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State as Terrorist: Kāwantanga te Kaiwhakatuma.
Parihaka 1881, Maungapohatu 1916, Ruatoki 2007

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Glossary

Aotearoa-New Zealand

Iharaira – The followers of Rua Kenana

Hapū – Clan group

Iwi - Social units in Māori population

Kingitanga – Māori King movement

Kōhuru – To murder

Kōhanga Reo – Māori language preschool

Maungaronga – To make peace

Marae - Māori meeting area

Matakite – One who holds the gift of second sight

Muru – To seek justice

Pā – Fortified Māori village

Pai Marire - Māori christian faith

Pākehā – New Zealander with no Māori blood lines

Raupatu – Land confiscations

Ringatū – Church founded by Te Kooti in 1868

Rohe Potāe – The Waikato

Runanga – Traditional Māori assembly

Tāngata whenua – Indigenous people of Aotearoa New Zealand

Tino Rangatiratanga – Māori Sovereignty

Tūhoe – Māori people of Te Urewera

Whare – House

Whānaunga – Māori extended family

Abbreviations

NZAC – New Zealand Armed Constabulary

ATS – Anti Terrorist Squad

Abstract

This thesis explores New Zealand Policing practice during the invasions, expeditions and raids at Parihaka 1881, Maungapohatu 1916 and Ruatoki 2007. An analysis is provided of the consequences and dynamics of governance by force and State's action against Māori in these three cases.

Policing practices at Parihaka 1881, Maungapohatu 1916 and Ruatoki 2007 are described and a critique of the trends and politics are provided to support the thesis that state terror was orchestrated by the respective government's of the day and delivered coercively against Māori by the New Zealand Police to procure land, suppress Māori leadership and disavow Māori assertions of sovereignty. In this context it is argued that these actions can be considered what Stohl¹ refers to as acts of state terror which over time have oppressed, repressed, and terrorized Māori. It is argued that the state and the state's enforcers have used acts of state terror against Māori to quash legitimate assertions of Māori self determination after labeling Māori actions as nationalist dissidence.

¹ Stohl, M. & Lopez, G.A. (1984) *The State as Terrorist: The Dynamics of Governmental Violence and Repression* (p.43). Santa Barbara, C.A.:Greenwood Press.

Research Kaupapa

The difference between the revolutionary and the terrorist lies in the reason for which each fights.

For whoever stands by a just cause and fights for freedom and liberation for his land from the invaders, the settlers, and the colonialists can not possibly be called a terrorist other wise the American people in their struggle for liberation from the British colonialists would have been terrorists.

The European resistance against Nazi's would be terrorism, the struggle of the Asian, African and Latin peoples would also be terrorism, and many of you who are in the assembly hall were considered terrorists.

As to those who fight against the just causes, those who wage war to occupy, colonize and oppress other people those are the terrorists. Those are the people whose actions should be condemned, who should be called war criminals: for the justice of the cause determines the right to struggle. Speech of Yasser Arafat at the United Nations General Assembly, New York Nov 13, 1974.

This thesis contends that the state enacted a form of terrorism on Māori communities as part of its colonial agenda to assert social control and secure its political power. It is argued that the actions of the state against Māori at Parihaka 1881, Maungapohatu 1916, and Ruatoki 2007 were premeditated acts of state terrorism initiated with the intent to forestall continued occupation of tribal lands, purge Māori leadership and disavow Māori self determination.² Therefore this thesis explores the repetitive targeting of Māori communities by the state over a period of 128 years to track the constancy of terror that Māori have been subject to between 1881 and 2007.

Three case studies were chosen as the basis for exploring Crown acts against Māori communities. The case studies are the police invasion at

² Stohl, M. & Lopez, G.A. (1984, p.60).

Parihaka in 1881, the police expedition to Maungapohatu in 1916 and the police raids at Ruatoki 2007. Although the case studies are separated by time and geography each of the cases enabled an exploration of the phenomenon of state policing policy in practice. A literature review of historical and documented material of each case study was undertaken to identify policing trends related to each event. In analyzing the trends I have drawn heavily on the works of Stohl³ and my prior professional Police experience and inside understanding of police strategy, tactics, and contemporary responsiveness to Māori policies.

Chapter 1 *State As Terrorist* takes its title from Stohls *The State as Terrorist: The Dynamics of Governmental Violence and Repression* (1984). This research examines the dynamics of governance by force. Stohl uses the term state terror to refer to the use of violence, repression, oppression, and terrorism by the state in the pursuit of its domestic interests.⁴ This position is adapted to provide an analysis of state acts against Māori using the works of Stohl and provides an exploration of the dimensions of state terror that include terror as a form of coercive diplomacy and covert behavior.

Chapter 2 *New Zealand Policing in Transition* explores New Zealand policing practice in transition from the early to late 1880's. These were turbulent times for Māori as the Police attempted to tame the colonial frontier. This chapter is about the transition from the Armed Constabulary to the Provincial Police Forces to the New Zealand Constabulary Force and sets the temper for colonial and post colonial interactions between state and Māori.

Chapter 3 introduces the 1881 Police invasion of Parihaka. A critique using Stohls state terror is provided of the arrests of Te Whiti and Tohu. Raupatu, state repression of Māori autonomy and the dynamics of the coercive Police invasion of Parihaka and its affects upon the people of Parihaka are identified and later analyzed and compared with police actions at Maungapohatu and Ruatoki.

³ *ibid.*

⁴ *ibid.*, p.43.

Chapter 4 explores the police expeditions of Maungapohatu 1916 and the imposed scorched earth policies the state enacted within Te Urewera. Attention is drawn to the Police expedition to Maungapohatu and the arrest and trial of Rua Kenana. Elements of similar policing methods are identified between the police actions and tactics at Parihaka and those carried out by the police at Maungapohatu and Ruatoki.

Chapter 5 explores a prolonged police surveillance operation of and raid on the Tūhoe people in Ruatoki. It is argued that the intent of the Police expedition in Ruatoki mirrored that of the Maungapohatu 1916 case and the Police invasion of Parihaka in 1881. Together these three events are examples of the constancy of terror that the state has enacted on Māori communities. This aspect of the case studies is covered in Chapter 6 *The State as Historical and Contemporary Terrorist*.

Chapter 7 *The Anthropology of State Terror* explores the trends and politics within the three case studies of the 1881 Police invasion of Parihaka, the 1916 Police Expedition to Maungapohatu, and the 2007 Police terror raids at Ruatoki to provide a synopsis of the climate and motivation that led to the repression of Māori communities and acts of state terror as defined by Stohl.

Chapter 8 *State Terrorism Deliberately Targets Civilians* explores the states response to Māori assertions of self governance within the context of the three case studies. A focus is the causative factors that have led to state terrorism particularly the role of state actors of policy and law enforcement.

Chapter 9 *Māori as Accidental Guerilla* considers the role of Māori as the indigenous actor engaging in a resistance because the colonial occupier has forced its way into a space that has been occupied by Māori. State conflated global trends over time have blurred the distinction between local and global struggles and complicated the challenges of Māori by mis-identifying Māori with limited resources and legitimate grievances as accidental guerillas. Internal conflict subsequently arises from the mismatch between the state and states people and the capacity states people have to respond and defend themselves.

Chapter One

State as Terrorist.

State terror as defined by the works of Stohl⁵ is a feature of Aotearoa's national security policy. In this thesis I analyze police actions against Māori at Parihaka, Maungapohatu and Ruatoki to argue that these exercises involved coercive state activity towards Māori that Stohl defines as acts of state terror.⁶ Each of the case studies involved an examination of the dynamics of governance by force and the phenomenon of state terror or put another way the use of violence, oppression, repression and terrorism by the state in the pursuit of the states domestic interests.⁷

The Dynamics of State Terror.

This chapter outlines Stohl's theory of the dynamics of state terror, the international dimension's of state terror and a scheme for the analysis of the state as terrorist and studying the state as terrorist. This includes a focus on the political climate and circumstances surrounding the initiation of states terror practices and policies that serve to legitimize government terror. Studying the state as terrorist in this context delves into the impacts of tangata whenua-state relations.

The dynamics of state terror come in various guises and can be delivered by many state and non-state actors but essentially its modus operandi is political violence delivered by the state. Stohl argues that increased scholarly concern with political terrorism has focused on insurgent and anti state terrorism and that little research has focused on the dimensions of state terror as it relates to the activities of state in forms other than what has been labeled counter terrorism.⁸

Terrorism is the purposeful act or threat of violence to create fear and or compliant behavior in a victim or an audience. It incorporates three distinct

⁵ *ibid*, p 43.

⁶ *ibid*, p.43.

⁷ *ibid*, p.43.

⁸ *ibid*, p.43.

dimensions – the use of terror, violence, and intimidation to achieve an end using fear and subjugation to reach the desired end state.⁹ All acts perpetrated by the state against Māori fall into either one or all of Bissell’s definitions of acts of oppression, repression or acts of state terror. According to Bissell oppression is the deprivation of social and economic privileges to whole classes regardless whether or not they oppose the authorities.¹⁰ Terrorism is the most delimited where “oppression defines the political arena within which repression and terrorism transpire.”¹¹ These three dimensions of terrorism are used as the corner stone of further chapters.

Repression is the use of coercion or the threat of coercion against opponents in order to prevent or weaken their capability to oppose the authorities and their policies.¹² Oppression, repression and terrorism may be concurrent in co-coordinated policies and actions but Bissell states that they are different phenomena and should be distinguished but with regards to acts of state against its people terrorism is considered the most delimited.¹³

As is the case with insurgent terrorism the audience to the act or the threat may be more important than the immediate victim and as will be discovered through later descriptions of events at Parihaka, Maungapohatu and Ruatoki this is applicable to the Māori communities that surrounded Te Whiti, Rua Kenana, and Tame Iti. The audience then to terrorist acts by state against insurgent terrorism may be more important than the immediate victim. The Chinese have a proverb that encapsulates this and the proverb states, “kill one, frighten ten thousand”¹⁴ The immediate victim of “torture short of death”¹⁵ is clearly the target audience as opposed to the individuals targeted, but the state through selective targeting of an individual and exercising power of state upon that individual also serves notice to people within that target

⁹ *ibid*, p.8.

¹⁰ *ibid*, p.8.

¹¹ *ibid*, p.7.

¹² *ibid*, p.7.

¹³ *ibid*, p.7.

¹⁴ *ibid*, p.8.

¹⁵ *ibid*, p.9.

community without the government having to coerce through physical acts of violence.

Taking into account Bissell's explanations of oppression, repression and terrorism the following line of inquiry is: Were Māori at Parihaka, Maungapohatu or Ruatoki subjected to any of these three phenomena?

This question cannot be answered at this stage as we have yet to inquire into the actions of the state actors against Māori at these different locales. The essence of this chapter is to highlight and define the phenomena of this triad for later analysis with a compilation of known historical events where historical case studies demonstrate how coercive state behavior provoked the incidents under review and elicited a violent retaliatory response from Māori.

States actions may have purposes wider than the simple destructive violence its agents create and the added intent of the state may also include carrying a message of intimidation and fear to an audience. Stohl argues that international political system serves as an arena in which state terror policies unfold.¹⁶ For example fear and intimidation were strategies imported from Ireland and New South Wales policing methods that formed the backbone of New Zealand policing.

The Dimensions of State Terror

The dimensions of state terror examine the use of violence, oppression, repression and terrorism by the state in the pursuit of the state's domestic interest's which alludes to the forced transmigration, abduction, willful damage, unlawful arrest, murder, starvation, theft, rape, and unlawful detention of Māori. Stohl maintains that terrorism is, "the purposeful act or threat of violence to create fear and or compliant behavior in a victim or

¹⁶ *ibid*, p.43.

audience”¹⁷ and is a very special form of state violence and behavior.

Although oppression, repression, and terrorism may be concurrent and co-coordinated through policies and actions they are different phenomena and a distinction needs to be made.

State terror tactics have been used in New Zealand domestic relations and the state has been and remains a more likely employer of terrorism within the New Zealand domestic system more so than the activists, pacifists and proponents of sovereignty. Three broad categories of state terror, coercive diplomacy, covert behavior, and surrogate terrorism are described in this chapter and each can be related in its domestic application to acts of state perpetrated against Māori. Coercive diplomacy otherwise known as the diplomacy of violence has been used as a form of state terror to make noncompliance with a particular political demand in the words of Schelling “terrible beyond endurance”¹⁸ Although the threat is openly communicated through the actions of the state; the threat may be implicit and often is non verbal. States parties to the conflict though are fully aware of the nature of the threat. This convention involves the threat of the use of force for coercive bargaining purposes and is intended to intimidate and should be labeled state terrorism.¹⁹ It is this form of state terror that was exercised against Māori by the state between 1881- 2007.

Covert behavior or clandestine terror categorizes the second form of state terror. For most activities undertaken by the state in the context of its domestic relations the descriptor of “coercive diplomacy”²⁰ is acceptable but the term terrorism is not and exceptions are made for propaganda purposes to condemn particular tactics. But it is clear that international scholars have stated clear of the use of the term terrorism to describe such state behaviors. The clandestine services of the state are responsible for these actions and in its application to this research relate to the use of state militia’s, spies and

¹⁷ *ibid*, p.43.

¹⁸ *ibid*, p.44.

¹⁹ *ibid*, p.48.

²⁰ *ibid*, p.43.

covert surveillance activities.²¹ Nation states participate in the destabilization of societies with the purpose of creating chaos, conditions of collapse, and changes in leadership. The threats to the regime or society are obvious but there is an attempt at deniability and it is the pattern of such behavior or threat of such behavior that constitutes this type of covert action which is difficult to discern. This type of terror is not directly aimed at compliance but fear and chaos, which put the victims of the three incidents in a weak or non-bargaining position. Victor Machetti suggests that this is the most direct form of covert operation which by definition is violent and brutal.²² Surrogate Terrorism or assistance to another state, militia group or insurgency that makes it possible or improves the capability of that actor to practice terrorism is considered a surrogate act.²³ The intent of the assistance provided is the improvement of the assisted actor's ability to carry out the terrorist actions to maintain government rule, create chaos, or to undermine the chiefly authority of an indigenous leader or figurehead.²⁴ When a state sells, grants, and in other procedures provides favorable terms by which a partner obtains technology that a reasonable person perceives likely to be used to continue practices of repression and terrorism, that state is practicing a form of surrogate terrorism.²⁵

Historical reconstructions of Parihaka, Maungapohatu and Ruatoki reflect this. As a diversionary tactic states and the proponents of their actions do not name what they do as terror but instead use more neutral designations such as coercive diplomacy and neutral deterrence.

Analysis of State as Terrorist

Determining the manner in which the state delivers and executes terror policy and the mechanisms the state uses to institute the rule of terror

²¹ *ibid*, p.50.

²² *ibid*, p.50.

²³ *ibid*, p.50.

²⁴ *ibid*, p. 53.

²⁵ *ibid*, p.53.

are identified with four distinct ideologies by Stohl & Lopez.²⁶ Inclusive in this analysis is the focus on a number of critical elements. The political climate, circumstances surrounding the initiation of terror practices, policies that serve to legitimize government terror, the array of terror tactics employed by rulers, the mechanisms that support purposeful acts of violence, threat of violence against its people and the outcomes of dynamic state terror.²⁷

The socio political ingredients that give rise to this brand of violence sketch the complex mix of factors by incident analysis that through inquiry detail the contours of the political environment surrounding the initiation of state terror. In examining the state as terrorist the political environment at the time of the terror must be also established to allow the analysis of why and how the government availed itself of this form of social control and political power.²⁸ The “state of the state” is the most pervasive in recent political history and leads to questions concerning the particular political, legal and extra legal mechanisms that actualize these alterations in governance and of the symbolic constructs that actualize them.²⁹ “State of the state”³⁰ means those historical events that precede the terror action by the government with a focus specifically on those changes in government structure and or leadership that make the rule by harsh and arbitrary force more viable, defensible and advisable than under prior conditions.

Essential for the analysis of the state as terrorist is the character and condition of the political atmosphere as the official violence begins. It will be the status of the political atmosphere and the investigation of background political circumstances in place at the time that will make it possible to assess how and why the state availed itself of this form of social control and political power at Parihaka, Maungapohatu and Ruatoki.

²⁶ Ibid.

²⁷ ibid, p.59.

²⁸ ibid, p.60.

²⁹ ibid, p.61.

³⁰ ibid, p.60.

Regime change does not come into this arena but in the context of this thesis colonization and neo colonization do and the analysis of events that follows permits a comparison of policies pursued by ruling groups within government that are reacting to perceived and real challenges to the ability of the state to conduct its affairs.³¹ In the context of this thesis the state commenced a response to the changing domestic environment with the curtailment of civil and human rights and increased coercive policies.

These were enacted and enforced by the New Zealand Police through the use of repressive practices designed to maintain the power of the state and benefit those in positions of power in local and national government. This form of rule has emerged as a reaction to the pressures of internal change and the Māori pursuit of sovereignty, which the state crushed with aggressive rule.³²

State terror in Aotearoa has been used in achieving colonial goals such as land confiscations, transmigration of peoples, invasion, unlawful arrest, detentions, restrictions of movement and acts of cordon and containment within Māori settlements. Within my analysis of the three case studies I will be focusing on the methods used to achieve the colonial agenda and inquiring whether it can be stated that the New Zealand states acts of aggression emerge in a spontaneous un-coordinated manner or whether they occur out of a conscious prior decision to police in this fashion.

The police were trained to act in a coercive manner from the inception of the New Zealand Police. These coercive tactics used in 1881 through 1916 remain the same as those used by the Police in 2007. Terror acts then perpetrated by the state against Māori could be held to be expressions of revenge or an in the field reaction to challenging conditions. That is a hard notion to substantiate given that Māori were passive at Parihaka and offered no resistance. At Maungapohatu Māori called the Police expedition onto the marae however Constable Skinner opened fire and caste the liaison into a

³¹ *ibid*, p.61.

³² *ibid*, p.61.

state of confusion and chaos which led to the murder of two Māori and the unlawful arrest of Rua by Commissioner Cullen.³³

The notion that sporadic terror results in systematic repression will be explored in all three of the incidents.³⁴ The notion of over reaction of state leads the researcher to consider and question whether the acts of the New Zealand Police were spontaneous or were acts which were tolerated and encouraged based on official or in articulated policies.³⁵

The state has and will continue to engage in unprovoked actions beyond reason against Māori and in any inquiry into the repression of Māori the level of involvement of state leaders and police commanders has been and will continue to be queried. The issue of toleration by state of terror actions by popular groups against segments of the population that the state would be rid of is also a tactic that has been used by state to repress Māori. Specifically the popular actions of the regional militia's that were raised at the time of the Parihaka evictions and the employment of the specials that were used at the time of the police expedition to Maungapohatu are examples of popular groups that were used against Māori.³⁶

This thread also encompasses the use of flexible and independent secret and paramilitary police for internal security purposes such as the police's Special Tactics Group, Criminal Investigation Branch, and Technical Support Unit staff that spent an extended period of time carrying out surveillance in Te Urewera. The use of state's armed forces in an organized and direct way to terrorize groups often develops as a response by state to illegal or intolerant behavior. In the three incidents researched there was little to suggest illegal behavior but regardless of this state legislation in the form of the Suppression of Rebellion Act and the Suppression of Terrorism Act legitimized the acts of the state.

³³ Binney, J. (1987) *Mihaia: The Prophet Rua Kenana and his Community at Maungapohatu* (p. 89). Auckland: Auckland University Press; Bridget Williams Books.

³⁴ Stohl, M. & Lopez, G.A. (1984, p.61).

³⁶ Scott, D. (1975), *Ask that Mountain; The Story of Parihaka* (p.108). Auckland: Heinemann.

The outcome of state terror is that state terror is sustained by its success.³⁷ Luigi Bonante in his analysis suggests that governments have adopted systematic oppression so often it is institutionalized and the words of state become blocked and the room for maneuver in social policy is stifled.³⁸ Reform by the state is virtually impossible and states are often successful in accomplishing their political and social control visions in opting for repressive policies and terror against their peoples.

Studying the State as Terrorist

In studying the state as terrorist, the consequences and dynamics of governance by force become clear as acts of state terrorism and as Stohl states serve as a function of national security policy.³⁹ Studying the state as terrorist discovers the linkages between the macro economic policies of state and the incidence of state terror and delves into the impact of tāngata whenua and state relations.⁴⁰

Zwick's statement that militarism sparks repression, has strong resonance with the incidents I have researched where in all the incidents, military, militia, armed constabulary and paramilitary policing groups all played key roles as agents of state in delivering through militaristic tactics repressive and terror tactics.⁴¹ Linkages between colonial macro economic and law enforcement policies and the incidence of state terror directed at Māori are therefore entwined. Virtually all states employing terror will argue that the necessity of state pushes them into positions of acting in a counter terrorist manner. In decoding the cause and affect of what took place at Parihaka, Maungapohatu and Ruatoki the acts of those community members

³⁷ *ibid*, p. 75.

³⁸ *ibid*, p. 75.

³⁹ Stohl, M., & Lopez, G.A. (1984, p.183).

⁴⁰ *ibid*, p.184.

⁴¹ *ibid*, p.183.

did not constitute acts of anti state terror but in response they themselves became victims of state terror.⁴²

Kirkpatrick suggests that the central indicator for a bad terror state is that the state creates refugees via its policies of economic and social transformation.⁴³ In responding to this statement Māori did not as a result of actions of state become an internationally displaced people but instead as a result of actions of state against them became unwilling refugees transmigrated from the land, unlawfully arrested, contained and restricted from movement of any kind.

The comparison of state terror across Aotearoa in three different rohe touches on distinct iwi over time and discovers the symmetry, logistical and political dynamic of constant state terror waged against Māori.⁴⁴ The concept of sovereignty is a constant denominator through out and does not waver which is in direct contrast to the phenomenon of state terror that does change due to the nature of the state actors in power over time.⁴⁵ State terror is a tool of repression. Māori in a colonial state fell victim to the political economy of the times in cases where passive resistance, rebellion, sedition, liquor laws and anti terror rhetoric were all used to facilitate coercive state responses. In appraising the impact of state terror on community life it becomes clear as to what extent state terror works to destroy people's visions for their community and it is this inquiry that has sparked my scholarly enthusiasm.

⁴² *ibid*, p.184.

⁴³ *ibid*, p.184.

⁴⁴ *ibid*, p.185.

⁴⁵ Stohl, M., & Lopez, G.A. (1984, p.188).

Chapter Two

New Zealand Policing in Transition and its Modernization.

The transitional period in New Zealand policing is the period that set in motion the police strategies and tactics that separate this period (1867-1886) from the period of modernization (1886-1917) in New Zealand policing.⁴⁶

The periods covered in this chapter are the period of The Armed Constabulary (1867 -77), The Provincial Forces (1868-77), and The New Zealand Constabulary Force (1877-86). The transition from the Armed Constabulary to the New Zealand Constabulary Force were turbulent times for Māori whose cultural rhythm was forever altered as the Police attempted to tame the colonial frontier.⁴⁷

Taming the Colonial Frontier.

Taming the colonial frontier provides an account of the key aspects of the transitional period in New Zealand Policing that Hills contends set the modus operandi of New Zealand Policing in a developing colony. Hills analyzes how following the massive changes to Britain's economy and social wrought by the industrial revolution new modes of policing were theorized and then applied in practice at home by the imperial power.

These modes emphasized the importance of surveillance, paramilitary organization, and patrolling which were then transplanted to New South Wales, where they were adapted to cope with the peculiar intra-racial situation required in New Zealand. These modes were to provide the ethos of coercive policing in New Zealand where by 1840 the British colonizer had developed a complex range of social and racial control mechanisms (surveillance, paramilitary organization, and patrolling) in its colony's, which

⁴⁶ Hill, R. S.(1989) *The History of Policing in New Zealand, Volume Two. The Colonial Frontier Tamed: New Zealand Policing in Transition, 1867-1886* (p.x). Wellington: Government Printer.

⁴⁷ *ibid*, p.x.

were conceptualized as being located at various places along the continuum of controls available to the state.⁴⁸

This extended from an overt coercive pole the most extreme being the suppression of warfare through to the more typical policing modes of control of the minds and behavior of the people. Modes of control tending toward the passive role were viewed as the most desirable and these methods which included covert surveillance and overt patrolling were the least expensive and less socially and economically disruptive. In the context of colonial New Zealand this theoretic model was approached from a strategic and tactical perspective.⁴⁹ The strategic perspective referred to the overarching mode of policing which is utilized by the state through out an extended period of time. The tactical perspective referred to the types of policing employed to respond to problems of order occurring from time to time and place to place and generally bore a relationship to the strategic approach employed by the state.⁵⁰

From the mid 1840's the policing strategy in the colony was that of imposing order on a population, both Māori and Pākehā that were both deemed to be turbulent and untamed. The armed Police Force system established by Governor Grey in 1845-6 ushered in a period characterized by a strategic policing mode towards the condign end of the control continuum.⁵¹ Once a certain degree of order and regularity had been imposed upon the populace in the dispersed white settlements a devolving system of policing gradually accompanied a devolving system of governmental administration.⁵²

In the 1850's after Māori came to the full realization of the consequences of the presence of the Pākehā especially once the population of the Pākehā surpassed that of the Māori the outbreak of interracial war in the 1860's reconfirmed in the eyes of the state a need for a strategic policing approach of harsh coercion. The opening of the gold fields in 1861 led to the

⁴⁸ *ibid*, p.xi.

⁴⁹ Hill (1989, p.xi).

⁵⁰ *ibid*, p xi.

⁵¹ *ibid*, p xi.

⁵² *ibid*, p.xi.

creation of a paramilitary police force mainly in the south island which although not modeled on that of the Victorian Police utilized the services of many men trained in the Victorian force and in the coercive Irish Constabulary.⁵³

By 1867 state officials assessed that the backbone of the military resistance by Māori in the North Island had been broken. Most of the imperial regiments had departed and the military settler corp was disbanded. In general terms both races modes of behavior was decreasing in its unacceptability to the state. Although British sovereignty was still no more than supposed the state felt that an acceptable degree of order was emerging and the strategic task of the state could now be orientated from order imposition to order maintenance. Within a decade the political and policing foci had been centralized and by 1867 the regional police forces had been absorbed by the centrally controlled Armed Constabulary. Within another decade the centralized police function was demilitarized which Hills states was a key signal of an overall trend in New Zealand from social and racial insecurity towards security.⁵⁴

This portion charts a period of transition in New Zealand policing during which the strategy of targeted strategic policing was gradually replaced by a strategy located towards the benign end of the control continuum. The holder of the office of constable is the front line defender of the state and the socio economic condition of things desired by the state and that Policing is the function of imposing and maintaining a condition of order sufficient to permit the maximization of profit creation and protection.⁵⁵

The formation of the armed constabulary in 1867 was situated well toward the condign⁵⁶ end of the control continuum and was therefore backward looking and quickly became overtly coercive. When the time came for a colony wide centralized rational of policing resources the Armed

⁵³ *ibid*, p.xi.

⁵⁴ Hill (1989, p.xii).

⁵⁵ *ibid*, p xi.

⁵⁶ <http://www.thefreedictionary.com/condign>.

Constabulary provided a pre-existing organizational structure within which the centralization of policing could occur.⁵⁷ 20 years later in 1886 the state decided that value maintenance policing could predominate and the police split from the military and benign policing became entrenched in New Zealand. The strategy of order maintenance had come to replace that of order imposition. From this point on, the policeman who had then been an armed Constable was now seen as a peace officer.⁵⁸

The Armed Constabulary

In 1867 the state believed that the military resistance of Māori and been subdued and the conquered area's required a coercive agency which was capable of providing both policing and military functions. Governor Grey's solution was the armed police forces which he borrowed from the Irish Constabulary model and was seen as a way to impose the norms of the conqueror upon the conquered as well as the unruly immigrants.⁵⁹

Although the New Zealand Wars were supposedly over some felt that the Constabulary should be designed to absorb the North Island and then the South Islands provincial Police Forces. The central reasoning for this was that the state would then have control over the regional policies and implementation of coercive power. The whole idea of the centralization of provincial police forces was that the state could through a centralized chain of command dispatch an Armed Constabulary Force any where as required. The formation of a body of police that could discharge the function of preventative policing for Europeans as well as the Native Districts was what was required. The method chosen was that selected constables supplemented by Māori auxiliaries and military settlers would constitute a Military Police or a Police Corps. Native Affairs Minister of the time Francis Bell, initiated legislation to create a force for the "internal defense of the colony."⁶⁰ This

⁵⁷ *ibid*, p. xii.

⁵⁸ Hill (1989, p.xiii).

⁵⁹ *ibid*, p.1.

⁶⁰ *ibid*, p.2.

consisted of a force of 500 men of either race who could if required protect any district in the colony where there may have been a state of war or insurrection.⁶¹

The first Colonial Defense Force was formed in Hawkes Bay where a semi mounted mixed race constabulary was raised where it was thought that patience and discretion would subdue Māori. With the onset of war likely the Colonial Defense Force concept moved rapidly towards the coercive end of the continuum of state control becoming in effect a standing army that would supplement imperial troops. In its operational theory the Colonial Defense Force planned at the time was set up to be classic Irish Constabulary geared up at Whitmore's command to watch out for incursions from the Waikato. With the conquest of the Waikato the Colonial Defense Force operated towards the coercive end of the continuum of policing methods available to the state. When the resistance from the Pai marire⁶² arose and spread at the end of 1864 Minister of Defense Harry Atkinson established a small standing colonial force of Armed Constabulary for occupying the troubled areas of the country to act as a core unit for the internal defense of New Zealand.⁶³

It was further decided that the Armed Constabulary would be defensive in orientation and whilst tasked to develop new areas would combine surveillance over the Māori with the construction of transport and communications links in the most turbulent areas. The Armed Constabulary detachments would be situated where the population would gather in times of danger and would provide a platform between fighting orientated body's like militia settler units, militia and volunteers and the provincial police forces.⁶⁴ The combined might of these various fighting agencies with Māori auxiliaries would be expected to be able to deal with local uprisings by Pai Marire warriors and the key function of the corps' would be to suppress and then civilize oppositional force among the tribes. The means to turn nominal

⁶¹ *ibid*, p.2.

⁶² The Pai marire religion that was founded by Te Ua Haumene flourished between 1863 to 1874.

⁶³ Hill, R.S. (1989, p.5).

⁶⁴ *ibid*, p.5.

sovereignty into substantive sovereignty would be imposed by an Armed Constabulary of 1500 men.⁶⁵

Costs at the time to implement the Armed Constabulary were prohibitive to the Weld Government and it was only after the self-reliance policies withdrawal of four imperial regiments in March 1866 that a revised Armed Constabulary plan leaked out. The Constabulary Force would comprise of 6 troops of 50 men, some mounted, and it would have an aggressive capacity. On August 13, 1867 Colonel Hautain introduced the constabulary legislation into the House of Representatives, which provided that the Armed Constabulary would be a strictly moveable force to establish and maintain tranquility especially in the native districts upon the withdrawal of military and military settler operations.⁶⁶

The 1862 Colonial Defense Act was repealed and the new force was organized on the principles of the 1846 Constabulary Force Ordinance. The Armed Constabulary Force officially came into being on the 29 Oct 1867 and was Irish Constabulary in conception with elements of Victorian and Otago policing modus operandi entwined.⁶⁷ It had always been clear that the Armed Constabulary was initiated to become an Irish style pacification force.⁶⁸ Alarm at the sentiment of demilitarization was initially quashed by assurances that a hard liner, McClean was given the dual port folios of the Minister of Defense and Māori Affairs a tactic employed for the sole purpose of being able to control Māori through direct intervention of the defense force.⁶⁹

Thoughts of demilitarization gathered speed though after Te Kooti failed to get the support from the kingitanga to join him in offensive operations. It was with these circumstances occurring that Government envisaged redundancies could now begin.

There would be a great deal of trimming of the standing force irregardless of the immediate problems with demoralization. The Force at this

⁶⁵ *ibid*, p.6.

⁶⁶ *ibid*, p.6.

⁶⁷ *ibid*, p.10.

⁶⁸ *ibid*, p.28.

⁶⁹ *ibid*, p.32.

time was decentralized and was provincially based and organized. Stafford suggested though that the police be centralized and stationed in proportion to the degree of disorder.⁷⁰

The Armed Constabulary Demilitarized.

At the end of 1869 Branigan took over the Commissionership of the Colonial Police from Whitmore who was stripped of the leadership. Branigan's mission was to create a Constabulary Force out of what was the Armed Constabulary and on the 8th August 1869 Branigan was appointed Commissioner of the Armed Constabulary.⁷¹ There was wide spread support for this action as it was perceived that the struggle against Māori insurrection was now over and it was anticipated that a pacification force was what was required. This change still required stranger policing stranger as the major axiom of policing as the opposing maxim of like policing like was far from being achieved.⁷² The means to affect this end state of like policing like as quickly as possible was planned so that Native constables living among Māori communities would carry out surveillance on behalf of the state. As well as being a means of on the spot surveillance to suppress untoward behavior the native constables were tasked with instilling European approved modes and manners amongst their people. Additionally they provided the white brown interface working under the direction of the Native Department politico-judicial officials. In effect the Native constables operated with firm guidance from government officials and were to help ensure that Māori "interest themselves in the maintenance of law and order."⁷³

A reoccurring question for the state was whether the demilitarization was being initiated in a hasty manner bearing in mind that Te Kooti and his followers had relocated to the King Country. Demilitarization of the Armed Constabulary was said by the ejected Whitmore to be "destroying the military

⁷⁰ *ibid*, p.33.

⁷¹ *ibid*, p.37.

⁷² *ibid*, p.37.

⁷³ *ibid*, p.37.

character of the constabulary”⁷⁴ but with a recession in full swing the state needed to halve its annual defense expenditure to 150,000 pounds. Demilitarizing the Armed Constabulary to a thousand strong eventually would be more cost efficient than the two thousand “bastard draggled tailed soldiery”⁷⁵ and careful selection and rigorous discipline would be required to produce “men of the right stamp,”⁷⁶ men with the integrity and discretionary skills of the constable and the military skills of the soldier who would be required to supersede the older force of an antipodean Royal Ulster Constabulary.

The political analysis of the day was that the Royal Irish Constabulary model was suitable for presiding over a difficult transition from war to peace in New Zealand but that a demilitarized standing army did not provide adequate scope for a militarized response to the insurrectionary resurgence of Te Kooti.⁷⁷ Branigan worked closely with his political overseer Donald McLean whose combined roles of Minister of Colonial Defense and Native Minister was an acknowledgement that control of the Armed Constabulary meant control of Māori. Together plans were made to decrease the number of armed constables as it was felt that one disciplined Armed Constabulary member was superior to four soldiers in surveilling the country side and assisting settlers. Māori Forces were integrated with the Armed Constabulary and would carry out search and destroy operations against the resistance.⁷⁸ Branigan's weeding out process of the useless members of the force and imposition of rigid discipline became known as the reign of terror. Rejects were forced to resign as a lively recruitment campaign would inject young men of quality into the force.⁷⁹

Branigan established Armed Constabulary Districts beginning with Waikato, Taranaki, Wanganui, Patea and the East Coast. Branigan was clear

⁷⁴ *ibid*, p.38.

⁷⁵ *Ibid*, p.36.

⁷⁶ *ibid*, p.36.

⁷⁷ *ibid*, p.40.

⁷⁸ *ibid*, p.40.

⁷⁹ *ibid*, p.41.

that attracting men of fair education, intelligence and respectability would be hard until the constabulary proved it self. He initiated entry on merit to the Officer Corp previously granted to those of high class which meant that aspirant Officers could only work their way up once their competencies had been established.⁸⁰ The task of formulating the soldiery into a constabulary yielded by 1869 a re-oriented Armed Constabulary. The final task was to set in place a patrol system of surveillance from each post in each district. The old Armed Constabulary was to be replaced by a surveillance system and an intelligence department seen as a less expensive method than “crushing them by force.”⁸¹ To facilitate this the resident magistrates appointed official rūnanga native constables to adopt the indirect rule system. This minimized disorder in Māori area’s with the intent of preparing the ground for peaceful cheap Pākehā settlement and habitation.⁸²

When direct insurrection occurred the military and the armed constabulary from 1867 was used to crush it. When overt resistance had been put down the troops or armed constabulary garrisoned the areas affected, and liaised with the native constables who were a source of intelligence. When McLean demilitarized the Armed Constabulary in 1869 he placed a renewed emphasis on the official rūnanga system as an integral element of the armed Constabulary surveillance over disturbed areas.⁸³

By 1869 there were 124 assessors in the colony with supervisors conducting work among Māori with the Native Police occupying a position on the coercive scale. One assessor’s view of the native constables was that they were “highly useful and influential body of men”⁸⁴ and often secured local laws which were tougher than the Pākehā’s.

The demilitarization of the Armed Constabulary ushered in the beginning of the national police in New Zealand. By 1870 the demilitarization of the armed constabulary had been consolidated with

⁸⁰ *ibid*, p.41.

⁸¹ *ibid*, p.47

⁸² *ibid*, p.50

⁸³ The rūnanga System is a tribal mechanism of governance.

⁸⁴ Hill, R.S. (1989, p.51).

surveillance being a prerequisite and one of the central tasks of the demilitarized force as well as roading was considered to be “conquering with pick and shovel” instead of with the rifle and the bayonet.⁸⁵ The Armed Constabulary though was still expensive to run and the pursuit of Te Kooti was making it more expensive with Māori Specialist Corps, Native Contingents, and Flying Columns all involved in the pursuit to capture or kill Te Kooti. The tasks Brannigan had undertaken though had taken their toll and had been too much and he lost his mind and would not recover his sanity.⁸⁶ His work in demilitarizing the Armed Constabulary inaugurated a paramilitary body to prevent further trouble and warfare and further synchronize the activities of the constabulary with the social and racial development of Vogel’s socio-economic policies.⁸⁷

The New Zealand Constabulary Force (1877-86).

From its inception the Armed Constabulary had been intended to evolve into a colony wide civil police force but after a tactical move towards police extreme coercion in response to the military challenges posed by Te Kooti and Titokowaru the Constabulary’s role reverted to the transition from one policing strategy to another. At the inception of the New Zealand Constabulary Force a need for Māori constables had been realized, as there was a lack of Māori in the Police Branch. Māori were required for their specialist knowledge. Their ability to influence the hearts and minds of their people was required and the state realized the importance of the “like policing like” strategy as it provided the state with a non coercive form of imbedded intelligence gathering that did not present the opposing strategy of “stranger policing stranger”.⁸⁸

Māori specialist information was needed in areas where there were no regular Constabulary available and the Native Constables of the Native

⁸⁵ *ibid*, p.56.

⁸⁶ *ibid*, p.65.

⁸⁷ *ibid*, p.89.

⁸⁸ *ibid*, p.37.

Departments Resident Magistrates were used for policing large tracts of racially problematic territory and increasingly Māori were placed under surveillance and if necessary coerced by ordinary Pākehā Police officers but in times of crisis overwhelming state force could be used and native constables, negotiators and translators between the two races slowly became redundant.⁸⁹

By 1886 civil members of police had long since ceased to be soldiers and most of the ‘soldier-police’⁹⁰ had ceased to be police. 1886 was a benchmark year that ended a transitional period between two overarching policing strategies.

The process of creating out of the Constabulary two separate institutions, The New Zealand Police Force and the Army was completed by legislation in 1886 the act symbolizing the end of the transition from an overt coercive state policing strategy to one which rested on the concept of order maintenance.

Constables represented symbols of the coercive potential of the state but society was becoming self regulating which accompanied social development and racial security.⁹¹ The Police’s strategic mission now required it to be an unarmed body and when control of the police passed from the Minister of Defense to the Minister of Justice in 1896 this symbolized the full implementation of the strategy of consent rather than the strategy of coercion. By the early 1870’s when the Auckland province had merged its police regime with that of the constabulary the general government was becoming impatient at the determination of the provinces to retain devolved control of policing.⁹²

The abolition of the provincial government gave the central politicians the chance needed to dissolve regional policing and the existence of the centrally controlled constabulary was focused on order maintenance. The

⁸⁹ *ibid*, p.333.

⁹⁰ *ibid*, p.363.

⁹¹ *ibid*, p.365.

⁹² *ibid*, p.364.

problem of retaining an interconnection between police and military while encouraging the two to grow apart was solved by the organizational split inside the Constabulary with the Police Branch becoming less overt coercive and as more stability descended upon the main centers a decreasing police presence was noted that signified a more benign policing orientation.⁹³

The forcible suppression by the constabulary of what the state considered the last Māori Resistance movement at Parihaka signaled the end of the transitional period but not the continued suppression of Māori by the Constabulary. Thereafter the time for soldiers to police New Zealand was at an end and with the perceived threat to the colony being an external one the field force was withdrawn from the interior and altered into a military capable response aimed specifically at repelling a perceived Russian invasion.⁹⁴

⁹³ *ibid*, p.364.

⁹⁴ *ibid*, p.364.

Chapter Three

The Invasion of Parihaka 1881.

Though the lions rage still I am for peace. Though I be killed I yet shall live, though dead I shall live in peace, which will be accomplished of my aim. The future is mine, and little children, when asked hereafter as to the author of peace shall say, Te Whiti and I will bless them.⁹⁵ (Te Whiti O Rongomai, 1881)

For Taranaki iwi conflict and struggle have been present since the first settlers arrived. Ongoing turmoil for 19 years accumulated in 1860 war between settlers and Māori.⁹⁶

Taranaki claims to the Waitangi Tribunal focused on confiscations during the 1860 wars. Confiscations also took place in Auckland, Hauraki, Waikato, Tauranga, Whakatane, Opotiki, Te Urewera, Turanga, and the East Coast to Hawkes Bay. Confiscation of Maori land in Taranaki was the result of local Māori standing up for their rights. During the course of the military expeditions homes and cultivations were destroyed. Confiscations was affected through a reconstruction program to make Taranaki Māori subservient to state control. Taranaki Māori were labelled rebels and were dispossessed of their land, livelihood and personal freedom. This had a detrimental affect on social structure, values and leadership.⁹⁷

In 1869 when on the doorstep of Wanganui, Titokowaru withdrew thus ending the conflict and the people placed their faith in the pacifist teachings of Te Whiti at Parihaka. Parihaka was a symbol of autonomy and the right of indigenous people to maintain their society on their own terms and to develop a peaceful relationship and partnership with the state. Autonomy under Te Whiti's direction was synonymous with prosperity and peace.

⁹⁵ <http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>, p.11

⁹⁶ *ibid*, p.1.

⁹⁷ *ibid*, p.9.

The end result of state's actions at Parihaka provides an illustration of the suppression of indigenous autonomy and the historical facts show that even though other Māori enclaves were decimated, events that took place at Parihaka provided a graphic account of the state's antagonism towards any demonstration by Māori of independence.⁹⁸

The influence of Te Whiti and Tohu was regarded as malevolent by the state but the state did not understand the spiritual, pacifist, or economic enhancement teachings of these two visionaries who were both seers, of Te Atiawa and Taranaki, both supported the Kingitanga and opposed land sales and neither participated in the war.⁹⁹

According to tradition Tohu saw an albatross descending to Parihaka village the symbolization taken that the sanction of the Holy Spirit was upon the Parihaka movement. This combined with Christian study and pacifist doctrine the mana of Te Whiti and Tohu grew daily with the raukura coming to symbolize peace and Parihaka spirit.¹⁰⁰

The Christian teachings of Te Whiti and Tohu and their quest for discipline and development attracted many followers and they became prophets with both spiritual and temporal powers. The population of Parihaka grew quickly and by the end of the 1870's Parihaka was described as the most prosperous settlement in New Zealand with the population growing to about 1500 people from local hapū and many others from all over the country who attended the monthly meetings.

Te Whiti and Tohu rebuilt the mana of Māori war victims from throughout Taranaki and beyond where a haven for the dispossessed was given where the spirit could be revitalized. Governor Gordon in reporting to the Secretary of State for the colonies described Te Whiti as:

Eloquent and subtle, and animated by an un questionable earnest patriotism, he has for many years exercised a powerful and for the most part, beneficial

⁹⁸ <http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>, Ch 8, Parihaka, p.1.

⁹⁹ *ibid*, p.1.

¹⁰⁰ *ibid* , p.9.

sway over the hearts and lives not only of his tribe but of a large section of the Māori population. Where his influence extends drunkenness is not known, industry is exacted and peace sedulously inculcated.¹⁰¹

Drunkenness and disorder were stamped out at Parihaka and work and enterprise were rewarded. Native police kept order and the settlement had its own bank. Advanced agricultural machinery, reaping and threshing machines, were in daily use and by 1880 a large bakery operated, capable of supplying over 1000 kits of bread for the monthly meetings.¹⁰²

Organization and efficiency abounded, teams worked the coast and bush to harvest seafood and game to feed the thousands who came to the meetings. Independent observers estimated that between 2000 and 3000 visitors attended the monthly meetings before the invasion and all were fed and housed and at such times iwi throughout the country sent gifts of food, money and cloaks and also greenstone.¹⁰³

The Parihaka experiment as it was termed by European visitors was assessed on European terms rather than taking into account the Māori factors involved. But then how could the European appreciate or understand that the ethos of Parihaka was introduced on the back of a traditional value system where the communal ethic still prevailed?

European accounts of Parihaka although biased reported that, “Parihaka was supplied with abundant food and that the people were industrious and healthy.”¹⁰⁴

In 1871 the Taranaki Health Officer reported that Parihaka was well provisioned and the cleanest Māori village he had visited and in 1879 a correspondent from the Lyttleton Times found the community to be “orderly, sober, good natured and hospitable.” Gilbert Mair, well known for his

¹⁰¹ *ibid* , p.10.
¹⁰²

<http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>, p.11

¹⁰³ *ibid*, p.11.

¹⁰⁴ *ibid*, p.8.

involvement with Bay of Plenty Māori visited Parihaka before the invasion and in his diary noted that it was a “tremendous place, about 2400 natives assembled and a large distribution of food was going on.”¹⁰⁵

Parihaka was proof of that which governments past and present have sought to deny: that aboriginal autonomy works and is beneficial for both Māori and Aotearoa. It was only at Parihaka and similar enclaves throughout New Zealand that change was being made on Māori terms but elsewhere in Aotearoa the Māori population was in rapid decline.

Smite the Shepherd, scatter his flock.

Scott uses this analogy to introduce *Ask That Mountain* and to describe the police invasion of Parihaka on the 5th November 1881 when the community was invaded by militias and volunteers who arrived at the undefended gates of Parihaka settlement. Although the force was nominally commanded by a colonel on this occasion the force was led by the native minister, John Bryce who was mounted on a white charger.¹⁰⁶

The troops were equipped with artillery and had been ordered to shoot at the slightest hint of resistance but there was none. The actions of the Armed Constabulary at the time of the police invasion and the actions of the Native Minister John Bryce was to settle once and for all the question of Māori supremacy by subjugating Te Whiti and on the eve of the invasion the Rev Luxford opposed the invasion but Patea was a hot bed of land grabbers where it was reported that “the feeling was unanimous in favor of war” and the target was to “extinguish Parihaka.”¹⁰⁷

The teachings of Te Whiti anticipated those of Gandhi by a generation but the state in its unknowingness and focus on the subjugation and land grab did not identify the genius of what Te Whiti had achieved at Parihaka but Bryce’s intentions were clear and they were to seek self glorification for himself in leading the attack on Parihaka which he would have achieved had

¹⁰⁵ *ibid*, p.11.

¹⁰⁶ *ibid*, p.139.

¹⁰⁷ Scott, D. (1975, p.102)

it not been for reporters from the local paper who were hiding within Parihaka village at the time of the invasion.¹⁰⁸

The Volunteer Act 1881 provided that the governor may at any time call out for active service any volunteer corps and the Gazette Extraordinary on the 27 Oct 1881 called up 33 units from Nelson to Thames to form the invasion force of those who were to participate in the invasion the intent of which was to rout and sack Parihaka.¹⁰⁹

The invasion force gathered on the plains at Rahotu, 3 miles from Parihaka and began drilling for the anticipated march on Parihaka all being overseen by the main antagonist

Native Minister John Bryce

Bryce had taken it upon himself to personally oversee the invasion at Parihaka and although a Colonel of the Armed Constabulary was the field commander of the invading Armed Constabulary Bryce assumed the highest profile in the field fully intent upon making Parihaka his crowning glory.

In the build up The Armed Constabulary had reinforced itself at the rate of 200 men per month and had reached a strength of 1074 with 1000 volunteers being recruited from both islands. The Taranaki volunteers numbered between 500-600 and there were 2500 Militia and Armed Constabulary assembled to march on Parihaka which was an average of 4 invaders to every 1 Māori of fighting age at Parihaka.¹¹⁰

On the 1st Nov Te Whiti had laid out his strategy to the people stating, “The canoe by which we will be saved is forbearance, let us abide calmly upon the land, place your trust in forbearance, let the booted feet come, the land will remain firm forever.”¹¹¹ On the 2 November the Armed Constabulary sealed off the coast road and the military took over with Capt

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<http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>, p.33.

¹⁰⁹ *ibid*, p.103.

¹¹⁰ Scott, D. (1975, p.105).

¹¹¹ *ibid*, p.107.

Stuart Newall after a recce stating that Parihaka was an “untenable fighting position, which was denude of defense work and would be a trap.”¹¹²

Bryce on the other hand had telegraphed Wellington and given his assessment that Parihaka would be difficult and dangerous to occupy. Shortly after 5am on the 5th Nov 1881 the volunteer force moved out of Rahotu and the Armed Constabulary marched down the road from Pungarehu to meet them. Anticipation had been high in the invaders camp the night before as constables “had been drunken boasting as to who would shoot the first Māori.”¹¹³ 109 special constables moved in skirmish formation up the road and they were followed by 5 columns of police who marched up the road whilst the main body fanned out over the countryside in an encircling movement and it was reported that they were “straining on the leash eager to settle once and for ever the question of supremacy.”¹¹⁴

At 7am a forward unit approached the main advance to the village and were met by Te Whiti's shock troops - 200 half naked children. The constabulary marched straight at the children wheeling only at the last moment.

Nohomairangi reflected that the Police rushed the women and called them “bloody black niggers” and swung there swords threatening to cut the women’s heads off.¹¹⁵ At the time of this encounter Colonel Messenger a Constabulary officer recalled, some 2500 Māori were sitting on the marae awaiting the attack and he was struck “by the extraordinary attitude of passive resistance and patient obedience to Te Whiti.”¹¹⁶

Bryce arrived at 8.00am and rode in on his white charger and seemed intent on inviting resistance but none came. Bryce had prior to the invasion ordered a press blackout but unbeknown to him some pressmen had beaten the police to Parihaka and were hiding in a near whare where they had a good

¹¹² *ibid*, p.108.

¹¹³ *ibid*, p.113.

¹¹⁴ *ibid*, p.112.

¹¹⁵

<http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>,
The Invasion.

¹¹⁶ Scott, D. (1975, p.113).

arc of view and additionally three other pressmen were hiding in nearby bush in case messages had to be carried away by foot. At 10am a constabulary officer and Bryce's secretary Mr. Butler came to the edge of the marae and demanded a response to the proclamation of 19 Oct. The people sat in complete silence and listened as Bryce then had the riot act read.¹¹⁷

No one stirred. The officer gave the people 1 hour to leave but where were they going to go? Parihaka was their home. Troops had ringed the village but the people sat motionless. Before the hour the bugle sounded and the troops swept down into the village and as they did so Tohu issued the following proclamation, "Stay where you may be even if the bayonet but put to your breast. Do not resist."¹¹⁸

Hursthouse the surveyor stood on a pataka and called out the order for Te Whiti to come forward. Te Whiti replied if Bryce and Roberts wanted to see him let him come. "I remain with my people" said Te Whiti. Bryce then ordered the constables to go through the crowd and arrest Te Whiti and Tohu. The moment they laid hand on Te Whiti he and Tohu rose and with dignity walked through the crowd, their wives following.¹¹⁹

Parihaka was ringed with army tents and sentries over looked the village and a compound was built for the prisoners on a hill called Fort Rolleston. Parihaka had been an anti climax for Bryce and the troops took to raids on the pigs and geese of the Māori whilst others continued to act out the role of the hero.¹²⁰

The invasion of Parihaka was looked upon with glee. The Constabulary, militia and conscripts referred to Māori as the enemy but the enemy had not preferred violence at any stage and it was the Police mind set of over reaction that clearly dominated this event. On the 8th November the ransacking of Parihaka began in the search for weapons. Barely 200 weapons were found as the Police went from house to house searching for weapons

¹¹⁷ *ibid*, p.113.

¹¹⁸ *ibid*, p.116.

¹¹⁹ *ibid*, p.116.

¹²⁰ *ibid*.

and Von Tempskey's sword. There was a great deal of looting in fact robbery that was later recounted by Col Messenger who later told Cowan that green stone and treasures were stolen from the houses at Parihaka.¹²¹

Although the constabulary were paraded the next morning and told of the allegations of plunder nothing was found. Bryce gave notice to the various tribes that Parihaka should be vacated and would be given 1 hour to leave otherwise the Armstrong gun that had been taken up to Fort Rolleston would be turned on the people and fired. The people remained though in spite of the Police amusing themselves by raising their rifles at the people and flourishing their long bayonets at them. Amazingly with only two minutes to go a dog climbed the hill where the cannon was and urinated on the cannon.¹²²

Subsequently no one left the marae and at dawn the next day the raids began through Taranaki for arms, which was accompanied by the customary destruction and looting of Māori houses. At Waitara public indignation of these practices resulted in 2 members of the Taranaki Mounted Rifles being dismissed for theft.¹²³ Dispersal of the people was Bryce's next enactment. He decided to disperse the Wanganui people first. Either people went or they were driven off with or without their property.

At 2.00am on the 15 November the Armed Constabulary marched through Parihaka breaking into houses making a count of the people. All the assumed Wanganui houses marked for destruction were destroyed and the property heaped at the front. The night raids were stepped up to find which houses were to be destroyed and women were frequently victims of drunken and deceased soldiers.¹²⁴

The offshoot was that syphilis was brought into the town once given a clean bill of health. Dr E P Ellison of Manaia stated that there was looting and debauchery and that in his work as a young man he saw congenital syphilis in Taranaki that were the result of the occupation of Parihaka. It was well

¹²¹ *ibid*, p.122.

¹²² *ibid*, p.121.

¹²³ *ibid*, p.123.

¹²⁴ *ibid*, p.126.

known that at one stage of the Taranaki Campaign some of the armed constabulary was court martialed for copulating with dogs.¹²⁵

On the 18th November Bryce ordered the indiscriminant arrest of as many as 400 Māori in a day to identify them and break their resistance. The constabulary was sent to destroy crops. 45 acres of potatoes near maturity were ruined in the operation. Kumara beds, taro, in fact everything growing was destroyed and stock were driven away or slaughtered on the spot.¹²⁶

By the 20th November, 1443 people had been ejected from Parihaka. This included the destruction of Te Whiti's house and Bryce ensured that its timbers were scattered all over the marae to desecrate the ground and to "deprive it of its sacred nature and break the magic spell" and by the 22 November 2200 people had passed through Bryce's hands with only 20 leaving voluntarily, 1600 scattered, and a mere 600 being allowed to remain at Parihaka.

Hursthouse the surveyor had already by this time surveyed a road through the Parihaka Block and free communal land was ready for delivery to the private owners. Bryce's work was done.¹²⁷ The largest most prosperous town in Māori history had been reduced in a little less than 3 weeks with the first gunpoint ultimatum giving the people one hour to disperse. Daring to survive was the crime.¹²⁸

Before leaving Parihaka Bryce had taken elaborate care to prevent the people from returning there and only those with signed passes could pass the chain of guard posts established at the approaches to the village. Bryce visited Parihaka on 17th Febuary 1882 and forbade even speech being made at the meeting there. He ordered the armed Constable to allow no meetings of any kind.¹²⁹

Bryce's ultimate moment of glory though was thwarted by the presence of the media. If the journalists had not outwitted Bryce the only

¹²⁵ *ibid*, p.127.

¹²⁶ *ibid*, p.130.

¹²⁷ *ibid*, pg130.

¹²⁸ *ibid*, p.130.

¹²⁹ *ibid*, p.131.

reliable information the world would have possessed in the invasion of Parihaka was contained in the telegram which was sent by him to the government on the Saturday following the invasion.¹³⁰

The states ultimate erasure of Parihaka reached its climax when the states, A Descriptive Atlas of New Zealand, removed Parihaka and replaced it with Newall named after the constable who arrested Te Whiti and Tohu. Te Whiti and Tohu were subsequently held for sedition or incitement to rebel and were transferred to New Plymouth and charged with a series of criminal acts along with Titokowaru who was charged with using threatening language.¹³¹

The Trial of Te Whiti

In regards to the sedition charges Te Whiti was charged with: “wickedly, maliciously and seditiously contriving and intending to disturb the peace, and to prevent by force of arms the execution of the law did wickedly declare false wicked, seditious and inflammatory words”. Not only was it the states intent to ransack and remove Te Whiti and his people from Parihaka but also the state now turned to bring the full forces of legislation to bear down on both men.¹³²

The state prosecutor in reviewing the evidence at hand prior to the trial of Te Whiti and Tohu advised the Governor that the crowns case was weak and that the charges of what Te Whiti had said were garbled and after four days of hearings the trial was postponed but Te Whiti and Tohu were both held by the state in custody as the destruction of Parihaka was ongoing to facilitate the setting up of settler reserves to be done without the interference of either Te Whiti or Tohu.

As the state put it the trial was unnecessary. Te Whiti and Tohu however were to be barred from returning to Parihaka until settlement was so

¹³⁰ *ibid*, p.118.

¹³¹ *ibid*, p.118.

¹³²

<http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>, p.34.

far advanced as to make their continued resistance futile. Te Whiti and Tohu were transferred to Addington gaol in Christchurch where they languished whilst in May 1882 Bryce introduced two Bills into the house the first, the West Coast Peace Preservation Act 1882, and the Indemnity Act 1882. The West Coast Peace Preservation Act 1882 allowed for the indefinite incarceration of Te Whiti and Tohu and rendered their trial unnecessary. It also made any group of more than 50 Māori assembling on the West Coast liable to arrest and imprisonment.¹³³

The Indemnity Act 1882 indemnified those who in the action of preserving the peace might have exceeded their legal powers. This act was passed directly to prevent members of the Armed Constabulary from facing court action following the ransacking of Parihaka and the rampant looting of the inhabitant's dwellings and sexual molestation of female inhabitants of Parihaka, additionally the state could declare any Armed Constabulary action as coming within the provisions of the act thereby making it legal. The only discussion on the Bill came at the 3rd reading where it was recommended that Parihaka Māori who had had property destroyed be compensated.¹³⁴

The Native Minister Bryce argued against this because the lands upon which property had been damaged were now state owned lands. The state later offered the prophets an early release if they promised to hold no further meetings. They refused but the Bryce advised the state in a private memo of 15th June 1882 that Te Whiti and Tohu could be released with safety in February 1883 by which time food supplies at Parihaka would have disappeared. The Native minister through out was duplicitous in justifying the imprisonment without trial.¹³⁵

There was he said “no wish on the part of the state to inflict punishment upon them. They were simply being kept within the centre of

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<http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>, p.36.

¹³⁴ *ibid*, p.37.

¹³⁵ *ibid*, p.34.

European population in the hope that their minds would be disabused of the idea of greatness which their long dislocation at Parihaka has encouraged.”¹³⁶

The Governors filing of his report with the British Parliament contained its criticism of events in New Zealand and when in early 1883 the 1882 Blue Book came out containing correspondence regarding Native Affairs in New Zealand the imprisonment of certain Māori and its effects were dramatic to the effect that the Governor proclaimed an amnesty for all offences to Māori without exception.¹³⁷

Three days later Te Whiti and Tohu were released but to guard against further unrest the state passed the West Coast Peace Preservation Act 1882 and the Continuance Act 1883 by which the prophets remained subject to arrest without warrant, charge or trial. The state prohibition on Māori gatherings stayed in force and Māori were forbidden to travel to Parihaka without a special pass. The Armed Constabulary who remained at Parihaka enforced Parihaka’s no go status.¹³⁸

Upon their return from the South Island Te Whiti and Tohu began restoring Parihaka. Parihaka was rebuilt with support coming from Māori outside Parihaka by way of gifts of money and food and by 1884 solid houses stood about the Marae where the old had been destroyed. In 1889 Te Whiti and Tohu began building the imposing Raukura and Rangi Kapuia, which were used for large meetings. At the time of the passing of Te Whiti and Tohu in 1907 the Raukura had been reaffirmed and the mauri of the people restored.¹³⁹

At the conclusion of the Waitangi Tribunal hearings the tribunal made the following proclamation:

For Taranaki hapū, conflict and struggle have been present since the first European settlement in 1841. In this context, the war itself is not the main grievance. The pain of war can soften over time. The real issue is the relationship between Māori and the Government.

¹³⁶ Scott, D. (1975, p.34).

¹³⁷ *ibid*, p.35.

¹³⁸ *ibid*, p.36.

¹³⁹ *ibid*, p.164.

Parihaka. Māori Sovereignty Denied by State.

In appreciating this event the invasion and ransacking of Parihaka by the state is a reprehensible action that has for decades had a devastating effect on relations between Māori and state where by illicit land sales, illegal arrests, abductions, forced migrations of people, unlawful detentions, sexual violence, and the theft of cultural treasures proliferated. Taranaki Māori were plundered to the extent that the cultural base of the people could not be sustained.¹⁴⁰

When the Taranaki Report: Kaupapa Tuatahi was released in 1996 the report dealt with 21 claims concerning the Taranaki district and canvassed the land wars and confiscations in the area, as well as the story of Parihaka.¹⁴¹ Taranaki Māori were dispossessed of their land, leadership, means of livelihood, personal freedom, and social structure and values by the state. Māori were denied their rights of autonomy, and as British subjects, their civil rights were removed. For decades, they were subjected to sustained attacks on their property and persons.¹⁴²

The history of the relationship between the state and Māori in Taranaki has been anything but what was intended when the Treaty of Waitangi was signed and effectively removed from Māori the ability to develop and maintain their own lands and culture. Muru, raupatu, prejudice and state repression of Māori autonomy were the key dynamics of state that shaped the states responses to the pacifist, spiritual, and economic teachings of economic advancement that Te Whiti and Tohu were espousing.¹⁴³

The biorhythm of Parihaka prior to the police invasion was one of prosperity that the state would not allow. The Police invasion was far more than the sacking of Parihaka and the forced transmigration of Parihaka's

¹⁴⁰ *ibid*, p.36.

¹⁴¹ The Taranaki Report: Kaupapa Tuatahi <http://www.waitangi-tribunal.govt.nz/scripts/reports/reports/143/78820F29-BB30-4C59-B1FC-89AFE53AD8F3.pdf>.

¹⁴² <http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>, p.37.

¹⁴³ Scott, D. (1975, p.37).

populace. It was the states denial of the Māori's right to exist and survive. The states intent was clearly to extinguish Parihaka by depopulating and blazing Parihaka to the earth and Bryce's attempt at self-glorification the expense of the people at Parihaka would never have been exposed had it not been for the media presence.

It took time but the full story of the passive resistance did come out and Bryce's attempt to portray himself in the house as the conqueror of Te Whiti and Parihaka was revealed. Bryce's quest for renown and his need to vindicate his assemblage of the 1500 man force outside Parihaka demanded a reaction from the people of Parihaka but this was not given despite the taunts of the militia and armed constabulary.¹⁴⁴

States trial of Te Whiti and Tohu was nothing more than an exhibition of conquest that presented weak states evidence and resulted in the postponement of the trial. The relationship between state and Taranaki Māori became an issue right from the first contact with the New Zealand Company and until the Treaty of Waitangi was signed the relationship between the State and Māori law and authority had never been resolved other than by force and a state imposed dominance and demand of subservience was aggressively enacted upon the people at Parihaka.¹⁴⁵

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<http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai143/Taranaki.pdf>, p.37.

¹⁴⁵ The Taranaki Report: Kaupapa Tuatahi <http://www.waitangi-tribunal.govt.nz/scripts/reports/reports/143/78820F29-BB30-4C59-B1FC-89AFE53AD8F3.pdf>, p.5.

Chapter Four

The Police Expedition to Maungapohatu 1916.

This chapter examines the tribal landscape of the Te Urewera region from the time of the land confiscations of 1866-71, through until the Police expedition to Maungapohatu and the arrest of Rua Kenana in 1916. Additionally the short and long term economic impacts of the confiscations on Tūhoe's ability to exercise authority over, and to benefit from their lands and resources are deliberated. The actions and intent of the state in using the armed constabulary to implement its scorched earth policy against Tūhoe are also explored.

The background of Rua Kenana and the contributing circumstances leading up to the Police expedition to Maungapohatu and Rua's arrest, trial and acquittal form an integral part of Tūhoe lore. There is a continuum of the state's repression of Māori that 35 years after the 1881 police invasion at Parihaka the Police expedition to Maungapohatu shares the same state strategy and intent that were enacted by the police against Te Whiti and Tohu.

The confiscation of Tūhoe lands began in 1866 and was followed by military expeditions to Te Urewera in 1869, 1870, and 1871. Military statements of conquest by the state followed all of these expeditions. Between 1869 and 1871, the state launched a number of military expeditions and operations into the heart of Te Urewera. The purpose of these military expeditions was to capture the formidable and charismatic Ringatū spiritual leader Te Kooti Arikirangi Te Turuki and to destroy the basis of his support within Te Urewera.

The Police Expeditions of 1869 - 1871

The Crown's first military expedition into Te Urewera in May 1869 employed a strategy of systematic destruction of villages and cultivations and from April to May 1870 onwards, the Crown also adopted a policy of transmigrating surrendered combatants from Te Urewera and relocated them

to coastal reserves.¹⁴⁶ In December 1870 this policy was changed to allow those who had not left to stay in Te Urewera. At first, they were to be concentrated in certain locations there, and under supervision, but this plan was abandoned in February 1871. The last of the Government's troops were withdrawn in December 1871 and hostilities formally came to a close in that month, when Te Urewera leaders accepted the Crown's offer that they be fully responsible for managing their own affairs and for keeping Te Kooti out of their districts. All of the communities in Te Urewera experienced the impact of war during this period, which resulted in many pā, kainga, homes, and gardens burnt and destroyed.

The Crown approached its invasions of Te Urewera with the intent of subjugating the peoples of the region. This motive was over and above its need to capture Te Kooti and the states's campaign was aimed at destroying the homeland and economic base of the Te Urewera.¹⁴⁷

It is clear that the states disregard of peace efforts by Te Urewera rangatira amplifies the visibility of its ultimate goal, which was the colonization of the peoples of Te Urewera by force. While the Crown had a duty to protect its citizens, the wholesale pursuit and punishment of Tūhoe and the laying waste to Te Urewera can not be justified in legal terms and the actions of the attacking force's under Whitmore went far and beyond what was reasonable and breached the Treaty of Waitangi in the course of the expeditions.¹⁴⁸ This included the killing of members of Te Urewera hapū who were engaged in the legitimate defense of themselves, their whānau and their homes. The desecration of the bodies of men and women, the killing of innocents, the execution of unarmed prisoners, the taking of hostages, the destruction and looting of food stores and property were all enacted to remove the ability of the people to feed themselves and resulted in the

¹⁴⁶ WAI 894. Te Urewera Report. Available from: <http://www.waitangitribuneral.govt.nz>, p.259.

¹⁴⁷ WAI 894. Te Urewera Report. Available from: <http://www.waitangitribuneral.govt.nz>, p.266.

¹⁴⁸ *ibid*, p.267.

depopulation of Te Urewera and migration of its people to prison camps.¹⁴⁹ The impact of the Crown's military expeditions resulted in the systematic destruction of kainga, pā, food stores, and cultivations during the expeditions from May 1869 through to late 1871.

A significant number of people died during the invasions, though it is not clear how many.¹⁵⁰ The short and long-term impacts of the Crown's military expeditions were severe and the destruction of food stores, crops, livestock, and housing resulted in the overall poor condition of Tūhoe which led to widespread mortality by starvation and influenza, acute in the winters of 1870–71. The disruption of settlement patterns and a significant drop in population were also key effects of the Crown's military expeditions. Professor Wharehuia Milroy in giving oral evidence at Tataiahape Marae in November, 2003 stated to the Waitangi Tribunal, "Tūhoe was assailed, suppressed and oppressed by confiscation of land, by the afflictions and scorched earth policy, by poverty, starvation, and mental anguish."¹⁵¹

The state consistently argued that its military actions were both reasonable and necessary to protect the colony from potential threats. The state has acknowledged that it set aside its Treaty of Waitangi commitments to the peoples of Te Urewera but argued that this was necessary in order to deprive Te Kooti of a safe haven.¹⁵²

The Raupatu

The social and cultural impacts of the confiscation have been clearly defined and alongside the economic impacts of confiscation were the impacts both on the people themselves and on their long-established relationship with the lands and waterways of the confiscated district.¹⁵³ As was so often the case with the

¹⁴⁹ *ibid*, p.267.

¹⁵⁰ WAI 894. Te Urewera Report. Available from: <http://www.waitangitribuneral.govt.nz>, p.270.

¹⁵¹ *ibid*, p.457.

¹⁵² *ibid*, p.260.

¹⁵³ *ibid*, p.260.

implementation of raupatu in colonial New Zealand, there was a delay between confiscation on paper and the final withdrawal of the people from their land.¹⁵⁴ The conclusions of the Waitangi Tribunal on the impacts of confiscation revealed that about half of Tūhoe's most productive lands were confiscated, resulting in 140 years lost use of those lands which before the confiscations were being used by Tūhoe to engage in development opportunities and developing colonial markets.¹⁵⁵

The loss of these key lands represented a severe reduction of Tūhoe's economic capability and Tūhoe's freedom to achieve economically in the regional and national economy that was to develop. Tūhoe's ability to exercise their customary rights to valuable food and other resources at Ohiwa was severely diminished to the point where they are commonly thought to be a landlocked people with no coastal rights.¹⁵⁶ As a result of the arbitrary drawing of the confiscation line, some Tūhoe hapū lost all their lands, others lost some. The need for landless hapū to relocate put pressure on the land and resources and increased the number and complexity of claims later made to land, especially at Ruatoki. The Crown's award of confiscated land to Tūhoe's traditional enemies strained relationships further and revived tensions among Tūhoe of the area. The loss of the confiscated lands meant that Tūhoe's links with that land, and all that it had provided for them over time, were severed.¹⁵⁷

Tūhoe's view of the Crown was permanently tarnished by the confiscations and this led to resentment and mistrust of state authority, especially as numerous petitions to regain the land, made between 1878 and the present day, were rebuffed. Land confiscation created a boundary between Tūhoe and the rest of the world, and this has left an indelible mark on the collective psyche of the people, which was only perpetuated by the incidents

¹⁵⁴ *ibid*, p.238.

¹⁵⁵ WAI 894. Te Urewera Report. Available from: <http://www.waitangitribuneral.govt.nz>, p.239.

¹⁵⁶ *ibid*, p.239.

¹⁵⁷ *ibid*, p.238.

at Maungapohatu and later Ruatoki.¹⁵⁸ As a result of the Crown's confiscation of half of their most productive land, Tūhoe suffered significant social, cultural, and economic prejudice and this prejudice was immediate and lasting and further evidenced 44 years later when the state expedited to Maungapohatu to arrest Rua.¹⁵⁹

The central theme of the police raid at Maungapohatu in 1916 remains one of oppression and persecution perpetrated against Rua Kenana and the people of Maungapohatu. The ethos of the raid had been the clandestine sale of spirits among the Ihairaira which had begun when they acquired wealth from the sale of land and the income that was being generated by the sale of produce from the land.¹⁶⁰ Rua was opposed to the consumption and sale of liquor and knowing that he could not prevent the smuggling of liquor thought that it would be better to control its sale at Maungapohatu by preventing other traders in the vicinity from selling to his people.¹⁶¹

The illicit sale of liquor to Māori at Maungapohatu prior to the police raid was initially instigated by local publicans who brought up bottles of liquor and hid it along the trail to Maungapohatu for Māori to uplift. From 1910 Toko Rua also sold liquor from his store at Waimana and in 1910 Rua approached Ngata for a liquor license for Waimana but Ngata was not in a position to provide this and so the license was not procured.¹⁶² Alcohol was not a problem in the lives of the Ihairaira at this point but the new found wealth that came through land sales promoted heavy drinking which became a characteristic of the communities and remained a large problem long after Rua's passing. In 1911 Rua was first fined for illicit trading in whiskey. The introduction of spirits was gradual and Rua prevented it at Maungapohatu when it was accepted in Waimana but he began to use it himself and like Te Turuki he discovered that he gained second sight when he was drunk and

¹⁵⁸ *ibid*, p.247.

¹⁵⁹ *ibid*, p.247.

¹⁶⁰ WAI 894. Te Urewera Report. Available from: <http://www.waitangitribuneral.govt.nz>, p.247.

¹⁶¹ Binney, J. (1987, p.81).

¹⁶² *ibid*, p.81.

could see who was trying to destroy him.¹⁶³ Four years later in May 1915 Rua was again summonsed on 5 new liquor charges all relating to cleansing ceremonies held at Maungapohatu. He was charged as head of the community for these transgressions and Toko, Whatu, and Maka Kanuehi were also fined but chose to go to jail. Rua was sent to prison without choice.¹⁶⁴ This was the maximum sentence possible and was imposed for the suspended charge of 1911.

In early 1916 however the minister of Native Affairs, William Herries took the deliberate decision to revive the old charges which brought matters to a head and was taken on two issues, the recruitment of Tūhoe for war service and Tūhoe lands but it would be the illicit sale of liquor issues that Cullen would use to trump up charges to mount the Police expedition to Maungapohatu in 1916.

Rua saw no need for Tūhoe to volunteer for war service and having made this point clear it was decided by the state that he would be arrested. The persecution of Rua was a product of war hysteria and by 1916 rumors were spreading that Rua was arming his followers. Rua's disloyalty had been created by the state after recruitment among Tūhoe by Ngata for the Māori Contingent was rejected. Rua opposed both registration and recruitment of Tūhoe and only a few of the Iharaira came forward and volunteered for active service. Like the Waikato people the Iharaira based their pacification on the bible and they called themselves the people of lasting peace, the maungarongo.¹⁶⁵

The resistance to the war was enhanced by Kingi Tawhiao who stated, "as to war I will leave it to you the white man, take war with you to your own land, England."¹⁶⁶ Tawhiao like Te Turuki had banished war from the land

¹⁶³ *ibid*, p.82.

¹⁶⁴ *ibid*, p.82.

¹⁶⁵ *ibid*, p.82.

¹⁶⁶ *ibid*, p.83.

and for this reason Rua would not commit his followers but said “if some wished to go they were free to go.”¹⁶⁷

Rua’s opposition to enlistment was distorted by popular rumor into active support for the Germans. Rua knew the sly grog charge was just a pretext. Mau Rua later explained to Binney that Rua knew this.¹⁶⁸ At the beginning of June 1915 Crown Land purchases had resumed after four years and Tūhoe land was now sold in individual lots in direct violation of the Urewera Act. This opened all the old divisions.¹⁶⁹ In May 1915 Te Iwikino and Makarini had initiated a petition for the removal of all the restrictions on the rohe potāe and asked that people could dispose freely of their lands like private citizens, by lease or sale, one rule for both peoples, kotahi te ture mo nga iwi e rua.¹⁷⁰

When Rua was imprisoned in 1915 there were those that had hoped that the subjection of his tapu to hard labour would destroy his mana but instead in the rituals of late 1915 all his followers cut their hair and a new era began.¹⁷¹ When the native constable Te Kepa Tawhio brought the new summons to Rua, Rua was engaged in a harvest and his response requested an adjournment until Court the next month when he would come to answer the summons. These were the charges of 1915 for which Rua thought he had already served his sentence and this also was Rua’s understanding. New warrants were issued for Rua’s arrest and Const Grant, Te Kepa, and Sgt Cummings of Rotoura arrived at Ruatahuna in search of Rua. Rua was not at Ruatahuna at this time but was found by Grant and Te Kepa at Te Whaiti. The accounts of this meeting are critical but totally conflicting and later led to charges of sedition being laid against Rua.¹⁷² These charges were made under the Crimes Act and were an attempt to establish major conspiracy amounting to disloyalty. These charges were dismissed by a Supreme

¹⁶⁷ *ibid*, p.84.

¹⁶⁸ *ibid*, p.84.

¹⁶⁹ *Ibid*, p.84.

¹⁷⁰ *ibid*, p.84.

¹⁷¹ *ibid*, p.85.

¹⁷² *ibid*, p.85.

Court jury who regarded the police version of events untenable.¹⁷³ Rua's arrest hereafter became a huge political issue. Apirana Ngata was sent to Maungapohatu to talk with Rua but their relationship was already strained and Rua gave Ngata the summons and told him that the offences were those, which he had already served. Upon his departure Ngata advised Rua that he would speak to the Minister of Police and explain why he had not given himself up. Upon his return to Wellington Ngata's dialogue with Herdman created for Herries the opportunity he had been waiting for to mount an expedition to Maungapohatu to detain Rua. Cullen had already though initiated the preparations for an armed expedition to Maungapohatu with the preparations having started even before Cullen had permission from Herdman to commence with the expedition to arrest Rua.¹⁷⁴

The gap between government preconceptions and the Māori were now complete and in 1916 the coalition government looked for conspiracy. The men who planned the expedition into Maungapohatu were the ones that believed strongly that armed resistance was awaiting them at Maungapohatu. Police Commissioner John Cullen was responsible for planning the para military style expedition to Maungapohatu. He justified himself saying, "I am entitled to go armed to arrest a man whom I knew to be a desperado",¹⁷⁵ but Cullen had a reputation for making events conform to his expectations.

Herdman agreed to an expedition of this scale because he said, "the only course left open was to send in a force to seize him."¹⁷⁶ Three police contingents were organized to converge on Maungapohatu, comprising of Armed Constabulary members from Whakatane (3), Gisborne (7), and Auckland (52)

Rua was not a seditious leader but from the historiography and buildup in the sequence of events it was clear the state intended to suppress Rua in any way it could which included the gathering of evidence against him

¹⁷³ *ibid*, p.86.

¹⁷⁴ *ibid*, p.89.

¹⁷⁵ *ibid*, p.89.

¹⁷⁶ *ibid*, p.89.

on Sale of Liquor offences, charges of disloyalty and latterly charges of sedition. All these charges led to Herries inaugurating Cullen's expedition to Maungapohatu to detain, arrest, and charge Rua.¹⁷⁷

Rua Kenana had inherited the mantle of Te Kooti and objected to the prohibitive liquor laws against Māori but his isolation rendered his teachings tolerable as long as he remained isolated. His proverbial saying, Kotahi ture mo nga iwi e rua related to two laws, one for Māori, one for Pākehā. Rua's demand was for one law for both peoples, actual equality as well as formal equality.¹⁷⁸ Rua challenged Pākehā norms further by having several wives and when he began selling liquor to Māori without a license he ran foul of the authorities but his motivation was to regulate the supply of liquor in order to prevent the excesses caused by his people who were patronizing Pākehā sly grog sellers. He was then promoting order.¹⁷⁹ But the government preferred the ultimate state of order which would be secured by acquiring substantive sovereignty rather than order within a rival sovereign state. These were the underlying reasons for the Police expedition to Maungapohatu.¹⁸⁰

In 1911 Rua was fined for breaches of the licensing laws after attempts to control the sly grog sale of liquor to Māori. The state wanting to apprehend the sly grogger's fined Rua for breaches of the licensing laws. This was the warning that Rua would not escape the law but this changed with the onset of the war were it was deemed that there could be no room for dissent. The main weapon the state used against Rua was the licensing laws which were applied with vigor.¹⁸¹

In 1915 Rua was jailed for three months on a charge held over since 1911. He was to appear again on five other charges if called which was a ploy by the magistrate to keep a hold over him. On his release in August 1915 police surveillance over his activities recommenced. Rua's Opposition to

¹⁷⁷ *ibid*, p.61.

¹⁷⁸ *ibid*, p.84.

¹⁷⁹ *ibid*, p.84.

¹⁸⁰ *ibid*, p.84.

¹⁸¹ Hill, R.S. (1995). *The Iron Hand in the Velvet Glove: The Modernization of Policing in New Zealand 1886-1917* (p.382). Wellington: Government Printer.

recruitment for active service among Tūhoe led to him being charged with sedition.¹⁸²

The state decided to act in January 1916 when Rua was given notice to attend court for sentencing on the held over charges in an effort to jail him. At the time Rua was engaged in a harvest and requested that the court delay the proceedings but was instead fined and sentenced to jail in absentia. In February 1916 Sergeant (and future commissioner) JD Cummings of Rotorua and District Constable Grant of Te Whaiti tracked Rua down at Te Whaiti in order to apprehend him on warrants of commitment but Rua refused to come with them on the grounds that he had already been jailed in 1915.¹⁸³ In Grants view Rua did not want to understand that the 1915 jailing had been for the 1911 charge and that he was now being held accountable for the 1915 charges. Rua's alleged responses then made the basis of a new charge of sedition. His refusal to accompany the police was interpreted as the act of a leader with pretensions to heading a rival sovereignty but the Supreme Court later acquitted him on the charges of sedition. With Rua openly defying the authority of the state, Commissioner Cullen gained permission to personally oversee Rua's arrest and crush the rebellion.¹⁸⁴

The Police Expedition to Maungapohatu

By March Cullen was making extensive secret preparations for the invasion of the Urewera by a large force of constables. Opotiki's Legion of Frontiersman offered to chase the misguided Rua out of the Urewera and additionally other volunteers were seen as backups if the police expedition was repulsed.

The Government had hoped to avert a confrontation by getting Apirana Ngata to ask Rua to submit to arrest without resistance but this failed and following orders from the Minister, the Commissioner set about securing arms in the expectation of resistance.

¹⁸² *ibid*, p.382.

¹⁸³ *ibid*, p.383.

¹⁸⁴ *ibid*, p.383.

The expedition was organized as a military expedition and the services of the army medical corps' were requested. On the 21 March Commissioner Cullen instructed several Inspectors to select "strong athletic constables"¹⁸⁵ for the job including suitable men to use the carbines who have served in the Army or Royal Irish Constabulary.

In order to make the message clear to the general population that seditions (conduct or speech inciting people to rebel against the authority of the state) would not be tolerated, Cullen arranged for two reliable journalists plus one photographer to accompany the expedition and aimed for the columns to arrive at Maungapohatu on Sunday the 2nd April. In his haste to suppress Rua Cullen was prepared to go beyond his acquiescence in the illegal activities and illegally serve the arrest warrant for Rua on a Sunday.¹⁸⁶

The first police to arrive at Maungapohatu were a small party from Whakatane, a six-constable detachment from Gisborne and the main expedition comprised of 57 constables from Auckland, Wellington, Hamilton, Wanganui, and Napier. When this force arrived at Maungapohatu they looked so much like soldiers that both Māori and Pākehā at Maungapohatu thought they were. What actually happened next is unclear but Rua expected Cullen to korero and when the coloumn approached asked that the police hold back pending discussions. Cullen refused and rode up to the marae determined to handcuff Rua.¹⁸⁷

Upon arrival Constable Arnold Butterworth recalled that Johnson pointed out Rua to Cullen after which Cullen said "come here" Cullen thought the appropriate Māori expression was "haere mai" (a greeting) but so mangled the expression that Rua and his followers thought him to be making a proclamation of strength. This coupled with Cullen's obvious determination to reject the traditional hospitality and arrest Rua set the scene for a greater degree of Māori hostility.¹⁸⁸

¹⁸⁵ *ibid*, p.384.

¹⁸⁶ *ibid*, p.384.

¹⁸⁷ *ibid*, p.384.

¹⁸⁸ *ibid*, p.385.

Constable Maloney felt as did the Gisborne Police party that Rua still expected Cullen to approach for a korero but when the heavily armed mounted constables Skinner and Wolfendale rode up to the marae to join Cullen, Rua panicked and attempted to make for the bush prompting Cullen to give the order to stop him.

Rua motioned for his people to follow and a melee ensued. Johnstone caught Rua by the arm asking him to go over to the crown and in the ensuing tussle Rua's son Whatu Rua got hold of Neil's axe and tried to use it. The two were subdued and arrested. Cullen later testified that "I sang out don't fire"¹⁸⁹ during the confusion but he acknowledged that at least one of his men raised his carbine as if to fire, but Butterworth and others at the scene believed Cullen was "determined to have a shoot out."¹⁹⁰

While the police contended that a Māori fired first Māori later testified that they saw Skinner fire the first shot or that at least they saw the black charger start at the same moment as the first shot rang out implying the same thing. When the firing started chaos prevailed. Constables chasing Rua's other son, Toko Rua were fired upon by him when he reached a defensive position.

Senior Sergeant John Cassell's who was leading the main column of police up to the marae at the time ordered them to break ranks which turned an exchange of shots into a battle. A number of police present would later claim that had Cullen and Cassells been more tactful this battle could have been prevented.¹⁹¹ Butterworth felt in the circumstances the Māori were within their rights to use rifles to defend themselves. In Bill Neil's eyes the bringing of the Armed Constabulary to Rua's strong hold was intended to culminate in a showdown, the least likely way to get Rua to peacefully submit to authority was by invasion and intrusion upon the mana of Maungapohatu.¹⁹²

¹⁸⁹ *ibid*, p.385.

¹⁹⁰ *ibid*, p.385.

¹⁹¹ *ibid*, p.385.

¹⁹² *ibid*, p.385.

During the battle Toko Rua and Te Maipi were killed when the police concentrated their fire upon them. Te Maipi was shot in the back of the head whilst trying to escape so it was alleged. Cullen acknowledged that Toko Rua's right fore arm had been smashed during the fighting but claimed that he had been killed in the course of the battle while shooting with his left hand. Māori claimed that he was captured when he was wounded and could fire no more and then murdered with a shot to the back. Cassell's acknowledged that Toko Rua did not have a gun when he found the body nor was there one nearby.¹⁹³ There was no proper inquest into the deaths as Cullen decreed this was unnecessary and both the bodies were buried at Maungapohatu. Cullen stated the battle lasted 30 minutes but it was asserted that it was far less than this. When a cease fire occurred 31 men were arrested none armed, four policemen were wounded. British sovereignty had been re-imposed for over 1000 pounds.¹⁹⁴ Only six of those arrested were taken out of Maungapohatu to face charges, Rua being held on the basis of his 1915 sentence of nine months. Rua's trial began on the 9th of June and at 47 days was the longest in the country's history.¹⁹⁵

Apart from the charges of sedition and resisting arrest on 12 February Rua was charged on several counts regarding events at Maungapohatu including incitement to murder. Rua's teachings soon amounted to a call for a nation within a nation and is the root of police antagonism now as it was then.¹⁹⁶ Rua's call was for a rival sovereignty has symmetry with the aspirations of Te Whiti at Parihaka and it is clearly seen that with the actions and intentions of Bryce and Cullen that by the actions of both they were more intent on the post action publicity and notoriety associated with subduing the savage than ensuring the laws of the land were being adhered to.¹⁹⁷ There was no doubt that Rua had already determined to resist the arrest which he could legally do on Sunday. The state though by sending the Armed Constabulary

¹⁹³ *ibid*, p.385.

¹⁹⁴ *ibid*, p.385.

¹⁹⁵ *ibid*, p.386.

¹⁹⁶ *ibid*, p.386.

¹⁹⁷ *ibid*, p.382.

to Maungapohatu ensured that a confrontation was inevitable as the least likely way to get Rua to peacefully submit to authority was by invasion.¹⁹⁸

The Trial Of Rua Kenana.

Rua's lengthy trial then the longest in the country's history was brought more into focus than his alleged acts at Maungapohatu. Cullens transgression in arresting Rua under warrant on a Sunday and the alternate police views on what actually happened at Maungapohatu were in variance to the evidence given by the main police witness's. Butterworth believed that many police officers lied to protect Cullen.¹⁹⁹

Cassells, vilified by many policemen for his willingness to use illegal tactics in police work orchestrated the police approach that prevented Tom Collins from testifying because of Collins disquiet at the way matters were handled at Maungapohatu on April 2.

Cassells typed statement for Butterworth was also ripped up because it was all false and Butterworth refused to testify as this would have constituted perjury.²⁰⁰ Since Rua's arrest had been unlawful the charges of resisting arrest and obstructing the police at Maungapohatu were not allowed to stand.

Justice Frederick Chapman noted that, the right that "the subject has to resist unlawful arrest allows him to go to great lengths even to the extent of inflicting serious wounds in doing so."²⁰¹ That left the prosecution to argue that Rua had gone beyond what was reasonable by inciting others to resist the police with an alleged reference to arms but the jury said that they could not agree and the judge proceeded with the February charges only but the jury decided that they could not agree on these charges either although it was 10/2 in favor of Rua being acquitted on all charges with some of the jury later saying that they could have reached a verdict given time and had wanted to

¹⁹⁸ *ibid*, p.386.

¹⁹⁹ *ibid*, p.387.

²⁰⁰ *ibid*, p.387.

²⁰¹ *ibid*, p.387.

exhume the body's at Maungapohatu for examination. The jury continued with only the February sedition charges.²⁰²

Rua was also acquitted on the sedition charges by the jury but the jury found Rua guilty only of moral resistance. Justice Chapman, a friend of Cullen's, sentenced Rua to a years jail to be followed by 18 months in reformatory detention and spoke of Rua's " long history of defiance of the law."²⁰³

Cullen was relieved to have obtained any guilty verdict at all even though it was only for moral resistance for which Rua received 12 months in prison. Eight of the jury published a letter stating that they were astonished at the severity of the sentence and stated that they were upset at the judges statement that there verdict of moral guilt should be interpreted as meaning something they had not meant and that the Māori version of events had not been believed.

Their verdict really meant that Rua had declined to voluntarily accompany the police but would have gone if he had had the situation explained to him. The jury considered that Rua wanted to be formally arrested as a matter of protest feeling that he was being persecuted and had this been done he would not have physically resisted.

Their verdict was supposed to have meant that Rua was not guilty and that the police evidence was unreliable. The jury further stated that "Our sympathies are with Rua whose version of both the Te Whaiti and Maungapohatu incidents are believed."²⁰⁴

The jury petitioned the house for a pardon or prompt release in order to rectify a grave miscarriage of justice. No charges against those arrested with Rua were sustained

²⁰² *ibid*, p.387.

²⁰³ *ibid*, p.387.

²⁰⁴ *ibid*, p.388.

but with the prophet in jail his power as leader of a rival sovereignty was broken.²⁰⁵

The state had no qualms on how it suppressed a threat to establish order but the Police had egg on its face over its maladroit handling's of the matter and the acquittals and so the ministers conferred with Cullen over what further steps could be taken against Rua. Police pressure orchestrated by Cassell was put on Rua's witnesses.²⁰⁶

As a result Herdman instructed the Crown Law Office to prosecute six Māori who had allegedly perjured themselves at the trial of Rua focusing on those who supposed that Skinner had fired first. Cullen did not want the Crown to be compromised by any public memory of wrongdoing and was determined to expose Māori. Cullen planned his strategy carefully and had Tori Biddle, Rua's son in law arrested as he was seen as a weak link who might implicate others and expose the defense lawyer Carter. Cullen also hoped to obtain a statement from one of Rua's wives if she was led to believe she would be prosecuted.²⁰⁷

To further exonerate himself Cullen also commenced proceedings to have Rua's defense lawyer Carter discredited for references to Cullen's endeavor's and set about a chain of events that finally led to Carter being disbarred and unable to practice law.

When the Supreme Court in August 1916 declared the police expedition to Maungapohatu illegal Rua's people sought compensation especially for the relatives of the dead and for the expense of the trial. Not only were they denied compensation but they had to sell stock to pay for their defense and meet Crown levies on Cullen's insistence they also had to pay for the cost of the expedition.²⁰⁸

The final attempt to assert sovereignty in setting up a state within a state had ended in political and economic collapse for Rua. The actions of the

²⁰⁵ *ibid*, p.389.

²⁰⁶ *ibid*, p.389.

²⁰⁷ *ibid*, p.388.

²⁰⁸ *ibid*, p.390.

state and its coercive agents though were revealed to all and as was the case at Parihaka, Cullen was denied his crowning glory by being exposed in court and having all the charges preferred against Rua dismissed.²⁰⁹ The actions of the state in this case were seen to be excessive and although publicly embarrassed the state did not learn the lesson when 91 years later they again laid siege upon Tūhoe at Ruatoki in 2007.

States Enduring Harassment of Tūhoe

States enduring harassment of Tūhoe and the confiscation of Tūhoe lands in the 1860's was designed to punish Tūhoe for their support of Te Kooti and Rua Kenana that followed. The raiding expeditions of the Armed Constabulary throughout Tūhoe and the prolonged scorched earth policies of state that followed decimated Tūhoe and laid out the legacy that was to follow which was the enduring harassment by state of the Tūhoe.²¹⁰

The impacts of the states military operations in Te Urewera had long term impacts on the Tūhoe people, both spiritually and economically by depriving Tūhoe of their spiritual domains and economic base to provide sustainable livelihoods. State military operations in Te Urewera were the precursors to a series of associated events that all led to the police expedition to Maungapohatu to arrest Rua.

In critiquing this event the unlawful arrest of Rua and suspicious deaths of Toko Rua and Te Maipi is a continuum of the actions of the Armed Constabulary that occurred at Parihaka. The actions of the police at Maungapohatu were identical to those enacted at Parihaka with illicit land sales, covert surveillance, illegal arrests, abductions, forced migrations of people, unlawful detentions, and the theft and destruction of cultural treasures from Tūhoe. Tūhoe were dispossessed of their land, leadership, means of livelihood, personal freedom, and social structural values by the state.²¹¹

²⁰⁹ *ibid*, p.390.

²¹⁰ *ibid*, p.390.

In this regard Cullen's actions at Maungapohatu bore distinct similarities with the actions of Bryce at Parihaka. Similarly as with Parihaka, it took time but the full sequence of events that took place at Maungapohatu was revealed at the trial of Rua.

Neither Cullen nor Bryce wanted the state to be compromised by any public memory of wrongdoing and were determined to expose Māori even after the truth had been made public.

For the second time in 35 years states police intent to physically repress and transmute Māori had been exposed, as had the attempts of state to obtain convictions against the spiritual leaders of Parihaka and Maungapohatu. 91 years later in the new millennium the state would make their next determined effort to repress Tūhoe at Ruatoki in 2007.

Chapter Five

The Ruatoki Terror Raids 2007

It is a serious error to describe terrorism as the weapon of the weak. Like most weapons it is wielded to far greater effect by the strong. But then it is not terror it is counter terror, or self defense, or low intensity warfare and if successful, rational, and pragmatic, and an occasion to be united in joy.²¹²

At dawn on 15 October 2007 contingents of armed police dressed in black with police dogs, surrounded a number of houses in Ruatoki and the nearby township of Whakatane in the Bay of Plenty. An unknown number of men, women and children from Tūhoe were forced to leave their houses at gunpoint, taken to police stations and questioned. The police action was code-named Operation Eight and was branded by the police, politicians and the news media as New Zealand's first anti-terrorism operation. The operation however did not become re-knowned for its success instead languished as the Solicitor General determined that the evidence gathered through several years of surveillance and the raids of 15 October was insufficient to justify charges under the Terrorism Suppression Act 2002.

Only four unregistered firearms and 230 rounds of ammunition were seized. Sixteen were charged and charged under the Arms Act. The charges carried a maximum penalty of four years imprisonment. A 17th person was arrested on cannabis charges.²¹³

Despite this objective reality, the label terrorism continues to be applied to those individuals, families, communities and the entire Tūhoe nation who have been caught up in Operation Eight but the state offered no apology to Tūhoe for the pain and damage they have caused or for the many violations of the human rights of those innocently caught within the web of Operation Eight instead, the state advocated a strengthening of the laws against domestic terrorism.

²¹² Kennan, D. (2008) *Terror in our Midst? Searching for Terror in Aotearoa – New Zealand* (p.156). Wellington: Huia Publishers.

In one raid, a schoolgirl and a woman were ordered from their house and into the street with their hands above their heads. They were separated and not allowed to communicate. Dressed in their night attire, crying and wet from the rain, both of them were body searched by police officers in full public view of their neighbors. The woman was made to lift her breasts. The schoolgirl was crying shame, and they watched in fear as their husband and stepfather was held face down on the street with a gun to his head. They were taken to the police station and questioned for a number of hours before being released.²¹⁴

In another raid in Ruatoki, a family with young children were held for hours, cold and shivering, in a shed at the side of their house without food and water or nappies for their babies. Armed police established a dawn to dusk roadblock around the township of Ruatoki. Cars and a school bus were stopped and searched. Armed ‘ninja’ police made the occupants get out of their cars and photographed them with identification labels. A 76 year-old woman was one of the first to be subjected to this indignity. The children of Ruatoki were traumatized by the presence of armed police at their houses and in their village.²¹⁵

The day after the raids the Kōhanga Reo (Māori language pre-school) asked for counselors to be sent to work with the children but there was no response to the request from Ruatoki. The police made no attempt to liaise with kaumātua, Māori wardens or police own iwi liaison officers, to find a way for the police to pursue their enquiries in a way that respected the mana, dignity and rights of the people where the Crown has, repeatedly invaded the Tūhoe and Te Urewera.²¹⁶

In the 1860s, Te Kooti Rikirangi and Te Rau Kereopa sought refuge within te Urewera as they were hunted by colonial troops. Notwithstanding

²¹⁴ Comprehensive Statement of Facts. Available from: www.october15thsolidarity.info/files/SR%20Comprehensive%20Statement%20of%20Facts.doc.

²¹⁵ *ibid.*

²¹⁶ *ibid.*

the fact that Te Kooti was escorted from Te Urewera, and Te Rau Kereopa was handed over to the state by Tūhoe, their lands were confiscated.²¹⁷

The Crown claimed its action was justified as a means of suppressing rebellion by taking the wealth and breaking the autonomy of the Tūhoe people. In a clear provocation the cordon around Ruatoki in Operation Eight was established on the historic confiscation line and repeated the history of repression, arbitrary detention and state abuse of Tūhoe by the state that followed the 1916 police expedition to Maungapohatu.

On this occasion the state claimed that its invasion of Tūhoe was justified to suppress alleged acts of terrorism but no evidence existed to lay anything more than firearms charges even though the Crown prosecutors notified counsel for the accused that the names of 12 of the 16 had been forwarded to the Solicitor General for consideration of charges under the Terrorism Suppression Act 2002.²¹⁸

On 8 November 2007 the Solicitor General announced that there was insufficient evidence to lay charges against any of the accused and as a result of this decision the ten people who had been held in custody since 15 October were released on bail.

Sixteen people then faced charges under section 45 of the Arms Act 1983. They were:

Emily Felicity Tuhi-ao Bailey, 30, Unemployed Ecologist.

Ira Mangaimihi Timothy Bailey, 28, Artist.

Rongomai Peropero Bailey, 28, Graphic Designer.

Omar Hamed, 19, University Student.

Rawiri Kiyami Iti, 29, Machine Operator.

Tame Iti, 55, Mana Motuhake o Tūhoe Activist and Counsellor.

Te Rangikaiwhiria Kemara, 38, IT Consultant.

Tūhoe Kent Lambert, 59, Retired Social Worker.

Jamie Beattie Lockett, 46, Private Investigator.

Marama Hannah Mayrick, 24, Picture Framer.

²¹⁷ *ibid.*

²¹⁸ *ibid.*

Valerie Morse, 36, Unemployed Librarian and Researcher.

Moana Hemi Winitana, 53, Post Graduate Student.

Watene Paul McClutchie, 33, Father.

A woman from Auckland, 32, Professional Dancer.

A man from Ruatoki, 28, Father.

A Swiss national, 23, Musician.

Despite warnings from the Crown Law Office and counsel for the accused, several newspapers and television stations later published sensationalized extracts from the untested police affidavit evidence which has consistently been presented as fact under the headline banner of terrorism and since 15 October 2007 the label of terrorist has been applied to those arrested, to their communities and to the Tūhoe people and Ruatoki has been perceived as a terrorist stronghold.²¹⁹

When the Terrorism Suppression Bill was introduced in 2001, critics predicted that it would be used against domestic activists, especially those who asserted tino rangatiratanga. These predictions were ridiculed at the time, but have been proved true.

The Terrorism Suppression Act does not require the disclosure of the number of interception warrants that were issued, so it is impossible to know how wide this net was cast nor is it possible to know how many other operations are being conducted under the terrorism legislation.

The government has since proceeded to amend the Terrorism Suppression Act to introduce new offences that can be used in the domestic context. Additionally, the Prime Minister has stated that the powers in the Act need to be strengthened further for use against domestic terrorism and following the terror raids Lawyer Mr. Moana Jackson spoke out about the constancy of terror in Aotearoa and the states colonial origins of terrorizing Māori and the deliberate decision of the police to exclude experienced Māori from mediation dialogue before during and after the terror raids.²²⁰

²¹⁹ *ibid.*

²²⁰ *ibid.*

This brought into question the commitment of the New Zealand police and the organizations fidelity to the Treaty of Waitangi and its own responsiveness to Māori strategy. The police have always been instituted as an arm of the state with coercive authority and through out the two previous incidents were quickly charged with ensuring any Māori resistance to the crown could be tyrannized to permit the colonizer to maintain a privileged position.²²¹

To assist the state in maintaining this privileged position the state passed two pieces of legislation over the course of time both of which had a colonizing purpose. These acts were the Suppression of Rebellion Act 1863 and the Terrorism Suppression Act 2002. Both of these acts established the authority of the state to act in its capacity as legislator and enforcer and as discussed below contextualize the similarities between the two pieces of legislation. The Suppression of Rebellion Act 1863 was passed to enable the legal suppression of actual and armed Māori resistance to the depredations of the crown and led to the raupatu.

Where it was thought that the authority of the state had been rebelled against by some iwi and was being manifested in acts of open rebellion it was deemed lawful for the Governor to issue orders to all persons whom it deemed fit to take the most vigorous and effectual measures to suppress the rebellion and to take prompt and effectual punishment against those who were guilty of such offending.²²²

The Terrorism Suppression Act 2002 deals with the potential threat of terrorist action defined in the aftermath of the 2001 attacks on the US with the stated purpose of the act being the further provision in New Zealand law for the suppression of terrorism. Part Two of the Act covers the suppression of terrorism and specifically covers Terrorist Acts, Terrorist bombings,

²²¹ *ibid.*

²²² The Suppression of Rebellion Act 1863. <http://www.waitangi-tribunal.govt.nz>.

financing of terrorism and 58 other provisions relating to the suppression of terrorism.²²³

Labeling those arrested as terrorists in 2007 had the purpose of justifying the use of unprecedented force against Māori at Ruatoki and there after creating a fear of terror among the people of the region. The role and function of the state in the war on terror was over exemplified with the 15th October 2007 terror raids at Ruatoki where for over a year police had been carrying out surveillance operations in Te Urewera looking for terrorist activity.²²⁴

The state through the police exaggerated matters by using the language of terror to support police actions in surveiling Māori and later exercising search warrants and arresting citizens.

The Government had imposed paranoia and fear by associating terrorism with the internal politics of other countries which bore no resemblance to New Zealand and as a result upped its ante in its information gathering, surveillance, containment of Ruatoki and the detention of the inhabitants of the town. Selective leaking of the evidence was soon underway and in spite of the embargo by the Solicitor General the Dominion Post was publishing extensive extracts and on the 11th Nov 2007 the Herald on Sunday published an extensive account of police operations.²²⁵

On Christmas eve of 2007 the government received notification of concern from the United Nations over the 15 October raids, which included unnecessary disturbance of life, state aggression and police action against Māori. This was an embarrassment for the Government and its Human Rights record stated Moana Jackson.²²⁶

This included the policing of protest, which has become more aggressive including intrusive intelligence gathering, which includes the seizure of computers, which are used to enhance terrorist profiling. Policing

²²³ The Terrorism Suppression Act 2002. <http://www.legislation.govt.nz>.

²²⁴ Kennan, D. (2008, p.17).

²²⁵ *ibid*, p.24.

²²⁶ *ibid*, p.27.

of ordinary protest and anti terrorism activity in Aotearoa has become indistinguishable which was a follow on from the US sphere of influence.²²⁷

New Zealand has a long history of coercive policing and the state has never been shy of using coercive apparatus in order to enforce its will. The purpose of this expose is to locate the police action in Ruatoki against a historical perspective on the policing of Māori in New Zealand, a relationship between the crown and Māori, which has been characterized by heavily coercive police activity. Police in New Zealand are still living the colonial responsibility, which is about imposing the will of the state on the populace through the routine application of coercive tactics.²²⁸

In terms of the police relationship, colonial and postcolonial socio economic deprivation is a critical factor whilst the insistent indigenous assertion of rangatiratanga continues. The imperial imperative though was to tame the frontier.²²⁹

Military forces of the colonial period were both expensive and disruptive to the desired rhythms' of settler social and economic life but following the Treaty of Waitangi Māori continued to struggle to force the crown to implement methods of power sharing that would respect tino rangatiratanga. The ongoing assertion of tino rangatiratanga has meant that tension between the crown and Māori has been endemic.²³⁰

From the earliest days of the colony one of the key policing methods was the state utilization of the expert or specialist knowledge and skills possessed by Māori. Police access by this way to the power over people that the possession of knowledge about them provides helped minimize violence. Acquisition of indigenous expertise was procured in many ways including employing Māori in the colonial police forces or assigning official policing duties to entire collectives of Māori.²³¹

²²⁷ *ibid*, p.31.

²²⁸ *ibid*, p.38.

²²⁹ *ibid*, p.41.

²³⁰ *ibid*, p.41.

²³¹ *ibid*, p.43.

Surveillance was essential and in recent times this tactic has continued by the use of Māori liaison officers to smooth the difficult relations between police and Māori communities. The violence of the empire did not become overt until the wars of the 1840's and 1860's when coercion was always on the agenda. The fact is that violence and coercion when not explicit were implicit.²³²

In the most extreme level of coercion Māori perceived to be rebelling against the crown were militarily suppressed by militarized police forces who then occupied the conquered areas. In all policing circumstances in depth surveillance has been essential and is at the core of policing as is coercion.²³³

The origin of policing in colonial New Zealand lies in the multiplicity of armed policing units and is heavily coercive. This concept has been elaborated upon in chapter two where Hills states that the period from 1867 – 1886 was without doubt a coercive period in the history of New Zealand Policing.²³⁴

The key point is the use of Māori police officers and their possession of specialist knowledge, ability to deploy in indirect control situations and their use as assimilationist role models.

By the 1990's official policy had rejected assimilation and accepted pluralism and Māori police were seen as an expression of the official embrace of biculturalism. The Māori struggle to promote tino rangatiratanga was single mindedly opposed in all three examples by the crown's determination to destroy this and if not contain it.²³⁵

The relationship between Māori and police has always remained problematic. The non coercive tactic of using Māori police for indirect control and role model purposes remained preferred. The central role of police in the final analysis is that of state coercive social control. The police and politicians will try to minimize violence and disruption but will not

²³² *ibid*, p.44.

²³³ *ibid*, p.44.

²³⁴ Hill, R.S.(1989, p x).

²³⁵ Kennan, D. (2008, p.55).

hesitate to use the police as the iron fist be that covert or with high profile force. The state has through out history taken to raiding Tūhoe without provocation.²³⁶

Tūhoe were not protesting or disrupting the state as accused in 1893 nor harboring fugitives as accused in 1860's. The constant theme in New Zealand history has been the desire of Māori to achieve sovereign protection from arbitrary state interference in tribal affairs.²³⁷ In the 1890's Tūhoe were resisting crown surveying and the alienation of land. Despite Seddon the prime minister sending police in they suffered many losses that resulted in the Urewera Native District Reserve Act 1896 which compelled Tūhoe to relinquish their right to resist surveys.²³⁸

After many hui the state triumphed and Te Urewera was no longer the isolated and secure place it had once been. Tūhoe were then incorporated into the realm of pākehā legal, political, social, and economic life. Police practice towards Māori both then and now is not tuned into what is happening within particular geographic regions within Aotearoa and these great distances are widening.²³⁹

Current day Police Iwi Liaison officers who themselves are culturally deficient cannot be expected to understand the impacts of the historical injustices perpetrated upon Māori. From my personal experience the Police administration has little faith in Iwi liaison officers and this has come about as a result of a degree of misunderstanding as to what the role of the iwi liaison officer actually is. Iwi Liaison is valuable but the strategic relationship has not been utilized by police as recognized within police practice.²⁴⁰ Iwi Liaison officers will not influence the culture of New Zealand Policing until they are recognized as being specialized and qualified to silence the nay sayers. This is not the current case because at the Police Headquarters there is no leadership within Māori Affairs or in depth foresight to determine the way

²³⁶ *ibid*, p.57.

²³⁷ *ibid*, p.79.

²³⁸ *ibid*, p.92.

²³⁹ *ibid*, p.105.

²⁴⁰ *ibid*, p.110.

forward in what will be turbulent times. Iwi liaison inputs are minimal when it comes to operations planning but in the case of Ruatoki in 2007 were non-existent. The non inclusion of iwi Liaison officers at Ruatoki demonstrated that police management had decided to take the coercive iron fist approach as opposed to a more overt style of operation.²⁴¹

Prior to the swearing of the information's the Solicitor General adjudicated that the charges laid did not meet the threshold or burden of proof required to sustain such charges and declared further that the evidence gathered under the Suppression of Terrorism Act was inadmissible.²⁴² The criminalization of dissent has been a common factor in all of the incidents under review and it is clear the states current and anticipated attitudes in its dealings with Māori will continue with the same progression as it has done for the past 128 years.

Exploring the ways terrorism has been coded and recoded internationally the definition of terrorism often relies upon a distinction between state and non state realms or "our terrorism verses their terrorism"²⁴³ The rhetoric of terrorism is therefore inextricable from the older discourses surrounding the security of the state where the maintenance of sovereignty is a vital component. In Aotearoa the question of where sovereignty lies remains contested but it is clear by multiple past events that Māori will continue to assert tino rangatiratanga and the state will act to quash such assertions. The recent rhetoric of terrorism in Aotearoa has been plagiarized by the state in order to justify pre existing political and economic state agenda's that seek to protect its own sovereignty.²⁴⁴ In order to define terrorism the boundaries of the state need to be considered, that is who created the boundary and by what means. That includes the processes by which definitions of terrorism are formulated and deployed.

²⁴¹ *ibid*, p.103.

²⁴² *ibid*, p.103.

²⁴³ *ibid*, p.151.

²⁴⁴ *ibid*, p.151.

The UN defines terrorism as an assault on the principles of law and order, human rights and the peaceful settlements of disputes, which originates from the 1994 declaration on Measures to Eliminate International Terrorism.²⁴⁵ After 9.11.2001 the United Nations came under pressure from the United States to define terrorism. The UN Security Council Resolution 1373 in Threats to International Peace and Security caused by terrorist acts was passed at the UN General Assembly on the 28 September 2001.²⁴⁶

This provided the impetus for the state to pass the Suppression of Terrorism Act 2002 along side a range of amendments to existing legislation. The Terrorism Suppression Act 2002 describes a terrorist act as a terrorist act if it is intended to cause in one or more countries one or more of the following outcomes and is carried out for the purpose of advancing an ideological, political, or religious cause with the intent to induce terror in a civilian populace, to compel a government or an international organization from doing an act.²⁴⁷ The outcomes referred to are, death, serious injury, risk to the health and safety of the population, destruction of property, major economic loss, major environmental damage, interference to an infrastructure facility, and the release of a disease bearing organism to devastate the economy of a country.²⁴⁸

The ultimate result as to whether the states prosecution will succeed against any of those arrested during Operation 8 will be realized in 2011 when the High Court trial for the defendants commences and will undoubtedly again draw the conscious of the nation to the actions of the state determined to maintain the colonial imperative.

²⁴⁵ *ibid*, p.152.

²⁴⁶ *ibid*, p.153.

²⁴⁷ *ibid*, p.153.

²⁴⁸ *ibid*, p.153.

Chapter Six

State as Historical and Contemporary Terrorist.

This chapter draws on the three case studies to explore the repetitive targeting of, and the constancy of terror experienced by Māori communities from the state.

The Armed Constabulary's actions at the Parihaka invasion and the subsequent application of the extreme coercive mode of operations set a precedence that became common in all of the case studies explored in this thesis. Force and a state imposed dominance demanded subservience from the Māori communities. Bryce attempted to use the suppression of rebellion at Parihaka for self-glorification. However this was quashed as members of the media reported unflattering version of events to the public that differed from the official line. Following the police invasion in 1881 state repression of Māori autonomy was made complete through the arrest and incarceration of Te Whiti and Tohu and the confiscation of land. Although the trial of Te Whiti was postponed Te Whiti and Tohu were both held in custody as Parihaka was occupied and ransacked. The states response at Parihaka destroyed the bio-rhythm of and extinguished the Māori community at Parihaka facilitating European settlement.

The expunging of Rua's community at Maungapohatu and the land confiscations replicated the actions of the state against Te Whiti at Parihaka. Cullen's Police expedition was conducted confrontationally similarly to Bryce's with the states intent being to arrest Rua and down grade Maungapohatu. This was symmetrical in every facet with the police invasion at Parihaka. Commissioner Cullen also attempted to use the expedition for self glorification another commonality with Bryce's actions at Parihaka. There were also issues surrounding the arrest process. The trial charges against Rua were quashed and he was acquitted on all charges as he was illegally arrested on a Sunday.

The long-term impacts of the states military and police operations in Te Urewera resulted in Tūhoe being dispossessed of their lands which

resulted in the loss of their economic base and the spiritual and physical degradation of the people. The Police raid at Ruatoki was carried out in a similar manner to the invasion at Parihaka and the expedition to Maungapohatu. Covert surveillance over a protracted period of time perpetuated the colonial origins of terrorism and colonialism in Aotearoa. The constancy of state terror against Māori continued with the community of Ruatoki being contained and its inhabitants arrested. These actions followed the continuum of the states historical actions being enacted contemporarily.

The attempted use of the Suppression of Terrorism Act 2002 against those arrested was on the continuum of states attempted use of the law to apprehend and charge Māori on indictable charges. The Crown Solicitors intervention and denial of these indictments resulted in the state having to lay lesser charges under the Summary Offences Act and Crimes Act. Although the lesser charges against those arrested at Ruatoki are still pending trial in March 2011 the state nevertheless suffered the embarrassment of having its indictment applications cast out through lack of evidence.

Essentially the state case which was based on a two year police surveillance operation failed to gather the required evidence to convince the Solicitor General that indictable charges should be laid. The states faux pas resulted in the lesser Crimes Act information's being sworn and the indictable Suppression of Terrorism Act charges being waived which was a result not dissimilar to the respective juries findings of not guilty against Te Whiti and Rua Kenana.

Analyzing the State as historic and contemporary terrorist.

In analyzing the state as a historic and contemporary terrorist there are commonalities that permeate the time span of 128 years from Parihaka in 1881 through to the Ruatoki terror raids in 2007. The central reoccurring points of the analysis therefore are coercive policing methods, the constancy of terror, and police commanders seeking personal glorification.

Over a protracted period of time the crown has constructed an enormous coercive apparatus to enforce the colonial relationship between the crown and the treaty partner.²⁴⁹ These case studies have demonstrated that tacit approval of the state has always been about the dispossession and terrorizing of Māori and this is evident by the modus operandi of the state in its actions at Parihaka, Maungapohatu and Ruatoki where the common thread has always been about enforcing the authority of the state where the real or perceived threat from Māori has always been met with violence and the intent to transmigrate Māori from tribal lands.

The overt constancy of terror initiated by the state upon Māori communities in all the case studies was documented by numerous observers, civilian and police but also by the media. The methods of the terror imposed consisted of all three communities being surrounded by superior numbers of police officers, communities being cordoned and contained and inhabitants being segregated, formally identified, transmigrated, shot and or killed, arrested and then formally charged to face court proceedings and periods of lengthy incarceration.

The constancy of state terror and the time lines discussed in this thesis have given Māori little reprieve as generationally the incidents are interlinked and so always in the consciousness of the people. The constancy of terror is a by product of state terrorism that despite the overtures of the democratic ideal in Aotearoa have kept Māori through time alert for the precursors and signage that indicate further incidents are imminent.

Without analyzing the myriad of questionable policing procedures that occurred in all of the incidents discussed would leave this thesis incomplete. Whilst it is acknowledged that in police operations there is often a variable as to how police operations orders are interpreted by field commanders and their subordinates this analysis identifies the more common sequence of occurrences that permeated all of the incidents discussed which included land confiscations, theft of taonga, destruction of property, the rape of Māori

²⁴⁹ *ibid*, p.29.

women, and the unlawful apprehension, arrest, and incarceration of Māori community leaders and the falsification of states evidence to obtain convictions against those arrested by the police.

Questionable police practice was raised at the time of the Parihaka raids especially as it related to the delayed incarceration of Te Whiti and Tohu whilst the Armed Constabulary dismantled Parihaka and additionally when at the trial of Rua in the Auckland High Court it was discovered that Rua's arrest warrant was enforced by Cullen on a Sunday which by law was not permissible. Although with time past these matters and other associated transgressions were noted for the record the next round of questionable police practices entered into by the police at Ruatoki will be exposed in March 2011 as the trial date has been set in the Auckland High Court for the trials of the accused arrested at Ruatoki in 2007.

The quest by the various Police commanders involved at attaining self glorification as a result of vanquishing the three communities discussed can not be passed over without analysis and in this regarding the actions of the various police commanders, John Bryce (Parihaka), John Cullen (Maungapohatu) and John White (Ruatoki) are analysed.

John Bryce already had a reputation among Māori from his time with the Armed Constabulary as being a murderer and although at the time of the police expedition to Parihaka Bryce was not a member of the Armed Constabulary but instead a politician it was clear by his insisted presence that he intended leading and directing the expedition and taking full credit for its outcomes.

Upon Bryce's directive the media from New Plymouth were banned from accompanying the expedition and making public what actually happened upon the ground at the time the expedition was carried out. It was not Bryce's intent to relay to Parliament that Māori at Parihaka were non violent. To the contrary the imagery required to elevate Bryce as the master tactician and commander was to report that the Armed Constabulary had

successfully overcome the rebels and that the dissidents, Te Whiti and Tohu had been arrested, the settlement ransacked and its populace transmigrated.

The imagery of Bryce approaching Parihaka on a prancing white charger heading a column of police officers and militia further supports the analysis that the police expedition to Parihaka was not only about securing the arrest of Te Whiti and Tohu and ransacking Parihaka, it was also about placing John Bryce in New Zealand's history books as he who arrested Te Whiti and subjugated the community at Parihaka.

Bryce's communiqué to the Parliament relayed this detail and hence elevated Bryce's reputation and it was not until 12 months later when the media ban was lifted that the eye witness media's account of what happened was made known to the public and the true course of events made public. By this time the incident was no longer relevant in the consciousness of the settler government, Te Whiti and Tohu were incarcerated in the South Island and Parihaka had been laid to waste.

Similarly Commissioner John Cullen's approach to Maungapohatu on a charger at the head of a police expedition 35 years after Parihaka bore all the similarities of what took place at Parihaka. Significantly though Cullen was at that time the commissioner of police where Bryce had not been but was instead a politician.

The imagery though was the same. Cullen rode onto the marae at Maungapohatu, called for Rua to come forward and after the melee that followed had Rua photographed as a trophy and took matters further by having the assault at Maungapohatu re-enacted by the police officers present for publicity purposes. Cullen though unlike Bryce brought with the expedition to Maungapohatu his own camera man to record the event again as a medium to demonstrate his valour and exalt him as the one who arrested Rua and brought him before the court.

Cullen's involvement did not end here though as he was at the forefront of court proceedings against Rua to ensure a prosecution which did

not follow as Rua's arrest was deemed by the court to have been unlawful. Cullen's involvement in the Maungapohatu expedition and his desire for exaltation did not eventuate.

Assistant Commissioner John White's management of the Ruatoki raids was less visible than that of Bryce and Cullen but the results of the Ruatoki raids were the same. There is little doubt that had the police's approach to the Solicitor General resulted in the Solicitor General permitting indictments to be laid against those arrested in the Ruatoki raids that Assistant Commissioner White would have been present at the time the announcements were made by the then Commissioner, Police Commissioner Howard Broad.

Assistant Commissioner John Whites profile as the commander of the police anti terrorist commander at the time of the Ruatoki raids in comparison to the profiles adopted by Bryce and Cullen could be classified as subdued which may have been fortuitous as once the Solicitor General ruled out charges laid under the Suppression of Terrorism Act through lack of evidence the Police Commissioner Howard Broad then found himself having to front as to why there was insufficient evidence to support the laying of indictments against those arrested at Ruatoki on the 15th October 2007.

The analysis in this regard fails to identify any of the respective police commanders associated with the Parihaka, Maungapohatu and Ruatoki case studies as having acted ethically in an operational perspective. In March 2011 the trial will begin for those arrested during the Ruatoki terror raids. This will result in the reopening of old wounds and the discovery of further revelations that will place Assistant Commissioner John White and Commissioner Howard Broad in the same category as John Bryce and Commissioner John Cullen.

The long-term impacts of the states military and police operations in all three events against Māori over the last century continue to perpetuate the thoughts of unending colonization in the minds of present day Māori. A continuum through time of similar incidents such as the terror raids at Ruatoki further polarize Māori to respond to the increasing incursions of the

state against the mana tangata of the people and will result in continued confrontation.

Operation Eight and the attempted use of the Suppression of Terrorism Act suggests that the state seeks to selectively define and use the rhetoric of terrorism, national security and unity to justify political and economic agendas that it has pursued in all of the incidents contained in this thesis.

In comparing the Suppression of Terrorism legislation with that of the Suppression of Rebellion Act 1863, and the Terrorism Suppression Act 2002, symmetry with the targeting of Māori as terrorists mirrors the earlier legislation labeling iwi as rebels.²⁵⁰ The similarities between the two pieces of legislation allow the gaps in time and history to collapse. The enduring similarities are that both pieces of law are powerful symbols of the legislature over Māori lives and communities that pervade and continue to invade.²⁵¹

Colonization imposed its control over the social production of wealth through military and subsequent dictatorship but its most important area of domination was the mental universe of the colonized communities and the control through culture of the affected communities.²⁵²

For the people of Tūhoe, 15 October 2007 repeated a history of armed invasions by the colonial power. Tūhoe has always maintained te mana motuhake o Tūhoe and the independent authority of the Tūhoe people who have never acknowledged the Crown's claim of sovereignty.

²⁵⁰ *ibid*, p.181.

²⁵¹ *ibid*, p.186.

²⁵² *ibid*, p.201.

Chapter Seven

The Anthropology of State Terror.

The previous collection of case studies has focused on the anthropology of state terror and repression of Māori and its impact on targeted communities at Parihaka, Maungapohatu, and Ruatoki. This chapter explores the distinction between state violence (terror) and anti state terror (terrorism) to make a clear analytical differentiation between state violence and anti state terror and to demonstrate that Māori were victims of an orchestrated campaign of state terror. The works of Sluka²⁵³ and Stohls²⁵⁴ are used as the basis for this discussion.

Sluka's anthropological theory of state terror provides a framework for exploring the macro political elements of state terror and the micro political elements of the country by country dimensions of the phenomenon. Stohl's work argues that state terror systems are influenced by both international and domestic pressures, "outside nations combine with internal trends and political actors to provide the climate if not the impetus to stimulate repression and or state terror."²⁵⁵

States have more power to terrorize than even the most advanced anti state terrorists. State terror actors have weapons for the mass suppression of the civilian population and the ability to deprive large numbers of the population as a means of political intimidation and control. To support this proposition the New Zealand Governments of the day had at their disposal the man power, funds, resources, and enhanced mobility to mount simultaneous campaigns against Māori to enforce the imperative of colonization.

The three case studies explored in this thesis demonstrate that the state had the capacity and the intent to employ terror tactics against it's own civilian population and did so with impunity at Parihaka, Maungapohatu and

²⁵³ Sluka, J. (2000). *Death Squad: The Anthropology of State Terror*. Penn.: University of Pennsylvania Press.

²⁵⁴ Stohl, M. & Lopez, G.A. (1984).

²⁵⁵ Sluka (2000).

Ruatoki. Although the Treaty of Waitangi provided for a democracy governance and recognition of Māori rights and interests however as the settler numbers increased and demographic foot print grew through out Aotearoa so did authoritarianism and the quest for total power. Settler demands for land led to the actions of the state to remove Māori from Parihaka and Maungapohatu and detainment and arrest of Māori. The central argument is that where absolute power exists interests become polarized and a culture of violence develops.²⁵⁶

In all three of the case studies the power of the state was absolute and a culture of violence within the Armed Constabulary and the Police ultimately resulted in the violent submission of Māori. The polarization of the colonial imperative through Parliamentary policy and directives ensured that the anthropology of state terror from Parihaka to Ruatoki has maintained its impetus.

The settler governments of New Zealand were able to suppress Māori attempts to proclaim Māori sovereignty through the use of legislation, policy and the might of the military and the police force. Parihaka, Maungapohatu and Ruatoki were all afflicted by acts of extreme militarism by the state which was reinforced through the mutual, political, economic, and paramilitary interests of the state at the times of each incident. One of the most important observations of academics who have studied state terror is that systematic repression is never an isolated phenomenon and is linked at structural levels to militarism.²⁵⁷ Militarism within the colonial state of New Zealand was exemplified and exercised by the Armed Constabulary and in post colonial New Zealand through the Police Anti Terrorist Unit who post 9/11 adopted the weapons and tactics of a paramilitary unit.

Sluka's asserts that "State terrorists will continue to escalate the violence to whatever level is required to preserve elite control if they can get

²⁵⁶ Sluka, J. (2000 p.6).

²⁵⁷ *ibid*, p.7.

away with it.”²⁵⁸ New Zealand colonial policy and decision making that provided the Armed Constabulary with the power of state to mount concurrent and unchecked campaigns against Māori certainly concurs with Sluka’s assertion. Sluka’s analysis of the Ireland situation identified similarities with the New Zealand situation in that the British employed similar tactics upon, not only Māori but other indigenous peoples in lands they had previously colonized. This conclusion is similar to that of Stohl who also argues that state terror systems operate internationally as well as domestically. For example English tactical arrangements were used to demonize Māori at Parihaka, Maungapohatu and Ruatoki. Therefore military and policing traditions used by the British in other countries were transplanted into the New Zealand setting.

Stohl explored the manner in which the international political system serves as the arena in which state terror policies unfold. Stohl edict that states have been willing in the last decade to help provide other states with the tools of the terror trade and also include making the new technologies of repression widely available and easily distributed.²⁵⁹ These methods in the case of the Ruatoki terror raids came about post 9/11 where the police have taken a more para-military approach in its operating procedures. The unarmed New Zealand police post 9/11 returned to the siege tactics used by the New Zealand Armed Constabulary in the 1800’s. This is true of the strategy and tactics that have evolved post 9/11 and demonstrate the extent that nations are prepared to go to expedite the war on terror. It therefore stands that the micro politics of the Parihaka, Maungapohatu, and Ruatoki incidents were all at their point in time inter connected to the macro political elements of colonization²⁶⁰ using terror as a means of political control which instilled fear.²⁶¹

²⁵⁸ *ibid*, p.35.

²⁵⁹ *ibid*, p.9.

²⁶⁰ Stohl, M. & Lopez, G.A. (1984, p 10).

²⁶¹ *ibid*, p13.

The main function of terror identified by Stohl in his ethnography of state terror is to maintain order to protect the status quo of the ruling elite.²⁶² Its further function is not only to punish acts of disobedience and resistance but also to sap the potential for disobedience in advance and to break the power to resist and to control behavior to reflect a specific norm.²⁶³

This model of the terror process befell Māori and involved, the source of the violence, and the victims and the targets of the violence some of which perished but also withdrew or relaxed his resistance.²⁶⁴ It is clear by analysis that everyone in the system may be a target, but the process needs a regular selection of victims who are dispatched according to the states chosen conflict locations and intent at the time of conflict.²⁶⁵ This was evident in all the case's at Parihaka, Maungapohatu and Ruatoki with the one constant being Māori subjected over time to state initiated terror.²⁶⁶

Walter concludes that the secret of terroristic organizations in states combines the process of terror with forced choice and the competitive struggle for advantage. In some instances policing and state terror look very much alike. One is considered legal whereas terrorism is assumed to be illegal. The key point is that it is all dependent on who is in charge of labeling or legitimizing the action.²⁶⁷

This prompts the query are Māori are a terrorized culture? This is not implying that Māori are terrorists but instead queries whether Māori have through the coursetime and colonization become a culture which has been consistently terrorized by the state.²⁶⁸

The basic characteristics of cultures of terror is that these societies are such that order and the status quo can only be maintained by the systematic use of

²⁶² *ibid*, p15.

²⁶³ *ibid*, p.19.

²⁶⁴ *ibid*, p.15.

²⁶⁵ Sluka, J. (2000, p.15).

²⁶⁶ *ibid*, p.9.

²⁶⁷ *ibid*, p.228.

²⁶⁸ *ibid*, p.22.

threat, violence and intimidation by the state as a means of political control.²⁶⁹

A culture of terror is an institutionalized system of permanent intimidation of a subordinate community by the elite. It establishes a collective fear as a brutal means of social control. It is a system where there is an ever present threat of repression, torture, and death for anyone who is critical of the status quo.²⁷⁰ When fear becomes a way of life a culture of fear emerges and it is clear by historical recollection and fact that the Māori communities of Parihaka, Maungapohatu, and Ruatoki were subjected to terror tactics that prescribed a collective fear among the inhabitants of these communities.²⁷¹

Awareness of communities and society as a whole is essential to resist the two pronged approach of state terror which came in the form of physical and symbolic attacks upon Māori.²⁷²

Symbolic violence in the destruction of Parihaka and the forced relocations, the police invasion of Maungapohatu and the unlawful arrests and abductions, and the unlawful detentions and forced containments of Ruatoki were just some of the physical and symbolic violence Māori were subject to over time.

The first level of symbolic violence that befell Māori was to see their families being abducted and killed without being able to save their lives and was used to consolidate the power of the state over Māori in the occupied colony.²⁷³ The second level and less explicit level of symbolic violence involved the building of pro colonial monuments, prohibition of indigenous language, and the destruction and desecration of cultural icons to remind Māori of the strength of the colonizer.²⁷⁴

²⁶⁹ *ibid*, p.26.

²⁷⁰ *ibid*, p.23.

²⁷¹ *ibid*, p.23.

²⁷² *ibid*, p.11.

²⁷³ *ibid*, p.176.

²⁷⁴ *ibid*, p.178.

This combined with the psychological torture of being forced to erase ancestral Māori history, loss of land, language and cultural heritage as well as having to learn the history of the colonial power was not unique and had parallels in an international context in other places around the world where the British have acted as the colonial overseers.²⁷⁵

Serious and determined opposition is required to uncover the hidden mechanisms of state terror which will permit it to be uncovered and allow us to learn its causes and functions as well as the secrets of its termination.²⁷⁶ The only real leverage we have is to expose publicly and break the silence that surrounds the continuing terrorization of Māori by state.

²⁷⁵ *ibid*, p.183.

²⁷⁶ *ibid*, p.11.

Chapter Eight

State Terrorism Deliberately Targets Civilians.

State terrorism is as controversial a concept as that of terrorism itself. Terrorism is often, though not always, defined in terms of four characteristics, the threat or use of violence, a political objective, the desire to change the status quo, and the intention to spread fear by committing spectacular public acts targeting civilians.²⁷⁷

It is this last element that stands out to distinguish state terrorism from other forms of state violence. In theory, it is not difficult to distinguish an act of state terrorism, especially when we consider the three examples analyzed in this thesis.

The states reign of terror that sought to suppress rebellion continued to latterly suppress what was considered by the police to be acts of a terrorist nature. In the twentieth century, authoritarian states systematically commit to using violence and extreme versions of threat against their own civilians which exemplifies the premise of state terrorism.²⁷⁸

The New Zealand governments actions against Māori in this regard are well documented and considered by this author as historical cases of state terrorism. This form of government relies on the tendency of a state to resort to terrorism and military dictatorships and have often been used to maintain power through terror.

States can virtually paralyze a society through violence and in such contexts, fear is a paramount feature of this form of social action. It is characterized by the inability of the people to predict the consequences of their behavior because public authority is arbitrarily and brutally exercised.²⁷⁹

State terrorism is a wily concept because states themselves have the power to operationally define it. Unlike non-state groups, states have legislative power to say what terrorism is and establish the consequences.

²⁷⁷ *ibid*, p.5.

²⁷⁸ *ibid*, p.6.

²⁷⁹ <http://terrorism.about.com/od/whatisterroris1/a/StateTerrorism.htm>.

They have force at their disposal and they can lay claim to the legitimate use of violence in many ways that civilians cannot and on a scale that civilians cannot.²⁸⁰

What State Terrorists Want.

Richardson's explanations are applied by the state with a series of actions directed at Māori at Parihaka, Maungapohatu and Ruatoki and dispel the myth that it was Māori that were the protagonists. Using states actions at Parihaka as the first example states intent was to destroy Parihaka and arrest Te Whiti who was perceived as an agitator, at Maungapohatu it was to arrest Rua and depopulate the settlement and at Ruatoki arrest Tame Iti and continue with the repression of Tūhoe people. Understanding what state terrorists want assists us to define the perceived pressures that arose that the state considered required enforcement and the need to escalate.

The focus of knowing what state terrorists want is to look at the state as the aggressor in its responses to Māori assertions of tino rangatiratanga as it is these assertions that led to the triad of states aggressive responses at Parihaka, Maungapohatu and Ruatoki.

State terrorism is a complex phenomenon, a tactic employed by many different groups in pursuit of many objectives in many countries.²⁸¹ Richardson argues that terrorists are neither crazy nor amoral but rather are rationally seeking to achieve a set of objectives within self imposed limits.²⁸² Richardson suggests that the causes of terrorism combine disaffected individual's, an enabling community and a legitimized political and economic theory and policy.²⁸³

To provide further analysis into this it is the actions of the actors within state

²⁸⁰ *ibid.*

²⁸¹ Richardson, L. (2006). *Understanding the Enemy, Containing the Threat: What Terrorists Want* (p.1). Auckland: Random House.

²⁸⁹ *ibid* p.2.

²⁸³ *ibid*, p.2.

that promote the politics of state terror and the state actors of policy and law enforcement which apply and enforce the politics of state terror. To capture this in the context of state enforcers of terror the behavior of state terrorists can be understood in terms of long term political motivations which differ across different sponsor groups within the state elite.

State terrorists enactments exact revenge, acquire glory and force an adversary into a reaction. On the known facts the actions of state against Māori at Parihaka, Maungapohatu and Ruatoki were motivated in this regard to seek revenge, acquire glory and prompt a reaction

State terrorism deliberately targets civilians for personal purposes and as Richardson asserts bear some crucial characteristics that provide that, state terror is politically inspired and is protected by statute as if not it is a crime, if an act does not involve violence or threat of violence it is not terrorism, the point of state terrorism is to defeat the enemy and send a message, the act and the victim usually have a symbolic significance, the shock value of the act is enhanced by the symbolism of the target, the whole point is that the psychological impact is greater than the physical act, and the final characteristic of state terror is the deliberate targeting of civilians.²⁸⁴

State terrorism then deliberately targets civilians where the state seeks to cause the enemy to over react. This has the adverse affect for the state which provides the incentive for the states enemy to recruit large numbers of followers to launch a guerilla response to wreak psychological or economic wrath upon on the states enemy, and was referred to by Osama Bin Ladan as the “bleed and bankrupt plan.”²⁸⁵

Those communities that have been easiest to defeat by state terrorist agents in this thesis have been lacking in support and have reverted to seeking the assistance of other groups to assist them to repel the state actors and similarly harbor and support them as the resistance gathers numbers and support. Far more dangerous to the state aggressors are the communities that

²⁸⁴ *ibid*, p.5.

²⁸⁵ *ibid*, p.6.

have the support of their communities and can provide the assistance required to mount resistance.

The rationality of state terrorism in the New Zealand context dictates that its shared characteristic is the normalcy of the states actions directed against Māori and clearly overt pro antagonism was essential by the state as the instigators of state terror.

The most common of acts perpetrated against Māori was a scorched earth policy combined with the unlawful abductions and unlawful arrests which were dramatic and indiscriminate but in the case studies reviewed the Māori responses have always been assertions of moral superiority over the perpetrators of state terror against them and has decried the morality of the state terrorism perpetrated against them.²⁸⁶

State terrorists are sub state actors who violently target noncombatants to communicate a political message and state enforced terror is made a lot easier when the state perceives itself as the victim who is fighting defensively which makes it easier to justify its actions.²⁸⁷

Nationalist groups therefore see themselves as occupying a place in their groups historical struggle and this perpetuates the cycle where state actions have provoked reaction from Māori opposing oppressive state behavior.²⁸⁸ To suggest that Māori were conducive to complicit surround in this regard does have some merit but is not discussed in this context and is mentioned to acknowledge that state sympathizers were used against Māori in the cases previously mentioned.²⁸⁹

The state sponsorship of terrorism is perpetrated by the state against the peoples of the state in both covert and overt actions as was the modus operandi at Maungapohatu where the actions of state were overt, but in the case of Ruatoki the actions were covert, and in its covert mode state

²⁸⁶ *ibid*, p.14.

²⁸⁷ *ibid*, p.45.

²⁸⁸ *ibid*, p.48.

²⁸⁹ *ibid*, p.49.

sponsored terrorism is low risk, low cost, easy to deny, and difficult to prove.²⁹⁰

My thesis is that state terrorism has been used by the state in Aotearoa as an instrument of domestic policy that in the context of this thesis demonstrates a continued effort by the state to suppress Māori.

State terrorism is more likely to occur in developing countries especially those experiencing rapid modernization. This was the case in Aotearoa during the time that records the three incidents covered where rapid modernization necessitated the imposition of state terror by the state upon Māori whose response conundrum was to meet aggression with aggression.

The relative deprivation concept resulted in Māori being abducted, removed from the land lawfully occupied, unlawfully arrested and covertly placed under surveillance over time. Poverty and inequality exacerbated the risk factors that increased the likelihood of further Māori responses to acts of state terror. This was evident in the factors over time preceding the invasion at Maungapohatu and was for ever in the minds of the people leading up to the 15th October 2007.

The Māori response to anti state terrorism showed itself as a sense of alienation from the status quo that had been affected by the changes imposed by state and were changes that were forced upon Māori therefore the conditions imposed by state terror in which Māori felt unfairly treated needed very little by way of an all encompassing philosophy to legitimize their response actions.

Social economic and cultural factors therefore made Māori society susceptible to an anti state response to state enforced terrorism and being the victims of state enforced terror brought to bear upon them the response and ideology of utu. The primary motivations of state and anti state terrorists are revenge, re-known, and reaction and the most powerful theme in any conversation with terrorists is revenge.²⁹¹

²⁹⁰ *ibid*, p.50.

²⁹¹ *ibid*, p.88.

The ideology driving social revolutionary movement in colonial Aotearoa was the states desire to suppress Māori and to allow colonial economic development by a capitalist system that was intent on removing all obstacles to its plans of progress which provided a great many more grievances to be avenged by Māori who considered themselves as having been radicalized by encounters with a repressive state.²⁹²

State terrorists no matter what their objective are action orientated people and it is through action that they communicate with the “propaganda by deed” to demonstrate their existence and their strength in taking action, and eliciting a reaction.

From the outset state terrorists rarely have an idea of what kind of reaction they will get and on occasions clearly hope to provoke a forcible response from there adversaries which inadvertently after the experience of state repression often brings new recruits to the fold.²⁹³

As long as there is reaction the state terrorist purpose is served but not reacting was never an option for Māori who during the various campaigns rarely had territory under there control and it was as a result of this that the state was able to demonstrate its strength over its adversaries at Parihaka, Maungapohatu, and Ruatoki by utilizing both overt and covert strategy’s to besiege the sites that were invaded.

Part of the genius of state terrorism is that it elicits reaction that furthers the interests of the state more often than the victims.²⁹⁴ In looking at countering state terrorism and the experience of other democracy’s one point becomes clear, victims reactionary tactics improve with time. Lessons learnt or derived from the experiences of others also added to the body of knowledge that led to the Māori response to the impositions of state terror.²⁹⁵

The adoption of state terrorism in Aotearoa at the time of colonization was a tactic to engage in psychological warfare against an indigenous

²⁹² *ibid*, p.93.

²⁹³ *ibid*, p.99.

²⁹⁴ *ibid*, p.101.

²⁹⁵ *ibid*, p.203

adversary to enforce economic hardship, rapid change, and modernization to erode traditional forms of control and in this thesis the states actions based on the violent suppression of its citizens ceased to be democratic and instead dictatorially terrorized its own communities.

Chapter Nine

Māori as the Accidental Guerilla.

Kilcullens contemporary work on the accidental guerilla requires that we understand that wars are primarily guerilla conflicts in traditional societies often sponsored by state actors or extremist groups whose approaches are post modern.²⁹⁶

The historiography of colonial New Zealand policing and the recorded dissertation of state actions against Māori at Parihaka, Maungapohatu and Ruatoki pit Māori as the accidental guerilla against the colonial tyrant.

In the first few years after 9/11 the established models of fighting small wars against resilient insurgencies in Afghanistan and Iraq proved ineffective. A new approach was necessary. Kilcullens accidental guerilla theory uncovers the face of modern warfare illuminating the global challenge on terrorism and small wars across the world.²⁹⁷

In the context of this report Kilcullens theory has resonance with the states colonial quest for domination over Māori and conflated the global trends of the time by blurring the distinction between local and global struggles and subsequently complicated the challenges of Māori by mis-identifying Māori legitimate grievances as anti state actions. This premise leads the question as to whether Māori were caste unwillingly into the role of the accidental guerilla at Parihaka, Maungapohatu, and Ruatoki?

My synopsis is that Māori as a minority in New Zealand society perceive western presence and the globalized western culture as corrosive to local identity and found themselves in conflict then as it is now engaged in a struggle against invaders because they were intruding into spaces historically occupied by Māori. This automatically placed the indigenous actor as an accidental guerilla engaged in a resistance rather than an insurgency because the occupier had forced its way into a space that had been occupied by

²⁹⁶ Kilcullen, D. (2009) *The Accidental Guerilla: Fighting Small Wars in the Midst of a Big One* (p.xiii). New York: Oxford University Press.

²⁹⁷ *ibid*, p.xiii.

indigenous others. This dynamic between Māori and the occupier is what has given hybrid hostilities in Aotearoa their complexity.²⁹⁸

Kilcullen's description of the key features of the threat environment consists of a backlash against globalization, state counter insurgency, a civil war, and asymmetric warfare and focuses on the enemy and the individual terrorist and the network it seeks to destroy and is thus enemy centric.²⁹⁹ Alternatively classic counter insurgency is a discipline that emerged in the 1950's but has much older roots in imperial policing and smaller colonial wars and is population centric.³⁰⁰

Counter insurgency focuses on the population seeking to protect itself from harm by interaction with the insurgent who is competing with state for influence and control at the grass roots level of society. The basic assumption of state is that insurgency is a mass social phenomenon that the enemy rides and manipulates in a social wave of genuine popular grievances.³⁰¹ But in dealing with this broader social and political dynamic while of targeted reforms the state in Aotearoa applied a series of tailored, full spectrum security measures that provided the most promising path to ultimately resolving the problem.³⁰²

In this context the state declared war on Māori as a means of furthering policy objectives and it was violence organized by the state, which resulted in the outcome being decided by the clash of armed forces on the battlefield. This theory argues that the underlying strategic logic of terrorism, insurgency, and internal conflict arises from a mismatch between the states and states people and the capacity states people have to respond and defend themselves.³⁰³

In scrutinizing this further Te Whiti responded in a non aggressive manner when detained, Rua Kenana utilized the full force of the law in his

²⁹⁸ *ibid*, p.xv.

²⁹⁹ *ibid*, p.xii.

³⁰⁰ *ibid*, p.xii.

³⁰¹ *ibid*, p.xv.

³⁰² *ibid*, p.xv.

³⁰³ *ibid*, p.22

defense when charged, and the people of Ruatoki through Moana Jackson and the Justice Williams filed notice that Human Rights complaints and other Ministerial actions were in process.

The historic actions of state taken against Māori bare symmetry to the four basic tactics being used by major terrorist organizations. Intrinsic tactics use provocation, intimidation, protraction and exhaustion all to weaken an adversary and as stated by Kilcullen and it was these tactics that were used to deplete Māori resolve as the state campaigned through the North Island.

In correlation to the historical tactics of state terror used against Māori provocation was used by state to engender a response. Intimidation was used where Māori were killed and transmigrated by state, protraction was used by state where state prolonged the conflict to exhaust Māori support, and exhaustion was used as a tactic that sought to impose costs on Māori to overstress its support system, tire its response, and impose costs in terms of loss of life.³⁰⁴

In coupling Killcullens theoretical accidental guerilla syndrome with the state imposed direct actions against Māori clearly identifies the cyclic process that takes place in four stages legislated by the state terrorist and established a presence in remote ungoverned and conflicted areas that exploited the break down in law and order and resulted in humanitarian crisis.³⁰⁵

To further facilitate this the state established informant cells, intelligence and information gathering groups, and initiated local alliances among Māori. The state further used safe havens in the form of redoubts and garrisons as a base to spread violence to other regions other than Parihaka, Maungapohatu and Ruatoki. State contagion spread to affect the country at large through state activity and propaganda.³⁰⁶

This is a critical stage in the process since without its presence in a given area it is unlikely that the state would be able to increase its domination

³⁰⁴ *ibid*, p.32.

³⁰⁵ *ibid*, p.34.

³⁰⁶ *ibid*, p 35.

and hold on ground already gained. States ability to spread contagion by enacting oppressive tactics against Māori allowed state to spread post conflict propaganda in the incidents at Parihaka, Maungapohatu and Ruatoki. Having promulgated infection state intervention to disrupt the safe havens of Māori in all three incidents took place.³⁰⁷

The Armed Constabulary invaded Parihaka, and Maungapohatu, and the Police Special Tactics Group interposed at Ruatoki and began to take action against the perceived presence of terrorists. State intervention in all cases were aggressive, repetitive, persistent, and both overt covert. At the intervention stage the entire local dynamic shifted with the intervention of outsiders. This caused local hapū to fuse and close ranks against the external threat as both a defense and survival mechanism.³⁰⁸

Such interventions in Aotearoa increased the support for Taranaki, and Tūhoe who were seen by the indigenous populace as the defenders of the people. Such a response also created alienation of state and a desire for revenge when Māori were killed and graves desecrated by state others. Due to the dynamic of balanced opposition local people in tribal societies will always side closely with distant relatives against external actors. This dynamic repeated itself against state as Taranaki and Tūhoe over time established a resistance that persists to this day.

The imperative for the police to intervene and prevent extremist contagion can act as a provocation that will cause rejection. Māori inevitably reacted negatively against outside intervention and allied with Te Whiti, Rua and the people of Ruatoki.

This is the phase where local people begin to become accidental guerilla's fighting along side those that had been subjugated by state actors and

³⁰⁷ WAI 894 Te Urewera Report
<http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai0894/TeUreweraW.pdf>.

³⁰⁸ Kilcullen, D. (2009, p.35).

thereafter rejecting all contact with state.³⁰⁹ The actions of state at Parihaka, Maungapohatu and Ruatoki led to the polarization of the people into becoming accidental guerilla's not only because they supported the prophets but because they objected to outside interference. The more sub tribal Māori opinioned itself as similar to Māori under siege and more Māori mobilized as responders against the invader.

Thus it was that a coalition appeared to defend against local interests. The imputation of the accidental guerilla syndrome is far reaching and requires constant adjustment on the part of states governments with regards to policies, strategy's, and attitudes towards Māori.

In a contemporary case study, Kilkullen relates to the Afghanistan war of 2006-2008 and in reference to the accidental guerilla syndrome asks the questions through the cycle as it appears to foreign interventions against the Taliban.³¹⁰ Terrain, population, Taliban and terrorists make Afghanistan a difficult, dangerous and complicated environment.³¹¹

This has allowed us to identify some key features of the accidental guerilla syndrome such as societal antibodies emerging in response to western intervention and the risks of becoming embroiled in an Al Qaeda like exhaustion strategy. Instead of a single strategy there appear to be several campaigns occurring simultaneously in Afghanistan across different regions a scenario with similarities to that which has already occurred in Aotearoa.

Māori as did some of the Afghan tribes emerge in response to western intervention and are accidental guerillas in conflicts not of their making. They are victims invaded by outside forces whose intervention is intended to suppress a threat and disrupt the physical and spiritual safe havens of Māori at Parihaka, Maungapohatu, and Ruatoki.

This analysis makes it clear that seven principle characteristics of an effective intervention strategy would be, primacy of the political strategy, a full spectrum approach, legitimate local security forces, a focus on local

³⁰⁹ *ibid*, p.35.

³¹⁰ *ibid*, p.39.

³¹¹ *ibid*, p.109.

government effectiveness, presence and local partnerships, and a prioritization towards nation building, then counter insurgency.³¹²

Full spectrum approaches have the best chance of success where best practice counterinsurgency closely integrates political, security, economic and informational components and syncs civil and military efforts under unified political direction and common command and control mechanisms.³¹³

Bearing in mind that the New Zealand state is not in a physical state of all out war against Māori, Māori need to be aware that the state does employ a set of principles for counter insurrectionist activity against Māori.

These principles are reflected in the full blown military response then aimed at putting down rebellion and now is optioned using contemporary counter insurgent tactics against Māori.³¹⁴ Colonialist counter insurrectionist tactics against the people of Parihaka were enacted although the people at Parihaka displayed no outward signs of aggression towards state. Despite this states aggressor demonstrated all the preparatory signs of a nation at war in its build up to the Parihaka invasion.

This included the assembling and drilling of a substantial Armed Police Constabulary force and Militia Field Force who were intent on crippling the people of Parihaka.³¹⁵ The tactics of Police Commissioner Cullen bore the tactics of what is recognized as counter insurgent tactics and was evident in his methods of reconnaissance and his final frontal assault at Maungapohatu.

Of all the three incidents the Ruatoki raids and extended period of field reconnaissance at Te Urewera mirrored the operating practices of any NATO operation but Māori were not insurgents with ulterior motives to politically destabilize the political base of Aotearoa. All that was demanded was that the quest for tino rangatiratanga, or self-determination be asserted and recognized by state.

³¹² *ibid*, p.110.

³¹³ *ibid*, p.112.

³¹⁴ *ibid*, p.264.

³¹⁵ *ibid*, p.264.

A comprehensive approach that closely integrated civil and military efforts was also in place where the state provided the policies and resources to implement and achieve the desired outcomes of state. Sufficient authority and resources to do the job came through the leadership of Bryce at Parihaka, Commissioner Cullen at Maungapohatu, and Asst Commissioner White at Ruatoki.

Population centric security founded on local community, self defending populations, and small unit operations that kept Māori off balance where evident in all three Māori communities besieged by state with a political strategy that built state effectiveness and legitimacy while marginalizing rebels was implemented by police who utilized informers and native constables to put surveillance on remote community's.³¹⁶

Parihaka, Maungapohatu and Ruatoki were all undefended communities at the time yet the Armed Constabulary and Police responses at the times of siege were provocative, aggressive and para-military. Cueing and synchronization of development, and security efforts built in a way that supports the political strategy required the state to use its aggressor to suppress what was then termed rebellion and now is known as terrorism.

Close and genuine partnerships that put the first nations people in the lead and build self reliant, independent, functioning institutions over time is the required paradigm shift but the colonizer completely disregarded the aspirations of Māori and attempted to obliterate any form of resistance as evidenced in the three case studies. This element of the states strategy to counter rebellion was utilized by Mair's Flying columns who for ulterior motives took the opportunities afforded them to settle historic inter tribal grievances under the umbrella of states agent.

A region wide approach that disrupted rebel safe havens was enforced through out Taranaki and Tūhoe by the Armed Constabulary who through 1869-71 mounted scorched earth operations to starve Tūhoe people off the

³¹⁶ *ibid*, p.266.

land,³¹⁷ and in a New Zealand context the state requires a more adaptive response to include the aspirations of Māori who have become ensconced as the new age victims of state terror through rapidly changing threat environments.³¹⁸

State terror continually morph's into new mutations that require continuous updated responses by the victim states peoples. Finding new break through ideas to understand and defeat these threats may prove to be the most important challenge Māori will have to face as the threat environment continues to evolve.³¹⁹

Conflict ethnology endeavors to interpret the environment and to understand the key actors, the people, social and cultural institutions and the way states and states people act and respond. For Māori to have an understanding of conflict ethnology allows for the analysis of events within the communities, which have been the subjects of protracted state terrorism.

In this way by getting close to events through descendant communities the generational affects of state terrorism can be recorded and documented. In its current state the worlds conflicts are a complex hybrid which the New Zealand state now must learn to disentangle and develop strategies that deal with the global threat and not super impose this threat with legitimate nationalist protest.

³¹⁷ WAI 894 Te Urewera Report
<http://www.waitangitribunal.govt.nz/doclibrary/public/reports/nieast/Wai0894/TeUreweraW.pdf>.

³¹⁸ *ibid*, p.294.

³¹⁹ *ibid*, p.301.

Conclusion

The recognition of human dignity means to give others freedom from fear, then that recognition cannot simply be a question of passive acceptance. It is a question of the positive action that must be taken in order to kill fear. Dag Hammarskjold, UN Secretary-General, 1953-1961³²⁰

The conclusions of this thesis dispel the ethnocentric reasoning behind states coercive responses to Māori assertions of sovereignty at Parihaka, Maungapohatu and Parihaka. My concluding statements and interpretations provide indigenous insiders response to the events that took place. The added value of making this assertion is that while Danny Keenan, and Linda Tuhiwai Smith³²¹ have discussed these trends in history none has been done with an insider's analysis and interpretations.

The added value of the insiders viewpoint is that although the historical accounts are clear, my prior operational experience and second sight as to how police operations are conducted make it an easy task to surmise what exactly happened considering the colonial agenda, intent of the state, and known modus of police strategies and operations.

Methodologically my interpretation builds on the works of revisionist historians who have also challenged the official version of history to provide another view on the clash between Māori and the colonial agenda but my critique focuses essentially on the role of the police institution as states agent and facilitator of the suppression of Māori sovereignty and it is this dimension of the historical event that this thesis is focused on.

The 2007 Ruatoki terror raids were the catalyst for this along with the realization that an interpretation from a professional police officer was required to be connected to the misrepresentations of the colonizer denying

³²⁰ Dag Hammarskjold and his approach to the United Nations, Collective Security and Intervention. Retrieved from <http://www.swedenabroad.com/selectimage/51777/Ovebring.pdf>.

³²¹ Smith, L, T (1999) Decolonising Methodologies: Research and Indigenous Peoples. London:Zed Books; Dunedin: University of Otago Press.

Māori authenticity and voice.³²² This thesis has provided an analysis of colonial New Zealand policing practices used against Māori at Parihaka 1881, Maungapohatu 1916, and Ruatoki 2007.

The purpose of this critique has been to compare and analyze the actions of state against Māori that in time identified premeditated acts as those intended to forestall the continued occupation of tribal lands, purge Māori leadership and disavow Māori self determination. Understanding the dynamics and dimensions of state as terrorist is critical to comprehending the mechanics of why and how the state inflicted repression upon Māori at Parihaka, Maungapohatu, and Ruatoki.

State terror has served as a component of Aotearoa's national security policy over the period covered by this thesis from 1881 – 2007 facilitating the authority of the state and the suppression of Māori sovereignty and Māori communities in both colonial and contemporary Aotearoa.³²³ Stohl's theory of the dimensions of state terror argues that the state has used violence, oppression, repression and terrorism to facilitate the establishment of British rule and control of the colonial settlement agenda, which involved the confiscation of lands and suppression of Māori in the pursuit of the states domestic interests.³²⁴

Determining the manner in which the state delivers and generates its state terror policy and the mechanisms the state uses to institute the rule of terror are outlined in the four distinct ideologies of authoritarianism, militarism, national security consciousness, and patriarchy circumstances that all surround the initiation of states terror practice's and policies that serve to legitimize state terror.

State terror is a tool of repression and in examining the state as terrorist the political environment at the time of the terror must be analyzed to

³²² Freeing ourselves from neo-colonial domination in research : a Māori approach to creating knowledge. Available from: www.decolonizing.com/pdfs/Bishop_MāoriResearch.pdf.

³²³ Stohl, M. & Lopez, G.A. (1984, p.43).

³²⁴ *ibid*, p.43.

form a position of why and how the government availed itself of this form of social control and political power.³²⁵ Violence, oppression, repression and terrorism are the dimensions of state terror that have been identified in this thesis that the state delivers in the pursuit of furthering its ongoing colonizing interest's. These conditions are coincident with the forced transmigration, abduction, willful damage, unlawful arrest, murder, starvation, theft, rape, and unlawful detention of Māori.

Māori in a subjugated state fell victim to the politics of colonization where passive resistance, rebellion, sedition, liquor laws and anti terror rhetoric were all used to facilitate the coercive response of the state to facilitate settlement and secure European control over land and resources that shaped the transitional path of the New Zealand police who as the states agent exerted extreme coercion upon Māori.

The transition and modernization of New Zealand policing covered an extremely coercive period in the history of New Zealand where between 1867-1917 the state invaded Parihaka and conducted its expedition to Maungapohatu. The key aspects of Taming the Colonial Frontier set in place the modus operandi of New Zealand policing during the colonial period and how change to Britain's economy and social difficulties by the industrial revolution demanded new methods of policing.

Surveillance, paramilitary organization, and patrolling which were all tactics used by the British in other regions it colonized were transplanted, adapted and then readapted to cope with the peculiar inter-racial situation required in New Zealand and provided the ethos of coercive policing in New Zealand. By 1840 the colonizer had developed this range of social and racial control mechanisms, which extended from an overt coercive stance to the more typical policing modes such as the control of the minds and behavior of the people.

³²⁵ *ibid*, p.60.

The process of creating out of the Constabulary two separate institutions, The New Zealand Police Force and the Army was completed by legislation in 1886 and symbolized the end of the transition from an overt coercive state policing strategy to one which rested on the concept of order maintenance. When control of the police passed from the Minister of Defense to the Minister of Justice in 1896 this change symbolized the full implementation of the strategy of consent rather than the strategy of coercion.³²⁶

Full coverage for the strategy of consent though was not universal and paramilitary policing remained in the four main centers and were deployed as and where required by the state to suppress pockets of resistance.

The significance of New Zealand Policing in transition is that it establishes the ethos of coercive policing in Aotearoa that continues to dominate State - Māori relationships and was indisputable at Parihaka, Maungapohatu, and Ruatoki.

The intent and actions of the Armed Constabulary at the time of the police invasion at Parihaka and the actions of the Native Minister John Bryce was to settle once and for all the question of Māori supremacy at Parihaka by suppressing Te Whiti. The Constabulary, militia and conscripts were “straining at the lead”³²⁷ to attack Parihaka and the inhabitants of Parihaka were referred to as the enemy but the inhabitants at Parihaka had not resorted to violence at any stage.³²⁸

Bryce’s quest for self-glorification was denied by the presence of the media who had unbeknown to him secreted themselves inside Parihaka and later gave a true and correct version of events as they occurred at the time of the invasion. At the trial of Te Whiti the state prosecutor in reviewing the evidence at hand prior to the trial advised the Governor that the crown’s case

³²⁶ *ibid*, p.366.

³²⁷ Scott, D. (1975, p.116).

³²⁸ *ibid*, p.120.

against Te Whiti was weak and after four days of hearings the trial was postponed.

The significance of detailing the states invasion of Parihaka is that the invasion and ransacking of this non-violent Māori community and the arrest of its pacifist leadership advanced the pattern of coercive state actions that the state would replicate at Maungapohatu and Ruatoki.

Rua Kenana was not a subversive leader but the state intended to suppress him by gathering evidence against him on charges of sale of liquor offences, disloyalty and sedition which led to the inauguration of Cullen's expedition to Maungapohatu in 1916 to capture, arrest, and charge Rua. The states military conquest of Te Urewera began in 1866 and was followed for the next three years by military expeditions that lay waste to Tūhoe cultivations and settlements and led to widespread starvation and death during the acute winters of 1870–71.

With Rua's alleged breach's of the sale of liquor act and his opposition to recruitment of Tūhoe for active service Commissioner Cullen gained permission to personally oversee Rua's arrest and crush what the state regarded as a rebellion.

Cullen made extensive secret preparations for the invasion of Te Urewera by assembling a large force of constables and two reliable journalists plus one photographer to accompany the expedition to depict and describe the arrest of Rua. In his haste to suppress Rua, Commissioner Cullen illegally served the arrest warrant for Rua on a Sunday which immediately invalidated the charges of resisting arrest and obstructing the police and in court were not allowed to stand. Rua was also acquitted on the charges of sedition.

At the conclusion of Rua's trial the state determined that Rua was guilty of only moral resistance and he was imprisoned for 18 months. Rua's trial and acquittal scattered any possibility of Cullen acquiring the accolades that he was so desperate to achieve and resulted in him being publicly exposed. The implications of the state's actions at Maungapohatu verify a consecutive coercive assault of similar proportions and deadly outcome to the states

previous onslaught 35 years earlier upon Parihaka. Coercive force, ransacking, the arrest of a Māori leader and Commissioner Cullen's injudicious attempt at obtaining self glorification all bore testimony to the states continued endeavor to rebut the inclination of Māori sovereignty within a separate Māori nation.

The Ruatoki terror raids of 2007 repeat the history of repression, arbitrary detention and abuse of Māori by the state that followed the 1916 police expedition to Maungapohatu. The state allegedly claimed that the terror raids at Ruatoki were justified to inquire into alleged acts of terror but the state gathered insufficient evidence to lay anything more than firearms charges. Tūhoe people bore the brunt of Operation Eight with more than 60 homes and workplaces around Aotearoa being searched under warrants authorized pursuant to the Terrorism Suppression Act 2002.

Various state statutes such as The Suppression of Rebellion Act 1863 were passed to enable the legal suppression of armed Māori resistance to the depredations of the crown who were engaged in the land confiscations.

The Terrorism Suppression Act 2002 deals with the potential threat of terrorist action defined in the aftermath of the 2001 attacks on the US with the stated purpose of the act being the further provision in New Zealand law for the suppression of terrorism.³²⁹ Labeling those arrested in 2007 as terrorists was purposed to justify the use of unprecedented force against Māori. It also sought to magnify the fear of terror among the people of New Zealand.

The Ruatoki terror raids corroborate that the police in New Zealand are still living the colonial responsibility by imposing the will of the state on the populace through the habitual application of coercive tactics and activities whilst the insistent indigenous assertion of self-determination continues to be rejected. Parihaka, Maungapohatu and Ruatoki were all afflicted by extreme militarism, which was reinforced through the mutual, political, economic, para military and military interests of the state.

³²⁹ The Terrorism Suppression Act 2002. Available from: <http://www.legislation.govt.nz>.

State terror is supported by political networks that repress indigenous peoples. Parihaka, Maungapohatu and Ruatoki are evidence of this and these incidents were all at their point in time inter connected to the political elements of colonial and neo colonial necessity.³³⁰ The trait of cultures of terror is that these societies can only be maintained by the repetitive use of the threat of violence and intimidation by the state to maintain political control³³¹ by those in power and establishes a collective fear for anyone who is disapproving of the state.³³²

In the context of this thesis state terrorism in Aotearoa deliberately targeted civilians to cause them to over react and react aggressively. The states imposition of exacting revenge, acquiring glory and forcing an adversary into a reaction where imposed with the end state being a coercive counter reaction. On the known facts the actions of state against Māori at Parihaka, Maungapohatu and Ruatoki were motivated in this regard but it cannot be said that Māori reacted but instead coalesced against the coercive acts of state.

The states transformational approach sought to destroy the Māori communities at Parihaka, Maungapohatu and Ruatoki by invasion, arresting its community leadership, and destroying infrastructure to prevent immediate re-inhabitation. The rationality of state terrorism dictates that its shared characteristic is the normalcy of the actions directed against Māori.³³³

State terror attacks against Māori were initially expeditionary, (Parihaka, Maungapohatu, Ruatoki) and as Māori responded they developed a guerilla approach in their response as a mechanism to survive with provocation being used by the state to engender a response. Intimidation was used where Māori were killed and transmigrated by state. Protraction was used by state where state prolonged the conflict to exhaust Māori support and

³³⁰ Stohl, M. & Lopez, G.A. (1984, p 184).

³³¹ Richardson, L. (2006, p.26).

³³² *ibid*, p.23.

³³³ *ibid*, p.14.

exhaustion was used as a tactic that sought to expunge the Māori will to survive.³³⁴

The mismatch between state and states people arose when in the instance of Parihaka the people displayed no outward signs of aggression or physical attempts to defend Parihaka prior to the police invasion. States aggressor demonstrated all the preparatory signs of a nation at war in its build up to the various invasions covered in this thesis. Police Commissioner Cullen's tactics bore the trademarks of counter insurgency tactics and his final assault upon Maungapohatu and the modus of the Ruatoki terror raids also resembled the field operating practices of contemporary counter insurgency operations.

Māori were not insurgents with ulterior motives to de-stabilize the state but instead sought to assert Māori self-determination and be recognized by state. The complexities of the world's conflicts must be disentangled by the state and the states enforcers to develop strategies that deal with the global threat and not confuse these threats with legitimate nationalist protest or Māori assertions for self-determination.

Harawira Craig Pearless

Qandahar

Southern Afghanistan

³³⁴ *ibid*, p.32.

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