

Publications from the 2022 Buffalo, New York mass shooting*

Release of information about classification decisions

Document	Date	Page & link
1. 'Manifesto', interim classification (s 22A)		
(a) Decision minute	15 May 2022	2
(b) Discussion note	15 May	4
(c) Notice to DIA of interim decision	17 May	5
2. Livestream, interim classification (s 22A)		
(a) Decision minute	16 May	7
(b) Notice to DIA of interim decision	17 May	9
3. 'Manifesto', final classification (s 13(3))		
(a) Timeline	15 May–13 June	11
(b) Section 38(1) notice of decision	13 June	12
(c) Register page	13 June	19
4. Livestream, final classification (s 13(3))		
(a) Timeline	16 May–13 June	21
(b) Section 38(1) notice of decision	13 June	22
(c) Register page	13 June	29

* Two further publications were called in by the Acting Chief Censor under [section 13\(3\)](#) of the Films, Videos, and Publications Classification Act 1993 on 15 and 18 May 2022. These are transcripts of Discord messages related to the Buffalo attack.

Neither of these publications were given interim classification assessments. As of 14 June, they remain under examination for final classification decisions.

Classification Meeting: Decision & discussion record

PUBLICATION INFORMATION		
Publication No:	2200197 & 2200197 (Interim)	(if Logged)
Title:	You wait for a signal while your people wait for you	Pub Title Confirmed?
Other Known Title/s:	2022 Buffalo shooter's manifesto	
Medium Agreed:		
Submission Channel:	12 Labelling 13(1)(b) DIA 13(1)(a) Customs 13(1)(c) Public 13(1)(ab) Police 13(3) Chief Censor	29 Courts 42 Reconsideration 55. BOR
MEETING INFORMATION		
Meeting Date:		Sunday, 15 May 2022, 11.20am (NZ time), via Zoom
Attendees:	<i>Snr Decision Maker:</i>	Rupert Ablett-Hampson
	<i>Classification Team:</i>	██████
	<i>Others:</i>	Maggie Tait, Julia Dayan, ██████ (notes taker)
MATTERS DISCUSSED		
Confirm Submission Process:	Called In	
Interested Parties:	Y/N • TBC	<i>Close Date for submissions:</i>
Consultation (s21):	Y/N • TBC	<i>Comment:</i>
Matters to address in Decision:		<i>Examining Censor: ██████</i> <i>Lead SCA: tbc ██████)</i> <i>Final Sign off: Rupert</i>
Sections of Act Significant/Relevant to Decision:	13(3) 22A Interim Decision	
Batching Comments:	NA	
Classification:	Interim Assessment: Objectionable	Preliminary / Interim / Final
Descriptive Note / Display Conditions:	The document references the Christchurch shooter directly as a motivation and also refers to the Great Replacement theory	
Target Release Date:	Classification due within 20 days (by 10 June 2022 approx.)	
Making the Decision Public (Who to notify of Decision)	DIA – Rupert to email Press Release to be drafted	<i>Comms input needed?</i> <i>Website?</i> <i>Press Release?</i> <i>DIA/Enforcement Agencies?</i>
Other Considerations :		

Notes of Discussion:

██████ has obtained a copy of the full manifesto (180 pages total). ██████ will forward this to those appropriate).

The original one-page document distributed by the shooter is page 13 of the full manifesto.

It also appears that the shooter posted his stepped out plan on Discord.

The full manifesto had been published to Google Drive; however, this has since been taken down. But, the document is available on other sites such as Kiwifarm.

It also appears that the full version of the live stream is hard to find, and only 20 people were viewing it in real-time. It also seems to have been scrubbed from most legitimate media platforms.

We have four “publications” to consider; the full live stream, snippets or stills from the live stream, the manifesto and the plan.

DIA is convening at present to discuss their actions and they are capturing any video footage for evidentiary purposes.

We have received media enquiries, and Maggie will send PR to Rupert for sign off.

Maggie has spoken to JP (DIA). The NZ media have picked up the story and are reporting on it - the Manifesto references the Christchurch Shooter as an influence.

Rupert is satisfied, given the content seen and what the team have reported, that the publication is likely to be objectionable and that there is an urgent need to notify the public of that. The document references the Christchurch shooter directly as a motivation and also refers to the Great Replacement theory.

Actions going forward

Rupert as Chief Censor made the following decisions

- He will call in the manifesto for classification
- He will issue an interim classification assessment

Rupert will advise DIA of these decisions

We will work with DIA as the live stream content comes to hand and will respond to calls to classify promptly.

We expect to ‘Call in’ the plan posted on Discord for consideration.

Julia Dayan

From: Rupert Ablett-Hampson
Sent: Sunday, 15 May 2022 12:26 pm
To: John Michael (John.Michael@dia.govt.nz)
Cc: Maggie Tait; Julia Dayan; [REDACTED]; [REDACTED]
Subject: Our discussion regarding the Buffalo shooting today

Dear Glenn,

Further to our conversation here is a summary of where we got to.

I'm calling in the "manifesto" written by the person responsible for today's shooting in Buffalo under section 13(3). The document is 180 pages long and will require examination however I am satisfied, given the content seen and what the team have reported to me, that the publication is likely to be objectionable and that there is an urgent need to notify the public of that. The document references the Christchurch shooter directly as a motivation and also refers to the Great Replacement theory. I am therefore Issuing an interim classification under section 22A that the publication is objectionable.

The person also left a "to do list" on Discord. I'm calling that in under section 13(3) but I am not making an interim order in relation to that document.

I am very concerned about the livestream, and indeed portions and stills of the livestream, but I have not seen enough to form a view as to whether those are likely to be objectionable. I understand that your team are taking action to find that content. We will work with you to promptly classify any content that you send through.

Maggie is a good contact point for you at the moment although as we move into further classification of this material the best contact point might change.

Kind regards,

Rupert



Rupert Ablett-Hampson (he/him)

Acting Chief Censor

Te Mana Whakaatu | Classification Office

Phone : + [REDACTED]

www.classificationoffice.govt.nz

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Notice of Interim Classification Assessment under section 22A of the Films,
Videos, and Publications Classification Act 1993

Title of publication:	We wait for a signal while your people wait for you
Other known title:	2022 Buffalo supermarket attack manifesto
OFLC ref:	2200197 (Interim)
Medium:	Text File
Country of origin:	United States
Language:	English

Interim Classification:	Objectionable.
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Description of the publication

The publication is a 180-page text “manifesto” reportedly written by the 18-year-old attacker who killed ten people at a Buffalo, New York supermarket in the United States on 14 May 2022. The manifesto was released online to coincide with the attack.

In a ten-page question and answer section, the attacker outlines their reasons for committing the attack, what inspired them, and calls for other readers to also commit violence. The writer self-identifies as a ‘white supremacist’, ‘anti-Semite’, and ‘racist’. On page 57, the writer simply lays out the goals of their actions as to ‘Kill as many blacks as possible’, ‘Avoid dying’ and ‘Spread ideals’.

The writer justifies their violence by calling on the Great Replacement, a conspiracy theory popularised by the manifesto of the Christchurch shooter. The writer of this publication directly refers to that shooter, their livestream, and manifesto (*The Great Replacement* (OFLC Ref: 1900149.000)) as inspiration for their radicalisation and committing their acts of terror.

Beyond imitating its structure and form, large sections of this publication has been copied directly from *The Great Replacement*, including the last 24 pages which outline the Christchurch shooter’s personal thoughts and ideology.

A majority of the remaining text comprises highly instructional guides for selecting, procuring, and using weapons, armaments, and other equipment used in terror attacks.

Reasons for the Decision

On 15 May 2022 the Acting Chief Censor, on his own motion under section 13(3) of the Films, Videos, and Publications Classification Act 1993 (the Act), initiated a classification of this publication. On the same day the Office of Film and Literature Classification (Classification Office) assessed the publication and determined that it is likely to be objectionable.

This publication promotes and supports criminal acts including mass murder and terrorism to a high extent and degree. It presents this justification in a manner that is intended to glorify the writer and inspire others towards terrorist violence. The publication contains highly detailed instructions on how to prepare for and carry out an act of mass violence.

In referencing the Christchurch shooter and their manifesto, the writer demonstrates the persuasive capacity of manifestos on vulnerable individuals. Not only has this publication and the associated livestream been designed to reflect the Christchurch shooter's publications, entire sections of this publication have been copied directly from *The Great Replacement*.

Given the content has been made available online, New Zealanders may have downloaded, accessed, or shared this content. There is urgent need to notify the public of the harm this manifesto could cause by reading it and engaging with its content. Given the evidence of the harms produced by this publication, and the urgency of notifying the public of these harms, the Chief Censor is satisfied that an interim assessment is justified in this instance.

The Classification Office is aware that several other publications were produced in relation to the supermarket attack on 14 May. Most notably, the attacker livestreamed their attack on the streaming platform, Twitch. In the hours after the attack, fragments of the livestream footage were shared on social media. An urgent interim classification assessment has been made on the livestream footage (OFLC Ref: 2200203 (Interim)). This is also likely to be considered objectionable.

Other artefacts of the attacker's online presence, including their transcripts of their social media posts, have also been shared online. Some of these other publications may also be assessed by the Classification Office.

A classification decision for this publication will be made within 20 working days.

Date: 17 May 2022

Distribution

This notice is to be given to the Secretary for Internal Affairs.

Classification Meeting: Decision & discussion record

PUBLICATION INFORMATION		
Publication No:	2200203 & 2200203 (Interim)	(if Logged)
Title:	2022 Buffalo supermarket attack Livestream	Pub Title Confirmed?
Other Known Title/s:	-	
Medium Agreed:	Video file	
Submission Channel:	12 Labelling 13(1)(b) DIA 13(1)(a) Customs 13(1)(c) Public 13(1)(ab) Police 13(3) Chief Censor	29 Courts 42 Reconsideration 55. BOR
MEETING INFORMATION		
Meeting Date:	Monday, 16 May 2022	9.30am (NZ time), via Zoom
Attendees:	<i>Snr Decision Maker:</i>	Rupert Ablett-Hampson
	<i>Classification Team:</i>	██████, ██████, ██████
	<i>Others:</i>	Maggie Tait, Julia Dayan, ██████ (notes taker)
MATTERS DISCUSSED		
Confirm Submission Process:	Called In	
Interested Parties:	Y/N • TBC	Close Date for submissions: -
Consultation (s21):	Y/N • TBC	Comment: -
Matters to address in Decision:	Graphic content Promotion and support of extreme violence and cruelty	Examining Censor: ██████ & ██████ Lead SCA: ██████ Final Sign off: Rupert
Sections of Act Significant/Relevant to Decision:	13(3) 22A Interim Decision	
Batching Comments:	NA	
Classification:	Interim Assessment: Objectionable	Preliminary / Interim /Final
Descriptive Note / Display Conditions:	-	
Target Release Date:	Classification due within 20 days (by 10 June 2022 approx.)	
Making the Decision Public (Who to notify of Decision)	DIA – Julia to advise at 10.00am meeting Press Release to be drafted	
Other Considerations :		

Notes of Discussion:

Until late yesterday, only 2 ½ minutes of the livestream were available. This footage was freely available and initial analysis suggests it is likely this footage (depicting the suspect in the car, ending at the first gunshot) would not meet the threshold of objectionable, in isolation.

There is now a 7-minute (approx.) video circulation that encompasses the above 2 ½ minutes with the rest being footage within the supermarket. Initial analysis suggests it is likely that this footage would meet the threshold for objectionable.

22 people watched the livestream as it happened on Twitch. One person on 4chan claims to have a 24-minute version of the livestream and has posted stills to corroborate their claim. Nobody beyond this person has made a claim to have a version of this length and at this stage, this version has not been posted anywhere.

83 page transcript of the suspect's Discord has also been made available, and there are versions of the manifesto popping up.

There was also a discussion on classifying the various versions and derivatives of the 6.52 minute Livestream, including the 2 ½ minute version. Our priority will be to classify this 6.52 minute footage, as it is the source document for versions.

Discussion around the applicability of 3(2)(f) and 3(3)– to determine the classification of this publication.

A discussion will be held with DIA at 10am Monday 16 May 2022 on the content they have discovered. We will also discuss with DIA - coordination with other agencies on available context (such as GIFCT).

Actions going forward

Rupert as Chief Censor made the following decisions

- He will call in the Livestream for classification
- He will issue an interim classification assessment

We will work with DIA around variations of the livestream as the content comes to hand.

████ and █████ will work on the decisions together (████ lead on the Manifesto and █████ lead on the livestream).

Notice of interim decision to be drafted by █████, this will include what happened, what the suspect did, what artefacts are available, why this is likely to be objectionable and the reasons the public need to be aware of this decision (the content has been available and New Zealanders may have downloaded, accessed or shared the content, therefore, there is a need to be aware of this to avoid harm).

Notice of Interim Classification Assessment under section 22A of the Films, Videos, and Publications Classification Act 1993

Title of publication: 2022 Buffalo Supermarket Attack Livestream

OFLC ref: 2200203 (Interim)

Medium: Video File

Country of origin: United States

Language: English

Interim Classification:	Objectionable.
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Description of the publication

2022 Buffalo Supermarket Attack Livestream is a video of the terrorist attack in Buffalo, New York in the United States on 14 May 2022. It is 6 minutes and 52 seconds in duration. It contains dialogue in English. The video includes images of mass murder of patrons at a supermarket taken from a 'first person' perspective by a camera fixed to the attacker's helmet.

For a majority of its runtime, a man is shown in a car with at least three visible weapons. He then travels to his destination. On arrival at the supermarket, the man immediately starts shooting at unarmed, defenceless victims. The deaths are clearly depicted. He is shown moving through into the store, systematically firing on victims as they attempt to flee.

The video appears to be a screen capture of the original video, which was streamed to the platform, Twitch. At points the video is buffering and becomes highly pixelated. It ends with the stream being cut off and returning to the Twitch homepage.

Reasons for the Decision

On 16 May 2022 the Acting Chief Censor, on his own motion under section 13(3) of the Films, Videos, and Publications Classification Act 1993 (the Act), initiated a classification of this publication. On the same day the Office of Film and Literature Classification (Classification Office) assessed the publication and determined that it is likely to be objectionable.

This publication promotes and supports the infliction of extreme cruelty and extreme violence. The first-person view records the actions of the attacker, creating the disturbing

effect of seeing the attack from his own perspective. The video is clearly intended to record, share, and glorify the acts of extreme violence and cruelty, namely the graphic mass murder of unsuspecting victims. There is nothing present that denounces such activity.

Given the content has been shared on such a popular online platform, New Zealanders may have downloaded, accessed, or shared this content. There is urgent need to notify the public viewing and engaging with this publication could be harmful. Given the evidence of the harms produced by this publication, and the urgency of notifying the public of these harms, the Chief Censor is satisfied that an interim assessment is justified in this instance.

The Classification Office is aware that several other publications were produced in relation to supermarket attack on 14 May. Most notably, the attacker produced a written manifesto outlining their beliefs and justification for their violence. An urgent interim classification assessment has been made on the manifesto (OFLC Ref: 2100197 (Interim)). This is also likely to be considered objectionable.

Other artefacts of the attacker's online presence, including their transcripts of their social media posts, have also been shared online. Some of these other publications may also be assessed by the Classification Office.

A classification decision for this publication will be made within 20 working days.

Date: 17 May 2022

Distribution

This notice is to be given to the Secretary for Internal Affairs.

Publication History for You Wait for a Signal While Your Peopl...

2200197.000 Text File

Status History

Status	User Name	Date
Decision Registered	[REDACTED]	13/06/2022
Classified & Signed	Rupert Ablett-Hampson	13/06/2022
Decision Affirmed	[REDACTED]	13/06/2022
Date of Notice of Decision	[REDACTED]	13/06/2022
Draft Complete	[REDACTED]	03/06/2022
Drafting Decision	[REDACTED]	16/05/2022
Examined	[REDACTED]	16/05/2022
Examining	[REDACTED]	15/05/2022
Queued	Julia Dayan	15/05/2022
Logged	Julia Dayan	15/05/2022

Publication Movements

Movement	User Name	Date	Notes
Pub Received	[REDACTED]	15/05/2022	Downloaded to USB OFLC password: [REDACTED]
Final Docs Dispatched	[REDACTED]	13/06/2022	

Notice of Decision under Section 38(1)

TO: Chief Censor

Title of publication: You Wait for a Signal While Your People Wait for You

Other known title: 2022 Buffalo Supermarket Attack Manifesto

OFLC ref: 2200197.000

Medium: Text File

Maker: Not stated

Country of origin: United States

Language: English

Classification:	Objectionable.
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Background

1. The Office of Film and Literature Classification (the Classification Office) has examined this publication under the Films Videos, and Publications Classification Act 1993 (the Act) and determined that it is classified as objectionable. This notice records the reason for the decision.
2. On 14 May 2022 an 18 year old man armed with firearms attacked a supermarket in Buffalo, New York. He killed 10 people in the attack and injured 3 others. The attacker livestreamed his attack on a popular streaming platform. He also released this “manifesto” online to coincide with the attack.
3. On 15 May 2022 the Acting Chief Censor initiated a classification of this “manifesto”. The classification of the livestream was initiated on 16 May 2022. The Classification Office assessed the publications on those dates and determined that both were likely to be objectionable.
4. The Acting Chief Censor considered that there was an urgent need to notify the public that the contents of the livestream and the “manifesto” were likely to be objectionable.
5. On 17 May 2022 the Classification Office issued two notices of interim classification assessment under section 22A of the Films Videos, and Publications Classification Act 1993 Act (the Act). The interim classifications had the effect of classifying both publications objectionable.

6. This decision replaces the interim classification of the “manifesto”. A separate notice of decision has been issued for the livestream¹, which has also been classified as objectionable.

The publication

7. You Wait for a Signal While Your People Wait for You *Wait for a Signal While Your People Wait for You*, also known as the *2022 Buffalo Supermarket Attack Manifesto* is a 180-page text document written by the 18-year-old attacker.
8. In the document the writer outlines his motivations for his murderous violence and provides instruction on how to carry out such an attack. The writer attributes his radicalisation to the actions of the man who attacked and murdered many worshippers in mosques in Christchurch in March 2019.

The writer’s motivation

9. The writer claims that white Europeans are being ‘replaced’. This is a direct reference to the racist conspiracy theory, the Great Replacement, originally conceived by French conspiracy theorist Renaud Camus,² and brought into public awareness through the actions and writings of the Christchurch terrorist in 2019, who named his own manifesto after it.
10. According to the writer, ethnically and culturally white Europeans are being ‘replaced’ through ‘mass-immigration and sub-replacement fertility’. The writer unambiguously refers to this as ‘WHITE GENOCIDE’ by non-whites or ‘replacers’.
11. The writer outlines his reasons for the terror attack in Buffalo, New York as a justified defence against being ‘replaced’. The writer claims his attack is intended to intimidate and ‘physically remove replacers themselves’. He seeks to ‘incite violence, retaliation, and create division between the European people and the replacers’.
12. The writer self-identifies as a fascist, white supremacist, racist, and anti-Semite. In the document he asks himself what he wants and he responds with the 14 words. The 14 words are the rallying cry of white supremacists internationally:

We must secure the existence of our people and a future for white children.

13. The writer identifies his planned attack as an act of terrorism, and states his willingness to die in order to raise awareness for replacement theory and to progress his cause:

I carried this attack out so I can influence others into defending themselves from the replacers, becoming infamous was the only way.

14. The document advocates violence as a justified and proportionate response to ‘white genocide’ and promotes the idea that a reader can find a sense of purpose in violent action.

There is no nation in the world that wasn’t founded by, or maintained by, the use of force. Force is power. History is the history of power. Violence is power and violence is the reality of history. Violence is the only way to make real change in the world.

¹ See: 2022 Buffalo Supermarket Attack Livestream - OFLC Ref: 2200203.000

² <https://www.fesjournal.eu/wp-content/uploads/2018/09/2.Bromley.pdf>

An instructional guide on how to carry out a terror attack

15. The bulk of the publication, over 100 pages, is dedicated to outlining his strategies for inflicting harm, and conducting a comparative analysis of different weapons, armament, and equipment. The writer states that he has provided these instructions to:

*-Kill as many "blacks" as possible
-Avoid dying
-Spread ideals.*

16. Under a section titled 'Strategies for success' the writer describes how to 'maximize deaths'. He describes why he chose the specific area of Buffalo to commit the attack where 'a high percentage and high density of blacks can be found'. The writer outlines in detail plans for committing the attack including floor plans of the supermarket, a timeline of events, and confirming kills by executing downed victims.
17. The writer explains his choice of weapons, armament, and equipment. He describes the weapon, how he procured it, modifications he made, and what a 'better option' would have been. This format is repeated for each piece of equipment and individual modification.
18. The writer repeatedly mentions how his age and the gun laws of his state prevented procuring the most lethal versions of his equipment. He described how to make illegal modifications that could circumvent these barriers, including using household tools.
19. He also analysed other items such as clothing, body armour, and livestreaming equipment. The writer references the length of time that the Halle Synagogue Shooter was able to stream to Twitch, which he claims is 'enough time to capture everything important'.
20. The document indicates meticulous planning and instructs readers on how to plan a terror attack which maximises harm according to their specific means. By showing his research, the writer of this manifesto attempts to make terrorist violence as accessible as possible.
21. While most of this content is written in first person, the writer makes an occasional direct address to the reader. These asides act to coach readers into violence, drawing from the writer's personal experiences to reassure the reader that violence is justified:

Most importantly, the attacker must go through with the attack in their mind. It is very difficult for a normal person even with all the information to carry out an attack that will kill another human being, or the fact that you may die that day. I don't think there really is a way to train for this, but confidence in your goals and equipment may ease them.

22. The writer's appeal to martyrdom demonstrates the strength of his ideological conviction. According to the writer, the Great Replacement is a real and credible threat worth committing acts of terror and potentially dying for.

The influence of the Christchurch terrorist

23. The writer directly states that the Christchurch mosque terrorist had a radicalising impact on him:

Is there a particular person that radicalized you the most?

Yes and his name is [Christchurch attacker]. [His] livestream started everything you see here. [He] started my real research into the problems with immigration and foreigners in our White lands, without his livestream I would likely have no idea about the real problems the West is facing.

24. The ongoing availability of the publications produced by the Christchurch terrorist inspired this writer into violent action. He writes:

I saw a short gif of a man walking into a building and shooting a shotgun through a dark hallway. I didn't think anything of it, but then I saw it again, and I looked up who this person was. I thought to myself, "Why did this person do it?" That person was [the Christchurch shooter], and after some searches I found the 17 minute livestream of him attacking the Al-Noor mosque. I eventually found his manifesto and I read it, and I found that I mostly agreed with him.

25. The influence of Christchurch terrorist's manifesto is evident throughout this document, the general format of this document was designed to reflect it. Both documents open with descriptions of the conspiracy theory, are followed by a question and answer section, provide justifications for violence against specific groups, descriptions of strategies and weapons, and end with general statements from the writer.

Classification

26. The Classification Office must classify the publication as either unrestricted, restricted (i.e. objectionable except in certain circumstances, for example if only available to available to people of a certain age), or objectionable.

27. Section 3(1) of the Act prescribes that an objectionable publication is one that:

describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good

28. In order to classify a publication as objectionable the Classification Office must determine whether:

- a. The publication deals with matters such as sex, horror, crime cruelty, or violence (section 3(1))
- b. The publication is "deemed" to be objectionable (section 3(2))
- c. If the publication is not "deemed" to be objectionable, the publication is determined to be objectionable because its availability is likely to be injurious to the public good. The Classification Office must give particular weight to certain matters in section 3(3) and consider matters in section 3(4).

29. In making this decision the Classification Office has to have regard to the New Zealand Bill of Right Act 1990, specifically:

- a. Section 14 of the New Zealand Bill of Rights Act 1990 which states that everyone has "the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form".
- b. Section 5 which prescribes that this freedom is subject "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society", and

- c. Section 6 which states that "Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning".

Does the publication deal with matters such as such as sex, horror, crime, cruelty, or violence

30. The publication deals with crime, cruelty and violence. The publication presents the written justification and instruction for undertaking violent terrorist attacks and murdering unarmed members of the public.

Is the publication "deemed" to be objectionable

31. A publication is deemed to be objectionable if it promotes or supports, or tends to promote or support, certain activities (section 3(2)). Mere depiction or description of the activities will generally not be enough to deem a publication to be objectionable.
32. The relevant provision for this publication is section 3(2)(f), so the issue is whether this publication promotes or supports acts of torture or the infliction of extreme violence or extreme cruelty.
33. The writer portrays his violent actions as an unpleasant necessity to protect white Europeans from being 'replaced' by ethnic and cultural minorities. The writer uses this justification to advocate for cruel and violent act of murder, including murdering the children of 'replacers'. In addition to advocating for murder the document provides instruction on how to how to do that and how to kill as many people as possible.
34. When considering previous manifestos the Classification Office and the Film and Literature Board of Review have chosen to determine whether those publications were objectionable under section 3(3)(d) of the act which deals with acts of terrorism³. In relation to this publication however the publication encourages and instructs its readers on how to commit acts of extreme violence (i.e. murder), provides them motivation in terms of a racist extremist objective, and must be considered in the context of its release to coincide with the Livestream. The publication promotes the infliction extreme violence and is deemed objectionable.

Is the publication determined to be objectionable

35. The text file is deemed objectionable so the Classification Office is not required to determine whether it is objectionable under the criteria of section 3(3), however if it had been required the Classification Office would have determined it to be objectionable. In reaching that position the Classification Office considered the following matters required by the Act.

Matters to be given particular weight

36. Section 3(3) of the Act deals with the matters which the Classification Office must give particular weight to in determining whether or not any publication is objectionable or should be given a classification other than objectionable.

³ See The Great Replacement : OFLC Ref 1900149.00 notice of decision dated 23 March 2019 and the Board of Review decision dated 12 August 2019 in relation to the same publication.

37. The matters relevant to the publication are:

- a. The extent and degree to which, and the manner in which, the publication promotes or encourages criminal acts or acts of terrorism, (section 3(3)(d)) and
- b. The extent and degree to which, and the manner in which, the publication represents (whether directly or by implication) that members of any particular class of the public are inherently inferior to other members of the public by reason of any characteristic of members of that class, being a characteristic that is a prohibited ground of discrimination specified in section 21(1) of the Human Rights Act 1993 (section 3(3)(e)).

38. The publication promotes and encourages criminal acts and acts of terrorism to a high extent and degree. It is a detailed, instructional guide on how to carry out a terror attack.

39. The writer justifies their violence using the racist Great Replacement conspiracy theory. The writer advocates for the murder of Blacks on the basis of their colour and race and ethnic origins, all prohibited grounds of discrimination under the Human Rights Act. The publication is also anti-Semitic.

Additional matters to be considered

40. Section 3(4) of the Act requires that additional matters are also considered.

s3(4)(a) The dominant effect of the publication as a whole.

- a. The dominant effect of the publication is that of a detailed, highly instructional piece of propaganda for White supremacists. The instructional and promotional effect of the publication, combined with the degrading, racist, and anti-Semitic language is likely to have the effect of radicalising susceptible individuals into violence action.

s3(4)(b) The impact of the medium in which the publication is presented.

- b. The writer intended not just for followers to share the publication following the attack, but interact with it online. The writer instructs a follower to add the location of the attack into the document after it has taken place. It was released as a .PDF file alongside the *2022 Buffalo Supermarket Attack Livestream* online shortly after the attack in Buffalo. As a .PDF, it is easily shared online.

s3(4)(c) The character of the publication, including any merit, value or importance it has in relation to literary, artistic, social, cultural, educational, scientific or other matters.

- c. The publication has no particular merit with regard to the above criteria, although it may have some academic value for researchers and analysts who study extremism⁴.

s3(4)(d) The persons, classes of persons, or age groups of the persons to whom the publication is intended or is likely to be made available.

⁴ Researchers and analysts may seek access to objectionable publications by applying for an exemption under section 44 of the Act.

- d. The publication is intended for white supremacists and other adherents to the great replacement conspiracy theory. While most reasonable adult readers would be able to engage with this document and readily identify it as a piece of propaganda for a well-known conspiracy, the manifesto is design to have a radicalising effect on a small percentage of susceptible individuals.

s3(4)(e) The purpose for which the publication is intended to be used.

- e. The publication was created with the intent it be shared widely. The document is propaganda intended to inspire, persuade, and encourage white supremacists into violent extremist action. This association with the livestream video of the attack, and the stated association with the Christchurch attacker, gives this document a high level of authority and persuasiveness over its intended audience. Several groups are specifically identified as potential targets for violence, particularly people of African-American and Jewish heritage.

s3(4)(f) Any other relevant circumstances relating to the intended or likely use of the publication.

- f. The Classification Office has had regard to the fact that both the livestream and manifesto were released at the same time. The express intent in doing so is to influence others in the way that Christchurch terrorist influenced the writer.
41. The Classification Office considers that the objectionable classification for this publication a demonstrably justified limit on freedom of expression due to the high likelihood of significant injuries to the public good arising directly from its availability.

Conclusion

42. The publication is classified as objectionable.
43. The publication is deemed objectionable because it promotes and supports extreme violence by advocating and instructing on acts of mass murder.
44. Even if the publication was not deemed to be objectionable it would nevertheless be determined to be objectionable. Its availability would be injurious to the public good due to the fact that it promotes and supports criminal acts including mass murder and terrorism to such a high extent and degree. The publication contains highly detailed instructions on how the writer prepared for and carried out the act of racially motivated terrorism that he livestreamed.

Date: 13 June 2022

Classification Office Decision

Title of publication: You Wait for a Signal While Your People Wait for You

Other known title(s): 2022 Buffalo Supermarket Attack Manifesto

OFLC ref: 2200197.000

Medium: Text File

Maker: Not stated

Country of origin: United States

Language: English

Applicant: Chief Censor

Classification:	Objectionable.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 13 June 2022

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 13 June 2022

Summary of reasons for decision:

This decision replaces the interim classification of the livestream that was issued on 17 May 2022. The publication is a 180-page text file written by the gunman who carried out the terrorist attack in Buffalo, New York in the United States on 14 May 2022. The publication encourages and instructs its readers on how to commit acts of extreme violence (i.e. murder), provides them motivation in terms of a racist extremist objective, and must be considered in the context of its release to coincide with the Livestream of the attack (OFLC Ref: 2200203.000). The publication promotes the infliction extreme violence and is deemed objectionable under s 3(2)(f) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). Even if the publication was not deemed to be objectionable it would nevertheless be determined to be objectionable. Its availability would be injurious to the public good due to the fact that it promotes and supports criminal acts including mass murder and terrorism to such a high extent and degree. The publication contains highly detailed instructions on how the writer prepared for and carried out the act of racially motivated terrorism that he livestreamed. The right to freedom of expression, that is to seek, receive, and impart information and opinions protected under s 14 of the New Zealand Bill of Rights Act 1990 (NZBORA) was considered, together with the fact that under s 5 of the NZBORA this freedom is subject “only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society”. An objectionable classification for this text file is considered to be a demonstrably justified limit on that

freedom in this case due to the high likelihood of injury to the public good from the text file's continued availability.

Publication History for 2022 Buffalo Supermarket Attack Livest...

2200203.000 Video File

Status History

Status	User Name	Date
Decision Registered	[REDACTED]	13/06/2022
Classified & Signed	Rupert Ablett-Hampson	13/06/2022
Decision Affirmed	[REDACTED]	13/06/2022
Date of Notice of Decision	[REDACTED]	13/06/2022
Draft Complete	[REDACTED]	07/06/2022
Drafting Decision	[REDACTED]	16/05/2022
Examined	[REDACTED]	16/05/2022
Examining	[REDACTED]	16/05/2022
Queued	Julia Dayan	16/05/2022
Logged	Julia Dayan	16/05/2022

Publication Movements

Movement	User Name	Date	Notes
Pub Received	[REDACTED]	16/05/2022	Downloaded to USB. OFLC password: [REDACTED]
Final Docs Dispatched	[REDACTED]	13/06/2022	

Notice of Decision under Section 38(1)

TO: Chief Censor

Title of publication: 2022 Buffalo Supermarket Attack Livestream

Other known title: Not stated

OFLC ref: 2200203.000

Medium: Video File

Maker: Not stated

Country of origin: United States

Language: English

Classification:	Objectionable.
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Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

	Components	Running time
Timed component(s):	2022 Buffalo Supermarket Attack Livestream	6:52
Total running time:		6:52

1. The Office of Film and Literature Classification (the Classification Office) has examined this publication under the Films Videos, and Publications Classification Act 1993 (the Act) and determined that it is classified as objectionable. This notice records the reason for the decision.

Background

2. On 14 May 2022 an 18 year old man armed with firearms attacked a supermarket in Buffalo, New York. He killed 10 people in the attack and injured 3 others. The attacker livestreamed his attack on a popular streaming platform. He also released a "manifesto" online to coincide with the attack.

3. On 16 May 2022 the Acting Chief Censor initiated a classification of the livestream. The classification of the “manifesto” was initiated on 15 May 2022. The Classification Office assessed the publications on those dates and determined that both were likely to be objectionable.
4. The Acting Chief Censor considered that there was an urgent need to notify the public that the contents of the livestream and the “manifesto” were likely to be objectionable.
5. On 17 May 2022 the Classification Office issued two notices of interim classification assessment under section 22A of the Films Videos, and Publications Classification Act 1993 Act (the Act). The interim classifications had the effect of classifying both publications objectionable.
6. This decision replaces the interim classification of the livestream. A separate Notice of Decision has been issued for the “manifesto”¹, which has also been classified as objectionable.

The publication

7. *2022 Buffalo Supermarket Attack Livestream* Buffalo Supermarket Attack Livestream is a video file of the terrorist attack in Buffalo, New York in the United States on 14 May 2022. Ten people were killed during the attack and a further three injured. The video is six minutes and 52 seconds in duration. The video appears to be a screen capture of the original video, which was streamed to the platform, Twitch. There are brief periods where the image is buffering and becomes highly pixilated and distorted.
8. The video begins with the gunman inside a car with the angle of the shot and camera movement indicating that the images are being taken by a camera attached to the helmet he is wearing. Occasionally the gunman’s face is visible in the rear-view mirror, he is a young looking white male. He has two rifles with indiscernible white decoration on them sitting in the passenger seat foot-well. He is driving on suburban streets with no footpaths. At one point he says that he has missed his street and laughs. He speaks again but the words are indiscernible. He turns the car around and drives back the way he came. He drives past two people walking on the side of the road on the left. He stops the car and says that he wants to make sure of his route. He looks at his phone. He reaches behind him and gets a gallon bottle of water from a pile of things on the back seat and drinks from it.
9. He drives on, entering a supermarket carpark and turning right. He drives to the far end and pulls into a carpark. He says “just gotta go for it, right.” He turns the car around and drives back toward the supermarket, saying, “That’s them. Right here. Going in.” He stops the car and gets out, raising his gun at the woman in blue walking toward him.
10. The first shooting takes place six minutes and eight seconds into the video when he shoots the woman, then the man at the rear of a black car. The word ‘Nigger’ is written clearly on the gun barrel. The gunman proceeds to shoot three people next to a shopping trolley by the door of the supermarket. He fires again at the fallen man by the black car, then moves toward the supermarket, firing into the building through the plate glass window. Before entering, he shoots one of the victims lying by the door.

¹ See: You Wait for a Signal While Your People Wait for You, also known as 2022 Buffalo Supermarket Attack Manifesto - OFLC Ref: 2200197.000

11. People are heard yelling as the gunman enters the supermarket. Inside to the left are two people on the ground who appear to have been hit by the bullets fired through the window. One of them is crawling away from the gunman, the other lies on their side facing away from him. The gunman shoots them both. A person is seen running into a shopping aisle to the right as the gunman shoots down the length of the building. People are heard screaming. It is not clear that anyone is shot during this volley of gunfire due to brief but heavy pixelation. The gunman walks past the two victims on the floor and stops to reload his gun. He looks down at the victim closest to him who lies on their back, making sounds and moving their arms - he shoots them in the head.
12. The gunman continues shooting as he moves toward the checkout area. A person against the wall on the left steps out, is shot at and falls to the ground with blood spatter visible on the floor. Even though this section of the video is pixelated the nature of the events is clear. The gunman turns toward the checkouts and aims his gun at a man cowering on the floor. The man raises his hand to shield himself and calls out what sounds like, "No! Help!" The gunman lowers his weapon and says "sorry" before walking back the way he came.
13. At six minutes 49 seconds the video stream is cut and returns to the Twitch homepage.

Classification

14. The Classification Office must classify the publication as either unrestricted, restricted (i.e. objectionable except in certain circumstances, for example if only available to people of a certain age), or objectionable.
15. Section 3(1) of the Act prescribes that an objectionable publication is one that

describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good
16. In order to classify a publication as objectionable the Classification Office must determine whether:
 - a. The publication deals with matters such as sex, horror, crime cruelty, or violence (section 3(1))
 - b. The publication is "deemed" to be objectionable (section 3(2))
 - c. If the publication is not "deemed" to be objectionable, the publication is determined to be objectionable because its availability is likely to be injurious to the public good. The Classification Office must give particular weight to certain matters in section 3(3) and consider matters in section 3(4).
17. In making this decision the Classification Office has to have regard to the New Zealand Bill of Rights Act 1990, specifically:
 - a. Section 14 of the New Zealand Bill of Rights Act 1990 which states that everyone has "the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form".
 - b. Section 5 which prescribes that this freedom is subject "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society", and

- c. Section 6 which states that "Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning".

Does the publication deal with matters such as sex, horror, crime, cruelty, or violence

18. The video deals with crime, cruelty and violence. This video documents the events immediately prior to and during a mass murder of innocent people at a suburban supermarket.

Is the publication "deemed" to be objectionable

19. A publication is deemed to be objectionable if it promotes or supports, or tends to promote or support, certain activities (section 3(2)). Mere depiction or description of the activities will generally not be enough to deem a publication to be objectionable.
20. The relevant provision for this video is section 3(2)(f), so the issue is whether it promotes or supports acts of torture or the infliction of extreme violence or extreme cruelty.
21. The video promotes and supports the infliction of extreme violence and cruelty. It depicts the mass murder of innocent people going about their everyday lives. The gunman's behaviour prior to and during the shooting presents this kind of attack as normal and easily achieved, without consequence for the attacker.
22. The video is filmed using a camera that appears to be fixed to the gunman's helmet. The first-person view records his actions, creating the disturbing effect of seeing the attack from his perspective. The only reason for filming in such a manner is to glorify the gunman's actions. While detail is limited by the poor quality of some of the footage this does not reduce its impact or effect – the killings are unambiguous and the bodies of the victims are clearly visible.
23. The video was livestreamed by the gunman to Twitch, a popular video streaming platform used primarily by gamers. The filming from a helmet camera creates a perspective similar to that in 1st person shooter games, commonly streamed on Twitch. The video is clearly intended to record, share and glorify the gunman's acts of extreme violence and cruelty, namely the murder of unsuspecting victims.
24. The video promotes and supports the infliction of extreme violence and cruelty and is therefore deemed objectionable.

Is the publication is determined to be objectionable

25. The video is deemed objectionable so the Classification Office is not required to determine whether it is objectionable under the criteria of section 3(3), however if it had been required the Classification Office would have determined it to be objectionable. In reaching that position the Classification Office considered the following matters required by the Act.

Matters to be given particular weight

26. Section 3(3) of the Act deals with the matters which the Classification Office must give particular weight to in determining whether or not any publication is objectionable or should be given a classification other than objectionable.
27. The matter relevant to the publication is the extent and degree to which, and the manner in which, the publication promotes or encourages criminal acts or acts of terrorism (section 3(3)(d)).
28. In addition to the promotional acts of extreme violence and cruelty already discussed, the violence depicted in the video present as acts of racially motivated terrorism.
29. There are striking similarities between this publication and live stream from 15 March 2019 in Christchurch, including the gunman's clothing, the use of a helmet-cam, racist writing on the firearms, the way he films himself driving around before proceeding to his target, the way he carries out the attack and the fact that both attacks were livestreamed on popular online platforms.
30. The similarity is no coincidence, in his "manifesto" the gunman cites the Christchurch attack and the "manifesto" of the Christchurch attacker as a direct influence on his views and his actions.
31. The Classification Office has had regard to the online "manifesto" written by the gunman and the fact that this was released to coincide with the livestream of the attack. The manifesto promotes and supports extreme violence, including mass murder and terrorism. It details the gunman's white supremacist extremist views and presents the written justification for murdering unarmed members of the public. The writer identified his goals to 'Kill as many "blacks" as possible', 'Avoid dying' and 'Spread ideals'.
32. The gunman's direct reference to the Christchurch terrorist serve as evidence of the tangible, radicalising impact of these types of publications on vulnerable people.

Additional matters to be considered

33. Section 3(4) of the Act requires that additional matters are also considered.

s3(4)(a) The dominant effect of the publication as a whole.

- a. The dominant effect of the publication is of a self-made video depicting the murder of innocent people.

s3(4)(b) The impact of the medium in which the publication is presented.

- b. The digital nature of the video means it is capable of being shared online. The video was livestreamed on a popular gaming platform where it was watched live. It was clearly created with the intent that it would be shared widely.

s3(4)(c) The character of the publication, including any merit, value or importance it has in relation to literary, artistic, social, cultural, educational, scientific or other matters.

- c. The video is self-made and has no particular merit with regard to the above criteria, although the events are worthy of new reporting and the publication

may have some academic value for researchers and analysts who study extremism².

s3(4)(d) The persons, classes of persons, or age groups of the persons to whom the publication is intended or is likely to be made available.

- d. Any ongoing interest in the unfettered availability of the video will largely be amongst supporters of the gunman and those wishing to promote extremist ideologies.

s3(4)(e) The purpose for which the publication is intended to be used.

- e. The video is intended to contribute to the ongoing proliferation of these types of copycat attacks, to perpetuate terrorist methods and extremist ideology.

s3(4)(f) Any other relevant circumstances relating to the intended or likely use of the publication.

- f. The Classification Office has had regard to the fact that both the livestream and manifesto were released at the same time. The express intent in doing so is to influence others, in the same way that Christchurch terrorist influenced the gunman.

34. Most viewers will view the video as a disturbing and potentially traumatic spectacle. Children and young people are particularly prone to the negative effects of violent media, but adults may also be negatively affected by real-life videos such as this. Many are likely to be significantly shocked and traumatised by the confronting murders. An age restriction is inadequate as it will only mitigate the potential harms of this video for young people (and even then only in a limited way given the limited effectiveness of age-restrictions on internet content).

35. The Classification Office considers that the objectionable classification for this publication a demonstrably justified limit on freedom of expression due to the high likelihood of significant injuries to the public good arising directly from its availability.

Conclusion:

36. The video is classified as objectionable.

37. The video is deemed to be objectionable under the Act because it promotes and supports the infliction of extreme violence and cruelty. The video is clearly intended to record, share and glorify the acts of the gunman which includes the cruel murder of defenceless civilians.

² Researchers and analysts may seek access to objectionable publications by applying for an exemption under section 44 of the Act.

38. Even if the video were not deemed to be objectionable it would nevertheless be objectionable because its availability would be injurious to the public good due to the extent and degree to which it promotes criminal acts, including mass murder and terrorism.

Date: 13 June 2022

Classification Office Decision

Title of publication: 2022 Buffalo Supermarket Attack Livestream

Other known title(s): Not stated

OFLC ref: 2200203.000

Medium: Video File

Maker: Not stated

Country of origin: United States

Language: English

Applicant: Chief Censor

Classification:	Objectionable.
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Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

Date of entry in Register: 13 June 2022

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 13 June 2022

	Components	Running time
Timed component(s):	2022 Buffalo Supermarket Attack Livestream	6:52
Total running time:		6:52

Summary of reasons for decision:

This decision replaces the interim classification of the livestream that was issued on 17 May 2022.

The video file was filmed by the gunman who carried out the terrorist attack in Buffalo, New York in the United States on 14 May 2022. The video is deemed to be objectionable under s 3(2)(f) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it promotes and supports the infliction of extreme violence

and cruelty. The video is clearly intended to record, share and glorify the acts of the gunman which includes the cruel murder of defenceless civilians. It contributes to the ongoing proliferation of these types of copycat attacks, to perpetuate terrorist methods and extremist ideology.

Even if the video were not deemed to be objectionable it would nevertheless be objectionable because its availability would be injurious to the public good due to the extent and degree to which it promotes criminal acts, including mass murder and terrorism under s 3(3)(d) of the FVPC Act.

The right to freedom of expression, that is to seek, receive, and impart information and opinions protected under s 14 of the New Zealand Bill of Rights Act 1990 (NZBORA) was considered, together with the fact that under s 5 of the NZBORA this freedom is subject “only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society”. An objectionable classification for this video is considered to be a demonstrably justified limit on that freedom in this case due to the high likelihood of injury to the public good from the video’s continued availability.