

# A Free Press?

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*Mr. Pogrund, an Assistant Editor of the Rand Daily Mail, delivered this birthday address at the 18th Annual General Meeting of the Sash in Johannesburg.*

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**I believe that you in the Black Sash retain your strength and your freshness because of your ideas. You stand for a decent South Africa, in which all peoples, whatever their colour, will have equality of opportunity. You stand for a South Africa in which the total rights of all individuals will be accepted. You stand for an end to authoritarian government.**

Because of your work in your advice offices you have unique knowledge of the complex pass laws and their consequences. It is because of your expertise, and your dedication to helping the hapless, that so many Africans have been able to contest official decisions which would otherwise have blasted their lives and those of their families.

Because you have this knowledge I have no doubt that you will agree with me in saying that the terrible effects of the pass laws, and the fact that we blithely allow them to continue is unhappy proof of a rottenness in our society. There must be something terribly and dangerously wrong with the morality of a people who tolerate such a system of oppression and debasement.

But you do so much else besides, in standing for these essential principles of decency. And you have had reason aplenty in recent months to justify your existence: the arbitrary bannings of 16 young people, and a few others besides whose names have not captured the headlines: the banning of three men immediately after completing ten-year jail sentences for sabotage — perpetuating their punishment without benefit of trial: the restriction on the right of public protest in central Cape Town: the proposal to set up a permanent commission of inquiry concerned with internal security, whose sinister intent is sadly only too clear.

And at a time like this, when new restrictions abound and when we should be able to look to the chief Opposition party in Parliament to be striving to safeguard the interests of the community it is sad indeed to find the United Party running away from its responsibilities. As it has been doing for some time

the UP turns to expediency in the hope of picking up a few more votes.

The growing collapse of the UP in opposing authoritarianism makes protest such as yours all the more important.

I have referred to all these matters because they are directly relevant to my main theme today. They are as relevant as all the hundreds of other ministerial bannings over the years, the house arrests, the banishments to remote places, the colossal structure of security laws which has been created over the past 25 years, and the general lack of rights of Black citizens.

All these abuses of personal liberty are relevant because newspapers do not exist in a vacuum. Newspapers are living organisms of society and they are a reflection of the society in which they exist.

The Press will have just as much freedom as a society decides to grant it. And the extent of that freedom, in turn, will depend on how much freedom is allowed to individuals in that society — because the Press is simply an extension of the public in print.

Any government intent on depriving its citizens of their rights must of necessity do the same to the Press. Indeed, it must stamp even harder on the Press — for newspapers left unfettered will constantly draw attention to the curtailment of individual rights, and will constantly protest against what the Government is doing.

No government intent on tyranny can tolerate Press freedom. It dare not.

Sometimes, however, the Press itself is weak and abdicates from its responsibilities. We have had this in South Africa.

After the struggles of the early 19th century, newspapers enjoyed a large measure of freedom right up to the post-Second World War era; but in the main newspapers restricted themselves to the jealous protection of the rights of only one section of society, the Whites. Black South Africans hardly existed, except during times of occasional disturbances or as the perpetrators of crimes.

The deficiency was recognised by a few English-language newspapers, and especially from the late 1950's onwards, the continuing drive has been to report on all sections of South African society.

It is a natural movement which, happily, at least some Afrikaans newspapers are now also following.

Traditionally, the country's Afrikaans newspapers have been organs of the National Party, faithful, loyal and uncritical. They have, in fact, been typical manifestations of what happens to a newspaper when it is tied to a political party and philosophy. Everything that goes into such newspapers is dictated by the narrow political considerations of the group they serve.

The news is screened to conform not to what readers have a right to know, or are likely to want to know about the world in which they live, but rather what the party's ideology wants them to know.

As I said, Afrikaans papers are now changing. Several of them have recently embarked on a voyage of discovery about their own country, exploring aspects of our national existence which previously they would not have dreamt of doing.

They have been looking into the operation of the pass laws and have expressed frank distress about their findings. During the recent Durban strikes, several examined the wages paid to Blacks and responded with honest anger, even though old habits died hard as they continued to flail around hunting for the non-existent agitators which their party ideology told them were behind the strikes.

There is a refreshing willingness also to speak at least occasionally in at least semi-critical terms about Government policy.

A spirit of free thinking, essential for the Press to do its job, seems to be creeping into these newspapers, and is giving even their reporting of everyday events a crispness and efficiency hitherto lacking.

The movement forward is slow, even timid. But it is there, and it gives hope of better, truer newspapers, offering healthy competition to their English counterparts.

Equally important, English newspapers must live up to their ideals, for in their adherence to their particular political views, some fail to present a fully rounded picture of all the elements of our society. Some, sadly, also crumble before the onslaught of the Government and shrink away in fear.

It is against such background that we must know that, today, after 25 years of Nationalist rule, the South African Press is fettered to an extent that few members of the public realise. The process of control has been brought about so gradually and so insidiously that even many newspapermen are unaware of its full ramifications.

Just as the rights of the individual have been eroded, so too have the freedoms of the Press been undermined. There now exists a maze of laws whose effect is to impede the right of the public to know what is happening. The Press is either expressly forbidden to publish, or as a result of the existence of various laws is afraid to publish.

A former South African newspaper editor summed it up well when he said that editing a newspaper in this country was like walking blindfolded through a minefield.

I want to give you some details about the minefield. Because these relate to legal matters the facts are somewhat dry. But I hope you will bear with me because of the importance of knowing just how far-reaching the restrictive laws are.

### ● Official Secrets Act:

Apart from the usual provisions which any country maintains to protect its security, South African amendments refer blandly to "any military, police or security matter". No one, except perhaps a few in government, is sure just what these phrases mean.

In practice, however, it means that newspapers must tread carefully in reporting any activities of the police or security organs without even knowing what they must be careful of.

### ● Defence Act:

There is a total prohibition on the reporting of anything concerning the defence of the country, except with official permission. Even

news agency reports from abroad which deal with South African defence cannot be published freely in our country, although the identical report will be published in all other parts of the world.

### ● **Native Administration Act:**

This goes back to 1927, but has been updated. It makes it an offence for anyone to "promote hostility" between Whites and Africans. It sounds fair enough — a model piece of legislation to avoid racial incitement — but in practice it is an editor's nightmare. Blacks are the ones struggling for rights, so it is their utterances and those of their sympathisers which tend to fall within the ambit of this law.

### ● **Riotous Assemblies Act:**

This contains a similar provision, but takes it further in allowing the State President the power to proscribe any newspaper which is said to engender hostility between Whites and others.

### ● **Public Safety Act:**

If a state of emergency is declared the Government has total powers including the right to close down newspapers.

### ● **Criminal Law Amendment Act:**

This is the "incitement" law whereby it is an offence for any person to use language or do any act calculated to cause anyone else to contravene the law by way of protest against the law.

In practice this means that if a newspaper publishes information in advance that an illegal strike is about to take place in protest against apartheid (and, of course, strikes by Africans are illegal anyway), then it runs the risk of being charged with incitement. The penalty, for the editor, includes imprisonment for up to five years and/or a whipping of up to ten strokes.

### ● **Suppression of Communism Act:**

There is a wide definition of communism, and the Government has the power to ban newspapers deemed to be spreading that communism. Also, the statements of banned people cannot be published without permission. The prohibition applies to the banned, whether alive or dead, whether living in South Africa or abroad. Up to 800 people have been under banning orders at any one time and the current figure is around 300. It means that

an entire spectrum of political opinion cannot be reported to the public.

### ● **Prisons Act:**

There is a total prohibition on the publishing of photographs of prisoners, or prisons, or even police vans, without permission from the authorities. This applies even after a prisoner's death. Even a photograph of a prisoner taken perhaps 60 years before, when he was a baby, is prohibited.

More importantly, it is an offence to publish any information about prisons knowing that such information is false or without taking "reasonable steps" to ensure accuracy. The onus of showing that reasonable steps were taken rests on the accused.

Even after a protracted and expensive court case involving reports of jail conditions there is still no certainty about what constitutes "reasonable steps". The effect is to inhibit free publication of information about jail conditions.

### ● **Extension of University Education Act:**

Students at the Black apartheid colleges are debarred from giving statements to the Press without their rector's permission.

### ● **Freedom of Movement:**

The right of entry to large areas of South Africa is controlled. Whites cannot enter urban African townships without permission, and in regard to some rural areas, permission is required by both Whites and non-local Africans.

### ● **Unlawful Organisations Act:**

This to some extent repeats the provisions of the Suppression of Communism Act. Several organisations have been banned under this Act, and nothing about their policies or viewpoints can be published.

### ● **Criminal Procedure Act:**

Section 83 provides that anyone who is believed to have information needed by the police can be brought before a magistrate and questioned. Refusal to answer can mean up to a year in jail, and this can be renewed again and again. Journalists who believe in the unwritten code of their profession about protecting the name of a source of information run grave risks under this law if they handle a story in which the police may show an interest. The tendency would be to drop the story so as to avoid possible trouble.

### ● 180-Day detention without trial:

Even greater risks are faced — and even greater fear is the result.

### ● General Law Amendment Act — the "Sabotage Act":

It also specifies that sabotage is committed by anyone who incites, instigates, commands, aids, advises, encourages or procures any other person to commit acts of sabotage. The problem faced by newspapers is: at what stage does the mere reporting of events stray across the line into these dangerous areas?

### ● General Law Amendment Act:

The Government can demand a deposit of up to R20 000 for the registration of a new newspaper if it is believed that it might be necessary later to ban that newspaper. If it is banned, all or part of the deposit is forfeited.

### ● General Law Amendment Act:

Any area or place which is declared "protected" may not be identified by newspapers in photographs or reports.

### ● Publication and Entertainments Act:

All the country's daily papers and probably all the weeklies are exempt from this law which provides for a Publications Control Board which has the power to prohibit any publication. The Government has on a number of occasions threatened to make the law applicable also to the country's dailies and weeklies.

### ● Press-Police Agreement:

Entered into between newspaper owners and the police, there are provisions requiring the Press to advise the police prior to publication of any news items concerning crimes of which the police may still be unaware, or concerning state security.

While such provisions may be necessary to ensure harmonious working between the Press and the police, and so far have not created any known problems, they need to be carefully watched.

### ● Miscellaneous:

There is a wide variety of other laws ranging from blasphemy to seditious libel — the publication of words directed against the authority of the state with the intention of stirring up discontent and sedition.

All these laws taken together, and the generalised feeling of fear which they inevitably create among officials and members of the public simply about giving information to the Press, means that South Africans cannot always be certain that their newspapers are telling them all that they should know or might want to know.

IT IS an astonishing aspect of South Africa that, in such a situation, there are still newspapers which strive to the utmost to carry out their duties. They push the law to its limits, gingerly step around the pitfalls, and in their editorial comment, go far in expressing strong, frank criticism when they believe it to be justified.

It is equally astonishing that the Nationalists have, so far, still tolerated the extent of Press freedom which we do enjoy. It is out of character. Yet they have done so because they have been sufficiently acute to realise that, as long as they do not take direct, overt action against the Press, they can still maintain that democracy exists. The moment that they legislate against the Press, South Africa will once and for all be openly dubbed a police state.

I believe there is an additional factor. That a primary reason for non-action thus far is that the Government has viewed the Opposition Press as ineffective, and certainly, from a narrow point of view it has had the proof of this in its mounting majorities at each successive election.

But South Africa is changing. The rigid society which we had for a decade through the Sixties is gradually but perceptibly easing up. The aggression with which new African leaders are challenging the practices of apartheid is one manifestation of this. And apartheid itself is being nibbled away at, on the sports fields — because of international pressure — in the acceptance of diplomats from abroad, in hotels, in countless other ways.

There are hopeful signs of a shift in attitude by the Government on the question of Africans living in the cities; there seems to be the first stirring of a recognition of the terrible things done to people in the name of apartheid and even a desire to do something about it. While the pass laws continue to be applied as relentlessly as they are, perhaps little of this can have any real meaning. But at least the indications of new thinking do offer some hope of change to come.

Only recently there was the announcement of legislation giving African workers the right to strike — true, within carefully prescribed limits, but it is still a significant advance on the previous outright prohibition backed by legal sanction.

I do not say that Paradise lies around the corner. But there are the elements of change, big and small, in all corners of the country.

It seems paradoxical that, in the face of all this hopeful movement, the Government is bent on pressing down harder than ever on those who oppose its policies. Yet the Government's reaction is surely explicable, the Nationalists are authoritarian by nature; that is their creed.

Even while they necessarily recognise the inevitability of change, it must be change on their terms, in a direction and at a pace which they control. I think such an aim will prove to be fruitless for change in our long-stagnant society, now that it is underway, must prove to be self-generating leading to still more change. In the long run, it will be impossible for the Nationalists to have it the way they want it — which, of course, means continued White supremacy.

But they will seek to control it, which means that they must deal with those who speak out against them. That has already happened to student leaders, both White and Black. Next it must be the turn of dissident churchmen, newspapermen and others who are too vocal. The planned permanent commission on internal security offers the way to do it.

And with the Press, there is again also the threat of direct action — perhaps because, after all, the Press is proving too effective in showing up Nationalist faults and fallacies. In recent months, the Minister of the Interior, Dr. Connie Mulder, has twice referred to this possibility.

Naturally he does not want to do the knife job himself; he would prefer to have the Press exercise its own censorship under the guise of "responsibility". That would keep the Government's image clean.

The "responsibility" of which Dr. Mulder speaks is, of course, bogus. What he wants is that the unpalatable aspects of South Africa should be suppressed from public gaze.

If newspapers give way to this sort of talk they will be further emasculating themselves.

They will still further be depriving the public of its right to know.

In the two-edged situation in which South Africa now finds itself — of progress on the one hand, and increased repression on the other — the Black Sash has a vital role to play.

More than ever before it is essential for South Africa to be constantly reminded of the standards of human conduct to which it should and must aspire.

More than ever before South Africa must constantly be reminded that the debased standards of the present are not the norm for creating a healthy society for all our peoples.

For all these long and lonely years the Sash has maintained its stand. No doubt you have often thought that it was serving no purpose, that few were listening.

You would be wrong to view yourselves in such negative terms. Because there is no doubt that your ideas have been quietly having their effect. There is no doubt that the sturdy presentation of your ideas over a period of time has contributed significantly to the changed climate of opinion which we are now finding in South Africa.

And with more concern being displayed today than for a long time past, with more awareness of the defects of our society, it is imperative that you go on spelling out your simple message of decency with the same courage which you have displayed for 18 years.

Please, for all our sakes, don't stop.

