

# CIVIL



# RIGHTS



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## News Letter

### Our annual general meeting

At our meeting this year we were again privileged to hear an address of outstanding interest and quality - this time from Mr R.M. de Villiers, M.P., on "The Public's Right to Know", with special reference to the recently passed Publications Bill. As an editor of many years' standing, Mr de Villiers spoke with undisputed authority, as well as with inside knowledge of the proceedings of Parliament and the attitude of the Government to the Bill. Space does not permit a verbatim report but we give, for the benefit of our many members who could not attend, the gist of his address.

The Government, said Mr de Villiers, believed that the Publications Bill was necessary because there are "pernicious conditions of permissiveness and degeneration" abroad in South Africa, and that machinery was necessary to deal with them. He continued as follows:

"The Bill, we believe, will restrict or inhibit free literary and/or artistic expression and constitutes a gross invasion of individual and group rights and liberties. I am not in favour of a pornographic free-for-all, but to the extent that the State has an obligation in this matter, control should be through the ordinary laws of the land and these must be interpreted and administered by the courts.

"The elimination of the courts is indefensible and a blow at the rule of law.

"The cardinal issue is, who is to lay down standards: an independent court, or an appointee of a Cabinet Minister?

"The definition of undesirable in the Bill is so wide that it will give to a small coterie, acting beyond the control of the courts but under the direction of the Minister, the power not only to control pornography, obscenity and perversion, but also to control thought, ideas and even political expression.

"So you see how your right to know is being whittled away.

"Basically, the public has the right to know in every country where there is government of people by the people for the people, that is, in every democracy. Why? Because people can only go-

vern themselves satisfactorily and effectively if they are in possession of all the facts. All the facts, not some of the facts, not only those which someone in authority or someone with a vested interest in withholding embarrassing facts wants the public at large to have. (Mr de Villiers referred to the Water-gate exposure by the New York Times and Washington Post)

"Where do these facts come from? In modern society there are three main sources of news: the Press, Radio and Television. In South Africa we have no television as yet, and this is perhaps the most powerful medium of them all.

"The important point is that these sources of information can only carry out their job if they are free to do so. They dare not allow themselves to be restricted, for, if they are, they cannot do their job of giving all the news to which free people are entitled.

"This is the case for Press freedom: this is what Press freedom means: the right of the public to know what is being done in their name. Press freedom is not a licence to allow people to do what they like for their own sakes: it is a right belonging to all the people.

"The public has the right, furthermore, to expect the Press to do more than just print the news that comes to it. It must unearth facts that are relevant and to which the public is entitled. It must open doors that are otherwise shut, it must shed light on dark and murky places because people in authority, here and everywhere else in the world, prefer to operate in the dark - beyond the spotlight.

"It is important to realise that the Press has no more rights than the individual - no special rights. The press operates within the law and already there are a number of statutes which in one way or another limit the rights of newspapers to print what they want.

"With the right to know, of course, goes the right to see, the right to hear. The corollary is the right to write, to publish, to make films, paint pictures, create sculpture.

"And that is where the acceptance by Parliament of the Publications Act was so sad a day for South Africa.

(Mr de Villiers here explained the meaning of the Publications Act and referred to the very encouraging and positive reactions of Afrikaans writers to it.)

"The Press is specifically excluded from the provisions of the Publications Act. The reasons for this are that when the National Press Union, in the early 60's, heard of the coming

Publications Control Act, it drew up a code of conduct for its member newspapers. The Government then agreed to exclude all N.P.U. members from the Publications and Entertainments Act of 1963. More recently, following on threats from the Prime Minister, a new code was drawn up and presented to him. There is a division of opinion in the Press about this.

"We come now to the radio. This is a very strange situation. The SABC claims to be an autonomous body, and in Parliament successive Ministers have claimed that they cannot instruct the SABC in any way. The SABC used to fall under the Minister of Posts and Telecommunications. Today it is the responsibility of the Minister of National Education.

"Theoretically, of course, the radio is free. But it has chosen to shackle itself to a particular ideology, and to that extent it is not free: it is the prisoner of its own ideological convictions.

"The SABC has become the mouthpiece of the Establishment, openly and unashamed. This is objectionable because the SABC is a State monopoly and nobody can set up in competition with it. It should, therefore, set out to be as objective as any human agency can. Difficult, but the BBC has shown how close one can get to it.

"Television: The situation is going to be just as bad or worse than with radio. In other words, TV is also going to reflect the views of the Establishment. And the Establishment, of course, is the Nationalist Party in office.

"The battle for radio and TV freedom remains to be fought. As long as these powerful mass communication media are self-shackled and remain a monopoly, there will continue to be a major sector of unfreedom or seriously limited freedom, thereby detracting from the efficacy of debate.

(Mr de Villiers said that the average person had probably no conception of the power of radio to influence a vast public in its own homes - people who hardly troubled to read newspapers.)

"Other implications, too, are serious: a diminution of personal and group liberty, a diminution of democracy which depends on a meaningful public debate - a debate whose effectiveness is seriously reduced when an important discussion is to all intents and purposes blotted out.

"There can be no real democracy without free communication media. That is why free newspapers cannot exist in a totalitarian state: a free press is the enemy of the dictator. It is a sad fact that over vast areas of Africa the people's right to know

has been denied them. South Africa is the only country in Africa with a free Press, however relative this freedom may be. Everywhere the lights of liberty have been snuffed out or dimmed almost to vanishing point.

"Here in South Africa the battle for a free Press goes on: it is a never-ending battle (1824-1974 - 150 years since Pringle and Fairbairn). Press freedom is never safe anywhere: there will always be people ready to end it or to reduce it to meaningless dimensions. All the more reason, therefore, why the battle must continue to be waged for the right of newspapers to carry on their job of giving the people all the facts.

"The threat to Press freedom in South Africa, which has come from the Government in increasing measure in the past year or two, should be the concern of every man and woman interested in democracy and in the fair name of our country overseas, where the question of our credibility is at stake if Press freedom is curtailed. The newspapers' right to know is your right to know. Cherish it and help to fight for it - in the interests of all of us."

Mr de Villiers concluded with a quotation from Alexander Solzhenitsyn, Russian writer now living in exile so as to be able to write as he likes:

"...woe betide the nation whose literature is interrupted by the interference of force. This is not simply a violation of the 'freedom of the press': it is the locking up of the national heart, the carving up of the national memory. Then the nation does not remember itself, the nation is deprived of its spiritual unity, and although they supposedly have a common language, people with the same fatherland suddenly stop understanding each other."

The only course acceptable, Solzhenitsyn warned his persecutors when he was expelled from the Union of Writers for refusing to submit to censorship, is openness:

"... honest and complete openness - that is the first condition of health in all societies, including our own. And he who does not want this openness for our country cares nothing for his fatherland and thinks only of his own interest. He who does not wish this openness for his fatherland and does not want to purify it of its diseases, but only drive them inwards, there to fester."

Our warm thanks to Mr de Villiers for his challenging and thought-provoking address.