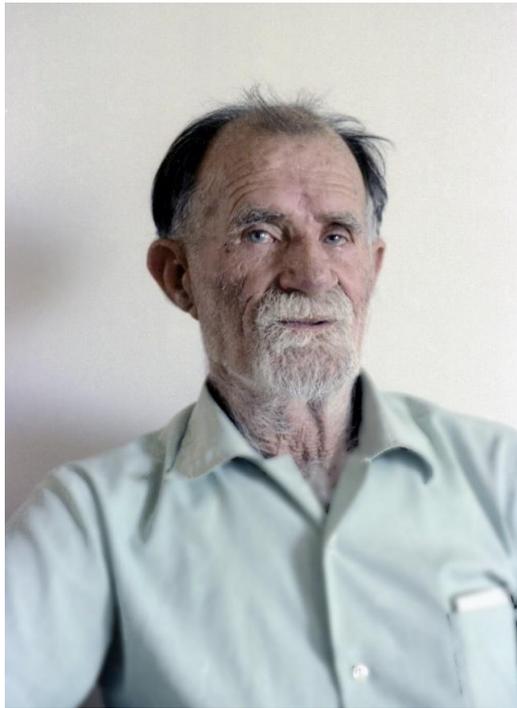




MONASH University



**‘THEY COULDN’T BREAK ME’:  
DON McLEOD,  
CHAMPION FOR ABORIGINAL JUSTICE IN THE  
PILBARA**

Jan Richardson

October 2016

A thesis submitted for the degree of Doctor of Philosophy  
History Program, Monash Indigenous Centre

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## Abstract

In 1946 in the North-West region of Western Australia, a White man named Donald William McLeod came to prominence when he assisted Aboriginal pastoral workers to leave their employment during a strike that continued for three years. His membership of the Communist Party of Australia was thought to be his motivation, and he was kept under surveillance by Australia's security organisation. He was arrested, fined and jailed for his actions but was undeterred and for the next fifty years lived with the strikers and worked with them to gain their freedom from the controls of government. This is his biography.

Research was centred on documentary evidence in archives and libraries and drew on private collections and stories of some who worked with McLeod. It shows that McLeod identified Section 70 of the original Constitution of Western Australia as the British Crown's intention to educate the Colony's Aboriginal peoples and care for their welfare. When it was removed in the final *Constitution Act, 1905*, he brought this action into the public arena and campaigned to have its benefits reinstated. He established proprietary limited companies through which illiterate tribal elders could gain their civil rights, advised them on income-producing manual work and assisted them to buy land with the proceeds of their work. He helped them establish the first Western Australian Aboriginal-controlled independent school and culturally-appropriate medical service with an aeroplane to reach their outlying communities. He assisted them to sink water wells and make roads into the desert, enabling families to return to their country, and supported the Lawmen to develop social programs dealing with alcoholism amongst the younger generation. The question this thesis addresses is: who was this man and why was he committed to working for these Aboriginal people?

Investigating McLeod's characteristics and motivations expands the historical record of changes in the pastoral industry and the emergence of Aboriginal enterprises in the Pilbara. The study is a micro-historical record that offers evidence of a North-West culture imbued with a colonial philosophy. It offers insights into the incremental steps the previously disempowered Aboriginal pastoral workers took to manage their transition to the modern economy while maintaining their traditional Law. It also provides an insider's account of the processes of social and change that brought Aboriginal people freedom from the controls of a state government.

This biographical study is the first to examine McLeod's life story and consider the reasons for his actions. Its findings establish that he had a coherent philosophy and that his actions were consistent with his transformative understanding of traditional Aboriginal Law. It theorises that he was an empathy-induced altruist who recognised the fundamental injustice perpetrated on Aboriginal people during the process of colonisation, and chose to help the people recover their previous autonomy. It demonstrates that a working man with no institutional base can challenge an entrenched idea and, if willing to suffer for his principles, can exercise power disproportionate to his position in society.

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## Declaration

### Declaration

This thesis contains no material which has been accepted for the award of any other degree or diploma at any university or equivalent institution and that, to the best of my knowledge and belief, this thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

Signature: Jan Richardson

Print Name: JAN RICHARDSON

Date: 6 OCTOBER 2016

## Acknowledgements

This project is the culmination of many people's contributions. First and foremost, I thank my supervisors Professor Lynette Russell and Professor Jennifer Hocking. They have guided me through the research process, supported my developing methodology, expanded my interpretations and ensured I kept the project manageable. The study could not have commenced without the welcome Professor Lynette Russell gave me in her role as Director of the Monash Indigenous Centre. She accepted me as a student in the Centre and provided me with the facilities that have enabled me to manage this long project. The Centre's staff brought me much intellectual stimulation and laughter. I thank administration assistant Beverly Thomson, academics Dr Sue Taffe, Dr John Bradley, Dr Rachel Stanfield, Dr Shannon Faulkhead, Dr Jane Lydon, Dr Gwenda Baker and Dr Maryrose Casey for giving me consistent and cheerful encouragement. Without their collegiality it would have been a lonely experience. Sue Taffe deserves special thanks for standing with me when I felt like giving up.

Monash's Disability Services excelled in the quality of the infrastructure made available to me and I could not have progressed without them, including the parking officers who made car spaces available. In particular, I thank Matthew Salas for his compassionate and professional care and for assigning me a disability support worker, the brilliant typist Merav Chait. Without Merav's deft handling of slippery papers, I could not have tackled the hundreds of documents that were the data set for the project.

Matheson librarians have patiently guided me in locating resources, and document delivery staff went to considerable efforts to locate special items. I particularly thank Claudia De Salvo for her determination to obtain obscure items. I attended many workshops run by the Skills Essentials teams, and thank the librarians for providing that service. My subject librarians were unfailingly helpful, especially Anne Melles, whose patience seemed unending. I thank Jenny Casey and her Learning Skills colleagues Anne Holloway, Melanie Thorn and Aimee Turner for creating a positive postgraduate student community in which problem-solving saved many of us from despair.

Other academics have been important to my studentship. Dr Kate Cregan nurtured me in her thesis writing workshops; I am thankful for her sharp critical eye and supportive manner. Professor Andrew Markus read my early chapters and I appreciate his critiques. Monash staff in other areas have also provided courteous and helpful support. Seamus O'Hanlon was always quick to respond to an enquiry, providing confidence in the administrative system. Sascha Burnside made an administrative role into a human relations centre while maintaining super efficiency and professionalism. Monash IT student support services gave unfailingly prompt attention when I had computer problems, and I thank all their technical specialists.

Beyond Monash University, staff from other institutions have played a critical role in this research. I

particularly thank Sue Adams from Edith Cowan University for digitising some precious, old audio-visual tapes so that I could access them. I thank the many archivists and librarians at the National Archives of Australia, Lisa Marcusson at the Australian Institute of Aboriginal and Torres Strait Islander Studies, the State Library of Western Australia, the State Records Office of Western Australia and the Butlin library. They made it possible for me to do most of my research from Monash rather than travelling across Australia to access their records.

Many individuals who were strangers when I began this project have become friends, and their input has significantly enhanced the thesis. Professor Bain Attwood donated a large number of materials that allowed me to deal with an area of McLeod's life for which I had little evidence, and I thank him most sincerely for his generosity. I also thank Emeritus Professor Richard Broome, who has been unfailingly encouraging. John and Katrin Wilson shared their expert knowledge and sustained constant interest in my progress. They helped me delve more deeply into McLeod's work and gave me on-going editorial advice. I owe them a great debt of gratitude. John and Gwen Bucknall merit special thanks for their willingness to answer my many questions about their experiences of long-ago events. They shared their experiences of working with McLeod and invigorated the thesis with anecdotes. Ray Butler has helped me explore aspects of McLeod's work, and drew on files held in the Nomads Charitable and Educational Foundation for evidence I could not find elsewhere. The thesis is much broader and deeper for Ray's assistance. I am most thankful to him, and also to the staff, Olivia and her colleagues. Eddy Lutze shared his research into McLeod's family of origin and sharpened my own. Considerable intellectual stimulation, evidence and anecdotes were given to me by John Sherwood, Paul Roberts, Bill Bunbury, Dr Barry Christophers, Dr Steven Churches, Peter Dowding SC, Professor Keith Hancock, Nicholas Hasluck QC, Professor Peter Johnston (dec.), Peter Newman, Dr Anne Scrimgeour and Dr David Scrimgeour. With great generosity, all these people have shared their knowledge of McLeod, and have enriched the study with personal observations, filling gaps in the chronology and enlivening the story. To each I express my profound gratitude.

Joe Lane donated the Atkinson collection, a cache of letters from a specific period. I thank him for his contribution, and Charlie Ward for introducing me to him. Robert Smith has given me significant help, donating items and his photos of people in McLeod's life, for all of which I am most appreciative. His personal testimony has linked many otherwise unconnected events. Robin Chapple, WA Member for the Pastoral Region, went out of his way to alert me to some important records about McLeod. Professor Ken Liberman gave me his interviews with McLeod, and they became the thread that held McLeod's story together, allowing McLeod to describe his motivations and beliefs. I warmly thank Ken for his contribution. Without the personal insights that these people have so kindly given me, this biographical study would be much poorer.

Other people have assisted me to obtain evidence. Lorraine Clarke of the Genealogy Society, and Dr Joanna Sassoon retrieved documents that were beyond my reach. Tania Buchanan, Customer Service Officer

Meekatharra hospital, and Helen Ellacott, the Town of Port Hedland Local History Library Officer, supplied me with local information. Michael Duke and Deborah Wilson contributed ideas, Joanna Syddall facilitated my appointments in Perth, and Karen Sharp assisted me by organising documents in my home office. I have been especially supported during this project by Mervyn Chait and express deep gratitude to him for his generous voluntary work creating diagrams, maps and media clips. His creativity and goodwill were a constant source of energy for me, and his engineering expertise outwitted the many technical problems my computer invented. I thank each of these people for helping me.

I am fortunate to have three sisters Peta Heywood, Sue Richardson and Jo Wainer, whose continuing interest in the project has sustained me. I thank them for drawing on their own academic expertise to keep me focussed. I particularly acknowledge Peta, who offered never-ending good dinners, challenging discussions about the research, rescue services in times of need and constant inspiration. Without her, my project would not have been completed.

I thank my husband Stan Davey (deceased) for taking me to the Pilbara to work with McLeod – an event that started me on this journey. My children Matthew and Paul Davey have had an absent mother for many years owing to my commitment to this task. I thank them and their wives Jennifer and Rebecca and their children for holding me in the family anyway.

Finally, I dedicate this thesis to Donald William McLeod.

## Abbreviations

AAL	Aborigines Advancement League (Vic)
AAF	Australian-Aboriginal Foundation
ABC	Australian Broadcasting Commission (later Corporation)
ABS	Australasian Bookshop
ADC	Aboriginal Development Commission
AIATSIS	Australian Institute of Aboriginal and Islander Studies
ALP	Australian Labor Party
ALT	The Aboriginal Lands Trust
ANRF	Australian Nomads Research Foundation
ASIO	Australian Security Intelligence Organisation
ASS	Anti-Slavery Society
ATSIC	Aboriginal and Torres Strait Islander Commission
AWU	Australian Workers Union
CAA	Council for Aboriginal Affairs
CAR	Council for Aboriginal Rights
CDNR	Committee for the Defence of Native Rights
CIS	Commonwealth Investigation Service
CPA	Communist Party of Australia
CNA	Commissioner of Native Affairs
DAA	Department of Aboriginal Affairs
DCW	Department of Community Welfare
DNA	Department of Native Affairs Intro
FCAATSI	Federal Council for the Advancement of Aborigines and Torres Strait Islanders
KLC	Kimberly Land Council
JP	Justice of the Peace
NODAM	Northern Development and Mining Company Proprietary Limited
NCAEF	Nomads Charitable and Educational Foundation

NUAUS	National Union of Australian University
NWKAA	North-West and Kimberley Advancement Association
NWWC	North West Workers Cooperative
OAA	Office of Aboriginal Affairs
RCE	Royal Commission on Espionage
SIS	Social Impact Study
SUA	Seamen's Union of Australia
The League	Anti-Fascist League
TLC	Trades and Labour Council
TUANC	Trade Unions Aid Nomads Committee
UNO	United Nations Organisation
WA	Western Australia

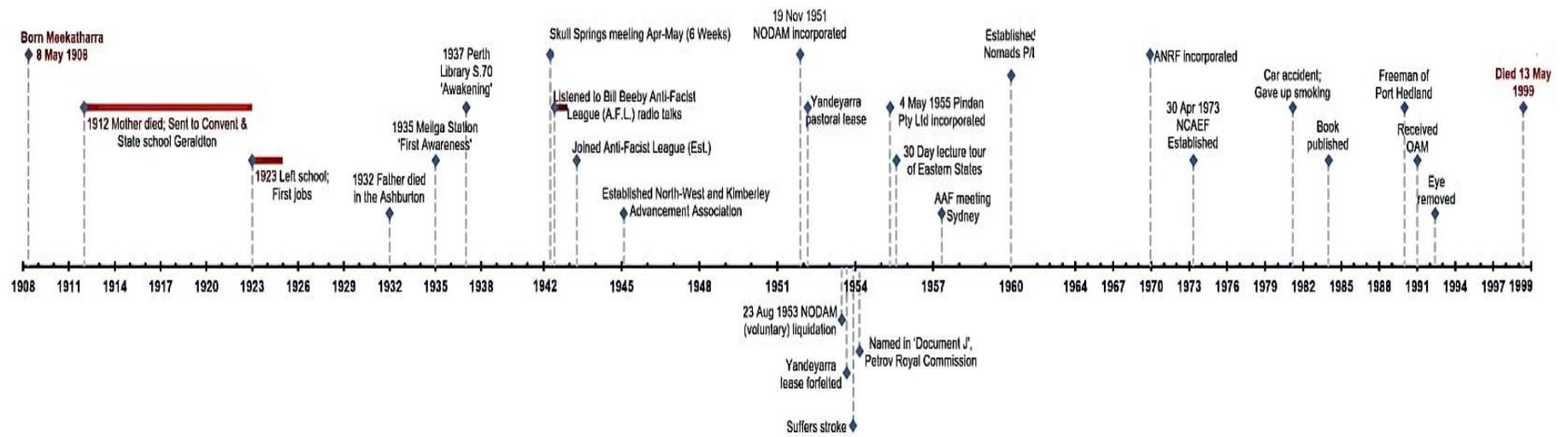


Figure 1: Lifeline of Donald William McLeod, 1908 - 1999

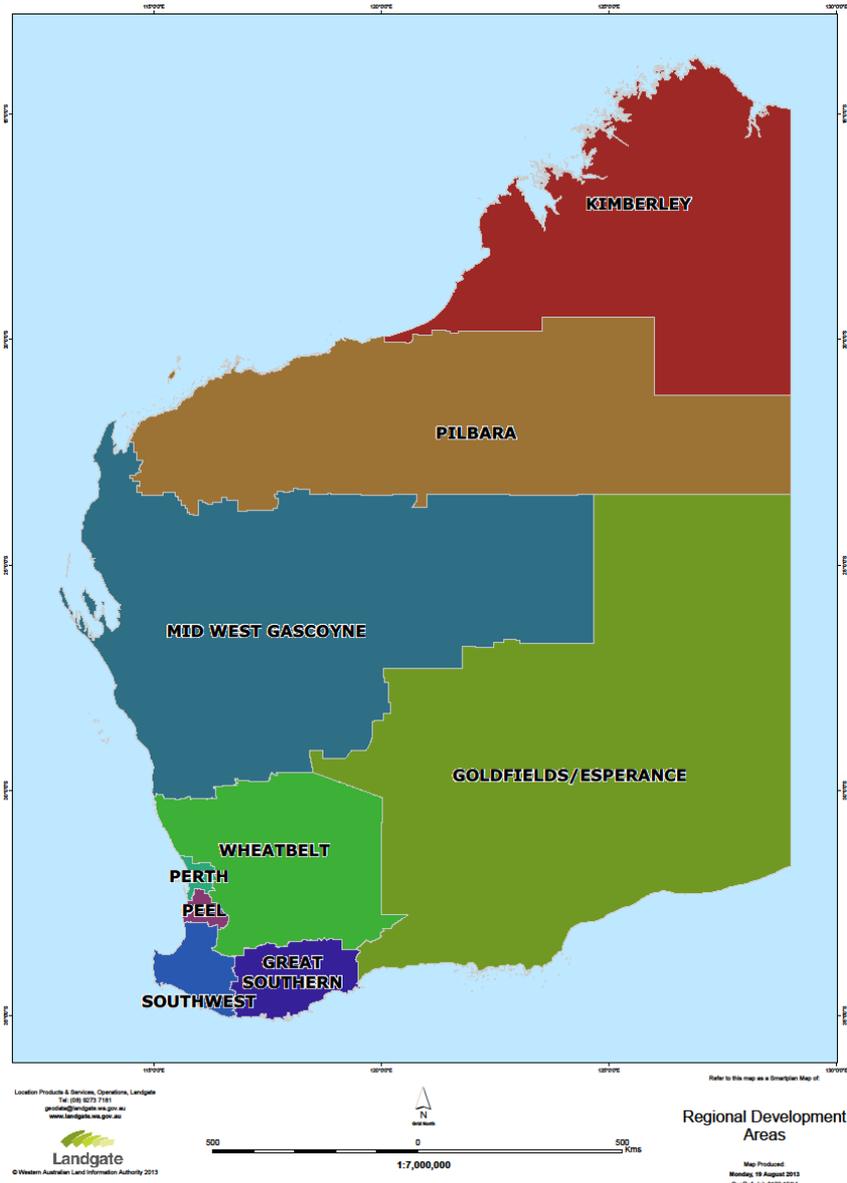


Figure 2: Map of Western Australian Regions

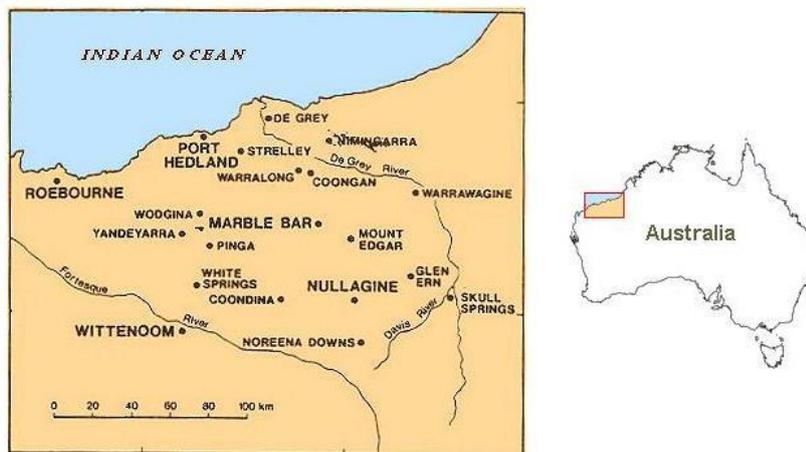


Figure 3: Map of the Pilbara Region, kidsplacemaps.wa.edu.au

# Introduction

## Am I not a Man and a Brother?<sup>1</sup>

Don McLeod was ‘once the most hated man in Western Australia,’ as Barrister Steven Churches learned when he met McLeod in 1991.<sup>2</sup> Not everyone saw him in this light. In 1968-1969, my husband Stan Davey and I worked with him and the Aboriginal people to whom he was dedicated. In this biography I have set out to better understand him, his life and why he was reviled throughout the state of Western Australia.

McLeod was a White man who, in the tradition of his warrior Scots forbears, fiercely confronted his enemy.<sup>3</sup> In his case it was an enemy discernible only to those possessed of a certain sense of injustice. This enemy was the State Government of Western Australia and the wrong that McLeod saw was in its legislative control over those deemed ‘natives’ by the Native Administration Act 1936 (WA).<sup>4</sup> He challenged the right of the State to separate Aboriginal people from society and to control every aspect of their lives.

McLeod died on April 13, 1999, one month short of his ninety-first birthday, having spent sixty years of his life working with and for the Aboriginal people of the North-West of Western Australia. His goal was to enable them to achieve civil liberties. While much has been written about aspects of his work, his life story has not yet been told.

The anti-slavery medallion, displaying the above quote, was created by Josiah Wedgwood.<sup>5</sup> It expresses a compassion for the enslaved that reflects McLeod’s attitude to the conditions in which Aboriginal pastoral workers lived in the Pilbara region during the 1940s.<sup>6</sup> The Aborigines had no voice, no education in the socio/economic/political structures of the Western economy – and no rights. McLeod accepted an appointment to be their representative and held to the responsibilities he perceived it to entail. In this biography I investigate the why and how of his life.

While McLeod was detested by many there were others who loved and admired him. After his funeral in

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<sup>1</sup> The motto of the 18<sup>th</sup> century slavery abolitionists, as it appeared upon a medallion produced by Josiah Wedgwood in 1787. According to Jane Lydon, while the power of this symbol diminished in Britain, it continued to have direct relevance to the situation in which Aboriginal Australians were relegated, see Jane Lydon, “The Bloody Skirt of Settlement: Arthur Vogan and Anti-Slavery in 1890s Australia”, *Australian Historical Studies*, 45:1 (2014): 46.

<sup>2</sup> Steven Churches, “Put not your faith in princes (or courts) – agreements made from asymmetrical power bases: the story of a promise made to Western Australia’s Aboriginal people”, in eds. Peter Read et al. *What Good Condition? Reflections On an Australian Aboriginal Treaty 1986-2006*. (Canberra: ANU E Press, 2006) Aboriginal history monograph 13: 9.

<sup>3</sup> Throughout this thesis I will capitalise White and Black to demonstrate my commitment to the equality of the Black and White races.

<sup>4</sup> Historian and minister in the Menzies government Paul Hasluck described the *Native Administration Act 1936 (WA)* as an instrument that ‘confines the native within a legal status that has more in common with that of a born idiot than any other class of British subject’. See Paul Hasluck, *Black Australians: A Survey of Native Policy in Western Australia 1829-1897*, 2<sup>nd</sup> ed, (Carlton: Melbourne University Press, 1970), 160.

<sup>5</sup> John MG Barclay, “‘Am I Not a Man and a Brother?’ The Bible and the British Anti-Slavery Campaign”. *The Expository Times*, 119 (2007): 1. Downloaded from ext.sagepub.com at Monash University on 30 March 2015.

<sup>6</sup> The word ‘pilbara’ comes from a local Aboriginal language and means ‘fish’ or ‘dried out’. Before 1905, those writing the word when it referred to the region, spelt it with a double ‘r’ as in Pilbarra. It was changed to a single ‘r’ between 1905 and 1910, see William (Bill) Walker, “Pilbara”, in eds. Jenny Gregory and Jan Gothard *Historical Encyclopedia of Western Australia* (Crawley: University of Western Australia Press, 2009), 691.

the Pilbara on May 2, 1999, journalist Hamish McDonald reported the following:

They came from all over the Pilbara, family groups packed into dusty pick-ups and minibuses, crammed with their bedding, their cooking gear and the odd puppy.... When Mr McLeod's coffin was put into the ground, one of the senior Lawmen, frail old Bandy Nair, got up to speak.... He told how Mr McLeod had fought everybody on their behalf, how he had come to live among them, dressed in just a pair of shorts, sleeping rough and learning about their country, a great wedge of the Pilbara between the Fortescue and De Grey rivers. 'I'm poor fellow, I lost my old man – best man'... We've got to be strong, this same way as the old fellow' Mr Nair said 'We are not going to knuckle down to anybody' said Mr Hale. 'That old fellow left plenty of tracks for us to follow'.<sup>7</sup>

McDonald's report evoked images of the environment in which McLeod worked and gave a voice to the people for whom he worked. Significantly when McDonald quoted the old Aboriginal men, he called them Mr Nair and Mr Hale. At the time McLeod took up the cause of justice for Aboriginal people none of the men would have been dignified with 'Mr'. This is made clear by Barry Christophers who reported on The Northern Territory's Welfare Ordinance 1953-1955.<sup>8</sup> The Ordinance established a Register of Wards of the Territory that was locally known as the Stud Book.<sup>9</sup> It listed Aboriginal adults by names such as Hunchback Willy, Strike-a-Light and Ruby Yaws. Christophers condemned the register as an 'instrument of mental torture'.<sup>10</sup>

Other obituaries recognised McLeod's achievements in enabling an Aboriginal-controlled school to be established, pastoral stations to be purchased as the Aborigines' own land base, registered companies to be formed that were owned and controlled by Aboriginal adults, changes to government legislation that controlled 'natives' and challenges to a state constitution that legalised this treatment. Some obituaries commented on his character, calling him 'the white radical Don McLeod,' a 'man of vision and dreams', one consumed by his passion, and dogmatic.<sup>11</sup> In a eulogy at his memorial service in Perth, former Western Australian attorney general Ron Bertram likened McLeod to Gandhi, Nehru and Mandela. He made the following distinction: 'those three gave their lives or were imprisoned for their own kith and kin. Don McLeod was a white man and he devoted his life to the blacks'.<sup>12</sup>

These obituaries show a gap in how McLeod is remembered. There is no mention of his family, friends, hobbies, education, or an intimate other and there are no photos or memorabilia from his childhood. It

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<sup>7</sup> Hamish McDonald, 'In the Pilbara sand, an old whitefella is buried a hero', *The Age*, 3 May 1999.

<sup>8</sup> Barry Christophers was a volunteer rights worker and member of the Victorian Council for Aboriginal Rights.

<sup>9</sup> The Council for Aboriginal Rights (Victoria) was established in Melbourne on 16 March 1951. Christophers, a physician, became honorary president in 1957, a position he held until the organisation discontinued in the 1980s. See Sue Taffe, 'The Council for Aboriginal Rights (Victoria)', *Obituaries Australia, National Centre of Biography*, Australian National University, <http://adb.anu.edu.au/essay/8/text29426>, originally published 11 April 2014, accessed 24 April 2016.

<sup>10</sup> Barry Christophers, "The Stud Book': an instrument of torture against the Aborigines", *The Guardian*, 27 February 1964. Reproduced on *Collaborating for Indigenous Rights 1957-1973*, National Museum of Australia, accessed 15 June 2015. Similar names were given to Aboriginal people in Western Australia.

<sup>11</sup> David Reardon, 'Aboriginal rights activist', *Sydney Morning Herald*, 21 April 1999; Ian Wallis, 'Aboriginal rights crusader', *The Age*, 21 April 1999, p. 26; 'Long Aboriginal rights fight ends', *The West Australian*, 15 April 1999, p. 36.

<sup>12</sup> 'Devoted Fighter for Aboriginal Rights', *The Australian*, Sydney, 30 April 1999: 16.

may be that these things existed and were important to him, but were not evident in the summations of his life, or alternatively, that there were none. In the public eye, the political man outweighed the personal man and I seek to redress this imbalance by presenting a more complete picture of Don McLeod.

McLeod, the 'white radical', worked for more than fifty years to fulfil his goal.<sup>13</sup> His long commitment to justice for Aboriginal pastoral workers indicates that he was an unusual man who saw the world from a perspective unlike that of most of his generation. The idea of being unusual is drawn from the work of philosopher Alfred North Whitehead, who theorised that rational people accept what he called the 'order of nature'. However, he also noted that not all individuals accept this order: 'Familiar things happen, and mankind does not bother about them. It requires a very unusual mind to undertake the analysis of the obvious'.<sup>14</sup> Whitehead's idea of the unusual mind is an apt description of McLeod. In the following chapters I provide evidence that supports this claim by documenting how McLeod responded to events in ways that were original and thoughtful and challenged the status quo.

For the first part of his life McLeod followed his father's footsteps as an itinerant contractor, prospector and miner. He became proficient in the skills needed to survive in the remote areas of Western Australia. Along with these skills, he absorbed the prevailing attitudes and assumptions held by the White community about the pastoral workers classified as 'natives'. This classification ensured that every aspect of their lives was controlled by state legislation, thus valorising 'one culture over another'.<sup>15</sup> Should Australia become a republic, Mark McKenna argued, it would allow both cultures to be equally recognised, and by implication the category of 'native' would not perpetuate the assumptions of inferiority.

The major context of McLeod's work was the Pilbara region in the North-West of Western Australia, a state that was a successful wool producer and thereby a valued contributor to Australia's war effort.<sup>16</sup> History student JP Lorback described the importance of not disturbing this industry.<sup>17</sup> Wool was a labour-intensive industry and most of the labour was provided by family groups of Aboriginal people living on more than twenty pastoral stations scattered throughout a region approximately the size of Tasmania. The labour was cheap and controlled by officers of the Western Australian Department of Native Affairs (DNA) and the police. This system ensured that the Aboriginal adults were powerless. They had not been taught to read and write or, as McLeod phrased it, were 'kept deliberately illiterate, isolated and destitute'.<sup>18</sup> They were isolated from Europeans, other than their employers and Departmental representatives and this

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<sup>13</sup> Anne O'Brien, 'The 'White Radical,' chap. 6 "Beyond Mere Welfare" in *Philanthropy and Settler Colonialism* (Basingstoke: Palgrave Macmillan, 2014), 160.

<sup>14</sup> Alfred North Whitehead, *Science and The Modern World* (Cambridge: Cambridge University Press 1962), 25.

<sup>15</sup> Mark McKenna, *This Country: A Reconciled Republic?* (Sydney: University of New South Wales Press, 2004), 121.

<sup>16</sup> FK Crowley reported that when World War II began, Australia's total wool clip was sold to the United Kingdom, see *Australia's Western Third: A History of Western Australia from The First Settlement to Modern Times* (London: Macmillan & Co Ltd, 1960), 291.

<sup>17</sup> Joseph Patrick Lorback, "We Are All Workers": The 1949 'Black Ban' By The Seamen's Union to Support the Aboriginal Pilbara Strike" (Honours thesis, La Trobe University, 2010) 22.

<sup>18</sup> McLeod to Pauline Webb, World Council of Churches, 17 July 1981: 6. In '*The Native Question' West Australia*, a collection of materials compiled by McLeod and donated by the Nomads Charitable and Educational Foundation.

isolation was enforced by the *Native Administration Act 1936 (WA)*.<sup>19</sup> From the point of view of pastoralists, police and politicians this was an effective and productive system. The Aboriginal workers saw it differently. In 1946, previously quiescent Aboriginal labourers organised a strike for better wages and conditions. Their action required the coordination of the widely dispersed family groups on the pastoral stations. This degree of organisation was considered impossible (see Chapter Three) and it became known that Don McLeod, a White man, had assisted them. Because this strike was a political act that challenged the controls exercised by the Department and the pastoralists, questions arose: what was this man doing? What he was doing is the concern of this biography.

Don McLeod was an unknown and unexceptional workingman of the Pilbara until he became involved with the Aboriginal pastoral workers, most prominently in their strike against perceived exploitation. This was an unusual industrial event that took place over the three years from 1946 to 1949, during which most of the Aboriginal men and women withdrew their labour from the pastoral stations. The Aboriginal workers initially sought better wages and conditions, and later, freedom from the legislative controls applying to those deemed 'natives'. The pastoral industry had been developed with their cheap labour on the sheep and cattle stations, and in the homesteads. Their strike culminated in a movement for Aboriginal autonomy and a re-structuring of the pastoral industry.

McLeod has been portrayed by some historians, anthropologists, activists, journalists and others as a man with an intense commitment to achieving justice for the Pilbara Aboriginal people.<sup>20</sup> From the work of these researchers I have identified four questions as the focus of this biography:

Question 1: What did McLeod find out about the origins of the Aboriginal labourers' problems?

Question 2: Did his membership of the Communist Party of Australia affect his work?

Question 3: Was he the instigator of the 1946 strike?

Question 4: How and why were the Aboriginal-owned companies and cooperatives established and what is the distinction between these two entities?

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<sup>19</sup> A clause in the *Aborigines Act, 1905* prescribed who was permitted close association with Aboriginal people. 'S.36. It shall not be lawful for any person, other than a superintendent or protector, or a person acting under the direction of a superintendent, or under a written permit of a protector, without lawful excuse, to enter or remain or be within or upon any place where aborigines or female half-castes are camped. Any person, save as aforesaid, who, without lawful excuse, the proof whereof shall lie upon him, is found in or within five chains of any such camp shall be guilty of an offence against this Act.'

<sup>20</sup> Max Brown, *The Black Eureka* (Sydney: Australasian Book Society, 1976); WF Mandle, *Going it Alone: Australia's National Identity In The 20th Century* (Ringwood: Penguin Books Australia, 1980); Donald McLeod, interview with Chris Jeffrey, 1978, OH331, Batty Library, State Library of Western Australia; Andrew Markus, "Talka Longa Mouth," chap. 11 in *Who Are Our Enemies?: Racism And The Australian Working Class*, eds. Ann Curthoys and Andrew Markus, Neutral Bay: Hale and Iremonger in association with the Australian Society for the Study of Labour History, 1978; CD Rowley, *The Remote Aborigines*, vol. 3 (Canberra: Australian National University Press, 1971); Donald William McLeod, interview with David Charlton, 24 December 1996 for Port Hedland Historical Society, OH2739, State Library of Western Australia; Bain Attwood, *Rights For Aborigines* (Crowns Nest: Allen and Unwin, 2003); Richard Broome, *Aboriginal Australians: a History Since 1788*, 4<sup>th</sup> ed., (Crowns Nest: NSW: Allen and Unwin, 2010); Clare Land, *Decolonizing Solidarity: Dilemmas And Directions For Supporters Of Indigenous Struggles* (London: Zed Books, 2015).

The above questions inform the overarching research objective, which is to investigate who McLeod was and why he devoted his life to the Aboriginal people of the North-West. In the next section I present, from the literature, the matters of agreement and disagreement about McLeod. For clarity, I have clustered this information under four headings, each of which relates to one of the above questions.

## 1. What is known about the research

### 1.1 McLeod's investigation into the origins of the Aboriginal labourers' problems

In 1937 some pastoral workers asked McLeod why they were not allowed to leave their station jobs and move freely about their country.<sup>21</sup> He was unable to answer this question and agreed to investigate the situation. He travelled to Perth and researched in the State Library, as corroborated by the Nomad's submission to Commonwealth Parliamentarians.<sup>22</sup> In Government files he discovered what he believed was the origin of the State's control over Aboriginal peoples and the cause of their problem. The clue, as Butler described it, was contained within a House of Commons Blue Paper of 1897 and relevant debates in Parliament.<sup>23</sup> McLeod related this in his book *How the West Was Lost*, in which he argued that the cause of the pastoral workers' predicament could be found in the history of the Western Australian Constitutional debates.<sup>24</sup> He also noted telling this to the pastoral workers. McLeod sustained and repeated this interpretation of events throughout his lifetime. It was the truth for him and drove him to act as he did for the rest of his life.

The earliest publication by McLeod of his finding was in 1957.<sup>25</sup> In an article he argued that 'the bitter feud between the squatter and his unpaid, underprivileged slave labour was born at that moment'. As early as 1931 application of the word 'slave' to Aboriginal people had been made by the Communist Party which, as Jane Lydon noted, designated them 'as the "slaves of slaves"'.<sup>26</sup> According to my review of the literature, McLeod was original in making a connection between a clause in the state Constitution and the

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<sup>21</sup> Paul Roberts, Foreword in DW McLeod, *How The West Was Lost: The Native Question in The Development of Western Australia*. Port Hedland, self-published, 1984. Roberts recorded the questions specifically as 'Why is our country no longer ours?' and 'Why can't we travel without being arrested'? I interpret the questions more broadly in the concept of freedom, as the actual wording gets changed in various later renditions of the encounter, but the yearning for freedom is always present.

<sup>22</sup> *Submission by The Nomads Group of Aborigines to The Federal Cabinet, Commonwealth of Australia*. 1972, NAA: A4252, 49, p. 5. See, in particular, Appendix 1: Copy of portion of 'Correspondence Relating to the Proposed Abolition of the Aborigines Protection Board of Western Australia, National Archives of Australia'. 'The Nomads' was the name chosen by the Aboriginal people to designate their group, of which McLeod became a member.

<sup>23</sup> RJT Butler, *The Significance of Section 70 of The 1889 Constitution Act for Western Australian Aborigines*, unpublished conference paper to UWA Social Science Project, University of Western Australia, 1981, p. 28; Butler, Raymond JT, *Education, The State, And The Indigenous Minority: A Case Study from Western Australia*, Murdoch University thesis, 1985, p. 74.

<sup>24</sup> DW McLeod, *How The West Was Lost*, 1984. Ray Butler, Jack Williams and Paul Roberts assisted McLeod to edit his book. Paul Roberts, Ray Butler and Jack Williams assisted McLeod in the preparation of his book. Paul Roberts worked with him to structure his arguments, remembered that in order to protect McLeod from litigation they deliberately did not name a publisher, considering that his material was sensitive. Roberts pers. comm., March 2015. I thank Paul for permission to record this information.

<sup>25</sup> DW McLeod, "Aboriginal Enterprise in the Pilbara." *Westerly*, 2, (1958). *Westerly* was a University of Western Australia journal named after the breeze that brought fresh air, according to the founding journal editor RW Smith, pers. comm., 13 February 2014.

<sup>26</sup> Jane Lydon, *The Flash of Recognition: Photography and The Emergence of Indigenous Rights*, (Sydney: NewSouth Publishing, 2012): 187.

arrangements under which Aboriginal pastoral workers were employed. He referred to this issue in various ways, calling it both the 'One per cent issue' and 'Section 70'.<sup>27</sup> It arose during the process of negotiating the Colony's independence from Great Britain. The specific purpose of Section 70 of the *Constitution Act 1890 (Imp.)* was to allow the Imperial Government to retain control over programs for the care of Western Australia's Aboriginal population. Section 70 provided that finance for these programs was to come from a fixed amount or one percent of Western Australia's annual revenue. Section 70 was repealed in the *Aborigines Act, 1905*.<sup>28</sup> The implications of this are fully discussed in Chapter Two.

Writer Max Brown, who spent a year with McLeod and the community in 1953, had many discussions with McLeod and the strikers, and these discussions provided him with the material for his book, *The Black Eureka*. In it he described McLeod's 1937 trip to Perth and noted that McLeod considered Section 70 his 'most significant find'.<sup>29</sup> Another study including a chapter on McLeod and 'Australia's Aboriginal problem,' was conducted by historian WF Mandle. Mandle concluded that McLeod had 'become obsessed' by the repeal of Section 70 and its consequent injustice.<sup>30</sup> McLeod's arguments were repeated in an account of a Kimberley Aboriginal pastoral station, Noonkanbah. This study described McLeod leading a ceremony in which the Aboriginal Lawmen affirmed his claims about the constitutional origins of their problem.<sup>31</sup> McLeod's presentation of the repeal of Section 70 as a moral problem was testified by Ray Butler in 1981. Butler affirmed the demand by Aboriginal people of the North-West that the removal of Section 70 be challenged.<sup>32</sup> His work supported the view that McLeod politicised Section 70 as an issue relevant to the contemporary situation of the pastoral workers. He referred to a 1972 document in which the Aboriginal people, by then no longer pastoral workers, instructed McLeod to 'work for the reinstatement of Section 70 of the Constitution so that the damage being done by the State to the people could be halted'. Three years later McLeod published a second account of his finding. He asserted that his interpretation of the constitutional processes came to be adopted by Aboriginal Lawmen in 1942 and became a symbol of the injustices against which the pastoral workers went out on strike in 1946.<sup>33</sup>

In 1989 constitutional law academic Peter Johnston explored the implications of Section 70. He noted that 'It was in the Pilbara that section 70 came to prominence in the post-World War II era through the agency of ... Mr DW McLeod'.<sup>34</sup> In 2001, Ann Curthoys examined the history of Section 70 and argued that

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<sup>27</sup> Section 70 of the Constitution of Western Australia 1890 Act (Imp.) is reproduced in Appendix A.

<sup>28</sup> Peter W Johnston, "The Repeals of Section 70 of The Western Australian Constitution Act 1889: Aborigines and Governmental Breach of Trust." *Western Australian Law Review*, 19 (1989): 318.

<sup>29</sup> Max Brown, *The Black Eureka*, 93.

<sup>30</sup> WF Mandle, *Going It Alone*, 173.

<sup>31</sup> Steve Hawke, and Michael Gallagher, *Noonkanbah: Whose Land, Whose Law* (Fremantle: Fremantle Arts Centre Press, 1989).

<sup>32</sup> RJT Butler, *The Significance of Section 70*, 1981, p. 28. Butler is a geologist and respected colleague of McLeod's. He worked with McLeod and the Aboriginal group for many years, pers. comm., June 2014.

<sup>33</sup> DW McLeod, *How The West Was Lost*.

<sup>34</sup> Peter W Johnston, "The Repeals of Section 70": 343.

early in the 1940s McLeod learned about Section 70 and 'took up the case'.<sup>35</sup> In 2002 Johnston gave a paper to a legal conference in which he provided background for the Pilbara Aboriginal group, known as the Nomads.<sup>36</sup> In his paper, Johnston introduced an alternative view of the manner in which the significance of Section 70 came to McLeod. He claimed that 'Aborigines in the Pilbara in the late 1940s brought it to the attention of a white miner, Mr Don McLeod'.<sup>37</sup> When Johnston completed his doctoral dissertation in 2005, he repeated his assertion.<sup>38</sup> It raises a problem for this thesis: did McLeod inform the Pilbara Aboriginal people, or did they convey the information to him? Attention will be paid to the evidence for these contrasting points of view in an attempt to determine which has most credibility.

Johnston's colleague barrister Steven Churches examined, in 2006, the political processes pertaining to Section 70. Churches stated that McLeod 'was aware of the Aboriginal complaints' that the one per cent had been lost to them and that he investigated the possibility of taking legal action to reclaim it.<sup>39</sup> In 2013 Johnston, consistent with his previous contention, continued to claim that McLeod learned about Section 70 from the Aboriginal people. He noted that its repeal 'surfaced in the 1940s in a strike by Aboriginal workers in the Pilbara bringing it to the notice of a remarkable "white-fella", Don McLeod'.<sup>40</sup> In the same year Ann Curthoys and Jeremy Martens, however, maintained that McLeod had known about the Aboriginal people's 'continuing awareness of the loss' of the one per cent.<sup>41</sup> This is most plausible considering that, as I discuss throughout this thesis, one of McLeod's primary supporting roles was to educate the former pastoral workers about the Western economic and political systems. He, and they, saw that this knowledge was an important and empowering strategy to accomplish their goal of autonomy.

The implications of the repeal of Section 70 are now considered to be so significant to Western Australia's historical record that it is the topic of a special issue of a history journal in 2016.<sup>42</sup> The two opposing views of how knowledge of this constitutional issue came to the Pilbara in the 1940s, endure. Of those historians who identify the pathway, Ann Curthoys and Jeremy Martens alone assert that McLeod informed the Aboriginal people.<sup>43</sup> The idea that the Aborigines told McLeod about Section 70 is maintained by Johnston and Churches, and Ambelin Kwaymullina, who suggests that 'whispers reached'

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<sup>35</sup> Ann Curthoys, "Settler Self-Government versus Aboriginal Rights, 1883-2001: The Shocking History of Section 70 of the Western Australian Constitution", *Britain, Representation and Nineteenth-Century History*, ed. Dino Franco Felluga, <http://www.branchcollective.org>, 2001, p. 4. Accessed February 17, 2015.

<sup>36</sup> This group sued the State of Western Australia to recover the money that would be owing to Aborigines if Section 70 had not been repealed.

<sup>37</sup> Peter Johnston, *Waiting For The Other Shoe To Fall: The Unresolved Issues in Yougarla v Western Australia*, paper to *Australian Association of Constitutional Law*, Sydney, 2002, <http://www.gtcentre.unsw.edu.au/Conference-Papers-February-2002.asp>, : 8. Accessed 20 July 2014.

<sup>38</sup> Peter Johnston, "Manner and Form Provisions in the Western Australian Constitution: their judicial interpretation" (PhD diss., University of Western Australia, 2005) 47.

<sup>39</sup> Steven Churches, 'Put not your faith in princes': 9.

<sup>40</sup> Peter Johnston, "Litigating Human Rights in Western Australia: Lessons from The Past." *University of Notre Dame Australian Law Review*, 15 (2013): 125.

<sup>41</sup> Ann Curthoys, and Jeremy Martens, "Serious Collisions: Settlers, Indigenous People, And Imperial Policy in Western Australia And Natal." *Journal of Australian Colonial History* 15 (2001): 143.

<sup>42</sup> *Studies in Western Australian History*, 30, (2016).

<sup>43</sup> Ann Curthoys, "The Impossibility of Section 70 Aboriginal Protection, Amelioration, And The Contradictions of Humanitarian Governance", *Studies in Western Australian History*, 30, (2016).

McLeod's ears.<sup>44</sup> The problem in evaluating these contradictory interpretations lies in the lack of evidence. No sources are identified, except by Anne Scrimgeour who did not address the problem of the transmission of knowledge. Rather she suggested that McLeod may have learned about Section 70 from his political contacts, which she cited.<sup>45</sup>

The idea that the State neglected its obligation to educate and care for the Aboriginal people, represented by the repeal of Section 70, has particular significance to this biography of McLeod. It underpinned the strike of 1946 in which McLeod played a pivotal and controversial role, although up until then he had not been politically active. For the next fifty years the Aboriginal people and McLeod campaigned to reclaim the benefits it promised, and mounted a court case against the State government. Section 70 forms a substantial component of this thesis, and particular attention will be given in Chapter Two to it when searching for an answer to this thesis question.

## 1.2 Did McLeod's membership of the CPA affect his work?

After realising the implications of Section 70's repeal, McLeod converted his moral outrage into action, which included joining the Communist Party of Australia (CPA). Most historians agree that his membership of the CPA had ramifications for much of his work on behalf of the strikers. Yet, as with the problem of Section 70, there are differing accounts of why he joined the CPA and the length of time he remained a member.

McLeod not only formed his own opinions but sought intellectual debate from the only political party in Australia at that time that had a positive policy on Aboriginal advancement, the CPA.<sup>46</sup> As he began actively supporting the Pilbara pastoral workers he also needed organisational backing, and membership of the CPA, which was aligned with his objectives, was appealing. According to lawyer and Party member Lloyd Davies, McLeod 'made contact with the Communist Party' before 1946.<sup>47</sup> Left-wing unions were also prepared to offer assistance; as Diane Kirkby noted in her study of the Seamen's Union of Australasia (SUA), 'they did not need CPA ideology' to motivate them.<sup>48</sup> It is accepted that McLeod became a member of the Western Australian branch of the CPA, as shown in the latest research about his Communist connections.<sup>49</sup> What is not known is why he joined and the length of his membership; this gap in our knowledge is important to his life story. The political era in which he was working included paranoia and

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<sup>44</sup> Johnston, Peter, and Steven Churches, "The Aboriginal 1 Per Cent Guarantee Litigating The Issues: Insights And Lessons", *Studies In Western Australian History*, 30, (2016): 106; Kwaymullina, Ambelin, "The Stories We Tell: Law, Narratives And An Aboriginal Perspective On Section 70 Of The Western Australian Constitution", *Studies in Western Australian History*, 30, (2016): 131.

<sup>45</sup> Anne Scrimgeour, "The Deliberate Rape of a Splendid People: The 1 Per Cent Campaign in The 1950s", *Studies in Western Australian History*, 30, (2016).

<sup>46</sup> Michael Hess, "The Pilbara Aboriginal Pastoral Workers Uprising of 1946", *Papers in Labour History*, vol. 3, May (1989): 22.

<sup>47</sup> Lloyd Davies, "Protecting Natives?"; The Law and The 1946 Aboriginal Pastoral Workers' Strike", *Papers in Labour History*, vol. 1, January 1988: 34.

<sup>48</sup> Diane Kirkby, *Voices from The Ships: Australia's Seafarers and Their Union*, University of New South Wales Press, Sydney, 2008, p. 121.

<sup>49</sup> Deborah Wilson, *Different White Men: Radical Activism for Aboriginal Rights 1946-1972*, (Crawley UWA Publishing, 2015): 43. Wilson's book publishes her 2013 PhD with the same title.

hysteria about the march of Communism and this hysteria influenced attitudes towards him.

McLeod's awakening to the problems for the Aboriginal people of the Pilbara began at a time when opposition to government policies could be regarded with suspicion. His association with the CPA attracted surveillance by Australia's security agency and provided those opposed to his stance with reason to monitor and derail his plans. McLeod was seen to have initiated the Aboriginal pastoral workers' strike in 1946.<sup>50</sup> His activities to support the Aboriginal people in their attempt to win freedom from the controls of government were interpreted through the lens of Communist treason. As Mandle put it, the Department of Native Affairs (DNA) was 'determined to see in McLeod a Communist, and in the whole movement a Communist plot'.<sup>51</sup> The Department was partially right: his membership of the CPA, its length and its meaning to him, are, however, difficult to substantiate and open to interpretation. This uncertainty is not personal to McLeod; membership of the CPA was under threat of criminalisation at that time.<sup>52</sup>

Anthropology student John Wilson, who in 1959-1960 undertook field work with McLeod and the strikers, had the opportunity to check his notes with McLeod. Wilson reported that McLeod was a member of the Party for two years, terminating his membership in 1947.<sup>53</sup> Charles Rowley in his 1971 study noted only that McLeod was 'accused' of being a member and that he himself did not know if it was true.<sup>54</sup> Historian Peter Biskup was certain, quoting McLeod's 'admission' that he was a member from 1945 to 1948.<sup>55</sup> That 'admission' is questionable evidence. It was given by McLeod to a journalist with the Catholic journal, *The Record* and as such is subject to McLeod's memory or willingness to divulge personal details. Max Brown had the opportunity to check his interpretation with McLeod, and reported that his formal membership began in 1945 when he sent 'a subscription to the Party'.<sup>56</sup> Stuart Macintyre implied that McLeod's association with the Party was fluid, a 'relationship' that became 'strained' when McLeod's objectives clashed with Party policy. Despite this difference, McLeod kept in touch with Party members.<sup>57</sup> Communist Party member Justina Williams remembered McLeod and, when describing the 1946 strike, affirmed that he was at that time a Party member.<sup>58</sup> When labour historian Michael Hess wrote a paper on the 1946 strike, and had the opportunity for McLeod to vet it, he stated that McLeod 'appears to have become a member for a period of time'.<sup>59</sup> This lack of clarity continued despite Party members relating

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<sup>50</sup> Anne Scrimgeour, "We Only Want Our Rights and Freedom": The Pastoral Workers Strike, 1946-1949", *History Australia*, vol. 1, 2, (2014): 112.

<sup>51</sup> WF Mandle, *Going it Alone*: 180.

<sup>52</sup> Stuart Macintyre, *The Reds: The Communist Party of Australia from Origins to Illegality* (Sydney: Allen and Unwin, 1998).

<sup>53</sup> John Wilson, "Authority and Leadership in A 'New style' Australian Aboriginal Community: Pindan, Western Australia" (MA diss., University of Western Australia, 1961) 43. Wilson's academic work is regarded as authoritative and provides the base-line data on McLeod and the strikers' early group.

<sup>54</sup> CD Rowley, *The Remote Aborigines*: 253.

<sup>55</sup> Peter Biskup, *Not Slaves Not Citizens: The Aboriginal Problem in Western Australia 1898 -1954*, St Lucia University of Queensland Press, New York: Crane, Rusak & Co Inc., 1973): 212

<sup>56</sup> Max Brown, *The Black Eureka*: 114.

<sup>57</sup> Stuart Macintyre, *Militant: The Life and Times of Paddy Troy* (Sydney George Allen and Unwin, 1984): 101.

<sup>58</sup> Joan Williams, "Writing Labour History in Western Australia: My Experience with The First Furrow", *Papers in Labour History*, vol. 1, (1988): 13-21. Justina Williams authored *The First Furrow*, however 'Justina' was a pseudonym and her real name was Joan, see Stuart Macintyre, *Militant*: 108.

<sup>59</sup> Michael Hess, *The Pilbara Pastoral Workers' Uprising*: 22.

stories about him, but not his membership. Communist journalist Dorothy Hewett was also a member of the Perth branch of the Party, where she met McLeod. She mentioned that McLeod was 'briefly' a member.<sup>60</sup> Justina Williams recorded McLeod saying that 'they called him a commo so he might as well be'.<sup>61</sup> Beyond affirming the Party's unique Aboriginal policy that was significant to McLeod's political plan, despite their insider status, neither Williams nor Hewett explore McLeod's comment that he 'might as well be' a member. Party member and academic Bob Boughton, however, noted that in 1944 McLeod reported to a unionist on his undisclosed Party task of organising the Aboriginal pastoral workers in preparation for a strike in 1946.<sup>62</sup> This date of presumed formal membership, July 1944, is also adopted by history student Joseph Lorback in his 2010 thesis on union support of the 1946 strike.<sup>63</sup> Richard Broome dated McLeod's Party membership earlier, to 1942.<sup>64</sup> While McLeod's date of joining the Party is unclear, so is his termination of formal membership.

When war historian Brian Willis published an article on security management of Port Hedland Aboriginal peoples during World War Two, he commented on McLeod's association with the people, but not his Party membership.<sup>65</sup> The role of the CPA in the 1946 strike was, however, highlighted by Bob Boughton in 2001; no new detail about McLeod's Party membership was provided except to add that he had left the Party by the 1960s.<sup>66</sup> In his doctoral study of the Communist Party of Australia 1945-1960, Douglas Jordan dealt briefly with the Western Australian branch. Jordan noted that 'McLeod emerged in 1946 as one of the most prominent communist activists in the state' and that he had left 'around 1950'.<sup>67</sup> In the latest study for which McLeod's Party affiliation was important, Deborah Wilson repeated the unsubstantiated 1944 date derived from McLeod's self-reported Party task, and Graham Alcorn's memory of him leaving 'about 1950'.<sup>68</sup> Bain Attwood claimed that by 1955, McLeod was a 'former' member.<sup>69</sup>

There is no consensus amongst historians about the year McLeod joined the CPA, when he left and how deeply he was committed to following Party policy. As with McLeod and Section 70, the problem in finding satisfactory details arises from lack of evidence other than his memory. Despite the lack of clarity, his membership of the CPA influenced how the government and local European-Australians construed his intentions and actions to support the Aboriginal pastoral workers. Their interpretations, based on their opposition to communism, also affected how the police, pastoralists, Departmental officers and journalists

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<sup>60</sup> Dorothy Hewett, *Wild Card: An Autobiography 1923-1958* (Crawley: University of Western Australia, 2012): 177.

<sup>61</sup> Justina Williams, *Anger and Love; A Life of Struggle and Commitment* (South Fremantle: Fremantle Arts Centre Press, 1993): 127.

<sup>62</sup> Bob Boughton, "The Communist Party of Australia's Involvement in The Struggle for Aboriginal and Torres Strait Islander Peoples' Rights 1920-1970", *Labour and Community: Historical Essays*, ed. R Markey (Wollongong, University of Wollongong Press, 2001).

<sup>63</sup> Joseph Patrick Lorback, "We Are All Workers", 16.

<sup>64</sup> Richard Broome, *Aboriginal Australians*: 142. I have found no evidence to support this date.

<sup>65</sup> Brian Willis, Restriction and Control of Aborigines in Western Australia During World War Two, *Westerly*, vol. 40, 4, (1995): 91.

<sup>66</sup> Bob Boughton, "The Communist Party", 2001: 9.

<sup>67</sup> Douglas Jordan, *Conflict in The Unions: The Communist Party of Australia, Politics & The Trade Union Movement, 1945-60*, (Sydney Resistance Books, 2013) 197, 200. Jordan's book publishes his 2011 thesis of the same name.

<sup>68</sup> Deborah Wilson, *Different White Men*: 43, 44.

<sup>69</sup> Bain Attwood, *Rights for Aborigines*: 143.

understood the strike and related to the strikers. The argument that McLeod was a member of the CPA is consistently reported and is uncontroversial although beginning and end dates are unresolved. Separating his work from that of the Party's at the time of the pastoral workers' 1946 strike is also an issue and is explored more fully in Chapter Four.

### 1.3 Did Don McLeod instigate the 1946 strike?

That McLeod was involved in the strike is undisputed. It has attracted interest from a wide range of historians, anthropologists, industrial relations and political science academics, activists and novelists. Nonetheless, two aspects of McLeod's involvement remain unclear: did he initiate the strike and, by extension, was he its leader?

News of the strike appeared not in an Australian publication but in a pamphlet produced in London in 1946. Author Geoffrey Parsons presented the strike as an 'attempt of the Aborigines to break away from serfdom'.<sup>70</sup> An early Australian account of McLeod and the strike comes not from an academic, but from writer JK Ewers, who visited the strikers in 1948. Without disclosing his sources, Ewers declared that McLeod 'engineered the strike'.<sup>71</sup> John Wilson brought a critical academic approach to the question of how the strike started and concluded that McLeod 'introduced the idea of strike action'.<sup>72</sup> Charles Rowley referred to the Bateman report, in which Bateman raised the possibility that McLeod may have been carrying out a Communist Party plan.<sup>73</sup> Drawing on John Wilson's thesis, Rowley then raised the complexity of assigning motivation in the organisation of cross-cultural communication when he quoted Aboriginal people saying to John Wilson, 'We talk about wages and place to stay, and squatters and police keep saying Communist. We say "What's this Communist?"'<sup>74</sup> McLeod's membership of the Communist Party of Australia predisposed outsiders to construe his intentions, and his political influence on the pastoral workers, as him working for the Party. Sources other than the government and pastoralists suggest otherwise.

In forming his views on the origin of the strike, Michael Hess had access to an account by one of the Aboriginal strike leaders, Dooley BinBin, who affirmed that his people met many times to discuss a strike and that this did not involve a White person.<sup>75</sup> Dooley's testimony is significant owing to the paucity of oral

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<sup>70</sup> Geoffrey Parsons, *Black Chattels: The Story of Australian Aborigines* (London: The National Council for Civil Liberties, 1946): 53. Parsons obtained his Australian material from Mary M. Bennett.

<sup>71</sup> John K Ewers, *With The Sun On My Back*, 2<sup>nd</sup> ed. (Sydney: Angus and Robertson, 1954): 82.

<sup>72</sup> John Wilson, "Authority and leadership": Abstract.

<sup>73</sup> FEA Bateman, *Report on Survey of Native Affairs*, 1948. Bateman was a magistrate whom the Minister of Native Affairs selected to enquire into 'native affairs' across Western Australia.

<sup>74</sup> CD Rowley, *The Remote Aborigines*: 253.

<sup>75</sup> Michael Hess, "The Pilbara Workers' Uprising": 24. My study had access to the memories of Aboriginal striker Dooley Bin Bin, who told his stories to Roy Ockendon, subsequently donated by Atkinson. According to McLeod, Dooley first met White people when he worked for them on the Rabbit Proof Fence, see unknown interviewer, *Interview with Donald William McLeod*, State Library of Western Australia, OH4171. The Fence was constructed over six years 1901-1907.

histories of Aboriginal strike participants.<sup>76</sup> Communist Party influence on McLeod is manifest, but he did not claim that the strike concept originated with the Communist Party of Australia or that he was trying to convince the Aboriginal leaders to carry out a Party program. Rather, he maintained that in 1942 he responded to the pastoral workers' question to him in 1937 as to why they could not leave the pastoral stations on which they worked. Their Lawmen discussed McLeod's report and presentation of possible courses of action, decided to strike, and appointed him to assist them.<sup>77</sup>

It is generally agreed that it was McLeod who framed the idea of a strike by all the pastoral workers, not just those on specific stations.<sup>78</sup> This argument can be used to support the view that he was the strike leader influenced by, but not acting for, the Communist Party in advocating strike action as a means to achieve justice. The currency of this view may owe more to prevailing attitudes about Aboriginal people's intelligence and capacities than to a considered appraisal of how the strike by 'controlled' Aboriginal workers could have been coordinated. An alternative view advanced by Sheridan and Ostenfeld is that McLeod was not responsible for the Lawmen's decision but did consent to advise the people on strategies for implementing the strike.

Industrial relations academic Tom Sheridan found that the authorities could not believe the Aboriginal pastoral workers could mount a strike and 'conveniently blamed it all on the agitation of a young white radical, Don McLeod'.<sup>79</sup> This was plausible, especially considering use of the word 'boss' in relation to McLeod. In his thesis on the strike, industrial relations student Shane Ostenfeld interviewed several of the strikers and was satisfied that the Lawmen had appointed McLeod as their 'boss' in the Western domain.<sup>80</sup> It is this differentiation of domains that is helpful in distinguishing McLeod's role from that of the Lawmen's.

It will be argued that McLeod provided the Lawmen with the idea of striking but not the impetus for this action, and that he was a supporter of the Lawmen but not their leader. There is some qualification to this view as McLeod's relationship to the Lawmen is further explored. In Chapters Three and Four, I attempt to discover whether he instigated the strike.

#### 1.4 How and why were the Aboriginal-owned companies and cooperatives established and what is the distinction between these two entities?

In his role as adviser in the Western domain, McLeod introduced to the Aboriginal workers, ideas about

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<sup>76</sup> Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: a Documentary History* (Sydney: Allen and Unwin, 1999), 3. Oral historian Bill Bunbury interviewed several strikers, see *It's Not the Money it's the Land: Aboriginal Stockmen and The Equal Wages Case* (Perth: Fremantle Arts Centre Press, 2002). Bunbury's interviewees talk about their strike action but not who was responsible for its origins.

<sup>77</sup> DW McLeod, *How the West Was Lost*.

<sup>78</sup> Coombs reported that the strikers 'walked off under the guidance of the legendary Don McLeod', see HC Coombs *Aboriginal Autonomy: Issues and Strategies* (Cambridge: Cambridge University Press, 1994), 101.

<sup>79</sup> Tom Sheridan, *Division of Labour: Industrial Relations in The Chifley Years 1945-1949* (South Melbourne: Oxford University Press, 1989), 72.

<sup>80</sup> Shane Ostenfeld, "The Pilbara Dispute, 1946-1949", (BA (Hons) diss., University of Sydney, 1991): 23.

managing their affairs through recognised organisations: cooperatives or companies. There is no agreement about which form McLeod chose, or whether it was he or the strikers who established their organisations. In Chapter Five, I investigate McLeod's role in the establishment of Aboriginal-owned companies and cooperatives.

Following the pastoral workers' exodus from the stations in 1946, they gathered in camps around Port Hedland. They had few material resources such as money or vehicles, and only a few adults had been taught to read and write, thus increasing their vulnerability to being forced back to work on the stations. Their first imperative was to feed themselves. They could collect bush food but needed money for basics such as tea, tobacco and clothing. Aboriginal people had been alluvial mining for years and this was a first option as an income stream, but here again their exposure to those who might short-change them during the selling process was a disadvantage. In addition, these piece-meal and small-scale income-earning activities were inadequate for the increasing numbers who began gathering in the camps. Published studies on how the groups organised focus on the co-operatives and companies through which they ultimately worked, and place McLeod either in the centre or on the periphery of these organisations.

Human rights campaigner Jessie Street visited the strikers' group in 1957, by which time they were working in self-managed organisations. She wrote a report that was widely circulated and referred to their organisation as the Pindan Co-operative.<sup>81</sup> McLeod called it Pindan Proprietary Limited, a company 'controlled by and owned by the Aborigines'.<sup>82</sup> It was not until 1964 that academic interest in the idea of Aboriginal people working in a co-operative began to be the subject of further study. In 1959 John and Katrin Wilson undertook ethnographic work with the strikers' group.<sup>83</sup> Another anthropologist, Ruth Fink, drew on their research and in 1964 published a brief account in her treatise on social change. Language slippage or a different knowledge source allowed Fink to state that the Aboriginal people 'formed themselves into a mining company, Pindan, under the guidance of a European, Don McLeod'.<sup>84</sup> Disagreement as to whether McLeod or the Aboriginal people established the companies continued in later research, confusing the many references to the same organisations as both cooperatives and companies.<sup>85</sup>

Charles Rowley described how, but not why, McLeod formed a company within which the strikers could work for themselves. He noted that where a Western Australian government agency perceived the group as working in a cooperative, McLeod 'had registered a company'.<sup>86</sup> Biskup referred to McLeod working through two companies established to buy pastoral stations.<sup>87</sup> These companies were also used to manage

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<sup>81</sup> Jessie MG Street, *Report of Visit to Pindan Camps*, ed. And published by Pindan Pty Ltd. Reprinted in *Smoke Signals*, November 1975, Aborigines Advancement League (Victoria): 26.

<sup>82</sup> DW McLeod, "Aboriginal Enterprise in the Pilbara": 4.

<sup>83</sup> John Wilson, "Authority and leadership", 1961; Katrin Wilson, "The Allocation of Sex Roles in Social and Economic Affairs in a "new style" Australian Aboriginal Community: Pindan, Western Australia" (MSc., University of Western Australia, 1961).

<sup>84</sup> Ruth A. Fink, "Guided social change at the community level", in *Aborigines Now: New Perspective On the Study of Aboriginal Communities*, ed. Marie Reay (Sydney: Angus and Robertson, 1964), 149.

<sup>85</sup> Naming conventions make tracing some of these organisations difficult. For example, Pindan became the name of a company (Pindan P/L), their movement and their groups.

<sup>86</sup> CD Rowley, *The Remote Aborigines*, 337.

<sup>87</sup> Peter Biskup, *Not Slaves Not Citizens*, 239.

the strikers' mining activities, but in their 1983 study of Aboriginal mining companies, Howitt and Douglas do not mention the Pilbara strikers' companies or McLeod.<sup>88</sup> It was not until McLeod himself described the reasons for setting up a proprietary limited company that there was sufficient information for others to investigate his involvement and intentions.

McLeod declared that the company in 1947 was a 'cooperative venture'.<sup>89</sup> When one of the strikers wrote to an organisation in Perth, he gave his address as 'Native Cooperative, Port Hedland'.<sup>90</sup> A later researcher described one of their companies as 'a success story'.<sup>91</sup> These distinctions were not deemed important, and it was not until 2003 that the means by which the strikers organised themselves for financial survival became of interest to historians of Aboriginal peoples' independent work.

Bain Attwood examined the Victorian Council for Aboriginal Rights (CAR) and the 1955 tour of the Eastern states that its members organised for McLeod to publicise the Pilbara situation. Attwood noted that the Council advocated co-operatives for tribal people as an alternative to capitalist forms of economic management, a way in which White activists could work with, rather than above, Aboriginal people; it promoted what it called McLeod's 'Pindan group'. It is not clear whether this reference was to the group who called themselves Pindan, or the company Pindan P/L. According to Attwood, the Council failed to explore the idea that Pindan 'could provide a model for addressing the plight of more radically dispossessed Aboriginal people in settled Australia'.<sup>92</sup> Attwood's discussion brought the subject of McLeod and the cooperative or company, out of the domain of activists and into the arena in which historians could debate the differences between a movement, a cooperative and a company.

In discussing Aboriginal activism in the Northwest in 1946, anthropologist Francesca Merlan maintained that McLeod formed a group 'or Pindan, as the community came to be called'. For Merlan, Pindan was also a 'movement'.<sup>93</sup> According to Sue Taffe, Pindan was the name given to a movement and a cooperative.<sup>94</sup> By 2005 the discussion was becoming more nuanced. Sarah Holcombe's research identified three companies that were formed between 1950 and the 1960s: Northern Development and Mining (NODAM), Pindan and Nomad. She did not comment on whether McLeod formed the companies but when the group later split, reported that it could have been in part because of his 'overriding commitment to the cooperative'.<sup>95</sup> However researcher Jean Mandy referred to the company that 'McLeod formed' and I did the same in an

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<sup>88</sup> Richie Howitt, and John Douglas, *Aborigines & Mining Companies in Northern Australia* (Chippendale, Alternative Publishing Cooperative (APCOL) Ltd, 1983).

<sup>89</sup> DW McLeod, *How the West Was Lost*: 104.

<sup>90</sup> Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights*: 138.

<sup>91</sup> Julie Armstrong, "On the Freedom Track to Narawunda: The Pilbara Aboriginal Pastoral Workers' Strike, 1946-1998," *Studies in Western Australian History* 22 (2001): 39.

<sup>92</sup> Bain Attwood, *Rights for Aborigines*, 146-147.

<sup>93</sup> Francesca Merlan, "Indigenous Movements in Australia," *Annual Review of Anthropology*, 34, (2005): 483.

<sup>94</sup> Sue Taffe, *Black and White Together, FCAATSI: The Federal Council for The Advancement of Aborigines and Torres Strait Islanders 1958-1973*, (St Lucia: University of Queensland Press, 2005), 31-32.

<sup>95</sup> Sarah Holcombe, "Early Indigenous Engagement with Mining in The Pilbara, Western Australia: Lessons From A Historical Perspective", Canberra *Centre for Aboriginal Economic Policy Research*, working paper number 24/2004, revised 2006: 117.

article I wrote in 2010.<sup>96</sup> Anne Scrimgeour, on the other hand, noted that the Pilbara Aboriginal strikers had been ‘engaged in a number of cooperative enterprises’ and that the organisation was later known by the company title Pindan.<sup>97</sup> In a discussion of the Aboriginal capitalist class in the North-West by scholars AJ Smith and Scott MacWilliam, the example of these companies was used to demonstrate their significance to this development. Smith and MacWilliam did not add additional knowledge to the question of whether McLeod or the Aboriginal people established the companies.<sup>98</sup> In the most recent research, Scrimgeour considered the Pilbara mining cooperative NODAM as a model for progressing Aboriginal interests. The strikers ‘in conjunction’ with McLeod, she considered, worked through this organisation to manage their affairs.<sup>99</sup>

Throughout these debates about the formation, effectiveness and significance of the organisational arrangements under which the strikers worked, there is no agreement as to whether the organisations Pindan, NODAM and Nomad were movements, cooperatives or formal companies. There is no certainty whether McLeod or the people established them, and if the latter, it is unclear how illiterate traditionally-oriented adults might have managed to do this. As McLeod played a role in a number of organisations formed to enable the strikers to become independent, it is important to determine both what his role was, and a more precise classification of the organisations. I explore this in greater depth from Chapters Four onwards.

Many episodic research projects have ascertained much of Don McLeod’s ‘what,’ his ‘when’ and his ‘how’. This study aims to discover his ‘why,’ and to investigate what he was doing outside those episodic events. There is a special problem here, for what is known about him is partly due to his actions, which, paradoxically, submerged him in the Aboriginal peoples’ history.<sup>100</sup> Distinguishing between the Aboriginal leaders’ ideas and McLeod’s has been a difficult task in researching his life story. While I intend to examine the events from the perspective of his involvement, rather than from that of the Aboriginal people’s, this is problematic. Many of his claims made in interviews and written materials are difficult to substantiate, drawing as they do on his memory or immediate response to an event. I deal with this problem below, when discussing my research methodology.

From the time McLeod joined the Aboriginal strikers, he became a political man. While other questions have been pursued about McLeod, my quest is to interpret his life story and make sense of his isolated

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<sup>96</sup> Mandy Jean, “Searing Memories: Aboriginal Pastoral Stations in The Pilbara” (paper presented at the conference *Outback and Beyond*, International Council on Monuments and Sites, 2010):12. I thank Mandy for permission to quote from her paper; Jan Richardson, “One aspect of the Don McLeod model of self-determination for traditionally-oriented Aboriginal people,” *New Community Quarterly*, vol. 8, 3, (2010): 51.

<sup>97</sup> Anne Scrimgeour, “‘Battlin’ For Their Rights’: Aboriginal Activism and The Leper Line,” *Aboriginal History* 36 (2010): 43.

<sup>98</sup> AJ Smith and Scott MacWilliam, “Agrarian Change and The Initial Development of an Aboriginal Bourgeoisie in Australia,” *Journal of Agrarian Change*, 15, vol. 1 (2013). The authors reported on McLeod’s membership of the Communist Party; they did not explain his role in assisting the development of what they considered to be an Aboriginal capitalist class.

<sup>99</sup> Anne Scrimgeour, “‘To Make It Brilliantly Apparent to The People of Australia’: The Pilbara Cooperative Movement and The Campaign For Aboriginal Civil Rights In The 1950s,” *Journal of Australian Studies*, 40, issue 1 (2016): 16.

<sup>100</sup> Bain Attwood and Andrew Markus discussed what happens when this dynamic is reversed and the Aboriginal peoples’ stories are lost in the writing up of activists’ stories. See Attwood and Markus, *The Struggle for Aboriginal Rights*, 2.

actions. In addition to the smaller thesis questions, this biographical task aims to discover what this man was doing in Australia's first large-scale strike of traditionally-oriented Aboriginal pastoral workers, and why he stayed faithful to their cause for the rest of his life. In order to achieve this aim, I have selected an appropriate methodology.

## 2. Methodology

My study is one of a little-known individual who, as with other White activists, was a 'committed champion for Aboriginal people ... based on years of close affiliation'.<sup>101</sup> I anticipated that I might have to 'wrestle with an irrepressible leviathan' as did Mark McKenna when researching the life of Manning Clark.<sup>102</sup> My chosen methodology had to allow for my responses to my subject and acknowledge I had worked with this man; to value this knowledge; and demand that I contain and recognise my personal beliefs and judgements. I had been resisting putting myself into the research, fearing that doing so might skew the study with my subjectivity, or compromise the objective rigour that research must maintain to produce reliable findings. I was also aware of another factor that could either skew or enrich my project: my experience of working in the Kimberley during the 1970s.<sup>103</sup> However, personal experience can be subjected to scrutiny through the process of reflexivity, as psychotherapist Linda Finlay has theorised. Finlay posits that reflexivity is a process of 'examining one's own personal, possibly unconscious, reactions'.<sup>104</sup> I accept that reflexivity will allow me to acknowledge that my experience has made a positive, indeed critical, contribution to my study. It enables me to understand what would otherwise be an era so remote from most people's experience that it seems unreal. I know the physical environment in which McLeod worked and how it would have impinged on everything he did. I then needed a comprehensive research method and found biography to be appropriate.

As a branch of history, biography provides an approach for studying significant social change through the study of individuals, to detail and examine how they lived and interpret their experiences. According to Barbara Caine, it has become a useful tool in post-colonial histories as it enables the biographer to investigate the lives of those who 'transgressed the racial, ethnic and religious expectations of their societies'.<sup>105</sup> Caine could have been describing McLeod.

Although McLeod was born nearly one hundred years after the British government claimed Western Australia as a colony, the culture in which he lived had developed from that moment. My study concerns this man who, in other settings or cultures, may never have been noticed but who, because of the choices he made, is significant. A study of his life might do for Australian history what historian Carlo Ginzburg

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<sup>101</sup> Lynette Russell, "Repressed, Resourceful and Respected'," in Lynette Russell and John Arnold, eds., *Indigenous Victorians: Repressed, Resourceful and Respected. The La Trobe Journal*, special issue, (Melbourne, Victoria State Library of Victoria Foundation 2010) 85: 11.

<sup>102</sup> Mark McKenna, *An Eye for Eternity: The Life of Manning Clark*. (Carlton: The Miegunyah Press, 2011), 703.

<sup>103</sup> Jan Richardson, "Tropical Community Development: Exploring Two Practitioners' Lived Experience of Community Development in The Kimberley Region of Western Australia, 1969-1980" (PhD diss.' Northern Territory University, 1998).

<sup>104</sup> Linda Finlay, "Negotiating The Swamp: The Opportunity and Challenge of Reflexivity in Research Practice," in *Qualitative Research*, (London Sage Publications, 2002), 224.

<sup>105</sup> Barbara Caine, *Biography and History*, (Basingstoke: Palgrave Macmillan, 2010), 24.

hoped his study of a single person would do. He intended that in the episode of a person's life others could recognise 'an unnoticed but extraordinary fragment of a reality, half obliterated, which implicitly poses a series of questions for our own culture and for us'.<sup>106</sup> Ginzburg was using the microhistory method that focuses intently on a small unit, and a biography meets that criterion. Barbara Caine agreed that processes of societal change can be revealed through the study of one individual. She noted that writing microhistory can reduce the involvement of researcher and subject that is inherent in biography – a relationship of lesser significance if the subject is not well known and there is little evidence available about their life. However she added that the distinction is minor as both approaches share the same methodology; through the life story of individuals 'wider historical patterns' are revealed.<sup>107</sup> Robert Rotberg further supported this idea, arguing that 'biographies have often been responsible for recovering the force of forgotten human agency, for rescuing critical and overlooked human efforts in the surge of historical changes'.<sup>108</sup> Ann Curthoys and Ann McGrath saw similarities between biography and microhistory, which in their view looks for the atypical. They suggested that studying the unusual brings a 'better perspective on social customs, mores, expectations and values'.<sup>109</sup> Since microhistory validates the investigation of one man, I determined that it provides further justification for using a biographical approach to an historical study.

The biographical task, as Nigel Hamilton described it, is not only to record a person's lifetime but to 'penetrate to the moral core of a life'.<sup>110</sup> It is apposite to this examination of McLeod, a man who perceived his society in new ways and then worked to change it. It validates enquiring into his subjective understandings, his ethics and his values. The biographical method requires the researcher to reconstruct their subject's life, drawing on evidence and then interpreting that life in a written narrative. Recently other demands have been made of biography due to Freud and the transformative influence of psychology, naming this twentieth century form 'modern biography'.

Modern biography seeks to show 'that inner life of thought and emotion which meanders darkly and obscurely through the hidden channels of the soul'.<sup>111</sup> This objective can be difficult to achieve when most information comes from the archives, as shown by archivists Dever et al when they described their experience. Believing that they 'might "liberate" the sometimes elusive figures we pursued in the archive' they 'ultimately conceded that they would only ever "speak" through our voices'.<sup>112</sup> The greater part of McLeod's papers is in archival collections and present the researcher with this problem. Finding the person in the documents is a little easier for me; by knowing him, I have an image of the man writing those

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<sup>106</sup> Carlo Ginzburg, *The Cheese and The Worms: The Cosmos of a Sixteenth-Century Miller*, (Baltimore: The John Hopkins University Press, 2013), xx.

<sup>107</sup> Barbara Caine, *Biography and History*: 113.

<sup>108</sup> RI Rotberg, "Biography and Historiography: Mutual Evidentiary and Interdisciplinary Considerations," *Journal of Interdisciplinary History*, 40, 3 (2010): 324.

<sup>109</sup> Ann Curthoys, and Ann McGrath. *How to Write History That People Want to Read*, (Sydney: University of New South Wales Press, 2009), 187.

<sup>110</sup> Nigel Hamilton, *How to Do Biography: a Primer*, (Cambridge: Harvard University Press, 2008), 11.

<sup>111</sup> 'Virginia Woolf', in Barbara Caine, *Biography and History*: 40.

<sup>112</sup> Maryanne Dever, et al, *The Intimate Archive: Journeys Through Private Papers* (Canberra: National Library of Australia, 2009), 178.

documents. However, I face the same challenge that Dever et al noted: how to bring the archival items to life? I am also challenged to meet another of modern biography's requirements: learning of my subject's intimate life. Biographer Jill Roe claimed that 'no biography of substance can afford to neglect the vagaries of sexual experience'<sup>113</sup> or lack thereof. To fulfil this requirement will be difficult; McLeod was private about his personal life. The next objective, however, is more manageable: interest in an individual includes life cycles, such as childhood and old age. Here McLeod's biographer is on more solid ground, for while the major part of what is known about him refers to his middle years, interviews exist that can provide sufficient material about his beginning and ending life stages.

McLeod was politicised. He influenced his era. Understanding his motives and actions requires the study of this era and the significance it played in his life. Communications scholar Norman Denzin is especially interested in how people arrive at what is significant to them. He suggests understanding can be discovered through interpretive biography, a method which can capture the idea that transformational experiences are central to biography, and Denzin argued that 'lives are turned around by significant events' or 'turning-point moments'.<sup>114</sup> McLeod, who was once a prospector and contractor working for himself, became committed to working for the Aboriginal strikers. This could constitute a Denzin transformation, making interpretive biography especially pertinent to my project.

The interpretative biography method works to understand another's epiphanies, embodied in their stories. Although stories may not meet the criteria of truth that is derived from verifiable fact, Denzin claimed their veracity is that of authenticity. The biographer's task is to bring those stories into existence through the interpretive approach, and the literary technique of writing. When reconstructing an individual's life using this approach, the writer looks for 'patterns of meaning' and the social influences that shaped the life under study.<sup>115</sup>

The biographical aim to discover 'the core of the human being'<sup>116</sup> risks failure if the researcher's objectivity prevents her from responding emotionally to the material. This is a particular problem for me as the focus of McLeod's life, exposing the injustices perpetrated against the Pilbara Aboriginal pastoral workers, is hard reading. His work to overcome the inequalities also arouses personal responses that can cloud my judgment. It is in the writing that my dilemma may be resolved. Nigel Hamilton believed subjectivity 'is seen as rich, valuable, and illuminating in many disciplines of the humanities and social sciences, especially biography'.<sup>117</sup> I am encouraged to acknowledge that my subjectivity can be a perspective that adds a unique dimension to my research. I need mindfulness to keep a balance between intimacy and detachment, without which the biographer can become, 'the subject's ventriloquist', a dilemma that

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<sup>113</sup> Jill Roe, "Biography Today: A Commentary," *Australian Historical Studies*, 43: 1 (2012): 108.

<sup>114</sup> Norman K Denzin, *Interpretive Biography* (Newbury Park: Sage Publications, 1989): 22.

<sup>115</sup> Norman K Denzin, *Interpretive Biography*: 156.

<sup>116</sup> Barbara Caine, *Biography and History*: 46.

<sup>117</sup> Hamilton, Nigel. *How to Do Biography*: 76.

McKenna experienced during his seven years' study of Manning Clark.<sup>118</sup>

Having found theories for approaching this study, I then sought a method to understand McLeod's work. Community development theory seemed a useful way to begin.

## 2.1 Theory – the how and why of emancipation

McLeod worked with and was accepted by the communities of the Aboriginal pastoral workers. Jim Ife and Frank Tesoriero defined community development as a 'process of establishing, or re-establishing, structures of human community within which new ways of relating, organising social life, promoting human rights and meeting human needs become possible'.<sup>119</sup> If this definition is accepted, then McLeod was involved in community development. A fundamental tenet of community development is that to be solid, community structures need to be built from the ground up, by the people, rather than imposed from the top down, by professionals. This theory emphasises the value of local knowledge, local culture and local skills in building grassroots power and self-reliance. It is in contrast to valorising the expertise of professionals, and allowing professionals to define the people's needs.<sup>120</sup> The theory is predicated on the principle that social change is a slow process, during which people move from the known to the unknown, and argues that practitioners need to be aware that slow progress is sound progress. While this is, in some ways, relevant to McLeod's work, it does not accommodate many of his activities, which involved change that was too rapid to meet the above criteria. A theory is needed that explains how the strikers made the radical move from subservient pastoral labourers on pastoral stations in 1946 to taking charge of and managing a commercial business five years later. Community development theory also lacks a deep understanding of human growth through struggle, a lack that Paulo Freire's theories can overcome.<sup>121</sup> Paulo Freire (1921-1997) was an educator whose childhood had deprived him of educational opportunities. Reflecting on this, he wrote:

I didn't understand anything, because of my hunger. I wasn't dumb. It wasn't lack of interest. My social condition didn't allow me to have an education. Experience showed me once again the relationship between social class and knowledge.<sup>122</sup>

Drawing on his own experiences, Freire developed a theory he named 'pedagogy for the oppressed'. He perceived the learning process to be based in dialogue that could lead to participants naming their reality and, if they decided to change it, they could then discover ways of doing so. A pedagogue would assist in the dialogue of discovery and then teach the participants to write the words that were meaningful to them.

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<sup>118</sup> Mark McKenna, "'National Awakening': Autobiography, And The Invention of Manning Clark," *Life Writing* 13, no. 2: 209. DOI: 10.1080/14484528.2016.1162263, accessed 19 August, 2015.

<sup>119</sup> Jim Ife and Frank Tesoriero, *Community Development: Community-Based Alternatives in an Age of Globalisation*, 3<sup>rd</sup> ed. (Frenchs Forest: Pearson Education Australia, 2006), 2. Australian academic Susan Kenny agreed that the aim of community development is to enable communities to have effective control of their own destinies', see Susan Kenny, *Developing Communities for the Future*, (South Melbourne Thomson, 2006), 10.

<sup>120</sup> Frank Tesoriero, *Community Development: Community-Based Alternatives in an Age of Globalisation*, (Frenchs Forest: Pearson Australia, 2010), 290.

<sup>121</sup> Paulo Freire, *Pedagogy of The Oppressed* (London: Sheed and Ward, 1972).

<sup>122</sup> Moacir Gadotti, *Reading Paulo Freire: His Life and Work* (Albany: NY State University of New York Press, 1994), 5.

With increasing mastery over literacy and comprehension of their world, individuals empowered themselves to take action to improve their lives. Freire called this process 'praxis', that is, people acting on their new insights through their values, beliefs, comprehension and vision. Such insights could lead to their rapid liberation from conditions that oppressed them.

Although Freire generated his ideas in 1962 in Brazil and 1964 in Chile – another country and another era – his insight that literacy was about reading the world, not just the word, has relevance to McLeod's work. McLeod saw that the pastoral workers were highly intelligent and observant but could not participate in the world of the dominant culture. They were unschooled in the *lingua franca* English, and could not enter the Western world, oppressed by rules they did not understand on the isolated pastoral stations. Once given the opportunity to name the obstacles that prevented their participation in Pilbara society, and to evaluate their condition, they could take actions that would move them closer to independence. Although McLeod did not know of Freire, his insights about oppression are Freirean.

The pedagogue who worked with this method was equally a learner, gaining insights into the other's experiences. Adopting the role of learner in order to influence the dominant culture gained educational legitimacy when Stephen Harris began talking about 'two-way education'.<sup>123</sup>

The model of two-way education applied particularly to the formal schooling environment whereby Aboriginal children could learn English and their own language, both oral and increasingly textual, as the language was translated into written form. A pre-supposition of language learning contends that language is about more than just words for conveying superficial meaning; it carries within it the worldview of the native language speakers. McLeod was not a school teacher or a linguist; he did, however, learn the pastoral workers' worldview, as will be discussed in Chapter Two. He became both a teacher and a learner. These theories will be useful when considering the thesis questions about whether he was a leader or a partner in the Aboriginal people's enterprises. As a member of the oppressor's race, he could also be perceived as an outsider to the strikers' culture.<sup>124</sup> In later chapters I deal with the question of whether an 'outsider' can adopt an 'insider' role and if so, whether McLeod qualified as an insider.

I have selected the above theories to be apt for thinking about McLeod as a social change agent, but they do not go far enough for this biography. What is needed is a theory that can help explain why a man with prospects for financial success would turn away from his path to prosperity and comfort, and join the Aboriginal people's strike for justice, a choice that would expose him to poverty and personal tribulations. Social psychologist Daniel Batson provided an explanatory framework that fits this purpose.

Daniel Batson postulated that a person will help another without needing recompense if they feel

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<sup>123</sup> Stephen Harris, *Two-way Aboriginal Schooling: Education and Cultural Survival*, (Canberra: Aboriginal Studies Press, 1990).

<sup>124</sup> Ghassan Hage defined an insider as a person who feels they can identify with a group, can say 'we,' and an outsider who cannot. See his "Insiders and Outsiders," in eds. Peter Beilharz and Peter Hogan, *Sociology: Place, Time & Division*, (South Melbourne Oxford University Press, 2006) 342.

empathy for that person. He defined empathy as feelings that are 'other-oriented', and 'congruent with the perceived welfare of someone in need'.<sup>125</sup> Emotional responses of sympathy, compassion and concern have been labelled by others as pity, tender emotion or being sorry for the other; these emotions do not meet Batson's definition. Adding the term 'altruism' broadens the type of empathy a person can feel for another. Altruism is about valuing the life of another, it is a 'motivational state with the ultimate goal of increasing another's welfare' and altruism produces empathic concern.<sup>126</sup> Batson hypothesised that for an empathy-induced altruist, interest in their own welfare includes the other's welfare. Batson's theory may explain why McLeod transitioned from a life as a single man focussed solely on building a secure future for himself, to one concerned wholly for the other. Furthermore, he did this for the rest of his life. The theory may offer insight into McLeod's 'why' that is missing in descriptions of his 'what, when and how', and might find Caine's inner life with the emotions and intellect that form the soul.

## 2.2 Data collection

Data for this study was derived from a wide range of documents by or about McLeod that can be found in libraries and archival collections throughout Australia. The major collections are held in the State Records Office of Western Australia, the State Library of Western Australia and the National Archives of Australia in Canberra. Some of these collections comprise interviews with McLeod or with others who knew him. Those from McLeod contain information about his early life and his perspectives about his actions. Other than specific collections, there is a rich harvest of academic articles about the strike and McLeod's work for Aboriginal justice, which I cite under each topic, interviews with McLeod, two films, a poem, a theatrical play, a song, novels, theses, and newspaper articles. They are about events that aroused interest because of the Aboriginal people's involvement and McLeod may or may not be the central focus. As valuable as they are, they do not provide continuity between one period of McLeod's life and the next and that is the very problem a biography needs to overcome.

Another problem for this biographical study is the paucity of material of a personal nature that could throw light on McLeod's emotional life, and there are few memorabilia that might have been kept by his family. Partly this is because his family became the fluctuating strikers' community with whom he lived, rather than his family of origin or one formed through marriage. His 'living' with the people might suggest that he took an Aboriginal wife but this was not so. He was a bachelor all his life. Katrin Wilson observed him during her field work 1959-1960, interviewed both him and seventy-three women in the strikers' group, and found that he did not cross the line in their gender-separated society. She stated that mainly because of his own shyness McLeod did not have much contact with the women.<sup>127</sup> His isolation in the remote

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<sup>125</sup> C Daniel Batson, *Altruism in Humans*, (New York Oxford University Press, 2011), 11. I am indebted to Michael Duke for introducing me to Batson's theories.

<sup>126</sup> C Daniel Batson, *Altruism in Humans*: 228. When surveying concepts of altruism, molecular geneticist and humanitarian Matthieu Ricard noted that it and its opposite, selfishness, cannot be assigned to another but can be manifested by a person's actions. See Matthieu Ricard, *Altruism: The Power of Compassion to Change Yourself and The World*, (London Atlantic Books, 2013).

<sup>127</sup> Katrin Wilson, *The Allocation of Sex Roles*: 73.

Northwest, and within the male section of Aboriginal society, affects his knowledge as it limited the types of information that he gave or that was reported about him.

I have been fortunate that a number of individuals have donated materials to me for this project. Some of these donations came 'just-in-time' to fill large gaps in the public record of McLeod's life, being correspondence about joint projects at certain times. One donation of many recorded hours with McLeod telling his own story to Ken Liberman, contributed significant detail as it contained his own version of his life story, as he wanted it to be remembered, and can be tested alongside other sources of evidence.

### 2.3 Definition of Terms

While this study is about McLeod, his life story is inextricably interwoven with the Northwest Aboriginal people and presents the student with a language problem. Throughout much of the documents that form my data set, especially government correspondence, there are two common terms for Indigenous people. In the early days of colonisation, the terms 'Aboriginal' and 'Aborigines' were used. Bain Attwood addressed the complexities of concepts such as 'Aborigines'.<sup>128</sup> Attwood argued that the term 'Aborigines' is a construct, although it is accepted as referring to descendants of the original inhabitants of Australia before British colonisation in 1788. Before colonisation, the Aboriginal peoples were not a homogenous population but comprised many different language groups. It was the context of colonisation that led to them being given an identity under one name. In Western Australia the name was changed from 'Aboriginal' to 'natives' through legislative processes. These different terminologies ceased in 1972 when the departments of Native Affairs and Child Welfare were amalgamated into the Department of Community Welfare. The *Community Welfare Act, 1972* signified the end of the term 'native' in government legislation. The current terminology refers to people as Indigenous although Aboriginal is still accepted as in the 'Australian Institute of Aboriginal and Torres Strait Islander Studies' (AIATSIS).

In this thesis, naming people is complex. There are women and men from different backgrounds for whom neither their ethnicity nor their personal names are always appropriate. Throughout his life McLeod used or was given various names, and they provide a window into his relationships with the recipient of his correspondence, the person with whom he was talking or the donor of a name. They belong to three distinct phases of his life: his childhood, his working life as a sole operator and his working life with the Pilbara strikers. When read as part of the text of his life, they provide insights into his thoughts and emotions that are not apparent through a study of his business and campaigning correspondence. His most common and business signature was 'D.W. McLeod' and rarely, according to whom he was writing, he might sign himself Don, Donald or Mac.

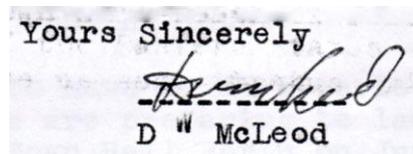
When McLeod was a child his family called him Donald. As an adult, he wrote to his sister Zoe Smithson and used the name Donald.<sup>129</sup> She recorded that it was probably only his sisters who called him

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<sup>128</sup> Bain Attwood, *Rights For Aborigines*: xi.

<sup>129</sup> McLeod to Zoe Smithson 22 January 1947, State Library of Western Australia, *McLeod Correspondence 1908-1999*, 4563A.

Donald.<sup>130</sup> When he was a young man working in the bush his mates called him Mac. Within the strikers' community, McLeod had at least four names, three of them in the Aboriginal language Nyangumarta. Traditional Aboriginal culture allocated each person to a kinship group, commonly known as a 'skin name,' and McLeod's adopted family gave him a kinship name, *Ngarnka*, to signify his correct relationships within the group. Sometimes the people called him '*Ngarnkawaru*,' – the bearded one. Prominent leader Minyjun, whose 'whitefella' name was Monty Hale, in his book referred to him as *Mirta* – a term of respect meaning 'old man'.<sup>131</sup> Some of the coastal leaders, such as Clancy McKenna and Ernie Mitchell, called him Don.<sup>132</sup> When Mitchell wrote to McLeod he addressed him as Don, but when McLeod replied he used his normal signature D.W. McLeod. Most whitefellas who came to work for the people also called him Don.<sup>133</sup> When he taught himself to type, sometime after 1944, McLeod typed 'Yours Sincerely' with a row underlined for his signature, followed by 'DW McLeod'.



*Figure 4 Donald William McLeod's signature*

*(Scanned by Jan Richardson)*

This action provided another form of identification because he used a battered old typewriter with keys that stuck. Any item of correspondence typed on that typewriter, whether signed or not, could be recognised by those who knew as being produced by McLeod. John Bucknall, the first school principal at Strelley station, tells the story of needing to know the originator of an unsigned, typed document. He showed it to Lawman Monty Hale. Hale nodded, 'that him, that the one', he affirmed.<sup>134</sup>

McLeod was of Scottish ancestry but in the terminology of the era he was a White man or colloquially a 'whitefella'. The term 'white man' is not as simple as it seems, as anthropologist John Wilson found. Wilson explained that 'white' as a generic term that refers to a skin colour was not always accurate in a region where individuals, including Aboriginal people, could have Asian ancestry. In its European connotation it defines a person from Europe. As I observed, in its sociocultural meaning it was imprecise when used for people whose culture was the Northwest of Western Australia and who did not live according to European traditions. The situation for Aboriginal people was equally complex. Wilson pointed out that in the era under consideration a difference was made between a person of full Aboriginal descent and a person of

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<sup>130</sup> Zoe Smithson, State Library of Western Australia, *Some McLeods – mainly Donald*, PR 14514/MCL/1, Ephemera Collection.

<sup>131</sup> Monty Hale, *Kurlumarniny: We Come from The Desert*, ed. Anne Scrimgeour, transcribed and translated by Barbara Hale and Mark Clendon (Canberra: Aboriginal Studies Press, 2012).

<sup>132</sup> Kingsley Palmer & Clancy McKenna, *Somewhere Between Black and White: The Story of an Aboriginal Australian*, (South Melbourne: Macmillan, 1978).

<sup>133</sup> Donald Stuart, *Yandy* (Melbourne: Georgian House, 1959); Max Brown, *The Black Eureka*.

<sup>134</sup> John Bucknall, pers. comm., 2015. I am grateful to John Bucknall for this anecdote.

mixed Aboriginal descent.<sup>135</sup> Part-Aboriginal people could have Asian or European ancestry. Full descent Aboriginal people were termed 'natives' and biological distinctions were recognised by the people themselves. In the Nyangumata language, full-descent people were known as *marngu* and people of mixed race were known as *mudamuda*.<sup>136</sup> The Western Australian government, through its *Native Administration Act 1936 (WA)*, defined all people of Aboriginal ancestry as 'natives' unless given an exemption from the Act or a Citizenship Certificate.

Using the terms that were common in the Northwest in the era under study can be fraught with difficulties. Adrian Day, an officer of the Department of Native Affairs in the 1950s, solved the problem by adopting the lingua franca. He wrote 'It was so very simple. They called themselves Blackfellas, so we called them Blackfellas, they called us Whitefellas, and we called ourselves Whitefellas, and there was no insult intended, taken nor given'.<sup>137</sup> As Don McLeod mostly used these terms, I will also adopt them in this thesis unless the term 'native' is in quoted sentences or legislation.

## 2.4 Thesis structure

Because this is a biographical study that embraces the concept of microhistory, I have chosen to structure it chronologically. This allows me to present the details of McLeod's life, as I have been able to find them, not only as an activist as seen in the context of the strike, but as a man whose early experiences are congruent with the adult he became. The chapters are set out in this order:

Chapter One (1908-1937) is about his childhood and experiences as a young adult. In this period his family faces a crisis and he develops the survivor characteristics that he exhibits in later life.

Chapter Two (1937-1942) investigates why his career as a prospector is derailed when he meets some Pilbara Aboriginal pastoral workers who asked him a simple question. He discovers what he considers is the answer. It is significant to him and defines his life from that time.

Chapter Three (1942-1943) concentrates on a meeting in 1942 arranged by the Aboriginal Lawmen, to which they invite him. They ask him to explain the answer to their question, and appoint him to a role in their plans.

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<sup>135</sup> John Wilson, *Authority and leadership*: 1.

<sup>136</sup> I use the spelling from Geoffrey O'Grady's grammar, kindly donated by John and Gwen Bucknall in 1997. Geoffrey N O'Grady, *Nyangumata Grammar*; University of Sydney, Sydney, 1964; Monty Hale, *Kurlumarniny*: 218; Kingsley Palmer and Clancy McKenna, *Somewhere Between Black and White*.

<sup>137</sup> Adrian Day, *Wadjelas: The Memoirs of a 1950s Patrol Officer* (Carlisle Hesperian Press, 2010), vii.

Chapter Four (1944-1947) details the time he commits himself to challenge the injustice he perceived the Indigenous people were suffering. He also suffers, being arrested and jailed for his actions to support the pastoral workers-turned-strikers.

Chapter Five (1948-1955) explores his philosophy and the methods he used to assist the strikers survive independently outside the pastoral industry, while maintaining their traditions. These include forming cooperatives and companies.

Chapter Six (1956-1972) studies his transformation into a public campaigner and lecturer, and his solutions to the problem of how the strikers' groups could obtain land on which to settle.

Chapter Seven (1973-1999) investigates his adaptation to political changes following a new Federal government with different policies concerning traditional Aboriginal people. It examines his attempts to assist the Lawmen's plans to create educational, medical and social systems, and shows that he remained faithful to his understanding of his role in the strikers' cause.

Chapter Eight summarises the thesis questions and concludes the study. The first seven chapters present the questions I have chosen to address and provide the evidence I will use to draw my conclusions. This thesis tells the story of a man whose family background and Scottish ancestry played a major role in his self-development. His early life, and exposure to hardship and authoritarian discipline, coloured his worldview. McLeod's intelligence and determination enabled him to maintain difficult and sometimes contrary political positions. This thesis explores in depth how and why he campaigned for options for Aboriginal people which ultimately led to social change in this country.

# Chapter One

## I knew what they were doing was wrong'<sup>1</sup>

Don McLeod's life spanned nearly ninety-one years. If those who hated him had their way, it would have been shorter, but as this biographical study will show, it was difficult to eliminate this man. His life's purpose drove him to survive events that could kill a man less tough than he. This purpose, justice for the Aboriginal peoples of the Northwest, was so unusual that at times neither his enemies nor his friends comprehended its significance to him, or even knew why he adopted it let alone gave his life to it. Its centrality, however, frames his life story.

McLeod's manner of living separated him from his compatriots and was one aspect of his adult life that set him apart. Although his family of origin was large, he had no family of his own. Although he began his adult career as a successful prospector and entrepreneur, he later donated his income and assets to the Aboriginal cause and died a pauper.<sup>2</sup> Although he was formally educated only to the age of fifteen he was an autodidact and later acquired expertise in a wide range of economic, political and social matters. Although in his earlier years his work was primarily manual, he trained himself to type in order to further his role as a campaigner, and, he developed oratorical and writing skills. When the Aboriginal pastoral workers of the Pilbara first encountered McLeod, they saw that he was unlike most other White men they had seen, or heard about, or for whom they worked. How and why McLeod became different can be traced to his early childhood. In this Chapter, I follow his maturation from birth to an event in 1937 when he was twenty-nine years old, and confronted a challenge that changed his life. My first challenge was to find credible sources from which to build his story.

McLeod's childhood and early adulthood have not to date been of interest to historians and records from which to construct his formative years are scanty. Furthermore, the nature of the sources is problematic. McLeod's subjective perspective is helpful in learning of his rationale for action but its orality, and the unreferenced nature of story-telling, make it difficult to corroborate his statements. These sources therefore raise issues of reliability.

This leaves me with a problem. I am unable to substantiate his recollections of some childhood incidents and they remain in the category of memory, unstable and unconfirmed. I take account of historian Christopher Browning's warning that, when writing Holocaust history, even the memories of survivors cannot be 'immune from the same careful examination of evidence to which our profession routinely subjects other sources'.<sup>3</sup> McLeod's memories are, nevertheless, significant to his self-image and maturing

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<sup>1</sup> Donald William McLeod conversation with Stan Davey in 1968, remembering his childhood in the Carnarvon boarding school. Recording in possession of author.

<sup>2</sup> Ray Butler, pers. comm., 2014.

<sup>3</sup> Christopher R. Browning, *Collected Memories: Holocaust History and Post-War Testimony* (Madison, Wis.: University of Wisconsin Press, 2003), 84.

sense of justice – the idea that consumed his adult life when applied to the situation of the Aboriginal pastoral workers of the Pilbara. For that reason, as much as possible I include his own words, phrases and cadences that convey his emotional responses to events – emotions that point to the development of his adult persona. Allowing McLeod’s words to describe his early experiences adds authenticity and colour to this attempt to interpret the meaning for him of his early childhood and young adulthood.

In this period of his life, my subject grows from birth, when he was known as Donald, to a young adult, when he was known as Don. I use these names in favour of McLeod, which is more appropriate in the period that follows this chapter.

## 1.1 An analytic mind develops

When Donald was two or three years old his mother tied him by the leg to the kitchen table with a piece of rope. He pleaded for his freedom: ‘true as God I won’t do that again if you’ll let me go, mum’ but his mother did not give in.<sup>4</sup> She was pregnant again, and already had five children under the age of nine. How else could she control this energetic little boy whose curiosity about mechanical things got him into trouble? The family was living in Geraldton, a town on the Western Australia coast in the Mid-West, 432 kilometres north of Perth. Donald recalled the occasion he had seen a steamroller making the macadam road outside the family house. Being ‘always mechanically minded’, he was so fascinated by this machine he climbed into the steamroller ‘to get a ride’.<sup>5</sup> His mother extracted him and ‘carted him inside’. Not to be obstructed in his enterprise he ‘burrowed under the gate’ and got out a second time. The adults responded by putting a sheet of iron underneath the gate to prevent him doing that again. Undeterred, he then climbed over the top of the picket fence but slipped; his ankles caught in the fence and he was discovered hanging upside down. This time, after rescuing him, his mother anchored him securely. These characteristics of determination and defiance seemed to be fairly consistently reported by others throughout his life, albeit often with more colorful epithets.

Donald’s family of origin was solid. His mother, Hannah Jane Morrison, was born in the Western Australian wheat belt town Pingelly, 158 kilometres from Perth, and came from a well-known family in the district. Her Scottish father William Morrison was a successful businessman in Pingelly and owned a property named Glen Erne.<sup>6</sup>

Donald’s father, William Henry McLeod, travelled to Western Australia from Tasmania, and from there some time in the 1890s to Pingelly. He seems to have found a niche in this Celtic enclave in the Western Australian wheat belt, and met Hannah Morrison. They married in 1898.<sup>7</sup> Hannah’s father William Morrison came to respect William McLeod and made him an executor of his Will, suggesting a closeness between

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<sup>4</sup> McLeod to Ken Liberman, 1978, kindly donated to me for this study.

<sup>5</sup> McLeod to Ken Liberman. The quotations are taken from my transcriptions of the tapes, with Liberman’s consent.

<sup>6</sup> EC Lutze, “Donald McLeod Before Skull Springs: The Origins of His radicalism” (Honours dissertation, History Department, University of Western Australia, 1984), 11, 12. The property Glen Earne was sold in 1918, see p. 16.

<sup>7</sup> EC Lutze, “Donald McLeod Before Skull Springs”: 10, 11. I thank Edwin Lutze for this clarity

McLeod and the Morrison family generally. Through his marriage William McLeod became connected to leading families in the district and was provided with an entrée into their society.<sup>8</sup> William McLeod took up farming in Pingelly, grazing sheep and growing wheat to be made into flour. He financed and built a flour mill at Pingelly, operating under the partnership name of 'Quigley and McLeod'.<sup>9</sup> Disagreements with his business partner and economic and difficulties more generally led the business partnership to be dissolved and bankruptcy was declared in 1904.

Gold had been discovered in the Murchison since 1854 and on September 24, 1891 the Murchison goldfield was proclaimed.<sup>10</sup> William and his brother travelled 800 kilometres further north to search for gold and in Meekatharra, William opened the 'Queen of the Hills' gold mine.<sup>11</sup> He was a successful entrepreneur, a particularly hard-worker who owned equipment and vehicles at his mine and employed others.

Hannah with their five children joined her husband in 1907, travelling from Pingelly to Meekatharra over unmade roads. In the early 1900s a horse-drawn coach operated between the Mid-West towns of Mullewa and Cue, a journey of about 321 kilometres on roads much the same as those Hannah had to endure. The company employed sixty men as 'grooms, teamsters and coach drivers', and kept four hundred horses at staging posts along the track, with forty camels to carry fodder for the horses.<sup>12</sup> Hannah's trip was rather longer, about 802 kilometres. She and her children travelled in the *Eastern States* company coach with the Cobb & Co insignia still on its side panels.<sup>13</sup> When she arrived in Meekatharra, instead of a comfortable home such as that in Pingelly, Hannah had a tent with floors of earth. It had few amenities but plenty of heat and dust, plus the ubiquitous flies and fear that the children might succumb to disease. Women had to be as tough as men to manage the work that family life demanded, and if married, even tougher because of the endless pregnancies.

Hannah birthed her seventh child, Donald William, on May 8, 1908.<sup>14</sup> It was important to him in his later life that he was the first White child born in the Meekatharra hospital.<sup>15</sup> A hospital delivery was significant for his mother, who previously birthed her babies at home with her mother's help. This was an era when

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<sup>8</sup> EC Lutze, *ibid*: 10.

<sup>9</sup> See 'Beverley Local Court', *Beverley Times*, 27 January 1906: .3

<sup>10</sup> JS Battye, *Western Australia: A History from Its Discovery to The Inauguration of the Commonwealth* (Oxford: Clarendon Press, 1924): 405.

<sup>11</sup> Many names of stations in the North-West come from Aboriginal languages. It is believed that *meeekatharra* was an Aboriginal word for 'a place of little water', see PR Heydon, *Gold on the Murchison* (Victoria Park: Hesperian Press, 1986): 163.

<sup>12</sup> PR Heydon, *Gold on The Murchison*: 38.

<sup>13</sup> In 1880 the WA government had subsidised Cobb and Co's coaches to carry the mail, see FK Crowley, *Australia's Western Third*, 1960: 75. In 1894 a company running the Royal Mail coaches to Coolgardie advertised that Cobb & Co's Royal Mail Line of Coaches had 'sufficient guarantee that Passengers will be landed at their destination without having to walk and push the Coach. NO CAMPING OUT'. See Gail Dreezens et al., (eds.), *Cobb and Co. In the Golden West* (Carlisle Hesperian Press, 2008), 65.

<sup>14</sup> Hannah and William's first child, a boy named Donald Horatio, died.

<sup>15</sup> Meekatharra Hospital was opened in 1908, see Shire of Meekatharra Shire museum notice. According to the Heritage Inventory Review 2012, a new maternity ward was opened on 20 January 1915. I have been unable to confirm or deny that DW McLeod was the first White child born in the hospital.

contraceptives were not yet easily accessible and husbands had few methods to control their fertility.<sup>16</sup> Often abstinence was the only safe form of birth control, but as it was not a very popular method, and married women were left to bear many pregnancies. Despite Hannah's husband being away frequently, and for long periods of time as he travelled far from home to earn a living, Hannah birthed nine babies in fourteen years of marriage, including one set of twins. Even in the 1920s pregnancy and birthing were difficult for women and many went south for their confinement, or to Melbourne, where better medical facilities were available.<sup>17</sup>

By 1910 William's 'Queen of the Hills' gold mine was 'spectacularly successful'.<sup>18</sup> William sold it for £6000, making a considerable profit.<sup>19</sup> He took his family to Geraldton, and bought properties in the town precincts from which the family could derive income. His turnaround within six years from bankrupt to developing a flourishing business, positioned him within the family as a successful entrepreneur and businessman. When his business activities in Geraldton were not profitable, William bought a 40-foot motorised boat in Fremantle, 439 kilometres south of Geraldton. He had hoped his brother would join him but, according to McLeod, his uncle found work at sea in the Broome pearling industry and died in a cyclone.<sup>20</sup> Regardless of the dangers, hard work suited Hannah and William.

Both Hannah and William were inculcated with Scottish culture and transmitted it to their children; being part of the Celtic diaspora in Australia was an important social fact for the family.<sup>21</sup> As an adult, Celtic ancestry was a powerful motif for Don. It provided him with an identity of which he was proud; values that made him different from many men of the Northwest; and, a work ethic that suited his physical energy.<sup>22</sup> Exciting stories abound within the family about their Scottish ancestry; their people were from Skye but better still, the chief of clan McLeod lived at Dunvegan Castle. The clansmen were fighting men who raided the low lands and there were legends about their vigour and ferocity.

This Scottish tradition influenced the naming conventions in the family; there always had to be a Donald.<sup>23</sup> When Hannah in 1899 delivered their first child, a boy, the parents named him Donald Horatio. This child died as a one-year-old, and at the time Hannah was eight months pregnant with twins. To keep a Donald in the family, the parents named their seventh child Donald.

In 1912 Hannah's ninth delivery was difficult. She birthed the baby successfully but cried out in anguish from a birth-caused illness and for the next seven days suffered terribly. On the seventh day she died from hemorrhaging, aged forty. The children could hear 'her agonised cries'.<sup>24</sup> Donald was only four years old

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<sup>16</sup> FB Smith, *Illness in Colonial Australia* (North Melbourne: Australian Scholarly Publishing, 2011).

<sup>17</sup> Martyn Webb, and Audrey Webb, *Edge of Empire* (Perth: Artlook Books, 1983), 306.

<sup>18</sup> EC Lutze, "Donald McLeod Before Skull Springs", 20

<sup>19</sup> 'Queen of the Hills Sold', *Kalgoorlie Argus*, 27 December 1910: 3. £6000 is the equivalent today of approximately \$790,200.

<sup>20</sup> EC Lutze, "Donald McLeod Before Skull Springs", 20.

<sup>21</sup> John Bucknall and Edwin Lutze pers. comm., 2015.

<sup>22</sup> John Bucknall pers. comm., 2014.

<sup>23</sup> EC Lutze, *ibid.*, 19.

<sup>24</sup> EC Lutze, *ibid.*, 21.

when he became motherless. Shortly after his mother died, an incident occurred that was the first time Donald came to the notice of the Press and the police - attention that was later not so benign. Hannah's unmarried younger sister Jessie Morrison travelled from Pingelly to help with the children following their mother's traumatic death. The adults, hoping to divert the children's grief from their mother's death, decided to take them to the Geraldton Methodist Church's annual Sunday School Picnic held at Mt Erin on September 11, 1912.

An article in the local newspaper reported that 'complete enjoyment of the picnic was marred' when 'a four-year old boy named McLeod wandered away and, got lost'.<sup>25</sup> A search that day found no trace of the boy and next day a fifty or sixty-strong search party of settlers, residents, mounted police and a black tracker continued a systematic search. Unfortunately, they went in the opposite direction to footprints seen later nearly four miles along a creek. The boy was found thirty hours after he disappeared. One searcher rode about twenty-one kilometres over rough country to give the good news to those at Mount Erin and there was great rejoicing. His father 'nearly collapsed' when given the news. The boy told his father that he had eaten some flowers but had not drunk because the water was too dirty. The journalist noted that the boy had slept under a bush and commented that he 'sturdily asserted he was alright but he was very stiff and sore and there were big lumps on his groin evidently caused by the strain in negotiating tree trunks and boulders'. Many members of the search party could barely believe that 'such a tiny chap could have travelled so far, perhaps more than 20 miles [32 kilometres] over the hilly and rough country'. It showed 'that the little fellow possesses considerable powers of endurance'.<sup>26</sup> One positive consequence of this episode was the notice it drew to the lack of a telephone communication system throughout the district, which delayed calling for help because the call had to be relayed in person.

As Donald recalled the episode, he had heard the adults talking about picking everlasting flowers, and where to find them – instructions that he remembered.<sup>27</sup> He went off by himself to find those flowers and pick a bunch to bring back. When he tried to return to the group in order to collect the bun that the adults were going to give the children for dinner, he could not remember how to find them. He decided to go home. He ate sour grass and tried but failed to catch a baby kangaroo, and when nighttime came he made a camp for himself by constructing a bed out of leaves. He heard bells that were often put on bulls, and he was afraid of bulls, so he moved away and made a new camp. By this time a search party was looking for him; the police had put bells on their horses to attract his attention, and were unintentionally hunting him further out. The search party found him one and a half days later about eleven kilometres from home; a French man out shooting rabbits saw something move and nearly shot it but just in time realised it was a child, and raised the alarm. For years Donald was known as 'the kid who got lost' but he rejected the view that he was lost; he was on his way home. Ironically, in his later years the police were

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<sup>25</sup> "Geraldton Boy Lost at Methodist picnic," *The Geraldton Guardian*, 12 September 1912, 2.

<sup>26</sup> "The Lost Boy," *The Geraldton Guardian*, 14 September 1912, 3.

<sup>27</sup> McLeod to Ken Liberman.

often searching for him, but not to protect him as on this occasion. As this incident shows, William had a dilemma: how at the same time could he care for his eight motherless children and earn a living from the bush, always so far from home and for long periods?

Aunt Jessie was willing to help with the family, but expecting her to continuously care for eight children aged new-born to eleven was, apparently not a long-term option. William's solution was to split the children into gender groupings. The baby would go to Pingelly with Aunt Jessie and the other children would be boarded at school. William valued education and although the family was not Catholic, he believed the Catholic structure offered the best education; the children would be schooled in that system. The three boys were to be enrolled as boarders in St Peter's Presentation Boys School at Greenough, twenty-four kilometres south of Geraldton.<sup>28</sup> The four girls would become boarders at the Stella Maris Roman Catholic convent in Geraldton that had been built as a college for the Presentation Sisters. Faye, then only two years old, was too young to enter the formal schooling system but not wishing to separate the girls, the Sisters agreed to also take her. Burnie, one of the twins, recollected how 'despite their being strict she never forgot how kind the Sisters were to pupils left behind at school during vacations'.<sup>29</sup> Donald did not have such joyful memories. He spent time between the Presentation Convents in Geraldton and Greenough, twenty-two kilometres south-east of Geraldton, and told an interviewer 'it wasn't a very happy experience, I think the less said about it the better'.<sup>30</sup>

## 1.2 A good hard training

Donald recalled his years in the convent with bitterness and came away with a hatred of religions, as he revealed during a conversation with Stan Davey in 1998.<sup>31</sup> The two men were squatting comfortably on the dirt outside McLeod's camp, yarning and, with Don's consent, a tape recorder was running. The conversation is significant to this study because only in certain circumstances would McLeod talk about his early childhood, and these discussions were rarely recorded. Here, McLeod was lighting his roll-your-own cigarettes and relating personal stories with great humour and, at times, equally great anger. Oral historians question whether such memories can be believed, however Portelli argued that 'oral sources are credible but with a different credibility'. Even if factually 'wrong' or unproven, 'such statements are still psychologically "true" and are as valid as those verified through conventional criteria'.<sup>32</sup> While I have not been able to corroborate McLeod's stories, vividly remembered here when he was sixty years old, they are

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<sup>28</sup> Doug Gordon wrote about the time he and his brother boarded in the Presentation Convent, Carnarvon, in about 1929, see local history written by DL Gordon, *The West Pilbara: Sail and Teams to Bulk Carriers and Bitumen* (Carlisle: Hesperian Press, 2008), 70.

<sup>29</sup> Ruth Marchant James, *Cork to Capricorn: A History of the Presentation Sisters in Western Australia 1891-1991* (Mosman Park: The Congregation of the Presentation Sisters in Western Australia, 1996), 230.

<sup>30</sup> Donald McLeod interview with Chris Jeffery, Batty Library, State Library of Western Australia, OH3331, 1978.

<sup>31</sup> Stan Davey was a colleague and a seasoned campaigner from over ten years' work for the Victorian Aborigines Advancement League 1957-1968 and the Federal Council for the Advancement of Aborigines and Torres Strait Islanders.

<sup>32</sup> Alessandro Portelli, "What makes oral history different," chap. three in *The Oral History Reader*, 2<sup>nd</sup> ed., eds. Robert Perks and Alistair Thomson, (London Routledge, 2006), 36.

important for the emotion they carry and their effect on his developing character.

Donald and strict adults were a volatile mix. When he behaved badly he remembered the convent staff threatened him verbally: 'God will strike you down, a thunderbolt will strike you down,' but the little boy was not afraid. He retorted 'well let him strike me down and see if he's a good shot'.<sup>33</sup> He added 'Oh they hated me, Stan'. Relationships clearly did not improve and the seemingly exasperated staff resorted to another more immediate and human-deliverable method of discipline; they beat him. In the process they taught him more than the consequences of disobedience, they taught him about justice and its opposite, injustice. Don described this learning:

They broke a kerosene case on my arse every bloody night regularly, yes they did, not so much in Geraldton but down at Greenough, they used to get a bloody Shell kerosene case made of that Singapore cedar wood, about half an inch thick, and rip the nails out and literally smash them up on my arse; as they splintered they hit and hit until they had just a heap of splinters for the morning's kindling wood. Every night they broke a bloody case on my bloody arse, the rotten bastards, and I never cried, they couldn't make me squeal, I wouldn't give, I just let them belt me, that's all, hit as much as they liked but they couldn't break me, I wouldn't give in. I had a corn on my arse and no feeling left in it at the end. They had no business to do it, I knew what they were doing was wrong.<sup>34</sup>

In later life he recognised that this experience of 'heavy-handed authority' made him 'react strongly against force'.<sup>35</sup> He philosophised about it, 'Well it was a good hard training, Stan'.

One night I got a spider in the ear running through the wattle trees, but I didn't realise it got inside my bloody ear and it nearly drove me mad and they're saying 'Hail Mary mother of God' and they're pleading with Saint Patrick and Saint Aloysius and I said 'in the name of Christ can't you put something in it, can't you drown it?' And they're calling on God to help ease this poor boy's pain and they're down on their knees praying and I'm saying 'they reckon oil is good, can't you put anything in?' But they wouldn't put nothing in it, they prayed and prayed and prayed until about two o'clock in the morning I was bloody near exhausted. I got a bottle of oil, stood it by the fire and poured it in and the spider was dead in two minutes, oh the bastards, they let that thing bite me for all those hours, the rotten bastards.

They were too busy praying and getting Christ to do something. They knew what they were up to and I was telling them what to do but they said 'your sins have caught up with you'.<sup>36</sup>

Don's bitterness over his treatment was considerable but he recognised that he was a problem child who argued with his superiors. 'Everyone passed me on with a bad name,' he told Davey, and 'problem kids never get a chance,' so he made his own. As a pupil in the convent, Donald was required to attend church services, which he resisted. While avoiding religious dogma he learned many things that were useful to him,

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<sup>33</sup> Donald William McLeod, conversation with Stan Davey, 1968.

<sup>34</sup> Ibid.

<sup>35</sup> EC Lutze, "Donald McLeod Before Skull Springs", 26.

<sup>36</sup> Donald William McLeod, conversation with Stan Davey.

such as the importance of good food. After Donald slipped out of the line of church-goers and they were out of sight, he enacted an alternative plan.

I'd sneak down underneath the foundations of the convent. Now they had a storehouse on the eastern end where the cook kept her potatoes, tomatoes and cheeses. The carriers used to pull up and drop off bags of stuff for the kitchen and the cook used to come down and collect it. I found that by getting two sticks together with a little bit of wire in the top end I could put this over the spud and bring the two ends together. I could get a spud and sometimes a tomato if I was careful and I got a bit of tucker that way, otherwise I would never have got anything like that. And there were ducks that used to nest in there and I got a tremendous lot of eggs and this saved my health. I used to go down, get half a dozen each night, make a little fire in a jam tin, and boil three or four eggs in it and gobble them up without bread or anything. I was a quite a good scrounger even in those days. I didn't dare eat onions because they could smell it; they tried to find out where I got the onion the first time I tried it so I dropped it after that, but then I got onto the spuds, I could eat them raw. Sometimes they would be a bit careless when they cut the cheese and there would be a corner that I could knock off, quite a change I can tell you from bread and scrape. I used to be quite a manipulator with those bloody pair of sticks.<sup>37</sup>

Donald later defined food in the convent that the children called 'bread and scrape'. The food was very rough, just flour and water, and 'the damper when you cut it was so dry we called it bread and scrape, they'd scrape jam on it and then scrape it off again'.<sup>38</sup> Donald spent six years in that environment and did not see his father once. He believed that 'When dad visited they sent me to the Greenough convent, they reckoned I would dob them in'.<sup>39</sup> He ran away three times, with his brothers' help, and finally left the Catholic educational system in 1918 at age ten.<sup>40</sup>

Donald reacted to the convent's teaching methodology, recalling that 'they tried to belt Roman Catholicism up my backside with a strap but I'm afraid I just disorganised them a little bit' by mocking their precepts. In one class on religion the instructor told the boys that God made everything, including them; Don retorted 'don't let my old man hear you talking like that, he thinks he made me'.<sup>41</sup> He defended his defiance: 'they wanted to bash you into a mould and I wouldn't be bashed into a mould'.<sup>42</sup> He implied that after the spider incident he was allowed to live at home and attend the State School.

While Donald found the State school system less onerous than the Catholic primary school system, he was rebellious there and at home.<sup>43</sup> He had one teacher, however, who believed in him, a woman who taught him French. She promoted him as a 'star pupil' to the new teachers, he remembered, and he realised 'there was nothing wrong with my brain, people were trying to force me to do things I didn't want to,

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<sup>37</sup> Donald William McLeod, conversation with Stan Davey.

<sup>38</sup> Donald William McLeod interview with David Charlton.

<sup>39</sup> McLeod to Ken Liberman.

<sup>40</sup> EC Lutze, "Donald McLeod Before Skull Springs", 26.

<sup>41</sup> Donald William McLeod interview with David Charlton.

<sup>42</sup> Donald William McLeod conversation with Stan Davey.

<sup>43</sup> EC Lutze, "Donald McLeod Before Skull Springs", 31.

things I knew that were clearly wrong and stupid'.<sup>44</sup> He was expected to train as an engineer, he said, but nobody told him and so he left school in 1923, aged fifteen, with an incomplete Junior High School certificate. His aunt persuaded him to apply for a job as a fitter and turner at the Western Australian Midland Junction Railway Workshops where steam engines were constructed and maintained. Like his father, an inventor, Donald was always making things, he remembered, 'ever since I was knee high to a mosquito',<sup>45</sup> and the Workshops appealed to him.

At that time the Midland Workshops encompassed 'pattern-making, blacksmith, boiler, car and wagon shops, a brass and iron foundry, a locomotive erecting shop, and paint, machine, electrical and copper shops'. Boys aged fifteen or sixteen could become apprentices or junior workers, and such an appointment 'represented the epitome of opportunity and security for working-class boys'.<sup>46</sup> Midland Workshops housed the State's greatest number of blue-collar workers who learnt manufacturing trades and skills in industrial organisation. This was an intellectual and social environment much more compatible with Donald's interests than school. He was keen to do 'anything to leave school'<sup>47</sup> but was not accepted by the Workshops. He understood that he was rejected because he was not tall enough. In 1955, the Australian Security Intelligence Organisation (ASIO) described him as having a slight build and brown eyes and a height of 5'7".<sup>48</sup> Donald blamed his lack of growth on the poor nutrition he received in childhood.

After missing out on this employment, Donald recalled that he 'felt a fool because I'd skited about this wonderful job I had. I was too flash to go back to school'.<sup>49</sup> At the time he 'would have gone anywhere' and was happy to get a job with his uncle Jack Morrison in Perth. Soon they had a disagreement over his wages, or lack of them. Donald maintained that because of his weakened position 'this is how this bloke got six months of work out of me for nothing, I'd nowhere else to go'.<sup>50</sup> He left, aiming to walk back to Geraldton.<sup>51</sup> Instead he got a job for six months in the postal delivery service in Cannington but, as with his relationship with his uncle, this job ended acrimoniously because of disputes about wage justice. His willingness to sacrifice family and comfort for his principles seemed to predict a pattern of solitary living. He walked and hitched lifts from Cannington back home to Geraldton, and William took Donald with him to his next contracting job on Meeberrie Station in the Murchison region.

From hereon, I call McLeod 'Don', to reflect his status as an adult.

In the tradition of his work mates, Don drank grog.<sup>52</sup> When he was a lad aged seventeen or eighteen, he

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<sup>44</sup> McLeod interview with David Charlton.

<sup>45</sup> McLeod to Ken Liberman.

<sup>46</sup> Kathy Bell, "The Midland Junction Railway Workshops, 1920-1939," *Studies in Western Australian History*, 11: 30, ed. Jenny Gregory, special edition "Western Australia Between the Wars, 1919-1939".

<sup>47</sup> McLeod to Ken Liberman.

<sup>48</sup> Regional Director Vic & SA to ASIO HQ, 1 June 1955. National Archives of Australia, *McLeod, Donald William - volume 1*, NAA: A6126 1188 item 74.

<sup>49</sup> Donald William McLeod interview with David Charlton.

<sup>50</sup> McLeod to Ken Liberman.

<sup>51</sup> This was a trip of 429 kilometres.

<sup>52</sup> 'Grog' was the colloquial name for alcohol.

said that he was not a wowser. 'I got drunk a few times, when I was a young fella,' he confessed: 'it went like this':

We started off with a dozen pots of beer each all along the bar and the last one to get his beer down paid for it so I was first down with me beer ... Yes, I did drink but I didn't go on a bender or anything. Yes, I know what it's like and how stupid it is and what a fool you make of yourself when you do it.<sup>53</sup>

His own experiences informed his developing principles and in later years he became a teetotaler.

Through the years leading into the economic period of severe economic decline 1929-1939, known as the Great Depression, Don was fortunate to be young, single and strong. He was also versatile, able to learn a range of trades that served the Northwest industries. Jobs were hard to get, he told an interviewer, 'You had to make your own work as much as you could'.<sup>54</sup> His practical ability to repair machinery and his scientific interests opened many opportunities for earning an income and becoming self-supporting. He was able to undertake a wide range of work such as fencing, general agricultural laboring, carting goods to pastoral stations, sinking water wells such as that shown in Figure 5, shooting kangaroos, general handyman and lumping wheat-bags from the wharf into the ships for transport.<sup>55</sup> These capabilities served him well when the Great Depression brought considerable suffering to those who could not find work.

### 1.3 The Great Depression

When the Great Depression hit the Northwest, wheat and wool farmers were suddenly faced with the falling prices for their harvest because of the overproduction of this primary produce. Measured by GDP per capita, the living standard did not recover until 1939 from its one-quarter fall 1928-1931.<sup>56</sup>

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<sup>53</sup> McLeod to Ken Liberman.

<sup>54</sup> Donald William McLeod interview with David Charlton.

<sup>55</sup> Lumpers were men working in the ports who carried on their backs goods from the storehouses to the ships' holds. In the Eastern states these working men were known as wharfies, see Stuart Macintyre, *Militant*, 1984, p. 8.

<sup>56</sup> Graeme Donald Snooks, "Depression," in *Historical Encyclopedia of Western Australian*, eds. Jenny Gregory and Jan Gothard, 272-273.



*Figure 5: Pastoral station tanks and wells similar to those on which McLeod worked  
(Photograph by Robert Smith, 1981, Strelley Pastoral Station)*

In the Kimberley and Pilbara regions the pastoral industry was at its lowest ebb in the beginning years of the Depression and many farmers were threatened by bankruptcy.<sup>57</sup> Don recalled coming through the coastal town of Roebourne on one occasion and observing how the district was ‘poverty-stricken in the throes of the depression’.<sup>58</sup> Don was fortunate to have a reliable skill-set, taught to him by his father: mining. Men who knew the country could make a living prospecting for minerals in the Pilbara and the Murchison goldfields. Don’s familiarity with rocks and different methods of obtaining valuable ores stood him in good stead. When the Depression crippled the north, Don was working at the Retaliation mine in the Mid-West. From his observations, the miners produced a good tonnage, getting £10 per ton to cart from Perth to Wiluna by a 30 hundred weight truck.<sup>59</sup> Don was thus spared the worst of the suffering others endured, while ‘some must have wondered if it would ever end’.<sup>60</sup>

The Northwest on the eve of the Great Depression was a rough place. Until 1894 there had been no political parties to represent diverse interest groups.<sup>61</sup> These historical circumstances had created conditions for self-interest to prevail. Most men knew or were related to each other; they developed camaraderie and

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<sup>57</sup> Geoffrey Bolton, *A Fine Country to Starve in*, new ed., (Nedlands, University of Western Australia Press, 1994), 202; FK Crowley and BK de Garis, *A Short History of Western Australia*, 2<sup>nd</sup> ed. (South Melbourne: Macmillan of Australia, 1969), 74.

<sup>58</sup> McLeod to Ken Liberman.

<sup>59</sup> £10 was approximately \$20.

<sup>60</sup> Bill Bunbury, *Reading Labels on Jam Tins* (South Fremantle, Fremantle Arts Centre Press, 1993), 154.

<sup>61</sup> FK Crowley & BK de Garis, *A Short History*, 42.

many of those who could, gained power and exercised it.<sup>62</sup> Don became aware of the social, political and economic conditions that required a man to be entrepreneurial, physically fit and strong to survive. He noted that mateship was not universal in the outback. From his perspective the towns 'were run by little cabals, it was the dominant squatters that run the towns Onslow, Port Hedland, Marble Bar, Nullagine – there was a cabal operating in each of these places'.<sup>63</sup> These cabals were constituted by the wealthier landowners, whose word was law and whose antipathy towards prospectors and working men like McLeod ran deep.

Reasons for the 'deep antipathy [that] existed between the miners and squatters' are advanced by historian K Forrest. They range from competition for water, land, hungry miners shooting the pastoralists' sheep and in the early years of settlement, the employment of Aboriginal men as shepherds, thus depriving White men of work.<sup>64</sup> Don was alert to the need for local development and the power dynamics weighted in favour of pastoralists, and while not at the time being politically active continued to observe local conditions as he moved from one profitable enterprise to the next. The Roads Boards were established in the colony in 1871, and in the towns where they and municipal councils existed, colonists could use them to further developments that would be personally useful. These projects could draw upon the rates to maintain not only the roads but also the drains, and keep public buildings in good condition.<sup>65</sup> In Don's experience it was the Road Boards, not the squatters that were keen to develop their district.

When Don 'ran into difficulties with the Road Board in the Ashburton' he discovered that men of his ilk were relatively powerless to protect their own interests. With this recognition he closed down the mine he was working and transferred to Talga Talga mine near Marble Bar in the Pilbara.

Mining was a particularly hazardous and unpleasant occupation. Remembering his own experience working in the mines in 1926, Don described how the men would drink over 15 litres of water a day plus copious cups of tea. Even when not down the mines, work was outdoors and often in the unrelenting hot sun. The rocks, tree-less plains and the cloudless-sky that created these conditions are represented in Figure 6. The men suffered terrible heat rashes known colloquially as 'prickly heat.' From his own experience, he reflected, 'There is nothing worse than prickly heat. When you're working in the mine you get it worse than anywhere else. Little red blotches, you'll cut your fingers scratching them.' Notwithstanding Don's determination to never give in to pain, he found 'prickly heat' hard to bear. 'When you come out at night-time it's shocking', he told Liberman; 'as soon as you start to sweat you'll tear it to pieces, with the dirt and

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<sup>62</sup> Local historian Jenny Hardie cited George Miles Snr from Marble Bar who owned the town's two hotels plus, in Port Hedland, a store. He became chairman of the Roads Board in Marble Bar and represented the district in Parliament 1916 to 1950. See Jenny Hardie, *Nor'Westers of the Pilbara Breed*, (Carlisle: Hesperian Press, 2001), 80.

<sup>63</sup> Donald William McLeod interview with Chris Jeffery. McLeod used the derogatory term 'squatters', instead of the customary respectful term 'capitalists'. See Adrian Day, *Wadjelas*, 181.

<sup>64</sup> K Forrest, *The Challenge and the Chance: The Colonisation and Settlement of North-West Australia 1861-1914*. (Victoria Park, WA: Hesperian Press, 1996), 216.

<sup>65</sup> FK Crowley, *Australia's Western Third*, 76.

grease on your skin, it's so itchy'.<sup>66</sup>

Even in those conditions, Don's curiosity was a characteristic that distinguished him from many other men of his age and education. He observed, for example, that when the men were working eight hours a day all through summers of 46.1°C in the shade, and eating salt beef, they did not get prickly heat. This was despite seeing salt 'on the bloke's shirt, just caked with salt from all this water we're drinking'. He noted that none of them had any prickly heat all through that summer and posited that it was the chlorine in the salt that protected them. The phenomenon was, he believed, worth researching.<sup>67</sup>



*Figure 6: Pilbara country*

*(Photograph Robert Smith, 1981)*

Don talked the technical language of the mining industry that he studied and in which he worked. He described one find to 'Nugget' Coombs.<sup>68</sup> It concerned an area in the Pilbara that interested him:

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<sup>66</sup> McLeod to Ken Liberman.

<sup>67</sup> McLeod to Ken Liberman.

<sup>68</sup> HC 'Nugget' Coombs was Chair of the federal government Council for Aboriginal Affairs.

Lying on the east of Western Shaw River there is a flat lying pegmatite sill about ten to twenty feet thick before the injection was cold it was sheared and split by a rotating shear which was again injected by albite rich in tin that now appear as rich leaders and narrow bands from an inch to a foot in width and now the pegmatite forms a stockworks the main pegmatite itself being almost an ore since it carries nearly a pound to the yard of tin but with the rich seams many of which are twenty five percent tin oxide and assay when cleaned 73 percent metal the whole ... at this point a deposit with a potential value of two hundred and twenty-four million dollars gross of recoverable tin.<sup>69</sup>

Coombs or one of his staff highlighted what appeared to be most significant in Don's letter: the figure of \$224m. Don could talk big figures about the mining industry. He was a sole-operator and in order to walk around the hot Pilbara rocks prospecting, he trained himself in physical fitness and mental toughness. He was, observed another White man, 'as hardy as a blackfellow; fossicking in rough country he could outstrip most younger men'.<sup>70</sup> He felt completely at home in the isolated bush and exercised another of his characteristics: an interest in nature. Many visitors to his camps in his later life attest to the number of scientific journals to which he subscribed and piled high next to his swag.<sup>71</sup> He learned to learn by doing, from listening and talking with others. He was a voracious reader. His technical mind compelled him to investigate how things worked, which rocks had minerals and why, the effect of the river systems on agricultural enterprises and how to manage the land in an ecologically balanced way. He became a competent motor mechanic, able to keep just about any machine or motor vehicle going using improvised materials and working in whatever conditions prevailed. In the mining industry he became a proficient prospector, miner and road construction worker. Don and his brothers performed much the same work as their father, and adopted his model of a relatively nomadic lifestyle that took them far afield from home. If his economic situation became tough he turned to prospecting for gold, knowing that he could always make a living out of gold. He and his father worked together until 1932, and their work introduced him to the private enterprise system. His father taught him to sell his minerals directly to the world market, not through a stockbroker but an agent in London.<sup>72</sup>

Lack of ongoing formal education, however, did not inhibit Don's intellectual growth or his acquisition of specialist skills in the trades that he undertook. He had inherited his father's philosophy of endurance and attitude to hardship and trained himself in the mental capacity of stoicism. It enabled him to travel widely in the sparsely populated Northwest of the 1920s and 1930s despite bad weather, difficult terrain, financial disasters and betrayal by mates.

Don had developed a close relationship with his father, William, whose political views influenced him.

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<sup>69</sup> McLeod to Coombs, 18 May 1970, National Archives of Australia, *Nomads Ltd, correspondence with McLeod D W*, NAA: A2354 1970/297, item 188. McLeod's description continued for another eleven lines without a full stop.

<sup>70</sup> Max Brown, *The Black Eureka*, 1976, p. 109.

<sup>71</sup> Patsy Adam Smith, *No Tribesman* (Adelaide, Rigby, 1971), 43; John and Gwen Bucknall pers. comm., 2014.

<sup>72</sup> McLeod to Ken Liberman.

William was contemptuous of 'the colonial gentry'.<sup>73</sup> His scorn extended to the class system they produced. In this arrangement station owners and others with equal status were above workers such as him. Don and his father discussed many subjects but not, apparently, the possibility that Don had some Aboriginal cousins through his father's relationship in Tasmania. All of Don's family could remember a visit in Geraldton from these relatives in the years immediately following World War One.<sup>74</sup> Don believed he had a black cousin because he was teased at school.<sup>75</sup> This possibility is not verified in official records, but is remembered by the family.<sup>76</sup>

Don's early childhood experiences and his own driving force led him to emulate his father's work ethic and range of interests. In many ways Don – or Mac, as his mates called him when he was working in the bush – modelled himself on his father, adopting his work practices and attitudes. Like his father, Don travelled long distances for work north and even as far south as Boddington, 131 kilometres south-east of Perth.<sup>77</sup> In 1927, Don picked up 'his old man' and they went sinking water wells for the pastoralists. He also partnered with his two brothers to create an informal contracting business mostly in the wheat country east of Geraldton. The boys were advantaged in the social sphere by having access to vehicles; they could travel around to dances and a local woman told historian Edwin Lutze that she remembered the boys as 'colourful individuals with a streak of daring'.<sup>78</sup>

These experiences gave Don first-hand knowledge of the social aspects of the industries and the townships, in which labourers were deferential to the people of power and pastoralists could make local laws that were not regulated by formal systems. As he worked in a wide variety of jobs he observed the customs and labour conditions. In Meekatharra he became aware of the pastoralists' 'local law'.<sup>79</sup> It was an informal cultural arrangement that had become normalised and went unchallenged. His feisty nature took note of that law, which is described in Chapter Four.

A man who knew Don well, John Bucknall, commented that 'In many respects Don's yarns and harking back to his Scots' ancestry ensured he remained grounded in his own values'.<sup>80</sup> Don voiced that opinion when he told oral historian Wendy Lowenstein he was 'sixth generation Scottish'.<sup>81</sup> Celtic ethics of hard work and stamina served him well. A man needed to have an attitude of fortitude to endure in the outdoor manual labouring industries that then provided employment. Don illustrated his claim by describing the time he and his fellow workers put in more than 53 kilometres of telephone line from what is now known as Nowra Station and Fraser Station. They chopped down mulga trees to make poles, which the men stood

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<sup>73</sup> EC Lutze, "Donald McLeod Before Skull Springs", 29.

<sup>74</sup> Edwin Lutze, pers. comm., 2015.

<sup>75</sup> McLeod to Ken Liberman.

<sup>76</sup> EC Lutze, *ibid*, 34.

<sup>77</sup> EC Lutze, "Donald McLeod Before Skull Springs", 33.

<sup>78</sup> EC Lutze, *ibid*, 34.

<sup>79</sup> EC Lutze, *ibid*, 33.

<sup>80</sup> John Bucknall, pers. comm. John Bucknall and his wife Gwen Bucknall lived for many years with the group with whom McLeod worked. They were teachers at the group's school, which will be discussed in Chapter Six.

<sup>81</sup> Donald William McLeod interview with Wendy Lowenstein, 1969, National Library of Australia, NAA: TRC 2915/39 1 of 2.

in deep holes they had dug. Between the poles they ran 16-gauge wire for 44 kilometres of boundary fence; 'quite a severe job in summer', he noted.<sup>82</sup>

Although the men in the McLeod family travelled widely to find work and stayed away from home for long periods, family bonds were strong. William and Don developed a plan in 1932 to recover their collective wealth; they would go prospecting in the Ashburton region and check out a few of William's mining leases. William was to travel overland by truck with his mate Wally Rash, and Don was to collect the boat and pilot it up the coast to Onslow, then join his father and Wally. His father had bought the boat to enable them to check out the coastal areas, and, according to Bucknall, to provide 'an alternative income from delivering goods and services to pastoral stations located along the coast'.<sup>83</sup> Don savoured anecdotes that illustrated how his working life had informed his philosophy that a man had to be resourceful and stand on his own feet. A much-relished story concerned him taking a 'ne'er-do-well' on this boat trip up the coast for fishing and transporting goods north by water instead of road. It reinforced the need to take enough food rations to last the trip, to overcome the difficulties in handling the boat when the waves were crashing in, and the necessity to have crew that would take orders and act quickly in moments of danger. From Don's viewpoint this man was weak and needed to learn that 'he's got to carry his weight or else' he was putting them both at risk. Recalling his own learning gained through such hardships, he told Davey 'So I had a pretty good apprenticeship when you come to look at it'. He also believed that this story gave some insight into his character.<sup>84</sup> The trip did not end well. His father, the one person with whom he had a close and warm relationship, died before Don could deliver the boat.

Near Ford Creek in the rough Capricorn Ranges, rocks shredded William's truck tyres. William asked his mate Wally Rash to walk to a supply centre for some replacement tyres, and while waiting he went prospecting around the area. He walked about 64 kilometres to Top Camp. In 1889 gold had been found in Top Camp and of the four main areas of diggings was 'probably the most productive'.<sup>85</sup> Down in Fords Creek about 2 metres from his camp William suffered a stroke, which Don called a 'thrombosis'. William became paralysed down one side, 'he just couldn't get up and he never reached his camp' and died there; he was found five days later.<sup>86</sup> He was sixty-three.<sup>87</sup> At twenty-four years old, Don was single, with no responsibilities or commitments, and an extended family fractured by bitterness caused when his father's estate was distributed.<sup>88</sup> Don inherited the boat, but without his father could not fulfil their plans so sold it

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<sup>82</sup> McLeod to Ken Liberman.

<sup>83</sup> John Bucknall, pers. comm., 2014.

<sup>84</sup> McLeod to Ken Liberman.

<sup>85</sup> A serious drought in 1891 and Top Camp's remoteness were two reasons Top Camp's gold reef was not developed, see Martyn Webb and Audrey Webb, *Edge of Empire*, 85.

<sup>86</sup> Donald William McLeod interview with Chris Jeffery, 1978.

<sup>87</sup> Donald William McLeod interview with David Charlton. Also see 'Police News. Death from Thirst', 'The Commissioner of police (Mr R Connell) yesterday received a report from Constable Hearn, of Onslow, that William Henry McLeod, prospector, who was reported missing from the Ashburton Downs station on November 15, had been found dead near Ford Spring, on Ashburton Downs station. The constable reported that the prospector had apparently died from thirst'. *The West Australian*, 6 December 1932, p. 8.

<sup>88</sup> EC Lutze, "Donald McLeod Before Skull Springs", 36.

and went inland, prospecting in the Ashburton gold fields.

The life of the mining men was tough and in Don's case precluded marriage. How he fulfilled a man's normal need for a companion is a topic not dealt with by other researchers, but there is no evidence that he had a partner. Once he joined the Aboriginal strikers, he could not have had a secret life. Lawyer Peter Dowding confirmed that the people were very open about sexual relationships and had Don been involved in that way, they would have known. Some men told Dowding that before Don joined their group he was friendly with a station woman, but he did not marry her.<sup>89</sup> Don himself was very private about his personal affairs, as will be discussed in Chapter Four. He was not the only one of his siblings to not marry; one sister and one brother did not have a family of their own.<sup>90</sup> No woman, Don stated, could be expected to follow him in his work out in the bush, especially with children to worry about.<sup>91</sup> The miner's life did, however, provide companionship and rich educational opportunities for Don. When working on the mine, and at the end of a hard day's work Don would read all the Fabian paperbacks he could acquire. He believed that the American Carnegie Foundation had three libraries for miners and provided this literature in Western Australia. He was also mentally stimulated by conversations with many of his fellow miners, who were intellectuals. They came from everywhere, from all over the world, he recalled. They were doctors and lawyers, they knew the classics, they read Shakespeare. 'The prospectors were the cream of the world,' he commented, and:

from listening to them talking, I learned the geology of California. They were very skilled, well organised people. There might be a dozen blokes working the show, we'd go to this one's tonight and another's the next night, and it was a debating club all night long. Case histories about what's going on. In the camps I had an entrée to that through my old man.<sup>92</sup>

Don absorbed much information from these discussions and credited to them a lot of things that he did, not by instinct but from the learning he acquired by listening to the 'old boys' in those camps. In addition to being an avid reader, Don was a great raconteur and he enjoyed telling stories about his own life to those with whom he felt compatible. He especially reveled in recounting the disasters that happened to him, and the strategies he used to outwit his enemies. It seems that he rehearsed them until he was almost word perfect, for they appear in several interviews many years apart.<sup>93</sup> One story that was consistent was about his plans to become a millionaire through mining.

In 1935, at age twenty-seven, Don had ambitions to become a millionaire. Based on his prospecting expertise, wide-ranging technical skills and talents as an inventor, this was a realistic proposition. Modelling his father's business practices, he worked the Silver Sheen asbestos mine situated to the east of Meilga

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<sup>89</sup> Peter Dowding also knew Don and many of the strikers, pers. comm., 2015.

<sup>90</sup> EC Lutze, "Donald McLeod Before Skull Springs", 35.

<sup>91</sup> McLeod to Ken Liberman.

<sup>92</sup> McLeod to Ken Liberman.

<sup>93</sup> Donald William McLeod conversation with Stan Davey; McLeod interview with Wendy Lowenstein, 1969; McLeod interview with Chris Jeffery; McLeod interview with David Charlton.

station in the Ashburton region.<sup>94</sup> He gained further business experience by operating his own mines and employing labour when, he explained, he bought the asbestos mine Soanesville for £2000 and had three or four places at Bullock Well, 29 kilometres from Soanesville. He estimated that he employed about twenty men there, another thirty men in another place, and six men at his Silver Sheen mine. He also worked a boring plant while regularly prospecting.<sup>95</sup>

Between 1933 and 1939 he travelled up and down the Ashburton and Port Hedland, up the coast one month and through the interior the next month.<sup>96</sup> He travelled these routes to check tonnages and stores at each of his mines. As he explained, 'I used to have to come up to take their product. Mr Wyndham, the storekeeper in Port Hedland, used to advance funds for food but I had to come up to check on the men every month and pay for the advances.'<sup>97</sup> During these trips his awareness of the social, economic and political conditions in the Northwest increased. How Don acquired knowledge is significant to this study and is illustrated in a 'learning concept map'.<sup>98</sup>

When Don worked on Silver Sheen mine in 1935, he could produce chrysotile that was, he claimed, so pure it was the best in the world at that time. As did his father, he sold it on the world market through brokers in London.<sup>99</sup> It was very profitable for him, and a United Kingdom company, British Belting and Asbestos Ltd, was competing with him for the fine yarn trade. The company particularly wanted his product and the two owners of British Belting, Alex Fenton and his brother, came to Australia in 1934 to negotiate a better deal directly with Don.<sup>100</sup> Don claimed that they agreed on a price and British Belting bought all his production. British Building and Asbestos engaged Don between 1935 and 1937 as their agent for asbestos and their other interests in Australia.<sup>101</sup> Alec Fenton was also Celtic and the two men became friends, corresponding with each other for years after Fenton returned to England.<sup>102</sup> This meeting had other, more significant, consequences. At that stage Don believed he could become a 'millionaire many times over'.<sup>103</sup> His meeting with Fenton in 1935 indirectly began changing that aspiration.

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<sup>94</sup> RJT Butler, *The Significance of Section 70*, 1981, p. 28. Ray Butler was a geologist who met McLeod in the early 1960s and worked with him for over forty years. He interviewed McLeod for this paper. Silver Sheen was forfeited mid-1939, see Mining, *South Western Advertiser*, 22 November 1939, p. 6.

<sup>95</sup> McLeod to Ken Liberman.

<sup>96</sup> The Ashburton was a local government shire in the Pilbara and also the name of a river.

<sup>97</sup> McLeod to Ken Liberman.

<sup>98</sup> My representation of McLeod's learning map is illustrated in Figure 17.

<sup>99</sup> Chrysotile, is a common type of white asbestos. Asbestos was then used to make generators and starter motors much lighter than normal because as an insulator the asbestos was more efficient than anything motor manufacturers could access in that era. McLeod claimed he made a profit from it when it became a valuable commodity during the war, see McLeod interview with Chris Jeffery.

<sup>100</sup> McLeod interview with Chris Jeffery.

<sup>101</sup> Nomads Group of Aborigines, *Submission to the Federal Cabinet, Commonwealth of Australia*, 1972, p. 5. This document has been dated 1970, 1972 and 1980, see Trove. I select the 1972 date referenced by Ray Butler, who worked with the Nomads Group; John Wilson, "The Pilbara Aboriginal Social Movement: an outline of its background and significance", in (eds.) Ronald M and Catherine H Berndt, *Aborigines of the West: their past and their present*, (Nedlands UWA Press, 1979) 159; EC Lutze, *Donald McLeod Before Skull Springs*, 2.

<sup>102</sup> McLeod conversation with Stan Davey.

<sup>103</sup> Donald William McLeod interview with David Charlton.

## 1.4 Awareness

When Alex Fenton was staying with Don in his camp, he commented that he had met an Aboriginal man on Roy Hill station who reminded him of his grandfather. Fenton told Don that the man was 'a real old patriarch and he had a very good brain'.<sup>104</sup> Fenton said 'I think he is capable of doing much better work than you put him to, and I think you should treat him better'. Don replied 'the blackfellas like living in the open and the squatters fed 'em and they'd be a charge on the state if they didn't'.<sup>105</sup> However he could not be quite so ingenuous because he remembered that in his own family he had an example of wage injustice affecting Aboriginal people. His grandmother told him that her uncle employed a White house girl for £5 per annum but a Black house girl was unpaid.<sup>106</sup> Aboriginal women were, nevertheless, indispensable labourers in the pastoral station homesteads.

When a pastoralist's wife wrote about life developing their pastoral station Mangaroon in 1924, a caption to a photo of their baby names the picture as 'Allan with nurse girl Maria'.<sup>107</sup> Nurse girl Maria was clearly a mature woman, but in the station language of the day Aboriginal adults were called girls and boys. In Rhonda McDonald's account she spoke well of the Aboriginal workers and acknowledged that 'With plenty of native labour, I doubt whether town amenities were missed in the bush in the 1920s'.<sup>108</sup> According to Paul Hasluck, in the Kimberly the women were 'more valuable than the men' and each station 'had anything from six to a dozen aboriginal women constantly about the place'.<sup>109</sup> Even if subconsciously aware of the station culture that relegated Aboriginal adults to the role of a serving class, and alert to employment justice for himself, McLeod claimed that he was not cognizant of current wages and conditions for Aboriginal people in the Northwest.

At the time Don was working in the north, he, as with most of his peers, did not associate with Aboriginal people. He explained 'Well I've been in the bush all me life and like every other Australian I knew that the blackfella's not much good, one whitefella's as good as any ten blackfellas'.<sup>110</sup> He expanded this idea: 'You know, the normal things that people said about blackfellas, Well, you can say that I knew nothing about the problem at all'.<sup>111</sup> He added 'I'd never taken any notice of them before' partly because of government regulations that kept the races apart. He clarified: 'you couldn't come within five chains ... without written permission'.<sup>112</sup> By 'couldn't' Don was referring to the Western Australian legislation that

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<sup>104</sup> Donald William McLeod interview with Chris Jeffery.

<sup>105</sup> McLeod used the words 'blackfella' or 'blackfellow' for the Aboriginal people; McLeod interview with Chris Jeffery, 1978. It was also adopted by the Aboriginal people, see Donald R. Stuart, "A Place with The Mob", *Westerly*, 1, 1956, 36. Stuart affirmed that the terms 'whitefellers' and 'blackfellers' bore no suggestion of inferiority or superiority.

<sup>106</sup> DW McLeod, *How the West was Lost*, 20.

<sup>107</sup> Rhonda McDonald, *Gold in the Gascoyne*, (Carlisle: Hesperian Press, 1986) 9.

<sup>108</sup> Rhonda McDonald, *ibid.*, 5.

<sup>109</sup> Paul Hasluck, *Shades of Darkness: Aboriginal Affairs 1925-1965* (Carlton: Melbourne University Press, 1988) 53. Hasluck listed Aboriginal women's jobs as, amongst others, housework, waiting at the table, carting water in buckets to fill the tanks, fetching and carrying, watering the garden, doing the laundry, washing up.

<sup>110</sup> Donald William McLeod conversation with Stan Davey.

<sup>111</sup> Donald William McLeod interview with Chris Jeffery.

<sup>112</sup> Five chains are the equivalent of 110 yards.

controlled interaction between the races.<sup>113</sup> It required Europeans or Asians who wished to employ Aboriginal people to apply for a Permit.

A Permit for one man cost five shillings and the man had to be named. A general Permit for a number of workers, who did not need to be named, cost the applicant £5.<sup>114</sup> Those who breached this Act could be penalised with a £500 fine or six months in jail or both. Don explained that 'having it drawn to me attention I started to open me eyes. So I used to say g'day, then one of them got more friendly'.<sup>115</sup> This tentative communication led to more contact, as Don related; I found that I was being looked after by the blackfellas even though I didn't realise it'. His awareness was confronting, and an incident on Meilga Station consolidated his realisation that 'I'd never known any blackfellas until they put themselves in front of me'.<sup>116</sup>

## 1.5 Awakening

In 1937, Don was working his mine on Meilga Station and was friendly with the station manager, Bill Peake.<sup>117</sup> Peake had known his father.<sup>118</sup> Reminiscing, Don recalled 'I used to have dinner with him every Sunday when I went in to pick up me mail. If I got down to the mail first I'd pick up his and if he got there first he'd pick up mine, and he'd give me a feed every Sunday'.<sup>119</sup>

On one occasion in 1935, Don saw an old Aboriginal man who was clearly ill, and enquired of Peake what the matter was with him. This in itself was an unusual question, for one consequence of the Act was the separation of the racial groups of Asian/European from Aboriginal in a state of virtual apartheid. Section 36 purportedly prevented harm being done to those whom the Department was charged to protect. It also, however, prohibited men such as Don from chatting to Aboriginal people in the course of normal social relations. As Don has noted, it inhibited him from taking notice of Aboriginal people. Yet on this occasion he saw this man as a human being who was in trouble. The tradition had been challenged.

In answer to Don's question, Peake said the man was known as Half-Caste Billy and that he was 'crook'. As Don related, he replied 'I'll run him in [to hospital], same as I'd do for anybody else'. In this exchange, Don perceived something in an unusual way: he saw Half-Caste Billy to be a man like himself, not a 'native' whose individuality was subsumed under that label and rendered him unlike others. Don's concern for this Aboriginal man fits Batson's definition of an empathy-induced altruist.

Batson hypothesised that an empathetic-altruist 'reflects an extension of value to include an interest in

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<sup>113</sup> This prohibition was contained in Section 36 of the *Native Administration Act, 1936*: "It shall not be lawful for any person, other than a superintendent or protector, or a person acting under the direction of a superintendent, or under a written permit of a protector, without lawful excuse, to enter or remain or be within or upon any place where aborigines or female half-castes are camped. Any person who, without lawful excuse ... is found in or within five chains of any such camp shall be guilty of an offence against this Act.

<sup>114</sup> Paul Hasluck, *Shades of Darkness*, 53.

<sup>115</sup> McLeod to Ken Liberman.

<sup>116</sup> McLeod conversation with Stan Davey.

<sup>117</sup> Martyn Webb and Audrey Webb, *Edge of Empire*, 142.

<sup>118</sup> Donald William McLeod interview with Chris Jeffery.

<sup>119</sup> Donald William McLeod conversation with Stan Davey.

the welfare of the other, distinct from oneself, that is beyond self-interest'.<sup>120</sup> Don may have acted spontaneously on this occasion but he later understood that he empathised with the Aboriginal people because his own childhood had elements of similarity. It taught him what it was like to be disempowered and unable to get his needs met in a hostile environment. He knew what it was like to be ignored, and that defiance was futile. This connection at a deep emotional level transcended the implicit colour bar that operated in the Northwest.

Don's perception interrupted a well-established tradition in the Northwest that Aboriginal people's lives were not as highly valued by members of the 'colonial elite of WA ... and their successors' as their own.<sup>121</sup> This tradition had created a situation in which an event that would normally be deemed a health crisis could be ignored, so that the station manager, knowing the Aboriginal man and seeing that he was sick, did not offer assistance. It exposed the validity of Paulo Freire's conclusion that the oppressor is damaged by their oppression of those under their control.

By taking the idea of oppression beyond physical exploitation to include the notion that it is 'a distortion of being more fully human,' Freire's theory of oppression expands this event from a simple to a complex one.<sup>122</sup> 'As the oppressors dehumanise others and violate their rights,' Freire posited, 'they themselves also become dehumanised'.<sup>123</sup> In this transaction, the humanity of a man with whom Don socialised in the course of their mutual work, was diminished. When interactions such as this were repeated across the Northwest, the culture was distorted. Don's action contested the norm.

The other persons in this scenario, the Aboriginal people, apparently knew their place in the hierarchy. They did not initiate a call for help by asking the station manager, who had a truck, to take their sick family member to hospital. This situation needed something unusual to break the status quo. Don's immediate concern for this unknown man, each separated from the other by government legislation, did that. Furthermore, Don stepped over the tacit racial boundary by a simple act. He acknowledged Half-Caste Billy as a person in need, and took him in his truck to hospital in Onslow, a trip of nearly 150 kilometres.

Don's action awakened him to a dimension of the social and political structures of Northwest society that he had not previously recognised. His act had other repercussions. It transpired that the sick man had experienced a heart attack and by Don taking him to the hospital, his life was saved.<sup>124</sup> Half-Caste Billy was one of the community elders and his family never forgot this strange White man's deed. They began watching him. 'That's all', explained Don, 'because nobody had ever helped them before, that's why they

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<sup>120</sup> C Daniel Batson, *Altruism in Humans*, 160.

<sup>121</sup> McLeod used this phrase to explain why the 'native question' was so disturbing, see DW McLeod, *How the West was Lost*, 1.

<sup>122</sup> Paulo Freire, 1972. *Pedagogy of the Oppressed*, 28.

<sup>123</sup> Paulo Freire, *ibid.*, 42.

<sup>124</sup> DW McLeod, *ibid.*, 37.

started taking notice of me'.<sup>125</sup>

Later Bill Peake challenged Don over one particular issue: the Aboriginal leaders' new respect for Don. Peake pointed out to Don that the Aboriginal women on his station used to look after Don 'like a king,' and had cooked a Christmas plum pudding for Don but not one for him. As Don told Stan Davey, 'and they're looking after me and he's very jealous, and he reckoned there was something wrong – why the bloody hell were they looking after me?'<sup>126</sup> Don reasoned that he would not have taken any notice had it not been for Fenton. 'I would have just thought 'bloody old gossip, Bill'. But it appears that the family of Half Caste Billy 'were trying to make what return they could' for Don's unusual action as a White man.

Don noticed that as he was travelling up and down the country, the Aboriginal people would ask him to take a parcel: 'What was in those parcels I didn't know – something to do with the organisation of the desert people,' he surmised.<sup>127</sup> Gradually his understanding of what the Aboriginal people were doing with him deepened:

I couldn't leave anything behind - I'm always absent-minded, leaving me mail and me hat - and almost as quickly as I got into the truck it was there, some blackfella would have it there. So I started to take notice and every time I come in they're trying to help me. So I said "well, what sort of blokes are they, Bill?" And he said "aw, a bit limited, but all right". Well I got to know 'em and I got talking to one or two of them and they told some of their problems.<sup>128</sup>

Specifically, they asked: Why is our country no longer ours? Why can't we travel without being arrested?<sup>129</sup>

When he was seventy years old, Don phrased the dialog as: 'some Aboriginal men asked "what could they do to get out of the mess they were in", to which Don responded 'what mess is that?' The men answered 'We can't leave our work, we are tied here, we don't get any wages for what we are doing and we can't leave. If we run away the policeman brings us back. This is our country and yet we've got to work here for this bloke, how did this come about?'<sup>130</sup> As Don told his story, 'So I started to do a bit of research, and next time I went to Perth I looked in the archives, and from then on, of course, I was committed'.<sup>131</sup>

As a small businessman and avid reader, Don was accustomed to working in the Perth State Library. He was able to research the problem that the Aboriginal men had given him. He came across government correspondence relevant to the State of Western Australia's origins as a British colony and its first Constitution in 1889. It included legislation to ensure that upon Sovereignty, the British government

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<sup>125</sup> McLeod to Ken Liberman.

<sup>126</sup> Donald William McLeod conversation with Stan Davey.

<sup>127</sup> McLeod to Ken Liberman.

<sup>128</sup> Donald William McLeod conversation with Stan Davey.

<sup>129</sup> Paul Roberts, Foreword in DW McLeod, *How the West was Lost*.

<sup>130</sup> Donald William McLeod interview with Chris Jeffery.

<sup>131</sup> Donald William McLeod conversation with Stan Davey.

retained management of the State's Aboriginal population, and funds to implement their programs. In 1897 that section of this legislation was repealed, without the required reparation, and created, according to McLeod, what was commonly referred to as 'The Native Question'. This information enflamed Don's sense of injustice and led to his interpretation of the fundamental wrongs perpetrated upon the original inhabitants of the land.<sup>132</sup> When some Aboriginal men claimed him as a person who could act for them to rectify the injustice, he was cautious but ready.

## Reflection

In this chapter I have presented key aspects of McLeod's early days and the formative experiences that helped shape the man he became. These included losing his mother at a very young age. His childhood was undoubtedly tough and, as will be shown in later chapters, fitted him to deal with his adult life. He modelled himself on his father, and became a successful prospector and small businessman. He then had an encounter with Aboriginal pastoral station workers that, I argue, began to re-orient his life.

I now refer to Don as 'McLeod'. The environment in which he worked becomes central to his character development. I explore why he became obsessed by his discovery of the constitutional requirement that the Western Australian government should allocate one per cent of its gross annual revenue to the Aboriginal people's education and welfare. How McLeod understood the government correspondence he located in the library is the major topic of Chapter Two. More significant to his biography is its effect in politicising him.

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<sup>132</sup> RJT Butler, *The Significance of Section 70*, 29.

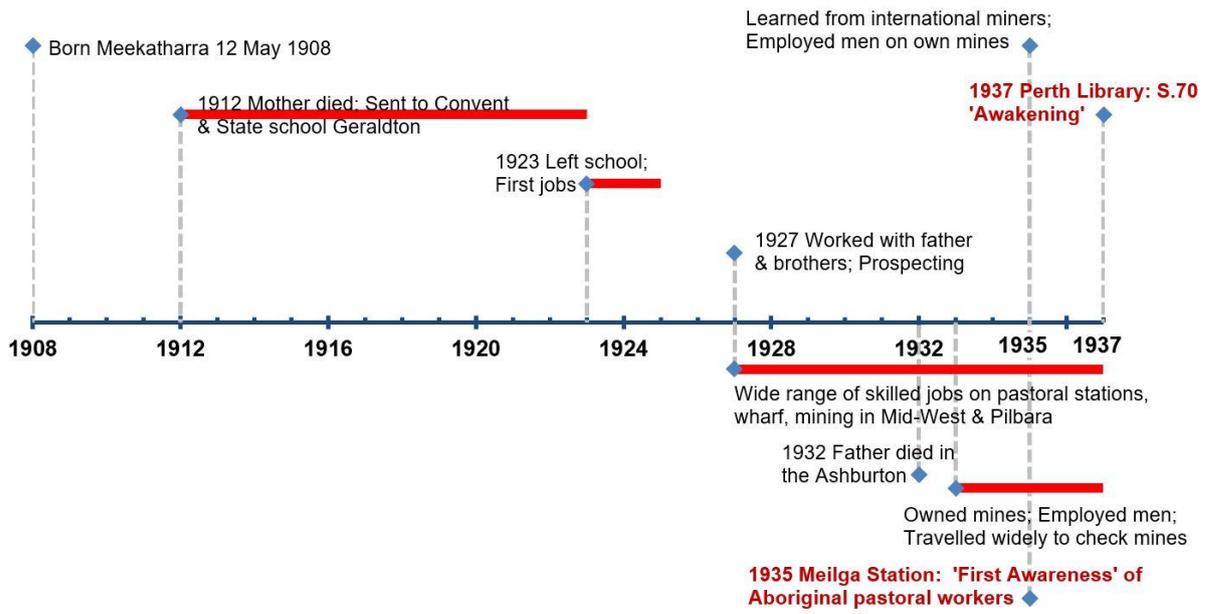


Figure 7: Timeline 1908-1937

## Chapter Two

‘a completely conscienceless act’<sup>1</sup>

In the previous chapter I accounted for Don McLeod’s life from his birth to his early twenties. I showed that he was essentially a mining man, unable to answer the questions the Aboriginal men posed to him. In his quest to answer the question he became aware of a bigger issue concerning the legislation under which Aboriginal people lived.<sup>2</sup> In this chapter, I present what he found and explore how his discovery politicised him. I refer to McLeod by his family name rather than the names from his younger days.

### 2.1 Mining man

McLeod was the sole-operator of several mines. To walk around the hot Pilbara rocks prospecting he trained himself in physical fitness and mental toughness.<sup>3</sup> A government officer, who visited Port Hedland in 1970, commented on the Aboriginal people mining for tin and identified three environmental impediments to their work. He reported, ‘The hardest thing this group does is to live in the country, with its soaring temperatures, flies and mosquitoes’.<sup>4</sup> Anthropologist Robert Tonkinson had the same reaction to the environment.<sup>5</sup> He enjoyed the beauty of the desert if, he noted, ‘you can ever get comfortable enough to appreciate it all’. The winter afternoons could be ‘wonderful ... but only on those rare occasions when flies are absent,’ he warned. The flies!

They teem in their indefatigable millions and easily beat out ants, scorpions, snakes and other insects as the scourge of the desert. Unless kept at bay with nets and sprays, they can make speaking and eating almost impossible during daylight hours. When swallowed, an all-too-frequent horror, they invariably stick somewhere in your throat and refuse to move either way.<sup>6</sup>

Journalist Dorothy Hewett went to Port Hedland in December 1946 to find McLeod and she noted that it was ‘116 degrees in the shade; the sand-flies rose in thick clouds off the mangroves at night. There wasn’t an electric fan to be had in the town’.<sup>7</sup> These are responses of whitefellows, but blackfellows also suffered, especially from mosquitoes. During a court case in 1946, ‘no mosquito nets’ was a consistent grievance of the Aboriginal witnesses in relation to the time they worked on the pastoral stations, and their

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<sup>1</sup> McLeod to Aboriginal Land Rights Commission, 2 March 1973, National Archives of Australia, *McLeod, Donald William - Series of letters; submission by The Nomads Group of Aborigines to the Federal Cabinet*, NAA: A4252, 49.

<sup>2</sup> McLeod interview with Chris Jeffery, State Library of Western Australia 1978, OH331, 1978.

<sup>3</sup> Max Brown, *The Black Eureka*, 109.

<sup>4</sup> EJ Egan’s ten-page report with statistics to Office of Aboriginal Affairs, National Archives of Australia, *Nomads Ltd, correspondence with McLeod, DW*, NAA: A2354 1970/780, item 119.

<sup>5</sup> Tonkinson worked in the 1960s with the Western Desert Mardu Aboriginal people. Mardu people mostly settled in the Jigalong mission, south of Nullagine.

<sup>6</sup> Robert Tonkinson, *The Mardu Aborigines: Living the Dream in Australia’s Desert* (Belmont CA: Thomson Wadsworth, 2002), 15.

<sup>7</sup> 116°F is equivalent to 47°C. Dorothy Hewett, Preface to Max Brown, *The Black Eureka*, 1976.

accommodation was the river bed.<sup>8</sup> McLeod was inured to these environmental miseries. However when, as a businessman of the Northwest in the 1930s, he travelled to the State's capital city, he had to adapt to a different demand: the dress code of the business world.

By the age of twenty-nine, he had spent all his adult life in the bush and was mostly self-educated. He had become accomplished in many practical areas of prospecting, mining and general station work, and was well-read in the sciences. John and Katrin Wilson described him as having the knowledge and technical skills that were common to other bush workers of his era but he differed from them in one respect. He was 'an innovative thinker with an imaginatively scientific, analytical mind, quite erudite, very focussed, a man who would go forensically through newspapers in minute detail'.<sup>9</sup> Despite these attributes, McLeod knew little about the Aboriginal people of the Northwest but he 'was accustomed to work in the Public Library in Perth when he was studying geology'.<sup>10</sup> It was to the library that he turned to research the problem the Lawmen gave him.

In 1937 Government documents were available to the public and McLeod maintained that from them he learned about the 'native question'. He read about operational legislation to control 'Aboriginal Natives of Western Australia,' encoded in the Aborigines Protection Act, 1886. It was an Act 'to provide for the better protection and management of the Aboriginal Natives of Western Australia and to amend the Law relating to certain Contracts with such Aboriginal Native'. In so doing, the Act renounced Aboriginal people's right to citizenship. It specified how and when Aborigines could be employed, jailed etc. and for the next one hundred years, such legislation existed to ensure that the Aboriginal peoples were controlled under legislation different from that applying to all other citizens. Even into the late 1940s trade unions argued about whether Aborigines could join unions and enjoy the protections they offered workers.<sup>11</sup> McLeod then discovered the more fundamental debates about the place of Aborigines in settler society. They were British subjects but, according to Mark McKenna, were not assigned birthrights equal to those who cultivated the land, generated produce and were settled. Instead, they were seen to 'have little stake in the new societies' that were developing on land that previously was theirs.<sup>12</sup>

McLeod accessed correspondence pertaining to the framing and the final form of the Western Australia Constitution Act 1889.<sup>13</sup> This Act formally made the Swan River Colony the self-governing state, Western Australia. There was one sticking point that had to be resolved before the British Crown would give Royal

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<sup>8</sup> Evidence by pastoral workers: Kitchener, Doogiebbe, Roy McKay specified 'no mosquito nets' where other witnesses referred to poor living conditions on the stations, 20 June 1946, National Archives of Australia, *McLeod, Donald William versus Richards, George Ronald*, NAA: A10078 1946/13, Pt 2, 1946.

<sup>9</sup> John Wilson & Katrin Wilson, pers. comm., 2015. In 1959/1960 John and Katrin Wilson undertook fieldwork with the Aboriginal group and McLeod and had many conversations with McLeod then and later.

<sup>10</sup> John Wilson, "Authority and leadership", 159; RJT Butler, *The Significance of Section 70* 1981.

<sup>11</sup> Andrew Markus, "Talk Longa Mouth".

<sup>12</sup> Mark McKenna, "Transplanted to Savage Shores: Indigenous Australians and British Birthright in the Mid Nineteenth-century Australian Colonies," *Journal of Colonialism & Colonial History*, 13, no. 1 (2012): 14, Retrieved from <http://search.proquest.com/docview/1018692304>, accessed on 30 August 2015.

<sup>13</sup> McLeod interview with Chris Jeffery, 1978.

Assent to the Constitution – who would have responsibility for the Aboriginal population?

Implicit in the negotiations framing the constitution was the assumption that settler culture would dominate the new colony, and to ensure good management of the ‘native’ peoples they would need to be controlled.<sup>14</sup> Barrister Peter Johnston, who later became professionally acquainted with McLeod and his interest in the ‘Native Question’, analysed the constitutional debates. Johnston noted that Secretary of State for the Colonies Sir Henry Holland expressed his opinion that ‘some special arrangement should be made when self-government is granted, to ensure the protection and good treatment of the northern native population’.<sup>15</sup> In 1887 Governor Sir F Napier Broome corresponded with Holland, suggesting an arrangement: that the British retain control of Aboriginal affairs. Broome proposed the establishment of a Board, independent of the WA government, with an amount to finance its operations. The amount would be a fixed £5000 or, should the state’s revenue exceed £5000,000, then one percent of the state’s annual income. This phrasing came to be reproduced in Section 70 of the Constitution Act 1889.<sup>16</sup> The Aboriginal peoples were to be kept separate in the imagination of the settlers, and in practice.

Section 70 aimed to protect the Aboriginal peoples from the consequences of possible settler violence and cruelty towards them, and to preserve funding for their benefit. It made Western Australia the only state in Australia that did not have full sovereignty and notwithstanding their fury at its implications, the Western Australia parliamentarians accepted it ‘as the price of responsible government’.<sup>17</sup>

Through an instrument, the Aborigines Protection Board, the governor who represented the British Crown was given almost total control over the original inhabitants of the land.<sup>18</sup> Funds would thus be controlled by the British Government. McLeod understood that Section 70 would be beneficial to the Aboriginal people because their welfare would not depend on those who had a vested interest in them as a labour force. He phrased its powers as being ‘beyond the reach of the WA Parliament’.<sup>19</sup>

Western Australian government and non-government colonists were angry about Section 70. Imposing external control of ‘their natives’ upon them reflected badly on their reputation; it was a ‘stigma’.<sup>20</sup> Western Australia parliamentarians also considered that a fixed or percentage cost to the colony was badly timed, with the native population apparently decreasing and the state income apparently increasing exponentially following the discovery of gold.<sup>21</sup> Parliamentarians’ opposition to the insertion of Section 70 began shortly

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<sup>14</sup> In the early years of the Constitutional negotiations, the original inhabitants of the land were also known as ‘natives’.

<sup>15</sup> Peter Johnston, “The Repeals of Section 70,” 322.

<sup>16</sup> Steven Churches, “Put Not your Faith in Princes,” 3. Section 70 is reproduced in Appendix A.

<sup>17</sup> Peter Johnston, *ibid.*, 323.

<sup>18</sup> Leslie R. Marchant, *Aboriginal Administration in Western Australia 1886-1905* (Canberra, Australian Institute of Aboriginal Studies, 1981), 16.

<sup>19</sup> DW McLeod, *How the West was Lost*: 3.

<sup>20</sup> Peter Johnston, “The Repeals of Section 70,” 334.

<sup>21</sup> Small amounts of gold were first found in the Kimberley in 1881. Subsequently payable gold was discovered in Halls Creek, 1885, in other sites in the North-West, and by 1894 in the south-east in Coolgardie and Kalgoorlie. Gold transformed the WA economy from its previous focus on wheat, wool and meat, to mining. See Ken Spillman, “Gold” in *Historical Encyclopedia of Western Australia*, eds. Jenny Gregory and Jan Gothard (Crawley: University of Western Australia Press, 2009), 417.

after they voted in favour of it to gain self-government.

Debates in parliament for and against Section 70 represented fundamentally different thinking about rights, power, industrial development and indigenous populations. Historians who have studied the arguments for and against Section 70 focus on two main themes. One theme follows the moves and counter-moves taking place over many years that culminated in the adoption of Section 70 then, five years later, its removal. Another theme explores the maze of parliamentary and settlers' responses to the ideas behind Section 70. These ideas and their authors reflected opposing views about the place of the Aboriginal in a settler society. McLeod developed his own opinions, which I discuss in the following chapters.

Arguments in favour of Section 70 were two-fold: that to protect the Aborigines, a Board needed to function under the control of the British Crown and that it needed to be funded through a set amount outside the jurisdiction of the Western Australia Parliament. Such ideas signified concern that the settlers might harshly treat the Aborigines and 'even though weak the Board stood in the way of the government's program of asserting complete settler dominance'.<sup>22</sup> There was a specific concern: the possibility that Aboriginal women would be treated as objects of male lust by settler men who did not have sexual access to women from their own culture. This particular prediction came true, and McLeod came to adopt that issue as a major concern, as will be shown, when discussing his campaign materials. Ann McGrath discussed how this manifested in the Northern Territory and Kimberley region of Western Australia. McGrath found that White men stereotyped Aboriginal women as 'available for prostitution' and this justified them not feeling any guilt 'for rape, disease, or the children they left in their wake'.<sup>23</sup> In a later study in Northwest Western Australia, historian Christine Choo noted that in the pearling industry centred around the coastal township of Broome and run mainly by Asian men, 'the procurement of Aboriginal women as sexual partners for lugger crews ... [was] seen as an integral part of the lugger crews' lifestyle'.<sup>24</sup> Historian Mary Anne Jebb, in her study of White men and Aboriginal workers in the pastoral industry of Western Australia, provided many stories of Aboriginal women being co-opted for sexual use by men not from their traditional marriageable group.<sup>25</sup> In the early 1900s other outsider men could be appalled by these arrangements, one of whom was Rev John Gribble.<sup>26</sup>

Rev John Gribble was an Anglican priest who, in 1885, attempted to establish a mission in Carnarvon, a small town in the Northwest. Shortly after he arrived in Carnarvon he witnessed settler men's behaviour towards Aboriginal women and recorded his observations in his diary. The issue of the abuse of women

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<sup>22</sup> Ann Curthoys, "Settler Self-Government versus Aboriginal Rights 1883-2001".

<sup>23</sup> Ann McGrath, *Born in the Cattle: Aborigines in Cattle Country* (Sydney: Allen and Unwin, 1987), 69.

<sup>24</sup> Christine Choo, *Mission Girls: Aboriginal Women on Catholic Missions in The Kimberley, Western Australia, 1900-1950* (Crawley: University of Western Australia Press, 2001), 99.

<sup>25</sup> Mary Anne Jebb, *Blood, Sweat and Welfare: A History of White Bosses and Aboriginal Pastoral Workers* (Crawley: University of Western Australia Press, 2002).

<sup>26</sup> Su-Jane Hunt, "The Gribble Affair: A Study in Colonial Politics.", *Studies in Western Australian History*, 8, (1984): 42-51; Su-Jane Hunt, *Spinifex and Hessian: Women in North-West Australia 1860-1900* (Nedlands: University of Western Australia Press, 1986); Christine Halse, *A Terribly Wild Man* (Crows Nest: Allen and Unwin, 2002); Jane Lydon, "Christian Heroes? John Gribble, Exeter Hall and Antislavery on Western Australia's Frontier," *Studies in Western Australian History*, 30, (2016): 59-72.

received an airing by this man. Gribble sent his observations about slavery and violence to a Western Australian newspaper, which serialised them in June 1886.<sup>27</sup> They allowed Gribble's representation of Aboriginal voices, so long denied a public hearing, to reach the state's capital city and far beyond. Gribble's diary was, according to Su Jane Hunt, 'received with a tone bordering on hysteria'.<sup>28</sup> Gribble's views were contrary to the culture and laws of the time. A pastoralist's recent opinion of Gribble was recorded by Rhonda McDonald in her collection of stories about people who 'opened up' the Upper Gascoyne region of the north.<sup>29</sup> Settlers in 1882 suffered from their biggest problem, 'marauding natives amongst their sheep'<sup>30</sup> and wanted police protection. A police station was established in 1883 at Gascoyne Junction and the 'final match to the flame in relations between the Aborigines and the pastoralists was the 'Gribble Affair'.<sup>31</sup>

A stockman, RP Griver, was another White man who tried to safeguard Aboriginal women from predatory men. He wrote to the Chief Protector in 1919 'complaining that Aboriginal women across the Kimberley were not being adequately protected from prostitution'.<sup>32</sup> Henry Reynolds found that Aboriginal women were 'universally taken by white men for either casual sex or for longer relationships' and would not be protected by legislation that was designed to advance the settlers' interests.<sup>33</sup> In the late 1880s a group defined by Peter Johnston as having 'strong, largely evangelical' opinions, was raising the possibility in the British parliament that the Western Australian colonial government could not be trusted to safeguard the Aborigines.<sup>34</sup> In Britain in the 1890s parliamentarians and humanitarians were highly sensitised to the issues around enslavement of indigenous peoples and by extension, to the possibility that it might exist in the new Western Australian colony. In contrast two historians suggest that Western Australian control measures were effective.

Charles Rowley ascribed to the controls one reason why, during settler expansion into the frontiers of the Northwest that was detrimental to the Aboriginal peoples, there were at least some legal constraints on settler behaviour.<sup>35</sup> He compared these developments favourably to those that occurred in Queensland where there were no external controls on the government, and Henry Reynolds supported this view.<sup>36</sup> However, Western Australia was the only colony that was not granted full sovereignty by the British Crown, and at the time, Anna Haebich noted, 'there was considerable opposition in Western Australia to this remaining vestige of Imperial control'.<sup>37</sup> Section 70 was a product of these events.

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<sup>27</sup> Jane Lydon noted that the state newspaper the *West Australian* was owned by pastoralists and, although initially favourably inclined towards Gribble, its editor warned him to be sensitive to 'the relative position of whites and blacks.' See Jane Lydon, "Christian Heroes?" 68, 69.

<sup>28</sup> Su-Jane Hunt, "The Gribble Affair," 36.

<sup>29</sup> Rhonda McDonald attended the Presentation Convent in Carnarvon, the same school as did McLeod's sisters, and married a local pastoralist.

<sup>30</sup> Rhonda McDonald, *Winning the Gascoyne* (Victoria Park: Hesperian Press, 2008), 191.

<sup>31</sup> Rhonda McDonald, *ibid.*, 192.

<sup>32</sup> Mary Anne Jebb, *Blood, Sweat and Welfare*, 88.

<sup>33</sup> Henry Reynolds, *This Whispering in Our Hearts* (St Leonards: Allen and Unwin, 1998), 142.

<sup>34</sup> Peter Johnston, "Waiting for The Other Shoe to Fall," 6.

<sup>35</sup> CD Rowley, *The Destruction of Aboriginal Society* (Canberra: Australian National University, 1970), 70.

<sup>36</sup> Henry Reynolds, *ibid.*, 141.

<sup>37</sup> Anna Haebich, *For Their Own Good: Aborigines and Government in The South West of Western Australia 1900-1940*,

In essence, settlers saw Section 70 as a blot on the escutcheon of all the settlers, inflaming those who saw it as an insult to the Western Australian Parliament and the colony by implying that the new settler colonialists were not to be trusted to manage the Aborigines. Settlers' estimation of the native population was built on experiences of explorers and other colonists who had interacted with them.<sup>38</sup> Ian Crawford summarised the resulting concept of the Aborigines in the first half of the nineteenth century as 'noble savage, debased man or mere brute'.<sup>39</sup> Additionally, in the second half of the nineteenth century the opinion was drawn from the evolutionary theory of naturalist Charles Darwin. Darwin posited that animal species which could adapt to changing environments had a greater chance of survival than those that could not. His theory, known as Natural Selection, was applied to human beings. This perspective suggested that Aborigines came from a primitive stage of human development and had not progressed. Having been protected by the oceans surrounding the continent, they had not been exposed to other civilisations.<sup>40</sup> In this view it was right and proper that those from a less developed society be managed by those from a developed society.

An idea that further justified government controlling Aborigines arose from the assessment that they were a dying race. Paul Hasluck put forward the date range 1829-1897 as 'the pioneering phase of settlement'.<sup>41</sup> He presented some beliefs from that era that influenced the notion, existing from as early as 1838, that the Aboriginal peoples were 'declining and must inevitably die out'. Another idea inferred that as they were disappearing it was better to make their trajectory comfortable than try to reverse it. As Hasluck concluded, however, 'The pity of it is that the evidence is so jumbled and observation so unscientific that these opinions cannot be regarded as anything but prejudice'.<sup>42</sup> Bias or not, the idea was accepted by many and was part of the arguments that even Lieutenant Governor Smith used when debating the issue with the Secretary of State for the Colonies in 1896. There were, Smith contended, 15,000 natives but he believed that their numbers were declining.<sup>43</sup> From this perspective legislating a set amount of the public revenue for a diminishing population was potentially bad for the economy, and the economy was paramount.

Views against Section 70 favoured the settlers' well-being. Settlers had a political need for total self-government, an economic need for a local labour force to further their business interests and a social need

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<sup>2</sup>nd ed., (Nedlands: University of Western Australia Press, 1992), 51.

<sup>38</sup> Penelope Hetherington, *Settlers, Servants & Slaves: Aboriginal and European Children in Nineteenth-Century Western Australia* (Crawley: University of Western Australia Press: 2002), 112.

<sup>39</sup> IM Crawford, "Aboriginal Cultures in Western Australia", in *A New History of Western Australia*, ed. CT Stannage, (Nedlands: University of Western Australia Press, 1987), 10.

<sup>40</sup> IM Crawford, *Aboriginal Cultures*, 1987, p. 10.

<sup>41</sup> Paul Hasluck. *Black Australians*, Preface p. 4. This book is based on his history Master of Arts degree, see Preface: 4. The short title of his thesis was *A Study of official policy and of public opinion towards the aborigines of Western Australia from 1829 to 1897*.

<sup>42</sup> Paul Hasluck, *ibid.*, 121.

<sup>43</sup> Penelope Hetherington, *ibid.*, 112.

for self-respect that came with sovereignty. From early in the establishment of the colony, entrepreneurial free settlers needed a pool of labour to work in their enterprises and in 1849 the British Government acquiesced to their demand for convicts to supply this need. The Swan River Colony was a penal colony from 1850-1868, when the British ceased exporting convicts to Western Australia. Owing to the hot environmental conditions in the tropics, the British government had proscribed the use of convicts from Ireland and England in regions above the 26th Parallel.<sup>44</sup> In the north, where the work required was on coastal luggers, diving for pearl shell, or inland on pastoral properties, the need for labour was not thus solved. Settlers deprived of cheap convict labour then turned to the local Aboriginal peoples as their labour pool. Section 70 was an impediment to managing this labour force because oversight of Aborigines was delegated to the British government rather than locals.

Aboriginal opinions did not impact the debates. Patrick Dodson stated that 'Aboriginal people themselves were never consulted about the issue'.<sup>45</sup> Aboriginal peoples were apparently not aware that they were to be defined as dependent upon an alien form of government or that their lives were being shaped to suit the needs of the settlers. Excluding Aboriginal people from legislation that affected them was evident again as late as 1948.<sup>46</sup> A point of conflict was whether the definition of 'station hand,' which exempted Aboriginals, should be changed so that they could be covered by the Pastoral Industry Award. The Australian Workers Union (AWU) asked that they be included. The Graziers Association asked that existing definitions of Aboriginals in State Aborigine Protection Acts be retained. Federal Conciliation Commissioner Donovan determined that the previous definition of 'station hand' would stay until, he added, 'further evidence is forthcoming that the protection of a Federal award covering the employment of full-blooded aborigines is desirable in the interests of the native'. Pending that evidence, 'all except full bloods can enjoy the benefits of the award'.<sup>47</sup> As Rowley pointed out, Aboriginal workers' progress towards a cash wage was slow because 'bargaining power [was] limited by their continued exclusion from the Federal Pastoral Industry Award'.<sup>48</sup>

Debates about Section 70 were, however, influenced by some who planned for Aboriginal people's well-being in a colonial framework. Philanthropists and activists in Western Australia pressured the British Crown to retain control of Aboriginal affairs. They highlighted the alleged behaviour of settlers in the Northwest towards Aboriginal peoples, and made comparison to the evils of slavery.

The issue of slavery during the era when the Western Australia constitution was being prepared was central to why the British government insisted on Section 70. Slavery is a legal and economic system in which a person can be owned by another, for whom they are compelled to work without wages. It has

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<sup>44</sup> Su-Jane Hunt, "The Gribble Affair," 43.

<sup>45</sup> Patrick Dodson was a Commissioner on the *Royal Commission into Aboriginal Deaths in Custody, 1987–1991*. Retrieved from the Government of Western Australia's *Constitutional Centre of Western Australia* website, accessed 9 June 2015.

<sup>46</sup> *The Graziers Association of NSW v the Australian Workers Union* (1948) 61 CAR 249. The case was known as *The Pastoral Industry Award 1948*.

<sup>47</sup> *The Graziers Association of NSW v the Australian Workers Union* (1948) 61 CAR 249.

<sup>48</sup> CD Rowley, *The Remote Aborigines*, 251.

existed in many cultures and is not a modern phenomenon, having been practiced before recorded history, but its definition is problematic. Forms of keeping another as a non-free person can include serfdom and debt bondage. David Turley noted that ‘even minor societies, when accused of retaining slavery, deny it, redefine it, make excuses or declare another emancipation’.<sup>49</sup> Slavery in one form or another is no longer an accepted means of supplying labour.

Fifty-six years before the Constitution Act 1889, the British Parliament had passed the Slavery Abolition Act 1833, legislation that applied to the empire’s slaves. Activists known as Abolitionists had campaigned to terminate the empire’s slave trade, developing a movement to end a practice accepted by Britain and throughout the world for thousands of years. Abolitionists were British subjects whose raised consciousness about the inhumanity of slavery led them to form the Anti-Slavery Society (ASS) in 1823. Its aim was to promote their cause and it had received information from Western Australian individuals about exploitation of the Aboriginal peoples and settlers’ acts of brutality against them.

Use of the word slavery in relation to Australia’s Aboriginal peoples of the Northwest is contested.<sup>50</sup> McLeod found it unproblematic, as will be shown in Chapter Four. The term ‘slavery’ defined those who were treated as property in an economic system through which they could be bought and sold. However, Historian Penelope Hetherington extended the definition as applied in Australia. She suggested that it referred to groups of people who were identified as inferior and exploited in a social system that affected all. It is this interpretation that some contemporary historians use to describe the treatment of Aboriginal peoples.<sup>51</sup> Western Australia’s former Commissioner of Native Affairs,

AO Neville, contended that the ‘natives’ were not slaves in the sense of the American Negro slaves.<sup>52</sup> They were, nevertheless, ‘in many respects much less emancipated, in that, unlike the Negro, today they cannot enjoy all the things we enjoy; they are still the people apart’.<sup>53</sup> Charles Rowley saw some benefit in being a slave within the common definition of slavery because, he believed, the fact that the Aboriginal peoples were not slaves meant that they ‘never had either the value or the protections of the slave’.<sup>54</sup> Section 70 of the Western Australian Constitution was a similar mechanism for controlling a group of citizens defined by

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<sup>49</sup> David Turley, *Slavery* (Oxford: Blackwell Publishers, 2000), 13.

<sup>50</sup> The term ‘slavery’ was used in the 1991 Royal Commission of Aboriginal Deaths in Custody (RCIADIC) ‘Aborigines were considered less than the transported convicts and were soon enslaved as labour for the colonisers descendants’ in Regional report of inquiry into underlying issues in Western Australia – historical perspective: knowledge of the past to inform the present, p 4

<sup>51</sup> Penelope Hetherington, *Settlers, Servants & Slaves*, 3.

<sup>52</sup> Neville was appointed Western Australia’s Chief Protector 1915-36 and Commissioner for Native Affairs 1936-40, see A Haebich and RHW Reece, ‘Neville, Auber Octavius (1875–1954)’, *Australian Dictionary of Biography*, (Canberra: National Centre of Biography, Australian National University). <http://adb.anu.edu.au/biography/neville-auber-octavius-7821/text13575>, accessed online 6 January 2016.

<sup>53</sup> AO Neville, *Australia’s Coloured Minority: Its Place in The Community* (Sydney: Currawong Publishing Co Pty Ltd, 1947), 22.

<sup>54</sup> Elspeth Young cited Charles Rowley’s trilogy as chronicling ‘the long history of dispossession and exploitation and documented the contemporary problems and frustrations faced by Aboriginal people’, see Elspeth Young, ‘Charles Rowley – A Fighter for Justice and Equality,’ *Aboriginal History* 10, no. 1 (1984): 3; CD Rowley, *The Destruction of Aboriginal Society*, 16.

race and was partly informed by evidence of acts of cruelty being committed against this group by another.

Political protest about settler violence in the Northwest came from two sources, the ASS campaigners in Britain and a few Australians of European descent who sent to the ASS material describing incidents in Western Australia. In 1884 Rev E Gribble campaigned in England, and Exeter Hall regarded him as a 'powerful humanitarian'.<sup>55</sup> Gribble knew that in the early 1900s Carnarvon, while geographically isolated from the state capital Perth by a distance of 913 kilometres, was not politically isolated. He had publicly pronounced that a few powerful families with interests in the pastoral and coastal pearling industries were connected by kinship to the politicians in Perth. Even the local magistrate was part of this system, which functioned subtly to protect the interests of the settlers.<sup>56</sup> Those of the separated race, the disenfranchised blackfellows, had little recourse to justice. McLeod contended they were 'deliberately kept 'illiterate, isolated and destitute' in order to perform their duties as labourers on the vast sheep and cattle properties that settlers were establishing.<sup>57</sup> In this way the settlers' political and economic rights were protected by law and convention and the Aboriginal peoples were assigned to the role of servants.<sup>58</sup>

While carrying out his missionary duty Gribble witnessed the behaviour of White men towards Aboriginal girls, stating 'there is monstrous inequity to be grappled with and purged out in these parts'.<sup>59</sup> His testimony is significant to McLeod's story because while neither man was fluent in the Aboriginal language, both believed they could interpret cross-culturally. Words and non-verbal communication sufficed in Gribble's experience to allow him to understand some ramifications for the Aboriginal people of settler men's assumption that they could do whatever they liked to those of the native race, especially women. He confronted pastoralists when one of the Aboriginal workers ran away from his employer and asked for protection on Gribble's mission. The pastoralist was within his rights to reclaim 'his' native because under the Western Australian *Masters and Servants Act 1892*, the police could arrest the runaway and return him to his employer.<sup>60</sup> Aborigines were to be treated differently 'for cultural reasons'.<sup>61</sup> However historian Peter Biskup noted that the *Aborigines Protection Act, 1886*, although not specifically authorised to override the *Masters and Servants* legislation, had improved some bad aspects of service contracts.<sup>62</sup> In this instance, Gribble told the pastoralists that the blacks were 'free subjects of the Queen and that they were not slaves;' and the pastoralist threatened to charge Gribble for 'inciting the natives to run away from their owners'.<sup>63</sup> This context for the debates around the constitution had meaning for McLeod over thirty years later. He

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<sup>55</sup> Christine Halse, *A Terribly Wild Man*, 11.

<sup>56</sup> Henry Reynolds, *This Whispering in Our Hearts*, 153.

<sup>57</sup> DW McLeod, *How the West was Lost*, 37.

<sup>58</sup> *Daily Telegraph*. 1886, July 6 and 9, in Reynolds, *This Whispering in Our Hearts*, 153.

<sup>59</sup> Henry Reynolds, *This Whispering in Our Hearts*. The 28 August 1885 diary is quoted on p. 144.

<sup>60</sup> Western Australian *Masters and Servants Act 1892*, s.6: *If at any time after the laying of the information or complaint it appears to a Justice that the party complained against is about to abscond ... a Justice may issue a warrant for his apprehension ...* This Act operated 1842–1892.

<sup>61</sup> Ian H vanden Driesen, 'Master and Servants Act', in *Historical Encyclopedia of Western Australia*, eds. Jenny Gregory and Jan Gothard: 563.

<sup>62</sup> Peter Biskup, *Not Slaves Not Citizens*, 36.

<sup>63</sup> JB Gribble, *Dark Deeds in a Sunny Land or, Blacks and Whites in North-West Australia* (Nedlands: University of Western Australia, 1987), 36.

told oral historian Wendy Lowenstein that from the archives he gained the background knowledge which he 'always used as a guide'.<sup>64</sup> McLeod studied those debates and began to formulate his own interpretation of their relevance to his contemporary situation. He was especially interested in how the Western Australian politicians voided the Crown's plan to protect Western Australia's Aboriginal people.

Western Australian politician John Forrest had, in 1889, voted in favour of Section 70.<sup>65</sup> Forrest's biographer Crowley stated that this was not done 'tongue in cheek' but that shortly after the Constitution was adopted, he then, as Premier, actively reneged on that position.<sup>66</sup> Later historians find, however, that Crowley was wrong.<sup>67</sup> By implication, Forrest was duplicitous. On April 20, 1892, Forrest put to the Governor fifteen points in favour of abolishing the Aborigines Protection Board, claiming that in Parliament 'the feeling against this exceptional and unnecessary legislation is unanimous throughout the Colony'.<sup>68</sup> Biskup noted that had the Western Australian government been sympathetic to the Aborigines, the Aborigines Protection Board would not have been necessary, and with it 'hostile to the Aborigines, it was next to useless'.<sup>69</sup> It did not last long enough to be tested.

To rescind Section 70, the Western Australian government was required to present a Bill to the British Colonial Office for Royal Assent. Despite several attempts that failed for various legal reasons, Forrest ultimately succeeded in his mission.<sup>70</sup> McLeod described this process as 'a completely conscienceless act'.<sup>71</sup> His response politicised him. He began to see the emergence of a ruling class whose interests would dominate development of the State. In that paradigm there would be no outside body to protect the Indigenous people from what he later called the greed 'of our rich and powerful friends'.<sup>72</sup> As the constitutional story unfolded, his interpretation of Indigenous disadvantage became confirmed.

## 2.2 Political man

In 1894 the Western Australian Parliament obtained Royal Assent to repeal Section 70 from the Constitution. Parliament replaced the Aborigines Protection Board with the Aborigines Department when it passed the *Aborigines Act 1897* (WA). Following its proclamation, The *Aborigines Act 1905* (WA) abolished Section 70.<sup>73</sup> From McLeod's reading, the process was all-important.

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<sup>64</sup> Donald William McLeod interview with Wendy Lowenstein.

<sup>65</sup> John Forrest became Western Australia's first Premier 1890–1901. He was knighted in 1891, and was, according to Battye, 'a benevolent despot'. See JS Battye, *Western Australia*, 424.

<sup>66</sup> Elizabeth Goddard and Tom Stannage, "John Forrest and the Aborigines," in *European-Aboriginal Relations in Western Australian History*, eds. Bob Reece and Tom Stannage, (Nedlands: University of Western Australia, 1984), 53.

<sup>67</sup> Elizabeth Goddard and Tom Stannage, 'John Forrest and the Aborigines', 56.

<sup>68</sup> John Forrest, Memorandum for His Excellency, The Administrator 20 April 1892, in Albert F Calvert, *The Aborigines of Western Australia* (London: Simpkin, Marshall, Hamilton, Kent & Co, 1984), 52.

<sup>69</sup> Peter Biskup, *Not Slaves Not Citizens*, 25.

<sup>70</sup> Detail is outlined by Peter Johnston, "The Repeals of Section 70".

<sup>71</sup> McLeod to Aboriginal Land Rights Commission, 2 March 1973, National Archives of Australia, *McLeod, Donald William - Series of letters; submission by The Nomads Group of Aborigines to the Federal Cabinet*, NAA: A4252, 49.

<sup>72</sup> McLeod to Dexter, 25 August 1971, National Archives of Australia, *Nomads Ltd, Correspondence with McLeod, DW*, NAA: A2354, 1970/80, item 268-271.

<sup>73</sup> Peter Johnston and Steven Churches, "The Aboriginal 1 Per Cent", 106.

A precursor to the 1905 Act, caused by 'international outrage over the treatment of Aborigines in the Northwest pastoral industry' was a Western Australian Royal Commission into the 'Condition of the Natives'.<sup>74</sup> A Queenslander, WE Roth, was appointed to conduct the inquiry.<sup>75</sup> At the time of his appointment to the Commission, Roth was working in Queensland in the position of an Assistant Protector of Aborigines. He was seen as an impartial and sufficiently reputable person to undertake a balanced enquiry.<sup>76</sup> In discussing Roth's report, Biskup noted one finding that had on-going consequences, leading to the Permit system incorporated in the *Aborigines Act, 1905*. Under this Act, a potential employer of natives was required to obtain a Permit, granted by the Commissioner. The finding highlighted a failure to regulate natives' employment without at the same time limiting their equality with servants who did not come under the Department. By issuing a permit to an approved master, the system 'definitely reduced the Aboriginal to a distinct status'.<sup>77</sup> Susan Woenne wondered why Roth did not collect evidence from Aboriginal people since 'his terms of reference dealt specifically with their treatment at the hands of the administration, police, pastoralists, the fishing industry and the penal system, etc.'. <sup>78</sup> Woenne commented that even if Roth managed to accurately portray 'the true state of affairs,' the basic assumptions inherent in that state were not questioned.<sup>79</sup> The *Aborigines Act, 1905* shows how these norms became entrenched.

The *Aborigines Act, 1905* created an Aborigines Department under a Minister and a departmental head, the Chief Protector. It defined 'half-castes' and it applied to Aborigines and half-castes. The Chief Protector was made responsible for Aboriginal children under the age of sixteen and the Act listed the areas of an Aboriginal adult's life over which he had control, including the punishments for those who breached the Act. This legislation had direct impact on McLeod. If he wanted to employ an Aboriginal man he would need a Permit which, were he not deemed suitable as an employer, would not be granted. Thus there was a political element in an industrial system. It could prevent him interacting with the Aboriginal people about whose situation he was becoming increasingly concerned. His study in the library was a revelation to him about the situation in the Pilbara, where a sick man could be ignored by a man on the other side of the racial divide. Separation of the races was normalised except when approved by employment Permit or tacit sanction of Asian/European men 'taking' an Aboriginal woman. A concomitant effect of this separation was the creation of pastoral owners as 'boss', police and Departmental officers as people of power and Aboriginal workers as natives. From this perspective, natives were unlike those in authority over them. They

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<sup>74</sup> Sharon Delmege, "A Trans-Generational Effect of the Aborigines Act 1905 (WA): The Making of the Fringedwellers in the South-West," *Murdoch University Electronic Journal of Law*, 2005, accessed 23 June 2015.

<sup>75</sup> Walter Edmund Roth, *Report of the Royal Commission on the Condition of the Natives* (Perth: Government Printer, 1905). Presented to the Western Australian Parliament.

<sup>76</sup> *The Royal Commission on the Condition of the Natives - Report*, [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au), accessed 25 October 2015. Roth was charged to look into these issues: (1) the administration of the Aborigines Department, (2) the employment of adult Aboriginal natives under contracts of service and indentures of apprenticeship, (3) the employment of adult Aboriginal natives in the pearl shell fishery and otherwise on boats, (4) the native police system, (5) the distribution of relief and (6) generally into the treatment of the Aboriginal and half-caste inhabitants of the State.

<sup>77</sup> Peter Biskup, *Not Slaves Not Citizens*, 157.

<sup>78</sup> Susan T Woenne, "The True State of Affairs': Commissions of Inquiry Concerning Western Australian Aborigines", in *Aborigines of The West: Their Past and Their Present*, eds. Ronald M Berndt and Catherine H Berndt (Nedlands: University of Western Australia Press, 1979), 333. Woenne noted that only two out of 42 witnesses were Aboriginal.

<sup>79</sup> Susan T Woenne, *ibid.*, 334.

did not need houses, facilities, education, wages or the paraphernalia of civilisation. This view became institutionalised, as indicated in evidence by authorities and Aboriginal pastoral workers in court cases, and will be discussed in Chapter Four. It is critical for McLeod's story for it answers Question One of this thesis: how was knowledge of Section 70 transmitted to McLeod and the Aboriginal pastoral workers, as discussed below.

This research illuminates the Pilbara political situation in 1937. McLeod was a reasonably well educated man with extensive experience of conditions in the Northwest. He had a wide network of work mates, and accepted the normal social relationships to the extent that he had barely noticed the Aboriginal people. Apparently, before taking the sick Aboriginal man to hospital, he had not crossed the racial boundaries, neither had he had conversations about why Aboriginal families lived in the riverbeds on stations while other workers lived in houses. He did not know about Section 70 until he studied it in the library in 1937. For decades previously, Pilbara Aboriginal workers had been excluded from Western society, kept illiterate in English and isolated on widely-separated pastoral stations. Considering the status of the pastoral workers and lack of oral testimony to the contrary, there is no evidence to suggest that it was they who knew about Section 70 and informed McLeod. To answer the thesis question, therefore, the most reasonable conclusion is that it was McLeod who discovered the import of Section 70 and its consequences for the pastoral workers, and that he informed them.

As McLeod continued to search the library, he acquired the framework through which to analyse the Pilbara situation. A tacit, untested, idea prevailed amongst the settlers that the natives were incapable of understanding modern society. This belief justified relegating the 'natives' to a position of dependence on the 'more enlightened' members of a modern society, as revealed in section 12 of the *Aborigines Act, 1905*, which enshrined paternalism.<sup>80</sup> Hetherington, who studied the Western Australian settler elites' exploitation of children from both European and Aboriginal families, paid particular attention to the pastoral industry of the north. She described the *Aborigines Act, 1905* as 'a system of slavery'.<sup>81</sup> Johnston noted that this Act was 'ironically described as a law 'for the better protection and care' of Aborigines'.<sup>82</sup> In all the sixty-six sections of this Act there is no requirement that the Aboriginal subjects to whom it applied should have the Act explained to them, let alone consent to it. It was generally accepted at the time, that the Aboriginal peoples would be incapable of understanding the essence of the invaders' plans. Forty years later McLeod was able to show that they had a robust intellectual life despite the infantilising legislation to control their actions and minds. He learned that the philosophical underpinnings of their cultures were highly moral and they regulated their social life through sophisticated rules that had kept their societies in harmony and in

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<sup>80</sup> Western Australian *Aborigines Act, 1905*, s.12 The Minister may cause an aboriginal to be removed to and kept within the boundaries of a reserve, or to be removed from one reserve or district to another reserve or district, and kept therein. Any aboriginal who shall refuse to be so removed to or kept within such reserve or district shall be guilty of an offence against this Act

<sup>81</sup> Penelope Hetherington, *Settlers, Servants & Slaves*, 155.

<sup>82</sup> Peter Johnston, "Litigating human rights in Western Australia," 119.

balance with nature.<sup>83</sup> McLeod gained these insights in the 1930s and early 1940s, too late to influence the Western Australian constitutional debates; others had, however, swayed public opinion.

In the 1800s opinions reflected in the Legislative Council reveal how the interests of the settlers came to be given priority over the indigenous populations. A reflection of ideas about the Aboriginal peoples expressed in the late 1880s by settlers are encapsulated by a 1937 opinion recorded in the Legislative Council: 'The Council has all along thought that although the amelioration and civilisation of the Aboriginal people was an object desirable, yet the protection of the lives and property of the British subject was a matter of more urgency and still greater importance'.<sup>84</sup> Separation of the two cultural groups became entrenched, as did the hegemony of one over the other implicit in the Section 70 debate.

McLeod accepted the repeal of Section 70 as the moment when the 'Native Question' was created and as the answer to the question the Aboriginal men gave him.<sup>85</sup> He then viewed their circumstances through this lens. Others have contextualised the development of the situation.

Former Western Australian Department of Aboriginal Affairs officer Terry Long described three principles informing early Imperial policy about the state's natives: (1) they were British subjects with all legal rights and status, (2) they were to become Christians as part of the civilising project, and (3) their welfare would be safe guarded.<sup>86</sup> When historian Paul Hasluck studied these aspects of the colony's founding years, he noted that 'in the following years there was a gradual abandonment of the first two ideals and considerable neglect of the third'.<sup>87</sup> Lieutenant-Governor Stirling believed the Aborigines 'were warlike and could be kept in their place only by force'.<sup>88</sup> It became evident that if conflict between the natives and the settlers arose, settler society dealt with it in authoritarian ways different from that insisted on by the Colonial Office.

Equality between the settlers and the original inhabitants of the land was not to be; the cultural differences were too great and the settlers' drive for individual advancement in the Northwest, the region that most concerned McLeod, conflicted with traditional Aboriginal culture. Anthropologist Ronald Berndt

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<sup>83</sup> McLeod to Ken Liberman.

<sup>84</sup> T Long, "The Development of Government Aboriginal Policy: The Effect of Administrative Changes, 1829-1977", in *Aborigines of the West*, eds. Ronald M Berndt and Catherine H: 358.

<sup>85</sup> The term 'the native question' appears to have been created by the Western Australian parliamentarians as a way to describe their problem in dealing with the Aboriginal population, and its cost. It is used by Acting Governor Alex C Onslow, Perth, in his letter to Lord Knutsford, London, 27 May 1892. Onslow was writing about the position of the Aborigines Protection Board and Section 70 of the Constitution Act, 1889. He wrote in point 9, 'It was understood, therefore, according to Sir John's admission, that the colony could not expect to obtain both the boon of responsible government and the absolute control of that which is known as the "native question"'. Later, under point 18, he asserted that 'the "native question" must exist in this colony for many a year to come.' This is, he added, because although in the south-west 'the aboriginals are few in number, and cause little or no trouble ... in the interior ... tribes ... will no doubt ... keep alive the difficulties with which the Government has to contend at the present day.' A copy of this letter is in McLeod's folio "*The Native Question*" which he prepared as campaign material against the repeal of Section 70 as discussed above. McLeod included his case, and Western Australia's history, in a 24-page letter to Pauline Webb, World Council of Churches, 17 July 1981.

<sup>86</sup> T Long, "The Development of Government Aboriginal Policy," 357.

<sup>87</sup> Paul Hasluck, *Black Australians*, 13.

<sup>88</sup> AP Elkin, "Aboriginal-European Relations in Western Australia: An Historical Record," *Aborigines of the West*, eds. Ronald M Berndt and Catherine H Berndt (Nedlands: University of Western Australia Press, 1979), 289.

described the Aboriginal peoples' traditions that distinguished them from Europeans, and within their own groups. Land provided social identity, territorial boundaries and language.<sup>89</sup> The invaders wanted that land. They did not understand it as the foundation of Aboriginal cultures and as Rowley expressed it, 'Nomadism'<sup>90</sup> also made it easy to assume that one area of land was as good for the Aboriginal as another'.<sup>91</sup> Indigenous playwright and poet Jack Davis couched the idea in a more colloquial form: 'the biggest pest to the land grabbers at the time was the Aboriginal'.<sup>92</sup> Terry Long pointed to the colonialists' 'growing conviction that the Aborigines' constituted a nuisance to ordered progress.<sup>93</sup> Those from the indigenous hunter-gather culture who retaliated when their lands were invaded or the stranger men negotiated use of, or raped, the Aboriginal women, were often cruelly dealt with by those with superior force.<sup>94</sup> Peter Biskup called the subsequent relationship between the newcomers and the original inhabitants of the land a 'fundamental conflict of interest' that 'gave the process of culture contact a kind of relentless logic of its own'.<sup>95</sup> Biskup did not define culture but Indigenous educationist and Eric Willmot provided a useful description. Willmot understood culture as the 'conscious and subconscious values, attitudes, reaction modes and cognitive styles that are acquired by inheritance, experience or other learning'.<sup>96</sup> Aboriginal culture became a key point of argument in constitutional debates during which the intentions of the British Colonial government and the colony's political representatives most clearly magnified divergent attitudes about who should have the right and responsibility to manage Western Australia's original inhabitants. Historian Neville Green framed the argument as 'the struggle for control of Aborigines in Western Australia 1887-1898'.<sup>97</sup>

In 1937 McLeod's discovery changed his life. As researcher Ray Butler recorded, he 'followed up the Parliamentary debates of that period and became convinced that the Aboriginal people had suffered a great injustice at the hands of the politicians' because of Section 70 – its intention, its insertion and then its removal.<sup>98</sup> In McLeod's analysis, Western Australia's Premier, John Forrest, 'and his ilk attempted to fiddle

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<sup>89</sup> RM Berndt, 'Traditional Aboriginal Life in Western Australia as It Was and Is', in *Aborigines of the West*, Ronald M Berndt & Catherine H Berndt (eds.), *ibid.*, 4.

<sup>90</sup> The idea of Aboriginal people as nomadic is problematic because it while it reflects a reality that was valid in a previous era, it was inappropriate in the 1940s when Aboriginal families in the pastoral industry were settled. The notion that Aboriginal people were nomadic was, however, used even in 2002, see William L Grayden's book *A Nomad Was Our Guide: The Story of A Journey Through The Land Of The Wongi- the Central Desert of Australia – 1953* (South Perth: NH Holdings, 2002).

<sup>91</sup> CD Rowley, *The Destruction of Aboriginal Society*, 16.

<sup>92</sup> Jack Davis, "The First 100 years," in *Aborigines of the West*, eds. Ronald M Berndt and Catherine H Berndt, 57.

<sup>93</sup> T Long, "The development of government Aboriginal policy," 358.

<sup>94</sup> As discussed in Chapter Three, McLeod stated that the women did not know they had the right to refuse. This insight would have been conveyed to him by Aboriginal men or a woman anthropologist, since, in their gender-separated culture he would not have been permitted to hold intimate conversations with Aboriginal women.

<sup>95</sup> Peter Biskup, *Not Slaves Not Citizens*, 4.

<sup>96</sup> Eric Willmot, *Australia: The Last Experiment*, The Boyer Lectures, (Sydney: Australian Broadcasting Corporation: 1986, 13.

<sup>97</sup> Neville Green, "From Princes to Paupers: The Struggle for Control of Aborigines in Western Australia 1887-1898," *Early Days* 11: 4, (1998): 447.

<sup>98</sup> RJT Butler, "The Significance of Section 70 of the 1889 Constitution Act for Western Australian Aborigines". Ray Butler is a geologist whose profession gave him insights to McLeod's prospecting and mining work in the North West. At a personal level he formed a close association with McLeod, and has intimate knowledge of McLeod's work and aspirations. He is closely associated with his legacy, managing the Nomads Charitable and Educational Foundation in Perth. Butler gave me a copy of his paper.

the estate of the Beneficial Owners by trickery and deceit'.<sup>99</sup> John Wilson claimed that McLeod was 'shocked' by his findings.<sup>100</sup> McLeod believed he had discovered the foremost cause of the Aboriginal people's position in society as a cohort with special needs, separate and inferior to all others, to be managed through government legislative controls. Satisfied with his finding, McLeod returned to work on his mine, Silver Sheen, in the Ashburton region. When the occasion arose, he reported back to the Aboriginal men who had posed to him the question.<sup>101</sup> Evidence that the Aboriginal communication network conveyed McLeod's findings to their kin is found in a meeting five years later. Some senior Lawmen invited him to a large meeting to discuss it with their tribal representatives, see Chapter Three.<sup>102</sup> This was significant because it made clear the engagement of McLeod with a category of citizens to which he did not belong.

Separating the Indigenous population from all others confirmed a colonial relationship, the qualities of which have been described in terms of the oppressor and the oppressed as exemplified by Jean-Paul Sartre and later by Paulo Freire.<sup>103</sup> McLeod recognised that in the process of colonisation, a special category had been created for one section of the population, the Aboriginal peoples. The administrative functions of government treated Aboriginal people, although equally British citizens, distinct from all newcomers to the land.

In 1957 Sartre wrote an introduction to Memmi's treatise in which Memmi, a Tunisian Jew, examined his experiences being both the colonised and coloniser.<sup>104</sup> Memmi and Sartre theorised that the coloniser, to gain power, had to dehumanise the colonised; to do this 'the coloniser must assume the opaque rigidity and imperviousness of stone' that in the process dehumanises himself.<sup>105</sup> Memmi nominated privilege as being 'at the heart of the colonial relationship,' economic privilege being the most dominant facet but extending to moral superiority.<sup>106</sup>

McLeod had his own experience of being dominated during his six years as a young child in a Catholic convent.<sup>107</sup> Although he did not refer to his feelings in terms of oppressor and oppressed, his familiarity with powerlessness gave him an identification with others who were helpless in the face of overwhelming force. His empathy was displayed by his response to the sick Aboriginal man whose plight another White man acknowledged but ignored. Later, as a working man himself, McLeod readily understood exploitation of one social class rendered inferior by a dominating class that claimed superiority.<sup>108</sup> In these non-racial

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<sup>99</sup> DW McLeod, *How the West Was Lost*, 2.

<sup>100</sup> John Wilson, "The Pilbara Aboriginal Movement," 159.

<sup>101</sup> DW McLeod, *How the West Was Lost*, 38.

<sup>102</sup> I use the word 'tribe' with caution, not as a fixed unit but in the sense described by Berndt as a group having 'territorial, linguistic and, up to a point, cultural distinctiveness,' see Ronald M Berndt, 'The Concept of 'The Tribe' in the Western Desert of Australia,' *Oceania* 30: 2, 82.

<sup>103</sup> Paulo Freire, *Pedagogy of the Oppressed*.

<sup>104</sup> Albert Memmi, *The Colonizer and The Colonized* (London: Earthscan Publications Ltd., (1990), original copyright 1965.

<sup>105</sup> Jean-Paul Sartre, in Introduction to Memmi, *The Colonizer*, 26.

<sup>106</sup> Albert Memmi, *ibid.*, 10.

<sup>107</sup> Recounted in Chapter One.

<sup>108</sup> John Wilson, "The Pilbara Aboriginal Social Movement," 159.

terms, McLeod slowly began to identify with the Aboriginal peoples as a class oppressed by the structures of colonisation and still unfree more than a hundred years after the 'free' colony was founded.

In 1937 when he discovered the political divide and the British insertion of Section 70 he believed the Aborigines were victims of a 'confidence trick' that the politicians perpetrated on them.<sup>109</sup> He was jubilant, thinking that revealing this would remedy the situation. He underestimated the opposition to his vision and the power of settler society to retain their benefits. Section 70 was an impediment to their progress and the one area where their needs were greatest – labour. Section 70 had stood between them and their well-being and its repeal was necessary. McLeod had a different idea. He had not yet learned, however, a lesson that participants in a war in 1588 had learned: that 'of all the kinds of war a crusade, a total war against a system of ideas, is the hardest to win'.<sup>110</sup>

McLeod began to articulate his interpretation of constitutional processes to remove Section 70. Even if politically and legally acceptable to both the British and the Western Australian governments, it was unethical and by evading the British government's original intent, it was a travesty of justice. But more than this, it was the origin of what became known as the 'Native Question', a just solution to which was resisted by those in power. As McLeod reported the opposition, it was 'largely the northern Pastoralists and to some extent the southern farmers who while discriminatory laws are in force can profitably exploit the labour of this underprivileged [sic] minority'.<sup>111</sup> The repeal of Section 70 cemented the place of the natives at the bottom of the social hierarchy, to be infantilised and controlled by the government, without the tools for their emancipation.

While Section 70 is referenced in history books, it did not enter the public domain as an issue from the perspective of the Aboriginal peoples until McLeod began campaigning, as instructed by the Aboriginal people with whom he maintained a collegial relationship.<sup>112</sup> In 1937 McLeod turned the argument from a legal to an ethical one and problematised these processes. Although neither a lawyer nor a historian, he spotted steps in the processes creating the *Constitution Act 1889* that he found alarming, and began publicising it. The earliest record I have found was written in 1944.<sup>113</sup>

McLeod began bringing the story of Section 70 to the public, often in his shorthand designation of 'one percent'. He chronicled his judgement in correspondence and repeatedly in later analyses of the 'Native Question'.<sup>114</sup> Furthermore, he argued, the 'Native Question' had 'nothing to do with the blackfellows, it's all to do with a deliberate organised steal'. In his book written forty-seven years later he recounted his

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<sup>109</sup> DW McLeod, "Aboriginal Enterprise in the Pilbara," 8.

<sup>110</sup> Garrett Mattingly, *The Defeat of the Spanish Armada* (London: Pimlico, (2000), 356. first published 1959.

<sup>111</sup> McLeod to BG Dexter, 19 June 1970, seven-page letter, National Archives of Australia, *Nomads Ltd, correspondence with McLeod DW*, NAA: A2354/1970/297, item 198.

<sup>112</sup> DW McLeod, "Aboriginal Enterprise in the Pilbara," 4-8; DW McLeod, *Final Submission to the West Australian Cabinet by the Elected Representative West Australian Aborigines* (1942-1972), donated by Ray Butler.

<sup>113</sup> McLeod to Ernie Thornton, 14 July 1944, Noel Butlin Archives Centre, Australian National University, E170/9/75.

<sup>114</sup> *Submission by the Nomads Group of Aborigines to the Federal Cabinet Commonwealth of Australia*, 1972; McLeod interview with Chris Jeffery, 1978.

interpretation in detail, allocating an entire chapter to it while noting that ‘the subject of the constitutional status of Blackfellows in Western Australia warrants at least a whole book’.<sup>115</sup> His campaigning exposed him to certain risks, not least of which was arrest. McLeod could not afford to be arrested and jailed or fined for offences under the *Aborigines Act, 1905*. He was young, had a good reputation as a working man and had an economic imperative to maintain himself. He told the Aboriginal men that while he could not actually guide them in matters pertaining to Western law, politics and economics, he would share his findings and debate the issues with them.

McLeod’s familiarity with debating while in the mining camps served as a model for the exploration of ideas and experiences. This system makes sense when participants were able to converse in a common language, even if, as in the mining camps, for some English was not their mother-tongue. However, offering it to Aboriginal men who had no formal education but training mostly in station ‘pidgin’ English was a formidable project. To analyse his methods, I draw on Freire’s theory that when people can name their problems they can deal with them.<sup>116</sup> In his book and elsewhere, McLeod described his dialogue with the Aboriginal Lawmen and it is in that interaction that his method becomes clear. In the following I investigate his method.

Following his report to several Lawmen McLeod claimed they asked him ‘what can we do about it?’, to which he responded ‘what can’t you do?’<sup>117</sup> It is an interesting response. McLeod had at that time no signs that the people could do anything other than be compliant, as he had observed during his travels across the districts. His faith in their intelligence and capacities was later vindicated for behind the people’s apparent passive acquiescence to outside authority lay astute evaluations of their conditions and objections to the control exercised over them.<sup>118</sup> In his own record of his thinking and actions, McLeod claimed that the leaders discussed between themselves the implications of his finding and decided to take action to rectify the injustices revealed in his discovery.<sup>119</sup> Ray Butler confirmed his claim.<sup>120</sup>

Those who made the decision to ‘do something about it’ have apparently not written about this decision-making process. Two factors make presenting the Aboriginal people’s decision problematic: their culture functioned through sophisticated oral traditions supplemented with sign language and objects that signified certain decisions. Those not privy to this system can make incorrect assumptions about the peoples’ resolutions. Additionally, as was evident over forty years later, an important aspect of their traditions was that only delegated persons could authorise another to speak about certain matters.<sup>121</sup> In this

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<sup>115</sup> DW McLeod, *How the West was Lost*, 12.

<sup>116</sup> Paulo Freire, *Pedagogy of the Oppressed*.

<sup>117</sup> McLeod to Ken Liberman.

<sup>118</sup> Such insights are demonstrated in 1946 when some Aboriginal men were called to give evidence in court case, see 1946 court case transcript, National Archives of Australia, *Hodge, Hugh Peter Vere versus Needle, Thomas William*, NAA: A10078, 1946/10 Pt 1.

<sup>119</sup> DW McLeod, *How the West was Lost*.

<sup>120</sup> RJT Butler, “The Significance of Section 70”, 29.

<sup>121</sup> Peter Newman et al, *Report of the Social Impact Study of Western Desert Rudall River Region*, (Perth: Murdoch University, (1993).

tradition knowledge was not available to all but only from and to selected persons in particular situations; even those who began writing their memoirs about events are mindful of these conventions.<sup>122</sup> These cultural imperatives present me with a challenge. To evaluate McLeod's version of events I need a system different from the usual objective method. One possibility is to examine actions that represent decisions and can be assessed through another culturally appropriate form, action; that is, what did the Aboriginal people do?

McLeod asserted that the leaders were 'most interested' in what he told them, adding 'this was the first time they had been able to judge how their affairs had been dealt with'.<sup>123</sup> According to him, a specific action followed this revelation. The leaders asked him to 'guide their efforts while they attempted to take control of their estate'.<sup>124</sup> The 1987 film *How the West was Lost* included in the cast adults who had participated in this episode.<sup>125</sup> Since actors who are insiders bring authenticity to their portrayal of people and proceedings, and their responses to them, the film represents a valid Aboriginal viewpoint. It also provides legitimacy for McLeod's representation of the Aboriginal people's response to his findings about the Constitution. McLeod further explained that he rejected the people's request that he guide them because it was too dangerous for a White man to become involved with 'the pastoralists blackfellows'.<sup>126</sup> Apart from the customary practices that allowed, what was to all intents and purposes 'ownership' of the station workers, there were legal consequences. Western Australian laws gave police the power to arrest anyone going closer than 110 yards to a group of Aboriginal people unless they had a Permit to employ them.<sup>127</sup> This law was encoded in Section 36 of the *Aborigines Act, 1905*.<sup>128</sup> A copy of this Permit is scanned at Figure 8 below. At this stage, McLeod's willingness to become involved with the issue was curtailed. By law he was able, however, to talk with those persons designated 'half-caste' who were living in the township of Port Hedland.

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<sup>122</sup> Kingsley Palmer & Clancy McKenna, *Somewhere Between Black and White*; Jack McPhee and Patricia Konisberg, *Bee Hill River Man: Kandulangu-bidi*; (Broome: Magabala Books, (1994); Jolly Read and Peter Coppin, *Kangkushot*; Monty Hale, *Kurlumarniny: we come from the desert*.

<sup>123</sup> DW McLeod, *How the West was Lost*, 38.

<sup>124</sup> DW McLeod, *ibid.* 38.

<sup>125</sup> David Noakes, *How the West was Lost: the story of the 1946 Aboriginal Pastoral Workers' Strike*. Ronin Films. Canberra, 1987, film.

<sup>126</sup> McLeod to Ken Liberman.

<sup>127</sup> Commissioner of Native Affairs to Pippingarra pastoral station granting Permit number 481 to employ 'eight natives for the year ending 30 June 1940', 14 September 1939, Department of Native Affairs 982/38, SROWA.

<sup>128</sup> *Aborigines Act 1905 (WA)*, s.36 It shall not be lawful for any person, other than a superintendent or protector, or a person acting under the direction of a superintendent, or under a written permit of a protector, without lawful excuse, to enter or remain or be within or upon any place where aborigines or female half-castes are camped. Any person, save as aforesaid, who, without lawful excuse, the proof whereof shall lie upon him, is found in or within five chains of any such camp shall be guilty of an offence against this Act; but no person shall be prosecuted for an offence under this section except by the direction of a protector.

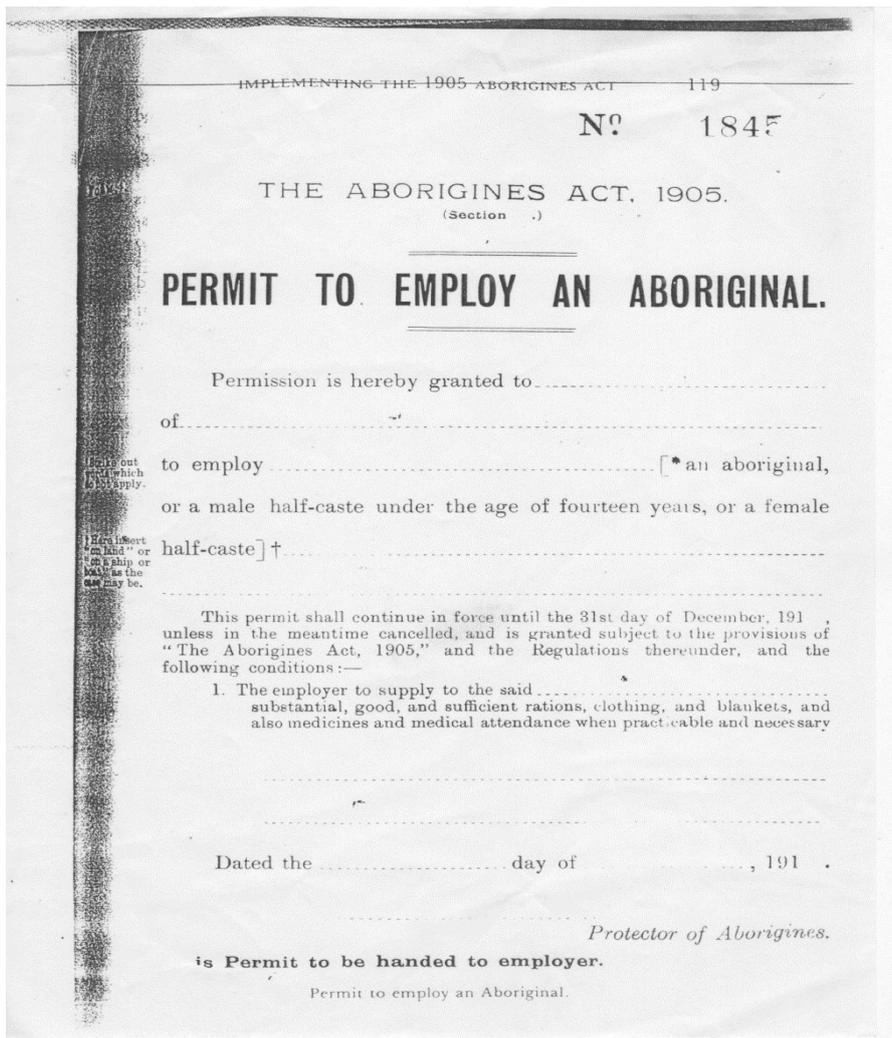


Figure 8: Permit to Employ an Aboriginal

McLeod became interested in the Euralian Association, a club the 'half-caste' people formed in Port Hedland to promote their own interests.<sup>129</sup> Lieutenant-Colonel Dr Vickers, then Medical Officer in Port Hedland, had suggested that an Association be formed to improve the 'status of the half-castes in the Port Hedland district,' and it was formed in 1935.<sup>130</sup> Lawrence 'Pop' W. Clarke acted as secretary.

In 1936 the *Aborigines Act, 1905* was replaced by the *Native Administration Act 1936*, which created the Department of Native Affairs (DNA) and the title of Chief Protector changed to Commissioner for Native

<sup>129</sup> In some references the name of this Association is spelled Euralia, or Euralian Club. I adopt the spelling used by the WA government. Biskup suggested it was 'disguised as a death benefit society', Biskup *Not Slaves Not Citizens*, 162; Fl Bray, Commissioner of Native Affairs 1940-1947, letter to Deputy Director Security. State Records Office of Western Australia 1943-0796, 12 August 1943.

<sup>130</sup> Deputy Director for security (WA) to Commissioner for Native Affairs, 4 August 1943, Native Welfare Department, State Records of Western Australia 796/43. On 17 December 1939 Dr Vickers was given a civic farewell before he left port Hedland. At the One Mile camp, the Euralian Association gave his wife some gifts and him a watch 'as a token of appreciation for all he had done for the Euralian population', see *Northern Times*, News from the North section, 22 December 1939, 4.

Affairs.<sup>131</sup> The DNA viewed the Association 'quite favourably'.<sup>132</sup> The Association could be perceived as mostly concerned with 'recreational and welfare' matters, or originating in the part-Aboriginal people's grievances over wage and employment discrimination.<sup>133</sup> Biskup provided two such examples: award wages were paid to only a few, and even those who were able to join the union that operated on the wharf, the AWU, were last to be picked for work.<sup>134</sup> McLeod was able to discuss his ideas with members of the Euralian Association, thereby extending his knowledge of their conditions.

McLeod began to become conscientised in the Freirean sense: the process of becoming aware of social/political realities that had not previously been recognised. With this new awareness he could examine his society through his analytical framework and socialist philosophy. At the time, however, he did not become involved in Aboriginal issues, being fully occupied with making a living. It would seem that the Aboriginal men were testing him nonetheless, for while he travelled the long distances between his jobs they asked him to carry unidentified parcels for them. Travelling widely as a prospector was a lifestyle that soon ended. During a conversation in his camp in 1968, McLeod related to me how, following an incident, he 'broke his connection with mining'.

At the time I did not ask McLeod if he experienced an emotional effect from this major change in his profession. Now that I reflect more sensitively I wonder how a man who had been in mining all his adult life could, at the age of thirty, walk away from the field in which he had specialised, and consider other ways to make a living. To answer my own question, I accepted the matter-of-fact way he talked about himself. It was a tough life and there was not much place for emotions of anger or self-pity; it was more productive to move on. McLeod's attitude was not that different from other men of that era, many of whom 'suffered great hardships, endured loneliness, sickness and death of loved ones'.<sup>135</sup>

The sequence of events as McLeod related it seems to have started when he had a dispute with the Ashburton Road Board about an extension of the road to collect mail. Florence Corrigan described how important mail was to people in that era, and the roads affected the service: 'in those days, mail ... took a long time because there were old dirt tracks. It took two days to get from Hedland to Roebourne (203 kilometres). It was rough with corrugations and dusty'.<sup>136</sup> After the argument with the Road Board, McLeod closed his mine at Meilga on Roy Hill station, and travelled to his chrysotile mines Soanseville and Bullock Well in the Pilbara. While working on Soanseville in 1938, all his gear was stolen; he was not surprised,

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<sup>131</sup> Also known as the *Aborigines Act Amendment Act 1936*. The Act gave the Commissioner the status of legal guardian of all Aboriginal children, even those who had a parent, if they were under the age of 21. The Act applied to all people of full or part-Aboriginal descent if they lived with full-descent 'natives'.

<sup>132</sup> Deputy Director of Security for WA letter to Commissioner for Native Affairs, 4/8/43. SRO, DNA 685/43.

<sup>133</sup> John Wilson, "Authority and leadership." 41

<sup>134</sup> Peter Biskup, *Not Slaves Not Citizens*, 212. In his article 'Tyranny within the Law', McLeod reported that some men had union tickets since 1934. This article appeared in *The Sentinel* 1943, according to the Commissioner of Native Affairs to Hon. Minister for North-West, 17 September 1943, see Native Welfare Department file, State Records Office of Western Australia 796/43.

<sup>135</sup> Daphne Gratte, 'Yarrie', in *North of the 26<sup>th</sup>*, vol. 2, ed. Helen Weller (Northbridge, Western Australia: Access Press, 1994), 132.

<sup>136</sup> Florence Corrigan, *Miles of Post and Wire* (Broome: Magabala Books, 1998), 128.

declaring 'prospectors and miners are all bandits'.<sup>137</sup> His business was badly affected by the loss of his mining equipment, but his mining expertise was valuable in the pastoral industry and he was not short of employment. In 1942, at a time when there was little wharf work, McLeod took up fencing on Bonney Downs station. While he was working on there he met an Aboriginal man, Mick Kitchener, an 'indentured station worker' on the station, who became significant to him.<sup>138</sup>

In 1937, Mick Kitchener was assigned a task by the Aboriginal Lawmen, to deliver McLeod a message that there would be a gathering of senior Lawmen and that he would be invited to attend. It was to be largely ceremonial but there would be time scheduled to discuss his findings about Section 70 and the one percent of state revenue that was to be set aside to benefit Aboriginal people.

Mick Kitchener was an important man in the Law. His mother had birthed him in Ethel Creek on Jigalong mission; he spoke the Jigalong people's language Wanman, and was fluent in English. Although his father was White, Kitchener became a senior ritual leader for the area.<sup>139</sup> During 1937 or 1938, McLeod began to employ Kitchener and later asserted that 'you couldn't wish for a better man, absolute perfection when it comes to mates in the bush'.<sup>140</sup> Their close relationship provided McLeod with more benefits; it gave him insights into the position of 'half-castes' in society. When working mostly out in the bush with his mate Kitchener, McLeod had an opportunity to further explore his new understandings about the position of Aboriginal people in the Northwest. Kitchener's vast work experience and good communication skills were essential to McLeod's ability to gain insider knowledge of a world from which he had been kept isolated by the *Native Administration Act 1905-1936*.

McLeod and Kitchener were able to hold discussions about a matter of common interest – the Aboriginal situation. In notes prepared for a public talk by unionist Roy Ockendon, it was Kitchener who approached McLeod for information and discussions. Ockendon wrote 'while on the one hand Kitchener and his friends were given advice on industrial and social and political matters, McLeod was given an insight into some of the laws and customs of the dark people which enabled him to assess the nature of the aspirations'.<sup>141</sup>

McLeod employed Kitchener for about four years. They travelled on foot most of the time to minimise the cost of running a vehicle, and their joint expertise enabled them to undertake many skilled tasks. According to McLeod, Kitchener had been trained by expert tradesmen. McLeod watched him 'take a windmill down, run the bearings, rebuild it, build a wool press, take the timbers down, rebuild the timbers, take broken irons, put them in the forge and weld them up and make a new wool press, plait a whip, pull a

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<sup>137</sup> McLeod to Ken Liberman.

<sup>138</sup> Sarah Holcombe, "Indigenous Organisations and Mining in the Pilbara," *Aboriginal History*, 29 (2005): 115. In the bureaucratic language of the day, Kitchener was known as 'a half-caste'.

<sup>139</sup> John Wilson, "Authority and leadership", 160; Sarah Holcombe, *Early Indigenous Engagement with Mining in the Pilbara: Lessons from A Historical Perspective in Working paper number 24/2004*, revised, (Canberra: Centre for Aboriginal Economic Policy Research, 2006) 5.

<sup>140</sup> McLeod to Ken Liberman, 1978.

<sup>141</sup> Atkinson collection in possession of author, donated by Atkinson.

saddle to pieces'.<sup>142</sup> McLeod noted there was no friction between them, they both fully accepted each other and he recognised that what he had previously believed, that 'one whitefella's as good as any ten blackfellas' was wrong.<sup>143</sup> It seems that with Kitchener, McLeod found a relationship he could trust and that also gave him warmth and companionship. The desert senior Lawmen used this relationship to communicate with McLeod. They instructed Kitchener to tell him that after five years of organising the meeting, the Lawmen were ready, and that they invited McLeod to attend to discuss his findings about the constitution.<sup>144</sup> They were 'organising, assembling the people and giving them a date when they could all come together'.<sup>145</sup> No meeting took place immediately and McLeod continued working across a variety of occupations. Moving out into other income-producing work such as contracting, sinking wells and fencing on pastoral stations and lumping on the wharf was broadening McLeod's area of interest. Learning about the social, economic and political situation of the Aboriginal people and his fellow workers had aroused his interest in policymaking.

In 1939 McLeod had an introduction to Party politics when Bill Hegney decided to campaign as the Australian Labor Party (ALP) candidate for the Pilbara. McLeod joined him on the hustings to support him. Hegney taught McLeod much about how government and the bureaucracy functioned and when Hegney won, McLeod was pleased to have an ally in the political system.<sup>146</sup> McLeod's own interests were beginning to lean towards politics. His shift from working principally as a prospector to working on stations and in the towns was more than a variation in work practices, it was a change in his social and political orientation. World War II dominated the environment in which he began to articulate his new philosophy. As various state and federal agencies exerted controls over civilians, ideological contradictions separating natives from other citizens became amplified and McLeod exploited this.

## 2.3 World War Two in Port Hedland

During 1942 the Japanese were advancing across the Pacific and presented Australia with a crisis. Attacks on Australian soil began when two waves of Japanese bombers came in over Darwin on February 19, 1942. An estimated two hundred and forty-three people were killed and three-to-four hundred wounded.<sup>147</sup> Further down the west coast was Broome, which in February 1942 was a link in the chain of aircraft evacuating hundreds of refugees from Java.<sup>148</sup> On March 3, 1942, six Japanese bombers raided Broome and many refugees were killed.<sup>149</sup> Broome is only 612 kilometres north of Port Hedland and these raids and their consequent destruction of life brought the War close to McLeod, who was at that time working on the wharf.

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<sup>142</sup> McLeod to Ken Liberman.

<sup>143</sup> Donald William McLeod conversation with Stan Davey.

<sup>144</sup> *Submission by The Nomads Group of Aborigines to the Federal Cabinet*, 5.

<sup>145</sup> McLeod to Ken Liberman. This meeting took place in 1942 and will be discussed in Chapter Three.

<sup>146</sup> David Black, *An Index to Parliamentary Candidates in Western Australian Elections 1890-1989* (Perth: Parliament of Western Australia, 1991), 117.

<sup>147</sup> Between 1942 and 1943 the Japanese bombed Darwin sixty-four times. *The Bombing of Darwin Fact Sheet*, Darwin City Council. <http://www.frontlineaustralia.com.au/sites/default/files/FACTSHEET%20History.pdf>, accessed 13 May 2015.

<sup>148</sup> Australia's War 1939-45 website, accessed 7 July 2015.

<sup>149</sup> Max Brown, *The Black Eureka*, 89.

Military personnel were sent to Port Hedland and security restrictions introduced across the Northwest. A Federal Manpower Directorate instituted Regulations giving control over labour to protect industries; persons working in 'reserved occupations' then needed a permit to change employment. These regulations gave government 'power to say what every man should do whether in the armed services, war industry or civilian industry'.<sup>150</sup> Japanese air raids on Western Australian localities Kalumburu, Wyndham, Derby, Broome, Carnot Bay, Port Hedland, Onslow and Exmouth were, according to historian Michael Sturma, 'seen as a prelude to invasion'.<sup>151</sup>

Australia's Federal War Cabinet had resolved to defend only south-east Australia in the case of an invasion and WA would not be protected. Reconstruction after the War was also a concern of the Commonwealth government and on December 22, 1942 Prime Minister John Curtin announced the establishment of a Department of Post-War Reconstruction to plan post-war employment.<sup>152</sup> Ben Chifley was to be the Minister and 'Nugget' Coombs its first Director-General.<sup>153</sup> These measures affected life in Port Hedland. To protect Kimberley citizens in Wyndham, Derby and Broome, Australia's War Cabinet ordered that they be evacuated south. People deemed to be half-castes, coloured or Asian people were initially not in the cohort to be removed from the danger. Many Europeans were fearful that if the Japanese invaded, the part-Aboriginal people might align themselves with the enemy in retaliation for the 'social and political deprivation' they had suffered.<sup>154</sup> McLeod refuted that idea; Wilson reported he had even planned with the 'natives' that they would use guerrilla tactics against the Japanese if they came on land.<sup>155</sup>

Broome was declared a prohibited area to Aboriginal people who could only enter if they had legal employment or an adequate reason.<sup>156</sup> Researcher Peta Stephenson asserted that keeping Aborigines out of Broome was a measure to restrict sexual relations between Asian men and Aboriginal women.<sup>157</sup> Another angle on that argument came from Commissioner of Native Affairs, (CNA) FI Bray, who suggested that the association between Asians and Aborigines would be 'detrimental to the national security of Australia'.<sup>158</sup> Over February and March 1942 the DNA arranged for approximately two hundred and fifty Aboriginal residents in Broome to be taken to the Catholic mission, Beagle Bay.<sup>159</sup>

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<sup>150</sup> Australian war memorial website <http://www.wv2australia.gov.au/underattack/broome.html>, accessed 16/7/15,

<sup>151</sup> Michael Sturma, 'Second World War', in *Historical Encyclopedia of Western Australia*, 2009, eds. Jenny Gregory and Jan Gothard, 801.

<sup>152</sup> Stuart Macintyre, *Australia's Boldest Experiment: War and Reconstruction in the 1940s* (Sydney: NewSouth Publishing, (2015), 9.

<sup>153</sup> Stuart Macintyre, *Australia's Boldest Experiment*, 133.

<sup>154</sup> John Wilson, "Authority and leadership", 40; Brian Willis, *Restriction and Control of Aborigines*, 86.

<sup>155</sup> John Wilson, *ibid*, 41.

<sup>156</sup> Broome's pearling industry attracted many Asian workers, and those from the Philippines, China and Timor. Many worked on the Japanese pearling luggers.

<sup>157</sup> Peta Stephenson, *The Outsiders Within: Telling Australia's Indigenous-Asian Story* (Sydney: University of New South Wales Press, 2007), 121. Activist for North-West Aboriginal women's welfare, Daisy Bates (1859-1951) 'emphasised the need for a constant patrol of the country to prevent immorality and the traffic in Aboriginal women' and stated that the presence of white women was a restraint on white men's behaviour, in Alison Holland, *'Saving the Aborigines' the White Women's Crusade: a study of gender, race & the Australian frontier, 1920s-1960s*. (PhD diss., University of New South Wales, 1998, 164.

<sup>158</sup> Christine Choo, *Mission Girls*, 121.

<sup>159</sup> Christine Choo, *ibid*, 252. Willis claimed 300 persons were evacuated, see Brian Willis, *Restriction*, 88.

Wartime laws similar to those in Broome applied in Port Hedland, and Aboriginal people were selected as a group for special treatment when a regulation under the Act was unexpectedly implemented. The regulation concerned 'half-castes' but had not been functional for seventeen years. However, because of wartime conditions it was re-introduced, and provoked considerable resistance from those to whom it suddenly applied. On February 9, 1942 at a meeting in Port Hedland, a government officer promised that if the 'coloured' people would help defend the area during the War, the Regulations prohibiting half-castes from entering Port Hedland without a Permit would not be enforced. McLeod became aware of this situation, alert to it as an instance of injustice.

While the war influenced previously normalised work patterns, McLeod was still able to find labouring jobs on the wharf or contract carting 'meat, lubricating oils and veggies, boring equipment, everything that opens and shuts, I'm doing that, I'm a jack of all trades'.<sup>160</sup> One of McLeod's runs in his V8 Ford truck went from the railhead at Meekatharra to Corunna Downs pastoral station. Over about eight months running this weekly service, he had opportunities to listen to various points of view from station owners, fellow lumpers and Aboriginal men. His mindset was gradually opening to a new reality. It included the Aboriginal people in its social and political framework as fellow human beings rather than as a group of people designated 'natives' and kept separated from normal association with others by the *Native Administration Act 1905-1936*.

McLeod's new insights into the effects on the traditional Aboriginal peoples of the hegemonic Western settler-culture intensified his interest in the processes of development, and its incorporation of Aboriginal peoples as cheap labour. As David Black has argued, from the time of the State's inception in the nineteenth century up until the present, a major objective was economic growth.<sup>161</sup> Most beneficiaries of the wealth that was created were from or were able to join, the social class that could 'reproduce a version of the class structure of the English countryside: a landed gentry with a quiescent and respectful labour force'.<sup>162</sup> The Colonial government thus gave Aboriginal people a place in this social hierarchy as the compliant serving class. McLeod's political views, initially gained through his own work experiences and social compatriots, were now informed by his new awareness of how policies and legislation worked to further the interests of those in power. The concept of development did not include the true locals, the Aboriginal people, and the responses to a feared Japanese invasion emphasised this fact. McLeod soon had an opportunity to test his new ideas.

## Reflection

In this chapter I have focussed on McLeod's discovery of how the 'Native Question' was formed when Section 70 was repealed from the Western Australian constitution that established self-government. It is

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<sup>160</sup> McLeod to Ken Liberman.

<sup>161</sup> David Black, 'Politics and Government', in *Historical Encyclopedia*, eds. Jenny Gregory and Jan Gothard, 703-704.

<sup>162</sup> Charlie Fox, 'Class', in *Historical Encyclopedia*, eds. Jenny Gregory and Jan Gothard, 203.

critical to McLeod’s evolving political consciousness. I accept his assertions that it was he who informed the Aboriginal people of the Northwest about the cause of their position under the control of the DNA. McLeod moved from his previous principal occupation as a miner and undertook contracts and work on the wharf, which expanded his knowledge of the social and economic conditions of Aboriginal people. His new awareness politicised him. World War II brought restrictions on those deemed ‘half-castes’ and further informed him about the power of ideas.

The central topic of the next chapter is McLeod’s attendance at the meeting to which Kitchener invited him. He claimed that the Aboriginal Lawmen organised the gathering to take place in a remote location out in the bush so that ceremonies could be held. Another consideration in choosing a site was that they had invited a White man; under the Act he could be arrested if seen coming closer than one hundred and ten yards to their group. Secrecy surrounding the meeting complicates access to the kind of evidence normally required to substantiate McLeod’s assertion that he attended and that it was momentous for him. I explore a range of accounts to substantiate or refute his account, and examine why he claims it was significant to him.

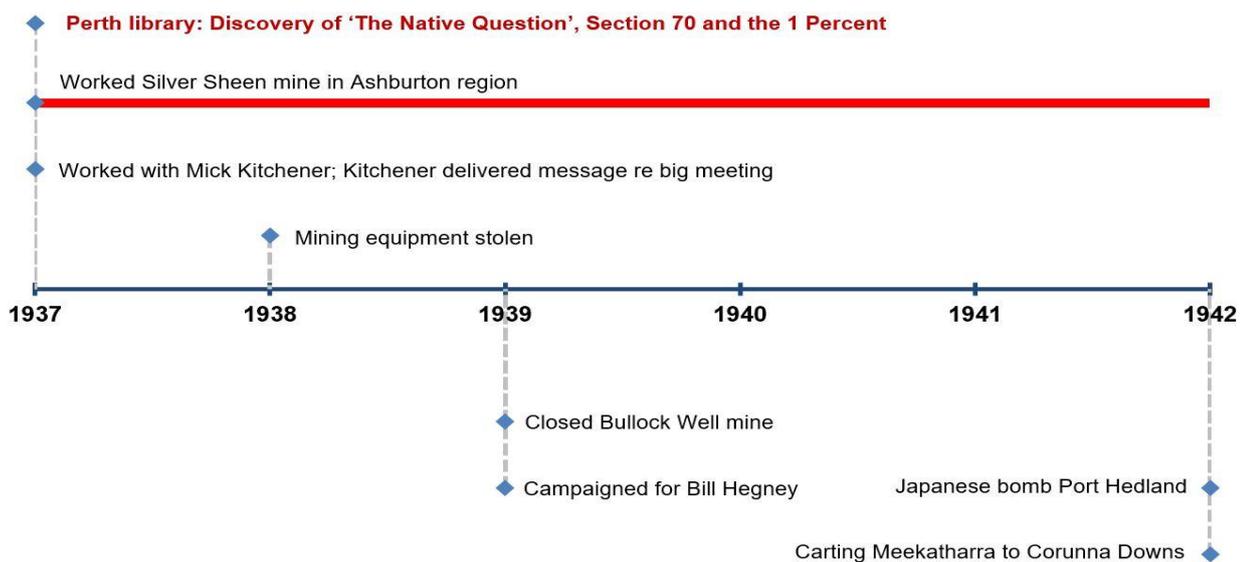


Figure 9: Timeline 1937-1942

## Chapter Three

‘Alright, I’ll stand against you’

McLeod, up until 1942 a Northwest miner and general contractor, stated that in 1942 he had a transformative experience when he attended an Aboriginal Lawmen’s meeting. Specifically, he claimed that:

- senior Lawmen invited him to the six-week meeting and he was able to attend without being detected by Aboriginal Protectors who would have arrested him for coming ‘within 5 chains of a group of natives’,
- the Lawmen asked him to report his answers to the questions they had asked him,
- the Lawmen appointed him to carry out certain tasks for them in the Western domain
- to give him standing when negotiating with European leaders on their behalf, they gave him status in their Law,
- he accepted their appointment.<sup>2</sup>

A major problem for this study is the difficulty of corroborating his assertions, owing to the lack of verifiable, objective and reliable sources. The significance to McLeod of his belief in his claims, and how they influenced his future, is such that the task must be attempted. In this Chapter, I access a wide range of unusual testimonies that allow his claims to be examined, while bearing in mind that one kind of veracity is established by virtue of his conviction about their implication for him. As they defined his ‘meaning of life’ from that time on, their technical truth is less important than how their authenticity or fiction is perceived by others. I then examine his actions following the alleged meeting, which move him into the public arena as a campaigner for Aboriginal justice.

For sixty years preceding the Second World War, pastoral and pearling industries established along the coast attracted more settlers than the later pastoral and gold rush industries of the inland.<sup>3</sup> Aboriginal people of full descent outnumbered White people and those of mixed descent, and traditional Law was strong. In 1942, when Lawman Mick Kitchener delivered an invitation to McLeod to attend their meeting, he was working on Bonney Downs station. It was a convivial place for McLeod for he had become good friends with the owner Harry Stewart.<sup>4</sup> Stewart had been a teamster in the Northwest before he married, and was not a member of the squattocracy, thereby being compatible with McLeod. An additional interest was Harry’s daughter. Three years later Inspector L O’Neill informed the CNA that he made ‘diligent

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<sup>1</sup> McLeod to Ken Liberman.

<sup>2</sup> DW McLeod, *How the West was Lost*.

<sup>3</sup> Paul Hasluck, *Shades of Darkness*, 48.

<sup>4</sup> Harry Stewart and Ferdinand Wehl were the original owners, see ‘Mrs Nullagine’ has fourteen jobs’, *The Australian Women’s Weekly*, 21 September 1960, p. 12. In the Post Office directories for 1900 and 1901, a Harry Stewart is recorded as a teamster in Whim Creek He does not appear in the electoral roll until he resided at Bonney Downs. I thank Lorraine Clarke for this detail.

enquiries' about a man and that there was 'a persistent rumour' that this man might marry the then owner of Bonney Downs. It would be 'interesting,' wrote O'Neill, 'to note the reactions of (name redacted) when he becomes a Pastoralist himself.'<sup>5</sup> If there was a romance in 1942, McLeod clearly did not allow it to distract him from his first induction into the perspective of the Aboriginal pastoral workers.

### 3.1 The Aboriginal meeting

A Lawmen's meeting took place in April/May 1942 and was central to McLeod's transformation from an ordinary working man of the Northwest to a campaigner and activist for Aboriginal justice. In the process of examining his assertions, I look at evidence from meeting participants and non-participants who have written about it. In his book, McLeod related some details about the meeting and in particular some decisions that were made about his role in a plan the Lawmen formed during the meeting.<sup>6</sup> An immediate problem in relying on his published account is the authority of the storyteller to reveal insider information.

As McLeod was, according to available records, the sole European at the meeting, only he and the Aboriginal participants can be considered insiders with first-hand testimony. Sharing insiders' knowledge about events and decisions taken is therefore constrained by the Aboriginal tradition concerning authority to speak. This practice designates who owns the knowledge and who has permission to speak about it, and in what circumstances and to which audience can that person talk about it.<sup>7</sup> Anthropologist Erich Kolig discussed 'the strict secrecy' of Aboriginal religion that is 'manifested in the intricate complex of myth, ritual, observance of the kinship code, rules of reciprocity, and religious obligations'.<sup>8</sup> Breaking the rules, especially those pertaining to sacred objects such as inscribed wooden boards, could result in severe punishment. Cultural rules also prescribed when men could or could not talk about women's business, and vice versa.

Historians know that this meeting was secret and with the cultural constraints about who has the right to tell and who the right to know, partial understanding of it may be all that can be published.<sup>9</sup> An incongruity with academic requirements for evidence and verification of claims is raised here, for this meeting had a significant impact on McLeod but much of its detail remains unknown to those outside the Lawmen's group. Other information pertinent to McLeod that arises from decisions by Aboriginal authorities, those whom McLeod calls Lawmen or Law Carriers, requires special treatment. One test of the veracity of his claims is outside the domain of discussion and found instead in the domain of action. It is possible to present McLeod's claims and relate them to the actions that would have followed if the claim

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<sup>5</sup> L O'Neill to Commissioner of Native Affairs, 5 November 1945, State Records of Western Australia, NWD 800/45. The name that was redacted was clearly 'McLeod'.

<sup>6</sup> DW McLeod, *How the West was Lost*.

<sup>7</sup> Ronald M Berndt and Catherine H Berndt discuss punishments for those breaking the law, see their *The World of the First Australians: Aboriginal Traditional Life: Past and Present* (Canberra: Aboriginal Studies Press, 1999). Most of what I have learned about these communication rules was taught to me over many years living with traditionally-oriented Aboriginal communities in remote areas of the North-West of Western Australian.

<sup>8</sup> Erich Kolig, *The Silent Revolution: The Effects of Modernisation on Australian Aboriginal Religion*, 3<sup>rd</sup> ed. (Philadelphia, PA: Institute for the Study of Human Issues, 1981), vii, 6.

<sup>9</sup> Richard Broome, *Aboriginal Australians*, 141.

had validity.

Other than McLeod's testimony, what first-hand accounts that exist in the public domain have been published by Aboriginal men. It may be that there are others who are authorised to speak their stories to an unknown public but who have not published. Aboriginal women were present at the gathering, though I have not discovered any accounts written by them.<sup>10</sup> At this stage in the investigation, since the available written texts are all by men, it is not clear whether women participated in the ceremonies but the male authors were not permitted to reveal their presence, or whether women did not contribute. This leaves me with the task of reconstructing the event from the male perspective available in public records, being conscious that they must be necessarily incomplete. I start by looking at information that has been published by some Aboriginal men. These men were in a position to know about such a meeting and their testimony adds legitimacy to their accounts. I then take the earliest academic report of this meeting, by anthropologist John Wilson, before examining any references to the meeting that might diverge from or corroborate this composite story. There are five primary sources that an outsider can access in order to evaluate McLeod's version of this meeting and answer some questions. These questions are: (1) how do we know it occurred, (2) why was he invited, and (3) what decisions were made at the meeting that were salient for McLeod?

#### Q1: Did the meeting take place in 1942?

Five Aboriginal men have written memoirs relevant to this topic.<sup>11</sup> Three of these men make reference to the meeting.<sup>12</sup> One of the two who do not is Clancy McKenna, an important Aboriginal man, who as 'an old friend of Coppin' would almost certainly have known but may not be permitted to say in a public document.<sup>13</sup> The second author, Jack McPhee, was a Nyamal man from the country in which the meeting is alleged to have taken place and it is unlikely that he had not heard of a big ceremonial meeting held on his own country. Perhaps he was not authorised to speak about a secret ceremonial meeting. Published evidence by three out of five Aboriginal men in a position to know about such a meeting lends credence to McLeod's claim that the meeting took place at Skull Springs on the Davis River. Peter Coppin was a senior Lawman whose testament carries special weight. Referring to conditions of 'virtual slavery' on the stations before the strike, Coppin stated that 'in 1942 the first of a series of spectacular and historic meetings took place to discuss what could be done.' He affirmed that a meeting took place at Skull Springs and that some of the two hundred men travelled more than 1600 kilometres to participate.<sup>14</sup> John Wilson, who in 1959/1960 interviewed the many of the strikers, substantiated this account.<sup>15</sup> This record adequately answers

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<sup>10</sup> Katrin Wilson's study of the women probably gathers the most reliable women's voice at that time, but there is no mention of the 1942 meeting, see Katrin Wilson, "The Allocation of Sex Roles".

<sup>11</sup> Monty Hale, *Kurlumarniny*; Graham J Wilson, *Pilbara Bushman: The Life Experience of W. Dunn* (Victoria Park: Hesperian Press, 2002); Kinglsey Palmer and Clancy McKenna, *Somewhere Between Black and White*; Jack McPhee and Patricia Konisberg, *Bee Hill River Man*; Jolly Read and Peter Coppin, *Kangkushot*.

<sup>12</sup> Monty Hale, *ibid*; Jolly Read and Peter Coppin, *ibid*.

<sup>13</sup> Kinglsey Palmer and Clancy McKenna, *ibid.*, 58.

<sup>14</sup> Jolly Read and Peter Coppin, *ibid.*, 5

<sup>15</sup> John Wilson, "The Pilbara Aboriginal Social Movement," 162.

the question and supports McLeod's assertion that the meeting occurred and that it took place in 1942.

### Q 2: Why was McLeod invited to the meeting?

Aboriginal people had been observing McLeod for some time before 1942. Eventually it seems they were satisfied that he could be trusted. Trust was particularly important. The Aboriginal pastoral workers had been deprived of Western education and thus of the right to understand and negotiate Western society. If McLeod was trustworthy, he could interpret for them the mysterious workings of the legal and political frameworks that kept them under the control of an alien force. Evidence for their opinion about McLeod is available from a court case where one of the Lawmen was required to make a statement that was recorded in the court transcript.

In this court case in 1946, relating to the application of laws under the *Native Administration Act 1936 (WA)*, Aboriginal witnesses were called and were given an opportunity to express their opinions in a setting where Departmental and judicial officers had to listen. The case related to the arrest of Don McLeod, Clancy McKenna and Dooley BinBin for offences under the Act. In the transcript of the court proceedings in the High Court of Australia, BinBin stated 'McLeod first fellow come around blackfellow talk to him properly'. McKenna stated 'They wanted him represent them see they got justice'.<sup>16</sup> In Peter Coppin's biography, he stated that McLeod was the 'only European to attend' the 1942 meeting. Don McLeod, he explained:

paid his Aboriginal workers, treated them like fellow human beings. So it was to him they turned for answers and help in an environment hostile or, at best, indifferent to their welfare, as long as they kept performing the tasks on which the pastoralists depended.<sup>17</sup>

Coppin's evidence was precise and authoritative and confirmed McLeod's claim that he was present at the meeting. By implication he also affirmed that McLeod was invited to the meeting to assist the Lawmen's endeavours to comprehend the alien Western culture that subjugated them. Specifically, why Aboriginal people were controlled by Native Affairs, the police and the pastoralists, and what they could do to reclaim their autonomy.

### Q 3: What decisions were made at the meeting?

Peter Coppin reported that at the meeting McLeod told the Lawmen that White workers used union tactics to gain increases in benefits, specifically by refusing to work until their demands were met. The Lawmen discussed these strategies and agreed to use the strike process for their own purposes. A common understanding persists that this decision was McLeod's. Jennie Hardie, for instance, stated that 'Dooley and McKenna began influencing others with McLeod's plans' and were important to the 'Aboriginal movement

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<sup>16</sup> Appeal to High Court 13 November 1946, National Archives of Australia, McLeod Donald William versus Richards George Ronald, NAA: A10074 1947-8, 9, 10.

<sup>17</sup> Jolly Read & Peter Coppin, *Kangkushot*, 54, 55

by enabling McLeod's plans to be put into action'.<sup>18</sup> Evidence from the meeting showed, instead, that the decision came from the Lawmen, and this point needs clarifying both for a more precise understanding of the strike and in order to not denigrate the Aboriginal people's authority and governance systems. Since McLeod was not himself an initiated Aboriginal man he would not have the authority to order senior Lawmen to carry out his wishes. There is an added irony in suggesting that the pastoral workers, who were striking for autonomy, would hand their power to a White man.

McLeod stated that he advised the leaders to wait until the War was over before striking.<sup>19</sup> Coppin endorsed McLeod's statement that his reasoning influenced their choice of a date. McLeod's concern for the war effort may have been due more to the fact that wool, a major product of the Pilbara, was a war commodity.<sup>20</sup> Disrupting its export during wartime would have incurred serious repercussions. McLeod understood that at the meeting the Lawmen made some decisions, that concerned him, apart from determining to strike. He was to be their spokesman in the Western domain.<sup>21</sup>

These primary sources confirm that there was a large meeting of Aboriginal people held in 1942 at Skull Springs, and that those with authority invited McLeod to attend. Witnesses, moreover, provided sufficient affirmation of the veracity of McLeod's claim that the 1942 meeting had significant consequences both for himself and for the Aboriginal people. These insiders also established that several senior Aboriginal Lawmen knew McLeod and thought him to be different from other White men at that time. Nevertheless, evidence for this 1942 meeting of senior Aboriginal Lawmen would be strengthened if it was derived from more than one group.

As mentioned, all but one member of the cohort was Aboriginal, from an oral culture with precise rules about who could say what and to whom. Information was not open to whomever could write or might read about it. When Peter Coppin published his memoirs it was thirty-six years after the meeting and there is no way of knowing what restrictions were placed upon him or any of the other four who committed to print for public perusal. Equally it would be a requirement that McLeod, the only European and fully literate man who was present, be likewise constrained by the Lawmen's rules. Were that not so he could not have been entrusted with the sacred knowledge revealed in the ceremonial part of the meeting. McLeod did, however, consistently over a number of interviews divulge more details of certain aspects of the meeting that directly concerned him. The evidence provided by the five Aboriginal participants in the meeting and the Court Case, can be extended by historians and anthropologists who have studied this event and its consequences, and particularly by McLeod himself.

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<sup>18</sup> Jennie Hardie, *Nor'westers of the Pilbara*, 178.

<sup>19</sup> McLeod to Ken Liberman, 1978.

<sup>20</sup> Between 1939 and 1948, cereals and wool, two of the state's valuable primary products, were adversely affected by drought. At the beginning of the War, all of Australia's wool clip had been bought by the British government for the duration of the war and for twelve months after its cessation, see FK Crowley, *Australia's Western Third*, 291.

<sup>21</sup> *Nomads Submission to the Federal Cabinet, Commonwealth of Australia*, 1972, National Archives of Australia, NAA A4252: 49, p. 6.

John Wilson was probably the first person to have formally interviewed McLeod, and I draw on his description as a credible account.<sup>22</sup> Wilson's data is also more reliable because his interviewee was aged fifty-one, and is likely to have more accurate memories than those he recalled in his later interviews.<sup>23</sup> He was also able to interview Aboriginal men. Wilson added to what has been expressed in the Aboriginal men's literature. He confirmed that McLeod employed Kitchener who was a senior ritual elder in that country; there was a 'major gathering of Aborigines at Skull Springs' and McLeod, Kitchener and Dooley BinBin, a travelling Lawmen, were invited to attend the rituals. This ceremonial meeting took place over a period of four to six weeks and during it the Lawmen explained to McLeod some aspects of Aboriginal Law.<sup>24</sup> Wilson reported that following the ceremonial business, Kitchener called a secular meeting to discuss the differences between Aboriginal and European cultures and during this meeting the Lawmen asked McLeod to speak. McLeod related his discovery about the Western Australian Constitution and Section 70, and subsequent laws that entitled pastoralists to employ Aboriginal labour on their stations. Significantly, he pointed out that laws were made by politicians and could be changed through the political system.<sup>25</sup> He contended that the pastoralists exploited the Aboriginal peoples.

Wilson suggested that there was much in this meeting that was significant for McLeod. By virtue of him being invited to attend and the manner in which he behaved during the meeting, he gained a degree of legitimacy amongst the Aboriginal pastoral workers. Wilson then described how McLeod believed that the meeting delegated to him a role as the people's representative to 'look into and try to remedy injustices'. Wilson also noted that McLeod envisaged a union industrial model and argued that if they used whitefella strategies of collective action, the blackfellas could 'modify the rules'.<sup>26</sup> McLeod provided more details when Chris Jeffery interviewed him in 1978.<sup>27</sup>

In Jeffery's interview, McLeod added to what is known so far: from his perspective the meeting was similar to a United Nations meeting; there were people speaking twenty-four languages requiring sixteen interpreters. The Lawmen represented all the tribal groups in the state and they gave him a position in their Law that would enable him to make a quick decision in the Western domain, if necessary. This particular action recognised that their decision-making processes required a consensus, which might need a very long time to attain and would make swift action difficult if a situation required an immediate response. A purpose of the appointment was also to endow McLeod with authority in negotiations with

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<sup>22</sup> John Wilson, "The Pilbara Aboriginal Social Movement".

<sup>23</sup> McLeod was fifty-one when John and Katrin Wilson interviewed him, sixty-one when Wendy Lowenstein interviewed him, seventy-one when Chris Jeffery interviewed him and eighty-eight when David Charlton interviewed him.

<sup>24</sup> John Wilson defined Aboriginal Law as 'traditional religious mytho-ritual activities, approved marriage rules, and the workings of the [kinship] section system', see "The Pilbara Aboriginal Social Movement", note 5. Erich Kolig found that in the Kimberley it was referred to as 'blackfella Law', see Erich Kolig, *The Silent Revolution*, 7.

<sup>25</sup> If this is correct it marks the date when McLeod first presented it as an injustice and cause of the Aboriginal peoples' subjection to controls over them by the colonisers.

<sup>26</sup> John Wilson, "The Pilbara Aboriginal Social Movement," 160.

<sup>27</sup> Donald William McLeod interview with Chris Jeffery.

men of similar stature to themselves in the government. To convey his new status to others, traditional communication devices were employed: the lawmen gave McLeod land.<sup>28</sup> McLeod's country was 388 square kilometres around Nullagine, and was carved on sacred boards cut from living trees 'taken from the boundary of his estate'.<sup>29</sup> I obtained its coordinates from McLeod's and Liberman's discussion, and Mervyn Chait constructed this map, see Figure 10.



*Figure 10: Lawmen's allocation of land to McLeod, 1942*

*(Map created by Mervyn Chait and Jan Richardson, details given by McLeod to Liberman)*

In 1942 this meeting was a teaching environment very different from that delivered by universities. Mark McKenna recalled, when studying anthropology in the 1970s, his introduction to the Boyer lectures by WEH Stanner in 1968 followed by Bernard Smith in 1980. Stanner's 'cult of disremembering' applied to the academy and the Australian population.<sup>30</sup> Thirty years earlier, McLeod was being educated directly by those whom others had forgotten but who were very present and alive to him.

The Lawmen gave McLeod one further instruction: he was to acquire country for them. As he related this decision, he was:

given the responsibility of getting control of a strip of country between the desert and the settled areas from the coast up to Wallal and back down to as far as towards Jigalong. Now we were to get the whitefella's title

<sup>28</sup> *Submission by the Nomads Group of Aborigines to the Federal Cabinet, Commonwealth of Australia 1972*, p. 6.

<sup>29</sup> McLeod to Ken Liberman, 1978.

<sup>30</sup> Mark McKenna, *Looking for Blackfellas' Point: An Australian History of Place* (Sydney: UNSW Press, 2002), 62.

on that ground so that we could have a buffer between the desert and the settled areas and then as we developed those we'd draw the desert people out and teach them Western technology and they'd settle in these areas, leaving some in the desert but some would come in and get training and go back again.<sup>31</sup>

Another of the Lawmen's resolutions, but one that did not nominate McLeod as an actor, initiated action to recover their autonomy; it would be in the form of a strike, and would assert their right to organise to achieve their aspirations for independence. To this end the Lawmen selected two organisers, Dooley BinBin with authority amongst the desert people and Clancy McKenna with authority amongst the people from the settled coastal regions. These decisions belong in the category of Aboriginal Law; McLeod would not be allowed to repeat them unless he was authorised and it was accurate. Had he not honoured these rules, Aboriginal traditional culture would provide means of retribution against him for breaking the Law.<sup>32</sup> For that reason, McLeod's interpretation and public statement of these decisions can be regarded as valid.

When McLeod published his own story in 1984, he repeated these details and expanded upon that account. He added that the meeting belonged in the traditional domain and probably occurred only every fifty years.<sup>33</sup> McLeod gave the men one condition they had to fulfil before he would accept their assignment: they must assure him that all agreed to abide by the decision. His demand for solidarity reflected his awareness of the danger to him if he was associated with a strike by Aboriginal pastoral workers. As he later reframed his reasoning:

When I first started out I tried to get support for what I was doing because I knew I could get my head cut off. Don't think I didn't know the bloody problems before I started. I said well if you are prepared to give it a go, I am prepared to give it a go.<sup>34</sup>

McLeod related that the men then established 'complicated mechanisms ... to maintain communication lines between the different groups so that the results of negotiations would be known to all as soon as possible'. Furthermore, the men whom he called 'the most advanced philosophers their numbers had developed' instructed him to 'translate their decisions into effect as and when he could'. By virtue of this interpretation being published and available to an open public, it can be accepted as appropriate for McLeod to divulge. Another White man's perspective was offered by the novelist and journalist Max Brown.

Max Brown stayed with McLeod in 1953, and in 1976 published an account of his experiences.<sup>35</sup> Brown added to the Skull Springs narrative some of McLeod's personal responses to the meeting. He 'was amazed at the astuteness of the Lawmen', he had 'never met with such warmth and good humour in his life before, and the gathering came to an end in an atmosphere of the greatest cordiality'. More of McLeod's views were recorded when McLeod was eighty-eight and David Charlton interviewed him for the Port Hedland

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<sup>31</sup> McLeod to Ken Liberman.

<sup>32</sup> See Chapter Five discussion on Donald Stuart, who was penalised for this reason.

<sup>33</sup> DW McLeod, *How the West was Lost*, 41.

<sup>34</sup> McLeod to Ken Liberman.

<sup>35</sup> Max Brown, *The Black Eureka*, 1976, 96-97.

Historical Society.

McLeod's memory of the Skull Springs meeting covered much the same details as he had previously given, adding observations in his 'bush' language. Charlton asked McLeod how he travelled to Skull Springs. McLeod explained that he needed an excuse to go out there with his three Aboriginal offsidiers 'otherwise I'd have been followed in by the police or some other buggers to see what I was doing with these blackfellas'.<sup>36</sup>

At the time he had a job hauling for the goldmine Blue Spec. He had a three-ton truck for these tasks, and was waiting to get some mechanical parts for his boring plant so that he could drill for water for the goldmine company. While waiting he obtained a contract with the mine to search for and bring back a truckload of cadjebut timber from Skull Springs, and used this as a legitimate reason to go into the bush with his Aboriginal offsidiers. This strategy was successful, since his trip apparently did not arouse any suspicions as to his reasons for going, being accompanied by Aboriginal men, or being away for six weeks. McLeod earlier explained to the Federal Minister for Aboriginal Affairs why he needed to be clandestine about his association with the Aboriginal participants in the meeting.<sup>37</sup> It arose from section 36 of the principal legislation, the *Aborigines Act, 1905*.<sup>38</sup>

Another White man's interpretation of the meeting was recorded by Ray Butler, who presented a paper on the subject to a University of Western Australia conference in 1981. Having also worked closely with many of the original strikers, Butler cited their authority for the argument that this was the first time that Aboriginal people challenged the government's action in removing Section 70 from the Western Australian Constitution.<sup>39</sup>

Ray Butler, a geologist, knew McLeod and worked closely with him for many years in the field and in McLeod's office in Perth; he currently manages a vast amount of McLeod's materials and has expert knowledge about his activities. Although Butler's paper was presented at a conference and is not peer-reviewed, his authority lends credence to McLeod's assertions. Butler asserted the occurrence of the 1942 meeting suggested 'that a network of communication still existed at this stage among the traditionally oriented Aborigines in the northern half of the state'.<sup>40</sup>

Further evidence both of the meeting and its ramifications for McLeod was presented in McLeod's submission to the Western Australian Cabinet in 1972. McLeod described himself as 'the elected representative of West Australian Aborigines 1942-1972'. He outlined the 1942 meeting during which 'as a

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<sup>36</sup> Donald William McLeod interview with David Charlton.

<sup>37</sup> McLeod to Wentworth 30 August 1968, State Library of Western Australia, Battye Library, MN 1444, papers of Don McLeod, Acc. 1568A.

<sup>38</sup> Section 36 of the principal Act specified the penalty for a person who, without a Permit, was found within 5 chains (110 yards) of a native's camp.

<sup>39</sup> RJT Butler, "The Significance of Section 70." 28.

<sup>40</sup> RJT Butler, *ibid*, 32.

result of extensive discussions and deliberation, a programme was laid down and D.W. McLeod was authorised to apply it'.<sup>41</sup> Again, traditional Aboriginal cultural constraints apply to this document. At the time of writing McLeod was working for the Aboriginal group and would not be allowed to make false statements about them.

McLeod's recall of the Skull Springs meeting and its meaning for him suggests that either consciously or unconsciously he constructed a coherent story to explain its centrality to his changing viewpoint. A key memory is the Lawmen's request that he be their representative. He accepted their appointment and this decision intensified his statement to Stan Davey that 'from then on I was committed'.<sup>42</sup> The significance to McLeod of the 1942 meeting at Skull Springs has, within the limits of this study, been adequately substantiated and affirms that it was momentous for him.

The meeting was more than significant; it was tantamount to an epiphany for McLeod.<sup>43</sup> His new resolve to honour the tasks the Lawmen assigned to him began to reorient his ambitions. He started changing from a single man with obligations only to himself, to one with responsibilities to the Aboriginal people of the Northwest. He also had an emotional connection to them.

McLeod's emotional affiliation with the Aboriginal people was as a human being who knew what it was like to be in a position of helplessness. His early childhood experiences in the convent taught him what it was like to be harshly treated by those in authority over him, to feel powerless in the face of injustice, to have no means of escape. He also knew then that even in his position of vulnerability he was brave; he would never let 'them' break him. This characteristic of defiance was mixed with warmth and concern for others. His compassion, evident in 1937, underpinned his search for a political framework through which to analyse the Aboriginal pastoral workers' situation of helplessness, and act to challenge it.

Through his research McLeod had discovered an answer to the Aboriginal men's questions. In casual contacts with them during work, and at the Skull Springs meeting, he had endeavoured to convey his answer to them. This knowledge could demystify the new world and enable Aboriginal people to act and reclaim their autonomy. McLeod was operating essentially in a Freirean mode whereby in the lingua franca, English, he transmitted information about the Western culture to the Aboriginal leaders. The leaders could then discuss it in their own languages, identify their problems and name them. They were thus enabled to make informed decisions about whether to continue accepting the conditions, or change those they resented.

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<sup>41</sup> DW McLeod, *Final Submission to West Australian Cabinet by The Elected Representative West Australian Aboriginals 1942-1972, the Nomads Group, 1972*, 4. Donated by Ray Butler.

<sup>42</sup> McLeod conversation with Davey, 1968.

<sup>43</sup> An epiphany in the original Greek meaning of a sudden realisation that reveals to the person a new perspective, not in the religious sense of the manifestation of a deity

## 3.2 War in Port Hedland

Following the 1942 meeting McLeod returned to his work, but with increased awareness of his new role in the task of Aboriginal emancipation from conditions approximating slavery. He could not act immediately owing to preparations for War across the district. The Main Roads Department employed him to cart supplies to Corunna Downs cattle station and brought him close to this reality as on the pastoral station a secret airfield was being constructed for heavy bombers.<sup>44</sup> Figure 11 shows that this airfield is still evident over thirty years after World War Two ended.



*Figure 11: Corunna airfield*  
(Photograph by Robert Smith, 1981)

Corunna Downs station was situated south-west of Marble Bar, and in wartime it was designated OBU73.<sup>45</sup> Wireless operator Antonia Cafarella was posted to the airfield for fifteen months and described it as being so featureless that even allied pilots had difficulty finding it and that 'to the Japanese it was apparently invisible'.<sup>46</sup> Airforce units from Australia and America flew the American long-range Liberator bombers from the airfield to attack Japanese ships and bases.<sup>47</sup> An event arising from the War precipitated McLeod's direct involvement in issues around Aboriginal equality.

Japanese Imperial Navy aircraft based in the capital in south-east Sulawesi, Kendari, crossed the Timor Sea towards the Northwest coast of Western Australia and on July 30, 1942 hit Port Hedland. At about

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<sup>44</sup> Frank Purser, *The Story of Corunna Downs: W.A.'s Secret Wartime Air Base* (Bull's Creek: Royal Australian Air Force Association, Aviation Museum, 1988).

<sup>45</sup> 'OBU' is an acronym for 'Operational Base Unit'.

<sup>46</sup> Antonio Cafarella, *Corunna Downs, the Invisible WW2 Airfield* (Hawker: Antonio Cafarella, 1998), 29.

<sup>47</sup> SM Kelly described the station and airfield as located in a valley around which were ranges, see SM Kelly, *The Long Road Back* (Perth: Artlook Books, n.d. 1987?), 58.

7am, aircraft came in three waves and dropped fifty-four bombs across the town; of the approximately 640 residents, only one was killed. Some believed that this raid was 'simply a diversionary tactic' to distract from other more serious targets in New Guinea and the South Pacific.<sup>48</sup> On August 17, 1942, nearly three weeks after the first attack, a Japanese aircraft raided Port Hedland again, dropping bombs on the township. Security and the presence of Aboriginal people in the township of Port Hedland during wartime became an issue. In Port Hedland military personnel from the 29<sup>th</sup> Garrison Battalion, North West Detachment, were charged with responsibility for internal security, guard duties and coastal defence. As it had done in Broome, the Army preferred to evacuate all Aboriginal people, but employers of Aboriginal labour needed their workforce, which, Biskup noted, was 'practically indispensable'.<sup>49</sup> Those most directly concerned, the Aboriginal people, did not want to be shifted out, however the Army had power to make decisions to protect people. Finally, a compromise solution was reached in October 1942 that Port Hedland would be designated a Prohibited Area and 'good conduct natives' would be issued a Pass to permit them to stay. Lawrence 'Pop' Clarke, President of the Euralian Association, chaired a meeting on November 27, 1942 to protest at this regulation. The local Catholic priest Father Bryan persuaded 'the rebels' to back down.<sup>50</sup> McLeod was not involved in these negotiations but in 1943 he linked up with the Euralian Association when much the same issue arose. This relationship was his first stand for Aboriginal peoples' right to equality with other citizens, and he felt unprepared. He had, he said, 'no training in social economy nor any interest in it as I was interested in mining and engineering and had some success in this'.<sup>51</sup>

Aboriginal people were disadvantaged by the apparent normalcy of their subordinate position. They were denied a place as autonomous adults, denied a voice to express their discontentment, and the education to understand the hegemonic culture. McLeod was gradually finding the need to challenge this outcome of colonisation was more compelling than the need to progress his own business interests. He realised that he had no social standing or political clout, and to empower himself he needed an organisational base. When an opportunity arose to build both, he pursued it.

### 3.3 Anti-Fascist League

McLeod had few material possessions, but one he valued was a small transistor radio that he listened to in his camp at night to satisfy his need for intellectual stimulation. He would sling an aerial high into a tree and tune in to radio programs.<sup>52</sup> His work was not conducive to contemplation of ideas about the social and political structures of society. It demanded considerable physical effort and powers of endurance to

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<sup>48</sup> Kevin Gomm: *Red Sun On the Kangaroo Paw: Japanese Air Raids and Attacks On Western Australia During World War II* (Perth: Digger Press: 2013), 70<sup>th</sup> Anniversary Commemorative edition, 133. Dr Harold Dicks, the District Medical Officer, who operated the Royal Flying Doctor Service, was returning at that moment in his small BA single-winged Swallow aircraft. He managed to avoid attracting attention and landed safely, see p. 130.

<sup>49</sup> Peter Biskup, *Not Slaves Not Citizens*, 212.

<sup>50</sup> Peter Biskup, *ibid*, p. 212.

<sup>51</sup> McLeod to Wentworth, 6 August 1968, State Library of Western Australia, Battye Library, MN 1444, Acc. 1568A.

<sup>52</sup> John Bucknall, pers. comm., 2015.

combat long distance driving, extreme temperatures and the constant threat of injury, especially when working alone. Notwithstanding these impediments to consideration of social theories, he had a great thirst for thought-provoking company and ideas, and Edward 'Bill' Beeby met his need.

In theorising why the Aboriginal people were kept outside the modern economy, under paternalistic state control to which they did not consent, McLeod was assisted by Beeby's nightly talks for the Anti-Fascist League (the League) in Perth that were broadcast over the radio.<sup>53</sup> From him McLeod gained new understandings of how social and political structures were developed and became so entrenched that they established a norm. Max Brown suggested McLeod was listening to Beeby in 1941 and, on the same radio station, broadcasts by the Communist Party. I have found no corroborating evidence for this date but Brown collected his information from McLeod so perhaps it is accurate. Brown described Beeby as 'an outstanding personality'. McLeod became so interested in Beeby's political analysis that he wrote to him and had a chance to contact him when he went to Perth some time before 1943.<sup>54</sup> This meeting opened a new political network for McLeod.

Edward 'Bill' Beeby was the grandson of Edward Augustus Beeby and son of Sir George Stephenson Beeby (1869-1942). GS Beeby had been a Labor politician and judge of the Commonwealth Court of Conciliation and Arbitration from 1926 until he retired in 1941, a great orator, and a playwright.<sup>55</sup> Like his father, "Bill" was a solicitor, and had many of his father's talents but was no longer practising Law.<sup>56</sup> He and his companion Ida established a drama workshop in Perth in 1939, The Patch Theatre, which became a centre for social, artistic and intellectual activities in Perth, and included the Communists Katherine Susannah Pritchard and Dorothy Hewett.<sup>57</sup> "Bill" was also politically active; in Sydney in 1929 he nominated for the People's Party in the seat of Martin.<sup>58</sup> Many years later in Perth, using his full name of Edward, he broadcast daily on one of the two radio stations managed by FR Whitford and discussed issues through his own Marxist lens.<sup>59</sup> Edward was a member of the

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<sup>53</sup> John Wilson, "The Pilbara Aboriginal Social Movement", 160; Justina Williams *Anger and Love*, 94; Douglas Jordan, *Conflict in the Unions*, 94. This book publishes Jordan's 2011 Ph.D. of the same name.

<sup>54</sup> Max Brown, *The Black Eureka*, 94, 95; John Wilson reported that McLeod wrote to the radio program and then contacted the Anti-Fascist League, see John Wilson, *ibid.*, 160.

<sup>55</sup> Bede Nairn, "'Beeby, Sir George Stephenson (1869-1942)'" in *Australian Dictionary of Biography*, vol. 7; Lucy Taska, George Stephenson Beeby 1920-1926, in *Laying the Foundations of Industrial Justice*, ed. Greg Patmore (Annandale: The Federation Press, 2003) 146.

<sup>56</sup> 'Accused Discharged, false prospectus charge', *Kalgoorlie Miner*, 10 May 1933, p. 5. In this case Edward Beeby, aged 41, solicitor, and another man were charged with 'having concurred in publishing a false prospectus'. The case was heard in the Sydney Central Police Court where Mr Laidlaw C.S.M. acquitted the men, finding 'no evidence of criminal intent'.

<sup>57</sup> Justina Williams, *ibid.*, 94; "Patricia Kotai-Ewers, Fellowship of Australian Writers (WA) From 1938 To 1980 And Its Role in The Cultural Life of Perth", (PhD diss. Murdoch University, 2013), 54. Michael Hess stated that the Patch Theatre was also a centre for social activities, see *The Black Eureka*, 9; Robert Smith pers. comm. 2014.

<sup>58</sup> 'People's Party candidate – son of Industrial Judge', *The West Australian*, 27 September 1929, p. 4

<sup>59</sup> As advertised in *The Sentinel* 18 July 1943, 'Listen in to the AFL broadcasts 6am, 6pm Mon, 1.15pm Fri, 7pm Sunday; Whitford's Broadcasting Network stations 6AM and 6PM, National Archives of Australia, *Edward Beeby*, NAA: A367 Security Service report 20 August 1943.

Communist Party of Australia and President of the League in Perth.<sup>60</sup>

The purpose of the League was to 'educate with truth in print to build up a large body of people armed with facts, knowledge on which to base sound judgement'. Its motto was 'educate, guide and unite'.<sup>61</sup> It met at 8pm every Tuesday in Cadbury House, Kings Street and was associated with a group called The People's Security Movement. The Movement was a 'political educational body purposing to use every atom of knowledge and every persuasive power it possesses to convince people of the need to study, learn, analyse and judge correctly'.<sup>62</sup> Its function was 'to educate the masses through the daily broadcasts and through our own paper' and it exhorted people to 'support the Labour movement and join hands with all progressive bodies including the Communist Party'.<sup>63</sup>

Beeby broadcast two fifteen-minute talks on behalf of the Movement and the League. His talks caused consternation amongst many who were suspicious about his loyalty to Australia during the War and in 1942 the District Censor temporarily banned him from broadcasting.<sup>64</sup> Security Services maintained that when the Menzies government banned the Perth branch of the CPA from June 1940 to December 1942, Beeby 'was the mouthpiece' of the CPA.<sup>65</sup> At the time he was not a member of the CPA.<sup>66</sup> His manuscripts, were published in the official organ of the two organisations, *The Fremantle Districts Sentinel*.<sup>67</sup> They were submitted to the State Censor under National Security and Censorship rules.<sup>68</sup> His material was not found to be 'seditious or even subversive' but Western Australian Security Services encouraged the method of counter-propaganda by arranging for Mr Lloyd Thomas, a commentator 'of outstanding ability' to 'vigorously' counter Beeby's arguments.<sup>69</sup> A Port Hedland Native Affairs Protector told his superior that the talks were also published as pamphlets that could be sent to branches and read at

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<sup>60</sup> AFL Manifesto. Max Brown *The Black Eureka*, 94-95; Anne Ridgway interviewed by Chris Jeffery, 1976, Battye Library oral history, State Library of Western Australia, OH188.

<sup>61</sup> *The Sentinel*, 12 August 1942.

<sup>62</sup> *The Sentinel*, 19 October 1942, p. 3. In 1942 it had also been known as the Socialist Progress and Research AFL, see *The Daily News* 14 August 1942 p. 7. The Movement's policy was to promote socialism, which they defined as the 'common ownership of the means of production ... [which] will make it possible to abolish oppression and want'.

<sup>63</sup> *The Sentinel*, 15 March 1945, p. 5.

<sup>64</sup> Director-General of Security, Canberra to Deputy-Director of Security for Western Australia 30 December 1942, National Archives of Australia, *Edward Beeby*, NAA: A367 C79568.

<sup>65</sup> Deputy-Director of Security for Western Australia to Director-General of Security, Canberra, 30 December 1942, National Archives of Australia, *Edward Beeby*, NAA: A367 C79568.

<sup>66</sup> Brenda Love, Communist Party Industrial Activity in the Post-War Years 1945-1953 in Western Australia, *Papers in Labour History*, vol. 17, December, 1996, pp. 19-45, p. 21; *The Sentinel*, 7 January 1943.

<sup>67</sup> This newspaper was mostly known as *The Sentinel* but as it was also known as a small journal, the official organ of the People's Security Movement. Beeby's final broadcast was published on 1 December 1945 in the final issue of *The Sentinel* in that capacity.

<sup>68</sup> Secretary, Prime Minister's Department to Secretary Returned Sailors, Soldiers and Airmen's Imperial League of Australia. Melbourne, 26 October 1943, National Archives of Australia, NAA: A367, C79568; Deputy Director of Security, Perth to Director-General of Security, Canberra, 25 May 1942, National Archives of Australia, *Censorship - Restriction of Broadcast Commentaries (by Edward Beeby - Possibly Communist Sympathizer opposed to British)*, NAA: A8911, 36; Director-General of Security to Secretary, Prime Minister's Department, 27 April, 1943, National Archives of Australia, *Edward Beeby*, NAA: A367, C79568.

<sup>69</sup> Director-General of Security, Canberra, to Deputy-Director of Security Perth, 29 October 1943, National Archives of Australia, *Edward Beeby*, NAA: A367, C79568.

branch meetings.<sup>70</sup> Readers of *The Sentinel* were encouraged to organise their districts into Groups to 'safeguard and extend our democratic way of life through political education and discussion' helping everyone to victory by 'understanding and combating fascism where ever you find it'.<sup>71</sup> In 1944 the League had branches in three hundred centres of Western Australia, including the Northwest towns of Geraldton and Carnarvon, and a membership of three thousand. The League had bought the journal *Fremantle Districts Sentinel* as a vehicle through which it could disseminate its views.

The League, according to the published statements, 'must play a very large part in organising and consolidating the Peoples Movement'. *The Sentinel* carried articles on a range of events, the meaning of May Day which 'had grown rich in the traditions of struggle' and in 1943 reported on the Communist Party State Conference in Perth.<sup>72</sup> Many businesses advertised in *The Sentinel*. One was the Progressive Bookshop, which had a store in Perth and Fremantle and stocked items such as Lenin's works and workers' pamphlets.<sup>73</sup> *The Sentinel* also published the radio talks by others such as Harry Leighton, an eye specialist and vice-president of the League. A brief study of *The Sentinel* 1943-1945 shows that it focussed on international fascism during the war and extended its ambit to an interest in native peoples in New Guinea and Australia. It provided a network for people with compatible views to participate in discussions about subjects that concerned them

Networks were common amongst the settlers in the Northwest in that era, either as special interest bodies such as the Pastoralists Association, professional bodies, political parties or unions. Many individuals could be members of several of these organisations at the same time, creating a communication system and social safety net through the camaraderie that accrues to people of like mind. Equally there were networks amongst the Aboriginal peoples, informal kinship or cultural links and, unrecognised by the settlers, were discounted in public discourse. McLeod was a member of a network, the AWU. Apart from the union, he operated as an individual with allegiance only to those whom he regarded as mates, and to ideas that captured his imagination. He relished the debates amongst the miners when prospecting, but away from those camps found few groups whose ideology was attuned to his own emergent interest in the 'Native Question'. The AWU failed as a community to support ideas about Aboriginal equality. It could have been a force for Aboriginal rights, since Aboriginal women and men pastoral workers came within their purview, but they were excluded by the union. As Lloyd Davies explained, at that time the AWU 'was a very strong supporter of the white Australia policy which was applied as much to Aboriginal workers as to Asian workers'.<sup>74</sup> McLeod was looking for more than the Union network could provide. He found Beeby to be a

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<sup>70</sup> CE Chipperfield, Constable and Protector of Natives, memo to Inspector Coppinger, 10 August 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>71</sup> This was a standard message in *The Sentinel*.

<sup>72</sup> Fremantle Districts Sentinel, vol. V, no.11.

<sup>73</sup> 'Progressive Bookshop in Fremantle and Perth', *The Sentinel*, 4 February 1943.

<sup>74</sup> Lloyd Davies, "'Protecting Natives?': The law and the 1946 Aboriginal pastoral workers' strike,": 34. At the time of writing, Lloyd Davies, a barrister, was employed by the Aboriginal Legal Service of WA (Inc).

'tremendous' speaker and his interest in Beeby's broadcasts led him to meet Beeby; he joined the League and became part of their organisational network.<sup>75</sup>

There is some confusion about whether McLeod joined the League before or after the 1942 Skull Springs meeting. Initially I was sure this occurred after the meeting but a clear reading of Max Brown puts this into question. Brown seemed to suggest that McLeod was already a member by the time of the Skull Springs meeting, and as such would have listened to and interpreted the issues and discussions through the lens of anti-fascist ideology.<sup>76</sup> On the other hand, if he had not been exposed to this way of viewing the world, his interpretation of the meeting and his pursuant actions would have arisen from his own personal understanding of oppression and helplessness. As a doctoral student working within the limitations of this study, I am not able to resolve this dilemma. My research confirms that McLeod was a member of the League some time before May 1943, when he actively encouraged the Euralian Association to affiliate with the League, as discussed below.

In May 1943, a part-Aboriginal man named Jack Coffin realised that under the wartime reinstatement of regulations applying to half-castes, he was being employed under a work permit. At a Euralian Association meeting on June 27, 1943, Coffin's compatriots called a strike to support his and all half-castes' right to work freely. Biskup contended that McLeod was almost certainly one of the organisers of this strike.<sup>77</sup> Official guardians of law and order were already primed to expect trouble related to the Marble Bar League branch and 'the man McLeod.'<sup>78</sup>

Biskup reported that it was in the interests of local employers that the protest succeed, so that their labour force was not destabilised. War historian Robert Hall maintained that the CNA Bray's 'main concern was the preservation of cheap Aboriginal labour for the pastoral and agricultural industries'.<sup>79</sup> Bray's secondary disquiet was the possibility of Aboriginal servicemen becoming 'unsettled' when they returned and were placed again under the control of the Native Administration Act. Hall noted that any unsettling was more the result of the 'overly paternalistic' Act than the servicemen's discharge. Police were instructed to 'deal sternly with any disturbances' and warn the strikers that they would be 'evacuated *en masse* if they did not adopt a more 'reasonable' attitude'. McLeod's involvement ended Commissioner Bray's expectation that, by acting quickly, the dispute would be resolved'.<sup>80</sup>

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<sup>75</sup> McLeod to Ken Liberman, 1978.

<sup>76</sup> Max Brown, *The Black Eureka*, 94.

<sup>77</sup> Peter Biskup, *Not Slaves Not Citizens*, 1973, p. 212.

<sup>78</sup> Commissioner Bray memo to Commissioner of Police, 22 October 1943, *Native Affairs Anti-Fascist League – Formation of Branches at Port Hedland and Gascoyne Districts*, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>79</sup> Robert A Hall, *The Black Diggers: Aborigines and Torres Strait Islanders in the Second World War* (North Sydney: Allen and Unwin, 1989), 79. Robert Hall was awarded a grant by the Australian War Memorial to research and write this account of how their participation in the war effort affected Aborigines and Torres Strait Islanders. Francis Illingworth Bray was Commissioner for Native Affairs in the WA Department of Native Affairs, 1940-1947.

<sup>80</sup> Peter Biskup, *Not Slaves Not Citizens*, 213.

McLeod, a member of the AWU, was at that time working under contract on the wharves.<sup>81</sup> Commissioner Bray's attempt to assert control over the striking half-castes using the police was undermined by McLeod's intervention, for in him the Aboriginal people had a fearless advocate. McLeod listened to their grievances. He travelled to Perth in June and attended an appointment with Commissioner Bray to discuss the 'position of the half-castes and their treatment'.<sup>82</sup> McLeod maintained that the Permit system relevant to the town's Aboriginal 'half-castes' was being applied to prevent them taking well-paid jobs and asked the Commissioner to rescind its recent application. However, Commissioner Bray had issued an instruction that 'natives who were employed in pastoral pursuits were not to be permitted to seek employment outside this sphere,' and in 1943 the Commissioner had the right to make such binding orders.

Policeman/Protector Chipperfield predicted that if McLeod was allowed to 'preach his gospel' much 'discontent among the natives' would follow. The League 'will give them an opportunity to make themselves a nuisance'.<sup>83</sup> After the meeting with Bray, McLeod visited the Lands Department to apply for Abydos station, a lease of 28,534 acres near Port Hedland, for economic purposes.<sup>84</sup> Biskup noted that McLeod later claimed the land was not for a profitable enterprise but for a scheme through which Aboriginals could settle, and this view is supported by John Wilson.<sup>85</sup> Wilson contended that as 'natives' were not at that time permitted to lease properties, McLeod intended to act on their behalf and acquire land on which they could practise agricultural enterprises.<sup>86</sup> The Department rejected his application on the basis of the holding being too small to provide 'a reasonable livelihood since applicant not holder of any adjoining land'.<sup>87</sup> McLeod then promoted another plan. He wrote, by hand, a three-page letter to the Commissioner to inform him of a decision by a meeting held on July 25, 1943, of the Aboriginal people from the Four Mile.<sup>88</sup> They had approached him 'to act as an inspector to look after the conditions of their employment and so on'.<sup>89</sup> Commissioner Bray notified McLeod that he did not agree with either the idea to

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<sup>81</sup> John Wilson, "Authority and Leadership," 41.

<sup>82</sup> McLeod to Commissioner Bray, 27 June 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43; Peter Biskup, *ibid.*, 213.

<sup>83</sup> CE Chipperfield, Port Hedland Protector, memo to Inspector Read 1 July 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>84</sup> Commissioner Bray to A/Minister for North West and Premier, 27 May 1946, State Records of Western Australia, Acc. 993 800/45; John Wilson, *The Pilbara Aboriginal Social Movement*, 1979, p 161; Jenny Hardie, *Nor' Westers of the Pilbara Breed*, 178.

<sup>85</sup> Peter Biskup, *Not Slaves Not Citizens*, 213.

<sup>86</sup> John Wilson, "Authority and leadership," 44.

<sup>87</sup> Minutes of Aboriginal Group, 20 April 1944, Amy Brown and Valentine Leeper papers, State Library of Victoria, MS 9212/3652 A.

<sup>88</sup> The 'Four Mile' was a camping place four miles out of Port Hedland.

<sup>89</sup> McLeod to Bray 23 July 1945, State Records of Western Australia, Acc. 993, item 800/45.

appoint him an inspector or to use Abydos for the 'native purposes' that McLeod proposed.<sup>90</sup>

McLeod's actions demonstrate his development as an advocate for Aboriginal people's rights and his creative moves to circumvent restrictive legislation that disempowered them. Moreover, they show a positive aspect of McLeod's character. As a loner and outsider, he seemed unafraid of the power differential between him and the man at the head of the legislative apparatus that controlled the Aboriginal pastoral workers. Were he more beholden to social opinion about him he may not have had the courage to provoke the dominant authority with his ideas. Many years later, for instance, an officer reported to his superior that 'McLeod is a member of a well-known North West family whom it is generally believed he has embarrassed owing to his close association with the native population of the North West'.<sup>91</sup>

On McLeod's return to Port Hedland, and while continuing to work on the wharf for his own financial security, he began promoting political education not just for bureaucrats and politicians but also for Aboriginal people. He had complied with the League's Editor's urgings to its members, and established a branch of the League in Marble Bar. The branch was used as a 'propaganda medium by the Communist Party' according to a Commonwealth Investigation Service dossier.<sup>92</sup> For McLeod it was an organisational foundation he could use as he transitioned from a sole operator to a political man. However, the bureaucrats' idea that he suffered from 'the distemper of communism'<sup>93</sup> was beginning to sway how they responded to his proposals. This brought two additional forces against McLeod: resistance to change in the status of the 'natives', and use of communism as a means to explain why this individual was trying to upset the status quo. McLeod persisted. He claimed that the 'half-castes' appealed to him for help in resisting the authorities' suppression of their protest at being told to work under a Permit. He advised them to ask Beeby for his consent for the Euralian Association to amalgamate with the League. To enable that he would form a branch in Port Hedland, and the President actioned this suggestion.<sup>94</sup>

*The Sentinel's* section 'News from our Branches' on July 1, 1943 carried an item on the Marble Bar branch and McLeod's later Port Hedland branch. It reported that the branches were lively and that a radio

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<sup>90</sup> Commissioner Bray to McLeod (name redacted but clearly McLeod), 6 August 1945, State Records Office of Western Australia, Acc. 993, item 800/45.

<sup>91</sup> Adams to Deputy Director Commonwealth Investigation Service, Adelaide, 13 August 1951, National Archives of Australia, *McLeod, Donald [alleged communist connected with aborigines in Western Australia]*, NAA: D1918.

<sup>92</sup> Commonwealth Investigation Service report 26 August 1948, National Archives of Australia, *McLeod, Donald William – Volume 1*, NAA: A6126, 118. The Marble Bar branch was confirmed by Policeman Chipperfield, memo to Inspector Read, 1 July 1945, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>93</sup> Commissioner of Native Affairs Bray to Secretary Premiers Office 29 May 1946, State Records Office of Western Australia, Acc. 993, item 800/45.

<sup>94</sup> In the 'Branches' section of *The Sentinel*, 16 July 1943, p 2, Mr Lawrence W. Clarke's letter dated 2 July 1943 from Port Hedland is printed. It reads 'Dear Mr Beeby, on behalf of the members of the Euralian Association established in this district, I wish to thank you for your favourable broadcast regarding the Euralians. Please accept the heartiest thanks from all members and also my own personal gratitude. As secretary of the Euralian Association, I would like you to know that we, members of this Association, have now joined the local branch of the Anti-Fascist League. In consequence of which, members passed a motion at meetings of both A.F. League and Euralian Association that the latter be affiliated with the former. It is to obtain your opinion and sanction that I write chiefly, and would be highly gratified if you will let me know your decision before July 25. Trusting you will consider this matter favourably, I close with best wishes and success to the Anti-Fascist League.'

appeal for educational and political literature for the half-castes' Port Hedland branch was successful. Furthermore, that the Marble Bar Secretary, Mr D. McLeod, would take a supply when he returned to the north.<sup>95</sup> McLeod utilised his access to an organisation that could debate the issues with which he was becoming concerned; he began to hone his campaigning skills through the written word. He prepared an article titled 'Democracy - reality or Lip Service,' which *The Sentinel* published on July 1, 1943. This is the earliest time that he contributed to a political debate in a widely-distributed newspaper.<sup>96</sup> In his article McLeod argued from the perspective of the discipline he knew best: science. If people sincerely believe that the 'world's enslaved peoples' should be 'released from bondage,' he wrote, they have an opportunity to do something in relation to Australia's coloured people. He invoked the 'essential requisites' of science to progress this debate: honest and balanced search for truth and the freedom to proclaim such truth when discovered and known. He challenged his reader: 'Isn't it time that we made the necessary changes in our legislation so that we give back to them the birthright of which they have been robbed and so that they may have equal opportunity with us in our society?'<sup>97</sup> Through *The Sentinel*, he had begun to articulate his new philosophy and practise skills as a campaigner to promote ideas that were antipathetic to the norm. In the Northwest this was noticed; the police were becoming anxious about the League.

Deputy Inspector of Police J. Coppinger sent a message in August 1943 to his officers in Derby, Broome and Marble Bar. He requested that they inform him if there was a branch of the League in their districts and whether they had 'any knowledge of the broadcasts' and if so, were [were] 'the natives being influenced by them?'<sup>98</sup> McLeod was more interested at that time in garnering support from like-minded members of the League. My search of *The Sentinel* 1942-1943 does not indicate that he was successful apart from the donation of reading materials and publication of items from him or his branches. He had not yet learned that a campaigner needed to give his readers a specific task or format through which they could support his call for legislative change. Neither was he fully aware of how his actions were risky to his own wellbeing. He later described these dangers.<sup>99</sup>

The Commissioners of Native Affairs and Police, cooperatively with the Security agency, were sufficiently concerned about events within their jurisdiction that they employed the State apparatus to gather information about a possible threat from within the community rather than from wartime enemies. In contrast, McLeod was aligning himself with people of no power, those deemed 'natives' and who through this designation were rendered incapable of making their own decisions in the modern economy. Although both the Department and McLeod aspired to 'the happiness and welfare of the natives,'<sup>100</sup> what constituted it and who was responsible for it were open to disputation. McLeod was standing firmly on the Lawmen's

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<sup>95</sup> 'News from our Branches', Marble Bar and Port Hedland, *The Sentinel*, 1 July 1943, p. 2.

<sup>96</sup> According to my research, this is McLeod's first publication of his evolving philosophy.

<sup>97</sup> DW McLeod, 'Democracy - Reality or Lip Service', *The Sentinel*, 1 July 1943.

<sup>98</sup> Copy of Police File 2827/1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>99</sup> DW McLeod, *How the West Was Lost*, see chapter four.

<sup>100</sup> The Commissioner of Native Affairs was concerned to know if this had been affected. Bray to Commissioner of Police, 3 July 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

justification for Aboriginal peoples' freedom from government controls, which brought him into conflict with the government's rationale that they be controlled. Matters of security in wartime took priority over any variation from established protocols, but for McLeod the needs of the Aboriginal people were paramount and did not cease because there was a war.

McLeod underestimated the hostility accruing to him as the idea started to take shape that he was a man who 'has caused quite a lot of unrest amongst the natives'.<sup>101</sup> From McLeod's actions it seems that he believed the logic of his arguments was sufficient to bring about a change in the attitudes of politicians, bureaucrats and pastoralists. He gradually came to understand instead, that his position was an affront to a hegemonic social, economic and political system that had been authorised when the State's Constitution was adopted. This system had survived despite other campaigners such as Gribble and Bennett attempting to reveal its unjust premises and the suffering it had caused the Aboriginal peoples.<sup>102</sup>

Mary Bennett had London contacts, and through them her testimony about settler violence, against Aboriginal women in particular, created extra pressure on the Western Australian government. It led to the 1934 Mosely Royal Commission to 'Investigate, Report and Advise upon Matters in relation to the Condition and Treatment of Aborigines'.<sup>103</sup> Paul Hasluck, then a journalist with *The West Australian* newspaper, had been writing articles about the plight of the Aborigines in the south-west. The newspaper assigned Hasluck to cover the proceedings of the Commission when it went to the Kimberley region and he travelled with the Commission for nearly three months.<sup>104</sup> None of the Commissioner's recommendations addressed the fundamental injustice that exercised McLeod's imagination – legislation that robbed Aboriginal people of their birthright. The voice of loners such as McLeod, nine years later, was still ignored.

### 3.4 Politicisation

As McLeod's early forays into the processes of social change indicate, he had a lot to learn about the strength of entrenched self-interest. Whilst by 1943 McLeod was not entirely politically naïve he had an insufficient appreciation of how the various instruments of government worked in unison to maintain the status quo. Logical argument and appeals to compassion were inadequate methods to stimulate a re-appraisal of laws that consigned Aboriginal adults to a position of dependence on government and infantilised them in the minds of citizens.

McLeod supported action, and the Euralian League called a public meeting on July 27, 1943 during the

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<sup>101</sup> Commissioner of Native Affairs Bray to Deputy Director-General of Manpower in Perth, 26 January 1944, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>102</sup> Sue Taffe: 'Mary Bennett'; Fiona Paisley, "Race and remembrance: contesting Aboriginal child removal in the inter war years," *Humanities Review* 8, (November-January 1997).

<sup>103</sup> MM Bennett was an influence leading to this Commission, see "Bennett, Mary Montgomerie (1881–1961)", in *Australian Dictionary of Biography*, GC Bolton and HJ Gibbney, <http://adb.anu.edu.au/biography/bennett-mary-montgomerie-5212/text8773>,. Accessed 26 November 2015.

<sup>104</sup> Paul Hasluck, *Shades of Darkness*, 36; Geoffrey Bolton, *Paul Hasluck: A Life* (Crawley: UWA Publishing, (2014), 66.

Annual Races. Selecting this date was strategic, for it was a time when pastoralists from surrounding stations came to town for the races and the social life. They travelled in a station truck with room on the tray for the 'native workers'. Best for the Aboriginal pastoral workers, who were not invited to the balls and other social events, were their own meetings. Races time enabled a great gathering of the different kinship groups, and in 1943 the pastoralists' inadvertently facilitated communication about the new ideas that were entering their conversations.

The Euralian League advertised the public meeting to be held in the Mechanic's Institute.<sup>105</sup> Members raised money to bring Beeby to the meeting but he was not able to attend. Security personnel, however, were. As Brian Willis reported, 'In an apparent effort to substantiate the case for the removal of Aborigines from Port Hedland townsite the Army's security branch undertook inquiries into the activities of the Association and the league'.<sup>106</sup> McLeod, although not skilled in managing public meetings, acted as chairman.<sup>107</sup> He related to a colleague his memory of this meeting, which amounted to a public 'outing' of his new oppositional stance to the status quo concerning the Aboriginal pastoral workers.<sup>108</sup>

We had half a roomful of security men and the other of citizens. That was the first time I spoke in public, really in public. I'd spoken at discussion groups but not in public. It was a daunting proposition to get stuck into that lot. I brought out the one percent, it was the first time I talked about the one percent. I wasn't too well coordinated and I see Father Bryan and Mr Wyndham, the store keeper, nudging each other as much as to say 'making a mess of it' and that made me steam and I started off. In any case I got the debate open and away we went, and I never looked back. I really hammered them. We passed two motions through the meeting.

The motions read:

- 1) Part-Europeans of the Port Hedland District should be granted equal citizenship forthwith
- 2) An investigation be undertaken to see how best the Beneficial Owners could be compensated.<sup>109</sup>

McLeod had the minutes record the voting as unanimous but qualified this because 'the majority of the audience were shocked into silence and were still doing mental arithmetic. ... They were still in shock when

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<sup>105</sup> The Mechanics Institutes were the equivalent of today's Town Halls.

<sup>106</sup> Brian Willis, 'Restriction'.

<sup>107</sup> CE Chipperfield memo to Inspector Coppinger, 10 August 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>108</sup> McLeod to Ken Liberman, 1978.

<sup>109</sup> This motion referred to section 70 of the 1889 Constitution. Section 70, had been repealed from the Constitution. In discussing the 1880s controversy around section 70, Paul Hasluck noted that 'the "affront" to the State and the constitutional issue were the main considerations and the future of the aborigines or any ideas about the way they were to be controlled took a minor place'. See Paul Hasluck, *Black Australians*, 166.

the meeting broke up'.<sup>110</sup> Apparently 'no material damage' occurred as a result of the meeting.<sup>111</sup>

Major Brown of the Australian Military Forces in Port Hedland reported the July 1943 Euralian League meeting to the Commissioner, Department of Native Affairs, in Perth, who in turn passed the report to the Minister for rotation. In his report the Major noted that 'had the meeting been convened other than under the heading of the League, support would have been in favour of the half-castes having more equal rights'.<sup>112</sup> For McLeod the meeting was significant for more than its debates, or even the withdrawal of government support, because of his involvement. It was training him in how to use organisations as a platform on which he could bring, to open debate, issues of concern to Aboriginal people. He was carrying out the Lawmen's instructions that he represent them and negotiate for their equality with others.

From this meeting McLeod achieved three 'firsts': first time he spoke in public, first time he introduced to the general public his arguments about the injustice of Section 70, and first time he came to the notice of the Security Services. From that time there is a trail of correspondence about McLeod, generated by the Department of Native Affairs and the other agency responsible for the good order of society, the Police. McLeod's fourth 'first' was to be given a record by the Security Services.<sup>113</sup> John Wilson specified that it was for having 'indulged in subversive activities,'<sup>114</sup> and consequently he was banned from entering Air Force property during the war.<sup>115</sup>

Undeterred, McLeod continued to hone his skills as a campaigner. He was pitted against a network of government agencies that could use their resources to monitor him and build a profile of him, such as Security. The Deputy Director of Security for Western Australia called for the Commissioner, Department of Native Affairs, to provide him with information and his views about the Euralian Association in Port Hedland and 'on any individuals connected therewith'.<sup>116</sup> McLeod was developing a profile not just because of his activities in the local district but also through his new network, the League. Events in the War caused a different focus.

Fear of a Japanese invasion was reinforced when, on August 16, 1943, a Japanese aircraft 'jettisoned a blanket of eight bombs' over Port Hedland. The attack was assessed as possibly more a search for the now-

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<sup>110</sup> McLeod to Pauline Webb, World Council of Churches, 17 July 1981. In *'The Native Question' Western Australia*, a compilation of relevant materials to support McLeod's campaign against the repeal of section 70. I thank Ray Butler for donating a copy.

<sup>111</sup> Major Kain (?), of Australian Military Forces, Western Australia Lines of Communication Area, to Department of Native Affairs Perth, 11 August 1943. The Major assured the Department that, concerning the Port Hedland Anti-Fascist League, 'future activities will be watched', State Records Office of Western Australia, Department of Native Affairs 460/43.

<sup>112</sup> Major Brown memo to Commissioner for Native Affairs, 11 August 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>113</sup> Peter Biskup, *Not Slaves Not Citizens*, 213.

<sup>114</sup> John Wilson, "Authority and Leadership", 41.

<sup>115</sup> Commissioner Bray to Inspector of Natives L. O'Neill, 22 August 1945, State Records Office of Western Australia, Native Welfare Department: *D.W. McLeod Port Hedland proposal submitted for appointment as protector of natives & establishment of natives' settlement at Abydos station*, Acc. 993, item 800/45.

<sup>116</sup> Commonwealth of Australia Security Service, Dep Dir of Security for Western Australia, memo to Commissioner for Native Affairs, Perth, 4 August 1943. State Records Office of Western Australia, Department of Native Affairs, 685/43.

active secret airfield Corunna Downs than a planned assault.<sup>117</sup> In September 1943 McLeod was removed from his contract for Corunna Downs because of his reputation, and returned to working on the wharf.<sup>118</sup> Now exposed to social rather than mechanical engineering, and finding it offensive to his emerging sensibilities, he was being drawn into a new challenge, that of formal political representation. As secretary of the Port Hedland branch of the AWU on the wharf, he knew Bill Hegney, Parliamentary member in the Legislative Assembly for Pilbara. McLeod confided in him what he and the Aboriginal people were planning to do but misjudged Hegney's loyalty.<sup>119</sup> Instead of backing them, as McLeod expected, Hegney 'went straight to Native Affairs and disclosed the lot'. McLeod said he then decided, 'alright you rotten bastard, I'll stand against you in the next election'. McLeod believed Hegney knew he was going to do this, and had him 'thrown off' all Royal Australian Air Force establishments.<sup>120</sup> Hegney was not the only person suspicious of McLeod. Protector McMahon of Nullagine confirmed that McLeod, who was 'not a very desirable sort of person,' had told him he had 'been warned off all aerodromes' and that this 'shows the class of person he really is'.<sup>121</sup> He had been carting to Corunna Downs for some time, delivering goods to the appropriate drop-off building for easy collection. Being refused entry to the airfield was the first time his employment was negatively affected because of his actions as the 'representative' of the Aboriginal people. He claimed that he did not lose the contract but was obliged to deposit the goods at the fence line.<sup>122</sup> Wartime was not a good time to develop a reputation as an undesirable, but undeterred, he, continued campaigning.

McLeod explored his theories about why the Aboriginal people were oppressed by the controls established when the State was founded. He submitted to *The Sentinel* a two-page article 'Tyranny within the Law: justice and Aborigines,' published in September 1943. In it he outlined 'discrimination against coloured people' as the reason Aboriginal people in Port Hedland had formed the Euralian club. Apart from using the word 'tyranny,' most likely adopted from the League, McLeod showed little sign of having absorbed the League's analytic framework. His article was more a series of the details as he recalled them, presented in prosaic language. He did, however, demonstrate his growing awareness of the value to be gained by using a public platform that was not influenced by local politics. By publishing his views in a newspaper that supported them, he could expose an interpretation of events contradicting the official view put forward by the Department, the Police, politicians, the military and the Security service. Through this medium he could bring into the open public space, from Perth to the 300 towns that had League branches, issues that would otherwise be confined to Port Hedland.

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<sup>117</sup> Kevin Gomm, *Red Sun On the Kangaroo Paw*, 111-112.

<sup>118</sup> Flight Lieutenant BR Rienardson, Royal Australian Air Force to Deputy Director of Security, SA, 8 March 1944, National Archives of Australia, NAA: D1918, S3008.

<sup>119</sup> McLeod believed Hegney betrayed him, see McLeod to Wentworth, 19 March, 1971, National Archives of Australia, *Nomads Ltd, correspondence with McLeod, DW*, NAA A2354: 1970/780, item 149.

<sup>120</sup> McLeod to Ken Liberman.

<sup>121</sup> Protector D McMahon, Nullagine, to Commissioner of Native Affairs, 14 October 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>122</sup> McLeod to Ken Liberman.

McLeod's reading audience went beyond members of the League; the policies he was attacking were being noted by the public servants charged with their proper implementation. His revelation of instances where the coloured people were controlled and managed by the Department did not help his standing as a good citizen. Commissioner Bray informed the Commissioner of Police that 'quite possibly the Director of Security will take some action to restrain the activities of the Anti-Fascist League, and particularly those of the man McLeod'.<sup>123</sup>

In November 1943, *The Sentinel* carried an article written by an anonymous author but reflecting McLeod's arguments. The writer described McLeod as 'a member of this League and a fervid champion of native rights'. An extract implied that McLeod provided the material to *The Sentinel*.<sup>124</sup> Although McLeod was not attributed as this article's author, its negative portrayal of the bureaucrats' actions could be ascribed to him and would not enhance his reputation. According to ASIO, McLeod used the League branches 'to propagate communist policy particularly in connection with Aboriginals'.<sup>125</sup> When much of his work required official consent, it was risky for him to create this persona as an undesirable person. His attempts to be granted a Permit to employ natives were prejudiced by this tag.

McLeod at times needed to employ labour on particular projects. One such project arose when Blue Spec goldmine offered him a contract to cut a thousand logs of wood; this job required more than one man for its successful completion. McLeod applied to the Department on October 13, 1943 for a Permit to employ Mick Kitchener, a man designated a 'native' under the Act whom a potential employer needed Departmental approval to employ.<sup>126</sup>

Nullagine Policeman/Protector McMahon recommended to the Commissioner that no Permit to employ natives be granted to McLeod.<sup>127</sup> Kitchener, aged about forty, had been working for two years on Roy Hill station and was an 'exceptionally good station hand.' In McLeod's request for a Permit, he used his expertise as a point to support Kitchener's employment. Commissioner Bray reported to the Deputy Director of Manpower in Perth that he had refused this application on the grounds that Kitchener was a

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<sup>123</sup> Commissioner of Native Affairs Bray memo to Commissioner of Police 22 October 1943. State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>124</sup> 'More About Scandalous Administration Affairs', in *The Sentinel*, 2 November 1944 'With the fall of Java and the evacuation of most of the whites from Port Hedland, because of the imminent threat of invasion, a position arose whereby there was insufficient labour available to unload urgently-required munitions of war, and to maintain essential services. The leaders of the local V.D.C (Voluntary Defence Corps) called on the assistance of the half-caste population to pull their weight in this critical period, and a promise to work and fight side by side as brothers was given and accepted. With the passing of the threat of invasion, it would be expected that this promise would be kept. But this was never attempted. Instead, the town was proclaimed a prohibited area under a regulation governing the Native Affairs Department; and these loyal people were classed as natives, being required to work under permit'.

<sup>125</sup> Regional Director ASIO memo to ASIO HQ, 7 March 1952, National Archives of Australia, *McLeod, Donald William – Volume 1*, NAA: A6162 1188.

<sup>126</sup> According to the Nullagine Protector of Natives, this man was 'an Ethel Creek Station boy'. D McMahon to Commissioner of Native Affairs, 14 October 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>127</sup> D McMahon memo to Commissioner of Native Affairs, 14 October 1943, State Records Office of Western Australia, Department of Native Affairs, 685/43.

pastoral worker; 'I instructed that he must continue to work in that industry for National reasons'.<sup>128</sup> However McLeod persisted. He needed labour to undertake what the Commissioner described as 'several thousand pounds' urgent repair work on stations, as well as the carting of lime for Comet and Blue Spec mines, and that if labour is available he wants to set up a market garden at Marble Bar'.<sup>129</sup> The men he wanted were, McLeod said, 'either too old for stock work' or fossicked for gold and tin – a fact that the Commissioner disputed. The Commissioner was not persuaded by McLeod's explanation, and his decision was also informed by McLeod's reputation. There had been 'grave labour unrest amongst the half-castes as a consequence' of his activities in the Port Hedland League. The Commissioner believed that members of the League were 'communists in principle' and that the Intelligence authorities were 'well aware of McLeod's Anti-Fascist activities'.<sup>130</sup> McLeod was not, stated the Commissioner, a 'desirable person to employ natives'. McLeod, however, wanted to employ men for more than just wood cutting, and he needed protection from the Act under which he could be arrested for coming closer than 110 yards to a group of 'natives'. He turned to politics and stood as a candidate for Progressive Labor in the November 20, 1943 State elections for the Legislative Assembly.<sup>131</sup> Bill Hegney retained his seat.<sup>132</sup> By this time, McLeod's movements were being monitored by: police/protectors in Broome, Marble Bar, Nullagine and Port Hedland, the Inspector of Natives, the Australian Military Forces, the Security Services for Western Australia, the Minister for the Northwest and the Commissioners of Native Affairs and Police. He did not need to keep copies of his own correspondence and plans, as the bureaucrats did it for him.

## Reflection

The years 1942-1943, examined in this chapter, establish the validity of a meeting at Skull Springs, and McLeod's development as a political strategist. In the next chapter I follow him from 1944 to 1949, a date-range significant as it includes the pastoral workers' strike. In 1949 McLeod relinquished his sole operations and joined the Aboriginal pastoral workers not simply notionally but by living with their community, to work on their behalf as an insider. I investigate how he consolidated the plan by joining another national organisation, the Australian Communist Party.

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<sup>128</sup> Commissioner of Native Affairs to Deputy Director-General of Manpower, 26 January 1944, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>129</sup> Commissioner of Native Affairs Deputy-Director of Manpower, Perth, 26 January 1944, State Records Office of Western Australia, Department of Native Affairs, 685/43

<sup>130</sup> John Wilson, "Authority and leadership," 46.

<sup>131</sup> David Black, *An Index to Parliamentary Candidates*, 167.

<sup>132</sup> *The West Australian* 24 November 1943, p. 4, gives the voting numbers from 812 electors on the roll, as Hegney, W. (Labor) 336, Cassey P. (Country Party) 160, McLeod DW (Progressive Labor) 43; *Northern Times* 26 November 1943 p 2. Black also records Hegney as the Pilbara elected member, see David Black, *An Index to Parliamentary Candidates*



Figure 122: Edward 'Bill' Beeby Adelaide circa 1980  
(Photograph by Robert Smith)

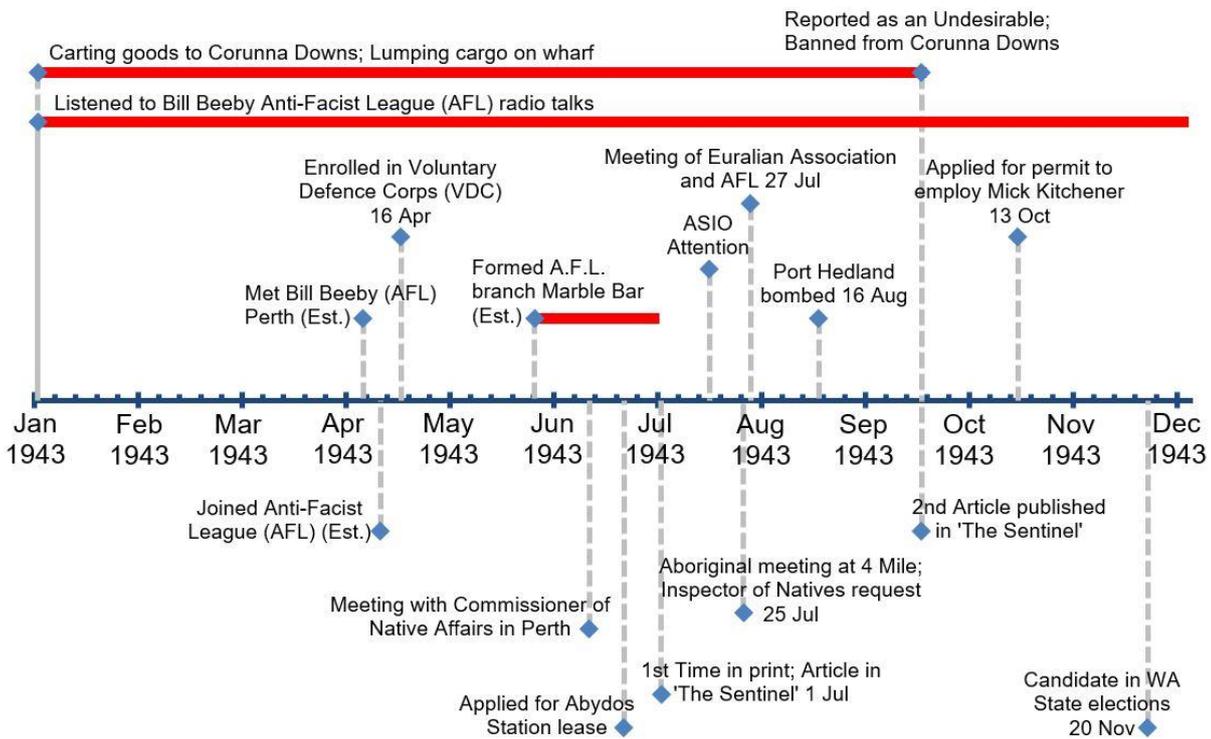


Figure 13: Timeline, 1943

## Chapter Four

‘They talk about who gonna help us, we must get somebody to help us out  
... and we was looking for bloke, and we find this bloke, Don McLeod’<sup>133</sup>

By the age of thirty-five, McLeod was a successful small businessman with prospecting expertise and skills in the types of work required on pastoral stations. These professions called on his intellect and his physical capacities, and depended on a degree of toughness to cope with disasters, both financial and emotional. From the time in 1942 when the Aboriginal Lawmen appointed McLeod their representative he knew he would need to relinquish his personal ambition to ‘build an empire’.<sup>134</sup> He knew it would be dangerous to his own wellbeing, bringing him directly into opposition with the State and its representatives, both formal and informal.<sup>135</sup> This chapter completes the idea that the 1942 Lawmen’s meeting was, for McLeod, tantamount to an epiphany.

### 4.1 The plan

Despite accumulating wide knowledge of individuals and conditions during his frequent trips across country from the Pilbara to the Kimberley, McLeod recognised that he had no social or political standing and could be ‘picked off like a ripe plum and incarcerated never to be seen again’.<sup>136</sup> He developed a plan to empower himself: gain education, and become a public persona.

At some stage he joined the CPA.<sup>137</sup> It was McLeod’s association with Beeby that led him to become a member of the CPA. He told a friend that Beeby had nominated him and that he was accepted.<sup>138</sup> While I am unable to confirm this, it seems logical to conclude that McLeod would adopt Beeby’s recommendation.

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<sup>133</sup> Pit Pit in The West Australian College, *The Strelley Mob - All People Education*, 1984, film, Edith Cowan University.

<sup>134</sup> McLeod to Bill Bunbury for Radio National’s ‘Hindsight’ series *Blackfellers’ Eureka*, Australian Broadcasting Corporation, radio broadcast, 1996; *It’s Not The Money, It’s The Land*.

<sup>135</sup> Formal representatives of the State included the Department of Native Affairs, the Police, politicians, the judicial system and in war time - the Military and Security agencies. Informal but almost equally powerful representatives included the pastoralists whom McLeod labelled the ‘squattocracy,’ businessmen in the towns, newspapers and even the Australian Workers Union, see Lloyd Davies, ‘Protecting Natives?’. Davies noted that most pastoral workers came under the purview of this union but that as it supported the White Australia policy it excluded Aboriginal and Asian workers.

<sup>136</sup> McLeod to Pauline Webb, World Council of Churches, 17 July 1981: 10. Donated by Ray Butler.

<sup>137</sup> I draw evidence from diverse sources to construct this part of McLeod’s story for at this stage McLeod is not a public persona whose actions are frequently recorded by journalists and government officials. In addition to verifiable dates and accounts, there are, however, other types of source materials that are valid for this research. Daly and McIndoe, for instance, posit the idea that historical representation can be ‘written (history textbooks, novels, documents), illustrative (films, cartoons, paintings), public festivals (commemorations) or oral (stories, song)’.

See Peter Daly and GEL McIndoe, ‘Amongst Equals: Problems with Representing the Past’ *Metro Media and Education Magazine*, 85 (1991): 37-42. Many of these types of records exist and have been useful in putting together a reasonable account of how McLeod changed his identity from a conventional working man of the northwest to a campaigner for Aboriginal freedom from state control.

<sup>138</sup> McLeod to Ken Liberman.

Some support for this pathway into the CPA comes from Anne Ridgway who worked for the League and was sub-editor of *The Sentinel* until, she claimed, the CPA bought it. She continued organising the journal until the CPA closed it six months later. Ridgway stated that the CPA used the League subscribers' list and that the League managed all CPA business outside the metropolitan area. As a member of the League, McLeod would have received the newspaper influenced and/or managed by the CPA. He also incurred a reputation with the Security Service in 1943 for 'using' the League branches 'to propagate communist policy particularly in connection with the aboriginals'.<sup>139</sup>

During the early years of World War II, Communists' loyalty to Australia was held under suspicion. The CPA, aligned to the Soviet Union's party, was opposed to Australia's involvement in the War and had a policy to defeat the Australian Government. Security agents often kept members under surveillance and in April 1940 censorship protocols applied to Communist publications. The Federal government under Prime Minister Menzies banned the Party, making it illegal between June 15, 1940 and December 1942.<sup>140</sup> In Perth, members continued working underground. Journalist Joan Williams recalled what it was like typing for the Party's newspaper *Workers' Star* when it was made illegal. 'We buried the typewriter in the family bread tin after each issue,' she wrote; 'under illegal conditions, each phase of the work was kept secret and I knew nothing of the distribution'.<sup>141</sup> Williams also remembered that 'The usual typewriter had become too hot under the zealous investigations of Detective Sergeant Ron Richards. Nicknamed the "Black Snake" he had insinuated himself as a drinking companion of Party secretary Bill Mountjoy – something we didn't know at the time'.<sup>142</sup> On June 22, 1941 Germany invaded Hungary and the disillusioned CPA relinquished its policy to defeat the Australian government, changing to one of defeating the overseas enemy. The Australian government then lifted its ban on the Party. This hiatus in efficient office management left few records of membership June 1940 to December 1942. In addition to the ban on the Party, another event disrupted record-keeping. Because of in a fire many of the branch's records were lost and Brenda Love stated that Western Australian card-carrying membership could only be estimated.<sup>143</sup> Other than membership records, the attempt to ascertain McLeod's association with the Party can be made by examining his fledgling campaign efforts through writing commentary and submitting it to the League/CPA journals.

McLeod wrote a letter to the League, which *The Sentinel* printed, and which conveyed the impression that McLeod was not at that time an insider of the CPA.<sup>144</sup> He wrote in response to a letter by Graham Alcorn, who was a member of the CPA.<sup>145</sup> The following extract reveals how McLeod's thought process was evolving in 1944:

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<sup>139</sup> Memorandum- Attorney General's Department Headquarters ASIO, 7 March 1952, National Archives of Australia, *McLeod, Donald William – Volume 1*, NAA: A6126, 1188, item 135.

<sup>140</sup> Stuart Macintyre, *Militant*, 1984, p. 60.

<sup>141</sup> Joan Williams, "Writing Labour History in Western Australia", 18.

<sup>142</sup> Justina Williams, *Anger and Love*, 92.

<sup>143</sup> Brenda Love, "Communist Party Industrial Activity in the Post-War Years 1945-1953 in Western Australia," *Papers in Labour History* 17 (1996): 40, note 47. I thank the current Perth secretariat for confirming this event.

<sup>144</sup> Don McLeod, Letter to Editor, *The Sentinel*, 4 May 1944, p. 2.

<sup>145</sup> 'These are Communists,' *Workers Star*, 23 July 1943, p. 2. The article profiles Graham Alcorn.

Ninety-nine per cent of us originally joined the league with enthusiasm, thinking that here at last was a movement which could develop into a genuine people's political party ... The only People's Party in this State today who constantly and actively champions the people's cause vigorously and aggressively is the Communist Party. ... I suggest that ... members [be asked if they want to affiliate] with the Communist Party and active participation in the class struggle.

Signed Don McLeod, Marble Bar, 20 March 1944

McLeod used Party language that he may have acquired through reading Party literature, but his reference to League members as 'us' and his request that members be asked if they want to affiliate with the CPA suggested that he was not a member of the CPA in March 1944. Graham Alcorn commented on some of McLeod's arguments in his letter of reply.<sup>146</sup> He referred to Don McLeod, not Comrade McLeod or any other appellation that might signify affinity with McLeod. If this implies that McLeod was not a member of the CPA in May 1944, then that becomes a date that precedes him joining. However, affiliation with the Party policies was not circumscribed by formal membership,

Party policy on Aboriginal issues was based on arguments put forward by key activist for Aboriginal issues, Tom Wright, and published in 1939 as a pamphlet. In 1944 the Party issued a second edition of the pamphlet published with a Foreword by Katherine Susannah Prichard, well-known Western Australian Communist and author.<sup>147</sup> Prichard cited repeal of the original provision for natives in the Constitution Act for Western Australian of 1889, using language similar to McLeod's description of this event. Justina Williams reported that by 1946, McLeod had been 'writing voluminous letters in his terrible scrawl' to Prichard. The likeness in viewpoint suggests that Prichard was influenced earlier by McLeod. This cross-fertilisation of ideas lends credence to Williams' stories of McLeod debating in the Party ideas about changing the Northwest Aboriginal peoples' situation. It substantiates Lloyd Davies' claims that McLeod found Wright's arguments crystallised his own ideas.<sup>148</sup>

McLeod began using his Party contacts. In July 1944 he hand-wrote a two-page letter to union officer Ernie Thornton appealing for support 'of your powerful organisation in forwarding the rights of that despised and neglected section of our people the local Aboriginal'.<sup>149</sup> McLeod described himself as an 'undisclosed' member of the Party. If he was a paid-up member rather than a person who remained outside the formal structure, that would place his membership starting in June or July 1944, contradicting Max Brown's date of formal membership in 1945.

McLeod was obstructed in his quest for knowledge about the cohort with whom he was becoming increasingly concerned. Legislation applied under which he could be arrested were he seen in close

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<sup>146</sup> 'Graham Alcorn replies', *The Sentinel*, 18 May 1944, p. 3.

<sup>147</sup> Tom Wright, *A New Deal for Aborigines*, (Sydney; Current Book Distributors, 1944).

<sup>148</sup> Lloyd Davies, "Protecting Natives?", 1988, p. 34.

<sup>149</sup> McLeod to Thornton 14 July 1944. A typed copy of McLeod's handwritten letter is in Australian National University, Noel Butlin library, Federated Ironworkers Association, E170/9/75.

proximity to the Aboriginal men without a Permit.<sup>150</sup> A safe strategy, one that would allow him to go bush with the men and discuss their issues, was to get a Permit to employ them, something that had previously been rejected (see Chapter Three).

McLeod did not accept the Commissioner's ruling in early 1944 against his application for a Permit, and challenged it in the Port Hedland Court where Dr Dicks was presiding.<sup>151</sup> On November 8, 1944 a local pastoralist, the owner of Bonney Downs station, expressed support for McLeod employing 'his' natives. He argued in favour of granting a Permit to McLeod because McLeod had the equipment necessary to undertake specialised work and needed competent men to work it with him. McLeod indicated that if he could not get skilled men he would have to train men from outside the pastoral industry, thus wasting valuable time. The Department upheld the notion that the men were needed on the pastoral stations for the War effort.<sup>152</sup> Dr Dicks, the local Magistrate, was also the Flying Doctor and knew McLeod, believed he was a genuine applicant and approved his application. McLeod obtained Permit number 7198 for three workers and was thus able to undertake the jobs that were offered to him.<sup>153</sup> John Wilson commented that McLeod's successful 'use of legal means of opposing authority is of special interest' because it encouraged him to fight battles through the courts.<sup>154</sup> The Permit allowed him to work with the Aboriginal men, and thereby discuss their problems. This was his pathway to acquiring first-hand knowledge of their opinions on issues. It also allowed the men to study him. Aboriginal leader Clancy McKenna attested to McLeod's sense of decency. He described a time when they first met in 1944 and McLeod was employing Dooley. McKenna observed that McLeod got the campfire going and did not 'expect Dooley to do this job for him'. This was unusual.<sup>155</sup>

While learning the details of the pastoral Aboriginal people's grievances, McLeod was expanding his understanding of politics, power and methods of persuasion. Had he succeeded in the November 1943 State election, he would have gained access to well-founded and funded organisational support for his cause, but as he was not elected he formulated other plans to faithfully represent his constituents. He was still hoping for wide spread support amongst the Northwest population which he knew, and to which he belonged. He reasoned that 'I had to build a base. Whoever challenged the squatters, whoever challenged the Act of Native Affairs had to be a courageous man, and I had to build up sufficient public presence that they wouldn't dare just knock me off'.<sup>156</sup> Still looking for organisational security, he avoided conflict of purpose

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<sup>150</sup> Section 39 *Native Administration Act 1905-1936*.

<sup>151</sup> In 1942 Dr Harold Dicks was Port Hedland District Medical Officer, see Jenny Hardie, *Nor'Westers*: 165.

<sup>152</sup> Commissioner of Native Affairs to Deputy Director-General of Manpower, Perth, 26 January 1944, State Records Office of Western Australia, Department of Native Affairs, 685/43.

<sup>153</sup> McLeod to Ken Liberman. Part-Aboriginal pastoralist Bill Dunn's life was saved by Dr Harold Dicks. Dunn was injured while repairing a windmill. He was able to drive to a nearby property whose owners contacted the Royal Flying Doctor Service base in Port Hedland by ringing on the pedal radio. Dr Dicks flew himself out in a Fox Moth bi-plane. See Graham Wilson, *Pilbara Bushman*: 27. The flying doctor service bases were established at Port Hedland and Wyndham. It came to Western Australia in 1935, see FK Crowley and BK de Garis, *A Short History of Western Australia*: 77.

<sup>154</sup> National Archives of Australia, *McLeod Donald William versus Richards George Ronald*, NAA: A10074,1947/8, 9, 10; John Wilson, "Authority and Leadership," 47.

<sup>155</sup> Kingsley Palmer & Clancy McKenna, *Somewhere Between Black and White*: 71.

<sup>156</sup> McLeod interview with Wendy Lowenstein, 1969.

and built his own by establishing community organisations that included the pastoralists and town folk. This would identify him as a respectable working man who promoted the interests of his local community. He chose to set up progress associations and discussion groups in Port Hedland, Nullagine, Marble Bar and Comet gold mine and made reference to these groups being part of a network he was setting up in response to the Department of Post-War Reconstruction.<sup>157</sup> I have not been able to ascertain how the Department was helping, but it could have been part of HC Coomb's idea that to be effective, reconstruction must have 'its roots among the people'.<sup>158</sup> McLeod was in that position. He served with the Citizen Military Forces in the local Volunteer Defence Corp for one year and 258 days, and was discharged on December 29, 1944. On his Mobilisation Attestation form he cited his date of birth as May 12, 1908.<sup>159</sup> This date does not match his birth certificate, which recorded his date of birth as May 8, 1908.

In *The Sentinel* of February 15, 1945, an article in the section 'Pass It On!' reported on the first meeting of the Port Hedland Progress Association: 'Everybody who attended voted this a huge success'.<sup>160</sup> McLeod said he put in nine months to establish his plan while he was working on the Comet gold mine. The local groups were formed under the umbrella organisation he named the 'North-West and Kimberley Advancement Association' (NWKAA) 'to bring the problems of the north out into the open for a proper discussion to solve problems'. McLeod detailed their activities:

we wanted the railway extended to Nullagine. We wanted roads put in, we wanted the Mines Department to establish a geologist and an assaying centre, a research centre so you could take any sample in and they could identify it for you. We wanted two geologists set up in Marble Bar. Then we had social clubs, raffles. In Nullagine we got a water supply. Wherever we could, to improve the living conditions of the people where they were.<sup>161</sup>

In July 1945 the Aboriginal leaders invited McLeod to a meeting to discuss some of their issues. At this stage of McLeod's political maturation, he was trying to be collaborative, to co-opt, for the good of the Aboriginal people, the power of those who had an investment in the subject; McLeod invited Constable Fletcher to the meeting.<sup>162</sup> Again, he misjudged his antagonist.

As John Wilson described the meeting, it took place during Race week, on July 25, 1945 at a camping ground known colloquially as the Four Mile.<sup>163</sup> About 100-400 Aboriginal people gathered, and McLeod had

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<sup>157</sup> McLeod to W.C. Wentworth, Minister for Aboriginal Affairs, 6 April 1968. National Archives of Australia, NAA: A2354, 1968-10 Part 2

<sup>158</sup> Stuart Macintyre, *Australia's Boldest Experiment*, 195.

<sup>159</sup> Certificate of Discharge, 29 December 1944, National Archives of Australia, *Australian Military Forces, Service Number W74989*, NAA: B884, W74989. He signed a statutory declaration with the birth date of 8 May 1908, see Lands and Survey file 2414/46, State Records of Western Australia, Cons. 1755 2414 for lease 394 1309.

<sup>160</sup> 'Progress Association', *The Sentinel*, 15 February 1945. The report added 'stalls sold cakes, sweets and soft drinks and the program included sports events, vocal and musical performances and the money raised would go towards tennis courts and sea baths'.

<sup>161</sup> McLeod to Ken Liberman.

<sup>162</sup> Fletcher was the Officer-in-Charge of Police in Port Hedland and Protector of Natives.

<sup>163</sup> John Wilson's data is particularly valuable for this biographical study as he and his wife Katrin lived for eight months with McLeod and a group of the pastoral workers. John was able to interview McLeod in his camp and constantly check his information before incorporating it in his Master's thesis.

no Permit to come within 110 yards of this group. However, when Fletcher accepted the invitation, his presence gave McLeod cover. The Aboriginal leaders outlined their plan to obtain a pastoral station, Abydos, for themselves, and they chose McLeod to be their manager 'because he had always helped the natives'.<sup>164</sup> Wilson noted that the leaders' reason for wanting McLeod as their manager, instead of the Department, indicated the failure of the Department to consult the people. The Department consistently refused McLeod's requests in 1945 and 1946 on behalf of the blackfellows, that the Department appoint him an Inspector 'to supervise the natives' welfare and general conditions of employment'.<sup>165</sup> In McLeod's opinion 'an inspector has power of entry on stations to inspect the working conditions, somewhat similar to a union organiser's right of entry on to a job. The Department's refusal to allow the Aboriginal workers to elect their own inspector is a denial of elementary democracy'.<sup>166</sup>

John Wilson pointed out that this meeting had several consequences: pastoralists became aware of McLeod, the Pastoralists' Association appealed to the Department to prevent the plan from being activated and Fletcher deemed McLeod 'a dangerous man'.<sup>167</sup> However because Fletcher had been at the meeting with McLeod, McLeod could not be arrested under Regulation section 39.<sup>168</sup> The Acting Commissioner CL McBeath called Fletcher's presence a 'major blunder'.<sup>169</sup> The meeting appears to have generated many creative ideas which, had the Department been willing to work with them, could have led to positive outcomes. However, McLeod had a 'Security file' and owing to 'adverse reports' the Royal Australian Air Force recommended that he 'not be employed on any RAAF establishment'.<sup>170</sup> By association, the blackfellows' ideas were the work of the Communist Party, ought to be resisted and McLeod was to be stopped. This intention proved more problematic than it seemed, for McLeod was building a public persona, and in this venture he was assisted by the CPA.

McLeod's value to the Party had been enhanced when KS Prichard took her correspondence with him into the Party. His knowledge about the Northwest Aboriginal situation was impressive and as Hess framed it, 'the Party could hardly believe its luck'.<sup>171</sup> Michael Hess noted that the Party expected McLeod to use his trusted position with Aboriginal workers to benefit the Party. It was clear that he could do what the Party could not - attract Aboriginal pastoral workers - but it is apparent that a rift was growing between the Party and McLeod. McLeod was personally affronted when an agreement between him and the Party went wrong. He believed that the Party was going to endorse him as a CPA candidate in the next election and they offered to give him £100 worth of literature, how to vote cards, etc. He consented, knowing that as he

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<sup>164</sup> John Wilson, "Authority and Leadership", 50a.

<sup>165</sup> Acting Commissioner of Native Affairs to Minister for Native Affairs 9 April 1947, State Records Office of Western Australia 305/47, Acc. 993.

<sup>166</sup> 'Natives Denied Right To Organise', 1946. *Workers Star* 25 April 1946, p 5.

<sup>167</sup> John Wilson, *ibid.*, 50a, 50b.

<sup>168</sup> At that time the regulation was known as section 40.

<sup>169</sup> Acting Commissioner of Native Affairs to Minister for Native Affairs 9 April 1947, State Records of Western Australia, 305/47, Acc. 993.

<sup>170</sup> Flight Lieutenant BR Rienardson, Royal Australian Air Force to Deputy Director of Security, SA, 8 March 1944, National Archives of Australia, NAA: D1918, S3008.

<sup>171</sup> Michael Hess, "Black and Red," 70.

intended joining the Aboriginal people's strike after the War and would give them all his assets, he would need funding. However, he claimed, that a fortnight before the election the Party decided to stand only two candidates and therefore withdrew the offer of financial support to him.<sup>172</sup> McLeod reported that he then resigned from the Party, but his parting was not ideological.<sup>173</sup> It was about purpose. As a Party member, McLeod's duty was to increase membership in the Northwest. This was made clear by Country Organiser for the CPA, Anne Ridgway, who wrote to him on August 14, 1945. Ridgway told McLeod that he had 'not to my knowledge brought in a single recruit or started a branch or anything'. She attributed this to the possibility that he did not have application forms.<sup>174</sup> It would seem that rather than being remiss, McLeod wanted the Party to support his cause rather than the reverse. McLeod was not working as a Party political man but as an empathy-induced altruist whose only purpose was 'how to put a particular principle into action' to benefit one cohort, the Aboriginal pastoral workers.<sup>175</sup>

McLeod was single-minded; while backing for his plan would help his work to be more influential, he was not willing to compromise his own principles or waste his time on other people's objectives. He later confessed to the Minister for Aboriginal Affairs, W Wentworth, that his 'worst mistake was to in trying to build up support, join any and every active organisation that would give us a hearing'.<sup>176</sup> He would have joined the mothers' club if it would help the cause of justice for Aboriginal peoples, he told a colleague.<sup>177</sup> While his membership of the Party was contingent upon its value to the pastoral workers, through the Party McLeod made two staunch friends, Harry Leighton and Elsie Lee.

Elsie Lee became a strong supporter of McLeod and the Aboriginal people of the Northwest.<sup>178</sup>

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<sup>172</sup> McLeod names them as Paddy Troy in Fremantle and Graham Alcorn in Perth, and this is confirmed by the CPA, see 'Conference Decisions', *Workers Star*, 5 April 1946 p 6. It stated that the CPA would stand Kevin Healy in the federal election and in the State election would stand Henry Mountjoy and P.L. Troy. I can find no evidence that these two candidates stood for the State Legislative Assembly elections held in 1939, 1943 or 1947, or Legislative Council 1936, 1938, 1940, 1944, 1946. Patrick Laurence Troy (Communist Party) stood for South Fremantle, House of Representatives election 1951. Donald William McLeod (Progressive Labor) stood for Pilbara seat in 1943. See David Black, *An Index to Parliamentary Candidates*, 1991.

<sup>173</sup> McLeod to Ken Liberman, 1978.

<sup>174</sup> Anne Ridgway to McLeod, 14 August 1945, copy of letter, National Archives of Australia, *McLeod, Donald William – volume 2*, NAA: A6119, 3306, item 2.

<sup>175</sup> John Wilson, "Authority and Leadership," 43.

<sup>176</sup> McLeod letter to Wentworth 6 April 1968, National Archives of Australia, *Nomads Ltd – correspondence McLeod, DW*, NAA: A2354,1968/10 Part 1, item 30-32.

<sup>177</sup> McLeod to Ken Liberman.

<sup>178</sup> Anne Ridgway knew Lee in the CPA, of which Lee was a member and Publicity Organiser in 1946, see 'Elsie is Missed', *Workers Star* 17 May 1946, p. 6.



*Figure 13: Elsie Lee*

*(Photography by Robert Smith, 1958)*

Associating with the CPA, however, was not the equivalent of associating with other political parties. During World War Two (WWII), when a person's loyalty to Australia could be measured by their political allegiance, being a member of the CPA risked inviting suspicions about their trustworthiness. Following cessation of WWII, mistrust about the loyalty of members of the CPA to the Western Bloc continued during the period generally known as the Cold War.<sup>179</sup> McLeod's membership of the CPA appears to have been unconventional in that he was for a time a paid-up member and at other times not, but in touch and friendly with Party members. Barry Christophers, a former member of the CPA, pointed out that that being called a fellow traveller was just as injurious to a person's reputation as being called a 'commo'.<sup>180</sup> However McLeod's membership was defined, in a political environment highly oppositional to communism, it could be used as a means to discredit him.<sup>181</sup> Regardless of any backlash accruing to McLeod, he gained some immeasurable benefits from CPA membership.

The CPA introduced him to a wide network of individuals and organisations that buttressed his fledgling campaigning and from that social milieu he gained friends and supporters. It involved him in correspondence with this network, and in the process exposed him to writing styles outside his normal

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<sup>179</sup> The capitalist countries generally referred to as the Western Bloc, as opposed to the socialist countries generally known as the Eastern Bloc.

<sup>180</sup> Barry Christophers, pers. comm., 2013.

<sup>181</sup> A reliable source from which to confirm McLeod's membership is his testimony to the *Committee of Inquiry into activities of D.W. McLeod and Associates and interests of natives working under his direction* - Report by Sir Ross McDonald QC and FEA Bateman RM State Records Office of Western Australia, Item 1966/3593, p. 20. McLeod stated he was a member of the Party for 18 months or two years. He added that he resigned four or five years ago, which would make his resignation 1947 or 1948.

experience. It involved him in disciplined meetings and debates.<sup>182</sup> More than anything, its policy on Aboriginal advancement reinforced his own and gave him a well-prepared political framework through which to further explore his developing ideas. Moving onto a thoroughly-researched and articulated policy reduced the political and emotional isolation that could derail the plans of an activist even as committed as he. Back home, he put into practice many of his emerging ideas about organisational structures, using the local body, the NWKAA.

The inaugural meeting of the NWKAA was held at Whim Creek during the annual Races in September 1945. According to McLeod, it was attended by delegates from Carnarvon in the south to Wyndham in the north.<sup>183</sup> It was, McLeod said, the first time the squatters had their pre-eminence challenged. As he described this meeting:

We organised it so that we had five representatives nominated by the government so we could hear the government's story. The squatters outvoted us very heavily. I hung one arm and leg on a ladder and climbed up. I said 'this is too important a meeting to be busted by a mob of squatters'. As soon as the meeting was over two squatters took over and run it.<sup>184</sup>

At Marble Bar the social club reached out to the half-castes who, McLeod alleged, could not join in social activities, 'they used to just have to look in the windows,' so the club started dances in the hall. McLeod wrote to the CPA in Perth asking for assistance:

I understand that you could get records and other things you can dance to.<sup>185</sup> We want records in dance tempo, now get someone who knows something about music and send some to us because this could break the ice amongst the whitefellas and half castes, this could get them socially involved. And the commos wrote back and said that this was bourgeois bullshit that wouldn't advance anything.<sup>186</sup>

McLeod located the NWKAA in the context of his campaigning and activism for the Aboriginal people; 'I knew that I'd be in trouble as soon as they could see me, they were going to take me whether I liked it or not, so I had to put a platform so they wouldn't put me in jail and forget me'.<sup>187</sup> McLeod's awareness of the ramifications of his actions went further than he spoke about publicly. He had analysed the social and political influences that impacted on Aboriginal people and concluded that the small Northwest towns were run by cabals.

McLeod knew most of the families in the small towns and speculated that the cabals were comprised of

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<sup>182</sup> Barry Christophers, pers. comm., 2014.

<sup>183</sup> Whim Creek is a coastal town located between Roebourne and Port Hedland, Western Australia.

<sup>184</sup> McLeod to Ken Liberman.

<sup>185</sup> This was not such a fanciful request. CPA Socials were advertised in the *Workers Star*, see *What's On?*, *Workers Star* 8 November 1946, p. 5. Musical evenings and picnics were also on the calendar, see *Workers Star* 29 November 1946, p. 6. To celebrate the *Workers Star's* third birthday, the organisation was holding the Star Dance on 26 June 1946, with a good orchestra, floor shows etc., see *Workers Star* 31 May 1946, p. 1.

<sup>186</sup> McLeod to Ken Liberman.

<sup>187</sup> DW McLeod interview by David Charlton.

the influential and powerful men in each town. He named these men and told his colleague 'before I could do anything with the squatters I had to bust those three cabals'.<sup>188</sup> His methodology was to empower the ordinary folk in the towns through the local organisations formed under the NKWAA, and by helping the Aboriginal families to unite in work projects. One strategy was '... to improve the living conditions of the people where they were. It broke down the cabals that were running the place'.<sup>189</sup> McLeod was working as a pipe fitter and doing night shifts during the week to finance his travel to all the meetings in the weekends.

It was this idea of breaking the cabals that compelled McLeod to operate in the Aboriginal consensus mode. He had been in constant but clandestine contact with the leaders, mindful of legislation that restricted his association. His work in the NWKAA prepared him for debating ideas about justice for them with those whose interests would be threatened by its actualisation. He attended a meeting of the NWKAA on January 19, 1946 at Whim Creek and reported to the *Workers Star* that it adopted a constitution allowing a central committee and branches.<sup>190</sup> He debated topics such as taxation and development with committee members and had opportunities to fraternise with pastoralists.

As he matured politically, McLeod honed his campaigning skills, bypassing local and Aboriginal-only authorities and going direct to the Commissioner for Native Affairs and head of state, Premier Wise.<sup>191</sup> His letters were now sometimes typed, and used more sophisticated arguments in direct, unambiguous language. He brought to the attention of the Commissioner, the Aboriginal people's demand that the Department accept an inspector 'appointed by the natives themselves. ...You must understand,' he told Commissioner Bray, 'that the natives in this area today are no longer the bushmen of earlier times ... they have gained a certain knowledge of how to bring about an improvement in their status by observation of how we have organised in our own interest in past times'. Bray held to the government practice and replied 'regret I am unable to agree to your suggestion'. He passed a copy to the Minister, adding 'The views expressed in (redacted but clearly McLeod) letters indicate that he is likely to promote further trouble with the natives'.<sup>192</sup>

McLeod, on behalf of others, was positioning himself in direct opposition to the Government. His adversary was 'the government,' a term that signified the mores of the Northwest: the pastoralists, the Police, the DNA and the politicians. Political differences flourished in a democracy but this ideological conflict was at the core of the strike idea. The government stood for control of the natives; McLeod stood for their freedom from that control. When the strike idea was mooted in 1942, McLeod and the Aboriginal people had cultural clout amongst their people and numerical strength, but no political power in the

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<sup>188</sup> McLeod to Ken Liberman.

<sup>189</sup> McLeod to Ken Liberman.

<sup>190</sup> 'NW Kimberleys for TVA', *Workers Star*, 8 February 1946, p. 6. The *Workers Star* encouraged its readers to send in reports of events that made them burn 'with anger at an injustice,' see 'Every Star reader a Reporter', *Workers Star*, 9 August 1946, p. 3.

<sup>191</sup> Frank Wise was Premier of Western Australia 1945-1947.

<sup>192</sup> McLeod to Bray 22 February 1946, State Records of Western Australia, *D.W. McLeod Hedland proposal submitted*, Native Welfare Department, 800/45.

Western domain. The Government had political and legal power to enforce the rules of Western culture and progress profits of the pastoral industry in the Northwest, but no political power within the Aboriginal community. The power differential was extreme, and McLeod was ridiculed – as late as 1955 he was dubbed called ‘King of the Blacks’.<sup>193</sup>

At the time McLeod entered the political arena, he did not have a team of supporters or an organisational budget to defray the costs. He had no home, no phone, no office, no staff, and no funds beyond his own earnings for his campaigning.<sup>194</sup> In contrast, the government had salaried staff, offices, travel and communication budgets, well-developed hierarchical systems, and a conservative press supporting its political stance. By 1946 there had been a shift in this power/resource dynamic. McLeod had found an Australia-wide support network in the CPA, with its own newspaper and policies that articulated values and objectives favourable to the Northwest Aboriginal people. The Government had also increased its resources, with the Commonwealth security services able to mount surveillance of troublemakers in the Northwest, of whom McLeod was one.

Ideas that caused trouble were about more than a policy change within Government and instead a fundamental re-alignment of Northwest economic and political structures. McLeod sought legal advice about the one percent of State revenue that he considered the government owed the people, and worked through the local organisations to expand public thinking beyond parochial self-interest.<sup>195</sup> On behalf of the Nullagine Progress Association, he published a Northwest program for development that was adopted as ‘the central policy point of their policy’. It addressed issues of taxation, administration structures and a proposal that the Federal Government assume management of the area above the 26th Parallel.<sup>196</sup> His isolation changed in mid-March 1946 when the CPA invited him to Perth as a consultative delegate to the Twelfth State Conference of the CPA.

To attend the Conference, McLeod travelled to Perth from Nullagine. His acceptance generated an article in the *Workers Star* headed ‘1000 Miles to Conference’.<sup>197</sup> It quoted his statement that the Department would not allow the Aboriginal people to have ‘any spokesman appointed by the natives themselves’. At the Conference, he met many individuals who were interested in the situation of the Pilbara Aboriginal pastoral workers and with whom he could debate his ideas. He also had an opportunity to practice his oratorical skills when he was chosen to speak on the CPA’s regular forum at the Esplanade on Sunday, April 7, 1946. Native affairs, his subject, attracted ‘a large crowd’ and generated many questions. A Mr Tarbutt was reported as saying ‘Mr McLeod’s eloquent appeal for a new deal for the Aborigines was warmly applauded’. McLeod was awarded a spontaneous vote of thanks that was unanimously supported, and he was to speak

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<sup>193</sup> “‘King’ of the blacks comes to town,’ *The Herald*, 6 June 1955.

<sup>194</sup> State Records Office of Western Australia, Department of Native Affairs 173/50, Report of Patrol No 1 of 1949/50. 15/6 sets out the Travel Allowance and vehicle petrol reimbursement amounts for an officer who used his own car.

<sup>195</sup> According to Steven Churches, he received legal advice, ‘one from John Toohey when he was a silk, two from Nick Hasluck at different stages of his career, one from Geoffrey Sawer, and another from John Macdonald QC’, see Steven Churches, “Put Not Your Faith,” 9.

<sup>196</sup> ‘NW and Kimberleys for TVA’, 1946. *Workers Star* 8 February 1946, p. 6.

<sup>197</sup> ‘1000 Miles to Conference’, *Workers Star*, 5 April 1946, p. 4. 1000 miles is the equivalent of 1610 kilometres.

again the following Sunday. Despite this positive reception of McLeod's politics, and the front page placing of the article, the *Workers Star* referred to him as 'Don McLeod from Nullagine'.<sup>198</sup> In another edition it carried an item on McLeod's response to three Aboriginal people in Broome who had been granted full citizenship under the new *Native (Citizenship Rights) Act 1944*. 'This opens up a new avenue,' McLeod is reported as saying, 'and points to a brighter future for half-caste people in the NW'. The *Workers Star* described McLeod as 'NW champion of a better deal for aborigines'.<sup>199</sup>

The *Workers Star* provided a forum in which McLeod could publicise issues concerning the Aboriginal people of the Northwest, and his developing views. Departmental intransigence over the Aboriginal people's wish to have an inspector of their own choosing was, McLeod, told the *Star*, 'a denial of elementary democracy, and further proof that the State Government's policy towards the aborigines is influenced by the desire of reactionary squatters for a supply of cheap labor'. Furthermore, 'the trade union movement should ... demand that the State Government hand over native administration to the federal government'.<sup>200</sup> By assigning to McLeod the designation 'from Nullagine' rather than the 'Communist,' these references to McLeod reflected a subtle parting of the ways between McLeod and the CPA which he revealed during the 1946 Marxist school that he attended. His single-minded focus on the Aboriginal people's struggle for justice made him a problematic member of any organisation. However, if there was a diminution of support for McLeod, it did not detract from the CPA's commitment to justice for Aboriginal people.

Following the conference, the CPA held a two-week night school, conducted by National CPA secretary JB Miles, in which McLeod participated.<sup>201</sup> Justina Williams, who also attended, described McLeod as 'small and wiry, blue eyes blazing above a black beard, his passion contrasted with the deliberation of "JB" who gave high praise to McLeod'. Williams reported that McLeod told the class about the conditions relating to the Aboriginal people of the Northwest. He then acknowledged 'the influential Whites up there hate me. They call me a violent commo, a trouble-maker. They're out to get me. I have to step carefully, hide my movements'.<sup>202</sup>

McLeod was in his element at the school:

The school was the best thing that ever happened to me. We had all the top brass in that school, JB Miles led it. I had the temerity to challenge Miles ... He reckoned that all squatters were capitalists. My secretary was Thora Howard, later Gallop. She is a squatter's daughter. I did an article like we were supposed to, Miles blue pencilled it and read it out and challenged me.<sup>203</sup>

JB Miles knew the WA Party people and environment, having visited several times.<sup>204</sup> Miles was then a

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<sup>198</sup> 'Urges New Deal for Aborigines', *Workers Star*, 12 April 1946, p. 1.

<sup>199</sup> 'Step Forward for Natives', *Workers Star* 23 April 1946, p. 3.

<sup>200</sup> 'Natives Denied Right to Organise', *Workers Star*, 25 April 1946, p. 5.

<sup>201</sup> Michael Hess, "Black and Red," 70.

<sup>202</sup> Justina Williams, "Love and Anger," 127.

<sup>203</sup> Owner of Bonney Downs station, discussed in Chapter Three. She was later known as 'Mrs Nullagine,' see "Mrs Nullagine" has fourteen jobs', *Australian Women's Weekly*, 21 September 1960.

<sup>204</sup> At least in 1934 to support Bill Mountjoy's candidature in the Senate election and again in 1936 when the Party was prosecuted under the Crimes Act and he was a defence witness, see Justina Williams, "The First Furrow," 117, 152.

powerful man, the national Party secretary who ‘exercised absolute control’ over it.<sup>205</sup> McLeod presumably knew that the Party expelled non-conforming members, but he had the naivety or temerity to abuse Miles over comments on his essay. ‘I said no, you have to pull your head in, her father was a bullock driver before he became a squatter, he’s got a labour position behind him’. McLeod exhibited a confrontational characteristic when he responded to Miles – or maybe he did not care about the consequences. He commented ‘Miles agreed with me but the very fact that I had challenged him and shown him that he was wrong, they took a snout on me’.<sup>206</sup>

McLeod’s attempts to obtain a degree of justice for the pastoral workers had so far been fruitless. Had some concessions to Government policy been granted, it is possible the strike may not have occurred, but McLeod’s failed attempts to represent the people’s demands made some action inevitable. McLeod explained to the Aboriginal leaders why strikes had happened throughout the world, ‘that underprivileged people were imposed on by smart buggers who were greedy and the only way you could beat them was by unity’.<sup>207</sup> He emphasised the strength of many match sticks bound together versus one single match stick – ‘break that,’ he urged those he was advising, ‘No, it’s too strong to break’.<sup>208</sup>

Still hoping to persuade the Department to listen to the blackfellows and respond to their demands, thereby averting a strike, he reminded the Premier of the pastoral workers’ principal demand: that they did not want the Department to represent them and that they claimed the right to elect their own representative. ‘This,’ he stated, ‘the native workers are determined to secure’.<sup>209</sup> Bill Hegney saw that letter and believed it had been drafted and typed in the headquarters of the Communist Party despite its address being Port Hedland.<sup>210</sup> The Premier was unmoved and the strike as a weapon of last resort became more likely. When it did start, however, the government was incredulous.

## 4.2 Preparation for the strike

The leaders and McLeod agreed to wait until the War was over before activating the strike. McLeod had suggested to the leaders that International Labour Day, the first of May, would be appropriate, and the leaders accepted his recommendation. As he told his colleague, ‘this would put the Australian blackfellows right at the forefront of all the struggles of the working class peoples of the world, shoulder to shoulder’. He added, this was dangerous business: ‘Because any man that pokes his nose into what the squatter was doing to the black fellow was looking for trouble’.<sup>211</sup> While he was working on the stations, he remembered, he knew the strike would come; ‘you could sense it, blackfellas meant it, it you could hear the thing going’.

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<sup>205</sup> Stuart Macintyre, John Bramwell Miles (1888–1969), *Australian Dictionary of Biography*, <http://adb.anu.edu.au/biography/miles-john-bramwell-jack-11120/text19801>, accessed online 4 February 2015.

<sup>206</sup> McLeod to Ken Liberman.

<sup>207</sup> McLeod to Ken Liberman.

<sup>208</sup> Max Brown, “The Black Eureka,” 106.

<sup>209</sup> McLeod to Wise 30 April 1946, State Records of Western Australia, Native Welfare Department 800/45.

<sup>210</sup> W Hegney to F Wise, whom he addresses as ‘Dear Frank,’ 17 May 1946, State Records office of Western Australia, Acc. 5761, item 1946/150/46.

<sup>211</sup> McLeod interviewed by Chris Jeffery.

He was 'in the thick of it by this time, what's going on from Balfour Downs to way up Alice Springs, we've got emissaries coming backwards and forwards all the time'.<sup>212</sup>

Dooley asked McLeod for a device for organising the strike amongst the families living on more than twenty pastoral stations in the Pilbara, and McLeod made what came to be called a calendar. The calendar had a square for each day and a red ring around the first of May so that the pastoral workers, who had not been taught to read and write, could figure out the day they were to all leave.<sup>213</sup> Wilson reported that a storekeeper copied it for Dooley.<sup>214</sup> Peter Dowding recalled a story told to him by Billy Moses-Martin. One of the leaders was taking the calendars around to his people on the stations and the police, he said, knew something was going on but they did not know what it was. They were searching Aboriginal people for clues. The one safe place Billy could keep the calendars that he was circulating was in the toe of his 'filthy, sockless sandshoe' which, he said, was so odious that the cops would not possibly look in there.<sup>215</sup> Dooley used the same strategy.<sup>216</sup> Police did, however, acquire some calendars and learnt what was going on: a strike.<sup>217</sup>

Aboriginal pastoral workers took their children and belongings and began leaving their jobs, although not all on the first of May as planned. McLeod sent dispatches to the *Workers Star*, which initially publicised 'what is probably the first strike of Aboriginal workers in Australian history'.<sup>218</sup> McLeod's role in the strike was the subject of much government correspondence. The premise of Government's authority over Aboriginal people in 1946 was based on nineteenth century descriptions of the 'natives' as childlike. These policies had not been updated to a new reality that the people were in fact as mature and intelligent as all other races. They had adapted to Western civilisation but by keeping the races apart, the government was still operating out of the model set by the Western Australian Constitution in 1905. In this model the 'natives' were incapable of autonomy and their welfare and happiness could only be achieved by government control. This view had prevailed; Government and pastoral station personnel could therefore not believe that 'their natives' were capable of organising a strike; the operative had to be McLeod, the Communist troublemaker.<sup>219</sup> McLeod's standpoint was that the Lawmen had appointed him to undertake certain tasks and that he was obedient to their instructions. These two divergent views were irreconcilable

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<sup>212</sup> McLeod to Ken Liberman.

<sup>2</sup> Bill Dunn remembered Dooley delivering a calendar, see Graham J Wilson, *Pilbara Bushman*, 2002, p. 36.

<sup>214</sup> John Wilson, *Authority and Leadership*, 1961, p. 53.

<sup>215</sup> Peter Dowding, pers. comm., May 2015.

<sup>216</sup> Angela Campbell, "Yandy: walking the uneven lie of a mining boom", *Australian Drama Studies*, 56, (2010): 2.

<sup>217</sup> O'Neill stated that 'a native gave Constable Fletcher a portion of the calendar', 24 May 1946, SROWA Acc. 993, item 800/45; O'Neill notes 'a crude drawing of a calendar showing the date on which the strike was to commence', O'Neill to Commissioner of Native Affairs 11 May 1946

<sup>218</sup> 'Aboriginal Station Hands Strike for Right To Organise', *Workers Star*, 3 May 1946, p. 3. Deborah Wilson disputed this claim, citing the walk-off from Cumeragunja in 1938 as the first, see Deborah Wilson, *Different White People*: 51. Her comparison does not take into account a major difference: Cumeragunja people left one site whereas the Pilbara people had to coordinate leaving over 20 sites from a vast area.

<sup>219</sup> In the latest research into the strike, Deborah Wilson investigated the roles of McLeod, the Aboriginal leaders and the supporters who rallied behind them, showing that McLeod did not usurp the leaders' authority, see Deborah Wilson, *Different White Men*, 2015. Two separate current studies of the strike are being conducted by historians Bain Attwood and Anne Scrimgeour.

in the 1940s political environment of Western Australia.

### 4.3 The Strike

As the Aboriginal pastoral workers started leaving the stations, they gathered in two camps, the Twelve Mile in Port Hedland, and Moolyella in Marble Bar. They hunted for food and did various income-earning work such as collecting dingo scalps. McLeod worked on the wharf and sent his surplus money to their camp at the Twelve Mile to feed the children and the old people. He described those early days to a colleague, easily using the collective noun 'we' when referring to the growing community of strikers:

We had Tommy Sampey of Beagle Bay, he was trying to get the kids going to school. It wasn't much of a school but it kept the people together while the workers were out getting goats and kangaroo skins and pearl shell or whatever they had. These people organising the school, keeping them neat and clean and feeding them. Whatever money I could set aside from my wages to feed them because by that time I was broke. When you have 700 people it doesn't take you long to go broke. So that I was working from a distance. I used to get reports about the strike, a picture of what was going on in those days.<sup>220</sup>

This evidence answers thesis Question three. McLeod did not instigate the strike. He was an integral part of its planning and its execution, but only those with traditional authority, the Lawmen, could order their people to do something and expect them to comply. On this occasion their instruction required their people to take an action that had frightening repercussions. Defying the Western laws that had controlled the adults during their individual and collective lived experience was not something McLeod had power to initiate.

McLeod's role in the strike is clear. He advised the leaders to articulate their demands in terms of an industrial dispute that could be readily grasped by union members, employers, parliamentarians, government officers and the press. While there were good reasons to call for better wages and conditions, the Lawmen's subtle and more powerful motivation was to reclaim their autonomy. McLeod knew that he was putting his own life in danger by supporting them.<sup>221</sup> In his book, *How The West Was Lost*, he specifies the attacks and threats of attacks on him, measures he took to evade capture, and the fear that he endured. Regardless of this unaccustomed position as a public enemy, he gradually crossed the cultural divide between the White and Asian community, and the Aboriginal community. As he became more immersed in the Aboriginal worldview he exposed himself to retribution by those whose previously-unchallenged power was the target of the strikers: the pastoralists and the Government. These two cohorts retaliated, using various strategies such as putting pressure on the strikers to desist from their plan, undermining McLeod's

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<sup>220</sup> McLeod to Ken Liberman. *The Workers Star* carried news of the school, see 'Hodge Case Appeal Will Go to High Court of Australia', *Workers Star* 25 October 1946, p. 2.

<sup>221</sup> W Hegney, for instance, wrote on 17 May 1946 to Premier Wise, advising that 'Pastoralists are anxious that some action be taken to prevent McLeod from disturbing the natives. ... Successful prosecutions are the most effective ways of preventing his causing further trouble among the natives. He is the Communist Party agent in the Pilbara ...' district. *State Records Office Western Australia*, Acc. 5761, 1946/150/46.

standing with them and applying the Act to have McLeod and the strike leaders removed from their influential positions. McLeod recognised that arrests were a strategy to derail the Aboriginal workers and was careful to avoid detection when meeting with the leaders. When he and the Aboriginal leaders were arrested for various offences in 1946, a committee that had formed in Perth became a vital link in their support chain.<sup>222</sup> Hess pointed out that the 'prospect of communists and Aborigines coming together was the worst of nightmares for the WA Establishment, combining many of its racial and political prejudices'.<sup>223</sup>

Through the CPA, McLeod had kept a group of supporters in Perth informed about the Aboriginal pastoral workers' situation. This group established a provisional Committee for the Defence of Native Rights (CDNR) which took seriously the demands of the pastoral workers as explained by McLeod. In a pamphlet prepared and circulated by the CDNR titled 'Story The Press Did Not Tell,' McLeod is reported to insist 'on the demand that the natives be given the right to organise and elect their own representative'. Interstate unions publicised the strike and sent donations to the CDNR.<sup>224</sup> McLeod sent reports of the strike to the Communist press in Perth which published, in the *Workers Star*, details of the events and the support generated by local and interstate unions.<sup>225</sup> Later the CDNR wrote to the United Nations Organisation (UNO) and the World Federation of Trade Unions, outlining the issues.<sup>226</sup> By August other London organisations were campaigning against the 'persecution' of Clancy, Dooley and McLeod, with Mary Bennett of the Anti-Slavery Committee writing to the CNDR.<sup>227</sup> Events in Port Hedland precipitated development of the CDNR into a more active organisation. Their 'enemy', the State, was also increasing its resources to undermine the strikers and McLeod.

A strategy the government devised to deter the strikers focussed on arresting the ringleaders, especially McLeod. Detective Sergeant Ron Richards was sent to Port Hedland 'to conduct inquiries on behalf of the Police Department'.<sup>228</sup> Arrests soon began.

#### 4.4 Arrests

In the first arrest in 1946, Constable Fletcher charged Clancy McKenna on May 8, 1946 under Section 47 of the *Native Administration Act 1905-1936* for persuading natives to leave their employment 'on or about

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<sup>222</sup> Clancy McKenna and Dooley BinBin were arrested in May 1946 and jailed for three months and again in January 1947, see 'Native Arrests Rouse Strong Perth Protest', *Workers Star* 7 February 1947, p. 5.

<sup>223</sup> Michael Hess, "Pilbara Pastoral Workers' Strike," 71.

<sup>224</sup> 'More Unions Back Native Strikers', *Workers Star*, 20 September 1946, p. 6.

<sup>225</sup> '106 Natives Set Up Co-op Camp', 1946, *Workers Star* 8 November 1946 p. 5. Joan Thomas, editor of the *Workers Star* in August 1946, urged members to send stories about events that concerned them, describing how the paper could inform interstate readers, see 'Every Star Reader a Reporter' in *Workers Star* 9 August 1946, p 3. McLeod also sent reports to the CDNR which forwarded them to the *Workers Star*.

<sup>226</sup> 'Native Case for UNO, WFTU, 1946', *Workers Star* 5 July 1946, p. 6.

<sup>227</sup> 'Native Rights: London Backing'. 1946. *Workers Star*, 2 August 1946, p. 5. Mary Montgomerie Bennett (1881-1961) was a teacher of Aboriginal primary school children in remote areas of WA, and an advocate for Aboriginal rights, especially to protect Aboriginal women. Her campaigning influenced the WA Government's appointment of the Moseley *Royal Commission Appointed to Investigate, Report and Advise Upon Matters in Relation to the Condition and Treatment of Aborigines*, 1934, see GC Bolton & HJ Gibbney, 'Bennett, Mary Montgomerie (1881-1961)'.

<sup>228</sup> Acting Commissioner of Native Affairs to Minister for Native Affairs, 9 April 1947, State Records Office Western Australia, 305/47, Acc. 993.

10/3/46'.<sup>229</sup> Two Justices of the Peace in Port Hedland convicted Clancy and sentenced him to three months' jail. Richards arrested Dooley on May 16, 1946 in Marble Bar for the same offence;<sup>230</sup> Dooley was transported to Port Hedland and also sentenced to three months' imprisonment. The object was, however, to get McLeod, and when he was arrested 'immediate action was taken to place a recommendation before Hon. Minister for the Northwest that the Hon. Minister for Justice extend clemency to the natives ... and both natives were accordingly released'.<sup>231</sup> The CDNR campaigned to have the convictions quashed and sent a deputation to see Premier Wise, the Minister for Justice, Mr Nulsen and the Minister for Native Affairs Mr Coverley, who all refused to meet with them.<sup>232</sup>

Detective Sergeant Richards charged McLeod on May 16, 1946 under the same section of the Act for the same offence that Clancy and Dooley committed. In addition, under Section 39, Richards charged McLeod for counselling Clancy and Dooley 'to persuade natives employed in the Pilbarra [sic] District that on the 1<sup>st</sup> day of May 1946 they were to leave their lawful service without the consent of a Protector of Natives'<sup>233</sup> allegedly in order to attend a meeting in Port Hedland. These arrests were a tactical error by the Department.

News of such an arrest that was normally confined to Port Hedland became known in Perth, nationally and internationally. McLeod's network had already formed itself into an organisation that could act when events required support. It did so quickly following the arrests, when the provisional CDNR began publicising these events. Its honorary secretary was Anglican minister HPV Hodge,<sup>234</sup> assistant clergyman at the Church of England Parish at Claremont.<sup>235</sup> Hodge circulated a letter asking organisations to distribute leaflets and send delegates a meeting to be held on May 28, 1946 at which the arrests and the 'glaring injustice which strikes at the principles of living on which Australia stands' would be debated. KS Prichard wrote the handout and asked 'Are Aboriginal workers slaves?'<sup>236</sup>

Although held in the Port Hedland Police Lock-Up which, at the time, was not a jail, McLeod was able to communicate with the CDNR. He wrote to Hodge. His letter and other messages were delivered by the secret services of the Aboriginal network. Tommy Nunganunga was working as the Police boy and twice a day collected McLeod's mail, thus sabotaging any intention the police may have had to keep McLeod incommunicado and reduce his influence.<sup>237</sup> McLeod's letter to Hodge on May 23, 1946, was printed on the

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<sup>229</sup> Transcript of court proceedings, National Archives of Australia, *McLeod Donald William versus Richards George Ronald*, NAA: A10078 1946/13 Pt 1. Section 47 prescribed that 'any person who entices or persuades or persuades a native to leave any lawful service without the consent of a protector shall be guilty of an offence against this Act'.

<sup>230</sup> Clancy described these arrests in his book Kingsley Palmer & Clancy McKenna, *Somewhere Between Black and White*, 1978, p. 79.

<sup>231</sup> Acting Commissioner of Native Affairs to Minister for Native Affairs, 9 April 1947, State Records Office Western Australia, 305/47, Acc. 993. Hannah Middleton stated that the Western Australian authorities 'thought that once he was behind bars the strike would collapse', see Hannah Middleton, *But Now We Want our Land Back*, New Age Publishers, Sussex St, 1977, p. 97; Michael Hess, *Black and Red*, 1994, p. 74.

<sup>232</sup> 'McLeod, McKenna, Dooley Must Be Cleared, 1946', *Workers Star*, 26 July 1946, p. 1.

<sup>233</sup> National Archives of Australia, *McLeod, Donald William versus Richards, George Ronald*, NAA: A10074, 1947/8,9,10.

<sup>234</sup> Peter Hodge had been a padre in the Army during the war and was usually referred to as Padre Hodge.

<sup>235</sup> National Archives of Australia, *Hodge, Hugh Peter Vere versus Needle, Thomas William*, NAA: A10074, 1947/5.

<sup>236</sup> 'S.O.S.' handout issued by Hodge, State Records office of Western Australia, Native Welfare Department, Acc. 933, 800/45.

<sup>237</sup> John Wilson, "Authority and Leadership," 60.

front page of the *Workers Star* under the heading 'He Writes from Jail'. It began 'Although I had no misgivings that ultimately freedom-loving people would actively take up the very just cause of native workers, it is heartening to have news of your timely intervention'.<sup>238</sup>

At the CDNR public meeting several motions were passed that endorsed the pastoral workers' demands, formalised the CDNR and elected Hodge as Treasurer-Secretary. Even the conservative Western Australian newspaper carried an article about the meeting 'to protest against the persecution of North-West natives'.<sup>239</sup> The *West Australian* thereby brought the situation to the attention of those in the capital city. Participants in the meeting also raised £55 towards a fund to engage socialist Barrister and Solicitor Fred Curran,<sup>240</sup> who could defend the two Aboriginal men and McLeod. This was a brilliant move and changed the way information about the strike and conditions for the pastoral workers was managed. It brought the court proceedings into the Western Australian press,<sup>241</sup> and the Aboriginal voice into the court room.<sup>242</sup> Leaving the stations in 1946, however, brought an unexpected difficulty: once the workers left the stations they could not access their rations. How they dealt with this problem depended upon their relationship with McLeod.

During the War each adult was issued with coupons for rationed goods, such as petrol, food and clothes. The Department issued to the stations, coupons for the Aboriginal pastoral workers were sent to the stations. In town, to obtain rationed items such as butter, sugar, tea, an individual needed a coupon. The strikers, not having their coupons, were denied these foods.

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<sup>238</sup> McLeod to Hodge 23 May 1946, *Workers Star* 31 May 1946 p. 1.

<sup>239</sup> *The West Australian*, 30 May 1946.

<sup>240</sup> Fred Curran of Curran & Corser of 37-39 Padbury Buildings, Forrest Place Perth. Fred Curran was legal adviser to the CDNR.

<sup>241</sup> 'Fly North for McLeod hearing', *Sunday Times*, 16 June 1946, p. 12. The article also reported that the CDNR had sent statements about the arrests to the UNO, Federal and State Ministers, and included a photo of McLeod.

<sup>242</sup> Normally Aboriginal people would be represented in court by a Protector. Because the same person could occupy both roles simultaneously, the Protector could also be the prosecuting policeman. The Aboriginal defendant could feel intimidated.

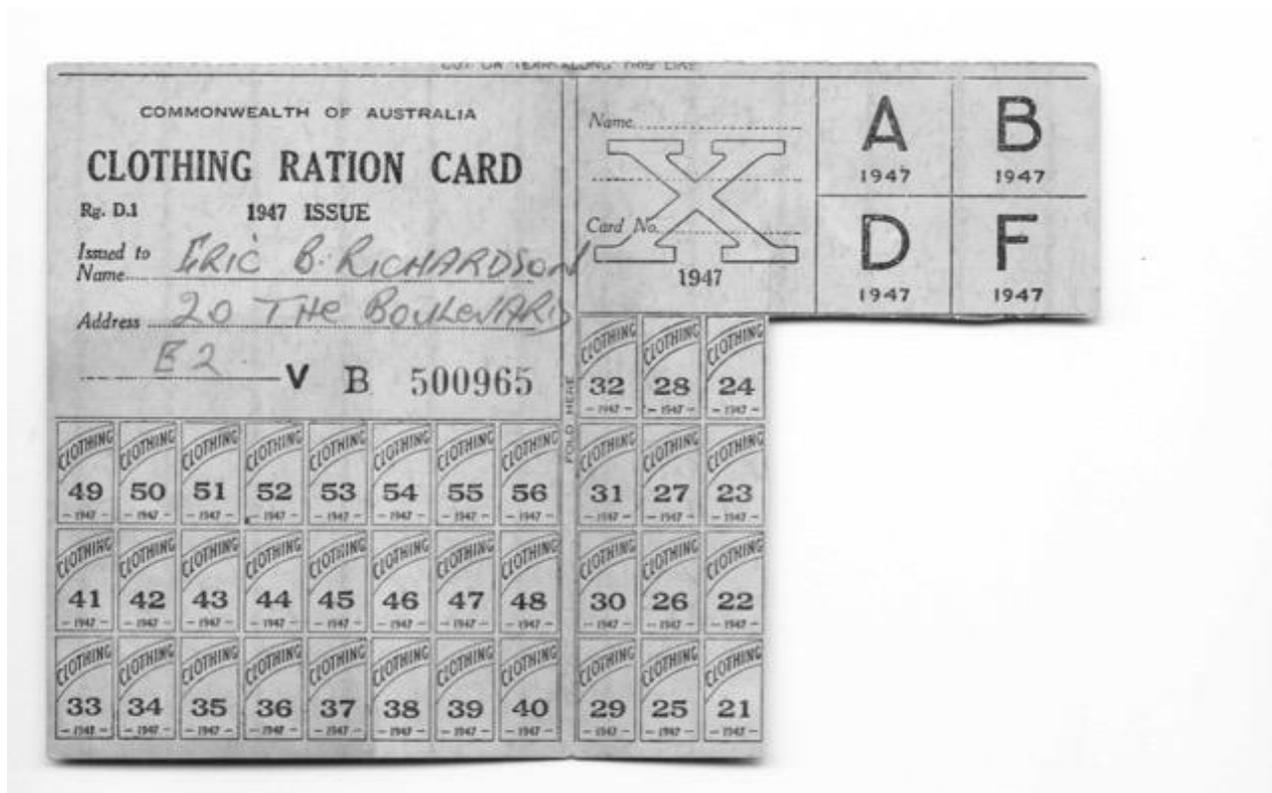


Figure 14 Clothing coupon allocated to my father during World War II.

(Image by Jan Richardson.)

This control increased their vulnerability to persuasion to return to the station work.<sup>243</sup> One version of the process to retrieve the coupons portrayed McLeod’s method of empowering the strikers and is exemplified in the dialogue in the film *the people made about their strike*.<sup>244</sup>

Sam Coppin, a striker, told his story. Because of the power-imbalance between a policeman and a ‘native’ over whom the policeman had authority, this episode is important. Sam was articulate and courageous, but had McLeod not being there to discuss with him his next strategy, it would have been difficult for him to continue to press his case with the Protector who was also the policeman. Sam was challenging the highest authority. The confrontation required extra courage owing to the policeman’s knowledge of this situation and Sam’s unfamiliarity with government regulations. His experience was with the master-servant relationship on the stations. Sam was able to consult someone whose knowledge, but not status, equalled the policeman’s, McLeod. Sam explained the transaction: ‘so Don asked me to “go and see Gordon Marshall, the police, and ask him for your coupon”. So I went up and asked him and he said “no I haven’t got your coupon.” “Sure you got it,” I tell him’. The policeman replied “no, I haven’t got it.” At this point, Sam could have been defeated, but instead he ‘went back to Don the second time. He said

<sup>243</sup> ‘McLeod Framed Under Act’, *Workers Star*, 30 August 1946, p. 1.

<sup>244</sup> David Noakes & Heather Williams, *How the West Was Lost*, Film.

“he got it, he’s going to bluff you out, don’t be frightened to tell him it’s yours, not his.”<sup>245</sup>

McLeod’s use of the word ‘bluff’ was Freirean.<sup>246</sup> The word had meaning for Sam, dispelling the notion that the policeman’s authority was incontestable. In this way he was empowered.

‘Alright’, Sam continued, ‘I went back again. “You got it alright, we find out from the stations, you got it.” The policeman asked ‘what do you want it for? Sam replied “tea and sugar, I’m not asking you for your coupon, I want my coupon”, I tell him’.<sup>247</sup>

This dialogue is significant for illuminating McLeod’s relationship with the strikers. Sam Coppin trusted McLeod. Faced with a problem, he had someone with whom he could discuss it, but this was more than an ordinary problem. It entailed conflict with a man whose position of power was formidable. The man, a policeman, represented all that the people had learned to fear. Furthermore, the policeman’s solution to this problem was that Sam return to the station; Sam, ‘bluffed’, retreated.

McLeod, by then out of the Police Lock-Up, offered to accompany Sam and a small group of strikers, and speak to the police for them. He was immediately arrested, an act which had unexpected consequences. McLeod explained that

they arrested me under section 37 for being within five chains of two or more natives. They put me in jail and they [the strikers] blamed themselves for having me arrested, despite the fact that they were terrified, they come up to tear the jail to pieces.<sup>248</sup>

The police, seeing this group of Aboriginal men marching through town to the Lock-Up to get McLeod released, is re-enacted in their film. It illustrates how the strikers overcame their fear by retaining their solidarity.<sup>249</sup>

The CDNR held events to raise funds for their work, which included employing a lawyer to defend the strikers and McLeod.<sup>250</sup> Interstate support included the donations of money. The Trades and Labour Council (TLC) circumvented a personal hardship for the strikers. Tobacco was a desired ration item the Department issued to the stations,<sup>251</sup> as they were ‘not permitted to collect it’.<sup>252</sup> The Bendigo TLC satisfied this need by appealing to the Australian Tobacco Traders Distributing Committee which then supplied,

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<sup>245</sup> To ‘bluff’ was a colloquial verb meaning ‘posturing’.

<sup>246</sup> Paulo Freire, *Pedagogy of the Oppressed*. As discussed in the Introduction, Freire developed a theory of teaching illiterate adults based on real-life experiences and the selection of a word that was meaningful to the adult. Through analysis of a situation that was confronting, the word could be empowering. The pedagogue engages in dialogue so that the adults can see their situation with new insight and address it, in the process liberating themselves from oppression caused by lack of knowledge. It is important for the pedagogue to refrain from imposing their own values and becoming paternalistic. This is a criticism of the method, see James Blackburn, “Understanding Paulo Freire: Reflections On The Origins, Concepts And Possible Pitfalls of His Educational Approach”, *Community Development Journal*, 35, no. 1 (January 2000): 3-15,

<sup>247</sup> Bill Bunbury, accessing an interview for the film *How the West Was Lost* enacted in greater detail Sam Coppin’s story and the strikers’ actions to get McLeod out of jail. See Bill Bunbury, *It’s Not the Money it’s the Land*: 58-59.

<sup>248</sup> McLeod to Ken Liberman.

<sup>249</sup> David Noakes & Heather Williams film, *How the West Was Lost*, 1987.

<sup>250</sup> ‘Independent Players Aid Native Right’, *Workers Star*, 4 April 1946, p. 1.

<sup>251</sup> ‘Natives Organise Camp, Work Parties’, *Workers Star* 13 September 1946, p. 5.

<sup>252</sup> ‘Bendigo TLC Backs Natives’, *Workers Star*, 6 December 1946, p. 5.

each week two ounces of tobacco per person to 208 members of the strikers' group. By December other problems were being resolved. Each individual adult was required to apply for their War rations, which took time from their income-earning work. They insisted on a system whereby one man could collect the rations for his working unit.<sup>253</sup> Their productivity and cooperative work practices in their Twelve Mile camp were, in this way, developing into systems. McLeod then activated another plan to get land. He applied for a pastoral lease of 41,600 acres.<sup>254</sup> His application was approved, and he named his station Glen Ern.

A court case added another value to the blackfellows' and McLeod's cause as it produced transcripts of court proceedings that record the defendant's and the witnesses' statements. While not an unusual procedure, what elevated this transcript to a document of significance is the voice of the witnesses - the blackfellows and the police. This was in an era where an Aboriginal had to be represented by an official of the Department, who could also be a policeman and as such an arresting officer. This relationship sustained a power differential that subdued the Aboriginal and created confusion for her/him. Additionally, they were disadvantaged when the proceedings were conducted in legal English and there were no translators to ensure transparency. In the court situation these elements of the proceedings not only deprived the Aboriginal plaintiff of a proper understanding but denied them an opportunity to tell their story. Here, with a lawyer to defend them, and McLeod on their side, they knew they had advocates whom they could trust. When their lawyer or the lawyer for the prosecution called them as witnesses, the court was obliged to listen to them speak, and to record their words. These transcripts revealed the gulf in understanding between the Department and the men and women whose lives they controlled, and helped to delineate the issues that McLeod was intent on addressing.

In the Port Hedland Court of Petty Sessions on June 20 and 21, 1946, Solicitor Fred Curran called six Aboriginal witnesses.<sup>255</sup> There were no court reporters and the Magistrate took notes. According to these notes, Dooley detailed his actions to organise the strike and named those to whom he 'gave him word to strike 1<sup>st</sup> May'.<sup>256</sup> He stated he had first met McLeod in 1945, Nullagine, and that he worked for him for six months there and at Bonney Downs. 'We wanted McLeod to be Protector ... Don McLeod first fellow come round blackfellow talk to him properly and so we follow him'. He affirmed amongst other things, that McLeod had employed him under Permit, paid him thirty shillings a week, treated him well, gave him good food, a house and bedclothes. When Curran asked him about his lawful service the Crown prosecutor objected, debarring questions about amenities and conditions. Despite that instruction, the strikers were specific about their reasons for leaving their employment. Tommy Dodd said he worked at the hotel where two Chinamen were paid thirty shillings a week, while he slept in the creek and had no room, no laves, no

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<sup>253</sup> 'Natives Get Rations', *Workers Star*, 20 December 1946, p. 5.

<sup>254</sup> 41,600 acres are the equivalent of 16,835 hectares. Application number 39/1309, de Grey District, State Records Office of Western Australia, Lands and Surveys file, Cons 1755 2414 1946 for lease 394/1309. The land was rent free for the first five years under the *Land Act Amendment Act, 1938*.

<sup>255</sup> Dooley, Clancy, Kitchener, Jackson, Tommy Dodd, Paddy Northover.

<sup>256</sup> National Archives of Australia, *McLeod, Donald William versus Richards, George Ronald*, NAA: A10078, 1946/13 Part 1, Exhibit "D".

blankets. He was given tucker.<sup>257</sup> Jackson said he did station work, 'slept in creek, no blankets ... I make up my mind for treatment'. Roy McKay stated 'we wanted McLeod be Protector so he could help us ... sleep in river, no lavs, have two blankets each man, we pay twenty-five shillings each new blanket, no mosquito nets, no houses'. Paddy Northover said 'camped river, no sanitary conveniences, no mosquito nets or ground sheets, more wages, better treatment – housing'.

Contradicting the Department's view that McLeod and the Communists were behind the strike, Clancy confirmed that the strike was being orchestrated by his own people: 'I took job on myself – He did not ask me do it – I did it'. The difficulty in discussing their plans with McLeod was apparent:

'I came to Pt Hedland; I came to see him – saw him same night. He sd [said] 'How's strike'. I saw him in street by accident. We talk in the dark – I went to beach he met me there'. Another time Clancy and four other men 'met in dark. McL asked how people going. Reggie sd ]said] some might not strike. McL told me to go round and see make it strong as you can – we have the power – we get people below help us'.<sup>258</sup>

Clancy then listed some of his grievances:

natives not sat. [satisfied] with condition, they being beat for money taken from wages. They wanted him rep, then see they got justice. We told him we go on strike and he to do it for them. He advised against it as war on and wool wanted. We wanted him [McLeod] as Protector. ... I was at camp when Fletcher came, ... sd [said] wd [would] all be forced to desert to eat lizards.<sup>259</sup>

Clancy, as did others, listed some stations that did not provide facilities.<sup>260</sup> Nearly all witnesses mentioned wanting thirty shillings wages.

When the police were called as a witness, Fletcher said 'I am a Protector. I have not prior to 1 May had any compts [complaints] from natives as to conditions. I have had compts. from natives of misunderstanding between employers and natives. Natives are not in fear of police'.

Inspector O'Neill stated:

I interview Manager see permits adjust native complaints, inspect living conditions they live on the river. They have ground sheets, have to buy sheets and mosquito nets, they have suitable accommodation, they have never asked for better conditions, they have no complaints.

McLeod confirmed that he 'supported the strike if they cd be unanimous ... strike for better conditions and wages ... right to appt Inspr [inspector] own choosing. Better conditions as to housing and food and sanitary conditions. ... I know of no other white man doing same as I was 1943-1945'. These witness statements opened the chasm of misunderstanding and different experiences between the protected and the

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<sup>257</sup> The word 'tucker' was the common word for 'food'.

<sup>258</sup> By 'people below' McLeod was referring to supporters in Perth and interstate.

<sup>259</sup> The magistrate took notes in his own shorthand. 'sd' meant 'said', 'wd' meant 'would'.

<sup>260</sup> By 'facilities', the witnesses meant 'no conveniences for natives, they sleep in river'. Kitchener also stated 'We wanted him (McLeod) to be made Ptr [Protector] to help us as we not getting fair treatment ... I sleep in river, no lavs – mosquito nets – no house'.

protectors, but the obvious hardships of the Aboriginal workers apparently made no impact on the Magistrate. 'All charges were proved'.<sup>261</sup>

While the convictions were not prevented, Aboriginal pastoral workers had voiced their opinions, they had independent legal representation and in their presence, the assertions of their Protectors were disputed. Moreover, the 'courtroom was crowded while many others stood outside, unable to obtain admission.' A newspaper's Special Representative quoted witness Inspector Laurence O'Neill stating 'it was all right for natives to be camped in river beds ... and the natives never asked him for better accommodation'.<sup>262</sup> It was good publicity for the Aboriginal cause even though the findings went against them. It also exposed what the pastoral workers meant by 'conditions', that is, better treatment. These revelations were unintended benefits from the prosecutions, and there were more.

It was unusual for illiterate and impoverished Northwest Aboriginal pastoral workers to be represented by a lawyer who could advise them on such civil liberties as the right to appeal. John Wilson affirmed that the 'The *marngu* were impressed when McLeod provided a lawyer to present their case'.<sup>263</sup> They were convinced of McLeod's sincerity when he went to prison for them'.<sup>264</sup>

Acting for the three men on August 17, 1946, Curran, lodged an Appeal in the Western Australian Supreme Court to review the Magistrate's decision. It was not successful, for Justice Wolff on October 30, 1946 concurred with the Magistrate's decision. He also denied their appeals to the High Court.<sup>265</sup> The court notes listed some reasons: 'McLeod was anxious to see how matters were progressing ... so sent emissaries ... to get representatives (natives) to attend a meeting'. This did not work as 'they did not attend the meeting, due to the fact that the authorities had taken action and the strike had collapsed ... it is well known that the native is childlike and easily prevailed on'.<sup>266</sup> A different view was gained by John Wilson when he interviewed the *marngu*: 'These arrests strengthened rather than weakened the movement'.<sup>267</sup>

The strikers' demand for decent wages and conditions ('treatment') reflected a change that employers and the Aboriginal's pastoral workers' guardians either had not noticed or did not believe. It was that by 1946 the Aboriginal workers were aware of being kept outside the modern economy, unschooled in the language and lore of the dominating culture and badly treated. McLeod had helped them articulate their

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<sup>261</sup> Solicitor Curran's strongest argument was that the term 'leaving' did not apply to men on strike as striking was not severing or terminating employment. However, in the Port Hedland Court of Petty Sessions on 20 and 21 June 1946, Resident Magistrate Maurice Harwood found McLeod found guilty on all charges. On the first charge, for counselling Dooley, he was fined £10 + £15.12.2 costs, in default 45 days' hard labour. On the second charge, for counselling Clancy, he was fined £20 + £15.12.2 costs, in default 105 days' hard labour (third or subsequent offence), and on the third charge, for attempting to persuade natives to leave their employment, he was charged £20 + £15.12.2 costs, default 105 days' imprisonment cumulative. Clancy and Dooley were also convicted but later released.

<sup>262</sup> 'Natives Strike', *West Australian*, 22 June 1946, p. 12.

<sup>263</sup> '*marngu*' is the Aboriginal people's Nyangumarta language word for themselves, who were of full Aboriginal descent.

<sup>264</sup> John Wilson, "Authority and Leadership," 59.

<sup>265</sup> National Archives of Australia, *McLeod, Donald William versus Richards, George Ronald*, NAA: A10078, 1946/13, Part 2.

<sup>266</sup> Exhibit G, in the Matter of the Justices Act 1902-1942, National Archives of Australia, *McLeod, Donald William versus Richards, George Ronald*, NAA: A10078, 1946/13 Part 2.

<sup>267</sup> John Wilson, *ibid*, 1961, p. 60.

anger and affront, but he had not created it. He helped them plan to recover their autonomy, but he had not masterminded it. He had, however, harnessed the power of individuals and nation-wide organisations in their cause. This network functioned to break the government-pastoralists' monopoly on controlling Aboriginal pastoral workers, and dissemination of information about them in the public press, as exemplified in McLeod's second arrest.

On this occasion, Padre Hodge had travelled to Port Hedland for the CDFR, to meet the strikers and see their situation for himself. He caught the plane on August 13, 1946, having arranged for McLeod to meet him at the airport. They both then drove to the Twelve Mile camp where McLeod introduced Hodge, but the anticipated conversation could not take place. Constable TW Needle had followed them out and under Section 39 of the *Native Administration Act 1905-1936*, promptly arrested them both for being 'within five chains of a group of natives'. Dr Jolly, CPA member and president of the CDNR, told the *Workers Star* that convicting McLeod 'has no moral justification'.<sup>268</sup> Section 39 was, he claimed, 'originally formed to protect natives from immoral white men, and to prevent the sale of liquor to natives, and has been distorted to serve the ends of the reactionary squatters'.<sup>269</sup>

Arresting McLeod was a reasonable act in this game of strategies to further the cause of two opposing sides. Arresting a Perth clergyman, who was also secretary of an organisation known to have a broad membership, was, however, a strategy that backfired. News of Hodge's arrest for coming within 100 yards of a group of Aboriginal people with whom he wanted to talk, quickly reached the press and the CDFR. McLeod was, at the time, on a Good Behaviour bond of £50 until August 23, 1946. As with the first arrests, the CDFR raised money and engaged solicitor Fred Curran. He was to defend Hodge and McLeod.

In the Port Hedland Court of Petty Sessions, Justices of the Peace (JP), FA Leeds and EL Wilson, found Hodge guilty and fined him £10/10/- costs, in default thirty days' imprisonment. Hodge appealed to the Supreme Court of Western Australia against the judgment.<sup>270</sup> Curran argued that, amongst other matters, Hodge did not enter upon a place where 'natives' were congregated in pursuance of native custom.<sup>271</sup> Mr Justice Wolff in Chambers on September 18, 1946 refused to review the Justices' decision. Hodge then appealed against that decision to the Full Court of the Supreme Court of WA. On October 20, 1946, Mr Justice Walker granted an Order to review the decision but upheld the decision. Hodge then appealed to the High Court of Australia against that decision. The Appeal was granted and heard on March 3 and 4, 1947.

High Court Chief Justice Latham, Justices Starke, Rich, Williams and Dixon discussed the construction of the sentence in Section 39, where the words 'congregated' and 'travelling in pursuance of native custom'

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<sup>268</sup> 'Dr Jolly Stands for Midland', *Workers Star*, 1 November 1946, p. 6. Dr A. Jolly joined the Party in 1933.

<sup>269</sup> 'McLeod Framed Under Act', *Workers Star*, 30 August 1946, p. 1.

<sup>270</sup> 'Hodge Case Appeal Will Go To High Court of Australia, 1946', *Workers Star*, 25 November 1946, p. 10.

<sup>271</sup> This was an addition to section 36 of the Native Administration Act 1905, which, in the Native Administration Act 1905-1936, by an amendment became section 39. National Archives of Australia, *Hodge, Hugh Peter Vere versus Needle, Thomas William*, NAA: A10074, 1947/5.

appeared together. The Justices found that Hodge had not been in such a situation. They made a judgment on March 4, 1947 to quash the conviction and awarded costs to the arresting officer, Constable TW Needle. Members of the CDNR perceived this as 'their victory'.<sup>272</sup>

McLeod also appealed to the Supreme Court against the JPs' decision; on March 27, 1947. Mr Justice Walker upheld his appeal as his circumstances were the same as Hodge's successful appeal in the Full High Court.<sup>273</sup> McLeod construed these decisions as breaking the section of the Act that required him to have a Permit to associate with the blackfellows.<sup>274</sup> In 1949 McLeod, 'flinty, elusive ... usually shirtless and shoeless,' gave up his private life and joined the strikers.<sup>275</sup>

## Reflection

In this chapter I have examined some of the major events that led to McLeod committing to the strikers' cause. It is encapsulated in senior man Pit Pit's description: 'McLeod he was a mining bloke, people been working for him down there he treat them like a people, you know, give them a lot of different tucker they see. Well that's why they made their mind to tell this fella to try and help the blackfella out.'<sup>276</sup>

How McLeod interpreted this instruction is the focus of the next chapter. From the age of forty-one to sixty-six, he drew on his business experience to give the strikers civil rights that government legislation denied them. It was a strategy that was as brilliant as it was vulnerable to interference from the forces it was designed to overcome.

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<sup>272</sup> 'Not Right and Proper to Aid Natives Says Nulsen', *Workers Star*, 4 April 1947, p. 5.

<sup>273</sup> *Daily News*, 27 March 1947, State Records Office of Western Australia 993, 305/47. Mr Justice Walker is reported to have said 'In this case there is exactly the same transaction and circumstances. The same decision as in Hodge's case applies in this one'. McLeod's appeal was originally suspended pending the outcome of Hodge's appeal.

<sup>274</sup> Michael Hess, *Red and Black*, 1994.

<sup>275</sup> Jenny Hardie, *Nor'Westers of the Pilbara Breed*: 2001: 179.

<sup>276</sup> Pit Pit in The West Australian College, *The Strelley Mob - all people education*, film, 1984, digitised in 2016 by Edith Cowan University.

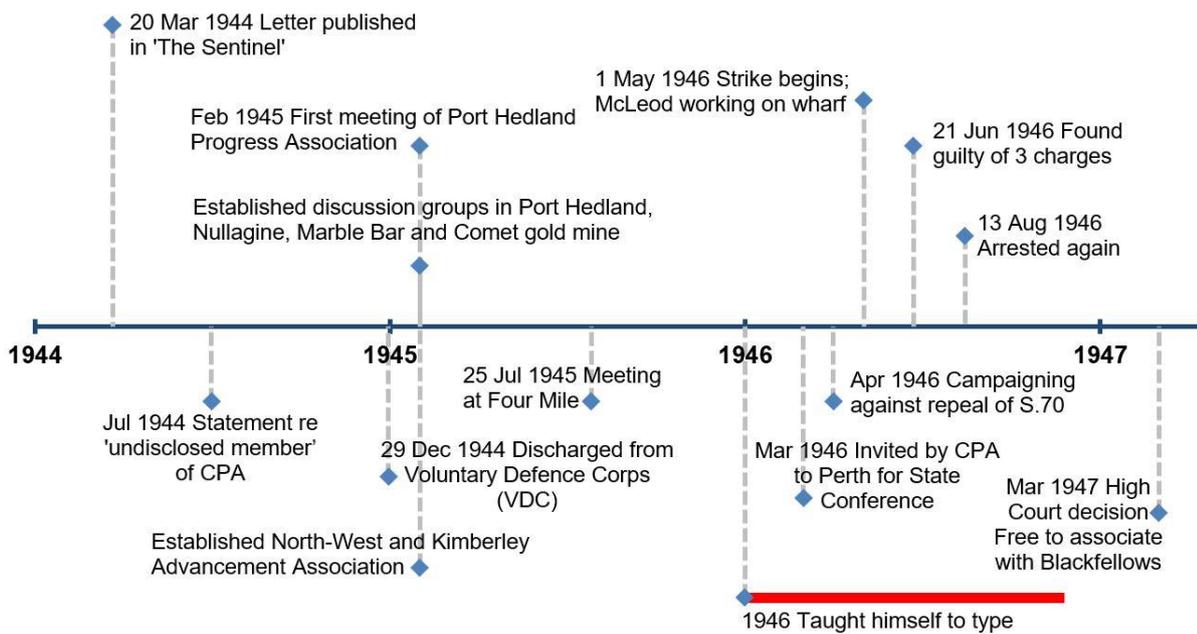


Figure 15: Timeline, 1944-1947

## Chapter Five

### Protection means enslavement<sup>1</sup>

To use a geological metaphor, McLeod's action in joining the blackfellows exposed a fault line that government and squatters did not recognise. The earthquake rumbling beneath the surface of the Pilbara landscape was the intelligence of people classified in that era by the pejorative term 'natives'. This was a term that indicated the dominant European conception of 'the other' who was so different to themselves in the 1880s that the label and its consequences were not updated, even by the 1940s.

In the last chapter, I examined the events culminating in a court case that liberated McLeod from the *Native Administration Act, 1906-36*, which the authorities had used to prevent him fraternising with the 'natives'. In this chapter I investigate how McLeod influenced, and was shaped by, the classification of 'native.' The strike which had started in 1946 concluded in 1949 and McLeod made a momentous decision. He became part of the strikers' Group, living with and working for them.

### 5.1 'Native'

So distinct a population were Aboriginal people in late 1947 that the Minister for Native Affairs commissioned magistrate FEA Bateman to conduct a *Survey of Native Affairs*.<sup>2</sup> Population figures of Aboriginal people in the North-West Division in 1947 included a separate count for natives and half-castes, and these categories revealed a focus on whether the Aboriginal person was of the full or part descent.<sup>3</sup> Bateman's terms of reference were predicated on the notion that a section of the Western Australian society was different to all others, so different that it required special legislation.<sup>4</sup> They revealed a basic supposition underpinning the designation 'native': natives came from 'a stone-age culture', and were incapable of intelligently evaluating their circumstances and managing their own lives as autonomous human beings. This hypothesis was, however, flawed.<sup>5</sup>

McLeod, changed by the teachings of the Aboriginal Lawmen, now interpreted his society through their eyes. What he saw appalled him. When given an opportunity to overcome the constraints imposed upon

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<sup>1</sup> DW McLeod, *How the West was Lost*, 2.

<sup>2</sup> FEA Bateman, *Report on Survey of Native Affairs, Department of Native Affairs, 1948*, commissioned on 21 July 1947, Perth Government printer, 1948.

<sup>3</sup> See FEA Bateman, *Report on Survey*, p. 30. Those who were classified 'Full Bloods' numbered: females 977, males 1191, children 531, total 2,699. Those designated 'Half Castes and Less Bloods' numbered: women 146, men 193, children 286, total 625; Grand total 3,324.

<sup>4</sup> Bateman recommended: (A) Make a survey existing native legislation as defined in the Native Administration Act 1905–1941; B) Advise as to the present and future value of such institutions; C) Advise whether any institutions are desirable and if so the nature thereof and the objects to be served by them; D) Make such recommendations as may seem proper to advance the education and welfare of natives generally, including their employment and vocational opportunities; E) Make such recommendations as may seem proper as to existing laws of this State relating to natives and any amendments thereto; F) Enquire into and report upon such other matters, if say, as the Government may later desire to refer to you for your consideration.

<sup>5</sup> FEA Bateman, *Report on Survey of Native Affairs*, 1948, 16.

them, they determined to 'gain control of their estate.'<sup>6</sup> He saw that in the Northwest where the government expressed a desire for 'protection,'<sup>7</sup> it implied protection of the pastoral industry. From the natives' perspective instead of 'protection,' McLeod asserted 'one should read "enslavement," and this assessment informed his developing philosophy'.<sup>8</sup>

The premise for each of the two diametrically opposed understandings about the intelligence of the Aboriginal pastoral workers was cultural. One feature was the apparent deference the 'native' pastoral workers showed their bosses but that McLeod had learned was false. Aboriginal pastoral workers' loyalty to many of the station managers who were the bosses outside the Big House,<sup>9</sup> and their wives who were the bosses inside the House, confounded many employers. Relationships were a fundamental ethic of Aboriginal culture. These relationships, if the people had worked together for many years, could be 'amiable and even genuinely affectionate,'<sup>10</sup> notwithstanding that some employers were rough. It was easy for employers to interpret this loyalty as allegiance to the station property and its bosses. From this perspective when the pastoral workers began leaving in 1946, their actions were a rejection that bewildered the bosses. Overriding most Aboriginal workers' loyalty to station personnel was, however, loyalty to their own people. Special adherence to their Law required individuals to do as their own 'boss' men instructed. These boss men were usually 'men of high degree' whose authority in matters of Law was sacrosanct.<sup>11</sup> Traditional networks were invisible to outsiders who, if not trained in Aboriginal Law, failed to appreciate the power of tribal elders. This gap in mutual understanding was to be filled by McLeod for the blackfellows' purpose of recovering the autonomy that the State had appropriated.

In addition to most Westerners' inability to penetrate their Aboriginal workers' 'invisible' cultural mechanisms, was their blindness to the effects of historical violence on their workers. This lack of appreciation about conditions of virtual slavery led to erroneous perceptions about the pastoral workers' acceptance of their position as subordinate to Asians and Europeans. Aboriginal people in the Northwest protected their interior life by using what one researcher called a 'smokescreen'.<sup>12</sup> One such smokescreen was to simply use the words 'yes' or 'yes, Boss', indicating more than a relationship of employee to employer. In the pastoral industry of that era it represented 'the paradigm of pastoral estates, with resident

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<sup>6</sup> DW McLeod, *How the West was Lost*, 38.

<sup>7</sup> As in the *Native Administration Act 1905-1941*: 'to make provision for the better protection and care of the Native inhabitants of Western Australia'.

<sup>8</sup> DW McLeod, *ibid.*, 2.

<sup>9</sup> Station homesteads were not simply buildings in which the owners or managers lived. Business was conducted on the veranda of the Big House, and the Big House came to symbolise the power differential between the bosses and the Aboriginal workers. Aboriginal people were not usually allowed inside, unless they were women domestic workers or temporary sexual partners. Business was conducted on the veranda of the Big House, and the Big House came to symbolise the power differential between the bosses and the Aboriginal workers.

<sup>10</sup> Victoria Haskins and Anne Scrimgeour, "'Strike Strike, We Strike': Making Aboriginal Domestic Labor Visible In The Pilbara Pastoral Workers' Strike, 1946-1952," *International Labor and Working-Class History*, 8, Fall, (2015): 92.

<sup>11</sup> AP Elkin, *Aboriginal Men of High Degree*, (St. Lucia: University of Queensland Press 1977); DW McLeod, *How the West was Lost*: 18.

<sup>12</sup> Ken Liberman, *Understanding Interaction in Central Australia, An Ethnomethodological Study of Australian Aboriginal People*, (Boston: Routledge and Kegan Paul, 1985): 144.

Boss'.<sup>13</sup> Anthropologist Ken Liberman found that Aboriginal people were in control of communications between themselves and their European bosses but in a manner so subtle the bosses did not recognise it. He theorised that 'the more cognitive distance that is placed between Blacks and Whites, the less opportunity there is for Anglo-Australians to exercise domination'.<sup>14</sup> With linguistic limitations and Europeans' illiteracy in Aboriginal sign language came a communication gulf that maintained the Establishment's ignorance about Aboriginal people's intellectual life. McLeod had not learned any Aboriginal languages but through exposure understood at an elementary level. More importantly, he had crossed the cultural barrier that kept the races apart and accepted a role as a cultural interpreter.

The pastoral workers' compliance with orders and general deference to authority was seen by the authorities as respectful recognition of their inferiority. McLeod interpreted their compliance as fear. Fear was a realistic response to events of the past in which brutality in the Northwest was a method of control, exposed in 1905 by the campaigner for Aboriginal justice, John Gribble and in the 1930s by Mary Bennett.<sup>15</sup> Fear of the police was also acknowledged in 1948 by Magistrate Bateman when he noted the conflict for the majority of Northwest policemen who were required to perform the dual role of Protectors under the *Native Administration Act*. This was objectionable, he reported, because the duties were 'incompatible ... the police officer ... is required to prosecute a native and at the same time defend him'. An equally valid objection was that the 'aborigines are as a rule in fear of the police'.<sup>16</sup> Bateman, who interviewed Aboriginal workers in the Pilbara region, reported that 'They maintain that until they struck they rarely saw anyone from the Department with whom to discuss their grievances.' Furthermore, 'When it was too late they received frequent and abortive visits from Departmental officers [and] when an Inspector did visit their place of employment, he spent most of his time with the manager and had little to say to them.'<sup>17</sup>

These are records of Aboriginal men's opinions. It is odd that a magistrate accustomed to seeking both sides of an argument apparently did not interview the Aboriginal women. As Haskins and Scrimgeour demonstrated, the women had much to say about their conditions.<sup>18</sup> In addition there was a gender-specific injustice tacitly accepted by those mandated with protecting the Aboriginal people: Asian and European men's 'use' of Aboriginal women. McLeod was not so tolerant:

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<sup>13</sup> Mary Anne Jebb, *Blood, Sweat and Welfare*, 2002: 274.

<sup>14</sup> Ken Liberman, *ibid*, 246.

<sup>15</sup> JB Gribble, *Dark Deeds in a Sunny Land*; GC Bolton and H Gibbney, MM Bennett, *Australian Dictionary of Biography*.

<sup>16</sup> FEA Bateman, *Report on Survey of Native Affairs*, 1948, 22.

<sup>17</sup> FEA Bateman, *ibid*, p. 18.

<sup>18</sup> Victoria Haskins & Anne Scrimgeour, 'Strike Strike, We Strike', 2015.

Now the woman was the most unfortunate person of all, she not only had her husband to worry about but she also had any white man to worry about, any one of them could take her down, could knock her down at any tick of the clock and she didn't know that the law wouldn't allow it. She didn't know that she had the right to refuse until the strike happened in 1946, they weren't aware that they had the right to refuse white men. They thought the law was such that they had to give way whether they liked it or not so that every blackfellow's wife or daughter on the stations were raped, there is no other way to describe it. They were raped regularly by the squatters and their employees, it was a dreadful situation.<sup>19</sup>

This situation is exposed in a play written about the strikers.<sup>20</sup>

McLeod's anger about of the Department's failure to protect the women, despite Section 26 of the Act prohibiting cohabitation, put him in a peculiar position. In outward appearance he was an ordinary White working man, but his heart and mind had been irrevocably changed. He had adopted the Aboriginal people's worldview, and upheld the instructions the Lawmen gave him to care for all their people from the desert areas and the Kimberley:

- i) to secure a tract of land in the Pilbara and to bring this land back to its original state with the use of modern technology so that 8000 desert people could be settled there; and
- ii) to work for the reinstatement of Section 70 of the Constitution so that the damage being done by the State to the people could be halted.<sup>21</sup>

The ramifications of McLeod's new understandings were seismic. The government, police and pastoralists had begun to notice them during the three years of the strike. During the strike years McLeod worked independently but after it ended in July 1949, he was legally able to associate with 'natives.'<sup>22</sup> As John Wilson reported the Group working at Moolyella invited him to join them as they thought he was 'getting away from the blackfellows', and he accepted.<sup>23</sup>

McLeod's move into the community in November 1949 required cultural adaptation, despite his initial role being confined to prospecting, mining and selling the minerals. The Group's social and cultural sphere was adjusted to accept an outsider. Their social organisation was centred on their kin relationships and the Lawmen, who had allocated land and status to McLeod, had to place McLeod in a kinship category. They gave him a *Milangka* family, thus designating to whom he could and could not be in close proximity.<sup>24</sup>

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<sup>19</sup> McLeod to Lowenstein interview 1969, National Archives of Australia, NAA TRC 2915/39

<sup>20</sup> Jolly Read, *Yandy*, Australian Script Centre, 2004. Read adapted the book she wrote with and about Peter Coppin, *Kangkushot*, 1999. Read checked the script with Coppin and it is an authentic expression of Coppin's people's emotions and thinking. Scene three focuses on the rape of one of their women by a grazier and the men's fury but ultimate helplessness.

<sup>21</sup> *Submission by the Nomads Group of Aborigines to The Federal Cabinet, Commonwealth of Australia, 1972: 6.*

<sup>22</sup> For details, see the latest research by Deborah Wilson, *Different White People*.

<sup>23</sup> John Wilson, "Authority and Leadership," 69.

<sup>24</sup> Monty Hale, *Kurlumarniny*.

## 5.2 Living with the Group 1949

McLeod joined the small Group at Moolyella who were working the minerals tin, tantalite, wolfram, gold and columbite in the Marble Bar district.<sup>25</sup> Mining was McLeod's area of expertise, and their endeavours were sufficiently successful to support a subsistence-level standard of living. The Department focussed on McLeod as the key person behind the Group's organisational success, however they targeted the wrong source of the Group's vitality. The strike had not been a limited industrial exercise, but a movement for the liberation from government control, and the strikers' energy derived from this goal. Nevertheless, the Government, with offices in most of the Northwest towns, could collect information about McLeod and use it to undermine his influence on the former pastoral workers.<sup>26</sup> As he pointed out to the Premier, 'I have had the patience to stand by and negotiate now for some three years and at all times during this period my activities have been under close scrutiny by the police.'<sup>27</sup>

Commissioner Middleton appointed S Elliott-Smith in 1949 as a special officer in Marble Bar to monitor McLeod.<sup>28</sup> Elliott-Smith, responding to the Commissioner's letter to him of February 27, 1950, had much to say about the target of his appointment.<sup>29</sup> McLeod, 'although a periodic headache to the Department' had, he claimed, 'done more than any other source to make the Pilbara District natives conscious.' He is, however, 'completely unscrupulous, without principle, he detests the Department, constituted authority and hates the Catholic Church ...'. Elliott-Smith then listed nine recommendations to his Department, the last of which referred to the Department's decision to fund a mission named White Springs as an alternative to McLeod's plans. 'If, he wrote, 'we can smash McLeod's influence against the project' the Department would be credited with this improvement. To this end there must be 'propaganda without cessation' to convince the natives that the Department can 'get things done' as it tries to 'stabilise' coloured labour that is now recognised as valued.<sup>30</sup>

McLeod had no government department to work on his behalf, no officers designated to protecting him, no organisational infrastructure dedicated to his cause and no financial resources beyond that which he and the blackfellows could earn. He could be considered as weak and vulnerable in the face of the opposition Elliott-Smith described, but at a personal level he had one thing in abundance: an iron will. He was the

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<sup>25</sup> Annual Report of the Commissioner of Native Welfare, 30 June 1955.

<sup>26</sup> Two pastoralists and a Member of the Legislative Council reported to the Minister for Lands that McLeod was mis-using Glen Ern. He 'had made no attempt to stock the holding and had no intention of using it for pastoral purposes'. However, the Inspector interviewed McLeod who said he had 567 cattle, 32 horses and 45 sheep on his Leases 394/1308 & 394/1309, and the Under Secretary for Lands found that he was 'complying with the conditions of his lease.' See Under Secretary for Lands to Minister for Lands, 19 April 1950, State Records Office of Western Australia, Land & Survey file, Cons. 1755 2414 1946 for lease 394-1309.

<sup>27</sup> McLeod to Ross McLarty, 20 July 1948, State Records Office of Western Australia, Acc. 993/732/48. Ross McLarty was Liberal Minister for the North-West, and Premier 1947-1953.

<sup>28</sup> The Native Administration Act, 1905-1936 created a role of Commissioner for Native Affairs and a Department of Native Affairs. It replaced the name 'Chief Protector of Aborigines.' Stanley Guise Middleton was Commissioner for Native Affairs 1936-1954.

<sup>29</sup> S. Elliott-Smith to Commissioner for Native Affairs, State Records Office of Western Australia Acc. 5761, 1946/150/46.

<sup>30</sup> S. Elliott-Smith to Commissioner for Native Affairs, undated copy in Notes for Hon. Premier, State Records Office of Western Australia, Acc. 5761/1946/150/46.

young child being threatened and bullied by adults in a position of authority over him.<sup>31</sup> If something had to be smashed, it was not going to be McLeod.

During the strike years McLeod, drawing on his business experience, had prepared a strategy to facilitate the people's freedom from government control. He travelled to Perth to obtain advice and in 1948 instigated steps to set up a company, Northern Development and Mining Coy Pty Ltd.<sup>32</sup> The company NODAM has many names.<sup>33</sup> McLeod's purpose was that it 'handle the Group's business operations.'<sup>34</sup> It was not immediately active and in the early years of their collaborative work, the strikers and McLeod were known by outsiders as the 'McLeod Group.' The people themselves organised along traditional lines, but so outstanding a feature was this one White man assisting the previous station labour force that his name became synonymous with the strikers' new social formation.

Pastoralists who had difficulties in adjusting to their post-strike labour situation continued to blame McLeod. As LG Hancock explained, 'most of the animosity in the district to McLeod is for taking native labour from the stations.'<sup>35</sup> Manager of four stations David Johnson said he did not 'know of anyone in the district with a knowledge of natives and influence over them comparable with McLeod.'<sup>36</sup> Several pastoralists testifying to a government enquiry<sup>37</sup> reinforced this hostility to McLeod and also exposed their bewilderment at the strikers' actions in leaving their stations.

McLeod's role as the strikers' representative to assist them negotiate the alien Western domain was not understood by his peers; his role as an enemy of his peers was. Several threats were made against him. McLeod remembered that in 1946 a publican believed he had a reason to 'blow my head off with a 303 [rifle].'<sup>38</sup> A journalist reported that 'he is ostracised by most White people there. Some have threatened him with violence if he approaches their homesteads.'<sup>39</sup> McLeod told Roy Ockendon that he had 'grossly underestimated the savagery and persistence of the opposition of the White population, particularly the squatters and the West Australian government and its officers'.<sup>40</sup>

### 5.3 Security interest

The strikers were alert to the possibility that McLeod would be the subject of retribution, and protected

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<sup>31</sup> See Chapter Two, McLeod's memory that 'I wouldn't give, I just let them belt me, that's all, hit as much as they liked but they couldn't break me, I wouldn't give in'

<sup>32</sup> DW McLeod, *How the West Was Lost*, 99.

<sup>33</sup> The company is often referred to as NODOM, NODAM, NORDAM or Northern Company.

<sup>34</sup> Jolly Read & Peter Coppin, *Kangkushot*, 102.

<sup>35</sup> LG Hancock testament to McDonald/Bateman enquiry (see next note), 26 February 1952. State Records Office of Western Australia, Acc. 3390, 1952/830 vol. 1.

<sup>36</sup> David Johnson, 5/3/52, testament to McDonald Bateman enquiry, 26 February 1952. State Records Office of Western Australia, Acc. 3390, 1952/830 vol. 1.

<sup>37</sup> *Committee of Inquiry into activities of DW McLeod and Associates and interests of natives working under his direction*. Report by Sir Ross McDonald QC and FEA Bateman RM report 12 August 1952, Mines Department 1952/0831 v2. The Inquiry held sixteen meetings.

<sup>38</sup> DW McLeod, *How the West was Lost*, 44.

<sup>39</sup> *The News*, 13 July 1954, National Archives of Australia, *McLeod, Donald [alleged communist connected with aborigines in Western Australia]*, NAA: D1918/S300.

<sup>40</sup> Roy Ockendon prepared material for a talk on McLeod, kindly donated by Atkinson for this research.

him. An ASIO officer reported as late as 1951 that 'it also appears to be common knowledge in the district that McLeod has four or five big natives with him at all times. It is reported that this is a safety measure.' The officer added, 'this man is of considerable security interest'.<sup>41</sup> Antagonism towards McLeod arose not only because he had interfered with the 'squatters' natives' but also because he had a 'communistic bug'.<sup>42</sup> Douglas Jordan in his book publishing his doctoral thesis, concluded that McLeod's membership of the Communist Party 'became a focal point of the attack on him and the aims of the strike'.<sup>43</sup> His finding goes part way to answering this thesis question Number Two.<sup>44</sup>

Suspicious about McLeod's real intentions justified ASIO officers' intense monitoring of his whereabouts. They were convinced his purpose in encouraging natives to leave the stations was because of his 'personal dislike for most station people' and 'his communistic tendencies and a desire to indoctrinate the natives with communist ideology.' A Commonwealth Investigation Service (CIS) officer reported 'There is no evidence of communist activity in Port Hedland. The main topic of conversation in the town and surrounding district centres around Donald McLeod' who had 'caused havoc among the station people ... Station people are now unable to obtain stockmen from among natives.'<sup>45</sup> The CIS expended considerable funds and time to monitor him.<sup>46</sup> Its directive to follow this man who so concerned them did not deter McLeod from pursuing his plans.<sup>47</sup>

### 5.3 Plans

McLeod recognised that following the strike, feeding the hundreds of strikers by their own efforts was the most urgent task. Families were scattered in small groups scratching a living off the land. Their principal work, alluvial mining, required an organisational structure to maximise the group effort, sell the minerals, buy and deliver stores. He was aware of the gap between the competencies that Group members had acquired in the pastoral industry and the new skills that would be needed. In Freirean mode, he was both teacher and learner, and to transfer his own skills he was mindful of the blackfellows' method of

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<sup>41</sup> Secret. Security Patrol – North West Ports. Secret report to Regional Director, WA, n.d. but patrol undertaken 13-21 October 1951. National Archives of Australia, *McLeod Donald William- Volume 1*, NAA: A6126/1188, item 140.

<sup>42</sup> Acting North-West Inspector Jensen to Acting Commissioner of Native Affairs, 30 April 1947, State Records of Western Australia, Acc. 993, 305/47, item 109.

<sup>43</sup> Douglas Jordan, *Conflict in The Unions: 199*. Jordan based his conclusion on evidence from Wilson and Max Brown's account of the strike. Decades later, individuals interested in Aboriginal affairs could still be branded a communist, as historian Henry Reynolds found when he went to Queensland in the 1970s. He remarked that his wife and he were perceived as 'dangerous people, either communists or dupes of communists,' see Henry Reynolds, 'History from the frontier', in Bernard Smith, and Bain Attwood eds., *Boundaries of The Past* (Carlton: The History Institute, Victoria, 1990), 11.

<sup>44</sup> See Introduction. Question 2: Did his membership of the Communist Party of Australia affect his work?

<sup>45</sup> Security Patrol–North-West Ports. National Archives of Australia, *McLeod, Donald Willian, volume 1*, NAA: A6126, 1188, item 139.

<sup>46</sup> Many ASIO secret records name individuals but McLeod's name, while often redacted, is sometimes decipherable.

<sup>47</sup> An ASIO agent reported that McLeod had accompanied Elsie Lee, noted as a member of the Australian Communist Party, to visit the Modern Women's club in Perth on 7 December 1951. They also attended a class at the New Theatre League, of which McLeod was a life member and to whom he gave a talk. His topic was the work he was doing with the natives in the North which, he believed, were not attracting much opposition from the government as most representatives are 'at least sympathetic towards his work.' The agent noted that he is 'not a good speaker but he gave a short history in a pleasant casual manner.' His date of return north was provided. Secret memo, author's name redacted, 12 December 1951, National Archives of Australia, *McLeod, Donald William - volume 1*, NAA: A6126 1188, item 136.

instruction: observe and then practice the task. He utilised their technique whether the learning was about banking or government protocols:

My policy has always been that the blackfellows should be able to do the maximum amount of business to be done, like it's no good somebody else doing anything for them, if they are going to learn they've gotta learn by doing. Now all the time I was working with the group I would do nothing that a blackfella couldn't do and I encouraged Ernie Mitchell and Peter Coppin and all the other leading members of the group, to take the responsibility, to handle money, to buy the stores, to learn how to ship the stuff away. Well our trucks coming in and out bringing their minerals in and carting the stores away became a familiar program around Port Hedland.

This policy extended to dealing with paperwork involved in shipping their minerals, even though the people had not yet acquired written English literacy skills. Part of McLeod's strategy was to model the steps in the processes and ensure the traders and wharf officials assisted.

When we first started we used to get our stuff up by the state shipping company so every boat that come up would have a load of stores on it. When our blokes got used to picking it up, it wasn't difficult to explain to the blokes who are doing the carting to come in and they would pay for the freight, merchants would pay the freight at their end, there were wharfage and handling charges when they took it off and this become a regular pattern, so the people on the wharf and in the sheds and so on, well it become so common that our blokes could be in and out for the stores. The same thing applied when we were sending away mineral.

Now we used to cart our minerals down to Port Hedland; whether tantalite or columbite or whatever, you can pour it into a 44-gallon drum and that's the best way to ship it. So, bring this stuff down in open drums or bags finished ready for market, and the shipping documents would be made out when they were delivered, see the wharfinger or whoever is in charge, so many drums to ship away.<sup>48</sup>

McLeod applied his philosophy to all aspects of the Group's work, including the Western legal system. When Group members went to court either as a person charged with an offence, a witness, or in cases about their organisations, they were learning from first-hand experience. His contention is supported by Peter Coppin: 'Mitchell and Coppin were not afraid to use the whitefellas' legal system to fight for their rights. They had seen how it worked and witnessed success early in the strike days.'<sup>49</sup>

McLeod recognised the need for an organisation through which the strikers could operate as a collective. He established an informal collective partnership, the North-West Workers Co-operative, within which business was managed until 1951.<sup>50</sup> McLeod explained that working as a cooperative was a culturally appropriate form of organisation for the blackfellows 'on account of their original manner of life'.<sup>51</sup> John

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<sup>48</sup> McLeod to Ken Liberman.

<sup>49</sup> Jolly Read and Peter Coppin, *Kangkushot*, 129.

<sup>50</sup> McLeod to Brian [Fitzpatrick] 28 March 1956, National Library of Australia, Street papers MS 2683/10/75.

<sup>51</sup> McLeod to *McDonald Bateman Committee of Enquiry re Minerals & Dredging* on 18 May 1952. State Records Office of Western Australia, 3390.

Wilson concurred that McLeod had put in place a hierarchical organisation modelled on that with which the former pastoral workers were familiar.<sup>52</sup> McLeod was Secretary of the cooperative and claimed that ‘all business was done in my name as they had certain legal disabilities’.<sup>53</sup> Public accountant HC Griffin, who later became the Group’s accountant, explained that McLeod’s intended to register the co-operative under the Companies Act 1943-1951, cooperative section.<sup>54</sup> He was thwarted by the requirement that applicants for shares had to state they had read the Company’s Prospectus, and the ‘bulk of the natives could not qualify in this respect’.<sup>55</sup>

The cooperative provided an organisation to assist in managing the Group’s affairs and its assets, including those of McLeod’s that he donated to the blackfellows.<sup>56</sup> These comprised his vehicles and equipment, and a lease over his Glen Ern pastoral station that had remained in his name.<sup>57</sup> He held the station in his name to protect the blackfellows from losing it through the powers of the CNA to ‘take possession’ of natives’ property.<sup>58</sup> A different strategy was needed, and by 1951 McLeod was able to realise an idea he had introduced in 1948: a company ‘to handle the Group’s business operations’.<sup>59</sup> He would create a business enterprise, owned and managed by the strikers, through which they could exercise their civil rights.

In a study of the growth of an Indigenous bourgeoisie, NODAM is presented as ‘an exemplar of the early commercial activities by indigenes.’ McLeod was not acknowledged as the originator of the idea. His ‘one-time’ membership of the Communist Party was, however, deemed relevant and the ability of a ‘local bourgeoisie’ to fight colonial supremacy was noted.<sup>60</sup> McLeod’s intentions did not extend to creating an Aboriginal bourgeoisie but he planned to overcome the blackfellow’s ‘legal disabilities’ through a radical structure – a proprietary limited company. A legal entity would give authority to the blackfellows and be a formidable power in the hands of people who were rendered helpless by their relegation to a position of dependence on the Department.

McLeod’s work was admired by outsiders; a newspaper reported that McLeod ‘an expert miner,’ was organising the ‘natives’ to prospect for wolfram, scheelite, columbite, tantalite and tin that he sold on their behalf. There was already £6,000 in their bank, and about 200 people had a ‘new and better standard of living’.<sup>61</sup> His experience as a businessman was one of his greatest assets at this time, for he was familiar

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<sup>52</sup> John Wilson, “Authority and Leadership”, 362.

<sup>53</sup> Journalist, *The Northern Standard* 14 October 1949; McLeod letter to Brian [Fitzpatrick] p. 6, National Library of Australia, *Street papers* MS 2683/10/71.

<sup>54</sup> Under that section the members were required to sign that they had read the rules, see HC. Griffin, 5 August 1952 testament to the McDonald Bateman enquiry, State Records Office of Western Australia 3390, 1952/830.

<sup>55</sup> HC Griffin to McDonald Bateman Enquiry, 1952, p. 6.

<sup>56</sup> McLeod to Brian [Fitzpatrick] 28 March 1953, National Library of Australia, *Street papers* MS 260/10/30.

<sup>57</sup> McLeod to Brian Fitzpatrick 28 March 1956. National Library of Australia, *Street papers*, MS 2683/10/77, p. 7.

<sup>58</sup> The Aborigines Act, amended section 33 ‘The Chief Protector may undertake the general care, protection, and management of the property of any aboriginal or half-caste, and may (1) take possession of, retain, sell, or dispose of any such property, whether real or personal’.

<sup>59</sup> Jolly Read and Peter Coppin, *Kangkushot*, 102.

<sup>60</sup> AJ Smith, and Scott Macwilliam, “Agrarian Change”, 4- 5.

<sup>61</sup> ‘White man helps natives win’, Perth *Sunday Times*, 22 July 1951, p. 4.

with aspects of the legal system that impacted on commercial transactions. One law that hampered their ability to conduct their affairs in the economic sphere was *The Mining Act 1904-1937*. Under the *Mining Act* a miner was not permitted to employ natives without the warden's authorisation.<sup>62</sup> In a six-page letter to the Minister for Aboriginal Affairs, Wentworth, McLeod explained that NODAM was

Registered as a company since a company, being an artificial individual, could do anything any citizen can do except vote in elections and be converted to a religious faith. That is to say in this way we got around all the restrictive legislation then on the statute books discriminating against Blackfellows.<sup>63</sup>

He later recalled 'That's how we got our civil rights, otherwise we would have never been able to operate.'<sup>64</sup>

NODAM was incorporated on November 19, 1951.<sup>65</sup> It was registered in the name of DW McLeod on behalf of the Aboriginal group to overcome the 'legal disability' of illiteracy that had hampered the Cooperative. Acting on that advice at the time that 'natives' were not allowed to hold shares in a proprietary limited company, which McLeod later found out was 'bad legal advice,' the shares were distributed to three men.<sup>66</sup> In McLeod's name were 3001 of the 3003 shares that he held in trust for the Group.<sup>67</sup> McLeod claimed it was 'the first private company registered by the Beneficial Owners of Western Australia'.<sup>68</sup> In making this assertion, McLeod placed himself as a servant of the people, for it was he who conceived the idea of a company and executed its legal establishment. By this time 'he' was inseparable from the Group and in carrying out the Lawmen's instructions to act for their people in the Western domain, he gave credit to the people. He allowed history to record that the strikers, who had been excluded from the Western domain, had set up the company and were now part of it. To do this they would have performed within the Western domain at a high level of commercial and legal knowledge, conducted in English. To be accurate, McLeod established the company on the strikers' behalf, and its purpose was 'economic freedom. It meant freedom from slavery'.<sup>69</sup>

McLeod's vision progressed one of the Lawmen's plans to secure the people's independence by appropriating systems in the modern economy for their benefit. 'You've got to register the title', he explained. 'Our solicitors did that, there was nothing to show they were blackfellows, it was just done like

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<sup>62</sup> *The Mining Act 1904-1937*, section 292: the labour of any aboriginal native of Australia shall not be accounted *bona fide* work in fulfilment of the labour conditions upon any mining tenement, except with the permission in writing of the warden.

<sup>63</sup> McLeod to Minister Wentworth, 19 March 1971, National Archives of Australia, *Nomads Ltd, correspondence with McLeod*, DW, NAA: A2354, 1970/780, item 149.

<sup>64</sup> McLeod to Ken Liberman.

<sup>65</sup> Researcher Sarah Holcombe examined NODAM as part of a case study for an ARC project 'Indigenous community organisations and miners partnering sustainable regional development?', see "Indigenous Organisations and Mining in The Pilbara, Western Australia: Lessons from A Historical Perspective", *Aboriginal History* (2005): 132.

<sup>66</sup> McLeod to Brian Fitzpatrick 28 March 1956. National Library of Australia, Street papers, MS 2683/10/77, p. 6.

<sup>67</sup> In McLeod's name were 3001 of the 3003 shares that he held in trust for the Group, H.M. Leighton (one share), HC Griffin (one share), see HC Griffin, NODAM accountant, to *McDonald Bateman Inquiry*, 1952, p.6; John Wilson, "Authority and Leadership", 80.

<sup>68</sup> Sarah Holcombe confirmed that NODAM was the 'first private company set up by Aboriginal people in Western Australia,' see "Indigenous Organisations and Mining in the Pilbara", 107.

<sup>69</sup> DW McLeod, *How the West Was Lost*, 1984, 99.

any other company was registered.' Once the company is registered, he explained:

you sell the shares to whoever you like and you are afloat - how do you think the mining companies get by, this is what the Act was made up for, so scoundrels can get through. If you know how to work the Act you can do anything you like in a capitalist society. You've got your Articles. The Articles set out what the company is going to do, it could build ships, it could buy or sell land, it could buy airplanes, the Articles we had you could do any bloody thing. We had the widest possible thing.<sup>70</sup>

Social scientist Charles Rowley was impressed with the concept of corporate bodies for indigenous people. He theorised that they could provide a 'carapace which the Aboriginal social group has always lacked, the protective shell within which ... adjustments to change ... may be worked out.'<sup>71</sup> McLeod's proposition went further than the idea of a carapace; it was a major step towards transferring concrete power to the powerless. He explained his thinking to Jessie Street.<sup>72</sup> Until November 1951, 'the people were working in what may be called a collective partnership unregistered, known as the North West Workers Co-operative, and in his name.'<sup>73</sup> This transition into a registered company gave those previously known as The Group, an official identity.

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<sup>70</sup> McLeod to Ken Liberman. A copy of NODAM'S Articles cover page is shown in Figure 17.

<sup>71</sup> CD Rowley, *The Remote Aborigines*, 1971, p. 11.

<sup>72</sup> Jessie Street was a campaigner for women's and Aboriginal people's rights, see Heather Radi, Street, Jessie Mary (1889-1970)', *Australian Dictionary of Biography*, accessed online 30 May 2016.

<sup>73</sup> McLeod to Jessie Street, National Library of Australia, Street papers, MS2683/10/70, p. 6. Confirmed in 'memorandum Pindan Pty. Ltd. and Donald William McLeod', 10 May 1955, State Records Office of Western Australia, Pindan, Acc. 2782, item 1959/0049.

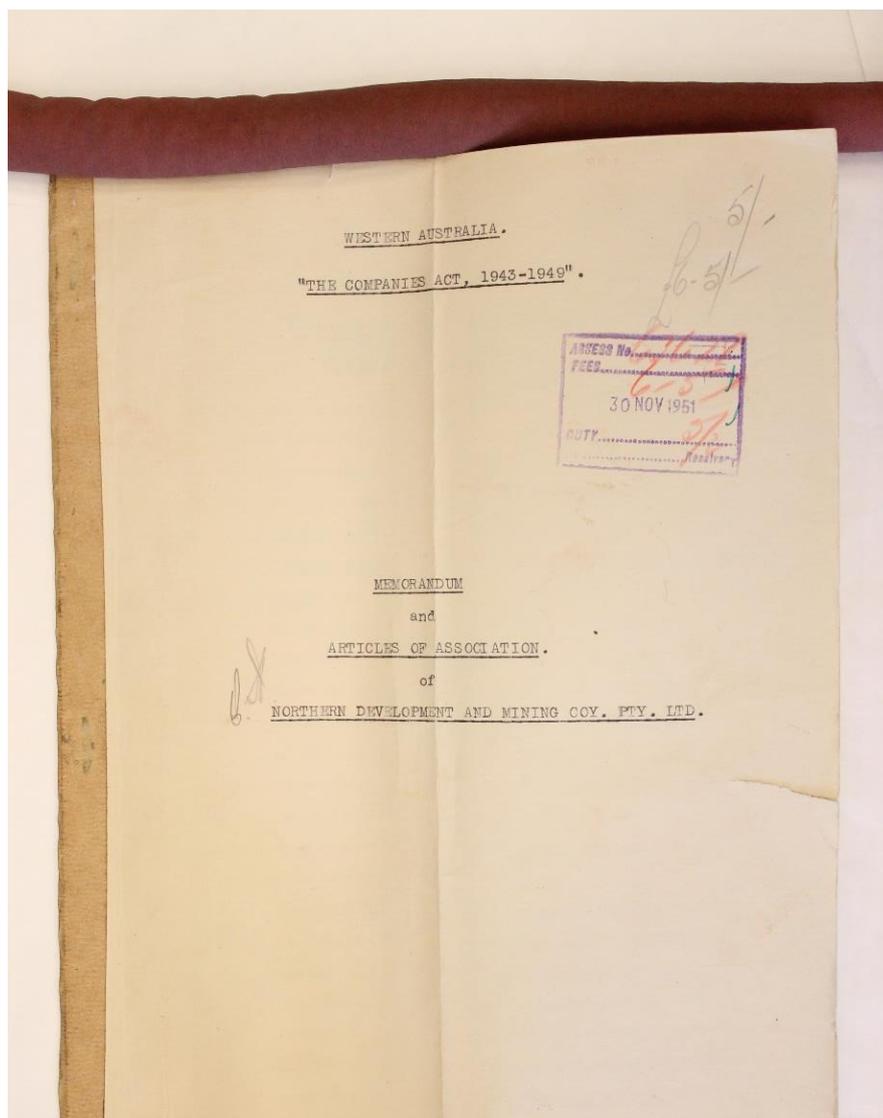


Figure 16: Articles of Association for NODAM

In the early days of NODAM's operation, it needed to employ their own people in the mining industry. The company successfully applied for a Permit and the Department issued General Permit Number 6368.<sup>74</sup> Commissioner Middleton was impressed with NODAM. He noted 'This native company is unique in Western Australian native history and its proper development is being encouraged by this Department. There are about 500 natives connected with it.'<sup>75</sup> A Patrol Report by FE Gare further revealed the Department's favourable view of McLeod. Gare noted the difficulties that arise when 'tribal associations, taboos ... and tribal disputes are common'. He affirmed that McLeod had overcome many problems and his ultimate success was undoubted. Furthermore, wrote Gare, 'his achievements over the past few years have

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<sup>74</sup> Confirmed in copy of letter Middleton to Western Wolfram, Adelaide, 5 February 1952. The Commissioner wrote 'This native Company is unique in Western Australian Native history, and its proper development is being encouraged by this Department'. Donated by Atkinson.

<sup>75</sup> Middleton to Western Wolfram, 5 February 1952, State Records Office of Western Australia, Acc. 3390, item 1952/830 vol. 1.

been remarkable, when it is considered what opposition he encountered'.<sup>76</sup>

The strikers were managing alluvial mining with picks, shovels and crowbars; it was slow work. When an Adelaide company, Western Wolfram, began expanding their operations, NODAM entered into an agreement with them in 1952 whereby NODAM supplied the labour and the larger company supplied mechanical equipment. Shortly after the group began working under the Western Wolfram agreement, arrangements went badly.

The Western Australian Cabinet decided to investigate McLeod and on January 24, 1952 the Premier authorised magistrates McDonald, QC<sup>77</sup> and Bateman, RM to form a '*Committee of Inquiry into Activities of D.W. McLeod and Associates re interests of natives working under his direction.*'<sup>78</sup> An ASIO officer reported to his superior that 'The state cabinet has now appointed a special committee to investigate the proposed activities of the company.'<sup>79</sup> The Committee was given three specific lines of enquiry about applications for mineral and dredging claims made by McLeod and the two Western Wolfram men, their past mining activities by or for natives, the profits they made, and whether native labour could be provided for the pastoral industry as well as this mining work. It is ironical that, despite McLeod's contention that NODAM was to give the strikers their civil rights, this Inquiry was being conducted because the company was owned by 'natives'.

McLeod commented that McDonald and Bateman each asked him many questions:

By gee they were smart, it wasn't until I read my thing before I signed it that I realised what they were up to. They asked me a series of questions like that, with times and dates and cross checked them like that just to see if I was telling a lie.<sup>80</sup>

After interviewing and taking written submissions from a wide range of pastoralists, policemen, Departmental officers and miners, McDonald and Bateman reported to Parliament. They recorded their observation that 'a group of this kind of this magnitude is a new development in the history of our native population.'<sup>81</sup> On August 12, 1952 they summarised their report in ten points, and made four recommendations. John Wilson found their assessment 'astute'.<sup>82</sup>

In their summaries McDonald and Bateman covered the origins of the group that in March 1952

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<sup>76</sup> FE Gare, copy of extract on 'Native situation', no. 2/1951-52, Department of Native Affairs, State Records Office of Western Australia, 3390/1952/830 vol. 1.

<sup>77</sup> Ross McDonald had been WA Minister for Native Affairs in the Liberal McLarty government 1 April 1947-5/1/48 and Minister for Native Welfare, 5 January 1948-7/10/49.

<sup>78</sup> Report by Sir Ross McDonald QC and FEA Bateman RM, 12 August 1952, Mines Department 1952/0831 vol. 2, p. 1. State Archives of Western Australia, Mines Department, 3593/66.

<sup>79</sup> Regional Director ASIO to Headquarters, memo 7 March 1952, National Archives of Australia, *McLeod, Donald William* – vol. 1, NAA: A6126, 1188, item 133.

<sup>80</sup> McLeod to Ken Liberman.

<sup>81</sup> McDonald and Bateman to the Premier, *Report*, 12 August 1952, p. 2.

<sup>82</sup> John Wilson, "Authority and Leadership", 85.

comprised 663 native men, women and children, their earnings and organisation.<sup>83</sup> The group had, they noted,

prejudicially affected the supply of native labour in the pastoral industry in the Pilbara district' and it would be in the interests of the District and of the natives themselves if a more balanced distribution of native labour between the pastoral industry and the mining industry could be effected.

They recommended that the Department station an officer in Marble Bar 'to watch the welfare of the natives of the group,' and that 'consideration be given to an amendment to the act 1905 – 1951 ... to empower the Native Affairs Department in case of need to intervene to protect the financial interests of the natives in any group of this kind'. Underlying the report was the view of NODAM as a company that employed natives in its mining schemes and was making a profit out of them, including not paying wages to them. From this perspective, if the 'welfare of the natives makes it necessary or desirable, the Department of Native Affairs should hold itself in readiness to intervene for the protection of the natives.'<sup>84</sup> Such concern was misplaced for it negated the true purpose of the company, and the people's collective mode of operation and finances that cared for all in the group, not just those who could work. It allowed the magistrates to make comments such as 'the so-called "strike,"' and the 'natural nomadic instinct of the natives' could cause instability in the group. They believed that the developments would not affect 'the supply of pastoral labour' outside the Pilbara. This was due to 'the Leprosy Line legislation' that 'would militate against natives passing south of the 20<sup>th</sup> Parallel ... and this would affect all natives in the Kimberley Division'.<sup>85</sup> The Leprosy Line, also known as the 'boundary line' meant the twentieth parallel of south latitude drawn south of Wallal and the *Native Administration Act, 1941* made 'provision ... for restrictions against the travelling of certain natives within the State in order to limit the spread of leprosy within the State'. It was this perspective that had contributed to the idea of the strike. McLeod was sanguine; he believed the committee had found in their favour.

Notwithstanding disagreements between NODAM and Western Wolfram, NODAM had a policy that instead of paying themselves wages they would establish a cooperative fund to receive their earnings. From this fund they, through the company, leased the sheep stations Meentheena, and Riverdale. These acquisitions were to fulfil one of the Lawmen's instructions to McLeod to 'secure a tract of land in the Pilbara and to bring this land back to its original state with the use of modern technology so that 8,000 desert people could be settled there'.<sup>86</sup> McLeod's only option was to apply for the pastoral leases as they

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<sup>83</sup> McDonald and Bateman Inquiry, Report 12 August 1952, Mines Department 1952/0831 vol. 2. The committee held sixteen meetings.

<sup>84</sup> McDonald and Bateman, *Report*, 1952, pp. 21, 22.

<sup>85</sup> McDonald and Bateman to the Premier 12 August 1952, Report, pp. 3, 10, 15. See also a Bill to introduce the Native Administration Act Amendment debate in the Legislative Assembly on 29 November 1950. The Minister for Native Affairs noted the 'threat of communism, which lies constantly in ambush, as it were, ready to pounce upon subordinate and oppressed people'. He counted the 'blacks, half colours ... have been oppressed. Parliamentary Debates, Hansard record, p 2332. The Minister suggested an amendment to the line legislation to remove the restrictions on Kimberley natives 'in their desire to travel south in pursuance of employment', p 2333.

<sup>86</sup> *The Nomads Group of Aborigines, Submission to the Federal Government*, 1972, pp. 10, 6.

became available. This action to reclaim their land pre-dated the *Aboriginal Land Rights Act 1976* by thirty-four years; it is also noteworthy because the Lawmen were not waiting for government approval. In 1952 the strikers used the money they earned through their mining.<sup>87</sup> They bought the pastoral station Yandeyarra, plus machinery.<sup>88</sup> Title to the property was in McLeod's name to overcome the legal restriction, as 'natives were unable to obtain leasehold properties in the area.' All other assets of the group were held by NODAM.<sup>89</sup> The group, through McLeod, paid £6,500 of the £9,000 purchase price for 433,933 acres of Yandeyarra.<sup>90</sup>

The station Yandeyarra was situated 100 miles west of Marble Bar and 100 miles east of Port Hedland. The Group selected it to be their main centre; it had particularly good buildings such as a homestead and wool shed and was close to the areas the group members were mining. It was to be used to establish the long-desired school for the Group's children, as a recreation place for the older group members and land to cultivate fruit and vegetables.<sup>91</sup> In 1952 McLeod was mostly out in the mining camps prospecting and assisting the workers to clean the minerals. He then used his business networks to sell their product.<sup>92</sup> In this role he was subordinate to the Top Committee.<sup>93</sup> Top Committee comprised a small number of men selected as the senior leaders, and their approval was necessary if an outsider wanted to work with the Group. Many outsiders did apply and the Top Committee employed several, but where possible Group members managed their affairs. From the beginning of his association with the people, McLeod's educational policy had been to promote their competencies:

I have always had the philosophy that anything that a blackfella can do, I expect him to do it, even if it cuts me out of a job. I would rather a blackfella goes on and does the job than I did it, because he has learned to do it, it is something that he can do. If he carries on and does it by experience, then he becomes capable.<sup>94</sup>

McLeod gained his cultural education first-hand, trained by the Lawmen and their families.

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<sup>87</sup> BC Byrne to O'Rourke, 16 July 1970, National Archives of Australia, *Nomads Ltd, correspondence with McLeod*, NAA: A2354, 1970/297, item 218.

<sup>88</sup> McDonald Bateman, *Report*, p. 6.

<sup>89</sup> John Wilson, "Authority and Leadership", 81.

<sup>90</sup> 433,933 acres are the equivalent of 175,606 hectares.

<sup>91</sup> John Wilson, "The Pilbara Aboriginal Social Movement," 164.

<sup>92</sup> HC Griffin submission to the McDonald and Bateman Committee, stated that McLeod despatched the drums of concentrates through GA Wyndham of Port Hedland.

<sup>93</sup> Max Brown, *The Black Eureka*, 19.

<sup>94</sup> McLeod to Ken Liberman.

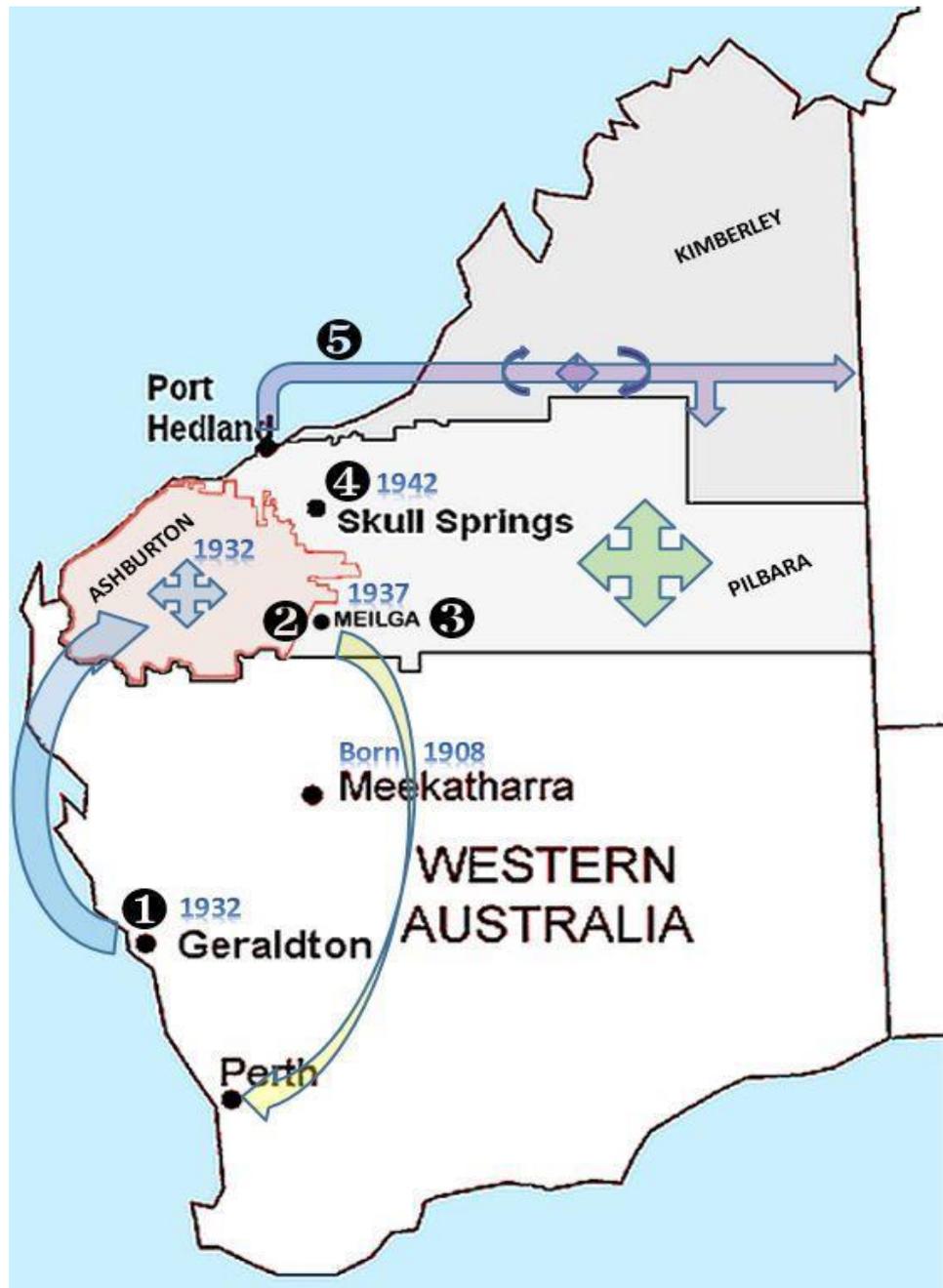


Figure 17 A concept map tracking McLeod's learning from the Aboriginal people  
 (Jan Richardson and Mervyn Chait)

On May 20, 1952, McLeod attended a study class in Perth where he was referred to as 'Comrade.' He also attended a CPA film night in Perth on November 21, 1952.<sup>95</sup> McLeod may have gained intellectual stimulation and social company from these occasions but this was sufficiently momentous to generate an ASIO report. While he was demonised by his association with the Communist Party, through contacts in the League and the CPA, several people heard about the strikers' community and applied to Top Committee for permission to work for them to Yandeyarra. Anne Ridgway, was accepted.

Ridgway had met McLeod when employed as Country Organiser for the CPA. She became so interested in the Group that she relinquished her job to join the Group, and they employed her to train their people in a range of skills. Artist Sam Fullbrook, poet Victor Proudfoot, author Donald Stuart and his wife Dulcie Eunice Stuart, commonly known as Des and the journalist/author Max Brown and his wife Kathy Stuart were employed. Proudfoot wrote a parody on the Australian poem 'The Old Bark Hut':

Don McLeod lives in an old tin hut,  
Six by eight lives he,  
With a lump of 'roo and damper blue,  
And a spanner to stir his tea.<sup>96</sup>

Both Donald Stuart and Max Brown intended to write the history of the first Aboriginal strike. Max Brown got off to a bad start with McLeod. He related how he had published an article in *Walkabout* in which he referred to Aboriginal women as 'gins.' He was called to a meeting of the women and McLeod to explain his use of that word. McLeod reminded him that he had a 'responsibility ... to Aboriginal women who had been done an historic wrong'.<sup>97</sup>

Both Kathy Brown and Des came to play an important role in the community, Kathy as a teacher and Des as a nurse. Des Stuart was a triple-certificated nurse and became a particularly valuable contributor to the group;<sup>98</sup> She worked with the women on the Women's Committee.<sup>99</sup> The people loved her and gave her a prominent role in the organisation of their camps Yandeyarra and Marble Bar. To carry out this work Des travelled frequently with McLeod, and became his 'first lieutenant'.<sup>100</sup> An ASIO officer named her as 'McLeod's chief lieutenant'.<sup>101</sup> Her relationship with her husband was strained, and according to Max Brown, Des said 'Don McLeod is my spiritual husband and Stuart is my physical husband'.<sup>102</sup> When the Group

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<sup>95</sup> ASIO report on subject M/7/88, National Archives of Australia, *McLeod, Donald William – vol. 1*, NAA: A6126, 1188, item 153.

<sup>96</sup> Dorothy Hewett, in Max Brown, *The Black Eureka*, Preface.

<sup>97</sup> Max Brown, *ibid*, 18.

<sup>98</sup> 'Man, Wife work for nothing', *Daily News*, 14 November 1957.

<sup>99</sup> Des sometimes presented herself as an Aboriginal woman but was in fact of Fijian-Malaysian ancestry. According to an ASIO report, Des was 'Dulcie Eunice Stuart nee Singh. DOB 24/3/20. Training at Geelong District Hospital. Registered 1949.' National Archives of Australia, NAA A6162/1188, item 33.

<sup>100</sup> Sally Clarke, *In The Space Behind His Eyes, Donald R. Stuart 1913-1983*, (Lesmurdoe, Claverton House, 2006).

<sup>101</sup> WA Regional Director Memo to HQ ASIO, 7 April 1955 in National Archives of Australia, *McLeod, Donald William – vol. 1*, NAA: A6126, 1188, item 80.

<sup>102</sup> Max Brown, *The Black Eureka*, 2006, p. 58.

asked Donald Stuart to leave because he had broken their Law,<sup>103</sup> Des decided to stay.<sup>104</sup> McLeod and Des formed a rewarding relationship and Stuart's biographer, Sally Clarke, raised the question of whether it was more than just collegial. Stuart himself was not worried about it and Max Brown reported gossip that Des and McLeod were not lovers.<sup>105</sup> Departmental officer Frank Gare told Clarke that McLeod 'did not have a reputation as a womaniser'<sup>106</sup> and others concurred. When Patsy Adam Smith travelled to the Northwest in 1964, she enquired from the Port Hedland Police Sergeant how to find McLeod, assuming he would know as he had jailed McLeod. Yes, he agreed, he had jailed McLeod, 'often – the law's the law, it's my job.' Then he added 'But I've got nothing against him personally, in fact I admire him. He doesn't sleep with the gins and he doesn't get on the grog – and that's more than you can say for a lot of men up here.'<sup>107</sup> McLeod stated, look, I knew that if I got involved with one of the women it would change the whole thing'.<sup>108</sup> McLeod was reinforcing the Lawmen's appointment of him to act for all the people; if he married into a family 'he would have had all sorts of kinship obligations which would have conflicted with what he was doing.'<sup>109</sup> Katrin Wilson added 'so he quite deliberately would not be involved'.<sup>110</sup> This stance did not preclude feelings for individual women but did dissuade him from forming a relationship.<sup>111</sup> It is clear that McLeod sacrificed the love of a wife for his principles.<sup>112</sup> That people talked about this subject raises the question of McLeod's unusual status as a single man. McLeod told a colleague:

As far as I was concerned, I just couldn't afford to be married. I had to be able to battle as hard as the toughest blackfella, I have to be able to match him blow for blow, or else how would I give him a personal example. Because I could see it was going to be a grim fight ahead and I had to be as tough and hard as the hardest blackfella they had, I had to match him blow for blow, and that's the way I took it all along the line. And to this day I have tried to do it that way. What they ate, I ate.<sup>113</sup>

He did not match their activity in the Law. McLeod told Katrin and John Wilson 'there are two things I will not get involved in; one of them is Aboriginal law, I won't have anything to do with that, that's their business'. The Wilsons commented 'He knew a bit about it but he never got involved, he didn't go to law meetings, ceremonies or anything'.<sup>114</sup>

At Yandeyarra with the team of supporters a range of industries could be started, and the strikers built

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<sup>103</sup> During a meeting he had written down notes, see Sally Clarke, *In the Space Behind his Eyes*, 2006, p. 179. Clarke also recorded that allegedly Stuart had been given knowledge about their High Law that he was not authorised to receive.

<sup>104</sup> ASIO reported her saying 'my husband left me in January 1953 over a difference of opinion. We mutually parted.' ASIO Secret memo from HK Phillips, Regional Director ACT to Headquarters ASIO re Travel Control Dulcie Euncis [sic] 'Des' Stuart, 27 September 1955, National Archives of Australia, *Dulcie Elsie Singh – volume 1*, item 27, NAA: A6119, 2758, item 27.

<sup>105</sup> Max Brown, *The Black Eureka*, p. 59.

<sup>106</sup> Sally Clarke, *In the Space Behind his Eyes*, 175, see note 70.

<sup>107</sup> Patsy Adam Smith, *No Tribesman*, 40.

<sup>108</sup> McLeod to Ken Liberman.

<sup>109</sup> John Wilson, pers. comm., 2014.

<sup>110</sup> Katrin Wilson, pers. comm., 2014.

<sup>111</sup> McLeod to Richardson, 1969.

<sup>112</sup> In no public interviews that I have accessed does he talk about his personal life and I thank John and Katrin Wilson for their insights into McLeod's stance on why he chose to remain single.

<sup>113</sup> McLeod to Ken Liberman.

<sup>114</sup> John and Katrin Wilson, pers. comm. 2015.

a hospital.<sup>115</sup> They employed a nurse, built a school and appointed Kathy Brown to teach. They constructed a hut for the sewing machines that Anne Ridgway could use to teach the women sewing along with weaving.<sup>116</sup> By August 1953 several journalists wrote about this White man who lived with the group of 600-700 Aborigines around Marble Bar and who is 'a fluent and voluble speaker, whose manner and phraseology and studied evasions reflect to some extent his Communist Party training.'<sup>117</sup> Journalist Geoffrey Tebbutt commented that McLeod seemed not to be troubled by the animosity towards him by his compatriots in the Northwest. He had supporters, such as Nigel Oliphant.<sup>118</sup> Oliphant stayed with the group at Yandeyarra for a month in 1953. Oliphant wrote a letter to Adelaide's newspaper *The Mail*<sup>119</sup> in which he defended McLeod's reputation. McLeod was not a Communist, he declared, explaining that 'His interest in the Communist Party was purely an effort to get support for his project when all other bodies shunned him. When he realised the help was not forthcoming from this quarter he resigned.' Oliphant outlined how, on Yandeyarra, McLeod had introduced irrigation into the vegetable garden rather than bringing up vegetables from Perth, and the Group had a project to build houses and a community centre. With other Westerners working for the Group, McLeod was released from the burden of being the only literate person and could expand his activities. Mining was the main economic activity for the Group. McLeod reported how, to access new deposits, they build several hundred miles of roads by hand.<sup>120</sup>

The families continued to express their desire for a government-funded school for their children, and while workers were at Yandeyarra, those at the Twelve Mile camp had started their own school. One of their own who was literate, Tommy Sampey, taught the children reading and writing.<sup>121</sup> The families, however, wanted a formal education facility and tasked McLeod to make it a reality. He wrote to the Education Department, which forwarded his letter to the District Superintendent of North-West Schools, Bill Rourke. Rourke travelled to Port Hedland where he met McLeod, whom he described as 'probably the best-known name in the North.' He found him to be sincere and accepted his invitation to visit Yandeyarra.<sup>122</sup>

Rourke and Port Hedland Departmental officer, Harvey Tilbrook, visited Bore Hole Camp and Yandeyarra on October 6 and 7, 1953 to discuss McLeod's request. Rourke learnt that the Department was only asked to provide the teachers and the Group was willing to erect buildings. Rourke told Kathy Brown that 'he had never seen a community with such a strong desire to see their children educated'.<sup>123</sup> He

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<sup>115</sup> Secret ASIO, Regional Director WA memo for Headquarters, 7 March 1952, National Archives of Australia, *McLeod, Donald William – volume 1*, NAA: A6126 1188, item 134.

<sup>116</sup> Field Officer to Regional Director Western Australia, 22 January 1952, National Archives of Australia, *McLeod, Donald William – volume 2*, NAA: A6119 3306, item 13.

<sup>117</sup> Geoffrey Tebbutt, 'Former Red leading 600 Aborigines', *The Mail*, 22 August 1953, p. 2.

<sup>118</sup> Nigel Oliphant was a brother of Professor Marcus Oliphant, Australian National University. See SA Regional Director, CIS (Commonwealth Investigation Service) memo to WA Regional Director 4 August 1953. National Archives of Australia, *McLeod, Donald William – volume 1*, NAA: A6126 1188, item 41.

<sup>119</sup> N Oliphant, 'Defence of Aborigines' group plan', *The Mail*, Adelaide, 29 August 1953.

<sup>120</sup> McLeod to Brian Fitzpatrick, 28 March 1956, National Library of Australia, *Street papers* MS 2683/10/77, p. 7.

<sup>121</sup> Jolly Read, & Peter Coppin, *Kangkushot*, 106.

<sup>122</sup> WH Rourke, *My Way: W.H. (Bill) Rourke's 50 Years Adventure in Education*, (Perth, Carroll's, 1980); Max Brown, *The Black Eureka*, 42.

<sup>123</sup> Max Brown, *ibid*, 43.

concluded his report:

I feel the activities of this group of people are an inspiration to all natives in Australia and may point the way to a solution to the great problems involved. I hope we can grant to their people every facility to which they are entitled.<sup>124</sup>

Events around the collapse of NODAM intervened before any action on a government-funded school could proceed. Not only did the Group lose their company, but also Yandeyarra. When McLeod discovered there was outstanding rent of £250 he paid it immediately. The Land Department then found that they had not 'complied with the stocking conditions' and the station was forfeited.<sup>125</sup>

By 1953 the business arrangements were going badly for the Group. Disputes between NODAM and Western Wolfram went to court and were found in favour of Western Wolfram. Production was reduced when mining supervisor Ernie Mitchell contracted pneumonia and McLeod, who was on business in Perth, was unable to fill in for him. Technical problems arose and nineteen drums of mineral produced while Mitchell was ill turned out to be worthless. NODAM was unable to pay its creditors and traders were reluctant to deal with the company.

Various strategies were used by each party to protect their interests but to McLeod's dismay, shareholders on August 23, 1954 placed NODAM in voluntary liquidation.<sup>126</sup> The collapse of NODAM was reported in a Melbourne newspaper. The article quoted Middleton 'fearing violence and bloodshed'. He told the reporter 'If I were McLeod, I would feel that my life was in danger.'<sup>127</sup> The liquidation process was handled by the government appointed accountant Rodney O'Shannessy and was formalised on October 1953.<sup>128</sup> McLeod tried to save the Group's land holdings. He had registered Yandeyarra in his name, however the liquidators requested that it be sold to reimburse the company creditors.<sup>129</sup> Yandeyarra lease was resumed for other reasons.<sup>130</sup> It was finally converted to a Native Reserve. All the pastoral station leases were cancelled and the Department 'was strenuously trying to weaken McLeod's influence on the Group.'<sup>131</sup> McLeod told a colleague:

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<sup>124</sup> WH Rourke, *My Way*, 203.

<sup>125</sup> DW McLeod, *How the West Was Lost*, 105; Under Secretary for Lands to RV O'Shannessy, 30 July 1956, Pastoral Leases 394/1308 and 394/1309, State Records Office of Western Australia, Cons. 1755 1946 for lease 394 1309.

<sup>126</sup> State Records Office of Western Australia, Nomads Liquidator's Account and Statutory Declaration, Cons 2782, 1960/0010.

<sup>127</sup> 'Nomad white 'king' going broke: natives talking war as 'empire' totters.' *The Argus*, 11 August 1954, p. 7.

<sup>128</sup> McLeod to Brian Fitzpatrick, 28 March 1956, National Library of Australia, *Street papers* MS 2683/10/77, p. 6; Rodney V O'Shannessy Liquidator, Northern Development & Mining Coy. Pty. Ltd. to the Under Secretary for Lands, 29 September 1954, State Records Office of Western Australia, Cons. 1755 2414 1946 for lease 394 1309.

<sup>129</sup> The liquidators finally withdrew their claim, but the legal action cost McLeod \$1600, see *Submission by The Nomads Group of Aborigines To The Federal Cabinet*, 1972, 11.

<sup>130</sup> Forfeited when the Lands Department claimed the lessee had failed to comply with the regulations regarding stocking of a pastoral lease, see *Nomads Submission* 1972, 11.

<sup>131</sup> John Wilson, "Authority and Leadership," 93.

And they gave Riverdale to the Jigalong Rescue Mission. They came up and took whatever they could, all the tools from under the house, refrigerator, everything, and took it to Jigalong. They just used us up. The criminal things they did was incredible.<sup>132</sup>

McLeod instructed the company accountant to transfer the stations to the Glen Ern Pastoral Company Pty. Ltd. The accountant failed to do this in time and the Group lost not only their company but their assets.<sup>133</sup> McLeod was shocked; 'Our company was so powerful' he said, 'I didn't think it was possible to smash it.'<sup>134</sup>

McLeod revived the North-West Workers Co-operative so that the Group could continue mining, for he believed that in time they could recover their financial stability. They did not have time, for Middleton, following the recommendation from McDonald and Bateman, decided to exercise his mandate to care for the native families under his jurisdiction. He tried two strategies. One was to take control of the properties. The other was to supply food, initially through a ration depot at the Twelve Mile camp. The blackfellows rejected this offer because they believed supplying food to the children at Yandeyarra was an attempt to make them dependent on the Department.<sup>135</sup> McLeod tried to sell thirteen drums of clean mineral that he rescued but the brokers would not buy, wary lest the liquidators claimed them. The Group went to the Supreme Court to get a ruling. As McLeod remembered the events, 'the judge found there was no need to make a ruling because the liquidator never said he had a claim on it, he said he might have a claim. And here's 600 people starving. This is Native welfare for you, the Commissioner arranging all this'.<sup>136</sup>

Three aspects of McLeod's enterprise stand out. Establishing the first registered company to be owned and managed by illiterate tribal elders was one of McLeod's most daring uses of the modern Western capitalist system to benefit the strikers. His negotiations to lease pastoral stations as a strategy for the people to get land was also audacious, and the people's collective work to raise the money to buy land was unusual. His strategy in forming companies and buying pastoral station leases aimed to fulfil the Lawmen's instructions. It spoke to the crux of the problem: the State's control over 'natives'. At the centre was Mattingly's 'total war against a system of ideas'.<sup>137</sup> McLeod planned to allow the strikers to claim their civil rights as free and responsible members of society. His adversary was the Department, which had a mandate to care for and protect the 'natives' and an infrastructure to enforce it. The companies were the arena in which this war took place.

Obstructions to the companies came from three major sources: the Department, which would not relinquish control of the 'natives', the cost of employing accountants, and the introduction of Board

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<sup>132</sup> McLeod to Ken Liberman.

<sup>133</sup> Under Secretary for Lands to The Registrar of Titles, 21 January 1957, re liquidator of Glen Ern Pty Ltd RV O'Shannessy forwarding Crown Leases 202 & 203/1953, leases cancelled, State Records Office of Western Australia, Cons 1755 2414/1946 for lease 394/1309.

<sup>134</sup> McLeod to Ken Liberman.

<sup>135</sup> John Wilson, "Authority and Leadership," 92.

<sup>136</sup> McLeod to Ken Liberman.

<sup>137</sup> Garrett Mattingly, *The Defeat of the Spanish Armada*, 356.

members from outside the group. Conflicts arose over the pastoral leases. Their purpose was as much for recovering the people's land as it was for economic profit, however, social use of land did not comply with the pastoral land legislation. McLeod and some of his trusted colleagues camouflaged their business activities, hiding bank accounts and correspondence.<sup>138</sup> This was a policy to protect the people's resources so that if/when the authorities forced the companies into bankruptcy, or forfeited the pastoral leases, not all the people's assets could be claimed. McLeod's plan may have been effective; it certainly complicated my research task.

While it is difficult to trace the beginnings and endings of these companies and pastoral leases, it is easy to see what an affront these enterprises presented to the dominant social system. Political opposition to the idea that the former pastoral workers should become company Directors and shareholders, and owners of pastoral stations, was compounded by the continuing suspicion that it was all a Communist plot actuated by McLeod. By 1953 the idea of McLeod as a man of interest to ASIO would not diminish.

A 'source' (name redacted) reported his activities to an ASIO Field Officer (name redacted). This source found McLeod to be intelligent, with knowledge about a wide range of topics; he corresponded with Dr Vincent Serventy, editor of the Western Australian Naturalists Club, and was interested in wildlife and a fossilised bone that he had found.<sup>139</sup> These might seem benign concerns but the Security Services had for years worked hard to identify them. Two officers who kept the CPA under observation monitored one particular meeting, the officer reported that 'after the meeting had commenced, we entered the building and by lying on an iron grille situated above an open window of the meeting room found we were able to hear reasonably well all that was being discussed in the meeting'.<sup>140</sup>

Sometime in 1953, McLeod's health deteriorated. He suffered a breakdown. It was 'wrongly diagnosed as a heart attack', he explained, 'later more correctly called some nervous trouble which affected the heart caused by for a long time being the only literate of a group of 660 men women and children, my responsibilities were such as to cause this'.<sup>141</sup> He described this incident in the Pilbara bush:

I was battling my way back and when I got back to Pilgangoora forty miles away I collapsed. And I was bugged, I just wore out, fifteen hours a day for twenty years and I just couldn't wear it anymore, I got slower and slower and slower until I was finished. And of course I collapsed, and I was finished. I've still got the feeling.

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<sup>138</sup> McLeod to Ken Liberman.

<sup>139</sup> Secret. Field Officer to Regional Director WA, 4 September 1953, National Archives of Australia, *McLeod, Donald William volume 2*, NAA: A6119, 3306, item 33.

<sup>140</sup> Security Service, Perth, to Chief Investigation Officer, 17 July 1945, Communist Party Activities, National Archives of Australia, *Communism Publications – Workers Star – matters dealing with*, NAA: A8911, 90, item 89.

<sup>141</sup> McLeod to Brian Fitzpatrick 28/3/56, *Street papers*, National Library of Australia, MS 2683/10/77, p. 7.

When I become really conscious of what was going on, I am wet. What the hell is going on here? And I realised then that Des has got a silk handkerchief over her mouth and she is crying and sweating, breathing, giving me mouth-to-mouth resuscitation. And when she woke up that I was conscious, she said 'you coward, you scum, you rat, you're trying to run out on the people.' Well of course how could you bloody die when she was insulting me like that, I had to stick up for myself. I was breathing by myself by that time. I wasn't breathing before, she had to breathe for me, and I was glad that I had finished because I'd have died a hero, I hadn't put a foot wrong up till that time.<sup>142</sup>

As journalist Robert Pullen commented, if McLeod had died 'a good many people in the north, and in the government, would have breathed more easily'.<sup>143</sup> McLeod remembered 'I couldn't talk, I couldn't walk, I had to learn to walk.' He appears to have suffered a stroke from which he slowly recovered. He had other troubles to face.

By 1954 the Group now numbered 364 people.<sup>144</sup> Business was going badly for them, negatively affecting their ability to maintain themselves. Wilson recounted a meeting McLeod called to discuss their situation; he advised them that they could not afford to order any more food supplies. Without income, they would starve. He presented two options: returning to work on the stations, or accepting CNA Middleton's intervention. Instead, they elected to stay with McLeod – a symbol of their independence. This choice indicated their willingness to suffer for their freedom, 'even if it meant living on kangaroo meat and water,' which an estimated 100-150 people managed to do. This period of about eight months, known as 'The Starve', deeply affected those who endured it.<sup>145</sup>

Other Group members such as Ernie Mitchell were willing to compromise and negotiate with the Department. During a trip to Perth, Mitchell had discussions with the Department and began to see their situation differently. He could envisage McLeod in a different role, one that was less active in the Pilbara while he would take on greater leadership and management of the Group. Ultimately he negotiated with Middleton, who issued an ultimatum that he had to choose between McLeod or the Department. Mitchell accepted the Department, which agreed to provide rations for the children.<sup>146</sup> Donald Stuart left at the end of August 1954<sup>147</sup> and by the end of 1955 the visiting supporters had left.<sup>148</sup> Of greater personal impact on McLeod was Des's decision to seek treatment for tuberculosis. ASIO reported that Donald Stuart and McLeod 'had been engaged in a feud ... based on something to do with Stuart's wife.' The Communist Party warned Stuart that by his 'outspoken criticism' of McLeod 'he was adopting a personal attitude which

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<sup>142</sup> McLeod to Ken Liberman. McLeod repeated the story to reporter Ron Iddon in his program, 'The White Man McLeod', A Big Country series, ABC TV, 1976.

<sup>143</sup> Robert Pullen, 'McLeod comes down to renew the battle', *The West Australian*, 16 August 1971.

<sup>144</sup> John Wilson "Authority and Leadership," 93, 94.

<sup>145</sup> John Wilson, *ibid*, 94.

<sup>146</sup> Commissioner Middleton to Ass/District Officer A.O. Day, Port Hedland, 2 November 1954, State Records Office of Western Australia, Native Welfare 204/54, 1954-1955.

<sup>147</sup> Community leaders asked Stuart because he had 'taken notes during his meetings with the elders' and that was against their Law. See Sally Clarke, *In the Space Behind his Eyes*, 179.

<sup>148</sup> John Wilson, "Authority and Leadership," 96.

might harm the Party'.<sup>149</sup> Des left for Darwin on January 24, 1955 and gained employment as a telephonist, which concerned Security.<sup>150</sup> According to ASIO, it appeared she had deserted McLeod.<sup>151</sup> Her Security interest was justified by her association with McLeod and the fact that Elsie Lee sent her parcels.<sup>152</sup> McLeod wrote letters to Des to keep her informed of the Group's activities.<sup>153</sup>

Departmental officer, Harvey Tilbrook, sent to the Commissioner a letter that McLeod wrote to Des, which he had acquired 'by devious means.' Tilbrook added:

I am certain now that we have forestalled any move he may make except his actual return to this area. If only he can be kept away and we will win through okay but if he gets back and plays on the sympathy of the natives he may do incalculable harm. ... 'Do whatever you wish with the attached but I don't think it advisable to let anyone know where it came from.'<sup>154</sup>

The correspondence is filed in McLeod's ASIO dossier. The copy of McLeod's letter to Des, dated Thursday 3rd, starts 'not having heard from you for so long has given me much anxiety.'<sup>155</sup> He then outlined his plans, including comments about the Commissioner and instructions for her to tell Ernie that 'I am working on a plan to break down the movement of blackfellows South of the 20<sup>th</sup> parallel to get rid of this clause.' He concluded 'you will understand me when I say I am hoping to hear from you soon for although I have Stan's (Stan Peron) view until I hear from you cannot feel uneasy about you until I have your own words.'<sup>156</sup> Later another field officer went to Middleton's office where 'he showed me the original of the letter which is attached as Appendix A ... It will be noted that Mr Middleton has volunteered to assist this organisation in its coverage of communists related to the Australian Natives in this State'.<sup>157</sup> This joint cooperation between the Department and ASIO gave the government, the police and most likely the pastoralists a tactical advantage in the struggle for Aboriginal autonomy. Those with ASIO files can, with contemporary sensibility, interpret ASIO's tactics as intrusive and shocking. However, they were, according

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<sup>149</sup> Secret ASIO. Case Officer's report 13 March 1956, National Archives of Australia, *Stuart, Donald Robert – volume 1*, NAA: A6119, 3126, item 17.

<sup>150</sup> ASIO Secret memo. Regional Director NT to Regional Director WA, 7 April 1955, National Archives of Australia, *Dulcie Elsie Singh – volume 1*, NAA: A6119, 2758, item 6, asking for 'any further information' about Stuart (nee Singh).

<sup>151</sup> ASIO file note, National Archives of Australia, *Dulcie Elsie Singh – volume 1*, NAA: A6119, 2758, item 8.

<sup>152</sup> ASIO Assessment Form, Secret re Dulcie Eunice Stuart nee Singh, born 24 March 1920 in Fiji. National Archives of Australia, National Archives of Australia, *Dulcie Elsie Singh – volume 1*, NAA A6119, 2758 item 10.

<sup>153</sup> ASIO and the Department of Native Affairs 'acquired' copies of some of his personal letters, see Field Office to ASIO Regional Director WA, 29 March, 1955, National Archives of Australia, *McLeod, Donald William – Volume 1*, NAA: A6126, 1188, item 80.

<sup>154</sup> Harvey Tilbrook, Port Hedland, to Stan (Middleton, Commissioner of Native Affairs), 10 March 1955, re Donald William McLeod, 4 September 1953. National Archives of Australia, *McLeod, Donald William – volume 1*, NAA: A6119, 3306, vol. 2, item 46.

<sup>155</sup> McLeod's original, dated Thursday 3, must have been copied in Tilbrook's office as it is attached to his letter to Stan, the Commissioner of Native Affairs, 10 March 1955. Somebody pencilled '(Feb?) 1955' after McLeod's 'Thursday 3.' The copy has all names redacted. A typed copy of the letter is filed in ASIO file and the document is complete with all the names redacted in the original, National Archives of Australia, *McLeod, Donald William – volume 1*, NAA: A6126, 1188, item 75. The document is complete with all the names redacted in the original.

<sup>156</sup> Secret. Copy. Appendix A: McLeod to Des, Thursday 3, National Archives of Australia, *McLeod, Donald William – volume 1*, NAA: A6126, 1188.

<sup>157</sup> Secret. Field Officer (name redacted) to Regional Director, WA: Donald William McLeod, 29 March 1955, National Archives of Australia, *McLeod, Donald William – volume 2*, NAA: A6119, 3306, item 37.

to Meredith Burgmann, 'a window into ... the passions and prejudices of the Cold War'.<sup>158</sup>

As a strategist, McLeod was handicapped, not having access to the government network and resources or the luxury of a single-purpose, nine-to-five job. He needed to multi-task. He was variously book-keeper, mechanic, entrepreneur, prospector, teacher, secretary, and campaigner. An ASIO officer noted that he 'is a good miner, has an extensive local knowledge of the North-West of WA, is a shrewd business negotiator, but lacks the knowledge of management and finance'.<sup>159</sup> Notwithstanding any deficiency on financial management, McLeod had to deal with lawyers, accountants, government departments, journalists and the Group. Security kept him under surveillance.<sup>160</sup> His opinions, voiced at times without preparation, were reported as his considered judgement. His job to pursue the Lawmen's agenda was too great for one man to manage without making mistakes; it was a lonely job. Des had given him warmth and loyalty as well as collegiality in the field. She flew to Singapore on

July 16, 1955.<sup>161</sup> Her destination was the United Kingdom.<sup>162</sup> McLeod was away when she left. The strikers and he felt her loss; for McLeod the sorrow was a little more personal.

At some time in 1955, the new owner of Moola Bulla asked McLeod to help him with labour.<sup>163</sup> McLeod and an Aboriginal man named Jackson responded. Aware of the law that prevented Pilbara Aboriginal people from travelling to the Kimberley without the Department's permission, they took a risk.<sup>164</sup> As McLeod related it,

I took Jackson without anybody's permission, so I had to get Jackson back without running foul of the police, without letting anybody know he was there. And I had this at the back of me mind all the time. Whether a copper come chasing us I don't know but I heard afterwards that they were after us all over the Kimberley. It might have been only stories. They were still trying to bust the strike up, they were trying to discredit me so they could put me in jail. The real reason that line was in the Kimberley, they never paid blackfellows cash wages until 1950 and they didn't want the idea of paying blackfellows cash wages to go over the 20th parallel. It wasn't worrying about leprosy; it was the ideas going up.<sup>165</sup>

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<sup>158</sup> Meredith Burgmann, *Dirty Secrets: Our ASIO files*, (Sydney: NewSouth, 2014), 22.

<sup>159</sup> Secret. ASIO. Authors name redacted. Minute for Regional Director, SA. 15 July 1954 re Donald William McLeod, National Archives of Australia, *McLeod, Donald William – volume 1*, NAA A6126, 1188, item 99.

<sup>160</sup> Secret. NW 'Q' report 14 January 1954. Author's name redacted but revealed when the reporter discusses McLeod's work on the wharf, the 1946 strike, and his main job, for the Party. The reporter writes 'I investigated this matter for the state government and succeeded in gathering sufficient evidence to prosecute McLeod for breaches of the Native Administration Act, and he was convicted of them.' That officer was Detective Sergeant Ron Richards. Reporter continues about his Party work that 'was among the natives, and he was going well and building up a lot of influence when he diverged the problem into a racial one and his work suffered because of lack of proper direction by the State Committee of the Party in Western Australia.' National Archives of Australia, *McLeod, Donald William - volume 1*, NAA: A6126, 1188, item 103.

<sup>161</sup> ASIO Secret Overseas Travel Notification. National Archives of Australia, *Dulcie Elsie Singh – volume 1*, NAA: A6119, 2758, item 23.

<sup>162</sup> Des allegedly travelled to the UK for medical treatment. Des and Donald Stuart divorced, in July 1954 in the Married Women's Court, see National Archives of Australia, *Stuart, Donald Robert – vol. 1*, NAA: A6119, 3126, item 17. The ground was 'desertion.' See 'Man, Wife work for nothing', *Daily News*, 7 November 1957.

<sup>163</sup> A pastoral station in the Kimberley

<sup>164</sup> *The Native Administration Act Amendment Act, 1941*.

<sup>165</sup> McLeod to Ken Liberman.

McLeod and the Group campaigned against this rule by sending their people over the 20<sup>th</sup> Parallel to the Kimberley in such numbers that eventually the police and the Department would remove that section of the Act.<sup>166</sup>

After the break-up of NODAM, McLeod travelled to Perth to retrieve what company assets he could. While there, the Group sent him a message that they wanted another company. They agreed to name it 'Pindan' and in late 1954 McLeod began the legal steps to form Pindan Proprietary Limited as a company 'exclusive to Aborigines' with the exception of McLeod and the Group's loyal supporter Elsie Lee, who held one share each.<sup>167</sup> McLeod explained his rationale regarding the distribution of shares: 'by registering the companies and me not owning a share, except that I held one in trust for the others, they couldn't touch me'. That was a tactic to preserve the assets for the people. It also kept McLeod impoverished, as he stated: I didn't own a bloody thing, everything I had I chucked it in when I went in with them.<sup>168</sup>

In 1954 McLeod's attention was diverted from his goal of keeping the Group solvent by his earlier association with the Communist Party. He was named in 'Document J'.<sup>169</sup> Doc 'J' was an exhibit presented to the Royal Commission on Espionage, 1954-55 (RCE). The Menzies government had established the RCE to enquire into Soviet espionage in the country following the defection of the Soviet Embassy's Third Secretary, Vladimir Mikhailovich Petrov and his wife Edvokia, who also worked in the Embassy.<sup>170</sup> The RCE opened on May 17, 1954 in Canberra. Vladimir Petrov presented 'Document J', which covered espionage actions before World War II. Petrov alleged it was written by Communist journalist Douglas Lockwood.<sup>171</sup> On page fourteen, a section addressed the importance of Aborigines to developments in the Northwest owing to their knowledge of the terrain. McLeod was introduced as their 'white' leader who

was a member of the Communist Party for many years, but he had 'drifted out' since he was jailed. He claims it is better for him to keep under cover, which may be so. ... he is certainly a very important figure in this area .... He has more influence over the Aborigines than any other white man in Western Australia, and, if he called for a strike or any other demonstration, they would follow him. ... However much the area may be mapped from the ground or air, the assistance of McLeod or of the Aborigines who follow him would be very necessary to any military force operating there.<sup>172</sup>

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<sup>166</sup> Anne Scrimgeour analysed these strategies, beginning in 1957, see "Leprosy, labour and the "low-wage line", *History Australia* 3 (2012). Scrimgeour noted McLeod's awareness two years earlier, see p. 122.

<sup>167</sup> McLeod to Brian Fitzpatrick 28 March 1956, *Street papers*, National Library of Australia, MS 2683/10/77.

<sup>168</sup> Donald William McLeod interview with David Charlton, 1996.

<sup>169</sup> 'Natives talking war as 'empire' totters', *The Argus*, 11 August 1954, National Archives of Australia, *McLeod, Donald William - volume 1*, NAA: A6126, 1188, item 88.

<sup>170</sup> Petrov defected on 3 April 1954. Michael Thwaites, previously a Director of the counter-espionage branch at ASIO's headquarters in Melbourne, recounted Dr Evatt's assertion that Petrov's defection was 'a clever stunt by the Liberal-Country Party', see p.110, Michel Thwaites, *Truth will Out: ASIO and the Petrovs*, Collins, Sydney, 1980. Thwaites claimed that Petrov handed Document J to Ron Richards, then deputy-director of ASIO in NSW. Richards had arrested McLeod when as detective constable of the Criminal Investigation Branch he was seconded to Commonwealth Security Service and conducted surveillance on alleged members of the Communist Party.

<sup>171</sup> 'Document J Brings New Surprise at Enquiry: 'disturbing turn' says judge'. *The Adelaide Advertiser*, 16 July 1954, p. 1.

<sup>172</sup> Extract from Document J, National Archives of Australia, *Records of the Royal Commission on Espionage*, NAA: A620, J, page 14 of Lockwood's report.

A Melbourne newspaper reported that McLeod was the 'mystery man' mentioned as an important figure in 'Document J'.<sup>173</sup>

McLeod was also reported to ASIO on November 16, 1954 when a man, (name redacted) phoned the South Australian office to offer some 'data' about the man who had been mentioned in the RCE.<sup>174</sup> Ironically another who knew him 'subsequently rose to achieve notoriety in the Petrov case.'<sup>175</sup> This man was Ron Richards, who as Detective Sergeant had prosecuted McLeod in 1946. Richards joined ASIO and was involved with the Petrovs before they defected. McLeod was 'quite het up at the time' and suspected Richards of either preparing or providing information for 'Document J', and that Max Brown had given Lockwood details about him.<sup>176</sup> McLeod engaged solicitor TJ Hughes and issued a writ of against Vladimir Petrov for libel.<sup>177</sup>

The people's new company, Pindan Pty Ltd, was incorporated on May 4, 1955.<sup>178</sup> In mid-1955 the Melbourne Council for Aboriginal Rights, which was particularly interested in cooperatives, invited McLeod interstate to tour Melbourne and Sydney. McLeod accepted.

## Reflection

Over the years 1949-1955 covered in this chapter, McLeod put into practice his ideas to assist the strikers gain financial and political independence from the controls of government. He had gained notoriety of an unintended kind. He achieved some of his aims but did not have sufficient power or resources to resist the opposition to him from the government and Security organisation. Interstate interest in the Group's work offered him a new role as a public orator and campaigner.

During the seventeen years examined in the next chapter, he faced opposition from within the Group, established a third company and received technical and political assistance from a Monash University student group.

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<sup>173</sup> 'Mystery man', *The Herald* 14 July 1954. On file National Archives of Australia, *McLeod, Donald William – volume 1*, NAA: A6126, 1188, item 101.

<sup>174</sup> DV O'Leary, SA Regional Director ASIO, to Headquarters ASIO. National Archives of Australia, *McLeod, Donald William – volume 1*, NAA: A6126, 1188, item 87.

<sup>175</sup> Stuart Macintyre, *Militant*, 60.

<sup>176</sup> McLeod attempted to meet Lockwood in, he thought, 1957, to ascertain how his name came in to Document J as a 'potential traitor'. McLeod to Rupert Lockwood, 4 October 1984, Atkinson collection.

<sup>177</sup> McLeod Donald William and Petrov Vladimir Mikhailovich, 26 October 1954. National Library of Australia, *Writ of Summons in the High Court of Australian Registry*, NAA: A10079, 2/1954.

<sup>178</sup> State Records of Western Australia, *Pindan Pty Ltd*, Cons 2782 1955 0049. Six Aboriginal mem were listed as being allotted 1,000 shares each. Five listed 'miner' as their occupation and one listed 'Stockman'.

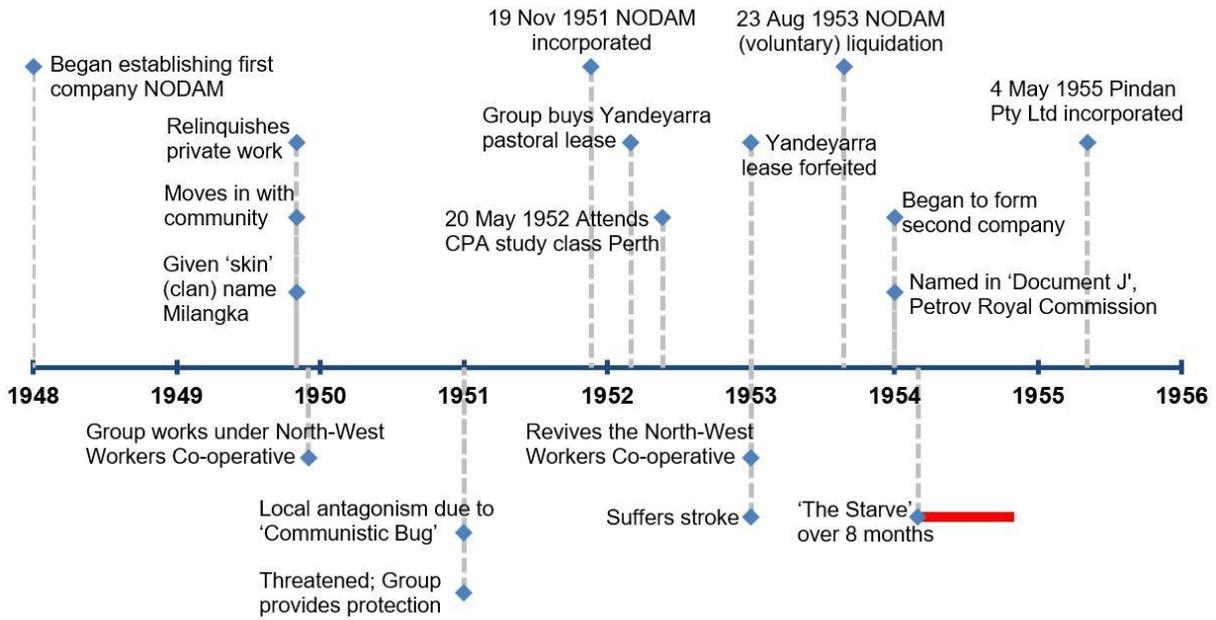


Figure 18: Timeline, 1948-1956

## Chapter Six

‘who’s going to feed you if you don’t work?’<sup>1</sup>

Over the next seventeen years 1955-1972, McLeod experienced opposition of a different kind to those discussed in the previous chapter. It came from within the Group as different priorities became evident. Federal government funding became available, thus decreasing the financial incentive to work and changing the definition of independence. In this chapter I investigate how McLeod adjusted to changing circumstances while holding to the Lawmen’s directives.

### 6.1 Ideological battle

McLeod engaged in two forms of campaigning to achieve the Lawmen’s claim for autonomy: direct action in the field and indirect action through moral suasion.<sup>2</sup> His capacity for work depended upon good health, and this could not be assured. He was troubled by a problem with his right eye. It was, he said, a cancer caused by the atomic testing from the Monte Bello islands in 1952.<sup>3</sup> Later he had the cancer removed.<sup>4</sup> He missed a medical appointment in February 1955 but, he told Des Stuart, it was not so important, what was more important was that he was preparing a 2000-word article for the Jewish journal, *Voice*.<sup>5</sup> He was unprepared for Mattingly’s war against an entrenched system of ideas that was the context for the political disagreement between himself and Commissioner Middleton.<sup>6</sup> It was becoming personal, and erupted at a meeting in the Group’s Pilgangoora camp.

Middleton arranged to meet with the Group in their Bore-Camp at Pilgangoora on May 24, 1955. McLeod heard about the meeting and attended, although Middleton did not recognise him as having authority. According to John Wilson, Middleton stated that he could not help the Group while they retained McLeod. His assistance would include providing food for the aged and the young children, which was hampered by McLeod, as Departmental officer Adrian Day informed the Commissioner. Day reported ‘McLeod himself has adopted an attitude of complete defiance ... it seems that quite a number of the natives are in accord with him. ... Their attitude, as illogical as it is, is backed by McLeod’s own very illogical

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<sup>1</sup> McLeod to Ken Liberman.

<sup>2</sup> For example, the campaign against section 10 of the WA Native Administration Act Amendment Act 1941, which restricted ‘certain natives within the State in order to limit the spread of leprosy within the State’. The Pilbara group’s campaign is analysed by Anne Scrimgeour, ‘Leprosy, labour and the “low-wage line”’, 2012.

<sup>3</sup> The Monte Bello islands are 130 kilometres from the Pilbara coast and were the site of the first UK atomic tests in 1952. In a letter to the Council for Aboriginal Rights on 12 May 1956, McLeod described the first test. The bomb was exploded ‘while there was a strong wind blowing straight from the Monte Bellos over the mainland. The noise of the explosion was heard plainly in the Port Hedland district and shortly afterwards the sky was lit up with a lurid pinkish-red glow, and clouds of dust and other debris could be seen in the sky drifting over. It was obvious that this material was likely to fall somewhere between Broome and Roebourne’. See CAR (Vic) Bulletin no. 6, November 1956, State Library of Victoria, *Council for Aboriginal Rights*, MS12913/5/4.

<sup>4</sup> McLeod interview with David Charlton.

<sup>5</sup> McLeod to Des Stuart, 1955 and possibly 3 February, Secret copy, National Archives of Australia, *McLeod, Donald William – Volume 1*, NAA: A6126, 1188, item 79.

<sup>6</sup> Garrett Mattingly, *The Defeat of the Spanish Armada*, 356.

but almost fanatical arguments'.<sup>7</sup> The Commissioner had authority to intervene to protect the natives' interests and, with their consent, to take or sell their property.<sup>8</sup> McLeod, accompanied by the Group's lawyer, heard Middleton threaten that if they did not dissociate from him he would 'starve six hundred people attending the meeting to death'.<sup>9</sup> The Group decided to stay with McLeod 'on the grounds of his previous sacrifices for them'.<sup>10</sup> McLeod's determination to promote their struggle outside the Pilbara was assisted when he was given an opportunity to take his story to a wide audience in the Eastern states.

McLeod's arguments had come to international attention in 1946. In Australia it was not until 1955, when the Victorian Council for Aboriginal Rights invited him to tour the Eastern states, that he could present his case more widely.<sup>11</sup> The Council was an organisation founded in 1951 by volunteers at a meeting in Melbourne, to 'plan, conduct and organise the widest possible support for a campaign to obtain justice for all Australian Aborigines'.<sup>12</sup> Instrumental in this was feminist and activist for Aboriginal rights in Western Australia, Mary Bennett.<sup>13</sup> She began corresponding with Council secretary Shirley Andrews in 1953 about the injustices she encountered.<sup>14</sup> Through Bennett, Andrews learned about McLeod and not long after, Andrews began writing to McLeod. The Council members then learned of McLeod and the strikers.<sup>15</sup> They were particularly interested in the idea of Aboriginal cooperatives as an economic model different from capitalism, one in which White and Black people could work together on the basis of equality.<sup>16</sup> Bain Attwood claimed that the Council members portrayed the cooperative in 'heroic terms,' and that its advocacy of the Pindan people was its 'most distinctive stance in Aboriginal reform' in the late 1950s.<sup>17</sup> As shown in Chapter Five, their organisations were not formal cooperatives but registered companies that functioned in a cooperative manner.

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<sup>7</sup> Commissioner of Native Welfare, Western Australia, *Annual Report for year ended 30<sup>th</sup> June 1955*, p. 9.

<sup>8</sup> Section 23 of the Native Welfare Act, 1963 gave the Commissioner authority to '(a) take possession of, retain, sell or otherwise dispose of, any such property, the real or personal'.

<sup>9</sup> McLeod to Goodman, Aboriginal Land Rights Commissioner Justice Woodward, 1 July 1973, Woodward Aboriginal Land Rights Royal Commission 1973-1974, National Archives of Australia, *McLeod, Donald William - Series of letters; submission by The Nomads Group of Aborigines to the Federal Cabinet*, NAA: A4252, 49; Hughes to Middleton, 15 June 1955. State Records office of Western Australia, Native Welfare 204/54. In the file copy of this letter the author's name is redacted, however the address on the letter is that of the Group's lawyer TJ Hughes. This is a copy of the original statement by (redacted) but clearly McLeod to circulate to 'dear Comrade'; McLeod to Street, 30 November 1956, National Library of Australia, *Street papers* MS2683/10,158.

<sup>10</sup> John Wilson, "Authority and Leadership," 102.

<sup>11</sup> See Geoffrey Parsons, *Black Chattels*: 52-54. Material was supplied to Parsons by Mary Bennett. I thank Sue Taffe for this information.

<sup>12</sup> Sue Taffe, 'The Council for Aboriginal Rights (Victoria)', Obituaries Australia, *National Centre of Biography*, <http://adb.anu.edu.au/essay/8/text29426>, originally published 11 April 2014, accessed 28 November 2015.

<sup>13</sup> Alison Holland, "Mary Montgomerie Bennett" in *The Encyclopedia of Women & Leadership in Twentieth-Century Australia*. <http://www.womenaustralia.info/leaders/biogs/WLE0187b.htm>, accessed 27 November 2015.

<sup>14</sup> Sue Taffe, "Shirley Andrews: An Architect of the National Aboriginal Civil Rights Movement, 1952-1968," *History Australia*, 8, issue 2 (2011): 161.

<sup>15</sup> Mary M Bennett and Barry E Christophers declared 'the resultant Aboriginal mining cooperative is the answer to those who say Aborigines will do only menial tasks. It is the answer to those who say integration will take generations or decades. Nomads have joined the "mob, and in a few days have become industrious members of a mining company'. See Murray, William M., ed. *The Struggle for Dignity: a Critical Analysis of the Australian Aborigine Today, the Laws Which Govern Him, and Their Effects*, Melbourne: Council for Aboriginal Rights (Vic), 1962, p. 51.

<sup>16</sup> Bain Attwood, Bain, *Rights for Aborigines*, 146.

<sup>17</sup> Bain Attwood, Bain, *ibid.*, 143-144.

McLeod told an interviewer that Shirley Andrews and Stan Davey invited him to tour.<sup>18</sup> The invitation entailed giving lectures in Melbourne, Sydney and Adelaide.<sup>19</sup> This was not a task for which McLeod was trained but he accepted the invitation and the challenge to talk to large audiences of people. He arrived in Melbourne on June 3, 1955 for his first lecture at the Town Hall. He had not visited Melbourne before and the winter weather was his first challenge. Shirley Andrews accommodated him and when a journalist interviewed him, he was 'in a dressing gown, shivering in front of a radiator at Andrews' place and still typing'.<sup>20</sup> The picture of McLeod at Andrews' sits oddly with usual images of him in the bush; he is drinking tea from a cup and saucer. Other pictures show that he wore a suit with waist coat and paisley tie; a little different from his usual attire.<sup>21</sup> Another journalist who interviewed him reported that he 'has the glow of a fanatic tempered with a ready sense of humour. He laughs uproariously when he recalls how he and the Rev RVP Hodge were sentenced to imprisonment'.<sup>22</sup> Andrews had a professional day job but found it hard to leave home on time, trapped in McLeod's conversation; she learned much from him and lost a lot of sleep.<sup>23</sup> A fellow Council member Barry Christophers and his wife Peggy also hosted McLeod and realised how hungry he was for conversation; he kept them up talking until 4:30am. Christophers was a medical practitioner whose practice opened early in the morning; he, too, suffered sleep deprivation for the duration of McLeod's stay. However, he and Peggy found him a great raconteur with an ability to laugh at catastrophes, an insatiable demand for debate, and unquenchable optimism.<sup>24</sup>

At the Melbourne Lower Town Hall, the audience of 300 gave McLeod an ovation and 'unanimously demanded that the West Australian government immediately paid to the Aborigines the one percent of gross revenue to which they are entitled'.<sup>25</sup> ASIO was also interested in his lecture, recording that he spoke for approximately fifty minutes and then answered questions for another thirty minutes. McLeod told about his experiences as a prospector and how the Aboriginal people had formed into a self-supporting group. ASIO's interpretation of the meeting's 'unanimous demand' was that McLeod moved a motion 'that a communication be sent to the Western Australian Minister for Native Affairs requesting that steps be taken to ensure improvement of the Aborigines lot', and that this motion was carried. Its concealed officer also reported that the audience donated £61/5/-.<sup>26</sup> The independent newspaper *Guardian* named McLeod 'white champion of Aboriginal workers in the Kimberley'. It reported his first 'job meeting' on June 7, 1955, when

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<sup>18</sup> Donald William McLeod, interview with David Charlton, 1996.

<sup>19</sup> 'Visit of Mr Don McLeod', *CAR Bulletin No 6*, August 26, 1955, State Library of Victoria, *CAR papers*, MS 12913/5/4.

<sup>20</sup> HH Cox, 'The White Champion of the Blacks', *People*, 28 December 1955, p. 34.

<sup>21</sup> 'McLeod wants million to sign', unknown paper perhaps *Farrago*, 27 July 1955, National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126, 1188, item 53.

<sup>22</sup> 'King' of the blacks comes to town,' *The Herald*, 6 June 1955.

<sup>23</sup> Shirley Andrews, pers. comm., 1968.

<sup>24</sup> Barry Christophers, pers. comm., 2014.

<sup>25</sup> 'Ovation for Aboriginal co-op leader', *The Guardian*, n.d., National Archives of Australia, *McLeod, Donald William - vol. 1*, NAA: A6126, 1188.

<sup>26</sup> Secret. Field Officer to Senior Field Officer, Victorian Office ASIO, 9 June 1955. National Archives of Australia *McLeod, Donald William - vol. 1*, NAA: A6126, 1188, item 70.

at the waterfront messroom he talked to 200 wharf workers. A resolution was unanimously carried.<sup>27</sup> In a later edition it reported his message to all workers: 'the underprivileged status of the Aborigines is a constant threat to your own liberties. Once you allow some workers to exist as an underprivileged section, you endanger the privileges of all'.<sup>28</sup> On June 17, 1955 he talked to a meeting of about forty people, one of whom was an ASIO officer who reported his messages. According to this officer, McLeod had noted that 'capitalism would always tolerate persecution of the Aboriginal' and urged the audience to write to members of Parliament 'asking for complete freedom for the Aboriginal'.<sup>29</sup> The *Jewish News* advertised a talk he was to give at the Jewish Progressive Centre on June 12, 1955. It invited readers to 'come and hear Mr McLeod from West Australia, the great humanist and defender of Aboriginal Rights, deliver a lecture on The life and the culture of Aborigines, and the Modern World'.<sup>30</sup>

As editor 1953-1961 of the Council's bi-annual Bulletin, Shirley Andrews wrote a lengthy report of McLeod's lecture tour.<sup>31</sup> The tour entailed five days in Adelaide, four weeks in Melbourne and ten days in Sydney.<sup>32</sup> The Australasian Book Society (ABS) cooperated by jointly organising some meetings and McLeod's visit coincided with their recent publication of Australian novelist FB Vickers' novel about Aborigines in frontier society, *The Mirage*.<sup>33</sup>

McLeod was also invited to meet Victorian Aboriginal people when Doug Nicholls arranged for Stan Davey to escort him around some of their largest Aboriginal communities at Shepparton, Mooroopna and Cumeragunja. Davey recalled that when he was 'always accused of being a member of the Communist Party' McLeod explained that he had joined the Party because of its expression of justice for Aboriginal people but felt that certain members were 'manipulating' and he 'just withdrew'. He did not notify the press and he felt it was not proper to denigrate the Party, that there were members who had 'values and qualities that didn't need to be subjected to the fact that he'd withdrawn'. He 'rubbished' Davey's Christian theological 'screen' but they always arrived at the same understanding about justice 'and the right for people to be their own people, and to retain their own culture'.<sup>34</sup> Davey commented that McLeod encouraged the people 'to take a stand against exploitation' and oppose government policy on

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<sup>27</sup> 'Give Aborigines their rights, say wharfies: 'we wholeheartedly support the stand taken by the Aborigines of West Australia in their struggle for recognition and demand the West Australian government stand up to its responsibilities and give immediately the one percent of the gross revenue as guaranteed by the Constitution. This money to be paid to the Aborigines direct spend in their own way', *The Guardian*, 7 June 1955.

<sup>28</sup> Aborigines waging our longest strike struggle, *The Guardian*, 16 June 1955, National Archives of Australia, *McLeod, Donald William vol. 1*, NAA A6126, 1188, item 65.

<sup>29</sup> Secret. Author's name redacted, to (redacted) Report No. 7855. National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126, 1188, item 61.

<sup>30</sup> 'Come and Hear', *The Jewish News*, n.d., National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126/1188, item 67.

<sup>31</sup> Sue Taffe, Council for Aboriginal Rights (Victoria).

<sup>32</sup> Visit of Mr Don McLeod. *Council for Aboriginal Rights Bulletin No 6*, 26 August, 1955. Council for Aboriginal Rights papers SLV, MS 12913/5/4.

<sup>33</sup> Bert Vickers spent about seventeen years in the North-West of WA working in the shearing sheds and as a cook in the mustering camps. He experienced firsthand the tragic situation for the Aboriginal people, especially those fathered but abandoned by White men. His first novel, *The Mirage*, was based in the country around Meekatharra and exposed the discrimination that McLeod was fighting. See FB Vickers, *The Mirage*, Australasian Book Society, Melbourne 1955.

<sup>34</sup> Stan Davey interview by Francis Good, Daguragu, Northern Territory Archives Service Oral History Unit, Tape, 1986, p. 24.

assimilation.<sup>35</sup>

The Council's program gave McLeod wide exposure. Apart from formal events at which he spoke to workers, students, trade union officials and others interested in conditions of Aboriginal people, he also had an opportunity for a discussion with HV Evatt, federal Leader and AA Calwell, Deputy-Leader of the Opposition Labor Party.<sup>36</sup> He gave a press conference, radio interviews, made two tape recordings of his experiences and gave material to the Women's International League for Peace and Freedom for submission to the United Nations. Melbourne audiences raised about £80 and newspapers publicised his views.<sup>37</sup> The *Age* newspaper reported his talk to the Trades Council on June 30, 1955, where he repeated his arguments about the one percent and suggested that the ACTU and unions could campaign to raise money to assist the Pilbara workers.<sup>38</sup> At Melbourne University he spoke to students, who noted he stressed the need for 'equal rights and opportunities' and the Aboriginal people's capacity for learning that fitted them for higher education.<sup>39</sup> While McLeod was interstate, the Group sent a second delegation across the Leprosy Line.<sup>40</sup>

Frank Hardy publicised McLeod's visit to Sydney ASIO reported. According to Hardy, he 'is not a very good speaker, but has some very good material,' and Hardy suggested that he talk at factory meetings, on the waterfront and at Redfern.<sup>41</sup> McLeod's trip to Sydney began on July 1, 1955 and ASIO noted Hardy's willingness to speak with McLeod.<sup>42</sup> When McLeod arrived in Sydney he rang the office of what was probably the Trades Hall to ask if anyone could accommodate him. Roy Ockendon of the Sheet Metal Union volunteered a room at his flat and then recognised the name from Dorothy Hewett's poem. They were both tired, but that night talked or, as Ockendon phrased it 'with only a little prompting from me, he talked and I listened'.<sup>43</sup> ASIO confirmed that he stayed with Ockendon.<sup>44</sup> McLeod spoke at the Trades Council lunch hour meetings, and at the University, arranged by the Aboriginal Scholarship committee and the anthropology students. He spent time with Frank Hardy.<sup>45</sup> Hardy wrote a book about another group of

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<sup>35</sup> The assimilation policy was formulated by the Commonwealth in 1937 and aimed to encourage Aboriginal people to live like White citizens. It was defined and accepted in 1961 at the federal and state ministers' Native Welfare conference to allow all Aboriginal and part-Aboriginal persons to enjoy the same rights and privileges of the Australian community. WA Commissioner Middleton noted that the need for protection, with its connotations of paternalism, no longer had a place in the Department's policy and administration, see his *Annual Report of the Commissioner of Native Welfare for 30 June 1955*, p. 6. It did, he wrote, need to 'advise and assist' the natives when they "engage in transactional and financial dealings beyond the business needs of everyday life. This is especially necessary when the 'native's concerned are unsophisticated, ignorant of business principles, legalities and practices and illiterate, and the vast majority come within this category'. He then proceeded to discuss 'a case in point,' the Pilbara natives and McLeod.

<sup>36</sup> McLeod to Ken Liberman.

<sup>37</sup> Council for Aboriginal Rights Bulletin, no. 6, 1955, Atkinson collection.

<sup>38</sup> 'Unions Urged to Assist Aborigines', *The Age* 1 July 1955, National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126, 1188, item 58.

<sup>39</sup> 'Black Equals White', Melbourne University's student newspaper *Farrago*, 28 June 1955, National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126, 1188, item 62.

<sup>40</sup> Anne Scrimgeour examined this action in "Battlin' for their rights," 50.

<sup>41</sup> Secret ASIO NSW note No 11801, 29 June 1955, re Francis Joseph Hardy. National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126, 1188, item 63.

<sup>42</sup> Secret ASIO NSW note No 11826 re Don McLeod, National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126, 1188, item 59.

<sup>43</sup> Roy Ockendon, handwritten notes, n.d., Atkinson collection.

<sup>44</sup> Secret ASIO Report no. 11842, 2 July 1955, National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126, 1188, item 57.

<sup>45</sup> McLeod to Paul Roberts, pers. comm.

Aboriginal strikers, the Gurindji stockmen from Wave Hill station in the Northern Territory who organised a strike in 1966.<sup>46</sup> He did not acknowledge meeting McLeod in 1955, although he knew of the Pilbara strike. In Adelaide, McLeod spoke at lunch hour meetings in factories, meetings of the Australasian Book Society, the University, and to one meeting organised by the SA Aboriginal Advancement League.<sup>47</sup> He met the Trades Hall Council and the Australian Labour Party, and was interviewed by newspapers and radios. Upon his return to WA he addressed similar meetings in Perth.

McLeod calculated that he gave fifty talks in thirty days. Taffe recorded that 3000 people heard him speak in many different locations such as town halls, churches and Mechanics Institutes and that he was well received and any people made donations.<sup>48</sup> His topics covered the political situation for Aboriginal people in the Northwest, the aims of the strikers, his attempts to establish them in proprietary limited companies that could act for them to obtain their civil rights, injustice of the repealed one percent, and background of the Group's struggles.

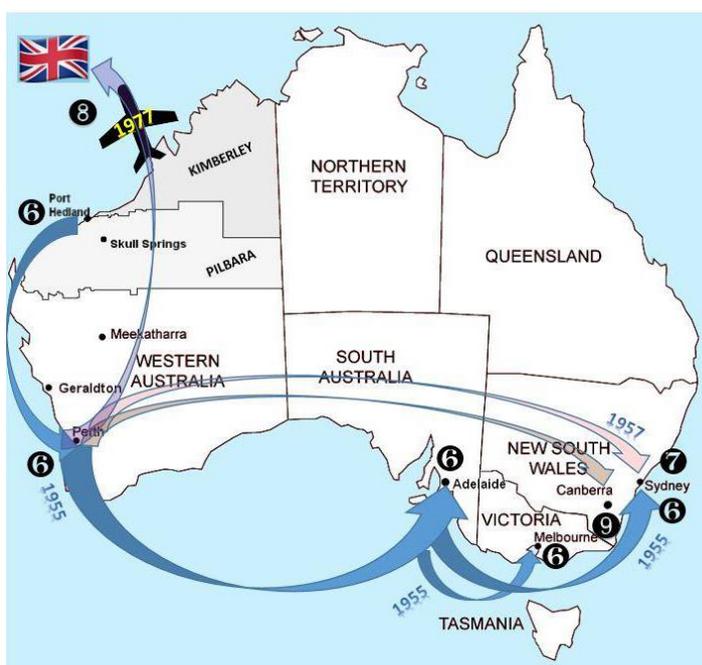


Figure 19 A concept map tracking McLeod's teaching  
(Jan Richardson and Mervyn Chait)

In her CAR Bulletin No. 6, Andrews presented, over six pages, McLeod's history of the Group. She concluded 'in one trip he has managed to reach a very large audience'.<sup>49</sup> In her Bulletin No 7, she reported that following McLeod's visit, the Department of Native Affairs was not responding to the Council's letters.

<sup>46</sup> Frank Hardy, *The Unlucky Australians* (Melbourne: Thomas Nelson, 1968). Hardy wrote 'The Clancy and Dooley and Don MacLeod [sic] strike of Aboriginal Stockman in Western Australia 20 years before that always intrigued me... They had been glorious in defeat', p. 19.

<sup>47</sup> Doctor Charles Duguid founded the South Australian Aborigines' Advancement League in 1939, see *Collaborating for Indigenous Rights*, National Museum of Australia website, accessed 2015.

<sup>48</sup> Sue Taffe, *the Council for Aboriginal Rights* (Victoria),

<sup>49</sup> Council for Aboriginal Rights, *Bulletin* no. 6, 26 August 1955.

She noted 'we are apparently included in their "hate campaign" against Mr McLeod'.<sup>50</sup>

In his 1955 Annual report Commissioner Middleton expressed an alternative view. Press reports attributed to McLeod, 'contained grossly misleading and damaging statements regarding the administration and welfare of natives in this State'. Middleton then explained in detail how McLeod's actions had been detrimental to the 'natives'. He suggested that the 'emancipation of natives' could not be effected until the Department had greater legislative power to enact its duty of care.<sup>51</sup> Middleton's and McLeod's relationship was not helped by an event, arising from a misunderstanding but causing trouble for all concerned.

On August 27, 1955 the ABC in Perth broadcast a comment from the Commissioner about the alleged refusal of Group members to provide a tracker to the police in their search for a White man lost in country around Marble Bar. Elsie Lee obtained the news release in writing and gave it to McLeod.<sup>52</sup> The report quoted Middleton claiming he was distressed to hear of a report from Port Hedland ... The natives' action was foreign to their normal attitude. He claimed it was obviously the effect of outside influence'.<sup>53</sup> It also reported Middleton commenting 'natives mining in the area for some years had been indoctrinated and led astray by white influences'.<sup>54</sup> Group members were offended, having told the policeman that they needed authorisation from their leaders before they could act. They employed their solicitor TJ Hughes to sue the ABC and Middleton for slander.<sup>55</sup> McLeod referred to the:

constant claims and counter claims that this struggle has featured since 1945, and the ease with which our members now follow legal manoeuvres [sic] since they have had a liberal education in law by the most forceful manner of learning, that is by experience for although the fees in such cases are high the tuition is good.<sup>56</sup>

This view was confirmed by Peter Coppin. He and Ernie Mitchell 'were not afraid to use the whitefellas' legal system to fight for their rights. They had seen how it worked and witnessed success early in the strike days'.<sup>57</sup> McLeod, who was, according to geographer Jamie Peck, 'both a passionate defender of Aboriginal rights and a practical advocate for Aboriginal socio-economics', believed the people were experiencing their power and shaping their future.<sup>58</sup> McLeod was confronted when they used his strategies against him.

The Group's constant need to make income and predictions that the Yandeyarra venture had been 'gradually breaking up since early 1954', were nearly realised.<sup>59</sup> Pressures from an internal reconfiguration

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<sup>50</sup> Council for Aboriginal Rights, *Bulletin* no. 7, December 1955, p. 7.

<sup>51</sup> Annual Report of the Commissioner of Native Welfare for the Year ended 30th June, 1955, pp. 10, 11.

<sup>52</sup> McLeod to Ken Liberman, 1978.

<sup>53</sup> 'Natives Sue: allegation of long dispute', *West Australian*, 30 October 1958.

<sup>54</sup> 'They are suing the ABC', *Melbourne Herald*, 30 November 1958.

<sup>55</sup> 'Natives claim slandered in an ABC broadcasts', *The Herald*, 2 August 1958.

<sup>56</sup> McLeod to Brian Fitzpatrick, Australian Council for Civil Liberties, 28/3/56. National Library of Australia *Jessie Street Papers*, MS2683/10/70.

<sup>57</sup> Jolly Read and Peter Coppin, *Kangkushot*, 129.

<sup>58</sup> Jamie Peck, "Excavating the Pilbara: A Polanyian Exploration," *Geographical Research*, 51: 3, (2013): 230.

<sup>59</sup> Regional Director ASIO memo to Headquarters, 7 April 1955, National Archives of Australia, *McLeod, Donald William volume 1*, NAA: A6126, 1188, item 80.

of leadership, and negotiations with the Department wanting more influence, were ceaseless.

At some stage when income was at crisis point, McLeod said to the Group:

What are you going to do? I said all right, give me ten blokes and I'll put a cut through there and I'll show you how this work could be done in less than a month. We made two wheelbarrows out of a forty-gallon drum with a couple of wheels. Anyhow they bailed up on us. Jacob was prepared to listen to me, three or four others come around to my point of view but the others wouldn't listen. So they went on strike. I said all right then how long can you stay out. I can stay out as long as you blokes can. So we will just sit down and starve. Because who is going to feed you if you don't work? So we sat down for a day and we all starved and then they started to talk.<sup>60</sup>

Hard work and hard talking took its toll on McLeod's health. He described a meeting with the Group and a Departmental officer who intended to sell some of the Group's equipment during the liquidation of NODAM. The Group had a plan to 'liquidate Middleton and his department' but had not succeeded.<sup>61</sup> 'At this stage', stated McLeod, 'I blew my top and I am ashamed I insulted him as much as I could and being blocked from touching him, walked out on the meeting.'<sup>62</sup> As a younger man he and another man on the wharf had a fight; both were arrested for being disorderly.<sup>63</sup> He appreciated the Aboriginal cultural discipline that on this occasion prevented him from losing self-restraint.

In early 1956, McLeod invented a simple way that the Group could increase their income-producing activities. To enable them to go skindiving for shell, he was 'having built some steel canoe-like boats'.<sup>64</sup> By the end of 1956 he was experiencing blood pressure problems. He explained: 'I came in for a few quiet days to see if the doctor could build up my blood pressure a bit as I have an old ticker that for some reason no one seems able to explain leaks a bit occasionally and I lose all my sting'.<sup>65</sup> When writing to the Anti-Slavery Society he explained 'I have not been not been too well lately I have a heart condition which plays up at times'. A problem in their working camps caused by their water supply drying up had, he added, 'reduced our capacity to earn income considerably'.<sup>66</sup>

Physical problems may have temporarily slowed him down but he was driven, trying to manage all aspects of the business and at the same time campaign to change discriminatory laws. McLeod extended his campaigning from local to international when he coordinated with Jessie Street to keep the Anti-Slavery

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<sup>60</sup> McLeod to Ken Liberman.

<sup>61</sup> McLeod to Shirley Andrews, 2 February 1956. Atkinson collection.

<sup>62</sup> McLeod to Brady, 18 July 1956. *Jessie Street Papers*, National Library of Australia, MS 2683/10/106.

<sup>63</sup> McLeod to Brian Fitzpatrick, Australian Council for Civil Liberties, 28 March 1956. National Library of Australia, *Jessie Street Papers*, MS2683/10/70.

<sup>64</sup> McLeod to Shirley Andrews, 29 February 1956, Atkinson collection.

<sup>65</sup> McLeod to Jessie Street, 30 November, 1956, National Library of Australia, *Jessie Street Papers*, MS2683/10/158.

<sup>66</sup> McLeod to Commander Fox-Pitt, 20 December 1956. Special Collections & Western MSS, Bodleian Library of Commonwealth and African Studies.

Society in London informed about the Aboriginal situation in Western Australia.<sup>67</sup> In December 1956 he forwarded her copies of WA Parliamentary debates in Hansards and copies of his correspondence.<sup>68</sup> In 1957 a new politically active group in New South Wales invited him into their network.

The newly-formed Australian-Aboriginal Fellowship (AAF) contacted him.<sup>69</sup> It was holding an event in the Sydney Town Hall on April 29, 1957.<sup>70</sup> At Jessie Street's suggestion that a petition for a Referendum to change the Australian constitution be mounted, the AAF agreed to launch the petition at its meeting.<sup>71</sup> The Chairman was to be Doug Nicholls.<sup>72</sup> McLeod accepted and left Port Hedland on April 13, 1957.<sup>73</sup> Faith Bandler wanted McLeod to be invited; but his name was later 'rubbed off' the list.<sup>74</sup> Prior to the AAF meeting McLeod, Dorothy Hewett, Doug Nicholls and others met in Bandler's flat.<sup>75</sup> About 1000 activists, of whom about half were Aboriginal, attended the meeting and McLeod was 'present - representing the Pilbara strikers' but it is not clear if he spoke.<sup>76</sup> He was 'small fry' according to Bandler.<sup>77</sup> Jack Horner, a volunteer with the Federal Council For the Advancement of Aborigines, was at the meeting.<sup>78</sup> He recorded that when McLeod 'saw the reverends Coaldrake and Childs in their clerical collars and black suits seated among the speakers he refused to go onstage'. An AAF executive member tried to convince McLeod that these men were socialists and supportive but he would not be aligned with missionaries and while he agreed to sit on the stage, he 'refused to address the crowd'.<sup>79</sup> In telling the story, McLeod was clear that leader of the federal Labor Party HV Evatt was to be the chairman but declined when his own agenda took priority, and that 'to avoid accusations of pinks, the AAF organisers filled the platform up with parsons and

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<sup>67</sup> Jessie Street was Australian who lived in London when she became a member of the World Peace Council. She was also appointed to the executive committee of the British Anti-Slavery Committee and returned to Australia in 1956, as requested by that Committee, to examine conditions of Aboriginal people. See Heather Radi, 'Street, Jessie Mary (1889–1970)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/street-jessie-mary-11789/text21089>, published first in hardcopy 2002, accessed online 3 November 2015.

<sup>68</sup> T Fox-Pitt of the Anti-Slavery Society, London wrote to McLeod on 4 January, 1957, in response to McLeod's letter to him. Fox-Pitt advised him that the New York group, the International League for the Rights of Man, encouraged their Society to request help from the Commission of Human Rights. He asked McLeod whether he thought the Aboriginal situation should make an application to that body. Letter in Special Collections & Western MSS, Bodleian Library of Commonwealth and African Studies, Oxford Library Service.

<sup>69</sup> The Australian-Aboriginal Foundation was formed in Sydney in 1956 by two Aboriginal women. Lady Jessie Street was the Patron, see Faith Bandler and Len Fox, *The Time was Ripe: The Story of the Aboriginal-Australian Fellowship, 1956-1969*, (Chippendale: Alternative Publishing Co-operative Ltd, 2008).

<sup>70</sup> Faith Bandler and Len Fox, *ibid.*

<sup>71</sup> The suggested Constitutional change was to Section 51 (xxvi) 51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to: -(xxvi) The people of any race, other than the aboriginal people in any State, for whom it is necessary to make special laws, and the repeal of Section 127: In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives should not be counted. See National Archives of Australia, The 1967 referendum – Fact sheet 150.

<sup>72</sup> Faith Bandler and Len Fox, *The Time was Ripe*, 10.

<sup>73</sup> Secret ASIO Extract from [redacted] Vic "Q" Report no. 10914. National Archives of Australia, NAA A6119, 3306 item 62.

<sup>74</sup> McLeod to Roy Ockendon, 8 April 1957. Atkinson collection.

<sup>75</sup> Faith Bandler and Len Fox, *The Time was Ripe*, 62.

<sup>76</sup> Anna Haebich, *Spinning The Dream: Assimilation in Australia 1950-1970* (Fremantle: Fremantle Press, 2008): 371.

<sup>77</sup> Faith Bandler and Len Fox, *ibid.*, 14.

<sup>78</sup> Federal Council for the Advancement of Aborigines. In 1964, the Council added "Torres Strait Islanders" to its name, making it the Federal Council for the Advancement of Aborigines and Torres Strait Islanders.

<sup>79</sup> Jack Horner, *Seeking Racial Justice: An Insider's Memoir of the Movement for Aboriginal Advancement, 1938-1978*, (Canberra: Aboriginal Studies Press, 2004): 26.

missionaries'. Only Mary Gilmour impressed him.<sup>80</sup> Officially he was not at this inaugural meeting. He later talked at the waterfront, and led a discussion on 'The Australian Aborigine- his present- his future?'.<sup>81</sup> He had a secondary purpose in going to Sydney.

McLeod wanted to see 'Doc' Evatt.<sup>82</sup> His purpose was to ask Evatt to serve the writ of slander on Petrov.<sup>83</sup> Evatt became too busy with Labor Party matters and was unable to do as agreed, moreover Petrov's address was secret. The Writ could not be served and was discontinued.<sup>84</sup>

McLeod's association with the Communist Party continued to attract ASIO interest. ASIO was also aware that McLeod attended a meeting of the CPA held in Melbourne at the home of academic Stephen Murray-Smith on May 13, 1957.<sup>85</sup> The officer noted that McLeod 'has not re-joined the CP of A Party. However, he will work with the Party but is a "bit sour" on it'.<sup>86</sup>

During McLeod's absence from Port Hedland, Jessie Street visited the Group as part of her tour of the north to assess conditions for Aboriginal people. She wrote a comprehensive report that Pindan Pty Ltd. printed for wide circulation. Her findings were positive. She observed 'They have an affection, admiration and regard for Don McLeod, whom they regard as having led them out of the wilderness and consider that he has shown them that they can stand on their own feet'.<sup>87</sup>

McLeod was pushing himself, driven by the task, despite being 'not too happy with myself as I had attack of neuritis (or sic) in my back and shoulder'. His philosophy was 'what cant [sic] be cured will have to be endured',<sup>88</sup> but his determination to override pain and injury was not always effective. He explained to Ockendon:

I made a bit of a mess of things before I left Pt Hedland I was tired out with four nights without sleep due to a severe bout of arthritis or neuritis or something and having been given some barbiturates [sic] by the Doctor and having taken the maximum [sic] dose without effect I took another shot about 4am but instead of making me sleep it only made me stupid and obstreperous [sic]. As I was flying at midday it was as much as I could do to try and get my reactions under control to be fit to travel. ... my shoulder has nearly succeeded in wearing me to a frazzle.<sup>89</sup>

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<sup>80</sup> McLeod to Ken Liberman.

<sup>81</sup> HC Wright, ASIO Regional Director NSW to Regional Director WA, first May 1957, National Archives of Australia, *McLeod, Donald William vol. 1*, NAA: A6126/1188. Wright quoted a notice of McLeod's talk that was printed in *Tribune*, 24 April 1957.

<sup>82</sup> HV 'Doc' Evatt, was a lawyer and a parliamentarian, at that time in opposition. He was embroiled in a political struggle within the Labor Party over Communism and the conservative Catholic influence.

<sup>83</sup> McLeod to Ockendon, 22 April, 1957, Atkinson collection. National Archives of Australia, *Donald William McLeod and Petrov Vladimir Mikhailovich*, NAA: A10079, 1/1957, item by TJ Hughes. McLeod's writ of slander was introduced in Chapter 5.

<sup>84</sup> National Archives of Australia, *Donald William McLeod and Petrov Valdimir [sic] Mikhailovich*, NAA: A10079, 2/1954.

<sup>85</sup> Stephen Murray-Smith was, at that time, a member of the CPA, pers. comm., 1960.

<sup>86</sup> Secret ASIO Extract from [redacted] Vic "Q" Report no. 10914. National Archives of Australia, *McLeod, Donald William - volume 2*, NAA A6119, 3306 item 62; McLeod to Rupert Lockwood, 4 October 1984, Atkinson collection.

<sup>87</sup> Lady Jessie MG Street, *Report on Aborigines in Australia*, May/June 1957, pp. 29, 30. Atkinson collection.

<sup>88</sup> McLeod to Ockendon, 12 April 1957. Atkinson collection.

<sup>89</sup> McLeod to Ockendon, 22 April 1957. Atkinson collection.

McLeod did not tolerate weakness in himself or others. He pressed on. In Perth on May 28, 1957, Pindan organised a public meeting at the Town Hall to put their views to the public. Pindan printed a flyer 'Native Question? Pindan has the answer. Hear the facts'. Ernie Mitchell and Peter Coffin came to Perth and spoke, as did McLeod, who was impressed with how the two leaders performed.<sup>90</sup> Elsie Lee handed out a pamphlet.<sup>91</sup> FB Vickers proposed a collection to defray expenses and £15/13/6 was contributed. ASIO's confidential three-page account reported on Peter Coffin's statement.<sup>92</sup> Mitchell spoke for only a few minutes, the ASIO officer noted, and McLeod 'is well versed in his subject' but in the officer's opinion the meeting 'achieved nothing.'<sup>93</sup>

McLeod also spoke to students at the University of Western Australia. In preparation for his meeting a student approached the Commissioner and requested a loan of McLeod's Departmental file, which although confidential, was handed to him.<sup>94</sup> When another Departmental officer discovered this he raced to the university and retrieved the file, but it was too late, students had copied it.<sup>95</sup> Having made a connection to the students, McLeod submitted an article to their journal *Westerly*.<sup>96</sup> In it he related the history of the 'Native Question' created by repeal of Section 70, the loss of the promised one per cent and the group who had organised for their independence. He argued that responsible citizens had an obligation to understand and rectify the injustices of the past. On his return to Port Hedland, McLeod was buoyant about the Group's progress in breaking the Leprosy Line. 'We have made so many breaches ... and brought so many people back over it that it can be fairly safely said it is gone [sic].'<sup>97</sup> Three weeks later he added 'We now have a large camp working shell over the line who will be returning this weekend'.<sup>98</sup> The group was planning to shift their Pindan office from Perth to Port Hedland to give them more control over their accounts and receive regular financial reports.<sup>99</sup>

## 6.2 Conflicts within

Over the years conflicts between the Group and the Department, and between some Group members and McLeod, continued, as did work and campaigning under the Pindan company name. In April 1958, problems with undercapitalisation for mining manganese were to be solved by forming a new company,

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<sup>90</sup> McLeod to Bill Bird, 22 July 1957, *McLeod correspondence*, State Library of Western Australia, Acc. 1568A, item 35.

<sup>91</sup> Pindan Pty Ltd, 'Have the Natives of WA been the Victims of a Confidence Trick whereby they have been denuded of their land and denied compensation for it?' Noel Butlin Centre, Australian National University, *Australian Council of Trade Unions*, N21/662.

<sup>92</sup> Peter Coffin 'claimed that everyone had pushed the natives about ... until Don McLeod came along and stuck up for them, and that Don McLeod was their man, and since Don McLeod had taken up their cause they were much better off'. National Archives of Australia, *McLeod, Donald William – volume 2*, NAA A6119/3306, item 59.

<sup>93</sup> National Archives of Australia Confidential, Public meeting convened at Perth Town Hall on 28 May, 1957, by Donald William McLeod. Author's named redacted, 29 May 1957, *McLeod, Donald William – volume 2*, NAA: A6119, 3306, item 60.

<sup>94</sup> John Wilson reported that accurately documented articles were published in the Communist paper *Tribune* from 26 October to 9 November, "Authority and Leadership", 104.

<sup>95</sup> Robert Smith, pers. com., 2015. I thank Robert Smith for his first-person testimony.

<sup>96</sup> DW McLeod, *Aboriginal Enterprise in the Pilbara*, 4-8.

<sup>97</sup> McLeod to Ockendon, 2 July 1957, Atkinson collection.

<sup>98</sup> McLeod to Ockendon, 29 July 1957, Atkinson collection.

<sup>99</sup> McLeod to Ockendon, 30 March 1958, Atkinson collection.

Simdan. It was to be a joint venture with another company and McLeod believed that one of the male advisers who came into the camp brought in alcohol.<sup>100</sup> McLeod argued that introducing alcohol was a strategy to sabotage the Group's cohesion and ability to work.<sup>101</sup> Ernie Mitchell stated that they could control behaviours like gambling and drinking.<sup>102</sup> McLeod remained positive in public but in private, he was not so sure. In 1958 he confessed:

I have been beginning to feel that I have not the training and capacity to really put our affairs in good shape for on many occasions I have had the thing within grasp but always the thing eludes us and since I am the common denominator it must be in me the weakness lies.<sup>103</sup>

While dealing with these business issues, the case against Middleton came to court.

On November 30, 1958 the court case suing the ABC and Middleton was held in the Perth Supreme Court. Thirteen Pindan men represented their people. Local and interstate newspapers carried articles presenting details.<sup>104</sup> Communism still influenced public opinion, and McLeod was questioned about why he left the Party. He replied 'I left because I fell out with some ideas they have. I believe in Socialism'.<sup>105</sup>

The Judge dismissed claims against Middleton but awarded £50 to Coffin and Mitchell against the ABC. Although the financial recompense was small, the boost to the people's morale was great.<sup>106</sup> It 'increased their cohesiveness,' but this unity was fractured in 1959.<sup>107</sup> The causes were multiple: internal disagreements about management, Simdan, the role of the Department, kinship disputes and difficulties in communicating from the north to Perth. In essence it was philosophical: the battle of ideas.

To enhance its standing with the Group, the Department created structures through which the people could organise, emulating those of McLeod. Middleton had formed the Pilbara Native Society by June 1955 and was using it to directly assist members of Pilgangoora group who were becoming, with some encouragement, dissatisfied with McLeod's methods and policies.<sup>108</sup> McLeod's principle of hard work and willingness to suffer to gain independence began to be less attractive to some powerful members in Pindan, who found the Department's incentives to abandon McLeod worth considering. As McLeod recalled this development: 'The Department had begun to exert its influence on certain of the group's leaders, and spent most of their efforts on two *martamarta*.<sup>109</sup> According to McLeod, this policy was 'cold-blooded and deliberate'. It included offering direct assistance and support but in his opinion 'the object was to break the

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<sup>100</sup> McLeod to Ken Liberman.

<sup>101</sup> McLeod interview with Chris Jeffery, 1996.

<sup>102</sup> John Graham, 'Ernie Mitchell Now Leads the Pindan Mob', *The West Australian*, 20 August 1959, p. 4.

<sup>103</sup> McLeod to Ockendon, 20 July 1958, Atkinson collection.

<sup>104</sup> For example, 'WA natives seek damages from ABC', *Melbourne Sun*, 26 September 1958.

<sup>105</sup> 'Judge asks about delay', *The Australian*, 1 November 1958

<sup>106</sup> '£50 Damages for Two WA Natives', *Adelaide Advertiser*, 28 November 1958.

<sup>107</sup> John Wilson, "Authority and Leadership," 110.

<sup>108</sup> State Library of Western Australia, Department of Native Welfare *Pilbara District – Natives' Co-operative movement*, 204/54, 1954-1955, item 65.

<sup>109</sup> In his book *How the West was Lost*, 1984, p. 11, McLeod explained that a person's colour meant nothing to him, but that it was important to recognise the different history experienced by those who were 'part-Aborigine or part-European' (or part-Asian).

solidarity of the group'.<sup>110</sup> It also triggered the cultural differences in the Group between those of full descent and those of part-Aboriginal descent. Ronald Berndt, in discussing traditionally-oriented Aboriginal people's perspective derived from their Law, noted that there was a 'gradual and not-so-gradual disappearance of traditional life as a living reality'. This transition did not reduce their identification as Aboriginal but was a pattern linking the past with the future that influenced both European and Aboriginal culture.<sup>111</sup> When organising the strike in 1946, the Lawmen had selected leaders from each cultural background. In the interests of solidarity, the differences were subsumed under one identity. The Department's intervention fractured their previous unanimity.

Solidarity and willingness to work hard and suffer had brought the Group many political successes, such as abolition of the Permit system.<sup>112</sup> The people's traditional culture had been strong enough to resist the government's Protection policy, assimilation policy and the Department's 1944 Act.<sup>113</sup> They had successfully resisted the idea of liberalism, 'a concept of nationhood which viewed racial or culturally distinct entities within the nation to be dangerous' and which, according to Anna Haebich, is still current.<sup>114</sup> The strikers, freed from the Department's paternalistic controls, had created a new landscape in which they could create their future. In comparison with the Department's abundant resources and new willingness to work with the leaders to fulfil their aspirations, McLeod's model became increasingly irrelevant for some.

The governing body of the Group was a registered company, and the resulting tensions could not be resolved through the normal Group procedures of consensus. Lawyer John Huelin discussed this kind of situation where traditionally, Aboriginal groups had their own leaders but no structure of leadership over multiple groups of kinship identity. This presented communities with a problem of representation, i.e., who could speak for whom.<sup>115</sup> At a Pindan meeting on June 6, 1959, a vote was conducted and the vote went against McLeod. He resigned.<sup>116</sup> Pindan member Browne said 'We just had a little bit of trouble and he just pulled out'.<sup>117</sup> McLeod's decision 'polarised support and divided the movement'.<sup>118</sup> McLeod's resignation and departure was difficult for Group members; a small number chose to go with him and ultimately Pindan

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<sup>110</sup> DW McLeod, *How the West was Lost*, 108.

<sup>111</sup> RM Berndt, "Aboriginal Identity: reality or mirage", in *Aborigines and Change: Australia in the 70s*, 7.

<sup>112</sup> In 1954 the WA government introduced a Bill to repeal 'most of the discriminatory sections of the Act including the employment permit system' *Annual Report of the Commissioner of Native Welfare*, 30 June 1955, p 4. It became law when the Native Welfare Act 1954 (WA) was enacted.

<sup>113</sup> The Aborigines Protection Act, 1886, updated to The Aborigines Protection Act, 1905 and to Native Administration Act, 1936 which established the Department of Native affairs and included the Permit system, The Native Administration Act, amended 1941 restricting natives from crossing the 'leprosy line' the 20th Parallel, The Natives (Citizenship Rights) Act, 1944 (WA) which granted citizenship rights to 'civilised' natives

<sup>114</sup> Anna Haebich, *Broken Circles: Fragmenting Indigenous Families 1800-2000* (Fremantle: Fremantle Arts Centre Press, 2001), 423.

<sup>115</sup> John R Huelin, *On the Road to Equality: Post-War Politics and Law Relating to The Aboriginal People of Western Australia*, (Perth: United Nations Association Australia [W.A.], 1989), 86. Huelin was a practicing lawyer who established the Aboriginal Legal Service of Western Australia.

<sup>116</sup> This meeting is detailed in John Wilson, "Authority and Leadership".

<sup>117</sup> Browne, examined by the House of Representatives Select Committee on Voting Rights, AIATSIS MS 4666, Box 11/84/108, p. 1175. Browne was an Aboriginal member of the Pindan group and in 1961 a Director of Pindan.

<sup>118</sup> John Wilson, "The Pilbara Aboriginal Social Movement:, 1979, 165.

split into 'two opposed factions'.<sup>119</sup>

Anthropologist Robert Tonkinson in discussing similar pressures on the people at Jigalong, noted that the Pindan Mob eventually split into several groups'.<sup>120</sup> One group was led by Peter Coppin and Ernie Mitchell, who were both Nyamal men from the coastal regions.<sup>121</sup> The other group was led by Jacob Oberdoo, and comprised mainly Nyangumarta and Warnman people from the desert. This group 'remained loyal to McLeod'.<sup>122</sup> A journalist quoted Mitchell's comment that they were not repudiating McLeod's principles, only his leadership. 'Don was a good man' he said, 'He stuck to us and taught us many things. But he could not get on with other White men, and we were always the ones to suffer through his arguments'.<sup>123</sup>

Wilson observed that 'McLeod felt the rejection,' and that kinship relationships influenced how members decided which group to join.<sup>124</sup> Mitchell and Coffin drew the coastal 'riverline' people and McLeod drew the desert people.<sup>125</sup> This division has been theorised as deeper than traditional cultural affiliations. It could refer to a more recent cultural difference, where riverline/coastal people who had closer contact with European people/language/skills also adopted an individualistic style of living. This was in contrast to the desert people who still functioned more in the collective mode, with stronger Aboriginal Law.<sup>126</sup>

The local newspaper carried the news that McLeod had been deposed.<sup>127</sup> Ernie Mitchell, Peter Coppin and two other men were by now conversant with legal procedures to resolve disputes.<sup>128</sup> They engaged solicitor TJ Hughes and took McLeod to the Supreme Court to remove him from his position as a Director of Pindan Pty Ltd, and won.<sup>129</sup> Peter Coppin said about McLeod 'he lose his balance, won't listen'.<sup>130</sup> John Bucknall believed McLeod felt 'hurt, angry, betrayed disillusioned and angry and, being a Scot, unforgiving'.<sup>131</sup> He did not retire.

McLeod had been corresponding with Roy Ockendon, and in April asked him to find an engineer to

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<sup>119</sup> John Wilson, *ibid.*, 191.

<sup>120</sup> Robert Tonkinson, "Aboriginal Self-regulation and the New Regime: Jigalong, Western Australia", in ed. RM Berndt, *Aborigines and Change*, 71.

<sup>121</sup> The views of this section of the previously united group are expressed in the play by Jolly Read, *Yandy*, 2004. Until the split, McLeod is perceived to be on their side. During the split, see Scene twenty-seven, he is portrayed as "one of them," meaning a white to the Aboriginal people and not the blackfella's friend he styled himself as', see <http://australianplays.org/script/ASC-825>, accessed 17 March 2016. There is no dramatic production written from the perspective of the strikers who stayed with McLeod after the split.

<sup>122</sup> John Bucknall, 'Oberdoo, Jacob (Minyjun) (1920–1989)', *Australian Dictionary of Biography*, <http://adb.anu.edu.au/biography/oberdoo-jacob-minyjun-15386/text26593>, accessed online 17 January 2016.

<sup>123</sup> John Graham, 'Ernie Mitchell Now Leads The Pindan Mob', *The West Australian*, 20 August 1959, p. 4.

<sup>124</sup> John Wilson, "Authority and Leadership," 223.

<sup>125</sup> John Wilson, "The Pilbara Aboriginal Social Movement," 165.

<sup>126</sup> Sarah Holcombe, "Indigenous Organisations", 2005, 117.

<sup>127</sup> 'McLeod Has Been Deposed, Natives say', *The West Australian*, 27 June 1959.

<sup>128</sup> Peter Coffin (also spelled Coppin) said he was 'among the people that cannot read and write', see Peter Coffin examined by the House of Representatives Select Committee on Voting Rights, AIATSIS MS 4666, Box 11/84/108, p. 1172.

<sup>129</sup> 'Natives Win Action Over Pindan Co', *The West Australian*, 27 May 1960, National Archives of Australia, *McLeod, Donald William – volume 1*, NAA: A6126, 1188 item 9.

<sup>130</sup> Jolly Read and Peter Coppin, *Kangkushot*, 133.

<sup>131</sup> John Bucknall, pers. comm., 2015.

work for the Group.<sup>132</sup> Over 1960, McLeod increased his correspondence with Roy Ockendon. Ockendon wrote “You certainly have a plateful of difficulties and some pretty formidable enemies and potential enemies, but seem to be holding your own fairly well at the moment’.<sup>133</sup>

The Split, as this reorganisation of the group is usually called, left some members feeling depressed.<sup>134</sup> A colleague asked McLeod ‘Why didn't you just walk out and have your own life at that stage?’. McLeod, replied ‘Well I tried to, but I was next of kin whether I liked it or not. We had to start over from scratch, what could you do. You just couldn't help it.’<sup>135</sup> McLeod had the same problem that many of his Aboriginal colleagues had: you could not leave family, and loyalty trumped all. Monty Hale stated:

We're going back to Mirta. Mirta made things better for us all when he told us to go on strike from the stations. Back there, right from the beginning, he told us this “We might be poor, we might be rich.” ... Mirta didn't have a lot of money; we went back to him because we hadn't forgotten what he said.<sup>136</sup>

After the Split, about sixty able bodied workers and about 100 dependents went with McLeod and started all over again.<sup>137</sup> They went to Tabba Tabba and, using ‘pointed sticks, old steel fence posts and such discarded tools as they could find lying around’, they lived on damper and tea, not infrequently the damper being even without baking powder.<sup>138</sup> Through mining for alluvial tin they made enough money to buy a five ton Bedford truck, which they used to go out prospecting. They found ‘bloody beryl in bloody lumps like that bloody truck, and we were on our feet in five minutes’.<sup>139</sup> With the truck they could now travel further afield and went down to Roebourne where McLeod knew there was beryl.<sup>140</sup> He told the story of how many years previously:

I'd had afternoon tea on a bloody lump of beryl nearly as big as that bloody truck, and I didn't tell the blokes what it was we were sitting on, and I never told anybody else either. I wanted to give our blackfellows a lift.<sup>141</sup>

McLeod recorded that ‘Middleton's group were known as the “rich people” and the McLeod group as the “poor people”’.<sup>142</sup> The ‘poor people’ had to endure not just subsistence living standards until their work produced good income, they had environmental trials:

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<sup>132</sup> CR Ockendon to McLeod, 28 April 1959, Atkinson collection.

<sup>133</sup> CR Ockendon to McLeod, 12 February 1960, Atkinson collection.

<sup>134</sup> John Wilson, “The Pilbara Aboriginal Social Movement,” 166.

<sup>135</sup> McLeod to Ken Liberman.

<sup>136</sup> Monty Hale, or Minyjun, was a senior man in the group. In their Nyangumarta language this word means ‘old man’ or ‘old woman’. See Monty Hale, *Kurlumarniny*, 83.

<sup>137</sup> McLeod to Roy Ockendon, Atkinson collection.

<sup>138</sup> McLeod to Roy Ockendon, Atkinson collection.

<sup>139</sup> *Nomads Submission by the Nomads Group of Aborigines to the Federal Cabinet, Commonwealth of Australia, 1972*, Trove, p. 15.

<sup>140</sup> Beryl is a precious mineral. It has many colours and the green variety is known as Emerald. It also has industrial uses, and as an alloy can be used with other metals to strengthen them.

<sup>141</sup> McLeod to Ken Liberman, 1978.

<sup>142</sup> DW McLeod, *How the West was Lost*, 108.

Well now the March flies was so bad, they were like swarms of bees, and they were cutting the guts out of us. We set fires going, you'd sit in the smoke of the fire and you kill these damn things, there would be a wedge of dead March flies back 6 feet away from you and our hands were greasy from killing and yet you couldn't do nothing. You had to have your shirt on inside out and another pair of pants, everybody had all their extra clothes on trying to ... But still you were killing them. So I said 'this is no good, we'll have to leave this and go away'.

We went down to Nicol Bay, there were no March flies down there, so we put in a fortnight yandying a bit of gold. We got a two-ounce slug down there too.<sup>143</sup>

In 1959, Elsie Lee offered a room in her unit in Perth to McLeod and members of the Group. McLeod felt 'humble' for while he had known her since 1945 he had tested her loyalty to the Group. The prospect of a place to stay in Perth, with telephone, was comforting. They did not have immediate funds to pay rent but would soon be financial.<sup>144</sup>

At some time in 1960, a German anthropologist visited the Pindan group at their Two Mile camp. In her opinion it was 'a centre in which new Australian Aboriginal history was made'. About McLeod she was not so positive. He had 'purposely kept his people from all well-meant help'. She found it unsurprising that 'the Pindan Group severed the connection with him. However, she was impressed that the status of women had been transformed, now equal to men and holding the same rights.'<sup>145</sup>

During May 1960, McLeod had an encounter with Ernie Mitchell that gave him strange satisfaction. It was an argument over a Pindan Company vehicle and which group should have it. In recounting the episode, McLeod commented that the men who were debating with him were the very men who in 1945-1946 were not 'even articulate'. Now they could deal with him aggressively and 'with conviction, determination and the will to carry out the decision'. He was impressed, 'inwardly chuckling for it was exactly what I had wanted to happen'.<sup>146</sup>

That year Barry Christophers enquired if he could stay for a few weeks. McLeod was very wary of visitors. Even though Nomads approved his visit, and McLeod knew Christophers, it was three days before he would talk to him.<sup>147</sup> Donald Stuart's book *Yandy* had just been published, and every night Christophers read a chapter to the community, which they loved.<sup>148</sup> After accumulating some capital through mining, McLeod established another company, Nomads Pty Ltd.

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<sup>143</sup> McLeod to Ken Liebermann.

<sup>144</sup> McLeod to Elsie Lee, 14 August 1959, State Library of Western Australia, *McLeod Correspondence 1908-1999*, Acc. 5121A/ MN1444, item 198.

<sup>145</sup> Gisela Petri-Odermann, "Life of Australian Women in Culture Contact," in *Cologne to the Kimberley: Studies of Aboriginal Life in Northwest Australia*, ed. Kim Akerman, translator Margaret Pawsey, (Carlisle: Hesperian Press, 2015) 359-360.

<sup>146</sup> McLeod to Ockendon, 12 May 1960, Atkinson collection.

<sup>147</sup> Barry Christophers believed McLeod was testing him, pers. comm., 2014. Christophers was a member of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders and the Council for Aboriginal Rights.

<sup>148</sup> Donald Stuart, *Yandy*.

### 6.3 New organisations

Nomads Pty Ltd. was registered under the Companies Act, 1943-1954 with an office at the Two Mile Camp. It had a share capital of £10,000 divided into 10,000 shares of £1 each. At March 31, 1960, only two shares were taken up, one to McLeod and one to leader Leslie Ankie, both named as miners. Senior lawmen Jacob Oberdoo witnessed their signatures on January 6, 1960.

The philosophical battle between McLeod and Middleton continued. According to McLeod 'Middleton is of course intransigent and needs to knock me down by any means for if I succeed then the desire of his Cabinet to destroy the West Australian blackfellas absolutely in due course by attrition will fail'.<sup>149</sup> McLeod had the projects and an 'authentic story' to be written about the people, believing that others should know of the 'monstrous things that have been done to the women', but was unable to write it himself.<sup>150</sup> His primary work was prospecting, and he hoped to find copper and beryl. Through this new company they could now do business again; 'we went down the Gascoyne and came back in 1962 and then we were on again until 1970', McLeod told a colleague.<sup>151</sup> There was no respite, however, for disasters continued to set the people back. In January 1961 their store was burnt down and they lost an estimated £4,000 stock. Their broker assayed some of their mineral and discovered it had no value. A cyclone hit and water filled their mining places. McLeod was despondent:

My brain is no longer able to handle the swing of events and function clearly and bodily I am afraid I'm rapidly slipping ... I expect that we will now become overwhelmed by events and no longer to keep even the possibility of control in our hands.<sup>152</sup>

By February 1961, McLeod had managed to collect some money owing on ore previously sold, and the Group was temporarily in business again. Their solicitor Hughes sent Ockendon a letter about Nomad's determination to ask the United Nations for a Commission of Inquiry to visit Western Australia, for which they printed a pamphlet that he enclosed. The pamphlet was sent to all Federal and State Parliamentary members, to some journalists and clergymen; not one responses had been received. At McLeod's request he would be sending 1000 to Ockendon for distribution.<sup>153</sup> This interstate cooperation provided the Nomads with a new network.

When the Federal Council (FCAA) invited Jacob Oberdoo to attend the 1961 annual conference, to be held March 31 to April 26, 1961 in Brisbane, Nomads was keen to accept - provided Ockendon could support him.<sup>154</sup> Jacob was, McLeod stated, 'undoubtedly the best thing that has happened in this struggle'.<sup>155</sup> Before arrangements could be made, the cyclone that had hit them came back, directly from the sea at

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<sup>149</sup> McLeod to Ockendon, 3 July 1960, Atkinson collection.

<sup>150</sup> McLeod to Ockendon, 27 January 1960, Atkinson collection.

<sup>151</sup> McLeod to Ken Liberman.

<sup>152</sup> McLeod to Ockendon. 20 January 1961, Atkinson collection.

<sup>153</sup> Hughes to Roy Ockendon, 21 February 1961.

<sup>154</sup> FCAA is the acronym for Federal Council for the Advancement of Aborigines.

<sup>155</sup> McLeod to Ockendon, 20 January 1961, Atkinson collection.

nearly 100 miles an hour, battering the area for nearly eight hours. McLeod's camp, he wrote, which had housed their records, 'went down on its knees but did not disintergrate [sic] and when things dry out we may save something useful'.<sup>156</sup>

Jacob Oberdoo flew to Sydney where Ockendon met him, and Barry Christophers was keen to repay the people's hospitality by having Jacob to stay in Melbourne on his way home. At the conference, Jacob was asked to speak for the first time to a group of Whitefellas. He talked softly and in 'station English'. It was hard for people to hear him but his presence, giving voice to his stories, 'was of great importance'.<sup>157</sup> Ockendon reported to McLeod how well Jacob had managed with TV exhibits, a visit to State Parliament member Bill Rigby, and a civic reception by the Lord Mayor. Several news items in Sydney papers carried the story of the people's struggle to become independent.<sup>158</sup> Back in Sydney, Ockendon took Jacob to some meetings with the trade unions. McLeod kept Jacob in touch with home, sending news of his wife and children and another campaign that was looming: Departmental control of their pensions.<sup>159</sup>

When individuals received pensions the Department retained a portion of it as a protective measure, considering their illiteracy made the native vulnerable.<sup>160</sup> Once Mitchell's group were receiving government support, this portion was sent to Mitchell to manage for them, despite him also being illiterate. The Nomads group objected to this infantilising practice, wanting their pensions to be delivered to them direct. With the help of McLeod - for the letters are clearly written on his typewriter - began demanding from the Deputy Commissioner of Social Service in Perth that he terminate these arrangements. Ockendon joined in the campaign and sent materials to Shirley Andrews with a view to pressuring the Whitlam Labor government's first Minister for Aboriginal Affairs, Gordon Bryant.<sup>161</sup> They wanted him to ask questions in Parliament.<sup>162</sup> Nomad's solicitor Hughes wrote to Arthur Calwell, MHR, quoting a letter to the Prime Minister that refuted the claim natives were not receiving their full pension.<sup>163</sup> Hughes also wrote to the Prime Minister heading his letter 'Emancipation of Natives - Application for enquiry United Nations - Old Age Pensions for Natives'.<sup>164</sup> Their joint campaigning was successful. Ian Sinclair, Minister for Social Services, told Ockendon 'You will be pleased to learn that following a review of the position the Department of Native Welfare, Perth, has now recommended that the four pensioners concerned be paid their pensions direct'.<sup>165</sup> Nomads was also extending its influence through submissions to government enquiries. In 1961, McLeod reminded a federal Committee about Section 70. He enclosed material to back

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<sup>156</sup> McLeod to Ockendon, 3 March 1961, Atkinson collection.

<sup>157</sup> Sue Taffe, *Black and White Together*, 62.

<sup>158</sup> Ockendon to McLeod, 13 April 1961, Atkinson collection.

<sup>159</sup> McLeod to Ockendon, 10 April 1961, Atkinson collection.

<sup>160</sup> The *Commonwealth Social Services Act 1959* applied to Aborigines other than those who were nomadic. Prior to this Act, only those exempted under State laws were eligible for pensions and benefits.

<sup>161</sup> Gordon Bryant had a long history of advocacy for Indigenous people. He was founding President of the Aborigines Advancement League (Vic) and senior Vice-President of Federal Council for the Advancement of Aborigines and Torres Strait Islanders for many years.

<sup>162</sup> Ockendon to Andrews, 30 May 1961, Atkinson collection.

<sup>163</sup> Hughes to Calwell, 2 June 1961, Atkinson collection. Arthur Calwell was the Federal Leader of the Labor Party.

<sup>164</sup> Hughes to Menzies, 5 June 1961, Atkinson collection.

<sup>165</sup> Sinclair to Ockendon, 10 March 1966, Atkinson collection.

his claims that their people had 'striven by self-denial and hard work to establish independence for themselves'.<sup>166</sup>

By March 1962 Ockendon was thinking of going to Roebourne. His union heard of his plans and asked him to 'investigate the position in that State on our behalf and report to us'.<sup>167</sup> By July 1962 Ockendon was writing from Roebourne and enlisting support from his interstate network. His mission was, however, according to an ASIO report 'for the purpose of communist indoctrination of the aborigines and the re-enlistment of McLeod to the Communist Party of Australia'.<sup>168</sup> Ockendon's industrial experience and contacts were especially useful when the Group had some disputes with a company for which they supplied labour. However, he found the conditions in the field too rough and by January 1963 had returned to Sydney.

When the Federal Council invited Dooley to their 1963 annual conference in Canberra, Ockendon provided the same assistance as he had for Jacob Oberdoo.<sup>169</sup> Dooley had a prepared statement in which he summarised their history and listed their aspiration, amongst which was 'The people of Nomads ... want to be independent'.<sup>170</sup> Jack Horner remembered that Dooley stated 'We tell the Government to go to Hell'.<sup>171</sup> Their independence did not deter surveillance by ASIO, with ASIO reporting that McLeod 'and a team of about six natives are prospecting in the area of Mt Margaret Mission'.<sup>172</sup> ASIO's surveillance of McLeod over twenty years answers question three of this thesis: his membership of the Communist Party did affect him and his work. Whatever benefits membership may have brought him, it kept alive the perception that he was a security 'man of interest'; his work would be judged in that context and justified the Department's hostility towards him.

Dooley's trip to Canberra was successful but shortened when he came down with an illness and returned to the Pilbara.

Back at home McLeod must have experienced a slight stroke. He typed a letter to Ockendon with one hand and explained why he had not done much work: 'although I have managed to teach my leg to walk again I still cant [sic] get much sence [sic] out of my arm but I think it is improving'.<sup>173</sup> Ockendon asked him to look after himself for the sake of the people.<sup>174</sup> Environmental difficulties were enumerated by

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<sup>166</sup> McLeod to the House of Representatives Select Committee on Voting Rights, 16 July 1961, AIATSIS MS4666, Box 11/84/108, p. 2203.

<sup>167</sup> JE Heffernan, secretary The Sheet Metal Working, Agricultural Implement & Stove-Making Industrial Union of Australia, to Ockendon, 20 June 1962, Atkinson collection.

<sup>168</sup> Copy, Regional Director WA, December twentieth 1962 to Headquarters ASIO, National Archives of Australia *McLeod, Donald William – volume 2*, NAA: A6119/3306. I found no evidence of that activity.

<sup>169</sup> Stan Davey, General Secretary, Federal Council for the Advancement of Aborigines to Ockendon, 6 April 1963, Atkinson collection.

<sup>170</sup> Statement by Dooley Bin Bin, 29 April 1963, Atkinson collection.

<sup>171</sup> Jack Horner, *Seeking Racial Justice*, 90.

<sup>172</sup> Secret file WA note on McLeod, 7 May 1963, National Archives of Australia, *McLeod, Donald William – volume 2*, NAA: A6119/3306, item 86.

<sup>173</sup> McLeod to Ockendon, 16 May 1963, Atkinson collection.

<sup>174</sup> Ockendon to McLeod, 12 August 1963, Atkinson collection.

McLeod later when he explained why he had to re-write a letter. 'The mail was late' he wrote, 'so I left our mail at the turn off with a rock on it to stop it blowing about but a team of busy crows tore up all the letters trying to see what was in the package'.<sup>175</sup>

In 1964 Mona Frame was honorary secretary of the Sydney Trade Unions Aid Nomads Committee (TUANC).<sup>176</sup> She was communicating with McLeod and Nomads leader Leslie Ankie, with whom she had corresponded when sending parcels to them. The committee had also donated approximately £500. Frame informed McLeod and Les Ankie that the committee had asked national secretary of the Federal Council (FCAA), Stan Davey, to go to Roebourne. He was representing a number of Trade Unions, her committee and FCAA; the purpose of his visit was to 'focus the attention of FCAA on the Aboriginals in the North West'.<sup>177</sup> Davey already knew McLeod and had met both Jacob and Dooley at FCAA conferences. McLeod was furious. He sent a telegram to Frame rejecting this visit.<sup>178</sup> Frame, who found his telegram 'astonishing' wrote back summarising work that she and Ockendon had done over the year to ...'enthuse the Trade Union Movement,' naming sixteen unions so far enlisted with more to come. She reiterated that Davey was associated with the 'only powerful organisation capable of working for Commonwealth reform – and he works with the Trade Union Movement'. She then repeated some of McLeod's statements that led her to write 'Mr McLeod, you are so contradictory'.<sup>179</sup> In his defence, McLeod replied that both Christophers and filmmaker Cecil Holmes had stayed with them and then 'rubbished' his views.<sup>180</sup>

Davey did make the visit. He recorded that he watched 'a group of some sixteen to twenty men who were working ten hours a day, six days a week, using modern trucks and drilling equipment,' supervised by their own people who were at that stage illiterate.<sup>181</sup> In his five-page report, Davey concluded that 'This community has been very close to disintegrating. Any undue publicity may have the effect of causing local pressure to be exerted on the people. It was fear of such publicity and external interference which caused Mr McLeod to oppose (vehemently!) my visit'.<sup>182</sup> Frame assured TUANC members that a 'direct result' of the visit was 'strong personal contact' with the people and the FCAA.<sup>183</sup> By March 1965 McLeod was writing to Davey discussing their activities and plans out in the desert, and throughout 1965 was suggesting political work that would promote the group's objectives.<sup>184</sup> Nomads income-earning capacities were

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<sup>175</sup> McLeod to Ockendon, 12 September 1963, Atkinson collection.

<sup>176</sup> Secret NSW ASIO report 3 February 1967, 'The Federal Council for the Advancement of Aborigines and Torres Strait Islanders', National Archives of Australia, *Stanley Fraser Davey volume 2*, NAA: A6119, 2590 item 3.

<sup>177</sup> Frame to McLeod, 2 December 1964, Atkinson collection.

<sup>178</sup> Secret NSW ASIO report 3 February 1965, 'Communist Party of Australia interest (activity) in Aborigines', National Archives of Australia, *McLeod, Donald William – volume 2*, NAA: A6119, 3306, item 90.

<sup>179</sup> Frame to McLeod, 22 December 1964, Atkinson collection.

<sup>180</sup> McLeod to Frame, 26 December 1964, Atkinson collection.

<sup>181</sup> SF Davey, "The Recognition of Aboriginal Cultural Values in Industry," *paper to the seminar The Problems of Aboriginal Employment* held by the Monash Centre for Research into Aboriginal Affairs, May 1966, in *Aborigines in the Economy: Employment, Wages and Training*, eds. Ian G. Sharp and Colin M Tatz, (Brisbane: Jacaranda Press, 1966): 260-265.

<sup>182</sup> SF Davey, 23 January 1965. *Report on Visit to Nomads Pty Ltd* prepared for the Trade Union Aid Nomads Committee. Roebourne and Port Hedland, 12 January 1965-19 January 1965, Atkinson collection.

<sup>183</sup> Frame to Members TUANC, 21 July 1966, Atkinson collection.

<sup>184</sup> Stan Davey, pers. comm., 1998.

reduced when the market for beryl and columbite collapsed; the TUANC's regular cheques were timely.<sup>185</sup>

By December 1966 McLeod was feeling the weight of the group's illiteracy and a crisis in their transport capability, with trucks out of commission. 'Just at the moment it is hot beyond belief and flies well they are sticky and a plagued nusience [sic]' he told Ockendon, 'perhaps I am getting too old and irritable'.<sup>186</sup> Things did not improve the next year and he needed trained help, he said, 'as it takes too much time to deal with the needs of so many illiterate folk'.<sup>187</sup> By August 1967 he was sounding more cheerful and positive. In September he wrote to Prime Minister Holt outlining the group's history, Section 70, and the Group's request that he, McLeod, launch an appeal for a million dollars to be controlled by the Western Australian Aboriginals.<sup>188</sup>

Stan Davey returned in September 1967; there were 320-350 people in the main camp and a further 280 in other camps. Their financial situation had improved, people were happy, McLeod was out with a geologist pegging more claims, geese chickens had been introduced and Davey ended by saying 'I become 'more and more amazed at Don's capacity when I see all the details he attends to'.<sup>189</sup> Davey was writing as Director of the Victorian Aborigines Advancement League, and indicated that if he could 'decently withdraw' he would 'like to join Don and attempt to supplement his work'.<sup>190</sup> McLeod, knowing of Davey's intentions, wrote 'You must make your own decision Stan I feel I have made by [sic] contribution and failed and it is now up to someone else to have a go'.<sup>191</sup> His prediction of failure did not eventuate, however, for a new federal body offered hope for funding and political pressure on Western Australian departments.

Political change followed the successful FCAATSI Referendum.<sup>192</sup> Prime Minister Holt in 1967 established a new government body, the Council for Aboriginal Affairs (CAA).<sup>193</sup> Dr HC Coombs was appointed chairman with committee members, anthropologist WEH Stanner and public servant Barrie Dexter.<sup>194</sup> Coombs' experiences in his post-war reconstruction role where he assisted the disadvantaged, gave him, according to historian Geoffrey Bolton, 'an instructive model for tackling the problems of disadvantaged Aborigines'.<sup>195</sup> To support CAA an Office of Aboriginal Affairs (OAA) was established. McLeod soon began a copious correspondence with the CAA and the new Minister-in-charge of Aboriginal Affairs, Bill Wentworth. Wentworth was interested in Aboriginal welfare but 'viewed Aboriginal Affairs within a Cold

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<sup>185</sup> McLeod to Frame, 2 December 1965, Atkinson collection.

<sup>186</sup> McLeod to Ockendon, 27 December 1966, Atkinson collection.

<sup>187</sup> McLeod to Ockendon, 3 March 1967, Atkinson collection.

<sup>188</sup> McLeod to Holt, 28 September 1967, National Archives of Australia, *Nomads Ltd - Correspondence McLeod, DW*, NAA: A2354, 1968/10 Part 1, items 88, 89.

<sup>189</sup> Davey to Frame, 2 September, 1967, Atkinson collection.

<sup>190</sup> Davey to Frame, 9 October 1967, Atkinson collection.

<sup>191</sup> McLeod to Davey, 29 January 1968, Atkinson collection.

<sup>192</sup> In 1964, the Federal Council for the Advancement of Aborigines changed its name to 'Federal Council for the Advancement of Aborigines and Torres Strait Islanders'.

<sup>193</sup> The Referendum of 27 May 1967 giving Commonwealth powers over State Aboriginal policies was passed by a vote of 90.77 percent, see Bain Attwood and Andrew Markus, *The 1967 Referendum*.

<sup>194</sup> Coombs name was known to McLeod as Secretary of the Commonwealth Department of Post-War Reconstruction 1943-1948.

<sup>195</sup> Geoffrey Bolton, *The Oxford History of Australia: The Middle Way 1942-1995*, 2<sup>nd</sup> ed. vol. 5, (Melbourne: Oxford University Press Australia, 1996), 194.

war paradigm, allowing anti-Communism to guide his decisions and policies'.<sup>196</sup> This was borne out when Wentworth forwarded a McLeod letter to the Attorney General, reasoning 'I think that Mr Barber of ASIO might be interested in this'.<sup>197</sup> His supposition is relevant to thesis question number two: How did his membership of the CPA affect his work? In the minds of anti-Communists, it was worthy of Security interest from 1943 to 1972.

Davey advocated for McLeod with Coombs<sup>198</sup>. He discussed McLeod's idea to acquire two million signatures with each signatory subscribing \$1.<sup>199</sup> Coombs informed Davey that he would consider this idea and that he was writing to McLeod.<sup>200</sup> In September 1968 Davey resigned from the Victorian Aborigines Advancement League and moved to Port Hedland, earning independent income and supporting McLeod. In 1954 the Native Administration Act 1936 (WA) was replaced by the Native Welfare Act 1954 (WA) and created a Department for Native Welfare. Kevin Morgan, Western Australian Superintendent of the new Native Welfare Department, travelled to Port Hedland with the ASIO Regional Director and Senior Field Officer on July 20, 1969. Morgan told these officers that McLeod had 'become more bitter and un-cooperative since the arrival of Stanley Fraser Davey'.<sup>201</sup>

The Aborigines Advancement League accredited Davey as honorary Field Research Officer and he represented FCAATSI and the NSW Co-operative for Aborigines.<sup>202</sup> He began to pressure the Minister for Aboriginal Affairs for a grant for Nomads.<sup>203</sup> When Coombs indicated to McLeod that he might visit, Davey wrote to impress upon him the urgency of financial assistance, adding 'McLeod has had twenty-five years battling alone with frustrations from all sides'.<sup>204</sup> In 1969, I joined Davey, living with the Group and supporting McLeod's campaigning work.<sup>205</sup> McLeod and the 'battlers' were based at the Twelve Mile camp with one mining camp at Nine Mile and Wodgina, and three at Pinga Wells. Their financial circumstances were still desperate but they discovered that Davey was a qualified teacher and engaged him to teach literacy to the adults and fulfil a long-held ambition, to read and write English.<sup>206</sup> Davey and I drove to all the camps each week, teaching the miners to write, paid by the Western Australian Adult Education

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<sup>196</sup> Lachlan Clohesy, "Australian Cold Warrior: the anti-Communism of W.C. Wentworth" (PhD diss., Victoria University, 2010) 227.

<sup>197</sup> Wentworth to Attorney General N. H. Bowen, 18 April 1968. National Archives of Australia, *Nomads Ltd - Correspondence McLeod, DW*, NAA: A2354, 1968/10 part 2.

<sup>198</sup> BG Dexter, Director Office of Aboriginal Affairs to Minister. The McLeod mob of Pilbara Aborigines. 22 May 1968. *Nomads Ltd - Correspondence McLeod, DW*, NAA: A2354, 1968/10 Part 1.

<sup>199</sup> Davey to Coombs [sic] 22 January 1968. National Archives of Australia, *Nomads Ltd - Correspondence McLeod, DW*, NAA: A2354, 1968/10 Part 1.

<sup>200</sup> Coombs to Davey, 1 January 1968, National Archives of Australia, *Nomads Ltd - Correspondence McLeod, D W*, NAA: A2354, 1968/10 Part 1, item 3.

<sup>201</sup> EV Wiggins, Regional Director ASIO minute 28 August 1969, National Archives of Australia, *Davey, Stanley Fraser Volume 3*, NAA: A6119/3822.

<sup>202</sup> Aborigines Advancement League (Vic), *Newsletter*, February 1970.

<sup>203</sup> Davey to Wentworth, 19 November 1968, in author's possession.

<sup>204</sup> Davey to Coombs, 29 October 1968, in author's possession.

<sup>205</sup> Stan Davey, "A Report on attempts made by an Aboriginal group to obtain security of tenure of land in and near Port Hedland, WA, since 1965," 7 March 1969. Re-printed in *Smoke Signals* September 1969, 27-32.

<sup>206</sup> The WA Department of Adult Education funded six hours of tuition for a class each week at each camp.

Department<sup>207</sup> When the Department realised children were learning with the adults, it terminated the classes. Nomads were eager to keep the classes going, and paid our petrol and food costs from their own earnings until their funds were exhausted.<sup>208</sup> McLeod was impressed by the enthusiasm of the workers to attend class after work, sitting on the ground with a sheet of paper resting on a piece of cardboard. The miners were so keen their productivity was adversely affected and a financial crisis loomed; McLeod said they could not afford to continue the classes.<sup>209</sup>

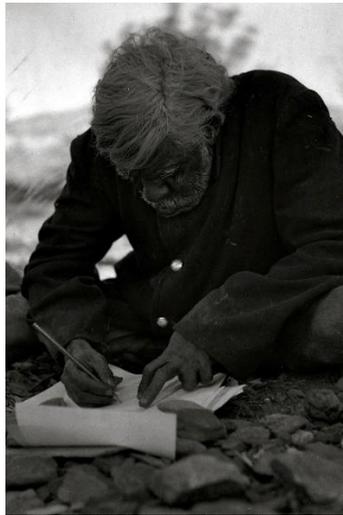


Figure 20: Miner attending literacy classes in their camp, Pilbara, 1969.

(Photograph Jan Richardson)

Positive assistance came when the National Union of Australian University Students (NUAUS) launched an appeal for funds.<sup>210</sup> They sent two Monash students to Port Hedland in May/June 1969, engineering student Ian Wallis and anthropology student Rosalind Turnbull, from the Monash Abschol committee.<sup>211</sup> Coombs funded the students and an economist to conduct a feasibility study of the Group.<sup>212</sup> The students also intended to assist financially.<sup>213</sup> They established good relations with McLeod and the people and made a short film of the miners.<sup>214</sup> In consultation with the OAA, they developed a plan, 'The Pilbara Project'. It

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<sup>207</sup> The adults desired to write their names and store orders to be sent in to Port Hedland on the store truck. It was a symbol of their independence and a measure of empowerment.

<sup>208</sup> 'Teacher cancels classes for Aborigines', *Canberra Times*, 15 July 1969.

<sup>209</sup> McLeod, pers. comm., 1969.

<sup>210</sup> Abschol was a committee of the National Union of Australian University Students established to promote scholarships for Aboriginal students to attend university. Abschol affiliated with the Federal Council for the Advancement of Aborigines and Torres Strait Islanders and through practical and political processes assisted Aboriginal rights work.

<sup>211</sup> *Pilbara Nomads Group*, National Union of Australian University circular 89/69/720, 4 August 1969. Ian Wallis and Rosalind Turnbull, *Preliminary Report of the Abschol Team which went to the Pilbara District of Western Australia in May and June 1969, 8/7/69*. Monash Library collection of Abschol papers.

<sup>212</sup> JP Nieuwenhuysen was an economic lecturer at the University of Melbourne. He reported to the Council of Aboriginal Affairs on 4 June 1970. National Archives of Australia, *Nomads Ltd Correspondence with D W McLeod, 1970/297*, NAA: A2354, 1970/297, doc. 159.

<sup>213</sup> 'Students to help tribe in mining', *The Canberra Times*, 2 February 1970.

<sup>214</sup> *Warkamu*, film, producer Ian Wallis, Monash University and Abschol, 1969.

would secure land and provide technical assistance.<sup>215</sup> A joint Monash-Aboriginal Research team then investigated technical training possibilities for the miners.<sup>216</sup> The possibility of government funds raised the question of a legal body that could receive them. With input from Monash staff and students and McLeod and tribal leaders, a new organisation to further their interests was established in 1970, The Australian Nomads Research Foundation (ANRF).



*Figure 21 Don McLeod discussing ideas at a community meeting, Twelve Mile camp, Port Hedland.  
(Photograph Jan Richardson, 1969)*

The ANRF was incorporated in Victoria in 1971. Among its Directors were McLeod, Ian Wallis and Rosalind Wallis. Its Research Committee comprised seven academic and technical experts amongst whom were Ray Butler and Elizabeth Eggleston.<sup>217</sup> In the Directors' report for 1971 was the figure of \$44,600 granted by the CAA. Chairman Peter Rogers wrote 'It is impossible to adequately thank Mr McLeod for his contribution to the welfare and direction of the group ... It is to be hoped that one day his contribution will be recognised by the Australian people'.<sup>218</sup> The ANRF, as a holding trust for Nomads, sponsored 'The Pilbara Project' that aimed to raise finance, hold properties and mineral claims, conduct feasibility surveys and

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<sup>215</sup> 'Cattle, mining in aboriginal plan', *The Courier Mail*, Brisbane, 18 December 1969. Monash and Sydney Abschols raised \$2000 to peg mineral claims over 4,800 acres, see *The Pilbara Project*

<sup>216</sup> Ian G Wallis & Rosalind Turnbull, *A.N.R.F.: The Pilbara Project*, Monash University Library archives.

<sup>217</sup> From 1971, Eggleston was also director of the Monash University's Centre for Research into Aboriginal Affairs.

<sup>218</sup> Peter Rogers, *Australian Nomads Research Foundation, Directors Report 1971*, Monash University Archives, item 443, 1983/24.

research on the Nomads' mineral and agricultural properties. This introduction of technical experts and professionals, working within the ethics of the Nomads people, brought immediate benefits. Cooperation from the CAA increased McLeod's optimism and, expecting radical change now that Coombs was on side, he advised Coombs that 'we consider Native Welfare in West Australia today as since 1946 our most bitter enemy'.<sup>219</sup> Many letters between all parties introduced a tension between Commonwealth and State agencies trying to find the balance between respecting and pushing boundaries of authority and responsibility.

McLeod's eye required surgery and he was in Perth hospital for two months. Typing a letter from hospital, he described how he needed another operation 'in an effort of disposing of a cancer that was pushing my left eye out of place'.<sup>220</sup>

In May 1970 the CAA funded Ian and Rosalind Wallis to visit Port Hedland again. They discussed six projects: a primary school, security of land, a geological survey about which they had talked with geologist Ray Butler, water quality, suitable plants and technical training. By this time the CAA and OAA were looking at ways they could assist Nomads and in the process needed to establish cooperative relationships with the Western Australian authorities. Barrie Dexter wrote to Frank Gare following up on discussions Gare and Coombs held in Perth.<sup>221</sup> He asked Gare to investigate McLeod's interest in setting up a school at Wodgina, and a cattle project at Strelley pastoral station<sup>222</sup> Coombs met with McLeod and Butler in Perth to discuss financial support through the Capital Fund and Coombs reminded McLeod that loans from the Fund could only be made to an incorporated organisation.<sup>223</sup> The ANRF was acceptable for this purpose, and by 1970 CAA was making grants and loans to the Nomads group, which by then comprised 350 people.<sup>224</sup>

The OAA required an impartial assessment of the Nomads situation and sent Project Officer (Ted) Egan to the Pilbara from March 23 to 27, 1971. Egan reported on the existence of two Pilbara groups: Nomads, and Peter Coppin's group known as Mugarinya, on Yandeyarra station.<sup>225</sup> Nomads differentiated themselves from other groups by their strong principles: no liquor or hostels or missions, preserve family and tribal structure, no schooling unless children stay with parents. Egan was critical of McLeod. He was a 'decided handicap to the group, because of his irreconcilable bitterness to all government officials,' and holds on to 'dead issues'. The group, however, acknowledged his 'increasing crankiness' but was 'extremely loyal to him, he is their 'spokesman' and Jacob Oberdoo said 'When everybody else was trying to starve us

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<sup>219</sup> McLeod to Coombs, 18 May 1970, National Archives of Australia, *Nomads Ltd, correspondence with McLeod DW*, NAA: A2354, 1970/297, item, 220.

<sup>220</sup> McLeod to Coombs, 9 January 1970, National Archives of Australia, *Nomads Ltd with McLeod*, NAA: A2354 1970/297, item 35.

<sup>221</sup> Frank Gare was appointed Commissioner for Native Welfare in 1962, following SG Middleton's retirement.

<sup>222</sup> BG Dexter to Gare, 28 September 1970. National Archives of Australia, *Nomads Ltd, correspondence with McLeod DW*, NAA A2354, 1970/625, item 104.

<sup>223</sup> HC Coombs, 'Notes of discussion with D. McLeod and R. Butler – Perth – 12th February 1970', National Archives of Australia, *Nomads Ltd, correspondence with McLeod*, NAA: A2354, 1970/297, item 16.

<sup>224</sup> BG Dexter to Minister, 21 June 1971, *Nomads Ltd, correspondence with McLeod*, NAA: A2354 1970/780.

<sup>225</sup> 'Coppin' was also spelled 'Coffin'. In Nyangumarta language, a 'p' can sound to the speaker like a 'p' and can be interchangeable, hence both these names refer to the one man..

and smash us, that's the only man who stayed with us.'<sup>226</sup> McLeod told Egan that his Will was with their solicitor and that he left everything that was in his name, to Jacob Oberdoo, Snowy Jittermurra and Crow Yugarla 'to do with as they wished'. Egan had a falling out with McLeod, whom a journalist had described as an 'enigmatic implacable colourful driven and dedicated man. He defies this reporter's judgement: inconsistent, unshakeably convinced of the rightness of his arguments'.<sup>227</sup> By this time McLeod was sixty-eight, had been studying the 'Native Question' for thirty-three years and had lived and worked with the people for twenty-one years. He felt entitled to be respected for his expertise.

Coombs and Dexter wished to support Nomads. They, too, found McLeod 'erratic,' and this made cooperation problematic. In Egan's view, 'the greatest problem is that McLeod is so touchy and suspicious (though nonetheless, I hasten to add, a great man)'.<sup>228</sup> Many of McLeod's alleged relationship difficulties arose from his policies. He maintained that the federal government should make grants, not loans, that the grants be handed to him as the Nomads' representative and that the Nomads should be free to spend the money as they saw fit rather than be tied to government criteria. That was, in his view, 'independence'. Government funding and accountability procedures did not fit this model, but CAA officers were sympathetic to his views, considering the strikers' history. They endeavoured to find ways to fund Nomads on the same basis as other groups who were governed by conventional organisations. An opportunity arose when Nomads bought Strelley station, a place to settle down at last.

By 1970, McLeod's economic advice to Nomads was to move out of mining and into pastoral work. He recalled that there was so much trouble with other miners over-pegging their claims, amongst other difficulties in this industry, that 'we were in such bloody dire straits operating mining, we give it away'.<sup>229</sup> With money they had earned they were able to buy the Strelley pastoral station.<sup>230</sup> Nomads paid \$10,000, the balance to be contributed by the Commonwealth.<sup>231</sup> The group moved on to Strelley in 1970, formally acquiring the lease on June 10, 1972. McLeod noted that the move was not all positive:

It was a traumatic experience for hardened miners to suddenly find themselves back in a more sedentary pastoral situation ... lack of capital and increasing red tape caused deferment of many plans. Boredom set in through this inactivity. For the first time some signs of a generation gap began to appear.<sup>232</sup>

Journalist Hamish McDonald stayed with McLeod and the people for two weeks in 1971. He noticed that:

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<sup>226</sup> EJ Egan, OAA, to Director, 'McLeod Group: Port Hedland Area, WA'; National Archives of Australia, *Nomads Ltd with McLeod*, NAA: A2354, 1970/296 item 73.

<sup>227</sup> Robert Pullen, 'McLeod comes down to renew the battle', *The West Australian*, 17 August 1971.

<sup>228</sup> FH Moy, Acting Director CAA to Minister, 20 August 1971, National Archives of Australia, *Donald McLeod on behalf of the Nomad Aboriginal Group- Capital fund*, NAA: A2354 1970/296, item 78 and EJ Egan, OAA, to Bevan, item 69.

<sup>229</sup> McLeod to Ken Liberman, 1978.

<sup>230</sup> Strelley pastoral station comprised 200,000 acres, 64 km south-east of Port Hedland.

<sup>231</sup> *Submission by the Nomads Group of Aborigines to the Federal Cabinet Commonwealth of Australia*, 1972, Trove.

<sup>232</sup> DW McLeod, *How the West was Lost*, 132.

leading townspeople were dismissive of McLeod as a ratbag and commo, misleading the group away from the chance of improving their material lives. Even more sympathetic people thought the prospects of preserving traditional culture were hopeless.<sup>233</sup>

A year later Minister Gordon Bryant brought a new willingness to fund Aboriginal enterprises.<sup>234</sup> In 1972, McLeod prepared a submission to government.<sup>235</sup> The ability to prepare such campaign material was due to Nomads now having a stable, well-run office in Perth where it was unlikely that crows, cyclones, dirt and other environmental hazards would jeopardise their work.<sup>236</sup> McLeod documented the background to Nomads, their rules and objectives, how they organised, background to the Strelley project, the village concept for housing, and their programs in the pastoral, agricultural and internal economy. He added two appendices. On page nine he remarked that he had intended to retire in frustration after he had finished the submission, but heard on the radio an item that stirred him to continue. He added on page 11 that if the committee took no notice of the information:

at least I will have kept my promise to those now dead to whom I gave my undertaking to perform the job entrusted to me given their support, and not being the undemanding, forgiving, patient type as are the Aborigines, if we are spurned I hope I still have sufficient energy and enterprise to take up the task from another direction.<sup>237</sup>

## Reflection

In this chapter I have argued that McLeod adopted a new role as public speaker and campaigner, used the capitalist system to give the strikers legal powers denied them by government legislation, and restructured after a split in the strikers' unity. His commitment to the Lawmen's instructions had not wavered despite periods where he questioned his capacity to continue.

In the next and final chapter, I examine how McLeod defied his own predictions of decline to put into practice new ideas and adapt – or not – to changing circumstances that were outside their experience.

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<sup>233</sup> Hamish McDonald, pers. comm., 25 August 2016.

<sup>234</sup> Bryant announced grants totalling \$80,000 which included \$20,000 owing on Strelley, see 'Federal grant to "McLeod's Mob"', *The Canberra Times*, 20 January 1973, p. 3.

<sup>235</sup> DW McLeod, "Final Submission to West Australian Cabinet by the Elected Representative West Australian Aborigines (1942-1972)", State Library of Western Australia, 305.89915 MCL.

<sup>236</sup> Nomads Charitable and Educational Foundation, Perth.

<sup>237</sup> The appendices contained correspondence from 1892 about the proposed abolition of the Aborigines Protection Board, section 70 of the Constitution, a letter from the Department of Lands and Surveys 3 July 1972 informing him that the Strelley lease was as a pastoral station and could be forfeited if they did not comply with the provisions of the Land Act; a twenty-two page Submission to the Senate Standing Committee on social environment concerning 'the environmental conditions of Aborigines and Torres Strait Islanders and the preservation of their sacred sites', plus a twelve-page report for the committee, dated 29 July 1972, prepared in case there was not sufficient time to discuss the matters when the committee meets at Strelley.

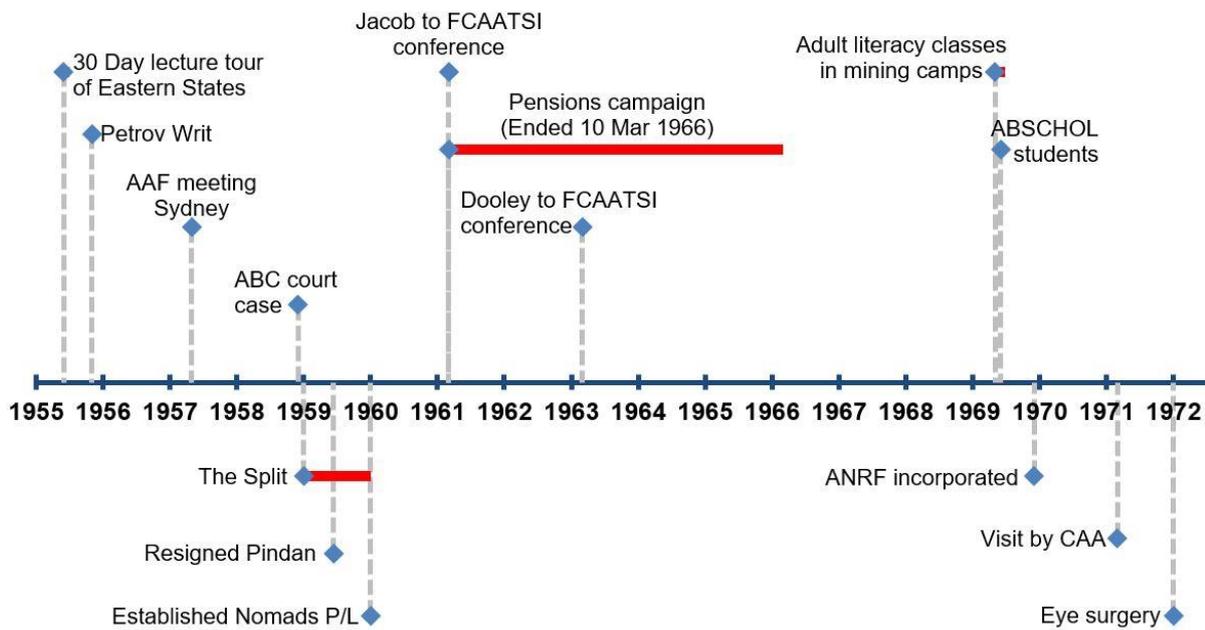


Figure 22: Timeline, 1955-1972

## Chapter Seven

He has always stuck by us'<sup>1</sup>

Over the previous six chapters I have argued that McLeod was single-minded in his focus on fulfilling the task the Lawmen gave him in 1942. How he carried out his commitment answered the four questions that I set out at the beginning of the thesis. He and the Nomads had shown that when the Law was strong, they could deal with obstruction from outsiders. Autonomy became a realisable goal when, by the 1970s, the 'closed doors of parochial state rule of Aboriginal populations had been forced open by the combined onslaught all these various forces'.<sup>2</sup>

In this final chapter I explore how, despite hardships and hostility to him, McLeod was optimistic. His idea of the 'enemy' morphed into a new shape. Community members exercising their expression of equality through drinking alcohol brought problems that the Lawmen had not anticipated. McLeod saw how alcohol undermined the strikers' objective of autonomy.

### 7.1 Independence or assimilation

In April 1972 McLeod had travelled to Canberra to influence federal parliamentarians and public servants. His group needed funding for cattle and crops on Strelley pastoral station, and also wanted to remain independent from government controls.<sup>3</sup> This stance created a contradiction; the category 'native', now changed to 'Aboriginal', had been the cause of their problems but in the new political environment, brought benefits through Aboriginal-specific programs.

Heightened community awareness about the incongruity of separating one cohort of the population designated 'native' and thereby requiring protection, is reflected in state and federal legislation after 1968. The 1968 equal wages award did not directly affect the Nomads, since most were working for themselves.<sup>4</sup> Thalia Anthony pointed out that the Commonwealth Conciliation and Arbitration Commission, which heard the case, did not consider the option suggested by pastoralists that the government might support Aboriginal people to stay on the stations.<sup>5</sup> The decision applied only to whether Aboriginal workers must be paid the same minimum wages as White workers doing the same work. In making this determination for equal pay, the Commission did not give weight to Aboriginal families' attachment to the land on which they

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<sup>1</sup> Monty Hale, *Kurlumarniny*, 167.

<sup>2</sup> Anna Haebich, *Broken Circles*, 443. Haebich was not referring specifically to McLeod and the Nomads but to Aboriginal activists and those who supported them.

<sup>3</sup> 'Hoping to cut the red tape', *Canberra Times*, 12 April 1972.

<sup>4</sup> The *Cattle Station Industry (Northern Territory) Award 1951 excluded Aboriginal workers. At that time, 'These aborigines are full bloods because virtually all those of mixed blood are treated as whites on the cattle stations'* see Cattle Station Industry (Northern Territory) Award, 1951 (1966) 113 CAR 651 – Kirby C.J., Moore J and Taylor C. Judgment, 7 March 1966, p. 651. The Award was both about equality of pay for Aboriginal workers and assimilation, removing the differentiation of Aboriginal workers from clauses in the original Award.

<sup>5</sup> Thalia Anthony, "Reconciliation and Conciliation: the Irreconcilable Dilemma of the 1965 'Equal' Wage Case for Aboriginal Station Workers", *Labour History*, 93 (2007): 28.

lived as pastoral station workers. McLeod's efforts to acquire a stable land base gained increased credibility in the face of Aboriginal people's vulnerability to these legislative changes. In the equal pay case, this vulnerability was in the form of a substantial loss of employment for Aboriginal workers and removal of families from station properties.

Paternalism became an unacceptable policy and the term 'native' was no longer tolerable. The *Aboriginal Affairs Planning Authority Act, 1972* repealed the *Native Welfare Act, 1963*.<sup>6</sup> Along with bringing rights such as Social Security benefits, it removed restrictions on consuming alcohol.<sup>7</sup> It also established The Aboriginal Lands Trust (ALT).<sup>8</sup> *The Community Welfare Act, 1972* amalgamated the Child Welfare Department and from July 1, 1972, the responsibilities for Aboriginal children previously held by the Commissioner of Native Welfare and the Department of Native Welfare were transferred to the new Department of Community Welfare (DCW).<sup>9</sup>

These Acts rendered Aboriginal people free and independent from government control, realising one of the Lawmen's objective through unassailable legislative edict. McLeod's interpretation of autonomy extended to receiving government funds free from obligations to spend them according to the donor's purposes. This difference was tested when the Federal Minister for Aboriginal Affairs, Gordon Bryant, visited Strelley in 1972 during his five-day tour of Western Australian Aboriginal settlements.

Bryant and McLeod had a heated argument. At a meeting with about 100 Nomads members, McLeod repeated his demand that the federal government give a grant of \$2 million with no strings attached. Bryant stated grants were for specific purposes; recipients of government funding were accountable for its use. A journalist reported that the Nomads group had already received \$87,000 'which had been badly spent'.<sup>10</sup> This encounter, and its report in the newspaper, reflected more than a fundamental philosophical difference; McLeod knew that money acquired by grant rather than being earned, obliged the receiver to abide by the donor's rules.<sup>11</sup> This was the antithesis of independence. He repeated his strongly held view that 'to have control of sufficient funds without strings would be a step in the right direction'.<sup>12</sup> He reluctantly compromised when the Federal government was able to provide funding beyond that which the Group could earn.

On behalf of Nomads, McLeod established another company, Strelley Pastoral Company, to manage their pastoral stations, some of which they bought with money they had earned mining. In an interview about

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<sup>6</sup> The *Native Welfare Act, 1963* classified a person with one-fourth or less blood is not being Aboriginal. The Aboriginal Affairs Planning Authority Act, 1972 was an 'Act to make provision for the establishment of an Aboriginal Affairs Planning Authority and an Aboriginal Affairs Advisory Council for the purpose of providing consultative and other services and for the economic, social and cultural advancement of persons of Aboriginal descent in Western Australia'

<sup>7</sup> Mary Anne Jebb, *Blood, Sweat and Welfare*, 296.

<sup>8</sup> Membership of the Trust was open only to Aboriginal people. Its purpose was to acquire and manage land for them.

<sup>9</sup> *The Community Welfare Act, 1972* provided for 'the establishment of a Department for Community Welfare, to promote individual and family welfare in the community,' and for incidental purposes.

<sup>10</sup> 'N-W group asks Govt. for \$2m', *The West Australian*, 3 February 1972.

<sup>11</sup> McLeod to Ken Liberman.

<sup>12</sup> DW McLeod, *Nomads Group, Submission to Mr G. Hand, Minister for Aboriginal Affairs*, 1987, p. 6.

these stations, he summarised: 'Now we bought Strelley, Carlindi and Lalah Rhook [Lalla Rookh]. We paid a deposit on Coongan and ADC<sup>13</sup> paid the rest off.'<sup>14</sup> They also later acquired Callewa.<sup>15</sup> Buying land in part fulfilled the Lawmen's directive to McLeod and the strikers' ambitions: 'a station of our own' 'a place for the old people to stay.'<sup>16</sup>

Strelley station was the Nomads Group home base from which they formed several smaller communities on land nearby to re-establish 'links to country,' and encourage 'young people to leave Port Hedland, where they were leading dysfunctional lives'.<sup>17</sup> As a pastoral station, Strelley had the normal homestead, the 'big house' in which the owner/manager lived. When the Group offered it to McLeod he declined, saying that until everybody could live in a house, he would not. Instead, he put his swag on the veranda, and that became his home. John Bucknall remembered McLeod:

smoking one of his lopsided, roll your own fags while lying on his back in his swag with one knobbly knee folded over the other. He tended to project a sense of coiled energy, momentarily stilled as he looked up at you through bushy eyes.

Don had 'intense blue eyes that consciously or unconsciously he used to great effect. On occasions, such as telling a good yarn, they sparkled with good humour. On others they were as piercing and as cold as an arctic gale.

McLeod's eyes could also be tired, blood shot and pale, especially if he had just driven in from one of his solo treks out into the desert.<sup>18</sup> JB Miles had noted McLeod's 'blue eyes blazing'.<sup>19</sup> The spirit behind those blazing eyes drove McLeod to take every opportunity to campaign. He became a formidable debater because he was well informed about many subjects; 'would have made a good academic', according to John Wilson. This assessment has validity, arising from John and Katrin Wilson's interaction with McLeod from 1959 and continuing for years.<sup>20</sup> In John Wilson's opinion, 'When Don focused on something he really focused on detail', and, Katrin added, 'he read specifically, tactically, used to go through the newspapers forensically and people would often say to him 'how did you know that Don?''<sup>21</sup>

Strelley veranda was more than a place where McLeod lived, studied, planned and wrote: it became a symbol of the people's new power as station owners. When meeting with officials or businessmen, the Nomads leaders and McLeod would stand on the veranda, thus giving them the psychological advantage of height and authority that they knew so well from their days as 'enslaved labour for the colonisers'

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<sup>13</sup> The Aboriginal Development Commission was a federal body established in 1980. Its purpose was to assist Aboriginal communities to develop economic enterprises and acquire land. It could also provide funds for housing and personal needs.

<sup>14</sup> McLeod interview with Charlton. State Library of Western Australia, 1996, OH 2739.

<sup>15</sup> Peter Newman, et al, *Social Impact Study*, 36.

<sup>16</sup> John Wilson, *The Pilbara Aboriginal Social Movement*, 1979, p. 166.

<sup>17</sup> John Bucknall, 'Oberdoo, Jacob (Minyjun).

<sup>18</sup> John Bucknall, pers. comm., 2015.

<sup>19</sup> Justina Williams, *Anger and Love*, 127.

<sup>20</sup> In 1959 John and Katrin Wilson lived for months with the group as students. They held many conversations with McLeod.

<sup>21</sup> John and Katrin Wilson, pers. comm., 2015.

descendants'.<sup>22</sup> In one particularly heated argument with a visiting White man interested in helping the Aboriginals, McLeod noticed a small girl at the other end of the veranda wanting to reach her mother on the other corner. He stopped arguing, crossed over to the girl and said 'You looking for mummy?' He went over to her, extended his finger to her and walked her through the loud men; 'You right now?' he asked the girl as she reached her mother.<sup>23</sup> He was not so kind to those whom he considered ignorant. During that argument on the veranda, the well-intentioned visitor made a mistake, according to McLeod's value system. He suggested that he 'could teach the Aboriginals how to improvise with bits of fencing wire and old bits and pieces from clapped out wrecks to keep their cars on the road.' McLeod was 'absolutely incandescent' as he launched a blistering attack on these 'stupid, old, self-serving, mealy mouthed fools.'<sup>24</sup>

When not out in the field McLeod could conduct a conversation while he sat on the side of the ex-army, iron-framed bed pushed up against the wall of the veranda, and attended to correspondence with the help of the Nomads trained Aboriginal office staff. He was a chain-smoker. He would make up a large number of roll-your-own cigarettes, lie them side by side along the veranda edge, and slowly work his way through them over the course of the day. Squatting over his typewriter he would send off campaign letters or correspondence about issues,<sup>25</sup> letters whose language could be strong and tone intimidating, often known as 'stingers.'<sup>26</sup> At times an individual could receive a verbal 'stinger' and that would have serious consequences. As John Bucknall observed, 'once you fell out with Don, that tended to be the end of any working relationship you may have established with him. Re-establishing trust was not impossible but it was certainly difficult.' This characteristic made McLeod alienate supporters as well as detractors. According to Sherwood 'He was ... a very polarising person ... you would either be in his mob or you were enemies.'<sup>27</sup> This characteristic was less pronounced in his interactions with women.

Gwen and John Bucknall remember that McLeod respected strong, independent women. He had the confidence of the Aboriginal women, and Gwen Bucknall confirmed that there was not even a slight rumour about any intimacy with them. He was an ascetic and in some respects would make a good monk, she commented.<sup>28</sup> When living with the group 1959-1960, Katrin Wilson found McLeod to be 'a bit of a bush gentleman, and a bit of a puritan.' If she visited his camp, he would put out a box or milk crate for her to sit on. John Wilson agreed that he was like that to women 'all over the place. He was a gentleman.'<sup>29</sup> As noted earlier, the lack of women in his life limits his story to the male perspective.

McLeod's responses to individuals reflected his single-minded purpose. Ray Butler, long-time colleague

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<sup>22</sup> Pat Dodson, Commissioner, Royal Commission on Aboriginal Deaths in Custody. "Regional Report of Inquiry into Underlying Issues in Western Australia – historical perspective: knowledge of the past to inform the present," 1991, 4, accessed 29 October 2015.

<sup>23</sup> Gwen Bucknall, pers. comm., 2015.

<sup>24</sup> John Bucknall, pers. comm., 2014.

<sup>25</sup> John and Gwen Bucknall, pers. comm., 2015.

<sup>26</sup> John Sherwood, pers. comm., 2016.

<sup>27</sup> John Sherwood, pers. comm., 2016.

<sup>28</sup> Gwen and John Bucknall, pers. comm., 2014.

<sup>29</sup> Katrin and John Wilson, pers. comm., 2015.

who met McLeod in the 1960s when doing geological work in the Pilbara, knew him well. McLeod was, Butler stated, 'sickened by the political expediency that he often encountered when he sought assistance from politicians'.<sup>30</sup> Severing a relationship was not a momentary act of frustration, it was a quick judgment that this person did not understand something that to McLeod was obvious and important. He exerted great energy and effort in educating a wide range of people through oral and written campaigns, but faced with an individual who challenged his hard-won insights, he could respond with rage. In McLeod's circumstances he did not have time for people who could not learn direct from the Aboriginal people's own experiences, as did he, or respect his expertise.<sup>31</sup> He also did not have a companion with whom he could share his feelings. Practitioners of community development are known to suffer 'burnout.' Burnout is condition inherent in situations of intense involvement, such as relentless crises experienced in the field of social change where there are few opportunities for emotional and intellectual regeneration. Community development theorists recommend a range of strategies to manage burnout such as balancing home-work life.<sup>32</sup> For McLeod there was no difference between home and work, and such advice was irrelevant.

McLeod travelled to Perth in 1973 to prepare a submission to The Aboriginal Land Rights Commission.<sup>33</sup> He also completed the formation of their organisation Nomads Charitable and Educational Foundation (NCAEF). NCAEF could accept tax deductible donations and would provide secretarial and support services to assist with Nomad's organisation, campaigning and communication. Across the north, communication with other Aboriginal communities was maintained through normal Law business networks and McLeod's compatriots, one of whom was Philip Nitschke at Wattie Creek, NT.<sup>34</sup> McLeod received information in 1974 that the Gurindji were 'starving' – a trigger word for the Nomads.

Nomads' leaders conferred about the Gurindji's plight and assigned Jacob Oberdoo to take them food.<sup>35</sup> Jacob went with Bob Lloyd, one of their White workers, in Lloyd's private plane, carrying 'at least \$300 of food, tobacco and fruit as a present to the people of Daguragu.'<sup>36</sup> They stayed four days, and Nitschke commented that Jacob felt the Gurindji should have given him more status, of the sort they accorded McLeod - a sentiment with which Nitschke did not agree.

McLeod's prominence in Nomads and his confrontational style were at times effective. He related an

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<sup>30</sup> Raymond JT Butler, "Education, the State, and the Indigenous minority", 130.

<sup>31</sup> I note that a collection of papers selected from a 1981 conference about WA resource development ignored the contribution of McLeod and the strikers, their mining and their companies, see GC Bolton, *From Cinderella to Charles Court: the Making of a State of Excitement, State, Capital and Resources in the North and West of Australia* (Nedlands: University of Western Australia Press, 1982): chapter 2, 27-41.

<sup>32</sup> Susan Kenny, *Developing Communities for the Future*, 375.

<sup>33</sup> The Aboriginal Land Rights Commission, 1973-1974, was established by the Whitlam government to enquire into means for recognising Aboriginal land in the Northern Territory. Justice Edward Woodward chaired the Commission.

<sup>34</sup> Philip Nitschke became a medical practitioner. After graduating from Flinders University in laser physics he worked with Gurindji leader Vincent Lingiari at Wattie Creek, NT, from where he was corresponding with McLeod in 1974. His initial employment, funded by The Department of Aboriginal Affairs, was to work as a gardener, see Charlie Ward, *A Handful of Sand: the Gurindji struggle, after the walk-off*, Monash University Publishing, Clayton, 2016, p. 141.

<sup>35</sup> Monty Hale, *Kurlumarniny*, 35.

<sup>36</sup> Philip Nitschke to Don (not McLeod), 10 July 1974, Atkinson collection.

encounter with Federal Minister for Aboriginal Affairs, Les Johnson.<sup>37</sup> McLeod persuaded Johnson to accept the Nomads submission for a culturally-appropriate school, personally from him rather than through the normal channels.<sup>38</sup> 'We had a terrific argument about it,' McLeod recalled. 'Finally he agreed to take a submission direct from me to him ... we got it scribbled out, he endorsed it and we got Strelley Community School out of it.'<sup>39</sup> Johnson remembered differently his decision to approve a grant of \$50,000 for the school. It was, he wrote to McLeod, 'in consideration of the case that you put to me on the occasion of your visit to Parliament... They have a lot to thank you for in that you put their case in such an uninhibited and lucid form'.<sup>40</sup> Accepting funding from the Department of Aboriginal Affairs (DAA) required a compromise of principles since Nomads then 'entered into a dependency relationship'.<sup>41</sup> It engendered a different battle of ideas, but the Group's aspiration for a culturally-appropriate school was worth the concession.

Aboriginal Legal Services' lawyer Nicholas Hasluck met McLeod in the early 1970s and found him to be 'easy to get along with; he was well-spoken and had a clear mind. He was never strident but quietly firm in his views'.<sup>42</sup> Later, in May 1975 Hasluck, as a solicitor with Keall, Brinsden and Co, provided McLeod with some preliminary observations. They concerned the legality of the repeal of Section 70 of the Constitution Act 1889; that is, the clause defining that one percent of the gross revenue of Western Australia was to be paid to the Aboriginal Protection Board. Hasluck referred to McLeod's letter to him of May 8, 1975 requesting his advice on this and other issues of constitutional law, including a possible application for land rights. In his fifteen-page response to McLeod's request, Hasluck stated 'we do not ... dismiss the thesis you have advanced as being of no merit whatsoever' and recommended he obtain 'a second and more exhaustive opinion'.<sup>43</sup> McLeod then sought an opinion from Queens Counsel John Toohey about whether the repeal of Section 70 had been valid and whether there were any vested rights that survived the repeal of Section 70. Toohey's opinion was 'sympathetic but ultimately not encouraging'.<sup>44</sup> McLeod's other major campaign concerned the Group's desire for a school of their own design, which was ultimately successful.

Strelley Community School opened in 1976 and was the culmination of planning since the strikers established their first informal school at the Twelve Mile with their own teacher, Tommy Sampey. John Bucknall, founding principal, and his wife and co-teacher Gwen, tell how three senior Nomads had long

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<sup>37</sup> Labor Party Federal Minister for Aboriginal Affairs, 1975.

<sup>38</sup> Submission by the Nomads Group of Aborigines to the Minister for Aboriginal Affairs. *Application for a special grant to establish a bilingual school at Strelley Station, Western Australia*, 1975, donated by Ray Butler.

<sup>39</sup> McLeod interview by Chris Jeffery. Gwen Bucknall recalled that it was Ray Butler who handed the submission to the Minister, pers. comm., 2015.

<sup>40</sup> Raymond JT Butler, "Education, the State, and the Indigenous minority", 146.

<sup>41</sup> Raymond JT Butler, *ibid.*, 148.

<sup>42</sup> Nicholas Hasluck, pers. comm., 13 June 2016. Nicholas Hasluck QC, son of Sir Paul Hasluck, Governor-General 1969-1974, worked for a time in the Port Hedland office of the Aboriginal Legal Services. It was established in 1973 when a few legal practitioners in Perth 'set up a voluntary legal service to Aborigines', Quentin Beresford, Rob Riley: an Aboriginal leader's quest for justice, Aboriginal Studies Press, Canberra 2006, p. 83.

<sup>43</sup> Keall, Brinsden & Co to McLeod, 13 May 1975, donated by Hasluck.

<sup>44</sup> Nicholas Hasluck, pers. comm., 13 June 2016. Nicholas Hasluck was appointed, on 1 May 2000, a judge of the Supreme Court of Western Australia.

talked of their own school, one that they controlled, and that taught their language Nyangumarta.<sup>45</sup>

Other Aboriginal communities in remote areas of Western Australia also wanted the 'two school' model that protected cultural integrity. Under this model of a 'strong commitment to cultural maintenance,'<sup>46</sup> Western numeracy and literacy and Aboriginal languages and philosophy were taught. Earlier, in 1973, the Oombulgurri community in the Kimberley had started their school along the same principles, but it was not registered.<sup>47</sup> Strelley Community School, which opened in 1976, was the first registered independent Aboriginal school.<sup>48</sup> It became an icon in Aboriginal educational circles.<sup>49</sup> McLeod and the Strelley leaders drew up a contract that all staff coming into the community were required to sign before they could be employed. It specified that they would refrain from bringing alcohol into Strelley and being involved in Aboriginal Law.<sup>50</sup> The school Board decided to first ensure 'adults became literate in their own language, and to have these adults teach the children'.<sup>51</sup> For many years it created and printed a newsletter *Mikurrunya*, in which the people's stories were reproduced.<sup>52</sup> Supported by NCAEF, the school was able to assist another group, the Yungngora, establish their school at their Kimberley pastoral station, Noonkanbah. Cross-pollination of ideas was facilitated by kinship connections between the two groups.

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<sup>45</sup> Ben Collins, *Whitlam's Legacy in Aboriginal Education in Western Australia*, ABC North West WA, accessed 21 January 2016. A short film shows the school, see 'From Slavery to Autonomy', The West Australian College, Edith Cowan University, DVD, 2016, originally filmed 1984. See also DW McLeod, *How the West was Lost*, 135-139; Deirdre F. Jordan, "Strelley Community School: an exercise in autonomy" in *Aboriginal peoples: Autonomy, Education and Identity*, (Batchelor: Educational Media Unit, Batchelor College, 1989).

<sup>46</sup> [www.strelleycommunityschool.wa.au](http://www.strelleycommunityschool.wa.au), accessed 15 May 2015.

<sup>47</sup> Neville Green, *Triumphs and Tragedies: Oombulgurri, an Australian Aboriginal Community*, (Carlisle: Hesperian Press) 2011, 165; Non-government schools were required to register, currently under The *WA School Education Act 1999*.

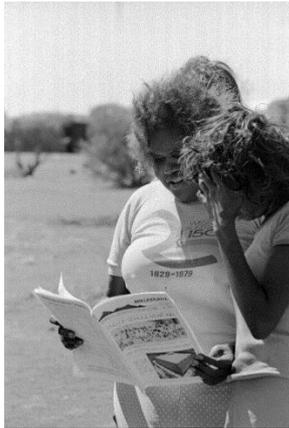
<sup>48</sup> John Bucknall is writing the history of the school, see also Raymond JT Butler, "*Education, the State, and the Indigenous minority*".

<sup>49</sup> David Scrimgeour, pers. comm., 2016.

<sup>50</sup> Employment conditions for teachers are listed in their information booklet for prospective teachers, 2007. Referring to clauses in a contract for teachers, teachers agree that they will not 'disrupt or interfere in the tribal traditions and beliefs of any of pupils' or 'consume any alcoholic beverage or psychoactive substance or drug' into the community. Donated by Ray Butler.

<sup>51</sup> Ben Collins, *Whitlam's Legacy*, ABC North West WA, accessed 21 January 2016.

<sup>52</sup> In 1979 Jacob Oberdoo, Snowy Jitamuyrra and Crow Yakalya had an article printed, 'Young people must go by the old people. The government is not the boss, the mission is not the boss. Marrngu are the boss. The old people have the word and they have got to be respected. If the young people don't go by the old people, then we've got no law.' Needing to articulate this generational difference reflected the changes as many of the original strikers died, although even in 1960 the people refer to themselves as 'the strikers.' *Mikurrunya*, Strelley Community Newsletter, 28 November 1979: 4-5



*Figure 23: Strelley adults reading their own newspaper, Mikurrunya  
(Photography by Robert Smith, 1981)*

The Yungngora had been living in the Kimberley township of Fitzroy Crossing.<sup>53</sup> They had returned in 1976 to their country on the pastoral station Noonkanbah. As with the Nomads, they sought an education system for the children that imparted Western skills and their cultural knowledge. Stan Davey, by then working with the communities in Fitzroy Crossing, took nine leaders from six communities to Noonkanbah July 24-29, 1977.<sup>54</sup> The leaders sought to see for themselves Aboriginal-owned and controlled education as opposed to mission or government-run schooling. They attended a Strelley Education Board meeting on July 26, 1977 and it was agreed that NCAEF would support the Noonkanbah people when they were ready to establish their own school along similar principles. John Bucknall offered to provide on-site assistance and in 1978 the Noonkanbah people started their independent school based on the Strelley model.<sup>55</sup> With staff in the Perth office and a solid leadership at Strelley, McLeod could relinquish some of his hands on role.

In 1977 McLeod travelled to England to meet up with Ray Butler and examine records in the Colonial Office.<sup>56</sup> A primary objective was to obtain advice about Section 70 from John Macdonald, a Queen's Counsel at Lincoln's Inn, London, regarding the processes of the Constitution Act 1889 that repealed Section 70.<sup>57</sup> Macdonald was an 'expert on colonial legal matters'.<sup>58</sup> Macdonald said that in his opinion there was no doubt that Section 70 was lawfully repealed. He believed also that there had been breaches of duty by the British Government and the Government of Western Australia but 'these breaches of duty are not

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<sup>53</sup> The people lived as fringe dwellers in the Kimberley township, see *The Noonkanbah Story, Land Rights News*, 1980, vol. 30, p. 11.

<sup>54</sup> Stan Davey, *Journal 1977* in author's possession. Ken Liberman reported that 'A delegation travelled to the Pilbara in 1977 to study the Strelley school, see Kenneth B Liberman, "Aboriginal Education: The School at Strelley, Western Australia," *Harvard Educational Review*, 51: 1 (1981): 143.

<sup>55</sup> Kulkarriya Community School. Nomads provided administrative support through the Nomads Educational and Charitable Foundation.

<sup>56</sup> Ray Butler, pers. comm., 2016.

<sup>57</sup> *Constitution Act 1889*, An Act to confer a Constitution on Western Australia, and to grant a Civil list to Her Majesty. Schedule C related to section 70 which was deleted by No. 14 of 1905 s. 65.

<sup>58</sup> Nicholas Hasluck, pers. comm., 13 June 2016.

ones which can be enforced by the Courts'.<sup>59</sup> From London, McLeod sent Bucknall a letter to read out at a community meeting explaining that he had not been assured that the removal of Section 70 could be successfully challenged in the courts.<sup>60</sup> While in the United Kingdom, McLeod collected some acorns from a forest, wrapped them in damp newspaper and put them in the pockets of his Army great coat to bring home and start a new industry.<sup>61</sup> At the airport the customs officer asked him if he had anything to declare. 'Yes', he said, 'the pockets of my coat are stuffed full of good old sturdy oak trees;' they both laughed and McLeod boarded the plane, bringing the acorns home.<sup>62</sup> Back home, agricultural planning continued. Small schools were started at Warralong and Well 61.<sup>63</sup>

To service the satellite schools, Nomads hired a neighbouring station's plane, a Cessna 172.<sup>64</sup> John Bucknall obtained a pilot's licence in 1979 and Nomads soon had a flying-teacher service.<sup>65</sup> A plane and their own pilot was a distinct advantage to the Nomads. McLeod asked Bucknall to assist in his creative schemes, one of which was to 'fly him up and down the coast at low altitude to check out the possibilities in establishing an alternative port facility in the Pilbara'.<sup>66</sup> According to Katrin Wilson, McLeod had 'no scientific training but he could read geology books and understand them, quite erudite, he was detailed, very focused and highly individualistic'.<sup>67</sup> He was always looking for new ways to create employment opportunities and regenerate the desert, while the school became more than just a hub for educational services. The school's organisational structure included an NCAEF office in Perth, which provided secretarial and financial management services. With a firm foundation, the Nomads were able to construct the other platform needed for a stable community: a culturally-appropriate health service.

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<sup>59</sup> 'Re: the Nomads Group of Aborigines and section 70 of the Constitution Act 1889 (Western Australia)', John Macdonald, Lincoln's Inn, 15 July 1977. Donated by Nicholas Hasluck.

<sup>60</sup> John Bucknall, pers. comm., 2014.

<sup>61</sup> McLeod had arranged for an annual delivery of these coats from Army Disposals as they kept out the chilly desert winds and doubled as blankets. John Bucknall, pers. comm., 2014.

<sup>62</sup> John Bucknall, pers. comm., 2014.

<sup>63</sup> DW McLeod, *How the West was Lost*, 136.

<sup>64</sup> Registration C172 UGB.

<sup>65</sup> John Bucknall, pers. comm., 2015.

<sup>66</sup> John Bucknall, pers. comm., 2015.

<sup>67</sup> John and Katrin Wilson, pers. comm., 2014.



*Figure 24: Strelley community plane*

*(Photograph by Robert Smith, 1981)*

Health care had been provided by the Group since 1954, in various formats to suit their changing working and camping patterns. McLeod paid attention to good food for the people but was not fussy himself. Most of the time McLeod's diet of black tea and cigarettes was 'appalling'.<sup>68</sup> Gwen Bucknall observed that he also ate bush foods and leaves that contained minerals.<sup>69</sup> Ken Liberman had been concerned by McLeod's diet 'after watching him masticate his plain oats morning-after-morning with his toothless gums' and introduced him to bee's pollen, which gave him additional vitamins.<sup>70</sup> In February 1982 medical practitioner David Scrimgeour met McLeod, Ray Butler and Jack Williams at the NCAEF office in Perth to discuss the idea of establishing a health service. They did not have government funding and more importantly, the service had to be independent of government control, on lines similar to the school.<sup>71</sup> David Scrimgeour accepted the role to establish a health service, and moved to Strelley.<sup>72</sup> Each week he drove around the four satellite communities at Carlindi, Camp 61, Well 33 and Lalla Rookh; and every fortnight John Bucknall or another pilot flew him to the desert camps. To facilitate this new flying doctor service, Scrimgeour obtained a pilot's license and could then fly himself. Every second Thursday he flew to the Nomad's 'drying out camp,' called Spinifex, where the community were developing their own methods

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<sup>68</sup> John and Katrin Wilson, pers. comm., 2015.

<sup>69</sup> John and Gwen Bucknall, pers. comm., 2014.

<sup>70</sup> Liberman email to Christine Biggs, 1 December 2009. AIATSIS, MS 4642/4. Ken Liberman of Oregon University, USA, taught in the Foundational Faculty of Education at Murdoch University before working with the Western Desert community at Docker River 1977-78 where he met McLeod.

<sup>71</sup> Under the proposed model the community would pay the doctor's salary from their funds, and would supply a vehicle. They already paid Aboriginal health workers, and the WA Health Department paid for a community health nurse to come out from Port Hedland to the clinic at Strelley. The Medical Service eventually obtained funding from the Department of Aboriginal Affairs.

<sup>72</sup> A short film shows the medical service, see Community Controlled Health Services, *The West Australian College*, Edith Cowan University, DVD, 2016, originally filmed 1984.

to help people 'get off the grog.' Scrimgeour recalled that the community had a strong anti-alcohol ethos.<sup>73</sup> McLeod was impressed with David Scrimgeour, reporting 'He is proving quite effective and popular with everybody with his relaxed manner and the fact that he listens to people and doesn't talk down to them.'<sup>74</sup> Working alongside the Western medical doctor was a traditional medicine man and nursing staff.<sup>75</sup> McLeod successfully campaigned for government funding which provided housing for a doctor and a nurse at Strelley.<sup>76</sup> These developments appeared to mirror mainstream services but differed in the vital matter of control: they were overseen by Nomads senior leaders. The Group's political campaigning widened when they submitted a joint submission to the Land Rights Council meeting at Jameson, 1978.<sup>77</sup> It presented, with appendices, McLeod's well-known arguments, including protest over White men's sexual abuse of their women.<sup>78</sup> Although McLeod assisted the Nomads to prepare the submission, his role was changing in accordance with government requirements that Aboriginal people speak for themselves rather than through an adviser.

In this new era where governments acknowledged Aboriginal authority, McLeod's role as the Nomads intermediary between the Nomads and the European worlds, became redundant. Tony Swain theorised three stages in this kind of colonial relationship. The first was based on the rifle, and created a hierarchy of European power. The second phase 'oppressive, exploitative or at best paternalistic, was superseded by a White man with a 'soteriological promise'. As Swain hypothesised this stage, 'the Mob' was 'Don McLeod's Mob', their law 'Don McLeod Law,' which was the origin of a myth: 'parity between Aborigines and Whites'.<sup>79</sup> Ethnographer Stephen Muecke found it interesting that Swain claimed it was not communism that was creeping in but another idea, 'one that works its way up from the Pilbara, becomes known as Don McLeod Law, infiltrates ceremonies such as Djuluru ... and perhaps culminates at Wave Hill with the revival of the land rights campaigns'. McLeod's Law is the 'law of the fair go, of the historical, future-oriented promise of equality and moral rights'.<sup>80</sup>

McLeod's experience in campaigning for Aboriginal justice embroiled him in a problem concerning the Yungngora on Noonkanbah when they called upon the 'strikers' for back-up. The connection with Strelley

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<sup>73</sup> David Scrimgeour, pers. comm., 2016.

<sup>74</sup> McLeod to Ken Liberman, 2 June 1982, AIATSIS, MS4642/2 Pt 3.

<sup>75</sup> Three films by The West Australian College, 1984, *Strelley Mob: Don McLeod, The Strelley Mob - all people education, Strelley: From Slavery to Autonomy*, Edith Cowan University.

<sup>76</sup> McLeod to Liberman, 24 May 1985, AIATSIS MS4642/2 Part 1.

<sup>77</sup> The submission was to be authorised by the Pitjantjatjara [sic] Council of Amarta, the Docker River Community Council and the Nomads Group of Aborigines, on advice from their European advisers, the Pitjantjatjara Council of Amarta chairman did not sign. Jacob Oberdoo signed on 1st May 1978 for Nomads.

<sup>78</sup> Docker River and Nomads Group of Aborigines: *Submission to the Land Rights Council Meeting at Jameson, 1978*, no page number, reads 'in the early years those operating the pastoral leases were either single men or if married their wives were not prepared to accompany them on the leases. It became the accepted custom for the pastoralists and their white employees to expect the favours of the tribal women as their rightful privilege, particularly since the tribesman were powerless to protect their womenfolk. The result was such a crop of Part-European children as to embarrass both the government and the pastoralists.', State Library of Western Australia, W 333.1 Sub.

<sup>79</sup> Tony Swain, *A Place for Strangers: Towards a History of Australian Aboriginal Being*, (Melbourne: Cambridge University Press, 1993) 243-244.

<sup>80</sup> Stephen Muecke, *Ancient and Modern: Time, Culture and Indigenous Philosophy* (Sydney: University of New South Wales Press, 2004), 131.

was important, for these people had been through it before.

In 1980, a mining company, planned to drill for oil on Noonkanbah.<sup>81</sup> The location for drilling was on a sacred site.<sup>82</sup> Yungngora leaders and the Kimberley Land Council (KLC) called on their countrymen to support their protest; McLeod and senior Strelley Lawmen were among those who responded.<sup>83</sup> John Bucknall flew them to Noonkanbah. A convoy of forty-five trucks left Perth with drilling equipment. A significant action by the strikers took place before the convoy reached Noonkanbah and is omitted in the story of the protest.<sup>84</sup> Paul Roberts, a teacher for three years at Strelley, was with the group of about 100 men and women when they stopped the convoy at Tabba Tabba Bridge, west of Strelley. Paul Roberts' mother knew both McLeod and West Australian Premier Charles Court; she rang the Premier and said 'you and skinny old Don are the most important two men in the state right now, why don't you get together and have a talk?'<sup>85</sup> He nearly bit her head off, she said, and used the word 'bastard' which was unusual for him.<sup>86</sup>

News of the convoy reached Noonkanbah while the people were preparing for a major ritual under McLeod's direction.<sup>87</sup> They were planning to dance McLeod's ceremony, which replayed Captain James Stirling land claim in 1829. McLeod's view that Aboriginal people who did not hold Law were 'a separate group of people' put him at odds with the KLC.<sup>88</sup> Nevertheless, the ceremony was performed on August 10, 1980.<sup>89</sup> Painted dancers surrounded McLeod as he read his prepared proclamation modelled on the ceremonies held by the British government when it claimed the land for the British Crown. It outlined the one percent history and concluded 'we hereby resume our titles, rights and interests in this Land, our Estate, by raising our flag, firing a volley and reading this proclamation'. McLeod signed it as 'duly elected representative and spokesman for the Beneficial Owners of the Land'.<sup>90</sup> The ceremony 'was widely seen as a dramatic and defiant act of symbolism in the circumstances'.<sup>91</sup>

McLeod and Strelley-Noonkanbah leaders determined to present the proclamation to the police officer on the other side of a security fence around the drill site, but he defeated their plan when he refused to accept it. McLeod sent the document to the Lieutenant Governor, Western Australia. He requested him to forward it to the Queen and ask her to 'appoint a suitable body which would have the authority and

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<sup>81</sup> Amax Petroleum Division

<sup>82</sup> Erich Kolig, *The Noonkanbah Story: Profile of an Aboriginal Community in Western Australia* (Dunedin: University of Otago Press, 1989), 147.

<sup>83</sup> McLeod's presence was 'fairly significant' according to Mr Cotter, Commonwealth House of Representatives, speech on Aboriginal land rights, 22 April 1980: 1

<sup>84</sup> Steve Hawke & Michael Gallagher, *Noonkanbah*.

<sup>85</sup> John Bucknall, pers. comm., 2014.

<sup>86</sup> Paul Roberts, pers. comm., 2015.

<sup>87</sup> Steve Hawke was employed as a liaison officer and Michael Gallagher was freelance photographer.

<sup>88</sup> Steve Hawke & Michael Gallagher, *Noonkanbah: whose land, whose law*, 1989, p. 231.

<sup>89</sup> See photos in Steve Hawke & Michael Gallagher, *ibid*, 1989, pp. 273-276.

<sup>90</sup> The Proclamation, 10 August 1980, Document in folio "The Native Question" prepared by McLeod and sent to The World Council of Churches, 17 July 1981. Donated by Robert Smith.

<sup>91</sup> Steve Hawke & Michael Gallagher, *ibid*, 1989, p. 276.

objectivity to assess the damage done to the Beneficial Owners and their land in West Australia.<sup>92</sup> Premier Court replied that he did not accept McLeod's authority as spokesman, appointed by 'a group of unidentified Aborigines ... a somewhat dubious credential. ... The land of Western Australia does not belong to Aborigines'.<sup>93</sup> Drilling went ahead; it ceased in November 1980 when the hole proved to be dry.<sup>94</sup>

Undeterred, McLeod travelled long distances and extended his interests, despite being 72 years old. 'I have been like a bumble bee in a bottle I have been to Noonkanbah five times in the last three months twice last week as well as up and down to Jigalong,' he told Liberman.<sup>95</sup> In 1981 Paul Roberts suggested to McLeod that he write a book about his insights and experiences. McLeod agreed and Roberts drafted a chapter outline.

Over the next two years Roberts would send a question to McLeod, such as 'what happened at Skull Springs?' and two days later McLeod would have a reply typed on a single A4 page. Roberts recalled that McLeod could write a 'brilliant analysis of historical hubris causing a current disaster.'<sup>96</sup> In his camp on the veranda of the Strelley homestead, McLeod might receive a phone call from the Minister for Aboriginal Affairs or some other authority, and type with two fingers a stinger of a retort to whoever it happened to be. Roberts observed that McLeod had an amazing capacity of mind to put together an erudite response'.<sup>97</sup> A book, however, was a different genre, requiring a semi-linear progression. Roberts put in four or five months full-time to working with McLeod on his book, and, with Ray Butler and Jack Williams, edited McLeod's manuscripts. Back to work, McLeod went out in the desert in October 1981.

Strelley leaders devised a Desert Project to re-populate and rehabilitate the desert. McLeod was to organise a bulldozer to extend roads radiating out from Well 35 as a central depot on the Canning Stock Route. Drilling plants would search for water so that schools could be established in their outstations. McLeod found the road-making hard work and succumbed to a wog that turned into 'a bout of pneumonia ... followed by pleurisy'.<sup>98</sup> When he recovered, he later investigated getting their own radio channel for a school-of-the-air so the headmaster could keep in touch.<sup>99</sup> These plans needed funding at a level that the community could not meet and McLeod approached Ken Liberman, by then in the USA, to lobby an international agency, Survival International, for finance.<sup>100</sup>

Liberman tried to attract donations for the 'Desert Project'.<sup>101</sup> The project cost McLeod dearly. While driving back from Jigalong in March 1981 he overtook a semi-trailer and the two vehicles became hooked.

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<sup>92</sup> McLeod to Lieutenant Governor, Perth, 11 August 1980.

<sup>93</sup> Premier to McLeod, 3 November 1980.

<sup>94</sup> Steve Hawke and Michael Gallagher, *Noonkanbah*, 1989, p. 315.

<sup>95</sup> McLeod to Ken Liberman, 27 July 1980, AIATSIS MS4642/3 Part 1.

<sup>96</sup> Paul Roberts, pers. comm., 2015.

<sup>97</sup> Paul Roberts, pers. comm., 2015.

<sup>98</sup> McLeod to Ken Liberman, 8 July 1981, AIATSIS MS4642/3 Part 1.

<sup>99</sup> McLeod to Ken Liberman, 3 November 1981, AIATSIS MS4642/3 Part 1. This plan was accomplished.

<sup>100</sup> 'Survival International' was an organisation that campaigned for human rights for indigenous peoples. It was founded in 1969 and had offices across the world.

<sup>101</sup> Ken Liberman to McLeod, 31 January 1983, AIATSIS MS4642/2 Part 2.

He was dragged for 150 yards. His back was broken: 'four ribs and some of the webbing that holds them together in the front of the rib cage; and ... some deep abrasions the worst one on my right shoulder'. He was flown to Perth hospital and discharged after fourteen days, since he could 'mend pretty quickly'.<sup>102</sup> Apparently the attending policeman visited him in hospital expecting to find that he had died but found him sitting up. Bucknall commented, 'it takes more than a big truck to kill a tough old Scot like Don.' McLeod, for many years a chain smoker, gave up cigarettes after this accident. – 'very strong-willed', Bucknall commented.<sup>103</sup>

Part of Nomads' plan was to grow food, and at Punmu camp they had a horticulturist who was so successful growing *Leucaena* trees for cattle fodder that McLeod claimed 'he should be able to grow hairs on an egg'.<sup>104</sup> McLeod also 'prepared a report first of all to send to the World Council of Churches who made a visit... (he was) also sending a copy to Zimbabwe and Tanzania, Nigeria, and Ghana as well as to the Sec for African Unity'. By 1982, Strelley schools were operating in four communities: the homestead, Punmu<sup>105</sup> Warralong and Lalla Rookh. School teacher John Sherwood first met McLeod at Strelley<sup>106</sup> Sherwood reported:

I will never forget this fella in these long khaki shorts, squatting on a veranda with his back to us and he didn't get up or turn around or anything for a little while, with his right big toe on some pieces of paper and a little typewriter ... and those who know Don's writings would recognise it because the particular font on that typewriter was well known from Prime Minister down, all across Australia, and they had received big missives from him, diatribes and whatever.<sup>107</sup>

McLeod had another task, 'to establish a safe camp to take our drunks to ... and assist them to return to their own country'.<sup>108</sup> Alcohol was replacing the Department as the enemy.

## 7.2 The enemy mutates

Lawman Monty Hale described the Strelley leaders' attempts to control alcohol, how it was 'death for *marrngu*' and how the leaders formed a special force they called the 'Ten Men'. John Sherwood described the 'Ten Men' system and the 'Ten Men' truck.<sup>109</sup> John Bucknall further explained that 'In essence it was the group of men who were responsible for the 'policing' the community's values, and social behaviour'.<sup>110</sup> The Ten Men would collect the drinkers in town and bring them back on the truck to their 'drying out' camp, Spinifex. However, there was some tension as aspirations amongst the generations and language groups conflicted. As Monty Hale reflected, 'all the young people have abandoned us ... we've been rejected, they

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<sup>102</sup> McLeod to Ken Liberman, 5 May 1981, AIATSIS MS4642/3 Part 1.

<sup>103</sup> John Bucknall, pers. comm., 2015.

<sup>104</sup> McLeod to Ken Liberman, November 1982, AIATSIS MS4642/2 Part 2.

<sup>105</sup> Punmu was at that time known as Panaka.

<sup>106</sup> John Sherwood acted in John Bucknall's role as school principal when John and Gwen Bucknall took leave.

<sup>107</sup> John Sherwood, interview by Sue Davenport & Tony Mugg, National Library of Australia, 2007, OH 5494-0009.

<sup>108</sup> McLeod to Ken Liberman, 24 August 1981, AIATSIS MS4642/3 Part 1.

<sup>109</sup> John Sherwood, interview by Sue Davenport & Tony Mugg, 2007.

<sup>110</sup> John Bucknall, Eulogy for Crow Yourgala, who died on 2nd January 2013. Donated by John Bucknall.

don't respect us anymore.' This included not respecting McLeod. 'They don't like Ngarnkawaru's'<sup>111</sup> way, they want to get lots of money from the government.'<sup>112</sup> Differences in philosophy between the original strikers and their descendants, and increasing re-definition of language groups, led to another split in the community.

By 1982, Strelley schools were operating in four communities: the homestead, Punmu, Warralong and Lalla Rookh. The Strelley community included different language groups and those at Punmu were Manyjilyjarra speakers. In 1983 they separated from the Strelley group in an acrimonious split on September 13, 1983. John Sherwood observed that it was 'a defining moment in the history of Martu communities'.<sup>113</sup> They were not happy with McLeod and asserted that the authority the Lawmen gave him in 1942, no longer applied to them. 'We not happy, Don' was a common saying. McLeod suggested their group was whinging and rebellious – Sherwood found that to be 'appalling'.<sup>114</sup> On one occasion when McLeod was using rough language, Wilson recorded a leader in 1959 remarking that McLeod was 'red in the eye and speaking cheeky'.<sup>115</sup> On that occasion, the leaders applied their dispute resolution techniques. McLeod had to sit with head bowed and listen to their complaints until everyone was satisfied that they had been heard.<sup>116</sup> This time, for the leaders of the disaffected group there was no reconciliation with McLeod, or between the leaders. The *Manyjilyjarra* asserted 'we going to be independent mob'. They established their own legally incorporated, independent communities. For Monty Hale the split was similar to that in 1959:

We know that different governments have said that Mirta is wrong,' he wrote, 'but he has always stuck by us. We're going to say with him, he got the stations for us. Well, go if you must; we're going to stay here at Yurtingunya (Strelley Station). Mirta brought us all together and we're going to stick with his word.'<sup>117</sup>

Many relationships were hurt by the split and the processes that were used to progress or prevent it.<sup>118</sup> The 'Nomads Group' now referred to those at Strelley.

The Nomads in 1983 prepared a submission to the Federal Cabinet. It covered their history and their plans, and concluded 'through them the Commonwealth can show that there is a future for the Aborigines

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<sup>111</sup> 'Ngarnkawaru' in Nyangumarta meant 'The bearded one'. It was one of the people's names for McLeod.

<sup>112</sup> Monty Hale, *Kurlumarniny*, 203.

<sup>113</sup> John Sherwood, pers. comm., 2016.

<sup>114</sup> John Sherwood, interview by Sue Davenport & Tony Mugg, 2007.

<sup>115</sup> John Wilson, *Authority and leadership*, 1961, p. 261.

<sup>116</sup> Paul Roberts, pers. comm. 2015.

<sup>117</sup> Monty Hale, *Kurlumarniny*, 167.

<sup>118</sup> John Sherwood interview by Sue Davenport and Tony Mugg, 2007, OH 5494-0009.

without the need for alcohol'.<sup>119</sup> They also contributed to a 1984 Western Australian Aboriginal Land inquiry, headed by Mr Paul Seaman, QC. In McLeod's nine-page letter to Seaman he fulfilled the people's request that he outline their views.<sup>120</sup>

By 1984 McLeod's book was ready for publication.<sup>121</sup> The decision to not declare its publisher or date of publication was made to avoid any litigation. By 1987 the Nomads people had turned the book into a film with the same name, with many of the original strikers acting in it.<sup>122</sup> They also prepared a submission for government funding of their plan to rehabilitate their pastoral leases and develop another economic enterprise.<sup>123</sup>

McLeod continued to pursue the idea of challenging the State Government over its repeal of Section 70. He instructed his solicitor in April 1985 to ask Nicholas Hasluck, now working as a barrister, for a preliminary opinion about the possibility of success. Hasluck considered that the repeal was effective and that a legal challenge would incur unwarranted expenses. He did, however, note that the State 'has failed to honour an obligation initially undertaken' and that could be a point where Aboriginal people could claim assistance.<sup>124</sup> The Group's actions are outlined later in this chapter.

Plans to grow their own food drew upon McLeod's research into varieties of plants that could survive in the desert, well sinking, windmill erection and watering systems for their 300 fruit and nut trees. He observed that figs, grapes, citrus and passion fruit vines seemed to 'relish the situation.'<sup>125</sup> Something else was growing that was not directly generated by McLeod but that affected him. It was another community dispute. Western Australian Premier Peter Dowding requested a Social Impact Study (SIS) into issues surrounding the *Martu* people's return to their homeland in the Western Desert.<sup>126</sup> A 'Desert conference' was held May 1-5, 1989.<sup>127</sup> McLeod, on behalf of Nomads, had presented an oral submission in which he claimed his right to represent the *Martu* as Nomads 'alone could claim the authority to speak for the

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<sup>119</sup> Its main purpose was 'that the Nomads Group may be better understood, and the directives and wishes of their law carriers so clearly spelt out at the historical meeting at Skull Springs in 1942, may be presented. This is very necessary for these men were the philosophers of the Aboriginal Race and knew better than any white man what was best for their people. Today much of Government planning is influenced by people without the necessary experience, often by half-castes who do not truly represent the Aborigines but are merely propped up by bureaucrats. The damage that is being done by these people is enormous yet the Government continues to look towards them for guidance. For the sake of humanity, will not Cabinet listen to the pleas of the full blood Aboriginal and accept their elected representatives.' National Archives of Australia, *McLeod, Donald William - Series of letters; submission by The Nomads Group of Aborigines to the Federal Cabinet*, NAA: A4252, 49.

<sup>120</sup> McLeod to Seaman, 30 September 1983, Aboriginal Land Inquiry, AIATSIS MS1879/24.

<sup>121</sup> DW McLeod, *How The West Was Lost*.

<sup>122</sup> David Noakes & Heather Williams, *How The West Was Lost*, Ronin Films, Canberra, 1987.

<sup>123</sup> Nomads Group, Submission to Minister for Aboriginal Affairs and North West, to purchase, consolidate and rehabilitate pastoral leases, and develop a sheep export trade, 1987. McLeod prefaced the submission with the letter to Mr G Hand, the Minister, appealing to the Commonwealth 'to take positive action to assist the development of Aborigines', McLeod to Hand, 4 August 1987. Donated by Ray Butler.

<sup>124</sup> NP Hasluck, Bar Chambers, 28 July, 1985, Nomads Groups, Port Hedland, Preliminary Opinion. Donated by Hasluck.

<sup>125</sup> McLeod to Ken Liberman, 20 August 1985, AIATSIS MS4642/2, Part 1.

<sup>126</sup> Peter Newman et al, *Social Impact Study of Western Desert Rudall River Region*.

<sup>127</sup> An objective of the Social Impact Study was to explore issues related to mining, tourism, conservation and land management. John Sherwood was the anthropologist for the first half of the Conference.

Western Desert Aborigines'.<sup>128</sup>

This was now an era where the Aboriginal voice had a legitimacy not previously recognised, and Aboriginal organisations established for language groups rather than pan-Aboriginal associations were consulted during specific enquiries such as this SIS. McLeod, holding to the Lawmen's appointment of him, 'to do white fella business for the people,<sup>129</sup> was out of step with the contemporary political environment. At a special meeting the *Martu* told McLeod he no longer represented them, and that he could not conduct negotiations about land or other issues over which she had no authority.<sup>130</sup> Peter Newman, SIS Chairman, observed that one of the young men told McLeod 'Old Man, we want to thank you for what you've done for us, but this is the end, please go, we are now on our own and we can manage ourselves.' Newman described how the men

lined up with their spears, probably 100 people, it was a very scary sight to see them rattling their spears and hitting their shields and wooden sticks that were used for various purposes, it was quite noisy and they were shouting and singing, making the kind one would think noises of a battle, quite something for an urban person. It was a very moving moment and Don just turned around with his men, got back in his truck and went out in a cloud of dust.<sup>131</sup>

McLeod was 81 years old and entitled to retire at that point, but did not do so. According to Ray Butler, he knew that in traditional Law an individual accepted, without protest, decisions that went against them.<sup>132</sup> The rattling of spears was a traditional protocol, a performative event played out where spears 'spoke' or, as Ian McLeod described it, 'signified', and the 'theatre of spears' was governed by ritual.<sup>133</sup> McLeod's departure was a culturally-appropriate response and the two language groups continued interacting.<sup>134</sup>

## 7.4 Paradox

When McLeod was 82 years old, for some his image changed as a new assessment of him penetrated the public view.

The Port Hedland Town Councillors recognised his fifty years in the Pilbara, and signified a turn-around in his standing when they made him an Honorary Freeman of the Municipality in 1990.<sup>135</sup> The proposer of the motion cited an extract from the Furnell report to support his nomination.<sup>136</sup> He concluded his recommendation saying: 'He has never been recognised or received any award for his contribution to

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<sup>128</sup> Peter Newman et al., *Social Impact Study of the Western Desert Rudall River Region*, 1989, p. 72.

<sup>129</sup> John Sherwood interviewed by Sue Davenport and Tony Mugg, 2007.

<sup>130</sup> John Sherwood, pers. comm., 2016.

<sup>131</sup> Peter Newman, pers. comm., 2015.

<sup>132</sup> Ray Butler, pers. comm., 2016.

<sup>133</sup> Ian McLean, *Rattling Spears: A History of Indigenous Australian Art* (London: Reaktion Books, 2016), 40.

<sup>134</sup> Monty Hale, *Kurlumarniny*, 193.

<sup>135</sup> See Port Hedland Town Council Honour Board.

<sup>136</sup> LC Furnell, *Report of the Royal Commission upon all matters affecting the well being of persons of Aboriginal descent in Western Australia (with particular reference to their health, education, housing, social welfare, economic and group cultural needs) and to recommend such legislative, administrative, or other changes as are thought necessary*. 24 July 1974. (Perth: William C. Brown, Government Printer, 1974), 395-401

Aboriginal people, however I consider it will not be till after he had died that he will be recognised as one of the State's leading human rights activists'.<sup>137</sup> The certificate stated that the Minister for Local Government approved the appointment.

Towards the end of the citation are the words:

Donald William McLeod has raised the self-esteem of Aboriginal people and has subsequently impressed upon the West Australian community the uniqueness of the Aboriginal culture and the need for meaningful coexistence. ... In recognition of the contribution he has made to the progress of this State and as a lasting symbol of appreciation of the wise counsel he has given to the administration of it, Council and the Municipality of the Town of Port Hedland for ever binds him as an Honorary Freeman of the Municipality and is proud to record this testimonial of its respect and esteem.<sup>138</sup>

A photograph of the scroll, held in the Nomads' office in Perth, is reproduced below.



Figure 25: Scroll of Freeman Award, currently located in the office of the NCAEF (reproduced with their permission)

(Photograph by Joanna Sassoon, 2016)

Acknowledgement of his contribution to the local area was followed in 1991 by Commonwealth appreciation when he was awarded a Medal of the Order of Australia 'for service to the Aboriginal community'.<sup>139</sup> This must have pleased him for his letterhead then included OAM above his address, or if using plain paper, he signed D.W. McLeod OAM.

McLeod was now facing a health issue that limited his ability to work. In 1992, at age 84, his cancerous

<sup>137</sup> RL Thompson, assistant Town Clerk, memorandum to Mayor and Councillors, Town of Port Hedland, 25 October, 1989. Donated by Ray Butler.

<sup>138</sup> See photo of original kindly permitted by Ray Butler, 2016.

<sup>139</sup> *It's an Honour*, [www.itsanhonour.gov.au](http://www.itsanhonour.gov.au), accessed 13 May 2014.

eye was removed and he lost his driving license. Nevertheless, neither difficulty prevented him from pursuing his commission. A 1993 draft government report about Nomads provoked a twenty-nine-page response in language remarkably like McLeod's.<sup>140</sup> He was also physically energetic, conducting in 1995, an expedition from Perth 1556 kilometres north to the Oakover River in the Pilbara.<sup>141</sup> Bill Bunbury also noted his agility when interviewing him in 1995 for his ABC Hindsight program 'Black Eureka'. He recalled that McLeod's 'recollection was vivid.' His amused admiration 'for the way the blackfellows asserted themselves' speaks volumes, Bunbury asserted, for his mental sharpness. Moreover, 'he seemed physically active, loading a truck with stores – not', Bunbury added, 'a customary activity for a man his age'.<sup>142</sup>

By June 1996, McLeod was still suffering from ongoing problems with his eye. He typed a letter explaining 'This eye of mine refuses to heal up and there is nothing more they can do ... I can't go up into the field any more but I still keep trying.'<sup>143</sup> Although he continued canvassing ideas and developing plans, by September 1996 he was to have a seven-hour operation, which the hospital staff thought he would not survive. He told them 'don't be silly go ahead and do the job and if I don't come through they can use me to push up the daisies'.<sup>144</sup> The doctors thought despite removing his eye, the cancer may have returned.<sup>145</sup> Although he wrote 'I am/afraid [sic] I aren't the man I used to be' he needed half a million dollars for some new projects.<sup>146</sup>

In 1996 one idea he had held for fifty-five years at last was properly tested: the one percent case against the State. His argument that the State owed the Western Australian Aboriginal peoples the one percent of the State revenue, finally went to the High Court as *Judamia v WA*.<sup>147</sup>

Over McLeod's last ten years he became frailer, and the people started worrying about him. They checked his tracks in the sand to make sure that he was alright.<sup>148</sup> In his late eighties, he stayed more often in Perth. Until Elsie Lee died, he stayed in the Nomads room at her unit in Shenton Park. Both were single but they had a close, companionable, purely platonic relationship; they were great mates, as his friend and colleague Ray Butler phrased it.<sup>149</sup> Lee could listen to McLeod and was apparently the only person who could contradict him to his face and not be scorched. They would both listen to the BBC radio and then discuss the broadcast.<sup>150</sup> Lee also held the one principle that governed McLeod's life: absolute loyalty to the aspirations of the Lawmen to recover their autonomy. Lee's devotion to the strikers was such that in her

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<sup>140</sup> Nomads Charitable and Educational Foundation, *ATSIC in Wonderland, A Dissenting Report*, November 1993. Donated by Ray Butler.

<sup>141</sup> McLeod to Ken Liberman, 26 October 1995, AIATSIS MS 4642/1 Part 2.

<sup>142</sup> Bill Bunbury, pers. comm., 26 September 2016.

<sup>143</sup> McLeod to Ken Liberman, 4 June 1996, AIATSIS MS 4642/1 Part 1.

<sup>144</sup> McLeod to Ken Liberman, 20 September 1996, AIATSIS mMS4642/1 Part 2.

<sup>145</sup> McLeod to Ken Liberman, 8 October 1996, AIATSIS MS 4642/1 Part 2.

<sup>146</sup> McLeod to Ken Liberman, 24 October 1996, AIATSIS MS 4642/1 Part 1.

<sup>147</sup> The plaintiffs were Snowy Judamia, Crow Yougarla, Paddy Yarbarla, Billy Thomas and Leslie Ankie. After Judamia died the case became Yougarla v Western Australia in 2001, see special edition of *Studies in Western Australian History*, vol. 30, 2016.

<sup>148</sup> John Bucknall, pers. comm., 2014.

<sup>149</sup> Ray Butler, pers. comm., 2016.

<sup>150</sup> Gwen Bucknall, pers. comm., 2015.

Will she donated the proceeds of her unit to Nomads; this enabled Nomads to purchase their current office in Kalamunda, Perth, known as 'Elsie House'.<sup>151</sup>

After Elsie Lee died, McLeod slept in his swag on the floor of the NCAEF office, his 'home' – irascible as ever – and had Meals on Wheels delivered.<sup>152</sup> NCAEF staff could type his letters for him. In 1998 he typed a letter to me when he heard that my arm had been amputated in an accident:

If there is anything I can do for you or anything I can get for you, you will let me know promptly.  
We will make a good pair me with a hole in my head where I used to have an eye and you with one  
arm where you used to have two.<sup>153</sup>

With the bushman's laconic sense of humour, he later added "I always was one eyed so I might as well be."

In April 1999, McLeod was in hospital with pneumonia. Some religious ministers came to his ward to, he believed, convert him; not a willing recipient of their ministrations, he discharged himself from hospital and went home.<sup>154</sup> Monty Hale remembered that 'Ngarnkawaru McLeod kept talking as he grew old, until he became an old man'.<sup>155</sup> On May 13, 1999, aged ninety, he stopped talking.

McLeod had donated most of his pension to the Strelley Pastoral company, and given 'everything he had to the people'.<sup>156</sup> He died a pauper.

## Reflection

In this chapter I complete my biographer's task to better understand Don McLeod and interpret his life. In chapter eight I draw together my findings about this man.

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<sup>151</sup> Ray Butler, pers. comm., 2015.

<sup>152</sup> John Bucknall, pers. comm., 2014.

<sup>153</sup> McLeod to Jan Richardson, 18 December 1998, in author's possession.

<sup>154</sup> Ray Butler pers. comm., 2015.

<sup>155</sup> Monty Hale, *ibid*, 2012, p. 201.

<sup>156</sup> Ray Butler, Executor of McLeod's Estate, pers. comm., 2015.

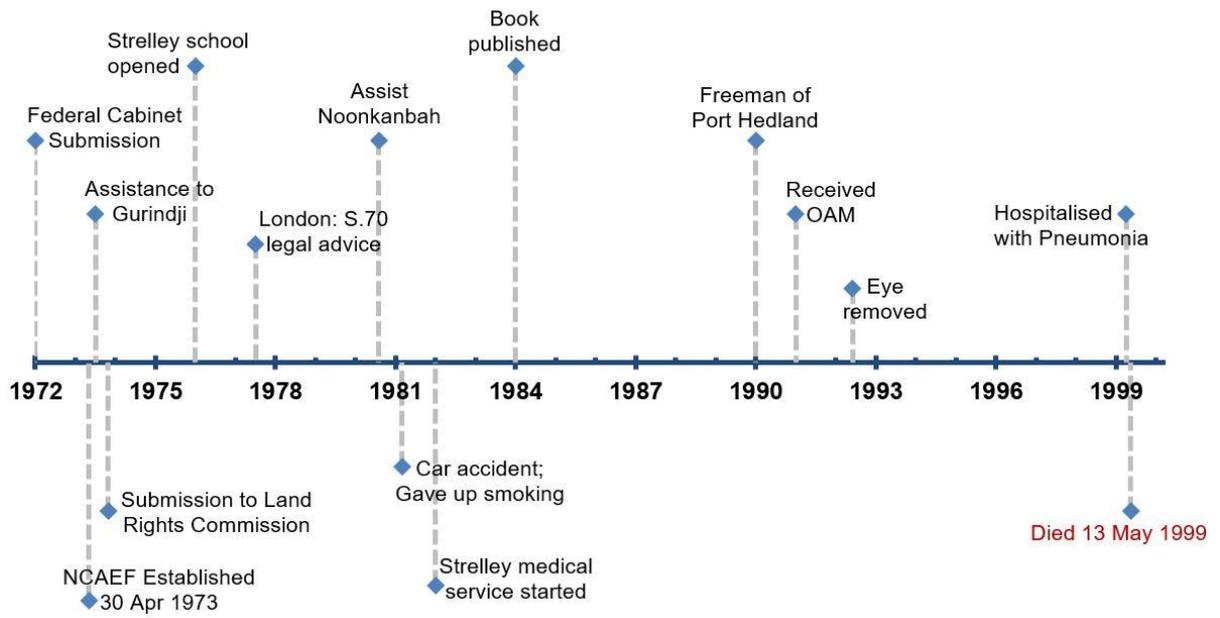


Figure 26: Timeline, 1972-1999

## Chapter Eight: Conclusion

### McLeod's Law<sup>1</sup>

Don McLeod crossed the cultural boundaries of his society and campaigned for change to benefit Aboriginal people. Key historians such as Bain Attwood, Richard Broome, Ann Curthoys, Anna Haebich, Paul Hasluck, Mary Ann Jebb, Jane Lydon, Mark McKenna, Andrew Markus, Charles Rowley and Sue Taffe have paid attention to selected aspects of his work. Their scholarship has recently been added to by Sarah Holcombe, Anne Scrimgeour, Fiona Skyring, Pamela Smith, Deborah Wilson, and lawyers Steven Churches and Peter Johnston. McLeod emerges from these investigations as an enigmatic man and few people understood his intentions. However, there is little doubt that he played an important role in the Pilbara Aboriginal peoples' repudiation of their imposed dependency. His close identification with them is confusing and whether ideas and plans were his or theirs is contested. This study of his whole life paints a clear picture of McLeod and shows that rather than being a leader of the Aboriginal people's movement, he worked for them. Furthermore, he operated out of a consistent philosophy that drove his life's work.

This is the first study placing McLeod's actions in the context of his life. I have identified the reasons and purpose that led him to act in the way he did. I have argued that without a fuller appreciation of his life story, only partial insight into why he was such a controversial figure can be obtained.

The problems I faced in this research were not so much in interpreting the data but in collecting it. I encountered, as have others, the difficulty of discovering dates of his actions and the consequent sequence of events. Adding to the paucity of verifiable dates is the problem of sources. McLeod was a prolific letter-writer, leaving a trail that I could follow, but substantiating his claims was a challenge.

To begin the research, I returned to the events for which he is best known and posed four questions:

- 1: What did McLeod find out about the origins of the Aboriginal labourers' problems?
- 2: Did his membership of the Communist Party of Australia affect his work?
- 3: Was he the instigator of the 1946 strike?
- 4: How and why were the Aboriginal-owned companies and cooperatives established?

I concluded the following:

1. McLeod's research uncovered the processes behind the adoption of the Western Australian Constitution 1905 and identified these as the origins of the Aboriginal labourers' problems. He presented the problem as 'Section 70', or 'the one per cent', see Chapter Two.
2. There is no doubt that his membership of the Communist Party of Australia significantly

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<sup>1</sup> Tony Swain, *A Place for Strangers*, 1993, 243.

affected his work. While initially it provided him with support and intellectual companionship, it became a problem when it brought him to the attention of Australia's security services as a possible subversive, see Chapter Three onwards.

3. I demonstrate that, using Freire's terminology, it is unlikely that the 'oppressed' would willingly choose a member of the 'oppressors' group to dominate them. I make the case that McLeod was not the instigator of the 1946 strike. Although he is commonly identified as the leader I contend that it was the Aboriginal Lawmen who decided on this course of action and, through their tribal network, did the organising, see Chapter Four.
4. McLeod established Aboriginal-owned companies and cooperatives as a means of procuring their civil rights and the economic progress of the Aboriginal workers. The two types of entities differed, not in intention, but in their legal status. He chose whichever form most suited his purpose, and could best deal with the difficulty that the beneficiaries were illiterate. His purpose was to use the capitalist system as a means for illiterate tribal adults to gain freedom to control their own lives, and bypass legislation specific to 'natives', see Chapter Five onwards.

To build a life story of McLeod in which these episodes had a place, I adopted the research method of biography. Biography theory, discussed in the Introduction, suggests that while a person's memories of their childhood may not be factually accurate they are the truth for that person. McLeod believed he had a tough childhood and, according to his accounts as shown in Chapter One, his assertion seems accurate. He was not, however, emotionally hardened by this and helping one Aboriginal person and the consequent attention the blackfellows showed to him, opened his eyes to their humanity. His early childhood forged in him defiance, endurance and strength and these characteristics were reinforced in his young adulthood as a prospector, miner and general bush worker of the Northwest. The unique and transformative experience of his induction into the Aborigine's worldview stayed with him for life. I contend that understanding this aspect of his belief system is critical when examining how he lived, what he did and why.

The nature and the length of time of McLeod's membership of the Communist Party of Australia remains unresolved but I pointed to three interpretations of his active interest: the first, which was secret membership, the second which was formal membership and the third which was one where he retained an association with Party members. Documentary evidence for secret membership exists in McLeod's letter to Unionist, Ernie Thornton of the Federated Ironworkers Association, declaring that he was an 'undisclosed' member of the Party in 1944.<sup>2</sup> Testamentary evidence regarding formal membership confirms that he was a 'paid-up' member from 1945 to 1947.<sup>3</sup> After his presumed resignation or withdrawal from membership of the Party after 1947, McLeod is known to have continued to attend meetings and worked with his

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<sup>2</sup> McLeod to Thornton, 14 July 1944, Noel Butlin Archives, E170/9/75.

<sup>3</sup> See National Archives of Australia, *McLeod, Donald William – volume 2*, NAA A6119, 3306, in Chapter Six

associates for many years as an 'informal' member. Entries in his ASIO file confirm this.<sup>4</sup> While the question of the status of his membership remains one of great interest to historians, the dates and precise type of membership cannot now be verified.

The fact that McLeod did not marry is relevant to his life story. He did not have a supportive companion, and his perspective was mediated through males. Where appropriate, I have discussed his reasons for staying single. He attributed his decision to his need to be unencumbered so that he could carry out the Lawmen's appointment of him as their representative in the Western sphere. Once he had accepted this assignment, he was totally committed. I have explained this as not so much an intellectual choice but an epiphany, see Chapter Three. I claim he had, in Whitehead's terms, an unusual mind. No matter how severe the opposition or overwhelming the difficulties, he retained the strength developed in his childhood, and nothing could undermine his promise to the Lawmen. Even being vilified and subject to intense official scrutiny did not move him and he continued to analyse his own society from a perspective quite different from that of most of the population.

The biographical method was necessary and effective in completing this study, which has added a new dimension to what is known about McLeod. I present not only the already available information but add considerable new material and interpretations to support the argument that he was a powerful agent for social and political change in Western Australia to benefit Aboriginal people. The micro-historical research allowed me to go beyond the original four questions and I assert that his relentless campaigning influenced interstate and international organisations.

Like other great reformers, in his response to a situation he saw as unjust and wrong he did not compromise his principles and was willing to endure humiliation and a lifetime of hardship. These characteristics became less useful to his cause when the war of ideas had been won, and the strikers were no longer categorised as 'natives' or controlled by government legislation. During the latter part of his life many of the major issues that he campaigned against had been extinguished, such as the *Native Administration Act 1905*. Attitudinal changes to Aboriginal people that began to influence State and Commonwealth governments post-1967 Referendum, and the 1972 Whitlam government, had a direct bearing on his roles. His responsibility as the Lawmen's representative was invalidated when governments were required to talk directly with Aboriginal communities. The economic incentive for Nomads to earn their own income also changed as government funds for Aboriginal enterprises and the purchase of land became available. In the new world, he could be officially excluded from Aboriginal people's decision-making because of his race. The Lawmen who had worked and suffered to win the war of ideas were being replaced by a younger generation whose world included other perils, ones that made the old people alienated and also, but to a lesser degree, irrelevant. It included money, cars and alcohol. McLeod, ever a protagonist for the Lawmen, did not change. Over the last twenty years of his life, about which little has

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<sup>4</sup> McLeod has five ASIO files that are open to the public: NAA A6119, 3306; NAA A6119, 1533; NAA 6126, 1188; NAA 6335, 17; D1918, S3008.

been previously written, I demonstrate that he continued to operate in the same way as in his previous thirty years. He sustained high energy levels until forced to slow down when the cancer in his eye required hospitalisation and an operation to remove the eye.

This research brings new insights into the private man behind the public activist. In this biographical study, McLeod has been shown to be a man whose single-minded purpose in life became to change his own society and bring conditions of greater justice and independence to Aboriginal people. I conclude that McLeod had one characteristic that above all else defined him. No matter how trenchant the opposition or overwhelming the difficulties, nothing could break him. Although once the most hated man in Western Australia, he was indifferent. He was an exemplar of one for whom an extraordinary toughness and a compelling compassionate drive were a powerful combination.

I have argued that McLeod was an empathy-induced altruist who, for much of his life, was rejected by his own society. Some honours bestowed on him at the end of his life belie the persecution he endured beforehand. He would have enjoyed the irony that after his death the Mayor of Port Hedland, Port Hedland Council Councillors, Chief Executive officer and staff lodged a notice in the *North-West Telegraph* of May 5, 1999. It declared that McLeod was ‘a very much loved member of the community, who will be very sadly missed’. He might also relish the knowledge that in 2010 a street in Canberra was named after him, ‘Don McLeod Lane’.<sup>5</sup> Perhaps he would have been more satisfied to know that in 2001, the Nomad’s case to recover the benefits that would have accrued to them had not Section 70 been repealed, went to the High Court, although they did not win.<sup>6</sup> It was the culmination of his work to bring to public debate the fundamental reason for the injustice that he confronted in 1937. In 2004 and 2006, three folksingers recorded Dorothy Hewett’s ballad ‘Clancy, Dooley and Don McLeod’, which Roy Bailey put to song.<sup>7</sup> They bring to a wider public, that of folk-singers and activists, his memory.

This study is far from a comprehensive account of McLeod’s life and the issues with which he dealt. Further research could expand what is known of him and, in particular, several of his most innovative ideas:

- His founding of companies and cooperatives is recognised. How he established them as a tool for political independence is less understood, and the distinction between the two types of organisations is used loosely.
- In an era before Native Title and land rights, he was manipulating the Western legal system to obtain the land that the Lawmen instructed him to acquire. How he managed to do this is not fully analysed.
- He appreciated the Lawmen’s demand for independence and assisted them to set up and

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<sup>5</sup> Public Place Names (Bonner) Determination 2010 (No 3), Australian Capital Territory.

<sup>6</sup> *Yourgarla v Western Australia*, 2001 207 CLR 344.

<sup>7</sup> Roy Bailey with Martin Simpson and John Kirkpatrick, *Sit Down and Sing*, CD, (Fuse Records, Sheffield, 2005); Chris Kempster, *The Songs of Chris Kempster*, CD, (Folk Federation of NSW, 2006); Shane Howard, *Goanna Dreaming*, CD, (Goanna Arts, 2010).

manage schooling and medical systems in their desert communities. These systems are yet to be recorded in detail.

Historians, political scientists, humanitarians and Aboriginal people could benefit from research into these aspects of McLeod's work. They could assess their applicability to Aboriginal communities in remote areas of Australia today, or, indeed, to any group of people struggling to gain their dignity and freedom from oppression.

## A Personal Reflection

From the time my husband, Stan Davey, and I worked with Don McLeod and the strikers, I have felt compelled to record his story. Our later experiences working with traditionally-oriented Aboriginal communities in remote areas, influenced by McLeod, confirmed my belief that his philosophy should be examined for others to consider. It has turned into a task much greater than I anticipated.

Studying ninety years of McLeod's life has been a difficult journey for me. When I began, I naïvely believed it would be a triumphant journey. I knew he was one-eyed, but not that the opposition to him and the strikers would have so many tragic consequences and cause him to suffer personally. It has been emotionally draining to explore in detail some of his many plans, to feel his optimism and then the failures, to watch him being battered and bruised but get up and keep going. I felt his 'stingers' even though they were not directed at me.

I have spent more than three years critically analysing evidence about this man, whose work Tony Swain saw as the beginning of equality between Aboriginal and White people, a concept that entered the ritual life of the Lawmen.<sup>8</sup> Swain's concept was further interpreted by Stephen Muecke as 'McLeod's law'. the law of the fair go, of the historical, future-oriented promise of equality and moral rights'.<sup>9</sup> 'McLeod's Law' is an idea that has power; it transcends the Northwest and historical sites of political struggle and brings the meaning of his life into the present. Old Pit Pit showed how it worked: 'we was looking for bloke and we find this bloke, Don McLeod'.<sup>10</sup> They found their man, McLeod found the purpose that would drive him for the rest of his life, and I have become more aware that a person with a strong conviction and great fortitude can exert power beyond their own small life.

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<sup>8</sup> Tony Swain, *A Place for Strangers*, 244-245.

<sup>9</sup> Stephen Muecke, *Ancient and Modern: Time, Culture and Indigenous Philosophy*, (Sydney: University of New South Wales Press, 2004), 131.

<sup>10</sup> Pit Pit in *The Strelley mob: all people education*, Edith Cowan University, digitised 2016 from the West Australian College film 21 February 1984.



## Appendix A

### Section 70

Section 70: The Constitution Act 1889, Royal Assent proclaimed 21st October 1890. Section 70: THERE shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund the sum of Five thousand pounds mentioned in Schedule C. to this Act to be appropriated to the welfare of the Aboriginal Natives, and expended in providing them with food and clothing when they would otherwise be destitute, in promoting the education of Aboriginal children (including half-castes), and in assisting generally to promote the preservation and well-being of the Aborigines. The said annual sum shall be issued to the Aborigines Protection Board by the Treasurer on warrants under the hand of the Governor, and may be expended by the said Board at their discretion, under the sole control of the Governor, anything in 'The Aborigines Protection Act, 1886,' to the contrary notwithstanding. Provided always, that if and when the gross revenue of the Colony shall exceed Five hundred thousand pounds in any financial year, an amount equal to one per centum on such gross revenue shall, for the purposes of this section, be substituted for the said sum of Five thousand pounds in and for the financial year next ensuing. If in any year the whole of the said annual sum shall not be expended, the unexpended balance thereof shall be retained by the said Board, and expended in the manner and for the purposes aforesaid in any subsequent year.

## Appendix B

McLeod's Proclamation adopted at Noonkanbah station on 10 August 1980.

### PROCLAMATION

Before the coming of the white man, there was a law for all men and all time. This Law guaranteed the undisputed tenure of the land from generation to generation. The collective rights, titles and interests of the people were protected by this Law. The people lived in a state of virtue and democracy under the Law, without recourse to kings, princes or police.

It is to be known that this Law of the Land continues to guide us up to the present time. Next to the food we eat, it is the thing which keeps us alive and which we cherish most.

It is to be known that, in spite of our misery, the Land and its Law provide hope for us.

The white man has never understood our Law nor taken it seriously. When in 1889 limited sovereign powers were transferred to the State of Western Australia, this transference of power was subject to conditions pertaining to the maintenance of our welfare. These conditions were that a sum amounting to one per cent of the annual 1889 revenue of the State of Western Australia be placed in a fund beyond the reach of Parliament.

This fund was for our welfare, namely to educate us in order to bring us quickly to equality with the European; to feed and clothe us when we might otherwise be destitute; to promote our general well-being and preservation. This fund was to be expended by a Protector of Natives responsible to the Governor, provision for which was also made within the Constitution of 1889.

Thus were legally defined the duties of the State of Western Australia towards ourselves. Yet we, the Beneficial Owners, were given no opportunity to influence the spending of this fund nor to select our own trustee, for almost immediately the State attempted to delete certain sections of the Constitution in breach of its original agreement. This attempt failed to gain the Queen's consent. Thus it was that what has been called the Native Question was born, the same persisting to the present.

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In order that justice be done, we look to the Federal Government  
or an appropriate impartial authority, to make objective judgement  
in this matter. We look forward to receiving not only the residue  
of our Estate but also adequate compensation for damages suffered  
through the negligence of successive governments, it being apparent  
that the agreement of 1889 was entered into in bad faith.

PROCLAIMED at Noonkanbah in the State of Western Australia on the

13<sup>th</sup> day of August 1980, by

DONALD WILLIAM McLEOD, duly elected representative and spokesman  
for the Beneficial Owners of the Land.

Signed \_\_\_\_\_

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