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Turning Aboriginal—Historical Bents

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Under the pressures of binary identity politics the search for Aboriginal identity among people of mixed descent has become a Russian roulette that may end up with a public hanging where those with a larger public profile draw a bigger crowd. This essay explores the historical dimensions that underpin confusion and uncertainty: changing definitions of Aboriginality and the external, often discretionary, imposition of identity. Historical case studies illustrate that a certain slippage was always part and parcel of the quest to define who is, and who is not, considered as Aboriginal.

Introduction

For several decades the higher than natural increase in the Aboriginal and Torres Strait Islander population reflected in the Australian census has raised eyebrows with the suspicion that an increasing number of Australians must be making identity choices based on relative advantage – that people are ‘turning Aboriginal’ in order to benefit from this status. Jimmy Chi’s *Bran Nue Dae* parodied this suspicion with the lines ‘There’s nothing I would rather be than to be an Aborigine – and watch you take my precious land away’, reminding us that there still are hefty disadvantages to being Aboriginal in Australia.

Mixed lineages, like those of Chi’s own family, and the mixed communities that characterise northern Australia’s townships, do present people with a certain choice over identity, and indeed there are many who have ‘opted out’ of being Aboriginal, precisely because they find it more advantageous not to be seen as being Aboriginal. Their numbers or proportions are impossible to gauge from any database. The emergence of a welfare system based on ethnic identity has rendered identity choices mandatory for indigenous descendants, since everyone is now regularly faced with the option to ‘tick this box’ on documents, forms, applications, and registrations.

But the performance of such a choice, if it comes into public view, is met with considerable cynicism.

Fiona Noble undertook an ethnographic study of persons who have been faced with such identity choices. Her interviewees in south-east Queensland were raised as 'white' and since found out that they have Aboriginal ancestry, or have a strong suspicion that they may have. Her study reveals the intensely personal nature of such identity choices, and the conflicts they may raise with family, because to finally embrace one's Aboriginality immediately implicates one's parents and siblings.

Although these interviewees claimed that being Aboriginal is 'not about biology that much' (Noble, 1996: lxi) and 'genetics doesn't really come into it' (Noble, 1996: lxxvi), all of them made reference to the body (dark, black, look at my skin, olive skin, curly brown hair, sleek shiny and blond, red head, fair, flat nose, Aboriginal features, colour, blue eyes, black eyes, dark hair, Aboriginal blood, white blood, look alike), because it is from the body that cues are read that have been socially obfuscated.

Noble also found that next to those who have embraced their Aboriginality, and those who have opted out, there was also an in-between identity, 'half-steps', who see themselves as 'being of Aboriginal descent' without being 'Aboriginal', a position that harbours intensely personal uncertainties, because it is not sanctioned by any socially valid categories. 'Half-steps' might wonder, for example, where in an Aboriginal protest formation they should position themselves. They hesitate to refer to Aboriginal people as either 'us' or 'them', and often feel challenged to weigh into a discussion that harbours racist undertones. They generally hold an uneasy truce with their families about identity (Noble, 1996).

The in-between status felt by such 'half-steps' is one that has entirely disappeared from the official nomenclature in Australia, where a bifurcated view of being Aboriginal now reigns: are you of Aboriginal or Torres Strait Islander descent? Tick one. The boundaries have been drawn tight, Aboriginal persons are now frequently required to document their Aboriginality to gain access to designated positions and opportunities. But apart from the three-pronged definition of Aboriginality which has been variously contested, there is no hard-and-fast agreement among Aborigines, any more than in the white community, how Aboriginal one has to be in order to be Aboriginal, or what one ought to look like. A group of people at Cobourg Peninsula at the Top End once commented on a photo in my album, of a respected Aboriginal elder from Warmun in the Kimberley: 'Wat dis one, balanda woman. Chinaman?'

Different Aboriginal communities draw the boundaries around being Aboriginal differently. Mirroring the sentiments in the white community about who is 'more Australian', remote communities are often

distrustful of urban dwellers. Binjari community near Katherine defies the legitimacy of the Northern Land Council 'run by half-castes' – a term that still has great currency in the north. From contests surrounding ATSIC elections emerged an unhelpful lexicon of 'paper Aborigines', and public disputes over identity have given rise to the term 'fake Aborigines'. In periods like the one from which we have just emerged, which fostered neo-conservative and white supremacist attitudes, such disputes are particularly toxic, capable of causing deep rifts in a national community that sorely requires solidarity.

Here I want to explore the ways in which being Aboriginal was always a contested status, subject to 'border disputes', changing legislation, personal opinion of local protectors, and often indeterminate. The twisted history of 'being Aboriginal' in white law gives some historical depth to such current disputes.

The case studies in the following are drawn from my work on contacts between Asian and Aboriginal people in northern Australia (Ganter, 2006). They combine archival work and oral history fieldwork interviews in order to understand the processes to which indigenous people became subject in the process of colonisation when they had their racial identities externally imposed on them, and decolonisation, when they started to be able to exercise some choice in the matter of identity. The polyethnic histories of the north set a particularly strong impulse for recognising and accepting the creole and varied ways of being Aboriginal of which binary identity politics tend to lose sight.

Widening the net: legislative twists

Whereas nowadays people of mixed Aboriginal descent run the risk of having their Aboriginality contested, earlier the intention was to include them: paradoxically the mixed descendant disappeared from legislation in an effort to widen the net of persons to be administered as Aborigines.

As the 'science of race' enjoyed its final climax in the 1930s, there was a concerted attempt to include mixed descendants under the meaning of 'Aboriginal' as defined in various 'protection acts'. In Western Australia this act was amended in 1936 with the effect of abolishing the term 'half-caste'. The amendment was intended to include 'the whole coloured population', with the exception of 'quadroons over the age of twenty-one and octoroons'. In introducing the bill W.H. Kitson reiterated the argument made by Chief Protector Neville that coloured people would not object to their new status under the law because they were to be referred to as 'natives', not 'Aborigines'. Semantic diplomacy notwithstanding, the move caused much resistance. It meant in practice, for example, that those not defined as 'natives' were not permitted on reserves, and not permitted to 'cohabit', so families were torn apart. The same move had been made in Queensland in 1934. It meant that at Thursday Island alone, 22% of registered voters were struck off the electoral roll, soliciting a

wave of protest that manifested itself as a citizenship rights movement.

The term 'half-caste' was progressively eased out of legislation. It became 'less than the full blood' in South Australia in 1934, 'native' in Western Australia in 1936, 'half-blood' in Queensland in 1939, and 'part-Aboriginal' and soon afterwards 'ward' in the Northern Territory in 1953. Some of these terms maintained a distinction between 'full' and 'part' Aboriginal, others obfuscated it. Where the distinction was maintained, it was gradually dissociated from the lexicon of 'blood' (replaced with 'part-Aboriginal' in Queensland in 1965, 'wholly or partly descended' in South Australia in 1972, and no further reference to 'full-blood' in NSW with the 1969 Act (McCorquodale, 1987).

The official Australian nomenclature of racial admixture never ventured beyond 'half-caste', 'quadroon', and 'octoroon', whereas in the United States a complicated nomenclature was able to precisely identify the degree of 'whiteness' of a mixed descendant to the seventh generation. The French in the Southern states referred to mixed descendants who had one white parent as 'mulatto' (2nd generation, with one black parent), 'quadroon' (3rd with a mixed descent parent), 'metif' or 'octoroon' (4th), 'meamelanc' or 'mustiffee' (5th), 'quarteron' or 'mustifino' (6th), and in the seventh generation 'sang-mele'. If there was no white parent, 'lascos' referred to the offspring of two 'mulattos', 'sambo' or 'griffe' to the offspring of a 'mulatto' and 'negro', and so on (Reuter, 1918). These terms are today either highly offensive or practically forgotten.

In Australia the racial ascription was never implemented with such single-minded rigour. The 1934 Amendment Act in Queensland allowed a descendant to the fourth generation to be included under the Act (grand-child of two 'half-castes'), but it also had a social dimension next to its biological one, reflecting the social management dimension of such terms. Section 4 (b) of 1934 allowed anyone of Pacific Island extraction who 'lived as an Aboriginal or habitually associated with Aborigines' to be drawn in under the Act.

This social dimension gave rise to much uncertainty and contradiction. It was possible for the same person to be an Aborigine for some purposes, and not for others. For example, Magistrate Ryan in Albany determined in 1971 that 'it is possible for such a person to be found to be an Aboriginal native under the National Service Regulations and yet not be an Aboriginal native under the Native Welfare Act (WA).' In this case the person in question, who lived in Native Welfare Department Housing and was administered by the Department as an Aborigine, was not able to claim an exemption from national service as an Aborigine under Section 18e because he did not live on a gazetted reserve (McCorquodale, 1987: 459). During previous military conflicts it had also been possible for a person to be evicted from reserves for not being sufficiently Aboriginal, and yet refused enlistment in the armed forces for being too Aboriginal.

Having been Aboriginal

It was also possible to 'become' Aboriginal under the law, and to 'cease to be Aboriginal', because next to the social dimension, by which one could turn from being a 'half-caste' to being 'Aboriginal' by 'habitually associating' with Aborigines, the law also contained a life-cycle dimension, by which one turned from being 'Aboriginal' to being 'half-caste' when turning 17. This is beautifully illustrated in the case of Atima Ahwang, whose status under the Act in Queensland was never fully determined despite becoming a test case for consideration by the Crown solicitor.

The 1897 Protection Act in Queensland was quite narrow in its definition of 'half-caste': one had to have an Aboriginal mother and non-Aboriginal father. Not the other way round, not two mixed-descent parents, or one mixed-descent parent, no counting of blood. As soon as Walter Roth took up his office as Northern Protector he observed that it was the mixed descent population that would take up the majority of his efforts, because it was a rapidly growing population. He therefore initiated an amendment in 1901 that allowed him to disallow mixed marriages, especially with Asians. In 1904 the Queensland protection laws were extended over Torres Strait which had previously been exempt out of consideration for the master pearlers who wanted to retain the liberty to strike their own deals with Torres Strait workers. A large population of mixed Torres Strait, Pacific Island and Asian descent therefore came under the net of protection, and many moved to Thursday Island in order not to be on declared government reserves and classed as Aborigines or half-castes. The growing mixed population on Thursday Island was causing concern for the local protector who felt that he needed to assert himself, particularly over the young women, because he felt himself increasingly opposed and resisted by those whom he meant to administer.

In 1914 Protector William Lee-Bryce wanted to prevent the marriage between a Malay pearling worker and 17-year old Atima Ahwang, daughter of the Malay Ahwang Dai and Annie (of mixed parentage) from Badu Island. They had left Badu Island in order to escape the reach of the Protection Act. Lee-Bryce informed Ahwang that permission was required for his daughter's marriage, and would not be given, and Ahwang ignored the Protector and proceeded with the 'Malay fashion' wedding. (These are the local protector's words. Presumably it means that the marriage was according to Malay customs and not officially sanctioned under Australian law. The protector also meant to express that it was illicit, and therefore immoral.) On 16 June 1914 at four o'clock in the afternoon two plain-clothes policemen swooped on Atima while at work, took her to the watch-house by a back way, and placed her on a ship to Brisbane the next morning. She was sent to Barambah (Cherbourg) in the cold winter without a stitch of clothing except what she was wearing at work. Her white employers, Mr and Mrs Riley, protested, with a telex straight to the Home Secretary on the same day: nobody who was

under a legal work agreement was able to be removed under the Act; Section 10(a) of 1897. The Chief Protector John Bleakley investigated. The local protector defended himself. He knew that Atima was not 'strictly speaking' within the Act, but 'the Minister will strain the interpretations of the Act and order the removal of Atima ... it will be for the girl's good and serve as an example to others. ... Unless some strong stand is taken ... the consent to the marriage would be accepted by the coloured population as a sign of weakness ...' The Chief Protector considered the removal '*ultra vires*', but signed the removal order on 28 September 1914. Atima had been removed together with another girl. Their entry in the removals register: 'For their own protection. Living immoral lives.' Mrs Riley's letter to the Department put the lie to that: Atima was well protected, one of her brothers would walk her home if she had to walk home late, she was 'industrious, faithful and trustworthy', 'I have not one black mark against her, the best domestic I ever had – white or black' (QSA A/58761 cited in Ganter, 2006: 83-90).

The Department offered her employers another 'permit to employ'. The Rileys did not want another domestic: they wanted Atima back and in association with the Ahwangs continued to lobby. They enlisted the help of John Douglas, former government resident and member of parliament. But Lee-Bryce was adamant: 'the removal of (the two girls) had a great moral effect, but if they are not detained for a few years my influence with the coloured population will be seriously affected.' The Chief Protector was now called to defend himself at the Home Department.

From the facts that the girl was a quadroon Malay and legally under agreement at the time she was really exempt from removal, but the Protector apparently acted in the interests of discipline and morality and it is certainly expedient that this action, though perhaps not entirely correct, should be upheld (Lee-Bryce to CPA, 14. 8. 1914, QSA A/58761).

It was upheld. It was expedient. 'Not entirely correct' was certainly an understatement. This was an illegal removal for three reasons: the removal order was not signed, the girl was under agreement, and she was not under the Act.

As soon as Lee-Bryce died in December 1916 Mrs Riley resumed her lobbying and got the acting local protector on side. But now Chief Protector Bleakley insisted that Atima serve out her current contract as domestic for Mrs Cameron in Toowong, Brisbane. After three and a half years in exile Atima was allowed to return to Thursday Island in 1917. Her Malay spouse had long given up waiting for her, perhaps because his love letter, which is still on her file, never reached her, and might not have been answered.

Two years later she was pregnant and came under the surveillance of the Department again. She was 21. In June 1919 and March 1920 applications for marriage with Atima were filed by two different men of

mixed descent. Both were departmentally considered suitable, and were approved. Atima married neither of them. In September 1920 the local protector called her in again to question her about her marriage plans. Within a few weeks Atima responded by submitting an application for exemption from the Act. She didn't particularly welcome the well-intentioned inquiries of the department. She didn't think she was under the Act, the Department didn't think she was 'strictly speaking' under the Act. She now wanted to be exempted, like her elder brother. Her application was denied. No flurry of correspondence, no reference to the prior admission by the Chief Protector, no justification, just that: denied.

Atima had found a friend in Walter Filewood, the Australian Workers Union representative on Thursday Island. Filewood now started to pull strings with the Home Secretary ('trusting this finds the labour party a successful term of office'), the Chief Protector ('regards to your brother Charles'), and the local member of parliament ('I conduct his election business'). He went completely over the head of the local protector, who responded by proceeding against him for 'harbouring a female half-caste', accusing him of having an affair with Atima. There was only one snag. In order to successfully proceed against Filewood for 'harbouring', the local protector needed to prove that Atima was a 'half-caste' under the Act. So for the first time ever, Atima's status under the Act was seriously examined. Not to determine whether she could be removed, not to determine whether she could be exempted, but out of spite against a cocky unionist who sought to undermine the authority of the department.

Attention now turned to the genealogy of Annie Ahwang, Atima's mother from Badu Island. If she could be considered to be Aboriginal, then her daughter could be considered 'half-caste'. Annie was the daughter of a Badu Island woman (Aboriginal since 1904) and a non-Aboriginal father (either from Barbados, or Madagascar, or Niue). She was a half-caste under the Act (since 1904). But with some creative legal reasoning, perhaps she might be Aboriginal?

The matter was referred to the Chief Protector for consideration who presented the carefully constructed case to the Crown solicitor:

A question has arisen in regard to the position of a crossbreed girl ... It is extremely important that the Protector should, if possible have the power to deal with this case to maintain discipline amongst the numerous crossbreeds under his charge (CPA to Home Secretary, 18. 5.1921, QSA A/58761).

The Chief Protector was pointing out that Section 4 of the 1897 Act defining 'half-caste' actually contained a loophole. It made three provisions by which 'half-castes' could be 'deemed to be Aboriginal': if they had been living with an Aboriginal spouse at the passing of the Act, if they otherwise habitually associated with Aborigines (Clause 4c), or if in the protector's opinion their age did not exceed sixteen years. Under Clause 4c, it could be argued that while Annie lived at

Badu Island, and therefore habitually associated with Aborigines, she could be deemed to have been Aboriginal. This meant she might be deemed to have been Aboriginal at the time when Atima was born on Badu Island.

There was a flaw in this reasoning, because this law did not apply to the Torres Strait when Atima was born in 1898. The Crown solicitor was willing to overlook this flaw. He made a determination, and Circular No 21/6 was sent to all protectors in Queensland stating, in a way that may have done more to confuse than to clarify, that,

A female quadroon comes within Section 14 of the AP Acts of 1897 if it can be established that the mother is the offspring of an aboriginal mother and other than an aboriginal father and that she (the mother) otherwise than as wife, habitually lived or associated with aboriginals (QSA A/58761).

No time frame: when did the mother 'associate'? How long? At the time of birth? What if she was not within the ambit of the Act at the time when she 'associated'? What if she was no longer 'associating'? The local protector now wanted to be really sure. He pointed out that Annie was living on Thursday Island (not 'habitually associating'). He formulated a series of fine-tuned questions pertaining to this particular family. The response was as follows: Annie was an Aborigine from the time of her birth until she left Badu Island in 1904 (the crown solicitor seemed to forget the fact that Torres Strait was exempt from the Act until 1904). When she left Badu Island, and therefore ceased to 'habitually associate', Annie ceased to be Aboriginal and became a half-caste. Annie's children born at Badu Island were half-caste. However, while they were at Badu Island ('habitually associating') and until they turned 17, these children were Aborigines. Afterwards such children turned half-caste, unless they continued to 'habitually associate'. The last two children, who were born at Thursday Island, were 'neither half-caste nor Aboriginal' (QSA A/58761 cited in Ganter, 2006: 83-90).

What this meant was that some of the eleven children of Annie and Ahwang might be Aboriginal (if they habitually associated or were under sixteen), some were half-caste, and some were neither Aboriginal nor half-caste. Annie was half-caste, because her mother 'had been an Aborigine' until 1904.

All of this was built on the assumption that while Annie lived on Badu Island she 'must of necessity have habitually associated with aboriginals'. But actually this is not how life on Badu Island was structured. Badu Island had a Malaytown. Its residents were Malays who had married Torres Strait or mixed descent women. Their social life was quite separate from the indigenous Badu Islanders. By 1921 a new local protector at Thursday Island, Mr Holmes, reported:

when at Badu I inquired fully into the question of Atima Ah Wang and found that she did not at any time, nor did her mother, habitually live or associate with aboriginals. ... the girl's grandmother lived with her husband ... at the South Sea Settlement so that ... her mother is a half-caste female within the meaning of the Act, so that her children are all exempt from its provisions (Protector Holmes at Thursday Island to CPA, 10.8. 1921).

The Department did not proceed against Filewood. Atima Ahwang did not gain her exemption from the Act, but she acted as if she had, or rather, insisted that she was not under the Act. A young and ambitious new local protector was appointed to Thursday Island in November 1922. Cornelius O'Leary would rise to Chief Protector and hold this office from 1943 to 1963. During his early years on Thursday Island he was faced with massive political agitation to sign up coloured people to the electoral rolls. After just half a year on the island, he observed that some quadroon females, over whom he had no powers, 'saw fit to lead an unhindered and immoral life, and one in particular now preached her doctrine of defiance and immorality to her associates'. O'Leary's anonymous observations were filed in Atima's record (QSA A/58761 cited in Ganter, 2006: 83-90). O'Leary was constructing an argument to extend the Act over quadroons, people who were only one quarter Aboriginal. This was not achieved until 1934, when it unleashed a wave of protest, civil disobedience and citizenship leagues that seriously dented the powers of the department. The fact is, the Department *wanted* Atima and people like her to be Aboriginal. To be able to assert itself over a growing mixed population, the department needed to be able to administer them as Aborigines.

You're not Aboriginal (let's keep it a secret)

One particularly poignant tale of confusion arising from legislation is that of Tex Camfoo in the Northern Territory, who, having been raised in a mission, was threatened with legal action for marrying an Aboriginal sweetheart. The child of a Chinese father and traditional Aboriginal mother, he was removed at age eight to the 'half-caste institution' at Groote Eylandt in 1930. Here his name Harry was changed to Jimmy ('too many Harrys here'). He was then returned to the CMS mission at Roper River to work at fencing and carpentry. He married an Aboriginal woman with whom he had four children. As a rodeo-rider he became known as 'Tex' Camfoo, and he became successful in stockwork as head stockman and overseer. He fell in love with a much younger Aboriginal woman, Nellie, who was promised into a relationship of sororal polygamy with a traditional Aborigine on Mainoru Station. 'It kept on my mind – Nellie, Nellie, all the time.' Her promised husband consented, but the Welfare Department objected to his marriage. They embarked on a struggle that lasted for many years (interview in Ganter, 2006: 116-117).

The core of this struggle is difficult to reconstruct, because it left Tex with a great deal of confusion about whether or not he was considered

Aboriginal, European, or anything in between. The confusion most likely arises from the differences in 'considered opinion' of those who were empowered to deal with his case, and because he had some white men supporting him. On the one hand the Department argued that he was not Aboriginal. Presumably he therefore required permission to marry an Aboriginal woman, which would be withheld. The department also threatened to proceed against him for bigamy, but then found that his first marriage was not registered: like many Aboriginal marriages on missions it had been celebrated by an unregistered parson. Unable to document his earlier marriage, the department begrudgingly communicated to him that they could not prevent him from marrying Nellie:

They had a look in that big book of European marriage with Aboriginal woman. And they found out my name wasn't in there. They said 'We could arrest you now here' – there was a copper alongside, too – but they didn't want to do it. So I ended up marrying in the Presbyterian Church in Katherine, officially now. But I always wonder how I waited and waited and waited till we got married. It took us that long.

Technically, if he was non-Aboriginal then the Department could still withhold permission to marry. Tex recalls that he was told he was non-Aboriginal, because he was not on the Register of Wards that had been established (but never quite completed) as a result of the 1953 legislative amendment:

He said 'Your name not here, you're not an Aboriginal, you're a European ... He said, 'but we keep it a secret'. And nobody knew, even I. Now I know.

So this is how Tex found out he was not Aboriginal, at the same time that he was sworn to secrecy about it. Yet every twist and turn in his life was characterised by being Aboriginal: removed as child, married on a mission, intimidated by police, regulated by Welfare officers. Too Aboriginal to be left with his mother, not Aboriginal enough to marry his wife.

The Department was clearly turning several blind eyes. Firstly, to the polygamous relationship awaiting Nellie. Secondly, to Tex's de facto but undocumented first marriage. Thirdly, to the fact that he was not a registered Ward of the State, and therefore ought to have drinking rights: 'we keep it a secret'. After some on-the-spot intimidation – 'we could arrest you now here' – Tex was made to feel that he got away with it: an Asian-Aboriginal marrying an Aboriginal woman – not once, but twice. 'Now I know.' Actually, Tex Camfoo couldn't care less what his official standing might have been. He lives as an Aborigine, with an Aboriginal family, in an Aboriginal community, as a respected elder, on traditional land at Bulman. Not good land, but their land.

Clash of worlds

Mixed descent children were more likely to be removed if their parents attempted to form a functioning family which did not conform to Christian monogamous standards, but comprised elements of traditional lifestyles, fusing elements of the polygamous marriage system which was one of the deep cultural affinities between Chinese, Muslims and Aborigines. To white observers, such arrangements were morally suspect, and gave rise to fantasies of licentiousness. In the case of the Pan Quee family near Darwin, the two children of a Chinese living together with an Aboriginal woman were removed, whereas her child with her Aboriginal husband was left at home. The Chinese man's children with other Aboriginal women, with whom he did not form a household, were also left alone (in Ganter, 2006: 173-176).

Jack Sahanna and his sister were removed from a polygamous Asian/Aboriginal household to be raised on a mission. For him the return to the Aboriginal fold was precarious. The intention of a mission education was to wean children from their Aboriginal background and identity, and Jack was a model student. A photo of his removal was published in *Walkabout Magazine* in a 1946 article praising the modern epoch washing over the fossilised outback:

A tiny brown child sitting all alone beside an aeroplane agleam on a vast plain, mountain-ringed – the picture remains as a symbol of the New Australia that is forming, slowly but surely ... of ever-growing fleets of civil aircraft that glisten in our skies. ... The ... small dark child created a symbol for me ... Dramatically backed by a silver Lockheed when he was travelling alone on the newly inaugurated Kimberley Stations Medical and Mail Service. ... There he sat, Yogi-fashion with crossed legs, a tiny brown human, incredibly small and lonely, set against the huge silver Lockheed. ... The child had picked up two sticks and was beating them together, singing a little refrain under his breath, to pass the time, and, I do not doubt, to allay the terror of being thus utterly alone, already 150-odd miles by air (a fortnight's journey by horse) from Karungie, where he had that morning boarded the plane. Beside him lay the tiniest swag in the world, his entire possessions rolled in a minute ground-sheet, which with native caution he had fetched out from the plane, keeping it handy, just in case. ... This was Sarhanna, aged eight, son of an Afghan and a lubra. His mother had died when he was a baby. His father had reared and provided for him. But now his father also was dead, and Sarhanna *en route* to be cared for and educated at the Beagle Bay Mission, close to Broome (*Walkabout*, 1. 10. 1946: 11-12).

It was almost all true, except that Sahanna was not an orphan. I met his mother in 1995. She and her sister had cried and pleaded to be able to keep their children, to no avail.

Jack imbibed the teachings of the mission. 'I appreciate everything they've done for me. It made a man out of me.' He became what he

calls a 'self-made man'. He says he received a good education to Grade 6, and trained as a blacksmith. When he left the mission 'it took me only a couple of hours to get a job. I worked for a decent person. ... After nine years I finished up with a tradesman's certificate.' He built his own house 'this is something to be proud of. I designed and built it myself. Verandah all around. Beautiful' (Interview in Ganter, 2006: 180-186). He had left his Aboriginal background far behind, a model success story for mission, modernity and individualism.

One day in Broome an Aboriginal man who had known his father asked him, 'Jack, what are you doing with all your inheritance?' 'What inheritance?' 'The station your father left to you and your sister, must be worth a packet.' Jack started to investigate and eventually employed a lawyer to retrieve his inheritance. In the process, the story of his childhood, as recorded by departmental files, unravelled for him.

His father Sianna Sindhi (or Sahanna) took up a cattle run on the Salmond River, which became known as Moonlight Valley, in the 1920s when that area was just getting carved up into leases. Some Kitja people of that area showed him where he could 'sit down' on their land and gathered round Sahanna's station. They included Tommy and Daisy and their daughters Mary and Winnie. Mary and Winnie each had a child with Sahanna, so they became a family (in 1935 and 1939 respectively). After the birth of the first child the Department started to put pressure on Sahanna, reminding him that as an Asian he was not entitled to employ Aboriginal labour. A Wyndham constable, P.J. Plant, was himself applying for a lease in the area, and took over Sahanna's lease in 1941. This was presumably a dummy ownership, because Sahanna subsequently made a will in which he saw himself as the owner of the station. Bowing to departmental pressure, a white man, Peter Reynolds, was employed as overseer, and therefore a 'permit to employ' was granted to the station. In 1943 Reynolds killed Mary's Aboriginal husband in a jealousy shooting. This murder shattered the tranquil community at Moonlight Valley.

The Commissioner of Native Affairs was now alerted to the arrangements at Moonlight Valley: a murder, a trial in Perth, there might be media interest, even questions in parliament. It was no longer up to local officials to dally in favours and threats and mutually convenient arrangements. Everything had to be ship-shape. The Department immediately withdrew the 'permit to employ' and raised the spectre of prosecution against Sahanna for 'cohabiting' with Aboriginal women. Sahanna sought local advice at the native hospital about what he could do for his children. Would they be taken away if he admitted paternity? Or if he banked a couple of hundred pounds in trust accounts for them, and made a will in their favour, could he then admit that they were his? He was told to see the Chief Protector in Perth.

The whole grieving Moonlight Valley family group, except for old Daisy and little Jack, had to go to Perth as witnesses in the murder trial. The man who called himself Reynolds, which turned out to be a fake identity, was convicted and sentenced to five years in prison. But for the Moonlight Valley people, their trials just began. Chief Protector Bray forced Sahanna to admit to paternity and to pay maintenance of twelve shillings and sixpence per week for each child to the department. They would, of course, be removed, and Bray was already making arrangements, for the three-year old girl to be sent to Moola Bulla, and the boy to Beagle Bay. As a sign of goodwill and generosity, Sahanna made an immediate downpayment of £30, but he pleaded with the Chief Protector to wait till his daughter turned five, and to let his son stay at home for another year, and to please not send him to the remote Beagle Bay mission, but rather the Holy Child Orphanage in Broome. He also made out a new will in favour of his two children. The department insisted that the commissioner of Native Affairs would be the executor of this will, that the children could not take up their inheritance until they were 30 years old (!), and the commissioner had the right to 'dispose of the property at any time'.

I don't know with what assumptions, attitudes or comments Bray might have insulted old Sahanna in these discussions, but Sahanna clearly carried himself with dignity. He convinced Bray to leave the children together, not in remote missions but in the Broome orphanage, and to wait until his daughter had turned five. He also gave a press interview: not about the murder, not about his struggle for his children. It was about how the world had changed during his lifetime. Sianna Sindhi was born around 1871 and had fought with the British against the Baluchis. For a British subject, the choice to go to Australia was not so far-fetched. He signed on in Karachi as a camel teamster and arrived in Perth in 1899. He worked for twenty years on the goldfields and Wyndham routes and when camel transport was displaced by motorcars, he ended up carving out his own social space at the social isolation of Moonlight Valley where the nearest neighbour was forty miles distant. Here he started a new life and a new family in his early 50s. Now in his 70s, it had been forty years since he last saw Perth and the city had changed beyond recognition: it was a world away from Moonlight Valley, a surprising world pulsing at a different pace.

Bray was not unreasonable: he entered into bargaining with the Broome orphanage to accept both children, the girl to come later, offering higher than usual rates for them. The department usually paid five shillings a week per child placed on a mission. Sahanna had agreed to pay 12 shillings sixpence. Bray now offered the Broome orphanage ten shillings per week for each child 'and you could also collect Child Endowment'. 'Would you like to have the children?' But it was wartime, the orphanage had been evacuated to Beagle Bay, and was pressed for space. The Mother Superior wrote that she had no space for boys, but would accept the girl, and better now at a young age. Anyway the bishop had already agreed to take the boy into Beagle Bay mission. Their fate was sealed. (Bray to Holy Child

Orphanage 18.12.1943; Sr. Margaret to Bray 25.2.1944; F.Williams, Native Hospital Broome to Bray 19.4.1944, 113/45 DNA, cited in Ganter, 2006: 180-186).

After the murder trial, the ten Aboriginal adults of the group with two children were trying to make their way back to Moonlight Valley. They were trucked to Moore River settlement and were held up by the wet season from January until April 1944. In January 1944 Bray wrote two letters on the same day, one to Sahanna at Moonlight Valley to arrange the transfer of both children to Broome, and one letter to Broome to intercept the group who were on their way home from Perth, in order to take custody of the little girl.

Sahanna reached home in January, and, at 73 years old and without a viable workforce, enlisted the help of his brother Sultan from Wyndham to put the station in order. Straightaway the Turkey Creek constable raised the matter of illegal employment and cohabiting, this time targeting Sultan. In February 1944 the Department was informed that Sahanna was dead. In September 1945 when the Broome orphanage inquired about the whereabouts of Jack Sahanna, he had still not been sent. So how long did it take the silver Lockheed to come gleaming through the Kimberley skies? By the time Jack was taken to Broome his mother was already back.

Nobody had thought to inform the Moonlight Valley group, lost in transit, that Sahanna had died. When they finally made it to Broome the little girl was taken into custody by a police officer, who reported to the native hospital: 'Her mother was most upset on leaving the baby and wanted to remain here and live at Beagle Bay with her and was only persuaded to go on my promising to ask Mr Bray if he would allow her to return to the Beagle Bay Mission to live.' Nothing was done about this request. The girl arrived at Beagle Bay on 1 May 1944, after five months on the road. Sister Cecilia at Beagle Bay observed that she did not have a blanket and 'only a few rags of dress'. She asked the Chief Protector, the legal guardian and executor of the children's will, whether some blankets might be sent for the children in the orphanage.

The tragedy did not end there. As executor of his will the department was now in charge of Sahanna's property of 75,000 acres with 2,000 bullocks. It permitted constable Plant to claim ownership of the property and all the improvements on it, as well as half of the cattle stock. Wyndham locals knew, and were still saying it in the 1990s, that Sahanna had built up and run this station for fifteen years before Plant arrived, and that Plant was only a dummy owner. But his claim was settled in full without disputation. The remaining 400 head of cattle were rounded up and taken to the slaughter house owned by Plant. (I spoke to one of the men involved in the muster. He thought the whole business was a big sham, with nobody to keep a watchful eye.) All outstanding debts and expenses were paid out of what remained of the estate. As Gus Bottrill points out, if Plant had been

the owner, then the cost of winding up the estate should have been his to bear, it should not have been paid out of Sahanna's private assets (Bottrill ca. 1993). What remained after the roundup was £27. The Department sent 10 shillings per week per child to the missions until the money was spent.

Mary and Winnie settled in Wyndham, and kept inquiring about their children from people who might have seen them at Beagle Bay (one such anecdote is in McAdam, 1995:81). Winnie talked readily about their experiences, but Mary shrouded herself in silence. In my photos she has her back turned to the camera. The events of 1943/44 must have deeply traumatised her: in quick succession, her Aboriginal husband was killed, the man whose eye she had caught was convicted, they were taken to Perth to appear in court, then couldn't get back for four months, and when they finally came back to Broome her child was taken, and they heard that Sahanna had died, somewhere on Moonlight Valley, under suspicious circumstances. It was now a place of death. The estate was getting wound up and there was nothing left there to go back to: they had lost their home as well. Everything was shattered.

The three men who had been interested in her all gone at once. Her child gone. What emotional processes might this trigger in a young woman? In what morbid ways would her own mind ascribe agency to herself in this tragedy?

When I met Jack Sahanna in 1995 he had investigated his case and had been told that because of the statute of limitations, he had no legal recourse either against Plant or the Department. He was furious about the statute of limitations: he had never been told of an inheritance, or a will in his favour: how could the statute of limitations apply? Anyway, he felt this was an issue for common law, and had 'nothing to do with race'. He had grown up to be a self-made man and wanted 'nothing to do with legal aid and all that mob'. He had made contact with Mary and Winnie, who are both mothers to him in the Aboriginal way, and their children from later marriage, but it was difficult for him to embrace this Aboriginal family as his own. 'I grew up in a blooming dormitory and brought up by Hitler's men'. The missionaries' opinions about bush myalls had not missed their mark entirely.

Jack could not remember Moonlight Valley. He wanted to see it, just once. I wanted to see it, too. Winnie also wanted to see it. And Jack's wife, and Winnie's children. Let's all go together. Nobody had ever driven there by car, they used to either walk or go by camel. We took a reconnaissance flight and Winnie spotted it from the air. There it was. The homestead and the storehouse, see? There it is. It's still there. We were planning to drive in convoy, armed to the teeth with equipment. And then, another turn of events.

An access road was planned to be cut through the Kimberley, and the land council was contacting all traditional owners along the proposed route to consult over consent. The law had changed again. A new world was offering different constellations of what it meant to be Aboriginal; a new era was dawning. Jack had been nominated by Mary and Winnie as the traditional owner speaking on their behalf. He was now in a dilemma. He had always thought of Moonlight Valley as his father's property, which was lost to him. But it was also his mother's property under native title, not lost, because the laws had changed again. It was offered to him: you be the traditional owner. You be Aboriginal. You belong to us. He thought about this for months. If he went to Moonlight Valley now, he would commit himself to being a traditional owner. He became too sick to travel. He developed a heart condition. Who was he? It finally broke his heart.

I am, I am not, I am, I am not ...

Sally Morgan's *My Place* became an unrivalled bestseller, a biographical tale about becoming Aboriginal. Despite its sadnesses it reads as a happy story because Sally finds her 'true' identity. Gordon Matthews has authored a similar story, except it does not have a happy ending, it has one more twist, and his book is rarely discussed (Matthews 1996, Fischer 2000). It is a narrative of becoming, and then unbecoming, Aboriginal. He was adopted into a white family with some unresolved questions about his father. At school he was stereotyped as 'Abo' and gradually started to think of himself as 'maybe Aboriginal'. Only when he started university in Tasmania was he exposed to some positive associations about being Aboriginal, and his tutors encouraged him to embrace his identity. Eventually he became the first Aboriginal career diplomat.

Then he managed to find his biological mother. He discovered that his father had not been Aboriginal, but Asian. His autobiography traces the angst, agony, shame and loss of reconstructing his ethnic identity, not once, but twice. Elements of his personal history peel themselves off the hazy backdrop of half-known, half-assumed, half-ignored coulisses to demand attention at centre stage, requiring the script to be revised, and the roles to be reallocated in the midst of performance of identity in full public view. This book leaves the reader with a sense of utter devastation. Matthews makes a valiant attempt to pick himself off the floor with some faintly optimistic comments about the possibility of patching up personal relationships, but this story defies the craving for a happy ending. One twist in identity is surely as much as anyone could bear.

Identity turns solicit public debate, carrying an air of the scandalous. Sally Morgan's most scathing critic was Mudrooroo, former head of Aboriginal Studies at Murdoch University, who saw it an outsider's view of Aboriginality. 'Just because something is written by a person who identifies as an Aborigine doesn't make it an Aboriginal work', he pronounced (cited in Laurie, 1996:20). A few years later his own claim

to being Aboriginal was under dispute, by his own sisters who claimed to have traced their black ancestry to a black American. Tracking his views of himself, he had changed the names under which he published from Colin Johnson to Mudrooroo Nyoongah, to Mudrooroo Narogin, and finally to Mudrooroo. His story, acted out in full public view, demonstrates the self-destructive potential of a binary view of Aboriginality. This binary view also lurks beneath Morgan's account. Isabel Tarrago cautiously objects that Morgan glosses over 'the cultural diversity of Aboriginal Culture.' Bain Attwood points out that by finding, and privileging the Aboriginal part of herself, Morgan denies the white part of herself and purchases into the view that either being, or not being, Aboriginal are the only two legitimate options available, just as the census categories suggest (Tarrago, 1993; Attwood, 1993; Docker, 2001).

The stories of Sally Morgan, Gordon Matthews and Mudrooroo, show that it is possible for people to be genuinely confused about whether or not they are Aboriginal. In 2000 a Queensland family made front page headlines in the *Courier Mail* for 'falsely claiming' to be Aboriginal. One of its members, with the greatest innocence, told a reporter all the benefits he had already received as an Aborigine, trying to say, 'but we've always been Aboriginal' (*Courier Mail*, 16 December 2000: 1). Again, the legal framework had changed. Queensland, unique among the Australian states, has had a large South Sea Islander population, remnants of the sugar and pearling industries. They intermarried with Aboriginal people and swelled the mixed population which the Department wanted under its protection Acts. During the Bjelke-Petersen era the Department was called the Department of Aboriginal and Islander Advancement, and later Department of Aboriginal and Islander Affairs (DAIA). The 'Islander' was not a shorthand for Torres Strait Islander: it meant to include Torres Strait and Pacific Islanders. It also meant to include mixed descendants, willing to take into its broad ambit the coloured population at a time, when there were after all few privileges attached to being Aboriginal. Such coloured people became very active in building up housing co-ops, legal aid, health, nursing mothers, and other Aboriginal organisations, including cultural and protest organisations in the late 60s and early 70s. South Sea Islanders were recognised as a separate ethnic group, still under the ambit of the Department, in 1975, and only after the demise of the DAIA were Islanders and other coloured people eased out of Aboriginal organisations (Gistitin, 1995).

The family pilloried in the *Courier Mail* was told they were not Aboriginal when one of its members claimed indigenous fishing rights in defence of a violation of the Fisheries Act. The Department of Primary Industries procured genealogical documents to prove them wrong. The defendant had a certificate of Aboriginality dated 1990. An Appeal to the district court against the conviction failed, and the defendant was told he could proceed to the High Court, if he had enough financial resources.

Conclusion

The stories about Aboriginal identity are intensely personal stories. They are about choices, but they are about giving up something as much as embracing something. A public crucifixion hardly does justice, and confusion can arise from a number of sources, like changing legal landscapes, lack of reliable information, and also, as we have seen, the contradictory opinions given by relevant officers. What all these stories have in common is that whether or not someone is Aboriginal has much to do with considered opinion. Atmia Ahwang (removed under the Act) was considered by some local protectors as someone who should be under the Act, by others not. She felt she was not under the Act. Tex Camfoo too (removed under the Act), was given contradictory signals about whether or not he was under the Act. He sees himself as Aboriginal. Jack Sahanna (removed under the Act) collapsed under the weight of the decision whether or not to fully commit himself as being Aboriginal. Gordon Matthews collapsed under the weight of discovering that he was not Aboriginal. The search for identity is fraught with danger. Fiona Noble calls it a Russian roulette that can end with a public hanging - those with public profiles draw a larger crowd.

Clearly there were other options in the past. It was legally possible to be part-Aboriginal, and this still meant being under the Aboriginal protection acts. There was also the option, not legally but socially, at least in northern Australia, to simply be 'coloured', which was irrespective of one's legal standing: the 'coloured' population might include 'alien Asiatics', naturalised Asians, Pacific Islanders, and all manner of mixtures between these and between these and Aborigines. 'Coloured' meant not strictly speaking Aboriginal, and not strictly speaking white. All of the cases I just discussed fell into this category. From the 1890s to the 1990s, this was the fastest growing population in Australia. When binary identity politics gained momentum in the 1990s, in response to legal rights vested in being Aboriginal, people who had counted themselves in the 'coloured' community had to commit themselves either way, at precisely the time when postcolonial consciousness elsewhere in the world asserted 'creoleness' as a viable identity (see for example Ormerod, 1998). Some of them have become the victims of binary identity politics, and in view of the complex histories of being, or not being, Aboriginal, cynicism is surely misplaced.

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