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"THE GAG AGAIN" -

J.T. PAUL AND PRESS CENSORSHIP DURING WORLD WAR TWO

EARL C. GRAY

Dissertation presented in partial fulfilment of the requirements for the degree of Bachelor of Arts (Honours) in History at the University of Otago 1986.
Hon. J.T. Paul (1874 - 1964)
CONTENTS

List of Illustrations iv
List of Abbreviations v

Introduction 1
CHAPTER ONE: 6
The Good Story vs The True Story - Paul, Censorship and Newspapers.

CHAPTER TWO: 39
"Sent To War Twice" - Censorship and the Furlough Drafts

CHAPTER THREE: 70
A Challenge to "The Powers of the Pontiff" - The Billens Case

Conclusion 102
Appendices 106
Bibliography 116
ILLUSTRATIONS

<table>
<thead>
<tr>
<th>Illustration</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Photograph of J.T. Paul.</td>
<td>ii</td>
</tr>
<tr>
<td>Cartoon from Auckland Star, 31 March, 1942.</td>
<td>1</td>
</tr>
<tr>
<td>Letter from editor Star Sun to Paul, 26 June, 1945. facing p8</td>
<td></td>
</tr>
<tr>
<td>An Indication of censorship from Progress and Farming First, 25 March, 1941.</td>
<td>facing p16</td>
</tr>
<tr>
<td>Cartoon from New Zealand Herald, 21 March, 1941.</td>
<td>facing p17</td>
</tr>
<tr>
<td>Letter to correspondent from editor Auckland Star, 22 October, 1943.</td>
<td>39</td>
</tr>
<tr>
<td>Directive to editors from Paul, 25 February, 1944.</td>
<td>facing p55</td>
</tr>
<tr>
<td>Editorial &quot;The Gag Again&quot; from Manawatu Times, 6 December, 1943.</td>
<td>facing p70</td>
</tr>
</tbody>
</table>
ABBREVIATIONS

A.D., Army Department, National Archives.
C.N., H. Witheford, 'Censorship of the Press', W.A. II 21/3d.
D.P., Director of Publicity.
E.A., External Affairs Department, National Archives.
Ed., editor.
G.L.R., Gazette Law Reports.
Min., Minister of the Crown.
M.P., Member of Parliament.
n.d., no date.
N.D., Navy Department, National Archives.
NZLR., New Zealand Law Reports.
NZPD., New Zealand Parliamentary Debates.
P.M., Prime Minister.
S.M., Sitting Magistrate.
W.A., War Archives, National Archives.
INTRODUCTION

Because of the strength of Western democratic traditions, censorship of any kind is a controversial issue. During a war, belligerent nations extend the aegis of censorship beyond pornography and violence to matters likely to effect the national war effort. This extension often includes the censorship of matters calculated to, or likely to, divide the national will. Censorship thus becomes more subjective in its operation, which increases the controversy surrounding it, especially when its supervision is entrusted to one man. New Zealand's experience during World War Two is an example of this.

During World War II, New Zealand censorship covered mail, books, radio and newspapers. The last of these is the subject of this dissertation. Censorship of newspaper reporting...
raises important questions. The big issue is whether or not democracy, to which freedom of the press is considered essential, would take precedence over national security even in war time. Are newspapers a totally independent and objective medium at any time? If not, does this detract from the importance of 'the freedom of the press' as a democratic ideal?

Censorship in New Zealand, including press censorship, is covered in varying detail by chapter 19 of Nancy Taylor's official history of The Home Front, chapter two of Alistair Logan's dissertation entitled "The Public Safety Conservation Act", and in F.L.W. Wood's The New Zealand People at War. The publication of Taylor's book during 1986 caused some drastic reconsideration of the material to be covered in this dissertation. The presence of the papers of J.T. Paul, the Director of Publicity during the War, in the Hocken Library was very valuable. All the studies of censorship concentrate on the negative issues of what was censored and the problems encountered by those administering censorship. "The historian reads ... of the Director of Publicity's difficulties, rather than of his successes". My dissertation also has this limitation. However, I have attempted to keep the question of press censorship in proportion by attending to some basic factors. Firstly, by far the greatest proportion of the censor's activities dealt with the daily newspapers, and this was the area which concerned and interested him the most. Criticism of his censorship must be tempered by the fact that only two prosecutions were brought against daily newspapers for breaches of censorship during the war. This has been obscured in other commentaries by the fact that censorship
was brought to bear most noticeably and effectively on factional periodicals. Secondly, censorship affected newspaper editors directly. Thus, any issue involving censorship received exaggerated coverage in the press. An editorial naturally followed because it gave the editors a chance to proselytise on a topic near to the heart. This exaggeration has been continued to an extent by subsequent commentators. However, I have made no direct attempt to assess the importance of the issue of press censorship in the public mind. It is enough to say that it was one of thousands of concerns during war-time. Some members of the public were probably not even aware it existed and, therefore, its relative importance was minor.

The first chapter gives an account of press censorship during World War Two. It is not intended as a detailed narrative, which may be found elsewhere. Instead, I point out the major issues which arose and attempt to illustrate the attitudes of the participants in these. The account is centered on the activities and opinions of J.T. Paul. In pursuing this emphasis, it must be remembered that censorship was not wholly in his hands. According to the Regulations he was responsible to a Board under the chairmanship of the Prime Minister. This Board did not meet regularly. In fact in most cases Paul reported to and acted on the advice of the Prime Minister, the Armed Services or British Admiralty.

Chapters two and three provide two case studies of the working of press censorship. Chapter Two covers the censorship of the problems arising from the furlough drafts.
This has been given scant coverage in commentaries on the censorship, perhaps because it is an example of the censorship working without any major problems.

Nothing illustrates a person's attitudes better than his reaction to crises. The major public crisis for Paul's administration was the prosecution brought against the editor of the Manawatu Times, Robert Billens. This is the subject of chapter three. My major concern is Paul's reaction to its development and its effect upon his views. Paul's basic philosophy was not altered, but the case climaxed a discernible hardening of his approach to the censorship.

This is not an attempt at a biography of Paul during the war years. It is an attempt to narrate and analyse his activities in the public sphere over which he had the most influence.
FOOTNOTES

1. B.A. (Hons) History, Otago University, 1976.
3. H. Witheford, Censorship of the Press, W.A. II 21/3d.
4. See Appendix A.
Chapter 1

THE "GOOD STORY" vs THE TRUE STORY

- Paul, Newspapers and Censorship

The Censorship and Publicity Regulations 1939 became law on 1 September, 1 two days before war was officially declared. Drafts of these Regulations had been circulating in the relevant Government Departments since September 1938, the time of the Munich Agreement. 2 The Regulations provided for a Post and Telegraph censorship under a Controller of Censorship, and for censorship of newspapers and periodicals, photographs for publications, books and pamphlets, and radio broadcasts under a Director of Publicity. In 1935 the Censorship and Publicity Committee had reported,

"While we must ensure that nothing will reach the enemy which can assist him, this purely negative action cannot be dissociated from the equally vital positive action of disseminating useful information to our people." 3

The Director was, therefore, also charged with this function.

The Committee had been established as the Imperial Communications and Censorship Committee in 1930 under the auspices of the New Zealand Committee of Imperial Defence, later Organisation for National Security. Its members included representatives of External Affairs, Internal Affairs, the Prime Minister's Department, Customs, the Air Force, the Army, the Navy, the Post and Telegraph Department and the National Broadcasting Service. The question of censorship in New Zealand during the war had, therefore, been under consideration for quite some time, although press
censorship was not specifically tackled until August 1935.  

Many of the censorship regulations in force during World War II were based on those in World War I.  

In its November 1937 final report, the Committee recommended that the Director of Publicity be "a man of outstanding ability with a thorough knowledge of newspaper procedure ... and who fully appreciates the potentialities of broadcasting."

He must also be in the complete confidence of the Government.  

The main chosen to fill the position, John Thomas (Tom) Paul, fulfilled all the requirements. He had been involved in journalism in Dunedin since his arrival in New Zealand from Australia in 1899, at the age of 25. Paul had been on the staff of the Evening Star, before becoming the editor of the weekly Otago Witness from 1924 until it ceased publication in 1932, when he transferred to write a column for the Otago Daily Times. His journalistic experience ensured he had a broad understanding of the motivations of editors and newspapermen. The Prime Minster, Peter Fraser, when announcing Paul's resignation at the end of the war, commended this:

"As a veteran journalist he knew the urge among newspapermen to obtain news, and within the limits which were set by security and the importance of not impairing the war effort he did his utmost to help them with all the information available."

A private letter from the editor of the Christchurch Star Sun, A.G. Henderson, expressed similar sentiments,
A tribute to Paul from the Editor of the Christchurch Star Sun. (Paul papers, file 454).
"We have had our arguments, but both of us have been too long in politics to confuse persons with principles and I ought to say now that the editors were fortunate to find a censor as tolerant and as helpful as you have been. We might so easily have had a censor with a military mind and no understanding of journalism."  

Paul's familiarity with journalistic motivations may have led to occasional frustration on the part of editors attempting to publish a 'good story', while on the other hand Paul may have read those motives into too many of the stories submitted to him. He believed

"... the modern newspaperman shows a marked preference for sensationalism - 'vice is news and virtue is not'," and considered that the preference sometimes overrode attention to the absolute truth or, often inadvertently, to considerations of national security.

Paul had had some experience of broadcasting and could definitely command the confidence of the Labour Government. He had been very active in the trade union movement, as president of the Otago Trade and Labour Council in 1903 and prominent in the executives of the Tailoresses Union, the Electrical Workers' Union and the Otago Soft Goods Union. His association with the Labour Party went back to its inception. He had been its first President, and a parliamentary candidate. In fact, this association later led to accusations in Parliament that Paul's appointment had been a political one:
"I have no faith in the individual who was appointed. I do not think his background justifies confidence... I am told that he was appointed by the Prime Minister. There is a whole department set up, and it is all under the personal direction of the Prime Minister and I say that the man who was appointed is in this way getting rewarded for his services to the Government and the party in past years... I do not say that he is not actuated in the interests of the country, but I do say that his background is saturated with political bias, and I do not think that the appointment is to the advantage of the country. He is appointed and holds this office to serve the party to whose patronage he owes his appointment."¹²

The Government considered that this attack was unwarranted and made for political purposes:

"Government or no Government [the Director of Publicity] looks at matters from the direction of the rules laid down, ... there is unfairness in attacking a man who cannot defend himself."¹³

When a Government Minister suggested the use of the Publicity Department machinery in an election campaign Paul protested vigorously that such a suggestion should even be made.¹⁴ A Press almost unanimously opposed to the Labour Government often reacted against the censorship, administered by a Labour man in the Prime Minister's Department, for political reasons as well as from a determination to avoid undue encroachments on the freedom of the Press.
Paul's appointment was initially balanced by the appointment of J.H. Hall, a former editor of the conservative Dominion, as his Deputy. Hall, however, soon left to become a war correspondent.15

The Censorship and Publicity Regulations vested wide powers in the Director of Publicity. The Regulations identified specific military matters which had to be referred to the Director before publication, but also gave him the right to prevent publication of "any other matter whatsoever, information as to which would or might be directly or indirectly useful to any State with which His Majesty is at war."16

Peter Fraser defended the need for such powers by quoting Sir Archibald Sinclair, a member of the British House of Commons:

"We shall win the war, because we mean to show that a democracy can be as swift and formidable in action as a dictatorship."17

The purpose of the Regulations was to protect the "public safety". This included preventing the publication of any subversive report, which was defined broadly as:

"a report intended or likely to interfere with the national effort by disruption of the morale of the civil population or armed forces."18

The definition of a subversive statement was expanded in February 1940 to include statements intended or likely to cause undue alarm to the public, statements "intended or likely to prejudice or interfere with the manufacture, production, output, supply, delivery or carriage of any goods or
articles required ... in connection with the war,"
and any statement intended or likely to 'cause unlawful resistance to or interference with the enforcement or administration' of the law. 'Reasonable and temperate' discussion of any law was not to be considered subversive.¹⁹

The wide definition given to a subversive statement may suggest a lack of confidence on the part of the Government in New Zealander's unity of purpose. Such a doubt was almost certainly unjustified; the influence of dissident groups was relatively minor during the war.²⁰

Paul's first major problems with the censorship originated from the activities of Communists and conscientious objectors. The trial of two Communists, T.B. Christie and H.A. Ostler, for publishing a subversive statement was held on 13 February 1941. Ostler, son of a High Court judge, claimed in evidence that the Solicitor General had taken him to dinner and offered to have the Attorney-General drop the prosecution if Ostler agreed to join the army. Paul made an on the spot decision to have publication of this claim delayed until the Solicitor-General's explanation and refutation could be published alongside. This was duly done. The Otago Daily Times protested:

"Only through an excess of zeal could [the Director] extend his authority to a supervision over the publication of reports of proceedings in the Supreme Court, even though the names of the Prime Minister and the Attorney-General might be mentioned in them."²¹
Paul explained that the term 'military' had a much wider application than in 1914-18 when there had been minimal enemy propaganda. He considered that many newspaper editors were still thinking in terms of 1914-18, ignoring the social, economic and moral aspects of the present war. An attack on the administration of Justice, associated with an attempt to undermine public confidence in the heads of Government, especially where service in the Army was concerned, was not purely a 'domestic concern'. He added "It is impossible to catch up on a lie which is conveyed to over 100,000 readers." The newspapers were split in their judgement of whether Paul's actions were justified or not.

The Greymouth Grey River Argus was investigated by the Police early in the war because it ran a Magazine Page to which two known Communists submitted articles. Many of these articles were culled from foreign magazines and were regarded as subversive by Paul, the Solicitor-General and the Police because they were:

"nothing more or less than an effort to discredit His Majesty's Government and infer [sic] that the present war is being conducted and maintained simply to make capital for persons and businesses." 

Paul wrote to the editor:

"I cannot overlook the fact that the sincerity of the Government's war effort has been questioned in certain quarters on the ground that it is a party to the publication of the Magazine Page ... It is not difficult to imagine that continued perusal of the Magazine Page would be relished by Dr Goebbels [because]"
... it seldom contains anything favourable to the men carrying the great responsibility of conducting the war or even to the national on whose behalf they are shouldering the responsibility."

Paul justified censorship of articles which had appeared in foreign, especially English, publications:

"It must not be forgotten that the publication of certain controversial matter is much less dangerous in its influence in a country like Great Britain than in a small community such as our own. Topics which are discussed in a thickly populated community are considered in their special setting and in relation to the existent conflict of opinion, but when one side only is presented in our small community, the general effect may be dangerous." 26

It appears that Paul considered this factor outweighed the fact that New Zealand was thousands of miles from the front line. The Magazine Page was discontinued.

In 1940 there were 59 prosecutions for publishing a subsersive statement. 27 This included the Communist inspired periodical People's Voice, whose printing press was eventually seized under new empowering regulations. 28 A warning to the editor of another Communist periodical, Tomorrow, was enough to ensure publication ceased. The entrance of the Soviet Union into the war in support of the Allies reduced prosecutions to six in 1941. 29 Paul felt contempt for this switch of allegiance:

"I know all the rottenness that is underneath these things. I know how stupid it must appear to all intelligent people. Now that Russia has come in it is a 'holy war' - before it was an 'imperialist war'." 30
Much censored material related to military matters. In these cases Paul acted on the advice of the relevant Service. In addition to those referring to technical details, articles criticising inefficiency in the Armed Forces or alleging bad conditions were often held until the criticisms could be investigated. Criticism without specific detail was often denied publication because the accuracy of the allegations could not be tested.31 Paul explained the reason for some censorship early in the war:

"The country's war effort and its forces were expanding, but they had not yet reached the standard where public revelation was possible without the risk of informing the enemy that the country was not ready."32

Paul's relations with the Services' publicity officers was generally smooth. However, the Army did complain of "many technical blunders" resulting from the fact that questionable articles were not infallibly relayed.33 In another instance Paul complained that a submitted article he had relayed had been placed in the hands of a branch of Intelligence who had instituted inquiries into the source of the information. He regarded this as a breach of his trust with the press and refused to act as an intermediary or as a party to a prosecution.34

Throughout 1940 Paul's relationship with the daily newspapers was congenial. The Southland Times attributed this to the fact that both Paul and Hall were trained journalists and to the Government's sympathy for civil, rather than military, control of the censorship. Differences between Australia, Great Britain and New Zealand in censorship of troop movements and of the sinking of ships were
blamed on inconsistent instructions from Admiralty\textsuperscript{36} or simply "a sad lack of co-ordination".\textsuperscript{37} There were complaints that matters frequently of common knowledge could not be published\textsuperscript{38} and suggestions that an authoritative statement, not secrecy, was the best way to dispel damaging rumours.\textsuperscript{39}

A meeting of the New Zealand Newspaper Proprietors Association immediately after the Ostler case generally endorsed the censorship administration. Mr C.W. Earle, its President, said

"[We] would like again to express appreciation of the manner in which the director has carried out his duties regarding the daily newspapers .... Mr Paul was good enough to attend a recent Conference of Newspaper Proprietors ... and a number of matters regarding the censorship were then discussed and opinions and suggestions of mutual value were exchanged"

Mr Earle conceded that complete agreement on all issues was too much to expect, but the Director's helpful attitude had assisted to promote an "admirable spirit of co-operation ...", it was freely conceded that Mr Paul was carrying out a difficult task with a minimum of inconvenience to the newspapers".\textsuperscript{40} A word of warning came from Sir Henry Horton, chairman of the New Zealand branch of the Empire Press Union, who observed "an increasing tendency to suppress information which cannot have any military importance". He added that censors' necessary inexperience should make them responsive to suggestions designed to iron out inconsistencies.\textsuperscript{41}

Censorship of news of strikes was an example of suppression of information without a direct military significance. An illegal strike began at the Woburn railway
CENSORSHIP AND THE FREEDOM OF THE PRESS

Mr. Fraser and the Hutt Railway Strike

(This is where the article we should like to have written would have been printed if the censorship regulations did not make it imprudent for us to express an opinion about the censorship regulations.)

Progress and Farming First, 25 March 1941, (Paul papers, file 460)
workshops in the Hutt Valley on 6 March 1941. The workshops were doing some munitions work. The newspapers met the strike with general disapproval but printed the statements and resolutions of the striking men. Other branches of the Railway Tradesman's Association and members of related unions began to consider a sympathy strike. Consequently, on the Prime Minister's instructions, Paul issued the following directive to editors on 12 March,

"From this date the publication of all resolutions, reports of meetings, statements in support, or any information relating to the railway strike cannot be published without permission".

The Prime Minister received a complaint from the Newspaper Proprietors' Association about this ban.

On 19 March the strike, and its censorship, was discussed in Parliament. Mr Holland, leader of the Opposition, pointed out that it was significant that, although the strike was a reprehensible one, the employees had been denied the right to state their case when the Government was both the employer and a party to the dispute. He added

'when we restrict Liberty, we strike at the very heart of the democratic system, and nothing engenders suspicion and hatred more than suppression.'

Holland quoted President Roosevelt:

"Since in the last analysis democratic government is government by public opinion, it is of paramount importance that public opinion be fully informed. This must be guaranteed by the press."
NZ Herald, 21 March, 1941. The tall man with spectacles is the Prime Minister.
Fraser was unrepentent. The country did not want an illegal strike to be supported,

"I think I did the right thing and I will do it again on every occasion when the necessity arises .... Under the specious plea for freedom of the press, we are not going to allow the enemies of the country, outside or inside, to attack or sabotage our war effort.... The forgoing of small items of news that may tickle the palates of some readers is a small matter in comparison with columns being used ... unwittingly ... to foment disturbance and turmoil ..."\(^{47}\)

Fraser, however, admitted that there was "a legitimate point of difference" of opinion likely to arise as to the stage at which the Regulations should be utilised. "The Regulations are not perfect, ... there may be some that we try to apply and are not applicable."\(^{48}\) Other industrial disputes subject to censorship were the Westfield freezing workers' strike in January 1942\(^ {49}\) and the Huntley coal strike in mid-1942.\(^ {50}\)

The Parliamentary debate on the Woburn strike was fully reported in the newspapers. Editorials widely criticised the censorship of the issue, but there was little outright criticism of the censorship. The most virulent attack came from the *Auckland Star*, which compared the censorship with that used by the totalitarian powers. "It has not happened consistently in New Zealand, there have been one or two minor abuses, and this major one."\(^ {51}\)

Reverses in Crete and Greece in April and May 1941 combined with the controversy surrounding the Woburn strike
to bring a plea from the newspapers for more information regarding the war. In a speech to a meeting of New Zealand Newspapers Limited, its managing director, Sir Cecil Leys, said that it was the duty of the press to maintain public morale and stimulate the national effort, as well as to ventilate abuses and bring slackness of effort to light. A "timid ... censorship which has become unnecessarily restrictive" was preventing fulfilment of the latter duty:

"Orders prohibiting publication of this or that class of information, much of which should rightly be in the hands of the public, are being issued in increasing numbers, until there is scarcely an item of war news which can be published without reference to the censor".

Leys asked whether the Government really believed that the public were not fit to be trusted with the truth and whether publication of much of the news would truly jeopardise the national unity or the war effort:

"Must we be kept upon our proper course by a carefully selected diet of sunshine items of news and sunshine expressions of views? If so, the official estimate of the mental calibre of the average New Zealander is ... grievously at fault." 53

Paul responded that the recent "blanket" orders had been made necessary in every case" by serious indiscretions on the part of one or more newspapers, but none which come within the category are absolute prohibitions." 54

Much of the criticism focused on the wide powers given to one man. Leys contrasted this with the far more extensive British and Australian systems,
"[The Director of Publicity] is expected by
the Governemnt to be the man who knows the
answer to everything, and the newspapers
must abide by his answer ... The truth is
that [he] has been set an impossible task,
a task which no other Government has
entrusted to one man."

Sir Cecil went on to suggest that the office of Director
would be supplemented by the establishment of a consultative
group of experts qualified to judge and advise on the long-
term results of any censorship restrictions. Paul replied
that his administration rested on dual responsibility
regarding publication of matters relating to the war. "In
large measure editors are their own censors ... and must
take responsibility for what is published." Regarding major
matters the responsibility is joint and a constant endeavour
had been made to exercise authority in co-operation with
the editors."  

On 30 May the Returned Servicemen's Association (RSA)
proposed another alternative, the establishment of a Ministry
of Information. In fact, this proposition had been put to
the Censorship and Publicity Committee in February by the
Minister of Broadcasting, David Wilson. Wilson advocated
a full-time Director of Information to devise publicity
schemes. Paul dismissed this suggestion, claiming
"without egotism" that his practical judgment would match
that of any possible appointee:

"A go-getter or publicity buccaneer could attract
much more limelight with certain trouble for the
Government and possibly harm to the national war
effort. Whatever else may be said about my admin-
istration it is the single exception in the Empire
which has not involved its Government in serious disputation."

Paul added that clashes between the proposed Director of Information and "the man who would act as censor" were inevitable"... Providing censorship is applied with brains ... censorship and publicity were not antagonistic, but complementary.59

Japan's entry into the war caused a tightening of the censorship, especially regarding references to coastal shipping and military establishments in New Zealand. The closer proximity of the war caused the possibility of prosecutions for breaches of the censorship regarding military matters to be given greater consideration. The editor of the magazine In Print was prosecuted for reference to a large air base being built in Fiji by New Zealanders.60 Luxford SM threw out the case, stating that similar references had been made in other publications.61

The Auckland Star was prosecuted for publishing two articles which revealed the presence of a secret radio transmitter on the island of Tarawa in the Gilbert Islands.62 The source of the story assured the Star that the Japanese knew of the radio's existence but, on later investigation, a more reliable source was positive the Japanese did not.63 The Naval Secretary considered that the articles could lead to "the capture of a great patriot" and end valuable intelligence transmission from the area.64 In defence the Star indicated similar articles in the New Zealand Herald. However, some of the vital information was not contained in the Herald articles. Luxford SM convicted the editor of the Star and fined him £75.65 This proved to be the only
successful prosecution of a daily newspaper for a breach
of the Censorship and Publicity Regulations during the war.

Subversive statements continued to be drawn to Paul's
attention. The Prime Minister was anxious to prosecute the
New Zealand Herald for a statement by a correspondent, which read

"It is high time the military authorities
stepped in to take control of New Zealand's
destiny. No confidence can be placed in the
muddling politicians and their talk. We want
action not more words."

Paul considered it a weak case and persuaded the Prime Minis-
ter of this.66

A column by 'MCLure' in the Auckland Star of 13 February
was also considered subversive. However, the Crown Prosecutor
considered a prosecution would be unwise because 'MCLure'
had a wide following and the case would be decided on the
question of "whether a jury of twelve may or may not
sympathise with the writer and endorse his views." A
failure to secure a conviction might cause considerable
embarrassment especially as the question of the freedom of
the press would receive wide publicity."67

Likewise, an article in John A. Lee's Weekly on
20 January 1943 was considered subversive on a variety of
counts, but the Solicitor-General did not feel confident
about a jury's verdict.68 These two cases illustrate the
impotence of the Regulations. A technical breach of the
law could not guarantee a conviction.

Suppression of John Hogan's Democracy, organ of the
Social Credit party, caused a large public outcry. An
article on 30 January 1942 entitled "Prepare for an American
Invasion" was considered subversive as "intending or likely to prejudice relations between His Majesty's subject and any friendly foreign State or its subjects." The real cause of the suppression, however, were articles seen as an attempt to undermine the Government's policy of financing the war by a war loan policy. These were entitled "Bomber Bombs Swindle", on 10 April and "Debt Swindle Exposed" on 24 April. Paul considered that "There was no alternative to suppression unless the Government was prepared to surrender to Mr Hogan," and his 'unorthodox' financial policies. Despite the suppression Hogan continued to produce newsletters, many of which were intercepted in the mail. A petition was organised and many letters were sent to the Prime Minister protesting against the use of secret suppression outside the Courts. Editorials were published in the Otago Daily Times and Evening Star protesting at the suppression, and the Christchurch Star-Sun condemned such 'political' use of the censorship. Hogan's story, and issues of Democracy, reappeared sporadically until the end of the war.

Japan's entry into the war touched off a fear of shortages in essential commodities such as sugar and tea. The authorities considered that published reference to shortages would create an artificial demand and thus exacerbate any shortage. Thus, Paul sent a directive on 20 January 1942 that unless approved by him, no reference was to be made to any shortages. This was amended to imported foodstuffs in February, and extended to cotton textiles in May, before the original order was reinstated in June, after an article regarding a potato shortage had caused the supply of potatoes to be ravaged. When the reason for such directives was
sought, Paul sited other specific instances where news of a shortage had multiplied purchases incredibly. Another issue which caused censorship problems was the campaign for an increase in pay and better hours of work for police. On the instructions of the Prime Minister and Minister of Police, Paul issued a directive in December 1942 banning publication of resolutions passed by any branch of the Police Association, without his approval. However, this did not prevent discussion of the demands and problems of police remuneration, and the Otago Daily Times and Evening Star of 2 January both published articles outlining the issue. This led to a further telegram, also sent to the Police Journal, restricting discussion of the subject of police pay. The Solicitor-General informed Paul that the validity of these directives would be sustained in legal proceedings, because publication could be "prejudicial to the public safety." The editor of the Police Journal twice exhorted Paul to allow publication because the medium of the Journal was "the only method we have of acquainting our own members with the representations made." The Leader of the Opposition championed the Police Association's right, as a loyal and vital body, to be heard, but by that time police pay had been improved. Fraser defended the censorship, claiming it was used to prevent the spread of disaffection which could impair discipline and efficiency in a body which was as much a part of the defence of New Zealand as the armed forces. "There will be no right for the forces of law and order to agitate during the war period." The directives restricting the publication of police issues remained in force until March 1945.
The only other controversial question which arose in 1943 regarded the reporting of the American presence in New Zealand. Editors were instructed not to reveal the fact that American troops were stationed in New Zealand, and much military information had to be approved by an American censorship in addition to the New Zealand one. Minor leakages were reproved by the Director. However, Paul wrote to Vice-Admiral Ghormley that it was absurd and impossible to restrict all references in the New Zealand press and urged that the established and tested principles regarding publicity covering our own troops be extended. He complained strongly of prominent references in overseas publications to American troops stationed in New Zealand, adding that he would faithfully observe and effectively apply the American's wishes, but he was

"disturbed by the prospect of having to continue to ask the press of New Zealand to observe prohibitions which are not applied outside of New Zealand."  

Meanwhile Sir Cecil Leys, the censorship's chief critic, had renewed his attack in a speech to the Press Association on 7 October 1942, in which he claimed that the country was indignant at the extension of the Director's power and that the New Zealand public was denied much information which was published in British newspapers. Leys recommended various changes to the administration of the censorship. Firstly, he pointed out that the reason for censorship was security and there must be vigilance to guard against its becoming a cloak for remediable political or service weaknesses. Secondly, he claimed that public morale was most endangered
if there was a suspicion that facts were being censored. Sound morale could only be built up by telling the public the truth and enlisting their co-operation. Thirdly, instead of censoring news relating to commodity shortages, industrial disputes and such matters, the policy should be to inform the public fully, thereby creating a strong popular opinion for good citizenship, co-operation and constructive ideas. Lastly, general prohibitions should be discontinued in instructions to newspapers and the specific purpose of any prohibition indicated. General prohibitions extended the scope of the censorship beyond the particular incident, and were often maintained after the need had passed. Another complaint was that the combination of censorship and publicity in the same Department gave it opposing functions. The British system was advocated as an alternative. Various editors supported wholeheartedly the complaints made by Sir Cecil. For example, the Auckland Star published a leader stating

"In New Zealand matters of importance could not receive public mention without the assent of persons whose individual interest it would be to suppress publication."  

Paul defended his administration:

"At all times I have sought the closest co-operation in the exercise of censorship. I have attended some of the [Press Association] meetings and have offered to explain at any time any and every act of censorship."

He had asked for specific instances whenever a general accusation of misuse had been made, and then explained the
reasons for the censorship in the specific cases. He recalled Mr Earle's commendation to the Newspaper Proprietor's Association. By suggesting that important facts were being withheld unjustifiably Paul considered Sir Cecil was "rendering the whole press a disservice." Paul considered Sir Cecil gave a misleading impression of the censorship.

For instance,

"Practically every so-called 'general prohibition' is conditional and not absolute in the sense that it provides for publication with approval. If [he] could be certain that any newspaper would consult him before publication of dangerous matter, there would be less need for ... 'general prohibitions', but isolated cases of gross carelessness prove that the risk cannot be taken. The least responsible editor makes the 'general prohibitions' necessary - and responsible editors know it."91

Paul pointed out that a newspaper could publish anything which had appeared in a British newspaper so long as it did not endanger security. He considered that Leys and his supporters wanted freedom to publish anything which had passed the least attentive censor, "no matter how scurrilous". A statement quoted from a newspaper in another country takes on an importance and significance it does not deserve. Each country is the best judge of the conditions within its own borders. If the editors had their way the Director would have no power to step in if he knew that a piece of enemy propaganda was circulating in the newspapers. Paul added that the two functions of publicity and press censorship were centred in the British Ministry of Information and that
the New Zealand system was fundamentally the same.  

Paul questioned the editors' qualifications to criticise the censorship objectively.

"Like all human institutions censorship should be subject to informed and unbiased criticism, but newspaper proprietors may not be the ideal judges in their own cause, even though their spokesmen belong to a favoured class in the community. The infallibility of the Press is not now generally accepted ... There is no other section of men who are always so terribly right; who never hesitate to criticise individuals and institutions; who have never lost a war; who express so profoundly the truth on all questions and who at the same time are themselves immune from press criticism."

He quoted a speech given by General McArthur to Australian pressmen in April,

"When you start to tear down, you destroy public confidence in the leaders of a military movement. You practically destroy an army."  

Paul then accused the "small coterie of Tory-minded journals" led by Sir Cecil Leys of attempting to make political capital from the censorship issue:

"Running through the editorial attack on the Director of Publicity is a clearly defined attack on the Labour Government to suggest that the censorship is being used to cover up incompetence and worse in the Government and the administration."

Various censorship issues arose during 1944 including a crisis in Australian censorship and an appeal against a
conviction for a breach of the censorship by a provincial
daily newspaper.\textsuperscript{95}

Three\textsuperscript{96} of the five editors in an early 1944 New
Zealand Press delegation to England cabled a statement home
stating that although England was closer to the fighting
there was a greater degree of censorship freedom there.
They claimed that this was "partly attributable to the
traditions of freedom, which are older and stronger in
Britain than in any other country, and to the pervasive and
refreshing atmosphere of tolerance ... which gave a different
conception of censorship." The main differences were that
there was no censorship of opinion and that submission to
censorship was voluntary.\textsuperscript{96}

Paul rebutted this by pointing out that in practice there
were stops and releases indicating what matter could not be
published and what must be submitted prior to publication.\textsuperscript{98}
"There is no question of anything but compulsory censorship
as far as they are concerned."\textsuperscript{99} In addition he quoted a
recent British Press agitation which reported

"Mr E.C. Clarke, night news editor of the
\textit{Daily Mirror} had declared that 60\% of his
work, and that of his colleagues, was being
suppressed. 'There is a deliberate, definite,
and damnable censorship of opinion going on,'
he declared.\textsuperscript{100}

Paul explained that the only point of divergence was that, in
theory, British newspapers who have sought the censor's
guidance may, within certain limits, ignore it and leave
the Courts to decide whether this was illegal. In New
Zealand, when the censor has given his decision, to ignore it
is an offence. He added that in actual practice British
newspapers did not ignore the censor's advice.101

He pointed out, in a passage which explains his views well, that censorship must be preventive, not punitive,

"Much has been made of the argument that if a newspaper offends against national security it can be prosecuted. This is a fallacy and springs from a failure to appreciate the gravity of the issues. In war the whole substance of the nation is at stake - the lives of its people, their liberty, and their possessions. The nation is greater than the newspapers, greater than the great element of the freedom of the press or of speech. Censorship must prevent the publication of information dangerous to the security of the nation, and if it errs it must err on the side of caution.

It is not enough that newspapers must be 'subject to the process of law' in the Courts. The first essential is that dangerous news shall not be published. If a burglar steals, the life of the nation is not immediately endangered. Punishment through the process of law can be adequate. But where, in war-time, information of value to the enemy is published a fine or even imprisonment cannot undo the harm. Prosecution might even extend the area of damage and increase the danger."102

In August 1944 the censorship was discussed extensively in Parliament. The Opposition advocated its further relaxation and claimed that the Government was using the censorship to veil incompetence. One member quoted Professor Laski on the dangers of censorship:
"To penalise the critic is not only to poison the moral foundations of the State, but to make it difficult, when peace comes, for the Government and the mass of the people to resume the habits of modern democracy."\textsuperscript{103}

This attack gave the Government an opportunity to vent its frustrations at its treatment by the newspapers during the war.

"From Invercargill to Whangarei, the daily press attacks the Labour party, morning and evening, magnifying the small matters and stirring up trouble and strife quite unnecessarily even in wartime."

They considered that freedom of the press was an overrated principle because editorial policy was dictated to a large degree by the vested interests which controlled the newspapers. Thus censorship was carried out well before the Director of Publicity became involved. Those editors who attempted to defy the instructions of their proprietors did not survive.\textsuperscript{104} "The press has no more freedom than has a butcher behind his counter in his relations with his customers."\textsuperscript{105}

Paul agreed with these sentiments,

"Only by dint of unusual sacrifice can the voice of the people be presented through its own Press, and then in no comparative volume to that raised in thunderous tones by the daily Press on behalf of vested interests and in support of a static economic order."\textsuperscript{106}

He considered that the modern press had declined in influence because of this factor, which led to "special sins of omission
and commission." Quoting President Roosevelt, Paul considered that censorship in wartime was condemned too glibly:

"Never in the history of the world has a nation lost its democracy by a successful struggle to defend its democracy. We must not be defeated by the fear of the very danger we are [resisting]. Our freedom has shown the ability to survive war but it would never survive surrender."

"Neither the loftiest sentiments nor the most eloquent words can guarantee peace to the major part of the world."

The American Society of Newspapers issued a statement in December 1944 claiming that the first step to the achievement of world peace was the removal of all political, economic and military barriers to freedom of world information. If Governments stood aside with a benevolent attitude to a world-wide free press and freedom of international news," the truthful exchange of news would ultimately lead to the principle of community interest and understanding becoming true internationally." They claimed that this would lead to world peace without the need of pacts and military power. Paul dismissed this:

"It would be foolish and evidence of elementary simplicity to suggest that the press unhampered would be an influence for international amity," because this ignores the fundamental fact that the press
was an industry like any other. However, Paul noted that

"A buyer of bad food or dangerous drugs has the protection of the law. If the wells of information are polluted he has the protection only of his own intelligent judgement."112

He considered that the claim of the right to print 'all the news' was impracticable and could never be operative. This was because the claim actually meant that the press desired the right to interpret only the news it wished to print and that the interpretation of what was 'news' was as wide as the poles.113

"Let us imagine what truth in news would mean. Only facts, the accuracy of which would be vouched for by an unfettered journalist, would be published. There would be no scope for the rumour monger and any necessary correction would be made instantly. There would be no campaign of hate against foreign countries, but there would be clashes of opinion because opinion and fact are not necessarily related."114

The reality of the modern press was far from this ideal. However,

"Notwithstanding the disappointments and evils inseparable from the freedom of the press [as practised during Paul's lifetime] it must be preserved. There are world organisations and smaller voices which are helping to maintain all that is good and [minimise the influence of vested interests]. They are intensely anxious to sow the seed of goodwill between nations and to sacrifice the traditional 'good story' for the true story."115
These comments indicate that Paul felt deeply about the press and was prepared to enter into dialogue (sometimes) on quite idealistic and abstract terms, with those who disagreed with his regime.

As the war danger receded the censorship was relaxed accordingly. Finally, Paul sent a memo to the editors on 21 August 1945 announcing the cancelling of censorship as provided in the Censorship and Publicity Regulations.¹¹⁶

A case study will illustrate the working of the machinery of censorship administration more fully.
FOOTNOTES


2. H. Witheford, "Censorship of the Press", chl, p.12; WAI 21/3d.


4. Witheford, Censorship Narrative (C.N.), chl, pp.3-5; W.A.II 21/3d.

5. E.A. 84/2/9, part 1.


7. Dominion, 1 October, 1945.

8. Henderson to Paul, 26 June, 1945, Paul papers, file 454.


10. see Ibid, files 70, 90, 91.


12. NZPD, 265, p.369. 11 August, 1944, Mr Bowden - Opposition (Wellington West).

13. Ibid, p.382, Mr Nash (Minister of Finance).


15. Hall, John Herbert (1897-1975). Editor Hawera Star, 1925; Christchurch Sun, 1927; Dominion, 1933-7.


17. NZPD, 259, p.81, 19 March, 1941.

18. Statutory Regulations 1939/121, Reg^n 14(1)(ii). See Appendix A.

19. Ibid, 1940/26, Reg^n 3(e)(f)(g). See Appendix B.


23. D.P. to editor Otago Daily Times, 1 April, 1944; Paul papers, file 413.
24. C.N., ch 4, p.4.


26. Ibid., 27 January, 1941.

27. C.N., ch 3, p.9.

28. Statutory Regulations, 1940/93. See Appendix C.

29. C.N., ch 3, p.11.

30. Transcript of telephone conversation with editor Zealandia (Roman Catholic weekly), 29 September, 1941; Paul papers, file 638.


32. Report to P.M., 8 July, 1942; Paul papers, file 455.


34. D.P. to Navy Secretary, 9 January, 1942; N.D. 17/11/2.

35. 28 February, 1940.


37. Southland Times, 29 November, 1940.

38. Dannevirke Evening News, 22 February, 1940.

39. editor Auckland Star to D.P., 4 July, 1940; Paul papers, file 432.

40. Dominion, 27 February, 1941.

41. Evening Post, 21 February, 1941.

42. Dominion, 11 March, 1941.

43. New Zealand Herald, 12 March, 1941.

44. NZPD, 259, p.73.

45. C.N., ch 4, p.7.

46. NZPD, 259, pp.73-5.

47. Ibid, pp.77-80.


49. 24,26 January, 1942, Diary, Paul papers, file 683.


54. Memo to editors, 23 June, 1941., Paul papers, file 471,

55. Timaru Herald, 22 May, 1941.

56. Memo to editors, 23 June, 1941; Paul papers, file 471.

57. Otago Daily Times, 31 May, 1941.

58. Minutes to Publicity Committee meeting, 24 February, 1941; Paul papers, file 455.

59. Draft, DP to Min. of Broadcasting, 22 February, 1941; Ibid.


62. Ibid, 31 March, 4 April, 1942.

63. Dr K.R. Steenson, former medical officer at Tarawa to Police, 8 April, 1942; Paul papers, file 461.

64. Naval Secretary to D.P., 14 April, 1942; Ibid.

65. New Zealand Herald, 7 May, 1942.

66. Diary, 10, 15 January, 1942; Paul papers, file 682.

67. Meredith, Meredith and Barr to Sol-Gen, 23 February, 1942; Paul papers, file 461.

68. Sol-Gen to D.P., Paul papers, file 415.


70. Memo to R. Wilson, Private Secretary to D.G. Sullivan, Min. of Finance, 20 May, 1942; Paul papers, file 435.

71. Ibid.

72. 26 May, 1942.

73. 27 June, 1942.

74. E.A. 8/13/16.

75. C.N., ch 6, pp.1-2.
76. Diary, 17 January, 1942; Paul papers, file 682.
77. NZPD, 262, p.324.
78. 5 January, 1943; E.A. 84/13/3.
79. 19 January, 1943; Ibid.
80. 12 January, 19 January, 1943; Ibid.
81. NZPD, 262, p.73.
82. Ibid, p.324.
83. Ibid, p.73.
84. E.A. 84/13/2.
85. NZ Listener, 12 June, 19 June, 1943.
86. Paul papers, file 413.
87. Dominion, 7 October, 1943.
88. Press, 12 May, 1943.
89. 4 June, 1943.
90. Draft response, 27 October, 1943; Paul papers, file 413.
95. These are dealt with in chapter 3.
96. P.H.N. Freeth (Press), E.B. Dumbleton (Auckland Star), E.V. Whitlock (Hawke's Bay Herald Tribune).
97. Auckland Star, 7 March, 1944.
98. Press, 9 March, 1944.
100. Press, 9 March, 1944.
101. Wanganui Herald, 25 May, 1944. See also chapter 3.
103. NZPD, 265, p.361, Mr Doidge, 11 August, 1944.
104. Ibid, p.365, Mr Fraser.
105. Ibid, p.353, Mr McFarlane.
107. Ibid, p.149.
110. 1 December, 1944; Ibid, file 468.
111. n.d., Ibid.
112. Ibid, Diary, 22 March, 1945, file 682.
114. Ibid, Diary, 23 March, 1945, file 682.
116. Paul papers, file 635.
Dear Madam,

I am sorry to say that for reasons over which we have no control, and which we are debarred from giving, it is now impossible to publish your or any other letter upon the return of the furlough men to the Middle East.

Yours faithfully,

(signed) F.A. Clarke

Managing Editor

Reproduced from John McLeod, Myth and Reality, p.144.

The coverage of the furlough drafts in John McLeod's controversial Myth and Reality shows them to be an interesting case study of press censorship during the war. This was the one censorship issue, beside that of shortages, which directly affected the "grass-roots" of New Zealand society: the furlough soldiers, their families and friends. Other issues primarily affected newspapermen, trade unionists, or party politicians. Censorship of matters arising out of the furlough drafts is only fleetingly covered by Taylor and Logan, and is only a side issue to the central furlough story in McLeod's book.

The furlough scheme was one by which men of the Second Expeditionary Force (2NZEF) with long service in the Middle
East would have three months relief in New Zealand before returning to the front. The first furlough draft of 5137 men arrived in New Zealand on 12 July 1943.  

Various factors roused discontent among the members of the furlough draft. Around them they saw evidence of what they considered a lack of commitment to the war effort by members of the New Zealand public. News of the Huntly miners' strike of September 1942, difficulties on the wharves, the generally high level of wages, and instances of shirking filled them with varying levels of contempt and disgust. The presence of American troops in New Zealand, with their comparative wealth, popularity with the women, confidence and big nation arrogance, added to the men's resentment. Any sense of adventure the war had provided was long since dissipated. The comforts and security of civilian life beckoned. Family, friends and interested groups such as the Returned Servicemen's Association (RSA), encouraged and often put pressure on the men to remain at home, especially since the war was clearly moving in the Allies' favour. Furthermore, medical regrading left only a "rump" of 1637 men liable for further service at the front when the extended four months furlough was ended. Their diminished number provided a further psychological disincentive to the return to war.

Under the catchphrase "equality of sacrifice" public opinion tended to support the growing feeling within the draft that they should not have to return to the front until all Grade 1 men working in essential industry had served. The men's return had prompted a resolution by the Oamaru RSA advocating the full replacement of the furlough draft by fit men in industry, which was reported in, and
supported by, the Wellington Evening Post:

"Apart from their distinguished service in the actual fighting, the men just back home long endured hardships which now merit the reward of retention in New Zealand if that is their wish and if fit men can be found - as they undoubtedly can - to replace them".  

The Government became nervous of the effects such publicity could engender. Consequently, less than a month after the draft had arrived, Paul telegraphed his first directive regarding the furlough to the newspaper editors:

5 August 1943
Confidential. There must be no publication without submission to and approval of the Director of Publicity of any matter relating to the following topic namely replacing soldiers on furlough by exempted men now working on farms or in other essential occupations nor to the future composition or disposition of New Zealand forces overseas.  

No explanatory letter followed this telegram, although it may be supposed, as was usually the case, that various editors telephoned Paul for an explanation.

On 11 August the matter was raised in Parliament as an urgent question, and the Opposition asked that "such restrictive notification [be] withdrawn immediately." The Prime Minister explained the reason for the directive:

"... statements were published that would lead to the possible stirring up of discontent among men who were in the Army. It is the Government's intention to give full consideration to the claims of all the men before the time comes for those on furlough to be returned. Those who are medically fit and who can advance any
reason for remaining will be given due consideration. If that is made a subject for public discussion, obviously the whole discipline of the Army will be undermined, and it is only right that the Director of Publicity should first see all statements of that nature before they appear in the press. Already some preposterous statements have appeared and, if that were continued, that would simply dissemble the discipline of the men and the war effort. The war effort is our first consideration."

Mr Fraser added that he considered "reasonable statements should be permitted."\(^{10}\)

Arguments for returning the men to the Middle East centred on continuity, both at home and at the front. The first furlough draft returned at a time when New Zealand's manpower was stretched further than at any other time during the war. Replacing men serving in industry or in 2NZEF would mean the loss of experience and a subsequent vast amount of retraining. This would cause inefficiency and a subsequent decline in production in the first, while in the army disruption and inexperience would ultimately lead to the loss of more lives.\(^{11}\)

The Opposition seized the dominant public sentiment for its election build-up. In a broadcast speech opening his campaign, the Leader of the Opposition, Mr Holland, attacked the Government for over-committing the country's manpower and added "in my opinion no man should be sent to war twice before everybody has gone once."\(^{12}\) The wide coverage this speech received in the newspapers made a mockery of Paul's directive of 5 August. He withdrew it, perhaps a trifle testily:
2 September 1943 (to 26 newspapers)
Confidential. The publication in some newspapers of the statement that after such long service men on furlough should be given the option of voluntarily returning to the Division or returning to civil employment, wrongly attributed [sic] to Mr Holland in his speech at Christchurch on Tuesday night, have destroyed the purpose of my directive of August 5. It is therefore now revoked. That purpose was primarily to discourage the publication of any matter which may be helpful and encouraging to the enemy, disruptive of citizen morale in our own country or disruptive of unity of our forces at home or abroad.13

The difference in meaning between what Holland actually said and what the newspapers attributed to him is difficult to grasp. As a political issue policy towards the furlough draft was kept in the public eye with the approaching general election. Although a decision had been made in August, the categories of men who could remain in New Zealand were not announced until three days after the election, on October 1. Those categories were: all married men with children, all married men aged 41 and over, and all Maori. Those who were not included had the right to apply to the Armed Forces Appeal Boards if they had particular civilian skills or special circumstances. The timing of the announcement proscribed any possibility of the draft returning on time.14

Comment in the papers was rekindled by Fraser's announcement. Protests by the Auckland and Hutt Valley branches of the RSA were reported in the press.15 An
advertisement telling the furlough men who to write to if they desired an Appeal was held up by Paul following correspondence with A.D. McIntosh, the Secretary of the War Cabinet. Anonymous letters in the correspondence columns were the most common form of complaint by family, friends and, occasionally, the men themselves. In one, a member of the Armed Forces Appeal Board was reported to have said that he would recommend every man who appealed be allowed to stay in New Zealand. One letter published in the Auckland Star was particularly bitter:

"I am a member of the furlough party. Would some kind person please inform a poor bewildered soldier what we are fighting for.... I wonder if the people who are earning 15-20 pounds a week ever give thought to the hollow-eyed, nerve strained men who are dodging bombs and machine-gun bullets on their behalf, or ... the girls who bestow their favours on anyone but New Zealand furlough men .... And what of the women who betrayed their husbands while they were away defending their homes.... Another bitter pill to swallow is the fact that soldiers in camp, who have never heard a shot fired, are sent back ... We had faith in the people of New Zealand once, we know better now. Their apathy is hard to understand."

CANNON FODDER.

The Minister of Justice, H.G.R. Mason, sent a note to Paul commenting

"There may not be much harm in an isolated letter, but there would be a breakdown of morale if this grew into any continuous agitation."
Meanwhile, Paul had recognised the worsening nature of the problem and, after consultation with, and instructions from the War Cabinet, reimposed and expanded the original directive on October 21:

In view of the imperative necessity to preserve the unity and efficiency of our military forces there must be no publication without submission to and approval by the Director of Publicity of matter relating to the following topics, namely:

a) Replacing soldiers on furlough by exempted men now working on farms or in other essential occupations;

b) The proceedings in Armed Forces Appeal Boards except as far as the name of the appellant and the statement setting out the particulars of his special hardships;

c) Any opinion regarding the return of the furlough or their replacement by any other men. All future published references must be confined strictly to individual cases and not to any section or sections of troops and particular attention is directed to the provisions of the Regulations in their reference to the military forces."\(^{20}\)

This time Paul sent a comprehensive letter the next day explaining why the directive had been issued:

"a section of the press has failed to exercise a sufficient sense of responsibility concerning the serious issues at stake.... If the current agitation is effective the disintegration of the division [in the Middle East] is certain ...., leave for other men would possibly have to be cancelled which ... would deprive [them]
of the privilege the furlough men have enjoyed. On the other hand there is no guarantee that the released furlough men would willingly take up the posts at present held by Grade 1 men in industry."

Paul was particularly scathing of letters appearing in the correspondence columns. At the same time he restated his belief that the censorship was, on the whole, running smoothly:

"The anonymous letters which have appeared in some newspapers arise in the majority of cases from self-interest, with a few cases where prejudice is the dominating factor. Many of them have been published in direct contravention of the Regulations. It may be said that an assertion of this kind should be supported by prosecutions, but it will be readily agreed that the administration of the Regulations has never been punitive but always co-operative."

Technically, a breach of the regulations was a breach of law and should have led to a prosecution. However, Paul realised that the regulations were an emergency measure applicable to a situation which was constantly changing. Thus, a prosecution was a last resort in situations where total intransigence was met with, or the publication was so dangerous it was impossible to ignore. Newspapermen tended to assume the letters to the editor columns were the sole public forum and it was, therefore, their duty to ensure that such grievances were aired.

Paul stressed that most newspapers had done nothing culpable and that "some newspapers have been most helpful,
and their comments, while not uncritical, have been responsible and constructive."\(^{21}\) He singled out a leading article published by the *New Zealand Herald* reporting Fraser's 1 October announcement for special mention. The article stated that "sentiment must not rule in the decision" and it was not always fair, sometimes "cruelly unfair" to say that those in industry who were fit were at fault.\(^{22}\) As if to ensure that he was not inundated with complaints and questions, Paul added

"Prior to the issue of this order representations were made to me by highly placed newspaper executives that the position within the last few days was possibly charged with serious consequences."\(^{23}\)

Members of the New Zealand public became aware that the censorship was operating again through replies to their letters to the editor similar to that reproduced at the beginning of this chapter. Many of those who had formerly written to the newspapers now took to writing to the Prime Minister.\(^{24}\)

The day after the directive was issued the *New Zealand Herald* submitted a short article containing "a further claim that members of 2NZEF on furlough had been officially notified before leaving the Middle East that they would not have to return unless they so desired." Paul passed the article on to the Minister of Defence, F. Jones, and replied to the *Herald* that the article was being held until it was ascertained whether there was any foundation to the statement. A similar article was submitted by the *Auckland Star*. Neither was ever published.\(^{25}\) Articles reporting statements by the
Minister of Defence, and one reporting the NZRSA view that it should not interfere although there were probably enough grade 1 men to replace the furlough, were released for publication in October. 26

Various articles reporting particulars of Appeal Board hearings were released for publication. However, one more controversial one reporting a malaria sufferer who had been passed fit on a first Appeal was stopped by Paul. He explained that because the name of the applicant was not included the story could not be verified. Such an article questioning the competence of the Appeal Board would need to have some foundation in fact if it was to be published. 27

A letter to the editor of the Auckland Star outlining the weaknesses of the furlough policy and suggesting alternative proposals was stopped by Paul. However, this letter was handed by Paul to the Prime Minister who referred it to the War Cabinet for discussion. 28 Paul was usually astute enough to recognise potentially useful material, or material uncovering abuse or incompetence, and ensure that it reached someone who could effect change. This is not to imply that his decisions were always the correct ones or that he carried any great influence. Rather, it merely shows that he took his work seriously and was dedicated and competent in his job.

The Auckland branch of the RSA took strong exception to the way the censorship had been applied to the furlough drafts at a meeting in early November. Their resolutions stated that they could not see how this censorship against men who had been fighting for their country for three years could possibly correspond to the purposes of censorship in
wartime; that is to keep information from the enemy, or restrict publication likely to injure the Allied cause or relations between the United Nations. The resolution went on to state,

"The censorship denied them access to the public press, denied them the right and liberty of stating their claims to the public. Furthermore, the public was denied its traditional right to expression of opinion through the public press."30

Paul noted underneath that it was clear how this instance of censorship fitted into its general purpose.

Cables were sent to Canberra and London in January 1944 requesting that publication or broadcasts in those countries of stories about the New Zealand furlough be excluded because "any unofficial version ... would be detrimental" to New Zealand's war effort and afford comfort to the enemy. The request was accepted at face value by Canberra but the British Minister of Information, Brendan Bracken, replied

"I would have to try and use persuasion rather than the blue pencil. Unfortunately, we have no powers to censor news merely because it affords, or might afford, material for enemy propaganda."31

This may well indicate that British censorship was more permissive than that of the Australasian Dominions. However, the situation was not quite that simple. New Zealand and Australia had earlier agreed to respect each others censorship requests fully.32 Both New Zealand and Australia would have acceded to a similar request from Great Britain for two reasons. Firstly, Britain was in the firing line and failure
to agree carried with it the possibility of more immediately disastrous consequences. Secondly, and this was especially true for New Zealand, Britain was the mother country and her requests retained a certain aura of instruction. For similar reasons, Britain had the national arrogance to believe the decision to accept or refuse such requests was totally within her power.

It was not only reports in the British press which were causing concern. Walter Nash requested information on the furlough problem to be sent to him in Washington. Various stories and rumours were circulating and he considered the situation would be far more satisfactory if he was in a position to answer any questions that may arise with an official version, and to dispel any false or misleading reports that may appear in the American press.33

Two articles published by the Wellington Evening Post in February caused Paul some concern. The first included the sentence "American troops with two years service in the Pacific war zone are being sent home and will be replaced by fresh troops." However, no attempt was made in the article to compare this situation with that in New Zealand.34 The second reported an interview with Brigadier Inglis35, who had returned to New Zealand to recuperate after suffering a psychological breakdown at the front. Inglis was vehement in his support of the furlough policy and condemnation of those who criticised it:

"The most dangerous moral cancer ... is the one engendered by those who say to others 'You have done your bit, now it is up to someone else to take your place'.... There are times when the clamour for the return of one of their folk
means the loss of two of someone else's".36

The press was subsequently requested to refrain from interviewing Inglis and he, in turn, was instructed not to give interviews.37

The censorship applied only to matters regarding problems arising from the furlough draft. For example, reports of a grant to local bodies to help entertain the returned furlough men did not need to be approved by Paul.38 Meanwhile, after a variety of delays, the men had been ordered in December to return to their mobilisation camps on various dates in early January. Various newspapers reported that these instructions had been issued, prompting Paul to send the following telegram:

4 January 1944
Confidential. Please do not repeat reference published by some newspapers to furlough men entering camp. Attention is directed to my notice October twenty one and to Regulations regarding movement of forces."39

Reports of agitation against the instructions brought a further reminder, on 6 January:

"Arising out of the publication by some newspapers of an unauthorised and illegal reference to a stopwork meeting or a stoppage of work as a protest against the withdrawal of certain men to meet army requirements...attention is again directed to the regulations... There must be no published reference direct or indirect without approval... to the topics of any action or projected action of individual members of those forces, the replacing of members of those forces or the employment of members of those forces in any civil or military occupation."40
Some of the men simply failed to report and many of those who reached their nearest railway station decided to return to their homes. Most of those who returned to their camp refused to embark. The Hamilton "rebels" were the most organised group. Mr R.R.V. Challiner, an ex-army officer, had advertised a meeting in the Waikato Times to be held in a room in the Regent Theatre Building on 28 December. A resolution was passed that they would disobey the order to return to camp and Challiner organised a circular to be distributed claiming, among other things, that military defaulters remaining in New Zealand would receive all the best post-war jobs. Challiner was later arrested in Taihape after distributing copies of the circular in Ohakune and Waiouru. He was charged with publishing a subversive statement.

Articles submitted by the Press Association and the Wanganui Herald giving a detailed report of the preliminary hearing in the Magistrate's Court at Taihape were almost totally censored. Paul claimed that the deleted portions of the Press Association report provided unbalanced coverage and would boost Challiner's cause. Of the Wanganui Herald submission he commented:

"If it were possible to present to our own people both sides of this dispute fairly and without reservation, and at the same time withhold most valuable information from the enemy, then there could be no question of allowing publicity.... The sole object in prohibiting ... is to prevent the enemy from receiving information of inestimable value ... I appreciate the desire of pressmen to tell their readers
everything about the furlough draft, but the possible effect of such telling would give stimulus to the Hitler technique of divide and conquer .... The Press has never ceased to insist that under no circumstances would they publish information of value to the enemy. The detailed evidence would give sufficient details to enable a trained agent ... to build a substantial case...

The Press Association obviously regarded the above as a remote possibility. The following day it complained to Paul of the extent of the censorship of the Challiner hearing claiming that the Police evidence at the very least should have been released.

Paul replied explaining reasons for some of the evidence being censored. Earlier references made to the circulars in a Parliamentary debate on the furlough, coupled with the publication of the evidence regarding the circulars submitted in the hearing, would have inextricably linked the trial to the furlough affair. Evidence of Challiner's good character had been merely ex parte, not given on oath. Publication of this evidence could possibly, therefore, be construed as an attempt to influence public opinion in the defendant's favour. References to Challiner's military association and service in both wars could lead to the inference that the case concerned military interests and help identify it with the furlough problem. In an uncharacteristically cynical comment, Paul added:

"... if by confining the approved report to bare details of the charge and the result of the proceedings the report that the Press Association was asked to publish is an unfair
report, the newspapers and the Press Association in this country have been indulging in this form of unfair reporting for many years without considering that in this way they impaired the newspapers' prestige as impartial purveyors of court news." 45

The reasons for withholding publication which Paul gave appear to provide a very tenious link to the "imestimable value" he claims publication would have given to the enemy. The enemy agent would have had to have been very highly trained indeed. It is arguable that it would have been easier for him to have manufactured a web of lies than follow through the implications of this case. If that is so, then censorship was possibly imposed in this instance primarily to protect public morale. However, two things must be remembered. Firstly, the men at the front were well within range of enemy radio. They would recognise various factors in enemy propaganda based upon a specific case, if substantiating facts were there. Secondly, the furlough problem was a long standing one. Some information was bound to have got through to the New Zealand troops at the front, and we know the enemy was getting at least snippets. 46 Paul was acting in a war situation. No one knew what the results would be. The risks involved in releasing even remotely dangerous information would have appeared immense. The safest policy looked to be, and probably was, the best policy. The breadth provided by the regulations gave him the chance to assess each situation as it arose and act in such a manner as he deemed to be in the best interests of the combined war effort. This type of theoretical discretion is
CONFIDENTIAL:

25th February, 1944.

Dear Sir,

Please take notice that there must be no publication without the prior written consent of the Director of Publicity of any information relating directly or indirectly to any of the following Topics:

(a) The holding of court-martial proceedings in connection with or in respect of alleged acts or omissions of New Zealand servicemen of furlough drafts;

(b) The institution, holding, or determination of proceedings in the Supreme Court or Court of Appeal having relation to the aforesaid proceedings of a court-martial or courts-martial;

(c) Any act of any person being a counselling or inciting (1) of New Zealand servicemen of furlough drafts to refuse to return to service overseas until certain things are done or conditions complied with;

(2) of relatives or friends of such servicemen or any other persons to procure or to endeavour to procure by any means whatever the release from military obligations or the postponement of military obligations of servicemen of furlough drafts.

NOTE: Paragraph (b) above prohibits without reference to the Director of Publicity ---

(1) Publication of pleadings.

(2) Publication of any application for or making of a fixture or fixtures.

(3) Publication of argument or comment or observations of any kind made in the course of proceedings.

(4) Judgment or judgments delivered during the course or at the close of such proceedings.

Yours Faithfully,

[Signature]

Director of Publicity.
repugnant to our minds in peace-time but its limits were safeguarded by traditional democratic institutions, such as the Law Courts and Ministerial responsibility.

On 22 May 1944 the Supreme Court at Wanganui acquitted Challiner of the charges. The Press Association submitted a detailed report of the proceedings to Paul who censored all but skeletal details. In protest, the Press Association did not circulate any story to its members.47

Those members of the furlough party who had refused to embark were jointly court-martialled for disertion in late January, February and March. Reports of courts-martial were generally open to publication. However, the prospect of an Appeal against the convictions and the publicity this could engender caused Paul to issue a further notice in late February, reproduced opposite. This imposed an effective ban on any discussion of the courts-martial, and the appeal from them. In addition, it reinforced the restriction on publication of "counselling or inciting" the men, their friends and relatives to resist the orders to embark. The use of the clause "without the prior written consent of the Director of Publicity", rather than the usual "submission to and approval of" added extra formality to the notice. Apparently Paul was of the opinion, justified by events, that the ban would be a long standing one and the notice, therefore, was intended to apply to other publications in addition to the usual body of newspapers,48 such as publications of the Law Society.

A pencilled Press Association transcript of the first day of the appeal submitted to Paul remains in the Paul papers with the words "Not approved" inked on the first leaf.49 On 5 April the Court of Appeal upheld the appeal
on the basis that desertion was the wrong offence to have charged the men with. In addition, it was held that courts-martial must be brought against individuals, not collectively.\textsuperscript{50}

The previous afternoon the Government had decided to dismiss the Grade I rebels for misconduct and insubordination. A notice of this intent was either sent or handed to those to be dishonourably dismissed. Paul sent a telegram to the editors ordering that there be no publication without approval of any acts of the furlough men, Government decision regarding their actions, the Court of Appeal decision, or the notices of dismissal.\textsuperscript{51} A subsequent application by the Auckland Star requesting permission to publish references to the dismissal was refused on the orders of the Minister of Defence, Mr Jones.\textsuperscript{52}

After taking Paul's directive of 25 February into consideration the editors of the New Zealand Law Reports prepared an abridged report of the courts-martial appeal, which omitted any reference to collective action and dealt merely with the interpretation of section 12 of the Army Act. The Assistant editor wrote to Paul requesting permission to publish claiming "this is not a question of news or of information of use to the enemy: the report deals with a question of law only."\textsuperscript{53} The editors of the Gazette Law Reports made a similar request. This was the beginning of a sporadic campaign by both groups of editors to achieve publication. Commenting that he thought such publication would convey information valuable to the enemy, Paul asked the Solicitor General, H.H. Cornish, for his opinion. Cornish replied, agreeing, but substituting the underlined word "could" for Paul's "would". Possibilities had begun to
appear as certainties to a man who read every piece of news with an eye to its possible use to the enemy, or disruptive effect on troops or the war effort. Cornish also said that the proposed abridged report would not convey the full and true legal significance of the case because the omitted passages were of material bearing to the outcome of the appeal. The matter was also referred to the Assistant Secretary of the War Cabinet who agreed publication should be deferred.

The issue was raised in Parliament in August within a wider discussion of the censorship during the Imprest Supply Bill debate. An Opposition member asked during his speech:

"Is there any Minister prepared to justify the censorship of certain cases that were determined by the Courts, affecting the rights and liberties of the first furlough draft. Those men were the very salt of the earth, the very flower of our race. They got into an unfortunate position because the Government attempted to make political tools of them [during the 1943 election]. Then to try and cover up its own misdeeds the Government has the temerity to censor the "New Zealand Law Reports". These men took their case to the highest Court in the land, and their rights were upheld - they won their appeal; yet the fact was censored in this country."

The question was, however, unfortunately lost in the continuing discussion of the censorship as a whole.

In early 1945 the New Zealand Council of Law Reporting again sought permission to report the case, arguing, that "after this period of time there could be no possible
security reason for withholding" publication. Paul forwarded the request to Cabinet who advised that publication should still be withheld. The following day Paul sent a reply conveying this decision.

On 22 June 1945 Paul sent a memo to the Acting Prime Minister, Nash, recommending that a decision be made regarding publication in the New Zealand and Gazette Law Reports before a further request be received. He suggested that the decision should be to permit release for a number of reasons. The war in Europe was won and "a strong reason" for withholding news of the furlough difficulties had been their value to the enemy. Secondly, the facts of the case should be made available to the members of the Law Society, although this would inevitably lead to discussion of the case in the press. Thirdly, further suppression of news of the unsuccessful prosecution would be regarded as political censorship and, although this would be illogical and baseless, "it is capable of successful agitation." Fourthly, recent publication of the discussion of the furlough drafts at the RSA Conference now made further suppression impossible unless the Government did not regard a charge of arbitrary treatment as serious. Fifthly, there was certain to be reference to the Parliamentary discussion of the drafts and their past and present status. Press reports of such discussion could not be censored. Paul had presented the argument for legal reporting cogently. Permission for publication could have been expected, especially because the Law Report volumes took some time to prepare for publication. In hindsight, it would have been possible for the report of the case to be released much earlier without any possible danger. Hindsight, however, does not consider the
range of possibilities, however remote, the war could still have held in the minds of the War Cabinet. It was to be almost a further two months before Paul sent permission to the editor of the New Zealand Law Reports to report the case. On 19 September the editor of the Gazette Law Reports wrote to Paul informing him that he proposed to publish. A footnote in the New Zealand Law Reports stated that publication of the case had been delayed through the action of the Censorship and Publicity Emergency Regulations.

An indication of the success of the censorship of this issue is provided by the account given by a rebel who had been ordered to return to camp, as quoted in McLeod:

"When I reported back, the second furlough draft were in camp and they didn't know much of what had happened - only picked up hearsay. It was the worst thing in the world for the authorities, because I gave them the full story, and 90 per cent of the Linton [Camp] draft decided they weren't going overseas."  

Those members of the second draft who refused to return were successfully court-martialed for "disobeying a lawful command given by a superior officer" on 15 June 1944. The Auckland Star requested permission to publish details of the evidence given at the proceedings but not references to the furlough draft. Paul replied that only the facts of the case, including mention of the soldiers' absence without leave, could be published. Webster, of the Star, replied testily that he would not publish mere names without giving the evidence.
Earlier that year a court-martial of a slightly different nature was brought to Paul's attention. An army driver, R.J. Hallam, was charged with endeavouring to persuade fellow army members to mutiny. Colonel H.G. Thompson, for the Adjutant-General, recommended the proceedings not be published "so the mutinous attitude of the furlough men should not spread." Paul did not hesitate to point out the possible advantages of publication in such an individual case:

"Except under very special circumstances I do not think the proceedings of a court-martial should be suppressed ... unless information made public would be of value to the enemy .... In this particular case I do not feel that any reference would be made in a published report to the attitude of certain men on furlough. On the other hand, the fact that an act of the kind committed by Hallam had met with a salutary sentence would have a beneficial effect on discipline ... publication would be helpful."65

In advocating publication in this communication between Government departments, Paul did not resort to high-flown ideals of press freedom, but made practical suggestions which would appeal to a military man.

As required by law, a notice announcing the dismissal of 552 men of the approximately 7000 members of both furlough drafts was published in the New Zealand Gazette on 20 June and 26 July 1944. At the same time, however, Paul asked the editors to make no additional reference to the dismissals. He explained:
"... while the press have been generally most helpful over the furlough difficulties, an absolute ban had not been achieved. The following broadcast was received from Radio Paris on 5 May 'There has been a mutiny among troops due to embark for the European front from Hamilton. A state of siege has been proclaimed in the town.'"

Paul emphasised that extra care needed to be taken because any further leakage would tarnish the reputation of New Zealand soldiers and give encouragement to the enemy.  

Considering the intricate channels the story probably travelled and the licence for deliberate fabrication held by propaganda organisations, the Paris Radio story is remarkably near the true refusal to embark, and, therefore, becomes more plausible to listeners who may have also gleaned some information. Reference to Hamilton, not a major city, tends to negate the possibility that the broadcast is outright fabrication. The effect on New Zealand soldiers listening at the front could have been profound. Whether this effect would be divisive or cohesive is a moot point, but that type of psychological theorising was a risk neither Paul nor the War Cabinet felt at liberty to take.

The leader of the Opposition, S.G. Holland, sent a memo to the Acting Prime Minister asking why publication of the dismissal had been approved in the Gazette, a Government organ, but in no other publications. Nash replied that the desire was for absolutely no publication but section 6(b) of the Defence Act required the form and extent of dismissals from the Armed Forces to be announced in the New Zealand Gazette.
The May 1944 annual RSA Conference had resolved not to open its ranks to the furlough "rebels". Although sympathetic to their situation, the RSA did not condone the military insubordination involved in the 'rebels' actions. Members of the press viewed the resolutions of such public bodies as public property, not dissimilar to Parliamentary debates, and assumed publication would not be censored. The Auckland Star, therefore, submitted an article reporting the RSA attitude to admission of the "rebels". This, however, was not approved.68

In many quarters the Government decision to dismiss dishonourably the "rebels" was regarded as inordinately harsh. RSA attitudes to the men began to turn. Paul received Police reports of a widely distributed circular recording a unanimous resolution of the East Harbour Branch of the Wellington RSA which questioned the embargo on publicity for the men which prevented them from obtaining "justice in the court of public opinion." Distribution of the pamphlet was stopped.69

In early November Paul refused authority for the publication of a Press Association report of the Northern Wairoa branch's resolution deciding to admit the dismissed men to membership and endeavour to secure an honourable discharge for them.70 However, the Dominion published a similar resolution of the Wellington Council of the RSA later in the month.71 Paul sent a memo to the editors pointing out that "all the dangers inherent in..'' publicity of the furlough affair were contained in the article.
"The enemy, in possession of the original action [to withhold admission], could now claim that the refusal by certain New Zealand soldiers to obey a lawful army order has now the backing of the Returned Servicemen's Association. The propaganda machines of our enemies are not hampered by facts. They need only the most slender published statements... to build an impressive case and the publication in the Dominion provide all the evidence required by the enemy."72

An article in the Dunedin Evening Star, entitled "RSA considers case for protest", reporting the local RSA's discussion of whether those men temporarily returned to industry from the Pacific should be called up to replace other men in the Second Division,73 met with a similar rebuke. Paul wrote to the editor:

"The effect of this publicity must be unhelpful. It might conceivably influence men in a decision not to proceed overseas to relieve men with long service. If anything occurred in the nature of a second refusal to relieve long service men, the fine record of New Zealand would be further tarnished. If one body of men can refuse to return to the fighting line and suffer no penalty or even inconvenience, it is obvious that other sections should also suffer no disability."74

In June 1945 the Press Association requested permission to publish a resolution of the Executive of the Dannevirke RSA protesting against the Government decision to grant a right of appeal to military defaulters detained in camps for
refusing to serve. The resolution stated that this provided...

"... an unsavoury and bitter contrast to the arbitrary treatment meted out to certain members of the first and second furlough draft. These men, labelled 'rebels' after three and half years service overseas, were guilty of a breach of military law but did not make an unqualified refusal to serve overseas again."

Paul advised the Association to delete the reference to the furlough drafts. However, he appended to a copy he sent to the Acting Prime Minister, Nash. "It may now be necessary to have the furlough embargo reconsidered by War Cabinet."75

A few days later the newspapers published reports of the discussion of the 1945 annual RSA Conference admitting the dismissed furlough men, a reversal of its decision of the previous year. Paul wrote to Nash:

"this publication is a breach of instructions and contrary to the wishes of War Cabinet, but I am of the opinion that it would be most unwise at this stage, following the successful termination of the European war, to take legal proceedings against the Press."76

Hereafter, censorship of the issue lapsed. Discussion in Parliament of the past and present status of the dismissed men was reported in the newspapers in June and July.76
Paul received a letter from one of the dismissed men, Robert Danhero, asking that the censorship be lifted now the European war had ended, so the men could write letters to the newspapers explaining their position:

"If the censorship cannot be lifted ... we will have come to the conclusion that these injustices are purely intentional."\(^{78}\)

On 17 August, after the surrender of Japan, the dismissal notices were cancelled and the men's privileges restored. This was widely reported in the papers.\(^{79}\) A full coverage of the furlough incident was soon published.\(^{80}\)

Censorship of the furlough problems provide a relatively smooth example of the administration of the regulations. The odd protest or breach by the Press was not serious. However, it is interesting to note what actually happened which would be repugnant to a peace time democracy.

In a democracy the cliche runs that "justice must not only be done, but it must be seen to be done". Yet, newspaper, or other, reports of the courts-martial and the Challiner case were effectively censored. Secondly, public opinion appears to have generally supported the men's cause, yet this opinion or report of its manifestation in demonstrations were excluded from the public forum. Thirdly, the proceedings of meetings of other public bodies, especially the R.S.A., were censored. This represents a reasonably large incursion into the people's democratic rights. However, the opinions of those supporting the furlough policy were [usually]\(^{86}\) also suppressed. In addition the New Zealand people had become used to such incursions by this time in the war. Various factors, illustrated by the acquittal of
Challiner, the success of the Courts-martial Appeal, and the Government's respect for the letter of the law regarding publication in the Gazette, safeguarded those rights.

The furlough difficulties covered a period of two years and a number of incidents. As such, publicity was potentially more dangerous to the war effort than that of an isolated incident. Yet, they caused Paul very few, if any, headaches. He lost a lot more sleep over an attempted prosecution of the managing editor of the Manawatu Times, R.H. Billens, for breach of the regulations.
FOOTNOTES

   The furlough problem is not mentioned specifically.
4. McLeod, p.140.
9. NZPD, 263, p.649, Mr Broadfoot.
10. Ibid, pp.649-50, Mr Fraser.
12. 31 August 1943, speech transcript; Ibid.
15. E.A. 87/13/14, part 1.
16. Ibid.
19. 23 October, 1943; E.A. 87/13/14, part 1.
21. 22 October, 1943; Ibid.
22. New Zealand Herald, 2 October, 1943.
23. Paul papers, file 471.
25. Ibid.
26. Ibid.
27. Ibid.
28. Ibid.
29. Ibid.
30. Ibid.
31. Ibid, part 1 and 2.
32. Paul papers, file 413.
33. E.A. 87/13/14, part 2.
35. Evening Post, 4 February, 1944.
36. Ibid, 9 February, 1944.
37. Correspondence J.A. Young to author, 10 July, 1986.
38. eg. Evening Post, 18 February, 1944.
40. Ibid.
42. Taylor, p.955.
43. E.A. 87/13/14, part 2., 30 March, 1944.
44. Ibid., 31 March, 1944.
45. Ibid, 3 April, 1944.
46. See p.61.
47. E.A. 87/13/14, part 3.
49. Ibid, file 640.
50. E.A. 87/13/14, part 2.
51. Ibid, 5 April, 1944.
52. Ibid, 13 April, 1944.
53. Ibid, 19 April, 1944.
54. Ibid, part 3, 9 May, 1944.
55. Ibid.
56. NZPD, 265, p.354, Mr Bodkin, 11 August, 1944.
58. Ibid, 5 April, 6 April, 1944.
59. Ibid.
60. Ibid, 21 August, 1945.
63. E.A. 87/13/14, part 4; 28 July, 1944.
64. Ibid, part 3; 24 April, 1944.
65. Ibid.
66. C.N., ch. 9, p.11.
68. Ibid, part 3.
69. Ibid.
70. Ibid, part 4.
72. E.A. 87/13/14, part 4.
74. E.A. 87/13/14, part 4; 1 December, 1944.
75. Ibid; 14 June, 1945.
76. Ibid, 22 June, 1945.
78. E.A. 87/13/14, part 4; 5 July, 1945.
81. See p.51.
The Gag Again

The Director of Publicity is again abroad in the land. This does not mean that he is selling the people of New Zealand—through the press—with information concerning the Dominion's war effort or the doings of our men on the battlefronts. The Director of Publicity never criticizes and all too rarely supplies news. His chief function—indeed almost his only function—is to suppress news, and it must be admitted that he is in the supreme state of suppression in the Anglo-Saxon world today. Indeed, it is doubtful if any other "Director" of Publicity outside Nazi Germany can equal in perspicacity and scope the gagging efficiency of Mr. J. T. Paul.

There is no need to tell the people of New Zealand that as for an army in the world concerned the need for censorship inside New Zealand has become a very considerable latent problem. None of our readers may think that, apart from a quirk of eye in publicity concerning military operations, there is no need at all for an expensive Publicity Department. We think so, too. But it is not as simple as all that. The Publicity Department serves a very useful purpose—to the Government.

Whenever an awkward domestic situation arises—and such situations seem to be about a daily occurrence these days—the Director of Publicity is on the doorstep. Under the Emergency Regulations he has wide powers, and in his practical hand they can become as elastic as a politician's conscience. They can be stretched with no effort, because in the opinion of the Director of Publicity everything these days has some connection, near or remote, with the war effort. But New Zealand's war effort is barely over the possible consideration that moves the Director of Publicity to action. Unrelated editors are painfully aware of that. What drives the gagging machine into top gear is a material deadlock for the Government. And the Government's gagging expert can be relied on to find an excuse for applying his gag at any moment of the day or night, and on any matter from growing onions to containers' stools.

On these occasions recently the gag has been applied. We may be committing a breach of the Emergency Regulations by making that statement, for the peculiar technique which the Director of Publicity has developed, and which he now with such persistency and so promiscuously, prevents the newspapers even from stating that they cannot publish certain papers. Every new and unique idea from Publicity headquarters is worked "Officially," and readers must sometimes wonder why a "gagging" suddenly descends just when a particular new story is developing to a climax that is of vital interest to the people of the Dominion—and particularly awkward for the Government.

There is an element of grim humour in the fact that all these recent outbursts of suppression concern the workers, for whom special interests the Government exists—or claims to exist. The workers may or may not have genuine grievances. We are not concerned with that issue at the moment. What we are concerned with is whether the workers have or have not the right to air their grievances through the press, which, no matter whether they admire it or not, is the only Dominion-wide medium through which their grievances can be aired.

We assert that they have an inalienable right to air their grievances. That right is one of the four freedoms for which New Zealand is supposed to be fighting—freedom of speech, assembly, and petition, and the right to criticize the elected representatives who are their servants. If in England a body of workers were the drain upon the strike—or threat to use it—the columns of the press are an open forum from which the bosses at stake are defended, defended off or undermined, without let or hindrance from the Government. In America and Australia—the latter ruled by a strong Labour Government—all the facts are freely ventilated. But in New Zealand—shh! "A darkness that can be felt! A darkness that can be felt! A darkness that can be felt!—a darkness on the scene, for some men have darkness rather than light!"

The rank stupidity of this "directiveness" between apparent when the relative positions of Britain and New Zealand are compared. Britain is, in the front line—the line in the line. New Zealand is the rear guard at the rear end of this great war of ours.
"Almost immediately after the prosecution of the editor of "The Times" ... had been instituted, it became obvious that the Press of New Zealand were decided to make it a 'test'."

Paul wrote this on 19 July, 1944 in a report to the Prime Minister on the Billens case while the case was being decided by the Court of Appeal.¹

The genesis of the case was the article reproduced opposite, entitled "The Gag Again", published in the Manawatu Times on 6 December 1943. This article was very critical of the exercise of press censorship in New Zealand and, hence, of the Director of Publicity. It claimed that the war danger had now receded far enough that "apart from a vigilant eye on publicity concerning military operations, there is no need at all for an extensive Publicity Department. The article went on to claim that the censorship was being used as a political instrument of the Government:

"Whenever an awkward domestic situation arises - and awkward situations seem to be almost a daily occurrence these days - the Director of Publicity is on the doorstep... But New Zealand's war effort is hardly ever the prime consideration that moves the Director of Publicity to action... What drives the gagging machine into top gear is a maternal solicitude for the Government. And the Government's gagging expert can be relied on to find an excuse for applying his gag at any moment of the day or night, and on
any matter from growing onions to coalminers' strikes .... readers must sometimes wonder why a "blackout" suddenly descends just when a particular news story is developing to a climax that is of vital interest to the people of the Dominion — and particularly awkward for the Government."

The Director of Publicity was attacked for ostensibly extending his jurisdiction beyond what was necessary for the maintenance of the war effort:

Under the Emergency Regulations he has wide powers, and in his practised hand they can become as elastic as a politician's conscience. They can be stretched to cover everything, because in the opinion of the Director of Publicity everything these days has some connection, near or remote, with the war effort.

Three recent examples of press censorship, all concerning workers' grievances real or imagined, were then alluded to. The writer strongly affirmed the workers right to air their grievances in the only Dominion-wide medium available to them.

"That right is one of the four freedoms for which New Zealand is supposed to be fighting — for which her splendid sons are laying down their lives. But not so the Director of Publicity. That gentleman, in effect, says the workers can only air their grievances so long as they do not criticise the Government in so doing. The Government is sacro-
sanct. It can do no wrong. It is infallible. It is, like Nazism and Fascism, above criticism, even if unlike Caeser's wife, it is not always above suspicion. Excessive and progressive suppression is the surest sign of weakness and inefficiency. It is the favourite weapon of weak and inefficient dictators. Strength and efficiency need no gags. In a democracy the people are supreme - or they are supposed to be."

The passage quoted above leaves the impression that New Zealand was very close to becoming a totalitarian dictatorship. It is a prime example of the thinly veiled hostility which the majority of newspapers projected against the Labour Government throughout its tenure in Office. The exaggeration is designed to have the effect of pointing out, not what the position actually was, but what one extrapolation of the position could be. As such it reveals a deep seated Liberal mistrust of State intervention of any kind. It also reveals a journalistic frustration at what were deemed unreasonable encroachments on its sphere. From the Government's point of view this passage displayed ignorance of the daily realities of war administration.

The editorial went on to contrast the situation in New Zealand with that in Great Britain, the United States and Australia: It concluded:

"The rank stupidity of this 'dictatorship' becomes apparent when the relative position of Britain and New Zealand are considered. Britain is in the front line - literally in the firing line. New Zealand is the remotest
from the seats of this global war of all the family of the great Commonwealth of Nations. Britain's workers can air their grievances freely in the press. In New Zealand - blackout."

A passage earlier in the article makes it obvious that it was designed to test just what the limits of the Censorship and Publicity Emergency Regulations was:

"We may be committing a breach of the Emergency Regulations by making that statement, for the peculiar technique which the Director of Publicity has developed, and which he uses with such persistency and so promiscuously, prevents the newspapers even from stating that they cannot publish certain news."

A similar article appeared in the Wanganui Herald on 9 December. Some of the sentences are identical and the structure is very similar. In fact, Paul expressed amazement that the Herald could get away with such patent plagiarism. He passed both articles on to the Solicitor-General who expressed the opinion that both contained a breach of Regulation 16(5)b which reads

"No person shall print or publish in any periodical publication or in any other printed document - ... any statement or indication that any matter or kind of matter has been required to be submitted to censorship under these regulations or that a censor has refused his authority for the printing or publication of any matter or kind of matter."
Paul agreed, but was of the opinion that "the Times article appears a more direct breach, although [the Herald article] is definitely at variance with the Regulations." It was, therefore, decided to continue with the prosecution of the editor of the Manawatu Times rather than that of the Wanganui Herald.

"The question whether proceedings should be taken ... was determined by the fact that if an article of this kind could be published then the fundamental basis of censorship, which is secrecy regarding the matter or kind of matter dealt with by censorship, would be destroyed. That consideration and nothing else was the purpose of the prosecution."  

Paul, however, was also piqued at such an apparently unjustified attack on his administration of the censorship.

The first of the three communications which the Times complained of was dated 15 November, 1943.

Confidential. In view of their tendency to result in unlawful action and to create dissatisfaction prejudicially affecting national morale in time of war would appreciate your eliminating from all press matter (particularly in relation to rationing of butter or any other commodity) any suggestions that only by striking or threatening to strike can persons or bodies of persons with legitimate grievances obtain redress.

This directive, in the form of a request, arose from threats by West Coast timber workers to strike unless their butter ration was increased from 8 ounces to one pound per
week. The secretary of their union was reported to have said

"I have not known any Government in this country that could fool all the workers all the time into believing that strikes or threats of strikes have not compelled Government to act."9

The question of the rationing of butter was part of the whole shortage problem and linked to the subject of supplying Great Britain with primary produce. This was viewed by the Government as integral to the national war effort.

On 17 November there was a directive relating to the police force:

"Confidential. There must be no publication without approval of the Director of Publicity of any statement or resolution containing any direct or indirect reference to the topic of the employment of members of the Police Force in any occupation outside the force or of the civil or military employment of wives of members of the Police Force."

Criticism had arisen both within and without the police force over an amendment to the Police Force Regulations which forbade policemen or their wives from taking work outside the Force without the prior approval of the Commissioner of Police.10 The amendment arose from a belief that employment in certain places would not be conducive to public confidence in the integrity of the Police." Employment of their wives in certain places, for example where a book-maker was known to operate, would generate the claim that the police were familiar with every irregularity or breach of the law which occurred in those places. The concern seems to
have been primarily with alleged breaches of the rationing regulations. Fraser had taken personal responsibility for a directive similar to this one earlier in the war. He stated that agitation could not be tolerated in the police force in wartime because they were as much a part of the defence of the country as the armed services were.

The third directive complained of was issued on 3 December, 1943.

"Confidential. Being of opinion that unrestricted publication of information relating to the undermentioned topic would be prejudicial to the public safety, I give you notice that without my previous written consent information is not to be published relating to any act of any person if such act amounts to a counselling or inciting of any person to commit an offence against any emergency regulations.

The directive arose from the reporting of a statement issued by the Secretary of the Master Butchers which was equivalent to an incitement to his union to disobey the law in relation to a particular price order. Paul's concern was that

"the editors should consult the Regulations before publishing matter which might be held to infringe them and involve the newspapers in quite unnecessary trouble."

The prosecution against the Manawatu Times was brought in the Magistrates Court at Wanganui on 20 March, 1944.

Solicitors for the defendant were Oram, Yortt and Struthers of Palmerston North. Counsel included Mr M.H Oram, who had been elected National Member of Parliament for
Manawatu in 1943. Paul commented

"the engagement of Mr Oram indicated that the proceedings were to be used as the basis for a political assault on the Government in the guise of an attack on the Censorship Regulations."14

The extent of this "conspiracy" does not appear to have been great. Matters did not, however, on the whole go well for the Government over this case. The judgement was delivered by H.P. Lawry, S.M. on 6 April,15

The author of "The Gag Again" had been careful not to describe the Director of Publicity as a "censor". It was contended for the defence that Paul had not been appointed as a "censor" for the purposes of Regulation 16(5)b but Judge Lawry rejected this as a futile exercise in semantics.16 The greater part of the judgment is taken up with determining the validity of the Censorship and Publicity Regulations. Once these were found valid, the question to be decided was

"whether or not the defendants leading article ... does amount to a statement or indication that a censor had refused his authority for the printing and publishing any matter or kind of matter."17

Lawry, S.M. relied on established dicta to prefer a construction on the Regulations which would carry into effect the plain intention of those who had issued them. Use of the word "indication" in the Regulations implied that the published article does not need to be a precise statement in order to contravene them.

"... the article complained of does clearly infringe the regulation mentioned. It is
plain that it does indicate in no uncertain way that the censor has refused permission for the publication of certain matters - in fact, that is the *raison d'être* of the article ... the defendant has brought himself within the letter and spirit of the regulation."\(^{18}\)

The Magistrate therefore entered a conviction against Mr Billens. However, in deciding on a penalty Lawry, S.M. took two factors into consideration. Firstly, he considered the motive behind the article:

> The defendant ... was acting under the highest possible motives and was clearly of opinion that he was performing a public service in drawing attention to the restrictions placed by the censor on the publication of certain news which he thought the public should know ... In this case there can be no suggestion of any attempt at subversion ... the article in question was written mainly with the object of testing whether the restrictions on publicity were valid and, if so, how widely they operated ... the breach has [not] had any real or serious effect on the public order or the welfare of the community."\(^{19}\)

The second consideration was that the case be regarded as a test case. The penalty was, therefore, set at a fine of £5.1s.\(^{20}\) The minimum fine before a case could be appealed to the Court of Appeal was then £5.

While tacitly admitting that he was not in the position to decide what should and should not be censored:

"the regulations constitute as offences various acts which under war-conditions may in some remote way be considered as relevant to public order or the welfare of the
the Magistrate earlier issued what amounted to a warning to Paul to be careful how he approached the censorship.

"In view of the power with which they are invested and which should be used to edification and not destruction, censors should ponder well before they suppress the publication of certain matters ... To muzzle the Press without adequate justification is the usurped prerogative of dictators; and in a democracy censors should, before suppressing the publication of any matters, carefully weigh and consider those factors which would render suppression not only expedient but absolutely necessary. They should always keep in mind that what the Legislature intended in enacting the legislation ... was the public safety and that should be their criterion".

Paul was very impressed that the Magistrate had taken "exceptional pains" to decide the question wholly on law. However, perusal of newspaper clippings bears out his claim that "in the Press reports the Magistrate was made to appear at times to usurp the role of counsel for the defendant."

Billens' sense of public duty and the warning to Paul quoted above receive marked prominence in most instances. Paul called the newspaper reports "a remarkable exhibition of Press propaganda" and, writing three months later, claimed there was "unmistakable proof of its success."

Billens lodged an appeal against the conviction almost immediately, on 8 April. The grounds for the appeal were fourfold. Firstly, that the regulations were invalid and ultra vires. Secondly, that in purporting to prohibit
the publication of certain matters in respect of which the information was laid the Director of Publicity had exceeded the scope of his power and authority under the regulations. Thirdly, that the Director of Publicity was not a censor within the meaning of Regulation 16(5b). Fourthly, that the finding of the Magistrate that the defendant had committed a breach of that regulation, was erroneous both in law and in fact. The last ground was merely a catch-all in case the previous ones did not succeed. The date of the hearing was set for July 6 in Wellington, eight months after the initial leading article had been published. The war had receded steadily. The D-day invasion had occurred on 6 June. Obviously, the situation no longer required such a stringent censorship. As the danger decreased, the public grew restive with Government regulation of their lives. This climate of opinion cannot but have affected the judges who were to decide the case.

In addition to this general trend various matters directly relating to the censorship issue arose between the time of the Palmerston North hearing and the appeal.

The New Zealand Press delegation returned from the United Kingdom. Three of its members, editors of daily newspapers, independently cabled through a report to the Press Association a statement declaring that the British censorship was voluntary. The Director of Publicity issued a statement challenging this assertion, and claimed instead that the British system was partly compulsory and partly voluntary, like the New Zealand one. On returning to New Zealand, the editors reopened the subject and attempted to make out that Paul had criticised the British
system. The wide coverage this attack on the New Zealand censorship received, being after Mr Billens had published his intention to appeal, took its place in what Paul saw as a campaign to predispose public opinion.26

Censorship was kept in the news by a sensational development in Australia, which revolved around the suppression of various Sydney daily newspapers. The result was a legal tangle in which the Courts became involved, followed by the unprecedented request of the Australian High Court, with an appeal pending, that the two parties get together and arrive at a settlement. The Chief Justice suggested that the parties confer with a view to seeking a practical solution to "a practical and very important problem, which in any event cannot be completely solved by any process of litigation."27

The result was the publication of an Australian code of Censorship Principles on 19 May. The New Zealand press was vocal in its support of this Code, and advocated adopting a similar measure in New Zealand. Paul, however, was pleased to find an article in the Dominion which stated that "rather than establishing principles, the Australian code, in its definition of the proper purpose of censorship, simply restates them."28 He commented:

"it is interesting to note that the much-praised Code does not establish any practical principles to aid in the exercise of censorship."29

Paul's defensive reaction to the Code illustrates his growing feeling of impotence in the face of press criticism. He critically analysed each clause of the Code, which reads, in part:
1. Censorship shall be imposed exclusively for reasons of defence security.  
2. Owing to the many and changing phases of the war "defence security" cannot be exhaustively defined. Primarily "defence security" relates to the armed forces of all the Allied Nations and to all the operations of war. It covers the suppression of information useful to the enemy. It may at times include particular aspects of Australian wartime relationship with other countries. Censorship shall not be imposed merely for the maintenance of morale or the prevention of despondency or alarm. Censorship shall not prevent the reporting of industrial disputes or stoppages. Criticism and complaint, however strongly expressed, shall not be aground for censorship.

The third and fourth clauses are wholly explanatory and constitute a further attempt to clarify "defence security", so assisting censors in the application of the principles embodied in the code. The fourth is a specific attempt to prevent a repetition of the seizure of newspapers which brought the code into being.  

Paul seized on the admission that "defence security" could not be defined and was to cover "all the operations of war." He noted that Mr Brenden Bracken, the British Minister of Information, had said that specific information about internal development, including industrial difficulties, was information useful to the enemy. Paul continued,

There must, of course, be definite limits to censorship interference with the publication of information, and those limits have not only been carefully weighed in New Zealand, but censorship has never been
applied in the case of minor stoppages.

He added that there had not been censorship of any industrial dispute for some time.

Inclusion of the word "merely" indicated to Paul that the Code meant that maintenance of morale is not alone a ground for censorship, but implied the suggestion that it may be taken into account along with other matters.

The important point for Paul about the sentence regarding industrial disputes and stoppages was that, while censorship of "reporting" was excluded, "reporting" was not defined.

"'Reporting' may mean that only a statement that the dispute or stoppage has occurred shall be free of censorship. On the other hand 'reporting' may mean that an inflammatory speech or resolutions by strikers to advocate an extension of the strike would be immune from censorship. For instance, if the Japanese were again threatening New Zealand and a strike took place among munition workers, with munitions in short supply, would this sentence give the Press the right to 'report' each successive development, including attempts to extend the strike? Would it be held that censorship could be exercised in such circumstances "exclusively for reasons of defence security?" 30

Paul was pointing out that the line between domestic issues and war issues, so easy to draw for those who criticised the Regulations, was not clear-cut.

Paul noted that it had not been the custom in New Zealand to censor either criticism or comment unless they constituted information of value to the enemy. He quoted the Chief Justice, Sir Michael Myers, 32
"I can find nothing whatever in the regulations to prohibit comment upon the regulations or upon the censorship, or criticism of the administration of the Government or of the conduct of the Director of Publicity and his administration of the regulations."  

Likewise, "mere exaggeration or inaccuracy" did not cause censorship in New Zealand. Censorship was only invoked when the exaggeration or inaccuracy endangered national security. He added wryly

"The words do admit that exaggeration and inaccuracy are not absent from Press publication"

and added that it must be remembered that there was no power to compel any paper to publish a correction to an inaccurate statement.  

The New Zealand press did not engage in such detailed interpretation of the Code. To it the plain meaning of the words of the Code amounted to a total condemnation of the Government's and the Director's administration of the censorship. In particular, the type of directive regarding 'workers' grievances' on which "The Gag Again" commented seemed to be specifically excluded from the powers of the censorship.

Two other developments, which Paul described as "an even more thoroughly organised attempt to work up public agitation", tended to display the censorship in an unfavourable light.

Resolutions critical of the censorship were carried by various bodies, notably the Wellington Chamber of Commerce, which Paul noted, "did not and could not have direct information of the operation of the censorship". A statement by N.S. Hunt, the chairman of the Wellington Chamber of Commerce
was reported in the Dominion:

"... Is it not a fact that Mr Paul has instructed the newspapers that no reference whatsoever may be made in their columns to the claims of a certain branch of the public service for adjustments in rates of remuneration? By reason of this dictum of the censor, it is not open for us to state which branch of the service it is. We are entitled to ask - what possible effect can the representations of a very deserving section of New Zealanders have on the question of defence security and why should the Press be debarred from referring to the dispute." 36

Paul was incensed at this reference, because the Dominion was the only newspaper which published the passage. Hunt's statement was incorrect and the Dominion knew what the real directive was. The proximity of this publication to the proceedings in the Court of Appeal caused Paul to believe that it might possibly prejudice the Billens's decision. He consulted the Solicitor-General and enquiries were made by the police about the possibility of contempt of Court proceedings being brought against the editor of the Dominion, Mr Earle. Mr Earle, when interviewed, said that he readily appreciated that if Mr Hunt's statement did refer to the directive at issue in the Billens case then contempt of Court liability was possible, but he was sure that it was unintentional. The situation was defused when it was discovered that Mr Hunt's statement referred to an earlier directive of 5 January 1943 which restricted reference to police pay. 37

The next development which affected the censorship was a report in the Dominion and Press Association newspapers of
a statement by the Chief Justice:

"It makes one indignant to see power like this taken.... You won't get me, or any court, to interpret these powers so widely. It is the duty of the court to protect the freedom which we prate about so much and for which the United Nations are fighting."

The Chief Justice was referring to certain clauses of The Finance Act but because his statement was published divorced from its context Paul thought the publication was part of a wider press publicity campaign. The report was published only a few days before the Billens hearing and did not mention the case from which the words were culled, indicate the issues involved in it, or make any reference to the Court's decision. During the Billens hearing the Chief Justice commented on the above statement in the press, and indicated that it was not an adequate report of what he said.

The hearing was heard on 6 July before the Chief Justice, Mr Justice Northcroft and Mr Justice Johnston. Newspapers reported the proceedings of the hearing widely, concentrating on the scope and validity of the directives and the powers of the Director. Comments by counsel for Billens indicated that these powers were far greater than similar ones in Australia, Great Britain and the United States, and, consequently, the three directives at issue would not have been sent in similar circumstances in those countries. The Solicitor-General, in reply, stated that the Director was privy to special knowledge and was, thus, in the best position to decide what should and should not be censored. In a note to the Prime Minster Paul expressed the opinion that the newspaper reporting"revealed partisanship in marked degree."
He observed that reports of the first morning's proceedings pictured the judges as frequently interposing on the Solicitor-Generals argument. In contrast reports of Mr Watson's argument in support of the appeal indicated that he was rarely interrupted and, when he was, it was done in an obviously kind and co-operative manner. Paul claimed that every word from the judges which could be presented as revealing "an attitude of critical hostility to the Regulations" was reported, using the Dominion and Evening Post reports of 6 July as examples:

"the reports were actually inimical to the administration of justice by giving the public an impression that in the hearing their Honours were decidedly partisan from the outset... The reports could not give other than an impression of unseemly wrangling and of open bias... In this way the newspapers... have presented the Full Court and their Honours the judges in a false light."41

A comment in the New Zealand Law Journal backs up Paul's claims. It states that all three members of the Court made a number of comments during argument, some highly critical, about the censor and his powers.42 An example is the oft-quoted comment by the Chief Justice that "the powers of the Pontiff are nothing to those of the Director of Publicity."43 'Scribblex', for the Law Journal continues by pointing out that these observations were given prominence in the newspapers and many members of the public came to believe the appeal raised wider issues than was in fact the case. Judges should not be blamed for conclusions the public wrongly reaches,
"nevertheless, one may perhaps be forgiven for wondering whether it might not have been better had stricter limits been placed upon the observations during the argument. Lawyers understand that comments made by Judges during an argument are made simply in an exploratory way for the purposes of testing the submissions of counsel and are not to be taken as indicating any predilection of view on the part of the Court."  

Paul viewed an observation by Mr Justice Johnston in discussion,

"Who likes a fair article? We might as well be honest about that," as evidence of general acceptance of the claim that newspapers did not regard their primary function as impartial disseminators of news.

Significantly, Parliament began a wider discussion of the extent of the censorship on 11 August during debate of the Imprest Supply Bill. An attempt to refer to the Billens case was barred by the Speaker because the case was sub judice.

While the Parliamentary debate was going on, the Court's decision quashing Billens' conviction was announced. The appeal was upheld by a two to one majority, with the Chief Justice dissenting, for the following reasons. Firstly, a daily newspaper was held not to be included in the term "periodical publication" in Regulation 16(5)(b). Secondly, it was held that a charge of publishing without authority demands proof of a refusal of authority in respect of the particular matter. However, no statement in "the Gag Again"
referred to a refusal by Paul to grant authority after an application for permission to publish. Thirdly, the statement that "the censor has refused his authority for the printing or the publication" of any matter is an offence only when published in or on the writing, document or periodical continuing or omitting the censored matter.48

Mr Justice Northcroft said

"[Regulation 16(5)(b)] must be read as prohibiting a statement as to what "matters" or "kinds of matters" have been required to be submitted to censorship and of which publication is forbidden. Upon that view ... the article complained of does not involve a breach.... [If] the article gives a wrong impression of what in fact was prohibited [that] does not make it an offence. What [the regulation] purports to make an offence is the statement of what in fact was prohibited."49

Thus, the case was decided on a strict interpretation of the relevant regulations, not on the validity or invalidity of the directives or any policy considerations.

In his dissenting judgement Sir Michael Myers claimed that a newspaper was a "periodical publication" within the meaning of Regulation 16(5)(b). Secondly, that Regulation 16(5) contained a separate and distinct prohibition, independent of any other regulation. Thirdly, that an offence was committed by the publication of the statement or indication that "any matter or kind of matter" had been required to be submitted to censorship, and that the censor had refused his authority for its publication, regardless of whether or not it had in fact been so required, and even
if there had been no such refusal. Thus, the publication of
the fifth paragraph and portions of subsequent paragraphs of
"The Gag Again" constituted an offence because they indicated
that the Director had refused his authority to the publica-
tion of matter relating to the airing of grievances by or of
the workers. Lastly, a possible defence to a charge laid
under Regulation 15 (see appendix) as to the availability
of the directives was not open on a prosecution under
Regulation 16(5)(b).^ The Chief Justice concluded his judgment:

"The appellant, if he wished to test the action
of the Director of Publicity in respect of the
'directives' in question, could have published
information on the prohibited matters, and then,
on a prosecution under Regulation 15, made his
defence of the invalidity of the directives."^1

Paul concluded that, because the quality of the direct-
ives was outside the actual point at issue, the Court's
decision gave absolutely no grounds for a change in censor-
ship policy.^^ Likewise, when the Solicitor-General
reported to Paul on the case, he suggested that the only
effect the Billens case had on the operation of the censor-
ship was the decision of Justices Northcroft and Johnston
that Regulation 16(5)(b) did not have general application to
newspapers. Thus, a newspaper could not be successfully pro-
secuted for disclosing the operation of the censorship,
however serious such disclosure may be. Cornish suggested
the remedy would be an amendment taking Regulation 16(5)(b)
out of its present context " - which is admittedly rather
unfortunate - and to give it a place which will put its
general character beyond dispute."^3

Paul replied that "despite what the judges have said
that might not be the law"\footnote{54} and referred to almost identical British Regulations in the 1914-18 war which prevented mention of what matters had been censored. Paul considered that in certain circumstances knowledge of the direction in which censorship was acting could be of more importance to the enemy than facts which, while contrary to the Regulations, do not of themselves convey the impression that their publication is of importance.\footnote{55} He quoted the recommendations of the Committee of Imperial Defence in 1938.

"In the case of press control it will obviously be undesirable to give to the enemy or his agents any hints as to the subjects or nature of the information being censored .... It is the fact that you do not want the enemy to know this information which is valuable to him."\footnote{56}

Paul was also very impressed with the comments of Sir Edward Cook, one of the Directors of the United Kingdom Official Press Bureau during World War I, in his book \textit{The Press in War-Time}:

"the most remarkable feature of our newspapers ... was that they bore no palpable trace of having been censored at all. An outside observer, if he chanced to miss the occasional tirades against the Press Bureau, might reasonably have concluded that there was no censorship in force.... The reason for our rule was that it seemed obviously undesirable to give the enemy or his agents any hints as to the subjects or information which were being censored."\footnote{57}

The Solicitor-General recommended to the Attorney-General that the necessary amendment be made to the Regulations;
"the Director of Publicity is desirous of having the alteration ... carried into effect.... I would point out that no change is called for except one of context." 58

No amendment was made. It is likely that the War Cabinet considered other business more pressing. In addition, an amendment ostensibly strengthening the censorship would have been contrary to the general relaxation of restrictions as the war danger continued to recede. The general public interest and support to the Billens case had made such an amendment politically untenable.

During their judgements in the Billens appeal all three judges made obiter dicta 59 regarding the operation of the censorship and the directives at issue. Mr Justice Northcroft and Mr Justice Johnston both thought that the directives were invalid and were particularly virulent in their criticism. Paul did not regard much of the criticism as well reasoned. While he was impressed that the Chief Justice had approached the case as purely a question of law, he thought the other two judges had misconceived the nature of the issue. Because the question of policy had already been decided by Parliament, they were incorrect in thinking that their views on the policy aspect of censorship had some relevance. 60 Johnston, J made the comment

"... the relations between 'Censorship' and 'Press must in the nature of things be frequently strained and mutual distrust give way to actual animosity .... like pantry-maids who in the presence of crockery seem seized with an irresistible urge to destruction, censorship seems, when it faces the Press, powerless to restrain an inborn lust of suppression.... The directives ... illustrate
a propensity on the part of the Director of Publicity to expand his sphere of activity to an astonishing extent."61

Paul responded that "the Times article was unique in its unfounded and extravagant allegations in place of factual accuracy in five years of war." (He was, of course, forgetting the Wanganui Herald article). A definite policy of cooperation in censorship matters, Paul claimed, had negated any possibility of animosity. He regarded the pantrymaids metaphor as an expression of "judicial fantasy."

No responsible editor would allege that Press censorship, as exercised in New Zealand, bore any resemblance to any kind of lust for suppression.... History does not show that normal pantry maids lose all sense of self-control in the presence of crockery and experience in this war disproves the suggestion that censors are handicapped in the exercise of discretion by an inborn ... lust for suppression."62

Paul noted that Northcroft, J restricted the meaning of the words "of opinion" in regulations 15(1) and 15(3) which reads in relevant part:

If the Director ... is of opinion that the publication or unrestricted publication of any information ... would be prejudiced to the public safety, he may give ... notice ...(1) prohibiting publication or (3) prohibiting publication without ... written consent.63

Northcroft said:

"If it is apparent upon a perusal of the prohibition ... that public safety is not involved, [the] order cannot be validated by a mere assumption
that the Director must have been "of opinion" that public safety would be prejudiced."\textsuperscript{64}

Paul thought that this statement necessarily implied that the Court, without knowing anything of the facts and although not impugning his good faith, could override the Director's opinion. This seemed an unjustifiable extension of the Court's role.\textsuperscript{65}

Paul concluded that both judges had taken too narrow a view of the Public Safety Regulations. "Northcroft quotes the regulations in extenso, but ... Johnston seems to have ignored them altogether." In considering the directives invalid the judges had not taken the definition of a 'subversive statement' into full consideration, especially clauses (d) and (f). The Regulations provided that

"2(1) No person shall publish ... a subversive statement. Subversive statements include—
(d) A statement intended or likely to interfere with the national effort by disruption of the morale of the civil population or His Majesty's Forces
(f) A statement intended or likely to cause unlawful resistance to or interference with the enforcement or administration of any law of New Zealand ... or relating to the administration of justice."\textsuperscript{67}

As could be expected over an issue affecting their cause and livelihood, the newspapers widely reported and acclaimed the judgment in the Billens case. The Judges' criticisms were widely quoted and the general feeling was that the case was a moral as well as a legal victory. Within a week an editorial on the censorship appeared in possibly every daily newspaper in the country. Many editors claimed that the Pull
Court had held that the censor had exceeded his powers, although the case actually hinged on an interpretation of a legal point. Paul was disappointed that almost all newspapers did not refer to the fact that the censorship had been considerably relaxed as the Japanese threat had receded.

Comments like

"In this Dominion, in spite of the changed situation in the theatres of war, the Government has clung desperately to the autocratic and dictatorial powers it exercises through the Director of Publicity." were common. Paul regarded this as "a serious omission and an illustration of the suppression of a most important fact." The Southland Times was the only newspaper to refer to the relaxation of the censorship. Many papers looked forward to the establishment of alternative means of censorship, whether through adoption of the Australian Code or through the exercise of censorship by the editors themselves:

"The right of the Press to deal with all news should be left entirely in the hands of the editors, who, with few exceptions, have proved themselves worthy of the freedom enjoyed by the Press." Paul dismissed this, pointing out that no country in time of war left the right of the Press to deal with all news in the hands of the editors.

The Manawatu Times, not surprisingly, was vocal, almost gloating, in its comments on the case. The editor 'waxed lyrical':

"Freedom and justice were at stake - and to a
much greater extent than may have appeared on
the surface.... The shackles of regimentation
had steadily spread their stranglehold into
nearly every sphere of endeavour. No form of
enterprise remained outside the reach of this
new octopus, either in actual practice or
imminent intention. And each time a tentacle
has grabbed another victim the ultimate goal
of the octopus has become more clearly defined
.... It was the deep sense of this growing
danger to freedom and justice which sent this
journal into action, and the three cases of
suppression which produced the leading article
typify the attitude of censorship in action."
The article then described the directives in detail, sometimes
giving them extended meanings, and praised the railwaymen
and police against whom, it claimed, two of the directives
had been directed. It concluded

"These loyal bodies of men suffered. They could
have applied the so successful weapon of the
pressure groups." 77

Paul was irritated by the unfairness and perceived
inaccuracies in the article which, he claimed, revealed the
mind of "an excitable man." 78 This comment, which was not
intended to be published, is unique in being ad hominem
rather than Paul's usual rational approach to controversial
issues. He regarded the editor's concluding contention as
amounting to an incitement to lawlessness and commented:

"As an exercise in irresponsibility the article
deserves to rank with any other classic effort.
Reading this epic of exaggeration the question
of Johnston, J comes to mind - 'Why charge as an
offence the publication of an article written
from a sincere sense of public duty?" 79
In Parliament, the Opposition grasped the result of the Billens case to attack the Government's administration of the censorship. In keeping with general Press hostility to the Labour Government, most editors supported the Opposition and added to the criticism in certain cases. The Grey River Argus, traditionally a supporter of Labour, provided the lone supporting voice claiming that the Opposition was only using the censorship issue as a source of political capital:

"[They] have notoriously telescoped the vista of five critical years, or indeed, reversed the telescope and so minimised the stress and peril and struggle.... They said the Government's only real use of [the censorship] has been to throttle criticism of itself.... The truth is that all the objections raised against the censorship have been trivial when not baseless or inimical.... In fact our censorship has been the most far-sighted and prudent probably of any. It has hurt nobody except would-be exploiters of the national emergency for selfish or sectional interests." 

This passage provides a marked contrast to the flood of criticism Paul faced from newspapers following the decision in the Billens case. The Gisborne Herald provided a balanced editorial in which the attitudes of the Government, the Opposition and some newspaper editors were criticised:

"Unfortunately it is true that one or two newspapers in the Dominion have formed the habit, actually harmful to the cause which they so bovously espoused, of finding fault with everything the Government does. It is
a procedure which reduces leader writers to
the propaganda level." Paul commented defensively that if the "harmful habit" was
truly confined to only one or two newspapers no wide excep-
tion could be taken to the press on the grounds of unfair-
ness. Much leader writing appeared to him to be propaganda. Whether the Billens case actually accelerated the
relaxation of the censorship is debateable. By the time the
judgment was delivered the Government had ceased to impose
'morale' censorship. However, by bringing the danger of
excessive censorship to the public forum, the case ensured
that there could not be any reversion to a stricter censor-
ship. It "burnt the Government's bridges for them", as it
were.

For Paul the case involved eight months of seemingly
endless critical attack from the Press and Parliament, some
of it totally unwarranted. His natural reaction was
defensive. His comments as the case continued illustrate a
growing impatience with what he saw as partisanship and
inaccuracy.
FOOTNOTES

1. Paul papers, file 424.

2. Billens had published an earlier editorial, entitled "Hush Hush" which was scathing of the censorship regarding the whereabouts of military camps. The editorial claimed that a people not informed were prey to every rumour, and that this definitely lowered morale. Because silence breeds inefficiency there was a need for periodical 'shake-ups' and criticism as occurred in Great Britain. The people were being treated as infants who could not handle adverse information; Manawatu Times, 22 February, 1942.

3. D.P. to Sol-Gen, 15 December, 1943; E.A. 84/2/10/1, part 1A.

4. Sol-Gen to D.P., 16 December, 1943; Ibid.

5. Statutory Regulations, 1939/121. See Appendix A.

6. D.P. to Sol-Gen, 21 December, 1943; E.A. 84/2/10/1, part 1A.

7. D.P. to P.M., 19 July, 1944; Paul papers, file 424.

8. All three are in Paul papers, file 471.


11. D.P. to ed. Hawera Star, 6 May, 1944; Paul papers, file 614.

12. NZPD, 262, p.324.


22. D.P. to P.M., 19 July, 1944; Paul papers, file 424.

23. Ultra vires: beyond the powers of the authorising Act, in this case the Public Safety Conservation Act, 1932.


25. See Chapter 1.


27. Ibid.

32. See Myers, C.J judgment in the Billens Appeal.
34. Paul papers, file 614.
35. Paul papers, file 440.
36. Dominion, 9 June, 1944.
38. Dominion, 4 July, 1944.
40. Manawatu Evening Standard, 7 July, 8 July, 1944.
41. Paul papers, file 424.
43. Dominion, 6 July, 1944.
44. NZLJ (1944), p.194.
45. Dominion, 6 July, 1944.
46. Paul papers, file 145.
47. NZPD, 265, p.343, Mr Doidge, 11 August, 1944. *sub judice*: awaiting the decision of the Court.
49. Ibid, pp.734-5.
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52. Paul papers, file 424.
53. n.d.: E.A. 84/2/10/1, part 1A
54. D.P. to Sol-Gen., 22 August, 1944; E.A. 84/2/10/1, part 1A.
55. Paul papers, file 424.
57. Paul papers, file 424.
58. 23 August, 1944; E.A. 84/2/10/1, part 1A.
59. *obiter dicta*: casual observations, not legally deciding the case.
60. D.P. to P.M., Paul papers, file 424.
63. Statutory Regulations, 1939/121. See Appendix A.
64. [1944] NZLR, p.733.
66. Ibid.
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69. Paul papers, file 145.
70. Dominion, 14 August, 1944.
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80. NZPD, 265, p.373, Mr Oram (Manawatu), 11 August, 1944.
81. eg Auckland Star, 12 August, 1944; New Zealand Herald, 12 August, 1944.
82. Grey River Argus, 12 August, 1944.
83. Gisborne Herald, 12 August, 1944.
84. Paul papers, file 145.
85. See also N. Taylor, The Home Front, vol.2, pp.961-3, 970-4:
CONCLUSION

The Billens case leaves the impression that New Zealand's press censorship was characterised by bitter clashes. Indeed, Logan calls Paul's relationship with the editors a "seething conflict".\(^1\) Paul appears as an ageing man who will not accept a justifiable rebuke.\(^2\) This impression was supported in an editorial by Sir James Hutchinson, Paul's former employer, in the *Otago Daily Times* in December 1945,

"During the war that is now ended there was at one period a censorship - imposed with or without adequate reason on security grounds - which by preventing publication of news made it impossible, except in terms so oblique as to be almost incomprehensible, to comment upon important topical questions... Not only was the press forbidden to print factual reports, but was consequently unable to exercise its editorial function to "speak free" on questions of the gravest social moment. This type of restraint of editorial opinion ceased ... when it was successfully challenged in the courts. All that is necessary now is to add that a Government which had properly interpreted its democratic brief would never have provoked the challenge."\(^3\)

Monte Holcroft, acting editor of the *Southland Times* during the war, has expressed a contrary opinion,

"I can remember no single occasion when we on the Southland Times had any direct dealings with Paul. If there were some ... they would have been on issues of minor importance. The censorship was not really a nuisance to us because we were coping with a flood of news through the Press Association".\(^4\)
This comment, from the perspective of 1986, may possibly place the issue of press censorship in its context.

The Regulations bestowed potentially limitless power on Paul within his sphere. Censorship of domestic affairs such as strikes was greater in New Zealand than in Great Britain. This illustrates a perceivable authoritative tendency of the first Labour Government. However, censorship had fewer problems in New Zealand than in Great Britain and Australia. It did not experience the upheavals which occurred in those countries. The Billens case did not alter the Regulations or cause any drastic change in policy. Despite some criticism, censorship generally ran smoothly. This is more surprising considering the almost unanimous opposition of newspaper editors to the Labour Government and, consequently, to Paul as a Labour man. Paul summed this up,

"It is unfortunately necessary in almost every instance where criticism of a war activity occurs to remember that a definite bias - unconscious or otherwise - obtrudes against the Government. While the Press as a whole is favourable to the war effort, it holds in the main that the success of that effort depends in large measure on the destruction of the Government. If not that, then destruction of the principles on which the Government exists."  

Why, then did the censorship run so relatively smoothly? Firstly, the Labour Government's penchant for creating State institutions such as social welfare meant the public accepted State intervention in their daily lives more readily. Secondly, Paul's determination not to allow his
personal views to interfere in his administration coupled with his mediative and co-operative manner caused a bond of trust to develop between him and newspaper editors. Although he sometimes became impatient with criticism, Paul usually approached each case on its merits and was willing to reason with his critics.

1944 saw increased conflict. The danger to the country had receded and the public was beginning to tire of controls in their everyday life. Paul felt that he had explained his position often enough and could not understand why criticism multiplied. He was then seventy years old and less flexible in his approach than he had been when his position had been a new one. The crisis was not, however, fatal. His administration continued to work in a co-operative manner. This study has been an attempt to partially fulfil Paul's prophesy

"some day the full story of helpful co-operation between the New Zealand press and censorship will be told."
FOOTNOTES

2. Paul was 65 years old at the outbreak of war.
3. 26 December, 1945.
5. See Appendix.
6. DP to Acting PM, 6 June, 1941, Paul papers, file 413.
7. Press, 9 May, 1944.
APPENDIX A

Relevant sections of
The Censorship and Publicity Emergency Regulations, 1939.

Serial Number 1939/121.

THE CENSORSHIP AND PUBLICITY EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of September, 1939.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

Pursuant to the Public Safety Conservation Act, 1932, and to a Proclamation of Emergency now in force under that Act, and pursuant to section 391 of the Post and Telegraph Act, 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

PART I—GENERAL.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Censorship and Publicity Emergency Regulations 1939.

(2) In these regulations, unless inconsistent with the context,—

(a) General Definitions.

"Board" means the Censorship and Publicity Board established by these regulations and, where the context so requires, includes any person or persons to whom any powers of the Board have been delegated.

"His Majesty's Forces" includes the New Zealand and all other military, naval, or air forces raised by the Government of any Territory forming part of His Majesty's Dominions.

"Public safety" includes the effective conduct of the military, naval, or air operations of His Majesty, the maintenance of industries essential to the public welfare, and the prevention of seditious utterances.

"Telegraphic message" includes telephonic messages, and also includes not only messages transmitted by electric wires or cables, but also those transmitted by radio-telegraphy or radio-telephony.

(b) Definitions relating to Publicity.

"Cinematograph film" includes a sound-track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of cinematograph film.

"To publish" means to communicate to the public or to any person or persons whether in writing or orally or by radio-telegraphy or radio-telephony or otherwise; and in relation to cinematograph film includes the mechanical or electrical reproduction of any sound in connection with the projection of the film; and "publication" has a corresponding meaning.
REGULATION 2.—CENSORSHIP AND PUBLICITY BOARD.

(1) There shall be a Board, to be known as the Censorship and Publicity Board.
(2) The members of the Board shall be the Prime Minister, the Minister of Defence, the Postmaster-General and Minister of Telegraphs, the Chief of the Naval, General, and Air Staffs, the Permanent Head of the Prime Minister's Department, the Director-General of the Post and Telegraph Department, and such other persons appointed, either personally or ex officio, as the Prime Minister from time to time thinks fit so to appoint.
(3) The Prime Minister shall himself be Chairman of the Board.
(4) The Prime Minister may appoint a Deputy-Chairman of the Board and arrange for an officer of the Public Service or any other person to be the Secretary of the Board.
(5) The members of the Board other than those holding office ex officio may resign office by notice in writing to the Secretary, and may at any time be removed by the Prime Minister by notice in writing to the member affected, or by public notice, and the Prime Minister shall indicate to the Secretary of the Board the fact of every such resignation or removal.

REGULATION 3.—POWERS AND PROCEDURE OF THE BOARD.

(1) The Board shall have complete power to administer these regulations, and any powers hereby conferred on the Controller of Censorship, Director of Publicity, or any other person shall, if and whenever the Board thinks fit, be exercisable directly by the Board, and any exercise of power by any such person may accordingly be superseded by action on the part of the Board.
(2) The Board may delegate any of the functions and powers conferred on it by these regulations, either generally or in respect of any particular area or in respect of any particular class of activity, to any committee of its members or of other persons or partly of its members and partly of other persons, and any determination of such a committee shall, unless modified by the Board, have effect as a determination of the Board.
(3) Any such delegation may at any time be revoked or modified by the Board.
(4) Any notice or direction or other document of the Board shall be sufficient if given in writing signed by the Secretary or any other person purporting to act on behalf and by direction of the Board.
(5) The Board may, in its discretion grant exemption, either wholly or in part, from compliance with any notice or direction of the Board or any requirement of these regulations, and any such exemption may at any time be withdrawn.
(6) Subject to these regulations, the Board may regulate its procedure by standing orders, by-laws, or resolutions in such manner as it may from time to time think fit.

PART III.—PUBLICITY.

REGULATION 12.—DIRECTOR OF PUBLICITY.

(1) The Governor-General may from time to time appoint a Director of Publicity, who, under the control of the Board, shall be charged with the administration of this part of these regulations.
(2) The Director of Publicity may resign office by notice in writing to the Board through the Chairman of the Board, and may at any time be removed by the Board by notice in writing or by public notice.
(3) The Director of Publicity shall receive such salary as may from time to time be appropriated by Parliament for that purpose.
(4) The Director of Publicity may from time to time authorize any officer of the Public Service or any other person to act on his behalf for the purposes of this part of these regulations, and any such appointment may at any time be revoked.

REGULATION 13.—PREJUDICIAL INFORMATION.

(1) Subject as hereafter provided, no person shall in any manner likely to prejudice the public safety or the efficient prosecution of any naval, military, or air force operations of His Majesty's Forces, obtain, attempt to obtain, place by writing or otherwise on record, communicate to any person, publish, or have in his possession any
document or record whatsoever of or containing any information being or purporting to be information with respect to any of the following matters, that is to say:—

(a) The number, description, armament, equipment, disposition, movements, or condition of any of His Majesty’s forces, vessels, or aircraft;

(b) Any operation or projected operation of any of His Majesty’s forces, vessels, or aircraft;

(c) Any measures for the defence or fortification of any place on behalf of His Majesty:

(d) The number, description, armament, equipment, dispositions, movements or condition of any British vessel of the Mercantile Marine or of a vessel of the Mercantile Marine belonging to any State or a subject of any State other than a State with which His Majesty is at war:

(e) Any cargo laden or about to be laden in any ship or commercial aircraft which is about to leave New Zealand or which is in the course of a voyage from New Zealand, or any statement as to the use or intended use in the service of His Majesty of any ship which is about to leave New Zealand or which is in the course of a voyage from New Zealand:

(f) Any other matter whatsoever, information as to which would or might be directly or indirectly useful to any State with which His Majesty is at war.

(2) No person shall publish any information of the kind referred to in this regulation unless such information—

(a) Has previously appeared in a newspaper already received in New Zealand by mail and originally published in a part of His Majesty’s Dominions where censorship restrictions accepted by the Director of Publicity as sufficient were in force at the date of such original publication; or

(b) Has been approved for publication by the Director of Publicity.

Regulation 14.—Subversive Reports.

(1) In this regulation—

"Graphic representation" includes a photograph, photographic plate, photographic film, or other sensitized article which has been exposed in a camera, whether developed or not:

"Report" includes any oral or written statement and any graphic representation however produced:

"Subversive report" includes—

(i) A false report;

(ii) A report intended or likely to cause disaffection to His Majesty:

(iii) A report containing words expressive of a seditious intention within the meaning of section 118 of the Crimes Act, 1908:

(iv) A report intended or likely to interfere with the success of His Majesty’s forces by land, sea, or air:

(v) A report intended or likely to prejudice the recruiting or training of His Majesty’s forces or the discipline or administration of His Majesty’s forces:

(vi) A report intended or likely to interfere with the national effort by disruption of the morale of the civil population or armed forces:

(vii) A report intended or likely to prejudice the relations between His Majesty’s subjects and any friendly foreign State or the subjects of that State:

(viii) A report intended or likely to undermine public confidence in banking or the currency, or intended or likely to prejudice the success of any financial measures taken or to be taken by the Government for the purpose of the more effective prosecution of any war in which for the time being His Majesty may be engaged.

(2) No person shall publish or attempt to publish, or communicate or attempt to communicate, to any person, orally or otherwise, any subversive report.

(3) No person shall do any act or have in his possession any article with a view to making or facilitating the publication or communication of any subversive report.
(4) No prosecution for an offence against this regulation shall be instituted except with the written consent of the Attorney-General.

(5) Judicial notice shall be taken of the signature to any consent given under the last preceding clause hereof.

Regulation 15.—Periodical Publications.

(1) If the Director of Publicity is of opinion that the publication or unrestricted publication of any information in the form of letterpress or graphic representation would be prejudicial to the public safety, he may give or cause to be given to the proprietor, editor, printer, or publisher of any periodical notice in writing prohibiting the publication of the information described in such notice.

(2) No person to whom is given or deemed to be given a notice to the effect set out in the last preceding clause hereof shall print, publish, or prepare for printing or publication, or attempt to print, publish, or prepare for printing or publication, and no other person shall knowingly print, publish, or prepare for printing or publication, or knowingly attempt to print, publish, or prepare for printing or publication, any letterpress or graphic representation in breach of a notice given as aforesaid.

(3) If the Director of Publicity is of opinion that the publication or unrestricted publication of information in the form of letterpress or graphic representation relating to any specified topic would be prejudicial to the public safety, he may give or cause to be given to the proprietor, editor, printer, or publisher of any periodical notice in writing prohibiting the publication of information relating to the topic specified in the notice without the prior written consent of the Director of Publicity or some person acting on his behalf.

(4) No person to whom is given or deemed to be given a notice to the effect set out in the last preceding clause hereof shall print, publish, or prepare for printing or publication, or attempt to print, publish, or prepare for printing or publication, and no other person shall knowingly print, publish, or prepare for printing or publication, or knowingly attempt to print, publish, or prepare for printing or publication, any letterpress or graphic representation relating to a topic specified in a notice given as aforesaid without the prior written consent of the Director of Publicity or some person acting on his behalf.

(5) A notice given under this regulation to the proprietor, editor, printer, or publisher of a periodical shall be deemed to be given to all of them.

(6) Any notice under this regulation shall be sufficient if addressed to the proprietor, editor, printer, or publisher of a periodical by description of his position and the name or a commonly accepted name of the periodical of which he is proprietor, editor, printer, or publisher without the addition of his personal name.

(7) Any notice under this regulation shall be sufficiently given if left at the premises where the periodical is usually printed or published with some person appearing for the time being to have the management thereof.

(8) For the purposes of this regulation a periodical shall be deemed to preserve the same identity through the succeeding issues thereof so long as it continues to have the same proprietor or the same editor or the same printer or the same publisher, notwithstanding changes in any of the other persons concerned in these capacities and notwithstanding any change in title, price, format, name, intervals of publication, or place of publication; and accordingly any notice given under this regulation shall continue to have effect notwithstanding any such change as aforesaid.

(9) Any notice given under this regulation may from time to time by like notice be revoked or modified.

(10) If any periodical the publisher of which is convicted of a breach of this regulation is a newspaper within the meaning of section 2 of the Printers and Newspapers' Registration Act, 1906, it shall be lawful for the Court by which he is convicted, in addition to any other penalty it may think fit to impose, to order that during such period as may be specified in the order such person shall not publish or be concerned in publishing in New Zealand any newspaper within the meaning of section 2 of the aforesaid Act.
(11) No person in respect of whom such order as aforesaid is made shall during the period therein specified publish or be concerned in publishing in New Zealand any newspaper within the meaning of section 2 of the aforesaid Act.

(12) For the purposes of this regulation any document printed or published for sale or distribution along with any copies of a periodical or of any issue thereof shall be deemed to be a part of such periodical.

Regulation 16.—Publications generally.

(1) No person shall otherwise than in a periodical publication the issues of which appear at intervals not regularly exceeding thirty-two days publish or prepare for publication, or attempt to publish or to prepare for publication, or import or attempt to import, any letterpress or graphic representation relating or referring to any war in which His Majesty is for the time being engaged unless such letterpress or graphic representation has been submitted to the Director of Publicity and approved by him in writing for publication or importation, as the case may be.

(2) Nevertheless the last preceding clause hereof shall not be deemed to prevent the publication or importation of writings that relate generally to the topic of any such war as aforesaid, but do not in detail describe or purport to describe any actual events thereof.

(3) No person shall have in his possession any set type, stereotypes, engraved stones, proofs or other blocks, plates, or other matter capable of being printed from directly or indirectly if the publication of letterpress or graphic representations from such matter would be an offence against this regulation.

(4) The printing of a proof for revision or submission to the Director of Publicity, and for no other purpose, or the importation of a single document for submission to the Director of Publicity and for no other purpose, shall not be deemed to be an offence against these regulations.

(5) No person shall print or publish in any periodical publication or in any other printed document—

(a) Any matter or statement which in any manner indicates or may be reasonably supposed to indicate the existence in that document of any omission, alteration, or addition due to the exercise of the powers of censorship conferred by these regulations; or

(b) Any statement or indication that any matter or kind of matter has been required to be submitted to censorship under these regulations or that a censor has refused his authority for the printing or publication of any matter or kind of matter.

Regulation 17.—Printing-presses.

(1) For the purposes of this regulation the term "printing-press" includes every machine or device used or capable of being used for the purpose of multiplying copies of any writing or graphic representation.

(2) If the Director of Publicity thinks it desirable in the interests of public safety so to do, he may give or cause to be given to the proprietor or manager of any printing-press notice in writing—

(a) That no matter is to be printed on that printing-press until such matter has been submitted to censorship and the publication thereof has been authorized by the Director of Publicity:

(b) That any matter or kind of matter specified in the notice is not to be printed on that printing-press until the matter so to be printed has been submitted to censorship and the publication has been authorized by the Director of Publicity.

(3) No person to whom is given or deemed to be given a notice to the effect set out in the last preceding clause hereof shall print or prepare for printing or attempt to print or prepare for printing, and no other person shall knowingly print or prepare for printing or knowingly attempt to print or prepare for printing, any matter or kind of matter in contravention of the terms of such notice.

(4) A notice given under this regulation to the proprietor or manager of a printing-press shall be deemed to be given to each of them.

(5) Any notice under this regulation shall be sufficient if addressed to the proprietor or manager of a printing-press by description of his position and description of the premises at which the printing-press is situate without the addition of his personal name.
(6) Any notice under this regulation shall be sufficiently given if left at the premises where the printing-press is situate with some person appearing for the time being to have the management thereof.

(7) For the purposes of this regulation a printing-press shall be deemed to preserve the same identity notwithstanding any change in name, ownership, managership, or plant, or removal to other premises, and accordingly any notice given under this regulation shall continue to have effect notwithstanding any such change or removal as aforesaid.

(8) Any notice given under this regulation may from time to time by like notice be revoked or modified.

REGULATION 18.—LEGAL PROCEEDINGS AND OFFENCES.

(1) In any proceedings for a breach of this part of these regulations the onus of proving that he has complied with these regulations shall lie on the person charged with such offence.

(2) Every person who fails to comply with any of the foregoing requirements or who commits or attempts to commit any act in breach of this part of these regulations commits an offence against these regulations.

(3) In addition to any other penalty imposed upon a conviction for a breach of Regulation 16 hereof, the Court may order that any documents for the publication or preparation for publication or importation of which any person has been convicted shall be forfeited to and become the property of His Majesty.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of publication in Gazette: 1st day of September, 1939.

Price for cash with order 9d., plus postage 1d. extra. Prices for quantities supplied on application. Copies may be ordered by quoting the prefixed serial number.

Part II of the regulations is administered by the Controller of Censorship; Part III is administered by the Director of Publicity.

* Regulation 12(3) was replaced by Regulation 5 of Statutory Regulations, 1939/215 on 13 October, 1939. It reads:

"The Director of Publicity shall receive such salary as may from time to time be fixed by the Prime Minister".
APPENDIX B
Relevant sections of
The Public Safety Emergency Regulations, 1940.

Serial Number 1940/26.

THE PUBLIC SAFETY EMERGENCY REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of February, 1940.

Present:

His Excellency the Governor-General in Council.

Pursuant to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—Preliminary.

(1) These regulations may be cited as the Public Safety Emergency Regulations 1940.

(2) Regulation 14 of the Censorship and Publicity Emergency Regulations 1938* is hereby revoked.

"Public safety" includes the effective conduct of the naval, military, or air operations of His Majesty, the maintenance of industries essential to the public welfare, the prevention of disturbances of the public peace, and the prevention of subversive statements:

"To publish" means to communicate to the public or to any person or persons, whether in writing or orally or by radiotelegraphy or radio-telephony or by means of a gramophone record or otherwise; and in relation to cinematograph film includes the mechanical or electrical reproduction of any sound in connection with the projection of the film; and "publication" has a corresponding meaning:

"Statement" means any oral or written statement; and includes any graphic representation, however produced; and also includes any other significant expression or representation whatsoever:

"Subversive statement" includes—

(a) A statement intended or likely to cause disaffection to His Majesty:

(b) A statement intended or likely to interfere with the success of His Majesty's Forces or those of his Allies by land, sea, or air:

(c) A statement intended or likely to prejudice the recruiting or training of His Majesty's Forces or the discipline or administration of His Majesty's Forces:

(d) A statement intended or likely to interfere with the national effort by disruption of the morale of the civil population or His Majesty's Forces:

(e) A statement intended or likely to cause undue alarm to the public or to any person or persons in relation to the public safety or to the war:
(f) A statement intended or likely to cause unlawful resistance to or interference with the enforcement or administration of any law of New Zealand or any other part of His Majesty's dominions relating to military training or service during the war, or relating to the administration of justice:

Provided that reasonable and temperate discussion in good faith of any existing laws or measures shall not be deemed to constitute a subversive statement within the meaning of this paragraph:

(g) A statement intended or likely to prejudice or interfere with the manufacture, production, output, supply, delivery, or carriage, by land, sea, or air, of any goods or articles, or the carrying on of any services, required by reason of or in connection with the war:

"The war" means the present war against Germany, and includes any other war in which for the time being His Majesty may be engaged.

REGULATION 2.—Subversive Statements.

(1) No person shall publish or attempt to publish any subversive statement.

(2) No person shall do any act or have in his possession any thing or matter with a view to making, or to facilitating the publication of, any subversive statement.

(3) No prosecution for an offence against this regulation shall be commenced except with the written consent of the Attorney-General. Judicial notice shall be taken of the signature to any consent given under this clause.
APPENDIX C

The Censorship and Publicity Emergency Regulations, Amendment No.2.

Serial Number 1940/93.

THE CENSORSHIP AND PUBLICITY EMERGENCY REGULATIONS 1939, AMENDMENT NO. 2.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 29th day of May, 1940.

Present:

His Excellency the Governor-General in Council.

Pursuant to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. (1) These regulations may be cited as the Censorship and Publicity Emergency Regulations 1939, Amendment No. 2.

(2) These regulations shall be read together with and deemed part of the Censorship and Publicity Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

(3) In these regulations, unless the context otherwise requires—

"Periodical" means any paper, pamphlet, or other publication published periodically:

"Printing-press" includes every machine or device used or capable of being used for the purpose of multiplying copies of any writing or graphic representation:

"Subversive statement" has the same meaning as in the Public Safety Emergency Regulations 1940†.

(4) For the purposes of these regulations, any document printed or published for sale or distribution, along with any copies of any periodical or of any issue thereof, shall be deemed to be part of that periodical.

2. (1) If the Attorney-General is satisfied that any printing-press has been used for printing any subversive statement and has reason to suspect that it is likely to be used for printing further subversive statements, he may order the seizure of the printing-press.

* Statutory Regulations 1939, Serial number 1939/215, page 672.
† Statutory Regulations 1940, Serial number 1940/20.

(2) Where an order is made under this regulation for the seizure of any printing-press, any constable, with such assistance as may be required, may at any time enter any premises to search for the printing-press, and may seize, take, and carry away or render inoperative the printing press and all the types and other articles belonging thereto.

3. (1) If the Attorney-General is satisfied that any subversive statement has been published in any periodical and has reason to suspect that further subversive statements are likely to be published therein, he may order that the periodical cease publication, and may give or cause to be given notice of the order to the proprietor, editor, printer, or publisher of the periodical.
(2) No person to whom is given or deemed to be given a notice of an order under this regulation in respect of any periodical shall, print, publish, or prepare for printing or publication, and no other person shall knowingly print, publish, or prepare for printing or publication, any copy of the periodical or of any issue thereof.

(3) A notice given under this regulation to the proprietor, editor, printer, or publisher of a periodical shall be deemed to be given to all of them.

(4) Any notice under this regulation shall be sufficient if addressed to the proprietor, editor, printer, or publisher of a periodical by description of his position and the name or a commonly accepted name of the periodical of which he is proprietor, editor, printer, or publisher without the addition of his personal name.

(5) Any notice under this regulation shall be sufficiently given if left at the premises where the periodical is usually printed or published with some person appearing for the time being to have the management thereof.

(6) For the purposes of this regulation a periodical shall be deemed to preserve the same identity through the succeeding issues thereof so long as it continues to have the same proprietor or the same editor or the same printer or the same publisher, notwithstanding changes in any of the other persons concerned in these capacities, and notwithstanding any change in title, price, format, name, intervals of publication, or place of publication, and accordingly any order or notice under this regulation shall continue to have effect notwithstanding any such change as aforesaid.

4. (1) If the Attorney-General is satisfied that any person has published or been concerned in the publication of any subversive statements in any periodical and has reason to suspect that that person is likely to publish or be concerned in the publication of further subversive statements in a periodical or periodicals, he may order that during such period as may be specified in the order that person shall not publish or be concerned in publishing any periodical in New Zealand.

(2) Every person who acts in contravention of any order made under this regulation commits an offence against the principal regulations.

5. Any order made by the Attorney-General under these regulations may be at any time in like manner varied or revoked.

6. (1) Any person who is affected by any order made by the Attorney-General under these regulations may appeal against the order to a Judge of the Supreme Court, whose decision shall be final.

(2) Every appeal under this regulation shall be made by notice of appeal filed in the Supreme Court. A copy of the notice of appeal shall be served on the Attorney-General and upon such other persons as the Judge may direct.

(3) Upon any appeal under this section the Judge may confirm, modify, or revoke the order appealed from, but no order shall be revoked unless the Judge is satisfied that the acts which the order was intended to prevent are not likely to be committed.

C. A. JEFFÉRY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of publication in Gazette: 20th day of May, 1940.
For the administration of these regulations, see principal regulations, Serial number 1939/121.
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