

"Whaika te Whakapono"

*Seek for the Truth - Follow the Truth*

30 November 2007

Right Honourable  
Dame Sian Elias  
The Chief Justice  
Chief Justices Chambers  
PO Box 1091  
Wellington

Dear Ma'am

Former Governor General and High Court Judge Sir David Beattie wrote to Police Commissioner Ken Burnside in 1974 (circa) regarding a young constable by the name of Patrick John O'Brien, No 3667.

Constable O'Brien, an undercover agent and agent-provocateur, had been the Crown's principal witness in a series of drug trials that fully occupied one calender of a circuit court session in the High Court at Hamilton which Sir David presided over.

Later, when asked his reasons for writing, Sir David said . . ."I was moved to do so because I was so impressed with the standards this man had set himself, and the risks he had run, and the results he achieved." (The Chris Gollins Show, Radio Windy, Wellington, 1986)

Indeed — Sir David's letter delivers a stunning testimony to Constable O'Brien's evidence.

Credibility is the central theme and Sir David records the impressive performance of this young constable throughout the trials. Unflinching in the face of sustained attacks on his truthfulness by all defence teams, Constable O'Brien's manner when presenting evidence ensured that juries accepted him as credible.

And so they did.

With one exception — where the Crown failed to prove some substance listed on an information was a narcotic — the jury in every case returned with guilty verdicts on all charges and, subsequently, most defendants were sentenced to periods of imprisonment.

In an ideal world, Dame Sian, this letter you are now reading would have been addressed to Sir David Beattie because I was that young constable and for more than 30 years I have carried a dreadful secret. In every case and on every charge, I lied to Sir David and I lied to his juries.

Sir David is now dead and so I write to tell you, Ma'am, that I told lies under oath to obtain convictions against the targets in my Waikato undercover operation.

It gets worse. . .

My job in the Waikato was only one of many covert, agent-provocateur operations I executed in the early to mid 1970s and in every case I lied to the courts and I lied to the juries to obtain convictions against my targets.

Although I could not even guess the number of people with convictions or prison time because of my lies, by way of illustrating the scale of my wrong doing, I stopped counting arrests after eighteen months when my tally was around 150 souls, and I did this work for three years.

Telling lies was easy — 'policemen don't tell lies' — and my targets never stood a chance.

To effect my lies it was first necessary to deceive my Operators. These were usually a highly ranked detective; local men, stationed and living in the communities where I operated. Most of these men were tough (real tough!) but without exception they were honest and would have brooked no time for the methods I employed to obtain convictions.

Nominally, the Operator in each case was responsible for my field of operation. In reality, though, I answered to the gray men who trained me and on whose orders I obtained these convictions. They called it "*doomsday*" work and instructed me to take this dreadful secret to the grave.

Eventually, as you might expect, the work broke me. Hunted, traumatised, and scared, I resigned the Police and fled New Zealand.

As it is for many agents, my life since has been a tragic waste; running, always running, but never able to lose the demons that rush around in my head. I am nearly 60 years old now and in what time is left to me, intend correcting the wrong I have done.

Beginning with the targets of my Waikato operation, I will start knocking on doors and apologise. Should any target wish to seek remedy for my wrong, I will assist in whatever way I can.

Also, I will cooperate fully with any enquiry arising from my confession and plead guilty to any charges that result. I will make no attempt to mitigate my lies, nor will I attempt to leverage dispensation on the grounds of following orders. Following orders is no excuse, I knew I was doing wrong.

Now I will face the truth. . .

Yours sincerely

Patrick John O'Brien  
X-Constable 3667