

# CENSORSHIP AND PRESS CONTROL

## *New steps towards dictatorship*

THE threat of tighter censorship has been hanging over our heads ever since the present Government came to power. Until now, they have nibbled away at freedom of opinion and expression by making wider use of existing censorship laws (there are no fewer than 21 of these on our Statute books) and adding restrictive provisions to several new laws.

In the coming session of Parliament, South Africa will move closer to dictatorship if the Censorship Bill is passed. This measure, entitled "Publications and Entertainments Bill," was introduced last April and referred to a Select Committee for inquiry and report, with power to bring up a new Bill.

The Select Committee was unable to complete its task because of the early end of the session but will be reappointed when Parliament reassembles in January.

### *The Disciplined Republic*

It is a well-known fact that the Government have a strong desire to control the reading matter of the public. The declared aim of the Nationalist Party is to establish a Christian-National Republic with the strongest emphasis upon the effective disciplining of the people.

The Nationalists firmly believe that the State should decide what the public should and should not read. In the debates on the Censorship Bill we are likely to hear a great deal about obscene publications. But pornography is not the main target of this Bill. We must take care not to be fooled by the puritan protestations of the politicians. We should keep our eye on the main target, which is political censorship.

The Nats. want to clamp down on those who hold and express political views which they detest. They want to suppress the publication of anti-apartheid news and views; they want to prevent the dissemination of "subversive" doctrines, such as those embodied in the Universal Declaration of Human

Rights; they want the power to block the transmission of critical reports.

The Censorship Bill provides the means to this end. It empowers the authorities to apply a strict censorship over all reading matter and entertainment, both imported and locally-produced.

Significantly, it embraces the press as well as all other publications. Significantly for two reasons—firstly because the Press Commission, appointed in

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By ALEX HEPPLER

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1950, has not yet reported, secondly, because the Nationalists have been persistently demanding drastic action to curb the "English" press, which they look upon as one of their worst enemies.

The Bill provides that all books and publications must be approved by a Publications Board, consisting of a chairman and at least ten members, all appointed by the Minister. Naturally, the Minister will take the greatest care to select the right people for this job.

If the Bill becomes law, it will be a criminal offence to print or publish any book or periodical without the prior permission of the Board. The Board can prohibit "the manufacture, printing, publishing, distribution, display, exhibition, sale or offering or keeping for sale" of any book, periodical, pamphlet, poster, writing, drawing, picture, photograph, painting, statue, record, etc., which in the opinion of the Board is undesirable or on any ground objectionable.

This means that this Board of the Minister's choosing will be the sole judge of what books and magazines South Africans should be allowed to read and what paintings and pictures they should be allowed to see. These connoisseurs will select our culture for us. They will be the controllers of our intellectual life.

Any author, publisher or other person who is dissatisfied with a decision of the Publications Board can appeal to an Appeal Board. Here again, the members are appointed by the Minister. The chairman must be a man with legal qualifications. He

## CENSORSHIP—*continued*

will be assisted by not less than four other members "appointed by virtue of their knowledge or experience of matters pertaining to art or literature or any other matters incidental to the appeal." The more one reflects upon this qualification, the more meaningless it becomes.

All decisions by the Appeal Board are final. No decision or steps taken by either the Publications Board or the Appeal Board can be tested or reviewed by any court of law.

## Press Control

The Board has no power to ban newspapers, but the press gets special censorship treatment. The Bill makes it a criminal offence to print, publish, distribute or sell "any undesirable newspaper," and proceeds to define an "undesirable newspaper."

This definition says that a newspaper is undesirable if it, or any part of it, "prejudicially affects the safety of the State; can have the effect of disturbing the peace or good order, prejudicing the general welfare, being offensive to decency, giving offence to the religious convictions of any section of the inhabitants of the Union, bringing any section of the inhabitants into ridicule or contempt, harming relations between sections of the inhabitants, promoting crime, discloses details of evidence given in legal proceedings regarding indecent acts, adultery or impotence . . . or is otherwise on any ground objectionable."

This definition is so wide that newspapers will find it virtually impossible to cover the news adequately without committing a crime. Sub-editors and lawyers will have to go over every item with a fine tooth comb to make sure that not even the most innocent reports or articles fall foul of these indefinite offences.

The last phrase alone—"or is otherwise on any ground objectionable"—exposes all newspapers to prosecution on the complaint of any narrow-minded or malicious person. Judging from the constant stream of abuse against the English-language press by Nationalist politicians, this sweeping definition would be used constantly to drag critical newspapers into court. Political reporting would become a dangerous hazard.

Worse than the criminal prosecutions would be the intimidation. The mere existence of a law of this kind would compel newspapers to impose a strict censorship themselves. As it is, the press now has to operate under the menace of the existing 20 or more censorship laws.

The very nature of the Publications and Entertainments Bill would force the press to err on the side

of over-caution, rather than take risks. The result would be that South Africans would be served doctored news. They would not be told many things that they ought to be told. The free exchange of opinions, which is so essential to the health of a democratic society, would no longer be permitted.

To succeed in their drive to the disciplined, Christian-National Republic, the Nationalists must control the press. A free press thwarts them beyond patience. Action would have been taken long ago, were it not for the fear of damaging repercussions. One is the curb on their own press, which they wish to avoid, and another is a new outburst of world-wide censure against South Africa.

All the Government are now waiting for is the yellow light from non-Nationalists. If the Government can persuade the opposition that some form of censorship is necessary they will be willing to risk overseas criticism and find a way to protect their own press. Dr. Verwoerd has made no bones about it. In his radio broadcast after the referendum he threatened us with censorship when he said, "We cannot allow the Republic and the future welfare of the nation to be ruined by sensation-mongering, incitement or the besmirching of our country's name or that of its leaders."

As the Nats. alone will be the judges of what constitutes sensation-mongering, incitement and besmirching, we can guess what Dr. Verwoerd was aiming at.

## Emergency Powers

The State of Emergency showed what the Government are after. The emergency powers indicated the form of censorship they would like to make a permanent institution in South Africa.

The draconic powers assumed by the Cabinet last March, by use of the Public Safety Act, enabled them to decree that the publication of "subversive statements" was a crime, punishable by a fine of

### CENSORSHIP AND PRESS CONTROL IN SOUTH AFRICA

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"If only the press would be quiet nobody would know about you!"—*Contact*.

£500 and five years in jail. The definition of "subversive statement" was so wide that the International Press Institute was prompted to comment, in an article entitled "South Africa: A Press in Chains," that regulations couched in such sweeping terms "constitute a serious threat to the free and responsible reporting of actual events."

Using these emergency powers, the authorities raided the premises of several newspapers and closed down two weeklies, *New Age* and *Torch*. Later, the editor of the Liberal weekly *Contact*, Mr. Patrick Duncan, and his business manager were prosecuted for publishing subversive literature, alleged to be contained in two issues of this paper. The editor of the Port Elizabeth daily, the *Evening Post*, Mr. John Sutherland, was also brought before the courts on a charge of publishing "subversive statements" during the emergency.

The S.A. Society of Journalists expressed concern at other prosecutions of journalists and publishers. They referred specifically to the cases of Mr. Parkes of the *Rand Daily Mail* and Mr. Duncan of *Contact*, who were sent to prison for refusing to disclose sources of information to the police. Mr. Parkes was released after a few hours but Mr. Duncan was held in prison for three weeks before the police released him, saying that they had obtained the required information elsewhere.

Like all Select Committees, the one which will deal with the Publications and Entertainments Bill will have a majority of Government members. In view of the strong views of the Nationalists on the question of press control, it is likely that some members will feel that the Bill does not go far enough.

They may decide that control should be exercised through a Press Commissioner, as suggested by Dr. Carel de Wet, M.P., who has described the English-language press as "the country's worst agitator." Or they may prefer to wait for suggestions from the Press Commission, which has been busy investigating the press for ten years and has so far cost the country about £80,000.

The Select Committee may even prefer the "Undesirable Publications Bill" drafted by the Commission of Enquiry in Regard to Undesirable Publications (the Cronje Commission), which submitted its report in October, 1956. This Bill provides for the compulsory registration of newspaper publishers and distributors, and for censorship enforced by severe penalties, including the blacklisting of editors, withdrawal of licences and fines of £1,000 as well as imprisonment for five years.

### Who wants Censorship?

There was been no public demand for an extension of censorship in South Africa. Only intolerant Nationalist politicians, who hate having their policies censured by critical journalists, are seeking to limit the freedom of the press.

These men, who seek to dictate to us in regard to every aspect of our lives, must be resisted. If there is to be any hope whatsoever for democratic discussion in South Africa, it is essential that public criticism of politicians, political parties and Government should be maintained. Political censorship of any kind has no place in a free society.

### DR. HERTZOG DEEPLY CONCERNED

REGARDING press censorship, Dr. Albert Hertzog has said that the success of democracy depends on the ability of the people to judge fairly, justly and reasonably on all matters of common concern. This was possible only if the information on which the people formed its judgment was in itself correct, fair and reasonable.

"South Africa's good name, her general welfare, and the interests of every section of our people have suffered so badly as a result of abuse by some journalists, both South African and foreign, and by part of the press in this country of their trusted and responsible positions, that serious-minded people cannot help feeling deeply concerned about the present state of affairs. Something has to be done. What exactly, I am not in a position to suggest. Nobody likes press censorship, and the newspapers least of all. They can easily remedy the situation. Why don't they?"