

tic.''⁷ Some lay observers, among them Llewellyn Mullings,⁸ a business expert, while expressing relief that at last the entire matter will be looked at objectively, thereby "dispelling the dark cloud of hearsay," are concerned about the scope of the charge given to the commission. Were the investigation to limit itself to the Fuller Memorial Hospital-Pawtucket Institute of Health question, it might accomplish its task more effectively. That they must also investigate the larger spectrum of adjunct concerns, including the relation of Adventist health institutions and of the Southern New England Conference to AHS/N and its subsidiary Adventist Living Centers, may be a threat to the commission's effectiveness. Questions have also been raised about the "clout" of a conference-initiated committee, since the union and AHS/N have legal status rather than the conference.

Notwithstanding these concerns, the church at large would do well to take a careful look at the Southern New England commission and its work to see whether it suggests a way other conferences might deal with similar difficult cases.

NOTES AND REFERENCES

1. Telephone interview with Charles Stokes, economist and professor, University of Bridgeport, October 21, 1985.

2. Telephone interview with Larry Schalk, president, Adventist Health Systems/North, October 23, 1985.

3. Telephone interview with Earl Amundson, then-president, Atlantic Union, October 21, 1985.

4. Personal interview with Glenn Coe, attorney, October 10, 1985.

5. Schalk interview.

6. Amundson interview.

7. Telephone interview with Ron Brown, director of Fuller Memorial Hospital, October 23, 1985.

8. Telephone interview with Llewellyn Mullings, business professor, University of Bridgeport, October 21, 1985.

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Lawsuit Against Adventist Editor Puts Azaria Case Back in Court

edited by Diane Gainer

The case of an Australian Adventist minister and his wife convicted on murder charges has taken another bizarre twist. An Adventist journalist has been sued for libel by people he claims falsified evidence in the case. The twist is that the journalist welcomes the libel suit, saying his trial will prove that the minister and his wife are innocent.

The case against the minister and his wife started in 1980 with front-page publicity in Australia when the couple claimed a dingo took their 10-week-old baby from a tent in a national park. At first it was just a bizarre story. But public mood changed. Newspapers claimed the baby's name, Azaria, meant "Sacrifice in the Wilderness." (It actually means "Blessed of God," but someone mistakenly looked up Azazel in the *Oxford Book of Names*.) Based on the wrong interpretation of the name, Australians believed the baby was killed in the desert in an Adventist religious ritual.

Eventually, the wife, Lindy Chamberlain, was found guilty of murder and sentenced to life imprisonment. Her husband, Michael Chamberlain, was found guilty as an accessory to murder. But commentators suggest the judge didn't agree with the jury's verdict, because he let the minister off with a \$300 good behavior bond. Normally, accessory to murder would carry a sentence almost as severe as murder itself.

Last Christmas, the readers of the Australian edition of *People* magazine voted Lindy Chamberlain "the Australian I would most like to meet." The nation's prime minister could only manage second place in the poll.

Even the serving of libel writs against Adventist journalist Phil Ward was done with maximum publicity. Ward is the author of a book, *Azaria, What the Jury Were Not Told*, which gives 54 pieces of evidence not presented to the trial jury. In 1984 a television network telephoned Ward, asking him to appear the next day on "Good Morning, Australia." What Ward didn't know was that he was walking into a trap.

Ward, himself a former producer of a five-night-a-week, prime-time TV program, is a seasoned media performer. But awaking at 2 a.m. the morning before the show, he prayed about this program.

Less than a minute into the interview, Ward raised the subject of libel writs. The interviewer looked a little surprised. "What would you say if writs were served on you?" he asked.

"That would be fantastic," Ward said. "It would give me a chance to prove everything I say in court."

There was a scurry at the other end of the studio as a man walked in. "Well, there's a man who has seven writs he wants to serve on you," the interviewer said.

"That's the best thing to happen in the Chamberlain case in months," Ward replied.

Ward later told *Spectrum* the course of the interview was providential. "I believe I was led to raise the subject of libel writs early in the interview," he said.

Those suing Ward are seven people resident at Ayers Rock National Park at the time of Azaria's death. They include the police officer in charge of the Ayers Rock police station, two rangers, the wives of these three park officials and the adult daughter of one official. Ward claims that the baby was killed by a ranger's pet dingo and that there was a conspiracy to hide the fact that the pet was involved.

If these people are guilty, as Ward claims, why would they risk taking legal action against Ward? Perhaps there are three reasons. The first is the nature of Australia's laws on libel. In Australia, the right to a fair

trial is legally more important than freedom of the press. Once charges are made against someone, media cannot comment on the case, lest they prejudice a jury. Those who are guilty sometimes sue the media for libel to stop media reporting of their activities. After media interest in the story dies down, the suit is usually withdrawn.

It is impossible to know if this was the motive behind the writs against Ward. But if it was, it has backfired badly. A new legal precedent has just declared that people taking out libel writs cannot withdraw them without approval from the person they are suing. "And I won't withdraw," Ward says. So the seven who sued Ward now must take the case all the way through the legal process.

A second possible reason for the writs is a split in the Adventist Church over the issue. The church has financed much of the cost for the Chamberlain case—so far, well over \$500,000, about half raised by church members. For the Chamberlains' lawyer, a young Seventh-day Adventist, the case was his first criminal trial in private practice. Throughout the case, division administrators have backed this young lawyer's approach and have rejected Ward's efforts—even to the point of trying to have one of Ward's journalists arrested.

Despite such opposition, Ward and two journalists on his staff spent three months gathering evidence, which they gave to the lawyer only two weeks before the first of the Chamberlain's two appeal court hearings. (Both appeals were lost. There is now no further right of appeal.) The lawyer decided not to use this evidence. He has never given his reasons. And under Australian legal rules, if evidence is available to a lawyer and he doesn't use it, it is disqualified for use in any future appeal; the only exception allowing the evidence to be admitted is on the basis of the lawyer's incompetence.

So if Ward is right (we're not saying he is or isn't), the lawyer is in deep trouble. Not

only that, the church administrators who financed him are in a serious legal situation. Under the "Trustee Act," church administrators were required to exercise "due diligence" in seeing that the \$250,000 given by church members to clear the Chamberlains was spent in the best way possible. Rejecting Ward's evidence outright is not "due diligence." Leaders of the laity-organized Chamberlain support groups were angry at the division officers involved—all of whom retired at or before the recent General Conference and division sessions after inserting a clause in the division's constitution protecting them from legal action and allowing the division to pay their legal costs for any criminal or civil action.

The police officer and the park rangers named in Ward's book would be unaware of the internal politics of the Adventist Church and of possible reasons why all avail-

able evidence was not used to clear the Chamberlains. From their perspective, the only reason the evidence wasn't used must be that it wasn't strong enough. And if it wasn't enough to clear Lindy Chamberlain, it wouldn't be enough to convict them.

Third, Ward had distributed a copy of his book *Azaria, What the Jury Were Not Told* to every second house in the Northern Territory—the state where the rangers live. That could have made life uncomfortable for those named in the book. Just before the writs were served on Ward, lawyers for the seven demanded Ward place a retraction of his book in major newspapers across Australia. Ward didn't. It's possible the writs were served to try to force Ward to place those retraction statements.

Whatever the reason, Phil Ward sees this as an appropriately unorthodox way to solve the Chamberlain case. All seven people have

Lindy Chamberlain Released, Seeks Exoneration

Friday, February 8, Lindy Chamberlain was released from jail in Australia's Northern Territory. Six days before, a jacket worn by Azaria—as described by Lindy Chamberlain during her trial—was found at Ayer's Rock.

Unwilling to travel on Sabbath, Lindy was reunited with her husband and children on Sunday, February 11, at their home on the Avondale College campus, where Michael Chamberlain continues to work. The campus was festooned with yellow ribbons on Lindy's arrival.

Although Lindy Chamberlain's life sentence has been remitted, she remains convicted of murdering her child. Groups that have actively supported Lindy throughout her incarceration are demanding more than a pardon; they insist on an overturning of the previous conviction. It is unclear how

that could be accomplished.

When the Northern Territory judicial system announced Lindy Chamberlain's release, it simultaneously established an inquiry into the Azaria case. Although they did not announce who would conduct the inquiry, officials said they would be willing to have a person from outside the territory conduct the inquiry. Important to the inquiry are the terms of reference given to it: is it to inquire into fresh evidence gathered by the Northern Territory or to inquire into all possible wrongdoing surrounding the case?

Since its announcement, the story of Lindy Chamberlain's release has dominated network news programs. Meanwhile, the libel case against Phil Ward remains on the judicial docket.

to appear in the witness box. If they are lying (as Ward contends), they will have to coordinate their lies very well, Ward points out.

Ward publishes a newsletter about the church called *Adventist News*, which along with a dozen or so laity-organized Chamberlain support groups is raising funds for Ward's libel case—estimated to cost \$250,000.

Ward is convinced, as he tells his *Adventist News* readers, that "the Chamberlain case will be the greatest boost to Adventist evangelism Australia has ever seen. Everyone has seen the hell Lindy Chamberlain went through. She had a 10-week-old baby taken from her breast by a dingo. She had her next baby taken from her 30 minutes after its birth in jail. She has suffered from what one judge in his verdict called 'the worst campaign of gossip' and innuendo in Australian history.' But through it all, she remained true to God. Because of this, when they see Lindy Chamberlain is innocent, the people of Australia will want the God of Lindy Chamberlain."

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Innovations of a Constitutional Kind

by Bonnie Dwyer

' 'We, the delegates to the March 24, 1985, constituency meeting of the Ohio Conference, respectfully submit a request to the officers of the General Conference that a comprehensive statement applicable to church members be developed. We also request that this issue be placed on the agenda of the 1985 GC session.' Voted: 195 in favor, 116 opposed.

Ohio

The abortion issue was put on the Ohio constituency meeting agenda at the request of the First church of Cleveland. Fifteen other items for the agenda were submitted by local churches, because of a revision to the Ohio Conference constitution that sets up an initiative process.

This provision also allowed the Ohio Conference membership to record its views on women in the ministry. At the Worthington church's request, that item was placed before the Ohio delegates. For the first time anywhere, a conference went on record officially approving the ordination of women to the ministry: 295 for and 116 against.

Ohio's constitution was changed in 1984, so this year's meeting was the first to include initiatives. The large number of submissions for agenda items led the officers to designate some items as ballot measures only. The abortion and women-in-the-ministry statements were not debated at the constituency meeting. Paper ballots were used to record the wishes of the delegates.

According to Monte Sahlin, assistant to the president for nurture, the primary issue in the constitutional changes made in 1984 was how to structure adequate lay participation in the conference and church program. The Ohio constituents voted a 50 percent non-church-employee delegation to represent them at the Columbia Union Conference constituency meeting in 1986.

Many other conferences across the United States have recently re-examined and revised their constitutions and bylaws. From Georgia to Michigan and Oregon, members of the church who are not employed in the church have worked during 1985 to have their views considered in church decisions.