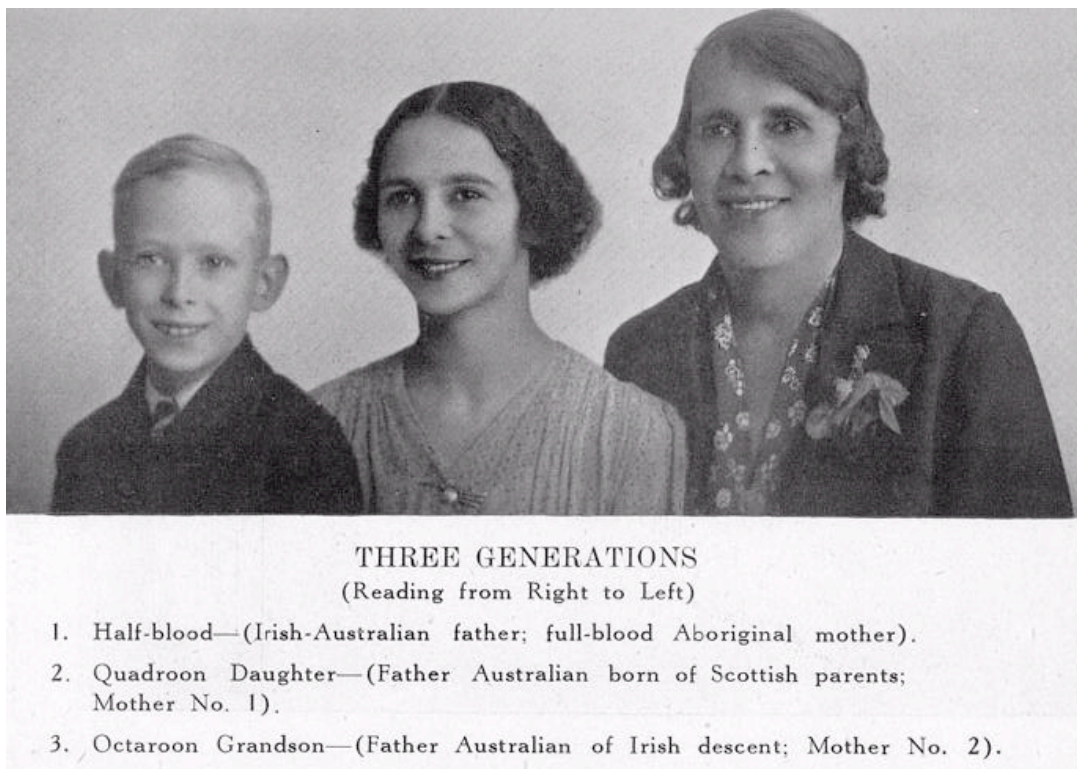


# IT MATTERS IF YOU'RE BLACK OR WHITE

ANDREW BOLT, ABORIGINAL IDENTITY AND  
RACIAL VILIFICATION



**Figure 1**

Racial classification of mixed-race Australian Aborigines<sup>1</sup>

Herald Sun columnist Andrew Bolt was recently the Respondent in the Federal Court, as part of proceedings brought against him by nine Aboriginal<sup>2</sup> Applicants under the *Racial Discrimination Act (1975)* (“the Act”). The case against him was to determine whether articles and blogs (“the articles”) written by him in 2009<sup>3</sup>, and published by The Herald and Weekly Times (HWT), were “reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or group of people,”<sup>4</sup> based on their “race, colour or national or ethnic origin,”<sup>5</sup> thereby constituting a breach of Section 18C of the Act.

This essay will explore Bolt’s articles as well as admissions made by him in Court during cross-examination, to determine:

- (i) whether Bolt’s articles have “taken us back to that eugenic approach to Aboriginality”<sup>6</sup>, as described by Ron Merkel QC; and
- (ii) whether as Bolt and his legal team argue, the articles are about his rights to freedom of speech to write on a public interest issue.

This essay will also attempt to explore:

- (iii) Bolt’s motives; and
- (iv) the consequences of his writings in this matter.

---

## **HISTORICAL CONTEXT OF ABORIGINAL IDENTITY**

In order to understand how the articles written by Bolt were offensive and insulting to Aboriginal people, it is important to examine and understand the history of colonisation in Australia – from the initial genocide to the more recent assimilation. The practices and policies of colonisation have resulted in whole communities of people of mixed Aboriginal ancestry, often exhibiting different physical characteristics to their pre-invasion ancestors.

Frontier violence and disease had a devastating impact on Aboriginal nations in Australia, and early 20<sup>th</sup> century policy-makers envisaged the disappearance of Aboriginal peoples and their 'Aboriginality' altogether, via the processes of biological absorption and cultural assimilation.<sup>7</sup> These policies involved controlling Aboriginal miscegenation, interracial relationships, and the forced removal and separation of all mixed-descent children from their communities.<sup>8</sup>

In an article written in *The West Australian* newspaper in 1930, Chief Protector of Aborigines in Western Australia, Auber O. Neville wrote that it is necessary to "eliminate the full-blood and permit the white admixture to half-casts and eventually the race will become white."<sup>9</sup> Full-descent Aboriginal people were condemned to extinction according to the 'doomed race theory',<sup>10</sup> however the increase in mixed-descent Aboriginal people was becoming a 'vexing problem'<sup>11</sup> to policy makers. Chief Protector of Natives in the Northern Territory from 1927-39, Dr. Cecil E. Cook, was a staunch advocate of assimilating mixed-descent Aboriginal people into white society as he believed that "Europeans and Aborigines would produce no 'atavistic tendency'<sup>12</sup> of the kind popularly predicted when Asians or negroes married whites."<sup>13</sup> Cook further proposed that:

"Generally by the fifth and invariably by the sixth generation, all native characteristics of the Australian aborigine are eradicated. The problem of our half-castes will quickly be eliminated by the complete disappearance of the black race, and the swift submergence of their progeny in the white."<sup>14</sup>

These ideas were circulated in newspapers, conferences and in even in Parliament. In a speech given by Neville at the Western Australian Welfare Conference in 1937, he stated:

"We have power under the act to take any child from its mother at any stage of its life... Are we going to have a population of one million blacks in the Commonwealth or are we going to merge them into our white community and eventually forget that there were ever any Aborigines in Australia?"<sup>15</sup>

The primary objective of forcible removal of children was to bring about their assimilation, their loss of Aboriginal physical identity, and removal from Aboriginal cultural, religious and intellectual influences.<sup>16</sup>

## BOLT'S ARGUMENTS – THE ECHO OF EARLY 20<sup>th</sup> CENTURY ASSIMILATIONISTS

Bolt wrote two articles on Aboriginal identity. In both, he questioned the Aboriginality of pale-skinned Aborigines. Bolt refers at length to the physical appearance of the certain Aboriginal people, suggesting that their “Caucasian” physical characteristics somehow invalidate their Aboriginality.<sup>17</sup> For instance, Bolt quotes Mark McMillan saying: “I am a blonde-haired, blue-eyed, fair-skinned Aboriginal Australian”<sup>18</sup>. Bolt describes Annette Sax as blond, Caucasian looking, and a “ ‘white’ Koori.”<sup>19</sup> Bolt refers to Danie Mellor as “the blue-eyed and ginger-haired Mellor”<sup>20</sup>, and continues to refer to the “blue-eyed Michael Mansell”<sup>21</sup>. Bolt describes Tara June Winch as having “auburn hair and a charmingly freckled face”<sup>22</sup> and Daniel Browning as looking more “like one of his West Indian ancestors.”<sup>23</sup> Bolt is incredulous at artist Kim Scott calling himself Aboriginal, despite “his obvious European background”<sup>24</sup>.

According to Bolt, “the special encouragements and prizes we set aside for Aborigines are actually meant for . . . well, Aborigines”<sup>25</sup>. Bolt objects to these encouragements and prizes going to those who do not conform to his racial stereotypes of Aboriginality. Bolt writes that he objects to “pretend[ing] white really is black”<sup>26</sup>. In his article titled ‘White fellas in the black,’<sup>27</sup> Bolt describes Sydney Arts academic Danie Mellor and Sydney law academic Mark McMillan as:

“ “white Aborigines” [*his emphasis*]... people who, out of their multi-stranded but largely European genealogy, decide to identify with the thinnest of all those strands, and the one that’s contributed least to their looks.”<sup>28</sup>

In essence, Bolt’s argument is, that if you look white, you are not a true Aborigine.

Bolt puts racial characteristics on a pedestal, as the primary or sole determinant of identity, and completely disregards other important factors such as self-identification and inclusion within a community. Bolt also uses images as part of his argument.



**Figure 2**

The pictures Bolt uses to support his arguments.

Bolt's argument, including the pictures he provides as supporting evidence, echo the racial theory promoted by Cook and Neville in relation to assimilating Aboriginal people into the white race.

In the Federal Court case *Shaw v Wolf*, the Aboriginal identity was in question, with regard to the election of Aboriginal representatives to the Aboriginal and Torres Strait Islander Commission (ATSIC) Regional Council in Tasmania in 1996. In his concluding remarks, Justice Merkel made an important point. He stated that it is

“...unfortunate that the determination of a person's Aboriginal identity, a highly personal matter, has been left by a parliament that is not representative of Aboriginal people to be determined by a court which is also not representative of Aboriginal

people... It is to be hoped that one day if questions such as those that have arisen in the present case are again required to be determined that that determination might be made by independently constituted bodies or tribunals which are representative of Aboriginal people.”<sup>29</sup>

Given the history of Australia’s colonial past, the issue of identity is a central aspect of Aboriginal self-determination. As Justice Merkel states, Aboriginal identity should be left to those with experience in this area, primarily Aboriginal representative bodies, and not a non-Aboriginal tabloid columnist with no qualifications in this area.

Under cross-examination in Court, Bolt refused to accept Aboriginal identity according to the legally recognized ‘three-part identity test’<sup>30</sup>. Instead he insists on skin colour and the Aboriginal ‘blood’ quantum as **the** factor defining Aboriginal identity. Bolt’s argument in Court went something like this:

“How can Graham Atkinson be co-chair of the Victorian Traditional Owners Land Justice Group when his right to call himself Aboriginal rests on little more than the fact that his Indian great-grandfather married a part-Aboriginal woman”.

Bolt criticises both Dr. Wayne Atkinson and his brother Graham Atkinson in his articles. However he fails to recognise that both these men are respected elders in the Yorta Yorta community, and have shown on numerous occasions, but perhaps most prominently during the Yorta Yorta Native Title case, that they are privileged keepers Aboriginal cultural and traditional knowledge passed down from their ancestors. Further, their connection to land and their community still runs deep.<sup>31</sup>

The publicly successful and prominent ‘white’ Aborigines that Bolt identifies and attempts to undermine are, according to him, clinging to their “part-Aboriginal”<sup>32</sup> descent in order to pursue political objectives and receive benefits or entitlements they do not deserve.<sup>33</sup> Bolt claims that Aboriginal people like Pat Eatock “only started to identify as Aboriginal when [they were] 19, after attending a political rally, so little did any racial difference matter to her before her awakening to far-Left causes.”<sup>34</sup> Bolt claims that people like Mellor, McMillan, Eatock, the Atkinson brothers, Larrissa Behrendt and others are “driven more by politics than by any racial reality.”<sup>35</sup> However, one wonders whether their politics would matter to Bolt, if they exhibited the racial profile that Bolt finds so important.

Let us for a moment apply Bolt’s argument to another ethnic group – the Jews. Like Aboriginal Australians, the Jews are an ancient and diverse ethno-religious group,



that through the centuries has lost many of its stereotyped Semitic facial features - olive skin, pronounced nose, curly, dark hair etc. However, someone such as Kate Hudson (Figure 2) does not physically exhibit these stereotypes. Yet few would say to her, that because she is fair-skinned, blond, with a small nose, she is not Jewish. This would be, and is, a racist assumption. Even talking in such terms about the size of the nose and how this relates to race and identity, makes one profoundly uncomfortable. Similarly, to say that a person is not Aboriginal because they look more white than black, is simply racist.



**Figure 3**

Kate Hudson, Jewish-American actress.<sup>36</sup>

To add further insult to injury, Bolt claims that the Aboriginal self-identification he describes is a racially divisive ‘choice,’<sup>37</sup> “feeding a new movement to stress pointless or even invented racial differences.”<sup>38</sup> Bolt contends that they could simply call themselves “Australians”, or of “polyglot ancestry”, or just “members of the human race”.<sup>39</sup> Bolt seems to be implying that the only people who can authentically wear the mantle of Aboriginal identity are “real draw-in-the-dirt Aboriginal[s].”<sup>40</sup> This seems to be suggesting that Aboriginal people of mixed-descent should assimilate into white society, as they are no longer Aboriginal. Once again, these ideas hark back to the eugenics policies of 20<sup>th</sup> Century Australia.

Bolt also misses the point regarding identity. Humans are able to simultaneously inhabit multiple identities, especially in a Settler/Migrant country such as Australia.

People have many strands of ancestral descent, and may identify with several ethnic, cultural or even religious origins. Identity is not a question of “either this” or “only that.” Even Bolt himself enjoyed dual citizenship (Australian and Dutch) for a certain period of time.<sup>41</sup> To return to the Jewish example, someone such as Zelman Cowen enjoys a simultaneous identity of Jew and Australian. These identities are parallel, but inhabit different aspects of life. The Jewish identity is ethno-religious and cultural, the Australian identity relates more to nationality. Similarly, if one can generalise, Aboriginal Australians are Aboriginal by ethnic, cultural, linguistic and religious identity and Australian more by nationality.

As if Bolt’s outdated stereotypes of what constitutes a ‘real’ Aborigine were not offensive enough, it was discovered under cross-examination that Bolt did not contact a single Aboriginal person about whom he wrote, to obtain facts about their family history, their involvement in the Aboriginal community or the influences they experienced that gave rise to their Aboriginal identity. Bolt was made to admit that as he did not check his facts prior to publishing, he made a gross error regarding Professor Larissa Behrendt’s ancestry. Bolt erroneously claimed that Behrendt’s father was a German, when in fact her father was an Aboriginal man with a German name.<sup>42</sup> A further insult was that Bolt admitted to the Court that he was aware that artist Bindi Cole had lived for a significant period of time as a youngster with her part-Aboriginal grandmother. However, in spite of this, Bolt wrote:

“Meet, say, acclaimed St Kilda artist Bindi Cole, who was raised by her English-Jewish mother yet calls herself “Aboriginal but white”. She rarely saw her part-Aboriginal father, and could in truth join any one of several ethnic groups, but chose Aboriginal, insisting on a racial identity you could not guess from her features. She also chose, incidentally, the one identity open to her that has political and career clout.”<sup>43</sup>

During cross-examination, Bolt admitted to deliberately omitting this fact to his readers regarding Cole’s upbringing.<sup>44</sup> This manipulation was specifically designed to undermine the self-identification of Cole, and to publicly attack her credibility as an Aboriginal person. This can be none other than offensive and humiliating, thereby constituting a breach of the Act.

But what motivates Bolt to paint this selective and inaccurate picture of Cole’s and Behrendt’s upbringing? In the article titled ‘*White is the New Black*’, Bolt clearly reveals his motives when he states:

“I think it sad if we keep harping on about differences and **rights** [my emphasis]



based on trivial inflections of race.”<sup>45</sup>

Bolt’s writing suggests that the assimilation of Aboriginal people was successful; that these people no longer exist, and therefore their rights to land or compensation for dispossession cannot be argued. This is particularly offensive, not only as Bolt has no qualifications to be writing on the subject of Aboriginal culture and ongoing connection to land, but also because Bolt is a ‘Stolen Generation’ denialist. Bolt’s analysis appear to be part of his agenda to deny land rights and social justice to people who suffered so much as a result of the colonization of Australia. This appears to be part of an effort to maintain assimilation policies and attack our multicultural society.

## **THE MEDIA, ABORIGINAL STEREOTYPES AND INCITING RACIAL VILIFICATION**

The media’s power to manipulate people and events, is subtle, insidious and if unchecked very dangerous. The effect of Bolt’s articles is to publicly delegitimise the prominent ‘white’ Aborigines he defames, and to incite contempt towards these people from his 2 million a month readership.<sup>46</sup> A quick analysis of the comments posted on Bolt’s interactive blogs in response to the articles, shows that in this regard, he has been successful. One blogger states: “I thought the natives killed albinos”<sup>47</sup>, whilst another writes that:

“Aboriginality is the get out of jail or get ahead free card. It means you don’t have to behave or do the work that others need to do to get ahead.... By the way, every time I see one of those dot paintings i just want to get out my NeoMajic and join em up.”<sup>48</sup>

The public anger and contempt toward those Bolt writes about is described by blogger named ‘Uptothebackteeth’, who states that he and many other bloggers are “positively furious” over this “white Aboriginal scam”.<sup>49</sup> In response to a comment posted about the disproportionate rate of incarceration and infant mortality rates of Aboriginal Australians, another blogger’s response was, “thats because they eat and drink rubbish, don’t work, neglect their children and commit more crime.”<sup>50</sup>

When Ron Merkel QC for the plaintiffs said to judge Bromberg, “the Holocaust

started with words and ended in violence”<sup>51</sup>, he is making the link, that the very purpose and consequence of language and speech, especially made publicly, is for language to influence beliefs and incite actions. Words are both powerful and potentially dangerous, and Bolt’s writing is inciting racism towards a group of people that happen to exist, because of this Country’s eugenics policies of assimilation.

It would appear that Bolt’s objective is to rally support against Aboriginal aspirations for self-determination. However, there is a high likelihood that Aboriginal people will suffer increased racism because of what Bolt’s has published. With the rise of Pauline Hanson and the One Nation Party in the 1990s, Aboriginal people nationwide reported an increase in racist violence perpetrated against them.<sup>52</sup> Bolt’s publicly stated opinions are not dissimilar to those expressed by Pauline Hanson, inciting similar abhorrence at a situation that is based on misinformation. In 1992, Pauline Hanson campaigned extensively on the issue of Native Title, claiming that:

“it is an 'Aboriginal land grab' and 'scam' perpetuated against non-Aboriginal Australians..... there is a 'war of Aboriginal greed' and Aboriginal people will own up to 80% of Australia”.<sup>53</sup>

Organisations such as One Nation, and people like Bolt, perpetuate and incite racial discrimination against Aboriginal people. Sometimes this is done directly and explicitly and other times it is indirect, more subtle and covert. The Racial Vilification Case against Bolt is therefore an important test not only for the strength of our multicultural society, but also for maintaining the purpose of the Act. If the nine Aboriginal applicants are successful, people such as Bolt and organizations such as One Nation will be held more accountable for the opinions and ideas they disseminate, and they will not be immune from prosecution. However, if they lose their case, the purpose and intention of the Act will be greatly undermined.

## **FREEDOM OF SPEECH versus RACIAL VILIFICATION**

Bolt has argued, that this case is about his rights to freedom of speech on an issue of public interest. However, the Racial Discrimination Act makes direct and indirect forms of racial discrimination unlawful. Whilst Bolt could try to argue that under the *Commonwealth Racial Hatred Act 1995* (“CRHA”) he “has the right to communicate

freely”<sup>54</sup>, and that such communication may relate to issues based on “the race, colour, or national or ethnic origin of a person or group”, such actions are not unlawful, if “done reasonably and in good faith”, involving “a fair and accurate report on a matter of public interest”.<sup>55</sup> However, Bolt’s articles were not written in good faith, as he deliberately omitted important facts. Therefore, they could not constitute an “accurate report”.<sup>56</sup> Furthermore, it would appear that Bolt is not the only journalist worried about the requirements placed on them to provide accurate and fair accounts of issues. Karl Quinn, journalist covering the case for the Age newspaper, writes:

“There can hardly have been a journalist present who did not feel some sympathy for Bolt as errors in his “meticulous research” were identified. It was also impossible not to fear at least a little for the ramifications for free speech should he lose this case.”<sup>57</sup>

Are Bolt, Quinn and others worried about free speech, or are they simply worried about the freedom of the press from public scrutiny. There are no ramifications for freedom of speech in this case, as the CRHA provides for that. More simply, this case will increase the public’s expectations of receiving accurate information, and journalists will be scrutinised and held accountable for the words and ideas they print. Surely that is desirable.

## CONCLUSION

Bolt criticizes, misrepresents and deliberately undermines the self-identification of those he refers to as “white Aborigines”. He questions the legitimacy of their Aboriginality based on their physical characteristics, in terms that would not be out of place in early 20<sup>th</sup> Century Australia. Worryingly, his arguments hark back to theories of racial science and eugenics, popular in the first half of the 20<sup>th</sup> Century, most notably in Nazi Germany. This is not to suggest that Bolt is a Nazi, or has any sympathy with Nazism. However, his argument tying facial and bodily features to identity is synonymous with the ideology that killed 6 million Jews and a quarter of a million Gypsies.

Bolt concludes that their self-identification is motivated purely by politics and or personal gain, and he does not give any acknowledgment to the legally recognised ‘three-part identity test’. Bolt and his legal team claim that this case is about Bolt’s

right to freedom of speech on a public interest issue. However the Act makes provision for freedoms of speech, provision to which Bolt can not argue.

Bolt's writings are particularly offensive to those he publicly names and attacks, however it is also offensive to all Aboriginal people of mixed descent, most especially to those people who are descendents of the Stolen Generations and who have suffered because of the Australian Government's policies of forced assimilation. The removal of 'half-caste' children from their communities and the absorption policies of the Colonial State were all instruments of bringing about the 'genocide' of Australian Aboriginal people. Eugenics was the policy, assimilation was the objective.

Genocide is the most extreme form of eugenics. However, the Settler attack on Aboriginality did not achieve its objectives of 'absorbing' and 'eliminating' the Aboriginal population into white society. Despite the scars inflicted by colonization, Aboriginal people have survived. Colonial history has changed the nature of Aboriginality as well as the physical appearance of Aboriginal people. However, these communities and its people continue to embrace their Aboriginal culture, history, traditions and, of course, their identities with pride.<sup>58</sup> Aboriginal people continue their struggle for land justice<sup>59</sup> and continue their calls for a treaty or treaties to be entered into between the Australian Government and the Aboriginal and Torres Strait Islander nations, to settle outstanding grievances resulting from colonisation.<sup>60</sup>

Bolt's articles and admissions made by him under cross examination reveal his racist notions of Aboriginality, which stem from early settler policies and practices of eugenics. Furthermore, his articles were written in a manner, designed to undermine Aboriginal identity, and to incite racial hatred in his readership toward these communities of people. Surely it is time for Bolt to recognise that his view of Aboriginal identity is antiquated and a cultural throwback to the early 20<sup>th</sup> Century. He should also recognise that his comments have caused a great deal of offence, hurt, prejudice and racial vilification. It is time for him to apologise to the people he has publicly attacked.

## ENDNOTES

<sup>1</sup> Chief Protector of Aborigines in Western Australia, Auber O. Neville's visual evidence for his biological absorption theories, which in turn led to assimilation policies designed to breed out 'Aboriginal blood' by miscegenation. (Source: Neville, Octavius A., *Australia's Coloured Minority*, p72, cited in: Foley, Gary., *Assimilating the Natives in the U.S and Australia*, The Koori History Website, (June 2000), see: [http://www.kooriweb.org/foley/essays/essay\\_15.html](http://www.kooriweb.org/foley/essays/essay_15.html), accessed 29 May, 2011

<sup>2</sup> In this essay, I have used the term "Aboriginal" instead of 'Indigenous' or 'First Australians' in order to be consistent with the Applicants and the Federal Court who used this term.

<sup>3</sup> Bolt, Andrew., "White is the new black", *The Herald Sun*, April 15 2009; Bolt, Andrew., "White fellas in the Black", *The Herald Sun*, August 21 2009. See: [http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/column\\_white\\_is\\_the\\_new\\_black](http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/column_white_is_the_new_black) and <http://www.heraldsun.com.au/opinion/white-fellas-in-the-black/story-e6frifo-1225764532947> respectively. Accessed on 25 March 2011

<sup>4</sup> *Racial Discrimination Act 1975* – Section 18C:

It is unlawful for a person to do an act, otherwise than in private, if: the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and the act is done because of race, colour, national or ethnic origin of the other person or of some or all of the people in the group.

see: [http://www.austlii.edu.au/au/legis/cth/consol\\_act/rda1975202/s18c.html](http://www.austlii.edu.au/au/legis/cth/consol_act/rda1975202/s18c.html), accessed on 20 May 2011

<sup>5</sup> *ibid.*,

<sup>6</sup> Connor, Michael., "Andrew Bolt on Trial", *Quadrant Online*, May 2011

see: <http://www.quadrant.org.au/magazine/issue/2011/5/andrew-bolt-on-trial>, accessed on 21 May 2011

<sup>7</sup> Biological absorption and cultural assimilation are both theories of eugenics. According to the United States National Library of Medicine, Unified Medical Language System, eugenics is defined as the "applied science or the biosocial movement which advocates the use of practices aimed at improving the genetic composition of a population," commonly referring to human populations or the pedigree breeding of livestock (See: <http://ghr.nlm.nih.gov/glossary=eugenics>, accessed May 2, 2011). Described and formulated by Charles Darwin's half cousin, Sir Francis Galton in 1883, it was "the study of all agencies under human control which can improve or impair the racial quality of future generations" (see: Black, Edwin., *War Against the Weak: Eugenics and America's Campaign to Create a Master Race*, Thunder's Mouth Press, (2004), p.18) Eugenics was increasingly popular among colonizing States in the early 20th century, advancing pseudoscientific notions of the racial supremacy of Anglo Europeans, which was in turn linked to their racial purity. However, in the late 20th century, the science of eugenics had become incredibly unpopular, because of its being used by Nazi Germany to justify the enforced "racial hygiene", human experimentation, and the extermination of people who were deemed "undesirable".

<sup>8</sup> "dissociating the children from camp life must eventually solve the Aboriginal problem" Aborigines Protection Board *Report, 1920–21*, p 5, cited in Read, Peter., *Stolen Generations, the removal of Aboriginal Children in New South Wales 1883 to 1969*, Human Services and Aboriginal Affairs, New South Wales Government, published 2007, see: <http://www.daa.nsw.gov.au/publications/Stolen%20Generations%206.pdf>, accessed on 27 May 2011

<sup>9</sup> Cited by Van den Berg, Rosemary, *Nyoongar People of Australia: Perspectives on Racism and Multiculturalism*, Brill, (2002) p. 75

<sup>10</sup> McGregor, Russell., *Imagined Destinies: Aboriginal Australians and the doomed race theory, 1880-1939*. Melbourne University Press, Melbourne, VIC, Australia, (1997) p.3

<sup>11</sup> The South Australian Parliament in their Parliamentary debates refer to the Aboriginal problem, of being a vexed one. During the Parliamentary debates, it was stated that: "Many well known ethnologists have advocated the assimilation of our Australian natives into the white race. Some people hold up their hands in horror at the thought of the black race mingling with the white, but ethnologists and archaeologists have agreed that it is a logical solution of this vexed problem. The Australian aboriginal is different from the negroid races of other countries, as he does not throw back." South Australian Parliamentary Debates 1938, p.845, cited by Ellinghaus, Katherine., "Absorbing the 'Aboriginal problem': controlling interracial marriage in Australia in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries", *Aboriginal History*, Volume 27, 2003, p. 186

<sup>12</sup> Atavism was the idea that the offspring of mixed-race couples would produce 'throwbacks'. However, it was believed that Aboriginal people were genetically inferior, because 'white' physical appearance and characteristics became more and more dominant, generation after generation of miscegenation, until no physical characteristics associated with Aboriginality were obvious. Atavism was the occurrence of black or other racially different babies suddenly being born to ostensibly white couples in later generations, commonly referred to as 'throwbacks'. The assimilation policies were therefore designed to assimilate Aboriginal people of mixed descent into white Australia, as it was believed that there was no danger of 'throwbacks'.

<sup>13</sup> Cook, Austin Cecil., interview with Ernestine Hill, 1933, p 115, reproduced in MacDonald, Rowena., *Between Two Worlds*, IAD Press, (1996) p. 25; cited in Windschuttle, Keith., *The myth of eugenics in*

Aboriginal policy, The Stolen Generations, see:

[http://www.stolengenerations.info/index.php?option=com\\_content&view=article&id=131&Itemid=116](http://www.stolengenerations.info/index.php?option=com_content&view=article&id=131&Itemid=116)

accessed on 13 June 2011

<sup>14</sup> Bringing Them Home: The 'Stolen Children' report, Australian human Rights Commission, (1997) p.137, see: [http://www.hreoc.gov.au/pdf/social\\_justice/bringing\\_them\\_home\\_report.pdf](http://www.hreoc.gov.au/pdf/social_justice/bringing_them_home_report.pdf), accessed on 7 June 2009

<sup>15</sup> Auber O. Neville, Chief protector of Aborigines in Western Australia was quoted by Stephens, Tony., 'Sorry', *Sydney Morning Herald*, 30 May 1998, p.41

<sup>16</sup> Bringing Them Home: The 'Stolen Children' report, Australian human Rights Commission, p.157

<sup>17</sup> Bolt, Andrew., "White fellas in the Black" and "White is the new black"

<sup>18</sup> Bolt, Andrew., "White fellas in the Black"

<sup>19</sup> Bolt, Andrew., "White fellas in the Black" and "White is the new black"

<sup>20</sup> Bolt, Andrew., "White fellas in the Black"

<sup>21</sup> *ibid.*

<sup>22</sup> *ibid.*

<sup>23</sup> Bolt, Andrew., "White is the new black"

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

<sup>26</sup> *ibid.*

<sup>27</sup> *ibid.*

<sup>28</sup> *ibid.*

<sup>29</sup> *Shaw v Wolf* (1998) 163 ALR 205, p.268, cited in Australian Law Reform Commission Publications, Kinship and Identity, *Legal Definitions of Aboriginality*, Chapter 36 see: <http://www.alrc.gov.au/publications/36-kinship-and-identity/legal-definitions-aboriginality?print>, accessed on 5 June 2011

<sup>30</sup> In 1981, the Commonwealth Department of Aboriginal Affairs adopted a new three-part test to determine Aboriginality for the purposes of applying specific and discriminatory legislation and for determining entitlement to certain benefits and services. (see: Department of Aboriginal Affairs, Report on a Review of the Administration of the Working Definition of Aboriginal and Torres Strait Islanders, Commonwealth of Australia, Canberra, (1981) cited in Gardiner-Garden, J., *The Definition of Aboriginality: Research Note 18*, Parliament of Australia (2000), p.2, see: [www.aph.gov.au/library/pubs/rn/2000-01/01rn18.htm](http://www.aph.gov.au/library/pubs/rn/2000-01/01rn18.htm), accessed 20 May 2011.) The three-part test requires Aboriginal descent, self-identification and community recognition to determine identity and belonging to 'groups' of Aboriginal or Torres Strait Islander persons. The issue of Aboriginality has been examined in a number of judicial proceedings in Australia, including: i.) *Commonwealth v Tasmania, Mabo v Queensland (No 2)*, [1992] HCA 23; (1992) 175 CLR 1 (3 June 1992), High Court of Australia, see: [http://www.austlii.edu.au/au/cases/cth/high\\_ct/175clr1.html](http://www.austlii.edu.au/au/cases/cth/high_ct/175clr1.html), accessed on 30 May 2011; ii.) *Attorney-General (Cth) v Queensland* (1990) 94 ALR 515 cited in de Plevitz, Loretta., and Croft, Larry., "Aboriginality Under the Microscope: The Biological Descent Test in Australian Law", *Queensland University of Technology Law and Justice Journal* (2003) p.105 see: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/journals/QUTLawJJI/2003/7.html?query=%2225%20FCR%20125%22%20or%20%2294%20ALR%20515%22#fnB25>, accessed on 20 May 2011; iii.) *Gibbs v Capewell and iv.) Shaw v Wolf* both cited in: The Australian Law Reform Commission Publications, Kinship and Identity, *Legal Definitions of Aboriginality*. The three-part test was also used in the *Aboriginal and Torres Strait Islander Commission Act 1989* ("ATSIC Act"), see: [http://www.austlii.edu.au/au/legis/cth/num\\_act/aatsica1989478/](http://www.austlii.edu.au/au/legis/cth/num_act/aatsica1989478/), accessed on 20 May 2011. In all the proceedings listed, as well as in the ATSIC Act, the three-part test was adopted as a working definition to identify Aboriginal or Torres Strait Islander persons.

<sup>31</sup> Atkinson, Wayne., *Not One Iota: The Yorta Yorta Struggle for Land Justice*, Chapter 3, PhD Thesis, La Trobe University, 2000, p.17-18

<sup>32</sup> Bolt refers to the 'part-Aboriginal' ancestry of one of the parents or grandparents of those he criticizes, no less than 11 times in both articles listed above.

<sup>33</sup> Bolt, Andrew., "White is the new black"

<sup>34</sup> *ibid.*

<sup>35</sup> *ibid.*

<sup>36</sup> Top News.in, see: <http://www.topnews.in/files/Kate-Hudson3.jpg>, accessed on 15 June 2011.

<sup>37</sup> Bolt, Andrew., "White is the new black"

<sup>38</sup> *ibid.*

<sup>39</sup> Quinn, Karl., "Bolt put in place in race case?", *The Age*, April 2, 2011, see: <http://www.theage.com.au/action/printArticle?id=2275265>, accessed 2 April 2011.

<sup>40</sup> Bolt, Andrew., "White fellas in the black"

<sup>41</sup> Andrew Bolt held both Australian and Dutch citizenship for many years, until the Dutch Government withdrew his citizenship because he had not lived in Holland for a long enough period of time. Bolt did not revoke his Dutch citizenship off his own back, rather it was taken away from him. See: Bolt, Andrew., "Escape from Beirut", *The Herald Sun*, July 21, 2006. See:

<http://www.heraldsun.com.au/opinion/escape-from-beirut/story-e6frfhr6-111112138880>, accessed on 2 June 2011

<sup>42</sup> Bolt, Andrew., "White is the new Black".

<sup>43</sup> *ibid.*

<sup>44</sup> Crook, Andrew., "Andrew Bolt on trial: 'everyone makes mistakes'", *Crikey*, March 30, 2011, see: <http://www.crikey.com.au/2011/03/30/andrew-bolt-on-trial-everyone-makes-mistakes/>, accessed 30 March 2011

<sup>45</sup> Andrew Bolt wants to deny these people their rights to land and recognition as being descendants of the First Australians, see: Bolt, Andrew., "White is the new black"

<sup>46</sup> Bolt's blogs have been reported to receive 2 million hits per month. Refer to: Bolt, Andrew., "Two Million Hits a Month", *The Herald Sun*, 7<sup>th</sup> December 2009, see: [http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/two\\_million\\_hits\\_a\\_mon](http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/two_million_hits_a_month/)th/, accessed 10 June 2011.

<sup>47</sup> Bolt, Andrew., "White is the new black", blogger Jack replied to blogger AussieTraveller, Wed 15 Apr 09 (07:46am)

<sup>48</sup> Bolt, Andrew., "White is the new black", blogger Rossco replied to blogger AussieTraveller Wed 15 Apr 09 (07:50am)

<sup>49</sup> Bolt, Andrew., "White is the new black", blogger Uptothebackteeth replied to blogger AussieTraveller Wed 15 Apr 09 (05:18pm)

<sup>50</sup> Bolt, Andrew., "White is the new black", blogger Eden replied to blogger unbelievable Fri 24 Apr 09 (05:10pm)

<sup>51</sup> Bodey, Michael., Andrew Bolt articles 'akin to eugenics' court hears, *The Australian*, March 29, 2011, see: <http://www.theaustralian.com.au/news/nation/andrew-bolt-articles-akin-to-eugenics-court-hears/story-e6frg6nf-1226029661666>, accessed on 29 March 2011

<sup>52</sup> Hannah McGlade, of the Murdoch University Law School, writes: "In June 1998 the Perth Aboriginal Medical Service (PAMS) was subject to a serious bombing threat in which 17 kilograms of explosives were left on the doorstep of the organisation. Later that day, the service received the following facsimile, apparently from the Western Australian division of the One Nation party: Perhaps we should have a National Sorry Day for Aboriginal people to apologize to the rest of the Australian community, for all the muggings, robberies, home invasions, car thefts, murders, child-rapes done by Aborigines over the years. Apologize for Paris Way and all other trashed state housing. Apologize for millions of taxpayers money poured down the drain in booze etc. Apologize for terrorizing the trains and train station and making the train unusable at night. When we come to power you people will have something to be 'sorry' about if you don't learn how to behave decently." Cited in McGlade, Hannah., "The International Prohibition of Racist Organisations: An Australian Perspective", *Murdoch University Electronic Journal of Law*, Volume 7, (2000). See: [www.murdoch.edu.au/elaw/issues/v7n1/mcglade71.html](http://www.murdoch.edu.au/elaw/issues/v7n1/mcglade71.html), accessed on June 2, 2011

<sup>53</sup> Hannah McGlade, "The International Prohibition of Racist Organisations: An Australian Perspective", *Murdoch University Electronic Journal of Law*

<sup>54</sup> *Commonwealth Racial Hatred Act 1995*, No. 101, Section 3, Insertion of new Part, see: [http://www.austlii.edu.au/au/legis/cth/num\\_act/rha1995109/s3.html](http://www.austlii.edu.au/au/legis/cth/num_act/rha1995109/s3.html), accessed 29 May 2011.

<sup>55</sup> *Ibid.*

<sup>56</sup> Crook, Andrew., "Andrew Bolt on trial: 'everyone makes mistakes'".

<sup>57</sup> Quinn, Karl., "Bolt put in place in race case?"

<sup>58</sup> Morgan, Monica., *Shepparton News*, 22 September 1999, writes about Yorta Yorta survival and identity in relation to the Yorta Yorta Native Title Claim. She states: "We know we exist, we know we have continued to exist, that no practices that have ever occurred on Indigenous people, of genocide, removal, taking away of people, continuing denigration happening in Australia today, is ever going to take away the pride and dignity of Yorta Yorta people." cited by Atkinson, Wayne., *Not One Iota: The Yorta Yorta Struggle for Land Justice*, Chapter 3, PhD Thesis, La Trobe University, 2000, p.19

<sup>59</sup> Dr Wayne Atkinson, academic and Yorta Yorta elder writes that "from 1860 to 1999, the Yorta Yorta have made at least 18 attempts to claim land and compensation," and in 2002, the Yorta Yorta Nation achieved some form of land justice, in their 'joint management' over part of their ancestral lands, the Barmah-Millewa National Park. Refer to Atkinson, Wayne., *Not One Iota: The Yorta Yorta Struggle for Land Justice*, p.18

<sup>60</sup> Professor Marcia Langton quoted in the foreword of Brennan, Sean., *Treaty*, Federation Press, (2005) p.2



---

## BIBLIOGRAPHY

### PRIMARY RESOURCES

*Aboriginal and Torres Strait Islander Commission Act 1989* ("ATSIC Act"), see: [http://www.austlii.edu.au/au/legis/cth/num\\_act/aatsica1989478/](http://www.austlii.edu.au/au/legis/cth/num_act/aatsica1989478/), accessed on 20 May 2011

Bolt, Andrew., "Escape from Beirut", *The Herald Sun*, July 21, 2006. See: <http://www.heraldsun.com.au/opinion/escape-from-beirut/story-e6frfhr6-1111112138880>, accessed on 2 June 2011

Bolt, Andrew., "Two Million Hits a Month", *The Herald Sun*, 7<sup>th</sup> December 2009, see: [http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/two\\_million\\_hits\\_a\\_month/](http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/two_million_hits_a_month/), accessed 10 June 2011.

Bolt, Andrew., "White is the new black", *The Herald Sun*, April 15 2009. See: [http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/column\\_white\\_is\\_the\\_new\\_black](http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/column_white_is_the_new_black), accessed on 25 March 2011

Bolt, Andrew., "White fellas in the Black", *The Herald Sun*, August 21 2009. See: and <http://www.heraldsun.com.au/opinion/white-fellas-in-the-black/story-e6frfiro-1225764532947>, accessed on 25 March 2011

Bringing Them Home: The 'Stolen Children' report, Australian human Rights Commission, (1997), see: [http://www.hreoc.gov.au/pdf/social\\_justice/bringing\\_them\\_home\\_report.pdf](http://www.hreoc.gov.au/pdf/social_justice/bringing_them_home_report.pdf), accessed on 7 June 2009

*Commonwealth Racial Hatred Act 1995*, No. 101, Section 3, Insertion of new Part, see: [http://www.austlii.edu.au/au/legis/cth/num\\_act/rha1995109/s3.html](http://www.austlii.edu.au/au/legis/cth/num_act/rha1995109/s3.html), accessed 29 May 2011.

*Commonwealth v Tasmania, Mabo v Queensland (No 2)*, [1992] HCA 23; (1992) 175 CLR 1 (3 June 1992), High Court of Australia, see: [http://www.austlii.edu.au/au/cases/cth/high\\_ct/175clr1.html](http://www.austlii.edu.au/au/cases/cth/high_ct/175clr1.html), accessed on 30 May 2011

*Racial Discrimination Act 1975*, Section 18C, see: [http://www.austlii.edu.au/au/legis/cth/consol\\_act/rda1975202/s18c.html](http://www.austlii.edu.au/au/legis/cth/consol_act/rda1975202/s18c.html), accessed on 20 May 2011

Read, Peter., *Stolen Generations, the removal of Aboriginal Children in New South Wales 1883 to 1969*, Human Services and Aboriginal Affairs, New South Wales Government, published 2007, see: <http://www.daa.nsw.gov.au/publications/Stolen%20Generations%206.pdf>, accessed on 27 May 2011

United States National Library of Medicine, Unified Medical Language System, see: <http://ghr.nlm.nih.gov/glossary=eugenics>, accessed May 2, 2011

---

## SECONDARY RESOURCES

Atkinson, Wayne., *Not One Iota: The Yorta Yorta Struggle for Land Justice*, Chapter 3, PhD Thesis, La Trobe University, (2000)

Australian Law Reform Commission Publications, Kinship and Identity, *Legal Definitions of Aboriginality*, Chapter 36 see: <http://www.alrc.gov.au/publications/36-kinship-and-identity/legal-definitions-aboriginality?print>, accessed on 5 June 2011

Black, Edwin., *War Against the Weak: Eugenics and America's Campaign to Create a Master Race*, Thunder's Mouth Press, (2004)

Bodey, Michael., Andrew Bolt articles 'akin to eugenics' court hears, *The Australian*, March 29, 2011, see: <http://www.theaustralian.com.au/news/nation/andrew-bolt-articles-akin-to-eugenics-court-hears/story-e6frg6nf-1226029661666>, accessed on 29 March 2011

Brennan, Sean., *Treaty*, Federation Press, (2005)

Connor, Michael., "Andrew Bolt on Trial", *Quadrant Online*, May 2011, see: <http://www.quadrant.org.au/magazine/issue/2011/5/andrew-bolt-on-trial>, accessed on 21 May 2011

Crook, Andrew., "Andrew Bolt on trial: 'everyone makes mistakes'", *Crikey*, March 30, 2011, see: <http://www.crikey.com.au/2011/03/30/andrew-bolt-on-trial-everyone-makes-mistakes/>, accessed 30 March 2011

Ellinghaus, Katherine., "Absorbing the 'Aboriginal problem': controlling interracial marriage in Australia in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries", *Aboriginal History*, Volume 27, (2003)

Foley, Gary., Assimilating the Natives in the U.S and Australia, The Koori History Website, (June 2000), see: [http://www.kooriweb.org/foley/essays/essay\\_15.html](http://www.kooriweb.org/foley/essays/essay_15.html), accessed 29 May, 2011

Gardiner-Garden, J., *The Definition of Aboriginality: Research Note 18*, Parliament of Australia (2000), p.2, see: [www.aph.gov.au/library/pubs/rn/2000-01/01rn18.htm](http://www.aph.gov.au/library/pubs/rn/2000-01/01rn18.htm), accessed 20 May 2011

MacDonald, Rowena., *Between Two Worlds*, IAD Press, (1996)

McGlade, Hannah., "The International Prohibition of Racist Organisations: An Australian Perspective", *Murdoch University Electronic Journal of Law*, Volume 7, (2000). See: [www.murdoch.edu.au/elaw/issues/v7n1/mcglade71.html](http://www.murdoch.edu.au/elaw/issues/v7n1/mcglade71.html), accessed on June 2, 2011

McGregor, Russell., *Imagined Destinies: Aboriginal Australians and the doomed race theory, 1880-1939*. Melbourne University Press, Melbourne, VIC, Australia, (1997)

de Plevitz, Loretta., and Croft, Larry., "Aboriginality Under the Microscope: The Biological Descent Test in Australian Law", *Queensland University of Technology Law and Justice Journal* (2003), see: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/journals/QUTLawJJI/2003/7.html?query=%2225%20FCR%20125%22%20or%20%2294%20ALR%20515%22#fnB25>, accessed on 20 May 2011

---

Quinn, Karl., "Bolt put in place in race case?", *The Age*, April 2, 2011, see: <http://www.theage.com.au/action/printArticle?id=2275265>, accessed 2 April 2011

Stephens, Tony., 'Sorry', *Sydney Morning Herald*, 30 May 1998

Top News.in, see: <http://www.topnews.in/files/Kate-Hudson3.jpg>, accessed on 15 June 2011.

Van den Berg, Rosemary, *Nyoongar People of Australia: Perspectives on Racism and Multiculturalism*, Brill, (2002)

Windschuttle, Keith., *The myth of eugenics in Aboriginal policy*, The Stolen Generations, see: [http://www.stolengenerations.info/index.php?option=com\\_content&view=article&id=131&Itemid=116](http://www.stolengenerations.info/index.php?option=com_content&view=article&id=131&Itemid=116) accessed on 13 June 2011