

*“They were afraid to speak”: Testimonies of Aboriginal women at the 1934
Moseley Royal Commission*

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Abstract: Archival traces of early discursive advocacy by Noongar people in the southwest region of Australia contribute to emerging narratives of Indigenous political autonomy. This paper is a case study of archival traces of a royal commission into the state government’s policies towards Aboriginal people in Western Australia in 1934, known as the Moseley Royal Commission. These traces reveal how many Noongar women contributed to this commission by writing letters or testifying. These letters and testimonies represent discursive advocacy by Noongar women for Indigenous human rights—around seventy years before these rights were recognised in the United Nations Declaration on the Rights of Indigenous Peoples in 2007.

Keywords: Indigenous human rights; Indigenous history.

Archival traces of discursive advocacy for Indigenous human rights by Noongar people in the southwest of Australia contribute to narratives of Indigenous autonomy. These traces reveal how Noongar people dynamically engaged with an international circulation of ideas and movements and contributed to a new discourse of rights from around the mid-nineteenth century.

This paper speaks to the many silences which pervade accounts of national histories. It recognises that Aboriginal and Torres Strait Islander voices have been seemingly silenced

in accounts of Australian history by collective remembering, forgetting and even reimagining. What happens when we speak and break these silences, even momentarily?

This paper argues that emerging national and transnational narratives of Indigenous political autonomy contest and negotiate some of these silences. These narratives of Indigenous autonomy recognise the agency of Indigenous peoples to fight against colonisation. This agency to fight is a means to self-determination, whether the fight is won or lost.

Archival traces of a royal commission into the state government's policies towards Aboriginal people in Western Australia in 1934, known as the Moseley Royal Commission, are a compelling case study of Indigenous political autonomy. The scope of inquiry for the commission included investigating widespread revelations in national and international media of serious human rights abuse of Aboriginal people in the state. These archival traces reveal that Noongar women contributed to this commission by writing letters or testifying.

These letters and testimonies represent discursive advocacy by Noongar women for Indigenous human rights—around seventy years before these rights were recognised in the United Nations Declaration on the Rights of Indigenous Peoples in 2007. This paper recognises and accounts for their contribution to a new discourse of rights in the 1930s—breaking a silence which pervades accounts of Western Australian history.

Collision and convergence in the archive

The archive in Western Australia is a remnant institution of a colonial State. It produces more knowledge about how the State exercises power over Noongar people than it does knowledge about Noongar people and families (Haebich 2014). This power is manifested today in the archive, which holds thousands of files about Noongar people.

My study of the archive has at times evoked memories of my visit to the tidal race at *Te Rerenga Wairua*, Cape Reinga, in the northern region of *Aotearoa*. *Te Rerenga Wairua*, meaning the leaping place of the spirits, is a site for spirits to return to *Hawaiki*, the land of the ancestors. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) has tentatively listed the cape for World Heritage Site status.

Standing on the cape, I watched the turquoise waters of the Tasman Sea to the west of the cape collide and converge with the darker waters of the Pacific Ocean to the east, forming waves, whirlpools and turbulent currents. An historic lighthouse, at 165 meters above sea level, bears witness to this unceasing battle of oceanic giants. The light from its beacon, which can be seen more than 30 kilometres out to sea, warns and guides vessels around this watery battle ground and the black jagged rocks of the cape.

Like this tidal race, seas of remembering, forgetting and even reimagining collide and converge in the archive, forming waves, whirlpools and currents (Harris 2002). Yet, in these unsettled waters, there is no beacon to warn or guide us, and navigate us to calmer waters.

I do not find my grandmother's story in the archive. I find it listening to her tell her own story, in her own words and in her own way. I even find it in her silences. Yet, like the flickering light from a distant beacon, some of her story can be found in the many files held in the archive about her family.

The archive is spectral, haunted by ghostly voices, contents and contexts (Derrida 1994 and 1995). Within the archive in Western Australia, there are many letters written by Noongar people to the State and its institutions. Some of these letters are acts of grief. Some are acts of desperation. Some are acts of subversion or protest. Some are strong assertions of Indigenous human rights.

We can hear the voices of Noongar people, or echoes of their voices, speaking from the pages of these letters. Some voices are loud, some are quiet, others a whisper. Yet, all honour Noongar peoples' political autonomy.

My study of the archive is influenced by South African archivist Verne Harris' (2015, p. 19) conceptualisation of the archive as a "... condition of a liberatory future *that wants to be made* [my emphasis]". Such a conceptualisation of the archive, as a means to liberation, also transforms our conceptualisation of ourselves as researchers. Harris (2002, p. 85) argues that all researchers, regardless of their own borders of identity and belonging, are "... subject to the call of and for justice." They are subject to such a call because the archive is not a "... quiet retreat" for researchers (ibid). Instead, it is "... a crucible of human experience, a battleground for meaning and significance, a babel of stories, a place and a space of complex and ever-shifting power-plays" (ibid).

Such "ever-shifting power-plays" evoke memories of the waves, whirlpools and turbulent currents colliding and converging in the tidal race at *Te Rerenga Wairua*. A researcher should learn to navigate these unsettled waters, and its waves, whirlpools and currents. Tossed about in these waters, "any attempt to be impartial, to stand above the power-plays, constitutes a choice, whether conscious or not, to replicate if not to reinforce prevailing relations of power" (Harris 2002, p. 85).

In the quiet of the State Records Office of Western Australia, I have spent many hours searching for knowledge about my own family: listening to the voices of government officials tell stories about my family, or sometimes, listening to their own voices telling their own stories. This quiet in the office is only interrupted by footsteps, whispers, the turning of file pages and, at times, the sound of researchers using digital cameras to take pictures of the pages in the files. This sound is the one which interrupts my reading. In one click, a researcher releases the archival trace from a paper record and into a digital record and releases this trace from the archive—potentially reimagining a "liberatory future" for this trace, and the voices within it.

Discursive advocacy in the archive in Western Australia: 1934 Moseley Royal Commission

Restoring archival traces of discursive advocacy by Noongar people to their families reimagines a “liberatory future” for the archive in Western Australia by transforming it into a dynamic site of Indigenous cultural heritage (Shiosaki 2016). This restorative historiography reveals that within histories of dispossession for Aboriginal people, and their recurring traumas, there are histories of strength, courage and resilience. These histories of resilience restore our spirit.

Archival traces of a royal commission into the state government’s policies towards Aboriginal people in Western Australia in 1934, known as the Moseley Royal Commission, are a compelling case study of Indigenous political autonomy. These archival traces reveal that Noongar women contributed to this commission by writing letters or testifying, including my grandmother’s aunt, Mary Alice Harris.

The Moseley Royal Commission was appointed in 1934 to “Investigate, Report, and Advise upon Matters in Relation to the Conditions and Treatment of Aborigines.” The commission was led by Henry Doyle Moseley, a police magistrate in Perth. The scope of the inquiry included investigating widespread revelations in national and international media of serious human rights abuse of Aboriginal people in Western Australia (Haebich 1992). Mary Bennett, an activist for women rights, had denounced the forcible removal of Aboriginal women and children as “akin to slavery” and in violation of the League of Nations Covenant and Slavery Convention which had been signed by Australia in 1929 (Paisley 1997/98, p. 1). In reacting to these widespread revelations, the commission seemed to become some kind of performance by the State to reassert senses of nationalism and national identity in Australia, which had been deeply unsettled by these revelations (ibid).

The Moseley Royal Commission was held at a time when Indigenous human rights were systematically violated under the discriminatory Aborigines Act 1905 (WA) and the administration of the Chief Protector A.O. Neville between 1915 and 1940. The 1905 Act denied Aboriginal people human rights and granted the State and its institutions great power to exercise control over their lives. In her letter to the commission, Mary Bennet included a statement by my grandmother’s cousin, Norman Harris:

Under the Aborigines Act every one of us is a prisoner in his own country. Any police officer can come along and take all of our children at any time, and we cannot object or we are committing an offence under the Act. A police officer deeming us to come under Clause 3, sends us off. If we refuse to go, we are forced to a settlement under Clause 55, and can be kept there under Clause 12. In many cases death alone ends our term of duress. (Cited in Haebich 1992, p. 336)

Chief Protector Neville introduced a radical policy of eugenics which intended to destroy Aboriginal families through biological absorption, including by forcibly removing Aboriginal children from their families. Under the Act and Neville’s administration, Noongar women experienced even greater controls over their personal and family lives.

The Moseley Royal Commission was held at a time when Aboriginal women were oppressively silenced by ideologies of both racial and gender inequality. Yet, archival traces indicate that many Aboriginal women were speaking. However, their voices were

not being heard. Even some non-Indigenous activists and organisations for women's rights did not seem to hear Aboriginal women's voices, believing that they must speak for them. *The Dawn*, a publication of the Women's Service Guild, stated in 1927 that "[i]t must be remembered that the [A]borigines are an inarticulate race, unable to voice their own wrongs, hence the more reason that others must do it for them" (cited in Paisley 1997/98, p. 14).

Many of these activists contributed to the Moseley Royal Commission by writing letters and testifying, such as Mary Bennett. Their contributions to the commission were widely reported in national and international media at the time. Yet, I would gently and gingerly argue that while they protested against the human rights abuse of Aboriginal women, they spoke the language of protectionism rather than self-determination. The Aboriginal men and women who wrote letters and testified to the commission seemed to broadly condemn protectionism as persecution.

Five strong, courageous and resilient Noongar women testified at the Moseley Royal Commission, including Melba Egan, Mary Alice Harris, Emily Nannup, Annie Morrison and Mary Warmadean. These women testified to serious human rights abuse of Aboriginal women and girls. Questioning one woman about her testimony about inhumane conditions at Moore River Native Settlement, Commissioner Moseley asked her why other women and girls at Moore River had not spoken to him about these conditions:

The Commissioner: I asked a lot of the girls about these things when I was at Moore River?

Witness: They must have been afraid.

The Commissioner: Why?

Witness: They were afraid to speak. (Report of Evidence 1935, p. 563)

I imagine that many Noongar women were afraid to speak because of possible retribution by the State. By speaking, they were advocating Indigenous human rights and holding Chief Protector Neville and his administration to account for serious human rights abuse. I imagine that some were afraid to speak, but spoke anyway.

I would like to share with you some of Mary Alice Harris' story. Mary Alice Harris is my grandmother's aunt and it is with her permission that I share this story with you. She is a Noongar woman from the Wilman people in the Williams River region. The Harris family, in particular Mary Alice Harris' brothers, William and Edward Harris, and her nephew, Norman Harris, advocated Indigenous human rights from the turn of the twentieth century, together with many other Noongar families. William and Edward Harris established the first Aboriginal political organisation in the state, the Native Union, in 1926 to demand the repeal of the 1905 Act. William Harris (1926) described the organisation as a "protective union" for all Aboriginal people in the state.

Indigenous political organisations were emerging in Australia in the 1920s and 1930s, within a dynamic international economic, political and social context. These movements,

however, were often formed by courageous Aboriginal people who had campaigned for the rights of their families since the turn of the twentieth century. These organisations were connected with each other as well as with an international circulation of people, ideas and movements.

Archival traces reveal that, like her brothers, Mary Alice Harris, also advocated Indigenous human rights. She wrote many letters to demand the repeal of the 1905 Act. In a letter to the Chief Secretary, Norbert Keenan, dated 2 February 1931, she calls for the repeal of work permits for Aboriginal people under the Act, writing:

... I Am Writing On Behalf Of Us Aboriginals And Half Cast[e]s To Have The Existing Law Or Act Abolished. A Law Or Act That Requires Us To Have A Permit. A Permit To Work In The Land Of Our Birth. I Doubt If The[re] Are Any Origin[al] Inhabitants Who[se] Land Like Our[s] Taken Ov[e]r By The Britons Are Required By The Law Of Their Government To Have A Permit To Work In The Land Of Their Birth¹

In her letter, Mary Alice Harris recounts that the day before, the police had visited her house in South Perth and harassed her niece, my great-grandmother, Olive Harris, for working without a permit. She seems outraged by this harassment. In her letter she also recounts that the next day, she had travelled into the city to call on the Premier, Sir James Mitchell, to demand a repeal of work permits, but was turned away from his office. Undeterred, she then called on Minister Keenan, but was again turned away from his office. Still undeterred, she then called on Chief Protector Neville, but was told he was on leave.

I wonder what Mary Alice Harris would have been thinking and feeling that day. In her letter, she reflects, "... It Seemed To Me That Day That I Had Called On 3 Caesars But Could Not Get Any Satisfaction... ." ² She concludes her letter by proposing a further petition of right to the Governor of Western Australia, writing:

Must We Get Advice From You The Minister For The Aboriginals Department Or Shall We Petition His Excellency The Governor of Western Australia To Have That Unjust Law Requiring All Aboriginals And Half-Castes To Get A Permit To Work In His Or Her Land Of Their Birth.

Waiting A Reply.³

The Moseley Royal Commission was another opportunity for Mary Alice Harris to advocate Indigenous human rights. She wrote a letter and testified to the Moseley Royal Commission. In her letter, she makes a case—from points 'a' to 'i'—about how Noongar women and their families could have self-determination. She calls for a ban on non-Indigenous men from entering camps and settlements, to protect Aboriginal women and girls. She calls for farming land for Aboriginal families "that would provide occupation and become self-supporting." As a nurse herself, she calls for transportable hospitals to be established in major camps and settlements, and for Noongar women to receive training to become nurses, stating in her testimony that "the girls could then attend to their own folk." In her testimony, she challenges Commissioner Moseley, stating that

Aboriginal people "... like to be out by themselves" (Report of Evidence 1935, p. 465), free from State intervention.

In her letter and testimony, Mary Alice Harris also makes a case about Indigenous human rights, using a new language of self-determination, and not protectionism. She again calls for the repeal of work permits for Aboriginal people, which she describes as "unjust and seriously objectionable." She calls for equal wages. When Commissioner Moseley asks her what Aboriginal people would do with equal wages, she replies, "the same as white people. If they are capable of doing the work they should be paid ..." (Report of Evidence 1935, p. 465). She calls for Aboriginal people to be subject to the same laws as Europeans. Finally, she calls for Aboriginal people to have the right to vote and for Aboriginal representation in each electoral district in the state parliament. She was a woman ahead of her time.

Mary Alice Harris' writing is a great example of her strength, courage and resilience. It is an example of her ability to move in and out of, and through, a non-Indigenous world. It is an example of her ability to move in and out of, and through, a man's world. It is an example of her ability to fight for her family, which had been torn apart by successive Stolen Generations.

Mary Alice's writing is also an example of her ability to articulate a new discourse of Indigenous human rights. She spoke the language of self-determination, rather than protectionism. Her writing, and the writing of many other Noongar women, represents discursive advocacy for Indigenous human rights—around seventy years before these rights were recognised in the United Nations Declaration on the Rights of Indigenous Peoples in 2007.

New histories of resilience: Indigenous cultural heritage in the archive

The Moseley Royal Commission did not contribute to tangible social and political transformation for Aboriginal people. Instead, the commission granted the State and its institutions greater power to exercise control over Aboriginal people's lives. Chief Protector Neville's radical policy of eugenics through biological absorption was enshrined in the new *Aborigines Act Amendment (Native Administration Act) 1936*.

Yet, I would argue that archival traces of discursive advocacy by Noongar women for Indigenous human rights reveal that they could have contributed to intangible transformation. What happened when these strong, courageous and resilient Noongar women spoke and momentarily broke the silencing of their voices during this period? What happened when their voices were heard by Commissioner Moseley, Chief Protector Neville, other government officials, reporters, and other witnesses? Where did their words go when they were spoken?

As A.B. Original rap in their anthem *2 Black 2 Strong* (2016): "smart black [wo]man with a plan/nothing scarier." The Noongar women who contributed to the Moseley Royal Commission by writing letters and testifying were smart black women with a plan. They embodied a subversion of the State, its institutions and its policies. They embodied a

greater subversion of ideologies of racial and gender inequality. They embodied Indigenous human rights by living and breathing these rights—“nothing scarier” for a colonial State. Advocating human rights is about more than influencing government policy, it is about influencing how a community thinks and feels about these rights.

By dwelling on such fleeting moments of history, this research reveals that Aboriginal people have been ‘reimagining’ the Australian nation since its formation. It encourages us to listen deeply instead of speaking, instead of speaking over these voices with our own or speaking for them. Reimagining Australia seems to be an old conversation, not a new one.

Histories of Indigenous dispossession are astonishing. Yet within these histories, there are also astonishing histories of strength, courage and resilience. The resilience of the human spirit is as astonishing as the fight. Every Noongar woman who experienced histories of dispossession, regardless of her fight, regardless of whether she fought or not, has an astonishing spirit within her. These Noongar women were asserting a collective humanity in the face of the inhumanity of colonisation.

These histories of resilience have been passed down in Noongar families as oral histories for generations. Yet many of these stories are unrecognised and unaccounted for in Western Australian history. Recognising and accounting for these histories revitalises enduring, dominant colonial narratives of Indigenous dispossession, which deny Indigenous peoples’ political autonomy.

Sometimes we hear the voices of Noongar people speaking from the archive. These voices reveal that within astonishing histories of dispossession, there are astonishing histories of resilience. These histories hold an enduring legacy for Noongar people as these voices of our old people become a call to action to our young people. Listening to these voices, we are compelled forward, moving in time to a rhythm and beat which is not our own.

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¹ Excerpt from Harris family personal documents.

² Excerpt from Harris family personal documents.

³ Excerpt from Harris family personal documents.