

For The Age, Melbourne.

## **Event: Release of the Morling Report.**

### **A NETWORK OF LOYALTIES.**

John Bryson reflects on the Chamberlain Case  
in the wake of the Morling Report.

BERRIMAH PRISON was where I was heading, just before Easter in 1984, because the penal division had granted me time for an interview with Mrs Chamberlain, but everyone else I knew in Darwin had flown in to cover rumours of her release. She'd served a year, and the word was hot around Sydney and Melbourne that Cabinet was minded to let her out now, paroled. She wasn't too hopeful about it when I saw her then, and quite right she was, for the meeting of ministers went by, and the only information anyone could come up with was the whisper that some of the older ministers wanted to keep the door locked until it was rusty.

The reporters went home, all but Lindsay Murdoch and his photographer who decided to salvage something from the trip by completing, on behalf of the Melbourne Age newspaper, the longest pub crawl in the world. They hired a car capable of making it to Alice Springs, and the schedule called for the inaugural beer of the journey at the Darwin Press Club. I met them there at midday, but at two o'clock they hadn't yet got away, then governmental aides of one sort or another left the dining room to join us at the bar, and since they were all one-time journalists everyone ordered a drink for everyone else.

I was joined by a chap who said he was with, if I caught it right, Protocol, and that seemed to account for the number of apologies he made for never having heard my name before, though I tried to explain that the world was with him in this. He asked why I was in

Darwin, so I told him, and he said, dead-pan, he hoped I wasn't a troublesome ratbag, which gave an easy road to a truthful answer. It couldn't have been more than a minute before we were joined by another, who, after my introduction, asked his Protocol friend, 'Is this the guy you said was doing a book on the Chamberlains?'

The bar doors swung open just then, a happy distraction, and three men walked in, one of them Chief Minister Everingham, the others his close aides. The room fell instantly silent. It was nearly three o'clock. He looked around. 'I guess it's Easter,' he said, and everyone was happy enough to reach again for drinks. One of the aides, someone had dubbed them the Palace Guards, ordered him a drink and someone else lit his cigarette.

They joined the school where Murdoch was. Evidently it was considered improper here for the Chief Minister to buy drinks or to light his own cigarette. Something about this was riling Murdoch. In these precincts the Chief Minister was sometimes called Porky, though not by everyone and it wasn't easy to tell where the line of permission was drawn, but Murdoch assumed the privilege right then.

When an aide said it was Murdoch's turn again to shout, Murdoch agreed, with a considerable smile, that it was so, patted his pockets, evidently fresh out, and asked the Chief Minister to stand him for a twenty. The palace guards stood steely still, but their leader was hearty about it, and everyone relaxed again. 'I know,' he said, 'It'll be all over the southern press if I don't do this.' Since he didn't have a twenty, he made do with a fifty. Murdoch shouted the bar.# #

Watching that modest rebellion, I was never before so proud of a journalist, and the thing had nothing to do with the purchase of drinks. It was, as it seemed to me, more concerned with power, with authorities we have grown over-used to, however benign they are, and with a courageous realignment of loyalties. It's quite risky for a journalist to chance disfavour. Sure, the game was coloured because we were all richly celebrating a vacation while the Territory's most famous captive would spend Easter Days, Pentecosts, the Sundays of Advent, Christmastide, never mind how many, in cells or exercise yards, but what was happening here was a decision to be dutiful to no structure beyond the proper call of a profession.

The scene was a nice focus, though I didn't realise it until later, because something of the same shifts were happening elsewhere, in the press, in television studios, at radio stations. And I'm going on this way about it because, at the time the Chamberlain case began, journalists were for the most part servile to demands from other quarters, like the beguiling exchange of favours from useful sources, like the hot news-leak with no

questions asked, like the pressures of religious distrust, like easy gender prejudice. Yet, while all that's true, and we have to do something about it sometime soon, it was journalism which, after the shock of the Chamberlain conviction, was first of the culpable professions to turn around.

AND WHILE the term 'the culpable professions' rings in the air for a moment, let's cut to the Morling findings, to that part which criticises the defence for deciding not to call, at the trial, more available witnesses. This is what should be remembered: so well had the defence performed at trial that, by the close of evidence, the media corps, the prosecutors, and the trial judge, believed the jury would acquit. The bookmakers in the pressroom wouldn't take any more money on acquittal. Reporters prepared their copy so morning headlines could read, Chamberlains Not Guilty.# # The failures here were not failures of advocacy.

They were failures of professional standards, most spectacularly, and the standards buckled because the working loyalties are not all as we pretend them to be.#

When the case began to build against the Chamberlains, the police scenario, as it was called then, was that the baby may well have been slain a day before she disappeared, that the parents had produced an effigy of her at the campsite, a small impostor they could later claim was taken by a dingo. The police didn't know yet about the Wilkins family, or the Eccles, each of whom had nursed the child when she was alive and squawking, or about Judy West who saw her just before dark, or about the Lowes who saw her and heard her crying. By the time the case got to the first inquest, the police had discovered most of their own errors, but they weren't making them too public.

Coroner Barritt found a few right off. He found, for example, that the policewoman from the scientific unit who examined the Chamberlain tent, and she was supposed to be looking for dingo hairs, was so new to the identification of hair that she pulled one from her own head to see what it looked like under a microscope and threw out any which didn't look like it. A police scientist had discovered on the baby's blanket the marks of a knife, but Barritt saw from the police brief that another scientist, using greater magnification, traced those marks to wool moths, which had eaten their way through the fibres leaving neat cuts, and still lay asleep there.

Now, what troubled Barritt about errors of this sort was not the silliness of a junior police officer and a forensic scientist, but that some detective had leaked to the press the serious information that the Chamberlain tent held no dingo hairs, and that the baby's

blanket bore the marks of a weapon, so this was what the world believed.

Barritt loved Alice Springs, was president of the bowls club, to which local solicitors, magistrates and senior policemen belonged. No one in any department of government expected that Barritt might blow the whistle over a case like this, but so shamed was he by what he'd discovered that he blew it, he blew it hard enough to criticise the wildlife and the tourism authorities and to recommend the entire reorganisation of the NT police science unit, and he blew it on national television, live, and prime-time.

True it is that the police, the politicians and the lawyers who then came into the play believed the Chamberlains had killed their baby. But the patterns of allegiance came clear fast, and the first loyalties of those hiding in the wings had to do with justice for the Territory, rather than for anyone else. Techniques of news management made a stealthy appearance again with the leak to Channel 7 that Professor Cameron in London had determined, from Azaria Chamberlain's clothes, death by a cut throat. Someone advising the Crown Law Department had come up with the idea of excluding the Chamberlains from the hearing which would quash the Barritt findings, by having it held in camera, and without its appearance on a court-list anywhere.

Maybe it was the same advisor who prevented the Chamberlains' lawyers from checking the newsleaks out with Cameron. And while we're about it, I'd much like to know whose decision it was to have the Chamberlains called as the first witnesses at the next inquest, so that they'd go to the witness-stand ignorant of the case against them, with less information than would an accused. It was all very, very clever.# #

Mr Everingham's current view is that the Chamberlains brought wrongful conviction upon themselves, and so should not be considered for compensation, a fact I slip in here out of astonishment, more than anything.

LOOKING AT the problems of conflicting loyalties among forensic scientists was a lonely task a year or so ago. One would have hoped scientists might be dissatisfied with the poor shape forensic science was in by the time it came out of a tough fight like the Chamberlain. If they were agitated, it wasn't vigorously enough to stir mud in a pond. But of a sudden there's a good deal of movement.

An Interim Report on Evidence, including expert evidence, is published by the Law Reform Commission; the managers of forensic science laboratories have formed a committee to regulate procedures and behaviour; the Victorian Police Complaints Authority is calling for courtroom reforms.

A scientist who will say very nearly anything the employing party wants to be said is rare, but not unknown, and is not a wholesome sight to other scientists. The more common loyalty is of a less conscious kind, and the real difficulty is that scientists are in as much danger of discovering what they would like to discover as are any other mortals.

I don't want to be caught suggesting that the Chamberlain case did anything but ill all around, but it did show up perils like those. Not that every expert called by the defence escaped unmarked either, but the prosecution holds the honours with some spectacular trophies now, among them an arterial spray of human blood which was really an automotive compound called Dufix 1081, an oblong of baby's blood the suspicious size of a camera bag which turned out to be a milkshake, and a murderer's handprint on the child's cerement now shown to be the print of the landscape on which it was found.

NEW YEAR'S EVE, and it was the one only six months past, I was at a party in a hotel in Tasmania. Some hours after the year was celebrated I was bought a drink by a woman who said she wanted to talk about the Chamberlains. She was a nurse and her hospital was at Scotsdale. Her sister, or maybe she said a nursing sister, the music was loud, was at Scotsdale when the Chamberlains lived there. The sister had helped deliver Lindy Chamberlain's daughter. The baby was pitifully malformed, she said, and gave me a look I guess she thought of as knowing. I asked her how long she'd been following the case, and I could have mimed her familiar answer as she gave it. Right from the beginning, she said, I haven't missed a thing.

I'd reckon it to be around the fortieth time I'd heard that story, though more often it was set in a mainland state. The Chamberlains did once live awhile in Tasmania, but at Burnie. The timeframe is wildly wrong anyway for the birth of a daughter. And I know the Tasmanian pathologist whose job it was to check out, at the request of interstate police, rumours like that. They're the most indestructible of myths. But the most arresting part of the story is always where it runs: Right from the beginning, I haven't missed a thing.

It seems lasting loyalties, our loyalties, are formed early. And such is the instant nature of reporting now that allegiances can be struck earlier than ever before. In the Chamberlain case, for the very first time in this country, the nation could be swept along in the headiness of the hunt, and while the hunt was on.

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