

RACE A FACTOR IN KILLING SAYS JUDGE AS FIE JAILED

Mother's tears for a stolen son

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It was just past sunrise on a cold Alice Springs Saturday when white man Glen Swain started kicking Aborigine Donny Ryder in the head. Consumed by hate, his mind twisted by the full bottle of Bundaberg rum he had drunk through the night, Swain could think only of revenge against the black man who had thrown a bottle at his mate's car.

The trainee pest exterminator lined up Ryder, lying defenceless in the red dirt, and delivered two vicious kicks to his head, stopping only when he noticed his victim was motionless, "sort of like a rag doll", as he told police. Swain would later explain the cowardly attack as a case of "tunnel vision".

"I was doing what I was doing not worrying what everybody else was doing," he said during a police re-enactment at the scene.

Yesterday, before Northern Territory Chief Justice Brian Martin in the Supreme Court in Alice Springs, Swain was sentenced to 5½ years jail for his part in Ryder's manslaughter, a crime that has divided the outback township like no other since the Azaria Chamberlain case 30 years ago.

Also jailed for terms ranging from 12 months to six years were Swain's four accomplices. Like him, they all are young white men from respectable Alice Springs families.

Yesterday, Justice Martin said that while all five of Ryder's attackers had histories of friendly interaction with Aborigines at school, work, through sport and socially, race was implicit in the crime.

"Each of you has always got on well with Aboriginal people. However, on this occasion your normal attitude and standards of behaviour were pushed into the background," he said. "There was a negative attitude towards, and an atmosphere of antagonism towards, Aboriginal people. It is difficult to avoid the conclusion that the nature and rapidity of the reaction and the actions of some offenders in kicking and striking the deceased while he was on the ground, were influenced at the least to some degree by the fact the deceased was an Aboriginal person." Justice Martin said the case had caused "deep and acute divisions" in Alice Springs.

When he described Ryder's death as at "the lower end of seriousness of the crime of manslaughter", it was too much for the victim's mother. Therese Ryder.

Rising from her seat, tears rolling down her face, she walked from the court, turning to Justice Martin on her way out to say, "It was good on the outside, but inside there's racism straight out."

In a sentence, she captured what the town's black residents and many in the white community have always felt. But not everyone agrees. Outside court, Del Hird, who has spent a lifetime working in Aboriginal health, flatly rejected Justice Martin's claim that race-hate played a part in her son's crime.

"I don't believe any of the boys are racist," Ms Hird said. "They were just drunk and stupid. It could have been anyone. They didn't set out to do it."

The attack on Ryder ended a 12-hour drinking binge that included a wild ride through the dry Todd River bed in Kloeden's twin-cab Hilux utility aimed at terrorising Aboriginal campers.

Ryder, a respected and steadily employed Arrente man who was an expert horseman and footballer, saw the chaos caused, and later that night, he made the fatal decision to throw a bottle at the vehicle in protest.

When the hearing ended, families from both sides, many in tears, hugged and talked.

Karren Liddle, spokeswoman for the Ryder family and sister-in-law of the victim, made a brief statement with Ms Ryder by her side. "I feel sad for everybody: us for our loss and also for those families too for how foolish those boys were and what they did."

Ms Ryder was less conciliatory. "I couldn't stand being in the courtroom this morning," she said.

Ms Ryder said she appreciated the families approaching her to say sorry, but was annoyed the judge told "no story about my son".

"He was a local born here in Alice Springs. He was friends with a lot of white kids," she said.

"He was a good young bloke who never got in trouble. That's why I miss him so much. He was the happiest in the family. He'd brighten up everything."

Spears and Hird were each sentenced to six years' jail with a non-parole period of four years.

Although he did not take part in the attack, Kloeden received the same sentence.

Justice Martin said Swain was entitled to a non-parole period of 3½ years because he was the only one who made a full and frank confession to police and gave them assistance in every way.

Doody, who did not take part in the attack, got a four-year sentence, suspended after 12 months. Justice Martin said his presence had encouraged the others.