

Innocence Regained: the fight to free Lindy Chamberlain

Prologue

What made the horrendous words that Lindy Chamberlain screamed into the empty night air so stark was the extreme ordinariness of everything that had preceded their utterance. Lindy and her husband, Michael, were cooking tea at the barbecue. Aidan, their almost 7-year-old son, was with them; so was a Tasmanian couple, Sally and Greg Lowe with their 18-month-old daughter, Chantelle. The conversation was commonplace and relaxed. Reagan, the Chamberlains' 4-year-old son, was asleep nearby in the small family tent. Azaria, their nearly 10-week-old baby, was also asleep in her basket at the back of the tent. Most of the tourists who made up the temporary population of the Ayers Rock camping area on the Sunday night of 17 August 1980 were occupied with similar mundane necessities.

In the midst of Lindy's preoccupation with the heating of some baked beans, Aidan heard Azaria cry. Michael heard it too and suggested that his wife go to check the baby. The tent stood some 20 metres away from the barbecue. Seconds later, Lindy's piercing scream shattered the rhythmic night noises of the Australian bush: 'Michael, Michael. The dingo's got my baby'. One nearby camper recalled the cry of terror differently as, 'My God, my God, the dingo's got my baby'. Panic stricken, Lindy groped in the baby's carry basket. There was, she said, 'nothing but the sheet and the pillow. It was still warm'. 'Instinct told [her] she was gone. Reason told [her] it was not possible'. But the tent was bereft of its tiny life, of that there was no doubt. Intense searching that night and for several days following found nothing. Azaria had vanished into the night.

Lindy maintained that as she approached the tent she saw a dingo emerging with something apparently in its mouth. Her immediate reaction was to think that it had seized Azaria. The dishevelled state of the contents of the tent and the fact that the baby was gone convinced her that her worst fears were true. Lindy never departed from this conviction. However, her story was immediately doubted by some members of the police, the majority of the press, many conservationists, and large sections of the public. A sceptical Australia decided it was impossible for a dingo to seize a baby from a small overnight tent pitched in a public camping area and escape with hardly a trace. Therefore, the public concluded something strange and terrible had happened. Having rejected the dingo as an explanation of Azaria's disappearance, the media, the public and the police began to construct their own fantastic theories of homicide.

One week after the tragedy, Wally Goodwin, a tourist, hoping to find some unusual flora or fauna to photograph, turned off the regular path that runs around the base of Ayers Rock and came suddenly upon the baby's clothing. Goodwin had his family with him; he shouted them back when he saw the grubby little collection in front of him. The discovery of the blood-stained jumpsuit, singlet, and torn nappy near the base of the Rock launched a police investigation that resulted in the conviction of Lindy for murder and Michael of being an accessory after the fact. One item of the baby's clothing, a white knitted matinee jacket, was not found at the time. Five-and-a-half years later, the unearthing of the matinee jacket in the red dust of Ayers Rock National Park was to initiate a thorough inquiry into those convictions.

From the beginning the case was subjected to massive media coverage. The public was fascinated, angered and obsessed with the story. Rumour fed rumour. Around Australia the stories spread that the baby had been offered as an atonement, that her name meant 'sacrifice in the wilderness', that spots of Lindy's blood had been located in a sacred Aboriginal cave called 'the fertility cave'. All such rumours were later to be dismissed by the Royal Commission as fallacious gossip. The fact that the Chamberlains were members of the little-known Seventh-day Adventist Church added the necessary ingredient to give credence to the scandals. Indeed, Michael was a minister of his Church and Lindy was an Adventist minister's daughter. That was enough for an imaginative press to create endless sensational headlines. Two highly publicised coroner's investigations into the cause of the child's death preceded the trial; the first made a finding in favour of the Chamberlains, but the second found a prima facie case against them. The trial took place in Darwin, an isolated and parochial town in Australia's sparse Northern Territory.

The prosecutor, Ian Barker QC, presented the essence of the Crown case in his opening address to the jury. He began his rehearsal of events and evidence with his quiet but compelling style of delivery on the morning of 13 September 1982. Before he had finished his second paragraph he had told the jury that 'the Crown case is that the

child was killed whilst Mrs Chamberlain sat in the front passenger side seat of the family car, which was then parked next to their tent in the public camping area at Ayers Rock'. This claim was based on scientific evidence alone. Lindy's 'dingo story' was dismissed as 'a fanciful lie, calculated to conceal the truth ... that the child Azaria died by her mother's hand'.

The case against Michael was that soon after the baby's murder Lindy had told him of her awful deed and he had immediately agreed to assist 'his wife with a view to concealing the crime'. According to the Crown, the crime was committed when Lindy, followed by Aidan, carried the baby from the barbecue towards the tent and car, supposedly to put her to bed, but really, the Crown asserted, to take the baby to the car and murder her. 'The case against her is that she entered the car, she sat in the front passenger seat, and she cut the baby's throat'. The proof for this enormous charge was that 'significant traces of blood were scientifically detected in the car more than a year after the event'. This was despite 'careful attempts to clean the blood from the car'.

The expert opinion of biologist Joy Kuhl was that the blood in the car was infant blood. Barker noted that 'the discovery of foetal blood in the car is a critical part of the Crown case'. The jury was informed that 'the discovery of Azaria's blood in the car destroys the dingo attack explanation given by Mrs Chamberlain', for 'if she was killed in the car, one can at once forget the dingo'. This nicely reduced the case to one 'of simple alternatives: either a dingo killed Azaria or it was homicide'.

Besides the 'inherent improbability in the notion that a dingo entered the tent, unwrapped the baby from the three blankets, and carried her off', there was 'the very small quantity of blood in the tent', which made the dingo 'story impossible to believe'. If a dingo attacked the baby in the tent and shook the body at the entrance, as Lindy claimed, where, Barker queried, was all the blood? There were 'just insignificant traces, which the Crown says were obviously left by the mother when she had some of the baby's blood on her clothes or on her person'.

In the Crown's view Lindy then returned to the barbecue having left the body in the car, possibly 'in the camera bag'. The black vinyl camera bag was used by Michael at Ayers Rock to carry his extensive camera gear. Barker pointed out that the bag 'was important to the Crown case'. The jury was assured that blood from a baby under six months of age 'was scientifically identified as being present on the camera bag'.

On the basis of a dry-cleaning lady's opinion, Barker suggested that stains on the front of a pair of Lindy's tracksuit pants were blood, and that 'the only reasonable explanation for the blood on the pants is that it came from the baby whilst it was being killed'.

Scientific evidence indicated that 'sometime during the night of 17 August [1980] the body of the child, while still dressed in its clothes, was buried in a very shallow grave, on or near to a dune not far from the campsite'. Later, Barker argued, the body was exhumed, the clothing removed and the body re-buried. Barker gave no explanation for these alleged burial activities. He claimed that sometime prior to their departure one or both of the Chamberlains deposited the clothes at a spot near the Rock with the intention that they be found.

Following the afternoon tea-break, Barker continued his opening address by taking the jury 'to the discoveries that were made by the many scientific and technical people'. Scientists would prove, Barker told the jury, that none of the damage in the baby's clothing—a jumpsuit, a singlet, and a nappy—'was consistent with having been caused by a dingo, in fact, it will be proved that the garments—garment—had been cut with scissors in a manner, the Crown says, calculated to simulate damage inflicted by a dingo'. The jury was assured that there was 'ample evidence that the garment [the jumpsuit] had been cut with scissors. There is not the fraying or the tearing which one would expect if that damage had been caused by the teeth of an animal'.

Further data against the dingo story, Barker said, was that no saliva was detected on the clothing and they 'were conspicuous for the absence of dingo hairs'. The evidence of Mr Rex Kuchel would be that the clothing had been rubbed in vegetation at a site away from where the clothing was found. The soil extracted from the clothing, Barker informed the jury, was mostly from an area similar to the campsite area, but was unlike the soil at the base of the Rock where the garments were found. This was proffered as proof that the Chamberlains temporarily buried the body somewhere near their tent site.

Professor James Cameron, a world-renowned pathologist from London, whose evidence initiated the re-opening of the case, would give as his opinion, Barker continued, that the bleeding pattern on the jumpsuit indicated that the baby died from a circumferential wound to the neck. He would also tell the jury that 'the jumpsuit showed what appeared to be the handprint of the small right hand of an adult that was applied to the suit whilst the hand was contaminated with wet blood of the same blood group as was found elsewhere on the suit, and at the same time the body was gripped by a similarly blood-stained left hand grasping the upper right shoulder'.

Mr Bernard Sims, a London odontologist, was to be called. He would tell the jury 'that there is really no difference between a dingo's teeth and a dog's teeth'. Sims found no evidence on the garments of a 'canine attack'; the absence of saliva, if the dingo carried the baby, was, in his opinion, especially contrary to expectations.

Next day's proceedings were momentarily delayed while Justice James Muirhead, the trial judge, dealt with a number of persons who arrived at the court wearing T-shirts emblazoned with the logo, 'The Dingo is Innocent'. When the session finally opened, Barker returned to the evidence of Joy Kuhl concerning the blood allegedly found in the Chamberlains' car. She would demonstrate that 'a considerable amount of foetal blood' had flowed down the passenger seat hinge onto the floor well and onto a 10 cent coin lying on the floor. Kuhl would also claim that there was infant blood on such items as a towel found in the sparewheel well, inside a chamois container, 'on the carpet in front of the driver's seat', and 'on a pair of scissors which were in the console'.

An extremely significant finding was a spray pattern of infant blood under the dashboard. 'It got there under pressure' and therefore 'establishes that it came directly from the person whose blood it was'. 'The Crown says that that is clearly indicative of blood coming from an artery of a person whose heart was beating or a person who was dead but his heart was somehow under pressure whilst the body was being moved. It is conceivable, for example, that if the heart of that baby—which is what we are talking about—was squeezed in some way whilst the body was being moved, that blood could continue to spray as though under pressure from a beating heart'.

Blood was allegedly found in a number of other places in the car but contamination and ageing prevented exact classification. These bloodstained areas were: around the window handles of both doors, the carpet section in front of the driver's seat, 'on the driver's seat fabric under the hinge on the floor', around the console, around the radio, and on the crossarm under the driver's seat. Barker summarised Kuhl's evidence as supporting the Crown case in three ways: first, that a large quantity of infant blood was shed in the front of the Chamberlains car; second, that an attempt had been made to clean it up [the evidence for this was the alleged finding of infant blood on the chamois container and on the towel as well as what Kuhl called 'soap reactions']; and third, that it was preserved only in out of the way places like under seats and dashboards or behind door-handles. Thus it was not transferred blood, but 'free blood coming from the child'. Every result of Kuhl was independently examined by her laboratory supervisor, Dr Simon Baxter, so, Barker concluded, the jury could have every confidence in her opinions.

Whenever jumpsuit fabric is cut it produces small fragments of yarn ends called 'tufts'. Professor Malcolm Chaikin's evidence would prove, Barker promised, that all three of the tufts found in the camera bag, and possibly six of some 50 tufts vacuumed from the car 'derived from cuts in the baby's jumpsuit'. The inference, of course, was that one or other of the Chamberlains had cut the jumpsuit in the car and stuffed it into the camera bag. The supposed purpose in cutting the jumpsuit was to counterfeit dingo damage. The damage in the baby's blankets, which Lindy said was caused by the dingo attack, Chaikin would say was the result of insect activity.

The Crown emphasised that the evidence concerning the blood and the tufts made the car the crucial scene for the disappearance of Azaria. 'No dingo could have taken the child into the car 'and killed her there, only a human being could have done it'. The jury, Barker urged, was entitled therefore to find that Lindy lied to conceal a homicide, and that Michael lied 'to assist his wife escape detection'.

On the night of 29 October 1982 at 8.37 pm the jury found Lindy Chamberlain guilty of murdering her almost 10-week-old baby daughter, Azaria, by cutting her throat. Michael Chamberlain was convicted of being an accessory after the fact. When the loudspeakers blared out the verdict at the Claremont Speedway in Perth, Western Australia, the crowd erupted into spontaneous applause. A group of dentists attending a social dinner in Newcastle stood and cheered the verdict as a vindication of their profession, for odontologists were key witnesses in the Crown's case. As soon as the disc jockey at a Darwin bar shrieked the news over the public address system that the dingo was acquitted, the patrons clapped their hands and cheered. The whole of Darwin became festive as police, prosecution

lawyers and journalists joined the public in the revelry. A similar response was echoed in the clubs, bars, arenas and homes throughout the land. The conviction was a nationally popular decision. One juror had promised the saloon bar that 'they'd get the bitch'. He had kept his word.

The jury accepted the Crown's charge that Lindy, on the night of 17 August 1980, under the looming glow of Ayers Rock in Central Australia, sat in the front seat of the family car and calmly hacked away at her baby's throat with a sharp instrument, allegedly a pair of scissors. The bizarre nature of the alleged crime and the eerie environment in which it supposedly occurred gripped the interest of the nation. The Chamberlains' claim that a dingo seized Azaria from the family tent and disappeared with its human prey into the darkness of the night did nothing to reduce the mystery of the case. Yet the Chamberlains persisted in affirming their innocence and doubts began to form in the minds of many.

There were obvious inadequacies in the Crown's circumstantial case, which guaranteed that the verdict would be challenged. These were of compounded concern: there was no body, no motive, no confession, no definite murder weapon, no witnesses to the alleged murder, and little time for Lindy to have committed the crime. The very scenario of how the Chamberlains purportedly perpetrated the crime was implausible. At critical points their story was supported by eyewitnesses. Particularly disturbing was the testimony of Sally Lowe, who said she had heard the baby cry from the tent after the baby had been supposedly murdered. John Phillips QC, counsel for the Chamberlains, pronounced her testimony an 'absolute bar to conviction'. The forensic evidence against them was vehemently contested. The disquiet about the case was widespread, it was in high places, and it was to increase.

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