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**WARRIORS FOR PEACE**

The Political Condition of the Aboriginal People as Viewed from Palm Island

**BY BARBARA GLOWCZEWSKI AND LEX WOTTON**

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## **FOREWORD**

### **Weekend visit in jail**

Barbed wire encircles the shiny buildings. Some ten families sit on rows of plastic chairs on the brand new concrete veranda, waiting. The officer, holstering a revolver, walks past the young kids, who hardly pay him any attention, and stops in front of some men and women. He hands them little strips of paper to rub against the inside of their forearm for traces of drugs. The next day, drug detection dogs on the leash sniff us. The routine of weekend visits at the Townsville correctional centre has us queue to show our application permit and ID. Some girls change their tops and shoes as the Board does not permit entry with open shoes and sleeveless shirts. All bags, watches, jewelry, food and drinks have to be left in a locker. No money allowed either; if a visitor wishes to give some to a prisoner; he needs to hand it over to the officer who writes out a receipt. Another officer operates the computer which scans fingerprints and takes digital photos for identification at the electronic entrance gate to the jail. But the machine detector did not recognize my face and finger, nor did it recognize a young Aboriginal mother carrying a baby, and a Papua New Guinean woman with her teenage daughter. Two older men were also blocked inside the electronic double door. The guards took it calmly: "it happens all the time" they said. So we just signed in and passed through the door. Then some ten of us squeeze inside a cubicle for another inspection before the door opens into a big white room with a glass door facing a small yard enclosed by a high grey wall. Each of us had been given a number to match the one on the low metal tables, and once we are all seated on the metal chairs, a little door with a glass window opens and some twenty men, mostly young and Black walk in.

Lex, wearing the prison uniform, brown T-shirt and trousers, comes to my table smiling. He looks handsome and serene, yet the serious and pensive expression on his face makes many people avert their gaze. It has been two years since he took me, his wife Cecilia and kids for a drive up to the spring of Palm Island. "Good memories, I like the way you describe that in the book...Happy time", he said. He had brought the manuscript of the translation of our book, which the lawyer had sent him, for us to check together. He went to the machine in the corner of the hall to fetch tea and coffee. An officer brought a pen and paper I had been given permission to use during my special "professional visit", organized by Levitt & Solicitors. I started to take notes of the comments Lex had penciled in the manuscript. We went through half the book in two hours. It was great to see the same concentration, precision, humor and impressive memory Lex had demonstrated when we worked on the

book previously. The following day we finished checking the remainder of the book and started talking about the future. Lex was to be released on the 18th of July 2010, and he planned to tour Australia and possibly overseas to talk about his vision for his people.

Lex is a religious man with a spirituality he has forged for himself. As a young man, he read the Bible and had a revelation; he then adopted the Baha'i' faith of his mother. After he had served a prison term for drunkenness, he asked his mother to leave him alone in his bedroom, so he could stop drinking. He never drank since. This is unusual for an Aboriginal man in jail, where most inmates are detained for assault under the influence. The Baha'i' authorities had asked him to formally renounce his faith following an article in the Sydney Morning Herald on his speech at the 50th anniversary celebration of the 1957 strike on Palm Island. According to the teaching of Bahauallah, followers cannot engage in politics and make political statements. Lex thought this was fair as he needed to take care of mundane things before he could share his faith with others. In the meantime he was reading Gandhi and asked for books on the Dalai Lama. I wondered why the Baha'i had not demanded his abnegation previously, when he was charged for being the ring leader of the riot in November 26, 2004, which was sparked by the findings of the autopsy of Cameron Doomadgee, alias Mulrunji, who died in custody. During the inquest into the suspicious death and the committal hearing of the rioters, the media gradually changed their representation of Palm Island, from depicting it as a dangerous place to expressing compassion for the shocking inequalities, the traumatic history and the dysfunctional bureaucratic system which suffocates Palm and other Aboriginal communities. The reports conveyed a feeling of responsibility. But when the policeman accused of Mulrunji's death was acquitted in June 2007, all seemed to be forgotten.

Lex tends to intimidate people. The media construed him as a potential terrorist, stereotyping him and the other Palm Islanders "as an uncontrollable and irrational group" by deliberately neglecting the cause for their uprising.<sup>1</sup> The unbalanced adverse publicity of the events contrasted the immoral offenders with the righteous sacrificial police and created what Thalia Anthony describes as "Moral Panic":

"The mainstream media, along with the Queensland Government and police union, produced a moral panic over the Palm Island protest that overshadowed the death in custody". She

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<sup>1</sup> Anthony, T., March 2009, 'Manifestations of Moral Panics in the Sentencing of Palm Islander Lex Wotton', *Current Issues in Criminal Justice*, *Journal of the Institute of Criminology*, vol. 20 (3); University of Sydney Law School.

argues that “the court that sentenced Wotton appropriated the moral panic over the offence to remove the death in custody as a sentencing factor”. Indeed the judge decided that the background for the riot, the death in police custody and subsequent findings of the autopsy, was irrelevant to the trial of Lex, charged with leading the uprising. But he admitted in his conclusion, available online that:

“In my view the only thing in your favour in this involvement in this was that at stages you made some efforts to lessen the chances of the police officers being injured. The most significant of that is that on two occasions you took the crowd away from besieging the police. This allowed the police to leave the police station to go to the barracks and later from the barracks to go to the hospital. Particularly in relation to that second episode, it is clear from the video that the crowd was not surrounding those police officers when the decision was made to move. I am of the view that you personally moved the crowd away on each of those occasions.”

The judge further pointed out that although the police feared for their lives; no one had been physically injured and questioned the rioters’ intention to harm the police.

The judge argued that the monetary damage caused by the destruction of the barracks was a compounding factor in the seriousness of Lex’s offence; this is questionable given that four years earlier it had been decided to demolish these barracks and replace them with a new police station. The speed of the fire, due to the lack of water, belied the fact that the rioters comprised only around 30 men, 60 women and 90 kids, as one officer testified during the committal hearing. The judge initially stated there were 300 rioters, but after viewing the video shot during the riot he believed most of them were mere spectators. Why then were the few hours of Palm unrest considered such danger compared to the Macquarie Fields disturbances which lasted four days with burning and fights?<sup>2</sup>

The trial of Lex was emblematic of the issue that no one should attack state property because of the power it represents, which is precisely the reason rioters in Australia or anywhere else in the world choose to put fire to it. The act is one of empowerment through destruction of the very symbol that embodies disempowerment in a dysfunctional justice system that does not protect all citizens. Riots are a response to provocation which sometimes is the last straw. This was the case in the French suburbs riots in 2005, which

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<sup>2</sup> <http://www.parliament.nsw.gov.au/prod/parlment/HansArt.nsf/V3Key/LA20050301022>

were sparked by the death of two young kids electrocuted while running away from a police control, because they feared arrest for not having IDs on them.

Could Lex's trial have had a different outcome, similar to the famous American film *12 men in Anger*, if only one person of the jury had argued a strong case to change everyone's opinion? Or had the jury made up its mind before the trial even started? Lex saw one of the jury members asleep; others seemed not to listen to the defence pleading. Meanwhile lobby groups were protesting in support of Lex. YouTube broadcasted a protest by a group of people in support of Lex during his trial, amongst them a Bolivian woman who says that Indians were simultaneously protesting on the issue in front of the Australian Embassy in Bolivia. Internet networks of solidarity connect different victims of social injustice across the planet. The fact that the voice of minorities can be heard, even that of your neighborhood when it experiences social and physical hardships should be seen as a hope for us all. But the agenda of Lex's trial was political. Even though it coincided with Barack Obama's election to the presidency and the media hailing a new era of no racial discrimination, the police officers on duty during the Palm riot were ceremoniously given bravery awards shortly before Lex's sentencing. Palm Islanders' reaction to this new provocation was unexpected, instead of social unrest they spoke to the media.

Real life is beyond symbols. Over the past three years there have been new deaths in custody, resulting in riots and social group actions. Without the riot in November 2004 there would have probably been no media interest in Cameron Doomadgee's death in police custody. The sentencing judge chose to ignore the background of the riot, and instead argued the importance of deterrence to prevent lawlessness and anarchy. He thereby exculpated the action of the police and perhaps inadvertently condoned the inequity suffered by Aboriginal people. The tension between police and Aboriginal citizens is growing in spite of Kevin Rudd's historic apology to Australia's Stolen Generation on February 13, 2008.<sup>3</sup> Despite declaring his resolve that "the injustices of the past must never ever happen again", and promising "a future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia", the emergency intervention in the Northern Territory in June 2007 implemented by the suspension of the Racial Discrimination Act 1975 has yet to be reversed. The communities exempted of the Racial Discrimination Act, 73 in total, saw their land confiscated for five years, and self-management and welfare programs suspended by

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<sup>3</sup> Transcript of the complete speech by Prime Minister Kevin Rudd can be accessed on <http://www.pm.gov.au/node/5952>

the Federal Government. In March 2009, following a complaint lodged by a collective of Aboriginal communities, the UN wrote a letter to Kevin Rudd expressing its concern over the suspension of the Racial Discrimination Act. In April 2009 Kevin Rudd signed the United Nations Declaration on the Rights of Indigenous People. In August 2009 the special Rapporteur of the UN<sup>4</sup> to Australia stressed the need to reinstate the protection of the Racial Discrimination Act.

Many nations have what Appadurai calls the “Fear of small numbers”, of minorities who like Indigenous people in Australia demand to speak and act for themselves. Around the world Indigenous experience has led to a different perception of sovereignty; minorities can adopt sovereignty across borders, as they share the struggle against injustice. They look for a model of governance which is not restrained by the State.

Edouard Glissant and Patrick Chamoiseau, both famous French Caribbean authors have published a magnificent little book “L’intraitable beauté du monde. Adresse à Obama” (The intractable beauty of the world, a letter to Obama), in which they write that “people today have the premonition that the power of nations does no longer make them great”. They invite us on an imaginative ride of creating a new world beyond the discriminations produced by many States.

The following chapters try to put the Palm Island riot into perspective in order to understand the Aboriginal visions of contemporary Australia as well as the global world we live in where social justice means what Lex said in 2005:

“I don’t want to be treated as an Aboriginal person, I want to be treated as a human being; we don’t want two laws, one White, one Black, we want one law for all, we want to live in peace”

Paris, October 2009

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4

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/313713727C084992C125761F00443D60?opendocument>

## **WARRIORS FOR PEACE**

The Political Condition of the Aboriginal People, as Viewed from Palm Island

### **Chapter 1**

#### **The burning spirit of the first Australians**

The small woman with the tinted glasses, her face carved like a dark rock with halo-like grey curls says: "We will stand for a minute of silence for our young fella who died tragically." Erykah Kyle, the Palm Island mayor, resumes reading from her notes in a very slow, breaking voice." There was an accident somewhere around the cell. There was a fall." The crowd in front of the council is dead silent, their black faces numb. She continues: "the doctor explained it was compressive force on his body; four ribs were broken and a rupture in his liver and from that a lot of bleeding..." People stare at each other in shock and disbelief:" What? Why do they call this an accident?" a woman screams. She knows that being young and fit; he could not have died from a fall.

Sitting in Court in April 2005, I watch footage on the television monitor showing angry men taking turns on the microphone. Then a man in his thirties, bare-chested and enraged appears with a shovel in his left hand; he is walking through the gate of an enclosure. Another Aboriginal man, who spoke on the microphone before, walks up to him and pulls him out of the police station's yard.

This image of the infuriated Lex Wotton, the plumber who had just tried to repair the damaged water pipe on the main road of Palm Island was broadcasted on the news all over Australia. His anger reflected the despair of the assembled crowd hearing the findings of the autopsy on the 26th of November 2004. Their desperation touched the audience watching the recordings of the events in the Townsville Court House in March 2005.

Lex bears the pain his community has endured for decades. The death of a thirty six year old Aborigine, Cameron Doomadgee, since referred to as Mulrunji<sup>5</sup>, within an hour of his arrest for public drunkenness, is the spark that will inflame the spirit of Palm Island. The island's population had been patient; one week had passed since the death on November 19. Every day a gathering had asked for the findings of the victim's post-mortem examination; the conclusions of the report just read to them appeared to have been reached in bad faith. Everyone knows that a man, healthy at the time of his arrest, could not have suffered a punctured liver and four broken ribs from a simple fall in a building with no stairs. It

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<sup>5</sup> Mulrunji is a ritual term meaning no-name, used to avoid holding back the spirit of the dead. See also chapter 4, footnote 43.

isn't the first time that an Aboriginal person has died in custody. Some years ago, the son of the island's mayor had been found hanging in his cell. When the community heard of the injuries revealed by the autopsy, it could no more remain idle.

The television monitor in the Townsville Courtroom is prominently positioned next to the judge. There is an angry crowd. A building is burning and the siren of an approaching fire engine wails. "Film it, this is history!" a woman shouts in the footage shot by a young Aboriginal woman from the island. The policeman testifying at the committal hearing, which began in March 2005, estimates there were thirty men, sixty women and ninety children. We also watch episodes filmed by a policeman at the home of the sergeant, who had arrested the dead victim. The police are running in panic to the police barracks, one policeman is loading his gun. Two hours later, helicopters fly in reinforcement to the island, twenty police officers armed with clubs and pistols, a dog on the leash are lined up. They face an angry crowd shouting "Go away". A few steps in front, Lex Wotton, holding a small coca cola bottle, acts as a shield between the police and the crowd. He raises his other arm to calm the mob, restrains a young man trying to run towards the police.

A state of emergency is imposed on the island. Shortly after sunset, twenty five members of the Special Emergency Response Team join forty other police officers. The television news show them strutting about in anti-terrorist combat uniforms amid a baffled population. A few hours later, just before sun rise, and in spite of the fact that there had been no physical injuries during the uprising that afternoon, the officers, wearing helmets and riot shields, storm the homes of families fast asleep. They arrest nineteen men, including two teenagers, in front of children terrorized by the electronic Taser pistols. Later, three women, amongst them Lex's mother and his younger sister, thirty year old Fleur, who has suffered from depression since the loss of her still born child, are arrested on charges of riot and arson of state property. Immediately, a national campaign is launched in support of those accused for taking part in it and in protest against the violent circumstances of their arrest, which had traumatized the families.

In 2004 I was an invited Adjunct Professor at James Cook University in Townsville. One day, while shopping at the supermarket, I recognized Lex Wotton and his partner Cecilia. With his bleached blond hair, smooth-shaven, in jeans and a white singlet, he looked far more serene than on the recent photos in the headlines. I shook his hand; he was surprised I knew his name. I told him I had followed the events on television and had taken part in the silent march for "Truth, Equity and Justice" in Townsville on December 9, 2004. I asked him for an interview so that I could relate the events in France. He gave me his phone

number. I rang the following week and we arranged to meet at the house that was loaned to his family in Townsville's Aboriginal Reserve at Aitkenvale. Lex had agreed to my bringing along the father of my two daughters, Wayne Jowandi Barker, Aboriginal film maker and musician. Wayne had toured Europe and France for several years and was recovering from months of chemotherapy at the Townsville hospital, where he had been diagnosed with Hodgkin cancer. Lex welcomed us in the living room, sitting at a table in front of the window. Two hours later we left impressed. He had spoken to us about so many issues; his critical view of his own community seemed to echo Wayne's analyses of the communal conflicts in his country at the other side of the continent, the town of Broome, and the north west region of the Kimberley.<sup>6</sup>

All through 2005 I discovered a new world of suffering and hope. I met men and women who tried to overcome their past as well as current daily distress. And gradually, as witnesses for the prosecution testified against the accused of riot, and later at the coronial inquest into Mulrunji's suspicious death in custody, many journalists and readers became supportive of the quest for social justice. Some argued that Lex Wotton, a plumber, father of four, chairman of the board of the Rehabilitation Centre for Alcoholism on the island, could become Australia's Nelson Mandela. Upon my return to France I kept in touch with him through Lise Garond, who was writing a PhD on the island's community, still in the grip of its painful past. And in 2006, after having decided to write this book, in which Lex would voice his own views, we resumed our talks.

In September 2006, coroner Christine Clements, charged with the inquest into the suspicious death of Mulrunji, determined that Senior Sergeant Hurley was responsible for Mulrunji's death. But the Queensland Public Prosecutor Leanne Clare refused to lay charges, deeming it had been a "tragic accident". Following a wave of national and international outcry, the Queensland Prime Minister handed the case over for review to former New South Wales Chief Justice Sir Laurence Street. On January 26, 2007, Sir Laurence Street announced that there was sufficient evidence to charge the Senior Sergeant with manslaughter and assault. Again the Police Union protested and at the conclusion of the ten day trial, on June 20, 2007, a jury of twelve (eight women and four men, none of them Aboriginal) acquitted Hurley, even though he admitted to having caused Mulrunji's death by "falling" on him – and not beside him, as he had previously stated. The officer, it was claimed, had fallen when forcing Mulrunji to enter the station, before he and another

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<sup>6</sup> Barker 2009, Hunter 1993

policeman pulled him by his arms into the cell. He had left him lying on the floor, monitored by the surveillance camera, which recorded the last twenty minutes of his ordeal, including a prisoner's check, during which the policeman kicked Mulrunji with his boot.<sup>7</sup> When the video, which was not shown to the jury during the trial, was played at the inquest two years earlier in August 2005, the policeman admitted that the "arousal technique" was a common procedure and that he had not tried to resuscitate the prisoner for lack of training. Patrick Bramwell<sup>8</sup>, also arrested for drunkenness and insulting police, was lying in an alcohol induced coma next to Mulrunji as the surveillance camera recorded Mulrunji's agony. Patrick was found hanging before Sergeant Hurley's trial began on January 17, 2007; six months after Mulrunji's son, Eric killed himself. Eric was fifteen at the time of his father's death.

Lex Wotton, who was following the trial whilst waiting to plead not guilty to charges of riot, said of the acquittal in interviews to the press and on television: "Justice has a color and it is white. The community of Palm Island is devastated, but it must accept the verdict of the jury".<sup>9</sup> The next day, when I called him from Paris, he confided to me that he had spent the night reflecting on how he could help his people during this ordeal: "We must move on, I am positive, the law is what it is, we may have lost this time, but we will win in the end." He was leaving for Sydney where he was invited to speak at a large public forum commemorating the fiftieth anniversary of the Palm Island workers' strike in 1957. The walkout had been in protest over living conditions in that "penal colony" created in 1918 for the Aborigines of the State of Queensland.

### **A Crusade for Social Justice**

In the past few years I have come to consider the Australian Aborigines "refugees of the interior", because many of them – direct descendants or the mixed offspring of hundreds linguistically distinct Aboriginal groups– have been exiled in their own country, and display psychological traumas accumulated over generations. This suffering, which frequently brings on a self destructive despair, especially amongst the young people, also generates the will to overcome it by creative means – Aboriginal art is successful world wide– and by fighting for justice. The Aborigines, who were doomed to disappear in the sixties, have, over these last forty years, demonstrated a tremendous capacity for devising new social forms. They, like the Native Americans, have organized themselves locally, nationally and internationally, and

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<sup>7</sup>

Tony Koch, 'Another Black stain. An Aboriginal man dies in custody of internal injuries', *The Australian*, June 21, 2007.

<sup>8</sup>

Patrick Bramwell is also known in the media as Patrick Nugent (see Chloe Hooper, *A Tall Man*, 2009, who calls him Nugent to differentiate from Roy Bramwell, who was in the police station when Mulrunji was brought in).

<sup>9</sup>

Cossima Marriner, 'Family in shock after Palm Island verdict', *The Age*, June 20, 2007

created networks to share their experiences. Nevertheless, a new wave of violence, which also affects the “bio-political”<sup>10</sup> future of the planet, is lying in wait for them. The Indigenous experience is neither an intellectual hobby nor a pastime of exotic holidays; we all have to learn from this experience for the sake of humanity’s survival.

The colonisation of Australia took place over approximately two centuries, between 1788 and the middle of the 20th century. Some elders from the Central Desert and the Kimberley plateau, with whom I have been working, escaped massacres during their childhood and were forcibly resettled in the 50s. From 1905 onwards, the government started to systematically track down the children of mixed heritage, born by mothers who either had been raped or had a relationship with the European settlers, the Afghan camel drivers, the Pakistani guides for British explorers crossing the desert, or the Asian pearl divers, indentured by the pearl merchants in the north of Australia. Because mixed unions were forbidden, their children were taken away under the so called “whitening” policy for the Indigenous population. The aim was not only to raise these children like Whites, but also to marry them to lighter skinned people in order to “breed the black out”, so that their ancestral background would become invisible. The children of these mixed unions, called at the time “yellow-fella” or as they still do “coloured people” by the Aborigines from the north, and “half-caste” or “quadroon” by the administration, according to the degree of their mixed ancestry, have at times been rejected by both worlds. In order to acquire the right to receive wages for their work, Aboriginal people had to sign a certificate of “exemption”, by which they abnegated their ancestry and committed themselves not to associate with their tribal families. Their actions were recorded every time they were seen with such relatives, their certificate could be confiscated, and their partners and children had then difficulties in obtaining working rights. The system obviously created resentment. “Exempted” people were not only rejected by the white men, but they became suspect among Aboriginal people who were working without receiving payment, as the employers paid their wages directly to the State, which disposed of it as it saw fit. Some workers, especially on Palm Island have taken action to reclaim those “stolen wages”.<sup>11</sup> The politics of Apartheid endured until the 1970’s. In the 90’s they became the subject of systematic inquiries by Royal Commissions, like the inquiry into the “stolen generation”. Today most Aboriginal descendants whose physical appearance does not reveal their ancestry assert their Aboriginality because of this painful past, often

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<sup>10</sup>

Concept of Foucault, 2004 (English transl. 2009 ); see also Lazzareto, 2005

<sup>11</sup>

For information on the “Stolen Wages” campaign see the *Australians for Native Title and Reconciliation*, (ANTAR) website: <http://www.antar.org.au>

presented as genocide, which the revisionist movement tries hard to contest.<sup>12</sup> In fact, in addition to the demographic “decimation” – Aboriginal people numbered between 500,000 to 1,000,000 at the arrival of the settlers and by last century their numbers had diminished to several tens of thousand<sup>13</sup> - the policy of eugenics sought to obliterate the memory of their culture by prohibiting the passing on of language and tradition in certain missions and reserves, and by deporting and separating families in detention centers like Palm Island.

Most of the inhabitants of this island, located north east off the coast of Townsville in the State of Queensland, are the descendants of deportees from forty linguistically distinct tribes, who from 1918 until the 70's, were wrenched from their original land on the mainland. To justify these punitive deportations, the settlers either alleged that the Aborigines were killing the livestock which had polluted their water holes, or demanding wages for their slave labor, were of mixed descent or the offspring of lepers. On the island certain boys and girls were kept in separate dormitories and punished with solitary confinement if seen together. Everyone was subjugated to forced labor in exchange for meager rations. When they decided to strike in 1957, seven leaders were exiled with their families to other reservations. The island has become home to some three thousand Aborigines who try to live on a budget which is always insufficient. At times, conflicts, inflamed by the bureaucracy, lead to clashes between the families of the former deportees and the other residents, coming from the neighboring Torres Strait islands, who had benefited from a better education and therefore been able to find employment on Palm Island. Furthermore, tense relations, common to all of Australia, bring those who call themselves the “historical” population (settled in a place by the administration) into conflict with the traditional albeit minority landowners on Palm. Today, the majority of descendants of the island's ancestral people live on the mainland. Under Federal Law, which acknowledges the *Native Title Act* 1993, only these original families are officially recognized as the traditional landowners of the island and as such are

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<sup>12</sup> Castejon, 2005; Attwood & Foster, 2003; Reynolds, 2000; see also Human Rights and Equal Opportunity Commission report: *Bringing them Home-Community Guide*, [http://austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen\\_summary/index.html](http://austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen_summary/index.html).

<sup>13</sup> According to the Australian Bureau of Statistics, Census Counts: The number of people identified as being of Aboriginal and/or Torres Strait Islander origin in the 2006 Census was 455,028 representing 2.3% of the total Australian population, as counted in the Census. This is an increase of 11% since the 2001 Census, compared with an increase of 3.8% in the non-Indigenous population over the same period. Over the past 20 years, the Census count of Indigenous people has doubled from 227,593 in 1986. Much of the growth in the Indigenous population can be explained by natural increase (births minus deaths). Other non-demographic factors, such as improvements in Census collection methods and people identified as being of Indigenous origin for the first time in the Census, also contribute to the growth. Among people identified as Indigenous in 2006, 90% were of Aboriginal origin only, 6% were of Torres Strait Islander origin only and 4% were of both Aboriginal and Torres Strait Islander origin. <http://abs.gov.au/AUSSTATS/abs@.nsf/Lookup/134C52D0ADA6A356CA257418000E351F?opendocument#>

entitled to decide on development projects. The other inhabitants cannot acquire leasehold or land for a house or a business. The island has only one shop, which at the moment is managed by the government and where most items cost twice as much as on the mainland, a two hour boat trip away. There is one bar that limits the hours and the amount of alcohol sold per person, two schools, community and social services, a hospital and a police station. Eighty-eight percent of the population is unemployed and the average male life expectancy is fifty years.

According to the Guinness Book of Records (1999 edition), Palm Island was the most dangerous place on earth outside a conflict zone, dangerous for whom? Not for the 3% of its non Aboriginal population; the teachers, nurses and workmen. No, here it is the Aborigines who seem to create their own hell, turning in despair and savage drunkenness on their closest relatives, destroying everything, buildings and bodies. Over the years a number of Aboriginal men and women living on Palm Island have tried to change the situation. But as in other communities, no one listens to them. At times police find it easier to let things get out of hand, even encourage the illicit drug and alcohol trafficking, rather than intervene, as would be expected, especially when it comes to enforce social justice and fight racial discrimination, a daily occurrence for Aborigines who go into town.

Until very recently, some Whites in Townsville played at speeding towards Aborigines crossing the street. In 2003, a driver reversing his car killed a young boy. He was convicted for driving under the influence, yet spent only three months of his sentence in prison, the remainder on a farm. The victim's family organized a campaign and with the help of a Sydney Law firm (Levitt Robinson Solicitors) set up a foundation for social justice carrying the boy's name Errol Wyles.<sup>14</sup> 78% of Townsville's prison inmates are Aborigines, yet they account for less than 6% of the town's 100,000 residents. They either live and work there in the administration and in commerce, or come at regular intervals on business, for treatment at the hospital or simply to drink, as alcohol is prohibited or limited in the various Aboriginal communities on the mainland. The majority of the Aborigines are jailed for driving without a license, domestic violence or possession of illegal alcohol.

In the last thirty years, hundreds of Aborigines have died in police custody or in prison. According to the 1990's Royal Commission Inquiry into Aboriginal deaths, some have

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<sup>14</sup> The Errol Wyles Justice Foundation funds legal action by Aboriginal Australians or their families who are the victims of crime and social injustice <http://www.levittrobinson.com.au>

been found hanging in their cells, others died without any explanation. A report written by Aboriginal representatives, after a long process of local and national consultations, makes three hundred and thirty six recommendations. It has been submitted to Parliament, not only with a view to improve conditions in jail, but also to reduce the number of arrests, proposing social and educational measures for employment, health and housing. Few of these recommendations have been implemented, even though they are the outcome of lengthy community consultation.<sup>15</sup>

### **Disaster Survival.**

In 1983, Aboriginal leaders, amongst them Mick Miller from the *North Queensland Land Council*, an Aboriginal organization dealing with land related issues, took me to Yarrabah, a community with a very high rate of suicide. Men were cutting their veins by throwing their arms across strips of window glass and metal. I was bewildered by this tragedy, having just returned from Central Australia where I had shared the enthusiasm and incredible creativity of the Warlpiri in the Tanami desert. Their representatives had only just, at the conclusion of a two year legal process, been granted free usage of part of their traditional land, claimed under the new *Northern Territory Land Rights Act 1976*. They had immediately started establishing outstations on their recovered land, electing their own Council, negotiating with gold mining exploration companies, traveling the world with their artwork, setting up bi-lingual programs for their school children, involving the elders in rituals and bush camps. Warlpiri people and their desert neighbors had started to travel across the country, conducting ceremonies to support the political resistance of their distant allies. For instance, they confronted one oil company which was going to destroy a sacred site at Noonkanbah. Since the 1970's I have met extraordinary men and women, filled with new hope for the future. It seemed to me that the Aboriginal people were teaching our globalized world a lesson; the successful combination of modern technology and the nomadic tribal life. Yet, in the new millennium, some of the desert communities, though regrouping speakers of the same language – seem to be experiencing problems identical to those of the Palm Island community, which contains a Diaspora of over forty Aboriginal languages. Why do

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<sup>15</sup> The report of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) can be downloaded from:

<http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/rciadic/index.html>

Aborigines who remained in their communities experience today the same desolation as those who were dispelled?

To answer this question, which concerns all indigenous populations in and outside Australia, it is appropriate, in my opinion, to take an anthropological point of view on disaster survival, not in terms of the aesthetics of misfortune and bare existence, but by referring to the ethics of hope. A disaster, be it a natural one like a tsunami, an earth quake or a drought, a technical one like the Chernobyl nuclear explosion, or a social one like war, gives rise to a chain reaction, which can last for generations. In Australia, the accumulated effects of two centuries of colonial shock, social injustice and daily racism have statistically and emotionally produced an outcome equivalent to a war calamity, followed by a natural and technical disaster. Indeed, after the massacres and epidemics, the Aboriginal peoples' land was destroyed by the settlers' mines, townships and livestock. When the land was returned to them they could no longer reconnect with the traditional life of a subsistence economy. People who had been camping in the open air, without tents, found themselves locked into houses. Those who had paced their lives on the seasonal access to water became dependant on water pumping windmills. Many Aboriginal groups have tried for years to reject this course of dependency by refusing the "poisoned" gifts from social services; the *welfare*, and the "sit-down" money, which has often paralyzed their scope of action. I have witnessed numerous situations where people refused to pay the price for material development. Mothers who lost their son in a car crash preferred to abandon it in the bush rather than repair it. In the 80's, people abandoned the houses of deceased persons in accordance with the taboo, rather than facing a memory haunted by their ghosts. The hunter-gatherers lived without clothing, houses or goods other than what they could carry moving on foot. Their reaction to goods – use and throw like any other resource found in the natural environment – was for many a form of self protection against a certain life style; remain detached to be free, gamble money on cards, rather than consider it a means for amassing things.

The administrative measures, bureaucratic guidelines and expert opinions have continuously forced Aboriginal people into managing municipal, regional and federal budgets, allocated according to very strict guidelines. But when members of the Indigenous Councils tried to agree with the community on the application of funds, the decisions reached were often blocked by the bureaucracy of the system or its corruption, whether internal or external. These failures have turned money into a source of greed in a life which used to function without money. The inflow of goods has changed the environment without giving people the means for repairing it. Packaged food, electricity and television, introduced into the communities, have changed the landscape into a sort of consumption tip. The mine

drillings pollute and at times drain the ground water reserves. Disease and hunger drive people to congregate where services are provided and where certain jobs are being created to operate these services. The consequent overcrowding makes it impossible to meet the marked increase in demand and blocks all likelihood of these small remote communities becoming economically viable. This in turn victimizes the residents, whom the government classifies as troublesome and therefore in need of being either locked up or made invisible.

How can the self destruction, which in the communities affects the body and soul of Aborigines, be explained? Could it be their only way of signifying their existence? What does all that physical and psychological pain mean, which many of the displaced Aborigines and those who still live on their land in fourth world conditions caused by forced sedentary life, endure or self inflict in new ways – ways which to us are pathological or criminal ? Deprived of everything, would many Aborigines have no other means to ensure their collective membership in the group than by this outbreak of violence turned against themselves and their relatives? When a minor girl or boy presses charges of rape, the relatives often remain silent or defend the accused rapist, as if trying to defend the law of the group by empowering the upholder of a tradition that champions arranged marriages of twelve year old girls or the secret initiation of boys. Could this be a vicious mechanism by which society cannot but repeat the same violence, generation upon generation, the victim turning into the aggressor? Moral standards may justify this conclusion, but in practice this kind of reasoning undermines any Aboriginal resistance and negates their capacity of surviving their distress, even though there are many who wish and can prove the opposite.

Alternative experiments are being tried by various Aboriginal organizations; like *circle sentencing*, inspired by procedures used amongst Native Americans, which is based on the principle of cultural “*shaming*”, “making the accused feel ashamed” of their violence, in particular of domestic violence, with the intention of turning shame into empathy for their own.<sup>16</sup> The old reservations, like urban ghettos, have produced thousands of Aborigines who have become famous for their artistic, cultural, athletic, political and social achievements.<sup>17</sup> There are two Aboriginal television stations and hundreds of radio networks with their own journalists, directors, musicians and writers of international repute, their own lawyers and social workers. Doctors and nurses collaborate with Aboriginal healers, recognized by the

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<sup>16</sup> Glowczewski B., « Les réfugiés de l'intérieur. Les syndromes de victimes de désastre des Aborigènes australiens. » Conférence *Place Publique*, Galerie L'Entrepôt, March 10, 2007.

<sup>17</sup> For an example refer to the interview with the poetess Romaine Moreton in the French Journal *Multitudes* (no. 20) or the article by the Aboriginal exhibition organiser Djon Mundine in *Multitudes* (no.30)

medical services. The Aboriginal creativity never stops amazing us. The question is maybe not to determine if violence against oneself and others is or is not a form of resistance, but whether it can be channeled into something else. And it is certain that the individuals who have suffered from it, even committed it, have demonstrated that change is possible.

When violence and despair are raging to a point where some anthropologists today suggest closing the Aboriginal settlements, many Aborigines object, because they need their roots, the land and the cultural gathering to continue to devise social forms. I have confidence in the ability of the local; the inhabitant of the Australian bush, the American plains, the Nunavut ice lands, but also of rural France and in the neighborhoods of the suburbs or centers in any town. Society is the bearer of alternatives, when people get involved in their neighborhood they create a social fabric of common interests, trying firstly to act against the corruption of all the authorities.

“We must start talking about what has and will continue to oppress us, until we find a way of resolving our problems ourselves,” said Lex Wotton in 2005. The following year one politician proposed to resolve the crisis on Palm Island by moving the entire population to the continent. The island is highly desirable, for its tourism potential as well as its strategic position as a military gateway to the Pacific. Aboriginal people continue to be maltreated and displaced on the pretext of the need to manage resources, which presumes the management of human influx. Today, after a century of forced settlement in reservations, the government and some art galleries encourage numerous families to move from their communities into towns.<sup>18</sup> Art Gallery owners rent or even purchase houses to induce artists to move, whilst the government, faced with a housing shortage, up to twenty people are crammed into small dilapidated houses, resorts to recycling.<sup>19</sup> In 2006 eighty cabins were freighted from the Woomera detention centre in the southern desert to accommodate homeless Aborigines sleeping in the outskirts of Alice Springs. The Woomera camp had been closed following a series of scandals over the inhuman conditions of asylum seekers in detention, who together with their children had been held there for four years, from 1999 until April 2003.

The first Australians were subjected to deportation from their own land, separation of families, children raised in orphanages as wards of the state, confinement to reservations, which they were often not allowed to leave for their own “protection”, not even for hunting,

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<sup>18</sup> The Government inquiry into fraud and exploitation of Aboriginal artists by “carpetbaggers”, found that gallery owners keep Aborigines working in sweatshop conditions in exchange for alcohol. And according to the daily national paper *The Australian*, June 14, 2007 “undermine the Aboriginal art market valued at A\$ 500,000 a year.”

<sup>19</sup> According to the *Human Rights survey*, 2006.

because the government had decided to assimilate them by eradicating their differences (the department of Indigenous Affairs was at one time called the Aborigines Protection Board). This schizophrenic administration which vacillates between assimilation and rejection of otherness— in this case Indigenous – is today being replicated with regard to strangers. Asylum seekers who arrive in Australia on tourist visas or clandestinely are being characterized as “bad” refugees to be confined in detention centers, as opposed to “good” refugees, who are directly recruited from the camps of the UNHCR outside Australia, and receive many social benefits, like language lessons, employment and housing, to integrate them as fast as possible into the Australian society. Thousands of camps are spreading across the world, being both “reservations” for casual laborers and detention centers for potential “troublemakers”. In the 21st century humanitarian aid has become an international business managed by some transnational agencies which far too often conceal themselves behind certain NGOs.

Aboriginal communities are more and more like these new refugee camps. The settlements are not only besieged by consultants of the many Australian government authorities, but increasingly by the agencies or representatives of the global market; galleries and distribution networks for art auction houses like Sotheby's, non government organizations like Amnesty International, humanitarian foundations like Caritas, and of course the entire global network of religious streams, catholic, protestant, charismatic and more recently, especially through the prison system, Wahabism. The parallel between camps and reservations could explain why in 2005 the migrants and the Aborigines were under the banner of the same minister. The government carries out a so-called “assimilation” policy by creating apartheid based institutions wherein people designated as “others” can be either treated until they become the “type” presumed correct, or considered “intractable” and then locked up in detention centers. In this context it is not surprising that the previous prime minister John Howard refused to extend a symbolic apology to the Aborigines of the “stolen generation” (between 1905 and the 1970's one out of five children was removed from their parents). Neither did he extend an apology to Cornelia Rau, naturalized Australian for 19 years and mother of two, who was found in a detention centre for refugees where she had mistakenly spent ten months in 2005, without treatment for her schizophrenic condition. Would an apology to the Aborigines of the stolen generation, or to Cornelia Rau and to the two hundred and thirty Australians, found since in the camps, question the legitimacy of the State? Amanda Vanstone, then minister for Immigration and Multiculturalism and Indigenous Affairs, justified John Howard's position in Parliament declaring that a person is presumed suspect until proven innocent. An absurd inversion of the democratic justice system to which

we in Europe and in Australia have become accustomed. Probably, as the Aborigines say, it is a case of one law for the Whites – the policemen who are always innocent of the violence they commit – and one for the Others.<sup>20</sup>

### **Spirits and settling disputes.**

*“The Ross River is a seductive snake. Its head is at Hayes and its tail has no end. One day, a man had a daughter. She was very beautiful and the snake fell in love with her. But the father did not allow the snake to get close to her. So the snake ate her. The chiefs from all over Australia tried to make poisons so that the snake would vomit her out. Finally, they mixed them altogether and the snake spat her out. The girl was split into two parts; the upper one was Magnetic Island, and the lower one Palm Island”.* Nidala Barker, as told by Josephine Saylor, Townsville 2005.<sup>21</sup>

Like the young girl who, abiding by her father’s law, resists the seductive serpent, the Aborigines have tried for decades to reject the temptations of the West by asserting their autonomy through the law of the elders. The Aborigines, like the serpent that finally swallows the young girl because she resists him, have been captured by the colonial system, deported, imprisoned under the aforementioned regime of assimilation. Like the young girl’s dislocation, after she was thrown up by the river snake with her head severed from the body, and shaped into two islands – Palm and Magnetic – off the Great Barrier Reef, the tear is felt by all Aborigines when conflicts of interests divide them. Today they are decapitated on account of the very same *Dreamtime* visions, perceived as a first rate philosophy that seduces us through mysterious Aboriginal paintings, vibrant music and the dances of painted bodies, meant to carry us into the imaginary of our origins. The Aboriginal society is torn; on one hand there is the thought, the head floating timelessly in a dream that fires our imagination; on the other hand a society which suffers, and whose numerous attempts to survive are constantly trampled. Assimilation has not worked; the serpent of colonization and consumption keeps regurgitating racial segregation and discrimination instead of a unity invoked from the depth of the spirit of a “black civilization”, a term coined and used by Lloyd Warner, an anthropologist in the 1930’s, as the title of his book on the people of Arnhem

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<sup>20</sup> This introduction was partially presented in English at the panel “The Spectacle and the Substance of Rioting and other Violence” of the Australian Anthropological Society annual conference at James Cook University in Cairns, 27-30 September 2006, and published in *Multitudes* (no.30)  
<sup>21</sup> Nidala was ten years old when she heard Josephine Saylor, elder of Palm Island, tell this creation Dreaming at the Townsville Perc Gallery ( see her life story in Russell 1999)

Land. It is definitely a matter of civilization, of a civil way of life on earth, where, despite the various mixing of segments of populations, the indigenous people of the planet share a common vision upon which the survival of cultural diversity, which is as vital as the biological diversity, depends.

During my first Australian visit in 1979, a breath of hope was invigorating the communities of the entire continent. The 1967 referendum had hastened the recognition of their citizenship and they were gradually regaining some title to their land. Whereas experts were deploring the inevitable disappearance of the Aborigines, the latter left the reservations and proudly displayed confidence in all their dealings. The descendants of hundreds of linguistically distinct groups began to demand self determination in the 60's. When I traveled and camped with the Warlpiri women from the Central Desert, I was struck by their extraordinary vision of the world. A vision that had inspired Emile Durkheim's *Elementary Forms of the Religious Life* and Freud's *Totem and Taboo*, even if these respective founders of the social sciences and psychoanalysis projected their fantasies of "primitive savages" or "obsessive neurotics" onto these people. At the time neither of them could have realized that the power of Australian totemism is based on a highly sophisticated Indigenous theory of the process of Dreaming, from which we still have a lot to learn, as it relates so much to current questions on the relationship between matter and spirit, memory and tradition. In Aboriginal cosmology, beyond local differences, the universe is a network of sacred connections between places, stories and everything that exists. Thanks to Aboriginal people, I have learnt to live in a society where the classificatory relationship acts as a non-hierarchical social organization in a network of exchanges performed like a role playing game; everyone is master of his/her land and rituals and assists his/her allies with their land and rites. Thus everyone has obligations and responsibilities - some are ritual - with regard to the natural and cultural aspect of the environment. Every adult, man or woman, must paint, sing and dance in order to preserve these bonds and the delicate equilibrium between humans and the rest. The complementary nature of roles with regard to the land is also found in the distribution of activities by gender; the symbolic contrast between the sexes establishes a spiritual androgyny which men and women celebrate through rites restricted for each sex.

Over the years I have participated in hundreds of rituals and ceremonial exchanges between Aboriginal groups from the desert, the sea and the rivers. Just like the initiations take collectively care of boys and girls, the funerary ceremonies escort the spirit of the deceased as well as that of the mourners in order to reestablish the place of the memory of the past in a flux freed of resentment. On this occasion, violent settlements of conflicts often occur. Collective fights, with throwing of spears and boomerangs, and blows are an essential

part of resolving tensions in order to better form alliances. Not so long ago, these procedures were still common in our villages; they are now badly substituted with the violence that invades our homes through television.

The settlements of traditional conflicts have their protocols; at the conclusion of the confrontation the dispute must be erased so that one can move on to other things. Today it is this kind of reconciliation the Aborigines clamor for from the Australian government. However, since the symbolic Australian bicentenary in 1988, the government appears reluctant to embark on the path of this healing process.

In the 1980's, the emergence of the dot painting movement with acrylics on canvas from the central Australian desert astounded museums and art collectors. The movement was intimately linked to the affirmation of a connection with the world, of the return to the land by groups who had been dispossessed. The art, which longtime was considered "primitive" has become symbolic of a new contemporary art, and given a place of honor in Paris, where it features in the internal design and on the façade of the administration building of the Quai Branly Museum. Meaningful images animate the spiritual bond between humans and the cosmos in the shape of networks which remind us as much of satellite images, synapses seen under a microscope, fractals of computer simulations as of the hyperlinks on the internet. When the Aboriginal art and the *didgeridoo*, the ancestral hum sounding horn, went off to conquer the West, young Aborigines began to assert their singularity on the radio, in the media and in films, unveiling the shameful chapters of colonization and the daily violence caused by the scars of the traumas and the inequities. The social sciences were confronted by the Indigenous voices; I took upon myself to become their relay. To participate as an observer was not enough, I needed to interpret the data I had collected and that of others in order to restore the dynamism of the oral and visual traditions, whose creativity proved to be an integral part of the cosmological foundations.

Due to the legal precedent of Eddie Mabo, the famous Torres Strait Islander, who after ten years of legal proceedings won recognition of continuity of Torres Strait Islanders' title to their land on the island of Mer, the government adopted the following year, in 1993, a new law, the *Native Title Act*, which validates the existence of native land title. I witnessed the new burst of enthusiasm that instigated land claims all over the continent, demonstrating the continuity of the Aboriginal culture on this soil. Within a short time and throughout the continent, thousands of Aborigines, faced with the new duties of community management, labored to redefine the framework of their connection to the land, of their societies and their faith. They were scrutinizing the records of ethnologists and missionaries for the evidence the court required of them to substantiate their "authenticity", so that they could finally

achieve sovereignty. When the records transmitted from the past proved to be contradicting each other and certain oral transmissions, the families began to confront each other in Court. Divide and rule was the new bureaucratic ethnocide! Some groups resumed their initiation cycles, others updated their ceremonials, and new interchanges were created based on the old traditional flow between groups of different languages. All these new measures, so creative of a society in full revival, were often incomprehensible to the bureaucrats.

The uprising that followed Mulrunji's death in custody on Palm Island, like the protests of Aboriginal people in Redfern over the death of TJ Hickey in February 2004, when aged seventeen and running from the police in Sydney he was impaled on a fence, have opened a Pandora box. The political parties and the local, state and federal governments all refuse to take responsibility, yet many Aborigines on both sides of the continent, who find themselves in this emblematic situation, call for reconciliation. How we reconcile the unique paths and crossroads without destroying the singularity at the meeting points seems to be one of the key questions that come across the art, the cosmology and the social ethic of the Aborigines. In an increasingly globalized world we find it very hard to imagine the mesh of differences. Lately, Australian novelists, strongly inspired by Aboriginal spirituality, try to explore their own territorial link and memory through the fate of heroes of mixed heritage. The French word "métissage" evokes "tissage", texture and weaving, so how can one produce multi colored shapes of infinite variations rather than a fabric of uniform color? The metaphor of weaving as an alternative to discrimination as well as to assimilation, invites us to forge a new social fabric using more and more varied threads, tracking the changes of all human beings. The Aboriginal rituals erase the past in order to let it reemerge, which does not imply forgetting in order to redo the same thing. The tracks become imprinted on the memory of those who have shared the performance. There these tracks become the prototypes of the creation which will allow the perpetuation of the tradition in the (respective) singularity of future lives.

## **Chapter 2**

### **GENESIS OF A LEGITIMATE RESISTANCE**

In 1883, a showman searching for Aborigines to take on a world tour captured a man of Mannburra language from Palm Island. The man, renamed Tambo, and eight other Aborigines, including one child, left for the United States. There the Barnum & Bailey Circus exhibited Tambo as a "cannibal". After one year, he died of pneumonia aged 23. His

companions were refused permission to conduct the burial rites. The body was sold to be embalmed and put on view in an American museum. One hundred and nine years later, in October 1993, thanks to Roslyn Poignant's search, his mummy was found in the cellar of a Cleveland museum in Ohio. Three representatives from Palm Island traveled to the United States to return his body. On February 23, 1994, he was buried on the island. The ceremony included a smoking ritual which purifies the place and the participants with odorant fire in order to protect them from the spirit of the dead, and ensure the deceased can rest in peace here and in the afterlife.

The story of these nine Aborigines from Queensland, on display in a circus, forced to sleep in cages and eat raw meat to entertain audiences, was the subject of a traveling exhibition, called *Captive Lives*. It opened at the National Library in Canberra in 1997 and then traveled to several countries. In France, only a huge picture of Tambo was displayed at the exhibition *Cannibales et Vahinés*.<sup>22</sup> In 2007, the exhibition *D'un regard L'Autre (Visions of the Other)* at the new Quai Branly museum featured some group photographs, although without any captions as to how and when these were taken.

In fact Prince Bonaparte had their photographs taken for his collection of Natives at the Museum of Natural History when Tambo's widow and three other survivors stopped in Paris in 1885. The French anthropologist Paul Topinard interrogated Billy, the only remaining man in the group, about his notion of time. Also present were the widow and young son of Billy's companion Toby, who had died of Tuberculosis the day before. "Billy begins reciting the names of all the places he and his companions had visited since their removal from their North Queensland home almost three years earlier by the showman R.A. Cunningham for display in American and European shows", writes Roslyn Poignant<sup>23</sup> and she emphasizes that the French scientist "failed to grasp the significance of Billy's accomplishment ". Billy could remember all the places the Aboriginal troupe had visited in chronological order. "When interrupted (Topinard noted), Billy started again 'with the preceding town.'" But the anthropologist "dismissed Billy's prodigious memory as of 'an automatic' kind, not realizing that Billy's litany of names transformed and extended an Aboriginal way of conceptualizing space –by memorizing the lie of the land and the stages of

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*Cannibales et Vahinés: imageries des mers du Sud* is the title of the exhibition catalog (R. Boulay, La Tour d'Aigle, 2000) in Noumea, New Caledonia (Centre Culturel Jean-Marie Tjibaou, May-October 2000) and in Paris (MNAO, October-February 2001): the curator, Roger Boulay, explains that the exhibition aims to track the racially biased stereotypes of the Tahitian woman and the cannibal of the South Sea, a fantastical couple that fills our dreams, in the widely circulated mass literature and images.

"Traquer, au travers de la littérature et de l'image populaires de grande diffusion, les stéréotypes, non dénués de préjugés racistes, concernant le « couple fantasmatique qui peuple nos rêves des mers du Sud (South Sea), la vahiné (Tahitian woman) et le cannibale ».

<sup>23</sup> Poignant 2004: see also Piton 2004

a journey – to encompass their world-journey...perhaps it was also for knowing – even willing – his way back home to Palm Island.”<sup>24</sup> Billy, Jenny and her young son eventually returned home to Townsville in April 1888. But the remains of Toby had disappeared in Paris and never been recovered.

### **Deportation and stolen wages**

The writer Chloe Hooper recalled in the *Observer* the story of the deportations and harm inflicted on the Palm Islanders: “In 1916 the island was, to the government official designated Chief Protector of Aborigines, ‘the ideal place for a delightful holiday’. The surrounding shark-infested waters also made it ‘suitable for use as a penitentiary’. From 1918, Aborigines were sent to the Palm Island Mission in leg irons, deemed variously: ‘a troublesome character’; ‘a larrikin’; ‘a wanderer’; ‘a communist’. Usually they had made the mistake of asking about their wages, or practicing traditional ceremonies. In its isolation, the mission became increasingly authoritarian – a kind of tropical gulag with all the arbitrary abuse of power that term implies.”<sup>25</sup>

To settle the families deported from all corners of the vast state of Queensland, in total 1630 persons, at the mission, the government moved the population of Palm Island and its neighboring islands to the mainland. In 1918, the island became a detention centre, a so-called “punishment reserve”. In reality, criminal charges were rare; for example there were many babies taken from their mothers because they had a non -Aboriginal father. Quite a few adults were brought to the island because they resisted colonization or simply, as Mary Twaddle believes:” because the settlers wanted our forest land”. Mary is the current leader of the Aboriginal Catholic church in Townsville; she is an extraordinary woman, who in the late 1930’s was deported together with a group of Dyirbal speakers, the language of Aborigines from a rain forest area north of Cairns. Indeed, in the first half of the 20th century, this region of North Queensland was a veritable El Dorado for the wood contractors, the farmers and the colonial sugar cane planters, who employed Kanaks and other indentured South Pacific islanders in their fields.

The island was traditionally the property of the Manbarra people. They were partly deported before the creation of the penal reserve, which had been planned for a while.<sup>26</sup> “In 1918 it was established as the ultimate punishment for Queensland’s Aboriginal population after the Hull River mission was flattened by a cyclone, and following successful escapes

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<sup>24</sup>

<sup>25</sup> *Ibid.*

<sup>25</sup> Hooper C., “Island of lost souls”, *The Observer*, July 23, 2006

<sup>26</sup> For a more extensive history of Palm Island see Joanne Watson: ‘Becoming Bwngcolman’, Ph.D. thesis, University of Queensland, 1993.

from Hull River and a strike in 1916 at the Taroom reservation”, writes Katie Wood and adds: “Aborigines were sent to the island from all over Queensland for being ‘trouble-makers’ and to remove them from pastoral lands. In 1930 the *Truth* magazine reported allegations of station owners bribing police to remove Aborigines to the island. By that time, a small but growing number of political prisoners were being sent to Palm Island – for instance Albert Hippi, who was removed from Saxby Downs in 1923 for organizing a petition among workers for access to their bank accounts. Those who were sent to Palm Island had to endure further humiliation and oppression. Aboriginal languages were forbidden, labour was compulsory but rarely paid, imprisonment was arbitrary and homes were inspected on a regular basis.”<sup>27</sup>

Aboriginal people on Palm needed permission to go to the mainland. Babies and children were evacuated to an adjacent island used as a leprosarium. There, some young girls were sexually abused by a doctor, which the Aboriginal director Donna Ives relates in her very subtle documentary, *A Memory*, with one of the girls Grace Lenoy bearing witness.<sup>28</sup> Some boys were also sexually assaulted by the administrators, as was the case in other reserves and missions. Boys and girls were forbidden to speak to one another, and if seen together punished. The girls’ heads were shaved; boys were locked up in cells. Young people had to ask the administrator for permission to marry and were not allowed to see each other before their request. Chloe Hooper recalls other discriminations by this rule of apartheid: “Blacks were not allowed on Mango Avenue where white staff lived. Blacks were required to salute any white person they passed. Whites got choice cuts of meat: blacks got bones. At the cinema, whites sat on chairs carried by black servants, blacks sat on blankets. Permits were needed to fish or swim. There were garden competitions and European dancing, and those who did not participate were questioned by police. A brass band learnt to play jazz and marching tunes, but failure to attend band practice could result in a jail sentence. Even in the Sixties, a man could be arrested for waving to his wife, or for laughing. A teenager, whose cricket ball broke off a short length of branch, could spend a night locked up.”<sup>29</sup>

Once a week, the population had to queue for the meat, wheat and tea rations. The inadequacy of these rations was one of the reasons for the 1957 strike, in which Sonny Sibley, a great uncle of Cathy Freeman, the Aboriginal champion at the 2000 Olympic games, took part. The men asked for a salary increase, because their wages weren’t enough

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<sup>27</sup> Wood K., “Palm Island: A History of Resistance”, *Socialist Alternative* 86, January 28, 2005

<sup>28</sup> *A Memory* is the 13-minute prizewinning documentary written and directed by Donna Ives in 1999, with Grace Lenoy, Shenoah Feltes Ives, Kalina Feltes Ives, Lynette Prior, Deb Welch and Max Hicks.

<sup>29</sup> *ibid.* note 19

for the families to live on. Seven men, accompanied by their wives and children, handed their letter of complaints addressed to the government, over to the administrator of the island; they gave the department of Aboriginal affairs seven days to respond and decided to go on strike in the meantime. When a boat arrived with the weekly food supplies, the strikers, disappointed not having received any news, refused to unload the parcels which were primarily intended for the settlers. At the time the sight of white people struggling to carry their stuff shocked Australia. The administrator who had not forwarded the complaints, summoned the police. They arrested the seven leaders and deported each to a different reservation in Queensland, some together with their wives and children. One of them, Willie Thaiday, recounts in his book *Under the Act. Protected*, the first Aboriginal book ever written and edited in 1981: “We are still in the boat singing like anything. I feel happy. I don’t care about my belongings. Everything is lost. Somebody can pick them up. I got no chance to claim them. The sea was very rough, thirty or forty Knott wind. I tell policeman: ‘You better take my handcuffs off because them kids might fall overboard. I got to watch them.’ He good sergeant too, takes the handcuffs off. [...] We come to Townsville to the air force wharf and we get off. Police car ready there too. We stop there now to wait for a removal order to come from Mr. O’Leary. Four days later the removal order come: ‘Willie Thaiday, Albie Geia, Sonny Sibley - (to) Woorabinda. Billy Corgoo, George Watson, Eric Lymburner – (to) Cherbourg. Gordon Tapau – (to) Bamaga’.” Every year the island commemorates the strike with a public holiday.

On its fiftieth anniversary in June 2007, the theatre play *The Day Palm Island fought back*, written by Willie Thaiday’s daughter Dulcie Isaro, was staged on the island. The author attributes the origin of the strike to her recollection of her father’s anger with the administrator and his wife, who had forcibly cut Dulcie’s hair when she was a little girl. *Protected* is the title of the first movie made about the strike with the island’s Aborigines in 1975.<sup>30</sup> The term refers to the colonial administrative system of so-called ‘Protection’, operating in Queensland since the *Native Labourers Protection Act of 1884*. The legislation aimed to protect the natives from various abuses like “*black-birding*”; the kidnapping of Aboriginal people and Torres Strait islanders, who then were forced to dive for the fishermen of pearl and bêche-de-mer. The statute was tightened in 1897 to control the supply of opium to Aboriginal people by the Chinese employed in the railway construction. Actually, the statute - and its counterparts in other regions of Australia – placed all Aborigines under the guardianship of the district “*Protectors*”; mainly policemen, but also leading citizens,

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<sup>30</sup> *Protected* (55’). Film made in 1975 by the brothers Allesandro and Fabio Cavadini. About Palm in the 1960’s see Chapter 6 *Drink this* in Dickson, 1989.

missionaries or civil servants who had absolute power to decide on the removal of populations, the abduction of children from their parents, the deportation to reservations, the sentencing to hard labour for the benefit of the settlers; and over the operation of the reserves, the punishments and arrests of anyone refusing to work. In 1939, the Chief Protector became the director of *Native Affairs*; however the system and power of local protectors were maintained. Until the 70's, the Aborigines *under the Act* had no right to access their wages directly. Employers of those who were actually paid had to remit the money directly to the Protectors' departments, which distributed only a small part of the salaries, mainly in the form of food, blankets and clothing. They also kept the numerous rewards sportsmen earned in running, playing cricket and boxing events.

The state of Queensland has always been a breeding ground for Aboriginal activists, who have increased throughout Australia. In 1957, Palm Islanders and the Cape York community Yarrabah planned a new coordinated strike action.<sup>31</sup> In 1974, on Bill Rosser's initiative, the island's Aborigines established here a branch of the Labour Party. Rosser, a native from Sydney, launched a small local newspaper in which the residents voiced their grievances. He took photographs of the punishment quarters and of the housing conditions of Aboriginal workers, who lacking furniture were sleeping on concrete floors. He denounced these living conditions in a book *This is Palm Island*, which caused quite a stir when it was released in 1978. In his second book *Return to Palm Island*, he tells how in 1986, the government passed title of the Island to the Community Council in the form of a Deed of Grant in Trust. This led to a considerable reduction in services and finances to the community; any hope for self-management was very quickly sapped and many men sank into alcoholism.

As Sunday day trippers stayed away, the residents of the island, who used to sell their handicrafts to the tourists, were left without self-sufficient means and cut off from the outside world, condemned to laze, says Mary Twaddle. Before coming to Townsville to devote herself to the establishment of an Aboriginal Catholic church, she had spent years fighting on the Palm Island Council, trying to launch a program of equitable tourism under the control of the Aborigines. She was the first woman elected to the Council and was reelected in 1978, at the same time as Agnes Wotton, the mother of Lex; the two shared a mutual vision for self-managed development. In 1992, the project of a large tourism and culture

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<sup>31</sup> Shorty O'Neill: "The effects of Queensland policies on grass roots Aborigines", In Eric Olbrei (ed.), *Black Australians, the prospect for change*, p. 134, and Joanna Watson: *Becoming Bwngcolman*, p 312-313.

complex on the island was blocked for lack of consultations with the people. Today, Mary, armed with a spirituality that combines her Christian faith with her Eagle ‘child-spirit’<sup>32</sup>, that has protected her over the last seventy years, hosts all the political protest meetings in her church, like the campaign of *Genocide, Sovereignty and Treaty*, the three initials playing on the name of the Australian Value Added Tax, the ‘G.S.T.’ which was introduced at the end of the 90’s.

In 1999 every Palm Island worker received A\$ 7000 in compensation for unpaid wages between 1975 and 1986. The payment had been ordered by the Human Rights and Equal Opportunity Commission (HREOC) following the claim of seven Palm workers in 1986, amongst them were the father and mother of Lex’s partner Cecilia Sibley, whose ascendant by the same name had participated in the strike. Until she passed away in 2008, another Palm Island relative, Yvonne Butler, pursued the “Stolen Wages” campaign. Over the last decade she had regrouped hundreds of Aboriginal workers demanding payment of their salaries withheld since the beginning of settlement. The government responded with an offer for compensation of A\$ 3000 per worker. However the stolen wages are generally estimated to be around A\$ 30,000. Most plaintiffs have turned down the offer and engaged lawyers. Three years later not one person has won his case. The Labour Party, supporting the campaign of Aboriginal demand for the ‘stolen’ wages printed postcards to be signed and mailed to the then Queensland Premier Peter Beattie, himself a Labour Party member. He responded to each signatory with a letter explaining that the claimants for compensation would be better off accepting the A\$ 3000 because, given their age, they would not live to see their lawsuits succeed.

At the 1988 Australian bicentenary, Aborigines organized funeral procession like marches all over Australia to commemorate the painful history of colonization. At the 5th Festival of Pacific Arts, the town of Townsville hosted several thousand representatives from some thirty Pacific countries. Hundreds of dancers, singers and musicians performed; and poets, writers, film makers and Aboriginal activists gave speeches. For the first time Palm Island families could exchange and share experiences, not just with Aborigines coming from all over the country, but also with other Indigenous peoples of the Pacific; Kanaks, Papuans, Maoris, Samoans and Fijians. Townsville has Maoris from New Zealand, Polynesians from the Tuvalu islands, Melanesians from Papua New Guinea and Vanuatu; some South Sea Islanders, referred to as “Kanakas” in the 19th and early 20th century were forcibly brought

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<sup>32</sup> “child spirit” is the Aboriginal English term for the *Dreaming* spirit every person embodies at birth.

especially from Vanuatu and New Caledonia to work on the sugar cane plantations, others have come since.

For some years now, the Townsville Intercultural Centre (formerly the Migrant Resource Centre) organizes the *Cultural Fest* festival during the month of August to celebrate this multiculturalism. The centre sets up a “global village” with stages and stalls for the communities of the Pacific to perform their dances and sell their craft side by side with migrants from India, Iran, Sri Lanka and students from Latin America and Africa. The town’s Aboriginal and Torres Strait Islander residents are also given a place of honour with the official opening of the festival by the traditional owners of the region, the Wulgurugaba.<sup>33</sup> Having been in Townsville for three months, I found the friendly atmosphere rather encouraging and struggled to understand why in front of our house police patrols were continuously coming to break up groups of Aborigines who sat in a circle under the shady trees. I found out that they had to disperse because, since 9/11, security measures made it illegal for more than three persons to meet in public spaces. I regularly taped the calls of listeners to the local Aboriginal radio station, talking about their problems and their hopes. They all stated the same facts; there was an abundance of social and cultural initiatives but no money, the daily lot was death from illness, accident or suicide. But mostly they were sending daily messages to the men and women in jail. The Aboriginal leaders took offense at the recent closure of ATSIC (Aboriginal and Torres Strait Islander Commission). For twelve years, this large federal Indigenous commission had administered the budgets, allocated to indigenous affairs in all areas, through twelve regional councils. Following diverse dysfunctions and bureaucratic corruptions, ATSIC was removed as if the social gangrene could be amputated, neglecting the fundamental ramifications. The federal government replaced the elected ATSIC councils with a new Council of fifteen appointed experts, amongst them Warren Mundine, who shortly after, was elected National President of the Australian Labor Party. The Liberal government hoped to stimulate economic development and encourage private enterprise by signing agreements directly with each of the hundreds Aboriginal communities. The format remained very paternalistic, just like the slogan “no school, no pool” made the building of a swimming pool at Balgo conditional upon the parents sending their children to school. While waiting for the promises of these “Shared Responsibility Agreements”<sup>34</sup>, many Aborigines complained of being unable to find work.

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<sup>33</sup> The generic name Wulgurugaba (or Wulguru) refers to all Aborigines from Townsville, Palm and Magnetic island. According to Charles Price, a Townsville resident, who studied the language in 1886, other names like Bindal, Girrugubba, Warakami, Nawagi, or Gurambilbarra “people from Cape Pallarenda” are used for local groups: <http://linguistlist.org/pubs/books/get-book.cfm?BookID=22597>

<sup>34</sup> For a critical analysis on these « shared responsibility agreements » see Sullivan, 2005.

### **Embroiled in the social tremor of Nov. – Dec. 2004**

One day, Townsville Aboriginal radio 4K1G started to howl; a woman's voice, a kind of hurricane, seemed to echo the anger of the elements: "An earthquake is threatening us all!" I had just published a book titled *Rêves en colère*, in which I accounted for the anger of the land's ancestral spirits and of the Aborigines from the central desert and the North- West, anxious about their future and that of the land. A woman journalist explained that her son, one of the rioters of Palm Island, had just been arrested. My neighbor told me that her husband, a policeman, was sent to the island with other men from the emergency division because the police was expecting problems following another Aboriginal death in custody. At the time I didn't realize the repercussions this would have. For decades, there had been so many Aboriginal deaths in custody! Yet this voice on the radio tore me apart; the scathing clarity of the injustice, the power of her anger. It was like an appeal. The woman with that voice was later to be also arrested for participating in the riot; she was Agnes, the mother of Lex Wotton. The following days the media went berserk. The journalist Tony Koch reported in *The Australian* on November 29 the nocturnal arrests following the burning of the Palm Island police station. A grandmother, Renarta Prior, had called him in a panic, saying that police in riot armour were searching for her son, William Blackman, suspected of having taken part in the riot the previous day; she wanted the journalist to take photos of her son from every angle, 'to prove that he had no injuries' before going to the police. William agreed to present himself to the police "who had converted the State school into headquarters and sleeping barracks, housing the 80 officers who had been sent to the island after the riot." There, as he refused to sign a statement without legal advice; he was charged with 'seditious behavior'. Handcuffed, he was thrown into the back of a paddy wagon and driven to the airport to be transferred to Townsville prison, then to another prison for fear he would unsettle the local prisoners. Other supposed troublemakers were arrested during the night in the absence of any legal representation, except for the Aboriginal liaison officer, Andrea Kyle, daughter of Erykah the island's mayor. The journalist Tony Koch remarked, still in *The Australian*<sup>35</sup>, that the riot was no surprise considering the circumstances of the death in custody; two men who were at the police station had testified they saw police officer Chris Hurley hitting and beating the victim. On Monday, Hurley was still on duty and arrested Tony Palmer. Hurley was only removed from the island afterwards for 'his own protection'. Four

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<sup>35</sup> Koch T., 'One death too many', *The Australian*, November 29, 2004.

days later, his house was burning. Symbolic act? The burning of the barracks of Palm had caused panic among the police. They used the ferry to evacuate twenty six persons, many white teachers and nurses, and an Aboriginal lawyer, Frank Sheperd from the Aboriginal legal services in Townsville (ATSIL, *Australian and Torres Straight Islander Legal Service*). Palm Island residents who had gone to the mainland for their daily shopping were not allowed to return. A state of emergency was declared.

“Our hands have been tied for these past few days by the ‘State of Emergency’ imposed upon us and our people are feeling under siege”. Thus began a long open letter from the Palm Council, signed by the mayor, Erykah Kyle, and the interim President of the Aboriginal Local Government Association of Queensland, Vince Mundraby. The letter was sent on Sunday November 28, 2004, one day after the arrests, to the Premier of Queensland with copies to two ministers, Liddy Clark (Aboriginal and Torres Straight Islander Policy Minister) and Judy Spence (Police Minister), as well as to the Police Commissioner of Queensland Bob Atkinson and the media. It responded to the Premier’s accusation that Council had failed to show leadership in controlling the situation. The Council firstly asked why the hospital staff and the teachers had been forcibly evacuated, leaving the people without care and the children without schooling nor provisions of milk and bread, which had been suspended three days before. Next the Council stressed the fact that the police had been more than heavy-handed in their handling of the members of the community, specifically the children, terrorized by the “raids” and the violence of the arrests: “At no time have these heavily armed and numerous police ever had need to ‘fear for their lives’, as reported by one media outlet. Police Commissioner Bob Atkinson should clarify and retract his statements to the contrary as soon as possible.” The Council challenged the police accusation that an Aborigine had stolen a dangerous weapon (found soon after) and demanded that no police was to be present at the funeral of the young deceased man. According to the Council, alcohol had played no role in the events, the Canteen being closed since Tuesday, three days before. Council asked “Why were the police told to evacuate all white people and ‘any decent blacks’ from the island?”, pressing the point there had been a breach of procedure (no notification of the emergency status as per the Public Safety Preservation Act, 1986) and a lack of communication. The letter quoted the *Townsville Bulletin* of November 23, three days before the events, which called for police and government representatives to come to the island to alley the concerns of the community over the death in custody. Indeed, had the government heeded these calls the situation could have been controlled.

In its open letter the Palm Council emphasized that the victim was a young jovial and responsible man, a hunter who had never been in trouble with the law or the community. It raised the issue of the large number of deaths in custody: “the systems in place for preventing these preventable deaths are inadequate. [...] Regardless of the causes of those injuries to the young man it is inexcusable that he was left unattended in the watch house until it was too late – the government and the police must accept blame for the current situation. All Aboriginal people of Queensland call on the government to revisit the recommendations, in place for 13 years, and to implement them so the events of the past week will never happen again.” Furthermore the Council revealed it had “received reports that this is not the first time Police Sergeant Chris Hurley has had to be removed from a community, because of a similar series of incidents. If this is the case Council would like to know why officer Hurley was re-assigned to another Aboriginal community without consideration.” There had been no deaths or injuries as a result of the riot, the Council further stated that – and this was its fourth and last point- it was not to be “blamed” for the events. In conclusion the letter of the Palm Island Council states: “Trust has been broken and needs to be restored. The people of Palm Island must be able to live in peace and with confidence there will be never a repeat of the events of past week. The way the government and authorities deal with the Council and the community in future should be respectful and on equal terms so all parties are able to take on their appropriate responsibilities with all lines of communication remaining open regardless of circumstance.”<sup>36</sup>

A renowned Australian politician, the Hon. Fred Chaney – former deputy chairman of the Australian Native Title Tribunal and outgoing co-Chairman of Reconciliation Australia - professed on ABC radio that:” he can understand the anger felt by many indigenous Australians, and under such circumstances their anger was justified.”<sup>37</sup> At the request of Council, the Carpentaria Land Council representative Brad Foster moved back home to Palm Island. With regard to the emergency intervention by the paramilitaries he pointed out that had the police given Council the list of people they wanted for interrogation, they would voluntarily have presented themselves without the need for arrests being made at gun point. I decided to write a letter to the Australian correspondent of the French daily newspaper *Le Monde*. One month later, in his article on December 31, he cited sixty seven deaths in detention between 1980 and 2004, a number quoted by the Institute of Criminology. This

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<sup>36</sup> Open Letter from Palm Island Aboriginal Council to the Premier , November 28, 2004 ; [http://www.safecom.org.au/2004/12/palm-island-will-indigenou\\_110241176499531832.htm](http://www.safecom.org.au/2004/12/palm-island-will-indigenou_110241176499531832.htm)

<sup>37</sup> Eastley T., ' Qld police commissioner defends Palm Island response', ABC online, November 30, 2004; Reconciliation Australia was established in 2000 by the former Council for Aboriginal Reconciliation which was founded in 1991 as a statutory authority under the Council for Aboriginal Reconciliation Act 1991. <http://www.reconciliation.org.au>

number is far lower than the government statistics of two hundred and sixteen deaths between 1990 and 2003. Previously, in 1996, Amnesty International had called for a day of shame to mark the hundredth Aboriginal death since 1989 (within seven years!)<sup>38</sup>.

On my way to Court, the day charges were entered against the accused of riot, I found the mother of William Blackman, whose arrest had been described by Tony Koch in *The Australian*, sitting on the steps of the staircase. Renarta Prior, a beautiful woman with long grey hair, wearing a sunhat in the Aboriginal colors – red, yellow and black- was surprised I took an interest in the matter. When I indicated that my employer was the National Centre for Scientific Research in Paris (CNRS), Renarta remarked:” We need international support, what is happening here is historic.” In 1993 she had published, within the framework of a program for the Department of History & Politics at James Cook University, the book *Straight from the Yudaman’s mouth*, the life story of her father Peter Prior, who in 1930 became the victim of wrongful incarceration. Her book was made into a documentary by the same name.<sup>39</sup> In it her father, then aged 91, tells how as a teenager he was ordered by some white people of the island to hunt down, using his rifle if necessary, the white administrator of the island. The latter had actually killed his wife and his children in a moment of insanity, then shot at but missed the doctor, before taking off into the forest, covered in dynamite sticks and threatening to blow up the island. Renarta’s father had tried to reason with him, but the administrator didn’t cooperate and Peter had to shoot him, killing him instantly. The two men had worked together and were close. The administrator had lost hope having written letters to the administration without ever getting any response. In his letters he complained simultaneously about getting insufficient food for the Aborigines and being unable to continue living with the other White men of the island. When the police arrived, no White man corroborated why Peter had needed to intervene; he was deported, judged and imprisoned. For months and until his release from jail, he was haunted by the phantom of the mad administrator. Sixty years later, due to the distribution of the film, the white administrator’s family learnt the truth and contacted Peter Prior’s daughter Renarta, to thank her for having told the story, which their family had not passed on.

## Warriors

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see also Mike Head, ‘Australia: Aboriginal death in custody triggers Palm island riot’, December 3, 2004, on the World Socialist Website [wsws.org](http://wsws.org), where he recalls that the Royal Commission into Aboriginal deaths in custody (established in 1987 by Prime Minister Bob Hawke’s federal Labor government) only attributed 5% of the deaths to the conduct of police or prison authorities, but not one charge of murder was laid. Over the following decade, another 145 prisoners died.

<sup>39</sup> *Straight from the Yudaman’s mouth*, film written and directed by Christine Togo, produced by Donna Ives for CAAMA, Alice Springs, distributed by Ronin Films. See also the Thea Astley novel (1996) inspired by the events and Dale’s review, 1999.

Aboriginal activists from the Community Justice Group - a local association, which in every urban community aims to help Aborigines resolve their “problems with the law and social control” – convened a meeting on Saturday December 4, 2004 at the catholic Aboriginal church St. Theresa in the Garbutt suburb of Townsville. The meeting was run by Florence Onus, president of the Aboriginal radio station 4K1G, a homonym of *For Kwanji*, the name of one of the region’s linguistic entity. Two flags – one red, yellow and black for the Aborigines and the other, blue and green for the Torres Strait Islanders – were hung above the altar, next to dot paintings and two sculptures of an aboriginal couple framing the statue of the virgin Mary and the crucifix. Some four hundred persons crammed inside the church, their families, sitting outside on the lawn, were watching through the window louvers. Several cameras were filming. There was practically no white person. Renarta hugged me as she passed by. After her opening speech, the organizers asked the media to stop filming, but allowed everyone to stay and listen.

This Saturday morning, the non Aboriginal residents of the suburb had been spreading the rumor of one thousand Aborigines preparing to descend upon the church with the intention to break everything, one was to stay indoors and hide the cars in the garages. There was no violence what so ever. On the contrary, during hours of communal discussions, everyone engaged in self criticism, trying to understand how they had reached this level of apathy, prevalent for some years. A Maori danced to encourage his Aboriginal allies that they needed to recover their warrior soul. The point of the meeting was to prepare a march “for justice, equity and truth”, followed by a rally with various leaders. The march needed to be silent if permission was to be granted to cross the town. The rally was going to take place in the centre of town, on the shores of the river Ross.

The Queensland Police Union had told the press that the four broken ribs and the punctured liver of the dead in custody were due to a car accident he had had two days before his death, this was later refuted. Everyone was waiting for the results of the second autopsy, especially in order to proceed with the funerals. On Monday the 6th of December, the nineteen accused of riot appeared before the Townsville Court and applied for bail, hoping to attend the funeral. Following a three hour debate between the police prosecutor and the lawyer, Lex Wotton, suspected of eight counts of riot, causing the burning down of one car and two buildings, was granted conditional parole by the judge. Fifteen other accused of riot, including Renarta Prior’s son William, were also granted bail under the same conditions until March 10, when they were to appear before the committal hearing. All were ordered to remain in Townsville and not one of the defendants was given permission to return to the island for the funeral.

On December 15, 2004, the Aboriginal bi-monthly *Koori Mail* published a front page photograph of Lex Wotton sitting with his back against a parapet in front of a street parade. The photo was taken in Townsville on December 9, 2004, when two thousand people marched silently to honour the dead in custody and support the Palm Island defendants. Seeing Lex Wotton the crowd was immediately roused and took up an ovation: "Is he a warrior? – Yes! – Is he a hero? – Yes!" The press ran a headline of the sister of the deceased Doomadgee, putting her arms around Lex, calling him: "You are my warrior!" The young Aboriginal dancers covered in ochre, who had opened the silent march to the hollow and throbbing sound of the didgeridoo, were led to dance before him. Some journalists suggested that Lex had breached the conditions of his bail which forbade him to take part in a mass rally. To which he objected, arguing that he was simply sitting in front of the police station where he, like the other suspects on parole, was required to report each day. The press was also ironic about the march not being silent given that it was followed by a gathering. However it was exactly the absence of slogans during the march that greatly impressed the town people who had all expected it to degenerate. Renarta marched with her handwritten sign:

"Peace is in our hearts  
Cause we know who stole our lands  
who killed our people  
God is watching and listening  
We shall overcome."

The demonstrators of December 9, 2004 gathered, as planned, in Townsville's park on the shore of the Ross River. There, for hours, Aboriginal men and women from the region and elsewhere prompted each other into action, not just against the government, but also to take back control over the future of their community. Sitting in the crowd, I admit I felt extremely touched; I hadn't expected such outpouring of pain, so many pertinent analyses, constructive ideas, bearing witness to the longing for a solidarity lost for generations. Yet the media, having filmed for hours, reported only one testimony; that of the famous activist from the north of Queensland, Morrando Yanner, a cousin of the victim, who had been called to identify the body and had revealed to what extent the victim's face was swollen. Yanner cited the legitimacy of the traditional payback system throughout the secret and sacred Law. Famous for his successful negotiations with a mining company, Yanner had stated in the *Indigenous Times* on November 30 that the policeman Hurley was not a racist that he was even popular in the communities he had worked (this in spite of accusations of violence

made against him before his appointment to Palm). Murrandoo Yanner concluded that he had probably gone too far giving Mulrunji a thrashing. He denounced the legal system and the role of the police in Aboriginal justice.

In an interview online, Yanner said: “The police are still an illegal occupying force in most of these North Queensland communities. [...] There’s a culture in the Queensland police that says you can kill a black man in custody and they close ranks around you, protect you. [...] White people say, ‘Whites are murdered in custody too. Why do you get all the attention? I think it’s because the Blacks stand up to be counted. And they stand up in large, massive groups. Yes, I don’t think anyone should be murdered in custody, black white or brindle. That’s what Redfern and Palm Island signifies. There is a new mood. After 200 years – firstly genocide, then incarceration in concentration camps like Palm Island – it has created a people who are killing each other in self-destruction. But now, just like the Palestinians, people are turning around and saying ‘let’s stop hurting each other’. [...] The last police station to be burnt to the ground in Queensland was at Doomadgee (Cameron’s land) in 1997, when a police drove over a man in full daylight and drove away.”<sup>40</sup>

The warrior image that sprung from the Palm Island drama carries this new identity, which goes back to a long tradition of struggles, little known as yet. Beside the strikes on the island in 1957 and 1974, there were battles fought by previous local heroes, who left their mark on Queensland’s colonial history. Amongst the first deportees to the island were some thirty Kalkadoons, a border tribe of the Northern Territory, which was almost completely exterminated in the battle of 1884, when several hundred warriors with wooden spears and boomerangs, resisted the native mounted police armed with rifles. This confrontation is one of the fundamental episodes in a long history of resistance<sup>41</sup>. As I recounted in *Rêves en colère*, the event is part of a celebrated cult performed in a secret ceremony, not just by neighboring groups who had adopted the children that fled the region, but also by very remote Aboriginal tribes in the desert. They have received these rituals through the traditional routes of exchange that unite linguistically distinct tribes, separated from each other by hundreds of kilometers. These trade routes for tools, arms, songs and rituals form a network which crisscrosses all of Australia and was still functioning efficiently in the 1970’s. Those customary alliances have produced political solidarities as seen in the 1980 nationwide opposition to oil drilling in the Noonkanbah community on the Kimberley tableland in the north of Australia.

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<sup>40</sup> See Sandra Bloodworth’s interview on the website of the *Socialist Alternative* (no.86) magazine, also published in *Murri Views*, 11, 2005

<sup>41</sup> Beasley 2005 ; see also the works by historians Attwood, 2001, Reynolds, 1981, 2000a&b, and Rowley, 1970, 1971a&b , as well as Trudgen’s essay on his experience as educator in Arnhem Land, 2000

Everywhere in the world, when the enemy is perceived as the source of evil – which was the case of Nazism during WWII – resistance intensifies. The ideology of “reconciliation” presupposes that Aborigines are in conflict with the phantoms of the past who cannot be named; as such, the previous Australian Head of State’s refusal to apologize for the colonial past continued to prevent the Aborigines from increasing their resistance and asserting themselves as “warriors”, heirs of a society that defends its right to life. At the time Lex Wotton was an elected member of the island’s council, it attacked the Guinness Book of Records for having cited Palm Island as “the most violent place on Earth outside a war zone”. The editor apologized. Then the island hosted the Aboriginal Rugby League tournament of North Queensland. The young Palm team, the “Warriors” entered the field shouting: “Watch it, we are the most violent people on earth”. Jane M. Selby (1999) analyzing the impact of the press accounts pointed out that the young people of Palm were “turning cultural despair into empowerment”.

Gillian Cowlshaw, an Australian anthropologist, who has spent her life condemning racism, reports that during the 1980’s Royal Commission into Aboriginal deaths in custody the country was plagued by extreme paranoia. A police information report described the gathering of three Aboriginal men in the bush as proof of a planned armed uprising, whereas in reality the men were going fishing and had a flat tire<sup>42</sup>. Other authors have demonstrated how these paranoid tendencies often influence the way police interpret certain situations.

On December 18, 2004 another meeting of community resistance took place at the St. Theresa church. I went with Lise Garond, a young French student who was finishing her post-graduate diploma on Aboriginal festivals. Shaken by the events, she decided to spend 2006 close to the Palm community while doing her research for a doctoral thesis. After Angie Akee and Aunt Alice Dowden had paid the customary tribute to the traditional owners of Townsville, Angie requested we observe a minute of silence for the passing of Mrs. Doomadgee, the mother of the dead in custody. She had died of cancer on December 16, four days after her son’s burial. The mayor of Palm, Erykah Kyle, had specially come to the meeting at the church St. Theresa to ask the Townsville Aborigines for support in getting the emergency state on the island lifted: “Leave us alone; we can manage on our own [...] we feel so powerless [...] Aborigines have an absolute unique way of thinking. Sometimes it surprises me how wonderful the ideas are that cross this continent. We have the wisdom. We have this strong feeling that this is not the way we should live.”

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<sup>42</sup> Cowlshaw, 2005, citing on page 167 from works by Wootten, 1991 and Morris 2001.

“We must move further forward on the path of healing. Our spirits and our bodies need to heal. Many women, few men are strong. We need men to go to Palm, men to help our men to heal. We must march with our men...” added Angie Akee. She is a member of the Townsville Aboriginal and Islander Health Service and for days she appealed on the radio for twenty mental health counselors to volunteer on the island<sup>43</sup>. Gracelyn Smallwood, a PhD student in social work at the James Cook University, and the sister of the Chairwoman of the Aboriginal radio station 4K1G Florence Onus, called for the establishment of a support group for the defendants and their families who had lost their income; their CDEP (Community development employment program) wages could only be collected by signing in daily during community services hours, yet all the accused had been taken off the list because they were no more on the island. Someone proposed that each defendant should have a mentor to apply for job offers, like the six vacancies in the construction industry offered through the Australian ANPE (National Employment Agency). Florence Onus read out a list of seventy organizations which had made donations to the movement. New recommendations were drawn up: to develop a dialogue with the police, the councilors and the community of the island; to allow the defendants to return to the island; to speed up the decisions taken in Brisbane for the advancement of self determination and to allow for the restitution of the land to the islanders. Furthermore there was talk on renaming Australia Day, January 26, the Day of Survival. Aunt Flora asked for the immediate creation of a service to assist the children who were traumatized by the anti terrorism police. Someone insisted that the situation of Palm be redefined in terms other than terrorism in order to be able to call on the Declaration of Human Rights. Florence Onus mentioned that the Aboriginal representative to the United Nations, Les Malezer, was in Palm; he had participated in the rally. A working party of six was set up to negotiate with the various authorities.

During the Christmas holidays in 2004, Australians and the press were gloating over the public embarrassment of Queensland’s Indigenous Affairs Minister, Liddy Clark. She had invited Murrandoo Yanner, a cousin of the victim, and Brad Foster, native of the island, to act as a go between, and had offered to pay them two airline tickets to the island. The CMC ( Crime and Misconduct Commission), to whom the affair was referred to, found there had been an act of wrongdoing, not so much because the minister had paid for the tickets with

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<sup>43</sup> Angie Akee is also president of ATSICLS, the Aboriginal and Torres Strait Islander Community Legal Service (NQ). Many Aboriginal activists say that the problem of Aboriginal suicide needs to be seen in social terms and not in terms of mental health; see Colin Tatz, 2001, and also the works by psychiatrist Hunter, 1993.

taxpayers' money, but because she had lied asking the two activists to say they were going to reimburse the tickets. Liddy Clark chose to resign on the 1st of March 2005. The same commission investigated Queensland Premier Peter Beattie on allegations of blackmail with regard to the inauguration of a gymnasium, which was to be under the control of the police, as is the case in many Australian towns. In support of the Mulrunji family, the Palm Council moved a resolution asking that the centre not be opened until its use and occupancy could be agreed upon between the State and local government. The resolution specifically asked that the centre not be in the possession of the Police Citizens Youth Club Association or the Queensland police service. The Head of government agreed that the sports centre would no longer feature the word police in its title, although he disembarked on the island with a delegation of several ministers to proceed with the opening. The ceremony was boycotted by the population; of the thirty people present half were holding placards demanding more money be spent on employment and health services. The Premier had just proposed to forgive Council an A\$800,000 debt to the government, which the Council rejected arguing that the debt had been incurred by the previous Council. The Council's lawyer, Andrew Boe, referred the matter to the CMC stating that he was in possession of a tape recording of this very heated meeting, accusing the Premier of "black mail" and "bribe". But he was found innocent.<sup>44</sup>

Faced with these events and having spent twenty five years sharing the life of Aboriginal people on a regular base, writing and teaching in France and in Australia, it became clear to me that anthropology could not be impartial. Everything we write is used in one way or another. The most standard aspects of the ethnographic work have political implications. The genealogies serve those who need to prove their claim to the land. However when the interpretation of these genealogies gives rise to conflicts – specifically to a confrontation between blood ties and adoptive relations according to cultural norms, they can harm and create terrible conflicts, setting families against each other. Our descriptions and explanations of customs are just as arbitrary, they can be used by the lawyers to counter oral testimonies given by those who try to prove their cultural legitimacy over the lands. In this context, it seems important to try and talk about what has been a bit of a taboo at the beginning of this 21st century; the violence among the Aborigines as well as in the institutional and racial relations. Firstly it was a matter of listening to the Aboriginal

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<sup>44</sup> Parnell S., ' Beattie accused over lure to Blacks ', *The Australian*, February 25, 2005.

protagonists and let them state their position. The events were going to propel Lex Wotton, accused of riot, onto the national stage and into the center of this affair.

### **Chapter 3**

#### **WE WANT TO LIVE IN PEACE**

Lex Wotton, March 2, 2005

*This conversation between Barbara Glowczewski and Lex Wotton was filmed in Townsville by Wayne Jowandi Barker.*

My mum was sent to Palm Island at the age of nine I think, and she got married there. She was a native from the Innisfail region, my stepfather from Mossman. His father came from further up the coast, not far from Coen. I don't know why he and his parents were sent to Palm island. As for my mother, I know that something tragic happened to her mother at that time, they separated the siblings, and she ended up on Palm Island. My stepfather was still speaking his own aboriginal language, and later English. At the time of the big strike in 1957, they were all on the island.

I first learnt about this strike in school, when I was 7 or 8. They showed us a film, a re-enactment made with the people of the community in the 1970's. This movie called *Protected* played a big role in my life. At the time, the Aboriginal community could not go to certain areas of the island and township; they were restricted to Whites only. And even if today there is talk about Land Rights and Native Title, our rights to quite minimal things are still very limited. For instance, economically we are way behind.

I know some families, who protested then. But no one talks about what has happened, because the community is so oppressed. It lives day by day by what's happening around it and not in the wider world. What most people know of the outside world is what they see on television. Generally people from Palm leave the island only for the day, to do the shopping or work and then take the ferry back in the evening. That's all they know of what's outside "home", it's an accepted way of life. I feel the government knows that this is the best way to keep them in a state of dependency. The families haven't opened up too much about the conditions at the time of the strike in 1957. That's a history that needs to be told and taught by the people who lived and experienced it. My in-laws told me a lot about what took place at the time. My partner Cecilia grew up on the island and her parents were

among the members who fought against the unfair wages, which they won later. They always talked about the riot and that period of hardship.

Nowadays, I see things which are not right. When there is oppression, there is lack of housing, jobs, everything. If there are social problems in this community, it is because someone is not doing his job, it is because someone or this something believes that this is the way we should be treated. Genocide still continues but in a different form. This someone or something is an institution called the "British Crown" or again the "Australian Government". I have been on two Councils (in Palm). We make decisions on behalf of the community, but there is a lot of nepotism within Council itself. Probably because people see how it's done on Television and in politics generally. They must think they can't be better off than the politicians. It's a stupid principle I think; what is it that someone wants to gain over and above another person? It's a principle which governs everything, as though our people have caught a disease. Our Councilors are guided by these so-called "government acts" which don't liberate them at all. One can make decisions on the ground but it always comes down to land title and local problems government doesn't address. So far in order to develop, we need to go through all these white man processes which don't benefit us at all.

We need to start talking about what has oppressed us, what will continue to oppress us until we find a way of solving our problems ourselves. But before we can do this, before we can make any progress at all, we need to reconcile with one another in our own community. The last Palm Council I sat on was sacked because I had criticized the way they were managing the finances. At the time Council did not believe they had a problem and denied it all in the media, but I knew there was a problem. At the time the Indigenous Affairs Minister, Judy Spence, knew it even before I brought it up. And when the media raised the issue she had to respond and finally disclosed it. She ended up sacking the Council. The government did not intervene earlier so it wouldn't be accused of obstructing the process of self determination. Which it still does; the genocide continues. The only source of revenue the government left us when it pulled out, from 1984 to 1986, is a canteen! It did not want to leave us other operating industries, maybe to avoid underwriting their upkeep. So they just left us the canteen, the office for Family Affairs, the police, and the local store – which continues to be government owned - and even though it is run by the people of the community, none of its profit goes to us. Regarding the safety on the island, especially in work related matters, I was once an apprentice plumber, we read all these stated rules, but we knew perfectly well that the necessary equipment and infrastructure wasn't in place, and that the State Financial Aid (SFA) wasn't enough to put in place what's necessary for working and living under safe conditions.

Much of what the press writes regarding the inquest was very negative about Palm. The other day they wrote the police are trying to build a relationship with the community, but the latter doesn't accept the police! The first Indigenous Life Savers Club was set up here ten years ago. But it never received any funding. Lots of things could come from that one program alone. Children could have been taught new approaches to life, taught to read, to count. But now everything has come to a halt. The children need a lot more facilities than what the PCYC, the only sports centre on the island, supposed to be handed over to them, can offer. They need a proper education, using the same standards as everywhere else. Take my daughter Nazine for example. She can't hear so well, she has a hearing problem. In Palm they didn't take the time to explain and consult with us how to assist her in her education. Here, in Townsville, the teachers talk to you, they explain things. I said to the teacher: the way you teach my child is the way she should have been taught; they take the time, explain, and use sign language. I have lived here for six months. I only go back to the island to see the family on weekends. But because of everything and above all because of our little Nazine, we prefer to stay in Townsville.

No, the real problem is not the people, but the leaders, and it goes back to what I said before, the decision making process. It's now been eleven months since I tabled a proposal; it's about developing a barge service, a barge to transport merchandise to the island. Currently a private enterprise is handling it, but with no regard to the needs of the community. Well I am still waiting for the Council to make a decision. However democracy has its rules. When you are elected to Council, you have to swear on the bible. People elect you hoping you'll look after them, but the councilors forget their promises, they don't consult with the people, don't listen to their needs and don't let them participate and collectively decide in public meetings. Because they have no understanding of politics, they don't know how to go about it. Instead of sticking to the three Rs: *roads, rates and rubbish*, they should devise strategies in consultations with the community. When you want to develop a business or build a house you need to go through the whole process of negotiating land rights through the Council and with the people who are recognized as the traditional owners (not necessarily living on the island but having title to the land). But in spite of this process Council should still have more flexibility. See at the moment, the councilors use the riot, the inquest as an excuse not to deal with my shuttle proposal! But all of this shouldn't stop them from sitting down to vote on this motion. If they vote against it, at least I'd get my answer.

I think the government should take the lead in doing something to make sure that these people who get elected actually make the right decisions to develop the community. If

they don't, then let the community decide again. Let's take for example the boycott of the opening of the PCYC sports centre, which has just been declared – some of us in prison thought the community should be boycotting it. I think it's the right thing to do because you have the Premier flying into Palm the day after the riot and put a five point plan on the table! But where is the five point plan at this moment? Time has passed and not one measure has been implemented. There was going to be this alcohol management program beginning in January. I don't know, but I think they were incapable of implementing it. Like I said before I sat on two Councils. We had opportunities to do things, but they wouldn't do anything. Our people always expect others, besides the government, to get things done for them, as if it wasn't up to them to make decisions. Really what I am saying is there are two sides to the problem: the government is at fault for not listening and not trying to develop the community in consultation with the community. And our local leaders need to consult with the wider community of Palm to develop ideas they can take to the government and say: here is our development plan!

Take the alcohol problem. The whole community needs to get together, discuss our needs and start to come to some agreement, put on paper what the community is saying. That is how we need to solve our problems, and we also need to start to reconcile our differences. It's a learning process to put our anger, our frustrations and hate against one another aside. The hate towards one another is a learnt behavior, it's a generational process. We need to put aside those differences, and look forward. There is a saying "Children are our future", but we do nothing about it, the future! We need to break the deadlock and make things work. We need to do it on our own, without government interference, and once it's done then the government will really have to start acting so that we can achieve our goals.

We Aborigines should be living like the rest of the Australian community – and it has to take place through the education system, through programs developed by the government and other organizations. We need to travel, experience what's out there, at Mount Isa, the Snowy Mountains, Sydney... experience life outside Palm Island. Like visiting the coal mines in Mackay, learn how they operate, how energy is generated; all that makes one think. That's what you need to teach children. School needs to teach them about life, in the sense that life isn't just about getting up going to school, but it's about taking on responsibilities one day, having children; be there for them, make sure they have food and a roof over their head... I have always been a responsible person. Eighteen years ago, I already thought one day I'll have children and I'd like them to have an education, their own house, so that one day they could lead a dignified life, and in turn provide for their own children.

There are several ways to go about this internal reconciliation, I am not quite sure how, whether through mediation or if we should just sit down together and talk. When people refuse to get together and talk about these things, then you know a process needs to be put in place. I don't believe that the conflicts in our communities should be resolved by sending people to prison, like these young blokes on the island who keep breaking into services that serve the wider community. I think they should be sent to the mainland and left to their own devices. Because there, different from Palm Island, you can't go to Social Security just down the road, where there is always someone to help you fill in the form. There if you don't know how to read and write you won't be able to fill in the form. And without a vehicle you'll have to walk miles to get there. The problem is that in prison nowadays you get TV and three meals a day. You can lie around and do nothing in an air-conditioned room, and on top of it you get paid! Why make an effort? We have to break the cycle, move the youngsters to the mainland and see if they wake up. Because if you like it or not, whether we end up in the parks or not, we are still part of society. We haven't done anything to you; we haven't stolen your land, amassed all this wealth at your expense, and then invested it overseas and spawned all these laws which trap us in so many ways!

One should talk to the people sitting in the parks; ask them why they are there. Truth is they choose to live that way, because here on the mainland alcohol is cheaper, and because they get money from social security for doing nothing. So why not take it and drink, sitting in the parks? If you want to help them, you need to help the community to keep them on the island where they will receive an education, training, and then they can pull through and contemplate a future. That's what I wish for my children, that they will have a house, a car and that they learn their history. But their history is not confined to Palm Island; it's also there where their parents came from.

In a way I am sort of glad ATSIC (*Aboriginal and Torres Strait Islander Commission*) was abolished, because ATSIC has done nothing in terms of management. ATSIC is another process which the government put in place, knowing well that this authority would only fuel the greed in our communities, setting the people against each other, and things would get out of hand. That's what happened, and when it went too far, the government said "Enough is enough!" I witnessed it; I saw how ATSIC acted when we asked for that or the other. We didn't get any support, because we came from what you call "grassroots", yet ATSIC was the system the government chose for us and it was full of pitfalls. Actually no one is to blame for it, even if personally I blame both sides; the government and our own people, our representatives in Palm Island, for being greedy and not fighting on our behalf.

Take the case of Minister Liddy Clark who resigned yesterday. I think what makes it unworkable is the bureaucracy; the department and the Aboriginal and Torres Strait Islander community should deal directly with the Premier of the State. That's where the problem lies; the bureaucracy playing around with our lives. Take Palm Island for instance; the store on the island is supposed to generate up to twelve million profits a year. I found out that these profits are used to keep other communities going and to pay the salaries of the department's employees. So I think we should part with this department. We are the only population in this country that actually has a department in charge of our affairs. If our communities and leaders dealt with the Premier, without having to go through this department, we would be in direct contact with the decision makers, we wouldn't have to wait for the bureaucrats to get back to us, and the profits would go to us. If the State government wants things to change, it must accept that we deal directly with the Head of the state and of the federal government. We also have to act internationally, have our voice heard in the United Nations. Meanwhile, one wonders if our voice is actually getting through to them. How come no one ever asks the Australian government, when it attends for instance the economic forums overseas, as it did recently in Switzerland, advocating human rights "what about what happens in your own backyard?" After all, we the Indigenous people are the original inhabitants of this land. Why does no one expose the fact that we don't have access to our lands?

It has also been said that there is a conflict on Palm Island between the traditional owners, who not necessarily live on the island but have title to the land, and those who inhabit the island today. But there is no conflict. You've got people claiming to be the traditional owners. If you are trying to deal with the council, it brings up the traditional ownership and all this land issue. The thing is, government uses it as a tool. Government, not the Indigenous people, makes up all the legislation that deals with the land. If local council wants to build a house, it needs to go and consult a so-called traditional owner, and then talk to the department of land title to get its agreement. The conflict arises from this situation; it is the government and its laws that have created it. And whilst this process is in train our community languishes. What does it mean being a traditional owner on Palm Island? I've had instances where we sat down with the so-called traditional owners and I've said to them; go and get it determined by the courts; don't say that you are the traditional owners, because you aren't, at least not in my eyes. What is the original name of your family? If you use the name of Palm Island, then that's a white man's name! Palm Island is the name given to this place by a white man. It was James Cook who called it by that name. One day I had to show one of these so-called traditional owners a sacred site on the island, a site he should have known about. This owner was amazed at what I knew and what I told

him. I know these things directly from God himself! One day he guided me on the island and showed me all these sites. Everything I believe in comes from him and has a meaning.

I am not afraid to go to jail. Things will go on. And whether I go to prison or not, something good will come out of it. There is always good in everything. We need to extract all the bad and put it aside. Start to teach others. At the moment I am fasting. I started today. It's been six years I resort to fasting when it's needed. So there is a different side to me than what you see on the television. It's all about money. That's all it is. Prisons are built with money from the budget allocated according to the recommendations of the Royal Commission on Aboriginal deaths in custody. I have seen more programs in prison than what they have in our communities! I am not afraid of a lot of things. The prison I was in after the events in Palm was built to accommodate one hundred and sixty people. Now there are five hundred in there and most of them are Indigenous people.

Overall the government neglects us in matters of health and education. The doctors who are sent to Palm Island are interns, still in training, and we, we are their guinea pigs. If you go to hospital and ask for a general check up, all they do is give you Panadol! Panadol doesn't solve the problem. Then you wonder why there are security officers in the hospital here. It's because the nurses get abused, and so do the doctors. Why? Because people go there drunk. You know why they go to the hospital drunk? Because when they first go there sober, they are given Panadol! White men never feel responsible or at fault. They always blame the Aborigines for their poor health. Same goes for education. The system does nothing for our children's education. The older people in the community should be involved; their experience of hardships would benefit the young people. The children need to learn to respect the teachers. Yet if a child stays in the back of the classroom and refuses to participate, one should ask it why. It may have comprehension problems. There may be something at home affecting it. We keep telling our children of the difficult world they grow in. I have children myself. My daughter is finishing her schooling. What future is there for her?

The thing I would like to say today to non-Aborigines is this: listen, understand and let's work together. Use all your contacts to make something become reality. Let's put all our resources together and see what we can achieve. Let's also use other people's networks, add them to ours. What do we want out of reconciliation? All I want is just live under a law, and that law protects all and is fair to all, it's pretty simple.

I don't want to be treated as an Aboriginal person. I want to be treated as a human being. And I think that many people feel the same way, even if we are not saying it all at the same time. I might say it, some one has it in his mind, but he's not saying it. I might have it in

my mind, someone says it. We want to live in peace, knowing that there is protection out there, for each and everyone of us.

Regarding the riot which took place on Palm Island, I often say – and I have had my conversation with the “All Mighty” up there, that if it had to be done again, I would do everything the same as I did then. It really didn’t matter at the time and it doesn’t matter now. Because I believe that in the long term something good will come out of this. Not only for myself, for my family, but for mankind. I really do believe that. Like I already said, I had “my conversations” with God, and God told me that one day I will be great. I know when I’m going to die, I really do, honestly. The hardest thing is living today; to live with all the problems we have around us. Living the life today is the hardest thing. I can’t wait for the final year. I can’t wait, because there must be something better than this. It has to be. God shows you what he wants in his world; he shows us that we can stand up against injustice and fight. Respect a person for who he really is, not for what is portrayed of him. I could feel it the day of the riot; I am convinced that what was in my mind that day was from God. So that’s why I was there.

## **CHAPTER 4**

### **Field Work 2005**

As I transcribed the interview with Lex Wotton, I reflected on how best to convey the Aboriginal people’s incredible strength to recover from so many blows. The media, with few exceptions, tended to denigrate the Indigenous population of Palm. It was time to go and see for myself. Lex had given us the phone number of his mother, Agnes Wotton. She and his younger sister Fleur, aged 30, had been charged with riot but were permitted to remain on the island. It took Wayne and me twenty minutes in a small aircraft to fly from Townsville to Palm. From the sky we could see an archipelago of little islands with lush vegetation sticking out of the turquoise sea. At touchdown, the Palm village looked tiny and lost in the greenery. Several colleagues from University had warned me to be very careful on the island. Usually one needs a permit to go into Aboriginal communities, as well as a written and signed protocol for research and recording. But given the situation of complete chaos and tension between the residents and the authorities who was I going to ask? Talking to several people who had worked in Palm, specifically on projects of sustainable development, I found out that a sponge harvesting pilot program was to be set up. An “open day” had been organized, which was the ideal occasion to go to the island. A resident gave us a lift from the airport to the main square, several kilometers away. There was a massive concrete esplanade with the supermarket on one side and buildings covered with graffiti on the other. It was here people

had gathered and rebelled a few months earlier, on November 26, 2004. Across the square, a huge broken clock towered over a dry lawn. In the distance, were the seashore and a long jetty. The press called it “a paradise”, yet something was haunting this beach bordered by steep hills, stooped over like living witnesses.

Inside the Council chamber, the man in charge of the sponge harvesting pilot program informed us that the “open day” and the boat tour to the Island had been cancelled. We were given directions to Agnes’s house who had agreed to see us. The village was almost deserted; some hungry looking dogs were wandering about. It was March and very hot. Agnes invited us to sit down at a table; she placed two cups of tea before us, and started talking, lighting one cigarette after another. We were overwhelmed by the stream of words, it became impossible to transcribe. This woman had such a tortured inner beauty; she seemed to proffer herself as a sacrificial offering, generously delivering her words like a rosary of clashing images. She radiated a spellbinding power, just like her voice did when I first heard it on the radio after Lex’s arrest; she was shivering with passion. Her mesh of ideas, which simultaneously opened new horizons and enlaced you like a net, was an almost unbearable challenge. I explained to her that James Cook University required its researchers to have people they interview sign a form of consent. We improvised a letter which stipulated that she retained the copyright to all of our talk. She was delighted that I was French and that Wayne came from Western Australia; all Aborigines were connected by an ancestral and future destiny, a vision she had expressed in two paintings. One displayed Australia with an Aboriginal man holding a spear and standing on one leg, because as Agnes put it, as long as the world is not in balance, he could not put his second leg down on the ground. The second painting resembled a Tibetan Mandala, with the sacred red rock of Uluru (Ayers Rock) in the centre surrounded by compartments which sheltered symbolic figures for the Aborigines’ future. Agnes dreamt of a network of Aboriginal healing and education centers, especially in her home land of the Yidinydji people, in the Innisfail region on the coast north of Townsville. For Agnes the events that had just unfolded had prophetic meaning, relevant to the well being of the entire world.

The call for justice by the locals of the small island was heard all over the world. The United Nations Committee on Elimination of Racial Discrimination in Geneva had just heard complaints over the Palm Island affair. A short report in the *Townsville Bulletin* on March 2, 2005 mentioned that on that day the Australian Ambassador to the United Nations and the country’s top officials were to answer for Mulrunji’s death in custody in Palm, and for the riots in Redfern, the Aboriginal suburb of Sydney, which the previous year had staged a protest over the death of young TJ Hickey, impaled with his bicycle on a metal fence, while running

from the police. His family had just demanded a new coronial inquest be opened into his suspicious death. After Mulrunji's death, the famous Aboriginal boxer Anthony Mundine had invited Mulrunji's sixteen year old son Eric and other youngsters from Palm to come and train in his Redfern gym. Sydney like all the big towns in Australia experienced several protest marches regarding both cases. Hundreds of letters of support had been published in the readers' comments section of the national newspapers and posted on the internet. The Palm Council had also received telegrams from Hollywood stars, including Steven Seagal and Whoopi Goldberg. Solidarity was being forged.

Agnes rose and went to fetch a gigantic sign which she and her daughter Fleur unrolled. It featured a turtle and the names of the nineteen men and women charged with riot. On the right hand side of the list were the words: "Morning star rising Bwgcolman Warriors took a stand for Justice. We want Justice! "Agnes told me that she and Fleur had painted this tribute to the "warriors of Bwgcolman", the Aboriginal name for Palm Island, intending to display it at the first hearing of the coronial inquest into the suspicious death in custody. The date of the hearing, February 28, 2005 and a welcome message to the island from the Palm community featured on the banner.<sup>45</sup>

Due to procedural ultra vires, the hearings were cut short at the end of two days. Andrew Boe, the lawyer representing the Palm Island Council, had accused the Coroner Michael Barnes, in charge of the inquest into the suspicious death, of bias. Barnes had previously exculpated the same police officer of complaints made against him in other Aboriginal communities. The Queensland Police Union likewise demanded the coroner be disqualified for having socialized with the Council's lawyer when they had a beer together during the inquest. As coroner Barnes was leaving the island, Patrick Bramwell, the Aboriginal witness, tried to set himself alight in his room. He had lived through his uncle Mulrunji's agony, having been arrested, taken in the same car and thrown into the same cell as Mulrunji. Patrick Bramwell, aged 24, had retracted his first statement to the police, given shortly after the death of his uncle, when he had stated that he had seen and heard nothing because he was too drunk and had been sniffing petrol. On the first day of the inquest (March 1, 2005) he told the coronial hearing that he heard his uncle crying for help because Senior Sergeant Hurley was kneeling on him and kept punching him on both sides. Under cross examination he retracted this statement, and then reasserted it anew.<sup>46</sup>

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<sup>45</sup> Modestly Agnes and Fleur did not include their own names in the list of "warriors".

<sup>46</sup> Todd M., "Palm Island inquest told of beating", *The Age*, March 1, 2005; Madigan M., "Witness changes his mind after allegations of bashing", *Courier Mail*, March 1, 2005

## Smoking Ceremonies and practices

At the directions hearing the family's lawyer had requested that the deceased, Cameron Doomadgee not be referred to by his name anymore but by the ritual expression "Mulrunji", translated in Aboriginal English as "no-name".<sup>47</sup> This substitution observes a traditional Aboriginal taboo, which forbids relatives to utter the name of a dead person during the period of mourning, being at least two years. Referring to the dead by his name holds his spirit back on earth and condemns him to wander. Another taboo requires that the relatives either abandon the place where death occurred or undergo a smoking ceremony to purify it; both regional variants are about erasing all traces of the dead so that he may not be held back on earth by any attachment to his past life. Thus on March 2, 2005, Mulrunji's cousin Murradoo Yanner initiated a smoking ceremony to assist the spirit of the victim to escape and find its way to the afterlife. Twenty three people, including five sisters of the deceased, his young son Eric and Agnes, their hands covered with red ochre, circled in the smoke of a fire lit in a can, and marched in a single file past the ruins of the police station, retracing the steps of the victim just before he had entered the station. Then Mulrunji's sister traced a line in ochre all along the outer boundary of the building; this rite should allow the martyr's spirit to free itself from the place where the victim had suffered a violent death less than one hour after his arrest. The reddish-brown line was not to be washed off, as it was necessary to point out to the people that prior to the installation of the provisional barracks, a death had occurred in that place. The police had authorized the ritual, which was according to one inspector proof of their ability to cooperate with the community. Murradoo Yanner insisted that this rite called "*raddling*" the people and the building with ochre was connecting the community to the dead and did not stand for a reconciliation with the police: 'the only ceremony with which the police can help us is Justice'.<sup>48</sup>

The local daily *Townsville Bulletin* ran a whole page with three photographs of the smoking ceremony, which had left many impressed. The ritual demonstrated that even if the Aborigines of Palm seemed to have lost their traditions as a result of deportation, the mixture of people on the island and Christianization, they were able to reconnect with their cultural practices; which is precisely the form of cultural continuity the Australian government has written into its *Native Title Act 1993* as proof of the legitimacy of native land rights. The

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<sup>47</sup> According to David Trigger, who has worked in another Cape York community, the term is pronounced "moordiny", according to a Palm resident court certified translator, transcribers vary the spelling of Aboriginal words: oo=u, y=j etc.; yet a word can become a symbol as it did for Mulrunji, the one who has no-name and everyone talks about.

<sup>48</sup> Andersen J., "Spirit released", *Townsville Bulletin*, March 3, 2005.

National Radio ABC rang me at James Cook University for a live telephone interview on the meaning of Aboriginal smoking ceremonies. I spoke of the rites I had encountered in other regions of Australia and pointed out the importance of fire in the purification of what is haunted or polluted. According to some, the police station burnt down because it could not remain there as a trace of that death. Besides, for four years now the old barrack was to be demolished. The resolution of traditional conflicts has its protocols; at the end of the confrontation the dispute must be completely erased, so that one can move on to other things. It is this kind of reconciliation the Aborigines clamored for of the Australian government; why has the government not taken steps to start this healing process?

I took two of my young French PhD students, invited to present their research on Aboriginal art and performances at a James Cook University<sup>49</sup> seminar, to St. Theresa church; an Aboriginal Catholic Community meeting place for mobilizing support for Palm. Mary Twaddle, the Chairperson of this Aboriginal Church in the Garbutt suburb of Townsville and mother of Tracey, the partner of the deceased, was talking with her friend Bernadette Johnson, a prominent elder of the Catholic church in Palm. Bernadette told us that the very ancient smoking ceremony had been, not without problems, reintroduced in the sacraments and other church events in the 1980's. She and Mary had fought for its inclusion in baptism; it involves warming the child's ears, mouth and heart, so it won't hear bad things or utter evil words, but be kind. At baptism the ceremony takes place at the entry to the church from where the smoke penetrates into the building where the child is then sprinkled with holy water. Smoking ceremonies have also become a kind of national welcome ritual everywhere in Australia; they are performed at inaugurations of festivals and buildings, like museums dedicated to Aboriginal activities.<sup>50</sup>

Besides working at the Catholic school, Bernadette was collecting numerous stories from the elders. Mary and her parents had arrived on the island in the late 1930's, her mother spoke three languages, her father seven. Both women emphasized that even though people in Palm were descendants of forty four linguistically distinct groups, everyone knew perfectly well where they came from through their parents, and defined themselves in that way. The younger generation speaks mainly a form of Aboriginal English or Kriol. Some people still name their children after the *Dreamings* (totemic spirits) like Possum or Crow, but also Horse. Many horses roam freely on the island and the children ride them bare-back

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<sup>49</sup> Arnaud Morvan and Martin Pr  aud, in Glowczewski B. and Henry R. (eds.), *Le D  fi indig  ne*, 2007. (forthcoming in English, Oxford, Bardwell Press)

<sup>50</sup> The Aborigines have marked the opening of the Townsville Aboriginal Cultural Centre with a smoking ceremony of the aquatic centre. [Photo](#)

through the village. Certain behavior and emotions are linked to one or the other *Dreaming*; for instance one can talk like a crow. Mary experienced pain if an eagle was in danger because it was her *Dreaming*. Bernadette recalled a visit to the zoo, when, at the sight of a possum, she felt an irresistible urge to eat it; laughing, she said she had to run from there to avoid the temptation! Possums are still being hunted on the island, even if their numbers have diminished. Mary brought a small panel depicting Palm island in the dotted style from the desert; a row of red ants surround the island with a goanna underneath against a yellow background. It had been painted in prison by a young family member of the Wottons. Lex was still under house arrest in town.

The aborted inquest on the island had drawn attention to the communication problem between the legal practitioners and the witnesses; they didn't speak the same language - they couldn't understand one another. The issue was widely commented in the press. The activist Murrandoo Yanner demanded changes be made to the way Aboriginal witnesses were questioned. He argued that "questions about specific times of the day, about space and distance in metres and the use of words like 'approximate' and 'deposition' have no place in the world of many Aborigines who do not measure distance in feet or metres, who do not have a concept of time in the white man's sense, most never wear a watch, and who, in a lot of cases, have had at best only a "rudimentary education", and can barely read and write".<sup>51</sup> In Palm like elsewhere, more than 80% of Aboriginal children suffer from auditory problems caused by untreated ear infections.<sup>52</sup> Furthermore, a number of residents are alcoholics and malnourished. According to clinical and forensic psychologist Robert Walkley, some might suffer from Korsakoff syndrome with impaired memory and confusion as to what is an actual or imagined recall: "sufferers fill in the gaps of their memory when recalling past events [...] evidence given by anyone suffering from Korsakoff Syndrome would be unreliable".<sup>53</sup> The hard of hearing or those having English difficulties, especially with legal jargon, are very often discredited during cross examination.

There was a crowd of Aborigines and journalists attending Townsville Court on March 3, 2005, when the new deputy state coroner Christine Clements announced that the

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<sup>51</sup> Andersen J., "Cruel clashing of culture in the courtroom - Calls for legal system to recognise barriers", [http://www.antarvictoria.org.au/news.php?article=22&month=march\\_05](http://www.antarvictoria.org.au/news.php?article=22&month=march_05)

<sup>52</sup> According to Damien Howard (JCU seminar, August 29, 2007) 85% of Aboriginal children and 60% of adults suffer from hearing loss due to untreated ear infections. The impairment remains often unidentified leading to training, professional and mental health problems in adults, and behavioral problems in children. Note that in several Aboriginal languages, like the Warlpiri of the Central Desert, the same word is used for "deaf" and "crazy"; nevertheless in that group as in certain others, there exists a sign language for the hard of hearing as well as for other circumstances: the vow of silence by widows, the exchange of secrets in rituals, or even to temper the anger in a dispute.

<sup>53</sup> Andersen J., "Cruel clashing of culture in the courtroom", *Townsville Bulletin*, March 5, 2005: according to the psychologist Robert Walkley, people suffering from this syndrome do not really lie, but simply have the feeling that they remember something that did not exist..

hearings would resume with three days of directions hearing at the end of the month in the State capital Brisbane. Her assistant Counsel Terry Martin accused Queensland Police Commissioner Bob Atkinson of contempt for officially lending support to Sergeant Hurley, the arresting officer of the victim. In anticipating the outcome of the inquiry he had been influencing public opinion.<sup>54</sup> On that same day, following Liddy Clark's resignation, Energy Minister John Mickel took over the Department of Indigenous Affairs. This appointment raised a wave of criticism, including from the Chairman of the Catholic Justice and Peace Commission, Rick Sheenan, who at that occasion brought up the failure of measures the government had imposed on the Aborigines, and the Indigenous communities' wish to be included in the decision making processes regarding their affairs.<sup>55</sup>

Angry shouts rose from the Townsville Court public gallery on March 10, 2005, when Judge David Glasgow refused to hear any application for temporary release of the twenty three accused to the island. They had already missed the funeral of Mulrunji, whose death was the cause of their rebellion. Twelve, released on bail, were under house arrest in Townsville, eleven others, including two minors, were still in custody. The fact that one of the accused, John Major Clumpoint had been granted permission to return to the island the previous week made no difference to the Judge, in spite of fierce argumentation by the defense lawyers.<sup>56</sup>

When the (three-day) directions hearing in Brisbane opened on March 29, 2005, Christine Clements, who was to hear the inquest henceforth, declared that she was " *very cautious to try and avoid reading anything or turning on the TV in case there are any further complaints of bias.*"<sup>57</sup> I was surprised by her statement of neutrality. As an anthropologist I find it necessary to analyze the possible "distortions of facts" by the press, because the media accurately reflect racial tension and the political issues at stake; these distortions become an indispensable inventory for analyzing cultural as well as social situations and interactions. The judicial system on the other hand considers judges to be susceptible to public opinion and prone to be influenced when socializing with other parties involved in the proceedings; that is why Coroner Barnes having a beer with lawyer Boe had been considered a risk to his impartiality. On the other hand, the fact that on the day Mulrunji' died all three senior officers in charge of the investigation, Hurley's old time friend Robinson and

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<sup>54</sup> Koch T., "Biased coroner out of inquest", *The Australian*, March 4, 2005.

<sup>55</sup> "Aborigines don't need a dictator", *Townsville Bulletin*, March 5, 2005.

<sup>56</sup> Five lawyers from Townsville (Mark Donnelly, Harvey Walters, Roger Griffith, Greg Lynham and Wayne Pennell) and one from Mount Isa (Anderson Telford) representing 12 of the accused.

<sup>57</sup> "Family awaits inquest result", *Townsville Bulletin*, March 30, 2005.

close colleagues Kitching and Weber, had dined with Hurley at his home, did not appear to disturb the CMC (Crime and Misconduct Commission), which had been dispatched to supervise the situation on the island. This breach of investigative procedure in the case of a death in custody was pointed out several times at the inquest hearings and in the press.

I wondered how a judge living in Australia, so close to where the events unfolded, could escape the “deep end” of the media this affair was steeped in. Would it not be difficult to judge certain things without being able to criticize public opinion at large? True, magistrates and the judiciary have the possibility of meeting witnesses in person. The position of a judge is unique, in that he has the power to summon any person, access any file and existing evidence; in particular phone recordings, videos, mail and notes taken by the police. This data collection is quite different from anthropological work, even if the rigour of the investigation is as important to the anthropologist as it is to the judge or the lawyer. The job of an ethnographer is not to rule on a presumed truth in the name of the law, but rather to report on the relativity of views held by the main organized forces in society. Getting close to and reporting on many points of view and their connections is what I called the anthropology of networks and the reticular methodology.<sup>58</sup> There are anthropologists who work differently; covered by the power of the State, even sometimes the security branch of the police force; they search for a point of view which would be legitimate, one which is either supposedly scientific and neutral or concurrent with the dominant ideology. This position was formerly the standard of the colonial system and is still current today in various countries.

The atmosphere in Townsville was tense. Another racist story was making headlines in one of the papers. On April 6, 2005, the result of a second autopsy of an Aboriginal man of Kalkadoon ancestry, who too had died in custody twenty years earlier, had been publicized. He had been found hanging in the Darwin prison and was buried in Townsville’s Belgian Gardens Cemetery. His widow was only told about his death three days later. She had found witnesses who had to clean blood from the cell the day after his death. Her quest had taken her to the United States, Canada, Scotland Yard, Japan and Brazil. In fact it was a Brazilian forensic expert, who conducted a new autopsy and found torture marks on the corpse, contradicting the findings of the first autopsy conducted by the Royal Commission on Aboriginal Death in Custody. The trial of the case was to begin shortly in the Northern Territory Supreme Court.<sup>59</sup> In parallel, the Australian army had decided to suppress details

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Title of my seminar held at the School for Advanced Studies of Social Sciences (EHESS) in Paris, from 2000 till 2005.

<sup>59</sup> Mortison D., “Murder clues. Re-autopsy finds torture markings”, *Townsville Bulletin*, April 6, 2005: Opening of the NT Supreme Court trial to start on April 11, 2005.

of another inquiry into a racist incident. Five years earlier, a battalion of soldiers from the Lavarack Barracks in Townsville had posed in Ku Klux Klan white hoods with four Aboriginal soldiers sitting at their feet. No action had been taken at the time and some of the soldiers involved had even been promoted. The local paper printed the photograph in its Christmas edition, noting that such behavior on the part of the defence forces was shameful and could shed light on the suicide of a nineteen year old soldier, Damien Palmer, who had hung himself in that barrack in August 1999. He had been the victim of racial abuse by his peers. Moreover in March 2005, it became known that a soldier had set up a racist website. The soldier had not been charged either but was at the centre of a separate investigation.<sup>60</sup> It took months until the website was shut down and the soldier sent to an Aboriginal community for 'cultural awareness' training. The elders felt immersion was more effective than other forms of punishment.<sup>61</sup>

### **The parade of witnesses for the prosecution in the Palm Island riot**

Lex had received two large files from his lawyer. They contained some ninety statements by the witnesses for the prosecution, who for months were called to testify at the committal hearings examining all charges of the Palm Island riot on November 26, 2004. Having detected a multitude of contradictions in these testimonies, he felt confident. Agnes arrived in Townsville with her daughter Fleur and moved in with one of her sons. All suspects had to appear daily at the hearings. On the first day of hearings, April 11, 2005, the courtroom, normally used for cases of the Supreme Court of Queensland, was filled with police and armed security men. The crowd, primarily Aboriginal, pushed its way in. One security guard stopped me to ask why I wanted to get in; I said I was there as an observer. "Which paper?" he asked. Immediately the partner of William, one of the accused, standing next to his mother, turned on him: "She is writing for us!" and pushed me into the room. The previous evening, I had read a letter to the family, which I had sent to the correspondent of *Le Monde* in Sydney a month earlier to alert him of the events in Palm Island.

I went to the court hearings every day; there were 160 witnesses to be cross examined. Each time we entered, three times a day and some days more frequently, they checked us with an electronic detection device, like at the airport. Cameras and tape recorders were prohibited. I was sitting at the back of the room with Lex's partner Cecilia. A dozen barristers, solicitors and the prosecutor sat with their folders and laptops at a long

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<sup>60</sup> "No action on KKK inquiry", *Townsville Bulletin*, April 2, 2005.

<sup>61</sup> see further the results of that 'cultural awareness' training.

table facing the judge. Most of the accused sat to the right, the press and observers from the Aboriginal Justice Group to the left, with the onlookers in the middle. Depending on the day, some of the defendants were in the dock, in front of us. They wore the prison uniform; T shirt and brown pants. Each day they were brought in from prison where they were remanded for breaching bail conditions. Either they had failed to abide by the 7pm to 7am curfew or neglected to report daily to the central police station in Townsville. Some ten policemen, private security guards and prison officers took turns at the entry doors. The prosecutor's witnesses were not meant to hear each other's testimony, but I was told by Aboriginal People with a disabused irony that the comings and goings of certain guards could be the opportunity for briefing the next witness.

It was a real drama, intense and stressful. Nevertheless a newfound hope seemed to invigorate everybody. During the morning and afternoon recesses I joined Agnes, Fleur and the other accused on the court balcony. For lunch we met in the park across the building or in the shopping centre where we had chicken with French fries or sandwiches. We joked, trying to diffuse the tensions of the hearings. Regularly, Aborigines from town came and shook hands with the accused, who seemed to have taken on the role of heroes; they were the new warriors for social justice and peace. As weeks went by, the 'civility' of the accused men amazed quite a few journalists, policemen and security guards. All the defendants tried to look their accusers straight in the face, hoping the truth would be revealed. I saw the youngest one, a fourteen year old boy, whose mother was also accused of having encouraged him to hurl stones at the police station, bent over transcripts of charges and read like he had never done in school! Even though Aborigines embroiled in the justice system often have difficulties reading, they frequently know the legal process far better than other citizens. For the accused the hearings were truly a revelation, they felt united by a newly found solidarity. Contact with their lawyers gave them back some self esteem; finally they were able to see beyond the conflicts which have divided the island for years.

At the foot of the rostrum, where Judge Wendy Cull sat, were the witness box and a television set. Alternately, the witnesses for the prosecution were asked to start or stop the video cassettes, rewind or forward them, according to the requests of the judge, the prosecutor and the lawyers, who were all given clues by the accused, the only ones who knew well the faces and places on the tape. As they kept coming back to the visual evidence, the testimonies for the prosecution were often refuted and the accused partly exonerated. For example, one witness claimed he recognized Agnes, the mother of Lex, insulting an officer. So one of the video shots drew huge laughter from the dock, because that 'lady' insulting the officer was in fact a man dressed up as a woman! He was one of

those transvestites or 'sisters' who lived on the island, laughing out loud when he recognized himself on the screen. From then on he was the darling at the daily hearings. In his androgynous prisoner's outfit of very tight fitting shorts and a brown sweat shirt, he kept being escorted by two big security guards to the toilets, each time blowing kisses to his relatives in the audience.

Snr.-Sgt. Whyte, who had replaced Hurley after his transfer from the island, was the second witness for the prosecution. As he recounted his heated exchanges with Lex's mother Agnes:" She had yelled there was one law for whites and another for blacks so I said 'Hang on, good on ya, there's only one law "; a murmur of disapproval ran through the courtroom. Aborigines suffer daily from this dual rule. One lawyer had shown me a pile of verdicts in Townsville, which according to him could demonstrate that an Aborigine would in all probability be sentenced while a non-Aborigine would be exculpated or given a lesser sentence for the same charges, due amongst other things to how the defendants' testimonies and the prosecutor's witnesses were perceived.

Some Aboriginal and police witnesses for the prosecution tried to stick to the statements they had made recently or the day after the riot, some three months before the hearing. But they still ended up getting entangled in contradictions and in turn were accused of lying by the defence lawyers. One witness, who in his signed deposition had denied having participated in the riot and implicated one of the accused, was identified by the latter in one of the still images of the rebellious crowd.<sup>62</sup> On the other hand one Aboriginal witness accused the police of having forced him to sign a false deposition accusing Lex Wotton of handing petrol to other defendants<sup>63</sup>. Finally, Judge Cull summoned the three police officers, whose testimonies the Crown prosecutor had objected to, considering them 'irrelevant'. The defence had requested they be summoned, even though it is unusual for the defence to call witnesses at committal hearings. Under cross examination several policemen felt uneasy when challenged and even accused of manipulation, irresponsibility and having breached procedures. The audience seemed encouraged by this turnabout.

During court sessions we listened to tape recordings of telephone calls made by the police. Even though these were almost inaudible one could infer the panic of the police calling for help from the mainland. The prosecutor was trying to justify the call for the commandos' intervention. But the police testifying in court appeared to have mostly lacked

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<sup>62</sup> Weatherup M., "Supervisor admits lying about whereabouts during riot", *Townsville Bulletin*, April 29, 2005.

<sup>63</sup> "Mr. Johnson said he had been accosted in the street by detectives and taken to the makeshift police station. he was read a list of suspects, an officer wrote a statement, read it to him and he signed it" in "Senior police summonsed ", Malcolm Weatherup, *Townsville Bulletin* July 20, 2005.

professionalism in the heat of the action, and their superiors' integrity frequently questionable.

Police officer Robertson's video was played at the committal hearing. One sees the back of some persons from a distance and faintly hears an angry voice. The officer comments: "demonstrators are down there and they just found why and how Doomadgee died, and they are yelling out 'riots with the police', 'riots with the police', We just got a call to get up." That same meeting filmed at the same time (12: 58 – 59) by a young freelance journalist from Palm island, Teana Friday, showed no one screaming "riots with the police". In her footage Lex is heard saying: "Come on people... We want to know whether we accept this as an accident. I'm not gonna accept it. I know a lot you other people don't. So let's do something about it", and his brother-in-law David Bulsey, very upset, takes the microphone from him asking if the Sergeant Hurley should be arrested and put in jail for this "cold blooded murder".

Two minutes later, the policeman, inside the Senior Sergeant's home, zooms on Aboriginal by- passers; "here we go, game's on, we're in trouble", "alright it's happening" says another policeman. The image is shaking. "We're in trouble, we're on our way" screams Constable Robertson. We hear him saying "Wait for me" as the camera is put down out of focus. Next he comments: "They say to get down there straight away". The camera is fixing the security screen of the back door. "Hang on we all gotta go down at once", the camera shifts to a cupboard in a room, a policeman is bending down, grabbing his fire arm and charging it, so does another one (13 :03). In the background we hear noise from the crowd outside.

Half an hour later (13:30) the picture skips as he films walking in the yard of the police station. There are about ten policemen moving under the veranda, they talk on the phone and check their handguns. As he films, he keeps repeating that they had to leave the station because they were 'over-run'. But during the committal hearings the officers on duty, Richardson, Whyte and Robinson denied they felt compelled to leave the station. The monitor shows Whyte moving between two barracks, in the background is Hurley's home, the policeman filming says: "I have two Glocks and a semi automatic rifle (mini 14) on me". (13:33) He points to his high power rifle case alluding to the demonstrators who presumably have gotten inside the police barracks' compound. But the image is completely soundless. There is only the mini 14 rifle outside the open case. When a siren sounds the officer concludes that the rioters have stolen two police cars, which was proven wrong later. Then he films from inside a barrack saying: "We are fully loaded. I only got 30 bullet rounds, I have two Glocks and we are outnumbered". No one is seen on the video but one can hear stones

hitting the roof. At 13:40 an Aboriginal man comes close to the gate, a rock is thrown over the fence. The officer with the camera seems to panic, saying they will have to escape to the hospital and shoot. He estimates there are three hundred, four hundred people in the crowd, but only a few rioters can be seen behind the fence. Then he shouts: "Watch out Roger!" filming the back of a policeman with a shaved head. It is Senior Sergeant Whyte walking over to the fence with his arms raised. From the crowd a woman's voice calls out to him: "Bring Chris over!" She doesn't know that Senior Sergeant Chris Hurley has been evacuated from the island. Whyte speaks to the demonstrators over the fence. The crowd stops hurling rocks. Two other policemen step out of the barrack and wait under the veranda, some ten metres away from the negotiations. Whyte calls to the crowd: "At the end of the day you made your point (13.43.13), You had a win!" "No, we never!" replies a woman. Whyte moves back a few steps and steps inside as the demonstrators disperse behind the fence, then they reappear. Whyte too comes back, points to the other officers and tells them twice: "Stay out of it". The officer with the camera continues reporting what is being said at the gate, eventually he announces he has to stop; he has run out of battery.

Four minutes later (13:48) a protester, who remains invisible, calls: "We're not going to hurt any individual!" The image screened in court shows smoke rising from the police station (13:53), the police man at the camera explains that the protesters had given them one hour to leave the compound; reinforcement is being sent from the mainland, some twenty more policemen and even the army. The fire siren coming from the red truck, which becomes visible later, raises the alarm. The officer at the microphone wonders if Hurley's house is also burning. Later Sergeant Darren Murphy tells the hearing he ran to Hurley's place, where he and other officers had slept, to "get my wife's photograph which was in my wallet", he had to crawl through the smoke, but couldn't remember if the house was already on fire or not. The policemen in the video filmed after 14h10 appear very relaxed, Some are joking and laughing. Senior Sergeant Whyte gives them specific orders, he makes it clear, Inspector Brian Richardson, the husband of the only female officer present, is responsible to give the order to fire: "Be very careful [...] There may be a case where you'll have to discharge a few fuckin' rounds in the air to scare the shit out of these cunts!" and adds "not a court in this land or a white jury would convict." Donnelly, Lex's lawyer, attacked Whyte over his remark.

Ten minutes later, the policemen are walking very calmly out of the compound towards the hospital. Then, at the hospital, the policeman films three officers, Whyte, Robinson and Richardson talking to four or five local residents near a tree; as he films the "boys" (referring to the officers) trying to negotiate, he comments that the police should leave

the island. Other Aborigines are coming closer to the tree; Lex Wotton, bare-chest, in jeans, drinking from a coca cola bottle, stands in front of detective Robinson. Some people throw up their arms. With the exception of one man who speaks to the camera, all look completely sober. At 15:30, twenty new policemen, armed with batons are seen in the picture. One of them has a big dog on a leash. Lex stands between them and the angry crowd. He stops a young man from running towards the police. The police declare they are not leaving the island. A state of emergency has been declared and other officers are on their way.

At the committal hearings in March 2005, the heads of the Special Emergency Response Team admitted that their twenty five men should not have been called to the island to arrest the suspects in their homes at five in the morning, the day after the riot. The situation did not justify such action, not even their presence. Over the week, the number of policemen had already increased from seven officers, two detectives and one liaison officer to more than twenty. The two detectives from the Crime and Misconduct Commission, who came to investigate after Mulrunji's death, became frightened at the start of the riot and left on board an aircraft used by QBuild.<sup>64</sup> Two weeks later they resumed their investigation on the island; their report of July 2005, concluded that under the Public Safety Preservation Act the SERT did not have the power to forcefully enter and search the private homes, because the riot had ended and there was no longer a state of emergency in place.<sup>65</sup>

The newspapers repeatedly wrote that the policemen had been attacked and forced to flee the Palm police barracks, yet in the footage shown at the committal hearings we saw them walking calmly to the hospital. There had been no physical confrontation with the crowd; none of the policemen had been injured by the stones hurled on the station's roof. Hal Walsh, a "justice" of the Department of Communities Youth, who had mediated between the police and the Palm protesters, testified on June 30 in favor of Lex Wotton. Lex had asked him to find vehicles to drive the nineteen policemen to the airport, but when he went to get them, he overheard constable Robinson say "just let him think you are going to leave the hospital"; under cross examination Walsh testified that the police had fooled Lex.<sup>66</sup> Lex's lawyer Donnelly accused the detective of negligence. Though he knew that Molotov cocktails had been made on the island the week after Mulrunji's death, he neglected to act on it. According to the lawyer Robinson was the only one responsible for the civil disturbances.

The statement of the assistant plumber turned out to be very positive for Lex, himself a plumber in Townsville. He testified that on the morning prior to the riot and the fire a water

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<sup>64</sup> Weatherup M., "Rioters in danger of bullet", *Townsville Bulletin*, April 2005.

<sup>65</sup> "Palm raids illegal. CMC report slams police", *Townsville Bulletin*, July 26, 2005.

<sup>66</sup> Mortison D., "Wotton 'helped police of Palm'", *Townsville Bulletin*, June 30, 2005.

pipe on top of Mango Avenue had broken and water was gushing out. When Lex drove past, he stopped him to ask for instructions to repair the pipe. Lex told him he was on his way to the airport to do the shopping in Townsville. At the airport, he was again approached by the assistant plumber who had come with the council work supervisor to fetch the keys to the tool room, which the island's plumber had inadvertently taken with him to Townsville and was returning by mail plane. They asked Lex if he could fix the broken pipe. Lex explained him what to do and got ready to board the plane when he realized that he had left behind the keys to his car, parked in Townsville. He then decided to delay his departure and went to repair the water pipe. As the street was completely flooded, he had to turn off the water supply to do the repair. When the fire broke out shortly after, there was not enough water to extinguish it.<sup>67</sup>

For the last day of hearing Agnes bought two greeting cards which she and her daughter Fleur signed and gave all the other accused to sign during the lunch recess. One was for judge Wendy Cull, the other for the security guards, it read: "Thank you for having treated us as human beings". Touched, the security guards shook her hand. The ability to touch someone's feelings is from an Aboriginal point of view precisely the only remedy against racism. In town, some enjoyed saying that the young Townsville soldier who had set up the racist website and been sent to an Aboriginal community to be "re-educated" according to the true Aboriginal law, had returned a better advocate for their cause before the other soldiers, than the Aborigines themselves. It is important here to understand how magnanimous the Aboriginal concept of justice is; because, once the disputes have been resolved according to their laws, the reason for the conflict can be obliterated and one can move on. Today, many Aborigines complain about not being allowed to follow these rules, and in their absence, order cannot be maintained and justice administered in Aboriginal communities.

David Bulsey is Lex's brother in law. He and Lex were both filmed enraged as they addressed the crowd after the result of the autopsy was announced. David was the one who calmed Lex as he walked towards the police station holding a spade in his hand. David was arrested in his shower the day after the disturbances. He was taken into custody with Lex and the other sixteen men, and then put under house arrest in Townsville. David, like the others had to attend the hearings for three months, before he was permitted to return and rejoin his nine children on the island. On July 20, 2005, Judge Wendy Cull dismissed all

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<sup>67</sup> Weatherup M., "Flight not taken. Burst main kept 'ringleader' on Palm Island before riot", *Townsville Bulletin*, April 28, 2005.

charges against him, declaring there was no substantiating evidence.<sup>68</sup> The ordeal left David physically very weakened. Destitute, he had spent all these months in an Aboriginal refuge home. His wife, who had gone into shock when witnessing his violent arrest, gave birth prematurely and the baby needed to be kept in an incubator for several weeks. Another of some twenty male and female suspects, Darren Brian Johnson, was also exculpated. It took close to eight months for the proceedings to acknowledge that he was not on the island at the time of the riot. Neither of them received any compensation. David Bulsey said later on the radio:” They harmed me, but with a little bit of luck, I may be able to get some justice.”

The committal hearings concluded on July 28, 2005, with charges of riot against all the remaining accused, including Minnie Norman who came to Court with her new born baby. She, her teenage son, the mother and sister of Lex, the cross dresser David Sheperd, Renarta’s son William Blackman, the three Poynter brothers Jason, Lance and Lincoln, as well as Dwayne Blanket, John Clumpoint and Shane Robertson were charged with riot and destruction of property. Others, like Robert Nugent were additionally accused of theft; and Garrison Sibley, Terrence Kidner and Russell Parker Senior were furthermore charged with burning one car. The last two, together with Lester Parkinson, Richard Poynter and Lex were charged with arson of a building. In addition, Lex was charged with three counts of presumed attempted assault, specifically for his famous march holding a spade.<sup>69</sup>

### **Mulrunji’s last hour in custody**

Mulrunji Doomadgee, a 36 year old father, died during his first arrest. The charge against him, public drunkenness and nuisance, was to be the subject of numerous debates at the inquest into the suspicious death. Given that the term ‘public nuisance’ is fairly recent, the Aboriginal police liaison officer Lloyd Bengaroo had used the old expression ‘civil disturbance’ in his signed deposition. Civil disturbance was how intoxication was described when Bengaroo served as a policeman in the communities. In what sense did he create a disturbance and whom did he disturb? He was arrested because, as Bengaroo was carting off Patrick Bramwell, Mulrunji’s nephew, for drunkenness, Mulrunji had said to him: “You are Black like me, why are you doing that”? Bengaroo told him to walk down the road or he’d get locked up too. And, still according to Bengaroo, Mulrunji walked off, but then from a short distance swore at him. Bengaroo was a chronic depressive. After the new police system was introduced on the island in 2000, he was dismissed from his position of overseeing a group

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<sup>68</sup> Campion V., “Crown drops riot charges”, *Townsville Bulletin*, July 21, 2005.

<sup>69</sup> Weatherup M., “Nine weeks hearing at end”, *Townsville Bulletin*, July 28, 2005.

of Aboriginal police liaison officers, a job he had held for almost twenty years. He had then applied for transfer to his home community. Senior Sergeant Hurley, his superior asked him what Mulrunji had just said and decided to arrest him, even though he was again walking off , singing a popular hip hop piece *Who let the Dogs out*. Was it the song about 'dogs' that annoyed the sergeant? In any event Hurley assured the Court that he had heard Mulrunji swear from a distance of some thirty metres. When the inquest resumed on the island at the beginning of August, Noby Clay stated she heard Mulrunji singing as he walked past her home, then saw Senior Sergeant Hurley approach and arrest him. Mulrunji, - who according to his partner had drunk twenty cans of beer in the morning - protested he hadn't done anything wrong. The police officer, weighing 115 kilograms, threw Mulrunji, less than half his weight, head first into the back of the paddy wagon and drove off, Mulrunji's legs still sticking up in the air.<sup>70</sup> Another witness, Alfred Bonner, said he saw the sergeant at the police station, dragging Mulrunji, who was screaming, out of the van and pushing him to the door with his fist raised, as if he was going to punch him.

Two days later, at the Townsville Court, the new state coroner Christine Clements organized a procession of witnesses; Palm residents, policemen, forensic experts, engineers of the watch house cell surveillance video system. This time the audience was separated from the actors of the proceedings; we were seated in the gallery. Tying up the testimonies and weighing up the contradictions, together with notes taken by Heather Bond, a social worker in traineeship at the Court, this is how I interpret what happened.

After Mulrunji joined Patrick (Nugent) Bramwell in the back of the paddy wagon, Senior Sergeant Hurley and his Aboriginal police liaison officer Bengaroo made a detour to drop off Patrick's aunt Gladys Nugent at her sister's. Then they parked the car about one metre from the police station. At that time, sergeant Michael Leafe arrived with another Bramwell, Roy, he brought to the station for having assaulted Gladys. Hurley told Leafe to seat Roy Bramwell on the 'yellow chair' (used for interrogation) while he opened the 'cage' of the police car and tried to get Mulrunji out, who was resisting: "Shit, he hit me!" Hurley is said to have yelled. Bengaroo had heard: "He punched me in the face!". Bengaroo said in his statement taken by Detective Kitching on 20 .11.04 that he stayed outside the door to the police station because he was concerned: "If I see something I might get in trouble myself or the family might harass me or something".

A woman, Penny Sibley, stood one metre away from the police car. She confirmed to the Court she saw Mulrunji resisting and striking the sergeant with the back of his hand, the

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Andersen J., "Man thrown into wagon 'head first'", *Townsville Bulletin*, August 2, 2005.

sergeant retaliated punching him in the face. Under cross examination Hurley denied having punched him. When the assistant counsel asked him when he first noticed Mulrunji had a black eye, he responded: "After he died." Was he angry when Mulrunji hit him? Hurley replied "anger" was too strong a word, "rather annoyed, fazed", and startled as he had been far more often attacked by the residents of "Surfers Paradise" (south of Brisbane) than of Palm. Penny Sibley maintained that Hurley was "wild". Asked what that meant, she explained it meant "angry". The word is often used by Aborigines all over the mainland to describe a loss of control, which in their customary language does not necessarily imply anger, as in "motivated", justified anger.

Following this, Mulrunji may have locked his legs, which made it difficult for Hurley to manoeuvre him into the station. According to the transcript of Bengaroo's deposition taken by Kitching, Mulrunji had passed the doorway and fell as he scuffled with Hurley. In court on the other hand, Bengaroo said they had both tripped on the entrance step and Hurley fell to the left of Mulrunji. Interrogated about the difference in his statement, Bengaroo replied that not having said at first that they had both fallen "was not truthful, but neither was it a lie". At the assistant counsel Terry Martin's request, Bengaroo stepped out of the witness box to demonstrate how Hurley fell on his left knee. Hurley, in his testimony to the investigator on the afternoon of the death, had maintained that he did not fall on Mulrunji, but to his left. In his second deposition he reiterated: "I tripped in the doorway and fell on my knees next to him."

Steadman, a young constable, had arrived on the island the day before. He testified that, walking towards the police station garage to make a phone call; he could hear shouts but couldn't say what they were about. He heard a scuffle in the back of the car when he was in front of it and saw Hurley grabbing Mulrunji. When Hurley and Mulrunji fell, he only noticed two pairs of feet on the floor in the doorway, and then he saw Hurley's boots lifting up and heard him yelling abuse at Mulrunji. Mulrunji's bare feet stayed in the same position. When Callaghan asked him if he wasn't curious to know what Hurley was yelling about, he replied: "No, I was staying out of it".

The other sergeant, Michael Leafe, did not intervene and assist Hurley either. Leafe said in Court, he had noticed that the cage door of the car was still open. He went to close it, knowing that there was still another prisoner inside, Patrick Nugent Bramwell. He would therefore have passed right next to the two struggling, as he went into the station to open the door of the cell for Hurley to take Mulrunji straight inside. Coming back he noticed Hurley's "last try" to lift up Mulrunji, telling him: "He is not getting up, pull him". The two pulled him by the arms into the cell. When Martin asked Hurley whether he didn't think something may be

wrong and that Mulrunji may have needed assistance, Hurley answered he thought Mulrunji was pretending.

Hurley sent Roy Bramwell, still waiting on the yellow chair, home for the night; he was to be summoned later. At the inquest Roy Bramwell said he saw Hurley hunched over Mulrunji and punching him three times, both his elbows moving down then up, asking: "Do you want more, Mister Doomadgee? Do you want more?" When Hurley was ordered in court to explain how he had picked up Mulrunji, he made the exact same movement with both his arms as Roy Bramwell had done, only in an upward direction, as if he was trying to pull Mulrunji up; he then declared he had said: "Get up Mister Doomadgee. Get up!" A shudder of disbelief went through the room.<sup>71</sup>

At the inquest in the Townsville court on August 3, 2005, the videotape of the surveillance camera which recorded Mulrunji's agony was played. Two men, bare feet wearing shorts and T-shirt, lie on the concrete floor of a narrow windowless cell void of any furniture; Patrick Bramwell against the wall and Mulrunji in the middle. Hurley told the court that after he put Mulrunji and Patrick into the cell, he switched on the surveillance audio system and the camera, fixed above the cell door. The time recorded on the tape at the commencement of monitoring is 10:17am, but the system's clock was thirteen minutes behind real time; it was therefore 10:30am. Even though the sound volume of the video cassette had been turned up for people to hear, it was quite inaudible due to "a technical problem", as the person in charge of the installation and maintenance explained. Yet when the first sounds are heard, distorted and stifled by this technical problem, it is undoubtedly a call for help emanating from Mulrunji, who is slowly rolling from side to side.

10.22.57 on the tape: both men are motionless. Mulrunji straightens his left leg.

10.24.22: he rolls onto his left side and slowly uncrosses his legs to turn by about 15 degrees. Now his feet no longer face the camera but the left wall of the cell. His head is very close to Patrick's shoulder, the other inmate.

10.26.00: Mulrunji rolls onto his right side.

10.26.52: he moves his right hand; he appears to be writhing, moves his legs, rolls onto one side, then back again.

10.28 to 29: Mulrunji again rolls onto the other side.

10.30.24: there is a noise like a moan. As the technician explained that only strong sounds were recorded by the defective system; this moan indicates he is in terrible agony.

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Koch T., "Coroner mistaken on Doomadgee death finding", *The Australian*, December 23, 2006.

The viewing becomes unbearable. Mulrunji moves again about 15 degrees into a vertical position across the screen, his feet towards the door and the camera. He brings his legs slightly up towards his body.

10.30.42: Senior Sergeant Hurley enters the cell, stays a few seconds and leaves. He does not bend down to examine either of the inmates. Mulrunji rolls slowly from side to side, again closer to Patrick. He is obviously in pain and tries to find a better position or maybe some human comfort. There are noises on the tape.

10.33.44: Mulrunji moves one last time as if letting up.<sup>72</sup>

Tracy Twaddle, Mulrunji's partner, sitting behind us cries quietly; she is supported by Mulrunji's sisters and other Palm residents. The sisters are devastated. The silence on the tape and stillness of Mulrunji's body are suffocating. Terry Martin asks the tape be fast forwarded to the next sound at 10.52. It sounds like a mobile phone interfering with some other electronic device.

10.57.37: same sounds, but lasting far longer, like a tapping.

11.02.55: That is twenty eight minutes after Mulrunji's assumed death, a police officer enters the cell and examines the prisoner. He kicks Mulrunji's right shoulder with his right boot. There is no movement, again nudges Mulrunji's shoulder. When there is no reaction, the officer bends down and appears to be examining the upper part of his body. He looks at Patrick, and then turns to Mulrunji. Some, like John Andersen from the *Townsville Bulletin*, said the officer was Hurley.<sup>73</sup> But in court, sergeant Leafé states he was the one using this 'arousal technique'.

11.04.11: The officer leaves the cell and returns immediately. He squats close to Mulrunji's head, and then leaves hastily.

11.05.51: Leafé and Hurley appear to examine the body; one of them wearing gloves.

11.07: both leave the cell.

11.09: they return with a third officer to remove Patrick Bramwell, the other prisoner, still comatose.<sup>74</sup>

11.12: two paramedics arrive, one after the other, followed by a policeman; they talk to each other but it is inaudible.

11.17: the ambulance officers leave the cell. Three policemen enter. One of them Senior Sergeant Hurley, he leans against the wall and slumps down, slouched for a few

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<sup>72</sup> Video viewed by the author and Heather Bond at the hearing.

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Andersen J., "Silent court sees death", *Townsville Bulletin*, August 4, 2005.

<sup>74</sup> Ibid.

seconds before he gets up again. “Did he feel remorse”? Martin asked at the inquest. “I felt sick in the stomach”, Hurley replied.<sup>75</sup>

11.41: the judge asked the tape be fast forwarded; an officer enters the cell.

11.48: the body appears to be examined by a paramedic in a blue outfit and a second one in a printed black shirt.

Ambulance officer Matthew Boulton stated in court that he arrived at the station around 11.25 (11.12 on the tape) to examine the body. The body was cold and there was no pulse. The pupils were “fixed and dilated”, and there was an abrasion and swelling above the right eye; Mulrunji had been dead for at least twenty minutes. He confirmed that the officers had told him they had not attempted Cardio Pulmonary Resuscitation. In court Hurley admitted that in his whole career of over twenty years, he had only received theoretical and no resuscitation training.

Steadman, the young constable who had arrived on the island the day before the incident, testified at the coronial inquest that when he returned to the station, Hurley, Leafe and Bengaroo were “on edge, agitated”. He had given his lawyer a copy of the notes he had made after the incident. These were photocopied during his interrogation in court and distributed to all legal representatives. Steadman could not remember having given a copy to detective Warren Weber who interviewed him on December 8, 2004. The journalist Tony Koch was surprised that officers Hurley, Leafe and Bengaroo had not been considered suspects in Mulrunji’s death during the investigation.<sup>76</sup> Detective Webber told the court that on his arrival at the island, Hurley came to pick him up, and contrary to legal imperatives in those circumstances, he found it impractical to prevent the three officers Hurley, Leafe and Bengaroo from henceforth communicating with one another. The detective also chose officers they knew, even were friendly with, to investigate them. Kitching had served with Hurley in Doomadgee, and Robinson had spent two years with him in Palm. He had previously investigated Hurley over an incident with Barbara Pilot, a Palm resident who had accused Hurley of driving over her foot and crushing it. In spite of all these conflicts of interest, Detective Webber, who had also worked with Hurley for two years, had dinner at his home together with two other officers on the evening of Mulrunji’s death. This culture of solidarity in the police force shocked quite a few people.

## **The task of mourning**

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<sup>76</sup> *Ibid.*

<sup>76</sup> Koch T., “Officers quizzed mates on jail death”, *The Weekend Australian*, August 6-7, 2005.

The videotape played in court of Mulrunji's last moments had deeply touched the journalists and affected public opinion. All the suspects of riot were hoping that this daily staging in court of the same unbearable occurrence, as seen from the different perspectives of the more or less confused recollections by the witnesses would finally lead to a peaceful resolution of the conflict. According to the experts questioned during the inquest, Mulrunji could not have died of internal hemorrhage caused by a punctured portal vein and his liver cleaved in two, unless he had been punched very hard or the policeman weighing 115 kilos had fallen on him with a highly localized impact, such as a knee; yet Senior Sergeant Hurley denied both hypotheses during the entire inquest.<sup>77</sup>

Less than a year after the tragic events, the island's women's association Kootana decided to organize a ball in honour of the elder women. It was going to take place in the new police sports hall (PCYC), who's opening by the Queensland Premier some months previously had been boycotted by the island's population. The act of appropriating this space was symbolic. The elders considered that given the evolving situation it was acceptable to use the space. The ball was a political issue. Rehearsals lasted several weeks and unfurled despite the nocturnal rage of hordes of alcoholics and the domestic violence that shook the island every night. For the elders the event signaled their desire to live in Australia as full citizens. The Townsville radio launched an appeal to its male residents to participate in the ball. Agnes asked me to film the evening. I arrived the day before, on September 24, 2005 and attended the last rehearsal.

It was unexpected and very moving. The elder women had not only choreographed the dances, but also the entrance of the participants into the gymnasium under two arches made of cardboard for the occasion, one for the women, the other for the men; the bow and curtsy before the mayor and a deputy; and the gentlemen standing and pulling their partners' chairs back to seat them at the dinner table. It had been decided that each man should wear a belt made of fabric and a tie, both matching the colour of his partner's dress. A charming old man had come to see Agnes just before rehearsal, saying he was standing down because he did not have a belt in the right colour. She promised she would find one. Agnes and some of the other grandmothers were well acquainted with this very Australian custom, the "Formal" or Debutant Ball, which celebrates the end of schooling. It is as current today as it was in the days of the missionaries. When Agnes was sixteen and a student at the Palm Catholic high school she had won the prize for being the belle of the ball. Years later Lex and his partner Cecilia, both also aged 16, took the prize. Agnes who was to dance

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<sup>77</sup> Edmestone L., "Officer denies hitting Palm Islander", *The Courier Mail*, August 5, 2005.

with one of her sons, Gerard, was alone for the final rehearsal. A woman accompanied her. This raised a heated discussion, as the protocol of “English” culture does not tolerate a woman taking the place of the gentleman. It could only be hoped that each prince would join his Cinderella or she would be excluded from the ball. And they all came, husbands, brothers, sons, nephews and grandsons; some even had to be “weaned off” alcohol that day, while the women were dying their hair. The steps of the minuet from their teens at the mission came back with amazing graciousness. It was surreal and magnificent to see these aged women in their gleaming long dresses advancing with their dancing partners wearing tuxedos. Young dancers performed traditional Aboriginal dances in tribute to the elder women. An old lady in a sparkling dress took off her shoes to join the dancers from the Torres Strait Islands wearing grass skirts. The chairwoman of the Aboriginal Catholic Church in Townsville, Mary Twaddle, wearing a blue anorak and slippers, got on the dance floor to join a cowboy dance with her arms spread wide like an eagle. Finally, each of the forty elder women was introduced in a power point presentation projected from a computer onto a big screen. They each received a ribbon like Miss France and a certificate as a souvenir. The Palm community considered the ball a victory against the impossible. Photos taken that day were circulating on the island and even in Townsville. Yet the media didn’t report anything, not one journalist came, which shows how much this performance contrasted with the usual expectation people have of Aborigines. And yet its success was such that several Aboriginal communities invited the Palm elders to come and organize a ball for them, and teach them to dance. These “debutantes” of advanced age embodied a generation of women who had known all the struggles and still today supported the “rioters”. Apart from some islanders, teachers, health personnel, nuns, only one non Aboriginal person attended, Michael Reynolds, Minister for Child Safety of Queensland and Regional Labour Party Deputy. In February 2005 he had dissociated himself from his party to support the boycott of the PCYC.<sup>78</sup> Speaking after the Palm Mayor Erykah Kyle, he specifically paid tribute to one elder of the island, Thelma McAvoy, the first Aboriginal member of the Labour Party and longtime activist for her people’s rights.<sup>79</sup> She in turn stood up and gave a long speech which she concluded with the question: “Now this is the hall of the sports center, but what will happen next?”, then turning to the Deputy, she launched:” We will all be thrown off the island!” Michael Reynolds, sitting at the buffet table which faced the entire hall, laughed and turning

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<sup>78</sup>

Koch T., “Beattie facing revolt in Palm Island ALP Branch”, *The Australian*, March 2, 2005; see also Wikipedia.

<sup>79</sup>

Thelma McAvoy biography in Carol Russell (1999)

to the island's doyenne Eva Geia next to him, muttered something. It was only back in France when I was editing the film I could actually hear his answer: "Probably!"<sup>80</sup>

Three months later, when the drought on the island was so severe that people were told to wash in the sea and drink bottled water, federal liberal MP Peter Lindsay announced on television that there was no other solution to the draught, the alcoholism and violence on the island than pure and simple deportation of the three thousand Palm Aborigines to the mainland.<sup>81</sup> Surely, the island could easily be turned into a tourist Eldorado similar to Magnetic island, which is close to Townsville and where barely any Aboriginal people are left. Palm island being the real gateway to the Pacific would also make an ideal site for a military outpost. On October 5, 2005, the Aboriginal paper *Koori Mail* published an appeal by the mayor Erykah Kyle to its readers. She asked they support her demands, by writing to several ministers, whose addresses were listed on the page, for the following measures: a new program of prisoner reinsertion and rehabilitation; introduction of a school program specifically adapted to young people of the island (similar to the one in Brisbane), kidney failure prevention plan for diabetics through implementation of dialysis; and finally she urged the government to hand over the management of the supermarket to the community. On Palm, as in other communities, Aboriginal people intended to take control of their own affairs.

On October 25, 2005, David Bulsey and one other Palm resident, Herbert Tanna were invited to discuss their experiences at a James Cook University seminar entitled "To show the impact the criminal justice system can have on people's life",<sup>82</sup> organized by Joe Conway, president of the newly formed Student Criminology Society. Present were JCU students, some who worked in the prison system, and several Aboriginal people, including Lex. He was on bail, awaiting the date of his trial. Even though a few Aboriginal men and women were teaching or studying on campus, this sort of encounter was exceptional, and several noted that the seminar had a therapeutic effect in alleviating racial tensions. Some non Aboriginal students professed feeling disempowered by the Aboriginal speakers. Strange turnaround of a situation...It is true that there are very few non Aboriginal students enrolled in Indigenous Australian Studies. The Townsville Bulletin ran a full page article on

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<sup>80</sup> McAvoy T. and Reynolds M. in *Palm Island Debutante Ball, Recognizing our elders*. September 24, 2005; (10') film by Barbara Glowczewski, editor Ralf Rigby, 2005.

<sup>81</sup> Gerard I., "Remove Palm Islanders: Lib MP", *The Australian*, January 6, 2006.

<sup>82</sup> Herbert Tanna and Bulsey D. "Family, Future and criminal justice: life on Palm Island. To show the impact the criminal justice system can have on people's life", October 25, 2005 seminar organized by the Criminology Society with the help of the student association at JCU, filmed by Aboriginal film maker Ralf Rigby, who was teaching at the time in the School of Indigenous Studies of JCU.

David Bulsey's contribution at the University.<sup>83</sup> He had pointed out that racial disturbances in the southern towns of Australia (like the Cronulla riots in 2005) can last for days, with confrontations resulting in injuries, which had not been the case on Palm. However while the charge of destruction of state property was made on Palm, it is never brought over the violent riots in the South.<sup>84</sup> The paradox is that in the case of Palm the police called for the intervention of a special task force used in extreme situations like disasters and terrorist attacks. This is how for the first time in Australian history a phantasm of "terrorists" was projected onto Aborigines.

In this context, the charge of riot poses a problem because it rejects the historically much acclaimed notion of civil disobedience, resistance by fighting for social justice. Thus numerous journalists, Aboriginal leaders and academics claim that demonstrations are a civil right.<sup>85</sup>

For Christmas 2005, I was back in Paris, working at the Laboratory of Social Anthropology, and teaching at the School of Social Sciences (EHESS). I regularly received news about Palm from Lise Garond, my student who had decided to focus her doctoral research on Palm Island. She informed me of the Errol Wyles Foundation which a law firm (Levitt Robinson Solicitors) had set up in honour of a young Aborigine killed when he was run over in an act of 'road rage'. For the defence of Lex Wotton the firm decided to embark on a completely new strategy. It entailed conducting an opinion poll amongst four hundred Townsville residents. The polling result indicated a high risk of bias by a jury chosen from that town. The survey indeed proved an overwhelming lack of acquaintance with or positive attitude towards Aboriginal people. The locals were particularly misinformed about the events of Palm island. When questioned "Who was responsible?" some confused Lex Wotton, the "presumed" leader of the riot with Cameron Doomadgee (Mulrunji, the dead in custody), believing he died because he had participated in a "riot!"<sup>86</sup> Persuaded by the study, the Townsville District Court judge accepted the lawyers' request to move Lex's trial from

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<sup>83</sup>

Frazer I., "Crying out for help", *Townsville Bulletin*, October 29, 2005.

<sup>84</sup> Contribution by Andrew Lattas on the Cronulla riots at the session "The Substance of Rioting" during the 2006 seminar of the Australian Anthropological Society at James Cook University. The riots in the South had followed a fight on the beach between members of the local residents and mainly Lebanese migrants who were seen to have sexually accosted young girls during the party like gathering where plenty of alcohol had been consumed.

<sup>85</sup> On that subject see Hollinsworth, 2005 and Selby, 1999.

<sup>86</sup> Report of the survey: "Community Consultation Report – Palm Island riots" July 2006, commissioned by law firm Levitt and Robinson, solicitor of Lex Wotton. See also Meritt C. and Gerard I., "A-G steps in over 'racist' jury fear", *The Australian*, July 2006.

Townsville to Brisbane, the State Capital. Frederic Cassis, a young lawyer of the firm, was in Europe. In June 2006 we met him with friends in Paris to discuss the possibility of a book.<sup>87</sup>

In September 2006 I returned to Australia to attend the annual conference of the Australian Anthropological Society, which took place on the Cairns campus of James Cook University. Lise and I met up at the session: “The Spectacle and Substance of Rioting and other Violence”. She presented a paper and images about an extraordinary event that had taken place three months earlier on Palm Island. The famous American Rock band, Boney M, was touring Australia and decided to give a concert on the island. There, at a lunch hosted by Agnes and other elders, they were told the difficult history of the island through film and song. Sheila Boney, the Jamaican star of the group, was much moved. Palm reminded her of her Caribbean island; she said and asked the group to sing their world famous old vocal piece, *The Rivers of Babylon*, a favorite with the young and old locals of the island:

*By the rivers of Babylon*  
*Where we sat down*  
*And we wrecked*  
*When we remembered Zion*

## CHAPTER 5

### HISTORY IS HAPPENING EVERYDAY

Lex Wotton, October 2006

*This interview with Lex Wotton was conducted by Lise Garond and Barbara Glowczewski, and was partly filmed in Townsville and Palm Island.*

You’ve seen the Palm Island family in the Townsville museum. The resemblance with Tambo is there. Except that Tambo was actually caught fishing in a canoe, so strictly speaking, they

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<sup>87</sup> Amongst them my loyal editor Pierre Brochet, who for the past twenty years had been following the Aboriginal struggles, highlighting their culture; and Sylvie Crossman of éditions Indigène, who together with Jean-Pierre Barou oversaw two big expositions on Aboriginal art. (Crossman & Barou, eds., 1990 and 1997).

didn't kidnap him from the island. My law brother told me there were four tribes on the island, not just one single family. Many years ago when I was camping with Dad he told me: "in this specific area where there is a quarry now, there was once a tribe." The other thing that made me believe there was a tribe there? We used to have a grassed airstrip, and when they sealed it with the gravel from the quarry, one old bloke, a ranger, actually found a stone axe on the airstrip. There were middens and shells in the area. That really confirms what Dad had told me. Only three were taken by the Barnum circus from Palm, the others were from the coast.

Together with Mum and the other people, we organized a good welcome back to the community for the remains of Tambo, returned from the United States in February 1996. We formed a kind of security cordon. Some picked up the coffin with the remains from the boat at the jetty, other blokes followed the remains. Something strange happened. When the pall bearers carried the coffin up, not far from the burial site on top of the hill, there was this mango tree with a big branch, and as soon as they pulled up, this branch broke off. Yet there was no wind, not a blow, nothing. It was as if the dead said: "I am here now"! We were probably a couple of hundred men who witnessed it and we couldn't believe what we saw! After the burial we went down to the big community hall to celebrate the wake. As we got there it started to rain, it poured down for about half an hour or an hour, really heavy. I had to go get some milk from the local store, and the water on the road had risen past my ankles. And then it just stopped, it was like a good day, like a blessing. The ceremony on the hill was just for men, Palm Island men. A few were not from Palm, but all were men. There was to be no cameras. A friend who did weights with me that afternoon went there and took some photos, and that evening, his own brother committed suicide, shot himself. Whether it was because of my friend doing the wrong thing, I don't know. It was strictly no cameras, no women. Other people came, but only as far as the bottom of the hill.

I set up the men's group way back around 1997 to help men with their problems, social, domestic problems, and employment. At the time my younger brother was suicidal, he wanted to end his life by hanging, and I felt there was a need to try and do something, not only to help him but to help the community. I've spoken to men my age and younger, and they still think the group can move things forward. Even older men want to get involved in school matters, they want to talk about the past history, and I am hoping to do the same through the rehabilitation program. Really, this community needs to get together; there needs to be reconciliation between organizations, between individuals, within the whole community. And for that to take place, I think council, individuals or an organization could mediate.

I actually spoke yesterday to Kevin, who runs the plane into town, about men's groups going back to traditional culture, the Law, about giving the young men the experience, so that they get a sense of belonging. I know a place on the island where we could do it. But I don't know if there is any support for it. We Aborigines talk a lot about our Law; we use culture as an excuse. Here is an opportunity not to use it as an excuse, an opportunity to prove that we are serious about our culture. I don't like people using our culture as an excuse for their wrongs or for their rights, and that's why I try to avoid saying "Oh, in our culture we do this and that and that's the reason for..." Some three months ago at our last men's group meeting, I asked the group, there must have been 30 – 40 men, to put up their hand if they had actually been initiated, gone through ceremonies. Only two hands went up and I asked them: "What stage did you reach?" They couldn't give me an answer, they really hadn't been initiated.

Each region practices initiation differently but it all means the same thing. As far as I understand everything leads to what is called the *Dreaming*. Personally I was told I didn't need to go through it, because it's all here inside me, but I want to go through it, have the experience. Along the coast, it's all what you call "dormant", it's not being practiced, because of colonization and all the rest; they brought the Aboriginal people into the missions and told them not to, so all got lost. I think there is a place where they actually have one big ceremony for the whole of Australia. It's in the Northern Territory, not far from Katherine. It is an actual site, a sacred place for men. All I have to do is to make a phone call and they'll know. Actually over the years I've had signs. You know Noris, Noris Daphney, one of the Elders? Well he told me he spoke to some of the Elders who run the ceremonies out there in the Northern Territory and they said: "we're waiting for this boy to come!" And I said: "Well, I want to go." All I have to do is to make these phone calls; they'll get ready and wait for me. The lore brother who actually holds the Law followed the *Dreaming* track from North to South, and came from West right across to the East until he reached Palm Island; the *Dreaming* track actually ends at Palm. And when he came to Palm, late at night, he visited my friend Neil McLeod, a clinical nurse, who was treating my brother and assisted me to set up the men's group. I had told him how I had a vision of these sites on the island; the "High Power" showed me all these sacred sites. I had told this friend of mine about my spiritual experience. So when this bloke came across from Arnhem Land to Palm, following the *Dreaming* track, he said to my friend: "This is the actual *Dreaming*, but a new Dreaming will take off from here again, and I came here for something; I saw the Rainbow Serpent head here on the island, but there's someone I've got to see." And this friend, the nurse said: "I want you to meet someone, he's also seen these sites on the island", and he brought him to

my place at 11:30 pm. We sat down, it was dark on the veranda and he said:” You’re the fella I was looking for.” This lore brother is Terry Yambulu, he is in his fifties, he looks after 36 clans, and he does the Law, understands the lore and he actually explained it to me. During the initiation he stays in a certain place, as if invisible. When it is your turn, it’s as if they put you underground, with the men’s sacred objects, then you come out and go through these experiences and then they take you to him; he is the intermediary between you and God. God manifests himself through him, seeks you out, and speaks to you. That’s what it’s about. I call it God because that is how he is conceptualized in today’s world. But each tribe calls it by a different name, including the Rainbow Serpent; yes that is how he explained it to me. He also said to me:” You don’t need to go through all this, it’s all here, and your eyes are open.” Saying that he pointed to his heart.

### **The vision**

All religions refer back to previous ones. All of God’s teachings are the same. It’s like education, I suppose, you learn one thing and you expand it. Mum was always talking to people and I was listening. There are hardly any Aborigines of the Baha’i faith, to which I belong; there are some in Victoria and in the Northern Territory. I don’t know exactly how many, but Baha’u’llah watches, he is recognized as God’s messenger for today. One says Baha’u’llah instead of Jesus Christ or Muhammad. I think he watches over me, I believe he knows what I want. He knows I want peace; I want to achieve things, so he helps me along the way.

I had this dream; spears were flying in my direction; I was scared and started running away. I turned around and I could see these Aboriginal kids dressed in *lap-lap* loincloths, painted and dancing. I watched their movements; they were one behind the other and they undulated like a serpent. Suddenly they started floating, and as they floated up, they changed into this beautiful snake, this rainbow coloured snake, and I watched its eye! As I watched them floating up I could see mango trees in the background. It was the same place I saw the day we buried the remains of Tambo. During the burial, when I looked around, I thought:” This is the place where I saw these kids dancing in this dream!” and when the branch broke off, I looked around, this was the place!” I couldn’t believe my eyes.

I had another dream before, in which I heard ceremonial Aboriginal music with clap sticks, a didgeridoo, the bullroarer<sup>88</sup>, and singing. I felt like being sucked under water, and I sank to the bottom of the sea, ending up in this cave, where I could hear this Aboriginal

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<sup>88</sup> a very secret sacred slate which makes a pulsating sound – the voice of the ancestors

language, which I didn't know or understand. But then I understood what he was saying; he was telling me the history of mankind that the first human beings existed in this country. He showed me the cave paintings on the walls; how they moved away, left this land in canoes and that is how the world came to be populated. One day they will discover that human life started here in Australia. Why did they leave this country? Because someone had broken the Aboriginal Lore. The Lore God had given them.

In the Northern Territory they call the *Dreaming Tjukurrpa*,<sup>89</sup> the two snakes coming together. They are the two Rainbow Serpents. When they are together, the old Rainbow Serpent and the new one, that's when peace comes. The new one is the old world which returns to meet the new world; it's what Mum explained to me with that picture she had drawn. What she painted is actually a prophecy. So 2044, Mum said is when the Law will come. She came to that number through her studies of the faith, and that always stuck in my mind, so I too studied everything that has to do with the faith on my own.

When my mother showed the Lore brother, who came to see me that night, her painting he said: "What you have here is the truth, this will all happen." That's all he said without her explaining anything. He knew because, as I said, our Lore was the first Lore and the new Lore today is the Baha'i teaching, and when these two Lore's meet, it's like the two serpents accepting each other.

Even though I was baptized, I didn't believe there was a God. Because of the way things are around us; our whole life style, the suffering and everything else, but sometimes things would happen to me; I'd finish work, go to the local canteen after payday, sit down with a six pack of beer, watch the sunset, see the beauty and say to myself: something must have created all this! That's what I was thinking and simultaneously denying the existence of this thing. Who or what is God, we don't know. What we see is how God manifests himself. That's where God is, within us and all around.

## Memories

My memories go back to the age of three. I remember we lived in Palm Valley. We were a family of ten; five brothers and four sisters, actually five sisters, but one was deceased at the time. Now there are eight of us, two have died; the oldest and the youngest brother. We grew up. I remember lots of things. We loved playing around in the creek, we'd make stick horses and run around in the hills. We'd chase some real cattle, and round them up. We'd go down to the old uncles, telling them we got some cattle up there. They'd go up

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<sup>89</sup>

Tjukurrpa is the spelling used in Pintupi language and Jukurrpa in Warlpiri bilingual schools: also Djugurrba in some older literature.

and knock the cattle over and share it with the others in the area. There must have been five or six houses in that area and also a few families who lived just down the road. During the rainy season the creek would overflow, and there'd be shrimps, yabbies and crayfish. We'd go to the creek for the crayfish. There were also possums and many fruit trees. There were scrub hens, and we'd go out to their nests collecting their eggs, which we cooked. They built nests as large as this room! It was like living off the land. That was during the week-ends. And everyday, every morning we'd get up before dawn, go to catch possums, or trap the shrimps and freshwater eels. We played slippery slide with the long grass, took some boards up the hills and slid down. We'd go down to the community, collect some old corrugated metal sheets to make these canoes, and play down there all day. We'd sink them in the deep water, and then we'd go back the next day and pick them up if we needed them.

Mum had already three other children when she met my biological father. My stepfather told me that when I was born my father asked him to give me the name Wotton and to look after me, which he did. My father was always on the move, but he would come back to visit. One day he picked me up and took me to Brisbane for an Exhibition. He was a gambler. I remember one time; he came late one night and knocked on the door. Mum and Dad opened the door, he fell down on the floor; he was so drunk. He said to Mum and Dad: "Look inside the pocket!" They pulled out all this money he had won gambling. He said: "this is for the family". I remember him doing this quite often. I remember he lived in the house with us. I don't know whether it was love, but there was respect, I think. He was more like another family member. Mum was busy, always cooking, and my Dad, my stepfather was busy too. My biological father had heart attacks, and ended up in hospital. He wouldn't eat the hospital food, and I'd always take food down to the hospital and spend a couple of hours there with him. We had a good relationship, I used to watch him, sit beside him and mimic him. He was strict; I remember getting a few floggings. But I think, in his heart, he didn't really want to do that, it was just because he wanted something for me, he wanted me to become someone. I remember him taking me away from Palm and saying: "I want him to get a better education", and I think he saw what was happening in the community, he could see the changes. When he took me to Townsville I cried all night, and he brought me back to Palm. He was upset and said to me: "It's the last time you see me", and sure enough, he went away and he died. He's buried in Brisbane. I hope I can visit his grave when I am there for the trial.

We belonged to the Catholic church, going to church on Sundays. I was wondering who is God, wondering at one stage why people were going into this little room. So I decided to go in one day, and I could hear this voice, wondering where it came from and then later on

I'd look out and saw a priest come out behind this other room, and that got me thinking; why should I confess my sins to another human being? When you follow the teachings of God, you confess your sins to God and not to man. I remember Mum telling us about stories in the Bible, and then in school listening to Bible stories. One of my favorite stories was Samson, because I saw a movie as a kid. We had a Bible in the backyard shed, and I used to go there anytime in the afternoon and on weekends to look at the pictures in this Bible; there was a picture of Samson with his long hair. I still remember the page today; it was 202 in that Bible.

In Palm Valley we weren't exposed to too much alcohol or to what was going on in the community. Around my teens, we'd go camping and one day, after camping, a friend said to me:

"Lex!" - What? I said -Come down the road!"

They had an eye on this girl, and I just went along to see what they were up to. This girl said:" I want to see that bloke named Lex." I thought: "Oh no!" I wasn't really interested in that type of thing; I was about 15 years old, born in 1967. So, even when I developed a small relationship with Cecilia, it wasn't sexual; it was more of a friendship. We had a relationship for three and a half years, until I was 19. I went to jail for assaulting her, because I was jealous and drinking. I wrote to her that I wanted to end the relationship. So it ended while I was in jail, I spent three months there. It kind of hurts because when I was in jail, she didn't say anything; that she was pregnant and lost a child. I was all cut up about that, so we went our separate way. Nine years later, after I gave up drugs and alcohol, I was out camping at the bay and she came round one night, and we talked and so I took a chance and we've been together since; 11 years now! She could not have any children after that baby she lost, but she always took care of my children; they call her Mum.

I ended up with 4 children; my first son was from a relationship, it wasn't really one, it was a one-night stand, I just wanted to show Cecilia that I could have another girl. The girl wanted more than that, but I didn't. Actually I didn't know she was pregnant until she was seven months pregnant. My brother said to me:" She is pregnant, mate!" She had the baby and came to Palm. I was already in another relationship with the mother of my other children, and I just couldn't, I was caught up. So she took the boy away, and I've never had access to Lex junior until he was about 14. He keeps in touch; he came to the bail hearing. And then I ended up having children from this other girl. She was young, she was into drinking, and I said to her:" You either give that up or I'm walking!" She didn't want to give up drinking, so we split and I took the children: Billo, Albert and Taylor. And the girl, she's now with my auntie, she's been there since she was 11 months old. I've had some contact with her, but we don't have a real relationship. I just hope one day she will come, sit down with me. I have

raised three other kids: Nazine, Schanara who is in high school, finishing year twelve in seven or eight weeks' time, and her brother Robert. They're actually Cecilia's grandchildren, her niece's and nephew's children. Nazine is David Bulsey's granddaughter, but in Aboriginal custom, Cecilia is like the grandmother. Cecilia and David have the same mother, but different fathers. Before they got together, Cecilia's mother had 5 sons and her father had 4 children. I think David's father and the wife of Cecilia's father died at the same time. Then when Cecilia's parents got married they had 7 children together. So that's 16 all up! We have lots of photographs on the living room walls. Some of the Sibley family, of Cecilia's mother sitting next to Cathy Freeman; Cathy's grandfather and Cecilia's father are brothers. Their sister Cecilia, the eldest will be 93 years old this month!

My step-dad was always working. He was the baker; he would leave at 3 o'clock in the morning and come home at 5. And on weekends he would work in the garden and on extensions of the house. It was a two-bedroom house, he actually built another two bedrooms; both dads were working on it! So when my biological father died, my oldest brother turned to alcohol, because he started mixing with the community, and I think he was an alcoholic at the age of 14. We watched him coming home drunk. My stepfather who was not a violent man, tried to get him back on the right track, but didn't really succeed. It wasn't until the early 1980's, 83 or 84, that some of the brothers, like my older brother Gerald, got into strife, into drinking, like all the other fourteen, fifteen year old kids, and then my sister and then eventually myself. I think I was in grade 10 when I started drinking. I would drink at night; go to school the next day!

And when I was a bit older it all started. I went to prison the second time for assault. I thought this is not the life I want." Do I want my children to be like this?" So I decided to slow down and take another direction. That road was hard too. When I came out of prison, I inquired about work. And one day Dad came home and said the only available job was for an apprentice plumber:" That's all they've got, if you want it, you can have it." So I accepted and did the apprenticeship and I was only a year and a bit away from being qualified when I had a problem with my shoulders. I had an operation and it took a long time to heal, and because of the pain I started taking strong medicine.

It was my fault; I was stupid; I got into a fight when I was drunk, drunk and stubborn. I was head butted in the shoulder and dislocated it. I had an operation to shorten the muscles, and it wasn't successful. Then I had another operation, they put screws in. When the shoulder got infected they had to remove the screws, and as I said, I started taking drugs and alcohol. Then I stopped, no more alcohol, no more drugs. I turned to the faith; started working again, got a lot of contract work.

I think what made me change was becoming aware of God. I wasn't a believer, but in hospital there were Bibles in the drawers. I read them. I read the five books of the Bible, from Genesis all the way through. I read the four gospels and the Revelation once.

## **Hopes**

The Community Development Employment Projects (CDEP) program first started in the 1980's. In 1996 the Palm Council announced that if people did not attend meetings they would get struck off the payroll and not get paid. There were about 900 people on the program. Council was receiving all these funds and spending the money on buildings and various other things. The government's idea was to help Aborigines to become independent, but in reality they (the Council) made nothing of it. I watched their dealings while working as a plumber. Finally I got upset and said to the members of the Council; you are forcing people to accept what you want. I said to the people; if I were you I would tell them to get lost, start your own organization, which they did. They asked me to join their organization, but I told them I was working for Council. So they set up an interim committee with Mum and my younger brother Stanton. They elected nine members, including several dishonest persons who sat on the boards of other organizations, like the centre for rehabilitation. They held meetings in their homes and didn't invite my mother or my brother Stanton. They ultimately got the whole thing set up and incorporated. ATSIC received their statute and approved the members. Nepotism prevailed; it still does today, and the program isn't working. If I had joined, it wouldn't have happened. This was my first political experience in 1995/1996. People who had heard me speaking must have thought I was a strong leader, because the next year they elected me to Council.

In between councils and working as a plumber I've been trying to improve the lot of the community in my own way. Terry Hill, who worked with the department, and I set up a little youth program to manufacture some Aboriginal handicrafts like bracelets. I also tried to trade a bit in foodstuffs and video rental. Then I decided to quit the island and work on the mainland. I spent six months in Townsville. Something was driving me back to Palms, and that's when the November 2004 incidents happened and they put me under house arrest in town. When my bail conditions changed, I was able to return to Palm three or four times, but continued to live in Townsville for Nazine's sake, my adopted daughter; she has a hearing problem and was getting help in her schooling.

As a kid I always wondered what it would be like to live in a peaceful world, a world without hate, violence and discrimination. But at that age I couldn't understand what it's like until I was exposed to it. The government controls people, it controls their destiny, their lives,

even their income and property, in short everything. That's how men treat each other. Three days after my arrest for the incidents on the 26th of November 2004, they sent me to Lotus Glenn, a prison in the north of the country. I attended a church service and read this prayer titled: "Give the man a cup of water". The prayer said that when you do this, people benefit from your actions and deeds. It got to me and I kept reading: "You are meant to be where you are"; which gave me hope and more insight. In prison, I once asked this older guy who too came from Palm: "You know Earl; I wonder what our real purpose in life is. Maybe it would have been better not to be born." He said: "Yes, it's weird...I don't know...We don't know!" We kept talking and after a while this bloke came with the books' trolley. I had a look and couldn't find anything interesting. But something made me think: "Have another look!" So I saw this book *The Dragon doesn't live here anymore*. Only now about two weeks ago I ordered it, it's at home; this book by Alan Cohen, it talks about the purpose, the meaning of life. It literally got right into me. It gives you hope.

Small things happened to me spiritually. Today, I feel good, fresh, new, and alive. A lot of things happened, good and bad ones, I suppose. Looking back, things have progressed well; we got the case moved from Townsville to Brisbane, and we had a bit of media stirring the community about racism when a survey was conducted on my behalf to see if I could get a fair trial in Townsville. The previous judge stated that he would instruct the jury to concentrate on the evidence put forward by the prosecution. When the survey was conducted to determine if the trial should be moved somewhere else, one of the 16 questions was what the people in Townsville think of the people in Palm Island, what was the cause of the Palm Island riots, and given the facts brought by the prosecution would the jury give me a fair trial. I think about 56% of the respondents said no; I would not get a fair trial. I believe that was the main cause of concern for the judge. Especially because the Police Union Representative, I think the same one who was going on about the inquest findings, said on the day of my release from bail, a week after the so-called riots and this has been recorded on video, that he "perceived me to be some type of mass murderer"! He said the safety of Queenslanders is at stake now. So, on that evidence the judge decided that the case would be moved. I actually have a copy of that survey and people were confused, they thought Cameron was the cause of the Palm Island riot, and that's why he died.

People in Townsville often stare at me, and when I was working in Townsville they asked me lots of questions. Not in a nasty way, they just wanted to know certain things about the case. I met a lot of people and really never had a bad experience.

Two months ago I had this dream that I was in Palms. I am talking to people on the field near the PCYC sports centre and I see the land changing, I know there is a tsunami

coming and I am trying to tell the people:” Move, run, there is a tsunami coming!” I start running and shouting at the top of my voice, but no one could hear me. I run and run, but it’s getting harder to run, and I start looking backwards, trying to warn them at the same time as I’m running, so I have to turn my whole body and run backwards, and now I can move. Later I find myself thinking about it again, and the fact that I am back home must be connected to this dream.

Sometimes when I sleep, something moves, like in a dream, something moves inside my body, it is my spirit; it’s my spirit that moves. It’s actually as if I am awake or waking up from this dream, I am laying there with my eyes closed and can feel the spirit moving like I said, yeah, then I let go. Still the other night, it happened again, but this time I reacted, I prayed; there were people around watching me, fascinated, others were jeering me, but they were happy. And at the same time they made me happy too.

My heart is with Palm. The community needs to look for outside investors. We also need, as I discussed this morning with my legal counsel Stewart Levitt, to look at land arrangements with the traditional owners. And we should file a claim to stop government interfering in arrangements between the historical and traditional owners.

I’d like to find out more about my biological father’s background, that’s the most important thing, to know I have family out there and become part of it. I think one nephew of my biological father is a country western singer; his name is Glenn Skuthorpe, same as my father’s. They told me that’s German; somewhere along the line there were German immigrants. But they are all Kalkadoon from the Mount Isa region. I’m hoping to make contact with them one day.

All I want is to find out about the connection. That’s the main thing. I’d love to go, try to make some links, find out... People know I am a descendant because of all that media hype, but they don’t know my history, and it’d be good to go and get that sorted out and know who my family is. I’d like to travel, see, feel, and understand... because that can only strengthen me in the long run. I’m just sort of glad that things are the way they are at the moment.

I did believe and I still do that the trial will end well. Like Mum said last week. “If all that’s happened comes from God, then who are we to question it? It is God’s will, Lex, just go along with it.” I’ve always been negative about the outcome of the inquest, but the night before the release of the findings of the inquiry into the death in custody I thought:” Everything is gonna be ok, don’t worry.” When they found Hurley was responsible, I rushed back here and told Cecilia. Mum was unclear about the finding of the coronial inquest, and

when Cecilia told her she had tears of joy, and Cecilia was so happy too and the whole community felt relieved. Yeah, that was good...

And this court case, I always had this feeling I was gonna face a big court case. I did not know what for. But looking back now; I know it's about equality, it's about everything, and it's about how I said I wanted certain things to happen, one of the main thing was I wanted to help my people. The day things erupted, that's when we wanted to be heard; wanted things to happen the right way. Now, almost two years later, we got a good outcome, with the Cameron thing, so far things are looking good. Yeah, it's amazing, one day, I suppose, this book will bring me better things. I actually believe, like I said, that one day I will be free, free from all the courts.

I knew the Doomadgee family before all this started. One of Cameron Doomadgee's (Mulrunji) sisters, Claudelle, has been with us for ten years, not actually living with us, she comes and goes. After the coroner's finding we were at the jetty, I had my arm around Valmay Doomadgee; it took me back when we were swimming at the jetty as kids. And I was afraid of swimming in the water, even though we lived by the creek. Once I decided to go to the jetty; I never ever swam in the water before. So I went off to the jetty, the tide was high and I made it. And everyday I went back, for weeks! We were kids... and we were playing around and trying to get some mud at the bottom of the jetty; years ago the sea used to be really deep at the jetty, eight metres deep. I was talking with Valmay; I thought she was a boy! I had seen her brother Cameron a few days earlier; they looked like twins, only I didn't know there were two of them! I went down to the water and I saw her, she was swimming with her pants on; 'It's a bloody girl!' It was weird. A week later I saw Cameron and thought: 'She put shorts on!' But it was the brother, Cameron! And I grew up, and later on I saw the two together. That's when I first met the Doomadgees. Over the years, I've seen Cameron and David. At the first elections I ran for Council, Cameron came up to me during the campaign at the school gate ...he was full of alcohol. He came up to me and said: "Lex, brother, you are a good man, I'm gonna vote for you"...then, looking at all the other people around, "I'm gonna vote for you!" I remember that at the next elections, he did the same thing.

When I was allowed to return, the first thing I did was to go to his grave site. I broke down and said that I could not believe how Mulrunji's death played a big role in where I am now. Besides, whether you believe it came from the 'higher power', or because I had that feeling about being in court one day, I did not plan it!

Since the alcohol management plan, and all the changes that have taken place, maybe you could say that the so-called riot, our resistance for justice, has made the

government stand up and look at things. There were 19 policemen on Palm after Mulrunji's death in custody, but only 7 before. The community members were actually asking for a 24 hour police service. It was estimated at the time that if the community wanted a 24 hour police service, 17 officers would be needed at the island station. If you'd call at night because of domestic violence or whatever, police would ignore it anyway. The call gets directed to Townsville, and one of the things that's being asked, and still is today:" Is it life threatening?" I don't think this is right.

The Townsville Aboriginal Cultural Centre is a good step towards acknowledging the community here and in the Townsville district; it's a way to educate the wider public, not only non-indigenous but also indigenous people; on Palm too. When I was a member of the Council, Telstra was handing out money to communities; it was called "Networking the Nation". I got a son's friend to do an application and we received a grant of A\$ 150,000. I wanted to develop a webpage for the community, with all the historical material on Palm Island for any one who wanted to know the history of Palm; someone would update the webpage yearly. History is always being made on Palm, which is part of history.

Down the track I'd like that we, the Palm Island community together with someone knowledgeable set up a museum. We could take tourists from the Townsville Cultural Centre to Palm where there would be more historical material. We would upgrade all the computer systems in the council and set up a small cultural centre, so that people coming to the community can have access to local knowledge. And, who knows, maybe we could get more funding to develop a proper centre. But it should be well documented, with historical material, traumatic or not. But when it comes to what's told to the younger ones, I suppose one has to prepare them for it, because they need to know, learn from it, understand what they put their families through, all that tragedy with drugs, alcohol.

People have seen there is a way of going forward. Physically the community is pretty clean. Politically they need to get involved in a lot of things. Though at a meeting two weeks ago, it was good to see all the community people involved. It was in September 2006, two days before the release of the inquest finding. There was an actual meeting held on the island, which the council had initiated, it was, I suppose, to explain the process of inquiry. A lady came from the government department to explain the process of an inquiry and hand out some pamphlets prepared by the State government. When I read these before the meeting I got upset and questioned this lady. I said:" It's very bad what you people are doing to the community. If we had had this information right after the death in custody, we would have known what to expect. I and other people were asking why bring us this information only two days before the actual findings of the inquiry?" The community was pretty upset and

angry. I suppose no one could have foreseen what was going to happen weeks after the riot or just before the inquest, the first inquest, but if people had known what to expect, how the inquest was going to take place, maybe they wouldn't have felt the way they did, and maybe young Eric (Mulrunji's son), if he had understood, maybe he wouldn't have taken his own life!

Cecilia was in town last week and every taxi she jumped in; there was talk about the findings of the inquest and about the riot and the unfairness towards the rioters. As you can see from today's papers, and I think yesterday's reports, there is a lot of sympathy. Ordinary people watching riots on television automatically think of the clash between the police and the demonstrators. Like in South Africa, when there was Apartheid.

Well on Palm on the 26th of November 2004, it was resistance, and not a riot.

## **CHAPTER 6**

### **THE DANCE OF JUDGES AND POLITICIANS**

#### **2006-2007**

The Palm community has come together for another funeral in the cemetery at the bottom of a shimmering tropical forest hill overlooking the bay. Bouquets of plastic flowers surrounded by seashells and bottle-necks pushed into the ground, alternate with some tombstones. The age of the deceased on the nameplates and the wooden crosses, are a reminder that here, like everywhere on the continent, too many Aborigines die in conditions unfit for a developed country. "We have lost a lot of young people (to suicide), and that's the despair they live in. It's all part and parcel (of that despair)", the mayor of the island Erykah Kyle said on July 31, 2006, when she heard that Eric Doomadgee had hanged himself.<sup>90</sup>

He was a young boxer, and fifteen years old when his father Mulrunji tragically died. Coroner Christine Clements finally handed down her report on September 27; she found there was sufficient evidence to recommend Sen.-Sgt. Hurley be charged with homicide, and emphasized that the victim should never have been incarcerated. Palm, as other Aboriginal communities, was overjoyed. Many Australians, including anthropologists, only now dared to voice their opinions on the case, as if the fact that the Australian law supported the Aboriginal demand for justice had liberated feelings, repressed until now.

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<sup>90</sup> "Mulrunji's son found dead ahead of Palm Is hearings." ABC Online. July 31, 2006; "Palm Island death 'a product of despair' ", *Sydney Morning Herald*. August 1, 2006; "Death expected to delay Mulrunji inquest ". ABC Online. August 1, 2006. The mayor Erykah Kyle resigned on November 2, 2006.

On September 30, 2006, two years after Mulrunji's death, a wonderful photo of an emotional and pensive Lex hugging his mother made headlines in the *Townsville Bulletin* Weekend Extra.<sup>91</sup> According to the journalist, trust between the Palm residents and the police had been restored over the past months, yet was coming under renewed threat by the police union's opposition to coroner Clements findings. The article recalled how the Aboriginal witness Roy Bramwell, who had sat in a chair in the police station waiting to be interrogated, had confirmed that he saw Sen.-Sgt. Hurley stand over Mulrunji and punch him three times, repeating: "You want more, Mister Doomadgee? You want more?" The third time Mulrunji had made a grunting noise and then went quiet.

And meanwhile at the inquest, Lloyd Bengaroo, the Aboriginal liaison officer, who had previously stated that he had not followed Hurley into the station, too afraid to get himself into trouble if he saw something while Mulrunji was being detained, changed his deposition. He now claimed that he had entered the station, but did not see any rough handling by the two officers dragging Mulrunji by his arms into the cell. Asked by barrister Callaghan why he had stated that: "the police should not have done what they did", Bengaroo replied: "Police shouldn't be doing what they were doing; they shouldn't be dragging a person." "How could you get into trouble for seeing that?" Callaghan asked, to which Bengaroo replied "Don't Know".

Bengaroo further testified that if he did fail in his duty as liaison officer by withholding the news of Mulrunji's death from his partner Tracy, it was because Sen.-Sgt. Hurley had asked him not to disclose the information immediately.<sup>92</sup>

In addition, Hurley had sent away one of the victim's sisters, who came to ask after him two hours after the arrest.<sup>93</sup> Concerning Bengaroo, one member of the Townsville Justice Group, Renarta Prior, said to journalist Andersen that Aboriginal spirituality moved in strange ways: "What goes around, comes around...He will have to live with himself."<sup>94</sup> Live with his conscience and guilt.

"A witch-hunt" is how the police union president Gary Wilkinson defined the findings of the inquiry into the death in custody, publicly attacking coroner Clements.<sup>95</sup> The Coroner concluded in her report that in light of all the failures in the Mulrunji case, it was necessary to urgently apply a series of recommendations to improve the operation of the justice system

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<sup>87</sup> Andersen J., "A fragile Trust", *Townsville Bulletin* (weekend extra), 30 September 2006.

<sup>92</sup> Koch Tony, "Wife views film of island death", *The Australian*, 4 August 2005.

<sup>93</sup> Hooper C. "The island of lost souls", *The Observer*, 2006.

<sup>94</sup> Andersen J., *ibidem*.

<sup>95</sup> He was later found guilty of defamation: Cossima Marriner, June 21, 2007, *The Age* "Family in shock after Palm Island verdict".

and the police service, and above all insure higher efficiency and more transparency. Michael Reynolds<sup>96</sup> defended judge Clements in a long letter to the *Courier Mail*. He was “horrified that many of the recommendations of the royal commission which have been agreed to by the Queensland government have not been enforced by the QPS.”<sup>97</sup> On October 9, 2006, the national daily paper *The Australian* announced Sen.-Sgt. Hurley had been stood down on full pay. The same article concluded with the mention of Lex Wotton being the co-author of the book *Warriors for Peace*, written by a French anthropologist about the case. The article quoted me saying: “Europeans were aware of life in Aboriginal communities because of indigenous art’s “popularity.”<sup>98</sup> This was again proof of how unreliable press reports are; I had received a list of quotes which the journalist had selected, but none was published in the article. For instance, during the telephone interview with one of the authors Ian Gerard, as I was getting ready to fly out to France, I underlined the incredible capacity Aborigines have to fight despite the serious problems they face and their success (proportionately far higher than any other people) in the arts as much as in political and social activism.

### **Cultural misunderstandings and social action.**

In Western culture, an artist’s drinking or drug taking raises no concern about his talent, on the contrary; it is often part of the “myth” and even genius of some. However, while Aboriginal art often achieves top sales in auction rooms, its creators are frequently perceived as noble or naïve remnants of an almost sacred yet lost past, rather than as ‘accursed’ and ‘brilliant’ contemporaries. Aboriginal visitors overseas are always highly surprised to be so idealized, even worshipped for their art and culture. On many occasions, I have observed how pleased the artists are with this unexpected change from the usual lack of respect, even rejection they suffer at home.

My first book *Les Rêveurs du désert* was about the life I shared with the Warlpiri women from Lajamanu, near the Tanami desert in Central Australia. At the time of its release in 1989 it received laudatory cover in the press, and letters from many French readers. But when I suggested its translation to an Australian publisher, he told me the book was designed for the European public. The idea that there could be different ways of writing

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<sup>96</sup> Labour member of the Queensland Legislative Assembly from 1998 to 2009, representing the district of Townsville. He served as Speaker of the Queensland Legislative Assembly from 2006 to 2009.

Reynolds was first elected to parliament at the 1998 state election. Before being elected as Speaker by the 52nd Parliament in 2006, he was the inaugural Minister for Child Safety from 2004 to 2006 with Ministerial responsibilities for adoptions, child protection services, foster/kinship carers etc.

<sup>97</sup> “A matter of Justice. It seems double standards still apply in this state, writes Michael Reynolds”, *The Courier Mail*, October 6, 2006.

<sup>98</sup> McKenna M. and Gerard I., “Doomadgee officers escape bans”, *The Australian*, October 9, 2006.

about Aboriginal people depending on the target country is intriguing. In Australia, Indigenous suffering, hopes and knowledge are very difficult to convey to the wider audience. Non Aboriginal novelists frequently have trouble portraying characters and Aboriginal contexts in a credible way.<sup>99</sup> Nonetheless, there are excellent works by Australian anthropologists. There are remarkable journalists who bear witness to the Aboriginal condition, but it is as if the reality of these neighbors, citizens of the same country, can't reach the Australian population. Fortunately, very talented Aboriginal writers have started to emerge and are being translated in Europe. The novelist Alexis Wright describes the daily violence in small rural communities and characters who are firmly attached to the oral tradition of the land; Eric Willmot and Sam Watson have written enlightening political science fiction novels<sup>100</sup>; works by theatre writers are regularly staged and the subject of Aboriginal films. These films, which often are as innovative in content as in form, have won prizes in the international circuit for the last fifteen years.<sup>101</sup>

The departments of Aboriginal Studies created by Indigenous academics and knowledgeable experts in health, social justice and media are often at odds with departments of anthropology. Some teach in the tradition of American cultural studies; others are beginning to draw on the literary and political critique practiced in courses involving "postcolonial" and "subaltern studies"<sup>102</sup>.

There the debate is specifically about who can and who cannot speak about Aborigines; some, whether Indigenous or not, believe that only Aborigines can write about their people. This tendency is even more pronounced in certain departments of Maori Studies in New Zealand, where only Maori teaching staff and students are accepted. Others, whether Aboriginal or not, criticize the position of exclusion and advocate the complementary nature of points of view and a partnership of Aboriginal and non Aboriginal authors where appropriate. That is what we chose to do in this book. Some colleagues refuse to co-publish with others, saying they prefer to remain free and detached from their subject. For them this

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<sup>99</sup> Nicolas Rothwell, "The Language of Nature and the Language of Man", Conference at Perc Art Gallery, Townsville, July 31, 2007

<sup>100</sup> For example *Kadaitja Sung* (1990) by Sam Watson and *Beyond the Line* (1990) by E. Willmot; On the subject of Aboriginal authors see the remarkable research by Estelle Castro 2007.

<sup>101</sup> For example the feature film *Samson and Delilah* by Aboriginal film maker Warwick Thornton received the Camera D'Or award in Cannes 2009..

<sup>102</sup> Postcolonial and subaltern studies originated with a group of Southern writers (Indian historian Ranajit Guha and literary critic and theorist Gayatri Chakravorty Spivak, Bengali historian Dipesh Chakrabart or Palestinian cultural critic Edward Said) and are very popular trends in the US and England. "Subaltern" refers to studying the situation of people with no power in usual State politics (disempowered persons or groups, whether because of race, class, gender, sexual orientation, ethnicity, or religion). The multiple publications of these studies (books, journals, newspapers) are uneven but many have become a weapon for social critique, which has changed the paradigm of social sciences. The debate among some is under which conditions victims can or cannot have agency to overcome, fight against their subaltern context.

On "Aboriginal Studies", see Aileen Moreton-Robinson 2007, on "Cultural Studies" see "Pouvoir et Culture". Interview with Stuart Hall by Petyer Osborne and Lynne Segal, 1997, translated by Olivier Ruchet in *La revue internationale des livres et des idées*, no.1, Sept.-Oct. 2007: Cervulle (ed), 2007, and Jameson 2007.

supposedly scientific detachment eliminates the risk of identifying with the Indigenous subjectivity. I have often been questioned on this point; some even imagine I have succumbed and “gone native”. But if, at one point or the other, the anthropologist working in the field is led to share the emotional bonds of the group and to participate in its activities, be it hunting, or rituals, that doesn’t mean he has turned “Aboriginal”. Here again is a myth about the famous “initiation”, so many people, certainly more in Europe than in Australia, seem to yearn for. As if being “initiated”, -in what? -, opens the door to what we are missing.

In 1995, I published a book in French comparing various initiation rites throughout the world. This work on *Adolescence and Sexuality*<sup>103</sup> was the result of an inquiry by the French Health Education Committee concerned about the threat of Aids among young people. I put forward the hypothesis that the risk of dying was not new; while Aids is typical of our 20th century, there had been other risks which played a similar role in various societies since the dawn of time. In this connection, initiation consists of a symbolic death and rebirth, dying to be reborn transformed symbolizes for many groups the risk of dying; which can be demonstrated when the initiated person does not survive certain physical tests. The initiation is, amongst other things, a rite of passage from childhood to manhood or womanhood, in other words it is a matter of letting go of one’s childhood in order to become an adult, and later hand down this position to the next generation. In that sense being initiated means to accept the loss of one self to make room for those who follow; only under this condition can the next generation find its place, collectively in any case. It seems to me that one of the problems today, particularly for Aboriginal people, is that this place for an independent future is no longer symbolized, neither in words nor deeds. The elders die too early, before they can hand down to the young as they did in the past, and the young people are relentlessly confronted with accrued bereavements. The elders are disappearing, and the gulf between their life experience and that of present-day young people is growing. The latter have lived a kind of “*reality show*” since childhood; modern western life is displayed on television and in the shops, but for most it remains inaccessible in their daily lives. Cars and mobile phones, so popular in the communities, also accentuate the lack of everything else that keeps slipping away incessantly.

In this sense, the local circumstances in Aboriginal communities are akin to an issue of global urgency which affects our millennium, as described by the American philosopher, Judith Butler, in her book *Precarious Life: The Power of Mourning and Violence* post-9/11. In

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<sup>103</sup> “*Adolescence et sexualité*” PUF 1995: for an English synthesis see Glowczewski B. 1994, “Growing up and sexual identity: a cross-cultural approach”, *Anthropological Forum* VII (1): 7-29.

the area of international politics we need to reinforce the adoption of the individual's point of view and exclude any narrative which could bring about a decentring of the "I" story. However, we are experiencing this decentring; it is part of the injury inflicted upon us and therefore an impossible position to hold. This decentring is precisely what we are trying to rectify by refocusing.

Since my return to France in 2006 I have been inundated with press releases. I was receiving daily news from Australia through Internet links and regular articles on the 2004 death in custody case. The marked increase in press reports was once again justified. Palm is the barometer of a tragedy which for decades has underlined the failure of the government's bureaucratic obsession with managing Indigenous populations, and the inadequacy of its programs in relation to the community life of uprooted families; these desperately try to keep control over their lives to a point where they sometimes injure their bodies and souls. In commemoration of the second anniversary of Mulrunji's death, protest rallies and demonstrations were held all over the continent; people were asking Leanne Clare, the Director of Public Prosecution (DPP) in Queensland, to accept the findings of the coronial inquest and lay charges against the officer. When on December 14, 2006, the DPP decided to drop all charges against Sen.-Sgt. Hurley; it was like a slap in the face for all those who had high hopes in these proceedings. Especially, as certain Palm islanders like Renarta Prior's son and Lex Wotton, were yet to be tried on charges of riot for their protest on November 26, 2004, risking several years of jail.

In December a petition drafted by the famous Brisbane writer and activist, Sam Watson, was circulated<sup>104</sup>. It demanded the decision be reconsidered, arguing that failing to

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<sup>104</sup> *To: The Honourable Speaker and Members of the Legislative Assembly of Queensland*

We are outraged that the Director of Public Prosecutions, Leanne Clare, has failed to lay *any* charges against the police officer responsible for the death of Palm Island man Mulrinji on November 19, 2004. Less than 2 months previously, the Qld Deputy Coroner, Christine Clements, found that Mulrinji was beaten by Senior Sergeant Chris Hurley, such that he sustained 4 broken ribs and his liver was sliced almost in two. The DPP's explanation (echoing the police) that Mulrinji "fell" is a completely unacceptable lie – contradicting the coroner, expert medical advice, and witnesses. Premier Beattie and Police Minister Spence's defence of the DPP's decision is disgraceful.

If allowed to stand, this inaction gives a green light for police to assault and kill Aboriginal people, knowing they will never be charged, even when a Coroner finds they caused another human being's death. This is a case of terrible racism and injustice. We demand:

1. The immediate suspension of DPP Leanne Clare, her replacement with a new, independent DPP, and a judicial review into Clare's decision not to charge Senior Sergeant Hurley.
2. That the highest-level criminal charges be brought immediately against Senior Sergeant Hurley to allow a jury to determine his guilt or innocence.
3. A Royal Commission into all events surrounding the death of Mulrinji and subsequent investigations and actions, headed by Tony Fitzgerald QC.
4. Cease criminal charges and the push for custodial sentences against the Palm Islanders who understandably rose up in grief after the killing of their brother.

do so would give the police the green light to assault and kill Aborigines, knowing that they would never be charged, even if the coroner found they were accountable for homicide.

I asked French colleague, Laurent Dousset, to post the petition on line on his French-English website dedicated to Australian anthropology and hosting a discussion forum visited by international academics as well as various Aboriginal people interested in cultural, linguistic and land rights issues.<sup>105</sup> While I started to forward the link for the petition to my entire address book, my younger daughter Nidala, aged twelve, showed me a letter she had handwritten in English. She had kept track of the entire case while we lived in Townsville in 2004 -5. Now she had just drafted her own petition to be signed and addressed to the Prime Minister of Australia, John Howard. That Sunday December 17, 2006, Nidala forwarded her letter via a website which sends e-mails directly to the head of State. The next day she collected fifty signatures in her Parisian bilingual school Honoré de Balzac. A few days later, the French section of Survival International, International Survival France, an NGO supporting indigenous people translated her English letter and put it on its children's website 'In the skin of a Papuan':<sup>106</sup>

#### **Handwritten letter to be scanned**

Dear Prime Minister,

I am 12, a determined 12 years old.

I have grown up surrounded by Aboriginal culture. My mother is an anthropologist, my father works for Aboriginal rights, my grandmother is a speech taker of the djabirr djabirr community, and my aunt has always been involved in everything concerning her culture. To conclude I know everything anyone has to know about my culture, and I get information about my people everyday even though I live in France.

Lately I have had unforgivable news. Sergeant Hurley is free of any charges. He has killed a man. He cannot deny it and still what we call justice lets him go without a trial.

I was there in Townsville on the 19 November 2004 when MULRUNJI got murdered in a cell on Palm Island. He died a slow and painful death.

Sergeant Hurley could have saved him but he didn't. That I find not acceptable.

I have seen the way Aboriginal people get treated: it is awful and no justice is made. Every day people die it is the way it goes. But dying does not

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The immediate resignations of Premier Beattie and Police Minister Judy Spence, for backing the brutal actions of police ahead of justice for Aboriginal people.

<sup>105</sup> <http://www.ausanthrop.net/french/> : research and anthropological documentation on Australian Aborigines.

<sup>106</sup> <http://danslapeaudunpapou.survivalfrance.org/journal/journal-news-01-07.html> see original English letter in the appendix.

include being beaten to death. That is unjust and most certainly if it isn't punished.

So after this letter please DO SOMETHING for an unpunished death.

Nidala Barker

Peter Beattie, Labour Premier of Queensland was to disembark at Palm on Christmas eve. Mulrunji's sisters and his partner were shocked by the news of Hurley's non indictment, and told the head of State that they refuse to meet him through their lawyer Frederic Cassis. On the island the Premier was received by two hundred angry people; he publicly encouraged Mulrunji's sisters and partner to meet with the Public Prosecutor Leanne Clare to ask her to reverse her decision. Warren Mundine, the first Aborigine elected ALP national president, challenged the Premier saying: "Mr. Beattie has spoken about how he was arrested fighting the apartheid regime in South Africa, we need him to be arrested for the Aboriginal community in Queensland." Australian Democrats senator Andrew Bartlett urged the Palm Island community to fight for a review of the Prosecutor's decision. Lex Wotton told *The Australian*: "The evidence is there, we believe there was government interference, we will follow every legal avenue that we can to make sure that justice prevails."<sup>107</sup>

Ten days later on December 30, the same national daily paper reported the Queensland Premier's confession: "I acknowledge that some of these issues on Palm Island are incredibly difficult. Palm Island was a dumping ground for indigenous Queenslanders by both Labour and National Party governments in our racist past." While he was paying tribute to Noel Pearson, the North Queensland Aboriginal leader, lawyer and founding director of the Cape York Institute for Policy and Leadership, who advocates strict control of alcohol, he regretted "there were not enough elders standing up in these communities and supporting him. If it wasn't for the women in the communities, we would be in a real bloody mess," he added. He called on the breweries to fund detoxification facilities for alcoholics and educational scholarships for young indigenous people, concluding: "Frankly, how we are going to get through this cultural nightmare, I am buggered if I know." Beattie also promised to transfer ownership of the Palm Island general store to the local Council, and proposed to barge the island's high school students to boarding schools in Townsville, where they would stay from Monday to Friday. When asked why he had abolished the Department of Indigenous affairs following his election to the premiership, he responded: "it just wasn't

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L. Wotton in "Mulrunji's family snubs Beattie", Roberta Mancuso, *Courier Mail*, December 20, 2006.

working". He gave ministerial responsibility for Aboriginal communities to the Communities Minister Warren Pitt, because as he put it, "the only way indigenous people are going to get a fair go is through mainstreaming. They are now full-blown councils and they have to behave like grown-ups."<sup>108</sup>

Like grown-ups. ..What is it that Aboriginal people have been doing for the past thirty years when they were coming together locally and regionally to find solutions and proposals for the government, as they still do? Although reports have been piling up on the desks of government employees for decades, their recommendations have not been carried out; like those of the 1991 report by the Royal Commission into deaths in custody, which judge Clements partly took up again and demanded be implemented. As for the justice system and police practices, Aboriginal people have gained a lot of experience; not just because they have suffered various discriminations for generations, but mainly because there are many amongst them who by now have studied law and wish to join the police force. Too few become officers with authority, being frequently reduced to the level of liaison officers with no real power to act.<sup>109</sup>

Aboriginal leader Noel Pearson likened Mulrunji's death in custody to the murder of anti-apartheid activist Steve Biko in 1977. Biko was beaten to death by the South African police and thrown out the window, yet in spite of his head injuries attesting to the blows he received, the police claimed he died of a hunger strike.<sup>110</sup>

Queensland Attorney General Kerry Shine announced he was reviewing the case with the director of public prosecution Leanne Clare. But this review was to be postponed until March, as one of the two legal figures chosen for the task, former District Court chief judge Pat Shanahan was forced to step aside because of a perceived conflict of interest. Shanahan had been one of the three-person panel which had unanimously voted for Mrs. Clare nomination as Queensland director of public prosecution.<sup>111</sup>

Finally, the review was handed over to the former Chief Justice of the New South Wales Supreme Court, Sir Laurence Street. This was confirmed in the letter signed by the Australian Prime Minister, that Nidala received in response to the e-mail she had sent him two months earlier.

### **Scan Howard's letter pg 151 in Appendix after Nidala's letter:**

<sup>108</sup>

Interview of Peter Beattie by Tony Koch, "Legacy of racist past", *The Australian*, December 30, 2006.

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"Palm Island case fails to deter black police", *Indigenous Times* 122, February 8, 2007; Queensland Indigenous police has increased from 150 in June 2003 to 176 in June 2006, 85% of the 140 liaison officers in the State are indigenous.

<sup>110</sup>

Tony Koch, "Palm case 'Like Biko'", *The Australian*, December 30, 2006.

<sup>111</sup>

"Editorial: Death in Custody charge welcome", *The Australian*, January 27, 2007.

Dear Nidala,

Thank you for your recent email and letter about Sergeant Hurley and the death of Palm Island resident Mulrunji Doomadgee. I always appreciate young people writing to me about the issues that interest them.

I understand that the Queensland Government has now appointed former New South Wales Chief Justice, Sir Laurence Street, to independently review the decision of the Queensland Director of Public Prosecutions in relation to this matter. It is expected that Sir Laurence will bring a rigorous and independent approach to the matter.

It should be noted that although the independent review process is being undertaken, there should be no presumption as to guilt or innocence of Senior Sergeant Hurley until that process is complete.

Please accept my best wishes and every encouragement with your studies.

Yours sincerely

John Howard

By the time Nidala read the Australian Prime Minister's official response to her, she already knew more than what this letter, dated January 31, revealed of the government's malaise. In fact, on Australia Day in January 26, 2007, Sir Laurence, who had been appointed since January 4 to conduct the review of the DPP's decision, briefed the press on his report sent to Queensland Attorney General Kerry Shine: he had found enough evidence for a jury to rule on manslaughter. Meanwhile on January 16, Patrick Bramwell, who had shared Mulrunji's cell during his agony, was found hanging on a tree not far from his aunt's place. Palm residents confirmed that he had been picked up by a police car at night and taken for a ride before returning home. Some thought that he may have felt threatened, given that he was already very fragile. Two years earlier after two retractions of his statements, he had twice tried to commit suicide. I cannot help thinking that this man must have succumbed to the ordeal of his powerlessness when Mulrunji called for help, and then died next to him in the cell, as seen on the surveillance video.

On February 5, two years after the violent death of Mulrunji, Senior Sergeant Hurley was charged with manslaughter and assault. The Australian Police Union immediately joined forces to protest and passed a no confidence motion to Premier Peter Beattie. The case had indeed challenged the unofficial and illegal immunity of the Australian police, so far never questioned over many incidents of violent arrest and handling of Aborigines or non Aborigines. Sam Watson, the author of the petition calling for a review of the decision, recalled on the national network of Australian Reconciliation (ANTAR) that the only policeman ever charged for an Aboriginal death in custody – that of 16 year old John Pat

bashed by 5 policemen and left to die in his cell in 1987 - had been acquitted,. The activist writer nonetheless emphasized that the Hurley case was a victory “won on the battlefield already drenched in the blood and suffering of our people. It was the passion and power of broad popular protest that forced a series of back-downs by Queensland Premier Peter Beattie. [...] The Queensland Police Union is outraged because their previous license to bash and terrorize Indigenous people is at risk and it is determined to protect its own. [...] Justice will only prevail when those who brutalize the indigenous people will pay for their crimes and the police made accountable under criminal law for their actions. [...] Justice for Mulrunji also means justice for those who protested against his death in custody. We will fight for the quashing of the charges and convictions against the Palm Islanders who rose up at his death and for the resignation of the incompetent and partisan Leanne Clare.”<sup>112</sup>

At least the whole affair started to produce results. The government asked the Crime and Misconduct Commission to investigate police procedures and the administration of justice in the Indigenous communities, which Christine Clements had recommended in her report on the death in custody. Five of the Palm demonstrators, who had received jail sentences ranging from six to eighteen months respectively, and one minor ordered to do 150 hours community service, had their sentences increased because the Attorney General considered them too light.<sup>113</sup> On the other hand, Lex’s younger sister Fleur Wotton and his mother Agnes, together with six other Palm residents were found innocent of charges of riot. The trial of four other accused began in Brisbane on March 5, 2007. Renarta’s son William Blackman, Dwayne Blanket, John Clumpoint and Lance Poynter all pleaded not guilty to the charges and were acquitted due to lack of evidence by a jury of twelve who had deliberated for two days.<sup>114</sup> Lex had pleaded guilty and was taken into custody in a Brisbane prison; he was unable to return to the island until three months later on May 31, when he successfully applied to have his guilty plea withdrawn in the Brisbane Court. Many people in Australia and overseas had rallied around him. On May 7, 2007 at the Building Bridges Exposition organized by the Errol Wyles foundation, which had been set up by the Wyles family and Stewart A. Levitt’s law firm; Levitt stated that the fact that Mulrunji was the 241 Black death in custody in Australia between 1990 and 2005 provided a moral justification for the protest on Palm: “the sanctions of the criminal law should be measured and responsive to the just

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<sup>112</sup> Watson Sam, “Charging of policeman over Palm Island death a historic victory but movement must fight on, 28 January 2006. ANTar News Editor [news.editor@antarqld.org.au](mailto:news.editor@antarqld.org.au)

<sup>113</sup> “Three men jailed for role in Palm Island riot.” ABC Online. July 28, 2006: Russel Parker was sentenced to 18 months prison, his son Russel Parker Junior and Garrison Sibley to 6, Jason Poynter and Minnie Norman to 12 months of community service.

<sup>114</sup> Alf Wilson, “Palm Island men acquitted over riot”, *The Guardian*, April 4, 2007.

grievances of those involved. After all, there would be no United States of America, if the Blue Coats had respected British Government authority and property.”<sup>115</sup>

### **The trial of the Senior Sergeant charged with the death of Mulrunji**

The trial of Snr-Sgt Chris Hurley commenced in the Supreme Court of Townsville on June 12, 2008. Aboriginal supporters, displaying body paint, sang and danced in front of the Court. This time very few witnesses were called to testify.

While in Paris, friends attending the trial and Internet reports kept me up to date on the trial. Sergeant Michael Leafe, who had found Mulrunji dead in the cell on November 19, 2004, testified that his superior Chris Hurley had been alone with the victim some six to seven seconds, and had assured him he had fallen next to Mulrunji and not on top of him when they tripped on the doorstep to the station. According to the medical examiner who had conducted the autopsy on Mulrunji in the cell, the 36 year old apparently died of internal hemorrhage resulting from his fight with Hurley.<sup>116</sup> Hurley’s defence barrister Bob Mulholland said, “his client was a protector of the community”. The irony of the term protector sent the Aboriginal audience at the trial straight back to the darkest hours of Australian colonization, when they were subjected to the abuse of the official “protectors” system. The barrister asked the jury to acquit the Senior Sergeant of the assault charge as the prosecution was unable to prove that he had punched Mulrunji during the fight at the station on the island. The Australian Associated Press<sup>117</sup> news flash was more specific; the medical experts’ opinion was that Mulrunji’s injuries could have been as much the result of his fall as of the deliberate assault by the accused moments after the fall. Now and contrary to his previous statement, Hurley declared that given the medical evidence he may have fallen on top of the man from Palm and not next to him.

The Crown prosecutor, Peter Davis argued that Mulrunji’s four broken ribs, ruptured liver and fatal hemorrhage from a hole in his portal vein were the result of a deliberate attack after the fall; he put to the jury “it really does look like he’s done it, doesn’t it?”. Cosima Marriner reported in the *Brisbane News*<sup>118</sup> Hurley’s defence barrister accusing the prosecutor of being politically motivated. He went on stressing Hurley’s ‘feelings’, “who would never forget he was ‘the accidental instrument’ of the death of a man his own age, a cross he will carry for the rest of his life.” Judge Peter Dutney told the members of the jury that if they

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<sup>115</sup> Stewart Alan Levitt, “Speech delivered at the ‘Building Bridges Exhibition’; Dioptics”, Sydney Australia, May 7, 2007. On the Foundation’s website: <http://www.errolwylesjusticefoundation.org/RecentSpeechesView.aspx?action=58>

<sup>116</sup> Evan Schwarten, “Officer alone with Mulrunji ‘just seconds’”, AAP online, June 14, 2007.

<sup>117</sup> Evan Schwarten, “Prosecutors ‘out to get’ Hurley”, AAP online, June 18, 2007.

<sup>118</sup> Cosima Marriner, “Officer had motive and time to attack, court told” *Brisbane News*, June 20, 2007.

believed the fatal injuries occurred during the fall then “they were accidental and Mr. Hurley was not guilty”. When the all white jury of eight women and four men acquitted Snr-Sgt Hurley, the *Courier Mail*<sup>119</sup> reporter suggested the outcome was considered a victory by the police and the Aboriginal activists alike. It was simultaneously a victory for Blacks and Whites. However he cited the contrary opinion of the victim’s family legal representative, Andrew Boe:” all this whole case has done is drive a rift between the police and indigenous communities.” Other journalists focused on the sense of helplessness in the room, ranging from tears to anger. One might ask oneself why the inquiry by the Crime and Misconduct Commission into complaints against Snr-Sgt Hurley by a number of Indigenous people in Palm and other communities he worked in prior to the Mulrunji case had not been mentioned during the trial. Yet four police officers had appeared before the inquest into the death in custody in March 2006, testifying that in August 2004, during the arrest of a previous culprit, Robert Douglas Clay, Hurley had knocked him hard enough to propel him into a wall.<sup>120</sup> Several other complaints had been filed, but the lawyers claimed these could not be used against Hurley in the trial because they did not directly relate to the charge of homicide.

Apparently the young Crown prosecutor had not used all the available arguments, specifically the witness statements by Lloyd Bengaroo, Roy Bramwell, Nobbie Clay and others who had not been called to testify. Yet during the inquest proceedings in 2005 and 2006, they had been publicly heard in court and their depositions retained in the reports on the responsibility for murder and violence by both, coroner Christine Clements and independent judge Sir Laurence Street. Is it possible the defence in Australia, in this case the police, can decide whose witness statement is to be included or not?

Tony Koch, prize winner for his three year long coverage of the whole case said on hearing the verdict:” it is only a tiny part in a disgraceful saga in which black Australians were again the victims, and in which we all must bear some shame.”<sup>121</sup> In his long summary published in *The Australian* on June 21, 2007, Koch cast doubt on that much talked about fall and its strange interpretation of Mulrunji’s death being a fatal accident. That elucidation led to the Sergeant’s acquittal; Koch writes: “The key point is how Doomadgee landed when he and Hurley fell. In his recorded statement that afternoon and the following day, Hurley said he fell beside the prisoner, not on him. It was put to the jury that Doomadgee must have fallen on his stomach through the door as Hurley had him from the back, and he could not

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119 Peter Michael, *Courier Mail*, June 20, 2007.

120 *The Sydney Morning Herald*, March 1, 2006: Constable Debruijn, Sergeant Try Lone, Sr. Constable Rick Reeves and Sr. Constable Brett Lone.

121 “For this disgrace, we all bear shame”, Tony Koch, AAP, June 20-21, 2007.

have sustained the injuries as described from the back. On this point all three medical experts said the injury was from the front, compressing the liver on to the spine, where it was severed, the portal vein punctured and four ribs broken in a line. Prosecutor Davis went so far as to say that it would have required Doomadgee to be like a 'reincarnated Rudolph Nureyev' to perform the pirouette required for him to suddenly land on his back and for the injuries to then be inflicted, accidentally or otherwise."<sup>122</sup>

A re-enactment would have made it possible to verify if Hurley holding Mulrunji by the shoulders from the back could have fallen with his knee on the victim's flank resulting in four broken ribs, a punctured vein and his liver split in two. On the re-enactment video taken shortly after the incidence and played to the jury as evidence, Hurley still insisted that he did not fall on top of the victim but next to him. This odd official record tendered as evidence, which can be seen on the Internet, is not a real re-enactment. We don't see Hurley fighting with an actor in the role of Mulrunji; we only see Sergeant Leafe and liaison officer Bengaroo and we can only hear Hurley explaining how he pushed the victim by his shoulders from the back. It is intriguing why the jury was shown this video full of contradictions, and not the surveillance tape which recorded the last moments of Mulrunji in the cell, which was shown during the inquest in the Townsville court in 2005 and deeply touched the audience.

Aboriginal human rights consultant and healer Gracelyn Smallwood, who has a PhD in social work from James Cook University, was inundated with questions from the press. With her sisters and brother, she had organized the rally in support of the accused in December 2004 in Townsville, said after Hurley's trial: "We have to accept the decision of an all- white jury, and we will do so with dignity, but with the knowledge that the whole world is watching any future incident where a cop in this state even thinks about bashing a black or white boy or girl in their custody. This has not ended the way we wanted it to, but it has been a win on our slow climb up the Everest of justice. Of course we wanted justice; of course we wanted a guilty verdict. But we haven't got it. We don't want any violence, we want peace".<sup>123</sup> "Acquitted officer is the white OJ" was the title of the AAP<sup>124</sup> news, the day of Senior Sergeant Hurley's acquittal, quoting Aboriginal activist Murrandoo Yanner who suggested taking civil action against Hurley "we might have a civil case to bring him to his knees". He was referring to the former US football star, who was acquitted of murdering his ex-wife and her friend in a criminal court, but later found responsible for their deaths in a civil

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<sup>122</sup> "Another black stain". An Aboriginal man dies in custody of internal injuries. His son and cellmate commit suicide. The arresting officer walks free". Tony Koch tells the shameful story. *The Australian*, June 21, 2007.

<sup>123</sup> Cosima Marriner, "Family in shock after Palm Island Verdict", *The Age*, June 21, 2007.

<sup>124</sup> "Acquitted officer 'is the white OJ'", AAP June 20, 2007; 02:54pm

trial. The new Palm Island mayor, Delena Oui-Foster, expressed her disenchantment to the press: "I know the justice system is meant to work for everybody, but these things make us have our doubts."<sup>125</sup> "I don't like the verdict, but I would have been more surprised if he'd gone to jail," Maurice Obah, a nephew of Doomadgee said.<sup>126</sup> "All this has been for nothing...In the community we are all just tired", said Noby Clay, and wondered, like many others, why, given that she was present at Mulrunji's arrest, they had not called her to testify at the Senior Sergeant's trial. Respected leader and sister in law of Mulrunji, Elizabeth Clay, who had served as interpreter during the entire inquest in 2005 -6, admitted she did not believe there was justice for Aborigines, though still had faith in divine justice." Chris Hurley will have to face God one day."<sup>127</sup>

Hearing the verdict, an emotional Lex Wotton had left the court room, but later calmly told journalists that one had to move on. The *Sydney Morning Herald* ran a profile on him on June 27, when he presented a screening of the film *Protected* in commemoration of the fiftieth anniversary of the Palm Island strike in 1957. He likened the situation under the former so-called "Protection Act"<sup>128</sup> to what was happening in the Northern Territory. There the federal government had just imposed a state of emergency and sent the army, police and medical teams to crack down on child abuse. Under this pretext it confiscated Aboriginal land for a period of five years. The decision was taken after the report *Little children are sacred* was tabled in Parliament, advocating eighty five measures be implemented to solve the violence in the Aboriginal communities. The report had in no way called for the army to intervene. It was an emergency plan trying to find solutions to the living and health problems, the difficulties with the police and social justice confronting Aborigines on a daily base. In the above mentioned article Lex recalled the nationwide impact of past and recent history of Palm. More then ever before did the government need to listen and consult with the communities: "At the time when they set up Palm Island it was out of sight out of mind. It was like that right up until the 26th of November, then it became news across the country and the world. What happened at that time highlighted there really was a problem in Australia."<sup>129</sup>

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"Despair, but no surprise, for Palm family", Padriac Murphy, *The Australian*, June 21, 2007.

126

Ibid.

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"Cry of injustice", Leonie Johnson, AAP, *The Australian*.

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[http://www.library.uq.edu.au/fryer/1967\\_referendum/act.html](http://www.library.uq.edu.au/fryer/1967_referendum/act.html): "...1897 Aborigines Protection and Restriction of the Sale of Opium Act. However worthy its intentions, the Act placed the survivors at the mercy of state and church authorities with power over virtually all aspects of Aborigines' lives. When it was replaced in 1939 by the Aborigines Preservation and Protection Act and the Torres Strait Islanders Act, the reserve system was retained and many of the former Act's most draconian features were perpetuated."

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Emily Dunn, "Telling tales of an island bad times never left", June 27, 2007, *Sydney Morning Herald: Protected*, 1975 by the brothers Allesandro and Fabio Cavadini, presented to the Film Fanatics at Petersham Bowling Club.

## Weapons for peace

In July 2007, Lex and I met up again in Palm to work on this book. It was an extraordinary week, going over the events from morning till night. Lex has a tremendous memory; I translated for him what I had written in French directly into English, and he seemed to have it all imprinted on his mind, commenting on such and such passage several hours later. Of course we agreed that I would bear sole responsibility for the chapters I wrote, but he was my best critic, making sure there were no mistakes, errors, important omissions, and above all no risk of getting accused of defamation. I learned a new way to deal with anthropology, taking complete responsibility for any liabilities that those I spoke about risked to incur. Lex was facing heavy penalties in connection of the burning down of the police station. Personally I was convinced he should be freed of any charges, as is the case in a traditional dispute, which allows all persons involved to go forward towards new resolutions.

I stayed with Lise who was preparing her PhD on Palm under my supervision in Paris at EHESS (school of advanced studies in the social sciences) and the supervision of my friend Rosita Henry, head of the department of Anthropology, Archaeology and Sociology at James Cook University in Townsville and Cairns. Rosita and I had just released a jointly written book *Le défi indigène* (The Challenge of Indigenous people, 2009). Lise was finishing her one year stay in Palm. She had helped sorting, organizing and digitizing archives of hundreds of photographs and articles in various Australian libraries relating to the island. At her departure the staff of the Bwgcolman school presented her with a certificate of thanks for her work in the establishment of what Aboriginal people elsewhere call “*a keeping place*”. A kind of living museum storing simultaneously culture, history and sacred beliefs like the creation stories of places and their customs, the totemic myths called “Dreamings”, the ritual objects but also the photographs or films that testify to the different historic periods and genealogies.

The Queensland government was considering transferring the ownership of the general stores it managed in the communities to any candidate who could prove he represented the local community and was capable of running a commercial business.<sup>130</sup> This was Lex’s dream. Ian James, a Sydney businessman, offered to help him. Two years later, they had together developed a proposal for tender to the government. The day after my arrival on the island, a meeting was held to discuss the project. Lex’s mother Agnes, his two

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<sup>130</sup> Peter Beattie has moved to solve the long-running dispute over ownership of the local Palm Island general store and offered to transfer ownership from his Government to the local council and spend \$1 million doing it up; he insists that the council put out the running of the store to open tender. © *The Australian*, December 30, 2006.

sisters Gail and Fleur and other members of the Palm Island Community Store Aboriginal Corporation, the entity which was looking to take over the store, were present. Ian James presided the meeting. I had met him the previous year in Sydney and he had kept me informed of the project's progress by mail.

For that meeting on the 24th of July, Ian had invited Outback Stores representatives, a management consulting firm to Aboriginal communities. They brought along posters with very simple diagrams, similar to a comic book design, showing that their skills was not playing the "big boss", but "work alongside you" to insure the success of the store, using the slogan "a healthy store = a healthy community". Funnily enough the first image was of two men, one with a light-colored (green) face wearing a tie with his arm around the shoulder of the other darker (grey) faced, slightly shorter man in a sweat shirt. The subliminal message of this drawing was the kind of paternalism Aborigines dread and it did not escape Lex or the other Palm residents. In stark contrast to the very simplistic explanations regarding the *money story*, we had just heard, an Aboriginal woman in the audience put a highly technical and well articulated question on the organizational structure to the firm. In fact the company was used to working with Aboriginal communities in the Northern Territory, where English is often a second language and the elders sometimes are not very proficient in. The company's representatives were taken by surprise when for the next half hour all islanders present at the meeting held highly articulate discussions. However it is true that other Palm residents don't have this capacity, because they never finished school and that is why the PICSAC association, at the time under the direction of Lex, had conducted a survey among the residents to get acquainted with their wishes and collect their registration so that the association could prove to the government that they were representative of Palm Island.

Bob Loughan of the ATSIP (Aboriginal and Torres Strait Islander Partnerships), which owns the store, told the meeting that the minister Warren Pitt had met the mayors of six communities in February 2006 and invited them to submit management proposals by the communities. The government's divestment of stores had started in 1992, but the agreement between the parties had yet to be finalized. Delena Foster, the new island's mayor announced that given that the Council did not wish to manage the store, the minister had asked her to consider the Lockhart River model. This community of the Cape York Peninsula is famous for its young generation of artists exhibited in Australia and overseas.<sup>131</sup> Following many exchanges with the government in Brisbane, the council sought the community's commitment, the condition upon which the minister would give his support to a local

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<sup>131</sup> Exposition "Black gang" (Lockhart) organized by Geraldine le Roux for the Inter-Celtic Festival at Lorient, France, August 2006.

association. Lex intervened saying that the Department of Communities undeservedly claimed to have the support of the community. The mayor replied that Council had only entered a two year agreement with the agency which had been created to assist non government organizations. Lex argued that Council's decision should be debated on a community level. Ian James made it clear; the risk was that if the government decided that the DOC's model was representative of the community, then the invitation for tender would be cancelled for the benefit of that agency. Answering Chris Congoo, a member of the newly formed association PICSAC, the mayor said that Council would in principal support the DOC's model, but had yet to receive more information. Council was also prepared to support the proposal by PICSAC, if it could demonstrate good 'governance' under the control of the people. Another Palm resident remarked that it was essential for the model to ensure there would be no favoritism in the distribution of the store's profits.<sup>132</sup>

Other meetings concerning Lex followed during the week. He was anxious. Given all the outgoings for his extended family he was left with few resources, as he had stopped working as a plumber in Townsville for over a year. One evening, Cecilia and the young ones of the family sat down on the veranda of their home overlooking the hill and the bay to listen to the edited reading of the interviews I had conducted with Lex. They were surprised and impressed to hear "like from a book" Lex telling episodes of his life and at the same time give his opinions and talk of his beliefs. I hadn't changed much of what he had told me, only removed some repetitions and organized the sequence of the passages of his transcriptions. But here in the silence of the night, Lex's visions took on a kind of magic for those who listened. Lex was moved by this moment of peace which was a relief to us all; it wasn't always easy on the island where people kept coming and going to houses, with children to be fed and cared for, adults who drank too much, and disputes which needed to be resolved.

The last day, Lex took us; his partner Cecilia, Lise and I, his son Billo and a little girl, in his 4wheel drive to find the track across the much wooded peak in the middle of the island. Cecilia, sitting in the front, cradled the few weeks old baby of her adoptive daughter Shanara, who was working with the father, a young Maori. Cecilia not being able to bear children since she miscarried as a young girl was in heaven and so was Lex, as were all the children they are raising together. The baby was handed over from one to another like a precious doll. Crossing the island we saw enormous trees and later in the clearings between the scattered grass trees (*xanthorrhoea glauca*) magnificent wild horses grazing and galloping, who were

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cf. Ian James minutes of the meeting: This Project is supported by funding from the Australian Government under the Indigenous Small Business Fund, which is administered by the Department of Employment and Workplace Relations.

far healthier than the ones the children of the village tamed and mounted without saddle. From time to time the rugged coast and the turquoise blue Pacific ocean appeared in the distance. I got into the back of the Toyota and hanging onto my camera's tripod was filming. We stopped for a picnic at a large waterhole, Bamboo Creek, where the young ones found taro and lemons. I swam in the water which was as soft as a caress.

Back in Townsville, I resumed writing the book. I either made the most of the quiet nights in my office at the University, or enjoyed the breeze underneath the veranda of a colleague's house, who had put me up there. The old Queensland wooden colonial style house was similar to the one I had stayed in two years earlier. My room-mates were two biology students. I slept in the living room. This intense stay was inspiring, yet I was shaken by the political situation in Australia, especially the military emergency intervention in the Northern Territory.<sup>133</sup>

From the moment Senior Sergeant Hurley's trial concluded, the police union attacked Queensland's Premier Peter Beattie for permitting a police officer to stand trial.<sup>134</sup> The leader of the opposition Jeff Seeney publicly suggested that independent judge Sir Laurence, who had recommended bringing charges against Hurley, was "a gun for hire" by the state. Queensland Attorney-General Kerry Shine, having indicted the Sen. Sgt., accused the opposition of undermining the electorate's confidence in the legal and justice system of their state. In an unusual move he made Sir Laurence's report public by submitting it to Parliament on July 19, 2007, demanding the opposition apologize, and recalled that "the Attorney's power to bring an indictment is a power at law and does not infringe on the independence of the DPP."<sup>135</sup>

Recalling the separation of powers between the legislature and the judiciary was to give rise to many debates among politicians, journalists and the population at large. On the flight to Australia on July 15, 2007, I read a four page article in the monthly *Rolling Stone* on the famous Australian rock band Powderfinger. The article, *The perils of political rock*, was written by a legend of another Australian rock band, Rob Hirst of Midnight Oil. He tells of a dinner at which Powderfinger's singer Bernard Fanning and his musicians were commenting on the power of the judiciary in the Hurley trial. One month before the trial they had unintentionally become involved when the release of their June 2nd album was announced. It included a song which was banned for fear of prejudicing the jury in the Hurley trial, which

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<sup>133</sup> Glowczewski, B., « L'Australie : intervention militaire dans le Territoire du Nord ». Les Nouvelles Survival 65, October 2007.

<sup>134</sup> *The Sydney Morning Herald*, June 22, 2007.

<sup>135</sup> Queensland government releases Hurley prosecution report. Queensland attorney general Kerry Shine has released the document which details his legal reasons for prosecuting Senior Sergeant Chris Hurley for the death of an Aboriginal man in police custody on Palm Island in 2004. AAP, July 19, 2007.

was to start on June 12. The officer's lawyers threatened legal action if the song was released in stores. The band had agreed to a minor change of the lyrics in order to lessen the direct connection to the Mulrunji affair, bar for the refrain:

*An island watch house bed*

*A Black man's lying dead*

All this publicity may have contributed for the song *Black Tears* to be uploaded on You Tube by the band's fans and others who had discovered the album *Dream Days at the Hotel Existence*. On the band's website its lead singer and song writer Bernard Fanning stated his commitment; the inspiration for the song came to him on a trip to Uluru, the famous red monolith in the middle of the continent, where he was dismayed by the number of people scaling the rock while the Aborigines were asking visitors not to, as it is a very sacred site. He wrote the second part of the song when Leanne Clare, the Queensland Director of Public Prosecutions, rejected the coroner Christine Clements' findings and ruled that the death of Mulrunji was a "terrible accident" and she was not going to lay charged against Snr. Sgt. Hurley. One might wonder how in a supposedly democratic country a rock band as famous as Powderfinger could have been threatened by the police over the lyrics of a song, which, without mentioning any name, raised an issue that had been commented upon in hundreds of news articles, the radio and television for over two years. At the end of August, Powderfinger joined another Australian band, Silverchair, on a nine week tour titled "Across the Great Divide", as a campaign for reconciliation between all Australians.

### **Cultural symbols of political actions**

In the eighties, Midnight Oil invited on a tour one of the top Aboriginal rock bands, the Warumpi Band which performs in English and in Aboriginal language. Warumpi Band owed his fame to his young glowingly beautiful singer George (Rrurrambu) Burrarwanga. He was a native of Galiwinku Island in Arnhem Land, but lived in the western desert at Papunya, the cradle of the 'dot painting' art movement. In 1984, I had the opportunity of watching Warumpi Band performing in another desert community, Lajamanu, where I was camping with some thirty women in charge of rituals. During the several months' long initiation ceremony for young people, the women painted their bodies, sang and danced daily. One evening, we and all the families of the camp crowded the old graffiti covered concrete hall, under the corrugated metal roof.

When George with his Jimmy Hendrix hairdo in tight jeans and T shirt took the microphone the crowd became euphoric. The entire hall sang along in Pintupi, a language from the Western desert close to Warlpiri, and in English. Only the children with straw-

colored hair, danced in the style typical of Arnhem Land, where one executes a few acrobatic steps, then stops immediately before resuming.<sup>136</sup> George sang of the joys of his land and the sea, but also of his people's sorrows, of alcohol and violence. His songs like *Blackfella*, *Whitefella* and *Black boy* became popular all over the continent and some were reworked by other artists, like *My Island Home* made famous by the Torres Island singer Christine Anu.

I saw the Warumpi Band vocalist at two more extraordinary events. In 1992 at the first Aboriginal festival *Stompem Ground* organized by Wayne Jowandi Barker and other musicians from his hometown Broome where our two daughters grew up.<sup>137</sup> George was the most warmly cheered star when he performed next to traditional dancers from the Kimberley and many rock bands, including Yothu Yindi, the famous musicians from Arnhem Land of Yolngu language as George. In 2001, George was also one of the MCs at the multimedia spectacle on Aboriginal history with music and archival photos projected on a huge screen. Tens of thousand of people camped at this gigantic Yeperenye festival in Alice Springs. For the occasion, the traditional owners of the region, the Arrernte people revived their ancestral dances, which the famous Spencer and Gillen had photographed in the 19th century, and T.G.H. Strehlow, the son of a German missionary who grew up with them and turned anthropologist, photographed in the middle of the 20th century.<sup>138</sup> At the festival traditional dancers, Aboriginal rock and country bands from all over Australia performed on the main big stage and the five sand tracks linked by roads of red earth. George died aged fifty in June 2007.

His friend Peter Garrett, the singer of Midnight Oil, now Minister for the Environment Heritage and the arts in the Rudd government has for years campaigned against the discrimination of Indigenous people. On the ABC in July 2006, he reacted very sensitively to the issue of violence in the Northern Territory communities, specifically the scandal of young and older people destroying their family circle and themselves by sniffing petrol. Garrett denounced the federal government's incapacity to heed the Aboriginal women's call for action against the violence, while anxious to uphold their customary law. After the closure of ATSIC (the commission with elected Aboriginal and Torres Strait Islander commissioners and many non indigenous public servants), the federal government set up shared responsibility agreements, thus overriding the power of the Northern Territory government, which it blamed for having condoned the violence for the sake of customary laws, such as

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<sup>136</sup> See *Les Rêveurs du désert*, B. Glowczewski 1996 (1<sup>e</sup> éd. 1989).

<sup>137</sup> [http://www.neilmurray.com.au/wb\\_history.html](http://www.neilmurray.com.au/wb_history.html), About the festival see "Shake-a-leg", text by Wayne Jowandi Barker written in Townsville end of 2004, reproduced in *Le défi indigène*, 2007 (B. Glowczewski et R. Henry, eds.).

<sup>138</sup> Spencer and Gillen; see records on the symposium in tribute to T.G.H. Strehlow reunited by C (ed) 2004

the coercion of young minors into arranged marriages. Peter Garrett commented: “The debate is not only and solely about law and order and I am not disputing that’s an essential and critical act to take place and I’m not disputing that the Northern Territory Government bears responsibility. But what I am saying is that we haven’t had an arid debate about symbols.”<sup>139</sup>

The Australian anthropologist John Morton observed: “there are many people both inside and outside Aboriginal communities who recognize that there are big problems in Aboriginal affairs. It’d be good if they could all be allowed to get on with the job of finding appropriate solutions to those problems without “culture” getting in the way.”

I am not convinced that one can, or indeed should separate culture from the Aboriginal social, economic, legal and above all health problems. I don’t mean to say that it is culture which accounts for these problems as certain politicians and constituents claim, trying to rid themselves of the social responsibilities by blaming traditional cultures for all wrongs. It seems to me that it is precisely through culture that Aborigines go back to their roots to legitimize original actions, specific to their family and territorial situation, and to settle equitably, by way of consensus, social and economic problems. For instance, the return of Tambo’s mummy to Palm, recovered in the United States, has certainly had a remedial effect on certain residents. They were helped by the communal ritualization and public recognition of a tragic history shared simultaneously with other Indigenous people from the continent and from all over the planet.<sup>140</sup>

Indeed it is in those terms, atonement and healing that Lex Wotton and quite a few other Aborigines, individually and collectively envisage the process of reconciliation between the diverse parties in conflict; including between the Aborigines themselves. Many activists are convinced that the recognition of the history is essential for national reconciliation and a therapeutic process. Thus since 2005 many Aboriginal organizations wish to rename *Sorry Day*, the national Aboriginal event held since May 26, 1977, as *Healing Day*. The term sorry refers to the mourning and apology expected from the government for the tragedies of the colonial past.

To discuss “symbols” as understood by the singer Peter Garrett raises immediately the question whether culture is the saving grace for appeasement. The term culture gets used to fit a variety of cases, but in the last instance it means a system of reference which in a given society indicates the education, the intellectual baggage, the capacity of taking

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<sup>139</sup> Peter Garrett, ABC, July 2006.

<sup>140</sup> As Roslyn Poignant points out in chapter 2 and Lex Wotton in chapter 5.

emotional and esthetic pleasure in looking at and performing songs and dances, as much as in writing and appreciating the works of others. As such Aborigines like all human beings need their culture which they can partly share through encounters, films and writings with all those who live in the same country and with those who love to be spiritually enriched by the diversity of the world's cultural wealth. It is along those lines that certain Aboriginal groups have designed what they call "bush schools or universities", where knowledge is taught in the field by local experts, especially by medicine men (shamans); those men who the anthropologist and missionary Elkin once called "men of High Degree, playing on the term degree which simultaneously means degree and academic title; in other words "remarkable men qualified with special Aboriginal knowledge."<sup>141</sup> It is worth noting that nowadays this knowledge is being acknowledged; universities award honorary doctorates to certain elders, like Joe Neparrnga Gumbula from Galiwin'ku, upon whom the degree of doctor of music was conferred for his research and identification of collections of ritual paintings and sculptures scattered in Australian museums and overseas.<sup>142</sup>

Some, in particular art dealers, seem to suggest that the success of paintings produced by a culture which is itself reflected in its art, just like the popularity of ecological, shamanistic primitivism, or the real life television coverage inside lost tribes relates to the dying of the societies which produce it. But for Aboriginal artists the act of painting has always rightly worked as a weapon of resistance to pass on political messages. In the 1980's and 90's, the issue was to get recognition of land rights and of the spiritual links Aborigines have with certain places, that need to be preserved by carrying out the ancestral practices, such as the dancing ceremonies and other rites in these locations. In the 21st century the works and Aboriginal exhibitions increasingly reflect a sense of support for social justice and protest against excessive development and bureaucratic measures which stifle the Aboriginal people individually and collectively. The symbolism and impact of the word culture, which is claimed to be the foundation stone of life, is the key to understand the process of constantly producing otherness. In this sense "culture" is a metaphor for a series of conflicting questions at work in recognizing humanity in general. The issue of social justice concerns the human condition; the condition of the native identity is the local response to the right to singularity. We all have the right to be different. What is needed today is to reflect upon what it means to be human, to be a respected and equal member of society, locally

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Elkin, 1977 and Viesner 2006.

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see Glowczewski et De Largy Healy, 2005, *Pistes de rêves*; De Largy Healy in Glowczewski & Henry (ed), 2007, *Le défi indigène*.

and nationally. What does it mean to be Australian, European, or French today? Where do the cultural communities fit amongst the nations? The Aborigines propose a model of sovereignty which is interlaced; a sovereign justice for all. How can we weave it together?

### *Postscript by Lise Garond*

#### Palm Island lessons to a young anthropologist

I first heard about Palm Island in December 2004 while visiting Barbara Glowczewski, who was an invited Professor of Anthropology at James Cook University, and supervising my studies in Anthropology in Paris. I had always wanted to come to Australia and I was very interested in Aboriginal dance and art. I had discovered it through Barbara's books and had studied it in Paris. It fascinated me; it's beauty, its power and magic, and its strong underlying political themes. But it was a vision I had formed from afar.

When I arrived in Townsville, Palm Island was all over the news, especially in the *Townsville Bulletin* newspaper. It's the kind of paper which always features a young and pretty girl on the third page, commenting on a beauty contest she has just won, next to articles about a person whose dog has just been eaten by a crocodile, about someone who has been murdered in the most horrific conditions, but also (at the time) the Tsunami in Thailand and the Palm Island events; altogether, both anecdotic and sensational news, where the anecdotic becomes the sensational, and vice versa. Just after the riot, Palm Island had often appeared in the newspaper with headlines such as "Trouble in paradise", "Anarchy on Palm", and "Palm Island explodes". It sounded like a scary place, and newspaper reports often mentioned that the island had been classified in the Guinness Book of Records as "the most dangerous place on earth outside a war zone", as if the Guinness Book of Records was a reliable reference <sup>143</sup>.

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Indeed, the 1999 edition of the Guinness Book of Records mentioned Palm Island as "the most likely place in which to die young". It followed a sensational article published in the Times Magazine, titled "Devil's Island", which aimed at attracting attention to the tragic high occurrence of suicides among young people at the time. The British journalists wrote that the World Health Organisation had designated Palm Island as "the most violent place on earth outside a combat zone. I'm yet to find evidence to substantiate this claim. However, the statistics about criminality on the island cited in

One day Barbara and I went to a public meeting at St Theresa's church, a church which also functions as a kind of community centre and is frequented by many Aboriginal and Torres Strait Islander people and Pacific Islanders. The meeting held was in relation to the "riot", the Palm Islanders arrested after the riot and about how people were treated on the island thereafter. The riot had shifted public attention from the police and the "embarrassing" death in custody to the supposed 'threat' posed by the rioters. Ultimately however, it would contribute to the exposure of the police responsibility for the events, the death and its appalling investigation. There were many people from the island present, together with their family members from Townsville. On another day, while walking in the mall in the centre of the city, we ran into Lex Wotton who Barbara introduced to me. I shook his hand and he smiled; he seemed quite shy, quiet. Was it the same man who was accused of leading a riot?

I had to go back to France, but returned the following year, in August 2005. I was starting my PhD in Anthropology, but I didn't know what it was going to be about. In Townsville, I was living not very far from St Theresa's church, and we went back there with Barbara a couple of times. Barbara had followed the committal hearings and the inquest, and she had been invited to film a ball on the island<sup>144</sup>, which she was showing the women at the church. They were friendly and fun, and visibly very happy to watch the film, it had been a really important moment for them, yet it never made the news on the mainland. It was as if Palm Island could only be presented as being desperate, miserable, sad and dangerous.

The Aboriginal people I met seemed concerned over the disparaging way in which they were usually portrayed. I would come back to the church several times, and go to other places, as I started to focus on Palm Island, which would become the subject of my research. The history I learned was amazing; did this really happen right there on that little island? From the way people were talking about it, it sounded like it had happened only yesterday. Indeed, some of the old women I met had been sent to Palm Island as children, and some of them had been put in the dormitory, which only closed down in the mid-70s. Two of the women I met, Mary Twaddle and Bernadette Johnson, who became dear friends, invited me to the island.

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the article date back to the early 1980's, and include sociologist Paul Wilson's only published data on the subject. Although tragic, the suicides occurring at the time the article was published did not amount to acts of "criminality".

<sup>144</sup> See Barbara Glowczewski in previous chapter.

Prior to visiting the island, I had already learned some disturbing lessons during the time I spent in Townville's pubs. These can be good spots in which to engage in "participant observation"; the kind of methodology that social anthropologists are supposed to use- direct observation. On several occasions, I felt that I was observing things that I'd rather not participate in.

Most of the time, there were no black people there. A few times, I got to talk to some people, who asked me what I was doing in Townsville and I tried to explain. Most people think that anthropologists dig up bones and study them, as they do in the American criminal show on TV of the same name. I tried to explain that social anthropologists don't study bones, but "living" people, that they try to get an understanding of what people do, why they do what they do and how this relates to the social and cultural world they are living in. When I mentioned my interest in Palm Island, they often asked "why do you want to go there?" Several people told me that Palm Island was a dangerous place that had been classified as "the most dangerous place on earth in the Guinness Book of records". One guy one evening, just a couple of days after Australia day, which Aboriginal people call Invasion day, or Survival day, seemed to have a lot to say about everything and about Aboriginal people in particular. He asked me whether I had heard about the riot (I probably seemed to be a very naive girl to him, wanting to go to Palm Island to dig bones, or wanting to know about "Aboriginal culture", only knowing about the nice paintings that I had seen in the Parisian museums, but without knowing what it was *really* like over there). I said, "Yes, a little bit". "Well, you know these people... that's what I would tell them", he started. His friend told him to shut up, told me that when he's had a drink, he starts saying racist things. "That's what I would tell them- you're living in such a beautiful place, why do you fuck it up? They're violent. They tried to kill the cops you know, I say that because I want to join the police later on too". I told him that there had been a guy who died in prison on Palm Island before that. He said "no, he didn't die in jail, he did that to himself, he fell over or something." I said "what about the autopsy, his injuries, he couldn't have done that to himself, just falling down like that." He replied "yeah, well maybe, I don't know, maybe there's one cop that's corrupt, but I don't think so". This was taking place just after the Cronulla riots in Sydney, which had also made the recent news. He asked me if I had heard about that. I said yes. "Well it's because people are sick of it, we're sick of these people, we're sick of these violent gangs, the Chinese and all that, they're everywhere. If only they could tell themselves one day 'we are Australians', and not Lebanese, Aboriginal or God knows what else!" He explained that he was in the

army, and that he was passionate about history. He wanted me to tell him about World War II in Europe, he wanted to know what it was like after the war in France, whether life was difficult afterwards. I said "you know, I was born a little bit after that". He said, "yeah, but it must have had a lot of effects on everything, that you're not aware of."

While I left, I thought to myself that the colonial history must have had impacted on many people in this place, including this guy though he was not aware of it. On another occasion, this other guy came to talk to me: he seemed nice, with an almost angelic face. But when the conversation at some stage steered to Palm Island, I heard once again the warnings, that "it is a dangerous place". I asked him, as I usually do, whether he had actually been there before. He admitted, "no, but that's what I hear in the media, you know the Townsville Bulletin. He said that he thought it was not a "very good" newspaper, "but that's what we've got at work, so I read it during lunch break".

This is the kind of talk I hear many times, although I also get to know many other and open-minded white people elsewhere, some of whom are actively involved and siding with Aboriginal activists in Townsville, such as, among others, Gracelyn Smallwood and her sister Florence Onus. A lot of white people in Townsville are aware, and sometimes ashamed, of Townsville's reputation for being a racist, redneck town. Townsville's image of a "redneck town", a little bit like Palm Island's image of a "dangerous place", is a representation which is partly wrong. However days after the riot, racist inscriptions covered the town's walls, signed by fanatics reclaiming themselves of the KKK. But it is also in Townsville that the famous historian Henry Reynolds, together with Noel Loos and others initiated the first program of historical research into Queensland's colonial history in the 1970's. It is also in Townsville, with the involvement of a group of Aboriginal and non-Aboriginal university students, academics, and trade unionists, that Eddie Mabo found in the early 1980's the support in his fight for the recognition of land rights, which eventually led to the historical Mabo case in 1992. If contrast and contradictions give shape to Townsville's atmosphere, like anywhere else, it seems hard for Aboriginal people living in the town, even today, not to feel stigmatized in negative ways and be cautious about white people's gaze.

One day a friend of mine and I, were talking with a group of young women at one of the Townsville pubs. All of us were a little bit drunk, having fun. One of them told me she was from Palm Island. I asked her what it was like. She said straight away, "You know, it's not like what you see in the news." I ask her "what about the white people on Palm?" "I love white

people,” she replied, “they love it on Palm, they’re enjoying themselves, they all have big houses on the beach.” I sensed a hidden resentment in what she said. I went back to what she was saying about the media, mentioning the name of the Townsville Bulletin. There was a lot of noise and it was hard to hear but the look on her face changed radically; she asked if I was doing “press reviews”. I said, “No, I’m not a journalist, I’m just a student, I would like to know about Palm Island...” I had trouble explaining my intentions. She looked angry then, convinced I was a journalist, and obviously disliking the idea. She asked me to show her my ID, to empty my pockets. I tried to explain and showed her my student card. Her sister next to her didn’t know what was going on, smiling and busy talking with someone else, but for me it was over.

I went home feeling stupid. Indeed, what’s the difference between me and any other “white observer”, who wants to “know about Palm Island” but simply ends up transforming others into an object of study, speech or text?

A little while later, I had a conversation with Agnes, Lex Wotton’s mother. It was the third or fourth time that I came to Palm Island, in June 2006. I had met Agnes before and went to visit her at home. When I arrived, she didn’t seem too happy to see me; she was busy finishing her supper. After a little while, she told me to follow her into her room, because “we need to talk”, she said. She sat down and told me to sit opposite her. She looked at me, and in her deep and frank voice asked me:” so, what is this study you want to do on Palm Island? And what will come out of it?” No way out. I had to explain. I had already tried last time we met, but obviously not well enough, probably because I wasn’t too sure myself what I was doing here. I wanted to learn about Palm Island, about its people, its history; how it affected its people and how the past now lingers in the present. I could sense it just from being there right then, talking to her, being a white “visitor” like people on Palm politely say (they might also sometimes use the word “migaloo”, either as an affectionate. or sometimes derisive way of calling white people). I felt out of place. At the same time, I felt like I was given a generous lesson on the risks (and the unacceptability) of engaging in a (neo) colonial type of relationship, one in which the white subject transforms the black subject into an “other”; for “the other” subject, resisting this representation becomes a struggle. “Because we never get anything back, you know,” Agnes added.

I explained, once again, that I was just a student; I wasn’t getting any money from the university, but yes, I would get a degree out of it, and later on, I might get a good job, if I

managed to finish my PhD. There was nothing I could guarantee about what I could give back, and my sole desire to understand things seemed not to be enough. I explained that I would like to present a different image of Palm Island, not like the one which was constantly reflected in the media. But my argument that I had supposedly a better understanding than the media wasn't convincing, because several journalists were themselves trying to get a better understanding of the situation. Agnes knew that and told me patiently but with a little bit of annoyance: "Yes, well...but you know, we are not all shiny and bright in this community! People have got so many problems, it affects them mentally, psychologically so much, that they are tired, they don't look well, they look sick". Life is not always easy on Palm Island, it is a reality. Yet I was to learn, through Agnes (who would invite me to stay at her place many times) and through others on Palm Island, that even if people have "problems", if people don't all look "shiny and bright", they are nevertheless not reducible to these problems, although most of the time, they also have something to say about it *themselves*.

Following the 2004 events, the many mainstream newspaper articles about Palm Island used to describe the situation on the island as a "hell in paradise", or a "paradise lost"<sup>145</sup>, as if what was beautiful on the island was the landscape, whilst the people, and/or their life, their economic, political and social conditions were comparable to hell. The descriptions do not always have the same tone, or the same objectives. While some commentaries portray people, without respect, as altogether "dysfunctional", others attempt a more thorough analysis of the contextual causes behind such supposed "dysfunction", and aim at denouncing sound injustices, such as poor economic and health conditions existing in the community. However, even when the observer presents himself as "sympathetic", Palm is all too often described as a desperate place, in which victims appear either powerless, or in fact responsible for their fate. Interpretations of despair indeed so easily slip from pitying the victim to blaming it.

Evocative as it is, this picture of "hell in paradise" is perhaps more telling about the way people, white people in fact, mostly look at Palm Island, or at Aboriginal communities, "from the outside".

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<sup>145</sup> See, for instance, "Paradise lost", Michael Madigan and Michael McKenna, *The Courier Mail*, December 4, 2004; "Tropic of despair", Mark Todd, *The Sydney Morning Herald*, December 4, 2004; "Bitter Paradise", Tony Koch, *The Weekend Australian*, December 4, 2004; "The poisonous paradise", Michael McKenna and Ian Gerard, *The Australian*, December 29, 2006.

This “paradise lost” image is perhaps a symbol for the ‘outsider’s’ often terrified, concerned, but also disgusted realisation (hopefully lasting, though perhaps only temporary) of the difficult conditions that Aboriginal people still live in, “remote communities”, which are often called “the communities”. It’s a little bit like in France what people call “the suburbs”; these places at the outskirts of big towns, which people in the cities represent as poor, miserable, places that they suddenly discover, or rediscover through the media after tragic events take place, only to forget again. They both are places in which people have been forced to live in the past: a lot of people from the previous French colonies in North Africa were made to come to France by the French State to rebuild the infrastructures after WW2. Aboriginal people were deported under the “Protection Acts” since the end of the 19th century to reserves like Palm Island. They have remained “out of sight, out of mind” but have sporadically reappeared in the news since the 1980’s, drawing some public attention to the “Aboriginal problem” in Australia, as the North Africans do to the “immigration problem” in France. The reports are often patronising with racist undertones, or comments, which often slip, by government officials promising new policies, often disregarding local initiatives already in place, which sometimes work very well, but would need more funding to function.

People on Palm Island don’t use that metaphor of the “paradise lost”, or of “hell in paradise” to describe their life on the island. Life itself, and not solely the landscape, is in fact often compared to a paradise, or to what could almost be a paradise, if the appropriate economic and political conditions were put in place. There are problems, there are indeed tragedies. But there is also love, laughs, friendship (often with the white people who live there, or work there, many of whom are not, or have not become prejudiced)<sup>146</sup>, a landscape made of many significant places which keep the living memory of the ancestors’ spirits and the sharing of common experiences of struggle, resistance and resilience, there is a whole field of sociality and ensemble of values also constitutive of, and indispensable to, the well-being of those who live there. Altogether, this is what makes Palm Island “home”, and which makes one, as people on Palm so often say, feel “homesick” when having been away for too long ; something the outside observer has trouble to fathom given that the image displayed of Palm Island is all too often that of trouble or social misery, albeit “in paradise”. It is not that one shouldn’t talk about the problems. In fact, they must be talked

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I indeed will meet a good number of non-Aboriginal teachers for instance at the Bwngcolman school, who not only dedicate considerable amount of energy to their job, which is sometimes difficult, but whose presence on the island is very much valued by the inhabitants.

about. But the question is also, crucially, *who* talks about them, *how* they are being described.

But Agnes is not one who is going to let someone speak for her and say nothing. So are many old and young ones on Palm Island, notably numerous singers and musicians (such as the excellent young hip hop singers the “PI Boyz” with their song *Aboriginal Justice*, now a big success on the internet). If some still can’t see them, they are going to make themselves heard, tell their own stories, and talk about their history themselves. Even though things are starting to change, it is significant that no media (except the Aboriginal newspaper, the Koori Mail) reported on a huge event that happened on Palm Island in 2006, a concert by Boney M.

Indeed, that year on Anzac Day , the famous disco band Boney M came to perform with other musicians (such as the Aboriginal hip hop and reggae band Zennith from Kuranda, and the guitarist Phil Emmanuel) on Palm, after touring internationally and around Australia (Brisbane, Sydney, Melbourne).

In the morning, the last preparations were taking place for the performances of Boney M and other performers on the football ground. The lawn had been mowed during the whole previous week by volunteers, who had answered a call from the council to join up to “give a good image of Palm Island to our visitors”.

But prior to their evening performance, the Boney M singers were invited to attend a lunch organized in their honour in the presence of some Palm Island elders, at one of the island’s schools, St Michael.

I had the opportunity to attend, and before the lunch was served, a number of speeches took place in front of the Boney M singers who had just arrived. Though they were smiling, they seemed to be a little bit surprised; the stars of the day were turned into spectators of a series of performances organised for them and the elders, in which Palm Islanders attempted to show and explain what Palm Island was and what its history was about, in order to make the visitors understand and hopefully to touch them.

The mayor welcomed the band first: "We've followed you through your beautiful music and we are very proud to have you in our midst. Palm Island of course like any other

Aboriginal community is mad about music and I say that music is good for the soul. It lights our people, people's spirits. We live in a situation of despair, where... government has final say. However we are trying to maintain our position as Bwgcolman people, as we are named, and to be able to restore those things; that is very important to Aboriginal culture. You will see a little bit of that today. We look forward for the whole community to be moved by what you have to present to us. And of course we will never forget Boney M from this day on".

A number of other speakers spoke, singers performed songs about Palm Island which they had written, and which most people knew well in the room, singing along. A group of young girls colourfully dressed, appeared. The presenter for the day explained that the dances the young girls were going to perform showed the influence of "Polynesian, Torres Strait and Aboriginal types of dances", representing the diversity of "Palm Islanders' backgrounds": "In this community a lot of influence comes from the old people in the community who were brought here from everywhere around the country and put on Palm, so what the kids are dancing here today are things that probably their grandparents and their great grandparents were doing in dormitories or in the community to keep the music and dancing alive in our community". The music started, the girls appeared in their multicoloured dresses, and people clapped and whistled while the Boney M members took photos on their mobile phones.

A film was then screened, in order to give, as the presenter explains, "our visitors an insight into what happened on Palm in the early days".

The film, a documentary made in 1994 by SBS contains archival pictures and images of a film, called *Protected*, made in 1976, in which Palm Islanders participated in the re-enactment of how life was on the settlement in the 1950's, and how the situation led to a strike in 1957.

All of a sudden, the sound of the old bell resonated. An old woman smiled, recognising the sound. She turned around to say something to her old friends behind her. The film commentator explains:

"The day [was] governed by the ringing of bells, bells to get up, to have breaks, time to go to sleep. The island supervisor had enormous powers; he dictated the life of the

island's Aboriginal population. Most lived in constant fear". Later on the voice over goes on: "maybe the cruellest of all was to take children away from their parents. The children were housed in dormitories". The old woman didn't smile anymore. She looked serious, absorbed in her memories. Everybody in the room was attentive. A woman appears on the screen. Smiles appeared on the faces of those in the room who knew her well.. "How long did you live in the dormitory?" asks the commentator in the film. "From the age of 10 to 22", answers the old woman. Another woman is interviewed. She too was there that day in the room, she is the daughter of Willie Thaiday, one of the strikers of 57, she tells of how they were expelled from the island, as were the families of 6 other strikers accused of leading the strike, who were deported to other Queensland Aboriginal reserves. She explains how hard it was for her not only to go, but also to return years later to the island, and to see how life had changed, with new difficulties, which made things even harder for her. She cries in the film, while she tells her story. She cried in the room then, some people, next to her, put their hands on her shoulder. The film goes on, talks of today's struggles, but also of local initiatives put in place to overcome them, such as a rehabilitation centre. A man says "Palm Island has got a lot to offer, it's paradise for us here and our people have to realise it. We've got to keep it, and we've got to develop it".

It was then the "visitors" turn to say a few words. Sheila Boney, the singer of the band, stood up: "Where shall I begin, what can I say? Most importantly of all, it's been an absolute honour and pleasure to be invited to your wonderful, beautiful island that we haven't been able to see properly yet but I hope we'll get a chance later on... but from what we can see, both outside and inside, it's an experience never to forget. So we'd like you to give yourself a nice applause!" She sat back on her chair, but straight away added, "I'd just like to say ... this reminds me very much of Jamaica, this is a very Jamaican ambiance.

Agnes, in the name of the other elders present, stood up to give her a gift; it was a jar filled with soil. She explained, in a very poetic manner, what it meant: "This is to say, from the elders and myself that you touched them on Palm Island soil."

The singer herself was visibly touched. She decided to sing a capella with the rest of the band; one of their most famous songs, "By the rivers of Babylon: "*By the rivers of Babylon, where we sat down, and we wept, when we remembered Zion. Many got up and sung along these words, evocative of their own history. When the wicked, carried us away in captivity, requiring from us a song, well how to sing the lord's name, in a strange land.*

During the signature session which followed, a lady touched Sheila's hand. Sheila looked at her, she asked her, "are you Jamaican?" "No", answered the woman amused, "I just wanted to touch you". An old lady gently caressed Sheila's long plaits.

Later on in the afternoon, I asked Agnes:

- LG : So what did you think of that lunch and Boney M, and the song, and the film?

- AW : I think it was a very wonderful evening, a beautiful event, especially with a great talent like Boney M. I remember when it first came out in the 80's, or 70's, they were really a smash hit on Palm Island. I remember our eldest daughter dancing to that song. I think the elders really enjoyed the day there as well...

- LG : And what did you think of that film?

- AW : I think it was very good, because it shows a lot of the history and the struggle of Palm Island... for so long it is part of our history anyway, the struggle. They said the first riot... that was when you know, we were eating food that you know, you throw out to the pigs, the horses, the cows to eat, and that was one of the reasons for that strike, as I understood. And it did change a little bit... and this thing, this Black Death in custody in 2004 and the riot... look what's come out of it! We've got this great band that came to visit and gave a concert here tonight and it brought interest from other band members who have their own stage probably around Australia... so you know, it's people who come to have more understanding of other people's suffering, and the struggles during their lives and how they have to live their lives in such a way that they shouldn't live that type of life in a state of poverty, because life was never meant to be that bad... in such a free country as Australia. So you know, it was really a wealth of experience, having the luncheon and exchange of culture and things like that.

- LG: And what did you think when the singer said it reminded her of Jamaica?

- AW: Yeah! She said that Palm Island reminds her of Jamaica and I thought, well, coming from that part of the world, I think she has a good understanding of what she saw here today. I believe that today was really great, and you know, not many of our elders in this community have a chance to be around people like this... when they were signing autographs for people

this afternoon, before I left, they got to know the people, straight away, they felt like... they were welcome, in such a special way... that the people are not what they are hearing about Palm Island. This is what I felt. They were respectful, and I thought this was really wonderful".

The next day, life on the island took a more ordinary course; but some people said that the music had been so powerful the previous night, that they could hear it all the way over on the mainland.

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*The West Australian*: <http://www.thewest.com.au>

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*European Network for Indigenous Australian Rights*: <http://www.eniar.org>

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