

Australia:

# Media hysteria fails to prevent release of John Lewthwaite

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The campaign to stop the recent release on parole of John Lewthwaite, convicted in Sydney, Australia, 25 years ago for the killing of five-year old Nicole Hanns, raised questions about the role of the mass media and the official political agenda. It also produced signs of disquiet among working people, civil libertarians and academics.

In the first place, Lewthwaite's release was used by the media outlets to seek to incite a virtual lynch mob atmosphere. Initially, Lewthwaite's parents, living in a small town on the mid-north coast of New South Wales, had proposed that their 44-year-old son stay with them after his release, but this had to be abandoned after a TV current affairs program was informed of the plans. It sent a reporter and camera crew to the town, broadcasting pictures of his parents' home and fomenting fear throughout the community.

One of Lewthwaite's sponsors then arranged for him to stay temporarily at his house in Sydney. But its address was leaked to the media and broadcast through newspapers, radio and television. The Murdoch-owned *Sydney Daily Telegraph* published an aerial picture of the street, with an arrow indicating the house where Lewthwaite would be staying. One radio talk-back host allowed a caller to utter what amounted to a death threat against Lewthwaite.

Urged on by the media, a small group of nearby residents marched on the house, throwing eggs, shouting abuse and finally hosing inside the home through the mailbox in the front door. An army of journalists and cameramen camped outside the house, with their reports and pictures splashed all over TV shows and daily papers.

The *Telegraph* ran a large picture on its front page of a woman about to push a hose through the front door. Its editorial declared: "The Daily Telegraph has maintained the view that Lewthwaite should not have been released, as there was, in the newspaper's opinion, insufficient evidence that he had been rehabilitated.... The media, as always, will be criticised by the hand wringers of society for the prominence it has given Lewthwaite's release. However, is it not wrong to reflect community concern—it is a vital part of the role of the media."

Yet the affair shows that, far from simply reflecting

community concern, the media and politicians work aggressively to fashion public opinion. Over the previous five years there had been a campaign in the media, particularly the Murdoch press, to portray Lewthwaite as the most dangerous criminal in the state of New South Wales, who should never be released

Successive state governments, Liberal and Labor, exerted enormous political pressure on the Parole Board to deny Lewthwaite's application for parole. He had been eligible for parole since 1994, after serving 20 years in prison.

Tim Anderson of the NSW Council for Civil Liberties told the *World Socialist Web Site* that for two years applications for Lewthwaite's parole had provoked considerable crisis inside the Department of Corrective Services. In May 1998, nine months prior to the last state election, Lewthwaite had again been recommended for parole. The Parole Board had received reports from a number of psychiatrists, who all favourably assessed his application. Despite the Parole Board majority voting in favour of Lewthwaite's release, the head of the Parole Board had vetoed it.

Following the election, a Parole Board hearing was presented with the same psychiatrists' reports, with the same recommendations, at which point Lewthwaite was released.

Anderson stated that Lewthwaite was unique, being a long-term offender who had survived his jail sentence. "Deteriorating health, suicide and mental instability take a heavy toll among prisoners with long jail sentences." Unlike most long-term jail inmates, Lewthwaite had received protracted and strong support from his family and a number of gay men who had visited him in rotation for two decades.

Mark Findlay, Associate Professor of Law at Sydney University, participated in drawing up a pre-release program for Lewthwaite. He explained to the *WSWS* that men outside Lewthwaite's family had sexually assaulted Lewthwaite in his youth. This abuse and his confusion regarding his sexuality created a disoriented and aggressive young man. Combined with alcohol it resulted in an explosive and tragic outcome.

Lewthwaite was only 18 when he murdered Nicole Hanns after breaking into her family home in an attempt to abduct her

older brother. In a drunken rage he stabbed her when he did not find nine-year-old Anthony. Afterwards, he went to church twice to find a priest to whom he could confess. Unable to find one, he confessed the next morning to a parole officer, who took him to a police station where he was charged and arrested.

Findlay said: “He is one of the rare offenders who has come to terms with his offence—he has grown in jail rather than stopped. He confessed straight away and never tried to deny his guilt.

“During the first 10 to 15 years [in jail] it would have been terror with significant levels of protection due to the nature of his offence. It was only in the last eight to nine years that he was able to stand alone in jail. He was able to go into the prisoners' café to work in the kitchen, which entailed considerable risk as the other inmates had knives. He took that risk, however. Then he went into the prisoner's gallery, where he had contact almost entirely with visitors. This gave some measure of his reaction.”

Findlay explained that the main concern with the release of long-term offenders was not the prospect of them re-offending but suicide. “Lewthwaite's situation exposed that nothing is done for prisoners on release. There should be a post-release program put in place. Instead they are tossed out onto the street with \$20. Long-term offenders don't last long after release.”

After his release and at the height of the campaign against him, Lewthwaite released a note expressing his remorse. It read in part: “I have always felt grief and great sorrow for my crime ... if I had any doubts about re-offending in any way, shape or form I would not have taken on the responsibility of hopefully being allowed a chance to go back into society.”

Some informed commentators were briefly quoted in the media. George Zdenkowski, Associate Professor of Law at the University of New South Wales, told the *Sydney Morning Herald* that the level of professional advice, commissioned by various authorities in Lewthwaite's was extraordinary. “They got nine different psychiatric reports.... If they err they err on the side of non-release.”

But such facts were largely suppressed in the media. The affair brought into focus the increasingly publicised role being given to the families of victims. Governments and the media are mercilessly using them to pursue a definite agenda of harsher and longer penalties against offenders, both adult and juvenile.

Gwen Hanns, the mother of the murdered girl, had argued publicly against Lewthwaite's release for a number of years. This campaign was facilitated by the introduction in 1994 of the Victims Rights Act to allow the family of victims to make representations to the Parole Board and in rare cases to the Serious Offenders Review Board. Accordingly, Hanns lobbied aggressively for Lewthwaite to remain behind bars.

This practice introduces a subjective and emotional factor in assessing long-term offenders. In many instances, this overshadows the professional and medical advice gained over

years of treatment. The grief and despair of the families is cynically exploited to demand more severe sentences.

Hanns has not only campaigned against Lewthwaite's release but also for the introduction of a law that demands community notification when a convicted child killer or pedophile is freed. It is similar to Megan's Law in the United States, which was the result of lobbying by the mother of murdered seven-year-old Megan Kanka. American civil libertarians and lawyers point out that it breaches constitutional rights and leads to vigilante action.

The campaign against John Lewthwaite reveals an attempt to engender in society the conception that serious offenders must never stop paying for their offence; that there is no possibility of rehabilitation; and that society in general has no responsibility toward them. It is the conception that terrible and tragic deeds are simply the result of evil individuals. The very notion that a person's social environment and experiences play a part in moulding their personality and actions is seen as “liberal hand-wringing”. The only treatment seen fit is punishment and continued incarceration.

It is apparent that in Lewthwaite's case the conscious incitement of community prejudice by the media had an impact on a small layer in society. However, it created concern and opposition from other sections. Local residents denounced the media hounds who encircled Lewthwaite's residence. “Leave him alone,” was a common comment. This was barely reported.

The fact that Lewthwaite's persecution did not receive broad support, and was viewed with alarm by others, finally forced the media to pull back. Numbers of people interviewed voiced their opposition to the blatant media provocation and attempt to railroad public opinion. For that reason the story has dropped from sight, for now.



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