



***Black and White* is a 2002 feature drama film from Australia. Above is a photo of sunset near Cedona, Australia where the alleged crime at the center of this film took place. Below is Kino Ken's review of that crime drama dvd release.**

**13 of a possible 20 points = \*\*\*1/2 = above-average film**

**Australia 2002 color 101 minutes live action feature crime drama**

**Duo Art Productions / Scala Productions**

**Producers: Helen Leake and Nik Powell**

**a Home Vision Entertainment (HVE) dvd release**

**Key: \*indicates an outstanding technical achievement or performance**

**(j) designates a juvenile performer**

**Points:**

**2 Direction: Craig Lahiff\***

**2 Editing: Lee Smith, Jennifer Barrett and Linda Evangelistis (cutters),  
Chris Rowell (negative matcher)**

**1 Cinematography: Geoffrey Simpson  
Stills Photography: Brian McKenzie**

- 1 Lighting: Graeme Shelton (gaffer)**
- 1 Screenplay: Louis Nowra**  
**Continuity: Trudi Gardner Post-Production Script: Jo Stewart**  
**Music Recording: Robin Gray**
- 1 Music: Cezary Skubiszewski**  
**Orchestrations: Daryl McKenzie**
- 1 Production Design: Murray Picknett**  
**Art Direction: Sarah Gilligan**  
**Graphic Design: Rita Zanchetta**  
**Set Decoration: Robert Webb**  
**Set Dressing: Jennifer Drake and Phillip "Sunday" Hopkins**  
**Scenic Art: Kylie Lawson**  
**Props: John King**  
**Costume Design: Annie Marshall**  
**Makeup: Penny Armstrong\*, Beverley Freeman\*, Tracy Phillipot\* (Key),**  
**Fiona Rees-Jones\*, and Suzie Warhurst-Steele\***
- 1 Sound**  
**Sound Editing Supervision: Livia Ruzic**  
**Sound Effects: Michael Carden, Frank Lipson, Adrian Medhurst,**  
**John Simpson, and Tony Young**  
**Sound Mixing: Toivo Lember**  
**Casting: Jina Jay (U.K.), Christine King, and Julie Lewington (extras)**
- 2 Acting**
- 1 Creativity**
- 13 total points**

**Cast: Robert Carlyle\* (David O'Sullivan), Charles Dance\* (Roderic Chamberlain), Kerry Fox (Helen Devaney), Colin Friels (Father Tom Dixon), Ben Mendelsohn\* (Rupert Murdoch), David Ngoombujarra\* (young Max Stuart), Max Stuart (older Max Stuart), Bille Brown (Thomas Playford), John Gregg (Rohan Rivett), Roy Billing\* (Detective Sergeant Turner), Gary Waddell\* (Constable Jones), Patrick Duggin (Policeman #1), Andrew Martin (Policeman #2), Frank Gallacher (Justice Reed), Rhys McConnochie\* (Justice Abbott), Vincent Ball (Chief Justice Napier), Peter Whitford (Justice Windeyer), Donald MacDonald (Lord Tucker), Peter Carroll (Viscount Simonds), Heather Mitchell**

(Roma Chamberlain), Penne Hackforth-Jones (Mrs. Aston), Petru Gheorghiu (Dr. Strehlow), Paul Sonkkila (Bishop), Tim Robertson (Mr. King), Andy Anderson (Norman Geiseman), Nick Readman (Allan Moir), Chris Haywood (Detective Sergeant Karskens), Edmund Pegge (Dawson), Scott Harrison (Ed Montale), Marshall Napier (prison warden), Josephine Byrnes (barmaid), Don Barker (Cedona magistrate), Edwin Hodgeman (government prosecutor), Briah Victory (j) (Mary Hattam), Steve Turner (Mr. Hattam), Bernard Hull (Policeman #3), Dylan Lloyd (Policeman #4), Kenneth Ken (Tracker #1), Maurice Nicholson (Tracker #2), Lisa Flanagan (j) (girl at cinema), Paul Simpson (Paul Spry), Tony Mack (Mr. Aston), Wojech Pisarek (Yugoslav Drunk), Phillip Lowe (Playford's assistant), Roger Newcombe (Clerk of Arraignment), Chris Duncan (Clerk of Courts), John Leigh Gray (jury foreman), Colleen Cross (air hostess), David Buchanan (juror), Chris Koch (court attendee), Susan Lyons (Dr. Thompson), Natasha Wanganeen

*Black and White* ironically is neither the one nor the other, but rather inconclusively gray. It doesn't attempt to convince viewers of Max Stuart's innocence or guilt. Rather, the film is an indictment of a racist and classist judicial system that prejudices those unfortunate individuals who must rely upon its objectivity to insure a fair hearing. That objectivity seems sorely lacking in South Australia.

The Max Stuart case serves as a test of government even-handedness. His alleged crime was most heinous, certain to elicit extreme passions in both defenders and prosecutors. For this illiterate Aboriginal was brought to hearings and trials on charges of raping and murdering a nine-year-old girl who apparently was playing alone near the shoreline outside Cedona one sunny afternoon.

During the early course of testimony, stories told by both defendant and coroner changed. So, too, did details submitted by police officers involved. It would appear initially everyone was attempting to look coolly professional and thorough. Except Max Stuart, who verbally confessed to committing an amorous indiscretion less than an hour before the victim was assaulted and killed.

Mounting what must have been a pro bono defense for the accused was attorney David O'Sullivan, already saddled with a reputation for negligence in

handling client paperwork. Successive attempts to exonerate Max fail as time and again judges belittle O'Sullivan publicly for procedural ineptitude while overlooking issues raised about improprieties of police custodial protocols. Clearly the case assumed an "us" versus "them" character, with "us" being government authorities and "them" being socially marginalized individuals irrespective of skin color. Carny owner Norman Geiseman's testimony is as thoroughly discredited as defensive alibis of Max, though successive judges accept as valid any and all testimony coming from civic authorities. No matter how evasive, self-serving, or contradictory such might be.

At first the time of murder is set between evening hours of six and twelve. But after second close inspection of the cadaver it's reset to mid-afternoon. Causing consternation on the part of Max's defense team, who have obtained alibis for a time range no longer relevant. This is not sloppy handling of discovery on their part, but questionable investigative work by forensic personnel.

Max admits to his lawyers and to Father Tom Dixon, a court-assigned confessor, that he was beaten prior to making a statement of guilt to an assembled group of six constabulary members, one of whom typed what was claimed as verbatim testimony. An authoritative scholar of the Aranda language, Max's only proficient tongue, testified in court it was impossible for the accused to have spoken formal English contained in his purported "confession" document. The judge, though, chose to ignore evidence submitted by a "proper" white expert for fear of undermining assertions made by government employees. Very sad.

Eventually, after a conviction and failures to overturn the original death sentence following it, publisher Rupert Murdoch enters the scene, questioning in his newspaper several dubious pieces of prosecution "evidence." This rouses public indignation and threatens the political security of South Australian premier Thomas Playford, who starts to feel pressure from Canberra to mitigate Max's punishment after a seven times postponed execution. Bowing to popular opinion, the Crown Prosecutor relinquishes authority to Parliament, resulting in a new sentence of life imprisonment. The original guilty verdict handed down by a jury was left uncontested.

*Black and White* is first and foremost an acting showcase, particularly for the two performers representing opposing counsels. Robert Carlyle is quite

persuasive as feckless lawyer David O'Sullivan, who all too often says the wrong thing at the wrong time to the wrong people, hurting his client's cause more than aiding it. His adversary, portrayed most capably by Charles Dance, comes off as arrogantly smug, self-righteous, and icily vindictive, without a trace of mercy or human kindness towards anyone else. Roy Billing as Detective Sergeant Turner and Gary Waddell as sadistically inclined assistant Constable Jones, embody empowered evil with grim, stony-faced assurance. Rhys McConnochie's Judge Abbott is also a distinguished performance in a very unsympathetic role. Ben Mendelsohn plays a slimy, what's-in-it-for-me-and-my-paper Rupert Murdoch, long on public browbeating of government personnel in order to sell newspaper copies but easily cowed when retaliation arrives and he himself is charged with seditious libel.

Lee Smith's editing is expert throughout, never dawdling to diminishing returns or rushing prematurely and confusedly to new scenes. Dialogues and even a protracted monologue by Roderic Chamberlain to private guests are respected, being allowed adequate time for dramatic pauses and counters.

Cezary Skubiszewski's music subtly suggests underlying pessimism, quite appropriate to this drama.

The screenplay by Louis Nowra blends attractively melodramatic subplots, such as drinking habits of the accused and his female defender, with available factual testimony from court documents and other public materials. It sometimes slides perhaps too readily into verbal obscenities, while capturing judicial precision of language brilliantly.

Lighting, sound, and production design suffice to maintain adequate audience interest, though these are considerably subsidiary to acting assets here. A junkyard scene does stand out in terms of near-apocalyptic décor.

Geoffrey Simpson's cinematographic skills are by no means severely tested by this movie, as most scenes revolve around best placement of speakers in formal office or courtroom settings.

*Black and White* will raise serious questions about how and whether unchallenged justice systems provide satisfactory and fair results for everyone encountering them. Its graphic violence and multiple instances of verbal obscenities make it unsuitable for all except adult audiences.

Bonus material on the Home Vision Entertainment dvd release are trailers for *Home of the Brave*, *Deadline*, and *Black and White* itself, with respective

**runtimes of two minutes and twenty-one seconds, one minute and twenty-eight seconds, and one minute, forty-three seconds. A nine minute, thirty-eight second interview with Max Stuart himself is included, allowing subjective assessment of his English verbal skills and attitude towards life, both at the time of his trial and years afterward in mature retrospect.**