

# First target

RENE DE VILLIERS

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*Mr de Villiers, a member of Parliament and one-time editor of the 'Star', delivered this address to the Cape Western Region*

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THE issue of press freedom has been a fixation of mine for one reason above others, namely, that I believe there is a totally inadequate conception among people at large as to what press freedom really means. Press freedom is not something that is external to the individual, something that allows newspaper owners to get rich or eccentric columnists to express their views; it is something that basically belongs to the individual. It is because the press is the public and press freedom is really public freedom that it is such a vitally important issue.

Those of us who have been in journalism all our lives do not have many illusions about the popularity of the press. Many individuals develop grievances because they think they have been misrepresented by the press, others believe that newspapers cannot do right and are actually out to do mischief. Let us be clear on this: newspapers are instruments of human agency and therefore they are fallible. Nevertheless, one thing is beyond dispute: there cannot be a free society unless there is a free press. There can be no individual freedom without press freedom, and newspapers can only be as free as the environment in which they operate. That is why, down the years, the first target of a dictatorship has been the free press.

There is nothing particularly new about the assault on the press and one thing one learns from the history of the world over the years is that press freedom is never really safe for any length of time: you have to keep on fighting for it. And because we have been given some sort of respite over this Newspaper Bill, this does not mean that the position is now safe.

In 1948 the National Party came to power and within 18 months they had appointed a Press Commission which sat for 13 years. It reported on four of its five or six terms of reference but it did not find what the Nationalists were hoping it would. That took us to 1961-62, and then came a period when the Government became very fidgety, after Sharpeville.

The Newspaper Press Union, the official body of owners and managers, decided that, in the face of government threats to act against newspapers, the press itself should draw up a code of conduct and that a three-man body, composed of a judge or ex-judge of the Supreme Court and representatives of the industry should constitute a Press

Council and implement this code. I think this is right because, just as with other professional bodies, newspapers do not ask for any privileges or rights other than those which should be available to every individual in a free society. A newspaper simply demands the ordinary rights of a free individual and for this reason it objects most strenuously to any legislation which is aimed specifically at it.

A code of ethics was drawn up and we operated under it quite cheerfully until about 1974 when the Government again got edgy. They asked the Newspaper Press Union to do something more; so in 1974 the NPU introduced a slightly more stringent code of ethics, including a punitive clause which had not been there before. The Government was not satisfied, however. Governments are always looking for a situation in which newspapers will not be as critical of them as they are. They prefer to operate in the dark: it is so much easier when people do not know precisely what is going on. But this is one of the functions of newspapers: to shed light on dark places.

The Government entered into negotiations with the Newspaper Press Union but these failed and the Minister of the Interior gave notice in the House of Assembly that he would introduce the Newspaper Bill to control the press. The PRP and the United Party took the unusual step of opposing this Bill at its first reading.

It was, by any standards, an incredible piece of legislation. Although it was subsequently withdrawn, a tremendous amount of harm was done to this country, here and particularly overseas, by the mere publication of the Bill. By giving notice of its intent, the Government revealed how far it was prepared to go to restrict press freedom — and, in the process, of course, restrict *your* freedom. This is at the heart of the matter: the fate of individual freedom.

The Newspaper Bill set up a State-appointed press council to operate a press code drawn up by the government. This press code was an astonishing document. We objected to the whole principle of statutory control, because the minute there is statutory control or any kind of external control the freedom of the press has gone. Newspapers can no longer do what they believe to be right and in the best interests of the public. The press becomes suspect, because one never knows to what extent what it publishes has been

dictated by an outside agency, to what extent it is simply reflecting the views of the Government.

Much of the press code itself was deplorable. It could simply not be worked. It would either have been impossible to implement or it would have made it impossible for newspapers to do their job.

We must look at this against the fundamental right of individuals in a free society to have access to all the facts on all public issues and to every variety of opinion. Unless people have this, they cannot govern themselves. You cannot have democracy without a free press because there is no exchange of opinion. The press is the watchdog of the public; not a lapdog: it must make itself thoroughly unpleasant when necessary. The press's function is not to ingratiate itself with authority but to be vigilant all the time.

The fight against this Bill produced one of the most interesting episodes in recent political history: for the first time there was a united front between the Afrikaans and the English-language newspapers on what is basically a political issue. For the first time everybody associated with the newspapers in this country realised and showed that freedom is indivisible: there cannot be freedom for one group and not for another. When the Afrikaans newspapers opposed the measure so strenuously the government eventually said it would withdraw the Bill and give the newspapers one year in which to discipline themselves effectively.

The NPU then produced a new code of ethics and undertook to see that it was implemented. The code should be seen as a broad expression of intent, with this important proviso: that the freedom of the press is indivisible from and subject to the same legal and moral restraints as that of the individual and rests on the public's fundamental right to be informed. 'By reason of that right', the code says, 'all newspapers are obliged to report news truthfully, accurately and objectively and to comment and criticize fairly and honestly.'

Within this framework, is the press in South Africa as free as it was before this code was introduced? In my view the press is still able to do its fundamental duty of informing the public on all matters on which the public has a right to be informed, even though this may have become more difficult.

It operates under a whole range of statutes: the Official Secrets Act, the Defence Act, the Prisons Act, the Internal Security Act, the General Laws Amendment Act, the Riotous Assemblies Act, and so on. All these laws contain provisions concerning the rights and the functions and duties of newspapers. To that extent freedom of the press has already been inhibited. Some

of the restrictions newspapers can readily accept, but we had an example in the Angolan invasion where the area of legitimacy was invaded by the government, and the public was not told of what was going on. This was inexcusable. That happened not because of the press code but because of the provisions of the Defence Act which has been slightly tightened up since then.

To return to the press code: the future will show to what extent it is a tolerable document or restricts press operations. There is an air of concern in newspaper offices: to that extent the area of freedom has already been reduced. Journalists have to be more careful... I am all for carefulness, for responsibility, as long as it does not keep people from doing their fundamental duty, which is to give the people the facts to which they are entitled. Much is going to depend on how the Press Council interprets the press code.

I want to emphasize that there is no need for more legislation about the press. There is quite enough legislation in existence already, and if the Bill as published became law, press freedom would have been abolished. The claim of those who drew up this Bill that it would advance press freedom was sheer nonsense. Their arguments revealed a conception of press freedom so distorted as to make one wince.

This is why we must go on protesting against any statutory control of newspapers. By doing so we simply stake a claim to our right as individuals to have access to the facts. One of the things we have learned over the past few months is that public opinion, which knows what it wants and what it is talking about, can have some influence. The price of freedom is eternal vigilance, as much in the newspaper sphere as it is in the personal sphere.

