Why Australia! Why?

In a strange twist of events, the Northern Territory's Attorney-General, Daryl Manzie, vigorously contested before the Court of Criminal Appeal the findings of the Royal Commission that his predecessor, Marshall Perron, had set up. Michael Adams QC and Elizabeth Fullerton, who both had appeared for the Crown during the Morling Inquiry, submitted to the Territory's Court of Criminal Appeal on behalf of the Attorney-General a 105-page document dated 27 June 1988 and entitled 'Crown Submission: The Effect of the [Morling] Report'. The document was tendered 11 days later than the original date set by the court.

Adams canvassed four areas of doubt concerning the Morling Report. First, he argued that there were legal objections to Justice Morling's conclusion that if the evidence before him had been available at the trial, the judge 'would have been obliged to direct the jury to acquit'. Secondly, he devoted six pages to defending the ethics of putting before the jury the evidence concerning infant blood in the Chamberlains' car. Thirdly, he required 33 pages to criticise the Commissioner's conclusions concerning the damage to Azaria's clothing. Professor Chaikin and Dr Robinson's testimony was again presented as unchallengeable. Fourthly—and this was his most critical and extensive treatment—he spent some 50 pages analysing the testimony of the Chamberlains.

Adams construed Justice Morling's statement that he was 'not convinced that either of [the Chamberlains] was lying' to be a less than positive conclusion that they were telling the truth. Thus, despite Justice Morling's finding that the Chamberlains were not lying, Adams, by treading the Crown's well-worn path of relying on inconsistencies and disharmonies in Lindy and Michael's testimony, suggested that they were lying. This was not Chester Porter's impression. He thought that despite Lindy's 'natural tendency towards vivid and perhaps exaggerated story telling, so that by the time she told the story at least 20 or 30 times so as to put it on record with the media, police, etc, it is really quite surprising how few variations there were between the numerous versions of the story'. He also believed that the Chamberlain's experience with the media illustrated 'the wisdom of the old common law in being reluctant to convict people out of their own mouths'.

With speculative ingenuity, the Crown proposed to the appeal tribunal that Lindy cut Azaria's throat and performed various other acts because she 'was covering up the death of the child from another cause falling short of murder but for which she may have felt responsible'. Adams had informed the media that the other cause of death was suffocation. Winneke damned this speculation as 'mischievous' because it was 'calculated to *"float"* before this Court another theory, not in any way rooted in evidence'. However, Adams in a later submission claimed that the suggestion was raised not as a new theory, but 'to test whether enough had been proved beyond reasonable doubt' as to innocence.

On 19 August 1988 Winneke tendered to the Court of Criminal Appeal a 109-page response to the Attorney-General's submission. He determinedly supported the findings of the Morling Report, and declared that 'in the face of them it does little credit to the Attorney General for the Territory to continue to argue that the entitlement of the Chamberlains to have their convictions quashed is still a matter for debate'. The evidence of Cameron, Kuhl, and Chaikin received a withering review from Winneke. Before the Commissioner, Winneke pointed out that Cameron had not been 'able to sustain even one of the damaging opinions which he had expressed at the trial'. The finding of infant blood in samples taken from the under-dash spray suggested, Winneke maintained, that Kuhl 'was an unreliable witness, a person whose integrity is entitled to be questioned with regard to the manner in which her records of tests were compiled, and a person who was prepared to compromise herself as a scientist in order to accommodate the police'. The Crown had presented Chaikin as an unassailable expert, but in fact, Winneke said, he was 'a very careless and very inexpert witness'.

The Crown's detailed case as presented at the trial was no longer tenable, and this, Winneke argued, 'Senior Counsel for the Northern Territory Government was virtually forced to concede'. Furthermore, the Crown had not succeeded in disproving the dingo account, but, to the contrary, there was considerable evidence in its favour. Winneke reminded the Court of Criminal Appeal that 'if responsible administration of justice is the goal, the Attorney-General in the light of that repeated concession should be asking the Court to quash the convictions rather than addressing argumentative submissions to the Court about matters in respect of which the Court is in no position to form a conclusion'. Due to Chief Justice Asche's involvement in another case, the handing down of the Chamberlain decision in the Northern Territory's Court of Criminal Appeal was delayed until 14 September 1988. During the sitting on the 14th, Chief Justice Asche announced that a late 50-page submission from counsel for the Attorney-General had caused a further one-day delay. The Chief Justice assured the court that the receiving of the submission would not affect the decision already arrived at by him and his fellow judges on the bench.

Winneke had received only two days' prior notice of Adams's late submission. Adams told the court that he was tendering another document to answer the attacks of the Chamberlains' counsel on the 'competence, reliability and fairness of people connected with the case'. The Crown seemed to be prepared to belittle the Chamberlains as liars, the blacktrackers as incompetent deceivers, the eyewitnesses as fanciful romantics, and the defence scientists as biased fools while attributing to its own forensic experts an aura of infallibility. But the evidence made Adams's task a hopeless enterprise.

At 10.00 am on 15 September 1988, the Chamberlains traversed the steps of the same Darwin courthouse that six years and two days previously they had entered to face the ordeal of their trial. They emerged within minutes in triumph to greet the world with smiles and Michael's victory sign. The three judges of the Court of Criminal Appeal had taken less than two minutes to announce their unanimous decision to quash the Chamberlains' convictions. John Winneke QC, solicitor Stuart Tipple, Senator Bob Collins, and Pastor Ron Craig, an ever-present Church adviser, were the first to embrace the Chamberlains in response to the glad news.

Chief Justice Asche and Justice Kearney, with minimal qualification, concurred with the more extensive finding of Justice Nader. Justice Nader accepted the chief findings of the Morling Report and quoted with basic approval Justice Morling's conclusions as given on pages 322-342 of his report. From this acceptance Justice Nader concluded, 'therefore, the convictions of the Chamberlains ought to be quashed and verdicts and judgments of acquittal entered. Not to do so would be unsafe and would allow an unacceptable risk of perpetuating a miscarriage of justice'. Justice Nader was concerned that the legal language of 'reasonable doubt' might not be understood by the public so he took the unusual step of adding an explanatory excursus. Doubt existed as to the guilt of the Chamberlains, and Justice Nader said he 'would categorise that doubt as a grave doubt'. The addition of the adjective 'grave' is significant. Since innocence is presumed by a court until proven otherwise, Justice Nader emphasised that 'the convictions having been wiped away, the law of the land holds the Chamberlains to be innocent'.

The Chief Justice agreed with Justice Nader, but made a few additional comments. He noted that the appeal court came to its conclusion and quashed the convictions on the basis of new evidence presented to the Morling Inquiry. Consequently, he said, 'there is not and cannot be a finding that the jury in the original trial could not have come to the verdict it did on the evidence before it'. He also rejected Winneke's criticisms of the Crown that its case at the trial was 'highly contrived and improbable'. Chief Justice Asche concurred with Justice Nader that the Chamberlains were 'entitled to the presumption of innocence with which the law clothes all persons unless and until their guilt has been proved beyond reasonable doubt'.

Justice Kearriey likewise accepted Justice Nader's 'concluding remarks on the significance of the quashing of convictions, that is, that the Chamberlains were innocent before the law. On such matters as

'the question of the damage to the jump suit', Justice Kearney claimed that other findings than the Commissioner's were open to be made. Nevertheless, he concluded that the Chamberlains' convictions constituted 'a miscarriage of justice and must be quashed'. Initially Porter considered that Lindy 'was politically foolish delaying her claim for compensation by insisting on having the convictions quashed', but he conceded that 'she now produces four judges, not one, in support of her innocence, and in support of her claim for compensation'.

Successful appeals to an appellate court are often due to some technical legal failure in the trial procedure, but this was not so in the Chamberlain case. The Morling Inquiry had established that it was virtually impossible for Lindy to have murdered her baby on the night of 17 August 1980. Furthermore, it had given considerable credence to the dingo story. The Chamberlains' innocence, therefore, was virtually a proven fact and not merely a legal presumption, which is more than most Australians can claim.

Since he had covered every court appearance in the Chamberlain saga, Malcolm Brown had hoped to be at the final one, but his editor did not think it warranted the expense of sending him to Darwin. Thus Brown was not there to report and savour the moment that he had done so much to bring about by his objective and persistent reporting. Brown rang the news of the court's decision through to the Avondale College switchboard as soon as he heard it, after which the intra-college network took over.

The Chamberlain children had gone to school as usual. At around 11.00 am the librarian of the Avondale Adventist High School walked quickly to the commerce class to convey the happy news to Aidan. With a brief apology to the class teacher, she whispered to Aidan that she had news for him. Despite her smiling countenance, half a lifetime of negative conditioning took over; he shook his head and covered his face and cried out, 'No, no I don't want to hear it'. 'But it's good news', the librarian quickly assured him. Aidan's face then lit up like a bonfire when he learned that his parents had been cleared.

From Darwin Lindy and Michael rang Mel Olsen, the headmaster of the Cooranbong Adventist Primary School, and asked him to convey the good news to their younger children. When Olsen informed Reagan of the happy news, the boy could not contain his emotions as the welled-up anguish that had dominated his life and home for as long as he could remember took control. Kahlia, on hearing that her 'mummy and daddy are now free', responded with something of her mother's spirit, 'Yes, some naughty people have been using their imaginations and they say mummy did some horrible things. But we *know* she didn't. She never did anything bad like they say'. Kahlia had been born into a world permeated with the effects and traumas of her mother's incarceration and her father's seemingly hopeless struggle for justice. In passing the legislation that allowed the Chamberlains to apply to the Court of Criminal Appeal to have their convictions quashed, the Northern Territory Government had done more than preserve an abstract justice.

By making it possible for a jury verdict that had been upheld by the Federal and High Courts to be quashed, the Northern Territory Government had done more than any other government had previously done, yet paradoxically it could not bring itself to give the Chamberlains an ex gratia payment in compensation. Tipple was obliged to apply for it on behalf of the Chamberlains. This was an unfortunate necessity for, as Tipple said, the buck stopped with the Northern Territory Government, which should have granted compensation on its own initiative. That it did not is another minus in its handling of this case. At the end of 1988 when Tipple made formal application for compensation, it was for the sizeable sum of $4 million.

The Government's reluctance to pay compensation to the Chamberlains contradicted sentiments expressed by the Chief Minister, Marshall Perron, when he was the Attorney-General. In an interview in

February 1986, Mike Willesee asked Perron, 'Well just as a matter of principle, you are an Attorney-General, do you believe if people are later found to have been wrongly convicted they should be compensated?' To which Perron replied, 'Certainly'. He added that compensation would be a matter 'left to the executive to treat as appears to be just in the light of the findings of the inquirer [in the Royal Commission]'. These were principles easier to espouse in theory at the beginning of the Morling Inquiry than they were to practise in deed at its end. Over two years after pardoning the Chamberlains, 'the Northern Territory Government has not even conceded, in principle, that compensation should be paid' (editorial 'Compensate the Chamberlains', *Sydney Morning Herald,* 23.8.89).

After the appeal court quashed the convictions, the General Secretary of the Northern Territory Police Association, Gowan Carter, in a sorry display, spoke to Liz Hayes on Channel Nine's *Today* programme and presented arguments against paying compensation. Dr Wes Allen, a Chamberlain Innocence Committee member, responded to Carter's position. Carter maintained that the Northern Territory had paid out enough in securing justice for the Chamberlains and that the Government's money could be more effectively used on projects like housing and the Aborigines. He also rejected as untrue Hayes's assertion that the Chamberlains had been declared innocent; he did not apparently adhere to the same doctrine of the presumption of innocence that the appeal court embraced.

In an attempted *tour deforce,* Carter said that he had 'to congratulate the Chamberlains, they have conducted a magnificent media campaign and it has succeeded'. Carter's praise was ill directed; the support groups not the Chamberlains largely organised the media campaign. Furthermore, in addition to imputing a loss of objectivity to the Morling Commission and the Court of Criminal Appeal Carter's charge ignored the media campaign that had helped to convict the Chamberlains. The front-page and sensational headlines that preceded the trial, which were frequently the result of police leaks, far exceeded the support groups' comparatively modest achievements with the media.

A quite different attitude to compensation was taken by Coroner Barritt who told ABC-Radio's *PM* that he had a 'feeling of shame' in that the law had convicted innocent people. No criminal in his wide experience, he said, had ever perpetrated such atrocities as had been done to the Chamberlains; therefore, there should be 'no argument about compensation'. Senator Bob Collins addressed an open memo to the Northern Territory Government through the columns of the *Northern Territory News* (17.9.88) urging the members to give 'Lindy and Michael Chamberlain a fair go'. In a news release he said that the Government should immediately announce an ex gratia payment without waiting for the Chamberlains to apply.

The question of compensation, though morally obvious to most commentators, was not warranted in the eyes of others. Many letters to editors complained about the already enormous expenditure of the case, while others reduced the amount of compensation due to the Chamberlains by limiting the period of the Chamberlains' suffering to Lindy's three years in prison. Collins told ABC-Radio's *PM* that it was 'profoundly untrue' to say that the Chamberlains had cost the Northern Territory millions of dollars. 'The Chamberlains', he said, 'are the victims of this particular matter, they are not the perpetrators of any injustice, they are the people to whom an injustice has been done'.

Lindy told Alan Jones on Radio 2UE that nothing would compensate for the loss of her daughter; a loss that she blamed on the authorities for not giving sufficient warning of the dangers. She had assumed that a designated public camping area was safe from feral creatures. The trial of the Chamberlains began on the tragic night of 17 August, and the ordeal has continued to this day. Their torment cannot be restricted to the duration of Lindy's imprisonment, for their lives have been permanently and adversely affected. The Chamberlains have lost a child, precious years of family life, a vocation, reputations and a small fortune in legal costs. Anything less than a generous compensation would only add to the manifold wrongs done to this family by the nation. Seven months after the quashing of the convictions, the

Northern Territory was demanding that the Chamberlains supply the Government with a detailed disclosure of their total assets before it would consider the matter of a fair compensation.

In addition, Lindy stated that she desired the Northern Territory Government to quash the second inquest's finding of murder. She said that since the first inquest had been overturned without even informing them, she saw no reason against the second inquest being likewise quashed without further legal representation. It is an anomaly in Northern Territory law that Coroner Galvin's finding that Azaria was murdered is allowed to stand despite the fact that the Morling Report has entirely destroyed the forensic evidence on which that finding relied.

The Northern Territory claimed that it had no malicious intent in taking the Chamberlains to trial, but its determined efforts to condemn them throughout the Morling Inquiry and beyond makes nonsense of that claim. Michael's query of Detective Mark Plumb during the raid in September 1981 manifested the anguish of a hunted quarry: 'If this is the way you pursue an innocent person, what chance would a guilty one have?' The Northern Territory Government was not satisfied with the first inquest, it refused to have an inquiry into the case until forced to do so, its granting of a pardon was half-hearted, and it has not rejoiced at the quashing of the convictions. The granting of a generous compensation offers a last opportunity for the Northern Territory to overcome the suspicion that it has lost all objectivity in the Chamberlain case.

The editorials following the quashing of the convictions made sober reading. The *Age* (16.9.88) thought that the law under which the Chamberlains had been prosecuted had 'emerged looking a little the worse for wear'. An accompanying cartoon illustrated the editor's viewpoint: the artist depicted jurors, judge, scientists, and journalists with bleeding injuries to their legs—the caption explained the cause: 'Wild Dog Horror: Australian Institutions Mauled'. The *Courier Mail's* editor in similar vein stated that 'it is obvious that the Chamberlains have suffered badly from the [legal] system'.

Under the sober heading 'It could be any of us' the *Advertiser* suggested that 'the way the NT's system pursued the Chamberlains smacked of petty revenge for the disturbance of some cosy Territorian notions'. The editor referred to the 'Ping-Pong decisions' of the various hearings the Chamberlains endured. Even the *Northern Territory News* led with a sympathetic editorial that supported the Chamberlains' claim to compensation, 'not just for the legal expenses but for the obvious injustice that has been done to Mr and Mrs Chamberlain'. The *Australian*, like most papers, also conceded the right of the Chamberlains to receive compensation. The editor expressed belief in a continuing mystery surrounding Azaria's disappearance, but he did not elaborate on this view.

The most significant editorial came several days later from the *Sydney Morning Herald* with the bleak promise 'Lindy: it can happen again' (19.9.88). The editor refused to praise the judicial system for the Chamberlains finally received justice *despite* the system'. The editor lamented that the legal system showed no sign of correcting its ways, for 'despite the shocks to its integrity from the Chamberlain case' it remained flawed. The editor predicted that what happened to Lindy 'can—and, unfortunately, will—happen again'. Author Lesley Hicks wrote a quick response documenting that it had already happened to others besides the Chamberlains, and ABC-TV's *Four Corners* began researching a programme on other innocent victims of the justice system. The Chamberlains themselves through their solicitor had called for a 'wide-ranging inquiry' into the conviction of the Whiskey Au Go Go nightclub killer, James Finch *(Sydney Morning Herald,* 14.6.88).

An allusion in the editorial to the Crown not sharing evidence with the defence brought forth a complaint from Ian Barker QC, and the *Sydney Morning Herald* was obliged to write a disclaimer and an apology (14.10.88). But on the lips of most interviewers was the question, 'Then whose fault was it?' The Brisbane *Sun's* editor noted that the 'NT Government went after Lindy Chamberlain with an almost

fanatical preoccupation'. But most blamed the forensic scientists, or the 'science fiction' as Coroner Barritt disrespectfully called it. Accordingly, the editorials, as did Senator Bob Collins in his inaugural address in the Senate (16.9.87), endorsed Justice Morling's recommendation that a national forensic science institute be established.

But what has to be faced is that neither forensic science nor the law failed in the Chamberlain case as systems. Rather the practitioners are to blame for failing to abide by the principles of their vocations. Scientific guesses replaced experimental tests, tests lacked adequate controls, the onus of proof was reversed, the presumption of innocence was forgotten and, contrary to the common law, the Chamberlains' loquacity was skilfully employed against them. But the prejudice caused by the individuals who deviated from venerable forensic and judicial principles was simply the expression of a nation's failure.

Professor Stuart Piggin of the University of Wollongong's History Department nominates the Chamberlains as the most hated persons in Australia's 200-year history. But why such intense and unprecedented hatred for two quite ordinary Australians? At the end of the trial, Australia, through a *Daily Mirror* headline (1.11.82), asked the Chamberlains, 'Why, Lindy! Why?' With the quashing of the convictions and the entering of a verdict of acquittal, the question has been transposed and the Chamberlains might well ask the nation, 'Why, Australia! Why?'

The answer is complex, and includes the general disbelief in the dingo story, the Chamberlains' membership in a sect that is branded a cult by mainline Christians, the discomfort of secular Australians with such overt Christian piety as the Chamberlains displayed, the purposefully prejudicial reporting of the media, the perception of Lindy and Michael as cold and sinister, and the timorous response to such forces by political, religious and judicial leaders. Even academics, who prided themselves on their tradition of liberal humanism, condemned Lindy because she 'was one of those dark passionate types'. The police thought she had 'killer eyes' and the public damned her for her lack of constant and profuse tears. Others attributed guilt because of misconceptions about the state or the location of the clothing when found. Some had no better basis than vicious gossip.

Sir Alan Walker, the director of World Evangelism, thought that the Chamberlains had been 'victims of religious prejudice and discrimination ... because they were members of a small and little-understood Christian church'. Alan Pease, a communications expert, blamed Lindy's 'body language', especially her stoney-faced reaction to the TV cameras, for the public's antipathy towards her. Lawyer John Bryson believed that the peculiarities of the case aroused some primitive superstitions against Lindy. Peter Carey, who won the 1988 Booker Literary Prize, scarcely distorted the facts when he had one of the characters in his book *Illlywhacker* (1985) muse that 'Mrs Chamberlain was condemned for murder, almost certainly, because she did not show adequate grief for her lost child. She did not howl and pull out her hair in tufts. She was therefore universally derided as an unnatural mother and a monster'. Thus multiple factors converged to create the 'critical mass' that triggered off the social chain reaction that produced a 'holocaust' pattern of behaviour.

The ease with which such deeply religious people were denounced as liars is a sobering revelation of the public's contempt for 'goody-goodies'. Equally incredible was the general acceptance that Michael immediately and without protest assisted his wife in an attempted cover-up of the alleged murder of his daughter. As Lindy told the Commission, 'He'd have caused a lot of commotion. Everybody'd have known. He certainly wouldn't have said, "Certainly darling. What do you want me to do to help?" Yet for reasons wide of the truth, many wrongly concluded that Michael was some kind of vassal who would docilely do anything the supposedly hypnotic Lindy asked him.

With little logic and no facts, the Crown argued that Michael knew on the night of Azaria's

disappearance that the dingo story was a fabrication because he did not interrogate Lindy closely about the details. But with even less inquiry, according to the Crown, he accepted her account that she had murdered his daughter. Apparently the Crown believed that Michael would accept without question the murder of his daughter by his wife's hand, but not the tragedy of a dingo's seizure of his child.

Lindy at first blamed the jury for her wrongful conviction. Some of the jury members certainly reflected the prejudices of their environment, but the jury cannot be held responsible for the erroneous evidence that was put to it. As with the public in general, minor items weighed heavily with the jury. The notes of the juror who kept a diary record how at 7.00 pm the jurors visited the basement of the court during their deliberations to view the car and tent. She wrote:

> By this time it was dark and we noticed that the light from the passage way led to where the tent was, we placed the baby's basket with the doll in it and stood by the tent, there was no way that we could have seen that the baby was not in the basket, you could barely make out the basket. When we got back we had a vote again—10-2 for guilty.

Barker in his final address at the trial queried whether Lindy 'could have seen that the bassinet was empty'. This doubt was raised at the appeals and was presented by Adams to the Court of Criminal Appeal in his June 1988 submission against the quashing of the convictions. The evidence of the eyewitnesses confirmed that one could see the interior of the tent from the outside, but the jurors' dubious equating of the lighting in the court's basement with conditions at the barbecue area convinced several jurors that Lindy was lying.

Lindy no longer blames the jury for the guilty verdicts. When *Sixty Minutes* was interviewing the Chamberlains soon after Lindy's release from prison in February 1986, Dr Norman Young suggested the filming of a meeting with juror Yvonne Cain. The producer seized on the idea, but made certain that there was no preliminary contact between Lindy and the former juror. Lindy was unable to give Young any assurance as to how she would react, but she agreed to the meeting.

The solitary figure of Lindy waited at the top of the drive of Dr Owen Hughes's Martinsville (near Cooranbong) home; the cameraman and sound technician were discreetly out of sight. Mike Lester of Channel Nine set Yvonne Cain down at the foot of the drive from where she commenced her lonely walk towards the woman whom she had helped to convict of murder. As she drew nearer, Cain was shocked at Lindy's gaunt appearance and 'wanted to say', she wrote, 'something profound to her'. But all she could utter was 'sorry'. Lindy replied, 'it's all right, it wasn't your fault'. Then the two women embraced and wept in a flood of regret, sorrow and forgiveness. When the Chamberlains held their acquittal celebration on 15 October 1988, the former juror and her husband were among the honoured guests.

The Chamberlains invited a host of guests to their victory feast which they held in the Avondale College cafeteria. Distance, cost, earlier engagements and a plane strike kept the number to some 300. The Chamberlains remembered the diversity of their extensive support, and this was reflected in the range of their guests. In attendance were secretaries and housewives, politicians and clerics, academics and business people, lawyers and doctors, journalists and artists, parents and friends, witnesses and scientists. Present with their spouses at the festivities were Justice Michael McHugh (later elected to the High Court), who represented the Chamberlains at the High Court appeal, Dr Greg Woods QC, Bob Brown MHR, former Senator Cohn Mason, support leader Betty Hocking, Dr Harry Edwards MHR, Professor Barry Boettcher, the witnesses from the tragic night at Ayers Rock, the Cranwells, whose daughter had been seized from their car by a dingo, Les Smith, Ken Chapman, Dr Bill Pelton, Terry Willesee, Kevin Hitchcock, and Malcolm Brown. The names of supporters who had died, Sir Reginald Sholl, Dr Tony Noonan and Guy Boyd, were honourably mentioned. Liz Noonan and Phyllis Boyd addressed the assembled guests.

Greg Lowe arrived with his own cache of ‘tinnies’, which would normally have resulted in a request to leave the campus; but the occasion demanded a benign tolerance of others’ lifestyles. The party lasted until 2.30 am as speeches and musical items vied with the abundant cuisine. Speeches from Stuart Tipple and Greg Lowe were extremely entertaining. Oblivious of his conservative surroundings, Lowe, in his typically ribald language, humorously retold the pain experienced by the witnesses during their interviews with representatives of the Crown. By recounting a fictitious nightmare, Tipple cleverly satirised the Crown’s case against the Chamberlains. Kevin Hitchcock, in a speech addressing the issue of the media’s role in the case, concurred that the journalists had accepted leaks from the Northern Territory Police too uncritically. However, he reminded Michael and Lindy that they had no right to expect friendship from the reporters, but every right to expect objective reporting.

Senator Bob Collins, who was set down to deliver a speech, was kept from the party by the parliamentary whip, but octogenarian, Justice Gallagher, and former Senator, Cohn Mason, made impassioned appeals for judicial reforms. When Lindy’s father, Pastor Cliff Murchison, called all the witnesses forward—the Wests, Lowes, Whittakers and Wally Goodwin—the gathering arose to give them a standing ovation. They deserved the applause, but supporters would be surprised to learn the limited place given to the eyewitnesses in the Morling Report or the quashing of the convictions.

Ken Crispin, one of the Chamberlains’ barristers at the inquiry, in a speech at the victory celebration, noted that the Chamberlains were amazingly free of bitterness and were not consumed with self-pity or a desire for revenge. Lindy attributed her ability to endure the eight-year ordeal to faith in God, knowledge of her innocence, a tenacity ingrained by her nurture, and the support of those who believed in her innocence. Michael told members of the Avondale College church following the quashing of the convictions that ‘if you know you are in the right, never, ever, ever give up’. But faith and determination could not have succeeded without those many Australians who fought so intrepidly on their behalf.

Ultimately, the cause of the injustice inflicted upon the Chamberlains comes down, as author John Bryson observed, to one word—bigotry. The failures in the legal system, the multitudinous forensic errors, the police’s blind determination to obtain a conviction, the public’s hostility, and the media’s irresponsible reporting all resulted from a prejudicial disbelief in the dingo story and a ready acceptance of the Chamberlains’ guilt. And evidence will never totally cure that malaise. Immediately following their exoneration, Michael and Lindy had an interview with Jana Wendt on Channel Nine’s *A Current Affair*. At the conclusion of the interview the television station’s switchboard was jammed with callers demanding that the channel ‘get that murdering woman off the screen’.

Environmentalists have remained sceptical about the possibility that a dingo seized Azaria. In a chapter expressing concern for endangered species, Peter van Noorden’s widely used high-school textbook, *Living Geography* (Heinemann Educational, 1985 & 1987), asks pupils, ‘Could a dingo kill and eat a human? Explain’. Quite apart from the suitability of such a topic for high school student discussion, the textbook supplies minimal data with which to answer this question intelligently.

While involved in a radio talk-back programme, barrister Ken Crispin received a call from a self-styled ‘bushy’, who informed Crispin that if a dingo were responsible for taking Azaria, there would have been tracks at the tent. On being assured that there were indeed dingo tracks leading into and coming out of the tent, the bushman sceptically inquired, ‘Who saw them?’ Crispin then enumerated those who saw them—rangers, police, tourists, and trackers. To which the ‘bushy’ replied, ‘Well, you’ll never persuade me that she didn’t do it’. Despite the bushman’s impervious response, the evidence of the tracks is compelling.

The chief ranger, Derek Roff, whom Justice Morling described as ‘an impressive witness’, said that

he was ‘convinced ... that the marks that [he] was following were associated with the child being taken by an animal, and on the night in question [he] had no doubt whatsoever that it was a dingo ...‘ Daisy Walkabout, a blacktracker, said she saw tracks of a ‘wild dingo’ that ‘had been walking around the tent’, the tracks were ‘at the tent, and then went back’.

Edwin Haby, a schoolteacher and amateur tracker, told the Commission that he followed dingo tracks from near the tent that stopped where the animal had put something down and picked it up again, ‘like putting a football down in the sand’. The object left an impression in the sand ‘like a jumper pattern’, with ‘an even, regular knitted pattern’.

Nui Minyintiri, a tracker whom Justice Morling also rated as ‘an impressive witness’, said that he ‘thought as [he] was tracking the dingo, [he] thought it was carrying the baby’. He ‘thought that it was carrying the baby for sure’. After enduring lengthy cross-examination, Porter in the final re-examination asked Minyintiri if he still adhered to his view that the dingo was carrying a baby. ‘Yes’, he replied, ‘I’d say the dingo was carrying a baby’. Barbara Tjikadu, an experienced tracker, whilst moving her finger in a clockwise direction and then back anti-clockwise, said the tracks came around the tent to the opening and turned back the same way. When Porter asked her what it was the dingo put down in the sand, Tjikadu replied, ‘I thought it was the baby’.

Nipper Winmarti, the only tracker to give evidence at the first inquest, told the Commission, ‘It was the baby the dingo was carrying and as he was trying to climb up the rise of the sand-hill it was really hard for him to climb up’. The marks in the sand ‘looked’, he said, ‘like there was hip bones like gone deeper into the ground and the heel of the foot’. He assured Adams that he had ‘seen the tracks with [his] own eyes. They had gone in and come out [of the tent]’. During a TV interview Winmarti declared that since he was a Christian, he did not tell lies. But that assurance did not have the value that Winmarti supposed. Prejudice proved a more powerful force than the Australian public’s otherwise almost mystical faith in the Aboriginals’ ability to track.

The Commissioner and his legal assistants conducted a thorough and convincing inquiry. The Morling Report was a model of careful and restrained interpretation. Its conclusions were cogent and reasonable. Yet Justice Morling was to discover that it took more than that to change entrenched opinion. During proceedings, Justice Morling’s driver observed the correct rule and never spoke to his distinguished passenger about the inquiry, but as soon as the report was tabled he turned to the judge and said, ‘I know you are an intelligent and competent judge and that you have your reasons for your decision, but I still think she did it’.

If we dismiss prejudice as an option, the only feasible explanation for the testimonies of Roff, Haby, the blacktrackers, Aidan, Sally Lowe, the Wests, even of Michael and Lindy, is that a dingo took baby Azaria.

[from *Innocence Regained: The Fight to Free Lindy Chamberlain*. Norman H. Young. 1989 Federation Press]