
A Moral Truth.

Edited by *James Hollings*

150 years of
investigative
journalism in
New Zealand.

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The earliest visitors to New Zealand were struck by the long white cloud that floated above the land, and named it Aotearoa, land of the long white cloud. The name carries something of the optimism that inspired emigrants to risk a long voyage in search of something better. Those clouds signalled landfall — as well as rain, that bearer of life. But a cloud can have another purpose; it can shield, or hide.

Many times, when telling people that I was gathering material for this book, I had a response along the lines of ‘That will be a short book — there isn’t much of that in New Zealand.’ For some reason, the belief is common that there is little or no investigative journalism done here. Weigh this book in your hand and judge for yourself how true that statement is — and this collection is probably less than a tenth of all the stories I could have included. There is in fact a long and rich tradition here of journalism that holds power to account, that goes beyond allegation and denial to reveal hidden truths.

Some of the stories in this book will be well known to New Zealanders; many will not. Some, I hope, will still shock and disturb you. All, I hope, will make you proud of the craft, cunning, persistence, compassion and sometimes brilliance of those journalists who unveiled them. And, of course, of the courage of those men, women and children whose stories are told here.

What exactly is investigative journalism? And how does it differ, if at all, from other types of journalism? It is sometimes argued that all journalism is investigative, in that it seeks to tell a truth. Many journalists, including some whom you will meet in these pages, believe that all journalists should investigate, in some way or another. Nevertheless, most books on investigative journalism agree that there are some things that set it apart from the journalism we see in our daily newspapers or on our favourite news sites, and watch and hear on television and radio. The great Australian journalist John Pilger, whose anthology of world investigative journalism was the inspiration for this book, suggests that good investigative journalism holds power to account, and acts as a check on power. For him, it is not just about ‘detective work’, but must also be

journalism that ‘bears witness and investigates ideas’ (Pilger, 2004, p. xiv).

Journalism has also been called the ‘first draft of legislation’, because it often exposes problems so compelling that governments need to pass laws to fix them (Burgh, 2000). Many of the stories in this collection did just that; the investigation into the disaster at the Pike River Mine is just one example. Another useful definition is that, unlike daily journalism, investigative journalism seeks to go beyond allegation and denial to get to the truth of an issue. Investigative journalists have also been called ‘custodians of conscience’ because their work attempts to build shared moral values (Ettema & Glasser, 1998, p. 200).

Others argue that investigative journalism must do all those things *and* must also unearth some systemic fault. If you have seen the film *Spotlight*, in which investigative journalists were determined to uncover not just cases of child abuse but also why the system allowed the abuse to continue, you will agree that this is important.

In the US, emphasis is placed on thoroughness and impartiality and on the accretion of empirical detail, perhaps in the hope that some objective truth can be unearthed that will make a solution unarguable. Its great triumphs, such as the Watergate stories, have helped make investigative journalism a respectable part of mainstream American journalism culture. The Anglo-European tradition, by contrast, is usually quicker to resort to polemic, more likely to be politicised and much less respectful of authority structures. The New Zealand tradition, at least as far as I can tell after reading hundreds of pieces for this collection, is mostly closer to the British experience, although, as this collection shows, it embodies both.

In choosing pieces for this book, I have generally applied most of the above definitions at one time or another. Not all these stories necessarily try to hold some form of power to account; some just set out to bring something to public attention, something the public needs to know. Hilda Rollett’s exploration of domestic service, for example, does not name any fiendish matrons or question the social and economic conditions that created a class of domestic servants.

What I have tried to collect are stories that reveal some hidden truth that is in the public interest, not merely *of* public interest, and a truth that wouldn’t have come out otherwise. A few — quite a surprising number, as it turned out — were the first draft of legislation, or did result in some kind of government action. Pat Booth and Jim Sprott’s epic campaign to expose police planting of evidence meets the highest standard of investigative journalism, by any definition. So does Philip Kitchin’s exposé of a sleazy sex ring of police officers.

But some stories were chosen simply because they seemed to speak a truth — perhaps one that had little impact at the time, but one that has been borne out by history. Robin Hyde’s inquiry into the plight of Bastion Point Māori in the 1930s was decades ahead of its time, as was Jim Tucker’s into the pollution of waterways in Taranaki in the 1970s. One of the most exciting finds was the quality of reporting in *Te Hokioi*, the independent Māori newspaper of the

1860s. *Te Hokioi*, the voice of the King movement, has been disparaged as a propaganda sheet by contemporary critics, and even recent historians, when some of its journalism was anything but.

Another important criterion that emerged was that the best stories have something undeniably original, or new, about them. They often raised an issue that nobody had really realised was an issue. Nicky Hager's revelations about the National Party's smear tactics prior to the 2014 election is one example. There are many other good investigations that explore an issue already developed by others — in these cases I have tended just to choose the first.

One trend that comes through strongly is the fearlessness of our early journalists and the editors who published them. When they saw injustice, they attacked it head on, with all the rhetorical skill they could command. *Truth's* attack on a rampant and incompetent security service, in wartime, was extraordinary; a classic of brave, independent journalism.

Another theme is the quality of the writing; I defy anyone to read Jack Young's account of the hanging of Albert Black without revulsion. While not a true investigation, perhaps, in that it took no more than a day's attendance at prison, it undoubtedly reveals a hidden truth, on an issue of undeniably public interest.

What conclusions can we draw from this collection of investigative journalism in New Zealand?

First, one is struck by how it is often a distant echo of overseas trends. So, for example, we have the emergence of an indigenous press, following the example of Haiti, in the 1860s. As the 'yellow' (or populist) press reached its zenith in the early years of the twentieth century in Europe and the US, so we had the beginnings of one here, with the formation of *Truth*. The bile-flecked columns of this publication matched US publisher William Randolph Hearst's and UK publisher Alfred Harmsworth's yellow papers for populist appeal, and quite often it wielded its rhetoric in good cause. *Truth's* campaign against the execution of Tahi Kaka was courageous, at a time when the death penalty was widely accepted. Where the US had Nellie Bly, the pioneer of stunt journalism, New Zealand's (admittedly rather staid) counterpart was Hilda Rollett (writing under her maiden name of Keane).

That special creature of the 1930s, the left-leaning literary correspondent, giant of both fiction and non-fiction (think George Orwell or John Steinbeck), had its counterpart in Robin Hyde, whose poetic gifts enriched her journalism.

Later, the widespread mainstreaming of investigative journalism in the 1960s and '70s had its parallel here in the social issues campaigns that came to characterise *Truth*, and later *The Auckland Star* and *The Dominion Post*. Locally, this mainstreaming reached its peak in 2006, when state-owned Television One and the private newspaper chain Fairfax combined to publish Philip Kitchin's stories about a police sex-abuse ring. This investigation demonstrated the power

of the mainstream media at its best. A thorough inquiry by an experienced journalist, well supported by courageous editors and publishers, was expertly packaged and presented for maximum impact to an enormous combined audience. No government could ignore its findings. It demonstrates, too, one upside of the takeover of small independent newspapers in New Zealand by a couple of large corporates in recent decades. It is highly unlikely that the Louise Nicholas story could have been pulled off by the *Rotorua Daily Post* or *Bay of Plenty Times*. In fact, one of the complainants in that story, Donna Johnson, did try to interest her local paper in her story — without success.

Another trend worth noting is the ebb and flow of investigative journalism in New Zealand. At times it is the preserve of the lone independent; at other times, the mainstream media, for a mixture of commercial and other reasons, takes an interest. A glance through the contents page of this book will show you that certain publications have had golden eras of investigative journalism before the torch is passed to the next.

This trend was noted by the US journalism scholar Mark Feldstein, who suggested that it required a coincidence of supply and demand. The supply of investigative journalism, he argued, seemed to depend on there being a demand for it, through the emergence of a social crisis, with a consequent public hunger for answers; and on a supply of it, through the availability of some new form of technology to distribute it. This explained, he argued, the surge of investigative journalism in the early 1900s in the US, when unrestrained capitalism, mass immigration and urbanisation were creating intense social pressures and a penny press had emerged to explain it. Likewise, in the 1960s and '70s, the social upheaval brought by student politics, the Vietnam War and the sexual revolution found its voice in the new medium of television (Feldstein, 2006).

This 'muckraking model', as Feldstein called it, does throw some light on the New Zealand experience. It explains neatly, for example, the emergence of an independent Māori-language press in the Waikato in the tense years of the early 1860s, when the arrival of a press suddenly gave printed voice to simmering tensions. But it does not explain the relative lack of investigative journalism at other crucial times, such as during the Depression of the 1930s, when there was also a new technology available — radio. Nor does it really explain the lacing of themes that thread through this collection: the unease over capital punishment in the 1950s, race tension in the 1970s, and the general theme of concern about the unaccountability of police and security organs and the unrestrained power of the state that runs through many investigations from the 1940s onwards.

A more useful way of understanding what kind of investigative journalism will make an impact comes from British sociologist John Thompson, in his work on public scandals. He argues that the public is only really moved when a scandal touches on some central moral value that we all share. This theory has been used convincingly by journalism scholar Michael Schudson to explain why the various 'gate' scandals since Watergate (Irangate, Nanny-gate, Whitewater-gate, Monica-gate) had so little impact. The answer is that none of them really

mattered to the American public, because none transgressed a central moral value. In other words, most Americans agreed that a President breaking US law by trying to obstruct justice was wrong, but far fewer cared whether their President had an affair (Schudson, 2004; Thompson, 2000).

How do these arguments apply to New Zealand? What are the central moral values that emerge?

Several writers have noted the strongly utopian theme that runs through New Zealand's history (Smith, 2011). From the signing of the Treaty of Waitangi, to mass immigration, the social welfare reforms of the 1900s and 1930s, the anti-nuclear stand and, more recently, the free-market reforms, New Zealand has not been afraid of half-measures; it has reached for a vision. Behind much of the journalism here can be discerned the outlines of this utopianism: many seem to derive their moral outrage from a sense of utopianism gone wrong, where confidence in the soundness of institutions has proved misplaced. Think Pike River, the Crewe murder inquiry, among others.

In another sense, much of this journalism appeals, optimistically perhaps, to a sense of fairness it seems to assume in its readers that may not actually be there. *Truth* on the killing of Kaka, or the crucifixion of conscientious objectors, or capital punishment; Hyde on the plight of Ōrākei Māori — these stories and many others seem more about asserting a new or different moral structure than suggesting that a commonly accepted one has not been followed. Many of these stories seem ahead of their time, or look forward to a time when values may have changed.

This leads on to a second underlying value: consensus. New Zealanders, it has often been noted, value this highly. Many of the stories in this collection are about, in one form or another, abuses of our utopian belief in consensus. They are a challenge to a collective silence about crimes or injustices that are being hidden in plain sight; well known within a community, but not spoken of. They are about challenging what German scholar Elisabeth Noelle-Neumann called the 'spiral of silence' (Noelle-Neumann, 1964). This is when an idea is wrongly believed to be widely held because those who believe the opposite, even though in the majority, all believe that they are in the minority and are afraid to speak up about it (Noelle-Neumann, 1964). The Louise Nicholas story is perhaps one such; it seemed that the sex-abuse culture was widely known of in the police well before this story came out. This suggests that if there is a cultural explanation for the constraints on investigative journalism in New Zealand, it is the collective unwillingness to speak out, to be the lone voice in the village, particularly when that voice may be threatening some utopian image of ourselves that we are all supposed to share. To be an investigative journalist in this country thus requires a journalist to sometimes go beyond the usual restraints of objective reporting and risk becoming painted a campaigner; to risk being seen as a whinger, a complainer, in a country that values doing-it-yourself

and a positive attitude. While journalists may be happy to take this risk, getting their work published depends on having not just journalists who will campaign but editors, too.

Campaigning is a role that has never sat easily with newspaper editors, or indeed with many journalists in New Zealand; many, I would argue, see pushing investigations as uncomfortably close to campaigning and somehow mutually exclusive with fair, balanced journalism. This is a shame; and a fallacy, I believe. Anyone who has seen the role the editor of *The Boston Globe* played in pushing the *Spotlight* investigation will understand the crucial importance to investigative journalism of having an editor who is not timid. Moreover, it misunderstands what the audience wants. Underpinning all good investigative journalism, scholars have found, is what Natalia Roudakova calls 'integrity of social judgment', or a moral purpose (Roudakova, 2009). This, as she and others have rightly pointed out, is ultimately far more important in the public eye than a ritualised balance or neutrality. An attempt to consider both sides of the story is important, but it is a means to an end — the end being integrity of social judgement, or fairness — rather than an end in itself.

To put it another way, it is not fair to ignore or minimise valid concerns just because you cannot get a response or 'balance'. Some of the journalists in this book were driven by a quite unobjective passion and had to work hard to fortify their zeal with verifiable detail; others began their enquiries with professional detachment and found that they had to learn to manage an increasing emotional attachment to the story. I learned, reading these stories, that investigative journalists come in all forms, whether zealots or clinicians; but what they all share is the persistence to pursue a story as far as it takes, and a determination to get it right.

This brings us closer to the real reason for the sporadic nature of investigative journalism in New Zealand. Bold, brave editors who are prepared to risk community and official opprobrium, and know how to manage the legal risks of publishing challenging stories, are not common. But when they are in place, good reporters gravitate to them and legends are made. This is closer to an explanation for the trend noted earlier: that in New Zealand, publications have golden eras, and those eras coincide with editors, as much if not more than with reporters. Thus we have *Truth*, from 1940–1970 under James Dunn, *The Auckland Star* in the 1970s and early '80s under Pat Booth, *The Dominion* in the 1980s under Geoffrey Bayliss, *Metro* in the late 1980s to mid '90s under Warwick Roger, *The Dominion Post* in the early 2000s under Tim Pankhurst, and more recently *The New Zealand Herald* under Shayne Currie, and Potton & Burton (Nicky Hager's publisher) under Robbie Burton. This suggests that it is editorial quality, rather than a shortage of journalistic talent or some kind of boardroom conspiracy, that defines investigative journalism here.

One other factor is important here. The bravest editors have often had a good lawyer behind them, one who knew not only the rules of defamation but also how and when they applied, and who believed in a free, responsible news

media just as much as the journalists. James Dunn's experience in defamation cases gave him the confidence to make *Truth's* editors so bold; Robert Stewart and Peter McKnight have done the same for Fairfax, as has Steven Price in more recent times for Nicky Hager. A good lawyer is normally part of the team on big overseas papers; journalism in this country would be stronger if there was a similarly close partnership here.

Another factor affecting investigative journalism in New Zealand is our culture of censorship. As I point out in the introduction to Chapter 29, there is almost a code of official omertà about significant parts of New Zealand society. Many New Zealanders, fed the official line that we rank highly in international measures of transparency, would be surprised to find that journalists in some comparable democracies have much greater access to official information. This culture of censorship is, I would argue, one of the great blind spots in the New Zealand discourse, and has had a chilling effect on journalists' ability to fulfil their watchdog role.

Another theme that comes through clearly in this book is that for journalism to last, it needs a human face. Though years may have passed, in the best of these stories we can still feel the pain of Tahī Kaka, Albert Black, Arthur Allan Thomas and David Dougherty. The best stories show, not just tell. The planted cartridge case, the hangman's sunglasses, the schoolhouse with the walls of a fort — these images tell more than words can. The best reads are unafraid to take a stand. They do not waste space or the reader's time with specious denials. Where a denial is relevant, or useful, it can add to the narrative, but formulaic balance looks especially irrelevant with the passage of time.

A further theme that emerges is the relevance of journalism in the New Zealand democratic system. It is at times an essential lubricant when the wheels of justice have frozen. By not only revealing wrong but also exposing the inaction of the bodies whose job it was to prevent it, it helps build a case in the forum of public opinion that politicians can no longer ignore. Booth's relentless work on the Arthur Allan Thomas case (Chapter 11) was a disturbing reminder of the concentration of power in New Zealand. Only when Booth gained a personal interview with the Prime Minister, and persuaded him that there was a case to answer, was a Commission of Inquiry held, an independent Australian judge brought in and the distortions of the case against Thomas revealed. But after Nicky Hager's revelations in *Dirty Politics* (Chapter 30) about the apparent abuse of power by the Prime Minister's Office, where was the New Zealand equivalent of the US Senate's inquiry into the Watergate break-in? Why did Parliament not use its own investigatory powers? Likewise, the weakness of official watchdogs such as the Office of the Ombudsman should be of concern to all New Zealanders.

As many reading this book will realise, a lot of very good investigative journalism has had to be left out. I would like to have included many of the

good investigative journalists now working, such as Simon Collins, David Fisher, Eugene Bingham, Paula Penfold and others. Sometimes this was because the work simply did not read as well in hindsight as it did at the time, or because it touched on a theme that was already covered by another story, and sometimes it was simply for lack of space. Likewise, this collection does not acknowledge the investigative work done by television and radio journalists over the years. Again, this collection does not seek to be definitive, but to show some of the main themes of investigative journalism in this country.

While nearly all these stories carry one or two bylines, they are all in some sense a team effort. Good investigations require the backing of a courageous editor. It takes one kind of courage to write a story attacking the security services in the middle of a war. It takes another kind altogether to start a printing press when a representative of the government is on the phone threatening to put you in jail, as the editor of *Truth*, Brian Connolly, found out in 1942. It is the editors who have to face the legal bills and worry about the jobs of the rest of their staff.

Above all, these stories reveal the resilience and enduring power of New Zealand journalism. Many of the stories had a real and measurable impact at the time of publication or shortly afterwards. Sprinkled as they were throughout the daily and weekly output, their true significance was not always seen at the time. But they give the lie to suggestions that New Zealand journalists are unwilling to investigate. With the right cause, and the right editor behind them, they can tell us what lies behind the cloud. They show us, above all, that on the right story, with the right effort, journalism can convey a moral truth.

- Burgh, D. (2000). *Investigative journalism: Context and practice*. London: Routledge.
- Ettema, J., & Glasser, T. (1998). *Custodians of conscience: Investigative journalism and public virtue*. New York: Columbia University Press.
- Feldstein, M. (2006). A muckraking model: Investigative reporting cycles in American history. *Harvard International Journal of Press/Politics*, 11(2), 105–120.
- Noelle-Neumann, E. (1964). *The spiral of silence: Public opinion, our social skin*. Chicago: University of Chicago Press.
- Pilger, J. (2004). *Tell me no lies: Investigative journalism and its triumphs*. London: Jonathan Cape.
- Roudakova, N. (2009). Journalism as 'prostitution': Understanding Russia's reactions to Anna Politkovskaya's murder. *Political Communication*, 24(4), 412–429.
- Schudson, M. (2004). Notes on scandal and the Watergate legacy. *American Behavioral Scientist*, 47(9), 1231–1238.
- Smith, P. M. (2011). *A concise history of New Zealand*. Melbourne: Cambridge University Press.
- Thompson, J. (2000). *Political scandal*. Cambridge, UK: Polity.

Editor's note

Not all the texts in the book are reproduced in their full original form; the use of an ellipsis indicates where text has been removed because of space constraints. The pieces included in the book are not intended to be facsimiles, and the original layout of some made them difficult to read easily in book form. Therefore some changes to their layout on the page have been made. Wherever possible the original usage of language, which today may seem idiosyncratic or archaic, has been retained.