

**CHALLENGING INSTITUTIONAL RACISM: THE WORK OF AUCKLAND
COMMITTEE ON RACISM AND DISCRIMINATION**

OLIVER SUTHERLAND

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>>RINGA HĀPAI: Tēnā koutou katoa (te reo Māori). Welcome everyone to this webinar challenging institutional racism, the work of the Auckland Committee on Racism and Discrimination. We'll go a bit broader than that but here with Dr Oliver Sutherland. I'll just open us with a karakia then we'll introduce Oliver and get into it. Kia ora tātou. (Karakia).

Kia ora tātou. My name is Carl Chenery, I'm your host for this session. Welcome, thank you for joining us this morning. Tēnā koe Oliver, thank you for being with us. I might pass to you to introduce yourself and then I can outline for those watching how the session will work, kia ora Oliver.

>>DR SUTHERLAND: Kia ora Carl. Tēnā koe mō to mihi mai ki ahau. (Te reo Māori). Kia ora.

>>RINGA HĀPAI: Tēnā koe Oliver, tēnā koutou katoa. This session Oliver will be speaking to us and sharing whakaaro from the 70s and 80s and on both Nelson Māori Committee and the Auckland Committee on Racism and Discrimination. I'll let him go into that. He'll be speaking for about 30 to 35 minutes and then we'll go into a question session after that, so really grateful to have you with us Oliver, and we'll be including a number of notes.

In preparing for this there's been a lot of work that Oliver's done over many kaupapa and I include many of those links at the end and look forward to hearing your kōrero today, Oliver. I'll hand it over to you, kia ora.

>>DR SUTHERLAND: Kia ora Carl. (Te reo Māori). I want to start by turning the clock back 50 or so years to 1973 when, together with three colleagues, John Hippolite, Ross Galbraith and Ian Smith I wrote a paper which was entitled Justice and Race: A Monoculture System in a Multicultural Society. It drew on a recently coined definition of the term "institutional racism" which had been proposed by an American, Daniel Critchbaum, in January 1973. Critchbaum said:

"Racism exists when one group views its cultural values, its lifestyles and its socio-economic self-interests as superior to other groups and then overtly or covertly implements these assumptions through societal norms and institutions."

The first sentence of our paper Justice and Race read: "Together with venereal disease and measles the judicial system of New Zealand was brought to this country by

Pākehā colonists." Once public, the statement shocked politicians, the judiciary and the legal fraternity alike who universally found it intemperate and deeply offensive, but it did strike a chord in some Māori and left-wing circles and was reprinted in full in the law journal, PSA journal and the student newspaper Salient. Today I want to tell you what led up to that publication, what it concluded and then what it led to. But first a little bit of background.

After four years as a zoology student at the University of Canterbury I left home in 1965 to undertake a PhD at Cambridge. There were three years probably best characterised by The Beatles record Sgt Pepper's Lonely Heart Clubs Band, that was the mid-60s in England. In 68, after marrying Ulla in Sweden, we left the gentle peace of punting down the Cam in Cambridge and headed for a year's post-doctoral research at the Berkeley campus of the University of California, just over the bay from San Francisco.

It was late 1968 and as our flight paused briefly at Chicago we might have heard the din of the violently riotous Chicago democratic convention which was taking place at the time, but in fact we carried on to Berkeley where on our first night a building which adjoined our apartment block, the reserve officers training corp, was bombed. As it turned out, Berkeley was rioting too.

For the next year or so the university campus was in turmoil, the national guards brandishing rifles with fixed bayonets lined the streets, the Governor of California, who was Ronald Reagan at the time, ordered the campus to be bombed from the air with teargas. All to the backdrop this time of the edgy Me and Bobby McGee being sung by Janice Joplin and Strange Fruit by Nina Simone. We were about as far as we could have been from Cambridge and The Beatles.

On campus, in between protest marches against the Vietnam war against racism and against oppressive police and military tactics, I listened to regular speeches by Huey Newton, Bobby Seale and Eldridge Cleaver of the Black Panthers, and I read Cleaver's book Soul on Ice which was written when he was in prison and was published just as we arrived in Berkeley. These got me thinking deeply for the first time about what we called race relations in New Zealand. I started viewing New Zealand society in the light of what I was witnessing and experiencing in the United States.

At the end of 69 Ulla and I left for New Zealand and settled in Nelson where I had a position as an etymologist with the Department of Scientific and Industrial Research. In no time I was invited by a whanaunga of mine, trade unionist and activist John Hippolite, to become the secretary of the Nelson Māori Committee, of which he was the Chairman.

From time to time the committee assisted Māori, mostly young Māori, who were in trouble with the Police or the Children's Court, and we saw the many disadvantages those children faced in their dealings with the whole judicial system. We decided to look at the national picture and began what became a 15-year analysis of the racism of the judicial system, with particular focus on children in the system. By 1972 we'd formed ourselves into an action group of the New Zealand Race Relations Council.

Firstly we looked at the first step along the judicial pathway, which has recently been called the pipeline from care to custody. The first step was the Police decision when they picked up a child whether or not to prosecute. But we found that this had actually been investigated by a Justice Department researcher, Ross Hampton, who analysed thousands of Police Youth Aid cases and found that, regardless of all other factors, Police discriminated against Māori boys by sending a disproportionate number of them to court, thus inflating their crime rate in comparison with non-Māori boys, so discrimination was happening right at step 1.

We then analysed the Children's Court data from the national justice statistics for the five years 1967 to 71 to see what happened to these children. And the picture that emerged, particularly for Māori children, really shocked us. We found that in every year something between 10,000 and 11,000 New Zealand children from the age of 7 were being processed by the courts, 40 to 50% of them Māori. Of course because there was no duty solicitor scheme at the time, the children were not represented by counsel.

So young children in those days faced a range of criminal charges with 7, 8, 9 year olds variously charged with burglary offences, offences against the person and conversion. The figures included 10 and 11 year olds charged with vagrancy. That was being idle and disorderly or being a rogue and a vagabond at 10 or 11. In most cases these children were questioned, often alone by Police without any lawyer present, and of course, as I've said, very few were represented by counsel. Most pleaded guilty as the Police or the Social Welfare officers told them to. Parents were often not present and particularly because many of those children were already State wards and had been removed from their parents' guardianship. So there was nobody there to guide them as to what to plead or to argue for bail or to plead in mitigation of penalty. It was all left up to the Magistrate who was running the court, or sometimes it was a Justice of the Peace.

The statistics showed that the outcome of these Children's Court hearings were particularly disastrous for Māori children. They were twice as likely to be sentenced to a

penal institution, that is a detention centre or a borstal or a prison, as a non-Māori child. Whereas the non-Māori child was more likely to be fined or admonished and discharged.

Our conclusion was that the Children's Courts were discriminating against Māori children and we wrote to the Minister of Justice at the time, Sir Roy Jack, to say so and to later Martyn Finlay. The government's own statistics proved, we said, that the system was a racist system. But Sir Roy Jack replied that in New Zealand we had "the best of British justice for all". Martyn Finlay, when he became Minister of Justice in the Kirk Labour government, did have the grace to say that the record of the Children's Court was indeed an abysmal one.

With nobody there to argue for bail, if it wasn't granted, magistrates might remand the children to Social Welfare homes which we can talk about later, or if they were non-existent, which they were in towns like Nelson where we were, to the cells of the local Police Station where the children would share facilities with adult prisoners and be open to abuse from them. In three or four bigger centres children from the age of 13 could be remanded to an adult prison including the dungeons of Mt Eden or Mt Crawford. Māori children figured disproportionately among these children remanded in custody.

A Justice Department study at the same time showed that in the magistrates courts generally twice as many Māori offenders had lawyers as did Māori, 86% Pākehā compared with 44% Māori, and correspondingly Māori tended to plead guilty more often. And the author of that study, Mary Schumacher concluded, "with greater proportion of Māori pleading guilty and fewer having representation, there was of course a greater likelihood of Māori being convicted."

Having reviewed and published all these statistics and loudly criticised the Justice Department for the racism that the statistics demonstrated, we decided that the most practical thing we could do in Nelson was to set up our own Legal Aid scheme. So in 1972 we aimed to get legal representation for every Māori or Pasifika defendant in the Nelson Magistrates or the Children's Court. And we recruited two local lawyers, Warwick Reid and Brian Smythe, who would take on those cases pro bono if they didn't get Legal Aid. We got the agreement of the Nelson Superintendent of Police to advise us when there was any Māori or Pasifika arrested and we'd visit them either in the cells or out on bail and put Warwick or Brian in touch with them and the lawyers then represented them in court.

The Nelson Māori Committee ran that scheme for all of 1972, then the Nelson Race Relations Action Group, which was newly formed by us for the purpose, we decided to evaluate it. With the agreement of the Nelson Court Registrar, we were allowed access to

the index cards which summarised all the cases before the Nelson Magistrates Court for the years 1970, 71 and 72. So 70 and 71 being the before years and 1972 the after year, that is the year of our scheme. The Magistrate Joe Watts meanwhile was the same in all three years.

Of the 14,000 files in all, we set aside the traffic cases and looked at the remaining criminal cases and tabulated data on ethnicity, charges faced, the outcome, and whether or not the defendant was represented by counsel. The results were striking. In 1970 and 71 about 18% of Māori defendants had lawyers. In 1972, the year of our scheme, the figure was 79%. And when we compared the pleas, conviction rates and penalties, there were marked differences. In 1972 there was a significant increase in the number of defendants who pleaded not guilty, and for the first time in the survey period, some cases against Māori defendants were even dismissed. Previously not one had been.

Imprisonments were down from 34% to 19%. This rate of imprisonment was actually lower for Māori than the corresponding rate for non-Māori, which was a first for New Zealand. Sentences of probation were even more drastically reduced from 17% in the before years to 5% in the year of our scheme. Meanwhile there was a corresponding rise in proportion of Māori defendants who were fined.

So we concluded that if representation by counsel had a similar effect on sentencing in courts elsewhere, as it had in Nelson, then probably one out of every three Māori in prison should not even be there. We presented these startling results in a paper delivered to the New Zealand Race Relations Council on 10 February 1973. It was that paper *Justice and Race: A Monocultural System in a Multicultural Society*, and our accusation of institutional racism which upset the politicians and the judiciary so greatly.

At the same time as we were running our homemade Legal Aid scheme in Nelson, we decided to investigate the nature of Māori participation in the overall judicial system. With the proportion of the Māori in the population at the time standing at about 10% in 72, we found they made up about 40% of the prison population, although the figures were for borstals and detention centres for Māori was over 60%.

When we looked at those who were locking them up, the prison officers, we found about 12% were Māori, about the same as in the population overall, but then that was a vocation which carried little status in society and had little power and influence in the wider judicial system, so perhaps it was not surprising. But it was a very different story for the Police numbers.

In 1972 there were 3,300 members of the Police force. Of these, there was no Māori at all in the five ranks above inspector, and there was just one Māori in the total of 64 inspectors. There were three Māori senior sergeants out of 197. There were 12 sergeants out of 492 and there were 124 constables out of 2,487. The overall percentage of Māori in the Police force in 72 was 4.2%, a dismal figure and evidence of just how Pākehā the Police system was. Probation officers were no better, 4.6% were Māori, and the figure for Justices of the Peace was worse, 2.5%. Even that might have been a place where you'd expect perhaps more Māori because they were appointed by the government.

Then we looked at periodic detention centres. At the time we conducted our survey, these periodic detention centres were managed by government-appointed advisory committees and there were 17 committees throughout the country, each chaired by a local magistrate and including representatives of Police, Probation and Social Welfare, and one or two private citizens. Out of those 17, only 7 included Māori, a single Māori member.

Lastly, when we looked at the magistrates in the country, and there were 46, we found there was just one Māori magistrate, Ken Mason, who was newly appointed in 71, and it had taken the government and the judicial system over 100 years to appoint him. Of course there was no Māori Supreme Court judge.

Our interpretation of all these data as evidence of institutional racism drew heavily on what I had learned during a study tour of anti-racism groups in the United States that I'd participated in in 1972 when our Legal Aid scheme was well underway in Nelson. The Geneva-based World Council of Churches programme to combat racism had sent a deputation of four Pākehā liberals, Reverend Don Borrie, Reverend John Grundy, student leader David Cuthbert and me to Detroit and to Oakland to learn from those in the vanguard of anti-racism thinking in the United States, and it was they who schooled us in the concept of institutional racism and particularly on the role and the responsibility of whites in challenging that.

Now it wasn't just the politicians and the bureaucrats and the lawyers who were upset by our term of the term "racist" and "racism". One of our strongest supporters at the time, through all of ACORD's activities really, was the first Ombudsman and the first race relations conciliator Sir Guy Powles. We believed the terms "racist" and "racism" were inappropriate and went too far. He thought we should refer to the racism discrimination of the judicial system. He thought the term racialism was preferable to racism. On this he was sharply challenged by Tama Poata of the Māori Organisation of Human Rights and the

debate carried on for months in the pages of the Māori Organisation of Human Rights newsletter.

Actually Sir Guy never did agree. Later when he was retiring as Race Relations Conciliator he wrote to me explaining that in his final report "I make, as it were, one dying and perhaps fruitless attempt to criticise the use of the word 'racist'. We've corresponded, Oliver, about this before, and I still feel that it has such emotive overtones as a sort of term of abuse that its use in a number of cases does more harm than good. It would, he thought, be better to convince people or easier to convince Pākehā that they did in fact practice racialism, perhaps without consciously knowing it, than to get them to accept that they were racist." And he concluded with a definition coined by the American anthropologist Ruth Benedict:

"Racism is the dogma that one ethnic group is condemned by nature to congenital inferiority and another group is destined to congenital superiority", a sort of genetic definition. In any case, I presented our Nelson paper to the New Zealand Race Relations conference in February 73, arguing and offering proof that the judicial system was indeed a racist system.

Now, present at that conference challenging the mostly Pākehā audience were Will Ilolahia from the Polynesian Panther Party and Syd Jackson, trade unionist and leading Māori activist from Ngā Tamatoa. Their challenge, which was articulated most uncompromisingly by Will, was that "racism is a white problem, it's up to you Pākehā to do something about it." So a small group of us went away and set up the Auckland Committee on Racism and Discrimination.

Key founding members were Ray and Mitzi Nairn, Ulla Sköld, Ross Galbraith, Margaret Arthur, Helen Nelson, Chris Lane and Robert and Miriam Ludbrook. Others joined in later years. From the outset we were guided and supported by a team of Māori and Pasifika consultants drawn from the ranks of the Auckland District Māori Council, the Māori Women's Welfare League, Nga Tamatoa, Polynesian Panthers and the Samoan Advisory Association.

Now while none of those people had any doubts about the racism of New Zealand's institution, we were soon challenged by various left-wing commentators who argued that the issue was one of class and poverty, not race. Prominent amongst these was Wolfgang Rosenberg of Canterbury University who dismissed Critchbaum's talk of cultural values. What Wolf wanted to see was evidence proving that race was the determining factor for the disproportionate statistics. He wanted us to prove racism, but in fact he did accept that

Justice and Race might offer some such proof. For our part we always accepted the data obtained by research would be an important weapon in our anti-racism campaigns.

One of ACORD's first priorities was to carry on the campaign for the establishment of a national duty solicitor scheme. Publicity given to our criticism of the Children's and Magistrates Courts and publication of Justice and Race in the law journal, thanks to the support of the editor Jeremy Pope, led to the ad hoc establishment during 73 of pop-up duty solicitor schemes in various regions around the country. At the same time the Minister of Justice announced he had set up an interdepartmental committee to plan a national duty solicitor scheme.

During 73 to keep up the pressure on the government, I spoke to over 20 meetings of various groups, including a number of law societies and one of these was organised by the Young Lawyers Committee of the Auckland District Law Society, a group who included Robert Ludbrook, David Lange, Jim McClay and Peter Williams. Robert had arranged the event which was held in May 73 and had me facing a well-known and very conservative Auckland Magistrate, Hector Gilliland, and also Ken Flint who was the Director of Social Welfare in Auckland at the time and the fourth speaker was Peter Williams.

The meeting was my opportunity to present ACORD's blueprint for a comprehensive approach to child offending completely outside the monocultural and the punitive Victorian concepts of justice to which the New Zealand child welfare and judicial systems had been so wedded for so long.

The present Children's Court system and its associated penal policy, dragging children before the courts at the age of 7, in place since 1975 should be completely abandoned. It had failed, I said, by all measures, including equity of outcome, as the national statistics for Māori and non-Māori children showed. And it was racist by virtue of its very existence as a wholly Pākehā system in a multicultural society. Māori and Pākehā must jointly design our whole approach to justice and child welfare. But as a short-term measure I argued that all children must be accompanied by a lawyer when being questioned by the Police and when they appeared in court.

By now the politicians were slowly moving. The Minister of Justice, Martyn Finlay, because we had a Labour government by that time, the Kirk government, Finlay, reflecting Sir Guy Powles views, acknowledged there was some substance to the charge that the New Zealand judicial system was racist. But he went on to say it was more than unconscious bias than a deliberate policy.

However, he concluded that he was "beginning to lean towards the notion that separate but equal institutions for the racists could have some merit in New Zealand". Actually it was an extraordinary statement and Finlay might have been the first Pākehā politician to accept the concept of separate but equal institutions. An editorial in *The Dominion* at the time said "Dr Finlay moved into a new area for a non-Māori in public affairs."

Anyway, the interdepartmental proposal for a national duty solicitor scheme was caught up in bureaucracy and progressing painfully slowly throughout 1973 and 1974. Too slowly for at least one person who worked for the Justice Department who, in May 1974, anonymously sent me a draft Cabinet paper on the proposal.

We'd been pushing for a duty solicitor scheme to be established by the government for over two years and we'd made extensive submissions to the committee responsible, and had criticised the Labour government particularly for the continuing delays, and in fact we really got under the Labour government and Martyn Finlay's skins.

Obviously we were very interested to read the Cabinet paper that had been leaked to us and to see what the government had in mind and we were not impressed. We wrote to Finlay to say so, pointing out that unless some key changes were made we would make the whole Cabinet paper public.

Dr Finlay was incensed and demanded we return the paper and reveal who had leaked it to us, or else he would hand the matter over to the Police for investigation under the Official Secrets Act. We weren't about to comply with either of his requests and told him so. Although we should have, at the same time we should have been finding out just what the Official Secrets Act might allow the government to do with us; actually we soon found out.

Because on Tuesday 14 May 1974 Dr Finlay passed the correspondence between himself and ACORD to the secretary for the Minister of Police, Mitt Connolly, under a memorandum calling for urgent action by the Police with a view to an investigation being made under the Official Secrets Act 1951. The Police wasted little time. At 9 o'clock on the morning of Saturday 18 May the head of the Christchurch CIB, Detective Superintendent Brian Wilkinson accompanied by a Detective Inspector from Wellington and a third officer arrived at our home in Grey Lynn.

I should pause at this stage and explain that at this time ACORD was part of a coalition running a strong campaign against a Team Policing Unit in Auckland called the Police Task Force under the direction of Assistant Commissioner Gideon Tait and Inspector

Ross Dallow. I was spokesperson for ACORD in the campaign against the task force and became well-known publicly as we exposed the racist policing by task force of the inner city of Auckland, which in the end led to several thousand Māori and Pacific being arrested and taken to court on trivial charges.

The Commissioner of Police, who knew of Tait's bitter antipathy towards me, wasn't about to let Gideon Tait loose in our house, so he called in Brian Wilkinson from Christchurch and a Wellington inspector to deal with what was a highly charged and highly political operation.

Anyway, the Police on our doorstep had warrants and their action under the Official Secrets Act had been authorised by the Solicitor-General, Richard Savage, and the Commissioner of Police, Sir Angus Sharp. While Wilkinson and his team waited on the doorstep, I phoned our lawyer, David Lange, who advised we should keep the Police outside until he arrived, which he did a short time later, looking as dishevelled as ever. In fact, like most people, Lange knew little or nothing about the provisions of the Official Secrets Act and had been hastily briefing himself before arriving.

Passed in 1951, over 20 years earlier, the Act had been used perhaps just once before soon after it was enacted. Although every public servant at the time had to sign it, very few people or lawyers were familiar with its provisions, which conferred immense powers on the Police and the Attorney-General. Under section 6, 11 and 13, possession of any government note, scrap of paper, memorandum, let alone Cabinet document, could be used as an excuse to force ordinary citizens to undergo compulsory Police interrogation and to have their homes searched.

Anyway, after 3 hours of discussion between Lange and Wilkinson, when Lange explained the document was actually not in our house but would be handed over to them on Monday, the visit on that morning ended pretty amicably and the Police left. In fact, although we didn't tell Wilkinson, Ulla and David Lange had deposited the document in a safe deposit branch in the Ponsonby branch of the Bank of New Zealand and it wasn't actually retrievable until the Monday.

For some reason, which was really never explained, Wilkinson and his team returned a couple of hours later and undertook a very perfunctory search of our house finding nothing incriminating. Much more seriously, Ulla and I were ordered by Wilkinson under section 11 of the Official Secrets Act to attend the Central Police Station for an interrogation at noon on the following Monday. The night before, the Sunday night, David phoned Martyn Finlay to persuade him to have the interrogation called off. Finlay said that

he could not and the search of our house and the pending interrogation were front page news.

Meanwhile we hurriedly familiarised ourselves with the very draconian provisions of the Act, in particular the fact that we would face 7 years in prison for failing to answer any question or for answering any question falsely. We would not be permitted to take any advice from a lawyer and, as an alien, Ulla could possibly be deported back to Sweden.

So on the Monday we were picked up by the Police and escorted to the 10th floor of the Auckland Central Police Station. Ulla and I found it intensely intimidating. I was repeatedly asked about the origin of the Cabinet paper and how it came into my hands. I answered as best I could but when we withdrew to consult with David Lange, Wilkinson threatened to use section 11 of the Act against him too. The whole thing was extremely upsetting and intimidating.

We were certain that this heavy-handed action by the government was provoked by our continuing criticism of the Police Task Force over its crackdown on Pasifika people in the inner city and our protests of the discriminatory treatment of Māori children by the courts and by the Police. Later in parliament Norman Kirk voiced sharp criticisms of me and the Minister of Police argued the search of our house was actually really in my own best interests, because failing to find any papers of a like nature could clear me of allegations in respect of other matters, although he never said what those were. And of course they found nothing.

The Auckland Council For Civil Liberties took up the cudgels on my behalf, stating it appeared that the government was using the Official Secrets Act to silence its own critics. "We view with concern and alarm the use of this act against Dr Sutherland, one of New Zealand's most outspoken critics of the Departments of Justice and Police."

The consensus of media commentators and editorialists, and there were very many, was prosecution of me was unlikely and the government had overreacted in invoking the Official Secrets Act and in the end there was no prosecution.

So having lain unused for 22 years since its enactment in 1951, the Official Secrets Act was invoked twice in 74. Just four months after we were arrested and questioned it was used in September 74 and this time to arrest Dr Bill Sutch and charge him with spying. The blaze of publicity over the use of the Act against Ulla and me and the nationwide headlines over Sutch's arrest and trial led to invitations to me to address numerous public meetings and rallies against the Act, and it prompted the government in 1977 to establish the Danks Committee on official information and to review the Official Secrets Act. By then Sutch

had died and Ulla and I were the only people left alive against whom the Secrets Act had been used, and we still are. In 1982, of course, it was repealed and replaced by the Official Information Act.

Meanwhile Dr Finlay's scheme got underway in July 74. The proposal which he'd put to his Cabinet colleagues, which granted legal advice rather than -- to defendants not legal representation, fell very much short of what we, the Panthers and Tamatoa had been wanting for. We argued that what was proposed would not end racial discrimination in the courts and it overlooked the particular needs of Māori and Pasifika children. Tamatoa said the scheme "did nothing to attack the basic problem of the institutionalised racism which continues to exist in the whole of the judicial system and which ensures Māori remain the jail fodder in this society." They were right, of course. Nevertheless a scheme was set up and within just a few weeks 100 lawyers had volunteered for it throughout the country and we were appointed as a member of the scheme's administrative committee.

Looking back, we can argue if things changed. Well, duty solicitors are now deeply embedded in the judicial system, and thanks to Judge Augusta Wallace's 1984 report into our complaint over children being remanded to Mt Eden Prison, children are no longer remanded to adult prisons, as she recommended. But notwithstanding a continuing campaign by Judge Andrew Becroft, the remand of children in Police cells still continues and the predominant disproportionate number of those are Māori, about 70%.

The good news is that in places, like Nelson, remands to community residences has replaced remands in police cells. But some other things haven't changed. In 2009 the Ministry of Justice published child and youth offending statistics, which included an analysis of the apprehension rate by Police of children and young persons for the 10 years 96 to 2007, with apprehension of a child or young person meaning they were dealt with by the Police in some manner to resolve an offence. The report concluded that when their relative numbers in the population were taken into account, Māori children's apprehension rate was five times that of Pasifika and European, and for Māori youth the figure was three times.

So what do we make of that? Māori children are certainly seriously discriminated against at this first step on the judicial pathway and so will always be over-represented at all other steps, and in my view institutional racism underpins these figures, as did the statistics we looked at 50 years earlier.

I just want to finish with one sentence. It was the last sentence of the paper Justice and Race that we wrote in 73. "The inequalities will persist as such time as this and all

other Pākehā-dominated institutions in New Zealand are demolished and a new society created jointly by and serving the needs of all ethnic groups in the community is achieved."

Kia ora.

>>RINGA HĀPAI: Wow, kia ora Oliver. You've covered a lot there and the chat is full with questions and comments. I want to go --

>>DR SUTHERLAND: I've rendered you speechless.

>>RINGA HĀPAI: Well, in some of the questions in the chat, "is this work that Oliver was doing on top of his work and" --

>>DR SUTHERLAND: It was, I was a full-time researcher for working on grass grubs at the Mt Albert Research Centre at the time. But I did sometimes shoot at lunchtime down to Mt Eden Prison and bail out young Māori who were on remand. So I sort of squeezed quite a lot in, and brought up three children.

>>RINGA HĀPAI: There were a number of moments in your story I'd like to return to because I feel they're key in terms of -- and in the story of Nelson Māori Committee and ACORD, including because they're also shifts in relation to some of the ideas that sustain racism and institutional racism. But just before that, I'd like to go back on a personal level, people who are watching this are coming from different backgrounds, different whakapapa, different sectors that they work in, different experiences of the institutions that we're talking about. Looking back, what were some of the earlier moments that were influential for you in setting you up to do, I suppose, the work that you were doing, responding the way that you were and still are, which we'll get on to later?

>>DR SUTHERLAND: Well, rather than sort of key moments, there were influencers. The first, I guess, was my father, I was inspired -- my father Ivan, I was inspired by his efforts in the 1920s and the 1930s to understand the realities faced by Māori at that time and his 25 years of working relationship alongside Sir Apirana Ngata. And I've mentioned Syd Jackson and Will Ilolahia, they were key influencers, and I've talked about that.

I wan to acknowledge Saana Murray from Te Hapua with whom we in ACORD became very close over many years and supported her in the land struggles that she and the Ngāti Kuri were having in the far north. Actually we learned so much about the real impacts of colonialism through our relationship with Saana.

I guess the last influence, a personal friend of mine, Dr Ranginui Walker. Rangi was the Chair of the Auckland District Māori Council in the 70s. He was an academic with a very astute analysis of colonial and post-colonial oppression in New Zealand and Rangi

was a continuing influence on us over the years. I just pay my respects to those people.

Actually they've all died now except for Will, so e te rangatira moe mai, moe mai, e moe.

>>RINGA HĀPAI: Kia ora Oliver. One of the questions in the chat was in relation to definition of institutional racism and I just want to go back and pick that up, Oliver. What is institutional racism?

>>DR SUTHERLAND: I guess we were influenced by Crichtbaum's analysis and probably still are. It is inescapably the imposition of one set of cultural values over another. It's colonisation. Actually it's an integral part of colonisation; the majority imposing its will on the minority. And in the case of many colonised countries, such as New Zealand and the United States and Australia, inevitably it is white racism, the white colonialists brought it to those countries together with venereal disease and measles. That's what we said and that was the case.

>>RINGA HĀPAI: In one of the moments that you spoke of Oliver, was this, I suppose, the shift in this idea of racism being a Māori problem or a Polynesian problem described well by Will Ilolahia and that's featured in the documentary that has been put in the chat as well. Can you say more about this, why institutional racism is a white problem or a Pākehā problem?

>>DR SUTHERLAND: Yeah, well, the old concept that the disproportionate numbers of Māori in prison, negative statistics in health or education, for years that was regarded as a Māori problem. I mean they didn't pull themselves up by their bootstraps. They could have got themselves lawyers, they could have buckled down and got themselves school cert and so on. That way of thinking was common. It was predominant, actually, at least up until the 70s when some of us started to be challenged. We were challenged by Syd and Will, as I've said, in no uncertain terms, that it was in fact a white problem, that it was our system that was at fault, or the system that we and our forebears had imposed.

Personally, Bob Terry of the Detroit Industrial Mission, who we visited in 1972, his analysis was very clear indeed and it was very influential, actually, on me personally and us in ACORD and of a group in Oakland led by Paul Schulze. They came to New Zealand, Bob Terry and Paul Schulze. After we had visited them in the States they came to New Zealand funded by the World Council of Churches programme to combat racism. And they argued persuasively that Pākehā New Zealanders needed to take a good hard look at the institutions of which they benefitted and benefitted from in whatever way, and to the detriment of Māori.

And that was of major -- I think that was a major turning point for Pākehā activism in the 1970s, not just in ACORD, but I suppose because we were focused on domestic racism, whereas the Tom Newnham and CARE and Trevor Richards and John Minto and Hart tended to be focused on the apartheid system, on international racism. We focused, throughout the 15 years that ACORD existed, we focused on domestic racism; always with the view that the role of us as Pākehā, and as mostly educated Pākehā, was to analyse what was going on, to get the facts, get the statistics, prove because, as Wilfy Rosenberg had said, we better prove racism because that's perhaps the only way to convince Pākehā using facts and figures which they understood.

So I suppose that was the big shift in thinking in the 1970s in those of us who were perhaps on the vanguard of the anti-racism movement, the Pākehā anti-racism movement

>>RINGA HĀPAI: Kia ora Oliver. One of the questions in the chat, we're up to 16 now, I just need to signal, I suppose, to those putting the comments in, we'll be logging all these comments and questions and we might not have time to go through them all today, but I'll provide them to Oliver afterwards and we'll find a way to get some comments back on all these comments.

One of the questions, Oliver, is "what have you learned as successive strategies to challenge institutional racism? How do we in the tertiary education sector support or protect Māori and Pacific taurira while at the same time helping our institutions do better?" A question around what we've learned.

There's another related question around some of the personal impacts of the work and "how did you find doing this work on a volunteer basis on top of your job? At the time people were affronted by your work, was there any reflections on possibly whether you'd change your approach or be less controversial and try and gain more influence, or was this necessary to try and encourage it, and would you encourage people to take a similar approach today?"

>>DR SUTHERLAND: Gosh I think there were three questions there, Carl. Well, the first one I can deal with quickly because I think I had already discussed it; and that was how are Pākehā, say in the education system or whatever, going to effectively challenge the racism while supporting taurira while supporting Māori aspiration. And I just think we've got to stick to the system, focus on the system, don't so much focus on, you know, on Māori so-called under-achievement. I think it's more important to focus on the system and the processes of the system are. And then where you can, within analysis of the imposition of cultural values, and look, I suppose, as I tried to say in that last sentence of Justice and

Race, look at ways in which you can work towards an equitable society. And that inevitably means forming partnerships with Māori, with Pasifika, with Asian to look towards a new society.

What impact did all this have on me? Yeah, it -- as if Ray and Mitzi are watching or the others of ACORD will know, we tended to divide up our effort in ACORD. Some were more comfortable or more willing to front up publicly and be outspoken about these things, that was mostly the role I had, others were more behind the scenes assembling the statistics, analysing the statistics, providing the more intellectual analysis of what we were doing and what we might do.

Yeah, it wasn't always easy. I mean I wasn't well liked at all. I was known, my face was known, it was on the front pages of the newspapers, particularly the Official Secrets Act business. And also later on when we were challenging what was happening to children in Lake Alice. I mean that was -- that perhaps got some of the most bitter accusations against me personally, because Bert Walker was the Minister of Social Welfare at the time and we were, of course, shocked beyond words almost when we learned what was happening to children at Lake Alice and couldn't believe that the politicians, once the facts were laid out, which we did through our interviews with the children and our alliances with Peter Trickett, a particular reporter on the New Zealand Herald.

We thought that when all those facts came out something would be done. But actually all that happened was that Bert Walker and the psychiatrists joined ranks and criticised us for ever having made the matter public and that we were meddling in the affairs of the psychologists and the medical profession.

So yeah, we did get a lot of criticism; I personally did. It reached a point where we were trying to run some anti-racism training programmes, Ray and Mitzi particularly, and we discovered very quickly that if we did that under the name of Auckland Committee on Racism and Discrimination then the people that we were trying to train in anti-racism thinking -- and particularly, say, the Police -- just wouldn't even listen to us, and were very derisory in their comments about us and about me. And I knew then that I could never run any of those things because I was like a red rag to a bull with a lot of those institutions and the bureaucrats.

So we formed a new organisation called the New Perspectives on Race. It never had any public profile never made a public statement and was very effective at running anti-racism and Treaty workshops. So it was a pragmatic approach. But I don't think

I resist from thinking and believing that there was -- it's important to call out racism when you see it.

And I guess we did that and that was, I suppose, the basis of our dialogue with Sir Guy Powles. We weren't about to talk about racialism, we weren't about to sugar-coat the bitter pill, we wanted to make sure that people understood what we were talking about. In any way, it was the only way we would retain the working relationship that we had with those Māori and Pacific activists with whom we worked.

>>RINGA HĀPAI: There's so many questions and comments coming in, Oliver, let's have a conversation after about what we can do further to address these. I just want to pick up the particular point around the Official Secrets Act and the change to the Official Information Act. I think a lot of people take that for granted now. But it was an important moment in your story and the story of government and accountability. It was a policy that had a chilling effect from 1951 until 1974 until --

>>DR SUTHERLAND: 77, yeah, 74 it was used. It was passed in 51, people said in response to the waterfront strikes that were happening at the time, and it just -- it hadn't been used. But anyone who worked for the government up until that point always signed it, you signed it when you joined on as a public servant but you never understood its implications.

Yeah, you're right, I think if it hadn't been -- I won't say it was our case, I mean obviously the case against Bill Sutch, which was just a few months later and which was even more widely publicised, it led to the formation of the Danks Committee and it was the end of the Official Secrets Act and opening the whole -- it was the new dawn of official information.

But looking back, the case against Bill Sutch for spying was a very tangled one and it was -- it wasn't as clear-cut as the case against -- as the use of the Act against us. I mean the use of the Act against us was purely political. Martyn Finlay said to Mitt Connolly "go after them". They went to Richard Savage the Attorney-General, he signed it off, Burnside signed it off. The whole thing was very, very political, and as such, I suppose it does stand as a significant movement because it did lead to the end of the Act.

>>RINGA HĀPAI: One of the comments I want to pick up here, because we've spoken about the role of whites or Pākehā in terms of addressing institutional racism, there's a question here, this is a Te Tiriti-based kōrero. "At what point, if any, do non-Pākehā partners join these resistance efforts, what else can migrants do to support those efforts aside from educating themselves and being subjected to every-day subtle racism. Migrants are so diverse, so response will or may differ between white migrants and those of colour." There are lots of

other resources that could connect in on that, but have you got any comments on that, Oliver?

>>DR SUTHERLAND: It comes from a migrant point of view and it talks about a multicultural society, not a bicultural society and, you know, that was a big debate in the 70s. The demand came particularly from Tamatoa, I would say, and the Panthers, or more from Tamatoa that we were arguing for a bicultural society and that first of all we should have a bicultural society and then look at a multicultural society after that. If you looked at a multicultural society then you would pick up Pasifika.

But actually, of course, as time went on the -- with more migration to New Zealand, the tapestry was more complex, more beautiful; but more demanding, because then you didn't just sit down with Māori, although you acknowledged that Māori had a pre-eminent role in determining the future of New Zealand society and determining the future of the institutions, because of the Treaty. I mean without the Treaty, there would be no basis for developing a complete revision of the systems and institutions of the country.

So that was critical and that was -- we always believed that that was the case, and we always sort of formed that as a basis of our analysis. But now 50 years later, that was back in the 70s, 50 years later we're looking at a much more complicated and richer society with such a range of different ethnicities. And the education system which was mentioned is a classic of that.

And it is a challenge and it's a challenge, perhaps not for people like me, but for others who are working in this space now, to be fully based in the Treaty, but at the same time include the needs and the values of other multitude of ethnicities that are now in New Zealand. And to me that's a very big task and it's a very big challenge, and certainly Pākehā aren't up to it entirely themselves, that's for sure.

>>RINGA HĀPAI: Kia ora Oliver. We're coming up close to time and I'm going to put some resources up on the slides here shortly and we'll include them on the video once they're posted. There's some particular ones I want to highlight. This is Oliver's book, Justice and Race: Campaigns against racism and abuse in Aotearoa New Zealand.

I'll just read David Williams' foreword at the start. "Justice and Race is not an easy read. Being reminded of the appalling treatment of children and young persons in many State institutions in this period reviewed is truly harrowing. Oliver's narration is precise but not merely clinical. His passion for justice comes through with utmost clarity."

Goes on to talk about rally, then support of Ngā Tamatoa, Polynesian Panther Party and others, bridging into the Royal Abuse of Inquiry on Abuse in Care. I know in our

preparation for this video you've been watching the hearings, including the Māori hearings held up at Takaparawhau.

There's also a video that's been put up in the chat "When Nobody Was Watching" directed by your nephew, telling some of the stories from that time. I'll just --

>>DR SUTHERLAND: While you're pausing there, let me just jump in, as is my want, and put a call out for the Royal Commission. A group of us had worked very hard back in 2017, 2016, lead by Roslyn Noonan and others, to even get the Royal Commission. And I just want to say it might not be perfect in all respects, but I really tautoko everything that Judge Coral Shaw and the Commissioners are doing, and it reached its -- perhaps a really high point in the Māori hearing over the past two weeks at Ōrākei. And if people are not familiar with the evidence, the incredibly dreadful and searing evidence that's being given to the Royal Commission then have a look on their website and take a look.

>>RINGA HĀPAI: There's an earlier photo from yourself, Oliver, outside Mt Eden Prison where you'd said you'd pop down at lunchtime. There's ACORD and other members in the background there.

>>DR SUTHERLAND: You can't see him too well, but David Lange's in that picture as well, but he tended to hide at the back of those protests.

>>RINGA HĀPAI: So here are the links, they'll be down in the video, in the description of the video once this is live, the book and documentary. We haven't got on to it, but your work with DSIR and a number of rangatira in terms of the forming of the Wai 262 claim. There's a video you've done there as part of the Ngāti Koata Wai 262 webinar where people can go and check out and the background to the Wai 262 case. Here are some of the resources, abuse in state care, some resources there for Pākehā, I'll include the tangata Tiriti resources and also links to your book that you wrote on your father and your father's life in 2013.

>>DR SUTHERLAND: Thank you.

>>RINGA HĀPAI: No reira, tēnā koutou katoa, tēnā koe Oliver, thank you for your sharing these stories. Really important that these stories are shared with those who are working to address institutional racism now and bring some of that whakapapa into the work that they're doing. Thank you for your ongoing work, huge inspiration to see what has gone before and the dedication of what you continue to do. So reira tēnā koutou katoa, I'll just close us off.

>>DR SUTHERLAND: Thank you Carl, if I can have a quick word. Thank you for your introduction and thank you for your appreciative words just now. To those who have been

watching, I really appreciate the fact that you thought it was worthwhile to tune in, and if it's prompted any activism amongst you, keep at it, kia kaha.

>>RINGA HĀPAI: (Closing karakia Whakataka Te Hau).