Harold Evans, S.M., turned his back on the Establishment

When the veteran war protester, Owen Wilkes returned from Sweden recently on an unpublicised visit, he had a fraternal meeting in Christchurch with one of the city's most vocal protesters, Harold Evans.

Today, they make common cause, but there was a certain irony about the meeting. Years ago, when Harold Evans was a presiding magistrate, he convicted Owen Wilkes on a charge of inciting others to violence at an anti-American military demonstration at Harewood.

Now the convicted opponent of the establishment is a researcher at the respected Stockholm Peace Foundation, and Harold Evans, retired from the bench, is an active member of the Christchurch Peace Collective — a group of concerned people who are doing what they can to prevent a third world war.

In the years between, the magistrate has become a thorn in the side of many who might have expected him to keep quiet. He has rebuked his colleagues on the bench, attacked the Government, and gone to the Ombudsman to complain about his local county council.

A couple of weeks ago he bought space in "The Press" to publicise an anti-war speech by the late Lord Mountbatten which, Harold Evans said, had not been reported.

What makes such a pillar of the community as a retired magistrate rebel against the Establishment? He is "establishment" himself not only by virtue of his former office, but also because of his background. Harold Evans's father was a leading figure in Wellington legal circles, and Solicitor-General for 12 years.

He was born in Wellington, but was sent to boarding school at Christ's College. His four years there gave him life-long Christchurch roots. After school, he returned to Wellington to study law. But instead of going into his father's practice on graduating in 1938, he became an associate to a Supreme Court judge.

In December, 1940, he joined the Air Force and was sent to Britain to become a radio navigator. But the only time he navigated in anger, so to speak, was on a half-hour sortie with the New Zealand 488 Squadron, flying in a Beaufighter that was sent up from Ayr to intercept a German raid on Glasgow.

There was no sign of the enemy and the fighter returned to base. "My war was a very inglorious one," says the navigator.

But soon after he had a bad accident when a Beaufighter crashed on take-off. He and the pilot both suffered lumbar fractures and he was in hospital for six months.

His war years in Britain gave him a wider appreciation of "how the world ticked over." They were his formative years, particularly his convalescence in a Scottish hospital, where another patient, a "failed left-wing politician," introduced him to the work of many important socialist writers. Those books gave him a liberal point of view.

Sir Keith Holyoake—the politician who became Governor-General in spite of Harold Evans' protest.

Back in New Zealand in 1944, he took a job in the new Department of External Affairs. For four or five months in 1945 he was seconded as private secretary to the Prime Minister, Peter Fraser. Then in 1946 he was deputed to accompany Mr Justice Northcroft to Tokyo, where the New Zealand judge was one of 11 appointed to the International Military Tribunal for the Far East — to try the top-ranking Japanese war ciminals.

Brought up to a fairly strict code of behaviour and principle, Harold Evans found the Japanese war trials quite revealing. "They loosened me up," he says. "They opened my eyes to all the expediencies that go on — things done by nations apart from principle, for expediency."

The trials took three years, long enough for Harold Evans to meet and marry Jutta Wenneker, daughter of Admiral Wenneker, the German naval attache in Tokyo.

A Nazi? Not at all, says Harold Evans. Admiral Wenneker was a regular naval officer who commanded the pocket battleship Deutschland early in the war, playing havoc with Allied shipping in the North Atlantic, but so particular in observing the rules of war that he was praised in an article in the "Illustrated London News."

The romance that developed in 1947 between the New Zealand judge's assistant and the German admiral's daughter cost Harold Evans his job. Prime Minister Fraser said "I'm very sorry but Evans will have to go."

Out of External Affairs, he decided to turn to a musical career. Already an accomplished pianist, he spent a year of further study and was offered a Fulbright scholarship to study piano at the University of Washington.

But because his wife had already had such an unsettled life he turned it down and returned to the law. Two years later he joined a Gisborne firm of lawyers.

While in Gisborne he became incensed at the news that old St Pauls in Wellington, where he had once been deputy organist, was to be hidden behind a casing of concrete in the new cathedral. He wrote a strongly worded article for a Wellington newspaper attacking the plan and criticising the church establishment. His father was chancellor of the diocese. The archbishop died soon after and his successor reversed the decision about the old church.

For Harold Evans it was the beginning of a long "career" as an activist.

In Gisborne, too, he upset the local establishment by seeking an injunction to prevent the City Council from going ahead with major changes to the botanic gardens. The injunction was refused, but the plan was dropped.

"I was appalled and felt it had to be put right," he says. "I tried to by representing privately to the Secretary for Justice that the sentence should be appealed. It was a gross case of selective justice, and I felt it would undermine the whole deterrent

By GARRY ARTHUR

In 1965 he was appointed a magistrate in Christchurch. He soon became noted for the thoroughness with which he weighed up each case. He brought a very personal, somewhat idiosyncratic style to the judicial process.

One example he relates himself is a case where two men were before him on homosexuality charges. At the time Britain was enacting a law making such behaviour between consenting adults, in private, not criminal.

"I discharged them both under Section 42 of the Criminal Justice Act," he recalls. "I gave my reasons at length, saying that the public attitude had changed, and citing what had happened in England. The Crown appealed and Mr Justice Macarthur said 'You can't do that'. I felt some sense of grievance; I knew I was sticking my neck out, but I felt — and still do — that the appeal judge should have done a proper job and fully interpreted Section 42."

In another well publicised case he spoke out against the action of a fellow-Magistrate in hearing a drinking-driving charge against a Christchurch judge's son 15 minutes before the court usually began, suppressing the name, and imposing a fine instead of periodic detention — thus departing from the magistrates' agreed guidelines on sentencing.

purpose of our scale. It was not appealed."

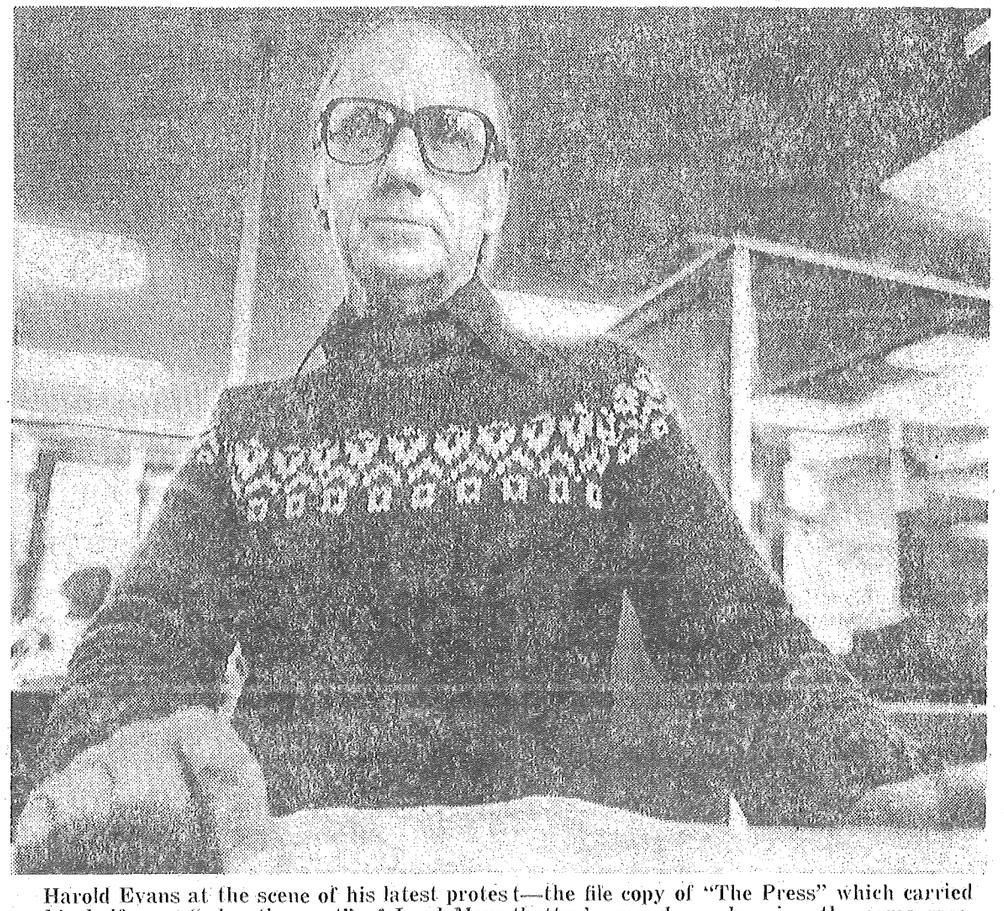
In cases which he thought had special importance he would put a lot of himself into the decisions. One such was an application to the court in 1974 for a new election to be held in Waimairi County because of certain statements that had been made about one of the candidates for the council, Mrs Hazel Tait.

The Magistrate ordered a new election, giving long reasons for his decision. "It was a perfectly clear case where the Court had to respond and give this woman justice," he says.

He was still on the bench in 1977 when Keith Holyoake and Jack Marshall were being tipped for the job of Governor General. Flatly opposed to the principle of a politician — particularly one from the party in power — being appointed the Queen's representative, Harold Evans made a very critical statement, published the day the Queen happened to be in Christchurch.

"If no other person in an Establishment post was going to say a bloody thing (they all keep their mouths shut, you know) I wanted to say something from the judicial position."

He retired three weeks later because of a hearing defect which he felt was hampering his work as a magistrate.



Harold Evans at the scene of his latest protest—the file copy of "The Press" which carried his half-page "advertisement" of Lord Mountbatten's speech condemning the arms race.

Running, music, peace

In his windbreaker and little blue haversack, Harold Evans has become a familiar figure around Christchurch since his retirement three years ago. He can also be seen running in Hagley Park most days of the week. Although he is 64, he completed the half-marathon at Queen's Birthday Weekend in three hours and ten minutes. He is not a bit ashamed of coming in third to last.

His home is on Cashmere, but he also has a flat in town where he is researching more publications on the subject of world peace. Little piles of sorted papers undulate all over the carpet, like the casts of a bookworm.

The only clear space is around the piano, where he still keeps his hand in for the concert career that might have been.

Music has always been important. When he was a magistrate he bought an old piano for $90 and installed it in his chambers at court. Instead of spending his lunch-hours taking part in the small talk of the magistrates' common room he would retire to his own room and practice. The noisier bits could be heard all over the court precincts.

He has played quite a lot in chamber groups, and is at present playing the piano for the Southern Ballet School.

His departures from the accepted behaviour of magistrates have no doubt made the rest of the Establishment a bit uncomfortable. Harold Evans admits to having felt some cold air of disapproval at times.

"But on the surface they're always very polite," he concedes. "Well, not always. It's a question of how you interpret silence."

He takes seriously John Donne's maxim, "No man is an island." He feels involved in society. "If you like," he explains, "we owe a duty to other people to express such convictions as we have if we feel that things are going wrong."

"That doesn't mean that I think that everything I've done is right. But I try to do what's right."

It has cost him quite a bit of money. The half-page of space in "The Press" for the Lord Mountbatten speech condemning the arms race cost him $600, and he has paid to have his views on the Holyoake appointment and his correspondence with the Ombudsman published in booklet form.

Now he is taking on the warmongers. The Christchurch Peace Collective he describes as an informal group of people trying to do whatever they can in the cause of peace. Most of them are Christians.

Although an Anglican, Harold Evans now attends the Society of Friends' meetings every Sunday. "I still believe in much of the Christian tradition," he says.

His own view of how people should behave has an Old Testament flavour — that the evil-doer will get his just desserts. "I don't claim always to have acted according to conscience," he says, "but it is better to do so because otherwise you are bound to collect punishment in the long run."