

# **THE HUMAN RIGHTS SWINDLE**

**WHY THE HUMAN RIGHTS  
COMMISSION MUST GO!**

**BY DAVID THOMPSON.**

## ESSENTIAL READING

(NOTE: Prices current 1985-86)

**Sovereignty or Serfdom? — New Zealand's Crucial Choice** by Jeremy W.D. Lee and David Thompson. The chilling story of the New International Economic Order and what it means to New Zealanders. \$2.50

**World Government is Anti-Christian** by John Mitchell. An outstanding little work which puts the whole question of World Government right on the line. \$1.50

**The Development of World Dominion** by C.H. Douglas. This 157 page book is filled with extracts from the various articles written by the author over the years on the continual drive to force the West into a World Government. \$4.00

**Faith, Power and Action** by L.D. Byrne, O.B.E. It presents a dynamic challenge to the serious Christian. \$2.50

**The Fabian Socialist Contribution to the Communist Advance** by Eric D. Butler. An excellent work dealing with the role being played by the Fabian Socialists in the advancement of Communism. \$3.00

**The Foundations of Liberty** by Rev. Arthur G. Fellows. An examination of the spiritual nature of the very root of freedom and abundance. \$1.50

**Conservatism and Society** by Walter Henderson. This leading authority on law and diplomacy answers the question: "How can our personal and societal values be safeguarded against erodents now attacking them?" \$1.50

**Conscience Voting** by Jeremy W.D. Lee. This dynamic Christian layman deals with the Christian's responsibility respecting politics. A stirring challenge. \$2.00

**The Essential Christian Heritage** by Eric D. Butler. Deals with Magna Carta, Individual Sovereignty, English Common Law, Charity, Representative Government and Personal Responsibility. \$2.50

**Our Sham Democracy** by James Guthrie. A graphic picture of the way our democracy has been perverted. \$3.00

**Wall Street and the Bolshevik Revolution** by Antony C. Sutton. Perhaps Dr. Sutton's most significant work to date, revealing with carefully documented evidence the part played by Wall Street financiers in bankrolling the 1917 Bolshevik Revolution. \$11.00

---

Published by:—

**THE NEW ZEALAND LEAGUE OF RIGHTS,**  
Box 3447, C.P.O., Auckland



EX LIBRIS  
ERIC D. BUTLER

7 May 1916 - 7 June 2006

Introduction to 1985 Edition .....	Page 1
Part One: "The Source of Rights" .....	7
Part Two: "A Heritage Betrayed" .....	17
Submission .....	26
Appendix .....	27

First published 1981 as "PERVERSION of the LAW"  
Second Printing 1985.



## INTRODUCTION TO 1985 EDITION

This booklet was originally written as a submission to the New Zealand Statutes Revision Committee. In 1981 incredulous New Zealanders learned that Mr Eric Sides was successfully prosecuted by the Human Rights Commission of New Zealand for advertising in a Christchurch newspaper for a Christian employee for his service station. Wide publicity of Mr Sides' case caused a storm of protest throughout the country, and in 1981 the Statutes Revision Committee examined an amendment to the Human Rights Commission Act.

John Baalman, in his "Outline of Law in Australia" quotes Professor Jenks as stating: *"Substantially speaking, the modern world acknowledges only two great original systems of Law, the Roman and the English."* Mr Baalman adds that *"the system in force throughout Australia is English law. We share that privilege with most of the English-speaking peoples of the world."* This includes, of course, New Zealand, which shares this heritage of British common law. In New Zealand Mr Sides' case served as a catalyst to alert New Zealanders to the fact that their legal system is undergoing fundamental changes which ignore the very spirit of our heritage. The international attack upon our legal systems, national culture, and even the family unit has advanced to a point never envisaged ten years ago.

It is important to understand what changes have been made, and how such changes affect the life and family of each person. It is more important to understand why our common law is being eroded, and this booklet serves to offer New Zealanders a glimpse of the type of world the "planners" envisage for the future.

## DISCRIMINATION

The Human Rights Commission has much to do with "discrimination", and attempts by government bureaucracies to eliminate "discrimination" by making it illegal. The New Zealand Government has progressed a step further with its ratification of the United Nations Convention on the Elimination of all forms of Discrimination Against Women. This incredible document fore-shadows massive changes in almost every area of human relationships if it can be successfully forced upon New Zealanders.

Mr Patrick D'Cruz, of the Australia-USSR Society points out

that it was the Soviet Union which sponsored the introduction of this women's convention in the United Nations in 1945. After forty years of active subversion, the Convention has now been ratified in New Zealand, and legislation to implement the provisions of the convention must follow. Almost all Western countries have ratified this Convention, except Britain and the United States. Why did Great Britain refuse to sign? The Nationwide Festival of Light (U.K.) reports that the British Government realised that this convention would destroy the system of English Common Law built up over many centuries.

In Australia, the Humanist Senator Susan Ryan, Minister of Education, and Minister Assisting the Prime Minister on the Status of Women, created a storm when she introduced her Sex Discrimination Bill to Parliament in 1983. Now that this Bill is law in Australia, under the provisions of the Convention New Zealanders should observe the following disturbing features:

- marriage is downgraded by equating it with defacto relationships. It is illegal, for example, for a landlord to rent a house to a married couple in preference to a defacto couple.
- It abandons the traditional safeguards of Australia's legal system. Instead of an impartial judge, the Act provides a Commissioner who is prosecutor, judge and jury.
- It denies people appearing before the Commissioner the normal right to be represented by a lawyer.
- It reverses the onus of proof that has been the pillar of traditional British justice; that a person is assumed to be innocent until proven guilty.
- It allows the Commissioner to accept whatever he wishes to regard as evidence, and allows the Commissioner to investigate cases in any way he (or she) thinks fit.

Professor Lachlan Chipman, then the visiting professor with the Law Department at Sydney University, denounced the Bill in the strongest terms: "*The Sex Discrimination Bill compromises what many regard as fundamental principles of justice and liberty.*"

The Women's Convention openly sets out in its objectives: to modify the social and cultural patterns of men and women. This kind of social engineering would eventually intrude into every facet of human relationships. Further, countries which ratify this convention submit themselves to an international committee of



23 "experts" who would monitor the progress of implementation of the Convention. This committee of 23 already exists. None of the 23 are from New Zealand (or Australia), only one is from an English-speaking country (Canada). Ten are from outright Communist countries, including China and the USSR.

New Zealand women do not wish to be treated in the same way as women from other countries. For example, China has a stringent birth control programme. Each woman may have one child. Pregnant women are subjected to political meetings at which they are intimidated until they agree to abortions they do not want, even after the pregnancy has advanced to seven and eight months!

Although there has been massive opposition to the Women's Convention in New Zealand, the Government has ratified it. Legislation to implement the Convention is certain to follow.

### THE INTERNATIONAL COURT

Any dispute concerning the application of the Women's Convention may be referred to the International Court of Justice. This court is the principal judicial organ of the United Nations. New Zealand is a party to the statutes of this court. The Court, which sits at The Hague, Netherlands, consists of 15 judges. In 1983, the World Almanac listed only one judge from a common law country. The remaining 14 were from Communist countries, Eastern-bloc satellite countries, third world countries, or countries with a totally foreign system of law to the New Zealand system. The New Zealand Government has submitted New Zealanders to the jurisdiction of this court.

### CHILDREN'S RIGHTS

The crazy U.N. "rights" legislation is being extended in every field. 1985 is the "Year of Youth", and the Declaration of the Rights of the Child is being advanced as a reason for changing family law even further. This is not new. In 1959 the U.N. passed the resolution on the "rights of the child", and steady progress towards specific provisions has been made. For example, in Canada children who believe that their parents have "discriminated" against them in various ways, should report to the Human Rights Commission. Telephone numbers are provided. In regard to children, international social planners envisage the following:

- Liberation from traditional moral values, through day care centres.
- Liberation from parental authority; freedom from physical punishment, freedom to vote, and total sexual freedom.
- Liberation from religious views of parents.
- Liberation from nationalism and patriotism.

The above aims of the Declaration of the Rights of the Child are designed to dissolve the family unit, remove all moral influences, and leave the social order in a state of advanced decay beyond redemption. With the introduction of legislation to legalise sodomy, as is being considered by New Zealand, the way is being cleared for every form of human abuse. Already, in the State of New York, the first school is being opened for homosexual high school students!

In March, 1983, Mr Hiwi Tauroa, New Zealand's Race Relations Conciliator, released his report on youth and the law. Among his recommendations was the immediate adoption of the U.N. Declaration on the Rights of the Child.

### A BILL OF RIGHTS

In Australia and New Zealand, overtly socialist governments are attempting to impose a "Bill of Rights". The Hon. Geoffrey Palmer, New Zealand Minister of Justice and Deputy Prime Minister, addressed a meeting in Christchurch in September, 1984, organised by the Canterbury Council for Civil Liberties. Mr Palmer claimed that confidence in the Westminster system of government "can no longer be sustained", and made favourable reference to Canada's "fundamental Constitutional reform" of 1982, and the new Canadian Charter of Rights and Freedoms. He did not tell his audience that Canada's "constitutional reform" was imposed ruthlessly by the government of Pierre Trudeau, a secular humanist with a long pro-Marxist record, who openly declared that he was going to change the whole fabric of Canadian society. One of Trudeau's first acts as Prime Minister was to legalise sodomy!

The Canadian Charter of Rights and Freedoms is widely becoming a Charter of Wrongs, rather than "rights". For example, the feminist movement is claiming the "right" to kill unborn children under the provisions of the Charter. Anti-abortion laws are claimed to be oppressive, because they deny women the



"right" to freedom of choice concerning "inconvenient life". The Canadian bill of rights also maintains the right to freedom of speech. However, the Canadian Government now seizes shipments of books which it regards as undesirable because they deal with unconventional views of history. A number of books, some of which have been available in Canada for many decades, are now being seized by Canadian Customs. Since the Race Relations and Human Rights offices in New Zealand are attempting to ban several books that question some conventional interpretations of history, it might be asked what purpose a bill of rights would serve?

### THE SOURCE OF RIGHTS

In spite of all the discussion of human rights, modern governments refuse to accept that there is a higher law than their own. They operate in a moral vacuum. Curbing the power of governments is the most vital issue facing western people. If governments can legitimately grant "rights" to their citizens, then governments may legitimately withdraw the same "rights" as they choose. The very future of our civilisation depends upon whether or not there is a higher law than the laws of the State.

Some years ago, Professor Rousas Rushdoony, President of the Chalcedon Foundation and a contemporary Christian writer, recorded a statement made by a lawyer colleague: *"The political confrontation of the 1980's will be between, not conservatives and liberals, socialists and anti-socialists, but between Christianity and humanism. In terms of that political confrontation it will be a 'war to the death'. Everything will be done to disguise from Christians the reality of that battle, so that they will continue to halt between two opinions."*

This is the greatest challenge facing Christians today. We are half way through the 1980's. The humanists are in the ascendancy everywhere, even in some of our churches! This is a challenge that Christians dare not shirk. They must provide leadership in a battle which is raging now. Unfortunately, many Christians are simply not equipped to defend their Christian heritage; they lack the essential knowledge required.

The time has long passed when Christians should be fobbed off by their enemies with excuses and cliches, like *"religion and politics don't mix"*, or even *"the state must be kept separate from the Church"*. Christians must urgently begin to assess the



Christian impact on government, constitutional development, and the most priceless asset of the secular Christian heritage — English Common Law.

If we are involved in a struggle to the death, then we must quickly equip ourselves to take our part. This booklet provides some of the essential equipment, but the fate of New Zealand ultimately rests upon those dedicated Christians who have the will to take part in the struggle.

David Thompson,  
July, 1985

## PART 1.

# THE SOURCE OF "RIGHTS"

### INTENT OF THE ACT

Any legislation or discussion on "human rights" must be prefaced by a recognition of the source of such "rights". The Human Rights Commission Act clearly states, in its introduction that it is "An Act to establish a Human Rights Commission and to promote the advancement of human rights in New Zealand in general accordance with the United Nations International Covenants on Human Rights".

For any worthwhile comment upon the New Zealand Act, or the Covenants themselves, we must return to their source; the pedigree of the Covenants must be closely studied.

### ROLE OF THE UNITED NATIONS

In 1946 a special agency of the United Nations called the Human Rights Commission began studying proposals concerning human rights. On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. It appears that this document was not designed to invite nations to become signatories, but was produced as a set of general principles - a public statement of good intentions - which all peoples and nations were urged to promote by teaching and education.

Our Human Rights Commission Act, however, was not derived from the Universal Declaration of Human Rights, but from the International Covenants on Human Rights. It may be confusing but it is essential to understand the difference. While the Declaration serves as a broad outline of principle, the Covenants, to which New Zealand is a signatory, are a set of rules as to how the human rights proclaimed in the Declaration should be applied.

Considering then, that the Declaration is the promise, while the Covenants are the practice, why is the wording of the Covenants quite different from that of the Declaration? In fact, the Declaration promises one thing, while the Covenants, which were supposedly to implement the promise, ensure something substantially different!

## SOVIET INFLUENCE

The results of the efforts of the UN Human Rights Commission were published in two Draft International Covenants; one dealing with Economic, Social and Cultural Rights, the other with Civil and Political Rights. The final drafts of these Covenants were both ratified by the New Zealand Parliament.

However, a range of different people were involved in drawing up the Drafts of the Covenants from the original Declaration. Some of these were from the Soviet Union. The Soviet influence is unmistakeable. So unmistakeable, in fact, that it almost seems that a large part of the Soviet Constitution is repeated word for word in the Draft Covenant on Economic, Social and Cultural Rights! If this is true, then it means some of our legislation has been based upon the Soviet Constitution!

The Soviet Constitution deals with the right to work, the right to rest and leisure, the right to health protection, the right to free education, the right to housing, and to social services. The Covenant, in almost the same language, also guarantees each of these. A fuller comparison is published in the Appendix.

## RIGHT TO PRIVATE PROPERTY

In many ways the Universal Declaration is similar to the Soviet Constitution. There are, however, some important differences. Article 17 of the Declaration guarantees the right to private property. This, of course, is missing from the Soviet Constitution. The Communists do not recognise the right to private property - all property belongs to the People - the State.

In this lies the major difference between the Universal Declaration of Human Rights, and the International Covenants on Human Rights. Although the right to private property is guaranteed in the Declaration, no-where does this specific right appear in the Covenants, which were supposed to reflect the Declaration.

It can, then, be claimed that the Covenants more accurately reflect the spirit of the Soviet Constitution than the Universal Declaration of Human Rights. That is, the New Zealand Human Rights Commission Act has indirectly, been drawn from the Soviet Constitution, not the Declaration of Human Rights!

It may be significant that the UN Human Rights Commission, which drew up the Covenants, was first Chaired by Mrs Franklin Roosevelt, whom the United States Un-American Activ-



ities Committee identified as having been associated with 56 Communist-front organisations. Dr Charles Malik of Lebanon was later a Chairman of the same commission as Mrs Roosevelt. Writing in the "United Nations Bulletin" (1/9/1952) he said:

*"I think a study of our proceedings will reveal the amendments we adopted to the old text under examination, responded, for the most part, more to Soviet than to Western promptings . . . ."*

*"The concept of property and its ownership is at the heart of the ideological conflict of the present day. It was not only the Communist representatives who riddled this concept with questions and doubts; a goodly portion of the non-Communist world had itself succumbed to these doubts. A study of this particular debate will reveal the extent to which the non-Communist world has been Communistically softened or frightened."*

Abraham Lincoln confirmed the Western view of the right to property:

*"Property is the fruit of labour; property is desireable; it is a positive good in the world. That some should be rich shows that others can become rich, and hence is just encouragement to industry and enterprise."*

The Soviet view, however, is much different. The "Communist Manifesto" states:

*"The theory of the Communists may be summed up in the single sentence: 'abolition of private property'."*

It hardly seems likely that the Soviets would have agreed to allow the guarantee of private property to be enshrined in either of the Covenants. They did not.

While the Universal Declaration may have been described as acceptable - with some reservations - the International Covenants are totally unacceptable as documents upon which to base New Zealand Legislation.

## THE "SPIRIT OF THE LAW"

Thus far, it could be said that objection to the Human Rights Commission Act and the International Covenants on Human Rights is based upon the letter of the law - their close resemblance to the Soviet Constitution. More important than this is the spirit of the legislation. It must have a philosophical source,

and we must study the pedigree of its philosophical source. This source could be said to provide the authority for the Human Rights Commission Act.

The preamble of the Universal Declaration of Human Rights recognised that *"the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . . ."*

During the final debates on the Declaration of Human Rights, in 1948, the representative for the Netherlands rose and said:

*"I only want to stress one particular aspect which, to our great regret, has not obtained due recognition in this document. I am referring to the origin of these rights. The fact that man's rights and freedoms are based on his Divine origin and immortal destiny, the fact that there is a Supreme Being who is the fount of these rights, increase their value and importance. To ignore this relation would mean the same thing as breaking a plant from the roots, or building a house and forgetting its foundations."*

This not only applies to the Declaration, but to both the Covenants as well. The preamble to both the Covenants contains the following:

*" . . . Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Recognising that these rights derive from the inherent dignity of the human person. . . ."* (Emphasis added).

This goes directly to the core of the problem. In those countries that have borrowed from the British legal system, the authority for legislation has not been the "inherent dignity of man" but the unchanging Law of God. In many countries, like the United States, government cannot grant "rights" to citizens — rights are presumed to be God-given. The American Declaration of Independence says that men are "endowed by their Creator with certain inalienable rights." The Declaration of Independence did not even presume to state *which* were those "certain inalienable rights."

The U.S. Bill of Rights does not grant "rights" as such; it is

merely a set of restrictions on government to ensure that officials cannot violate the God-given rights of citizens. If we accept that human rights are granted by government, then we must also accept that Government can remove these rights at will.

## OUR CHRISTIAN HERITAGE

The authority of law raises the question of the authority of Parliament and of Government itself. As New Zealand derives its law from the traditional British Westminster system of Government, we must start here. These traditions were built up as a result of nearly two thousand years of Christian influence. The first recorded authority for government was given by Christ Himself, as Lord Acton confirms in his essay "Freedom and Anti-quity":

*"When Christ said 'Render unto Caesar the things that are Caesar's and unto God the things that are God's,' those words . . . gave to civil power, under the protection of conscience, a sacredness it had never enjoyed, and bounds it had never acknowledged; and they were the repudiation of absolutism and the inauguration of freedom."*

The events which led up to the Magna Carta in 1215, and the developements which took place on the Isle of Runnymede, contain vital lessons for New Zealanders today. The nature of *reality*, of God's world, has not changed over the intervening centuries. When King John, the Caesar of the day, had monopolized all power to the point where he was destroying the God-given rights of Englishmen, developed over hundreds of years under the influence of the Christian Church, he provoked an eventual revolt.

Significantly, the Marxists sneer at Magna Carta as merely a type of class war between the King and the Barons. But the Barons merely provided the military sanction to force the King to negotiate. The ultimate sanctions were provided by the Church leaders present, the most distinguished of these being the Archbishop Stephen Langton.

Here was the Christian Church, claiming to speak with authority concerning God's laws, not insisting that the King should return "rights" to the inherent dignity of the human person, but insisting that the power of the State should be divided and subject to God's Law. Langton was not insisting that the King grant "rights" to his subjects which the King had trampled on, but in-



sisting that these "rights" were God-given. The British historian Sir Arthur Bryant, writes in his "History of England":

*"It was not Langton's wish to see the Crown overthrown, the law ignored, the realm divided, the Barons petty tyrants. What he wanted was that the King should preserve the laws his predecessors created. And it was to the law that the Archbishop appealed, not only of man, but of God. For it was the essence of mediaeval philosophy that God ruled the earth, and that man, and kings above all men, should further His ends by doing justice, or it was not in Christian eyes, justice at all."*

### AMMENDMENT CONFIRMS HUMANIST BASE

The Human Rights Commission Ammendment Bill confirms that the original legislation does not reflect the traditional Christian approach to law. Section 7(a) of the Ammendment Bill states: "Nothing in this section shall apply to preferential treatment based upon religious or *ethical belief* . . ." Not only is religious belief catered for, but also lack of religious belief. That is, the humanist attitude of atheism is catered for in this Bill, which reflects the philosophical sources of the Act.

The Humanist Manifesto II (1973) states:

*" . . . In the best sense, religion may inspire dedication to the highest ethical ideals . . . . We find insufficient evidence for belief in the existence of a supernatural . . . . As non-theists, we begin with humans, not God, nature, not deity . . . . We appreciate the need to preserve the best ethical teachings in the religious traditions of humankind . . . . We can discover no divine purpose of providence for the human species . . . No deity will save us, we must save ourselves . . ."*  
(Emphasis added).

Note that, as does the Ammendment to the Act, the Humanist Manifesto stresses the *ethical*, rejecting divinity. There is nothing in any part of the United Nations Charter, the Universal Declaration of Human Rights, nor the Covenants on Human Rights, to indicate any observance of God's law. The emphasis is upon the "inherent dignity of the human person . . ." which is the view of the humanist. In this sense, the Human Rights Commission Act can be demonstrated to be based on atheism.

## EMBODYING HUMANISM IN LAW

Again the Communist influence is evident. All Communist theory states clearly a rejection of religion, rejection of any super-natural deity as the Humanist Manifesto puts it. The humanism of Soviet law is explicitly highlighted in the "Young Communist" No 10 (October 1959), the organ of the Young Communist League:

*"Parents must be made to answer for any anti-social, religious education of the children in the family. This responsibility must be not only of a moral but also, if the interests of the State require it, of a legal nature. Our public and our legal organs must step in to protect children who become the victims of spiritual and moral violence from their parents, and must protect the freedom of conscience of the young generation. The child itself, being entirely dependent upon the parents, cannot do this. We must help it. This is demanded by the genuine revolutionary humanism of Soviet law and the high principles of Communist morality."*  
(Emphasis added.)

This merely confirms that humanism is the legal "religion" of the Soviet Union — and that atheism is the basis for Soviet law. Why is it that the UN Covenants on Human Rights reflect the humanist viewpoint? Probably because the Communists had a hand in the drafting of the original United Nations Charter! Alger Hiss, the aid to President Roosevelt, who had a part in drawing up the UN Charter was subsequently exposed as a Soviet agent. A former Director-General of the UN Educational, Scientific and Cultural Organisation, (UNESCO) Sir Julian Huxley, while not a Communist, was an atheistic philosopher, a member of the Marxist-inspired Fabian Socialist Society, and a militant humanist. Huxley was a signatory to the 1973 "Humanist Manifesto" already quoted, and held the vision of a one-world state as his ideal. Under Huxley, UNESCO envisaged the destruction of children's love of country and patriotism as a first step towards a one-world state.

## HUMANISM AND "WORLD LAW"

It is not widely known that the concept of "humanism" is now being promoted as a kind of "alternative religion". The US Supreme Court has ruled that conscious Humanists can validly regard their collective opinions as a religion for tax-exempt pur-

poses. It is even less widely known that there is such a thing as a formal statement of humanism called the "Humanist Manifesto". This was first published in 1933, and the Humanist Manifesto II was an expansion of the original statement published in 1933.

In common with the Soviets, and with the United Nations, the humanists believe in the "one-world state". The following is a second extract from the Humanist Manifesto II:

*"We deplore the division of humankind on nationalistic grounds. We have reached a turning point in human history where the best option is to transcend the limits of national sovereignty and to move towards the building of a world community in which all sectors of the human family can participate. Thus we look to the developement of a system of world law and order based upon transnational federal government . . . . We believe in the peaceful adjudication of differences by international courts . . . . "* (Emphasis added).

The Covenants on Human Rights, to which New Zealand is a signatory, is perhaps one of the first forms of world law. Mr C. D. Morpeth, the Office Solicitor of the Human Rights Commission, wrote the following reply to a query, on September 11, 1981:

*"In the field of human rights, New Zealand's obligations at international law spring from the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. This is recognised in the long title of the Human Rights Commission Act 1977. . . "*

The question of world law, of course, raises the question of world courts to hear disputes. The first step is to enshrine the same legislation in the legal statutes of each country. Once this is achieved, what does it matter which court hears disputes? A New Zealand court, or the European Court? There must also be a body which has a sanction to enforce world law if it is to have any credibility. Does this mean an international police force? The United Nations is known to be in favour of standardising police forces internationally, and this is, in fact, taking place at the present. If New Zealand allows itself to be drawn in, as a signatory, to international laws; then it must inevitably be gradually absorbed into the international courts, policed by the inter-



national police force, as a part of "the world state".

## DRIVE TOWARDS THE WORLD STATE

The United Nations goes even further to establish international law. It is now fostering the emergence of an international Parliamentary body, known as the "Parliamentarians for World Order". In their own literature, the PWO describe the organisation as "An international network of legislators committed to the goal of world peace through world law." In September 1980, a meeting of legislators from fifteen countries was organised at the United Nations General Assembly to introduce the proposal for a UN Parliamentary Forum. Stated as one of the objectives of the Parliamentarians for World Order is the following:

*"The purpose of Parliamentarians for World Order, as stated in its constitution, is 'to promote the cause of world institutions and enforceable world law for the purposes of the world as a single community, through parliamentary action.'"*

The United Nations Parliamentary Forum is due to meet for three days next week, from September 21 - 23, 1981. The Provisional Programme for the Forum describes it as follows:

*"A three-day forum at United Nations headquarters, New York, designed for 100 parliamentarians from around the world, will centre on the political will needed to achieve world peace through world law. Organised by the newly-formed Parliamentarians for World Order, the Forum will include special debates enabling parliamentarians to become more involved in the issues that will determine the future of the global community." (Emphasis added.)*

A New Zealand M.P., Mr Richard Prebble, will chair one of the four concurrent committees on September 21st. His committee is due to discuss "UN Reform: Is A World Police Force Workable?" The following day, the first plenary session will discuss "Law of the Sea: A Case History in World Law."

The Human Rights Commission Act must take its place as one of the first world laws affecting New Zealand. In a Seminar on Human Rights held in Wellington on 9 - 10 December, 1978, the Chief Human Rights Commissioner, Mr P.J. Downey, quoted the following from Moses Moskowitz:

*"... The preparation and adoption of the International*

Covenants on Human Rights and other international legal instruments in the human rights area, were part of a deliberate effort to institutionalise the commitment of the United Nations under the Charter and to transform it into a legal obligation. The various measures of implementation contained in the Covenants and in some of the other legal instruments, as well as the several attempts to improvise international enforcement procedures. . . are so many attempts to bridge the divide which separates man. . . from his benefactor — the organised international community."

(Emphasis added).

Mr P.J. Downey had already made the following comment earlier in his address:

*"Unless New Zealand is prepared to submit its laws. . . to such international assessments and criticism, it should not ratify the Covenants. Ratification necessarily requires that New Zealand be prepared to justify itself in accordance with international norms, and to make legal and policy changes wherever it can be shown that we are falling short."*

(Emphasis added.)

Who is to show where New Zealand falls short — the International community ? The same International Community who claimed that New Zealand "fell short" by allowing a visiting South African football team to play in this country ?

From the fore-going it can be demonstrated that the Human Rights Commission Act is not compatible with New Zealand's long tradition of law based upon British Common Law. It can also be conclusively demonstrated — and it has not been denied — that the Human Rights Commission Act and the International Covenants on Human Rights which it was designed to legally embody, both have their roots in humanist philosophy, not in Christianity, which has been the dominant influence in the development of Western Civilisation. It may even be claimed that the Human Rights Commission Act is unconstitutional, since it embodies international law. If it reflects any constitutional authority, it is the Constitution of the Soviet Union, not New Zealand.

# A HERITAGE BETRAYED

## POWERS OF THE COMMISSION

The next most important aspect to be examined is the power that the Human Rights Commission can exercise under the Act. A close examination of these powers will demonstrate that the Act plays a major role in the destruction of our traditional legal system, inherited from the British.

Section 5 of the Act outlines the functions and powers of the Commission:

(4) "The powers and functions of the Race Relations Conciliator under the Race Relations Act 1971 shall be vested in the Commission but, except where the Commission otherwise decides, shall be exercised by the Race Relations Conciliator and his Deputy and officers and employees."

That is, the Human Rights Commissioners also have all the powers of the Race Relation Conciliators should they decide to assume them. In Part III of the Human Rights Commission Act, (Remedies Against Unlawful Discrimination) the procedures are laid out for dealing with cases of unlawful discrimination. This involves the investigation of a complaint, attempt at conciliation between parties investigated, and finally measures for Civil proceedings.

Although, under Section 15 of the Act, it is unlawful to discriminate against any person by reason of that person's sex, marital status, or religious or ethical belief, exceptions can be made if, for example, a person of a specific sex "is a bona fide occupational qualification" for an employment position.

Taking part in the Seminar on Human Rights in December 1978, Mr T. J. McBride said it was important to note:

*" . . . If a defendant wishes to argue that his conduct comes within one of the many exceptions, the onus of proof is on him to prove to the satisfaction of the Tribunal that this is so . . . This amounts to a complete reversal of the normal position in civil proceedings."*

That is, unless he can prove his innocence, the defendant is automatically guilty. This is diametrically opposed to all the

best traditions of our history of law, — taken originally from English Common Law.

## EROSION OF ENGLISH COMMON LAW

New Zealand, like Canada, Australia, and to a degree, the Americans, has derived its legal system directly from the British. Much of our precedent in law comes, still, from Britain, and New Zealanders still have the ultimate right of appeal to the Privy Council for a ruling on insoluble disputes. The following comment upon British law by Eric D. Butler in "Foundation Stones of Canadian Unity" applies to our situation equally as well as to the Canadian situation:

*"It is little known that up until 1917 British Lord Chancellors had expressly stated that Christianity was part and parcel of the English Common Law. The essence of English Common Law, as distinct from Roman Law, is that a system of law must be concerned with justice and rights for every individual. Under English Common Law, an individual is held to be innocent until he is proved guilty. The spirit of the law is much more important than the letter of the law, a cleavage brought out in Shakespeare's play, 'The Merchant of Venice'. Shylock insists that the letter of the law is the most important, even if it means death as the pound of flesh is taken. Portia's mercy speech is a reflection of the Christian viewpoint concerning law.*

*"When a British House of Lords, weakened by the growing liberal, humanistic influence, declared in 1917 that Christianity is no longer part of the English Common Law, this was a turning away from a major feature of the Christian constitutional heritage. It was a break with the tradition of law as expressed by the great British constitutional authority, William Blackstone, who wrote: 'The Law of Nature being coeval with mankind, and dictated by God Himself, is of course superior in obligation to any other. It is binding over the globe in all countries and at all times; no human laws are of any validity if contrary to this. . .'"*

*"If man rejects the concept of government being subordinate to the Law of God, and accepts the doctrine of the 'supremacy of parliament,' now so prevalent throughout the world, the individual is left with little or no protection against Caesar. One of the most influential Marxists of this*



century, Professor Harold Laski, who indoctrinated thousands of students at the London School of Economics, stressed that the idea of Christianity being an essential part of the British Constitution should be rejected in favour of the concept of the 'sovereignty of parliament.'

## **TYRANNY OF PARLIAMENT**

*"The end result of the doctrine of the 'supremacy of parliament' was spelt out clearly in the British House of Commons in 1946 when the Attorney-General in the Socialist Government said, 'Parliament is sovereign, it can make any laws. It could ordain that all blue-eyed babies be destroyed at birth.' Commenting on this frank admission of what the 'supremacy of parliament' means, Sir William Holdworthy, Professor of Law at the University of Oxford, said: 'Herod could not teach our modern jurists anything. They are grimly earnest — "Laws may be iniquitous, but they cannot be unjust."'*

*"William Penn observed that if men are not governed in accordance with the Law of God, they will be ruled by tyrants."*

In 1960 Lord Hailsham wrote:

*"It is the Parliamentary majority that has the potential for tyranny. The thing that courts cannot protect you against is Parliament — the traditional protector of our liberties. But Parliament is constantly making mistakes, and could in theory become the most oppressive instrument in the world . . . . ."*

If our Parliament is prepared to sanction such legislation — either deliberately or by mistake — as the Human Rights Commission Act, then it can only be seen as tyrannous, and must further lose the confidence of the New Zealand people. This it can ill afford to do!

## **FURTHER EVIDENCE OF TYRANNY**

If the Human Rights Commission does decide to start Civil proceedings against an individual or group, this is done before the Equal Opportunities Tribunal. The powers of the Tribunal are staggering. It effectively has vast powers, but is not required to exercise these powers under the same discipline as a court of law.

According to Section 52 of the Act, the Tribunal, consisting of three people of suitable experiences, may receive as evidence any statement, document, information or matter, that may, in its opinion, assist it to deal effectively with matters before it, whether or not it would be admissible in a Court of law! New Zealand law is quite specific, and extremely strict about evidence which is "admissible" in a Court of law. It appears that the Tribunal has the power to waive the usual strict standards on admissible evidence.

Considering the extremely liberal standards involving admissible evidence, it is reasonable to expect that at least the public would have access to a full account of the evidence presented, but this is not so. Section 54 (3) of the Human Rights Commission Act states:

(3) Where the Tribunal is satisfied that it is desirable to do so the Tribunal may, on its own motion or on the application of any party to the proceedings, —

- (a) Order that any hearing be heard in private, either as to the whole or any portion thereof:
- (b) Make an order *prohibiting the publication* of any report or account of the *evidence or other proceedings* in any proceedings before it. . . either as to the whole or any portion thereof:
- (c) Make an order prohibiting the publication of the whole or any part of the books or documents produced at any hearing of the Tribunal. (Emphasis added).

### RACE LAW "MOST DANGEROUS YET"

Not only are the provisions under the Human Rights Commission Act particularly harsh, but as already pointed out, the Commissioners may also assume the powers of the Race Relations Act. In a most underhanded way, the provisions of the Race Relations Act (1971) have been incredibly strengthened by an addition to the Human Rights Commission Act, called a Schedule! This addition was in the form of a new section — 9(a). In calling for the new section to be stricken from the statute books, an Auckland barrister, Mr Brian Nordgren, was quoted in "*The Star*" (Auckland) of June 2nd, 1980:

*"There is more to the Human Rights Commission Act than sex, marriage and religion. Hidden behind the skirts,*

so to speak, is a new 'race' law which is the most dangerous kind of new censorship and restriction on free speech ever enacted here — backed up by a new kind of court with frightening powers. How this all came about is also disturbing.

"The incitement section of our Race Relations Act 1971 prohibits (among other things) the publication of matter with intent to excite ill will against a group here on the grounds of colour, race or ethnic or national origins of that group.

"Those words 'with intent' are crucial. For example, overseas news or filmed matter, perhaps favourable to one group, may be insulting to another. Was it published or shown with intent to incite ill will against the latter group here ? If so, the maximum punishment is three months' jail or a \$1000 fine.

"In 1977 we passed the Human Rights Commission Act. The publicised aim was laudable — to prohibit discrimination on the grounds of sex, marital status or religious or ethical belief. But only a search of the schedules at the back of this Act would reveal that it added to the Race Relations Act yet another incitement section.

"This new section 9A omits the words "with intent"; so it is unlawful if the matter published or shown is 'insulting' and 'likely' to excite ill will against the group — regardless of the intention in publishing or showing it.

### POWERS "QUITE STAGGERING"

Mr Nordgren gives his own description of the powers of the Tribunal:

"It can receive evidence not admissible in a court of law, exclude the public from the hearing, and prohibit any report of the proceedings. It can make various orders against a defendant, and also award each 'aggrieved' person up to \$1000 damages for humiliation, loss of dignity, and injury to feelings.

"Now hear this: When the Human Rights Commission sues on behalf of the group, the total damages award can depend on the size of the group because each aggrieved

person in that group is deemed to be making a separate claim. That could be a million dollars damages for a group of 1000.

"These powers undoubtedly apply in cases of discrimination; but the sections containing these powers are also stated to apply when the tribunal is dealing with a breach of this new incitement section.

"This suggests that the Commission can sue on behalf of an 'insulted' group numbering 10,000 and ask the tribunal to award \$10 million damages because each member of the group is an aggrieved person entitled to claim \$1000. Even \$10 a head would be \$100,000.

"Nobody yet knows if the tribunal will ever exercise its seeming powers to award damages for a breach of section 9A. Anyone game enough to test the tribunal might be bankrupted for publishing something without any intent to excite ill will, and the public might hear nothing about the case, or only so much as the tribunal wished the public to know.

#### "SNEAKED IN"

"It is no answer to say that the tribunal would never do such harsh things, the present members being such fine chaps and all that.

"No news censorship here! With a law such as this hanging over the head of every editor, who needs a news censor?

"This Act is tricky indeed. The seeming powers of the tribunal are enough to scare the daylights out of anyone brought in for questioning by the Commission (which also has great powers).

"If writers dare not criticise protected groups, the only news about these groups will be good news, the only views good views. Unlike cases of criminal libel, publication of the truth for the public benefit is no defence under incitement sections. They encourage suppression of the truth, lest the truth be viewed by some as insulting.

"Section 9A should be stricken from our statute books. There was no prior public debate on it. Not even a proposed Race Relations Amendment Act which would have alerted opponents. Only the discovery of it hidden away at the



*back of an Act under another name. Was it sneaked in through the back door. . . or under the cloak of human rights ?”* (Emphasis added).

## **STANDARD OF PROOF**

Given that such harsh penalties can, in theory, be awarded against a defendant, it is reasonable to expect that charges against him should be proved “beyond reasonable doubt”. In fact, given that the proceedings can be held in private, that the Tribunal can apparently, according to Mr Nordgren’s comment, order that no reports on the proceedings be made, and that apparently flimsy evidence can be accepted by the Tribunal, it is essential that the charges be proved beyond the slightest doubt ! But this is not so. What standard of proof is required by the Tribunal? Mr T.J. McBride, again in his address to the Seminar on Human Rights held in Wellington in December 1978, says it is important to note:

*“ . . . The standard of proof required before the Tribunal is on the ‘balance of probabilities’.”*

What is a “balance of probabilities”? What standing does this term have in law? That which is probable to one person may well be quite improbable to a less credulous person. The Collins English Dictionary defines “probable”: likely. — probability *n.* likelihood; anything that has the appearance of truth. Any ten-year-old amateur magician clearly understands the importance of the appearance of truth to lend credibility to the incredible!

The “balance of probabilities” is completely unacceptable as a standard of proof in such cases as these, and our legislators have placed an intolerable burden upon the unfortunate professional people chosen to serve on the Tribunal. It is amazing that such proposals were ever allowed to become law in New Zealand. Where was the New Zealand Law Society when this legislation was being passed? Are there no objections from the professional people involved in law — apart from Mr Nordgren ?

Such powers as are at present vested in the Human Rights Commission should not be in the hands of any man. It is not only immoral for a person to exercise such power, but it is also immoral for a people to sanction the possession of such power in human hands. It is nothing less than the power of unlimited terror, the magnitude of which Attila the Hun or Kublai Khan

could only dream in envy.

## THE CHANGE OF SOCIETY

The majority of New Zealanders are completely unaware of the implications of the Human Rights Commission Act. The effects are so far-reaching that the result of this legislation, if it is not repealed, is that the whole social structure of New Zealand could be completely changed. The Chief Human Rights Commissioner, Mr Pat Downey, admitted this during his address at the Seminar on Human Rights in Wellington in December, 1978:

*"New Zealand has not rushed into the creation of a Human Rights Commission. It is now thirty years since the Universal Declaration was adopted. What we have now embarked upon however, is the creation of a new society. We now undertake to form an equal sex society. It is in this sense that we will develop a truly multi-racial society."* (Emphasis added).

It is sufficient to note that at no time were New Zealanders ever consulted concerning such an objective. It appears that the "new society" will be quite different from the old. If we can believe the evidence — and there is no reason to believe that we cannot — then standards must change dramatically. No longer will there be any such thing as 'honour'. There will be no need for honour in the new society, as what we regard as honourable and courteous behaviour will now merely be a matter of legislation. When it is now bad manners, or sheer rudeness *not* to offer a lady a seat in a bus, it would now seem that it is to be unnecessary as the law will not require it. While it is now regarded as rudeness to treat a person differently because of skin colour, physical disability or sexual preference, good manners will be obsolete: it will eventually be a matter of legalism, and one will do anything he thinks he has a reasonable chance of getting away with.

## THREAT TO INDIVIDUAL FREEDOM

While the foregoing may be trivial, it does have its important aspects. At present a rude or dishonourable person is perfectly free to be rude or dishonourable, as he is free to be courteous. But in the new society, no-one shall have the freedom to be rude. As George Bernard Shaw foresaw, it may even be illegal to be unhappy in the new society — all it requires is to legislate



to make unhappiness a capital offence, and everyone will be happy, as Shaw noted, or he will be dead !

In his Seminar paper, Mr T.J. McBride made the following comment:

*"Both the Race relations Act and the Human Rights Commission Act represent attempts to refute the belief, which was until comparatively recently a widely held one, that (to quote the words of former U.S. President Eisenhower), 'you cannot change the hearts of men with laws and decisions'. If this view was still widely accepted, it is highly unlikely that either the Race Relations Act 1971 or the Human Rights Commission Act 1977 would have made their way onto the statute books."*

Mr McBride is, in effect, claiming that it is now possible to legislate to "change the hearts of men". A further comment from Mr McBride could perhaps sum up the attitude that leads to totalitarianism, which is enshrined in the Human Rights Commission Act:

*"Although the question of 'why we have comprehensive anti-discrimination laws' may well be a trite one to many members of this audience, it is important to keep in mind that these laws, if effectively enforced, place substantial limitations on the freedom of the individual. Are these restrictions justified? In the words of the former Chief Justice of the High Court of Ontario, 'although freedom of the individual is a basic right, it is a limited one'."*

(Emphasis added).

It seems that individual freedom is the only right that is recognised by the Commission as being "limited".

A final example is that of sportsmanship. Greg Chappell, within the laws of cricket was quite free to instruct his brother to bowl an under-arm delivery at Brian McKechnie, although as a sportsman it was quite dishonourable to do so. The cricket administrators have now changed the laws, making it illegal to bowl under-arm. What law must they alter next to make sure that the spirit of sportsmanship is upheld? As in a game of sport, if we must legislate for honour and courtesy, we will be completely bound with the pharisaical legalism which Christ so condemned.

## SUBMISSION

Comment on the case of Mr Eric Sides, of Christchurch, who was successfully prosecuted for advertising for a "Christian" employee to work on his service-station fore-court, is unnecessary. It is sufficient to note that already the standards of the "new society" envisaged by Mr Downey have dropped to an abysmal level.

Is it now possible to place a complaint with the Human Rights Commission when the Speaker of the House of Parliament begins the next Session with a Christian prayer? The prayer for guidance uttered by the legislators is one of the last token remnants of the pretence that New Zealand is a Christian nation, and that her legislation should be based on the laws of God — not the wishful thinking of men. The legal crucifixion of a man like Eric Sides is merely a physical manifestation of spiritual decay, an indication of the erosion of the foundations upon which New Zealand and Western (formerly Christian) Civilisation was built.

I therefore wish to submit, for the reasons set out in part one and part two of this submission, that in consideration of the Human Rights Commission Amendment Bill, it should be neither recommended as acceptable to Parliament, nor rejected as unacceptable. Rather, I submit that you should consider recommending to Parliament that the only acceptable steps to take require that the Human Rights Commission Act be repealed, thus rendering irrelevant the Human Rights Commission Amendment Bill.



## APPENDIX.

### COMPARING THE SOVIET CONSTITUTION WITH THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

#### SOVIET CONSTITUTION.

Article 40: "Citizens of the USSR have the right to work . . . including the right to choose their trade or profession, type of job and work according to their inclinations . . ."

Article 41: "Citizens of the USSR have the right to rest and leisure . . ."

Article 42: "Citizens of the USSR have the right to health protection . . ."

Article 43: "Citizens of the USSR have the right to maintenance in old age, in sickness and in the event of complete or partial disability or loss of the breadwinner . . ."

Article 44: "Citizens of the USSR have the right to housing . . ."

Article 45: "Citizens of the USSR have the right to education. This right is ensured by free provision of all forms of education . . ."

#### INTERNATIONAL COVENANT.

Article 6: "All States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts. . ."

Article 7(d): "The States Parties to the present Covenant recognise the right of everyone to the enjoyment of . . . rest, leisure, and reasonable limitation of working hours . . ."

Article 12: "The States Parties to the present Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical & mental health . . ."

Article 9: "The States Parties to the present Covenant recognise the right of everyone to social security, including social insurance.

Article 11: "The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing . . ."

Article 13: "The States Parties to the present Covenant recognise the right of everyone to education . . ."

## **SUPPORT THE NEW ZEALAND LEAGUE OF RIGHTS**

The League of Rights is a non-party political movement with the following objectives: Loyalty to the Christian concept of God and the Crown; Fostering and the strengthening of ties between the member nations of the British Crown Commonwealth; Support of private ownership of property and genuine competitive enterprise; Defence of the Rule of Law; Opposition to all policies of totalitarianism, irrespective of their label.

There is a League of Rights in the United Kingdom, Canada, Australia and New Zealand; also a Crown Commonwealth Association of these Leagues. These organisations co-operate with similar movements in other nations of the Free World.

For further information write to the address below. A special service is the wide range of literature not readily obtainable elsewhere. Ask for a book list.

**Box 3447, C.P.O., Auckland**

### **RECOMMENDED READING**

**On Target** — a fortnightly journal published by the New Zealand League of Rights. An exclusive newsletter by subscription only, which reports on and gives background information on national and international developments. This newsletter publishes the news the press fails to carry. \$12 annual subscription.

**The New Times** — a monthly journal which offers constructive alternatives to disasterous political, financial and economic policies. A reliable pipeline of background information on the Money Power and the Communist Movement. Circulated throughout the English-speaking world. \$12.00 annual subscription.

(NOTE: Prices current 1985-86)

**Published by:—**

**THE NEW ZEALAND LEAGUE OF RIGHTS,  
Box 3447, C.P.Q., Auckland**

**Overseas enquiries should be directed to:—**

**Canada: Canadian Intelligence Publications, Box 130,  
Flesherton, Ontario, Canada, NOC 1E0**

**Australia: Heritage Publications, Box 1052J, G.P.O.,  
Melbourne, Victoria, Australia 3001**

**U.K.: Bloomfield Books, 26 Meadow Lane, Sudbury,  
Suffolk, England, CO10 6TD**

**ISBN: 0-908625-13-8**