

**Victoria University of Wellington**  
*Te Whare Wānanga o te Ūpoko o te Ika a Māui*

# Czar Cullen

Police Commissioner John Cullen and coercive state action  
in early 20<sup>th</sup> century NZ

by

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# Abbreviations

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*AJHR – Appendices to the Journals of the House of Representatives*

*DNZB – Dictionary of New Zealand Biography*

*NZPD – New Zealand Parliamentary Debates*

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# Czar Cullen

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## Introduction

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“Police and policing are symbolically and practically at the very core of the State; they represent one of the few institutions charged with the legitimate use of force in the service of the State, and, more abstractly, the public; they are highly visible and often contested by those who challenge how that force can and should be deployed; and they are beset by endemic contradictions. Chief amongst those contradictions is the mandate of the police simultaneously to protect, reassure and control the populace, a mandate that cannot but engender abiding dilemmas of policy and practice.”

(NG Fielding, *The Police and Social Conflict*, p. vii-viii)

Given the central and inherently contested role of policing in the modern state, it is striking to note the generally limited historical interest in the place of policing as a factor in the development of New Zealand’s civil society. To some extent this can be attributed to the imbalance, noted by British police historian Samuel Palmer, in favour of studies of those challenging authority compared with those enforcing it.<sup>1</sup> In this country it may also reflect an historical view of the police, at least since the early 20<sup>th</sup> century, as generally trustworthy civil servants whose actions are constrained and overseen by the executive arm of government. It is my contending view that certain well known, and lesser known yet

<sup>1</sup> Palmer S, *Police and Protest in England and Ireland 1780-1850*, Cambridge University Press, 1988, preface p. xv

still significant, events in our recent history may owe more to the unilateral decisions and actions of the senior police officers in charge than historians have tended to acknowledge.

The following study examines the background and career of one of New Zealand's most notable police officers, the first to rise from the lowest rank to the highest position in the national force. John Cullen's career also happened to coincide with the growth of the modern, post-Armed Constabulary, police and it encompassed many of the most significant events of his time, events in which his role was often central and at times decisive. Most importantly for the purposes of the present study, Cullen's style of policing, noticeable throughout his long career but especially marked once he achieved senior rank, ran counter to the overall development of the force in which he served, a development away from overt coercion towards more consensual policing. A longitudinal study of Cullen's career therefore serves to examine that wider development through its darker mirror-image, as the revealing exception to the more accepted rule.

The move towards consensual policing, the most important trend within the force from the late 19<sup>th</sup> century until the mid-1930s, was measurable both in terms of internal discipline and external tactics. By both measures Cullen represented an anomaly, a return to an earlier form of para-military policing marked by rigid and even intimidatory internal discipline, and forceful coercion of targeted social groups in which extreme, even occasionally fatal, violence was considered an acceptable consequence. One question explored by this study is the extent to which Cullen can be held directly responsible for the reactionary trend towards greater police coercion, given that his term as Police Commissioner coincided with such overwhelmingly disruptive and exceptional historical moments as the outbreak of World War One.

The most characteristic features of John Cullen's style of policing – an emphasis on physical force, rigid discipline both on and off duty, constant close surveillance of targeted groups and recourse to the use of arms and military or para-military personnel and tactics – were standard practice in the 19<sup>th</sup> century Royal Irish Constabulary (RIC), in which he was

trained and whose officers and attitudes he favoured throughout his career. This study therefore examines in some detail Cullen's early years as an RIC trainee and young Irish constable, for the understanding this period provides of many of his later, at times otherwise startling, policing decisions. The study then deals briefly with Cullen's early years in this country, and in more detail with the most significant episodes in his later career. Some of those latter episodes are among the most prominent in our early-20<sup>th</sup> century history and have been the subject of various popular and scholarly studies.<sup>2</sup> In those cases I have endeavoured, to a layman's extent, to treat those events from a policing perspective, in the hope of providing a fresh and historically rewarding slant on relatively familiar events.

## Sources for this project

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As noted above, and with the distinguished exception of the multi-volume official police history, policing has not generally engaged much historical attention in this country. Primary sources, in particular Police, Defence and other government archives, contemporary newspapers and a number of theses and other unpublished academic papers have therefore supplied the bulk of my research materials. The section on the Royal Irish Constabulary, for which a number of useful published works was available, is an exception to this general rule. Recent general histories of New Zealand have paid scant attention to John Cullen. He rates a single passing reference as 'authoritarian' in Michael King's *Penguin History of New Zealand*, with reference to his actions during the 1912 Waihi strike, 'ostensibly to restore order but in fact to crack down on the striking unionists'.<sup>3</sup> The second volume of James Belich's 'history of the New Zealanders' treats Cullen in slightly more depth, both for his role at Waihi and in the subsequent and nationwide 1913 strike. Belich also touches on Cullen's re-emergence during World War One as Commissioner

2 See, for example, Roche, S, *The Red and the Gold- an informal history of the Waihi Strike, 1912* OUP 1982, for the 1912 Waihi Strike; Olssen, Erik *The Red Feds: revolutionary industrial unionism and the New Zealand Federation of Labour, 1908 – 1914*. Auckland. Oxford University Press 1988, for the 1913 strike, and Binney J, Chaplin G and Wallace C, *Mihaia: The Prophet Rua Kenana and His Community at Maungapohatu*, Oxford University Press, Wellington 1979; and Webster, P. *Rua and the Maori Millennium*, Price Milburn for Victoria University Press, Wellington 1979 for the 1916 raid on Rua Kenana.

3 King, M, *Penguin History of New Zealand*, Penguin, Auckland 2003, p. 311



for Aliens.<sup>4</sup> With regard to the Waihi strike, Belich is inclined to attribute much of the responsibility for the exceptionally violent civil disturbance to Cullen personally, stating that he was ‘unleashed’ on the strikers by Prime Minister Massey, and that he ‘deliberately orchestrated confrontations’ between strikers and strikebreakers.<sup>5</sup> Chris Trotter’s recent and politically partisan history notes Cullen’s central role in the Waihi and 1913 strikes, and also in the fatal 1916 raid on Rua Kenana’s community at Maungapohatu.<sup>6</sup> He goes rather further than Belich in closely linking Cullen with both Massey and his attorney-general, Alexander Herdman, as the ‘triumvirate’ whose concerted actions crushed the 1913 strike.<sup>7</sup> Trotter finds Cullen of sufficient historical interest to refer to his ‘fearsome reputation’ and to suggest that he and Herdman ‘felt justified in sanctioning the murder of their fellow citizens’ at Waihi.<sup>8</sup>

In more specific histories of the key events in which Cullen took part, his actions are examined in greater detail, most recently in the multi-authored history of the 1913 strike edited by Melanie Nolan. In a detailed and damning analysis, Richard Hill finds that Cullen proved himself, ‘One of the most experienced and successful wielders of police coercion in New Zealand history’ and concludes that, ‘The violence of 1913 had escalated as a direct result of Cullen’s actions and inactions, as desired by the political executive.’<sup>9</sup> Binney found Cullen directly instrumental in initiating the 1916 raid on Rua Kenana in advance of demonstrably illegal activity, of possibly precipitating the gunfight which

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4 Belich, J, *Paradise Reforged*, Penguin 2001, p. 90-91 (Waihi strike), p. 92-95 (1913 strike), p. 226 (Commissioner for Aliens)

5 Ibid, p. 90

6 Trotter, Chris, *No Left Turn*, Random House Auckland, 2007, p. 54 (Waihi strike), p. 84-91 (1913 strike), p. 112-115 (1916 Maungapohatu raid)

7 Ibid, p. 112

8 Ibid, p. 84 (‘fearsome reputation’), p. 54 (‘justified in sanctioning the murder...’)

9 Hill, R, ‘The police, the state, and “lawless law”’, in Nolan M. (ed.) *Revolution – the 1913 Great Strike in New Zealand*, Canterbury University Press 2005, p. 94-95. Note that this book also offers a conflicting view (Fairburn M, ‘Interpreting 1913 – what are the important questions?’), arguing for a ‘cock-up’ theory for the causes and conduct of the 1913 strike rather than the deliberate agency of key figures such as Cullen. I find this argument less informed and unconvincing.

broke out, and of manipulating evidence at the subsequent criminal trials.<sup>10</sup> Webster goes further still, stating that “Cullen clearly intended to arrest Rua as part of a show of force”, and attributing to him personally the blame for the fatal shooting which followed the arrest.<sup>11</sup> I contend that his pivotal roles in the above events, and others less well known, make Cullen a fitting subject for closer historical study than he has received in the past.

Other significant events and episodes in which Cullen played a major role, such as his pursuit of King Country sly-groggers in 1897, of the Northland chief Kūao and his followers in 1903, and of Dalmatian gumdiggers during World War One; and his one-man campaign to seed Tongariro National Park with heather, have attracted little previous attention from historians and are therefore addressed here in some detail. To date, the sole substantial published research into and analysis of Cullen’s political and historical significance appears in *The Iron Hand in the Velvet Glove*, the second volume of Richard Hill’s official police history, and the present study has relied very heavily on this justly acclaimed work.<sup>12</sup>

As an examination of a single prominent individual, structured to follow the course of his life and work, and examining the motivations and other factors influencing his actions, in many respects this study unavoidably resembles a brief biography. However it is also a record of a profession undergoing a profound transformation, and an investigation of the part played by a powerful yet relatively little-known figure in some of this country’s most dramatic and historically resonant incidents.

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10 Binney, *Mihaia*, p. 89 (planning armed expedition in advance of proving wrongdoing), p. 99 (possibly precipitating gunfight), p. 103 (manipulating evidence).

11 Webster, *Rua and the Maori Millennium*, p. 259

12 Hill, R, *The Iron Hand in the Velvet Glove – the modernisation of policing in NZ 1886-1917*, Dunmore Press/Historical Branch, Dept of Internal Affairs, Wellington, 1995

## Chapter one

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### *‘Break them in like horses’ – training and working in the Royal Irish Constabulary*

*This section outlines Cullen’s origins in Ireland, so sharply different from the persona he projected in his later years in New Zealand as to suggest that, rather than impelling sympathy towards those from similarly deprived backgrounds, the limitations of his birth were overcome with a determination and finality which drove him subsequently to act with unusual harshness towards the poor and otherwise disempowered. Cullen’s training in and service with the Royal Irish Constabulary are described in some detail since he transferred those experiences largely intact to his adopted country, and exemplified and promoted RIC-style policing throughout his career.*

The man who would come to head New Zealand’s national police force and take a front-rank role in some of its most bitterly contested actions was born into profound poverty in 1850, in the dying days of Ireland’s ‘Great Hunger’, to a farm labourer named Patrick Cullen and his wife Mary. The potatoes and pigs the couple raised on their eight leased acres in the village of Glenfarne, County Leitrim, would eventually support eight children, and all but the firstborn of these would emigrate.

The potato famine of 1846–50 devastated Leitrim, one of the least fertile counties in the traditionally barren province of Connaught. In the decade to 1851 the population of the county dropped by a third, to around 100,000. The Cullens’ smallholding was leased from Lord Tottenham whose 14,000-acre estate on the shores of nearby Lough MacNea made him one of Leitrim’s largest landowners.<sup>13</sup> As the deprivation and disease of the Famine lessened and the conditions for small-farmers fractionally improved, expressions of hostility towards their landowners became more open, manifested by numerous minor

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<sup>13</sup> Griffith Sir R., *Valuation of the Towns and Townlands of Ireland*, vol. 3, Dublin 1857, p. 395

acts of rebellion. Loosely organised groups were active throughout the county, burning the hayricks and releasing the cattle of landlords seen as exceptionally unjust. A Leitrim court official complained of ‘a gang of able-bodied robbers committing outrages every night’.<sup>14</sup> It was within the context of such a disordered community, with a traditional distrust for the machinery of authority, that the young John Cullen would have first encountered the daunting officers of the Irish Constabulary. More soldiers than policemen, they patrolled the countryside in well-armed, well-drilled parties, their swords, pistols and long rifles ready for use against any able-bodied robbers who refused to submit to them. Above all, the Constabulary’s role was to resist the rising wave of agrarian outrages committed by the hooded gangs of Ribbonmen, Molly Maguires and other rural guerillas, to enforce evictions, and defend the property interests of prominent landlords.

The outlawed Fenian nationalist movement also grew secretly but steadily after the Famine, and nourished hopes of marshalling the people’s hatred of landlordism into a civil war of their own. They harried, threatened and eluded the Constabulary until 1867 when an uprising in the south of the country failed utterly. The resulting deportations, imprisonments and executions brought two decades of relative calm to Ireland, and greatly added to the prestige and power of its Constabulary. The prefix ‘Royal’ was added to their name by a grateful British sovereign, the force was reformed, modernised and enlarged, and it widened its search for likely recruits. Why nineteen-year-old John Cullen applied to join two years after the failed rising is not known. As a third son, he had almost no prospect of inheriting the lease to his father’s property so his other options for escaping a lifetime as a hired labourer were limited to emigration or the regular army. At about 14 shillings a week, a policeman’s pay was little more than a labourer’s but it was regular, and the prospect of accommodation, clothing, promotion and a pension were all powerful inducements to enlist.

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14 *Leitrim Gazette*, 7/3/1861, p. 1

## Joining the RIC

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Following his recommendation for recruitment, Cullen applied formally for membership of the force at his local police barracks in Manorhamilton. He was there given basic tests of general health and fitness and of educational attainment.<sup>15</sup> At five feet eight and half inches he fractionally exceeded the minimum height requirement, and well fitted the desired profile of a barrel-chested single man aged under 27.<sup>16</sup> The successful applicant next received an order to present himself at Dublin's Phoenix Park Constabulary Depot. There the officers and men of the RIC received a rigorous, intensive and nationally consistent training, regarded as so effective that it became the model not only for other British police forces but for many countries of the British Empire and beyond. After taking the Constabulary oath of office, Cullen, John, service no. 35626, was officially appointed to the force on 24 May 1869.<sup>17</sup>

The Depot's spacious buildings and grounds must have appeared palatial to the lad from Leitrim, yet his living conditions were spartan. All furniture, clothing and weapons were supplied by Ireland's War Office, and many of the commanding officers came direct from military service. In the words of an RIC man who trained there a few years after Cullen, "The Depot differed nothing from a military barracks."<sup>18</sup> A reserve force stationed at the Depot was designed to rush to any settled part of the country "for the purpose of speedily reinforcing the police in cases of sudden and extraordinary emergency".<sup>19</sup> Recruit training emphasised precision drill and weapons handling, and dauntingly high standards of deportment and dress. Every room of the depot was inspected each morning and ritually disinfected weekly. The emphasis on cleanliness, says one recruit, was "a kind

<sup>15</sup> Herlihy, J, *The Royal Irish Constabulary – a short history and genealogical guide*, Dublin, p. 78

<sup>16</sup> Royal Irish Constabulary Register extract, Garda Archives/Museum, Dublin Castle

<sup>17</sup> Ibid

<sup>18</sup> Farrell, T, *The Royal Irish Constabulary – a history and personal memoir*, University College Dublin Press, 2003, p. 8

<sup>19</sup> Ibid, p. 7

of religion”.<sup>20</sup> A man who joined the year after Cullen said, “We were then ‘broken in’ on much the same principle that country people break in young horses – viz, give them very little food, work them hard, and they won’t kick over the traces.”<sup>21</sup> Most recruits of this period were raw country boys and the Depot commanders imposed on them a regime of instant obedience, on-the-double activity and ferocious *esprit de corps*.

Cullen was issued with the new Webley six-shot revolver, short-barreled carbine and short sword which had recently replaced the pistol, musket and long sword carried by the old county Constabularies. The recruits were trained on the lines of a British Army light infantry regiment, in manoeuvres such as firing in volleys and the ‘flying wedge’ for clearing away a street-fighting mob. Indoor lessons covered police duties such as methods for arresting a violent person and subjects aimed at extending their basic education. First aid and fire drill were also on the curriculum, since few villages and country towns had a fire brigade and when the alarm was sounded the local RIC men were expected to act promptly with the materials to hand.<sup>22</sup> An important innovation to the training, introduced shortly before Cullen’s arrival, was more thorough instruction in the techniques of detective investigation. Inspector-General Sir John Stewart Wood “was convinced that all policemen should consider detection as a fundamental part of their duties.”<sup>23</sup>

After four months of this training (later extended to six), a shy and shambling peasant’s son emerged from the Depot an impressive-looking young man, schooled in self-discipline, familiar with weaponry and no doubt anxious to put to use all he had learned. However he first had to encounter one of the most influential guiding principles of the RIC. To avoid any suggestion of favouritism or fraternisation with the public, its members were forbidden to serve in their native county or in any other where they had close relatives,

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20 Jeremiah Mee, quoted in Griffin, Brian, ‘The Irish Police 1836-1914: a social history’, PhD dissertation, History Dept, Loyola University of Chicago, 1990, p. 33

21 cited in *ibid*, p. 36

22 Herlihy, *The Royal Irish Constabulary*, p. 78

23 Malcolm, E, ‘Investigating the “Machinery of Murder”’: Irish Detectives and Agrarian Outrages’, *New Hibernia Review*, Autumn 2002, p. 90

and instead were posted to districts where they knew no-one. As the agents of political power in Ireland, it was considered necessary that they be feared by the community, and this was easier to achieve in the absence of bonds to family or friends.<sup>24</sup> Sub-Constable Cullen's first posting, in August 1869, was to Donegal, just north of his home county and one of the wildest, most impoverished and isolated districts in Ireland.<sup>25</sup>



24 Bridgeman, Ian, 'Policing Rural Ireland: a Study of the Origins, Development and Role of the Irish Constabulary, and Its Impact on Crime Prevention and Detection in the 19th Century', PhD dissertation, Open University, UK, 1993, p. 170. In the same period, a similar policy existed within New Zealand's Armed Constabulary, closely modeled on the RIC, which held that policemen should be strangers in their districts, in order to exert more effective and equitable control. See Hill, R, *The Colonial Frontier Tamed: New Zealand Policing in Transition, 1867-1886* Historical Publications Branch, Dept of Internal Affairs, Wellington 1989, p. 69

25 Royal Irish Constabulary Register extract, Garda Archives/Museum, Dublin Castle

## Policing rural Ireland

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It is likely that the young sub-constable was first posted to the district headquarters barracks in the county's main town of Letterkenny. The daily barrack routine was strict, tedious and unchanging, starting with reveille at 7am and a parade at 8 for the barrack orderly. Any off-duty periods, rest days and annual leave were granted only at the discretion of the senior barracks officer. Constables were confined to their barracks at night and even off-duty were expected to wear full uniform and abide by the Constabulary Regulations, which set high standards of efficiency, sobriety, cleanliness, morality and general behaviour.<sup>26</sup> As he became familiar with life under this pattern of draconian discipline and soldierly order, John Cullen would have come to realise that his chosen career had not taken account of one over-riding factor. Despite the random violence of the Ribbonmen and the ceaseless industry of the poteen-makers, policing rural Ireland was essentially a humdrum affair.<sup>27</sup> In the aftermath of the Famine and the failed rising of 1867, civil unrest in the countryside had become rare and the overall crime rate was far lower relative to population than in England. Every year more young people who might once have taken retribution against a vindictive landlord instead departed for the ports of emigration.

The formidable force built up from the 1830s to counter the rise of nationalism and rural disorder had continued to expand after the rate of such offences declined. The expense of the police was justified by progressively converting their role from armed intimidators to useful servants of the public. From as early as the 1840s, Constabulary officers were given the tasks of carrying out Ireland's ten-yearly census and collecting annual agricultural returns. Year by year the list of clerical duties grew, to eventually encompass such dim recesses of the bureaucracy as the suppression of cock-fighting, protecting public monuments, regulating chimney sweeps and collecting the annual dog licence fee.<sup>28</sup> The men's Phoenix

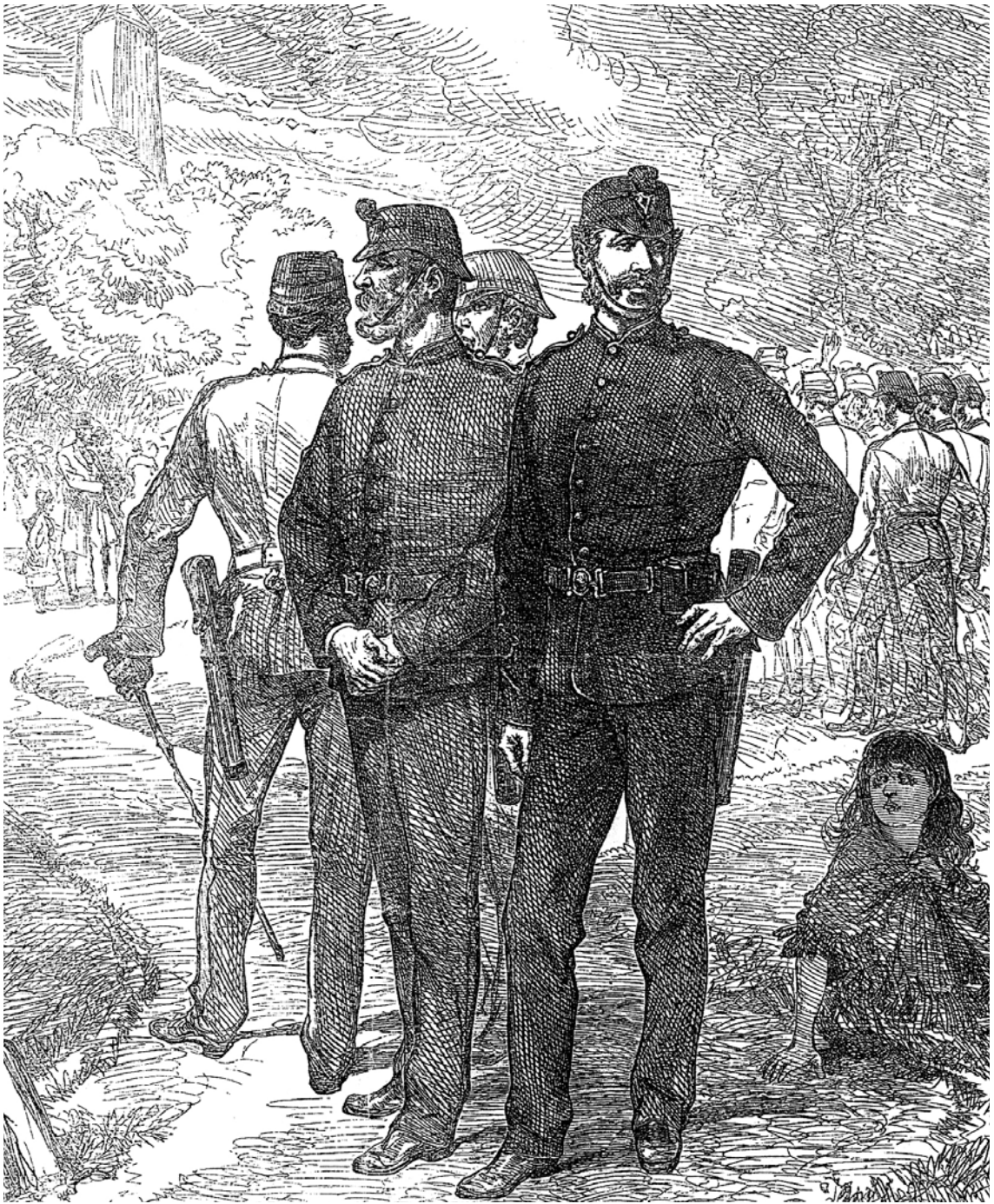
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26 Bridgeman 'Policing Rural Ireland...', p. 183-4

27 Ibid, p. 165

28 Lowe and Malcolm, 'The Domestication of the Royal Irish Constabulary 1836-1922' in *Irish Economic and Social History*, XIX (1992) p. 29





Men of the RIC, in an *Illustrated London News* sketch, 11 September 1880

Park training had not adequately equipped them for what was, in most circumstances, a mundane civil policing role, yet even while inspecting weights and measures or the licence of a public house, military bearing was still regarded as important and the daily weapons drills and marching formations continued.

The barrack and its complement were inspected monthly by the District Inspector and quarterly by the County Inspector, and these visits could prove terrifying for the barracks

staff and a source of lively entertainment for the public. “I have known a crowd to collect around the barracks to hear the abuse given to the men when the officer would come there,” sub-constable Micheal Greene told an official inquiry in 1872.<sup>29</sup> That inquiry was called by a Civil Service Commission in response to the growing number of complaints from constables about their pay and conditions. Discontent over low pay was causing many policemen to migrate, often to serve in forces in the US, Australia and New Zealand. A sub-constable like Cullen still earned just 14 shillings a week in 1872, in spite of the burdensome load of administrative duties and the rising cost of living. After the Commission’s report, the rate was raised to just above 20 shillings and pro-rated by length of service. It was still very low, but it was an indication that the social status of the reviled ordinary policeman was at last beginning to improve.

Few police records from this period have survived and it is not possible to learn how Cullen fared under the unrelenting discipline and its system of demerits and breaches. There is an indirect indication, however, that he was an exceptional member of the force, rewarded with privileges granted to few. In May 1874, less than five years after arriving in Donegal, he married a local woman, Rachael McGinley.<sup>30</sup> A constable was not normally given leave to marry until he had at least seven years’ service, and even then he required the permission of his County Inspector and a favourable discipline record. Restrictions on marrying had relaxed somewhat by 1874 but even so, for a five-year constable to be granted leave to do so indicates that he was held in high standing by his superiors.<sup>31</sup> Within the next few months the 24-year-old constable and his bride would be required to leave Donegal for a county where neither had family connections. They would be required to rent accommodation close to Cullen’s new barracks, at their own expense. The newly wedded Cullens were condemned to remain in this financial bind for years, since even the most promising constables could not win promotion to sergeant without spending

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29 Evidence of Sub-constable Micheal Greene, Civil Service Inquiry, 1872, cited in Bridgeman, ‘Policing Rural Ireland’, p. 150

30 Hill, R, ‘John Cullen’, DNZB vol. 3, Auckland University Press, 1996, p. 125-127

31 Bridgeman, ‘Policing Rural Ireland...’, p. 155-6



at least ten years in the force. More discouraging still, for an ambitious and capable man starting a family, were the prospects for promotion beyond sergeant. As befitted the paramilitary nature of the force, RIC officers were a class apart, distinctly separate from the men they commanded, and promotion from the ranks was all but unheard of.<sup>32</sup> The main body of the RIC (Cullen among them) was 75% Catholic, while its officers were 80% Protestant.<sup>33</sup> This ‘golf-monocle’ section of the force, as it became known, was increasingly denounced by Irish newspapers and political leaders for their religious bigotry, arrogance and indifference to the needs of both their men and their communities. For men of the force who chafed under these conditions, emigration had long been a popular alternative. An RIC training was a valuable export commodity in other colonial possessions, and a policeman might enjoy conditions and prospects there which he could only dream of at home. “You have no idea how comfortable life is after work is over and Sunday to himself,” wrote James O’Connell in 1872 from Toronto, where he held the rank of Chief Constable.<sup>34</sup> Why John and Rachael Cullen chose to travel even further than that in hope of bettering themselves is not clear. Family records show that John’s older brother Francis also migrated to New Zealand, but which man left first, the family cannot now say. On 28 April 1876, sub-constable John Cullen resigned from the RIC to emigrate, later saying he did so “to seek his fortune in New Zealand”.<sup>35</sup> Neither he nor his wife of two years can have imagined the scale of the fortune he would find there.

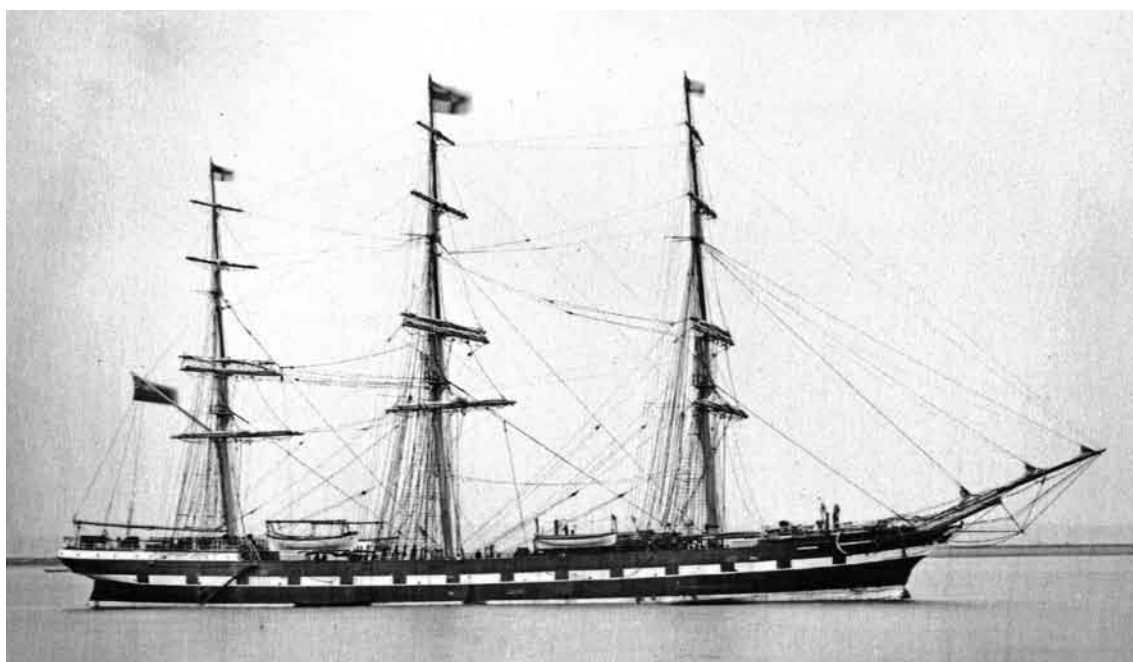
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32 Ibid, p. 141-3

33 Palmer, S, *Police and Protest in England and Ireland*, p. 537-8

34 Palmer, S, *Police and Protest in England and Ireland*, p. 537-8

35 Royal Irish Constabulary Register extract, Garda Archives/Museum, Dublin Castle



Repro ID 91575

*Camperdown*. National Maritime Museum Greenwich.

## Emigration to New Zealand

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The Cullens departed the United Kingdom aboard an ideal vessel for transporting immigrants, the newly built, relatively roomy and very fast clipper *Camperdown*.<sup>36</sup> She had been chartered by the New Zealand government under its programme, begun five years earlier, to deliver cheap labour to the booming colony. Migrants with skills in demand there could make the three-month voyage for just five pounds apiece, a sum within the reach of a frugal policeman. On the passenger list John Cullen reverted to the occupation of farm labourer, but at an early stage of the voyage his true calling, or his aptitude for it, was detected and he was appointed one of three ship's constables.<sup>37</sup> Each of these received £2 for ensuring that the ship's regulations were followed, that neither its crew nor the passengers entered parts of the ship forbidden to them, and that the passengers remained orderly and law-abiding. However during the voyage one of the ship's crew, seaman William Mansell, evaded the vigilance of Cullen and the other constables, broke into the passengers' luggage and stole two gold chains and other personal property. Mansell received a two-month sentence soon after landing in Wellington.<sup>38</sup>

<sup>36</sup> *Evening Post*, 10/7/1876

<sup>37</sup> Hill, R, background notes to entry on John Cullen in *Dictionary of New Zealand Biography*, held at Ministry of Culture and Heritage, Wellington

<sup>38</sup> *Evening Post* 15/7/1876, 17/7/1876

On their arrival, assisted migrants like the Cullens were taken to the government immigration depot to be accommodated while they found their feet. The depot had been converted from a military barracks and even Wellington's immigration agent admitted that by 1876 it was 'very old and delapidated'.<sup>39</sup> For John Cullen, however, the Mount Cook depot had one outstanding advantage. This flattened hilltop overlooking the harbour, ringed by a defensive wall loopholed for musketry, was also the base for the country's Armed Constabulary, a military-style police force closely modeled on the Royal Irish Constabulary. By simply walking across a central parade ground, John Cullen, farm labourer, could apply to become Sub-Constable Cullen again.

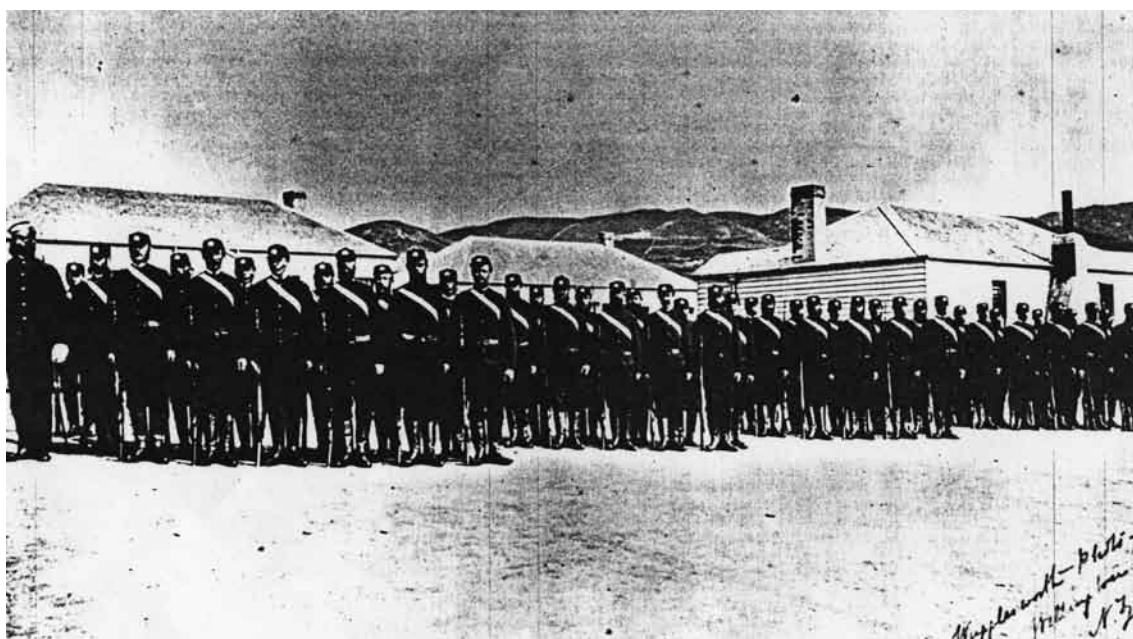
## Joining the Armed Constabulary

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Whether by good fortune or shrewd foresight, Cullen arrived in New Zealand at the right time to take advantage of a thorough upheaval of all of the colony's disparate defence and police forces. In the winter of 1876 Wellington's Mt Cook Barracks was in a ferment of transition as the Armed Constabulary reviewed its awkward dual function as both a national militia and a regular police force. Formed ten years earlier to maintain order following the suppression of insurrectionist North Island Maori, the Constabulary was consciously modeled on the RIC and its men carried out near-identical duties as flying-column soldiers, officers of the law and civil servants on a host of mundane public works. In the land battles of the 1860s, the Constabulary's predecessors had served alongside Imperial regiments from Britain. The Mt Cook Barracks had been erected as the Wellington headquarters for the 65<sup>th</sup> Yorkshire regiment and after its return to Yorkshire in 1865, the solidly built single-story wooden buildings were taken over by the Armed Constabulary.<sup>40</sup> An 1870s photograph shows the Constabulary men drilling at the Depot, white bandoliers across their tunics, rifles at parade rest. In relatively peaceful times this picture of martial readiness was inappropriate and the government was determined to convert a large section of the Constabulary into a less expensive force for mainly civil duties.

<sup>39</sup> Annual report of the Immigration Officer, Wellington, *New Zealand Mail*, 19/8/1876, p. 15

<sup>40</sup> Spyve, PJ, *The Barracks on the Hill – a history of the army's presence at Mt Cook, Wellington, 1840-1979*, Army General Staff, 1982 p. 30-31



Mt Cook Depot, Wellington, 1870s

At the same time 30 years of haphazard policing by forces employed by each of the country's half-dozen provincial governments was also coming to an end. The public reputation of the various provincial forces varied widely and at their worst they were a drunken, incompetent, ill-paid laughing-stock. New Zealand's population had doubled in the past decade, the provincial system of government was being dismantled and the colony, it was generally agreed, now needed a well trained and adequately paid national police force, capable of maintaining order through the consent of the public rather than by crass coercion. By 1876 it was apparent that the Armed Constabulary would soon absorb the various provincial forces, and that its civil and military functions would be more differentiated. This was an opportune moment for a man with RIC training and a clean record to offer his services, and these were formally accepted on 20 July 1876, when Cullen was appointed constable no. 645.<sup>41</sup>

His weaponry and other equipment were already familiar, as all recruits were drilled in the use of the Snider rifle and Webley revolver. Just two years later much of this firearms training would become redundant when, in a move towards demilitarisation, foot police lost the right to carry arms and ammunition. Cullen was once again placed in the Phoenix Park situation of undergoing military-style training which did not prepare him for the

41 *Police Gazette* August 1876, p. 81, P 12/9 Archives NZ

duties he was expected to carry out. Performing essential public works for no extra pay was an established Constabulary tradition, the more so when there were no longer Maori to fight, and in 1876 a third of the force was deployed in making and repairing roads and bridges.<sup>42</sup> At the end of their three-month training Constabulary recruits sat an examination to determine whether they would be taken on as permanent members of the force. Only the most promising were selected for direct entry to the Police Branch, and Cullen was one of these. In late January 1877 he received orders to report to Blenheim, headquarters of the Nelson-Marlborough Provincial police, the first Armed Constabulary man in the country to be appointed to a Provincial force.<sup>43</sup>

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42 Annual report of Commissioner of Armed Constabulary, *New Zealand Mail*, 12/8/1876

43 Hill, *The Colonial Frontier Tamed*, p. 336

## Chapter two

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### *‘More akin to persecution than prosecution’ – policing 19<sup>th</sup>-century NZ*

*The early years of Cullen’s New Zealand police career are here outlined, with a focus on the events and actions which precipitated his rapid rise through the ranks and those foreshadowing later key events. The nature of his work is briefly described to indicate some of the occupational issues which he would later be required to address as Commissioner. Special emphasis is placed on his fortuitous 1897 raid on sly-groggers in the King Country, which propelled him to the rank of Inspector and head of the country’s largest and most important police district.*

### **Policing the provinces**

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Blenheim proved to be an incendiary town. Just two months before Cullen’s arrival, the Government buildings which housed the police office, lockup and constable’s quarters were destroyed by an arsonist, forcing the local police to live and work in cramped temporary premises.<sup>44</sup> These quarters were far from ideal but Inspector Emerson, in charge of the district and 14 years Cullen’s senior, was prepared to live under the same roof as his men and whatever prisoners were held in the totally inadequate lockup. However Emerson’s superior, Superintendent Weldon, was appalled by such conditions while on an inspection visit of his South Island stations. He was accustomed to regard Inspectors of Constabulary as gentlemen, he said, and “I have... yet to learn that they should avail themselves of house accommodation built for a needy class of people.”<sup>45</sup> Inspector Emerson was soon transferred to Tauranga, for no other reason, said the Marlborough newspaper, than that, “the place where he mostly sleeps is less than some others”.<sup>46</sup>

<sup>44</sup> ‘Blenheim police offices’, compiled from records made available by AM Hale, Blenheim public library

<sup>45</sup> cited in Hill, *The Colonial Frontier Tamed*, p. 301

<sup>46</sup> *Marlborough Express*, 10/7/1878



On Emerson's transfer, Cullen was placed in charge of the Blenheim station and followed the daily rounds of the small-town constable, rattling the locks of shops, dispatching the occasional drunk to the cells and appearing in court to give evidence on his arrests. Attention to these duties won him his first promotion, to second-class constable, within six months of arriving in Blenheim. He would distinguish himself there several times as an athletic and quick-thinking officer of the law. The first occasion came during his first winter in the town when he saved a stable from destruction by fire. His prompt action won him praise from his superiors and a further promotion.<sup>47</sup> This was rapid advancement but it was soon overshadowed. In December 1877 children's shouting alerted Cullen that a small boy had fallen into the swift-flowing river running through the town. He waded in and carried ashore the small body, "apparently lifeless, the flesh being quite blue and the eyes closed." Within minutes, however, the boy regained consciousness and proved unharmed. Praise for this act of undoubted heroism was duly forthcoming, both from the parents of the little boy and from Cullen's superiors who awarded him five pounds, the first of many such rewards he would receive.<sup>48</sup>

There are occasional shadows over this otherwise exemplary early career, hints that at times Cullen displayed a zeal which some found excessive. Not long after arriving in Blenheim he arrested a mail deliverer named Kells for tampering with his mailbags. The *Express* thought the case, "raises concern that it should ever have been brought to Court. Although Mr Kells was swiftly, and rightly, acquitted of the charge, the manner of his treatment seems more akin to persecution than prosecution."<sup>49</sup> The following year, under the headline 'Police officiousness', the paper castigated Cullen for arresting visitors to the town on a charge of failing to keep their horses under proper control. The defendants strongly disputed Cullen's evidence and a correspondent to the paper supported them. "One of our oldest and most respected settlers was placed in the degraded position of defendant in a court of law.... That the police should be permitted to annoy visitors to your town, appears to me something intolerable."<sup>50</sup>

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47 *Ibid*, 22/8/1877

48 *Ibid*, 5/12/1877, *Police Gazette*, 17/12/1877, p. 88

49 *Marlborough Express*, 18/6/1877

50 *Ibid*, 25/11/1878

Despite such misgivings, by the age of 28 Cullen bore on his right sleeve the single chevron of a third-class sergeant, representing a stellar career for a man just two years in the country.<sup>51</sup> He was also the father of two-year-old Mary, the couple's first surviving child, who would eventually be joined by no less than ten younger siblings. The Cullen family would have struggled economically on a sergeant's salary of eight shillings a day, since no extra allowance was made for a married man, or, when transferred, for the added expenses of his wife and children.<sup>52</sup> In the first of a string of undoubtedly wearisome transfers, the growing family was relocated to the nearby community of Renwick, where Cullen held sole charge as a rural mounted sergeant. By this time the economic problems evident during his training in Wellington had worsened into a genuine depression. Across much of the country unemployment was rising and wages falling, and the police were not immune from the government's efforts to slash its burden of administration costs. Cullen's pay was cut back by sixpence a day although he kept his job, unlike dozens of other Constabulary men. In a further move to keep the force's numbers down, promotion was granted strictly on the basis of seniority rather than merit. This would slow, but not stall, Cullen's methodical rise through the three ranks of constables and the three more of sergeants.

Less than a year after arriving at Renwick he was transferred to Havelock in the Marlborough Sounds, and just months later received instructions to pack yet again, this time for a more important posting to the southern city of Dunedin.<sup>53</sup> Superintendent Weldon, who had been so dismayed at the temporary police accommodation in Blenheim, was still in command in that substantial city of 26,000 people. Here the depression was particularly severe and the level and types of crime were new to a man unfamiliar with urban policing. Welfare services for the destitute amounted to little more than soup kitchens, to be without legitimate means of support was a crime, and 'nests of vagrants' kept Weldon's men busy. Towards the end of 1881 these routine offences were overshadowed by an affair of national significance. One October day Dunedin central police station was thronged with volunteers bristling to take part in the military raid on the defiant Maori leader Te Whiti's pacifist community of Parihaka in Taranaki. Weldon selected a group of forty

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51 *Police Gazette*, 17/7/1878, p. 98

52 Hill, *The Colonial Frontier Tamed*, p. 307

53 *Marlborough Express*, 10/1/1881, 24/5/1881

from among the crowd of hopefuls. The *Otago Daily Times* thought them “a fine-looking lot of men,” and noted that the ‘citizen soldiers’ were given a huge send-off at the railway station.<sup>54</sup> Sergeant Cullen (as he now was), while remaining behind, must have followed with interest news of the role played by the volunteer troops in arresting Te Whiti and breaking up his community. This example of deploying a large body of volunteers to help regular forces overcome organised dissent would not be lost on him.

The following year found the Sergeant and his family installed in quarters beside the new bluestone barracks at Timaru. Here Cullen was the senior officer of the town, and found that economic hardships added inexorably to the crime rate. The police developed terms for such particularly petty thefts as ‘snow-dropping’, the theft of bedlinen from clotheslines. The children of the poor were often held in jail, less out of Victorian attitudes to punishment than from a lack of alternatives. On one occasion Cullen opposed bail for a boy aged about ten charged with stealing a handcart, on the grounds that both his parents were working away from home and he had no safe place to live. The magistrate accepted this remorseless argument and little James Wells was put between the shafts of his stolen property and hauled it to the police cell where he was to spend the next several days.<sup>55</sup> Along with general unemployment, the police force’s own numbers shrank as the government cut its law enforcement budget further. The police regulations introduced in 1877 prevented men from leaving their barracks or going more than a quarter of a mile from their station without the permission of an officer, and this military-style discipline would remain the pattern for the next 30 years. Unsurprisingly, the force was discontented and there were frequent rumblings that promotion was due to favouritism, and of corruption among senior officers. Cullen reinforced this latter charge. In 1885, he stated later, he was transferred from Timaru at three weeks’ notice because he was “pretty successful” at stopping illegal Sunday drinking in the pubs. A lawyer acting for local publicans said his clients had gone directly to the Police Commissioner to have Cullen removed from the town. “It was pretty well known,” Cullen claimed, that this is why he was shifted back to Dunedin.<sup>56</sup>

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54 *Otago Daily Times*, 22/10/1881, 24/10/1881

55 *Daily Telegraph*, 21/12/1893

56 Evidence of John Cullen, ‘Report and evidence of Royal Commission on Police Force in New Zealand’, *AJHR* H2 1898, p. 577, line 805

The rigidly upright sergeant clashed repeatedly with his less scrupulous superior officer on his next posting, to the port city of Napier, a sub-district of the newly restructured Waikato and East Coast District.<sup>57</sup> As a second-class Sergeant with a family of five children he took charge of the town's police force under the overall control of a district Inspector based at Hamilton. For some years this was his old colleague from Blenheim, the now aged and erratic Inspector Emerson. Cullen frowned on gambling and never drank in a public house, but Emerson apparently did both during his tours of inspection, conduct which his sergeant thought was "not such as to maintain discipline in the Force and command respect".<sup>58</sup> Far worse were Emerson's close and friendly relations with spielers, a class of men which Secretary of Labour Edward Tregear said "vibrates between that of the loafer and the criminal".<sup>59</sup> Cullen encountered a "well-organised gang of expert thieves, technically known as spielers" in 1889. He was able to secure convictions against this gang, but encountered others who exerted a mysterious influence over his fellow officers. In 1892 a police detective named Kirby arrived in Napier and from that date, claimed Cullen, "spielers flocked here.... I made efforts to suppress them but was not successful." He charged two of the worst with lacking lawful means of support and conducted the prosecution himself. Detective Kirby, however, testified that the men were earning an honest living, while Inspector Emerson sat beside the men's lawyer throughout the trial and appeared to prompt him. The case was dismissed.<sup>60</sup> Kirby, however, long considered 'a disgrace to the force', was arrested some years later for extortion and eventually jailed for three years.<sup>61</sup>

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57 Hill, *Iron Hand*...p. 18

58 Evidence of John Cullen, 'Report and evidence of Royal Commission on Police Force in New Zealand', *AJHR* H2 1898, p. 908, line 85

59 E. Tregear, quoted in Clausen, I, 'Crime and Criminals in Dunedin, 1880-1893' research essay, Otago University 1983, p. 51

60 Evidence of John Cullen, 'Report and evidence of Royal Commission on Police Force in New Zealand', *AJHR* H2 1898, p. 906-907

61 Hill, *Iron Hand*...p. 56

On top of these extreme frustrations, Sergeant Cullen was working from eight am until midnight to carry out the myriad of non-policing tasks still expected of men in his position. While stationed in Napier he served as Registrar of Electors, Inspector of Factories and Inspector of Weights and Measures, all at no extra pay.<sup>62</sup> By the time his seven years in Napier were up Cullen sported the three chevrons of a first-class sergeant, the highest rank he could have expected to attain in the RIC, but by no means the limit of his ambition in his new country.

Despite his reputation for toughness and unbending rectitude, Cullen's next appointment, to take charge of the Wanganui sub-district in 1894, was initially greeted with dismay in that city. Its citizens made it clear that they preferred John Bell Thomson, the current district Inspector based to the north in New Plymouth. Their objections lay not with Cullen himself but with Te Whiti, the Parihaka leader who had been arrested in 1881 with the help of volunteer troops from as far afield as Dunedin, but was now released from custody and quietly rebuilding his community. His return so concerned the people of New Plymouth that they insisted that their trusted Police Inspector remain close by. Under such circumstances, conceded the *Wanganui Herald*, Cullen "is the next best man... a first-class sergeant, an excellent all-round officer, a strict disciplinarian, has plenty of tact... we have no doubt he will at once set to work and place our local police force in a thorough state of efficiency."<sup>63</sup> This was no small task. The Wanganui police were described as 'utterly demoralised' at the time of Cullen's arrival, yet they faced heavy and immediate challenges.<sup>64</sup> Within weeks of taking up his post Cullen dispatched Mounted Constable Hewett by steamer up the river to Pipiriki to serve summonses on three 'natives' who were obstructing the building of new European settlements.<sup>65</sup> In court the defendants asserted their rights under the Treaty of Waitangi, and won an acquittal.<sup>66</sup> Similar cases against upper-river Maori would recur throughout Cullen's time in Wanganui, an indication

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62 MacDonal, CH, *The Story of the Napier Police District, 1886-1986*, Napier and Hastings Police Clubs 1986, p. 20

63 *Wanganui Herald*, 17/2/1894

64 *Wanganui Chronicle*, 17/2/1894, editorial

65 *Ibid*, 22/3/1894

66 *Ibid*, 24/04/1894

that the remoter reaches of his district were one of several surviving pockets of ‘rival sovereignty’ in New Zealand.<sup>67</sup> In these ‘Native places difficult of access’, Maori persisted to varying extent in resisting the imposition of Pakeha justice.<sup>68</sup>

In 1898, after five years as the town’s police sergeant, Cullen carried out an undercover action which would make him a nationally known figure and propel him to new heights within the police force. Until this point he had been a highly competent but not an inspired policeman. His conservative, rigidly disciplined attitudes enabled him to outlast peers who succumbed to bribe-taking or fell foul of their superiors. He had so far avoided such downfalls and been rewarded with steadily increasing authority, but his greatest achievements and failures still lay ahead of him.

### Combatting sly-grogging in the King Country

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Year after year throughout Cullen’s time in Wanganui, sly-grogging proved an incessant problem and a losing battle. He and his parties of constables relentlessly pursued Sunday traders, illicit distillers and after-hours drinkers, often convicting the same offenders over and over again. Most of their trouble in this regard came from the small timber-milling settlement of Karioi in the north of his district. Karioi lay just within the tribal boundary of the King Country ‘dry area’, where, by special proclamation, no alcohol at all could be legally sold. It was a prohibition more honoured in the breach than the observance, an unending source of futile effort by police and a joke and sport to residents. It was to provide Cullen with a coup which would greatly accelerate his career.

Under the terms of the proclamation only the sale of liquor was banned, not its possession or consumption, and gaining a conviction required the sworn evidence of two witnesses, a requirement that the few policemen in the district found practically impossible to fulfill.<sup>69</sup> Observers noted that more liquor was consumed in the region, with more disastrous

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<sup>67</sup> Hill, *The Colonial Frontier Tamed*, p. 326

<sup>68</sup> Defence Minister, 1884, quoted in *ibid*, p. 331

<sup>69</sup> *NZ Herald*, 8/5/1903, p. 6



William Archer Price G-789-1/2

King Country town c. 1896. Alexander Turnbull Library – Price Collection

results for the Maori population, than in regions where no prohibition applied. The flow of alcohol into the territory became a torrent once the acres locked up in native ownership were finally freed for European sale.<sup>70</sup> By the mid-1890s, public drunkenness in the King Country had become a national scandal. In June 1896 the Minister of Justice received a letter describing some its effects. “... there are often a score of people drunk and disorderly in Te Kuiti... this state of affairs leads to gross immorality .. drunken Maori women and girls are a common sight there, and the results generally so far as regards the Maori population, are most deplorable”.<sup>71</sup> It was a letter the Minister could not easily ignore as it was signed by five of the King Country’s more prominent European residents, and since the temperance movement was baying for blood over widespread allegations that the police were conniving with sly-groggers. “It is openly said in the district that the police have instructions from headquarters not to interfere with the business.”<sup>72</sup>

This was an allegation widely and often justifiably made of the police, but it was an unfair charge to throw at Constable Charles Stanyer who, together with native constable Te Hoponi, were the only police to regularly cover the vast King Country district.<sup>73</sup> The

<sup>70</sup> *NZ Herald*, 24/10/1895, p. 4; evidence of GT Wilkinson, *AJHR*, 1898 H-2, p. 1047, line 32

<sup>71</sup> GT Wilkinson et al to Minister of Justice, 25/6/1896, quoted in *AJHR*, 1898 H-2, p. 1137

<sup>72</sup> *ibid.*

<sup>73</sup> Hill, *Iron Hand...*, p. 32-36



two uniformed men stood no chance against a network of locals who informed on them wherever they rode, the sly-groggers often having faster horses and better knowledge of shortcuts.<sup>74</sup> The obvious strategy was to adopt the use of plainclothes, and it was one the police had resorted to many times in the past, in spite of official misgivings. Although Cullen's RIC experience had emphasised the suppression rather than the detection of crime, he is likely to have had some contact with plainclothes sleuths in Ireland. In time, according to one historian of the RIC, "a suit of plain clothes was considered as indispensable a part of a policeman's uniform as his baton or uniform."<sup>75</sup> The two King Country officers, however, were too well known to their quarry to resort to such tactics.

Instead, in August 1896 a pair of swagmen arrived in Te Kuiti on the weekly train and spent three weeks in town. Within days, however, practically everyone knew the two ostensible swaggers to be policemen sent down from Auckland. John Ellis, a local farmer and one of those who had written the June letter to the Minister of Justice, believed the men's disguise was seen through even before they arrived. Auckland's Inspector Hickson, responsible for arranging this feeble entrapment effort, acknowledged that locals had been warned of it in advance, probably by telegram sent on ahead by railways staff.<sup>76</sup> The five leading citizens wrote again to the Justice Minister, advising that his first move had been a complete failure and that the sly-grogging menace was worse than ever. A second and more carefully planned effort at entrapment began.<sup>77</sup>

In mid-1898 a Detective Herbert, in plain clothes, spent two months in the King Country familiarising himself with the places and people where a man might buy something stronger than lemonade. At that point, on a night in August 1898, a stiff-backed insurance agent stepped off the Auckland train at Te Kuiti and made for Hetet's hotel. In clipped Irish tones he introduced himself as Mr Berkely, a canvassing agent for the newly formed

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74 Evidence of Charles Stanyer, *AJHR* 1898 H2 p. 1015, line 612

75 Griffin, B, 'The Irish Police 1836-1914', p. 395

76 Evidence of Insp. Hickson, *AJHR*, 1898 H-2, p. 1006, line 279 *et passim*

77 Evidence of Const. Stanyer, *ibid*, p. 1016; Evidence of JW Ellis, *ibid*, p. 1031-2



Government Insurance Company. This deception was devastatingly effective. In just 30 hours in the King Country Sergeant Cullen, alias Berkely, together with Constable Stanyer, Detective Herbert and seven informers and witnesses, succeeded in finding evidence against 23 sly-groggers, who were eventually convicted of almost 60 separate offences. Twelve were sentenced to prison without the option of a fine, the fines and costs of the remainder amounting to over 600 pounds. Of this impressive sum, over 50 pounds was later paid out in rewards to the ten men involved in the raid, Cullen himself pocketing 20 pounds, one of the largest rewards paid out to a police officer at that time.<sup>78</sup>

The prohibitionists exulted in this outcome and heaped praise on Cullen in particular. Other voices, including the five men whose original letters had prompted the two raids, were less enthusiastic. Later that year the Minister received a further letter from them advising that “the (sly-grog) trade is still being pushed almost as busily as ever”.<sup>79</sup> Others were disturbed at the precedent these covert tactics might create. Constable Stanyer admitted that in order to secure the convictions, Cullen “had to adopt a good many expressions that were not true”.<sup>80</sup> The *NZ Herald* editorialised that the Inspector (as Cullen soon became) “had to resort to various stratagems that would not pass muster in a court of morality... Are we to understand that the Commissioner of the Government Insurance Department authorised the temporary employment of Inspector Cullen...? If so, then the Department has degraded itself, to the injury of its business. It is not the function of the Department to afford facilities for the detection of breaches of the liquor laws.”<sup>81</sup>

In its annual report to Parliament the next year the Police Commissioner awkwardly acknowledged that, “The police, after using all ordinary methods, have had recourse to a system which is strongly condemned by many persons: We refer to a system of deception... We are aware there are some cases which may justify its use, but express the hope that it

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78 Evidence of Const. Stanyer, *ibid*, p. 1016

79 Evidence of A. Hume, *ibid*, p. 1140 line 41

80 Evidence of Charles Stanyer, *AJHR*, 1989 H-2, p. 1017

81 *NZ Herald* 18/7/1898, p. 4

will never become a recognised police system in this colony.”<sup>82</sup> In fact, the greatest single result of ‘Mr Berkely’s’ efforts, once they became public knowledge through the trial of the sly-groggers concerned, was to make Cullen a nationally known name. He was shortly promoted to the silver braid of an Inspector’s uniform and put in charge of the Westland and Nelson districts, the site of his first posting. He was 47 years old, and already holding a higher rank than a lifetime in the RIC might have secured him.

For much of 1896 Inspector Cullen was also put in temporary charge of the Christchurch district to support the work of a commission of inquiry into, among other matters, the same covert operation he had recently carried out. Public claims of police collusion with sly-groggers had snowballed into wider allegations that the force in general was riddled with corruption, and that police were not the moral guardians in their communities they were expected to be. For several months a three-man Royal Commission, including a temperance leader, toured the country hearing evidence from policemen of all ranks and from others with knowledge considered relevant to the inquiry’s terms. Cullen was interviewed several times, speaking guardedly about his now-discredited senior officer, the intemperate Inspector Emerson, and with characteristic bluntness about the men under his command. The policemen of the day, he felt, were neither as strong physically nor as intelligent as in the past.<sup>83</sup> A staunch conservative increasingly at odds with his own men, Cullen told the Commission that he believed in maintaining the disenfranchisement of police officers and their wives, a condition of employment which was a relic of its origins as a para-military force and had since become widely unpopular among the police. However popularity among the men under his command was seldom sought by Cullen, and he preferred instead to cultivate the approval of leading political figures who admired his uncompromising severity and saw it as grounds for his further advancement.

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82 Annual Report of Police Commissioner, *AJHR* 1898 H-2 p. xxiii. This was a notably futile expectation and the deployment of disguised officers became steadily more common, especially to detect liquor offences. See for example, Hill, *Iron Hand...* p. 207. (In Taihape, 1907) ‘Nearly every stranger standing about the vigilant constable’s height is closely scrutinised to make sure he is not [Constable] Baker in disguise.’

83 Evidence of Insp. Cullen, *AJHR* 1898 H-2 p. 730-733, 919-921

## Chapter three

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### *‘A smart and vigilant officer’ – policing early 20<sup>th</sup>-century Northland*

*Cullen’s tenure as the Auckland-Northland district Inspector is traced, as an example of the major issues facing the police force nationally and for the insight provided into his personality and methods of operation, which would later mark his career as Commissioner and seal his reputation. In particular, a remarkable but little known 1903 armed police action on a Northland Maori community is described in some detail, since this bears several close similarities with the 1916 raid in the Urewera with which Cullen’s name is today perhaps most closely associated.*

### Taking charge in Auckland

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The tenant-farmer’s son from Glenfarne was now a man of some substance, with a nationwide reputation for rigid probity, friends in the upper echelons of government and the opportunity to indulge his enthusiasm for hunting and horse-racing. Even greater prominence was not long in coming. At the end of 1896 he was placed in charge of the largest, most turbulent and most populous Inspectorate in the country, the Auckland, Waikato and Northern police district. “The fact that Inspector Cullen has been appointed to the permanent charge of the Auckland police district,” pronounced the *NZ Freelance*, “will afford general satisfaction in this community. Since he relieved Inspector Hickson some six months ago he has been vigorously engaged in clearing out the Augean stable, and has given frequent proof that he is a smart, vigilant, and wide-awake officer who will stand no nonsense, and is determined to keep his men fully abreast of their duties.”<sup>84</sup>

Another magazine featured a cover portrait of the ramrod-backed and black-moustached Inspector at his desk in the brand-new and purpose-built district headquarters in

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<sup>84</sup> *NZ Freelance*, 31/12/1898, p. 5

Auckland's Symonds St, by far the best equipped of any police station in New Zealand.<sup>85</sup> For a renowned martinet like Cullen, such generous working conditions were an indication of his determination to improve standards throughout the force. In its report on the new Symonds St district headquarters, the *Auckland Weekly News* could announce with satisfaction that, "the morale and discipline of the force is greatly improved of late, the political element having been greatly reduced, if not wholly extinguished."<sup>86</sup> The 'political element' was the disaffected section who felt their pay and conditions were still inadequate and who chafed under its rigid rules. It was their agitation for improvement which was described as 'the Augean stable' upon Cullen's appointment to head the district.

Now that his men had a state-of-the-art barracks, their new Inspector was not inclined to further pampering. His annual report for 1903 complained that:

"some of the junior men have not conducted themselves as well as they ought. Some of the returned troopers and ex-Artillery men have not given satisfaction in either their conduct or the manner in which they discharge their duties, there being an evident desire to shirk their duties and responsibilities as much as possible. There is also a noticeable tendency on the part of some of the younger men to report themselves sick and thereby enjoy a few days' rest, when there is really very little the matter with them."<sup>87</sup>

Such self-indulgence would not do in a booming port city where active crowd control might be called for. In 1902, at the end of the Boer War, a thousand British troops demonstrated the might of the Empire in a parade up Queen St. That splendid display was eclipsed six years later by the arrival of the United States' 'Great White Fleet'. Aucklanders crammed vantage points around the harbour to watch the 16 heavily armoured warships steam into port. Aside from such occasional spectacles, day-to-day policing in the city was relatively routine. Cullen had told the 1897 Royal Commission on policing that in his

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85 *NZ Graphic*, 11/5/1907, p. 1

86 *Auckland Weekly News*, 9/2/1900, p. 4

87 Annual report of Insp. J Cullen, *AJHR* 1903 H-16, p. 5

view the populace of his West Coast district “are very orderly and very law-abiding, as a whole”. This tended to be borne out during his term in Auckland and his annual reports refer mainly to the prevalence of illegal gambling on the city’s streets and shadier places of business and pleasure such as professional boxing rings.<sup>88</sup>

However the district under his command covered 60 police stations spread across the King Country and the Thames and Coromandel goldfields, and from Tauranga to North Cape, staffed by a total of 120 regular police and a further 20 special (that is, volunteer) constables and ‘native’ constables. These latter could sometimes prove very valuable in settlements beyond the reach of formed roads, where Māori was often the only language spoken.

## The capture of Chief Kūao

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In early 1903 Cullen began receiving reports from constables in the north of his far-flung district of a disturbance beyond their own powers to control. In a remote Māori community near the northern town of Kaikohe, a traditionalist chief named Iraia Kūao of Ngāti Moerewa was alarming his Pākehā neighbours with incendiary speeches threatening violence to those of his people planning to sell their tribal lands, and to the surveyors preparing to establish property boundaries for individual title. In his encounter with Kūao Cullen would confront a personality as forceful as his own, and a disaffected people of whom at that time he knew very little.

His arrival in the colony some years after the bitter Māori insurgencies of the 1860s meant that Cullen had little occasion to deal directly with Māori as a group, rather than as individual offenders. In the aftermath of those wars, surviving Māori leaders had retreated to secluded settlements where they and their followers could continue to maintain a largely traditional way of life, speaking their own language and having little contact with outsiders. They were rarely troubled by police so long as they refrained from

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88 Hill, *Iron Hand...* p. 64-5 (Remana Hi), p. 134-7 (‘Dog TaxWar’)

threatening the economic life of the colony. However the years preceding Cullen's term as Inspector had seen several encounters between armed police and Māori in remote, practically roadless and predominantly Māori Northland communities, such as an 1887 raid on followers of the 'prophetess' Remana Hi near Okaihau, and the 1898 'Dog Tax War' in the Hokianga.<sup>89</sup> A similar threat had now appeared nearby, in Chief Kūao's tiny and very isolated community of Tautoro, a few miles from Kaikohe.

Kaikohe's police constable Tim Cahill reported to Cullen that at a sitting of the Native Land Court, the fiery Ngāpuhi chief had spoken out against some of his followers who wished to have their lands transferred from tribal to individual ownership, thus giving them the right to lease or sell the land. In particular Kūao resented the presence of surveyors on his ancestral lands on the grounds that the Treaty of Waitangi, signed in his own lifetime, entitled the chief alone to determine the boundaries of his people's lands.<sup>90</sup> The heart of Kūao's territory, and the site of his pā, was a steep conical hill named Tauanui, a perfect inverted cone, evidence of a long-ago eruption. Constable Cahill described how, in early 1903, Kūao stood on Tauanui and pointed out the traditional boundaries of every property which the families in his tribe could claim as their own. Cahill noted that the families whose blocks were so demarcated "all agreed to this and were quite satisfied with the portion given to them". Kūao, said Constable Cahill, "thinks no-one has a right to deal with the land except himself. He does not recognise the law in the matter."<sup>91</sup> In a series of increasingly angry confrontations the old chief defied the local block committee appointed to ratify the traditional boundaries. At a Native Land Court hearing in Kaikohe in April 1903, he made his ultimatum. If the landowners allowed him to partition the land himself, said the old chief, all would be well. If not, "*Ka ara he pakanga*" (I will cause trouble and kill). "I have no more to say," he told Court president Edward Blomfield, who was also the local magistrate. "I will ask Timi Kara (Native Minister James Carroll) to come and discuss the matter with me."<sup>92</sup>

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89 Hill, *Iron Hand*... p. 64-65 (Remana Hi), p. 134-6 ('Dog Tax War')

90 Const. T Cahill to Inspector Cullen, Auckland, 2/5/1903, P 1/273, 08/1981, Archives NZ

91 Ibid

92 *NZ Herald*, 25/04/03

Anxious to defuse the dispute, James Carroll agreed to travel from Wellington to Kaikohe and Inspector Cullen proposed to accompany him “with whatever force he requires”.<sup>93</sup> This offer of a high-level police escort was declined by Carroll who, as a Māori himself, understood the risk of provoking a hostile reaction from the local people. He chose instead to be accompanied only by a pair of plainclothes constables.<sup>94</sup> The party arrived at Kaikohe to “a large and influential gathering of natives” where the Minister urged Kūao to abide by the Native Land Court’s ruling. Again the old chief rejected this challenge to his mana, and returned to his community at Tautoro, where his supporters were said to number about a hundred.<sup>95</sup> Tension in the district was now rising, and Magistrate Blomfield swore in four Māori special constables to keep him advised of developments. Cullen also instructed Ohaeawai’s part-time District Constable ‘Wiri’ King and Native Constable Beazley, both fluent in Māori, to report on the stirrings at Tautoro. Ever since the days of the Land Wars the sale of arms to ‘unfriendly natives’ had been a perennial source of anxiety to the police and a key task of its detective branch.<sup>96</sup> Constable Cahill was ordered by telegram to “let discreet endeavours be made to ascertain the number of arms and particulars of same possessed by Kūao and his followers...”.<sup>97</sup>

Cullen received the result of these ‘discreet endeavours’ in mid-May 1903:

“So far I have been informed that they are in possession of seventy-five arms consisting of sixty-one ordinary shotguns and nine rifles, also fifty revolvers... I know they got no warlike stores at Kaikohe as I have taken all precaution that they should receive none”.<sup>98</sup>

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93 Insp. Cullen to Commissioner of Police, 24/4/03, P 1/273, 08/1981, Archives NZ

94 Ibid, 27/04/03

95 T. Cahill, to Insp. Cullen, 2/5/1903, P 1/273, 08/1981, Archives NZ

96 Hill, *The Colonial Frontier Tamed*, p. 48

97 Insp. Cullen to Const. T. Cahill, 20/5/1903, P 1/273, 08/1981, Archives NZ

98 Const. T. Cahill to Insp. Cullen, 30/6/1903, ibid

Cullen passed on this assurance to the Police Commissioner, Walter Dinnie, at the same time absolving himself and his men of any negligence in permitting this situation to develop:

“I am quite satisfied that whatever Arms te Kuao’s people may possess have been purchased by Pakeha Maoris, ostensibly for themselves, and then quietly taken to the Native settlement and handed over to the Natives. As there are no restrictions placed on Europeans procuring arms and ammunition for their own use, no notice would be taken of their purchase.”

Dinnie was advised that,

“the position taken up by Kuao in connection with this land dispute is one from which he cannot now recede without great loss of “mana”... hence there is a probability that he will resort to violence when the members of the native committee meet at Kaikohe in September next.”<sup>99</sup>

As the date of that meeting approached, rumours of target practice, fortified firing positions and powerful, modern weaponry flew around the Kaikohe district. A visitor to Tautoro, “saw in Kuao’s whare [house] about 30 guns and about same number of followers...” Constable Cahill himself visited the isolated settlement, surrounded by dense native bush, and “Found it deserted, searched for supposed rifle pits, none there... Europeans getting alarmed here without protection, they think Kuao and followers may come into township any time and resort to violence”.<sup>100</sup> Never one to shrink from a confrontation, Cullen was nonetheless cautious about how best to proceed. Kūao’s remote bush settlement could only be approached by men in single file and a direct assault, he thought, would require a large force of well-armed troops, as “we would have to contend with the full strength of his followers, women included.”<sup>101</sup> Cullen later estimated that it would have required 500 police and soldiers to overwhelm the fortified settlement. A subtler tactic was called for.

<sup>99</sup> Insp. Cullen to Comm. Dinnie, 11/7/1903, P 1/273, 08/1981, Archives NZ

<sup>100</sup> Const. T. Cahill to Insp. Cullen, 3/9/1903, P 1/273, *ibid.*

<sup>101</sup> Insp. Cullen to Comm. Dinnie, 5/9/1903, *ibid.*



The Inspector's sources in the district had already informed him that the Rarawa chief Heremia Te Wake (father of the 1975 Maori Land March leader Whina Cooper) had been endeavouring to mediate in the dispute. Two days before the fateful September meeting, Te Wake and his people were due to meet Kūao and his leading followers at Kaikohe in a last-ditch attempt at a peaceable resolution. Cullen clearly placed little faith in those mediation efforts. As the Tautoro party would not be carrying arms to the Kaikohe hui, it provided the ideal opportunity, he decided, to arrest them. With military precision he laid out a plan for nine constables from around Northland to converge on Kaikohe, while he and a larger Auckland police contingent would travel there via chartered steamer to the Bay of Islands port of Opuā.<sup>102</sup>

This was to be a heavily armed raid by a force which had been officially unarmed since 1896.<sup>103</sup> Cullen himself, although trained in the use of arms in Ireland and accustomed to the use of force in his work, would later tell the 1909 Royal Commission on the police that he preferred to use his fists rather than a baton.<sup>104</sup> When still greater persuasion was called for, he and other senior police officers regularly 'borrowed' Defence Force soldiers to serve as auxiliary police, and they did so on this occasion.<sup>105</sup> The Kūao operation was expanded to include 40 artillerymen sent from Auckland to Russell by chartered steamer, there to await further orders. Cullen himself travelled from Auckland with a sergeant and ten police armed with rifles and revolvers. Well aware of the potential risks of the expedition, he went to great lengths to keep it secret, less to maintain an element of surprise than to reduce the possibility of subsequent political damage. "I succeeded in getting the men away from Auckland without the press knowing anything of our movements," he told his Commissioner. "We were thus spared the inconvenience of having reporters at our heels, and sending sensational statements all over the colony."<sup>106</sup> After preparing arrest

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102 Insp. Cullen to Comm. Dinnie, 5/9/1903, *ibid.*

103 Hill, *Iron Hand...*, p. 27.

104 Evidence of Insp. Cullen, *AJHR* 1909, H-16B, p. 360, line 233

105 Hill, *Iron Hand...*, p. 27

106 Insp. Cullen to Comm. Dinnie, 28/9/03, P 1/273, 08/1981, Archives NZ

warrants, Cullen, Blomfield and the mounted men rode the seven miles into Kaikohe on an early morning in September. The town was quiet, with no sign of Kūao or rifle-waving warriors. Cullen's informants told him that Kūao and his leading supporters were expecting to meet the Rarawas at Matakohekohe, a small settlement about a mile short of Tautoro and Blomfield persuaded the Rarawa party to go out there and engage the chief in discussion.

A plan of arrest was hastily improvised. The waiting foot police were contacted by telephone and joined the main party 45 minutes later. The mounted men were sent out to Matakohekohe by a back route to block any attempt at escape. They locked the gates across the road and kept watch on the meeting from cover as Cullen and his men approached in wagons. The police were thus able to surround the gathering unnoticed and took Kūao and his men completely by surprise. As predicted, the Tautoro party was unarmed and offered no resistance. Twenty ringleaders, including the chief, were taken back to the Kaikohe courthouse and charged with threatening to shoot Mr Blomfield and the members of the block committee. In his capacity as magistrate, Blomfield remanded the men without bail to allow the police to seize their weapons. This raised the problem of where the prisoners could be held, since the town's lockup was a single small cell. With characteristic decisiveness, Cullen hired the solid brick billiard hall which still stands in the main street opposite the Kaikohe Hotel.<sup>107</sup> The arrested men were taken there and kept under guard while Cullen and his mounted police rode out to Kūao's settlement where they found 33 shotguns, mostly old and ineffective. Certain that these were not the best of the stockpiled weapons, the Inspector threatened to hold his prisoners until more arms were given up. Reluctantly and after much discussion, one of the chief's senior supporters showed Cullen the missing weapons – five rifles, eight revolvers and several more shotguns loaded with home-made bullets – hardly the fearsome arsenal the police had been led to expect. The arrested men were finally released after spending several days in the billiard hall. Fines ranging from 25 to a hundred pounds were imposed on them, along with promises that the court could proceed with hearing claims over the Tautoro

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<sup>107</sup> q.v., 7/4/2002

land. Chief Kūao troubled the law no further before his death two years later, when his son Maea assumed both his mana and his policy of peaceful compliance. From the Inspector's point of view it had been a model operation – pre-emptive, heavily armed, bloodless, discreet and entirely effective. He would later deploy the same tactics in dealing with a more complex and volatile instance of organised Māori resistance.

The Kūao raid also appeared to give Cullen confidence that he understood and knew how to deal with the Māori mind. Five years after the arrests Maea Kūao asked for the return of the tribe's confiscated weapons. Cullen agreed only to hand back the shotguns, not the rifles or revolvers, on the grounds that "firearms in the hands of excitable and passionate natives are a source of danger even to the natives themselves.... The Tautoro natives", he advised his Commissioner, "belong to the Ngapuhi tribe which has always been rather inclined to ignore the law whenever it suited their purpose to do so and if they again found a stubborn agitator such as Kūao was, to rally round, they might cause considerable uneasiness among settlers."<sup>108</sup> No such stubborn agitator appeared in the ensuing years, even as Maea Kūao watched his ancestral lands dwindle from 7,000 acres to two small wāhitapu, or sacred sites, and fertile European-owned grazing land replaced the bush around Tauanui.

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108 Insp. Cullen to Comm. Dinnie, 16/9/1908, P 1/273, 08/1981, Archives NZ

## Chapter four

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*‘It was very laughable to see the strikers’ – subduing militant labour*

*Cullen’s abrasive manner led to growing enmity with his colleagues at all levels but did not prevent him attaining the rank of Police Commissioner. In that role his uncompromising strategy for breaking the Waihi strike, extending to illegal tactics later described as tantamount to ‘judicial murder’, made him admired in some circles but bitterly reviled in others. His opposition to organised labour extended to preventing efforts by his own men to unionise, further contributing to his unpopularity among working people. However during the nationwide 1913 strike, Cullen’s tactics of encouraging violent confrontation to crush the strike proved less successful than at Waihi, and his reputation at senior government level was temporarily tarnished.*

‘The discipline here [in Auckland] under Inspector Cullen is strict... This satisfactory condition of things is in large measure due to the exertions of the present Inspector, as when he took charge police matters in the Auckland District were in a state of great disorganisation...’

(Report of 1905 Police Commission, *AJHR* 1905, H-16B, p. v)

### From Inspector to Commissioner

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As in 1894 when he assumed command of Wanganui’s police, Cullen took over the Auckland, Northland and Waikato Inspectorate at a low point in the public reputation of its officers, and with a stern determination to effect improvements. He discovered to his distaste that “for a long time you could not go upstairs [in the barracks] without tripping over empty beer-bottles in the passages” and his measures to eliminate drinking on the premises extended to having his men searched for liquor each morning.<sup>109</sup> Rigorously

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<sup>109</sup> Evidence of Insp. Cullen, *AJHR*, 1909 H-16B, p. 358, line 158

disciplined in his own personal behaviour, Cullen demanded the highest standards of conduct in those who worked for him and he acquired a reputation throughout the force for RIC-style austerity, extending to banning his junior constables from displaying pictures on the walls of their rooms in the purpose-built Auckland police barracks.<sup>110</sup>

A more popular innovation was the gymnasium, the first of its kind in the country when it opened in 1906. This facility arose from Cullen's lifelong emphasis on physical fitness and also from his close relationship with a strapping and moustachioed constable in his



Portrait of Insp. Cullen, cover of *NZ Graphic* 1907

Tauranga station, Arthur Skinner. An outstanding athlete who held two world records, Skinner was regarded by Cullen as 'the best man south of the line' (ie the equator) at physical training for police work.<sup>111</sup> He later transferred to Auckland's wharf police and was relied upon so heavily by Cullen that he became regarded as his right-hand man.<sup>112</sup>

<sup>110</sup> *NZ Truth*, 19/4/1913, p. 5

<sup>111</sup> Evidence of Insp. Cullen, *AJHR* 1909, H-16b, p. 360, line 222

<sup>112</sup> Rorke, J, 'Skinner, Arthur', *DNZB* vol. 3, Auckland University Press 1996, p. 477-478

In general, however, Cullen's style of leadership was most popular only with those who did not have to experience it directly, while many of his colleagues feared and even actively disliked him for his sharp tongue and short temper. His insistence on military-style discipline was described as "ludicrous and cruelly unnecessary in many of its aspects", and often ran counter to efforts to modernise policing practice.<sup>113</sup> He opposed growing specialisation in the force, for example towards acquiring the expertise at fingerprinting which was championed by his modernising Commissioner Walter Dinnie, and instead required his men to be rotated in and out of central office work to retain RIC-type values of physical toughness.<sup>114</sup> "A man in my position must have a certain number of enemies", he believed, and he exercised his talent for enmity not just on those far beneath him in rank but also on an ever-growing list of senior colleagues, including his Auckland Sub-Inspectors Black and Mitchell, his Police Surgeon and Auckland's Chief Magistrate.<sup>115</sup>

By 1909 John Cullen was eleven years into his post as Inspector of the Auckland district, and the most senior Inspector in the country. In that year he was given the opportunity to defend his administration before yet another Royal Commission into the state of the police force, and rose avidly to the occasion. This, the second such Commission during Dinnie's term as Commissioner, was appointed to inquire into falling recruitment numbers and complaints of unsuitable recruits and poor behaviour among serving policemen. Cullen did not mince his words and gave evidence amounting to an unofficial interview for Dinnie's position. The Inspector excoriated the current administrative systems, described many of the recent recruits as "as bad as they could be", and proposed a redesigned uniform and equipment. "I am naturally a strict man", he declared, implying that Dinnie was deficient in that respect.<sup>116</sup> The unfortunate Dinnie could not let such a performance go unchallenged and told the Commission that much of Cullen's evidence was untrue and activated by malice. Cullen, he said, was vindictive, and "he does bear malice very

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113 quoted in Hill, R, *Iron Hand...* p. 277

114 Hill, *Iron Hand...* p. 231

115 Hill, *Iron Hand...*, p. 209, p. 229, p. 232

116 Evidence of Insp. Cullen, *AJHR* 1909 H16B, p. 358, line 162

often”.

While acknowledging Cullen as “a most strict and capable officer,” Dinnie maintained that, “If he once takes a dislike to anyone, he carries the feeling to a degree.” He even implied collusion between Cullen and a member of the Commission.<sup>117</sup> The Commission, however, favoured Cullen’s account over that of his superior, and following the release of a report highly critical of the Commissioner, the Prime Minister asked Dinnie to resign. If Cullen’s attacks on his Commissioner were at least in part designed to remove a superior officer whom he clearly despised, then they succeeded, and Dinnie was forced to step down in late 1909.<sup>118</sup> Thus was Cullen given very valuable political support for his ambition to attain his profession’s highest office.

Following a two-year interregnum in which the force was headed by the under-secretary of Justice, John Cullen finally gained the pre-eminent position he had sought since at least 1903.<sup>119</sup> Controversy continued to dog his appointment. Perhaps because of Cullen’s highly confrontational personal manner, the government at first favoured a Protestant magistrate for the Commissioner’s post. The country’s Catholic bishops chose to regard this as anti-Catholic prejudice and threatened electoral retribution unless Cullen, a longtime pillar of their faith, was given the job.<sup>120</sup> Their campaign was successful, and 36 years after his arrival in Wellington as a rural Connaught constable, Cullen became the first Commissioner to have risen through every rank of New Zealand’s national police force.

On taking office in 1912 Commissioner Cullen took a house in Wellington’s Mt Victoria with a prime view of the waterfront, the site, a year later, for the most demanding challenges of his short but very fraught administration. In the years since the pacification of Chief Kūao, Māori unrest had almost ceased to trouble the state but in its place an increasingly militant

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117 Evidence of W. Dinnie, *ibid*, p. 499, line 1,7, 8; Hill, *Iron Hand...*, p. 253

118 Hill, *Iron Hand...*, p. 237-9, 256

119 *Ibid*, p. 275

120 Sweetman, A, *Bishop in the Dock*, Auckland University Press, 1997, p. 141. Allegations of prejudice both for and against Catholics were a perennial feature of the NZ Police. See eg. Hill, *Iron Hand...* p. 147-8

organised working class had arisen as the greatest threat to civil order. Intense surveillance of working class organizations had been an important pre-emptive function of the police ever since the 1880s, but since about 1905 a new spirit of assertion and dissent had grown up within sections of the labour movement.<sup>121</sup> Some years earlier Cullen had predicted that capital and labour would eventually face a climactic showdown requiring all the energies of the country's police force, and in his own term as Commissioner he would be proved correct by a series of dramatic, often extremely violent and ultimately tragic civil conflicts.<sup>122</sup>

## Fatal impact at Waihi

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Just days after taking over the Commissioner's desk, Cullen received word of a strike in the gold-mining town of Waihi. For three months from March 1912, the usual police presence in Waihi, six constables under Sgt Wohlmann, appeared adequate to contain the situation. In May Cullen's district Inspector Wright, based in Thames, assured him that:

“not one act of lawlessness of any kind has been committed.... The strike Executive has assisted the Police in warning the men to conduct themselves properly ... as long as the Mine owners do not attempt to open the mines with new hands I see no more reason to expect violence now than during the last eleven weeks.”<sup>123</sup>

Two months later the stakes in the dispute were unexpectedly raised, not on the goldfields but in Parliament. When the ruling Liberal Party fell on a confidence motion it was replaced by the more conservative Reform Party, firmly opposed to the militant unionism now to the fore in Waihi. Its leader, Ulster-born William Massey, was a man much more to Cullen's political tastes than his predecessor and would prove to be an inflexible Minister of Labour.<sup>124</sup> His Attorney-General and Minister of Justice, Alexander Herdman, was an even closer ally of the Police Commissioner. Described as “encrusted with conservative

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121 Hill, *The Colonial Frontier Tamed*, p. 341-2

122 Hill, *Iron Hand...*, p. 276

123 Insp. Wright to Comm. Cullen, 15/5/1912, P1 1912/861, Archives NZ

124 Gustafson B, 'William Ferguson Massey', *DNZB* vol. 3, Auckland Uni. Press, 1996, p. 316-319



prejudices ... and ready to employ force ruthlessly for the purpose of upholding law and order”, Herdman became known to the labour movement as ‘the Iceberg Minister’.<sup>125</sup> Acting closely in concert, these three men would spend much of the next two years locked in no-quarter combat with the country’s industrial unionism movement. For his own part, Cullen did not hesitate to employ tactics which were apparently illegal or at least highly questionable. Dinnie’s reservations about Cullen’s high-handed and vindictive nature were fully endorsed by the means to which he descended in order to crush the militant unions.

Just two weeks after winning office, Prime Minister Massey sent a commission to report on the situation at Waihi. Their report described a town in which decent citizens were afraid to walk the streets, where strikers carried pistols, and where industrial sabotage and terrorism were advocated. These claims were denied by the strike leaders and Sergeant Wohlmann and his men found little evidence to support them. Undeterred, Massey released the report to the newspapers, creating a climate of anti-union hysteria and widespread calls for government intervention. On 30 July, even before this damning report was released, Cullen cabled Inspector Wright that, on the basis of reports from an informer within the Waihi strikers’ ranks, he had decided on sending in police reinforcements.<sup>126</sup> I have been unable to discover whether Cullen’s decision to initiate large-scale police involvement in the strike was prompted by a directive from the government or made on his own initiative. Regardless, his subsequent actions and statements make it clear that he saw the police role in the strike not as neutral defenders of civil order but rather as active agents of an anti-strike administration.

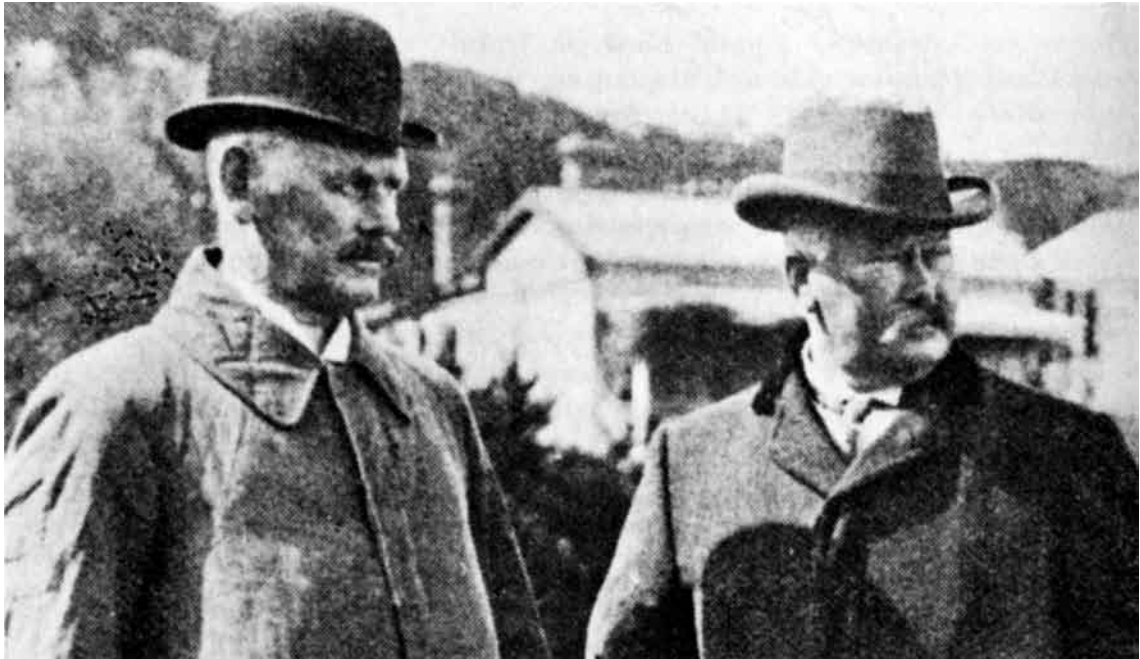
From early September the mine-owners began to recruit strike-breakers, among them known criminals, to come to Waihi and reopen the mine alongside members of breakaway ‘arbitrationist’ unions. (For convenience, the term ‘strike-breakers’ will be used henceforward to refer to the combined groups opposed to the striking miners.) Although he had still received no reports of actual law-breaking, Cullen then began to send large

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125 *Maoriland Worker* 7/3/1913; Butterworth S, ‘Alexander Herdman’ *DNZB*, vol. 3 1996, p. 211-212

126 Comm. Cullen to Insp. Wright, quoted in Campbell R ‘The Role of the Police in the Waihi Strike: some new evidence’, *Political Science* vol. 26 no. 2 (1974) p. 35

numbers of specially selected police to Waihi. Wright was instructed to send a sergeant and ten constables “who are strong and muscular and can be thoroughly relied upon”, and men from districts as distant as Invercargill were similarly called upon, Cullen stressing that they should arrive armed but in plain clothes and without alerting the press.<sup>127</sup> As at Tautoro in 1903 and at other times in his career, close and skilful management of the media would mark Cullen’s campaign in Waihi.



Auckland Institute and Museum

Commissioner Cullen (left) at Waihi.

In addition to flooding the formerly law-abiding Waihi with armed police, the newly appointed Police Commissioner abandoned his national responsibilities on several occasions to appear in person in the small and remote mining town.<sup>128</sup> On a visit in early September he announced that strikers’ tactics such as ‘following up’ (closely shadowing strike-breakers or arbitrationists and jeering at them) were now deemed illegal, and summonses for such activities were issued the same night. “If we succeed in getting the leaders bound over,” he confided to Herdman, “we will have tied their hands completely.”<sup>129</sup> More than 50 leaders of the striking union appeared in the local court in the following days, where they were either bound over to keep the peace or sentenced to a year in gaol. Most took the second option and were sent to Auckland’s Mt Eden prison.

127 Comm. Cullen to Insp. Mitchell, 3/9/1912, P1 1912/861, Archives NZ; Comm. Cullen to Insp. Kiely, 4/9/1912, *ibid.*

128 In his absence he had an able deputy in the person of the similarly authoritarian Inspector Ellison, who was raised in 1913 to the newly-created rank of Superintendent. (Hill, *Iron Hand...* p. 281)

129 Comm. Cullen to A. Herdman, 8/9/1912, P1 1912/861, Archives NZ

A handwritten account of the noisy gathering to farewell them from Waihi was given to the Police, unsigned except for the inscription ‘Wireless or Bush Telegraph message for the information of Waihi police’.<sup>130</sup> The term ‘wireless’, later used by Inspector Wright in the same context, appears to have been police code for a confidential report by an informer. Infiltration of radical workers’ organizations by police informers was a practice extending back at least to the 1890 maritime strike, and such secret intelligence was relied upon heavily by Cullen, although at times it proved highly inaccurate and self-serving.<sup>131</sup>

By late September more than 70 extra police were occupying the town’s hotels. Their presence served to harden the views of unionists, who saw them as partisan and not committed to maintaining order between the parties. Labour historian H. Roth agrees that Waihi marked the first example of “open State intervention in labour disputes on the employer’s side”.<sup>132</sup> Encouraged by this heavy police presence and the large body of strike-breakers they had recruited, the mine-owners decided to reopen the Waihi mine in early October. Cullen returned to oversee the police role in this operation and nearly 80 ‘magnificent specimens of physical fitness’, many on horseback, were on Waihi’s main street as around 1500 strikers confronted an equal number of scabs.<sup>133</sup> The latter were transported to the mine in open horse-drawn carriages known as brakes, with a police driver at the reins.

A month later Cullen received a further report of a strike meeting infiltrated by the informant ‘Wireless’, to the effect that the strikers remained set on victory “if they have to wait 12 months for it”.<sup>134</sup> The Commissioner returned yet again to Waihi, apparently determined to remain there until the strike was crushed. The day after his arrival he arranged that the strike-breakers would no longer travel between the mine and their homes in brakes but would instead march down the main street in a body, directly confronting the massed strikers. On a busy Saturday night, 5 November, a crowd of

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130 ‘Wireless’, handwritten note, 10/9/1912, *ibid.*

131 Hill, *Iron Hand...* p. 72

132 Roth H, *Trade Unions in New Zealand*, AH and AW Reed, 1973, p. 35

133 cited in Hill, *Iron Hand...*, p. 286

134 Insp. Wright to Comm. Cullen, 2/11/1912, P1 1912/861, Archives NZ

strikers and supporters were cleared by a charge of mounted police led by Cullen's offside Arthur Skinner, a tactic some witnesses described as brutal.<sup>135</sup> Among the fleeing strike supporters was labour leader and future Prime Minister Bob Semple who "had to jump a fence to get away quick enough".<sup>136</sup>

Cullen's frequent and remarkably frank telegraphic communications with Herdman during this period are the main source of information on his methods and goals, both open and covert. The cables confirm that he had a deliberate strategy to, "keep police in the background as much as possible so as to get workers to have confidence in themselves to go about without police protection."<sup>137</sup> Pitting one large group of men, including some violent criminals, against another with utterly opposed attitudes predictably resulted in vicious street fighting. An Opposition MP later told the House that such tactics:

"...are purely provocative. If you march large bodies of men along footpaths four abreast in an ordinary town, where they must come into conflict with people, and if feeling is running high, you are adopting tactics calculated to provoke disorder."<sup>138</sup>

On Monday 11 November, Cullen described "two or three dozen fights ending up in the strikers being routed and chased off ... followed by the workers who dealt out many cut faces, bleeding noses and black eyes. It was very laughable to see the strikers running at the end in all directions".<sup>139</sup> Press reporters found the scene less laughable, the *Auckland Star* claiming that the police took at least 20 minutes to control "a living mass of enraged humanity, a perfect debacle..."<sup>140</sup> Cullen's propensity for vindictiveness and inciting public

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135 Hill, *Iron Hand...* p. 286

136 Insp. Wright to Comm. Cullen, 5/11/1912, P1 1912/861, Archives NZ. (Some historians of the NZ labour movement have pointed out that violence by police against mass demonstrations and strikers at Waihi led to the formation of the NZ Labour Party, as a political vehicle to close the gap between government and unrepresented sections of the public.)

137 Comm. Cullen to Herdman, 10/11/1912, P1 1912/861, Archives NZ

138 J. Robertson MP, NZPD v. 162 p. 161

139 Comm. Cullen to Herdman 11/11/1912, P1 1912/861, Archives NZ

140 *Auckland Star* 11/11/1912, p. 7

disorder for political ends reached its apotheosis when he himself engaged in a fistfight with one striker. Federation of Labour witnesses insisted that “Cullen himself acted like a mad bully; that he split the mouth of a hunted and brutally illtreated man so that it had to be stitched up by a doctor... the Police urged the scabs to assault isolated strikers and in many cases acted like lunatics let loose from Bedlam.”<sup>141</sup> Cullen denied the more egregious allegations but admitted to Herdman that the battered striker, “got a hiding which... he richly deserved”.<sup>142</sup>

That afternoon Cullen persuaded the strike leaders based in their Miner’s Hall in Waihi’s main street to withdraw most of their pickets in the interests of lessening disorder (although he made no such approach to the increasingly aggressive strikebreakers). Overnight, although a nearby miner’s hall was attacked, just a token force of pickets remained in the Waihi hall, evidence of the strikers’ continued faith in Cullen’s undertaking to protect them. The following morning, 12 November, saw the fatal culmination of the Commissioner’s strategy of deliberate physical confrontation. Although the events of that day have entered labour mythology, they have never been fully clarified and conflicting accounts are now impossible to reconcile, but what seems unarguable is that the strikebreakers’ actions were planned in advance. The *Otago Daily Times* reported that the strikebreakers had permission from the mining company to suspend work for the day, and there are further suggestions that the police had prior knowledge of the events of the morning of 12 November.<sup>143</sup>

As the marching body of strikebreakers approached the Miners Hall, they rushed its closed doors. Shots rang out, from which direction it was impossible to tell, and a strikebreaker was hit in the leg. Strikebreakers and police, including Cullen himself, then burst into the hall whose occupants fled through a rear door. One of them, Fred Evans, was batoned by his pursuer, Constable Wade, who received a bullet in the abdomen. Cullen claimed

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141 *Maoriland Worker* 22/11/1912

142 Comm. Cullen to Hon. A. Herdman, 30/1/1913, P1 1912/861, Archives NZ

143 “The night before... the police warned a businessman with premises across the road from the [miners’] hall to make sure that he did not let his children onto the streets in the morning.” Hill, *Iron Hand...*, p. 288

Evans fired the shot, but other witnesses insisted it came from the mass of strike-breakers, and only after Wade had batoned Evans to the ground. None disagree that Evans was then viciously beaten. Wade was taken to hospital and the badly injured Evans to jail. In his daily dispatch to Herdman, Cullen was jubilant. “This morning’s occurrence undoubtedly kills the strike here and if Wade’s injuries are as light as the doctors say they are the victory will be cheap.”<sup>144</sup> The constable’s injuries did indeed prove minor, but the barely conscious Evans was denied medical treatment for some hours and died the following day.



F-44240-1/2

Street scene on the morning of November 12, during the Waihi miners’ strike of 1912. On this day (known as Black Tuesday) the strike-breakers attacked the striking miners at Miners Hall, Seddon Street. Alexander Turnbull Library – H E Holland Collection

Upon taking over the Miner’s Hall the strikebreakers openly wreaked vengeance on the strikers, with police either standing by or actively colluding. Leading unionists were given 48 hours to leave Waihi and their president, a former policeman, was severely beaten and thrown aboard a departing train. In the following days about 300 more residents, mostly women and children, were driven out of town, the police supervising as they boarded trains to Auckland. No arrests were made during this period, although dozens of strikers were already in jail for trifling offences.<sup>145</sup>

The nine-month strike was ended, but at terrible and irremediable cost. Through subsequent legal proceedings the union movement attempted to establish that the police

<sup>144</sup> Comm. Cullen to Herdman, 12/11/1912, P1 1912/861, Archives NZ

<sup>145</sup> Hill, *Iron Hand*, p. 290



were criminally responsible for Evans' death, but an evidently partisan coroner and jury absolved them. However, in a later private communication which it is reasonable to assume he never expected would be made public, Cullen told Herdman that Evans had died from the "rough handling given him by the mob".<sup>146</sup> The forced entry of the Miners Hall and the opening of its safe were found to be illegal, but the government declined to inquire into wider allegations that the entire police operation at Waihi was a well-planned conspiracy of major proportions. Cullen's front-row role in the events of November 1912 marked him permanently as a bitter enemy of the labour movement, which issued many calls for his dismissal. One branch of the Socialist Party deplored the "unmanly conduct and principle exhibited by the Commissioner" and said he was "unworthy to hold the responsible position as a keeper of the peace".<sup>147</sup> Herdman was prompted to demand explanations from his Police Commissioner for his more extreme actions but appeared satisfied with his responses, and Prime Minister Massey expressed full confidence in the actions of his Police Commissioner.<sup>148</sup> By inciting (ultimately fatal) disorder in order to uphold the employers' position, Cullen had evidently acted in the interests of the government while clearly breaching the ostensibly neutral role of the police force.

## The police form their own union

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Seemingly undeterred by the abhorrence in which he was now held by a large section of the population, the Commissioner began the new year by implementing many of the reforms he had advocated to the 1909 Police Commission. The Police Regulations of March 1913 required policemen to pass qualifying exams for promotion, imposed new disciplinary rules and gave all staff an extra shilling a day. Awkward shako headgear was replaced by the familiar domed helmet, bearing a new badge designed by Cullen himself which remains in use to this day. One significant provision which remained unchanged was the prohibition on forming 'combinations', or unions, which would enable policemen

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<sup>146</sup> Comm. Cullen to Herdman, 30/01/1913, P1 1912/861, Archives NZ

<sup>147</sup> Socialist Party, Nightcaps, to Herdman letter rec. 10/12/1912, P1 1912/861, Archives NZ

<sup>148</sup> Hill, *Iron Hand*... p. 293

to negotiate directly over their working conditions and voice grievances without risk of retribution. By 1913 serving members of the force had accumulated a host of such grievances. Those on the beat objected to having to drill on their days off for no extra pay. Cullen preferred ex-RIC men as new recruits, advertising for them in his homeland, and was also felt to favour ex-RIC veterans for the most desirable posts.<sup>149</sup> Many police felt uneasy about the tactics they saw used at Waihi, which saw criminals escape justice while unionists were imprisoned for trivial offences. “If there had been no Waihi”, wrote “A Plainclothes Man” in the *Maoriland Worker*, “there might not have been any organised movement amongst us by police malcontents.”<sup>150</sup>

That organised movement emerged first in Auckland, where Cullen’s harsh 13-year Inspectorate had left a legacy of resentment. *NZ Truth* reported, “Auckland has been known amongst constables... as the worst station in the Dominion in which to work – particularly for single men.”<sup>151</sup> In mid-April 1913 a group of up to 50 Auckland police met in defiance of their Regulations to form a Police Association “approximating that of a trade union”. With customary celerity, Cullen immediately travelled to Auckland with his close confidant Alexander Herdman and paraded the full muster of 70 men. They related such grievances as having to consume their meals standing up while on duty and being forbidden to consume food between 7pm and noon next day, and asked for an extra shilling a day. The response was volcanic. A member of the newly formed Police Association recalled long afterwards that “the Commissioner said many hard things which had to be swallowed”.<sup>152</sup> *NZ Truth* elaborated that “Cullen lost his temper and became a very angry party. He informed any man who did not like the job that his resignation would look well on the Commissioner’s table.”<sup>153</sup> This was no idle threat. The following week, on Cullen’s instructions, the Association’s secretary, Constable Smyth, was transferred to

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149 *Truth* 19 April 1913, p. 5; Hill, *Iron Hand...* p. 297

150 *Maoriland Worker*, 16/5/1913

151 *NZ Truth* 19/4/1913, p. 5

152 Smith T, *NZ Police Journal*, 14/8/1940

153 *NZ Truth*, 3/5/1913, p. 5



Greymouth, a traditional punishment post.<sup>154</sup> A month later he was dismissed from the force for a minor infraction which he insisted was a mistake. With trademark alliterative verve, *Truth* referred to the Commissioner thereafter as ‘Caesar’ (or sometimes ‘Tsar’) Cullen, declaring that his “mailed fist had descended on Constable Smyth, who struck out for his pals and received the glassy stare and the outraged authority glance”.<sup>155</sup> Another liberal paper opined that:

“The attitude adopted by Commissioner Cullen towards the police constables of Auckland, after they had been induced to give frank expression of their grievances, is fairly characteristic of the existing squatter government to all classes of labour.”<sup>156</sup>

However the condemnation of the pro-labour press mattered far less than the unswerving support of Herdman who insisted in Parliament that, “there is a danger to the whole community if an association is permitted to exist in the ranks of the Police Force.”<sup>157</sup> The nascent Police Association was forced to disband and was not revived until the election of a Labour government 23 years later.

## War on the wharves

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The long-anticipated nationwide trial of strength between militant unions and major employers erupted in Wellington in late October 1913, when the city’s 1500 watersiders were locked out following a brief but technically illegal stopwork meeting. Cullen lost no time calling for reinforcements to the Wellington police. Men from surrounding rural districts were ordered to Wellington, and patriotic citizens were asked to lend horses to them. “Our experience at Waihi...” Cullen told the press, “showed that at such

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154 ‘...Greymouth, that station which so often in the history of New Zealand policing was the destination of those who were being punished.’ Hill, *The Colonial Frontier Tamed*, p. 322

155 *NZ Truth*, 10/5/1913, p. 5

156 *NZ Times*, 6/5/1913

157 Herdman A, *NZPD* vol. 166, p. 121

times as these one mounted constable is worth 20 on foot”.<sup>158</sup>. However before these reinforcements could arrive, the militant and aggrieved Wellington wharfies rushed the wharf gates and took control of the waterfront area. Soon afterwards they held a huge and excited public meeting at the Basin Reserve at which several speakers, including labour leaders Harry Holland and Peter Fraser, made inflammatory statements, duly recorded by the police present.

This was to be a far greater conflict than at Waihi, and its speed and scale meant that the police, even when augmented by out-of-town men, were compelled to stand by and watch the first act of a revolution unfolding in the capital. Within days of the Wellington stoppage, watersiders in most other port cities also ceased work and other unions struck in support. In Wellington 6000 were soon on strike and the city assumed a siege mentality. “There is no doubt,” Prime Minister Massey later thundered in Parliament, “that there was an idea in the minds of some of these people that they would be able to seize the government of this country.”<sup>159</sup> Cullen, despite his vaunted network of informants, had either failed to fully foresee the extent of this industrial conflagration or was covertly inciting it in order to deliver a *coup de grace* to militant unionism nationally.

There is a good deal of circumstantial evidence that the government was not caught quite so off guard by the strike as it appeared. This sudden and total disruption to the country’s busiest waterfront erupted at a time more favourable to employer interests than to the union movement, and may have been provoked by an employer and farmer sector well aware that the government would back them in a further industrial stand-off along Waihi lines. Senior government officials, in collusion with large employers such as ship-owners, may therefore have had a covert agenda to annihilate the industrial union movement nationally, and as at Waihi, “An escalation in short-term disorder was deemed necessary in the interests of medium- and long-term order.”<sup>160</sup> The best evidence for this hidden

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158 *Evening Post*, 22/10/1913

159 Massey, PM, *NZPD* vol. 167 (1913) p. 1193

160 Hill, *Iron Hand...* p. 307

agenda is provided by a senior figure not privy to it, Chief of General Staff Col. EH Heard, who speculated that Cullen's strategy of encouraging open confrontations with strikers may have been part of a wider anti-union policy.<sup>161</sup> As noted in my introduction, Miles Fairburn has disputed that Cullen colluded with senior figures in the Massey government to destroy militant unionism through the strategies employed during the 1913 strike. My own conclusion concurs with that of Richard Hill who, in the only detailed analysis of this question, found that "the Crown wanted a crackdown on militant labour, and were prepared to use whatever means were necessary."<sup>162</sup> As a recently proven enemy of organised labour whether within his own force, at Waihi, or elsewhere, it frequently fell to Cullen to determine what those means would be.

The scale of the dispute called for members of the public to be recruited, not just as strikebreakers as at Waihi, but also as auxiliary and entirely untrained police. A week after the strike began the first small parties of special constables from the Manawatu, Wairarapa and Taranaki districts began to arrive in Wellington on horseback. Heard urged Cullen to congregate them on the outskirts of the city until their numbers were sufficient to defend themselves against the massed strikers, but Cullen billeted the first parties in a depot near the wharves which was promptly raided by the strikers and destroyed. A further riot occurred in Lambton Quay after specials strolled through the streets ostentatiously twirling their batons. Thereafter, despite Heard's deep reluctance to involve his forces, the specials were housed in the cluster of military buildings at Mt Cook, near the site of Cullen's original Armed Constabulary barracks and the present-day Massey University campus.<sup>163</sup> The smell of horse dung soon hung heavy over the compound.

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161 Heard, Col. EH, undated confidential report, 'Waterside-Workers strike – October, November, December 1913' AD 11, 2/1 Archives NZ

162 Hill, 'The police the state and "lawless law"' in Nolan (Ed.) *Revolution*, p. 88

163 Heard, Col. EH, undated confidential report, 'Waterside-Workers strike – October, November, December 1913' AD 11, 2/1 Archives NZ



Specials watering horses in Oriental Bay. Alexander Turnbull Library

The appearance on Wellington's streets of these large bodies of men, armed officially with batons and unofficially with revolvers and their own horse-whips, provoked violence on a large scale. A gathering on 30 October of 2000 men in Post Office Square, opposite the main wharf gates, became a riot upon the arrival of 50 mounted regular police and specials. Heard believed that, by leading the specials through the massed strikers, the police had caused the riot.<sup>164</sup> The Army barracks at Buckle St, temporary home to hundreds of specials, was the scene of further disorder on 3 November, when a crowd of strikers, supporters and passers-by assembled outside it to jeer the men within. Two days earlier, in a striking demonstration of the regard in which the Police Commissioner was now held by the labour movement, Federation of Labour leader Bob Semple had announced, "Cullen is sheltering in an office, and will not be seen leading the men. I hope that there is no shooting, but if any is done, and Cullen will come out, I undertake to shoot him first."<sup>165</sup> This may have struck home with the Commissioner, who arrived at the barracks in the evening and ordered his regular mounted police to disperse the crowd, with the instruction (long afterwards associated with his name), "If they won't go, ride over the top of them."<sup>166</sup> Unsurprisingly, this tactic failed to reduce

<sup>164</sup> Heard, Col. EH, undated confidential report, 'Waterside-Workers strike – October, November, December 1913' AD 11, 2/1 Archives NZ

<sup>165</sup> *Dominion*, 2/11/1913, p. 8

<sup>166</sup> quoted in Dreaver, A, *An Eye for Country: the life and work of Leslie Adkin*, Victoria University Press with Te Papa, 1997, p. 107

the tension, missiles began to fly and a major riot was soon in progress. Cullen then ordered mounted specials to charge the crowd. It seems evident that both sides exchanged small-arms fire, with one bullet narrowly missing Cullen himself, although the striker allegedly responsible was acquitted of attempting to murder the Commissioner. Pat Lawlor, a young reporter on the Wellington *Dominion*, later recalled that as, “the main body of the Specials charged down Taranaki St, shots were fired. ... I saw flashes from the guns in the centre of the road.” He returned to his office and wrote an eyewitness account but later that night the ubiquitous Cullen appeared in the newspaper office and closely questioned Lawlor as to whether the specials, as well as the strikers, had used firearms. “I stuck to my guns about the guns” says Lawlor, but the story in next day’s paper “was all in favour of the specials”.<sup>167</sup>

Far more than the regular police, the specials were widely resented and the target of much verbal and physical abuse. Cullen, Herdman and Massey nevertheless persisted in sending inexperienced and often volatile baton-wielding men into the fray, in part because they could not entirely rely on the regular force, lately infected with its own trade union virus, to carry out their ultimate objective of crushing the militant labour movement.<sup>168</sup> Little real effort was made to end the strike on mutually agreed terms and once the specials outnumbered the strikers and began chafing under enforced lack of activity, they were deployed to re-open the wharves and to work them as scab labour, paid below union rates. On 5 November a long column of specials rode three abreast from Buckle Street down to the railway wharf, pausing periodically to pursue and baton stone-throwing crowds. The entire waterfront was reoccupied, ensuring that strikebreakers and Harbour Board staff could begin to clear the backlogged cargo. This moment marked the inevitable defeat of the strike, with the strikers thereafter on the defensive, but Cullen ensured that Waihi-style pressure was kept up. A Taranaki special constable recalled that, on returning to the Buckle Street barracks that afternoon, “the Commissioner of Police came along and gave us some good advice... to the effect that we were too gentle.... As soon as anyone started abusing us we were to arrest him,

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167 Lawlor, P, quoted in *End of an Era*, 1979, p. 33-34

168 In secret communications with the Auckland Harbour Board, PM Massey said ‘Any settlement arrived at should be such as will prevent a recurrence of these troubles for some time to come...’ (PM 9/13)

and if he resisted we were to use our waddies [batons].”<sup>169</sup> Similar advice was given to the regular police, Cullen telling one Inspector, “If an attack is made upon either uniform men or specials let all hands wade in with batons and use them with energy.”<sup>170</sup>

The country’s other ports could now be successively secured in a similar fashion. In Auckland the conservative Farmers Union had responded enthusiastically to the call to suppress the strike, telling its members “the sooner a good fight comes, the sooner peace will reign”.<sup>171</sup> However the senior Auckland police officer, Superintendent Mitchell, proved too conciliatory for Cullen’s taste, refusing to swear in special constables and tolerating union pickets as long as they maintained order. Mitchell was removed to the South Island and soon dismissed altogether. By early November more than 1000 specials were encamped in Army tents in the Domain.<sup>172</sup> Again a massed column of mounted men took the wharves with little opposition and began loading piled-up produce. “You would imagine that Auckland was in a state of civil war,” said one resident. “Warship guns pointed at the town, armed men everywhere.”<sup>173</sup>

Cullen turned his attention to the port of Lyttelton, where the mayor had only reluctantly agreed to recruit specials after strikers tipped loaded railway wagons into the sea. The commander of the Christchurch specials wished to arm his men with rifles but Cullen, in a rare display of restraint, would agree only that “The mounted specials should carry a fully loaded service revolver” which might “only be used in life threatening situations.”<sup>174</sup> No such situations presented themselves. In a manoeuvre now well practised elsewhere, a party of specials and strikebreakers came over the Port Hills at 3am and Lyttelton awoke to the clatter of hooves and the sight of armed men guarding each intersection. A succession

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169 Burton mss- 2520, p. 93, ATL

170 Comm. Cullen to Insp. McKinnon, 24/11/1913, P 1913/1968/6 special constables file Archives NZ

171 *Farmers Union Advocate* 25/10/1913, p. 6

172 Hughes, V. ‘Massey’s Cossacks – the farmers and the 1913 strike’, thesis, p. 22 fn. 56

173 quoted in Olssen E *The Red Feds*, p. 193

174 Comm. Cullen to Col. Chaffey, 24/11/1913, P 1913/1968/6 1913 special constables file, Archives NZ

of warships reinforced the impression of overwhelming might, and the strikers obeyed scrupulously their leaders' instructions to "Turn your face to the wall and fold your arms if the Specials march by".<sup>175</sup> The country's smaller ports proved even less of a problem to subdue. Dunedin's Superintendent Dwyer was ordered by Cullen to recruit mounted specials but chose to reopen the port using only his handful of regular police, with no disorder at all resulting. In a final death-blow to the strikers' hopes, six of their leaders, including future Prime Ministers Fraser and Savage, were arrested for inflammatory speeches they had given some weeks earlier. Before the end of the year nearly all unions had returned to work and most ports were working normally, although in some small West Coast townships miners remained defiant until early 1914.

The immediate aftermath of the strike further illustrates that the government, through its loyal servant the Police Commissioner, viewed the dispute as a definitive political trial of strength. Herdman instructed Cullen that the "criminals who belong to the old waterside workers union and who are now out of work should be told by the Police that they had better leave New Zealand".<sup>176</sup> However the enormous fiscal and social costs of bringing down the militant unions were more than even Cullen's adroit political skills and fearsome reputation could entirely evade, and he was held at fault to varying degrees both by public opinion and the government. Thereafter Herdman assumed greater authority over policing matters, and two years later was being spoken of in the press as 'the real [Police] Commissioner'.<sup>177</sup> By that time, however, the advent of world war had almost overtaken the tumult of 1913 in the public mind, and the exigencies of wartime had generated a tolerance for the kind of coercive policing which the aging but untiring Cullen remained fully determined to implement.

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175 *Industrial Unionist*, 13/11/1913, *Christchurch Press*, 27/11/1913, p. 8

176 A. Herdman to Comm. Cullen, cited in Hill, 'The police, the state and "lawless law"', p. 90

177 *NZ Truth*, 29/5/1915



## Chapter five

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### *‘Everyone sailed for anyone he could get’ – suppressing wartime dissent*

*Policing during World War One brought out the best and worst of Cullen’s properties of determination, authoritarianism and high-handedness. In a brittle and intolerant society, his personality and policing style led to a level of confrontation with disempowered groups which was unnecessarily retributive and divisive. The most extreme and tragic instance, the 1916 raid on Rua Kenana’s community, is described in detail for its revelation of Cullen’s role as an instigator and planner of the raid, and the person principally responsible for its disastrous outcome.*

### New Zealand at war

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The outbreak of World War One midway through Cullen’s term as Police Commissioner simultaneously exacerbated the pressures already facing the force and reinforced his vigorously reactionary approach to dealing with them.

An already depleted body of police lost a further 100 men who signed up before the government could move to prevent their colleagues from doing likewise. Policing was then declared a reserved occupation on the grounds that wartime required additional duties such as guarding sensitive installations subject to possible sabotage, and intelligence gathering. An example of the latter was given by Labour MP Paddy Webb who referred in Parliament to a confidential memo from Cullen asking his superintendents to make confidential inquiries:

“as to the probability of any labour troubles arising... It is known that Semple and other Federation agitators have been reorganising the labor malcontents for some time past and it is believed that he and others associated with him are watching and waiting for an opportunity to cause further trouble.”<sup>178</sup>

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178 Comm. Cullen, cited by P. Webb, MP, *NZPD*, vol. 174, p. 885



The unthinking patriotism which engulfed the country within months of the defeat of the 1913 strike proved advantageous to Cullen's administration in several respects. Since well before the war, opposition to conscription had been a central plank of the radical labour platform and even after the crushing industrial defeats of 1912 and 1913 the surviving vestiges of labour radicalism remained capable of threatening the war effort through control of key protected industries such as coal-mining, shipping and railways. That possibility was largely eliminated through sweeping restrictions on freedom of expression and other civil liberties, recruitment and (from late 1916), conscription. Even before the introduction of compulsory conscription all draft-eligible men were required to register for military service and Cullen's officers were kept busy pursuing defaulters hiding out on remote stations, bush camps and wilderness areas such as the Orongorongo Valley near Wellington.

Under these extreme circumstances, hard-fought conditions of work for the New Zealand police hours were rolled back, and working hours increased while real income declined. In the words of the official police historian, "While discipline in the New Zealand Police Force was in general being relaxed in response to the trend towards the benign policing of a 'settled society', this long-term trend was halted or even (at times) reversed during Cullen's Commissionership."<sup>179</sup> The new Commissioner was even less than usually inclined to show sympathy for his men while three of his sons were at the front, one dying on a Belgian battlefield in 1916 and another some years after the war from the effects of poison gas.<sup>180</sup> However for those men required, often against their wishes, to police the home front, repressive legislation combined with an intolerant social climate tended to make their job easier.

One persistent difficulty to which the war provided the solution was the 'one-woman-brothel pest', an entirely unintended consequence of the 1908 Police Offences Act which defined a brothel as a place where two or more women worked for the purposes of prostitution. The fragile legal status of a single prostitute working from her own premises

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179 Hill, *Iron Hand...*, p. 327

180 Cullen family tree, supplied to author courtesy Ros Foster, 5/3/2003

was confirmed by a subsequent test case which determined that “A prostitute’s home, when no other women frequents the house for prostitution, is not in the legal sense of the word a ‘brothel’...”<sup>181</sup> By mid-1914 the brothel business in the capital was booming as the streets teemed with eager young men in khaki. The inner-city brothels suddenly represented a danger not just to public morality but to the health of the nation’s fighting men and therefore to the security and future of the nation. Venereal disease began to appear among troops who had not yet left New Zealand’s shores, and Cullen was advised that the infected troops blamed their condition on brothels on the southern edge of the central city, especially the notorious Cambridge Terrace, known as ‘Gallipoli’ for the number of troops coming to grief there.<sup>182</sup> The ever-rising battlefield casualty rate and growing public intolerance spelled doom for the legislative anomaly that enabled one-woman brothels to operate, and they were abolished by legal amendment in August 1916.

## The Rua expedition

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New Zealand society during World War One became not only intensely patriotic but also highly intolerant and internally vindictive, and those deemed unconventional but harmless before the war had, by 1916, become targets for extreme state coercion. The most drastic of all such state operations was directed at the Tuhoe prophetic leader Rua Kenana and his mysterious community at Maungapohatu, deep inside the roadless Urewera. Since 1906 Rua and his several hundred followers had occupied their well-ordered settlement carved out of the nearly impenetrable Urewera bush. The rare Pakeha visitors reported that the men grew their hair long and that their leader had several wives, claimed supernatural powers and condemned the inequality of Maori under the law. In less anguished times these marks of nonconformity were tolerated, but as the casualty lists lengthened in each day’s papers, the Maungapohatu community came to assume a more sinister caste. Rua, it was widely claimed, welcomed a German victory in the distant conflict. He was said to

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181 *Cassells v. Hutcheson and another*, *NZ Law Reports*, vol. 27 (1908) pp763-8, quoted in Dalley, B., ‘Lolly shops ‘Of the red-light kind’ and “soldiers of the King”’, *NZ Journal of History*, vol. 30, no. 1, (April 1996) p. 4

182 *NZ Truth*, 20/5/1916

discourage his people from enlisting (although Maori were exempt from conscription) and to be building up a well armed force of his own. This disturbing picture would prove to be almost entirely inaccurate, but it provided grounds for one of the largest civil police operations ever seen in New Zealand. Cullen took up the task with a vehemence whose consequences resound to the present day.

In February 1916, two local police officers confronted Rua with warrants for his arrest for selling liquor (since Maori could not then hold a liquor licence). The alleged offences were not recent but had been held over from the previous year when Rua served three months in prison on a similar charge, which itself had been suspended from 1911. Not surprisingly, Rua found such legal leapfrog confusing and voiced his exasperation at his treatment by the government. His comments, at times intemperate and at others ambiguous, were carefully noted by the officers on Cullen's instructions and they formed the basis for yet another charge against him, this time on the far more serious offence of sedition. Without waiting for the outcome of further meetings between Rua and government representatives, Cullen sought and received government approval for a full-scale raid on the remote bush community.<sup>183</sup>

From the outset it was to be a well-armed expedition. A group of Rua's supporters wrote to the government stating that if the police came to arrest their leader, a gun would be fired in challenge.<sup>184</sup> The prophet's dangerous reputation had been further fostered by increasingly wild rumours in the press, claims that he "is pretty well supplied with rifles and ammunition obtained from Assyrian hawkers who ... smuggled them into the Urewera Country under their fancy goods and cloths."<sup>185</sup> The Maungapohatu community, although known to be devout and entirely unfortified, was routinely referred to as a 'stronghold'.<sup>186</sup>

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183 Statement of Issues, Urewera inquiry, Waitangi Tribunal, Wai 894 #1.3.4, no. 17.72

184 Baker, P, *King and Country Call – New Zealanders, Conscription and the Great War*, AUP 1988, p. 215. The harmless firing of firearms has recently been established as a traditional symbolic act of defiance amongst Tuhoe.

185 *NZ Times*, 1/4/1916

186 Binney, *Mihaia*, p. 83

One highly coloured report described Rua as, ‘in ambush at Maungapohatu’ and said “his bodyguard is known to comprise several hundred Maoris and the local natives believe he will firmly resist arrest unless confronted by an overwhelming force....”<sup>187</sup>

Such unfounded rumours were used by Cullen to justify the scale of his raid in Rua’s community. “I was entitled to go armed to a man whom I knew to be a desperado” he said later, and in early March a large quantity of automatic pistols and ammunition was ordered from the Sydney police force, while carbines were borrowed from Defence stores and supplied to men with experience in using them.<sup>188</sup> Such experience was most likely to be found among ex-RIC and military men, and these were given preference for places on the expedition. Cullen asked his Inspectors to nominate physically powerful officers, familiar with horses and firearms, to join the Rua expedition. He stressed that he wanted “strong, fit and athletic” men, terms practically identical to those used in 1912 when recruiting police for Waihi, and among the names put forward were several who had been prominent in that engagement, including the ever-faithful Arthur Skinner. A knowledge of Maori language and custom, or even prior experience of crowd control, was not required and John Neil, one of the young Wellington constables chosen, had only lived in New Zealand for six months. He was, however, an ex-RIC man, tough and athletic, and was to pay dearly for his Commissioner’s faith in those abilities.

While most details of the planned operation were kept from the constables for as long as possible, there can be no doubt that those taking part were generally eager to do so. Denied the opportunity to go overseas to the war, working under additional restrictions at home, repeatedly enjoined to demonstrate their own patriotism and pursue those who did otherwise, they were a fiercely inspired body of men who yearned to prove themselves. This was not, in general, a body bent on peace-keeping, and Cullen was prepared to employ even more volatile manpower if necessary. A branch of the Legion of Frontiersmen, a volunteer patriotic force, offered the services and weapons of its

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187 *NZ Times* 1/4/1916

188 *Auckland Star*, 21/6/1916

members to support the police expedition. A less suitable group of men to engage with a community such as Rua's can hardly be imagined, but Cullen advised Herdman that at least 40 of the Frontiersmen, with "whatever firearms and ammunition they possess", should be sworn in as special constables and dispatched to Maungapohatu if his own men proved unequal to the task before them.<sup>189</sup>

The expedition was planned along stoutly military lines. An army surgeon was seconded to the party and Cullen exerted his high-level influence to secure equipment from Defence stores, inevitably placing pressure on wartime supplies. This major operation was not only minutely planned by Cullen, but personally led by him. Only physically fit and strong men, he insisted, those able to withstand harsh bush terrain, could take part yet he did not doubt that he himself, aged 65 and due to retire later that year, should be in the front rank.<sup>190</sup> Cullen's determination to lead the expedition in person suggests that, following his very mixed results during the 1913 waterfront strikes, he saw the raid on Rua as a heroic wartime battle in miniature, and a final opportunity to make his name for posterity.

On the evening of 28 March 1916, therefore, New Zealand's Police Commissioner arrived in Rotorua and met parties of police totalling 57 men from districts as far away as Invercargill, carrying their uniform in their packs. With the Auckland group were two important additional personnel, a senior reporter and press photographer. In a calculated breach of the secrecy surrounding the expedition, and a novel twist on Cullen's inveterate desire to control press coverage of his actions, both men had been tipped off at short notice and invited to record the history-making events as they unfolded. John Birch, the *NZ Herald's* mining and industrial reporter, had reported previously from Waihi where his coverage of the strike had appealed to Cullen, and the versions of the raid later recorded by both these 'embedded journalists' were uniformly partisan.

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189 Cullen J to Herdman A, 6/3/1916, P1 1916/233, Archives NZ

190 This attitude is the more striking since, in the view of many long-serving NZ policemen, the rigours of a policing career suggested a pensionable retirement age of 60 rather than 65. (Hill, *Iron Hand*...p. 335)



Cullen heads the Rua expedition on the road to Ruatahuna. (From a painting by Bob Kerr)

The men spent their first night at the road-head at Ruatahuna and next morning dressed in their dark-blue uniforms, Cullen remaining in his plainclothes outfit of tweed suit and porkpie hat. They were then issued with arms and ammunition, the 20 men with rifle experience receiving carbines and the remainder the new Australian service revolvers. In total, about 2000 rounds of ammunition were issued to the party, which then set out in two marching columns. After camping in the bush overnight the party continued up the mountain track to Maungapohatu just nine miles ahead, Cullen and several others on horseback while the rest toiled on foot. Reporter John Birch wrote that the men had their minds not only on their immediate objective but also on its possible outcome. "... what valuable land there is tied up, and in Maori hands, in this Urewera country... there are open spaces large enough to build towns upon."<sup>191</sup> These musings would prove sadly prophetic.

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<sup>191</sup> *NZ Herald*, 4/4/1916



The date was 2 April, the day a Sunday, as three armed columns converged on their goal. To forestall any attempt by Rua at escape, two smaller parties of local, mostly Maori-speaking, police had also been sent into Maungapohatu from the opposite direction, and one of these arrived at Rua's marae early that morning. They were greeted cordially by Rua, a powerful and authoritative figure aged 47. His followers, about a hundred men, women and children, even performed a dance of welcome for their visitors, in which, according to the guide Hauwaho, "the constables joined", an indication, perhaps, of their familiarity with Māori custom.<sup>192</sup> No firearms were in evidence on the marae, and the police kept their revolvers concealed. Two hours later the second small contingent arrived, again with their sidearms concealed. Rua welcomed them also and said his followers were preparing a feast of welcome for the entire police party. One of the constables, "did not see the slightest signs of preparation for shooting. Everybody there was friendly until the arrival of the Commissioner and the armed forces."<sup>193</sup>

Those forces came in sight around midday on a high ridge. Rua gave the order to hoist his flag, a large Union Jack on which the words "Kotahi te ture mo nga iwi e rua" (one law for both peoples) were stitched in white letters. His resentment that the law discriminated against Maori in a variety of ways was at the heart of Rua's teachings, and underlay his defiance of the latest attempts to arrest him. However the police officers standing about were not alarmed by the symbolism of hoisting the flag. Said one of them, "There was not a smell of a revolution out there that day".<sup>194</sup> It would later be asked why this armed party, headed by a sub-Inspector and on evident good terms with their hosts, made no attempt to arrest Rua themselves. In a reply which unintentionally revealed an underlying purpose of the expedition, one said he chose to wait for the arrival of the Commissioner.

Cullen ordered his men to load their weapons but keep the bolts locked. Alert for signs of an ambush, the leaders of the column halted below the marae. Rua asked a Sgt Cummings

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192 *Auckland Star*, 22/6/1916

193 Evidence of Const. Maloney, p. 54 P1 1916/233, Archives NZ

194 Evidence of Const. Collins, p. 48 *ibid.*



to go down and ask Cullen to meet him, while the rest of police remained behind. “I want the soldiers kept back and a korero with the rangatira.”<sup>195</sup> Cullen was impatient when Cummings delivered this request. The sergeant should arrest Rua and handcuff him, he said, because he had already got away once before.<sup>196</sup> Cummings later said he found this uncompromising approach needlessly provocative. Unlike his superior officer, he had some familiarity with the protocol for welcoming guests onto a marae and knew Rua was entitled to expect the Commissioner to arrive with one or two officers for a formal ‘korero’, while the rest of the party awaited the invitation to join them. Nonetheless the entire police party continued to wind its way up onto the marae, rifles and revolvers flashing in the noon sun. The many eyewitness accounts of subsequent events are so conflicting and at times purposefully misleading that what happened next will always remain in doubt. The tragedy which unfolded from the meeting of the two utterly dissimilar figures of Cullen and Rua has become distorted by partisan accounts from both sides and the following interpretation is largely based on those points on which all parties broadly agree.

Cullen would later testify that, “I sang out ‘Haeremai’ and I beckoned to (Rua) two or three times.<sup>197</sup> He took no notice of that. So I rode my horse slowly over towards him and... himself and the two sons turned right about and bolted towards the gully (sic).”<sup>198</sup> In Rua’s conflicting testimony, “I made three steps forward and saw the policemen with guns... I was in the act of going up to Cullen when his police behind forced matters, they rushed up.”<sup>199</sup> Mounted constables with rifles slung behind them were close behind Cullen as he rode onto the plateau. Several witnesses, both Maori and police, thought that Rua was startled by the sight of these armed men, checked his advance to Cullen and called out “He pu era. He kino!” (“They have guns. That’s evil!”). He then turned and, with his sons,

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195 Evidence of Const. Blakely, p. 61 *ibid*.

196 Cullen’s meaning here is not entirely clear, but it is probable that he refers to a 1906 attempt to arrest Rua in Gisborne under the Tohunga Suppression Act.

197 Cullen spoke with a pronounced Irish brogue which is likely to have affected his ability to make himself understood in Maori, a language he did not speak.

198 Evidence of Comm. Cullen, p. 71 P1 1916/233, Archives NZ

199 Evidence of Rua Kenana, p. 40, *ibid*.

ran for the gully, pursued by police who threw him to the ground. Toko, Rua's second son, continued running beyond the gully and up the path towards his father's house. Cullen gave the order for Rua to be frog-marched to the marae – carried face-down by each of his arms and legs. As this humiliating manoeuvre was performed the first gunshot echoed across the marae. Who fired, and from which direction, is now impossible to establish but the effect of the shot is not disputed. In the testimony of Constable Rushton, “No-one waited for orders – everyone sailed for anyone he could get”, as “the firing became general”.<sup>200</sup> Police advanced on the houses behind the marae, firing from cover, and Toko's companion Te Maipi was killed instantly while Toko's forearm was shattered by a rifle bullet. To this day Maungapohatu Maori claim he was then killed, execution-style, at close range, an allegation not disputed by the Crown.<sup>201</sup>

The firing grew ragged and stopped. Rua and other Maori were taken in handcuffs to the front of the meeting house where four wounded constables, including the young ex-RIC man John Neil, received medical treatment from the expedition's surgeon. Toko Rua and Te Maipi lay dead and two more Maori were badly wounded. Others, also wounded, escaped into the bush. Of the remaining forty or so men on the marae, none was armed. Rua's 'army' of a hundred or more warriors proved as mythical as his machine gun. Policemen searched the buildings for weapons and found mostly obsolete shotguns, small-bore rifles and revolvers, suitable for hunting rather than defence.

To enable their wounded to recover sufficiently to withstand the return journey, the police remained at Maungapohatu for three days.<sup>202</sup> On the morning of Wednesday 5 April the expedition left the marae, the wounded officers on horseback and Rua, his son Whatu and four other prisoners on foot and in handcuffs. One witness remembered, “there was police in front and wherever possible there were police on the side, and a rearguard. Rifles loaded

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<sup>200</sup> Evidence of Const. Rushton, p. 135, P1 1916/233, Archives NZ

<sup>201</sup> Statement of Issues, Urewera inquiry, Waitangi Tribunal, Wai 894 #1.3.4, no. 17.18, no. 17.83

<sup>202</sup> Ibid, no. 17.24



Arthur Breckon F- 028066-1/2

Like a conquering chieftain, a mounted Cullen leads his prisoners, including Rua Kenana, from Maungapohatu 5/4/1916. (Alexander Turnbull Library)

too, because there was a rumour going that Rua's people were going to rescue him."<sup>203</sup> The outward journey was made in more sombre mood than the spirited trek of several days earlier, as the deaths and injuries they had seen greatly disturbed some of the police party. The Gisborne men served areas with large Maori populations, and believed the arrest of Rua could have been accomplished amicably. The men spent much of the return journey debating whether they themselves could be held legally accountable for the action they had just taken part in. Long afterwards, one Gisborne constable said, "We worked out that Cullen would be guilty of eleven charges, from murder or manslaughter down to common assault. The death of those two men was murder; another was causing bodily harm to those that were wounded. There was assault with intent to kill... We wondered where we stood."<sup>204</sup>

<sup>203</sup> George Beckett, Oral History archives, National Library

<sup>204</sup> A. Butterworth, cited in Binney, *Mihaia*, p. 107

These fears of legal repercussions proved groundless. No member of the police expedition, least of all its leader, was ever charged for his actions. The Gisborne men were entirely justified, however, in questioning the validity of the legal case against Rua and his followers. Almost all police charges collapsed in the course of the extraordinary trials which followed. The main defence lawyer soon established that Rua's arrest was illegal because it was carried out on a Sunday, in clear breach of the Lord's Day Observance Act. Rua was therefore fully entitled to resist arrest, "even to the extent of inflicting serious wounds in so doing".<sup>205</sup> This elementary flaw in the prosecution case was Cullen's responsibility, since it was under his orders that the various police parties converged on Maungapohatu on a Sunday. The only apparent explanation for the mistake, which largely destroyed the prosecution case, is Cullen's eagerness to effect an arrest, coupled with the disregard for legal principles which he displayed previously at Waihi.

The prosecution was obliged to argue that Rua's resistance to being arrested was part of a conspiracy to lure the police into the gully, "within gunshot of natives posted in (the) bush".<sup>206</sup> Landon asked why, if Maori were planning to attack the police, they had not tried to ambush the main party before it reached Maungapohatu. Cullen replied that "Rua rather wanted a theatrical display before his own people", an interesting observation given his own insistence on leading his men into the fray.<sup>207</sup> Four of the original charges against Rua were withdrawn and the jury returned a verdict that he was "morally guilty" of only the relatively minor charge of resisting arrest when originally accused of liquor offences in February. The judge, a personal friend of Cullen's, nonetheless imposed a sentence of a year's hard labour followed by eighteen months' further imprisonment.<sup>208</sup> Several days later eight of the twelve jurors publicly declared themselves highly critical of the judge's interpretation of their verdict and called, fruitlessly, for "a full investigation into the alleged occurrences at Maungapohatu".<sup>209</sup>

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205 Justice F. Chapman, quoted in Hill, R *Iron Hand...* p. 387

206 Tole, J to Cullen, 17/4/1916, P1 1916/233, Archives NZ

207 *Auckland Star* 21/6/1916

208 Hill, R, *Iron Hand...* p. 387

209 cited in Binney, *Mihaia*, p. 127



Commissioner Cullen at Auckland's Supreme Court during the Rua trial  
(Alexander Turnbull Library – Murphy Collection)

The cases against the men arrested with Rua collapsed because of contradictions in police evidence. This was not the outcome Cullen had hoped for, and he blamed the jurors for it. “The jury panel ... was the poorest looking lot I have ever seen in Auckland, and I may say I was agreeably surprised when I heard they agreed to convict on any count.”<sup>210</sup> His and Herdman's response was to prosecute the main defence witnesses, who claimed Skinner fired first at Maungapohatu, for perjury. This time the Crown was to make sure of its ground, Cullen instructed:

“As your present jury list appears to be packed with Red Feds and other undesirables, I suggest you get Mr Thomas, the Sherrif, to summon more than double the number of men usually summoned, so that you may have an opportunity of standing aside such a number of jurymen as will enable you to secure twelve decent men of standing in the district.”<sup>211</sup>

The Commissioner also secured the replacement of the Crown Solicitor. These strategies were at least partially successful and two of the defendants received sentences for perjury, but another was acquitted and the remaining cases dropped.

<sup>210</sup> Comm. Cullen J, to Tole, J, 11/8/1916, P1 1916/233, Archives NZ

<sup>211</sup> Ibid

Other than legal avenues of retribution, however, were available to the state, and Cullen insisted that the people of Maungapohatu be charged the full costs of the police expedition which, together with medical and legal fees and the expenses of attending various lengthy trials, amounted to several thousand pounds.<sup>212</sup> Much of the community's livestock and land had to be sold, leading Rua's followers to write that "the trial has entirely ruined us", and largely achieving the aim implied by reporter John Birch regarding the "valuable land... tied up... in Maori hands".<sup>213</sup> The weapons confiscated at Maungapohatu were never returned. This decision, said Crown Solicitor Tole, was "in the public interest and in the interest of the Natives of that part of the country, who are not too civilized and are subject to peculiar influences", an unpleasant echo of the Kūao arrests of 13 years earlier.<sup>214</sup> Even less defensibly, Rua's flag bearing the slogan 'one law for both peoples' was also retained after the trials. Much later Cullen gifted it, along with several of the confiscated guns, to the Auckland Museum where it still lies, somewhat faded and torn but still a poignant, and possibly stolen, property.<sup>215</sup>

The 1916 raid on Maungapohatu marks one of the lowest moments in the history of New Zealand policing, and in the chequered record of Crown-Māori relations, and has recently prompted a rare apology from the police to Rua's descendants.<sup>216</sup> One point not made on that occasion is that the fatal and other tragic consequences of the raid on Maungapohatu were not simply avoidable, but largely attributable to one person. According to an historian of Rua's community, Commissioner Cullen:

"would not permit any act of face saving by Rua, not even in the interest of saving lives... Given such a potentially explosive situation, it was absolutely essential for Cullen to have complete control over all his men. He should have kept them together as a force and made sure that no one fired (even if fired upon) without clear orders from him or another superior officer. ...

<sup>212</sup> *Auckland Star* 14/7/1916

<sup>213</sup> Statement of Issues, Urewera inquiry, Waitangi Tribunal, Wai 894 #1.3.4, no. 17.46, 17.47; *Auckland Star* 14/7/1916

<sup>214</sup> Tole, JA to Supt. Auckland Police, 20/7/1917, P1 1916/233, Archives NZ

<sup>215</sup> q.v., Auckland Museum, 17/11/2004

<sup>216</sup> *Whakatane Beacon*, 17/11/1998, 'Police make peace with Rua's family'



In the last analysis it was Cullen who provoked the action and created the circumstances in which men could be killed.”<sup>217</sup>

A curious postscript further illustrates Cullen’s attitude towards the people of Maungapohatu, and his readiness to override legal niceties which he found restrictive. Just a month after the fatal raid he returned to the Urewera, this time to take part in a hunting trip with local police. An honorary ranger, JR Turner, was brave enough to ask this party to produce their shooting licences.<sup>218</sup> One of the hunters, Sergeant O’Hara, refused to show his licence and Cullen addressed the ranger in “insulting and abusive language”. Turner reported this incident to the permanent ranger, William Cobeldick, who took a cautious approach to the matter. Cobeldick had accompanied the main police party on the raid at Maungapohatu and was due to give evidence for the police at Rua’s forthcoming trial in Auckland. He therefore waited until he met both O’Hara and Cullen at Auckland’s Supreme Court before raising the awkward issue of their potentially illegal hunting expedition, professed himself satisfied with their explanation, and the matter was dropped.<sup>219</sup>

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217 Webster, P. *Rua and the Maori Millennium*, p. 260-261

218 Poaching of game was a common crime in this period and shortly prior to the Maungapohatu raid, Cullen had exhorted his men to deal more severely with poachers. (Hill, *Iron Hand...* p. 328)

219 Rorke, J, *Policing Two Peoples: A History of Police in the Bay of Plenty 1867-1992*, Tauranga Police, Wellington 1993, p. 57-58. This story is not referenced, and not noted in any other publication I have found, but the author has personally assured me of its veracity.



## Chapter six

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### *‘Not desirable persons to be allowed to remain in this Country’ – reshaping the interwar landscape*

*Following his retirement as Police Commissioner, Cullen’s re-employment as Commissioner of Alien Employment while the war was at its height gave him free rein to implement the worst aspects of his character, exacerbated by advancing irascibility and a conviction that his authority entitled him to flout the letter of the law. Even after full retirement, he demonstrated the same traits during his favourite recreational pursuit – acting as honorary warden of the Tongariro National Park. This latter role brought him into conflict with a section of the public which he was finally unable to dominate. His determination to reshape the physical landscape of the park in the image of a pre-war Ireland created an environmental hazard which continues to threaten the national park’s ecology.*

The ill-conceived, heavy-handed and blunderingly executed Rua expedition was the last major action in Cullen’s long policing career. In his final vigorous months as Commissioner, he managed to improve general police pay rates (a governmental reward to the force for loyal service in the 1913 strikes), extend the use of motor vehicles in police work and maintain trenchant opposition to the growing role of women in the police.<sup>220</sup> On his retirement in December 1916 he received two British Empire awards, the Imperial Service Order and King’s Police Medal. His successor as Commissioner, John O’Donovan, was described as a refined and educated man, almost as unlike Cullen as possible, who proceeded to reassert the impartiality of the police as a force dedicated to public service, and not a tool of specific government or political policy.<sup>221</sup>

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220 Hill, *Iron Hand...* p. 376, p. 374, p. 398-403

221 Hill, *Iron Hand...*, p. 364

## Pursuing ‘enemy aliens’

At age 65 Cullen remained remarkably physically active and it was not in his nature to settle into secluded retirement, especially while the devastating European conflict called for continued rigorous policing on the home front of social groups seen as hindering the war effort. Following the final subjugation of the Urewera, the country’s attention was drawn to another remote region where an ethnic minority had also aroused resentment among more conventional citizens. From his years heading the huge Auckland police district, Cullen was more familiar than most with the Far North, then still largely roadless and unknown to most New Zealanders, and home to a migrant population which wartime xenophobia had rendered suspect and ‘alien’.



Dalmatian gumdiggers at work (From *Gumdiggers of the North* by Bert Hingley)

Nearly 2000 Dalmatians, mostly young single men, had been working on the barren gumfields around Dargaville and Kaitaia since the 1880s. Although an 1893 Commission of Enquiry found them “honest, industrious, sober and frugal”, they tended to remain isolated by barriers of language (most spoke only Serbo-Croatian), and custom, including the making of wine, which gave rise to allegations of drunken excesses.<sup>222</sup> In 1913, then-Inspector Cullen complained that ‘Austrians’ in Mangonui made wine “purchased by both

<sup>222</sup> Report of the Kauri Gum Industry Inquiry Commission, *AJHR* 1893, H-24, p. 7

Maori and European gum-diggers, the Maori women being supplied as well as the men, and... frequent drunken orgies is the result.”<sup>223</sup> When war broke out in the Dalmatians’ homeland, these suspicions were sharply increased despite their evident eagerness to fight the Austro-Hungarian Empire. All “foreign residents of New Zealand who had not been naturalised, and were subjects of any of the Sovereigns with whom the King was at war”, were required to report to the nearest police station and their movements were severely restricted. Policing these regulations became a substantial part of Cullen’s workload in his final years as Commissioner and by October 1915 more than 200 Dalmatian defaulters were held on the internment camp of Somes Island in Wellington harbour, many for minor or technical offences.<sup>224</sup>

To those on the home front the Dalmatians at first represented an economic threat through their potential to compete for work at pay rates elevated by scarce manpower. As the war progressed and appalling losses at Gallipoli and the Somme became known, darker possibilities suggested themselves. Northland Dalmatians, according to their local paper, were being armed and trained by the nation’s enemies and merely awaited the signal to revolt.<sup>225</sup> With the government actively considering introducing conscription in response to falling recruitment numbers, the wartime role of this body of active, mostly single men became a subject for national grievance. A draconian Cabinet proposal to intern Dalmatians on the remote Parengarenga peninsula was abandoned following heated objections from their leaders and local MP Gordon Coates. Massey decided instead to send a Commission of Enquiry to investigate the mounting allegations of disloyalty. This commission’s findings almost completely exonerated the Dalmatian community, witnesses such as Superintendent Kiely of the Auckland police reporting a rate of offending less than half that of European settlers and Maori. The Commissioners were satisfied that the “absurd, lying and mischievous rumours recently so widely

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223 Comm. Cullen Annual police report to Parliament, *AJHR* 1914 H-16, p. 8

224 *NZPD* 1915, p. 708

225 *Northern Advocate* 26 June 1916

prevalent” were due entirely to the patriotic hysteria then afflicting the country.<sup>226</sup> Yet the galling presence of these active, albeit draft-ineligible, young men demanded some other form of sacrifice, the favoured suggestion being to compel them to perform public works at soldiers’ pay, on pain of internment if they refused. The War Legislation Act 1917 provided the necessary legal mechanism to conscript alien labour and the newly civilian John Cullen, “on account of his intimate knowledge of the Yugoslavs of NZ”, was appointed Commissioner for National Alien Employment to administer the punitive terms of the regulations.<sup>227</sup>

Those traits which had so strongly marked the later stages of Cullen’s policing career – a robust disdain for minorities and a contempt for legal principles which he found inhibiting – were regarded in the context of wartime repression as admirably stringent. His reputation had revived since the industrial chaos of 1913 and he had become widely respected for his relentless pursuit of anti-conscription dissenters, in particular those accused of sedition. Less prominent sections of New Zealand society held a different opinion of Cullen, and the Dalmatians themselves felt they could expect “nothing but harsh treatment from him”, a view which would soon be amply borne out.<sup>228</sup> Although he claimed to have begun his new job with generally favourable attitudes towards the Dalmatians, Cullen’s official communications indicate that he assumed them all to be ‘shirkers’ (one of the most damning terms in WW1 New Zealand), and found their practice of working collectively suggestive of subversion.

From January 1918 the newly appointed Commissioner set to work with the task of compiling a register of all New Zealand’s Dalmatians, establishing their loyalty and placing them at work under government supervision. Before long Cullen came to regard the Dalmatian community generally as recalcitrant, disloyal and even dangerous. He described TP Scansie, a prominent representative of Dalmatians in Auckland, as “a sort

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<sup>226</sup> Report of Aliens Commission, quoted in *Auckland Star*, 19/9/1916, p. 8

<sup>227</sup> New Zealand’s ‘Dalmatians’, Serbo-Croatian by ethnicity, were commonly known as Austrians before WW1 and increasingly as Yugoslavs from 1917.

<sup>228</sup> petition to Minister of Justice, 1918, Alien Service Board papers, file 5, Archives NZ

of head centre among the malcontent Dalmatians, all of whom belong to Revolutionary Secret Societies”.<sup>229</sup> Solid evidence to support this startling proposition was entirely lacking but Cullen needed none. It “was noticeable in their general demeanour when they came along to my office” that two-thirds of Dalmatians were “undoubtedly hostile” to the Allies. Furthermore, many told Cullen that “if a strike of NZ labour occurred, they would not work in opposition to strikers”. These were quite sufficient grounds, Cullen felt, to state “that they are not desirable persons to be allowed to remain in this Country”.<sup>230</sup> He advised General Allen, head of NZ Defence Forces, that, “a large number of them are anarchists by conviction, and openly avow themselves as Bolsheviks [sic]. ... I am also convinced that of late Yugoslavs are hand in glove with the ‘Red Feds’ of New Zealand.”<sup>231</sup> ‘Black Watch’, a prolific and anonymous correspondent to the ferociously anti-Dalmatian *Northern Advocate* newspaper, supplied lurid, bigoted and unsubstantiated evidence of the Dalmatians’ treasonous intentions.<sup>232</sup> Cullen regarded this informant as “thoroughly acquainted with the Dalmatians, and... I must agree with his remarks respecting the alleged loyalty of Yugoslavs, two-thirds of whom are undoubtedly hostile to the Allied cause.”<sup>233</sup>

For 18 months from early 1918 Cullen directed hundreds of Yugoslavs into employment on railway construction, roadmaking, drainage and scrubcutting. Their leaders protested that some supervisors treated the men as prisoners of war or enemies, and insisted on addressing them with the bitterly resented term ‘dangerous enemy alien’.<sup>234</sup> When, in June 1918, some gangs resorted to striking, Cullen saw this as clear proof of the ‘Bolshevik’ tendencies he deplored. After a strike at a swamp drainage project in Kaitaia, he told Allen that he considered the strikers’ spokesperson, Peter Sulenta, “to be an out-and-out agitator and a disloyalist at heart,” and recommended his internment “in the interests of

229 Cullen to Allen, 30/9/1916, D 10/527, Archives NZ

230 Cullen to Col Gibbon, 21/1/1919, AD 9, Acc 86/4, Archives NZ

231 Cullen to Allen, 14/2/1919 AD 1, 9/86/4, Archives NZ

232 Cullen J to Col. Gibbon, 21/1/1919, AD 9, Acc 86/4, Archives NZ

233 Ibid

234 Memo, Cullen to Allen, 18/2/1919, AD1, 9/86/4, Archives NZ

the public as well as that of the Slavs of the North, who are being worked up against the Government”.<sup>235</sup> This recommendation was not immediately followed and became more difficult to implement following the Armistice in November 1918. Cullen made it clear to the Yugoslavs that the regulations which compelled them to undertake public works would remain in force, but he was advised by Herdman’s successor as Attorney-General that interning Yugoslavs was now ‘unwise and unsafe’ under international law.<sup>236</sup>

Their uncertain legal status, and postwar reconstruction in their ethnic homeland, made enforced work in tented labour camps even harder to bear for many of the Yugoslavs and absenteeism and illness among them increased. Cullen responded by interning the most outspoken, including Sulenta, at Featherston military camp. In a delicate and legally complex situation where negotiation and persuasion might have succeeded, the Commissioner instead displayed his advancing age, intolerance and irascibility, and chose to act as though the Yugoslavs enjoyed no legal rights at all. “I now consider it would have been much better to have interned all Jugoslavs at the outbreak of war and have given them the option of volunteering for Government work at soldier’s pay.”<sup>237</sup> After the men had spent several months in the Featherston camp, its commandant recommended Sulenta’s release as “an excellent influence on Jugoslavs, strongly pro-British... He has in every way endeavoured to promote a friendly spirit among the men.... He has a peculiar gift of being able to control his fellow countrymen. They look up to him as a chief.”<sup>238</sup> Cullen responded with furiously contradictory advice. “... it is not all desirable that (Sulenta) should be released till such time as all other internees are disposed of. He is undoubtedly hostile to the Allies and when at large did all he could to foment disloyalty among his countrymen.”<sup>239</sup> He added a list of several other interned men who should be denied release, since “most of them are anarchists by conviction”.<sup>240</sup>

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235 Cullen to Allen, 4/7/1918, AD 86/1-6, Archives NZ

236 Bell, Sir F, to Cullen J, 19/2/1919, AD 9 Acc 86/4, Archives NZ

237 Cullen J to Col. Gibbon. Chief of Staff, 15/2/1919 (letter), *ibid*

238 Camp Commandant Major Brunt to Chief of General Staff. 7/5/1919 (memo), *ibid*

239 Cullen J to MoD, (letter) 27/5/1919, *ibid*.

240 Cullen to MoD 27/5/1919 (Letter), AD 1 9/86/4, Archives NZ



For much of 1919 Cullen continued to hotly pursue escapees and deserters from the work schemes and any private employers accused of harbouring ‘disloyal elements’. In August of that year, when the national service scheme for enemy aliens was finally dismantled, he prepared a list of those “who have shown themselves in any way hostile to the allied cause” and recommended their deportation, cancellation of naturalisation papers and surveillance.<sup>241</sup> The recommendation was followed in several cases including that of Peter Sulenta, whose naturalisation papers were revoked after 22 years of otherwise blameless life in New Zealand. He chose to remain in this country and was finally granted renewed naturalisation by the 1936 Labour government.<sup>242</sup>

The World War One policy of compulsory government work for non-combatants proved as wasteful of official effort, as socially divisive and ultimately as unproductive as the policy of conscription, although requiring men to work should have been a great deal easier than requiring them to fight. Given the often-expressed willingness of most Dalmatians to support the local war effort, the failure of the home service scheme must be attributed in large part to the authoritarian, officious and intolerant approach of the Commissioner for National Alien Employment who administered it. Cullen demonstrated in this post, as he had repeatedly in his policing career, that he “showed little concern for legal principles.”<sup>243</sup> Like Chinese migrants many decades earlier, New Zealand’s Dalmatian community was denied the protection given to citizens of this country, yet subjected to national rather than international law. Under such conditions, 71% of those who had arrived in New Zealand since 1896, and overwhelmingly proved themselves hard-working, independent and law-abiding, chose to return to the newly created country of Yugoslavia by 1921. The minority who remained created farms out of Northland’s gumfields and swamp lands, and established a local wine industry.

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241 Cullen J to Ministry of Defence, ‘Re: Jugoslaves [sic] in internment’, 23/8/1919, AD 1 9/86/4, Archives NZ.

242 Trlin, A, *Once Despised, Now Respected*, Palmerston North 1979, p. 128

243 Basset, J, ‘Colonial Justice – the treatment of Dalmatians in New Zealand during the First World War’, *New Zealand Journal of History*, 33 (2) 1999, pp155



## Transplanting Ireland in Tongariro National Park

*Upon his second retirement from public service, Cullen was free to indulge in his favoured leisure activities of fishing, hunting, tramping and nature-watching. For many years he and his large family had holidayed in the austere beautiful subalpine wilderness of the central North Island plateau, which had been declared the Tongariro National Park in 1894, the year Cullen took charge in the adjacent Wanganui district. He acquired a modest hut near the current turn-off to the Chateau and spent his summers chest-deep in chilly trout streams or striding across a terrain keenly reminiscent of the moors of his native Leitrim. The foliage and fauna, however, were strikingly different from his homeland. In place of summer-blooming purple heather there was the unchanging dull green of flax, the russet of sub-alpine ground plants and a native birdlife which offered no appeal to the sportsman. While still Auckland's Inspector, Cullen appears to have embarked on a one-man, entirely unofficial campaign to transform the ecology of the National Park along the lines of an Irish grouse moor. Despite his public duties, the demands of wartime and his growing notoriety, he pursued this aim with a single-minded zeal which saw him dominate policy on the park for the next ten years and brought him into contact with a new foe, the early environmentalist.*



Cullen fishing at Tongariro National Park (Cullen family collection)

Envisioning the park as a future grouse moor where the wealthy of many nations could be enticed to shoot game birds, Cullen prevailed upon his old friend Prime Minister Massey for government funds to establish large numbers of heather plants, initially near his own hut on the western fringes of the park. Funding for this unofficial acclimatisation project was approved in 1914, just days before the park came under the control of the Tourist and Publicity Department which might otherwise have sought more control over such activities. Every year thereafter for almost a decade Cullen extended his heather-spreading project despite lacking any formal role in the park's management beyond the apparently self-appointed post of honorary ranger. In a May 1914 memo to Herdman he explained that, "The primary objects in establishing heather on the National Park are to beautify the place and to provide food for grouse, blackcock and ptarmigan when they are introduced later on".<sup>244</sup> When heather plants proved slow to spread, he proposed to broadcast seed instead and applied through New Zealand's High Commissioner in London to negotiate supplies, mentioning a number of localities including his home county of Leitrim where seed, including bilberry seed, might be obtained. "I may say that neither the heather nor bilberry plants can become noxious weeds."<sup>245</sup>

Nostalgic memories of Ireland notwithstanding, French heather seed proved more suitable for New Zealand conditions and by November 1914, as British and German forces confronted each other in the Battle of Ypres, the first five cases of seed were delivered from Paris. The New Zealand High Commissioner in London noted with diplomatic understatement that organising this consignment had consumed valuable time and effort given "the dishevelled state of the Continent".<sup>246</sup> The following April the seed was broadcast by hand in the park with the help of a police constable and a warder and three prisoners from the nearby prison farm.<sup>247</sup> Later that year, when Cullen reported on his progress to

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244 Cullen J to Minister of Justice, 'Planting heather on Tongariro National Park and Upper Waimarino Plains', 18/5/1914, TOI 52/15, Tongariro National Park pt. 1, Archives NZ

245 Cullen J to Minister of Justice, 'Proposed procuring of large quantity of heather seed for sowing on Tongariro National Park, '18/5/1914, TOI 52/15, Tongariro National Park pt. 1 Archives NZ

246 NZ High Commissioner, London, to PM, 13/11/1914, *ibid*

247 Cullen J to Wilson (GM, T&HR Dept) 7/4/1915, *ibid*

the annual conference of the Acclimatisation Society, a South Island delegate questioned the wisdom of his actions.<sup>248</sup> This appears to have been the first public indication of a gathering storm of protest at the deliberate spreading of heather.

However individual misgivings were at first no match for Cullen's stubbornness, and for some years he had the valuable backing of the first head of the Tourist Department. T.E. Donne shared his passion for hunting, his vision of the park as a magnet for moneyed and adventurous foreign tourists, and his impatience with the conservation-minded. "How many travellers visit New Zealand to view shrubs and plants as against those who are attracted here by sport?" Donne demanded, when the Lands Department protested his importing and liberating of red deer and Tibetan bharal sheep. Fortunately these animals failed to survive their new environment, unlike the million trout elvers which Cullen released in the National Park's rivers during 1914 and 1915. In a note to the park's general manager, he added that, "We will also be planting willow cuttings with a view of hiding from view as much as possible these dreary patches of swamp."<sup>249</sup>

Throughout the war years and during his subsequent term registering 'alien' Dalmatian workers, Cullen doggedly pursued his voluntary and recreational objective. He used Defence Department letterhead to solicit further funds directly from Massey, called on police and prison labour to disperse the seed, and did not hesitate to browbeat the senior civil servants nominally in charge of park policy.<sup>250</sup> His was a public-spirited enterprise, he insisted, and any outlay from the public purse would eventually be greatly recompensed by the income which would result. "The growing of heather and the importation of Grouse could be made a very profitable proposition for [the Tourist and Publicity Department]" he assured its general manager. "Assuming that you create a Grouse moor of say ten thousand acres to begin with, and that only one bird per acre is killed each year valued at say 5/- per bird, you can readily see what a revenue there could be from this source alone."<sup>251</sup>

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248 *Evening Post*, 4/8/1915

249 JC to GM, Tourist Dept, (handwritten), 15/7/1917, TOI 52/15, Tongariro National Park pt. 1, Archives NZ

250 Cullen J to PM Massey (Defence Dept letterhead), 15/11/1918, *ibid.*

251 Cullen J to GM, Tourist Dept, (Defence Dept letterhead), 4/6/1919, *ibid.*

As opposition to his actions mounted, Cullen maintained his policy of going straight to the top. At a race meeting at Auckland's Ellerslie course, he again buttonholed Massey and gained approval to import further large quantities of seed at state expense, dismissing all concerns at the environmental impacts. "...the sowing and planting of heather is in no way detrimental to the native vegetation on the park. The heather now growing thereon has now reached its full height and the native plants growing amongst it appear to be doing better than those where heather is not growing."<sup>252</sup> It was only in the period of postwar reconstruction that a new national ethos began to seriously challenge the iron will of the irascible former Commissioner. When, in 1919, he proposed to introduce giant white buttercup from the South Island high country, his letter was marked 'seek opinion of Dr Cockayne'.<sup>253</sup> Dr Leonard Cockayne, then the country's pre-eminent botanist, had carried out a survey of the National Park's flora in 1909, shortly before Cullen's depredations there began. He provided a radical reassessment of the concept of a national park, as a site for conservation rather than development. "I am greatly averse to any tampering with the natural vegetation of national parks, scenic reserves etc. It is the natural dressing of the landscape which makes the special character of the scenery of any place."<sup>254</sup>

By 1921 the flowering heather had begun to paint whole swathes of the park with its pink bloom, and newspaper letter columns were sharply divided over the concept of natural beauty. While some welcomed the 'sea of pink'<sup>255</sup>, others saw the deliberate introduction of heather as nothing less than vandalism.<sup>256</sup> The latter tended to be those, such as members of the Tararua Tramping Club, who knew the volcanic plateau region best and prized its distinctiveness. Professional bodies also weighed in to the debate, the Wanganui Chamber of Commerce demanding the eradication of heather from the park,<sup>257</sup> and the Director

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252 Cullen J to GM (handwritten) 24/12/1920, TOI 52/15, Tongariro National Park pt. 1, Archives NZ

253 Cullen J to GM, Tourist Dept, (Alien Service Board letterhead), 24/10/1919, *ibid.*

254 Cockayne L, to GM, Dept Tourist and HRs, 9/1/1920, *ibid.*

255 Harre, *NZ Herald*, 10 June 1921

256 Joosten, *Evening Post*, 7 March 1921

257 Sec., Wanganui Chamber of Commerce to Minister of Defence, 9/6/1921, TOI 52/15, Tongariro National Park pt 1, NA

General of Agriculture agreeing with a senior colleague's view that, "The general public in years to come would highly appreciate the glory of a park like this if it was planted exclusively with New Zealand plants." Cullen was not named, but quite possibly invoked, when the Director General said, "... apart from sentimental reasons no real argument can be put forward for the establishment of [heather]."<sup>258</sup> True to form, Cullen responded with vindictiveness. After a ski club forwarded a complaint to the park management, he retaliated, "I know who the parties are who inspire these paragraphs in the Press but they are nobodies who carry no weight anywhere."<sup>259</sup>

Yet the now-superannuated Cullen found that he himself exerted less authority than in his prime, and his top-level contacts were drying up. In early 1921 the Minister for Tourist and Health Resorts advised Cullen that Massey "has referred to me your application for £100 for planting heather seed. At present I am not able to authorise such expenditure. In future please address all such communications directly to me." Attached was a note stating that the practice of trying to circumvent park management by appealing directly to the prime minister, "has been mentioned to [Cullen] before".<sup>260</sup> The final blow fell in June 1921 when a terse telegram from the Tourist Dept instructed Cullen "no more sowing to be done until further advised".<sup>261</sup>

The following year, however, management of the National Park transferred from the Tourist Department to an elected Board, and as a Board member Cullen felt empowered to see his plan to completion. He told the Auckland Acclimatisation Society that some 2000 acres of the park were now covered in heather, and that he had ordered from England a consignment of grouse which, "will find in the heather a national food".<sup>262</sup> This and several further shipments of birds failed to survive the long journey to the Antipodes and by 1924, when Cullen finally received six healthy grouse, the government had resolved

<sup>258</sup> Director General of Agriculture to GM, Dept of Tourist and Health Resorts, 29/7/1921, *ibid*.

<sup>259</sup> Cullen J to GM, Dept of Tourist and Health Resorts, 22/3/1921, *ibid*.

<sup>260</sup> Nosworthy, Minister Dept of Tourist and Health Resorts to Cullen, 21/4/1921, *ibid*.

<sup>261</sup> Touristo to Cullen, Telegram 21/6/1921, TOI 52/15, Tongariro National Park pt. 1, Archives NZ

<sup>262</sup> *Evening Post*, 23/12/22

that, “It should not be permitted to anyone to convert [the park] into a preserve for imported game or birds.”<sup>263</sup> Even this clearcut legal prohibition did not deter the obdurate self-appointed gamekeeper. He consigned the birds to the Acclimatisation Society, thus evading responsibility for violating the decree against importing and introducing them to New Zealand. The Society’s chairman implored Cullen to release the grouse only well away from the national park but according to several accounts, Cullen released the unfortunate birds just across the road from the park boundary, then shooed them into the heather.<sup>264</sup> For once his determined rule-flouting failed him. The birds did not survive to breed and create yet another alien population in a landscape already terminally compromised.

Today each February and March sees the tussocklands west and south of Ruapehu covered with a mauve haze which, for all its visual appeal, suppresses native ground cover and affects indigenous insects. The heather continues to spread to new areas of the park, a process accelerated by climate change. The Department of Conservation’s efforts to control the invasive plant using yet another introduced species, the European heather beetle, have so far had only marginal success and may take a century to make a significant impact.<sup>265</sup> John Cullen’s heather-sowing campaign may well prove his most enduring legacy.

For nearly 20 years after his final retirement from public life this indefatigable figure remained vigorously active, living in a large house (since demolished) in Auckland’s Remuera Road with his pointer dogs kennelled underneath. His wife Rachael, the mother of 11 surviving children, died in 1917 and Cullen later married a much younger woman, the daughter of fellow police officer Charles Hendrey, who had served under him with distinction as an Auckland Sub-Inspector. Through the 20s and 30s, policing evolved in directions Cullen can hardly have approved, as the use of arms became increasingly uncommon and the role of the police shifted decisively from suppressing disorder, by

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263 cited in *Restless Land*, Dept of Conservation, 1998, p. 115

264 See, eg. *ibid* p. 116

265 Peterson P et al, ‘Biological control of heather update’, Powerpoint presentation, Landcare Research 2006

force if necessary, to maintaining order by general consent. Final proof of the dismaying direction of the nation came, according to Cullen's descendants, in 1936 when the view from his house was spoilt by the appearance on the Orakei skyline of Auckland's first state houses, and the ascension to government of the very labour agitators he had hounded and imprisoned some 20 years earlier. Three years later, in October 1939, John Cullen died aged 89, of pneumonia contracted after a spring day's trout fishing in his beloved Tongariro National Park.<sup>266</sup>

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266 Personal communication, Kathleen McArthur (John Cullen's grand-daughter), 19/2/2004



## Conclusion

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*This study has tended to concentrate, I suggest unavoidably, on several of the most historically significant moments in Cullen's long policing career, and it is important to ask how representative these were of his overall contribution to the development of the country's police force. This may be partly answered by noting that Cullen's Commissionership and preceding senior police roles coincided with a relatively low-crime period, due to factors such as a greater proportion of women in the population and a subdued and increasingly acculturated Maori minority. As Hill points out, it was in the interests of the state as a whole for policing to develop in this period along relatively benign and consensual lines, as the most economical solution to social control.<sup>267</sup> Seen in this wider social context, Cullen's actions appear even more unnecessarily divisive and harshly confrontational than they do from a narrower, purely policing, perspective.*

A related question, raised in the introduction to this study, is whether Cullen adopted his tactics of violent confrontation in the interests of the government of the day or on behalf of his own concept of social order and values. I have aimed to show that the profoundly inappropriate stance adopted for the 1916 Urewera expedition was simply a progression (albeit exaggerated under wartime conditions) of a consistently intolerant and condign policing style practised for many years, even under much more liberal political masters than William Massey. Cullen must therefore take primary responsibility for the disastrous failings of the Urewera expedition, for the escalation of public violence in the 1913 strike and for the fatal finale to the Waihi strike. He may have convinced himself, and close supporters such as Alexander Herdman, that his actions were carried out on behalf of an elected government and of a general social consensus, but he did not feel the need to test that assumption, and refused to give weight to the many criticisms of his actions, including those from other politicians.

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<sup>267</sup> Hill, *Iron Hand*... p. 413

Tracing Cullen's *modus operandi* from his early RIC training through to the period following his Commissionership reveals a remarkably consistent set of attitudes favouring the para-military thinking of the 19th century, a preference for high-level deal-making over democratic principle, a rancorous personal manner and a readiness to bend or break the law in the name of the values he upheld. Those values, founded in the grossly inequitable and coercive society of his birth and later applied to the very different society of his adopted country, were severely conservative and led Cullen, after a lifetime of attempting to shape New Zealand society along more hierarchical lines, to reshape a portion of its environment in the image of a long-lost semi-feudal Ireland.

Cullen allowed his prejudices, which grew more rigid as he aged and gained seniority and influence, to affect his judgement and influence his tactics, at times with truly disastrous results. His relatively low historical profile may well be deliberate on his part and testifies to the effectiveness of his tactics at managing the media. It has been a central purpose of this study to overcome the effects of Cullen's adroit and prescient media management and uncover his leading role at the centre of some of the key events of his time. As Cullen's biographer by default, I have aimed to be fair and open-minded in drawing judgement on his part in those operations with which his name is most strongly associated, and to take note of his many contributions, large and small, to the force he served throughout his working life. Yet it has proved impossible to avoid the conclusion that my subject was a strikingly unpleasant personality who repeatedly brought the force into disrepute, tragically exacerbated public confrontations and vindictively hounded opponents, including many of his colleagues. It is a fundamental contention of this study that such an unadmirable figure is as worthy of historical attention as his better-known contemporaries. The development of the police force has always been linked with civil disturbance, social conflict and repression, and just as those unattractive yet inescapable facets of our society deserve careful scrutiny, so do the individuals who control and propagate them.

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