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“If you have nothing to hide,  
you have nothing to fear”?

An Examination of the 1977 Security Intelligence  
Service Amendment Bill and Protest Directed  
Against It.



*Tom Scott's Christmas cartoon for OASIS  
(Organisation Against the SIS).*

A thesis presented in partial fulfilment of the requirements for the degree  
of Master of Arts in History at Massey University

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## ABBREVIATIONS

### Institutions

ATL	Alexander Turnbull Library
JCBR	JC Beaglehole Room, Rankine Brown Building, Victoria University of Wellington
MU	Massey University Library (Turitea)
NA	National Archives

### Groups

BCNZ	Broadcasting Corporation of New Zealand
CARE	Citizen's Association for Racial Equality
CORSO	Council of Organisations for Relief Services Overseas
COSS	Campaign to Oppose the Security Service
CPNZ	Communist Party of New Zealand
CSSO	Combined State Services Organisation
FOL	Federation of Labour
GCSB	Government Communications Security Bureau
HART	Halt All Racist Tours
MUSA	Massey University Students' Association
NZCCL	New Zealand Council for Civil Liberties
NZSIS	New Zealand Security Intelligence Service
NZUSA	New Zealand University Students' Association
OASIS (B)	Organisations Against the Security Intelligence Service Bill
PSA	Public Service Association
SUP	Socialist Unity Party
VUWSA	Victoria University of Wellington Students' Association
WMLO	Wellington Marxist-Leninist Organisation

## INTRODUCTION

In 1977, following an investigation of the SIS by the Chief Ombudsman Sir Guy Powles, Robert Muldoon's National Government introduced the Security Intelligence Service Amendment Bill to amend the 1969 legislation governing the Security Intelligence Service (SIS). A protest movement emerged, that opposed both the changes proposed by the Bill, and the organisation it affected. The 1969 Act has been amended three times: in 1977, 1996 and 1999. This thesis focuses on the amendments introduced by legislation in 1977, reaction to the Bill and the mobilisation of a movement to protest the Bill, and the extent to which protest influenced the proposed legislation.

The Bill attracted a widespread movement opposed to its provisions. Many protest movements from the 1970s and 1980s have been examined by scholars, such as Kevin Clement's examination of the anti-nuclear movement in *Back from the Brink: The Creation of a Nuclear-Free New Zealand*<sup>1</sup>; Elsie Locke's history of the peace movement – *Peace People*<sup>2</sup>; and Trevor Richard's work on the anti-apartheid movement – *Dancing on our Bones*.<sup>3</sup> However, the opposition to the SIS and the 1977 SIS Amendment Bill has yet to be adequately discussed in an historical context. Protest against the Bill drew upon past movements, particularly through the involvement of 'veterans' of protest groups such as the Committee on Vietnam, and also influenced movements that followed it, such as the anti-apartheid protests in 1981. This thesis, in attempting to place the anti-SIS Bill movement in an historical context, seeks to answer the following key questions. What did the Bill propose, and why was it introduced? How and why were people opposed to the Bill? To what extent were they successful in meeting their objectives?

The first question is addressed in chapter one, and examines the assertion of the Prime Minister that the Bill was based on the report on the SIS by the Chief Ombudsman Sir Guy Powles. It examines the origins of the Bill, including the

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<sup>1</sup> Kevin Clements, *Back from the Brink: The Creation of a Nuclear-Free New Zealand*, Wellington: Allen & Unwin, 1988.

<sup>2</sup> Elsie Locke, *Peace People: A History of Peace Activities in New Zealand*, Christchurch: Hazard Press, 1992.

<sup>3</sup> Trevor Richards, *Dancing on our Bones: New Zealand, South Africa, rugby and racism*, Wellington: Bridget Williams Books, 1999.

report of Powles and the events that led to his investigation. Chapter one also discusses the provisions of the Bill in detail, as they relate to the Powles report.

Chapters two, three and four address the second question, discussing the establishment, mobilisation and actions of the protest movement that emerged following the Bill's introduction to Parliament in September 1977. In particular, chapter two covers the first Parliamentary debate of the Bill, the growth of the protest movement and its first actions in September. Chapter three concentrates on the emergence of two threads of opposition, with different methods of opposing the Bill, as the protest movement reached its peak in terms of popular support and public participation in protest. It also discusses changes made to the Bill prior to the second reading in Parliament. Chapter four deals with the ebbing of protest against the Bill, as it progressed through the Parliamentary processes towards its final reading.

Chapter five concludes the thesis by examining how the movement adapted following the Bill's passage into statute, during the late 1970s and early 1980s. It also answers the question on the 'success' of the protest movement. This chapter will evaluate the different actions of the groups opposed to the Bill, in relation to their stated intentions

The time parameters of this thesis include a core period and two peripheral periods. The core period is from September to November 1977, relating to the period during which the Bill was introduced to Parliament, and in which the protest movement was formed and most active. On the periphery, the immediate context of this thesis covers the years 1974 to 1977, in which key events occurred that impacted on the events during the core period in 1977. The wider context extends back to 1941, to the establishment of the first incarnation of the SIS. Beyond 1977, this thesis also takes in the period from 1977 to 1987, covering the evolution of the protest movement and reaction to the Bill's passage into statute.

Protest against the SIS Bill in 1977 drew upon previous protest movements, both in terms of methods of protest, which Lisa Saksen described as "tried and true"<sup>4</sup>, and in terms of the people involved. Saksen, who was the New Zealand University Students Association (NZUSA) president during the

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<sup>4</sup> Interview with Lisa Saksen, 10 October 1977.

protests and one of the key figures in organising the movement, said that the protest against the SIS Bill in 1977 was a continuation of a struggle that reached as far back as the Waterfront dispute in 1951. The anti-SIS Bill movement in 1977 was not a spontaneous, 'spur-of-the-moment' decision, but part of what Saksen described as an ongoing "intergenerational struggle" against overbearing state power.<sup>5</sup>

While the 1977 anti-SIS Bill movement may have emerged in a general context of protest during the 1960s and 1970s, it had a direct antecedent of its own. In the early 1970s, a group was founded known as COSS – Campaign to Oppose the Security Service. Few details about the organisation are known, though having found its third newsletter, it clearly produced at least two others. The third newsletter, published in October 1975, relayed information to members about the activities of the SIS, and kept them informed of upcoming protest action. It discussed the alleged connection between the National Party and the SIS, and planned to distribute leaflets around two marginal Wellington electorates, "to ensure that the full extent of SIS/National Party infamy is made known to electors before the election."<sup>6</sup> At least one person involved in COSS became involved in the movement against the SIS Bill in 1977. Amanda Russell, who was identified in the COSS newsletter as a member of the group, became the full-time organiser of the main group set up to oppose the SIS Bill in 1977. However, no further information has been found, nor have other newsletters been located, and the organisation remains largely anonymous and obscure.

Very little secondary material has been produced that discusses the 1977 SIS Amendment Bill, or the protest movement that emerged to protest its provisions. There is slightly more information on the NZSIS and related organisations such as the Government Communications Security Bureau (GCSB), however these also only mention the 1977 SIS Bill, and the protest against it, in passing.

Michael Parker's *The SIS* was published in 1979, and focuses on the organisation as a whole. Though it does not cover the protests, and only makes passing references to the 1977 Bill, it provides a general history of the

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<sup>5</sup> Interview with Lisa Saksen, 10 October 1977.

<sup>6</sup> COSS newsletter, October 1975, Elsie Locke Papers, 2001-243-2/3, ATL.

organisation from its foundations in the 1940s, and offers an insight into the workings of the SIS. This insight, however, was vehemently attacked by critics. For example, Wellington publisher and civil liberties campaigner Hugh Price, in a review for the *Listener*, wrote: "His book is badly written in a jejune style, which is at its worst in Chapter 9, 'The SIS Man.'"<sup>7</sup> Price gave an example from Parker's book: "The SIS man must be open, alert, inquisitive, mature, impartial, patriotic, have a good education, and a strong sense of integrity..."<sup>8</sup> Price's review concluded, "By ignoring all critical comment... Parker has produced a 'half' book. He has given us some interesting information, but he has failed to penetrate his subject."<sup>9</sup> Price's analysis of Parker's book is accurate: his account of the SIS is superficial, and reads as if he is engaging in a 'public relations exercise' for the SIS, a sentiment shared by another reviewer, Patrick Mulrennan.<sup>10</sup> Mulrennan's review in *Socialist Action* sparked a libel suit, which ruled in Parker's favour and cost the publishers of *Socialist Action* \$16,000 in damages and legal costs.<sup>11</sup> Despite this, it becomes clear from reading *The SIS* that Parker was enamoured with the lifestyle of the espionage world, and was captivated by the mystery and aura that surrounded the secret organisation. Michael Parker ultimately fails to provide the critical analysis his subject requires.

Hugh Price also wrote the first retrospective examination of the Bill as a statute 'in action'. His article appeared in a small book published by the Council for Civil Liberties in 1985, titled *Civil Liberties in a Changing New Zealand*. This was a collection of papers presented at a seminar in 1984. Price's article examined the practice of the 1977 Amendment Act over the eight years since its passage into law, and discussed whether the objections voiced in 1977 were warranted.<sup>12</sup> He concluded that the Act "has turned out as badly as was predicted."<sup>13</sup> Price's article is illuminating, revealing in a concise and precise manner the actions of Muldoon and the National Government in relation to the

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<sup>7</sup> *NZ Listener*, November 3, 1979, p. 56.

<sup>8</sup> *NZ Listener*, November 3, 1979, p. 56.

<sup>9</sup> *NZ Listener*, November 3, 1979, p. 56.

<sup>10</sup> *Civil Liberty* 41 (1991), p. 22.

<sup>11</sup> *Civil Liberty* 41 (1991), p. 22.

<sup>12</sup> Hugh Price, "The SIS in 1984: Eight Years After the 1977 Act", in *Civil Liberties in a Changing New Zealand*, Wellington: Gondwanaland Press, 1985, p. 55.

<sup>13</sup> Price, "The SIS in 1984", p. 62.

SIS legislation. However, as Price's article is specific to the legislation and the way it has been used, he does not cover protest action against the Bill.

Barry Gustafson's biography of Muldoon is an engaging and informative account of perhaps the most memorable politician of the last 30 years. In one section, Gustafson relates the background to the Bill's introduction, and the subsequent clash between Muldoon and one of his backbenchers Michael Minogue over the provisions of the Bill. Gustafson's account is insightful, revealing in a clear fashion the relationship between Minogue and Muldoon.<sup>14</sup> However, Gustafson does not discuss the actions of protesters, Muldoon's response, or even Muldoon's thoughts about the Bill. This is not unexpected, as the 1977 SIS Amendment Bill was only a brief event amongst a large number of events covered by Gustafson. Gustafson's book is very useful in its revealing portrayal of Muldoon, with him emerging as a man who is willing to concede very little.

The memoirs of Ron Smith are one of the few works to make direct reference to the protests against the 1977 SIS Bill. Smith was a member of the Communist Party and later became involved with the Wellington Marxist movement in the early 1970s that was known first as the Wellington Marxist-Leninist Organisation (WMLO) before it merged with the Northern Communist Organisation to become the Worker's Communist League (WCL).<sup>15</sup> Smith declared that, "the Worker's Communist League played a leading role in much of the activism of the 1975-85 decade, in particular the 1981 Springbok tour, the women's liberation movement, the mass trade-union actions of 1979-83, and the anti-SIS Bill campaign."<sup>16</sup> Smith's memoirs provide an interesting overview of the protest methods used, but he makes little reference to details of the level of involvement of the WCL and its predecessors in organising the protest actions against the Bill.

The history of the Public Service Association (PSA), *Remedy for Present Evils*, written by Bert Roth, also makes a direct reference to the protest activity.

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<sup>14</sup> Barry Gustafson, *His Way: A Biography of Robert Muldoon*, Auckland: Auckland University Press, 2000, p. 196.

<sup>15</sup> Ron Smith, *Working Class Son: My Fight Against Capitalism and War: Memoirs of Ron Smith, a New Zealand Communist*, Wellington: R J Smith, 1994, p. 162.

<sup>16</sup> Smith, *Working Class Son*, p. 162.

Roth recalled how the Bill threatened the civil liberties of the members of the PSA, and the response of the organisation to that threat. He stated that the PSA “urged the Government to withdraw the Bill, and they co-operated with other organisations in a nation-wide campaign of protests, including one of the largest ever meetings in Parliament grounds on 14 October, which was followed by a march of thousands to the SIS headquarters in Taranaki Street.”<sup>17</sup> However Roth’s account, like Smith’s, is also brief, and offers few details about the protests.

In December 1978, an article by Professor W T Roy, of Waikato University, appeared in *Political Science*, which set out to

examine the growth of intelligence services in New Zealand, consider the public debate attending the passage of controlling legislation, attempt to explain the sources of public concern in the issues and their motives, and finally to evaluate the extent to which the concern expressed has been effective in moulding legislation and establishing control.<sup>18</sup>

This article gave a brief account of the establishment of the SIS, and recounted in a similarly brief fashion the opposition the SIS has faced since its inception. The article’s coverage of the Bill’s provisions and the response of protesters is, however, lacking in various places, and ultimately fails to comprehend the diversity of groups protesting, or the rationale behind their opposition. Roy denigrates the protesters against the Bill, and protest in New Zealand in general, reducing the action to “a bit of a lark”,<sup>19</sup> stating

In a basically dull society the thought of being a successful rebel leads readily to the turning of a blind eye to the reality of the situation, which is that, in the New Zealand context, little if any protest has ever been more than marginally effective. Meanwhile, the holder of the fantasy can experience the delicious titillation of feeling sufficiently important or even dangerous to be the subject of surveillance, though without running the risk of transportation to an

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<sup>17</sup> Bert Roth, *Remedy for Present Evils: A History of the New Zealand Public Service Association from 1890*, Wellington: New Zealand Public Service Association, 1987, p. 254.

<sup>18</sup> W T Roy, “Cloak and Dagger in Fantasyland: The SIS Debate in New Zealand”, *Political Science*, 30 (2), December 1978, p. 97.

<sup>19</sup> Roy, “Cloak and Dagger in Fantasyland”, p. 103.

antipodean Gulag Archipelago. Hence the whole exercise of protest devolves into a form of sport without danger...<sup>20</sup>

Professor Roy's article was the first such attempt to present an analysis of the 1977 Bill and protest directed against it. However, he failed to penetrate the depth of the protest movement, and ultimately presented protest against the Bill as being little more than a 'sport'.

These works represent the greatest contribution to the historical account of protests against the 1977 SIS Bill in secondary literature thus far. They all, however, fall far short of providing a comprehensive survey of the Bill, its origins, and the protest movement that emerged to oppose the Bill's provisions. This gap in the historical record provides the greatest justification for this thesis.

Much of the information within this thesis is drawn from primary sources such as newspapers, the papers of politicians and organisations including minutes and correspondence, legislation, and oral history. The newspapers consulted are from as broad a range as possible. This includes the Auckland-based *New Zealand Herald*, the Wellington-based *Evening Post* and the Christchurch-based *Press*. The *Dominion* was sought, but was unavailable from either the National Library or any Wellington public library. The unpublished manuscripts were all selected initially from a keyword search of TAPUHI,<sup>21</sup> with the number of collections expanding as material was consulted and further words and names were added to the search. These included the papers of Walter Scott and the New Zealand Council for Civil Liberties, the Federation of Labour, the National and Labour Party papers, and other individuals such as Elsie Locke, Freda Cook, Bert Roth and Ron Smith. A limited amount of government-related material was sourced from the National Archives, such as the Cabinet Papers for 1977. Three interviewees for oral history were selected on the basis of availability, and their prominence, both within the movement and in the material relating to the protests.

However, access to restricted papers has created a barrier to an examination of all relevant primary source material. This includes much within

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<sup>20</sup> Roy, "Cloak and Dagger in Fantasyland", p. 103.

<sup>21</sup> The search engine for the National Library's catalogue of archives and unpublished manuscripts. See <http://tapuhi.natlib.govt.nz>. Viewed 20 February 2004.

the Muldoon Papers. For security reasons, the papers of Robert Muldoon are restricted, and though limited access was granted, the approval to examine files was on a 'case-by-case' basis, and each item had to be individually assessed for access. A few files were released, but a full examination of all relevant files was not possible within the allotted timeframe. Other collections that were restricted were the Mary Batchelor Papers and the papers of Dr Sutch. Mary Batchelor was a backbench Labour MP in 1977 who was involved in a special committee hearing submissions on the Bill. A request to gain access to papers lodged with the Alexander Turnbull Library was never acknowledged. Permission to access to the Sutch Papers was withdrawn at the request of the family, as they did not wish to have painful memories dredged. Their request was respectfully granted. Although access to those materials that were restricted may have contributed to a richer understanding of the background and context, it is not believed that such restrictions have hampered the examination of the core issues or the conclusions of this thesis.