

= Black Tears =

" Black Tears " is a song by Australian alternative rock band Powderfinger , from their sixth studio album Dream Days at the Hotel Existence . The song is an acoustic ballad in a folk music style , beginning with one guitar and a lead vocal , later introducing a guitar with a synthesised effect from the first chorus . Following the Dream Days at the Hotel Existence release , live versions of the song have been released on other recordings .

The song did not cause the release of the album to be delayed , despite claims that the song 's lyrics could interfere with the 2004 Palm Island death in custody case .

= = Controversy = =

On 2 May 2007 , mX , an afternoon newspaper in Brisbane , revealed that the defence team for Senior Sergeant Chris Hurley would be referring the song to Queensland Attorney @-@ General Kerry Shine , due to concerns that the song 's lyrics could prejudice the 2004 Palm Island death in custody , where Hurley had been charged for manslaughter . On 2 May Hurley 's lawyer Glen Cranny said " The content and proposed timing of the song ? s release raises some serious concerns regarding Mr Hurley ? s trial . " It was claimed by the defence team that the song 's lyrics were similar to the events that took place surrounding the death of Mulrunji . The band 's manager , Paul Piticco , conceded the song was about the case but insisted they were not specific enough to cause a problem . The album was set to be released 10 days before Hurley would face Townsville Supreme Court , on 12 June . There were concerns that the case 's jury could potentially be biased by the lyrical content .

Due to the concerns raised , Powderfinger sought legal advice . Then Queensland premier , Peter Beattie , who had legal experience , said the song was likely to be protected by free speech laws , noting " The matter would have to go pertain specifically to the issues of the trial " for a " prejudice " argument to be raised .

Several days after the initial threats of legal action , Powderfinger backed down and announced they would change the song . The band 's lawyers sent Shine a copy of the new , altered lyrics . It was then reported that an analysis of the new lyrics found they were safe to release . This was the version that would later be used on the album . A statement from Shine 's office stated that " Crown Law has examined the lyrics . Crown Law have advised Mr Shine 's office the lyrics raise no legal concern . "

In a June 2007 interview , Fanning noted that Powderfinger hoped to re @-@ release the original version of the song in the future , after the case had been settled . He also said that he was not angry about having to change his lyrics , but lamented the lack of Australian musicians willing to challenge the status quo .

The legal threats against the song were attacked heavily by some writers , including Andrew Stafford of The Bulletin . He noted that it was highly unlikely " Black Tears " would be released as a single , so potential jurors would need to " buy a copy of Dream Days in the ten days between its release and Hurley 's trial just to hear the song " . He also noted that Piticco had stated the lyrics could just as easily refer to a death in Brisbane , not on Palm Island .

= = Musical content = =

In a media statement published on the band 's MySpace web page , lead singer Bernard Fanning , who originally wrote the song , said the inspiration came to him after " a trip that I took last year to Uluru " . He said it discussed the issue of people climbing the rock , which is sacred in Aboriginal folklore , despite " the prevalence of literature and signage " asking people not to . Fanning compared climbing Uluru to climbing the Vatican , which he noted would be highly offensive to Catholics .

Fanning said the second part of the song , which contained the controversial lyrics , was written following the Queensland Director of Public Prosecutions passing down its finding in the death in

custody case . He said that the band believed the song would have no bearing on the legal procedure , they would nonetheless include an alternative version of the song on Dream Days at the Hotel Existence .

The alternate version of the song still contains the lyrics An island watchhouse bed / A black man 's lying dead. but not the lyrics that followed .

Upon announcing that the album would contain an altered version , Fanning noted his initial reasons for the song , stating " to bring attention to the obvious disadvantage that is still being suffered by Aboriginal people in this country " , which he said included the issue of " Indigenous deaths in custody " . Despite the claimed lyrical change , some early versions of Dream Days at the Hotel Existence were shipped with a version of " Black Tears " that included the controversial lyrics , which were also published on the band 's website .

= = Release history = =

= = = Original version = = =

Dream Days at the Hotel Existence ? Track 9

= = = Live performances = = =

Across the Great Divide tour DVD ? Disc 1 , Track 11

I Don 't Remember ? iTunes only ? Track 2