

Censorship  
and  
Press Control  
in  
South Africa

By  
ALEX. HEPPLÉ

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PRESS CONTROL  
IN  
SOUTH AFRICA**

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*“Here’s freedom to him that wad read,  
Here’s freedom to him that wad write,  
There’s nane ever fear’d that the truth should be heard,  
But they wham the truth wad indite.”*

ROBERT BURNS.  
(1759-1796).

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## AUTHOR'S NOTE

*By the time this appears in print the South African Parliament is likely to be debating a Censorship Bill. The indications are that this will be an interim measure, pending wider action based upon the reports of the Cronje Commission and the Press Commission.*

*The extension of censorship is something to be carefully watched, especially in view of the present Government's declared mission to discipline the nation and its avidity for legislative control over the morals of the people.*

*It would be foolish to believe that this little Bill is the limit of the Government's intentions. The Press Commission still continues with the labours which have kept it busy for over nine years. The Government has been waiting for the Report of this Commission in order to devise measures for the effective control of the press.*

*The temporary shelving of the Report of the Cronje Commission (Commission of Enquiry in regard to Undesirable Publications) should not be taken to mean that its recommendations have been discarded. It contains numerous proposals which have surely whetted the appetites of many would-be censors, of whom there is no shortage in our Parliament. These people will not be satisfied until the proposals are translated into law.*

*I have written this book as a small contribution towards the proper study of censorship and control of the press, which I consider to be a serious threat to freedom of opinion at the present time.*

*Although I have covered a wide field, many readers may think my account inadequate and lacking in many respects. I am sure that there are many working journalists who could expand remarkably upon some of my arguments and provide far more striking examples than I have cited.*

*I hope that this study will persuade readers to consider all the implications of censorship and encourage them to take a firm stand against those who seem determined to make us a nation of dull, unquestioning conformists.*

## Introduction

"Let us consider, my Lords, that arbitrary power has seldom or never been introduced into any country at once. It must be introduced by slow degrees, and as it were step by step, lest the people should perceive its approach. The barriers and fences of the people's liberty must be plucked up one by one, and some plausible pretence must be found for removing or hoodwinking, one after another, those sentries who are posted by the constitution of every free country for warning the people of their danger. When these preparatory steps are once made, the people may then, indeed with regret, see slavery and arbitrary power making long strides over their land, but it will then be too late to think of preventing or avoiding the impending ruin."

LORD CHESTERFIELD — Speech on Playhouse Bill.  
House of Lords — June 1737.

**C**ensorship at any time is the bludgeon of intolerance. In the prevailing political situation in South Africa, the tightening up or extension of censorship laws can well be an instrument to silence all opposition to the party in power.

This question cannot be judged in isolation. It must be considered in the light of the history and policy of the Nationalist Party.

It must be related to the long, ceaseless Nationalist campaign against the "English" press, critical newspaper correspondents, church leaders, political opponents and others, who are accused of "besmirching the good name of South Africa."

Thought on the Government's censorship proposals must not be confused by generalisations and airy references to pornography.

### **We are threatened with political censorship.**

It is opportune, therefore, to examine the circumstances which have created the desire to muzzle the press and to review the march to censorship during the past decade.

It would be wrong to allege that only the Nationalists hanker after press control or that censorship in South Africa began with their accession to power in 1948. As is shown in this book, various instruments of censorship have existed for some time. The Nationalists, however, are not only making greater use of old laws but are adding some sterner ones. **Quite clearly, their main objective is political censorship.**

The advent of "ducktailism", "horror" comics and new devices for the commercial exploitation of sex through indecent and pornographic literature in the post war years, provoked many countries to tighten up censorship.

Most Governments, nevertheless, were extremely careful to avoid interference in the right to read and distribute political matter, even specifying this in their laws.

In South Africa, on the other hand, there are unmistakable signs that we are heading for a political censorship of the most restrictive kind. As far as overseas publications are concerned, this political censorship is already being applied through the Customs Act.

The vigorous determination with which the Government is applying its racial policies creates incidents of great news value and provokes interest throughout the world in the problems of maintaining white supremacy in South Africa.

On their part, the Nationalists desire everyone to remain patiently silent while they proceed with their discriminatory and impractical experiment of "separate development". They expect South Africa and the rest of the world to ignore the cruelties and injustices of *baasskap apartheid* so as to "give it a chance to work".

The efforts to gain this silent support include threats, veiled and direct, that if the press does not voluntarily eliminate hostile or critical comment from their columns, steps will have to be taken to impose some form of censorship or press control. The Government, obviously realising that legal curbs on free reporting would have serious repercussions, has been slow to take this step. It hoped to achieve its purpose by frightening the newspaper owners and editors by various means which are referred to in detail in some of the chapters of this book.

To some extent the press has withstood Nationalist intimidation so far, but there are disturbing signs that some newspapers are inclining to appease the party in power by selective reporting and comment. There is a growing tendency to support the view that the press needs some sort of control, self-imposed or otherwise, to curb provocative editors and reporters. If this should happen it would be a sad day for South Africa.

Before succumbing to the demands of the advocates of a controlled press, South Africans should seriously consider firstly the role of the press in any democratic society and secondly, its special role in the racially mixed society of South Africa.

More than one hundred years ago, John Thaddeus Delane, editor of the London Times admirably expressed the functions of the press in relation to Government, saying:—

"... we cannot admit that its purpose is to share the labours of statesmanship, or that it is bound by the same limitations, the same duties, the same liabilities as that of the Ministers of the Crown. The purposes and duties of the two powers are constantly separate, generally independent, sometimes diametrically opposite. The dignity and the freedom of the press are trammelled from the moment it accepts an ancillary position. To perform its duties with entire independence, and consequently with the utmost public advantage, the press can enter into no close or binding alliances with the Statesmen of the day, nor can it surrender its permanent interests to the convenience of the ephemeral power of any Government—

— For us, with whom publicity and truth are the air and light of existence, there can be no greater disgrace than to recoil from the frank and accurate disclosure of facts as they are. We are bound to tell the truth as we find it, without fear of consequences — to lend no convenient shelter to acts of injustice and oppression, but to consign them at once to the judgement of the world."

In countries where Parliamentary democracy exists, the Press and Parliament fulfil most important roles. These are the institutions which can keep a people free or lure them into the bondage of despotism.

In South Africa, where we already suffer the disadvantage of being only partially a Parliamentary democracy, the responsibility of the Parliamentary Opposition and the Press is even greater than in countries where the entire populace enjoys the franchise.

Our elective despotism of whites must be kept under intense and persistent scrutiny. Only a free and vigilant press can ensure the fulfilment of this obligation. It is here that the role of the press in South Africa is so much more important than in other countries.

In reporting on events in South Africa, and publishing the views of those who disagree with Nationalist policy, the press more often than not finds itself incurring the displeasure of the Government. In desperate anger because of its general unpopularity, the Nationalist Government has reached the position where it resents all criticism. Any expression of opinion that is not in the nature of eulogy of the existing order, is looked upon as hostile misrepresentation or disloyal 'besmirching the good name of South Africa'.

By persistently howling this accusation, the Nationalists arrogate to themselves all right and title to South Africa, creating the wrong impression that they and their unpopular policies are "South Africa." Too many South Africans fall into this trap. They join the Nationalist chorus against those who criticise discriminatory laws and practices, accusing them of distorting the truth, misrepresenting the facts, and 'fouling their own nest.' Rarely are the specific charges of responsible critics fairly met and answered.

It is the common folly of despots to eliminate their critics. By one means or another the autocrats try to make everyone conform to their dictates. The hierarchy of the ruling political party assumes a semi-divine character for its acts. It looks upon all who do not conform as enemies of the State. Its tough treatment of liberals, progressives, radicals and Non-White groups, wraps the whole population in the straightjacket of fear. The average citizen, afraid to jeopardise his job, his security, or perhaps even his liberty, decides that it is wisest to stay out of politics and keep a silent tongue in his head. He even begins to shun those of his friends who are too outspoken in their politics.

This erodes the basic structure of democratic society. It eliminates frank discussion and debate on public policies. It removes the essential test of government and opens the way to corruption and misrule.

Nothing can undermine democratic society quicker than the failure of the people to indulge in free and open argument on all acts of Government. But they cannot do this if they fear the consequences.

In South Africa, we have a clear example of the hazard of participating in politics, especially where the viewpoint of racial equality is expounded. At meetings of the Liberal, Labour and Congress parties as well as those of Non-White trade unions, there is usually a strong force of detectives from the police Special Branch, some taking notes inside and others taking car numbers outside.

Of course, the despotic attitude towards criticism also confounds the despots. It prevents them from knowing the extent of domestic disaffec-

tion. As far as external criticism is concerned, when they wonder why it increases instead of abates, South Africans should ponder over the situation which has been created by propaganda which merely misleads the faithful at home, without convincing anyone abroad.

There seems to be no doubt that the Nationalists are determined to continue with this folly, even to the extent of tightening up censorship and placing some restraint on the press.

I would like to suggest to those in control of South African newspapers, especially those which support the Government viewpoint, that they keep before them the editorial written by the most famous of editors of the distinguished "MANCHESTER GUARDIAN", C. P. Scott, in the centenary issue of that paper on the 5th May, 1921, in which he said:—

"A newspaper is of necessity something of a monopoly and its first duty is to shun the temptations of monopoly. Its primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted. Neither in what it gives, nor in what it does not give, nor in the mode of presentation must the unclouded face of truth suffer wrong.

"Comment is free but facts are sacred. 'Propaganda', so called, by this means is hateful. The voice of opponents no less than that of friends has a right to be heard."

The introduction of a Bill at this time to extend censorship should stir the South African Press to act in the venerable tradition of Thomas Pringle and James Fairbairn, who 130 years ago stood up courageously to the intolerant Governor of the Cape, Lord Charles Somerset. Somerset suppressed their newspaper "THE SOUTH AFRICAN COMMERCIAL ADVERTISER", and deported George Greig, the editor and printer. With their friends, Pringle and Fairbairn took up the challenge and rallied support both at the Cape and in London. It took three years of struggle before the "SOUTH AFRICAN COMMERCIAL ADVERTISER" was able to resume publication. The victory, however, was not in this alone.

By fighting so tenaciously for the freedom of the only newspaper of those days, the champions of that worthy cause succeeded in establishing the principle of the freedom of the press in the Cape Colony. With the resumption of the "SOUTH AFRICAN COMMERCIAL ADVERTISER", there came a special Ordinance providing that henceforth the press would be under the protection of the law and immune from arbitrary suppression.

The South African press and the public of today have a mightier challenge than that which Pringle and Fairbairn faced.

May they respond as valiantly!

## CHAPTER ONE

### Censorship and Press Control Laws

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

ARTICLE 19—UNIVERSAL DECLARATION OF HUMAN RIGHTS  
(as adopted by the General Assembly of the United Nations on 10th December, 1948.)

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It seems surprising that further laws are being contemplated to control publications in view of the fact that there are already no less than twenty-one laws providing for censorship of one kind or another. They are:

1. Customs Act (Act 55 of 1955).
2. Entertainments (Censorship) Act (Act 28 of 1931, as amended).
3. Post Office Act (Act 44 of 1958).
4. Official Secrets Act (Act 16 of 1956).
5. Criminal Procedure Act (Act 56 of 1955).
6. Native Administration Act (Act 38 of 1927).
7. Riotous Assemblies Act (Act 17 of 1956).
8. Suppression of Communism Act (Act 44 of 1950 as amended).
9. Public Safety Act (Act 3 of 1953).
10. Criminal Laws Amendment Act (Act 8 of 1953).
11. Prisons Act (Act 8 of 1959).
12. Extension of University Education Act (Act 45 of 1959).
13. Law of Libel.

#### PROVINCIAL LAWS.

14. Cape — Act 31 of 1892.
15. Cape — Ordinance 9 of 1926.
16. Transvaal — Act 38 of 1909.
17. Transvaal — Ordinance 1 of 1920.
18. Natal — Ordinance 14 of 1916 and Ordinance 19 of 1924.
19. Natal — Ordinance 19 of 1942.
20. Orange Free State — Ordinance 21 of 1902.
21. Orange Free State — Ordinance 6 of 1948.

The present Government is making increasing use of the powers contained in these laws. This extension of censorship has been taking place while public attention has been diverted in the direction of the marathon Press Commission, which has been investigating the Press since October 1950.

Censorship and control can be applied through the above quoted laws in various ways.

### CUSTOMS ACT (Act 55 of 1955)

Imported publications must pass through the South African customs and the law relating to Customs makes special provision to prohibit the entry of books, newspapers, magazines and periodicals which are deemed to be "indecent, obscene or objectionable."

Section 21 (1) of the Customs Act reads:—

"The following goods are hereby prohibited from importation into the Union, namely . . .

- (f) goods which are indecent or obscene or on any ground whatsoever objectionable, unless imported for research purposes by educational institutions under a permit issued by the Minister of the Interior."

The test of which overseas publications the South African public should or should not be allowed to read lies in the arbitrary discretion of the Minister of the Interior.

Sub Section (3) of Section 21 declares:—

"In the event of any question arising as to whether any goods are indecent or obscene or objectionable, the decision of the Minister of the Interior shall be final: Provided that in respect of printed, engraved, lithographic and photographic matter the decision shall be given after consultation with the Board of Censors appointed in terms of sub-section (1) of section TWO of the Entertainments (Censorship) Act, 1931 [Act No. 28 of 1931]: Provided further that if any printed, engraved, lithographic or photographic matter is according to the decision of the said Minister indecent, obscene or objectionable, and is contained in any publication which in the opinion of the said Minister is one of a series, he may by notice in two consecutive issues of the gazette publish the name of such publication and every issue of that publication shall thereupon, and until such notice is withdrawn by him, for the purposes of this section be deemed to be indecent, obscene or objectionable, as the case may be."

The penalty provided under Section 126 read with Section 128 for violating the Customs law relating to prohibited literature is confiscation of the goods and in addition a fine of up to £1000 and five years imprisonment.

This punishment is applicable even to a recipient of a book gift from overseas, who fails to study the titles of banned books which are listed in the Government Gazette from time to time. Such persons fall within Section 128 of the Act, which says that "Any person who knowingly has in his possession any goods liable to forfeiture under any such law shall be guilty of an offence."

The Customs law further provides for the punishment of those who deal in banned books, Section 137 providing:—

"Any person who sells, offers or keeps for sale or distributes or exhibits any issue of any publication in respect of which a notice has been issued under sub-section (3) of section TWENTY-ONE and has not been withdrawn, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment without the option of a fine for a period not exceeding twelve months or to both such fine and imprisonment."

Every Government list of Objectionable literature is preceded by a warning of these penalties.

### ENTERTAINMENTS (CENSORSHIP) ACT (Act 28 of 1931)

The purpose of this Act is to regulate and control the exhibition and advertisement of cinematograph films and of pictures and the performance of public entertainments.

It is under this Act that the Board of Censors was created and its powers defined. In terms of Section 2 of the Act, its duties were confined to the examination of cine films and film advertisements, but later the Customs Act was amended to provide that before banning imported books, periodicals and other printed matter, the Minister of the Interior should consult the Board of Censors appointed under the Entertainments (Censorship) Act.

As far as the censorship of films is concerned, Section 5 of the Entertainments (Censorship) Act specifies 19 kinds of films which the Board shall not approve if in the Board's opinion they depict subjects in an offensive manner. The list includes:—

- (g) scenes containing reference to controversial or international politics.
- (l) scenes representing antagonistic relations of capital and labour.
- (i) scenes tending to disparage public characters.
- (q) pugilistic encounters between Europeans and Non-Europeans.
- (r) scenes of intermingling of Europeans and Non-Europeans.

In carrying out this directive, the Board of Censors often finds itself obliged to order the deletion of portions of films before permitting their exhibition in South Africa.

An ex-Chairman of the Board is reported to have said that "South Africa with its mixed population is one of the most difficult countries on earth in which to apply censorship judiciously."

The racial sensitivity of most White South Africans not only inspired the taboos of the 1931 Censorship Act, but continues to influence the policy of the Board of Censors to a marked extent. "THE JOE LOUIS STORY" and "THE JACKIE ROBINSON STORY", two films showing the rise to the top of the sporting world of two American negroes were not screened in South Africa.

In "THE GLEN MILLER STORY", scenes showing the internationally famous Negro musician Louis Armstrong, strangely disappeared from the version shown to South African audiences.

The Board of Censors wanted extensive cuts in M.G.M.'s "GUYS AND DOLLS", before allowing it to be exhibited here. M.G.M. argued that the deletions would amount to 30 minutes showing time and spoil the picture.

Eventually a few small cuts were made and the film went on circuit.

People engaged in the cinema business in South Africa have many aggravating experiences because of the provisions of the Entertainments (Censorship) Act. Sometimes the decisions of the Board of Censors have ludicrous results. When "THE KING AND I" was brought to South Africa in 1956, its advertising posters showed Deborah Kerr in the arms of bald-headed, bare-chested Yul Brunner, playing the role of a Siamese King. The censors considered this objectionable and ordered a blackout of the amorous male figure. The result was that wherever "THE KING AND I" was screened, the large advertising posters outside the cinemas showed Deborah Kerr in the arms of a towering blue blob.

The Board of Censors classifies all films according to their suitability for persons of various ages and issues certificates accordingly. A certificate may permit the showing of a film to persons of all ages or prohibit the admittance of children from 4 to 12 years old, or 4 to 16 or even everyone under 21 years of age.

In addition, the Board makes special provision in regard to films for non-White audiences and it often happens that pictures which are shown at White cinemas are banned from the non-White cinemas.

Under the Native Administration Act (see page 15) there is a further hurdle for cinema films before they reach African audiences.

### POST OFFICE ACT (Act 44 of 1958)

It is a criminal offence to transmit anything through the post "which has any profane, blasphemous, indecent, obscene, offensive or libellous matter on the outside thereof or any indecent or obscene matter enclosed therein." This is provided under Section 24 (b) of the Post Office Act.

Anyone convicted of this offence is liable to punishment up to a maximum of £50 fine and imprisonment for six months.

According to Gardiner & Landsdown<sup>(1)</sup>

"In general, the test of obscenity is whether the tendency of the matter charged is such as to deprave or corrupt those whose minds are open to immoral influences."

### OFFICIAL SECRETS ACT (Act 16 of 1956)

It is illegal to publish "any secret official code, or password, or any sketch, plan, model, article or note or other document or information which is likely to be directly or indirectly useful to an enemy."

This is laid down in the Official Secrets Act, which is designed to protect the State against espionage. It places an onus upon the press to exercise extreme caution when reporting on events in and around defence establishments and areas.

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(1) S.A. Criminal Law & Procedure. Vol. 2, p. 1171.

## CRIMINAL PROCEDURE ACT (Act 56 of 1955)

The Criminal Procedure Act makes it an offence for anyone to "publish by radio or in any document" any information relating to preparatory examinations or trials involving immorality, indecency, blackmail or extortion unless the Magistrate, after he has consulted the person against whom the offence was committed, consents in writing to such publication.

Mr. Morris Broughton, editor of the Cape Argus is reported by the International Press Institute to have explained to the Institute's Assembly in Vienna in 1954 how these regulations, though praiseworthy in intention, can hinder faithful and complete reporting of events.

The Criminal Procedure Act also prohibits the publication of the name, address, school, place of occupation or any other information likely to reveal the identity of any accused person under the age of 19 years.

## NATIVE ADMINISTRATION ACT (Act 38 of 1927)

The vast powers to proclaim laws conferred upon the Governor-General under the Native Administration Act enables him to impose unlimited censorship in all areas reserved for occupation by Africans.

All he need do is to issue a proclamation in terms of Section 25 of the Act. The Minister recently used these powers to control the showing of cinematograph films, his proclamation reading:—

1. "Notwithstanding anything in any law contained, no person shall, except with the written permission of any person acting under by virtue of the authority of the Minister, distribute or exhibit to Natives any cinematograph film, or exhibit or publish any film advertisement, in any scheduled Native area or on land in a released area of which the Trust or a Native is the registered owner or which is registered in the name of any tribe or in the name of the Minister or any other person or body in trust for any Native tribe or Native community.
2. Any person who contravenes the provisions of section ONE of this proclamation shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding three months."

Section 29(1) of this law also contains a hazard for editors and publishers. It provides that "Any person who utters any words or does any other act or thing whatever with intent to promote feelings of hostility between Natives and Europeans shall be guilty of an offence," punishable by a fine of £100 and one year in prison.

## RIOTOUS ASSEMBLIES ACT (Act 17 of 1956)

The Riotous Assemblies Act, which first became law in 1914, empowers the Governor-General to prohibit the publication of any "documentary information" if he is of the opinion that it is "calculated to engender feelings of hostility between the European inhabitants of the Union on the one hand and any other section of the inhabitants of the Union on the other hand." The Act defines "documentary information" as being "any book, foreign magazine, pamphlet, manifesto, foreign newspaper, handbill or posters, or any article or advertisement, cartoon, picture or drawing in any periodical, publication or newspaper."

If the Governor-General decides to ban any publication under the Riotous Assemblies Act, he may do so by publishing a notice in the Government Gazette and serving a copy thereof upon the editor or person responsible for the issue of the publication concerned.

An appeal is allowed against bannings of this kind if made within 14 days to the appropriate Local or Provincial Division of the Supreme Court. If the appellant can prove to the Court that the suppressed publication "is not of such a nature that the natural and probable result of its publication or other dissemination will be to engender feelings of hostility" between Europeans and non-Europeans, the Court may set the prohibition aside.

The penalty for publication or dissemination of a banned document as defined above is three months imprisonment without the option of a fine for the first offence and six months for second or subsequent convictions.

### SUPPRESSION OF COMMUNISM ACT (Act 44 of 1950)

The Suppression of Communism Act contains wide powers of censorship and press control, of which the South African public is not sufficiently aware. It is worth quoting the relevant Sections of the Act in full.

Section 6 reads:—

"If the Governor-General is satisfied that any periodical or other publication —

(a) professes, by its name or otherwise, to be a publication for propagating the principles or promoting the spread of communism; or

(b) is published or disseminated by or under the direction or guidance of an organisation which has been declared an unlawful organisation by or under section TWO or was published or disseminated by or under the direction or guidance of any such organisation immediately prior to the date upon which it became an unlawful organisation; or

(c) serves "inter-alia" as a means for expressing views propagated by any such organisation, or did so serve immediately prior to the said date;

(d) serves "inter-alia" as a means for expressing views or conveying information, the publication of which is calculated to further the achievement of any of the objects of communism,

he may, without notice to any person concerned by proclamation in the GAZETTE prohibit the printing, publication or dissemination of such periodical publication or the dissemination of such other publication; and the Governor-General may in like manner withdraw any such proclamation."

Paragraphs (a) (b) and (c) are ostensibly aimed at publications associated with the outlawed Communist Party. However, their use can be extended to suppress the publications of several other organisations. The Governor-General (i.e. the Cabinet) has the power under Section 2 of the Act to declare any organisation to be "unlawful" and thereupon place its publications within the jeopardy of these paragraphs. The only test required of the Governor-General is that he must be satisfied that the organisation professes or any time in the past has professed support of communism; or one of its purposes is to "propagate the principles or promote the spread of communism or to further the achievement of any of the objects" defined as "communism" in the Act.

This definition of "communism" is so wide that it can be taken to embrace the policies of all groups which actively oppose racial discrimination and White domination. Advocate Donald Molteno, a leading member of the Cape Bar has described this definition as "fantastic".<sup>(1)</sup>

He points out that it includes not only the doctrine of Marxian Socialism, which is advocated by many non-communists and anti-communists, but also any doctrine or scheme aiming at any political, economic, social or industrial change by means which include the promotion of disturbance or disorder or unlawful acts or omissions.

"If therefore," says Advocate Molteno, "an individual advocates any reform in public or private, which is calculated (i.e. likely) to lead to disturbance or disorder in its achievement, if an attempt to achieve it were made, he advocates "communism" and thereby commits an offence."

It is important to fully appreciate this aspect of the Suppression of Communism Act, for it has sinister implications for editors, publishers, reporters and political workers.

As far as political parties and groups are concerned, the Government would have little difficulty in declaring some of them "unlawful organisations" in terms of the law's vague, wide definitions of 'communism' and 'communist'.

The Suppression of Communism Act has been used twice to suppress newspapers. On the 23rd May 1952, the Governor-General issued a proclamation prohibiting the printing, publication or dissemination of "THE GUARDIAN", a left-wing weekly newspaper, which had been in existence for 15 years and had built up a considerable circulation among Whites and non-Whites throughout South Africa.

The first signs of suppression came with raids on the "GUARDIAN" offices in Capetown, Johannesburg and Durban by the C.I.D. on the 24th November, 1950. The raiders' warrant was authorised by the Attorney General of the Transvaal, who had been appointed an "authorised officer" by the Minister of Justice to investigate the affairs of the "GUARDIAN" in terms of Section 7(1) (b) of the Suppression of Communism Act. This Section reads:—

7(1) "If the Minister has reason to suspect —

(b) that the circumstances connected with any periodical or other publication are such that the printing, publication or dissemination thereof ought to be prohibited under section SIX,

he may in writing under his hand designate any person as an authorised officer to investigate the purposes or activities of the organisation or the manner in which it is controlled, or the circumstances connected with that periodical or other publication, as the case may be."

In compliance with Section 17 of the Act the Minister of Justice appointed a Committee of three persons to prepare a 'factual report' on the newspaper, which he is required to do before exercising his powers of suppression. The case of the "GUARDIAN" showed how valueless such safeguards can be. The names of the members of the Committee were never disclosed, its researches were conducted in private, and the "GUARDIAN"

(1) "The Assault on our Liberties". Donald B. Molteno.

was given no opportunity of examining or challenging the Committee's sources of information or contesting the accuracy of the evidence against it. No appeal to the Courts is allowed against a ban imposed under the Suppression of Communism Act. This places the press at the mercy of a Minister and his decisions beyond the review of an impartial judiciary. The penalty for printing, publishing or disseminating a banned publication is 10 years in gaol.

The editorial staff of the "GUARDIAN" then produced another paper entitled the "CLARION". The Department of the Interior declined to register this name as it had already been registered in 1948 by a paper which soon became defunct. A new name "PEOPLE'S WORLD" was chosen, but this too was rejected because of an objection by another publication entitled "PEOPLES' WEEKLY".

At the end of October 1952 the paper appeared under the name "ADVANCE". "ADVANCE" had a comparatively short existence, for two years after its first appearance, it went through the same experience as the "GUARDIAN", ending under a banning notice by the Minister of Justice on the 22nd October, 1954.

A new newspaper called "NEW AGE" appeared the following week, under the editorship of Mr. Brian P. Bunting, who had been on the Editorial Staff of the "GUARDIAN", and "ADVANCE". "NEW AGE" continues to appear every week.

It should be placed on record that the English language press of South Africa was generally forthright in their condemnation of the suppression of these newspapers. Nearly all carried strong editorials, not only attacking the arbitrary manner in which the papers were closed down, but also stressing the inherent threat to a free press in South Africa.

This threat is most blatant in Section 6(d) of the Suppression of Communism Act, for it endangers the right of every forthright critic of *baaskap* Nationalism, every advocate of a welfare state, every socialist, and every proponent of a non-racial democracy in South Africa, to freely publish their opinions.

The risks of publication, already great in South Africa's nervous society, are made vastly greater by the provisions of the Suppression of Communism Act.

### THE PUBLIC SAFETY ACT (Act 3 of 1953)

At the height of the campaign of defiance against unjust laws in 1952, the Government decided to take strong measures to break the movement. A pending Parliamentary general election and signs of alarm among the White electorate probably inspired the line of action chosen by the Government. In the short pre-election Parliamentary Session of 1953, two Bills were put before Parliament, the Public Safety Bill and the Criminal Laws (Amendment) Bill.

Posterity may well ask what possessed the "freedom-loving" Parliament of 1953 to surrender precious rights so easily, for the record shows that the official opposition voted with the Government for these measures, only the nine Labour and Native Representatives voting against.

The Public Safety Act empowers the executive to declare a state of emergency, at its own discretion and then govern by decree. The Minister of Justice is authorised under such circumstances to exercise unlimited

powers of control over everybody and everything, including the summary detention of individuals and the confiscation of goods and property. The extent of censorship possible under this law is total. The Minister can, if he is so minded, close down newspapers, prohibit the printing, publication or dissemination of any matter and suppress all news. Even Acts of Parliament may be suspended at the whim of the executive.

The law places all the liberties of the South African people at the mercy of any group of politicians who control the Party in Power.

## THE CRIMINAL LAW AMENDMENT ACT (Act 8 of 1953)

This sister law to the Public Safety Act lays down ferocious penalties for those who defy any law by way of protest or in support of any campaign against or for the repeal, modification, variation or limitation of application of any law.

The right of freedom of opinion is threatened by Section 2(b) of the Act which provides —

"Any person who . . . uses any language or does any act or thing calculated to cause any person or persons in general to commit an offence by way of protest against a law or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law shall be guilty of an offence and liable upon conviction to

- (i) a fine not exceeding £600; or
- (ii) imprisonment not exceeding five years; or
- (iii) a whipping not exceeding ten strokes; or
- (iv) both such fine and such imprisonment; or
- (v) both such fine and such whipping; or
- (vi) both such imprisonment and such a whipping.

provided that in the case of a second or subsequent conviction it shall not be competent to impose a fine except in conjunction with whipping or imprisonment."

Section 10 of the Act authorises the seizure and opening of letters, parcels, newspapers, books, circulars, magazines and other matter sent through the post, if it is suspected that they are intended for any purpose connected with the assistance of a protest against any law.

There is no protection for the public against unwarranted seizure and search, for these powers are arbitrary and depend on nothing more than the suspicion of some official or policeman.

This law, more than any other, has been responsible for the suppression of necessary criticism of bad laws. It has limited freedom of speech and public political discussion.

Any editor who makes a downright attack upon any law, which he honestly believes to be harsh or stupid may find himself in trouble because of the Criminal Laws Amendment Act. It may be charged that his forthright criticism was calculated to cause members of the public to break such laws by way of protest, even though that was not his intention.

Newspapers are hardly able to maintain their proper role of watchdogs of democracy when there is a risk that legitimate criticism may cause them to violate this law and incur its harsh penalties.

Disagreement with the stupidities of censors can also land one in trouble under the Criminal Laws Amendment Act. A citizen who received a copy of Bertrand Russell's "WHY I AM NOT A CHRISTIAN" before it was banned, may decide to keep the book because he thinks the ban outrageous or ridiculous.

Not only will this citizen be liable to the penalties provided under the Customs Act (which see above), but he can be prosecuted for a violation of the Criminal Laws Amendment Act in that he committed an offence by way of protest against the law. This could cost him a heavy fine, imprisonment, or a whipping.

In their "CIVIL LIBERTY IN SOUTH AFRICA", Edgar H. Brookes and J. B. Macaulay sum up the effect of the Criminal Law Amendment Act as follows:—

"Small wonder that the enactment of this law has caused the press and individuals to be extremely guarded in their protests. That these conditions have inhibited freedom of discussion and speech is certain. Direct censorship of political opinion becomes an unnecessary and clumsy weapon with which to silence criticism, when by indirect means such as these such an atmosphere of caution and fear is infused that the voice of public protest, although not silenced, ceases to have that clarion note of warning that is necessary where fundamental liberties are threatened. 'If the trumpet sound an uncertain note who shall prepare himself for battle?'"

### THE PRISONS ACT (Act 8 of 1959)

This law affects the right to publish pictures or stories relating to prisons and prisoners. It provides that "any person who, without the authority in writing of the Commissioner of Prisons, publishes or divulges any information concerning any prisoner, ex-prisoner or the administration of any prison" is guilty of an offence and liable to a fine of £100 or one year's imprisonment without the option of a fine.

It is also an offence to "publish any false information concerning the behaviour or experience in prison of any prisoner or ex-prisoner or concerning the administration of any prison, knowing the same to be false, or without taking reasonable steps to verify such information (the onus of proving that reasonable steps were taken to verify such information being upon the accused.)"

The Minister of Justice told Parliament that censorship of this nature was necessary because of sensational newspaper and magazine stories which the Government considered to be harmful. He quoted the case of the picture story which appeared in "DRUM", showing African prisoners at the Johannesburg Fort being made to dance naked before their warders, to show that they had no contraband, such as knives and drugs, concealed on their persons. The pictures were taken from the top of a nearby building by press photographers using a telescopic lens.

The Minister also mentioned gruesome stories of the last hours of prisoners condemned to death, saying that under the new law,

"people will not be allowed to publish untrue stories about these unfortunates who are in prison. Those people cannot defend themselves. In the majority of cases they are people who have been executed; they are dead and now their relatives who are still living have to hear all these untrue and dirty stories about them. I cannot imagine why newspapers deliberately publish false stories about people whether they are criminals or not. We just want to restrict those who publish false stories. Newspapers and periodicals may publish everything that happens in a prison as long as it is the truth, or if they can prove that they acted reasonably and tried to make sure that it is in fact the truth. But those people who deliberately publish false stories about what happens in the prisons will now be dealt with."

(Hansard 5/3/59—Cols. 1948/9.)

## EXTENSION OF UNIVERSITY EDUCATION ACT (Act 45 of 1959)

African students at the new "Bantu" Universities will be restricted in the right to produce student newspapers and magazines. Regulations under the Extension of Universities Act provide that "No magazine, publication or pamphlet for which students are wholly or partly responsible may be circulated without permission of the Rector, in consultation with the Advisory Senate and the Senate, and no statement may be given to the press by or on behalf of the students without the Rector's permission."

Such restraints do not apply to students at the existing universities.

The effect of these regulations is to deny the students a freedom of opinion that is essential to creative thought in university life. Even if initial permission is granted to produce a student newspaper, future existence will be secure only so long as it does not criticise or offend authority. Critical discussion and dissent will invite suppression. The only type of journal which can hope to survive will be that which conforms and applauds. The rebellious spirit of youthful dissent, will not be allowed to express itself through student writings on the campus.

## PROVINCIAL LAWS

**CAPE.** Act 31 of 1892, provides that any person who "sells, distributes, offers for sale or distribution, or wilfully exposes or causes to be exposed to public view, any indecent or obscene publication", commits an offence.

Ordinance 9 of 1926 empowers the Administrator to prohibit the performance of any play or other form of entertainment which offends religious convictions or brings any section of the public into ridicule and contempt, or is contrary to good morals or public policy.

### TRANSVAAL

Act 38 of 1909 lists as criminal offences writing or transmitting, or knowingly being a party to the writing or transmission of any communication containing indecent or obscene matter; selling, making, printing, circulating, exhibiting or publishing any indecent book, paper, pamphlet, photograph, card, picture or other representation.

Ordinance 1 of 1920 empowers the Administrator to prohibit the exhibition of any picture or the performance of any play or other entertainment which in his opinion is contrary to good morals or public policy.

## NATAL

Ordinance 14 of 1916 and Ordinance 19 of 1924 empower borough councils and local authorities to prohibit the exhibition or sale of "any postcard, picture, book, article or thing, which in the opinion of such councils are of an indecent, offensive, unseemly or objectionable character."

Ordinance 19 of 1942 requires the licencing of public entertainments, theatres and music halls, under conditions prescribed by the local authorities.

## ORANGE FREE STATE

Ordinance 21 of 1902. (Police Offences) makes it an offence to offer for sale, to sell, distribute or exhibit to public view any profane, indecent or obscene book, paper or other publication, or print, picture photograph or other representation.

Ordinance 6 of 1948 confers upon municipal councils power to control and regulate public entertainments and to prohibit any which in their opinion are indecent or suggestive of indecency or prejudicial to public morals.

## LAW OF LIBEL (DEFAMATION)

A considerable amount of news and comment is excluded from newspapers and magazines because of libel laws.

Publishers are often compelled to suppress reports and articles, because of the risk of defamation.

Even when editors sincerely believe it to be in the public interest to publish information or comment upon a matter, they have to weigh up the possibility of costly libel proceedings in defence of their report.

It is difficult to tell the public all they should know about politicians because of the risk of libel.

Following the best legal advice, newspapers prefer to omit or severely sub-edit items, rather than invite claims for damages.

In South Africa defamatory libel is also a punishable offence, although criminal charges have been rare.

Seditious libel is also a risk of publication in the peculiar circumstances of South Africa, and can be committed by publishing offensive or disparaging remarks against the sovereign or the State authority.

## WALKING BLINDFOLD THROUGH A MINEFIELD

The mere existence of all the laws examined above, especially those capable of wide interpretation, is enough to intimidate writers, reporters, publishers and printers, and therefore constitute a curb on the freedom of the press. As Mr. Donald Molteno has rightly said, (1)

"Freedom of speech and press have been drastically dealt with. This has been achieved by legislation creating offences committed by the spoken word of so vague a nature that it is well-nigh impossible for the individual to judge whether he is infringing the law or not: and also by equipping the executive with administrative powers to banish, confine or otherwise penalise individuals and to suppress publication, on equally vague grounds."

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(1) "The Assault on our Liberties". Donald B. Molteno.

The International Press Institute in its 1955 Survey, similarly comments: (1)

"It is perfectly understandable that a state should be anxious to improve its safeguards against revolutionary violence . . . But even though the intention of these laws is justified, their terms and especially their application, often overstep the original conception. As a result they come to represent a latent threat not only to extremist papers but to the press as a whole.

THIS SITUATION IS PARTICULARLY WELL ILLUSTRATED IN THE UNION OF SOUTH AFRICA — The Government there has, during the past few years, promulgated several laws which are a sword of Damocles for the entire press."

The same report quotes the editor of the Johannesburg "STAR" as saying, "Editing a newspaper under these conditions is like walking blindfold through a minefield."

(1) International Press Institute Survey — 1955. "Government pressures on the Press." I.P.I. Zurich.

## CHAPTER TWO

# Censors Here, Censors There, Censors Everywhere

What is more serious is the emergence of new forms of government pressures in the countries which are democratic by tradition and which have a long history of freedom and of parliamentary life. Such is the case in the Union of South Africa and to a lesser degree even in Australia and France. These pressures are all the more disastrous because of their insidious nature. They are often the result of an atmosphere of tension, the consequence of an unhealthy political climate which affects a journalist mainly intellectually; his freedom of expression may suffer just as much as when the pressures are of a more direct kind."

"Government Pressures on the Press",  
— The International Press Institute. Zurich.

In addition to the many laws through which censorship is being, or may be applied, there are various practices which impose a subtle control over publications. In one way or another, these practices clog the channels of literary communication and stifle freedom of opinion and the exchange of views.

Racial discrimination, for example, often denies non-Whites access to the libraries, theatres and cinemas, and prevents them sharing in the cultural facilities available to Whites.

## CINEMAS

Non-Whites are prohibited from attending all the leading cinemas in South Africa, which are reserved for White audiences only. All non-Whites — Coloureds, Africans, Indians and Chinese — make use of common but inferior cinema houses.

Having little other scope for recreation, Africans who can afford it are keen cinema goers and thousands of them were regular patrons of the non-White cinemas, of which there are more than fifty in the Union.

At the end of 1958 a proclamation was issued under the Group Areas Act, requiring cinemas to have special permits for mixed audiences, "MIX-ED" in this instance meaning only the various non-White people. The Government refused to grant such permits to allow Africans to continue attending cinema shows together with other non-Whites. In this way Africans were denied access to non-White cinemas, just as they had previously been barred from White cinemas.

The Government's purpose was to segregate Africans into "Africans only" cinemas. Unfortunately for the Africans these are few in number and because of their location in the townships, inaccessible to the majority who would like to use them. Furthermore, the programmes provided in the township cinemas are carefully selected for what the authorities describe as 'Bantu audiences'. In this fashion an African is not allowed to see

the same films as are shown to all and sundry in the White cinemas and his entertainment is restricted to the fare chosen by some official as suitable for the "Native mind."

## LIBRARIES

The enforcement of apartheid in library services in South Africa usually results in the non-White reading public being barred from access to books available to Whites. Last year, Coloured citizens of Port Elizabeth complained that the two public libraries in the town were closed to non-Whites. As a test, a Coloured journalist and author applied at both libraries for membership, but was refused. The Chairman of the Port Elizabeth Central Library Committee explained that "Apart from Chinese, we don't allow non-Europeans to become members."

The lack of equal amenities for non-Whites means that non-Whites are denied library facilities normally available to the Whites. Surprisingly, the inadequacy of library services for non-Whites, due to the policy of apartheid, made no impact upon the Cronje Commission, which contented itself with making the superficial comment that "the library does indeed have a special "task" in connection with promoting good reading habits among non-Whites."

The Commission said it could not express an opinion without an extensive library survey, which could serve as a basis for recommendation. It is indeed time to get the facts as to the extent and the effect of library apartheid in South Africa.

Librarians have a particular duty in a democratic society. They are trustees of the right of freedom of opinion. It is incumbent upon them to see that the people have access to literature of all kinds, notwithstanding their own preferences, and subject only to the legal restraints of censorship laws.

It sometimes happens that librarians forget that their responsibility is the provision and preservation of publications for the public information and enjoyment. Under the pressures of ruling political beliefs and agitation from various organisations, librarians are sometimes persuaded to abandon the vital principle that books presenting all points of view concerning the problems and controversies of our times should be readily available to all comers.

In order to avoid criticism from vociferous pressure groups, librarians may decide not to buy certain literature. Or if they do acquire controversial books they keep them out of sight or in the reserve store, so that such books must be specially asked for.

## SCHOOLS

School libraries in the Transvaal have been circumscribed in their scope for building book collections by an instruction from the Transvaal Education Department.

Departmental Circular No. 1 of 1956, ordains that

"only books and periodicals appearing on the official Book Guide or approved by the Transvaal Education Department Library Service may be allowed in the school libraries, schools and hostel premises."

Teachers are forbidden to lend or give books to pupils without the approval of the Library Service.

The Transvaal Teachers' Association protested against this instruction, describing it as impractical and ethically dangerous but the Education Department refused to amend or withdraw its circular.

## GRAMOPHONE RECORDS

During the bus boycott in Johannesburg at the beginning of 1957, a popular song appeared among Africans entitled "AZIKWELWA" ("We will not ride"). A gramophone record manufacturer made a record of the song and it looked like becoming a best seller. The Special Branch of the Police informed the manufacturer that the song contained political propaganda and warned him not to distribute the record. It was immediately withdrawn from circulation.

A number of popular African songs which have been recorded are rich with native humour and folklore, singing the hopes and sorrows of the common people of present day South Africa. Naturally, the topical lyrics tell of the everyday struggles of the African people, and can thus be said to have a political flavour.

After the incident with the police over "AZIKWELWA", South African record manufacturers have taken the precaution of having all African songs cleared with the Special Branch before pressing records. The decision of the record manufacturers to get police approval of such songs has vested the Special Branch with powers of censorship.

## RAILWAY BOOKSTALLS

The South African Railways, Harbours and Airways are State owned and all station and airport bookstalls are part of this State enterprise. When seeking reading matter, travellers therefore are limited in their choice to those publications made available by the Railway Administration.

Left-wing papers are automatically rejected for sale by the Railway Administration. Soon after the Nationalists came to power in 1948, the Railways banned the Capetown weekly "GUARDIAN" from the bookstalls.

In February, 1957, the publishers of "AFRICA SOUTH" received a curt notification from the Railway Administration that "It has been decided not to accept copies of the publication "AFRICA SOUTH" for sale at the Administration's bookstalls." "AFRICA SOUTH" is a critical quarterly published in Capetown and sponsored by a number of people prominent in public life in South Africa, Britain and the United States.

When questioned in Parliament on this ban the Minister of Transport gave a reply which revealed the existence of a body of censors exercising wide powers of control over the people's right to read. He said, (1)

"There is a committee consisting of officers who read all publications before they are accepted for sale at the bookstalls. Of course they don't read everything, but only when it seems suspicious. The hon. member will agree with me that we cannot allow pornographic literature to be sold there, neither do we allow Communist literature to be sold there. Of "AFRICA SOUTH" I have no personal knowledge. I have only heard that it has a bad smell and a bad reputation and that is probably why they have decided not to sell it in the railway bookstalls. This committee reads the publications and if they cannot decide, such a publication is submitted to the Management to decide whether it should be sold or not."

(1) Hansard 14th March, 1957.

## BOOKSHOPS

In South Africa, the Central News Agency, Ltd., (current assets about £3,000,000) holds a near monopoly in the bookselling trade, with a chain of some 150 bookshops and stalls throughout the country.

Newspapers depend upon the C.N.A. for circulation, for it has a distributing organisation far beyond the capacity of any single newspaper concern.

In addition to its many bookshops and agencies, the Central News Agency has fleets of vans and hundreds of newsboys in all the main towns of South Africa.

Independent booksellers do not even attempt to compete with the C.N.A. for the periodical and magazine trade, and are happy to exist on the residue of business left by this giant concern.

The Central News Agency handles probably 90% of the periodicals which come from England to South Africa. All the popular English journals are distributed solely by the C.N.A.

Under these circumstances, the C.N.A. is in a powerful position to act as a private censor, should it so desire.

As a matter of fact it has done so. In 1949 an issue of the "SUNDAY PICTORIAL" failed to arrive in South Africa, and upon being questioned, the Chairman of the Central News Agency explained that the issue contained pictures of Europeans dancing with non-Europeans in a London night club, and that the C.N.A. had decided that this was undesirable matter for South Africa, so stopped the entire shipment of that week's "SUNDAY PICTORIAL" intended for South Africa.

The Chairman of the C.N.A. said that had his firm not stopped the paper, the censors would have done so.

As the editor of the "RAND DAILY MAIL" said at the time, this was intelligent anticipation.

## THE POLICE

Newsgathering and reporting sometimes involves special risks in South Africa, rarely encountered in other countries. The South African Society of Journalists found it necessary in January, 1957 to seek an interview with the Minister of Justice in connection with incidents involving the Press and police in Johannesburg. In one case two newspaper men were assaulted by the police in a riot which broke out after a "rock 'n roll' dancing session in the centre of the City. A policeman ordered the Press photographers not to take pictures and an argument followed. A photographer had his camera and other equipment smashed. His colleague intervened and both were assaulted by the police. One reporter laid charges against the police for assault and a constable was prosecuted and found guilty, being fined £15 (or 30 days).

Another case concerned incidents between the police and the press outside the Johannesburg Drill Hall a month earlier, where the preparatory examination in the Treason Trial was in progress. The police resented the taking of pictures and one photographer was arrested. When a lawyer asked on what charges the photographer was being detained, the constable who made the arrest was unable to say.

When the photographer subsequently sued the Minister of Justice for unlawful arrest and detention it was said that he had been arrested for contravening a traffic by-law, alternatively obstructing the police in the execution of their duty. The judge said he did not know why these allegations were made and awarded the pressman £400 damages with costs.

In January, 1957, when the Treason Trial was resumed, an African press photographer was arrested for obstructing the police, but was acquitted by the Court.

The Minister of Justice, referring to the interview with the representatives of the South African Society of Journalists, said in Parliament<sup>(1)</sup> that "The people who are supposed to be taking photographs during a riot are often people who encourage the Natives to attack the police and then as soon as the Natives attack and the police hit back, they photograph the incident."

The Commissioner of Police told the Journalists that if pressmen mixed with the crowds during a riot "they must take the risk" of being treated as rioters.

In a later interview, the Minister of Justice and the Commissioner of Police told a deputation from the South African Society of Journalists that there was no reason for newspapermen to be present during a riot, because they could get information from the police afterwards.

In May, 1957, the Government asked Parliament to approve an amendment to the Police Act, extending the definition of offences against the police, obviously to overcome the restraints which emerged in the cases quoted above.

## SEGREGATION LAWS

The gathering of news is also hampered by segregation laws. The strict control of entry into African townships and reserves, bars pressmen from news in these areas. In February 1958, a large number of Africans were being tried in a Court in the Mochedi Reserve in the Zeerust district of the Transvaal. A reporter of the "RAND DAILY MAIL" applied to the Native Commissioner for a permit to enter the Reserve for the purpose of attending and reporting the trial. His application was refused. The reporter did attend the Court and was charged with entering the Reserve without permission, and fined £5 or 14 days. In defence, the reporter said "I was under the impression I was entitled to attend the Court, wherever it was held, provided it was open". He successfully appealed against the conviction, the Judges finding that the charge as framed was defective.

Questioned on the refusal of permits to pressmen to enter Native Reserves, the Minister of Bantu Administration and development said<sup>(1)</sup> that this was done for security reasons and that the ban would remain "for as long as it is deemed necessary in the public interests by those responsible for maintaining law and order amongst the Native inhabitants of the area." The Minister said that Sekhukhuneland where disturbances had also occurred, had also been closed to the press.

In May, 1959, a reporter of the "NEW YORK TIMES" was arrested for entering the Windhoek location, South West Africa, without permission.

(1) Hansard 25th January, 1957.

(1) Hansard 3rd February, 1959.

He was interrogated for over two hours, his briefcase systematically searched, the cables to his paper copied and the names of the people he visited taken down. He paid £4 admission of guilt and was allowed to go.

## THE PROVINCIAL COUNCILS

The sensitivity of the people's representatives to public criticism once they are elected, can sometimes create strained relations between the legislature and the press.

In Natal, South Africa's oldest newspaper, "THE NATAL WITNESS" ran into trouble with the Provincial Council in 1958. In two editorials the "NATAL WITNESS" took the Provincial Councillors to task for their attitude to a protest by teachers over salaries. Angered by the tone of the editorial, the Council informed the paper that it would no longer be allowed to have a representative to report its proceedings, alleging that the editorials reflected upon the dignity of the Provincial Council and brought it into ridicule and contempt. As further punishment the "NATAL WITNESS" was debarred from receiving official press statements from the Executive Committee and all departments of the Province. The Provincial Council demanded an apology from the paper before it would consider lifting the ban.

In Windhoek, South West Africa, the only English language newspaper is the "WINDHOEK ADVERTISER", which has enjoyed a wide circulation in South West Africa for the past 40 years.

On October 9, 1958, the Administrator-in-Executive-Committee announced that official recognition had been withdrawn from the paper. The effects of this decision were that no official communication would be issued or information given to the "WINDHOEK ADVERTISER" and that the paper would receive no more official advertisements.

The reasons for the ban were stated to be that the newspaper had published "unjust allegations in connection with official activities of officials", that it "failed efficiently to correct mistakes", and that it "published information about the activities of the administration in an incorrect manner."

The owners of the "WINDHOEK ADVERTISER" applied to the Supreme Court asking for an order declaring the ban to be ultra vires of the Executive Committee, and calling upon the Executive Committee to rescind their boycott resolution.

In their petition, the newspaper alleged that the true motive of the Administrator-in-Executive-Committee was to inflict injury upon the Company, to compel them to discharge the editor. The application was dismissed with costs, establishing that Provincial Executive Committees have the right to take this punitive action against the press.

These incidents in Natal and South West Africa deserve the closest examination by those who believe in the maintenance of a free and unhampered flow of information. They raise a vital principle of press freedom. Such bans not only cut off news and information from the readers of the newspapers concerned, but convey a frightening threat to all newspapers to beware of offending public representatives and public servants.

Punitive action of this kind can bring about the unhealthy situation where the proceedings of legislative bodies are hidden from the people and legislators are provided with a protection from public scrutiny that is repugnant to the concepts of democratic practice.

## THE STATE DEPARTMENTS

Obviously inspired by the sound principle that Parliament is the forum of the people, the Minister of the Interior, Mr. T. Naude, issued a fiat in 1959 that all information from his Department would be given out only by way of question and answer in Parliament when the House was in Session.

Pressmen seeking information, like any member of the public, had therefore to channel their enquiries through some co-operative Member of Parliament. Normally, the Minister would be acting in the best traditions of Parliamentary practice in making his responsibility to Parliament paramount.

Unfortunately, there are two sound reasons why this procedure is inadequate in South Africa. The first is that in South Africa, the elected representatives are answerable to only a minority of the people and most of the non-Whites have no contact (or means of it) with M.P.'s. As Mr. Naude's department deals with the Group Areas Act, (the law which affects the domicile of every non-White), the Population Register (which decides and records racial classification), Coloured Affairs and Asiatic Affairs, few of the White M.P.'s are directly interested in the problems which arise under these heads. In the circumstances, it seems that the Press would be fulfilling a valuable role in elucidating some of the problems which torment the non-White citizens of South Africa.

The second reason why Parliament should not be the only place where such information is supplied, lies in the peculiar attitude of the White political parties to non-White affairs, especially where they involve controversial issues. Many Members of Parliament hesitate to ask questions that suggest criticism of the administration of racial laws or sympathy with non-White causes. Any member who asks too many questions which appear to emanate from non-White sources will find himself unpopular in his own Caucus and derided as a "liberalist" (a word of sinister meaning in South Africa) in the House.

The Press, on the other hand, can perform a valuable duty in gathering the news, checking statements, and reporting the facts for the information of all.

## EXPULSION OF CORRESPONDENTS AND WITHDRAWAL OF CREDENTIALS

In 1953, Basil Davidson, British journalist and author was declared an undesirable immigrant and expelled from South Africa. Mr. Henry Barzilay, a British television newsreel reporter, was ordered to leave South Africa in September 1959, without any explanation. The President of the South African Society of Journalists said of the deportation<sup>(1)</sup>

"... the mere fact that a newsman has been banned without any official explanation, and for no specified reason, is a danger sign.

This step and any similar action that may be taken must be seen as a move toward the suppression of freedom of communication and expression — essential freedoms to any society in which justice is valued.

The mere fact that the South African Government is tampering with these internationally recognised freedoms is likely to cause more harm to the Union abroad than the unfavourable publicity which the Government is trying to suppress."

(1) "Evening Post", 15th September, 1959.

Mr. Barzilay alleged that a detective suggested to him that if he promised to co-operate with the Special Branch and the State Information Office, the deportation order might be withdrawn.

The Association of Foreign Correspondents, which includes fulltime correspondents of overseas newspapers and local pressmen who act as reporters ("stringers") for such journals found themselves divided when they met to discuss the removal of Mr. Barzilay from the Union. Most of the local pressmen felt that no comment should be made, while the others were anxious to protest. In the end the Association split, with nearly all the local men on one side and the foreign correspondents on the other. Soon after the break the State Information Office withdrew the credentials of the foreign journalists.

One of these, Mr. George Clay of the London "OBSERVER" had previously been refused a credential card. Mr. Clay is a South African who had served as a political correspondent on several leading South African newspapers before joining the "OBSERVER."

A Pressman who does not possess a credential card which officially identifies him as a press reporter is severely handicapped in carrying out his duties and in gathering news. The card authorises him to approach police officers for information, to enter areas under police control, to obtain official information and views, and to attend official press conferences.

In this affair the attitude of South African pressmen "stringing" for overseas newspapers was peculiar, because other local pressmen through the South African Society of Journalists, expressed their concern "that a journalist has been deported without reason being given and without a hearing being afforded him . . ." The Society said,

"We can only conclude that the expulsion of Mr. Barzilay is motivated by a desire to restrict the freedom of journalists to carry out their professional duties . . ."

A third case in this category is that of John Hatch, author of several books on Africa, and Commonwealth Officer of the British Labour Party who was informed by the South African High Commissioner's Office in London last year that he would not be granted permission to enter the Union in the future.

Doris Lessing, another British author and journalist has also been banned from entering South Africa.

The Government broke its usual silence on reasons for bannings in the case of the foreign editor of the Swedish newspaper "DAGENS NYHETER", who was also refused a visa to enter South Africa.

The Department of External Affairs declared that the journalist, Mr. Sven Oeste, applied for a visa and while awaiting the outcome of his application, told the South African legation in Stockholm that if he should be refused entry into the Union he would publish a series of ten articles on South Africa by another Swedish journalist, which might be highly damaging to South Africa.

The expulsion of Mr. Barzilay, the withdrawal of the credentials of representatives of the overseas press, and the refusal of visas to foreign journalists stand as grim warnings to all others that if they are critical of Government policies, they will be similarly dealt with.

The many ways in which censorship is practised, as described in this Chapter may be incomplete.

In a place and age where the desire to discipline and control everyone and everything is so strong, there are likely to be many other ways in which the freedom of opinion is stifled.

## CHAPTER THREE

### The Press As Censors

"The first duty of the Press is to obtain the earliest and most correct intelligence of the events of the time, and instantly, by disclosing them, to make them the common property of the nation . . . The Press lives by disclosures; whatever passes into its keeping becomes a part of the knowledge and the history of our times; it is daily and for ever appealing to the enlightened force of public opinion — anticipating, if possible, the march of events — standing upon the breach between the present and the future, and extending its survey to the horizon of the world."

JOHN THADDEUS DELANE.  
Editor of "The Times" 1852.

Of course it would be an exaggeration to say that South Africa's press has faithfully pursued the principle of "frank and accurate disclosure of facts as they are". It cannot be claimed, either, that the more influential newspapers have consistently observed C. P. Scott's dictum that a newspaper's first duty is "to shun the temptations of a monopoly."

There are too many cases where newspapers have applied a censorship of their own, either by refusing to publish news and reports or, by means of editing, changing their import entirely or reducing them to insignificance. The editing and placing of reports are powerful instruments of censorship and when adroitly used can give stories extraordinary publicity or kill them entirely.

This form of censorship is of tremendous significance in South Africa, where newspapers are few and control lies in the hands of two or three powerful groups. Because of its small population, and the mass illiteracy and general poverty of non-Whites, and the policy of two official languages, South Africa's readership is limited. Only in the large cities is there adequate scope for press rivalry. There, however, the Argus and South African Newspaper groups hold a monopoly of English language papers, while the Nationalist Party holds an equally tight monopoly of Afrikaans language newspapers. Past attempts to break into this field and establish new newspapers have always ended in disaster. Such efforts require unlimited funds to cover not only the heavy capital costs of equipping a modern newspaper and printing establishment but also to meet the heavy losses which must be carried for the first two or three years.

Most Afrikaans language newspapers are political organs of the Nationalist Party, with Cabinet Ministers on their boards of Directors. They make no pretence of being independent providers of news, and proudly fill the role of political propagandists for the Nationalist Party. Their reporting staff are not members of the South African Society of Journalists, nor are they encouraged to join. Their political reporting and news presentation are slanted to show the Nationalist Party and the Government in the most favourable light. Furthermore, these papers decline to publish reports of many activities of other political groups, even to the extent of refusing paid advertisements.

On one occasion the Labour Party had one of its paid advertisements returned by "DIE TRANSVALER" of Johannesburg, under cover of a

letter which said, "We do not publish advertisements from political parties in opposition to the Government."

In October 1956, the Home and School Council, a non-political federation of parents' associations, endeavoured to place advertisements in all three Afrikaans newspapers in Johannesburg, but all were refused. The advertisements stated the policy of the Home and School Council and gave a list of its candidates for the School Board Elections.

At the time of the last general Parliamentary elections the Afrikaans language newspaper in Port Elizabeth declined to accept advertisements of meetings from the Opposition parties.

The malady of presenting the news to favour one political party is not confined to the Afrikaans language press. Most English language newspapers have performed some amazing feats of journalism in desperate efforts to bolster the fading fortunes of the United Party. There are of course notable exceptions.

Sir de Villiers Graaf probably had these exceptions in mind when he wrote in the "STAR" of the 26th January, 1960 — "Unfortunately, not all newspapers in South Africa are reliable channels of information between Parliament and the people . . . some anti-Government newspapers view all the proceedings of Parliament through the tinted glasses of frustrated liberalism."

Even when they have lost all patience with the United Party in Parliament, because of its reluctance to take a bold line of resistance to Nationalist policies, United Party supporting newspapers have rarely gone beyond a pained comment, an anxious question, or a little fatherly advice.

Throughout the 12 years of Nationalist rule, nearly all the English language newspapers have clung persistently to the belief that only the United Party can bring down the Nationalist Government. From time to time, the bright but hopeless idea has been promoted that a coalition of moderate Nationalists and United Party elements can save South Africa from the present rulers.

Lately, this coalition idea and similar schemes have been canvassed in financial and newspaper circles. These political propositions have a strong bearing upon the freedom of the press, because their success or failure depend upon the support of the major newspapers.

The history of the newspaper business in South Africa has shown that when the English language press decides to back a political party, it does so with a thoroughness that eradicates all sight and sound of rival groups.

## THE DANGER OF MONOPOLY

In 1946 the South African Society of Journalists appointed a commission to investigate the growing tendency towards centralised, monopolistic control of the gathering, printing and publication of news.

The Commission found that

"there are powerful and growing monopolistic tendencies in the technical and financial organisation of the Press in South Africa — the most certain sign of monopoly is the concentration of business activities into the hands of a few large organisations — the English daily press is mainly controlled by three major groups, the Argus Company, the Bailey group and the Robinson group, all of which have more or less intimate connection with gold mining and therefore tend to have the same outlook and policy on important economic and political questions "

Pursuing this point, Mr. H. Lindsay Smith says in his book "Behind the Press in South Africa" (1) —

"It has been the policy of the greater part of the daily press, not omitting the Argus group, that ipso facto whatever is best for the gold mines is best for South Africa as a whole and that end is kept ever foremost in mind . . .

Before the publication of any items bearing upon the mining industry it has been the general policy of one group of newspapers to submit the items in question to the mining industry, and should they clash with mining policy they are either scrapped or altered in such a way as to be inoffensive."

Misguided enthusiasm for a cause may lead South Africa's powerful newspaper groups into the betrayal of the freedom of the press. In their desire to promote the interests of mining, financial, commercial or political groups, they may exclude dissenting views from the columns of their newspapers, or give undue preference in reporting to further a single point of view.

This has happened often in the past. In the sensitive atmosphere of the present times, the owners of the press should be careful of such adventures, for they may have unexpected endings, none of which will be to the benefit of a free press.

A convenient example of this possibility lies in the membership of the press in the newly-formed South African Foundation. (2) What will the press do if the Foundation suggests that the best way to sell South Africa abroad is for local newspapers to play down reports of unpleasant happenings in South Africa? What will the press do if the Foundation recommends that greater prominence be given to the "good side of apartheid", and less space given to its bad side? What will newspaper owners do if the Foundation advises that newspaper staffs be instructed to write no more "tendentious" reports, unfavourable to the Nationalist Party?

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(1) "Behind the Press in South Africa."—H. Lindsay Smith.

(2) See Chapter Eight.

## CHAPTER FOUR

### The Book Burners — Censorship of Books and Periodicals

"The whole civilised world was shocked when on the evening of May 10, 1933, the books of authors displeasing the Nazis, including even those of our own Helen Keller, were solemnly burned on the immense Franz Josef Platz between the University of Berlin and the State Opera on Unter den Linden. I was a witness to the scene. All afternoon Nazi raiding parties had gone into public and private libraries, throwing into the streets such books as Dr. Goebbels in his supreme wisdom had decided were unfit for Nazi Germany . . ."

LOUIS F. LOCHNER — Introduction  
to "The Goebbels Diaries."

"In every democratic country where there is talk of a campaign against undesirable publications, the question of the freedom of publication is also raised . . . The preposterous misconception of the freedom of publication . . . must be regarded as one of the principal reasons, and perhaps the most important reason of all, for the aggravation of the problem under discussion because it frequently obstructs or thwarts effective and drastic action."

(Report of the Committee of Enquiry in Regard  
to Undesirable Publications. October 1956.)

At the present time, censorship is applied only to imported books, periodicals and other printed matter.

There is no control of domestic publications through the Board of Censors. Several of the laws referred to in Chapter One can be used to prosecute those who deal in obscene or indecent literature, but in practice the censorship of publications is applied mainly through the Customs Act, and therefore only to imported material.

This anomaly has caused some uncertainty in the enforcement of book bans. In 1956 a bookseller and a law student were convicted of being in possession of banned literature, the former being fined £15 (or 10 days) and the latter £20 (or two months). They successfully appealed against the convictions, the judges finding that there was no proof that the books had been imported. Some bore inscriptions "published in Britain", and others "published in Germany". The Court held that this evidence in itself was not sufficient proof, as the books may have been reprinted in South Africa, and it was not uncommon for overseas publications to be printed locally.

If this is done the censors are powerless. After Bertrand Russell's essay "WHY I AM NOT A CHRISTIAN" was banned last year under the Customs Act, the Rationalist Association published and printed it in English and Afrikaans in South Africa and were legally entitled to distribute it.

## CUSTOMS CONTROL

Censorship begins at the ports of entry into South Africa, where Customs officials are required to keep watch for consignments of books and other printed matter. Any matter which they consider may be undesirable, is held up, and sample copies forwarded to the Board of Censors. The Board examines such publications and if of the opinion that they should not be allowed into the country, make a recommendation to the Minister of the Interior to the effect that the publications in question be placed on the banned list. If the Minister accepts the Board's recommendations, he publishes a notice in the Government Gazette under the heading "**Customs Act 1955 — Objectionable Literature**", naming the publications and describing them to be "**indecent, objectionable or obscene**" — with the following warning:—

"In terms of sub-section (1) of section twenty-one of the Customs Act, 1955, the said publications are therefore, prohibited from importation into the Union,

"In terms of section ONE HUNDRED AND TWENTY-EIGHT, read with SECTION ONE HUNDRED AND TWENTY-SIX of the said Act, any person who knowingly has in his possession or deals in any such publications shall be guilty of an offence and liable on conviction to a fine of one thousand pounds, or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment.

"Attention is also invited to the provisions of section ONE HUNDRED AND THIRTY-SEVEN of the said act, in terms of which any person who sells, offers or keeps for sale or distributes or exhibits any such publications shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment without the option of a fine for a period not exceeding twelve months, or to both such fine and imprisonment."

## PERMANENT BANS

Some of the notices state that the ban applies not only to the publication specified, but to all future issues. In terms of Section 21 (3) of the Customs Act, a notice in two consecutive issues of the Government Gazette imposes a permanent ban on any imported periodical, and thereafter it is not necessary for the Minister to issue notices in respect of later issues nor to give the public any subsequent advice of banning. For example, "**AFRICA DIGEST**", a monthly summary of events on the Continent of Africa (mainly excerpts from newspaper reports) published by the Africa Bureau, London, was put on the banned list four years ago. The Minister of the Interior gave as the reason for banning —

"The general nature and tenor of reading matter in the publication over a number of issues were such that the entry thereof was considered to be prejudicial to the peace and security of the State."

The public is expected to know that all issues of this magazine (and many others) are prohibited.

An enthusiastic young social reformer or politician, who was a schoolboy at the time when these bans were imposed, may find himself in dire trouble if his thirst for facts about developing Africa tempts him to subscribe to "**AFRICA DIGEST**" years after notification of the ban appeared in the Government Gazette.

## THE BOARD OF CENSORS

The Board of Censors comprises fifteen members, eight of whom are ex-teachers. The Board employs thirty-three readers, about half of whom are housewives, to scrutinise imported publications. The duty of the readers is to report to the Board on the books and periodicals given them for examination. These reports and the publications to which they refer are thereafter scrutinised by one or more members of the Board, before the Board's opinion and recommendations are submitted to the Minister of the Interior. (1)

### BANS ARE ARBITRARY

South African booksellers have complained continually of the difficulties in importing books from overseas because of the delays at the Customs and offices of the Board of Censors. A chief difficulty is the uncertainty; it is impossible to ascertain in advance whether a book will be passed by the Censors or not. Dealers usually like to order new books in advance of publication date, so as to have them available when the books are advertised by the publishers.

Because of the uncertainty, South African booksellers now delay ordering many kinds of books, especially those dealing with colour and political problems, for fear of falling foul of the Censors and having the books confiscated.

The test of whether a publication is indecent, obscene or objectionable lies in the arbitrary judgement of the Minister of the Interior. Once he has banned a book, there is no recourse to law to dispute his judgement. The standards to be applied by the Minister and the Board of Censors are nowhere defined.

Despite the expected assurances of the authorities that every care is taken before the books are banned, censors have standards of their own. In addition, they are under constant pressure from various groups, generally social and church workers, who are dedicated to fight evil.

The good deeds of such groups are often offset by a few of their number who insist upon being the judges of public behaviour. These pedantic moralists want everyone to conform to their standards. They want prohibition and uniformity imposed upon their neighbours, to make them live according to the standards of their own likes and dislikes. They want the State to control the publication of books, the production of plays, the screening of films, women's fashions, Sunday sport, and sexual conduct. They are scandalised by unconventional behaviour and consider the non-conformist to be immoral.

Like censors the world over, South African book banners sometimes surprise the public by an odd folly in suppressing a book of note. There follows a short-lived outcry, some sarcastic editorial comment, a question in Parliament and perhaps a protest. Then all is quiet again and the censors carry on in the same old way, with the public unaware and unconcerned at the many other books which are suppressed. For the books of modern writers there is rarely an outcry, for age has not purified them.

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(1) Minister of Interior — Hansard, 22nd March, 1955.

## WHAT GETS BANNED

The fact that some 4,000 books are on South Africa's banned list should trouble the minds of everyone. More disturbing is the fact that a large percentage of the banned books are political and sociological works.

Censorship to the ordinary mind is related only to obscene, pornographic books. Most people think that our censors suppress only smut. They do not know that South Africa's censors are just as much occupied with political censorship as with the suppression of pornography.

It is essential to keep this fact in mind when considering the question of censorship. Political censorship is a lethal weapon in the hands of executive bodies having arbitrary powers.

To get a proper perspective of book banning in South Africa, it is advisable to separate the prohibited publications into three broad categories — pornography and horror, politics, and sociology.

The first category, pornography and horror includes all publications which deal in sex smut, crime, terror and similar matters. Political books need no further definition, excepting that most of those banned are communist, socialist, left wing or trade union publications. The sociological books cover those which deal with racial and social problems or uphold equality between the races, or show social intermingling of people of different colour.

### "COMMUNISTIC" LITERATURE

In recent years, the Board and the Minister have followed a policy of banning outright all publications from communist countries, as well as those which appear to them to be pro-communist.

As a result there is a formidable list of books banned as "communistic."

To give some idea of what falls in this category, here are the names of publications with titles commencing with the letter "A" of the alphabet, taken from the Government's Revised List dated 17th August 1956 —

*Academy of Sciences of the U.S.S.R. Academy of Medical Sciences of the U.S.S.R. Scientific Session on the Physiological Teachings of Academician; J. P. Pavlov, etc.*

*Achievements in the Protection of Mother and Child in the Rumanian People's Republic.*

*Agrarian Reform Law of the People's Republic of China.*

*Anti-Duhring, by Frederick Engels.*

*Architectural Student, issued by the International Union of Students.*

*Achievements in the Sphere of Public Health Protection in Rumanian People's Republic, issued by the Ministry of Health, Bucharest, 1953.*

*Aa3apabctbyet Imar.*

*Arts in the Rumanian People's Republic.*

This selection has been confined to works with titles beginning with the first letter of the alphabet. It does not include many others in later lists. It is not necessary to quote further examples as this is a fair sample of the banned books listed from B to Z. In passing, it is interesting to observe that the Board has a Russian Prince reading "communistic" books.

## KEEPING LITERATURE WHITE

When one looks at the list of banned publications which deal with race relations and events in Africa, one is immediately struck by the force of the explanation of the Minister of the Interior, when he said that "AFRICA DIGEST" was banned because it was considered to be prejudicial to the peace and security of the State.

Such bannings expose the fear which torments the Government of South Africa and commits it to strange policies. They reveal that *baasskap apartheid* cannot tolerate rival attitudes and must hope to survive by silencing the voice of dissent.

Here is a sample of the hundreds of books on apartheid, Africa and racial questions which are on the banned list:—

*Africa, Africa!* by Derek Kartun.

*The African Standard.*

*Africa Bulletin.*

*Africa Digest.*

*The Afro-American.*

*Apartheid* (as seen through the eyes of a Bantu) — George Ernest Spencer.

*Darkening Shadow over Africa*, by Basil Davidson.

*Memorandum on South West Africa*, by Michael Scott.

*New Africa*, published by African Affairs, New York.

*Peekskill U.S.A.* by Howard Fast.

*Native Son* by Richard Wright.

*Second Class Taxi* by Sylvester Stein.

*The Tribe that lost its Head* by Nicholas Monsarratt.

*The Roots of Prejudice*—Arnold Rose (UNESCO pamphlet).

*Caste and Class in a Southern Town* — John Dollard.

*Passive Resistance in South Africa* — Leo Kuper.

*The Skin is Deep* by Hans Hofmeyr.

*Tell Freedom* — Peter Abrahams.

*Dwell Together in Unity* by John Hatch.

## TRADE UNIONISM

Trade Union publications also come under close scrutiny and many of them fail to pierce the fine mesh screen of arbitrary censorship.

Included in the long list of banned trade union journals are the following:

*China's Chemical Workers*, published by the Foreign Press, Peking.

*Circulars of the Leather, Shoe, Fur and Leather Products Workers Trade Unions International*.

*Constitution of the Hungarian Trade Unions*, published by the Central Council of Hungarian Trade Unions, 1951.

*Czechoslovak Trade Unions*, May, 1955.

*Information Bulletin (Miners Trade Unions International)*.

*Trade Union Law of the People's Republic of China, together with other Relevant Documents*, issued by Foreign Language Press, Peking, China.

*World Federation of Trade Union Circulars*.

*World Trade Union News*.

## PORNOGRAPHY AND HORROR

It is impossible to give a detailed list of the books banned by the South African Censors. Those who wish to examine the official list of about four thousand banned publications will find them in various Government Gazettes, beginning with the Revised List in Government Gazette Extraordinary No. 5370 of the 17th August, 1956.

In these lists are a number of publications which are plain filth — smut for smut's sake, or smut for profit's sake. The traffic in pornography is as active nowadays as it ever was.

The mass export of horror comics from America, which induced some Governments to introduce special censorship laws, was met by the South African Censors through the Customs Act. The suppression of these frightening publications presented no problem to our censors.

They did have problems, obviously, with other publications which the Customs officers thought were indecent. Not perhaps with the works of Erskine Caldwell and James T. Farrell, for nearly all these are on the banned list. So is "STREETCAR NAMED DESIRE" by Tennessee Williams, "THE WAYWARD BUS" by John Steinbeck, "ACROSS THE RIVER AND INTO THE TREES", by Ernest Hemingway, "MILDRED PIERCE", by James M. Cain, "AARON'S ROD" by D. H. Lawrence, "DISHONOUR" by Gerald Kersh and "I, CLAUDIUS" by Robert Graves.

These titles have been extracted at random and are quoted merely to show what type of book is repugnant to our censors. Some of the books have been banned because of their provocatively illustrated covers, and not because of their contents.

This has been mentioned only in a general way by the Minister of the Interior, for reasons are never given for bannings, and it is left to the imagination to guess what prompted the censors to prohibit a publication.

## COURTS HAVE NO SAY

Those who are aggrieved at the decisions of the censors can do nothing about it, for there is no recourse to law. The decisions of the censors, applied through the arbitrary powers of the Minister of the Interior, cannot be tested in the Courts.

There is nothing to prevent the Government extending its political censorship through these powers.

If the recommendations of the Cronje Commission are adopted by the Government, the arbitrary suppression of books, pamphlets, periodicals, and other printed matter, which now applies to imported publications will be extended to cover all locally produced literature.

The Nationalist Party leaders are strongly in favour of action of this kind. Their attitude is that the State should have the right to lay down standards and decide what reading matter should be allowed to the public.

Their point of view was expressed by Mr. H. E. Martins, M.P., who said in Parliament on the 21st May, 1957:—

"I should just like to make it quite clear that these liberal books, which in some cases reveal communistic trends are so avidly read in secret that they not only disturb the relations between Whites and non-Whites but they also create among the non-Whites certain aspirations, certain expectations which cannot possibly be realised in South Africa, and the result is that these people are stirred up into a state of frustration and this will undermine the peace in South Africa. That is why it is necessary to ban such books."

Taking the long lists of banned foreign books as a guide, we may well shudder at the fate awaiting us.

## CHAPTER FIVE

# The Commission of Enquiry in Regard to Undesirable Publications

"Truth and understanding are not such wares as to be monopolised and traded in by tickets and statutes and standards. We must not think to make a staple commodity of all the knowledge in the land, to mark and licence it like our broadcloth and our woolpacks. What is it but a servitude like that allowed to the sharpening of our own axes and coulters, but we must repair from all quarters to twenty licencing forges."

JOHN MILTON — "Areopagitica" (1644).

The latest guide for would-be censors is the report of the Commission of Enquiry in regard to Undesirable Publications (the Cronje Commission), which was appointed on the 17th November, 1954 and reported on the 3rd October, 1956.

Although the Commission prefaces its recommendations with the statement

"... any approach to a system of control in connection with publications in a democratic community should be based on the acceptance of two fundamental liberties, viz. (a) the freedom of publication; and (b) the freedom of distribution,"

its proposals, if applied, would constitute a violation of these freedoms.

The Commission comprised Professor G. Cronje, head of the Department of Sociology and Criminology at Pretoria University and four members, and was appointed —

'To inquire into, report on and make recommendations in regard to —

- (a) the most effective means of combating, in view of the particular circumstances and the composition of the population of the Union of South Africa and the Territory South West Africa, the evil of indecent, offensive or harmful literature, lithographic, photographic or other similar material of whatever nature, printed or manufactured, published and/or distributed in the Union of South Africa and the Territory South West Africa;
- (b) the desirability of co-ordinating any procedures recommended under (a) with the existing system of control of imported literature, lithographic, photographic or other similar material, and, if deemed desirable, the manner in which such co-ordination should be effected; and
- (c) any other related matters.

Notwithstanding that the Press Commission was hard at work before and during the existence of the Cronje Commission, the latter body found little difficulty in presenting its own quick formula for Press Censorship. Even the Government supporting press was taken aback at some of the proposals of the Cronje Commission.

## SUMMARY OF RECOMMENDATIONS

The Cronje Commission recommends —

- (1) A single system of control of local and imported printed matter, to embody and replace existing State and Provincial Laws.
- (2) Separate controlling authorities for printed matter and cinematograph films.
- (3) A detailed legal definition of "undesirable printed matter and other objects", (which it supplies, together with the basis for such definition).
- (4) Statutory provisions for the reporting of Court proceedings by newspapers and magazines.
- (5) Statutory provisions for advertisements depicting people, underwear, women's sanitary requirements, and contraceptives.
- (6) That two authorities be vested with power to decide what printed matter is undesirable viz.
  - (a) a Publications Board appointed by the Government (in regard to books and magazines)
  - (b) the Courts (in regard to newspapers).
- (7) The compulsory registration of newspapers and magazine publishers, and booksellers with the Publications Board; and the control of bookselling and publishing.
- (8) The penalties that should be imposed for publishing, printing or dealing in undesirable literature, with a special recommendation that possession of such undesirable literature should be a punishable offence only in the case of communistic printed matter.
- (9) The establishment of a Publications Board of Appeal (appointed by the Government) to hear appeals against the decisions of the Publications Board. The Appeal Board to consider written evidence only and its decisions to be final.
- (10) That the Customs and Post Office authorities be empowered to seize and withhold from delivery suspected undesirable publications, pending decisions by the Publications Board.
- (11) That no copy or issue of publications classified as "excluded" "prohibited" or "communistic" by the Publications Board be imported, exported or consigned.
- (12) That the Police should have certain specific functions under the proposed Censorship Law for its due enforcement.

These recommendations are embodied in a draft Undesirable Publications Act, appended to the report.

The terrible significance of the far-reaching proposals made by the Cronje Commission, become apparent immediately one looks at the detailed recommendations.

### WHAT IS "UNDESIRABLE"

(i) In general —

The Commission provides a general all-purpose identification of "undesirable printed matter and other subjects" with the description "if they are deemed indecent, offensive or harmful by the ordinary, civilised, decent reasonable and responsible inhabitants of the Union."

Unfortunately, these "ordinary, civilised, decent, reasonable and responsible inhabitants" are nowhere defined. Presumably, the Publications Board will be comprised of such persons and care will be taken to see that no peculiar, uncivilised, indecent, unreasonable or irresponsible persons intrude upon the task of choosing our reading matter for us. What of all South Africa's "good mixers" and regular fellows, who delightedly gather in the lounges, clubs and other social circles to exchange the latest smutty jokes? Or the popular politicians who are always ready with a cheery "Have you heard this one —?" What of the newspaper owners and managers who insist that sex and crime are necessary circulation builders? Are they the "ordinary, civilised, decent, reasonable and responsible inhabitants" or does this description fit only the people for whom they provide the sex the smut and the crime?

(ii) In particular

In a wide net of some 700 words the Commission tries to catch all possible evils. This is their guide for the "ordinary, civilised, decent, reasonable and responsible inhabitants" who may serve on the Publications Board, or sit in the Courts.

Books which are blasphemous, derisive of religion, subversive of public morals, provocative in the portrayal of sex, or use foul, profane or abusive language, are fully attended to. So are those "which contain any illustration which portrays or depicts a person in attire or a pose which is deemed impermissible, improper or indecent," and all books which treat, in an indecent, offensive or harmful manner, murder, suicide, death, horror, cruelty, fighting, brawling, and crime. The long list includes sexual intercourse, prostitution, passionate love scenes, night life, physical poses, nudity, social deviation "or any other similar related phenomenon."

Printed matter which depicts "intermarriage or other intimate social intercourse between Europeans and non-Europeans in a eulogistic manner" is taboo.

Anything which tends to engender or has the effect of engendering friction or feelings of hostility between the races is also to be deemed undesirable.

Under this heading many books which oppose or criticise **baasskap apartheid** will be ripe for banning. An appointed Publications Board will have the arbitrary power to interpret this definition and censor all books and magazines, subject only to review on appeal to an appointed Board of Appeal. As such appointments will be made from persons in sympathy with Government policy, publications which are critical of **baasskap apartheid** (or 'separate development') are likely to be suppressed.

(iii) "Communism"

In political censorship the definition of "undesirable" is specifically applied to publications which "propagate or tend to propagate communistic principles, or promote or tend to promote the spread of communism, or further or tend to further the achievement of any of the aims of Communism."

This definition is particularly important because the South African law defines "communism" in the Suppression of Communism Act of 1950. The definition is so wide that it can be applied to many non-communist philosophies, several of them far to the right of communism.

Apart from Labour, Socialist, Liberal, Reformist and similar publications which are threatened by the proposed banning of books which fall within

statutory "communism", there is the peculiar intellectual deficiency which prompts our censors to ban everything from the communist world. This aberration has led to the banning of such books as "HIGHER EDUCATION IN THE U.S.S.R.", "LABOUR INSURANCE REGULATIONS IN THE PEOPLE'S REPUBLIC OF CHINA" and "WORLD TRADE UNION NEWS."

This exhibitionist anti-communism merely deprives South Africans of the right to study other countries and other political systems and keeps them ignorant of world events. It is no wonder that there was surprise and consternation when the Russians exploded the atom bomb, put Sputnik in orbit and sent up their Moon Rocket.

Apparently conscious of this aspect, the Commission proposes that the Board may grant permission to particular libraries to stock prohibited publications, solely for study and research, provided that such publications are kept separate and made accessible only by the librarian at his own discretion and upon his personal responsibility, to observe the law. The Commission suggests that the Board may give individual research workers similar permission to acquire or possess banned publications for research purposes.

Relaxations of this kind do not break down the effect of the censorship. It will take a brave student to risk his career by daring to refer to such specially classified books. No easier way of attracting the attention of the police could be conceived

## THE PUBLICATIONS BOARD

The Cronje Commission decided that an appointed Publications Board should be the sole censor of books and magazines for interesting reasons. Their report says,

"... if publications were to fall under the exclusive jurisdiction of the Courts, undesirable publications would enjoy considerable publicity as a result of legal proceedings — because the hearings would be open to the public, unless, of course, provision were made that this should not be the case."

Approximately six out of every seven witnesses are said to have been of the opinion that the Courts should not adjudicate on censorship, on the grounds, that —

- (a) the Courts would experience such difficulty with the uniform and consistent enforcement and interpretation of the Act that divergent decisions could be expected . . ."
- (b) if the Courts had to decide whether publications were contrary to the Act, they would frequently have to pronounce judgement on matters in respect of which they did not possess the necessary expert knowledge . . ."

If these reasons surprise the Bench and Bar, they should convince us all that censorship, being the weapon of intolerance, must needs be wielded by the ruthless hand of unchallengeable autocracy.

## POWERS OF BOARD

The suggested Board is to consist of seven to eleven members, all appointed by the Executive, with full powers to control publications. The

Board may, at its own discretion declare publications to be in one of four classes — "excluded", "exempted", "submitted", or "controlled."

- (i) **Excluded Publications** are those foreign publications in which several undesirable editions have appeared and which therefore are prohibited and may not be imported into or distributed in the Union.
- (ii) **Exempted Publications** are those which may be distributed freely without having to be submitted to the Board for inspection or approval.
- (iii) **Submitted Publications** are those which cannot be distributed before a copy of each edition has been lodged with the Board for inspection.
- (iv) **Controlled Publications** are those publications in which one or more undesirable editions have appeared and future editions of which may not be published or distributed without the permission of the Board.

## MASS BANNINGS

It is proposed that the first list of excluded publications should comprise those already on the banned list under the Customs Act. However, the Commission believes that it is not enough to ban books singly and proposes that the Publications Board should have the power to ban *en masse*. Arguing that

"if the present system of prohibiting undesirable publications by title is continued, the length of the existing list will be increased every year by hundreds of titles . . .", the Commission decided that

"Control over the classes of publications which extend the length of the present list of prohibited publications to such unmanageable proportions, will be simplified if the Board is vested with the power to declare particular classes of publications, excluded publications."

In other words, the banned list will be kept short by the simple device of mass bannings, under arbitrary groupings at the hand of Board officials. Such powers would enable the Board to exclude hundreds of books by a stroke of the pen by placing on its banned list all "DELL", "PAN", "BOARDMAN", "GOLD MEDAL", "PENGUIN" and similar publications. It would be possible for them to ban large numbers of unnamed books merely by naming a publisher or his trade label in their blacklists.

If the attitude of the existing Board of Censors is any guide, the Board would not be slow to deprive South Africans access to much contemporary literature, simply because a publisher has offended their taste by one or another of his publications.

There would be nothing to prevent the Board blacklisting a publisher, who, among other things produced the works of William Shakespeare. The Board may declare the books produced under a specific label to be "excluded" publications, on the grounds that several undesirable editions under that label have appeared.

If we look at the definition of "undesirable" we see at once that it applies to many of Shakespeare's plays. Take "HAMLET", for example. Here is a shocking story which surely can be described as "subversive to the morals and moral conceptions cherished and respected by the ordinary, civilised,

decent, reasonable and responsible inhabitants of the Union." It tells of a half-mad prince, of his uncle who murders his father to possess both the crown and his sister-in-law; of the prince cursing his mother, calling her a wanton and continually abusing her; of the prince murdering the father of his fiancée and driving her to suicide; of his mother taking her own life by drinking poison; of the King having the prince mortally wounded by a poisoned sword and finally of the prince stabbing the King to death.

'HAMLET' violates nearly every offence in the code laid down by the Commission — murder, suicide, death, horror, cruelty, fighting, marital infidelity, incest, social deviation, degeneracy and lots more.

If one takes the Commissioner's proposals down to their final absurdity, any publisher of Shakespeare's plays could find all his publications on a permanent blacklist, on the grounds that he has published "several undesirable editions" of Shakespeare's plays.

## PENALTIES

The section of the Cronje Commission report which deals with penalties for violations of their proposed law, shows more clearly than all other sections together the full implications of their censorship proposals. Here are penalties upon opinion with a vengeance. Here the earlier homilies on the meaning of the freedom of the press become clear. If the Commission intended that punishment should fit the crime, then dissent and unfashionable opinion will surely rate among the major offences in our calendar.

It is worthy of note that the penalties fall heaviest upon the press. The Commission recommends

- (1) Penalties of up to £1000 fine, or five years' imprisonment or both fine and imprisonment for offences under the proposed law.
- (2) In addition to such fine and imprisonment,
  - (a) that a court may suspend or withdraw the registration of any newspaper or magazine, and the editor concerned prohibited from employment in any capacity with any other newspaper or magazine, during the period of suspension or withdrawal.
  - (b) If the registration of any newspaper or magazine is withdrawn on the grounds that the contents or any part of the contents of any issue are found to be communistic, such publication is permanently outlawed and for five years after suppression its owner cannot apply for the registration of another periodical, and its editor cannot accept employment in any capacity with any other periodical publication.
  - (c) That a Court may withdraw the registration of publishers and distributors and if such withdrawal is because the publisher publishes or the distributor "handles in one way or another" any publication deemed to be "communistic", such persons will be denied re-registration for five years.
  - (d) That in addition to punishment under the Censorship laws relating to "communistic" matter persons should also be liable to the punishment of up to 10 years imprisonment under the Suppression of Communism Act.
- (3) That the possession of banned publications should be a punishable offence only in the case of communistic printed matter.

The special severe penalties in respect of "communistic" publications, indicate a dominant desire to apply a political censorship in South Africa.

Despite its extensive research into pornography, obscenity and horror and its lengthy dissertation on the ways and means to conquer these evils, the Commission, in the final resort turned its guns on political heresy.

It should not be thought that this "thought control" is aimed at communism alone. That would be dangerous enough. The proposed political censorship will make it possible to silence all but the orthodox supporters of **baasskap Nationalism**. Three things make this quite clear. The first is the definition of "communistic printed matter", in the Commission's Draft Bill, the second is the dissertation on communism in Section 5 of the report, and the third is the Commission's designation of certain racial attitudes as being undesirable.

The draft Bill describes "communistic printed matter" as

"Any printed matter — or any part of any printed matter — which propagates or tends to propagate the principles of communism; or which promotes or tends to promote the spread of communism; or which propagates or furthers or tends to propagate or further the achievement of any of the aims of communism."

This closely follows the wording of the Suppression of Communism Act of 1950, under which law the Courts have already found that even advocating the repeal of such laws as the Group Areas Act, the Bantu Authorities Act, the Pass Laws and the Suppression of Communism Act itself are offences.

This is indeed a sure way for a Government to silence its critics! The passing of a censorship law of this kind, with a usefully wide and vague definition of communism, would enable the Government to deal with all its critics. It would provide the Government with the weapon it has been seeking so long to deal with the "lying English Press".

In no time most publications would be silenced by fear of transgressing the law. Apart from the decided cases on communism, the possibilities are apparent from the Commission's opinion —

"... the communistic doctrine of class struggle . . . is already being fomented by the communists and their (sometimes unwitting) confederates through the dissemination of misrepresentations, distortions and half truths in connection with race relations in the Union. It is a well tried method of instilling communistic ideas and propaganda and of promoting a feeling of aggrievedness among Non-Europeans towards Europeans."

"... communism is directed at the overthrow and destruction of everything which has hitherto been accounted good and right . . . all the values of life which, up to the present, have been respected and held dear."

The sensitive political mood of South Africa today causes those in power to seek scapegoats for every reverse. They refuse to admit that protest, criticism and hostility flow from their own actions and policies. They prefer to blame the 'English press', the "sickly sentimentalists", the "left-ists", the 'liberals', the "communists" and the "communist stooges". In this age of cold war neurosis, the "communist" smear has been a sustaining aid to those who resist African advancement and cling to White supremacy. In order to grasp the full significance of the Commission's dictum, we must remember that racial exclusiveness and **baasskap apartheid** are the "everything which has hitherto been accounted good and right" and the values of life which "have been respected and held dear."

Political censorship of the kind proposed by the Cronje Commission would be a most serious restraint upon freedom of opinion. It would create a political despotism of the worst kind. The press would be reduced to servility and the public subdued into obedient ignorance.

## PROMOTIVE MEASURES

After recommending a strict censorship and harsh punishments, the Commission devotes a special section of its report to what it describes as 'Promotive Measures'.

**"A democratic community such as that of the Union",** says the Report (strangely forgetful of the fact that only one-fifth of the population is allowed in that democratic community) **"cannot adopt an attitude of indifference to the tastes and reading habits of its members."**

The Commission believes that control by legislation is the most effective way to protect the community against bad reading habits. It recommends, in addition to a censorship law, education and guidance "which will demand that self-discipline without which no free democratic community can in the long run maintain itself."

Although the Commissioners had grave doubts as to the competence of the Courts to decide on the desirability or otherwise of publications, they displayed a remarkable confidence in their own proficiency. While they were impressed with the fear **"that the Courts would frequently have to pronounce judgement on matters in respect of which they did not possess the necessary expert knowledge,"** the Commission confidently offers advice to parents, teachers, educationalists, church leaders, librarians, booksellers, editors and many others.

As we are concerned here principally with the proposals to extend censorship, I leave it to these experts to comment upon the advice given them by the Cronje Commission.

## CHAPTER SIX

### The Press Commission

"More than half of the important English language newspapers, which are today controlled by the mine magnates, constitutes a threat to our future . . . No country dare tolerate a state of affairs where big capitalistic interests obtain a stranglehold not only on the economy of the country but where in addition they obtain a stranglehold on the spirit of the nation, — the time is overdue, not only for a thorough investigation into this matter, but for drastic action."

Dr. Albert Hertzog, M.P.

(Now Minister of Posts & Telegraphs)

—Parliamentary Debates 3rd March, 1950.

". . . Why are the newspapers — and I refer here to some English newspapers in our country — not charged under this law? . . . It is my contention that these newspapers are abusing that freedom which they enjoy in South Africa . . . If that law — is not adequate to restrict the activities of these hostile newspapers — it is high time and the Hon. the Minister should see to it that such a law will be placed on the Statute Book as soon as possible —"

Senator P. E. Roussow

— Senate Debates 21st May, 1957.

In October 1950, the Government appointed a Commission to inquire into the South African press. Its terms of reference were:

1. The measure of concentration of control, financial and technical of the Press in South Africa, and its effects on editorial opinion and comment and presentation of news.
2. Accuracy in the presentation of news in the Press in South Africa, as well as beyond the borders of S.A., by correspondents in the Union, having particular regard to (a) selection of news; (b) mixing fact and comment; (c) use of unverified facts or rumours as news, or as basis for comment; and (d) reckless statements, distortions of fact, or fabrication, and the use of any of these as news, and as basis for comment.
3. Tendencies towards monopoly or the concentration of control in regard to (a) collection of news for internal and external dissemination, and (b) the distribution of newspapers and periodicals; and generally the extent to which the publication and distribution of newspapers are inter-linked.
4. Existing restraints on the establishment of new newspapers in South Africa and the desirability or otherwise thereof.
5. The adequacy or otherwise of existing means of self-control and discipline by the Press over (a) editors, journalists and correspondents serving local newspapers and periodicals; (b) correspondents of overseas newspapers and periodicals; and (c) free-lance journalists serving the local or overseas Press.
6. The incidence of sensationalism and triviality in the make-up of newspapers.
7. The extent to which any findings under the above heads militate for or against a free Press in South Africa and the formation of an informed public opinion on political issues.

Mr. Justice J. W. van Zyl of the Cape Provincial Division of the Supreme Court was appointed Chairman of the Commission, with the following as members —

**Professor L. I. Coertze**, Dean of the Faculty of Law at the Pretoria University. (Now M.P. for Standerton).

**Mr. A. A. Frew**, a former chief editor of the South African Press Association.

**Professor P. W. Hoek**, head of the Department of Accounting at Pretoria University.

**Mr. W. J. Lamb**, a former president of the South African Stock Exchange and vice-chairman of the Board of Governors of the S.A.B.C.

**Mr. A. E. Trollip, M.P.**, a former Deputy-speaker of the House of Assembly. (Now Administrator of Natal).

**Dr. A. J. R. van Rhyn M.P.**, a former editor of "DIE VOLKSBLAD", Bloemfontein. (Now High Commissioner for South Africa in London).

In October 1951, Dr. van Rhyn resigned as member of the Commission because of his appointment as Administrator of South West Africa. The following month Mr. Trollip resigned because of ill-health. Their places were filled by **Dr. N. Diederichs, M.P.** and the **Hon. C. M. van Coller**, a former speaker of the House of Assembly.

Subsequently, Mr. Frew dropped out, and Dr. Diederichs, when elevated to the Cabinet rank of Minister of Finance in 1958, also left the Commission. These two vacancies have not been filled.

Replying to a question in Parliament on the 30th January, 1959, Mr. Eric Louw, the Minister of External Affairs, stated that the Commission was busy drafting its report, and expected to have it completed by the end of 1959. He stated that the Commission was employing a staff of nineteen full-time members and six part-time members and that the total cost of the Commission to that date was £62,212.

But a year later, the Minister surprised everyone by saying that the Commission still had much work to do and that he could not say when the Report of the Commission would be ready. He was able to say, however, that the cost of the Commission to that date was £75,000.

## GENERAL HERTZOG AND THE PRESS

South African Governments have always had a problem with the press. Whether they have attempted to apply policies of "discrimination with justice" or "baasskap apartheid", succeeding Governments have been confronted with the great difficulty of explaining these policies in a way which will satisfy thinking citizens at home, and convince intelligent observers abroad.

General Hertzog, Prime Minister in the pre-war Coalition Government (in which General Smuts served as Deputy Prime Minister and Minister of Justice), was on the point of legislating to curb the press when the war intervened and he was forced to resign. His decision to take steps against the press was prompted by complaints from the representatives of the German Reich that South African newspapers were saying unkind things about Nazi Germany. General Hertzog warned editors that he would pass a law for the control of the press unless they desisted from attacking Hitler and Mussolini.

Dr. van Rhy'n's version of the affair is as follows: (1)

"In 1937, General Hertzog called the editors together in his office and talked very seriously to them. He said that he was not satisfied with the attitude of the press, and that he intended to introduce a strong Bill, in order to introduce a certain measure of control, if the situation did not improve." He said —

"It is easy for you to write, it is easy for you to tell me that the press must be free and that I must allow you to write freely, but when there is trouble I, as Prime Minister, and my Government are responsible for the statements made and then we will have to pull the chestnuts out of the fire, in order to safeguard South Africa's honour and prestige."

A fuller account of this affair has been recorded by an ex-editor of the "CAPE TIMES", Mr. G. H. Wilson. (2) He tells a most interesting story of his discussions with General Hertzog and the latter's efforts to deter the newspapers from commenting in an unfriendly way upon the affairs of foreign countries.

General Hertzog argued that the policy of Munich had been wrecked by the reckless comments of newspapers and showed a paper containing a strong attack on Neville Chamberlain, and said it was to deal with such statements that he wanted a law.

Mr. Wilson relates how General Hertzog later handed him a draft Bill, about which he says —

"One or two examples of the proposals may be mentioned as illustrating its far-reaching effects. It happened just about that time that President Roosevelt in a remarkable speech to Congress in the United States had denounced the Dictators, and particularly Hitler and the Nazi regime, in the most scathing terms, terms indeed which exceeded in severity any comments that General Hertzog had been able to quote to me from any South African newspapers. In terms of General Hertzog's draft Bill it would actually have been impossible for any South African newspaper to publish the text of President Roosevelt's speech in its news columns. I had pointed this out to General Hertzog in a conversation when Dr. Bodenstein was present, and the General's comment was that the President's speech had been "purely mischievous", and Dr. Bodenstein, taking up the cue, added that it would have been a very good thing that his speech should not be published in South Africa. But there was another feature of the Bill that was equally remarkable. Obviously foreign newspapers from the United States, England and the rest of the world would contain reports of the President's speech. In one of the clauses of the Bill as drafted the Government would be empowered to prohibit the introduction and sale in South Africa of any foreign newspaper which contained any comments, even the speech of the President of the United States, on the iniquities of the Nazi Regime. As similar speeches and comments were being made all over the world, I pointed out that this would mean in effect the total prohibition of the introduction into South Africa of any newspapers, magazines or periodicals which ventured to criticise the Nazi regime. General Hertzog seemed a little perturbed and said that he could not think that his draft Bill had laid down that principle, and he referred the point to Dr. Bodenstein, who admitted with some trepidation, that it was perfectly correct, one of the clauses of the Bill, if enforced would certainly have that effect. General Hertzog then said that he would look into the point, but generally maintained that it would make for the peace of the world and of South Africa if comments of such a kind were forbidden circulation."

(1) Hansard. Vol. 70. Col. 418. 31st January, 1950.

(2) "GONE DOWN THE YEARS" by G. H. Wilson. (Howard Timmins), 1947.

Hoping to prevent the passing of a law of this nature, a conference of representatives of newspapers and periodicals held in Johannesburg in July 1939 approved a code of discipline to be self-imposed upon them all, to discourage practices considered to be contrary to good morals or the public interest.

This was shown to the Prime Minister, but he was not impressed and told Mr. Wilson that he would proceed with his Bill at the beginning of the next session of Parliament.

But the war came and South Africa escaped the threatened press control law. Of this, Mr. Wilson wrote:

"A month later the storm had broken over the world and General Hertzog was no longer in office.

"With him disappeared the Bill for the restriction of the liberties of the Press, which is never likely to make its appearance again in South Africa unless this country should have to submit to a government constituted on the disastrous lines of the Nazi regime."

Those words were written only a year before the Nationalist Party came to power.

### THE THREE DEBATES

Shortly before the appointment of the Press Commission, Parliament had three debates on the Press. The first, on the 3rd April, 1947 was a brief discussion on Hansard and the reporting of Parliament, under the Finance Vote.

Mr. C. R. Swart, a member of the Opposition Nationalist Party (later Minister of Justice and now Governor-General) complained of misreporting and deliberate misstatements by pressmen. In reply the Hon. J. H. Hofmeyr, the Minister of Finance, had this to say <sup>(1)</sup>—

"There are not only misrepresentations in the press of what members say here but also of what is said outside and we all suffer under that —

"It is a general question that deserves consideration whether remedies cannot be found to prevent the continuance of deliberate misrepresentations of what a person has said. Although the speaker has denied it, it is repeated. My hon. friend knows the question has been brought up of the relaxation of the libel law as far as newspapers are concerned. If this is to be done, the further question must be considered whether an obligation does not rest on the newspapers to prevent deliberate misrepresentations being made of what persons say here or outside. I mention that as something that may be considered. I have sympathy with what my hon. friend said here. But I am inclined, in the consideration of this matter, to go even further than he has suggested."

The second debate was opened by Dr. B. Friedman, M.P. in February 1948, the last session of the 9th Parliament and the last time the United Party was in power, being defeated by the Nationalists at the general elections which followed three months later.

The third debate took place in June 1950 and was led by Dr. A. J. van Rhyn, M.P. a leading member of the Nationalist Party, former editor of "DIE VOLKSBLAD", the Bloemfontein Nationalist daily, and now South Africa's High Commissioner in London.

(1) Hansard — 3rd April, 1947.

## DEBATE ON THE FRIEDMAN MOTION

On the 24th February, 1948 Dr. B. Friedman, a member of the ruling United Party introduced a motion in Parliament, reading:—

"That a Select Committee be appointed to enquire into and report upon the following matters —

(a) whether the financial and technical control of the Press in South Africa is such as to prevent a completely free expression of editorial opinion and presentation of news,

(b) whether the conditions of employment of editorial staffs are such as to ensure to the reading public of South Africa an adequate supply of journalistic talent capable of free and competent reporting of the wide field of social and economic activity in South Africa and

(3) whether there are in existence any restraints on honest news through censorship, loaded transmission rates, economic sanctions and other devices — and if necessary that the Select Committee recommend what measures should be taken to ensure a completely free Press in South Africa; the Committee to have power to take evidence and call for papers.

The debate was a short one and no vote was taken. Mr. Harry Lawrence, Minister of Justice, intimated that the Government would not accept the proposal, saying (1) —

"To agree to the request made by the hon. member, would in effect mean that Parliament is agreeing to enquire into the affairs of private enterprise. We are founded on that principle . . . We respect private enterprise, we are out to protect private enterprise in this country."

The Press itself had a great deal to say about the debate. Generally, editors were severely critical of Dr. Friedman and his proposal for a Select Committee.

The Editor of the "RAND DAILY MAIL" was particularly caustic. The South African Society of Journalists wrote to the Editor of the "RAND DAILY MAIL" on the 26th February, 1948 taking exception to certain points made in his comments and pointing out that Dr. Friedman's motion had originated in the South African Society of Journalists. The "RAND DAILY MAIL" failed to publish this letter, but on the 25th March, 1948, the Labour paper "FORWARD" published it with the explanation "Since any comment made by the Journalists' Society on the subject of Dr. Friedman's motion is of outstanding interest, "FORWARD" hastens to repair the "RAND DAILY MAIL's" omission."

The letter read:—

26th Feb., 1948.

The Editor,  
"Rand Daily Mail",  
Johannesburg.

Sir,

The motion requesting the House of Assembly to appoint a select committee to examine the financial and technical control of the South African press is still under the consideration of Parliament. The "RAND DAILY MAIL", however, has deemed fit to

(1) Hansard — 25th February, 1948.

express itself on the subject in two leading articles of the 6th and 26th February, and it may be desirable, in the public interest, to remove some misconceptions that appeared in those commentaries.

Both articles sought to convey the impression that Dr. Bernard Friedman, of his own volition had arrogated to himself what was implied by the "RAND DAILY MAIL" as almost an impertinence in his seeking to persuade parliamentarians to appoint the select committee.

It is well known throughout the journalistic profession of this country that the motion proposed by Dr. Friedman with his customary brilliancy of presentation, originated in the South African Society of Journalists, the sole body of organised journalists in Southern Africa. The motion now before Parliament was passed in the form of a resolution by an overwhelming majority of the delegates attending the National Congress of the Journalists' Society at Pietermaritzburg in January, 1946.

The "RAND DAILY MAIL" should be familiar with the genesis of the parliamentary press motion and have known that the full official support of the South African Society of Journalists stands behind Dr. Friedman, who very kindly accepted the invitation of the journalists to submit their request to Parliament. Disturbed by allegations that the powerful influence of the South African Press was being abused by monopoly control and misapplied through policies of misdirection, the journalists, for the honour of the profession they serve so unselfishly, felt that it was incumbent upon them to ascertain whether the allegations were true or false. They felt that Parliament was the only arbiter in so grave a matter. So the title of your leading article had only the phonetic symbolism of a mere catchphrase to recommend it.

The comment in that article, "Dr. Friedman was fluent, but his case was unconvincing" merely remains the individual opinion of a dissenting journalist, who while he may speak for the owners of the "RAND DAILY MAIL", cannot speak for the journalists of the country or any powerful representative section of his own profession. Even those of his fellow editors who share his views are a dissident if vocal minority.

In conclusion, may I enquire to whom you refer when you assert if such a need for the liberation of the South African Press arose "We are capable of defending it ourselves."

Who are the "we"?

O'Brien Reeves,  
General Secretary,  
South African Society of Journalists.

The Nationalist press showed that it was not opposed to an inquiry into the press. It was to be expected therefore, that the Nationalist Party would take some action after winning the 1948 elections. The first step was Dr. van Rhy'n's motion in Parliament.

### DR. VAN RHYN'S MOTION

On the 1st January, 1950, Dr. A. J. van Rhy'n, a former editor of the Nationalist Party daily "DIE VOLKSBLAD", moved in Parliament —

"That whereas this House is of the opinion that a free Press is essential to a free democratic country, and whereas it is convinced that a self-disciplined freedom ultimately constitutes the best safeguard for the maintenance of the freedom of the Press, and that all activities and tendencies to undermine or abuse such freedom,

which exist or are taking root in this country, should therefore be combated, it accordingly requests the Government to consider the advisability of appointing a Commission to enquire into and as soon as practicable to report and, if necessary, to make recommendations on the following matters, viz.:

- (a) the existence of monopolistic tendencies, Press combines and group interests in this country and their influence on the Press;
- (b) the control over South African newspapers by overseas Press concerns or by other interests or the acquisition of such control;
- (c) internal and external reporting and the general handling of news by the various newspapers, and the advisability or otherwise of the control of such reporting; and
- (d) any other matter which the Commission may consider of importance in order to give effect to the request of this House.

There was a lengthy debate on the motion during which it became evident that the Government intended to proceed with the proposed inquiry.

## INHIBITING THE PRESS

According to two leading political correspondents, Mr. George Clay of the "CAPE TIMES" (now with the London "OBSERVER") and Mr. Stanley Uys of the "SUNDAY TIMES"<sup>(1)</sup> by its sheer existence the Press Commission has inhibited the South African Press. They say of the Press Commission —

"It has explored the labyrinths of newspaper control; compiled dossiers on every journalist, local or foreign, working in South Africa; issued lengthy questionnaires asking, for example, whether editors considered it necessary to handle news in a special way because of different racial groups who would read it; and interrogated editors, reporters and foreign correspondents behind closed doors."

The oral evidence given to the Commission was heard IN CAMERA. One journalist, Brian Bunting (representing "NEW AGE"), objected to being heard in secret and refused the Commission's request to appear before it. Although the Commission, enjoying the status of a Provincial Division of the Supreme Court, could exercise the power of subpoena, it took no action against Mr. Bunting. Journalists who appeared before the Commission were seated in front of a recording machine and interrogated. One journalist insisted on taking his legal representative into the Commission's chambers. The Commission heard argument by the advocate why he should be allowed to represent his client, and then it told him to leave and proceeded with the interrogation of the journalist. Many a sharp passage at arms occurred behind those closed doors."

When the report of the Commission eventually appears, it should be a volume of exceptional consequence, providing the accumulated information of ten years exhaustive research.

Whether the proposals which emerge from this expensive study will be worth the effort and expense remains to be seen.

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(1) Africa South. Vol. 2. No. 1. Oct./Dec., 1957.

## CHAPTER SEVEN

### The State Information Office

"But I want to ask you what hope the Information Office has against such an army of foreign correspondents? . . . To create a Press Information bureau on the one hand and to permit these reports to be sent out without any control on the other hand, is like pouring water into a barrel and leaving the tap open."

Dr. A. J. R. van Ryn, M.P.  
(Now South African High Commissioner in London)  
— Parliamentary Debates 31st January, 1950.

No study of the South African Press is complete without some account of the State Information Service. The South African Information Bureau came into being during the Second World War to serve as a clearing house of official information within South Africa, to keep the press and broadcasting services adequately supplied with information within the limits of war time security.

The Bureau did not close down at the end of the war but continued as a division of the Department of the Interior, with a small staff and negligible budget.

After the Nationalists took over in 1948, the Bureau was rapidly expanded, becoming a self-accounting sub-department of the Department of External Affairs, under the title "State Information Office", with the main function of disseminating information about South Africa abroad. Within the first year the establishment was increased to a staff of 10 under a State Information Officer, costing about £50,000 a year. The State Information Office now has 111 employees and the cost of this Department to the South African taxpayer is running to more than £500,000 annually.

The State Information Office has distributed in overseas countries some 4,000,000 copies of brochures, pamphlets and books, apart from its regular circulation of newsletters, "handouts" and other material.

In addition, it has produced several television programmes and cine films, for the benefit of overseas viewers.

In its eagerness to portray the political ideology of *baasskap apartheid* in the most favourable light, the State Information Office has itself been guilty on several occasions of putting out questionable reports.

Dr. M. D. W. Jeffreys, has drawn attention to some of the errors and omissions in the "South African Quiz", one of the publications of the State Information Office. (1)

He says, "On page 1 one learns that the Hottentots became largely mixed with some of the other dark races who arrived at the Cape later. One would like to know who were these dark races that arrived later and became amalgamated with the Hottentots. Is this statement an attempt to camouflage the fact that the Cape Coloured, now 1,300,000 strong, were mostly descended from Hottentot women and European men?"

(1) Forum. Nov., 1958.

Dr. Jeffreys disputes the accuracy of the claim on page 34 that the Bantu own 15% of the land in the Union, saying that it is less than 13½% and pointing out that the real factor to be noted is that 9,300,000 non-Whites own less than 13½% of the land, while 2,900,000 Whites own more than 86½%.

He says that the brochure's statement about witchcraft "displays abysmal ignorance of the function of the witchdoctor."

## FACTS FOR FILING

In one newsletter "Facts for Filing" issued by the South African Information Office in New York, there appeared this remarkable "fact" on crime —

"It is true that there is a very large number of deaths among the Blacks themselves which result from assaults; and the explanation is that life among primitive people is valued cheaply. It is not an exaggeration to say that fighting with dangerous weapons, such as heavily knobbed sticks, is considered by many a black man as perhaps the best part of a good evening's entertainment. The black man's attitude to rape — total number of established cases throughout South Africa last year, 589 — is also quite different from the white's. The injured party — in his view — is less the woman concerned than her husband or father."

## "AN UNRELIABLE GUIDE"

Another writer criticises the "South African Quiz",<sup>(1)</sup> on the grounds that many of the "most commonly encountered questions" are not even asked at all in this attempt to answer "one hundred of the queries most commonly encountered" by South Africans travelling abroad. "Many obvious teasers spring to mind", he says, "which the State Information Office has dodged altogether. South Africans abroad should be warned that this thesaurus is far from comprehensive and any reasonably well informed critic will soon pick holes in it." Among other things the writer criticises the statements that "today the Indians are a thriving community", that "whites contribute three-quarters of the £9,000,000 spent on Bantu education", and that "All matters affecting Bantu townships are first referred to the Bantu Advisory Boards and it is seldom that a measure unacceptable to the Boards is put into practice."

In 1955, the Johannesburg "STAR" had occasion to cross swords with the State Information Office because of an attack on South African newspapers by the South African Director of Information in London in his "South African Survey" of the 15th December, 1954. The "STAR" had criticised a circular sent to local authorities by the Minister of Native Affairs, Dr. H. F. Verwoerd, on the lease of location sites to church missions. The circular provided for the cancellation of these leases when, in the opinion of the Minister, the occupiers' activities, or those of any of his representatives anywhere, tended "to encourage deterioration in the relationship between Natives and the Government."

The State Information Office in Pretoria, accused critics of suppressing the fact that the circular was based on legislation passed by previous Governments. The "STAR" in rebuttal said that the circular, although based

(1) "Evening Post", Port Elizabeth. 18th Feb., 1958.

on general powers under the old law introduced a completely new policy, which, in its view, constituted a threat to religious freedom.

On the 11th January, 1955, the "STAR" wrote:

"The State Information Office in Pretoria has not cared to reply to our statement. Instead, 6,000 miles away the Union's Director of Information in London takes up the original charge weeks later, ignores the reply, and declares: "No correction has yet been published or voiced by any of the critics, and the majority of the public is still under the impression that the circular is a new Government regulation, aimed at dictatorial control of religious work among the Bantus."

"Both the Press and the public of South Africa have a right to know who was responsible for the repetition of this false charge in an official publication. We ourselves find it difficult to believe that the State Information Office in Pretoria is unaware of what its counterpart in London is doing."

### STATE INFORMATION OFFICE vs. TRADE UNIONS

On the 30th September, 1958, Mr. Justice Cillie awarded Mrs. Thelma de Klerk, an executive member of the Transvaal Leather and Allied Trades Industrial Union, damages of £150 and costs against the Government for defamation. The defamation was contained in an article entitled "Communists in the South African Trade Unions" in "SOUTH AFRICAN SURVEY", No. 87 of the 31st July, 1954, issued by the State Information Office from South Africa House in London to all British M.P's, British newspapers and periodicals, the B.B.C., libraries and others.

In assessing the damages the Judge said that he had taken into account that the reference to Mrs. de Klerk was indirect, that she was only one of 17 people defamed in the article, and that publication had been limited.

In his summing up Mr. Justice Cillie said that the attitude of the Government's Director of Information in London at the time the offending article was published, indicated that he was reckless about whether the allegations were true or false.

### THE BALANCED PICTURE

The State Information Office declares in its Fact Paper No. 15, (July 1956)

"In presenting the Union, its peoples and problems to the outside world, this Office endeavours to present a balanced picture of conditions here for the information of the impartial observer abroad . . ."

The difficulty, of course, is that the policies being pursued by the present South African Government are most unpopular everywhere. The problem is not how to advertise our material resources, our excellent climate, our beautiful scenery and our exciting game reserves, but how to put over the policy of **baasskap apartheid** and explain some of the extremely intolerant acts of the Government.

Because it deals with this difficulty felicitously, I quote in full, with due acknowledgement, a leading article which appeared in the "RAND DAILY MAIL" of the 18th April, 1957.

## "POOR MR. MEIRING"

"The State Information Office which, many years ago, began life rather humbly with half a dozen desks, some filing cabinets and a couple of working journalists who wrote trade notes, has expanded like bubble gum. It is now spending £300,000 a year and it looks as though this sum may have to be increased.

Recently we seem to have noticed an undertone of despair in the published statements of Mr. Piet Meiring, its director, whose task it is to explain South Africa to the world. And, much as we may envy a man who has £300,000 a year to spend, there is no journalist in South Africa who does not feel a certain amount of sympathy for him. How much more complicated his task than that of the general manager of the South African Tourist Corporation, whose sole objective is to attract visitors and who does it with magnificent pictures, among which are often to be found studies of the smiling belles of Zululand arrayed in beads and little else. They work hard for South Africa, these cheerful Native models, whose every gesture seems to say: "Come to our happy land."

Mr. Meiring's task, and we suspect that he is assisted in it by a skilled, but unpaid journalist called Eric Louw, is to explain "South Africa's traditional policy of keeping the white man boss in this sub-continent". This, he tells us, needs the active co-operation of every racially pure South African whatever his political affiliation. One of Mr. Meiring's difficulties is that he cannot use words like "partnership" or "trusteeship" because these do not fit the policy of the Government he represents.

But if only he can put it across, he has a case in the benevolent feelings and the kindness that most decently brought-up South Africans feel towards the Natives they have known all their lives, no matter what the law may say.

In fact, what Mr. Meiring has to show is that there is a fund of goodwill towards all the non-European people and interest in their welfare throughout South Africa. It would be easy to prove this if Mr. Meiring could quote from the wicked "English" newspapers of Johannesburg, from the remarks of the bishops, the Institute of Race Relations and a hundred other sources. Alas! these documents are "verboden." These are the words of "liberals", and to quote them would be the equivalent of using obscene language in a Government publication.

Thus Mr. Meiring, ruffling his grey hair, burns the midnight oil and, quoting only the speeches of Nationalists and Government publications, produces a masterpiece (copiously illustrated with pictures from Meadowlands) that proves his point. He spares no expense in getting this printed and then sits back and rubs his hands.

And at that moment the Cabinet, with no thought for its conscientious director of information, raises its shotgun and fires right and left. The Universities Apartheid Bill comes out of one barrel, the Native Laws Amendment Bill out of the other. Mr. Meiring's beautiful duck utters a loud squawk and falls into the vlei. Bang goes £50,000 worth of printing.

Poor Mr. Meiring! He's the most misunderstood man in the most misunderstood country in this most misguided world."

## CHAPTER EIGHT

### The South African Foundation

"The right to free criticism of authority—even misguided criticism — is one of the few safeguards against abuse of power. This right is one of the strongest bulwarks against injustice and rigid complacency on the part of governments . . .

Since the earliest times, bans have been imposed to protect totalitarian rulers of one kind or another from the criticism which they feared. But history has shown that the free and questing mind and spirit are the greatest assets of mankind.

Ordinary people of South Africa and those whose vocation is to seek out and make known the facts, should be watchful.

Should they fail in vigilance or courage to defend freedom of expression and communication, men are likely to find themselves led sheep-like along the road of spiritual and mental conformity — and dangerous isolation."

MR. H. D. WANNENBURG,  
President — South African Society  
of Journalists.<sup>(1)</sup>

The South African Foundation, which was recently formed by an influential group of financiers, industrialists and businessmen has as its main objects —

"The promotion of international understanding of the South African way of life, achievements and aspirations" and "positive campaigns which shall present to the world at large the true picture of South Africa."

Included among the sponsors of this new organisation are the controllers of South Africa's most powerful English language newspapers.

In these circumstances the South African Foundation must form part of any study of the press at this time.

The inaugural meeting of the Foundation was held in Johannesburg on the 14th December, 1959, when the 25 sponsors present were constituted as the provisional Board of Trustees. They are:—

**Chairman: SIR FRANCIS DE GUINGAND** —

Lord Montgomery's Chief of Staff 1942-1945. Director of more than twenty South African companies, many of them subsidiaries of British concerns, including Tube Investments and Hercules and Phillips Cycles.

**Vice-Chairman: DR. H. J. VAN ECK** (elected provisionally) —

Chairman of the Industrial Development Corporation, and director of the Industrial Finance Corporation and The South African Coal and Gas Corporation (SASOL) — all Government undertakings.

**Vice-Chairman: DR. J. E. HOLLOWAY** (elected provisionally) —

formerly Union Secretary of Finance, Ambassador in Washington and High Commissioner in London.

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(1) "Evening Post" — Port Elizabeth — 15th September, 1959.

**Vice-Chairman: DR. M. S. LOUW** (elected provisionally) —

Chairman of Bonuskor and Federale Volksbeleggings. Among the thirty or more companies of which he is a director are included SASOL and National Finance Corporation, the Industrial Finance Corporation and the Industrial Development Corporation, all Government undertakings. He is the recognised leader of Afrikaner business opinion.

**Vice-Chairman: MR. C. W. ENGELHARD** (elected provisionally) —

An American financier who formed the American-South African Trust Company and acquired big financial interests in South Africa. He will be chairman of the American Committee in New York for the Foundation.

Sir Francis de Guingand will organise the United Kingdom Committee of the Foundation in London.

The other members of the provisional Board of Trustees are:

**Mr. H. F. Oppenheimer** — Chairman of the Anglo-American Corporation, de Beers Consolidated Mines and Rhodesian-Anglo American Corporation—three groups with a subscribed capital (1957) of £335,867,000 and Reserves totalling £268,302,000. Mr. Oppenheimer also holds directorships in a large number of other companies.

**Mr. Anton Rupert** — Chairman of the Rembrandt Tobacco Company and sister concerns in South Africa and abroad. He has built up a world empire in cigarettes, being the manufacturer of Peter Stuyvesant, Lexington, Rothmans, Pall-Mall, Rembrandt and Consulate brands. He is also a director of "Dagbreek."

**Mr. C. S. Barlow** — Head of Thos. Barlow and Sons, Engineers, and some twenty companies, among which are the Standard Bank of South Africa, Syfret's Trust, The American-South African Investment Company and Rand Mines Ltd.

**Mr. A. Berrill** — Chairman of the Central News Agency Ltd., the Bantu News Agency, and several other companies.

**Mr. Sam Cohen** — Chairman of the O.K. Bazaars, largest chain store group in South Africa and subsidiary companies.

**Mr. Clive S. Corder** — Chairman of Syfret's Trust, and Director of "Cape Times", Barclay's Bank, Goodyear Tyres, Schweppes, Union-Castle Mail Steamship Company and several other companies.

**Dr. M. H. de Kock** — Governor of the South African Reserve Bank and Chairman of the National Finance Corporation.

**Dr. F. J. du Toit** — Chairman of Foscor, director of Iscor, and Union Steel Corporation, Federale Nywerhede, Federale Volksbeleggings and several other companies.

**Mr. G. H. R. Edmunds** — Chairman of South African Associated Newspapers, deputy-chairman of the South African Board of the Standard Bank of South Africa, and director of several important mining companies.

**Mr. Eric Gallo** — Chairman of Gallo Africa Ltd., wholesale dealers in gramophone records and musical instruments.

**Dr. A. L. Geyer** — Director of Nasionale Pers (owners of "Die Burger"), Barclays Bank D.C.O., English Electric Company of South Africa, Fox Theatres, and other companies. Former South African High Commissioner in London, and former editor of "Die Burger". Chairman of South African Bureau of Racial Affairs (SABRA).

**Mr. R. B. Hagart** — Director of most companies in the Anglo-American and De Beers group, holding some fifty directorships in all.

**Mr. Claude Leon** — Chairman of the Elephant Trading Company and associates, with large interests in the wholesale trade, finance and industry.

**Mr. Eugene O'Connell Maggs** — Chairman of the South African Tourist Corporation, director of the South African Reserve Bank, Industrial Development Corporation, Pretoria Portland Cement Company, Bantu Press (Pty) Ltd., and several other companies.

**Mr. S. G. Menell** — Chairman and managing director of Anglo-Transvaal Consolidated Investment Company, and on the Board of Anglo-Alpha Cement, and more than fifty other companies, mostly gold-mining.

**Dr. F. Meyer** — Chairman of the South African Iron and Steel Industries Corporation and van der Byl Engineering Corporation (VECOR) — State undertakings.

**Dr. William Nicol** — Former Administrator of the Transvaal, chairman of the Board of Directors of Voortrekker Monument.

**Mr. Ettienne Rossouw** — Chairman of Sasol.

**Mr. T. Stratton** — Chairman and Managing Director of Union Corporation and director of a large number of mining and other companies.

**Mr. Charles te Water** — Former Union High Commissioner in London. Director of the South African Reserve Bank.

It is the intention to increase this list of sponsors to 100, by inviting leaders in other spheres of activity to join.

Additional vice-chairmen will be elected as soon as the Board of Trustees is fully representative of the whole Union. Vice-chairmen will serve as chairmen of the local Foundation Committees, to be established in all the major centres of the Union.

The auspicious twenty-five trustees named above, are influential enough to attract many more. Some of them are millionaires. Between them they control over four hundred industrial, finance and mining companies, with interlocking interests which give them authority in all important circles in South Africa.

## THE NEWSPAPER LINK

In the newspaper and publishing field they are particularly powerful.

**MR. G. H. R. EDMUNDS** is chairman of —

South African Associated Newspapers Ltd.,  
Rand Daily Mails Ltd.,  
Sunday Times Syndicate,

three companies which own:—

*The Rand Daily Mail,*  
*Sunday Times,*  
*Sunday Express,*  
*Evening Post,*  
*Eastern Province Herald,*

MR. ADRIAN BERRILL is chairman of the Central News Agency, which holds a virtual monopoly in the newspaper and periodical distribution trade, (see page 27). The Central News Agency is also a shareholder in the Argus Company, In addition Mr. Berrill is a Director of the Bantu News Agency.

MR. CLIVE CORDER is a director of the "CAPE TIMES" and also of Syfrets Trust Co., a finance house holding shares in the "CAPE TIMES" and South African Associated Newspapers.

COL. EUGENE O'CONNELL MAGGS is a director of the Bantu Press (Pty.) Ltd., publishers of "THE WORLD", a bi-weekly newspaper intended for Africans. It is printed partly in English and partly in the vernacular. All its directors are Whites, some of them closely connected with the Argus Group.

Col. Maggs said in 1955 that "the Bantu Press was established with the object of both educating and guiding the Bantu in their evolution, the maintenance of harmonious race relations and the safeguarding of industrial peace. Bantu newspapers oppose miscegenation and show the fallacy and unreality of communist ideology."

DR. P. J. MEYER was connected with "DAGBREEK" as political correspondent. Now Chairman of the South African Broadcasting Corporation, South Africa's State owned radio network.

DR. M. S. LOUW is a director of "DAGBREEK."

ANTONY EDWARD RUPERT is a director of "DAGBREEK".

DR. F. H. DU TOIT is an alternate Trustee of "DAGBREEK" Trust.

DR. A. L. GEYER is a director of Nasionale Pers, owners of "DIE BURGER" — was once editor of "DIE BURGER", and later Editor-in-Chief of all publications of the Nasionale Pers.

## THE FOUNDATION'S OBJECTS

The objects of the Foundation are declared to be:—

"To promote international understanding of the South African way of life, achievements and aspirations:

To secure for South Africa and its people from the world community of nations, of which they are members, recognition for the contributions they have made and support for the services they will continue to render towards the progress, on the continent of Africa, of a civilisation founded and built on the Western European way of life and ideals, and of a sovereign democratic State essential to the assurance of Western influence and security on this continent.

To mobilise the co-operation of all South African leaders in the field of industry, commerce and culture on a non-political, non-governmental basis for positive campaigns which shall present to the world at large the true picture of South Africa—her customs and standard of living; her industrial and social progress; the great economic upsurge; the forward moves in agriculture, science and education, cultural development; opportunities for investment; tourist attractions; and the way of life of her peoples, at work and at play."

The participation of the heads of the State-controlled South African Reserve Bank, Industrial Development Corporation, South African Tourist

Corporation and public utilities Iscor, Foscor and Sasol, underwrites the South African Foundation with the blessing of the Government.

According to Mr. Eric Louw, the Minister of External Affairs, the Director of the State Information Office was consulted by the Sponsors of the Foundation before it was established. He has also said that the State Information Office would be willing to give the Foundation such advice and assistance as is within the scope of its activities.

This eager approval of the Foundation seems to be an admission of the failure of the State Information Office, in spite of its large staff and heavy annual budget.

Can the Foundation succeed where the State Information Office has failed?

## THE FOUNDATION'S TASK

The South African Foundation has been careful to say that its work will be on a non-political basis. Unfortunately, it is impossible to be non-political about South African affairs because almost everything is linked with the political policies which maintain the hegemony of the Whites in a land where non-Whites constitute four-fifths of the population.

Even those foreign investors who might support the policy of *baasskap apartheid* are anxious to know how secure their money will be in our land of racial conflict. They would like to know how long the Whites can hold the line and they wonder how social and political changes will come — peacefully or through revolution.

The world is not critical of our glorious climate, our breathtaking scenery, our unlimited mineral wealth, our exciting game reserves, our attractive industrial potential and things of that kind. They are critical of our politics of White domination, of the cruelties of racialism, of the laws which control the rights and freedoms of millions of South Africans. The Foundation's difficulty will not be in explaining gold mining profits or industrial share yields, but in justifying policies which result in mass arrests, mass removals, baton charges, banishments, police raids and the refusal of passports. They will have to answer questions on the Group Areas Act, the many restrictive 'Native' laws, and our labour laws; they will have to satisfy the world trade union movement why non-White workers in South Africa are treated as inferiors under the Industrial Conciliation Act; why apartheid is enforced in the South African trade unions and why the Government wants African trade unions to "bleed to death."

These are but a few of the things which attract the attention of the world and about which the Foundation promises to present "the true picture". The task which the Foundation has set itself seems to differ from that of the State Information Office only in that it is not subject to the discipline which regulates a State department. It may be able, therefore, to operate on two fronts — one in selling *baasskap apartheid* to the outside world, the other in trying to persuade the Government to modify its policy or to desist from its more outrageous administrative actions.

## THE COALITION DELUSION

It is rumoured that the South African Foundation originated from a desire on the part of certain influential business men to bring 'moderate' politicians together for the formation of a "Coalition" Government. These men believe that a "Coalition" Government will break the political tensions

which have prevailed since the Nationalists became the Government of South Africa in 1948. They believe that once these tensions are broken, unlimited capital will flow to South Africa for the benefit of both private enterprise and State undertakings.

The first step to coalition is thought to be the creation of a benign attitude in the newspapers, by the elimination of tendentious reports and editorials, and a lessening of harsh criticism of the Government. This indicates that the English language press will be expected to tone down its reporting and political comment, and refrain from publishing the views of Congress leaders or other anti-Government groups.

## WHICH "PICTURE" WILL THEY CHOOSE?

The man who will be responsible for the presentation of "the South African way of life" and the "true picture of South Africa" is Mr. A. M. van Schoor, head of the News department of the State-controlled South African Broadcasting Corporation, who has been seconded to the South African Foundation, having been given one year's leave for the purpose.

Mr. van Schoor's political outlook is close to that of the Government. He has served on the Staff of "DIE BURGER" and "DIE VADERLAND", having held the position of Assistant Editor of the latter newspaper for a while. He is hardly likely to support the liberal policies which are popular everywhere but in South Africa, or to promote the point of view of those who are opposed to the present Government and the policy of **baasskap apartheid**. Nor can he be expected to criticise the actions of the Government in the manner of the English language newspapers.

In the past, the "English" press has shown a clear perception of the wrongs of the Nationalist Government and has often been highly critical of its actions. Will the South African Foundation under Mr. van Schoor's guidance be as critical?

Of course, the issue will not rest between Mr. van Schoor and the Non-Nationalist sponsors. It will be between the political attitudes of the pro-Nationalist newspapers "DIE BURGER" and "DAGBREEK" on the one hand, and the "RAND DAILY MAIL", "SUNDAY TIMES", "CAPE TIMES" and their sister papers on the other.

The sponsors of the Foundation who are connected with the English language press will find themselves faced with the inevitable challenge to follow the line of the pro-Nationalist press, for it is inconceivable that the official newspapers of the Nationalist Party will follow the line of the "English" press.

But the matter does not end there. Obviously, the Foundation will expect its sponsors to use their influence to further its objects. It will depend upon the newspapers to present its "true picture of South Africa". But what if a newspaper editor disagrees? What if he sees the picture quite differently and desires to say so? And what if this disagreement brings him into conflict with the sponsors of the Foundation who control his paper? Will it jeopardise his editorial independence? Or even lead to his resignation or dismissal?

Such a possibility cannot be ignored. Did not the late John Martin, when Chairman of the Argus group, summarily dismiss the editor of the "CAPE ARGUS" (Mr. McCausland) because of an editorial he wrote, condemning the Munich pact in 1938?

The South African Government of that time also had its troubles with the "English" newspapers and the Prime Minister of the day, General Hertzog was in the process of taking action to deal with them because of their hostile attitude towards Hitler and Mussolini. (see page 51).

The Foundation possesses sufficient power to exert enormous pressure upon the press.

Should such an occasion arise let us hope that Scott's principle will not be forgotten ". . . Neither in what it gives, nor in what it does not give, nor in the mode of presentation must the unclouded face of truth suffer wrong."

In the interests of freedom of the press, there must be no departure from this principle. Once the press applies self-censorship to advance the political or economic aspirations of any group it commits itself to approving a wider censorship. This is the surest way to surrender the freedom of the press.

## CHAPTER NINE

### The Cursed "English" Press

"No, I say there are two evil spirits . . . these so-called churchmen, who have become nothing else but political agitators who openly preach rebellion, who from the pulpit ask those whom they have Christianised to contravene the laws of the land, and base their pleas on a lot of untruths and distortions — those people are an evil spirit in the politics of South Africa.

. . . The second evil spirit is the contemptible English Press which stops at nothing, whether it is murder or crime or manslaughter or sabotage, or this or that — everything is grasped at with only one object and that is to break this party which is the only bulwark in whole continent of Africa."

MR. J. C. GREYLING, M.P.

— House of Assembly. 27th March, 1957.

The Nationalist cold war against the "English" press has been long and unrelenting. In the bitter pre-war years of division and failure, the Nationalists realised the political power of the press. Lacking the press which so well serves it today, the Nationalist hierarchy decided that the "English" press was its most dangerous enemy.

"DIE TRANSVALER" was established in 1937, in Johannesburg by the Nationalist Party in an effort to counter the influence of the English language press among Afrikaners, but made little headway. Even in Cape Town, the older Nationalist daily, "DIE BURGER", was unable to overtake its English-language rivals.

In those frustrating years, the established press became a bane in Nationalist circles and control of the press was included as part of their plan for a "New South Africa."

The draft Constitution for a Republic, which was published in "DIE TRANSVALER" on the 22nd, 23rd and 24th January, 1942, under the editorship of the present Prime Minister, Dr. H. F. Verwoerd, shows the intention to curb the freedom of the press. The proposed Constitution says:—

"The State — has the power to make sure that the individual citizen, as well as the organs of public opinion, such as the existence of parties, the Radio, Press and the Cinema (while their rightful freedom of expression, including criticism of the Government policy, will be protected), shall not be allowed by their actions to undermine the public order or good morals of the republic, internally or externally . . ."

The then Minister of Agriculture, Mr. S. P. le Roux, told a party meeting at Groblersdal on the 25th November, 1950, that "there was a section of the Press, the yellow and liberal press, which was besmirching and sabotaging South Africa overseas", and the Press Commission had been appointed to investigate this and other aspects of the working of the press.

On August 26th, 1951, the South African Society of Journalists wrote to the Minister of Health (the late Dr. Karl Bremer) asking him for detailed information in connection with charges he had made at public meetings "that certain irresponsible journalists spread filthy venom overseas and were responsible for the foul contamination of the minds of the people over-

seas", and asked what was intended by his threat that "these newspaper men had no defence against their wicked lies and would be dealt with."

The Society put ten questions to the Minister, to which he declined to reply, saying that full particulars of his charges would be submitted to the Press Commission.

These are two early examples of the attitude of Cabinet Ministers towards the opposition Press. They are typical of the ceaseless attack which has been maintained inside and outside Parliament for the past decade.

The Minister of External Affairs, Mr. Eric Louw, has been the sharpest and most persistent Ministerial critic of the press, but most of his colleagues have "had a go" at the English language newspapers and journalists. The late Mr. J. G. Strydom, Prime Minister until his death in 1958 went so far as to remind an audience that editors had once been flogged in South Africa. In the anxious, unsettled months before the 1953 general election, the crusade reached high fervour. The Minister of Transport, Mr. J. B. Schoeman, alleged that English newspaper editors were supporting the Defiance Campaign and therefore guilty of "the greatest criminal folly", while the Prime Minister and the Minister of Defence hinted of strong Government action to deal with "irresponsible reports."

## THE ATTACK IS INTENSIFIED

Early in 1953, two months before the elections, Parliament was called upon to approve the Public Safety Act and the Criminal Laws Amendment Act, two measures which struck at the heart of a free press in South Africa, (see page 18). The Minister of Justice opened the debate on these Bills with some sharp words to the Press. He said "I would like to express my disappointment at and dissatisfaction with and disapproval of the ruthless campaign of irresponsible lies, which has been waged for the past few days and weeks in a section of the Press — in regard to the two Bills."

Dr. Albert Hertzog, now Minister of Posts and Telegraphs, left no doubt that the Press was uppermost in Nationalist minds when demanding these laws, for his long speech was one long attack on the press.

The United Party Opposition, seeing only the elections ahead and nervously misjudging the mood of the electorate, supported these Bills. Only the six Labour Party members and three Native Representatives voted against them.

The United Party's craven support for these obnoxious laws was unavailing. The Nationalists not only defeated them at the elections, but returned with an increased Parliamentary majority. The surrender of these wide powers to the executive then became a surrender of basic rights and freedoms to an entrenched Nationalist Party.

The war against the "English" Press did not end in 1953, however. If anything, it has intensified. In 1957, Nationalist newspapers opened an attack on Mr. Harry Oppenheimer, then an M.P., accusing him of having become a press magnate, through the acquisition of shares in a Mining Group which in turn had a substantial holding in the Argus Printing and Publishing Company.

Mr. Oppenheimer, explaining his position, said that these attacks were "only part of a long and sinister campaign which the Nationalist Party has been conducting to create an atmosphere in which they can carry through their plans to muzzle the press in South Africa."

The Government has not yet taken legislative steps against the Press, presumably because it is waiting for the recommendations of the Press Commission. It is possible that the extraordinary delay in the presentation of that Report is due to the difficulty in finding a formula for disciplining the press and curbing political reporters without provoking fresh charges that South Africa is taking the path of dictatorship.

## THE NEWSPAPER WAR

Meanwhile the general war on the Press continues with unabated fury. The editor of the 'RAND DAILY MAIL', examining what he described as "South Africa's silent newspaper war" (1) said

"From the Prime Minister downwards, Nationalist leaders and other ranks are incessantly attacking the country's English-language newspapers and their efforts are carried forward in the dutiful columns of the Nationalist Press. No opportunity is missed of contesting the news and views published in English-language newspapers, and of scorning and sneering at them.

This virulent opposition has for some time assumed the character of a calculated campaign of denigration extending far beyond the scope of normal newspaper competition.

There are several discernible motives for this campaign:

First, there is the political aim of discrediting the English-language newspapers in the eyes of Afrikaners and thus diminishing the influence these newspapers have among Afrikaners, tens of thousands of whom read English-language papers.

Secondly, there is the business motive of endeavouring to gain circulation for Nationalist newspapers at the expense of the English-language newspapers by running the latter down.

Thirdly, the strong Government character of the Nationalist newspapers draws a substantial amount of "diplomatic" advertising support, especially from overseas firms or others anxious for Government goodwill.

Fourthly, there is more than a suspicion that the campaign of abuse is a softening up of public opinion, for some form of press control, which the Nationalist Party is understood to favour."

In April 1958, another election came and went, reducing the size of the Opposition still further and returning the Nationalists with their long-sought two-thirds majority.

Fresh electoral success and increasing Parliamentary power failed to placate the Nationalists. Despite their strengthened Parliamentary power, the unpopularity of their policies increased at home and abroad. The freak of Parliamentary democracy in South Africa, where the franchise is based on colour, and only one-fifth of the population qualifies for the vote, invests a Parliamentary majority with frustrating, delusive power. To succeed, the Nationalists need more than a Parliamentary majority — they need an uncritical, or better still, a totalitarian supporting press, inside and outside South Africa.

One Government M.P. declared "Supposing we could get the English press to keep silent for four months in South Africa, we would have a different South Africa," while the Minister of Bantu Administration and Development, Mr. M. C. de Wet Nel pleaded for one year's silence.

(1) "Rand Daily Mail", 28th May, 1958.

At the first session of Parliament after the 1958 elections, the Prime Minister, Mr. J. G. Strydom, replying to the "No Confidence" debate, devoted the best part of his speech to a criticism of the Press, ending up with an amendment (1)

"to record its strongest disapproval of the attempts of the Opposition and the Press supporting it

- (i) continually to create strife between the two main White language groups in our country as well as between White and Black,
- (ii) to undermine the good name of South Africa and its economic stability by making and publishing incorrect and misleading statements."

## THE STRUGGLE FOR READERSHIP

The struggle is not merely one for political influence. It has developed into a struggle for readership. In spite of their paramountcy in Parliament, the Nationalists find it difficult to attract readers to their newspapers.

The circulation figures of newspapers in the main centres of the Union show the remarkable extent to which the English language predominates in the newspaper field.

These figures become more significant when measured against the sizes of the language groups of Whites in South Africa. More than 60% of the Whites are Afrikaans speaking, which should give the Afrikaans language press a big advantage over the English press. But the circulation figures show that a large number of Afrikaans speaking South Africans prefer to read the English newspapers.

## SOUTH AFRICAN DAILY AND WEEKLY NEWSPAPERS THE ARGUS GROUP (All English Language)

	CIRCULATION	
The Star — Johannesburg .....	170,000	Afternoon Daily
Cape Argus — Cape Town .....	95,000	Afternoon Daily
Weekend Argus — Cape Town .....	140,000	Saturdays
Natal Daily News — Durban .....	66,000	Afternoon Daily
Sunday Tribune — Durban .....	108,000	Sundays
Pretoria News — Pretoria .....	18,000	Afternoon Daily
Diamond Fields Advertiser — Kimberley	6,000	Daily
The Friend — Bloemfontein .....	10,000	Daily
<b>Total Daily Circulation .....</b>	<b>365,000</b>	
<b>Total Weekend Circulation .....</b>	<b>248,000</b>	
	<b>613,000</b>	

(1) Hansard — 8th July, 1958.

## THE SOUTH AFRICAN ASSOCIATED NEWSPAPERS GROUP

(All English Language)

### CIRCULATION

Rand Daily Mail — Johannesburg .....	114,000	Morning Daily
Sunday Times — Johannesburg .....	317,000	Sundays
Sunday Express — Johannesburg .....	153,000	Sundays
Evening Post — Port Elizabeth .....	22,000	Afternoon Daily
Evening Post (Weekend) Port Elizabeth	43,000	Saturdays
Eastern Province Herald, Port Elizabeth	25,000	Morning Daily
<hr/>		
Total Daily Circulation .....	161,000	
Total Weekend Circulation .....	513,000	
<hr/>		
	674,000	
<hr/>		

In addition, the following English language newspapers are included in an informal "Morning newspaper group", with South African Associated Newspapers:—

### CIRCULATION

Natal Mercury — Durban .....	56,000	Morning Daily
Cape Times — Cape Town .....	66,000	Morning Daily
Cape Times (Weekend) — Cape Town	98,000	Saturdays
<hr/>		
Total Daily Circulation .....	122,000	
Total Weekend Circulation .....	98,000	
<hr/>		
	220,000	
<hr/>		

## OTHER ENGLISH LANGUAGE NEWSPAPERS

### CIRCULATION

Natal Witness — Pietermaritzburg .....	12,000	Afternoon Daily
Daily Despatch — East London .....	20,000	Morning Daily
Golden City Post — Johannesburg .....	81,000	Weekly
New Age — Cape Town .....		Weekly
Bantu World — Johannesburg .....		Twice Weekly

## AFRIKAANS LANGUAGE NEWSPAPERS

### CIRCULATION

Die Vaderland — Johannesburg .....	48,000	Afternoon Daily
Die Transvaler .....	41,000	Morning Daily
Die Burger — Cape Town .....	43,000	do
Die Burger (Weekend) — Cape Town .....	60,000	Saturdays
Die Oosterlig — Port Elizabeth .....	9,000	Daily
Volksblad — Bloemfontein .....	27,000	Daily
Dagbreek — Johannesburg .....	124,000	Sundays
<hr/>		
Total Daily Circulation .....	168,000	
Total Weekend Circulation .....	184,000	
<hr/>		
	352,000	
<hr/>		

All the above Afrikaans language newspapers support the Nationalist Party and have leading Nationalists on their Boards of Directors. Dr. H. F. Verwoerd, the Prime Minister, is chairman of the Board of "Voortrekkers Pers Beperk", the company which owns and publishes "DIE TRANSVALER." Other cabinet ministers on the Board are Mr. M. C. de Wet Nel, Dr. T. E. Donges and Mr. F. C. Erasmus.

Two other Afrikaans language newspapers are "DIE LANDSTEM" (148,000), a non-Nationalist non-political weekly and the "WEEKBLAD" (20,000) which supports the United Party.

From the circulation figures given above it will be seen that the Nationalist-supporting Afrikaans language newspapers have poor circulations in comparison with the non-Nationalist English language newspapers. This is striking in the main urban areas as the following total circulations show.

	Afrikaans	English
Johannesburg Dailies .....	89,000	284,000
Johannesburg Weeklies .....	124,000	551,000
Durban Dailies .....	Nil	122,000
Durban Weeklies .....	Nil	108,000
Cape Town Dailies .....	43,000	161,000
Cape Town Weeklies .....	60,000	238,000
Port Elizabeth Dailies .....	9,000	47,000
Port Elizabeth Weeklies .....	Nil	43,000
Bloemfontein Dailies .....	27,000	10,000
Kimberley Dailies .....	Nil	6,000
Pretoria Dailies .....	Nil	18,000
East London Dailies .....	Nil	20,000
Pietermaritzburg Dailies .....	Nil	12,000

The Afrikaans language papers have struggled hard to increase circulation but have not been able to do so at the expense of the English language

papers. Their hope lies with the rising generation of Whites from Afrikaans medium schools. Every year the schools are turning out many more Afrikaans than English speaking children. Under the single medium school system, English and Afrikaans speaking children are educated at separate schools in their own home language. The number of Afrikaans scholars in the Transvaal rose to 71% of the total in 1959.

On the other hand, circulation building is difficult in a land where the White population is small (less than 3,000,000 spread over nearly half a million square miles) and two language groups are catered for. The daily press, English and Afrikaans, must look beyond this scattered three million Whites for readership.

## AFRICAN READERSHIP

Obviously, the market for all newspapers lies with the non-Europeans. Most of the literate Africans have been educated in English language institutions and therefore are readers, or potential readers of English language newspapers. The "English" press is alive to the importance of African readership, and is constantly seeking to attract it without being too obvious in its efforts.

The application of the Bantu Education Act is likely to have an important effect upon the language medium of literate Africans in the future. The old mission, private, Government and semi-Government schools, which were mainly conducted in English, have had to give way to State controlled schools, where instruction is given in the African vernacular, with English and Afrikaans provided as subjects.

The indications, in these circumstances, are that only powerful monopolies or subsidised groups will be able to compete in the newspaper and periodical field in the future.

In recent years some newspapers have recognised the possibilities of developing circulation among non-Whites but have shrunk from catering openly for their tastes, for fear of antagonising their White readers.

From the Government point of view, the reporting of news about African political movements is undesirable, especially where the activities of the Congress movement is concerned. Yet this is what interests a growing number of readers and what will attract a wider readership

## THE FINAL BATTLE IS AT HAND

So far the English language press has withstood the Nationalist war of nerves, but it lives precariously under the shadow of the Press Commission. The Nationalists still hope that the Press will take steps to impose upon itself a disciplinary code and spare the Government the shame of curbing the press by legislative means. The view is held in some newspaper circles that it would be preferable to impose self-censorship rather than submit to a press-control law. It is possible that the Government also hopes that self-censorship will be applied before the Press Commission makes its recommendations. That would solve many problems, both for the Press Commission and the Government.

The advent of the South African Foundation (see Chapter Eight) at this time appears to be most opportune for those who have been demanding

State action against the critical "English" press. Nationalist Party newspapers are full of praise for the Foundation.

Most important, the Government is looking to the Foundation as a powerful propaganda medium that will aid the Government to put over its policies here and overseas.

Prominent in the Foundation are men connected with the "English" press. All this suggests the likelihood that the Foundation may influence many newspapers to abandon their critical attitude towards Nationalist **baasskap apartheid**, and to present a more agreeable picture of political controversies.

It is already being whispered that the editors and reporters of one newspaper group have been told to refrain from writing tendentious reports and comments.

If this is true and if other papers follow suit, the final battle in the Nationalist war against the "English" press will be a tragic anti-climax, with quick and pathetic surrender. Victory will be greater than the Nationalists' wildest hopes.

From there, the road to a "disciplined" press will be clear. The Government can then throw the report of the Press Commission (whatever it may recommend) into the wastepaper basket, and smugly bask in the sunshine of the success of its war on the cursed "English" Press.

## CHAPTER TEN

### Conclusion

"Who can compute what the world loses in the multitude of promising intellects combined with timid characters, who dare not follow out any bold, vigorous, independent train of thought, lest it should land them in something which would admit of being considered irreligious or immoral? No one can be a great thinker who does not recognise that as a thinker it is his first duty to follow his intellect to whatever conclusions it may lead. Where there is a tacit convention that principles are not to be disputed, we cannot hope to find that generally high scale of mental activity which has made some periods of history so remarkable."

JOHN STUART MILL,  
'On Liberty' (1859).

The issue of censorship is not peculiar to South Africa, nor is it peculiar to our age.

From the earliest times, rulers have taken it upon themselves to decide what is good and what is bad for their subjects to read. History shows that in China in 250 B.C. the emperor of the dynasty of Ts'in ordered the burning of all books relating to Confucius.

Martin Luther's translation of the Bible was consigned to the flames in Germany in 1624.

Censorship through the licencing of publishers and printers, as proposed by the Cronje Commission is not new. The English Parliament of the 17th Century had the same idea, when it enacted its Order of Parliament dated June 14, 1643, which inspired John Milton to write his essay "Aeropagitica". The order declared that no book or other printed matter "shall from henceforth be printed or put to sale, unless the same be first approved of and licenced by such person or persons as both or either of the said Houses shall appoint for the licensing of same."

Every generation has its book burners. Censorship is the bludgeon which governing authorities use to silence their critics or to prevent the spreading of inconvenient facts or displeasing opinions amongst the governed.

Lord Charles Somerset closed down Pringle and Fairbairn's "SOUTH AFRICAN COMMERCIAL ADVERTISER", in 1824.

President Kruger had his notorious Press Law to deal with the "TRANSVAAL CRITIC" and the "STAR" in the early mining days of the Rand. "THE STAR" was even temporarily suppressed by order of the President, but on appeal to the Supreme Court of the Republic the ban was lifted.

In present day South Africa, the urge to impose wider censorship is a symptom of the intolerance inherent in racial privilege. Our politics are not merely a struggle to maintain White supremacy. There is involved, too, the desperate efforts of the Nationalist Party to remain in power at all costs.

Whites who place human values above racial privilege are looked upon with suspicion. Those who support the view that South Africa must develop towards a non-racial democracy are considered to be enemies of the State. Political rivalry in South Africa has become dangerous conflict. Dissent is not easily tolerated and criticism invites harsh retaliation.

In this atmosphere, it is not surprising that the main objective of censorship is political. The assault on freedom of opinion illuminates the nature of South African society. It emphasises that the policy of "Separate Development" cannot tolerate democratic examination.

In recent years other countries have felt it necessary to pass legislation to ban horror comics — one frightening phenomenon of the post war years, which added to the problems of widespread juvenile delinquency and crimes of violence.

But such laws did not embrace political writings. In the four Australian States which passed censorship laws in 1954, to deal with pornography, special provision was made to exclude "public news, intelligence or occurrences, or political or religious matter or any remarks or observations thereon." In all cases bannings were subject to the testing of the Supreme Court.

The British law of 1955 carefully demarcated the extent of censorship by limiting it to "pictorial publications harmful to children and young persons", which were defined very clearly to identify "horror comics" and not endanger other publications. In this law it is left to the Courts to decide whether publications fall within the definition or not.

There is no arbitrary banning of books as in South Africa under the Customs Act.

When the Government's latest Bill comes before Parliament for debate, it should be carefully scrutinised so that its full purpose can be ascertained. We have more than enough Censorship laws already. Moreover, we have many other laws which enforce a censorship through fear. What South Africa needs is less censorship, not more.

It is essential to keep in mind the Press Commission and the Report of the Cronje Commission. Whatever the Bill before the 1960 Session of Parliament may contain, the real measures have yet to come. As I have shown here the Nationalists have been anxious to deal with the "English" press for a long time.

There may be brief respite while the Government watches the efforts of the South African Foundation to win friends and influence people at home and abroad. But what the Government really wants is praise and support for its policy and actions, nothing less. Those who do not toe the line will be made to do so.

In the dangerous months ahead, the Press must beware of its own weakness as much as of interference by the State.

It will invite State control if it fails "to shun the temptations of a monopoly", if it indulges in its own private censorship, if it lends itself to the ends of vested interests, if it fails "to tell the truth without fear of the consequences", if it fails "to lend no convenient shelter to acts of injustice and oppression".

If there is to be any hope for us in the future we must stand firmly now for the democratic right of freedom of opinion. We must not surrender the freedom of the Press nor meekly accept the tyranny of censorship.

## SELECTED BIBLIOGRAPHY

- Above All Liberties* by Alec Craig.  
(George Allen & Unwin) 1942.
- The Assault on our Liberties* by Donald B. Molteno.  
(Institute of Race Relations) 1958.
- Behind the Press in South Africa* by H. Lindsay-Smith.  
(Stewart, Cape Town) 1946.
- Civil Liberty in South Africa* by Edgar H. Brookes and  
J. B. Macaulay.  
(Oxford University Press) 1958.
- Gone Down the Years* by G. H. Wilson.  
(Howard Timmins) 1947.
- Government Pressures on the Press.* IPI Survey 1955.  
(International Press Institute, Zurich).
- The Right to Information and the Right to Expression of Opinion*  
by René Maheu.  
(Human Rights — Unesco Symposium) 1949.
- Freedom of Information* — an historical account of United Nations' attempts to formulate a Convention on Freedom of Information and Freedom of the Press.  
(United Nations — "These Rights & Freedoms") 1950.
- Obscenity and the Law* by Norman St. John Stevas.  
(Secker & Warburg) 1955.
- Liberty in the Modern State* by Harold J. Laski.  
(George Allen & Unwin) 1948.
- Report of the Commission of Enquiry in regard to Undesirable Publications.* (U. G. 42/1957).
- Hansard — Parliamentary Debates, February 1948.
- Hansard — Parliamentary Debates, January 1950.
- Back to the Days of Lord Charles Somerset?*  
(Article by John Sutherland — Forum, August 1958).
- Dangers of Censorship.*  
(Article by the Rt. Rev. Ambrose Reeves — Bishop of Johannesburg — Forum, November 1955).
- Principles that govern obscenity in Literature.*  
(Mr. Justice Stable's summing-up in "The Philanderer" case of 1954 — "The Star" — 26th September, 1957).
- The Press: Strydom's 'Last Barrier'.*  
Article by George Clay & Stanley Uys, "Africa South", Vol. 2, No. 1, Oct./Dec., 1957).
- The Unending Struggle for the Freedom of the Press.*  
(Article by Sir Linton Andrews, LL.D., "Africa South", Vol. 2, No. 3, April/June, 1958).
- The Story Behind the Non-White Press* by Brian Bunting.  
(New Age Pamphlet 1959).



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