

# Denis Walker; on trial



At 10.20 a.m. Tuesday, 10th June, 1975, Aboriginal activist, Denis Walker, arrived at his High Court hearing in Sydney, bearing an unloaded gun and carrying ammunition. His supporters were waiting with flags and placards for his arrival as were a hoard of pressmen and police. Walker was arrested and violently carried to Darlinghurst Police Station. The police arrested six others in the crowd and charged them with unseemly words and failing to obey reasonable directions as to the flow of traffic, using their powers under the fascist Summary Offences Act to disperse the demonstration. The High Court sat while the incident occurred outside and by a majority of 4-1, Justice Murphy in dissent, they refused Walker leave to appeal against an order made by Mr. Justice Taylor in the NSW Supreme Court in Sydney on February 18th, 1975, to extradite him back to Queensland to face charges of "attempting to obtain monies with threats and menaces". At 2.00 p.m. on June 10th, 1975, Walker appeared before the Magistrates Court in Liverpool Street, Sydney, on a charge that, having been a person convicted in a summary jurisdiction, he had in his possession a .22 calibre self-loading rifle. The Magistrate, Mr. Berman, refused bail and remanded Walker to appear on June 30th to face this and other minor charges.

Walker's imprisonment marks the end of a long fight waged by blacks, students and left organisations to help Walker from being returned to Queensland to stand trial. The fact that Walker is in gaol in NSW must be examined carefully, especially in the knowledge that Walker had planned for some time to be armed when the High Court heard his case. Whether or not Walker's personal motives are questionable or whether or not his political analysis of the situation was incorrect, is for others to decide. My particular concern is to make some statement about the case as a whole and as I have seen it develop, and to hopefully make a positive contribution to its discussion.

## CONTROVERSY

There is a great deal of controversy surrounding this case, especially within the student movement. The facts of the case Farrago, Friday, August 1, 1975 - Page 8

need to be stated precisely and the situation must be placed in its proper perspective, i.e. within the political arena. Since 1969 black militants such as Denis Walker have been involved in political activity to smash the racist Queensland Legislation on the statute books of the Queensland State Parliament. Without doubt the Queensland Aborigines Act of 1971 and the Torres Strait Islanders Act of 1971 are amongst the most oppressive and racist pieces of legislation in the world.

They single out people of Aboriginal and Island descent for special treatment of a type comparable with that existing for blacks in South Africa under the apartheid system. The Act Confrontation Movement of which Denis Walker is a leading member has as its sole purpose the tearing down of the racist and oppressive legislation. The Movement represents a direct assault on the State itself on behalf of the oppressed and demoralised Aboriginal and Island people of Queensland, and therefore it is seen as a direct threat by the Bjelke-Peterson regime. The greatest breakthrough for the Act Movement came at Palm Island which has a population of about 1500 situated 38 miles off the coast from Townsville. The reason for this was because a Chairman and a Council were elected to power which refused to bow down to the Bjelke-Peterson regime. For a long time they had known of moves to turn Palm Island into a multi-million dollar tourist resort. They knew that they were in the way of the intentions of capitalistic big business and the Queensland Government to exploit the Island, but Palm Island was their home and they were determined to remain there even though their requests for the self-determination of their community would continue to be ignored by those in control of their affairs.

## PALM ISLAND MOBILIZATION

In July 1974, Denis Walker and John Garcia went to Palm Island for a fortnight for two main purposes: to identify the problems, and to work out priorities on action programmes with the elected Council. This was done and it was decided that expertise from throughout Australia, including academic, governmental and working class organisations needed to be involved in a seminar on Palm Island itself, to mobilise the necessary resources and to create a political atmosphere whereby the racist Queensland Government would be hard put to suppress such a movement. Specifically, submissions were drawn up and sent to the Aboriginal Publications Foundation for a grant for the Palm Island people to put out their own

publication. A submission for public works, education, health etc. totalling almost \$3 million was sent to the DAA in Canberra to make the Council itself totally independent of these state instrumentalities. The seminar content and context were set and the title thereof was to be "Land Rights and Self-Determination". A press conference was called in Brisbane by Denis Walker to publicise the Palm Island people's initiatives and also make public that student groups and trade union organisations, as well as governmental organisations, were going to be approached for financial assistance to hold the seminar.

On Monday, 6th August, Denis Walker made an appointment to see Jim Varghese, President of the Students Union, Queensland University, to discuss with him the possibilities of raising \$10,000 to immediately initiate a black community school programme on Palm Island. Varghese, however, had previously been approached by the police and told that a kidnap attempt would be made on him and that he should not keep that appointment - or any other appointment with Walker or any other black activists within the community. Approximately 10 black activists involved in the Act Confrontation Movement and specifically mobilising around the Palm Island movement, arrived at Varghese's office for the 12 o'clock appointment and were told that Varghese was not available. A further appointment was made to meet at 12 o'clock on the following day, Tuesday, 7th August. Varghese decided to keep this appointment.

The situation on Palm Island was explained to Varghese; the problems and the priorities as well as the rapport that had been established with the Council on Palm Island. It was pointed out to him that if something was not done quickly, Bjelke-Peterson's regime would move to smash that Council.

## VARGHESE ENTERS THE SCENE

Prior to the interview with Varghese, black activists had already planned on a Black Liberation Festival and they required the facilities of the university to act as a co-ordination point and to provide the venue. All the money that would be raised was to go to Palm Island for the black community school. This was explained to Varghese in the conversation. Varghese no doubt wanted to find out whether in fact he was going to be kidnapped, as the police had told him, so he continually asked what would be the repercussions if he did not comply with their requests. Walker then said that there are enough crazy niggers around to blow

off his head if \$200 was placed on it. After further discussion the situation rationalised somewhat and it was agreed by Varghese that he would see what facilities could be made available to put on the Black Liberation Festival.

Denis Walker had an engagement in Sydney on Wednesday, 8th August, to record the David Frost show "Frost Over Australia". Whilst in Sydney at approximately 6.00 p.m. on Wednesday 8th, Walker received an urgent phone call saying that Lionel Lacey and John Garcia had been arrested on conspiracy charges and that he was now being sought on a charge of attempting to obtain monies with threats and menaces. He did not return to Queensland. Eventually Walker was arrested on 12th September. He went through approximately five magistrate's hearings, and eventually the Magistrate, Mr. C. Briese, found that he should be extradited to Queensland to face those charges. He appealed to the Supreme Court of NSW to have the Magistrate's decision withdrawn.

The basis of this appeal was three points:

1. Double criminality - no corresponding law in NSW.
2. The charge was brought with improper motives.
3. There is no chance that Denis Walker would receive a fair trial in Queensland because of both personal and racial prejudices.

The judge hearing the appeal, in his wisdom, turned down the first submission and refused to hear evidence relating to the further two submissions. Thus the case was appealed to the High Court.

## MAGISTRATES COURT

Having stated basically what the case is about, it is illuminating to comment upon some of the situations that have arisen during the course of the case. At the hearing in the Magistrate's Court in Redfern on October 1st, 1974, evidence as to the circumstances of the issuing of the warrant and the arrest of Denis was heard. The warrant was issued on August 8th, 1974, just one day after the incident in Jim Varghese's office, and the tape was handed over as evidence. Denis Walker was charged under s.414ss(2) of the Queensland Criminal Code, which states that "it is an offence to gain monies with threats and menaces". It was said in evidence by the Detective Sergeant 1st class, who issued the warrant in Queensland, that he was attached to the burglary squad but had been seconded to Queensland University where, he said, his role was to investigate campus crime. He is a student. When asked by Bruce Miles, for Walker, whether the nature of the