

Newman Weekly

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The New Zealand Centre for Political Debate

State Culpability

In his book *Liberalism*, written in 1927, distinguished economist Ludwig von Mises observed, “The task of the state consists solely and exclusively in guaranteeing the protection of life, health, liberty, and private property against violent attacks”.

While some would argue that these days the role of the modern state is the enhancement of “well-being”, most would agree that protecting citizens from violent attack is a fundamental responsibility of the governments we elect.

On 24 August Liam Ashley, a seventeen year old boy under the supervision of the Police and the Department of Corrections, was strangled to death in the back of a prison van by a brutal psychopath.

George Charlie Baker was well known to Police. He had more than 70 previous convictions and had been under the care of the state since the age of 12. His story is a familiar tragedy: Single parent family, drugs, gang connections, a history of crime from an early age, mental illness, self mutilation, attempted suicide. It is clear that Baker was a troubled and dangerous man.

According to the Report of the Investigation into Liam’s death, a psychological examination completed in August 2004 concluded:

“Review of Mr Baker’s history suggests that he is most likely to engage in burgling or robbing homes to obtain money for daily activities or for alcohol or drugs. If his efforts are in some way frustrated, it is likely that Mr Baker would resort to the use of violence and weapons to further his ends. Thus, there is a probability of violence being associated with offences in which Mr Baker more frequently engages. In consideration of Mr Baker’s references to potentially competing with other criminals for notoriety, there is some possibility that he may resort to extreme violence in order to obtain fame. In this scenario, Mr Baker would, in a heightened emotional state though while in possession of his faculties, attempt to injure, wound or

kill as many victims as possible. Victims would be arbitrarily selected or be representative of a class of authorities who Mr Baker regards as being deserving of retribution.”

The investigation into the death of Liam Ashley describes the events that took place in the back of the security van:

“Prisoner E stated that Baker ‘just snapped’. Baker started saying that he was hired to kill Liam because he was a nark. Baker then tried to snap Liam’s neck (by jerking his neck from side to side). Liam grabbed hold of Baker’s arm and started to pull down on his arm and was kicking the panel. Baker was telling Liam not to kick the wall and that he had a knife on him and he would kill him by slitting his throat if he kicks. Prisoner E stated that Baker looked at him and said, ‘If I said anything or made a noise he would kill me’... He kept saying to Liam that he was going to die, that he was going to kill him and that Liam should ‘be a man, die, be a man’... Prisoner E stated that he thought, ‘This guy is going to kill me, after he has killed Liam, he is going to kill me’. He stated that he didn’t get the Chubb staff’s attention because he believed Baker had a knife and that he had killed before” (to view the full report see www.nzcpd.com).

Given the history of offending and the documented warnings, why was such a dangerous individual allowed contact with others?

Counsel for Baker said there had been a “monumental systemic failure by the state”. If this is so, then why is the “state” not also on trial and held to account for their negligence that led to the death of a powerless, confused and vulnerable 17 year old boy?

Why has the Minister of Corrections not accepted responsibility for this monumental failure of the “system” he manages in the time-honoured way by resigning? Why has no one who works in the “system” been fired?

This is not the only recent case of the state

failing to take responsibility for its own negligence. Martin Lyall - a known schizophrenic - stood trial last week for a frenzied stabbing rampage, which killed Kevan Newman and wounded three others in West Auckland in 2005. While Lyall was deemed to be unfit to stand trial, he had been judged by Waitemata District Health Board the day before the attack to be safe to live freely in the community. That is in spite of his landlady's emergency 111 call to police because she felt unsafe in his presence. It is also in spite of the mental health crisis team finding out that he had stopped taking his medication.

Mr Newman's family want to know why no one can be held accountable and responsible for their father's death when the killer was a known serious mental health risk who was no longer taking his medication. Surely with the DHB receiving taxpayer funding to keep Lyall and the community safe, the death of an innocent bystander should mean that someone's head should roll?

This week the NZCPD Guest Commentary, "Killing in the Community" is an article by British journalist and author Melanie Phillips, who criticises a similar state of affairs in the UK: *"For years, the families of people suffering from dangerous mental illness have begged and pleaded with doctors to do something to stop their sick relatives from killing someone, not least a member of their own family. But for years, doctors and other care professionals have sat on their hands or looked the other way. Now the terrible outcome has once again become shockingly apparent. Over a five-year period, more than 250 people — equivalent to one every week — were killed by someone receiving*

what is laughably called 'care in the community', sometimes having been assessed as being at low risk only a few days previously" (to read the full article see www.nzcpd.com).

Yet rather than address its failure to protect the public "against violent attack", our Government appears to be focusing its time, energy and resources on 'soft' populist issues. Just last week we say Government Ministers announce plans to ban soft drinks in schools, to further regulate real estate agents, to introduce a new warrant of fitness check for houses, to nationalise telecommunications infrastructure, and to bring dietary supplements and health food products under a restrictive Australian licensing regime.

Instead of meddling in such matters, Labour and its partners, should be focusing their energy and resources on the dangerous issues that can be found in the historical account of George Charlie Baker and those like him: Single parent families, drugs, gang connections, a history of crime from an early age, and mental illness.

It is these difficult problems, not the soft issues that should and must be tackled by government. But they will only be addressed when our elected representatives are accountable for the failings of the organisations over which they preside. Otherwise, those unfortunately enough to come under the care of the state do so at their own risk. That's a very frightening thought.

The poll this week asks: Should the Minister of Corrections be asked to resign over the state's failure to adequately care for Liam Ashley?

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