

CHAPTER 3

THE DAY OF MOURNING

JACK HORNER AND MARCIA LANGTON

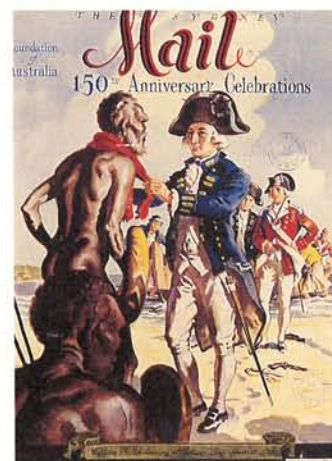
We, representing the Aborigines of Australia, assembled in conference at the Australian Hall, Sydney, on the 26th day of January, 1938, this being the 150th Anniversary of the Whiteman's seizure of our country, hereby make protest against the callous treatment of our people by the whiteman during the past 150 years, and we appeal to the Australian nation of today to make new laws for the education and care of Aborigines, and we ask for a new policy which will raise our people to full citizen status and equality within the community.

Resolution moved on the Day of Mourning, 26 January.

AFTER THE ABORIGINES brought to Sydney from Menindee and Brewarrina for the sesquicentennial re-enactment of Governor Phillip's landing had been lodged at the Redfern police barracks, the Sydney relatives of one of them, Peter Johnson, tried to visit him. They were told to obtain permission from J.R. Mullins, an official of the New South Wales Aborigines' Protection Board. Mullins refused and sent them to the board's chairman, Police Commissioner W.J. Mackay, who firmly instructed that the Aborigines were to see nobody.

Mackay may have known that Helen Grosvenor, daughter of Ike Grosvenor, the barracks horsebreaker and tracker, had told the founder and secretary of the Aborigines' Progressive Association, William Ferguson, about the visitors. Ferguson was anxious to persuade Hero Black, the Menindee leader, to boycott the mortifying 'retreat' which, without any historical justification, the re-enactment organisers were planning. After a few days, Mackay did let two women see Johnson, but in the presence of a board official. The message was not delivered and on 26 January the re-enactment proceeded as the white men planned.

At 1.30 pm that day, about one hundred Aborigines, men and women, met in the Australian Hall in Elizabeth Street. For them, 26 January was a Day of Mourning and Protest. Their conference was the culmination of ten years of agitation among New South Wales Aborigines against the policies of the



The sesquicentennial edition of the Sydney Mail suggested extensive Aboriginal participation in celebrations organised by white Australians. Sydney Mail, 19 Jan 1938.

Aborigines' Protection Board, and the assembled Aborigines hoped to finalise demands for national citizenship and equal status to be presented to the New South Wales premier and the prime minister in the following week.

Among those attending was William Cooper from Cummeroogunja, an Aboriginal community in the Riverina district of New South Wales. A retired shearer and secretary of the Australian Aborigines' League, he had conceived the Day of Mourning and Protest. He came by car from Melbourne with Aboriginal leaders Margaret Tucker and Douglas Nicholls. From New South Wales the main organisers were Jack Patten and his wife Selina, who lived at La Perouse, Bill Ferguson from Dubbo, Pearl Gibbs from Brewarrina, Jack Kinchela from Coonabarabran, Helen Grosvenor from Redfern and Tom Foster from La Perouse. All were members of the Aborigines' Progressive Association, and all were pioneers for Aboriginal rights.

Patten opened proceedings with his usual fervent oratory. 'On this day the white people are rejoicing', he said,

but we, as Aborigines, have no reason to rejoice on Australia's 150th birthday. Our purpose in meeting today is to bring home to the white people of Australia the frightful conditions in which the native Aborigines of this continent live. This land belonged to our forefathers 150 years ago, but today we are pushed further and further into the background . . . We have decided to make ourselves heard. White men pretend that the Australian Aboriginal is a low type, who cannot be bettered. Our reply to that is, 'Give us the chance!' We do not wish to be herded like cattle and treated as a special class . . . white people in the cities do not realise the terrible conditions of slavery under which our people live in the outback districts. I have unanswerable evidence that women of our race are forced to work in return for rations, without other payment. Is this not slavery? Do white Australians realise that there is actual slavery in this fair progressive Commonwealth? Yet such is the case . . . We do not trust the present Aborigines' Protection Board, and that is why we ask for its abolition . . . We ask for ordinary citizen rights, and full equality with other Australians.

Patten then moved the Day of Mourning resolution. Bill Ferguson, seconding it, appealed to his audience's common experience of oppression on racial grounds and argued against notions of Aboriginal suitability for citizenship based on fairness of skin:

I want to say that all men and women of Aboriginal blood are concerned in our discussions today. Though some are dark and some are fair, we are all classed as Aborigines under present legislation . . . We have been waiting and waiting all our lives for the white people of Australia to better our conditions, but we have waited in vain . . . Surely the time has come at last for us to do something for ourselves, and make ourselves heard . . . Now let me explain that our object is to abolish the Aborigines' Protection Board.

After speeches by Tom Foster, a Methodist lay preacher, and Pearl Gibbs, who had left pea-picking and union organising on the south coast to attend, the resolution was carried unanimously.

But the conference could not agree on important related issues. Speakers differed about the nature of full citizen rights. Cooper wanted an Aboriginal member of parliament; others felt that a merely token gesture of this kind would actually diminish citizen rights. 'I say definitely that we do not want an Aboriginal Member of Parliament', Ferguson told the conference. 'We want ordinary citizen rights, not any special rights such as that.' He went on:



'The Government is considering appointing an aboriginal member to the House of Representatives, who would be allowed to speak, but not to vote. Jacky, M.P.: My word, mine bringit alonga you fellas plenty subsidy witchetty grub and goanna.' Cartoon by Tom Glover, Sun, 19 Jan 1938.

We ask for the right to own land that our fathers and mothers owned from time immemorial. I think the government could at least make land grants to Aborigines. Why give preference to immigrants when our people have no land, and no right to own land? ... I say that most of our people in New South Wales have a good practical knowledge of farming, and could make a living as farmers. If not, then the Government should teach our people the principles of Agriculture, and help them to settle on the land, just as they teach and help immigrants from overseas. We are backward only because we have had no real opportunity to make progress ... In many parts of Australia the white people on the land are helped by Aborigines to such an extent that they could not carry on grazing occupation without Aboriginal aid. The Aboriginal is producing wealth, but not for himself. Yet he is not even allowed to have money with which to buy clothes, and food. If the Aboriginal can help the white man to make money outback, why not give him a chance to make a living for himself? ... All Aboriginal Legislation today is intended to drive our people into the Aboriginal Reserves, where there is no future for them, nothing but disheartenment.

Another difference emerged when, putting the Day of Mourning resolution, Patten backed away from immediate equality. 'I want to explain', he said,

that, in advocating abolition of the Aborigines' Protection Board, we understand that there must be some stepping stone. The people cannot be thrown out of the reserves and expected to live like white men, when they have not had a white standard of education. We recognise also, as regards the primitive people who are still uncivilised, that there must be some stepping stone from the jungle ... We do not want to be held up to ridicule, by asking something impossible ... We want a stepping stone to modern civilisation.

'PRESIDENT PATTEN (right) reads resolution, "We, representing THE ABORIGINES OF AUSTRALIA . . . on the 150th Anniversary of the whitemen's seizure of our country, HEREBY MAKE PROTEST against the callous treatment of our people . . . AND WE APPEAL to the Australian Nation of to-day . . . for FULL CITIZEN STATUS and EQUALITY WITHIN THE COMMUNITY."' Man, Mar 1938.



Patten's understanding of tradition-oriented Aboriginal people reflected white opinion. Few Aboriginal people on the small isolated east coast reserves had met Aborigines from northern Australia. Patten's thinking centred on the people on reserves, so for him the key to the future was better European education for the children. This idea of a 'transitional stage' was a general preoccupation of whites, and in voicing it Patten was not speaking for the whole conference. Ferguson replied:

Full citizen rights mean the equality of our people with the white man. I think every one here has been in contact with civilisation since birth. You will find very few Aborigines in New South Wales who do not know how to count money and look after themselves . . . I ask you to support the resolution, and not to worry too much about the stepping stone. That will take care of itself if we have full citizen rights . . . If we have full citizen rights to own property and to own houses in which we live, we could not be turned out as at present.

This mild disagreement was to widen in the following months, with calamitous consequences for the unity which organisers of the conference had hoped to inspire.

After the resolution was carried, the Aborigines' Progressive Association elected officers. Patten was returned as president, Helen Grosvenor was elected secretary, Ferguson was re-elected organising secretary and Jack Kinchela became treasurer. This ended the first national meeting of Aboriginal people for citizenship rights. A record of the conference was published in a new monthly, *Abo Call*, which reached people on reserves and stations throughout Australia.

Some Aborigines had waited a long time for such a conference. From 1915 in New South Wales, any man could be expelled without cause from an Aboriginal reserve and any girl could be taken without consent from her family by policemen or board officials and institutionalised anywhere in the state. In 1925 an Australian Aborigines' Progress Association had been formed by Frederick Maynard and Mrs



Man magazine featured this image in its 'Current camera history' series on the Aboriginal Day of Mourning, which appeared with the title 'Aborigines meet, mourn while white-man nation celebrates'. Man claimed exclusive photographic coverage of the meeting. Man, Mar 1938.

E. Mackenzie-Hatton, a white woman, to help north coast Aborigines evicted from reserves, some of whom were families of girls caught trying to return home. In March 1927 the Association's third annual meeting had called for Aborigines to be given enough good land to maintain a family, and sought the abolition of policies permitting the forcible removal of girls. '[T]he family life of the Aboriginal people', it had resolved, 'shall be held sacred and free from invasion'. It had also advocated the dissolution of the Aborigines' Protection Board in favour of a board of Aboriginal members. Talk of this kind had spread to south coast Aborigines and to families living at Salt Pan Creek near Sydney, where young men like Jack Patten had listened while old men talked 'full citizenship' politics.

During the depression Aborigines had received rations much poorer than the food relief provided for unemployed white people. Taken by truck to overcrowded stations already gripped by epidemics, they could be asked to work for two days before receiving any rations. This provoked widespread strikes. In 1935 Riverina refugees in Melbourne had formed an Australian Aborigines' League and two years later William Cooper became its secretary. The league had discussed ideas for obtaining citizenship, and Cooper drafted a petition requesting a federal representative in parliament. After circulating on reserves throughout Australia, by late 1937 the petition had 1814 signatures.

Bill Ferguson was an ex-shearer, a unionist for 40 years, a member of the Labor party, and an admirer of William Cooper. On 27 June 1937, at Dubbo, he called the founding meeting of the Aborigines' Progressive Association, and was elected its secretary. Three days later, on a reserve near Kempsey, an Aboriginal family was stirred to act against eviction by the Aborigines' Protection Board. The board had decided to concentrate all the Kempsey reserves into a new station, and chose land adjoining Burnt Bridge reserve which had been granted to John Moseley in 1898 in payment for his services as a tracker. When Moseley and his son Percy, a farmer, protested at the takeover, the manager of Burnt Bridge methodically demolished their buildings, assuming them to belong to the board. Moseley wrote to J.J.

Moloney, formerly editor of the Newcastle paper, *Voice of the North*, who complained to the prime minister. The manager next began building a fence across Moseley's land, and Moseley was arrested for trying to stop him. He organised Aborigines to send a protest letter to the premier.

White organisations, from far right to far left, now took up the Aboriginal cause. Moloney's influence brought in the Australasian Society of Patriots and, with Michael Sawtell, a Sydney nationalist and socialist, he also enlisted the support of the Australian Workers' Union, the Theosophical Society, the Australian Natives' Association, the Association for the Protection of Native Races, the Labor party, and the Communist party and its associate, the International Labor Defence. Letters on Burnt Bridge piled up in the Premier's department. Sawtell had friends among Sydney Aborigines and introduced their organiser, Jack Patten, to the experienced editor, P.R. Stephensen, who helped Patten arrange publication of *Abo Call*.

Jack Patten, aged 33, was an unemployed labourer from Cummerooonja. He was an unlikely associate of Stephensen, who led a tiny fringe group distinguished by a chauvinistic Australian nationalism, and a strongly anti-British, anti-Semitic and pro-fascist stance. Stephensen, a former Rhodes scholar, was probably in sympathy with the Aborigines on nationalist grounds. He was also doubtless impressed by Patten's personal qualities. Patten had attended high school, something very rare among Aborigines, and was an energetic organiser and fine orator. He accepted the offer of a desk at the *Publicist*, a magazine of extreme nationalist and pro-fascist opinion edited by Stephensen and owned by a businessman, W.J. Miles. Sawtell persuaded him to speak on Aboriginal rights at the Domain on Sunday afternoons.

Sawtell, Ferguson, Tom Foster and later Pearl Gibbs all spoke at the Domain; and early in November 1937, on the *Publicist's* weekly radio session on 2SM, Ferguson called for equal citizenship, education, equal wages, ownership of land, the full benefit of British laws and the abolition of the Aborigines' Protection Board. The pressure of criticism prompted parliament to set up a select committee into aspects of the Aborigines' Protection Board. It met irregularly from November to January, and Ferguson gave evidence of numerous Aboriginal complaints of arbitrary management. In January 1938, however, with board officers quarrelling about contradictions in the evidence, the inquiry broke down.



Aborigines probably had not hoped for much from the select committee. On 12 November 1937 Cooper called a public meeting in Melbourne at which Ferguson, the guest speaker, bluntly described life on reserves. 'It would be better if they turned a machine gun on us', he said. Douglas Nicholls also spoke, and Cooper demanded a Day of Mourning and Protest in Sydney on 26 January, asking Ferguson to arrange it. A fortnight before the celebrations, the *Publicist* printed a pamphlet, *Aborigines claim citizen rights!*, written by Patten and Ferguson. It argued forcibly for citizens' rights and exposed the powers of the Aborigines' Protection Board. It also claimed that Aborigines easily bred white, an argument which no self-respecting Aborigine would countenance, but which probably appealed to Stephensen's opposition to racial miscegenation. The Day of Mourning, although a conference for Aborigines only, was organised and publicised by Stephensen and financed by Miles.

After the conference, on 31 January a deputation of twenty Aborigines in Sydney met the prime minister, J.A. Lyons, his wife Enid, and the minister for the Interior, John McEwen, who was responsible for Aborigines in the Northern

Territory. No public servants attended. The Aborigines' Progressive Association president, Jack Patten, requested 'that the Commonwealth Government make a special financial grant to each of the State governments in proportion to the number of Aborigines in each State' to increase rations and improve housing. He considered it a matter of urgency. 'Our people are being starved to death', he said. Patten then presented Lyons with a long-range national policy for Aborigines, arranged as Ten Points. These asked for commonwealth control of all Aboriginal affairs, a Ministry of Aboriginal Affairs with full cabinet rank, and an administrator advised by a board of six persons, three of Aboriginal blood and nominated by the Aborigines' Progressive Association. A Department of Aboriginal Affairs should 'raise all Aborigines throughout the Commonwealth to full Citizen Status and civil equality with the whites in Australia', including equality in education, labour laws, workers' compensation, pensions, land ownership and wages.

Lyons responded that before commonwealth control was possible the constitution would need to be altered. McEwen suggested a conference of state ministers to discuss future policies, but nothing happened. Similarly, at its meeting on 7 February, cabinet decided not to act on Cooper's petition for an Aboriginal member of parliament, claiming that the federal government could not pass laws for Aborigines who lived in the states. Cooper was sent an official letter on 2 March, advising that 'no good purpose would be served in transmitting the petition to His Majesty ... and action in this regard is therefore being held in abeyance'.

Nearly all the specific complaints in the Ten Points related to state laws, so an association delegation also met a New South Wales minister without Portfolio, George Gollan. Impressed by the correspondence following the Moseleys' complaint, by evidence given to the select committee, and by what the Aborigines told him, Gollan advised his premier to reorganise the board. Stevens promised to do so but, after seeking further advice from white 'experts', including anthropologists, he changed his mind and the board survived.

All through 1938 the Aborigines' Progressive Association under Patten strengthened along the east coast. The *Publicist* office in Sydney was now its headquarters. Patten resumed radio talks with Stephensen on 2SM, and in March he became editor of *Abo Call*, which ran for six months. But Ferguson already feared that the needs of Dubbo people were being neglected, and suspected that *Abo Call* might simply be a ploy to create publicity for Xavier Herbert's novel *Capricornia*, which Stephensen and Miles were publishing. In any case, *Abo Call's* first issue carried an item which split the movement: the text of a proposed constitution for the Aborigines' Progressive Association. Explaining that he found it impossible to carry out his duties 'in a proper and legal manner' without this constitution, Patten called for a general meeting for Easter Sunday, 17 April, to endorse it. Ferguson took exception to this action, and the meeting, chaired by Pearl Gibbs, turned into a shouting match between Ferguson and Patten. The rift was not healed and the association split. Two annual meetings were held in June, one in Sydney, one in Dubbo, and two Aboriginal versions of future policy were put forward. Neither version much influenced white opinion. The Day of Mourning was a powerful symbol, but it, too, brought about little change. The year ended, as it had begun, with Aborigines having much to mourn.



Publicist, 1 Jan 1938.



*Smoko at Paper Barks, Finnis River, Northern Territory, 1937.
From left: Knupp Red, O. Jensen, Val McGinness, Xavier Herbert,
Bulbul and an unidentified army sergeant (foreground).*

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