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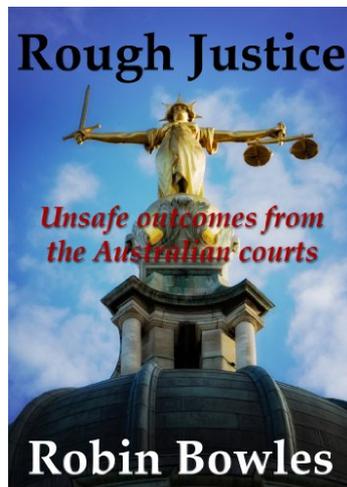
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Bowles, R. (2011). *Rough justice: unsafe outcomes from the Australian courts*. Australia: F.U.N. & K.Y.

## CHAPTER SIX - Rough Justice in the Wild West

True crime writers are a strange bunch. They hang out in local dives; spend endless, sometimes dreary hours in court rooms; butter up lawyers; visit crooks in prison and get called conspiracy theorists by people who don't like their books. The most difficult thing about being a true crime writer is that the end of your story or book is, like the main protagonist, at the mercy of the justice system. Whether you agree with the outcome or not, you are stuck with it, just like the accused.

This story is about some people who refused to accept the outcome and although it took nearly thirty-five years, changed the ending of their story. This took perseverance and courage and at least one of those involved firmly believes God had more than a passing interest in the 'happily ever after'.

In the Perth suburb of Subiaco on 9 February 1962 John Button got up early after his mum had brought him breakfast in bed for his 19th birthday. He had no real plans for the day, other than to spend as much as possible of it with his beloved 17-year-old girlfriend, Rosemary Anderson. They had been an item for a few months and she made John's heart sing and his head buzz, especially when he got a whiff of the Black Rose hairspray she used to keep her unruly hair firmly in place. Teenagers enjoyed small pleasures in the early sixties.



*John Button as a young man*

After a happy day just mooching around together they arrived at John's parents' house and joined them for something to eat, before the older Buttons left for a planned outing. John, Rosemary and John's brother Jim settled in for a game of strip poker. Before agreeing Rosemary took stock of the number of items she was wearing, which caused John to look himself over. 'Mmm, shoes, socks, trousers and shirt. Well, just a couple of hands, ' he decided nervously.

Within an hour, John was down to his trousers.

‘Why don’t we throw this in and drive down to get some fish and chips?’ he suggested. Rosemary carried her shoes and stockings to the car, threw them onto the back seat and off they went. By the time they got back the chips were getting cold, but John’s attention was held by a news report that a police officer and a passer by had been shot in the suburb of Belmont.

It was during this summer that Perth lost its innocence with the trail of terrible and random crimes committed by serial killer Eric Cooke. Before that summer, people rarely locked their doors and random murders were unheard of. Cooke was eventually caught and became the last man hanged for murder in WA.

Glued to the TV, from the corner of his eye, John saw a hand sneaking towards his piece of fish. Thinking it was his brother; he swatted the hand roughly, saying ‘Get your own!’ He looked up to see Rosemary staring at him with tear-filled eyes; unable to believe he had been so nasty. She stood up and told him she was going home. He followed her outside, taking her arm as she neared the end of the driveway. Determined to go, Rosemary shook him off and marched off along the 50 metres of road to the corner, where she turned out of sight. He jumped into his car and caught up with her, begging her to get in so he could at least drive her home.

She refused and continued under an overpass and turned again out of sight. John pulled over and lit a cigarette. He saw three cars drive along the road on the other side of the overpass, all heading in Rosemary’s direction. Finishing his cigarette, he decided to try one more time. He drove slowly, expecting to see Rosemary silhouetted against the streetlight further up the hill. His left headlight had been damaged in a ding he’d had a couple of weeks before, so it was not much help as his eyes strained into the darkness. Suddenly he saw a body huddled about four metres from the road. Fervently hoping she’d flung herself down to have a good cry, John pulled up and ran to Rosemary.

She was badly injured, bleeding into the sand from a deep gash on her head. Her breath rasped and her eyes appeared to be gazing past John into a faraway place. Not thinking about the dangers of moving her, John scooped her up and put her in his car, pulled out past another car that had just stopped to help and drove like a lunatic to the nearest doctor’s house. The doctor took her into his surgery, gave her some first aid and partly cleared her airway of sand, and then realising it was a traffic accident, rang the police and an ambulance. While the doctor was busy on the phone, John sat holding Rosemary’s head up to help her breathe and begged her to come back to him so that everything could be back to normal. As the ambulance left with Rosemary and the doctor, John sank into a seat in the surgery. He’d agreed to wait for the police, so he could show them

where it happened. He did not know he would never see Rosemary again, or realise then how often he'd wish that he'd gone with her in the ambulance instead of waiting, like a lamb to the slaughter.



*The car driven by John Button at the time of the death of his girlfriend, Rosemary Anderson. Police said that this small dent caused her death. No forensic tests for hair, clothing threads, skin were conducted. Forensic reenactments arranged by Bret Christian and Estelle Blackburn proved conclusively this damage could not have been caused by hitting a person*

The police took John to the place Rosemary had been hit, and John showed them the large pool of coagulating blood on the sand about four metres from the roadside. They searched the whole area, looking for the contents of Rosemary's handbag, her shoes and other items. John was in shock, worrying about what was happening to Rosemary. Then they collected John's car, which was driven to the police station by one of the constables. John was taken to a big bare room and sat next to a table holding a typewriter. He told them what had happened.

The police were gruff and aggressive. They treated him as a suspect, demanding to know how the damage had been done to his left headlight, intimating there could be blood on the bonnet of his car, wanting to know whose stockings were on his back seat and asking him over and over if he had run her down.

When insisted he was telling the truth about not running Rosemary down he was surprised by a sharp punch to his stomach, which felled him to the floor. Shocked and sobbing about Rosemary he was further stunned when after about an hour of questioning, the two police told him roughly that Rosemary had died.

'You did run her down, didn't you?' yelled one of the police, for the umpteenth time. Frightened, miserable and scared of the continuous bashing,

John saw no end to this brutal line of questioning. They had been at him for more than five hours. He couldn't know his parents were on the other side of the interview room door, waiting to take him home. He decided to let the police write whatever they wanted to, go home and deal with it in the morning, when he could think straight.

As the police typed, offered suggestions and outlined his dreadful 'crime', John agreed to everything they said. Finally, he signed his second 'statement' and 'confession' and they offered him a cup of tea. While he drank that greedily, one of the police sat opposite him and told John he would be charged with wilful murder. The fact that in WA in 1963 this was a hanging offence made no impact. He just wanted to go home.

The constable let his parents in and his mother ran to his side.

'John, was it your fault?' she asked.

'Yes,' he sobbed. 'We had a fight ... I let her walk home alone ... she was beside the road bleeding ...'

'You'll have to come with us now, John,' a policeman said, pushing past the desperate parents. He was taken and charged with wilful murder and put in a cell to await the next dreadful thing the dawn might bring.

On the Monday he was remanded for seven days and taken in a police car to the looming, forbidding building that houses Fremantle Prison. He spent the drive there wondering how he could be in this dreadful predicament, charged with the murder of the girl he loved more than anyone in the world. Surely they would realise he couldn't have done this? You can't prove someone did something if they didn't do it. Can you?

He said later that as the car slid through the gates of the prison he felt 'like Jonah being swallowed by the whale.' And the insides of Fremantle Prison were no less appealing than the inner workings of a whale. After being led through several steel gates and doors he ended up on Death Row—eight cells three metres by two metres, each containing a mattress with two blankets on the floor, and a towel-draped bucket in the corner. That was it. His meals were eaten with a spoon and he had to ask for every cigarette, as he was not allowed matches.

Several days later, his lawyer visited for the first time and asked John to tell him the full story. When he recounted the beatings at the police station that 'persuaded' him to confess, his lawyer interrupted him.

'John, as an officer of the court I cannot and would not ask you to lie under oath. I must tell you that at all times you must tell the truth, the whole truth and nothing but the truth. But having said that, I must warn you if you tell the jury the police did anything wrong they will think you are lying, and if they think you are lying about that, they will think you are lying about Rosemary and they will

hang you.’ The lawyer then stood and put his hands around John’s neck, in the strangle position, to make certain he’d understood, saying ‘You will have to decide in the witness box how you will answer these questions.’

After taking down John’s story he stood to leave. ‘This will be very painful for your parents,’ he told John. John felt a wave of shame. How could he put his parents through such an ordeal?

‘Perhaps I could plead guilty to manslaughter’ he suggested, ‘and save a trial?’

‘Did you do it?’

John shook his head. ‘It might help ...’

Hatfield interrupted. He told John he believed in his innocence and a guilty plea would be contrary to his ethics and his conscience

While John waited for his trial he daydreamed about Rosemary, wishing she’d regained consciousness long enough to tell about what had happened to her, wanting to be out of that hole and driving to the beach with her, smelling the Black Rose perfume of her hair. He could not believe the jury would find him guilty of something he hadn’t done.

At his trial, which began on 29 April 1963, Button’s lawyer succeeds in a motion to have his client’s ‘confession’ suppressed from the jury. This was a big relief to John, who did not think the jury would understand why he had confessed, especially if he was unable to tell them it was more or less bashed out of him. The first prosecution witnesses were the two doctors who’d cared for Rosemary. They were followed by the two police who’d attended the scene with John. The first officer told the court that they had found a big bloodstain in the sand about 18 inches (about 45 cm) off the side of the road. John knew this was wrong, but how could he say this in his evidence without implying the police were lying?

After the second officer corroborated the 18-inch evidence, John Button was called upon. He was asked if his two statements were give of his own free will, ‘without threats, promises or inducements.’ The first statement, about how he’d found Rosemary and what had transpired afterwards, had, of corse been freely given. The second one, where he ‘told’ police about how he’d run Rosemary down, was beaten out of him.

He agreed to the first statement, but when pressed about the second, he prevaricated. He said he wasn’t threatened—or struck. He looked at his lawyer, who did not meet his eye. Then two days of legal argument ensued, in the absence of the jury. The prosecution wanted to introduce John’s confession and on the morning if the third day, the judge agreed. The cross-examination of John Button continued. When he was asked how far off the bitumen he’d found

Rosemary he found himself again threatened with claiming the police had lied. He answered 'only about a foot to two foot.' He said much later, 'I didn't think it would matter and it wouldn't get me offside with the jury'.

On Saturday 4 May the jury returned with their verdict. As John stood awaiting his fate, the foreman told the judge 'Not Guilty, Your Honour.' John sagged with relief. They had believed him after all. After flashing a quick glance at his parents who were beaming with joy, he stared at the jury foreman, suddenly anxious about the look on the man's face.

'I'm sorry Your Honour,' the foreman said. 'Can you ask me again?'

The Clerk of the Court read out, 'How do you find the defendant?'

'Guilty, Your Honour.'

While John tried to get his thoughts around the death sentence that would surely be read out by the judge, he realised he'd been found guilty of the lesser crime of manslaughter, which carried a maximum penalty of life with hard labour. In a sort of out-of-body experience, John wondered if the judge had been fidgeting with the black cap under his desk, ready to proclaim the death sentence.

On the following Monday the judge was lenient. He sentenced John Button to ten years with hard labour and John was taken down.

About eight months into his sentence, he heard on the radio one night that Eric Cooke had been arrested and charged with several murders. Prison scuttlebutt said that while he was sitting waiting for the hangman on Death Row, Cooke had confessed to two other murders that two other men were serving time for. Police had kept the news of his confession under wraps, not wanting to jeopardise his trial. By coincidence, John's defence lawyer had also been assigned to Cooke, which meant he knew that Button had been convicted of a crime that Cooke had confessed to. He and his co-counsel applied to the chief crown prosecutor for copies of the alleged confessions, but this request was denied. Only days before Cooke's trial, his lawyer was given copies of Cooke's confession to the Rosemary Anderson murder. However, Cooke had since retracted this confession under pressure from the police. His denial said, 'I can now see I couldn't have done it'—an admission made, no doubt, after a lot of reasons being put to him by police about why it was impossible.

The media got hold of the story and one night while painting a picture in his cell, John heard a news report. 'Convicted murderer Eric Cooke today confessed to the murder of Rosemary Margaret Anderson, the seventeen-year-old girl for whose killing her boyfriend, John Button, is serving ten years hard labour'. The news report went on, saying Cooke had known all the details of the incident; time, place, what Rosemary was wearing, and he'd even described her handbag.

He'd told police that he's stolen the car that killed her and later that night, crashed it into a tree in King's Park. It all fit! John was over the moon all alone in his cell that night. Freedom beckoned. His lawyer visited the next day and told John he'd be out in a flash. He heard that Cooke had taken police to the exact spot where Rosemary had been hit and described how her body had flown up over the bonnet, hit the sun-guard and then rolled off onto the sandy verge about 4 metres away. He then showed them where he'd crashed the stolen car, and described the make and colour. Police were still not convinced.

For John, days, then weeks passed and nothing happened. He appealed to the High Court to have his sentence quashed as Eric Cooke had confessed. But his lawyers were unable to convince the judges that there was a case to further investigate. The judges said, 'A jury has accepted this [his guilt]. This is a very great factor.' His appeal was denied. John learned of his last chance being lost by radio, before his lawyers were able to get to the Fremantle prison to tell him. Cooke made another confession to a minister on the threshold of the scaffold, but the police thought Cooke just wanted to go out as the biggest serial killer in Australia and took no notice. They had a confession from John Button and he was their man.

Cooke was executed in the same jail as Button. His last wish to the prison Chaplain was to have a two-wheeler bike given to his eldest son for his birthday. John got down to serving out his time. He served five years of the sentence between Fremantle and Karnet, a prison farm in the hills around Perth. He learned two trades and painted a lot of pictures. After being a model prisoner for half his sentence, he was paroled for the second five years to return home. Freedom at last!

But it didn't end there.

In John's book, *Why Me Lord!* He describes the years following his release as being full of pain, depression and self-pity. Fortunately for him, he met and married a kind and caring woman, who not only nurtured him during those desolate times, but who eventually led him to God and as he sees it, his salvation from the past that haunted him. But not satisfied with this big change in his life, he wanted more than anything to clear his name.

It may be difficult to understand for those who have never been falsely accused of something, especially if the accusation carries with it an unjust prison sentence, that this need to 'clear your name'; to remove the stigma from your family name; to demonstrate to the deceased's loved ones that it was not you who deprived them of a future together, is overpowering.

Some might say, just get on with your life; it's in the past, look to the future. But our past shapes our future and doing ten years for a crime you have not

committed is not shrugged off lightly.

In January 1992, John Button arrived home to find the manuscript for his book poking out of the letterbox. His initial excitement became despair as he read the rejection letter from the publisher. The letter said that his telling of his story left many questions unanswered and that he would need to make the story much longer before it was publishable. He cried out in frustration—‘God, if you want this book written you’d better do something!’ Just then, the phone rang. John was surprised to hear his brother Jim on the phone. They rarely saw each other, except for family celebrations.

‘John,’ he asked, not wasting time on pleasantries, ‘did you say at one time you were writing a book?’

God, that was quick, John thought irreverently.

‘Yes, I am,’ John told his brother.

Jim then explained that he had met a woman called Estelle Blackburn who was interested in his case. He was certain she was the one to write John’s story. John was amazed that his prayer had been answered so quickly! He invited Jim and Estelle to tea the very next Saturday.

I first met Estelle Blackburn in 2001, when she came to Melbourne to accept the Ned Kelly Award for 2001 for her amazing book on the Button case—Broken Lives—which had already won a WA Premier’s Award for 1999. I was overcome by the depth of the research she had done and so admired her doggedness in uncovering a major injustice.



Estelle Blackburn AO, crime writer/investigator extraordinaire, with Daryl Beamish (L) and John Button, celebrating Beamish’s pardon..

*53 Estelle with Jon Davies and Tom Percy QC celebrating the pardon of Beamish. Jon and Tom worked pro bono to support Estelle’s case for both Beamish and Button*

The book told a story of all the lives affected by the now infamous Eric Cooke and explained the damage done, not only to his murder victims, but to his family; those who'd survived his attacks and the two men, one of them John Button, who'd served jail terms for his crimes.

Estelle is very smart. She one of the most cheerful, kind people I've ever met. She's small, with thick curly hair and tiny feet (of which I am very envious!). She twirls around on those tiny feet nearly every night somewhere in Perth or Fremantle, as she loves to dance. I call her the Dancing Queen. Dance clubs are held around the city and Estelle knows every location. It was at one of these dances that she met Jim Button.

'He's quite a good dancer,' she told me. 'The whole family likes dancing, John and his wife met at a dance club. 'I had no designs on Jim at all, just found him a good dance partner, but we started talking about things and I told him I was a journalist and then he told me I had to meet his brother. That first time, I wasn't that keen. His brother had gone to jail for killing his fiancée—I didn't think it was my kind of family, or my kind of story.'

Jim was such a good dance partner that Estelle returned to the same club for the next couple of weeks, even though it was quite a distance from her home. Eventually he attended again and again persisted in his requests for Estelle to meet his brother. Finally, Estelle agreed to a visit. A decision that changed her life.

'When I met John Button,' she told me, 'I was Junior Press Secretary to the Premier. [Carmen Laurence] It was a very high-powered job and I had to work closely with a big team of people to manage the day-to-day dramas, including the setting up of the Royal Commission on WA Inc. I was with her through that whole turbulent time. After my mother died, I dropped back to part-time, working for a different Minister, but was in that job throughout the whole dreadful Penny Easton affair—I was on the edge of politics for about eight years in total. I'd worked most of my life as a journalist, ABC, print media, you know, all the usual rounds. My job with the Government was very well paid and I'd done all right. I shared a lovely house with a friend, and had a large investment house returning me a bit of extra income, a nice car, good clothes and a fairly glamorous lifestyle. But my life felt a bit shallow, there seemed to be something missing. In February 1991, after losing my Mum, I went to England and had a session with my Sufi teacher in Southampton, looking for guidance. She gave me some daily meditations to do and I did them every morning for quite a few months. Then 'along came James, fast-talking James' and I met John and heard his story and I thought, I could use my position to have a word to the Premier, or the Attorney General, on his behalf. But I warned him that because of the

separation of powers in Australia, the Government couldn't intervene in a legal decision, or decide to re-open an appeal—unless there's new evidence. All his letters to Premiers over the years had been in vain for this reason.

'That's how it started. Then a girlfriend and I took the Supreme Court transcripts away to read over a weekend and Trish, my friend, jumped up and down saying, "Estelle, you know that book you thought you might write? This is it!"

'I thought I might look into a few of his claims, you know, maybe access some old police records, transcripts and so on and check it out. It started off as a bit of an adventure really.'

What began as an adventure became an obsession for Estelle Blackburn. In the piles of files she assembled, she also found information on the case of Darryl Beamish, a deaf mute who had been accused of brutally murdering Cottesloe socialite 21-year-old Jillian McPherson Brewer, who was found in bed by her fiancé in her Stirling Highway flat just before Christmas in 1959. It was alleged that the murder weapons were a hatchet and scissors. The murder appalled and horrified Perth, and huge efforts were made to catch the killer, without success. Until over twelve months later, when 20-year-old Darryl Raymond Beamish, a deaf mute who lived with his parents in Garden Street, Swanbourne, was arrested and charged.

Beamish had been profoundly deaf since birth and was only able to communicate in sign language and very simple written sentences. Exhausted by three relentless days of police questioning during which he denied any knowledge of the murder, he wept as he wrote sketchy replies to police questions, admitting to the murder. He was convicted and sentenced to hang.

After four months on death row his sentence was commuted to life imprisonment and he served almost 15 years, after a series of appeals was rejected.

Estelle was struck by the similarities to John Button's case and discovered that the murder of Jillian Brewer was the second murder that Eric Cooke had confessed to at the gallows. She decided she would quit her job in government, take a low-key two-day-a-week PR job to pay her bills and seriously devote her time to finding out the truth about Eric Cooke, John Button and Darryl Beamish.

It took her six years. She sold her investment house to finance her quest, buying a small apartment instead. Her good car went too, replaced by a little one that was cheap to maintain and run. She obtained permission from the Commissioner of Police to review Eric Cooke's files and discovered that police had been looking for a person who'd been running down young girls on weekend nights. At first she could not find any files at all on Button, until they

turned up in a large brown envelope with a different name on the front. She then spent her profit from her house and all of her inheritance from her mother searching for Eric Cooke's surviving victims, 11 of which had survived hit-run episodes exactly like Rosemary's (a twelfth had died five years later from cancer). In all, seven hit-runs were referred to on the file, but with few details. In a series of amazing co-incidences, which John Button attributes to divine intervention, names began to emerge. One was the mother-in-law of one of John's minister's daughters. Another was known to the daughter of a close friend. With John Button's help, Estelle tracked down all the Cooke victims who'd survived, flying from Perth to Queensland to New Zealand to interview each of them. She found most had on-going physical and/or emotional problems from the attacks by Cooke.

Then, another exciting discovery—she came across the statement made by the prison Chaplain, Rev. George Jenkins, after he had heard Eric Cooke's confession. After trying many lawyers and others connected to the Cooke case, Estelle was contacted by a lawyer who had found the confession statement in archived files. Eric Cooke's own lawyer had also contacted Estelle to say that although Cooke's confession was a load off his mind, Eric was concerned that John Button might avenge himself on his family when he got out of prison. Estelle explained to John that this was further proof of his guilt, because otherwise why would he be worried that John might react badly if he (John) was actually guilty of killing Rosemary?

The Chaplain's statement outlined his knowledge that Cooke was concerned he was going to be hanged while two innocent men were serving time for murders he'd committed. He stated that Cooke had expressed the wish to meet his Maker with a clear conscience, having confessed to all his crimes before he went to the gallows. The last paragraphs of Rev. George Jenkins's statement said

*I attended with the Rev. Ralph Thomas on the morning of 24th October 1964.*

*Cooke's execution was to take place at 8 a.m. on that day. between 7.45 a.m. and 7.50 a.m. in the presence of the Rev. Ralph Thomas, Cooke again took the bible in his hand and said, "I swear by Almighty God that I killed Anderson."*

Estelle also discovered the transcript of John's High Court appeal statements and photos relating to the scene of Rosemary's fatal injury. John Button had always been insistent that he'd found Rosemary's body about four large paces from the road. But for the concocted confession attributed to John, Rosemary had to fall from his bonnet close to the edge of the road. But what about the big pool of blood that John had pointed out on the night. He peered at the file photos

and to his amazement, saw a big clump of blood soaked sand not six inches from the edge of the road. ‘They moved the blood!’ he exclaimed, ‘to fit their story.’

Further, several people had been interviewed who saw John carrying Rosemary back to his car from about 4 metres away. To explain this, police put forward the hypothesis that Button had meant to carry Rosemary down the embankment and place her on the railway line, for the next train to destroy the evidence, but seeing there were witnesses had turned back to carry her to his car.

Later on, the police Fatal Accident Vehicle Examiner checked John’s car and told the investigating police that the Simca had not hit anyone. He could find no trace of fibres, fat, tissue or hair on the car. This was not welcome news to those who had a self-confessed killer locked up already and not-so-veiled threats were made to this officer that he was not to give that evidence at the trial, merely to describe the damage to the Simca and leave it at that. The irony of this was that about two kilometers further down the road, the car that had killed Rosemary, probably complete with fibres, fat, tissue and/or hair had been pranged into a tree and abandoned by Eric Cooke. Cooke went on to kill two more women after that night, before he was caught. Two lives that may have been saved if police were not so keen for Button’s conviction.

The police who had interviewed John Button on the night of his arrest refused requests from Estelle Blackburn to contribute to her book. The Detective Sergeant had retired was promoted up to becoming Chief of the CIB and three years later was made Assistant Commissioner (Operations), a post he held for two years before taking early retirement in 1984.

The other officer spent three years in Bunbury WA after Button’s trial, returning to Perth as a Detective Sergeant. He was promoted through the ranks of Detective Inspector, Senior Inspector and reached the rank of Superintendent before he retired. Other police associated with the Button case all reached senior positions before retiring—one even became Commissioner of Police.

In her hunt for fresh evidence to get John Button’s case re-heard, Estelle gathered a large team of supporters. One of these was Bret Christian, owner of the WA Post. Bret had found the foremost accident investigator in the world, William ‘Rusty’ Haight, in the USA who might be in a position to help re-create the accident scene. But where would they find a 1962 cream Simca in 1997? The task seemed impossible. Estelle told me she scoured the Trading Post and wreckers’ yards trying to find a Simca with its front left-hand wing intact. The plan was for Rusty Haight to visit Australia to simulate the accident with a dummy the same height and weight as Rosemary. Bret Christian was funding the not inconsiderable fees for the exercise, a generous act that he ‘found a bit frightening’.

And then—divine intervention, again. After finally finding a couple of drivable but well-worn Simcas, Estelle found a collector's Simca in almost mint condition. It was not cheap, but on top of the daunting price she hit another obstacle. The vendor had lovingly preserved this car for over thirty years and now Estelle wanted to buy it to have it deliberately dented. Neither knew how big the dent would be. The crash investigators needed three hits to demonstrate that there could only be one conclusion from the experiment. Estelle wanted to use the worn cars first and then use the mint-condition car to clinch the outcome. Eventually the owner was persuaded to part with his beauty (did I mention Estelle is very persuasive?) and Estelle had the three cars she needed. Haight arrived carrying two big bags full of the crash dummy and John paled at the thought of seeing and hearing the impact at the experiment site. But he wanted to be there.

The experiment went like clockwork, proving that the damage to the fender grille and headlight on John's car could not have been caused by impact with Rosemary Anderson. On the contrary, those areas were untouched by the dummy, which flew up and landed heavily on the bonnet, making a large dent, before rolling away to about four metres off the roadway. Every time.

Then they used a 1962 Holden Special sedan, the car that Eric Cooke had said he'd been driving. Police had discounted his confession as he'd said the girl had flown up onto the bonnet, hit the sun visor, continued onto the roof then rolled off to the roadside, leaving a smattering of blood. Cooke was not believed because police thought that kind of impact would have broken the sun visor. But it happened exactly as Cooke had described. John Button watched the dummy, which he was now seeing as Rosemary every time a car slammed into it, hit the sun visor, make it flex but not break, and continue over the roof before rolling off to the roadside.

Now all they needed was an appeal date. Estelle rounded up her team of pro bono lawyers, Tom Percy and Jon Davies, to re-apply to the Court of Appeal. On 25 February 2002, ten years after Estelle Blackburn had come to visit John Button for the first time, the Chief Justice delivered the court's decision.

He said the 'the court would allow the appeal and quash the conviction for manslaughter. There could not and should not be an order for a re-trial.'

I visited John and Helen Button in their lovely new home in the heart of the Swan Valley. John seems much more relaxed than he was last time I saw him at an Irish pub where Tom Percy and Jon Davies were thumping out loud Irish ditties as part of their Gang of Four repertoire. I asked John a question that had been troubling me since I first read Estelle Blackburn's book.

'If you didn't kill Rosemary, why on earth did you confess?'

He's obviously been asked this question many times. He smiled a little and said, 'Remember those ads in The Pix and The Post—"I was the 90lb weakling until I went to this or that body building course?" You know, those ads where everyone kicks sand in the ugly skinny boy's face and he's too weak to do anything about it? I was that boy. I was shy, scared of the what was happening to me and once they told me Rosemary had died, I just wanted the whole night to be over. I suppose I wanted to go home to my Mum. I knew she'd believe me. And she always did. I never thought they'd lock me up. I thought tell them what they want and then you can go. You can fix it all up tomorrow. And I didn't want them to hit me any more. It was terrible. It was my 19th birthday and I was a young 19, not sophisticated like today's 19-year-olds. It was stupid and naïve, but I didn't know any better.'

Even now, when talking of that interview, John Button looks anxious. I change the subject and commented on the landscaping around the new house. He and his wife are both keen gardeners and there was a water feature in almost any direction I looked. He told me the State Government eventually awarded him an ex gratia payment of \$460,000 dollars as compensation for his wrongful conviction and imprisonment for the manslaughter of his girlfriend.

John said he was happy with the ex-gratia payment even though it was less than half of what he initially wanted.

He said the money had helped him and his family get on with their lives: 'We now have choices that we didn't have before,' he said. 'We can help our kids and Helen doesn't have to work so hard. I can try to help others in similar predicaments—and there are plenty of them, don't you worry.' The compensation payment was the largest ever approved in WA for someone wrongfully convicted of a crime.

Attorney General Jim McGinty said at the time the payment was made that the amount of money could never fully compensate John for what he has been through. He said that the amount should really be many, many millions of dollars, so was not meant to be the full measure of compensation, rather something that would enable John Button to get on with his life.

Estelle Blackburn did not receive a cent for doing the job the police should have done in 1963.

Almost before the ink was dry on the Appeal Court order, Estelle turned her mind to Darryl Beamish's plight.

She discovered that Cooke's wife, Sara, with whom Estelle and the Buttons had become god friends, had offered to give evidence on Beamish's behalf and that Eric asked her to alibi for him when he returned home at dawn the day Jillian Brewster died. Sara had not been asked to give evidence at Beamish's

appeals in the 1960s.

Because of the support Beamish had from many Perth senior counsels, Sir Francis Burt took the case to the Privy Council in London for a nominal fee under the provisions of the then Poor Persons Legal Assistant Act, but he was unsuccessful. After the failure of Beamish's final appeal, Melbourne law professor, Peter Brett, wrote a scathing analysis of the evidence (or lack of it) and the way the appeals were conducted. This was published in a booklet called *The Beamish Case*.

Sir Francis Burt, who went on to become Chief Justice and Governor of WA continued to support Beamish well into Sir Francis's 80s. He wrote that 'the case shatters my belief that the judicial system would fix its mistakes, but it is never too late to rectify an injustice.'

Sir Francis said that both Beamish and Button lost their appeals in the 1960s because nobody believed Cooke was telling the truth. After the publication of *Broken Lives*, and its startling revelations that the Brewer and Anderson murders were exact copies of 14 other crimes committed by Cooke, people started listening at last.

In *Broken Lives*, Estelle Blackburn refers to an internal memo by the officer in charge of Claremont CIB, Detective Cyril Wilcox. This was part of the investigation into complaints from young women living alone who'd been robbed or attacked and was written nine months before Cooke was caught in 1963.

The memo discussed the unsolved crimes (later attributed to Cooke), and the perpetrator's habit of stealing keys from unlocked flats to enable him to return at a later date and use the keys to re-enter the flats, sometimes attacking sleeping occupants.

Girls who had caught a glimpse of the offender described someone that resembled Cooke. When Cooke confessed to the murder of Jillian Brewer he described how he'd stolen the key to her flat during a previous burglary then used it on the night of her murder. Detective Wilcox's memo was not submitted to Darryl Beamish's appeals.

At both the Beamish and the Button appeals following Cooke's confession that he had killed Rosemary and Jillian the appeal judges cross-linked the two cases and stated that because Cooke was a liar he was lying about both cases.

Estelle Blackburn argued that if it could be proved that he'd been telling the truth about one case, for example the Rosemary Anderson case, then he was telling the truth about both.

In 2001, Estelle Blackburn, Media, Communication and Culture PhD student and a former journalist for *The West Australian*, the ABC and the Government

Media Office, won the Walkley Award for Most Outstanding Contribution to Journalism for her investigative book 'Broken Lives'. One of Australian journalism's most prestigious awards, it was given for her six-year investigation which led to reopening the court cases of John Button and Darryl Beamish. In June 2002 she was awarded the Order of Australia (OAM) in the Queen's Birthday Honours for her outstanding service to the community through investigative journalism.

On 1 April 2005, after a further 3 years of tireless commitment from Estelle Blackburn, Tom Percy QC, Jon Davies, solicitor, newspaper editor Bret Christian and others, the Western Australian Court of Criminal Appeal quashed the murder conviction of Darryl Beamish. Sadly, Sir Francis Burt, who was to be the star witness, died three weeks before the hearing, so did not see injustice being rectified at last. Beamish's original sentence was death, so if this had been carried out Beamish could not have had his conviction quashed. Not while he was alive, anyway.

Both Button and Beamish find it ironic that the quashing of their convictions may not have been possible if not for the 'death-bed' confession of the last man hanged in WA, Eric Edgar Cooke.

And the courage and dedication of journalist Estelle Blackburn.

Read John Button's full story and Estelle's quest to clear his name in Estelle's book Broken Lives (Hardie Grant)

And the story of Estelle's own journey from Government Press Secretary to justice crusader in The End of Innocence (Hardie Grant.)

Read John Button's story in Why me Lord! (self published by John Button)