(The) 1967 (Referendum) and All That:

Narrative and Myth, Aborigines and Australia*

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This article seeks to explain why the 1967 referendum with reference to Aborigines was and is regarded as important. We contend that its significance did not so much lie in the constitutional changes as in the narrative deployed by its sponsors, who attributed to the referendum a rich symbolic meaning, especially that of citizenship. We further argue that it has been mythologised recently for similar political purposes, and suggest such strategies reflect the relative weakness of Aborigines in the Australian polity.

FOR MORE THAN A DECADE now, enormous significance has been attributed to the 1967 referendum regarding Aborigines, and, in the process, the actual constitutional changes it entailed have, for better or worse, been increasingly submerged. We are by no means the first to notice this. In 1989, for example, political scientist Scott Bennett noted that there was 'marked inaccuracy in comments about the referendum', which included 'a remarkable inability among writers to cite the correct figure'.[1] Since then, a myth about the referendum has been more widely articulated and has acquired even greater authority. It is now commonplace for journalists to characterise the referendum as either a harbinger or sign of portentous change (which is probably based upon an assumption that a vote as high as 90.77 per cent must amount to an important outcome), and to misrepresent it in one or more of the following ways:[2] the referendum granted Aborigines full civil rights or

* Some of the discussion in this article also appears in a chapter we wrote for a recently published book, Nicolas Peterson and Will Sanders (eds), *Citizenship and Indigenous Australians: Changing Conceptions and Possibilities*, Cambridge University Press, Cambridge, 1998, pp. 118–40. The argument has been significantly modified as a result of our ongoing consideration of the subject and the thoughtful and incisive critiques of our work by Esther Faye, Tom Griffiths and Julie Tisdale. We also wish to acknowledge the helpful criticisms of the two anonymous *Australian Historical Studies* readers.

[1] Scott Bennett, *Aborigines and Political Power*, Allen & Unwin, Sydney, 1989, p. 64; Scott Bennett, 'The 1967 Referendum', *Australian Aboriginal Studies*, no. 2, 1985, p. 31, endnote 3.

[2] Mike Secombe, 'Aboriginal Advances Threatened: Perkins', *Australian*, 27 May 1987; Robert Haupt, 'White Nightmare After a 20-Year Dreamtime', *Sydney Morning Herald*, 26 May 1987; P.P. McGuinness, 'Turn Back the Pages of History', *Australian*, 27 May 1992; *Sydney Morning Herald* (editorial), 27 May 1992; John Lahey, 'Memories of an Aboriginal Victory', *Age*, 27 May 1992; Gary Hughes, 'Blacks Assess 25 Years of Basic Rights', '25 Down', *Australian*, 27 May 1992; Paul Heinrichs, 'Stolen Lives', *Age Saturday Extra*, 2 December 1995; Tim Colebatch, 'The Hemline that Shocked the Nation', *Age*, 1 January 1996; Jamie Walker, 'Black Australia's Game Plan', *Australian*, 6–7 January 1996; Tim Bowden, 'The Man from Mer', *Australian*, 12–13 October 1996; *Australian* (editorial), 26–27 October 1996; Bill Bunbury, 'Unfinished Business, Part V', *Hindsight*, ABC Radio

citizenship, and so equality under the law, or, more specifically, gave Aborigines the vote; it ended discriminatory state laws; it removed control over Aboriginal affairs from the states and bestowed this upon the Commonwealth; and it recognised *aboriginal* rights for Aborigines in their own country.[3]

Politicians and Aboriginal activists, past and present, while somewhat better informed, are also uncertain about the constitutional alterations it approved. For example, in 1983, the federal Minister for Aboriginal Affairs, Clyde Holding, confidently told parliament that 'the States' legislative powers in this area [had] passed to the Commonwealth sixteen years ago'.[4] For their part, many black activists see the referendum as a seminal event from which a variety of rights flowed. For instance, Bobbi Sykes has claimed that 'prior to [the] 1967 [referendum] the indigenous people of Australia were formally excluded from "citizenship" '.[5]

More generally, it seems that many Australians know of the referendum, yet are quite unfamiliar with its terms. Most believe that it resulted in Aborigines getting citizenship rights, including the vote; indeed, a few are so sure of this that they correct professional historians on the matter.[6] More importantly, perhaps, Aborigines speak of the referendum in a similar way; for example, it seems that most have 'come to believe that their right to vote dates from 1967' and are 'surprised to learn that they ever had a right to vote before'.[7]

National, 3 November 1996; James Button, 'A Land that Time Forgot', *Age*, 5 April 1997; Tony Stephens, 'Dynamic Duo Turned the Tide on Justice', *Sydney Morning Herald*, 12 April 1997.

[3] Such is the power of this myth that, tellingly, academic studies that have sought to correct such misapprehension, on the one hand, and accurate reportage by a handful of journalists, on the other, have had little effect. Since the publication of Bain Attwood and Andrew Markus (in collaboration with Dale Edwards and Kath Schilling), *The 1967 Referendum, Or When Aborigines Didn't Get the Vote*, Aboriginal Studies Press, Canberra, 1997, and the Aboriginal Reconciliation Council Convention in May 1997, celebrating the thirtieth anniversary of the referendum, a number of reputable journalists have reiterated the myth in some form (see, for example, Nicolas Rothwell, 'Plenty to be Ashamed of', *Australian*, 30–31 August 1997; Gay Alcorn and Mark Baker, 'A Divided Nation', *Age*, 21 March 1998; Martin Flanagan, 'Howard's Vision on Race Fails All of Us', *Age*, 10 April 1998), as has the Race Discrimination Commissioner, Zita Antonios (cited in Miriam Cosic, 'The Equaliser', *Australian Magazine*, 24–25 January 1998). Yet, one of the authors of this article has himself recently found that the myth is a strategically useful narrative (see Bain Attwood, 'Documents Show PM Wrong over Native Title', *Age*, 7 January 1998).

[4] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 134, 8 December 1983, p. 3,493 (see also Clyde Holding, *A Renewed Commitment: The 20th Anniversary of the 1967 Referendum*, AGPS, Canberra, 1987). A decade earlier, Peter Howson, Minister for Environment, Aborigines and the Arts in the McMahon ministry, was unsure as to whether the Commonwealth had 'acquired the power to deal with land for Aborigines in the States'. Don Aitken (ed.), *The Life of Politics: The Howson Diaries*, Viking, Melbourne, 1984, p. 911.

[5] Roberta B. Sykes, *Black Majority*, Hudson, Melbourne, 1989, pp. 1, 7, 9, 19. See also: Shirley Smith and Bobbi Sykes, *Mum Shirl: An Autobiography*, Heinemann, Melbourne, 1981, p. 72; Gary Foley, 'The 1967 Referendum to ATSIC: A Koori Perspective', seminar, The Australian Centre, University of Melbourne, 30 July 1991; Joe McGinness, *Son of Alyandabu: My Fight for Aboriginal Rights*, University of Queensland Press, Brisbane, 1991, p. 82; Patrick Dodson and Roberta Sykes, cited in *Sydney Morning Herald*, 15 April 1996.

[6] See, for example, *Age* (letters to the editor), 20 September 1990, and the response by J.B. Hirst, 25 September 1990.

[7] See, for example, *Australian*, 10–11 February 1996, and Pat Stretton and Christine Finnimore, 'Black Fellow Citizens: Aborigines and the Commonwealth Franchise', *Australian Historical Studies*, vol. 25, no. 101, October 1993, pp. 521, 534.

More remarkably, the writings of highly respected novelists and reputable historians and anthropologists in the field of Aboriginal Studies suggest that they are also mistaken about the constitutional amendments that the referendum approved or that they misunderstand the changes that can reasonably be said to have resulted from these. Tim Winton's *Cloudstreet*, joint winner of the National Book Council's Banjo Award for Fiction in 1991, perpetuates the myth of the referendum by imagining this exchange in 1963: 'The bugger laughed when I asked him how he voted. He didn't vote, said Rose, matter of fact. What? Blacks haven't got the vote, she said';[8] and a recent history of Australia that rightly prides itself on its attention to race matters has asserted that Aborigines were 'excluded from ... voting for [*sic*] federal elections until 1968'.[9]

It is not our task in this article to challenge these misunderstandings about the constitutional significance of the 1967 referendum, for this has already been ably done by other writers.[10] Rather, our purpose is threefold: to examine why a myth of the 1967 referendum has developed over the last decade, and what purposes this serves; to show that the referendum was the subject of a rich chain of symbolic narratives at the time; and to argue that this narrative accrual was vital to the referendum's historical import—without this process of signification, we will contend, the constitutional changes determined by the referendum would have been relatively unimportant.

I

The 1967 referendum proposed alterations to two provisions of the 1901 Australian Constitution. Section 51 (xxvi), which reads, '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: The people of any race, *other than the aboriginal race in any State*, for whom it is deemed necessary to make special laws', was to be amended by deleting the words italicised; and section

[8] Tim Winton, *Cloudstreet*, McPhee Gribble, Melbourne, 1992, p. 411; see also pp. 405, 406.

[9] Pat Grimshaw, Marilyn Lake, Ann McGrath, and Marian Quartly, *Creating a Nation*, McPhee Gribble/Penguin, Melbourne, 1994, p. 279. In various ways, other scholars, we would argue, add to the confusion about the constitutional significance of the referendum. See: Richard Broome, *Aboriginal Australians: Black Response to White Dominance 1788–1980*, Allen & Unwin, Sydney, 1982, p. 178; Stuart Macintyre, *Winners and Losers: The Pursuit of Social Justice in Australian History*, Allen & Unwin, Sydney, 1985, p. xxi, *cf.* pp. 130, 134; Barry Morris, *Domesticating Resistance: The Dhan-Gadi Aborigines and the Australian State*, Berg, Oxford, 1989, pp. 157, 175, 185, 193, 204, 211; Fay Gale, 'Aboriginal Australia: Survival by Separation', in Michael Chisholm and David M. Smith (eds), *Shared Space: Divided Space*, Unwin Hyman, London, 1990, pp. 222–3; and Heather Goodall, 'New South Wales', in Ann McGrath (ed.), *Contested Ground: Australian Aborigines under the British Crown*, Allen & Unwin, Sydney, 1995, p. 108.

[10] See, for example, Bennett, 'The 1967 Referendum', *passim*. Most recently, John Chesterman and Brian Galligan have shown conclusively how Aborigines were excluded from Australian citizenship as a result of legislative and administrative action rather than by the Constitution: see *Citizens Without Rights: Aborigines and Australian Citizenship*, Cambridge University Press, Cambridge, 1997, chap. 3; see also Attwood and Markus, *op. cit.*, 'Introduction' and chap. 2.

127, which reads, 'In reckoning the numbers of the people of the Commonwealth, or of a state or other part of the Commonwealth, aboriginal natives shall not be counted', was to be repealed.[11] In the referendum, these two constitutional changes were presented to the voters in the form of this innocuous proposal:

> Do you approve the proposed law for the alteration of the Constitution entitled—"An Act to alter the Constitution so as to omit certain words relating to the People of the Aboriginal Race in any State and so that Aboriginals are to be counted in reckoning the Population"?[12]

Cast in these terms, the changes seem, as Bennett has noted, 'humdrum in the extreme' and 'merely mechanical' in nature;[13] this is in stark contrast to the way they have been represented in the myth of recent years. Considered in this light, the historical significance claimed for the referendum is baffling. We will suggest that the clue to the puzzle lies less in the textual changes to the Constitution proposed by the referendum, as so many commentators have stated, assumed or implied—since these were in themselves, we will argue, either ambiguous as in the case of section 51 (xxvi) or unimportant (section 127)—and much more in the other narrative texts—the *con*text—which transformed the constitutional changes into 'the Referendum'. In order to elucidate why the referendum became so significant, it is necessary to focus, then, on the various contemporary interpretations of the constitutional amendments, beginning with the attitude of the federal Liberal–Country Party government.

In November 1965, several months after the 'Freedom Ride' in country New South Wales had exposed racial discrimination in a way no previous protest in Australia had done,[14] the Menzies government introduced a bill to provide for a referendum to repeal section 127. The prime minister explained to parliament: 'The matter can be simply put by saying that section 127 is completely out of harmony with our national attitudes and with the elevation of the Aborigines into the ranks of citizenship which we all wish to see'.[15] Cabinet minutes reveal that pragmatic factors weighed more heavily in the government's decision to introduce a reform that had been demanded by humanitarian organisations since 1910 and by the Federal Council for the Advancement of Aborigines (later FCAATSI, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders) and other pressure groups since the late 1950s. It had also been considered more than once by government, and recommended by a Commonwealth Parliamentary Joint Committee in 1959.[16] Attorney-General Billy Snedden

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[11] For a discussion of the reasons for or the causes of these clauses, see Attwood and Markus, *op. cit.*, 'Introduction', and references.

[12] Commonwealth of Australia, *Referendums to be Held on Saturday, 27th May 1967*, AGPS, Canberra, 1967, p. 16.

[13] Bennett, *Aborigines and Political Power*, p. 64; Bennett, 'The 1967 Referendum', p. 11.

[14] C.D. Rowley, *Outcasts in White Australia*, Penguin, Melbourne, 1972, p. 388; Charles Perkins, *A Bastard Like Me*, Ure Smith, Sydney, 1975, pp. 74, 85–6; Peter Read, *Charles Perkins: A Biography*, Viking, Melbourne, 1990, pp. 108–9, 111–13, 117.

[15] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 48, 11 November 1965, p. 2,639.

[16] See Attwood and Markus, *op. cit.*, chaps 1 and 3.

argued that 'the inclusion of this proposal would ... tend to create a favourable atmosphere for the launching of the proposal regarding section 24' (dealing with the number of senators relative to the number of members of the House of Representatives, and known as the nexus issue). He was also of the opinion that 'it would ... be politically inexpedient, in the present climate of public opinion, to put any proposals for Constitutional amendments to a referendum without including in these proposals the repeal of section 127'. The Menzies government undoubtedly had international as well as national opinion in mind; Snedden believed that, since section 127 'savours of racial discrimination ... Its repeal could remove a possible source of misconstruction in the international field'.[17]

It is also noteworthy that cabinet rejected Snedden's recommendations in February and August 1965 to amend section 51 (xxvi), just as the government had failed to support an opposition bill the previous year to enable this as well as the repeal of section 127.[18] Snedden believed that the Commonwealth should play a greater role in formulating policy but did not advocate that it assume an administrative function, reminding cabinet of the opinion long held by the states' Aboriginal authorities that, 'in view of the widely varying conditions in different States ... it would not be in the best interests of the Aboriginal people to have uniform Commonwealth legislation or uniform administration'. He further pointed out that, were this constitutional change to be approved, 'it would not follow that [the Commonwealth] would exercise its powers and so long as the state—and Territory—laws were operating satisfactorily, the Commonwealth parliament need not intervene', and so 'the status quo would remain'. Snedden's main interest in amending section 51 (xxvi) actually lay in a perception that the government needed to consider public opinion. 'We must have regard to the electors' views of the matter', he told his cabinet colleagues; 'failure to include a proposal [to amend this section] might well prejudice the success of a referendum that sought the repeal of section 127'.[19]

In rejecting Snedden's advice and the demands for the amendment of section 51 (xxvi), Menzies revealed that an important consideration was the government's unswerving allegiance to the programme of assimilation, rather than any commitment to a major change in Aboriginal policy. Characterising 'a separate body of ... laws relating exclusively to Aborigines' as discriminatory and likely to 'have most undesirable results', Menzies was emphatic that the aim of his government should be 'the integration of the Aboriginal in the general community'.[20] The following month, the Minister for Territories, Charles Barnes, reaffirmed 'the objective of assimilation', emphasising the commonly held belief that

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[17] See cabinet minutes, 22 February and 11 May 1965, CRS A5827, items 660 and 741, Australian Archives, Canberra (hereafter AA); *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 49, 23 November and 10 December 1965, pp. 3,071, 3,951–2.

[18] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 42, 14 May 1964, pp. 1,902–18.

[19] Cabinet minutes, 22 February and 23 August 1965, CRS A5287, items 660 and 1009, AA.

[20] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 48, 11 November 1965, pp. 2,639, 2,640. It should be noted that these sentiments were expressed on both sides of the

Aborigines could not 'retain fully their own racial separateness' if they were also to attain 'full membership of the Australian community', since these were 'objectives that are mutually incompatible'; 'Aborigines', he stressed, 'must themselves choose to become part of the general Australian community'.[21]

Although parliament passed the Constitution Alteration (Repeal of Section 127) Bill in March 1966, the government decided to defer the referendum, probably because Menzies' successor as prime minister, the more progressive Harold Holt (who, on coming to office, overhauled Australia's racially discriminatory 'White Australia' policy and signed the United Nations International Accord for the Elimination of All Forms of Racial Discrimination), and Attorney-General Nigel Bowen were, like Snedden earlier, reluctant to proceed with a referendum that did not also propose to amend section 51 (xxvi). Subsequently, in February 1967, following the presentation of yet another FCAATSI petition calling for a plebiscite on sections 127 and 51 (xxvi),[22] the government decided to go ahead.[23]

For many reasons, this should not be interpreted as a dramatic change of heart on the part of the Coalition. The proposal was, once again, to be presented to the electors with the one to alter section 124. This political manoeuvre did not escape the attention of observers at the time; the *Age* remarked that 'two, entirely separate issues [*are*] linked in one referendum', and that the government was 'hoping that support for an uncontentious proposal' would have 'a carry-over of Yes voters for the less popular one'.[24] The arguments advanced by the government, in considering, proposing and campaigning for the referendum, indicate, moreover, much the same motives that were apparent in 1965. Like Menzies, Holt recognised that section 127 was incompatible with the image of Australia his government wished to project, that of a modern, egalitarian, non-racially discriminatory nation.[25] As in 1965, the government found it necessary to respond to opinion, whether at home or abroad. Bowen, like his predecessor, told cabinet that there would be 'a large area of dissatisfaction' if the Commonwealth failed to include amendment of section 51 (xxvi) in any referendum, and that removing 'words alleged to be discriminatory against aboriginal people' would meet the demands of those 'urging action with respect to aborigines' and 'would

House, *ibid.*, n.s. vol. 49, 23 November 1965, pp. 3,070–2, 3,078–9. Furthermore, citizenship was seen in postwar Australia as a means of incorporating Aborigines in order to promote national unity as well as lessen criticism of Australia in an age of decolonisation. As Labor frontbencher Kim Beazley Snr observed in 1967: 'I suspect that very often when we want to put [the Aborigines] in under the blanket heading "Australian citizens" like all other citizens, it is because we feel, unconsciously perhaps, that this is a new and useful way of covering up what is really happening'. *Ibid.*, n.s. vol. 56, 5 September 1967, p. 770.

[21] *Ibid.*, vol. 49, 10 December 1965, pp. 3,950, 3,951.

[22] Faith Bandler, *Turning the Tide: A Personal History of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders*, Aboriginal Studies Press, Canberra, 1989, pp. 98–9.

[23] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 54, 22 and 23 February 1967, pp. 47, 107, 113; cabinet submissions, no. 46, January 1967, and no. 64, 31 January 1967, and cabinet decision no. 79, 22 February 1967, CRS A5425 & A5480, AA.

[24] *Age*, 17 and 22 May 1967.

[25] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 54, 1 March 1967, p. 263; television and radio address opening the campaign, 15 May 1967, reported in *Age*, 16 May 1967; see also Commonwealth of Australia, *op. cit.*, p. 12.

be welcomed by a very large section of the Australian people'.[26] In his final appeal to the voters on 26 May, Holt claimed that 'anything but a Yes vote to this question would do injury to our reputation among fair-minded people everywhere'.[27] While it continued to hold that section 51 (xxvi) was not discriminatory, the Coalition government now thought this was nevertheless a 'popular' and 'deeply rooted' impression, and so decided it had to 'remove any ground for the belief' that overt racial discrimination continued to exist.[28]

It was also apparent that the Holt government had no more intention of playing a greater role in Aboriginal affairs than had its predecessor. Indeed, the cabinet only agreed to proceed with the referendum on the basis that Aboriginal affairs would remain in the hands of the states[29] and, during the campaign, Holt made it clear that the government had no plans for embarking on a new role or introducing new directions in policy (although he did state that the new power granted to the Commonwealth would be used to advantage Aborigines).[30] Lastly, the government's lack of commitment to the referendum can also be discerned in its lacklustre campaigning.[31]

One cannot but conclude, then, that the government's decision finally to conduct the referendum was a rather cynical one, which had little if anything to do with any programme of changing relations between Aborigines and the Australian state, and much more to do with maintaining the status quo, shoring up the government's position at home, and bolstering Australia's image abroad. More importantly, though, for the argument we wish to propound, the approach of the Holt government calls into question the widely accepted assumption that amending section 51 (xxvi) necessarily translated into the Commonwealth assuming a (legislative) role with respect to Aborigines. There are, however, other, more fundamental, reasons that this equation should not be accepted.

The Commonwealth had already assumed an important legislative role with respect to Aborigines in the sense that it had restored the vote and extended social welfare benefits to them, and the Coalition government was well aware of its capacity to expand its influence in Aboriginal affairs by using section 96, which grants the Commonwealth the power to extend its jurisdiction (in the form of financial assistance) into areas deemed to be the responsibility of the states.[32] It is important, furthermore, to realise that the Commonwealth has seldom used the legislative power provided by the amendment of section 51 (xxvi), relying

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[26] Cabinet submissions, January 1967, CRS A5425, AA.

[27] *Age*, 27 May 1967.

[28] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 54, 23 February and 1 March 1967, pp. 107, 113, 115, 263; *Age*, 16 May 1967; Commonwealth of Australia, *op. cit.*, p. 11.

[29] Cabinet decision, 22 February 1967, CRS A5480, AA.

[30] *Smoke Signals*, vol. 6, no. 2, 1967, p. 6; *Sydney Morning Herald*, 27 May 1967.

[31] The pamphlet prepared for the referendum (of which only one and a half pages were devoted to the 'yes'-case compared to four pages for the same vote on the nexus issue) and Holt's speech launching the campaign (of its thirty-six paragraphs only nine were devoted to the Aboriginal referendum, approximately two minutes out of its ten-minute duration) were seen by critics as indicative of this, but the other evidence is more telling. *Age*, 16 May 1967; *Sydney Morning Herald*, 16 May 1967.

[32] Cabinet minutes, 23 August 1965, CRS A5287, item 1009, AA.

instead on section 96.[33] By the same token, the primary role it has come to play in Aboriginal affairs since 1972 is not sanctioned by any constitutional reform, nor apparently does it need to be.[34] One might question, then, whether the amendment of section 51 (xxvi) was a prerequisite for the Commonwealth playing a major role in Aboriginal affairs, an issue we will consider later. Our conclusion that, contrary to conventional wisdom, there is no necessary relationship between the amendment of section 51 (xxvi) and the Commonwealth assuming a role in Aboriginal affairs forces us to consider anew the reasons that the referendum assumed so much significance in 1967.

The principal proponents of the referendum—the national leftist pressure group, FCAATSI, and its allies in the churches and trade unions, the Australian Parliamentary Labor Party, and much of the metropolitan press—equated the referendum with Commonwealth control of Aboriginal affairs, on the one hand, and citizenship for Aborigines, on the other. Following in the footsteps of earlier campaigners for equal rights for Aborigines and their 'uplift', such as the Association for the Protection of Native Races founded in 1911,[35] they saw the Commonwealth's intervention as a panacaea. As the national government representing all Australians and possessing enormous resources, it was held to be the means of achieving equality between Aborigines and other Australians and ending racial discrimination.[36] Thus, FCAATSI talked up the significance of amending section 51 (xxvi), representing their demand for the Commonwealth to take greater responsibility for Aboriginal affairs as a necessary outcome of the referendum being passed and, in turn, constructing a story in which this would as a matter of course result in the adoption of major programmes to tackle Aborigines' disadvantage, and so achieve citizenship in a meaningful rather than a merely formal sense.[37]

Thus, Gordon Bryant, one of FCAATSI's referendum campaign directors, told voters that 'the Referendum would not solve everything but it would be a start

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[33] Geoffrey Sawer, 'The Australian Constitution and the Australian Aborigines', *Federal Law Review*, vol. 2, no. 1, 1966, pp. 23–5; Christine Fletcher, Aboriginal Autonomy, Section 96 and Constitutional Reform, paper presented to a conference, Citizenship and Indigenous Australians: Changing Conceptions and Possibilities, Centre for Aboriginal Economic Research and Department of Archaeology and Anthropology, Australian National University, 13 February 1996, pp. 8, 12.

[34] For an elaboration on our argument here, see Attwood and Markus, *op. cit.*, pp. 62–3.

[35] *Ibid.*, chap. 1.

[36] Vote yes information, 31 March 1967. FCAATSI Papers, MSS 2999, Box Y604, Mitchell Library, Sydney (hereafter FCAATSI Papers); *Age*, 16 and 20 May 1967; *Sydney Morning Herald*, 26 May 1967; *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 54, 1 March 1967, p. 279; *Smoke Signals*, vol. 6, no. 2, 1967, pp. 1, 7; FCAATSI press release, cited in Bandler, *op. cit.*, p. 110.

[37] Bennett, *Aborigines and Political Power*, p. 64, also makes this point. For some of the campaigners, this was a deliberate strategy—a means of persuading the electors that the referendum *was* a matter of the greatest importance in order to create a climate of opinion that might compel the government to act. For others, though, their representation of the referendum might have been a matter of genuine, unreflective belief—either an unquestioned assumption that they had inherited from earlier generations of campaigners for Commonwealth intervention or an account they had come to believe so passionately that they were blinded to alternative narratives—rather than a self-conscious and strategic act of interpretation.

on a national problem'; the 'Yes' vote information of FCAATSI stated: 'Aborigines are a national responsibility. We must see to it that the National Parliament is able to accept that responsibility', and a national press release, asking the question, 'what will be the positive results if the referendum is passed', answered: 'the Commonwealth will be able to pass laws relating to Aborigines'; Jack Horner, secretary of FCAATSI's campaign in New South Wales, told the readers of one newspaper that, upon the amendment of section 51 (xxvi), 'the Federal government will take formal responsibility for Aborigines'; the director of the council's campaign in the same state, Faith Bandler, told the press: 'by voting yes, you give this responsibility to the national Parliament and make possible a real programme of equal rights and equal opportunity for Aboriginals'; a FCAATSI poster, showing an Aboriginal humpy, was captioned 'End Discrimination—Vote "Yes" on 27 May'; and the Leader of the Opposition, Gough Whitlam, told parliament that the amendment would enable the Commonwealth 'for the first time to do something for Aboriginals'.[38]

This strategy was so successful that influential opinion-makers, including conservative organs of the press, came to attribute the same significance to the referendum, and so to tell a similar story regarding it. For example, while in mid-May 1967 the *Age* was cautious in its suggestion that the referendum 'may not go far, but it is an essential first step towards any programme for measured improvement in their status', ten days later it was proclaiming that: 'A Yes vote *will* pave the way for improving their health, education and housing; it will give them opportunities to live normal lives'.[39] And the *Sydney Morning Herald* stated:

> In simple terms the object of these constitutional changes is to provide the Commonwealth with more definite power to give positive and practical aid to the Aboriginal people whose plight, in some places, has been rightly described as ... "disgusting and inhuman".[40]

More importantly, a Morgan Gallup poll of 19 May found that the greatest number of those polled had accepted the argument that the 'chief effect' of changing the Constitution would be 'better opportunities' and 'improved conditions' for Aborigines.[41]

As part of this strategy of talking up the referendum, FCAATSI and its allies repeatedly called for a 'massive' or an 'overwhelming' vote in the plebiscite.[42] Even though the campaigners were acutely aware that few such constitutional referendums had ever been approved by the Australian populace and so perhaps

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[38] *Australian*, 8 and 17 May 1967; Vote yes information, 31 March 1967, and Jack Horner to the editor, *Bridge*, 22 April 1967. FCAATSI Papers, Y604; Bandler, *op. cit.*, p. 107; *Sydney Morning Herald*, 22 and 25 May 1967; *Smoke Signals*, vol. 6, no. 1, 1967, p. 29; *Commonwealth Parliamentary Debates, House of Representatives*, n.s., vol. 54, 1 March 1967, p. 279.

[39] *Age*, 17 and 24 May 1967, our emphasis.

[40] *Sydney Morning Herald*, 10 May 1967.

[41] Morgan Gallup poll, 19 May 1967.

[42] 'Vote Yes for Aboriginal Rights' (undated leaflet), and circular letter, 10 May 1967. FCAATSI Papers, Y604; *Smoke Signals*, vol. 6, no. 2, 1967, p. 7; *Australian*, 25 May 1967.

had no reason to be sanguine about its outcome,[43] they believed that the Aboriginal question had to achieve a large rather than a mere majority. And, not surprisingly, in the wake of the poll, FCAATSI leaders seized upon the vote as 'a valuable weapon';[44] drawing attention to the 'overwhelming' response to the referendum in urging 'immediate action in a number of fields'; pro-Aboriginal Liberal MHR W.C. Wentworth similarly argued that the referendum result was so 'overwhelming' that the government would have to consider immediate action to make it effective; and Whitlam claimed that the 'overwhelming' vote removed the government's alibi for failing to tackle the problems of Aborigines.[45]

In the short term, the referendum yielded disappointingly little—the Holt government prevaricated before finally deciding to establish 'a small office', the Council for Aboriginal Affairs[46]—and so it was only in the longer term that the strategy of talking up the referendum really bore fruit. As a result of the rich *con*textualisation FCAA(TSI) had presented about the referendum during its ten-year campaign for constitutional change,[47] it had created a significance for it far beyond that contained by the amendments. The ALP was able to exploit this five years later by representing the referendum as a mandate for the powers it wished to exercise—its party platform for the 1972 election stated that the Commonwealth would 'assume responsibility for Aborigines and Islanders accorded to it by the Referendum of 1967'. The campaigners' narrative, then, was a powerful vehicle of change, for it eventually authorised a new role for the Commonwealth, just as they had hoped it would in 1967.[48] Without this mandate, the Whitlam government could not have assumed a primary and reforming role in Aboriginal affairs. In effect, by creating a particular narrative about section 51 (xxvi), FCAATSI had transformed the referendum from what it otherwise could have

[43] In the 1967 referendum, the nexus question, also endorsed by all the major parties, only received 40.25 per cent of the vote. However, there was, and still is, a tendency to exaggerate the difficulties involved in achieving success in Australian referendums; as Jean Holmes and Campbell Sharman argue, 'accounts of the Australian voter's response to referenda proposals [which point] despairingly to the long history of rejection which has been their fate ... [overlook] the diversity in response patterns to particular proposals'. Although only four (of twenty-four) such referendums had been successful by 1967, a previous constitutional amendment concerned with central government responsibility for welfare—the 1946 provision for extended federal welfare benefits—*had* been carried, albeit only by 54.39 per cent. Jean Holmes and Campbell Sharman, *The Australian Federal System*, Allen & Unwin, Sydney, 1977, pp. 78, 79–82, 92, 94.

[44] This is how one newspaper described it. *Australian*, 30 May 1967.

[45] *Sydney Morning Herald*, 29 and 30 May 1967; see also *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 56, 17 and 22 August 1967, 5 September 1967, pp. 185, 186, 196, 297, 768.

[46] Cabinet submission no. 432, 14 August 1967, and cabinet decision no. 507, 15–16 August 1967, CRS A5425 & A5480, AA.

[47] For a discussion of the earlier FCAA(TSI) campaigns, see Attwood and Markus, *op. cit.*, chap. 3.

[48] This is not to ignore the context in which Labor did so. The late 1960s and early 1970s saw, among other changes, the emergence of 'black power', climaxing in the Aboriginal Tent Embassy, which placed enormous pressure on the Australian state to deal with Aborigines' demands for change.

been: a change to the Constitution that was vital[49] but, on its own, was inadequate to the task of realising the changes demanded by FCAATSI and other campaigners.

If FCAATSI and its fellow advocates for Aborigines talked up amending section 51 (xxvi) in the way we have described, this is even truer of their representation of repealing section 127. Aborigines were already counted more or less accurately, and so, as one FCAATSI leader remarked in 1965, it was a measure that would 'do little for the Aboriginal people'.[50] It only gained significance because FCAATSI and others represented it, as well as section 51 (xxvi), as discriminatory and thus a highly symbolic matter of citizenship and equal rights for Aborigines.[51] In the campaign they argued that section 127 'made [Aborigines] feel a race apart in the land of their birth' and 'insulted' them by implying that they were 'not people' and 'not worth counting'. 'Today, we count sheep, but not the original Australians', voters were told.[52] Importantly, FCAATSI's narrative characterised this not only as an issue of 'equal recognition' in a cultural sense but also as a matter of political status. Section 127 was interpreted as denying full citizenship to Aborigines, and so its repeal would mean that they would 'be recognised ... as Australian citizens by right', no longer 'excluded from Commonwealth benefits on account of race' but 'treated equally with other Australians'.[53] The Sydney and Melbourne press also came to represent section 127 in this manner: for example, the *Age* spoke of the 'case for allowing the Commonwealth to treat Aborigines as a people' and of the Aborigines' 'right to be called Australians'; the *Sydney Morning Herald* referred to 'the referendum on the status of the Aborigines' and 'the referendum on Aborigines'; the Melbourne *Herald* wrote of 'the referendum on whether discrimination against the aboriginals should be ended'; and a *Bulletin* column was headed, 'When Aborigines become people'.[54]

FCAATSI's signification of the repeal of section 127 is nowhere more apparent than in the language it deployed during the campaign of April and May 1967. The very name of the organisation FCAATSI created for the referendum campaign—Aboriginal Rights 'Vote Yes' Committee—indicates the way they approached the referendum: not as a matter of constitutional change so much as a general issue about the status of Aboriginal Australians. This is strikingly evident in the materials

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[49] As Snedden noted in 1965, 'The Commonwealth would be unlikely, by means of section 96 grants, to be able to influence the States sufficiently to change basic policies that it desired to be changed with respect to aborigines'; it did need the authority of an amended section 51 (xxvi) 'to ensure it could implement its policy to the advantage of the aboriginal people'. Cabinet minutes, 23 August 1965, CRS A5827, item 1009, AA.

[50] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 48, 11 November 1965, p. 3,074.

[51] Even conservatives such as Menzies had come to see repeal of section 127 in these terms.

[52] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 48, 11 November 1965, p. 3,077; 'Vote Yes for Aboriginal Rights' (undated leaflet), and circular letter, April 1967, FCAATSI Papers, Y604; *Australian*, 17 May 1967; *Age*, 16 May 1967.

[53] Horner, radio talk for Station 2GZ; Operation Referendum, Recommendations on Campaign Structure, 25 March 1967; Vote yes information, 31 March 1967. All in FCAATSI Papers, Y600, Y604; and *Age*, 16 May 1967.

[54] *Age*, 11 and 25 May 1967; *Sydney Morning Herald*, 16, 17, 22 and 24 May 1967; Melbourne *Herald*, 26 May 1967; *Bulletin*, 20 May 1967, p. 27.

the committee prepared for the campaign. Leaflets called upon voters simply to 'Vote Yes for Aborigines'; this was the slogan chosen for the campaign from a number of similar suggestions such as 'Remove Discrimination—Vote Yes', and 'Vote Yes for Equality'.[55] One poster called upon voters to 'Right Wrongs: Write Yes for Aborigines on May 27'; another read: 'Vote Yes for Aboriginal Rights'.[56] FCAATSI also made use of a song, recorded by folk-singer Gary Shearston, called 'We Are Going to Freedom', which stressed 'equal rights', as well as a 'Vote Yes for Aborigines' song composed and recorded by Shearston at the campaign committee's request and released to every commercial radio station in Australia.[57] In calling on newspapers for support, FCAATSI suggested they urge electors 'to vote yes to the question of Aboriginal rights' and, at public meetings, the referendum was also cast in terms of 'full citizenship' for Aborigines.[58]

FCAATSI, it can be argued in part, represented the referendum in this way because, while its civil rights agenda had in a formal sense all but been accomplished by 1967—the vote in federal elections had been restored to Aborigines in 1962,[59] all Aborigines had become eligible for all Commonwealth social welfare benefits by 1966, and the previous decade had seen the dismantling of legal discrimination in nearly all the states[60]—Aborigines were still not properly citizens. As one campaigner had argued previously, 'equality before the law ... is an excellent objective, but social reality is vital. It is the social realities of the conditions under which the Aboriginal people are living that matters'.[61]

In trying to persuade the voters to support the referendum, FCAATSI and its supporters appealed to a set of liberal principles that emphasised individual rights and equality and presented a vision of a homogeneous 'modern' and 'progressive' society that integrated all peoples as citizens, casting the referendum as a means of continuing this project. For example, one senior churchman characterised it as a 'proposal [that] can only advance the Aborigines and make them completely Australian', a sentiment ringingly endorsed by the *Sydney Morning Herald*, the newspaper most supportive of the yes campaign.[62] More particularly, though, FCAATSI and its allies vigorously exploited a sense of 'Australianness' in order to rally voters to their cause. As the political scientist and historian, Charles Rowley, observed soon after the event, this meant that what became at issue in the referendum was 'the kind of nation Australians

[55] Operation Referendum, Recommendations on Campaign Structure, 25 March 1967. FCAATSI Papers, Y604.

[56] Posters reproduced in Attwood and Markus, *op. cit.*, pp. 1, 42, 51.

[57] *Aboriginal News*, no. 13, 1966; *Sydney Morning Herald*, 19 May 1967; see Attwood and Markus, *op. cit.*, pp. 42–3, for copies of these songs.

[58] Horner to the editor, *Bridge*, 22 April 1967. FCAATSI Papers, Y604; *Age*, 3 May 1967.

[59] See Stretton and Finnimore, *op. cit.*

[60] Andrew Markus, *Australian Race Relations 1788–1993*, Allen & Unwin, Sydney, 1994, p. 177, summarises this situation.

[61] *Commonwealth Parliamentary Debates, House of Representatives*, n.s. vol. 49, 10 December 1965, p. 3,954 (Kim Beazley Snr).

[62] *Australian*, 9 May 1967; *Sydney Morning Herald*, 10 May 1967. Two years earlier, in a protest in Sydney, Bandler had held a placard that read, 'Count us together: Make us one people'. Bandler, *op. cit.*, p. 4.

wanted to be part of, the view of themselves which Australians were developing'.[63] This was evident, for example, in some of the other slogans mooted for the campaign, 'Towards an Australia Free and Equal: Vote Yes' and 'Let's Be Counted—Vote Yes', and in statements to the media. For instance; Bandler suggested to voters that, 'When you write Yes ... you are holding out the hand of friendship and wiping out nearly 200 years of injustice and inhumanity'; Horner encouraged the use of this rhyming slogan: 'If to Aborigines you would be fair, put a YES in the bottom square'; and Whitlam argued that: 'The people of Australia should and must, in all humanity and, for their own honour, support [the referendum] overwhelmingly', claiming it was essential for 'the interests of our nation and ... the conscience of all of us'.[64]

The campaigners sharpened this appeal to an ideal of Australianness by emphasising the possible international criticisms of Australia's treatment of Aborigines and warning of the damage defeat at the referendum would inflict upon Australia's standing in the world.[65] Thus, Horner spelt out to voters how 'important' it was 'at a time when Australians are increasingly concerned with international affairs that we should put our affairs in order', and Bandler told electors that 'a No vote would be a disastrous step backwards for Australia. Australia's image would suffer great damage overseas. People in Africa and Europe were watching the referendum carefully'. A campaign theme (to be sung to *Waltzing Matilda*) went: 'Vote Yes, Australia, Vote Yes, Australia, The eyes of the world are upon us today'.[66]

More importantly, FCAATSI and other campaigners had persuaded the government of the force of this interpretation. The official yes case impressed upon voters that: 'Our personal sense of justice, our commonsense, and our international reputation in a world in which racial issues are being highlighted every day, require that we get rid of this outmoded provision'.[67] By talking up the constitutional changes in this fashion, its supporters effectively turned the referendum into a plebiscite on Australia as much as one concerning Aborigines'

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[63] C.D. Rowley, *The Remote Aborigines*, Australian National University Press, Canberra, 1970, p. 310. It seems Rowley wrote this in late 1967 (p. 343).

[64] *Australian*, 17 and 27 May 1967; Horner, radio talk. FCAATSI Papers, Y604; *Smoke Signals*, vol. 6, no. 2, 1967, p. 7.

[65] Across the political spectrum, Australia's reputation in the international arena has been frequently invoked by those seeking new directions in policy and practice. See, for example, Paul Hasluck in 1950 (*Commonwealth Parliamentary Debates, House of Representatives*, vol. 208, 8 June 1950, pp. 3,979–80), and Paul Keating in 1993 (*Address to the Nation, 15 November 1993*, Prime Minister's Office, Canberra, 1993), but this was especially marked in this campaign. There is evidence to suggest that, since the early 1960s, many countries, especially in Africa and Asia, as well as the communist bloc, took a close interest in this matter, and that the Commonwealth government was concerned to counter criticisms of Australia's record in this field. See Sue Taffe, 'Australian Diplomacy in a Policy Vacuum: Government and Aboriginal Affairs, 1961–62', *Aboriginal History*, vol. 19, pt 2, 1995, pp. 154–72.

[66] Horner to Father Fitzgerald, 9 May 1967. FCAATSI Papers, Y 604; *Sydney Morning Herald*, 17 and 26 May 1967; *Australian*, 3 April 1967; see also Barrie Pittock to Holt, 18 February 1967, cited in Bandler, *op. cit.*, p. 99.

[67] Commonwealth of Australia, *op. cit.*, p. 12.

status. This was explicated, for example, by leading Victorian churchmen who issued a press statement proclaiming that 'a Yes vote ... is vital to Aborigines and to Australia as a whole'.[68] This also helps explain why both campaigners and the government emphasised the need for a huge vote and welcomed it with considerable relief when it came. Whitlam, for example, had argued that 'the good name of Australia demands that it be carried overwhelmingly', and Holt expressed his delight 'with the overwhelming vote ... favouring the elimination of those references in the Constitution which smack of discrimination'.[69]

FCAATSI's attempt to turn the referendum into an issue about Australian national identity and reputation, and to shame voters into supporting it, seems to have been enormously successful, if the editorials of the major metropolitan newspapers are any guide. The *Age* told its readers during the campaign:

> Voting Yes to these proposals is a simple matter of humanity. It is also a test of our standing in the world. If No wins, Australia will be labelled as a country addicted to racist policies. In spite of our increasing involvement with Asia, in spite of our protestations of good will towards all men of all colours and creeds, this label would have a millstone's weight around the neck of Australia's international reputation.[70]

For its part, the *Sydney Morning Herald* was, if anything, more fervent in arguing that Australia could not risk 'the spectacle of a national affront to her native race'.[71] The *Australian* concurred, telling its readers that 'on no account can this be refused ... If it is not carried the nation should be ashamed of itself'.[72]

It is quite evident that voters were also influenced by FCAATSI's representation of the referendum as an issue of equal rights, citizenship and the Commonwealth's responsibility for Aboriginal affairs. For example, one voter told a journalist: 'I'll be voting yes on the Aboriginal question. They're real Australians'. Many were reportedly saying 'The Aborigines are all right. I will give them a tick', and others spoke in terms of 'a referendum on Aboriginal rights' and its linkage to improving Aborigines' socio-economic conditions.[73] The Morgan Gallup poll reported that 22 per cent of those polled believed the 'chief effect' of the referendum would be 'equal rights' for Aborigines as citizens, and a further 14 per cent expected it would produce, among other outcomes, improved 'status' and 'Aboriginal freedom'.[74] Many voters had come to believe that the referendum was concerned with what was, for settler Australians, that most symbolic of citizenship rights, the right of Aborigines to vote, notwithstanding contrary sources of information such as the official yes case, delivered to all households, which pointed out that Aborigines were already entitled to vote in federal elections.[75]

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[68] *Sydney Morning Herald*, 12 May 1967.
[69] *Age*, 17 and 29 May 1967.
[70] *Ibid.*, 22 May 1967; see also 6 May 1967.
[71] *Sydney Morning Herald*, 6 May 1967; see also 16, 22 and 27 May 1967.
[72] *Australian*, 15 May 1967; see also Melbourne *Herald*, 26 May 1967.
[73] *Sydney Morning Herald*, 24 May 1967; *Age*, 19 May 1967.
[74] Morgan Gallup poll, 19 May 1967.
[75] Commonwealth of Australia, *op. cit.*, p. 12; see also A.P. Elkin, 'A Yes Vote for Aborigines', *Sydney Morning Herald*, 16 May 1967, and Bruce Grant, 'Shoulder to the Wheel', *Age*, 26 May 1967.

FCAATSI's talking up of the referendum in this way, to say nothing of their very well organised campaign and strong media support, paid handsome dividends. Its narrative, as Bennett has noted, ensured that principles such as equal rights for Aborigines were 'not easy to oppose publicly', which meant that 'all reasonable Australians [felt] obligated to support it'.[76] One clergyman, who was critical of the manner in which the referendum proposed to amend section 51 (xxvi), nonetheless remarked of section 127: 'Surely none of us would wish that Aborigines should not be counted as "people" of the Commonwealth'.[77] For his part, Gordon Bryant reflected in the wake of the referendum's success that:

> The average voter at the time of the referendum ... may not have known very much about the Aboriginal question and probably had the idea, based on a good Australian tradition, that the Aboriginal people of this country had not had a fair go. Most voters probably had vague ideas that the Aboriginals had not full citizenship rights and might not be able to vote. Doubtless some voters were misinformed on many matters, but most were directed by their consciences and sense of social justice to take the view that something ought to have been done to better the lot of the Aboriginal people.[78]

Writing soon after the event, Rowley concurred, describing the vote as an expression of 'a changing public opinion', a 'genuine' and 'growing concern over the situation of the Aboriginals, and a ... quite widespread unease—a general feeling that something was wrong' and that something should be done to tackle it.[79]

This consideration of repealing section 127 supports our argument, then, that the constitutional changes proposed in the referendum became very important because they were talked up by proponents, who joined the text of the amendments to a richly symbolic narrative for change. It was this act of *con*textualising—of joining together these narratives—that created an immense sign(ification) for the referendum. By repeatedly linking the referendum to citizenship and federal control of Aboriginal affairs, and by so signifying the constitutional changes, FCAATSI created an association between these events that came to be seen by a huge majority of Australian voters as natural or common sense.

As another way of showing that the significance attributed to the referendum, as with any historical event, is a matter of interpretation and perspective and subject to change over time, we will now consider Aborigines' perceptions of the referendum. Aborigines had a prominent role in the FCAATSI campaign, especially Joe McGinness as joint national campaign director, but also Bill Onus, Doug Nicholls and Kath Walker. In large part, their rhetoric mirrored that of the organisation's other leaders; they emphasised that the Commonwealth would assume responsibility for Aborigines and spoke in terms of citizenship rights and

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[76] Bennett, *Aborigines and Political Power*, pp. 15, 64; Bennett, 'The 1967 Referendum', p. 30.
[77] *Sydney Morning Herald* (letters to the editor), 16 May 1967.
[78] *Parliamentary Debates, House of Representatives*, n.s. vol. 56, 23 August 1967, p. 384; see also *Australian*, 29 May, 5 June 1967.
[79] Rowley, *The Remote Aborigines*, p. 310, and *Outcasts in White Australia*, p. 384.

equality.[80] But the referendum had a special meaning for them. It offered the possibility of a popular vote that might symbolise acceptance by a society that had always seemed to reject them. An affirmative vote was seen by Bert Groves, President of the Aborigines Progressive Association, as a realisation of this 'long-cherished dream', and Nicholls feared that 'something [would] die inside the Aboriginal people if the referendum fails'.[81] That 'something' might have included a need for Aborigines to believe in white humanitarianism, the faith that whites were capable of being moral and just in their actions: 'For myself as an Aboriginal', Charles Perkins wrote, the referendum 'is the moment of truth—whether the white people really are interested in our welfare or rights'.[82]

There were also some more fundamental differences between the Aboriginal and other leaders of the campaign. Although the latter had been questioning the programme of assimilation for several years, they did not consider it necessary or important to make it the subject of debate during the campaign; by contrast, Aboriginal leaders felt compelled to express serious criticisms of it. Groves articulated the desire of Aborigines 'to be part and parcel of the community' at the same time as he made it abundantly clear that they wanted 'to do this without losing our identity as Australian Aborigines'. He also dismissed assimilation as 'a modified method of extermination over a long time' and a policy that reflected 'a failure to accept a minority race on a basis of equality',[83] echoing the more radical FCAATSI Aboriginal leaders such as Walker.[84] She and other prominent Aborigines in the organisation, like Philip Roberts, were no longer so committed to FCAATSI's civil rights programme and were increasingly demanding indigenous rights.[85] As such, the project of the referendum had lost much of its earlier significance for these leaders. Even for those who did not articulate a demand for *aboriginal* rights for Aborigines, such as Perkins, 27 May 1967 was much less important than other campaigns.[86]

In the opinion of Aboriginal leaders apart from FCAATSI's Aboriginal rank and file, the priority that the council and its affiliated organisations (such as the Aboriginal–Australian Fellowship) gave to fighting for the constitutional changes embodied in the referendum was misplaced. It was a distraction from the other political campaigns (such as those for equal wages and land), which, in their eyes, were more promising and worthwhile.[87] For some, the referendum was

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[80] *Age*, 3 May 1967; *Australian*, 8 May 1967; *Sydney Morning Herald*, 13 May 1967; McGinness, *op. cit.*, pp. 77, 80.

[81] *Sydney Morning Herald*, 13 and 27 May 1967; *Australian*, 25 May 1967.

[82] *Australian*, 3 April 1967.

[83] *Sydney Morning Herald*, 13 May 1967.

[84] *Age*, 25 May 1964; *Sun*, 19 October 1966.

[85] *Smoke Signals*, vol. 4, no. 1, 1965, p. 11. See also Peter Read, 'Cheeky, Insolent and Anti-White: The Split in the Federal Council for the Advancement of Aborigines and Torres Strait Islanders—Easter 1970', *Australian Journal of Politics and History*, vol. 36, no. 1, 1990, p. 76.

[86] Perkins, who was overseas during the campaign, did believe that the referendum was 'of vital importance', but largely for 'the Australian society—apart from Aboriginal people'. *Australian* (letters to the editor), 3 April 1967.

[87] Charles Leon, cited in Bandler, *op. cit.*, p. 95; see also Heather Goodall, *From Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770–1972*, Allen & Unwin, Sydney, 1996, chap. 23, especially pp. 317–18, 322.

apparently of no import because, in Shirley Smith's words, political endeavour of this kind 'didn't seem to have anything to do with Aboriginal people' and the immediate, material problems of their everyday life.[88] Even at a symbolic level, the referendum seems to have been relatively unimportant, at least for some Aborigines, the right to drink being regarded as more significant as a marker of equality or 'citizenship' than the right to be counted in the national census or the right to vote.[89]

II

In the first decade after the referendum there was much disillusionment about its value among its proponents, particularly those Aborigines whose expectations had been raised enormously by 27 May 1967.[90] However, the passing of time has seen the precise terms of the referendum disappear from historical consciousness, to be replaced by a myth that uncannily resembles the earlier narrativisation of it. Thus, the plebiscite is once again regarded as significant, as betokened by descriptions of it as 'historic', 'momentous', a 'turning point', and a 'landmark' event.[91] And so, whereas the first decennial was more or less ignored in 1977, by 1987 the referendum was regaining significance, by the twenty-fifth anniversary it was the subject of much commemoration and, by the thirtieth, the cause of enormous celebration.[92] This resignification is best captured by the return to the referendum, twenty years after the event, of one of those most sceptical of its importance in 1967, Ken Brindle:

> You ask me now why I didn't get too enthusiastic over the referendum? To tell you the truth I really didn't understand it—never understood the implications of it. I couldn't see how it would benefit us. You [Faith Bandler] were more far-sighted ... Now that I look back and see what the referendum did—well, if I knew then what I know now, you wouldn't have been able to stop me ... No Aboriginals knew what benefits they'd derive from changing the federal Constitution, but if they could have foreseen the

[88] Smith and Sykes, *op. cit.*, p. 70.

[89] *Ibid.*, p. 72. Aborigines regarded the ban on drinking as paternalist and insulting.

[90] Kevin Gilbert, for example, wrote: 'The Australia Day statement [1972], as it happened, came at a time when blacks had arrived at a particularly depressing point of morale. In 1967 they had hoped that with the granting of citizenship rights and federal power to over-ride state legislation, conditions would improve for Aborigines and land rights would be a possibility. Instead of this, blacks witnessed the official bullying of the Gurindji tribe, which was attempting to claim 500 square miles of country at Wattie Creek, Northern Territory. Then came the decision in the *Gove Land Rights* case which found against the Yirrkala tribe's land claim on the Gove Peninsula'. Kevin Gilbert, *Because a White Man'll Never Do It*, Angus & Robertson, Sydney, 1973, p. 26.

[91] *Sydney Morning Herald* (editorial), 27 May 1992; Hughes, 'Blacks Assess 25 Years'; Lahey, *op. cit.*

[92] See, for example: Department of Aboriginal Affairs, *Information for Use During 1967 Referendum Commemoration*, AGPS, Canberra, 1987; ATSIC, *25 Years On. Making the Anniversary of the Aboriginal Referendum of 27 May 1992*, AGPS, Canberra, 1992; Australian Reconciliation Convention, *The Path to Reconciliation: Issues for a People's Movement*, AGPS, Canberra, 1997, pp. 6–7; *Walking Together*, no. 18, 1997, pp. 14–15; Council for Aboriginal Reconciliation, *Australians for Reconciliation Study Circle Kit*, AGPS, Canberra, 1997, sections 6.2 and 6.3.

present situation they would have worked for it too ... Now when I sit down and see what it brought about, I say: "Thank Christ for Bandler and [Shirley] Andrews and their mob".[93]

It is Bandler, as the self-appointed caretaker of FCAATSI's history, whom we especially wish to consider here, partly because, *insofar* as the myth of today might have originated in the narrative of 1967, her narrative might be one of the major conduits.[94] The referendum looms large in her 'personal history' of FCAATSI, *Turning the Tide*. Its centrality—one might say the referendum became FCAATSI's *raison d'être* in her narrative—is revealed in the form and content of her book.[95] Three of its six main chapters are entitled: 'Before the referendum', 'The referendum' and 'After the referendum'. In her commentary, Bandler acknowledges that 'change following the referendum was disappointingly slow', so much so that 'Aboriginal people had cause to wonder whether much had been achieved at all', but she also baldly states that: 'In 1967, major political and social change occurred. A referendum was held' that 'proved to be a turning point in Aboriginal Affairs' and whose benefits were 'manifold'.[96] (Bandler has since described the referendum as 'the greatest victory the Aborigines have had or ever will have'.)[97] As part of a story that casts it as the most important and successful of FCAATSI's many important campaigns, Bandler's history constructs the referendum as the originating moment of the organisation. In so claiming that 'the idea of a Federal body stemmed from the need to make the Commonwealth responsible for Aboriginal and Torres Strait Islanders Affairs', and that 'the first campaign to be conducted by this Council was that for a Commonwealth referendum', Bandler unites the council and the referendum in such a way that 27 May 1967 seems a natural apogee for the organisation.[98] The referendum thus comes to stand in (in the way that myth usually does) for something more general and diffuse, in this case for what was probably FCAATSI's most important contribution to the campaign for rights for Aborigines—helping to bring about the shift in racial attitudes in postwar Australia. As Bandler rightfully boasts, the council's labours

> removed many of the barriers which previously had kept Aborigines "out of sight and out of mind" for mainstream Australia, shattering the image of Australia as a "lucky country" for all its inhabitants. These were positive achievements. A wider awareness of the problems faced by the original inhabitants began to grow in the general population.[99]

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[93] Cited in Bandler, *op. cit.*, p. 135.

[94] Other major FCAATSI leaders have been silent or have left collections of papers (for example, Gordon Bryant and Barry Christophers) but have not published an account of the organisation, although Joe McGinness discusses FCAATSI's work in his memoir and Jack Horner has completed a history, which is yet to be published.

[95] This might owe something to Bobbi Sykes, to whom the book is dedicated in recognition of her 'immeasurable' help in the undertaking. See also Sykes, *op. cit.*, chap. 1, entitled 'The Referendum'.

[96] Bandler, *op. cit.*, pp. i, 1, 116, 123, 161.

[97] Cited in Barry Cohen, 'Dreaming of Reconciliation', *Australian*, 27 May 1992.

[98] Letter, September 1972. FCAATSI Papers, Y604; Bandler, *op. cit.*, p. 8.

[99] Bandler, *op. cit.*, p. 161.

In recalling the fight for the referendum, Bandler characterises it in much the same terms as FCAA(TSI) had between 1958 and 1967—for example, 'acknowledgment of Aboriginal citizenship and the rights inherent in this status'. Thus, we are told that 'Commonwealth responsibility for Aboriginal Affairs ... flowed [from the referendum], changing forever the social and political relationships between Aborigines and non-Aborigines'.[100] Here, in reiterating her organisation's representation of the referendum, Bandler conflates what we have called the two narratives of the referendum and confuses FCAATSI's wishes with their fulfilment,[101] such that the referendum is remembered less as a means to an end and as part of a lengthy complex process (with a genealogy much longer than Bandler acknowledges),[102] and more as an end in itself.

Perhaps this is a necessary fiction that Bandler, among others, has found comforting in the absence of the very outcomes these erstwhile fighters for justice and freedom hoped to achieve. But there are probably other reasons that the referendum is so significant in Bandler's history. First, the championing of the referendum and the liberal discourse it represented is, we would suggest, underpinned by a bitter memory of the fierce criticisms levelled at FCAATSI by a younger, more militant generation, and the later demise of FCAATSI in the face of this emergent politics of indigenous rights.[103] In this narrative, then, 'the referendum' functions as the event other to 'the Tent Embassy' of 1972.[104] Second, the referendum, because of its elusive significance, is a victory easier to celebrate than the problematic outcome of one of FCAA(TSI)'s other major campaigns—the equal wages case in the Northern Australian cattle industry, which arguably resulted in major unemployment among Aboriginal stockworkers.

The fundamental terms of Bandler's celebration of the referendum are echoed by most who have written about it, even though their reasons for mythologising it differ in important respects. In part, the common characterisation of the referendum in recent years is probably due to the tendency of many writers, including academic historians, to represent the past in terms of events and to seek watersheds, instead of seeing change as a complex process without obvious beginnings or ends.[105] Yet, this does not explain, of course, why the referendum, rather than some other event, is talked up so much today.

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[100] *Ibid.*, p. 1.

[101] Academic historians have also done this: see Broome, *op. cit.*, p. 178.

[102] See Attwood and Markus, *op. cit.*, chap. 1.

[103] In Bandler's account, this resentment is necessarily muted, for the reason noted earlier (see footnote 98 above). Sykes' role in this narrative is a surprising one given that some FCAATSI members were fiercely critical of her during the Tent Embassy (see Pauline Pickford to Bandler, 12 October 1972. FCAATSI Papers, Y600). Any healing reconciliation between the two could have been fostered by the ambiguous status they share in the circumstances of a racial politics that now revolves around indigeneity, their being neither Aboriginal nor white.

[104] Jeremy Beckett, 'The Past in the Present; the Present in the Past: Constructing a National Aboriginality', in Jeremy R. Beckett (ed.), *Past and Present: The Construction of Aboriginality*, Aboriginal Studies Press, Canberra, 1988, p. 204.

[105] There are also those who make the mistake of reading the past from the perspective of later outcomes (or present practices), that is, the Commonwealth *did* eventually assume the major role in Aboriginal affairs.

Why an event is commemorated depends, of course, upon those who are intent on reconstructing it. For conservatives in search of an event to remember in what has been described as 'the field of desolation that is the history of Aboriginal–white relations',[106] the referendum is undoubtedly an attractive one. Since it can be held up as a 'massive' vote for Aborigines by the Australian people, it can readily be made to stand for the beginning of the much vaunted 'reconciliation' between Aboriginal and settler Australians, and is all the more valuable in the continuing absence of a 'compact'. It is also reassuring because it seemingly represents 'Australian' principles such as equality before the law as well as the ideal of 'one people, one nation', rather than the concept of special rights for Aborigines *qua Aborigines* and a vision of a pluralistic future. Presumably this is why it can be suggested that 27 May become Australia Day: 'on that date in 1967 by referendum, all Australian citizens, indigenous or otherwise, became equal under the Constitution with the same rights and responsibilities. True nationhood was born on the day'.[107]

The referendum, thus remembered, is all the safer as a moment of reconciliation when one considers the alternative political arrangements between Aborigines and non-Aborigines mooted today, such as a treaty that recognises indigenous sovereign rights or a new preamble to the Constitution that acknowledges the prior Aboriginal presence. The referendum, one might say, is played up in order to counter the remembrance of that other event whose anniversaries march in tandem, the Aboriginal Tent Embassy of 27 January 1972. Similarly, the referendum holds none of the dangers of something like a republican constitution, which would entrench citizenship rights, or even the much more important *Racial Discrimination Act 1975*, which focuses upon racial prejudice, the commemoration of which might only serve to highlight the ongoing need for it (as so starkly evidenced by the Howard government's campaign to amend the *Native Title Act 1993* in 1997–98).

By representing the referendum as the moment when Aborigines were granted 'full equality before the law and equality of opportunity', as conservative columnist P.P. McGuinness does,[108] celebrating it also serves the function of drawing a sharp if artificial distinction between the past and the present, allowing conservatives to acknowledge the unfortunate events of the past while at the same time proclaiming that these are no longer present in contemporary Australia and are instead 'just history' (or merely the preoccupation of 'black armband' historians). In a somewhat similar fashion, the referendum may well perform a redemptive function for liberals, a 'historic' moment when Australia's 'racist past' was purged once and for all.[109] It can also be used as proof of white Australians' humanity, all the more so given the 'overwhelming' vote. Simultaneously, the

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[106] Markus, *op. cit.*, p. xii.

[107] *Age* ('Access Age'), 23 January 1996. Another caller corrected this historical romance but, in doing so, also misinterpreted the referendum. *Ibid.*, 24 January 1996.

[108] McGuinness, *op. cit.*

[109] *Cf.* Rowley, *Outcasts in White Australia*, p. 394.

referendum can be invoked as a benchmark of Australian goodwill towards Aborigines from which there should be no regression; thus, so-called backlashes are often measured against the referendum by liberals and radicals alike, as are threats to diminish Aboriginal rights.[110] In the course of all this commemoration, one should note that the relatively large 'no' vote in the referendum in the rural areas, where there were the highest or most visible populations of Aborigines (as high as 29.04 per cent in the case of Kalgoorlie), is conveniently forgotten.[111]

More pointedly, the last decade has seen some Aboriginal leaders and their sympathisers treating the twentieth and twenty-fifth anniversaries of the referendum in ironic mode, as occasions to contrast the dreams of 1967 with a nightmarish contemporary reality, drawing attention to present-day problems and the lack of progress and calling for greater commitment and resources to tackle Aborigines' inferior status.[112] Thus, in 1987, Charles Perkins spoke of the slowness of progress and, in 1992, ATSIC chairperson Lois O'Donoghue of how little had been achieved, Pat Dodson of the urgent need for further change, Pat O'Shane of how far 'the quest for real citizenship has ... to go', and the Labor Prime Minister, Paul Keating, of Australia's failure to rise to 'the challenge which the triumphant referendum required us to meet'.[113]

More puzzling are those commonly uttered assertions by Aborigines (mostly in south-eastern Australia) that they 'got the rights in 1967' or were 'given the vote in 1967'. As Heather Goodall notes, 'similar statements made with the same deep conviction, are heard frequently within the Aboriginal community'.[114] Historians are often inclined to reject such oral testimony because it is contradicted by the documentary record but, if we read these statements as historical interpretations rather than as historical information, we might gain rich insights into contemporary racial relations.[115] Peter Sutton has usefully compared these modern Aboriginal historical constructions with traditional Aboriginal myths. Not only are both 'charged with strong feelings' and lack 'empirical rigour' but they also 'focus on ... events without giving central importance to generalisations about processes or external factors';[116] thus, 'getting the rights', for example, is condensed (as history in the form of memory, and more particularly myth, is so often) into a single moment in time. As in traditional myth, too, these narratives are highly symbolic; in this case, the vote has become for Aborigines, as it had previously been (and continues to be) for others, 'a shorthand statement, used ...

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[110] See, for example, Peter Yu, cited in Richard McGregor, 'Aborigines Bid for Native Title Fighting Fund', *Australian*, 6 April 1998.

[111] See Bennett, 'The 1967 Referendum', pp. 28–9.

[112] *Cf.* Beckett, *op. cit.*, p. 214, endnote 17.

[113] *Australian*, 27 May 1987, 27 May 1992; see also: *Sydney Morning Herald*, 26 May 1987, 27 May 1992; *Age*, 27 and 28 May 1987, 27 May 1992; Sykes, *op. cit.*, p. 3; 'Twenty Years On', *Land Rights News*, vol. 2, no. 3, 1987, p. 18.

[114] Heather Goodall, 'The Politics of Information Control', *Oral History Association of Australia Journal*, no. 9, 1987, p. 17.

[115] *Ibid.*, pp. 17–20.

[116] Peter Sutton, 'Myth as History, History as Myth', in Ian Keen (ed.), *Being Black: Aboriginal Cultures in 'Settled' Australia*, Aboriginal Studies Press, Canberra, 1988, pp. 263, 265.

to represent the wider range of citizens' rights to which they [had been] denied' access.[117]

To understand the Aboriginal myth of the referendum more fully, though, we need to know the circumstances of its utterance. Goodall has suggested that myths of this nature owe something to the fact that, 'when they have spoken out, Aborigines have been met not simply with arguments to the contrary, but usually by flat denials of their accusations, accompanied by denigration of Aboriginal truthfulness and of their ability to judge their own conditions'. This, she argues, 'has influenced the form of recollections'; they have been distilled into symbolic elements or become 'balder and more simplistic', 'the subtleties and complexities worn away over the years of trying to put a case in the face of indifference and denial'.[118] In this particular case, Barry Morris has argued that 'getting the rights' is a statement made in a context where Aborigines have the rights in a formal sense but are actually denied these by the prevailing social and cultural practices of racism. Asserting that they 'got the rights in 1967' can be regarded, therefore, as a speech act, a performative narrative whose purpose (like that of FCAATSI previously) is to renegotiate the status quo and effect changes to it. Here, myth works as a charter to bolster rights that exist on paper but are denied or threatened in reality. As with the myth of Aboriginal leaders, this myth is linked to the struggle for political advantage.[119] For these Aborigines, as well as for many settler Australians, then, narratives of the referendum are still being exploited to good effect, and can be a vehicle for effecting historical change.

In more general terms, a study of the 1967 referendum and its narratives, past and present, reminds us of the importance of presenting and re-presenting Aboriginal issues in order to achieve what Tim Rowse has called 'moral community'.[120] Since Aborigines number less than 2 per cent of the population, Lois O'Donoghue noted in her commemoration of the referendum in 1992, Aborigines' political influence 'is largely based on an appeal to abstract matters—social justice, equality, righting the wrongs of history'. This was not to 'disparage the symbolic', she sagely remarked with particular reference to the 1967 referendum; 'the larger gestures may have to underpin other forms of progress'.[121]

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[117] Goodall, 'The Politics of Information Control', pp. 23, 24.
[118] *Ibid.*, pp. 22, 23, 24, 28.
[119] Morris, conversation with Bain Attwood, 12 February 1996; Sutton, *op. cit.*, pp. 252, 254, 265.
[120] Tim Rowse, *After Mabo: Interpreting Indigenous Traditions*, Melbourne University Press, Melbourne, 1993, chap. 1. There is also the more general point to which political scientists have drawn our attention that achieving constitutional change is very difficult and it requires enormous effort to mobilise support, as evidenced by the current campaign in Australia for a republic.
[121] Lois O'Donoghue, 'One Nation', in ATSIC, *op. cit.*, pp. 13, 14.