Paraguay was perhaps a symbolic statement, but failed to generate a protest movement.⁶⁷ The actions of Captain De Groot on Sydney Harbour Bridge in 1932⁶⁸ were in a sense symbolic, but the protest of this individual failed to impress a meaning on the Australian public or attract support for the New Guard. It was not until the protests against Australian involvement in the Vietnam war that the tradition of protest took on the distinctively symbolic features of the Embassy. The use of such protest in later years owed much to the Aboriginal Embassy of 1972.

The Aboriginal Embassies of 1974, 1979 (on Capital Hill), and 1992 (on the original site), and commemorations in 1982 and 1992 indicate the longevity of the protest's status as contemporary legend. To a lesser extent, the Embassy has entered White Australian history, while certain of its tactics have become the mainstay of more recent demonstrations outside the seat of government. Amidst an array of individuals and groups who periodically brought their issues before the government and public by demonstrating outside parliament were a series of

⁶⁷ See Verity Burgmann - "In Our Time": Socialism and the Rise of Labour, 1885-1905, Allen and Unwin, Sydney, 1985.

⁶⁸ Russel Ward, op. cit., p. 197.

single issue campaigns, conducted from semi-permanent encampments of varying duration.

These often theatrical and symbolic events have included the protest against the Hawke government's uranium mining policy (which included participants from among the Kuthaka people of the Roxby Downs area),⁶⁹ protests demanding the closure of US bases in Australia, and other demonstrations by the environmental and peace movements. In 1986 the lawns were used as a parking lot for the Nyngan Livestock and Grain Producers' trucks and utilities in a protest against government policy which saw the use of the lawns complete almost the full spectrum of interest groups. Almost without exception, these were non-violent demonstrations, so that the local ACT tradition of toleration of such direct action (although the recent clash at the AIDEX armaments exhibition was a notable exception) remains an echo of the lessons learned by the opposing sides in July 1972.

Had events turned toward violence on July thirtieth 1972, the story and the legend would probably be very different. The story of Aborigines and violent oppression dates from the seventeenth century, while discriminatory violence remains a constant theme in Aboriginal relations with authority. Since July 1972, in their organised political activities if not in the midst of racial tension in Western NSW, Aboriginal people have avoided bloodshed. The race riot of contemporary America, for instance, has not been adopted as a method by the current movement for Aboriginal sovereignty, land rights and justice.

⁶⁹ The Canberra Times, October 12th, 1983.

Although the exact influence on the 1972 election remains unclear, and the tenuous nature of the McMahon government's incumbency is generally accepted, the efficacy of the protest was substantial. The official reaction to the Embassy stands as a clear example of the disunity and disarray of the government, while its effects beyond the 1972 election suggest a greater importance. Its relative success, significance to Aboriginal politics and broader place in history rests on the ascendancy of creative, non-violent action and symbolic protest during the early months of the protest, and despite the brawls of the larger demonstrations, the peaceful public statement of the huge rally of the thirtieth.

Communication of the demands of the protest to the government and public, the arbiters in the democratic framework within which all change has hitherto occurred in Australia, was facilitated by the use of non-violent action, which in turn allowed the protestors room for their creative symbolic expressions. The story of the July demonstrations lends weight to the observation of Ali Mazrui, writing in a different context on a different continent, that:

When conflict escalates into combat, and all that is exchanged is violence, protest as a medium of discourse is suspended.⁷⁰

By the time of the Embassy, virtually all means of political action had been attempted or discussed by Aboriginal activists, many of them being a part of the internal politics of the protest in 1972. Of all possible alternatives, it was non-violent

⁷⁰ Ali Mazrui - "Towards a Theory of Protest" in A. Mazrui (ed.) Protest and Power in Black Africa, Oxford UP, 1970, p. 1190.

action which became the means of political statement adopted by the Embassy. This relatively successful protest triggered real change through its creation of publicity, proximity of its demands to the policies of a sympathetic political party, and conveyance of an imperative political message without bloodshed. The question of choosing the appropriate path toward realising their goal of sovereignty, of maintaining and extending the existing areas of land returned to the indigenous people, and addressing problems of material welfare and social justice in the time of the Mabo decision and the fourth Aboriginal Embassy remains, however, one which only Aboriginal people can answer.

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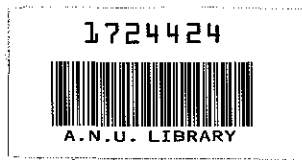
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