

3rd July 2019

classificationreview@dia.govt.nz

To the Film and Literature Board of Review

Dear Sir/Madam

Introduction

1. In regard to the issue of political interference there is no evidence available as the office of the Censor, in breach of its obligations under the OIA, failed to provide information. This is suggestive of having something to hide. As there is only an appeal from a decision of the Board on questions of law it is submitted that it is incumbent on the Board to request the deposition that the Censor proffers.

Submissions in reply

2. In regard to paragraphs 1- 11 and the "relevant law" it is submitted that as the NZBORA merely affirms and promotes existing rights the constitutional right to free speech, as defined in the initial submissions continues to subsist.
3. In regard to paragraph 12, the decision to prevent submissions was a breach of s20 of the Act unlawful. The claim that the Censor was acting in the "clear public interest" while preventing the public from exercising the statutory ability to make submissions is hypocrisy. There was no real exigency as there was no real nexus between a political position and an individual action.

4. In regard to paragraphs 15-18 the "subject matter gateway" is s3(1). It is incorrect to say that depiction of crime or violence comes within the Act without considering whether or not it is "injurious to the public good", as a first order consideration. The central importance of free speech as political discussion means that banning the Manifesto was "injurious to the public good. In addition consistency, given the availability of other revolutionary writings, is a consideration.
5. In regard to paragraph 21 it is incorrect to say that the "deliberate killing of children is cruel". Cruelty is relevant to the manner of killing. All lives are equal.
6. In regard to paragraph 22 all revolutionary tracts aim to inspire.

Promotion of crime and terrorism

7. In regard to paragraph 24 all revolutionary tracts promote violence in order to change the government of society.
8. In regard to paragraph 24 all revolutionary movements call for urgent change.
9. In regard to paragraph 26 there was no real specificity in the Manifesto, above the obvious.
10. In regard to paragraph 27 there was no real practicality in the Manifesto, above the obvious.
11. In regard to paragraph 27 the tragedy of the death of children would have more resonance if we did not live on a planet where the vast majority do little or nothing about the 12 million children who die every year from hunger or causes directly related to hunger. This is simply moral posturing.

12. In regard to paragraph 29 the killing of unarmed civilians is a norm in war. During WWII Allied bombers killed about 600,000 German civilians. Vladimir Uylanov, leader of the Russian Bolsheviks, stated that if everyone other than a dozen communists were killed in the class war it would be a victory.
13. In regard to paragraph 30 all revolutionary movements consider themselves to be righteous, tend towards the messianic and see themselves as part of an historic struggle.
14. In regard to paragraph 32 the same could be said of any armed forces recruitment advertisements.
15. In regard to paragraph 34 this is simply parochialism. Revolutionary Marxism has been responsible for the death of about 150 million people worldwide, in the last century, but the works of those who promoted this ideology and those who carried out mass murder are freely available in NZ.
16. In regard to paragraph 35 the point made in the initial submissions was that the Manifesto included political positions which are adverse to the majority party in government, in particular is the Manifesto's association of immigration policies which accord with business interests for low wages. Whether or not this is a real issue or not is essentially immaterial, the issue is should a government agency ban a political publication.
17. In regard to paragraph 42 and following while it is correct the Manifesto is linked to the Christchurch shootings this is not a reason to abandon free speech and is actually counterproductive. Free speech demolishes manifestos that are correctly characterized by the Censor as "amateur" and "somewhat contradictory". What is far more dangerous to a free society is political censorship as political censorship is the first step towards dictatorship.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Johnson', with a large, stylized flourish at the end.

Michael Johnson

Party Secretary