BRISCOE'S ERRONEOUS AND MIS-NAMED 'APPRECIATION' OF KEVIN GILBERT

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It is astonishing that the Chairperson and Editorial Board of *Aboriginal History* are prepared to publish, not only such a disrespectful article about a recently deceased person, but also one that does not achieve basic academic standards of research and cannot be classified as history.

Briscoe's misnamed 'Appreciation' is riddled with blatant factual errors and imbued with dubious malicious motives.

Despite the circumstances, and the fact that Briscoe finished his article one month after Kevin passed on, we did offer to talk to the Editorial Board to clarify how Kevin's life had been misrepresented, but we were informed that 'would be inappropriate'. Instead we are asked to co-operate with Briscoe's sad and sorry research methods of throwing a heap of unsubstantiated guesswork and lies into a public forum in the hope that the family will sort fact from fiction. That is an inappropriate expectation. In order to put the matter to rest, however, we will highlight three of the many gross departures from the truth, but in doing so, inevitably, Briscoe's credibility suffers.

Briscoe's recurring theme is that Kevin was 'born and raised in non-Aboriginal society' and 'went into gaol a "cherry picker"'. In gaol he metamorphosed, emerging as an Aborigine' is so ludicrous as to cause one to question what Briscoe is revealing about himself.

An examination of footnote 10 reveals that Briscoe continues to try to substantiate his claim by referencing his statement with 'Rowley 1971. See also Rowley 1967, p. 7'. The citations are *Outcasts in White Australia* and 'The Aboriginal Householder'. Neither the book nor the ANZAAS paper even mention Kevin.

Briscoe continues the attack, by criticising Kevin (and the whole of the family) on the basis of race and the implication is obvious. 'His heritage included descent from the Kamilaroi and Wiradjuri peoples. ... This heritage came from his mother, born Clara Naden. Although he never revealed it, Naden is an Afghan name'. Briscoe continues by putting words into Kevin's mouth, 'and from what Gilbert recalled, it was possible that his mother may have been of Afghan descent'. Family oral history and 'papertalk'¹ concur that is neither research nor history, but sheer fabrication. Nor is there anyone in our family called Clara Naden, as Briscoe calls Kevin's mother, whose name was Rachel.

It is sufficient to say that Kevin's indomitable Wiradjuri spirit was nurtured by his extended family, several of whom spoke Wiradjuri as their first language. They maintained an autonomous existence on tiny remnants of traditional and sacred Wiradjuri lands to which they had access, choosing to remain independent from missions and white control of their lives. The associated pride of having survived over one hundred and fifty years of physical and cultural genocide was passed on and is reflected in the poem 'Uncle Paddy'

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¹ Registry of Births, Deaths and Marriages records

about Kevin's own uncle, a fluent Wiradjuri speaker,² whom he held in the highest regard:

It's great to be free

Even if you have to trap rabbits and eat sheep guts

Eat well of it - not for the hell of it

Eat sheep guts - and fight to be free!³

Statements such as that the sovereignty movement he represented was 'largely a fabrication', that sovereignty is a 'belief in a promised land', and that land rights is the search and demand for a promised land, add to the absurdity of Briscoe's argument. One need only follow the indigenous participation with the UN Working Group on Indigenous Peoples and the evolving indigenous sovereignty movement internationally to realise that sovereignty is a concept that links Indigenous Peoples worldwide.

Indeed, the Aboriginal sovereign claim has been clarified by the fact that, after the ten years deliberation of *Mabo v Queensland*,⁴ the full bench of the High Court was unable to provide any convincing legal arguments or precedents with which to justify how the Commonwealth of Australia acquired sovereignty. As two judges admitted:

it *must be accepted* in this Court that the whole of the territory designated in Phillip's Commissions was, by 7 February 1788, *validly* established as a settled British colony. [added emphasis]⁵

In other words, the High Court expects one to believe that Aboriginal sovereignty, across the whole of the continent, was extinguished the moment the penal colony was established at Sydney Cove, even though the land was populated by Indigenous Peoples with a highly effective Law and government.⁶

Kevin was able to interpret the grassroots expressions of ownership - 'Always was, always will be Aboriginaland'; 'Boss for our own mob'; 'We own this land from creation days'; - into a language that revealed Australia's Achilles heel - 'Sovereignty never ceded'. He so passionately advocated a sovereign treaty or international covenant as the proper foundation for all people in this land, because he understood the consequences '... when the free dreams die'.⁷

LIST OF REFERENCES

- Blackshield, Simon, 1993, 'A "kinder, gentler" legal fiction - *Mabo v. Queensland* (No. 2)', unpublished paper for the National Aboriginal and Islander Legal Service.
 Gilbert, Kevin, 1990, *The Blackside, People Are Legends and Other Poems*, Melbourne.
 ———, 1994, *Black From The Edge*, Melbourne.
Mabo and Ors. v. Queensland, 1992, Canberra.
 Read, P., 'A History of the Wiradjuri People of New South Wales' 1883-1969', 1983, ANU.

² This statement elucidates the limitations of historians writing black history. In his Ph.D thesis 'A History of the Wiradjuri People of New South Wales, 1883-1969', Read (who, significantly, is co-editor of this journal and is very much responsible for Briscoe's article being published) could conclude that the Wiradjuri language was dead even though some, including Kevin's aunts, who could speak it fluently, were still alive (*pers. comm.*).

³ Gilbert 1990.

⁴ *Mabo and Ors. v. Queensland*, 1992, Canberra.

⁵ Deane and Gaudron JJ, in *Mabo ...* 1992, p. 69.

⁶ Blackshield 1993.

⁷ 'Red land claim', in Gilbert 1994, p. 20.