

## Reviews

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### Insight into an outstanding journalist

*Louise Nicholas: My Story*, by Louise Nicholas and Philip Kitchin, Auckland: Random House, 2007, 244 pp. ISBN 978186941973.



THE LOUISE NICHOLAS case has probably generated more gossip, discussion and talkback vitriol than just about any other court case in the past 15 years.

The harrowing saga of abuse of a teenage girl by a ring of serving police officers seems to have polarised people into the 'she was a victim' and the 'she could have said no' camps and will probably become one of those seminal stories—such as that which led to the 1987 cervical cancer inquiry—that makes us question values we as a country hold dear.

But there is another story, less known, about the Louise Nicholas

case, one that should also resonate loudly for journalists, policy makers and lawyers. This story, of how *Dominion Post* journalist Philip Kitchin heard about, verified, then exposed the saga, is one of this country's great journalism successes. This book tells that story, in tense and exacting detail. Although perhaps not intended as such, it is an excellent insight into the style and method of an outstanding journalist.

Nicholas grew up in the small town of Murupara, near Rotorua. Her family was an average one: her dad worked at a logging company, her mum was a housewife. She had,

by her own account, a very happy upbringing, with loving parents, bossy older brothers, and plenty of friends. She was a top sprinter at school; she laughed and fought with Māori and Pakeha kids alike.

One day, when she was 13, as she was walking past the police station, one of the local policemen invited her in. She knew him and trusted him as a family friend, so she went in without thinking. Once inside, Nicholas tells us, he locked the door, and then raped her. That was the beginning of a spiral of abuse at the hands of a ring of police officers that would poison her teenage years. Throughout the late 1980s, these policemen appeared to have a list of young women they would use for sex, sometimes acting in a pack. On at least one occasion, they used a police baton taken from a female police officer (without her knowledge).

Fast forward to the mid-1990s. Philip Kitchin, the Hawke's Bay reporter for the Wellington-based *Dominion* newspaper, received tip offs about the police behaviour. Some had been prosecuted for rape, but the trials had been aborted after a senior police officer (surprisingly) gave hearsay evidence.

What made the story dynamite was that one of the three men was now the assistant commissioner, and

being groomed for the top job. All Kitchin had to go on was tip offs. He had no idea of the name of the victim, let alone where to find her. He went first to the documents, to look for clues, starting by seeking access to the court records. Mysteriously, his repeated requests to the Rotorua courts for access were not passed on to the judge (unlike the United States, reporters here do not have access as of right to court or police records). Many reporters would probably have given up here but, with the backing of his chief, Kitchin kept pressing. Only after going over the head of the court official who had stonewalled him for more than a year, did he get the files. He was not allowed to photocopy them, and had to take 45 foolscap pages of notes.

Of such persistence is good stories made. These notes told him the name of the victim, plus much more. One of the key questions was the role of a senior policeman, John Dewar, whose unfathomable decision to quote hearsay evidence had aborted two trials of those accused of Nicholas's rape. After reading the documents carefully, Kitchin believed Dewar had deliberately perverted the process to protect his friends.

With the help of the *Dominion Post* library, Kitchin found an address for Nicholas, and set out to see if he

could get her story. What follows next should be a core text for journalism students. Instead of conniving, cajoling, bribing, begging, bullying or any of the other approaches one hears so many reporters recommend, Kitchin was simply honest. He told her he thought Dewar—who Nicholas still considered a friend and protector—had betrayed her. He told her he wanted to tell her story, but only if it was truthful, that if he discovered she was not telling the truth to him, he would turn his back on her. He also said, if she wanted to pull out at any time, he would kill the story.

You could paint this as a strategy, however I doubt Kitchin is that cynical. I suspect it is simply an example of the vital role of ethical clarity in investigative journalism. I get the feeling that his own strong sense of what is right and wrong—what one reporter described to me as being ‘offended by injustice’—simply struck a chord.

Over a series of interviews, Kitchin heard Nicholas’s story, and interviewed everyone he could get to. Together with the court documents, the story began to emerge. Again, it reads as a classic tale of investigative technique: getting one person to talk helped persuade others, and the more he knew, the more others trusted him with what they knew. His knowledge

of court procedure, and Dewar’s inexplicable ignorance of it, helped him begin to smell a rat. This is what investigative journalist Nicky Hager describes as the ‘become an expert’ rule (N. Hager, personal communication, 25 November, 2006): the more you know about a field, the more likely you are to spot inconsistencies, and win the trust of potential sources.

There is even that peculiar, but in my experience common archetype in investigative stories, the visiting angel figure: someone informed, well-meaning and, best of all, unafraid of the insiders. In this case the angel came in the form of Rex Miller, a seasoned Auckland detective.

There is drama as the tension mounts. Kitchin and his wife receive silent phone calls; he begins locking evidence in his gun safe. A key moment is when Nicholas agreed to waive the automatic name suppression given to rape complainants. That appeared to be the break that decided the *Dominion Post* and *TVNZ* (who Kitchin was by now working for) to publish. The story builds momentum. The *Dominion Post* and *TVNZ* agree to share the story, to publish on the same day.

What comes through clearly is the importance, once the initial investigatory work is done, of sustained

effort and a strong team. Kitchin kept going, seeking out corroboratory witnesses and documents. He mentions many times his strong backing from *Dominion Post* editor Tim Pankhurst, and *TVNZ* head of news Bill Ralston. Pankhurst in turn had the backing of Fairfax publisher, Peter O'Hara. It was a brave decision by all: all they had to go on was Nicholas's word against that of one of the country's most powerful officials. As Kitchin points out, it is unlikely many other editors would have put their own jobs and those of others at risk on the word of an unknown. True, they sold a few more papers, but a few thousand casual sales would not cover a fraction of the cost of a defamation suit if all had gone wrong.

As is often the way, publication led to more victims coming forward, more revelations, the launch of an official inquiry, which led to trials, which led to imprisonment for some, including Dewar, but not Rickards. Rickards admits he had sex with Nicholas, but was acquitted of raping her. However, he has to step down from his job as assistant commissioner and will probably never work for the police again.

One of the strengths and, at the same time, limitations of this book is the eyewitness style. Nicholas and Kitchin alternate chapters,

advancing the story in their own words. Nicholas's story comes across as passionate, heartfelt and convincing. Kitchin's is no less so but, as the recounting of the years of graft of an investigative reporter, its tone is drier, though no less interesting. While this inter leaving gives a tremendous sense of immediacy, it has its limitations. I would like to have heard from other players, such as Pankhurst, Miller, and Nick Perry, the head of the police investigation. I would also have liked to have heard reflections from both Nicholas and Kitchin about the justice system, especially the role of the media, police and journalists within.

There are many disturbing questions raised worthy of highlighting. Why is so much of our justice system secret? Why do reporters not have automatic access to court records as in the United States? Why is name suppression used so freely, and what effect does that have on preventing contradictory witnesses coming forward? Why are some government departments, such as the Independent Police Conduct Authority that did the first investigation of John Dewar, exempt from the *Official Information Act*?

Why are government officials able to suppress inconvenient information? Why is there a culture of

mistrust of the news media among many government officials? Kitchin and Nicholas suggest the whole procedure of rape trials is seriously flawed.

This too is worth exploring. But these are minor points; perhaps they could come in a later edition as an introduction. One other criticism. At times Kitchin's narrative needed a stronger editorial hand. He has a tendency to concision which sometimes left me wondering how we had got from A to C, for example, in the decision to publish the first exposé. But while some may find the level of detail too much, and too disturbing, I thought it appropriate. This book is a story that needed to be told in as much detail as possible.

One lesson coming through very clearly is how much those in authority need the news media to fight corruption embedded at the highest levels. For another example of this, read Bob Woodward's account of his relationship with his FBI 'Deep Throat' in Watergate, Mark Felt (Woodward, 2006). Just as the Watergate stories built the rationale for the investigators who toppled Nixon, and helped Felt fight political interference in FBI investigations, I suspect sources within the police needed Kitchin's stories to build the case for action on internal police reform.

Finally, the lesson is one of courage, persistence, and sticking to what is right. I'll leave the last word to one of the many small, but unsung heroes of this story. Barrie Swift, the former chief reporter of the *Dominion*, told Kitchin years before the stories hit the front page, to stick at it: 'This is a small country. Secrets surface, no matter how long it takes (p. 18).'

A very important book, not just for journalism, but for anyone interested in not just how a master of the craft operates, but in how journalism interacts with the society it lives within.

#### **Reference**

Woodward, B. (2006). *State of denial: Bush at war, Part III*. New York: Simon & Schuster.