

3rd July 2019

classificationreview@dia.govt.nz

To the Film and Literature Board of Review

Dear Sir/Madam

Reasons why the applicant considers that the publication to which the application relates should be reviewed by the Board of Review

Introduction

1. The Kiwi Party seeks leave to review the decision of the Chief Censor, hereafter the 'Censor', to prohibit Mr. Brenton Tarrant's manifesto titled, '*The Great Replacement*' hereafter 'the Manifesto'.
2. The Kiwi Party seeks leave on the basis that it is a NZ political party which advocates for a written constitution, protecting free speech as high law, and which takes the position that the decision of the Censor to prohibit a political manifesto was unlawful, as set out below.
3. In the first instance the Kiwi Party provided a substantive application which incorporated submissions. For convenience those submissions are incorporated here. In these submissions the following will be discussed:

The nature of the right to Free Speech

The inappropriateness of free speech being subject to the Censorship Act

The errors made by the Censor

The issue of political interference in the Censor's actions.

The nature of the right to free speech

4. Any discussion of rights in the current era must first address the sustained attack on rights by those whose power rights are intended to constrain. The attack comes in two broad forms, confusion as to what rights really are and the subordination of rights, by ideological or moralistic rationales.
5. By these means fundamental rights are devalued, particularly by the term 'rights' being conflated with the claims of various interest groups. This has been an ongoing practice by which the word 'rights' has been co-opted by interest groups to provide an imprimatur of importance to the entitlements they claim. The word 'rights' here actually means 'taxes'.
6. Properly, rights have two indicia. The first is that rights are part of the constitutional balance and limit the power of government. If a purported right does not do this, it is not a right. Secondly, rights do not impose any obligations on those who do not wish to exercise the right. The right to free speech does not require you to buy me a pencil, much less a printing press.
7. Within the Board's sphere of enquiry an example of the misrepresentation of rights is that pornography is touted as an incidence of free speech, when it is not. Properly, access to porn is based upon the prerogatives of individual interest. As individual interests can be in tension with public interests, in all societies some individual interests are restricted by public mores, enforced by law. Freedom of speech is not engaged here

as it operates on a public, constitutional level whereas access to porn is a private interest, and is a petty, self-indulgent interest at that. Access to porn is only accorded significance as in a consumer society, such as ours in which government is controlled by industry, individual 'choice' is promoted as the highest value, as part of a "bread and circuses" control mechanism.

8. The dimension which has been obscured in the contemporary understanding of rights is the public interest. Free Speech is incorrectly seen as an individual right which is tempered by others rights but it is actually a public right, as it prevents society succumbing to absolutism. It is in the public interest that there be free speech, as absolutism ultimately crushes societies. As observed by Lord Coleridge in *Bonnard v Perryman*:

The right of free speech is one which it is in the public interest that individuals should possess.¹

9. As free speech relates only to political discourse it is an absolute right which is not subject to any balancing exercise. This is because the only balance to free speech is the interests of the ruling regime, but as the ruling regime is conflicted and cannot be a judge in its own cause, there is no lawful counterweight to freedom of speech. Any claim that the ruling regime represents society in suppressing opposing political views is contradicted by the very action of banning such views. Such an action creates a division in society between those who claim to know what is best for others and those who are deemed unable to make up their own minds. A regime which takes this action forgoes any claim to act on behalf of society as by forbidding political choice it has become a dictatorship.

10. Properly free speech is a very specific concept. It is the mechanism which prevents a regime in power from using the state to gag political discourse and so to enforce the status quo. Without free speech societies atrophy. Historical examples abound. Despite

¹ (1891) 2 Ch. 269; 283.

earlier development China, under a succession of absolutist emperors lasting 1000's of years, stagnated until the reforms of Deng Xiaoping. The development of northern Europe compared with the South, in the second millennium, was largely due to the northern societies being freer. Besides unfree societies not developing, societies which have had a measure of freedom fail when they decline into absolutism, as did the Roman Republic.

11. The fall of a free society takes time and is least evident to the privileged members of society, as their freedoms are the last to go. Absolutism generally begins with the vilification of a target group. The witch hunt against "white nationalists" which is currently being conducted in NZ is merely the first step. The next will be to broaden the definition of what is deemed to be "white nationalism" and to ramp up the penalties. Absolutism proceeds by criminalisation. Ultimately "those who burn books end up burning people". There will be those who think that "it can't happen here" but that would be to maintain that Kiwi's are somehow racially superior to the Chinese, Russians or Germans, amongst many others, all of which peoples fell under the sway of genocidal dictatorships, at a one time or another.

12. The attack on freedom of speech in the modern era begins with the opposition, by the Soviet Marxists, to free speech being incorporated into the rights set out in the International Covenant on Civil and Political Rights. Today the ideological underpinning of the broad attack on the freedom of speech is found in the positions of the cultural Marxists. This is because Marxism is the political philosophy of totalitarianism, which eschews any control or limitation on power. As set out below it is posited that the decision to ban the manifesto was possibly initiated by the Prime Minister, who as a past President of the youth wing of the Second International, an organization formed by Frederick Engels, is a Marxist.

The inappropriateness of free speech being subject to censorship

13. As discussed above the purpose of Films, Videos, and Publications Classification Act 1993

“the Act” is to establish a moral standard in society. The Act provides:

S 3 Meaning of objectionable

(1) For the purposes of this Act, a publication is *objectionable* if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.

14. The Act focuses on control of a publication which “describes, depicts, expresses”. The Manifesto does not fit readily into these categories. The Manifesto does advocate political violence but it does so only as an unfortunate necessity. The Manifesto does not promote violence in and of itself. To bring the Manifesto into the regime of the Act then it must be by the catch-all “otherwise deals with” which means one is at the periphery of the Act’s intention, not the core. Similarly the Act’s stated purpose to deal with the themes of “sex, horror, crime, cruelty, or violence” and it is only the last of these categories that possibly comes into play.

15. The focus of the Act is to control the depiction of sexual and violent conduct. The Act sets out two levels of control; a category of gross sexual depiction and torture, which is deemed objectionable and a lesser category in which publications may be found to be objectionable. It is under the latter category that a publication which “promotes or encourages criminal acts or acts of terrorism” may be classified as objectionable.

16. As “terrorism” can be defined as the use of political violence, by those other than a state power, the term is itself politically loaded. During WWII the allied civilian bombing campaign 600,000 German civilians were killed. This campaign was described as “terror bombing” by many Germans, whereas in Britain RAF bomber crews are regarded as

heros. As it is said, "one man's terrorist is another's freedom fighter". Compounding this self-serving prohibition on the use of force by non-state actors, bound up in the definition of terrorism, is the broad sweep of the term "promotes or encourages". Taken literally this would mean that all political discourse that validates revolution or even armed resistance could be deemed objectionable. This would even catch the Second Amendment to the US Constitution.

17. Two issues arise here. The first is consistency, if the Manifesto, as an exposition of fascist revolutionary thought, is objectionable, then why are the expositions of Marxist revolutionary discourse not likewise prohibited, when in terms of body count, the slaughter by the Marxists dwarfs that of the fascists.

18. The second issue is that pursuant to s3(1) of the Act a publication is only objectionable if "the availability of the publication is likely to be injurious to the public good". Here the structure of the Act is important as the Amendments to the Act, at 1A & B, only apply to child porn. This means that any consideration under s3(3) requires injury to the public good to be examined.

19. Freedom of speech is a core public good. Western civilization has been the driving civilizing force as the touchstone of our society has been a free market place of ideas. Revolutionary ideas are no threat to a society in which there is free speech, as free speech enables societies to recognise ills and take corrective action.

20. The public good is engaged as free speech is a litmus test of the extent to which we are becoming a less free society, because it is only in societies tending towards totalitarianism that free speech is a threat. Those who repress free speech are then

those who oppose the democratic functioning of society, in choosing its political course, and who wish to impose their own ideology and their own power over society. The value of the Manifesto then is not in what it says, but in that it is a warning signal that is indicative of the state of our society.

21. The Censor had no remit to ban a political manifesto, as the purpose of the Act is to police permissiveness and to set a line, prohibiting what is morally reprehensible to New Zealanders and injurious to the public good. The purpose of the Act is to prevent the exultation of what is injurious to the public good. The Manifesto is the dispassionate exposition of a political philosophy and as such is of a different order to those matters which come within the purvey of the Act.

Error of law

22. In his determination the Censor stated:

No submissions were required or sought in relation to the classification of the text. Submissions are not required in cases where the Chief Censor has exercised his authority to call in a publication for examination under section 13(3) of the FVPC Act.

23. Section 13(3) of the FVPC Act provides:

The Chief Censor may, on his or her own motion, determine that any publication should be received for examination by the Classification Office. In any such case the Chief Censor shall, by notice in writing, direct the chief executive of the New Zealand Customs Service or the Secretary to take all reasonable steps to obtain a copy of the publication and submit it to the Classification Office under paragraph (a) or, as the case requires, paragraph (b) of subsection (1).

24. As can be seen s13(3) refers only to the power of a Censor to submit a publication to the Classification Office on their "own motion" and is silent as to the making of submissions.

25. The FVPC Act makes provision for submissions at s20, as follows:

Right to make submissions

(1) The following persons may make written submissions to the Classification Office in respect of the classification of any publication submitted to the Classification Office under section 13:

(a) the Secretary:

(b) the person who submitted the publication:

(c) any person who is notified under section 19(4) or (5):

(d) such other persons who satisfy the Chief Censor that they are likely to be affected by the classification of the publication.

26. Clearly s20(1)(d) must import an ability to so satisfy the Censor and equally clearly there are those in New Zealand who believe in the right to free speech and so would likely avail themselves of their statutory right to seek to make submissions. Any prohibition of political speech engages the substance of a free and democratic society and so affects to who uphold these values. Accordingly, the Censor would have no grounds to refuse such an application.

27. The NZ Bill of Rights Act, at s6, provides:

Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning.

28. Any conflict between the power of Censor to submit an application on his own motion and the ability to make submissions was required by law to be resolved in favour of a rights affirmative outcome.

29. The Censor has prevented the operation of s20(1)(d) and has so acted unlawfully.

30. The Censor must be taken to know the Act he operates under and accordingly his avoidance of his duty under s20(1)(d) was done knowingly. Further the Censor must be taken to have known that in acting unlawfully he was potentially exposing persons to harsh penal sanctions, in the circumstances of a rapid change of the law and in an area of law in which a reasonable person might well expect they still held the right to freedom of speech.

31. The Censor has acted illegally in not applying the Act as he did not allow any time for any persons to make an application pursuant to s20(1)(d).

32. Further s19 of the Act provides:

Notification of submission

(1) This section applies if a person (the *submitter*) submits a publication to the Classification Office under section 13.

(2) The Chief Censor must immediately determine the notice of the submission that is to be given to any person (other than the submitter) who the Chief Censor reasonably believes should be given notice of the submission by reason of that person's interest in

the publication (being an interest as owner, maker, distributor, or publisher of the publication).

(3) The Chief Censor may, before the publication has been classified by the Classification Office, determine—

(a) that notice of the submission is to be given to any other specified person or class of persons, in a manner and within a time the Chief Censor specifies:

(b) that the fact that the submission has been made is to be publicised, in a manner and within a time the Chief Censor specifies.

(4) Having determined under subsection (2) or subsection (3) that notice is to be given or that a fact is to be publicised, unless subsection (5) applies the Chief Censor must direct the submitter to give that notice or to publicise that fact.

(5) The Chief Censor must arrange for the Classification Office to give that notice or to publicise that fact if satisfied that giving that notice or publicising that fact would place an undue burden on the submitter.

33. Section 19 provides for public notification of a submission. In denying the public the lawful right to be heard in regard to the classification of the Manifesto the anti-democratic bent of the Censor is revealed.

34. Section 19 (2) required the Censor to notify Brenton Tarrant, the author of the manifesto. Whether or not the Censor did so notify him is question of fact that the Censor should be required to depose to. If the Censor did not notify Mr Tarrant then he has acted illegally.

Predetermination

35. In regard to his determination to submit the Manifesto for Classification pursuant to s13(3) the Censor stated that:

In this particular case there is clear public interest in this publication being classified as soon as possible.

36. It is evident in his own words that the Censor predetermined his decision.

37. As set out above the Censor claimed that there was “clear public interest” in haste but without waiting to see if any public applications were made pursuant to s20(1)(d) the Censor has no basis for the claim that the public sought haste. The Censor has no lawful power to be able to arbitrarily determine what is and what is not in the public interest.

38. The Censor predetermined the process of classification and prohibition and hence his actions were unlawful.

Political interference

39. As set out above the Censor says that he exercised his powers under s13 to submit the Manifesto for classification “on his own motion”. The issue arises as to whether he did so entirely of his own volition or whether there was political involvement in the making of this decision.

40. The Kiwi Party has made an OIA request seeking all communications between the Censor and any other person in the period from the Christchurch incident, to his making of the determination to submit the Manifesto for classification as follows:

To the OIA officer

Dear Sir/Madam

This is an OIA request in regard to the Censor's decision to prohibit possession or distribution of Brenton Tarrant's manifesto 'The Great Replacement', "the decision.

Please inform as to whether:

Consideration of the manifesto occurred within the office of the Censor or whether it was at the instigation or involvement of any other or others and if the latter;

Who instigated the decision making process;

The names of any persons who discussed the issue of prohibition of the manifesto with the Censor prior to the making of the decision;

A recording or transcription of any such conversation, note that this request covers the holding of any such information by any government agency;

A detailed description of any such conversation in the absence of the above;

The metadata associated with the conversation, if it was by phone;

All emails (whether on .govt or non-.govt email accounts), text messages and instant chats, or other written correspondence that bears on the making of the decision.

This request includes, but is not limited to, the following:

- Any and all reports, notes, briefing materials, presentations, or similar records created in preparation for, during, and/or pursuant to the decision.
- Any and all related records of communication between any official, employee, or representative of the office of the Censor and any other individual or entity.

The time frame for the records request is 12 noon 15 March 2019 to 23 March 2019.

41. The Office of the Censor made an evasive reply, as follows:

Email dated 18/4/19

Thank you for your request for official information from the Office of Film and Literature Classification (OFLC) relating to the publication named *The Great Replacement* and which sought:

1. All documentation which sets out the above referred to process (In a public statement the Censor said: "...we stepped that document through the same process that we have stepped previous promotional publications from the likes of terrorist organisations such as ISIS").
2. All notes and drafts taken in regard to the making of the decision and in particular the times and dates any such drafts or notes were made.
3. Consideration of the manifesto occurred within the office of the Censor or whether it was at the instigation or involvement of any other or others and if the latter;
4. Who instigated the decision process;
5. The names of any persons who discussed the issue of prohibition of the manifesto with the Censor prior to the making of the decision;

6. A recording or transcription of any such conversation, note that this request covers the holding of any such information by any government agency;
7. A detailed description of any such conversation in the absence of the above;
8. The metadata associated with the conversation, if it was by phone;
9. All emails (whether on .govt or non .govt email accounts), text messages and instant chats, or other written correspondence that bears on the making of the decision
10. Any and all reports, notes, briefing materials, presentations, or similar records created in preparation for, during and/or pursuant to the decision (The Great Replacement).
11. Any and all related records of communication between any official, employee, or representatives of the Office of the Censor and any other individual or entity (The Great Replacement).

The OFLC is proactively releasing all material relating to both the classification decision you refer to, as well as the decision in relation to the *Christchurch Mosque Attack Livestream* video.

Please note the OFLC is an independent Crown entity. Decisions to classify material are made independently. Where expert opinion is required it is sought, however no external opinion was required to inform the decisions made relating to either the *Christchurch Mosque Attack Livestream* video, or *The Great Replacement* (so called manifesto).

Therefore all material released officially describes and documents a decision process that was made within the OFLC by the Classification team. Therefore, no

communication exists between this office and any other/s in relation to the decisions made.

You will find the proactive release of information on the website in the news section [here](#).

I trust this satisfies your request.

If you are not satisfied with how your requests under the Official Information Act has been dealt with, you have the right to complain to the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.govt.nz or Freephone 0800 802602.

42. As set out above the question as to whether there was involvement by others is answered evasively, as follows:

Para 1 irrelevant.

Para 2 irrelevant or misleading, the request was not limited to any external expert opinion.

Para 3 1st sentence, irrelevant. 2nd sentence non sequitur.

43. Such evasion raises the issue of what is being hidden. The issue is the timeliness with which the Censor acted. It is noted that Hansard records:

3026 (2014). Jacinda Ardern to the **Associate Minister of Justice** (09 Apr 2014): Has the ministry/department done any work on a possible review of the censorship regime in New Zealand, particularly as it relates to issuing classifications in a timely manner?

44. Further, informal involvement in the decisions of the Censor do occur as the following exchange, found in Hansard, demonstrates:

8043 (2005). Rt Hon Winston Peters to the **Minister of Internal Affairs** (01 Jul 2005): Under what jurisdictional basis did the Chief Censor informally receive a copy of the film 'Baise-moi' from the Executive Secretary of the Film and Video

Labelling body on 20 February 2001 sent to him with the intention of having it assessed for potential use by "a selective audience in a film festival environment"?

Hon George Hawkins (Minister of Internal Affairs) replied: There is no "jurisdictional basis" for the Chief Censor of Film and Literature to classify any film informally obtained by his office. I am advised that, when the Chief Censor informally received an (sic) copy of the film Baise-moi, he then exercised his powers under section 13 of the Films, Videos, and Publications Classification Act 1993, to direct the Secretary for Internal Affairs to obtain a copy of the film and formally submit it for classification.

45. Any appeal from the decision of the Board is on points of law only. It is submitted that this places a burden on the Board to make enquiries of a factual nature. It is submitted that the Board should require the Censor to make a sworn deposition, clearly stating whether or not he had any discussions in regard to the manifesto with any other persons prior to his making his decision. If he did have such input, the time of the discussion and the identity of persons he talked with should be stated. This disposition should detail exactly of how and when the Censor became aware of the Manifesto and at what precise times he took the steps he did.

46. The Kiwi Party is also seeking evidence which may show that in fact the Censor did not decide to submit the Manifesto for classification "on his own motion". The Kiwi Party reserves the right to present any evidence in respect of this claim when and if such evidence comes to hand.

Conflict of interest

47. The Manifesto states:

For too long those who have profited most from the importation of cheap labour have gone unpunished. The economic elites who line their pockets with the profit received from our own ethnic replacement.

48. The Censor was obliged to consider the extent to which the above statement was a political critique of Labour Party policy when it is also Labour Policy to increase the power of the Censor, by enacting anti-free speech legislation.
49. The Censor was obliged to consider the extent to which the political stance of the Manifesto conflicted with his own personal interest and whether not he needed to recuse himself.
50. In failing to consider political differences between the Manifesto and the governing political party, which has as one of its aims policy which would increase the power of the Censor and by failing to address any conflict of interest, the Censor has not acted fairly.

Sham consideration of the right to free speech

51. The Censor states that he had consideration of the s14 of New Zealand Bill of Rights Act, 'NZBORA', which sets out the right to free speech, as affirmed in that Act.
52. In coming to his decision the censor referred to the following passage:

The author presents any group of people who are not white and European (presumably referring to people of Caucasian descent) but who are resident in a territory or country where there are a large number of white European (Caucasian) residents as an "invader". The "invaders" are portrayed as a direct threat to white Europeans. All non-white citizens, residents and immigrants are simply referred to as "invaders" throughout the document.

53. The above passage is a paradigm instance of political speech, the foundational societal interest which the right to free speech protects. However, in regard to the above passage the Censor did not enter into any discussion in regard to the preeminence of political speech within the broader free speech spectrum. Instead the Censor's reliance on Susan Benech's indicia for "dangerous speech" demonstrates his hostility to freedom of speech, as affirmed by s14 NZBORA and as interpreted by the Courts of NZ.
54. The Censor's decision was founded on the anti-free speech of concepts of 'hate' and 'dangerous' speech, which are not part of the law of NZ. These concepts are part of the ideological attack on Western values being conducted by the cultural Marxists, so as to prevent discussion of the social policies they advance.
55. That the Censor did not conduct a fair enquiry is evident in his clumsy attempts to focus on the very few passages in the Manifesto which refer to practicalities, so as to bring the Manifesto into the realm of being an instruction manual and hence enabling acts of violence. The very few 'practical' suggestions in the Manifesto are largely obvious in the extreme, such as mosques being a convenient place to target Moslems. What this demonstrates is that rather than engaging in the political philosophy stated in the Manifesto, the Censor has simply cobbled together rationales that support a stance already taken.
56. The Censor's claim that he considered s14 NZBORA, as interpreted by the Courts of NZ, was a sham. Accordingly, the Censor failed to actually consider the right to free speech, which was a mandatory relevant consideration.
57. While it is the current view of our judiciary that the rights set out in the NZ Bill of Rights are subject to contrary statute the NZBORA states that its purpose is:

“to affirm, protect, and promote human rights and fundamental freedoms in New Zealand”

58. It follows then that the NZBORA did not have as its purpose the abrogation of common law Constitutional rights and that it merely provides a subordinate legislative regime, which was primarily intended to import an international treaty, the “International Covenant on Civil and Political Rights” into domestic law. It is this international treaty which is properly subject to s4 NZBORA. Section 4 provides that “other enactments not effected” as it is a principle of the Constitution that the executive cannot make domestic law, by the incorporation into statute law of treaties made with foreign powers.

59. Political free speech is an absolute right under the common law Constitution. The imposition of Draconian penalties, of up to 10 years’ imprisonment, for having in one’s possession a political manifesto, is a sanction akin to those imposed by totalitarian regimes to suppress democratic processes. The Censor’s decision to penalise political free speech, with such severity, flies in the face of the norms which operate in a free and democratic society.

60. Accordingly, the Censor acted illegally in prohibiting the Manifesto.

Breach of Separation of powers

61. As a political appointee the Censor is a creature of the executive.

62. Under the NZ Constitution the separation of powers precludes the executive from exercising legislative or judicial powers.

63. In coming to his decision the Censor sets out at length criteria which stem from the doctrine of “dangerous speech” as espoused by Susan Benech, an ideologue hostile to

freedom of speech. In relation to Susan Benech's criteria for cutting down the scope of free speech the Censor states:

The content and context of this document fits all of these criteria and can fairly be characterized as posing a genuine and identifiable danger to society.

64. The Censor must base his decision upon NZ law, as interpreted by the Courts of NZ. In relying on the ideological construct of "dangerous speech", a foreign doctrine inimical to freedom of speech, rather than the plain meaning of s14 NZBORA as interpreted by the Courts of NZ, the Censor has purported to act legislatively or judicially. Accordingly, the determination of the Censor was a breach of the separation of powers, was unconstitutional and hence unlawful.

Mandatory relevant considerations

65. In coming to his decision the Censor failed to take account of the fact that the government's response to Mr. Brenton Tarrant's alleged actions closely accord with the strategy outlined in Mr. Tarrant's Manifesto. In particular, is the Manifesto's advocacy of the strategy of "acceleration". The 'acceleration' theory commences with the concept of the 'boiling toad'. The 'boiling toad' concept is based on the alleged phenomenon that a toad can be cooked in an open pot by slowly increasing the temperature, when if it were plunged into boiling water it would leap out. The analogy is made to the changes to social mores in today's society. The acceleration strategy is then to conduct violent acts which are intended to accelerate the process, by turning up the heat, as it were, and so to force more rapid change, in the expectation that society will become aware of what is happening. This was the strategic reason for Mr. Tarrant's action and the government response was entirely as predicted.

66. The Manifesto, which sets out this strategy in detail, provides a reference point for the analysis of government policy. The coincidence of a terrorist strategy and government policy is an issue of the highest importance to a free and democratic society.

67. By not considering the inter-relation between the strategy embodied in the Manifesto and government policy the Censor has failed to take account of a mandatory relevant consideration and his determination is invalid.

Irrationality

68. In his Decision the Censor stated:

While likely not persuasive or harmful to most adult readers, there is a high risk of the publication persuading some young people and adults who are vulnerable to the way it promotes terrorist violence.

69. However, the Censor placed a blanket prohibition of the publication whereby normally excepted persons, for who the Manifesto is highly unlikely to be "persuasive or harmful" are not able to read the Manifesto.

70. The disjoint between the Censor's statement that the Manifesto is "*likely not persuasive or harmful to most adult readers*" and a blanket prohibition demonstrates a lack of coherence between the Censor's findings and his decision not to allow standard exceptions. As such the prohibition is bad for irrationality and also stems from a bad faith effort to both characterize the Manifesto as being a mere rant but at the same time being such a danger that it must be prohibited.

Conclusion

71. In his determination the Censor sets out a checklist of the reasons why the Manifesto was prohibited, as follows:

- (a) Including unambiguous calls for acts of terrorist violence;
- (b) Including information about possible terrorist targets in New Zealand;
- (c) Providing some information on the means and method for terrorist attacks;
- (d) Creating a false sense of urgency by characterising the presence of non-white New Zealand residents as an invasion;
- (e) Dehumanising and demonising non-white New Zealanders as “invaders” – justifying violent action to remove them;
- (f) Exhorting readers to violence and murder by misrepresenting these actions as part of a grand historical struggle;
- (g) Attempting to show that the disaffected and vulnerable can find meaning through violence;
- (h) Using specific cues and references to create a sense of community and connection with those who are already susceptible to the writer’s violent, extremist views.

72. In response:

- (a) Correct but true for any revolutionary tract;
- (b) The Manifesto adds nothing to what any person would know;
- (c) Minimal and nothing novel.
- (d) The Censor is making a political statement not a legal one;
- (e) As above and also incorrect, the Manifesto makes no adverse comments about Maori;
- (f) Correct but again true for any revolutionary tract;
- (g) As above;
- (h) No basis for the Censor to conjecture that internet users savvy with a few terms the Manifesto employs are so susceptible.

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