

For The Age, Melbourne.

Event: The Conviction of the Chamberlains.

## **Azaria: A Trial for Everyone.**

We could make a grand feature film in this country for less money than it cost to convict the Chamberlains. Indeed a movie script is being written, and a re-enactment for TV, and an armful of books. But their production costs, even if you aggregated them generously, are likely to seem cheap by comparison with the events themselves. It is the belief of Territorians that the proceedings have cost them four million dollars.

The press claimed several records for the trial. Most were simply wrong. It does stand as the most publicised hearing of our time, but it was a remarkable trial for much more compelling reasons altogether.

This was not the first time a prosecution was successful without a body, or without a weapon, or without eyewitnesses, or without proving a motive. But here the prosecution was without all those evidentiary advantages. Here, no single fact could stand by itself to infer the guilt of the accused. Indeed the facts did not, on the face of them, establish unequivocally that any crime was committed.

The most important exhibit was invisible. This was the molecular structure of certain particles of haemoglobin. Blood discovered in the Chamberlain family car was said to contain foetal haemoglobin, a finding inconsistent with a defence that she had been taken away by a dingo. Laboratory testing on bloodstains a year or more old are not easy to carry out. They are not easy, either, to explain to a jury. The forensic biologist, Joy Kuhl, set up slides and diagrams of molecular chains to which she pointed with a rod. In answer to any question, from either counsel, her eyes seldom left the jury. She was no longer a witness so much as their patient school-marm, and that rapport reached well into the jury-room

The scientific witnesses must have set some sort of record foreminence, sufficient

for the Guinness Book. The Crown called many, including Britain's most famous forensic pathologist, her best qualified forensic odontologist and the inventor of the most current blood-analysis techniques. The defence opposed them with an array of front-liners, including two professors of immunology whose evidence might well yet cast doubt on the validity of blood-analysis as it is practised in this country, and a pathologist who was quietly described back-stage by the British scientists as Australia's very best. So celebrated a group were they that the mere recital of their qualifications took more time than the entire evidence of many lay witnesses. So divergent were their views that there was no common ground between defence and Crown on any item of incriminatory inference.

Disarray in scientific opinion became a striking issue. The Trial Judge spent nearly a third of his charge dealing with it. The jury was instructed to "tread carefully" before accepting any of it, warned that disunity of opinion among experts was "a cautionary sign," and that they ought not to convict on specialist evidence if there might reasonably be "other answers".

"But of course" he told them, "it's a matter for you." And that is apart of His Honour's charge the jury most unequivocally followed.

(John Bryson LLb.(Melb), is a member of the Victorian Bar, whose writing is published by Penguin Books. His book on the Chamberlain case is expected to take a year in research and is scheduled by Penguin for publication in 1983.)