

# Lacklustre re-creation of a vital piece of Australian history

Black and White, directed by Craig Lahiff, screenplay by Louis Nowra

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*Black and White*, which is currently screening in Australian cinemas and due for international release next year, is based on the 1959 trial of Max Stuart, a young Aboriginal man found guilty of the rape and murder of a nine-year-old girl, and the campaign waged to prevent his execution.

Stuart was found guilty after a four-day trial and sentenced to death on the basis of a confession beaten out of him by the police two days after the girl was killed in Ceduna, a small town of 900 people in the far west of South Australia. The young Aborigine, who worked in a travelling amusement fair, could not read or write English at the time and yet his lengthy signed statement was in perfect English.

Popular opposition to the crude frame-up of Stuart, several appeals to local courts and a Royal Commission eventually undermined the corrupt and rightwing Playford government in South Australia. Stuart's sentence was commuted to a life term, but not without a difficult legal battle, during which he had to endure the possibility of execution seven times in less than 10 months. Abolition of the death penalty was a more protracted process, with the last individual executed in Australia in 1967 and the Victorian and Western Australian state governments not officially abolishing the death penalty until 1975 and 1984 respectively.

*Black and White* begins in Christmas 1958 in the South Australian capital of Adelaide. David O'Sullivan (Robert Carlyle), a young and inexperienced city lawyer has been told that he has drawn a "bad lottery prize" and has to defend Stuart (David Ngoombujarra). After traveling to Ceduna, he quickly concludes that Stuart has been framed up and resolves to expose the injustice and secure his client's release.

O'Sullivan's legal partner, the hard-drinking Helen Devaney (Kerry Fox), is sceptical but commits herself to the case. Despite their best efforts, the entrenched racism of the legal system prevails and Stuart is found guilty on April 24 and sentenced to die by hanging a few weeks later.

O'Sullivan and Devaney appeal and find themselves up against the vindictive Roderic Chamberlain (Charles Dance),

South Australia's Crown Solicitor, who together with Premier Thomas Playford (Bille Brown), is determined to see the young Aborigine executed. As Playford arrogantly declares at one point in the film, those opposing Stuart's execution are a "threat to the system".

Catholic priest Father Tom Dixon (Colin Friels), who can speak Stuart's native language, visits the young Aborigine in jail and makes contact with O'Sullivan. Respected anthropologist T.G.H. Strehlow also becomes involved and evidence is assembled demonstrating that Stuart's confession is bogus.

Further appeals are rejected but O'Sullivan resolves to fight on and comes into contact with *Adelaide News* editor Rohann Rivett (John Gregg) and a young Rupert Murdoch (Ben Mendelson). Murdoch, who has just inherited the newspaper and is attempting to "shake up" the South Australian establishment, decides to provide financial and editorial support.

An appeal to Britain's Privy Council is unsuccessful but a new witness, supportive media comment, and popular demonstrations against the death penalty force a Royal Commission investigation into the case. Three months after the state inquiry began, Playford, now facing a political crisis, instructs Chamberlain to tell the hearing that the death sentence has been commuted to life imprisonment.

Stuart, who was eventually released from prison in 1973 and is today a leading member of the Alice Springs Aboriginal community, provides the film's final comments. He tells an interviewer: "Yeah, some people think that I'm guilty and some people think I'm not. Some people think Elvis is still alive, but most of us think he's dead and gone."

The Stuart case is one of many stories about the brutal treatment of Aborigines by a racist Australian ruling elite that cry out to be dramatised by local filmmakers. Unfortunately, director Craig Lahiff and scriptwriter Louis Nowra fail to realise the tremendous dramatic and political potential of the story. Instead, they have created a strangely unemotional and

detached work.

*Black and White* mainly focuses on courtroom exchanges, dominated by dry and wooden dialogue. They all seem to carry the same dramatic weight. While Carlyle gives a competent performance as the dogged O'Sullivan, Charles Dance as Chamberlain is melodramatic and one-dimensional.

Little is shown of the suffering endured by the young Aborigine, his poverty-stricken background or the plight of Australia's Aborigines at this time. In fact, Stuart often appears as a secondary character in the tumultuous events. After almost an hour into the film, following a series of courtroom scenes and thumbnail portraits of Chamberlain's social life, audiences hear in passing that Stuart has had to endure the stress of seven stays of execution. No real attempt is made to explore the terrible psychological torment this must have caused.

In the late 1950s when Stuart was put on trial, Aborigines were officially deemed to be a "dying race" by government authorities and treated accordingly. They had no right to vote, virtually no basic rights and were regularly bashed and verballed by police. Full-blooded Aborigines were confined to poverty-stricken reservations, while the children of mixed race parentage, labelled as "half-castes" by the government, were taken from their mothers and dispatched to church missions and other settlements in order to "breed out" the Aboriginal race. None of this is touched on.

While Lahiff provides a chilling portrait of police intimidation and violence, and the parochial and corrupt world of the local establishment, these are presented as a product of bad individuals—Chamberlain, Playford or the local police. *Black and White* does not attempt to reveal that the racism driving the attack on Stuart was an expression of a social and political system that had established its wealth and power through the destruction of Aboriginal society and brutal exploitation of the working class.

The film's ahistorical, non-class approach is even more apparent in its rose-coloured depiction of Murdoch, the young newspaper proprietor. Murdoch's decision to oppose Stuart's execution in 1959 may have been motivated by certain altruistic and compassionate concerns. His real purpose, however, was to shake up the old ruling factions in South Australia and establish a name for himself.

Not long after Stuart's death sentence was commuted, the Royal Commission ruled that he was still guilty of murder and rape as charged. A few weeks later, on January 19, 1960, *Adelaide News* editor Rivett and Murdoch's News Ltd were charged with a total of nine counts each of seditious and defamatory libel by the state government, alleging that the newspaper had accused the South Australian Chief Justice and the Royal Commissioners of being biased and unfair. These charges, however, failed in court or were withdrawn.

The last charge against Rivett was dropped on June 6, 1960 and two days later, according to contemporary observers, the newspaper toned down its editorial attacks on the Playford

government over the Stuart case. Five weeks later, Murdoch, who had just purchased Sydney's *Daily Mirror* and moved to New South Wales, sacked Rivett as *Adelaide News* editor.

Many have alleged that Rivett was removed as part of political deal between Murdoch and the Playford government. Whether this is true or not, Rivett's sacking was welcomed by the South Australian government and all those who had demanded Stuart's execution. He was the first casualty in a long line of editors sacked by Murdoch in his rise to become one of the most powerful international media tycoons.

The film concludes with a brief summary of what happened to the main protagonists. But Lahiff makes no reference to the backroom deals with the Playford government or current editorial policy of Murdoch's media outlets, which are infamous for their "law and order" rhetoric and demands for harsh jail terms. None of Murdoch's publications call for the abolition of capital punishment in the US or other countries where the barbaric practice remains on the law books.

The presentation of Murdoch as something of a knight in shining armour during the Stuart case is also related to the filmmakers' decision to largely ignore the broad social movement developing in Australia at that time for the abolition of capital punishment and widespread concern over the ongoing racist oppression of Aborigines. Apart from one brief scene showing a small group of demonstrators, the movie passes over this significant political fact, implying that the struggle to save Stuart resulted from a wealthy but honourable individual.

*Black and White* fails to realise the powerful dramatic potential in the Max Stuart story because its makers have decided to make definite political compromises. No doubt, this will not harm the film's international distribution, including screenings on Murdoch's television networks. Likewise, the avoidance of any hard-hitting depiction of the terrible conditions in which Stuart grew up—and the obvious parallels with current circumstances facing Aborigines—will help ingratiate the film with Australian authorities.



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