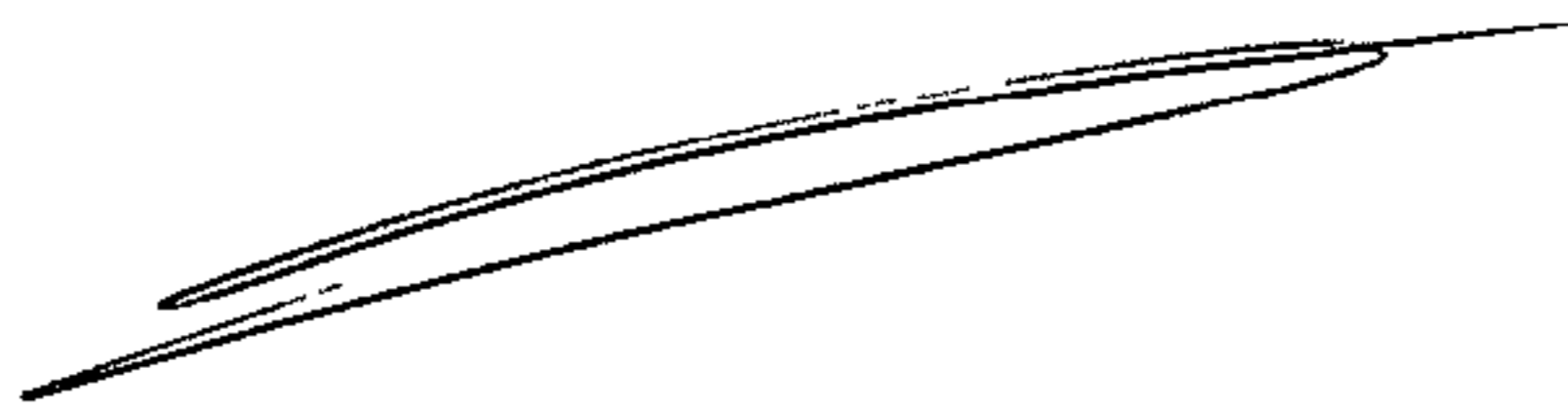


PRESS

1978



Star 17/10/78

A year since The World was banned

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By TONY DAVIS

One year ago today — October 19 — two newspapers and 18 organisations were banned and more than a dozen people were detained or banned under the Internal Security Act.

The organisations represented the leading proponents of the black consciousness movement in South Africa. They were political, religious and social groups.

The detained people were black consciousness leaders, community leaders and religious men.

Minister of Justice Mr Jimmy Kruger said he felt the bannings and detentions were necessary because of the threat they presented to the welfare of the country.

Press freedom in South Africa was seriously eroded by the banning of the World and the Weekend World. A black population of close to 2-million read those papers.

The editor of the World Mr Percy Qoboza and a senior journalist Mr Aggrey Klaaste were both detained.

The overseas reaction to the bannings and detentions was spontaneous. Overseas leaders condemned the Government's actions.

Following hard on the death in detention of black consciousness leader, Mr Steve Biko, world censure was once again directed towards South Africa.

Right thing

"I say without doubt I have done the right thing," Mr Kruger said at that time.

"I chose to try and stop the unrest in my country."

Former Prime Minister John Vorster supported his Minister's clampdown.

Assets and property of the banned organisations were seized, and this June saw the belongings auctioned off at John Vorster Square.

Among the leading detainees were Mr Kenneth Rachedi and Mr Aubrey Mokoena, both of the Black People's Convention.

Student groups were also banned, including the Soweto Students' Representative Council, several of whose members are currently being tried for sedition.

The Union of Black Journalists was banned on October 19.

The Christian Institute and its publication Pro Veritate and its director Dr Beyers Naude were banned.

Comment

Bitter sign of failure

REPRESSION, in a land that has already experienced democracy and freedom.

The day of the bannings, a day of such importance to all South Africans that The Star departed from its normal procedure to carry editorial comment on Page One. "The Government seems bent on transferring moderate black opinion into extremism" said the leading article.

The editor of the East London Daily Despatch, Mr Donald Woods, a friend of Mr Biko, was also banned and he subsequently fled the country.

The members of the newly formed Soweto Committee of 10 under the leadership of Dr Nthato Motlana were also detained in Modderbee Prison.

And the next day former Minister of Bantu Administration and Development Mr M C Botha announced in Pretoria that urban black townships would be run in the future by elected community councils.

Critics of the Government saw the detention of the Committee of 10 as an attempt by the Government to clear the way for the council in Soweto.

Only a five per cent voters' poll was recorded when elections were held in Soweto in February this year.

Another newspaper, the Transvaal edition of the Post, started publication this year as did the ecumenical newspaper the Voice.

In early 1978 several of

the detainees were released from prison, but there was still said to be a political vacuum in Soweto left by the bannings and detentions.

Dr Motlana and Mr Klaaste were released in mid-March, and soon after Mr Qoboza was freed from prison to take over the editorship of Post.

Mr Qoboza repeated his claim that he did not know why the World was banned despite statements by Mr Kruger that he had "warned" Mr Qoboza.

In April a new black consciousness movement tried to fill the intellectual vacuum — Azapo, the Azanian People's Organisation.

Azapo was opposed to ethnic-oriented institutions and it called for a common education system.

Its leaders were detained within a week of its formation.

● One year later several of the detainees are still in prison, some have been released and others have fled the country.

The World and Weekend World as well as the 18 organisations are still banned.

Star

The ticking 243 racial bomb

The Press will and must remain the last line of defence against violations of human freedoms and rights by politicians, writes PERCY QOBOZA (left), former editor of The World — banned a year ago today — and now editor of the Transvaal edition of Post.

In the hearts and minds of Black South Africans, October 19 will remain deeply embedded as long as the chords of memory can hold. For South Africans in general, it is the day when the Government finally but firmly spelled out where they stood on the question of human freedoms and Press freedom for South Africa.

For me it was the continuation of a nightmare. A nightmare that started on Sunday afternoon May 25, 1976, when I landed at Jan Smuts Airport after an absence of one year on a scholarship at Harvard University.

That night there was a welcome party at my house organised by friends and colleagues. On that night I was told of the restlessness of high school students over the Afrikaans medium instruction issue. The controversy that started as early as 1975.

During the following days I was talking to colleagues and men and women in the streets. There was no mistaking the deep-seated anger and sense of frustration. One did not have to be a genius to realise that an explosive situation existed.

I am now, for the first time, going to tell you publicly the sequence of events. Events which in subsequent campaigns of hate and vilifications Government spokesmen never mentioned. None of these facts were brought forward when my two newspapers — The World and Weekend World — were banned.

Alarmed by the rising wave of anger and lack of response on the part of the Government over the

n. June 9

solution to the language problem Mrs Suzman decided that I should personally convey my concerns to the Government. She hurriedly fixed an appointment for me with Dr Andries Treurnicht, who was then in charge of the Department of Bantu Education and the man directly involved in the language row.

His response showed exactly why he has been dubbed as Dr No by certain sections of the Press. While he was courteous throughout the discussion — sometimes disarmingly charming — his response was, and I quote his exact words: "Surely Mr Qoboza, if we pay for the education of your people you can at least give us the right of deciding in what language they should be taught!"

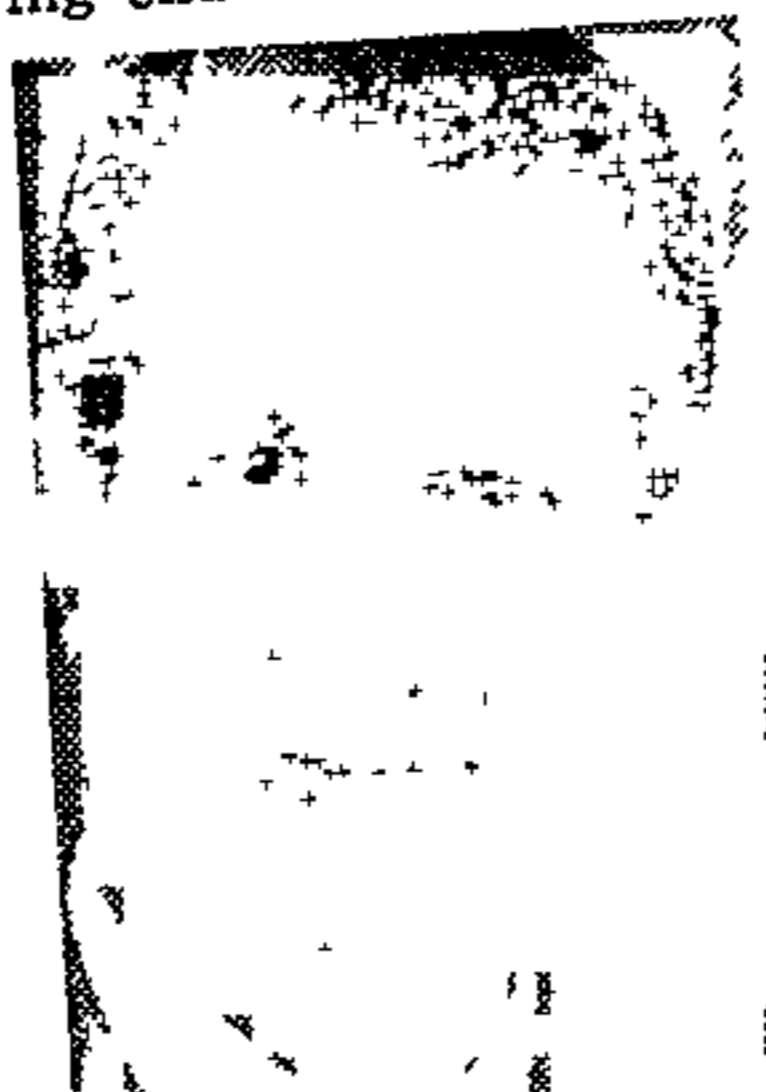
The man just could not understand the urgency of the situation. Later on, a colleague, Mr John Patten, managed to arrange a short courtesy call for me to the Prime Minister, Mr J Vorster, in his Parliamentary office. I again expressed my concerns to Mr Vorster. His final response after saying that his doors are open for anybody to discuss things, was that "law and order will be maintained at all costs".

A few days later Soweto went up in smoke, just as I had warned Members of Parliament it would. Nobody listened to me and those who did were powerless to do anything.

For my troubles I have been denounced as the godfather of violence in Soweto. I have been literally hounded with my family, subjected to insults over the phone. Police raiding me in the middle of the night. Mysterious bombs blowing at my windows endangering the lives of my children. Then came the final and most devastating action of them all. The closing down of my papers and my own imprisonment

harbour for justice and peace in this land.

Not one piece of evidence can be produced to substantiate the untruth that we caused polarisation among the races. We were at pains to point out — as I still do today — that at the centre of our problems lies racial discrimination. The grave sense of hurt and humiliation caused by policies we pursue cannot be imagined unless you were black and on the receiving end



DR ANDRIES TREURNICHT . . . a charming Dr No.

The dramatic impact on the ban on the newspapers has now taken its toll. The Press has generally ceased to be free as editors labour under fear and apprehension. Self censorship has become a monumental problem as a conspiracy of silence grips newspapers and newspapermen.

In the last year the

prospects of a free Press here have become very bleak indeed. It is a tragedy when one considers the high sense of responsibility exercised by the Press in this country over the years. I can only leave my colleagues with the sentiments once expressed by Sir Winston Churchill. In a speech delivered in the House of Commons on November 12, 1940 he uttered these memorable words:

"The only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations, but with this shield, however the fates may play, we march always in the ranks of honour"

If we can remember this, then South Africa can be truly grateful in the future. No free society can exist without a free and vigorous Press. The two go together. The Press will and must remain the last line of defence against the willy-nilly violations of human freedoms and rights by politicians. It must remain society's mirror. Reflecting truthfully and courageously life in our society. Anything less than this, is a sad act of treason against our country and all her peoples

CANT

Town where I held hurried consultations with Mrs Helen Suzman; the then Member of Parliament, and former Editor of The Star, Mr Rene de Villiers, and some of their colleagues on the Progressive Party.

I tried to convey to them, as best as I could, the sense of urgency in arriving at a reasonable

without trial for a half months.

One would have thought that there can be an end to all this nightmare. Oh no! The agony continues unabated. I have been refused a police Press identity card. As with my incarceration and the banning of my newspapers, no reasons have been advanced for this action. To add to the nightmare my entire executive staff have also been denied the same facilities.

My journalists continue to exist in the shadow and fear of being taken to prison. One, Willie Bokala, has been in jail for more than a year now. For months he has been kept isolated under the Terrorism Act. His sickly mother unable to see him. His colleagues and our lawyers unable to see him. He has now been transferred to Section 10 of the Internal Security Act. He can now be seen.

This happens, not behind the Iron Curtain, but in a country that vehemently protests at any suggestion that it is not democratic. A country that pays lip service to the principles of a free Press. What is even more shattering, a country that professes to be Christian. One can, like Lincoln, only express the idea "that I fear for my country when I think of God's justice."

Fortunately, my colleagues in journalism — with the possible exception of one daily Afrikaans newspaper — fully realise the implication of the ban on The World and Weekend World. They understand fully the meaning of the continued jailings without trial of black journalists. It may be us today. It will surely be them tomorrow.

Looking back in retrospect to the days of The World, I have absolutely nothing to be ashamed of. We did our job with honesty, integrity and advanced the longterm interests of our country and all her peoples.

We were guided by our belief and dedication to truth. Our courage continued to come from the

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exploits black writers'

Staff Reporter

PIETERSBURG — Black journalists were subject to blatant exploitation by newspapers, Mr Zwelakhe Sisulu, president of the Writers' Association of South Africa (Wasa), said at the weekend.

Addressing nearly 30 members of the newly formed branch of the association in Pietersburg he said many black reporters were working as freelancers because newspapers had no room for them on the staff.

But, newspapers had "ample space for their services".

Mr Sisulu said the hiring of black journalists was in no way proportionate to the size of black readership.

Wasa would work hard at creating new job opportunities for freelance writers, he said.

Mr Thamu Mazwai, secretary of Wasa said the association was thinking of setting up a news agency to be manned by blacks so black views would be presented properly.

He said police harassment of journalists was the main blight in the Press.

"Now more than ever before we need a journalism of courage and of hope," he said.

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Press urged to boost SA image

DURBAN. — An Afrikaner commerce leader yesterday urged a concerted effort to improve South Africa's overseas image — singling out the English Press as having a key role.

Mr Anker Burger, president of the Afrikaanse Handelsinstituut (AHI) said changes were being made as fast as possible and the Press should do all in its power to improve the country's image abroad.

In his presidential address to the AHI congress, Mr Burger said he referred especially to the English Press, as the United Nations and other world

organisations acted on information from the English media.

"Sensational and slanted reports have done incalculable harm which we cannot afford. It is time the business world resisted this strongly, as they are the ones directly concerned."

Newspapers were commercial enterprises and relied heavily on the business community as well as the public for support.

He said it was also the duty of every citizen who had contact with the outside world to "make no secret" that changes were being made in the interest of all race groups.

In the present climate, politics and economics were closely interwoven, and it was the duty of businessmen to place the interest of the national economy before their own personal political beliefs, Mr Burger said.

Mr C M Smith of Ron-dalia told the congress there should be annual awards for achievements in energy projects for South Africans, comparable in value to Nobel prizes.

He also called for private enterprise to back an energy development trust. — Sapa.

Police complaint against journalist in The Star

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The Press Council met today to consider a complaint made by the Commissioner of Police against an editorial in The Star of January 5. The text of the editorial, under the heading "Where the sympathy is most needed" is printed on this page.

The Commissioner's complaint, dated January 9 this year, says that as far as comment in the article is concerned it was not based on facts truly stated or fairly indicated.

OBJECTS

The complaint goes on to say that the facts contained in paragraph six of the article were either "completely untrue or so slanted as to be indistinguishable from falsehoods". The complaint objects

to the reference to "police actions" on October 19 last year and claims it left an impression that the police acted on their own accord. The police, acted in terms of a notice in the Government Gazette the complaint says.

A RIGHT

The article said it was legally possible these days for the police to enter your home without a warrant at any time. The complaint says that it is in fact a right which the police, acting in good faith, have had in certain circumstances since 1917.

It adds that in terms of the new Criminal Procedure Act of 1977, the changes in statute law regarding police searches in the main concern procedural matters.

"To suggest that the power has suddenly been granted to them is false," the complaint reads.

The complaint says it was a complete falsehood

to say that "the police may hold you in jail".

It says the statement that "police may try you in a closed court in certain circumstances without anyone ever knowing what the evidence was — or, indeed, what happened to you" was a complete fabrication and devoid of all truth.

The police submitted that the editorial contravened a clause in the Code of Conduct which reads "Comment shall be presented in such a manner that it appears clearly that it is comment, and shall be made on facts truly stated or fairly indicated and referred to".

FAILED

The police also say that the editorial failed to take into account all available facts which are material to the matter commented on and was detrimental to peace and good order and the good name of the Republic.

Mr Justice Galgut, chairman of the Press Council.

Where the sympathy is most needed

Cont'd

This is the editorial objected to by the Commissioner of Police. It was published on January 5 and is reprinted here in its entirety.

As Donald Woods flies to a hero's welcome overseas, some are asking why it was he escaped his homeland when he might have gone abroad less dramatically on an exit permit. It is a fair question, for it is true that the manner of the ex-

Editor stands by VIEWS

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The Editor of The Star, Mr Harvey Tyson, denied every allegation made in the complaint and stood by the editorial comment.

He said if there was any ambiguity in the mind of the commissioner, he should have brought this to the attention of The Star. The newspaper would immediately have explained exactly what its words conveyed.

Mr Tyson said in his first response that details of the complaint were received by him officially on January 12, from the South African Press Council, although some details had already been widely published by SABC-TV on January 9.

"Although it is not a matter which I wish to take any further at this time, the chairman of the council may wish to advise SABC-TV that newspaper editors would prefer to receive official advice of complaints, initially, from the council," said Mr Tyson.

CLARITY

The Editor understood the main gravamen of the complaint to be that he made reference to "police actions" and "police" in paragraph six of the leader article.

Mr Tyson continued in his reply "My use of the word 'police' was intended to convey its primary dictionary meaning, which refers to the legal system as a whole and the machinery which gives rise

to the policing of the State".

He quoted dictionary definitions, but conceded that in a bilingual society, the tendency to read words in a restricted sense might possibly lead to ambiguity.

In the interests of complete clarity, The Star was prepared to explain exactly what its words conveyed.

By the phrase "these days," he meant to convey the period during which the country had been ruled by successive National Party Governments.

GENERAL SENSE

The phrase was used in a general sense, deliberately to avoid long explanations or short emotive phrases as "under the regime" or "since the Nationalists came to power". The Editor was quite prepared to clarify this phrase in his newspaper.

Denying the allegation that all the comment in the article was based either on "untrue facts" or facts which were unfairly indicated, the Editor said he was able to produce a weight of evidence and many specific examples to refute the allegations.

"I deny that paragraph six of the article was either completely untrue or so slanted as to be indistinguishable from falsehoods," said the Editor.

"The term 'police actions' is used in its correct sense, but even if used in the restricted sense given to it by the commissioner, I consider the statement is correct."

RESTRICTIONS

Mr Cilliers, for the Commissioner of Police.

The Police Act — which the complainant had failed to mention — gave any policeman wide powers to enter any premises without a search warrant.

Said Mr Tyson "The article deals with two subjects, one, the beliefs of Mr Donald Woods and how they might have affected his behaviour and two, the erosion of the citizen's right of protection under the law.

"The Woods case is used here as a recent example to remind both the authorities and citizens of the manner in which a citizen's right to the protection of the law has been eroded during a relatively short period of South African history.

Mr Plewman, for the Editor of The Star.

could hold a person in jail (even an innocent witness to a common crime) without ever letting the person appear in court.

If necessary, he said, he intended to produce and/or cite many examples to support his statement.

Mr Tyson agreed that the South African Police force did not have the right to constitute courts and hold trials of civilians behind closed doors.

"All people in South Africa must be aware of this and I know of no one who would attempt to suggest otherwise," he said. He denied the article contained the Press Code and said the article was "presented clearly as comment and is made on

facts truly stated and fairly indicated and referred to.

"Indeed, the examples given in the article are limited to one area of the law that affects the man-in-the-street. The case can be strengthened with many more — and many more dramatic — examples when considering political prisoners."

The Editor denied that the article might detrimentally affect the peace and good order, the safety and defence of South Africa and its people, the economy and the country's international position.

"In fact, the very purpose of the article is to try and persuade public opinion, and those in positions of authority, to avoid acts which damage peace and good order, affect the safety and defence of the Republic and its people, the economy and the country's international position," he said.

THE ACTS

It was not the commenting on or reporting of acts which were detrimental, but the acts themselves which caused the harm.

Mr Tyson said "I am not able to furnish a full and completely adequate reply to the complaints and request that the council call upon the commissioner to supply the further particulars requested by me.

"As soon as these particulars are furnished I shall as quickly as possible finalise my reply, as I believe it is in the interests of all concerned that this matter be dealt with expeditiously."

editor's departure happened to suit admirably his purpose, his style and his sense of drama. It is a question that needs to be followed by another. What would you do in his place?"

Consider your position. You are convinced that some special policemen with very special powers are conducting a personal — and you believe illegal — vendetta against you. In your absence from home your wife has been threatened on the telephone, your house has been sprayed with slogans and shots have been fired at your family. Finally, you are banned without explanation and while isolated under a banning order your child is sent a parcel which appears to have been tampered with and poisoned. You believe you are getting no protection whatever from the law.

That is the last straw — but it is not the burden of the case. What you believe to be the most bitter injustice of all is for you to give information in confidence to a Cabinet Minister in the interests of the country and then to be prosecuted and sentenced to six months' jail for failing to break a further confidence. As Donald Woods told the court "It seems to me that I now face punishment for accusing a member of (General Geldenhuys's) staff of criminal vandalism, and the manner in which he chose to handle this entire affair suggests an attempt to intimidate me."

Woods is not easily intimidated, but he can be forgiven for believing that he might be refused an exit visa.

Mr Woods no longer requires sympathy, perhaps. But you should reserve some for yourself. It would seem that protection under the law has been eroded to a point where no one is really safe, whether he be an HNP fire-eater, a left-wing demonstrator, or an average citizen standing up for his rights.

The International Commission of Jurists is worrying today about the police actions of October 19. But the situation goes further. It is legally possible for police these days to enter your home without a warrant at any time, to hold you in jail (even as an innocent witness to a common crime) without ever letting you appear in court, to try you in a closed court in certain circumstances without anyone ever knowing what the evidence was — or, indeed, what happened to you.

Worse, there are allegations of bullying, of shootings, of arbitrary police actions that are never publicly cleared up. Even if ALL the allegations are untrue, frequently the impression remains that the Law is a law unto itself and that the authorities do not believe they are accountable to the people. This harms both the police and the public.

CONT.

You may think you are safe, but whether you live in Soweto, Houghton or Waterkloof you no longer have the protection you are entitled to. The Donald Woods experiences illuminate this tragedy.

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Dealing with a reference to the police being able to enter homes without a warrant as far back as 1917, Mr Tyson said the 1917 Act carried total restrictions on some ranks of police and major restrictions on all others.

The right to search without a warrant existed only when the delay in obtaining a search warrant would defeat the object of the search.

The 1917 Act imposed restrictions and control and afforded citizens an opportunity for redress. The relevant section of

COMMENT

"It is manifestly this period of time which is dealt with in the broad context of editorial comment (in contrast to the relatively short time-span understood in ordinary news reporting). Comment usually deals with major ongoing issues and principles."

Referring to a further allegation in the complaint Mr Tyson said it was substantially correct to say that the police

Journalist asked to reveal sources

Sunday Express Reporter

A SENIOR reporter on the Sunday Express, Ms Jennifer Hyman, was ordered to appear in court this week to answer questions relating to an article she wrote four months ago on Terrorism Act trials — and to disclose the source of her information.

Her counsel, Mr Denis Kony, told the court that it was the third attempt to bring Ms Hyman before a magistrate to force her to disclose her sources.

Documents handed in to the court as exhibits included a sworn affidavit by Ms Hyman, setting out her reasons for not revealing her sources, as well as three separate subpoenas served on her since July.

① The first ordered her to appear in court on July 21 to "testify and declare all she knows" concerning a supposed offence of contempt of court alleged to have been committed by the Editor of the Sunday Express, Mr Rex Gibson.

The Sunday Express legal representatives replied to the subpoena and Ms Hyman did not appear in court as summoned.

② The second subpoena was served three weeks ago. The nature of the alleged offence had been changed to "contempt of court alleged to have been committed by a person or persons un-



① Jennifer Hyman sits at table

known' and only one question was laid down.

This demanded that Ms Hyman produce any written record that she may have made of her interview with the attorney referred to in the ultimate paragraph of her article. Once again the Sunday Express attorneys responded by letter to this subpoena.

③ The latest subpoena was served a week ago and the nature of the alleged offence was changed again, this time to read "contempt of court and/or criminal defamation alleged to have been committed by a person or persons unknown".

It was in response to this subpoena which listed eight questions, that Ms Hyman went to court this week.

Her counsel, Mr Denis Kony, told the magistrate, Mr J J F Booyens, that the process of the court was being abused since the Security Police had told Ms Hyman they already had

EXPRESS REPORTER IN COURT OVER TERROR ARTICLE.

the answers they required her to give.

If they did not have some of the answers, these were readily obtainable from the court record of the case which Ms Hyman referred to in her article, and details of which she had already given to them.

He also alleged that Ms Hyman was being harassed into breaking her journalist's code of ethics, since journalists regarded confidential sources of information as privileged.

Mr M Engelsman, appearing for the State, argued that journalists' privilege had no standing in law.

The subpoenas on Ms Hyman were served in terms of Section 205 of the Criminal Procedure Act. A person refusing to testify or answer questions under this section can be sentenced to a maximum of two years' imprisonment.

The inquiry arose from a double-page article, headed "Terror trials shock lawyers aren't told", which was published as an Expressscope investigation on May 21 this year.

The prosecutor told the court that the hearing related to the entire article, but most particularly to the last 10 lines.

The article gave details of Terrorism Act detainees who were brought to trial without the knowledge of their families or legal representatives — and sentenced to up to 15 years' imprisonment in cases often lasting merely a couple of hours.

Some of these detainees were given pro deo defence

and the article quoted Professor John Dugard of the University of the Witwatersrand's Law School as saying pro deo counsel was inadequate for political trials.

It also quoted Mrs Helen Suzman, Opposition spokesman on Justice, as saying that these cases constituted a "travesty of justice" which stemmed from the Terrorism Act — "a statute which enables the police to circumvent the normal processes of law, including the right of a man to be defended by a lawyer of his own choice".

The article also described the case of one Terrorism Act detainee who was not represented at all at his trial. He was sentenced to 15 years.

The chief of the Security Police, Brigadier F Zietsman was quoted as saying that he could "count on the fingers of one hand" the number of detainees who had had no legal representation at their trials.

Brigadier Zietsman also promised to investigate complaints about the manner in which detainees were brought before court.

The portion of the article which gave rise to Ms Hyman's court appearance was an account of a Terrorism Act case in Maritzburg.

The report said that attorneys sometimes learned of pending cases involving their clients from newspaper items reporting that a detainee had appeared in court for remand.

The article continued: "This happened in Maritzburg recently," an attorney said. "A legal firm there picked up a small item in the local paper and notified us that three of our clients had been remanded."

"We rushed down for the trial and found a pro deo lawyer had been appointed. He advised us to enter pleas of guilty as, he said, the three were obviously guilty."

"We defended the charges, which were under the Terrorism Act, and two of the three were acquitted."

When Ms Hyman appeared in court on Wednesday, the prosecutor told the

The questions Hyman was asked

JENNIFER HYMAN has been asked in the third and final subpoena, served a week ago

① To produce any written record she may have made of her interview with the attorney.

② To name the attorney or other informant who gave Jennifer Hyman/Publisher the information contained in the article

③ To say what case is referred to and to state when and where it took place.

④ To name the attorney who rushed down for the trial

⑤ To name the pro deo lawyer

⑥ To state who said the following "He advised us to enter pleas of guilty as, he said, the three were obviously guilty"

⑦ To state what steps, if any, she or the publisher took to confirm that the allegations were true?

⑧ To answer any other relevant questions the prosecutor deemed necessary

Sunday Express October 8 1978

Magistrate that she could be regarded as an accomplice and should be warned of this fact.

Mr. Kuny, appearing for Ms. Hyman, argued that before the warning to accomplices could be administered by the court, the witness had to be informed more specifically of what act she was alleged to have been an accomplice to, and to whom she was an accomplice.

Ms. Hyman was not asked to give evidence.

The magistrate adjourned the hearing to October 16 when he will deliver judgment on this point.

Journalism is one of the riskiest professions

(Law Faculty Page 34)

LONDON — Journalism was fast becoming one of the world's riskiest professions, the International Press Institute said, yesterday in its world press freedom review of 1977.

The IPI, a group of about 2 000 editors and publishers in more than 60 countries, called for an international campaign to win immunity for journalists from assault and harassment.

The institute said last year had brought the toughest crackdown on the press in South Africa's history.

Wholesale disappearance and murder of journalists in Argentina and Uruguay.

A string of incidents in Uganda that made Pres Amin the leading contender for "champion news manipulator of 1977," and

In Italy journalists were deemed legitimate targets for gunmen, the Deputy editor of La Stampa, Carlo Casalegno, was shot dead by terrorists

In many other nations, reporters were not only denied basic freedom to report the news, but they became targets for assault, kidnapping and detention without trial, the IPI review said

The institute called for "an urgent international initiative to win immunity

for journalists from assault and extra-judicial detention. Immunity for journalists is not a political matter. It is an urgent matter of human and civil rights"

The report said journalists had been kidnapped in six countries, bombed in six, murdered in six, tortured and otherwise assaulted in eight and detained in at least 25

"In some particularly sadistic cases, wives and children have been the targets. A two-year-old was murdered in Argentina and a banned South African editor's child given an acid-dusted T-shirt," the report noted.

There was little comment on the communist bloc countries. "The scene there is one of general restriction, punctuated by cases of individual detention, dismissals from work Exile, refusal of exit visas, suppression of public information and private papers, and harassment of foreign correspondents, including assault, detention and tyre-slashing," the report said.

"Thirty-five countries are known to have been guilty of censorship, but the true figure is certainly higher. We can safely say that in a majority of the world's sovereign nations the press is subject to harassment," it added.

There were one or two bright spots during the past year

"The press freedom success story of 1977 must surely be that of India," the IPI said. There the emergency rule restrictions imposed by former Prime Minister Indira Ghandi had been scrapped when she was ousted in a general election.

And the Dominican Republic lifted a ban on news coverage of opposition leaders, Haiti allowed some discussion on human rights, and Peru permitted publication of political magazines. — SAPA-AP.

1977
Course of Study : BA/LLB
Year of Study : 3
Candidate

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(3) ,EI(3) :LI(3) ,AFHI(3) ,CL(3) :RLI(3) :JA(3*) ,RDLI(2-*) :RLII(2-*)

(-) ,AF(3) :ESP(3) ,CL(2-) :JA(3) :MedFor(3) :StrInfAcc(2-) :CrimLaw(3) ,IntStat(2-) :Evidence(2-) ;
3) :ComLaw(2-) :RDLII(3) ,LI(ABS*) ,ComLaw(3*) ,Prac(2-*) :CrimProc(2-*) :AdmLaw(3*)

CrimProc(3) ,CrimLaw(3) :RDLII(2-) ;

:RLII(F*)

*) ,RLII(2-*)

(2-) :Complaw(3) ,CrimLaw(P) :RLII(3) :Evidence(2-) ;

JB(3) ;RDLIIB(3) ,CivProc(3) :RDLIIIA(2-) ;

RLII(3*)

:RLII(3*)

:RLII(2-*) :Complaw(3*)

DD 20/1/75

(243)

Drum that beat out hope

In 1951 Jim Bailey, son of millionaire pioneer Sir Abe Bailey, started the first quality magazine for blacks in South Africa. It was called Drum. It soon won an international reputation for its compelling journalism, its exposes and bright and lively style. For the first time blacks were given the opportunity to write for blacks. But it was more than a publication only. It was a landmark for black readers and black writers.

The early Drum days shaped blacks like Ezekiel "Zeke" Mphahlele, now a professor in the United States. Another black journalist was Lewis Nkomo, today a distinguished writer living in London. There was Arthur Maimane, who has made a name for himself in British television, Peter Magubane, now one of South Africa's top newspaper photographers, who is working for the Rand Daily Mail. Drum also produced Nat Nakasa, who joined as a youngster straight from school and whose column later became an outstanding feature in the Rand Daily Mail — and who committed suicide in America when he was studying at Harvard University some years later. Henry Khumalo, who was murdered in the township, Can Themba, the man who could work magic with words, who died in Swaziland from alcoholism, Joe Tholelo, president of the banned Union of Black Journalists, now in detention under the Terrorism Act.

One of Drum's staffers was a slim Malay girl called Sharon Mayer — who once featured on a front-page cover with the advent of black consciousness she reverted to her first name, Jubby, has had seven children, is still a journalist and is out on R500 bail on charges under the security laws.

Another of Drum's early writers was Dolly Hassim, a coloured girl, who later fled South Africa to marry Dr Alstair Mundy Castle, a leading Johannesburg scientist, in Ghana. She died some years ago in the United States.

Favourite drinking place for the Drum staff was behind the respectable facade of a dry-cleaning shop in Johannesburg's Mooi Street, the Classic. It was there that the literary magazine of the same name was mullied over and conceived. This shebeen was the bane of the lives of all Drum editors until it was demolished to make way for a modern shopping block.

Some of the whites who worked for Drum were Anthony Sampson, now a leading author in Britain, Hugh Lewin, jailed in South Africa for sabotage and is now living in London, George Oliver, who later became a United Party MP and Tom Hopkinson, the British journalist who perhaps had the greatest influence on Drum of all its editors. Sir Thomas was knighted in this year's honours list for his services to journalism.

Drum was the founder editor of Britain's Picture Post. He edited Drum magazine from 1958 to 1961 and after this set up training centres for African journalists in Nairobi and Lagos for the International Press Institute. He has now retired from his most recent post as director of journalism studies at the University College in Cardiff, Wales.

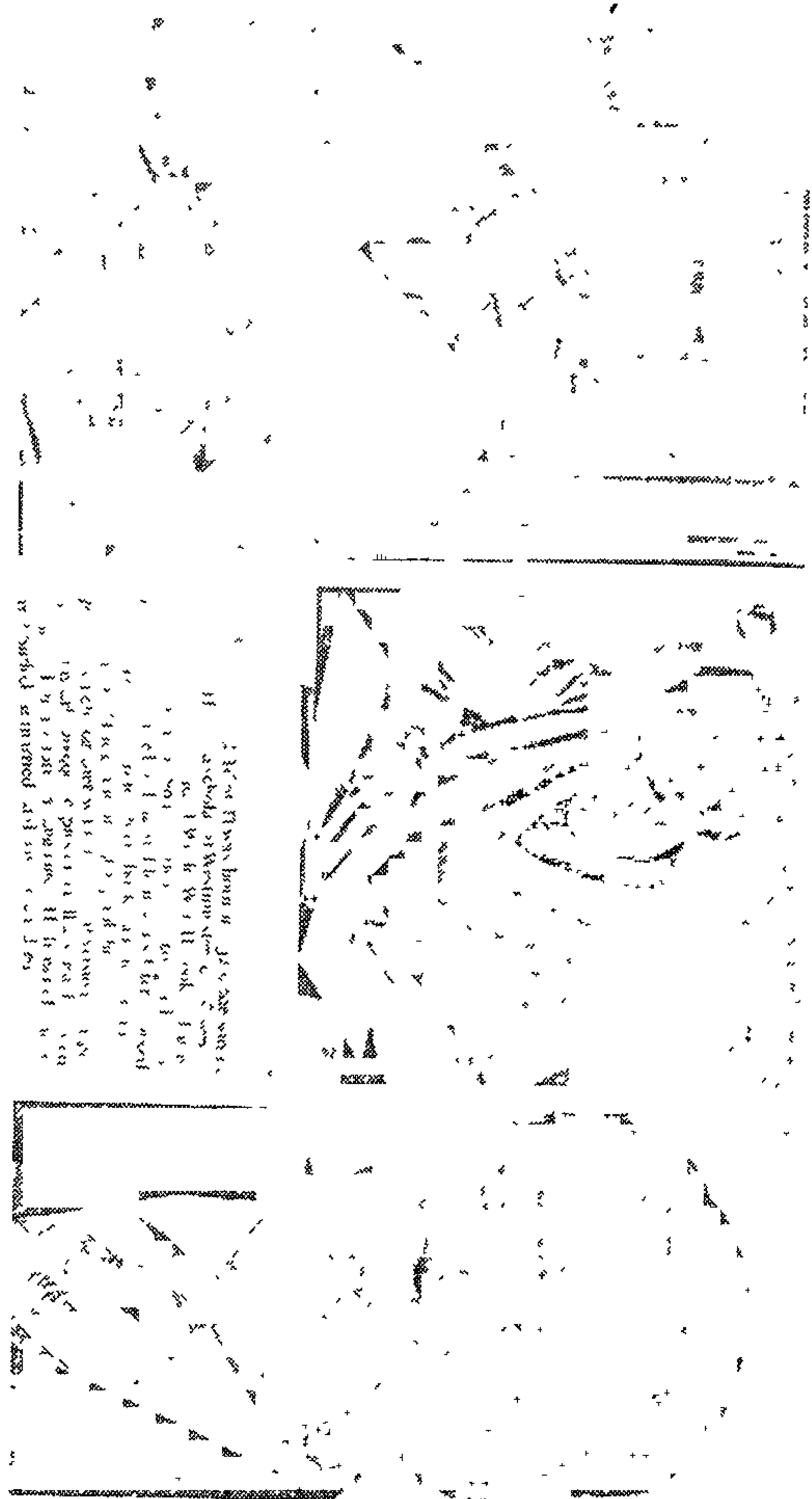
This week I spoke to Tom Hopkinson about his Drum days. He told me "South Africa's real chance for a stable future came after Sharpeville. This was the time when the future hung in the balance and it could have gone this way or that. When the tough guys in the National Party got the upper hand I felt the chance had gone.

"The anger and frustration among blacks, of which I had been very much aware during my editorship of Drum, became more intense and deeply rooted. This proliferated under the apparent calm of an enforced acquiescence. The two major black political organisations, the African National Congress and the Pan-Africanist Congress had been banned and whites were lulled into a false sense of security.

"Whites were almost entirely unaware of the new feelings of the new generation of youth."

Tom Hopkinson found himself, during the epoch of Sharpeville, in the position of editing a black

publication when the black situation was in a state of ferment. "We were getting a flow of pictures and articles and information with which we could have produced a very exciting and meaningful magazine. But we were not able to do this.



Three former Drum members who have moved on: Arthur Maimane who is in television in London, Anthony Sampson who became a world famous author and George Oliver who was a United Party MP.

"After that each month a copy of the magazine would arrive and I would write back with my analysis of the issue. I gave my views. At that time Sylvester Stein was the editor. I gave my views without knowing anything of the conditions or the difficulties under which the staff worked. I didn't even know if my letters were read or not. But later I found they were."

Eventually, when proprietor Jim Bailey was looking for a new editor he approached me to take up the post. I had very little more than the ordinary journalist's knowledge of South Africa and had not had much interest in that country up till then. But Africa was a part of the world that later was to enthral me. My wife Dorothy and I gave up our nice Georgian home off Hyde Park and went out to Johannesburg. I was in my fifties, then, a time when many men are planning their retirement.

"My aim was to make Drum into a picture magazine equal to any in the world, so far as resources permitted. I kept in mind the fact that I was making a magazine for people for whom English was often a second language. I knew that pictures were an international language and by using them one could bypass the need for a very wide knowledge of language.

"With my staff I worked out special technique in which the captions and headings were in very simple English and yet told the whole story. The text itself was on a higher level. Thus we worked on two levels so that the material could be understood by people with little knowledge of English, plus the meat that was there for the people who could digest it."

Journalists emerged, Hopkinson says. "They were a fine lot, excellent writers with a fresh and stimulating approach to writing. They were also courageous when the need arose. But they were also undisciplined and had very little of the basics of journalism."

Drum was a vivid, stimulating but quite extraordinary experience for this senior journalist from the well-trodden paths of British journalism. His staff was made up of school leavers, teachers and others who had drifted from other jobs. Hopkinson was determined to make Drum a great magazine and this meant more work and harder work, and the discipline this demanded was not always appreciated by his editorial staff.

"At that time liquor was barred to blacks but there were always the shebeens. The best known, the Classic — behind the facade of the dry cleaner's establishment — was just down the road. When I needed my staff and they were not in the

office I would eventually phone the Classic. The answer invariably was that the people I wanted, say Can Themba and Casey, had not been there. Invariably 10 minutes later they would slip inconspicuously into the office.

"Of course the Classic was not the only shebeen I remember there was one on top of a police station. There were many in the townships themselves. Once I spent a whole day looking for my staff in Soweto and eventually got three of them to their feet. But by that time it was five o'clock, so I just dropped them off again and went home."

What was the reason that so many of these first black journalists drank heavily? Hopkinson says that mainly it was through frustration. "I was aware of a deep underlying bitterness and frustration. Every young man wants a good life. He wants to be successful, to have a wife, children, a home, a car, money. Africans are no different. In my time in South Africa the only way a black could get these things was to be a gangster. Of course, there were also the very small number who had professions. But even education did not necessarily mean that there would be a good job to follow. Twenty years ago there was burning frustration among the young blacks. Drink was illegal — except for the fermented porridge stuff served in the municipal beerhalls — and therefore drink was a challenge. There were the shebeens to meet that challenge and fulfill the need."

Hopkinson, who has lived for many years in different parts of Africa, says "Of all the Africans in the continent the ones most ready for self-government are the ones in South Africa. They are also the most artistic, the most literary. They have the highest literacy rate but also they are the most gifted in expressing themselves in words and writing."

"Can Themba, assistant editor when I was on Drum, had a wonderful gift for words. I heard him give a lecture at the University of the Witwatersrand and it was the best lecture I have ever heard. Zeke Mphahlele was the only Drum staffer who had a university degree. He was from Fort Hare. Nat Nakasa was a youngster who spent his life trying to bring up and educate his younger brothers."

Hopkinson says that he was partly responsible for getting Nat Nakasa a fellowship to Harvard, where unable to stand the strain of exile he had later committed suicide.

Of Peter Magubane, Hopkinson says "He was a wonderful fellow, and one of the best photographers in South Africa. Of all the Drum staff he was the least political. He was interested only in taking good pictures. And yet he has so often been charged and detained, then banned so that for many years he could not carry on his newspaper work."

Hopkinson says that politics was not the essence or basis of the lives of the Drum black staff, as it must have become for many young black people in South Africa today.

"In 1959, after editing Drum for one year, I was asked by a well-known Afrikaans Cape editor 'What really do black people feel about their situation and what hope is there for the future?' I replied that if there could be a radical change of heart over the next two years the situation could still be saved. But if the Afrikaans were determined to cling on to everything they had until the last possible moment — excluding black participation — then there was no hope."

Hopkinson does not exclude English-speaking South Africans from their share of criticism. After he left Drum he worked for the Rand Daily Mail writing leaders and features. Shortly before he left South Africa he wrote, in effect "We English-speaking people are enjoying a standard of living unequalled across the globe until one reaches California. But Britain stands for something other than bodily comfort. And comfort enjoyed by the sacrifice of everything that our original country and our common heritage really stands for, is a betrayal."

Judgment reserved in Star case

27/1/75
2/13

closed court
Mr S. A. Cilliers, re-
presenting the commis-
sioner, said the word
police referred to in the
editorial meant the South
African Police and not the
machinery of the State as
was suggested by the
editor in his first reply
to the complaint
He submitted the same
slant against the police
was present in the article
"The explanation which
the editor offered that the
word police had a wider
stated or clearly indicat-
ed"
Mr Galgut said judg-
ment would not be
given immediately. "We
will take time to consider
the decision," he said
He suggested that the
parties should get together
to consider whether a
statement should be
published which would
clear up the issue
● Police complaint
against an editorial in The
Star — Page 5.

Judgment was reserved in the Press Council hearing in Johannesburg today in which the Commissioner of Police complained about editorial comment in The Star of January 5

Counsel for The Star, told the chairman, Mr O Galgut, that the essence of the leader was that the law was not what it ought to be

Mr C Plewman, SC, said the author of the leader—Mr Harvey Tyson, Editor of The Star had given his own understanding of the law and was stating an opinion on it.

In the paragraph, on which the complaint was based, he was not saying the police had acted unlawfully, or indeed that they had acted at all, but how they could act in terms of the law

The complaint by the Commissioner of Police was formally limited by him to one paragraph which dealt with police actions

The editorial dealt with the flight from South Africa of banned former Daily Dispatch editor, Mr Donald Woods, police protection, the rule of law and the wide powers of the Police.

The commissioner alleges that the complaint is based on the facts stated in the one paragraph He claims that they were not truly stated, fairly indicated or referred to

WORD

He said the facts were that the matters or events on October 19 were police actions, that it was legally possible for police to enter your home without a warrant, that they could hold you in jail without letting you appear in court

dictionary meaning, including the machinery of State, does not hold water"

Counsel referred to paragraph six of the editorial about which the commissioner is complaining. The paragraph referred to police action of October 19 last year and the powers of the police to search without warrant

"Generally speaking the paragraph is an overstatement and misleading," said Mr Cilliers "It suggests the powers of police entry are of recent origin, but this is not so"

He added that the powers which the police had to enter premises dated to as far back as 1917

The unqualified statement in the editorial that the police could enter homes without a warrant was not true

Mr Cilliers submitted that any journalist who tried to summarise the powers of the police in two or three short paragraphs must know he was "heading for disaster"

Such a journalist could generalise only in a way that must be inaccurate in this short space.

NOT INACCURATE

Mr Plewman dealt with each statement in paragraph six of the leader article and said that there was "nothing inaccurate" about any of them Each was factually correct whether anyone liked it or not

"We submit that the finding here should be that there has been no contravention of Section 3 (a) of the Press Code in that there has been no comment on the facts

13 journalists still detained or banned

6/2/78
3/3
243

JOHANNESBURG — Mr Mike Mzileni, one of the 11 black journalists detained under the country's security legislation, has just completed a year in detention under Section 8 of the Terrorism Act.

Mr Mzileni, formerly a photographer with Drum, was detained on February 2 last year and has spent the longest time in detention among journalists held after the Soweto disturbances.

He has been listed as a co-conspirator in the Pan Africanist Congress trial being held in Bethal.

At least 13 South African journalists, including two editors, are either detained or banned under security laws, and at least four others have fled the country.

Those held under the Terrorism Act are:

Joe Thloloe, senior reporter on the banned World newspaper, and president of the banned-union of Black Journalists. Mr Thloloe was detained on March 1, last year.

Willie Bokala, World reporter. He was detained on June 14. This is his second spell in jail. He was first detained during 1976 and held from September 23 to December 22 without any charges preferred against him. He was among journalists held at Modder B Prison under the Internal Security Act.

Jan Tugwana, a reporter on the Rand Daily

Mail. He was detained on June 30. Mr Tugwana was first held from September 9 to December 22, 1976, with other journalists in terms of the Internal Security Act.

Moffat Zungu, chief photographer on The World. He was detained on August 6. He is facing charges in the Pan Africanist Congress trial being heard in Bethal. He was also held from September 23 to December 22, 1976, and released without being charged.

Enoch Duma, senior reporter on the Sunday Times. Mr Duma was detained on September 26.

Wiseman Khuzwayo, a reporter on the Daily News in Durban. He was detained on November 22. Mr Khuzwayo is a former student at the University of Zululand.

Quraishi Patel, also a reporter on the Daily News. Mr Patel was detained on December 11.

Three more black journalists are being held under the Internal Security Act.

Percy Qoboza, editor of The World. He was detained on October 19 during the security clampdown on black organisations and is being held at Modder B Prison.

Aggrey Klaaste, news editor of Weekend World. He was detained on the same day as Mr Qoboza and he is also held at

Modder B.

Miss Thenjwe Mtintso, the banned former reporter of the Daily Dispatch. Detained in 1976 in terms of the same Act, Miss Mtintso was immediately banned in terms of the same Act and restricted to Orlando East after being released in December. She was detained on October 19 and is being held at the Fort in Johannesburg.

The following journalists have been banned in terms of the Internal Security Act:

Miss Mtintso,

Mr Donald Woods, former Editor of the Daily Dispatch. He was banned on October 19 and restricted to the magisterial district of East London. Mr Woods fled the country recently.

Mr Donald Mattera of the Star, who has been banned but allowed to continue working as a journalist. He is sub-editor of the Star. He was banned in 1973.

Those journalists who fled the country after the Soweto disturbances are:

Mr Woods,

Mr Mateu Nonyane, a former reporter of the Rand Daily Mail,

Mr Nat Serache, also a former reporter of the Rand Daily Mail,

Mr A. Sayed, a reporter on the Muslim News in Cape Town. Mr Sayed fled the country about two weeks ago — DDC

Cape Times 8/2/78

SAAN retrenches 12 journalists 243

JOHANNESBURG — and printed publications are going to feel the effects of this and budget accordingly. This is what has happened to SAAN.”

Twelve journalists working for South African Associated Newspapers were retrenched yesterday.

This was announced here by Mr Clive Kinsley, managing director of SAAN — the parent company of the Rand Daily Mail, the Sunday Times, the Sunday Express, the Cape Times and other newspapers.

Mr Kinsley said the introduction of commercial television and the country's depressed economic situation were the two reasons for retrenching 11 journalists from the Rand Daily Mail and one from the Sunday Express.

“An estimated R50-million will be diverted from printing media through the introduction of commercial television,” he said.

“Obviously all newspapers

Expressing his regret at the retrenchments Mr Kinsley said “We have delayed taking any action in the editorial department for some time but this move was inevitable.”

The company's severance policy applying to the retrenched journalists is “Two months pay in lieu of notice and one month's salary for every three years service (and a proportionate payment for every part of three years).

“Payment plus interest of all pension contributions including the company's contribution to individual pension funds.”

The people retrenched were told it applied with immediate effect. — Sapa

Press Council upholds police complaint against The Star

The Press Council has upheld a complaint by the Commissioner of Police against an editorial published in The Star on January 5 of this year.

In his adjudication of the complaint the chairman of the council, Mr O Galgout directed The Star to publish the following:

(1) The complaint by the Commissioner of the South African Police against the editorial which appeared in The Star on January 5 1978, is upheld.

(2) The said article contravened clause 3(a) of the code of conduct of the South African Press Council in the following respects:
“(a) It incorrectly conveyed to the public that the right which the police have to enter a private

home without a search warrant is of recent origin whereas in fact the police, acting bona-fide and in good faith, have had such a right since 1917.

(b) It stated ‘it is legally possible for the police these days to hold you in jail (even as an innocent witness to a common crime) without ever letting you appear in court’. This statement is incorrect in that the South African Police do not have this right.

(c) It stated that it is legally possible for the police ‘to try you in closed court in certain circumstances without anyone ever knowing what the evidence was — or, indeed, what happened to you’. This statement is incorrect in that it is only the judge or judicial officer presiding who is vested with the discretion to decide, in a criminal trial, whether the proceedings shall be totally or partially conducted behind closed doors or whether the evidence may be wholly or partially published. Moreover, the verdict, save possibly where an accused under 18 is to be protected, is always made public. The South African Police have no say in such matters.

(3) The above statements, being incorrect in the respects alleged, tend to bring the South African Police into disrespect.

(4) It is noted that the editor of The Star, in his answer to the complaint, intimated that he was prepared to publish what he intended to convey to the public by the above statements. However this offer was not clear and did not go far enough.

(5) The Star is directed to publish paragraphs one to five of this adjudication. Such publication is to be made in a prominent manner under a suitably prominent headline.

In his defence to the complaint, the editor of The Star stated that the use of the word ‘police’ in the editorial was intended to convey its primary dictionary meaning ‘which refers to the legal system as a whole and the machinery which gives rise to the policing of the state’.

Mr Galgout, however rejected this as, although there were various dictionary meanings of the word, the council had no doubt that most South Africans would understand ‘police’ as ‘a men in the force of that name’.

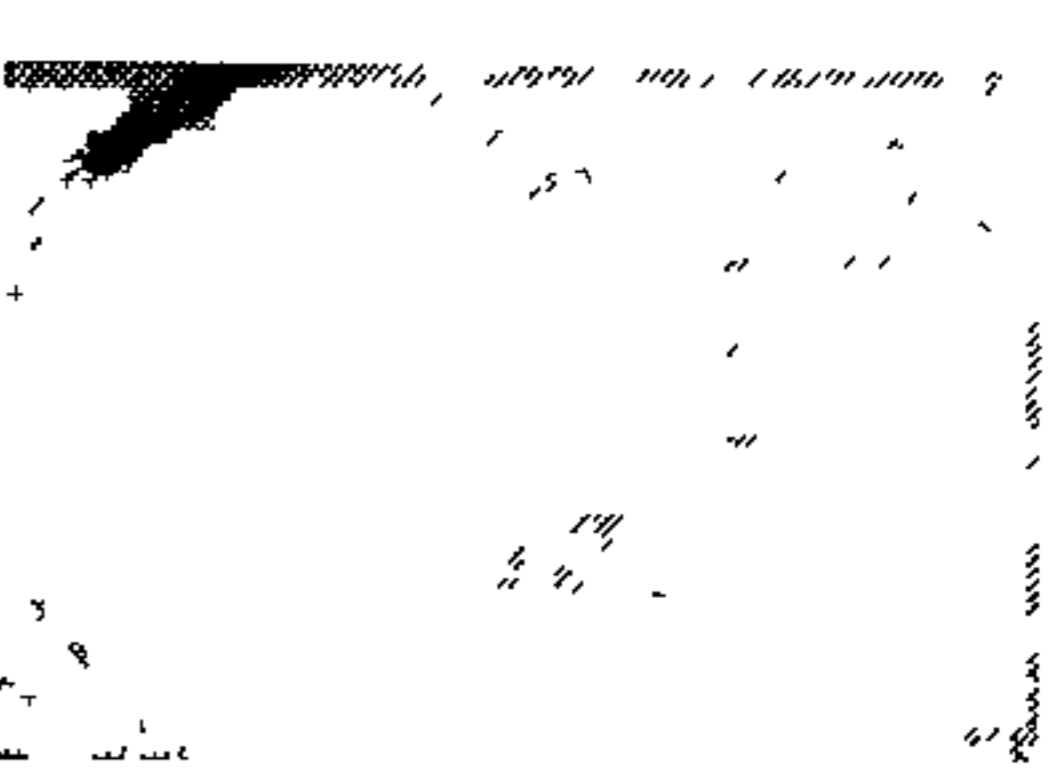
The editorial also referred to ‘the police actions of October 19’ when a number of organisations and people were banned and a number of people taken into detention.



MR GALGOUT

Mr Galgout said that although his assessors, Mr W van Heerden and Dr H McCaul, had no doubt the complaint against the sentence was justified he had some difficulty here.

The sentence had referred to the International Commission of Jurists being worried about the police actions



GENERAL PRINSLOO

Mr Galgout pointed out that the physical act of detention of people was carried out by policemen acting on the instructions of the Minister or department concerned.

He said that on the assumption that the commission was worried ‘it may well be that the commission was worried

by the fact that the detentions were effected by members of the police force’.

‘If that is so,’ he asked, ‘can it be said that the statement in the first sentence goes too far?’

On the complaint by the Commissioner of Police that ‘these days’ police had the right to enter a home without a warrant at any time, the editor of The Star said in his defence that by ‘these days’ he meant to convey the period in which the country had been ruled by successive National Party governments.

Mr Galgout held that the police, acting in good faith had had this right in certain circumstances since 1917. He held that if the editor intended to convey by ‘these days’ the period of the National Party regime he could have said so in the editorial.

The editor of The Star had pointed out that under the 1917 Act a policeman could enter without a warrant if he believed on reasonable grounds that the delay in obtaining a search warrant would defeat the object of the search. In addition, anything seized in the search had to be taken before a magistrate.

‘Thus the 1917 Act imposed restrictions and control and afforded a citizen an opportunity for redress, if necessary’.

Mr Galgout held, however, that since the right of search without a warrant had existed since

1917 the statement in The Star’s editorial was incorrect.

The Commissioner of Police had stated that the allegation in The Star’s editorial that the police could hold someone in jail, even as an innocent witness to a common crime, without letting one appear in court was false as the police did not have this power.

The editor of The Star pointed out in response that under the General Law Amendment Act of 1966 policemen with the rank of lieutenant colonel or above had the right to arrest, detain and interrogate persons they had reason to believe were terrorists, to have committed sabotage or an offence under the Internal Security Act or who intended to commit such offences.

(243)

against The Star

The right given the South African Police in 1917 had been repeated in the 1955 and 1977 Criminal Procedure Acts, Mr Galgout said. He added ‘It is true that some of the procedural matters attendant upon the exercise of this power have been altered’.

The editor of The Star had pointed out that under the 1917 Act a policeman could enter without a warrant if he believed on reasonable grounds that the delay in obtaining a search warrant would defeat the object of the search. In addition, anything seized in the search had to be taken before a magistrate.

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The editor of The Star pointed out in response that under the General Law Amendment Act of 1966 policemen with the rank of lieutenant colonel or above had the right to arrest, detain and interrogate persons they had reason to believe were terrorists, to have committed sabotage or an offence under the Internal Security Act or who intended to commit such offences.

In addition the Terrorism Act allowed policemen of the same ranks

to arrest, detain in solitary confinement indefinitely and interrogate suspects who they had reason to believe were terrorists or were withholding information from the police relating to terrorism or offences under the Terrorism Act.

(243)

against The Star

Mr Galgout held, however, that in the first case the suspect could only be held for 14 days or for such further periods as a judge would determine on application from the Commissioner of Police. The police therefore did not have unfettered rights of detention.

In the second case the Commissioner of Police had to advise the Minister of the detentions and detainees could make representations to the Minister who could order their release. In this case too the police did not have unfettered rights, Mr Galgout held.

Mr Galgout held, however, that in the first case the suspect could only be held for 14 days or for such further periods as a judge would determine on application from the Commissioner of Police. The police therefore did not have unfettered rights of detention.

The Star ⁽²⁴³⁾

Warning to SATV on Press complaint

'incorrect' - ruling

ARG US
10/2/78

- (d) Gr
- (e) Lat
- (f) Clc
- (g) Roz
- (h) Dre
- (i) Rad
- (j) Med
- (k) Pen
- (l) Ins
- (m) Leg
- (n) Wkr

JOHANNESBURG. — The Press Council has upheld a complaint by the Commissioner of Police against an editorial article which appeared in the Star, Johannesburg, on January 5.

The Press Council, in its adjudication issued today, said the editorial contravened Clause 3 (A) of the council's code of conduct in three respects.

Statements in the editorial, being incorrect in certain respects, tended to bring the police into disrespect, the council said.

The council ordered the Star to publish the adjudication in a prominent manner under a suitably prominent headline, but did not impose any penalty.

INCORRECT

The council said the editorial incorrectly conveyed to the public that the right which the police have to enter a private home without a search warrant, whereas in fact the police acting bona fide had such a right since and in good faith, have 1917.

The council referred to a passage in the editorial saying 'it is legally possible for police these days . . . to hold you in jail (even as an innocent witness to a common crime) without ever letting you appear in court.'

This statement, the council said, was incorrect in that the police did not have this right.

The council also referred to a passage in the editorial which said it was legally possible for the police 'to try you in a closed court in certain circumstances without ever knowing what the evidence was — or, indeed, what happened to you.'

JUDGE

The council commented: 'This statement is incorrect in that it is only the judge or judicial officer presiding who is vested with the discretion to decide, in a criminal trial, whether the proceeding shall be totally or partially published. Moreover, the verdict, save possibly where an accused under 18 is to be protected, is always made public. The South African Police have no say in such matters.'

The council added 'It is noted that the editor of the Star, in his answer to the complaint, intimated that he was prepared to publish what he intended to convey to the public by the above statements. However, this offer was not clear and did not go far enough.' — Sapa.

JOHANNESBURG. — The Press Council, in its decision on the complaint by the Commissioner of Police against the Star, says it hopes SATV will agree that it is most undesirable that the fact of a complaint should be made public before the newspaper concerned has been informed of the complaint.

The council chairman, Mr Justice Oscar Galgut, referred to an SATV broadcast giving news of the commissioner's complaint before the editor of the Star had received it.

Mr Justice Galgut warned: 'Complainants who disclose to the news media that a complaint has been or is to be lodged before the respondent has received the complaint may well find that the Press Council will refuse to come to their assistance.'

But he added he understood that neither the Commissioner of Police nor any of his staff had been responsible for the news leakage in this case. — Sapa.

facilities

other

by farmer, if any (annual):

ation by farmer, if any (annual):

Legal costs paid by farmer, if any (annual):

Worker's current debt to farmer (if any):

Editor calls for change in SA

15/2/78
243

CAPE TOWN — If South Africa wanted good relations with the United States, she should begin to make meaningful and sustained progress towards a just society, the world editor-in-chief of the Reader's Digest, Mr Edward Thompson, said here yesterday.

He told the Cape Town Press Club that moderate and knowledgeable Americans were appalled by the fact that relations between the two countries had taken such an unfriendly turn

These people had no grudge against the whites, but felt the black people deserved a better deal

They felt that "there must be faster and more meaningful progress towards greater economic and political participation by South Africans of all races in your country's national life"

Many moderates in the West felt that the changes which had already been made, "important though they may be in themselves, and still insignificant in relation to the totality of South African problems"

"Even when progress seems to be made, there sometimes is a catch to it," he added

Mr Thompson deplored what he saw as increasing United States pressure on South Africa.

He stressed the need for quiet diplomacy and better press coverage to more meaningful changes towards a just society in South Africa

Asked whether he thought that, despite this the present United States administration was intent on applying increasing pressure on South Africa, he said "I am afraid so, and I deplore it"

There was talk of sanctions, but he believed this

kind of threat to be counter-productive

"Severe sanctions have been talked about. As an American, I hope it won't go that far I think it would be dumb"

Mr Thompson denied the United States Government seemed to find communism more acceptable than apartheid. Nor, he said, was there much the United States could do about conditions in Uganda

He said some of the trouble between the United States and South Africa stemmed from sins of journalistic commission or omission

Mr Thompson said only a few American newspapers provided extensive coverage of the Republic. "Visiting American journalists tend to concentrate on articles about what they consider to be glaring injustices in your society.

"I would be the last man ever to suggest that the press should ignore injustices

"What I would like to see, at the same time, is a broader discussion in the American press of the complex and unique problems that arise from South Africa's racial and ethnic diversities"

This would make it possible for Americans and people elsewhere in the world to realise that there were no simplistic solutions — no off-the-peg remedies — for the country's problems — SAPA.

Luyt

ARGUS 15/2/78



MR. Louis Luyt

sells

243

the Citizen

The Argus Correspondent

- 1. No
- 2. Ma
- 3. Ou
- 4. Ge
- 5. Ra
- 6(a)
- (b)
- 7. So
- Aan per
- 8. Iod
- Aan tod
- 9(a)
- (b)
- (c)
- (d)
- (e)
- 10. Na
- (a)
- (b)

JOHANNESBURG.—Mr Louis Luyt, founder and proprietor of the Citizen, announced last night that he had sold the newspaper.

Mr Luyt has refused to disclose the identities of the South African and overseas interests to whom he has sold the Citizen. He said he expected an announcement would be made within two weeks.

He said the secrecy now being maintained was part of the conditions of the sale and it was up to the buyers to identify themselves. He expected they would do so.

Mr Luyt said the sale of the Citizen was a business proposition and he was 'very, very happy' with the price, which he would not disclose.

He said he had been approached by a consortium consisting of the chairman and the managing director of African International Publishing (Pty) Ltd, publishers of To The Point magazine, plus various South African, American and European interests.

REFUSED

Their offer was one of three offers for the Citizen he had received in recent weeks, Mr Luyt said.

Mr Luyt refused to comment on whether Mr John McGoff, right wing American publisher, or

Mr Axel Springer, the conservative German publisher, were involved in the consortium.

However, Mr M A Johnson, editor of the Citizen, denied that either man was involved.

'I know more or less who they (the purchasers) are,' Mr Johnson said.

Neither of the two known members of the consortium Mr Hubert Jussen, now chairman of the Citizen, and Mr Johannes van Zyl Alberts, now managing director, was available for comment.

UNDERSTOOD

Mr Luyt said he understood Mr Jussen would be back 'in a few weeks' while Mr Alberts's office said he was out of town.

Sapa reports that although American and European companies belong to the consortium, the majority shareholding will be controlled by South African interests.

There will be no change in the editorship or the editorial policy. The newspaper will remain politically independent and unaffiliated to any party, Sapa said.

● Industry sources believe the Citizen must have been losing money. At one stage, it was thought the losses were as high as R200 000 a month.

onbetaal

11. Kontantloon (weekliks)

12. Ander betaling (weekliks)

(a) Vleis: hoeveelheid

prys (as nie gratis verskaf word nie)

waarde aan boer

waarde aan werker

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Sale of The Citizen explained by Luyt

Cape Times 16/2/78

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Own Correspondent

JOHANNESBURG. — The identity of the multi-national consortium which yesterday bought The Citizen from Mr Louis Luyt remains a mystery. But that The Citizen continues to run at a loss was confirmed by Mr Luyt, who said that he had got a good deal from the consortium.

Mr Luyt said yesterday that he would not have sold had it not been a good deal.

"The offer to buy The Citizen was unexpected. I would have preferred to sell when the circulation reached 100 000." The Citizen's most recent circulation, revealed in this month's Audit Bureau of Circulation returns, is 62 681 — the smallest daily in the three main metropolitan areas of South Africa.

The government seems to have no objection to foreign shareholders coming into the South African newspaper industry. Newspaper sources suggest that the fact that Mr Hubert Jussen is a good friend of South Africa should quell



Mr Luyt

any government interference in the deal.

The main reason fertilizer millionaire Louis Luyt sold The Citizen newspaper was because he had become tired of personal attacks on him, he told the Transvaler in an interview yesterday.

He denied he had lost money in the so-called press war sparked off by the launching of the newspaper in September 1976 after he had unsuccessfully bid for control of South African Associated Newspapers.

Mr Luyt said he had had several offers for the paper. The latest, which he accepted, enabled him to make a good profit.

"The offer came out of the blue and I was given only one day to decide. It was a choice of retaining my position of power as a newspaper owner or devoting my attention exclusively to my fertilizer interests."

"I had a power platform which I did not enjoy. There was a tremendous assault on me from my competitors. I had to be on my toes and I didn't enjoy it. Fertilizer, my first love, won," Mr Luyt said.

"But, I was glad I could do something for the country. I gave conservative English-speaking South Africans a medium I possibly helped to bring the country's two language groups closer to each other."

Mr Luyt said he was assured of the "pro-South African" stance of the buyers of the paper before he sold — Sapa

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gewerk (dae of weke)

(k) Jaarlikse betaling:
kontant

ander

Compulsory SA can't afford press monopoly — Wile

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CONT →

education under review

HOUSE OF ASSEMBLY. — Compulsory education for black children was receiving the continuous attention of the government and its introduction on a regional basis was being considered, the Minister of Education and Training, Mr Willem Cruywagen, said yesterday.

Opera house motion first

HOUSE OF ASSEMBLY — The South African Party motion calling for full citizenship for Chinese South Africans is to be replaced by a motion calling for multiracial audiences at the Port Elizabeth Opera House

Among other things it will ask that all facilities, including the use of toilets, be open to all, irrespective of race, in the same way as facilities are open to all races at Cape Town's Nico Malan theatre and opera house and at many hotels and restaurants, where all apartheid signs have been removed

Mr Theo Aronson (SAP, Walmer) said yesterday the motion was not being withdrawn, but after close consultations with the Chinese community throughout the Republic and after in-depth discussions with the government "in order to obtain support for our motion", the opera house motion would take precedence

This means the Chinese full citizenship motion will remain on the order paper, but will not be discussed this session

The opera house motion is to be introduced by Port Elizabeth's former mayor, Mr Dan Rossouw (SAP Port Elizabeth Central)

But the Progressive Federal Party's spokesman on black education, Dr Alex Boraine, MP, said the minister's reply seemed to indicate that he was "unaware of the need for drastic urgency in reaching this goal in the shortest time possible".

Mr Cruywagen, replying to a question tabled by Dr Boraine, said his department had taken a number of steps to achieve this goal. These included the supply of free text books, phasing out double sessions by the appointment of more teachers, the systematic reduction of the pupils-per-teacher ratio, the introduction of compulsory attendance, and the acceleration of the training of teachers

Mr Cruywagen said about R3 million was to be spent on free books during the 1977/8 financial year, compared with R1,1m during the previous year

The pupil-to-teacher ratio had been reduced from 1.53 in 1974 to 1.50 in 1976 to 1.48 in 1977

Compulsory attendance had been introduced by requiring parents who brought their children to school in sub-standard A to sign an undertaking that their children would be kept in school for four years or till they had passed standard two, the minister said

Commenting afterwards, Dr Boraine said Mr Cruywagen "seems to be unaware of the need for drastic urgency in reaching this goal in the shortest time possible. Black education has been, and remains, a focal point of frustration, and a massive effort is required to defuse a dangerous situation"

HOUSE OF ASSEMBLY. — South Africa could not afford an English-language press controlled by a monopoly, the leader of the South African Party, Mr John Wiley (Simonstown) said yesterday.

Speaking during the Part Appropriation Bill debate, Mr Wiley said the "creeping clandestine take-over" by the Argus group of South African Associated Newspapers was virtually complete, in spite of the government, in the past, having taken action to prevent such a monopoly

At present there was only one English language newspaper in South Africa, the Citizen, which was not controlled, directly or indirectly by the Argus group

The result was that the majority of English-speaking readers were deprived of reasonable objectivity, racial tension was being exacerbated and South Africa's poor image overseas was being exaggerated

The Citizen unfortunately circulated on the Witwatersrand only, with the exception of a small circulation in Natal

Now that Mr Lous Luyt had



sold the paper to a strong consortium, including overseas interests, it was hoped there would be a strong infusion of capital in order that it may become a national daily and a Sunday paper

South Africa should be grateful to Mr Luyt for establishing a newspaper which gave a balanced view and gave its readers a chance of hearing all sides

Sunday Times

Mr Wiley said he asked a question recently in which he had drawn the attention of the Minister of Finance, Senator Owen Horwood, to a report in the Sunday Times business section in

which it was alleged that 50 companies listed on the Johannesburg Stock Exchange were in financial trouble. He awaited with interest the minister's reply as to what he intended doing about the matter

The report was another example of the "journalistic incompetence and reckless irresponsibility" of the Sunday Times

He expected action to be taken against the Sunday Times by some of the companies involved and that they would withdraw their advertising

There could be no doubt that the reckless irresponsibility of the Sunday Times had harmed the investment sector

The Sunday Times was well known for its reckless irresponsibility and its malice. It had destroyed the United Party which had resulted in the smallest opposition in South African political history

The Sunday Times had come into possession of a financial analysis by a reputable firm of brokers. The analysis was a normal, useful service provided by the broking company to its clientele

"But in the hands of the Sunday Times it became a weapon to be used to detrimental effect, which it was"

The report said a number of companies were in severe trouble and listed a number of companies as being high risks

It said some had already gone under or had been assisted by holding companies. But it also included some which were perfectly sound

Dangerous

"The Sunday Times after printing the report decided that it was highly dangerous — to the Sunday Times, not to South Africa"

Hundreds of employees were used to "rip off" the top half of the page before distribution

Some fish however escaped and reached the public

The editor of the Sunday Times, "one Tertius Myburgh", said the torn page was the result of a technical problem, while a senior member of the Sunday Times said the page had been mechanically mutilated

When pressed, Mr Myburgh gave an undertaking that the report which had been torn out would be published the following week

However, it printed a different version. He had in his possession a photostat copy of the original Mr Wiley said

The Sunday Times editor said in a compromising article he was proud of the "Sunday Times" action which was in keeping with the best newspaper tradition and

Township won't go to Ciskei

HOUSE OF ASSEMBLY — The South African Government is building a township for Ciskeian citizens at Glenmore/Committees Drift in the Republic but the township will not be transferred to the Ciskei Government, the Minister of Bantu Administration and Development, Dr Connie Mulder, said yesterday

Ray Swart

And although the government's decision has been strongly criticized by the Ciskei's Chief Minister, Chief Lennox Sebe the homeland government has two of its officials serving on the committee controlling the development of the township

Answering a question by Mr Ray Swart (PFP, Musgrave), the minister said the new township would not be transferred to another government



Dr Mulder

Asked whether negotiations with the Ciskeian Government on the establishment of a township at Glenmore had been finalized, Dr

Mulder said "Glenmore is a South African Bantu trust farm situated outside the Ciskei. The Chief Minister of the Ciskei is, however, aware of it being developed as a township for Ciskeian citizens and two officials from his government service are serving on the committee controlling the development of the township"

The remote Glenmore/Committees Drift area, which is 40 to 50 km from Grahamstown, has been planned for more than 10 years as a resettlement township for black people living in Grahamstown

The proposed development has been attacked because of its distance from Grahamstown and because of the difficult terrain at Committees Drift, which rules out any possibility of resettled people living off agriculture on small-holdings

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showed the lengths to which a reputable newspaper would go in its attempts to ensure fairness and balance.

Mr Wiley said members of the old United Party were aware of what the Sunday Times considered fair and balanced.

Mr Wiley said in the past week a number of editorial positions on the Rand Daily Mail and Sunday Express had become redundant and 12 journalists had been sacked with immediate effect.

In 1974 he had said the Argus Company and SAAN controlled 90 percent of English language Sunday newspapers. The Argus Company, in fact, controlled SAAN, and was therefore in effective control of virtually the entire English-language press. By virtue of this it was able to ensure a uniformity of policy.

When Mr Luyt made his bid for SAAN in 1975 there had been panic. SAAN sold 20 percent of its shares to a specifically controlled trust.

After Mr Luyt's unsuccessful take-over bid SAAN announced it was secure and that everyone was happy. He had asked whether the minority shareholders were happy, whether the staff and employees were happy and whether the South African Society of Journalists were happy. There had been a deathly silence.

"What happened last week will not be the end of the story. There will be further retrenchments. The Sunday Express is on the way out and the Rand Daily Mail is rapidly losing white readership," he said. — Sapa

The Citizen sold for secret sum

16/2/78
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JOHANNESBURG — South African millionaire Louis Luyt sold The Citizen newspaper yesterday for an undisclosed sum.

The new owners of South Africa's only pro-Government English newspaper are African International Publishing Company, publishers of the magazine, To The Point, and a consortium of South African, American and

European companies. The majority shareholding will be controlled by South African interests and there will be no change in the editorship or the editorial policy.

Mr Luyt said yesterday

the main reason he had sold The Citizen was that he had become tired of personal attacks on him.

"I am glad to be rid of the newspaper," Mr Luyt said. "I haven't been so relaxed for many years."

He denied he had lost money in the so-called press war sparked off by the launching of the newspaper in September 1976 after he had unsuccessfully bid for control of South African Associated Newspapers.

"It was a good financial proposition. I made a profit," he said.

"At the beginning there were difficulties. At one stage I was nearly on my knees. It was at a stage when negative reports were being published about my company, Triomf.

"Financial institutions withdrew their promised support and I had to fight alone. I had to sell my aircraft and this brought in about R4 million in cash."

Mr Luyt said The Citizen was being backed by at least R100 million.

"The offer came out of the blue and I was given

only a day to decide. It was a choice between being a newspaper owner or devoting myself to my fertiliser interests.

"Fertiliser — my first love — won. Triomf now has a turnover of R1 million a day and I wish to protect my personal interests of R25 million."

"I had a power platform which I did not enjoy. There was a tremendous assault on me from my competitors. They knew when and with what I was brushing my teeth. I had to be on my toes and I didn't enjoy it."

"The assault was so heavy I nearly landed in the gutter. Triomf was suffering as a result of this."

"But, on the other hand, I was glad I could do something for the country. I gave conservative English-speaking South Africans a medium. I possibly helped to bring the country's two language groups closer to each other."

He expected The Citizen's circulation to climb to 100 000 before the end of the year —
SAPA

Rapport 19/2/78

Luyt kry R9½ milj. vir Citizen

Deur WILLEM LAUBSCHER

DAAR sit sowat R9½ miljoen rand agter die groot transaksie van die week — die verkoop van Louis Luyt se koerant, The Citizen. Mnr. Luyt het sowat R3½ miljoen kontant gekry. Die res sal oor die volgende paar jaar in paakemente afbetaal word.

Die aankondiging oor die verkoop van die koerant aan buitelandse en binnelandse groepe is Dinsdag gedoen. Maar oor die identiteit van die kopers en die prys is niks gesê nie.

Mnr. Luyt wou gister aan RAPPORT niks meer as dit oor hierdie aspek sê nie: „Jy sal jou spierwit lag as jy weet wie die kopers is.”

In hierdie stadium is dit net bekend dat die buitelandse belange oor nagenoeg 20 persent en die Suid-Afrikaanse konsortium oor die res van die belang in The Citizen beskik.

'n Goete raaskoot oor 'en buitelandse is mnr. Axel Springer, die Wes-Duitse koerantbaas wie se naam destyds met sy aanbod vir SAAN (uitgewers van o.m. die Sunday Times en die Rand Daily

Mail) met dié van mnr. Luyt gekoppel is.

Sover RAPPORT vandeeweek uit gesprekke kon agterkom, sit die nuwe base van The Citizen reg vir twee dinge. om die dagblad ook op Sondae uit te gee en, om desnoods ook met 'n Engelse middagkoerant te kom. Drukperse in Kaapstad en Durban moet glo nie buite rekening gelaat word nie.

In die verband, word bespiegel, kan die tegniese kundigheid en buitelandse kontakte van mnr. Springer se koerantgroep, die nuwe eenaars handig te pas kom. So ook die verwantskap met die internasionale tydskrif To The Point, wie se besturende direkteur in Suid-Afrika, mnr. Van Zyl Alberts, nou ook besturende direkteur word van S. A. Today, eienaar van The Citizen.

Verlies

Mnr. Hubert Jussen, 'n Nederlander wat voorsitter is van To The Point, word ook voorsitter van SA Today.

Mnr. Luyt het aanvanklik sowat R2 miljoen in The Citizen gestee. Dit was vir die aankoop van 'n rolpers van sowat R1 miljoen en vir voer-

* VERVOLG OP BL. 6 *

Miljoene vir Citizen

* VERVOLG VAN BL. EEN *

tuie (hulle het hul eie verspreiding gedoen) en ander toerusting.

Daarby het die koerant in die agttien maande sedert sy stigting 'n opgehoopte verlies van sowat R3½ miljoen gehad — 'n bedrag wat mnr. Luyt by geleentheid vestigingskoste genoem het.

In die lig van bogenoemde beteken dit dat mnr. Luyt oor sowat vier jaar, nadat die laaste paakement betaal is, 'n wins van digby die R4 miljoen op sy koerant-avontuur sal kan toon.

Hoewel mnr. Luyt nie wou praat oor die fyner besonderhede van sy transaksie nie, was hy oor die een ding baie reguit. Daar steek geen waarheid in die stories dat die Departement van Inligting 'n hand in sy koerant-pastei gehad het nie. Hy het hieroor dit te sê gehad:

„Ek beskou dit as 'n persoonlike belediging dat mense kon dink dat ek my as 'n pion sou laat gebruik en al die slae en vernedering sou verduur bloot ter wille van die Departement van Inligting.

Bitter

„Voordat ek met my koerant begin het, kon ek in die oë van die pers niks verkeers doen nie. Maar daarna wou sekere publikasies allerhande dinge aan my stert knoop — en my aan allerlei mense koppel.

„Al wat ek wil sê, is dat ek nou regtig hoop die laaste hoofstuk oor my en Rhoadie en sy mense is geskryf.

„Hulle praat ook graag oor die sogenaamde duisende koerante wat Inligting dan per dag sou gekoop en versprei het. Dis ook bog. Al koerante wat die Regering gekoop het, is die klompie wat in die SA ambassades in die buiteland versprei is — soos wat trouens met elke ander koerant in die land die geval is.”

Mnr. Luyt voel baie bitter oor die manier waarop hy veral deur die Engelse pers bygekom is nadat hy The Citizen gestig het. Sy kuns-

mismaatskappy, Triomf, is vroeg en laat afgekraak. Verally sy maatskappy se fosforsuur-aanleg by Richardsbaai, wat 'n moeilike tyd deurgemaak het, moes kwaai deurloop.

En hoewel mnr. Harry Oppenheimer se AE And CI en Transvaalse landboukoöperasies 'n groot belang in die projek het, is mnr. Luyt voorgehou as die vlieg in die salf. En toe dit bekend raak dat hy baie geld met sy koerant verloor, was die herrie eers los.

Dis om hieroor dat hy bly is dat hy nie meer koerantbaas is nie. Die aanhoudende kritiek op sy ander sakebelange het hom begin agterhaal, het hy aan RAPPORT gesê. (In die vier dae sedert hy aangekondig het dat The Citizen verkoop is, het die prys van Triomf-aandele van 98c tot 110c op die Effektebeurs gestyg.)

Beveg

* Mnr. Hubert Jussen, voorsitter van SA Today, die maatskappy wat nou The Citizen sal beheer, sê dat hy hoegenaamd nie bereid is om hom oor die aandeelhouders of enige verwante aspek uit te laat nie. Hy is wel bereid om die versekering te gee dat buitelandse groepe 'n minderheidsbelang in die koerant het en nooit in staat sal wees om dit oor te neem nie.

„Ek tree in my hoedanigheid as voorsitter in belang van die buitelandse groep op, maar uiteraard ook in belang van die Suid-Afrikaanse groepe.

„Ons uitgangspunt is om die liberale tendensies in Suid-Afrika met hand en tand te beveg. En as mense die stryd met my hieroor wil opneem, is hulle welkom. Ons standpunt is ook dat ons in belang van Suid-Afrika wil optree en nie noodwendig die belange van die een of ander politieke party of groep wil bevorder nie. Meer as dit kan ek nie sê nie,” het hy gister ná sy terugkeer van 'n sakebesoek uit Europa aan RAPPORT gesê.

● Panax (Pty), owned by Mr McGoff's American Panax Corporation.

● Craft Press (Pty), a Pretoria-based printing firm.

This is how Mr Alberts's interests link him with the others:

To The Point: Both Mr Alberts and Mr Jussen are directors of African International Publishing Company (Pty), owners of To The Point. They founded the magazine after meeting in Holland at a time when Dr Rhoodie was working for the Department of Information in The Hague. Mr Jussen is chairman of the company.

Dr Rhoodie resigned from the department to become the first editor of To The Point. Eight months later, however, he rejoined the Government to take up an appointment as Secretary for Information under Dr Mulder.

The present editor-in-chief, Mr John Poorter, also resigned from the Information Department — he was director of information in London — to become deputy editor of the magazine.

The traffic also went the other way. During Dr Rhoodie's time on the magazine, Mr Chris van der Walt was a senior writer on the editorial staff. He is now the



Panax (Pty): This company was registered in South Africa last year by Mr McGoff. He formed his interest in South Africa after meeting Mr De Villiers in the late Sixties while the latter was director of information in New York. He subsequently helped arrange Dr Connie Mulder's meeting with the then Vice-President, Gerald Ford.

All shares in Panax South Africa are held by Panax Corporation of America, publisher of 51 daily newspapers in the United States. However, Mr Alberts is a director.

What interests Panax South Africa holds could not be ascertained. Mr McGoff has previously established a printing firm at Babelegi, near Pretoria, under the name Xanap (Panax spelt backwards), which has tendered for and won some Government printing contracts.

Craft Press (Pty) Mr McGoff and Mr Alberts bought Craft Press, a Pretoria-based company, in 1974.

When Mr Luyt made a takeover bid for South African Associated Newspapers in 1975, he said the German Axel Springer organisation and Mr McGoff were interested in the venture.

The vice-chairman of the Springer organisation, Mr Ernie Cramer, has been in South Africa for the past fortnight, but a spokesman said he was merely "having a peaceful holiday" and that the Springer organisation was definitely not among the European interests in the takeover of the Citizen.

known to have a close association with senior officials of the Department of Information.

They are Mr John McGoff, a conservative American newspaper publisher, and Mr Hubert G. Jussen, former director of the Dutch magazine Elseviers.

Mr Alberts and Mr Jussen, together with a consortium of South African, American and European companies whose names have been kept secret, this week bought SA Today (Pty) Ltd, the company which owns and publishes the Citizen, from Mr Louis Luyt, the fertiliser magnate.

Mr Alberts became managing director and Mr Jussen chairman of the company. But they are linked together in other ventures which connect Mr Alberts with:

● Dr Connie Mulder, Minister of Information.

● Dr Eschel Rhoodie, Secretary for Information.

● Dr Denys Rhoodie, Deputy Secretary for Information.

● Mr L. de Villiers, former Deputy Secretary for Information.

● Professor Nic Rhoodie, brother of Dr Eschel Rhoodie.

● Mr McGoff, reputed millionaire and friend of Mr De Villiers.

The business ventures which link them together include:

● African International Publishing Company, owners of To The Point, the conservative news magazine.

● Reenberg (Pty), owner of a leisure farm in the Lowveld.

Department of Information's representative at the embassy in London. Dr Mulder denied in Parliament in 1973 that his department gave To The Point any form of financial assistance or support, but he did say that it subscribed to 1 000 copies of the magazine.

Reenberg farm: Mr Alberts, Dr Mulder, Dr Rhoodie, Dr Rhoodie's two brothers, Mr De Villiers and Mr McGoff are joint owners of Reenberg (Pty), whose sole asset is the Lowveld farm Reenberg near Hoedspruit.

No farming is done there, but two houses on the farm serve as a private retreat for the owners. Access roads are poor and they make use of a landing strip on a neighbouring farm.

Directors

The directors of the company are Mr Alberts, Mr McGoff and Prof Nic Rhoodie, whose business address is given as Ad Astra Building in Pretoria, headquarters of the Department of Information, although he is not an official of the department. He is professor of sociology at the University of Pretoria.

MANY non-Nationalists have long contended that the SABC is biased in favour of the Government. Some argue that this bias is even more blatant on television than on radio.

The allegation of SABC favouritism formed the raw material for a debate in Parliament last week during which the Government virtuously protested that every effort was bent towards making the SABC an objective information service.

In spite of the continuous allegations of bias scientific evidence of its existence was largely missing — apart from the survey carried out by the Star in 1976.

Now two honours students at Rhodes University's Department of Journalism, working under the direction of a visiting professor who is an authority on radio and television broadcasting, have produced strong evidence of bias on the television service.

The students are Miss Marion Whitehead (a former reporter on the Star) and Mr Roy Cockayne. Both are Bachelor of Journalism graduates and their project was supervised by Professor B F Hansen of Utah State University, who spent 1977 as a visiting lecturer at Rhodes.

Research

Miss Whitehead and Mr Cockayne based their research on the time given in television newscasts to politically involved people and organisations.

These were divided into time given to:

(1) The Government and/or the National Party.

(2) Non-nationalist MPs and other members of Opposition white political parties.

(3) Representatives of black Government-created bodies such as homeland authorities, the Coloured Representative Council and so on.

(4) Representatives of political organisations that did not fall within the ambit of the Government-created or sanctioned political structure. These were bodies like the Black People's Convention and SASO which were not banned in September and early October last year when the study took place.

Time allocated to these people or organisations was measured both in terms of the periods in which representatives spent on television and of time spent quoting their statements and reporting their activities.

Twelve English-language television newscasts broadcast between September 19 and October 10, chosen at random, were surveyed and timed.

Total percentage allocation of time for political news on these broadcasts was:

Background

Probe shows SABC bias

ARGUS
22/2/78
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FROM THE ARGUS CORRESPONDENT, JOHANNESBURG

(2) 4,0 percent (3 minutes 2 seconds).

(3) 5,6 percent (4 minutes 14 seconds).

(4) Nil.

The students report that on all but two of the 12 broadcasts monitored, Government or National Party officials made perso-

nal appearances on screen. In all broadcasts their activities or statements were reported.

White Opposition representatives made personal appearances in three of the 12 broadcasts and were reported in six.

Blacks in Government-sponsored organisations

made personal appearances in one broadcast and had their activities reported in nine of the 12.

Blacks outside the Government - approved structure never appeared at all nor were their activities or statements recorded.

The survey states that political news on television broadcasts was 'overwhelmingly weighted' with news from or about representatives of Government or the National Party.

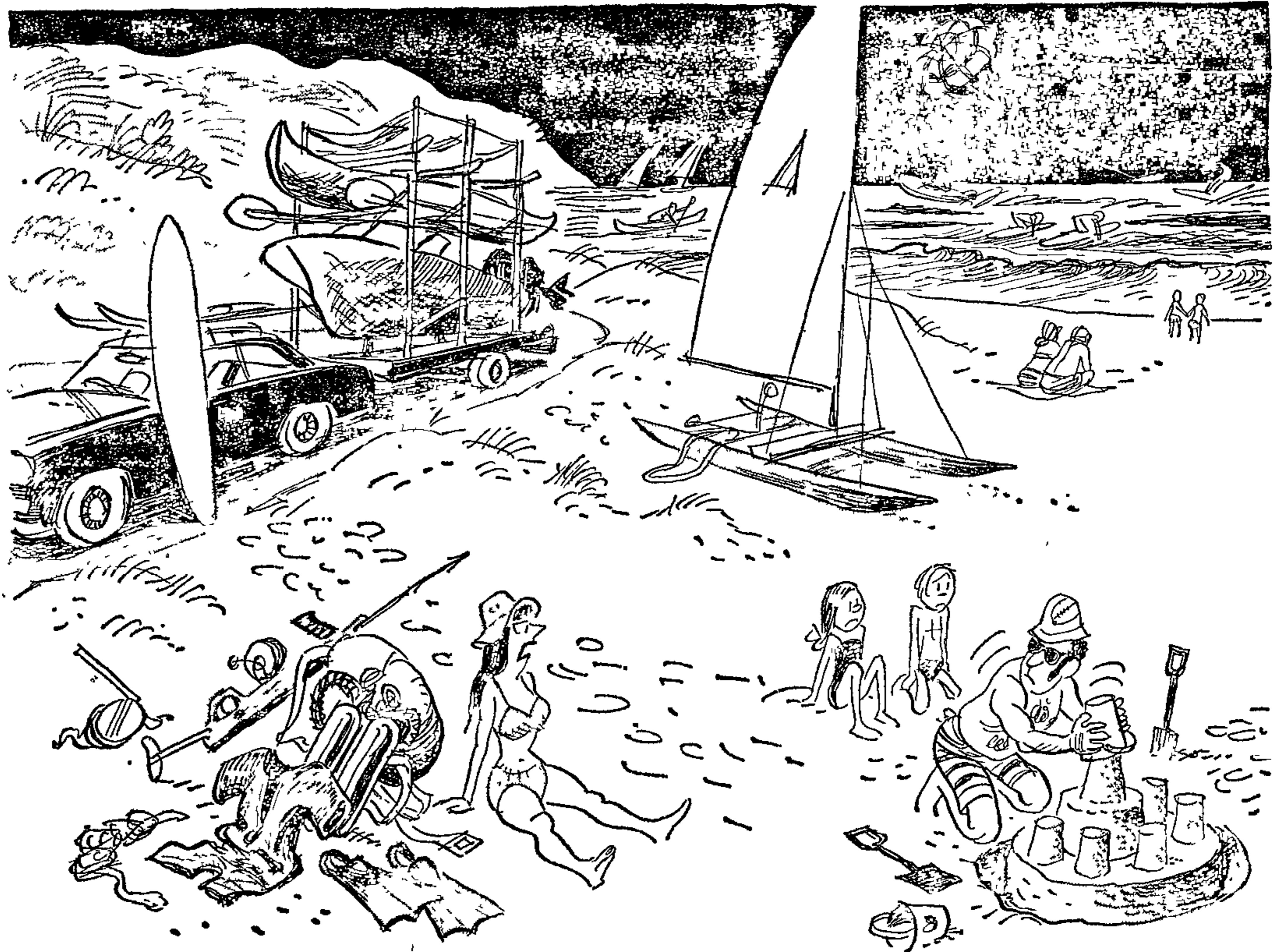
It adds, however, that the reasonableness or unreasonableness of this weighting cannot be determined by comparison with other broadcasting services as there seems to be no studies that have established norms in this area.

The authors point out that their study was conducted during the run-up to the General Election when all parties were trying to get their programmes across to the electorate.

They say: 'If television is a prime source of information about candidates in a political campaign, as studies in other nations have shown, one might well question how effectively SABC television fulfilled this function in terms of the 1977 election campaign.'

1977

CONT

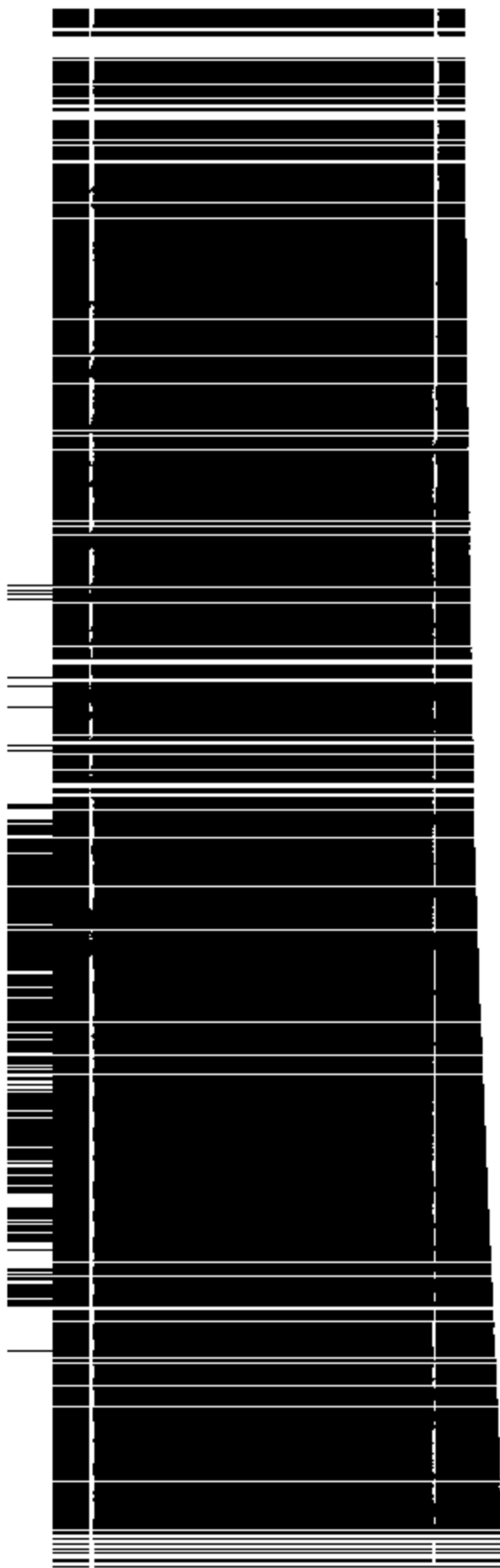


'You've got your wetsuit, snorkel gear, skiboard, surf canoe, cat, speedboat, water skis and parachute — why don't you let the kids build the sandcastle?'

ARGUS

22/2/78

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(1) National Party and/or Government: 81 percent of political time.

(2) White opposition MPs and parties: 8,4 percent of political time.

(3) Government-sanctioned, black bodies: 10,5 percent of political time.

(4) Other black political organisations: nil.

A further breakdown in time allocations shows the total percentage time in which representatives of the various organisations were allowed to personally appear on television. In the following table the organisations are referred to by the numbers allocated above.

Personal appearances as a percentage of total political news on the broadcasts surveyed:

- (1) 47 percent (35 minutes 52 seconds).
- (2) 4,4 percent (3 minutes 20 seconds).
- (3) 4,9 percent (3 minutes 40 seconds).
- (4) Nil.

Time allocated to reporting the affairs or statements of the organisations concerned was:

- (1) 34 percent (25 minutes 50 seconds).

THOUGHT FOR THE DAY

By Pilgrim

'What manner of man is this that even the wind and sea obey Him?'

— Mark 4:41.

Control of the elements has always been regarded as the power of God alone.

Veto on newsmen invalid - defence

An attorney defending 27 journalists charged with taking part in a prohibited gathering, argued today that the government notice prohibiting the gathering was invalid.

Mr Shun Chetty told a Johannesburg Regional Court magistrate, Mr F H Bosman, that the notice prohibiting the gathering was not specific and could even prohibit a court inspection in loco.

UNREASONABLE

He said the notice was unreasonable and it should have contained qualifications relating to the disturbance of public peace.

The case follows a march by the journalists on November 30 last year in protest against the banning of The World newspaper.

The journalists are Mr Absalom Mnisi (29), Mr MacDonald Mogorosi (31), Pamela Nuthuli (24), Mr Moses Mongadi Molaba (25), Mr Isaac Motsapi (22), Mr Castalia Moleka (27), Mr Force Khashani (28), Mr Nuka Mkhalipe (32), Mr Edmund Thomanqa Mazwai (33), Mr Shadrack Nkoma (36), Mrs Mathilda Masipa (30), Mr Ernest Shenyana (22), Mr Jeffrey Masekwameng (22), Mr Mathews Mako-

bane (22), Mr Bafana Maxwell Shezi (23), Suzette Nxunalo (30), (all of Post newspaper), Mr Harold Pongola Mutuzeli (41), Mr Balosang Isaac Segola (35), Mr Zewikha Susula (26), Mr Leslie Scott (28), Mr Mike Ndlazi (44), Mr Ian Qwelane (27), Mr Montshiwa Milner Moroke (26), (all of the Rand Daily Mail); Mr Phillip Mtimkulu (28), Mr Michael David Norton (38), Mr Zadeida Mayet (40), (all of The Voice) and Mr Johannes Moahloli (44) of the Sunday Times.

All entered no plea.

Mr P M Jacobs appeared for the State. Mr Shun Chetty appeared for 27 of the journalists.

Europe Over Professor's SA trip

OTTAWA — A Canadian university professor was accused yesterday of taking hostile action against the black liberation movements in South Africa

The accusation against Professor Phillip Uren, director of Carleton University's School of International Affairs, almost caused a walkout by liberation spokesmen at an international conference on the future of southern Africa

The disturbance started after black liberation leaders at the conference, sponsored by the university, heard Professor Uren had accepted an expenses-paid trip to South Africa from the South African Government

Claiming they had been tricked into attending the liberation conference, the liberation fighters threatened to walk out. They changed their minds when conference organizers issued a statement deploring Professor Uren's actions.

A representative of the liberation groups urged the Canadian Government to officially dissociate itself from Professor Uren's action.

"This is considered a hostile action," said Mr Abdul Minty, leader of the Anti-Apartheid Movement.

"He (Uren) is collaborating with the white South Africans."

Mr Minty said Professor Uren's trip could jeopardize Canada's relations

with black African nationalists. He said Canada had also embarrassed itself in the eyes of the world by seeming to deplore apartheid, while at the same time having a senior academic visiting that country at the expense of its Government.

"He is a representative of Canada and he has allowed himself to be used. He met their officials, he ate their food. What motive could the South African Government have but to convince him of the validity of its rule?"

Professor Uren was not at the conference. His executive assistant said he was upset and did not wish to comment.

Sapa-AP

25/2/78 D (2/3)

Journalists fined for meeting

JOHANNESBURG — A magistrate here yesterday refused to listen to what he termed "a political speech" and fined 27 journalists R100 or 50 days each for attending an illegal gathering.

The magistrate, Mr H. F. Bosman, abruptly adjourned the court during the reading of the prepared statement of mitigation, read by Mr Zwelakhe Sisulu, 26, one of the accused. The statement had been signed by all the accused.

The opening text of a two-page document which Mr Sisulu began reading before Mr Bosman interrupted was: "Our march was designed to illustrate our conscientious objection at the continuous detention and harassment of black journalists in this country.

"This objection has been regularly brought to the attention of the Government through correspondence, official press releases and numerous leaders by newspaper editors.

"But, to put it mildly, we have been invariably snubbed. Instead, each word of protest was followed by further detentions and humiliation and more harassment."

At this point Mr Bosman interjected.

Mr Bosman said: "If he is allowed to read his statement, he will be given a political platform to criticise this court and various other Government bodies, and this court will not allow that."

The State earlier withdrew the case against a Star photographer, Mr Moroe Mosimane, 35, on the grounds that Mr Mosimane was working and was not part of the gathering — SAPA

Shock in US over charges against SA newsman

Cape Times
25/2/78
① 243

Own Correspondent

WASHINGTON. — The charges against an Argus journalist, Mr Eugene Hugo, reported in the Washington Post this week, have come as a shock to both US Government officials and Mr Hugo's local colleagues.

"A very responsible reporter", "no bias one way or the other", were typical of the comments made by some of the officials Mr Hugo dealt with during his 13-month tour in Washington. The tour has been cut short by his sudden recall to Johannesburg.

The Post article referred to the statement by a senior South African Government official that "Hugo was not fit to carry a South African passport" and the government was considering withdrawing it.

To his many acquaintances among fellow journalists, the statement might have seemed droll had it not carried with it an atmosphere of fear for Mr Hugo himself and for freedom of the press in South Africa.

De Kieffer

"It makes you grateful to be an American journalist," commented one reporter.

In recent weeks Mr Hugo has been writing about De Kieffer and Associates, a Washington-based firm of American lawyers who are registered agents for the South African Department of Information.

An employee of the firm slipped into a closed congressional briefing by Mr Donald Woods when he addressed the House of Representatives ad hoc committee on Southern Africa on January 31.

And earlier, on January 18, a South African information official did much the same thing, one snowy day, when he attended a closed briefing of the same ad hoc committee by a State Department official.

Donald Sole

most reporters would consider to simply be their job."

In a telephone interview this week, Mr John Chettle of the South Africa Foundation in Washington commented on the Reuter news agency report that Mr Hugo had been called home following allegations that he conspired with the US Government against South Africa's interest.

"It sounds in terms of what Hugo's colleagues tell us, that it is a thoroughly exaggerated story," he said.

"As I understand it, the report is totally untrue. Hugh

Robertson, the Star's UN correspondent, said Mr Hugo was posted to Washington only for a year, so this is a normal recall."

Mr Chettle said that although the recall and criticism of published reports on the De Kieffer firm were simultaneous, they had absolutely no relationship to each other.

As the South Africa Foundation director was travelling on the west coast of the United States at the time of the incident, he did not know the full story, he said.

CONT.

CAPE TIMES

25/2/78

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Donald Sole

The South African ambassador in Washington, Mr Donald Sole duly apologized for the official's presence, in reply to a written protest from three members of the committee, congressmen Mr Tom Downey, Mr Andy Maguire and Mr Edward Markey

Mr Sole sent a second letter on February 7, in reply to a protest from the committee about Miss Eva Neterowicz of the De Kieffer firm being at the January 31 meeting. Mr Sole pointed out that she was not a South African Government official.

Mr Tom Downey told Reuters: "If Mr Hugo's recall is associated with his very accurate, unbiased and competent reporting of the activities of the ad hoc committee, this represents a blow to press freedom in South Africa.

"Certainly South African embassy officials and representatives of the government's Information Department violated Congress's confidence by attending our (closed) meetings

'Embarrassment'

"These actions have obviously caused the (South African) government great embarrassment — that fact is indisputable.

Apparently the government is taking action against him for doing what

COURT ENDS 'SPEECH' BY 27 JOURNALISTS

JOHANNESBURG — A magistrate here yesterday refused to listen to what he termed "a political speech" and fined 27 journalists R100 (or 50 days) for attending an illegal gathering.

The Magistrate, Mr. H. F. Bosman, abruptly adjourned the Court during the reading of the prepared statement of mitigation, read by Zwelakhe Sisulu (26), one of the accused.

The statement had been signed by all the accused.

The opening text of a two-page document which Sisulu began reading before Mr. Bosman interrupted was: "Our march was designed to illustrate our conscientious objection at the continuous detention and harassment of Black journalists in this country.

"This objection has been regularly brought to the attention of the Government

through correspondence, official Press releases and numerous leaders by newspaper editors.

"But, to put it mildly, we have been invariably snubbed. Instead, each word of protest was followed by further detentions and humiliation and more harassment . . ."

At this point Mr. Bosman interjected.

After the brief adjournment he addressed Sisulu by saying: "You have been reading from a prepared document — would you like to give evidence without reading from that document?"

After argument counsel for the defence Mr. S. N. Chetty said he had been instructed to "say nothing further to the Court and to leave the matter to the Court's discretion."

Mr. Bosman found the 27 journalists guilty of attending an illegal gathering. — (Sapa.)

CT,

27/2/78

Decision by ⁽²⁴³⁾ Press Council

THE Press Council has upheld a complaint by the Commissioner of Police against an editorial published in The Star on January 5 of this year

In his adjudication of the complaint the chairman of the council, Mr O Galgut, directed The Star to publish the following

"(1) The complaint by the Commissioner of the South African Police against the editorial which appeared in The Star on January 5, 1978, is upheld

"(2) The said article contravened clause 3(a) of the code of conduct of the South African Press Council in the following respects:

"(a) It incorrectly conveyed to the public that the right which the police have to enter a private home without a search warrant is of recent origin whereas in fact the police, acting bona-fide and in good faith, have had such a right since 1917

"(b) It stated 'it is legally possible for the police these days to hold you in jail (even as an innocent witness to a common crime) without ever letting you appear in court.' This statement is incorrect in that the South African Police do not have this right.

"(c) It stated that it is legally possible for the police 'to try you in closed court in certain circumstances without anyone ever knowing what the evidence was — or, indeed, what happened to you' This statement is incorrect in that it is only the judge or judicial officer presiding who is vested with the discretion to decide, in a criminal trial, whether the proceedings shall be totally or partially conducted behind closed doors or whether the evidence may be wholly or partially published. Moreover, the verdict, save possible where an accused under 18 is to be protected, is always made public. The South African Police have no

say in such matters

"(3) The above statements, being incorrect in the respects alleged, tend to bring the South African Police into disrespect

"(4) It is noted that the editor of The Star, in his answer to the complaint, intimated that he was prepared to publish what he intended to convey to the public by the above statements. However this offer was not clear and did not go far enough

"(5) The Star is directed to publish paragraphs one to five of this adjudication. Such publication is to be made in a prominent manner under a suitably prominent headline"

In his defence to the complaint, the editor of The Star stated that the use of the word "police" in the editorial was intended to convey its primary dictionary meaning "which refers to the legal system as a whole and the machinery which gives rise to the policing of the state"

Mr Galgut, however, rejected this as, although there were various dictionary meanings of the word, the council had no doubt that most South Africans would understand "police" as "a reference to the body of men in the force of that name".

The editorial also referred to "the police actions of October 19" when a number of organizations and people were banned and a number of people taken into detention

Difficulty

Mr Galgut said that although his assessors, Mr W van Heerden and Dr H McCaul, had no doubt the complaint against the sentence was justified he had some difficulty here

The sentence had referred to the International Commission of Jurists being worried about the police actions

Mr Galgut pointed out that the physical act of detention of people was carried out by

policemen acting on the instructions of the Minister or department concerned

He said that on the assumption that the commission was worried "it may well be that the commission was worried by the fact that the detentions were effected by members of the police force"

"If that is so," he asked, "can it be said that the statement in the first sentence goes too far?"

On the complaint by the Commissioner of Police that the editorial said that "these days" police had the right to enter a home without a warrant at any time, the editor of The Star said in his defence that by "these days" he meant to convey the period in which the country had been ruled by successive National Party governments

Mr Galgut held that the police, acting in good faith had had this right in certain circumstances since 1917. He held that if the editor intended to convey by "these days" the period of the National Party regime he could have said so in the editorial

Altered

The right given the South African Police in 1917 had been repeated in the 1955 and 1977 Criminal Procedure Acts, Mr Galgut said. He added "It is true that some of the procedural matters attendant upon the exercise of this power have been altered"

The editor of The Star had pointed out that under the 1917 Act a policeman could enter without a warrant if he believed on reasonable grounds that the delay in obtaining a search warrant would defeat the object of the search. In addition, anything seized in the search had to be taken before a magistrate. "Thus the 1917 Act imposed restrictions and control and afforded a citizen an opportunity for redress, if necessary"

Mr Galgut held, however, that since the right of search without a warrant had existed since 1917 the statement in The Star's editorial was incorrect

The Commission of Police had stated that the allegation in The Star's editorial that the police could hold someone in jail, even as an innocent witness to a common crime, without letting one appear in court was false as the police did not have this power

The editor of The Star pointed out in response that under the General Law Amendment Act of 1966 policemen with the rank of lieutenant-colonel or above had the right to arrest, detain and interrogate persons they had reason to believe were terrorists, to have committed sabotage or an offence under the Internal Security Act or who intended to commit such offences

Information

In addition the Terrorism Act allowed policemen of the same ranks to arrest, detain in solitary confinement indefinitely and interrogate suspects who they had reason to believe were terrorists or were withholding information from the police relating to terrorism or offences under the Terrorism Act

Mr Galgut held, however, that in the first case the suspect could only be held for 14 days or for such further periods as a judge would determine on application from the Commissioner of Police. The police therefore did not have unfettered rights of detention

In the second case the Commissioner of Police had to advise the Minister of the detentions and detainees could make representations to the Minister who could order their release. In this case too the police did not have unfettered rights, Mr Galgut held.

● See leading article.

Woods to speak on SA press

LONDON — The former Daily Dispatch editor, Mr Donald Woods, will join the international lawyer and former UN Commissioner for Namibia, Mr Sean McBride, in delivering key speeches to the annual International Press Institute conference in Australia in March.

Mr Woods has been invited to attend the conference from March 3 to 12 and to deliver a report on the state of the press in South Africa.

An IPI spokesman here said the Australian television and media were particularly keen to hear from Mr Woods and Mr McBride and there would be extensive interviews and media coverage of them.

The conference meets in Melbourne, then moves to Canberra on March 7 and later to Sydney for a closing session. About 250 members will attend.

The IPI spokesman said Mr Woods had long been an IPI member.

He will also address the National Press Club luncheon in Australia. Mr McBride will deliver an address on the Right to Information. — DDC.

Leading article backs The Star

243

Star
28/2/78

Own Correspondent

CAPE TOWN — The Cape Times said in a leader yesterday about the recent Press Council case brought by the police against The Star

"It would be unfortunate if a finding of the Press Council against The Star newspaper is allowed to leave the impression that public misgivings about the extent of the powers of the State over the elementary liberties of the individual are without foundation

The Press Council, with semantic and legal accuracy, found that The Star had erred in expressing its anxieties in terms of the police

"Thus it was found that the police as such haven't the unfettered right to detain suspected terrorists because the Minister must be informed and may order the release of such detainees

"The holding of witnesses needs action by the Attorney-General and the order of a judge. When organisations are declared illegal and persons arrested and banned, this is not done at the whim of the police but by the Minister of the department.

"The police act pursuant to a notice in the Government Gazette and on orders from above and from outside the frontiers of the force and so on

SEGREGATED

"The loose use of the word 'police' does not limit the extent of the arbitrary power at the disposal of the executive. It can be accepted without question that the police force always acts in good faith and strictly in accordance with the law

"And that when something obnoxious has to be done, like keeping someone without trial in solitary confinement and incommunicado, it is done in

instructions from the Minister and other non-police authorities

"But whoever carries out the physical act of arrest and under what authority he does so, the fact remains that hundreds of men and women have been in detention, segregated from their families, denied access to legal advice, without the right to public trial, dependent for any chance of liberty on the administrative decision of some politician or official"

The article concludes: "There is more than enough to justify the anxiety implicit in the views expressed by The Star

"It is essentially irrelevant to the debate whether or not the police force as such is responsible for the use or abuse of the terrifying powers at the disposal of the executive"

93/78 DA (243)

Reporter wins Dispatch bursary

GRAHAMSTOWN — A former Imvo reporter has won a Daily Dispatch bursary to study for a journalism degree at Rhodes University.

Mr Welcome Tsheke has won a bursary of R300 a year for three years.

He was born in King William's Town and worked on Imvo for several years. He started off as a general reporter then specialised in politics.

Last year he studied for a B Proc at Fort Hare University and worked from 1970 to 1975 as the first general secretary of the Ciskei National Independence Party.

Mr Tsheke is from a chieftainship house and is the senior man in the left of the two Hleke houses. He is the first chief in that house to register for a degree and is now writing his autobiography.

He is married to Mrs Virginia Tsheke, a nurse in the Transkei Department of Health, and has three children.

Two other first-year students in the journalism department at Rhodes have also won Daily Dispatch scholarships and bursaries.

Miss Julia Denny, 18, has won a Daily Dispatch scholarship of R600 a year for three years. She is the daughter of Mr and Mrs Robin Denny of Bulawayo.

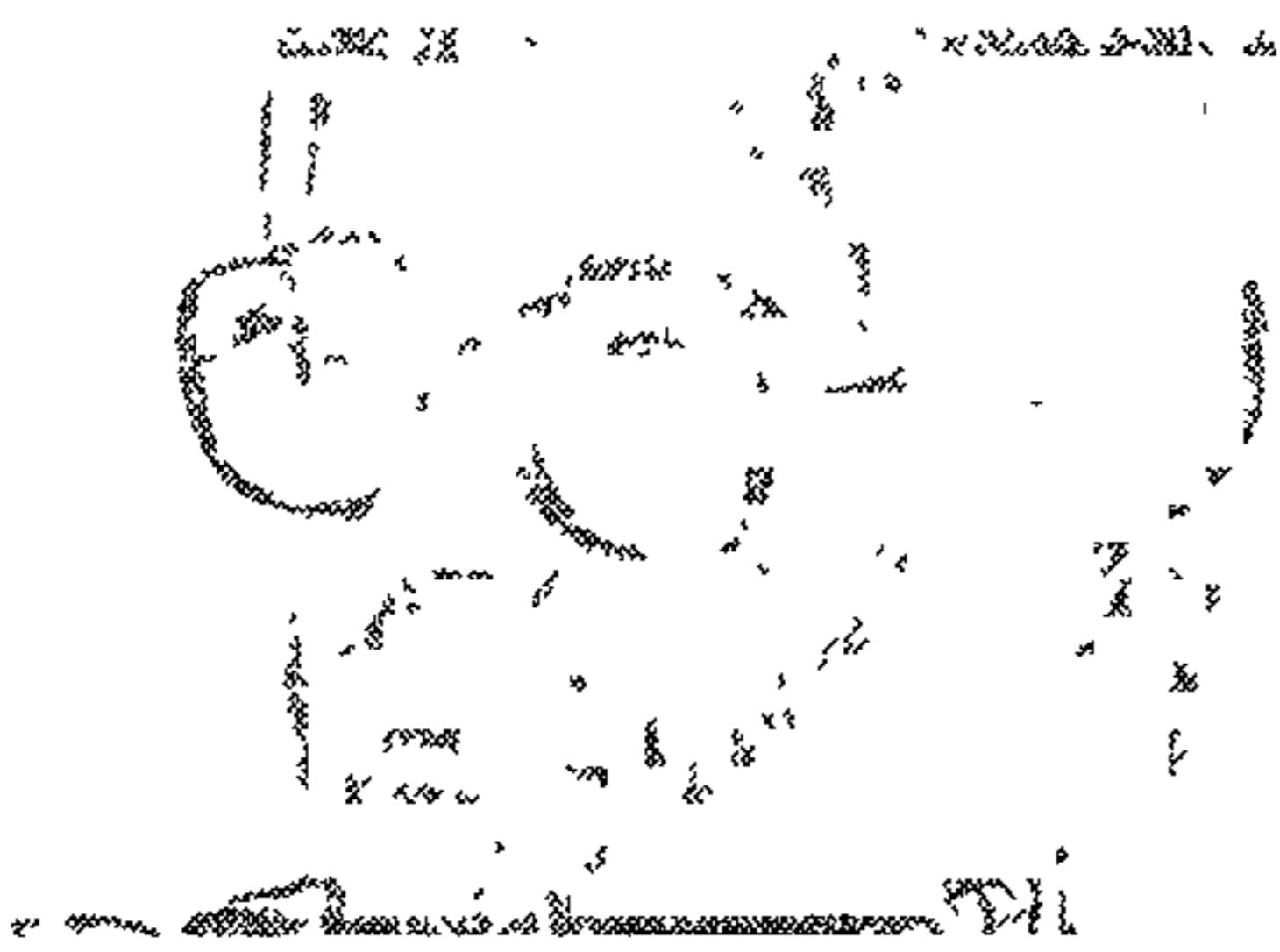
Miss Denny was a pupil at Townsend Girl's High School and obtained A grades in English, History and French in her A level examinations, and a first grading in S level French.

Mr Mark Dobson, 19, of Westville, has obtained a similar award. He is the son of Mrs H. R. Dobson and obtained a first class A aggregate matric at Westville Boys' High School — DDC.

MR WELCOME TSHEKE

MISS JULIA DENNY

MR MARK DOBSON



Mr Sanford Ungar . . . US television network received many letters from the public which were favourable to Mr Pík Botha.

Banning of World 'was blow to SA Press'

Handwritten initials

243

STAR
9/3/78

The banning of the World newspaper last year destroyed the American view that there was a free Western style Press in South Africa, Mr Sanford Ungar, an American journalist and editor, said today

Mr Ungar, as a guest of the United States Information Service, is touring South Africa for 11 days on a fact finding mission

He is managing editor of Foreign Policy Magazine, a contributing editor to Atlantic Monthly, a correspondent to the Economist and director of publications of the Carnegie Endowment for International Peace group

Mr Ungar arrived in Johannesburg yesterday and plans to visit representatives of different organisations and political groups

INSUFFICIENT

Mr Ungar was one of three journalists who interviewed Mr Pík Botha on television in New York during the SWA/Namibia talks at the United Nations last month

Describing the talks with Mr Botha Mr Ungar said he found the Foreign Minister most self-controlled "I think that Mr Botha had certain things he wanted to say and that he was waiting

for the right moments to say them"

Mr Ungar said he felt that the American public has had insufficient information about South Africa, good and bad, and that since June 1976 more news had been forthcoming

Mr Ungar went on to describe the foreign policy split in the US Government among the camps of presidential adviser Mr Zbigniew Brzezinski and Mr Andrew Young and Mr Cyrus Vance.

"NEXT ON AGENDA"

"Yes, there is a feud," Mr Ungar said "On the one side, Mr Brzezinski often stresses confrontation with Russia at different global points.

"On the other hand, people like Mr Young and Mr Vance don't recognise this kind of knee-jerk reaction I think the confrontation viewpoint is an insult to all Africans to believe they can be manipulated so easily by Super Powers," Mr Ungar said.

He added that South Africa "was the next item on the agenda" once majority rule comes to Rhodesia and SWA/Namibia

Mr Ungar is due to speak tonight (8.15) at Jan Smuts House in Braamfontein on the topic of "American Attitudes Towards the Carter Administration's Southern Africa Policy"

World newsmen condemn SA attitude to Press

Star 10/3/78

243

Own Correspondent

BRISBANE — The International Press Institute, at its 27th annual meeting in Canberra has passed an eight clause resolution condemning the South African Government for its attitude to the Press.

● The resolution.

● Regretted the failure of the South African Minister of Justice, Police and Prisons, Mr Kruger, to reply to an application for the release of an institute member, Mr Percy Qoboza, to attend the institute's annual assembly and address his fellow members.

● Condemned the South African Government for detaining Mr Qoboza and for detaining or banning other South African journalists without charge or trial.

● Condemned the South African Government for closing down The World newspaper and other publications without due process of law and without producing any

evidence.

● Called on the South African Government to charge in open court or release immediately all journalists summarily detained or banned.

● Called on the South African Government to lift its summary ban on the Union of Black Journalists and to restore publication rights to The World newspaper and other publications summarily banned.

● Called upon journalists and governments throughout the world to assess their attitudes to the South African Government

● Congratulated the editors and staffs of those South African newspapers who continue to uphold their independence.

● Pledged to continue all possible support for Mr Qoboza and for all other detained and banned journalists and all South African journalists committed to the ideals of Press freedom

Sunday Times 12/3/78

213

Court reserves judgment on claim

MR JUSTICE T H van Reenen reserved judgment on Wednesday this week in a case in which Professor H J Samuels is claiming R100 000 damages from South African Associated Newspapers and the Editor of the Sunday Times.

The claim in the Supreme Court, Pretoria, arises from a report in the Sunday Times on July 18, 1976, headed "Ex-arms chief got loan cut — court told"

Prof Samuels alleged the report was not a true reflection of proceedings at a trial in 1976 because no evidence had been given that he actually received part of a raising fee on a loan from the Iscor Pension Fund, of which he was then a trustee.

Mr F O. van Breda, a witness at the trial, was later found guilty of crimi-

South African Press Association

nal defamation as a result of what was actually said in court.

Prof Samuels also claimed that a footnote at the end of the report, which referred to his early retirement as president of the Armaments Board, created the impression that he had not retired for health reasons

The newspaper report had caused him great pain and suffering, he said.

He was stunned not to have been asked his views in this case. If he had, no further action would have been taken in regard to much of the matter

Prof Samuels said that what was put in question by the report was his integrity during the nine-year period for which he had served his country as chairman of the Armaments Board

A number of prominent

business men gave evidence that Prof Samuels was known in South Africa and abroad as a man of the highest integrity

The Editor of the Sunday Times, Mr A. T. Myburgh, told the court that the report in question had not been intended to attack the professor's character.

The footnote had been added to elucidate the report.

Subsequent reports which showed that Prof Samuels had not in fact received part of a raising fee had received equal prominence. This had been disputed by Prof Samuels

Mr Myburgh said the report had been published like any other court report because it was newsworthy.

Asked why he had not contacted Prof Samuels before publishing the report, Mr Myburgh said it was not practice to contact third parties when matters were sub judice.



Persboas sê wie hy is

Deur THINUS PRINSLOO

„EK is maar 'n skaam mens. Ek hou nie van koerante en publisiteit nie,“ sê Suid-Afrika se nuwe Engelse persbaas, mnr. Johannes van Zyl Alberts, 63.

Dis sy eerste koerantonderhoud sedert hy die nuwe besturende direkteur van The Citizen geword het. „Ek glo daarn om in die stilte te werk. Dan verrig 'n mens net die meeste,“ sê hy in sy kantoor op die vyftiende verdieping van Sandton City, net buite Johannesburg.

Só gesels die vurige Afrikaner wat nou Engelse persbaas geword het. Hoe sien hy die persstryd vorentoe?

„Die stryd tussen wat 'n Blad soos die Citizen is onontbeerlik vir die Engelssprekende inwoners van Suid-Afrika, maak me saak van watter ras nie, omdat dit die enigste Engelse koerant is wat onom-

wonde Suid-Afrika altyd eerste stel Wat nie verbonde is aan 'n party nie en wat alles in sy vermoë sal doen om te veg vir die dinge wat dierbaar en eie is aan die inwoners van die land.“

Is daar plek vir twee Engelse oggendblaaië aan die Rand?

„Daar is wel plek vir 'n goeie, beter en meer professionele, Suid-Afrikaanse Engelse koerant wat nie negatiewe beriggewing doen nie.“



MNR. JOHANNES VAN ZYL ALBERTS, Suid-Afrika se nuwe Engelse persbaas

„Hoe voel hy oor perssensuur in Suid-Afrika?”

„Ek dink perssensuur moet nie deur die Regering toegepas word nie, maar deur die publiek — om me koerante te ondersteun wat hul beleggings, hul verbyl, hul toekoms ondermyn nie.“

Waar staan hy in die politiek?

„Ek stel Suid-Afrika eers teenstanders af te kam nie, maar deur 'n beter produk

en beter bemerking outomates' die beste te presteer.“

Hoekom is The Citizen van mnr. Louis Luyt gekoop?

„Omdat hy sukses behaal en omdat die koerant 'n redakteur en span het waarop ek kan vertrou Ons kan resultate bereik.“

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„As jy 'n positiewe koerant het wat die potensiaal en moontlikhede van die land en sy beleggings positiesief voorstel, dan beskerm jy mos ook alle beleggings in die land. Ons' het vertroue dat die koerant wins sal maak.“

„Niks, die kontrole en beheer setel in die 75 persent SA aandeelhouding. Maar hulle kan bydra om wêreldwys vir die koerant toegankliker te maak omdat die beste stories uit hul publiskasies oorgeneem kan word.“

Hoekom stel buitelanders daarn belang om 'n aandeel in 'n Suid-Afrikaanse koerant te kry?

In dié tye is dit uit 'n ekonomiese oogpunt seker nie die rooskleurigste belegging nie?

„Ek glo nog altyd Suid-Afrika was een van die beste lande om in te belê. Die buitelandse aandeelhouders glo dieselfde. Hulle het hier belê omdat hulle me afgeskrik word deur negatiewe beriggewing nie.“

„My hele leuse is: Ek koop wanneer mense verkooop, ek verkoop wanneer mense koop. Ek is baie gelukkig met die transaksie wat ek met mnr Luyt ge-

„My leuse is dat ek nog altyd geglo het om nooit jou teenstanders af te kam nie, maar deur 'n beter produk

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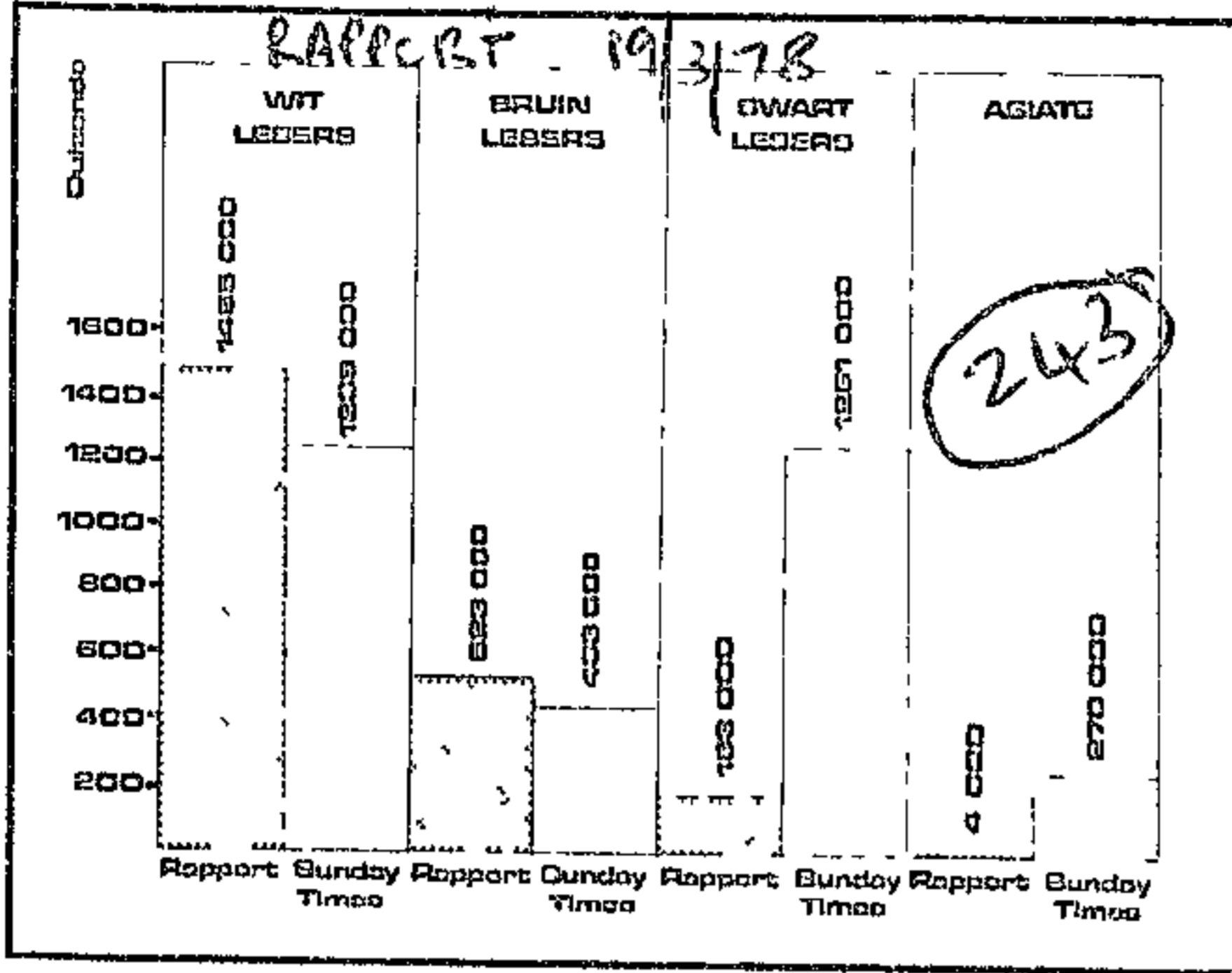
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RAPPORT bly bo in sy mark

RAPPORT bly onteenseglik die grootste koerant in die mark waarin hy meeding — dié van wit en bruin lesers.

Sy vermaamste mededinger, die Sunday Times, het aansienlik minder wit en bruin lesers. Die Sunday Times se grootste mark is sy swart lesers — wat selfs sy wit leserstal oorskry.

Die grafiek hierbo, 'n ontleding van RAPPORT en Sunday Times se lesers, is opgestel uit die Amps '77 (All Media Product Survey) en is vandeesweek deur die Suid-Afrikaanse Reklame-navorsingsinstituut bekend gemaak.

Daaruit blyk dat RAPPORT 50,5 persent van die totale aantal wit koerantlesers in die land het teenoor die Sunday Times se 42,1 persent.

Onder die bruin koerantlesers het RAPPORT die grootste aandeel, 40,55 persent. Die Sunday Times het 33,5 persent

Plar

his survey on training facilities for widened to include Coloured. He was he had already sent out. Next year ommisioned by the Anglo-American demand for highly skilled black

d Daily Mail, had just spent 10 days in ailed account of the Newcastle Bus

e Farm Labour Conference on farm schools on farms and finding out to s to schools.

hortly to start working on the distrib- is.

Job for Francis Wilson collecting ory over the last 30 years.

pleted two papers, the first for the anniversary conference on Labour as a background paper for the ILO in Southern Africa. He was also busy rvey on 'The Gold Mines Revisited' this publication of his book. Dr Wilson sentative for Bantustan leaders on the ndate to investigate whether 'the Bantu ular are receiving a fair share of the the Bantu'.

'6 - A Survey of Labour of Statistics

Agricultural Conference - September 1976

Mr. Bromberger suggested that it may be beneficial next year to invite interesting people, mainly from outside the University, to attend the occasional lunch with SALDRU members. This was agreed upon.

Administrative arrangements (F.W. away to March 1976)

As Dr. Wilson would be away from the University until the first week in March 1976 Mr. Norman Bromberger would act as Head of the Division of Research and be available to make decisions.

Books It was agreed to hold this item over until the next meeting.

Structured contact: Dr. Wilson proposed that:

- 1) A time should be made for informal tea daily
 - 2) Monday lunch meetings should be continued
 - 3) Formal meetings should be held once a month or once every two months.
- The first of these formal meetings to be held in the middle of March.

Qoboza to hold top Press job



Mr Qoboza

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Mr Percy Qoboza, editor of the banned newspaper The World, will become editor next month of Post and Sunday Post

These are the newspapers which were published from the same offices by the same staff as The World after the bannings on October 19 last year

in South Africa's black community, was detained on October 19 last year along with more than 40 other prominent black people

The editor of Weekend World Mr Aggrey Klaaste, is still in detention

Later today Mr Qoboza said he would have been happy to see the ban lifted from The World but in the meantime he had to practice his craft

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Mr Qoboza was detained in prison for four-and-a-half months. Neither he nor the proprietors of The World have yet been told why the newspaper was banned. The editor was released a fortnight ago, but The World has not yet been unbanned. Post has, to a great extent, filled the vacuum left by The World

Asked whether he expected Government action against him and his newspaper again in the future he said: "It is difficult to predict on this issue because one doesn't know what went wrong with The World and whatever one says could be a matter of pure speculation. But one hopes to do what one ought to do — and that is, to run a newspaper"

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Mr John Marquard, manager of Post and former manager of The World, said today: "We are glad that he is coming back"

Asked what effect detention had on his thinking, Mr Qoboza replied: "Let me immediately say that I was not taken to a school of re-education. I merely had my freedom violated without any indication why this was done."

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Approached today, Mr Qoboza declined to comment on his new appointment beyond saying that he would release a statement later

Mr Qoboza a key figure

CHERISHED

"I have had a lot of time to think of a lot of issues, but I still believe in the things I have always believed in and the things I have always cherished"

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50.

Minister of Justice releases them as soon as possible

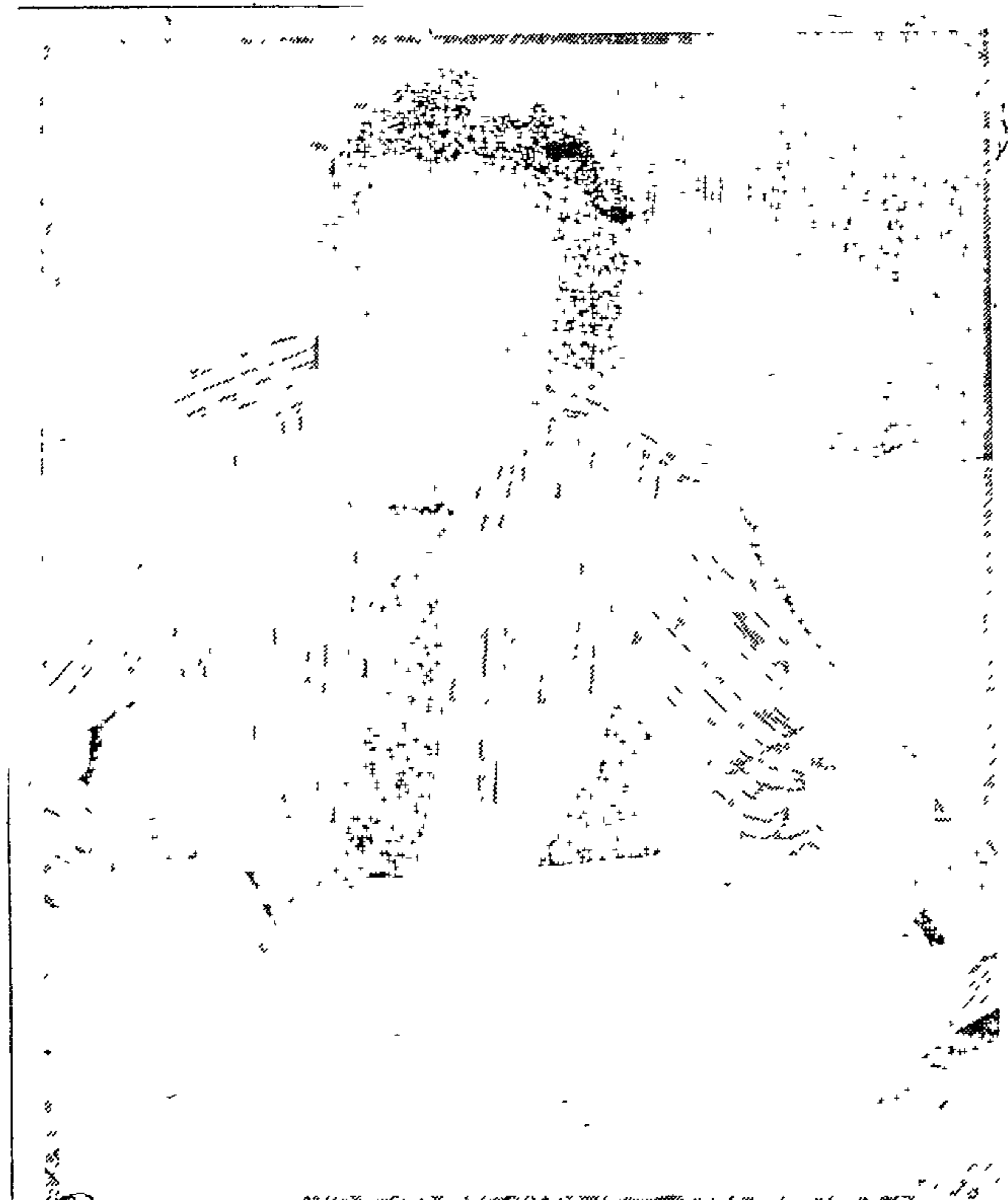
"And I'll certainly do what I can to see that this is done. They are beautiful South Africans"

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"It is true that sometimes you become very angry and it would be unnatural not to be embittered by that kind of experience, but as long as you are able to ensure it does not disorientate you that is the important thing"

Of people still in detention he said it would be unnatural for their thinking not to have been affected by the Government action against them.

"But let me say that for the months I have been there I have come to know those people. They are people of moderate views — they are people who are a credit to



243 Editor ^{6/4/78}
is back

Mr Percy Qoboza, former editor of the banned newspaper, The World, was back at work today as editor of the Transvaal edition of Post. Mr Qoboza, together with several other people, was detained in October last year during the Government's crackdown on black organisations. Mr Qoboza said he was happy to be back at work. He said he was faced with a difficult task where everyone — the authorities on the one hand, people on the other — was watching what his next move would be. Mr Qoboza takes over from John Miskelly, who launched the Transvaal edition of Post. This picture was taken at his office yesterday.

Reading between the lines

FM 7/4/78

243

There are now two readership surveys on the SA scene. Apart from confusing marketing people, it's surely a waste of money

Pinpointing and quantifying readership is as important to newspapers and magazines as circulation. Perhaps more so.

Thus the current imbroglio in SA where this year two readership surveys, carried out at considerable cost by two market research groups, will vie for credibility.

Total cost is estimated at R800 000, which is a great deal more than the amount spent on this type of research in the UK, with a market more than 10 times the size.

For many years, the All Media & Products Study (Amps) has satisfied marketing men's needs. It's published by the SA Advertising Research Foundation (Saarf), comprising the SABAC, the Association of Accredited Practitioners in Advertising, Cinemark, the Society of Marketers and the Transvaal Sign Manufacturers' Association.

Until last year, the Newspaper Press Union (NPU) was also a member. It resigned, partly because of a dispute over the Amps 1976 survey, and decided to do its own thing. It subsequently published Readership 77 and sometime at the end of April will produce an additional report, National Readership Survey (NRS 77). This will cover the same ground as Amps 77, published two weeks ago.

Two options

So marketing and media men are faced with two reports on similar research offering differing results.

CruX of the matter is the definition of readership. Wally Langschmidt, chairman of Market Research Africa (MRA), which undertook the basic research for both Amps 76 and Readership 77, says "The broader your base the greater will be your number of readers."

Langschmidt recalls. "The hunt really began in 1972". Up till then he explains, people interviewed for the survey were shown a number of cards with publications' names and asked 'Which

of these publications have you read or paged through'.

"In 1973, the filter was tightened up and the phrase 'paged through' was dropped. So all the figures dropped — we had cut off the casuals," says Langschmidt.

But with TV on the horizon, the press became alarmed at the reduced readership figures so MRA and a technical advisory committee started from scratch. Result was that the filter mesh widened

weeklies by 28%, fortnightlies by 35% and monthlies by 77%."

In 1976, the mechanics of interviewing techniques were improved. "The figures got so high that the NPU complained that their credibility was in question."

However, control of the survey rested with Saarf, which declined to scrap it. So the NPU went its own way.

The move to do its own readership survey appears to have been unnecessary in a sense, since for the Amps 77 survey, Saarf decided to tighten up the filter once again. "In 1976, 11% of readers came through the meshes as 'may have read'," says Langschmidt. "Now it's plan 'yes' or 'no'."

Saarf general manager Casper Venter, Michael Brown and Langschmidt insist. "We believe this year's figures are closest to a sound theoretical base." Certainly the Amps 77 results showed readership generally down from previous dizzy heights.

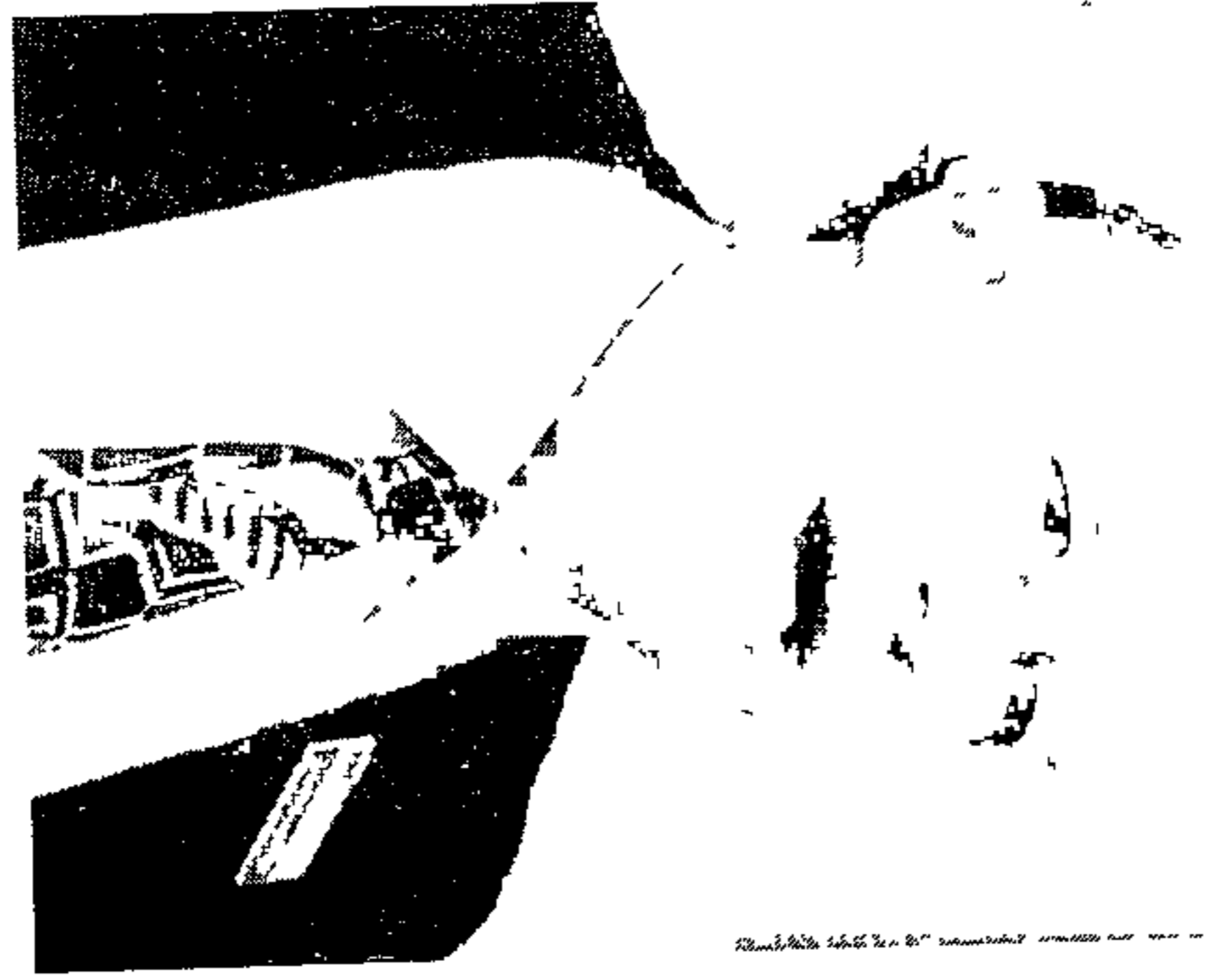
And, whether newspaper publishers are pleased with them or not, they'll have their own set of numbers cut towards the end of April.

What the media planners and marketing men make of it all is another matter. Perhaps they'll toss a coin. T. Walter Thompson MD Rob Irving comments "The situation is foolhardy in these hard economic times. But ad agencies will make use of both surveys nevertheless."

One real snag arising from the chopping and changing of definitions, and the appearance of another survey on readership — quite apart from the cynicism which has grown among those who wish to use such research as a marketing tool — is that it has become next to impossible to pinpoint readership trends.

"The facility to measure trends has been lost," says Langschmidt sadly.

Perhaps this year common sense will prevail and everyone concerned will get back into bed again. That might help close the credibility gap. And at least it would save some money.



MRA's Wally Langschmidt... defining readership

and the questionnaire "read like an essay," according to Michael Brown, an independent consultant from the UK, called in by Saarf.

"When we did that," says Langschmidt, "average daily newspaper readership increased by 6%. Sundays and

MR ROSS-THOMPSON

Ex-EL man is editor

CAPE TOWN — A former Daily Dispatch reporter, Mr Tim Ross-Thompson, has been appointed editor of the daily Bloemfontein newspaper, The Friend.

Mr Ross-Thompson, 37, nephew of the chairman of the Daily Dispatch group of companies, Mr I D Ross-Thompson, takes up his new post in August.

He spent 18 months on the Daily Dispatch in 1965 and 1966

Mr Ross-Thompson, who is married and has two daughters, was born in East London.

He was educated at Bishops in Cape Town and at Rhodes University where he graduated with a BA. He has also worked for the Evening Post in Port Elizabeth and with Reuters in Fleet Street, London

He is now the chief sub-editor on The Argus in Cape Town

Asked how he felt about his new job, Mr Ross-Thompson said "I think it is going to be a tremendous challenge. It is a small paper in a small town like East London I am looking forward to it very much"

Before taking up his new appointment, Mr Ross-Thompson will spend some time in the Eastern Cape and Transkei.

He succeeds the present editor of The Friend, Mr Peter Ferraz — PC

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Qoboza ^{RAM} ²⁴³ ^{8/4/78} spells out his creed

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MONEY AND BANKING

MR PERCY Qoboza had assumed editorship of the Post yesterday, "totally blind to the 'crimes' that led to the Government taking the action they did," he said in his column "Percy's pitch" yesterday.

Advances = Loans

Bank Rate : The

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Bank's functions

Bills of Exchange

Indebtedness

(the party owing)

bill to repay

drawee) may discount

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Bonds : A general way

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Call Money is a loan

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Capital Market is a

Certificates of Deposit

cannot be encashed

these deposits to

a competitive means

Debentures : Fixed

term loans.

Discounting a financial

discount below its

Discounts : mean the

a bank has bought

Fiduciary Money is

redeemable in anything

on the faith of the

Assets are said to be

Mr Qoboza writes: "The only guidelines I have are those which I presently subscribe to and which I expect every member of my staff to adhere to at all times, and these are truth, integrity and the upholding of the right of the people to know."

"To these there can be no compromise at all. We are sensitive to the needs and aspirations of the majority of our people." He adds: "We have a duty to put the interest of the country first and to contribute positively to its transformation into a really just society," he said.

which the Reserve Bank will normally lend now by taking certain liquid assets they own to be discounted. By raising or lowering this rate is unattractive for banks to borrow from it to discount facilities illustrate the Reserve Bank's resort".

are documents (used to finance trade) indicating term duration, i.e. 90 to 120 days. The debtor received/the drawer) is held by the terms of the bill on due date. His creditor (the supplier or drawee) may discount the bill, i.e. sell the bill to another party for cash now. Despite the sale the drawee remains liable if the original drawer defaults. Very often a bank (typically a merchant bank) will guarantee the bill against default for a commission. This giving of the bank's name or underwriting the bill makes it readily marketable.

A general way of describing fixed interest securities with a stated face value. (The price of the bond varies inversely with the rate of interest).

is a loan to a discount house or a merchant bank which may be recalled without notice.

is a market where long-term funds are borrowed and lent.

are deposits issued for a particular period which cannot be encashed during this period. A secondary market enables holders of these deposits to dispose of them subject to price fluctuations. NCDs provide a competitive means for banks to borrow short-term funds.

Fixed interest securities issued by companies in return for long-term loans.

a financial asset is an outright purchase of that asset at a discount below its face value.

mean the banks' holding of bills of exchange and similar paper which a bank has bought or "discounted".

is money which does not have any intrinsic value, nor is it redeemable in anything that has intrinsic value. Its acceptability rests solely on the faith of the people in the money.

Assets are said to be liquid if they are easily monetised (en masse) without loss.

243 R.D.M 10/4/78

Major US promotion for Magubane's book

Own Correspondent

NEW YORK — "Magubane's South Africa,"—the work of Rand Daily Mail staff photographer, Peter Magubane — is being published soon

A major promotion campaign, including television interviews and a New York exhibition, is scheduled for its launching.

The book has a foreword by the United States Ambassador to the United Nations, Mr Andrew Young,

and 155 pages of pictures dating from the 1956 treason trials to the 1976 Soweto violence

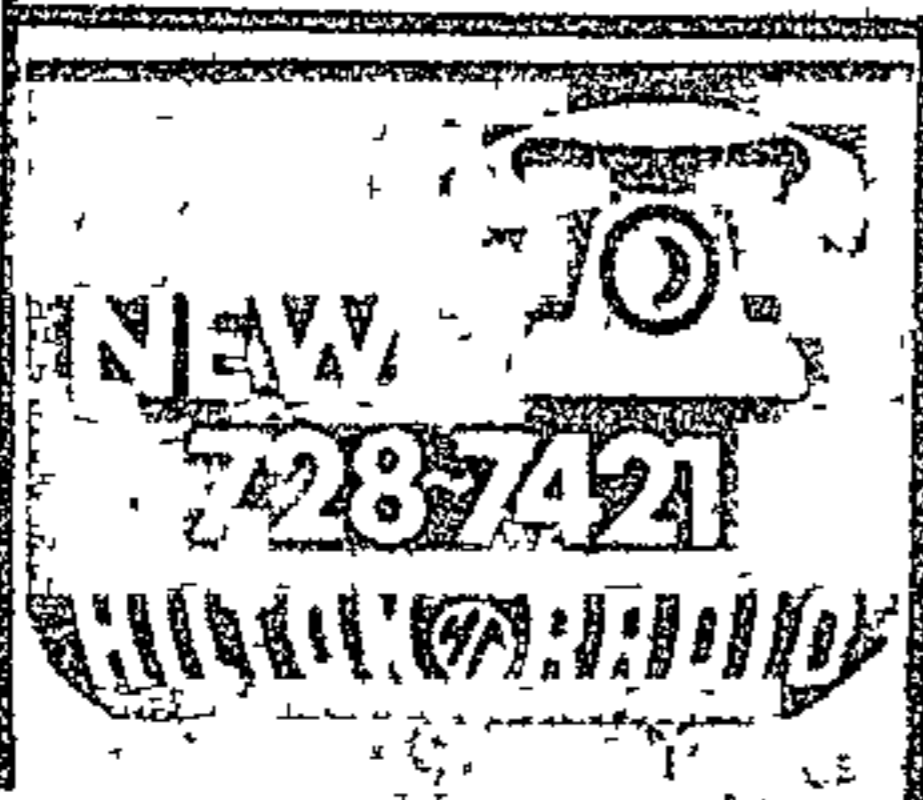
Magubane writes in an accompanying biography that the decisive moment of his career came with Sharpeville, when emotional shock limited his effectiveness.

"From that day I made up my mind that whenever I find myself in a situation like Sharpeville I shall think of my pictures before anything else. I no longer get shocked, I am a feelingless beast while taking photographs," he says.

An exhibition of photographs from the book will go on display at the International Centre of Photography in Manhattan on April 21.

Magubane will deliver a lecture there on April 20.

PETER MAGUBANE
... no longer shocked



Trust to protect student editors

CAPE TOWN — South African student newspapers, harassed by increasing police action and bannings, have pooled resources to give legal protection to student journalists.

The Student Publications Legal Trust was registered on March 22 and the first meeting of the trustees will be held here next week.

A spokesman for the trustees said yesterday editors and other leading journalists on major newspapers would be invited to join the board of trustees. The aim of the trust was to give legal protection to student journalists charged under the Publications Act.

The trust is the brainchild of the South African Student Press Union, an alliance of 13 student newspapers formed after a meeting of their editors at the University of Natal four months ago.

The move followed police raids and the banning of over 60 student publications last year, more than double the 1976 figure. Almost all were banned in terms of the Publications Act relating to obscenity or the safety of the State.

Since then a further seven student publications and a number of posters have been banned and the offices of student newspapers raided by the Special Branch. Among the bannings were two editions of the UCT student newspaper, Varsity, a UCT Student Art Council Journal, Spark, two editions of Wits Student, a Wits journal of student critique known as Bulletin One and the Nusas newspaper, National Student.

Mr A. Goldberg, president of SASPU, said the bannings were evidence of the "assault on the progressive student press." — DDC.

STAR 13/4/78

Qoboza (243)

to explain need

The editor of Post, Mr Percy Qoboza, said today that the chairman of the US congressional black caucus obviously did not understand that a loan he was opposing for the Argus Company was to be used for new presses for Post.

A request for a credit guarantee on a loan to Argus was lodged with the Import-Export Bank by the Maryland National Bank, but is to be opposed by the chairman of the black caucus, Mr Parren Mitchell, on the grounds that the Argus Company "is from the avowed racist country of South Africa."

"I do not think Mr Mitchell understood, or even knew that this was for my press," Mr Qoboza said today.

"If he knows he will obviously change his views. I intend to get in touch with him as soon as practically possible."

Mr Qoboza said he did not think Mr Mitchell was given the correct information and he hoped to "set the black congressman straight on one or two issues," because the Argus Company has had a very commendable record indeed in the whole field of black participation over the years.

Mr Qoboza said the Argus Company was the only newspaper group in South Africa which employed black editors, himself for the Post, Mr Obea Kunene for the Durban Zulu newspaper Ilanga, and Mr Ted Doman for Cape Town's coloured newspaper The Cape Herald.

The money was needed for new presses because the present ones were antiquated and did not meet the need of Post's readers, Mr Qoboza said.

The managing director of the Argus Company, Mr C L C Hewitt, said in a statement that his company was deeply concerned at Mr Mitchell's move, "as much because of the difficulty it poses to us as a newspaper publishing company as the obvious lack of understanding of the situation that lies behind it".

Police deny man's terror claim

JOHANNESBURG — Police have denied the claim by a former South African journalist, now seeking political asylum in the United States, that he was "terrorised into fleeing the country."

The journalist, Mr Shadrack Kumalo, 32, was reported from New York as having told reporters that about 30 white policemen banged on the windows and doors of his house in Evaton and threw stones at the roof.

"They were vicious," he said. "We had four hours of terror on our hands."

The head of Security Police, Brig C F. Zietsman, denied any knowledge of any police raid on Mr Kumalo's house. "There are not 30 white policemen in the entire area," he said.

Mr Kumalo said he was the target of terrorists in his "hometown" and was forced to flee the country with his wife and five-year-old daughter. Two other daughters were left behind in South Africa.

He also said he was a founder of the banned South African Union of Black Journalists, but had been deprived of a "licence" to practise journalism for the

past 14 years "because of his black origins."

According to him, white journalists were automatically licensed to practise in South Africa.

Former colleagues of his expressed surprise that he had fled the country and said he had never mentioned being harassed.

The former Editor of The World and now editor of Post, Mr Percy Qoboza, said "Mr Kumalo was a hard-working journalist when he was with us. I do not know why or when he left the country."

The former president of the Southern Transvaal region of the banned Union of Black Journalists, Mr Aggrey Klaaste, said he had no knowledge of Mr Kumalo having been harassed. "The whole thing is not true."

Referring to Mr Kumalo's statement that he had been "deprived of a licence to practise as a journalist," Mr Klaaste said: "I know nothing about journalists having to obtain a licence to practise in this country. Perhaps he means that in most cases blacks are employed on a freelance basis and as such are not registered with the SAPA."

Mr Shadrack Kumalo, left, a former South African journalist, shakes hands with Mr Maurice Kiley, the New York director of Immigration and Naturalisation, while Mrs Kumalo looks on.

Denial of story by journalist 'on run'

RDM 20/4/78

243

243

Staff Reporter

POLICE have denied a claim by a former South African journalist who is seeking political asylum in the United States that he was "terrorised into fleeing the country"

The journalist, Mr Dumisani Shadrack Kumalo, 32, was reported from New York as having told newsmen that about 30 white policemen banged on the windows and doors of his house in Evaton and threw stones at the roof.

"They were vicious," he said. "We had four hours of terror on our hands"

A senior police spokesman in the Vereeniging area denied all knowledge of the incident.

However, the spokesman said: "On May 8, 1977, a certain person accompanied a Security Branch man to Mr Kumalo's home and pointed him out as the person to whom he had handed a plastic bag containing certain books.

"The books included one entitled 'The thoughts of Karl Marx', and were generally subversive

over the books and later came voluntarily to the police station to make a statement. He was contacted again on several occasions after that but at no time was he detained or molested by the police"

The books would be produced as evidence at a terror trial, the police spokesman added.

He said Mr Kumalo was not involved in the trial.

The head of Security Police, Brigadier C F Zietsman, said: "There are not 30 white policemen in the entire area."

Mr Kumalo said in New York he was the target of terrorists in his "homeland" and was forced to flee with his wife and five-year-old daughter. Two of his daughters were left behind.

He said he was a founder of the banned Union of Black Journalists but had been deprived of a "licence" to practice journalism for the past 14 years "because of his Bantu origins"

He had earned a living,

his boss and using his wits to outfox his harassers.

Sapa reported that Mr Kumalo was in full-time employment with the defunct Golden City Post from 1968 to 1971, spent a short time with Drum in 1971, worked for The World newspaper — banned last year — from 1971 to 1973 and the Sunday Times from 1973 to 1975. He joined a petrol company in 1976.

Former colleagues of Mr Kumalo expressed surprise that he had fled the country and said he had never mentioned being harassed by police.

The former editor of the World, now editor of Post, Mr Percy Qoboza, said: "Mr Kumalo was a hard-working journalist when he was with us. I do not know why or when he left the country."

The former president of the Southern Transvaal region of the Union of Black Journalists, Mr Aggrey Klaaste, said he had no knowledge of Mr Kumalo having been harassed.

Sun, Tribune 3

TRANSKEI

POLICE 23/4/78

SEE

OFF

REPORTER

Tribune Reporter

AFTER being told he had no legal rights in Transkei, a South African journalist was given 10 minutes to pack his bags before leaving the country under police escort.

Mr Peter Kenny, 28, was deported from Transkei this week after working as the East London Daily Dispatch correspondent in Umtata for 20 months.

He was told that if he wished to appeal against the deportation order, he would have to remain in custody.

Mr Kenny, who was born in Zambia, and travels on a British passport, said he was shocked when Major Martin Ngceba, head of Transkei's security police, told him he was to be deported.

"He gave no reasons for the order, but said he had warned me when I wrote certain stories about Israeli economic expert Professor Joseph Ben-Dak."

Earlier this year Mr Kenny reported that Professor Ben Dak, then chairman of the Transkei's National Planning Agency, had written a shock report criticising the administration and extravagant spending in the Transkei Development Corporation.

"At first I thought Major Ngceba was just going to make another attempt to get me to reveal my sources of information," he said.

"But instead he took me home for 10 minutes to pack my belongings. Within two hours of being called to his office I was in my car on the way to the Kei River border post with a security police escort."

Mr Kenny said the Transkei Government had complained about his news store is on many occasions. And the Prime Minister, Chief Kaiser Matanzima, had warned that he was participating in Transkei politics.

Mr Kenny said he would probably work out of East London now.

243 29/4/78

UK man takes over in Umtata

EAST LONDON — A British journalist, at present on the staff of the Cape Times, has accepted a temporary appointment as senior Transkei correspondent for the South African Morning Group of newspapers

He is Mr Simon Barber, the son of Mr Stephen Barber, who heads the London Daily Telegraph's Washington Bureau in the United States.

Mr Simon Barber's appointment in Umtata follows the deportation of the Daily Dispatch man, Mr Peter Kenny, from Transkei last Friday. He took over Mr Kenny's desk yesterday and will remain in Umtata until he returns to Washington in June.

Mr Barber, 22, has a degree in classics from Cambridge University. Since his arrival in South Africa earlier this year he has worked for the Sunday Times in Johannesburg and for the Cape Times in Cape Town.

MR SIMON BARBER

His new duties will involve filing Transkei stories to these two newspapers as well as to the Daily Dispatch, Rand Daily Mail, Natal Mercury and Eastern Province Herald.

He remains on the Cape Times staff, but will operate from the Daily Dispatch's Umtata office.

The Daily Dispatch has not yet considered a replacement for Mr Kenny in Umtata after Mr Barber leaves.

The Editor of the Daily Dispatch yesterday addressed a letter to the Transkei Minister of the Interior requesting reasons for the deportation order.

Mr Kenny, meanwhile, has joined the Daily Dispatch office in East London — DDR.

New threat to freedom of press

D.J. 27/4/28

The row in Britain over the "Colonel B" affair could have profound implications for the reporting of Parliament — not only in Britain, but also in South Africa.

If attorneys-general in South Africa now follow the example that has been set by the Director of Public Prosecutions in Britain, and maintain that newspapers, in certain circumstances, can be prosecuted for reporting speeches made in Parliament, then Parliamentary reporting could become hazardous.

Until now, the press in Britain — and in South Africa — have reported Parliament freely on the assumption that the privilege which MPs enjoy to make speeches extends automatically to press reports of those speeches. The Colonel B affair, however, has shown that the press can no longer rely on this assumption, and that situations can arise where the reporting of a speech made by an MP in Parliament can lead to a newspaper's prosecution.

The reason why the press in South Africa might be affected in the same way that the press in Britain is affected, is that the sub judge rule is similar in both countries, both for Parliament and the press.

The Colonel B affair arises from a current trial in a British court at which the judge ruled that one of the witnesses, an intelligence officer, should not be identified. He became known as Colonel B. But two small newspapers, Peace News and The Leveler, published the Colonel's name. Their decision to do so reflected growing opposition among the media to the restrictiveness of the Official Secrets Act.

speeches in the House of Commons. In doing so, they ignored the sub-judge rule and the Speaker did not call them to order. The Speaker has since explained that neither he nor his advisers were aware that the matter was sub judge.

If the Speaker had known that the matter of the colonel's identity was sub judge, he would have called the MPs to order. Then, at least, the media would have known that the MPs were contravening the House's sub judge rule. However, radio and television programmes im-

mediately broadcast the MPs speeches, disclosing the colonel's identity. At this point, the Director of Public Prosecutions intervened and circulated a memorandum to newspapers warning them that if they repeated the colonel's name they might be in contempt of court.

Several newspapers ignored this warning and published the colonel's name. Meanwhile, a number of MPs reacted angrily to the DPP's memorandum, arguing that he might be in contempt of Parliament himself and that his at-

titude could lead to the censoring of the proper reporting of Parliamentary proceedings. They claimed the media were entitled to report everything that happened in Parliamentary debates, provided their reports were fair, accurate and without malice.

The Speaker has set the record straight as far as Parliament is concerned by declaring the sub-judge rule will be enforced, and that if MPs do not like it, they must not try to "flout or even bend" it, but rather seek to have the Parliamentary

resolution itself on sub-judge matters changed. The press are now asking themselves — where does this leave us? For as long as MPs observe the sub-judge rule, no problem arises, but if an MP breaks the rule, willingly or unwittingly, and the Speaker does not call him to order, are the media protected if they report the offending passage?

According to Britain's DPP, they are not protected. This implies the media will have to know in future when the sub-judge rule has been broken, and subject

themselves to self-censorship. Another problem is that some Parliamentary proceedings in Britain are now being broadcast live — the offending words can slip out before an MP is called to order, and millions of radio listeners can hear it. Would the radio-corporation then be liable to prosecution? Theoretically, yes.

Some British MPs are not satisfied with this position. They believe a case can be made against the DPP for interfering with the proper reporting of Parliament by threaten-

243

The Director of Public Prosecutions brought a prosecution against the two newspapers for contempt of court and their trial will begin next month. The journal of the National Union of Journalists also revealed the Colonel's identity, and delegates mentioned his name at a recent NUJ conference.

To show their sympathy with the media, four Labour MPs then went out of their way to mention the colonel's name.

It's the uncertainty of the new situation that worries the press. They feel, could now become something of a minefield if they are to shoulder the responsibility themselves of knowing when they may report an MP and when not.

Stanley Uys

Star
Qoboza
to get (243)
US
doctorate

The Star Bureau

LONDON — Post's Transvaal editor, Mr Percy Qoboza, is to be given an honorary doctorate by an American university.

He will have a Doctorate of Humane Letters conferred on him by Tufts University on May 21.

Tufts is a small, but well-known university with campuses at Medford and Boston, Massachusetts.

The degree will be conferred by the President of Tufts, Dr Jean Mayare, an internationally known nutritionist. Mr Qoboza will make the commencement day's major speech.

Last year, Mr Qoboza attended a conference sponsored by the university's Fletcher School of Law and Diplomacy and spoke on the Press and the laws in South Africa.

Tufts University, like others in the north east of the United States, has recently been the target of anti-apartheid demonstrators.

This will be the second big honour for Mr Qoboza, who was co-winner of the International Federation of Newspaper Publishers' Golden Pen of Freedom earlier this year.

The Golden Pen is awarded to Pressmen who have made considerable contributions to freedom.

Reporter not allowed back says Transkei

EAST LONDON — The Daily Dispatch's senior reporter in Umtata who was deported from Transkei last month, Mr Peter Kenny, will not be allowed to return.

In a letter received at the Dispatch's Umtata office yesterday, Mr R. Madikizela, the Transkei Minister of Commerce, Industry and Tourism who signed the deportation order as acting Minister of the Interior at the time, said "I have to inform you that the Government has no intention of rescinding the order against Mr Kenny."

This letter was in reply to a request from the Editor of the Daily

Dispatch, Mr George Farr, to the Transkei Minister of the Interior, Mr H Pamla, to allow Mr Kenny to return to his post in Umtata in June.

Shortly after Mr Kenny was deported Mr Simon Barber, on temporary loan from the editorial staff of the Cape Times, took over the running of the Daily Dispatch's Umtata office.

Mr Barber will be leaving at the end of this month to return to the London Daily Telegraph's Washington bureau in America.

In his letter to Mr Pamla Mr Farr pointed out it was in the interest of Transkei to have a good news service in both South Africa and Transkei. This had

been achieved while Mr Kenny represented the Daily Dispatch and other South African morning newspapers which shared the Dispatch's Transkei news service.

Mr Kenny had worked for the Dispatch's Umtata office from July 1976 until his deportation last month. Prior to this he worked on the Daily News in Durban.

Mr Farr yesterday expressed disappointment at the Transkei Government's decision. "I have a high regard for Mr Kenny's ability and objective reporting," he said.

A replacement for Mr Kenny will join the Umtata staff in June — DDR

Let's wait and see, say SA writers

Writers today greeted with mixed feelings new censorship legislation announced last night by the Minister of the Interior, Mr. Alwyn Schildbusch. They expressed an attitude of "let's wait and see."

The Minister announced that he would introduce amendments to the censorship laws before the end of this session of Parliament to:

• Appoint expert literary and art panels which could be called upon by the Publications Appeal Board

• Empower the appeal board to refer legal disputes to the Supreme Court

• Allow the appeal board to place age restrictions and conditions of distribution on approved publications

BLACK WRITER

Etienne Le Roux, author of "Magersfontein" on which judgment was recently reserved by the Supreme Court on a disputed legal point concerning its banning, said he would welcome adaptations to the law but wanted to see what they were before commenting further.

Rosa Keet, poet and secretary of the strongly anti-censorship Afrikaans Skrywersgilde, said she could not see that the proposed steps would do anything for the black writer or anybody who has anything political to say.

"It sounds as though it will release a 'Magersfontein' but not a 'Keerkring' (Wilma Odendaal's banned second collection of short stories)," she said.

Peter Wilhelm, author and chairman of the English Artists' and Writers Guild, said "It sounds as if they are reacting to suggestions made by the Skrywersgilde on age restrictions.

If this is going to be applied to books it is a nonsensical concept and will be impossible to apply.

NOT SUBSERVIENT

Mr Wilhelm said "As for the appointment of panels or committees of literary and art experts, I don't know of anybody who would serve on them."

"Art and literature should not be subservient and our organisation would not permit any members to serve on such an advisory committee."

Afrikaans writer Jan Rabie said it was important that recourse to the courts had been reinstated.

• PFP cool on censor change — Page 4

Cape Times 20/5/78

Free press must stay, says Galgut

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JOHANNESBURG. — A strong case for press freedom in South Africa and general approval of newspaper conduct in the Republic are the main points made by a former Appeal Court judge in his first annual report as chairman of the Press Council.

The report covers the year in which the government ordered the press to set its own house in order, under threat of re-introduction of the controversial Newspaper Bill.

Mr Justice Oscar Galgut, chairman of the South African Press Council since its inception in revised form a year ago, believes a free press in this country is now more important than ever before.

"Freedom of the press is part and parcel of freedom of speech. Hence, a great responsibility rests on the press. The freedom of the press is thus not something which belongs to the journalist. It belongs to the public," he said.

"The public has a right to expect — as it does from an individual — that it will be told the correct facts and be given the benefit of honest opinion. We are living in a changing world and people hold divergent views as to how the problems occasioned thereby should be solved.

"There never was a time when the responsible exercise of freedom of speech, and hence the freedom of the press, was more important, there never was a time when the preservation of that freedom was more important. It follows that it is essential that we in the Republic should continue to have an independent press which is aware of its responsibilities and will carry out its duties to the public."

The Press Council — which is independent of government and the press itself — handles complaints against newspapers from the public or the authorities.

"Having regard to the millions of words printed daily, and the dictates of urgency in getting the newspapers printed, the number of complaints in which the newspapers erred and conceded their errors is insignificant," Mr Galgut said.

"Although the council is empowered to levy a fine of up to R10 000 it is significant that in no case did it find it necessary to impose a fine. The severest penalty imposed was a reprimand, and even those cases are few."

Between April 1977 and the end of that year, 202 complaints were received. Eight went before the council and six were upheld. From the beginning of this year to the end of April, 51 were received. Two went before the council and one was upheld. The majority of complaints were either rejected by the chairman without a hearing or lapsed when complainants did not seek adjudication.

Satisfied

Mr Galgut said many people seemed satisfied when they knew their complaint was brought to the notice of the newspaper concerned and was noted by the council. He said the willingness of newspapers to rectify errors resulted in many complaints being withdrawn.

In his report, the former judge outlined the duty of the press and emphasized these points:

● Newspapers must present facts accurately and comment must be honest and proper. "Failure to do this means that the public is not given the opportunity of bringing a proper

judgment to bear on matters which are regarded as basic and important in a democratic society," he said. "I learnt at a meeting with the editors that this is accepted by all newspapers in the Republic."

● Newspapers must avoid biased, tendentious or snide reporting, and avoid "juggling with words" to convey shades of meaning which convey unwarranted suspicions. "There have been cases, though rare in number, where on emotive or evocative matters the reporting has been tendentious."

● Political views were widely divergent in the Republic, and partisanship was to be expected. "It is proper and permissible, Newspapers are entitled to express their opinions. They are entitled to criticize in the strongest terms. They should do so, and without fear, provided always that the comment is based on correct and balanced facts."

● In sensitive areas of violence and race relations, reporting should be fair and accurate. This was particularly important.

● Newspapers should breach individual privacy only where doing so was demonstrably in the public interest. "It must be borne in mind that public interest does not mean anything which the public may find interesting."

● Sensationalism was akin to bias. "Headlines should be accurate and should correctly reflect the contents of the report. There have been cases, though very rare, where headlines have erred in the latter respect."

Errors

CONT →



Mr. Brian Bamford

Mr Alwyn Schiebusch

Respite for SA press, says Bamford

Political Correspondent

THE Official Opposition spokesman on press matters, Mr Brian Bamford (PFP Groote Schuur), said yesterday Mr Justice Galgut's report may have at least temporarily saved the country's press from the threat of government interference.

He said the report gave "powerful support" to the calls that were made last year to maintain the freedom of South Africa's newspapers.

This week the Minister of the Interior, Mr Alwyn Schiebusch, said he would consider certain reports before deciding whether any further measures should be taken in regard to the press.

"The minister need go no further than Judge Galgut's report," Mr Bamford said, "it completely exonerates the press from all the wild charges made against it in recent years."

He pointed out that in no case did the Press Council impose a fine (though it had power to impose up to R10 000), and that only in a few cases was even a reprimand imposed.

"A well-known South African journalist once used a phrase which has become famous — being an editor was, because of all our penal laws, like 'walking in a minefield'.

"In spite of this, and in spite of other difficulties which do not exist in other countries (for example security needs and the plural nature of our society) South Africa's press has an outstanding record, certainly as good as most Western countries.

"It is perhaps not too much to say that Judge Galgut's report has, at least temporarily, effectively saved South Africa's press from the threat of interference which for so long has hung over it," Mr Bamford said.

Mr Galgut said, with a few exceptions newspapers showed a willingness to rectify errors but there were cases "where the terms of the rectification or any explanatory note accompanying it indicate that the rectification was grudgingly made. Such cases were comparatively rare." Newspapers were particularly willing to rectify errors when individuals were harmed.

He summed up his report by saying the South African press generally realized the need for accuracy in the reporting of facts and cases of inaccuracy were "singularly few." Comment, when dealing with political matters, was of course partisan and often critical, but in such cases it was usually made clear that it was comment.

Mr Galgut said it was essential news be openly and publicly proclaimed, and not gleaned from concealed or underground or subversive sources.

Code

"The public must also be satisfied that what is published is in fact the news, and that its interests in this respect are protected. This can only be done if the freedom of the press and its independence are safe-guarded and maintained."

Footnote. The reformed Press Council, code of conduct and rules of procedure were adopted after discussion's early last year between the Newspaper Press Union and the government.

The government agreed to withdraw the Newspaper Bill, providing for a large measure of government control of the press, and gave the press a year in which to put its own house in order.

Mr Galgut's report was sent to the Minister of the Interior, Mr Alwyn Schiebusch, by the NPU which said in an accompanying letter that it seemed to be an appropriate review of the Press Council.

The NPU proposes to make certain minor amendments to the rules of procedure as suggested by Mr Galgut and the conference of editors — Sapa

R.D.M. 20/5/78

Free Press essential in SA says Galgut

(243)

RDM
20/5/78

A FREE Press in South Africa is now more important than ever before, says Mr Oscar Galgut in his first annual report as chairman of the Press Council.

The report covers the year in which the Government ordered the Press to set its house in order under threat of reintroduc-

tion of the controversial Newspaper Bill.

"Freedom of the Press is part and parcel of freedom of speech. Hence, a great responsibility rests on the Press. The freedom of the Press is thus not something that belongs to the journalist. It belongs to the public," Mr Galgut said.

"The public has a right to expect — as it does from an individual — that it will be told the facts and be given the benefit of honest opinion."

"There never was a time when the responsible exercise of freedom of speech and hence the freedom of the Press was more important. There never was a time when the preservation of that freedom was more important. It follows that it is essential that we in South Africa should continue to have an independent Press which is aware of its responsibilities and will carry out its duties to the public."

The Press Council — which is independent of Government and the Press itself — handles complaints against newspapers from the public or the authorities.

"Having regard to the millions of words printed daily and the dictates of urgency in getting the newspapers printed, the number of complaints in which newspapers erred and conceded their errors is insignificant," Mr Galgut said. — Sapa

Press freedom never more vital — report

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9/15/78

JOHANNESBURG — A strong case for press freedom in South Africa has been put in the first annual report of the chairman of the Press Council

Mr Justice Oscar Galgut, chairman of the South African Press Council since its inception in revised form a year ago, believes a free press in this country is now more important than ever before

"There never was a time when the responsible exercise of freedom of speech and hence the freedom of the press was more important," he said

The Press Council, independent of Government and the press itself, handles complaints against newspapers from the public or the authorities

The number of complaints in which the newspapers erred and conceded their errors was insignificant, he said

"Although the council is empowered to levy a fine of up to R10,000, it is significant that in no case did it find it necessary to impose a fine. The

severest penalty imposed was a reprimand, and even those cases are few," he said

The willingness of newspapers to rectify errors, resulted in many complaints being withdrawn, he said

In his report, the former judge outlined the duty of the press and emphasised that

- Newspapers must present facts accurately and comment must be honest and proper

- Newspapers must avoid biased, tendentious or snide reporting and avoid "juggling with words" to convey shades of meaning which convey unwarranted suspicions

- Political views were widely divergent in the Republic, and partisanship was to be expected. "It is proper and permissible Newspapers

are entitled to express their opinions. They are entitled to criticise in the strongest terms."

- In sensitive areas of violence and race relations, reporting should be fair and accurate

- Newspapers should breach individual privacy only where doing so was demonstrably in the public interest

The South African press generally realised the need for accuracy in the reporting of facts and cases of inaccuracy were "singularly few," he said

The Opposition spokesman on press matters, Mr Brian Bamford (PFP, Groote Schuur) said yesterday that the report may have at least temporarily saved the country's press from the threat of Government interference — SAPA-DDC.

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...oor die j...
...die p... die R...
...amp... om... huis
... of anders
...mp... koer-
...ante

Die p... staad... hanteer die
publiek en owernde se klag-
tes teen koerante

Hoewel die... ad die reg
het om tot R10 000 boete
op te lê, het hy in geen geval
verder gegaan as 'n teregwy-
sing nie, en dit ook maar
selde. Die gewilligheid van
koerante om hul foute te her-
stel, het tot gevolg dat baie
klagtes teruggetrek is, het
regter Galgut gesê.

Persvryheid behoort nie
aan die nuusman nie, dit
behoort aan die publiek, het
hy gesê. Die publiek het die
reg om te verwag dat korrekte
foute aan hom oorgedra sal
word en hy moet die voordeel
van 'n eerlike mening kry.

Daar was nog nooit 'n tyd
waarin die verantwoordelike
beoefening van die vryheid van
spraak, en derhalwe persvry-
heid, so belangrik was nie.

Dit is belangrik dat ons
in Suid-Afrika moet voort-
gaan om 'n onafhanklike pers
te hê wat bewus is van sy
verantwoordelikhede en wat
sy diens aan die publiek sal
uitvoer, sê regter Galgut.

STAR
22/5/78
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Qoboza: 'Struggle for free Press'

Own Correspondent

NEDFORD (Massachusetts) — The South African editor, Mr Percy Qoboza, receiving an honorary doctorate of humane letters from Tufts University here yesterday, said he accepted it as a tribute to black journalists in South Africa who were "the most decisive group in the struggle for the restoration of human rights and human values in my country today"

It was a tribute to black journalists who were languishing in jail, charged with no offence.

"In spite of many threats and dangers, they have consistently pursued their calling knowing they faced the wrath of those who refuse to face the truth fairly in the face," said the editor of the banned World and Weekend World, now editor of Post

Conferring the honorary degree, the president of Tufts University, Professor Jean Meyer, said.

"In your insistence on the rights of your people you support the rights of men and women everywhere Tufts University honours itself in recognising your distinguished service to all mankind by conferring upon you the degree of doctor of humane letters."

Mr Qoboza, giving the address at Tufts' graduation ceremony, said the claim that South Africa had a free and independent Press was made a monumental mockery by a multitude of laws and curious clauses enshrined in them

But there was a glimmer of hope represented by the journalists, black and white, who were determined to keep the banner of freedom flying.

Mr Qoboza said he was concerned by the alarming manner in which people around the world spoke of the inevitability of violent confrontation.

"I do not want to be party to this 'prophet of doom' syndrome," he said "It is unnecessary for one pint of blood to be shed when it is possible for men and women of sufficient goodwill to seek policies that could help all the people of South Africa find common solutions"

Looking beyond South Africa's borders, Mr Qoboza said "The time has

a halt to the ideological battles that are reducing the continent of Africa to a bloody football ground "Africa's enemies were ignorance, hunger and disease Instead of helping to conquer these enemies, Africa's so-called friends were "unloading on the continent their missiles of destruction and hate"

South African-born Professor Allan Cormack, professor of physics at Tufts University and a graduate of the University of Cape Town, received Tufts' most valuable honour the Hasea Ballou Medal

Professor Cormack has been a pioneer in the development of tomography, a technique widely used for scanning the body with computers

Star World
23/5/78
Press
(242)
honours
Qoboza

Andre Meyerowitz

THE HAGUE — Mr Percy Qoboza, editor of Post and former editor of the banned newspaper, The World, received the Golden Pen of Freedom at a stately ceremony here today.

The annual award, by the International Federation of Newspaper Publishers (FIEJ), is for Pressmen who have made major contributions to freedom.

Hundreds of newspaper editors and directors from 20 countries gathered in The Hague's historic Ridderzaal to see Mr Qoboza accept the award.

Mr Qoboza won the 1978 award jointly with Mr Donald Woods, banned editor of the East London Daily Dispatch

An FIEJ statement says it associates with the award "those South African journalists of all origins who are at present detained, in exile or silenced and whose only offence was to pursue the freedom of the Press".

A British TV team was on hand to film the ceremony for a documentary about Mr Qoboza.

On Sunday Mr Qoboza received an honorary doctorate from Tufts University in Massachusetts.

In presenting the award, the FIEJ vice-president, Mr J G S Linacre, praised Mr Qoboza's employers, the Argus Printing and Publishing Company.

STANDARDS

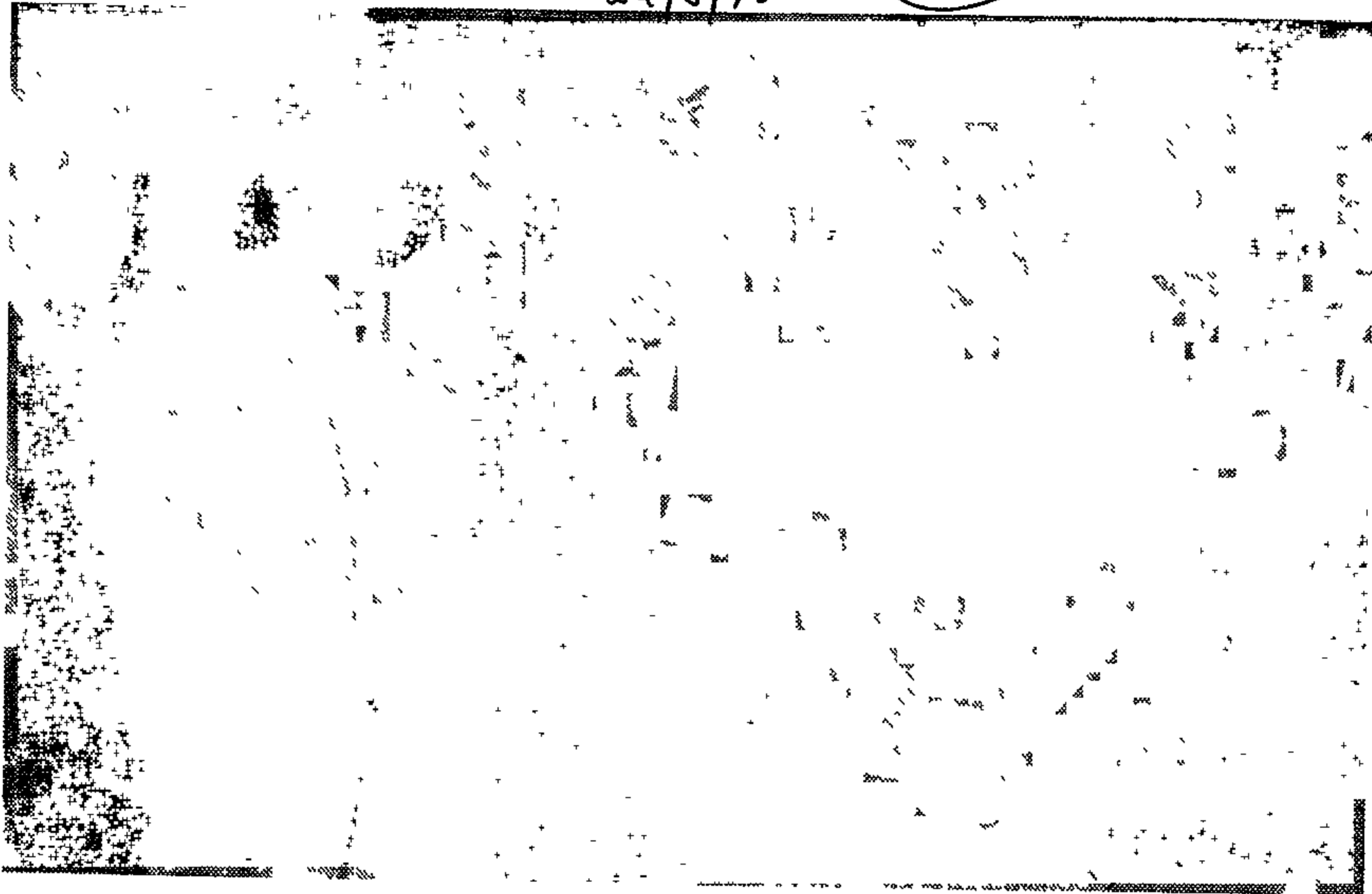
"No hand was stretched from that board room to close Percy Qoboza's mouth," he said.

"Provided he maintained their own high standards of accuracy in reporting, he had no need to look over his own shoulder

"Their support for him never faltered — not even when finally that knock on the door did come and he was removed to Modderbee Jail. They pressed his interests with face-to-face confrontations with the responsible Minister.

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Queen Juliana of the Netherlands poses with Post editor Mr Percy Qoboza (second from left) and a delegation of newspaper publishers at Soestdijk Palace, Amsterdam. Mr Qoboza was awarded the Golden Pen of Freedom by the International Federation of Newspaper Publishers yesterday.

Publishers honour Qoboza

Andre Meyerowitz

AMSTERDAM — Queen Juliana made her way through the crowd to where Mr Percy Qoboza was sitting and said "May I sit next to the winner of the Golden Pen?"

Mr Qoboza, editor of Post, was with leaders of the International Federation of Newspaper Publishers at a palace reception in Amsterdam yesterday.

withstand the scrutiny of the courts

Mr Qoboza said, "It is a great tribute to South African pressmen and newspapers that not one has been convicted of inciting violence or promoting racial hostility."

"But we do plead guilty to pursuing a line of action to bring about an atmosphere in which black and white can find each other and live as brothers rather than be destroyed as fools."

CONT

STAR

24/5/78

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The Dutch Queen wanted to chat to the man who, a few hours earlier, had received the Federation's award for his contribution to Press freedom.

Newspaper editors and directors from 20 countries looked on as a discussion about the Press ensued. The Golden Pen of Freedom for 1978 was conferred jointly on Mr Qoboza and Mr Donald Woods, banned editor of the Daily Dispatch, at the opening of the Federation's congress in The Hague.

COURTS

Accepting the honour, Mr Qoboza said the Press had been hated in South African corridors of power for decades.

The Press had been accused of all types of things but those accusations — even in the face of the many laws affecting newspapers — could not

Mr Qoboza said newspapers should help people of the Third World to be freed from enemies he named as ignorance, hunger and disease.

He added: "Many of the people who would call themselves 'friends' have instead dumped missiles of destruction on our continent."

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4 papers ²⁴³
in Prisons ²⁴³
Act case

JOHANNESBURG —
Charges under the Prisons
Act against four new-
spaper publishing com-
panies were referred to
the Attorney - General
yesterday for his decision

The companies face
prosecution for the alleg-
ed unlawful publishing in
November last year of
photographs of a man in
police custody

The four companies are
the Argus Company,
publishers of The Star,
South African Associated
Newspapers, Pers Kor-
porasie van Suid Afrika
Bpk and Nasionale
Koerante Bpk

The cases were postpon-
ed in absentia to June 6 —
SAPA

House 16 26 May 1978.
Question 6 cols. 827-828.

Y Inquiry into Argus/SAAN newspaper groups

*6 Mr J W E WILEY asked the Minister of Economic Affairs

Whether he has given consideration to instituting an inquiry into the Argus/SAAN newspaper group, in terms of the Regulation of Monopolistic Conditions Act, if so with what result, if not, why not

The MINISTER OF INDIAN AFFAIRS
(for the Minister of Economic Affairs)

Yes, but the alleged conduct of the Argus/SAAN newspaper groups to which the hon member had referred during previous debates in this House cannot be regarded as a monopolistic condition as contemplated by the Regulation of Monopolistic Conditions Act, 1955 (Act 24 of 1955), and an investigation in terms of this Act cannot, therefore, be instituted into the alleged conduct of the two newspaper groups

However, as the hon member is aware a Cabinet Committee exists which is negotiating with the Press Union on matters concerning press conduct and press discipline. This Cabinet Committee has been requested to give attention to the alleged conduct of the two newspaper groups in question.

†Mr H. E. J. VAN RENSBURG Mr. Speaker, arising out of the hon the Minister's reply, is it not possible for the Regulation of Monopolistic Conditions Act also to be made

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MAY 1978

828

applicable to political parties which remain in office for more than 30 years?

†Mr SPEAKER Order!

Press monopoly probe rejected

Political Reporter

There were no grounds for an investigation into the conduct of the Argus and SAAN newspaper groups in terms of the Monopolistic Conditions Act, the Minister of Economic Affairs, Mr Heunis, said today.

He was replying to a question in Parliament by Mr John Wiley (SAP, Simonstown) who has repeatedly called for a Government investigation of the Argus/SAAN relationship.

Mr Heunis said the conduct of the two newspaper groups, as referred to by Mr Wiley in debates in the Assembly, "cannot be regarded as a monopolistic condition."

For this reason, he said, an investigation of the newspaper groups could not be instituted.

But he said the Cabinet committee was negotiating



Mr Wiley

with the Newspaper Press Union (NPU) "on matters concerning Press conduct and Press discipline."

This Cabinet committee had been asked to give attention to the alleged conduct of the two newspaper groups in question, Mr Heunis said.

Call to restore press freedom

EAST LONDON — After the damage done to press freedom in South Africa, a dramatic about turn by the Prime Minister, Mr Vorster, and his successors was necessary, the president of the South African Society of Journalists, Mr John Patten, said here yesterday.

Delivering his annual report at the SASJ congress, Mr Patten said a dramatic change was necessary to entrench again the press freedom South Africa had valued for 150 years.

"I think we can look back on the past year as one of substantial internal unity, but it has been a year that has been traumatic in many respects

"The press and working journalists have experienced a major crisis during 1977 and we are far from out of the woods yet

Mr Patten said the seriousness of the press situation could not be underestimated.

"At one level the press is operating under the continuous threat that the Government will reintroduce the Newspaper Bill it withdrew last year, which would place the press actively under Government control

"At another level, newspapers have been closed down for offending the Government politically

"At a third level, journalists have been interned or detained for months

"And at a fourth level,

journalists have been harassed in their reporting and taking photographs

"The numerous complaints to the Press Council, which the SASJ does not recognise, have also involved newspapers in paying out large sums on legal representation when many complaints could be settled more simply by a direct approach to the newspaper editor concerned

"The overall effect of this climate is one that should be intolerable to a society that regards itself as free. The press represents both the poles and the cross-section of public opinion. Only when that full cross-section of opinion is allowed expression without harassment will South Africa be able to rise again from the depths it has been pitched into by Government action and bullying," he said.

"After the damage that has been done, it needs a dramatic volte face by the Prime Minister, Mr Vorster, and his successors to entrench again the press freedom that South Africa has valued for 150 years as a cardinal principle of our country's way of life

"We await the day when the Prime Minister can get up, not to threaten the press as he has so often done before, but rather to threaten anyone who lays a finger on so valuable an asset as the free press in South African society." — SAPA.

Qoboza warns of 'long, hot summer'

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27/5/78

Mercury Correspondent

EAST LONDON — A snowballing movement on American university campuses calling for drastic action against South Africa will result in massive pressure on U.S. companies to pull out of this country later this year, according to the Editor of Post and former Editor of the banned World, Mr. Percy Qoboza.

Mr. Qoboza was speaking after being awarded the Pringle award for outstanding services to journalism by the Southern African Society of Journalists.

He was unable to attend the ceremony here at which the awards were presented as he was on his way back from America where he had received a doctorate from Tufts University, Massachusetts.

His reply was read to delegates to the SASJ annual congress.

Mr. Qoboza said his trip overseas had shown him just what damage had been done by last year's harsh and arbitrary Government measures in the clampdown on the Press in which his newspaper was banned, he and his news editor detained, and the former Editor of the Daily Dispatch, Donald Woods banned.

"People in the U.S. who I had previously known as well disposed to this country are a dying species

"Not since the Vietnam war has America seen the

massive restlessness on the part of students on campuses calling for drastic action against South Africa."

This action would be in the form of "massive" pressure on companies to pull out of South Africa. The pressure would reach a peak around September and October, when American universities began their academic year and the UN session started.

"Those people who hope that these student protests are a passing phase are labouring under a false and dangerous sense of security. The movement, from all available evidence, will reach thunderous levels."

The same pressures exerted on American companies trading here would be exerted on America's trading partners in Europe "South Africans must therefore brace themselves for a long, hot summer"

He urged the Government to use the time available to them to engage in serious and active dialogue with Blacks to start the process of a complete transformation of South African society

RJM 29/5/78 (243)

Journalists condemn State harassment

EAST LONDON. — State action against, and intimidation of, the Press had reached alarming proportions, the South African Society of Journalists (SASJ) said in a statement issued at its annual congress in East London at the weekend.

"Pressure for legislative sanctions and controls has been replaced by constraints and harassments in practice," the statement said.

Since March last year 50 journalists had been af-

ected by the action of State agencies. These actions had further eroded the rule of law in what was claimed to be a civilised Western society.

They were in direct conflict with the ideals and traditions of a free, independent and responsible Press determined to maintain a fundamental concept of democracy.

It was the public's right to know what was going on in the country.

State actions against the Press included detentions

without trial; the banning of three individuals, two newspapers, the Union of Black Journalists and its journal, charges under the Riotous Assemblies Act and of illegal possession of banned literature, and perjury, the statement said.

The congress also believed that the English-language Press had become the target of a campaign of persecution and vilification by Government leaders.

"This campaign has been

heightened by clumsy attempts to discredit the English-language Press which has become a scapegoat for the damage being done to the country by the actions of State and Government representatives.

"The English-language Press is now being wrongly accused of disloyalty to South Africa, of distorting controversial events and of feeding the international community and media with a false image of the socio-political situation in South Africa."

IA
"The SASJ rejects this smear campaign as a contemptible ploy by the Government to blame the English-language Press for the ills of the country and for growing international hostility," the statement said.

In fact, Government ideology, policy and actions were the actual cause of the disturbing situation in the country.

"There can be no better vindication of the quality and responsibility of the South African Press than the highly favourable report of Mr Justice Galgut, chairman of the Press Council," the statement concluded. OH

In a resolution the Congress stated that it deplores reported attempts by BOSS (the Bureau for State Security) to recruit journalists for clandestine or Government activities.

S A S J members who were approached by BOSS should report such approaches to their chapel fathers and editors. Chapel fathers would talk to editors about the situation and would report developments to the S A S J council within two months.

In another clause the congress decided that the S A S J council would organise an annual anniversary speech to commemorate the banning of The World to focus attention on the plight of the working journalist in South Africa. — Sapa

RDM 22/6/78

Warning of white counter-revolution

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By HELEN ZILLE
Political Reporter

A "great white counter-revolution" could break out in South Africa if blacks continued with "unfair and provocative aggression", Dr Willem de Klerk, editor of Die Transvaler, wrote in his weekend newspaper column

Commenting on the article, which appeared in Rapport on Sunday, Mr Percy Qoboza, editor of Post, appealed to Dr De Klerk "not to speak so easily of violence" and said if he had made similar remarks in the context of black politics "I would

certainly have been summoned to explain myself"

In an article on statistics of white attitudes drawn up by the Arnold Bergstraesser Institute, Dr De Klerk supported the finding that the majority of whites feared for the future. But he also noted that 74% were prepared to fight "to maintain the South African way of life"

While whites feared black power militancy, the simmering black revolution and the rejection by blacks of political and social changes, they would hit back if pushed too far, he said

"However delicate the situation may be and notwithstanding the danger of being misunderstood or accused of incitement or threatening, I want to put it down black on white: a white revolution could also break out in this country — the great counter-revolution," Dr De Klerk wrote

"If black spokesmen continue to spit at the ground when whites present proposals after proposals, if blacks meet every political advance with protest and more demands, if terror increases . . . and black leaders amuse themselves about our fear and tell us

the day of freedom and reckoning is at hand, then the cord will snap"

Emphasising that he was not trying to incite a white revolution, Dr De Klerk said fear tactics would be counter-productive and the consequences of a black-white confrontation would be "terrible"

Mr Qoboza said he was shocked at Dr De Klerk's column

"Those remarks, particularly from a man like Dr De Klerk, make me believe the future is far more bleak than I had imagined."

While the majority of blacks appreciated the fears of whites, Dr De Klerk's analysis had failed to recognise two important factors, Mr Qoboza said

- These were
- White intransigence had built up black bitterness and resentment, a factor that was often underestimated by whites.
 - What whites regarded as change was often an indignity and insult to blacks — such as the opening of theatres on a permit basis.
- "We are expected to be satisfied with fringe concessions while they . . .
evidence . . .
Mr

Politics crucial to black readers says editor

21/1/78 AD
(Press)

2413

CAPE TOWN — For a newspaper to have standing in the black community it should widen its coverage of news and not concentrate on any specific area, Mr Leslie Xinwa, Editor of Indaba, said here last night

Mr Xinwa travelled from East London to address a seminar of the Media Association of South Africa

Newspapers should not preach to their black readers, he said, but should have strong editorials on matters that affected the general well-being of the people

The other duty of newspapers, said Mr Xinwa, was to entertain This was highly regarded in the black community as long as it was kept within limits

For many years, he said, the general press directed at black readership used up most of its pages with sport, crime and scandal This was no longer the case

One of the most talked about points when discussions about newspapers came up in black communities was politics, Mr Xinwa said This was understandable because the average black who was informed and aware of what was happening around him had come to realise his whole life was tied up with politics

Political rules and restrictions shaped his attitudes and reactions towards whites and white institutions

Mr Xinwa regarded it as perhaps unfortunate that all newspapers in South Africa were white-owned, because the black ideal was usually clouded by the interests of the directors who saw everything from the point of view of white society

The black reader, he said, usually found himself torn between white values and his values

The sophisticated black reader was the most difficult to satisfy This type of reader became embittered if he found his opinions were edited, thereby losing their punch, in attempts to keep them within the law

Nonetheless, said Mr

Xinwa, this type of reader was the most important ally of the newspaper because he was a regular reader, was generally young and formed part of a growing market with a vast potential

His ideals could not be satisfied by the newspaper but it did lift him out of his frustration at times

Mr Xinwa warned that there was black awareness of shortcomings in newspapers in their coverage of news of interest to blacks This awareness was the crux of the problem newspapers would have to face in the future and he believed rises or falls in their circulation in black areas would depend on how newspapers faced the problem

Mr Xinwa referred to inaccurate reports in newspapers of events, sometimes due to newspapers' acceptance of the official version which differed from the actual facts

If a black reader had come to accept the newspaper as a reliable source of news, he would begin to doubt it if a particular incident which he had personally experienced was not reported factually as it happened — DDC

Hear our voice

243/21778
Rind
2/1/78

paper's cry to union

THE VOICE newspaper, which had its banning order suspended this week, will urge the Newspaper Press Union to consider its 13-month-old application for membership as a matter of urgency.

The newspaper hopes for membership before its appeal against the banning order imposed by the Publications Board is heard in six weeks. The ban has been suspended pending appeal.

Had The Voice been an NPU member the Publications Board would have had no jurisdiction over it and could not have banned it.

This week the newspaper accused the NPU of delaying its membership application for more than a year because of "distaste for our political views".

The general manager of the NPU, Mr Gerrie Uys, strongly denied the accusation.

In an unprecedented

By JENNIFER HYMAN

move this week the Director of Publications suspended the ban on the paper pending an appeal to the Publications Appeal Board — expected in six weeks.

Mr Hal Miller, president of the NPU, said the NPU would "revive consideration of The Voice's application for membership".

The Black-owned ecumenical newspaper first applied for NPU membership in May last year. By April this year its circulation had risen to 20 000 — mainly in Johannesburg and on the Reef, but also in several centres in the Cape and Natal.

The NPU failed to reach a decision on membership at meetings held in October and December last year, and in March and June this year.

Had The Voice been a member of the NPU, it would have fallen under the disciplinary control of the Press Council, not the Directorate of Publications.

In a statement to the Sunday Express this week, the chairman of The Voice's board of directors, Father J B M Mzamane, and the newspaper's editor, Mr Revelation Ntola, said that through repeated delays

NPU members were denying them the Press freedom they demanded for themselves — the relative freedom of control through the Press Council instead of the Publications Act.

Mr Uys confirmed that at its last meeting in June — three days before The Voice was banned — the NPU again discussed The Voice's application for membership.

However, members of the executive council wanted to examine copies of the newspaper before reaching a decision and The Voice was informed that its application would be considered again "within four or five weeks".

According to the manager of The Voice, Mr Dennis Beckett, delays and excuses have been the pattern since The Voice first applied in May last year.

According to Mr Mzamane and Mr Ntola, The Voice was told by Mr Uys two days before it was banned that the NPU had to be sure The Voice's membership "would not embarrass the NPU".

Mr Uys denies this. He said there were "several aspects" to The Voice's application for membership. "Some applications take longer than others."

3/1/78
Black
writers
lash
Woods

243

DURBAN — Mr Donald Woods, the former editor of the Daily Dispatch, was criticised by the Writers Association of South Africa at the weekend over his book and film on the late Steve Biko

The criticism of Mr Woods, who after being banned fled the country, was contained in a resolution passed at the Wasa congress which was held here after it was banned in Port Elizabeth

Wasa represents 150 of the 200 black journalists in South Africa

The resolution read Donald Woods is irrelevant to the black struggle and to black journalism

The organisation called on all countries supporting the black cause to reject him

In another resolution Wasa deplored the action of the British government in granting asylum to Mr Woods

213 3/1/78 R.D.M.

Press vs Politics

IN SUCH determinedly open societies as the United States and Britain it is not surprising that much time should be spent examining and criticising national institutions of all kinds, however elevated or venerable.

Much of this examination is conducted by the media. But the media themselves are an institution of key importance in modern society. Should they not therefore be subject to the same probing that they inflict with so much zeal and zest on others?

Media self-examination is rare in both countries. But this is not because criticism of the media, and of the Press in particular, is lacking. On the contrary

In the United States this criticism has recently been enforced on a level that holds a warning for those sensitive to any threat, explicit or veiled, to Press freedom.

Two notable examples of this occurred while I was in America. The first came from Bert Lance, President Carter's former budget director. He accused the Press, in its post-Watergate mood, of "a pervasive and destructive cynicism".

This, he claimed, had replaced what was once just "healthy dash of cynicism". My own contacts with ordinary Americans during my travels satisfied me that Mr Lance was not speaking for himself alone.

The second comment came from no less a dignitary than Chief Justice Warren Burger. To the surprise of most, the Chief Justice suddenly felt moved to express his personal reluctance to endow what he called "the institutional Press" with special privileges based on the constitution's guarantees of Press freedom.

The media conglomerates, said, had amassed great wealth and power. Communication executives, he added, were "not demonstrably more virtuous, wise or restrained in the exercise of corporate power" than their counterparts in other industries. Mr Burger, I gather, is unlikely to be numbered by posterity among his country's great chief

there a leading lawyer said publicly, and to loud laughter, things about the Chief Justice's intellectual capacity that in any other country would have caused the heavens to fall.

Nevertheless he heads a powerful institution to which the Press has grown accustomed to look with confidence for a sympathetic interpretation of its constitutional privileges. If Mr Burger's pronouncement (which was not part of a judgment but a kind of special supplement to one) is read as reflecting no more than a certain cooling of affection in an influential quarter, the Press would be unwise to disregard it.

How conscious are American newspapers of public disaffection, and what are they doing to improve matters? It is hard to generalise about a Press as vast and far-flung as America's, but my impression is that both appreciation of the situation and response to it are at best patchy.

The need for newspapers to dispel any impression of self-satisfaction, secretiveness or indifference to readers' reactions has long been felt in certain sections of the industry. Self-criticism and self-discipline, the argument ran, should be voluntary — if only lest on some dark day Congress should be moved to sharpen an axe of its own.


Action took two forms. On the one hand some newspapers appointed their own ombudsmen to act as "readers' advocates" or independent arbiters between aggrieved members of the public and the editorial hierarchy. On the other hand Press Councils began to be formed on a community basis.

This culminated in the formation of a Press Council in the State of Minnesota and a National News Council aimed at covering the whole country.

The ombudsman idea has scarcely spread like wildfire. Up to now only 22 of America's myriad newspapers have made such appointments and of these only two or three are in what might be called the big league. But there are many excellent men among them, with briefs ranging from ad-

IN MY JUDGMENT

The Rand Daily Mail's Ombudsman, James McClurg, takes a critical look at the media



pronouncing on issues of major principle

I was fortunate to meet two of the most outstanding of these men — Charles Seib, of the Washington Post and Charles Whipple of the Boston Globe

Both are in the top echelons of their newspapers, highly esteemed in US journalism and courageous in the exercise of their independent judgment. Both, as it happens, believe that Watergate, that triumph of investigative journalism, has left the American Press in a dangerous state of euphoria.

The time, they believe, has now come to show a little more humility. In fact Seib, not one to court popularity, has gone on record as calling the Press "aloof, complacent, self-righteous, self-congratulatory and sometimes downright arrogant".

The Press Council system has met only limited acceptance among newspapers in the United States. The Minnesota Council, whose work is well regarded, covers only one state and that not a major one. The National News Council, active though it is in reviewing complaints about all the media, still lacks the cooperation of many newspaper publishers.

On the other side of the Atlantic I could see little sign among newspapers of any move towards self-examination, much less any willingness to don the hair-shirt of repentance. This is partly because Fleet Street at least is locked in a life-or-death struggle with the trade unions, especially those navericks who recently defied their leaders to bring near-anarchy into newspaper production. In such circumstances the wider issues are apt to take second place in people's

that there has been a voluntary Press Council, with wide public representation, in Britain for 25 years.

Although it has been criticised for being too soft towards the Press, the council, according to well-informed people I spoke to, has certainly curbed some of the worst excesses of the past. Notable among these were invasion of privacy and the exploitation of private

grief. British newspapers, therefore, may perhaps be excused for feeling that they already have an institutionalised conscience in residence. Isn't that enough to be going on with? Editors in any case are convinced, and aggrieved, that they enjoy less freedom than their counterparts in the US. They are wary of anything that could possibly curtail that freedom further.

This is as it should be. But I am not convinced that the editors are wise in resisting the recommendation of a recent Royal Commission on the Press that a professional code be drawn up as a framework for the Press Council's adjudications.

There has likewise been no response to the Royal Commission's suggestion that newspapers should experiment with the appointment

of an ombudsman. The editor of one leading Fleet Street newspaper told me he would appoint an ombudsman tomorrow if he had his way but the opposition of his senior staff was overwhelming.

Parallels with South Africa? These are hard to find, since circumstances are so different. Here Press freedom hangs on a thread. It is at the mercy of a government unconstrained by constitution, deeply entrenched tradition or alert public opinion.

South African newspapers are right to resist encroachments and right to insist on revealing disagreeable facts that others may wish to cover up. But they are, I suggest, in no less danger than their counterparts in Britain and the US of failing to recognise a central truth of their situation whether or

Rand Daily Mail
Ombudsman
James McClurg has returned from a visit to the United States and Britain where he met fellow ombudsmen on newspapers and looked at Press Council systems. Here he gives his impressions. Mr McClurg's weekly column, In My Judgment, will be resumed next Monday.

not the Press deserves the confidence of the public is open to debate. What is not debatable is that unless it does, by and large, enjoy that confidence, it cannot perform its task effectively. Should not the Press everywhere do more to give outward proof of sensitivity to readers' criticisms, to admit and rectify mistakes and to explain contentious editorial decisions?

RAND DAILY MAIL, Monday, July 3, 1978.

Press at best only partially free — MPC

4/7/28
243 00

JOHANNESBURG — Two politicians, addressing students at the University of the Witwatersrand, agreed yesterday the press and the citizenry should enjoy the same degree of freedom — but differed in all other respects

Speaking to about 400 students on "press freedom" were the South African Party leader, Mr John Wiley, MP, and former newspaper editor, Mr Joel Mervis, MPC

Mr Mervis agreed with Mr Wiley that the press was "entitled to no greater freedom" than the ordinary citizen but, Mr

Mervis said, one should then examine "what freedom of speech the individual enjoys."

Mr Mervis cited the case of Dr Ntatho Motlana who, he said, had been threatened with imprisonment unless he stopped expressing his views in public. "That is the measure of free speech enjoyed by the individual," Mr Mervis said.

Mr Wiley said English-language newspapers controlled by the "Argus and SAAN monopoly" was the very negation of a free and independent press

English-speaking South Africans were "the vic-

tims of a dangerous monopoly into which the government must now intervene"

Mr Wiley said shares in the English-language press should be made available to the general public.

Mr Mervis, speaking after Mr Wiley, said the press in South Africa could "at best claim only partial freedom of the press."

He said two papers were closed down, an editor was jailed for six months and there had been "the detention and banning of more than 50 journalists," Mr Mervis said. — SAPA

Newspapers exploit SA blacks journalists

CAPE TIMES
4/7/78
243

Own Correspondent

DURBAN. — The Writers' Association of South Africa, representing 150 of the 200 black journalists in the Republic, passed resolutions at the weekend condemning newspapers for "exploitation" of black journalists.

The Wasa congress, meeting in Durban, criticized Mr Donald Woods, banned former editor of the Daily Dispatch, East London, and said Mr Woods was exploiting the name of Mr Steve Biko.

Other resolutions taken at the weekend by the association:

- Condemned South African newspapers which exploited black journalists and freelance writers and recruited few black journalists in relation to the population;
- Said it would not accept membership of the International Federation of Journalists if the white SASJ (Southern African Society of Journalists) was given such membership,
- Refused to accept the SASJ and would have nothing to do with it.

The SASJ is a non-racial organization with some 30 black members.

In East London yesterday the editor of the Daily Dispatch, Mr George Farr, denied that Mr Woods had done nothing to improve the positions of black journalists on the Daily Dispatch staff.

The Wasa allegation was patently a false accusation, he said

"The Daily Dispatch, when Mr Woods was editor and continuing today, has never discriminated between black and white journalists. Journalists are treated here according to merit and, indeed, there are some black journalists in senior positions to whites. One of them is the editor of our weekly paper, Indaba."

Mr Farr said he was surprised at Wasa's attack on Mr Woods.

He said: "I know of no writer in this country who campaigned harder and more eloquently for the cause of non-racialism. To say now, as Wasa did, that he is irrelevant to what it calls 'a black struggle' is also astonishing in view of his continuing campaign overseas to focus attention on racial inequality in South Africa"

In an editorial published in the Daily Dispatch, the editor notes that attacks on Mr Woods, which came initially after his banning mainly from the white right, have recently also been made from individuals and organizations ostensibly representative of the black left.

"It is almost as though there could be a well-orchestrated campaign across the whole spectrum of lights and shades of political opinion in this country, aimed at discrediting a man now prevented by the laws of South Africa from defending himself, or answering back .

"Whatever the motives are, the attacks are distasteful in the circumstances that these people know, Mr Woods cannot respond."

"The least that should be expected of Mr Woods's critics is that they should publicly identify themselves by name (as was not done in the case of the reported Wasa indictment of his conduct) and also seek permission from the Minister of Justice to allow them to invite Mr Woods to reply through the medium of the South African press."

In a further comment in East London the vice-president of the Border region of the SASJ, Mr P Davis, said he was most surprised at the attack on Mr Woods by Wasa, adding: "While the members of Wasa are entitled to their opinions, I am disappointed that nobody appeared to have the courage to put his name to the motion which tackled a man who is unable to defend his own name because he has been banned, presumably through the stands that he did take."

Rise in price of magazines

Mercury Reporter 7/7/78

THE pre-tax prices of several South African magazines rose this week, following the introduction of the general sales tax.

Scope went from 40c to 43c plus 2c tax, Farmers' Weekly from 25c to 29c and 1c tax, Root Rose, 40c to 48c and 2c tax, Living and Loving from 40c to 48c plus 2c tax

All these are Republican Publications magazines Fair Lady of Nasionale Koerante Bpk rose from 40c to 48c plus 2c tax

Republican Publications dropped the pre tax price of three of its major magazines so that they will now cost the same as before - after the inclusion of tax

They are Family Radio and TV - was 40c, now 38c plus 2c tax, Darling - the same, and Garden and Home was 50c, now 48c plus 2c tax

The Mercury was unable to reach the directors of RP for comment on the price change but was told by a manager that the price increases "should not be connected with GST"

He said the increases had been planned long before the tax was introduced

Government dictates don't work says Editor

7/1/78
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EAST LONDON — Attempts down the years of South Africa's history to make the press subservient to governmental dictates had not worked, said the Editor of the Daily Dispatch, Mr George Farr, in an address yesterday evening to the Institute of Race Relations

Newspapers and journalists had taken some hard blows, he said, but morally they remained in good shape and there was therefore no reason to flinch in the face of new threats to press freedom that had come to South Africa recently

All newspapers of any standing had their own in-built disciplines, said Mr Farr. These ensured that they carried out their functions responsibly, that they respected the law, that their content was fair and objective and that their reports were factual and free from slant or bias

Mr Farr, who was invited to speak on "The Role of the opposition Press in South Africa", said he preferred to call it "the politically independent press"

Its first challenge was survival in the face of political and economic pressures and its second to play its part in safeguarding what was left of press freedom in this country

Draconian political actions against some newspapers and journalists last year, had left South Africa's government more suspect internationally than before

This was particularly so because one editor, who had been detained, had since been released and allowed to take up an editorship again

"The irresistible conclusion must therefore be that his detention was unwarranted and indefensible on any premise of law or morality"

Discussing the role he thought politically independent newspapers needed to play in contributing to a solution of South Africa's problems, Mr Farr said they should be prepared to continue publicising anything that was wrong in society, in business or in governments.

They should also insist that all people in public positions should be ac-

and also lost the country the sympathy of other states in Africa and throughout the world

There were, however, among government leaders today men who saw that policies must be changed

When the changes were meaningful and not merely cosmetic, the press should give due credit to the government while continuing to focus attention on areas where there was still justifiable dissatisfaction

In doing this the press needed always to support only lawful and peaceful pressures for change and to guard against publishing inciting material. It should not allow its columns to be exploited by extremists who could worsen race relations and increase fears by broadcasting the language of distrust, even hate

This did not mean, however, that people should be denied the right to voice their grievances. The press had to ensure that it remained an outlet for such expressions of feeling. Otherwise, instead of angry words there could be angry deeds

The politically independent press' main role in the immediate future might therefore be said, in summary, to be to help channel sensible opinion into useful action, to try to heal wounds by exposing sore places to the light of understanding and reason, while also spotlighting achievements and reminding South Africans that there remains a great amount of goodwill that offers hope of a solution of the country's problems that will be acceptable to all its people

In a general discussion after his speech, Mr Farr was quizzed by members of the institute on the future of the Daily Dispatch

He said although survival was important, there was no need to pussyfoot around

Some of the members complained the Dispatch did not give enough coverage to Swapo and the Patriotic Front, as did overseas newspapers

Mr Farr pointed out that there were two reasons for this: a clamp-

bodies around a conference table

Answering another question, Mr Farr said most Dispatch readers were black. It was then suggested more black news be incorporated in the paper.

Mr Farr was told the English language press did not give the true picture of South Africa. "More emphasis should be laid on the fact that everything is so abnormal here," the questioner said

Mr Farr replied "I love South Africa. I am prepared to live here — with all its risks I will defend South Africa to the death, but not necessarily the present government's policies"

Mr Farr said no black majority government would be welcomed by the South African whites unless there were built-in safeguards for the minority groups — DDR

Note the following...

These newspapers should also champion attitudes and actions that served the best interests of the country as a whole while also bringing that full glare of features and publicity on attitudes and actions that were harmful to the country and its people

Mr Farr said past policies of the government had estranged South Africans from each other

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and the fact that newspapers like the Daily Dispatch did not have direct representation in countries in which these organisations operated

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Mercury Correspondent
 CAPE TOWN — Mr. Percy Qoboza, editor of the Post, in Johannesburg, said here yesterday there was an urgent need for a blueprint for Black participation in the economic life of South Africa.

Blacks themselves were going to be primarily responsible for efforts that must be made to restore confidence and credibility in the Republic's free-enterprise system, he said.

"For this reason I would call upon them, as a matter of urgency, to establish a Black economic commission under the auspices of the national African Chamber of Commerce.

"Such a commission would call in Black experts in our community to draw up a blueprint for Black participation in the economic life of our country"

Mr. Qoboza, whose former newspaper, the World, was banned last October and who was kept in detention for five months, was speaking at a lunch given by the University of Cape Town Graduate School of Business Association.

He said the main task of the commission he proposed must be to examine the various codes of conduct and draw up its own code for industry and commerce.

"I am getting a bit weary of all the people who draw up codes of conduct in terms of what they consider to be fair and just for us.

"Maybe the time has now come when we ought to be telling people loud and clear what we consider to be fair and just for us in terms of our aspirations."

Mr. Qoboza said he visualised the setting up of a five-year plan in which all business concerns would undertake to ensure that within this period:

Twenty-five percent of their middle management was black;

Twenty percent of top management in the same period would be Black;

"At least 20 percent of the companies' boards of

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Hellenic Studies 92, 1972, 115 sq.
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four months ago by the SA Advertising Research Foundation (FM April 7) from which the NPU withdrew in 1977 after a dispute over the Amps 1976 survey

Chairman of the NRS technical committee, Noel Coburn, admits the two surveys cover much the same ground. Nonetheless, he insists that "in no way do we compete with each other. We think the NRS is a more definitive survey. We've looked at the press, which is our lifeblood, in depth. Advertisers should look at both surveys to get two looks at the market from different viewpoints. It's a question of a difference of emphasis."

But SA Advertising Research Foundation (Saarf) GM Cas Venter isn't happy. "I believe 90% of the NRS is a mere duplication of what we are doing in

Amps. In these days of economic pressure it's an absolute waste."

He's not anxious to stick his neck out any further, however. "We hope the NPU will rejoin Saarf. We can take what's good from each survey to come up with a near perfect product to serve both the advertising and marketing industries."

With 16 volumes of research data in Amps and NRS combined, it's early days to expect marketing and media men to draw conclusions.

Dick Reed, J Walter Thompson director of media and operations, notes: "Media research answers are directly related to the questions asked. The two key variables in these surveys are differing methodology and fieldwork over dif-

READERSHIP SURVEYS

Why the fuss? 243

FM 21/7/78
The Newspaper Press Union (NPU) last week published its National Readership Survey (NRS) at a cost of R400 000. The NRS comes on the heels of the All Media & Products Study (Amps) published just

243

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Vraelys aan skeerspanne

S k e e r d e r s

RDM 21/1/78

Award (243) to 'Mail' man

Staff Reporter

JOHN Mojapelo, news editor of the Rand Daily Mail Extra edition, has been awarded Harvard University's prestigious Nieman Fellowship award in journalism

He will leave for Harvard in September to spend a year studying race relations, United States politics and African affairs

The fellowship, which is regarded as one of the highest journalism awards in the United States, is granted annually to a South African journalist on an associate basis and is sponsored by the US-South Africa Leadership Exchange Programme.

Among previous recipients of the award are the Editor of the "Mail", Allister Sparks, and Assistant Editor John Ryan

Mojapelo said yesterday he was flattered to receive the award

Sparks said "I'm delighted he's won this very prestigious award" I think it is an honour for both the Rand Daily Mail and John whom I regard as one of the most talented young journalists in South Africa"

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SUNDAY TRIBUNE, JULY 23, 1978

Looks at the mad, mad world of apartheid—by a black abroad...

SOUTH AFRICANS must by now be all too familiar with, and probably bored stiff, if not offended, by accounts of how others see them and the country they live in. Especially if the commentators are from outside.

Yet, there will always be something worth reporting on, as long as it remains possible to do so without any undue mess. Also as long as the existing Afrikaner Nationalist regime continues with its blundering ways.

I don't know how the average white, who finds himself in the midst of these experts, critics and observers, reacts to outright condemnation and rejection of this country's internal policies. One can only take a guess.

But I do know of at least one very prominent man, a medical specialist, who made a sorry spectacle of himself when he tried to defend the system of the United States of America not so long ago.

Uganda

BACK IN THE LAND OF THE



councils. Self-rule and autonomy, they say, is the name of the game in that vast spread glorified "pondokries."

The Vendas are next line for their slice of the Panthustan independence loaf. Obviously, it must warm the cockles of the hearts of Pretoria homeland planners receive yet another endorsement of their policy of world-wide rejection of the same notwithstanding.

Militarism

As far as the whites are concerned, it is common knowledge now that the majority, as evidenced by the results of last November's general election, would rather "stick fast with 'saviour' Vorster than give in to world pressure for change.

Since returning, one detects a growing sense of white militarism. The war psychosis seems to be playing havoc with many.

Where will it all end? Are the much-publicised "changes" making any sense at all? Both

His tortuous, convoluted arguments, peppered with angry interjections of: "Why pick on South Africa? What about Uganda or Chile?", simply failed to impress his audience. I'll explain why later.

For the black South African, unless he is a stooge or a pologist, there is the ir- resistible urge to want to float over South Africa's misfortunes. And why not? After all, blacks here have hardly ever been given cause to feel truly and genuinely patriotic about their country. The white hegemony has turned many into bitter, hate-filled opponents. The racial good will that once was a redeeming feature must be a dangerously low ebb.

I speak from the personal experience of a year's stay and study as a Vietnam Fellow at Harvard University in America. The Nieman Fellowship is a prestige programme of study for mid-career journalists from all over the world.

Experience

Coming from South Africa, my experience broad, while it lasted, could be likened to that of someone who'd just watched places from the ridiculous to the sublime 'd been overseas a few times before, but this was the longest I'd had to stay.

I can only sum it up thus: it was just great to feel free. Free to read any book, magazine or newspaper that I fancied, free to eat, play, worship, sleep or go anywhere I liked without having to glance back over my shoulder.

As a matter of fact, the only time I'd always feel "unfree" was whenever I

UNFREE

Suspicion and mistrust now rule the roost

allowed the paranoia about the South African situation to get the better of me. I guess it's pretty hard to escape from the spectre of apartheid. It bugs you. It haunts you. It is omnipresent. It forces you constantly to draw parallels and the exercise tends to have a debilitating effect.

At times it all felt like an unbelievable dream. Now, of course, it has ended. I must now re-adjust to the reality of being back in the old country. Regrettably, the old country has become a land of fear, suspicion, mistrust and a lot more worse. It has become a land where submissiveness, conformity and kow-towing are preferred to the spoken truth. I must now remember that I am black and that my place is carefully defined and circumscribed for me somewhere out there in the back of beyond.

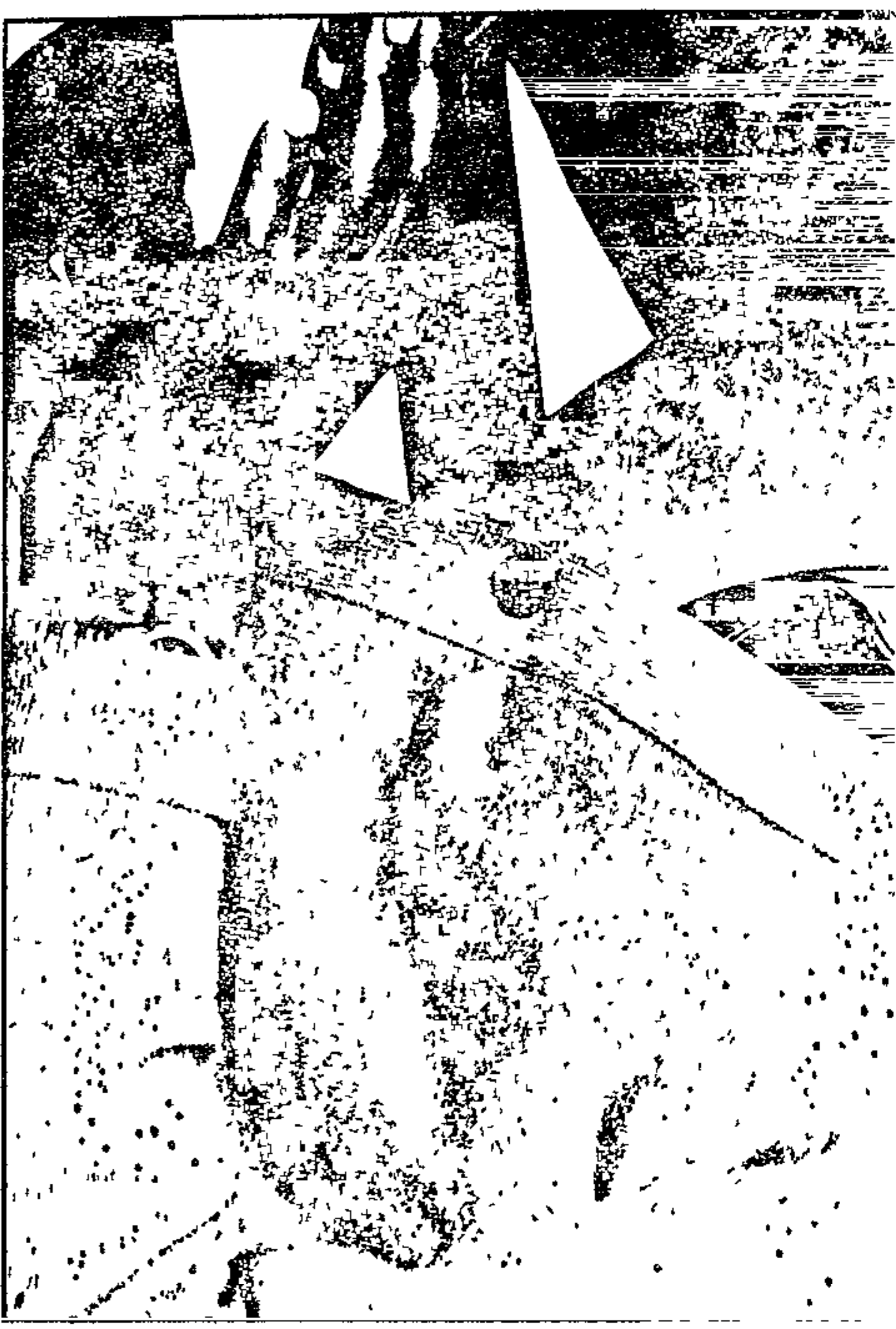
The civilised world, of which South Africa claims

Special report by Obed Kunene, editor of the Zulu-language newspaper *Ilanga*

to be a part, looks with disdain upon a country or system that induces such feelings. And it is precisely because of that claim to being civilised and Christian that the Western world will not allow this country or its Government to get away with what they are doing.

Trampling

The references by Government propagandists to Uganda or Chile or any other regime that rules by suppressing the will of the majority, or shamelessly trampling underfoot the legitimate demands of the masses, are no longer valid. Knowledgeable observers



are quick to point out that South Africa must be the only country in the whole wide world where discriminatory laws are passed on the basis of the colour of a man's skin.

The evils of apartheid, that 30-year curse which has been the bane of our existence, are disturbing enough viewed from within. They assume a new, almost bizarre dimension once seen at a distance.

The inexcusable Steve Biko affair and the senseless crackdown of last October 19 — they shot a heavy jump up one's throat. When sympathetic Americans cried indignantly: "They've got to be crazy, they are driv-

ing the country to perdition," one could not help but concur.

It dawned then, as it had never done before, that when a government starts to close down newspapers and silence or detain editors, it usually signifies the beginning of the end for democracy and the cherished principle of free speech. History has numerous examples to offer.

Vantage

This, then, is how it looked from the vantage point of Cambridge, Massachusetts. South Africa came out not looking good at all. It is fair to

conclude that the international heat presently being turned on the country, with no immediate signs of letting up, stems largely from these sad and tragic developments.

Against this background, one must examine closely the responses by the Nationalist Government and by all those who feel threatened and besieged all round by hostile forces. A lot of fuss is being made of the "changes" introduced internally in the past few months.

I see, for instance, that we no longer talk of "Ban-tu", but of "plurals."

Black and white soccer teams now chase the same football around various stadiums, including those in black areas. Blacks (those who can afford it) are now free to

patronise "international" hotels, restaurants and theatres.

Presumably, more "petty apartheid" signs have been pulled down, although I notice in some areas of Durban they still remain, defiant as ever and large as life.

Comparisons

I see that comparisons are still being made between the "better off" blacks here and their "worse off" brothers elsewhere in Africa — as though the issue, from the black viewpoint, was ever between the locals and those outside.

I see also that Soweto, according to those who prescribe without consulting, is on to a good thing under the new community

area and a proac- (will South Africa's lesser like poor, embattled Rh desias, be one of "little, too late?"

Watchers

It should come as no surprise that the latter view is held by most Southern Africa-watchers in the U.S. It is also shared by numerous others whom I met in Britain and parts of central Europe that I visited on the way back home.

I believe I'm interpreting it correctly when I say that what the West wants to see in our country is not what is popularly termed "cosmetic changes." It wants the "real thing" for those whom it believes are fully justified in the struggle for justice and liberation.

Principle

And the "real thing" the total, not partial, eradication of apartheid, perceptible move toward power-sharing or majority rule, the granting and protection of human and individual rights, the restoration of the black man's dignity, an end to banings and detention without trial and a return to the principle of habe corpus, and an end to the disquieting state deaths of detainees while in police custody.

But, above all, I believe the West wants to see the peace and racial harmony reigning supreme in our part of the continent. It is in the interests of us that it should be so. It therefore, absurd to therefore, as some do, that what is sought is nothing but the wholesale destruction of the minority whites.

Newspaper outlook: black

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BLACKS outnumber white readers of English daily newspapers in Johannesburg by more than two to one and the trend in South Africa as a whole is towards an ever-increasing black readership

Afrikaans dailies have an almost exclusively white readership and their potential for expansion is limited unless they increase their penetration of the black market, according to Professor Tony Giffard, head of the journalism department at Rhodes University

He makes these points in a survey of media trends over the past 20 years. The survey — presented at the Road Ahead Conference in Grahamstown earlier this month — is based on the following factors affecting circulation.

● population, urbanisation, education and income,

Sheila Wing

- periods of recession and prosperity,
- seasonal variations,
- random variations such as cover price increases

Prof Giffard says the growing proportion of black, coloured and Indian readers show an "overwhelming preference" for English newspapers

But while claimed readership of dailies by blacks, coloureds and Asians has risen by a total of 455% since 1962 — in comparison with a 30% rise among whites — the circulation of Afrikaans newspapers is nevertheless growing at faster rate than that of English papers

Prof Giffard attributes this tendency to increased competition between Afrikaans dailies on the

Reef, following the launching of Beeld in 1974, as well as to improvements in the educational, occupational and economic status of Afrikaans adults whose readership of dailies increased from 64% in 1968 to 70% in 1975

Nevertheless, English newspapers still account for 72% of total daily circulation, although Afrikaans-speaking whites outnumber English-speakers in the ratio of about 60 40

Reasons for this discrepancy are that there are more English dailies than Afrikaans — 14 as opposed to 18, excluding Post — and while English papers have a high percentage of Afrikaans readers, relatively few English speakers read Afrikaans papers

Meanwhile, more coloureds than whites read

the English dailies in Cape Town, and in Durban there are almost as many Indian readers as whites

In Johannesburg, more blacks read the Rand Daily Mail, Star and The Citizen — taken together — than whites

"If one includes the huge black readership of the daily, Post, blacks now outnumber white readers of Johannesburg English dailies by more than two to one," Prof Giffard says

He predicts that the potential daily newspaper audience in South Africa will double by the year 2000, reaching 1 800 000 people

"The potential readership for newspapers will increase at a faster rate than population growth, particularly when schooling becomes compulsory for black children"

Afrikaans dailies are likely to remain highly specialised in their appeal according to Prof Giffard

He says they have not cracked the black market — largely because of their political line — and therefore have a strictly limited readership potential

In the English daily field, the trend is both for specialisation and generalisation of appeal

The Argus Company has separate papers for each ethnic group while other newspapers notably the Rand Daily Mail and the Daily Dispatch, consciously aim at an integrated readership

"Whatever the strategy it is clear that the single most significant trend will be towards an ever increasing black readership," Prof Giffard says

Europe in the Eighteenth Century 1713-1763

never be industrious. "Clearly, the time of the "lowest classes" had not yet come. The eighteenth century was dominated by solidly established, nearly stationary, European states, in state and church alike. The social and economic structure was created in the sixteenth century, and the eighteenth century was a period of consolidation. The social structure was based on the landed gentry, the bourgeoisie, and the peasantry. The landed gentry were the dominant class, and they were the ones who were responsible for the economic growth of the eighteenth century. The bourgeoisie were the middle class, and they were the ones who were responsible for the social progress of the eighteenth century. The peasantry were the lowest class, and they were the ones who were responsible for the economic survival of the eighteenth century. The eighteenth century was a period of great change, and it was a period of great progress. It was a period when the social and economic structure of Europe was being reshaped, and it was a period when the future of Europe was being decided. The eighteenth century was a time of great hope, and it was a time of great promise. It was a time when the people of Europe were beginning to realize their potential, and it was a time when the future of Europe was beginning to take shape. The eighteenth century was a time of great achievement, and it was a time of great glory. It was a time when the people of Europe were beginning to take control of their own destiny, and it was a time when the future of Europe was beginning to be written. The eighteenth century was a time of great change, and it was a time of great progress. It was a time when the social and economic structure of Europe was being reshaped, and it was a time when the future of Europe was being decided. The eighteenth century was a time of great hope, and it was a time of great promise. It was a time when the people of Europe were beginning to realize their potential, and it was a time when the future of Europe was beginning to take shape. The eighteenth century was a time of great achievement, and it was a time of great glory. It was a time when the people of Europe were beginning to take control of their own destiny, and it was a time when the future of Europe was beginning to be written.

Georgia Press, 1965

STUDY IN REGIONAL ECONOMIC GROWTH (Univ. of

(2)

Guardian

Conflict for Black Journalists

13/8/76
243

JOHANNESBURG — When the black township of Soweto erupted two years ago, the white press was effectively sealed off from covering the black community both by the police and by black suspicion. Suddenly, it was black journalists who were bringing out the details for the largely white press from the places where they lived and the people they lived among. Ultimately, they were reporting it for the whole world.

The black journalist found himself in a new role, says Percy Qoboza, former editor of the banned black daily, *The World*. Their sheer guts and professionalism during those days gave notice that the black journalist had matured and is now arrived.

Most black South African journalists traditionally had been consigned the role of leg men. Until Soweto blew up, many papers never felt they needed black journalists, says editor Clive Emdon. Most whites, isolated from the realities of black urban life, still think it cannot be as bad as black journalists say it is. White newspapers, long satisfied with the limited contacts they had among blacks, found differently.

Today the black journalist, once hindered by discrimination, enjoys a new-found prestige both among white colleagues and throughout the black community. The new preeminence, however, has also brought new risks.

The police resented their methods being exposed, says Qoboza, referring to the gripping details black writers were able to bring from Soweto. Consequently, the Government has widened its interpretation of the legal term incitement, and now pins this label on much black reporting.

"The truth to them is incitement," says Enoch Duma, 36, a veteran journalist "and the security police have told me that black reporters are agitators."

That may well be the Government's assessment, given the reasons the censorship board offered recently when it tried to ban *The Voice*, a black newspaper.

Favorable publicity is given to the formation of a new militant black organization, the Azanian People's Organization, the board argued, and articles favorable to persons who have been restricted, detained or fallen foul of the law evoke sympathy for them and their families, and hostility to the authorities.

By Caryle Murphy

Faced increasingly with Government suspicion over what they see as just doing their jobs, black journalists have found just the opposite reaction in their own communities. In the past, people used to shun you, used to say, "Journalists, oh, they are liars," recalls Sophia Temaa, 37, a veteran of 14 years at *The World*. It's different now, she says. "They will help you and even come on their own to tell you things. But they also put more pressure on us, too. They demand to know more from us and want us to inform them."

That demand, and a new feeling of purpose, have had an effect. The black journalist, like his black readers, has been touched politically by the news of the past two years, sometimes in gruesomely real terms. A black journalist feels proud of his part of the

struggle, Temaa says.

While the new political feeling may have injected a new spirit into many black journalists, it also presents them with a conflict in roles. "We are black people first, journalists second," says one young reporter. "If it comes to a conflict between the struggle and the job, the struggle comes first."

Not all black journalists see the conflict so clearly. Qoboza, for instance, who has spent his life pushing and testing South Africa's racial policies, was jailed last year when *The World* was closed. Tempered perhaps by experience, he sees it differently.

"It's been a terrible crisis for me personally," he says. "I've always emphasized that to maintain professional credibility we must be journalists first and blacks second. Otherwise, we tend to lose sight of our real responsibility which is to inform people and give them the facts."

For many black journalists, making philosophical distinctions is becoming more and more difficult, however, as they increasingly become targets for what they term police harassment. Even Qoboza concedes that it's a new ballgame as far as the police are concerned. Reporters are called in for questioning, sometimes, inexplicably, about long-past assignments. Five black journalists are being held under South Africa's tough detention-without-trial laws, and a photographer, Moffat Zungu, is being tried on charges of terrorism.

With the heavy blanket of Government repression, the detaining and banning of black leaders, the black journalist often emerges as an unwitting spokesman for the community.

(243) 22/8/78

Journalist jailed for 12 months

JOHANNESBURG — A former member of the banned Union of Black Journalists, Mr Thami Mazwai, 33, was jailed for 12 months here yesterday for attempting to defeat the ends of justice

Mr Mazwai, a Post reporter, was acquitted on a main charge of perjury and the first alternative of making two conflicting statements while under oath.

The magistrate, Mr J de Villiers, said Mr Mazwai, a witness in the theft trial of two former executive members of the union, gave evidence which conflicted with an earlier

statement made before a magistrate

He said it was clear Mr Mazwai had been unwilling to answer questions put to him by the magistrate, but had made a statement because he was subpoenaed

The two executive members of the union, Mr Judy Mayet and Mr Philemon Mtimkulu, were acquitted earlier this year of stealing over R2 000 from the union on October 19 last year, the day on which the union was banned

Bail of R500 was granted pending an appeal — SAPA

Newsman ²⁴³ gets R500 bail ^{RDM} 22/8/78

By ZWELAKHE SISULU

A JOURNALIST on the Post, Thami Mazwai, was yesterday sentenced to one year's jail by a Johannesburg regional magistrate for making two conflicting statements at a previous hearing.

Mazwai, who had plead-

ed not guilty to the charges, was acquitted on the main charge of perjury and the first alternative of defeating the ends of justice

He was found guilty on the second alternative charge of making two conflicting statements

The hearing at which Mazwai is said to have made the statements involved two former executive members of the banned Union of Black Journalists (UBJ), after the withdrawal of money from the organisation's bank account the day it was banned.

The magistrate, Mr J L de Villiers, said he did not accept Mazwai's explanation of the two different statements he made. Mazwai had said that he could not completely recall the events of October 19 when the UBJ was banned and its assets frozen.

Mr De Villiers described

the hearing as being of a political nature because of the Government action against the UBJ and the subsequent appearance in court of two of its executive members.

Mazwai's aim in making two different statements had been to absolve his colleagues in UBJ of guilt, the magistrate said.

The magistrate said Mazwai knew the implications of his actions but had intentionally made different statements to free his two colleagues.

The prosecutor, Mr A R van Wyk, said Mazwai should be given a jail sentence because his actions had influenced the hearing of the two UBJ executive members.

Mazwai was given leave to appeal and bail was fixed at R500.

Editor summoned

JOHANNESBURG — The Editor of The Citizen, Mr Johnny Johnson, was called before a Rand Supreme Court judge yesterday following a misleading headline published in his newspaper

The headline, "Schlesinger in hiding — counsel," was published over a report on proceedings in the court application by Mr John Schlesinger.

When the hearing resumed yesterday, Mr J. Kriegler, SC, told the court "The headline is false, it is most harmful to my client."

No allegation had been made that Mr Schlesinger was in hiding, he said. The implication was that there was some dishonesty in his conduct, or that he was avoiding jurisdiction by going into hiding, which was totally unfounded, Mr Kriegler said.

He asked the court to direct the editor to correct what was not a correct and fair impression of court proceedings.

Mr Justice Le Roux said it was a misleading headline and called on the editor to give an explanation.

After an adjournment later, Mr Justice Le Roux said when the court resumed that Mr Johnson had admitted the headline was misleading and had said any damage possibly done would be corrected by his newspaper. — DDC.

Rapport-man het sy 243 RAPPOR 3/9/78 bronne só beskerm

MNR. CHRIS VERMAAK, 'n senior Rapport-man, sal op 11 September voor die Persraad getuienis lewer oor die status van die bronne vir sy omstrede berig: Moord en Miljoene/Vermoorde Robert Smit se skakels met Inligting ondersoek/Pretoria neem oor.

Die berig het op 28 Mei 1978 in RAPPOR verskyn en die minister van die sedertdien afgeskafte Departement van Inligting en die SA Polisie het die koerant daarvoor voor die Persraad gedaag.

Net ná die berig verskyn het, het die Polisie mnr Vermaak na Pretoria ontbied en intensief ondervra. Sonder sy medewete, sê mnr. Vermaak in sy beedigde verklaring voor die Persraad, is 'n bandopname van die ondervraging gemaak.

Sy „vae, lomp, onsamehangende” antwoorde op die Polisie se vrae is vandeeweek deur adv. P. A. Hattingh (vir die klaers) aan die Persraad voorgelees as aanduiding dat die berig „geheel en al gebaseer was op hoorsê” en uit 'n „baie onbetroubare bron” moet gewees het. Beedigde verklarings van al die polisie-amptenare na wie hy gedurende ondervraging verwys het, is by die Persraad ingedien. Daarin ontken hulle dat hulle sodanige inligtinge aan hom gegee het.

RAPPOR se prokureur, mnr. Johann Buys van die firma Hertzog, Couzyn en Horak, het gesê dat mnr. Vermaak doelbewus „bont” gepraat het in 'n poging om sy eintlike bronne te beskerm ingevolge sy onderneming teenoor hulle om hul identiteit nie bekend te maak nie.

Dit is dus onbillik om sy antwoorde tydens ondervraging te beskou as verantwoording van sy berig. Hy was doelbewus besig om nie sy ware bronne te verstrek nie.

Regter Oscar Galgut, wat die saak aangehoor het saam met mnr. Alan Mackintosh, vroeër voorsitter van die direksie van die Argus, en dr. Hermien Dommissie, het na sy eerste jaarverslag verwys en gesê hy aanvaar dat koerante nie altyd hul bronne kan bekend maak nie. Soos ook uitgewys in die onlangse saak teen die Londense Sunday Times voor die Britse Persraad, is dit egter nie genoeg dat 'n koerant self sê hy beskou sy bronne as betroubaar nie. Die betroubaarheid van die bronne

moet ook objektief getoets kan word deur die Persraad — sonder dat die identiteit van die bron noodwendig bekend gemaak word.

'n Aanduiding moet ten minste gegee word van die status van die mense van wie die inligting kom sodat die Persraad hom kan vergewis dit was nie „sommers 'n bode of 'n naamlose iemand op straat” nie, het regter Galgut gesê.

Hy het die verdere verhoor uitgestel tot 11 September en gelas dat mnr. Vermaak dan teenwoordig moet wees. Hy was in die buiteland en kon nie op kort kennisgewing betyds vir Maandag se verhoor terug wees nie.

Mnr. Buys het voor die Persraad die stappe geskets wat RAPPOR gedoen het om die bona fides van sy bronne bo twyfel te stel. Vir die koerant was daar net een van twee moontlikhede: hy kon sy bronne bekend maak, of hy kon die saak op 'n ander manier probeer skik, het hy gesê.

In belang van almal het RAPPOR besluit om te probeer skik.

Hy het aan die waarnemende voorsitter van die Persraad, regter J. N. C. de Villiers, en aan die klaers voorgestel dat die volle identiteit van sy bronne vertroulik onder eed bekend gemaak word aan 'n onpartydige arbiter, in die persoon van die voorsitter van die Persraad. Albei partye moes dan berus by so 'n arbiter se beslissing of die koerant se bronne van so 'n aard was dat hy die berig met verantwoordelijkheid kon publiseer het.

Hiervoor was regter De Villiers te vind, maar die klaers nie (Mnr. Buys het die aanbod Maandag voor regter Galgut herhaal.)

Hierna het RAPPOR aangebied om 'n berig te plaas waarin hy polisiehoofde se ontkenning van sekere kernaspekte van die berig stel en aanvaar, en sy spyt uitspreek.

• Die Minister van Buitelandse Sake, mnr. P. K. Botha, wat nou die Buro vir Nasionale en Internasionale Kommunikasie oorneem, het dadelik gereageer op

verwysings van mnr. Vermaak tydens die polisie-ondervraging wat gedurende die Persraadverhoor deur adv. Hattingh voorgelees is. Die strekking was dat ongenoemde mense

„wat gese het hulle is van Buitelandse Sake” sekere inligtinge aan hom sou gegee het. Min. Botha het bekend gemaak dat hy van RAPPOR die versekering het dat die inligting vir die gewraakte berig nie van iemand in Buitelandse Sake kom nie, „maar van mense uit twee ander staatsinstansies”.

Ntuli photographs: Drum's editor fined

243

12/9/56 RLB
Staff Reporter

THE publisher of Drum magazine and its editor were yesterday fined R300 for unlawfully publishing photographs of the former top policeman, Somregi Edian Ntuli.

Ntuli — once rated one of the top five black policemen in South Africa — was hanged in May this year after being convicted a year before of robbery, housebreaking and attempted murder.

New Publishing Company, represented by its general manager, Mr Philip Selwyn-Smith, and the editor of Drum, Stanley Matjuwadi, pleaded guilty to publishing the photographs.

The company was fined R200 and Matjuwadi R100, or 40 days.

Mr K Lister, for both, admitted Drum had published two photographs of Ntuli, then a prisoner, in February this year with-

out the permission of the Commissioner of Prisons.

The pictures were published more than 30 days after Ntuli had been sentenced to death, he said.

Ntuli had since been executed. The publication of the pictures could not have humiliated him or interfered with his rehabilitation, Mr Lister said.

The article accompanying the photographs had said Ntuli had made his peace with his Creator and would meet his death a brave man.

Within the 30 days of his sentence, Ntuli's photograph had been splashed in almost every newspaper in the country, Mr Lister said.

A campaign was on at the time to gather signatures for a petition to the State President for the reduction of his sentence. Ntuli would probably have not objected to that, Mr Lister said.

Three swipes that miss their mark

14/9/78
RUM (243)

CONGRESS season is traditionally the time for Press-bashing, and we should be philosophical about it by now. Nevertheless we cannot allow the attacks by three Ministers at the National Party's Transvaal congress yesterday to go unchallenged.

First, Mr P W Botha. He berates newspapers who criticised his statement on Swapo and South West Africa at the Free State congress, saying they attacked him "for simply preaching what is the duty of every South African soldier in the operational area". And with smide innuendo he asks: "Whose side are you on?"

Mr Botha has in fact misrepresented our criticism. It had nothing to do with soldiers' duties or choosing sides; it was about his intimation that South Africa would not tolerate a Swapo government in SWA.

This was a most damaging suggestion to make at such a delicate stage in the SWA negotiations. It threw doubt on South Africa's bona fides because of the insinuation that Pretoria might not accept a Swapo election victory, and was therefore not serious about

free elections.

Instead of blustering at the Press, Mr Botha should clear up the doubt he has raised. Is the Government prepared, or is it not prepared, to accept the result of free elections in SWA if Swapo should emerge as the winner?

Next, Dr Connie Mulder condemns the Press for criticising him over the Department of Information scandals. He forgets that there is supposed to be such a thing as Ministerial responsibility. Moreover, Dr Mulder must know, as most of the Press knows, that only the tip of an iceberg has been revealed in this matter. And he can rest assured that it will all come out in the end.

Finally, Mr J T Kruger. He says the Press must be "super-responsible" in a time of unrest and not publish anything that could harm South Africa. Coming from a Minister whose less than super-responsible statements about a certain detainee's death at last year's congress did South Africa more harm than any other utterance in our history, that takes some beating.

this Reformation movement... for... the... ongoing process

(14) Kooij... (15) Botha... More: Two Humanists in the World

John Colet made memorable contributions to Christian scholarship, but his greatest achievement was doubtless Desiderius Erasmus' ²⁰ He found Erasmus

²⁰ E. Harris Harbison, *The Christian Scholar in the Age of the Reformation* (1956), 58
²¹ For what follows, see Harbison, *Christian Scholar*, 61-69-78, Johan Huizinga, *Erasmus of Rotterdam* (tr 1952)

in the... into Latin and brought out a French version of the Epistle of Paul and... national, income... But to what can these...

The Rise of the Atlantic States
(Bathurst, 1966)
(8)

own way and to their own purposes... Amendments... changes... tory... upon the... institutions in the service of a purified... learned... indirect... serve as... and the sound... 5.1. Some... specify... its... 5.2. Eff...

ing... 1... No the... ing... a... 5.1... 5.2. Eff...

(II) Kooij... (12) Bri... (13) Kleu... Africa... P116.

¹⁷ Hajo Holborn, *A History of Modern Germany*, vol 1, *The Reformation* (1959), 106
¹⁸ Eugene F. Rice, Jr., *The Renaissance Idea of Wisdom* (1958), 94

PEROLD EN BOSHOFF IS RAPPORTE SE NUWE BASE

RAPPORTE 17/9/78 243



MNR. TOBIE BOSHOFF

MNR SAKKIE PEROLD, Kaapstadse redakteur van RAPPORTE, is aangestel as die nuwe hoofredakteur van die koerant, met mnr Tobie Boshoff as hoofbestuurder

Die huidige hoofredakteur, mnr W J Wepener, wat die laaste paar jaar ook verantwoordelik was vir die bestuur van die koerant, het 'n hoofbestuurspos by Nasionale Pers in Kaapstad aanvaar

Mnr Perold sowel as mnr Boshoff is stigterslede van RAPPORTE Hulle aanvaar hul nuwe poste op 1 Desember

Mnr Boshoff is op die oomblik redakteur van Die Huisgenoot Hy het sy joernalistieke loopbaan by Die Burger in Kaapstad begin Hy was later Londense verteenwoordiger van Nasionale Koerante en ná sy terugkeer is

hy aangestel as nuusredakteur van die destydse Sondagkoerant Die Beeld

Met die stigting van RAPPORTE in 1970 is hy bevorder tot assistent-redakteur en later tot besturende redakteur Daarna is hy as bestuurder van RAPPORTE aangestel

Ná 'n paar jaar is hy in 'n bestuurspos terug na Nasionale Pers totdat hy redakteur van Die Huisgenoot geword het

Mnr Sakkie Perold is 'n Paarllet van geboorte en het sy eerste joernalistieke ondervinding by Die Paarl Post opgedoen. Aanvanklik sou dit net vakansiewerk wees, maar hy is oorreed om ten minste aan te bly tot die redakteur van oorlogsdienste terugkeer

Hy was daarna in die redaksie van Die Suiderstem, en het op 23-jarige ouderdom

* VERVOLG OP BL. 19 *



MNR SAKKIE PEROLD

RAPPORTE SE NUWE BASE

* VERVOLG VAN BL. EEN *

redakteur geword van Ons Land, 'n Oos-Kaaplandse weekblad waarvan mnr. Blaar Coetzee ook vroeger redakteur was.

In 1950 het hy Die Landstem help stig.

waarvan hy eers mede-redakteur was en in 1960 redakteur geword het

Sedert die stigting van RAPPORTE was hy assistent-redakteur en hoof van die Kaapse redaksie, belas met politieke beriggewing en kommentaar.

NEWSPAPERS

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Nat pact?

(213) PM 22/9/78

Tabl

21

High priests of the Nationalist press appear to have mooted a fascinating game of checkers. The implications for its English competitors are wide.

port — to strike through *The Citizen* at what it sees as a vulnerable English press

Tabl

21

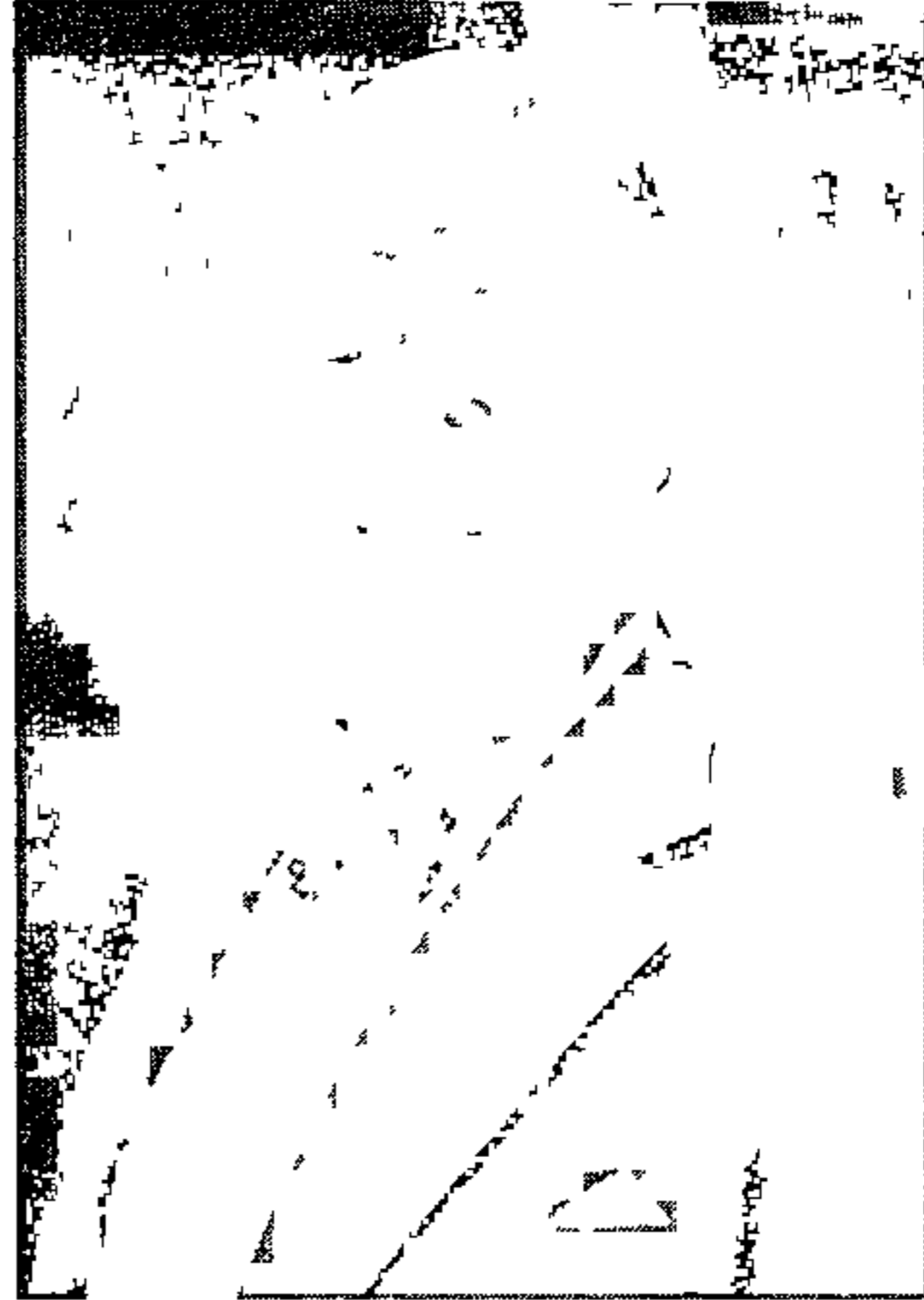
Participants are the Doornfontein Nationalists (Perskor), Sandton City Nationalists (J van Zyl Alberts, publisher of *To the Point* and *The Citizen*), and the Keerom Street Nationalists (Nasionale Pers). They seem to be aiming at far more than a cessation of hostilities.

As they see it, the English language press lacks leadership and direction. Its newspapers do not know whether they are appealing to white or black readers.

Tabl

11

From Doornfontein come rumbles that Van Zyl Alberts has offered *The Citizen* to Perskor's Marius Jooste. Neither Van Zyl Alberts nor Jooste will comment. There is a strong belief, nevertheless, that Jooste will accept the offer and will further use the base of the daily *Citizen* to launch a *Sunday Citizen*.



Tabl

11

The question now is not whether, but when, *Sunday Citizen* will hit the market. It could be a matter of months.

Tabl

10

Second leg to the game is Perskor and Nasionale settling their feud for the Transvaal morning market. The war is reckoned to be costing Perskor's *Transvaler* and Nasionale's *Beeld* about R3m a year each. And it has not helped make the running of their joint venture, the Sunday national *Rapport*, a particularly happy exercise.

Tabl

6

For instance, Jooste was adamant that his nominee would take the *Rapport* editorship from Nasionale's W J Wepener. His four nominees were all Perskor men — *Oggenblad's* Harald Pakendorf, *Hoofstad's* Sam Lake, *Financial Gazette's* Otto Krause and *Rapport's* Sakkie Perold, who came into the group via Perskor's old *Dagbreek*. Nasionale last week accepted Perold, so Perskor chalked up a minor victory. Alternatively, the appointment might indicate a new conciliatory mood between the southern and northern Afrikaans publishing giants.

Tabl

8

There is method in it, for the suggestion is strong that Nasionale and Perskor already have found a way of settling the morning market war. Nasionale, the theory goes, will close *Beeld* in Johannesburg, in exchange for which Perskor will give Nasionale its 50% share (perhaps with some cash topping) of *Rapport*. Perskor is known to want the *Rapport* partnership broken.

Tabl

8

The effect will be for Perskor and Nasionale to get out of one another's traditional stomping grounds, for them both to stop losing money on a war which showed no sign of victory for either, and for the muscle of Perskor — free from its Sunday newspaper commitment in *Rap-*

Tabl

7

Jooste . . . pocketsful of cash

Tabl

9

There is a moral in *The Citizen* gaming white readers at the expense of the *Rand Daily Mail* on which the Nationalist press is eager to capitalise.

Tabl

6

Just how well prepared Perskor is for such ventures will be readily apparent soon. Its financial statements, due to be published within the next fortnight, are likely to show a group virtually free of debt with pocketsful of cash, and turnover and earnings sharply up.

Tabl

5

The press battles which SA already has witnessed might look like nothing compared to what could shortly come.

Tabl

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Riot Act

appeal

Pretoria Bureau

TWENTY-SEVEN Johannesburg journalists, convicted under the Riotous Assemblies Act, have lost their appeal to the Pretoria Supreme Court.

The journalists, employed by the Rand Daily Mail, The Star, the Sunday Times, The Nation and Post, were arrested on November 30 last year after a march which started outside St Mary's Cathedral and ended at the corner of Commissioner and West streets, Johannesburg.

They were found guilty in the Johannesburg Regional Court and each fined R100, or 50 days.

After hearing argument from Mr Jack Unterhalter, SC, for the journalists, and Mr T Verschoor for the State, Mr Justice Nicholas, with Mr Justice Curlewis concurring, dismissed the appeal.

In his judgment, Mr Justice Nicholas found that the Government notice prohibiting meetings had been within the powers granted, and that the appeal must therefore fail.

Those convicted were: Harold Pongola, 44, Zwelakhe Sisulu, 26, Mandla Ndaxi, 44, Digo Segola, 35, Moshwa Moroke, 24, Jon Qwelane, 29, all of the Rand Daily Mail, Joe Moahloli, 44, of the Sunday Times, Thami Mazwi, 33, Nuncia Mkhalepe, 32, Shadrack Nkomo, 36, Mathilda Masipa, 30, Ernest Shenyane, 22, Jeffrey Masekwameng, 22, Matthews Makobane, 22, Bafana Ehezile, 27, Suzette Nxumalo, 30, Absolom Mntsi, 29, McDonald Mogorosi, 31, Pearl Luthuli, 24, Moses Molada, 15, Castalia Moleke, 22, Force Khahane, 28, and Isaac Motsapi, 22, if employed by Post Michael Norton, 38, Phillip Mtimululu, 28, and Zubelda Mayet, 40, The Voice, Leslie Scott, 28, of the Nation.

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RAPPORT publiseer vandag 'n spesiale motorbylae van agt bladsye as 'n aparte invoegsel, vir ons motormanslesers. Daar word onder meer berig oor 'n nuwe reeks ligte Datsun-motors.

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DA 13/10/78 (243)

Rhodes editors hit back at drug reports

EAST LONDON — The editors of the Rhodes University student newspaper, Rhodeo, yesterday hit back at the wide publicity given in the national press to what was termed "an investigation concerning free drug use at Rhodes"

Mr Shaun Johnson and Mr Craig Tyson, in a joint statement, referred to reports in Die Wapad of Potchefstroom University and Die Transvaler as "an

example of irresponsible journalism manipulated in order to achieve sensationalism and cast Rhodes students in an unfair light"

The report originated in Rhodeo and comprised the views of some prominent campus figures towards drugtaking. The views were gathered by second year journalism students on a practical assignment

Mr Johnson and Mr Tyson said Die Wapad had distorted the report in claiming an investigation had indicated drugs were freely used at Rhodes. Die Transvaler in turn used this story without bothering to check the credibility of the source

The story in Die Transvaler claimed a lady warden said drug usage was merely a form of relaxation for the students, and that drugs were not as bad for a person as generally thought

Her quote in Rhodeo

read "Drugtaking is one of the new things that students try as a form of escapism. Drinking and smoking are also forms of escapism, but are not as bad for one's system"

Die Transvaler claimed a male warden said he would neither ignore nor punish drug users. Adicts could just smoke dagga as long as they didn't disturb other students

This, the editors said, was grossly out of context. In Rhodeo the warden said "A person found smoking dagga in residence would be neither ignored nor punished. My first concern is for people and their wellbeing. I believe that drugs are harmful, but in dealing with a drug problem, my emphasis will be on assistance and rehabilitation rather than punishment"

A lady warden in the Rhodeo article was quoted as saying "women

students using drugs were easily identifiable by their abnormal interest in natives. They became over-affectionate and flung their arms around natives". Die Transvaler changed this to read "Girls using drugs are very attracted towards black students". Die Transvaler ended their report with the statement: "The drugs are generally bought from black students"

"We can only presume they perverted the following quote from a professor which appeared in Rhodeo: 'The Rhodes students who buy dagga from blacks are endangering the freedom of those blacks in the sense that they, the students, are co-operating with the blacks in breaking the law'

"Blacks here does not refer to students, and the aspersions cast on black students at Rhodes by Die Transvaler are obvious," the editors said — DDR

Kruger: reporters not detained over work

JOHANNESBURG — The Minister of Justice, Mr Kruger, has denied that journalists in detention were detained because of their professional work.

Mr Kruger was replying to a letter from the Writers' Association of South Africa who challenged him to reveal the reasons for the continued detentions of journalists under security legislation.

The Wasa letter also stated police were vindictive against journalists and apparently waging war against them.

"I wish to inform you that action taken against

the persons mentioned was not taken because of enterprising journalism on their part or because they criticised the Government departments or the Government itself," Mr Kruger's letter states

"You should know that no action can be taken against a person merely for those reasons. In fact, journalists in South Africa are free today to report as fearlessly as they have done in the past, irrespective of their colour or race"

He said action against the journalists was taken after careful consideration of the relevant facts and he was satisfied the

requirements of the relevant legal provisions were fulfilled in each case

The letter does not state what the relevant facts are or if there is any likelihood of the five detained journalists being brought before a court

The five detained under the Internal Security Act are Mrs Juby Mayet, Mr Jan Tugwana, Mr Wilhe Bokala, Mr Isaac Moroe and a banned former Daily Dispatch journalist, Miss Thenjiwe Mtintso, who is being held at Potchefstroom-prison.

Wasa officials refused to comment on the letter — DDC

ols, all in the Homelands, courses, e.g. concreting or rd V1. as an entrance qualification of skill such as motor following table shows the number of s 1968-1974.

, 1968-1974.

Year	Number
1970	646
1971	672
1972	765
1973	998
1974	1 112

Source: Department of Bantu Education, Annual Reports.

The following table shows that the number of African matriculants has roughly doubled every five years over the last 10 years. Should this trend continue, a trickle of potential trainee technicians could swell rapidly into a relative flood, assuming that Black education ever returns to 'normal' after the explosion of unrest triggered off in Soweto on June 16, 1976.

Table 12. Matriculation and Senior Certificate passes in the R.S.A. and S.W.A., 1965-1974.

Year	Full time students	Supplementary exam. & part-time candidates	Total passes	Index 1965 = 100
1965	827	318	1 145	100
1966	871	418	1 289	113
1967	967	616	1 583	138
1968	1 266	354	1 620	141
1969	1 742	766	2 508	219
1970	1 856	871	2 727	238
1971	2 388	893	3 281	287
1972	2 911	1 416	4 327	378
1973	3 226	1 042	4 308	376
1974	3 441	..	..	..

Source: Department of Bantu Education, Annual Reports.

Case against Sunday Express reporter dropped

RAM 17/10/78

(243)

By DI ALMON

PROCEEDINGS in which a senior Sunday Express reporter, Ms Jennifer Hyman, was to answer Security Police questions, were stopped yesterday in the Johannesburg Magistrate's Court

Ms Hyman was appearing under subpoena to answer questions relating to an article she wrote four months ago on Terrorism Act trials, and to disclose the source of her information.

In a sworn affidavit to the court Ms Hyman said the police had required her to answer questions about the article although she had pointed out to them "and they tacitly ac-

knowledged" that they had all the information they required

She described this as an attempt to force her to breach her journalistic code.

Her acquittal came as no surprise to the editor of the Sunday Express, Mr Rex Gibson

He said there had never been any substance in the claim that there was a possible charge of contempt

"We never expected the charge to be pursued," he said

Mr Gibson said he had always looked at the proceedings as an attempt to intimidate a journalist

He was pleased the police had seen fit to drop the case.

The prosecutor, Mr Martin Engelsman, told the court the proceedings were to be stopped on the instructions of the Attorney-General of Natal, Mr C Rees

No reasons were given and the magistrate, Mr J J F Booyens, ordered that Ms Hyman be discharged

The portion of the article which gave rise to Ms Hyman's court appearance was an account of a Terrorism Act case in Maritzburg

The report said that attorneys sometimes learned of pending cases involving their clients from newspaper items reporting that a detainee had appeared in court for remand

Mail' and Star are still the leaders

18/10/78 (243)

THE Rand Daily Mail and The Star continue to run almost neck-and-neck as leaders in South Africa's daily newspaper readership stakes

But the latest survey by AMPS (All Media Products and Services) shows The Star has inched ahead during the past year with 904 000 readers against the 'Mail's' 899 000 — a difference of just five thousand

A reason for this — according to the report just published by AMPS — could be a decline in black readership, which most dailies are experiencing

Black interest in newspapers seems to have waned since the political events of last year — and the six months previous to that, beginning with the June 1976 riots.

In a year, the 'Mail's' black readership has declined from 596 000 to 488 000. The Star has lost fewer black readers (375 000 to 309 000), but its percentage loss is higher than the 'Mail's' because it has a lower readership to start with.

Other facts shown by the survey are:

- The Citizen appears to have reached a peak readership and is on a downgrade. It has lost 14 000 readers in the year and has the smallest white readership in the Johannesburg area.

- In 1977, 30,5% of Star readers claimed they read the whole of the publication, as against 28,5% of 'Mail' readers.

In the present survey, the Star's figure has dropped to 21,2% while the 'Mail's' figure remains exactly the same.

- The 'Mail' in 1978 has 20 000 more Afrikaans readers (120 000 to 140 000) than it did a year ago.

- The 'Mail's' readership in the vital 25-34 age group has risen from 264 000 a year ago to 300 000.

RAM 18/10/78
**Rapport
and SAP
deadlock**

A PRESS Council hearing on a complaint by the Commissioner of Police and the former Department of Information against the Sunday newspaper, Rapport, was adjourned yesterday after the various parties failed to settle.

After more than three hours of deliberations it was announced that no finality had been reached in an attempt to settle out of court. The council chairman, Mr Justice Oscar Galgut, said the parties were being "very foolish" not to settle.

The complaint follows a report which said police were investigating an alleged link between the so-called secret operations of the now defunct Department of Information and the murder of the NP parliamentary candidate for Springs in the last General Election, Dr Robert Smit. Police have denied that they were investigating the alleged link. The hearing was adjourned — Sapa

Don't abuse freedom Minister warns Press

PLETTENBERG BAY — said Press freedom was a privilege which carried responsibilities. "Abuses of privilege could not be allowed to create a state of unrest or chaos in the name of Press freedom."

The Government had been tolerant with newspapers which were "stunningly offensive", but it would not allow the creation of unrest and chaos in the name of Press freedom, the Minister of Tourism, Mr Louis le Grange, said in Plettenberg Bay yesterday.

He said he wanted it understood that effective government required a determination of what was right and the right to enforce it — Sapa

RAM 18/10/78
**Free Press vital for
democracy, says NPU**

PLETTENBERG BAY — The Press should be left to report the facts "in the interest of every citizen" without interference, Mr H Miller said in his presidential speech at the National Press Union congress in Plettenberg Bay yesterday.

The World and Weekend World had been banned and some journalists had been banned or detained without trial, Mr Miller said.

"I regret to say we failed in our efforts to have the banning orders withdrawn or even to establish the reason for the bannings."

Effective democracy required accurate information

instead of rumours, half-truths and ignorance.

"Publication of the facts quickly, accurately, truthfully and fully, allays fear, kills rumours and reassures the citizen even in times of great stress and danger."

Newspapers in Johannesburg were being prosecuted for publishing a picture of a person being brought to trial.

These prosecutions would be defended because an important principle was involved. If the newspapers were convicted, it might be necessary for the NPU to try to have the Police Act amended, he said.

3 CPE Times 18/10/78 (242)

NPU plea for press freedom

PLETTENBERG BAY. — The press should be left free to report the facts without interference "in the interest of every citizen in this country", Mr H Miller said in his presidential speech at the Newspaper Press Union congress here yesterday.

The press had experienced "moments of great distress" during the past year.

Black newspapers, the World and Weekend World, had been banned "for reasons never explained to them or us" and some journalists had been banned and others detained without trial, Mr Miller said.

"I regret to say we failed in our efforts to have the banning orders withdrawn or even to establish the reason for the bannings."

For democracy to work effectively, he said, the public must have accurate information. Rumours, half-truths and ignorance made the democratic process impossible.

"Publication of the facts quickly, accurately, truthfully and fully allays fear, kills rumours and reassures the citizen even in times of great stress and danger," Mr Miller said.

Newspapers in Johannesburg were being prosecuted for publishing a photograph of a person being brought to trial — an alleged infringement of the Police Act. These prosecutions would be defended "There is an important principle involved." If the newspapers were convicted it might be necessary for the NPU to try to have the act amended, he said.

SA Govt 'has been tolerant of press'



Mr Le Grange

PLETTENBERG BAY. — The Government had been tolerant with newspapers which were "stunningly offensive" but it would not allow the creation of unrest and chaos in the name of press freedom, the Minister of Tourism, Mr Louis le Grange, said here yesterday.

Speaking at the annual congress of the Newspaper Press Union, Mr Le Grange said there was a faulty assumption that press freedom was "absolute and a civil liberty" when in fact it was a privilege which carried responsibilities.

"Today a bigger responsibility rested on the State than ever because of the unusual circumstances in which South Africa and its citizens found themselves. Privileges could not be allowed to be abused to create a state of unrest and chaos in the name of press freedom."

He said a civilized public wanted to be informed but depended on just, effective and controlled reporting, in other words "accurate reporting by the news media" — Sapa

Patten: Public has right to be informed

PRETORIA — The Southern African Society of Journalists must cross swords immediately with Mr Louis le Grange, the new Minister of Public Works and Tourism, if he had been correctly reported as saying freedom of the press was not a civil liberty, the president of the SASJ, Mr John Patten, said here yesterday.

Mr Patten, reacting to Mr Le Grange's speech at the annual congress of the Newspaper Press Union at Plettenberg Bay, also took exception to the minister's reported remarks that the public did not have the right to be informed and that it wanted "controlled" reporting by the media.

The press in South Africa had always accepted its responsibilities, one of which was to act as the guardian of civil liberty, said Mr Patten. Another was to act as a watchdog against abuse of power by the government, as well as maladministration, corruption or injustice in any level of society.

In all matters involving the public interest, the public had a right to be informed. This principle was accepted in every democratic land. The press was only too aware of the need for accurate reporting, but it would resist any suggestion that reporting should be subject to outside "control."

Mr Patten said Mr Le Grange had made a singularly inauspicious start as a minister by expressing himself in a way open to serious misconstruction on an issue outside the scope of his portfolios.

Press freedom a privilege says MP

243 18/10/78

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Speaking at the annual congress of the Newspaper Press Union, Mr Le Grange said there was a faulty assumption that press freedom was absolute and a civil liberty, when in fact it was a privilege which carried responsibilities

"Today a bigger responsibility rested on the state than ever because of the unusual circumstances in which South Africa and its citizens found themselves

"Privileges could not be allowed to be abused to create a state of unrest and chaos in the name of press freedom," Mr Le Grange said

He said a civilised public wanted to be informed but depended on just, effective and controlled reporting, in other words accurate reporting.

But it was also the good

right and civil liberty of the public to complain about the liberties a newspaper permitted itself.

Effective government required a determination of what was right and the right to enforce it and the preservation of South Africa's integrity was a superior obligation of the Government

Commenting on Mr Le Grange's statement, the president of the Southern African Society of Journalists, Mr John Patten, said he must cross swords with the Minister

Mr Patten took exception to the Minister's remarks that the public did not have the right to be informed and that it wants "controlled" reporting by the media

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In all matters involving

the public interest, the public had a right to be informed. This principle was accepted in every democratic land. The press was only too aware of the need for accurate reporting, but it would resist any suggestion that reporting should be subject to outside control.

Mr Le Grange had done the Government's image harm, and it was now up to the Prime Minister to dispel the damaging impressions created, Mr Patten said

The president of the NPU, Mr H. Muller, said the press should be left free to report the facts without interference in the interest of every citizen in the country

He said in his presidential speech the press had experienced moments of great distress during the past year

The black newspapers, World and Weekend World, had been banned "for reasons never explained to them or to us," and some journalists had been banned and others detained without trial, Mr Muller said — SAPA

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two hours. There were few refusals and a wide variety of reasons was given for refusing. A systematic method of replacing refusals was also

1. Sheila T. Van der Horst (1964); the field work was carried out over the years 1955 to 1957.
2. The living quarters were divided into the following types:
 - Guguletu : Residential area (permanent residents only); Barracks (BAD); Employers' Barracks; Section 3 near Klipfontein Road (residential area for migrant labourers only); KTC ("Dutch Location", squatters).
 - Langa : Residential area (permanent residents only); Old Flats; New Flats; Main Barracks; North Barracks; Zones; Special Bachelor Quarters.
3. Even though systematic sampling was employed this did not introduce a bias into the sampling because the population was not systematically distributed. See C.A. Moser and G. Kalton, Survey Methods in Social Investigation (Heinemann, 1971), p.83.

DA 19/10/28

(247)

A year ago THE WORLD and WEEKEND WORLD, mass-circulation newspapers read by more than a million people in southern Africa were banned.

At the same time the Nationalist Government, in a massive crackdown on its opponents, banned 18 organisations, including the Union of Black Journalists. Editor Percy Qoboza and his colleague Aggrey Klaaste were jailed without trial. Editor Donald Woods was banned. The journalists joined dozens of other leading figures as victims of the Government's authoritarian measures.

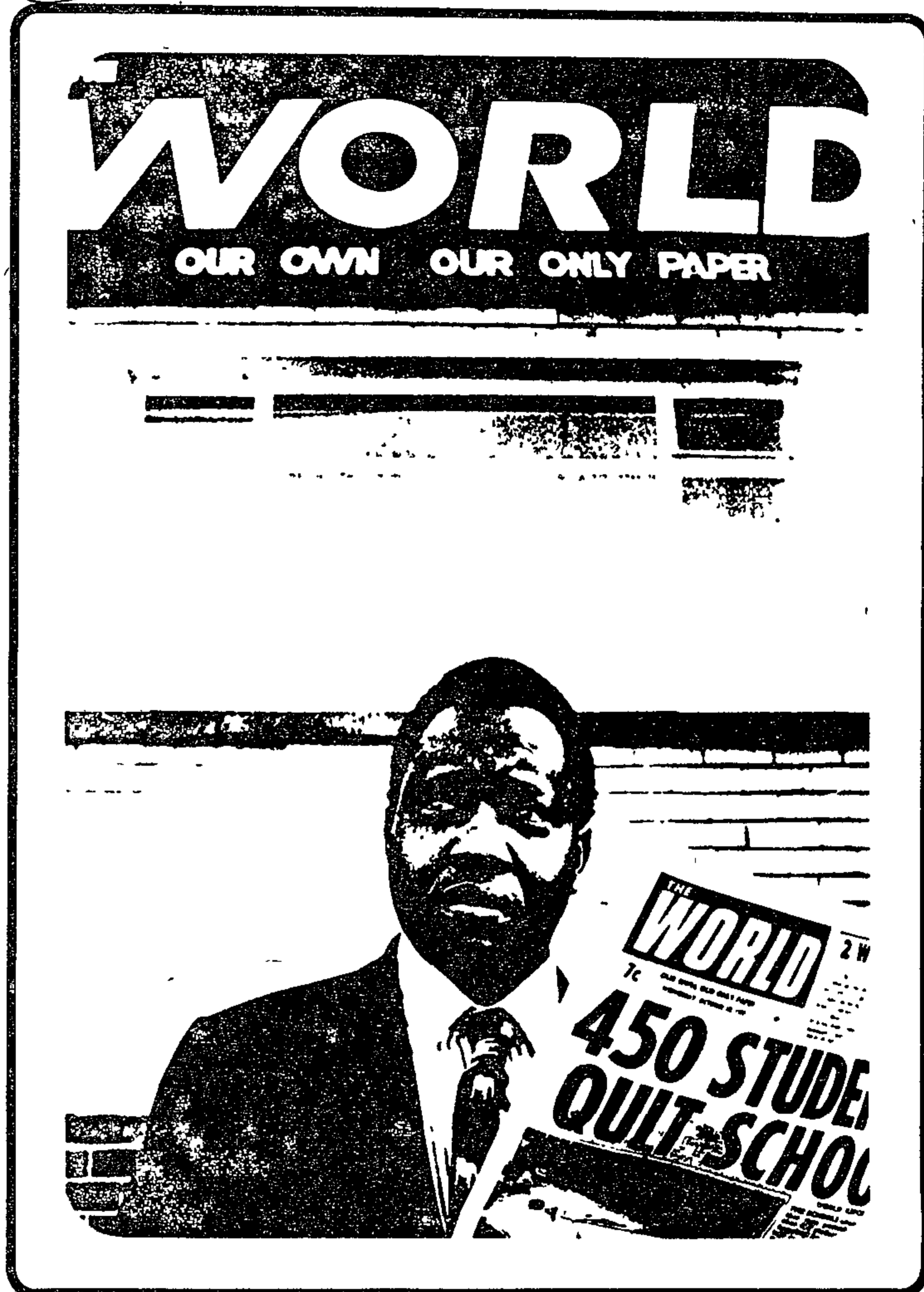
By its drastic actions the Government.

● **Undermined the freedom of every newspaper and every journalist in the country.** The newspaper bannings — the biggest single blow against the Press in more than a century — cast suspicion on the credibility of every newspaper still operating.

● **Eroded the rights and freedoms of every individual.** South Africans have the right to know what is happening and what people are thinking in their own country. The banned newspapers mirrored black

society. They reported on the grievances and aspirations of people playing a crucial role in South Africa's history. By gagging them the Government may have shattered mirrors reflecting distasteful images. But destroying the images did nothing to remedy the grievances or fulfil the aspirations.

● **Harmed race relations.** The newspapers provided a safety valve for black opinions and had unique potential to keep up lines of communication between South Africa's divided races. Banning them increased frustration



and blocked communication

Another paper has partly filled the vacuum left by the bannings. Qoboza and Klaaste have been released. But the World, which had about 600 000 readers a day, and Weekend World, with an estimated readership of 1.2 million, remain banned. Woods' banning order remains in force. Some other journalists are still detained.

South Africa's Press is no safer from Government interference than it was a year ago. There is no guarantee that an editor will not again be woken up at 5.25 am by a security police officer to be told that his papers have to come off the streets.

On October 19, 1978, newspapers are still published only by Government favour.

"The facts in the factual reports leave no doubt that . . . the publications mentioned in the Government Gazette, among other things, serve as a medium to express attitudes, the publication of which endangers the maintenance of public order . . ."

J T Kruger, Minister of Justice, in a statement on October 19 1977.

JOURNALISTS in South Africa are only too aware that a full year has gone by without recompense since the Government shattered Press freedom by banning two newspapers, internment an editor, banning another (eventually forcing him into exile) and taking action against certain other journalists of this country.

Mr Percy Qoboza has been released and is back in an editor's chair though his previous newspaper remains banned. Other journalists have been released — but not all. And there are several journalists who remain restricted by Government action, in certain cases to the extent that they cannot continue their profession in South Africa.

As the first anniversary of the Government crackdown goes by, the SASJ again protests most strongly at Government action against the Press and reaffirms its commitment to a free Press in a free society. The SASJ has renewed its efforts to persuade the Government to recognise the value to South Africa of a Press functioning free of Government threat or restriction — even when some newspapers are strongly critical of the Government.

John Patten
JOHN PATTEN,
President of the SASJ

No R 301, 1977
PROHIBITION ON THE PRINTING, PUBLICATION OR DISSEMINATION OF THE WORLD
By virtue of the powers vested in me by section 6 of the Internal Security Act, 1950 (Act 44 of 1950) I hereby prohibit the printing, publication or dissemination of the periodical publication *The World*.
Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Eighteenth day of October One thousand Nine hundred and Seventy-seven
N DIFDERICHS, State President
By Order of the State President-in-Council
J T KRUGER

No R 302, 1977
PROHIBITION ON THE PRINTING PUBLICATION OR DISSEMINATION OF WEEKEND WORLD
By virtue of the powers vested in me by section 6 of the Internal Security Act, 1950 (Act 44 of 1950) I hereby prohibit the printing, publication or dissemination of the periodical publication *Weekend World*.
Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Eighteenth day of October One thousand Nine hundred and Seventy-seven
N DIEDERICHS, State President
By Order of the State President-in-Council
J T KRUGER

DD 19/10/78

Press freedom service in EL

243

KING WILLIAM'S TOWN
— Today — anniversary of the Government's crack-down on black consciousness organisations in the country — has been declared a national day of prayer for press freedom by the Writers' Association of South Africa.

Wasa will today hold commemorative services at various churches in key areas in the country:

The service in East London will be held at 8 pm at the Anglican Church of the Good Shepherd in St John's Road. The guest speaker will be the Rev E. Baartman of the Methodist Church.

The crackdown on Oc-

tober 19 last year also affected the Union of Black Journalists which was banned together with 17 other black organisations.

Several members of the UBJ, including Mr Percy Qoboza, editor of The World, were detained. The World was also banned. — DDR

(24) DD 20/10/78

Qoboza: myth was shattered

JOHANNESBURG — The myth of press freedom in South Africa was shattered when The World and Weekend World, the Union of Black Journalists and 17 other black organisations were banned last year, the Editor of Post, Mr Percy Qoboza, said last night

Mr Qoboza said people who banned newspapers were in trouble and acted in desperation because they could not cope with or solve their problems

He was speaking to about 300 people at a national day of prayer for press freedom at Orlando to commemorate the banning of the newspapers and the organisations. The service was organised by the Writers' Association of South Africa (WASA)

Mr Qoboza paid tribute to black journalists in South Africa whom he said had suffered harassment more than any other journalists in the country

He said this harassment dated back to the days of the late Henry Nxumalo, generally regarded as the father of black journalists in South Africa, who had exposed injustices perpetrated against blacks such as some labour conditions and the treatment of black prisoners at the Johannesburg Fort

He also mentioned the late Nat Nakasa and Lewis Nkosi, now in London, who were forced to leave the country on exit permits because they were refused passports

"But we will not despair, we shall overcome because we are fighting a just struggle. Black journalists will continue to report on events as they see them and expose injustices in their society," Mr Qoboza said

He hit out at the detention of black journalists and said this would not deter others but would instead spur them on

towards their goal of being the mirror for their communities

The president of WASA, Mr Zwelakhe Sisulu, said it was surprising that with the vast propaganda machinery at its disposal, the South African Government had still seen fit to destroy the few remaining bastions of independent thought in the country.

"There is no doubt that in doing so it hoped to neutralise black thinking to make way for its jackboot propaganda media

"We, in the press, have been sensitive and have jealously guarded against any inroads that might be made into our freedom"

When newspapers and journalists were banned, it was sad to face the realities of our situation

"We became victims of these acts which are unjustifiable as they are vicious, and had no recourse to the judicial

process," Mr Sisulu said. Meanwhile in Port Elizabeth the former president of the now banned Union of Black Journalists, and ex-detainee, Mr Joe Thloloe, last night called on the government to take to court all journalists who had committed crimes, but not to imprison them if they were innocent

Mr Thloloe, who is reported to have spent 547 days in security detention, was speaking at the WASA service at the Edward Memorial Congregational Church, in New Brighton.

"For black writers, producing a newspaper has become a very hazardous experience. Every writer writes with fear in his pen, and therefore cannot be honest. Every day the press in South Africa is being threatened with new legislation. Every day we have to be trembling when we go to our desks to write," he said

The aim of the press was

to let the people know what was happening in the country

"Only then can they do something about it. Doctors say you can't cure a disease unless you have diagnosed it," he added.

About October 19 last year Mr Thloloe said. "I woke up as I used to with the door locked by the people who decided when I should go to sleep and when I should wake up.

"I wasn't aware that a black cloud had been cast over South Africa, and when I came out I found I was no longer the president of UBJ. The organisation had been banned. I came out to find my friends had died."

The regional chairman of the Port Elizabeth branch of WASA, Mr Mono Bafela, said October 19 last year was a black day for South Africa

"On that day the freedom of the people to know the truth was stifled," he said — DDC



A commemorative service organised by WASA was to have been held in the Church of the Good Shepherd in East London yesterday. The congregation wait for the service to begin,



Speakers at last night's national day of prayer for press freedom observe a minute's silence for five detained black journalists before the start of the service. They are, from left, Mr Hassan Howa, president of the South African Council of Sport (partly obscured), Mr Jakes Gerwel, a senior lecturer at the University of the Western Cape, Dr Alan Boesak, chaplain at the University of the Western Cape, Mr Rashid Seria, a member of the Western Cape region of the Writers' Association of South Africa and Imam Ali Gierdien, an executive member of the Muslim Judicial Council (MJC)

Press freedom essential — Boesak

Staff Reporter

THE erosion of the freedom of the press is a slur on the ability of the government to protect the rights of all other institutions, Dr Alan Boesak, chaplain of the University of the Western Cape, said in Athlone last night.

Dr Boesak was speaking at a prayer meeting for press freedom to commemorate the banning of two newspapers and 18 organizations on October 19 last year.

Dr. Boesak said the government's action demonstrated that it was both capable of and willing to "execute threats which would be unthinkable in a normal society."

"The right of people in a normal society to hear truth coincides with their right to a free press to report such truth. The freedom of the press is essential for the formation of responsible, mature judgments," he said.

He said it was also the duty of the black press not merely to inform, but to constantly

South African Government must realize that South African patriotism and the defence of white privilege is not the same at all"

Mr Jakes Gerwel, a senior lecturer in Afrikaans-Nederlands at the University of the Western Cape, said the banning of 18 organizations last year seemed to mean an end to organizations articulating black consciousness. Black consciousness, with no vanguard, had had to go underground — "into the hearts of people."

He said: "Writers and writing are important in an abnormal society such as ours. It is even more important that, as expressers of truth, they are not intimidated."

Other speakers were Mr Hassan Howa, president of the South African Council of Sport (Sacos), Imam Ali Gierdien, an executive member of the Muslim Judicial Council, and the Rev Wesley Mabuza, a Gugulethu Methodist minister

Cape Town poet James Matthews read po-

Cape Town poet James Matthews read poetry on his detention under Section 75 of the Internal Security Act last year. The Gugulethu Catholic choir sang at the beginning and end of the meeting.

The gathering, which was organized by the Writers' Association of South Africa (Wasa), was attended by about 150 people, including the Norwegian Consul-General in Cape Town, Mr Egil Winsnes, and his wife.

press, not merely to inform, but to constantly remind black people of their responsibility and contribution in the struggle for freedom.

Referring to a recent statement by the Minister of Public Works and Tourism, Mr Louis le Grange, that press freedom was "a privilege, and not a right", Dr Boesak said "This statement is based on the fallacy that the government has the right to create or withhold rights. A government can only recognize rights. The

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The unfree Press

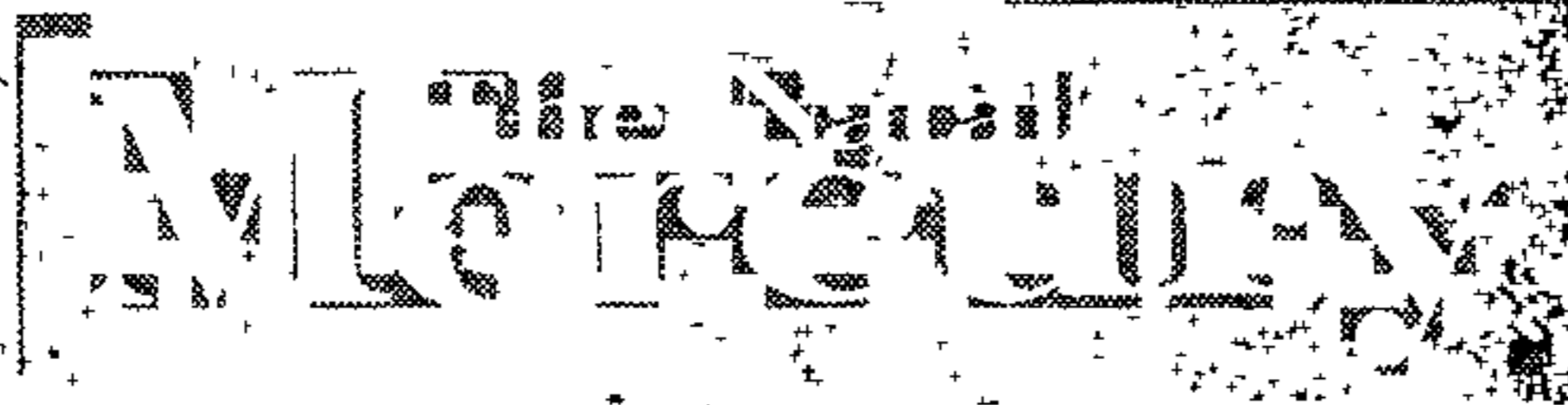
Sun. Times
22/10/28 (242)

HOW fitting that Mr Louis le Grange should have chosen this past week to set out the Government's views on the freedom of the Press. One year ago the Government banned the World and Weekend World. The Editor of the papers, Mr Percy Qoboza, was flung into jail without charge, trial, or courtesy of an explanation.

Since then, the Government and its supporters have occasionally objected to the assertion that South Africa no longer has a free Press, and therefore its citizens have a restricted right of speech

Mr Le Grange eschews such humbug. He comes right out and says it is faulty to assume the public has the right to be informed. The freedom of the Press is not, he says, an absolute right or a civil right, but a privilege.

What Mr Le Grange says is nothing more nor less than the sad truth about South Africa. We agree that he has described our condition accurately. That is one of the reasons why we think he and his kind should be put out of office and replaced by men who have a better understanding of democratic government



TUESDAY, OCTOBER 31, 1978

2430

THE RIGHT TO KNOW

THE DAY OF PRAYER for Press freedom recently called by the Writers' Association of South Africa was an appropriately solemn way of marking the fact that the country's largest Black newspaper is still banned by the Government and that a number of Black journalists are still in detention. All who value the sturdy tradition of a free Press in South Africa will join in prayers for its full restoration, and for the averting of other threats still on the horizon.

But while journalists are on their knees in supplication, they should spare a moment to lift their eyes to wider horizons and perhaps to count their blessings too.

In South Africa the lights of Press freedom burn incomparably brighter than they do anywhere else on this continent, where many Black governments regard the free flow of information, comment and criticism as an alien and baffling concept fraught with danger. More than a quarter of Africa's Black governments now ban foreign correspondents entirely or admit them so infrequently and under such stringent control that there is almost total suppression of news. Most of the others are not much better.

Each annual congress of the International Press Institute records some further erosion of Press freedom, and

it is estimated that today two thirds of the world's governments, mostly in the developing countries, regard it as part of their function to control news internally and to monitor and regulate the flow of news in and out of the country.

In some of the more moderate Third World countries the motives for news manipulation are, if not laudable, at least understandable. The need for political stability and economic progress may take precedence over sophisticated Western concepts of how democracy should function.

There are, however, Third World regimes, aided and abetted by Russia and other communist countries, who are trying to exploit the reservations of the moderates for purposes of ideological domination and totalitarian rule.

The most ominous manifestation of this is an attempt at the current Unesco biennial in Paris to establish Press control as a new world standard binding on governments. One of the main documents to be submitted is a 34-page paper chillingly entitled New World Information Order, which in the opinion of some authorities would mean the end of the world's big independent news agencies and the beginning of world-wide censorship of news.

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The establishment cost of an employment guarantee programme can be regarded as an extra. It should not cost above 40% of the total cost

useful things to do in the countryside if they are to partake in any major way in activity in the countryside. Larger works and maintenance that require strict timetables should be funded through departmental budgets or the regular budget of local government, whichever is the practice.

'I set Citizen policy'

The editor of The Citizen, Mr M A (Johnny) Johnson, has emphatically denied that the editorial staff of the paper had had to abide by any editorial charter or that the policy of the paper had been subject to the control of Dr Eschel Rhoodie or any other person but himself, the editor

In a front-page editorial statement, Mr Johnson said

"I was appointed editor-in-chief two weeks after The Citizen came on the streets

"I do not know of any loans which the then proprietor, Mr Louis Luyt, received from the Department of Information, nor do I have any knowledge of Government funds having been made available in any manner or form

"I have been assured by the present proprietors that the money which they used to buy The Citizen from Mr Luyt is their own and that of members of their consortium

"This newspaper's policy has been set by me — and by me alone

INSTRUCTIONS

"I have never received, or taken, instructions from Mr Luyt or anyone else, including the present proprietors, about the policy I should follow

"The suggestion that this newspaper under my editorship was used to further the aims of the Government is completely false

"At all times, my staff and I have followed the highest standards of journalistic independence and integrity

"The success of The Citizen has been due to its fair and balanced reporting and pro-South African views

"The fact that it has established itself so rapidly in the market is due to the professionalism and dedication of its staff

"It is, and always has been, a very South African newspaper, fair and honest and whatever the future may hold, I am proud, very proud, to be its editor" — Sapa

Citizen staffers: We didn't sign charter

The following statement was issued in Johannesburg last night on behalf of 39 members of the editorial staff of The Citizen — reporters, photographers and sub-editors

"We emphasise that we had no knowledge whatsoever of any charter binding us to a particular editorial policy. We deny that any member of the staff was made to sign such a document or asked to abide by any specific directives — or to support the policy of any political party

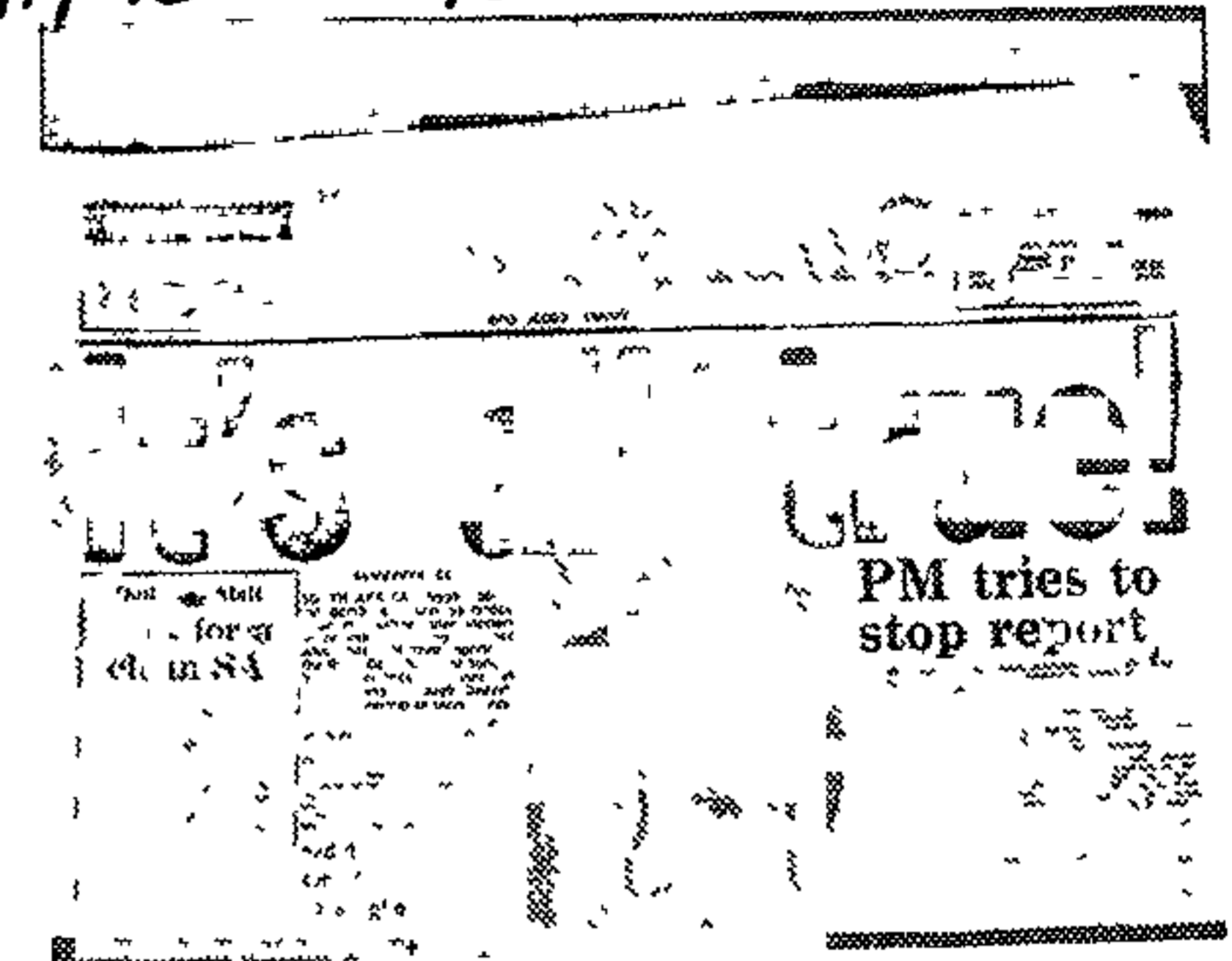
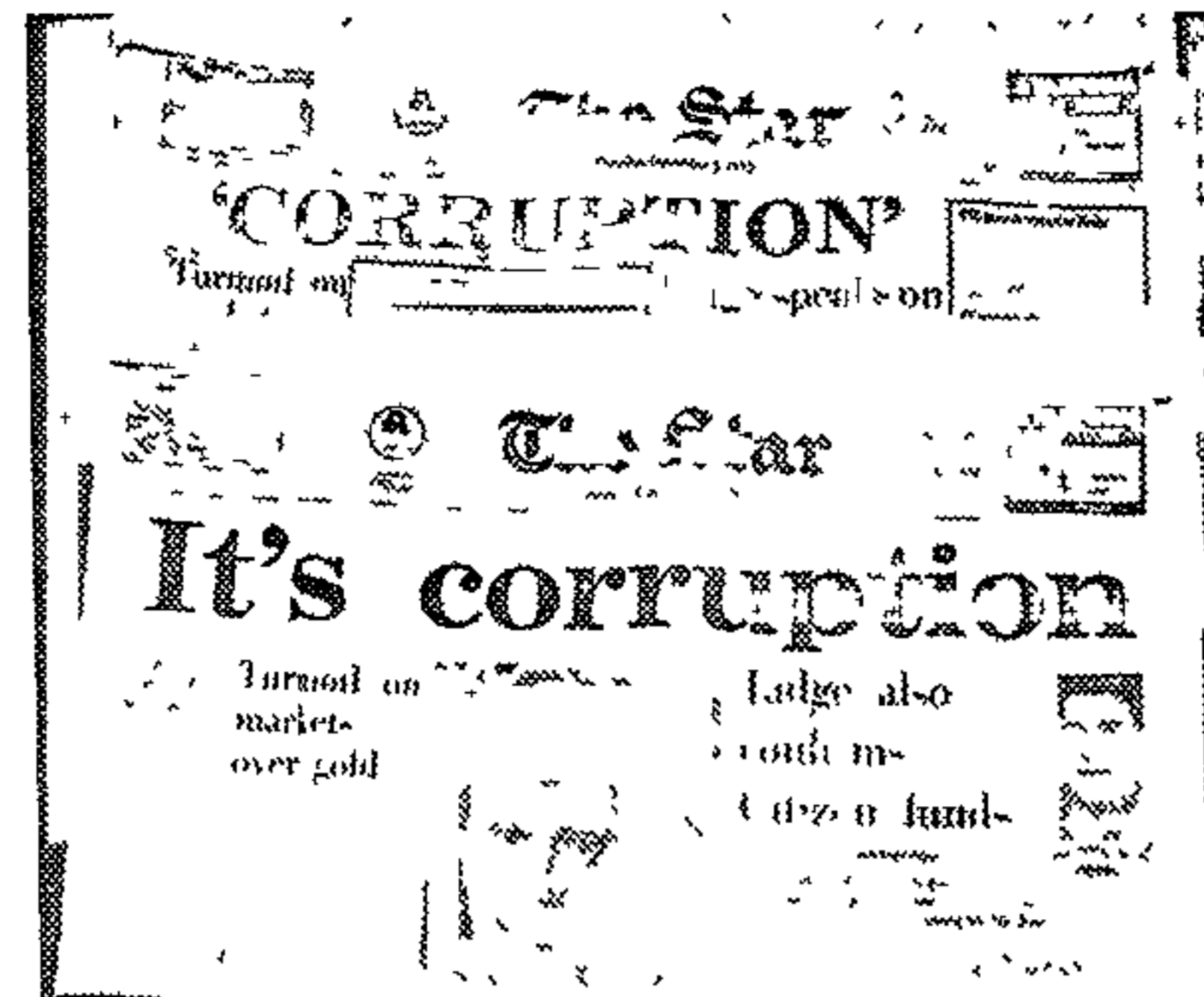
"We strongly reject any reflection on our professional integrity and stress that we had no knowledge — direct or indirect — of any negotiations which may have taken place when this newspaper was founded

"We are certain that if the signing of such a charter or the adherence thereto was a precondition of service, none of the undersigned would have joined The Citizen"

The names of the signatories are as follows: Marshal Wilson, news editor; David Jackson, Rosemary Northcott, Chris Olckers, Ian Thomas, Priscilla Duff, Manuel Correia, Barbara Ludman, Errol Symons, Barry Martens, Dan Side, Sue Fox, David Ludman, Gordon Winter, Chris Swanepoel, Terry Lofthouse, Ben Temkin, Dave Beattie, Michael Eorwine, Vic de Klerk, George Parker, Ken Slade, Tania Terblanch, Doug Anderson, Jo Waltham, David Pincus, Wally Waldeck, Steve Moller, Bevis Fairbrother, Ralph Nicholson, Gill Mackey, Louise Blake, Wally Kriek, Colin Windell, Siggy de Vos, Arna de Kock, Manie Wolfaardt and Rodney Cilliers — Sapa

How the Press treated it...

STAR 3/11/78 243



...and how the SABC reacted

**THE SABC
REGRETS IT
CANNOT BRING
YOU THE NEWS**

Television viewers last night were told "the SABC has decided not to reflect the statement at this stage as the proclamation pertaining to the appointment of the commission prohibits the publication of information submitted to the commission or any part of such information."

Judge must act accordingly — PM

"If Judge Mostert feels his revelations fall within his assignment (opdrag) he must act according to his own insight," the Prime Minister, Mr Botha, said today

He said he had no comment to make about the judge's news conference.

Meanwhile, his department said in a separate statement that when a commission was appointed

by the State President it had to report to the State President first.

After that the Government would decide what action to take

The former Deputy Minister of Information, Mr Louis le Grange refused to comment last night on Judge Mostert's findings

Asked to comment on the role the Press had played in exposing certain

activities of the department in the light of his recent statement about Press freedom, Mr le Grange said he had no comment at this stage but would comment later

He said he wished to state categorically he had no knowledge at all of secret projects undertaken by the department while he was Deputy Minister

He also denied any

knowledge of secret funds

While he was Deputy Minister "the open" (die openlike) section of internal information, the guest programmes and a section of the audio visual activities of the department were his portfolio, he said

Mr le Grange was recently appointed Minister of Tourism and of Public Works

South African

Press reacts

to report

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3/11/78

Nationalist newspapers today called for merciless action against those responsible for the Information debacle and raised questions about the political future of the former Information Minister, Dr Connie Mulder.

An iron hand would have to be used to deal with those who abused Government and patriotic trust in such a reprehensible manner, **DIE TRANSVALER** said in a front-page editorial today.

It and **BEELD** gave prominent and comprehensive coverage of the evidence of abuses in the department which was released in Pretoria yesterday.

"The former Information Minister, Dr C P Mulder's position is definitely now prejudiced. He will now have to reflect seriously about this," **Die Transvaler** said.

South Africa had already been hurt by the debacle and would be hurt still further.

Beeld said in a front-page editorial that those responsible for the scandal would have to pay.

"Immediate withdrawal from public life will certainly not be enough, but it is a first essential requirement."

Beeld said there was simply no other way out. There would have to be a cleanup, regardless of whom would be affected.

It was galling that — according to evidence placed before Judge Mostert — people in high places dishonestly dealt with the public's money and then held up a facade of being honourable, moral and even Christian.

Beeld described the debacle as the biggest corruption scandal to ever hit a South African Gov-

ernment.

The Editor of the **SUNDAY TIMES**, Mr Tertius Myburgh, said today that the Press statement by Mr Justice Mostert was an "example of the independence of the judiciary in this country in its highest form."

He said the facts seem to vindicate the reporting of certain English language newspapers over the past year for which they have had to suffer quite unjust criticism.

Mr Rex Gibson of the **SUNDAY EXPRESS** said that the value to the ordinary person of an independent judiciary and free Press has seldom been more graphically illustrated in any democratic society in the world.

"Judge Mostert, with great conscience and courage has now revealed details of misappropriation of funds and corruption on a scale difficult to comprehend."

"South Africans can be proud that they have watchdogs like that to oversee their interests," Mr Gibson said.

The **RAND DAILY MAIL** said in its editorial "So it's out in the open at last. All the lies and the misappropriations and the dishonesty have been exposed."

"Yesterday's disclosures came as a massive vindication of all this newspaper has published, and a repudiation of those who have tried to vilify the **Rand Daily Mail**."

"We make no bones about it. We are proud of the role we have played."

THE CAPE TIMES said "The staggering revelations in the Information scandal require the immediate and sustained attention of the Prime Minister, Mr P W Botha, is now

in charge of the Government of this country, and it is to him that a shocked public will look for action.

"This newspaper finds it deplorable that there should have been attempts to prevail upon a judge not to do what he felt was the correct thing in the public interest. It is equally deplorable that official warnings should be issued which amount to discouraging publication of evidence released by a judge in the course of his duties as a commissioner."

THE NATAL MERCURY said South Africa owes a deep debt of gratitude to Mr Justice Mostert.

"It is not just that he

has demonstrated a basic truth — that our judiciary deserves its reputation of being independent, impartial, courageous and above the pettiness of life. It is that his actions were dictated by another equally valued principle — public interest — which, at times like this is paramount."

The former Minister of Information, Dr C P Mulder, would urgently have to take stock of his situation, the Cape National Party mouthpiece **DIE BURGER** said in an editorial today.

The newspaper described the allegations disclosed by Mr Justice Mostert about the now defunct department as "shocking evidence."

Perskor
Burger 2/11/78
wys hy
wil
(243)
stryd
staak

Van Ons Korrespondent
 JOHANNESBURG.

DIE sterkste openbare aanduiding nog dat Perskor die koerantstryd in Transvaal wil beëindig. het gister van sy voorsitter, mnr. Marius Jooste, gekom.

Die verwagting wat hy gister in sy maatskappy se jaarverslag uitgespreek het. dat die koerantstryd die einde nader — dit verwys in die besonder na die mededinging tussen Beeld (susterkoerant van Die Burger) en Die Transvaler — is met verbasing in koerantkringe ontvang.

By navraag het die besturende direkteur van die Nasionale Pers, adv. David de Villiers, gesê hy dra geen kennis van pogings wat nou aangewend word om die mededinging te beëindig nie.

Hy het gesê daar was in die verlede pogings deur derde partye om 'n einde te maak aan die regstreekse mededinging tussen Beeld en Die Transvaler. Almal het egter misluk, aangesien 'n aanneemlike oplossing vir albei nie gevind kon word nie.

Die jongste mislukking was enige maande gelede. Mnr. Jooste se stelling in sy jaarverslag kan as aanduiding dien van hernieude pogings, maar ek dra geen kennis daarvan nie," het adv. De Villiers gesê.

Die datum van mnr. Jooste se jaarverslag is 30 Oktober. Hy sê daarin hy wil na 'n saak verwys wat die laaste tyd heelwat aandag geniet het.

'n Botsing van belange van Nasionale Pers en Perskor het ontstaan by die begin van 'n mededingende dagblad, en hierdie stryd duur reeds langer as vier jaar.

Die stryd loop myns insiens tot 'n einde en daar kan verwag word dat 'n ooreenkoms binne afsienbare tyd tussen die koerantgroepe bereikbaar word."

Expenditure and Revenue a/c

	'77/78	Revenue	'77/78	'76/77
	16.07*	From CASA:		
	32.75*	subs. 68 at 50c (1978)	34.00	(41.00)
		80 at 50c (1979)	40.00	
	6.18*	Int. in Savings a/c	2.52	(2.55)
	20.40	Donations for book prizes		(32.10)
ng Comp.	29.00	Staff of UCT	22.00	
		Staff of UWC	8.40	
Romani	20.60	Staff of US	37.00	
Project:		Mr. Burgers	10.50	
x R5	10.00	Income from sale of commentaries	3.20	----
	3.20			
ecture: to		Grant from SFW for Asterix Project and Ludi Romani	250.00	----
osts	5.00			
secretary		Ad hoc Grant - CASA for commentaries project	10.00	----
UCT for	10.00*			
SO pro-		Donation towards cost of Ludi Romani Programmes	12.00	----
di Romani	28.00	Sale of programmes for Ludi Romani	7.80	----
	<u>R181.20</u>		<u>R437.42</u>	
	<u>R256.22</u>			
	<u>R437.42</u>		<u>R437.42</u>	

Statement of Assets and Liabilities

	77/78	Current Assets	
R301.15		Savings a/c	R300.26 (43.89)
	43.89	Petty cash	.89 (1.04)
	<u>1.04</u>		
	44.93		
period			
	<u>256.22</u>		
	<u>R301.15</u>		<u>R301.15</u>

Assets a very large portion is reserved for specific purposes: balance in the Stellenbosch Farmers Winery a/c, is destined of Asterix books which will be presented to various schools and R28.50 is held in trust for the purchase of prizes. .65 remains for routine expenses ('77-78 = R65 - see starred Rev. a/c). This excludes the cost of prizes and of the lect. As we have already received our grant for '78/79 from that we shall have to call on outside sources for help when, expenses connected with the above, recur this coming financial

Randburg hits back at Express 'scandal' report

THE Randburg Town Council has lodged a 10-page complaint with the SA Press Council against the Sunday Express and the reporter concerned in which certain alleged inaccuracies on a report in the Sunday Express of July 30, 1978 are pointed out.

The main grounds of the council's attack are that

- The report in the Sunday Express on the affairs of the Randburg Town Council contained numerous inaccuracies, untruths and omissions of material facts;

- The opinions expressed in the report were not war-

Sunday Express Reporter

ranted by the true facts;

- An objective consideration of the full and true facts as appear from a fifty-nine page document, available to the Chief Reporter of the Sunday Express prior to the publication of the report, reveal conclusively that there has been no scandal or startling irregularities in the town's administration as was so sensationally reported by the Sunday Express;
- In view of the fact that the full and true facts were available to the reporter,

the principles of the Press Code were intentionally or negligently violated

The Randburg Town Council is prepared to withdraw its complaint against the Sunday Express on condition that this report, emanating from the council, be published by the Sunday Express in order to give the public the opportunity to consider the contents of the Sunday Express report in proper and full perspective

The council and the Sunday Express agree that in this way unnecessary legal costs and wasted man-hours resulting from a prolonged hearing before the Press Council can be avoided

The council contends that

in accordance with its stated policy of full disclosure regarding the town's affairs, a full report of all material facts relating to the matters dealt with in the Sunday Express report was made in the 59-page document

The report of the Sunday Express was published shortly before a municipal by-election in Randburg.

It contained an attack directed at the Nationalist-controlled council and sang the praises of the only PFP council member. In view of this it is very unfortunate that the date when the Nationalists came to power in the council was incorrectly

given at 1976 instead of March, 1977, thereby imputing to the Nationalists certain suggested irregularities which constituted the main attack on the council

These events giving rise to the suggestion of irregularities occurred before the Nationalists assumed power. The reputation of the Randburg Town Council was sacrificed for political gain

The main attack on the affairs of the Randburg Town Council relates to certain contracts awarded to a Mr Colantoni and certain transport contract work in which a Mr Duvenhage had an interest

The report suggested certain irregularities in regard to contracts awarded to Mr Colantoni and furthermore suggested that the Nationalists, after they had come to power in the council, reversed a previous management committee resolution not to award further work to Mr Colantoni, by having awarded to him further contracts to a value of more than R300 000 since 1976.

In fact, no such resolution existed. On the contrary, the previous council awarded contracts to Mr Colantoni to an approximate value of R260 000 during 1976 and the present council only awarded certain extensions to existing contracts to a value of R17 174,81 to Mr Colantoni.

Many of the inaccuracies were subsequently corrected and apologised for by the Sunday Express.

A certain Mr Duvenhage, an official in the employ of the council, had an interest in a contract in respect of transport work for the council. The contract was for this reason illegal. Much was made of this fact in the report but no mention made of the following

(a) Senior officials and councillors were unaware of Mr Duvenhage's interest in the contract;

(b) The transport work and all payments were done before the Nationalists took over control of the council. Instead of making this fact clear the impressions created by the reporter, particularly by the incorrect statement as to the date upon which the Nationalists came to power, was that the transport work was done while the Nationalists controlled the council.

(c) When the facts came to the notice of the senior officials concerned, the contract was immediately terminated.

At the time when the contract was terminated, payment had not as yet been made for all the work that had been done in terms thereof. Certain documents were then altered and payment made indirectly through another contractor. When these facts came to the knowledge of the town clerk, he immediately reported to the chairman of the management committee and took the matter up with the Director of Local Government

to work through the questionnaire question by question. The purpose of the research often had to be explained. Some of the most valuable interviews were held with people who understood its aims and suggested better ways of doing the job, and gave one the benefit of their own thought for African technicians in the light of their experience considerable, in industry.

To recap, the great advantage which this method

After consideration of all the facts, the Director of Local Government condoned the illegal contract subject to disciplinary steps being taken against the officials concerned with the alterations to the documents.

The Director of Local Government advised the town clerk that the appropriate disciplinary action would be to reprimand the officials concerned and to report the matter to the chairman of the management committee, which was done by the town clerk.

Much was again made in the report of the aforesaid payments and alteration of documents, but no mention was made of the fact that

(a) The contract was condoned by the Director of Local Government.

(b) All payments made were made in respect of work actually done.

(c) The transport work was awarded to the firms who submitted the lowest quotations.

(d) Nobody was prejudiced by the payments in respect of the work done.

It is impractical and would in any event at this stage, serve no purpose to correct all the remaining inaccuracies in the Sunday Express report, says the Randburg Town Council.

The document compiled by the council containing the true facts is available at their offices for inspection by the public.

Suffice it to say, that the council has no secrets, will not tolerate mal-administration, and that there is no reason for concern with the management of the town's affairs.

an employer in his decision to employ Africans a interviewer's prediction of the employer's actual comes to employing African technicians may be more the employer's perception of his own future behavior for the sake of the accuracy of the recommendation that this is indeed the case.

Star reporters won't be intimidated—editor

243 RAW 12/1/78
Staff Reporter

THE EDITOR of The Star Mr Harvey Tyson, yesterday said his reporters would not be intimidated by the threat of General Mike Geldenhuys, Commissioner of Police, that they would be subpoenaed if they refused to divulge their sources for a report on the unsolved Smit murders

He said the whole point of featuring the report prominently was to persuade frightened witnesses to come forward since any-

mous tips might be one way to gain a breakthrough in the case

Mr Tyson also said he regretted that Gen Geldenhuys had not followed the normal course of checking any misunderstanding with the newspaper concerned before issuing public threats and denials

He was reacting to a statement issued by Gen Geldenhuys on Friday night when he threatened to subpoena two reporters and demand the names of sources for a report they wrote on

the unsolved murder last year of the National Party parliamentary candidate for Springs, Dr Robert Smit, and his wife, Jeanne-Cora

Reacting to Gen Geldenhuys's threat, Mr Tyson said "Subpoenaing our two reporters will be a waste of time. They will not be intimidated by such a move. Nor have they anything to add to what they told the police."

He said he was willing to see the commissioner at any time.

- 22/11/78 R.M. (27)

Govt men banned from Press boards

(243) 22/11/78

By HELEN ZILLE
Political Correspondent

THE Prime Minister, Mr P. W. Botha, yesterday announced that Cabinet Ministers will no longer be allowed to hold directorships in newspaper companies.

Informed sources said the move aimed to thwart the rightwing Dr Andries Treurnicht by removing a major obstacle to the chances of Mr Fanie Botha, the Minister of Labour and Mines, in their battle for Transvaal leadership of the National Party.

Mr Botha's directorship of the Cape-based Nasionale Pers group has been used against him in the struggle by Treurnicht supporters reviving the north-south Nationalist conflict.

"The Prime Minister has expressed his gratitude regarding the attitude of the Ministers and stated that the Cabinet has accordingly decided that Ministers, Deputy Ministers, Administrators and members of the executive councils will in future not be available to serve as directors of newspaper concerns."

The Prime Minister's announcement yesterday, which was clearly timed to tip the balance in the race, is his third move to indicate his disapproval of the conservative ideologue, Dr Treurnicht.

The others were his exclusion of Dr Treurnicht from the Cabinet and his veiled attack on him during a speech in Uvongo at the weekend.

Ironically, the Prime Minister will share the platform with Dr Treurnicht when he addresses a meeting tonight in Ellisras, part of Dr Treurnicht's Northern Transvaal constituency.

□ To Page 2

The Minister of Agriculture, Mr Hendrik Schoeman, yesterday withdrew from the leadership struggle, making it a straight fight between Mr Botha and Dr Treurnicht.

Mr Schoeman's withdrawal was also said to be part of the campaign to block Dr Treurnicht by uniting "verligtes" behind Mr Fanie Botha.

The Prime Minister's announcement yesterday follows a decision by three Cabinet Ministers still holding Press directorships to resign their positions.

They are Mr Fanie Botha and the Minister of Plural Relations, Dr Piet Koornhof (Nasionale Pers), and Mr Schoeman, a director of the Transvaal-based Perskor group's Hoofstad newspaper.

Mr Fanie Botha's Nasionale Pers directorship was considered the most serious impediment to his chances of becoming Transvaal leader.

The Prime Minister's statement yesterday said: "Those members of the Cabinet who are at present holding directorships in Press companies, have told the Prime Minister that they have decided voluntarily to relinquish these posts. By doing so they are following the example he himself has recently set by resigning as a director of Nasionale Pers."

Move to block Dr No



The meeting was apparently planned before the Transvaal leadership struggle began.

Reliable party sources have said that if Dr Treurnicht becomes Transvaal leader a split in the party is inevitable.

It is clear that Mr Botha has embarked on a verligte course in race relations with the full support of Cabinet members including Dr Koornhof — recently appointed Minister of Plural Relations — Mr P. W. Botha, the Minister of Foreign Affairs, and Mr Punt Janson, the new Minister of Education and Training.

If Dr Treurnicht acceded to the Transvaal leadership, one of the party's most powerful positions, he could block many moves towards change by measuring them against rigid party ideology.

Yesterday, his supporters were still firmly convinced that he would succeed.

They note that in withdrawing from the contest, Mr Schoeman did not urge his supporters to throw their weight behind Mr Fanie Botha.

And even Dr Treurnicht's opponents yesterday conceded he has a solid 45% of the support of the head committee, which is scheduled to take the crucial decision on Saturday.

These moves against him include

● His exclusion from the Cabinet

● The move to postpone the head committee meeting until the Information furor had died down and party unity had been restored

Reporter quizzed in closed court

242
12/11/71

JOHANNESBURG — Questioning was conducted in camera here yesterday when the assistant editor of the Sunday Express, Mr Kit Katzin, appeared in the Regional Court in terms of a provision of the Criminal Procedures Act requiring the respondent to answer questions.

In a brief preliminary submission, Mr Kelsey Stuart, appearing for Mr Katzin, said the reporter was prepared to provide the information needed.

Mr Katzin had, in fact, been told on Monday that he would be subpoenaed and had offered to give the police the information he had.

However, he had been told later that this would not be acceptable and that he would have to appear in court.

"This seems an unnecessary burden on Your Worship when the evidence is freely available," Mr Stuart told the magistrate, Mr P. A. Kotze.

In preliminary questioning by the prosecutor, Mr H. J. Brandt, Mr Katzin said he was responsible for writing last Sunday's frontpage story in the

Sunday Express headlined: "Smit was on secret government probe." He had gathered the information himself, but was not responsible for the headline.

Mr Katzin said he was "prepared to do everything I can to assist the court in whatever respect I am able to do so."

Mr Stuart said he wanted to make it plain that Mr Katzin regarded himself as an ordinary reporter carrying out a reporting function.

Mr Katzin did not see himself as being in jeopardy and was not going to invoke any of the protective provisions of the Criminal Procedures Act or seek indemnity.

Applying for the hearing to be held behind closed doors, Mr Brandt said

the police investigation was continuing into the deaths of the then National Party candidate for Springs in last year's general election, Dr Robert Smit, and his wife. The investigations were confidential and any information Mr Katzin might disclose could affect the investigation.

Mr Stuart said that from Mr Katzin's point of view there was no objection to holding the investigation in public. If the request for a closed hearing was granted he applied for permission for the editor of the Sunday Express, Mr Rex Gibson, to remain in court.

The magistrate granted the application for a closed hearing and ruled that Mr Gibson could remain.

After the inquiry, Mr Katzin said he did not believe he had given any

information which would have been ethically wrong to reveal.

Relating to his article on the Smit murders, he said he used basic truth and co-operation with the police as his guidelines.

He had given an undertaking to work and co-operate with the police in order to solve the crime.

"I don't see myself as someone competing with the police, but as someone working with them in a sincere attempt to create a public awareness of the gruesome murders," he said.

Mr Katzin had been subpoenaed as "a person likely to give material or relevant information as to an alleged offence of murder and/or corruption and/or fraud . . . to have been committed by an unknown person or persons." — SAPA.



Mr Kit Katzin (right) with the editor of the Sunday Express, Mr Rex Gibson, outside the Johannesburg magistrate's court yesterday.

Nat editor admits split

JOHANNESBURG — The editor of a Nationalist newspaper has suggested publicly for the first time that a split in the party might be inevitable to resolve the deep ideological difference at the root of the vicious infighting.

The guarded suggestion by Dr Willem de Klerk, editor of Die Transvaler, comes at the height of the struggle for the Transvaal leadership between arch-conservative Dr Andries Treurnicht and Mr Fanie Botha, Minister of Mines and Labour.

Dr De Klerk also admits publicly for the first time that the divisions in

the party rest on policy differences and that steps described as the evolution of the apartheid policy were actually policy changes.

While emphasising the importance of party unity, Dr De Klerk warns against the sort of unity that would merely be a ceasefire.

A "purification" would have to come, even if this means a split in the party, Dr De Klerk wrote in his weekly column.

Warning against the sort of unity that would merely be a "ceasefire," Dr De Klerk says "To be very honest, almost dangerously honest, I

make this statement . . . the root of the evil is that there are differences in principle between Nationalists on policy issues.

The real cause of dissension was a lack of consensus on basic premises and direction, he said.

It was too late to resolve the issue before Saturday's party leader election, but in the months ahead the party would have to embark on a clear and unambiguous direction.

This would demand

● Unity amongst leaders. Ministers, deputy ministers, and MPs would have to "talk with one

mouth" on policy issues. They would have to follow the Prime Minister and if they could not, they would have to reconsider their position.

● Frank and open leadership. People would have to be told exactly in which direction they were moving and why that course had been chosen.

● A comprehensive policy statement, in modern idiom, so that people would know what the party's philosophy and its application entailed.

"This is the sort of unity that is necessary if we want to achieve success in the future," Dr De Klerk wrote — DDC

6 5 4 3 2 1 No

TOTAL
Platinum
Diamonds
Gold
Others
SUB-TOTAL
Asbestos
Coal
Manganese
Chrome
Iron Ore
Copper

2498
RAND DAILY MAIL, Friday, Nov. 24, 1978

'MAIL' IN COURT

Key witnesses at 'Mail' trial refuse to testify

From Page 1

to testify. Objections would have to be raised to questions one by one as they were asked.

Mr Stretcher said his clients objected to giving evidence because it was "not in the public interest", because the matter was sub-judice, because they feared they would incriminate themselves in terms of the Commissions Act, and because they had not had enough time to consult their legal advisers.

In argument against Mr Van Zyl Alberts' refusal to give evidence because of the sub-judice rule, Mr Kentridge said, "That is an argument often used by people as an excuse either not to speak themselves, or more often to stop others from speaking."

"I fail to understand how these matters can conceivably relate to public interest when it is surely in the

public interest not to keep them hidden but to make them open."

Earlier evidence included a detailed analysis of The Citizen's accounts, read out in court, which stated that accumulated losses of almost R12-million had been cancelled out inexplicably when Mr Van Zyl Alberts took over the company from Mr Louis Luyt on March 1 this year.

This and other documentary evidence handed in at yesterday's hearing were part of the evidence dealing with Department of Information secret funds made public by Mr Justice Mosler earlier this month.

According to this documentary evidence a R7-million overdraft had been granted to The Citizen

which had an issued capital of R3

Mr John Speirs, a Johannesburg chartered accountant of 29 years' experience, said that it was highly unlikely that a bank would grant an overdraft of this amount against a capital of R3 without a guarantee.

Mr Speirs said the balance sheet showed that this overdraft, reflected in The Citizen's balance sheet on February 28 this year, had disappeared on March 1 — the day Mr Van Zyl Alberts took over the newspaper.

Mr Kentridge told the court he wanted to establish how that overdraft had disappeared overnight.

Referring to the article published in the "Mail" which had led to the charge, Mr Kentridge said the article had merely re-examined evidence revealed in the Mostert Commission's evidence made public at a

Press conference. It could not be an offence to re-publish material that had already been made public.

"This principle has absolutely no relevance here," he said.

Mr Kentridge pointed out that the Cillie Commission of Inquiry into the 1976 riots had not stopped the State from charging people with offences relating to these matters, nor had it stopped evidence from being led which might overlap evidence given to the commission.

The Cillie Commission had not yet tabled its report, he said.

Mr Stretcher said Mr Van Zyl Alberts and Mr Pretorius could face the same charges as Mr Sparks and Mr Fraser if they revealed evidence in this hearing which had relevance to the Erasmus Commission.

Mr Kentridge said on this point, "Under our system of law, no witness who gives a full and truthful answer to a court of law can thereby commit any criminal offence."

Mr Kentridge argued that a witness could not refuse to be sworn and could not make a general refusal to answer questions. If a witness wanted to claim privilege he had to claim it in respect of each question.

A court could not rely on the ipsa dixit of the witness that questions may be incriminating and was entitled to inquire into the reasons.

"The witness has no status in court other than that of an answerer of questions," Mr Kentridge said. "The magistrate, Mr Francis, Mr Van Zyl Alberts has now appeared in the box and through his representative has asked for time

Mr Stretcher: It is not disputed that a witness cannot go into the box and say he will not give evidence or will not answer a question. That is not the case here. All that is being said is that the witnesses want an opportunity to obtain legal counsel so that they and their counsel could be prepared if a question was asked to which they could not answer.

Mr Kentridge: I wish to put a question, which Your Worship will rule in or out of order. Will the witness identify the balance sheet? Mr Francis: The court feels inclined to grant the witnesses an opportunity to prepare.

Mr Kentridge: These gentlemen are not here as representatives of the Government. It is in the highest public interests that the truth be told and not concealed.

Mr Francis: Rest assured that the court will see to that. The hearing was postponed to December 13 to enable the witnesses to consult their legal advisers. An attorney appearing for Mr Pretorius said if this court overruled his client's objections it would be contested in the Supreme Court.

identical	Y	e	have	kers	al	ries	atinum	service	plies	average	668-6 (1973)	892-5 (1974)	934 (1974)	463 (1973)	395-4 (1973)	1	211 (1973)	515 (1975)	744 (1973)	1971-76	of 1976	-76
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TABLE 34: ACTUAL (1970-76) AND PROJECTED (1970-80) MINING EMPLOYMENT

Editor, reporter face charges

24/11/78
 24/11/78
 24/11/78

JOHANNESBURG — The owner of The Citizen and his Volkskas bank manager argued against giving evidence in court here yesterday on grounds that to do so "would not be in the public interests" and "might incriminate them".

Mr Johannes van Zyl Alberts, managing director of SA Today (Pty) Ltd, which owns The Citizen, and Mr Abraham Pretorius, manager of the De Villiers Street branch of Volkskas, Johannesburg, also said they regarded the evidence they were being called upon to give as sub-judice since it fell within the ambit of the Erasmus Commission inquiring into allegations of misuse of public funds by the defunct Department of Information.

On trial were the editor of the Rand Daily Mail, Mr Alister Sparks, and one of his reporters, Mr Hamish Fraser. Mr Sparks is also appearing for South African Associated News-papers Ltd, publishers of the Mail.

It is alleged that a front-page story which appeared on November 15, headlined "Citizen: R27-million shock", contra-

vened Regulation 15, read together with Regulation 14 of Proclamation R295 of 1978.

It is alleged that Mr Sparks and Mr Pretorius breached these regulations by "wrongfully and unlawfully participating in proceedings and/or findings" of the Erasmus Commission, and "disseminated the said newspaper at a time when the said commission had not yet reported" to the State President.

The prosecution case is led by Mr J. C. Jansen, SC, assisted by Mr J. d'Oliveira.

Opening the case for the defence, Mr Kentridge said he intended to prove it could not be an offence simply to republish a matter of public interest which had come to light even before the Erasmus Commission had been appointed.

Earlier, Mr Kentridge told the court the report was based on information made public by the Mostert Commission prior to its disbandment earlier this month.

The accused could be guilty of "antagonising the proceedings of the Commission" only if they had known in advance what

those proceedings were and what the findings were going to cover.

The report on November 15, he said, could not in anyway be taken as anticipating the findings of the commission, still less its proceedings.

The main issue under debate at yesterday's trial was whether the court should order Mr Van Zyl Alberts and Mr Pretorius to disclose details about the financial affairs of SA Today.

Mr Kentridge said he wanted to question Mr Van Zyl Alberts on which Government department was paying for losses of The Citizen estimated in court at R500 000 a month.

Mr Kentridge said he wished to go on record as stating he would ask Mr Van Zyl Alberts four main questions and to produce documents relating to the bank overdraft of SA Today — running at R6 966 330, according to a balance sheet produced in court and covering the company's affairs up until February 28 this year.

He wished to know who had guaranteed this overdraft, if anyone had taken over the overdraft guarantee or if anyone had paid off the R6 million in question. He also wished to know who was guaranteeing this money if the loan had not been repaid.

Mr John Speirs, the



Mr Van Zyl Alberts arrives at the court for yesterday's hearing.

lated loss, according to the balance sheet R10 million represented investments and R5 million was a trading loss estimated for 1978 to date — a total of R27 million.

Against this, said Mr Speirs, SA Today had an issued capital of only R3. According to the balance sheet, the company had R700 000 invested in a printing press.

Cross-examined by Mr Kentridge, the accountant said these appeared to be the only realisable assets available to the bank, but even then they represented only a tenth of the amount owing to Volkskas by SA Today.

It was unusual for any bank in South Africa to grant such a high overdraft facility to a company with such low realisable assets, he said.

Initially, Mr Van Zyl Alberts and Mr Pretorius were represented by Mr R. C. Lourens, but after an adjustment, Mr P. E. Stretcher appeared for the witnesses.

He pleaded that they needed more time to consult counsel on their position.

Earlier, Mr Kentridge told the court that under South African law "no witness giving fully truthful answers in a court of law can thereby commit an offence."

The witnesses need have no fear of prosecution on that basis, he said.

If they were to claim privilege, they should do so in respect of each individual question the defence put to them and which they felt might prejudice them. He cited legal precedents as recent as this year for such a procedure.

Mr Sparks said he was responsible for the newspaper and assumed responsibility for everything that appeared in it.

The chief magistrate, Mr L. P. Francis, granted the application for an adjournment so Mr Van Zyl Alberts and Mr Pretorius could consult counsel.

The hearing was adjourned until December 13.

Earlier, the prosecution called Maj Martinus Johannes Nel, a plain-clothes policeman.

May Nel, of the commercial branch in Pretoria, said he had gone to the SAAN office in Main Street, Johannesburg on November 15 to meet certain people in connection with that day's front-page report in the Mail headlined "Citizen R27-million shock."

He was met at the SAAN office by a Lt-Col Smit who introduced him to Mr Fraser. They went to Mr Sparks' office where he spoke to the two accused. He wanted to establish who had written the report, Mr Fraser said he had been responsible for

writing it.

May Nel told them he was investigating a possible contravention of Regulations 14 and 15 published in the Government Gazette in connection with the Erasmus Commission.

Mr Sparks said he was responsible for the newspaper and assumed responsibility for everything that appeared in it.

Cross-examined by Mr Kentridge, May Nel said he was aware the Mostert Commission had made certain evidence available to the press. He could recall that on November 3 the newspapers had published information made available by Mr Justice Mostert.

On that day he had also seen the Mail's front-page headline, "It's all true".

Mr Kentridge handed in a copy of the Rand Daily Mail of November 3 as an exhibit.

He told the court that the origin of the report had been evidence made public by the Mostert Commission.

May Nel said he had not specifically investigated Mr Sparks' explanation that the report was based on evidence released by the Mostert Commission, but he accepted that it was based on information from that source.

The State closed its case without calling further witnesses. — SAPA.

Afrikaans group

Star 30/11/78

to take over (243)

The Citizen

The Citizen is to be taken over by the Afrikaans newspaper group Perskor, said senior editorial executives on the paper who asked not to be named.

The Star and the South African Press Association were told separately by senior newsmen on the paper that an announcement could be expected within 48 hours.

But when The Star tried to check the information with the editor of the newspaper, Mr M A Johnson, his secretary refused to put through the call.

She said her instructions were to refer all inquiries to the chief executive of Perskor, Mr Marius Jooste.

Senior staff at The Citizen were also instructed to refer calls to Mr Jooste.

NOT AVAILABLE

But Mr Jooste was "in conference" according to his secretary and would not be available until later in the day.

Sapa reports that negotiations were still going on today between Mr Jooste and senior members of the board of SA Today, the company which controls The Citizen and of which Mr J van Zyl Alberts is managing director.

When Mr van Zyl Alberts took over the paper from Mr Louis Luyt he did so on behalf of an unnamed consortium of South African and foreign businessmen. The foreigners were subsequently named but the identity of the South Africans is still a mystery.

R2 000

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be

KJSM 11/2/78

‘A Press doing its job is unpopular’⁽²⁴³⁾

TABLE 30: ACTUAL
PER

	Own Correspondent	and would use national security to try to cover up	MINERALS PRODUCTION:
	CAPE TOWN. — Unpopularity of the Press signified only one thing — that it was doing its job, a leading American journalist told the Cape Town Press Club yesterday	Mr Wicker said he admired the South African Press for its determination in pursuing the truth in the Department of Information affair and for its “constructive and rigorous” criticism of the Government	Annual production, 1970-76
	Mr Tom Wicker, associate editor of the New York Times, said any newspaper which sought popularity need only fill its pages with “comics, crime and cheese-cake”	A free Press was a vital part of the whole system of checks and balances to ensure no single institution had unlimited power.	
	The Press in the United States was now more sceptical, more independent and more critical than it had ever been in its history	The Press itself was held in check, not only by the normal rule of law which applied to all, but also because it was a commercial venture which could not deviate too far from the broad run of public opinion	
	This happened after the Vietnam war showed a government could involve a nation in a murderous war for “shabby political purposes”	Mr Wicker said 99% of the time a government would have people believe a secret operation was in the interests of national security it was probably politics	
	Then the Watergate scandal showed leaders of state were not above illegal acts		
Copper			5,7
Iron ore			9,8
Chrome			9,7
Manganese			10,7 ^{2/}
Coal			5,5
Asbestos			1,1
Others			l.a.
Gold			1,4 ^{3/}
Diamonds			1,5
Platinum	5,0	5,0	14,7 ^{4/}

Notes to Table :

- 1/ Since 1970 base-year figures are 1968-70 averages (see notes 2/ and 3/ to previous table) we have computed average growth rates per annum over 11 years (Plewman) and 7 years (actual production).
- 2/ The average growth rate of manganese production 1970-75 was higher at 14,0 per cent per annum.
- 3/ The rate of decline of gold production accelerated to 1974 and then slowed in 1975 and 1976.
- 4/ The growth rate for platinum is for the years 1970-75 and is reported by von Wielligh; it is not extracted from published sources.
- 5/ See footnote 39 for growth rates 1970-77.

These tables speak for themselves but it may be useful to comment briefly on the comparative rates of growth in the second table.

1. The relatively small employers (iron ore, chrome, manganese) have experienced a growth of production to 1976 at a faster rate than Plewman projected. Iron ore production has grown at an average per annum rate of 9,8 per cent (against a projected range of 7,7 per cent - 8,6 per cent), chrome at 9,7 per cent (projected range 6,1 per cent - 6,4 per cent) and manganese at 10,7 per cent (projected range 7,7 per cent - 8 per cent).

Star
2/12/78

Citizen staff retrenched

By Kevin Stocks

The Cape-based Afrikaans newspaper group, Nasionale Pers, has refused to participate in the takeover of The Citizen as it believes no action should be taken until the Erasmus Commission has reported and the Government has reacted to the report

It is believed the Citizen is being taken over by the Transvaal group, Perskor, and it is known that Perskor approached Nasionale Pers to participate

Sapa reports the managing director of Nasionale Pers, Mr D P de Villiers,

as saying the company would "not enter into proposals that it participate in a project to continue publication of the Citizen"

He said the board believed the matter should stand over until the Erasmus Commission had completed its inquiry

Yesterday there were numerous retrenchments among staff at the Citizen and the editor, Mr M A Johnson, was unable to tell employees who was taking over the paper

Among those axed were at least five journalists

while two other journalists resigned

However non-editorial departments were more severely hit Sackings included

Sixteen of the advertising staff of about 54

A "much higher proportion" of the accounts staff of 30

Five of the library staff of six

Sixteen black employees from the transport department, although they were told they could apply to rejoin under different conditions

Two darkroom workers

The editor told his staff that all those dismissed would be paid their Christmas bonuses although he could give no guarantees of future staff bonuses

Citizen staff interviewed yesterday said the editor had seemed unable to guarantee that their salaries would not be cut after January and were also angry about the way the dismissals were handled Those fired were handed roneod sheets beginning "Dear Sir/Madam . . ." The Star was told

Citizen bid: R17m loss may be tax gain

By STEPHEN MULHOLLAND

A MULTI-MILLION rand tax saving — at the expense of the public — is one of the attractions for the Afrikaans Press giant Perskor, in its attempt to take over The Citizen.

Because The Citizen has incurred a loss estimated at R17-million, it will have to earn total profits matching that loss before it becomes liable for tax.

As company tax, excluding loan levies, is 42 per cent, this means that the present loss, which will probably be far greater before the company starts to make profits, is worth about R7,1-million.

Thus, in addition to taxpayers' money which has already been lost by The Citizen, the State will lose millions more if The Citizen begins to make profits under new ownership, because such profits will not be subject to tax until they exceed the accumulated loss.

The Citizen's vast losses cannot be set off against the profits of an existing profit-making operation such as, for example, Perskor's successful telephone-directory publishing business, or its school text-book profits.

However, it is common commercial practice to arrange the affairs of businesses to take advantage of tax-loss situations, although such methods are not always allowed by the Receivers of Revenue.

But it is difficult to stop companies from, for example, loading profitable ventures with group costs, while selling essential services to a sister company with a tax loss, at nominal cost.

This enables the group to generate profits in the company with the loss, rather than in those already making profits.

Another method is to use the company with the tax loss as a vehicle to buy other profitable firms.

Here again, the Receivers of Revenue will examine closely such deals, but if the new activity is in a field of business closely related to that of the company with the tax loss, then the profits of the new company will be protected from tax to the extent of the existing losses.

Thus it would not be surprising to see The Citizen's holding company, SA Today (Pty), used as a vehicle for takeovers by Perskor, should its bid be successful.

According to a Johannesburg merchant banker, a tax loss is usually worth about 15 to 20 per cent of its nominal value.

Thus, the commercial value of The Citizen's tax loss to a group which believes it can generate profits to take advantage of the loss, could be about R3,4-million.

said that doctors examine better because they could treat anything. They were convinced that the clinic sisters were wrong with them, that they were doctor if necessary, and that if they heal and had not referred them, they were unable to help; then the clinic sisters function as an effective screening function for doctors to use their scarce skill. As it is people tend to go to the doctor if they feel to be more serious ailments, they are efficient as a screening method with clinical competence.

The above provides an argument for why only be allowed to diagnose, but not to treat. More could also be done by the nurses e.g. providing medicine for hypertensives.

iii) They provided a curative service more readily available to a large proportion of the population, at 20c the fee was within reach of everyone. Old age pensioners from Zwelitsha would visit the clinic rather than the doctor because it was closer. Waiting time was generally less than at a doctor. They also provided cheaper access to doctors - if referred from clinic, their consultation was free.

iv) Some attenders thought it was the best source of treatment, (especially for family planning and children's ailments). This was partly because clinics provide the option of consulting a feminine health worker, but an alternative option is always appreciated where there is little choice of facility.

v) There are more black nurses than black doctors. For black patients it was an advantage to be treated by someone of similar language, and possible cultural background, although a gap between the middle-class well-educated nurses and most of the black patients was apparent. The

mainly for whites, but there was no such facility in Tiersdorp, though there are many pensioners. The old, particularly when not living with their families, tended to experience neglect.

12. Indigent healers were operative in both areas, as well as traditional birth attendants, though little information could be collected on their location and use made of their services. Diviners dealt not only with physical sickness, but with lost articles, and relationships with neighbours, spouses, lovers, the police, etc. Indigent healers seemed to be consulted more frequently in Tiersdorp than in the Sundays River Valley among blacks, perhaps this owes something to the lack of alternative accessible facilities; perhaps also different acculturation. However in both areas it seemed that a distinction was made between 'African' diseases and others, which could be cured by normal medicine. There are some signs that TB has 'moved', or is still in the process of moving from one category to the other, at least in professional circles. The diviner who lives close to the Sunland doctor transfers patients with infectious diseases

PERSKOR

More paper losses?

Fu 8/12/78

243

It is not likely that Perskor will add R4,8m a year to its newspaper losses by taking over *The Citizen*. But a private valuator has been spending these last few days valuating *The Citizen's* assets, ostensibly as a prelude to their being sold. And there is little doubt that Perskor chairman Marius Jooste is intent on getting his hands on the newspaper.

However, it is hardly conceivable that the government will allow SA Today (the company that controls *The Citizen*) to be taken over and its losses further exploited as a tax offset in Perskor's hands.

Therefore it was a shrewd move by Jooste to tentatively lay claim to *The Citizen* by establishing a new company The Citizen (1978) (Pty). Now the way is open for the continuation of *The Citizen* Mark II, a brand new paper, with the same staff, without any connection to the existing *Citizen*, except the name (see *Current Affairs*). This obviates the need to take over any of SA Today's liabilities, leaving the State to write off its loss.

The question arises whether Perskor will be able to carry it off? The first objection will be to the sale by SA Today of *The Citizen's* assets.

Logically, the assets belong to the state and should therefore be sold through the State Tender Board. However, SA Today is a registered private company, bound by the laws governing private companies, so it is quite conceivable that chairman Hubert Jussen and former MD Jan van Zyl Alberts are prepared to sell *The Citizen's* assets to Perskor, at a fair valuation. The valuator prowling *The Citizen's* offices is hardly there for his health.

To Perskor such a move makes sense. It has been printing *The Citizen* under contract on SA Today's own presses, so it could take these over at valuation and rationalise its printing operations. Secondly, a printing and distribution costs can be reduced by merging existing Perskor interests, for example the *Financial Gazette*, with the revamped *Citizen*. A source close to Perskor believes *The Citizen's* currently estimated monthly R400 000 losses could be reduced to as little as R150 000 with these few changes.

But a continuing loss is hardly acceptable to Perskor. *Die Transvaler* currently incurs an estimated annual R2m loss, and it is unlikely that the group would be prepared to accept annual combined losses approaching R4m. Perskor's profit was only R3,9m (R2,4m) in the year to end-June 1978. Therefore it will be imperative to rationa-

lise further by taking on the Sunday market with a *Sunday Citizen*. This could make the disappearance of the *Financial Gazette* even more likely.

Perskor should have little difficulty in funding the purchase of SA Today's assets. It had R5,1m in cash at June 30 and its gearing was relatively low at 27,6%.

Investors have not taken kindly to the news of the possible takeover. The shares of Afrikaanse Pers have dropped from a 1977-78 high of 120c last month to 100c on Wednesday. *Vaderland* followed the same pattern, dropping from a high of 33c to 29c.

At this stage it remains to be seen whether Jooste will get his way. If he does, there is no telling what will happen to the share price.

Peter Pittendrigh

h wages and working
all.

African workers, if
action of a liaison
absolutely committed
the impasse.

from the chair
ence for voting by
reconciling to

the liaison and the works committee is that the
to consider ... and to make ... recommendations",

"to communicate the wishes, aspirations and

in the establishment or section of an establish-

has been elected, to their employer and to

in any negotiations with their employer concerning

nt or any other matter affecting their interests".

visaged the liaison committee as a consultative

ee was to enjoy negotiating rights limited to

falling short of collective bargaining as it is

chairman of the works committee was to be the

ers' elected representatives and the employer.

a liaison committee was not limited by statute,

limited to "not more than two years".

ne election of more than one works committee in an

made for a co-ordinating works committee consisting

as of each works committee where two or more such

The appointment of a co-ordinating committee was

with the employer concerned, and its duties were

single works committee.

Cap Times 9/21/78

'Crazy' vendetta of English press

IT IS HIGH TIME that the English "establishment" was spotlighted in the same way that the Afrikaans establishment has been examined and dissected, according to a leading Stellenbosch University personality, Professor S J "Sampie" Terreblanche

It would be too good to be true to contend that the English business world busied itself only with business, the English press only with news, and the Progressive Federal Party only with politics, he writes in a letter published in the Burger

"In a recent TV interview, Mr Harry Oppenheimer tried to give the impres-

sion that there were no close ties between the Anglo-American Corporation, the English press and the PFP

"If there were indeed no such close ties this would mean that there was in fact no such thing as an English Establishment and that English speakers do not have a bastion of power in the same way as Afrikaners do", he writes

"Let the searchlight of 'operation open up' be swung to this establishment as well. Let us establish how it fits together, and ask a few difficult questions about its power bases and its

intentions. Let us examine the battle which has been waged for decades between the two white establishments"

The English press, PFP spokesmen, foreign journalists and social scientists were busy from morning to night inspecting the innards of the Afrikaner establishment clan and, as a social scientist, he approved wholeheartedly of this

But when those who were busy with an in-depth analysis of the Afrikaner establishment did this with an attitude of moral superiority and a vendetta

motive, he had every right to action

He was greatly concerned about a "crazy" vendetta being waged by a "certain Afrikaans cultural organization" by an English Sunday newspaper. This was symptomatic of a persecution mania which existed in a section of the English world against the Afrikaner

"I had hoped that the two establishments were mature enough to co-operate with each other . . . but will demand that one group does not continually sow mistrust against the other group and its culture (goed)"

REEF MUNICIPALITY WITHDRAWS ITS ADVERTISING

Swart Exp. 17/12/78
243

IN THE wake of the Information scandal, an East Rand municipality has decided to withdraw its total advertising support from The Citizen.

Orders have gone out to the staff of the Edenvale Town Council — a burgeoning residential and industrial complex on the eastern boundaries of Johannesburg — to stop using The Citizen for compulsory municipal advertisements.

The town council — two Nationalists out of three — on its management committee — decided on the move two weeks ago in the light of the Erasmus Commission's bombshell disclosures on the former Government-supported daily tabloid.

Since then the town council has stopped submitting advertisements to The Citizen, the lowest circulating English daily on the Witwatersrand, which it had supported for two years.

Citizen is dealt another blow

By KITT KATZIN

The move came shortly after the Erasmus Commission report revealed that the taxpayers of South Africa had funded The Citizen through the use of secret Government funds to the tune of R32-million.

The commission described the publication as a party newspaper. And because of the controversy throughout the country the town council decided to drop the newspaper as an advertising medium, according to the chairman of its management committee, Mr Steve Bosch.

In terms of local government ordinances, all municipal advertisements must be published in an English and Afrikaans-language newspaper.

Edenvale, I understand, has now switched its English advertising support from The Citizen to an afternoon daily.

The council is also understood to have switched its Afrikaans advertising commitments from a morning to an evening paper.

Yesterday veteran Edenvale councillor Mr Jack Coleman said that because The Citizen had become the subject of a national controversy it would be inappropriate for the council to continue using the paper as an advertising medium.

had existed before the firm was too small the reasons connected with and their lack of experience (4%) had established such as the Department of Labour of S.A. One respondent trade unions too closely an in-plant committee and Nevertheless, it does exist perhaps more wide respondent stated bluntly

After the scandal it would be unthinkable, he said, for the town council to continue supporting the newspaper.

It was not so much the newspaper's right to exist which he questioned, but whether or not it was worthy support in the light of the shock disclosures concerning its funds.

He said he was totally against any further support for the paper by the town council.

Mr Bosch said a newspaper was drawn by the council as an advertising medium, according to the chairman of its management committee, Mr Steve Bosch.

The general feeling on this issue in the town is that taxpayers, who are also ratepayers and have been called on to find R32-million to launch and operate The Citizen with little or no hope of recovering the money, would certainly not have looked kindly on the continued patronage of the newspaper by their local town council.

We turn now to a consideration of the advertising medium on the grounds of realities and economics. The council, he said, had not obtained favourable responses from its advertisements in the paper.

He personally did not think a morning newspaper best served the interests of municipal advertising.

He believed afternoon newspapers were more effective as the public had more time to read them. I asked Mr Bosch why his council had not then switched from the newspaper earlier, particularly as it has the smallest circulation of all English daily newspapers on the Reef.

At the time, he said, it was also a question of economics — "the paper's advertising tariffs were cheaper".

- 33. Hansard 7 columns 485-7,
- 34. Hansard 10 columns 632-4,
- 35. Hansard 10 column 691, 15
- 36. Rand Daily Mail, 22 May 1978, Op.cit. p.212.

Meanwhile, according to the town's weekly newspaper, the Edenvale News, it is apparent that municipalities in National Party constituencies on the East Rand wish to show their support for a National Party publication.

This issue has already been raised in the town by the local branch of the Progressive Federal Party.

The general feeling on this issue in the town is that taxpayers, who are also ratepayers and have been called on to find R32-million to launch and operate The Citizen with little or no hope of recovering the money, would certainly not have looked kindly on the continued patronage of the newspaper by their local town council.

Afrikaans Press slams PW and The Citizen

17/12/73

Sun, Express

(243)

By JOHN MATISONN
Political Correspondent

MR P W Botha's first appearance as Prime Minister in Parliament has brought him into immediate conflict with most of the Afrikaans Press for allegations of Boerehaat, and threats to curb "rumourmongering" by newspapers

And The Citizen is also slated, with the comment by Beeld that the National Party "cannot be served by a retroactive lie". It called for the paper's "merciful and quiet disappearance from the scene"

All three Johannesburg Nationalist newspapers hit out at remarks of the new Premier, though not necessarily mentioning him by name, in his controversy closing speech at the special parliamentary session on the Information scandal

And Vaderland editor Dirk Richard openly saluted the English newspapers for leading the way in fulfilling its watchdog function.

He wrote, with remark-

able frankness, that the English Press had led the way, even when in danger, and said the Afrikaans Press followed

Die Transvaler opened the counter-attack on Monday by urging caution when alleging the "motive for the hysteria around the former Department of Information is pure Boerehaat."

Though there was an element of resentment of the Afrikaner in the controversy, "many are also shocked after the disclosures of the last few months."

"It behoves us to remain clear-headed, see the matter in perspective and not to become over excited"

Turning to Mr Botha's threat to force newspapers to reveal their sources, the

paper wrote that the proposed legislation could place the public service beyond criticism

"The public could easily come under the impression that the Government is frightened of further disclosures."

In a second editorial Beeld also criticised the deal by which The Citizen continues to run as a Nationalist-controlled newspaper, even after being exposed as State funded

It said the National Party could not be served by a "retroactive lie."

"The Citizen in its present form must be allowed mercifully and quietly to disappear from the scene."

"A newspaper born in sin, and which in its short existence of two years has lived under a cloud of lies, is not well placed to continue to play a meaningful role as a newspaper."

2.3.3 In sustaining and expanding total mining employment (while the present major employer declines) base-minerals are projected to play an increased role. The labour force employed in mining these minerals will expand absolutely and will also increase its share of the total. The following table demonstrates this - by adding employment in 'other' minerals to that in the 6 base -mineral branches that Plewman distinguishes and finding what share this sum contributes of total mining employment.

TABLE 27: EMPLOYMENT IN BASE-MINERAL MINING (PLEWMAN)

	1970	1980 Tot ¹	1980 Tot ²	2000 Tot ¹	2000 Tot ²
1) Employment in listed base-minerals	122 855	191 300	205 400	438 200	571 600
2) Employment in 'other' minerals	<u>22 534</u>	<u>26 500</u>	<u>27 300</u>	<u>30 500</u>	<u>33 000</u>
3) Total (= (1) + (2))	145 389	217 800	232 700	468 700	604 600
4) Total mining employment	<u>640 833</u>	<u>761 000</u>	<u>775 900</u>	<u>863 800</u>	<u>999 600</u>
3/4 X 100 Base-minerals' share(%)	22,7%	28,6%	30,0%	54,3%	60,5%

Ex-'Pace' man in court

RDM

(243) 21/12/78

By BARNEY MTOMBOTI

MR ALF Khumalo, former chief photographer of the magazine Pace, appeared before a Johannesburg magistrate yesterday on a charge of taking pictures of prisoners.

No evidence was led and the case was remanded to February 6 next year, pending the outcome of a similar case with the State versus Perskor.

Mr Khumalo, 47, of Rockville, Soweto, first appeared at the Protea Magistrate's Court on the same charge on June 19. Yesterday's ap-

pearance was his sixth in the same case.

The case arose from an incident on June 16, the second anniversary of the 1976 Soweto riots, when, it is alleged, Mr Khumalo attempted to take a photograph of police making arrests in White City.

Two newspaper reporters, Mr Thami Mazwai and Mr Kingdom Lolwane, both of Post, were arrested the same day. The case against them was later withdrawn.

The case was remanded pending the outcome of another case involving the State versus Perskor.

Cape Times 22/12/78
243
No NPU comment on SA press curbs report

Political Correspondent

THE ACTING president of the Newspaper Press Union, Mr Hal Miller, yesterday refused to comment on a report that the NPU might agree to "hobbling" press freedom in South Africa

The report, in the United States newspaper, the Christian Science Monitor, also claimed a confidential NPU memo pointed to curbs on reports to foreign newspapers by South African correspondents

Mr Miller declined to confirm or deny the report, or even to confirm that the NPU had drawn up a memo dated December 11 as stated by the Christian Science Monitor

"It is a fact that the NPU met the prime minister and that a further meeting is scheduled for February 15. So far as the NPU is concerned, details of the discussions are confidential at this stage," he said

Richard Walker reports from New York that, according to the Christian Science Monitor, the memo was drawn up by the NPU following a meeting with the Prime Minister, Mr P W Botha

The Christian Science Moni-

tor said the NPU memo was an attempt to frame a response to government demands that the press "put its house in order" by mid-January.

At the meeting the government delegation said foreign correspondents "should not be permitted to besmirch South Africa's good name"

The memo suggested that "liaison machinery" be set up with the prime minister's office, similar to that existing between the NPU and the defence department

It also suggested that, if a local journalist wanted to write for a foreign newspaper, he must obtain permission from his editor and "work within the letter and spirit of the press code and constitution"

It also allowed for the possible acceptance of secret hearings by the Press Council "at the discretion of the chairman" in cases "involving the security of the state"

It noted the government delegation had complained that foreign correspondents "must work under some form of discipline — they must be answer-

able to somebody for the accuracy of their reports"

The Minister of Justice, Mr Jimmy Kruger, had said he "wanted the right to get interdicts from the Press Council to prevent publication of unsuitable material" and that he also wanted to be given the source of press reports when he required them

Mr Botha and his colleagues had complained that the Press Council operated "only after the damage had been done. The NPU should consider machinery which could have a preventive effect"

The Minister of the Interior, Mr Alwyn Schlebusch, had said he believed some cases brought before the council should be heard in secret "where the disclosure of proceedings could harm South Africa"

The Monitor noted that publications as diverse as the Economist and the Observer in London and the Boston Globe could be hit by the proposed curb and that the "liaison machinery" proposed was identical to that which blacked out news of South Africa's involvement in the Angolan war while the rest of the world read about it

RDM 24/12/78

243

243

Key men mum in 'Mail' trial

RDM 24/12/78

By Helen Zille

MR JAN van Zyl Alberts, managing director of SA Today (Pty) Ltd, and Mr Abraham Pretorius, manager of the branch of Volkskas that granted The Citizen a R7-million overdraft, yesterday refused to give evidence in court on the Government's funding of the newspaper.

The two men had been subpoenaed as witnesses in a case brought by the State, for alleged breach of the Commissions Act, against South African Associated Newspapers; Mr Allister Sparks, Editor of the Rand Daily Mail; and Mr Hamish Fraser, the Deputy Financial Editor of the "Mail".

They are charged with anticipating the findings of the Erasmus Commission investigating the former Department of Information by publishing an article headed "Citizen: R27-million shock" on November 15.

They pleaded not guilty before the Chief Magistrate of Johannesburg, Mr L P Francis.

Mr Sydney Kentridge, SC, for the defence, said he wished to question Mr Alberts and Mr Pretorius to find out which Government department had carried the losses of The Citizen since the disbanding of the Department of Information, and which Government department had assumed responsibility for the newspaper's overdraft.

He said these amounts could not have been met by the Department of Information since it had ceased to exist "and therefore this is a matter outside the terms of reference of the Erasmus Commission."

"The object of my questioning is to ascertain what has become of that overdraft. Has it been paid, if so by whom and when was the overdraft entered into?"

"What we wish to prove is that this overdraft which has disappeared from the balance sheet of South Africa Today has in fact been met by the Government — but not by the Department of Information which does not exist. We wish to show that this overdraft is looked after by some other department of the Government and that it is therefore a matter outside the terms of reference of the Erasmus Commission."

"I submit that we are entitled as best we can to lead that evidence, investigate the matter and call witnesses to prove that this is so."

The court adjourned when the witnesses refused to answer questions and requested permission to consult legal advisers. The men reappeared in the witness box and Mr P E Streicher, who appeared for the witnesses at two hours' notice, said he had not had sufficient time to consult his clients.

They objected to giving evidence on the grounds that it was not in the public interest and that it would contravene the Commission Act.

Mr Kentridge cited legal precedent to show that these objections could not be used as a blanket refusal

1970	0761	8 173	67 569	722
1969	6961	7 613	885 89	618
1968	8961	7 846	70 715	354
1967	1961	7 737	70 449	370
1966	6961	8 560	73 679	381
1965	1961	8 587	72 271	..
1964	1961	7 977	68 472	..
1963	1961	7	..	..
1962	1961	6	..	..
1961	1961	6	..	..
1960	0961	6	..	..
1959	6561	5	..	..
1958	8561	5	..	..
1957	7561	5	..	..
1956	9561	5	..	..
1955	1961	5	..	..
1954	1961	3	..	..
1953	1961	3	..	..
1952	2561	3	..	..
1951	1561	3	..	..
1950	0561	3	..	..
1949	1961	3	..	..
1948	1961	3	..	..
1947	1961	3	..	..
1946	1961	3	..	..
Year				

COAL MINES:

TABLE 6:

PRESS

1979

PM, NPU to meet again on Press curbs

(243)

RDM 11/179

By HELEN ZILLE

Political Correspondent

THE NEWSPAPER Press Union will hold a second round of talks with the Prime Minister, Mr P W Botha, following his ultimatum to newspapers to "get their house in order".

The talks are scheduled for February 15, three months after the first confidential talks of November.

1. The series of discussions comes at a time of renewed speculation in the wake of the Information Department scandal that the Government will take legislative steps to control the Press

2. The November talks followed a scathing attack by Mr Botha on the Press during a speech at Sasolburg

3. And at the special session of Parliament earlier this month, Mr Botha announced that a law to curb "rumour mongering" was possible

4. Although the NPU has made no statement on further developments, it is understood that the November meeting, officially described as "deep and frank", resulted in an attempt to draw up a response meeting the Government's minimum demands.

5. Mr G G A Uys, general manager of the NPU, declined to comment on the matter yesterday, but said discussions would include "all matters relating to the Press".

6. In a recent article, the Christian Science Monitor gave details of a memorandum reportedly drawn up by the NPU as a response to the Government's demand to the Press to put its house in order.

7. The Minister of Justice, Mr J T Kruger, is reported to have wanted the right to get interdicts from the Press Council to prevent publication of "unsuitable" material and to be given the source of Press reports when he required them

8. The NPU was also reportedly called upon to consider machinery which would have a preventative effect as there were complaints that the Press Council only became effective once damage had been done

9. The report also referred to limitations to be placed on foreign correspondents.

SEARCH DIVISION
OF ECONOMIC
ZITH BUILDING
O CALETONS
RONDE BOSCH
7700

NO.		PRICE
1.	The series of discussions comes at a time of renewed speculation in the wake of the Information Department scandal that the Government will take legislative steps to control the Press	R2,00
2.	The November talks followed a scathing attack by Mr Botha on the Press during a speech at Sasolburg	R1,50
3.	And at the special session of Parliament earlier this month, Mr Botha announced that a law to curb "rumour mongering" was possible	
4.	Although the NPU has made no statement on further developments, it is understood that the November meeting, officially described as "deep and frank", resulted in an attempt to draw up a response meeting the Government's minimum demands.	
5.	Mr G G A Uys, general manager of the NPU, declined to comment on the matter yesterday, but said discussions would include "all matters relating to the Press".	976 R2,50
6.	D.G. Clarke Contract Labour from Rhodesia to the South African Gold Mines: A Study in the International division of a Labour Reserve	R3,00
7.	J.B. Knight Labour Supply in the South African Economy	R2,50
8.	Mike Morris Apartheid, Agriculture and the State: The Farm Labour Question	R2,50
9.	Nigel Bloch The Demand for African Technicians	R2,50
10.	David Selvan Housing Conditions for Migrant Workers in Cape Town	R3,00
11.	Sheila Niven/ Charles Simkins A Study of Consumer Patterns in Hanover Park in Cape Town	R1,50
12.	Johana Maree/ Janet Graaff Residential & Migrant Workers in Cape Town	R4,00
13.	Norman Reynolds Rural Development in Botswana	R2,00
14.	Johann Maree/ Judith Cornell Sample Survey of Squatters in Unibell	R1,50
15.	Norman Bromberger (FORTHCOMING) Mining Employment in South Africa, 1946-2000	R4,00
16.	Gordon Young (FORTHCOMING)	
17.	Johann Maree Sample Survey of Squatters in Crossroads	R1,50

Political aims in newspaper shareholding

By GORDON KLING

243

A CAPE TIMES investigation in response to a challenge from the Cape mouthpiece of the National Party, the Burger, to reveal the identities of its majority shareholders and their political affiliations has established that the parent companies of both newspapers are probably controlled by investors placing politics ahead of business profits.

The Burger has given the Cape Times access to the 700-page share register of its owner, Nasionale Pers, and this newspaper possesses the names of all 3 435 of Nasionale's shareholders. The register shows the Burger shares are, for the most part, held in small parcels by people in many walks of life residing throughout the Republic. Top individual shareholders are Dr Albert Hertzog with 12 370 shares, Mr C L Marais of Cape Town, 5 500 shares, and Mr R D M Parker of Constantia with 4 000. The major corporate shareholders are Fedgroei Ltd, 64 950 shares, Homes Trust Life, 28 140, and Santam Bank with 10 000.

South African Associated Newspapers was unable to respond with an equally detailed list. SAAN owns the Cape Times, the Sunday Times, the Rand Daily Mail and the Financial Mail. It also has a controlling interest in Eastern Province Newspapers, which publishes the Eastern Province Herald and Evening Post, a 50 percent stake in the Pretoria News and a one-third shareholding in the Natal Mercury.

Secret nominees

The directors of SAAN are the chairman, Mr I G McPherson, the managing director, Mr C H Kinsley, Mr J R A Bailey, Mr C Cilliers, Mr C L Hewitt, Mr G K Lindsay, Mr J D Robinson, Mr L E A Slater and Mr L H Walton. The directors of the Cape Times are Mr D A St C Hennessy, (chairman), Messrs Kinsley, Lindsay, MacPherson, and Walton, Mr W Judge (managing director), and Mr G M C Cronwright.

An updated list of major SAAN shareholders as of December 18, accounting for 90,10 percent of the issued shares, shows that about 40 percent of the vast newspaper group is owned by secret nominees.

Registered shareholder	number of shares	percent of shares
Abe Bailey Trust	30 400	1,57
Barclays National nominees (Advowson)	405 186	20,90
Robinson and Co	100 000	5,16
SA Mutual Life	33 050	1,70
Standard Bank nominees	92 635	4,78
Swiss-SA Reinsurance	18 000	0,93
Argus Pension Fund	10 000	0,52
Argus Printing and Publishing	760 000	39,23
Colonial Mutual	27 725	1,43
L H Walton	10 025	0,52
Baileys Nominees	189 113	9,75
Baronetcy Nominees	70 300	3,63

SAAN was asked to reveal the identities of the nominee shareholders. A spokesman said "The answer is no. I can only disclose the names of the

G J Koornhof and Mr S P Botha, recently relinquished their directorships.

Given the relatively low capital gains potential of the newspaper shares and the low return, any investment decision would have to be based on considerations other than financial gain.

This was also confirmed by one of the trustees of Advowson Trust, which was created to protect SAAN from falling into hands which subsequently proved to be the government, in the form of the defunct Department of Information shortly after the failure of the notorious take-over bid by Mr Louis Luyt in October, 1975. The trustee said the return and growth potential would not in themselves have prompted the emergency operation to keep shares which were about to be sold by the Bailey interests out of "undesirable" hands.

A former MP and ex-son-in-law of Mr Harry Oppenheimer, Mr Gordon Waddell, and a prominent stockbroker and former president of the Johannesburg Stock Exchange, Mr Max Borkum, were closely associated with efforts to establish the trust at the time. The avowed object of the trust was to ensure that SAAN did not again become vulnerable to a disruptive take-over. Those opposed to it said it was a vehicle to ensure Progressives retained control of SAAN.

Advowson's trustees are its chairman, Mr Israel Maisels, SC, Mr Max Borkum, a prominent stockbroker and former president of the Johannesburg Stock Exchange, Mr Charl Cilliers, a Johannesburg lawyer, Mr Frank Robb, a Cape Town businessman, and Mr Eric Tenderin, a Johannesburg businessman.

Revealing previously unpublished information, the trustee, who did not want to be named, said "It's not the sort of investment you would make only for the sake of an investment. There are 396 000 shares that cost a little over R4 a share against R3,65 today. We're getting a return that pays for itself. We get about 8 to 8,5 percent on our money (from SAAN dividends). Immediately after the shares were bought the price fell, but you couldn't get 20 percent of the company for that."

Mr Luyt originally offered R4,50 a share and stepped this up to R6 a few weeks later.

Anglo American

Referring to the funding of the trust, which spent R1,64 million for its SAAN shares, one trustee said the money had been provided by Mr Harry Oppenheimer and his Anglo American Corporation. It was possible, but unlikely, that this money had since been replaced by other investors. Another trustee said he had personally borrowed almost the entire amount and put it into the trust, he was horrified that anyone would suggest that Anglo American had funded the body. The other three said they had no idea. Three of the trustees said they had put no money of their own into the trust, while one said he had put in a small amount. The Cape Times was accurately able to source R200 000 of the trust's funds to two businessmen.

Advowson Trust owns all the ordinary shares (two) in Advowson Investments (Pty) Ltd.

Cont

Cape Times Saturday, January 6 1979

Financial advisers would agree that this was technically the only reply possible since trusts and nominees are often specifically created to keep the identity of shareholders confidential. It would be up to the trustees and shareholders alone to take any decision to come out into the open

Complaints

It is this issue applied to newspapers, of course, that has led to controversy and complaints, particularly from the Simonstown MP, Mr John Wiley

The point that has been made is that the nature of newspapers makes anonymity on the part of investors undesirable. Logically normal business practices, including nominee shareholders, should apply to investments made on business grounds and this raises the important question of whether the investor in a newspaper regards it any differently than any other business

After discussions with the trustees acting for nominee shareholders in SAAN it is not possible to accept that these shareholders invested money on normal investment return criteria. The same applies to investors in Nasionale Pers

The managing director of Nasionale Pers, Mr David de Villiers, has conceded to the Cape Times that there is a strong element of patriotic duty involved in investing in the company's shares which offer a lower return than SAAN's — under 5 percent compared with about 8 percent. Nasionale's other directors are its chairman and former editor of the Burger, Mr P J Cillie, the deputy chairman, Mr P L la Grange, Mr C V van der Merwe, Dr A D Wassenaar, Mr J F Malherbe, and Mr M J de Vries. The Prime Minister, Mr P W Botha, and two cabinet ministers, Dr P

consists of R1,6 million redeemable preference shares earning the SAAN dividends and belonging to the nominees. The prefs carry no votes. It is the two ordinary shares, held jointly by the five trustees which represent control. The trustees are self-perpetuating — any vacancies are to be filled by their appointees. One of the trustees said it had originally been intended to have the donor of the trust's funds fill vacancies but the trustees had rejected this on the grounds that it would represent control for the donor. This would have defeated the whole object. The trust now has one director, Mr Cilliers, on SAAN's board

It all comes down to a group of admittedly anti-Nationalists having secured SAAN shares to keep its newspapers away from government supporters. Who they are and why they want to remain anonymous can only be answered by them

Over at Nasionale Pers, Mr De Villiers accepts that a similar principle operating on opposite political sympathies exists. In order to prevent any individual or institution from becoming too powerful in the group, a blocking mechanism permits a maximum of 50 votes a shareholder regardless of the number of shares held

Still, the directors exercise effective control of the company although the entire board could be dismissed in law. But the shareholders, although comprising a far wider base than SAAN's, pay little interest to affairs of the company, as do most shareholders. The directors also must approve all transfers of shares

So both groups are tight ships with obvious political motives behind their funding. The difference is that in Nasionale's case the shareholders are known. The vast majority of them are also effectively powerless

10/1/79

THE ARGUS, WEDNESDAY JANUARY 10 1979

Argus shareholders no secret — Slater

Argus Correspondent JOHANNESBURG. — The major shareholdings in the Argus Company are no secret, the chairman, Mr L. E. A. Slater, said yesterday.

Responding to a challenge by the Citizen newspaper to disclose who owns the secret shareholdings of Argus and Saan, Mr Slater said he was not the appropriate authority

to comment on the shareholdings of South African Associated Newspapers.

As far as the Argus group was concerned, Mr Slater pointed out it was common knowledge that Johannesburg Consolidated Investments Ltd owned 17.9 percent of the company and had done so for decades. JCI declared this shareholding in their annual

report.

Moreover, 10 years ago he had said in his annual report that 10 percent of the shares were held by overseas interests. As had been correctly pointed out by the Citizen itself last year, these shares were held by Charter Consolidated Ltd.

The biggest single block of shares is controlled by the Argus Voting Trust, the

trustees of which are myself, the managing director of the company Mr C. L. C. Hewitt, and a former general manager, Mr A. H. Macintosh, Mr Slater said.

The Argus Voting Trust controls 26.8 percent of the shares, including the shareholdings of the Argus Pension Fund, the Argus Provident Fund, the CNA Provident

Fund, CNA Investments Ltd, the Rhodesian Printing and Publishing Company, South African Associated Newspapers and The Star Seaside Fund.

In addition a number of other shareholders, all fairly small, have given their special powers of attorney to the trust, which means it can vote their shares.

Other large shareholders

included the SA Mutual, with 6.4 percent and the JCI Pension and Gratuities Fund with 6 percent.

There were some nominee shareholders, the beneficial owners of which were not known, but these were of no significance, he added.

For the rest, the shares were widely held, with no single block of any consequence.

WJLW - 10/1/79 (203)

R.D.M. 12/1/79
243

Editor on contempt, defamation charges

Own Correspondent

MARITZBURG. — The editor of the Sunday Express, Mr. Rex Gibson, and one of his reporters, Ms Jennifer Hyman, are to appear in the Supreme Court here on charges of defamation and contempt of court.

Mr Gibson will appear in his personal capacity and on behalf of the owners of the paper, South African Associated Newspapers. The hearing is expected to be on February 12.

The charges arise from an article in the May 21 issue of the Sunday Express which claimed that attorneys in pending terrorism trial cases were not always

informed of the trial dates, resulting in their clients appearing without their knowledge.

Reference was made to a terrorism trial in Maritzburg in which three people appeared.

According to the charge, the contempt case relates to the publication of an article "calculated to cast suspicion on the administration of justice in the Supreme Court of South Africa."

The defamation charge concerns the publication of "false allegations about the conduct of a prominent practising advocate calculated to injure his good name and reputation."

EDITOR AND REPORTER TO APPEAR OVER TERROR TRIAL ARTICLE

243

Press trial takes place next month

ISSUES relating to the administration of justice in South Africa are expected to be canvassed in a newspaper trial set down for the Supreme Court in Maritzburg next month.

The Editor of the Sunday Express, Mr Rex Gibson, and a senior reporter on the newspaper, Ms Jennifer Hyman, have been charged with contempt of court and criminal defamation and are to appear in the Maritzburg Supreme Court on February 12.

The charges are connected with an article written by Ms Hyman on Terrorism Act trials and the role of pro deo attorneys and the Security Police.

The article was published in the Sunday Express on May 21, 1978. Two legal actions have so far flowed from it.

First, Ms Hyman was taken before a magistrate to try to get her to disclose information relating to the article in terms of Section 205 of the Criminal Procedure Act.

A person refusing to testify or answer questions under this section can be sentenced to a maximum of two years imprisonment.

Now summons has been served in connection with the contempt and criminal defamation charges.

Mr Gibson is charged on

Sunday Express Reporter

behalf of the owners of the Sunday Express, South African Associated Newspapers, and in his personal capacity Ms Hyman is cited in her personal capacity.

Mr Gibson and Ms Hyman are charged with contempt of court in that the newspaper article is alleged to have insinuated that practising advocates who had from time to time been appointed by the Supreme Court to act as pro deo counsel for detainees prosecuted on charges of terrorism and sabotage did not have appropriate qualifications - with the result that

the detainees were exposed to the risk of being wrongly convicted and/or had, in fact, been wrongly convicted.

They are also charged with contempt in that the article is alleged to have been calculated to cast suspicion upon the administration of justice in and by the Supreme Court and to bring the administration of justice into disrepute by alleging that in a "recent" case in Maritzburg a practising advocate did not have the appropriate qualifications and that he wrongly advised his three clients to plead guilty.

The criminal defamation charge also arises from the above.

When Ms Hyman appeared in court in terms of Section 205 in October last year it was on the strength of the third subpoena served on her since July.

The first ordered her to appear in court on July 21 to "testify and declare all she knows" concerning a supposed offence of contempt of court alleged to have been committed by Mr Gibson.

The Sunday Express's legal representatives replied to the subpoena and Ms Hyman did not appear in court as summoned.

The second subpoena was served in September. The nature of the alleged offence had been changed to "contempt of court, alleged to have been committed by a person or persons unknown" and only one question was laid down.

This demanded that Ms Hyman produce "any written record that she may have made of her interview with the attorney referred to in the ultimate paragraph of her article." Once again the Sunday Express's attorneys responded by letter to this subpoena.

In the third subpoena the nature of the alleged offence was changed again; this time to read "contempt of court and/or criminal defamation alleged to have been committed by a person or person unknown."

It was in response to this subpoena, which listed eight questions, that Ms Hyman went to court.

Miss Hyman's counsel, Mr Denis Kuy, told the magistrate, Mr J. J. F. Booyens, that the process of

their units off the ground. The pressure for jobs a full-time employment by a Government organisation - law in Lesotho and by an Incomes Policy in Botswana rather as a minimum rate that will attract methods viable. In above P1,00 per day. In Lesotho the diff. construction unit a ments. This has l

since the Security Police had told Ms Hyman they already had the answers

If they did not have some of these answers, Mr Kuy said, these were readily obtainable from the court record of the case which Ms Hyman referred to

He also alleged that Ms Hyman was being harassed into breaking her journalist's code of ethics, since journalists regarded confidential sources of information as privileged

1. P0,86 = Rand 1,0

Commissions Act—Mail and editor fined R 100

Star 17/1/79

243

South African Associated Newspapers, the editor of the Rand Daily Mail, Mr Allister Sparks, and the financial editor, Mr Hamish Fraser, were today found guilty by the Chief Magistrate of Johannesburg of contravening the Commissions Act.

SAAN was fined R50, Sparks was fined R50 or 25 days and Fraser was cautioned and discharged.

The magistrate, Mr L Francis, found that by publishing an article on November 15 1978, entitled "Citizen R27-million," they had anticipated the findings of the Erasmus Commission at a time when the commission had not yet reported its findings to the State President.

Mr Francis found that the article, which contained an analysis of balance sheets of SA Today (Pty) Ltd, former owners of The Citizen, fell within the terms of reference of the commission.

The Erasmus Commission was appointed to inquire into and recommend on the misappropriation of public funds by the former Department of Information and or any person connected with it.

He said the article contained comment and analysis of specific accounts in

an endeavour to establish what had become of certain funds. It referred specifically to Dr Eschel Rhodie and to the Department of Information.

Before being sentenced Sparks said his newspaper had "clung on to the Information Department scandal with the tenacity of a bull terrier."

He said he believed it was the paper's duty to the public to expose the scandal which the Government itself had tried to cover up for a long time.

In publishing facts released by the Mostert Commission headed by Mr Justice Anton Mostert, he believed that the Rand Daily Mail had performed a service to the country.

He accepted full responsibility for the November 15 article.

In mitigation of sentence, Sparks said he had been called to Pretoria by the Secretary of the Erasmus Commission on November 10 last year.

"At the interview, Mr Erasmus said he was not concerned with anything which, 'my brother Mostert' had released. He intimated that the information released by Judge Mostert was public property."

"I came to the conclu-

sion that, as far as the Erasmus Commission was concerned, newspapers were free to publish information disclosed by the Mostert Commission.

Sparks told the court the article had been published after close examination of certain documents released to the Press by Mr Justice Mostert.

"After studying accounts relating to the funding of The Citizen with the financial manager of SAAN, our analysis showed that at least R27-million appeared to have been paid to The Citizen by the Government."

"This struck me as an important news item of great public interest."

"On my instructions, Mr Fraser wrote the article, entitled 'Citizen — R27-million shock' and I accept full responsibility for it. At no time did I intend to anticipate the findings or proceedings of the Erasmus Commission."

"Within 48 hours of the article's appearance in the Rand Daily Mail, I was served with a summons to appear in court."

"This hastiness contrasts strangely with the tardiness the State has shown in bringing any kind of legal action against the principal figures involved in the Information scandal."

Sparks pointed out that no legal action had been taken against other newspapers, except that Mr Kitt Katzin of the Sunday Express had been brought before a magistrate to give information required by the police.

"I come to the conclusion that the State has attempted to use the process of the law to harass and intimidate

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very long time"
He said that in his
experience it had been
normal practice for South
African newspapers to
publish information, com-
ment, and speculation re-
lating to events of public
importance, even though a
commission of inquiry had
been appointed
Mr Sydney Kentridge SC,
defending, said this was
the first time a newspaper
had been convicted under
the regulations governing
commissions of inquiry
He said that, in convict-
ing the Rand Daily Mail,
the court had laid down a
precedent for other
people and newspapers
Mr B Geach appeared for the
State, Mr S Kentridge SC, with
him Mr S Kinghorn instructed by
Bell Dewar and Hall, appeared for
the defence

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proposed. Yet it is the immediate governance
most effectively ensure a happy mix of social
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Editor fined for Info cash report

AD 18/1/79

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JOHANNESBURG — South African Associated Newspapers, the editor of the **Rand Daily Mail**, Mr Allister Sparks, and a financial reporter, Mr Hamish Fraser, were found guilty here yesterday of contravening the Commissions Act.

Saan was fined R50, Mr Sparks was fined R50 or 25 days and Mr Fraser was cautioned and discharged.

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Mr Francis found that the article, which contained an analysis of balance sheets of SA Today (Pty) Ltd, the former owners of The Citizen, fell within the terms of reference of the commission.

The Erasmus Commission was appointed to inquire into and recommend on the misappropriation of public funds by the former Department of Information and any person connected with it.

He said the article contained comment and analysis of specific accounts in an endeavour to establish what had become of certain funds. It referred specifically to Dr Eschel Rhoodie and to the department.

"These were some of the very issues contained within the terms of reference of the Erasmus Commission," he said.

Before being sentenced, Mr Sparks said his newspaper had "clung onto

the Information Department scandal with the tenacity of a bull terrier."

He said he believed it was the paper's duty to the public to expose the scandal which the government itself had tried to cover up for a very long time.

In publishing facts released by the Mostert Commission, he believed the Mail had performed a service to the country.

He accepted full responsibility for the November 15 article.

Summing up the evidence, Mr Francis said the managing director of SA Today, Mr J van Zyl Alberts, told the court how the losses of The Citizen were made good by the government and how money was transferred into SA Today's account with Volkskas.

Mr Van Zyl Alberts had referred the court to Gen H van den Bergh, former chief of the now defunct Bureau of State Security, for details about the funding of The Citizen.

Evidence by the Braamfontein branch manager of Volkskas, Mr A Pretorius, confirmed that about R7 million had been transferred from the Reserve Bank in Pretoria to SA Today's account.

In mitigation, Mr Sparks told the court the article had been published after close examination of cer-

tain documents released to the press by Mr Justice Mostert.

"After studying accounts relating to the funding of The Citizen with the financial manager of Saan, our analysis showed that at least R27 million appeared to have been paid to The Citizen by the government.

"This struck me as an important news item of great public interest.

"On my instructions, Mr Fraser wrote the article entitled Citizen — R27 million shock, and I accept full responsibility for it. At no time did I intend to anticipate the findings or proceedings of the Erasmus Commission."

Mr Sparks said he had been called by the secretary of the Erasmus Commission to interview its members in Pretoria on November 10 last year.

"At the interview, Mr Erasmus said he was not concerned with anything which 'my brother Mostert' had released. He intimated that the information released by Judge Mostert was public property.

"I came to the conclusion that as far as the Erasmus Commission was concerned, newspapers were free to publish information disclosed by the Mostert Commission.

"Within 48 hours of the

article's appearance in the Rand Daily Mail, I was served with a summons to appear in court.

"This hastiness contrasts strangely with the tardiness that the state has shown in bringing any kind of legal action against the principal figures involved in the Information scandal."

Mr Sparks said no legal action had been taken against other newspapers, except that Mr Kitt Katzin of the Sunday Express had been summoned before a magistrate to give information required by the police.

"I come to the conclusion that the state has attempted to use the process of the law to harass and intimidate newspapers which have played a leading role in exposing the Information scandal which the government itself has tried to cover up for a very long time."

In his experience, it had been normal practice for South African newspapers to publish information, comment and speculation, on events of public importance even though a commission of inquiry had been appointed.

Mr Sydney Kentridge, SC, defending, said this was the first time a newspaper had been convicted under the regulations governing commissions of inquiry — SAPA.

DD
18/11/79
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Mail editor held in custody

JOHANNESBURG — The editor of the Rand Daily Mail, Mr Allister Sparks, was held in custody in a locked office at the Regional Court here yesterday after being fined R50 or 25 days for contravening the Commissions Act

He was released following the intervention of Mr L. P. Francis, chief magistrate of Johannesburg.

Mr Sparks said he had been given no official explanation for being held in custody. There was a "general state of confusion" which seemed to revolve around the question of bail, he said.

"It all fitted into the pattern of harassment which appears to have been the purpose of bringing this prosecution in the

which was brought fully into the counsels of the two administrative bodies. Liaison between people and town government was safeguarded and no important question was decided without reference to the Civic Association executive.

Amenities, Services and Communications
The Association campaigned for the erection of the Millway station in 1926. It played an important role in initiating sporting bodies in Pinelands and the establishment of a good playground for the allocated ground, advanced lease, and provided facilities for levelling sports fields, but required the Civic Association to assume responsibility for any sporting club loan, lease and other agreements. No assistance was given without the consent and approval of the Association, which was most impressive. (41)

The universal hobby of Pinelands was garden making and the Society was the most active organisation in the neighbourhood in 1922 and the Pinelands Garden City Monthly Journal was first published in 1928. It was first published in 1929 and news was included in this magazine. (42)

On 25 January 1926 the first school was opened in a private house erected in Central Square. This was the Pinelands Primary School, and her two assistant teachers and 102 pupils moved into the new premises in 1932. This was the only school in Pinelands before 1948. Another educational facility was the Pinelands Library which was built in July 1924. (43)

St. Stephen's Church of the Province of South Africa was built in 1926 and the foundation stone was laid by the Earl of Africa, Governor-General of South Africa, on 17 April. (44) In 1931 the Methodist Church was granted a site for a church which was completed the following year. The foundation stone of the Presbyterian church was laid in 1938 and the N.G. Church building was opened in 1942. (45) The Brown and Annie Lawrence Home for the aged was built in 1929. (46) This was the first of some six homes for elderly citizens to be established in Pinelands. In 1933 sites were set aside for the Boy Scout and Girl Guides associations. (47) Between 1924 and 1945 there were vociferous arguments against the establishment of shops or flats. (48) It was not until 1945 that the Pinelands Co-operative Society was formed. Only shareholders were permitted to buy goods. (49)

In 1929 the Triangle Omnibus Company began a transport service from Pinelands

Frage: Uberammer
Antwort: In 1926

3) Im Sommer bekanntest

Frage: as wur
Antwort:

entwickelt

Frage: as wur
Antwort:

entwickelt

Frage: as wur
Antwort:

RATIONALISING
Making the announcement yesterday, Mr Marius Jooste, chairman of Perskor, said the move was aimed at rationalising its English publications. Twelve editorial members of The Financial Gazette were given assurances that they would be employed by The Citizen which is already hard pressed for staff. The editor of The Financial Gazette, Mr Otto Krause, was not given a job at The Citizen. Mr Jooste said he would take up other tasks within the Perskor Group. Since the Mostert Commission disclosed that The

It is believed that more resignations are to follow, also from members of the Financial Gazette, which has now been incorporated into The Citizen. The Financial Gazette will appear for the last time today.

Among those who resigned are the night news editor, Mr Hendrik Vorster, the entire financial staff under Mr Vic de Klerk, the circulation manager, Mr Andy Westsels, several other circulation staff members, journalists and sub-editors.

Argus Correspondent
JOHANNESBURG. — At least nine editorial staff members have resigned from The Citizen after the announcement of the merger with The Financial Gazette, owned by Peskor.

MUNICIPAL STATUS
The future of the Pinelands is becoming a municipal issue. It is impossible for the city of Cape Town at the time had suggested the Peninsula. The majority of course other advantages to be gained by municipal status, particularly regard to revenue and financial contracts. It is probably the initial move towards exchange in the status of Pinelands, popular belief came from the Provincial Administration. There is a desire from this quarter that all local boards, which had exceeded a certain limiting valuation, should assume the full powers and responsibilities of a municipality. By remaining a local board certain responsibilities and requirements were evaded, among which contributions to hospitals, main road construction and maintenance, and deficits were the most important. In addition, the powers of a local board were more controlled and restricted in

A senior editorial member who was planning to resign later said morale was low. 'So many things have happened. The sparkle has gone and now everybody is hoping for a good job offer.'

It is believed that at least 160 employees have left out of a total of nearly 300.

Citizen had been funded by the Government, the newspaper has lost most of its senior editorial members.

Citizen merger: Nine staff quit

function was to bridge the deposit gap by lending prospective buyers a further 15% of the total cost of a house by means of a second mortgage bond, at a considerably lower rate of interest than could be obtained anywhere else. (55) The company engaged private contractors to build several houses each year. They were sold on future payments at cost. At first, the company's small, limited capital was used to build houses. It was able to raise money by selling shares in the company. Under bonds, established to assist many people to acquire or improve houses. The stimulus provided by the Pinelands Development Company, the township's main source of growth, increased. By 1940 the number of houses in Pinelands had risen to 800 compared with 150 in 1926. (56)

function was to bridge the deposit gap by lending prospective buyers a further 15% of the total cost of a house by means of a second mortgage bond, at a considerably lower rate of interest than could be obtained anywhere else. (55)

weeks ago, Perskor claims to have cut the newspaper's losses from R500 000 a month to about R136 000 a month. Losses for the year will not exceed R1,5m. Jooste tells the *FM* "We'll start making a profit in three years," he adds.

He attributes the improvement to rationalisation, including a package-deal for advertisers supporting the group's five main papers

Meanwhile, Jooste is contemplating getting rid of the controversial *Citizen* press, for which Perskor paid R375 000, as it is inadequate for the paper's needs. He will sell it if a replacement is found. "The Argus group says it would pay R600 000 for such a press. Well, as far as I'm concerned, they can have it at that price if we get a new one." When the *Citizen* deal was done, some experts estimated the press was worth over R1m. If Jooste sells at a profit so soon after the controversial deal through which Perskor has clearly benefited, the row could well flare up again

Jooste estimates Perskor's pre-tax profits over the past six months at R2 826 000 — a figure which incorporates the *Citizen* losses thus far.

2	4	1	1
1	4	1	1
1	6	-	-
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THE PRESS

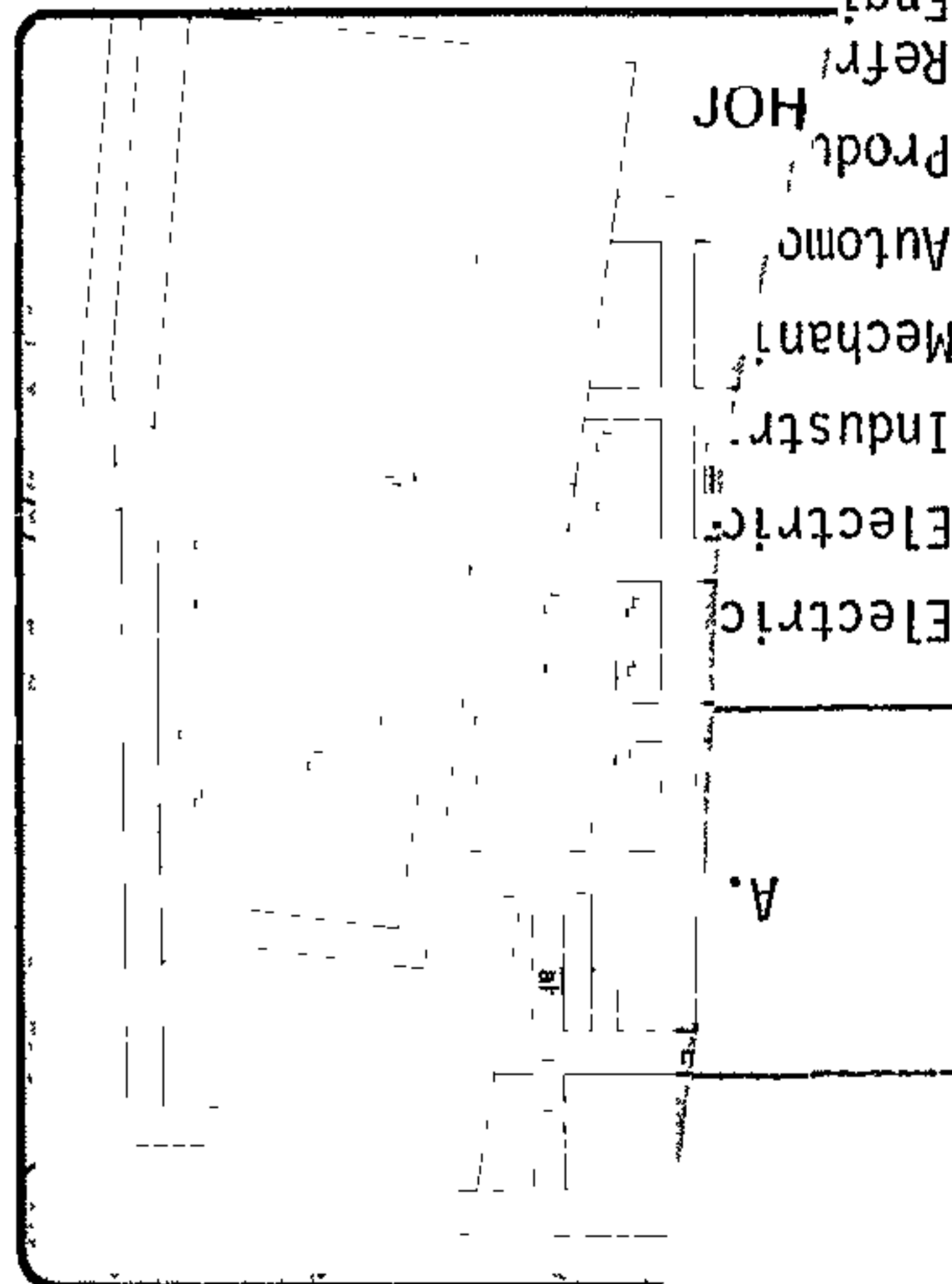
Bye Bye Gazette 243 *FM 2/2/79*

The news that *The Citizen* is to absorb the *Financial Gazette (FG)* — which goes on the street for the last time this week — has led to speculation in Perskor that a Sunday *Citizen*, possibly on a national basis, is now imminent

Perskor chairman Marius Jooste called the staff of the *FG* into his office at 16h00 on Wednesday afternoon and told them the paper was folding. *The Citizen* would absorb those who wanted to move to there — others could be placed on the remaining Perskor papers if they wished. As *The Citizen* had at least six resignations this week, editor Johnny Johnson may need them. Jooste then gave the staff ten days leave in which to make up their minds.

Senior staffers on the *FG* estimate that the paper's real losses last year were in the region of R200 000

Since it took over *The Citizen* eight



Financial Mail February 2 1979

Table 25.

The answer to the sole question asked in this postal survey of firms in Natal, 'Assuming full economic recovery and a return to boom conditions, how many Africans would you require qualified under A. or B. hereunder in the categories stated at the period stated?', is tabulated below. For each category of technician, both the number of technicians firms felt they required and the number of firms indicating they felt they required that kind of technician are given.

Journalist's farewell ^{20 3/19 19} 243

KING WILLIAM'S TOWN
 — The president of the Writers' Association of South Africa, Mr Zwelakhe Sisulu, will be guest speaker at the farewell dinner in honour of Mr Leslie Xinwa, former Daily Dispatch reporter

Mr Xinwa was editor of Indaba, the Daily Dispatch supplement, until he left the newspaper at the end of February. He joined

the paper eight years ago

The dinner, which has been arranged by black journalists on the Border, will be on March 10, in Zwelitsha.

Mr Xinwa was the Border branch chairman of the Union of Black Journalists before that organisation was banned on October 19, 1977 — DDR

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Backward stepwise regression is a technique employed in multiple regression to end up with a final equation containing only significant variables. It works as follows: significant levels are determined for the inclusion and the exclusion of variables. Computations then commence with all the variables included in the multiple regression. Thereupon a step by step regression is performed each time excluding that variable found to be

Backward Stepwise Regression

A chi square (χ^2) test was used throughout to test the significance of the influence of the variables on each other in the two-way tables. A confidence level of 0,01 implies that there is a 99% probability that the influence is significant. The percentage is calculated as follows:
 $(1,0 - 0,01) \times 100 = 0,99 \times 100 = 99\%$
 Thus a confidence level of 0,05 gives a 95% probability that the influence is significant.

Contingency Tables

"Average" is used to indicate the arithmetic mean. The standard deviation of the mean, when provided, is given in rounded brackets after each average: thus $41 (\pm 13)$ years mean the arithmetic mean is 41 and the standard deviation is 13 years. The standard deviation indicates the dispersion of values about the mean: 68% of the sample values lie within one standard deviation on either side of the mean when the distribution is normal. When the distribution is not normal at least 75% of the sample values lie within 2 standard deviations on either side of the mean.
 (Reference, Roscoe, J.T., Fundamental Research Statistics (Holt, Rinehart & Winston, N.Y., 1969), p.51).

Averages and Standard Deviations

Statistical Practices and Explanations

APPENDIX I

Author says English press have 'caused unwarranted hopes' among blacks

By RICHARD WICKSTEED

THE South African English press has consistently misinterpreted government policy statements, causing unwarranted excitement and hopes among blacks that fundamental change was taking place, according to the author of a book on Soweto:

Mr John Kane-Berman, author of a recent book on Soweto and an assistant editor of the Financial Mail, told the Cape Times that the

coverage of the opening of Parliament and the emphasis on the new "blueprint for blacks" epitomized this "inconsistency" in the role of the opposition press.

He had about 30 headlines from one newspaper pinned on his noticeboard saying that a "new deal" for blacks is in the offing.

"At this rate blacks have been getting 'new deals' frequently for the past 10 years, yet apartheid has been systematically tightened up

at every session of Parliament since 1948," he said.

Mr Kane-Berman criticized the way the opposition press played up the "verligte" comments of the Afrikaners press as though great changes were taking place in the apartheid structure.

"One need only read the editorials of the Afrikaners press to realize that no fundamental change is in the offing," he said.

Mr Kane-Berman said the government had

become more adept in presenting a favourable image to the public. It had learnt to handle the English press much more skilfully.

"I think the English press has played along with this for a long time. They take at face value the statements made by Nationalist spokesmen.

"When an opposition press endorses such statements, they stir a great deal of excitement among blacks, which is absolute baloney," he said.

In his book, "Soweto - Black Revolt, White Reaction", which was published in November last year, Mr Kane-Berman said the English press had set great store by the Afrikaner verligtes "in the faith and hope that they will somehow be the salvation of South Africa.

"In so doing it has misled many of its readers. A survey conducted by a German social research institute between 1974 and 1977 concluded that only six percent of Nationalists were verligtes

"Not only are their numbers small, they are

Nationalists first and verligtes second. Here lies their emasculating weakness."

Mr Kane-Berman says in his book that opposition newspapers portray pleas by verligte Nationalists for minor adjustments in policy as "blueprints for major change".

The English press misrepresented and exaggerated the statements of Afrikaner dissidents by reading more into them than was actually there, "and sometimes ignore the fine print altogether".

Battling for survival

263 PM 9/2/79

The *Sunday Express*, which has been in the forefront of the Infogate exposures, last Sunday carried two further instalments of the saga. On its front page it published the words allegedly used by General Hendrik van den Bergh to the Erasmus Commission, to the effect that

BOSS would, if necessary, not stop at murder on page 9, it claimed that last December Prime Minister P W Botha discussed this boast with the full National Party caucus.

P W Botha promptly dubbed this latter story a lie and gave *Express* editor Rex

Gibson an ultimatum: apologise, or the *Express* would be closed down (Botha, incidentally, had refused to comment on the story, attributed by the *Express* to an "impeccable source", before it was published, nor has there yet been an unqualified denial that Van den Bergh actually

used the words.) In the face of this threat, on Tuesday Gibson sent Botha a written apology.

That a newspaper can be threatened with closure for, at worst, making a mistake in good faith on an issue of little discernible relevance to national (as distinct from National) security, is evidence of the crushing political pressures facing the Press.

The Botha threat came only three weeks after the *Rand Daily Mail* was found guilty of contravening the Com-

wants others to be

In fact, as the chart shows, on published data the control of the English Press is no great secret, and while it may be true that the Anglo American group (in the broadest sense, including JCI and Charter) is a large shareholder in Argus, this by no means amounts to control.

The Argus voting trust (which includes the shares held by the Argus pension and provident funds, CNA and its provident fund, the Star Seaside Fund, and Rhodesian Printing & Publishing, but not — as wrongly stated by Argus chairman Layton Slater recently — the shares held by SAAN) and either of the other two large holders (SAAN and Old Mutual) could block any Charter-JCI moves to exert real control (not that there is any evidence that these have ever been made).

Equally, while Argus has the largest single stake in SAAN, it could be outvoted by an Advowson-Bailey-Robinson alliance. The Argus-SAAN crossholding dates back to 1971, when there was a share-swap intended at the time as the precursor of closer links between the two groups. It is no great secret that since then relations between Argus and SAAN have at times deteriorated, and any attempt by Argus to influence SAAN editorial policies could run into rough seas. The Robinson interest stems from another share-swap, between that company (commercial printer and publisher of *The Natal Mercury*) and SAAN in 1973.

The dark horse in the SAAN shareholding is, of course, the Advowson block, acquired mainly from the Bailey interests to ward off Louis Luyt's Info-financed bid in 1975. It has been alleged that the funds for this, too, came from 44 Main Street, their actual source has never been disclosed.

Clarifying statement

It was presumably to ward off the argument that they are a tool of the PFP and Hoggenger that the Advowson trustees this week issued a statement clarifying their position. The five trustees (chairman Issy Maisels QC, other members Max Borkum, Charl Cilliers, Eric Tenderini and Frank Robb) affirm that they are nominees for no person or company, subject to no outside control.

Some of them indeed have links with the PFP, and may be sympathetic to SAAN's general political line (to preserve that was, after all, one of the reasons for forming the trust), but jointly and collectively they have a stature that surely exempts them from the charge of being anybody's creature.

It can in fact be argued that it is the Afrikaans Press whose control is open to concern. Nasionale makes great play of having thousands of shareholders, none of them dominant, but its board has the power to accept or reject share transfers

The control of Afrikaanse Pers is even more convoluted. The listed Afrikaanse Pers (1962) Bpk controls the operating subsidiary, Perskor (also a generic term for the whole group) APB is 44% owned by Vaderland-Beleggings. Voting control of Vaderland rests in only 2% (by value) of its equity, that 2% is controlled by Dagbreek Trust, another self-perpetuating oligarchy answerable to no-one.

So while it is conceivable that control of either Argus or SAAN could be bought through the market, both Nasionale and Perskor are virtually immune to any change in control.

But ultimately, newspapers are a business. The survival of either the English or the Afrikaans Press is a question of economics. And here, too, pressures are mounting.

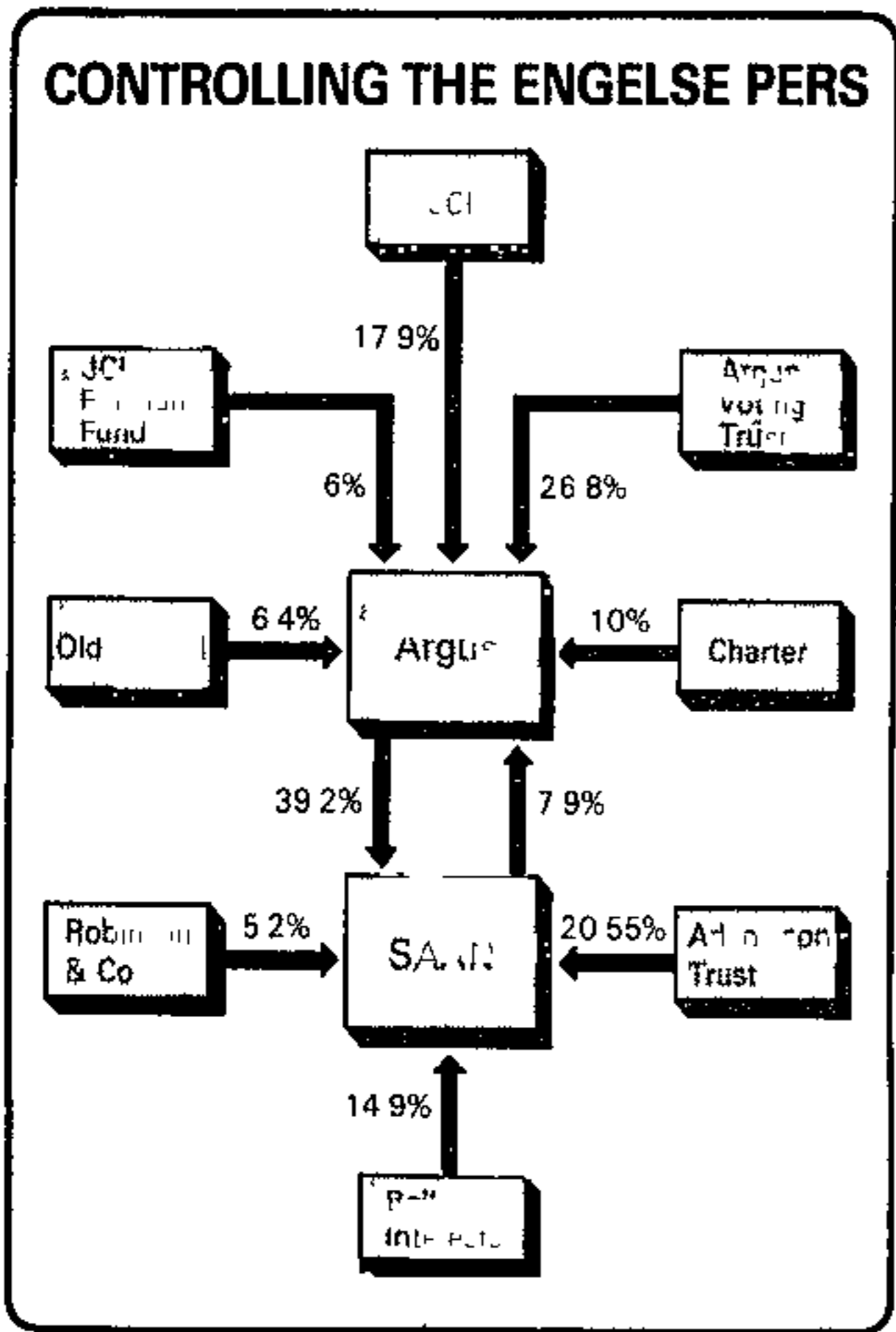
As the latest ABC figures (see *Business Brief*) show, newspaper circulations were, at best, static in the second half of last year. But of far more importance to newspapers than circulation revenue is advertising revenue (in the case of SAAN, for this purpose the "purest" newspaper publisher, as all the others have significant non-newspaper interests, 80% of total revenue in 1977).

The latest Adindex figures show that, while total advertising expenditure rose 22% last year, to R240m, TV took almost R39m of the extra R44m. Press advertising rose only 1,4%, to R151m, and if allowance is made for higher rates, that must mean a downturn in volume. Indicative, too, of the impact of TV, classified and retail advertising did better than national advertising, where TV has an inherent edge. The press took only 63% of the total advertising cake in 1978, against 76% in the two previous years. TV went from nothing to 16%.

The squeeze on revenue, both circulation and advertising, has coincided with rising costs and overtrading. Expensive new technical methods offer long-term savings, but are costly in the short run. Rivalry has led newspaper groups to set up costly competing distribution chains (Perskor's Marius Jooste dubs distribution the major cost drain in any newspaper company).

The introduction of *The Citizen*, *Die Beeld*, and Perskor's small Pretoria papers, *Hoofstad* and *Oggendblad*, has brought a range of titles in the southern Transvaal that numerically can be matched by probably no other area of comparable population in the world. Probably the only profitable daily papers in the southern Transvaal are *The Star* and *Pretoria News*.

Rationalisation has already started, with Perskor's merger of *The Citizen* and the *Financial Gazette*, but Jooste admits that "We may well have to feed some of our (remaining) newspapers to others" — a hint that *Hoofstad's* and *Oggendblad's* days could be numbered. Indeed,



missions Act, when its use of information published by the Mostert Commission was held to be "anticipating" the findings of the Erasmus Commission. Joel Mervis, former editor of the *Sunday Times*, now a PFP MPC, who attended the trial on behalf of the International Press Institute, has warned that the implications of this finding could place an "enormous restraint" on newspapers.

When P W succeeded John Vorster as PM, there were hopes that this might lead to a more relaxed approach to the Press on the part of government. After all, P W was a long-time director of Nasionale Pers (which publishes SA's premier Afrikaans daily, *Die Burger*), and has long been on close terms with Nasionale's MD, "Lang Dawid" de Villiers.

Judging by this latest development, these hopes may turn out to be vain. The Press — and even under existing legislation, one distinguished ex-editor likened his job to walking blindfold through a minefield — may yet be faced with the prospect of tougher legislation controlling what it may write about — and how.

Nor is that the only political problem facing the Press. The Information exposures have opened the English Press, in particular, to charges of being less forthcoming about its own affairs than it

P.T.O

said it had no money to assist them. 'No money in South Africa,' Needham exclaimed,

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while opponents of the RDM point to that paper's losses (probably over R2m last year). Die Transvaler is thought to have had an even higher loss. Fortunately, each of the main groups has a profitable mainstay. For SAAN, the Eastern Province Newspapers subsidiary and Sunday Times (and, to a lesser extent, the FM), for Argus, The Star, Pretoria News and its coastal papers, for Perskor, its government printing contracts — especially the telephone directories — but what would happen to it if some of these got diverted to Nasional and its (ex Republican) magazines for Nasional, its Cape and magazine operations. And it is widely believed that one of the next steps could be not a shrinking,

but an enlarging, of the market, with the long rumoured Sunday Citizen. To some, the Gazette merger is a logical precursor of this. Interestingly, such a step would not be entirely unwelcome to the immediate target, the Sunday Express. In spite of its remarkable editorial successes in the past year, Express sales have been declining, apparently mainly because with higher cover prices people who used to buy two or three Sunday papers now buy only one. The Express's minuscule budget helped it close to break even last year, but strained its manpower resources to the limit. Senior Expressmen hope that a Sunday Citizen could induce SAAN management to relax the purse strings. One possible solution to the industry's

financial problems does not seem to be on another cover price increase. For while the loss of sales that would inevitably follow this would probably be outweighed by the gains in gross revenue, inter group politics prevents any tacit agreement on higher prices. After a year in which Press exposures of public scandals should be enabling it to stand on a firm footing, it is a depressing comment on our society that, both economically and politically, pressures on the Press have never been greater. If we are to maintain any vestige of an open society, people of all shades of political opinion should hope that, as it has always managed to struggle through in the past, the SA Press will again surmount these latest hurdles.

he was reported as Monday morning brought as to the number who office in Parliament policemen reckoned Premier's office was 2 500. It was, in crowd, made up mainly of the Argus continued. tail of the contract to the hollowed the pavements of interested spectators confined to the march below the demarcation line. The price unemployed the previous product is a better thought it proper to the delegation, though it proper to transfer payments. Here under to be men. Office and for British workers he cannot get a distribution. idly criticised take it, for income distribution.

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as Saldanha Bay and Richard's Bay". (p.21, Economic Development Programme 1976-81, summary). In addition mention is made of energy

About 53% of white, coloured and Asian marriages are in community of property and 47% by antenuptial contract. In the case of civil marriage by Africans, as opposed to "customary unions," the marriage is automatically

wife needs her husband's consent to do many things. The husband, on the other hand, can generally speaking do as he likes with the joint property. Commented June Sinclair, in A Guide to the Legal Consequences of Marriage published by Legal & General

the Federation of Business & Professional Women have both welcomed the bill in general. The Federation's president, Lihan Rosenberg, comments. The Federation welcomes the introduction of marriage by community of accrual, but feels that this should be

Express editor on defamation charge

Mercury Bureau

12/2/79 (243)

PIETERMARITZBURG — South African Associated Newspapers Ltd., the editor of the Sunday Express and a journalist will appear in the Pietermaritzburg Supreme Court today on charges of contempt of court and criminal defamation following an article which allegedly defamed a practising advocate.

The editor of the Sunday Express, Mr. Richard Alexander Gibson will appear in his personal capacity and as a representative of SAAN.

The journalist who wrote the article, which appeared in the issue of May 21 is Jennifer Hyman.

Reference was made in the article to a Pietermaritzburg terrorism trial in which three accused appeared.

The charge of contempt of court relates to the publishing of an article "which was calculated to cast suspicion on the administration of justice in the Supreme Court of South Africa."

The second count relates to the publishing of "false allegations about the conduct of a prominent practising advocate which was calculated to injure his good name and reputation."

'Sorry' says Express to angry PM

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NM 12/2/79

Political Reporter

THE Sunday Express has apologised to the Prime Minister for an incorrect report that stated that he had addressed the National Party caucus on missing words in the Erasmus Commission report.

The apology in yesterday's edition of the newspaper follows an ultimatum to it earlier last week by the Prime Minister — apologise or be closed down.

In the report acknowledging the incorrectness of the report the editor of the Sunday Express, Mr Rex Gibson, is quoted as saying "It is not necessary to threaten a newspaper to ensure that it corrects a wrong report. Journalistic ethics require a correction — therefore we will publish one."

The ultimatum stemmed from a front-page report on February 4. It stated that the Prime Minister had addressed his caucus about

missing words — attributed to General Hendrik van den Bergh, former head of the Bureau for State Security — in the Erasmus Commission report.

The Sunday Express said the caucus discussion took place on December 6 — on the eve of the special parliamentary session to debate the Information debacle.

"Where the Sunday Express erred was in assuming that its inquiries would be met with a firm denial — on or off the record — if its information was inaccurate. This proved to be an unwarranted assumption," the report said.

Issue the goal of truth...

MR BENJAMIN BRADLEE, executive editor of the Washington Post — the man who directed his newspaper's sensational Watergate investigation — last night delivered this speech at the presentation dinner of the Stellenbosch Farmers' Winery awards for Entertaining Journalism in Cape Town.

What about US Ambassador Graham Martin, once our envoy to Vietnam now in retirement in the hills of North Carolina? He had loaned his car to his son one night last year, and the car was routinely stolen. A few days later it was recovered, and a not so routine search of the boot revealed packet after packet of classified documents, literally hundreds of secret cables from the Ambassador's days in Saigon. No one was pursued or prosecuted here.

What about the CIA letting a low-level employee make off with the most secret spy-satellite manual, and sell it to the Russians, only to have to admit during the man's trial that 11 other copies had been unaccounted for, for months?

I hope that you will allow me to believe that I have narrowed — or expanded, if you will — my case from national security to national interest, and that brings us quickly back to square one; who the hell are newspaper editors, who elected them, to decide what is the national interest?

The answer is, of course, that in my experience and in my land, newspaper editors are just as patriotic and responsible as most government servants. As I have watched the parade of government servants in and out of jail in my country, you will permit me to think that we don't wear little American flags in our lapels, some of us, the way Mr Nixon and Mr Agnew did.

Editors are, and must be, concerned with the national interest — and true questions of national security. But I was trained in the school of journalism that said editors should not be concerned with the consequences of political embarrassment.

I was, trained to claim and exercise the right to question the unexplained actions of government, and to disbelieve the explanations; if the truth led me to that disbelief.

over ->

Why the Press must pui

MANY YEARS ago, in the reign of Lyndon the First, — President of the United States of America — I was the Washington Bureau Chief of Newsweek, the weekly news magazine. And my peers had charged me with the responsibility of writing a cover story on J Edgar Hoover, the venerable director of the Federal Bureau of Investigation, and the greatest bureaucrat my country has ever produced.

I was having more than ordinary difficulty with the story, because I could find very little to say about the old man that had not been said before, and because his dislike of me and of my magazine was such that he refused to see us, or to let any of his meaningful associates see us.

To the rescue came one Bill Moyers, President Johnson's trusted aide and his Press secretary. Moyers told me off the record that Johnson had finally decided to replace Hoover and that the search for his successor was at last under way. That was more than enough of a peg for the cover story, and in a few days more than two million copies of Newsweek were on the newsstands, announcing the end of the Hoover era, Hoover's bulldog face on the magazine cover.

Alas, a few days after that, President Johnson called a sudden Press conference in the sunny rose garden behind the White House, and announced on nationwide television that he had decided in fact to retain Hoover as director of the FBI — for life. On his way out to face the TV cameras, he turned to my friend Moyers, and said: "By the way, will you call Ben Bradlee, and ask him who the hell he thinks he is."

You are probably not interested in the heart-warming story of my rise from copy boy to editor, but I suspect the same question will occur to some of you in this room and elsewhere in South Africa as I talk to you tonight about the relationship between Press and government, what that relationship has been recently in America, what it is like today, and what it might be in an ideal world.

There is a conflict in that relationship, make no mistake about that. Our goals are different, if not antagonistic. The Press is committed to the pursuit of some abstract and difficult goal called truth; or the Press



Mr Benjamin C Bradlee the price of liberty is eternal vigilance by an informed citizenry.

someone in authority says it's so. During and after Watergate, I came close to changing that law to read: Just because someone in authority says it's so, it almost assuredly is not so. If there is danger that this leads to cynicism and querulousness, so be it. I worry a little about young journalists trying to unseat the President every time they cover a fire. But I worry more about editors who worry too much about such reporters, and fail to send them out to cover the smoke.

You are entitled to some examples to justify my her-

threatened; it was the American word of honour that was under siege. I happen to believe that the distinction is critically important, that the distinction is at the heart of most criticism of the Press in this area.

In the Pentagon Papers case, you will remember the United States Government — for the first time in the then 195 years of Republic — was proceeding against two newspapers in an effort to get them to cease publishing. The stories which the New York Times and the Washington Post wanted to print were

hands than to solve any great problems, we had thought. But in those few books, in a matter of minutes, while the assistant secretary's questioning proceeded, we found seven published references to Operation Marigold (In case you have forgotten what it was, it was an unsuccessful "secret" peace-feeling effort in 1966 — five years earlier — when Lyndon Johnson had enlisted the help of Polish and Italian diplomats to see if Ho-Chi-Minh had some deal which Johnson didn't know about.) Three days later Life magazine published an article by Prime Minister Harold Wilson of Britain. Its title was — you've guessed it — Operation Marigold. And before our case was heard on appeal by the Supreme Court, we had found 10 additional references, including a section in a recent book by the secretary of the National Security Council, which advises the President on national security matters. Catch-22 again.

Here again, it was obvious the Government had something else than national security in mind, in proceeding against the Post and the Times.

With the glory of hindsight it is also perfectly obvious what that something else was — the intimidation and harassment of two authoritative, but less than friendly, newspapers. (Perhaps none of you remembers as well as I do, that portion of the infamous Nixon tapes, in which the President told his advisors that the Post was going to have "damnable, damnable problems" before he was through with us.) In any case, all but a few hundred words of the Pentagon Papers were ultimately released by the Government itself, and not one of those 200 words had ever appeared in any US newspapers.

I suspect that some of those of you who have followed me this far, if any of you have, may want to part company over the next case. Please feel free.

Some months after Carter's election, Bob Woodward whose name has a familiar ring to many of us, came to me with the report that the CIA was giving King Hussein of Jordan one million dollars a year in walking-around money (distinct from the hundreds of millions he received from the United States in military and economic aid for his country). In fact, Hus-

lion dollars a year worth of a Middle Eastern King.

Back in the office, we resumed our deliberations, factored in the conversation with President Carter, decided to print it, and so informed the White House. They asked us to delay publication 24 hours for their own reasons, and we acceded.

We have gone on to other battles, the White House and The Washington Post. My only memento a year later from that encounter is a handwritten letter, signed Jimmy Carter, letting me know in certain terms that he thought I did my country a disservice. By accident, I saw him one year later to the day, and asked him if he still thought so, and all I got was a smile. A big one.

I cannot resist the temptation to bring up a few cases where I think national security really was an issue, having hopefully convinced you that national security was never an issue in at least three cases where different Presidents of the United States claimed it was.

Handwritten initials or mark.

Handwritten text: "The Italian Renaissance in its Historical Background (1961) 58"

Handwritten text: "Rand Daily Mail Fri, Feb 16 1979"

Rand Daily Mail ~~Friday~~ Friday Feb 16 1979.

my view. The government is committed to propagating and emphasising that part of the truth which paints it in the rosier colours and which makes its perpetuation most likely. It is committed — at most — to disinterest in any other part of the truth. There is nothing wrong or evil in those differing goals, especially when they are understood by the players — and by our common masters, the readers.

I'd like to talk tonight about those conflicts, how to live with them and how to survive them.

The first thing to know about them is that they have been around for a long, long time. In my own country, one of our greatest Vice-Presidents, Thomas Jefferson, wrote more than 170 years ago: "Nothing can now be believed which is seen in a newspaper... that man who never looks into a newspaper is better informed than he who reads them, inasmuch as he who knows nothing is nearer the truth than he whose mind is filled with falsehood and error."

Sound familiar? A century and a half later one of our worst Vice-Presidents, Spiro T Agnew, was saying much the same thing. Of course, he left office under a cloud to avoid prosecution for taking bribes, in cash, in unmarked envelopes, while sitting at his Vice-Presidential desk. Let us never forget. Parenthetically, that brings me to an important thing to be said about the conflict between Press and government, and that is the comforting realisation that we have this fortunate habit of outlasting our critics.

Specifically I'd like to talk about a few of these conflicts between Press and government which seem to be particularly germane tonight. The conflict between freedom of the Press and national security, for instance. And the conflict between the public's right to know, and the national interest. To describe the conflict, of course, is to illuminate the major barriers to its resolution: namely, who decides what is national security, true national security, and who decides where lies the true national interest?

I think if I have learnt any single lesson after 30 years in journalism it is simply this: It is not necessarily so, just because

Let's take the conflict between national security and Press freedom first, I believe — with the late Supreme Court Justice Hugo Black, that newspapers exist to serve the interests of the governed, not the governors, and nowhere is the distinction clearer than in issues of national security—

like the American bombing of Cambodia during the war in Vietnam, for instance, like the so-called Pentagon Papers in the spring of 1971, and most recently during President Carter's administration, like the revelation that the CIA had a Middle East King on its payroll to the tune of one million dollars a year.

Some of you will remember that President Nixon called the revelation that American planes were bombing Cambodia the single most serious violation of national security during his presidency. (It was broken by the New York Times, I reluctantly admit.) But think for a minute about the Catch-22 nature of the President's statement. The Cambodians presumably knew they were being bombed. Since only American planes were flying throughout the war, they knew who was doing the bombing. If there were no North Vietnamese under the bombs, the whole thing was a tragedy of errors. And if the North Vietnamese knew, surely the Godless communists, who are the *raison d'être* of national security laws and security regulations, surely they knew. And even our new friends the Red Chinese must have known.

So what's the secret? Why the secrecy? The answer, of course is plain. The Nixon Administration was moving heaven and earth to prevent the American people from knowing that — despite treaty obligations to the contrary, and despite repeated public statements by President Nixon to the contrary — the United States was bombing Cambodia. The Nixon Administration was scared to death of the hell that might be raised, and in fact was raised, by hundreds of thousands of Americans, when that particular truth emerged.

At issue was national embarrassment, not national security. American borders, American security were not

of documents from a classified study of the Vietnam War, all of them dealing with events at least five years old. The documents had been leaked to both papers by one of the authors of that study, one Daniel Ellsberg. The Government had not yet proceeded against Ellsberg and after they were caught burgling his psychiatrist's files and tapping his telephone, they never did proceed against him. (The perpetrators of this clumsy fiasco, incidentally, were the same people who brought us the break-in at the Watergate.)

In any case, unlike many of you here tonight, this was my first and only time as a defendant, perhaps that's why the scene is indelibly etched in my mind. Windows into the courtroom had been draped with black crepe, in case some lip-reading passerby should learn some super-secrets. We defendants had been given a snap security clearance, before we were allowed to attend our own trial. (This is what is occasionally referred to as the cradle of democracy.)

The case was dragging a bit, with an assistant secretary of defence, whose name I have mercifully lost, on the stand. When the judge interrupted examination of the witness impatiently, and asked: "Let's get to the heart of this case. Let's stop the fencing. What is there in the Pentagon Papers, what single incident described in the Pentagon Papers, will most damage the security of the United States?" In other words, what's your best shot against the Post?

A glazed look came across the eyes of the Government witness. He hadn't read any of the 4 000 pages of documents, and he quickly asked for a recess. Then minutes later, he was back on the stand, the court stenographer reread him the question, and he paused dramatically before saying "Operation Marigold".

Now, it was our turn for the glazed look, right? I mean anything that begins with the word "Operation" has got to involve national security, right? That's the way it is in the movies and on TV.

Wrong. We defendants had brought a dozen and a half books with us to the defence table, more to give us something to do with our

payroll for that amount for more than 20 years, ever since he had come to the throne at the age of 18.

As a decision-making tool in such cases, we have adopted the practice of making an initial decision to print the story. That gets the writers, the editors, and the second-guessers started. Then we convene a group of experts on our staff, who are charged with trying to convince us not to print the story for whatever reason. Experts, I dare add, who have vastly more experience in national security matters than say, Hamilton Jordan, or Jody Powell.

What was unique in this case was that during the deliberations of this group, I received a call from the President's Press secretary, Mr Powell, himself, who told me that if 25 or 30 minutes with the President would help us make up our minds in this case, he could see Woodward and myself the following morning. It had been some time since we had received such an invitation from anyone in the White House, and we accepted.

Next day, the President almost completely disarmed me. He began our conversation by saying that he was not going to tell us whether to print the story, that was our decision. Those particular words in that particular order had never been spoken to me before — or since I might add...

The President told us that the payment to Hussein was true, that he had not heard of it before Woodward had queried the White House two days earlier, that he had ordered the payment stopped, and that he was concerned about how any revelation of these payments might affect the efforts he was making to get a Middle East settlement.

We thanked him for not demanding anything, and for re-confirming the story. We expressed wonderment that he had not known about it beforehand, given the fact that he had been briefed three times by CIA Director George Bush and four times by Secretary of State Henry Kissinger, only days before assuming the presidency.

It stunned me then, as it stuns me now, to learn that the foreign policy establishment in America considers it of no consequence to the President of the United States that he owns one mil-

DEPOSITION OF HENRY.... (FEB. 1076)

O blessed Peter, prince of the thine ear, we pray, and hear me, thy servant from infancy and hast delivered until now from those who have hated and still hate me for my lordship, as are also my Lady, the Mother of thy brother among all the saints, that thy lordship defend me against my will to be its ruler. I had not the throne as a robber, nay, rather would I have been a pilgrim than to seize upon thy place for the sake of this world. Therefore, by thy favor, not believe that it is and has been thy will, that the emperor committed to thee should render obedience to a secular representative. To me is given by thy grace and blessing in Heaven and upon earth.

Wherefore, relying upon this commission, in the name of Almighty God and Holy Spirit, through thy power and authority, I excommunicate the emperor Henry, who has rebelled against the Church, of audacity, of the government over the empire and Italy, and I release all Christian men from the oath they have sworn or may swear to him, and I forbid him to be king. For it is fitting that he who seeks to be king of the Church should lose the glory which he seems to have.

And, since he has refused to obey as a Christian the God whom he has abandoned by taking part with the emperor, has spurned my warnings which I gave him, as thou knowest, and has separated himself from the Church, I bind him in the bonds of excommunication and I bind him thus as commissioned by thy grace, know and be convinced that thou art Peter and the Son of the living God has built his Church and no power shall prevail against it.

CONCORDAT..... (SEPT. 1122).

Privilege of the pope

I, Bishop Calixtus, servant of the servants of God, beloved son Henry—by the grace of God Augustus— that the election of those bishops and abbots who belong to the kingdom shall take place in peace and without any violence; so that if any of the parties concerned, you may—with the counsel of the metropolitan and the co-provincials—give your aid to the party which appears to have the better case. You may receive the "regalia" from you through the secular form his lawful duties to you for them. But he who is lord of parts of the Empire shall, within six months, receive you through the sceptre and shall perform his duties, saving all things which are known as pertaining to the crown, complain to me in any of these matters and ask for your aid, if such is the duty of my office. I grant this and to all those who are or have been of your party during this discord.

Privilege of the emperor

In the name of Holy and Indivisible Trinity, I, Henry, by the grace of God August Emperor of the Romans, for the love of God and of the Holy Roman Church and of the lord Pope Calixtus and for the healing of my soul, do surrender to God, to the Holy Apostles of God, Peter and Paul, and to the Holy Roman Church all investiture through ring and staff; and do agree that in all churches throughout my kingdom and empire there shall be canonical elections and free consecration. I restore to the same Roman Church all the possessions and temporalities ["regalia"] which have been abstracted until the present day either in the lifetime of my father or in my own and which I hold; and I will faithfully aid in the restoration of those which I do not hold. The possessions also of all other churches and princes and of every one else, either cleric or layman, which had been lost in that war, I will restore, so far as I hold them, according to the counsel of the princes or according to justice; and I will faithfully aid in the restoration of those that I do not hold. And I grant a true peace to the lord Pope Calixtus and to the Holy Roman Church and to all who are or have been on its side. In matters where the Holy Roman Church would seek assistance I will faithfully grant it; and in those where she shall complain to me, I will duly grant justice to

Botha 243
meets 1/6/79
NPU

CAPE TOWN — Members of the Newspaper Press Union yesterday held a two-hour meeting with the Prime Minister, Mr P. W. Botha, and other Cabinet Ministers

Matters believed to have been discussed were the new Press Council deal and the agreement between the government and the NPU.

This was the second meeting between NPU members and the Prime Minister. The last was held on November 16 last year.

Other Ministers who attended yesterday's meeting were the Minister of Finance, Sen Owen Horwood, the Minister of Community Development, Mr Marais Steyn, the Minister of Foreign Affairs, Mr Pik Botha, the Minister of the Interior, Mr A. L. Schibusch, and the Minister of Justice, Mr Jimmy Kruger.

The NPU was represented by its chairman, Mr R. Opperman of Perskor, Mr Dawid de Villiers of Nasionale Pers, Mr Clive Kingsley of SAAN, Mr H. W. Miller of the Argus group, and the manager of the NPU, Mr G. Uys.

Also present was Mr Neville Krige, director of the Prime Minister's press secretariat.

There was no press statement or comment from the Prime Minister's office afterwards. —SAPA.

Editors told: don't fear political embarrassment

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16/2/79

CAPE TOWN — Newspaper editors are, and must be, concerned with the national interest and true questions of national security, but should not be concerned with the consequences of political embarrassment, Mr Ben Bradlee, executive editor of the Washington Post, said last night.

Speaking at the presentation dinner of the Stellenbosch Farmers' Winery Awards for enterprising journalists here, Mr Bradlee said in his experience editors were just as patriotic and responsible as most government servants.

"We don't wear little American flags in our lapels the way Mr Richard Nixon and Mr Spiro Agnew did," he said, commenting on the parade of government servants in and out of jail in his

country.

Mr Bradlee said he was strained to claim and exercise the right to question the unexplained actions of government and to disbelieve the explanations if the truth led him to that disbelief.

"I believe this more than ever after Watergate, where a handful of irresponsible men performed illegal and senseless acts, forcing their peers to lie to prevent discovery."

South African parallels suggested themselves, he said.

He disagreed with those South Africans who felt the press had a duty to bring certain matters to the government's attention, with a further obligation of taking another look later to see what was done

In America, that solution was "a cop-out". It was like asking the police force to investigate a scandal on the police force.

"In our system of government, the price of liberty is eternal vigilance by an informed citizenry. A citizenry can't be informed unless its right to know is untrampled."

The main conflicts between press and government were between freedom of the press and national security, the public's right to know and the national interest, he said.

"Who decides what is national security, true national security, and who decides where lies the true national interest?" he asked.

The one lesson he had learned in 30 years of journalism was: "It is not necessarily so, just because someone in authority says it's so." — DDC.

div your assent and assistance to the counsel or judgment of the that if any discord occurs between place in your presence without a abbot in the German kingdom beloved son Henry—by the grace of God August Emperor of the Romans, I, Bishop Callixtus, servant of the servants of God, concede to you,

CONCORDAT... (SEPT. 1122).

not prevail against it. son of the living God has built his Church and the gates of hell shall know and be convinced that thou art Peter and that upon thy rock the and I bind him thus as commissioned by thee, that the nations may and I bind him in the bonds of anathema in thy are, as thou knowest, and has separated himself from thy Church and persons, has spurned my warnings which I gave him for his soul's welfare, the God whom he has abandoned by taking part with excommunicated And, since he has refused to obey as a Christian should or to return to Church should lose the glory which he seems to have. as king. For it is fitting that he who seeks to diminish the glory of thy they have sworn or may swear to him, and I forbid anyone to serve him many and Italy, and I release all Christian men from the allegiance which lead-of audacity, of the government over the whole kingdom of Ger- of the emperor Henry, who has rebelled against thy Church with un- Holy Spirit, through thy power and authority, I deprive King Henry, son use of thy Church, in the name of Almighty God, Father, Son and de- Wherefore, relying upon this commission, and for the honor and de- and loosing in Heaven and upon earth. nated representative. To me is given by thy grace the power of binding committed to thee should render obedience to me thy especially give that it is and has been thy will, that the Christian people especially of this world. Therefore, by thy favor, not by any works of mine, I be- a pilgrim than to seize upon thy place for earthly glory and by device thione as a robber, nay, rather would I have chosen to end my life a me against my will to be its ruler. I had no thought of ascending the thy brother among all the saints, that thy Holy Roman Church forward witness, as are also my Lady, the Mother of God, and the blessed Paul, who have hated and still hate me for my loyalty to thee. Thou art my from infancy and hast delivered until now from the hand of the wicked thing ear, we pray, and hear me, thy servant, whom thou hast cherished O blessed Peter, prince of the Apostles, mercifully incline

DEPOSITION OF HENRY... (FEB. 1076)

How the Afrikaans Press was freed

2 Jun

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18/2/79

243

The oath that I swore was that if I should come into a position of authority on a newspaper, I would inform the people about those things they should know and so inform them that they would know what I was talking about. — Schalk Pienaar.

NOT a difficult oath, one would think, for a young journalist to make in the South Africa of more than 40 years ago

The public's right to know is, after all, the only right that a free Press can lay claim to

And in those days that right was uninhibited by a Defence Act, a Prisons Act or by the endless threats and rumours of threats through which a defensive establishment has tried in recent years to put a vast body of information beyond the reach of the public

It has largely failed, as the key role of the Press in uncovering the worst scandal ever to shake a Nationalist Government has proved

But the fact that it failed — and that the Afrikaans

Press was able to make a major contribution in bringing the sordid facts before the public — is largely because a young journalist took an oath which he never forgot

Pienaar, editor of the late and much lamented *Nasionale Pers* Sunday paper, Beeld, chose simply to be the best journalist that neither pressure nor influence could buy, thereby starting a revolution which changed the face and nature of the National Party, and its once ever-obedient servant the Afrikaans Press.

Honours

He died last year full of honours for his services to journalism and to the National Party

His posthumously published memoirs, *GETUUE VAN GROOT GETUUE* (Tagfelberg), are a reminder that the greatest service this ruggedly independent journalist did for South Africa, its Press, and ironically enough the party to

which he remained loyal all his life, was to break its stranglehold on the Afrikaans Press

What was not a matter of record until "Getuue" appeared last week, was the price of that achievement in terms of physical and mental courage.

Because criticism of Nationalist deeds and policies was for decades the often uncomfortable duty of the English-language Press, the battle for Press freedom in South Africa has too often been seen by both the public and the journalists involved as a battle between the Government and English-language newspapers.

What escaped them, largely because it was fought quietly and in private, in Prime Minister's office and party caucus, was the equally important struggle for the soul of the Afrikaans Press.

Censorship of the most blatant and ruthless kind was imposed by an establishment which regarded its Press as a willing lapdog,

obedient only to the master's voice.

The extent of this censorship, both attempted and effective, is recorded by Pienaar in four separate incidents beginning in 1961 when Dr Verwoerd moved to crush the burgeoning dissent in Die Burger over his policy towards the coloureds.

Shame

In a statement which would put the most totalitarian regime to shame, the Federal Executive of the National Party decreed that "the Government is in a better position than outsiders" to decide on all the most critical areas of Nationalist racial policy.

The fact that those "outsiders" included its own



Fleur de Villiers

Press and loyal Nationalist readers mattered not a whit. The debate was smothered at birth

The second incident recorded by Pienaar was Dr Verwoerd's determined, but unsuccessful attempt, with threats and boycott, to thwart *Nasionale Pers* plans to establish a Sunday newspaper in the Transvaal

But the most significant incidents, especially as they foreshadow his later moves to muzzle the Press as a whole, involve Mr Vorster

In 1968, in a remarkable letter to the board of the two warring Afrikaans Sundays, Dagbreek and Beeld, Mr Vorster accused both papers of undermining the National Party. Anything which hurt the party would hurt South Africa more, he warned

The main objects of his wrath were the manner in which racial matters were reported, reports which embarrassed the Government or its Ministers, the prominence given to attacks by "agitators, and frustrated people", the "blowing up" of local political differences to national crises, the undermining of trust in the party and its leadership

Enshrined

In March 1969, after discussions between the party and the two Afrikaans Press grants, a "code for Nationalist newspapers" was produced, foreshadowing in many ways the code later enshrined in Mr Vorster's notorious Press Bill

It required newspapers to refrain from casting suspicion on individual Nationalists, from labeling them, from creating division in the party ranks by "blowing up" differences, and even from criticising the published policy of the party

It is a document breath-

taking in its arrogance which, Pienaar recorded, was signed without hesitation by Mr Ben Schoema and Mr Marius Jooste, a chairman and managing director of Dagbreek. Trust later Perskor National Pers declined. It did not give instructions to its editors

When Mr Vorster tried to persuade Pienaar personally to drop columns written by Andre Brink and Dennis Worrall "because of their associations", he declined

He did not win his long and lonely battle to convince the Nationalist establishment that both party and country were beset by a free and professional Afrikaans Press

The establishment today ten years later, still believes that the only good Press is an obedient Press.

But Pienaar gave his colleagues in the Afrikaans Press world both a taste for, and a tradition of, freedom which will be difficult to eradicate.

Press Council fines Rand Daily Mail

R.D. 11
243
19/2/79

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Staff Reporter
THE Rand Daily Mail has been fined R500 for a report printed in its Extra edition of September 2 last year which the South African Press Council adjudged to be incorrect. The Press Council adjudication, handed down on Friday, said "1 In its adjudication dated 5 January 1979 and published in the Rand Daily Mail Extra on 9 January 1979, the South African Press Council found that the Rand Daily Mail Extra had on 2 September 1978 published a report which had wrongly stated the facts set out in paragraph B of the aforesaid adjudication and

the council severely reprimanded the Rand Daily Mail Extra "2 The South African Press Council having found that the challenged report of 2 September was an unwarranted attack on the branch of the Security Police at Rustenburg and one which was calculated to bring the said police into disrepute, called on the proprietor of the Rand Daily Mail Extra and the Rand Daily Mail Extra, in terms of rule of procedure 4 (k) and clause 3(f)(iv) of the South African Press Council Constitution, to show cause why a fine should not be imposed "3 Having had regard to

the submissions made on behalf of the proprietor and the newspaper the Council is of the view that a fine should be imposed "4 Accordingly the proprietor of the Rand Daily Mail Extra is hereby fined the sum of R500,00 "5 a The Rand Daily Mail and the Rand Daily Mail Extra are directed to publish with due prominence and under a suitably prominent headline paragraphs 1 to 5 of this adjudication "b Such publication is to be made within 4 (four) days from the date on which this adjudication is handed to the Rand Daily Mail"

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2.2 Land Availability

Each worker was asked, "does your family have any land to cultivate in the homeland?". The intention of the question was to establish whether members of the workers' family had land available that they could cultivate by either having tenure themselves or by renting it.

Table 14 contains the results, but a word of caution is needed. The figures for land sizes are not accurate because they were rough estimates made by those interviewed.

Size of Land Holding (morgens)	Percentage of workers with homeland tie holding land up to and including this size (1)
0	39
1	46
2	63
3	79
4	95
5	99

(1) Cumulative percentages

N=145

It is clear that land available for cultivation was very limited: 39% had no land for cultivation while 79% had 3 morgens or less. On the other hand only one worker's family had more than 5 morgens available for cultivation.

21. The Chi square statistic is significant at the 0,00 confidence level. By tie with a rural area we mean that a worker or his family either has land available for cultivating or they own livestock, or the worker has dependants in the rural

Wiley's press motion: Govt move possible

CAPE TIMES 20/2/79

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Political Staff

THE government could give an indication in Parliament today on possible moves it intends to take against the press.

NO
1
5

...ing several false conclusions are deduced, "consciousness-raising". No feminist endorsement a description of "consciousness-raising" issues. It is clear that, despite the writer has failed to appreciate the basic the pill, abortion etc., are not personal and group facilitates the crucial transition in political. Without individual political sessions held by small groups of Chinese people in their mobilisation.

...as the "fundamental contradiction that exists between social classes then assumes secondary role to realise that he/she moves from stating particular feminist stance - radical feminism (not to be confused with the U.C.T. Women's Movement) which is a misinformed attempt to stereotype homogeneous radical-feminist group and attack

...other oppressed groups. It is rare that a vote is taken on a private member's motion in Parliament, as the debate usually takes the full 2½ hours of time allotted. However, Mr Wiley has made it clear that he is optimistic that a select committee will be appointed.

The opposition is almost sure to challenge the government to state its intentions with the press during the debate on a private member's motion, calling for a select committee to inquire into the shareholding of all South African newspapers.

The motion will be introduced by Mr John Wiley (SAP Simonstown).

The debate comes at a time when government/press relations are at their lowest ebb in years, following the disclosures of the Information scandal.

The Prime Minister, Mr P W Botha, has threatened to take legislative steps to curb "rumour mongering" and a meeting between delegations of the government and the Newspaper Press Union last week is understood to have ended in deadlock.

The government is demanding an overhaul of the press council system which would lay further restraints on South African newspapers and extend the curbs to include reports to foreign newspapers by South African correspondents.

His call on the government to take this step follows allegations of a monopoly shareholding controlling the country's English press.

Full text

The full text of his motion reads:

That a select committee be appointed to inquire into and report upon

- The share ownership of each major newspaper group in the Republic, including nominee shareholdings, trusts and other forms of disguised shareholdings, with a view to establishing the identity of the beneficial shareholders,

- The extent of effective control, both within a newspaper group and between newspaper

The cultural con- of their oppress + as discriminatory essentially expl on the other sub profound underst reinforce each o The mock-warning liberation is no no cognisance of century have wom equality, simult

By a process of the most erroneous position in any raising "as an tedious catalogue fact that "women private problems awareness from the consciousness th of this is the peasant women, w

In correlating s between men and that "the contra importance (it a basic feminist organization of the U.C.T. Women its policies acc

- The measure of concentration of ownership and control, financial and technical, as established above, and its effect on editorial opinion, comment and the presentation of views,

- Tendencies towards monopoly formation or the concentration of control in regard to the collection of news for internal and external dissemination, the distribution of newspapers and periodicals and generally, the extent to which the publication and distribution of newspapers are interlinked.

- The extent to which any findings under the above headings militate against a free press and the formation of an informed public opinion on political issues and

- Any steps deemed necessary, in the interests of all South Africans, to combat factors found to militate against a free press in the Republic

Shah's jet hijacked

Govt will probe 'Press monopolies'

R.D.M
21/2/79
2143

TEHERAN — The jetliner flown by Shah Mohammad Reza Pahlavi when he fled Iran last month has been reported hijacked by its crew yesterday and flown back to Teheran from Morocco.

A spokesman for the new revolutionary government said the Boeing 707, named Shahin (Shah's Falcon), landed at Teheran's Mehrabad Airport and its crew were then escorted to the headquarters of Ayatollah Ruhollah Khomeini, the Moslem patriarch whose revolution toppled Iran's 2 500-year-old monarchy. — Sapa-AP

By HELEN ZILLE
THE GOVERNMENT will introduce legislation paving the way for an investigation of alleged monopolies in all spheres — including the English Press

This announcement was made in Parliament yesterday by the Minister of Economic Affairs, Mr Chris Heunis, and was the first indication of the Government's intention with the Press, following the Prime Minister's threat to take ac-

tion to stop "rumour mongering"

Mr Heunis made his statement during a debate on a private member's motion, proposed by Mr John Wiley (SAP Simonstown) calling for a select committee to inquire into the shareholding of all major newspaper groups in South Africa. The call follows his repeated allegations that the Saan and Argus groups are in the hands of a monopoly, effectively controlled by the

Anglo American Corporation

Mr Wiley withdrew his motion — which was supported in principle by speakers from the National Party and the New Republic Party — following the Minister's announcement

Mr Harry Schwarz, PFF Member of Parliament for Yeoville, spoke out strongly against the proposal which he described as part of a wider attack to achieve by another method "the same rotten objective that the Department of Information sought to achieve"

Mr Schwarz also challenged the Prime Minister to spell out how he intended to deal with the Press. "What is your real intention? What do you have in mind in regard to the so-called 'rumour mongering' legislation?" Mr Schwarz asked Mr Botha across the floor of the house.

Moves aimed at the English Press came at a time when the South African Press, and particularly the English Press, had just had one of its greatest successes in the field of investigative Journalism. "One must ask whether the Information Scandal would ever have been exposed had it not been for the investigative activities of the press? A newspaper, secretly conceived in sin, with taxpayers' money, to espouse a party political cause, was shown up for what it was,"

Raising his voice above the heckling, Mr Schwarz questioned why speakers supporting the motion did not call for an investigation into the control of television and radio broadcast. Speaking on behalf of the Government, Mr Heunis supported Dr Denis Worrall, a previous National Party speaker, in supporting Press freedom

Employment	Average employment Jan - May 1977	Percentage change in 1976/1977
2 429	0	2 427
2 436	689	2 631
2 539	578	2 730
2 577	16 013	2 764
2 644	93 089	2 816
2 555	17 431	2 733
2 510	17 431	2 685
2 430	17 275	2 601
2 548	3 047	2 730
2 796	22 237	3 001
2 725	90 371	2 925
2 557	9 596	2 749
2 586	11 011	2 779
2 485	9 508	2 659

Employment figures for mining are now available for the 3.3.2

TABLE 20: EMPLOYMENT ON THE TFM MINES: 1946-1977

Questions and answers, or from
February 1979

To the Point/To the Point International

The MINISTER OF FOREIGN AFFAIRS
replied to Question 2 by Mr. J. D. ...
Bass n
Hansard 4(236) 243
Question 28/2/79

Whether the Government has
or is rendering financial assistance
way to the magazines *To The Point*
The Point International and
or companies responsible for

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WEDNESDAY 28 FEBRUARY 1979

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tion and distribution of these magazines if
so what are the details of this assistance

Reply (laid upon Table with leave of
House)

If I have to reply to every question on
the disbursement of special funds on indi-
vidual projects, everything being done in
terms of existing legislation risks exposure
by a process of elimination. The practical
effect of that would be that the objective of
the legislation of this Parliament would be
frustrated and its right of existence vitiated.

Since the Information issue has assumed
such wide dimensions it is conceivable that
doubt will have arisen on the part of the
public over measures of control over dis-
bursement of public funds for covert pro-
jects. The most important factor to allay
concerns is effective accountability. A
heavy onus would therefore rest on us to
employ a method which would satisfy this
requirement without harming the interests
of the public which these projects are
intended to promote.

You will recall that it was in response to
a specific need that, *inter alia*, a Special
Account for the Department of Foreign
Affairs was established by Act No 38 of
1967, with the full endorsement of the then
Opposition. When it has been determined
that a given project promotes the interests
of South Africa and that proper measures
have been taken to ensure that the project
is administered without any form of misap-
propriation of official funds or irregularity
it is difficult to understand why divulgence
is insisted upon. In terms of legislation
which I have referred to, a system of
control accounting and internal auditing
has been established in conjunction with
the Auditor-General and the Treasury. A
proper procedure has been prescribed to
regulate the authorization of all expendi-
tures with precision. The regulations and
discipline applied in the handling of public
funds in the Special Account go even
further than required by the Act.

It is important to acknowledge that, as in
the case of all other funds, Parliament's
financial watchdog, the Auditor-General,
recently has complete access to the dis-
bursement of funds in the Special Account
and of the Information Service.

The Government's contention is that it is
precisely because of the covert nature of
the projects that we should exercise even
greater care to ensure that irregularities do
not occur. You will agree that, where there
is no evidence of financial abuse or ir-
regularities in the administration of a
project the Government should be granted
the freedom of action to decide on the
method of execution which, according to
its judgment, will best promote the in-
terests of the country.

In the evaluation of each project a
distinction should be drawn between the
project and its execution.

Should successful implementation be
dependent upon non-disclosure it would be
not only irresponsible to expose projects
but disclosure could be harmful to the
interests of South Africa. It would be
especially in conflict with our interests if
disclosure could harm relations between
South Africa and a foreign country or well
disposed organizations and individuals in a
foreign country.

The projects which have already been
evaluated and approved by the Pretorius
Committee, are nevertheless still being
subjected periodically to the test of effec-
tiveness. The principle of co-ordinated
action has also now been extended to in-
clude participation by the National Secu-
rity Council which sets guidelines. Where
it is found that a given project could be
supported openly without comprising its
effectiveness it will be disclosed, as was
the case with the Institute for Plural
Relations at the University of Pretoria.
Two further examples are the Institute of
Strategic Studies at the University of Pre-
toria and the Centre for International Poli-
tics at the University of Potchefstroom. In
both instances it was decided to proceed
openly with financial support of these
institutions should they wish such support
to be continued.

In this spirit I wish to appeal to our
media for co-operation. Should there be the
slightest evidence of irregularity I would
not expect such information to be suppres-
sed. On the contrary, we have a Commis-
sion of Inquiry to whom such evidence
could be directed. The Auditor-General is
an established channel available to investi-
gate such matters.

3/24/79 (243)DU

Kruger cancels Wasa meeting

KING WILLIAM'S TOWN
— The meeting between the Minister of Police, Mr Kruger, and a three-man delegation from the Writers' Association of South Africa (Wasa), on Monday has been called off.

The Minister cancelled the meeting after he received the delegation's names as well as a memorandum of what the organisation wanted to discuss with him.

Wasa also sent the Minister a copy of a dossier on police harassment of black journalists, which Wasa published last year during the commemoration of the October 19 banning.

A message from the Minister's office yesterday said: "The tone of the memorandum is such that a meeting will serve no purpose."

The Minister's secretary contacted Wasa earlier to say the Minister had not expected a three-man delegation. He was under the impression he was to meet only the secretary, Mr. Thami Mazwai.

Wasa was then advised to submit a new application for the three-man delegation, but the organisation did not comply. Instead Wasa sent the Minister the list of the membership of the delegation comprising the president, Mr. Zwelakhe Sisulu, his deputy, Mr. Phil Mtimkulu, and Mr. Mazwai, as well as the dossier.

Wasa said in a statement yesterday it viewed the cancellation with dismay, but it was not unexpected "because we have come to understand the complete disregard Mr Kruger and the Nationalist Government have for black opinion."

"We know that

although it has been called off, we will not be surprised if the Security Police have meetings with us in the form of detention as has happened in the past."

The statement said the reasons given by the Minister for the cancellation were "too lame."

"We wonder if he expected a different tone from people hounded most of the time by Security Police."

"The tone of our memorandum was the tone of black journalists in this country and if the Minister refuses to meet us because of its tone, then where does he hope to meet authoritative black leaders who will speak in a softer tone?"

The Minister's action served to expose and dramatise the lie of consultation between his government and black people and also illustrated the guilty conscience which gnawed at a regime that ruled without compassion and punished without reason.

Wasa had exhausted all official channels to communicate with the government and its grievances, which were real and valid, would not go unheard.
DDR

Magistrate asks Press to be ^{Star} 6/3/79 ²⁴³ restrained

Following a report in an Afrikaans Sunday newspaper on February 18, a Johannesburg Regional Court Magistrate today appealed to the Press to "exercise restraint and leave the judging to the courts" in reporting a case involving Mr. Rafic Attieh (57), of Houghton. Mr. Attieh is charged with bribing the police to allegedly protect his gambling interests.

Mr. J. L. de Villiers was replying to an address by Mr. Attieh's advocate, Dr. Percy Yutar, who claimed that certain newspaper reports had gravely prejudiced Mr. Attieh in the eyes of the public, by calling him "the King of Johannesburg gambling mafia".

Dr. Yutar said the most damaging newspaper report appeared in an Afrikaans Sunday newspaper, which reported the conviction of Sergeant Kriel for accepting bribes.

The report claimed that Mr. Attieh had paid thousands of rands to the police in protection money.

It "dragged in" a former cabinet minister who is supposed to have been helped financially then to have used his influence to have a senior police office transferred, said Dr. Yutar.

Dr. Yutar said that when the case came to court, the "other side of the story" would be told.

The hearing was postponed to April 25. Bail of R2 000 was extended.

(2) Falls away
Hansard (1) (7/2/79) 243
Cabinet Ministers on boards of directors of
newspapers/newspaper companies

*2 Mr J D DU P BASSON asked the
Prime Minister †

- (1) Whether the Government has taken any decision on the question whether members of the Cabinet may serve on boards of directors of newspapers and newspaper companies, if so, what was the decision;
- (2) whether the decision applies to any persons other than Cabinet ministers, if so, what are the posts concerned,
- (3) whether the decision has been complied with in every respect by all the persons concerned,
- (4) whether the Government intends to embody the decision in legislation.

†The PRIME MINISTER

(1), (2), (3) and (4) The Government has decided that Ministers, Deputy Ministers, Administrators and Members of the Executive Committees of the Provinces shall henceforth no longer serve on boards of directors of newspapers and newspaper companies.
The Administrator of the Transvaal will be allowed to retain his directorships for the remainder of his term of office.
It is not necessary to embody the decision in legislation.

Political
STAR 9/13/79
journalist
0243 (1301)
sentenced

Own Correspondent

CAPE TOWN — Mr John Matisonn, political correspondent of the Sunday Express newspaper, was today sentenced to 14 days imprisonment by a Cape Town magistrate for refusing to answer questions about his source of information for a report he wrote in his newspaper late last year

Imprisonment has been suspended pending appeal to the Supreme Court and notice of appeal has been served

The case arises from a report on December 3 last year in which Mr Matisonn described the activities of Mr Frederick Shaw, head of the Christian League.

The State claims that the unknown person who supplied Mr Matisonn with the details for his report has either libelled or defamed Mr Shaw. It subpoenaed Mr Matisonn to divulge his source of information and to that end a number of questions were put to him by the State.

Mr Matisonn declined to answer some of these questions and was therefore sentenced to imprisonment. Mr Matisonn's original article alleged that Mr Shaw operated an unauthorised banking account in the United States and linked the Christian League with parties involved in the Information scandal.

Mr Matisonn's newspaper had put these allegations to Mr Shaw and had printed his reply in full.

Editor ordered out of court

Court Reporter

CT, 9/3/79

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THE editor of the Sunday Express was ordered out of the Magistrate's Court yesterday when the political correspondent of the newspaper appeared to answer questions in connection with a report dealing with an alleged foreign bank account of the head of the Christian League of South Africa.

The correspondent, Mr John Matisonn, had been subpoenaed to answer questions, and the magistrate declared the examination, as well as possible objections to the lawfulness of the subpoena to be in camera.

In spite of an application by Mr D Kuny, for Mr Matisonn, that the editor of the newspaper, Mr Rex Gibson, be allowed to remain, he was ordered out of the court.

According to the subpoena,

issued in terms of section 205 of the Criminal Procedures Act, Mr Matisonn was to be asked questions in connection with an alleged offence of libel/defamation which were alleged to have been committed by a person unknown to the State.

Mr Matisonn was to be asked for the identity of his informant or the source of his information in connection with an article with the headline, "Right-wing churchman operates unauthor-

ised bank account in US", which appeared in the Sunday Express on December 3.

He was also to be asked to give full details of where and how information was obtained with particular reference to how details of the bank account were obtained, to produce original documents from which information was received, and to disclose by whom the information referred to was received.

The report dealt with the Rev Frederick Shaw, a crusader against the South African and World Councils of Churches.

The report was published within a week of the Christian League of South Africa calling for the resignation of Bishop Tutu as general secretary of the South African Council of Churches.

The report also mentioned that the Christian League had been in contact with various people associated with the Information Department, including the Madison Avenue public relations firm, Sydney S Baron, the head of the now defunct front, SA Freedom Foundation, Mr Red Metrowich, and indicated there were indirect links with the former Information secretary, Dr Eschei Rhoodie.

The magistrate, Mr B Carroll, told the court before the inquiry started that it would be held in camera. He said the purpose of the inquiry was to obtain a statement from a person and that until a case was heard, if a case was heard, the information would be privileged.

Validity

Mr Kuny then told the court there was an intention to challenge the proceedings and the validity of the subpoena itself.

Asked why the validity had not been challenged earlier, Mr Kuny said "It can't be dealt with at any other stage than now." He said there was no other "forum" and no other "manner".

He said Mr Carroll had a discretion not to hold the inquiry in camera.

Mr Carroll had told him there was the possibility that there could be information which could prejudice the State in any possible prosecutions in the future.

Mr Kuny then applied for Mr



Mr John Matisonn, left, political correspondent of the Sunday Express, with his editor, Mr Rex Gibson, outside the Magistrate's Court yesterday.

at the inquiry. He said Mr Gibson was responsible for what appeared in the newspaper.

Asked by Mr Carroll whether it was possible that Mr Gibson might be prosecuted, Mr Kuny replied "That may be so. All the more reason why he should be allowed to remain."

Mr Carroll said Mr Gibson was not entitled to know what happened in the inquiry, and Mr Kuny had told him that as editor, Mr Gibson would know what Mr Matisonn had to say.

Mr Kuny then told the court that Mr Matisonn's subpoena called for the appearance of the correspondent or his "lawful" representative, and said this differed from a "legal" representative.

When Mr Carroll was told that Mr Matisonn was present, he said "So that excludes anybody else."

The inquiry was then declared in camera. After about two hours, the inquiry was adjourned and will continue today.

Mr J P Marais appeared for the State. Mr D Kuny, instructed by Bell, Dewar and Hall, of Johannesburg, appeared for Mr Matisonn.

Caxton (turnover R3,1m last year) already produces a dozen weekly and bi-monthly giveaways in the Johannesburg area, aggregating 241 000 circulation, with capacity to spare. When the new press arrives in June, Stark will have the potential to run 18 000 tabloid newspapers an hour.

To take up some of the slack he is attempting to convert all bi-monthly publications as quickly as possible to weeklies and, predictably, is looking around for places to launch editions further afield.

Cropper

Several years ago Stark came a cropper in Durban by trying to print on the Reef for distribution 600 km away. This, and the sad experience of trying to get advertisers' money in over such a distance makes it unlikely that he will go back to the coast. Durban currently has several giveaways, anyway. Highway Mail's George Oliver produces three monthlies — *Berea News*, *Northglen News* and *Highway Mail Bonus* which, together with a Queensburgh edition of *Bonus*, claim a monthly circulation of 57 000 copies, delivered by post.

Competition is keenest in the Pine-town-Westville area which has *Westville News*, *Pinetown Pictorial* and *Bonus*. Berea has *Berea News* and a local edition of the *Gazette* while in the Durban North-Umhlanga region *Northglen News* and the *Gazette's* North Coast edition fight it out. Other giveaways are *Durban Mirror*, in the city centre, and *Bluff Ratepayer*.

Cape Town is also getting a new giveaway, Thomson Publications' 22 000-circulation *Southern Suburbs Tatler* on March 14, so Stark, never keen so far to hit strong opposition head-on, will probably let that one pass.

Most likely targets during the second half of this year are Pretoria and the Vaal, though Stark's not saying. He admits though that the days of starting giveaways in marginal paid newspaper areas will soon be over. "The only place I won't go is where a (paid) weekly paper is already at near-saturation point," says Stark.

Saturation distribution is, in fact, his main sales pitch to advertisers paying R2,00-R2,30 per single column centimetre (sccm) for each of 12 giveaways with circulations ranging from the Edenvale/Bedfordview *Eastern Express's* 33 000 (up from 25 000 six weeks ago to coincide with the opening of Eastgate shopping complex) to Brixton's and Verwoerdburg's 12 000 each.

Stark says he tries to maintain a 60% advertising ratio with the remainder going to editorial content — varying from laudable attempts at community-conscious journalism to banal puffs wrapped around ads.

NEWSPAPERS

Stark realities

Caxton chairman Felix Stark's R400 000 new press looks like opening new fronts in the simmering newspaper war. Hostilities have until recently amounted to little more than verbal skirmishes as his nine-year-old giveaway expansion encroached on paid newspaper territory. But Stark will soon need more outlets to keep machinery utilisation respectable.



Stark . . . giveaway war

A small (300 sample) independent survey for Liberty Life showed at the end of last year that percentage male readership of the giveaway *Kandburg Sun* was 16 against *The Star's* 42, *Rand Daily Mail's* 17, *Citizen's* 19, *Transvaler's* 7, *Vaderland's* 11 and *Beeld's* 7. Female readership was higher.

He is confident that this 60/40 ratio is the formula for successful giveaways

ences, where initially hard hit paid weeklies generally survived the free distribution impact and are now coming back strongly.

The formula had better work for him as the overall overseas history of giveaways is not the licence to print money it seems. Those successful enough to avoid ignominious crashes soon found other free distribution papers in their territory

being challenged around Eastgate by the *Weekly Reporter*, put out by the old established Central Advertising & Public Relations Organisation (Capro), owned by 120 paid provincial papers.

Stark is meanwhile keeping an eye on the rapid growth in the US of local shopping guides — a second generation giveaway with 100% ads — that could upset the local newspaper market even

21/3/78

BLACK MAGAZINES

Stepping out

Hortors' glossy magazine for blacks, *Pace*, brought out in December with a launch budget of R1,25m, appears to have ridden out the Information storm

Circulation manager Howard Pell says sales rose from 56 000 in December to 72 000 for the 96 page January edition, and the print order has been raised to 120 000 for the next two issues

Its competitors are beginning to see *Pace* as a bull factor, which, in the classic pattern, expands the whole market as a result of intensified competition

Vincent Mattheus, of advertising brokers Greenberg, Mattheus and Associates (who handle *Drum*, *Bona* and *Hit* magazine accounts), sees a parallel in the time when the only English language magazines were *Outspan* and *Femina & Women's Life*

"Things were bad then with a total lack of impetus for sustained advertising campaigns. Others came onto the market and things snowballed. It's the same with media for blacks — there is a definite need for more editorial and advertising coverage," he reckons

Noel Coburn, circulation manager at Republic Press, publishers of *Bona* agrees. "The market is ripe. Look at how *Bona* sales have risen over the past couple of months and you'll see that *Pace* is helping fill a void." *Bona*, with editions in English, Zulu, Xhosa and Sotho has an ABC circulation of 184 391 for July-December 1978 (up 97,6% on 1977). Coburn reckons that recent issues have topped 200 000

Ted Sceales, of *Drum* (latest ABC figure 85 996), says any legitimate competition can only be welcomed. "The publicity from the Information/Hortors tie up has stimulated the market and advertisers have suddenly become aware of the potential of black magazines."

The other market leader is *Hit* (ABC 85 869) and a spokesman there avers that *Pace*'s apparent success shows that the Information rumpus has had no affect on black readers. *Hit* is owned by Afri-comics, part of the Van Zyl Alberts stable

Readers of *Pace* say it is giving them what they want to read in slick, sophisticated style. "But it must cost a mint to produce," says one sceptic

demonstrate locally designed and manufactured terminals at the Hanover Fair this month

On show will be four terminals manufactured for Datakor under licence by Messina Electronics and Allied Technologies — two versions of the DT 3000, the IT 4000 ticket terminal and the FT 3000 financial terminal

"It's the first move to export SA computer equipment," says MD Nic Frangos. "We were encouraged to participate in the fair by the inquiries we received from Europe. We believe we can compete, in terms of features and price performance, with anything available anywhere in the world."

After just a year in the business, Datakor has installed 85 of its terminals and has orders on hand for 327. In the past six months, says Frangos, R3m worth of business has been signed. Certainly not a terminal case

Section 205 scoops up 3rd Express reporter



● John Matisonn, Jennifer Hyman and Kitt Katzin — all have appeared before magistrates

Sunday Express Reporter

THE political correspondent of the Sunday Express, Mr John Matisonn — who was sentenced to 14 days' imprisonment this week when he refused to identify his source for an article — is the third Sunday Express journalist to be subpoenaed in this way in the last seven months.

Mr Matisonn was ordered to divulge to the police information about sources for a report he wrote on the Christian League of South Africa.

Other senior journalists on the Sunday Express who have been subpoenaed in the last seven months are Mr Kitt Katzin, assistant editor, and Ms Jennifer Hyman, a reporter

The police action came at a time when the Sunday Express had emerged as the newspaper which took the lead in exposing the information scandal

The subpoenas were issued in terms of Section 205 of the Criminal Procedure Act — which is used to compel people, under threat of potentially heavy jail sentences, to divulge information before a magistrate.

In the case of journalists, information received in confidence cannot be divulged without breaching the journalistic code of ethics

Legislation which can jail them if they refuse to reveal information has been on the statute books in South Africa since 1917, but until 1977 was seldom used

THE ARCADE NEWS TODAY 2-WEEK JAIL SENTENCE FOR REPORTER

● Poster on Cape Town street corner against journalists

However, the process, known previously as Section 83, was once described by Mr Oswald Pirow, a former Minister of Justice, as "the legal thumbscrews" which the State could use against journalists.

According to experts on Press law, the old Section 83 was amended in 1977 to give it "more teeth"

Sentences were extended, and people refusing to divulge information can be jailed for a maximum of two to five years (the latter only in security matters)

□ □ □

Once a sentence has been served the procedure may be repeated, resulting in successive jail sentences for continued refusal

In fact, this happened several times in the past when maximum sentences were eight days' imprisonment, after which journalists were taken once again before a magistrate

If they again refused to answer questions, another eight days' were imposed

The following Section

205 subpoenas have been served on Sunday Express reporters recently

● Last July, Ms Jennifer Hyman received a subpoena instructing her to appear in court to "testify and declare" all she knew about a supposed offence of contempt of court committed by the Editor of the Sunday Express

It arose out of an investigation conducted by Ms Hyman into Terrorism Act trials which was published in May, 1978

This subpoena was the first of three, each of which cited a different offence which police said they were investigating

The last subpoena cited "contempt of court and/or criminal defamation committed by a person or persons unknown" and resulted in Ms Hyman appearing in court last October.

Eight questions were put to Ms Hyman about her sources for the article. The matter was adjourned for judgment on whether the State was obliged to furnish further information about the alleged offence, and when she appeared in court again the proceedings were suddenly dropped

Two months later the Sunday Express, its Editor Mr Rex Gibson, and Ms Hyman were charged with contempt of court and criminal defamation, arising out of the same article

Their trial starts in the Supreme Court in Maritzburg on April 2

● Mr Kitt Katzin, assistant editor of the Sunday Express, was subpoenaed under Section 205 last November to divulge his sources

for an article on Dr Robert Smit, the National Party candidate who was murdered before the 1977 general election

Mr Katzin's informant had not stipulated that her identity be kept confidential, so Mr Katzin volunteered to give police all the information at his disposal

But the police insisted that he appear in court and subpoenaed him

The magistrate permitted part of the proceedings to be heard in public. When it came to the actual questions the police wished to ask Mr Katzin, the court was cleared, but the Sunday Express Editor was given permission to stay

Evidence heard in camera was subsequently submitted by the State to the Press Council as part of a complaint against the Sun-

Hearing held in secret

DESPITE appeals by his legal representatives, the Press and public were barred from court throughout the hearing in which Mr John Matisonn, political correspondent of the Sunday Express, was called to give his source of information about an article which dealt with an unauthorised bank account and noted links with Information Department figures.

At the secret hearing, Mr Matisonn was summarily sentenced to 14 days in prison for refusing to an-

the subpoena asked Mr Matisonn's source outlined contacts between the Christian League and various people associated with the defunct Information Department

The report mentioned contacts with Mr Red Metrowich of the South African Freedom Foundation, an info front organisation, as well as contacts with Sydney S Baron, the public relations firm in New York used by the Info Department

It also referred to indirect links with the former Secretary of the Department, Dr Eschel Rhodie

The article, under the headline "Right-wing churchman operates unauthorised bank account in US", appeared in the Sunday Express on December 3

Mr Matisonn was asked in the subpoena under Section 205 of the Criminal Procedure Act to give full details of where and how he obtained this information, with particular reference to how details of the bank account were obtained, to produce original documents from which information was received, and say who received the information

The account referred to was in the name of Reverend Frederick Shaw, the head of the League and a crusader against the South African Council of Churches and the World Council of Churches.

In applying for Mr Gib-

son to be allowed to stay in court, Mr Kuny said Mr Gibson, as Editor, was responsible for what appeared in the newspaper

Asked by Mr Carroll whether it was possible Mr Gibson could be prosecuted, Mr Kuny said "That may be so, which is all the more reason why he should be allowed to remain"

The magistrate said Mr Gibson was not entitled to know what happened in the inquiry

After a two-hour inquiry on Thursday afternoon, the court adjourned until the next morning. The morning session, lasting about an hour, ended with Mr Matisonn being sentenced to two weeks' imprisonment

Mr Kuny gave notice of an appeal

The notice asks for an appeal and/or review of the entire proceedings. Mr J P Marais, for the State, asked for R500 bail. Mr Kuny said it would be "insulting" for Mr Matisonn to have to put up any substantial amount of bail. He should be released without paying bail.

The magistrate said the only consideration was whether Mr Matisonn would make himself available if he had to undergo any period of incarceration. He felt Mr Matisonn would not abscond. Fixing bail would be a mere formality, and was not warranted.

He suspended the jail sentence until the outcome of the appeal.

swer questions

The Editor of the Sunday Express, Mr Rex Gibson, also had to leave the court when the magistrate, Mr B Carroll, rejected an application by Mr Dennis Kuny, for Mr Matisonn, for him to observe proceedings

The magistrate ruled that the proceedings could not be reported.

The subpoena under which Mr Matisonn was brought to court said that he had to answer questions about the identity of his informant, or the source of his information, for an article about the head of the Christian League of Southern Africa, which stated that the League had been in contact with various people associated with the defunct Information Department.

At the start of the hearing Mr Carroll said the inquiry would be held in camera. The purpose of the inquiry was to obtain a statement from a person, and until a case was heard — if it was heard — the information would be privileged

□ □ □

The magistrate said the Senior Public Prosecutor could be asked later to disclose parts of the hearing.

After the hearing the Cape Argus newspaper applied in writing to the Senior Public Prosecutor at the Cape Town magistrate's court for parts of the hearing to be made available for publication. These concerned the challenge to the proceedings and the validity of the subpoena, and the evidence following the questioning of Mr Matisonn. The request was refused.

In a written reply the Senior Public Prosecutor said he was not competent to vary the ruling of the presiding magistrate.

The report for which day Express. The Press Council has yet to adjudicate on the matter.

Wasa chief warns of conflict

ZWELITSHA — The government was accused of steering the country toward a racial conflict and of dismissing the voices of true black leaders as "too adult for blacks"

The accusation was made by the president of the Writers' Association of South Africa (Wasa) Mr Zwelakhe Sisulu, here where he was guest speaker at a farewell function for former Daily Dispatch journalist, Mr Leslie Xiswa

The farewell was given by black journalists in the Border area

Mr Sisulu said the Minister of Justice's action in cancelling a meeting with a Wasa deputation showed the government's attitude toward true black voices

"Mr Kruger felt that our memorandum to him was too adult to come from blacks," he said. "This illustrates what the government means by consultation with blacks. It illustrates that this government will only negotiate on its own terms."

Outlining the role of black journalists in society, Mr Sisulu said "Black journalists cannot divorce themselves from the trials and tribulations of the black community. This is in the same way Afrikaner journalists cannot divorce themselves from the interests of all Afrikaners."

Mr Sisulu traced the black struggle from the time Jan van Riebeeck arrived at the Cape. He quipped "They arrived here with nothing but fruit and vegetables only

and in a few months they were complaining of blacks stealing their cattle. Cattle certainly grew fast in a few months."

He said the problems facing blacks today were the same problems that faced them at the turn of the century

"The white presence in this country has been characterised by the rule of fear, blood, sweat and tears. It has been typified by the trammeling of black aspirations, the suppression of legitimate black demands and the negation of the rule of law

"We are living in dangerous times. We are living in times when lawlessness goes under the guise of lawfulness and when that happens, none of the people in this country can safely say they are safe."

Mr Sisulu said the traditional African humanism had been eroded by exploitation and the traditional African personality had been depersonalised and dehumanised

"In spite of this, I want to say we have our destiny in our own hands and nothing will stop us from our ideals and aspirations."

He said the government created problems under the pretext it was working toward a solution

"The government is always blind to the fact that it was the problem and could never be part of the solution."

Mr Sisulu said the question always posed was what was it the black man

really wanted?

"Well, the answer is simple. The black man wants what every rational man wants. He wants what other sectors in the country already possess. He wants what he always had treasured in pre-colonial times. He wants the achievement of the black ideal, to be restored to his African humanism and to have restored what belongs to him."

Of the future, Mr Sisulu said the political and economical enslavement of blacks in the past had left a confused situation

"Some of our brethren describe our struggle as a class struggle. Yet it is important to say because colour distinction in South Africa automatically becomes class distinction, this should not necessarily mean our struggle is a class struggle. We ought to realise it is a racial struggle first." Mr Sisulu rejected accusations of racism and of being anti-white

"Such a response is a predictable response of a guilty conscience and it is also a ruse to retain the status quo and to have something to fight for side by side with the black man

"They feel so because they are anti-black and anti change" — DDR.

Kruger ⁽²⁴³⁾

may curb Press

By Hugh Leggatt, Political
Correspondent

CAPE TOWN — The Minister of Police, Mr Kruger, is expected to introduce soon an amendment to the Police Act that would restrict Press reporting of police matters.

Mr Kruger confirmed today that he intended introducing amendments to the Act, including a clause that affected the Press.

The apparent aim is to prevent the police being unjustly besmirched in the Press without the Press having taken adequate steps to verify its information.

The amendment may take on the appearance of a clause in the Prisons Act which forbids publication of information about prisons without adequate steps having been taken by the Press to verify facts.

The Minister has expressed concern about some reporting of police activities — such as a story, which later proved to be incorrect, that police arrested a man at a bus stop for a pass offence and left the man's children crying at the bus stop.

Government sources could give no comment on reports that action was being contemplated against the Press to avoid currency being given to untested allegations such as those contained in the Rhodie disclosures.

Kruger gets order against papers

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12/3/79

EAST LONDON — The Judge President of the Cape, Mr. Justice J. W. Van Zyl, granted a rule nisi to the Minister of Justice, Mr. J. T. Kruger, early yesterday morning, restricting South African Associated Newspapers from publishing a section of a report quoting the former Secretary of the Information Department, Dr. Eschel Rhoadie.

with several blank spaces under a report headed "Eschel comments on those denials".

In terms of the order, SAAN, and the Rand Daily Mail, Cape Times, Natal Mercury, Eastern Province Herald or any other newspaper, owned or controlled by them were prohibited from publishing an extract from the report.

The application was heard by Mr. Justice Van Zyl in his chambers at 1 am on Monday morning. The return date for the order is March 27.

The order reads:

"Pending the return date of the rule, the said owners are restrained from publishing the said report and from distributing any newspaper carrying such report.

The Daily Dispatch, although not named or referred to in the order and which is totally independent financially from SAAN newspapers, also complied with the court order out of respect for the judge's ruling.

The editor, Mr. G. A. Farr, said yesterday the report referred to in the court order had been filed

to the Daily Dispatch through SAAN news channels.

When the court order to SAAN newspapers became known to Mr. Farr shortly before 3 am yesterday he held back 3 000 Daily Dispatches containing the report for reprinting without the particular item.

Despite the decision to reprint these 3 000 copies all delivery schedules were met.

A spokesman for the Cape Times said when the injunction was telephoned through about 30 000

copies of the newspaper's first edition had been printed.

The relevant story was taken out of the newspaper and a completely different one put in its place.

The Eastern Province Herald, because of uncertainty and lateness did not carry the report at all.

The Natal Mercury omitted the report from the first edition but printed it for final editions, 22 000 of which had to be recalled for reprinting.

Mail: Judge gives his reasons

CT 13/3/79

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JOHANNESBURG. — In an important judgment delivered in the Rand Supreme Court yesterday Mr Justice G Coetzee gave his reasons for refusing the Erasmus Commission an interdict against the Rand Daily Mail.

His judgment followed a two-hour sitting on Monday night when the Commission unsuccessfully made an urgent bid to stop the Rand Daily Mail from publishing further disclosures by Dr Eschel Rhoodie.

The members of the Commission brought the application against South African Associated Newspapers Ltd Allied Publishing Ltd, and Mr Alister Sparks, Editor of the Rand Daily Mail.

Important aspects of his finding were

- The Commission's application failed because the commis-

sion had not and set out the 'new aspects and fields' it was presently canvassing

- It was impossible for the Rand Daily Mail to anticipate what it might not publish because a prohibition in terms of the Commissions Act had not been set out in precise terms
- The first report of the commission was irrevocable, and the commission was presently acting under a new and narrower sphere
- The commission was not entitled to a blanket restriction on any publication
- Anticipation of a possible offence, in terms of the Commissions Act, was insufficient and a contravention had to be shown
- The members of the commission were ordinary individuals performing a task with no special powers, and the members were incorrect in purporting to be acting in an official capacity during the application

any action against any persons who were involved

The commission was requested to report to the State President before December 6 last year

Mr Justice Coetzee said the appointment was not made under any statute, and he could therefore assume that the commission was not controlled by statute and did not constitute a legal body. It was expected to co-operate and operate within the confines of the commission according to its terms of reference

When the State President appointed a commission he was empowered to confer upon it powers under the Commissions Act, but could only do so if the matter to be investigated was "a matter of public concern" — according to the Act — giving additional powers and establishing the rights and duties

In the present case, the State President declared the provisions of the Act to be applicable

on a proclamation published on November 7, 1978

He referred to Regulation 14 of the Act which said "No person shall insult disparage or belittle the commission or a member of the commission or prejudice, influence or anticipate the proceedings or findings of the Commission"

Regulation 15

He also read Regulation 15 which states that any person who contravenes any provision of various sections of the Act, or "willfully hinders, resists or obstructs" a member of the commission would be guilty of an offence and liable on conviction to a fine not exceeding R200 or imprisonment for a period not exceeding six months

Mr Justice Coetzee said the commission performed its task and reported to the State President last December. The State President then extended the commission which was to "inquire into and recommend on the new aspects and fields mentioned in paragraph 14.487 of the commission's report" and reported to the State President before May 30 this year

On December 15 a further proclamation was published reappointing the commission of inquiry and declaring that the provisions of the Commissions Act would continue to apply.

Mr Justice Coetzee said the new inquiry acted in terms of the reference found in the previous notice

The members of the commission had averred on Monday night that the Rand Daily Mail published reports last Friday, Saturday and Monday of alleged disclosures by Dr Eschel Rhoodie who is presently overseas,

OWN CORRESPONDENT

The idea that reporting of matters being canvassed by the commission was sub judice, even with the increased powers under the Commissions Act, was unfounded

Mr Justice Coetzee's judgment started at 9.30 am and ended at 10.15. A large crowd of interested people including lawyers gathered in the courtroom to hear his reasons for refusing the application at 11.15 on Monday night

The Judge's reasoning yesterday came in support of argument by Mr Sidney Kentridge SC for the newspaper group

One of Mr Kentridge's submissions was that it was astonishing to suggest that while a commission was sitting there could be no discussion of the various aspects. This was contrary to the principles of free speech, Mr Kentridge had submitted

In his judgment Mr Justice Coetzee said the commission had originally been appointed by government notice on November 3, 1978, to investigate into alleged irregularities in the former Department of Information

The terms of reference were that the commission was to inquire into and report on

- Any irregularities or unlawful gaining of advantage by individuals or bodies or the misappropriation of public funds by the former Department of Information, or by any person who was connected with that department
- The methods and malpractices which were employed in connection with any irregularities or gaining of advantage of any misappropriation which may be found
- Steps be taken to put an end to such practices as well as

any action against any persons who were involved

The commission was requested to report to the State President before December 6 last year

Mr Justice Coetzee said the appointment was not made under any statute, and he could therefore assume that the commission was not controlled by statute and did not constitute a legal body. It was expected to co-operate and operate within the confines of the commission according to its terms of reference

When the State President appointed a commission he was empowered to confer upon it powers under the Commissions Act, but could only do so if the matter to be investigated was "a matter of public concern" — according to the Act — giving additional powers and establishing the rights and duties

In the present case, the State President declared the provisions of the Act to be applicable

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Precise terms

Mr Justice Coetzee said it was impossible for a subject (referring to the Rand Daily Mail) to anticipate what he might not do if what was prohibited was not set out in precise terms.

The first step he had was to determine as precisely as possible what the newspaper groups were prohibited from doing under Regulation 14.

The meaning of the language in the regulation might be debated - It might mean no more than no person may prejudice influence or anticipate the proceedings.

He said that without going into the aspect of correct meaning of Regulation 14, and for the purposes of his judgment, he found that the regulation still involved the ambit of the commission, which duties were de-

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to publish reports of this nature

He said that in the founding affidavit by Mr J G Gevser secretary of the commission it was said that Dr Rhoadie was a former secretary of the now defunct Department of Information. His activities as a secretary had a direct bearing on the matters presently being investigated by the commission. Dr Rhoadie had already given evidence before the commission and might possibly be required to give further evidence.

It was also said, the Judge continued, that the applicants were of the opinion that all these reports constituted serious contraventions of the regulations in that they contained matter which might prejudice, influence or anticipate the proceedings or the ultimate findings of the commission.

He also said it was alleged that the reports which will probably be published in the future would not only constitute an offence in terms of Regulation 14, but would also seriously hamper and embarrass the commission in its task.

He said Mr E Du Toit, SC, for the members of the commission argued that a commission was entitled to an injunction to restrain anyone committing a breach of Regulation 14. Mr Du Toit had relied on the reports published and reports threatened to be published, and said the reports would prejudice, influence or anticipate the findings of the commission. Mr Justice Coetzee said

15/3/79

Judge's Reasons

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From page 5

defined in the proclamation "These were to investigate new aspects and fields"

This had appreciably narrowed the duties of the commission, he said

"For a subject to know what he must do he must know what the new aspects and fields are," he said

Referring to the commission's first report he said the commission recommended an extension to permit it to investigate new aspects, which would allow an investigation by a chartered accountant and the commercial branch of the South African Police

This indicated that the matters reported on by the commission last December had finally been dealt with. The commission had said it had completed its duties in the time at its disposal, he added

Any contravention of the Commissions Act therefore, had to be in respect of the new aspects or fields

Interim findings

He said he could not accept the claim by Mr Geysse who had alleged in his affidavit that all the interim findings were subject to revision in the light of further evidence and could therefore not be regarded as final

Mr Justice Coetzee said that the report by the commission presented last December was irrevocable in view of the terms of reference of the original commission

The commission had apparently penetrated to the core and essence of its original terms of reference, he said

Now the commission apparently, in investigating new aspects, required the assistance of a chartered accountant and the commercial branch of the police. It was apparently functioning under its original terms of reference and under a new sphere.

He went to refer to the submission by Mr Kentridge that the proclamation extending the commission was void for vagueness

Mr Kentridge had said there was no indication as to what the new aspects and fields were, and there was no intelligible duty to be observed

Mr Justice Coetzee said he would assume that Regulation

applicants must fail," he said

He said Mr Kentridge had argued that before the applicants were entitled to an interdict they had to show publication constituted an unlawful act. There was no indication of what was still to be published

Mr Kentridge had also said secondly that the members of the commission had no legal right to bring the application. They had not shown any special personal damage and therefore could not succeed

Dealing with these points Mr Justice Coetzee said the commission was clearly not entitled to a blanket restriction on publication. The fact that Dr Rhodie had given evidence, and may still give further evidence, took the matter no further

If what was to be published was unlawful then it had to be established, he explained

He said the members of the commission believed that the newspaper group intended to publish further reports which would purport to be further disclosures by Dr Rhodie and that these would "necessarily contain material of a nature which will contravene Regulation 14"

Consequently, the point was well taken by Mr Kentridge, he said

Dealing with the second point he said the members of the commission were not appearing in an official capacity as purported in the proceedings. They were simply ordinary individuals given a commission. This was not done by statute and they therefore only had the powers of an ordinary individual

He said they had to show irreparable injury to themselves personally but they did not contend that this was so

They missed the point altogether, the Judge said. The question was whether they acted in their own interest or in the public interest

He said they clearly had no personal interest in the legal position or the outcome of this application

Pattern

Mr Justice Coetzee said the pattern of the application before him gave the impression that the case was equated to a question of sub-judice pending a hearing in a court of law. The view was enforced by the language used in the founding affidavit by Mr Geysse

the facts so as to indicate what the new aspects were

It was impossible in the circumstances to say whether any particular publication offended against Regulation 14

He said Mr Du Toit was invited to say how the problem could be solved. He had difficulty and asked for an adjournment, supposedly to file a supplementary affidavit

This could have been done, Mr Justice Coetzee said. Mr Geysse was present but Mr Du Toit did not and said he would "stand or fall" on the papers as they were before court

"I am still in the dark, and do not know what the new aspects and fields are," he said

"This is a fatal defect in the applicants' papers," he said

"Even if I am wrong, there are other grounds on which the

used the language, "reports contain matter which may prejudice influence or anticipate the proceedings"

This was clearly insufficient. Actual prejudice or actual influence had to be shown

Mr Justice Coetzee said frequently heard the public media refer to a judicial commission of inquiry, that there was no warrant in South African law for this expression

He said a commission was appointed and was entrusted with specific duties. In some cases the powers of the Commissions Act may be conferred; but this did not turn the situation into anything else but an ordinary citizen in charge of a commission

There was no place for use of the words, sub-judice. There was nothing like sub-judice of a commission

The commission sat as such and it was irrelevant whether the person entrusted to do the work was a magistrate or a judge, he explained

A commission could in respect be equated with a court of law, he said

He said it may be true that the effect of Regulation 14 was to create to a large means, the same result which may flow when contempt of court takes place. However, it had to be borne in mind that the Commissions Act could not be said to deal with matters sub-judice, and only if one acted in contravention of the Act could there possibly be a remedy

Mr E Du Toit SC and Mr S Burger instructed by the deputy State Attorney appeared for members of the commission. Mr S Kentridge SC and Mr J Bowman, instructed by Bell Dewar and Hall appeared for the respondents

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Black Sash conference

Press freedom a journalist's 'nightmare'

MORE than 100 statutes, ordinances and regulations have turned the freedom of the press in South Africa into a minefield and a journalist's nightmare. Mrs Ingrid Stewart told yesterday's session of the Black Sash conference

Delivering a fact paper compiled by the Natal coastal region, Mrs Stewart said that constant fear of banning and litigation forced the press towards self-censorship. At the same time, propaganda "poured out nightly from the SATV"

"While the government can glibly say it is not censoring the press it has in fact forced the press to censor itself, something the outside world is possibly not aware of," said Mrs Stewart

Litigation was costly. Newspapers at this time were not making big profits. Almost one-third of the money spent on advertising in South Africa last year went to the SABC (TV and radio), a sum of R60 m of private money "added to the huge sums in taxes and licences already appropriated for this organ of National Party propaganda"

"When you're talking on the State you need a good lawyer — and good lawyers cost money"

Litigation was also time-consuming and wasted the time of

senior journalists in court. The Rand Daily Mail had several Press Council complaints a month, there was one court case pending against the Sunday Express

Repeated threats in Parliament and by Cabinet Ministers tended to intimidate newspapermen. The "journalist's nightmare" — Section 205 of the Criminal Procedure Act — could be used to jail journalists who refused to disclose sources. This inhibited people from coming forward to give information

The Citizen had already cost the taxpayer millions, plus other government-funded magazines such as 'To The Point' — "delivered free to every medical waiting room"

"We must also not forget the propaganda forced down our children's throats in government schools where Christian national education, devised as we now know by the Broederbond, teaches them that, among other things, history began in South Africa in 1652"

"Along with bannings of individuals and organizations, and press censorship as we have seen it, the South African public will never really know the other side of the story," said Mrs Stewart



Counsel for the Cape Times Mr Harry Snitcher QC left, and counsel for the Erasmus Commission, Mr W Burger, SC outside court late yesterday afternoon



From page 1

13/3/79
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Justice Rudolph Erasmus to bring the application

They state further that "the commission is still engaged in gathering evidence with a view to making a final report to the State President by the end of May 1979 all interim findings (of the commission) are subject to revision in the light of further evidence and can therefore not be regarded as final

The affidavit then referred to regulation 14 of the regulations which govern the activities and functioning of the commission "No person shall insult, disparage or belittle the Commission or a member of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission"

The affidavit continued "We have perused copies of the said newspaper (the Cape Times) which appeared on Friday, March 9, Saturday March 10 and Monday, March 12 All three copies contain extensive reports on their front pages relating to alleged disclosures by one Dr Eschel Rhoodie, who is presently overseas"

Mr Smalberger and Mr Lategan then state "We are of the opinion that these reports constitute serious contraventions of the regulation 14 in that all three contain matter which may prejudice, influence or anticipate the proceedings and/or the ultimate findings of the commission"

The affidavit then refers to the undertaking contained in the first of the reports that a "whole series of alleged disclosures by the said Rhoodie would be published by the Cape Times"

It continues "We verily believe that the respondents (the Cape Times, Allied Publishing and the Editor, Mr Heard) intend to publish further reports of a similar nature, and because all the reports purport to be disclosures by the said Rhoodie, they will in our respectful submission necessarily all contain material of a nature which will contravene regulation 14

"The reports which have been published in the Cape Times to date, and the reports we believe will be published in future, not only constitute an offence in terms of regulation 15 (the regulation which determines a contravention of regulation 14 to be an offence), but also seriously hamper and embarrass the commission in its task"

Mr W Burger, SC, appeared for the commission, and Mr Harry Snitcher, QC, for the Cape Times

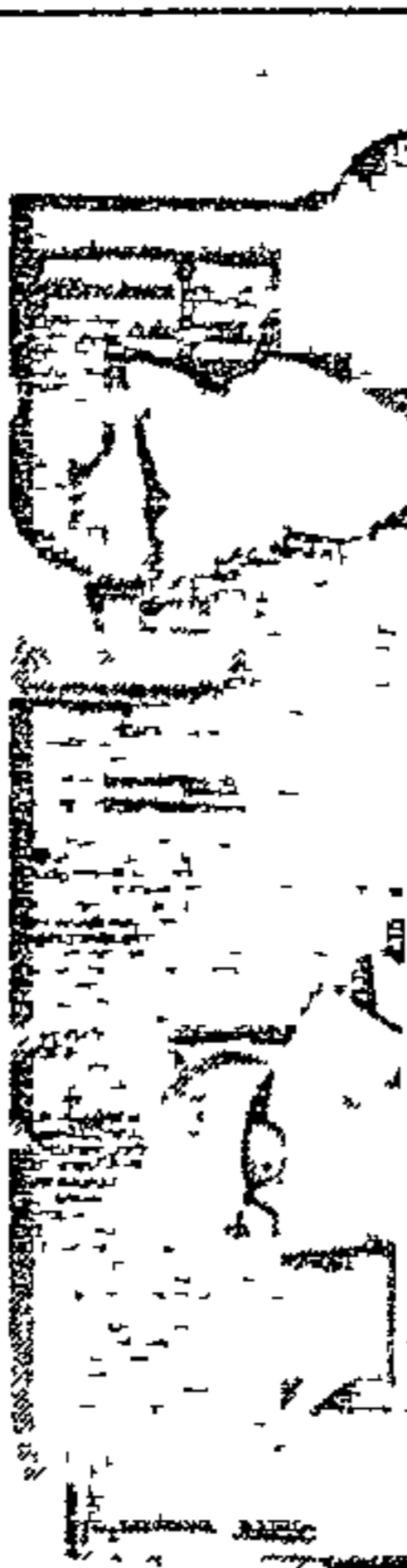
• A court order temporarily restraining SAAN newspapers from publishing part of a report quoting Dr Eschel Rhoodie was granted to the Minister of Justice, Mr J T Kruger, early yesterday by the Judge President, Mr Justice Van Zijl

reasonable facilities for

CONCLUSION

If the draft Bill is enacted of the more overtly racial limited form of bargaining African workers, and it will while admitting Africans t

Minister was empowered to make an Order incorporating sufficiently representative group of employers and working conditions of their African workers.



From page 1 (21, 3) 2/3/5/11

the terms of reference of the commission as extended

Mr Justice Coetzee said he had to know in which field there had been a transgression by the press. He suggested that the applicants had to show that what was to be published had to fall within the new aspects and fields.

Mr Du Toit said the Rand Daily Mail indicated the relevance of the information and said it was prepared to make the information available to the commission.

Mr Justice Coetzee: "What has that got to do with the law? You must point out to me where the contravention of the law is."

Mr Du Toit said the articles fell within the terms of reference of the commission. If these reports fall within those terms anything new is a contravention in that it anticipates the proceedings. Anything old would belittle and be in contempt of the commission because it contradicted the finding. Mr Du Toit said:

Mr Justice Coetzee: "How is a judge belittled if he has made a finding and you say he is wrong? How can you belittle a man?"

At this stage Mr Du Toit asked for an adjournment in order to file a supplementary affidavit. He apparently tried to telephone Mr Justice Erasmus and when the hearing resumed he said he had abandoned the idea of filing another affidavit.

Mr Sidney Kentridge QC for the newspaper group asked for the dismissal of the application with costs. He said the newspaper did not disclose that the Rand Daily Mail was about to commit any unlawful act and to the contrary the affidavits contained only the opinion of Mr Geysler. He said the com-

mission had to satisfy the court that a clear wrong was about to be committed.

"All that one has is a statement by the secretary of the commission who says that the applicants are of the opinion that the reports constitute serious contraventions of the regulations, and that reports to be published will constitute an offence and hamper the commission."

Mr Kentridge said "It is clear from the authorities that that is not enough. They must satisfy you that what is to be published will prejudice or influence the findings."

Mr Kentridge said the commission had been extended to inquire into 'new aspects and fields', but these were not specified. It was impossible for the court to come to the conclusion that anything which had been published or is to be published will have any relevance to these fields.

The commission has not taken the court into its confidence and must accordingly suffer the consequences," he said.

Referring to a report which appeared last Saturday in which Dr Rhoadie was reported as having said that Mr Vorster approved of propaganda in which no rules applied and could possibly even include bribery, Mr Kentridge said this was one new aspect, but the bribes might have been for foreign politicians or newspapermen. Whatever one may think of this morally, there was nothing to show it may be an irregularity in South African law.

Mr Kentridge said there was nothing to show that publications are to prejudice or influence the proceedings and there was no evidence that witnesses may be prejudiced or influenced. With regard to anticipating findings one could only speculate what this might mean.

It was astonishing to suggest that while the commission was sitting there could be no discussion of these aspects. This would be contrary to the principles of free speech. Anticipation of findings would be some statement of what the findings ought to be.

Mr Kentridge said even if regard was had to previous publications there was nothing to show that any unlawful act was going to be committed.

Referring to the government notice extending the term of the commission Mr Kentridge said the proclamation was void for vagueness. The notice did not give any guidance as to what may or may not be done to avoid contravening the regulations.

He said the three applicants had no legal right to apply for an interdict in an criminal offence which they claimed would be committed against the State because they could point to no special damage which they would suffer. If any harm was done by the publication it would constitute an offence against the State.

Mr E du Toit, SC, and Mr S Burger instructed by the Deputy State Attorney appeared for the commission. Mr Sidney Kentridge, SC and Mr L Bowman, instructed by Bell Dewar and Hall appeared for the newspaper.

Counsel and cot

Justice They gather State Pr the con evidence The which No pe memb the pr The newsp Saturd

contains extensive reports... disclosures by one Dr P-schel Rhoadie who is presently Mr Smalberger and Mr Lategan then state "We opinion that these reports constitute serious contrave regulation 14 in that all three contain matter which ma influence or anticipate the proceedings and/or the ultim of the commission". The affidavit then refers to the undertaking containe of the reports that a "whole series of alleged disclo said Rhoadie would be published by the Cape Times". It continues "We verily believe that the responden Times, Allied Publishing and the Editor, Mr Hear publish further reports of a similar nature, and bec reports purport to be disclosures by the said Rhoadie our respectful submission necessarily all contain ma nature which will contravene regulation 14

Printed from serving on a body appointed by the

243

13/3/79

CAPE TIMES

former Secretary of Information, Dr Eschel Rhodie.

The commission was to have made an urgent application for a court order in the Supreme Court late yesterday but the application was postponed till today

The Judge-President of the Cape, Mr Justice J W van Zijl, ruled that the application be heard today

The commission is to ask for a court order that

● A rule nisi be issued calling on the Cape Times Ltd, Allied Publishing Ltd, and Mr A H Heard, Editor of the Cape Times, to show cause on March 23 why they should not be restrained from publishing and distributing any matter obtained, or purportedly obtained, from Dr Rhodie and relating to the affairs of the former Department of Information, or matters being investigated by the Erasmus Commission

● The rule should operate as a temporary interdict (This would effectively stop the Cape Times from printing any further disclosures by Dr Rhodie until March 23)

● Costs should be determined on March 23

The terms of reference of the Erasmus Commission, the commission's letter of appointment and a copy of the applicable government notice were attached to a supporting affidavit filed by two members of the Erasmus Commission, Mr C F Smalberger and Mr A J Latégan

Mr Smalberger and Mr Latégan state in the affidavit that they have been authorized by the chairman of the commission, Mr

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To page 2

A

gan were of the opinion that the Rhodie reports constituted se-



Mr Allister Sparks, editor of the Rand Daily Mail

rious contraventions of the regulations

Mr Geysler said the newspaper had given the undertaking that a whole series of alleged disclosures by Dr Rhodie would be published

"I further submit that the applicants have a clear right, that an injury is actually being committed and that the applicants have a well-founded apprehension that the respondents will continue to commit such injury, and that there is no other remedy open to the applicants which will afford any adequate protection from the mischief which is being done and threatened," Mr Geysler said

Mr Justice Coetzee questioned Mr E Du Toit, SC, counsel for the commission, on how one could anticipate proceedings. He said it appeared that this related only to the finding

Mr Du Toit said the regulation referred to both proceedings and the finding

Mr Justice Coetzee: Do you allege this is in anticipation of proceedings? It is not set out in your affidavit

Mr Du Toit: What is set out are the articles themselves, which speak for themselves

Mr Justice Coetzee: Will you tell me precisely what you complain of?

Mr Du Toit: The evidence which is to be led is anticipated and it may be influenced by prior information given

Mr Justice Coetzee: You mean the commission may be influenced

Mr Du Toit: No, the witnesses

Mr Du Toit said there was also the question of anticipation of the findings

Mr Justice Coetzee asked "What is it that has been published that anticipates the find-

ent should have supplied me with much more factual information about the commission so that I can decide whether this may influence proceedings. At the moment I do not know to what this is tied"

Mr Du Toit referred to Saturday's edition of the Rand Daily Mail and to the story headed "Vorster told the cabinet of the Citizen", and which said that Mr Vorster warned that if the project became public knowledge he would have to resign

Mr Du Toit said the Citizen was another of the projects which was an irregularity

Mr Justice Coetzee said that his difficulty remained

Because of the little time available to the legal men there were no facts in the application and he was asked to draw an inference that certain things were likely to influence the commission

He asked whether it was irregular for the Prime Minister to have known about the alleged irregular funding of the Citizen

Mr Du Toit said carrying on of the newspaper was irregular and anyone knowing about it was obviously part of the irregularity

Mr Du Toit said the finding of the commission in the interim report was that Mr Vorster's action was honest and bona-fide and his integrity remained unblemished

He said Dr Rhodie was reported to have claimed that Mr Vorster approved of propaganda in which no rules applied and which might even include bribery

This constituted an irregularity which might be a new aspect of inquiry by the commission

Mr Justice Coetzee said the terms of reference of the commission were extended to inquire into new aspects and fields. He asked Mr Du Toit to delineate the commission's scope at present

"Tell me, what are the new aspects and fields to enable me to establish whether there has been a possible contravention?" he asked

Mr Justice Coetzee: You are asking me to hold that the fact that is now published — that the then prime minister knew about certain things — that is in conflict with the inquiry of the extended commission?

Mr Du Toit: In conflict with the regulations which govern

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To page 2

B

Cape Times

in court

CT 14/3/79 243

By JANE ARBOUS

AN APPLICATION by members of the Erasmus Commission to stop the Cape Times from publishing any further disclosures by Dr Eschel Rhoodie, former Secretary of Information, was postponed in the Supreme Court late yesterday until today.



The Supreme Court yesterday afternoon was Mr A. J. Lategan, SC, a member of the Erasmus Commission, one of the applicants who brought an action to stop the Cape Times from publishing further disclosures by Dr Eschel Rhoodie.

A full Bench of the Supreme Court, consisting of Mr Justice J W Van Zyl, Mr Justice G Friedman and Mr Justice H E P Watermeyer, heard argument lasting for three hours after the application against the Cape Times was made at 3 pm.

The applicants, Mr G F Smalberger and Mr A J Lategan who are members of the Commission of Inquiry into the defunct Department of Information, under the chairmanship of Mr Justice R Erasmus asked for a court order that

- A rule nisi be issued calling on the Cape Times Ltd, Allied Publishing Ltd and Mr A H Heard, Editor of the Cape Times, to show cause on March 23 why they should not be restrained from publishing and distributing any matter obtained, or purportedly obtained, from Dr Rhoodie and relating to the affairs of the former Department of Information, or matters being investigated by the Erasmus Commission

- The rule should operate as a temporary interdict (This would effectively stop the Cape Times from printing any further disclosures by Dr Rhoodie until March 23)

- Costs should be determined on that date

Attached to a supporting affidavit filed by Mr Smalberger and Mr Lategan were the terms of reference of the Erasmus Commission the commission's letter of appointment and a copy of the applicable government notice

In their affidavit, the appli-

of further evidence and can therefore not be regarded as final"

Reference was made to regulation 14 of the regulations governing the activities and functioning of the commission "No person shall insult, disparage or belittle the Commission or a member of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission"

Mr Smalberger and Mr Lategan stated that three copies of the Cape Times's front pages published on March 9, 10, 12, relating to alleged disclosures by Dr Rhoodie overseas constituted "serious contraventions" of regulation 14

"All three contain matter which may prejudice, influence or anticipate the proceedings and/or the ultimate findings of the commission"

The affidavit referred to the undertaking contained in the first report that "a whole series of alleged disclosures by the said Rhoodie would be published by the Cape Times"

Continuing, it said both men believed that further reports of a similar nature would be published and because the reports purport to be disclosures by Dr Rhoodie, they would contravene regulation 14

Locus standi

"The reports which have been published in the Cape Times to date, and the reports we believe will be published in future, not only constitute an offence in terms of regulation 15 (the reg-

Times Ltd to make the affidavit

He said that on Monday March 12 he was handed a letter addressed to the Editor of the Cape Times by the Deputy State Attorney on behalf of the applicants. A copy of the letter was annexed to the affidavit. Mr Shaw said he received the applicant's Notice of Motion and annexures later on the same day.

Mr Shaw said the affidavit was being submitted with "full reservation of the first respondent's (Cape Times Ltd) rights to object, as it hereby does, to the locus standi of the applicants to bring the present application"

"I submit that the application does not disclose any basis for a claim to an interdict," Mr Shaw said

Mr Shaw said he had no knowledge of the said authorization of the application by Mr Justice Erasmus, but in any event, he added, Mr Justice Erasmus should have joined as a party to the application

Continuing, his affidavit said it was admitted that the commission commenced its inquiry as stated and was still presently continuing certain alleged new aspects of the matters which it was required to investigate

"I say, however, that the matters on which it is continuing its inquiry do not touch on or relate to the matters which are covered by the reports in the Cape Times to which reference will hereafter be made," he said

In this regard, an annexure was made of the report of the

... the Minister, would then be
... with a Report of the
... with an industry
... Instead
... of their
... of a group of employers
... to take an order incorp-



From page 1

plete variance with the findings of the Commission as set out in the report. None of these findings were ever presented as interim findings," Mr Shaw added.

Mr Shaw said further in regard to the three reports annexed to the application which contained statements by Dr Rhoadie that the activities of Dr Rhoadie were fully set out in the commission's report and had been fully reported on.

Mr Shaw submitted that the matters relating to any further inquiries which might be made by the commission were not dealt with in any of the newspaper reports.

Denied

Also, nowhere in the supporting affidavit did the commission state with any reference to the reports how, and in connection with its functioning, it is likely to be affected. Mr Shaw added and "in particular it is denied that the reports constitute any contravention of regulation 14."

All the matters referred to in the reports had been investigated by the commission, they were fully reported on and findings were made, he said. It was on the basis of these findings that lengthy and considerable debate thereon had taken place in Parliament, by all the newspapers in the Republic, by ministers and public bodies. Mr Shaw said there was no basis for the statement that the reports could in any sense prejudice, influence or anticipate the proceedings and/or the ultimate findings of the commission.

The reports all related to the political responsibility for the information debacle and related to whether the Cabinet had knowledge of or approved of certain information projects, Mr Shaw said.

Indeed, these are the very matters which have been repeatedly debated inside and outside Parliament and I respectfully state that the Commission having made its findings on Dr Rhoadie, the Press was entitled and obliged in the public interest to give Dr Rhoadie's version in relation to the responsibility of the members of the Cabinet and the Government. Mr Shaw said.

He further stated that a special session of Parliament was convened on December 7, 1978 for the specific purpose of discussing the commission's report. Also certain motions and amendments were proposed in the House of Assembly by the Prime Minister, Mr P W Botha, the Leader of the Opposition, Mr Colin Eglin, the Leader of the New Republic Party, Mr Vause Raw and Mr J. A. ... of the South African

missal of the application with costs.

Mr H Smitcher QC appearing for the Cape Times raised a preliminary objection against the locus standi of the applicants. He described the application as "an extraordinary procedure" and said it failed because the applicants had no locus standi to approach the court by virtue of their appointment.

Mr Smitcher's main submission was that the proper procedure was for the Attorney-General of the Cape to have instituted proceedings.

He said the Attorney-General charged with prosecutions was the only person to move the court even if it was publicly announced that certain offences were going to be committed.

There may be certain types of offences that did not confer the

questioned at length by all three judges.

Mr Burger said the fact that the application was brought as a matter of urgency was not contended by the respondent. His first submission was that the commission's revived mandate was not capable of "a watertight division" of what went on before in the inquiry and what went on after the production of the report.

Properly viewed the existing mandate given to the Commission of Inquiry still covered the ground that was covered on its original mandate. Mr Burger said "It is not a half finished job."

"In any event Dr Rhoadie's alleged disclosures go far beyond the matter dealt with in the first report," he said. Mr Burger said there were a number of "loose ends" arising

ing in the first report that it would be prepared to give them information to the commission.

Mr Burger replied that the true test was whether the matter had been disposed of by the commission.

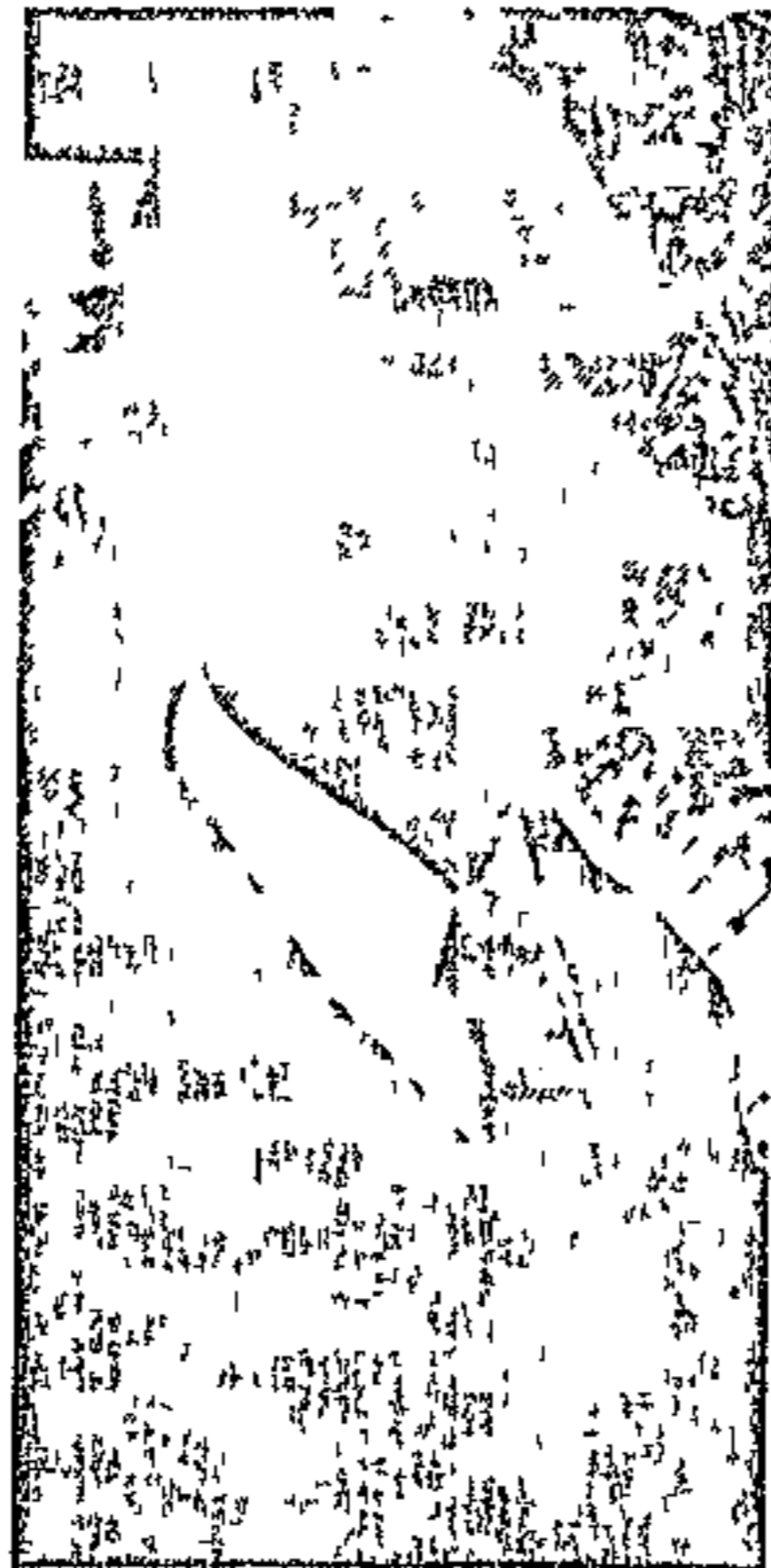
He said this trial by newspaper could not be allowed. The reports could prejudice and influence the evidence of potential witnesses before the commission.

Mr Justice Friedman asked Mr Burger "Where in your papers have you made that case? What facts have you got?"

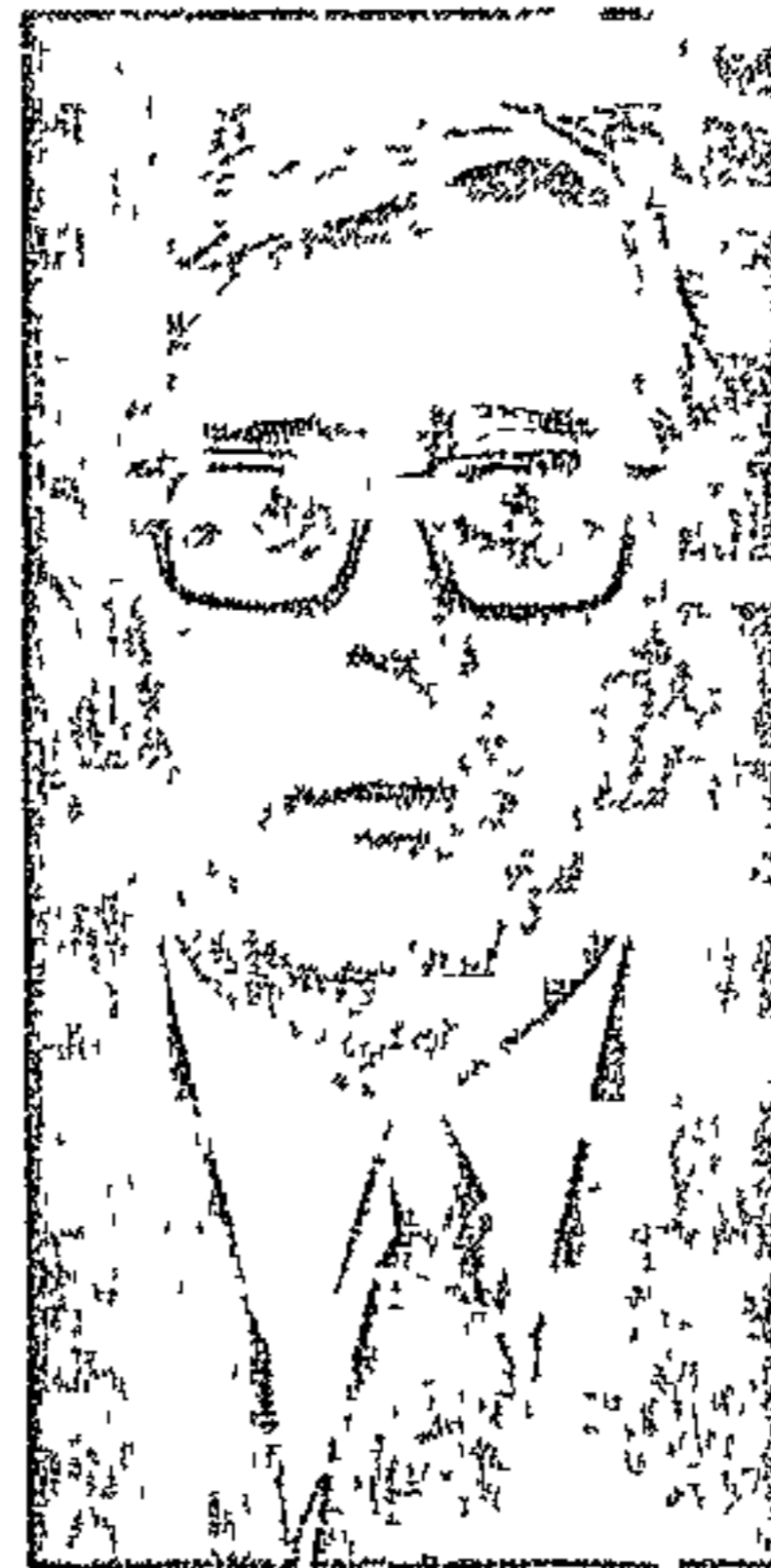
Mr Burger "How can we put facts? What facts are we expected to put?"

Mr Justice Watermeyer "In a nutshell what is it you are complaining about?"

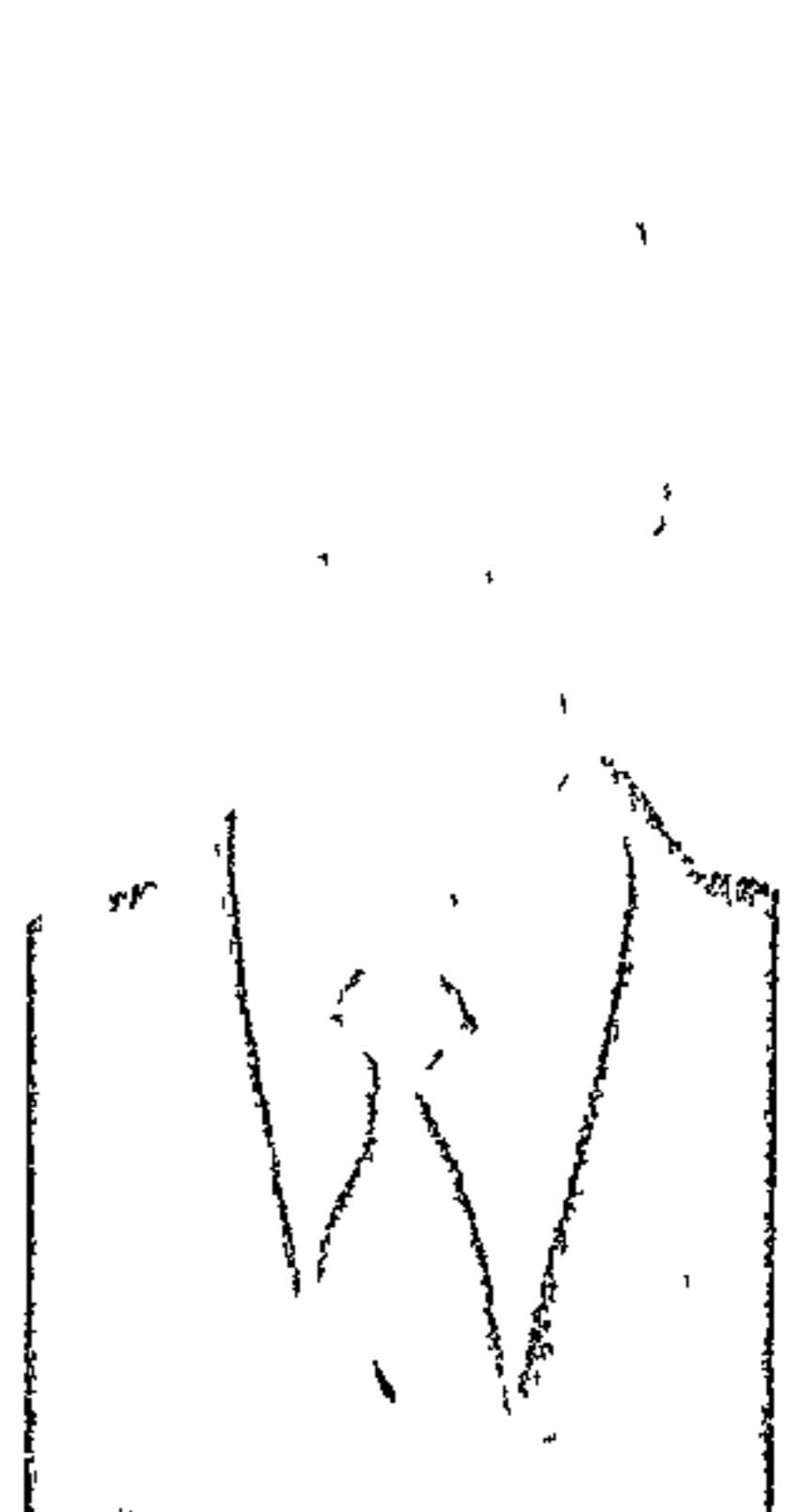
Continuing Mr Burger said Dr Rhoadie suggested in the



Mr Justice Erasmus



Mr Gerald Shaw



Mr G F Smaiburger

right of an interdict on anybody, said Mr Smitcher "And I submit this is one of them."

The commission was there to do its job and the proper authorities that had to intervene in the event of an offence were the prosecuting authorities, he said. He challenged the powers of the two applicants in their capacity as commissioners to approach the court. The enactment of the statute did not invest the individual members of the commission either singly or collectively, with the right to come to court in terms of regulation 14 unless they could show they had been personally insulted. They had to approach the court as a commission, he said.

Mr Smitcher said the applicants were two individuals appointed as commissioners coming to court, "authorized" by the chairman, Mr Justice Erasmus. He questioned the use of the word "authorized", saying it did not make Mr Justice Erasmus a party to the application.

No remedy

from the report, mostly concerned with the unknown destination of money, which illustrated further investigation was contemplated by the commission.

An attempt was made by the Cape Times, he said, to compartmentalize the matter into political and non-political sections. Asked by Mr Justice Watermeyer to explain his statement, Mr Burger said the line of defence taken by Mr Shaw in his affidavit was that the first stage of the inquiry dealt with the political responsibility and not the financial implications.

He said the attempt to keep the newspaper's reports strictly to matters concerning political responsibility fell flat as soon as one looked at what was in fact contained in the reports.

Referring to the first Cape Times report Mr Burger read out that Dr Rhoadie said several people including civil servants, knew of the secret projects and how they were funded and operated. He mentioned Dr Rhoadie's reference to bribery "That goes way beyond political responsibility of the Cabinet,"

reports that his allegations were fact. Mr Justice Friedman then asked whether Dr Rhoadie was perhaps not anticipating the findings, but was complaining about a finding that had already been made.

Mr Justice Watermeyer asked if the reports would constitute regulation 14 if "every word that appeared in the reports was evidence before the commission."

Mr Burger "Yes." Mr Justice Watermeyer "In what way?"

Disagreement

Mr Burger said the reports would prejudice the proceedings by influencing potential witnesses giving evidence.

Mr Justice Watermeyer asked how the revelation of certain names could hamper the commission? "I would have thought it would help," he said. Mr Burger disagreed.

Mr Justice Watermeyer indicated that one difficulty which he had was that assuming an order had to be made at

Press fears bannings

14/3/79
Argus
243

THE Press was imposing self-censorship because it feared Government bannings and litigation, Mrs Ingrid Stewart, a Durban journalist and delegate to the Black Sash conference said yesterday.

Speaking on propaganda and censorship at the organisation's national conference in Rondebosch, she said TV and radio were being used to spread National Party propaganda.

OTHER SIDE

She said TV and radio were being used to make attacks on the Government by overseas countries appear to be attacks on South Africa, and attacks by people inside the country as being unpatriotic.

The newspaper, she said, was the only medium which could give the other side of the story.

Sash told of Press perils

Mercury Correspondent

14/3/79

243

CAPE TOWN — More than 100 statutes, ordinances and regulations have turned the freedom of the Press in South Africa into a minefield and a journalist's nightmare, Mrs. Ingrid Stewart told yesterday's session of the Black Sash conference.

Delivering a fact paper compiled by the Natal coastal region, Mrs. Stewart said that constant fear of banning and litigation forced the Press towards self-censorship. At the same time propaganda "poured out nightly from SABC-TV".

"While the Government can glibly say it is not censoring the Press it has in fact forced the Press to censor itself, something the outside world is possibly not aware of," Mrs Stewart said.

Litigation was costly. Newspapers at this time were not making big profits.

Almost one-third of the money spent on advertising in South Africa last year went to the SABC (TV and Radio), a sum of R60 million of private money "added to the huge sums in taxes and licences already appropriated for this organ of National Party propaganda."

"When you're taking on the State you need a good lawyer — and good lawyers cost money."

Litigation wasted the time of senior journalists in court. The Rand Daily Mail had several Press Council complaints a month; there was one court case pending against the Sunday Express, and cases had recently been brought involving both the Cape Times and the Mail.

Repeated threats in Parliament and by Cabinet ministers tended to intimidate newspapermen.

The "journalist's nightmare" — Section 205 of the Criminal Procedure Act — could be used to jail journalists who refused to disclose sources. This inhibited people from coming forward to give information.

Handed 6 Question Column

4/4
243

14/3/79

The Citizen printing press

*20 Mr H H SCHWARZ asked the
Minister of Finance

(1) Under what authority was the printing
press sold which belonged to the
company which published the news-
paper *The Citizen*,

(2) whether tenders were called for the
press, if so, (a) when, (b) in what
publication and (c) what tenders were
received, if not, why not

The MINISTER OF HEALTH (for the
Minister of Finance)

(1) and (2) The printing press was not
Government property. I am regret I
am therefore unable to reply to this
question

A good time was had by all

Indaba Reporter

ZWELITSHA — Black journalists on the Border held a hot function for former Indaba editor, Mr Les Xinwa, who has left the Daily Dispatch after eight years of dedicated service

The function, first held at the Cobweb here and later at the local swimming pool, was a sizzling affair, maybe because it was held in scorching weather

And it made a big splash locally — admittedly not as big a splash as the one made by Mr Wridge Qeqe, leading local businessman, whose plunge into the cool, swimming pool water during the braai there, was heard some distance from the pool.

But his dip into the cool water was quite inspiring and the skinny figures of Mr Charles Nqakula and Mr Fezile Wotshela were soon seen disappearing into the shiny water

There were sighs of relief when it did not prove to be a total disappearance

But organisers of the function had foreseen the possibility of drowning in the water which is inclined to follow drowning in what famous black author, Guybon Sinxo, defined as the water of immortality

There was plenty of that stuff but some fellows kept on ordering impossibilities, considering the paltry budget Ms Lulu Jijana was allowed to run the function on and Mr

Gordon Qumza's insistence on whisky was therefore a hope for snow in the Sahara Desert

But Ms Barbara Hart of Imvo had correctly depicted the occasion when she had said in her good Xhosa, "Kuza kuqhawuka unobathana"

And some fellows did not want to disappoint the good lady and provided us with such a situation O K, it was not havoc or even any kind of disaster

But I liked the lean, darting figure of Mr Fezile Wotshela and his even faster fists which were trying to connect with the jaw of a not-too-steady Mr Wellington Sangotsha

And I kept worrying about those guys who kept

on interfering with the tape deck that provided our music The stoppages did not worry me, it was the thought of manipulating the wrong transistor which had me worried.

Some explosions are inexplicable and maybe transistors manipulated at braais can cause explosions Who knows?

Now, about the arrangement which would have ensured no one drowned The organisers asked the lifesaver at the swimming pool, Mr Rululu to be available for the braai.

It was not generosity but rather a strategy None of the reveller would have been in a position to save any drowning fellow-revellers

Hansard 6 Queen Col 460

6/3/79

243

MARCH 1979

South African Trade ...

*9 Mr N P WOOD ...
of the Interior and Immigration

Whether he is considering ...
tion of legislation to ...
Africa ...
legislation to ...

The MINISTER OF THE INTERIOR
AND IMMIGRATION

Notice of introduction of legislation
given in a previous ...

Kruger curb on Press

243 277
SAW 16/9/71

THE ASSEMBLY — The Minister of Police, Mr Kruger, gave notice in the Assembly yesterday that he intended amending the Police Act to prohibit the publication of certain police statements

One of the provisions of the envisaged Police Amendment Act, 1979, is aimed at restricting Press reporting on certain police matters

Mr Kruger asked that leave be granted to introduce a Bill "to amend the Police Act, 1958, to further regulate the functions of the South African Police."

According to the long title of the Bill "it will make new provisions relating to contraventions of the provisions of the Act and the procedure in case of alleged misconduct of commissioned officers.

PROVISIONS

It will also repeal the provisions of the Act relating to places for imprisonment of certain offenders and authorise the Commissioner of the South African Police to dismiss certain members of the police in certain circumstances

Provision is also made to prohibit the publication of certain statements; to further regulate the appointment of special constables; to make new provision in respect of the police reserve, and the remuneration of the members of the police.

— Sapa

Police Bill
published

STAC 17/1/71 227 463

Political Staff

CAPE TOWN—The Police Amendment Bill, which seeks to curb reporting by newspapers on police matters, was published in Cape Town today

The Bill prohibits any person from publishing any untrue matter about the police without having reasonable grounds for believing the statement is true

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wins case with costs

Application brought urgently in the Rand Supreme Court on Monday night

In that application the Erasmus Commission sought an order restraining SA Associated Newspapers from publishing further disclosures by Dr Rhodie

Mr Justice G Coetzee dis-

missed it with costs

In a written judgment handed in to court later in the week he said the commission's application had failed because, among other things, it had not set out the "new aspects and fields" it was presently canvassing

Mr Justice Van Zijl took less

than a minute to announce the Cape court's decision yesterday, when the court reassembled at 3 30 pm

Just before the lunch adjournment Mr W Burger, SC, who appeared for the applicants, concluded his final submission by handing in to court a revised

draft order which he described as "narrower" than the original order he had in his application asked the court to make

Mr Snitcher rose immediately and said he was totally opposed to this amended order, brought at the eleventh hour in "an attempt to save something from

the wreck"

In his amended document Mr Burger asked the court to order that

- The first respondent (the Cape Times) be restrained and

◆◆◆◆

To page 2

A

Cape Times



Mr Harry Snitcher, QC centre, who appeared for the Cape Times Limited, and Mr I Farlam left, who assisted him leave the Cape Supreme Court yesterday afternoon with the Editor of the Cape Times, Mr A H Heard

The hearing of the application, brought by Mr G F Smalberger, SC, and Mr A J Lategan, SC, lasted four days

One of the documents before the court, handed in yesterday by Mr H Snitcher, QC, appearing for the Cape Times Limited, was a copy of the judgment in a

concerning the former Department of Information

The Judge-President, Mr Justice J W van Zijl, who with Mr Justice H E P Watermeyer and Mr Justice G Friedmann heard the application, said the court would give reasons for its judgment as soon as possible

Chief Reporter

A FULL BENCH of the Cape Supreme Court yesterday dismissed with costs an application by two members of the Erasmus Commission for an interdict to stop the Cape Times from publishing any further disclosures by Dr Eschel Rhodie

17/3/79 CT. 243

A From page 1

interdicted until May 30, 1979 (inclusive) from publishing and/or distributing any factual allegations emanating or purportedly emanating from one Eschel Rhodie which relates to

(a) any irregularities or unlawful gaining of advantage by individuals or bodies or the misappropriation of public funds by the former Department of Information and/or any person who who was connected with that department,

(b) the methods and malpractices which were employed in connection with any irregularities or gaining of advantage or any misappropriation

- The above interdict does not apply to any comment by the said Rhodie on the published report of the commission of inquiry into alleged irregularities in the former Department of Information

Mr Burger also asked that the respondents be ordered to pay the costs of two counsel

His application was rejected in toto by the court

Earlier, Mr Burger had asked the court to find that the Transvaal judgment this week was erroneous

He was closely questioned by the three judges on his submissions and on the extent to which there was an overlap between the present inquiry being conducted by the Erasmus Commission and its original inquiry which culminated in a report being submitted by the commission to Parliament by December 6, as required

Mr Snitcher had contended that the commission's report was irrevocable and definitive and was not an interim document, subject to revision

Mr Burger said it was absurd to suggest that the Erasmus Commission, in performing its present functions, was in any way bound by any finding of fact in its published report

Such an approach would stultify the whole inquiry

The commission must be free to find the facts as it found them

It had been suggested that the present terms of reference of the commission were narrower than its original terms of refer-

ined to the "new aspects and fields" mentioned in the commission's report

This submission, said Mr Burger, was incorrect

It was the original commission with its full ambit that had been extended, he added

The Erasmus Commission had never contended that the commission, or its report, was immune from comment or criticism

Dr Rhodie, however, was not commenting on the report but giving evidence to vindicate himself and to implicate others

"It is perhaps true that the interest of the Cape Times is mainly political

The interest of the commission is however not political but financial and legal (vide its terms of reference and its recommendations)

This is also precisely the interest of Rhodie, who was no politician but an official in control of vast sums of money

"The commission was not appointed to find out what secret projects there were, or what the political repercussions might be, but to find out how the money was spent

Though the Cape Times tries to make political capital, Dr Rhodie is telling his side of the story for the different purpose of shifting or at least spreading the legal and financial responsibility, which is exactly what the commission's inquiry is all about

The Cape Times

SATURDAY, MARCH 17, 1979

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The Cape Times case

THE CAPE Supreme Court's rejection of the Erasmus commission's attempt to stop the Cape Times from publishing Rhodie disclosures furthers the cause of free expression in South Africa. The decision, reasons for which will be given by the court later, comes after a similar ruling by the Transvaal bench in the Rand Daily Mail case. These decisions have the effect of advancing the public's right to know at a time when certain forces would limit or destroy this right, and will be an encouragement to all who believe in clean administration and full disclosure of where political responsibility lies. Clearly, the government wants to handle the information scandal in its own way, and is already acting drastically to try to gain control of a chaotic situation, but that should not preclude the press from performing its own

duty in trying to chart where the gunpowder trail of political responsibility goes. The Cape Times can assure its readers that it has every intention of continuing its work in the public interest, subject to the law and considerations of genuine national security. The press is an institution in its own right. It is not an adjunct of party or government. It has a heavy responsibility to give an independent and critical assessment of public affairs. The decisions in the Cape and the Transvaal have made this task easier. But the government, judging from what is happening in Parliament, seems intent on limiting the activities of the press. Instead of carrying on a campaign of bluster against newspapers, the government should simply publish *all* the evidence of the Erasmus commission, and make a clean breast of things. Only that will remove the dark stain on this country.

Drastic clamp

on freedom

Sun. Times 18/3/79

of the Press

is feared 243

By FLEUR DE VILLIERS

DRASTIC moves to further muzzle the Press and widen the news blackout in South Africa were signalled this week in two separate Government announcements.

The action has been taken despite strong protests by Nationalist academics and the Afrikaans Press and reservations among some verligte Nat politicians.

The Police Bill, which will impose censorship on the reporting of all matters relating to the South African Police, was roundly condemned by Opposition politicians yesterday.

The Prime Minister's announcement on Friday of the appointment of an Advocate-General to investigate allegations of corruption is also interpreted as a disguised move to muzzle Press investigations.

The Leader of the Opposition, Mr Colin Eglin, told the Sunday Times that he had "serious misgivings" about the appointment.

"Has corruption in government reached such proportions that we now need special state machinery to deal with it?" Mr Eglin asked.

He would reserve judgment until the legislation was published, but the Prime Minister's announcement could well be simply another move to muzzle the Press and inhibit parliamentary opposition.

Mr Eglin wanted to know:

- Whether the machinery would in any way inhibit the Press making public disclosures on alleged corruption;
- Whether it would result in a news blackout on any issue under investigation by the Advocate-General;
- Whether the sub judice rule would apply and so prevent the matter being debated in Parliament;
- Whether it would in any way impinge on the parliamentary rights and privileges of members to speak on any matter, subject only to the rules of Parliament itself;
- Whether it would interrupt normal law enforcement and judicial processes.

Mr Vause Raw, leader of the NRP, said that the value of the Advocate-General would depend entirely on whether the new machinery would be intended for the purpose as announced by Mr Botha, or whether it would be used to prevent investigative journalism.

5/13/79

Bill 'not a curb on Press freedom'

Political Staff

The provisions of the Police Amendment Bill could not be regarded as an invasion of Press freedom, the Minister of Police Mr. Jimmy Kruger, said today.

Mr Kruger said the measure, which was published at the weekend, in fact had nothing to do with Press freedom.

One of the clauses was that the new Bill tried to prevent publication of untruths about the police.

The Minister said the Press was surely also interested in the truth.

Even if the Press made a mistake, it would be excused, provided it could

prove that it had reasonable grounds to assume that what it had published was the truth.

It was necessary to make provision that the police were not besmirched. While the newspapers had a Press code, there were many publications that did not fall under the code.

The new provision in the Bill would also cover allegations that were made about the police in pamphlets and documents.

Mr Kruger said there was no objection to legal and valid criticism of the police. "We just want to eliminate untruthful statements about the police."

The Argus

MARCH 20 1979

(243)

Press control—piecemeal

THE Minister of Police, Mr Kruger, says the Police Amendment Bill cannot be regarded as an invasion of Press freedom. In fact, he said yesterday, it had nothing to do with Press freedom.

The Minister is talking nonsense. If MPs were liable to a fine of R10 000 or five years in jail for making statements that were found to be untrue would this not inhibit their free speech and amount to an invasion of political freedom?

No newspaper deliberately publishes untruths just as, we hope, politicians do not tell deliberate lies; but mistakes do arise, newspapers are sometimes misinformed (perhaps by politicians).

The Bill apparently excuses mistakes if reasonable grounds existed for believing that what was published was true. A similar provision is in the Prisons Act but this has not stopped that measure amounting to virtual Press censorship in the area of prisons and prisoners.

It is highly dangerous (in the view of the newspapers' legal counsel) to publish prison stories without official verification. It is likely to be dangerous too to publish reports about the police without verification. Why should the police be keen to verify a matter unpleasant to them?

The new measure threatens to be a serious curb on the Press — another one. A Government that has balked at open Press censorship is achieving the same objective, it seems, piecemeal and by stealth.

South Africans must know it is not merely newspapers that are affected. It is their freedom. A police force that can operate beyond public scrutiny is a particularly powerful threat to this freedom.

Why should the police be singled out for protection from untruth? Why not postal workers, trade unionists, nurses, rugby players, other Government servants? And why this protection now?

New bill²⁴⁵¹ 26/2/79 covers press reporting on police issues

Political Staff

GOVERNMENT curbs of the press will be extended to cover reporting on police matters.

In terms of the Police Amendment Bill published at the weekend, newspapers will have to be able to prove in court that any report dealing with police matters is true.

Failure to do this could result in a R10 000 fine, imprisonment of up to five years, or both.

Mrs Helen Suzman PFP spokesman on Justice, said the onus of proof would make it virtually impossible for newspapers to publish sensitive or controversial reports on police matters. If the case came to court it would be one man's word against another and the police always have the upper hand.

The bill also provides for a 24-hour police-press liaison unit to operate in the same way as that of the Department of Defence.

All reporting on police matters would have to be cleared by the police through this channel. If reports appear in the press that have not been cleared in this way, a newspaper could find itself in court to prove the reports correct.

Mrs Suzman said the constraints on the press in the new bill were almost identical with those of the Prisons and Detention Acts which had "a most inhibiting influence on the press."

"I believe one of the big restraints on the police is the fact that they know they are subject to public scrutiny."

Mrs Suzman said she believed one of the things that had led to the extended control of the press was Mr Kruger's "intense irritation" at the numerous re-

ports which reflect unfavourably on police behaviour.

"No doubt he is trying to put a blanket of silence over actions which might reflect badly on the police."

The full clause of the bill relating to control of press reporting is:

"The force or any part of the force, or any member of the force in relation to the performance of his functions as such a member without having reasonable grounds (the onus of proof of which shall rest on such person) for believing that the statement is true, shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine such imprisonment."

However, the Minister of Justice, Mr J T Kruger, told an Afrikaans newspaper that the measure could in no way inhibit press freedom. In fact it had nothing to do with the subject, he is reported to have said.

The aim was to prevent untruths being published about the police. Even if the press made a mistake it would be excused if it could prove that there were reasonable grounds for believing that what was published was correct. Mr Kruger said.

It was necessary to ensure that the police were not smeared and although there was a press code many publications did not fall under it. Mr Kruger said.

"There is no objection to legal and valid criticism against the police. We only want to exclude untruths about the police," he said.

Judges' reasons for Cape Times ruling

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2013/179

Chief Reporter

A FULL BENCH of the Cape Supreme Court, in a written judgment handed down late yesterday, stated that the court had been unable to find that anything that might be published by the Cape Times in future would "prejudice, influence or anticipate" findings of the Erasmus Commission on matters still to be inquired into by the commission.

On Friday the Judge-President, Mr Justice J W van Zijl,

who sat with Mr Justice H E P Watermeyer and Mr Justice G Friedman, announced the court's decision to dismiss with costs an application by two members of the Erasmus Commission for an order to stop the Cape Times publishing any further disclosures by Dr Eschel Rhodie, former Secretary for Information.

In the written reasons for this unanimous judgment, handed into court yesterday, the judges said they had studied the report of the Erasmus Commission

and could find nothing in it to suggest that it was a provisional report, or that the findings made in it were anything but final.

"In our judgment the true position is that when the commission presented its report to the State President, it had completed its mandate in so far as it was possible for it to do so within the allotted time."

The judges said that nowhere in the report were the "new aspects and fields" the commis-

sion was to investigate under its extended mandate defined — "nor do the applicants in their affidavit set out what they are."

They said counsel for the applicants, Mr W Burger, SC, had been unable to point to anything in the Cape Times reports published so far which cast a reflection on the Erasmus Commission, "and there is therefore no ground for holding that such reports are likely to be published by the Cape Times."

The text of the written judgment is on pages 5, 6 and 11.

Inquest

Bill hits

Press

— Suzman

By Tom Duff,
Political Reporter

CAPE TOWN — Fears that one of the provisions of the Inquests Amendment Bill amounted to a serious encroachment on Press freedom were expressed today by Mrs Helen Suzman, Opposition spokesman on justice matters.

It appeared the Bill was aimed at bringing inquests into line with the Commissions Act and it would place restrictions on people making statements about a matter where an inquest was due to be held, she said.

If the Bill had been law at the time of the death of black consciousness-leader Mr Steve Biko, newspapers might not have been able to publish some of the statements they did publish prior to the inquest into his death.

FINE, JAIL

The Bill stipulates that any person who prejudices, influences or anticipates the proceedings or findings at an inquest shall be guilty of an offence and liable to a fine of up to R500 or six months' imprisonment or both.

"Everything seems to fall under the sub judice rule these days," said Mrs Suzman. "This surely shows a marked lack of confidence in the independence of thought of magistrates' handling inquests."

SASJ

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slams

Police

Bill

2/13/79
DD

PRETORIA — The Southern African Society of Journalists (SASJ) yesterday made "strenuous protest" at the introduction of the Police Amendment Bill and urged the government "to reconsider the wisdom of such legislation"

A statement by the president of the SASJ, Mr John Patten, said "The introduction of the Police Amendment Bill is yet another sign that the government regards the South African press not as an essential part of a free society but as a potential threat to its institutions of power"

"We believe it is imperative in the interests of justice that news reporting of police affairs should be carried out independently of police surveillance and without the threat of severe legal penalties, which in this Bill go far beyond the bounds of reason in combating inaccuracies in news reporting"

The SASJ believes in the highest degree of accuracy and openness in the reporting of crime and other police matters, and in a policy of maximum co-operation between police and press in informing the public

"The new Bill represents a further major restriction on the activities of a free press in South Africa. We make strenuous protest at this measure, and strongly urge the government to reconsider the wisdom of such legislation."

SAPA

New police Bill bothers lawyers

South African attorneys are concerned about the implications of the contentious Police Amendment Bill before Parliament and are considering what action they will take.

Leading Johannesburg lawyers fear that the Bill could inhibit free and reasonable discussion of the administration of justice, the workings of the law and the activities of the police.

The South African Society of Journalists has urged the Government to "reconsider the wisdom of the legislation" The Bill represented a further major restriction on the activities of a free Press in South Africa, said the society

Mr Jan Symington, president of the Association of Law Societies which represents the country's attorneys, disclosed today that the implications of the Bill were receiving the attention of presidents of provincial law societies.

Other lawyers point out that if an academic lawyer, for example, discussed some aspect of police activities he could be committing an offence if his statement were found to be untrue

Faites accorder les participes passés placés entre parenthèses.

1. La petite fille que j'ai (vu) pleurer, (perdu) dans la foule, cherchait ses parents. Je ne sais si elle les a (retrouvés).

2. Si vos amis avaient (voulu) venir, nous les aurions (regu) avec plaisir et nous aurions (pu) facilement les loger.

3. Les matelots, (rassemblés) sur le quai, ont (embarqué) et nous les avons (vu) partir.

4. Les reproches (mérités) que lui a (valu) sa conduite l'ont tout de même profondément (touché).

5. Des compliments, il en a (regu) de nombreux, certainement plus qu'il en a (mérité).

6. Il avait déjà (abandonné) la barque quand elle a (commencé) à s'enfoncer. J'aime les spectacles sans prétention; ces danses de village m'ont beaucoup (plu).

8. Des versions, je lui en ai (fait) faire pendant six mois.

9. Trente mille francs, voilà ce qu'a (coûté) cette maison, il y a quarante-cinq ans; depuis

10. Les arguments que vous lui sa décision.

Même exercice.

1. Je voulais des aventures,

2. La tempête faisait rage;

3. Les croisés eurent des

4. Je leur ai (téléphoné) et

5. Soyez indulgents avec lui

6. Vos tantes, je les ai (ap

7. Je n'oublierai jamais les

8. Comment, vous les avez

ne leur avez pas (parlé)

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The South African Society of Journalists has urged the Government to "reconsider the wisdom of the legislation" The Bill represented a further major restriction on the activities of a free Press in South Africa, said the society

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South African attorneys are concerned about the implications of the contentious Police Amendment Bill before Parliament and are considering what action they will take.

(242/223179 M)

New Inquest Bill will muzzle press — MP

CAPE TOWN — Press reporting of inquests of national importance, such as those on the deaths of Steve Biko and Joseph Mdluli, was likely to be seriously affected by the Inquests Amendment Bill put before Parliament yesterday, Mr John Malcomess, (NRP East London North) said yesterday

Spokesmen for both the NRP and the Progressive Federal Party yesterday claimed the Bill, which makes it an offence for anybody to influence, prejudice or anticipate the findings of an inquest was yet another attempt to limit the freedom of the press

Mr Malcomess said that in recent weeks the government had introduced three Bills which placed restrictions on the press. They were the Divorce Bill, the Inquest Act Amendment Bill and the Police Act Amendment Bill

"Are these the first ranging shots in the Prime Minister's campaign which he announced during the Information debate in December?" asked Mr Malcomess

He wondered if the measures did not indicate that a more verkrampte element was gaining strength within the National Party

The clause dealing with prejudicing, anticipating or influencing the findings of an inquest was without doubt an inhibiting factor. It could delay publication

The Minister of Justice, Mr Kruger, who introduced the Bill, had given no concrete reasons for introducing the restriction

"On the face of it this clause seems innocent but what will its effect actually be? In the vast majority of cases there will be no problem. But in cases of national importance, like Biko and Mdluli, the

effects could be very serious"

The government already had many laws through which the press could be prosecuted. "Let us not add to them"

Mr Kowie Marais, (PFP Johannesburg North), described the Bill as an extraordinary measure which his party could not support

He said it appeared that many people on the government benches believed that the press should be restricted.

"We must be clear on the point that an inquest court is not a court of law. It is merely a commission attempting to establish certain facts pertaining to somebody's death. Often a finding cannot be determined in one or more aspects

"How can a commission then be influenced by what happens out of court by something that may be written or said" — PS

23/3/79

Premier warns Dispatch

~~43~~
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UMTATA — A warning to the Daily Dispatch that its days before being banned from circulating in Transkei were numbered was issued in the National Assembly by the Prime Minister, Chief George Matanzima.

He said since the country gained self-rule in 1963, the Dispatch had shown its "malicious hatred" of the system followed by Transkei. It persistently had showed this spirit, either by quoting people out of context, or by making selected omissions from speeches that led to misrepresentation.

On Wednesday morning, for instance, the Dispatch carried a report on the speech made in the assembly by the Leader of the Opposition, Mr C. Mda, the previous day. But by giving details only of his critical remarks, and not of his remarks expressing appreciation of

government work, it had given the impression Mr Mda's entire speech had been purely destructive.

In another report, the impression had been given the government had been eager to restore diplomatic relations with South Africa at all costs. But in fact he had emphasised the obstacles to resuming diplomatic relations, the Prime Minister said. The government was not so naive as to believe relations could be resumed until those obstacles had been overcome.

● The Prime Minister's criticism about Mr Mda's speech is misdirected. The report filed to the Daily Dispatch by SAPA contained no mention of any remarks made by Mr Mda in appreciation of government work. The Daily Dispatch's reporters did not cover Mr Mda's speech. — Editor

Kruger gives assurance — bill not aimed at press

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C-1 24/3/79

HOUSE OF ASSEMBLY —
The Minister of Police, Mr J T Kruger, gave assurance yesterday that a proposed clause in the Police Amendment Bill was not aimed at curbing press freedom

Introducing the second reading of the bill, Mr Kruger said the clause concerned provided for a ban on the publication of false information in connection with the police force or part thereof or a member of the force in the execution of his duty

"I wish to make it perfectly clear that the proposed provision is not aimed at curbing so-called press freedom. It is merely aimed at curbing the publication of untrue statements with regard to police action, of which we have had an overdose."

The idea was also not to pre-

vent reporting of police action in the media, but merely to keep untruths aimed at harming the force out of the press and other news media

"No one wants to insinuate that the police sometimes take wrong action or make mistakes. I have no objection to these mistakes being exposed, as long as the facts are correct."

The bill also proposed extending the distance between any border of the Republic and a foreign state from one mile (1,6km) to 10 kilometres

"Members will agree with me that with the return and expected return of trained and fully armed terrorists across our borders, the police have a very important task to try to intercept those people

"For more effective control and action it is imperative that

the distance should be extended to 10 kilometres"

The bill also provides that a member of the Police Force with at least two years unbroken service who leaves the force after July 1, 1979, will remain a member of the police reserve and that he can in future be called up for periods of 90 days service a year, with the understanding that this service will not exceed a total of 180 days

The 90 days a year also applied to those members who became a member of the reserve before July 1, 1979, but they could not be called up for a total of more than 150 days

The aim of the proposed provision was better to use the service of police reservists because there was a strong suspicion that many young men used the police and the police reserve

to evade military service. It was also proposed to change the provision regarding a person who was allocated in terms of the Defence Act 1957, to the Police Force

The proposed change would mean that such a person would have to serve 24 months in order to become a member of the police reserve. Afterwards he could be called up for four further periods of service. Such a period would not exceed 90 days and would also not exceed 180 days in total

A new sub-clause was also being added to give the commissioner of police the authority, on the recommendation of the Civil Service Commission and with the approval of the treasury, to pay a higher salary, wage or allowance to a member of the force than that already paid to him — Sapa

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24/3/79

PFPP reject new bill 'aimed at press freedom'

HOUSE OF ASSEMBLY. — The Progressive Federal Party yesterday used one of the strongest parliamentary measures available to express opposition to a bill on the grounds that it was aimed at restricting press freedom.

Mrs Helen Suzman (PFPP Houghton) moved that the Police Amendment Bill be read "this day six months".

"It is essential that the press be no further restricted than it already is. It is essential that nothing hinders the press in its duty to inform the public," Mrs Suzman said.

The Minister of Police, Mr Jimmy Kruger, had said a clause in the bill was aimed at preventing publication only of untruths concerning the police, she said. But the minister already had recourse to the Press Council and a vast battery of other laws whereby penalties could be imposed for reporting of false facts.

Mr Kruger was sensitive about bad publicity sometimes given the police, but it had to be remembered they had to implement unpopular laws and that their actions in doing so sometimes would attract ad-

verse publicity

The police had to implement laws like the pass laws, Group Areas Act and Immorality Act, and rather than trying to curb reporting on their actions, Mr Kruger should be trying to persuade his Cabinet colleagues to repeal these political laws which landed the police in hot water.

He should also try to persuade the police to act more circumspectly.

"Most things reported are true," Mrs Suzman said. "If untruths are published, the Press Council is the remedy."

The minister is trying to douse the spotlight of public scrutiny."

Mrs Suzman drew a parallel between the publication clause in the Police Amendment Bill and a similar section in the Prisons Act which, she said, inhibited newspapers publishing information about prisons because it was very difficult and expensive to prove in court that the newspapers had taken all the necessary steps to verify the truth of their information.

The onus was on the accused to prove their innocence. "Because of the risks, news-

papers are going to be very wary indeed and it is in the public interest that incidents be reported," she said.

The penalties under the police bill were enormous — a maximum fine of R10 000 or five years imprisonment, or both — the same as the fine for disclosure of atomic secrets.

The proposed 24-hour police service with which the press could check its facts could not substitute for free, open press inquiry. The police service would merely present its own side. — Sapa



Mrs. Helen Suzman new bill is aimed at press freedom

Divorce²⁴³ 26/3/79

Bill for review

Political Staff

THE Minister of Justice, Mr J T Kruger, has referred the Divorce Bill back to the Law Commission for review.

The commission has been asked to hear evidence from the Newspaper Press Union on the clause relating to the reporting of divorce cases and to reconsider the clause relating to fault as a consideration of maintenance.

The Minister said the NPU had requested an interview with him on the clause relating to the reporting of divorces

(The clause forbids publication of details of a divorce action and in particular who the plaintiff and defendant are, although the names of the parties may be published)

PUT CASE

'As this clause was a recommendation of the Law Commission I have arranged for the NPU to place their case before the commission,' Mr Kruger said

'I have also asked the commission to reconsider the clause relating to fault as a consideration of maintenance

'The commission sits again towards the end of April and I have asked the Leader of the House to stand the Bill down until then'

GOOD THING

Mrs Helen Suzman, Progressive Federal Party MP for Houghton, commented that it was a good thing that these matters were to be resolved by the Law Commission

The difficulty with the maintenance clause was that it reintroduced the concept of laying blame (fault) in a divorce case in the determination of maintenance

This was in spite of the fact that in its report on divorce law the Law Commission had in the past recommended that the whole idea of laying

blame be excluded from divorce cases

The strictures on newspaper reporting were a serious matter and she welcomed a review of the relevant clause.

SR - 27/3/79

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Every policeman will be a censor — Pyppe

HOUSE OF ASSEMBLY — Everyone who cherished press freedom would have serious reservations about a clause in the Police Amendment Bill relating to the press, Mr Andrew Pyppe (NRP Durban Central) said yesterday.

He felt the bill would make virtually every policeman a press censor.

Speaking during the second reading debate on the bill, Mr Pyppe was referring to a clause which provides for the prohibition of publication of untrue information in regard to the police force or a member of the force in the execution of his duties.

Anyone who knew the tempo at which newspapers worked would realise the difficulties involved, he said.

"This unreasonable restriction is going to make a reporter's task more untenable."

It would be impossible, Mr Pyppe said, for a reporter to defend himself and to prove certain information to be correct without divulging his source — Sapa

Bill proves mistrust — PFFP man

HOUSE OF ASSEMBLY — The Police Amendment Bill was a motion of no confidence in the Press Council, Mr Tiaan van der Merwe (PFP Green Point) said yesterday.

Speaking in the second reading debate on the bill, he said it left the impression that the Minister of Police, Mr Jimmy Kruger, did not believe the Press Council was doing its work.

The fact that Mr Kruger had

introduced laws that matched the conditions of the press code and that the fines incorporated in the bill matched those applicable to the Press Council, proved that the minister mistrusted the council and its machinery.

It was clear the minister wanted to inhibit the press from writing about misdeeds of the police. He was creating the impression there was something to hide.

There were laws and meth-

ods to act against publication of untruths against the police. The protection he was trying to give the police did not apply to many other categories of people and organizations, barring prisons and defence, and Mr Van der Merwe was not sure those departments had gained much from the protection they enjoyed.

The minister should motivate his reasons for the bill by giving examples where methods and laws available had been

inadequate.

The bill would harm the police. Those who would benefit were the incompetent, dishonest and weak members. The rest would have to live under the stigma of the covered-up misconduct of these.

He was amazed that, when the public was sensitive on possible cover-ups, the minister should make it more difficult for matters to be opened up. — Sapa

The anti-press trilogy

CT 27/3/79

(243)

AS SELF-PROFESSED believer in the freedom of the press, the Nationalist government makes belief in its belief an exercise of excruciating difficulty. The minister of justice has alone produced a trilogy of bills, each one of which seriously curtails existing freedoms. These are: the Inquests Amendment Bill, which makes it an offence to prejudice, influence or anticipate the proceedings or findings at an inquest; the Divorce Bill, which prohibits the publication of divorce case particulars, other than the names of the parties etc, and, most far-reaching of all, the Police Amendment Bill, which prohibits the publication of any untrue matter about the police force, the onus of proof of good faith resting on the newspaper itself.

Any one of these bills would have occasioned disquiet. Corporately, they would appear to point to concerted action to reduce the role of the press both as a public informant and as a watchdog of abuses and irregularities. There already exists a vast body of legislation restricting what newspapers may publish. Complaints of the kind that Mr Kruger says he has in mind can quite adequately be handled by the press council, which has the power to impose fines of up to R10 000. Yet he

insists on statutory duplication. One of the Police Amendment Bill's most intimidating aspects is the effect of shutting up newspaper sources who do not wish to be identified. In the Assembly debate on the bill on Friday, Mr Kowie Marais, MP, confirmed that as a former judge, he would not accept a reporter's word that he had been misinformed about a particular matter, but would insist on knowing who provided the misinformation. Alternatively, if the source were correct, that source might still be required to corroborate the report being challenged, or it would just be the police's word against the reporter's.

This is going to have a most inhibiting effect on anyone in a government department, for instance, giving information to the press about abuses, malpractices, irregularities or even low pay — as policemen did recently, sparking off the Cape Times survey on the subject. A public servant will not jeopardise his future career, no matter what he sees going on round him, if he cannot be assured of anonymity. In the end, as always, ministerial assurances about the law doing nothing to curb responsible reporting count for nothing. It is the law that is interpreted and applied, not explanations in Hansard by Mr Kruger or anybody else.

New agreement on Press reports

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Political Correspondent

AN amendment to the agreement between the Press and the Defence Force will prevent a repetition of the Angolan war situation in which newspaper readers abroad knew more about South African involvement than South Africans.

This is the interpretation placed on a change to the agreement negotiated between the Newspaper Press Union and the Deputy Minister of Defence, Mr Kobie Coetsee, in Cape Town yesterday.

The agreement says that reports published or broadcast abroad on defence matters may be published provided:

- The source of the report is clearly indicated;
- The Minister of Defence or his representative has been given the

opportunity to comment; and

- The report does not deal with South African military weapons or the supply of arms. All such reports must be cleared by Defence.

NATIONAL INTEREST

In the past reports from abroad dealing with military matters, and this included South African operations during the Angolan war which were widely reported overseas, had to be cleared with the authorities.

In the case of Angola, the Defence Act was used to forbid publication in the national interest of news about South African forces invading Angola... even though this news was being broadcast to Africa by the BBC.

The defence agreement now states that any other reports from abroad may

be published' subject to the given conditions.

CONSTRUCTIVE

A Defence spokesman said yesterday that the talks between the NPU and Mr Coetsee were friendly and constructive.

Mr Coetsee had thanked the media for 'good understanding and a positive approach' to purely military matters which had allowed the Minister of Defence, Mr P W Botha, to agree to the amendment to the agreement.

The president of the NPU, Mr R W J Opperman, had thanked the Minister for his willingness to amend certain provisions of the agreement that had hampered the Press.

Kruger wrong about press code — editor

C.T.

28/3/79

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Court Reporter

THE Minister of Justice, Police and Prisons, Mr J T Kruger, was incorrect in alleging that the press code of conduct, or the "code of ethics of journalists", required the editor of a newspaper to verify a report before publication.

The editor of the Rand Daily Mail, Mr Allister Haddon Sparks, said this in an affidavit before the Supreme Court yesterday in support of a notice by South African Associated Newspapers Limited, and the Cape Times Limited, saying that the companies intended opposing the granting of a final order prohibiting them from publishing allegations made by Dr Eschel Rhoodie, the former Secretary for Information

The Judge-President of the Cape, Mr Justice J W van Zijl, granted a rule nisi to Mr Kruger early on the morning of March 12, prohibiting the Cape Times Limited and South African Associated Newspapers from publishing a section of a report quoting Dr Rhoodie

Restrained

The companies were ordered to show cause yesterday why they should not be restrained from publishing in the Cape Times, the Rand Daily Mail, the Natal Mercury and the Eastern Province Herald, or any other newspaper owned or controlled by them, the report or words alleged to have been conveyed by Dr Rhoodie

Pending yesterday's hearing, the two companies were restrained from publishing the report and from distributing any newspapers carrying the report

The two companies were also ordered to show cause yesterday why they should not be ordered to pay the costs of the



Mr Justice J W van Zijl

proceedings

During the application for the restriction on March 12, Mr Kruger told the court that an earlier report published in the Cape Times on Saturday, March 10, had not been placed before him for comment in terms of the Press Code

He said he had issued a statement to Sapa the same day denying the report

"Then I also said, in this Sapa report, that the Cape Times never contacted me to verify Rhoodie's statement, as is required by the code of ethics of journalists, and I also further said I will take the matter up with my lawyers with a view to suing the Cape Times for defamation," Mr Kruger said

Yesterday the hearing was postponed till Friday and it was

ordered that Mr Kruger supply a replying affidavit by noon on Thursday. It was also ordered that the question of costs stand over till Friday and that the interdict against the companies be extended

At yesterday's hearing, affidavits from Mr Sparks and Mr Leslie Clive Williams, the manager of the Cape Times, a newspaper owned by Cape Times Limited, were handed in in support of a notice of intention to oppose the granting of the final order

In his affidavit Mr Sparks said "The applicant is incorrect in alleging that the press code of conduct, or the 'code of ethics of journalists', to which he refers in his evidence, invariably requires an editor of a newspaper to obtain verification prior to publication of any report"

Mr Sparks said the terms of the rule nisi had been conveyed by telephone to his chief assistant editor by the Registrar of the Supreme Court. He decided, out of respect to the court, to comply with the terms as far as it was possible to do so at that stage

"But, in doing so, the respondent did not submit to the jurisdiction of this honourable court," he said

Earlier in his affidavit, Mr Sparks submitted that the Cape of Good Hope Provincial Division of the Supreme Court had "no jurisdiction over" SAAN

He said the Rand Daily Mail was printed in Johannesburg and published principally in the Transvaal. He added that the registered address of South African Associated Newspapers Limited was in Johannesburg

Jurisdiction

"Its head office and principal place of business is in Johannesburg," he said

Earlier he said that, in the rule nisi, South African Associated Newspapers Limited had been incorrectly referred to as South African Associated Newspapers

Mr Sparks said the Natal

which was owned by neither Cape Times Limited nor SAAN. He also submitted that the court had no jurisdiction over Eastern Province Newspapers Limited which owned the Eastern Province Herald

"I say that the applicant (Mr Kruger) knew, or should have known, all the above facts (referring to the newspapers, their owners and their registered addresses) and, in any event, could easily have ascertained them"

Mr Sparks also said it appeared, from the record of the earlier hearing, that the Deputy State Attorney, acting for Mr Kruger, gave incorrect information regarding the ownership of the newspapers referred to in the rule nisi

Mr Sparks submitted that, while Mr Kruger had brought the action as Minister of Justice, in which capacity he could not bring any action for defamation, in this, or any other, case

He alternatively submitted that the words complained of were not defamatory

Speculation

Mr Kruger said that if certain aspects were published, it would mean people might think that he had done something which was so wrong that his career should end and it was left open to total speculation what he had done

"I deny that these words, said of a politician, are defamatory. A politician may feel compelled to resign for many reasonable or even laudable reasons, and a reasonable reader would not put the worse construction on these words

"I submit further that publication of the other words quoted in the rule nisi cannot be construed as defamatory of the applicant"

Mr Williams said that no notice of Mr Kruger's application was given to the Cape Times, or Cape Times Limited although reporters employed by the Cape Times learned of it

He also said "The applicant is incorrect in alleging that the Newspaper Press Union's (NPU) press code of conduct invariably requires an editor of a newspaper to obtain verification prior to publication of any report"

Both men asked that the rule nisi should be dismissed with costs

The Judge-President, Mr Justice J W van Zijl, and Mr Justice L de V van Winsen were on the Bench. Mr T E Kleynhans, instructed by the Deputy State Attorney, appeared for Mr Kruger. Mr I G Farlam, instructed by Syfret Godlonton and Low, appeared for SAAN and Cape Times Limited

Afrikaans Press attacked by Nats

ADM. 29/3/79.

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BY MARTIN SCHNEIDER
Political Editor

NATIONALIST politicians led by Mr Braam Raubenheimer, Minister of Water Affairs and Forestry, are spearheading a new Right-wing offensive against the mainly verligte Afrikaans Press

Their aim, according to Nationalist sources, is to force the newspapers to be more subservient to the party leadership and to back the new Transvaal leader, Dr Andries Treurnicht

Mr Raubenheimer, a long-standing opponent of the Transvaal Afrikaans newspapers, is a strong supporter of Dr Treurnicht who has been without Nationalist Press backing since the early seventies when he resigned as editor of the Pretoria daily, Hoofstad, and entered Parliament

Nationalist sources said yesterday tension between MPs and the Press was running so high that the party's Transvaal leadership was considering confronting editors

Reflecting rightwing anger against the newspapers, Mr Karel Swanepoel, MP for Gezina, told a party meeting this week that

"Afrikaans newspapers were consorting with the English language Press and can no longer be trusted to project the image of the National Party"

The newspapers have responded defiantly

Reflecting their views, Beeld said yesterday "Politicians can hit and kick the sympathetic Press, but they must remember it is not the newspapers' fault that there is at present a massive credibility gap between Nationalists and the politicians"

Afrikaans newspapers have published major reports on the Information scandal and the deep Nationalist divisions that followed it

Some of them — notably Die Vaderland — have been highly critical of the Government's handling of the issues

Tensions between the politicians and the newspapers have now spilled over into a major row about the new Police Bill, which most Afrikaans newspapers have opposed on the grounds that existing laws adequately protect police against incorrect reporting

The latest row followed

publication by the editor of Die Transvaler, Dr Willem de Klerk, of seven highly critical questions concerning the new bill

Responding to his questions, the Minister of Police, Mr J T Kruger, told the House of Assembly this week that Dr De Klerk's questions about the bill were so insulting that they did not warrant a reply

His reaction led yesterday to spirited replies from Afrikaans newspapers which linked the new bill to the overall problems of the party

Defending Dr De Klerk, Die Transvaler said yesterday the Police Bill had to be seen against the background of recent events — clearly a reference to the Information scandal — and an "image of cover-up" that flowed from these events

Because of this, it was possible to talk of a "spirit of mistrust and to question the timing of the tabling of the bill"

Die Transvaler added the onus was now on Mr Kruger to explain to a questioning public how a further statute affecting the Press did not affect Press freedom

Also defending Dr De Klerk yesterday, Beeld said it could place before Mr Kruger a comprehensive catalogue of examples of laws and administrative obstacles "which tripped up the Press"

"We are convinced that the proposed amendment to the Police Act will make the Press recoil in its striving to reflect the community with all its assets and liabilities," Beeld said

But, the newspaper said, "the feeling of depression" evoked by the new bill was even greater for Afrikaans newspapers

"We are aware of hostile talk in the closed circle of Nationalist Parliamentarians and this has been projected in the last few days in speeches by Minister Braam Raubenheimer and Mr Karel Swanepoel, MP for Gezina"

By exposing the Information scandal, the Press had only done its duty to the taxpayer, Beeld continued.

While the Press had some black sheep, no deviations in Press treatment of the scandal could conceal the fact that politicians were responsible for the "enormous mess in which we now find ourselves"

The newspaper said it wished to protest against such legislation as the Police Bill and such statements as those by Mr Swanepoel

"We protest against the evasion by representatives of the people of their real calling — to represent the interests of the citizens — and we protest against the unwillingness of some representatives to look in the mirror and do some self-analysis in the light of the current political crises."

Vaderland hits 'web of deception'

Staff Reporter

THE time had come to realise that some political princes had feet of clay and that the truth was not necessarily the sole right of those in high office, a columnist in Die Vaderland said yesterday

Continuing its critical attitude towards the Government's handling of the Information scandal, the newspaper's regular columnist 'Jan van Es' also quoted the words of an English poet

"Oh, what a tangled web we weave when first we practise to deceive"

Referring to earlier rumours that the

whole Information debacle had been a plot by the CIA or even the KGB, the column asked

"Are our people not responsible for anything they do? Is it always somebody else's fault?"

"It is time for the realisation that no end justifies immoral means"

The column follows a call by the newspaper earlier this week for the appointment of a new all-party parliamentary select committee to settle the Information scandal as the effectiveness of the Erasmus Commission had been impaired

SAAN ^{ARGUS} attack ^{30/3/79} on Kruger ⁰²⁴³ defended ²

A POLITICAL attack, no matter how severe, could not be defamatory unless it alleged improper conduct, Mr Sydney Kentridge, SC, argued in the Supreme Court, Cape Town, today.

His argument was in response to an order granted to the Minister of Justice, Mr J T Kruger, by the Judge President, Mr Justice J W van Zijl on March 12, restraining South African Associated Newspapers from publishing part of a report quoting Di Eschel Rhoodie

and referring to Mr Kruger

Mr Kentridge said that to say something of a man, which could result in that man losing his political career, did not necessarily have to be defamatory

'Political talk in South Africa is forthright and politicians and the general reading public know this. Politicians must be thick skinned,' he said

He said the same could not apply to other professions, for example, accountancy

Earlier, Mr Kentridge argued that Mr Kruger could not claim defamation in his personal capacity because he was being represented by the State Attorney (the Government)

PERSONAL

If Mr Kruger claimed defamation on a personal basis, he would not have been able to do this

Mr Kentridge said that Mr Kruger had said in an affidavit that it 'may reasonably have been concluded' that what the Cape Times was going to publish could be defamatory

This, said Mr Kentridge, was not good enough. It would have to be shown that the proposed report was defamatory not that it could be defamatory

Mr Kentridge is assisted by Mr Ian Farham and appeared on behalf of South African Associated Newspapers and the Cape Times. Mr T E Kleyuhans, instructed by the State Attorney, is appearing for Mr Kruger. Mr Justice van Wilsen sitting with the Judge President of the Cape. Mr Justice van Zijl. Proceeding

Politicians 'must be thick skinned' - Kentridge

STAR 30/3/79

① 243

~~② 327~~

Own Correspondent

CAPE TOWN — A political attack, no matter how severe, could not be found to be defamatory unless this attack alleged improper conduct, Mr Sydney Kentridge, SC argued in the Supreme Court today

His argument was in response to an order granted to the Minister of Justice, Mr Kruger, by the Judge President, Mr Justice J W van Zyl, on March 12 restraining South African Associated Newspapers from publishing part of a report quoting Dr Eschel Rhoodie and referring to Mr Kruger

Mr Kentridge said that to say something of a man which could result in that man losing his political career did not necessarily have to be defamatory

"Political talk in South Africa is forthright and politicians and the general reading public know this. Politicians must be thick skinned"

CAPACITY

He said the same could not apply to other professions, for example, accountancy.

Earlier Mr Kentridge argued that Mr Kruger could not claim defamation in his personal capacity, because he was being represented by the State Attorney — the Government

If Mr Kruger had been claiming defamation on a personal basis, he would not have been able to do this

(Proceeding)

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Beeld reporter is cleared

East Rand Bureau

An Afrikaans newspaper reporter, Miss Ingrid Pepler (25) was discharged in the Springs Magistrate's Court yesterday after being summoned to reveal the name of the source who gave her information on the Smit murders

Miss Pepler, a crime reporter on Beeld, wrote a confidential memo to her editor, Mr Tons Vosloo, in which she outlined her conversations with an anonymous source and the interview he arranged for her with an ex-mercenary

The magistrate, Mr P Nel, accepted her explana-

tion that in return for her source's anonymity he would arrange the interview

Miss Pepler sent the memo to the editor the next day. She said it was not for publication but only for his information.

After he and a senior editorial staff member had discussed the memo with senior police officers she was told to stop investigating the story as it had been investigated by the police a long time ago

21/3/79. M 243

Reporter is acquitted

SPRINGS — A reporter of the Johannesburg morning newspaper, Beeld, was acquitted by a magistrate here yesterday of a charge of withholding information from the police on the Smit murders

Mr P D Nel found Miss Ingrid Pepler, 25, did not know the identity of her informant and was not in a position to refuse this information to the police.

Miss Pepler, a crime reporter, appeared following a confidential memo from her to her editor, Mr Ton Vosloo

The information involved an alleged connection between a former Congo mercenary and the words "RAU" and "TEM" painted in the kitchen in Dr Robert Smit's Springs home on the night he and his wife were murdered

Miss Pepler told the court a man phoned and agreed to put her in touch with a mercenary who knew about the Smit murders on condition that he (her contact) remained anonymous

"I would like to make it quite clear I'm not trying to keep back information and that I talk the truth if I say his name is not known to me," she told the court. — SAPA

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SAAN reports were false, claims Kruger

Own Correspondent

CAPE TOWN. — The Cape Times and other SAAN publications were stopped early on the morning of March 12 from publishing a section of a report quoting Dr Rhodie because it was "false and defamatory", the Supreme Court heard yesterday.

This was claimed by the Minister of Justice, Police and Prisons, Mr J T Kruger, in reply to affidavits filed earlier by the Editor of the Rand Daily Mail, Mr Allister Sparks, and the manager of the Cape Times, Mr Leslie Williams.

In his affidavit, handed into court yesterday morning, in which he asked that the rule nisi be made final, with costs, Mr Kruger denied allegations that he had brought the application against SAAN in his official capacity.

He said two errors in the heading of the rule nisi described the applicant as the Minister of Justice and not as James Thomas Kruger, and left out Cape Times Ltd as a second respondent.

Mr Kruger denied Mr Sparks' claim that the Cape Town Supreme Court had no jurisdiction over SAAN, saying the Rand Daily Mail was sold and distributed in the Cape.

Mr Kruger said the rule nisi was complied with and submitted such compliance constituted a submission to

the jurisdiction of the court.

"In the report of the Cape Times published on March 10, I was seriously and injuriously implicated by the publication of an allegation emanating from Dr Rhodie. Although I was available, I had not been asked to verify the contents of the said report," Mr Kruger added.

He said the ordinary reader, confronted with Dr Rhodie's bald statement in one of the respects mentioned, "may reasonably have concluded" the alleged statement had something to do with the so-called information scandal.

"This is the reason why I told the reporter, Mr Jeremy Gordin, that I was quite willing to allow the Press to publish it, provided I was given the opportunity of putting the full facts before the public. This was denied me."

Mr Kruger submitted the second part of the report should be read as a followup to the report published on March 10 by the Cape Times.

"The defamatory sting in the said report on March 10 lies in the false statement that the whole Cabinet (including myself) had been fully informed of The Citizen undertaking before the 1977 election, and that I told Dr Rhodie so."

"The second part of the report builds on this false foundation and attempts to lend an air of verisimilitude."

Mr Kruger also alleged said the second report indicated a "degree of maliciousness".

Referring to Mr Williams's affidavit, Mr Kruger submitted the same statements he submitted in reply to Mr Sparks' affidavit.

An affidavit from Mr Anthony Heard, editor of the Cape Times, was also handed into the court yesterday.

Mr Heard denied Mr Kruger had made the application in his personal capacity and based his submission on the fact that Mr Kruger had been represented by the State-Attorney.

He also said that while the Rand Daily Mail did circulate in the Cape Province, it did not give the court jurisdiction over SAAN. He denied SAAN had submitted to the jurisdiction of the court.

Mr Heard also denied Mr Kruger was "injuriously implicated" by an article published in the Cape Times two days before Mr Kruger's action.

It was not correct Mr Kruger was denied the opportunity of putting the facts before the public, Mr Heard said.

Mr Heard said the Cabinet members against whom Dr Rhodie had made allegations had made counter-statements through the medium of the Press which had been reported in all major newspapers.

"In the circumstances, I respectfully submit that the respondent's newspapers were entitled to publish the allegations objected to. They would have been published as a matter of genuine public interest, with no intention of injuring or insulting Mr Kruger, and without malicious intent."

The hearing is continuing.

Press entitled to publish rows says Kentridge

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3/13/79

CAPE TOWN — If public figures wanted to conduct controversies in the public press, the press was entitled to publish these "pleasantries", the Supreme Court heard yesterday.

Mr Sidney Kentridge, SC, for South African Associated Newspapers Limited and the Cape Times Limited, was arguing against the imposition of a final order prohibiting the two companies from publishing a report quoting the former Secretary for Information, Dr Eschel Rhoodie.

Judgment was reserved after five hours of argument

On March 12, the Judge-President of the Cape, Mr Justice Van Zyl, granted the Minister of Justice, Police and Prisons, Mr Kruger, an order restraining the Cape Times, Rand Daily Mail, Natal Mercury and Eastern Province Herald, or any other newspaper owned or controlled by SAAN, from publishing the report

Saan and Cape Times Limited were ordered to show cause on Tuesday why the order should not be made final. On Tuesday, the hearing was postponed till yesterday

Yesterday, Mr W Burger, SC, for Mr Kruger, asked that the order be made final except against the Natal Mercury and EP Herald. This followed a statement in an affidavit from Mr Allister Sparks, editor of the Mail, in which he said the Natal Mercury was owned neither by Saan nor the Cape Times Limited

He also said in his affidavit that the court had no jurisdiction over the Herald which was owned by Eastern Province Newspapers Limited

Alternatively, Mr Burger asked for an interdict which would be effective until the date of a trial

Mr Kentridge asked that

The rule be discharged with costs, including the costs of two counsel,

Alternatively, all reference to any respon-

dent other than Cape Times Limited should be deleted as well as all but the first sentence of the prohibited report; and

The respondents should in any event have their costs paid as they were compelled to come to court either to obtain discharge or to cut down on the scope of the rule

Later, Mr Kentridge said that while he would prefer no interdict, if there was to be one, an interim interdict was preferable

Mr Kentridge outlined four reasons why the rule should be dismissed

Mr Kruger had acted as the Minister of Justice and that in that capacity he represented the government and therefore could not sue,

Neither of the two parts of the report complained of was defamatory of Mr Kruger in his personal capacity;

The publication, seen against the background of public controversy referred to in Mr Kruger's replying affidavit and the affidavit of Mr Anthony Heard, editor of the Cape Times, would not be privileged as being a report of public interest and importance and would not be accompanied by an intention to injure; and

The court did not have jurisdiction over Saan

Mr Burger argued that the court had jurisdiction over Saan on two grounds

The Rand Daily Mail was sold in Cape Town. Defamatory matter published in the newspaper also would be published in Cape Town, and

In the case before court, Mr Kruger had received the threat in Cape Town by telephone

By virtue of Section 19 (1) (B) of the Supreme Court Act which stated "A provincial or local division shall have jurisdic-

tion over any person residing or being outside its area of jurisdiction who is joined as a party to any cause to which such provincial or local division has jurisdiction, or who in terms of a third party notice, becomes a party to such a cause, if the said person resides or is within the area of jurisdiction of any other provincial or local division."

Mr Burger submitted it was clear Mr Kruger had brought the proceedings in his personal capacity.

The March 12 report was of a defamatory nature which would tend to lower Mr Kruger "in the estimation of right-thinking men"

Mr Burger said the Cape Times had published a report of an interview with Dr Rhoodie in Quito, South America. Mr Kruger had reacted to it in a statement to the South African Press Association.

Mr Kruger was telephoned by the Cape Times and Rand Daily Mail in which they told him what they intended to publish

Mr Kruger had made no defamatory imputation of Dr Rhoodie in his Sapa statement.

"But what did Dr Rhoodie and the Cape Times come back with?"

The report was no answer to an attack; it was an attack in itself, he said. Quoting sections of the report in dispute, Mr Burger said its "spiteful sting" was a "very serious and harmful statement to make of Mr Kruger"

Referring to the second part of the report, he said. "Again, this is not a reply." Dr Rhoodie was making a vehicle for repeating the original defamatory remarks published in the Cape Times report of March 10

Mr Burger dismissed Mr Kentridge's argument that the report was a political attack.

STAR 31/3/79

Press case judgment reserved

CAPE TOWN — If public figures wanted to conduct controversies in the Press, then the Press was entitled to publish these "pleasantries," the Supreme Court was told yesterday.

Mr Sidney Kentridge, SC, for South African Associated Newspapers Limited and the Cape Times Limited, was arguing against the imposition of a final order prohibiting the two companies from publishing sections of a

report quoting the former Secretary for Information, Dr Eschel Rhoodie

Judgment was reserved after five hours of argument

In a hearing on March 12, the Judge President of the Cape, Mr Justice J W van Zyl, granted the Minister of Justice, Police and Prisons, Mr J T Kruger, an order restraining The Cape Times, Rand Daily Mail, the Natal Mercury, the Eastern Province Herald or

any other newspaper owned or controlled by SAAN from publishing the report

Mr W Burger, SC, appearing for Mr Kruger, asked that the order be made final except against the Natal Mercury and the Eastern Province Herald

Mr Kentridge outlined four reasons why the rule should be dismissed

● Mr Kruger had acted as the Minister of Justice and in that capacity he

represented the Government and therefore could not sue.

● Alternatively, neither of the two parts of the report complained of was defamatory of Mr Kruger in his personal capacity.

● Publication of the report seen against the background of public controversy would not be accompanied by an intention to injure.

● The court did not have jurisdiction over SAAN — Sapa.

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SPY ON NAT PAPER

Editor
says
this is
'one
option'
after
memo
drama

W/LEARGUS
31/3/79
① 243
② 331

By David Albino

THE Editor of the Afrikaans morning newspaper **Beeld**, Mr Ton Vosloo, said today there could be 'police spies' in the editorial department of his newspaper.

His claim follows action by two senior police officers this week who questioned a young woman reporter at the newspaper about how she obtained information in a confidential memo she sent to Mr Vosloo.

The reporter, Miss Ingrid Pepler, 25, appeared in a Springs court on Wednesday on a charge of withholding information when she refused to divulge her source without first consult-

Spies on paper

(Continued from Page 1)

behind his back in the newspaper's editorial office about the memo

"The memo was not published, and its contents were known to only a very restricted circle, yet the police knew about it. I would like to know how they heard about it," he said

Miss Pepler was first confronted with the information in her memo on Wednesday by the Deputy Divisional Criminal Investigating Officer for the East Rand, Colonel D J de Villiers, who is an investigating officer in the Smit murder case, and Mr Gerrit Viljoen of the East Rand Murder and Robbery Squad

She refused to divulge the source of her information before consulting Mr Vosloo.

Anonymous

Miss Pepler, who could not be contacted today, told the court a man telephoned her on March 20 and offered to put her in touch with someone who could tell her about the Smit murders. The man said he would only do this if he remained anonymous.

She met the man at a hotel and he warned her she was 'playing with fire'

He told her four people went to Dr Smit's home to murder him and his wife, and that they included two Germans and an officer from the Security Police in Pretoria

Miss Pepler was acquitted because, the magistrate said, her contact was unknown and the fact she did not ask his name did not make her guilty

CONT

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acquitted.

Mr Vosloo said the memo from Miss Pepler contained the name of a former mercenary allegedly connected with the words 'RAU' and 'TEM' found painted in the kitchen of the house in which Dr Robert Smit and his wife were murdered in 1977.

He said today Weekend Argus could 'draw its own conclusions' about how the police found out about Miss Pepler's memo.

'There are three options. Firstly, that there is a police spy in the editorial department of Beeld.

Tapped

'Secondly, that the newspaper's telephones are being tapped.

'Thirdly, that a meeting Miss Pepler attended about the information was a put-up job intended to trap the newspaper.'

Mr Vosloo said he had not yet decided what action to take.

'I am still considering what to do. Meanwhile I am writing a leading article (editorial) on the matter this weekend.'

Mr Vosloo said he considered the information in the memo a 'wild tale' not worth publication.

He was amazed and disturbed that police confronted Miss Pepler

[Continued on Page 2, col 10]

Beeld ⁽¹⁾²⁰³
RDM 31/3/77 ²²⁵⁹
reporter

cleared in court

Staff Reporter

A SPRINGS magistrate ruled yesterday that a Beeld reporter could not have identified to police her informant on the Smit murders because she did not know his name.

Miss Ingrid Pepler, 25, a crime reporter, was summonsed to appear before Mr P D Nel at the Springs Magistrate's Court yesterday in terms of Section 205 of Act 51 of 1977.

Explaining why she had refused to give information to the police, Miss Pepler told the magistrate a man had phoned her anonymously in connection with the Smit murders.

He had agreed to put her in touch with a mercenary whom he claimed knew about the murders, on condition that he (her contact) did not reveal his identity.

Miss Pepler said he gave her a description of himself. She agreed to meet him at the Crest Hotel's reception counter and he would then give her the information.

Miss Pepler had written the information in a memo to her editor.

The magistrate said: "You knew that a lot of the stories about the Smit murders in newspapers were wild tales?"

Miss Pepler: "Yes."

Mr Nel: "You also know that if you get valuable information you must be able to follow it up?"

Miss Pepler: "Yes."

Mr Nel: "You also know that before your news editor can publish information he would like to know where you got it from. Why did you not get this source's name?"

Miss Pepler repeated that the agreement with her contact was that he would give her any information if he remained anonymous.

She said: "Newspapers cannot exist without informants. Just as the police cannot do without them."

"When this man phoned me, I decided to see him personally. He said he had arranged for me to interview the mercenary but would not give me any information if he was to reveal his identity."

"Therefore, I would like to make it quite clear that I am not trying to keep back information and that I talk the truth if I say his name is not known to me," Miss Pepler said.

Mr Nel said the court had to decide whether she had refused to divulge information. As she had not known her informant's name, she had not been in a position to refuse this information to the police.

PRESS

2 APRIL 1979 — 31 MAY 1979

The interest shown by the police in the manner in which the press goes about its own business, such as reporting developments in the attempt to solve murder of Dr and Mrs Robert Smit, is to say the least extraordinary. In Johannesburg, a 25-year-old reporter on the staff of Beeld, who wrote a confidential memorandum to her editor on one aspect of the killings, has been interviewed by commissioned officers — not, as one would hope, in the presence of her editor (in spite of her requests) but alone in the newspaper's editorial office. This was also after the commissioner of police had told a senior reporter of same newspaper that her story had been investigated months ago and found to be groundless, and after the editor had in effect dismissed the young reporter's story as a wild tale. How the police obtained a copy of the memorandum is anyone's guess. The editor of Beeld talks of "police spies". Subsequently, the reporter appeared in court on a charge of withholding information from the police about the murders, and was acquitted. The memorandum contained references to the mysterious words "RAU" and "TEM" which were found smeared on furniture at the Smit's home after the murders. In other circumstances, the immediate entry of the police might be seen by some to be commendable reaction by investigators seeking to solve to a particularly gruesome crime. But the circumstances surrounding investigations into these murders are totally different. Editors and political correspondents have been questioned in the precincts of Parliament, and other journalists have also been summonsed to answer questions and reveal sources.

There are also remarkable attitudes to requests for information. According to Rapport, a senior police officer told a reporter present at the tarring and feathering of a respected University of Pretoria history professor last week that not a word about the incident could be published without the permission of the commissioner of police. This was because the matter was a "riot". The responsible minister, Mr Jimmy Kruger, can hardly be even remotely surprised when his Police Amendment Bill is regarded with utmost suspicion by almost everyone except ardent Nationalist supporters. It is to be hoped that this kind of high-handedness is not the result of new legislation, which is supposed to result in "truthful reporting" about police matters. The initial reaction of the editor of Beeld might, on reflection, be considered remarkably mild. He referred to intimidation and lack of common courtesy. Others — in South Africa and overseas — would call it grossest harassment.

For a brief night hour

For a brief night hour
 In this small hour
 Out of the night has come
 Half an inch in emerald
 With golden legs
 And silver sheathed
 To look at me with eyes
 Button bright in midnight hour
 A moth of such immaculate design
 I ask myself
 For whose delight was made
 Such great splendour
 Such swift glory
 In rainbow dress
 For a brief night hour
 Since when?

© John Howland Beaumont

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example was set, so that a very good example might be established in contrast; finally the emperor was forced to put to death those he did not want to kill, so that he might present an emperor who could not be pushed around. The shattered Republic fled to your bosom, and as the empire collapsed it was offered to you over the head of an emperor but on the appeal of the emperor. Your help was sought by adoption and you were brought in, just as in the past mighty commanders used to be recalled from wars abroad to bring aid to the fatherland. Thus, son and father, you performed a great service reciprocally at one and the same moment: he gave to you the empire, you restored it to him.

Terrorist to testify at editor's trial

N. MERC. 3/4/79 ① 243
② 357

PIETERMARITZBURG — A convicted terrorist who is in jail on Robben Island is to be called to give evidence in a Supreme Court hearing here.

Isaac Mshlekwa is to be called after an application by Mr Sydney Kentridge, SC, who wishes Mshlekwa to give evidence for the defence about his consultations with Court-appointed pro deo counsel

Mr Justice Milne granted the application and ordered that a subpoena be telegraphed to the prison authorities, notifying them that he was needed to give evidence in the case in which Mr Alexander Gibson, editor of the Sunday Express, and a reporter Miss Jennifer Hyman, are charged with criminal defamation and contempt of court

Not guilty

Mr Gibson, who is appearing in his personal capacity and as a representative of South African Associated Newspapers, and Miss Hyman pleaded not guilty to both charges

The Stage alleges that an article in the Sunday Express on May 21 last year, defamed a Pietermaritzburg advocate, Mr Jan Niehaus. It further cast a bad reflection on the administration of justice and pro deo counsel appointed to act in terrorism cases, the State claims

Mr Niehaus, an advocate for 35 years,

said he had been shocked when he read the article which alleged he had advised four men charged under the Terrorism Act to plead guilty "because they were obviously guilty."

'Lies'

The Sunday Express claims were "lies and ugly," he said

Mr Niehaus said he had not even appeared in court for the accused, but had withdrawn from the case when two other advocates were briefed to take over.

He also dismissed claims that an instructing attorney had been told by the men that Mr Niehaus had told them to plead guilty

Two of the men had subsequently been found not guilty of the charges in the Supreme Court

In reply to Mr Kentridge, Mr. Niehaus said he did not know the security police had been approached by a firm of attorneys from Johannesburg who were inquiring about the accused, even though he had been appointed to brief the men

It was the first time he had taken a brief from accused under the Terrorism Act.

Earlier, a Pretoria advocate, Mr Hendrik Klein, said he had represented an accused terrorist, Mr Petrus Madondo, in Ermelo after being appointed pro deo counsel.

It was the first time he had appeared for an accused under the Terrorism Act, but he was satisfied when Madondo pleaded guilty

"It was the right plea," he said

The hearing continues today

La petite fille que j'ai perdue, (perdu) dans la foule, cherchait
 (regu) vent, nous les aurions (regu) avec plaisir
 (sur le qual, ont (embarque) et nous les avons
 (regu) de nombreux, certainement plus qu'il
 (la barque quand elle a (commence) a s'enfoncer.
 (regu) de nombreux, certainement plus qu'il

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 6. Il
 5. Des
 4. Les
 3. Les
 2. St
 1. La

Faites accorder les participes passes entre parentheses.

Cours de Langue

FRANCAIS I

Editor pleads not guilty

RDM 3/4/79
① 243
② 221

MARITZBURG. — The editor of the Sunday Express, Mr Rex Gibson, and a reporter on the newspaper, Miss Jennifer Hyman, pleaded not guilty in the Maritzburg Supreme Court yesterday to charges of contempt of court and criminal defamation.

Mr Gibson was appearing in his personal capacity and as a representative of South African Associated Newspapers.

The charges refer to an article headed "Accused face 15 years in jail with pro deo defence", which appeared in the Sunday Express on May 21 last year.

The State alleges that the article was calculated to cast suspicion on the administration of justice by the Supreme Court and to bring the administration of justice into disrepute by:

- Falsely insinuating that advocates appointed as pro deo defence for people facing terrorism and sabotage charges did not have proper qualifications or were inadequate or incompetent and did not perform their duties competently, with the result that detainees were exposed to the risk of being wrongfully convicted or had in fact been wrongfully convicted.

- Falsely insinuating that a Maritzburg advocate, Mr Jan Niehaus, was incompetent and that he had

wrongly advised three men for whom he was appearing in a Terrorism Act case in the Supreme Court here to plead guilty, "as the three were obviously guilty".

The State also claims that the article criminally defamed Mr Niehaus and was calculated to expose him to contempt and undue ridicule and to injure his reputation.

Addressing the court, Mr Cecil Rees, Attorney-General for Natal, said the article contained a three-pronged attack on the Security Police, on pro deo counsel defending "so-called political detainees", and on the courts before which such detainees were brought to trial.

The State would deal only with the attacks on the pro deo counsel and on the courts, he said, and would ask the court to come to the conclusion "that the publication of such serious and shocking allegations about the conduct of trials in our courts was unlawful".

An application by Mr Sydney Kentridge SC, for the defence, for a Robben Island prisoner in the case defended by Mr Niehaus to be subpoenaed to give evidence was granted by the judge, Mr Justice A. J. Milne.

The case is continuing. Sapa.

Attorney
unable
to contact
client
Court

told

AM Mercury Bureau

PIETERMARITZBURG — Although an attorney had tried to get in touch with his client, through the police, he learned the man had already appeared in court on charges under the Terrorism Act only when he read a local newspaper, the Supreme Court heard yesterday.

Mr. Sydney Kentridge, SC, appearing for the editor of the Sunday Express, Mr. Alexander Gibson, and a reporter, Miss Jennifer Hyman, said yesterday that the incident occurred when an attorney was inquiring about detainee Mr. Sydney Paley.

The incident was one referred to in a story written by Miss Hyman in the Express on May 21, 1978, in which she claimed Terrorism Act detainees were not informed they were entitled to appoint advocates of their choice before they appeared in court.

Personal

Both she and Mr. Gibson, appearing in his personal capacity and as a representative of South African Associated Newspapers, are facing charges of criminal defamation and contempt of Court.

In another case, Mr. Kentridge said, a lawyer had written to the police asking about a client in April and had got a letter from the Security Police posted on May 9, saying his client was to appear on charges on May 10.

The newspaper article was, on the defence submission, an attack on the police officers responsible for detainees, and a criticism of police depriving people of their rights under the Criminal Procedure Act to obtain legal defence of their own choosing. Mr. Kentridge said.

The article itself did not constitute contempt of court, he said.

No injury to a pro-advocate, Mr. Jan Nicholas, who had consulted with the men charged in the Paley case, was intended, he said.

Mr. Cecil Rees, SC, for the State, said the article was a 'disguised attempt to vilify the courts'.

The trial continues today.

Report did not attack SA courts, says editor

MARITZBURG. — Mr Rex Gibson, editor of the Sunday Express, told the Supreme Court in Maritzburg yesterday that he did not believe an article, which appeared in the newspaper on May 21 last year, constituted either contempt of court or criminal defamation.

Mr Gibson and a reporter, Miss Jennifer Hyman, have pleaded not guilty to both charges.

The article in dispute was headed "Accused face 15 years' jail with pro deo defence". It said that in many cases the families of political detainees did not know when cases came to court and heard only afterwards that pro deo counsel had acted on behalf of the accused.

Mr Sydney Kentridge SC, for the defence, told the court that the article in

question was an attack on the mode in which police officers were effectively depriving political detainees of their right to obtain a legal representative of their own choice or chosen by their relatives.

The article had also commented that although in certain cases pro deo counsel was obtained for an accused, this was not as effective a defence as one by someone with particular experience of such cases.

"It will be our submission that there is nothing (in the newspaper article) which can be regarded as criticism of the courts, let alone an attack. But we shall also submit that, insofar as any part of the article can be read as a criticism of the courts, it is a criticism which the law allows in this

country as part of the right of free speech and not the type which constitutes the offence of contempt of court," Mr Kentridge said.

Mr Gibson told the court that the article was not intended to criticise the courts. The wording in the article had been carefully checked to ensure that the courts were not criticised.

He said the idea for the article had arisen from comments made during May last year by the Minister of Justice, Mr J T Kruger, who had criticised certain lawyers involved in political cases. It was suggested that the Minister's claims should be investigated.

He regarded Miss Hyman as a highly experienced and very capable journalist.

The hearing continues.
Sapa

RDM 4/4/79

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Motlana defends ousting of white journalists

RDM 4/4/79
① 243
② 343

By PATRICK LAURENCE
Deputy Political Editor

DR NTHATO Motlana, chairman of the Soweto Committee of 10, yesterday defended the decision to exclude white South African newspaper reporters from the mass rally held by his committee in Soweto at the weekend

But two of the guest speakers who shared the platform with him, Mr Percy Qoboza, editor of Post and Bishop Desmond Tutu, general secretary of the SA Council of Churches, yesterday dissociated themselves from the decision

"It was not a decision of the Committee of 10, but a viewpoint adopted by the meeting," Dr Motlana said

"It was put to the meeting that South African newspapers should not send white reporters to meetings in black townships when they have black reporters to cover the meeting

"As black reporters would never be used to cover a meeting in white townships, there is no reason why white reporters should be used for reporting meetings in black townships"

The same reasoning held for overseas newspapers if there were black correspondents they should be used to cover black township meetings . . . "

He strongly denied that his stand was racist, saying "I would never exclude reporters

simply on the grounds of skin colour"

Mr Qoboza said of the decision to expel white reporters "I was not aware that it was going to happen"

Asked what he felt about the decision, he said "In my speech to the meeting I said 'As a journalist I would not prescribe policy to you. But if you exclude certain journalists from the meeting, you are interfering with the freedom of the Press'"

Bishop Tutu said "I was told that black journalists were refused Press cards and not allowed to cover white political party congresses, but I protested in private that we should still do the right thing"

① 243

② ~~327~~

4

Beeld may fight V d Bergh

Argus Correspondent

JOHANNESBURG.

Beeld may take action against the former head of the Bureau for State Security, General Hendrik van den Bergh, for his alleged description of the newspaper as 'communistic'.

The general is reported to have said that Beeld was the 'best Afrikaans communistic newspaper' during a recent 'secret' address to the Peil 99 discussion group here. Journalists were barred from the meeting.

The editor of Beeld, Mr Tom Volson, said today that various sources had corroborated General van den Bergh's statement and it was mentioned in Parliament yesterday by Mr Badenhorst Durrant, MP for Von Brandis. He had attended the closed meeting.

4

Expert tells of Terror Act 'troubles'

NH. Mercury Bureau 5/4/79. 0243
232

PIETERMARITZBURG — Restrictive laws had led to a "deteriorating image of the legal order" and brought South Africa into disrepute overseas, Professor John Dugard, of the University of the Witwatersrand, told the Supreme Court here yesterday.

Professor Dugard was giving evidence before Mr. Justice Milne in the action in which the editor of the Sunday Express, Mr. Rex Gibson, and a reporter, Miss Jennifer Hyman, are charged with criminal defamation and contempt of court.

Mr. Gibson is appearing in his personal capacity and as a representative of South African Associated Newspapers

Professor Dugard told the Court he had been approached last year to give comment in a report which Miss Hyman was compiling

She had told him the Security Police had on occasion allegedly failed to advise attorneys inquiring about clients charged under the Terrorism Act about when their clients were expected to appear in court.

Inadequate

Some had subsequently appeared with either *pro deo* counsel or had been unrepresented, although parents or friends had arranged for them to be represented by briefed counsel.

He confirmed he had told Miss Hyman that *pro deo* counsel were "inadequate" and "did not have appropriate qualifications" to handle political trials.

Although State-appointed *pro deo* counsel had a part to play in the legal process there were inadequacies

Pro deo advocates were not assisted by attorneys, most were inexperienced members of the Bar, and were given inadequate opportunity to handle cases

In addition the Terrorism Act was difficult to interpret and had "troubled" him and Appeal Court Judges, he said.

There were also difficulties as far as Terrorism Act detainees were concerned.

Some were held incommunicado for months, sometimes years, and when released were sometimes not fit to make a decision about appointing counsel.

It was his considered opinion that the image of the law had deteriorated here and abroad, and brought South Africa into disrepute.

The hearing continues today.

IN COURT

Case is 'interference' with Press freedom

STAR 6/4/79

OWN CORRESPONDENT
MARITZBURG—The prohibition of the Sunday Express to an undue attempt to interfere with the freedom of the Press, according to Mr Sydney Kentridge SC, was stated in Maritzburg today where the Johannesburg journalist is facing charges of contempt of court and criminal defamation. Appearing before Mr

Justice Milne in the Supreme Court are the editor of the Sunday Express, Mr Ronald Alexander Gibson and a reporter of the newspaper, Miss Jennifer Hines.

Mr Gibson is appearing as a representative of the South African Associated Newspapers and in his capacity as editor of the Sunday Express.

Mr Kentridge told the court that the newspaper Press of South Africa was a party to the trial with a view to it taking im-

portant and fundamental issues about commenting on or reporting cases under the Act on terrorism.

The Attorney General of Natal, Mr Cecil Ross, earlier contended that an article written by Miss Hyman commenting on pro Deo defence was aimed at bringing the administration of justice into disrepute.

He rejected the defence version that the article had been aimed at criticising the role of the security police in obstructing

detainees from getting legal representation of their own choice.

If the article had been an attack on the security police only, it would have been unnecessary to designate pro Deo counsel, Mr Ross said.

The article written by Miss Hyman is alleged to have said that in a recent Maritzburg case three accused had been misled by their pro Deo lawyer to plead guilty when they were obviously guilty.

(Proceeding)

[Handwritten German text, likely a transcription of the court proceedings. The text is written in cursive and is difficult to read accurately. It appears to be a summary or a transcription of the oral arguments and the judge's response.]

SP accused lawyer of lying, court told

RDM 6/4/79

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17. BIBLIOGRAPHY

Own Correspondent
MARITZBURG — An unknown security policeman wrote "Bowens lies" on a letter replying to an attorney's request for the whereabouts of a detainee to be made known, the Pietermaritzburg Supreme Court heard yesterday.

Mr Oliver Barrett, a partner in the Johannesburg legal firm of Bowens, told Mr Justice Milne, he had written to the security police to find out where a man, allegedly being detained under the Terrorism Act, was being held.

He had received a letter saying the man had been held for 48 hours and released. He was also informed that as he had not been instructed to appear for the accused man, further letters from him would be ignored by the security police.

On the bottom of the reply the words "Bowens lie" (lies)

had been written, he said. Mr Barrett said a member of the man's family had instructed him to find out where he was.

Mr Barrett was called as a defence witness by Mr Sydney Kentridge SC, shortly before he closed the defence case in which the Editor of the Sunday Express, Mr Rex Gibson, and a reporter, Ms Jennifer Hyman, are facing charges of criminal defamation and contempt of court.

Their appearance arises out of an article written by Ms Hyman in the Express on May 21 last year.

The story alleged Terrorism Act detainees were in some cases being held incommunicado while defence lawyers appointed by family tried unsuccessfully to get in touch with them.

It was also alleged in the

article that a pro deo lawyer had advised three accused in a Pietermaritzburg Terrorism Act case to plead guilty to charges. Two of the men were subsequently acquitted when they came to trial represented by briefed counsel.

Mr William Schreiner, SC, chairman of the Johannesburg Bar Council, told the court pro deo council were mostly junior members of the bar with a few years experience.

Although the appointment of pro deo advocates was of vital importance in cases where capital offences were concerned, there were drawbacks in the system, he said.

This included the absence of an instructing attorney. Pro deo counsel would probably find it difficult to handle a Terrorism Act case because of the complex nature, he said.

The trial continues today.

Africa in - INCORPORATED, vol. XLIX, October 1977

Van der Merwe, P.J.: Die Noordwaardse Beroepsreguleerder van die

Boeke vest die Groot Jock (1770-1843) (The

Magne, 1937)

- De Villiers, J.:
- Elphinstone, R.:
- Halliday, R.:
- Hodgson, M.L.:
- Hughes, K.R.:
- Mangoch, L.F.:
- Murray, J.S.:
- Marais, S.:
- Wilson, M. and
- Wright, J.B.:
- Wright, J.B.:

Police 'wrote lie on letter'

①243
~~②331~~ NH Mercury Bureau 6/4/79

PIETERMARITZBURG — An unknown security policeman wrote "Bowens lieg," (lie), on a letter replying to an attorney's request for the whereabouts of a detainee to be made known, the Supreme Court here heard yesterday.

Mr. Oliver Barrett, a partner in the Johannesburg legal firm of Bowens, told Mr Justice Milne he had written to the Security Branch in an attempt to ascertain if a man, who was allegedly being detained under the Terrorism Act, was being held.

He had received a letter saying the man had been held for 48 hours and then been released. He was also informed that as he had not been instructed to appear for the accused man, further letters from him would be ignored by the Security Branch.

Unacceptable

Mr. Barrett said he had, in fact, been instructed by a member of the man's family to ascertain his whereabouts. The police statement that they would not deal with him was unacceptable, he said.

On the bottom of the reply he received, the words "Bowens lieg" had been written, Mr. Barrett said when replying to a question from Mr. Sydney Kentridge, SC.

Mr. Barrett was called as a defence witness by Mr. Kentridge shortly before he closed the defence case in which the editor of the Sunday Express, Mr. Rex Gibson, and a reporter, Miss Jennifer Hyman, are facing charges of criminal defamation and contempt of Court.

Their appearance arises out of a story written by Miss Hyman in the Ex-

press on May 21 last year.

The story alleged that Terrorism Act detainees were in some cases being held incommunicado while defence lawyers appointed by family were trying unsuccessfully to get in touch with them.

Advised

It was also alleged in the article that a *pro deo* lawyer had advised three accused in a Pietermaritzburg terrorism case to plead guilty to charges.

Two of the men were subsequently acquitted when they came to trial represented by briefed counsel.

Mr. William Schreiner, SC, chairman of the Johannesburg Bar Council, told the Court that *pro deo* council were mostly junior members of the Bar, with a few years experience.

Complex

Pro deo counsel would probably find it difficult to handle a terrorism case because of its complex nature, he said.

Mr. Schreiner agreed with Mr. Cecil Rees, SC, for the State, that some counsel started a case as *pro deo* counsel, and were later retained by the defence to continue representing them.

"With all the limitations, the *pro deo* counsel do their best," Mr. Schreiner added.

The hearing continues to-

day

Prosecution threatens Press freedom — defence

Own Correspondent

MARITZBURG. — The prosecution of the Editor and a reporter from the Sunday Express was an attempt to interfere with the freedom of the Press to comment on the administration of justice, the Pietermaritzburg Supreme Court was told yesterday.

This was said by Mr Sydney Kentridge SC, when he opened legal argument in the defence of Mr Rex Gibson, Editor of the Sunday Express, and a reporter, Ms Jennifer Hyman. They are charged with contempt of court and criminal defamation.

"To the Press of this country this case raises the fundamental issues on the right to comment on the administration of justice," Mr Kentridge said.

The State had failed to prove Ms Hyman and Mr Gibson had brought the courts into disrepute, he

said.

They had not committed contempt of court by using comments which said State appointed pro deo counsel were too inexperienced to appear for the defence in complex Terrorism Act cases.

He had "searched the article in vain" for a reference that a judge or magistrate was not doing his job, Mr Kentridge said.

There was no mention in the indictment that the accused had acted with intent, which was fundamental to the charge of contempt, Mr Kentridge said. The State had used the words "implied and insinuated".

The article was not a criticism of the Supreme Court and the administration of justice, but a criticism of the Security Police who allegedly held some Terrorism Act detainees without informing them of their rights to consult

with an advocate of their own choice before they appeared in court, he said.

The headline on the article, published on May 21 last year, pointed to this, he said.

The Attorney General of Natal, Mr Cecil Rees SC, led argument for the State. He said the article cast suspicion on the courts directly by suggesting the courts permitted inadequate and improperly qualified counsel to defend accused in Terrorism Act cases.

"It involves a direct attack on the court in that it is calculated to inhibit counsel from undertaking pro deo defence," Mr Rees said.

The article also cast pro deo counsel in such an unfavourable light as to hinder the proper administration of justice in the courts, he said.

The trial continues on Monday.

State had easy way to harass Press — claim

Rom 10/4/79

MARITZBURG — Prosecutions on charges of criminal defamation could easily be used by the Government to harass opposition newspapers, Mr Sydney Kentridge SC submitted in the Supreme Court yesterday

Mr Kentridge was presenting argument at the trial of the Editor of the Sunday Express, Mr Rex Gibson, and a reporter, Ms Jennier Hyman, on charges of contempt of court and criminal defamation

The charges arose from a report "Accused face 15 years' jail with pro deo defence", alleging that many people who faced charges under South Africa's security laws were brought to trial without the knowledge of their families or legal representatives

The report was published on May 21, last year

The State alleged the report was calculated to cast suspicion on the administration of justice and that it had criminally

defamed advocate, Mr Jan Niehaus, by suggesting that he had been incompetent in performing his duties as a pro deo advocate for three men charged under the Terrorism Act in 1977

Mr Kentridge submitted there was no intention to injure Mr Niehaus. Neither he nor the men he had represented had been named and the newspaper could not have foreseen that he would be identified

There had been no evidence that anyone who had read the article had identified Mr Niehaus as the advocate concerned

In any event it could not be considered defamatory to say that a professional was relatively unqualified in the highly specialised field of security legislation

Prosecutions on charges of criminal defamation should be restricted to the most serious cases — those involving officers of the State in the performance of their duties.

In reply, the Attorney-General for Natal, Mr Cecil Rees SC, said the State had to protect the good name of a man, as well as his physical wellbeing.

He agreed that criminal defamation prosecutions should not be entered into lightly, but no prosecution was entered into lightly.

The defence could have indicated its bona fides before the case came to court by putting its argument to the prosecution and explaining why the defendants felt they should not be prosecuted

The defence could also have tried to avoid prosecution by asking their legal adviser, who allegedly checked the article before publication, to try and persuade the State the defendants had not been acting with the intention of bringing the courts into disgrace

The case was adjourned to April 30 for judgment. — Sapa

Continued from page 4

ing the degree of maliciousness
In a rejoining affidavit the editor of the Cape Times states in respect of the background against which the Minister wished to have the proposed report judged

I say that the relevance of the 'background' is that Dr Rhoadie has over a period of some weeks made allegations concerning certain members of the Cabinet The members concerned, and others have made counter-statements, denying what Dr Rhoadie has said and making allegations against him Both sides have made their statements through the medium of the press To my knowledge all the major newspapers have reported the accusations denials and counter-accusations Mr Kruger himself has used the press for this purpose, as he says in his evidence All these exchanges have been the subject of intense and legitimate public interest In the circumstances I respectfully submit that the Respondent's newspapers were entitled to publish the allegations objected to They would have been published as a matter of genuine public interest with no intention of injuring or insulting Mr Kruger, and without malicious intent I submit such publication would not be wrongful or unlawful

Before leaving this factual side of the matter it is necessary to state that all parties have referred to article 2 (c) of the Code of Conduct of the South African Press This article reads
"Where there is reason to doubt the correctness of a report and it is practicable to verify the correctness thereof it shall be verified Where it has not been practicable to verify the correctness of a report, this shall be mentioned in such report"

The Minister contends that the Respondents' newspapers did not act in accordance with the spirit of this article He contends that at 10 o'clock on a Sunday night, and when he was at home away from his office he was not in a position to deal with the untruthful allegations in Rhoadie's statement By insisting upon publishing Rhoadie's statement immediately the Respondents the Minister alleged, deprived him of the opportunity envisaged by article 2 (c) of having his reputation of Rhoadie's untruthful allegations published in the same issue accusation and repudiation next to each other The Respondents on the other hand contend that they gave the Minister an opportunity of repudiating the allegations later — if necessary the following day Such a procedure of course, places the Minister at a disadvantage A repudiation published a day later is far less effective It does not necessarily reach the same readers Even when it does the gap in time, the possible non-availability of the earlier paper, and a natural resistance against re-reading a stale report, deprive the reader of a truly adequate opportunity of assessing the validity of the conflicting statements And finally and perhaps most importantly and perhaps most important of all a contention advanced in a later statement is not so readily received by the reader as it has to displace or eradicate points of view or impressions that have already been formed by having read the first statement circumstances that do not arise when the conflict-

Judges' reasons in Kruger-Saayan case

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Cape Times 11/4/79 243 337

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The Minister contends that the Respondents' newspapers did not act in accordance with the spirit of this article He contends that at 10 o'clock on a Sunday night, and when he was at home away from his office he was not in a position to deal with the untruthful allegations in Rhoadie's statement By insisting upon publishing Rhoadie's statement immediately the Respondents the Minister alleged, deprived him of the opportunity envisaged by article 2 (c) of having his reputation of Rhoadie's untruthful allegations published in the same issue accusation and repudiation next to each other The Respondents on the other hand contend that they gave the Minister an opportunity of repudiating the allegations later — if necessary the following day Such a procedure of course, places the Minister at a disadvantage A repudiation published a day later is far less effective It does not necessarily reach the same readers Even when it does the gap in time, the possible non-availability of the earlier paper, and a natural resistance against re-reading a stale report, deprive the reader of a truly adequate opportunity of assessing the validity of the conflicting statements And finally and perhaps most importantly and perhaps most important of all a contention advanced in a later statement is not so readily received by the reader as it has to displace or eradicate points of view or impressions that have already been formed by having read the first statement circumstances that do not arise when the conflict-



Dr Eschel Rhoadie

ing contentions come simultaneously to a still open mind which can choose freely between them The provisions of act 2 (c) however have no bearing upon the present dispute I turn now to consider the above facts The rule must obviously be discharged against Associated Newspapers as far as it relates to the conduct of the affairs of the Natal Mercury and the Eastern Province Herald It is not the owner of these

can be taken timeously to interdict the imminent perpetration of an apprehended delict For an applicant to obtain such an interdict on motion he must prove (1) a clear right, (2) an injury actually committed or apprehended, and, (3) no other remedy by which he can be protected with the same result If only a *prima facie* right can be established — i.e. a right open to some doubt — the interdict will still be granted if the continuation of the thing against which the interdict is sought would cause the applicant irreparable injury and the discontinuation of the thing complained of would not involve irreparable injury to the other party See *Setlego v Setlego* 1914 AD 221 at p 227 This is applicable to all delicts including defamation See the *Heilbron* case (*supra*) and *Cleghorn and Harris Ltd v Natal Union of Distributive Workers* 1940 CPD 409 The Minister has asked for a final interdict He clearly has a

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Continued on page 6

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I leave aside for the moment the defence that the Minister is suing in his capacity as Minister of Justice and that on the facts and circumstances of the present case he has no cause of action in his ministerial capacity I also leave aside the defence raised by Associated Newspapers that it is not subject to the jurisdiction of this Court and turn to the defence on the merits which has also been raised by the Cape Times Limited and which, if successful, will therefore dispose of the case against both these parties
It is trite law that if a person apprehends that another may commit a delict against him he may move the Court to restrain him from doing so by obtaining an interdict against him Greenberg J in *Heilbron v Blagnaut* 1931 WLD 167 at page 169 states it as follows
"If an injury which would give rise to a claim in law is apprehended, then I think it is clear law that the person against whom the injury is about to be committed is not compelled to wait for the damage and sue afterwards for compensation, but can move the Court to prevent any damage being done to him"
Motion proceedings are virtually the only proceedings that

can be taken timeously to interdict the imminent perpetration of an apprehended delict For an applicant to obtain such an interdict on motion he must prove (1) a clear right, (2) an injury actually committed or apprehended, and, (3) no other remedy by which he can be protected with the same result If only a *prima facie* right can be established — i.e. a right open to some doubt — the interdict will still be granted if the continuation of the thing against which the interdict is sought would cause the applicant irreparable injury and the discontinuation of the thing complained of would not involve irreparable injury to the other party See *Setlego v Setlego* 1914 AD 221 at p 227 This is applicable to all delicts including defamation See the *Heilbron* case (*supra*) and *Cleghorn and Harris Ltd v Natal Union of Distributive Workers* 1940 CPD 409 The Minister has asked for a final interdict He clearly has a

in other faculties were charged R4. The smaller fee in the distance felt to be justified as it was assumed that these students would only attend the Study Methods lectures.
GPA
SATURDAY
REGISTER
ENTERING

Kruger v SAAN

The full judgment

CAPE TIMES 11/4/79
10203

IN THE SUPREME COURT OF SOUTH AFRICA

(Cape of Good Hope Provincial Division)

Case No M 416, 79

In the matter of THE MINISTER OF JUSTICE Applicant

and SOUTH AFRICAN ASSOCIATED PRESS LTD First Respondent

and CAPE TIMES LIMITED Second Respondent

JUDGMENT GIVEN THIS 10th DAY OF APRIL 1979

Van Zijl, J P. During the small hours of the morning of Monday March 12 the Minister of Justice applied for an interdict restraining the Cape Times Limited and South African Associated Newspapers Limited (the matter referred to as Associated Newspapers) from publishing in their morning newspapers a certain report which had been made to them by Dr Eschel Rhoodie concerning the Minister's knowledge in regard to the government's financing of the Johannesburg morning newspaper the Citizen and which the Minister regarded as being defamatory of him. As the morning newspapers of these companies were about to go to press there was no time to draft the necessary application nor to place the matter before the Court on affidavit. I consequently allowed the application to be made orally.

The Minister was the sole witness and after having heard his testimony I granted the following order which at the commencement of the proceedings had been put before me in draft form:

I That a rule nisi do issue calling upon the Cape Times Limited and South African Associated Newspapers to show cause if any on March 27 1979 at 10.30am why they should not be restrained from publishing in the Cape Times Rand Daily Mail the Natal Mercury and Eastern Province Herald or any other newspaper owned or controlled by them the following report or words to that effect alleged to have been conveyed by Dr Eschel Rhoodie to be said newspapers to wit:

"I confirm that Mr Jimmy Kruger spoke to me several times to help clear a statement from a tape recording by a French journalist which Mr Kruger admitted to me would mean the

or the Information scandal at any stage. I further said I had only met Dr Rhoodie casually on a few social occasions. I only spoke to Dr Rhoodie twice on matters relating to my own Department.

Once was when I granted an interview to a French journalist at the request of the Department of Information and I then phoned Dr Rhoodie and asked him to make certain that the journalist had not misunderstood anything I had said. The reason I did that was that the journalist was not proficient in English and I was not certain he had actually understood exactly what I said in the interview.

The second occasion was when Dr Rhoodie was in the Secretaries' bay in Parliament. And Dr Mulder's vote was on.

Dr Mulder was actually speaking when I walked up to Dr Rhoodie and I asked him when I could expect his Department's little booklet in answer to Amnesty International's allegations of deaths in detention. Dr Rhoodie remained seated in the

would mean the end of my career it published contained in the first half of the report may cause people to think he had done something so wrong that his career should end. It also left it open to public speculation as to what he had in fact done. In respect of the second half of the report he contended that it was no rejoinder to his reply to the report that had appeared in the Cape Times but was new matter and what is more he had not given the alleged reply about the need to cover up the then Prime Minister's knowledge about the Citizen. The rejoinder the Minister alleges deals with a happening that took place in February 1978 i.e. after the general elections whereas the original report in the Cape Times to which the Minister had replied deals with a matter that had taken place before the general election in 1977.

The Minister cited Associated Newspapers as the owner of the Rand Daily Mail Natal Mercury and Eastern Province Herald and Cape Times Limited as the owner of the Cape Times.

The heading to the rule nisi does not cite the Cape Times Limited as the Second Respondent and does not designate the

Associated Newspapers' averment in respect of the ownership of the Natal Mercury and the Eastern Province Herald.

In regard to the defence that the words complained of are not defamatory the Minister gave details of the interview he had had with the French journalist in February 1978. The interview had nothing to do with the particular projects of the then Department of Information. It turned on the French journalist's allegations that the Western world did not consider South Africa a democracy but a fascist state and would pressurize South Africa. The Minister gave his views on the utility of a trade boycott and his views on the West's preparedness to trade with dictatorships and why they should more readily be prepared to trade with South Africa which could never be a dictatorship. The journalist who was accompanied by a female photographer had a poor command of English and he and his companion were very unsympathetic towards the South African Government. The Minister therefore telephoned Rhoodie and requested him to see to it that his discussion with the French journalist was properly understood and that it would not be truncated distorted or published out of context. This was a function Rhoodie was called upon to perform in the ordinary course of his duties. Rhoodie assured him that the interview would normally be edited therefore if anything had been removed by editing it could only have been meaningless phrases or short sentences which were meaningless having regard to the context of the interview. He alleged that Rhoodie's statement which the Rand Daily Mail and the Cape Times intended to publish deviated in vital respects from the truth. In the first place there was no incriminating matter that had to be cleared from the tape to avoid its publication putting an end to his career. In the second place his expression of gratitude to Rhoodie is highly over-stated.

Whole career

The first part of the report he contended is false and defamatory in the following aspects. I quote:

"(i) It conveys that there was something so incriminating or damaging to me on a tape that its mere publication would mean the end of my career -- not only as Minister but my whole political career. I accordingly wanted the civi-



The Minister of Police, Mr J T Kruger

bay and I left Parliament through the back door behind the Speaker.

"Then I said in this Sapa report the Cape Times never contacted me to verify Rhoodie's statement. It is recounted by the

Minister by name but as the Minister of Justice.

Associated Newspapers filed an opposing affidavit in which it raised the following defences: 1. The Rand Daily Mail is a newspaper printed in Johannes-

CONF

career if published. I did so and he replied if ever a shadow fell over my life he would move mountains to help me. He is not doing so now. I spoke to him on many occasions at press conferences, receptions and so on. When I saw him in the lobby in Parliament in 1978 shortly after the Barry report leaked from the Auditor General's office, I told him that I was going to request a police investigation into the leak since the matter was deadly serious. He replied:

Doubly careful

'Yes, and since it implicates the Prime Minister who has warned us he would have to resign if the Citizen's story got out we had to be doubly careful.

- 2 That pending the return day of the rule of the said owners are restrained from publishing the said report and from distributing any newspaper carrying such report.
- 3 That the return date of this rule may be anticipated upon 24 hours notice.
- 4 That the said owners are to show cause on the return date why they should not be ordered to pay the costs of these proceedings.

The evidence upon which the rule was granted can be generalized as follows. On Saturday, March 10, the Cape Times carried a report containing the following statement:

'Shortly before the General Election in 1977 the then Prime Minister, Mr Vorster, is said to have addressed a full Cabinet meeting on the Citizen-newspaper project and to have warned them that if the project ever became public knowledge he would have to resign. Dr Eschel Rhoodie, speaking to the Cape Times at his hide-out in Quito, Ecuador last month claimed that he had been told this by Dr Connie Mulder, former Minister of Information, and the Minister of Justice, Mr J. F. Kruger.

This report, the Minister stated, had not, before publication, been placed before him for verification as is required by the 'Press Code'. The Minister thereupon issued a statement to the South African Press Association denying the truth of the report. He did this in the following terms:

Met casually

'I said that I had never spoken to Dr Rhoodie about the Citizen on matters appertaining to his Department.

...ther said I will take the matter up with my lawyers with a view to suing the Cape Times for defamation.

Read report

During Saturday the Minister also answered a number of queries from the press arising out of the Cape Times report. During Sunday the Minister received no further press inquiries until after he had retired for the night. At 9.55pm he was phoned from Johannesburg by Jeremy Gordon of the Rand Daily Mail who read to him a report containing replies by Rhoodie to the above statement which the Minister had given to South African Press Association on Saturday. What was read to the Minister as being the report from Rhoodie is given in the rule nisi quote (*supra*). The Minister denied the truth of Rhoodie's replies and requested Gordon to hold over the report until the next day, as it was not relevant to anything that was 'apposite right at the moment' and consequently there was no need to publish it immediately and as the postponed publication would also give him the opportunity before replying on the morrow of consulting the file in his office containing a copy of his interview with the French journalist and would show that the interview had nothing to do with his career. The postponement would also give him the opportunity of obtaining affidavits from two press men who could testify to the fact that he had not spoken to Rhoodie in the lobby of the House as alleged by Rhoodie. He stressed that he wanted this opportunity to be able to explain his side of the story. Gordon said he would consult his editor and ring him back within ten minutes. While waiting for this reply the Minister was telephoned by Gordon Kling, a reporter from the Cape Times, who wanted his comments on the same report which his paper had received from the Rand Daily Mail. Kling was informed by the Minister that he was waiting to hear from the Rand Daily Mail whether it was going to hold over the report and if it was not going to do so he would have to take steps to protect himself. Almost immediately Gordon telephoned him back and he and Kling both told the Minister that their respective editors were going to publish the report.

The Minister asked for an interdict restraining the publication of the report as he would be prejudiced if the report was published in the circumstances and context of the Information scandal because the phrase 'it

in the Transvaal and owned by Associated Newspapers whose registered address, head office and principal place of business is in Johannesburg. The company accordingly does not fall within the jurisdiction of this Court.

2 The Natal Mercury is owned by Robinson and Company Proprietary Limited which has its registered office and principal place of business in Durban. The Eastern Province Herald is owned by Eastern Province Newspapers Limited - (which is a subsidiary of Associated Newspapers) whose registered office and principal place of business is in Port Elizabeth. As both these owners are separate legal entities, Associated Newspapers cannot be restrained in respect of the operation of either of these newspapers.

3. The Minister has moved the Court in his official capacity as Minister of Justice and in his official capacity he has in the present circumstances no cause of action founded on defamation and

4. In the alternative the words complained of in the first portion of the report are not defamatory when spoken of a politician as a politician may feel compelled to resign for many respectable and even laudable reasons and a reasonable reader would not put the worst construction on these words. The words complained of in the second half of the report cannot be construed as defamatory of the Minister in his personal capacity.

The Cape Times Limited also filed an opposing affidavit and took the same defence raised by Associated Newspapers in paragraphs 3 and 4 above.

In a replying affidavit the Minister denied that he had brought the application in his capacity as Minister and stated that he was acting in his personal capacity. He claimed that the heading to the rule nisi citing him as the Minister of Justice was an error made by the Registrar when issuing the order and concerns technical and formal matters of no account.

Sold in City

He admitted that Associated Newspapers' Head Office and principal place of business is in Johannesburg but stated that numerous copies of the Rand Daily Mail are offered for sale in Cape Town and a copy of the newspaper is available every day in the reading rooms of the Members of Parliament in the Houses of Parliament and consequently denied that Associated Newspapers is not subject to the jurisdiction of this Court.

The Minister did not contest

'(ii) On the day that the said newspapers intended publishing Dr Rhoodie's statement about clearing a statement of mine from a tape which would have meant the end of my career if published, it was common knowledge that Dr Rhoodie was connected with the Information scandal, an event which had shocked the public.

'The ordinary reader reading the bold statement of Dr Rhoodie may reasonably have concluded that the alleged statement had something to do with the so-called Information scandal. This is the reason why I told the reporter, Mr Jeremy Gordon, that I was quite willing to allow the press to publish it provided I was given an opportunity of putting the full facts before the public. This was denied me.

Cynicism

'(iii) After this had been done by Rhoodie, I promised to do all in my power should he ever be in difficulties but I have proved grossly ungrateful.

'(iv) The above must also be seen against the background that I have continued in office. The inevitable conclusion is that I have cynically remained in office when any honourable man would have felt impelled to resign.'

In regard to the second portion of the intended report the Minister states:

'(d) (i) It should in my submission be read as a follow-up to the report which was published on March 10, 1979 in the Cape Times and to which I referred in my evidence. The defamatory sting in the said report of March 10 lies in the false statement that the whole Cabinet (including myself) had been fully informed of the Citizen undertaking before the 1977 election and that I had told Dr Rhoodie so. The second part of the report builds on this false foundation and attempts to lend an air of verisimilitude thereto by giving 'details of a conversation which never took place. The defamatory implications are not only that I (with the other members of the Cabinet) had dishonestly fought the 1977 election whilst suppressing information about the Citizen but also that I afterwards intended to be very careful to prevent the facts from leaking out. It must be pointed out that in the proposed report to be published on March 12, the alleged report of Dr Rhoodie indicates the place and the content of what I had purportedly told him and although it does not substantiate the report of March 10, it is an attempt to do so, thereby indicat

Continued on page 5

Kruger ordered to pay costs

CAPE TIMES 11/4/79 ①243
②331

By STEPHEN WROTTESELEY
Court Reporter

AN ORDER preventing the Cape Times Limited and South African Associated Newspapers Limited from publishing a report quoting Dr Eschel Rhoodie was discharged with costs in the Supreme Court yesterday

The Minister of Justice, Police and Prisons, Mr J T Kruger, was ordered to pay the costs personally as the Judge-President of the Cape, Mr Justice J W van Zijl, with Mr Justice L de V van Winsen concurring, found he had brought the application in his personal capacity

Argument on the final order was heard on March 30 after Mr Justice Van Zijl granted Mr Kruger an urgent order restraining the Cape Times, the Rand Daily Mail, the Natal Mercury and the Eastern Province Herald, or any other newspaper owned or controlled by SAAN, from publishing the report during an early-morning hearing on March 12

Beginning his judgment, Mr Justice Van Zijl outlined the first application saying "During the small hours of the morning of Monday, 12 March, the Minister of Justice applied for an interdict restraining the Cape Times Limited and South

African Associated Newspapers Limited from publishing in their morning newspapers a certain report which had been made to them by Dr Eschel Rhoodie concerning the minister's knowledge in regard to the government's financing of the Johannesburg morning newspaper the Citizen and which the minister regarded as being defamatory of him"

The report, which was quoted in yesterday's judgment, quoted Dr Rhoodie, the former secretary of the defunct Department of Information, as saying "I confirm that Mr Jimmy Kruger spoke to me several times to help clear a statement from a tape recording by a French journalist which Mr Kruger admitted to me would mean the end of his career if published

"I did so, and he replied, if ever a shadow fell over my life, he would move mountains to help me. He is not doing so now

"I spoke to him on many occasions at press conferences, receptions and so on. When I saw

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To page 2



Full judgment, pages 4, 5, 6

① 243
② 331



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From page 1

him in the lobby in Parliament in 1978, shortly after the Barry report leaked from the Auditor General's office, I told him that I was going to request a police investigation into the leak, since the matter was deadly serious

"He replied, 'Yes, and since it implicates the Prime Minister who has warned us he would have to resign if the Citizen's story got out we had to be doubly careful.'" Dr Rhoodie said

During the urgent application, at which Mr Kruger gave evidence, Mr Kruger described himself as the Minister of Justice, Police and Prisons

He said he would be prejudiced if the report were published

According to the judgment, which quoted Mr Kruger's replying affidavit, the minister contended that the first part of the report was false and defamatory in the following respects

● "It conveys that there was something so incriminating or damaging to me on a tape that its mere publication would mean the end of my career — not only as a minister but my whole political career

"I accordingly wanted the evidence to be destroyed, ie to have it cleared off the tape

● "On the day that the said newspapers intended publishing Dr Rhoodie's statement about clearing a statement of mine from a tape, which would have meant the end of my career if

by way of interdict

The judge added "The minister must also show that the words are defamatory of him"

Dealing with the first part of the report, the judge said there were two errors in Mr Kruger's reasoning that because words about him were untrue and incriminating and "the ordinary reasonable reader may reasonably conclude" that the matter cleared from the tape may have something to do with the "so-called Information scandal", they were defamatory

"In the first place the words complained of do not directly charge or accuse the minister of a crime or fault, nor do they directly involve him with any accusation or charge," he said

It was not sufficient that the words "may" cause a reasonable reader to come to a conclusion, they "must" cause the reader to come to such a conclusion

"In the second place, to involve the minister 'with the so-called Information scandal' is not necessarily a defamatory incrimination if it involves him only in a political sense, ie whether he knew of and as such was a party to the government financing the publication of the Citizen"

Dealing with the second section complained of, the judge said Mr Kruger had alleged the report was building on a false report of two days earlier

"Accepting the minister's assessment of these two reports at its high water mark it still

CONT

CAPE TIMES

11/4/79

243

connected with the 'Information scandal', an event which had shocked the public

"The ordinary reader, reading the bald statement of Dr Rhodie, may reasonably have concluded that the alleged statement had something to do with the so-called 'Information scandal' "

Mr Kruger said that when telephoned by a reporter about the report, he requested an opportunity of putting the full facts before the public but said this was denied him

● "After this had been done by Rhodie I promised to do all in my power should he ever be in difficulties but I have proved grossly ungrateful

● "The above must also be seen against the background that I have continued in office. The inevitable conclusion is that I have cynically remained in office when any honourable man would have felt impelled to resign "

Dealing with the second part of the report, Mr Kruger said the defamatory "sting" lay in the false statement that the whole Cabinet, including Mr Kruger, had been informed of the Citizen undertaking before the 1977 election

ter's and the Cabinet's behaviour in respect of party policy

"A decision to finance the publication of the Citizen and to suppress the fact are matters of policy

"Matters of government policy, as has been stated above, may be freely criticized and condemned even if such criticism and condemnation is unfounded and unfair," the judge said

He said the words were not directed at the minister but at the alleged policy he and his party had pursued and the manner in which they had carried it out

"In these circumstances these words too are not defamatory," he said

The judge, with Mr Justice Van Winsen concurring, discharged the order

He also said that as the words were neither per se defamatory nor made defamatory by the circumstances in which Mr Kruger had alleged, the court could not grant an interim interdict pending the matter being brought to trial

Mr Justice Van Zijl then went on to deal with the question of whether Mr Kruger had brought the application in his official or

'Mail' beats Kruger's gas bid

Own Correspondent

CAPE TOWN

AN ORDER preventing the Rand Daily Mail from publishing claims by the former Secretary for Information, Dr Eschel Rhoodie, involving the Minister of Justice, Mr J T Kruger, was discharged with costs in the Cape Supreme Court yesterday.

Mr Kruger was ordered personally to pay the costs. It was found that he brought the action in his personal capacity.

The judgment was handed down by the Judge-President of the Cape, Mr Justice J W van Zijl, with Mr Justice L de V van Winsen concurring.

Argument on the final order was heard on March 30 after Mr Justice Van Zijl granted Mr Kruger an urgent order in an early-morning hearing on March 12 restraining the Rand Daily Mail, the Cape Times, the Natal Mercury and the Eastern Province Herald, or any other newspaper

SENT

Above, Mr Kruger who earns R30 345 a year as Minister of Justice. Below, blank spaces in the Morning Final edition of the Rand Daily Mail, March 12.

Eschel comments on those denials

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ROM 1/1/79

Rand Daily Mail

11/4/79

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SAAN, from publishing the report.

The report cited in yesterday's judgment quoted Dr Rhodie as saying:

"I confirm that Mr Jimmy Kruger spoke to me several times to help clear a statement from a tape recording by a French journalist which Mr Kruger admitted to me would mean the end of his career if published."

"I did so, and he replied, if ever a shadow fell over my life, he would move mountains to help me. He is not doing so now."

"I spoke to him on many occasions at press conferences, receptions and so on. When I saw him in the lobby in Parliament in 1978, shortly after the Barry report leaked from the Auditor General's office, I told him that I was going to request a police investigation into the leak, since the matter was deadly serious."

"He replied: 'Yes, and since it implicates the Prime Minister who has warned us he would have to resign if the Citizen's story got out we had to be doubly careful'." Dr Rhodie said.

During the urgent application, at which Mr Kruger gave evidence, Mr Kruger described himself as the Minister of Justice, Police and Prisons.

He said he would be prejudiced if the report was published.

According to the judgment, which quoted Mr Kruger's replying affidavit, the Minister contended that the first part of the report was false and defamatory in several respects.

Dealing with the second part of the report, Mr Kruger said the defamatory "sting" lay in the false

Kruger loses court action to prevent

KAND Daily Mail WEDNESDAY, APR 11 1979

CAPE TOWN — The Supreme Court yesterday discharged with costs an order granted to the Minister of Justice, Mr J T Kruger, restraining the Cape Times Limited and South African Associated Newspapers Limited from publishing a report quoting certain claims by Dr Eschel Rhoodie.

The companies, successfully opposed the granting of a final order preventing publication of the report, parts of which Mr Kruger alleged were false and defamed him in his personal capacity.

The Judge-President of the Cape, Mr Justice J W van Zyl, found that Mr Kruger brought the action in his personal capacity and ordered that he must pay the costs personally.

His full judgment, with Mr Justice de V van Winser concurring, reads:

During the small hours of the morning of Monday, March 12, the Minister of Justice applied for an interdict restraining the Cape Times Limited and South African Associated Newspapers Limited (hereinafter referred to as Associated Newspapers) from publishing in their morning newspapers a certain report which had been made to them by Dr Eschel Rhoodie concerning the Minister's knowledge in regard to the Government's financing of the Johannesburg morning newspaper "The Citizen" and which the Minister regarded as being defamatory of him.

As the morning newspapers of these companies were about to go to press, there was no time to draft the necessary application nor to place the matter before the court on affidavit. I consequently allowed the application to be made orally.

The Minister was the sole witness and after having heard his testimony, I granted the following order which at the commencement of the proceedings had been put before me in brief form:

1 That a rule nisi do issue calling upon the Cape Times Limited and South African Associated Newspapers to show cause, if any, on March 27, 1979 at 10.30 am why they should not be restrained from publishing in the Cape Times, Rand Daily Mail, the Natal Mercury and Eastern Province Herald or any other newspaper owned or controlled by them the following report or words to that effect alleged to have been conveyed by Dr Eschel Rhoodie to the said newspapers to wit:

"I confirm that Mr Jimmy Kruger spoke to me several times to help clear a statement from a tape recording by a French journalist which Mr Kruger admitted to me would mean the end of his career if published. I

did so, and he replied, if ever a shadow fell over my life, he would move mountains to help me. He is not doing so now. I spoke to him on many occasions at Press conferences, receptions and so on. When I saw him in the lobby in Parliament in 1978, shortly after the Barre report leaked from the Auditor-General's office, I told him that I was going to request a police investigation into the leak, since the matter was deadly serious. He replied:

Once was when I granted an interview to a French journalist at the request of the Department of Information and I then phoned Dr Rhoodie and asked him to make certain that the journalist had not misunderstood anything I had said. The reason I did that was that the journalist was not proficient in English and I was not certain he had actually understood exactly what I said in the interview.

The second occasion was when Dr Rhoodie was in the Secretaries' day in Parliament. And Dr Mulder's Vote was on:

Dr Mulder was actually speaking, when I walked up to Dr Rhoodie and I asked him when I could expect his Department's little booklet in answer to Amnesty International's allegations of deaths in detention. Dr Rhoodie remained seated in the bay and I left Parliament through the back door behind the Speaker.

Then I said in this Sapa report the Cape Times newspaper contacted me to verify Rhoodie's statement as required by the code of ethics of journalists and I also further said I will take the matter up with my lawyers with a view to suing the Cape Times for defamation.

During Saturday the Minister also answered a number of queries from the Press arising out of the Cape Times report. During Sunday the Minister received no further Press inquiries until after he had retired for the night. At 9.55 pm he was phoned from Johannesburg by Jeremy Gordon of the Rand Daily Mail who read to him a report containing replies by Rhoodie to the above statement which the Minister had given to South African Press Association on Saturday. What was read to the Minister as being the report from Rhoodie is given in the rule nisi quote (supra). The Minister denied the truth of Rhoodie's replies and requested Gordon to hold over the report until the next day, as it was not relevant to anything that was "apposite right at the moment," and consequently there was no need to publish it immediately and as the postponed publication would also give him the opportunity, before replying on the morrow, of consulting the file in his office containing a copy of his interview with the French journalist and would show that the interview had nothing to do with his career. The postponement would also give him the opportunity of obtaining affidavits from "two Pressmen" who could testify to the fact that he had not spoken to Rhoodie in the lobby of the House as al-

leged by Rhoodie. He stressed that he wanted this opportunity to be able to explain his side of the story. Gordon said he would consult his editor and ring him back within ten minutes. While waiting for this reply the Minister was telephoned by Gordon Kling, a reporter from the Cape Times, who wanted his comments on the same report from the Rand Daily Mail which his paper had received from the Rand Daily Mail. Kling was informed by the Minister that he was waiting to hear from the Rand Daily Mail whether it was going to hold over the report, and if it was not going to do so he would have to take steps "to protect myself". Almost immediately Gordon telephoned him back and he and Kling both told the Minister that their respective editors were going to publish the report.

The Minister asked for an interdict restraining the publication of the report as he would be prejudiced if the report was published "in the circumstances and context of the information scandal" because the phrase "it would mean the end of my career if published" contained in the first half of the report may cause people to think he had done something so wrong that his career should end. It also left it open to public speculation as to what he had in fact done. In respect of the second half of the report he contended that it was no rejoinder to his reply to the report that had appeared in the Cape Times, but was new matter, and what is more he had not given the alleged reply about the need to cover up the then Prime Minister's knowledge about The Citizen. The rejoinder, the Minister alleges, deals with a happening that took place in February 1978, i.e. after the general elections, whereas the original report in the Cape Times to which the Minister had replied deals with a matter that had taken place before the General Election in 1977.

The Minister cited Associated Newspapers as the owner of the Rand Daily Mail, Natal Mercury and Eastern Province Herald, and Cape Times Limited as the owner of the Cape Times.

The heading to the rule nisi does not cite the Cape Times Limited as the Second Respondent and does not designate the Minister by name but as the Minister of Justice.

Associated Newspapers filed an opposing affidavit in which it raised the following defenses:

1. The Rand Daily Mail is a newspaper published principally in the Transvaal and owned by Associated Newspapers whose registered address, head office and principal place of business is in Johannesburg. The Com-

pany accordingly does not fall within the jurisdiction of this Court.

2. The Natal Mercury is owned by Robinson and Company, Proprietary Limited which has its registered office and principal place of business in Durban. The Eastern Province Herald is owned by Eastern Province Newspapers Limited — (which is a subsidiary of Associated Newspapers) — whose registered office and principal place of business is in Port Elizabeth. As both these owners are separate legal entities, Associated Newspapers cannot be restrained in respect of the operation of either of these newspapers.

3. The Minister has moved the Court in his official capacity as Minister of Justice and in his official capacity he has in the present circumstances no cause of action founded on defamation, and

4. In the alternative the words complained of in the first portion of the report are not defamatory when spoken of a politician as a politician may feel compelled to resign for many respectable and even laudable reasons and a reasonable reader would not put the worst construction on these words. The words complained of in the second half of the report cannot be construed as defamatory of the Minister in his personal capacity.

The Cape Times Limited also filed an opposing affidavit and took the same defence raised by Associated Newspapers in paragraphs 3 and 4 above.

In a replying affidavit the Minister denied that he had brought the application in his capacity as Minister and stated that he was acting in his personal capacity. He claimed that the heading to the rule nisi citing him as the Minister of Justice was an error made by the Registrar when issuing the order and concerns technical and formal matters of no account.

He admitted that Associated Newspapers' Head Office and principal place of business is in Johannesburg, but stated that numerous copies of the Rand Daily Mail are offered for sale in Cape Town and a copy of the newspaper is available every day in the reading rooms of the Members of Parliament in the Houses of Parliament, and consequently denied that Associated Newspapers is not subject to the jurisdiction of this Court.

The Minister did not contest Associated Newspapers' averment in respect of the ownership of the Natal Mercury and the Eastern Province Herald.

In regard to the defence that the words complained of are in a defamatory, the Minister gave details of the interview he had had with the French journalist in February 1978. The interview had nothing to do

with the particular projects of the then Department of Information. It turned on the French journalist's allegations that the Western world did not consider South Africa a democracy but a fascist state and would pressure South Africa. The Minister gave his views on the futility of a trade boycott and his views on the West's preparedness to trade with dictatorships and why they should more readily be prepared to trade with South Africa which could never be a dictatorship. The journalist, who was accompanied by a female photographer, had a poor command of English and he and his companion were very unsympathetic towards the South African Government. The Minister therefore telephoned Rhoodie and requested him to see to it that his discussion with the French journalist was properly understood and that it would not be truncated, distorted or published out of context.

This was a function Rhoodie was called upon to perform in the ordinary course of his duties. Rhoodie assured him that the interview would normally be edited, therefore if anything had been removed by editing "it could only have been meaningless phrases or short sen-

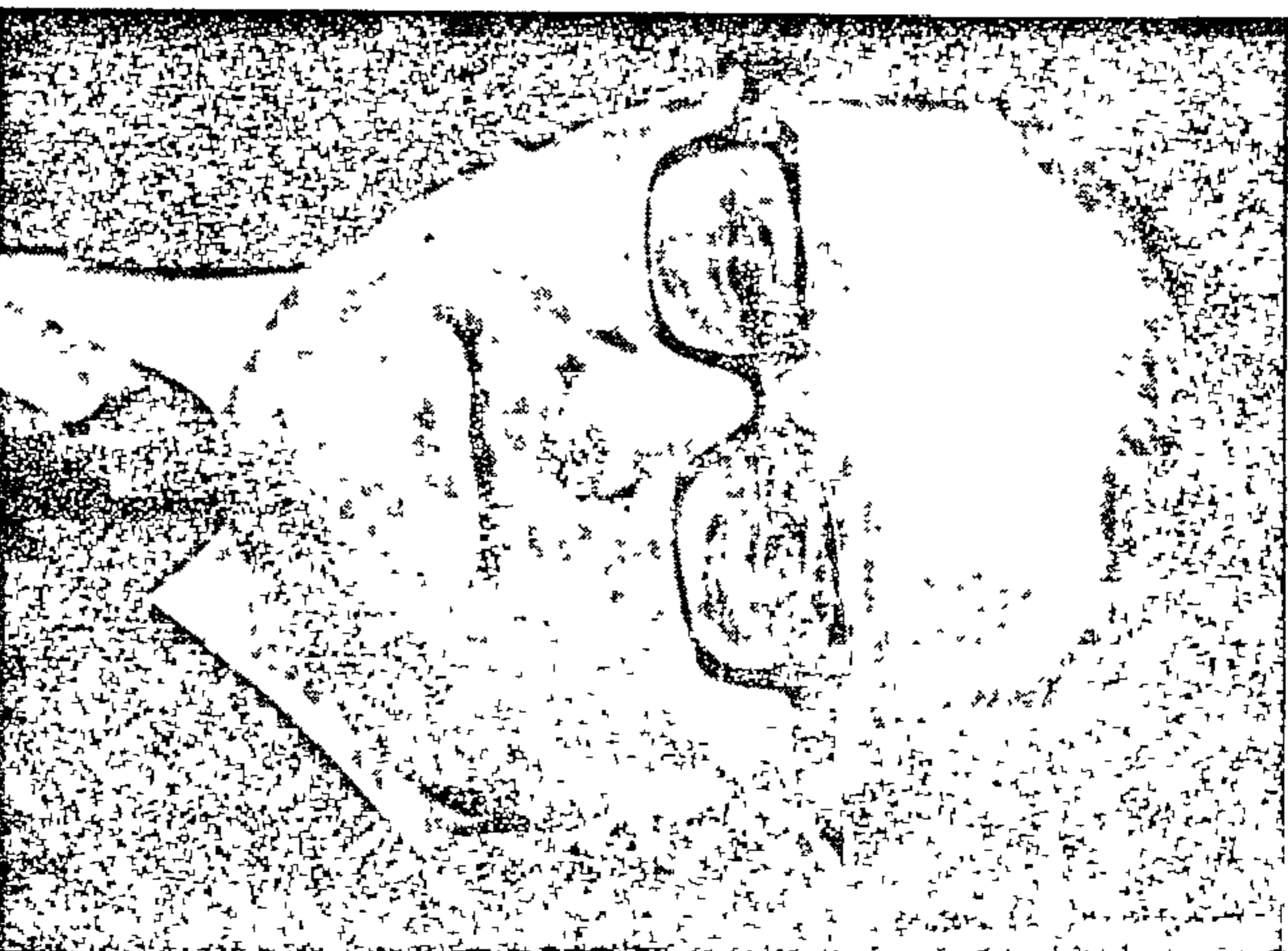
tences which were meaningless having regard to the context of the interview." He alleged that Rhoodie's statement which the Rand Daily Mail and the Cape Times intended to publish deviated in vital respects from the truth. In the first place, there was no incriminating matter that had to be cleared from the tape to avoid its publication putting an end to his career. In the second place his expression of gratitude to Rhoodie is highly overstated.

The first part of the report he contended is false and defamatory in the following aspects: I quote

"(1) It conveys that there was something so incriminating or damaging to me on a tape that its mere publication would mean the end of my career — not only as Minister but my whole political career.

"I accordingly wanted the evidence to be destroyed, i.e. to have it cleared off the tape

"(11) On the day that the said newspapers intended publishing Dr Rhoodie's statement about clearing a statement of mine from a tape, which would have meant the end of my career if published, it was common knowledge that Dr Rhoodie was connected with the Informa-



The Minister of Justice, Mr J T Kruger ordered to pay court costs personally

connected with the Informa-

Defamation 'simple weapon' to hit Press

15/4/79

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Sunday Express Reporter

CRIMINAL defamation prosecutions could become a simple weapon for the Government to use to harass newspapers, Mr Sydney Kentridge SC said in the Maritzburg Supreme Court this week.

Mr Kentridge was submitting legal argument in the trial of Sunday Express editor Mr Rex Gibson and reporter Miss Jennifer Hyman for alleged contempt of court and criminal defamation.

The Sunday Express reported on May 21 last year that many people detained under security legislation were brought to trial without the knowledge of their families or legal representatives. It also said that families only learned afterwards that pro deo counsel had been appointed.

Mr Cecil Rees, Attorney-General of Natal, argued earlier in court that the Express report had implied that the Security Police were involved in the appointment of pro deo counsel and that people defended by such counsel did not receive justice before the courts.

The State alleges the article was calculated to cast suspicion on the administration of justice by implying pro deo advocates were incompetent and that there had been serious irregularities in trials in which they had appeared.

It further alleges the article criminally defamed Maritzburg advocate Mr

Jan Niehaus by saying he wrongly advised three men — for whom he was appointed pro deo counsel — to plead guilty to Terrorism Act charges. Two were acquitted and the third convicted on only one count.

Mr Kentridge submitted that criminal defamation prosecutions should be reserved for the most serious cases involving officers of the State in the performance of their duties.

Newspapers could be sued for defamation, he said, and submitted it would be a serious matter for the Press and the public if the State could prosecute newspapers in ordinary defamation cases.

The potential for this type of prosecution to gag the Press was too obvious.

The real punishment for a newspaper in such a situation, even if found not guilty, was that it had to pay to defend itself.

Mr Kentridge submitted the trial raised fundamental issues about the right of the Press to comment on the administration of justice. The prosecution, of exceptional importance to every paper in the country, could be seen as an undue attempt to interfere with the freedom of the Press.

Mr Kentridge submitted it had not been intended to bring the administration of

justice into disrepute or to injure Mr Niehaus. Neither he nor the men he represented were named and the State had failed to prove that the ordinary reader would have identified Mr Niehaus.

In any event it could not be considered defamatory to say a professional man was relatively unqualified in the highly specialised field of security legislation.

Mr Kentridge said there seemed to be different systems for dealing with detainees in Natal and the Transvaal.

He said there were serious defects in a system where detainees were not given an opportunity to consult their own counsel. It was a newspaper's duty to expose such irregularities.

Mr C F Kruger, appearing with Mr Rees, said the accused had made no attempt to check the truth of facts relating to Mr Niehaus' allegedly wrong advice. The intention had clearly been to injure his reputation.

Although Mr Niehaus was not named, there would have been people connected with the administration of justice who "would most likely understand it as referring to Mr Niehaus".

The trial was postponed to April 30 when Mr Justice A J Milne will give judgment in the Durban Supreme Court.

Mr Sydney Kentridge SC assisted by Mr Denis Kuyi instructed by Bell Dewar and Hall appeared for Mr Gibson and Miss Hyman. Mr Cecil Rees SC assisted by Mr C F Kruger appeared for the State.

Hansard 10 (652) 243 17/4/79

Press Council: complaints

542 Mr. N. B. WOOD asked the Minister of the Interior and Immigration:

Whether the Press Council received any complaints from Government departments during 1976, 1977 and 1978; if so, (a) how many from each Department in each year and (b) with what results in each case.

The MINISTER OF THE INTERIOR AND IMMIGRATION:

ANNEXURE

Number	(a)	(b)
1976	1 Information	Secretary for Information v <i>Rapport</i> and <i>Beeld</i> : Upheld <i>Rapport</i> —R1 500 fine and apology to be published. <i>Beeld</i> —R500 fine and apology to be published
1977	1 Prisons	Department of Prisons v <i>Hoofstad</i> : Upheld Respondent to publish adjudication.

Number	(a)	(b)
1	S A. Railways and Harbours	South African Railways v <i>Financial Mail</i> : Lapsed.
2	Finance	Secretary for Finance v <i>Daily News</i> : Correction published. Minister of Finance v <i>The Star</i> : Lapsed
3	South African Police	Commissioner of Police v <i>Daily News</i> and <i>Sunday Tribune</i> : Corrections published. Commissioner of Police v <i>Rand Daily Mail</i> : Lapsed. Minister of Police v <i>Pretoria News</i> : Correction published.
1	Health	Secretary for Health v <i>Daily Dispatch</i> : Lapsed.
2	Defence	P W Botha v <i>Sunday Express</i> : Withdrawn after apology Chief of the Defence Force v <i>Die Afrikaner</i> : Lapsed.
2	Immigration	Secretary for Immigration v <i>Sunday Times</i> : Correction published Secretary for Immigration v <i>The Star</i> : Correction published.
6	Justice	Secretary for Justice v <i>Rand Daily Mail</i> : Correction published. Secretary for Justice v <i>Rand Daily Mail</i> : Correction published. Minister of Justice v <i>The Star</i> : Settled. Minister of Justice v <i>Rand Daily Mail</i> : Lapsed Minister of Justice v <i>Rand Daily Mail</i> : Press Council hearing Respondent directed to publish adjudication. Minister of Justice v <i>The World</i> : Lapsed due to newspaper being banned.
1	Commerce	Secretary for Commerce v <i>Sunday Times</i> : Correction published
778	8 South African Police	Commissioner of Police v <i>The Star</i> : Press Council hearing. <i>The Star</i> to publish adjudication. Commissioner of Police v <i>Rapport</i> : Press Council hearing Settled between parties. Respondent undertakes to publish apology. Commissioner of Police v <i>Rand Daily Mail (Extra)</i> : Press Council hearing. Respondent directed to publish adjudication and R500 fine imposed. Commissioner of Police v <i>Rand Daily Mail</i> : Redress given to complainant. Commissioner of Police v <i>Rand Daily Mail (Extra)</i> : Correction published. Commissioner of Police v <i>The Star</i> : Pending. Commissioner of Police v <i>Sunday Express</i> : Pending Commissioner of Police v <i>Rand Daily Mail (Extra)</i> : Lapsed.
2	Justice	Minister of Justice v <i>Daily News</i> : Settled between parties.

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(b)

Minister of Justice v *Post*: Redress given to complainant.
Secretary for Information v *Cape Times*, *Rand Daily Mail* and *Beeld*: All three rejected.
Secretary for Information v *Sunday Express*: Press Council hearing Upheld. Respondent directed to publish adjudication.
Prime Minister v *Sunday Times*: Redress given to complainant.
S L Muller v *The Star*: Redress given to complainant.
Secretary for South West Africa v *Windhoek Observer*: Settled between parties.

Thus Anglo's "fixed" cost years is 9.872
0.62(10 - 4 - 1)
y1 - y5 Contribution
y1 - y5 Ta shield: 1/

Number	(a)
2	Information
1	Prime Minister
1	S.A Railways and Harbours
1	South West Africa Administration

Horwood makes "bitter attack on press

18/4/59
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DD

THE ASSEMBLY — The Minister of Finance, Senator Owen Horwood, yesterday launched a bitter attack on the role of English-language newspapers in the Information scandal

He accused them of being hostile, unpatriotic and of virtually calling Cabinet Ministers public liars

Replying to the second reading debate on the Budget, Senator Horwood named the Sunday Express, the Cape Times, the Rand Daily Mail and the Natal Mercury as some of the newspapers involved in "a campaign of slander"

They had elevated the former Secretary for Information, Dr Eschel Rhodie, to "the status of a hero and a martyr" while refusing to believe ministerial statements

"It is one thing to be hostile to the government. It is another to be hostile and reckless about the best interests of your country," he said

"That is my charge against these newspapers: they recklessly try to affect adversely the best interests of the country in which they operate safely and in peace, and in which they earn returns which are the envy of the newspapers in other parts of the world"

While the Erasmus Commission described Dr Rhodie as a fugitive from justice, English-language newspapers said he was a hero

"They have as good as called us liars in public"

When Dr Rhodie said he, Senator Horwood, had been a member of a cabinet committee on Information matters, the Cape Times headline said in large black letters that Senator Horwood was on a Cabinet committee

"I say I was never on any kind of Cabinet committee whatsoever" Senator Horwood said he had issued a two-page statement denying Dr Rhodie's allegations, but some newspapers had carried only six lines

"The Natal Mercury was the worst

"Freedom of the press, to a number of these hostile English newspapers particularly, has degenerated into outright licence"

"Senator Horwood said it was time opposition politicians, too, acted responsibly over the Information affair. The majority of South Africans were sick and tired of the smear campaign against the government.

The government deplored the fact that a small handful of people in the Information Department had "let the country down extremely badly". The Prime Minister, Mr P. W. Botha, had taken steps to save the situation and had appointed a judicial commission to investigate it.

"Ever since then we have had a sustained campaign of slander, innuendo, insinuation and reflections on us such as this country has never yet experienced," he said — PS

Wiley's Rom
slur on (243)
newsman

Political Staff

The Assembly. — Mr Stanley Uys, London editor of the Rand Daily Mail and its associated newspapers, was yesterday described by Mr John Wiley, leader of the South Africa Party, as a "one-time communist."

He was speaking during the debate on the Prime Minister's Vote and was commenting on an interview Mr Uys had with the British Foreign Secretary, Dr David Owen, Mr Wiley said:

"He (Mr Uys) is known as a man who was a one-time Communist and, judging by his writing, he is still an ardent admirer of the Communist cause."

It was not by chance that the interview was published in the Cape Times the day voting (in Rhodesia) began. (The report was also published by the Rand Daily Mail)

Mr Wiley said Dr Owen had threatened South Africa over involvement in Rhodesia.

Mr Uys said from London last night that Mr Wiley seemed unable to read English.

"I interviewed Dr Owen — he did not interview me," he said. "The views quoted are his, not mine."

Mr Allister Sparks, Editor of the Mail, said last night: "This is the most grotesque abuse of Parliamentary privilege I have heard. If Mr Wiley repeated his statement outside of Parliament he would set a South African record for damages."

Police 'discuss' report with paper's newsmen

(Mercury Bureau)

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PIETERMARITZBURG — A reporter and the news editor of the Natal Witness newspaper were interviewed by a senior police official here yesterday after a front page report claiming the administration of justice in the city was facing a serious crisis

The report also claimed that criminals were staying out of jail because the Courts were too busy to prosecute them and that other offenders were never charged because the police force in the city was understaffed and overloaded with work

Although problems did exist "now and then there was "no crisis", said Brigadier W P J van Wyk, the Divisional Criminal Investigation Officer for Natal Inland

He confirmed that he had since had discussions with the reporter and the news editor in connection with the report

The editor of the newspaper, Mr Richard

Steyn, said that the paper stood by its report and he was quite satisfied the facts were correct

The senior public prosecutor, Mr. S. J. du Plessis, said that the report was not a true reflection of the situation although problems did exist

Referring to an allegation that criminals were staying out of jail because the Courts were too busy to prosecute them, Mr du Plessis said that cases were withdrawn only after they had been postponed on two or more occasions because witnesses or complainants were not available

Brigadier van Wyk said that there was no such thing as police detectives being overloaded with work.

He produced a summary of the number of cases being investigated by detectives

He added that the police were slightly overstuffed at present and that the number of resignations in the police force was normal

21/4/79 DD (243) (250) (239)

Premier outlines policy

THE ASSEMBLY — The Prime Minister, Mr P. W. Botha, yesterday outlined the major policy guidelines for South Africa's internal development during his premiership.

In his first attempt to put his personal leadership stamp on the country's future, Mr Botha turned away from foreign policy to discuss internal matters.

In his two-hour speech, Mr Botha

set clear limits to the government's plan to adapt the constitutional proposals for Coloureds,

Indians and whites, gave a broad basis for the way in which blacks outside the homelands would be able to "express their political aspirations," and

announced that no new legislation or administration was planned against the press at this stage.

Ignoring opposition warnings that urban blacks would have to be included in the new dispensation, Mr Botha said the government was investigating how urban blacks' political aspirations could be fulfilled through closer links with the homelands.

Local authorities governing urban blacks would be developed to the point where they had greater powers than normal municipalities. "Further political aspirations" were being dealt with by the cabinet committee under Dr Piet Koornhof, Minister of Plural Relations.

Setting out the government's guidelines on urban blacks, Mr Botha said "We will look into a way of accommodating them on the basis of ethnicity, traditions and language. If additional political powers are considered necessary, then we will consider it in the future. We cannot put on the roof before we have built the walls."

Mr Botha also set out the limits in which the government was prepared to adapt its new constitutional plan for Coloureds, Indians and whites, which had been referred to a select committee for further consideration.

Nothing would be accepted that would endanger the government's principle of nationalism and self-determination, Mr Botha said. Machinery would be set up to preserve these principles.

Mr Botha also ended the intense speculation that steps to curb the press were in the pipeline. He said there had been strong pressure on the government to take steps against "irresponsible" elements in the press. Any steps the government might consider necessary would only take place after consultations with the leaders of the "responsible free press."

"We want to remain in

the company of the few countries in the world where the press can in any way be described as free."

The government did not want a "ja-broer," subversive press, and the authorities could not maintain a proper performance without healthy, alert and critical press.

What the public has the right to know, authorities may not withhold. Secrecy for the sake of secrecy or to cover up incompetence or corruption will not be tolerated at any level of government.

Referring to the Information scandal, he added "We are prepared to stand or fall by the final public judgment when all the processes of investigation under way at present have run their course."

However, Mr Botha warned against a campaign of "suspicion, distrust and denigration" that certain sections of the press had displayed during the exposures on the Information scandal.

Describing the attitude of a certain section of the press as "destructive and anarchic," Mr Botha said while the Press Union wished the government to make more use of the Press Council, such machinery would only work if the newspapers adhered to the press code.

"Any steps the authorities may consider necessary will only be taken after proper consultation with the leaders of the responsible free press. We don't want to pull out the weeds to the detriment of the healthy plants. But the situation can not be allowed to deteriorate further," Mr Botha said — PS

Parliament page 7.

Press and State

Sun. Times

22/4/77

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WE hasten to endorse the very noble sentiments about Press freedom expressed by the Prime Minister on Friday.

It was all there: The commitment to the public's right to know, the recognition that authority cannot give of its best without the presence of a healthy, watchful and critical Press, and the acknowledgement of the vital role of newspapers as carriers of information between rulers and the ruled.

What a pity, therefore, that Mr Botha should have ended his statement on a carping note — and with an ominous reference that the Government could not much longer ignore demands for action against the Press.

His criticism of newspapers was generalised and — given the central role they have only recently played in exposing the biggest official scandal in our history — unjustified.

In essence, Mr Botha, asked unspecified newspapers to stop doing

unspecified things; in a celebrated phrase, to put their house in order. To this we can only offer our oft-stated view: There are remedies aplenty in our courts and in the Press Council for those who believe they have been wronged by the Press.

We hope Mr Botha will not succumb to those pressures from unnamed sources, for we regard his statement as confirmation of our view that there can never be, thank heavens, a final solution in the government versus media problem in a democracy.

It has been said that continuing tension between these two powerful institutions is a fundamental life sign, like blood pressure, within the body politic. And, as with blood pressure, the tension can get perilously high; also comatosely low.

For the moment we welcome Mr Botha's firm pledge to keep South Africa within that shrinking community of nations that can still boast a Press that is more or less free.

Harsh new Press

THE Government is preparing to introduce a Press Bill just as draconian as the one devised by Mr Vorster, National Party sources warned this week.

The Prime Minister's lengthy statement on the Press during his budget vote on Friday was the product of a last-ditch effort by influential Nationalists to avoid legislative action against South African newspapers.

It is however clear that some action is on the cards from a Government which has been infuriated by certain reports on the Information scandal.

Hints of further action were contained in Mr Botha's statement that "all steps considered necessary by the authorities will only be taken after proper consultation with the leaders of our responsible free Press."

Open cards

Mr Botha, who stressed his "commitment" to maintain the best possible relations with all sections of the Press, said all levels of Government had a duty to play open cards with the public through the Press.

Secrecy for the purpose of secrecy or to cover up corruption or inefficiency would therefore not be tolerated.

"In this respect we have been tested in the past months as never before. We are prepared to stand or fall by the final public judgment when all the present investigative processes are completed."

Neither, he said did the Government want a subordinate "yes-man" Press. No government could give of its best without a healthy, watchful and critical Press.

South Africa was one of the few countries in the

Sun. Times
22/4/79

Bill on 243 the way?

Political Correspondent

world where the Press could be called free.

"We want to remain in that company."

Nevertheless "a great danger" was threatening relations between the Press and the authorities and the Press and the public, he said.

The public had for months been subjected to an unprecedented, unbridled campaign of insinuation, doubt, suspicion and destruction, he said.

"It is as if a devil of political destruction has entered some pens that spare no person, no government institution and no public process."

It seemed as if the participants in this action wanted to bring down in the shortest possible time the pillars of honesty, trust and belief on which society rested without regard to the consequences even for the newspapers themselves.

Victims

They were the victims of a journalistic philosophy which stated that government and Press had to be sworn enemies, the Prime Minister said.

Emphasising that he was referring to an attitude of "only a part" of the South African Press, Mr Botha said he was not concerned in the first place with par-

ticular untruths or distortions, as these were only symptoms of the kind of journalism to which he was referring.

The Newspaper Press Union had asked the Government to make better and more frequent use of the Press's own machinery as embodied in the Press Council.

The Press code, however, could not be effective against people and institutions which ignored the spirit of the code and operated outside it.

The question also had to be asked whether the Newspaper Press Union controlled newspapers which did not belong to it, he said.

Warning

Reaction against the behaviour of certain newspapers was not restricted to supporters of the Government; neither was it restricted to one language or racial group.

Warning that the Government could not ignore mounting demands for legislative or administrative action, Mr Botha said:

"We do not want to pull out the weeds to the detriment of the healthy plant," but the situation could not be allowed to continue.

It was the duty of the public and its unofficial opinion formers to say: "So far and no further," and thus show the way to an intelligent solution which had become a national need.

Police

Arqu. 24/4/77

call at

city ²⁴³

editor's

office

DETECTIVES called at the office of the editor of the Cape Times, Mr A H Heard, today and said they were investigating criminal charges against the newspaper.

They referred to three incidents. A statement by Dr Eschel Rhodie about Mr J T Kruger, Minister of Justice, which was the subject of a temporary court order last month, and two cases of allegedly taking or publishing pictures of prisoners without authority.

Major Loubser of the CID accompanied by a Detective Sergeant Van Zyl called at the Burg Street offices of the Cape Times at 11 am and said they were investigating alleged contraventions of the law.

They sought statements from Mr Heard and from Cape Times staff who had been involved in the cases under investigation. They are to return to the Cape Times on Friday in connection with the matter.

On an application to the Cape Supreme Court by Mr Kruger, the Cape Times and other SAAN newspapers were temporarily interdicted from publishing the Rhodie statement in the early hours of Monday, March 12 but later, on the return date, the court dismissed Mr Kruger's application.

It ordered Mr Kruger to pay the costs personally, because it found that he had brought the action in his personal capacity.

P W Botha^{CT} waiting for^{24/4/79} NPU reply⁽²⁴³⁾

Political Staff

HOUSE OF ASSEMBLY —
The Prime Minister, Mr P W Botha, said yesterday he was waiting for a reply from the Newspaper Press Union before deciding whether to take action against the press.

His statement casts a new light on his "well-thought-out" announcement on the press last week.

In answer to a challenge to spell out whether he intended to pass his threatened "anti-rumour-mongering legislation", Mr Botha said he was waiting to hear from the Newspaper Press Union.

Mr Botha has had talks with the NPU since becoming prime minister. The last round of talks, held earlier this year, are believed to have ended in deadlock, leading to widespread speculation that press legislation was on the cards.

Mr Colin Eglin, Leader of the Opposition, yesterday challenged Mr Botha to say whether he intended to go ahead with legislation against the press.

Mr Botha said he was waiting for the reply of the NPU

and referred Mr Eglin to his "well-thought-out statement" made last week.

That statement in which Mr Botha warned of "an evil spirit" which he said had taken hold of some sections of the press, has been widely interpreted as a hint that the government may take action to further curb the press.

Mr Botha accused "some newspapers" of being intent on pulling down the community's pillars of honour, faith and trust, and showing a "negative anarchic attitude which could mean the downfall of democracy".

Mr Botha said action would only be taken after proper consultation with leaders of "the responsible free press in the country".

He also stated that authorities at all levels had to be open with the public and therefore with the press, the most important channel of information between government and people. Information which the public had the right to know could not be kept secret.

from the Burger

Press freedom

THE comprehensive policy statement on press freedom made by the prime minister in parliament on behalf of the government, deserves the close attention of everybody who has press freedom — that priceless freedom that thrives only in a handful of democracies — at heart

On the one hand, the statement was a strong reaffirmation of the government's belief in press freedom. It sees the press as the vitally necessary bearer of accurate information, it acknowledges its functions of watchdog and its right to criticize, and it emphasizes the public's right to know.

On this clear view the authorities, public and press in a healthy democracy should be at one.

On the other hand, however, the prime minister felt himself called upon to warn seriously against abuse and decay in a section of South African political journalism of recent times. Such concern is shared in wider circles than merely that of the government.

The "negative, destructive, anarchist attitude in a section of the press", to which the prime minister referred, was previously also noticeable in newspapers which ran down the

late United Party until its death. The result of their destruction is the pathetic Opposition which the country has to put up with today.

Above, and beyond their attitude, it so happens that this press sector, which can sometimes become extremely arrogant about others, is in the untenable position that a considerable part of their shareholding is kept secret.

The unhealthy state of these newspapers — newspapers which are supposed to be a public trust — to a large extent makes a mockery of their claims to press freedom. If this secrecy is not brought to an end and their shareholders made public, they will increasingly expose themselves to the accusation that they are threatening press freedom just as seriously as abuse of that freedom can do it.

The prime minister further expressed misgivings about the

effectiveness of the Press Council, although he lauded the Press Code.

Sensible newspapers would prefer bottlenecks that could exist to be eliminated through negotiation and the functioning of the press's disciplinary body made more effective, if necessary, rather than that a law should be made.

Likewise the Press Union should make it their business to get all newspapers that should obey the Press Code, under its wings. The member papers would probably also be more at ease if the SABC were to obey the same Press Code and be subject to the same disciplinary measures.

The key to the prime minister's approach that he does not want to pull out the weeds to the detriment of healthy plants, is finally of the greatest interest to Afrikaans-Nationalist papers whose credibility could wane if the government should

go to extremes

However strongly these newspapers realize that press freedom is indivisible, just as strongly will newspapers where an "evil spirit" is noticed, have to realize that a heavy responsibility rests on them in the name of press freedom to give heed to the government's appeal for reflection and heart-searching. For, when all is said and done, responsibility which is expected of a free press in a country such as South Africa is just as indivisible as press freedom itself.

'No need to withhold names from Press'

Political Reporter

9
243
2001
NAMES of the presiding magistrate, and the prosecutor handling Pass Law cases are, not normally withheld from the Press, a spokesman for the Department of Plural Relations has said.

He was reacting to a report in the Sunday Express at the weekend saying that officials at the Plural Relations Administration Court C in Market Street, Johannesburg, refused to give the names of the officers.

"There is nothing against the issuing of the names," the spokesman said.

According to the report, the prosecutor said he was not allowed to give his own name or that of the magistrate. The clerk of the court said he was forbidden to give the magistrate's name

and added that he was not allowed to say who had given the instruction.

The newspaper asked the Plural Relations Affairs Administration Commissioner, Mr P J C Steyn, if he was refusing to disclose the magistrate's name and assured him it was a normal requirement of court reporting.

Mr Steyn reportedly replied. "Not always. Anyway, I don't mind. The Court C magistrate is Mr H L G K Wendelborn."

According to the newspaper, Mr Wendelborn was the magistrate presiding when it previously reported C Court. The court's officials still refused to say whether the new magistrate was Mr Wendelborn or someone else, the report said.

Police question editor

Own Correspondent

CAPE TOWN — Detectives called at the office of the editor of the Cape Times, Mr A. H. Heard, yesterday and said they were investigating criminal charges against the newspaper.

They referred to a statement by Dr Esché Rhodie about Mr J. T. Kruger, Minister of Justice, the subject of a temporary court order last month, and two cases of allegedly taking or publishing pictures of prisoners without authority.

The detectives sought statements from Mr Heard and staff members.

On an application to the Cape Supreme Court by Mr Kruger, the Cape Times and other SAAN newspapers were temporarily interdicted from publishing the Rhodie statement in the early hours of Monday, March 12.

On the return date, the court dismissed Mr Kruger's application.

It ordered Mr Kruger to pay the costs personally, because it found that he had brought the action in his personal capacity.

Complaint about Express lapses

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29/4/79
Smit

THE Press Council has declared that a complaint by the Commissioner of Police against the Sunday Express in connection with an article on the Smit murders has lapsed.

The chairman of the Press Council, Mr Oscar Galgut, has ruled that the complaint will not proceed to a hearing

His decision comes six months after the complaint was first lodged by the Commissioner of Police, General Mike Geldenhuys, against an article published in the Sunday Express last November under the headline "Smit was on secret Government probe"

The Sunday Express planned a vigorous defence against the complaint

Two days after the original report was published, Sunday Express assistant editor Mr Kitt Katzin was subpoenaed under Section 205 of the Criminal Procedure Act to appear before a Johannesburg magistrate and answer questions about the identity of his sources.

The subpoena was served in spite of an assurance being given by Mr Katzin that he would voluntarily answer all questions put to him by police and did not need to be subpoenaed

When Mr Katzin appeared in court, proceedings were conducted in camera as the prosecutor argued that the information he would be giving related to an ongoing police investigation that could be prejudiced by becoming public knowledge.

Yet, two weeks later, the full record of these "secret" proceedings was put in the way of becoming public by the police when they used it as part of their complaint to the Press Council.

In the complaint, the Commissioner of Police stated that several paragraphs of the Sunday Express report contained untruths or distortions.

General Geldenhuys failed to follow up his complaint with a request for a Press Council adjudication — despite being informed that the complaint would lapse unless a request for adjudication was made.

POLICE FAIL TO PRESS CLAIMS OF DISTORTION

By JENNIFER HYMAN



● Gen Geldenhuys ... no follow-up

Explaining his latest ruling, Mr Justice Galgut said the police had intimated that they were prepared to accept his suggestion that the matter lapse

He stressed that his decision was not to be construed as in any way suggesting that he had given any ruling on the merits of the police complaint.

In a 27-page statement by Mr Katzin, which would have been filed with the Press Council had the hearing gone ahead, reference is made to a number of "highly unsatisfactory aspects" of the matter which Mr Katzin then listed

● On November 20, the day the Prime Minister issued a statement denying the truth of allegations of fact contained in the Sunday Express report, Mr Katzin was telephoned by the police and told that a Section 205 subpoena was to be served on him.

"I immediately agreed to call at John Vorster Square the next day to answer any questions they wished to ask me," Mr Katzin said.

An appointment was made with the police and when Mr Katzin arrived at John Vorster Square the next day, he was told that a subpoena had to be served on him

● Mr Katzin said that at the time the police knew very well who his informant was and what she had told him because they had in

their possession two of her affidavits made the same day

The prosecutor, too, knew the name of his informant before proceedings started in the magistrate's court the next day, said Mr Katzin, as he (the prosecutor) quoted from two affidavits supplied by the informant

"As the police and prosecutor already knew the name of my informant and the information she gave me, and as the complainant has divulged the full proceedings in camera within two weeks, I believe that the whole procedure in terms of section 205 of Act 51 of 1977 was used for wrong purposes"

● Mr Katzin also states that while the prosecutor had in his possession at

least two affidavits made by the informant, he did not reveal this to Mr Katzin during questioning until near the end of the examination.

Nor did the prosecutor divulge that he had affidavits that were in conflict with each other and at no stage did he put to Mr Katzin those parts of the affidavits that supported and corroborated his evidence and the Sunday Express report

Mr Katzin's statement dealt at length with the three affidavits made to the police by his informant. These statements contradicted each other on essential points, he said

He also pointed out that his informant had never contacted either the Editor of the Sunday Express or himself to complain that she was misquoted, that Mr Katzin had written untruths, or that he had published in breach of any undertaking or understanding with her

Mr Katzin concluded his statement by saying that he felt the process of the Press Council and of the provisions of Act 51 of 1977 had been "gravely abused" by the Department of Justice

Argus 30/4/79

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To the Point: Press Council's about-turn

Argus Correspondent
DURBAN. — In a dramatic about-turn, the South African Press Council said today that two newspapers, fined a total of R2 000 because of their 'incorrect' disclosures about the magazine To the Point, would now get another hearing.
The newspaper Beeld, fined R500 and the Sunday paper Rapport, fined R1 500, were severely reprimanded for their in-

situations that the magazine had close ties with the now defunct Department of Information.
The complaints were made to the council in 1976 by the then Secretary for Information, Dr Eschel Rhodie, and both papers were ordered to print full apologies and denials immediately.
In terms of the Press Code, Rapport was ordered to publish on its front page an apology to Dr

Rhodie and the department.
Mr G G A Uys, registrar of the Press Council and secretary of the Newspaper Press Union, said today there was no provision in the Press Council's constitution to reopen old cases.
'Obviously we must now treat these present circumstances as a test situation.'
He said both newspapers were now entitled to come

back to the council in the light of the new evidence in the Information debacle, and that they would be given fair hearings.
Mr Ton Vosloo, editor of Beeld, said they were considering what action to take. 'It is not the money so much as the principle involved,' he said.
A spokesman for Rapport also said that they would make a decision later.

~~(1) 227~~
~~(2) 259~~
~~(3) 243~~

Express editor is cleared

11/5/79 243

DURBAN. — The editor of the Sunday Express, Mr Rex Gibson, and one of his reporters were acquitted yesterday at the Durban Criminal Sessions of contempt of court and criminal defamation.

Mr Justice Milne also cleared South African Associated Newspapers of the same charges.

The State alleged that an article written by Miss Jennifer Hyman and published in the Sunday Express of May 21 last year defamed Maritzburg advocate Mr Jan Niehaus and constituted contempt of court because it cast suspicion on the administration of justice and pro deo counsel appointed in terrorism cases.

The court found the accused had not committed contempt by commenting that pro deo counsel were too inexperienced to defend in complex terrorism trials.

The article was not an attack on the dignity or authority of the court, did not refer to any judges, suggest that pro deo counsel in general was appointed by any judge or magistrate, or suggest the judiciary did not perform its function.

Mr Justice Milne said that as a rule pro deo counsels were appointed by a member of the bar or the bar committee on behalf of the Registrar of the Court.

There were occasions when pro deo counsel were inept or even incompetent,

but they were still qualified and entitled to appear.

"I believe the system of appointing pro deo counsel is an indispensable part of the administration of justice. The system we have may be the best available in the circumstances."

Mr Justice Milne said there was no way in which the article could hamper justice.

The accused had acted reasonably and prudently in obtaining legal advice about the article before it was published and had not intended to bring the court into contempt.

Mr Justice Milne said there was nothing in the article that would enable the average, reasonable reader to identify Mr Niehaus as the pro deo counsel. The report did not name him, but quoted an attorney as saying that three men charged under the Terrorism Act had been advised to plead guilty by their pro deo advocate.

The court accepted that Mr Niehaus had not advised his clients in this manner.

Mr Justice Milne had no doubt that the prosecution was actuated with good intention and it would be unfortunate and contrary to public interest if the Press were to be discouraged by prosecutions like this from reporting on matters like those dealt with in the article — unless there was serious injury to the individual.

Editor found not guilty

CT. 15/19
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DURBAN — The editor of the Sunday Express, Mr Rex Gibson, and a reporter, Miss Jennifer Hyman were found not guilty and discharged in the Supreme Court here yesterday on charges of criminal defamation and contempt of court

The case arose from a report written by Miss Hyman in the Sunday Express of May 21 last year, headed "Accused face 15 years' jail with pro Deo defence"

The report said many political detainees were brought to trial with pro Deo advocates without the knowledge of their families or the legal representatives appointed by their families

The State alleged that the report was calculated to bring the administration of justice into disrepute and that it criminally defamed a Maritzburg advocate, Mr Jan Niehaus, by suggesting he was incompetent in performing his duties as a pro Deo advocate for three men charged under the Terrorism Act

In a 2½-hour judgment yesterday, Mr Justice A J Milne said that in regard to the charge of criminal defamation, it could not be proved that an ordinary and reasonable reader would have been in a position to identify Mr Niehaus as the pro Deo advocate referred to in the article

He said the report did not mention Mr Niehaus by name, but quoted a Johannesburg attorney as saying that the men had been advised to plead not guilty by their pro Deo advocate

The court, however, accepted that Mr Niehaus did not in fact advise his clients in this manner

Contempt charge

On the second charge of contempt of court Mr Justice Milne said members and committees of the different Bar councils were invariably responsible for the appointment of pro Deo advocates, not the courts

He said he accepted that pro Deo counsel were usually drawn from junior ranks of the Bar, and said that members of the Bar were themselves aware of the deficiencies of the system, especially in political cases

Mr Justice Milne said the newspaper had sought legal advice on the subject before publication and that it was improbable that Mr Gibson would have gone ahead knowing that the report constituted contempt of court — Sapa

Editor, reporter acquitted

NM
1/5/79

(243)

Court Reporter

THE editor and a reporter from the Sunday Express were yesterday acquitted at the Durban Criminal Sessions of contempt of court and criminal defamation.

Mr Justice Milne also cleared South African Associated Newspapers, represented by Express editor Mr Rex Gibson of the same charges

The State alleged an article written by Miss Jennifer Hyman in the Sunday Express of May 21 last year defamed a Pietermaritzburg advocate, Mr Jan Niehaus, and cast a bad reflection on the administration of justice and pro deo counsel appointed to act in terrorism cases.

The Court found the accused had not committed contempt of Court by using comments which said pro deo counsel were too inexperienced to appear for the defence in

complex terrorism trials

The article was not an attack on the dignity or authority of the Court, did not refer to any judges, suggest that pro deo counsel in general was appointed by any judge or magistrate or suggest the judiciary did not perform its function.

Mr Justice Milne said that as a rule pro deo counsel were appointed by a member of the Bar or a Bar committee on behalf of the Registrar of the Court

There were occasions when pro deo counsel were inept or even incompetent, but they were still qualified and entitled to appear before the Court

"I believe the system of appointing pro deo counsel is an indispensable part of the administration of justice. The system we have may be the best available in the circumstances and it may be impossible in the prevailing circumstances to improve on it"

The Judge said that sometimes inept counsel were permitted to appear because some representation was better than none at all

Mr. Justice Milne said that there was no way in which the article could hamper the administration of justice.

Not 'violets'

Advocates were not a profession of "shrinking violets" and would not be deterred by the report from taking on pro deo cases

The accused had acted reasonably and prudently in obtaining legal advice about the article before it was published and had not intended, directly or indirectly, to bring the Court

Nothing

Dealing with the criminal defamation charge, Mr Justice Milne said that there was nothing in the article that would enable the average, reasonable reader to identify Mr. Niehaus as the pro deo counsel referred to

Mr Justice Milne said that he had no doubt that the prosecution was actuated with good intention but it would be unfortunate and contrary to public interest if the Press were to be discouraged by prosecutions like this from reporting on matters like those dealt with in the article, unless there was serious injury to the individual.

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— DDC

Six face pass charges

ROM 1/5/79

Staff Reporter

SIX journalists were bailed in the Protea Magistrates Court yesterday on charges of entering a black area without valid permits

Before Mr I W Viljoen were Mr Mohamed Ameen Akhalwaya, 33, of Lenasia, Miss Shirley Theresa Lue, 29, of Johannesburg, Mr Samuel Pop, 48, of Eldorado Park, Mr Mike David Norton, 40, Miss Alice Diana Jacobus, 42, and Mr Stephen Young, 51, all of Bosmont

They were arrested at a Security Police roadblock in Orlando East, Soweto, on Sunday

Detained with them was International Federation of Journalists member Mr Ole Johan Eriksen, visiting South Africa on a fact-finding tour.

All seven were returning from a meeting of the Writers' Association of South Africa in Orlando, where Mr Eriksen was guest speaker.

They were taken to the Orlando Police Station and then to Protea Mr Eriksen, a Norwegian, was interrogated for several hours before being allowed to go

The six accused were not asked to plead and the hearing was postponed to May 30.

~~(1) 343~~
(2) 243
~~(3) 243~~

Parliament

Bills 'inhibit Press freedom'

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Argus 2/5/79.

Death knell of democracy—NRP

Parliamentary Staff

THE controversial Inquests Amendment Bill and Police Amendment Bill came under sharp fire in the Senate yesterday amid opposition charges that they made grave inroads into Press freedom and sounded the death-knell of democracy in South Africa

Spearheading the opposition attack on the contentious measures, Senator Monty Crook, of the New Republic Party, said that the two Bills had to be seen as a complementary pair which would pull a veil of secrecy over police actions

He warned that the Police Amendment Bill would lead to a proliferation of misdeeds by the 'black sheep' in the police force because the Bill would allow them to act in secrecy.

PENALTIES

The Police Amendment Bill provides for penalties of a R10 000 fine and/or five years' imprisonment for anyone who publishes 'untruths' about the police with the onus resting on the publisher to prove that he had reasonable grounds for believing that what he published was the truth.

The controversial clause in the Inquests Amendment Bill makes it an offence punishable by a R500 fine and/or six

months imprisonment for any person to prejudice, influence or anticipate the proceedings or findings of an inquest

Senator Crook said that the object of this measure was to 'cripple and neutralise' the effect of investigative journalism in South Africa especially in relation to death in detention.

PREVENT

He said that with the measures contained in the two Bills the Minister of Justice, Mr Jimmy Kruger, would be able to prevent the Press from investigating the circumstances of a death in detention.

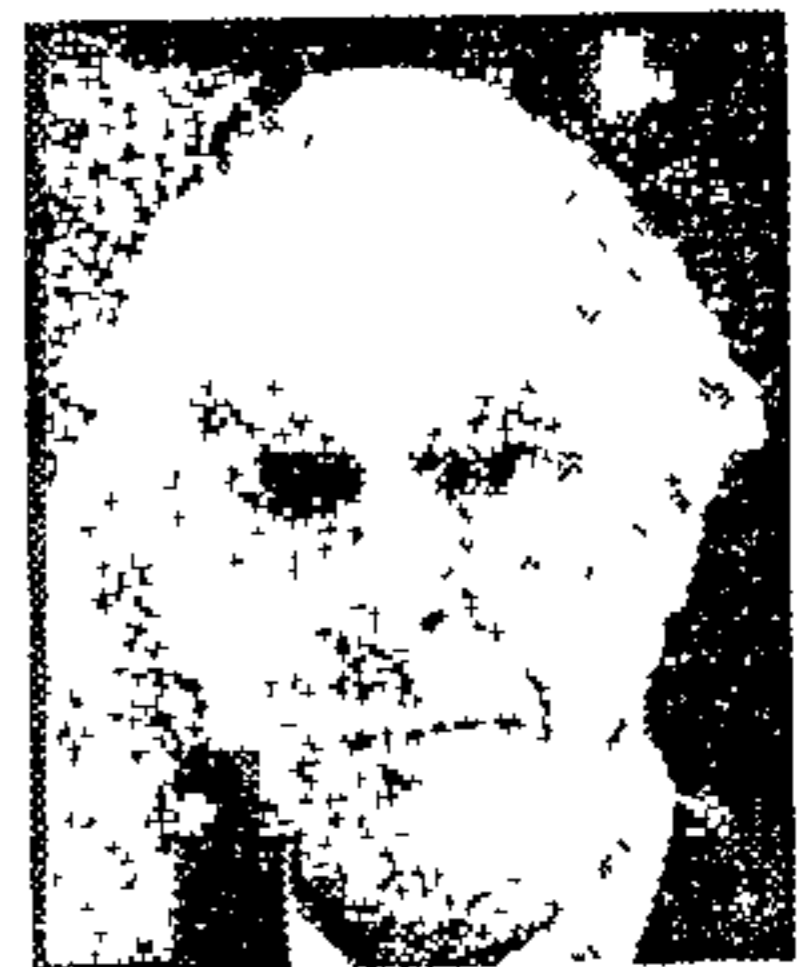
Speaking during the second reading debate on the Inquests Amendment

Bill, Senator Eric Winchester of the Progressive Federal Party, said that the Bill put another nail in the coffin of democracy.

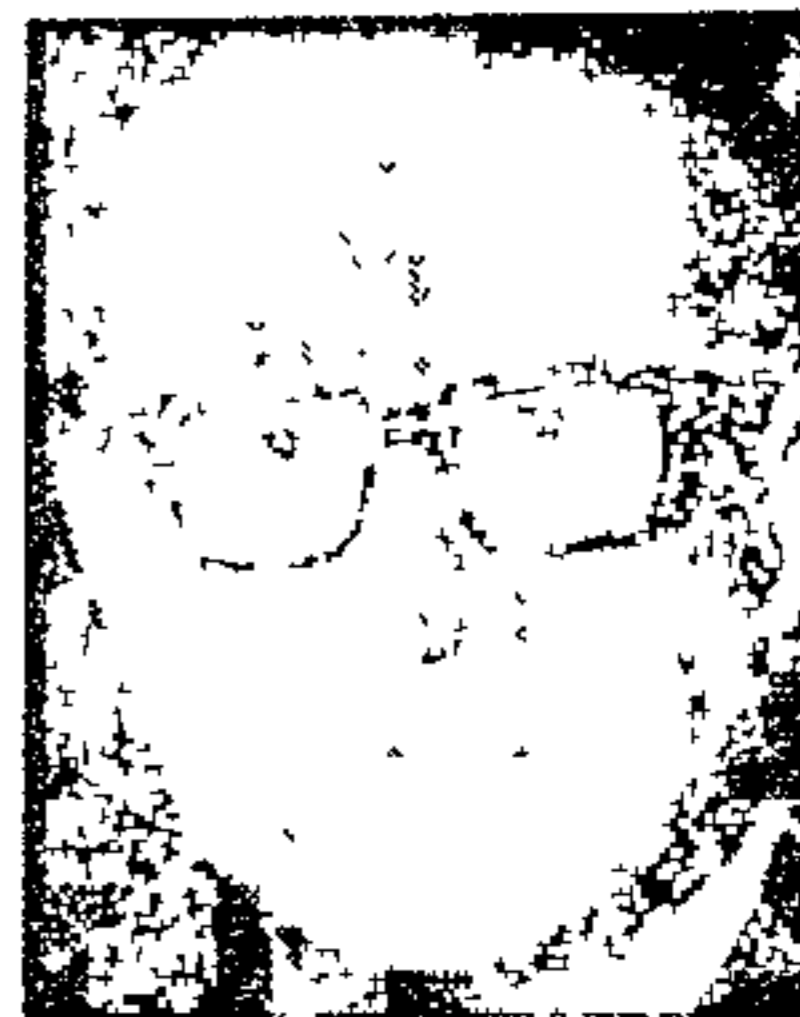
He said that the Government and the Minister of Justice could not have very much confidence in the judicial officials who conducted inquests if they found it necessary to protect them with legislation such as the Inquests Amendment Bill.

Replying to the debate on the Inquests Bill, Mr Kruger denied that he was opposed to investigative journalism

'I consider it to be part and parcel of Press activities and have no problem with it,' Mr Kruger said.



Senator Monty Crook



Mr Jimmy Kruger

Kruger accused of 'obsession with the Press

Argus 2/5/79

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THE Minister of Justice, Mr Jimmy Kruger, told the Senate yesterday that he had never tried to run away from his now notorious remark that the death in detention of black consciousness leader, Mr Steve Biko, had 'left him cold.'

Mr Kruger was reacting to an allegation by Senator Eric Winchester, the Progressive Federal Party's lone representative in the Senate, that his Biko remark to the Transvaal National Party congress two years ago had caused South Africa more damage than the 'Rhodie affair'.

It was as though Mr Kruger wanted to serve a reminder that he still identified solidly with his controversial remark although his motives for doing so had one guessing.

The extraordinary exchange came during the second reading debate on the contentious Inquests Amendment Bill in the Senate yesterday.

HEADLINES

Senator Winchester said that the Minister had an obsession with the Press and would 'do his damndest' to limit and restrict its freedom.

'I don't blame him though because he has given the Press some of their biggest headlines with his unwise utterances,' he said.

'There is no need to be personal,' interjected Mr Kruger.

'I am not being personal with the Minister. I am saying that he is introducing this legislation because he has an obsession with the Press.'

BIKO

'He said that the death of Biko had left him cold. This did more damage to South Africa than the Rhodie case,' Senator Winchester said.

'Senator Winchester started off with a personal vilification of me. But I don't mind. I am not sensitive about it,' said Mr Kruger as if to reassure himself.

'There was the remark



He had fought an election against candidates of the PFP and the Herstigte Nasionale Party and in spite of the personal criticism against him had won convincingly.

'If the votes of the two candidates had been taken together they would still have lost their deposits,' Mr Kruger said, driving his point home.

Senator Winchester, on the other hand, had been rejected by the electorate because he was a man who played the man and not the ball.

At least the man was alive

Mr Kruger also reacted sharply to criticism by Senator Monty Crook of

the New Republic Party that the Bill was aimed at crippling and neutralising the effect of investigative

The Minister emphasised that he had no problem with investigative journalism and invited it both in his private and public life.

'I consider it to be part and parcel of the activities of the Press. They can do it as much as they like,' declared Mr Kruger in a moment of generosity.

At another point in his speech Senator Crook quoted Mr D P de Villiers, managing director of Nasionale Pers, as saying that the Police Amendment Bill would have the effect of pulling a veil over police matters.

'Nonsense,' interjected Senator A M van Schoor of the National Party.

Senator Crook was speechless. Here was an opinion former of infinitely higher standing than Senator van Schoor and he was saying that he was talking nonsense.

'His conclusions can be wrong,' said Senator van Schoor. 'Aren't there wrong thinking Nationalists?' continued the Nationalist senator reminding Senator Crook that even Nationalists could have wrong thoughts

As if he didn't know.

I didn't try anything from it, the Minister said. I faced my electorate warts and all, said Mr Kruger.

Pik drops new Info bombshell

spokesman for his office said it was impossible to speak to Senator Horwood as he was very busy

Senator Horwood had made a formal statement saying he stood by what he said to the Erasmus Commission, the spokesman said.

The chairman of the Pretorius Committee, Mr A Pretorius, said yesterday he had given a briefing to the State Security Council on all the secret Info projects during November last year

Asked which Cabinet Ministers were included in the State Security Council, Mr Pretorius referred the Rand Daily Mail to the Prime Minister's office

Further investigation revealed that the State Security Council consists of the Prime Minister and Minister of Defence, Mr PW Botha, Mr Pik Botha, Minister of Foreign Affairs, Mr J T Kruger, Minister of Police, and "any other Minister whom the Prime Minister wishes to co-opt"

The council also includes the Secretaries of Security Intelligence, Foreign Affairs and Police as well as the Chief of the South African Defence Force

Asked whether the Minister of Finance had been co-opted on to the council to discuss Government financing of secret projects, Mr Pretorius said "Yes, I believe it could have been so (dit was seker so), but I am in no position to confirm or deny that any member of the Government was on the council. I report to the Prime Minister and not to the Press. The office of the Prime Minister

will be in a position to tell you"

A spokesman for the Prime Minister's office said last night he was not able to release the names of members of the State Security Council who vetted the secret Info projects last year

The Opposition has called on the Erasmus Commission to recall Senator Horwood to answer allegations made by Dr Connie Mulder, the former Minister of Information

In a statement published in the Rand Daily Mail yesterday, Dr Mulder alleged that in installing pages containing a schedule of proposed secret expenditure by the former Department of Information last year, Senator Horwood placed his initials next to the words To the Point, at the bottom of one page of the document and had cancelled these same initials at a later stage — and thus must have seen the item twice.

Senator Horwood is expected to come under pressure in Parliament later this week when the Finance budget vote is debated and the Opposition has had an opportunity to test the validity of the Mulder allegations

Also expected to come under strong attack is the issue of which Ministers had knowledge of the fact that the former Secretary for Information, Dr Eschel Rhoodie, apparently committed perjury when two newspapers, Beeld and Rapport, were fined a total of R2 000 in 1975 by the Press Council for suggesting that Dr Rhoodie had links with To the Point

THE Government will reimburse those newspapers fined in 1975 by the Press Council for reporting on the connection between the now defunct Department of Information and the weekly magazine, To The Point, the Minister of Foreign Affairs, Mr Pik Botha, said last night.

"I also intend approaching the chairman of the Press Council to ascertain what can be done to review those findings so that the innocence of the relevant newspapers can be placed on record"

He said that in 1975 certain papers had been convicted "in good faith" by the Press Council for breaching the Press Code. "The Press Council based its judgment on, among other things, evidence given by former Information Secretary Dr E M Rhoodie. "Actually, Dr Rhoodie was apparently the complainant at a time when he knew that there was not only a connection, but direct financial support

"Injustice of the worst degree was committed against these papers. "Common decency demands that the fines imposed on them and that their legal costs, if they incurred such costs, be repaid to them," Mr Botha said — Sapa

By HELEN ZILLE Political Correspondent
CAPE TOWN. — The Pretorius Committee reported to the Government last November on To The Point and other secret projects, the Minister of Foreign Affairs, Mr Pik Botha, said yesterday.

Yet four months later, on March 23 this year, the Minister of Finance, Senator Horwood, told the Erasmus Commission he had "no specific knowledge" about State funds being siphoned to To The Point.

"I have no specific knowledge on that," he said in reply to a question by one of the commissioners, Mr A J Lategan, "no knowledge which I can regard as authoritative, other than what I have read and what I have heard about this one"

Mr Botha said in an interview yesterday To The Point was one of the 138 secret projects discussed with a Cabinet committee after the Pretorius Committee had drawn up a full list "some time in November last year"

Mr Botha, also said the full list of projects had been discussed with the State Security Council in consultation with the Pretorius Committee.

Mr Botha refused to say which Cabinet Ministers had been given access to the list of projects.

Asked whether Senator Horwood had been given access to the list of projects or been a member of the Cabinet committee, Mr Botha said, "Don't ask me that. Ask Senator Horwood"

Asked whether he could not simply deny that Senator Horwood had been member of any of the bodies that had vetted the projects, Mr Botha replied "On principle I cannot answer for one of my colleagues."

Senator Horwood was unavailable for comment on the matter yesterday

SENATOR HORWOOD denied knowledge



Pik drops new Info bombshell

PRICES ELSEWHERE ON BACK PAGE

To Page 2

Hands off the Press, says Catholic paper

3/5/76
RDM
243

CAPE TOWN. — The free Press had a duty to publish allegations of corruption in public life, the Roman Catholic newspaper, the Southern Cross, says in its current issue

In an editorial headed "Hands off the Press" the newspaper says

"The South African Government's desire for new legislative curbs on the Press shows little understanding of how newspapers are made

"It sounds fine to say that newspapers must not publish rumours or allegations unless the editor can prove in court that he had reasonable grounds for believing they were true.

"But this overlooks the point that newspapers do not simply report events. They also report what prominent people say

"When an Eschel Rhodie, for instance, decides to spill beans, a fair proportion of the public will want to hear his allegations, which does not necessarily mean they will believe them all"

The Southern Cross went on "The editor's responsibility is to see that his report is accurate. But he cannot be expected to verify or vouch for what was said

"That is a matter for subsequent commissions of inquiry and courts of law. Nor can he sit on a reported interview or Press statement, for hours or days or weeks while looking for

others to corroborate it"

"If a Dr Rhodie did say what a newspaper says, he said, then the report is true, whatever one may think of the allegations it contains"

It says no editor should make assertions which he is not prepared to justify. But the free Press has a duty to publish allegations of corruption in public life by those apparently qualified to make them so they may be investigated

"Of course, no government enjoys such exposure. But it takes some cheek to react to it by seeking to muzzle the organs of information and opinion

"Any government exists to serve the common good, which demands that corruption be discovered and checked

"Does anyone believe the Information scandal would have been curbed to the extent it has but for the freedom enjoyed and exercised by the opposition Press here?"

"The desire to prevent the publication of damaging allegations shows a lamentable failure to appreciate how much more seriously the worldwide credibility of any government is damaged by hindering the Press from fulfilling its watchdog function

"Not every bark will give away a burglar, but what a field day the burglars will have when the barking stops" — Sapa

Army stops presses so paper censors article

'Mail' Africa Bureau

WINDHOEK. — The front-page of today's weekly edition of the Windhoek Observer has been heavily censored on the instructions of South West Africa's military command

The head-on clash between the military authorities and the Observer's outspoken editor, Mr Hannes Smith, culminated in an army "request" to the printers to stop the presses as the partly censored English newspaper was being produced

Mr Frans Aucamp, assistant manager of the Sudwes-Drukkery printing works, said as the Observer started rolling off the presses he had a request from the army to stop printing until further notification.

The Observer's front-page picture and accompanying report had already been partly censored at that stage, but it was decided to black out all of the offending story.

Mr Smith said he was ordered by the SA Defence Force's Press liaison officer, Lieutenant-Commander Andre

Brink, not to publish the story "otherwise the army would confiscate every copy of the Observer".

"The story involves a secret military project which was to refute claims made in secret reports circulating overseas," Mr Smith said

"It was not a sensational story. In fact, if it was released, it could have been highly complimentary to the SADF."

Mr Smith was in another well-publicised clash with the Minister of Defence, Mr P W Botha, a couple of years ago when he was editor of the daily Windhoek Advertiser.

At the time, his newspaper's accreditation in the Newspaper Press Union agreement with the SADF was withdrawn by the Minister. It was returned to him a few weeks later, Mr Smith said

Lieut-Commander Brink said last night he had told Mr Smith he could not publish one of his front page reports.

"Even after I asked him not to print anything, he did so. I asked the printers to stop the presses while I consulted my

superiors, but satisfactory arrangements had been made by the time I contacted them again."

Asked whether he had threatened to confiscate copies of the Observer, Commander Brink said "I didn't threaten him but we do have ways and means if it comes to the push."

Meanwhile, in another defiant front-page story last night the Observer said army headquarters had "flatly refused to clear the true facts of what is happening somewhere in SWA".

Mr Smith reported that the military authorities had "muzzled" the Observer concerning the facts about the death of a South African soldier, Mr P J L du Plessis, from Twytelpoort, Colesberg

Act amendment limits free press

CF. 7/5/79

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Own Correspondent

JOHANNESBURG. — The changing of one word in the English version of the Publications Act has reopened the prospect of wide-ranging prosecutions following the banning of books, newspapers and magazines.

It is also, says Professor John Dugard, a rebuke of the Appellate Court and could constitute a "grave interference with press freedom"

The amendment, which became law last month, follows the case of Sean Moroney, whose conviction under the Publications Act was set aside by the Appeal Court

Mr Moroney, former editor of Wits Student, the student newspaper of the University of the Witwatersrand, was charged with producing two undesirable publications — 1975 issues of Wits Student

After his conviction, his appeal was dismissed by the Transvaal Provincial Division but upheld in the Appeal Court in Bloemfontein last July

According to Mr Dave Dalling, PFP MP for Sandton, the purpose of the amendment was to overcome the court decision in Moroney's case

It became apparent that the English version of the Act did not concur with the Afrikaans version

The contentious word in the English version was "sufficient proof" as opposed to "conclusive proof" in the Afrikaans version

As it was found that the meaning of this legislation was not absolutely clear, the English version was amended to "conclusive proof" in the Publications Amendment Act of 1979, he said

Overruled

Professor Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand, stated the amendment, saying it was clearly an attempt to limit the court's powers regarding freedom of publication

He said the amendment overruled a clear and emphatic decision of the Appeal Court in Moroney's case which sought to interpret the law in accordance with the basic principles of justice inherent in our Roman Dutch Common Law

He added that the reversal in Moroney's case had important implications for student editors

Referring to the "alarming increase" in the number of student publications banned in the past year, he said "One fears that the reversal of Moroney's case will result in the prosecution of student editors

"Such prosecutions will offend a basic principle of law because they will punish editors in respect of publications which are not unlawful at the time they are prepared, but subsequently become unlawful when banned," he said

He pointed out that while student newspapers were not members of the Newspaper Press Union (NPU) they constituted an important part of

the press in South Africa

"Prosecutions of this kind will accordingly constitute a grave interference with press freedom," he said

Professor Dugard said that while the legislature was constitutionally acting within its rights, the amendment should, however, be seen as a rebuke of the Appeal Court — highlighting the growing disagreement between the executive and the judiciary

"In recent times the executive has suffered a number of setbacks from the courts in the field of press freedom"

Among the examples he gave was the disclosures of Mr Justice Mostert, the prosecution of the Rand Daily Mail over the Information scandal and the prosecution of the Sunday Express for contempt of court and criminal defamation

Unwise course

He said the legislature was stating its rejection of the Appellate Division's concern for the upholding of principles of natural justice

Warning that the legislature was embarking upon an unwise course, he said "At this delicate stage in our history the legislature would be best advised to refrain from provoking a confrontation with the judiciary"

Editor's reply to 'album' challenge

CI 243
9/7/77

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Own Correspondent

JOHANNESBURG — The editor of the Rand Daily Mail, Mr Allister Sparks, yesterday issued the following statement in reply to a challenge issued in the House of Assembly on Monday by Senator Horwood

Senator Horwood has implied that we are in possession of "compromising pictures" of Dr Connie Mulder and that we have used these to blackmail Dr Mulder into attacking Senator Horwood

The insinuation is devoid of any shred of truth

I do not know whether any such pictures exist. The Rand Daily Mail certainly does not have any in its possession, nor have we ever seen or heard of any. And even if we were ever to find ourselves in possession of any such compromising material relating to anyone at all, we would never dream of using it in the way Senator Horwood insinuates

It must be a matter for the gravest concern that a Cabinet minister who holds a position of high public responsibility should make such a damaging insinuation without any basis in fact whatsoever

If Senator Horwood had any facts at all to back up his statement, it would be his duty to take them to the nearest Attorney-General to institute a prosecution for extortion. But of course, Senator Horwood will not do this because he cannot

This is smear politics of the worst kind — and even allowing for the fact that Senator Horwood is a politician in trouble, who is now apparently becoming desperate, I find it breath-taking in its excess

In the course of making his insinuation, Senator Horwood posed a number of questions. Here are the answers

● Q Does the Rand Daily Mail have "compromising photographs" of Dr Mulder?

● Q Did I go to Dr Mulder and ask him to make an at-

tack on Senator Horwood or did Dr Mulder come to me and ask me to make such an attack?

● A Neither. Dr Mulder issued a comprehensive set of written statements exclusively to the Afrikaans Sunday paper, Rapport, which published them in its issue of April 29. But for reasons best known to itself, Rapport did not publish Dr Mulder's detailed allegation that Senator Horwood had known specifically about the government's financing of To the Point magazine when he had told the Erasmus Commission he did not have such knowledge

Later that Sunday, Dr Mulder gave a full set of his statements to the Transvaler and the Citizen for publication

He also gave a set to the Rand Daily Mail but specifically withheld right of publication from us at that stage on the grounds that he was honour-bound to give the material to his "own" newspapers first (Dr Mulder is a director of Perskor)

Like Rapport, the Transvaler and the Citizen did not publish his allegations about Senator Horwood and To the Point

On the next day, April 30, we asked Dr Mulder for the right to publish the material. He said that he was issuing it to the whole South African press through Sapa and we should formally get it from them. We did so

● Q Does the Rand Daily Mail have an album of Dr Rhodie's pictures?

● A No. It is true that Dr Rhodie did give us access to a private album of his pictures to illustrate his interviews with us. These were made available to us by a member of his family and included pictures of Dr Mulder and Dr Rhodie on visits to Taiwan, and elsewhere

The most "compromising" picture we saw of Dr Mulder

in that album was of him at a table in the Lido in Paris with the Rhodie brothers and their wives. We published this picture prominently under the heading "Mr Censorship at girlie show in Paris"

All those pictures have long since been returned to Dr Rhodie's family

● Q Did I buy those pictures from Dr Rhodie and if so, how much did I pay for them?

● A The Rand Daily Mail did not buy these or any other pictures from Dr Rhodie and did not pay him a cent for any pictures or any information

We have published this fact of non-payment repeatedly but perhaps it is a factual detail Senator Horwood "obliterated" when reading our reports

● Q Did the Rand Daily Mail get any other information from Dr Rhodie with which to attack the government?

● A Yes. Dr Rhodie gave us for publication the damaging allegations that both Mr John Vorster and Senator Horwood knew about the government's funding of the Citizen and other secret information projects for which Dr Mulder and Dr Rhodie have been held solely responsible

Senator Horwood has also accused the Rand Daily Mail of publishing attacks on him but not being prepared to publish his replies

This is not correct. After receiving Dr Mulder's latest statements, the Rand Daily Mail's political correspondent tried repeatedly to obtain Senator Horwood's response to them for simultaneous publication, but he declined to speak to her

When Senator Horwood finally gave his side of the story in Parliament about how he had "obliterated" the details in a document as he signed it, the Rand Daily Mail gave it the splash page-one treatment that such a newsworthy statement deserved

Two South African editors Honoured for info revelations

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11/5/79

NEW YORK — Two South African editors have been chosen International Editor of the Year by Atlas World Press Review

They are Mr Rex Gibson, of the Sunday Express, and Mr Allister Sparks, of the Rand Daily Mail

They were honoured for exposing the "Muldergate" scandal

Plaques will be presented to them on June 13 at a ceremony in New York's Overseas Press Club

Both editors will then fly to Washington to address the National Press Club

The award is given annually by the New York-based monthly Foreign Press Review for courage, enterprise and leadership on an international level in advancing press freedom and responsibility, enhancing world understanding, defending human rights, and fostering journalistic excellence

Past winners include Harold Evans, of the Sunday Times of London, and Andre Fontaine, of Le Monde, of Paris

Last year it went to the editors of The Statesman of Calcutta and the Indian Express of Bombay, S Nihal Singh and S Mugaokar

"Clearly Rex Gibson and Allister Sparks have used their limited press freedom in South Africa to maximum effectiveness," writes Editor and publisher Alfred Balk

"For their example, in a nation whose destiny affects that of the entire world, Atlas World Press Review is proud to honour them"

In an accompanying article announcing the award, Mr Balk writes

The independent Sunday Express and the liberal Rand Daily Mail, both English-language newspapers, are published by the South African Associated Newspapers chain

In late 1977 their staffs, along with other journalists, began hearing rumours of irregularities in the government's Information Department, headed by Dr Cornelius Mulder, National Party leader from the Transvaal who was widely regarded as next in line to become

Prime Minister

Operating independently, reporters of the two SAAN papers began checking

At the Express the assignment went to Kitt Katzin, assistant Editor and the paper's leading investigative reporter At the Mail, the reporting was assigned to Mervyn Rees, a veteran police reporter with a reputation for extraordinary rapport with sources who hate his newspaper

At least two Afrikaans papers also had reporters checking the story, and the Sunday Times, another SAAN paper, later assigned as many as six reporters to it

For months, however, none of the papers uncovered anything substantial and, given South Africa's restrictive press laws, substantiated enough to be considered publishable

"It was a frustrating period," says Sparks. "I would have Mervyn prepare contact reports, which he would deliver to me after a session with a particular source These became an exceedingly

important record because the story was so multithreaded it was impossible for him to retain everything in his head

Like Watergate, pieces of the puzzle were known to various insiders who were eager to help — anonymously The first "break," which Gibson says "now seems like a trivial story," came last year from several sources who were angry about a vacation trip to the Seychelles taken by Information Department officials at public expense

"We weren't sure whether the report was a false one to trap us," says Gibson, "so we made exhaustive checks and finally published Katzin's story in April

Katzin began a life of clandestine meetings and code names

"I had been told my telephone was tapped," he says, "so if any source phoned me at home they had a code If the phone rang, say, four times and then stopped, I knew which contact it was"

Last November the dam burst Anton Mostert, a respected Supreme Court judge, who headed a com-

mission to investigate suspected foreign exchange irregularities and kept following up his discoveries, had heard testimony from one of Katzin's secret sources

Gibson, knowing the paper then could subpoena that evidence if necessary, gave the go-ahead for the first bombshell that the Information Department had clandestinely financed a pro-government newspaper in Johannesburg — The Citizen — with, as Gibson puts it, "secret funds that parliament didn't know about, which was contrary to parliamentary procedures and practices

Sparks of the Mail then released a four-day barrage of Rees' contact reports

And Judge Mostert, released some of his most devastating findings

Police questioned journalists, two reporters were subpoenaed to reveal confidential sources (they refused), and Sparks was ordered to court three times, to oppose restraining orders against publication

"The newspapers here,"

says Gibson, "ourselves included, have taken the view there is a lot more to come out and the newspapers still have a role to play I think it's important to any democracy — and we still aspire to the title even though we probably don't fit within the strict definition of it — that people are entitled to know how their money is spent and be satisfied the money is not being misspent, as it clearly was in establishing a local political party propaganda organ to support the government of the day"

"We don't have a press as free as that in the US," adds Sparks, "but if one were to draw up a scale, with press freedom in the US being 100 per cent, Uganda nil, and Britain about 80, we would come out about 40 I believe our task here has been to use our 40 per cent to maximum effectiveness. I hope we've done that"

The Atlas World Press Review says "Clearly, in our opinion, Rex Gibson and Allister Sparks have done that For their example, in a nation whose destiny affects that of the entire world, we are proud to honour them" — DDC

KITT KATZIN

MERVYN REES

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CT. 14/5/79

New legislation is sixth move on press freedom

Political Staff

THE anti-rumour-mongering legislation, due to be introduced in Parliament this week, is the sixth move against the press this session.

The proposed bill, to create a new government post of advocate-general to investigate allegations of corruption, will also prohibit press publication of any allegations without the approval of a government-dominated select committee of Parliament.

The new bill, together with the Police Act Amendment Bill passed earlier this session, are the most serious assaults on press freedom since Dr Connie Mulder's unsuccessful attempt to introduce a blanket press bill two years ago.

Government critics have said the moves against the press since Dr Mulder's abortive attempt are an indication that the government is keen to go ahead with press curbs but unwilling to forfeit the advantages of appearing to be a country that upholds press freedom.

Information scandal

Instead of introducing a press bill, existing legislation is amended to prevent reporting of controversial areas.

The anti-rumour-mongering legislation has been interpreted as a direct result of the information scandal, in which the press exposed the gross misappropriation of taxpayers' money in the former Department of Information.

Most of the probing was originally based on widespread rumour and speculation, and the government's move this week is seen as an attempt to squash any further exposes.

Other laws passed this session which have curbed the press are:

● The Police Act Amendment Act

A clause in this act makes it an offence for newspapers to publish "any untrue matter" about the police "without having reasonable grounds for believing that the statement is true".

The penalty for those found guilty is a fine of up to R10 000 and/or imprisonment for five years.

Afrikaans and English newspapers throughout the Republic have united in their opposition to the measure. They have pointed out that denial by police of the accuracy of reports would succeed in squashing most reports on alleged malpractices and free the police from the restraining influence of a vigilant press.

● The Inquests Amendment Act

This makes it an offence to prejudice, influence, or anticipate the proceedings or findings at an inquest. This law will put inquests under the same *sub judice* rule as court proceedings, preventing newspapers from investigating deaths arising from unnatural causes.

It has been interpreted by many as a direct result of the Steve Biko affair when newspaper probes led to the publi-



Mr P W Botha

cation of the fact that Mr Biko died in detention of brain damage.

This contradicted the general assumption which arose after a speech on the matter by the Minister of Justice, Mr J T Kruger, that Mr Biko died after going on a hunger strike.

● The Divorce Bill, which prohibits the publication of divorce case particulars other than the names of the parties and other insignificant matters.

● The Petroleum Products Act Amendment Bill, which will effectively prohibit the press from publishing information about the origin, manufacture, transport, destination, storage or quantity of any petroleum products acquired for, or made in South Africa, other than in special circumstances.

● The National Supplies Procurement Amendment Act, which contains a similar provision for any goods or services — normally of a strategic nature — which the minister may take control over in terms of the act.

Contravention of these amendments could result in a fine of up to R7 000 or seven years imprisonment, or both.

The anti-rumour mongering bill comes three weeks after the Prime Minister, Mr P W Botha, committed the government to striving for the best possible relations with all sections of the South African press.

Secretiveness

"The printed word is still the safest and most trustworthy means of communication between authority and the people," he said.

"That which the public has an apparent right to know, no authority may keep from it. Secretiveness for the sake of secretiveness, or for the covering-up of incompetence and corruption, will not be tolerated by the government at any level of the country's administration."

However, Mr Botha accused "certain press organs and pressmen" of having conducted an "unbridled campaign of insinuation, suspicion, mistrust and debasement, without precedent in my memory".

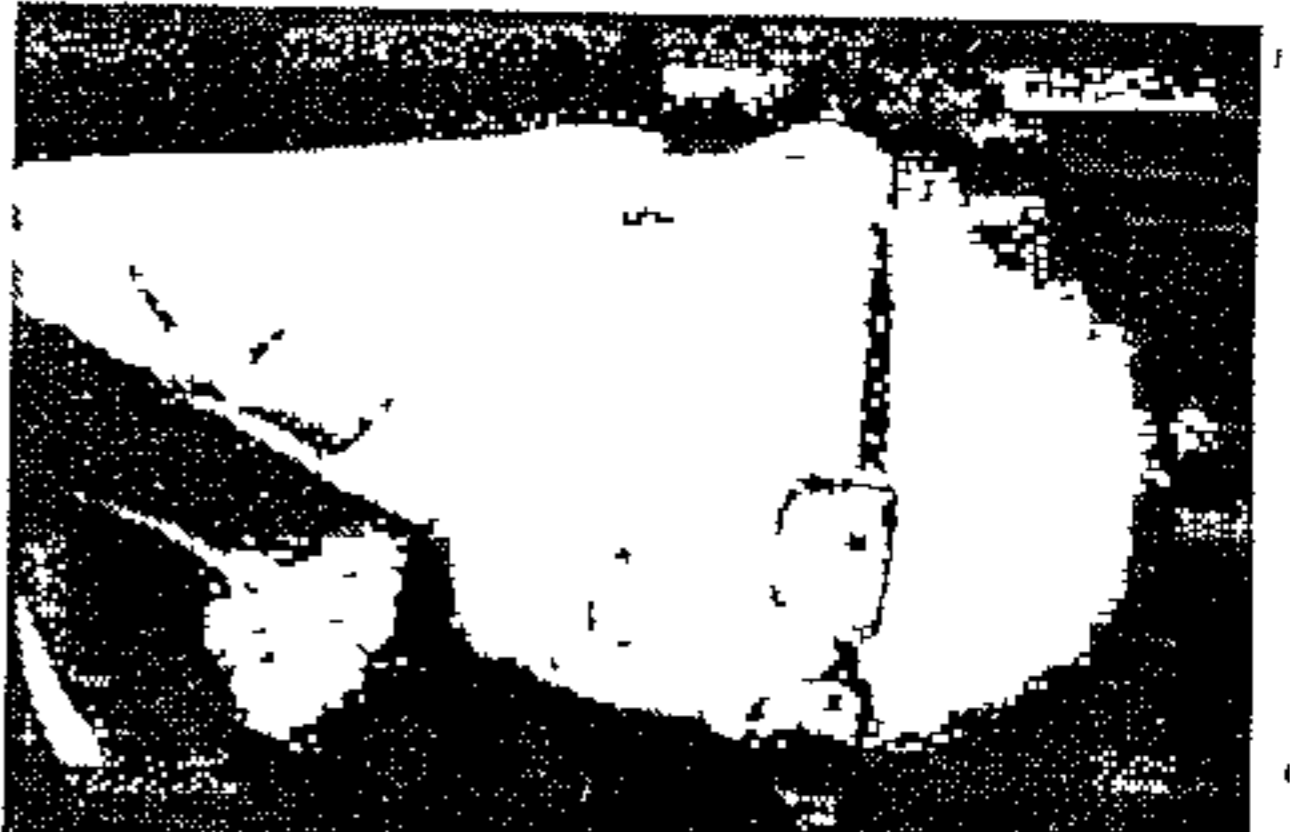
He said this was negative, destructive and anarchistic, and was an attitude that could bring about the downfall of democracy.

Mr Botha added that the government would take only those steps against the press which it considered necessary after consultation with the leaders of the "responsible free press".

6	B	MILLS Mr. M.
1	B	Maytham Ms. Y.
4	D	Mark Ms. M.
4	A	Maree Mr. J.
2	A	Marais Ms. L.
3	B	Loudon Prof. J.
5	C	Loots Mr. L.
7	B	Lipton Ms. M.
3	B	Lewis Mr. D.

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State to pay Kruger's court action bill



Mr. Kruger

Political Staff
THE SENATE.—The Cabinet has decided the State will pay the costs of the recent unsuccessful defamation action brought by the Minister of Justice, Mr. J. T. Kruger, against the Cape Times and South African Associated Newspapers.

Mr. Kruger made this announcement during the Justice Vote here yesterday, in apparent contradiction to the ruling of the Judge President of the

Cape Province, Mr. Justice J. W. van Zyl, that Mr. Kruger should be personally liable for the costs, as he had brought the action in his personal capacity.

As Mr. Kruger announced the Cabinet decision that the State would pay the costs of the action, Mrs. Helen Suzman (P.P. Houghton), interjected: "You mean the taxpayer will pay."

Mr. Kruger's unsuccessful case against the Cape Times and SAAN followed an urgent midnight interdict brought by Mr. Kruger, to prevent the Cape Times publishing extracts from an interview with Dr. Eschel Rhoodie.

Mr. Kruger alleged that Dr. Rhoodie's statements were defamatory of him (Mr. Kruger). Mr. Kruger's case was turned down by Mr. Justice Van Zyl, who ruled that the minister should pay the costs.

In his personal capacity. Discussing the matter yesterday, Mr. Kruger said: "I should like to state quite clearly that the court did not decide that the government would not be allowed to pay the costs and that I must pay them."

His statement was met by a chorus of interjections from the opposition benches. Mr. Kruger continued: "Let me put it this way . . . If I have a claim against the honorable Member for Houghton and she loses it, the Black Sash can pay if they so desire. The court does not tell one who has to pay. The court simply grants costs against the respondent. Whoever pays for the costs of the respondent is no affair of the court. It has nothing to do with the court. I want to state that clearly."

Commenting afterwards, Mrs. Suzman said Mr. Kruger was always lecturing people to accept court judgments. "It is time he listened himself. I do not see why the taxpayer has to foot the bill."

Mr. Kruger said if any other Cabinet member had been involved, he (Mr. Kruger) would have been able to take the decision that the State should pay the costs. But he was reluctant to make such a decision when the case involved himself, so he had referred the matter to the Cabinet.

They had decided that the State should pay the cost according to the recommendations of the State Attorney, Mr. Kruger said. Explaining the background to the Cabinet's decision, Mr. Kruger referred to legal precedent in Pelsier vs. Barand van Niekerk, in which the State had paid the costs of Minister Pelsier, although he had brought the action in his personal capacity.

Mr. Kruger also cited Section 3 of the State Attorney Act and Treasury instructions in support of his argument that the State may carry the cost.

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➔ ➔ ➔ **Kruger 'satisfied' with police rises — page 2**

➔ ➔ ➔ **More Police Vote reports — page 4**

Mrs. Suzman

Journalists face jail once bill is law

CT.
16/1/79
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HOUSE OF ASSEMBLY — Journalists writing articles endangering South Africa's fuel supply situation will face a seven-year prison sentence and a possible fine of R7 000 once the Petroleum Products Amendment Bill becomes law.

The Minister of Economic Affairs, Mr Chris Heunis, introducing the bill's second reading, said yesterday he had given the Newspaper Press Union and the oil industry the assurance that in spite of the prohibition exemptions would be granted to enable the oil industry to operate efficiently and to allow the press to report on all matters which will not affect matters such as procurement, supply, shipping and stockpiling of petroleum products.

He said he had no alternative but to seek legal powers to prohibit indiscretionary reporting on petroleum matters.

He had taken newspaper editors into his confidence and in

spite of their acceptance of his good intentions and assurances of co-operation, articles and reports criticizing him and jeopardizing the country's position had been published.

with the public, Mr Heunis said.

Later in the House Mr Heunis said the prohibition in the Petroleum Products Amendment Bill on the publi-



The Minister of Economic Affairs, Mr Chris Heunis

Reports had been published of alleged negotiations with other countries for supply contracts with South Africa. Editorial articles had criticized him for not being more open

with the public, Mr Heunis said. Later in the House Mr Heunis said the prohibition in the Petroleum Products Amendment Bill on the publication of information relating to South Africa's procurement, supply, shipping and stockpiling of petroleum products was not aimed at restricting press freedom.

"Its aim is to ensure the continued supply of this strategic commodity for South Africa," Mr Heunis said in reply to the debate on the bill's second reading.

It was right that the public should be informed about fuel matters, but in such a way that the country's supply, and therefore security, would not be jeopardized.

The public's co-operation was needed if the "total strategy" was to succeed against the "total onslaught" facing the country, and this co-operation depended on information.

To this end Mr Heunis said, he accepted he had a responsibility to keep the media informed even on a confidential basis, where the information was of strategic importance.

"I believe that by a process of consultation and co-operation between my department and the media we will arrive at a situation where this bill will not be restrictive."

GOVT RETRAINS ON PRESS BILL?

16/5/79 MD
243

CAPE TOWN — The controversial Advocate - General Bill was sent back to the Government Printer for reprinting yesterday — less than 24 hours before it was scheduled to be read in Parliament for the first time today.

The move has been interpreted as a sign that the government might have agreed at the eleventh hour to withdraw or temper some of the Bill's most controversial clauses. No confirmation of this could be obtained last

night — but speculation was rife that the government had heeded the outcry by all sections of the South African press, both Afrikaans and English, against the stringent anti-press measures contained in the Bill.

It is understood that the Bill — commonly called the "anti-rumour-mongering" Bill — was discussed at yesterday's Cabinet meeting. Shortly afterwards, the leader of the House of Assembly, Dr Louwrens Muller, gave notice that the Bill would be read in Parliament for the first time today. But, later in the afternoon, word leaked out

that the Bill would be tabled on Thursday at the earliest because it had been sent for reprinting.

This procedure is common as Bills are redrafted sometimes for syntax and spelling errors. But yesterday's move was widely believed to have been a response by the government to modify the stringent anti-press measures contained in the Bill. Parliamentary officials in the know just grinned and declined to comment when questioned yesterday. According to the original draft, the Advocate-General Bill would have barred newspapers

from reporting allegations of state corruption until they were given the go-ahead of a government-dominated select committee of Parliament.

Newspapers would face a fine of R2 000 or a year's imprisonment for breaching this law, which is the sixth this session to place curbs on the press. The original draft Bill laid down the following procedure for dealing with allegations of state corruption: The allegations would have to be made to a state-appointed advocate general in the form of a sworn affidavit. The advocate general would investigate the

allegation and report to a government-dominated select committee of Parliament.

The committee would decide whether it would be in the "national interest" for the facts to be made public. The entire South African press — both English and Afrikaans — and the combined opposition interpreted the move as a severe curtailment of press freedom, designed to prevent future information-type exposes of government corruption. It is understood severe pressure was exerted on the government behind the scenes by leading

members of the Afrikaans press who have powerful leverage in government circles. The Afrikaans press used this leverage to influence the government to withdraw its blanket press Bill two years ago.

The anti-rumour-mongering Bill, in its original form, would have been the most serious of the six moves against the press contained in various Bills tabled this session. Government critics have pointed out that this trend exposes the government's intention to introduce press curbs while trying to hold onto advantages of appearing to be a country with a free press — PS

Press Bill

circms 16/5/79

opposition

at first

reading

(243)

Political Correspondent

THE Opposition was preparing today to take the unusual step of opposing the Government's anti-rumour mongering legislation at first reading.

The legislation, known as the Advocate-General Bill, will be published only tomorrow.

The measure will curb reporting by the Press on allegations of corruption or irregularities in the administration of the country.

It is the direct result of the investigative reporting by a number of newspapers which led to the exposure of many facets of the Information scandal before these were conceded in Government circles.

IMPROVED

Government arguments have been that many unsubstantiated unproved rumours were also spread and that this must be prevented.

Several Nationalist newspapers have expressed misgivings about the measure and the Government has been urged to think again.

The Prime Minister, Mr P. W. Botha, is apparently determined to go ahead with the measure.

The caucuses of the Progressive Federal Party and the New Republic Party met this morning to decide what they should do.

The Bill will only be published tomorrow but the Opposition is likely to express one of the strongest forms of parliamentary protest by opposing it at first reading.

HOUR'S DEBATE

This will lead to a one-hour debate of 10-minute speeches.

The short title of the Bill gives few clues to what it is about.

It simply provides for the establishment of the office of Advocate-

General, for the appointment of a person to that position, his duties and powers and matters incidental thereto.

The Prime Minister has, however, already dealt with what he feels is the need for an advocate-general.

ALLEGATIONS

When he first spoke about it in the Assembly in March, he said that the advocate-general would investigate allegations pertaining to alleged State malpractices and State corruption.

The advocate-general, he said, would only investigate allegations made to him in an affidavit by a member of Parliament, a member of the Provincial Council or a journalist or by an attorney-general, when these allegations pertained to alleged State malpractices and State corruption.

The new Bill apparently will provide for fines of up to R2 000 or imprisonment of up to 12 months.

▷ Paving the way for dictatorship — Page 17.

Petrol Bill packs a harsh punch for Press

165/11/100M
243

THE ASSEMBLY — Journalists writing articles endangering South Africa's fuel supply situation will face a possible R7 000 fine or seven-years' jail once the Petroleum Products Amendment Bill becomes law.

But the Minister of Economic Affairs, Mr Chris Heunis, — introducing the Bill's second reading — said yesterday he had given the Newspaper Press Union and the oil industry the assurance that exemptions would be granted to enable the oil industry to operate efficiently and to allow the Press to report on all matters which will not affect matters such as procurement, supply, shipping and stockpiling of petroleum products.

He said he had no alternative but to seek legal powers to prohibit "indiscretionary reporting" on petroleum matters.

He had taken newspaper editors into his confidence and despite their acceptance of his good intentions and assurances of co-operation, articles and reports criticising him and jeopardising the country's position had been published.

Reports had been published of alleged negotiations with other countries for supply contracts with South Africa, and editorials had criticised him for not being more open with the public, Mr Heunis said.

Mr Heunis said the Bill's aim was to "ensure the continued supply of this strategic commodity for South Africa."

The public's co-operation was needed if the "total strategy" was to succeed against the "total onslaught" facing the country.

"I believe that by a process of consultation and co-operation between my department and the media we will arrive at a situation where this Bill will not be restrictive."

All three opposition parties supported the Bill. Pledging the support of the Progressive Federal Party, Mr Derrick de Villiers (PFP Constantia) said his party was satisfied, after a close examination of the Bill, that its intention was not to restrict the activities of the Press but to safeguard South Africa's oil supply.

He urged the Minister, however, to see if he could alter the provisions of the Bill to allow the

Press some degree of information in order to retain the confidence of the public.

Mr George Bartlett (NRP Amanzimtoti) said his party supported the Bill as it was clear that South Africa had to be very careful with its oil supplies.

The oil situation had been undermined in the past by newspaper reports which had publicised where South Africa had bought her supplies.

Mr Bartlett asked the Minister to form a select committee to look into the matter.

Mr Theo Aronson (SAP Walmer), supporting the Bill, said if the choice was between the publication of harmful information and security, his party would choose security.

The public would obviously like to know where its oil products came from, but he felt the very same public would prefer not to know if it meant harming South Africa.

Mr Harry Schwarz (PFP Yeoville) said the public should be made aware of the seriousness of the fuel shortage.

He said the Minister was being given very wide powers in terms of the legislation.

The fact that the three opposition parties were supporting the Minister showed the great degree of trust placed in him.

The Opposition, therefore, also had co-responsibility for the powers given him and would like to see some kind of mechanism whereby it could be kept informed of how these powers were used.

"The point that worries me more than anything else is that I am not sure that the man in the street understands the seriousness of the situation."

"The public must also know that because of the seriousness of the situation, the Opposition is willing to give it their support."

The public should be made to understand the nature and seriousness of the problem.

He believed that an uninformed public was not a motivated public, and steps should be taken to see to what extent information on the fuel situation could be released, without giving information to those who wished to harm South Africa — Sapa

Speed blow

PEOPLE ACCUSED of breaking the speed limit will in future have to prove in court that outside factors such as wind and hills had an influence on their speed, the Minister of Economic Affairs, Mr Chris Heunis, said yesterday.

He said many offenders had been acquitted in court after claiming "reasonable doubt" existed as to whether other factors contributed to their speed. The effect of one clause in the Amendment Bill was that in future a reasonable doubt would not be sufficient for acquittal — Sapa



MR DERRICK DE VILLIERS
voiced PFP support



MR CHRIS HEUNIS
hopes for co-operation

New Press gag held back at 11th hour

243 RDM 16/5/79

By HELEN ZILLE
Political Correspondent

CAPE TOWN

THE CONTROVERSIAL Advocate-General Bill was yesterday sent back to the Government Printer for re-printing — on the eve of its scheduled first reading in Parliament.

The move is interpreted as a hopeful sign that the Government may have withdrawn or tempered some of the most contentious clauses.

This could not be confirmed last night, but speculation was rife that the Government had heeded the outcry against the stringent anti-Press measures in the Bill.

The original draft laid down a procedure which required that allegations of State corruption be made in sworn affidavits to a State-appointed Advocate-General.

The Advocate-General would then investigate and report to a select committee which would decide whether it was in the "national interest" for the facts to be made public.

The English and Afrikaans Press and the combined Opposition have interpreted the move as a severe curtailment of Press freedom, designed to prevent future Info-type exposes.

It is understood that heavy pressure was exerted on the Government behind the scenes by leading members of the Afrikaans Press, who have powerful leverage in Government circles.

This leverage was used to influence the Government to withdraw its blanket Press Bill two years ago

□ To Page 2

In terms of the original draft, the Bill would have barred newspapers from reporting allegations of State corruption until given the go-ahead by a Government-dominated select parliamentary committee.

Infringement of this law — the sixth step to curb the Press during this session of Parliament — would carry a penalty of a fine of up to R2 000 or a year's jail.

It is understood that the "anti-rumourmongering" Bill, as it is commonly called, was discussed at a Cabinet meeting yesterday.

Shortly afterwards, the Leader of the House of Assembly, Mr Louwrens Muller, gave notice that the Bill would be read in Parliament a first time today.

But later in the afternoon word leaked out that it would be tabled on Thursday at the earliest, because it had been sent back to the Government Printer for re-printing.

This is not uncommon, as Bills are sometimes re-drafted for errors.

But yesterday's move was widely believed to have been a response by the Government to the outcry by modifying the Bill's stringent anti-Press measures Parliamentary officials in

DAILY MAIL, Wednesday, May 16, 1979

Press curbs held back at 11th hour

From Page 1

The anti-rumourmongering Bill, in its original form, would have been the most serious of six moves against the Press in Bills tabled this session.

Critics have pointed out that this trend exposes the Government's intention to introduce Press curbs while attempting to hold on to the advantages to South Africa's image of appearing to have a free Press.

Other measures passed so far this session are

● The Police Act Amendment Bill, which contains a clause preventing newspapers publishing "any untrue matter" about the police "without having reasonable grounds for believing that the statement is true", carrying penalties of a fine of R10 000 and/or five years' jail.

● The Inquests Amendment Bill makes it an offence to prejudice, influence or anticipate the proceedings or findings of an inquest. An effect of this will be to prevent newspapers from investigating deaths in detention, such as the Biko affair, when newspapers uncovered that he had died of brain damage.

● The National Supplies Procurement Amendment Bill, debated in Parliament yesterday, which provides for fines of up to R7 000 and/or seven years' jail for offenders who publish information about the origin, manufacture, transport, destination, storage or quantity of certain goods or services, normally of a strategic nature, over which the Minister of Economic Affairs may take control.

● The Petroleum Products Act Amendment Bill, with a similar provision in respect of any petroleum products acquired for, or made in South Africa.

● The Divorce Bill, which prohibits the publication of most

divorce case particulars

Meanwhile Mr Dirk Richard, editor of the Afrikaans daily, Die Vaderland, yesterday advanced his weekly column by two days in a last-minute bid to persuade the Government not to press ahead with the Bill.

For this reason I am advancing my column by two days to (a) cool off my feelings and (b) to timeously ask the Government "Think before you act," he said.

He said the proposed measure could in fact have the effect of covering up "civil service sins."

This could effectively place the civil service in "safe quarantine."

"It may then easily happen that maladministration or corruption will never — or only very selectively — see the light of day just as in many African and other Third World countries," Mr Richard said.

"I am not saying this will happen, but if you deprive the Press of its watchdog function, it can happen. Power has a strange habit of surrounding itself with more and more legislation."

Illustration

Kruger won't appeal over Press case

ROOM 17/5/74 243

Staff Reporter

THE MINISTER of Justice, Mr J. T. Kruger, will not appeal in his case against the Rand Daily Mail and South African Associated Newspapers.

On April 10, the Judge-President of the Cape, Mr Justice J. W. van Zijl, rejected an injunction brought by Mr Kruger to prevent the "Mail" and its sister papers, the Cape Times, the Natal Mercury and the Eastern Province Herald, or any other newspaper, owned or controlled by SAAN, from publishing claims by Dr Eschel Rhodie involving Mr Kruger.

Mr Kruger, who was found to have brought the injunction in his personal capacity, was ordered to pay the costs personal-

ly — estimated by legal sources at up to R8 000.

The day after judgment was given, Mr Kruger told an interviewer for the radio programme, Radio Today, that although he had not read the judgment in full, he would look at it with a view to appealing.

This week, legal advisers who fought the injunction for the "Mail" said Mr Kruger had apparently decided not to appeal.

Mr Kruger would have had to lodge his appeal by last Friday, May 11 — 21 court days after judgment was handed down. Mr Kruger was granted a temporary injunction at an early-morning hearing on March 12

'Press gag'

Bill confirms

worst fears

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By Hugh Leggatt, Political Correspondent

The ban on Press reporting of allegations of bribery and corruption in Government is contained in the Advocate-General Bill, published in Parliament today.

The Bill confirms the Opposition's worst fears about a Government clamp on the Press following its role in exposing the Information scandal.

It seeks to create the post of advocate-general to investigate, for Parliament, allegations of corruption and proposes that no newspaper can publish any report relating to the alleged misapplication of State money without the permission of the advocate-general.

The ban does not apply to publication of court proceedings arising from the advocate-general's investigations.

The penalties for publishing details are heavier than were first supposed — a R5 000 fine, or a year in jail, or both, compared with the expected R2 000 fine and six months' imprisonment.

The Bill also says that the holding of inquiries by the advocate general will be secret and he can exclude any category of people from proceedings and hearings unless their presence is necessary.

In addition to the ban on publication of allegations and the provisions for secrecy, the State President can go further and make more regulations providing for the preservation of secrecy and the recording of proceedings of an inquiry.

State cash

The Bill says that if anyone has reason to suspect that State money is being misapplied, or anybody is being enriched through unlawful actions in connection with the affairs of the State, the matter can be laid before the advocate-general.

The person doing so must sign an affidavit specifying the nature of his suspicions, the grounds of his suspicions and other relevant information.

At this stage, the ban on Press reporting of the allegations, comes into force.



Mr Vorster . . . can go further.

Worst fears confirmed

From page 1
Parliament be appointed to consider it

If, in the course of his inquiries, or after it has been completed, the advocate-general thinks an offence has been committed, he can bring it to the attention of the police.

The Bill also provides protection for the advocate-general. No one will be able to disparage or belittle him or his staff.

At the same time, no one may try and influence him in his inquiries.

The advocate-general, who will be appointed by the State President, must be a qualified advocate.

The Bill provides for staff to be appointed to assist him and will have the power, where he deems it necessary, to have investigations in camera.

This will be the case where matters relating to the secret services' account are being investigated.

The advocate-general can direct any person to appear before him to give evidence, or to produce any document in his possession which may have a bearing on an investigation.

Anyone appearing can bring his advocate or attorney.

If a person refuses to give evidence or lies to the advocate general he can be fined R500 or be given six months' imprisonment.

● Opposition attack on rumour Bill — Page 9.

The report

Nothing can be published without permission until such time as a report by the advocate-general on the matter has been laid on the table of the House of Assembly.

Once the advocate-general has completed his report, he hands it to the leader of the House, who is obliged to table it seven days after receiving it, or if Parliament is not in session, seven days after Parliament starts.

If the advocate-general believes that the publication of the report to Parliament may jeopardise State security, he can recommend that it remain confidential to MPs and that a select committee of

To Page 3, Col 7

Leaks on Bill: PM furious

18/5/1946
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CAPE TOWN — The Prime Minister, Mr P W Botha, is furious about press leaks on the controversial advocate-general Bill, which led to a public outcry before the Bill was released for the first time yesterday.

This was reliably learnt yesterday after Mr Botha raised the matter at the weekly National Party caucus meeting here on Wednesday.

Mr Botha raised the matter in an effort to find out which member of the government had leaked the information on the Bill to the Afrikaans press, where first reports of the "anti-rumourmongering Bill" appeared last week.

Mr Botha told the caucus he had summoned a journalist, Mr Jac de Vries, of Die Vaderland, to discuss the sources of the leak. Mr De Vries said yesterday he had no comment on the matter.

If the sources of the press leak are found, it is understood they face expulsion from the party.

The Prime Minister is particularly annoyed because the premature leak opened the way for a sustained campaign against the Bill by the Afrikaans press, who applied strong pressure on the government to withdraw the measure.

It also enabled the opposition to take the unusual step of opposing the Bill at first reading — the strongest possible form of censure.

The Prime Minister's action points to growing tension between the government and the Afrikaans press on matters affecting press freedom. — PS

(News by 11 July 1946 Main Street, Johannesburg)

CAPE TOWN — The Advocate-General Bill has exceeded the worst fears of the opposition and the press that the government is creating machinery to cover up all details of state corruption or maladministration in the widest sense.

The Bill, details of which were released yesterday, will give the proposed advocate-general the power to stop publication of allegations until the matter has been investigated and a report submitted to Parliament.

Mr Colin Eglin, Leader of the Opposition, said last night that the Bill was a patent attempt to gag the press.

He called it "diabolical" and said it was "clearly and arrogantly government to the part which the press has played in ripping the

Information scandal wide open and then forcing disclosure after disclosure out of a tight-lipped government during the past six months."

The leader of the New Republic Party, Mr Vause Raw, said the Bill was "an unpatriotic and subversive action which undermines the welfare and security of South Africa."

The NRP MP for East London North, Mr John Malcomess, said it "deserves the criticism of every advocate of democracy in South Africa."

Opposition MPs said the measure was worse than they had thought when they had opposed it at first reading.

They feared it was part of a government campaign to restrict free discussion and exposure. There were also fears that the Bill might even restrict what can be reported from debate in Parliament.

The Bill, which in the strongest form of parliamentary opposition was rejected at the first reading by the PFP and the NRP, will create the post of advocate-general to investigate allegations of corruption and maladministration.

It proposes that no one can determine, publish or cause to be published in a newspaper any report relating to the alleged misapplication of state money without the permission of the advocate-general.

The advocate-general can set conditions under which anything can be published although his powers do not apply to publication of court proceedings arising out of his investigations.

The penalties for publishing details, which are much higher than expected, are a R5 000 fine or a year in jail or both.

Inquiries by the advocate-general will be held in secret and he can exclude any category of people from proceedings and hearings unless their presence is necessary.

The State President can go further and make more regulations for the preservation of secrecy and the recording of proceedings at any inquiry.

The Bill says that if anyone has any suspicions, that state money is being misapplied or anyone is being enriched through unlawful actions in connection with the affairs of the state, the matter can be laid before the advocate-general.

The person doing so must sign an affidavit specifying the nature of his suspicions, the grounds of his suspicions and other relevant information.

Nothing can be published until the advocate-general has laid a report on the table of the House of Assembly.

The Bill also provides protection for the advocate-general whose salary will be determined by the State President and whose staff will be appointed with the approval of the State President.

No one will be able to disparage or belittle him or his staff. Nor may anyone try to influence his inquiries.

The advocate-general, who must be an advocate of 10 years' standing, will be able to subpoena anyone and he may require any document to be produced before him.

If anyone refuses to give evidence or lies to the advocate-general, he can be fined R500 or be given six months' imprisonment.

Opposition spokesmen described the Bill as a cynical abuse of the ombudsman idea.

While the concept of the ombudsman had been divided to protect the individual from the government, the Bill perverted the principle to establish an advocate-general to protect the government from the individual.

Mr Eglin said that in the Bill had been law last year, the principle of the ombudsman would have been exposed.

"The evidence given before the Mostert Commission would not have been able to be published."

The festing sore of corruption would have lingered on.

"South Africans who value clean, open government should combine to fight this measure tooth and nail," Mr Eglin said.

Mr Raw said its implications were so far-reaching that they destroyed any credibility in the Prime Minister's promise to open up irregularities to the bone.

"Instead, it encloses them in a government-controlled iron curtain."

The two Johannesburg

Nationalist morning newspapers, Die Transval and Beeld, condemn the Bill in editorials today.

Die Transvaler urge the government to reconsider the Bill.

It said the role of newspapers in exposing the information scandal had emphasised the importance of a free press.

Beeld said it trusted that the legislature did not have in mind revenge against the press.

(News by Barry Streek, 33 Caxte Street, East London)

C.T. 18/5/79

Wide net of publication ban measure

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By **ROGER WILLIAMS**
Chief Reporter

A VAST number of organizations, some of them wholly and others partly financed by the State, will or may fall within the ambit of the advocate-general measure which aims to prohibit publication of any report relating to alleged misapplication or maladministration of State funds — until the tabling in Parliament of a relevant report by the advocate-general.

Should there ever be suspicion of a Lockheed-type scandal involving South African Airways, for instance, or a Watergate-type scandal involving highly placed government servants, or a suspected fiddle in the funds being used in the multi-million-rand search for oil off South Africa, no newspaper may refer to it.

Not, that is, without the written permission of the advocate-general "and subject to such conditions, if any, as he may determine".

Foodstuff marketing

The same restriction would apply to newspaper publication of irregularities concerning any of the statutory boards controlling the marketing of foodstuffs such as meat and dairy products.

If the bill is passed in its present form, newspapers will no longer be able to expose public scandal in the way the Washington Post uncovered the Watergate affair, and as members of the South African Associated Newspapers group blew the lid off the Information scandal. That is, not till their suspicions have been referred to the advocate-general and his report has been laid on the table of the House of Assembly.

Bodies affected

These are among the bodies that will or could come within the ambit of the provisions of the measure now before Parliament and about which no newspaper may — except in the special circumstances set out in the bill — publish reports of any financial scandal that may be brought to its attention:

- The SABC

- The Post Office
- The Railways, SA Airways and the Harbours
- Iscor
- The SA Bureau of Standards
- Escom
- The CSIR, which is involved in a wide field of scientific investigation
- Universities, which are subsidized by the government
- The Industrial Development Corporation and the many projects it helps to finance including South Africa's biggest shipping line, Safmarine.
- The Reserve Bank
- The news magazine *To the Point*
- Front organizations, known and unknown
- Sporting bodies that receive subsidies through the Department of Sport
- Museums, art galleries and State-aided public libraries
- Soekor, the State-backed oil exploration corporation
- The Nuclear Fuels Corporation (Nufcor) and the Atomic Energy Board
- The National Parks Board
- The Technikon, in the major centres
- The Department of Inland Revenue
- Charitable bodies, schools and orphanages and welfare organizations for the aged that receive government subsidies
- The Defence Force and the Police
- The Armaments Board
- State-subsidized hospitals
- The Fisheries Development Corporation and similar bodies in which State funds are involved

Private companies and individuals contracted to the government on specific projects may also, where State funds are involved, come within the ambit of the measure and there are many instances where only a decision in a court of law could determine whether a newspaper was or was not within its rights to disclose a financial scandal without reference to the advocate-general.

Bill to end corruption reports

Political Correspondent

HOUSE OF ASSEMBLY. — Free press reporting of government corruption and maladministration will effectively be stopped by the Advocate-General Bill published yesterday.

Newspapers who have suspicions or evidence of corruption will have to lay the matter before the Advocate-General, and nothing may be published without his permission until he has reported to Parliament. Reports published before he has completed his investiga-

tion are subject to a R5 000 fine or 12 months' imprisonment, or both

Where the Advocate-General has no objection to the results of his investigation being published, he will hand his report to the leader of the House of Assembly, who will table it within seven days. During the parliamentary recess, reports will be handed to the Speaker and may then be published.

Where the Advocate-General recommends the suppression of a report "in the national interest", his recommen-

dation will be considered by a select committee of the House of Assembly appointed for this purpose. The committee will automatically have a government majority.

Any person with reason to suspect government corruption or maladministration may report this to the Advocate-General, in an affidavit specifying the nature of the suspicion and the grounds on which it is based. There is no time limit on the Advocate-General's investigations

Once a matter has been reported to the Advocate-General, he may subpoena witnesses or require them to produce documents in their possession or under their control. Witnesses may, at the discretion of the Advocate-General, be accompanied by legal representatives.

Refusing to testify, disclosure of evidence; contempt of the Advocate-General, or attempting to influence him, carry a penalty of a R500 fine or six months' imprisonment, or both

Storm erupts

over bid

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to gag press

On page 7. 12/13/79

CONT →

By MICHAEL ACOTT
Political Correspondent

THE GOVERNMENT has aroused a storm of criticism with publication of legislation to control press reporting of corruption and maladministration.

Opposition parties were horrified yesterday at the provisions of the Advocate-General Bill, saying it had exceeded their worst fears. They called for a public defence of democracy and clean government.

The measure was variously labelled draconian, diabolical, totalitarian, subversive and unpatriotic, in some of the harshest criticism of legislation this session.

The vice-president of the Newspaper Press Union and managing director of National Pers, Mr David de

leader of the New Republic Party, Mr Vause Raw, said the bill restricted both press freedom and the right of the public to know.

Mr Eglin, calling the measure "diabolical", said it was a patent attempt to gag the press and sounded the death-knell for investigative journalism.

"South Africans who value clean, open government should combine to fight this measure tooth and nail," he stated.

"It is clearly the angry reaction of an arrogant govern-

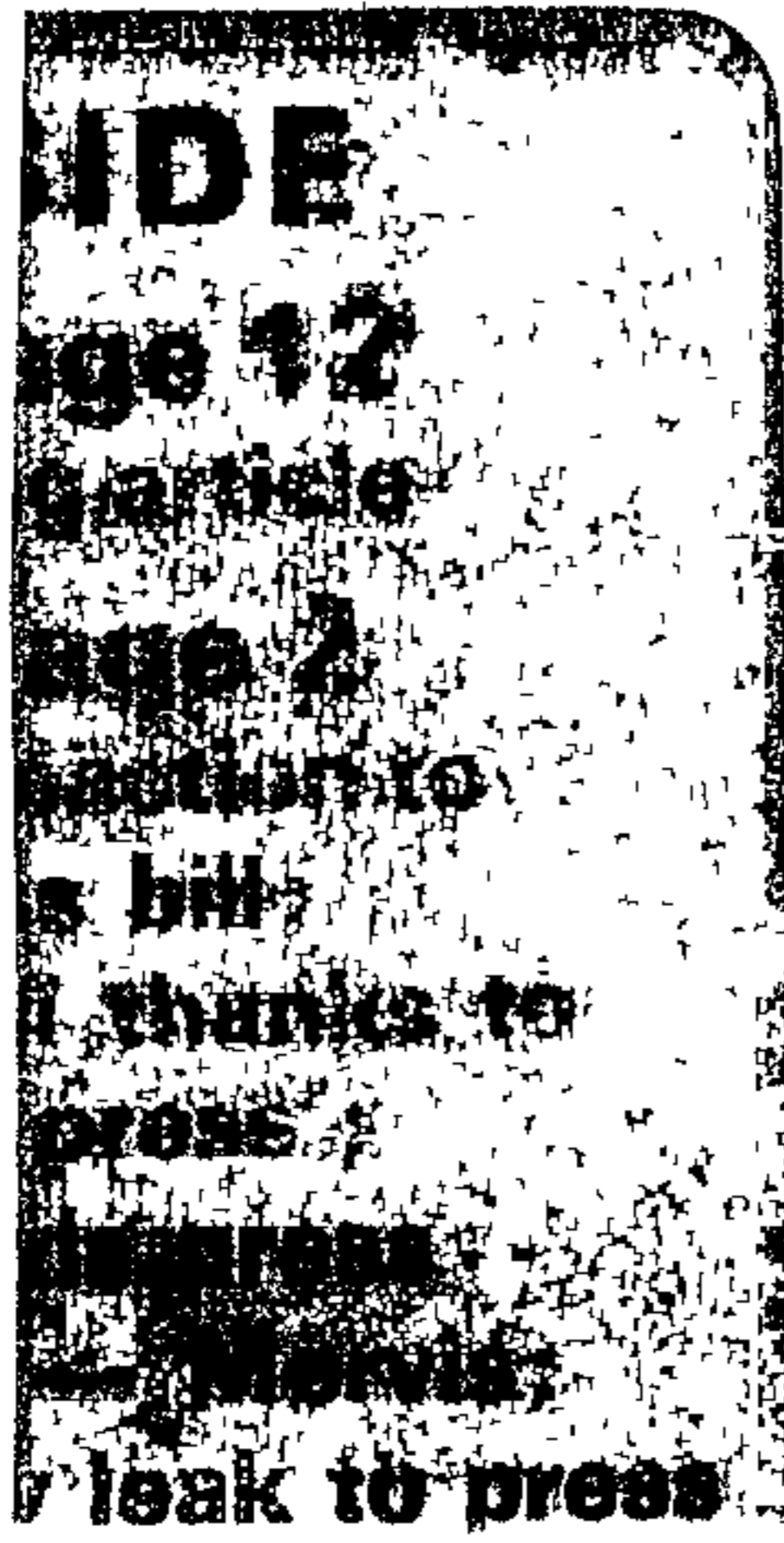
ment in its implications," he said.

"It makes for even greater secrecy in government than ever before. Another light which would illuminate the darkening corridors of power is being extinguished."

The measure would have prevented exposure of the information scandal or publication of the Mostert Commission evidence.

"The festering sore of corruption would have been on"

Mr Raw said the bill worded to affect both



this session. The vice-president of the Newspaper Press Union and managing director of Nasionale Pers, Mr David de Villiers, said he was unhappy with the bill's present wording and the NPU would be making representations to the Prime Minister, Mr P W Botha

Afrikaans criticism

Afrikaans newspapers, strongly critical of reported provisions before details were known, are expected to unite against a government measure as they have not done since the 1977 Newspaper Bill, which was ultimately withdrawn

Initial international reaction indicates that there will be equally strong foreign criticism of what is being seen as a curb on press freedom

The government at present appears to intend rushing the bill through Parliament. There are suggestions that the second reading debate will start early next week

Opposition parties yesterday found no redeeming features to support the government's claim that it aimed at ensuring clean administration, and promised to fight the bill at every stage

They believe the measure to have been prompted by press exposures of the Information scandal, and see it as effectively dissuading a similar uncovering of government corruption.

There is also a suspicion that one of the government's objectives is to stop publication of further allegations by Dr Connie Mulder or Dr Eschel Rhoodie. Once the legislation is passed, allegations would have to be investigated by the advocate-general and their evidence, if called for, need never be made public.

The Leader of the Opposition, Mr Colin Eglin, and the

clean, open government should combine to fight this measure tooth and nail," he stated.

"It is clearly the angry reaction of an arrogant govern-



Mr Colin Eglin



Mr Vause Raw

ment to the part which the press has played in ripping the Information scandal wide open and then forcing disclosure after disclosure out of a tight-lipped government during the past six months."

It would deprive the public of the right to know of alleged government corruption and would stop the probing, disclosing role of the press essential to parliamentary democracy.

"The measure is far-reaching in its provisions and shat-

sion evidence. "The festering sore of corruption would have lingered on."

Mr Raw said the bill was worded to affect both the press and Parliament by appearing to remove the right of MPs to inform, through the media, the people who elected them.

"Its implications are so far-reaching that they destroy any credibility in the Prime Minister's promise to open up irregularities to the bone. Instead, it encloses them in a government-controlled iron curtain.

"One of the side-effects will be that trust and confidence in the government will be destroyed by the knowledge that the government need only tell the people what they want them to know.

"The ultimate disservice is that, at a time when South Africa is under siege, the government has chosen to introduce a measure which will horrify our friends who believe in the democratic tradition.

"I label it an unpatriotic and subversive action which undermines the welfare and security of South Africa."

Mr Raw accused the government of introducing a measure more in place in a fascist, communist or despotic system, and said the NRP would oppose it "completely and without qualification".

The NRP spokesman on justice, Mr John Malcomesa, said the measure removed one of the supports of democratic government and as such deserved the criticism of every advocate of democracy.

He believed the creation of an advocate-general meant there were further skeletons in the government's cupboard.

"The big question is, however, whether South Africa will ever know in future what is being done in their name by their government," he said.

Bill halts reporting on bribery and corruption

Staff Reporter

The Government's plan to clamp down on the Press has been condemned by English and Afrikaans editors and academics as a gross invasion of individual rights and freedoms

Spokesmen for leading newspapers and universities have deplored the moves to ban Press reporting of allegations of bribery and corruption in the Government.

The Advocate-General Bill, published in Parliament this week, underscores the worst fears of the Opposition, editors and academics, of a Government clamp-down on the Press in the wake of its role in exposing the Information scandal.

The Bill prohibits any newspaper from reporting the alleged misapplication of State money without the Advocate-general's permission.

In the Transvaal Provincial Council yesterday Mr Joel Mervis (PFP, Orange Grove) and former editor of the Sunday Times, said the Bill would crush the life out of the Press, reports The Star's Pretoria correspondent

He said it was a gross misuse and abuse of government machinery which would be implemented to harass and intimidate the Press

The Government had a reckless disregard of Press freedom and had designed a bill which would prevent the Press from exposing another Information scandal.

Watchdogs

Mr Mervis said it was important that the people of South Africa be informed of what their government was doing and the new Bill would effectively stop newspapers from acting as the watchdogs of public interest.

The advocate-general who would be appointed to secretly investigate allegations of government irregularities, would be viewed as a Dr Goebbels in a safari suit, he said

An advocate-general was merely a euphemistic title for a censor.

Mr Rene de Villiers, former Editor of The Star, said it was a deplorable move in the direction of Press restraints

"This is simply a gross invasion of the rights of newspapers to make legitimate inquiries on behalf of the public whom they are there to serve," he said

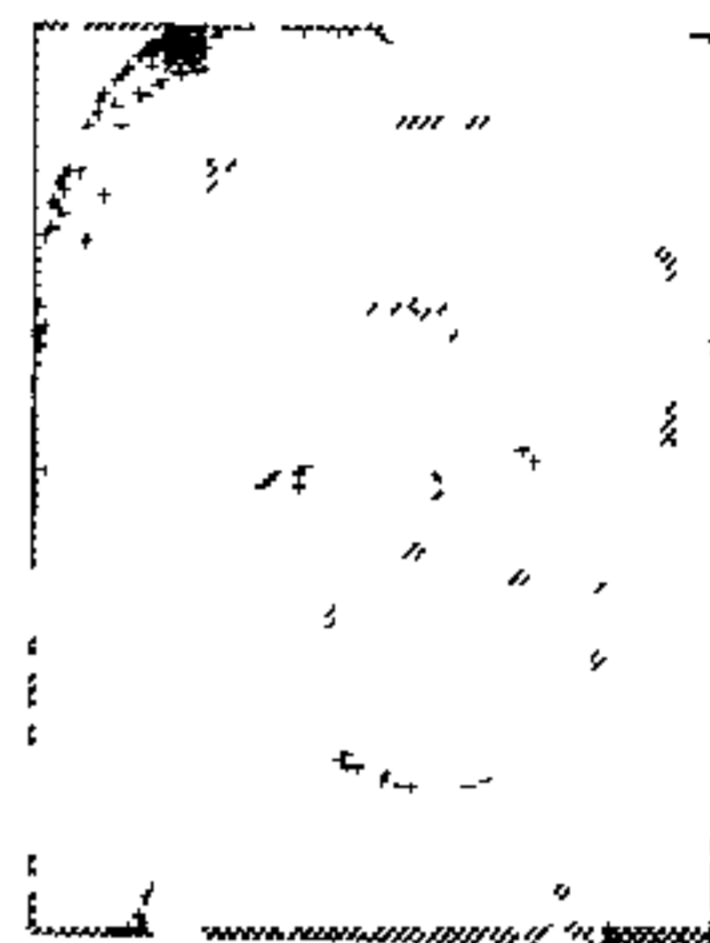
"No matter what the purported objectives of the measure are, it constitutes a grave diminution of the right of the people to have facts presented to them on matters of public concern"

Professor Johan van der Vyver, professor of law at the University of the Wit-

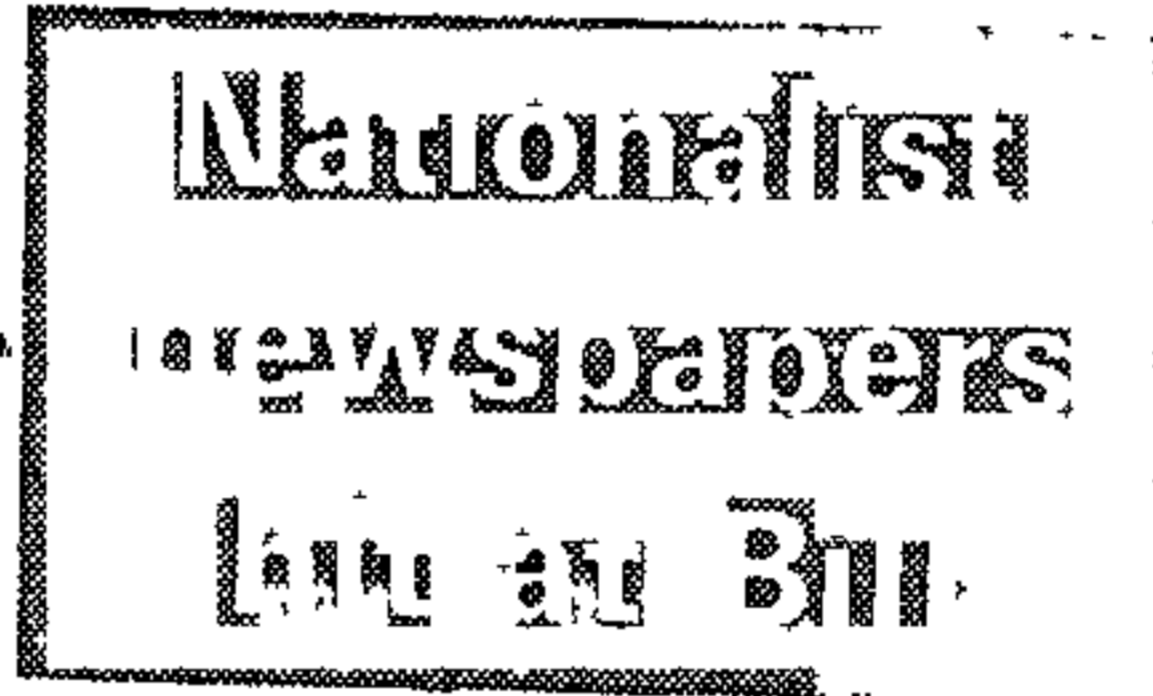
Broadsides against Press gagging



Mr Rene de Villiers . . . gross restriction.



Mr Dirk Richard . . . clear clamp-down.



Strong criticism of aspects of the Advocate-General Bill has been made in the Afrikaans Press.

An editorial in the Cape Nationalist paper Die Burger calls for the revision of sections of the Bill "which go too far" and which are too vague or expressed too widely.

"The deepest concern prevails at the moment over the manner in which the role of the Press is being curbed in the exposing of scandals and even lesser irregularities," says Die Burger.

Oggendblad, the Pretoria morning newspaper, today described the Advocate-General Bill as another in several violations of existing rights and usages committed so far in the parliamentary session.

It said the right of the Press to write freely and so the right of the public to be freely informed was being severely curtailed

Mr L E A Slater, chairman of the Argus Company, said yesterday after the Bill was first published that a person "runs out of words to describe the actions of this Government."

"What is the most

disturbing is the inadequacy of public response to something like this. They are the ones being penalised all the time and yet they do nothing."

Die Transvaler, a Johannesburg Nationalist daily said: "The Press's role in bringing the Information debacle to light has, despite blunders here and there, emphasised the essential importance of a free and open Press

"Is it too late to refer this entire question to a select committee which can become a commission of inquiry during the recess?"

Beeld, another Nationalist newspaper, said today that the objectionable clauses in the Bill must be given attention, otherwise everyone's freedom would be diminished.

"The plain words of the clauses affecting the Press give the impression that the Government is more concerned with fighting the Press than with combating maladministration.

"The Press can be — and has been — a formidable fighter of maladministration and corruption," says Beeld.

"This function must not be obstructed."

and do not entertain the slightest doubt that the Bill has been inspired by the Government in an attempt to prevent a repetition of its failure to cover-up the Information scandal.

"It is so much the more deplorable because this law is being introduced by a Government which has committed malpractices amounting to public deceit, attempted cover-ups, and irresponsible spending of public money — even allegations of misappropriation of public funds for personal gain by somebody for whose actions the Government must take responsibility"

Mr Rex Gibson, the editor of the Sunday Express, and joint winner of an international award for the Information exposé, said

"What breathtaking cynicism — the new Bill is a transparent attempt to ensure that honest investigative reporting will never again catch Nationalist politicians off guard, embarrassed and discredited. What contempt for the people to whom it is supposed to be answerable"

Disease

Professor A S Mathews, professor of law at the University of Natal, Durban, said the Bill would be ineffectual in preventing Government maladministration

"The disease which the Information scandal revealed, was a disease of secrecy. Now the cure they are offering is more secrecy"

He also pointed out that if people who knew of Government maladministration and corruption had to sign an affidavit, the information would, in most cases, never come out

"People are too terrified to bring up incidents of corruption," he said. "Even in a relatively free country like America, people are afraid — so imagine how afraid they will be in a country like ours"

Suppress

The editor-in-chief of Die Vaderland, Mr Dirk Richard, said the Bill in its present form can be nothing but a gag on the Press.

He said the law, and the fines for contravening it, were enough to suppress the initiative of any journalist.

The way in which the law was applied to the Press would depend on who is appointed in the post of Advocate-General, and how he interpreted his functions.

Mr Richard suggested that the person appointed should be a senior judge or senior advocate from outside the public service

watersrand, said: "I would favour the introduction of an ombudsman. However, I am satisfied in my own mind that this is not what

the Government has in mind.

"I am extremely perturbed by the intended curtailment of Press freedom

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Blunted Press Will harm SA's image Warns West

8-18/579
243

CAPE TOWN — Western diplomats in South Africa warned today that introduction by the Government of the draconian Advocate-General Bill could seriously harm South Africa's image internationally

Do something about papers'

Own Correspondent
STELLENBOSCH — The Prime Minister, Mr P W Botha, today invited industrialists and investors to come forward and do something to prevent some newspapers from endangering good relations in South Africa

Addressing the regional conference of the Western Cape Relations Committees in the Stellenbosch town hall, Mr Botha made a sharp attack on newspapers for their handling of the Advocate-General Bill.

He said they had created a furore about the Bill, which had led to tensions, misunderstandings and prejudice.

"Did the newspapers who have been carrying on about the new legislation, publish the full contents of the Bill?" he asked.

"In their search for sensationalism, can they honestly say they have not had a hand in disturbing good relations?"

Mr Botha alleged that some newspapers were systematically destroying relations in South Africa.

He said a number of industrialists have visited him and complained of this.

"I appeal to investors and industrialists to come to the fore and see what they can do in this matter," he said.

If the industrialists wanted his assistance and co-operation, they were welcome to approach him

Mr Botha said that all newspapers were not guilty of endangering good relations. There were exceptions of both English and Afrikaans newspapers doing good work to improve relations

Political Staff

They said they regarded it as a serious development for South Africa internally and they were keeping their Governments informed on it

But they did not think it would have any immediate direct effect on South Africa's diplomatic and political relations with Western countries

They believed, however, that it could indirectly affect economic relations in the long term

The Prime Minister, Mr P W Botha, said in an interview today he was determined to push the Bill through Parliament by the end of this month

He also said he was prepared to listen to advice and to meet a delegation of the Newspaper Press Union.

'DOOR OPEN'

Mr Botha said the legislation, which was published yesterday, would be put through Parliament "as soon as possible"

This would be by the end of the month, when the final report of the Erasmus Commission is due to appear

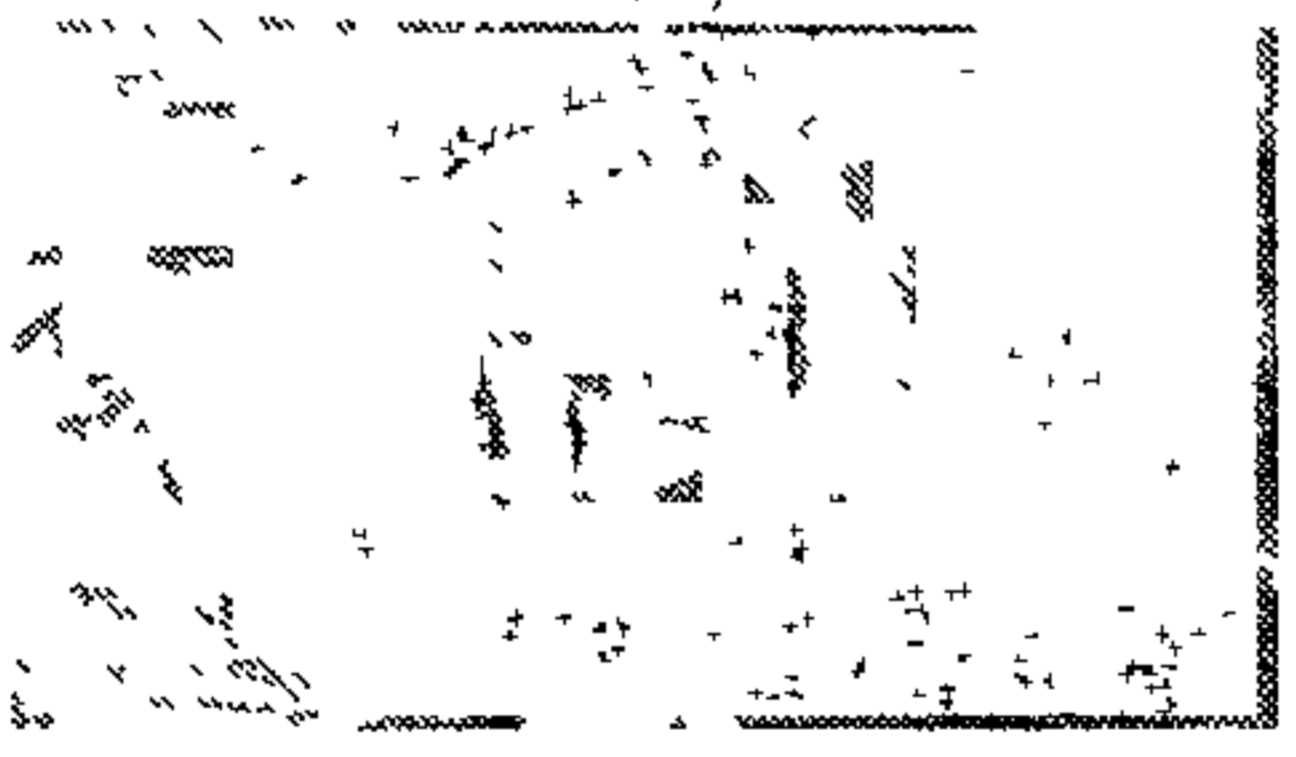
"I'm against it. It restricts the Press too much and the public will not be told what's going on" — Mrs Elise Naude



"It's not a very good idea. We want to be told the whole truth about what's going on in the country" — Mr Steven Wright



"If I told you what I thought, I'd get banned. I think it's disgusting" — Miss Claire Bowes.



Strong public opposition to 'Press gag' Bill revealed by today's 'Star' survey

"Disgusting, monstrous, ridiculous," were some of the comments by Johannesburg people asked about the Advocate-General Bill in a street survey today

Those who had read about the Bill expressed strong opposition to it or any other legislation which might restrict the freedom of the Press

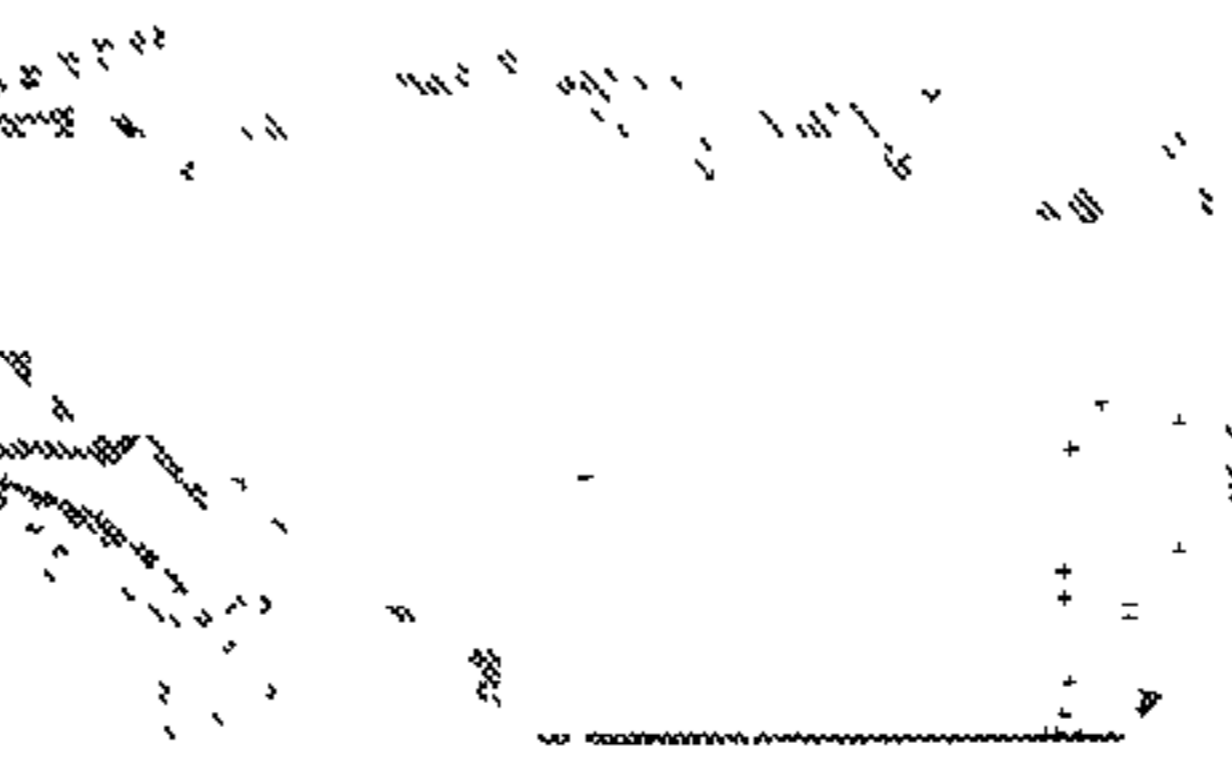
They said the public had the right to know what was going on in South Africa.

But, most people approached by 'The Star' did not even know about the Bill, or were in too much of a hurry to comment

"It is the suppression of the Press. I think in some aspects I'm sympathetic, like the Divorce Bill, but not this" — Mr Brink



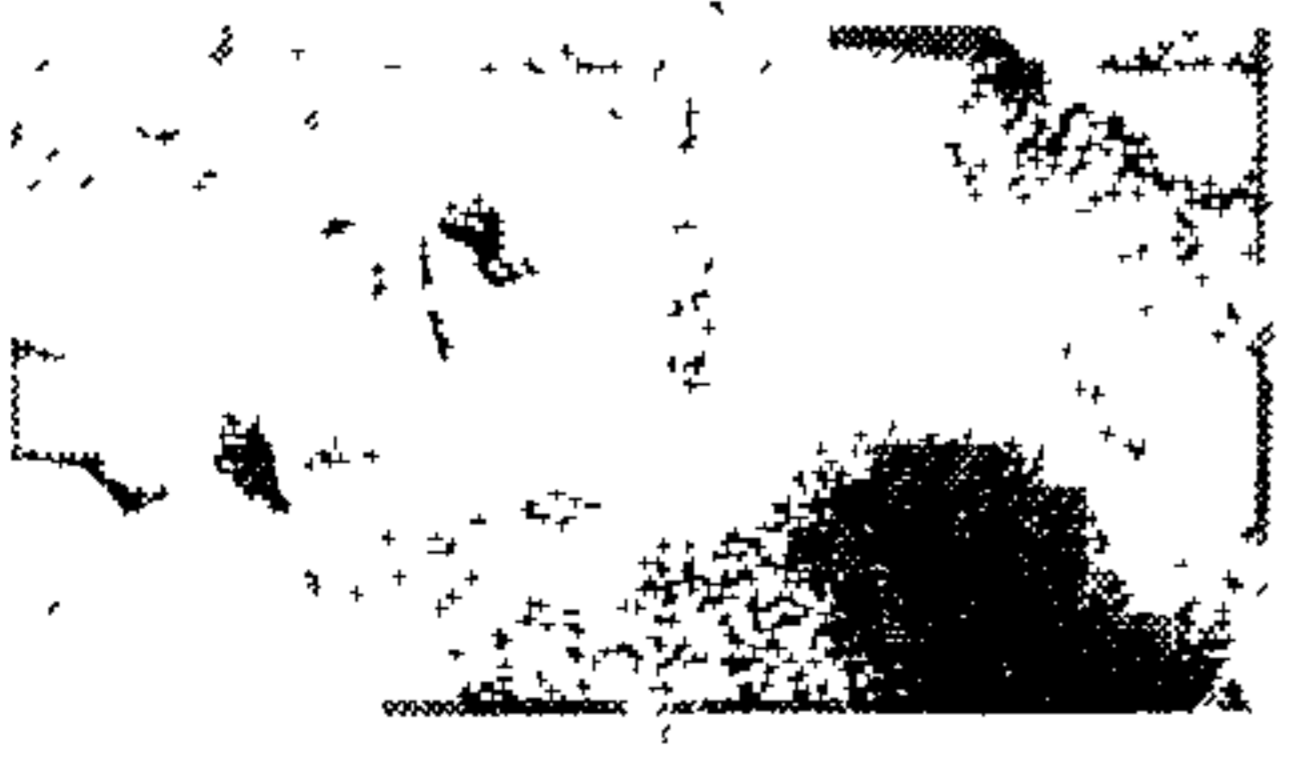
"I think there should be free speech as far as the Press is concerned. I don't think the Press should be monitored" — Mr Neville Petersen.



"I'm against it. It's unjust interference with the Press" — Mr Clive Centner.



"I think it's ridiculous. We have an official opposition in the newspapers. That's how I see my newspaper" — Mr John Martin



"I think it's monstrous because it's a contravention of personal freedom" — Mr Alan Monkman.



CONT

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He said the door was open to the NPU "They know it. This has always been the case," he added.

The secretary of the NPU, Mr G G A Uys, said in Johannesburg today that the NPU would consider the matter today.

Mr Botha said he was prepared to meet any "proper or wise body" who had suggestions.

He stressed that the Government regarded the legislation as a new experiment and that it was therefore prepared to listen to advice.

"HYSTERICAL"

Obviously upset by the publicity given the measure and the criticism of it so far, Mr Botha said he would not be "pushed about by the jingo Press who try to build up circulation through screaming headlines."

Speaking with considerable feeling, Mr Botha said "hysterical screaming" about the legislation would not change a "jot or tittle" in his attitude.

● The Newspaper Press Union is to have talks with the Prime Minister, Mr P W Botha, on the provisions of the Bill next week.

Mr G G A Uys, general manager of the NPU, said the central standing committee of the union had met in Johannesburg today and discussed the implications of the Bill fully and in depth.

"We hope to see Mr Botha early next week before the second reading of the Bill," he said.

Mr Uys was not prepared to indicate the NPU's attitude.

● Broad­sides against Press gagging. — Page 11.

IT'S GIVEN WORSE

kapm 18/5/79

'Cover-up' Bill is diabolical, says Eglin

By HELEN ZILLE
Political Correspondent

HOUSE OF ASSEMBLY THE ADVOCATE-GENERAL Bill has exceeded the worst fears of the Opposition and the Press that the Government is creating machinery to cover up all details of State corruption or maladministration in the widest sense.

This became clear when details of the Bill were published in Cape Town yesterday.

The Bill — immediately dubbed the "Cover-up" Bill — will prevent publication of any allegations of maladministration or misappropriation of State money unless permission is granted by an Advocate-General, who will have sweeping powers.

Penalties for contravening the Act are fines of up to R5 000 or jail of up to one year, or both.

Mr Colin Eglin, the Leader of the Opposition, described the Bill as "diabolical".

Full details — See Page 10

cal" and called on South Africans "who value clean, open government to fight this measure tooth and nail".

"It is clearly the angry reaction of an arrogant Government to the part which the Press has played in ripping the Information scandal wide open and then forcing disclosure out of a tight-lipped Government during the past six months," Mr Eglin said.

"This is the death-knell of investigative journalism," he said.

The Leader of the New Republic Party,

Gagging Bill is worse than expected

From Page 1

This provision also places a question mark over the right of newspapers to publish allegations of corruption or maladministration made in Parliament by MPs — destroying one of the most important rights of Parliamentary democracy.

The sweeping powers granted to the Advocate-General will have the full powers of a court of law to subpoena witnesses, administer oaths and impose fines of up to R500 or prison sentences of up to six months in certain circumstances.

In addition he will have the power to decide, at his discretion, whether a person in the following categories may have their

of matters for the Attorney-General.

The procedure for dealing with reports which the Advocate-General believes could endanger the security of the State. In such cases the report will not be tabled in Parliament as a public document.

Instead it will be referred to a Government dominated Parliamentary select committee for consideration — the tightest possible cover for the Government's multi-million rand secret fund — the area in which widespread corruption led to the Information scandal.

The Bill bars any person from attending hearings in which the Advocate-General is

State President may confer additional powers on the Advocate-General and instruct that secret be maintained.

There is a strict provision preventing any person from insulting or disparaging or belittling the Advocate-General.

There is no time limit set for any investigation — which could theoretically stretch out for any number of years.

There is no bar on reporting of court proceedings — but all indications are that unless a matter ends up in court all facts can be withheld.

His job as an agent of the executive will be to investigate allegations of corruption in other branches of the executive.

The additional sweeping powers granted to the State President — who traditionally acts on the advice of the Prime Minister and the Cabinet. The

South Africa

"Its implications are so far-reaching that they destroy any credibility in the Prime Minister's promise to open up irregularities. Instead it encloses them in a Government-controlled iron curtain," he said.

The Bill is by far the worst of the six Bills before Parliament this session to curb the already-eroded freedom of the Press.

Its most controversial provisions are

- A blanket ban on the publication of allegations of maladministration or misapplication of State money, or allegations of improper or unlawful enrichment in State affairs or through State funds, without the written permission of the Advocate-General

This measure is open to the widest possible interpretation and could cover the most petty examples of maladministration, in any arm of Government or any institution that receives State funds.

POLITICAL cartoon by the artist of the South African Press Syndicate. The cartoon is published by the South African Press Syndicate, 111, Market Street, Johannesburg.

Nationalist papers condemn new Bill

Political Staff

THE two Johannesburg Nationalist morning newspapers, Die Transvaler and Beeld, today condemn the Advocate-General Bill in editorials emphasising the vital need for a free and probing Press

Die Transvaler, mouthpiece of the National Party in the Transvaal, urged the Government to reconsider the Bill, which prohibits newspapers from publishing information about maladministration without the permission of an advocate-general

Declaring that the role of newspapers in exposing the Information scandal had emphasised the importance of a free Press, Die Transvaler asked

"In the light of this, we want to ask 'Is it too late to refer the whole issue to a Parliamentary select committee?'"

"Such a commission, in co-operation with the Press, can then attempt to reach a compromise between the two ideals of Press freedom and orderly government"

Beeld said it trusted that the legislature did not have in mind revenge against the Press

The newspaper said it was possible that the legislature did not realise the importance of newspapers in investigating tip-offs

"The Press can be a stout campaigner against maladministration and corruption (remember Agliotti, if one must look beyond the more recent Information scandal)," Beeld said

The newspaper said it accepted in principle the need for the post of advocate-general

But the advocate-general's role, as far as it concerned the Press, should not extend beyond the right to call witnesses and sworn affidavits when any cases of alleged maladministration were brought to the advocate-general's attention

"Until that point, let the Press expose a misdeed and act as a support for the advocate-general," Beeld said

Details of Advocate-General Bill

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IN USE OF ASSEMBLY

The controversial Advocate-General Bill which prohibits publication of reports relating to the alleged misapplication of State monies without the permission of the advocate-general was published for the first time yesterday.

In terms of the bill, any person convicted of such an offence shall be liable to a fine not exceeding R5 000 or one year's imprisonment or both.

The bill, which was introduced by the Leader of the House, Mr Lourens Muller (Minister of Transport), was strongly opposed at its first reading stage by the Progressive Federal Party and the New Republic Party on the grounds that it curbing on press freedom.

The bill provides for the appointment by the State President of an advocate-general of the Republic.

The advocate-general will be a qualified advocate with continuous experience of at least 10 years.

The advocate-general shall have the same status as a judge.

administration and report on his findings and recommendations to the Leader of the House of Assembly who, in turn, shall within seven days of receiving the report, lay it upon the table of the Assembly.

If Parliament is not in session, the Leader of the House must, within seven days, hand the report to the Speaker of the Assembly for tabling within seven days of the start of the next session.

Without the written permission of the advocate-general, no person shall publish or broadcast any report relating to the next session.

Alleged misapplication of State monies or maladministration of State monies

Alleged unlawful or improper enrichment of a person in an unlawful or improper manner in connection with the affairs of the State or at the expense of the State

Alleged attempts to misapply State monies or gain improper advantage

Such allegations may only be published after the advocate-general's report has been tabled in Parliament or handed to the Speaker.

Publication of any court proceedings shall not be prohibited.

If the advocate-general is of the opinion that publication of any such report will not be in the interest of State security, he shall recommend that such publication be prohibited.

This recommendation shall be tabled in the Assembly by the Leader of the House within seven days of his receiving it or, if Parliament is not in session, hand it to the Speaker.

In both cases for submission and report to the House of Assembly by a select committee of the House of Assembly appointed for that purpose.

The select committee may be authorized by resolution of the Assembly to continue its functions notwithstanding any prorogation of Parliament.

Any person wishing to lay before the advocate-general any suspicion of irregularities in connection with State monies shall do so by means of an affidavit specifying the nature of the suspicion, the grounds on which it is based and all other relevant information.

As soon as the matter has been laid before the advocate-general all other government departments shall be notified of the nature of the affidavit.

Conferring additional powers on the advocate-general

Relating to the recording of the proceedings at an inquiry

Providing for the preservation of secrecy

Relating to any other matter aimed at generally achieving the objects and purpose of the act

In terms of the bill, publication refers to any matter in newspapers, periodicals, pamphlets, handbills, placards,

advocate general bill

Any person appearing before the advocate-general may, in the discretion of the advocate-general and in such manner as may be determined by him, be assisted by an advocate of the Supreme Court or any person duly admitted to practice as an attorney in any part of the Republic.

The bill provides that any person who refuses or fails to comply with a direction, or who refuses to answer any question put to him or gives to such question an answer which to his knowledge is false, or refuses to take the oath or to make an affirmation at the request of the advocate-general, shall be guilty of an offence in terms of the bill, no person shall

Any person who discloses to any other person the contents of any document in the possession of the advocate-general or any member of his staff or the record of an inquiry, without the permission of the advocate-general, shall be guilty of an offence, subject to a maximum fine of R500 or six months imprisonment or both.

For the purposes of conducting an inquiry, the advocate-general may direct any person to appear before him to give evidence, or produce any document in his possession or under his control which, in his (advocate-general's) opinion, has a bearing on the matter being inquired into, and may examine such a person.

This direction shall be by way of a subpoena signed by the advocate-general and served on the person subpoenaed either by a registered letter sent through the post or by delivery by a person authorized by him.

When the advocate-general considers it necessary to do so, he may require any person appearing as a witness before him to give evidence on oath or after having made an affirmation.

In terms of the bill, such a person shall enjoy the same privilege as a witness testifying in a criminal proceeding before a division of the Supreme Court of South Africa.

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In terms of the bill, such a person shall enjoy the same privilege as a witness testifying in a criminal proceeding before a division of the Supreme Court of South Africa.

advocate general bill

Insult disparage or belittle the advocate-general or an assistant or member of his staff, or anticipate the proceedings at an inquiry or the findings of the advocate-general

Willfully interrupt the proceedings at an inquiry or misbehave himself in any other manner in the place where an inquiry is being held

In connection with an inquiry do anything which, if done in connection with a court of law, would have constituted contempt of court

Anybody contravening the above provisions shall be guilty of an offence, and the advocate-general may summarily impose upon such a person a fine not exceeding R500 or imprisonment for a period not exceeding six months, or both.

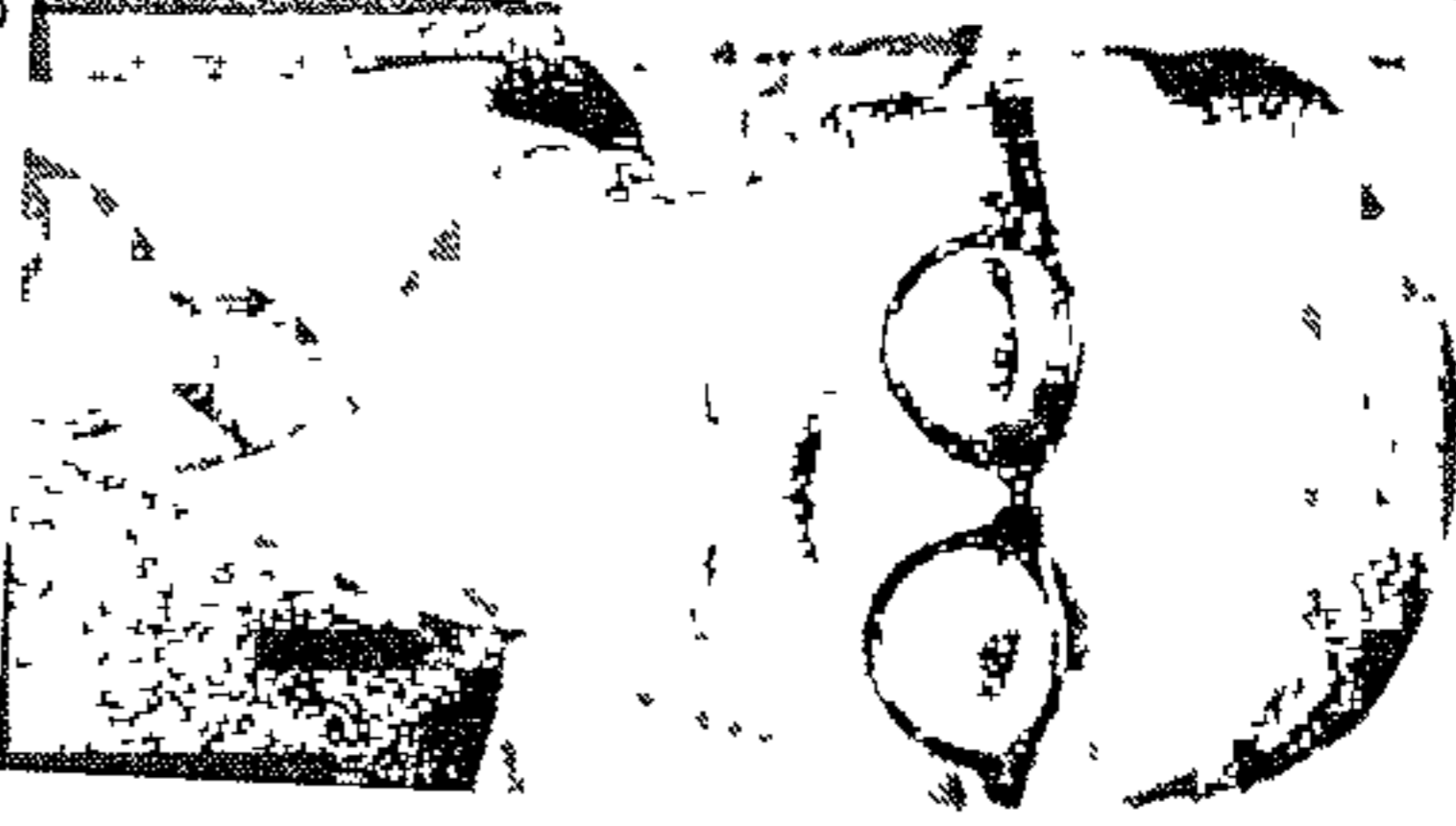
The bill also prohibits any person from improper influencing or doing anything calculated to influence the advocate-general or an assistant in respect of any matter being or to be considered by him with regard to an inquiry — Sapa

When the advocate-general considers it necessary to do so, he may require any person appearing as a witness before him to give evidence on oath or after having made an affirmation.

In terms of the bill, such a person shall enjoy the same privilege as a witness testifying in a criminal proceeding before a division of the Supreme Court of South Africa.

Press freedom: Senator's view

SENATOR A M VAN SCHOOR, a former newspaper editor, said in Cape Town yesterday that a tendency had de-



Senator A M van Schoor

veloped in South Africa, as elsewhere in the world, in terms of its stated ob-

jectives and content, but in terms of its effect on the freedom of the press.

He was giving, at a lunch-hour meeting of the Institute of Citizenship, a Nationalist's point of view of the various communication media in South Africa.

Senator Van Schoor said the most recent case is this bill now before Parliament to institute the office of advocate-general to receive and investigate rumours, allegations or reports of irregularities in public expenditures.

"As far as I can judge, the bill's overriding objective is to create an instrument for ensuring good, clean and sound administration open for use by any individual or organization with grounds for believing that the abuse of taxpayers' monies was occurring in any sector of the vast public service.

'Gimmick'

"As far as the powerful media in South Africa are concerned however, this measure is in no way judged as an instrument of public service solely and exclusively, but as another gimmick to restrict the freedom of the press, particularly in the terrain of newspaper activity, which has gained so vastly in dimensions since the Watergate affair — this so-called 'investigative journalism'."

Senator Van Schoor said he had not yet had the opportunity of studying in detail the bill establishing the office of advocate-general, but its expressed objective was to safeguard public interest.

"I feel that it should be judged on that basis. If this measure should in its practical implementation also have some restrictive effect on the investigative activity of the press, the overriding question will remain what is to enjoy priority in an orderly democratic society — the ensurance of good clean government or the freedom of the press to campaign for whatever it should regard as in the public interests?"

Botha is PM thanks to 'free press'

By LEON BEKKER

LAUNCHING a wide-ranging attack on the National Party in the Provincial Council yesterday, the Leader of the Opposition in the council, Mr Herbert Hirsch, said if the Advocate-General Bill became law, South Africans could "say goodbye" to any more revelations such as the Farrow affair, the Agliotti affair and the Information scandal.

If a free press had not exposed the Information scandal, the former minister of Information, Dr Conne Mulder, would be prime minister today, Mr Hirsch said.

Mr Hirsch was proposing a motion of no confidence in the National Party and its ability to meet the challenges of the future.

Bill ends SA press freedom - Mervis

JOHANNESBURG — Progressive Party M.P.C. Mr Joel Mervis, bitterly attacked the new Advocate-General Bill yesterday, saying it would finally and totally destroy press freedom in South Africa.

He raised the prospect of a censor in the form "Dr Goebbels in a safari suit" who could extend the cover-up of irregularities through secret inquiries.

Speaking in the budget debate in the Transvaal Provincial Council, Mr Mervis said the bill was the culmination of a sustained onslaught by the Nationalist regime on press freedom and freedom of speech.

Intimidate

Mr Mervis, South African representative of the International Press Institute and former editor of the Sunday Times, accused the government of misuse and abuse of government machinery to harass and intimidate the press.

He also warned that the bill would "kill" investigative journalism, "an essential function of the press".

● Was designed to ensure that something like the Information scandal was never exposed again.

● Was designed to place an iron curtain over any possible malpractices, irregularities or fraud which might be committed by the government or its servants.

● Had provoked one of the gravest crises facing South Africa.

Mr Mervis said the bill could increase rather than decrease temptation for irregularities and pointed out that it would also hit Afrikaans Nationalist newspapers.

Mixed reaction to new press bill

By NEVILLE FRANSMAN

THE ADVOCATE-GENERAL Bill published yesterday has been greeted by mixed reaction. It ranged from outright rejection to cautious "no comment".

Professor Julius Jappe of the Department of Development Administration at Stellenbosch University said "In principle I am in favour of the bill which, when it becomes law, will provide the opportunity to anyone, including parliamentarians and newspapermen, to make statements under oath to the advocate-general. It is a sensible effort by the government to prevent rumours before a proper investigation has taken place.

"The advocate-general will have judicial status in the analysis of issues brought to his attention, and that is a typical Western principle which is also a healthy one. Also healthy is that, seen in

The New Republic Party's two representatives in the council backed the Progressive Party's motion of no confidence.

Mr P W Botha was prime minister today because a free press had had the courage to print what it had discovered, Mr Hirsch said.

"I didn't expect the prime minister to react in a less repressive manner," he said.

The members of the National Party in the council had to accept their share of the responsibility for the Advocate-General Bill. It accorded fully with the bluster which was sometimes heard from NP members in the council.

There were echoes of the bill in the council. An example of this was the refusal of the

parties, the courts and the press will, according to the new bill, be taken over by one person, the advocate-general.

"Past experience has shown that the government had acted against corruption only after independent investigation by the press. Finally, I believe that present legislation to control the press is quite sufficient."

Professor P J Pemaar, head of the Department of Communications at Potchefstroom University, said he believed in maximum press freedom but the weak point was that the press was not responsible to anyone. It should be a freedom which did not endanger State security.

'Ghost writers'

"I have not seen the detailed bill and cannot yet decide whether as a whole it is good or bad. But it does not seem as if enough provision has been made to ensure that the advocate-general brings out into the open that which should be made public. In other words, it appears as if too much is being left to the discretion of the advocate-general.

Executive Committee to give its reasons for changing its mind about the proposed site for the SABC complex.

Mr Hirsch contrasted the action of the prime minister in introducing the bill, and Mr Botha's speech in Parliament recently when he said that authorities at all levels had to be open with the public and therefore with the press, the most important channel of information between government and people.

Mr Botha said at the time that information the public had a right to know could not be kept from it.

"Make up your minds where you're going and tell the country," Mr Hirsch said.

● Mr G J Horn, M.P.C for Gardens, one of

the National Party's speakers yesterday, said the P.F.P. had a check to bring a motion of no confidence in the National Party after the humiliating defeat the party had suffered in the Swellendam by-election.

It was apparent that there were three organizations in Southern Africa which did not accept the verdict of the ballot box. The Patriotic Front in Rhodesia; Swapo in SWA/Namibia, and the P.F.P. in South Africa.

He could not understand why the opposition complained about different opinions expressed by different members of the NP. It was to be welcomed that people, in looking for the truth, would not always agree with each other.

advocate general bill

CANT

PM probes 'Rumour Bill' leak to Press

12/5/79
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By HELEN ZILLE
Political Correspondent

THE Prime Minister, Mr P W Botha, is said to be furious about leaks to the Press on the controversial Advocate-General Bill which led to a public outcry before the Bill was released for the first time yesterday.

This was reliably learnt yesterday after Mr Botha raised the matter at the weekly National Party caucus meeting in Cape Town on Wednesday.

Mr Botha raised the matter in an effort to find out which member of the Government had leaked the information on the Bill to the Afrikaans Press, where first reports of the "Anti-Rumour-Mongering Bill" appeared last week.

Mr Botha told the caucus he had summoned a journalist, Mr Jac de Vries of Die Vaderland, to discuss the sources of the leak.

Mr De Vries said yesterday he had no comment on the matter.

If the source of the Press leak is found, it is understood he will face expulsion from the party. The Prime Minister is particularly annoyed because the premature leak opened the way for a sustained campaign against the Bill by the Afrikaans Press which applied strong pressure on the Government to withdraw the measure.

It also enabled the Opposition to take the unusual step of opposing the Bill at first reading — the strongest possible form of censure.

The Prime Minister's action points to growing tension between the Government and the Afrikaans Press on matters affecting Press freedom. Despite its strong behind-the-scenes leverage, the Afrikaans Press hierarchy was unable to pressure the Government into watering down the provisions of the Bill.

The Bill was sent back to the Government Printer for re-drafting shortly before it was read a first time, but no meaningful changes were made.

beyond doubt that the press was the watchdog of government

Information possessed by any newspaper would have to go an advocate-general who would conduct proceedings in secret thus backing secrecy and cover-ups

Now the government had become more cunning, Mr Mervis charged, by appointing what was euphemistically called an advocate-general "who is blatantly a censor"

The advocate-general would report to Parliament, but the government would take no chances, because "Dr Goebles in a safari suit" could recommend that the report remains secret and was not published — Sapa

"The press are not always angels and have at times presented the news in a way not always conducive to law and orderliness. Looking at the proposed law, the point of departure must be confidence in the government and its intention to have clean administration with the help of an advocate-general"

Rejecting the bill outright, Mr J J Roelofse, senior lecturer in communications at Unisa (and former political correspondent for the Transvaler and former SAPA parliamentary correspondent) said his argument was based on three considerations

Watchdog

The state was only the trustee of public funds and had none of its own, democracy was based on the fallibility of the human being and thus there was a choice at regular elections to change the government, and thirdly the public had in all circumstances the right to judge whether the government of the day was good or bad. Newspapers were an extension of this public watchdog role

He added "The traditional watchdog duty of opposition

would concentrate on what they consider scandal stories"

Professor Piet Cillie, head of the Department of Journalism at Stellenbosch University "I am also chairman of Nasionale Pers and prefer comment to come from the editors of the group I have no comment to make"

'Reserve comment'

Professor M J de Vries, vice-rector of the University of Stellenbosch "Because I am also a director of Nasionale Pers, I am not willing to comment"

Professor A R C de Crepsigny, head of the Department of Political Science at UCT. "On the face of it, the proposed legislation seems to be a regressive step and enormously disturbing. However, I would like to reserve further comment till I have had an opportunity to study the bill"

Mr D P de Villiers, managing director of Nasionale Pers and vice-president of the Newspaper Press Union. "I am not happy with the present wording of the bill. However, the Prime Minister has indicated that the NPU may make representations to the government and we hope to avail ourselves of the opportunity"

Inefficiency may also fall under bill

By TONY ROBINSON

THE Advocate-General Bill, published yesterday, goes beyond dealing with allegations of corruption and appears to cover allegations of poor administration and inefficiency where state funds are concerned

The bill states that any person who suspects that state funds have been misapplied or that "maladministration in connection with State monies has taken place or is taking place", should put the matter before the Advocate-General. Newspapers would then not be allowed to publish reports on the allegations

Mr Brian Bamford, one of the PFP's legal experts, says it would appear that the term

"State monies" includes state subsidies

This would cover a wide range of activities including the provision of housing by local authorities

Mr Stan Evans, the acting town clerk of Cape Town, confirmed that City Council housing schemes, including the huge Mitchells Plan project, received a 100 percent subsidy from the National Housing Fund

In addition, state subsidies ranging from 50 percent to 87 percent were paid on various health services provided by the council. Most other subsidies came from the Provincial Administration and would not appear to be affected

PRESS BILL: MORE CURBS ARE FEARED

Argus
19/5/79

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Political Staff

AMID growing criticism of the Government's planned Press curbs from Nationalist newspapers, Opposition spokesman are pointing to further far-reaching effects of this legislation.

The Cape Nationalist daily newspaper, Die Bürger, took the unusual step today of publishing the entire contents of the controversial Advocate-General Bill.

The newspaper's political columnist, Dawie, today expressed strong reservations about the Bill and said the entire Bill was being published to allow everyone who was interested to interpret it.

IMPRESSION

Senator Bill Horak, New Republic Party Chief Whip in the Senate, said today that some people were under the impression that the gag on the publication of corruption operated only between the time that such corruption was brought to the attention of the Advocate-General and until his report had been tabled in Parliament.

Senator Horak said the Bill provided for a total gag and no newspaper could publish anything about maladministration, whether this was brought to the attention of the Advocate-General or not.

This heralded the end of investigation journalism, he said.

Other Opposition members are expressing the fear that the Bill will prevent newspapers from publishing speeches made in Parliament by MPs or Senators who produce evidence of corruption or maladministration.

Opposition parties are seeking advice on the matter, Mr Japie Basson, Progressive Federal Party MP for Bezuidenhout, warned today that the Bill placed a question mark over the right to report speeches made in Parliament which contain allegations of corruption.

There appears to be differing legal opinion on this point and the Opposition parties are seeking the advice of legal and parliamentary experts.

The South African Party, which has been highly critical of the English language Press in the past, has meanwhile indicated that it is unhappy with the Bill.

It is going to propose the appointment of a select committee which will have the power to call witnesses and to produce an amended Bill. ●

Argus, 19/5/79 (243)

Pressman's passport conditionally returned

Weekend Argus
Correspondent

JOHANNESBURG — A magistrate yesterday conditionally returned the passport of the assistant editor of the Argus Africa News Service, Mr Deon du Plessis, who appeared on charges under the Defence Act and Official Secrets Act

Mr du Plessis's passport was seized by security police when he was detained late last month

Mr P Coetzee, appearing for Mr du Plessis, 23, of Melville, Johannesburg, asked that bail conditions which required his client to report to the security police once a week and

hand in his passport, be changed

The magistrate, Mr A G A du Toit, said that if Mr du Plessis needed his passport, his employers should write an affidavit stating the reason it was needed, Mr du Plessis's destination, and his estimated time of absence. The passport would then be handed over to him

He said Mr du Plessis must report to the security police within 24 hours of his return to South Africa, and hand back his passport.

Mr du Toit raised the bail from R1 500 to R2 500, and postponed the case until June 14.

The Corruption

Bill

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WE would have thought there was one thing on which all South Africans, of whatever political persuasion, would agree about the Press — which is that it should be free to expose corruption.

There are those who believe the freedom of the Press should be curtailed. Who agree, for example, with the restriction on publishing information about conditions in prisons. And the coming restriction on police activities.

There are even those who believe that news about population removal schemes, or poor living conditions, should not be published because these give South Africa a bad name overseas.

But even the strongest advocates of Press control will stop short of one thing — corruption.

Yes, they will say, we accept that you have an important role to play there, as a public watchdog.

Yet that is precisely what the Government now proposes to outlaw. It is actually going to make the exposure of corruption by newspapers a crime.

It seems incredible. Mind-boggling. It is the kind of law one would expect to find only in a banana republic — which is just the image it is going to convey to the rest of the world.

And the supreme irony is that it comes from a Prime Minister who pledged, on the day he was elected, to give South Africa a clean administration.

We have no hesitation in saying that the Advocate-General Bill is going to lead to an increase in Government malpractices, bribery and corruption. Because effectively it is going to put a stop to all newspaper investigations into these things — and it is a plain fact that most exposures in the past have been through newspapers.

No newspaper will go to the trouble and expense of looking into these matters in future, because it won't be allowed to publish what it finds.

It will be wasting its time — and sticking its neck out for nothing.

In any case, it would be unlikely to gather any information even if it were to try — because informants will no longer be forthcoming. They are hesitant enough at the best of times, terrified of reprisals (such as happened to poor Mr J F Waldeck of Info), and the reason they come to newspapers is precisely because they know they can do that anonymously.

But now the newspapers will be required to disclose their names and put everything in affidavit form.

Forget it. You might as well tell them to report the matter to the police — which has always been an option open to them anyway.

So the kind of men who perpetrated the Marendaz scandal and the Agliotti scandal and the Faros scandal — and of course the Info scandal — will be much safer in future.

They will know that even if someone gets wind of what they are doing, that potential informant will have to watch his step.

And that if a newspaper hears about it, it will probably turn the other way. Thus corruption will effectively be encouraged.

It must be a serious enough problem in any country where the government has been in power for 31 years, and we have seen how it has been on the increase recently.

Under the protection of this law, it will flourish as never before.

Press blame for disruption

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19/5/79
N.M.

without the permission of the Advocate-General.

Opposition parties in Parliament are also seeking legal advice on the issue and Mr. Japie Basson, (PFP, Bezuidenhout) said last night:

"The Bill places a huge question mark over a newspaper's right to publish speeches by MPs or senators alleging corruption."

Mr. Stuart, author of the Newspaper's Guide to the Law, said he was convinced after analysing the Bill that speeches in Parliament alleging corruption could not be published except with the permission of the Advocate-General.

A PFP protest meeting against the Bill will be held in the Durban City Hall on Monday.

● See Page 7.

STELLENBOSCH — Amid mounting concern over the Advocate-General Bill, Prime Minister P. W. Botha advised investors and businessmen who were affected by "sensation hunting" in newspapers to take action themselves.

"When we try to do something we are accused of tampering with Press freedom," he said, in a Sapa report.

Certain newspapers were systematically destroying good relations in South Africa.

Industrialists, investors and businessmen who had visited him recently had asked how this could be stopped.

They wanted to know how the sensation hunting which was destroying good relations could be brought to an end.

"Can they (the newspapers) honestly say that their search for the sensational is not often the cause of disruptions in good relations."

Mr. Botha said he would not answer on their behalf. The newspapers should answer this question for themselves.

"I leave it to industrialists whose financial interests are at stake to do something themselves."

He would gladly consult with them if they wished to see him in this connection.

Mr. Botha was addressing a Western Cape regional conference of Relations Committees.

"We have seen outbursts on what the Government's intentions were which have brought tension, misunderstanding, prejudices which all work against good relations," Mr. Botha said.

"Has a single newspaper honestly published details of the 11 clauses?"

"No. Only their interpretation and comment was given priority."

Our Johannesburg correspondent writes that the country's top expert on newspaper law, Mr. Kelsey Stuart, said that the Bill prohibits newspapers from publishing speeches made in Parliament by MPs or senators who produced evidence of maladministration or corrupt use of State money.

Implications

He said this was one of the most serious implications of the Bill which bans publication of any allega-

It's absurdly wide!

IT IS BAD enough that the Advocate-General Bill should make it a crime for newspapers to publish evidence of bribery and corruption in the running of the country.

But legal opinion is that it will also make it a crime to expose plain inefficiency. Things like Eskom's wasteful expenditure on Megawatt Park, or the SABC's extravagance on the Artes Awards; or incompetence on the part of a marketing board dealing with things like eggs, meat and butter.

Newspapers will not be able to tell you, the taxpayer, about such squandering of your money in future; or you, the consumer, about how you are being ripped off by maladministration in a State corporation or produce board.

This is because the Bill does not only cover "alleged unlawful or improper enrichment" and "receipt of any advantage by any person in an unlawful or improper manner" — which is corruption.

It also covers alleged "misapplication" or "maladministration" of State moneys — which must include wastefulness or plain bad administration on the part of any organisation using State funds, of which there are thousands from the Dried Bean Board to the builders of Sasol II.

We shall even have to keep quiet about inefficiency in a Bantustan administration — or if we learn that the chairman of some township community council has his fingers in the till.

It seems incredible. The national Budget of R11 500-million (all your money, Mr Taxpayer) surely needs as many watchdogs as possible to ensure that it is not "misapplied", "maladministered" or otherwise abused in any way. Yet here we have the traditional Press watchdogs, who have been applauded internationally for their vigilance, being told to shut up — while the job is given to a single official and his staff who will be part of the establishment set-up.

Nor is that all. As the Bill stands, legal opinion is that newspapers will not even be able to report a speech by an MP in Parliament exposing corruption or inefficiency involving State funds, without permission from the advocate-general.

Nor even an official Government report on such a subject.

Only court proceedings are exempted from this comprehensive prohibition.

And on top of all this the Bill contains a carte blanche clause empowering the State President (in practice, the Government) by simple proclamation to

general, or make any other regulations "aimed at generally achieving the objects and purposes of the Act".

Thus at the stroke of a pen this extraordinary official can be given the power to do just about anything. In secret. And it will be a crime to publish or "leak" a word about what is going on.

That is the Bill which your Government has drawn up, and proposes to make into law over the next few days.

We have difficulty believing it is what the people of South Africa want — including the Government's own supporters.

It is just too unreasonable. It has the appearance of an ill-considered, headstrong measure — produced, as Mr Colin Eghn suggests, in a fit of anger at the newspapers for embarrassing the Government with their Info exposures.

But unless considerable pressure can be brought to bear on the Government, it is what we are going to get.

Academics' outrage over Press gag Bill

By GERALD REILLY
Pretoria Bureau

PROMINENT legal academics yesterday slammed the "Advocate-General" Bill as the ultimate cover-up weapon

The Bill, they said, if it became law, would create the impression that the Government, still in shock from the Information scandal revelations, had moved to see that any future executive irregularities or abuses were effectively muffled and kept out of print

Professor Barend van Niekerk, of the law faculty at the University of Natal, said the Bill was the "last word in cover-up machinery"

It followed logically from Government action in sacking Judge Anton Mostert when the truth his commission was generating became "too hot to handle"

"In the hands of a compliant crony — and the Government will have no difficulty in finding one with the necessary external trappings of independence — this will be the end of investigative reporting on Government corruption"

Prof Van Niekerk said there was still time to fight the Bill. He suggested that all sections of the Press should combine to fight the measure every inch of the way

"This Bill stems directly from the Government's attempt to prevent the law taking its course in the Mostert Commission and in the Information scandal

"It was a frontal attack on free speech and for this reason prominent judges should join in the protest," Prof Van Niekerk said

Prof S A Strauss, of the Unisa law faculty, said the Bill would be the ultimate cover-up weapon

No Government could go further in setting up machinery to conceal what could be serious misdemeanours at high level than the present administration intended to go

It was incredible that, in a country claiming an association with democracy, so extreme a measure as the Advocate-Gen-

eral Bill could even be contemplated

"We should be moving towards greater Press freedom, greater toleration of criticism. Instead we are going in the opposite direction"

It was sad and distressing that public reaction to the measure had so far been so flaccid and indifferent

"I once lived in a country without Press freedom. The Press was a joke. It had no integrity. None took it seriously and rumour-mongering, the very thing this legislation is supposed to be aimed at, thrived," Prof Strauss said

The Head of the law faculty at the University of the Witwatersrand, Prof David Zeffertt, said the appointment of an ombudsman who could investigate corruption and abuses of power by the executive would be a good move

"Both in our relations with other countries and internally, the inalienable democratic right to be properly informed on matters affecting the wellbeing of the Republic would be stultified"

Even if the appointment of an Advocate-General turned out to be an effective check on corruption, it would not be seen to be so by the public

On the contrary, the public would be left with the impression that corruption was being hidden

The Director of the Institute for Foreign and Comparative Law at the University of South Africa, Prof Pierre Brooks, said two of his research assistants were yesterday unable to find legislation anywhere in the Western world which could be compared with the Advocate-General Bill

"In Western democracies there are ombudsmen and there is legislation on State security and on moral issues which to some extent restrict the Press"

But nowhere could they find a law which specifically barred the Press from reporting on alleged corruption or maladministration in governments, Prof Brooks said

Sapa reports that Opposition

politicians and public figures in Natal have strongly attacked the Government's new Bill

"I think it's utterly deplorable," was the first reaction of Mr Derek Watterson, the New Republic Party MEC in charge of local authorities

"Because the Information Scandal has been terribly embarrassing for certain very high people in Government, they're going to make quite sure that such a situation cannot happen again, he said

"As far as I can see, this Bill completely hamstringing the Press," Mr Watterson added

"I don't believe it can only be restricted to Government agencies. It must also extend to provincial agencies and statutory boards. I believe, therefore, that it must have the effect of severely curtailing the information that can be — and should be — given to the public," he said

Prof Anthony Mathews, Dean of the law faculty at the University of Natal, said yesterday his immediate reaction to the Bill, which he had seen in newspaper reports, was that it would stifle the flow of information

"It would simply make the Information problem worse, suppressing matters of possible maladministration," he added

Author Alan Paton said he was angry

"What makes me so angry is that just when we thought the Wiehahn and Riekert Commissions were making progress in the country, this Bill comes up," he said

"It's a terrible thing. What it amounts to is that the State will in future hand out the news," he said

The South African Council of Churches yesterday urged the Government to withdraw the proposed Advocate-General Bill and to stand by the Prime Minister's promise of a "clean and open administration"

"In its obvious intent to hide whatever truths the Government does not want the public to know, the Bill delivers what could be a fatal blow to the long and cherished ideals of Press freedom"

Info probe pair say ^{Bill} This is the end of investigation

MERVYN REES
'a blind eye'

Staff Reporter

THE two journalists who exposed the Information scandal believe the Advocate-General Bill will effectively kill off newspaper investigations into corruption.

Mervyn Rees, Rand Daily Mail Investigations Editor and Kitt Katzin, Assistant Editor of the Sunday Express, said yesterday that the Information scandal would not have been exposed if the Bill had been in force last year when they first started their individual probes.

The Bill would also make it difficult for them to convince sources that their identities could be kept confidential and might prevent public servants or public-spirited citizens from coming forward — even to the Advocate-General — to expose corruption in the Government, for fear of reprisals.

“Corruption will increase because people will turn a blind eye rather than become involved. They won't want to be implicated and will choose to ignore it, taking the attitude that the less they know the better,” Mr Rees said.

“I believe the Bill will not achieve what the Government wants. It will merely drive the stories underground.”

“The Bill makes the Advocate-General a very powerful person. It is going to be important to see who is appointed to the position and who is going to conduct the investigations,” he said.

“Who is going to investigate the investigators if they ever do anything wrong?”

The Mail exposes on the Information scandal weren't based on rumour or allegations. Everything was checked and rechecked before publication.

Mr Katzin described the legislation as a heartbreak Bill for journalism.

“Not one of the major exposes published in the Sunday Express was based on allegations or rumours.”

“I saw it as my responsibility to convert allegations into proven facts. The Bill not only prevents me publishing allegations, it also prevents me from converting allegations into facts.”

“If it had been in force last year, Dr Connie Mulder would be Prime Minister of South Africa and an unsuspecting public would know nothing about the Information scandal.”

“The Bill destroys the very basis of investigative journalism which — especially in SA — represents the heartbeat of newspapers.”

He said the Prime Minister, Mr P W Botha, had promised a clean administration when he took up office and newspapers had helped in this by exposing the Information scandal.

“The irony of the situation is that it was the Opposition Press which enabled him to become Prime Minister.”

“Corruption we are not even aware of will now never see the light of day and I believe if the Government goes ahead with the Bill the rest of the Information story won't be told.”

He said journalists would be left to report corruption in the private business world which was obviously not half as significant as corruption in the Government.

KITT K
'heartb

Prime Minister consents to meet Press delegation on Bill

Staff Reporter

THE Prime Minister has agreed to meet a delegation from the Newspaper Press Union to discuss the Advocate-General Bill.

Mr Rudolph Opperman, president of the NPU, said last night a request had been sent to Mr Botha after the Union's meeting in Johannesburg yesterday.

"I have received word from the Prime Minister's office that the meeting will take place in Cape Town on Monday morning at 11.15 am," Mr Opperman said.

The NPU delegation chosen to represent the Press is Mr David de Villiers, managing director of Natalstore Press, Mr Harold Miller, general manager of the Argus Company, Mr Clive Kinsey, managing director of South African Associated Newspapers and Mr Opperman.

Mr Opperman would not say if the delegation would be presenting documents setting out the views of newspaper editors.

In Stellenbosch, Mr Botha launched a stinging attack on Press reaction to the Bill, reports Sapa.

"When we try to do something, we are accused of tampering with Press freedom," he said.

Addressing a Western Cape regional conference of Relations Committees, he asked if a single newspaper had published in full the 11 clauses of the Bill.

"We have seen outbursts on what the Government's intentions were which have brought tension, misunderstanding and prejudices which all work against good relations," Mr Botha said.

"Has a single newspaper honestly published details of the 11 clauses? No. Only their comment was given in priority and the only place where details of the Bill are available in its published form is Parliament."

PRESENTING awards at the 1979 South African Railways Award for transport journalism in Johannesburg last night, the Minister of Transport, Mr Lourens Muller, said he had always regarded the Press as an ally.

The Press was there to work for the full benefit of the community, he said.

"This cannot be done if the media we wish to use are kept in ignorance."

He said he appreciated the co-operation he was receiving from the Press. Mr Muller, as Leader of the House, introduced the Advocate-General Bill in Parliament this week.

QUOTE OF THE WEEK

Muzzles on MPs' speeches

By MARTIN SCHNEIDER
Political Editor

SOUTH Africa's top expert on newspaper law, Mr Kelsey Stuart, said last night one of the most serious implications of the Advocate-General Bill was its clamp on newspapers publishing reports of speeches made in Parliament by MPs or Senators who produce evidence of maladministration or corrupt use of State money.

The Bill bans publication of any allegation of State corruption without the permission of the Advocate-General.

Opposition parties in Parliament are also seeking legal

advice on the issue and Mr Japie Basson, Progressive Federal Party MP for Bezenudenhout, said last night:

"The Bill places a huge question mark over a newspaper's right to publish speeches by MPs or Senators alleging corruption."

Mr Stuart, author of the "The Newspaper's Guide to the Law", said he was convinced, after analysing the Bill, that reports of speeches in Parliament alleging corruption could not be published except with the Advocate-General's consent.

He said the prohibition would also apply to publication of Government reports which might

contain information about maladministration, corruption, or misapplication of State money.

The Bill makes only one specific exception on the issue of publication — it does not ban reporting of court proceedings on corruption or maladministration.

And there is a single general exception — it will not affect any duty or power imposed or conferred upon the Auditor-General by or under any other law.

The Auditor-General makes annual reports to Parliament on the use of money by Government departments.

Mr Stuart said the exceptions covering the Auditor-General in the Bill still meant that publica-

tion of his reports would be prohibited without the permission of the Advocate-General.

Mr Basson, the main Parliamentary Opposition spokesman on the Bill, said last night opinion canvassed by the PFP on the Bill's implications for Parliamentary proceedings was divided.

"Some are convinced there could be no publication of speeches by Parliamentarians alleging corruption. Others are uncertain. We are seeking finality from legal and Parliamentary experts."

Mr Vause Raw, leader of the New Republic Party, said the would test the issue during debate on the Bill next week.

Nat MPs aggrainst Press gag Bill

By HELEN ZILLE
Political Staff

Cape Town

THE Prime Minister is determined to push ahead with the Advocate-General Bill — in the teeth of the widest opposition against any measure since the Government was forced to withdraw the blanket Press Bill two years ago.

Opposition to the measure grew yesterday to include National Party MPs, all Afrikaans and English newspapers, both Opposition Parties, academics and influential Afrikaners.

But yesterday it appeared that the widespread protest had had little influence on the

CONT

That's unfair, calling it a Crooks' Charter. It means a quiet life for me.

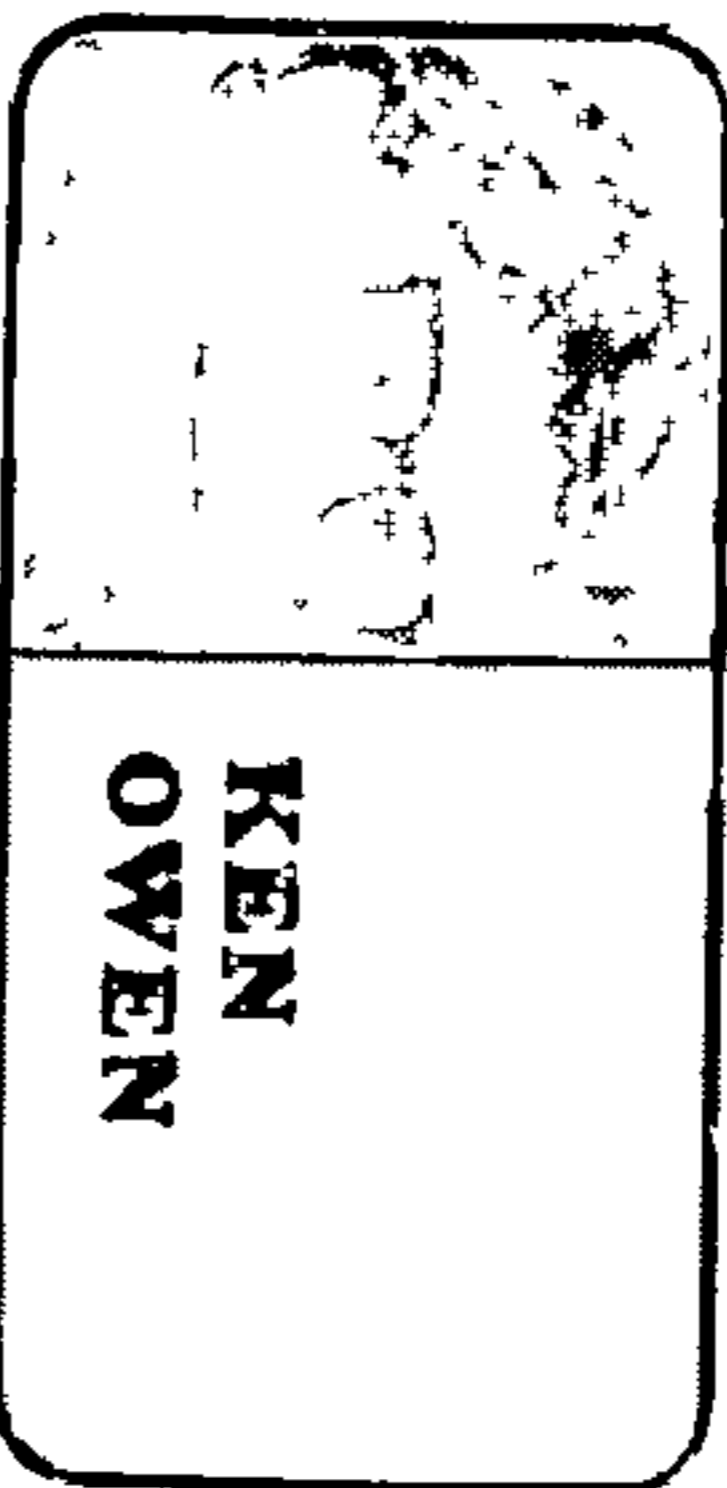
PEOPLE keep coining insulting names for the Prime Minister's new anti-rumour Bill, like the Crooks' Charter, and the Protection of Corruption Bill, and things like that. But I think that's unfair.

It should be called the Newspapermen's Protection Bill. It was obviously designed to give South Africa's much-tried journalists a break from the harrowing duties which they are compelled these days to perform.

You must understand that we are an easy-going lot. We joined newspapers in the old days because, frankly, it was a better way of earning a living than working. It was a matter of asking people stupid questions and writing down their stupid answers.

I well remember asking Mr Eric Louw about his trip to the United Nations in 1957. "Was the weather good, sir?"

"It was bitterly cold, but not so cold as the reply I gave the Australian Ambassador." Mr Louw replied wittily. My report, was headlined "Louw returns to warm reception — Australians slammed".



KEN OWEN

Ah those were the good old days. But journalism like everything else has become more complex. Even criminals I see from the advertisements have to be highly skilled craftsmen these days. They must study law and lock-picking and things like that. But unlike crime, jour-

nalism has become steadily more dangerous. It's actually harder to get jailed for corruption these days than for journalism. And the penalties for practising journalism have become so dauntingly high that many of us — I speak for some of my finest colleagues — are thinking of going straight.

I mean we have 350 pages of laws that we can break. Think about that for a moment. Thieves are forbidden to steal. Public servants mustn't misappropriate or irrogate. Even sinners have only ten commandments.

Restrictions

But journalists have millions of rules, laws, regulations restrictions, and prohibitions to remember. For example if a man is arrested you have to ask the police for permission under the Police Act to take a photograph of him but if he is sentenced to jail you can snap him for 30 days, on the 31st day you'd jolly well better have permission under the Prisons Act or you go to jail with him, and then people can photograph you for 30 days.

Then there is libel and defamation and plain bad taste to worry about.

You would be surprised to learn how much of the English language falls into these three categories if it appears in a newspaper.

Although people in holy matrimony say things like that to each other all the time journalism has become nothing but decisions, decisions.

Well, now, I know that journalists — especially



English-language journalists — are supposed to fight to uphold the freedom of the Press (that's a phrase we must all learn off by heart or no promotions) and all that jazz. But to tell the truth I'm plumb wore out. This wasn't what I became a journalist for. I just wanted to have lunch on expense account and fly in aeroplanes.

Anyway I think the nicest Press laws are like the Defence Act. Man there's not a blinking thing you can publish about the army without clearing it through the Defence Department. That passes the buck, the army must take the deci-

sions and if they're wrong, the colonel goes to jail. Journalists wouldn't dream of publishing military reports at their own risk. I remember during the Angolan war, I happened to be overseas reading about our troops (if we had any) how they fought (if they did) and went from victory to victory (if they did, which I'm not saying they did not without permis-

son).
Libellous
 Evervbody in America was talking about it. Some people were saying libellous defamatory tasteless

things about us South Africans and others were saying "Boy, they are fighting those South Africans." Well I wrote a letter to a friend to say how proud I was of our boys up north (if it was north) and you know he sent the letter right back "You fool," he said "don't tell me things like that I don't have the army's permission."

Well I didn't understand then because it was hard to believe that any country could fight a whole war without knowing about it. But we did and now I understand better. In fact, I've come to like laws that simply forbid the publica-

tion of material that could get me into trouble.
 That's why I like the new law on shutting up about corruption. If anybody tells a journalist about crooks in the Treasury or about fiddles in the Department of Industries or about unauthorised perks in the secret services or about loaded contracts in the quartermaster's stores, that journalist is compelled to split

Informant

The journalist will have to go to the new Advocate-General and rat under oath on his informant. If he doesn't if for example he simply publishes what he knows and the Advocate-General reads it in the paper next morning the journalist goes up the river for a year. That's worse than taking a picture, on the 31st day.

make it foolhardy for anybody to tell a journalist about corruption or irregularities or nasty things like that and it will be even more foolish for the journalist to hear what the ass is saying. From now on you understand, it's the law of Omerta, as they call the law of silence in Sicily, nobody knows nothing.

Now that's the kind of law I prefer. Like the Prisons Act which has virtually stopped reporting on prisons and the Defence Act, which permits of no unauthorised reporting on Defence. The new corruption law leaves no room for doubt. If you know anything baby you're in trouble.

What will newspapermen do now? Well, I don't know about other people, but speaking for myself, the next time Pik comes back from the United Nations, I'll ask him "How was the weather, sir?"

Obviously, this law will work. After all, it's better than

When Pik next comes back from the UN, I'll ask him: 'How was the weather, sir?' After all, it's better than working.

2143
 20/5/79
 G. J. ...

Rand Daily Mail 19/5/79

Prime Minister, who is reliably understood to be determined to push ahead with the Bill, despite his pledge to listen to "responsible representation" on the matter.

It is believed that the second reading of the Bill will start as early as Tuesday next week.

Its terms are so wide that it could place a blanket ban on publication of any irregularities, ranging from incompetence to gross misappropriation of funds and corruption.

In any institution that received State funds, this covers the entire Civil Service as well as State corporations such as the SABC, Iscor, Escom and various marketing boards.

Several National Party MPs made it clear yesterday they were deeply disturbed about the implications of the Bill — but none is prepared to stand up to the Party bosses and place their political careers on the line to defend the Press.

They are placing their faith in the power of the Afrikaans Press and influential Afrikaners to apply pressure on the Government.

Three people in particular are being mentioned in this connection: Mr Piet Cilhe, former editor of Die Burger, Mr David de Villiers, managing director of Nasionale Pers and vice-president of the Newspaper Press Union and Dr Willem de Klerk, editor of Die Transvaler and director of Perskor.

There is a widespread feeling among National Party MPs that the Prime Minister has made a serious mistake by introducing Press curbs in a measure intended to help expose corruption.

While they all support the idea of having an ombudsman to investigate complaints of corruption, they believe the Bill as it stands will have the effect of stifling further exposes.

However, none of them raised any objections when the Prime Minister outlined the measure in the caucus last week.

● See Page 2

Afrikaanse koerante sê uit een mond „nee!”

DIE Afrikaanse dagbladpers praat soos min uit een mond teen 'n Regeringsmaatregel. Die pers-aspek van die wetsontwerp op die Advokaat-generaal Hier volg kort uittreksels uit hoofartikels. Die Burger „Waar die ware opset van die wetgewing is om wanbesteding uit die weg te ruim, sou dit logies wees om die pers hierin as 'n kragtige bondgenoot te sien en nie as 'n teenstander nie. Dit lyk na 'n verdeling van die strewes as die praktiese uitwerking gaan wees om die inisiatief van die pers te smoor by die blootlegging van wanadministrasie of korrupsie

„Vir Die Burger lyk dit noodsaaklik dat die bepalinge wat te ver gaan en wat te vaag of te wyd gestel is, hiersien word”

Die Transvaal 'n Gedeelte van die pers moet sy hatigheid betoel Die Regering moet ligloop om nie 'n situasie te skep wat hy tot elke prys moet vermy nie 'n Kommunikasiekloof nie slegs met die pers nie, maar tegelyk ook 'n kommunikasiekloof van die bree publiek” Dit kan vertroue in die gedrang bring

Beeld Dis duidelik dat heelwat skaafwerk nodig is voordat die wetsontwerp sy verklaarde doel bereik. Vir die beswil van 'n goeie gesonde openbare lewe sal die gewraakte artikel aandag moet kry, of ons almal se vryheid sal verskraal word.

Die Vaderland In sy huidige vorm kan dit in die praktyk kwalik iets anders as 'n muilband vir die pers wees wat staatskorrupsie of wanadministrasie aanbetref

mag publiseer en die SAUK sal mag uitsaai, wat in die Parlement oor korrupsie of oor blote wanbestuur gesê word

Dit is ook nie duidelik in hoeverre sprekers by openbare vergaderings hul sê sal mag sê oor wanbestuur nie. Wat wel duidelik is is dat die pers en die SAUK geen kennis sal mag neem van sulke toesprake nie, en die partye sal nie pamflette daaroor mag uitgee sonder skriftelike verlof nie

Dit kan aanvullende probleme vir die Nasionale Party skep — hy sal eers verlof moet vra as hy pamflette wil versprei wat by skinderstories van die HNP oor wanbestuur weêrle

Die Ouditeur-generaal, die belastingbetalers se wagbond teen wanbesteding van staatsgeld, doen gereeld verslag daarvoor aan die Parlement. Sy verslag sal altesaam met skriftelike verloop van die Advokaat-generaal gepubliseer mag word as die wetsontwerp so deurgaan

*Lawie van Lize burger giv dat koerante se belangrikste beswaar maklik uit die weg geruim kan word deur dit bo alle twyfel in die wetsontwerp te stel dat 'n koerant se rol om korrupsie, onreëlmatighede of wanbesteding bloot te lê deur daaraan publisiteit te gee, nie ingekort word nie

Dawie kom met 'n voorstel, wat vroeër in die week telkens in politieke gesprekke genoem is en wat redelik byval gevind het

Dawie meen dat verantwoordelike koerante heeltemal bereid is om daarmee saam te leef dat die sub-judice-reël in sekere omstandighede in werking moet tree. Die groot vraag is wanneer dit moet gebeur, en dit is

TENSY anders vermeld, word alle politieke kommentaar in hierdie uitgawe verantwoord deur I. Perold, A. Craford en J. Vosloo

Politieke berigte is nagestaan en van opskrifte voorsien deur H. Oberholzer, en politieke sportprente is deur Fred Mouton. Die hoofkantooradres is Davessstraat 72, Doornfontein, Johannesburg

Provinsiale administrasies kry die meeste van hul geld regstreeks uit die sentrale staatsbegroting

Hulle werk dus met 'staatsgeld' en as hulle wanbestuur daarmee pleeg — dit hoef nie uit oneerlikheid te wees nie maar kan blote onbevoegdheid wees — word hertige daarvoor verbied, tensy skriftelike verlof verkry is

En, hertige" word so wyd omskryf dat dit "enige stof, in watter vorm ook al" insluit wat in enige "nuusblad" geplaas word

Waar die partye regstreeks geraak word is die omskrywing van "nuusblad" — dit beteken ook, pamflette, plakkaat, strooi- of aanplakbiljet"

As die wetsontwerp deurgaan soos dit is, sal Natalse nattes dus vooraf skriftelike verlof van die Advokaat-generaal moet kry as hulle in 'n verkiesing 'n pamflet wil uitreik dat die NRP geld wat vir beter skole gebruik kan word mors op onnodige paare

Dié voorbeeld is aan RAP-PORT genoem om te wys hoe geweldig wyd die wetsontwerp se trekkrag is

Daarby is dit baie vaag opgestel. Daar is by 'n bepaling dat hofverrigtinge oor korrupsie wel sonder skriftelike verlof gepubliseer sal mag word, maar daar is sterk twyfel of koerante vryelik sal

Handwritten initials and a signature in a circle.

PEERS, MUTIBRAND, VAAAT OOK, PAARTYEE VAAAS

Van Ons Politieke Redaksie
ALLE politieke partye sal groot moeilikhede in verkiesingstye hê as die nuwe wetsontwerp op die Advokaat-generaal in die wetboek kom presies soos dit opgestel is.

Dis blyk uit die bestuering van die sel omrede bepalinge wat betref die oorsake van wanbesteding van staatsgeld verband houdende met die Advokaat-generaal verlot daartoe.

Intussen maak koerante die hele politieke spektrum beswaar. Daar is kalme, redeneerde kritiek (berigery) en uitbarstings in die betreffende trap. Selfs by sommige Nasionale blinde word 'n sekere kringigheid waargeneem terwyl ander openlik in hul skryfwerk 'n parlementêre RAPPORT gesê hy wil

VAAAT OOK, PAARTYEE VAAAS

Dit goms nog oor korrupsie-wet

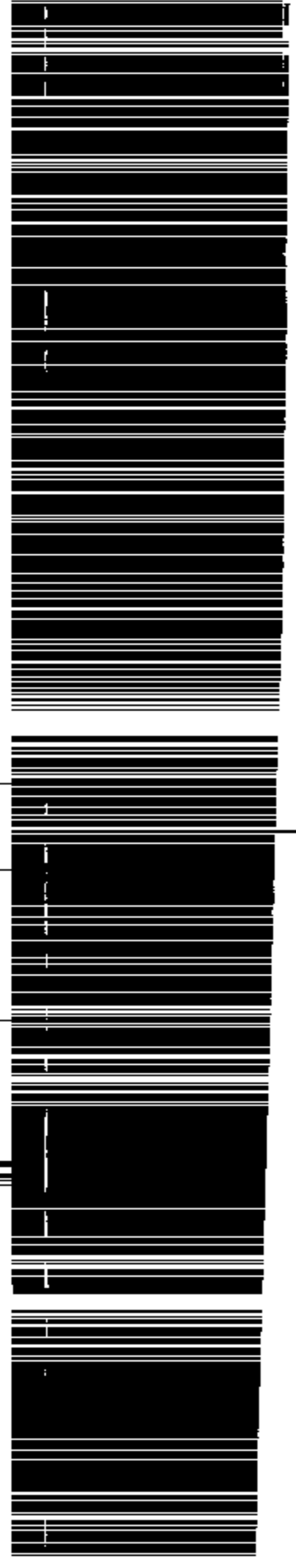
deking van korrupsie moontlik maak. *Tersyde gepraat word van nagstings om die wetsontwerp voor die einde van die maand deur die Parlement te voel kom die eerste minister mhr P. W. Botha en verteenwoordigers van die

Nuusblad. Persunier m. D. in Kaapstad byeen om tot 'n vergelyk te probeer kom. Mnr. Botha het die week gesê hy is heeltemal bereid om na goeie advies en vertoe te luister. Die wetgewing is 'n eksperiment om korrupsie aan bande te lê.

*Intussen blyk uit 'n studie van die wetsontwerp dat alle politieke partye probleme kan ondervind as die maatreel net so deurgevoer word.

Nuwe Republiekparty is daar in die provinsiale raad aan bewind. Die wetsontwerp plaas 'n demper op berigte wat beweere dat staatsgeld w. anbestee is, of w. anbestee word, of dat daar wanbestuur in verband met staatsgeld plaasgevind het of plaasvind.

Volgens die woordomskriving is staatsgeld „enige geld wat die staat ontvang het of wat hom toegehoort het”. Die normale werking van 'n koerant moet voor daardie ondersoek nie aan bande gelê word nie, skryf Dawie



The big news black-out

2015/11-
Sund...
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WHEN any government legislates to black out news of corruption the portents for the community are calamitous.

For South Africa Mr P. W. Botha's gagging Bill will make censorship of state activities complete. Its terms are so wide that it will not only clamp down on the exposure by newspapers of corruption in the public service and in government at all levels but it will prevent newspapers from exposing official bungling and maladministration.

To argue that the measure is designed to improve machinery to uncover irregularities is plain nonsense. There is no worse way to eliminate corruption than by censoring newspapers; and there is no worse way of discouraging normally timid citizens from coming forward with vital but incomplete leads to corruption than by insisting on sworn affidavits and a formal, formidable investigative procedure of the kind outlined in this Bill.

Far from inducing people to help, it will encourage silence.

The advocate general's job, too, will be an impossible one. A look at what has happened in the Information scandal will show just how impossible.

If he is a man with the courage of a Mostert, a judge of the Supreme Court steeped in the tradition of independence of mind, he, too, could offend someone in high office and find himself suddenly dismissed.

Then again he could be faced with the acute conflict of duties which has faced an attorney general. He could decide that whatever the evidence the interests of the State are above the rule of law and decline to prosecute.

The dismissal of Commissioner Anton Mostert and the failure to prosecute Hendrik van den Bergh (even at his own request) for contempt of the Erasmus Commission are memorable examples of the kind of complications that will bedevil the advocate general's office.

But unlike a Mostert and unlike an attorney general his activ-

It is not desired to

used by Attwood and Benson.

R 1 000
2 000
2 500
500
4 000
2 000
R 12 000

at cost
depreciation
less depreciation

conditions:

(1) Necessary entries in the partnership books show goodwill as an asset in the books

(11) Calculate the balances on the partners'

REQUIRED

- (a) The goodwill of Attwood and Benson
- (b) Plant was considered to be worn out
- (c) Furniture and stock were considered to be worn out
- (d) A provision of R200 for bad debts
- (e) The goodwill of Attwood and Benson
- (f) Clark should pay R4 000 cash into the partnership
- (g) Profits in the new partnership
- (h) The new partnership will continue

cover such decisions in secrecy.

And, coming as it does on the heels of other legislation which will enable officials to operate behind effective screens of darkness, the measure is even more sinister. For the freedom of the public to inquire, to challenge and to know the truth of how the servants of the public are performing is being finally abolished.

If Mr Botha's gagging Bill becomes law in its present form the nature of South African society will change. If the public accepts meekly that it should become law, then the public will get the society it deserves.

It will be no good afterwards complaining that the Press does nothing in the face of corruption and malpractice, for the Press will have been stripped of its power to do its duty.

A great freedom is in peril.

The Editor

P. W. BOTHA
Meets Press tomorrow

may be revised

By BILL KRIGE
Political Correspondent

THERE are strong indications that the controversial Advocate-General Bill with its gag on Press reporting of any government corruption, will not go through Parliament in its present form.

Some politicians, prominent Nationalists among them, believe the Government must rethink its position in the face of the rock-solid opposition to the Bill, including its own Press.

Of critical importance is the lasting damage which will be done to the country's already tatty overseas image if the Bill is enacted unaltered. It is felt this damage would grossly outweigh that caused by overseas publicity given to the Information scandal.

The Sunday Tribune was told there was a chance the Bill would be submitted to a select committee of Parliament with a mandate to examine a redraft of whatever was felt necessary.

It would still be possible to have a revised Bill pushed through before the end of the session.

Prime Minister P. W. Botha is known to be keen to meet his deadline of having the office of the Advocate-General open by June 1.

ernment corruption or maladministration had to be stressed.

It is thought possible that some sort of compromise which will meet the worst objections of the Press while retaining most of the functions outlined for the Advocate-General, may be thrashed out tomorrow when the Prime Minister meets a National Press Union delegation in Cape Town.

The second reading debate begins on Tuesday.

Corruption

Whether or not a select committee will be chosen as the instrument of revision, it is, according to Nationalist sources, "highly desirable" that the Bill be amended to "clear up areas of suspicion".

It should, for example, be made clear that the intention was not to curb the right of the Press to report its investigations into corruption or maladministration.

Nationalists spoken to insisted that the Advocate-General should retain the right to start his own investigation into any matter and then insist that it remain sub judice.

The Tribune was also told it was essential to reword the Bill so as to do away with the suggestion that the rights of MPs to have their Parliamentary speeches reported was not being infringed in any way.

The "positive role" the Advocate-General could play as an ombudsman, a public watchdog over gov-

Light up for Press freedom, says Black Sash

TRIBUNE REPORTER

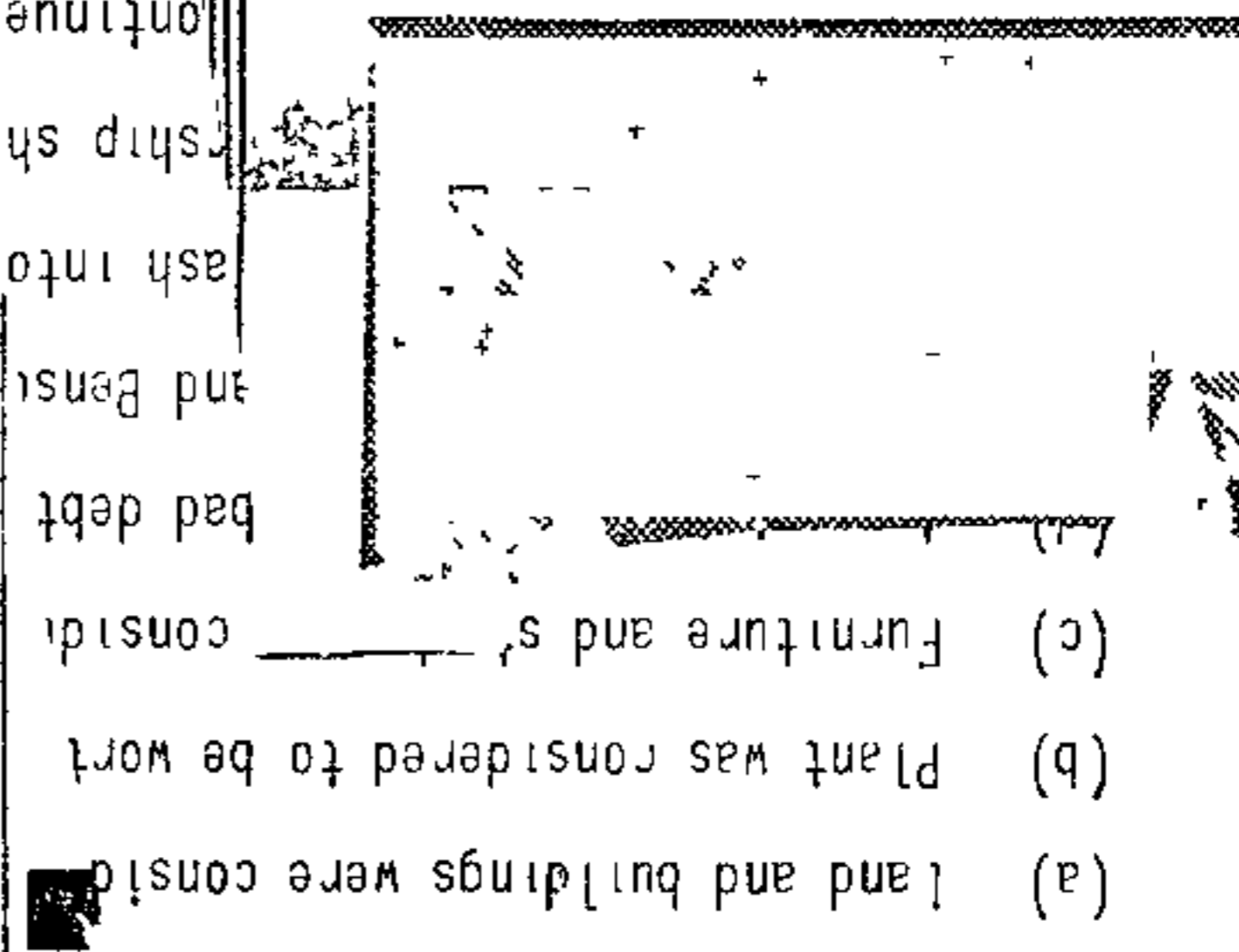
LIGHT up for Press freedom — that's the message from the Black Sash to all motorists this week.

In protest at the Advocate-General Bill — the legislation that will effectively gag the Press — the women's organisation has asked all motorists to drive their cars with their headlights on for the next five days starting tomorrow.

"There is no time to mount a full campaign with posters and car-stickers, but

Press gag Bill

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SUNDAY TRIBUNE
20/5/79



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PRESS TAKEOVER HINT?

20/5/79
Scott-Hughes
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'WE HATE THIS BILL,' SAYS CITIZEN EDITOR

Mr Johnny Johnson

THE Citizen newspaper has viciously lashed the Government's proposed legislation to curb Press coverage of official corruption.

In an editorial yesterday, Mr Johnny Johnson — the editor who last year fought back so aggressively when a Sun-

Tribune Reporter

The Bill has been condemned by all South African newspapers — including the Afrikaans ones in the Perskor Group which now owns the Citizen — but Mr Johnson's addition to the clamour was perhaps the most poignant.

Mr Johnson called the Bill a "terrible diminution of Press freedom" and asked the Government to drop it completely.

Mr Johnson's plea does not amount to an about face for he still criticises the newspapers who led the Info investigation. "We can understand the

Government's frustration with a section of the Press," says Mr Johnson — while conceding that this section "took the lead in exposing the Info affair."

"But the Government must not punish the whole Press for the actions of two or three newspapers,"

PM's invitation to businessmen

By BILL KRIGE
Political correspondent

THE Prime Minister, Mr P. W. Botha has blamed newspapers for stirring up racial ill-will through the manner in which they interpreted the Press gag Bill.

Some of them, he said at Stellenbosch on Friday, were systematically destroying relations within the country.

And in what has been seen as a bland invitation to businessmen to renew a dormant interest in buying out English-language newspapers or to starting their own he called on them to "come to the fore" to see what they could do.

It was after the failed attempt to take over SAAN with Government money a few years ago that the Citizen venture was launched, backed with public funds. On both occasions big business was the front which hid the facts from the public eye.

Mr Botha's remarks to the effect that it is the Press not the Government which is responsible for the furore over the Advocate-General Bill compares with the utterances within Parliament of his Minister of Sport, Mr F. W. de Klerk.

Speaking after the main Opposition parties had opted to oppose sight unseen the introduction of the bill, he said: "What have the Leader of the Opposition and speakers from the New Republic Party done? They have gone ahead on the basis of rumour to accuse the Government of acting against Press freedom... not a single example given gives any ground whatsoever that the Government by the way of the Bill or in any other way, is against Press freedom," said Mr de Klerk.

"We don't flinch from taking a position on Press freedom. The National Party is absolutely in favour of Press freedom," he said.

But seldom has any measure initiated by the Government sparked such concerted opposition among the Afrikaans language Press, and none of the big four Afrikaans dailies believes the Bill will not damage Press freedom.

That includes the Transvaler, official organ of the National Party in the Transvaal and the

Mr P. W. Botha — Press, not Government, to blame for furore

the Bill which it doubted expressed the real intention of the Government of Vanderland. Mr Richard, was more blunt, he said the Bill in its present form could be nothing but a gag on the Press.

The measure, which might even prompt the MP for Simonstown and

Then there is the National Supplies Procurement Amendment Act, a

ause proper, the Minister of Sport, has such firm views on Press freedom.

In an editorial on Friday, the Transvaler said: "The Press's role in bringing the Information debate to light has, in spite of blunders here and there, emphasised the essential importance of a free and open Press."

It asked whether the matter could not be referred to a parliamentary select committee which, in co-operation with the Press, could then worm towards a compromise between the ideals of Press freedom and orderly government.

Die Burger, which provides Mr Botha with his most powerful and consistent support, called for the revision of sections of

Wiley, to ally himself, however reluctantly, with those opposed to it, is not the first, thus session to severely limit the right of the Press to report and of the public to know.

There is, for example, the Police Amendment Bill which was piloted through Parliament by the Minister of Police, Mr Jimmy Kruger, with firm assurances that a responsible Press was not his target.

But the measure is unequivocal in its assertion that anyone who publishes without reasonable grounds any "untrue matter" about the police and their work, will be guilty of an offence.

The onus of proof rests with the accused, and, as with the Advocate-General

tion of the Government to a Southern African fortress. It effectively shuts off reporting on strategic goods in the interests of national security.

Once again the penalties are enormous. Seven years jail, a fine of up to R7 000 — or both.

The Inquests Amendment Act, another measure steered through by Mr Kruger, makes it an offence punishable by six months in jail or a stiff fine to "prejudice, influence or anticipate" an inquest finding.

The Divorce Act stops reporting on divorces and the Electoral Bill reaffirms the law passed last year stopping the election opinion polls commissioned on a scientific basis.



am Press

gag bill

1 W S A D I L L I N E S

2 SUNDAY TIMES, May 20 1979 ★

BRITISH and American editors said today they were saddened by the Press "gag" the Prime Minister, Mr P W Botha, appeared determined to push through Parliament.

"The last light of freedom is going out," said Mr Hugo Young, assistant editor of the London Sunday Times

"But some South African journalists have been among the most courageous in the world and they deserve all our admiration for carrying on the fight"

Mr Bruce Page, editor of the New Statesman, said

"Clearly people in South Africa can no longer be deluded about the nature of the regime under which they are living — it is a classic tyranny

"Not a tyranny on the scale of the Nazis or Soviets and yet, in its own sphere, it is destroying freedom just as effectively"

Mr William Deeds, editor of the Daily Telegraph, said

"Those of us who know and admire the way in which the English-speaking Press in South Africa has criticised the regime are saddened

We are sad because South Africa was the only country in the whole of Africa in which the Press was left free to investigate, analyse and criticise

"Of course, they had their pressures, but the reporting of Muldergate even surprised South Africa's enemies

"Watergate left the United States fortified

"Now, few believe another scandal of that kind will ever rock America again

"If the free Press is gagged in South Africa the question is 'could there be another Muldergate?'"

The London-based International Press Institute (IPI) says the Press censorship legislation will "whitewash" corruption

Hamstrung

"The proposed Avocate-General might be better named the witchhunter-general with South Africa's already hamstrung journalists as his quarry," a spokesman said

Mr John Junor, editor of the London Sunday Express, said:

"You have had in South Africa one of the most free and courageous presses in the world.

"That freedom has kept alive respect for South Africa.

"It is sad beyond mea-

End of an era



of South Africa is foolish enough to seek to extinguish it"

Mr Donald Trelford, editor of the Observer, London said

"This blatant attempt to prevent newspapers carrying out their duty of informing the public about government malpractice is a tribute to the work of brave South African editors and journalists under restrictions

"We will continue to offer them our support — especially in reporting news that they are prevented from publishing in their own country"

Retrograde

Mr George Evans, managing editor of the Sunday Telegraph, who visited South Africa in March and interviewed the Prime Minister, Mr P W Botha, said:

"This is a retrograde step which, if pushed to its logical conclusion, would in the long run reduce the aggressive outspoken, South African Press to the level of official mouthpieces

"They would enjoy no more independence or credibility than officially censored so-called newspapers in practically in every other African country

"When I expressed these misgivings to Mr Botha a few months ago when visiting South Africa, he said he was personally in favour of a free Press

I quote him 'My Government stands for freedom of the Press because we believe in democracy'

"Freedom of speech — even so-called rumour-mongering — is the cornerstone of democratic rule — there is no surer way of undermining democracy than by gagging the Press I hope South Africa will have second thoughts"

American Press and publishing chiefs are reacting sharply

The American Society of Newspaper Editors and the Newspaper Publishers's Association are expected to speak out

The network of American Pressmen with South African links is expected to react as vigorously as over the banning two years ago of editor Donald Woods and the imprisonment of Johannesburg editor Percy Qoboza

Direct action at that time climaxed with a meeting with the South African Ambassador Mr Donald Sole who gave private assurances about the well-being and future of Mr Qoboza.

News of the proposed Bill made the front page of major American papers

Willing

The Washington Post said it was a measure of how far the Government was willing to go to control criticism.

It saw the Bill as a reaction to the South African Newspaper Union's failure to agree to a harsher self-governing code and cited an "extremely acrimonious" meeting between the Government and NPU last December

MPs in Press Bill Revolt

From Page 1
the Erasmus commission's findings

Rightwing Nationalists and former Mulder supporters are opposed to the Bill on the grounds that it could deny their former hero a right of reply

Verligtes within the party oppose it because of the

damage it could do to the maladministration or with credibility of the P W Botha, the suggestion that the sub-administration, both in South Africa and abroad, undermining the positive effects of the Wiehahn and Riekert reports

had been investigated by the advocate-general. Opinion is divided in Nationalist circles over whether Mr Botha may be willing to negotiate on this provision, or is determined to push the legislation through unchanged.

Mr Jimmy Kruger, Minister of Justice, is believed to have played a major role in drafting the Bill

Cabinet walks out of Nat caucus

THIS CAN'T BE WHAT PW WANTS: Page 16

Political Correspondent
THE Advocate-General Bill, which would make it a crime for newspapers or anyone else to publish evidence of corruption in the running of the country, has already led to a major row in Nationalist Party circles.

The row, sparked off by advance Press leaks of the Bill, may have been the reason why the Prime Minister and the entire Cabinet walked out of this week's weekly NP caucus meeting some time before it adjourned.

Nationalist sources said yesterday their exit was designed "to give the caucus an opportunity to reflect on certain issues"

Earlier during the meeting, the Prime Minister, Mr P W Botha, who has been infuriated by persistent leaks from the Nationalist caucus, is believed to have expressed anger over an ad-

vance report of the Bill which appeared in last Thursday's issue of the Transvaal daily, Die Vaderland.

It is believed that the "leak" may have been raised during the Cabinet meeting on Tuesday.

The report in Die Vaderland appeared the day after the principles of the Bill were first outlined to the caucus by the Leader of the House and Minister of Transport, Mr Louwrens Muller.

The next day the Cape Nationalist mouthpiece, Die Burger, carried a detailed account of the Bill, although the provisions of the pro-

posed legislation were only unveiled to Nationalist MPs at this week's caucus meeting.

Many, from both the right and left wings of the party, have made no secret of their unhappiness with the proposed legislation. Some have said openly they have no intention of defending it in Parliament.

Defended

Mr Botha is understood to have defended the Bill in the caucus by saying that persistent Press reports of Government maladministration could and had led to an uncontrolled campaign which undermined trust, loaded the political atmosphere, led to government by newspaper and had made

it impossible for the Government to get down to serious work.

The Prime Minister seems determined, despite the opposition in his own caucus and from the Afrikaans Press, to push ahead with the Bill, even at the cost of other legislation.

The second-reading debate is due to start on Tuesday and Government aims are for the Bill to become law by June 1, the day after the Erasmus commission is due to submit its third and final report on the Information scandal

The effect of the Bill would be to place an immediate gag on any further disclosures or allegations by the former Minister of Information, Dr Connie Mulder, who is widely expected to react publicly to

● To page 2

Sunday Times 245

Earlier this session Mr Kruger piloted the Police Act Amendment Bill through Parliament which effectively gags Press reporting on police matters. Tremendous pressures from influential Afrikaans Press circles is being brought to bear on Mr Botha and Professor Piet Cillie, one of his closest confidants and chairman of Nasionale Pers, is believed to have discussed the issue with the Prime Minister on Thursday

A delegation from the National Press Union, representing the newspaper industry in South Africa, will discuss the legislation with the Prime Minister in Cape Town tomorrow

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rapport 20/5/79



Jou kruisie gee hom wind

KEN jy die posadres van jou LV? Of sy kantoor nommer?
Soos ek hier sit, wil ek jou 'n weddenskappie aangaan
As deursnee-Afrikaner weet jy nie en gee jy ook nie om dat
jy nie weet nie

Jy's mos polites lam in die kop, altyd doodtevrede dat
iemand anders landsbesluite vir jou neem en dan te ja en
te amen

Op hierdie goeie Sondagmôre 'n goeie herinnerinkie
die LV is in jou diens Jy is sy baas Hy's niks meer as 'n
politieke amptenaar wat jou wense as kieser moet uitvoer
nie Jou kruisie beheer sy brood en botter, sy toekoms.
Daarsonder sit hy sonder platform, sonder die warm winde
wat hy soms so geneig is om namens jou los te laat

Nuwe wet

En nou 'n Sondagmôre-versoekie: Maak nie saak wie of wat
jy is nie Lees elke woord oor wat elke politikus, elke
kommentator, elke buurman, elke vriend of kennis te sê
het oor hierdie nuwe wetsontwerp wat vir ons 'n Advokaat-
generaal in die lewe gaan roep.

Dryf dan vir minstens een keer die lamheid uit jou kop
en neem jou eie besluit oor die goed of kwaad van die
komende maatreël. En dra dan daardie besluit, wat dit ook
al mag wees, aan jou LV oor.

Want iewers is iemand baie reg en iemand baie verkeerd
en kan jou beskeie mening, hoe gering jy dit ook al mag
skat, dalk net bydra tot 'n antwoord in die middel.

© Dalk is dit ook glad nie so 'n slegte idee om jou LV se
posadres vir meer as een saak byderhand te hou nie. 'n
Bietjie fan en ander mail kan ons in hierdie dae dalk net
die wêreld se goed doen

Now Express Editor gets SA's Press freedom award

THE Editor of the Sunday Express, Mr Rex Gibson, has been singled out once again for a top award for his newspaper's expose of the Information scandal.

The South African Society of Journalists has conferred its Pringle Press Award for 1979 on Mr Gibson for his "outstanding services in the cause of Press freedom".

Only last week it was announced that Mr Gibson, together with Mr Allister Sparks, editor of the Rand Daily Mail, had received the International Editor of the Year award from the Atlas World Press Review in the United States.

And earlier this year, assistant editor Kitt Katzin won the premier South African award for investigative journalism, the Stellenbosch Farmers' Winery Award, for his role in exposing the Information scandal.

Mr Gibson will receive the Pringle Press Award at a special ceremony at the annual SASJ congress at Umhlanga Rocks on Friday. The president of the SASJ, Mr John Patten, said the award is conferred for

INFO SCANDAL EXPOSE 'EARNED WRATH OF GOVT'

Sunday Express Reporter

outstanding services to the profession and/or for services in the cause of Press freedom

The citation expresses the judges' high commendation of Mr Gibson's role as "the courageous catalyst in the Information scandal" as well as recognition of his "loyal and steadfast defence of his journalistic staff while they were being subjected to the full weight of the legal process in an attempt to intimidate them and cover the paper and its informants".

It says that the duty of the journalist is to tell the public what is going on and to tell it without fear or favour. The journalist should not be deterred because those he writes about or people in power might be deeply angered. "His only criterion is

whether what he has to tell is in the public interest". Rex Gibson, in exemplary fashion and in accordance with the highest traditions

of his craft, published the first reports of the infamous scandals which were allowed to breed and flourish among the officials of the Government's former Department of Information

It took great courage, said the judges, and a finely-balanced sense of timing and judgment. "And all the time he knew that while he might be earning the admiration of his fellow journalists, he was enraging those in authority who had

the legislative and physical might to exact a terrible retribution such as others before him had endured. The full measure of that wrath could be gauged by the new "Press gag" Bill published in Parliament this week - "which would prevent Rex Gibson and others like him from telling the public of the outrageous actions of people in Government service".

The citation praises Mr Gibson's performance "as an editor of distinction".

• Rex Gibson another award

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FRIDAY, JULY 20, 1979

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HARD TO RECONCILE

HOW anybody can defend the Police Amendment Act and in the same breath declare that they do not want to gag the Press is perplexing to say the least. At a Pretoria Press Club luncheon this week the Commissioner of Police, General Mike Geldenhuys, tried hard to make the amalgam sound plausible but his arguments were hardly convincing.

"The police force," he said, "does not want to gag the Press, but demands fair and reasonable reporting. And this is not an unreasonable demand." Quite so. He may not have noticed, however, that reputable newspapers strive very hard to do that already. Indeed, any newspaper that gained the reputation of being unfair and unreasonable would soon lose the confidence of its readers, and its circulation would suffer.

One might ask how the Commissioner reconciles his desire not to gag the Press with a provision in the Act which virtually puts a stop to newspaper inquiries into irregularities in police actions. The 'gag' is applied in the section which makes it an offence to publish untrue matter without having reasonable grounds for believing that the statement is true.

Moreover, the onus is on a newspaper to prove that it has reasonable grounds. But in most cases that would be impossible because newspaper informants invariably fear the consequences of identification. There could

be no proof without disclosing sources.

In any case the truth concerning irregularities and malpractice rarely emerges at the outset of newspaper inquiries. Often it is necessary to wade through a maze of rumours, allegations, counter-allegations and denials before the facts come to light. In future the only version of incidents involving police action will be the official one. Over a wide area the police will operate behind a wall of secrecy.

We think we speak with the voice of a newspaper that enjoys a fairly good relationship with the police. We are deeply conscious of their responsibilities and we have always been in the fore of those demanding improved police pay and conditions of service. However, the record shows that not all policemen are immune to corruption and over-zealousness.

And because they have such wide powers of arrest and detention, including the right in certain instances to hold defenceless people incommunicado in cells, we believe it is wrong that their actions should be removed from the public gaze. Why do they and prison warders need special protection that is not afforded to any other member of society?

We believe that the police force should be an accountable and open administration. That, surely, is the route to public confidence and acceptability.

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EDITORIAL OPINION

Time for statesmanship

Members of the Newspaper Press Union who are due to meet the Prime Minister in Cape Town this morning to discuss the Advocate-General Bill will need all their persuasive powers

Mr P. W. Botha would appear to be in a stubborn, intransigent mood and apparently determined to go ahead with the controversial measure despite widespread opposition, even within his own party and from newspapers normally sympathetic to the Government

The outcome will be as much a test of the man as it will be a further indication of the path the Nationalist Government will be following, and a decision by Mr Botha to water down or drop altogether the draconian proposals must not be viewed in his eyes as a weakness in the face of protest. He has shown his calibre over the years and no one doubts his mettle

What is needed now is not a defiant unyielding in the face of commonsense but a more open, statesmanlike attitude that will listen to the arguments and compromise

The Press is not an enemy but it is pledged to uncover and in the environment here not so much a catalyst or even source of incitement (there are enough laws to curb that) as a safety valve on a pressure cooker.

We need not more restrictive laws but fewer barriers to free reporting and discussion. We need, in effect, a more open society in which individuals can express themselves and their talents without hindrance of fear, or barriers of race. And the Government themselves need media allies. In this specific issue they have lost even the Afrikaans press

The internal effects would be bad enough if this Bill comes to law but the NPU delegation will not miss the opportunity to stress the great damage it would do to South Africa's already battered overseas image

It will be seen as repressive and Mr Botha will be viewed as the authoritarian, hard-line Nationalist who put this unnecessary gag on newspapers

Neither South Africa nor Mr Botha can afford this Bill

Bill will gag parties as well as Press says Eglin

Star 21/5/79

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Political Staff
CAPE TOWN — A new "super censor" was being created by the Advocate-General Bill and political parties as well as the Press would be gagged, a lunchtime protest meeting against the Bill was told today

The meeting, organised by the Progressive Federal Party, was addressed by Mr Colin Eglin, the leader of the Opposition and Mr Japie Basson, the PFP's chief spokesman on Information matters

Mr Eglin said the Bill would undermine the parliamentary system of government, which could operate properly only if there were a free Press and an informed public

By placing a shroud of secrecy over the Press and

the written word, rumours would be encouraged rather than prevented.

Mr Basson, who warned against the way in which both Press and political parties could be curbed, said there were already 95 Acts putting restrictions on the Press in one way or another.

In this matter the proposed Advocate-General should have the Press, political parties and the public as his allies in his efforts to bring to light malpractices

Mr Basson said that the bill meant that no politician or political party would be allowed to publish a pamphlet or bring out a poster, no printer would be allowed to issue a book, and no newspapers would be allowed to publish a report dealing with suspected corruption and maladmini-

stration — unless the Advocate General had given his permission or had investigated the matter and reported his findings to Parliament.

Even then a special committee of Parliament, on which the ruling party would have the majority, would have the right to prohibit all publication for ever if they, in their political opinion, deemed it necessary in the interests of security

Heaven knew what would happen if the Advocate General himself became corrupt.

The Star's Durban correspondent reports that Mr Ray Swart, the PFP national chairman, said today that the Advocate-General Bill in its present form had no place in any normal democratic society, where the right of individuals to question and to probe the activities of the State should be sacrosanct

"It is a dangerous assault on this right and will do nothing to allay public fears of maladministration," Mr Swart told a PFP lunchtime protest meeting at the Durban City Hall.

PROTEST

Mr Swart, MP for Musgrave, was the main speaker, with Senator Eric Winchester, to protest against the introduction of the Bill which is being widely seen as an attack on Press freedom

Mr Swart said the Bill would only add to the harm done to South Africa by the Information scandal.

"The Government should also realise that the more secrecy it allows in areas of this kind the greater the probability of ill-founded rumours from a public who will be suspicious throughout that undue protection is being given to those in authority," he said.

Senator Eric Winchester told the meeting that "History shows that those who want to destroy democracy first destroy the freedom of the Press."



From page 1

could be one way of defusing a situation which has led to sharp domestic and international criticism

Other government-supporting newspapers have suggested deleting the provision for a total ban on reports of corruption or maladministration without the advocate-general's permission or till he has investigated the matter

They have called for newspapers to be allowed to play their watchdog role by publishing reports with further speculation prohibited once the matter has been referred to the advocate-general

Mr Eglin said replacing a reporting ban with a *sub judice* rule would be no improvement

'Instead of a crude gagging clause there will be a subtle *sub judice* clause. The effect will be the same'

The Nationalist newspaper Rapport called yesterday for a review of the bill which it said would only make the situation worse as it stood

'It creates a smothering secrecy which will only encourage gossip campaigns and will hamper and delay the fight against corruption' it said

where corruption allegations are made, and party political pamphlets alleging maladministration

The Leader of the Opposition Mr Colin Eglin and the Progressive Federal Party's information spokesman, Mr Japie Basson are to address a lunch time meeting in the Cathedral Hall, Queen Victoria Street, today

Mr Eglin yesterday called on Mr Botha to withdraw the bill in its entirety, as clean government required a free press. He said Mr Botha should follow the example of his predecessor Mr Vorster who withdrew the controversial Newspaper Bill in 1977

But from this bill being the guarantee of clean government Mr Eglin said, it provides the open door to corruption and maladministration. There are already enough laws on the statute book to deal with corruption. There are already many gags on the press

The experience of the past year has shown that the more secrecy there is the more corruption there will be. Clean government can only exist where there is open government and this requires a free press

While Nationalists say Mr Botha did not intend to inhibit press freedom, all three opposition parties have now come

NPU to meet Botha today

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CT 21/5/79

By MICHAEL ACOTT
Political Correspondent

A DELEGATION from the Newspaper Press Union will meet the Prime Minister, Mr P W Botha, today amid widespread opposition to the press restrictions in the Advocate-General Bill.

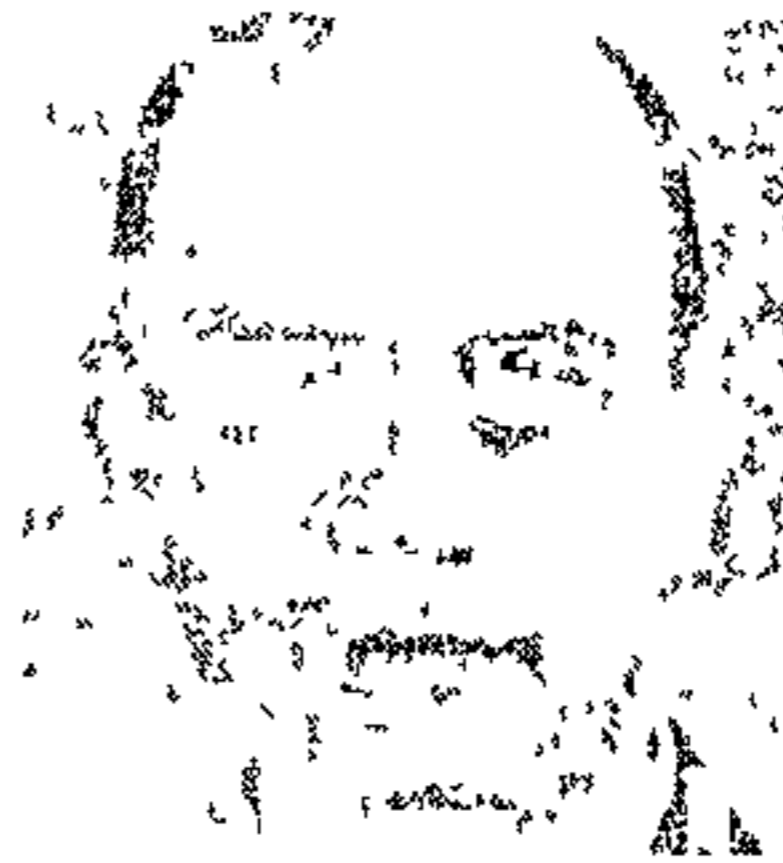
There is some hope in Nationalist circles that Mr Botha will agree to amend controversial sections which would delay or prevent reports of government corruption or maladministration

These have been interpreted by every major newspaper group in the country as a serious intrusion into press freedom and contrary to Mr Botha's own commitment to clean administration

The discussions with the NPU delegation — whose members have strong reservations about the bill's provisions and implications — come the day before the second-reading debate on the measure is due to start in the Assembly

The Progressive Federal Party is organizing a series of protest meetings around the country to inform the public of the effects of the bill

These have been described as affecting not only press re-



Mr P W Botha

out against the bill as presently worded

The leader of the South African Party Mr John Wiley has proposed an amendment referring the bill to a parliamentary select committee for further investigation

This call also made by some Afrikaans newspapers



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Advocate- General 'a super censor'

Political Correspondent

21/5/79

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A NEW 'super censor' was being created by the Advocate-General Bill and political parties as well as the Press would be gagged, a lunchtime protest meeting against the Bill, was told today.

Bill was introduced in the Assembly tomorrow what the outcome was.

CONTENTIOUS

It is believed that the Newspaper Press Union, representing newspaper proprietors, asked that the Bill, which contains the contentious gag on Press reporting about allegations of corruption, be referred for reconsideration to a select committee of Parliament, but this could not be confirmed after the meeting.

The president of the NPU, Mr Rudolph Opperman, said in a brief statement that the NPU had made representations to the Prime Minister which dealt mainly with details and wording of the Bill.

The Government had undertaken to consider the representations and to lay them before a committee of the Cabinet.

The Government would make its position known

(Continued on Page 3, col 7).

● Picture page 3

day.

Investigator

Mr Basson said that, sad as it was, South Africa had perhaps reached the stage where there was the need for a special investigator but this was unfortunately not where the Prime Minister's Bill stopped.

At present the Bill meant that

- No politician or political party would be allowed to publish a pamphlet or bring out a poster.

- No printer would be allowed to issue a book;

- No newspapers would be allowed to publish a report dealing with suspected corruption and maladministration — unless the Advocate-General had given his permission or had investigated the matter and reported his findings to Parliament

Even then a special committee of Parliament

(Continued on Page 3, col 3)

No clear outcome to vital Press talks

Political Staff

VITAL TALKS between South Africa's Press bosses and the Prime Minister over curbs on the Press contained in the Advocate-General Bill ended today without a clear outcome.

Both sides said, after meeting for an hour, that certain representations about the content and the wording of the Bill had been made to the Government.

These would be considered by the Prime Minister and it would be made known when the

The meeting, which was organised by the Progressive Federal Party, was addressed by Mr Colin Eglin, Leader of the Opposition and Mr Japie Basson, the PFP's chief spokesman on Information matters.

Mr Basson, who warned against the way in which both Press and political parties could be curbed, pointed out that there were already 95 Acts putting restrictions on the Press in one way or another.

Allies

In this matter the proposed Advocate-General should have the Press, political parties and the public as his allies in his efforts to bring to light malpractices

If the freedom to expose official corruption had not existed the great Information scandal involving the misappropriation of millions of rands of public money would never have been exposed and, in fact, Mr P W Botha would not have been Prime Minister to-

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THE delegation of the Newspaper Press Union who met the Prime Minister, Mr P W Botha, and four other Ministers in Cape Town today to discuss the Advocate-General Bill. They are, from left: Mr D P de Villiers, managing director of Nasionale Pers, Mr C H Kinsley, managing director of SAAN, Mr G G A Uys (secretary), Mr H W Muller, general manager of The Argus Group, and Mr R Opperman, deputy manager of Perskor (chairman).

Vital press talks

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(Continued from Page 1)

about the representations when the Bill was introduced for second reading in the Assembly tomorrow. The Government will then indicate what is acceptable to them and what is not, he said.

Mr Opperman and other members of the delegation would not comment further.

The Prime Minister's Press Secretary, Mr Neville Krige, said: 'Certain representations have been made and these are under consideration. It will be made known tomorrow what the result is.'

NOT PREPARED

The Argus Political Correspondent reports that some of the controversial provisions affecting the

Press in the Advocate-General Bill may be toned down, but the Government is not prepared to drop the matter altogether.

This was made clear today by the Leader of the House of Assembly, Mr Lourens Muller, who will handle the legislation when the second reading debate starts tomorrow.

He was elaborating on a weekend speech in Ceres in which he said that the Government would act reasonably and that it would listen to all good advice.

TO LISTEN

Today he reiterated that he and the Prime Minister, Mr P W Botha, were willing to listen to reasonable representations.

The Prime Minister today meets a delegation of

misuse could be made or the provisions of the Bill if there is a general election on the go and the ruling party faces evidence of corruption or maladministration,' Mr Basson said.

Eglin

Mr Eglin said if the Advocate-General Bill became law it would gag the Press—and, indeed, it would deprive the public of the right to know of alleged corruption and maladministration of public funds.

It would undermine the parliamentary system of government which can only operate properly if there is a free Press and an informed public, Mr Eglin said.

Rumours

He said by placing a shroud of secrecy over the Press and the written word it would encourage rumours rather than prevent them.

'Far from the Advocate-General Bill being a guarantee of clean government, it will provide an open door for corruption and maladministration. Surely the shroud of secrecy will receive a loan, improves debt equity

3. Ask preference shareholders and change to 9% preference thus making it more attractive capital.

preferable

the experience of the past year has shown that the more secrecy there is, the more corruption there will be.

Mr Eglin said there were already too many restrictions on the Press. In the interest of clean government, for the sake of the country's parliamentary system, and because of the basic right of

on which the ruling party would have the majority would have the right to prohibit all publication for ever if it, in its political opinion, deemed it necessary in the interests of security.

'Heaven knows what would happen if the Advocate-General himself became corrupt. You can imagine what

'Super-censor'

(Continued from Page 1)

the Government's handling of taxpayer's money, withdraw the Bill.

the Government's handling of taxpayer's money, withdraw the Bill.

The Cape Times

MONDAY, MAY 21, 1979

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Gagging the press

THERE ARE SOME signs that the Nationalist government, taken aback by the uproar, will amend the most offensive feature of the advocate-general bill, namely the provision placing a prohibition on newspaper publication of reports of corruption, unless such reports are approved by an official to be called the advocate-general. But care should be taken to ensure that the measure, as thus amended, has really been rendered innocuous.

If the inquiries undertaken by the proposed advocate-general are going to be vested with the trappings of a court of law, and attempts are to be made to apply the sub judice rule to such inquiries, the degree of inhibition of a free press could be pretty well total and the effect as bad as that of the original prohibition. If the authorities want to put a clamp on newspaper investigations in a particular quarter, let us say, all they need do would be to ensure that the advocate-general became seized of the matter.

Commissions of inquiry, including judicial commissions of inquiry, have never been protected as are the courts by sub judice rules. The fact that Mr Justice Cillie was investigating the Soweto riots did not impose a ban on media discussion of the causes of the 1976 unrest. Most newspapers — and

certainly this newspaper — have never regarded matters before a judicial commission of inquiry as being sub judice. This traditional view was upheld by the court in an important series of cases recently in which this and other newspapers were involved. The advocate-general bill appears to be yet another attempt by the government to nullify a ruling of the courts of law.

What purpose?

Against this background, care should be taken to ensure that the Nationalist government, in appearing to make a generous and reasonable concession, is not in fact achieving its aim by other and rather less clumsy means. There is a clause in the advocate-general bill which would make it an offence for anyone to do anything in connection with an inquiry by the advocate-general which, if done in connection with a court of law, would constitute contempt of court. What is the purpose of this clause if it is not to stifle reportage and discussion of matters before the advocate-general?

The mere introduction of this iniquitous bill has done South Africa immense harm, as the government appears to realise — which will only be adequately redressed if the measure is scrapped in its entirety.

Bill may

bars MPs' speeches

Not too late says Nat paper

JOHANNESBURG — It is not too late for a compromise on the proposed Advocate-General Bill, the Transvaler says in an editorial today.

In a reference to a meeting planned for today between the Prime Minister, Mr P. W. Botha, and members of the Newspaper Press Union to discuss the Bill, the newspaper expresses confidence that the Cape Town talks will take place in a spirit of reconciliation.

It is an indication of the strength of the opposition to the Bill that the entire Afrikaans press, which is almost 100 per cent government supporting, has protested.

South Africa needs allies, not antagonists, the Transvaler adds.

The public as well as the press is affected by the proposed Bill, the Rand Daily Mail says in its editorial.

South Africans should say what they feel about the Bill and should not believe the government will ignore their protests.

“Mr Botha speaks with contempt of ‘hysterical screaming’ about the legislation in the ‘Jingo

press’! The same thing was said, remember, about headlines on the Information scandal.

“If this Bill goes through, and another Eschel Rhoadie sets off on a junket to the Seychelles on taxpayers’ money, how will the public find out? Who will be their watchdog? — the government’s Advocate-General?”

The Eastern Province Herald says Mr Botha has “resorted to a stratagem as phoney as it is transparent” in his efforts to justify the Bill.

“He has sought to persuade industrialists and investors that their interests are being prejudiced by certain newspapers which are ‘systematically destroying good relations in South Africa, and that the industrialists and investors should ‘do something about it.’

“As he disingenuously put it, ‘when we try to do something we are accused of tampering with press freedom,’ which suggests that he would be pleased if others were to do just that on his behalf,” the Herald says — SAPA.

Editorial opinion, page 6

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JOHANNESBURG — The FFP is convinced newspapers will be barred from publishing parliamentary speeches about maladministration or corrupt use of state money without the Advocate-General's consent.

FPF legal advisers who have completed a detailed analysis of the Advocate-General Bill have concluded newspapers will be forced to obtain the consent of the Advocate-General before publishing.

● Allegations of state corruption made in any constitutional body except the courts.

● References to corruption in Hansard, the official verbatim report of parliamentary proceedings.

● References to corruption or maladministration in all reports by government departments, by the Auditor-General and by

such agencies as Eskom, Iscor and the SABC.

The Bill, scheduled to be debated in the Assembly tomorrow, prohibits publication of any allegation of maladministration, misapplication, or corrupt use of state money without the Advocate-General's consent.

South Africa's top expert on newspaper law, Mr Keisey Stuart, said last week one of the most serious implications of the Bill was its ban on newspapers publishing reports of speeches in Parliament by MPs and Senators who produced evidence of maladministration or corrupt use of state money.

At first, parliamentary opposition parties doubted this was so.

Mr Brian Bamford, FPF Chief Whip, said yesterday initial doubts over publication of these speeches and reports were cleared up at the weekend by legal advisers who had completed their study of the Bill.

“The government either seriously intends to ban

publication of these speeches and reports or it has simply been incredibly negligent in the drafting of the Bill,” he

about corruption, maladministration or misapplication of state money, with the exception of reports on

Light up for freedom

JOHANNESBURG — The Black Sash has called drivers to signify disapproval of the Advocate-General Bill by switching on headlights during the day from day until Friday this week, and on pedestrians to torches.

The Black Sash president, Mrs Joyce Harris, yesterday the movement felt that, given an opportunity, the public would wish to show its disapproval of the “press gag” Bill which, while purporting to clean administration, instead provided an opportunity for sweeping dirt under the carpet.

“It is the use made of taxpayers’ money which is concealed from the taxpayers,” Mrs Harris said, “we feel sure taxpayers object to this.”

She said the Black Sash called on the public to signify its disapproval by “lighting up for press freedom”

said.

“As the Bill stands, it is plain for all to see that any allegations or information

proceedings, may not be published,” Mr Bamford said, “and was an anomalous

Reporters react, page 7

“Reports by government departments and agencies are not published under the authority of Parliament. If they contain references to corruption, maladministration or misapplication of state money, these may not be published.”

The FPF legal opinion was based on analyses by leading Cape Town senior counsels and FPF MPs including Mr Kowie Marais, a former judge, and Mr Bamford, a senior counsel — DDC

“The Powers and Privileges of Parliament Act says specifically that any document published under the authority of Parliament — and this includes Hansard — is sacrosanct and cannot be subjected to criminal proceedings.

“This means Hansard may publish a speech alleging corruption, but a newspaper may not publish the speech or the Hansard record.

position.

'Light up for Press freedom'

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THE acting chairman of the Western Cape region of the Black Sash, Mrs R N Robb, today appealed to all motorists in the area to join the organisation's 'Light Up for Press Freedom' campaign.

Mrs Robb asked motorists to switch their car lights on during the day from today until Friday to show their disapproval of the 'Press gag Bill which, while purporting to offer a clean administration, instead provides an opportunity for sweeping dirt under the carpet.'

Mrs Robb also asked motorists to make stickers with the slogan, Light Up for Press Freedom, to attach to the front and back of their vehicles.

'The Bill is being rushed through Parliament at such a rate that there is no time to have them printed,' she said.

'As our national president, Mrs Joyce Harris, has already stated, it is the use made of taxpayers' money which is to be concealed from the taxpayers, and we feel sure taxpayers object to this,' she said.

Our correspondent in Johannesburg reports that the campaign, launched in the city on Saturday, showing signs of catching on.

Mrs Harris said today the Black Sash would hold a 'one-woman' demonstration against the Advocate-General Bill tomorrow at the University Fountains on Jan Smuts Avenue in Johannesburg.

The posters would read: 'Stop Corruption, Don't Gag the Press' and 'We Must have Press Freedom.'

The protesters can only work individually because of the Riotous Assemblies Act which defines two people as a 'riotous assembly.'

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WUZZLE BILL: GOVT AND AMMANT

After the Determining Thought Moment, there are generally seven Moments of Apperception (Ivare) during which the input is mentally digested and acted upon. It is during this "Volitional" stage in the thought scanning period, preventing us from "seeing things as they really are."

The quality of our past deeds and words, as expressed through their attendant thought processes, therefore colour the manner in which any subsequent inputs are viewed and assessed during the perceptive period, preventing us from "seeing things as they really are."

CAPE TOWN — The government will push ahead with the second reading of the Advocate-General Bill today despite the nationwide outcry against the measure.

Last-ditch talks between the government and a delegation of the Newspaper Press Union failed to head off the government's determination to go ahead with the measure to install an advocate-general in office as soon as possible.

In terms of the present draft, the advocate-general will act as a "super-censor", who will have to grant permission if newspapers wish to publish reports of corruption or maladministration in any government institution.

The six-man government delegation, under Prime Minister P. W. Botha, made it clear to the NPU that only matters of "detail and wording" would be discussed at yesterday's meeting and proposed changes would be considered.

Mr Botha and the Leader of the House of Assembly, Mr Louwrens Muller, turned down a request by a delegation from the General Bar Council of South Africa to discuss the Bill.

After the government's refusal, the chairman of the council, Mr Douglas Shaw, QC, released a statement from the council and the Natal Law Society which read:

"We believe it is of fundamental importance that all matters concerning the application and administration of state funds and the performance of their functions by employees of the state should be subject to full open public scrutiny."

"We believe such scrutiny plays an essential part in securing proper administration and in combating impropriety and abuse."

"We believe that recent events both in this country and abroad demonstrate this proposition beyond peradventure."

"While we recognise that the public ventilation of suspicions which may subsequently prove to be unfounded can cause grave damage, nevertheless the suppression of public discussion of these matters, particularly through the medium of the press, must in our view cause such untold harm and potential prejudice to the public good that it far outweighs other considerations."

"We believe these principles are not only generally accepted principles of good government but have been established by decisions of the courts in considering actions in which these matters have arisen over a very great number of years."

"There can, in our opinion, be no doubt that Clause 4 of the Bill is designed to prevent the ventilation of such matters in the press or any other form of publication."

"The existence of the limitations in this clause is not an essential or integral part of the setting up, if this is thought to be necessary, of an office — the functions of which are incumbent of which are to investigate the misapplication or maladministration of state monies or improprieties in connection with state affairs or in the performance of the duties of state employees."

"We take leave to doubt whether the establishment of such an office serves a useful purpose."

"The office is not that of an ombudsman to look into general complaints against administrative action. It is limited to the matters we have mentioned."

"Even if the functions were more general and were designed to give a speedy and effective remedy to those prejudiced by administrative action, we believe that provisions such as those contained in Clause 4 limiting the right of the citizen and the taxpayer to be informed on subjects which are a legitimate matter of concern to him would be a disastrous incursion into the normal rights of every citizen."

Mr Harry Schwarz (PFP, Yeoville) severely criticised the government's reply to the Bar Council, saying it was incomprehensible in the light of the Prime Minister's undertaking to listen to responsible representations.

A spokesman for the Transvaal Law Society said last night the society would continue to press for an interview with the government to discuss the measure.

There is no certainty whether the government has agreed to modify the Bill in any material sense before the second-reading debate begins today. The Cabinet will formulate the government's final approach to the matter this morning.

This afternoon's debate is likely to be the most heated this session.

During the second-reading stage, the principle of a Bill is discussed. Once the Bill has passed the second reading, the principle cannot be changed. During the third reading, only matters of detail can be amended.

A statement issued by the NPU after the meeting with the government delegation made it clear that only matters of "detail and wording" were discussed.

The Prime Minister agreed to consider proposals for change, but there was no indication that the representations would succeed. — PS

(News by Helen Zille Press Gallery, Parliament)

combinations, account for the incredible variety and content of our

A-G Bill:

Govt will

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go ahead

Political Staff

THE GOVERNMENT will push ahead with the second reading of the controversial Advocate-General Bill today in spite of the nationwide outcry against the measure, including opposition from National Party MPs and all the major Afrikaans newspapers.

The last-ditch talks between the government and a delegation of the Newspaper Press Union yesterday failed to head off the government's determination to proceed with the measure to install an advocate-general in office as soon as possible in terms of the present draft.

The advocate-general will act as a "super-censor", who will have to grant permission if newspapers wish to publish reports of corruption or maladministration in any government institution.

The six-man government delegation, under the Prime Minister, Mr P W Botha, made it clear to the NPU that only matters of "detail and wording" would be discussed at the meeting and that proposed changes would be considered.

However, Mr Botha and the Leader of the House Mr S L Muller, yesterday turned down a request by a delegation from the General Bar Council to discuss the government's attitude to the bill.

Mr Harry Schwarz (PFP Yeoville) yesterday severely criticized the government's reply to the Bar Council, saying it was incomprehensible in the light of the prime minister's undertaking to listen to responsible representations on the bill. This attitude would do further harm to South Africa's image abroad, Mr Schwarz said.

A spokesman for the Transvaal Law Society said last night the society would continue to press for an interview with the government to discuss the measure.

There is no certainty on whether the government has agreed to modify the bill in any material sense before the second reading debate begins today. The Cabinet will finally formulate the government's approach to the matter.

This afternoon's debate is likely to be the most heated this session. During the second reading stage the principle of a bill is discussed. Once the bill has passed the second reading the principle can no

longer be changed.

During the third reading only matters of detail can be amended.

The statement issued by the NPU after the meeting with the government delegation yesterday made it clear that only matters of "detail and wording" were discussed.

The prime minister agreed to consider proposals for change, but there was no indication whether the representations would succeed.

There are strong indications that National Party MPs and Afrikaans newspaper editors would be prepared to accept a watering-down of clauses in the bill, made it clear on the issue is not negotiable.

While compared to "ombudsmen" in the line at censorship, the government virtually no

ernment agreeing to abandon its intention of curbing press reporting on government even if certain changes are accepted.

Last night the managing director of Nasionale Pers and

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To page 2

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● **Leading article, page 12**

● **Bill to keep press, public 'uninformed', page 13**

B From page 1
The vice-chairman of the NPU delegation Dr David de Villiers was still discussing the matter with Mr Lourens Muller, who, as Leader of the House will pilot the bill through Parliament.
The NPU delegation led by Mr Rudolph Opperman of Perskor included Dr De Villiers, Mr Hal Miller of the Argus Group, Mr Clive Kinsley of South African Associated Newspapers (SAAN) and the secretary of the NPU Mr Gerne Uys.
The government delegation was led by the prime minister and included Mr Muller, the Minister of Finance Senator Owen Horwood, the Minister of Justice Mr J T Kruger, the Minister of the Interior Mr Alwyn Schlebusch, the Minister of Indian Affairs Mr Marais Steyn, and the director of the prime minister's press secretariat, Mr Neville Krige.



The Newspaper Press Union delegation who met the Prime Minister, Mr P W Botha, and four other Cabinet ministers in Cape Town yesterday to discuss the Advocate-General Bill. They are, from left, Mr D P de Villiers, managing director of Nasionale Pers, Mr C H Kinsley, managing director of Saan, Mr G C A Uys, secretary of the NPU, Mr H W Miller, general manager of the Argus group, and Mr R W J Opperman, vice-chairman of the NPU.

The Cape Times

Built-in cover-up

(243)

WHEN THE Nationalist government presents its proposals in the House we hope it will justify them in terms of what has happened, not in terms of hypothetical future situations. As the Burger has said, the bill is vague and wide. It can be made to fit any number of theoretical future events. The real test is what would have happened if we had had an advocate-general a year ago. Would we have known about the Citizen and Dr Mulder's lies to Parliament, would Mr Justice Mostert's evidence ever have appeared in the columns of the newspapers, would Dr Connie Mulder now be prime minister with Dr Rhodie at his right hand and General Van den Bergh being *kragdadig* in the background?

Take To the Point, for instance. This newspaper knows nothing about To the Point which isn't hearsay, nothing to which we could swear an affidavit. From our own knowledge we couldn't even say that the massive sum of R14 million of the public's money has been diverted to the journal, all we know is what we read in the papers of what Mr Pik Botha is reported to have said. This doesn't mean that we cannot put questions which the public that provided the money is entitled to have answered. First of all, how on earth did a comparatively small journal, presumably run on business lines, manage to get through the huge amount of R14 million? If the paper closed tomorrow, would the taxpayer get his R14 million back? Who got the R14 million? Did they pay tax on what they got? Did any of the happy recipients invest (and lose) any of their own money? What proportion, if any, went on lavish travels, company motor-cars, expense accounts? The Cape Times is in no position to make sworn statements to an advocate-general but we can certainly ask for information to which the public is entitled.

This is the function of the newspapers, to represent the public and to draw public attention to matters that call for explanation. There are a lot of other matters on

which further information is essential and which are not amenable to the affidavit procedure. The precise part played by the former prime minister is still obscure. Senator Horwood's coy covering over of significant parts of documents still leaves some people unhappy. Dr Rhodie made a number of charges that are not suitable for the affidavit treatment as long as he remains in foreign parts. General Van den Bergh, when he told the Erasmus commission to jump in the lake, seems to have had something to say. (If the advocate-general comes into being it will be instructive to see whether he will receive the same cavalier treatment from General Van den Bergh and whether Dr Mulder will disobey the subpoena.)

Government spokesmen, introducing the advocate-general bill, could draw the lesson from the past that more vigorous action on the part of the authorities could have made the appointment of an advocate-general unnecessary. When the information scandal first surfaced — with an MP's questions about a favoured publisher getting too much of the information profits — the prime minister or the minister of finance could have called for reports and papers and looked into what was going on. When Mr Schwarz in the public accounts committee asked for an inquiry into the information department his request could have been met. The minister of finance could have insisted that there could be nothing so secret about the spending of the public's money that the treasury had to be kept in the dark. The minister of defence could have done something about the abuse of his vote instead of just protesting. Various cabinet ministers could have read what the newspapers were saying about the Citizen and made some inquiries without waiting for Judge Mostert.

We believe that a healthy and free expression of public opinion, alert newspapers, informed MPs and ministerial sensitivity are all that this country needs to deal with corruption and maladministration.

Bill to keep press, public 'uninformed'

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By NEVILLE FRANSMAN

THE Advocate-General Bill was not only a threat to press freedom, but also deprived parliamentarians of their right to communicate freely with their voters, the Leader of the Opposition, Mr Colin Eglin, said yesterday.

Speaking at a lunch-hour PFP information meeting attended by about 70 people Mr Eglin said the bill was the greatest threat to the press and the public in 30 years of Nationalist rule

He said "It almost seems impossible that after an Information scandal when the public of South Africa wants more exposés and more open government the response should be a bill which is going to make it more difficult for the public to know

"The only redeeming feature of the situation which has developed in the past few days has been the reaction of both the press and the public I am delighted that on this occasion opposition to this measure is coming not merely from people who have identified with being opponents of the National Party"

Watchdog

The new watchdog Advocate-General was superfluous as adequate machinery to deal with corruption and maladministration already existed in the form of the police and the Attorneys-General, the Auditor-General, the parliamentary select committee for public accounts and ad hoc commissions

There was nothing wrong with these modes of control, Mr Eglin said, but this machinery "is no more effective than the people who control it"

"The Info corruption would have been nipped in the bud if the then Ministers of Defence and Finance had insisted, as they should have done, on a full audit of the secret funds under their control It wasn't the system that was wrong but the failure of people, it was the failure of people to apply the system that led to the corruption"

"The cardinal feature of the bill is that the press remains silent and the public must remain uninformed while the Advocate-General quietly and secretly conducts his inquiry"

The Advocate-General was not required to establish the facts nor to determine who was responsible but to establish whether or not suspicion in question was well-founded

Gagging the press was no new concept of the Prime Minister Mr P W Botha It reflected a deliberate decision Mr Botha took soon after he came into office

"His intention was not only to silence the press but to silence members of Parliament as well"

"Gossip"

Mr Eglin quoted from Hansard where Mr Botha in December last year challenged Opposition members 'to present their gossip to the (Erasmus) commission before May 30, for after May 30 we are going to put an end to it (the gossip) with legislation in this Parliament"

Mr Eglin added "This bill denies to MPs as representatives of the people the right to communicate with their voters on matters relating to maladministration and corruption It will prevent us going to the press and putting points of view which we want to convey to the voters of South Africa"

Much emphasis had been placed on the word "corruption", but the bill also provided for silence on allegations of "misapplication" of State funds

A daily task of opposition politics was criticizing the government of the time, not so much for corruption or theft, but for maladministration and the wrong application of taxpayers' money which was not in the interest of the taxpayer

Other disturbing features of the bill was that the public need not be informed of an Advocate-General's investigation and therefore they would not present themselves to give evidence, the report of the Advocate-General need not be published, and it would be impossible to make an informed evaluation of the Advocate-General's findings

Earlier Mr Japie Basson, chief PFP spokesman on Information told the meeting that he rejected the government's effort to restrict the right of political parties the public and the press, to speak out and publish what they knew about corruption or maladministration involving public funds

There was nothing wrong with strong steps being taken to ensure "clean administration" and the rooting out of corruption, or having a highly-appointed officer to investigate rumours and reports of corruption and placing the facts before Parliament

But the bill and the Prime Minister's intentions did not end there It had the effect that no politician or political party would be allowed to publish a pamphlet or poster no printer could issue a book, and no newspaper would be permitted to publish a report dealing with suspected corruption unless permission was given by the Advocate-General

Mr Basson said "Heaven alone knows what will happen if the Advocate-General himself becomes corrupt, and you can imagine what misuse could be made of the provisions of the bill if there is a General Election on the go and the ruling party fears evidence of corruption or maladministration"

The bill as it stood was anti-public and it created a new super-censor and the government had no moral right to deny the public, the press and political parties the right to have their own say about the spending of public money The bill should be vigorously opposed unless the public, press and political parties remained as free as at present to expose official corruption

"If the new bill had been law two-three years ago the Information scandal would never have become exposed and, in fact, Mr P W Botha himself would not have been Prime Minister today," Mr Basson said

Govt is firm on A-G Bill

Cr. 23/5/79

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By MICHAEL ACOTT
Political Correspondent

HOUSE OF ASSEMBLY. — The government yesterday stood firm on its insistence that no newspaper would be allowed to publish freely allegations of government corruption or maladministration.

Concessions announced yesterday by the Leader of the Assembly, Mr Louwrens Muller, when he introduced the second reading debate on the Advocate-General Bill, failed to dampen opposition criticism of the measure.

Nor do they meet the main objections of Afrikaans newspapers which argued that free publication should be allowed before a matter was referred to the Advocate-General.

In terms of an amendment Mr Muller is to move, newspapers will still be compelled to refer any report of maladministration or corruption to the Advocate-General.

The Advocate-General will, however, have to authorize immediate publication unless he is convinced this could harm national security or would hamper his investigation. Publication after investigation will be permitted unless a parliamentary select committee agrees national security would be endangered.

During a frequently stormy debate, government members claimed the bill was aimed not at restricting the press, but at ensuring clean administration. They said, however, that the bill would compel "responsible" reporting from newspapers which had not used their power responsibly.

In Parliament

Opposition speakers saw the measure as a gag on the press prompted by a typical over-reaction to exposures of the Information scandal. They described Mr Muller's amendments as minimal ones which made no material changes, and called for a clear government statement on whether the measure affected reporting of corruption allegations made in Parliament.

The Progressive Federal Party and the New Republic Party announced total opposition to the bill. The South African Party, claiming the measure as presently worded would not serve its objective of eradicating corruption, moved the appointment of a select committee to investi-

gate and amend it.

Moving the second reading, Mr Muller was sharply critical of the press, both for their recent reporting and for the way they had interpreted the bill to the public.

He derided the press claim of having a duty to inform the

public. Newspapers aimed at sensational reporting to increase their circulation and, like any other business, to increase profits.

"This sacred duty they have towards the public leaves me absolutely cold," he said.

He accused newspapers of "a hysterical outburst" against the bill in which they had emphasized what they did not like. The most important aspect of the bill however, was that it gave effect to the Prime Minister's commitment to ensuring clean administration.

Newspapers objected to a delay in publication because it seemed their objective was not the truth. They wanted to speculate on possibilities and publish rumours in order to increase their circulation.

Free as any

South African newspapers were as free as any in the world. But they wished to work without rules or responsibility publishing what they liked.

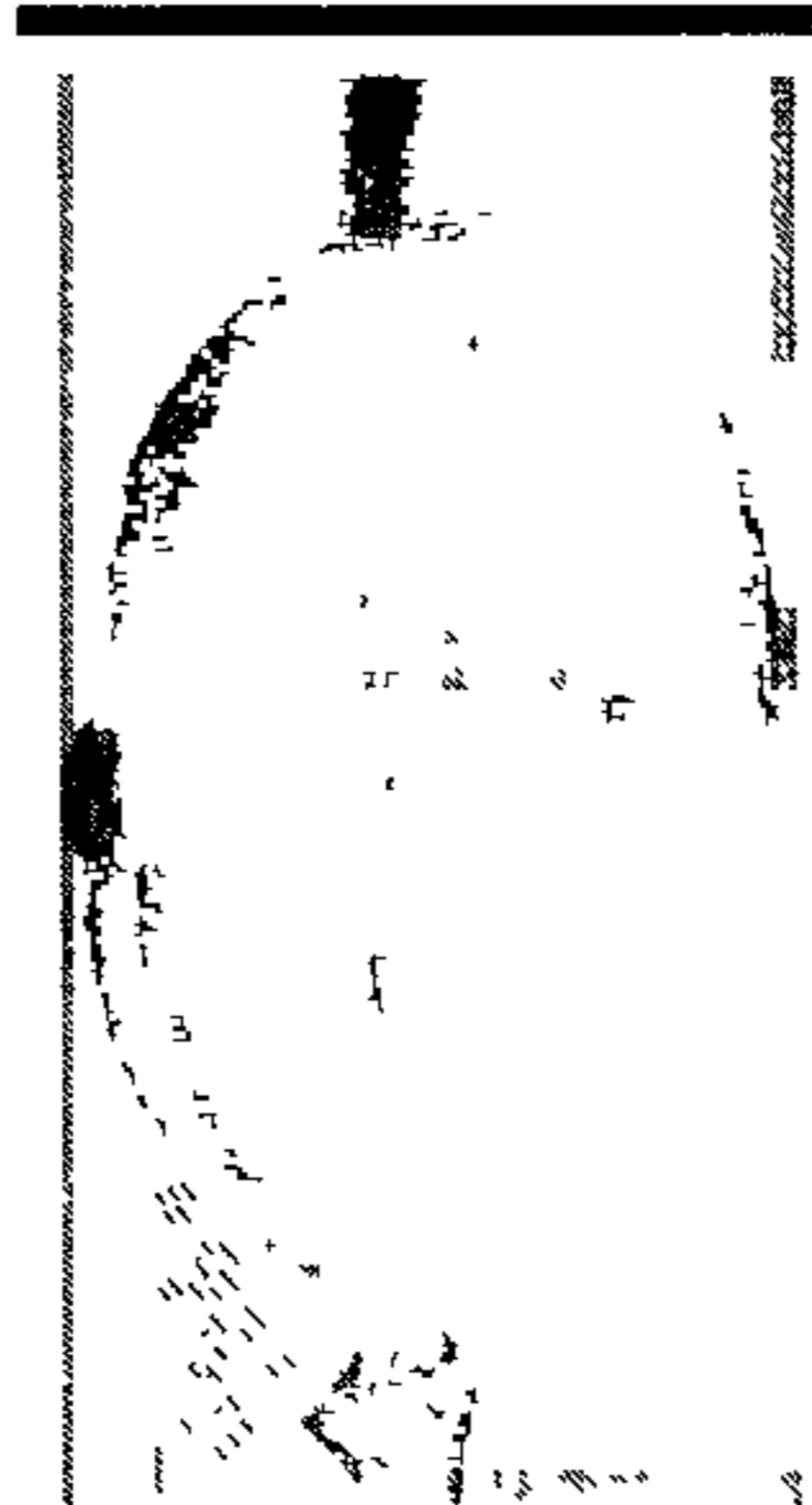
The Leader of the Opposition, Mr Colin Eglin, said the government clearly meant to steamroller through Parliament a measure which constituted the greatest threat to press freedom to clean government in 31 years of National Party rule.

Having lost its sense of balance as a result of the Information scandal, the government had drawn up a bill providing for more secrecy, rumour and, in the end, more corruption.

The NRP leader, Mr Vause Raw, accused the Prime Minister, Mr P W Botha, of having "lost his cool" under pressure and provocation. The result had harmed South Africa because, even if the measure was substantially amended, the damage to the country's reputation had been done.

Mr Botha had also discredited his commitment to clean government as honest public administration was inseparable from public scrutiny.

The debate continues today.



Mr Colin Eglin

**Still bad
— Eglin**

Political Staff

THE Leader of the Opposition, Mr Colin Eglin, said last night that even with the amendments to the "press" clause in the Advocate-General Bill, it was "gagging of the worst kind".

He said in a statement that it still meant there would be a total ban on any publication of information on alleged corruption until the report was submitted to the Advocate-General.

"It means that if a newspaper has made investigations and is ready to publish a report on corruption, it will not be able to publish its report unless it submits itself, its report and its sources of information to formal investigation by the Advocate-General."

**advocate
general
bill**

**DEBATE:
Reports
pages 4, 5
and 6**

the government
No matter what the intention of the legislation was the image which it was going to give South Africa was damaging

advocate general bill

The Burger had reported that the government was like a wounded baboon tearing out its own entrails

"I don't mind if the government want to be masochists and damage themselves but I object when in doing so they damage South Africa and that is precisely what this legislation is doing" said Mr Raw

It was not only the opposition press which had come out against the bill The Afrikaans press had unanimously expressed its opposition Even the Citizen had spoken against the bill

"What's the use of quoting interested parties" interjected the Leader of the House, Mr Louwrens Muller who introduced the bill

"I am quoting what the honourable Leader of the House has referred to as 'our partners' ('ons venote')." said Mr Raw

"I don't have any partners I stand here alone with my party," he said

The bill was a manifestation of a panic reaction by the government The damage had already been done by merely publishing the bill

The bill lifted a curtain on the philosophic approach of the government to government itself



Fanie
Botha
thanks
miners

THE SENATE — Recent consultation across the country had convinced him that over 95 percent of the country's workers supported the government's labour legislation, the Minister of Labour, Mr Fanie Botha, said here yesterday

The only resistance came from a section of the mineworkers but he was also sure that more than 50 percent of them no longer supported the president of the Mine Workers Union, Mr Arrie Pauls

The union had tried recently to organize strikes and mass meetings, but these had all failed and he thanked the miners for this

"I owe my thanks to thousands who refused to be drawn into a second strike," he said

Mr Botha was speaking on his labour vote and said he hoped the miners would soon come to realize that with co-operation, progress would be made, but with confrontation they would get nowhere

The international climate was turning in South Africa's favour, not so much because there was a new South Africa, but because they had made calculations, especially in Europe, and discovered they needed South Africa more than South Africa needed them

"This is particularly so where it concerns raw materials for their factories" — Sapa

NRP leader voices his opposition

C. Times 23/5/77 243

HOUSE OF ASSEMBLY. — Parliament would become a toothless watchdog should the Advocate-General Bill become law, the leader of the New Republic Party, Mr Vause Raw, said yesterday.

Speaking in debate on the second reading of the bill Mr Raw said the bill placed an absolute prohibition on what might be published

"This Parliament will become a toothless watchdog without a free media to inform people," he said

Apart from the gagging clause, the bill was a slap in the face to the Auditor-General, the police, who were prohibited from investigating any

allegation which the Advocate-General was already investigating, and the select committee on public accounts

Referring to Mr Henne van der Walt (NP Schweizer-Rekening) who is head of the select committee on public accounts Mr Raw said "The honourable member who is making so much noise is also having his face slapped"

What this bill is saying is that you and your committee

are not good enough to look after the money of the people of South Africa

The Prime Minister had set out two goals — the maintenance, and development of orderly government and honest public administration

This bill discredits both these goals Orderly government is inseparable from the parliamentary system and the separable from the electorate's right to change the government

"Thus in turn is inseparable from the public's right to know the facts"

Honest public administration could not be separated from public scrutiny and this was in turn inseparable from the right of a free press

37 The Concept of the Market

A free press presupposed the right to expose irregularities It did not help to expose after an inquiry

While irregularities were being reported in the press, more people would say "I know something about that" and come forward and give evidence

The Prime Minister, Mr P W Botha, had only wanted the to be told what was

Mr Raw asked Mr Muller for an assurance that there would be no interference with the right of the press to report on matters relating to the wrong appropriation of public monies

Referring to the parliamentary standing order which prohibits debate on any subject which is sub judice Mr Raw asked Mr Muller if he would consider an amendment which would put debate on matters referred to the Advocate-General beyond the effect of the standing order

"I will reply on that" said Mr Muller

"I would like a clear and unequivocal statement on matters being investigated by the Advocate-General" said Mr Raw

Lorimer walks out

HOUSE OF ASSEMBLY — A Progressive Federal Party member yesterday left the Assembly chamber after refusing to withdraw an interjection during debate on the second reading of the Advocate-General Bill

Mr Rupert Lorimer (PFP Orange Grove) made the remark after the Leader of the House, Mr Lourens Muller, had, in his speech, said he was handling the measure with the greatest of pleasure

Interjecting, Mr Lorimer said "You are doing your Prime Minister's dirty work"

Asked to withdraw the remark by Mr Speaker, Mr Lorimer said he would, but only because of his respect for Mr Speaker and the chair

The Cape Times

WEDNESDAY, MAY 23, 1979

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South Africa in jeopardy

THE PRIME MINISTER said in Stellenbosch a few days ago that his government was committed to creating conditions in this country which would inspire every man, woman and child to defend South Africa against its enemies.

Mr Botha has demonstrated, in his courageous response to the Wiehahn and Riekert proposals, that he means what he says. And so his extraordinary blunder over the advocate-general bill remains all the more inexplicable. As the bill has yet to pass through the committee stage, where there could yet be fundamental amendments, Mr Botha might still recover, undoing at least some of the damage which his introduction of this iniquitous measure has done. There are a number of grave and sombre considerations which we would commend to his attention before it is too late and this country enters a twilight world of bullyboy authoritarianism, with officialdom and its doings protected by law from public scrutiny.

In the first place, we would suggest to Mr Botha that it takes more than material self-interest to inspire a nation to stand and fight, and to persist to the end, as did the people of the British Isles in World War II. People fight to defend their homes and possessions, certainly. But history demonstrates that the successful pursuit of warfare, defensive or offensive, is closely related to the strength of motivation and sense of purpose of the participants. In World War II, the strength of the Allies, ultimately, lay in their political will, in the strength of their ideals, their commitment to civilized values and their realization that the preservation of such values intact against Nazi aggression would require self-sacrifice. South Africans, similarly, in a situation where their young men are being more and more called upon to risk their lives under arms, will ultimately present a formidable antagonist to the foe if they are confident in the righteousness of their cause, if they are of a firm belief that their sacrifice is being made to uphold decent values of individual freedom and dignity and civilized standards of public life. Until now, the commitment to a free press and freedom of discussion has been part of the cultural stock in trade of every South African government. Of the many values that are shared in common between South Africans of different background and culture, these freedoms

are perhaps the most important, deriving as much from the Huguenot heritage of freedom and righteousness as from the 1820 Settler tradition of assertion of the rights and habits of free men. A government which destroys this consensus, and which undermines the freedom of the press, is striking a body blow at the moral and cultural viability of that society. To destroy a free press, in fact, is to subvert this country's defence capability in its most critical and sensitive area — the question of the ultimate values the boys on the border are fighting to defend.

For many perceptive South Africans, the freedom of the press is not an abstraction but consists, in concrete terms, of their own freedom to be kept informed of developments, good and bad, in the society around them. The press enjoys no rights which are not enjoyed by the ordinary citizen, neither does it claim any such rights. The rights of the press are no more and no less than the rights of the citizen. The gross infringement of such rights, as proposed in the advocate-general bill, is a matter of extreme gravity. What is at stake is a whole style of life and government, an abandonment of the open-hearted Western way in favour of the nasty, oppressive totalitarian way of doing things in which the authorities know best and rottenness and corruption fester in the dark. If the prime minister does not realize the import of what he is doing, and presses ahead with the essentials of this vicious bill intact, he will undermine the consensus which binds South Africans together in defence of their values and their way of life. He might well force many South Africans to re-assess their whole position — as South Africans. Is a society stripped of press freedom and clothed with other nasty features of totalitarianism any longer recognizable as the South Africa of Smuts and Botha, a society which sent its young men to war against Nazi totalitarianism?

The passage of the advocate-general bill marks a critical phase in this country's history. If Mr Botha will not see reason and give way, he will be leading this country into darkness and a dreadful uncertainty. The consensus of nationhood which binds a people together in times of crisis is not something to be lightly tampered with, in doing so now, Mr Botha is placing South Africa at risk and jeopardizing its viability in a dangerous world.

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Presses Jealous Muller Cool

THE ASSEMBLY — The "sacrosanct" duty of the press towards the public left him "cold", the Leader of the House of Assembly, Mr Louwrens Muller, said yesterday as he pushed ahead with the controversial Advocate-General Bill.

Amid opposition heckles, Mr Muller denied the measure was aimed at gagging the press or at controlling reports about the Bill.

Although he announced amendments to the Bill — which the opposition immediately rejected as meaningless — Mr Muller said the government would push ahead with the Bill.

In spite of the measure's unanimous rejection by the opposition parties and all sections of the press, Mr Muller said "If we lose this struggle, it will no longer be the government which rules South Africa, but the press."

The Leader of the Opposition, Mr Eglin, accused the government of having a "neurotic anxiety" against the

press and said the Bill was the greatest threat to the right of the people to know as well as to good, clean government.

Way back in December, the Prime Minister threatened to silence the press and members of this House, to put an end to gossip that is what this Bill is all about," Mr Eglin said.

The leader of the New Republic Party, Mr Vause Raw, said the Bill showed that the Prime Minister "had lost his cool under pressure."

"This Bill is a panic measure, a monstrous overreaction to the occasional over-enthusiasm of the press," Mr. Raw added.

The leader of the South African Party, Mr John Wiley, said although his party supported the concept of an advocate-general the inalienable right of the press to investigate was being threatened and he proposed an amendment that the Bill be referred to a select committee.

Although this is the strongest opposition the government has faced both inside and outside Parliament since Mr Botha came to power in September last year, the

determined to push the legislation through Parliament.

Mr Raw challenged unhappy Nationalist MPs to have the courage to stand up against the measure, but so far none has given the slightest indication of defying the party leadership.

During the second reading debate, which was at times heated, the PFP

Mr Muller was directly challenged by both Mr Eglin and Mr Raw to say whether the Bill would in any way affect the right of the press to report matters raised in Parliament about allegations of maladministration.

Both said the position was unclear and Mr Raw said that unless the situation was clarified an amendment to the Bill

should be moved. Mr Muller also said he had received very few objections to the Bill and that the majority of people had urged him to push ahead with it.

The debate on the Bill will continue today, but it is not expected that it will be completed until later in the week and the parliamentary fight against it is likely to be intense, particularly when it is discussed in the committee stage.

From BARRY STREEK

MP for Orange Grove, Mr Rupert Lorimer, was ordered to leave the House after interjecting that Mr Muller was "doing the Prime Minister's dirty work."

The Prime Minister himself withdrew a remark that the House was cleaner after Mr Lorimer had left.

In his speech, Mr Muller said it was "an outright lie" to say that he and the Prime Minister had refused to meet a delegation from the Bar Council and the Side Bar Association.

He had spoken to the president of Side Bar, Mr D Symington, for 20 minutes and they had agreed not to hold a

there would be a total ban on any publication of information on alleged corruption until the report was submitted to the advocate-general.

"It means that if a newspaper has made investigations and is ready to publish a report on corruption, it will not be able to publish its report unless it submits itself, its report and its sources of information to formal investigation by the advocate-general," he said.

Meanwhile, Sapa reports the chairman of the General Council of the Bar of South Africa, Mr Douglas Shaw, QC, said yesterday he stood by his claim that Mr Muller had refused to grant an interview to the council to state their views about the Bill.

Reacting to Mr Muller's denial that either he or the Prime Minister had refused to grant an interview with the Bar Council, Mr Shaw said "There may have been some misunderstanding about the approach of the General Council of the Bar, but as far as I'm concerned, we were not granted an interview."

Mr Shaw said that Mrs I Hofman, secretary of the Cape Law Society, had telephoned him on Mon-

approached the Prime Minister to arrange an interview.

Mr Botha's office had referred her to Mr Muller because he was the Minister piloting the Bill.

"I was told that Mr Muller would not see either me or Mr Symington," Mr Shaw said.

"I was informed late in the afternoon that Mr Muller had telephoned Mr Symington and had apparently discussed the issue of the approaches by the General Council and the SA Law Society.

"I was not aware of the outcome of this discussion.

"A telephone conversation is not an interview. In addition, the Minister made no attempt to contact me as chairman of the Bar Council. A statement to the public was therefore released to Sapa on behalf of the General Council of the Bar and the Natal Law Society."

He added, however, that there might have been a misunderstanding between Mr Symington and himself.

(News by Barry Streek, Press Gallery, House of Assembly, Cape Town)

Bill will open the door 'for corruption'

CT. 23/5/79 (243)

HOUSE OF ASSEMBLY. — The Advocate-General Bill would gag the press and provide an open door for corruption and maladministration if it became law, the Leader of the Opposition, Mr Colin Eglin, said yesterday.

Speaking after the Leader of the House of Assembly, Mr Louwrens Muller, had proposed that the bill be read a second time, Mr Eglin proposed an amendment calling for it to "be read this day six months" — the strongest form of parliamentary opposition at this stage

"Surely the government has learnt from its experiences of the past year that the more secrecy there is, the more corruption there will be," Mr Eglin said

"Clean government can only exist where there is open government, and this requires a free press and the right of the public to know"

If the bill became law, it would encourage rumours rather than prevent them and also undermine the parliamentary system of government

Mr Eglin said it was clear that the government intended to steamroller the bill through Parliament irrespective of the strength of opposition to it or the validity of arguments against it

"The way in which the government has handled the bill thus far is an absolute disgrace

"The opposition and the public were compelled to rely on leaks from the government to the government-supporting press for advance information on the bill"

The Prime Minister had said recently in response to a question whether the government intended introducing "anti-rumour" legislation, that he was waiting for a reply from the National Press Union

It now appeared that the NPU had seen the bill only after its first reading in Parliament, Mr Eglin said

"The bill was not a sudden whim of the Prime Minister. It reflects a deliberate decision taken soon after he came into office"

Mr P W Botha had said during the special parliamentary session last December on the information scandal that he intended to end "gossip" with legislation after May 30 this

zens from the awesome power of governments. They did not determine whether suspicions referred to them by others were well-founded, but used their own initiative to keep constant watch on the government and its departments

"The Advocate-General is not an ombudsman, but part of the government's machinery to control what the public is going to be allowed to know

"The office of Advocate-General is unnecessary or superfluous unless the government believes that maladministration and corruption exists on such a scale in South Africa today that a new, full-time investigating department is required in order to probe it"

Extensive machinery for such inquiries already existed, Mr Eglin said

The police and Attorneys-General investigated crime. The Auditor-General had the right to investigate whether public funds were being properly spent and a parliamentary select committee for public accounts gave further consideration to the Auditor-General's reports

There were also departmental inquiries and ad-hoc commissions of inquiry

advocate general bill

"The information corruption could have been nipped in the bud if the Ministers of Defence and Finance had insisted on full audit of the secret funds under their control. Human error was to blame, not the system

"Maladministration will be encouraged if there is a Minister of Finance who signs authorizations for expenditure while covering the page so he cannot see what he is signing

"Corruption will exist if

should come at this time — in the aftermath of the exposure of the greatest scandal and corruption our country has known

"I believe the taxpaying public of South Africa is shocked by both the secrecy and corruption of the Information scandal and want not only clean government, but open government," Mr Eglin said

— Sapa

Today's business

HOUSE OF ASSEMBLY — Today's business Resumption of second reading, Advocate-General Bill Resumption of committee stage, Appropriation Bill Committee Stage, Agricultural Credit Amendment Bill Committee stage, Land Titles Adjustment Bill. — Sapa

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“tent is to gag the press and prevent the public from knowing by restricting the publication of allegations of corruption and maladministration,” Mr Eglin said

“It has been clear that since the Information scandal and its aftermath, the government has been almost neurotic about the press

“This bill is the response of an angry, but strangely insecure government, to the work the press did in ripping open the Information scandal and then proceeding to extract from the government admission after admission over the past six or so months”

The public should not be bluffed that the Advocate-General was to be an ombudsman, Mr Eglin said

Ombudsmen in other countries protected individual citi-

ing of corruption, tells neither the Auditor-General, the Minister of Finance, the cabinet or his Parliament.”

Mr Eglin said the scope of the bill was very wide

The bill appeared to deny MPs the right to communicate with the constituents and the voting public on matters relating to corruption and maladministration

It appeared that any person at all could trigger off a gagging of the press on any matter by placing it before the Advocate-General

“The bill is the greatest threat to press freedom and to the right of the public to know, and also in the end to clean administration, that we have had in 31 years of National Party rule in South Africa

“It seems incredible that it

A-G Bill bans 'any report'

HOUSE OF ASSEMBLY. — The Leader of the House of Assembly, Mr Louwrens Muller, said yesterday the Advocate-General Bill would prohibit publication of any report relating to corruption or maladministration in government without the permission of the Advocate-General.

He was interjecting during a speech by Mr Ray Swart (PFP Musgrave) in the debate on the second reading of the bill

Mr Swart said the clause prohibiting publication of such reports was ambiguous and asked whether the prohibition applied only to reports which had been handed to the Advocate-General for investigation or to any reports relating to corruption or maladministration

“To any reports,” Mr Muller replied across the floor

“If in any circumstances no report may be published relating to such corruption or maladministration without the permission of the Advocate-General, this is a blanket prohibition which confirms the opposition's worst fears,” Mr Swart said

“This would result in a complete cover-up, with the Advocate-General solely responsible to determine what may be reported”

Mr Swart said it was also not clear from the bill how publication of a report by the Advocate-General on an investigation he had conducted would take place when Parlia-

ment was not in session.

The bill stated the Advocate-General would hand his report to the Leader of the House, who within seven days, would hand it to the Speaker. There appeared to be no provision for the report's publication before the following session of Parliament

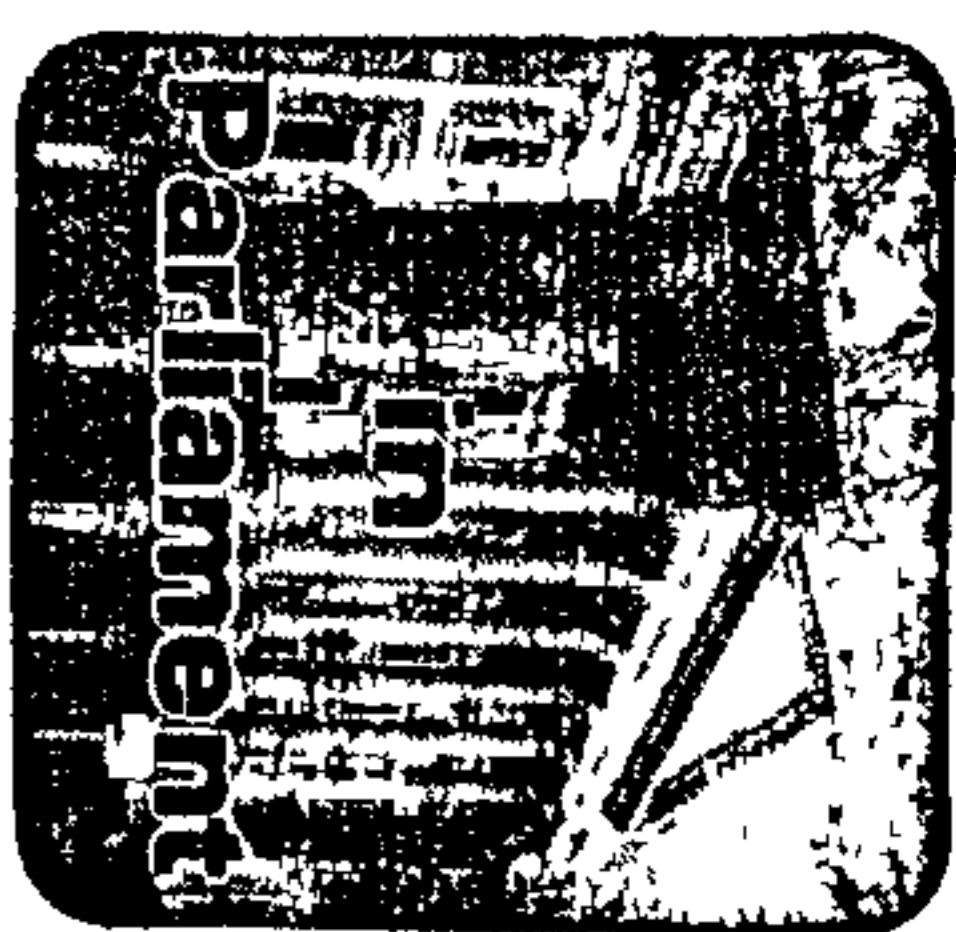
The mechanism which the bill sought to set up — ostensibly to curb rumour-mongering and channel objective inquiry through the Advocate-General — was designed to restrict, confine, delay and discourage any meaningful public inquiry into government maladministration.

Many facts concerning the former Department of Information had been mere rumours only a year ago and had been denied

Without a free press the country would have had to be satisfied by assurances that all was well

Mr Swart said it was ironic that so far the only person prosecuted arising out of the whole Information affair was the Editor of the Rand Daily Mail, a newspaper which had played a prominent part in disclosing irregularities — Sapa

Wiley asks for inquiry



HOUSE OF ASSEMBLY — The leader of the South African Party, Mr John Wiley, yesterday appealed to the government to appoint a select committee to inquire and report on the contents of the Advocate-General Bill.

Speaking during the second reading debate on the bill, Mr Wiley said there were many things a select committee could do to improve the bill.

A select committee can undoubtedly find a modus vivendi whereby the advocate-general and the press can work together to complement each other.

The bill before us does not achieve this objective and includes the press from the performance of what we regard as an essential function.

"To me the only thing that counts is whether the bill will achieve its stated purpose, namely to expose and stamp out corrupt practices. I do not believe it does."

Select committee

Mr Wiley moved an amendment calling for the bill to be discharged and referred to a select committee for inquiry and report, the committee to have power to take evidence and call for papers and to have leave to bring up an amended bill.

There was no need for the legislation to be rushed for the next few weeks.

"Is it not possible for a select committee to bring forward a better bill? Why can't a select committee sit to consider the only really contentious provisions, namely those curtailing the rights of press investigation? This would not take long."

Mr Wiley said the PFP would probably not even sit on the committee, while the NRP would probably once again play follow-my-leader. "Even if they did not sit, nevertheless, more sensible and balanced members in this House would sit on the committee and try to improve the bill, to make it achieve its stated purpose."

Press bill aimed at finding the truth

HOUSE OF ASSEMBLY — The Advocate-General Bill was not, as portrayed by the hysterical outbursts of the press, a gagging bill, but one which was aimed at finding the truth and exposing it, the Leader of the House of Assembly, Mr S L Muller, said here yesterday.

Introducing the second reading of the bill, he said the advocate-general would have an extremely limited power to refuse publication and that the bill's intention was to create speedy and effective machinery to investigate the misappropriation or maladministration of State funds or enrichment in State transactions.

"Those are the most important aspects of the bill," he said.

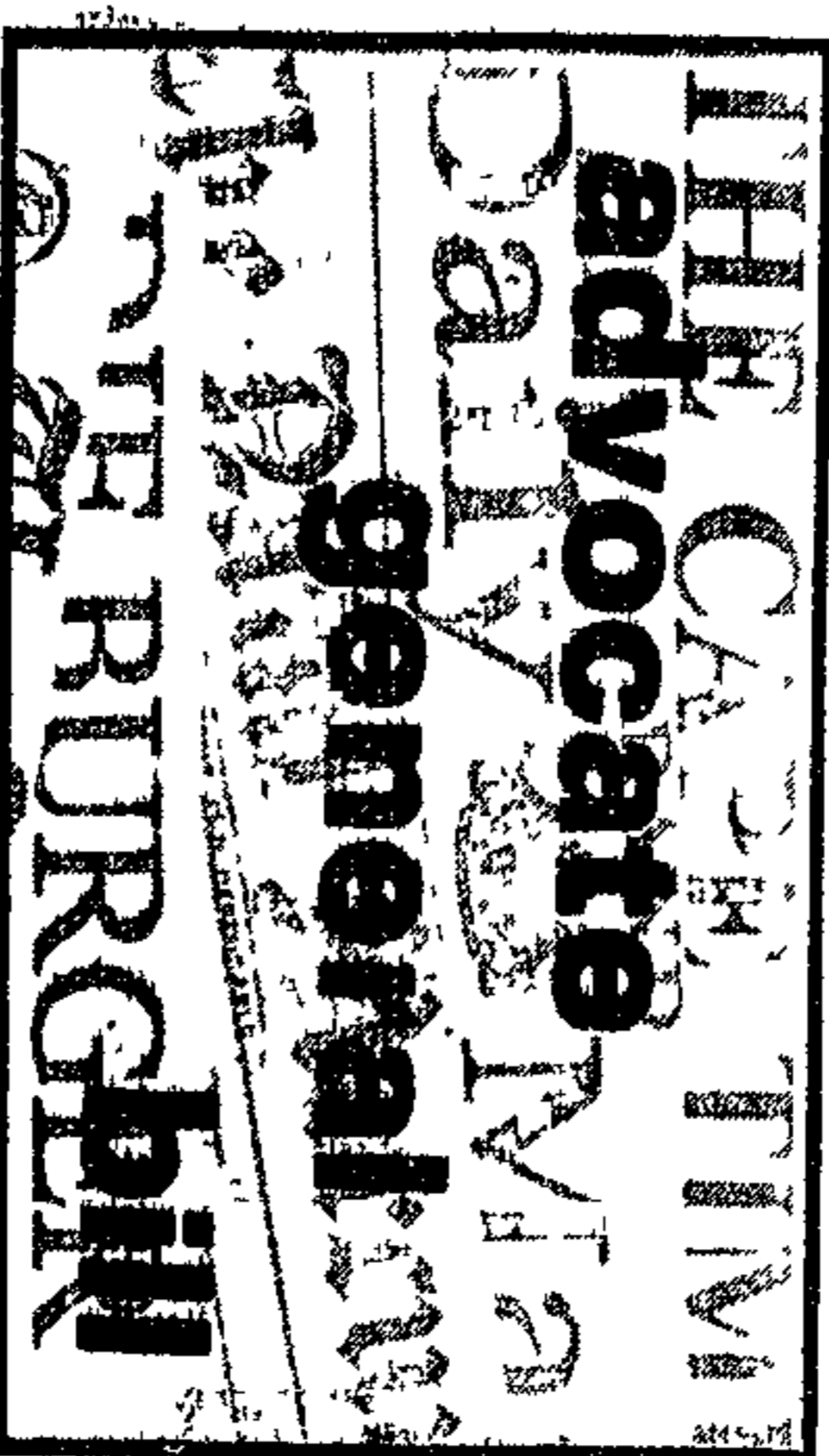
"The press hysteria had been a further example of misrepresentation in which certain aspects of the bill had been blown up out of all proportion to their importance."

"It is of the greatest importance that nothing which is exposed by the advocate-general's inquiries remains secret," he said. The only exemption was where publication could harm the security of the State. Even then, he said the advocate-general's powers extended only to a recommendation

against publication to a select committee who could nevertheless override his recommendation after studying his report.

Publication would be prohibited only once a matter had been reported to the advocate-general which the advocate-general would have to do if he completed his investigation while Parliament was in session.

After that, everything must be released and the advocate-general will have no control over it.



General and while he was investigating the issue.

He was, however, compelled to hand over his findings to the Speaker of the House within seven days of the completion of his investigation, while Parliament was not sitting.

Publication of material could follow immediately after his handing over to the Speaker. Publication would follow the tabling of the documents

which the advocate-general would have to do if he completed his investigation while Parliament was in session.

After that, everything must be released and the advocate-general will have no control over it.

After that, everything must be released and the advocate-general will have no control over it.

After that, everything must be released and the advocate-general will have no control over it.

"But the press does not want to wait for the truth," he said. "This eruption is because they do not want to hear the truth."

The bill Mr Muller said, was introduced to give effect to the undertakings of the Prime Minister, Mr P W Botha, of orderly, effective and clean administration

the attention of the advocate-general by way of an affidavit.

"To have a report on all aspects namely to find the truth, of such allegations and then to allow absolute freedom of publication of the facts provided that State security was not threatened."

It is of utmost importance that nothing remains secret.

The bill provides that the advocate-general would be appointed by the State President and that he would be well qualified in law.

The government, in appointing him, will ensure that his status is kept very high.

He would hand over his report to the Leader of the House for tabling when completing his investigations during a parliamentary session.

The advocate-general would also have the right to determine his own procedures for the investigation, deciding whether to hold the inquiry in camera or openly.

A further amendment would require the advocate-general to give notice as speedily as possible of a matter brought before him. — Sapa

more scared of the press than the Progressive Federal Party.

"They are the clay in the hands of the press."

Despite the hysterical outburst on the part of the opposition the government would not flinch from doing that which was in the best interests of the country.

The press was a very special and valuable ally of political parties and this was appreciated especially in times of elections.

With the measure now before the House the government realised the possibility that it might get hurt because the bill was something which did not fit in with the thoughts (gedagtes) of the press.

Mr Muller said the PFP was being backed by an invisible and "unholy money power".

Why did the PFP not reveal who was behind the press supporting them?

There was not one person in the Assembly or in public life who was more aware of the influence of the press.

He was aware that by introducing the Advocate-General Bill, he would not be very popular.

"But I'm handling this measure with the greatest of pleasure. Do you think the press is going to love me for it?"

"In these times some people took pleasure in disparaging people in the press."

Mr Muller said he was a victim just as much as anyone



Mr S L Muller

Move by Muller

HOUSE OF ASSEMBLY — The Leader of the House of Assembly, Mr Lourens Muller, said yesterday he would introduce certain amendments to the clause in the Advocate-General Bill on the laying before the advocate-general of certain matters.

Introducing the second reading of the bill, Mr Muller said the amendments would make it possible for allegations of maladministration in connection with State monies, or the misapplication thereof, to be made in the form of an affidavit.

In the original clause this would have been possible only by way of an affidavit.

A further amendment would require the advocate-general to give notice as speedily as possible of a matter brought before him. — Sapa

'Press most powerful instrument in SA'

HOUSE OF ASSEMBLY — Under the banner of press freedom the press had become the most powerful instrument in South Africa the Leader of the House Mr Lourens Muller said yesterday.

Introducing the second reading of the Advocate-General Bill, Mr Muller (Minister of Transport) said that while the press was a powerful instrument it was certainly not without responsibility.

"The greater the power the greater the responsibility."

The press freedom that existed in South Africa was greater than in many other countries of the world.

The press from time to time, used its power in an irresponsible way.

"This has made us realize to what extent the government was helpless when the press revolted (in opstand kom) against the government."

Mr Muller said he wished to ask every South African, "Do you want the press to have that power?"

If it had not been for the fact that ordinary people had objected to the actions of the press in the way they had, the government would have had a much more difficult time getting the bill through the House.

"I have had a lot of comment on the bill and the message I received was 'Do not flinch'."

No group in Parliament was

else and felt that he would come in for his share of criticism with greater zeal than that he had introduced the bill.

"But I want to say this day, if we lose this battle then it will not be a government which is governing, but the press."

"They want to be absolute free to do what they wish whether it is unholy or truth or not."

The press considered everyone in Parliament in their voice. On Sunday, for instance he had been troubled at how by reporters a number of times. He had even been troubled by them in the corridors of Parliament.

"This most sacred (though I believe) duty they (the PFP) have towards the press has become absolutely cold. They have no sacred duty towards the press."

The aim of sensational reporting was to step up circulation and to make money, like in any other business.

Mr Muller said he was a

Govt is firm on A-G Bill

By MICHAEL ACOTT
Political Correspondent

HOUSE OF ASSEMBLY: — The government yesterday stood firm on its insistence that no newspaper would be allowed to publish freely allegations of government corruption or maladministration.

Concessions announced yesterday by the Leader of the Assembly, Mr Louwrens Muller, when he introduced the second reading debate on the Advocate-General Bill failed to dampen opposition criticism of the measure.

Nor do they meet the main objections of Afrikaans newspapers which argued that free publication should be allowed before a matter was referred to the Advocate-General.

In terms of an amendment Mr Muller is to move, newspapers will still be compelled to refer any report of maladministration or corruption to the Advocate-General.

The Advocate-General will, however, have to authorize immediate publication unless he is convinced this could harm national security or would hamper his investigation. Publication after investigation will be permitted unless a parliamentary select committee agrees national security would be endangered.

During a frequently stormy debate, government members claimed the bill was aimed not at restricting the press, but at ensuring clean administration. They said, however, that the bill would compel "responsible" reporting from newspapers which had not used their power responsibly.

In Parliament

Opposition speakers saw the measure as a gag on the press prompted by a typical over-reaction to exposures of the Information scandal. They described Mr Muller's amendments as minimal ones which made no material changes, and called for a clear government statement on whether the measure affected reporting of corruption allegations made in Parliament.

The Progressive Federal Party and the New Republic Party announced total opposition to the bill. The South African Party, claiming the measure as presently worded would not serve its objective of eradicating corruption, moved the appointment of a select committee to investi-

gate and amend it.

Moving the second reading, Mr Muller was sharply critical of the press both for their recent reporting and for the way they had interpreted the bill to the public.

He derided the press claim of having a duty to inform the

public, "newspapers aimed at sensational reporting to increase their circulation and, like like any other business, to increase profits."

"This sacred duty they have towards the public leaves me absolutely cold," he said.

He accused newspapers of "a hysterical outburst" against the bill in which they had emphasized what they did not like. The most important aspect of the bill however, was that it gave effect to the Prime Minister's commitment to ensuring clean administration.

Newspapers objected to a delay in publication because it seemed their objective was not the truth. They wanted to speculate on possibilities and publish rumours in order to increase their circulation.

Free as any

South African newspapers were as free as any in the world. But they wished to work without rules or responsibility, publishing what they liked.

The Leader of the Opposition, Mr Colin Eglin, said the government clearly meant to steamroller through Parliament a measure which constituted the greatest threat to press freedom to clean government in 31 years of National Party rule.

Having lost its sense of balance as a result of the Information scandal, the government had drawn up a bill providing for more secrecy, rumour and, in the end, more corruption.

The NRP leader, Mr Vause Raw, accused the Prime Minister, Mr P W Botha, of having "lost his cool" under pressure and provocation. The result had harmed South Africa because, even if the measure was substantially amended the damage to the country's reputation had been done.

Mr Botha had also discredited his commitment to clean government as honest public administration was inseparable from public scrutiny.

The debate continues today.



Mr Colin Eglin

**Still bad
— Eglin**

Political Staff

THE Leader of the Opposition, Mr Colin Eglin, said last night that even with the amendments to the "press" clause in the Advocate-General Bill, it was "gagging of the worst kind."

He said in a statement that it still meant there would be a total ban on any publication of information on alleged corruption until the report was submitted to the Advocate-General.

"It means that if a newspaper has made investigations and is ready to publish a report on corruption, it will not be able to publish its report unless it submits itself, its report and its sources of information to formal investigation by the Advocate-General."

**advocate
general
bill**

**DEBATE:
Reports
pages 4, 5
and 6**

Bill will open the door 'for corruption'

CTimes

23/5/79

24B

HOUSE OF ASSEMBLY. — The Advocate-General Bill would gag the press and provide an open door for corruption and maladministration if it became law, the Leader of the Opposition, Mr Colin Eglin, said yesterday.

Speaking after the Leader of the House of Assembly, Mr Louwrens Muller, had proposed that the bill be read a second time, Mr Eglin proposed an amendment calling for it to "be read this day six months" — the strongest form of parliamentary opposition at this stage.

"Surely the government has learnt from its experiences of the past year that the more secrecy there is, the more corruption there will be," Mr Eglin said.

"Clean government can only exist where there is open government, and this requires a free press and the right of the public to know."

If the bill became law, it would encourage rumours rather than prevent them and also undermine the parliamentary system of government.

Mr Eglin said it was clear that the government intended to steamroller the bill through Parliament, irrespective of the strength of opposition to it or the validity of arguments against it.

"The way in which the government has handled the bill thus far is an absolute disgrace."

"The opposition and the public were compelled to rely on leaks from the government to the government-supporting press for advance information on the bill."

The Prime Minister had said recently in response to a question whether the government intended introducing "anti-rumour" legislation, that he was waiting for a reply from the National Press Union.

It now appeared that the NPU had seen the bill only after its first reading in Parliament, Mr Eglin said.

"The bill was not a sudden whim of the Prime Minister. It reflects a deliberate decision taken soon after he came into office."

Mr P W Botha had said during the special parliamentary session last December on the Information scandal that he intended to end "gossip" with legislation after May 30 this

zens from the awesome power of governments. They did not determine whether suspicions referred to them by others were well-founded, but used their own initiative to keep constant watch on the government and its departments.

"The Advocate-General is not an ombudsman, but part of the government's machinery to control what the public is going to be allowed to know."

"The office of Advocate-General is unnecessary or superfluous unless the government believes that maladministration and corruption exists on such a scale in South Africa today that a new, full-time investigating department is required in order to probe it."

Extensive machinery for such inquiries already existed, Mr Eglin said.

The police and Attorneys-General investigated crime. The Auditor-General had the right to investigate whether public funds were being properly spent and a parliamentary select committee for public accounts gave further consideration to the Auditor-General's reports.

There were also departmental inquiries and ad-hoc commissions of inquiry.

advocate general bill

"The Information corruption could have been nipped in the bud if the Ministers of Defence and Finance had insisted on full audit of the secret funds under their control. Human error was to blame, not the system."

"Maladministration will be encouraged if there is a Minister of Finance who signs authorizations for expenditure while covering the page so he cannot see what he is signing."

"Corruption will exist if South Africa in the future has

should come at this time — in the aftermath of the exposure of the greatest scandal and corruption our country has known.

"I believe the taxpaying public of South Africa is shocked by both the secrecy and corruption of the Information scandal and want not only clean government, but open government," Mr Eglin said. — Sapa

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CONT

ment is to gag the press and prevent the public from knowing by restricting the publication of allegations of corruption and maladministration," Mr Eglin said

"It has been clear that since the Information scandal and its aftermath, the government has been almost neurotic about the press

"This bill is the response of an angry, but strangely insecure government, to the work the press did in ripping open the Information scandal and then proceeding to extract from the government admission after admission over the past six or so months"

The public should not be bluffed that the Advocate-General was to be an ombudsman, Mr Eglin said

Ombudsmen in other countries protected individual citi-

ing of corruption, tells neither the Auditor-General, the Minister of Finance, the cabinet or his Parliament"

Mr Eglin said the scope of the bill was very wide

The bill appeared to deny MPs the right to communicate with the constituents and the voting public on matters relating to corruption and maladministration

It appeared that any person at all could trigger off a gagging of the press on any matter by placing it before the Advocate-General

"The bill is the greatest threat to press freedom and to the right of the public to know, and also in the end to clean administration, that we have had in 31 years of National Party rule in South Africa

"It seems incredible that it

A-G Bill bans 'any report'

CT, 23/5/79

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HOUSE OF ASSEMBLY. — The Leader of the House of Assembly, Mr Louwrens Muller, said yesterday the Advocate-General Bill would prohibit publication of any report relating to corruption or maladministration in government without the permission of the Advocate-General.

He was interjecting during a speech by Mr Ray Swart (PFP Musgrave) in the debate on the second reading of the bill

Mr Swart said the clause prohibiting publication of such reports was ambiguous and asked whether the prohibition applied only to reports which had been handed to the Advocate-General for investigation or to any reports relating to corruption or maladministration

"To any reports," Mr Muller replied across the floor

"If in any circumstances no report may be published relating to such corruption or maladministration without the permission of the Advocate-General, this is a blanket prohibition which confirms the opposition's worst fears," Mr Swart said

"This would result in a complete cover-up, with the Advocate-General solely responsible to determine what may be reported"

Mr Swart said it was also not clear from the bill how publication of a report by the Advocate-General on an investigation he had conducted would take place when Parlia-

ment was not in session

The bill stated the Advocate-General would hand his report to the Leader of the House, who within seven days would hand it to the Speaker. There appeared to be no provision for the report's publication before the following session of Parliament

The mechanism which the bill sought to set up — ostensibly to curb rumour-mongering and channel objective inquiry through the Advocate-General — was designed to restrict, confine, delay and discourage any meaningful public inquiry into government maladministration.

Many facts concerning the former Department of Information had been mere rumours only a year ago and had been denied

Without a free press the country would have had to be satisfied by assurances that all was well

Mr Swart said it was ironic that so far the only person prosecuted arising out of the whole Information affair was the Editor of the Rand Daily Mail, a newspaper which had played a prominent part in disclosing irregularities. — Sapa

Now Afrikaans Press openly opposes Bill

Political Staff

THE Advocate-General Bill has marked the first time in 31 years of Nationalist rule that the Afrikaans Press has been unanimously and openly opposed to a Government measure, the newspaper Beeld said yesterday

Beeld, a committed supporter of the Prime Minister, Mr P W Botha, made the observation in its front page report on the Bill, which prohibits newspapers from publishing, without the consent of an Advocate-General, any allegation about maladministration or corrupt use of State money

At least one Nationalist newspaper has also taken the unusual action of adopting a highly critical approach towards a senior Cabinet Minister

Die Vaderland yesterday highlighted on its front page statements by the Leader of the House of Assembly and Minister of Transport, Mr Louwrens Muller, who introduced the Bill in Parliament

Mr Muller said in the Assembly yesterday the "sacrosanct" duty of the Press to inform the public left him "absolutely cold" — a phrase which recalled the statement by the Minister of Justice, Mr J T Kruger, after the death in police detention of the black consciousness leader, Mr Steve Biko

Mr Kruger said then "It leaves me cold"

Under the headline "Minister Muller's attitude shocks", Die

Vaderland quoted unnamed politicians as saying that Mr Muller's attitude was "completely foreign" to his character as they knew him

Beeld followed up its remarks in an editorial expressing "deep disappointment" at the Government's decision to press ahead with the Bill

Earlier in the week, Beeld confidently suggested changes would be made in the Bill, allowing newspapers to publish reports of corruption, prohibiting them from further publication only once the Advocate-General had decided to investigate

Johannesburg's two other Nationalist newspapers, Die Transvaler and Die Vaderland, were equally critical of the Government's decision to press ahead with the Bill

Urging reconsideration in further talks with the Newspaper Press Union, Die Transvaler emphasised the role of the Press as a vital partner with the Government in combating State corruption

In a front page editorial signed by its editor, Mr Dirk Richard, Die Vaderland, said bluntly "To sum up We believe this law will do more bad than good"

Deploring Mr Muller's "haughty attitude", Die Vaderland said the Government was facing the danger of being accused that its real concern was to keep State corruption and maladministration out of newspapers

In a tough front page editori-

al, Pretoria's verligte Oggendblad said yesterday objections to the Government's controversial Press gag bill appeared to be justified

"It will henceforth be impossible to write about maladministration and misspending by the State without the permission of the State as embodied by the Advocate-General

"Objections to the legislation were repeatedly expressed by this newspaper and from other quarters The objections were regarded as hysterical, which is a pity, because the objections appear to be correct

"The legislation does say that permission can be refused only when publication would affect State security or an investigation But this changed nothing to the principle that permission had to be obtained

"The State must give permission every time there is written about wrong use of taxpayers' money And this is exactly what is wrong with the law

"It means quite clearly that the State will be its own watchdog or that it is behind a trench and that nobody would be allowed inside unless the gate was opened by the State itself

"So serious is the matter that at this late hour we want to make an appeal to the Government to have another look at the implications of the legislation It touches the very basis of our democratic system and therefore a calm reappraisal is necessary," Oggendblad said

SABC staff acts on Gag Bill

Staff Reporter

THE SOUTH African Broadcasting Staff Association (SABSA), which represents about 500 employees of the SABC, has sent an urgent telegram asking the Prime Minister to reconsider the controversial Advocate-General Bill

The Bill known as the "Press Gag Bill" will make it a crime to publish reports on corruption or maladministration in Government without the permission of the Advocate-General

The decision to send the telegram urging the Prime Minister to reconsider the Bill was made by the executive committee of SABSA which is the registered trade union representing SABC employees

The members of the executive committee are the president, Mr Pat Rogers, television presenter and producer, the vice-president, Mr Will Bernard, of the popular Radio Today programme, and the secretary, Mrs Helene Mendes, of the SABC radio news team

"The decision to send the telegram was made by the executive committee," a spokesman for SABSA said yesterday

"We are confident, no absolutely confident, that our members would agree with such a decision," he said

The telegram which was sent on Monday to Mr Botha in Cape Town was described as "short and terse" by the spokesman

The telegram was signed by Mr Rogers. But Mr Rogers refused to comment on the telegram yesterday. He appeared reluctant to make the matter a public issue

Yesterday SABSA was still waiting for a reply to the telegram

A spokesman for the Prime Minister's office said yesterday he did not know if Mr Botha had read or even received the telegram

SAAN managing director slams Bill

Political Staff

MR CLIVE Kinsley, managing director of South African Associated Newspapers, owners of the Rand Daily Mail, yesterday urged the Government to reconsider the Advocate-General Bill

Describing the Bill as "unfortunate and unnecessary", Mr Kinsley said the measure seriously diminished the right of citizens to be kept informed of the activities of their legally-elected representatives

Mr Kinsley was a member of the Newspaper Press Union delegation which earlier this week failed to persuade the Government to reconsider the Bill, which prohibits publication without the Advocate-General's consent of any allegation or information about maladministration or corrupt use of State money

In his statement yesterday, Mr Kinsley referred to a last-minute Government amendment to the Bill empowering the Advocate-General to withhold his consent if publication of such reports endangered "the security of the State" or hampered his investigations of State corruption or maladministration

Mr Kinsley said that if the amendments were the only ones contemplated by the Government, it meant that the restrictive provisions of the original Bill would almost certainly become entrenched in the measure when it became law

"It is an untenable situation which will do incalculable harm to South Africa's interests, both at home and abroad," he said

"Neither will it serve the purposes for which the Government claims it is necessary. On the contrary, by impeding the free flow of information it will protect those who seek to undermine the foundations of a clean and honest administration

"The Bill imposes further restrictions on the liberty of the individual and as such can only be condemned in the strongest terms

"One can only hope that wiser counsel will prevail and that the Government will be persuaded to reconsider its action."

Meanwhile, the general manager of the Argus group and past president of the NPU, Mr H W Miller, said yesterday that whatever the theory

Bill, in practice it would deny South Africans their right to know the facts, reports Sapa
"Our newspapers' firm opposition to the Bill is being expressed where it should be expressed — by our editors in their own newspapers. I would add only my conviction that this Bill casts the widest shadow yet over Press freedom in South Africa," he said

Govt warned of economic effects

Pretoria Bureau

FEARS ARE growing that the Advocate-General Bill and its clear intention to gag the Press will have a serious effect on the inflow of vital foreign investment funds.

This is one of the major issues which the Association of Chambers of Commerce will raise within the next few days at an interview with the Minister of Transport, Mr Louwrens Muller, who is piloting the Bill through the Assembly.

The president of Asso-com, Mr Bob Wood, yesterday declined to comment on the coming meeting with Mr Muller.

Leading industrialists and economists fear an economic backlash from the measure. The feeling is that interference with Press freedom will be interpreted as the action of a frightened government, indicating internal instability, and as a sinister move to cover up further revelations about high level irregularities and corruption.

This added up to an unfavourable investment environment, it was stated.

It was pointed out that

South Africa's major trading partners had a long history of Press freedom, and measures such as the Advocate-General Bill could only have a serious adverse economic reaction

The Progressive Federal Party's spokesman on Finance, Mr Harry Schwarz, said if the Bill became law in its present form it would create an adverse climate for foreign investment.

"This country's image would be done incalculable harm in every possible way, including trade and investment, if this measure is forced through Parliament," Mr Schwarz said.

The head of the Graduate School of Business Leadership at the University of the Witwatersrand, Professor Gideon Jacobs, said the Bill appeared to represent a direct reversal of the enlightened approach adopted by the Government recently.

He said the Wiehahn, Riekert and De Kock Commission reports had promised a new approach domestically and internationally

"Now it can all be undone and foreign investors will be frightened off by this Press muzzling operation."

Gag Bill won't muzzle MPs, says Muller

BY HELEN ZILLE
Political Correspondent

CAPE TOWN. — Mr Louwrens Muller, the Leader of the House, yesterday gave an assurance that the Press would not be barred from publishing allegations of Government maladministration or corruption made in Parliament.

In an interview, Mr Muller discussed one of the major ambiguities arising out of the controversial Advocate-General Bill: whether it would prevent the Press from reporting corruption allegations made by MPs in the House.

"If an MP gets up and makes such an allegation, the Press will be free to report the matter," Mr Muller said. "Otherwise we would be curtailing the privilege of Parliament, which is not the intention."

But any other Press reporting on corruption or maladministration would be ruled out — without the permission of the Advocate-General.

In the second day of fierce debate in the second reading of the Advocate-General Bill, Mr Hennie van der Walt, chairman of the select committee of public accounts, said MPs would not be muzzled by the sub judice rule as the Advocate-General was not a court of law.

But the Government's assurances did not mute Opposition criticism to the Bill as an erosion of the right of the Press to investigate and report on Government corruption — and of the public's right to know about it.

Mrs Helen Suzman (PFP Houghton) hit out at Mr Muller's statement that the duty of the Press to the public left him "absolutely cold."

"It shows us that the Minister could not care less about the responsibility of newspapers to the public, showing, of course, that he has not the slightest understanding about the role of the Press in a parliamentary democracy."

Mrs Suzman dismissed the comparison the Government had drawn between the Advocate-General and the ombudsman principle applied in other countries to act as public watchdog against Government corruption. The public were not excluded from full knowledge of the ombudsman's investigations or the results of the investigations.

Muller tells what press can publish

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CAPE TOWN — Mr Louwrens Muller, the Leader of the House of Assembly, yesterday gave an assurance that the press would not be barred from publishing allegations of government maladministration or corruption made in Parliament.

In an interview, Mr Muller discussed one of the major ambiguities arising out of the controversial Advocate-General Bill: whether it would prevent the press from reporting corruption allegations made by parliamentarians in the House.

"If an MP gets up and makes such an allegation, the press will be free to report the matter," Mr Muller said.

"Otherwise we would be curtailing the privilege of Parliament, which is not the intention."

But any other press reporting on corruption or maladministration would be ruled out without the permission of the advocate-general, Mr Muller said during the second day of fierce debate in the second reading of the Advocate-General Bill.

Mr Hennie van der Walt, chairman of the select committee on

public accounts, said Members of Parliament would be allowed to debate matters under investigation by the advocate-general.

The advocate-general was not a court of law, and parliamentarians would not be muzzled by the sub-judice rule, he said.

But the government's assurances did not mute opposition criticism to the Bill as an erosion of the right of the press to investigate and report on government corruption — and of the public's right to know about it.

Mrs Helen Suzman (PFP Houghton) hit out at Mr Muller's earlier statement in the House that the duty of the press to the public left him "absolutely cold".

This was a "notorious phrase" borrowed from Mr Kruger, Minister of Justice (who used almost identical words in referring to the death in detention of the black consciousness leader, Mr Steve Biko.)

"It shows us that the Minister could not care less about the responsibility of newspapers to the public, showing, of course, that he has not the slightest understanding about the role of the press

in a parliamentary democracy," Mrs Suzman said.

"It also shows that he knows nothing about the processes of democracy."

Mrs Suzman dismissed the comparison the government had drawn between the advocate-general and the ombudsman principle applied in other countries to act as public watchdog against government corruption.

"Does the government believe that the opposition and the public are complete idiots, or do they believe that by making inaccurate statements in a loud clear voice, they will throw everyone off the scent?" Mrs Suzman asked.

In other countries where a special prosecutor or ombudsman was appointed there was no attempt at all to exclude the public from full knowledge of what was being investigated or the results of the investigations.

Mr Harry Schwarz (PFP Yeoville) said the Bill contained an element of revenge in the wake of the Information scandal — PS

Govt taking revenge on press say MPs

THE ASSEMBLY — The government was accused yesterday of taking revenge on the press for newspaper exposures of the Information scandal.

During the resumed second reading debate on the Advocate-General Bill, opposition members said the true motive behind the Bill had been revealed as restricting the press rather than ensuring clean government.

Pointing to repeated attacks on the press by government speakers, they said the government appeared determined to gag the press so there could never be another exposure of such a scandal.

Yesterday's debate saw renewed government criticism of English and Afrikaans newspapers for their attitude towards the Bill, and of the English press in particular for its reporting on the Information scandal.

The Minister of Community Development, Mr Marais Steyn, cited reports by the Cape Times and its sister newspapers of allegations by the former Secretary of Information, Dr Eschel Rhodie.

He accused them of "a one-sided trial and conviction" on the basis of allegations which could not be tested as Dr Rhodie was abroad and could not be called on to account.

designed to stop "abuse and only abuse" by the press and, with other government speakers, he praised it as a measure to ensure clean government.

Mr Hennie van der Walt (NP, Schweizer Reneke) conceded that the Bill affected the rights of the press and the public.

"We must all pay in the interests of a good case, the good name of South Africa," he said.

He denied that, had the measure been law last year, Dr Connie Mulder would be Prime Minister.

It would have stopped Dr Mulder even being a candidate for the premiership, he said.

The opposition attack was led yesterday by Mr Harry Schwarz (PFP, Yeoville) who appealed for the withdrawal of a "sledgehammer" measure.

Mr Brian Page (NRP, Umhlanga) said he had had many critical inquiries about the Bill, including why it was necessary to introduce a measure which would do the country immeasurable harm.

Mrs Helen Suzman (PFP, Houghton) said the Bill would grievously reduce government accountability, the people's only defence against absolute power.

Mr Muller is expected to reply to the debate on Monday.

A National Party MP yesterday raised the question of closing down the Rand Daily Mail during the debate on the Advocate-General Bill.

Mr Koos van der Merwe, MP for Jeppe, said he had no doubt that if he made a proposal at the Transvaal Congress later this year that the Rand Daily Mail be closed down, no one would oppose the move.

Mr Van der Merwe's suggestion drew interjections of approval from many fellow Nationalists, while others were clearly disturbed by his suggestion.

The division reflects the opposing views in the party on the press-gagging clause in the Advocate-General Bill — but no Nationalists are prepared to state their opposition "on the record."

Mr Harry Schwarz told National Party MPs across the floor of the House yesterday he deplored their lack of "guts" to stand up for so fundamental a tenet of democracy as a free press — PS.

(News by Stefan Zille, Press Gallery, Parliament, Cape Town)

DB
24/8/77
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Racism in SA shocks visitor

31st August At midday we marched through Rustenburg to the west. For part of the way we were on the coach road between Pretoria and Mafeking. For a couple of miles we saw rough earthworks for the proposed railway, but of course nothing has been done to it for three years. Some eight or nine miles west of Rustenburg called Magato. He must number several built church. The good chairs and table kraal and paid 2/- a should be so very dear market for eggs so far kraal.

We got into camp at 6 crawled in at about 1 a in two days. We had g We had only 14 oxen and Crabbie, our mess presi Colonel, but he refused wagon drawn by a beautif he has 300 lbs of kit in property and is counted Regiment and so the color

LUSAKA — A representative of the International Federation of Journalists who visited South Africa recently has claimed here that there are "100-laws" against black journalists which make it difficult for them to operate effectively

Mr Ole Johan Eriksen, director of Norwegian Radio, said he was shocked at the amount of racism in South Africa.

"South Africa is the only country in the world with repressive laws against black journalists," he said.

Mr Eriksen further claimed that three weeks ago South Africa passed another law prohibiting black journalists from writing anything about corruption in the government.

Mr Eriksen is on a fact-finding mission to Africa to assess the conditions of service and the mass media situation as well as training opportunities.

He had visited Lesotho, Botswana, Swaziland and South Africa

Mr Eriksen said every black newspaper office in South Africa had been issued with "a thick book about do's and don't's" and it was compulsory that all reporters refer to the book for guidance when writing their stories.

He added that he was horrified and shocked at the amount of racism in South Africa against black newsmen. —SAPA

Opposition hopes Govt can clear gag fears

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CAPE TOWN — The Opposition hopes for additional clarity on the highly contentious Advocate-General Bill when the Minister of Transport replies to the second reading debate in the House of Assembly on Monday.

The Bill is scheduled to finish its passage through the Assembly on June 4, 5 and to the Senate President for assent by about June 8.

The debate in the Assembly has revealed the following Opposition fears:

- It will be impossible for the Press to expose another Information scandal.
- The final Erasmus report cannot be pursued by the Press.
- The State will not tolerate investigation of its affairs if investigation

is necessary the State will create its own machinery to do the job.

● Newspapers may not publish allegations of corruption or maladministration made by MPs at public meetings.

● Dr Connie Mulder, General Hendrik van den Bergh and Dr Eschel Rhoodie will be silenced on the Information scandal.

● Publication of the Erasmus Commission report will be subject to the permission of the Advocate-General.

● Reporting of maladministration in provincial administrations and black local authorities under state control will be prevented.

● Rumour-mongers and cranks will be able to get at state officials by reporting unfounded suspicions

Police Bill can be taken as read

Political Reporter

CAPE TOWN — The Police Amendment Bill, which has drawn strong criticism from the resisters it places on the reporting of police activities, appears certain to become law.

The Bill stipulates that any person who publishes an untruth about police activities without reasonable grounds — the onus of proof resting on such person — shall be guilty of an offence.

A maximum fine of R10 000 or imprisonment not exceeding five years, or both, can be imposed. The Bill taken through Parliament by the Minister of Justice, Mr Kruger, has drawn criticism from English and Afrikaans newspapers.

Mr Kruger has insisted that it is aimed only at curbing the excesses of irresponsible journalists. Opposition spokesmen have countered that it places an unnecessary restraint on the Press.

Only two minor amendments have been made to the Bill in the Senate and it has now been referred back to the Assembly for the consideration of these amendments.

One of them stipulates that no prosecution will be instituted against a person alleged to have published an untruth except upon the written authority of the Attorney-General concerned.

● The Advocate-General must give notice of a matter referred to him.

● Newspapers may report allegations of corruption or maladministration made by MPs in Parliament.

● After investigation of suspicions or allegations made to him, the Advocate-General must report to the leader of the Assembly who within seven days must table the report.

● The Advocate-General can recommend that publication be prohibited and

the report referred to a select committee of Parliament if national security is involved.

● The Bill provides for secrecy of the Advocate-General's inquiries.

● Press publication without permission carries a R5 000 fine or 12 months' imprisonment or both. Refusal to testify to the Advocate-General carries a fine of R500 or six months' imprisonment.

The Government has denied that the Bill's primary purpose is to muzzle the Press although it has conceded that Press freedom is affected.

The main aim was to create effective machinery to investigate allegations of maladministration, misappropriation of funds and to get at the truth

to the Advocate-General.

● If an MP wants to publish an election pamphlet alleging maladministration such as faulty collection of hospital fees, he will have to have

it cleared with the Advocate-General.

According to the Bill, Mr Muller's introductory speech and the amendments he has proposed,

When corruption, maladministration, misapplication of state funds or enrichment of a state official is reported to the Advocate-General, the Press must

suspected get written permission from the Advocate-General to publish anything about it.

● Permission unless the Advocate-General rules the

matter involves security or that his investigations may be hindered.

● Permission must be obtained for publication of allegations whether or not they have been brought to the Advocate-General.

● The Advocate-General must give notice of a matter referred to him.

● Newspapers may report allegations of corruption or maladministration made by MPs in Parliament.

● After investigation of suspicions or allegations made to him, the Advocate-General must report to the leader of the Assembly who within seven days must table the report.

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Express editor gets Pringle Press Award

DURBAN — The Advocate-General Bill signalled the dropping of the pretence that the government would actually prefer a free press, Sunday Express editor Rex Gibson said last night.

Mr Gibson was last night named the winner of the Pringle Press Award by the Southern African Society of Journalists.

He said the great risk ahead "is that we may come to the conclusion that it is safer not to be too provocative

"To keep a low profile, to abide by the spirit of laws to come, rather than the letter of the law as it stands today

"But I believe it is not possible to wheedle our way into survival

"The only alternative is to do all we can — publish all we can — right up to the very limits that the law allows

"And keep on doing it as long as we can. It is the only option open to newspapers."

In presenting Mr Gibson with the award, the president of the SASJ, Mr John Patten, said it was the supreme award given to a journalist by the SASJ.

The newspaper design award was presented to The Argus, with the Evening Post and the Pretoria News being commended — DDC

Express editor Rex Gibson holds the Pringle Award presented to him in Durban last night

Press urged to regain freedom

DURBAN — The South African press was criticised severely last night and urged to extend "painfully if necessary the frontiers of free speech"

Presenting the Fairbairn Memorial address to the congress of the Southern African Society of Journalists, Professor Barend van Niekerk, professor of law at Natal University, questioned the quality of the South African press

While praising the press for its part in the Information scandal expose, Professor Van Niekerk said he would be dishonest if he did not say the "average product turned out by the South African press is bad, lacking in quality, depth and brilliance."

Of press restrictions, Professor Van Niekerk said the press, within the restraints of the law,

should be more imaginative "in the taking of risks, in the courting of prosecutions, in the fighting of court cases and in the sharing of risks of such court cases"

He said the press must develop new strategies of resistance to the moves against it.

"And provided that its strategy is based on the relentless advancement of truth and on quality reporting and militant solidarity among yourselves, you may well see the frontiers of free speech extended again"

Professor Van Niekerk urged the English and Afrikaans press to join forces to fight for press freedom

"The challenge is yours to see that you become brothers in arm for the defence of free speech and for the exciting struggle to extend free speech

Free speech died most violently when one's belief in it died, he said

"Change your tactics, improve your excellence, sharpen your wit, develop new weapons and flex your muscles"

"You will never fall if those opposed to your essential role in our society" — DDC.

Nat ⁽²⁴³⁾ press ^{26/5/79} urges protest

JOHANNESBURG — Opposition to the Advocate-General Bill hardened yesterday as a Nationalist newspaper urged its readers to protest against the measure by sending telegrams to the Prime Minister and the Leader of the House of Assembly.

The unprecedented action by Die Vaderland came after journalists on Beeld were reported to have urged their newspaper to withdraw its support for the National Party in the Randfontein by-election.

Die Vaderland yesterday reported strong public reaction against the Bill and placed on its front page the telegraphic address of the Prime Minister, Mr P. W. Botha, and Mr Louwrens Muller.

"Members of the public can send telegrams directly to the Prime Minister or Minister Muller," Die Vaderland said "In each case, the address is the House of Assembly, Cape Town. Telegrams should be sent before Tuesday if it is felt the Bill should be sent to a parliamentary select committee (for review)."

Die Vaderland's sister newspaper in Pretoria, Hoofstad, repeated the information in its edition yesterday.

Die Vaderland also noted that several Nationalist MPs had spoken of their constituents' unanimous support for the Bill.

"Calls received by Die Vaderland show the opposite," the newspaper said.

Nationalist newspapers are also incensed over the statement by Mr Muller that the "sacrosanct" duty of the press to inform the public left him "absolutely cold".

Beeld's political columnist, Piet Botma, quoted young journalists on Beeld in his column yesterday as saying that if the party thought so little about them, then it could fight the election on its own.

The SAR Artisans Staff Association representing 22 000 workers, asked Mr Muller to do everything in his power to stop this sinister legislation.

DDC
SABC move, page 7
SASJ protest, page 7

Why PW is so determined to have his gag

WHY IS Mr P W Botha doing it? Why is he pressing ahead with the Advocate-General Bill in the face of such massive opposition, even from his own Nationalist Press? And why such haste to ram it through within the next week or two?

These are questions people are asking in some mystification as they watch the astonishing spectacle of the Government slapping down even its own propagandists to make what must be one of the crudest laws in the world — to protect corruption.

The explanation, I believe, comes in four parts. The first is, that after eight months, Mr Botha wants to put an end to the Info scandal. He does not want further aspects of it, and related scandals, to continue bubbling out in the Press after the Erasmus Commission has presented its final report.

Mr Botha faced two options when the scandal broke. One was to let everything come out as quickly as possible at an open inquiry (Judge Mostert could probably have finished the job by the end of January if he had been allowed to continue), punish the guilty without fear or favour, take credit for the clean-up — and then call a General Election.

The other was to have disclosure, but to try to contain the political damage. In an apt analogy coined by the Cape Times — to have a controlled, underground nuclear explosion

The Erasmus Commission's decision to investigate the scandal in secret and publish only its conclusions provided this latter opportunity. After a specified period Mr Botha could then ring down a final curtain and put an end to the thing.

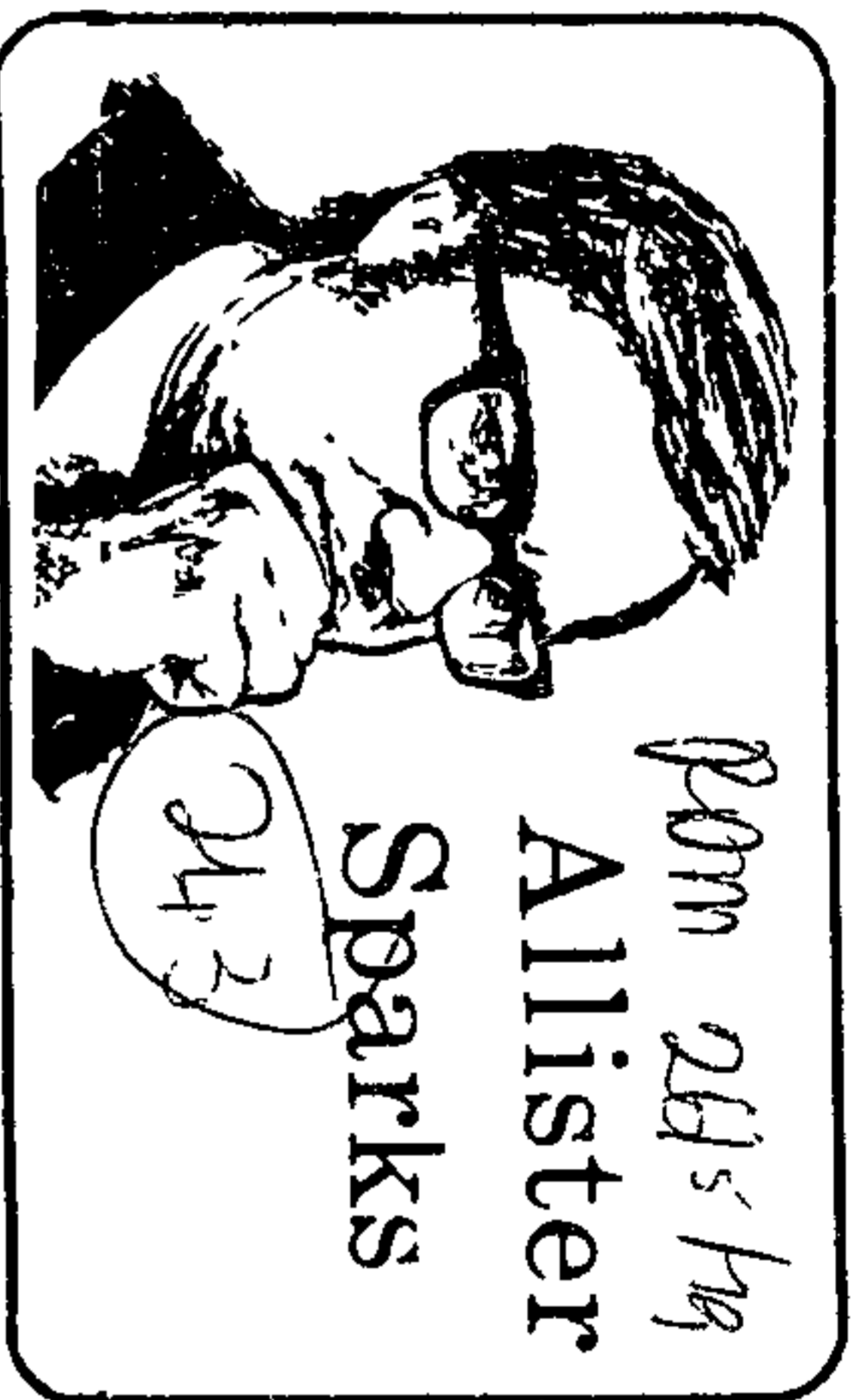
The Advocate-General Bill is that final curtain. And the haste in ramming it through Parliament is to have it ready so that it can be rung down as soon as possible after Judge Erasmus presents his final report next week.

This raises the second point. There have been suggestions in some Nationalist quarters that the Government was forced to take this drastic action because certain newspapers had "overstepped the mark" or "gone too far" with their Info exposures, thereby abusing Press freedom.

This is the sheerest nonsense. To begin with, how is it possible to "go too far" in exposing corruption and administrative abuse, unless of course a paper publishes untruths — in which case there would be swift and severe retribution through the courts?

In fact, everything the newspapers published, and everything Judge Mostert released, has turned out to be true — with a good deal more besides.

But more important, there is clear evidence that Mr Botha decided on this gagging Bill very early on — long before there could be any question of



newspapers having "gone too far".

He announced that he was going to introduce a measure to stop "gossip-mongering" as long ago as last December 8, during the special Parliamentary session on the first Erasmus Report. That was after the Press had published only their first round of exposures.

People had until May 30 to present their "gossip" to the Erasmus Commission, Mr Botha said, "for after May 30 we are going to put an end to it with legislation in this Parliament".

Well, this is the legislation exactly as stated six months ago. So it seems to me there is no question of the Government's having been "driven" to this Bill in desperation.

It is the fulfillment of a long-held intention. But while the ringing down of

the curtain on Info and related scandals may be the main purpose of the legislation, I see in it an additional political value for the Prime Minister as well. A sort of by-product, as it were.

I see it helping Mr Botha strengthen his position with the Transvaal verkrampies.

This is important because the Prime Minister has a serious Transvaal problem. He is a Cape man — and he has not yet been able to secure his position in the Transvaal, which is the NP's main power base.

He has the support of the Transvaal verligtes through Mr Pk Botha. But there is much bitterness against him among the large body of conservatives, the old supporters of Dr Connie Mulder, who resent the fact that their man was beaten for the Premiership and believe he has been unfairly lumbered with all the blame for the Info

scandal.

The one sure way for any Nationalist leader to ingratiate himself with these Transvaal conservatives is to clobber the Press.

And of late their dislike of the verligte Afrikaners Press has, if anything, become even greater than their traditional dislike of the Engelse Pers. Which could explain why Mr Botha has ridden so roughshod over the objections of the Afrikaners Press in bringing the Press Gag Bill.

Finally, it seems to me this Bill is all part of an emerging pattern which is beginning to characterise the P W Botha Administration.

A pattern of military-style leadership, with tighter and more direct State control in all spheres.

Just as Mr Vorsler put a distinctive police and security stamp on his administration, so I believe the influence which is shaping Mr Botha's approach to the job is that of the military.

He wants firm, disciplined control. He wants no loose ends of individuals and groups doing their own thing. He will listen to advice from his lieutenants, and heed it, but he will brook no opposition or disagreement. Those who show insubordination will be court-martialled and stripped of their rank.

One can see the extension of State control on all fronts. For years newspapers have had to submit all news on military matters to the Defence Force

for pre-publication approval.

Now this system of news control is being extended. The new Police Amendment Bill will mean that all adverse police news will in practice have to be referred to the police themselves for verification.

The Inquest Bill will stop all news about unnatural deaths — except through a magistrate's hearing.

All news about oil supplies will have to come from official sources. Likewise with other goods and services regarded as of a strategic nature.

And of course the Advocate General will have to approve any news about maladministration before it can be published.

Thus more and more of the news you get about what is going on in the country will have to be filtered through one or other State source before it reaches you.

Even the new Industrial Cancellation Amendment Bill which was expected to open trade unionism in terms of the Wiahn Report, in fact increases State control over the unions.

And in keeping with all that we are loosening our ties with the West and preparing to become the military defender of all Southern Africa.

For which, no doubt, a "total strategy" of national discipline and State control will be needed.

So it is not only Press freedom that I see coming under pressure.

By MARTIN SCHNEIDER
Political Editor

THE NATIONALIST newspaper, Die Vaderland, yesterday urged its readers to protest against the Advocate-General Bill by sending telegrams to the Prime Minister and the leader of the House of Assembly

Die Vaderland's unprecedented action came after it was reported that journalists on Beeld urged their newspaper to withdraw its support for the National Party in the Randfontein by-election because of the Bill

The moves were part of growing protest from diverse quarters including the parliamentary Opposition, the Press, leading academics, the General Bar Council, the Southern African Society of Journalists, the SABC Staff Association and the Railways Artisan Staff Association

Die Vaderland yesterday reported strong public reaction against the Bill "Members of the public can send telegrams directly to the Prime Minister or Minister Muller," it said

"In each case, the address is The House of Assembly, Cape Town. Telegrams should be sent before

Nat papers urge Gag Bill protest

Tuesday if it is felt that the Bill should be sent to a Parliamentary select committee (for review)"

Die Vaderland's sister newspaper in Pretoria, Hoofstad, repeated the information in its edition yesterday

Nationalist newspapers are also upset by the statement by the leader of the House, Mr Louwrens Muller, who told Parliament that the "sacrosanct" duty of the Press to inform the public left him "absolutely cold"

Beeld, a committed supporter of the Prime Minister,

has been particularly shaken by the Government's attitude towards the Press and by its determination to go ahead with the Bill

The newspaper's political columnist, Piet Botma, said in his column yesterday that young journalists on Beeld had become so rebellious after Mr Muller's remarks that they wanted Beeld to "withdraw" from the Randfontein by-election.

"The more experienced among us said no, this turns

To Page 2

Nat papers urge Gag Bill protest

on far more than personalities, it involves the future of South Africa and the future of Afrikanerdom"

He feared divisions were being created between Nationalist politicians and journalists which could take years to bridge

Mr Muller, who is also Minister of Transport and who introduced the Bill in Parliament, was not available for comment yesterday on a protest resolution sent to him by the Railways Artisan Staff Association, representing 22 000 workers in his department

The Association asked him to do everything in his power to stop "this sinister legislation"

In Durban yesterday, the congress of the Southern African Society of Journalists sent an urgent telegram to the Prime Minister asking him to meet an SASJ delegation to discuss the implications of the Bill

The congress passed a unanimous resolution expressing total opposition to the Bill, and SASJ president Mr John Patten said "There is a spirit of freedom abroad in all sections of the South African Press, that this or any other government will not kill"

and this year's laws are not the Press' only shackles — but these laws cannot restrict the Press' spirit and ideals," he said

Meanwhile the Director-General of the SABC, Mr N J Swanepoel, yesterday released a letter to the Minister of National Education, Mr W A Cruywagen, saying the corporation's management dissociated itself from the Staff Association's telegram asking the Prime Minister to reconsider the Bill

He said the association represented only 18% of the SABC's white staff

Mr Pat Rogers, chairman of the association, said last night a meeting would be called to gauge members' reaction to its move, decided by the executive committee

"I will arrange the meeting as soon as possible to see whether we are supported by the majority in this move I cannot say what our action will be if it is discovered that our members do not approve of the telegram sent to the Prime Minister"

Mr Patten said the proposed Advocate-General would be a Press censor forcing a cover of silence on matters of Government corruption or maladministration
He also referred to the Police Amendment Bill and the Inquest Bill
"It is necessary to warn the Government that its laws may restrict the Press for a time —

He said the association had more than 800 members countrywide — over 20% of SABC white staff
Mr David Dalring, Progressive Federal Party MP for Sandton, said in Cape Town yesterday that the staff association deserved congratulations for its "courageous" move
Report by Martin Schneider 171 Main Street, Johannesburg

Daily ^{RAND} Mail
Controlled
news

SOUTH AFRICA is entering an age of news control — and not only because of the Advocate-General Bill

That is just one of several measures which will soon be law, and which will reduce Press freedom — meaning your right to know what is going on — to a fraction of what it is now. And it is heavily restricted already.

The three biggest news events in this country in recent times have been the Soweto riots, the death of Steve Biko and the Info scandal. In terms of the new laws, the reporting of all three would have been severely restricted.

You, as a concerned citizen, would have been able to read only officially-approved versions, or reports of official proceedings. That shows the extent to which you will soon be receiving only controlled news on many of the most vital issues facing the nation.

Already the only news that can be published on military matters is that which has been approved beforehand by the Defence Force.

That is why you were kept in ignorance of the fact that your country was fighting a war in Angola and had invaded right up to the outskirts of Luanda.

All the rest of the world knew about it — but South Africans themselves didn't.

For all practical purposes the same official approval is necessary before any news of conditions and happenings in our jails can be reported to you.

Now the same principle is being extended to cover police activities. In practice, the Police Amendment Bill will make newspapers submit all adverse reports to the police themselves for verification. They will dare publish only what the police are prepared to admit is true.

If this had been law in 1976 and 1977, much of what was published about the disturbances in Soweto and elsewhere would have been censored. The only news you would have received would have been the official version of what happened.

The Inquest Bill will stop all news about suspicious deaths — until the official inquest is held.

So until the inquest there would have been no news of Steve Biko — except for Mr J. T. Kruger's memorable official announcement of his death.

Then of course there is the Info scandal, which the Advocate-General Bill would have effectively prevented from ever coming out. Because the cover-up attempts by

have succeeded if this law had been in operation then to stop the Press from probing and publishing.

In future, the only news you will receive of corruption and maladministration in the public sector is that which has been passed for publication by the Advocate-General. And, of course, his own official reports.

There will be other new areas of news control too. The only news you will get of oil supplies is that which comes from official sources. The same will apply to news of other goods and services officially regarded as strategic.

All these restrictions are in the same mould. The news you get is to be officially approved news. Press freedom will be the freedom to tell you what has been officially passed for you to know.

The rest will be silence — and rumour.

Newspapers unite at last against the great — and final — enemy

27/5/79 (243)
SUN Express

IF IT is possible to salvage a crumb of comfort from the sordid story of the Advocate-General Bill, it is to be found in the joint resistance of the Afrikaans and English-language newspapers to the destruction of Press freedom.

It is true that the Afrikaans Press was less vehement in condemning the Bill and that its editors, in contrast to their English-language colleagues, would have been content with a compromise solution to the impasse between Government and Press.

It is also true that its protests against the Bill were interlarded with reproaches to the English-language newspapers for allegedly having got the entire Press into this mess through their intransigence and excess of zeal.

But such reproaches have become almost a ritual. They are understandable enough, too.

The Afrikaans papers, with their explicit allegiance to the National Party, can scarcely afford to be seen as having been taken in tow by a hostile power.

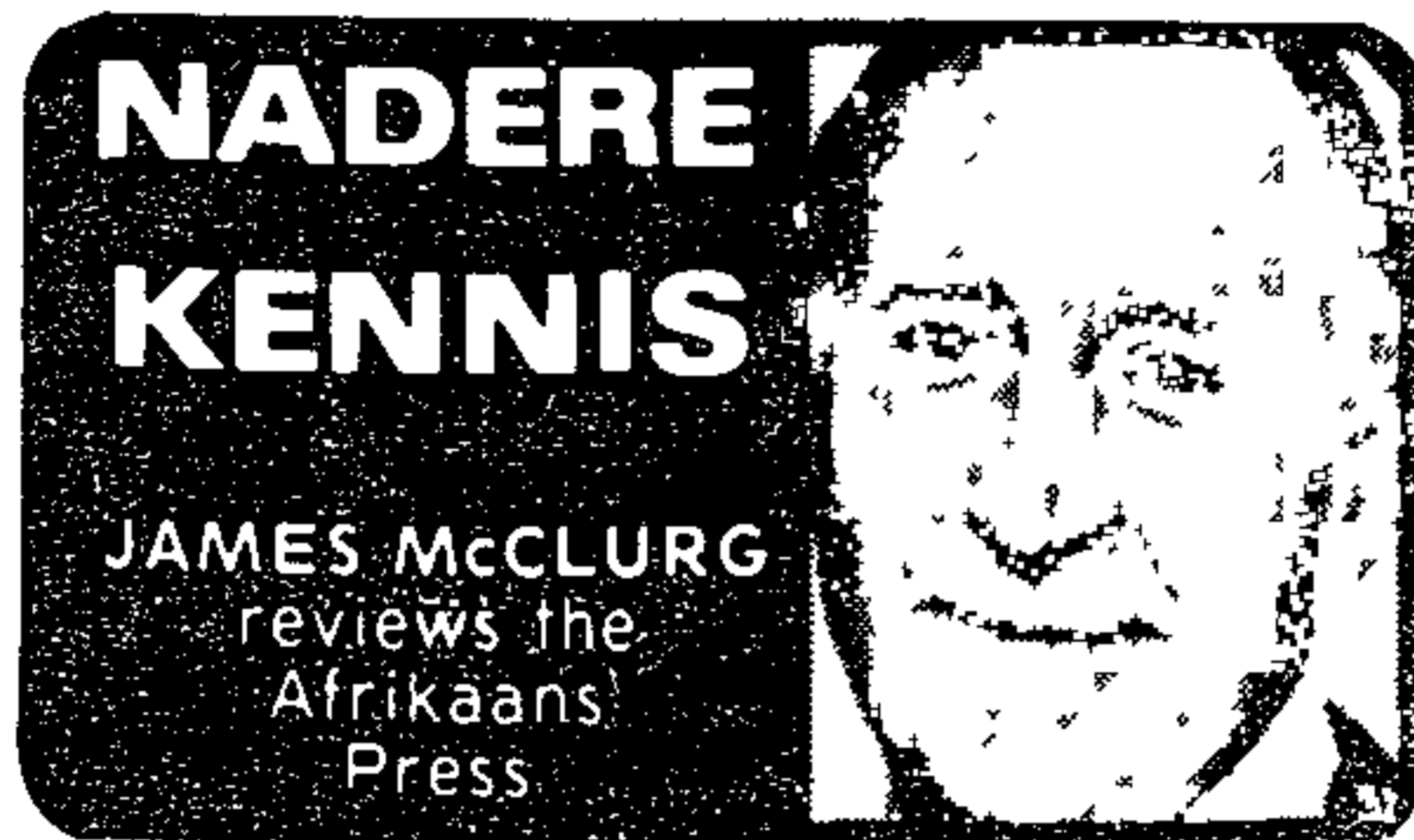
All in all the courage of the Afrikaans editors has been admirable.

And if the Government thought the editors might cave in once it was known that the Bill was to go

through virtually unchanged, it was mistaken.

In a particularly outspoken front-page editorial, signed by the editor, Die Vaderland went so far as to criticise the Leader of the House, Mr S L Muller, for his high-handed attitude.

Die Vaderland said that because of the Bill the Government was in danger of attracting the suspicion that it was more concerned to keep corruption and malad-



Man of the moment

SOUTH Africa is irrevocably on the road to separate development as delineated by Dr Verwoerd, said Dr Piet Meyer (right), SABC chairman and former Broederbond boss, at a West Rand women's meeting.

"No political talk will be able to change that process," declared Dr Meyer.

Is it possible, asked Rapport's political columnist Pollux, that Dr Meyer has been listening too often to Current Affairs?

ed at all costs, for the distinction that politicians of all parties make between the interests of the country and the interest of their party is so tenuous that the general public can scarcely distinguish the one from the other.

WITH the Randfontein by-election only ten days off National Party canvassers in the constituency are reported to be concerned about the

● South African newspapers have long come to terms with the Metric system. All the same, it still occasionally produces quaint results.

According to Rapport, a student who had been beaten up at a rugby jollification described his assailant as "about 1,94 m tall".

"anxiety and doubt" aroused among voters by the ultra-right Herstigste Nasionale Party's exploitation of the Wiehahn report.

The organisers have, however, been warned by several Press commentators

against any tendency to keep restive voters in line by "talking with more than one tongue" and sympathising with suspicions about the report.

members not to come to light at this late stage with an "apartheid theology" that had never existed in the Hervormde Kerk.

□ □ □

WHILE debate on the Advocate General Bill rages, two less dramatic issues have again found the Afrikaans Press ready to challenge official thinking.

Beeld columnist Lood queries the suggestion of the Minister of Justice, Mr Kruger, that the death sentence be made mandatory for rape.

Rape is a repulsive crime and should be severely punished, says Lood.

But to deprive the courts of their present discretion would mean that the number of executions in South Africa would rise dramatically — and it is already disturbingly high.

In Rapport, Pollux condemns the Transvaal Provincial Administration for banning a group of experienced and capable Coloured nurses from a private clinic in Johannesburg where they have been nursing White patients.

Pointing out that this is a private clinic which no one is obliged to go to and which receives not a cent from the Province, Pollux says

"The effect of this 'policy' is that a private clinic need not worry about the quality of its nurses, but unless it wants its doors closed, must pay close attention to their colour. This is indefensible dottiness."

CONT

Sunday Express 27 May 1979

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away from the public —
than to eradicate it.

Beeld said the prohibition of publication before information was handed over to the Advocate-General would mean a blow to investigative journalism, and would restrict everyone's right to know whether malpractices were taking place in the administration of the State.

"The advantage of this provision," said Beeld, "lies decidedly with the wrongdoer."

The Minister was concerned about the exceptionally exacting demands that the Advocate-General would have to meet.

"Any semblance of subservience to a particular party will have to be avoid-

communist hood could boomerang.

In Die Transvaler Piet Snuffellaaar wondered how wise it was to play tit for tat with the HNP's racist onslaught.

□ □ □

NOT for nothing are members of the Hervormde Kerk regarded as the most conservative among the three Afrikaans Churches.

Some of the draft resolutions submitted by rural congregations to the church's general meeting in Pretoria were enough to make verligte hair stand on end.

In the event most of these proposals were firmly turned down — so much so

SAYINGS OF THE WEEK

● It would not be in the interests of South West Africa or South Africa to slam the door and try to walk the road alone — Die Vaderland in an editorial

● In the communist countries and certain African countries practitioners of the "filthy arts" are put into work colonies where their time can be usefully spent — Mr H J Davel of Naboomspruit, commenting in a letter to Die Transvaler on the akademie award to Magersfontein, O Magersfontein

● We face the choice: to co-operate in the coming months and years in creating something fine that will be recognised as such by every objective observer, or we can create something that will only lead us back to what we have had in the immediate past and which was directly responsible for the disturbing tensions in our community — Mr F Ratuenback of Bloemfontein in a letter to Beeld

Express stops ransom report after Govt plea

By KITT KATZIN

THE Sunday Express has decided, after urgent representations from the Government, not to publish information it has about how

South Africa allegedly paid out a R1-million ransom.

After careful consideration, it has accepted assurances by the Government that publication of the re-

port could jeopardise certain international negotiations and perhaps endanger the life of a young man.

Having been told the nature of the pending negotia-

tions, the Sunday Express has concluded that public interest would best be served at this time by withholding the information.

The Sunday Express yes-

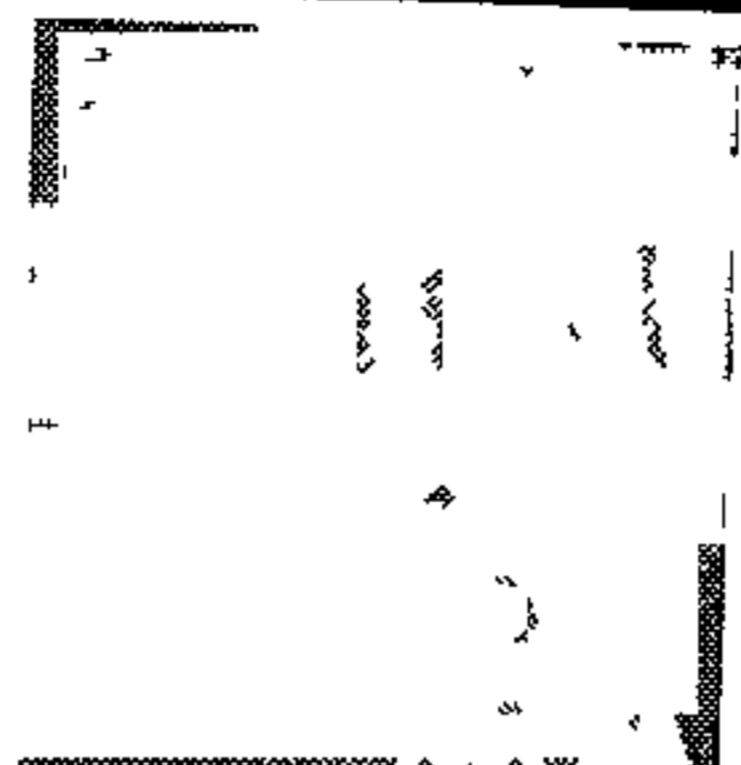
terday morning advertised its intention to publish the report in its sister paper, the Rand Daily Mail. That was before the top-level appeal was received.



● Mr Cruywagen
... SABC Minister



● Mr Pat Rogers
... defiant



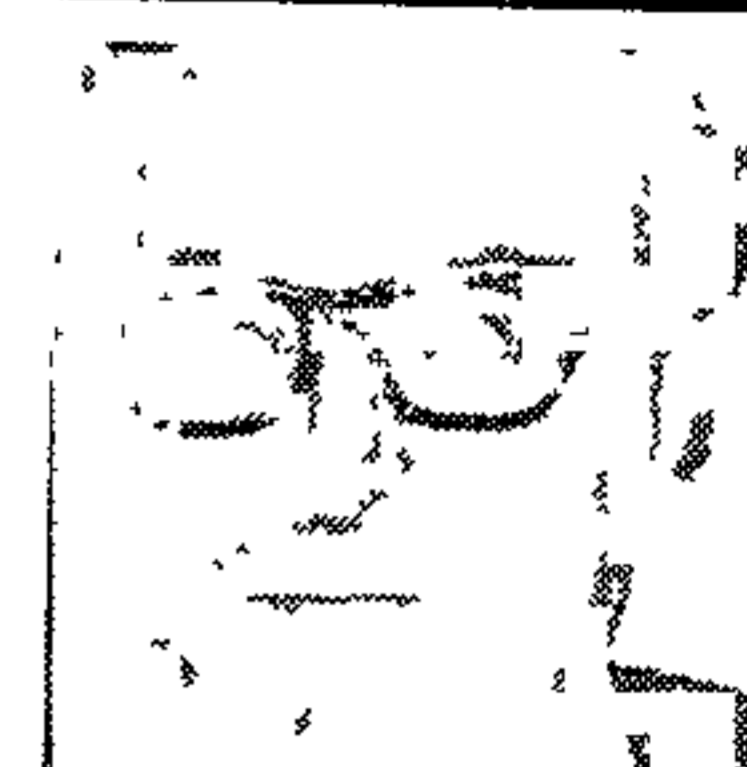
● Mr PW Botha
... met NPU



● Mr Will Bernard
... strong feeling



● Mr Muller
... telegrams



● Mr Swanepoel
... rejects protest

Govt reaction to protest leaves Pat Rogers cold

THE HARDHITTING TV presenter Pat Rogers yesterday bluntly dismissed the official outcry over his telegram protesting against the Advocate-General Bill.

"It leaves me cold," he said

The telegram which Mr Rogers, as president of the SABC Staff Association, sent to the Prime Minister has caused ructions all the way to Parliament

Mr Willem Cruywagen, who as Minister of National Education is responsible for the SABC, said he believed the majority of SABC personnel did not support the association's action

SABC director-general Mr N J Swanepoel said in a letter to Mr Cruywagen the management of the corporation dissociated itself from the protest

He claimed the association represented no more than 18% of the 4 000-odd SABC employees

But Mr Rogers said the three-man executive of the association would not have sent the telegram if it did not believe it had the support of its members.

And the association's vice-president, Will Bernard said there was strong feeling against

SABC STAFF JOIN A-G OUTCRY

By JENNIFER HYMAN

the Bill among broadcasters on the programme

"Some of us at the SABC feel as strongly about the Bill as anybody in the Argus, SAAN or Beeld newspaper groups," he said

But the Government seemed determined to bulldoze the Bill through Parliament against an unprecedented storm of protest from politicians, academics and newspapers — including the Nationalist Press.

The intensity of the opposition within Nationalist ranks, was demonstrated this week

● Die Vaderland urged

readers to send telegrams protesting against the Bill to the Prime Minister, Mr P W Botha, and the Leader of the House of Assembly, Mr Louwrens Muller

● Young staff members of Beeld reportedly urged their newspaper to withdraw support from the National Party in the Randfontein by-election as a protest against the Bill

Opposition to the Bill centres on the fact that it prohibits publication, without consent of the Advocate-General, of any allegations of misapplication, maladministration or corrupt use of State money

Also opposing the Bill is the General Council of the Bar of South Africa, which has said it is of fundamental importance that all matters concerning the application and administration of State funds and the performance of their functions by employees of the State should be subject to public scrutiny

The Newspaper Press Union met the Prime Minister in a last-ditch attempt to halt the Bill but failed

Leaders in commerce and industry, and the South Africa Foundation, have warned the Bill could adversely affect the confidence of foreign investors in South Africa

They may be unwilling to invest in a country that is interfering with the public's right to know what its Government is doing

The overseas Press, and the International Press Institute, have also warned that the Bill, if it becomes law, will seriously harm the country

If the Bill becomes law, it will immediately become

an offence — punishable by a R5 000 fine, a year's imprisonment, or both — to publish any allegations of maladministration or corruption in any body over which the State has control, unless the prior permission of the Advocate-General has been obtained

Die Transvaler, official organ of the National Party in the Transvaal, speculated

yesterday that an amendment suggested by the NPU may yet be made to the Bill

The amendment is that newspapers who have information about alleged corruption or maladministration which falls under the Bill be allowed to publish one report before handing the information to the Advocate-General

fractured thighs on stretchers. This is
and covered this with blankets. Julius ce
They were fairly comfortable as we made a
In addition to this we packed the wounded
moment. The garrison had one ambulance

Resentment grows, but tide seems strongest from Right

By BILL KRIGE

WITH resistance to the Advocate-General Bill hardening daily, there are few signs that the Government is willing to subject it to a thorough overhaul to have its worst defects eliminated.

It is clear from this week's debate and from private talks with Nationalist MPs that the Bill in its present hard form enjoys a broad measure of support.

Some of the MPs are appalled by the Bill's gagging provisions and by the damage the passage of the Bill could inflict on the reputation of the National Party and the country, but they are clearly in a minority.

Bungled

There is also a measure of resentment among MPs in the Transvaal against what is seen as a bungled Cape initiative — the argument being that if the intention was to ensure clean government the Bill could have been more carefully drafted to make it square with that ideal.

There has also been a mixed reaction to the

GOVERNMENT FIRMLY ON BILLS TO SILENCE PRESS

threatening revolt among National Party supporters in the Transvaal where Vanderland has urged readers to send protest telegrams to, either the Prime Minister or to the Minister of Transport, Mr Louwrens Muller, who is piloting the Bill through Parliament.

"So what," said one MP. "When the time comes for decision they (the newspapers) will always support us."

Vanderland's request to his readers was repeated by its Pretoria stablemate, Hoofstad, a newspaper once edited by the party's Transvaal leader, Dr Andries Treurnicht

Beeld, which is owned by the Cape-based Nasionale Pers group and which provides Mr P. W. Botha with his strongest newspaper support in the Transvaal, reported this week that some staffers were in revolt against the gagging clauses of the Bill and had asked that the newspaper take a neutral line in the forthcoming re-election to be held in Randfontein.

Protests

In the past few days, there have been growing protests from quarters the Government cannot readily dismiss as either irresponsible or irrelevant. They include

General Bar Council, the SABC Staff Association and the Railways Artisan Staff Association.

If the Government is to change the principle of the bill it has the second reading debate tomorrow in which to do it. While it is thought unlikely that the Government will withdraw or substantially amend the Bill at this stage, Mr Muller has already indicated that the Press should be able to report allegations of corruption which are made in Parliament.

The fear that this was prohibited in terms of the Bill was one of many major objections the Opposition had raised.

Dr Barend van Niekerk

Some Afrikaners will fight for free Press — Prof

Tribune Reporter

THE Afrikaners Press and certain sectors of the Afrikaners intellectual establishment would fight for civil liberties and a free Press in South Africa, Professor Barend van Niekerk, Professor of Law at the University of Natal, said this week.

He was delivering the annual Fairbairn Memorial address at the congress of the Southern African Society of Journalists in Durban.

"Their belief in Press freedom is a new one, but it is not less seriously held than yours.

"We all like to hear nice things about ourselves and no institution in our society basks so snugly, and very understandably, in the sun of its own adulation does our Press.

"But you and you alone stand between me and the loss of my freedom in all its permutations. You did not prevent the callous killing of Biko but we know that you prevented many other Bikos.

"The institution of the Press, more than any other institution, is the very last tatter of liberal respectability in our midst and for what you have done for my freedom and for the quality of my life I honour and admire you.

"In all honesty however, I must record my distress that I see the substance of Press freedom, and hence of my freedom, eroded also by forces within your ranks through complacency and abdication. Prof van Niekerk said the Press, within the

restraints of the law, must be more imaginative in the taking of risks, in the courting of prosecutions, in the fighting of court cases, in the sharing of the risks of such court cases, in the use of court procedures as well as in the better use of the tools of the trade of a creative writer: irony, wit, sarcasm, lavish praise and above all truth.

"Essentially our Press gag laws are geared not to the achievement of some positive aim but at the suppression of truth. However, with imagination, dedication and resourcefulness our Press can use the mighty weapon of truth making certain attacks on the truth so embarrassing and painful that the assailant will think very hard before assailing it.

Samuel M. ... 2/1/73

Sunday Tribune GOVERNMENT

Dark days ahead!

AS SOUTH AFRICA celebrates her seventeenth birthday as an independent nation her prospects are the gloomiest yet.

The oil crisis threatens economic privations on a scale hitherto unknown.

The breakdown in negotiations on Namibian independence threaten an end to the tenuous political links still remaining with the major Western powers.

The Bill to gag the Press threatens an era of silence on corruption and maladministration in government ruinous to the integrity and stability of the community.

In a matter of days profound change will take place in this society. A measure of its seriousness is the desperate resistance the Afrikaans Press is offering to the Prime Minister's anti-Press legislation.

Never before in the history of the National Party have party newspapers urged their readers to send telegrams of protest to the party leaders in Parliament. They have done so now — and as the full implications of the sinister legislation dawn on the Railways Artisan Staff Association, the SABC Staff Association, the legal profession and academics, the list of objectors grows.

But the Government gives no sign of relenting. The more it digs in its heels the harder it will be for it to find solutions to the other two calamitous breakdowns in the supply of oil and the talks on Namibia. For no matter how much others in the world may suffer from the shortage of oil, South Africa will suffer longer and more because she is friendless.

She is friendless because too few of her people are free. And freedom of her people is measured in great part by freedom of her Press.

BULLYING IN THE BARRACKS

IT GOES without saying that young South Africans who are called on to sacrifice much, including their lives in some cases, to defend the country's borders should under no circumstances be submitted to crude barrack-room bullying of the kind that has emerged from evidence in the Lewin death trial.

South Africans, most of all parents and families of boys on the border, will welcome the appointment of a board of inquiry into detention barracks by Chief of the Army Lieutenant-General C. L. Viljoen. And they will expect as their right to be informed of

Going for the jugular

The lamps will soon go out on Press freedom

Dean of the Faculty of Law, University of Natal

By Prof TONY MATHEWS

ON the eve of the outbreak of World War I, Sir Edward Grey, the then British Foreign Secretary, gave expression to the following memorable words: "The lamps are going out all over Europe: We shall not see them lit again in our lifetime."

A similar statement, suitably adapted, seems appropriate on the eve of the enactment of the Advocate-General Bill.

For those South Africans who still retain a belief in civil liberties, especially Press freedom, the lamps are indeed going out; and the prospect of their being relit in our time seems remote.

For at least a considerable period our destinies are likely to remain under the iron-fisted control of the Government whose spiritual and cultural horizons extend little beyond the foot of the Outeniqua mountains. It is this benighted cultural condition which explains and

finally, that "national security" has proved to be the most elastic political concept in South Africa. In short, this is another one of the drag-net measures for which our Government is so notorious.

The practical effect of the measure may be summed up in three propositions: (1) Anonymous leaks may not form the subject of Press discussion; (2) Even where the complainant is identified no Press discussion is permitted until the Advocate-General has reported to Parliament; (3) Where "national security" is involved, Press discussion is prohibited even after he has reported.

When we consider these propositions in conjunction with other clauses of the Bill which authorise in camera hearings and the preservation of secrecy, it becomes utterly laughable to describe the measure as a contribution to clean government as cancer is a contribution to the community's health.

Prohibition of anonymous

out had there been an Advocate-General's law in operation at that time; and the revelation of future scandals is hardly a believable possibility.

Such revelations are not credible for another reason. The Advocate-General Bill makes special provision for a secret hearing where the matter being investigated relates to the Secret Services Accounts Act of 1978 and in such a case the Advocate-General is strongly likely to prohibit publication on the ground that national security is likely to be harmed. Since the Secret Services Accounts Act authorises secret funds in every department of Government with minimal parliamentary control over their application or use, there is very little the Government cannot keep secret if it wishes to. The two measures, when read together, authorise secrecy to a disturbing degree over a broad range of Government business.

If all this is true, why is the measure being forced so relentlessly through Parliament

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Afrikaans Press may be Nats' Heel Achilles' Heel

POLITICAL CORRESPONDENT

by BILL KRIGE

AFTER this week's debate on the Advocate-General Bill it is doubtful whether the cosy relationship between the National Party and its Press can ever be wholly restored.

Arguably Afrikaans language newspapers lost their political innocence long ago but never, surely, have they been accused so vehemently of sharing a bed with their English counterparts.

For two days they were bashed and bullied and their reasoned protests against the Bill's gagging provisions were dismissed as "hysterical outbursts."

Like it or not, their best defence, their only defence, came from the opposition, which underlines their fall from grace.

Even Die Burger's political scribe, whose columns are usually illumined with a dogged, all weather loyalty to the NP, writes that he felt like shouting, "Don't shoot. We're on your side."

Although, as predicted in the Sunday Tribune last week, the Bill is not being pushed through Parliament unaltered, those amendments which have been announced don't draw the sting. It still remains in the words of Opposition leader Colin Eglin, "gagging of the worst kind."

The provisions and definitions of the Bill are so broad and flaccid that it is difficult to see how legal proceedings could escape, in the words of Mr Harry Schwarz, becoming a "tragic

Affairs, Mr Braam Raubenheimer, was one, left no-one in any doubt about where they felt they should stand in relation to the Press.

He had on several occasions had complaints investigated by the Press Council and these had proved "an unending trial", the council's chairman has wanted to set conditions, he said "But why must I as a minister allow conditions to be set for me?" he asked.

Thus spoke Braam Raubenheimer, Minister of Water Affairs.

Few from the Government tried to dispel the worst fears of the Opposition regarding the scope and import of the Bill. Fewer still acknowledged that any problem whatsoever existed.

The Opposition's chief objections are worth repeating. The Advocate-General, they claim, will be a super censor — a man who can slap a blanket ban on publication of any allegation of corruption or official maladministration.

Because every complaint must be investigated it would transform South Africa into a rumour-monger's paradise and create a new breed of informer to disturb society.

And although Mr Muller by way of an interjection indicated that this would not be the case, the Opposition claims that the Bill would curb the right of the Press to report politicians speaking both inside and outside Parliament on any matter under investigation by the Advocate-General.

by

They will welcome, too, the assurance of Prime Minister P. W. Botha that the Defence Force will not tolerate misconduct against, or maltreatment of, members of the SADF.

While it is accepted that discipline is an integral part of army life, we believe it high time for the whole system of punishment in detention barracks to be investigated. We cannot understand this system in which young men serving their country are apparently punished more severely than hardened criminals in prison — sometimes for "disciplinary offences" that would hardly cause a raised eyebrow in civilian life.

SHAMEFUL

LAST WEEK we reported the experience of Mr Sixtus Mandaweni, once a farmer of Himeville and now a pauper of Impende. It is a shameful story.

This year Natal commemorates the centenary of the Anglo-Zulu war of 1879. The great grandfather of Mr Mandaweni helped the British at the battle of Isandlwana and for this he was given 260 hectares of good farming land at Himeville, and the title deeds that proved the land was his. For 100 years the family grew maize and vegetables, and kept sheep and cattle. But their land was declared "white" in 1975. Mr Mandaweni was ordered to surrender his title deeds, and he refused. Police took him to the Himeville magistrate's court where he was told that he would be locked up if he did not give up his precious documents.

On December 16, 1978, the day on which the triumph of Christian arms is celebrated, Mr Mandaweni and 700 others were taken by truck to Impende, and dumped in the barren and stony veld, with toilets and tents. Their compensation money had to be spent on the vegetables and milk that they had always produced for themselves.

NAT DILEMMA

There is no doubt that Afrikaner Nationalism is at odds with itself: that the party's Left knows not where its Right is going — and vice versa.

And nowhere is the rift more clearly visible than in the attitudes of two senior members in the party hierarchy — verligte Piet Koorhof and his verkramppte provincial leader Anciers Treurnicht.

This week Dr Koorhof displayed his grasp of the realities of the South African situation. Black, white and brown on the African sub-continent, he said, "have indeed become so interlaced that we cannot each go our own way any longer."

Dr Treurnicht's attitude, spelt out again a few days ago, is: Call it separate development, call it what you like — apartheid it is and it stays will be.

Dr Treurnicht and his followers appear to miss the essence of the South African motto — unity is strength. Dr Koorhof, and the majority of South Africans of all races, do not.

claim of Government supporters of the measure that while destroying Press freedom they are in fact strengthening it — that rather than extinguishing the light of the lamp, they are causing it to shine more brightly.

We are dealing here with two cultural worlds, and in each the language of the other seems to parody. The members of the government who are behind this measure have never understood Press freedom, have frequently intimidated its practitioners in the past threatened and intimidated its practitioners in guaranteeing its survival.

Like the other civil liberties which have been destroyed during their term of office, it becomes dispensable as soon as it stands in the way of the achievement of party goals.

The provision of the Advocate-General Bill which touches the Press requires a person who wishes to raise a matter connected with the misapplication of State monies or maladministration "in connection with State monies" to lay the matter for investigation before the Advocate-General by means of an affidavit. It is important to notice that the complainant has to identify himself by putting his name to an affidavit. The same provision of the Bill goes on to say that no person may publish in a newspaper, or broadcast, any report relating to maladministration or misappropriation until such time as the Advocate-General's report on the matter has been tabled before the House of Assembly; but reporting after that stage may be prohibited if the Advocate-General concludes that publication is not desirable in the interests of security of the State.

We should notice that the matters on which the Press may not report are not limited to corruption in the narrow sense but include maladministration in the broad sense and this appears to cover mismanagement resulting in the wastage of public money, that the reporting which is prohibited is reporting in a newspaper, periodical, pamphlet, placard, book, handbill or posters (and including broadcasting); that Press reports of parliamentary discussion of maladministration or misappropriation will also be precluded; and

will dry up the flow of information about maladministration. Experience in open societies like America has demonstrated that it takes enormous courage to expose the dark secrets of government and risk the vengeance that usually follows.

Many of the Watergate revelations come from "Deep Throat" whose identity, even today, is not clearly established. With all the protection which the American system offers its citizens, many remain in fear of the consequences of exposing maladministration.

In South Africa, where the system provides few safeguards against victimisation and where "disloyal" subjects is taking on rather frightening forms, the chances of exposure by brave "whistle-blowers" (the name for those who expose government maladministration) are low, and will be made virtually impossible by the new law.

It is chilling to consider that Advocate van Rooyen, an acknowledged supporter of the Government, declared that after his disclosures to the Mostert Commission, he slept with a shotgun next to his bed. If he felt like that, consider the likelihood of the dependent and vulnerable bureaucrat — hardly, by tradition, a courageous figure in a society — putting his name to a report about corruption in his department or government.

The treatment of Judge Mostert, who as a member of the judiciary has statutory protection against removal as judge, will be a salutary reminder to the civil servant (who lacks that kind of protection) of what he can expect.

Depriving the Press of the opportunity of taking up anonymous reports will make the new Advocate-General one of the most under-employed officers in South Africa.

The conclusion that one may therefore make, in regard to the Press, is that even when they are free to report (when the Advocate-General has submitted his report to Parliament and has not declared it publicly undesirable in the interests of national security) there will be little or nothing to canvass in the columns of the newspapers. The secrets of the former Information Department would scarcely have come

to cleaning up government? Mr Botha has certainly spoken vigorously against corruption in government; but his record in providing the means and techniques for exposure of corruption is singularly unimpressive. It was he who tried to dissuade Judge Mostert from disclosing the evidence of corruption and maladministration to the Press; and when the revelation had been made by Judge Mostert, it was his government that secured the judge's instant dismissal.

This is not a good start for a man who has publicly mailed his colours to the mast of clean government. And now the Prime Minister is unequivocally committed to a Bill that will provide the kind of secrecy under which maladministration has been known to flourish.

The most persuasive explanation of this conflict between word and deed is that the Present Government, while clearly unhappy about the corruption (in the narrow sense) which the Information scandal revealed, is not prepared to take any steps which will jeopardise its position of dominance in the country. On the contrary, in the further pursuit of that dominance it is prepared to sacrifice the principal weapons against maladministration; and in so doing it is weakening our international position at the critical stage for Southern Africa.

The returning British Ambassador, Sir David Scott, once pleaded with the South African Government to give the West some weapons with which to fight its case. Far from doing that, the Government is putting weapons into the hands of its enemies by enacting the Advocate-General Bill.

The National Party is becoming markedly totalitarian in the emphasis which it gives to party interests as opposed to the broader interests of the nation and the interests of good government.

There is one feature of the Bill which is decidedly ominous, and that is its retrospective application. The prohibition on Press discussion relates not just to present or future misappropriations of State funds or maladministration, but

to emerge from the often acrimonious debate is that the Government and Opposition came nowhere near finding one another. The gulf between them on just about every aspect of the Bill — its origin, application, scope, significance and intention — is enormous.

Where Government members whitewashed it as a benevolent measure, one which evolved naturally from the Prime Minister's determination to have clean government, the Opposition sourced it elsewhere — in an urge to squash dissent and wreak vengeance on newspapers that exposed the Information scandal. And in support of their argument they quoted Mr Botha's speech during the special session of Parliament last December when the Citizen's disclosures were still fresh, in which he promised legislation to put an end to gossip. He gave the Press until the end of May to come to heel.

The Government and Opposition were at cross purposes on just about everything — even on so basic a matter as whether or not the Press would be muzzled at all. Or, as Dr Helgard van Rensburg, the MP for Mossel Bay put it: "Only liberals will regard this Bill as a threat to the Press."

The Leader of the House, Mr Louwrens Muller, was revealing as to the underlying fear which seems to have motivated the introduction of the Bill. The Press, he said, had great power and when this was used in an irresponsible way" it made "his realise to what extent we were helpless when the Press revolved against the Government."

The MP for Potchefstroom, Mr Fanie Herman, was less coy: "Do we wear the pants — or does the Press?" he asked.

Remarks such as this illustrate the strange, make-believe world which many in Government would have the Press inhabit. That world looks something like this:

The Press is a base institution, both venal and politically motivated. Morality is a consideration of profit and loss and investigations are conducted with an eye to circulation. Anonymous figures representing big money lurk in the background, manipulating editors and reporters to serve their own political and financial ends.

Some, and the Minister of Water for believing the statement to be true (the onus of proof being upon the accused) The penalty for convictions is a fine not exceeding R10 000 or imprisonment not exceeding five years, or both.

It is easy to excuse the enactment of this amendment on the ground that it merely prohibits the publication of untrue matter which has the effect of barring the effect of publication of any untrue matter relating to any action by the police without having reasonable grounds

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'No principle left to stop more Press gags'

By JEAN LE MAY

ST THE Editor of the Sunday Express, Mr Rex Gibson, received the Southern African Society of Journalists' Pringle award for Press freedom at a ceremony during the society's third annual congress in Umhlanga Rocks on Friday night.

The award was presented by Mr John Patten, outgoing president of the SASJ.

S Professor Barend van Niekerk, Professor of Law at the University of Natal, delivered the Fairbairn Memorial address prior to the presentation of the award.

Mr Patten announced that the society's annual award as Newsmaker of the Year had been voted to Mr Justice Mostert for his part in disclosing evidence about irregularities in the former Department of Information and the financing of The Citizen.

OK Mr Patten added, however, that Mr Justice Mostert had declined to accept the award. The Sunday Express understands this was done after consultation with his colleagues on the Bench.

ER The congress interrupted its deliberation on Friday to send a telegram to the Prime Minister, urgently

requesting a meeting with an SASJ delegation to discuss the implications of the Advocate-General Bill.

Accepting the award, Mr Gibson said the intentions of the Advocate-General Bill were "naked".

It was the single most damaging blow dealt against South Africa's newspapers.

Numerous laws already prevented papers from quoting "unacceptable" people and viewpoints.

"We are being forced to report only what is happening in the middle ground of an ideological battle-field where the real forces may be far out on the fringes.

"The Bill also signals a dropping of the pretence that this Government would prefer a free Press.

"I can think of no principle left alive in high Nationalist places that would stand in the way of any future gagging legislation.

"But while the newspaperman may be increasingly cornered by the law, what he dare not do is cow-

er before it. He can't give way to intimidation, threat and bluster.

"The great risk ahead is that we may come to the conclusion that it is safer not to be too provocative. But I believe it is not possible to wheedle our way to survival.

"Therefore the only possible alternative is to do all we can, publish all we can, right up to the very limits that the law allows. And keep on doing it as long as we can.

"It is, I think, the only option open to newspapers."

Professor Van Niekerk said in his address:

"Our Press, within the restraints of the law, must be more imaginative in the taking of risks, the courting or prosecution, in the fighting of court cases, in the use of court procedures.

"Our Press gag laws are geared not to the achievement of some positive aim but at the suppression of truth.

"However, with imagination, dedication and resourcefulness, our Press can use the mighty weapon of truth, both in court and outside the courts."

27th September A telegram came ordering us off at once to

of the combined columns. was all Indian except the Medical Officers. I became S.M.O. 300 Camerons. Their hospital was from India and the staff him. This was composed of about 800 M.I., six guns and clean uniforms. Hamilton brought Colonel Spens' column with they had been resting for three months and looked very neat in the district. He and his staff came from Bloemfontein where

sug en gekom met vergesogte en onprofessionele en onwetenskaplike vertolkings. Mnr. Casper Uys (Barberton) meen die onophoudelike geskinder sal nou ophou, terwyl mnr. Gert Terblanche (Bloemfontein-Noord), NP-inligtingsman — onder die besef van samewerking vorentoe — ligges-druk op die nootjie van die Regering besef dat die pers 'n magtige vennoot kan

ASB wik oor AG-wet

Van **KOBUS TERBLANCHE**
PORT ELIZABETH

DIE Afrikaanse Studentebond het gemengde gevoelens oor die Wetsontwerp op die Advokaat-generaal, ofte wel die Muilbandwet.

Eensyds skaar die bond hom agter die Eerste Minister in sy uitsprake oor 'n skoon landsadministrasie en die aanstelling van 'n Advokaat-generaal as ombudsman. Andersyds is daar skerp kritiek teen die ongewone uitbreiding van die amptenaar se magte, wat die indruk kan wek dat ongeruimdhede in die landsadministrasie toegesmeer word.

Die hoofbestuursvergadering van die ASB word nou in Port Elizabeth gehou.

Verskele van die kongresgangers het besware gehad oor die aanstelling van 'n Advokaat-generaal, maar die mosie is aanvaar nadat in die bespreking onder meer verwys is na die pers wat dalk soms te groot vir sy skoene is. Ander het gepraat van 'n stap wat dalk die inperking van die waghondfunksie van die pers kan beteken.

LV's) het 'n verpligting om die demokrasie te beskerm. Die veiligheid van die pers, sê hy, word deur die wet gewaarborg. Ook hy het 'n brief gekry dat daar glads te lig teen die pers opgetree word.

Mnr. Koos van der Merwe (Jeppe) begin matig, sê dat 'n koerant soos Beeld nie 'n slegte koerant' is nie, maar besluit teen die einde om die pers tot 'n tweeveg uit te daag. „Dis nou spier teen spier Regering teen pers Bul teen bul.”

Dr H M J van Rensburg (Mosselbaai) bring dit onder die koerante se aandag dat hulle nie deur die kiesers verkies is nie. En oor die „Jawaai” in die koerante gryp hy na 'n Latynse spreuk wat neerkom op „berge en barensnood en 'n muis wat gebaar word”

Mnr. Eli v.d. Merwe Louw (Namakwaland) sê uit sy agterbank dat die pers glad g'n die waghond van die demokrasie is nie. Vir die pers is die „winsmotief baie sterker as die diensmotief” en dis die publiek wat genadeloos uitgebuit word vir sensasie en sirkulasie. As die wet nie werk nie, sal dit gewysig word.

Mnr. Daan van der Merwe (Rissik) is kalmer as wat verwag is. Dis asof hy half treurig is toe hy die opskrifte van Afrikaanse koerante oor die

AG Bill: a three-fold tragedy

RDM - 28/5/79



Rand Daily Mail Ombudsman
James McClurg

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takes a critical look at the media.

If you have any complaints against the Rand Daily Mail, or suggestions for the Ombudsman to take up, write to the Editor, PO Box 1138, Johannesburg.

THE shackling of South Africa's Press — for the Advocate-General Bill means no less than that — is a threefold tragedy. It strikes a crippling blow simultaneously at the newspapers, the public and the cause of good government which it is ostensibly meant to serve.

Of these, ironically, the Press is likely to suffer least. It is true that newspapers will be prevented from carrying out one of their most important tasks, the disclosure of corruption and maladministration in high places. This is an unconscionable restriction on the role of the Press as "the fourth estate of the realm".

But the economic loss to newspapers will be negligible.

To suggest, as Mr S L Muller did in Parliament the other day, that the aim of this kind of journalism is to "make money, just like in any other business" is a striking display of ignorance.

In my experience those concerned with newspaper finances, the managers, turn a cold eye on investigative journalism.

Sudden spurts in circulation, such as the Information scandal may have brought, are seldom profitable. They consume expensive newsprint without an accompanying increase in advertising revenue.

What is more, editorial campaigns can result in costly defamation actions, expensive and time-consuming appearances before the Press Council and sterile conflicts with the authorities. These things are not good for newspapers as business undertakings.

It is the public, not the Press, that will suffer most when the curtain of silence is lowered over the bureaucratic machine that controls our lives. If the South African citizenry were not so punch-drunk from restriction after restriction and indeed so sadly indifferent to the fundamental freedoms, they would storm the gates of Parliament and demand that this monstrous measure be abandoned.

Disillusionment will come in due time, but by then it will be too late.

What about the effects on the Government itself?

Does the Prime Minister not realise how nearly impossible it will be for good government — the "clean administration"

he promised us so soulfully when he assumed office — to flourish once the searchlight of public scrutiny is switched off?

If not he is wilfully ignoring the history of our own times. Would the old regime in Portugal, for instance, have collapsed so ignominiously if there had been a healthy flow of information both ways between government and governed?

As Mr Harold Evans, editor of the London Sunday Times, has pointed out, it was mainly the absence of this vital interchange that brought down the rule of the Colonels in Greece.

"When the Greek Colonels took over that country," wrote Mr Evans in the Sunday Tribune last year, "they were irritated by the bad news in the newspapers on various matters. They ordered that it should not be printed. Their orders were obeyed."

"They were gratified when they opened their newspapers. They recognised the world was as they would like it to be."

"When a senior economic adviser in the privacy of government told them about inflation or shortages they were not shocked into action. They could hardly believe him."

"He could not get through to them that the reality they saw was one they had conjured up for themselves by control of the media. In the end it was economic trouble as much as anything which helped to topple the Colonels."

Too fanciful a parallel? Maybe with little room for optimism we can now only wait and see.

□ □ □

MR Zach Postma De Beer, who lectures in philosophy at the University of South Africa, has reacted strongly to a report in the Rand Daily Mail of May 14 about the visit to South Africa of a leading figure in Yoga. The report described the visitor as "His Divine Grace Srila Jayatirtha Maharaja".

Mr De Beer regards the prefix "His Divine Grace" as "extremely offensive" and asks "Does he think he is a god?"

He also contests the description of Yoga as "a science, as if it were on a level with physics or chemistry."

What we have here is obviously a subjectively worded Press handout which should have been, but was not, rewritten

in the objective style appropriate to a newspaper.

What the dignitary's followers choose to call him is their business, but they cannot expect the general public to follow their example. Newspapers do not, for instance, call the Archbishop of Canterbury "His Grace the Lord Archbishop of Canterbury" and it was absurd to use a similar title in this case — irrespective of the merits of the title itself.

I am not equipped to judge whether or not Yoga is a science.

No doubt a degree of subjectivity comes into this question too. In any case, though, we do not talk of "the science of chemistry," or for that matter "the religion of Methodism," so the word was equally superfluous in this case.

Just a sloppy piece of work, I am afraid.

□ □ □

MRS Joan van Blommestein has called attention, with disapproval, to a current full-page colour advertisement for a cane spirit described as "the untame cane".

The advertisement features a young man with a parrot on his shoulder and a pugnacious look in his eye.

Mrs Van Blommestein describes the advertisement as "extraordinarily offensive and vicious". She sees those responsible as "laughing all the way to the bank while others are well on the road to hell".

Well, that's strong language. Nevertheless, how does this advertisement square with the Advertising Standards Authority's ban on advertisements that "suggest in an improper manner that the particular product is possessed of an abnormal potency or causes quick reaction?"

And what about the principle that only mature people should be shown in situations involving the drinking of hard liquor? If that young bravo is a day over 20 he is wearing it very well.

□ □ □

IN THE light of subsequent developments I feel I should return to the complaint by Mrs Joyce Harris of the Black Sash about the headline, "Job bars to go," over the Rand Daily Mail's report on the findings of the Wiehahn Commission.

It now seems clear that

many people, including the Rand Daily Mail, were too optimistic about the Government's intentions and that Mrs Harris' reading of the situation was a lot more realistic.

□ □ □

ONE of the troubles about censorship, or whatever euphemism you care to bestow on that process, is that one has to lay down rules — and each rule, taken by itself, almost always looks foolish.

One of the rules generally observed by South African newspapers is that a picture of a woman's naked breasts, where otherwise permissible, should not show the nipples.

The rationale of this and of one or two similar rules which I do not propose to discuss is elusive.

Yet I have no doubt that many readers who regard themselves as broad-minded would instinctively agree that a line must, figuratively, be drawn somewhere.

This question has become the subject of a mild controversy in newspaper circles since Mr David Dalling displayed in the House of Assembly an advertisement used by the Citrus Board to promote the sale of Outspan oranges overseas. It showed a bare-breasted woman sitting on a pile of oranges.

Most South African newspapers reproduced this picture with the report on Mr Dalling's speech. The treatment, however, varied.

At least two Afrikaans newspapers, Die Vaderland and Die Transvaler, applied a little tactful censorship. But in several English-language newspapers, including the Rand Daily Mail, the nudity, if not frontal, was certainly full.

Perhaps the fact that the picture had been held up in the House of Assembly, passed around and eventually handed in to the chairman was thought to have invested it with some kind of special immunity. If so, I do not find the thinking entirely logical.

Now Die Vaderland columnist Voorslag has raised the question which was the right way to handle the picture? Was censoring it mere prudery or a concession to readers' natural susceptibilities?

Like Voorslag, I pass the question on to my readers.

□ □ □

A READER who says he usually enjoys John Scott's lively parliamentary sketches headed "In the House" thinks the diarist struck an unfortunate note last Wednesday in his account of the previous day's crucial debate on the Advocate-General Bill. Nothing, he believes, was gained by recording the

frivolous and often clubbading exchanged across the floor of the House while Parliament's freedom was being extinguished.

Regrettably I find myself agreeing with this reader's views and so, I imagine, will many of John Scott's other admirers.

This judgement would tend to be confirmed by migrants government bus, based in the Gwanda District for the 'clandestine'

Govt is firm on principle of Press control

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Political Staff

THE ASSEMBLY — The Government refuses to yield on the principle contained in the Advocate-General Bill of controlling publication of reports alleging maladministration and corruption in Government.

The Government is also determined to go ahead with the principle of establishing an office of Advocate-General and to push the legislation through Parliament in the present session.

This was made clear by the Leader of the Assembly and Minister of Transport, Mr Muller, when he replied to the stormy second-reading debate on the Bill in the Assembly yesterday.

EXAMINE

The Minister announced that he would recommend at today's Cabinet meeting that a select committee of Parliament be appointed to examine contentious aspects of the Bill.

But one matter on which the Government was standing firm was that the Bill had to be carried through in principle and had to be legislated in the present session of Parliament, Mr Muller said.

The Minister again criticised newspapers and accused the Opposition of

trying to create a bad impression of South Africa overseas.

He stood by his viewpoint that the "sanctimonious duty" of the Press towards the public left him cold. That was how he felt, Mr Muller said.

It was the Government's belief that matters should be investigated by the advocate general instead of allowing "a lot of one-sided information to be sent into the world."

The Minister denied that the freedom of speech of parliamentarians would be affected by the Bill.

Members of the Assembly had to be free to raise any matter in the House, regardless of whether such a matter was under investigation.

Any newspaper would be free to publish such discussions. The privilege of Parliament would not be touched.



Last-minute plea on gag Bill fails

Political Staff

THE ASSEMBLY—A last-minute plea was made to the Government yesterday to scrap the "Press censorship" provisions of the Advocate-General Bill before it was approved in principle.

But the controversial Bill was taken through its second-reading stage against the strongest form of parliamentary disapproval from the two main opposition parties.

An amendment by the Leader of the Opposition, Mr Colin Eglon, that the Bill be read "this day six months" was defeated, with the PFP and the NRP voting against the Government.

In a last-minute plea to the Government, Dr Zac de Beer (PFP, Parktown) said there was no reason to believe that the Advocate-General, as a

special investigator, would be hampered by the existence of a free Press.

"The whole of the Watergate investigation was conducted in the presence of a free Press — which clearly helped rather than hindered it," Dr de Beer said.

Dozens of scandals in different Western countries — including South Africa — had been investigated and cleaned up in the presence of a free Press, he said.

Today's business in the House of Assembly is: Committee stage, Advocate-General Bill. Committee stage, Land Titles Adjustment Bill. Second reading, Architects' Amendment Bill. Second reading, Quantity Surveyors' Amendment Bill. — Sapa.

AG Bill: govt bends a little

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THE ASSEMBLY — The government announced yesterday it would refer the Advocate-General Bill to a parliamentary select committee, but it would not amend the Bill's controversial press restrictions.

Replying to the second reading debate, the leader of the Assembly, Mr Louwrens Muller, said he would recommend at today's Cabinet meeting that the Bill be sent to a select committee.

The committee would have to report by the end of the week, and the Bill would be taken through its remaining stages this parliamentary session.

He said, however, that as the second reading had been approved, this included approval of both the appointment of an Advocate-General and the

fact that press reports on corruption or maladministration could be prevented or delayed.

The Leader of the Opposition, Mr Eglin, said after the debate the Progressive Federal Party would serve on the committee to try to remove provisions which muzzled the press.

The leader of the New Republic Party, Mr Vause Raw, was more cautious, saying he would examine the Cabinet statement today.

The NRP would not accept a stifled press or lend respectability to the "cosmetic camouflage" of a totally-unacceptable principle, he said.

Displaying more the velvet glove than the iron fist with which he opened the debate, Mr Muller allayed a number of op-

position fears about the scope of the measure and indicated amendments he would move or accept to remove other objections.

While these would prevent the Bill being worded more widely than the government apparently intends, he was nonetheless adamant that its principal provisions would not be altered.

He said the select committee would help formulate the provisions, but would not have the power to consider written or oral evidence.

This means that continuing representations by press and illegal bodies can be put to the government but not direct to the committee.

Mr Muller repeated that the Bill was aimed at ensuring clean administra-

tion and said the government was so serious about this objective that it was determined to push the Bill through this session.

Replying to opposition and press criticism of the measure, he said:

● There would be no limitation on speeches in Parliament, or on press freedom to report them. He was prepared to consider amendments laying this down, but believed them unnecessary as the matter was already covered by the Powers and Privileges of Parliament Act.

● The Advocate-General would have to approve "the same day" reports laid before him unless he believed publication could endanger national security or hinder his investigation.

● Investigations would have to be as speedy as possible. He would move an amendment requiring investigations to start "without delay".

● He was prepared to insert a provision requiring the full evidence of an investigation to be published with the Advocate-General's reports, except where issues of national security were concerned.

● He was prepared to consider requiring all hearings to be open except where state security could be affected. The problem with this was that not even the Advocate-General would know what a witness might say next — PS

(News by M. Acott Press Gallery, House of Assembly, Cape Town)

Lawyers complain about Press gag Bill

Gout firm over 'Press control'

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Parliamentary Correspondent

CAPE TOWN — Mr. Louwrens Muller, the Leader of the House, yesterday said he would recommend to the Cabinet that the controversial Advocate-General Bill be referred to a Select Committee of Parliament — but only after the principles contained in the Bill had been irrevocably entrenched.

CAPE TOWN — A delegation from the Law Society of the Transvaal yesterday told the leader of the House of Assembly, Mr. S. L. Muller, that the Advocate-General Bill was unacceptable.

A statement by Mr. W. Lane, president of the Transvaal Law Society, issued yesterday said:

"A delegation from the Council of the Law Society of the Transvaal, consisting of the president and two past presidents, Messrs. J. E. Knoll and S. W. van der Merwe, today held discussions with the leader of the House of Assembly, Mr. S. L. Muller, on the subject of the Advocate-General Bill.

Unacceptable

"The delegation explained to Mr. Muller that the Law Society finds the Bill unacceptable.

"It has far-reaching implications which do not appear to have received proper consideration.

"It was suggested that the Government should rather consider the concept of a Parliamentary commissioner (ombudsman) appointed by Parliament and responsible to Parliament alone.

"Such an officer with wide-ranging powers of fact-finding and recommendation, would have the function of exposing corruption and of preserving a balance between the administration and the public.

Appeal

"The Minister was handed a memorandum dealing with the advantages of a Parliamentary commissioner and illustrating how such an office is exercised in a number of countries throughout the world.

The Cabinet will decide on the recommendation today

Mr. Muller's statement came during the final speech of the second reading stage, during which the principle of the legislation was established.

He said the Government would stand firm on the principles contained in the legislation and one of these principles was a form of control over Press reporting of State corruption or maladministration.

Offer

However, the Government was prepared to negotiate with Opposition parties on individual provisions to see whether they could be "improved" before the third reading of the Bill, he said

Both major Opposition parties indicated yesterday they would serve on a select committee

However, Mr. Vause Raw, leader of the New Republic Party, warned the Prime Minister that he would "not lend respect-

ability to a cosmetic camouflage of a totally unacceptable principle."

The Leader of the Opposition, Mr. Colin Eglin, said the PFP would use every opportunity to oppose the "gagging features" of the Bill

Cold

Mr. Muller said he stood by his widely criticised statement that the "sacrosanct" duty of the Press to the public left him "absolutely cold".

He had made the statement intentionally, "because that is more or less how I feel about the matter"

After all the outcry and the call by Afrikaans newspapers to the public to send telegrams to him and the Prime Minister in protest against the Bill, they had received fewer than 100.

While he did not deny that the rights of the Press were affected by the Bill, he called on the Press to help the Government to co-

operate with the establishment of the post of Advocate-General to investigate allegations of Government corruption or maladministration.

Serious

"There is one thing about which the Government is serious and that is the principle of this Bill which must go through. We stand by that because we feel so strongly about what we are striving after."

Asked whether the appointment of an Advocate-General was the only "principle" contained in the Bill, Mr. Muller replied: "I am not prepared to accept that the Bill only contains that one principle.

"We must accept that it includes a time limit during which matters under investigation cannot be published."

Mr. Muller said he would meet representatives of the South African Society of Journalists tomorrow

(Report by Helen Zille, House of Assembly, Cape Town)

"An earnest appeal was made to Mr Muller not to proceed with the legislation until there has been further careful study

"Without accepting the principle of the Bill, a number of unsatisfactory features were drawn to the attention of Mr Muller

"Mr Muller said that he would convey to the Cabinet the representations."

A delegation from the Associated Chamber of Commerce, led by the association's president, Mr R. J. Wood, also had talks with Mr. Muller about the Bill yesterday. — (Sapa.)

A-G Bill: The turning point

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Political Correspondent
CAPE TOWN — The Advocate-General Bill might be a turning point in South African politics — the protests against it had shown that the granite rock of the National Party was no more, Mr Harry Schwarz, MP, told a protest meeting in the Cape Town City Hall today.

Mr Schwarz, Chairman of the Federal Executive of the Progressive Federal Party, said the Prime Minister, Mr P W Botha,

had made a fundamental error in assuming that objections to the Bill would come only from the Opposition and the English Press.

But there had been reaction from the Afrikaans Press, Afrikaner intellectuals and academics, Afrikaans-speaking students and lawyers — and rumblings within his own party

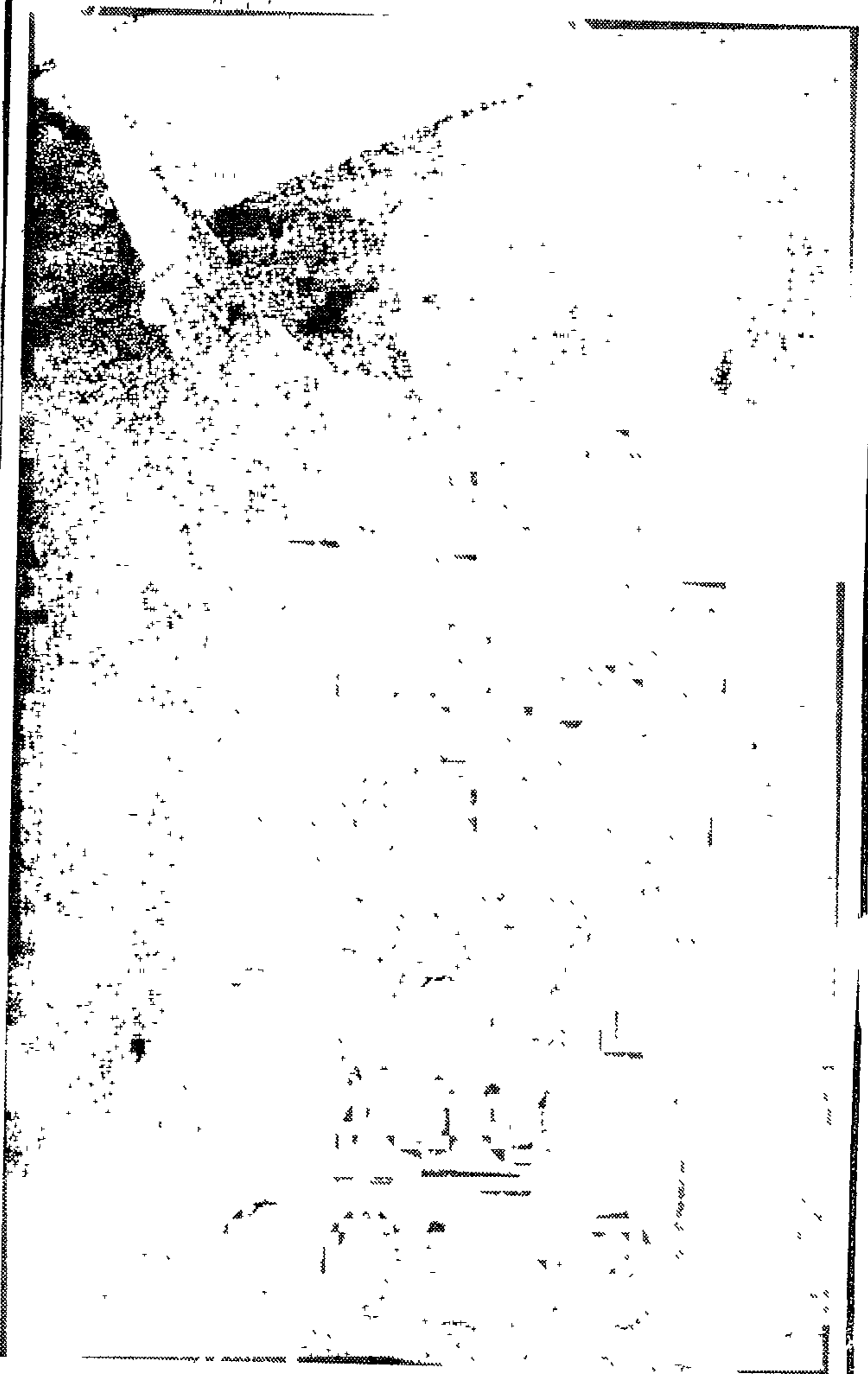
That was a clear indication the Prime Minister could not do as he liked. He now knew the days when South Africans

would blindly follow the National Party were over.

More important, Mr Botha had learnt that a free Press was not a luxury pursued by English-speaking South Africans, it was also a valued possession of the Afrikaner

The Advocate-General Bill was divisive and irrelevant to the real problems facing South Africa

There were more urgent priorities such as oil, terrorism, unemployment, inflation, discrimination, Rhodesia and South West Africa.



Wits student Sammy Adelman on the steps of the Selborne Hall, Johannesburg with

CONT'D

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Newsmen meet PM over Bill

Own Correspondent

CAPE TOWN — A delegation of the South African Society of Journalists today accused the Prime Minister, Mr P W Botha, of introducing more legislation and proposed legislation restricting the Press than any other Prime Minister

The delegation, consisting of the president of the SASJ, Mr John Matisonn, Western Cape vice-president Mr Henrie Geysler and Border vice-president Mr Peter Davis, met Mr Botha in Cape Town today to discuss the controversial Advocate General Bill and all its implications.

After the meeting Mr Botha said: "I received the SASJ delegation. We exchanged views and there were cordial discussions. I assured the delegation that the A-G Bill was not an attempt to gag the Press."

Press freedom put Govt in power — Slabbert

The Government could not have come to power without the very freedom of the Press that it now sought to suppress by the Advocate-General Bill, the MP for Rondebosch, Dr F van Zyl Slabbert, said in Johannesburg today.

This was the supreme irony of the Bill, Dr van Zyl Slabbert told a Progressive Federal Party protest meeting about the Bill in the Johannesburg City Hall.

No one could appreciate the rise of Afrikaner Nationalism without understanding the role of the Afrikaans Press in it, he said.

That was why the Afrikaans Press establishment was so concerned about the Bill.

It knew that effective government and politics depended on reliable in-

formation being provided through the competitive reporting of events by the Press

And yet the Government claimed that while systematically destroying Press freedom it was strengthening it.

The Bill involved the right of individuals to know what was being done with taxes by people voted into government.

Individuals could know only if they were told that was happening, and the best way of knowing was through a competitive Press

If Press freedom to investigate and report on maladministration and misapplication of funds by the Government was threatened, individuals became less free. Press freedom was the public's freedom.

Police 'hold' 9 students

Nine students at the University of the Witwatersrand were held briefly by police in Johannesburg today after they joined a mass drive to hand out pamphlets protesting against the Advocate General Bill

The Students' Representative Council at Wits called for the distribution of about 18 000 pamphlets among the public and schoolchildren at an emergency mass meeting on the campus this morning

SRC member Mr Donald Rallis said he and four other students were

approached by a plainclothes policeman near the Johannesburg City Hall, where a Progressive Federal Party protest meeting against the Bill was in progress.

Mr Rallis said the policeman took the students to a uniformed officer who was nearby. The students were then taken to John Vorster Square police headquarters

Their names were taken, the pamphlets confiscated and they were then released

The other students were Mr Tony Leon, deputy

vice-president of the SRC, Mr Norman Manoim, editor of Wits Student, Mr Mike Proctor and Mr David Aronstam.

Another group of students were also held briefly by police. Miss Deborah Hannon, Miss Patricia MacDonald and Miss Lesley Cowling said they were outside the City Hall when one of them tried to give a pamphlet to a man who turned out to be a plainclothes policeman. He confiscated their pamphlets and took them to a uniformed officer.

PFP urges public to write in on Bill

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HOUSE OF ASSEMBLY —
The Advocate-General Bill was referred to a Select Committee of Parliament yesterday — and the Progressive Federal Party immediately called on all who opposed the Bill to submit written representations to the committee

Mr Brian Bamford, the party's Chief Whip, said that although the Minister in charge of the Bill, the Minister of Transport, Mr Louwrens Muller, had refused to grant the committee power to summon witnesses or review documents, the rules governing Select Committees provided for such action

"Committees appointed without the usual powers of inquiry are not precluded from receiving documentary evidence submitted to them

"Such committees can accordingly ask for and obtain written representations on the provisions of a Bill from interested parties"

Mr Bamford said the PFP had noted that the Johannesburg Attorneys' Association had already decided to submit a memorandum

"If others join in this exercise, the Government may still be forced to remedy these disastrous provisions which have caused public concern in the last fortnight," he said

Representations should be addressed to the Select Committee on the Advocate-General Bill, Parliament.

The Bill was referred after a division in which the Opposition and the NRP opposed the



MR COLIN EGLIN

... "the fight doesn't stop"

move The South African Party voted with the Government

Mr Muller, also the Leader of the House, said in answer to questions from Mr Bamford and the leader of the NRP, Mr Vause Raw, that the principle of curbing publication of the Advocate-General's work could not be altered by the committee

"The Select Committee must report back to Parliament by the end of next week as the Government is determined to get this legislation on the statute book this session," Mr Muller said

The Leader of the Opposition, Mr Colin Eglin, said the appointment of a Select Committee should in no way cause

the public of South Africa to ease up in its opposition to the Bill

Mr Eglin said that PFP members on the Select Committee would fight against the provisions which "muzzle the Press and deny the public the right to know"

"By moving a series of amendments such as those which have already been placed on the order paper of the House by members of the PFP, we will attempt to draw the teeth which make the provisions of the Bill so sinister," Mr Eglin said

The NRP leader, Mr Raw, said his party would serve on the committee

As the committee was entitled to limit the scope and application of the Bill, the NRP would serve on the committee in order to seek the maximum possible limitation of the Press-gag clause

The leader of the SAP, Mr John Wiley (SAP Simonstown) said the Leader of the Opposition could not claim that the Government's decision to refer the Bill to a Select Committee, was a "victory for the Opposition"

According to a newspaper report, Mr Eglin had made this claim, Mr Wiley said

He called it "amazing effrontery"

The Government had agreed to appoint a Select Committee purely as a result of representations by the SAP, nearly all the Afrikaans newspapers, and some English-language newspapers, he said

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AG Bill goes to select committee

CAPE TOWN — The Advocate-General Bill was referred to a parliamentary select committee yesterday amid indications that the government may soften the proposed limitations on press reporting.

The Leader of the Assembly, Mr Louwrens Muller, stressed however that the principle of a ban on reporting had been accepted at the second reading and could not be removed now

"I am prepared to concede that changes will be allowed concerning the extent of the ban on publication," he said.

There is speculation that the government might allow newspapers to publish a report of government corruption or maladministration

The matter would then be referred to the Advocate-General for investigation and further publication or speculation would be prohibited until he reports.

A concession of this nature would largely satisfy Afrikaans newspapers, which have so far been united in opposing the measure.

The Progressive Federal Party and the New Republic Party voted against referring the Bill to a select committee. But they later agreed, with the South African Party, to serve on the committee with the aim of ameliorating some of the Bill's restrictive provisions

Nearly 70 amendments,

most of them from the PFP, have already been tabled.

The Leader of the Opposition, Mr Colin Eglin, said in a statement that the PFP would use every parliamentary opportunity to oppose the offensive gagging features of the Bill

"On the select committee the PFP members will fight against the provisions of the Bill which muzzle the press and deny the public the right to know.

"By moving a series of amendments we will attempt to draw the teeth which make the provisions of the Bill so sinister.

"When the Bill comes back to the House, our fight against any offensive provisions will be continued"

The NRP leader, Mr Vause Raw, said he had established from Mr Muller that the committee would be entitled to limit the scope and application of the Bill.

"The NRP will serve on the select committee in order to seek the maximum possible limitation of the press-gag clause.

"However we remain implacably opposed to the principle and have recorded our protest in the House"

The PFP Chief Whip, Mr Brian Bamford, called on all those who had condemned the Bill to submit written representations to the committee as soon as possible.

He said the PFP had opposed referring the Bill to a select committee because the committee would not have the power to summon witnesses or compel the production of evidence.

But he pointed out that the relevant rules did not preclude it from calling for or receiving documentary evidence.

The Johannesburg Attorneys' Association has already said that, while it regretted the committee would not be authorised to reconsider the Bill in principle or to summon witnesses, the association would submit a memorandum.

"If others join in this exercise, the government may still be forced to remedy those disastrous provisions which have caused the public concern in the past fortnight," Mr Bamford said

He suggested that representations be addressed to the Select Committee on the Advocate-General Bill, care of Parliament. — PS.

(News by M Acott, Press Gallery, House of Assembly, Cape Town)

30/5/79

Press barred from meeting

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Financial Editor

THE Press was asked to leave a meeting in Durban yesterday which had been arranged by the Durban Chamber of Commerce for its members to discuss the findings of the Wiehahn Commission.

Mr. R. V. Sutton, group personnel manager of South African Breweries and a member of the commission, who was the main speaker, said that the Minister of Labour had given instructions that there should be no Press coverage of speeches made by members of the commission as this might lead to embarrassment and misunderstanding.

An assurance

When it was pointed out that there had been a report published in the Mercury of the address Mr Sutton gave to the Southern African Institute of Chartered Secretaries and Administrators in Durban recently, he said that the directive from the Minister had been received since then.

Mr Ken Hobson, general manager of the Durban Chamber, told me and Mr Michael Brown, the Natal Representative of the Financial Mail, that Mr Sutton would not address the meeting if we did not leave the room.

However, Mr Hobson gave an assurance that the papers of Mr B de Wet, of Hulett's Corporation, and Mr Wells Ntuli, of Anglo-Transvaal Consolidated Investment Co., who were also to speak at the meeting, would be made available later.

Robinson and Co.,

owners of The Natal Mercury, is a foundation member of the Durban Chamber of Commerce.

Mr Brown, the representative of the Daily News and I were also asked to leave a meeting organised by the Natal Chamber of Industries in Durban on May 17, called to discuss the Wiehahn recommendations.

This meeting was addressed by two members of the commission, Professor P. J van der Merwe, Professor of Economics at the University of Pretoria and Mr Chris du Toit, chairman of the Federated Chamber of Industries' Labour Affairs Committee.

Mr Roland Freakes, Director of the Chamber, asked the Press to go as the meeting was "closed".

Delegates warned

Also the chairman of the meeting warned delegates that nothing whatsoever should appear in any newspaper or magazine about what took place at the meeting.

However, in spite of this bar on the Press, the Natal Chamber has told its members that the Wiehahn Report marks the beginning of a new era in industrial relations and employers will need to know the implications of the commission's recommendations and how, when and to what extent they are likely to be implemented.

Press freedom is key to all freedom — MP

JOHANNESBURG. — South Africans who did not care about Press Freedom, did not care about themselves or what the government did with their money. Dr Frederik van Zyl Slabbert, PFP MP for Rondebosch, said at a protest meeting here yesterday.

He warned that South Africans could become "bludgeoned into insensibility" by increasingly restrictive laws if they did not oppose the Advocate-General Bill

Addressing about 600 people in the City Hall, Dr Slabbert said a "great deal of nonsense" had been spoken about press freedom

"There is a tendency to create the impression that 'the Press' is some abstract phenomenon with an inaccessible vantage point exercising extreme and sinister powers over society"

Declaring it was an illusion to think that the press had complete licence in reporting, he pointed out that newspapers had to operate within the constraints of scores of laws

The Advocate-General Bill, he said, attacked the right of the individual to know what was being done with his taxes by people he voted into government

"The individual can only know if he is reliably told what is happening," he said

"The best way he can know this is through the competitive reporting of the press. If press freedom is threatened, then you as an individual are less free

"Therefore press freedom is your freedom. If you do not care about a free press, you do not care about yourself or what happens in your society or what your government does"

Speaking on the same platform, Mr Kowie Marais, MP for Johannesburg North, questioned whether the country was moving in the same direction as Russia or Nazi Germany where laws were also introduced prohibiting newspapers from publishing information "against the national interest" — Sapa

A-G Bill: Radio staff statement

JOHANNESBURG — The SABC's Staff Association executive council yesterday issued a statement after a meeting at its largest branch, Auckland Park

A spokesman for the association said a motion of censure on the executive was lost by a comfortable majority.

The meeting was called to canvass support for the association's telegram to the Prime Minister, Mr P W Botha, urging him to reconsider the Advocate-General Bill

The statement said, "The Auckland Park branch represents the majority of members of the association. The position in the regions is less certain, although initial reaction generally indicated a larger body of disagreement with the executive

"The meeting served to clarify the aims and objectives of the association and there will be further consultation with the regions in the near future" — Sapa

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It won't work PM told

CAPE TOWN — A delegation of the Southern African Society of Journalists yesterday accused the Prime Minister, Mr P. W. Botha, of introducing more legislation and proposed legislation restricting the press than any other prime minister.

The delegation, consisting of SASJ president John Matisonn, Western Cape vice-president, Henrie Geyser and Border vice-president Peter Davis, met Mr Botha to discuss the Advocate General Bill and its implications.

Expressing concern over the proposed Bill, Mr Matisonn said it was the cardinal duty of the press to keep the public informed on all matters, including government, but if the Bill was passed, "vast new fields — indeed the entire public service and quasi public service — will pass into darkness."

The delegation told Mr Botha, and the Leader of the House of Assembly, Mr S. L. Muller, who also attended the meeting, the Bill would never work.

"This Bill will not stop rumours, it will foster them," Mr Matisonn said.

He said it was central to the idea of high standards in journalism throughout the world that the public could give information without fear of their identity being disclosed. Under the proposed Bill, this would be impossible, as the A-G would have the power to obtain the identity of any source.

The delegation told Mr Botha any government needed the press as an ally in fighting corruption. The Faros and Agliotti cases were good examples.

"The press was an essential pillar of free society and without being in-

formed the public could not discuss and decide issues for themselves"

After the 45-minute meeting, Mr Botha said "I received the SASJ delegation. We exchanged views and there were cordial discussions. I assured the delegation the Bill was not an attempt to gag the press"

Four Progressive Federal Party MPs addressed lunch-hour protest meetings here yesterday.

Opposition leader Cohn Eglin said the Bill, if enacted, would take South Africa a step further away from democracy and another step towards a new dark age of rumour, corruption and authoritarianism.

He urged for concerted opposition to the Bill which he said "is one of the most sinister measures introduced in 31 years of National Party

rule"
Yeoville MP Harry Schwarz said the Bill's introduction in Parliament could well mark a turning point in South African politics.

He said Mr Botha made a grave mistake in assuming objections to the Bill would only come from the opposition and the English Press. He had never expected the reaction from the Afrikaans press, Afrikaner intellectuals and academics, Afrikaans-speaking students, lawyers and other professional people and the rumblings in his own party.

Rondebosch MP Frederick van Zyl said South Africans who did not care about press freedom, did not care about themselves or what the government did with their money.

"If press freedom is

threatened, then you as an individual are less free," he said. "Therefore press freedom is your freedom"

Mr Kowie Marais, MP for Johannesburg North, questioned whether the country was moving in the same direction as Russia, or Nazi Germany where laws were also introduced prohibiting newspapers from publishing information "against the national interest"

The Institute of Race Relations warned the government's new inroads into press freedom "will particularly alienate the black community that has no voice in the central administration"

In Johannesburg, an SABC's Staff Association executive council spokesman said after a meeting at its largest branch, Auckland Park, that a motion of censure on the executive was lost by a comfortable majority — SAPA

Gag Bill seen as revenge weapon

31/5/79 Nim (243)

SIR, — The Advocate-General Bill is so obviously a legislative 'sjambok', snatched up by a Government burning to revenge itself on the Press for its tenacity in exposing the Info scandal, that it is no wonder its supporters in Parliament can hardly be bothered to defend it.

Cynical and smug, they go through the parliamentary motions "We do not intend," they cry, "to curtail free speech "It's the usual autocratic hoodwink, of course — what one might call the Jimmy Kruger soft-soap shuffle "I've nothing against a free Press, but

No, nothing at all, except that it's free It is shocking to observe the relish with which Minister Louwrens Muller has got down to the business of abolishing our right to know what Government is doing to us Clearly, the Nats have always wanted, but have never quite mustered the courage, to cross the Rubicon that divides our feeble democracy from neo-fascism Now, with the advent of P W Botha (an instinctive authoritarian, if ever there was one) they have that courage, and they have begun that crossing

have — thanks to CNE, the DRC, a draconian censorship, and an inherent tendency to deify die volksleier — the world's most docile electorate outside the official one-party States, there is nothing, but nothing, that the voters will not swallow.

Not a squeak

A Bill to abolish the English-language Press and make P W Botha Prime Minister for life wouldn't raise a squeak from the Government benches, and would ensure P W an increased majority at the next election — if there was one

But why bother? A general election in this country has long been as much a farce as something else I could name But since I am not so well informed about the Info affair as to be above the law, I won't

CT May 31 1979

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The Cape Times

New bill: Intensify pressure — Eglin

Political Correspondent

THE Leader of the Opposition, Mr Colin Eglin, yesterday called for intensified public pressure aimed at forcing the government to withdraw the Advocate-General Bill.

He and other speakers told a protest meeting in the City Hall that there should be more, not less, public opposition now that the measure had been referred to a parliamentary select committee

Mr Eglin described the move as a belated government acknowledgment of the damage the measure could do and of the widespread criticism it had elicited from both government and opposition supporters

"Especially because the bill is going to a select committee, public pressure must be kept up so that the partial victory the opposition has achieved, becomes total victory"

Wastepaper

He said to applause from the 150 people present that the bill belonged, like the 1977 Newspaper Bill, in the parliamentary wastepaper basket

Following years of retrogressive Nationalist legislation, it was an attack on the press, on the parliamentary system, on the public's right to know, and on the country's image and reputation abroad

"It is an authoritarian measure, eating away at what is best in the democratic system in South Africa

"It is a disgrace to a country that claims it believes in a parliamentary system of government"

He called on voters in National Party constituencies like Gardens and Maitland to protest to their MPs about the bill's provisions

Mr Harry Schwarz, (PFP Yeoville), warned the public not to expect anything more than minor changes to the bill after its consideration by the select committee. The principles had been entrenched and only detail could now be altered

"Beware of the cosmetic changes that are going to be projected as having safeguarded the press

"Beware of the big bluff that is about to be perpetrated

on the public of South Africa when we are told there have been big changes, and the bill is therefore not so bad"

Mr Schwarz also warned that it was only public pressure which could prevent the enactment of further authoritarian legislation

"We must expect more of the same kind of measure unless those who stand for freedom are heard, the government will get away with it. It is up to you, and not to the politicians, whether they do so"

Mr Rene de Villiers, former editor and MP for Parktown, said the government seemed incapable of understanding the function and worth of a free and independent press in a democracy

"This pernicious measure must be judged against 30 or more years of Nationalist obsession with the press and a continuing desire to dictate to it, and through it, to the public"

Hatred

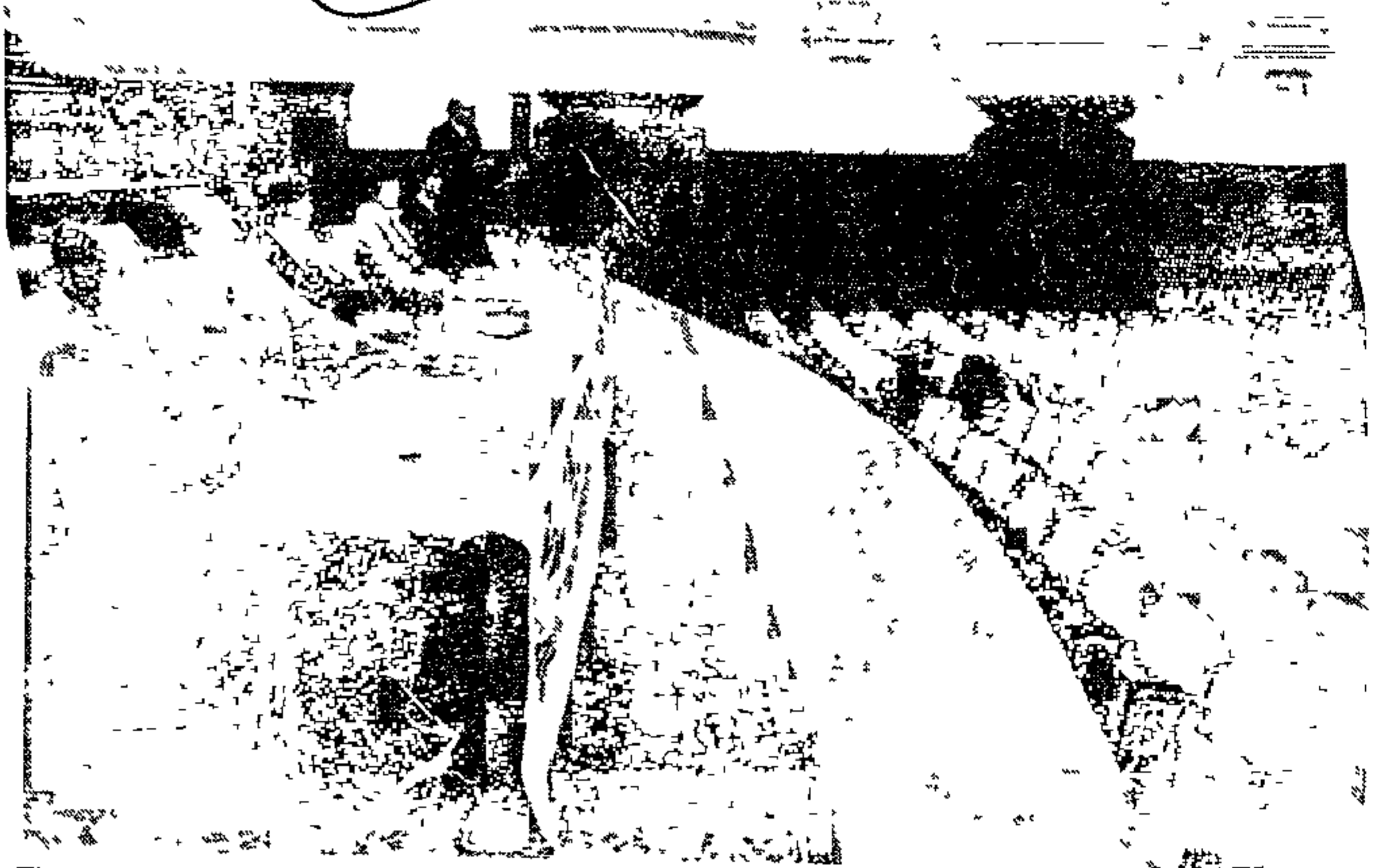
The press-gagging clause in the bill had to be seen against a background of government dislike and distrust, bordering on hatred for a free press and its duty to inform the public

"It all builds up to a state of mind about the press and the public's right to know and is ominous in the extreme"

The government would accept a subservient "ja-baas" press, but not one which knew its obligations to the public and was prepared to carry them out, a press which acted as the public watchdog and refused to be dictated to by those in authority

The meeting passed a resolution condemning the bill as a high-handed act which would restrict press disclosures of corruption and misappropriation of taxpayers' money

It urged the government to withdraw the bill and consider other steps to combat corruption and misuse of public funds



The Leader of the Opposition, Mr Colin Eglin, far right, addresses a lunch-time protest meeting on the Advocate-General Bill in the City Hall yesterday. Other speakers at the meeting were, from left, Mr Rene de Villiers, former editor of the Star, and Mr Harry Schwarz, PFP MP for Yeoville. Seated next to Mr Schwarz is the chairman of PFP's Cape Western region, Mr Jan van Eck, the leader of the Opposition in the Provincial Council, Mr Herbert Hirsch and the chairman of the Cape Western region of the PFP Youth League, Mr Bobby Stevenson

SASJ delegation sees PM on A

Chief Reporter

IN A MEMORANDUM handed to the Prime Minister, Mr P W Botha, yesterday by a three-man deputation from the Southern African Society of Journalists, the SASJ said the effect of legislation introduced at the current session of Parliament, including the Advocate-General Bill, would be "to create jailbirds out of journalists".

"This because they adhere to the highest standards of journalistic conduct which is contained in the SASJ constitution and other codes in the Western world — the injunction to protect sources

"Central to the idea of high standards in journalism throughout the world is the belief that members of the public should feel confident that they can go to a journalist and give information with the assurance that their identities will be protected"

The SASJ, in its memorandum, said it was perturbed at the encroachment into the essential functions of the press as exemplified by the A-G Bill, and told Mr Botha that "since you became Prime Minister eight months ago there has been more legislation and proposed legislation directed at radically restricting the press than under any previous prime minister"

The leader of the deputation, Mr John Matisonn, president of the SASJ, said the meeting with the Prime Minister and with the Leader of the Assembly, Mr S L Muller who is piloting the A-G Bill through Parliament, had lasted 45 minutes and that the deputation had been well received

"We presented the Prime Minister with our memorandum and exchanged views on

the A-G Bill with him. He said the bill was not designed to muzzle the press

"Mr Botha said he would consider the points made in our memorandum

"Mr Muller also gave us his views on the bill"

Mr Matisonn was accompanied by Mr Henrie Geysler, SASJ vice-president for the Western Cape, and by Mr Peter Davis, vice-president for Border

The SASJ memorandum said "It is the role of journalists to present as true and as accurate a reflection of thought and action as it can. It is not our job to provide a judgment, it is our function to provide a forum for public debate

"We are extremely concerned that these functions, which are essential to a free society, are being obliterated. Already journalists are unable to inform people about huge areas for which they pay. And after the Advocate-General Bill is passed, vast new fields — indeed the entire public service and quasi-public service — will pass into darkness."

The memorandum said that since Mr Botha had become Prime Minister, six bills had been presented to Parliament which had a major effect on the ability of the press to pub-

lish day-to-day events. These included the police, inquests and divorce bills, and the legislation concerning oil

"And now we have the Advocate-General Bill

"Much of the new legislation contains severe penalties which, to the profession, begins to look like a campaign against journalists who are trying to do a decent job

"Any government needs the press as an ally in fighting corruption. The Faros and Agliotti cases are examples of how the press exposed wrongdoing — and saved the government money"

The memorandum said the Information scandal and the setting up of the Citizen would almost certainly not have been disclosed to the public if an A-G law had existed at the time

"It is common cause that after much of this information was known to the then prime minister, neither the reporters on the Citizen nor the taxpayers were told for months

"The press has a vital role as one of the essential pillars of a free society. People cannot decide meaningfully on issues without being able to read about them in the media first

"The Advocate-General Bill substantially diminishes the role in precisely the areas where it is important"