

A close-up portrait of Helen Clark, a woman with short dark hair and blue eyes, wearing a red jacket. She is looking slightly to the right of the camera with a neutral expression.

The compelling unauthorised
biography of a political machine...

Ian Wishart
#1 bestselling author

Absolute POWER

The Helen Clark Years

Absolute POWER

What you are about to read will go further than anyone has gone before – digging up a Prime Minister you didn't even know existed.

The Helen Clark we see today is a carefully manufactured, airbrushed political brand. She's also New Zealand's most powerful politician, ever. *Absolute Power* strips away the façade to find what makes the real Helen Clark tick, and explores the track record of a government that boasted it would bring a new age of “frugality and integrity”, and an end to “cronyism, sleaze and dishonesty”.

Absolute Power is not just about what happened publicly and what played out on the news each night. It is much more about what was going on behind the scenes – the power plays, the dirty tricks, the Machiavellian maneuvers. The bits the daily media missed.

Lord Acton once wrote that absolute power corrupts absolutely, and that the great “are almost always bad”. Is Helen Clark the exception to that rule? Judge for yourself in this decade's most controversial political book...

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About The Author

Ian Wishart is an award-winning journalist and author, with a 26 year career in radio, television and magazines, a #1 talk radio show and three #1 bestselling books to his credit. Together with his wife Heidi, they edit and publish the news magazine *Investigate*.

This book is dedicated to the people who have the courage to speak out. Journalists may write about it, but you live it.

Ian Wishart

#1 bestselling author

Absolute POWER

The Helen Clark Years

First edition published 2008
Howling At The Moon Publishing Ltd
PO Box 302-188
North Harbour
North Shore 0751
NEW ZEALAND

www.howlingatthemoon.com
email: editorial@investigatemagazine.com

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ISBN 978-0-9582401-3-0

Typeset in Adobe Garamond Pro
Cover concept: Ian Wishart, Heidi Wishart, Bozidar Jokanovic
Book Design: Bozidar Jokanovic
Cover photo: Jane Ussher/Presspix

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“The Prime Minister Has No Recollection Of The Pot”

“Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men.” – Lord Acton, English jurist

AS BOOK TITLES GO, *ABSOLUTE POWER* tells the story of the Helen Clark years pretty well, but I did briefly flirt with an alternative title, *High Crimes and Misdemeanors*. Unfortunately, US columnist Ann Coulter had already turned a book of that name into a bestseller on the Clinton presidency, but no one in New Zealand can deny that Labour’s reign has been dogged by more immoral and illegal behavior than any other administration in a century. Yet despite its crimes, no one within the Government has ever been prosecuted.

What you are about to read, however, will go further than anyone has gone before – digging up a Prime Minister you didn’t even know existed, and exposing genuine, Queensland-style corruption in the country that keeps priding itself on being corruption-free.

Frankly, if I’m not up against a wall in handcuffs being read my rights by the end of the first week of this book’s release, I’ll be pleasantly surprised. If Police Commissioner Howard Broad thought he had problems with a chicken sex movie last year, he’s in for a surprise in these pages but it won’t be so pleasant.

Deputy Police Commissioner Rob Pope will have some fresh questions to answer as well, and they won’t be pleasant either, and Police Minister Annette King and Prime Minister Helen Clark will face equally sticky questions over what they knew and when, and what they did when they found out.

Education Minister Chris Carter will face questions over whether he deliberately misled a police investigation, Heather Simpson is caught dead to rights interfering in the independence of a government department in breach of the rules, and you’ll find out why one of the Prime Minister’s media team

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was forced to utter this classic line, “The Prime Minister has no recollection of the pot.”

And that’s just a snippet, a trifle, of the revelations in this book. Then there’s Labour’s connections to a Caribbean tax haven tycoon with alleged links to the New York mafia, described as “a sugar-daddy to a coked-up black hostess”; a tycoon whose right hand man got pinged in a massive fraud case involving a murderer and a bank robber.

Let’s not forget Helen Clark herself – the child who suffered social phobias and panic attacks yet grew up to be Prime Minister. That in itself is an amazing story, but trying to tell it is like scaling the walls of Camelot, only to find the whole thing’s made of cardboard. The Helen Clark we see today is a carefully manufactured, airbrushed brand. She is a woman who makes all the right noises at all the right times, and delivers her lines seamlessly. She has an intellect like a bear-trap – sharp and lethal. But she is also a chameleon, an actress or, as even her first biographer put it, a “control freak”. Many see Clark as a leader with a dangerous agenda.

“She wants to busy herself with what goes on in the homes of the nation in areas which families regard as their own responsibility, and I think she’s going over a very dangerous line.”

There are also many other views of what Clark has done. The Helen Clark who emerges from these pages is a Helen Clark measured against her own words from years ago. While her *actions* suggest she has remained true to her core principles and has carefully introduced policies to reflect those, the news transcripts show Clark has been prepared to *say* anything to anyone if she thinks it will advance her agenda.

Case in point? That quote above about interfering “in the homes of the nation” was not someone talking *about* Clark. It *was* Clark! She was trying to paint her opponent Jenny Shipley as the devil incarnate of the “Nanny State”. Vote for Shipley, warned Clark, and you’ll have “Nanny State” poking its nose into your family’s life and how you bring up your kids! Somewhere between entering the polling booth on election day 1999, and waking up the next morning as Prime Minister-elect, Clark’s views shifted 180 degrees.

No one, not even the earlier biography by Clark’s own media advisor, Brian Edwards, has done the comprehensive trawl back through thousands of old news stories that *Absolute Power* encapsulates, in search of the authentic Helen Clark. These, too, are revealing. Only in Clark’s more candid appearances, such as her essay in Virginia Myers’ *Head & Shoulders*, published in 1986, does the future Prime Minister let her guard down and give vital hints of what really drives her. Clark, who’d actually given the interview in late 1984 only months after being rejected for a Cabinet position in the Lange administration, was angry at the time (a little like John Tamihere’s infamous interview 21 years later when he’d just been cleared by the SFO but told he could not return to his cabinet post), and the resulting essay under her byline was all the better for it.

The contents of that interview have become defining statements for Clark, such as this intense comment about children:

“I’ve never had any intention of having a child. I definitely see children as destroying my lifestyle. It’s inconceivable that I would become pregnant.”

By the time of the Edwards book, a very positive portrait published just ahead of the 2002 election, Helen Clark’s earlier candour had become far more spun – fuelling an emergent mythology about Clark, with repeated references to Helen Clark and Peter Davis’ sexuality.

For reasons that are shrouded in mystery, some of the things that have been written about Clark in her official biography are not true. Or if they are, then Clark has lied elsewhere on the public record. For example, her stated addresses on the electoral roll in various years differ from claimed addresses in her book, and in one election she is registered to vote in two different electorates, simultaneously.

During the course of researching this biography, I made a conscious decision to avoid, for the most part, rehashing people’s current memories surrounding past events. As an investigative journalist, one often finds our memories and recollections can be tainted or tilted by both hindsight and our current worldview, let alone tricks of the memory over time. So wherever possible I have sifted through official documents, interviews and news reports contemporaneous with the events in question. It is often said that journalism is the first draft of history, and this biography draws heavily on those first draft accounts when it comes to quotes and context.

Brian Edwards’ work, *Helen, Portrait of a Prime Minister*, is without footnotes or index. It was also, as Edwards himself notes, based not so much on the historical record but on face to face interviews with colleagues and friends of Helen Clark. Nonetheless it has been invaluable, and I am indebted to Edwards for laying the groundwork. As his own publisher anticipated in the blurb to *Helen*, “His [Edwards’] authoritative account is the first book to be published on Helen Clark and will provide the indispensable foundation for any future biography.”

Absolute Power, on the other hand, is not just about what happened publicly and what played out on the news each night. It is much more about what was going on behind the scenes – the power plays, the dirty tricks, the Machiavellian maneuvers. The bits the daily media missed.

This book concludes that New Zealand’s political system is at a dangerous constitutional crossroads, that the power of the Executive has evolved too rapidly for checks and balances to keep up, and that abuses of that power are now becoming more frequent. I call, like former Prime Minister Sir Geoffrey Palmer did in his seminal work, *Unbridled Power*, nearly 30 years ago, for a much wider public debate around what we want our democracy to reflect, and what we are prepared to tolerate from our rulers.

The lessons of *Absolute Power* are drawn from the actions of the fifth Labour

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Government, but they are universal political lessons and whoever wins the next election would do well to ponder them, lest they end up in a similar predicament.

As a former Labour cabinet press secretary in the fourth Labour Government, who grew up and worked in Wellington, I am acutely aware of the heart that beats inside that city and the blood that flows through its veins. I am, like Edwards, a sometime practitioner of the dark arts of media advice by virtue of that political baptism.

I am nonetheless apolitical, supporting individual policies rather than ideological packages. When National was voted out in 1999, I applauded like many others to see Clark take the podium and promise a brave new future, free of the corruption and sleaze that had dogged politics for what seemed like forever.

So when critics accuse me of being anti-Labour, they are painting a convenient two dimensional portrait of a three dimensional issue. The analysis I bring to *Absolute Power* is the same that I brought to the Winebox investigation: scrutiny by the Fourth Estate of the activities of the Executive, in the interests of informing the public. Nothing more, nothing less.

Finding The Rough In The Diamonds

Sir Humphrey: "But it is the truth, Minister."

Jim Hacker: "I don't want the truth. I want something I can tell Parliament!" – Yes, Minister

THERE IS A STORY TOLD by an old schoolmate of Helen Clark's, of the time when they were both 15-year olds in the Waikato farming settlement that the Clark family called home. One of the local girls had just become the proud owner of a litter of kittens, and invited the other teenagers around for a look.

"Ugh," was 15 year old Helen Clark's response when she saw so many squirming kittens trying to feed from their mother. "How horrible. There's too many. You should just drown them."

It certainly left an impression on those in the room.

As a patron of the Family Planning Association in later life, and the architect of radical laws to allow abortion clinics to perform abortion surgery on 11 year old girls without parental knowledge or consent, one can only wonder what part the kittens played in fashioning Clark's attitudes to parenting.

There are some who say you can divorce the private life and the private past of a politician from their performance in the actual job; that all that matters is what you see in the 9-5 workday, not what they do after hours, not what they privately believe.

For a number of major reasons, this is utterly, totally and fundamentally wrong. It is a political lie that's been told for so long and so regularly that the news media have come to believe it, and through the media they have conditioned you – the public – to believe it too.

It may be true of an ordinary person in a professional or working class job, where the employer sets the tasks for the day and you are paid to complete them. Politicians are a different breed: we are their employers, but they often don't do what we tell them – unless it is election year.

Politicians want your money – nearly 40% of what you earn on average

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by the time fees and GST are included. Labour's tax take has increased a whopping 37% since they came to power. Politicians, once they get your money, exercise enormous power over your life. Sudden access to all that cash, tens of billions of dollars, makes those politicians dream about all the pet projects they have *privately* fantasized about all their lives. They can now put those schemes into place.

The voter's only defence to political ambush of the kind we've seen in the past two decades is to encourage the news media to do more in-depth digging of those who have the power to tax, to legislate and to enforce police action against those who defy the regime. We, the people, have a right to know what really makes our politicians tick, and what they do in their private lives that may impact on their public duties or the legislation they support.

After all, the laws they make affect your life. With absolute power should come absolute scrutiny.

How far should the media go into the lives of public figures? It is an age-old ethical question: is the issue sufficiently relevant to be in the public interest? Contrary to popular misconception, the news media knows far more about most public figures than it ever publishes, because it correctly deems that much of that information has no bearing on how the person does their job.

For example, the fact that a politician may be gay is irrelevant to whether they're a good Minister of Transport or Minister of Finance. The fact that another politician is a strong Christian is irrelevant to their performance as Minister of Health. It is particularly where one's private life intersects with their public duties that issues of relevance and/or the voters' "right to know" surface.

Take those two previous examples: that same gay politician chooses to champion a bill favouring gay adoption of children, but without disclosing his own sexual preferences. The image presented to the voters is of a straight politician rising above prejudice and emphasizing tolerance and acceptance. This sends a powerful message to voters about their own biases. But the message is untrue. It might be valid from someone else, but not him. The politician is not straight, he is a member of a community whose members stand to benefit from a law change. In other words, he has an undeclared conflict of interest.

Voters should be able to see whether an MP has a personal, rather than professional, interest in any issue. By choosing to become involved in a political issue dear to his heart and which challenges the boundaries of social acceptability, *the politician makes his private life relevant*. Likewise, a strong Christian appointed as Minister of Censorship might make decisions that many agree with, but his beliefs are indeed relevant to how he performs in that particular portfolio and should be disclosed. On the flip side of that coin, the same applies to raging social liberals occupying powerful positions. The top two appointees in the Office of the Film Censor are, for example, gay. Likewise, we now have a gay Education Minister, while the head of the

Ministry of Education is lesbian. So if it was valid for the news media in 1984 to continually highlight (and often ridicule) the Christian conservatism of then Education Minister Merv Wellington, it must be equally important for the public to know the backgrounds of others in public office. Anything else would be hypocrisy on the media's part.

Likewise, if leading campaigners to abolish smacking were themselves parents whose kids drifted into trouble because of a lack of discipline, isn't that relevant to the political debate?

As you proceed to unravel the real story of the Helen Clark government in the pages that follow, you will be confronted with this dilemma from time to time: have our politicians tried to persuade the public by hiding their real intentions, or who they really are? And do you have a right to know?

The New Zealand media regard politicians' private beliefs and lives as largely out of bounds, but I've taken the trouble of including leading international views on the problem, to help you better understand - because this book will certainly push boundaries.

In the essay, "Can Public Figures Have Private Lives?", Harvard University's Frederick Schauer¹ has contributed significantly to the debate.

"In most of the debates about the issue of disclosing facts about the lives of candidates or office holders that those candidates or office holders would wish to keep secret, the issue is framed around the question of the relevance of the fact at issue.

"Typically, as with the debates about the extramarital sexual activities of President Clinton or about past drug use or other allegedly "minor" crimes that took place in the distant past, it is alleged that the facts ought not be disclosed because they are irrelevant to the performance of the job. Regardless of whether people want the information, the argument goes, information that is not relevant to job performance has no place in the public electoral discussion.

"Such claims of irrelevance mask a host of deeper and more difficult issues. Chief among these are contestable issues about what the job actually is, and equally contestable empirical issues about the relationship of some fact to that job."

Illustrating that point, Schauer raises the example of US judge Douglas Ginsberg, whose nomination to the US Supreme Court was spiked in 1987 after reporters, using unnamed sources, disclosed that Ginsberg had been a frequent user of marijuana in the past. Leaving aside the medical argument over whether marijuana would have dulled his wits sufficiently to make him a liability on the Supreme Court bench, Schauer concentrates more on the fact that as a person supposed to uphold the law in one of the supreme positions available under the US constitution, Ginsberg simply couldn't measure up:

"The fact of past disobedience to law was material to Ginsberg's qualifications".

¹ http://www.ksg.harvard.edu/presspol/research_publications/first_amendment_series/schauer2.PDF

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Just as it was, of course, in the fall from grace of New Zealand's Attorney-General David Parker, after he was caught by *Investigate* filing false returns to the Companies Office.

"My point here," Schauer continues, "is that a claim of 'irrelevance' presupposes some standard of relevance...denials of relevance often mask narrow conceptions of the positions and its responsibilities, conceptions with which others might reasonably disagree."

This is one of Professor Schauer's central points: that even if a majority of voters might believe something is "irrelevant" or out-of-bounds, a functioning democracy requires that the interests of a minority who might want to hear that information be protected.

"When such disagreement does exist, however, the issue becomes more difficult, because there is now the question of when it is appropriate to make widely available a piece of information that some voters might think relevant to their voting decision, under circumstances in which the information is indeed relevant to their voting decision based on criteria that they take to be relevant."

Schauer uses the Monica Lewinsky affair to illustrate the problem:

"The claim that marital infidelity is irrelevant to the office of President of the United States presupposes that the role of President should not include the role of being an exemplar of marital fidelity. For many people it should not, but for many others it should, and debates about relevance to the job are commonly smokescreens for debates about just what it is that the job really entails.

"It is widely known that President Clinton cheats at golf. Although it is clear that playing golf is not part of the job description of President...many people believe that maintaining certain high standards of veracity are indeed part of that job description. And if that is the case, then the empirical question is presented whether evidence of cheating at golf is some evidence of (or relevant to) a likely failure to maintain high standards of veracity in public pronouncements."

This of course is precisely the credibility problem Helen Clark has during this election year: does she have a flawed character that, while it might be forgiven once, is now showing a clear pattern of behavior? If readers are suddenly sensing a merging of Paintergate, Speedogate, Doonegate and Pledgegate, read on:

"It is possible that the answer is no," continues Schauer, "and that there is neither a causal relationship or even a correlation between the existence of the trait of cheating at golf and the existence of the trait of being abnormally dishonest in one's public and political dealings. But it is also possible that the answer is yes, and that a cheater at golf, holding everything else constant, is more likely to be dishonest in public statements. And if this latter alternative is in fact the case, then the argument that golf behaviour is 'private' or none of the public's business becomes a somewhat more difficult one to maintain."²

² The NZ media, in publishing details of Don Brash's rumoured affair (still not proven, incidentally but the media felt justified in raising the issue in principle), adopted a similar

Cheating, however, is a personality trait that many people can agree is relevant. What about the grey areas of sexuality? After all, we all have sex lives.

“No less real is the example of the disclosure, against the presumed wishes of the candidate, of the sexual orientation of a candidate for public office. Although many of us believe that sexual orientation is both immaterial and irrelevant to job performance in all or virtually all public sector and private sector settings, it is unfortunately (from my perspective) the case that not everyone agrees.

“For a not insignificant proportion of the population in most countries in the world, having a gay, lesbian or bisexual orientation is immoral, and having a heterosexual orientation is not only morally commanded, but is also a necessary qualification for holding public office.”

Schauer’s view is that like it or not, you can’t have a meaningful public debate on these issues in a general sense but only on a case by case basis – the circumstances of each politician being different. Voters may decide that sexual behaviour is irrelevant in one case but exceedingly relevant in another, because of the different personalities or responsibilities of the politicians in question.

“It may turn out that disclosure of traits that some deliberators believe to be morally immaterial or empirically irrelevant will nevertheless properly be part of the process by which [the public] decides collectively...what its moral criteria will be.”

And again, the Harvard professor returns to the checks and balances necessary in a democracy. Even if only ten percent of the electorate believe that private life information should be disclosed, he says, and the other 90% believe it shouldn’t be, publication is justified.

“Under these circumstances, it is tempting to conclude that the majority should prevail, and that disclosure should be deemed inappropriate. But given that we are discussing the topic of the information necessary for exercising [the vote]...*there is something deeply problematic about majorities deciding that information relevant to the voting decisions of a minority ought in some formal or informal way be made unavailable to that minority.*” [author’s emphasis]

Although Schauer hears the argument often used in New Zealand politics – that raking over the coals of politicians’ private lives will discourage good people from standing for election – he disagrees with it.

“There are moral arguments on the other side as well,” he acknowledges. “Chief among those is the argument that control over the information about one’s life is itself a central part of what is sometimes referred to as personal autonomy, and that there is no good reason why a person should be required to relinquish that right simply to enter the public domain.

“Yet if personal autonomy is the basis for the countervailing right of non-disclosure, it may be hard to distinguish this right from all of the other

line, that revealing Brash’s action was a matter of public interest, however distasteful it may have been for all involved, including the media.

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autonomy rights that one must forgo to enter the public arena.

“One has the right to speak or to remain silent, to live where one pleases, sometimes to work where one pleases, and a host of other rights that are commonly and properly thought relinquishable by one’s voluntary decision to stand for public office or to operate in the public domain more generally.”

In other words, what makes a public figure’s right to privacy sacrosanct when they may give up a whole lot of other rights as part of standing for office?

Naturally, Professor Schauer is not alone in his assessments of the reduced right to privacy of public figures. In a major editorial early 2005, Britain’s *Guardian* newspaper tackled the issue in the wake of the David Blunkett affair.³

“The awkward truth is that the way people live their private lives does tell us things that can help to make judgments about them as public people. . . . this is not the same as saying that the world will only be put to rights if it is run by certified saints. This country was seen through two world wars by leaders who would certainly not qualify on that score; but whatever the human failings of a Lloyd George or a Churchill, they did not include an inability to get the job done.”

It’s a comment that echoes the earlier ones on relevance. Are the personal failings relevant to the particular job they have?

The *San Francisco Chronicle*’s test in regard to public figures is this: “Personal conduct may have a bearing on public roles and public responsibilities. The degree to which a public figure voluntarily conducts his or her life in public or the degree to which private conduct bears on the discharge of public responsibility should guide the publication of personal information.”

Journalist turned lawyer Hal Fuson, now the chief legal officer at America’s Copley Newspaper Group, told a panel discussion that journalists should not pull back from disclosing facts about elected officials just because of their own worldviews.

“Worry about the facts, folks, and let the truth take care of itself. Truth is like beauty, it’s in the eye of the beholder. And facts depend on verifiability. Verifiability depends upon being able to get your hands on lots of information that people don’t want you to have, because they want to shape their stories to suit themselves, not to suit the interests of society, and certainly not to suit your desire to inform your communities.”

The American Press Institute has published an ethics “checklist” for journalists weighing up publishing private information on politicians. They include:⁴

Does this matter affect the person’s ability to do his job?

Does this matter reflect on the person’s conduct in office?

Does this matter reflect on the person’s character?

Does the matter reveal hypocrisy?

“Character matters for public officials,” says the Press Institute. “They

3 <http://www.buzzle.com/editorials/11-30-2004-62334.asp>

4 The American Press Institute missed one: Does the matter reveal a hidden agenda?

publish family pictures on campaign brochures and proudly reveal private matters that reflect positively on their character. Private matters that reflect negatively on their character matter to readers as well.”

The Institute concludes:

“Don’t look for easy answers. Many stories involve consideration of more than one of these questions. However you decide, you can’t ensure that you will please all your readers. If you write the story, some readers will say you are prying into matters that should be private. If you don’t, some readers will say you are covering up for people in power... Sometimes the proper decision is to publish the story along with an explanation of your reasons for publishing and your consideration of various factors. Most readers understand that these are not black and white decisions.

“You might decide that a long-ago consensual affair between adults is no one’s business, and some readers will decide that you’re covering up. Or you might decide that criminal conduct is newsworthy whenever it occurred and some readers will think you are dredging up mud about youthful mistakes because your editorial page opposes the candidate.”

Australian political reporter Peter Cole-Adams was quoted in one ethics discussion this way:

“Elected parliamentarians were, he said, the paradigm of the public figure: each chose to enter politics; was paid by the public; spent public money; lived by publicity; enjoyed perks; and had the right to defame anyone he chose from the sanctity of the parliamentary privilege...in this sense, the public, as the hirer and firer, has a right to know what its representatives are up to. ‘If they are not going to be honest...they should be careful.’”

The questions the press has to ask are: is it true? Is it interesting?

Is it in the public interest to disclose? He noted Lord Northcote’s dictum: ‘News is what someone wants to suppress. Everything else is advertising.’”

Those who say we should ignore the private beliefs and activities of politicians overlook one other thing as well. Should the Catholic or Anglican churches be required to hire an atheist as Cardinal or Archbishop, on the grounds that their beliefs are irrelevant to how they perform their job? If a politician was secretly a huge believer in the policies and ideas of Adolf Hitler, shouldn’t the public have a right to know before giving them the keys to our Treasury chest, police force, army and laws?

If a cabinet minister allegedly role-played adult child sex fantasies as part of a bondage and discipline session in his own time, is that truly private behavior and therefore “out of bounds”, or is it something voters are entitled to consider, in case such a politician was ever responsible for children’s welfare policies?

The answer, in all these cases, is that sometimes private beliefs and private actions are indeed relevant, regardless of whether political supporters or the rest of the news media agree or not.

Armed with this perspective, then, our journey begins on election night, 1999.

Helen's Journey To The Dark Side

Sir Arnold: "Are you suggesting that I give confidential information to the press?"

Sir Humphrey: "Certainly not, Arnold. This is confidential disinformation."

Sir Arnold: "Ah, that is different." – Yes Minister

THE VOYAGE FROM POLITICAL INNOCENCE to corruption does not happen overnight. It follows evolutionary steps. Helen Clark's public journey to the dark side began in her very first week in power. You may think you know about the dismissal of Police Commissioner Peter Doone, but what Helen Clark did behind the scenes to Doone has never been fully documented, until now, and it sets the tone for her entire administration.

For the newly-elected Helen Clark, the seeds for the first test of her leadership (and her first Machiavellian power-play) were being sown on election night, November 27, in Wellington. Police Commissioner Peter Doone – a man named in a news report just days after the election as being on a government hit-list for dismissal – managed to get himself in a spot of bother during a routine police traffic stop. Doone had been in the hot seat over the disastrous INCIS police computer debacle, and a favourite target of Labour during the previous year.

Doone had recently left his wife, Anne, and family, decamping the family home in favour of new digs with Robyn Johnstone, a media advisor at the LTSA head office in Wellington. Whether or not the Commissioner's new arrangements were common knowledge among police rank and file in Wellington is not clear – chances are that although Police National Headquarters staff would have become aware of the office scuttlebutt, the marriage break-up, understandably, probably wasn't the subject of an "All Points Bulletin" to the wider police district.

So when a car driven by Johnstone, with Doone in the passenger seat, was

pulled over in Wellington around 9pm on election night in a routine patrol stop, the sensitivities surrounding his new relationship may have been one of the reasons Doone bounced out of the vehicle to greet the approaching officer. It was Doone's new partner – the 'other woman' – who was driving, and Doone was probably hoping to head off one of those embarrassing smirks from a senior colleague. He needn't have worried, as it turned out. While a senior officer remained in the squad car radioing number plate details back to base, the man approaching Doone was rookie constable Brett Main, who'd only been a police officer for three days, and was surprised and – in his own words – “intimidated” when he found he'd pulled over his boss.

The alleged offence was a minor one – Robyn Johnstone had forgotten to turn her headlights on as she pulled out onto one of Wellington's floodlit main roads. It is police policy, however, to stop drivers at night if they're caught without their lights, and talk to them. The logic behind this seems incredibly simple and straightforward: coming from behind, a police car would have no option but to stop the vehicle precisely so they could tell the driver their lights weren't on. In other words, it's not rocket science, and the intention seems to be mainly advisory, rather than prosecutorial – police policy also recording that any subsequent action is at the discretion of the officer.

So at one level, the decision by Doone to talk to the officer did not, in itself, defeat the purpose of the policy: the car had been stopped by police, and the driver – albeit via the passenger – advised that her lights were off. Doone, as you'll discover later, says he didn't even realize a traffic offence had been committed, and he got out of the car merely because he assumed it was just a random stop and he saw it as a chance to greet his “troops”.

Whatever, the issue exploded to become the defining symbol of Prime Ministerial power in her first 100 days in office, and an example of her non-sense approach to cleaning up the “sleaze” of the previous National administration. At least, that's how she pitched it.

To understand the events that followed, however, and the Prime Minister's central role in them, we'll first retrace the story the way it developed in the news media, because this is the storyline that was given to the public.

The traffic stop happened just after 9pm on election night. News of the event did not reach the public, however, until a brief item on TVNZ's *Holmes* programme on Friday, 3 December 1999. That item referred to the fact that the Police Commissioner had “exchanged pleasantries” with a constable who'd pulled over the vehicle he was in on the previous Saturday night.

Two days after *Holmes* broke the story, the *Sunday Star-Times* carried a front page story on 5 December, with little fresh information except the revelation that Deputy Police Commissioner Rob Robinson had commenced an internal investigation into the incident.

A week later, the *Star-Times* was again back in the fray, this time with a small page 3 story suggesting the internal investigation had become “complicated”

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because the evidence of the constable differed from the evidence of Doone.

By the 19th of December, the *Star-Times* was in full flight on the story. It had candid front page photos of Doone and Robyn Johnstone, along with details that the pair had been seen at a corporate function at Wellington's overseas terminal prior to being pulled over on election night. It repeated the news that Doone had stepped out to meet the police officer, and that no breath-test was done on driver Robyn Johnstone, the police commissioner's partner.

It was this story that sent the rest of the news media into a feeding frenzy.

"Mr Doone stepped from the car and engaged the constable in conversation before the constable reached the driver's window, an informed source told the *Herald* yesterday," reported journalist Alison Horwood.⁵

"Mr Doone and Ms Johnstone had spent the day at a corporate yachting function before going out to dinner. They were pulled over by a police car containing two constables...as [the rookie] never made it to the driver's window and did not speak to her there was no way he could have performed the routine breath-test for excess alcohol.

"A source close to the inquiry said last night: 'It's a disgrace. If that was a member of the public who got out of the car and talked to the cop, they would be asked to step aside and the driver would be spoken to.'"

Further down the story, Police Association president Greg O'Connor was quoted as saying he'd had to hire lawyers for the two constables involved because "there has been a lot of trauma put on the young constables".

The implication of the news coverage was becoming clear: Police Commissioner Peter Doone had acted inappropriately by intercepting a police officer trying to do his duty, and effectively preventing the Commissioner's partner from being breath-tested. That, in a nutshell, is the allegation the media were dancing around the edges of.

The following day, a *New Zealand Herald* editorial⁶ noted Doone was now in the Prime Minister's gunsights.

"The Prime Minister has indicated that Mr Doone's future now depends on the outcome of the Police Complaints Authority inquiry. The authority is investigating whether correct police procedures were followed by the officers who stopped the car in which Mr Doone was a passenger because its lights were not on...

"The authority must decide not only whether the police commissioner's action was contrary to the law but also whether it might have been unreasonable, unjustified, unfair or undesirable.

"Of all public services, the police are perhaps the most important. They give the public not only a sense of security but also the confidence that law and order

5 *NZ Herald*, 20 December 1999, "Officer failed to question Doone driver"

<http://www.nzherald.co.nz/index.cfm?objectid=106089>

6 *NZ Herald*, 21 December 1999, "Editorial: Commissioner of Police should quit"

<http://www.nzherald.co.nz/index.cfm?objectid=106113>

will be upheld impartially. It goes without saying, therefore, that the country's most senior policeman must be above reproach. Such, unfortunately, is no longer the case with police commissioner Peter Doone."

Doone, now the subject of both the Robinson investigation and a Police Complaints Authority investigation, felt hamstrung in his attempts to hit back at the *Herald* editorial.⁷

"Formal inquiries are underway. There is a due process of law in New Zealand under which these matters are judged. The full facts...are not currently in the public domain...Because they are still underway and no issues have been determined, I am unable to enter public debate on the issues at this point. I would ask, therefore, that judgments or comments about these matters are not made until the full facts have been properly considered."

Despite Doone's pleas, the case against him gained momentum over the Christmas/New Year break.

On 30 December, the *Herald* reported,⁸ "Prime Minister Helen Clark was last night weighing up the future of beleaguered Police Commissioner Peter Doone. She was handed a copy of the Police Complaints Authority report into Mr Doone's conduct at a police checkpoint [sic] almost immediately on her return yesterday from a three day climbing holiday."

Clark, playing it by the book in her public comments, told the paper, "There will be no precipitate action. We are going to study it very carefully." She added she would be seeking advice from Attorney-General Margaret Wilson and Solicitor-General John McGrath, as well as discussing the matter with Police Minister George Hawkins.

By January 9, the political spin was that Doone was dog-tucker, provided the Government could find a bone substantial enough to beat him with.

"The Government is taking legal advice on how beleaguered Police Commissioner Peter Doone can be sacked."⁹

Two days later, news reports were suggesting news of Doone's demise would probably emerge from the first Cabinet meeting of the year, set down for January 25.

"The Police Commissioner's position is cabinet-approved and therefore if he is to be disestablished the feeling is that it has to be a cabinet decision," a prime ministerial spokesman was quoted in the *Herald*.¹⁰

The following weekend, however, came a dramatic and decisive new revelation in the Doone affair – an alleged attempt to actually prevent the junior police officer from breath-testing Robyn Johnstone. Up until this

7 *NZ Herald*, 22 December 1999, "Wait for all the facts: Doone"
<http://www.nzherald.co.nz/index.cfm?objectid=106461>

8 *NZ Herald*, 30 December 1999, "Clark in no rush over Doone"
<http://www.nzherald.co.nz/index.cfm?objectid=106866>

9 *Sunday Star-Times*, 09/01/2000

10 *NZ Herald*, January 11 2000, "Doone's future goes to cabinet"
<http://www.nzherald.co.nz/index.cfm?objectid=109571>

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point, news coverage had been circumspect, but on 16 January the *Star-Times* went for the Commissioner's jugular, accusing Doone of telling the young cop "That won't be necessary" when the policeman told him he wanted to breath-test the driver.

The reaction to the story is probably more telling than the story itself, so here's how the *Herald* ran it on the Monday morning:¹¹

"Police Commissioner Peter Doone yesterday denied a newspaper allegation that he advised a constable against breath-testing his partner. He says he may take legal action over the article.

"Mr Doone, aged 52, has been under intense scrutiny since a Wellington police patrol stopped his car, driven by partner Robyn Johnstone, at 11 p.m. on November 27 for not having its lights on.

"Mr Doone said yesterday that allegations in the *Sunday Star-Times* that the constable tried to breath test Ms Johnstone were untrue and defamatory. 'The allegations that the commissioner told the constable that breath-testing his partner 'won't be necessary' have never been raised, are false and also defamatory,' a statement from his office said. 'I will be seeking urgent legal advice with a view to taking action,' he said."

Perhaps the most intriguing paragraph in the whole story, however, is this one, because it suggests the latest revelation is exactly the golden gun the government was looking for.

"Helen Clark has agreed that it would be hard to remove Mr Doone, but legal sources have said that if the Commissioner interfered with the constable's duties, such a misuse of authority could be enough to get him fired."

The entire story shifted gear with the suggestion that Doone had not merely "exchanged pleasantries", but had used his authority to prevent the officer from carrying out his lawful duty. Radio talkback went wild. Doone had to go, screamed the public.

The *Herald's* political editor, Vernon Small, wrote the following Saturday¹²:

"A Police Complaints Authority report to Prime Minister Helen Clark contests evidence given by police commissioner Peter Doone, government sources say. The *Weekend Herald* also understands that the evidence of an off duty police officer provides a crucial eyewitness account of a late-night incident when Mr Doone and his partner were stopped by a police patrol. A cabinet meeting on Tuesday is due to decide the commissioner's future amid signals from the Beehive that Helen Clark has lost confidence in him."

If Doone's denials of any wrongdoing had carried any weight with the public the previous Tuesday, the weekend media reports were political dynamite with their suggestions that Doone's credibility was in doubt because other

11 *NZ Herald*, 17 January 2000, "Doone threatens to sue over breath-test story" <http://www.nzherald.co.nz/index.cfm?objectid=111724>

12 *NZ Herald*, 22 January 2000, "Surprise Doone witness" <http://www.nzherald.co.nz/index.cfm?objectid=113778>

witnesses were contradicting his version of events.

By this stage, the first reports of the sequence leading up to the traffic stop were filtering out into the media. Doone had been a guest on a corporate yacht as part of a regatta on Wellington Harbour between 1.30 and 5.30pm. The *Herald* reported that race rules prohibited any consumption of alcohol during the regatta, but that Johnstone had been seen with “at least one drink” from the bar at the Overseas Terminal after the race had ended at 5.30.

“Someone who spoke to her and Mr Doone a few minutes before they left said they appeared sober. ‘They were socializing with the Governor-General. No one in their right mind drinks too much in front of him’. The couple left the function between 6pm and 7pm and went to dinner at a Chinese restaurant in central Wellington, Uncle Chang’s.”¹³

In other words, although Johnstone had been drinking, there was no suggestion from witnesses that she was over the limit.

The following day, 23 January, the *Sunday Star-Times* again hammered Doone.¹⁴ “Government sources told the *Sunday Star-Times* Doone will be asked to fall on his sword. The request would be made to allow him to salvage some dignity. It was also viewed as preferable to a sacking which could prompt legal action.

“Doone had failed to realise the seriousness of the situation until very recently, one source said. It is understood he has spent about \$40,000 on legal advice in the past month.

“Part of the Robinson inquiry findings, obtained by this newspaper, contains evidence from Main’s partner which confirms the constable was carrying a breath-test sniffer. Constable Mark Haldane was an acting sergeant teamed with Main. He stayed in the patrol car and used his radio to check the car’s licence plate.

“Haldane says in his evidence: ‘Constable Main got out of the car to go and speak to the driver. As he got out he leaned back in saying the words ‘forgot the sniffer’ and took it from the centre arm rest between the two front seats.’”

The newspaper was using its exclusive access to the Robinson inquiry, “obtained by this newspaper”, to effectively bury Doone’s denials of trying to prevent a breath-test.

“A lawyer acting for Doone has threatened legal action against the *Sunday Star-Times*, claiming a report last week was defamatory. The letter says: ‘At no point in the current investigation has that officer even said anything that suggests that he conveyed to Mr Doone an intention to breath-test Ms Johnstone or that the officer had in fact tried to breath-test her.’

“Last night another lawyer for Doone, John Upton QC, issued a statement, saying: ‘The commissioner did not see any breath-testing device on the constable.

¹³ *NZ Herald*, 22 January 2000, “The day Doone’s troubles started” <http://www.nzherald.co.nz/index.cfm?objectid=113776>

¹⁴ *Sunday Star-Times*, 23 January 2000, “Last chance to resign” by Oskar Alley

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Neither was any request or attempt made to breath-test Ms Johnstone.”

The damage was complete. In what would become a trademark form of political murder in the Clark years, Doone had suffered not just an attack on his actions, but on his credibility. Almost invariably, it was this latter type of attack that would prove fatal to Clark’s targets. When confronted with allegations or individuals she didn’t like, Clark’s response was usually for lesser ministers to open fire on the victim with personal attacks designed to ridicule, or lessen the target’s credibility in the eyes of the public.

In a final twist of the knife, the *Star-Times* article hinted that Doone couldn’t even remember what time the incident had happened. The news media had been repeatedly given an 11pm timing, so when Doone’s lawyer wrote to the *Star-Times* suggesting it was earlier in the evening (presumably less time to get ‘tanked’) the paper challenged the claim:

“The lawyer’s letter to the *Star-Times* said Doone and the constable ‘agreed that the incident occurred shortly after 9pm’. This is despite earlier reports of it happening about 11pm. Sources also say Johnstone has indicated to investigators the pair was stopped after 10.30pm.¹⁵

“It is understood Doone claims to have a good memory of the events that night. However, the Robinson inquiry notes that when the media began asking questions he struggled to remember what day the incident took place. ‘The commissioner’s initial comment when the media interest in this incident was brought to his attention by Mr Player (Police Headquarters public affairs general manager) on Friday the 3rd of December has been commented on above,” the Robinson report says. ‘In that conversation Mr Doone had difficulty recollecting the exact night this incident took place.’

“Also, he claims he was not standing close to Main when he spoke to him. However, the evidence of the constable and a third witness contradicts that claim.”

It’s important to remember, here, that at this point the Robinson inquiry had not been publicly released. The newspaper had “obtained” a copy, or at least verbatim quotes from it, from an unknown source. This source was brave enough to leak the information even though it was a report still before Prime Minister Helen Clark for consideration.

The predictions were correct, however, Doone was gone by lunchtime the following Tuesday, opting to resign as Commissioner, be demoted to constable and serve out a six month “sentence” working, ironically, in the Prime Minister’s department on a special project. He would continue to draw his \$275,000 salary until retiring from the police force in September 2000.

“Prime Minister Helen Clark said the reports raised issues of judgment which in turn raised issues of whether there could be confidence in Mr Doone,” reported the *Herald*.¹⁶

15 The radio call on Doone’s number plates would have been exactly timed in the police computers. There should have been no controversy over this.

16 *NZ Herald*, 26 January 2000, “Unrepentant Doone forced to step down”

“The incident itself is pretty innocent,” Doone told the waiting media, “ – it is what people have interpreted from it. Without that [media role] this incident would not have reached the proportions that it has.”

Doone would later realize he was laboring under a massive misconception here. He blamed the media for spinning the story, which in turn forced the government’s hand. In truth, as he would discover during his court case against the *Star-Times* for defamation in 2005, it was Prime Minister Helen Clark herself who’d been stirring the pot and who had passed damning, false, information about Doone to the media in a bid to crank the story up.

You’ve seen the version of events the Prime Minister wanted you to see about the downfall of Police Commissioner Peter Doone. Now let’s see what really was going on behind the scenes.

THE ALLEGATION: Destruction Of A Man’s Career On False Evidence, For Political Gain

THE CULPRIT: Prime Minister Helen Clark

In the supercharged world of New Zealand politics, little is what it initially seems. In the particulars of the Doone case, nothing was as it seemed. The context is really anchored around Doone’s involvement in the INCIS computer disaster – one of the Commissioner’s pet projects. In reality, Doone was a victim of birthing a good idea before its time: computer technology was advancing so rapidly in the late 1990s (from 386 to 486 to the first Pentiums) that hardware and software providers were having a hard time keeping up. Projects commenced in the mid-90s at vast expense were obsolete by 1999, which is one of the reasons the INCIS project kept having budget blowouts.

Already on Labour’s black list, the Police Commissioner’s behavior on election night was a political godsend to the new administration. Clark had been looking for a credible public excuse to dump Doone in favour of her own appointee to the crucial constitutional position. Whilst public dissatisfaction over INCIS was running high, it wasn’t quite the smoking gun Clark needed. Abuse of power, intimidating a junior officer – these on the other hand were issues that heartland New Zealand could easily understand and disapprove of.

If true, Doone deserved to go. But what if they weren’t?

The truth emerged in 2005, before the election. New Zealand’s mainstream media failed to appreciate the real significance of the devastating revelations however, so it became the most under-reported political story of 2005. It could, in fact, have changed the result of the election. But while the media were more than happy to savage National over the Exclusive Brethren pamphlets, none were interested in covering court documents revealing Helen Clark had provided false information to the media for political gain.

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The details of who was really yanking Doone's chain were revealed in court documents filed by the *Sunday Star-Times* as it tried to defend the defamation action brought by Doone and Johnstone. In a brief of evidence for the court, *Star-Times* journalist Oskar Alley says his own involvement had escalated in mid December 1999, when he was rung by "a senior Wellington lawyer who had some direct involvement in the matter [who] spoke to me 'strictly off the record' saying that 'Doone should be facing charges over this', urging me to keep investigating because there was a very good story in this, saying that in the sources' [note the plural] view Peter Doone had acted highly inappropriately".

Alley does not disclose the identity of the "senior Wellington lawyer" or who, exactly, the lawyer was acting for in order to have some "direct involvement".

However, *Investigate* magazine discovered from a Cabinet briefing paper released on the *Sir Humphrey's* blog site that Labour's incoming Prime Minister had been briefed on 3 December, the same day the *Holmes* programme later went to air with the first media report of the incident. Additionally, the new Police Minister received a full briefing from Deputy Commissioner Rob Robinson on December 10. In other words, Labour was well across Doonegate long before a "senior" lawyer came forward to urge the *Star-Times* to dig deeper.

On 14 December, Alley then attended a police Christmas Party where he spoke to several people "employed at Police Headquarters" who disclosed fresh details to him about the case, such as the fact that the car had been stopped because its headlights were not turned on, and that both the Commissioner and his partner had been at a corporate function that evening and stopped off at a restaurant on the way home. Alley says the police sources he spoke to were adamant that the driver of the car should have been breath-tested as standard procedure.

On the same day, December 14, Rob Robinson's preliminary report had been completed and delivered, and the more in-depth Police Complaints Authority investigation was well underway.

Among those interviewed by the PCA was another police officer who'd seen Doone and Robyn Johnstone at the corporate function:

"It was my impression the last time that I saw them that neither of them were intoxicated or unfit to drive. I do not think that Robyn Johnson had in fact had much to drink and I also gained the impression that she was the designated driver."

The PCA also heard analysis from a doctor about the likely levels of alcohol in Robyn Johnstone's blood (two to three small glasses of wine, with food, over several hours), and found they were likely to be "well below the legal driving limit, at levels unlikely to be associated with any significant intoxication or impairment of judgment or behaviour".

The PCA head, Judge Neville Jaine, concluded, "The only evidence available

to the Authority leads to a conclusion that at the time of driving the blood alcohol level of Ms Johnstone did not exceed the legal driving limit.”

This latest point is important. It suggests that Johnstone and Doone had nothing to fear from a breath-test, and they had no reason to obstruct one.

If Johnstone was the designated driver (having previously been the mouthpiece for the LTSA’s drink-driving safety campaigns) and had only consumed a couple of glasses of wine over four hours, with food, Doone had no motive to interfere with Constable Brett Main in his duties. It cannot have been a factor.

This information was in the Government’s hands by December 29. Regardless, the heat really started to go on in the New Year, with that *Star-Times* lead story on January 9 headlined “Labour considers sacking Doone”. According to Alley, much of the information for this story was actually provided by the paper’s political editor at the time, Ruth Laugeson, who’d interviewed key but unnamed members of Helen Clark’s staff.

The following week, Alley published a front page lead of his own, the first story to allege that Doone told the young constable “That won’t be necessary” in reference to breath-testing. For Labour, this was the silver bullet with which they hoped to dispatch the Police Commissioner.

“The first information I received about Peter Doone allegedly using the words ‘that won’t be necessary’ came from an *anonymous phone call* to me,” says Alley, “on about Tuesday 10 or Wednesday 11 January 2000..[the caller] said something along the following lines: ... ‘I know the constable involved. Are you aware that Peter Doone said to that constable ‘That won’t be necessary’ on the night in question?’

“Ofcourse, an anonymous phone call on its own is not a reliable enough source,” continues Alley’s brief, “so that week I contacted a Senior Government Advisor in the Police Sector [who] confirmed that he was told that our information and the words ‘that won’t be necessary’ were correct...[and] he also told me, which was something I did not know at the time, that the constable who spoke to Peter Doone on the night in question was holding a sniffer device, which I understood was [for breath testing].”

A “senior government advisor in the police sector”, by the way, is jargon-code for one of Labour’s political spin-meisters. A genuine police source would be called “a senior police national headquarters official”.

Adopting the Woodward & Bernstein three source rule, Alley decided to approach Prime Minister Helen Clark.

“By the time I approached the Prime Minister, both the Robinson and PCA reports into the matter would have been completed, signed off and handed to appropriate government members,” says Alley in his brief.

“The Prime Minister made it clear that she had seen both reports.”

Alley says he specifically rang Clark – as the person with both reports in front of her – to check whether the claims about the sniffer being visible and

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Doone's alleged response – “that won't be necessary” – were included in the report Clark was holding.

“The Prime Minister confirmed that I was correct that the Constable had a sniffer device in his hand to test for alcohol; and included in the comments Peter Doone made to the Constable, with regards to the breath test, Peter Doone said ‘that won't be necessary’.

“The Prime Minister specifically said ‘...you're not wrong’.”

In her own brief of evidence, Helen Clark admits confirming the detail, although she suggests she drew attention to the fact that Peter Doone was “disputing” some of those details.

But even if Clark is telling the truth about alluding to the “dispute”, in actual fact *nowhere* in the two reports on her desk when she spoke to the *Star-Times* is there any suggestion that the constable had intended to breath test the driver. Nor does the phrase “that won't be necessary” appear in either the Robinson report or the Police Complaints Authority report. That allegation was never “in dispute” because it had not been made by any named source except Helen Clark herself.

The documents released by *Sir Humphrey's* before the election included statements from Mark Haldane – the police officer waiting back in the police car – and two other police witnesses, none of whom mentioned seeing a sniffer device in the young constable's hand as he approached Doone.

Even Brett Main, the constable concerned, says in his brief of evidence for the Doone's defamation case against the *Star-Times* in 2005 that there's no guarantee his sniffer was visible to anyone:

“I have read the article from the *Sunday Star-Times* dated 16 January 2000. The headline for this article is ‘Doone case cop was ready to breath test’. This article reported that I had said to the Commissioner that I wanted to breath test the driver of the car. I did not say that to the Commissioner. I know I had the sniffer with me but I can't remember whether it was in my hand or my pocket. When I got out of my car, I had no intention of breath testing anyone at that stage. I only grabbed the sniffer from the car in case I needed it. I recall that I did not even mention EBA (excess blood alcohol) procedures or breath testing to the Commissioner.

“The article also said that the Commissioner said in response ‘That won't be necessary’. At no stage did the Commissioner say that to me.

“There is no truth to either of those statements reported in the *Sunday Star-Times*,” concluded Constable Main, the officer at the centre of the firestorm.

So what does that mean?

The Prime Minister, then, told a national newspaper that the reports in front of her contained a phrase that was absolutely damning in its implication that the Commissioner of Police had improperly intervened to prevent a breath test. Yet the phrase does not appear in those reports, and is denied by the police officer it was allegedly said to.

Not only did the Prime Minister say it once. She was contacted again by Alley on the 15th of January, and also by the paper's editor Sue Chetwin, and repeated her assertions that Doone used those words, telling the newspaper to hang tough in its hounding of Doone.

"I don't see what more I could have done," reporter Oskar Alley told the court later. "Various credible independent sources corroborated the key facts that appeared in the story. I had no reason to doubt the accuracy of the story or the information provided by my sources."¹⁷

Naturally, when the *Sunday Star-Times* published on January 16 this hitherto unreleased information leaked to them by the Prime Minister, all hell broke loose in the media and Peter Doone's position as Commissioner became untenable.

It was behind the scenes, however, that the newly released documents disclose how events were falling nicely into place for Labour's plans to oust Doone from his job. For a start, there had been bad blood between Labour and the Police Commissioner for months leading up to the election because of the INCIS computer debacle. Doone and National's police minister Clem Simich had taken the brunt of Labour's INCIS attacks in parliament. Politically, Doone was already seen in Labour circles as a lame duck, long before the alleged drink driving incident happened.

Sir Humphrey's published a cabinet briefing paper dated 21 January – five days after the bombshell *Sunday Star-Times* article now known to have been caused by the Prime Minister's deliberate leak of false information to two journalists.

In the cabinet paper, Attorney-General Margaret Wilson tells her colleagues that "Serious issues of confidence were raised by...the perceptions created by the incident in terms of the wider public perception of the integrity of the law enforcement system."

In other words, *crucial to the issue of whether Doone should keep his job was the amount of media opprobrium bouncing around the case*. And that's why the Prime Minister's decision to up the ante by leaking false incriminating information is directly relevant to the events that followed.

That Labour was making the issue a top priority is confirmed in the briefing paper, with Margaret Wilson acknowledging that she'd been asked by Helen Clark to take over the Government's handling of the matter as early as January 5, instead of leaving it to Police Minister George Hawkins.

Wilson admits that Labour had known as early as December 17 that there were no grounds for criminal prosecution of the Commissioner or his partner, and she admits the Government had also been told at the same time by Deputy

¹⁷ Of course he had no reason to doubt. Whilst we all know politicians are manipulative and the media like a good scoop as much as anyone, few journalists would suspect the Prime Minister of the nation would cynically and deliberately feed them *false* information to destroy the public life and private reputation of a man. Years later, when Helen Clark began complaining about media scrutiny of her activities and private life, few people knew of the hypocrisy of her complaints.

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Commissioner Rob Robinson that “it was the PCA’s report, and not his, which would be authoritative in terms of any adverse findings.”

In other words, Labour was clearly on notice that it should not rely on the Robinson report if it wanted to criticize Doone.

The cabinet paper reveals just how much knowledge Helen Clark had of this. It says the Prime Minister, Deputy PM Michael Cullen and Attorney General Margaret Wilson met on January 11 with the Solicitor General, the head of the Prime Minister’s Department Mark Prebble and the head of State Services, Michael Wintringham.

At that meeting, full copies of the authoritative Police Complaints Authority report, the Robinson report, and submissions made on behalf of Peter Doone, were tabled and discussed, along with their legal implications. The document reveals that public perception of the Doone affair was identified at that meeting as a critical factor in whether the government would be within its rights to dismiss Doone.

This meeting took place three days *before* Helen Clark leaked false and damaging information about Doone to the *Sunday Star-Times*. In other words, knowing the adverse media coverage was likely to be a determining factor, the Prime Minister turned up the heat.

In her briefing paper, Margaret Wilson also acknowledges that the issue was not serious enough, but for the publicity, to warrant sacking:

“A decision to advise the Governor-General to remove the Commissioner is one with considerable personal and financial impact for the Commissioner. His reputation would inevitably suffer. He would also suffer significant adverse financial effects.

“Given the mitigating factors found by the PCA, a decision to recommend the Commissioner’s removal would be a severe sanction.”

Hold the phone! Attorney-General Margaret Wilson is admitting the story is a beat-up, and the Government would be acting unfairly if it forcibly removed Doone, knowing what they now knew.

The briefing paper released by *Sir Humphrey’s* also shows Margaret Wilson gave specific advice to her cabinet colleagues, including Prime Minister Clark, on the basis of the findings of the Police Complaints Authority:

“On account of the findings in the PCA’s report, my advice is that Ministers should proceed on the basis that the Commissioner is being truthful, in particular as to the amount of alcohol consumed [very little] and in stating that it was his belief at the time the car was stopped that no road safety issue was involved.”

The cabinet briefing paper was dated Friday, January 21, in preparation for the following week’s cabinet meeting where Doone’s position would be discussed. Before that, the *Sunday Star-Times* had another go at the Commissioner on January 23:

“Last chance to resign, Cabinet ready to ask Doone to fall on his sword,” screamed the headline.

“The Government is set to ask beleaguered Police Commissioner Peter Doone to quit this week,” it began, quoting unnamed government ‘sources’ as saying Doone would be asked to fall on his sword.

In the released brief of evidence, Oskar Alley reveals that his ‘source’ was, again, none other than Prime Minister Helen Clark. He believes he spoke to her on Friday January 21, the same day Margaret Wilson’s memo had gone to all cabinet ministers.

Alley says Clark told him that Constable Main definitely had the sniffer device – “she quoted a passage from the Robinson report on that subject” – and she said she “would hang tough on this one if she were the *Sunday Star-Times*.”

“I took comfort from the Prime Minister’s comments,” says Alley. “She had the relevant documents and reports, parts of which she read to me over the telephone...she confirmed that there was nothing to worry about in the story the previous week. In effect, she confirmed that, despite Peter Doone’s statement, the 16 January 2000 article had been accurate.

“She also read to me parts of the Robinson Police Inquiry, which were quoted in the story.”

One of the pieces of information in the Prime Minister’s possession, however, was advice originating from the January 12 legal briefing that she should *not* be relying on the Robinson report. In fact, the cabinet briefing paper from Margaret Wilson specifically says, “I do not propose to refer further to the Robinson report. I suggest Ministers likewise focus on the PCA report.”

So what game, exactly, was the Prime Minister playing, by continuing to feed the media titbits from a report her own Attorney-General was backpeddling from?

“I specifically put it to the Prime Minister that they would ask Peter Doone to fall on his sword. It was confirmed to me he might, that that ‘was in the plan’, and that that was what the Government were going to ask him to do,” recalls Alley.

Not content, *Star-Times* editor Sue Chetwin was back on the phone to Helen Clark as well, and came away reassured.

“She encouraged the newspaper to continue its investigation as the matter was reaching its critical stages.”

For sheer treachery, double-dealing, lying and destroying a man’s reputation for your own political gain, the Prime Minister’s direct involvement in the Doone story is almost unmatched in the way it puts her pawprints brutally at the scene of the crime.

While Helen Clark was telling journalists that the reports in front of her showed Doone had tried to block a breath-test with the words “that won’t be necessary”, an examination of the PCA report shows just how far from the truth Clark’s claim was:

“The Constable describes in these words the conversation which followed:

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‘He said words to the effect, ‘why have we been stopped?’. I replied something like, ‘because you didn’t have your lights on and I would like to speak to the driver’.’”

So what was Peter Doone’s response to this crucial question? In his own words in the PCA report, Constable Main says Doone replied, “Yep, that’s okay. I’m just out with a friend on a Saturday night having a meal.”

When Main asked to speak to the driver, Doone answered, “Yep, that’s okay”.

That’s a million light years from Helen Clark’s version of the story.

It was at this point, however, that Main realized he was dealing with the Commissioner, and he told the inquiry that he became flustered and “felt very nervous...At no stage did he introduce himself or tell me he was the Commissioner...I don’t think I said anything in response [to ‘yep, that’s okay’] but I nodded my head I think in acknowledgement.”

A pregnant pause appears to have passed before Doone “then said to me words to the effect, ‘We’ll be on our way’, or something like that.”

And that was the end of it. In his confusion, Main had apparently forgotten to make his way to the driver, despite Doone’s affirmation, and both parties instead returned to their cars. Nothing more sinister.

Did Doone deserve to lose his job because of a media hatchet job orchestrated by Prime Minister Helen Clark’s false testimony? While he was the first public service casualty of the new “squeaky-clean” Labour administration, Peter Doone was by no means the last.

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