

For the Sydney Morning Herald.

Event: Third Coroner Holds to Open Verdict.

The Search for a Culprit Continues

The open verdict this week on the death of Azaria Chamberlain flew in the face of the evidence, argues John Bryson.

We see what we want to see, and find what we want to find; no modern event illustrates this so vividly as does the Chamberlain case.

Do you remember the search of the Chamberlains' tent for dingo hairs? Suspicious investigators found none. And do you remember the courtroom laughter when the scientific methodology came to light?

The laboratory task had fallen to a new police constable. She was given a microscope. Provided with no hair for comparison, she pulled a strand from her own head. Any hair which didn't look like this, she threw out. So the Forensic Science Unit had collected five human hairs and three strands of wool.

But headlines read: No dingo hair in Chamberlain tent.

Now we have another finding. A third coroner, magistrate John Lowndes, has concluded the inquest which began with coroner Denis Barritt, who found a dingo was the agency of death, and continued with coroner Gerry Galvin, who committed the Chamberlains to trial for the killing. Coroner Barritt took evidence from witnesses who all gave it in person. Coroner Galvin chose to hear some witnesses live, but accepted other evidence in writing. Coroner Lowndes has seen and heard no-one. He was given documents from the final Appeals Court,

but more importantly the Morling Inquiry's report, which the Appeals Court followed.

Coroner Lowndes delivered a 107 page finding. He chose to find that a dingo was not the likely culprit, not even on the balance of probabilities. It may take 107 pages to explain this finding.

Justice Morling said this 'Having seen Mr and Mrs Chamberlain in the witness box, I am not convinced that either of them was lying.'

Now, Coroner Lowndes may not be of the same opinion, but he is stuck with it. And this is not an isolated evaluation of Justice Morling's.

He said earlier: I am far from being persuaded that Mrs Chamberlain's account of having seen a dingo near the tent was false. Why now does a coroner choose to disbelieve the Chamberlains? Why now disbelieve the other campsite witnesses?

Let's recall how the NT prosecution ran the case against the Chamberlains.

The parents claimed dingoes prowled the campsite, filched food and were active this way the evening Azaria disappeared. One killed a rodent under the barbecue.

Other campsite witnesses, strangers to each other, supported all this. This night the Haby family watched a dingo prowl beside their campervan for food. Sally Lowe was closely shadowed by a dingo when she left the fireside for the rubbish bin. At nearly 8 pm the Whittaker family were under dingo surveillance while they cleaned their meal away. Sally Lowe heard Azaria give a sharp cut-off cry. At this very time Judy West heard a dingo growl from the direction of the Chamberlain tent, a sound which reminded her then of the way her farm dogs growled when they were being fed.

Enough? If it were not that the Chamberlain car was stained with the baby's blood, or that the babywear showed damage which was human work, who would not decide that the likely agency of death was a dingo, on the balance of probabilities?

Now add a search, for the most part led by a Chief Ranger who not long before had warned his superiors in Darwin that the dingoes here had become deadly dangerous, so 'children and babies can be considered possible prey'. During the search, Murray Haby tracked a dingo which had laid a bundle in the sand leaving the imprint of a knitted garment, which the Aboriginal trackers later followed further and identified as the baby, but sadly "not move any more".

A week later her clothing was found by the Goodwin family 30 metres from a large dingo lair. If the witness list had ended right there, who would not find a dingo was the likely culprit?

Hence the scientists. Science was to persuade us the Chamberlain car was stained with the baby's blood. On the rear carpet, seepage from the tiny corpse which was secreted in a camera bag. In the front footwell, the 'arterial spray' from her throat, severed with a blade. Rents to the clothing, and the nappy, were not of dingo tooth or claw, but scissors.

Now delete the science. Here's one advantage when a case drags on for many years: the practice of science improves meantime.

So science now shows the 'arterial spray' to be a GMH chemical dating to the assembly line. And the corpse-seep was a spilt milkshake. The clothing damage is a likely canine bite and tear as anything else.

Science, with its present skills, has shown up old errors which we are now aghast at. It has also shown that scientists, like anyone, can find what they want to find.

No baby blood in the car; no murderous bladework; no sinister scissors. What is left? Justice Morling said: 'Indeed, the evidence affords considerable support for the view that a dingo may have taken her.

This view is not too difficult to understand. Once the laboratory mistakes are all swept away, the witnesses left standing have human faces. For what reason, now, should they be disbelieved? All the campsite witnesses, and let's repeat the word 'all', are in support of the Chamberlain evidence. All of them believe, or know, that a dingo caused the baby's death. For fifteen years now

they have been presented as liars or fools or dupes. This case is a tragedy for them, too. They blame themselves for the Chamberlains' conviction.

Somehow, as they see it, they have failed to convince the world. This belief has damaged them. Some became ill, some marriages failed, at least one became an alcoholic. It's time to restore them. It's time to say that the people there at the event are likely to be right.

No, this third finding is a product of its culture, as are judgments of any kind. In that culture, we watch a fascinating mechanism at work: it's something like an inability to retrace one's steps, whatever the cost, or however wrong the path was. Worth recalling, now, in the way the Morling Inquiry came about. The NT Government was not keen to reopen the case, even after Azaria's jacket was found. The Federal Government decided to hold the Commission, which the NT was politely invited to join. Justice Morling was appointed by Letters Patent also issued by Federal authority, so lines of responsibility were clear.

The culture which produced this Inquest finding cannot bring itself to concede the Chamberlains may have been truthful. It cannot bring itself to concede the campsite witnesses may have been accurate, since they are aligned with the Chamberlains.

Culture is given expression in the language of Coroner Lowndes's delivery, notably in a jibe at the Chamberlains' solicitor, Stuart Tipple, whose submission relied on a view of the Morling Report which the Coroner sees as a fundamental misconception. This is a term which goes beyond error, beyond fallacy, it's a term used when a judge wants to be scathing. Does it also reflect irritation over a Commission report with which his culture is unable to deal?

Do you remember the car-stickers popular in Darwin at trial time? These were not the cars of greenies, but they read: Save the Dingo. And the T-shirts flaunted on the court-house steps? The Dingo is Innocent. These, too, were the expression of a culture.

In the backrooms of this culture someone is hard at work picking over the evidence, who sees a path to fame here as the one persistent technician, or

scientist, or lawyer, or detective, who finds what everyone else missed, and pins the Chamberlains to murder. Oh, yes. The search will go on, and on.
